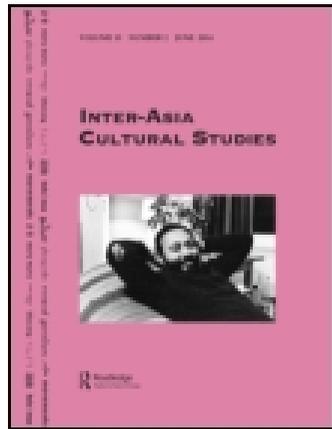


This article was downloaded by: [Stockholm University Library]

On: 15 December 2014, At: 12:43

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office:
Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Inter-Asia Cultural Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/riac20>

The right to evacuation: the self-determined future of post-Fukushima Japan

Akihiro Ogawa

Published online: 12 Dec 2014.



CrossMark

[Click for updates](#)

To cite this article: Akihiro Ogawa (2014) The right to evacuation: the self-determined future of post-Fukushima Japan, *Inter-Asia Cultural Studies*, 15:4, 648-658, DOI: [10.1080/14649373.2014.977516](https://doi.org/10.1080/14649373.2014.977516)

To link to this article: <http://dx.doi.org/10.1080/14649373.2014.977516>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

The right to evacuation: the self-determined future of post-Fukushima Japan

Akihiro OGAWA

ABSTRACT *Since the Fukushima disaster in March 2011, rights advocacy has been gaining traction in Japanese politics. This paper argues for the rationale that led to the current legal development in post-Fukushima Japan—the Nuclear Disaster Victims’ Support Act, which emphasizes the right to evacuation—and presents the grassroots struggle against public authorities. The right to evacuation is the right of citizens to avoid exposure to radioactivity by allowing victims—in this case, the victims of Fukushima—to choose their living location, whether that means permanently evacuating to a new area, returning to their original homes after evacuation, or remaining where they are (i.e., not evacuating). In any of these situations, necessary support from the government is guaranteed. I claim that while the right to evacuation represents a vision about how people in Fukushima can choose to survive and develop their own self-determined future, it requires a set of tools to achieve it. As such, this paper also argues the ways in which Japanese civil society groups play a significant role in helping bring the grassroots voices of people in Fukushima to the law-making process, as well as actual implementation. Advocacy to achieve such a fundamental human right is gradually progressing and moving away from the perception of being merely a criticism of government; rather, advocates are presenting alternatives and giving government a chance to change itself.*

KEYWORDS: Nuclear Disaster Victims’ Support Act, right to evacuation, rights advocacy, civil society, radiation exposure, post-Fukushima Japan

Three years after Fukushima: health issues persist

My research collaborator, a parent with school-age children living in Fukushima Prefecture, recently relayed to me the tragic story that all children in Fukushima between ages 4 and 15 were required to wear a “glass badge” when they went out during the day in the months following the Fukushima Daiichi nuclear power plant accident in March 2011. Each badge was actually a dosimeter (*senryōkei*), encased in a colorful plastic sleeve that dangled from the neck. On June 23, 2011, three months after the nuclear disaster, Fukushima Prefecture began requiring the 280,000 children—from infants to junior high school students—to wear the badges to monitor their radiation exposure caused by the accident. The

dosimeters were also distributed to parents with children under three years by request, and were available to students in most schools by October of that year.

Despite their daily interaction with the devices, neither the children nor their parents could decipher the amount of radiation being collected by the dosimeters. Indeed, they were not designed to sound an alarm when the radiation level reached a level that was hazardous to the children’s health. Rather, children were expected to wear the badges for three months, at which time they were collected and the data downloaded by the company that produced it. The company would then report back to the municipalities, not the parents, with the results of the collected data within one month. Obviously, the distribution of these

dosimeters was not aimed at protecting children's health but rather data collection, even though in Fukushima, the significant effect of radiation exposure on children's health was becoming more apparent. Furthermore, this "health survey" was being carried out without reflecting the opinions or requests of the local residents. The data were not disclosed to the parents unless they filed a formal request for disclosure from the prefecture. This is a violation of the right to know, an important component of human rights.

My research collaborator said that she felt that the children became data collection subjects in an experiment to test how children could survive under continuous nuclear radiation exposure at certain levels. The major reason why she felt so was because after the Japanese government created a 20-kilometer mandatory evacuation zone and urged residents of an additional zone where radiation had been measured at levels of 20 millisieverts (mSv) per year or more to evacuate as well, they set the maximum allowable permitted value at 20 mSv per year, or 3.8 microsieverts (μ Sv) per hour, in April 2011. Comparatively, Chernobyl set the evacuation standard at 5 mSv per year or above for mandatory evacuation and between 1 mSv and 5 mSv per year for voluntary evacuation with state support, while the recommended maximum dose by the globally recognized International Commission on Radiological Protection is 1 mSv per year. Since April 2103, meanwhile, the Fukushima Prefectural Board of Education has been providing subsidies to promote the use of locally grown products to be used in school lunches, in an effort to sweep away the negative images relating to the radiation exposure and boost local agricultural and dairy consumption (*Fukushima Minyū* 2013).

