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Damaged reactor no.4 of the Fukushima Daiichi nuclear plant. © TEPCO 2011 -

## Returning home after Fukushima: Displacement from a nuclear disaster and international guidelines for internally displaced persons

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### Introduction

Voluntary return is one of the pillars of durable solutions proposed for refugees and internally displaced persons (IDPs) under the international normative framework and human rights instruments. The Fukushima Daiichi nuclear accident in March 2011, which followed the Great East Japan earthquake and tsunami, displaced

more than 150,000 persons as a large amount of radioactive materials were released from crippled reactors into the sea and atmosphere. Four years later, many of these evacuees remain displaced, unable or hesitant to return home, due to radiological and social consequences caused by the disaster. This policy brief



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seeks to examine the case of Fukushima evacuees, with special focus on the question of return, and attempts to make policy recommendations specifically tailored for the nuclear displacement. It explores ways in which genuine durable solutions can be found for their case in line with international protection guidelines for IDPs.

## Research projects

This paper is drawn from two research projects: (1) DEVAST (2011–2013),<sup>1</sup> a collaborative research between IDDRI-Sciences Po,<sup>2</sup> Tokyo Institute of Technology (Tokyo Tech) and Waseda University; and (2) SHINRAI (2015–2018),<sup>3</sup> another French-Japanese joint project between IRSN,<sup>4</sup> Sciences Po Paris and Tokyo Tech. As methodology, both studies comprise literature analysis and field interviews with affected population, authorities, NGOs and experts/researchers in Fukushima, Japan.

## Displaced by a nuclear accident: Particularities

The Fukushima nuclear disaster triggered two kinds of displacement: (1) mandatory evacuation under the government's order; and (2) spontaneous evacuation of residents living outside designated evacuation zones who decided to flee on their own for fear of radiation effects despite the government's reassurances. These so-called "self-evacuees" (*jisshu-hinansha* in Japanese) are not officially recognized as nuclear evacuees and thus not counted as such in official statistics. Dismissed as those having made a capricious decision based on their selfish views – the remark often insinuated by government officials during interviews – self-evacuees are accorded very little assistance from the authorities. The phenomenon of this spontaneous evacuation of residents is thus scarcely covered by major media, and its precise number can only be estimated from the statistical gap of various official reports. For example, the Ministry of Economy, Trade and Industry (METI), the ministry responsible for assisting nuclear evacuees, reports the number of evacuees under their mandate as

80,000 while the Fukushima prefectural government and the Reconstruction Agency<sup>5</sup> counted the total number of evacuees from the Fukushima prefecture as 128,000 in June 2014.<sup>6</sup> The difference of 48,000 comprises self-evacuees and a small number of non-nuclear evacuees displaced by the 2011 tsunami. In one of the rare official reports available on the subject, the Fukushima prefecture estimated the number of self-evacuees as 50,327 in September 2011 (MEXT, 2011).

## Scientific controversy on radiation risk

One of the main causes for the spontaneous evacuation of the population derives from the scientific controversy over "low-dose" radiation effects on health.<sup>7</sup> In the wake of the accident, the Government of Japan raised the public exposure dose limit from 1 millisievert per year (mSv/year) to 20 mSv/year,<sup>8</sup> explaining that under the dose of 100 mSv, the risk of developing cancer due to radiation exposure is quite insignificant compared to other causes, such as smoking and obesity (Cabinet Secretariat, 2011). This policy sparked vivid debates and protests not only within the affected communities but also in the scientific community at large as experts are far from unanimous on the risk evaluation related to low-dose radiation exposure. Moreover, most international organizations dealing with the issue of radiation risk adopt the standpoint of the linear non-threshold (LNT) model, which assumes that biological damage, cancer risk in particular, caused by radiation exposure is proportional to the exposure dose even under the threshold of 100 mSv. As a result, certain residents who were suspicious of the government's view on radiation risk decided to flee from their towns, even though they were not under evacuation orders. Likewise, many evacuees from mandatory evacuation zones hesitate or refuse to return home even after the government lifted evacuation orders asserting that the area is now safe to live. This situation has created a particular atmosphere in the affected communities where residents and evacuees are divided between those who trust the government's reassurances and those who do not. In this context, those who are suspicious of the official notion of safety were often faced with criticisms and marginalization within

1 Disaster Evacuation and Risk Perception in Democracies ([www.devast-project.org](http://www.devast-project.org)) is a study aimed at examining two types of population displacement – one following Japan's 2011 tsunami and the other after the Fukushima nuclear accident – and making a comparative analysis between them.

2 The Institute for Sustainable Development and International Relations ([www.iddri.org](http://www.iddri.org)), based in Paris.

