

# the Chernobyl Law in Japan in the form of an Ordinance

## Preamble

We, citizens of the municipality [subject to insert the name here], recognize that all citizens of the world have the right to live healthily in peace, free from fear and want. We do proclaim that every citizen shall have the right to guaranteed life, health, and livelihoods free from nuclear disaster as to be protected from nuclear power plant accidents. We therefore do firmly establish this Ordinance.

We hold these truths to be self-evident, that Government that has licensed the installation of nuclear power plants, etc. shall bear unconditional legal liability as a perpetrator to all of the victims for damage from a nuclear disaster and that Government shall bear unconditional legal liability to residents for not only compensating for the damages caused by a nuclear disaster but also fulfilling the realization of residents' "right to settle out."

Consequently, we do believe that Government should bear expenses which the municipality of [subject to insert the name here] spends through the enforcement of this Ordinance and to clarify this point Government shall be responsible for amending promptly the law equivalent to the Local Government Finance Act, Article 10 No. 17 and No. 28.

In addition, we do believe that Government shall bear unconditional legal liability for not only compensating residents for damages caused by nuclear disaster, but also have responsibility for preserving the lives and health of workers from a nuclear disaster.

However, given the enormous destructive power of today's nuclear power plant accidents, we must admit that it is not possible to guarantee citizens the right to life, health, and livelihoods free from nuclear disaster in the municipality of [subject to insert the name here] by simply enacting this Ordinance. We shall, therefore, call to the municipality of [subject to insert the name here], and even all Japanese municipalities, for the enactment of Ordinances similar to this Ordinance in the name of the residents of each municipality, and furthermore for legislation as a culmination of these Ordinances similar to this Ordinance in the name of the Japanese people.

In addition, given the severe nature of nuclear power plant accidents that respect no borders, we must admit that it is not possible to guarantee the Japanese people the right to life, health, and livelihoods from nuclear disaster by simply enacting Japanese law. We shall, therefore, call to the municipality [subject to insert the name here], and even all municipalities and countries around the world for the enactment of Ordinances and laws to guarantee residents of the countries with nuclear power plants the right to life, health, and livelihoods free from nuclear disaster.

We do believe that this call will serve as the basis for establishing a treaty that guarantees citizens of the world the right to life, health, and livelihoods, free from nuclear disaster. We, citizens of the municipality [subject to insert the name here] pledge our city honor to accomplish these high ideals and purposes with all our resources.

## Chapter 1. General

### Article 1 (Purpose of Ordinance)

The purpose of this Ordinance is to guarantee residents of the municipality [subject to insert the name here] and accident convergence workers the right to life, health, and livelihoods from a nuclear power plant accident and other nuclear disasters.

### Article 2 (Definition)

In this Ordinance, the meanings of terms listed in the following items shall be as prescribed respectively in those items:

(i) “Nuclear Disaster” means an accident in which a large amount of radioactive material is released outside the facility, such as a nuclear power plant accident.

(ii) “Business Operator” means one who owns a nuclear power plant or the likes of it that has caused a nuclear disaster

(iii) “Radioactive Contaminated Area” means an area contaminated with radioactive materials released in a nuclear disaster. Its classification shall be provided for in Article 8.

(iv) “Contaminated Area Residents” are citizens who have settled and lived in the Radioactive Contaminated Area.

(v) “Accident Convergence Worker” means a person who is engaged in all kinds of work related to the convergence of nuclear disaster outcomes at the location of radiation exposure. Its classification shall be provided for in Article 9.

(vi) “Nuclear Disaster Victims” means people listed in the following items:

Contaminated Area Residents holding a resident card of the municipality [subject to insert the name here] in the Radioactive Contaminated Area at the time of a nuclear disaster; Accident Convergence Workers holding a resident card of the municipality [subject to insert the name here] at the time of a nuclear disaster.

(vii) “Right to Settle Out” means the right to receive compensation for damages caused by radiation exposure and social support provided for in Article 11, Paragraph (2). Residents who have lived in the Guaranteed Voluntary Settling-Out Area shall have this right.