While documenting the story above in my field notes during my research efforts on the Fukushima disaster three years after it occurred, I also read a newspaper article that stated that the number of children with confirmed or suspected thyroid cancers continues to grow in Fukushima. As of May 20, 2014, the health management survey

conducted by Fukushima Prefecture indicated that out of the initial 89 children with confirmed or suspected thyroid cancers, 50 of them were confirmed cancer cases, with 17 new confirmations since the previous announcement in February 2014 (*Fukushima Minyū* 2014; cf. FPHMS 2014). Thyroid cancer, which can occur when radioactive iodine accumulates in the thyroid glands, is considered a major health concern for children.

According to the National Cancer Center's (2012) incidence data, from cancer registries in Japan, the levels of thyroid cancers among children in Fukushima since 2011 are drastically different from the health data collected by Japan before the nuclear power plant disaster. In 2008, for example, the number of thyroid cancers per 100,000 children was extremely low: those under 18 had levels of 0 to 1.4 incidences per 100,000 people. Since 2011, however, the health survey has screened 254,280 children, and the rate of confirmed cancers as of February 2014 is 12.99 per 100,000. However, Fukushima's prefectural government does not admit any causality between the radiation leakage from the nuclear disaster and the incidents of cancer, since it is believed to be too early to link the cases; for example, it took almost five years after the 1986 Chernobyl catastrophe for thyroid cancers in significant numbers to be detected.

These stories remind me of a legal development in Japanese society, the enactment of the Nuclear Disaster Victims' Support Act (formally, the Act on the Protection and Support for the Children and other Victims of the Tokyo Electric Power Company [TEPCO] Disaster). It was established at the National Diet (Japan's parliament) on June 21, 2012, and considered a groundbreaking Act, drawn up by a multi-partisan group of lawmakers who recognized the right to evacuation for all people within the affected areas. In general, this Act respects the right of citizens to avoid exposure to radioactivity and asserts that victims can make their own decisions of their own free will; for example, they can choose to permanently evacuate to a new area, return to their

original homes after evacuation, or remain where they are (i.e., not evacuate). Whatever their choice, the Act states that it should not be determined in any way by the fact that their original homes are now in a severely radiated area.

Steps to claiming the right to evacuation

Rights advocacy, or claiming the right to evacuation, is gaining traction in Japanese politics. In this paper, I argue that the right to evacuation represents a vision about how people in Fukushima can choose to survive and develop their own self-determined future, rather than simply claiming a right to health. The right to evacuation requires a set of tools to achieve it, so this paper also argues the ways in which Japanese civil society groups play a significant role in helping bring the grassroots voices of people in Fukushima to the law-making process as well as to actual implementation. As Charles Epp (2010) points out in his book *Making Rights Real*, countries need non-governmental organizations (NGOs) and civil-society groups that can mobilize resources to conduct sustained litigation. Social movements and civil-society groups have been essential in developing rights advocacy, and more specifically in this case, the right to evacuation. Kanna Mitsuta, an activist belonging to Friends of Earth (FoE) Japan, the Japanese branch of an NGO focused on international environmental issues, stated, "We are not specialists of nuclear power plants. However, we are always with people in Fukushima, and our strength is that we know their actual troubles and anger. We will take advantage of our strength when we propose something to policymakers (Fujioka and Nakano 2012, 224–225). In fact, members of civil society groups are working to close the gap of reality recognition between the disaster victims and government officials (cf. van Zyl 2014). In addition, Kuniko Tanioka, a member of the House of Councilors who played a significant role in drafting the Nuclear Disaster Victims' Support Act, said, "[I]t was impossible to make the Act without the collaboration with (people from)

outside (of the government)" during the in-house public gathering on July 10, 2012, which was organized by the Japan Federation of Bar Associations. In documenting the voices of victims that I encountered in the three years after the Fukushima disaster, this paper presents the grassroots struggle against public authorities as well as the legal rationale that led to developments such as the Nuclear Disaster Victims' Support Act.