3 SHINRAI means trust in Japanese. The project aims to examine the notion of trust towards authorities and experts in the aftermath of the Fukushima nuclear accident and the question of return to the zones affected by the disaster.

4 The French Institute for Radiological Protection and Nuclear Safety ([www.irsn.fr](http://www.irsn.fr)).

5 The special governmental agency created in 2012 with a 10-year mandate following Japan's 2011 disaster, dedicated to the reconstruction of the Tohoku region.

6 See [www.meti.go.jp/earthquake/nuclear/pdf/140401.pdf](http://www.meti.go.jp/earthquake/nuclear/pdf/140401.pdf); [www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20140624\\_hinansha.pdf](http://www.reconstruction.go.jp/topics/main-cat2/sub-cat2-1/20140624_hinansha.pdf)

7 In general, "low-dose" radiation means the dose is less than 100 mSv.

8 1 mSv/year is the reference public exposure dose in "regular exposure situations", excluding medical and occupational exposures, defined by the International Commission on Radiological Protection (ICRP, 2007).



Temporary shelters for Naraha nuclear evacuees in Iwaki city (Fukushima). © Christine Fassert 2015

their communities. The DEVAST field research found that they were often regarded as cowards or evaders who abandoned their communities and troublemakers who made Fukushima appear as an unsafe place to live among the general public, thus jeopardizing the collective effort to reconstruct Fukushima. Although this negative perception has somewhat improved over the last few years, the trauma from such a divide still remains within these communities.

## Nuclear evacuees and the notion of IDPs

Issues related to the displaced population from the Fukushima nuclear accident have been handled so far by the authorities without making any reference to the existing international normative framework for IDPs, let alone recognizing them as such. This is despite various advocacy efforts made by the Japan Federation of Bar Associations and NGOs, such as Human Rights

Now,<sup>9</sup> as well as the mission of UN Special Rapporteur on the rights to health,<sup>10</sup> Anand Grover, to Fukushima in 2012, both of which made a strong reference to international guidelines, such as Guiding Principles on Internal Displacement (UN, 1998), Inter-Agency Standing Committee's Operational Guidelines (IASC, 2011) and General Comments of the Committee on Economic Social and Cultural Rights.<sup>11</sup>

9 Human Rights Now (<http://hrn.or.jp/eng/>) is an international human rights NGO based in Tokyo, established in 2006 for the promotion and protection of human rights in the world, with a special focus in Asia. Since the Fukushima disaster, it has been extremely active in advocating for the rights of the affected population, including evacuees.

10 Official title: Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

11 Available from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11)

According to the Guiding Principles (UN, 1998: *Introduction*), IDPs are defined as follows:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or **human-made disasters**, and who have not crossed an internationally recognized State border.

After the Fukushima accident, local residents fled to other parts of Japan to avoid the radiological consequence of the disaster. These nuclear evacuees thus fit the above definition of IDPs, regardless of whether they were under evacuation orders or not.

This lack of recognition as IDPs in official discourses led in part to the situation where existing international normative framework and a set of human rights instruments were not referred to, and as a result scarcely applied in dealing with the issues of nuclear evacuees. Instead, the matter was treated as a particular or isolated case of nuclear accidents, and thus handled differently from other cases of displacement, notably those displaced by Japan's 2011 earthquake and tsunami. Field researches by DEVAST and SHINRAI found, for example, that matters related to the evacuees from the earthquake and tsunami are managed by the Reconstruction Agency, while those of nuclear evacuees are mainly handled by the Ministry of Economy, Trade and Industry (METI) or the Reconstruction Agency officials seconded by METI. Field interviews also revealed that many important decisions concerning their future, such as the timing of their return, are often predetermined by METI and only communicated to nuclear evacuees at the last minute, leaving them often with no choice but to accept such decisions. Moreover, these "explanation meetings"<sup>12</sup> are usually organized behind closed doors without any presence of media, NGOs, legal or independent experts, producing often no record of what has been exactly discussed and thus leaving evacuees with little recourse. As such, evacuation orders have already been lifted in two towns – Tamura in April and Kawauchi in October 2014 – despite strong opposition from the evacuees.

## Question of return following a nuclear disaster

Voluntary return is one of the durable solutions proposed to IDPs, together with two other options: (1) local integration; and (2) settlement elsewhere in the country. These decisions should be made by each IDP on an informed and voluntary basis. According to the Framework on Durable Solutions for Internally Displaced Persons, under no circumstances should IDPs be encouraged or compelled to return or relocate to areas where their life, safety, liberty or health would be at risk (UN, 2009:12). The Framework also defines that the primary responsibility to provide such durable solutions for IDPs and ensure their protection and assistance should be assumed by the national authorities (UN, 2009:15).