(viii) “Right to Remain” means the right to receive compensation for damages caused by radiation exposure and social support provided for in Article 12, Paragraph (1). Residents who have lived in the Guaranteed Voluntary Settling-Out Area shall have this right.

(ix) “Right to be Safe” means the right to receive social support provided for in Article 13. Residents who have lived in the Enhanced Radioecological Control (Monitoring) Area shall have this right.

(x) “Right to Evacuate” means the right in cases of emergency evacuations (temporary move with the assumption of returning) immediately after a nuclear disaster to receive social support provided for in Article 14. Residents who have lived in the Guaranteed Voluntary Settling-Out Area shall have this right.

(xi) “Right to Survive” means the right to receive compensation for damages caused by radiation exposure and social support provided for in Article 15. Accident convergence workers holding a resident card of the municipality [subject to insert the name here] at the time of a nuclear disaster shall have this right.

(xii) “Area around a nuclear disaster’s venue” means the surrounding area where a nuclear disaster occurs. The range of the area shall be provided by regulation immediately after occurrence of the nuclear disaster.

### Article 3 (Basic principle)

In case citizens of the municipality [subject to insert the name here] become the victims of nuclear disaster, they shall have the following rights: Right to Settle Out, the Right to Remain, the Right to be Safe, the Right to Evacuate, and the Right to Survive.

### Article 4 (Prohibition of Discriminatory Treatment of Relief)

Based on Article 14 of the Japanese constitution, which provides that “All of the people are equal under the law,” residents of municipality [subject to insert the name here] shall be equally to save their lives and health from nuclear disaster.

### Article 5 (Accommodation of Vulnerable People)

The municipality [subject to insert the name here] shall accommodate to protect the lives and health of radiologically sensitive fetuses and children when saving their lives and health from nuclear disaster.

### Article 6 (Precautionary Approach)

Based on the Rio Declaration on Environment and Development 1992, lack of scientific evidence shall not be used as a reason for postponing measures to protect the lives and health of people of municipality [subject to insert the name here] from nuclear disaster. The measures shall be properly taken according to the approach of striving to enhance scientific knowledge (referred to hereinafter as “precautionary approach”).

### Article 7 (Participation of All Stakeholders)

In light of the fact that a nuclear disaster is a national crisis, all stakeholders must be actively involved in protecting the lives and health of people of municipality [subject to insert the name here] from nuclear disaster.

**Article 8 (Categories of Radioactive Contaminated Areas)**

Regardless of the duration after the occurrence of a nuclear disaster, the value of additional radiation exposure dose (total of external exposure and internal exposure) or the three types of soil contamination pollution density shall be used to determine the Radioactive Contaminated Area corresponding to the value specified below.

Category	Radioactive Contaminated Areas	Deposition (kBq/m <sup>2</sup> )			Calculated dose mSv/year
		Cesium (137)	Strontium (90)	Plutonium	
1	Unconditional (Obligatory) Settling-Out Area	It follows what Government defines.			
2	Guaranteed Voluntary Settling-Out Area	185 ~	5.55 ~	0.37 ~	1 ~
3	Enhanced Radioecological Control (Monitoring) Area	37 ~ 185	0.74 ~ 5.55	0.185 ~ 0.37	0.5 ~

**Article 9 (Accident Convergence Workers)**

1 Accident convergence workers are classified under the following provisions:

(i) An accident convergence worker who has suffered health damage as a result of working, and for whom the causal relationship between health damage and the convergence work was proved.