The voice of a voluntary evacuee

On December 2, 2011, almost nine months after the Fukushima nuclear power plant disaster, I observed the testimony at the House of Councilors of a woman named Takako Shishido, who voluntarily evacuated from northern Fukushima to Hokkaido after the event. She is currently living in public housing in Atsubetsu, city of Sapporo, with 160 other voluntary evacuating families. Hokkaido began actively accepting voluntary evacuees from an early stage of reconstruction, and the number of these voluntary evacuees is still increasing. Ms. Shishido established a neighborhood association, one of the most common conventional civil society organizations in Japanese society, with other evacuees in Atsubetsu. According to her, the major reason she decided to evacuate was that she had a one-year-old child and was aware of the data regarding thyroid complications from a radiation dose from the Ministry of Education, Culture, Sports, Science and Technology website. The data indicated that the area in which she lived was part of the warning level for her child's age group. Thus, she decided to evacuate with her family.

Many people outside of government-designated evacuation regions also chose to evacuate voluntarily; however, there remained many who wished to evacuate but were unable to because of the financial burden. People who voluntarily left areas that were not designated for evacuation and those who continued to live in those areas were not eligible for assistance under the compensation framework established by the science ministry's Dispute Reconciliation Committee for

Nuclear Damage Compensation. As such, support was inadequate in providing any substantial relief to such people who evacuated voluntarily or wished to evacuate (see McNeill 2012). According to my own estimation, based on the numbers released by the Reconstruction Agency (www.reconstruction.go.jp), there are approximately 150,000 residents of Fukushima Prefecture that have been living away from their homes since March 2011. This number includes 50,000 people who voluntarily evacuated, including Ms. Shishido. It should be noted, however, that there are no exact numbers of voluntary evacuees available.

Ms. Shishido's major claim was that the Japanese government should admit the right to evacuation for voluntary evacuees, and give the same assistance and compensation as to the forced evacuees. In fact, her voice on the matter was presented to the House of Councilors on behalf of her local community, and her narratives facilitated by a member of the reconstruction committee elected from Hokkaido.

I am a voluntary evacuee.
I left my home without waiting for the government's instruction.
It was very hard in a place like Fukushima where human bonding is very strong.
First of all, grandparents have no understanding about evacuation.
"Since the government says it is safe, why don't you believe them?"
Another person even says, "You are lucky you can escape. I wish I could."

Fukushima is a place where "old Japan" can be found—solid kin relationships, and strong ties with neighbors, relatives, and friends in their communities.

I do [have] hope [in] politics.
I wish the government would realize the right to voluntary evacuation.
First, think about how to save children's and human's lives.
Giving compensation to voluntary evacuees means the government admits one has the right to evacuation.

If the government says it is okay to evacuate, there are many more people who actually want to evacuate.

It is important to cheer on the reconstruction of Fukushima. But at the same time, realize the right to evacuation.

She concluded her testimony, saying:

Everyone here now,
Can you see us – people in Fukushima?
Can you see me?

According to a survey conducted by the city of Fukushima, more than 50% of respondents wanted to evacuate from Fukushima primarily because of persistent anxiety about radiation (Fukushima Municipal Government 2012).

Nuclear Disaster Victims' Support Act

Directly responding to these grassroots voices, the initial draft of the Nuclear Disaster Victims' Support Act was submitted in December 2011 to the municipal assembly of Iwaki, Fukushima Prefecture, as a written statement calling for health support as well as financial security for the victims of the Fukushima nuclear accident. At the same time, a bill was proposed at the national Diet by opposition parties, including the Liberal Democratic Party, to promote the protection of children and pregnant women who were victims of the nuclear disaster. One of this bill's major efforts included preventative measures against health impacts. In addition, another bill was proposed by the ruling Democratic Party of Japan that called for general support for all victims, including the identification of target regions for support efforts, and providing assistance to those remaining in, evacuating from, or returning to their homes. After intensive discussions over the course of six months, the bill was unanimously approved by all parties in June 2012 at the Diet and named the Nuclear Disaster Victims' Support Act.

When writing the draft for this Act, Japanese lawmakers referred to the Chernobyl Law of 1991, which stated that areas in

which the amount of contamination is more than 1 mSv per year are to be declared as “areas concerned by the right of relocation.” It includes help with finding a job, accommodation, medical treatment, and food supplies for evacuated people in their new locations. After the enactment of the Act, the House of Representatives uploaded, on July 23, 2012, a Japanese translation of the law, as part of the report from when the 13 Diet members made an official visit to Ukraine in October 2011 to investigate the impact of the Chernobyl nuclear accident (House of Representatives 2012). One of the Fukushima victims commented that the Chernobyl Law was a promise between the state and its people, in which the state has promised that people in Ukraine never have to live in a place where the maximum allowable permitted value of radiation is at or above 1 mSv per year (Tanji 2014, 78).