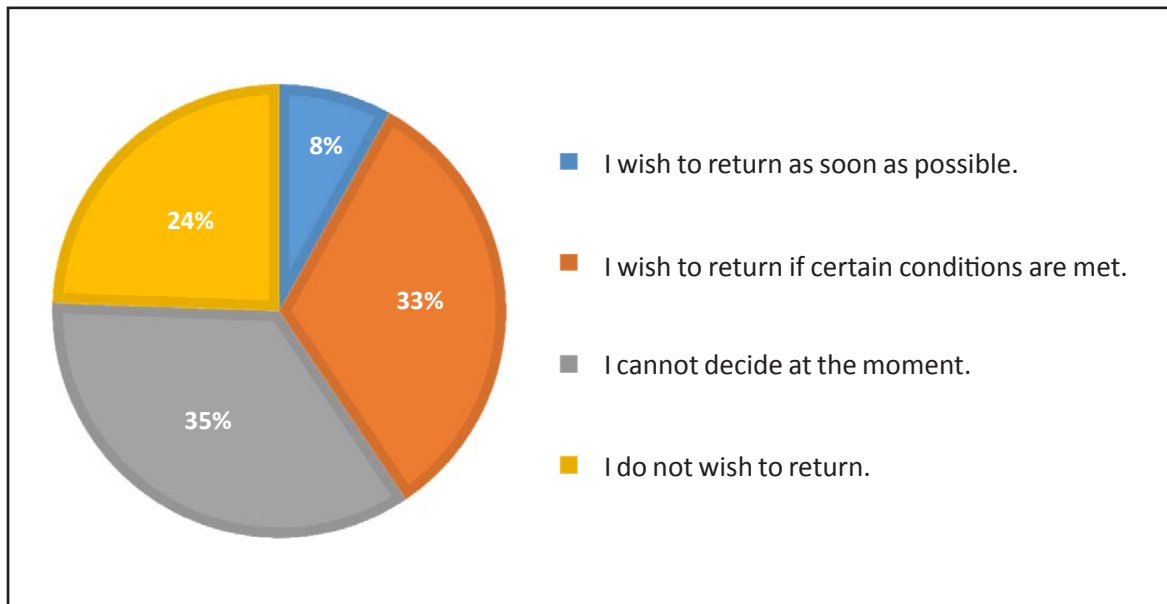
However, the field research in Fukushima found some different circumstances from the given principles. The case of Naraha town clearly illustrates the reality on the ground.

Naraha is one of the 11 municipalities where the entire or a part of the territory is placed under evacuation orders since 2011. Situated within the 20-km radius from the Fukushima Daiichi Nuclear Power Plant, the whole town of Naraha was temporarily relocated to other parts of Fukushima, mainly in Iwaki city, which is located 30 km south of the crippled plant. In January 2014, an opinion survey on the question of return was conducted among these evacuees. The participation rate reached almost 60 per cent. The result was that only 8 per cent of the evacuees wish to return as soon as possible (see Figure 1), and around 60 per cent of them were either undecided or did not wish to return (Naraha Town, Fukushima Prefecture and Reconstruction Agency, 2014). In the questionnaire, there were no questions about local integration and resettlement options.

Despite the result, five months after the survey, the mayor declared that the town's living conditions were almost met for return and that he would announce the definitive return after spring 2015. Following this move, the government announced in March 2015 that it would start the trial period for overnight stays in Naraha town, a preparatory measure allowing evacuees to sleep in their homes located within evacuation zones to test the conduciveness of their eventual return. This measure corresponds to "go-and-see" visits often organized for IDPs after a conflict or disaster to assess conditions for return or settlement elsewhere in the country, which is in line with the recommendations made by the Framework on Durable Solutions (UN, 2009). The problem in the case

12 The term used by government officials for the meetings that they organize to consult evacuees on the timing of lifting evacuation orders. This is called *setsumeikai* in Japanese.

Figure 1: Result of opinion survey in Naraha, January 2014



Source: Reconstruction Agency, Fukushima Prefecture and Naraha Town, 2014.

of Fukushima is that these trial periods, which usually last three months, always lead to lifting evacuation orders by the government despite oppositions from the evacuees, as was the case of Tamura city. Faced with evacuees' opposition, the government simply prolonged the trial period by one month or longer, after which the government unilaterally announced that it would lift the evacuation order in April 2014 as a "government's judgement" (Fujiwara, 2014). At the time, only 6.7 per cent of the Tamura evacuees expressed willingness to return and 34.5 per cent were in favour of return if certain conditions were met (Tamura City, Fukushima Prefecture and Reconstruction Agency, 2013).