(ii) An accident convergence worker who works in the area around a nuclear disaster's venue according to the following criteria pertaining to the number of working days:

- Works up to 3 months after the occurrence of a nuclear disaster irrespective of the number of working days;
- Works 4 months to one year after the occurrence of a nuclear disaster for at least 5 days;
- Works 1 to 2 years after the occurrence of a nuclear disaster for at least 14 days
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(iii) An accident convergence worker who work in the area around a nuclear disaster's venue, according to the following criteria pertaining to the number of working days:

- Works 4 months to one year after the occurrence of a nuclear disaster for at least 1 to 4 days;
- Works 1 to 2 years after the occurrence of a nuclear disaster for from 1 to 13 days;
- Works 2 to 4 years after the occurrence of a nuclear disaster for more than 30 days

2 Those who work more than 14 days during a certain number of years since a nuclear disaster shall be deemed to fall under an Accident Convergence Worker provided for in Paragraph (1) item (iii).

Number of years shall be provided by regulation immediately after occurrence of a nuclear disaster.

## Chapter 2. Rights of Victims of Nuclear Disaster

### Article 10 (General)

1 In the event of a nuclear disaster, residents holding a resident card of the municipality [subject to insert the name here] in the Guaranteed Voluntary Settling-Out Area shall have the right to decide by one's own will and judgment about whether to remain in the Guaranteed Voluntary Settling-Out Area (resettlement without return) to radioecologically "clean" areas, based on the information provided by Government and the municipality [subject to insert the name here] on the status of nuclear contamination and the health effects of radiation exposure.

2 In cases mentioned in the Paragraph (1), residents who choose to settle out shall have the right to settling out, as provided for in Article 11.

3 In case mentioned in the Paragraph (1), residents who choose to remain shall have the right to remain, as provided for in Article 12.

4 In the event of a nuclear disaster, residents holding a resident card of the municipality [subject to insert the name here] in the Enhanced Radioecological Control Area shall have the right, as provided for in Article 13.

### Article 11 (Rights of Residents if They Choose to Settle Out)

1 In cases mentioned in Article 10, the following conditions shall be met in order for residents to settle out.

- (i) All members in the household, except minors, agree to settle out.
- (ii) The settling-out destination is not in a Radioactive Contaminated Area of Category 1 to 3, as provided for in Article 8.

2 In cases mentioned in Article 10, residents who chose to settle out shall have the following rights. The details shall be provided by rules.

- (i) Allowance payment for moving
- (ii) Providing with living space at a settling-out destination and employment support
- (iii) Compensation for real estate property loss, household goods, and contaminated products (including marine products) before settling out
- (iv) Free medicines
- (v) Allowance payments of 70 percent of the cost for medical examinations, recuperation, and other medical services
- (vi) Issuance of a victim's notebook
- (vii) Pension benefits

3 Unless otherwise specified, the rights set forth in the preceding paragraph shall be applicable only to one settling out.

#### Article 12 (Rights of Residents if They Choose to Remain)

1 In cases mentioned in Article 10, residents who decide to remain shall have the following rights. The details shall be provided by rule.

- (i) Free medical treatment
- (ii) Free medicines
- (iii) Allowance payments of 70 percent of the cost for medical examinations, recuperation, and other medical services
- (iv) Compensation for contaminated products (including marine products) before settling out
- (v) Issuance of a victim 's notebook
- (vi) The Radioactive Food Control Division and other necessary divisions shall be set up to inspect food and tap water for contamination in order to prevent unnecessary radiation exposure
- (vii) Pension benefits

2 Article 11 shall apply to the residents who at first chose to remain and have the rights provided for in Paragraph (1) but later choose to settle out.

#### Article 13 (Rights of Residents Who Live in the Enhanced Radioecological Control Area)

In the event of a nuclear disaster, residents holding a resident card of the municipality [subject to insert the name here] in the Enhanced Radioecological Control Area shall have the following rights. The details shall be provided by rules.

- (i) Free medicines
- (ii) Allowance payments of 50 percent of the cost for medical examinations, recuperation, and other medical services
- (iii) Issuance of a victim 's notebook
- (iv) The Radioactive Food Control Division and other necessary division shall set up to inspect food and tap water for contamination in order to prevent unnecessary radiation exposure
- (v) Pension benefits

#### Article 14 (Rights of Residents Immediately after a Nuclear Disaster)

1 As soon as a nuclear disaster occurs, the municipality [subject to insert the name here] shall immediately set up the Emergency Response Division and the Emergency Situation Assessment Committee, which are organized in advance, and promptly let the committee make the judgments as provided for in this Article Paragraph (2).

