
NUCLEAR ENERGY AND HUMAN RIGHTS: BITTERSWEET HARMONY OR CLEAR CONFLICT?

BENTE ELAINE STURM

Master Thesis, July 2011

European Master's Degree in Human Rights and Democratisation 2010/2011

Supervised by Mr. Felipe Gómez Isa

University of Deusto, Bilbao

ABSTRACT

The 2011 nuclear accident in Fukushima, Japan has caused states to reconsider their nuclear energy plans and the safety of nuclear power plants. Known facts were repeated again; the deployment of nuclear energy involves dangers and risks that can affect the enjoyment of human rights. The aim of this thesis is to research if the use and production of nuclear energy, because of these dangers and risks, falls within the boundaries of the current international human rights framework. For this purpose, this thesis will examine and critically assess the procedural and substantial human rights and case-law that could be linked with the use and production of nuclear energy. In addition, the topics of human rights and the environment, indigenous people and future generations will be shortly discussed to provide a more comprehensive overview on the whole issue of nuclear energy. Finally, it will be concluded that because of the developments in international (environmental) law and the broad interpretations within human rights case-law, the deployment of nuclear energy can no longer be considered to comply with the current international human rights framework and thus violates human rights, including the rights to health, privacy and a healthy environment.

TABLE OF CONTENTS

Abstract	2
List of abbreviations.....	5
Introduction	7
1. The dangers and risks of nuclear energy	10
1.1 Nuclear waste.....	10
1.2 Transport	13
1.3 Operational releases	15
1.4 Major nuclear incidents.....	17
2. Law and nuclear activities.....	21
2.1 Treaties.....	21
2.2 Other instruments.....	22
3. Human rights and the environment	25
3.1 Transboundary environmental harm	25
3.2 Linking human rights and the environment	27
3.3 Indigenous people	30
4. Procedural human rights and nuclear energy.....	34
4.1 The right to receive information	35
4.2 The right to public participation	39
4.3 The right to justice	40
4.4 The use of procedural rights	44
5. Substantial Human Rights and nuclear energy	46
5.1 The right to life	47
5.2 The right to private and family life	55
5.3 The right to health	64
5.4 The right to a healthy environment	69
5.5 Substantial human rights: summarized	73
6. Future generations	76
6.1 Nuclear waste and inter-generational equity.....	76
6.2 International law and case-law.....	77
7. Conclusion and recommendations.....	81
Bibliography.....	86
Reports	89

Websites	91
Case law	92
Table of legal instruments	95