The Nuclear Disaster Victims’ Support Act features the right to evacuation, as written in Article 2: Basic Principles (2):

Victim living support measures must ensure that the victims will be supported properly regardless of whether each victim decides to move to the area where support will be provided under Article 8 (1) of this Act, moves to other areas, or returns to the areas they inhabited before the evacuation, so that the victim can make their own decision on their own will.

This article clearly represents the right of citizens to avoid exposure to radioactivity by allowing them to choose their living location, whether that means permanently evacuating to a new area, returning to their original homes after evacuation, or remaining where they are, necessary support from the government is guaranteed. Thus, people now have the right to self-determine their living situation.

One of the major rationales on why this right was guaranteed is because “the risk of radiation from the radioactive materials on human health is not fully understood scientifically” (Article 1: Purpose in the Nuclear Disaster Victims’ Support Act). In fact, the

Nuclear Disaster Victims’ Support Act does not specifically name Fukushima, which means that this right is applicable to all radiation-affected people. The legal rationale of this right to evacuation can be attributed to “the right to live in peace, free from fear and want,” which is declared in the preface of the Japanese constitution and, more relevantly, as the rationale for the right to evacuation, in Article 13 of the Japanese constitution, which further mentions the right to self-determination or “their right to life, liberty, and the pursuit of happiness shall... be the supreme consideration in legislation and in other governmental affairs.”

The Nuclear Disaster Victims’ Support Act grants evacuees the right to provision of transport, housing, education, employment, and public services, regardless of whether evacuation has been compulsory or voluntary. Broader support was also mentioned, including prevention of negative effects on people’s health, especially children and unborn fetuses (Article 2[3]), measures to minimize and recuperate from radiation exposure (Article 13[1]), lifelong health checkups for those who were children at the time of radiation exposure (Article 13 [2]), and ensuring living-related support and medical services at reduced costs (Article 13[3]). Further, children are to receive assistance in continuing education (Article 8[2]), as well as support in dealing with split family living situations due to radiation-related evacuation (Article 9).

Importantly, victims do not have to bear the burden of proof that their health problems were caused by a radiation event, such as the Fukushima nuclear disaster, in order to receive medical treatment. While proof was needed in previous cases in Japan, such as after Hiroshima and Nagasaki as well as the Minamata mercury poisoning disease, Article 6 of the new Act defined the burden of proof as falling on the government. The role of the state will be to carry out detailed research on the status of pollution caused by radioactive materials, such as those released by the TEPCO nuclear accident, for each type of radioactive material

on an ongoing basis. Going forward, it will be the government's responsibility to investigate the relationship between sickness and exposure to nuclear radiation, which was the major achievement of this lawmaking process.

Reconstruction agency delays and arrogance breed lack of trust

Upon writing this paper on the second anniversary of the Nuclear Disaster Victims' Support Act in June 2014, I observed growing concern, dissatisfaction, and frustration that the Act had not worked well during the first two years after it was enacted. Almost nothing had been decided or implemented, with a general lack of major progress. One of the contributing factors to this is that the Act is a "program Act," which only specifies the principles and framework; thus, concrete measures to assist the victims were not included. It falls on the government to create and enforce the "basic policy" (Article 5), including the range of Support Target Areas (Article 8) in a "timely and quick manner," according to the Act. Based on the updated data gained from government-sponsored research (Article 6), every effort made by the government needs to be reviewed every year (Supplementary Provision). However, the government had not yet produced the basic policy. This delay has been said to be caused by bureaucratic sabotage.

The president of the Japan Federation of Bar Associations actually expressed significant concern about the national support for victims, saying "[t]he situation indicates it runs counter to the purpose of the Act and the will of [the] legislative body which unanimously established the Act" (JFBA 2013). In fact, some victims believe that since the Act was autonomously created by lawmakers there was no *nemawashi* (a Japanese practice for consensus-making among affected peoples in advance of a major change) between the legislative body and the administrative body. Thus, no scheduled funding is currently available for implementing the actual measures.

Meanwhile, my informants from civil-society groups point to another reason for the lack of implementation: the arrogant attitudes of officials from the Reconstruction Agency when dealing with the Fukushima victims and their civil-society groups. One symbolic incident happened in June 2013 (one year following the enactment of the Act), during which a senior official from the Reconstruction Agency posted several derogatory messages on Twitter against people supporting the victims of the Fukushima nuclear disaster, calling them "stupid leftists." The offending official was Yasuhisa Mizuno, 45, a career bureaucrat of the Ministry of Internal Affairs and Communications, and a counselor in the Reconstruction Agency directly in charge of supporting those affected by the disaster. His tweets were as follows: On March 7, 2012, "I attended a gathering in which I was repeatedly abused by stupid leftists"; on the following day, "One issue was solved today. Preciously speaking, it is actually not. Leaving the things opaque is one way to solve." This last tweet implies his unwillingness to deal with the issue seriously. One of my informants expressed his disappointment upon reading these tweets because he had believed Mr. Mizuno to be a collaborative partner. Using a pseudonym and identifying himself only as a "central government employee," Mr. Mizuno posted similar tweets more than 600 times, with no restriction of employees' use of Twitter by the Reconstruction Agency.