In lifting the evacuation order, a government official cited Article 22 of the Japanese Constitution that guarantees the rights of citizens to choose and change their residence, saying that "the evacuation order is forcing people (to stay out of their residence) despite the Constitutional guarantee" and "if the zones are no longer life-threatening, then we must consider lifting evacuation orders" (Asahi Shimbun, 2014). This statement raises two concerns. One is that it does not mention the rights of citizens to choose the "not to return" option; in other words, either to relocate or resettle to other parts of Japan, although these choices are also guaranteed by the same article. During the explanation meetings, they were not mentioned nor proposed to the evacuees by the authorities. Another

concern is who judges the zones in question as "no longer life-threatening". The fundamental principle of durable solutions, recommended by the Framework, calls for IDPs to make their own decisions "based on an informed and voluntary basis". This principle is even more important when these decisions are to be made under the context of scientific controversy, the notion of low-dose radiation risk in the case of nuclear disasters. Ultimately, as the Framework argues, the rights, needs and legitimate interests of IDPs should be the primary considerations that guide all policies and decisions relating to internal displacement and durable solutions (UN, 2009:16).

## Policy recommendations

Drawing from the given observations, this policy brief makes the following recommendations to find durable solutions for the Fukushima nuclear evacuees:

- (a) **Recognize nuclear evacuees as IDPs.** Evacuees from a nuclear accident satisfy the criteria of IDPs defined by the Guiding Principles on Internal Displacement (1998). Recognition as such by the policymakers would encourage proper handling and guided response to the issue of nuclear displacement. It would also help stakeholders, such as evacuees themselves, advocate more effectively for their cause.

- (b) Propose local integration and resettlement on equal terms with return.** Currently, solutions for their displacement are debated in the dichotomy of “return” and “not to return” as if these are the only options. In reality, the evacuees can receive financial compensations if they choose to purchase homes in areas other than their place of origin since December 2013 – a decision of the Dispute Reconciliation Committee for Nuclear Damage Compensation, which made indeed local integration and resettlement the viable options for the displaced (MEXT, 2013). It is thus urgent that the government communicates these options to the evacuees, together with return, to mitigate the divide and avoid stigmatization of those who choose not to return.
- (c) Involve mediators/legal experts in the decision-making process for return.** The Framework on Durable Solutions discusses guaranteeing access to effective monitoring of the durable solutions process (Clause 44). Currently, consultations on the issue of return are implemented directly between the authorities and evacuees without any presence of third parties, such as NGOs and independent experts. Without such participation, the power balance tends to work in favour of policymakers with financial means and executive capacities. Including independent monitoring bodies in these consultations would be the key to ensure the transparency of these decision-making processes, verifying that they comply with international guidelines for IDPs, and thus in return inspire public trust.
- (d) Recognize self-evacuees as nuclear evacuees and accord them adequate assistance and protection.** Under the current system, self-evacuees are not considered equal to those under evacuation orders and thus treated differently. In June 2012, the Nuclear Disaster Victims’ Support Act was adopted by the National Diet, the Japanese legislative body, which essentially targets the affected population living outside the evacuation zones in Fukushima, including self-evacuees.<sup>13</sup> However, this Act served only as a theoretical concept in the end as Basic Policy, actual enforcement of the Act, which came into effect in August 2013, proposed very limited assistance and did not bring about concrete changes in the current status or situation of self-evacuees.
- (e) Incorporate the existence of scientific controversies on low-dose radiation effects into policymaking and communications.** This would help reconcile divisions and tension among evacuees and affected communities, arising from different perceptions of radiation risk and the corresponding migratory choices. Taking into account such controversies may mean formulating policies based on precautionary principles accommodating worst-case scenarios, and providing realistic options for the affected, either to evacuate from or stay in the place of origin with radiological protection measures, treating both on equal terms with adequate financial assistance.
- (f) Mainstream the issue of IDPs in disaster recovery.** Finally, the study also found that addressing the issue of IDPs in disaster recovery is particularly difficult in industrialized countries. One of the challenges is that the international normative framework for IDPs was created under the pretext that it mainly concerns developing countries. Having sufficient financial and technical means, advanced economies may consider themselves capable of handling the situation alone, and the international community hesitates to get involved as these countries do not usually request its help or intervention. The case of the Fukushima disaster shows that developed nations do not necessarily address their own cases of internal displacement in an adequate way. This policy brief argues that the international normative framework for IDPs plays an equally important role when a disaster occurs in developed countries, and that monitoring systems from both national and international human rights bodies need to be enforced to ensure the rights of the displaced in all countries, including developed economies.

<sup>13</sup> Official name of the Act: Act concerning the promotion of measures to provide living support to the victims, including the children, who were affected by the TEPCO Nuclear Accident in order to protect and support their lives.

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