2 Based on the information provided by Government and the municipality [subject to insert the name here], the Emergency Situation Assessment Committee determines whether the radioactive contamination in parts or the whole of the municipality [subject to insert the name here] falls under the right to settle out as provided in Article 8. If the decision is made, the residents in the contaminated area have the following rights as well as can request the necessary measures for evacuation. The details shall be provided by rules.

- (i) Pre-distribution of stable iodine to residents and pets (pre-registration required)

- (ii) Provision of information using the radioactivity impact prediction network system, such as, the System for Prediction of Environmental Emergency Dose Information (SPEEDI)
- (iii) Provision of transportation such as buses
- (iv) Provision of protective equipment such as protective facemasks and jackets
- (v) Provision of shelter, food, clothing, and medicine

3 In order to grasp the latest and accurate pollution situation, which is necessary for the judgment of the Emergency Situation Assessment Committee as provided in this article, the municipality [subject to insert the name here] shall ask the Government in emergencies to provide information using the radioactivity impact prediction network system, such as, the System for Prediction of Environmental Emergency Dose Information (SPEEDI). The municipality [subject to insert the name here] shall endeavor to collect information using the municipality [subject to insert the name here] 's original radioactivity measuring device that is built in advance.

#### Article 15 (Rights of Accident Convergence Workers)

Accident convergence workers holding a resident card of the municipality [subject to insert the name here] when a nuclear disaster occurs shall have the following rights. The details shall be provided by rules.

- (i) Free medicines
- (ii) Reduction of medical examinations and recuperation expenses
- (iii) Improvement and support of living environment
- (iv) Discounts for utility charges and public transportation
- (v) Preferential treatment for paid leaves, dismissals, and transfers
- (vi) Issuance of a victim 's notebook
- (vii) Pension benefits

#### Article 16 (Budget Measures)

The two plans are listed as follows:

(Plan 1)

1 When the municipality [subject to insert the name here] incurs expenses as a consequence of the enforcement of this Ordinance, the municipality [subject to insert the name here] shall have the rights to obtain reimbursement of the expenses from both the installers of nuclear power plants who are responsible for the nuclear disaster and Government that has licensed the installation.

2 The municipality [subject to insert the name here] shall impose non-statutory purpose tax on both the installers of nuclear power plants, those who have permitted the installation, and those who consented to the installation, provided in the proceeding paragraph, to cover the expenses that the municipality [subject to insert the name here] will incur. The details shall be separately provided by regulations.

(Plan 2)

1 When the municipality [subject to insert the name here] incurs expenses as a consequence of the enforcement of this Ordinance, the municipality [subject to insert the name here] shall have the rights to obtain reimbursement of the expenses from all the installers of nuclear power plants who are responsible for the nuclear disaster, Government that has permitted the installation, and those who consented to the installation.

2 The municipality [subject to insert the name here] shall impose non-statutory purpose tax on all the installers of nuclear power plants who are responsible for the nuclear disaster, Government that has permitted the installation, and those who consented to the installation, provided in the preceding paragraph, to cover the expenses that the municipality [subject to insert the name here] will incur. The details shall be separately provided by regulation.

#### [Article 17 \(Measurement and Publication of Pollution Status\)](#)

Considering that Nuclear Disaster is a catastrophe bearing long-term effects, the municipality [subject to insert the name here] shall always endeavor to measure pollution to grasp the accurate pollution situation and immediately announce the measurement results to the public.

#### [Article 18 \(Delegation\)](#)

In addition to those matters provided in this Ordinance, other necessary matters for the enforcement of this Ordinance shall be provided by regulation.

#### [Supplementary rules \(Effective date\)](#)

This Ordinance shall come into effect on [subject to insert the date here].