At a meeting between civil-society groups and invited officials from the Reconstruction Agency following the public outcry over the tweets, I heard a claim from one of the victims that the Agency had not even uploaded the Nuclear Disaster Victims' Act to its homepage. The Agency takes primary responsibility for the Act, and this lack of dissemination led to concern that many of the Fukushima victims do not even know what is included in the Act. The lack of seriousness by the officials led to victims having no trust in the Reconstruction Agency officials to mitigate the disaster-affected areas. One victim said to the officials,

“Why are you here and attending this meeting? I understand the public officials exist to serve us. What you were saying [to] us is all about what you can’t and what you don’t want to do.” At one time, I was a witness to two young career bureaucrats of the Reconstruction Agency being publicly reprimanded by the victims of Fukushima and other citizens about their overall lack of interest on the issue.

In October 2013, Prime Minister Shinzo Abe’s cabinet finally approved the basic policy. Among several major policy implementations, it designated only 33 municipalities in Naka-dori and Hama-dori in Fukushima Prefecture as Support Target Areas. Many victims voiced concern that these areas are too small, and that the standard for the designation is not entirely clear. In addition, coverage of comprehensive health checkups was limited to the people in Fukushima Prefecture. It is also unclear why the policy limits the target population to people only in Fukushima Prefecture when the nuclear disaster affected areas beyond this prefectural border.

Prior to finalizing the abovementioned basic policy, more than 5000 “public comments” from municipalities and citizens were submitted. In September 2013, for a two-week period, there was a call for public comments on the basic policy, which would be implemented as part of the Nuclear Disaster Victims’ Support Act. My informants, several of whom contributed public comments, noted that one of the major comment topics was the Support Target Areas. Commenters wrote that all areas in which additional 1 mSv of radiation doses per year were detected should be designated as Support Target Areas. The actual radiation dosage is more relevant to properly designating these areas, rather than making this decision on the basis of geographical distance from the site of the Fukushima Daiichi Nuclear Plant and the footprint of the radioactive plume. This proposal during the public comment period, however, was totally ignored. This treatment by the Shinzo Abe government is nothing new. For example, Japanese major daily *Asahi*

Shimbun (2014) reported that despite the fact that more than 90% of respondents during a public comment period (December 2013–January 2014) on the Abe administration’s basic energy policy were opposed to nuclear power generation, the cabinet approved the energy policy, which described nuclear power generation as an “important base load electricity source.” This means that nuclear power continues to be relied upon to meet a percentage of the electricity demand, regardless of public sentiment.

Civil-society groups: key actors in mobilizing the victims’ voices

Civil-society groups are playing a significant role in mobilizing the voices of the victims, actively collaborating with Diet members such as Kuniko Tanioka (Democratic Party of Japan, later Green Waves), Mizuho Fukushima (Social Democrats), and Ryuhei Kawada (Your Party, later Unity Party). I observed many instances in which members of civil society groups served as facilitators of dialogues among the victims, Diet members, and government officials from the Reconstruction Agency. They continually organized gatherings for the victims, and invited the officials in an effort to let them know the victims’ concerns. In July 2012, shortly after the enactment of the Act, a broad citizen network called the Citizens’ Forum for the Nuclear Disaster Victims’ Support Act was established. As of June 2014, 64 civil-society groups organized the forum, including the Fukushima Network for Saving Children from Radiation, *Fukuro no kai* (citizens’ group for considering old nuclear power plants in Fukushima), Peace Boat, CRMS (Citizen’s Radioactivity Measuring Station), and Human Rights Now. Among these groups, Save Fukushima Children Lawyers’ Network and FoE Japan have assumed the secretariat functions. In addition to organizing the forum, each of these civil society groups actively lobbies to bring the victims’ voices to the public.

What the victims of the Fukushima disaster want is to participate in the decision-making process, and feel confident that

raising their voices can directly affect policy-making activities. This is actually required in Article 5(3) of the Act: “[i]n formulating the basic policy, the government shall take measures necessary to reflect in their contents the opinions of the residents of the areas affected by the TEPCO Nuclear Accident and those who have been evacuated from the affected areas.” The victims have been requiring the institutionalization of a designated place and time for developing dialogues or holding consultative meetings between the victims and the government. The government “has the responsibility to develop comprehensive victim living support measures” (Article 3), so it would stand to reason that the government should be receptive to hearing victims’ voices.

One of the most notable actions was made by Human Rights Now, a Tokyo-based NGO. This group submitted to the United Nations Committee on the Economic, Social and Cultural Rights a report in May 2012 on Japan’s human rights situation in the aftermath of the Great East Japan Earthquake. The report, produced by Human Rights Now, pointed out the horrible health conditions of both Fukushima residents and those in other areas in relation to nuclear radiation leaks, the poor housing conditions of the evacuees, and the safety of food and products (HRN 2012). Following this report, Anand Grover, Special Rapporteur to the United Nations Human Rights Council, was dispatched to Japan in November 2012 as an independent investigator (see Hino 2013 for further background), to conduct 11 days of intensive research.

Mr. Grover’s survey was officially presented in Geneva, Switzerland, on May 23, 2013 (OHCHR 2013). He requested that the Japanese government guarantee the right to health by implementing a health survey for people living in the areas affected with more than 1 mSv of ionizing radiation per year. He also requested that the government not force evacuees to return to their homes until the level of ionizing radiation was reduced to below 1 mSv per year. Further, he strongly urged the Japanese government to heed victims’ voices in the aftermath of

the nuclear disaster in an effort to enhance transparency and accountability in governance (OHCHR 2013, 19–20). Prior to this presentation in Geneva, he had already stressed a framework requiring that “the affected people in Japan need to be part of the decision-making process as well as of the implementation, monitoring and accountability procedures,” when he left Japan following his research (OHCHR 2012).

However, the Japanese government took a negative stance against Mr. Grover’s presentation (see Ribault 2013) as it believed that a scientific basis for the report was lacking. The United Nations Scientific Committee on the Effects of Atomic Radiation (2013) produced a counter report to Mr. Grover’s, mentioning that “no discernible increased incidence of radiation-related health effects are expected” for members of the public exposed to radiation from the defunct Fukushima nuclear plants (UNSCEAR 2013, 11). Among other factors, this report led the Japanese government to refuse compensation to those whose chose to voluntarily leave Fukushima.

Right to evacuation as the right to life

The Japanese government continues to speed up the recovery from the March 11, 2011, Fukushima disaster as if nothing devastating had happened. In December 2013, for example, the Japanese government announced provisions of an additional 900,000 yen (US\$8,800) in compensation to each evacuee who decides to return home early. Meanwhile, civil-society groups continue to mobilize the voices of the victims and bring them to the policymaking process, primarily claiming the right to evacuation.

One of the more recent successful developments, as a result of major efforts made by civil-society groups, has been to establish *hoyō* (recuperation) projects, or recreation projects that provide children with temporary group homes, so that they can enjoy short-term recreation opportunities in less-contaminated areas. Shortly after the disaster, many Japanese civil-society groups, including Co-op (Japanese Consumers’

Co-operative Union), were offering *hoyō* opportunities to children; however, the organizers were facing financial difficulties in operating the program and were demanding that the government sponsor the program.

In late April 2014, while I was attending a gathering to promote the right to evacuation in Tokyo, an official of the education ministry announced that the Japanese government would fund the *hoyō* project as a nature experiment program, which they called a “refresh camp” for 180,000 children from kindergarten to junior high school in Fukushima Prefecture. The Japanese term *hoyō* implies “resting the body after something severe,” thus, according to a Co-op manager, public officials prefer using “refresh” instead of directly drawing attention to something severe having occurred. This program development is a specific example of actual “basic policy” implementation under the Nuclear Disaster Victims’ Support Act. It was announced during this event where FoE Japan arranged an exchange meeting for the victims of Fukushima and invited the victims of Chernobyl in Belarus to Tokyo. The purpose of the meeting was to introduce Japanese people to the benefits of *hoyō* through the examples of a refresh camp that was actually implemented in Belarus.

The major purposes of this *hoyō* project were to temporarily remove children from Fukushima Prefecture and enable them to refresh their bodies and minds. The board of education of Fukushima Prefecture is in charge of operating the program, funding 7000 yen (US\$68.00) per person per day for accommodation and transportation for up to five nights. The program will be open during summer (July–August) and winter (December–January), and children can participate in the program through the schools they attend, sport clubs, or neighborhood associations. The host organizations will be openly recruited from civil-society groups, which already have accumulated relevant experience. *Hoyō* projects are an example of success in bringing stakeholders’ issues to the government’s attention and helping enforce a favorable policy decision. *Hoyō* projects are a tool

to implement the right to evacuation and a step toward exploring methods of survival in the post-Fukushima era.

The right to evacuation ultimately presents the right to a self-determined life. In May 2014, the Fukui District Court ruled that it would not allow the restart of two reactors at Kansai Electric Power Co.’s Oi nuclear plant, following their suspension in September 2013. The two reactors originally resumed in August 2012 after all of Japan’s nuclear reactors were shut down amid strong public concern over nuclear safety in the wake of the Fukushima disaster. Judge Hideaki Higuchi pointed out that nuclear power plants are “merely a tool for generating electricity and thus inferior to people’s fundamental rights to life” (*Kyodo News* 2014a). Furthermore, the Kyoto District Court ordered TEPCO to pay millions of yen in damages to a man who voluntarily evacuated Fukushima Prefecture following the nuclear disaster (*Kyodo News* 2014b). These judicial decisions were strongly supported by many of my informants—Fukushima victims as well as support members of civil society groups.

Advocacy to achieve such an important human right is gradually progressing in post-Fukushima Japan and moving away from as the perception of being merely a criticism of government, which is, for example, observable via ongoing anti-nuclear energy demonstrations across the country (Ogawa 2013). Rather, advocates are presenting alternatives and giving government a chance to change itself. The Nuclear Disaster Victims’ Support Act is now ready to provide a comprehensive framework through which Japanese people can independently explore and establish a new way of life in the post-Fukushima era. Even though it is temporary and has a time-limitation, the *hoyō* project is a solid chance to realize the right to evacuation for the Fukushima victims, resisting the official radiation exposure standards set up by the government. It also presents a definitive step toward developing a self-determined future. In fact, the right to evacuation is clearly guaranteed as the right to life in the Japanese constitution, and this is clearly the time to exercise it.

References

- Asahi Shimbun* [朝日新聞]. 2014. "More Than 90 Percent of Public Comments for the Future Energy Plan Are Anti-Nuclear." [「脱原発」意見、9割超エネ計画のパブリックコメント.] May 25.
- Epp, Charles. 2010. *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State*. Chicago: University of Chicago Press.
- Fujioka, Mieko, and Kenji Nakano [藤岡美恵子, 中野憲志], eds. 2012. *Surviving with People in Fukushima: New Challenges Made by International NGOs and Citizens' Movements* [福島と生きる: 国際 NGO と市民運動の新たな挑戦]. Tokyo: Shinhyoron [新評論].
- Fukushima Minyū* [福島民友]. 2013. "School Lunch in Fukushima Used Local Agricultural Products; However, the Quantity Level is Half before the Earthquake." [県内学校給食県産食材震災前の半分.] February 25.
- Fukushima Minyū* [福島民友]. 2014. "Cancer Diagnosis Rate of "0.02%", 50 Children Are Suffering Thyroid Cancer." [がん診断率「0.02%」子どもの甲状腺がんは50人.] May 20.
- FMG (Fukushima Municipal Government) [福島市]. 2012. "The Citizen's Survey on Radioactivity." [放射能に関する市民意識調査.] Accessed October 12. <http://www.city.fukushima.fukushima.jp/soshiki/7/kouchou12090501.html>
- FPHMS (Fukushima Prefecture Health Management Survey) [福島県県民健康管理調査]. 2014. "Health Survey Implementation Status of 'Thyroid Test'." [「甲状腺検査」の実施状況について.] Accessed June 16. <http://www.pref.fukushima.lg.jp/uploaded/attachment/65917.pdf>
- Hino, Kosuke [日野行介]. 2013. *Fukushima Nuclear Power Plant Accident, Immorality of the Health Management Survey* [福島原発事故 県民健康管理調査の闇]. Tokyo: Iwanami shoten [岩波書店].
- House of Representatives [衆議院]. 2012. *Report of Chernobyl Nuclear Power Accident Made by the Investigation Team of the House of Representatives* [衆議院チェルノブイリ原子力発電事故等調査議員団報告書]. Accessed June 24. http://www.shugiin.go.jp/internet/itdb_annai.nsf/html/statics/shiryō/201110cherno.htm
- HRN (Human Rights Now). 2012. *Japan: Submission of Human Rights Now to the Committee on Economic, Social and Cultural Rights in Advance of the Consideration of Japan's Report*. Accessed June 24. http://www2.ohchr.org/english/bodies/cescr/docs/ngos/HRN_Japan_CESCRWG49_Report.pdf
- JFBA (Japan Federation of Bar Associations) [日本弁護士連合会]. 2013. *Statement Marking the Occasion of Two Years after the Great East Japan Earthquake and the Subsequent Fukushima No. 1 Nuclear Power Plant Accident* [東日本大震災及び福島第一原子力発電所事故から2年を迎えての会長声明]. Accessed June 24. <http://www.nichibenren.or.jp/activity/document/statement/year/2013/130311.html>
- Kyodo News* [共同通信]. 2014a. "Fukui Regional Court Orders Power Supplier Not to Run Oi Nuke Plant." [大飯原発再稼働認めず、福井地裁.] May 21. <http://www.47news.jp/CN/201405/CN2014052101001165.html>
- Kyodo News* [共同通信]. 2014b. "TEPCO Ordered to Pay Damages to Nuke Evacuee." [自主避難・東電に賠償仮払い命令.] May 26. <http://www.47news.jp/CN/201405/CN2014052601001593.html>
- McNeill, David. 2012. "The Fukushima Nuclear Crisis and the Fight for Compensation." *The Asia-Pacific Journal: Japan Focus*. Accessed June 10. <http://www.japanfocus.org/-David-McNeill/3707>
- National Cancer Center [国立がん研究センター]. 2012. "2. Incidence (National estimates)." In *Cancer Statistics in Japan; Table download*. Accessed June 16. http://ganjoho.jp/pro/statistics/en/table_download.html
- Ogawa, Akihiro. 2013. "Demanding a Safer Tomorrow: Japan's Anti-Nuclear Rallies in the Summer of 2012." *Anthropology Today* 29 (1): 21–24.
- OHCHR (Office of High Commissioner for Human Rights). 2012. "UN Expert Urges Japan to Heed People's Voices in the Aftermath of the Nuclear Disaster." Accessed June 24. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12838&LangID=E>
- OHCHR (Office of High Commissioner for Human Rights). 2013. *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover*. Accessed June 24. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf
- Ribault, Thierry. 2013. "UN Special Rapporteur Anand Grover on Fukushima: A Stunning Report Brushed Aside by the Japanese Government." *The Asia-Pacific Journal*, June 10. <http://www.japanfocus.org/events/view/184>
- Tanji, Yasuhiro [丹治泰弘]. 2014. "Nuclear Disaster Victims' Support Act." [原発事故子ども・被災者支援法.] In *Nuclear Disaster Victims' Support Act and the Right to Evacuation* [原発事故子ども・被災者支援法と「避難の権利」], edited by E-Shift, 76–90. Tokyo: Godō Shuppan [合同出版].
- UNSCEAR (United Nations Scientific Committee on the Effects of Atomic Radiation). 2013. *Report of the United Nations Scientific Committee on the Effects of Atomic Radiation Sixtieth session (27-31 May 2013)*. Accessed June 24. <http://www.>

unscear.org/docs/GAreports/A-68-46_e_V1385727.pdf

van Zyle, Albert. 2014. "How Civil Society Organizations Close the Gap between Transparency and Accountability." *Governance: An International Journal of Policy, Administration, and Institutions* 27 (2): 347–356.

Special terms

Citizen's Radioactivity Measuring Station (CRMS) 市民放射能測定所

Citizens' Forum for the Nuclear Disaster Victims' Support Act 「原発事故子ども・被災者支援法」市民会議

Consumers' Co-operative Union 生協

Dispute Reconciliation Committee for Nuclear Damage Compensation 原子力損害賠償紛争審査会

Fukuro no kai (Citizens' group for considering old nuclear power plants in Fukushima) 福島老朽原発を考える会

Fukushima Network for Saving Children from Radiation 子どもたちを放射能から守る福島ネットワーク

hoyō 保養

Human Rights Now ヒューマンライツ・ナウ

nature experiment program 自然体験事業

neighborhood association 自治会

Nuclear Disaster Victims' Support Act 原発子ども・被災者支援法

Peace Boat ビースボート

Reconstruction Agency 復興庁

Save Fukushima Children Lawyers' Network (SAFLAN) 福島子どもたちを守る法律家ネットワーク

stupid leftists 左翼のクソども

the right to evacuation 避難の権利

the right to live in peace 平和的生存権

the right to self-determination, their right to life, liberty, and the pursuit of happiness 自己決定の権利、生存権、幸福追求権

Author's biography

Akihiro Ogawa is a professor of Japanese studies at Stockholm University, Sweden. He completed a PhD in anthropology in 2004 at Cornell University, followed by postdoctoral work at Harvard University's Program on US-Japan Relations and Department of Anthropology. His major research interest is contemporary Japanese society, focusing on civil society. He is the author of the award-winning book *The Failure of Civil Society?: The Third Sector and the State in Contemporary Japan* (SUNY Press, 2009) and extensive writings on politics, social movements, peace, and education.

Contact address: Kräftriket Hus 4A-246, Department of Japanese Studies, Stockholm University. 106 91 Stockholm, Sweden.