

FORTY-THIRD CONSULTATIVE MEETING
OF CONTRACTING PARTIES TO THE
LONDON CONVENTION
&
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MATTERS RELATED TO THE MANAGEMENT OF RADIOACTIVE WASTES

Concerns regarding plans for further treatment and disposal of liquid radioactive wastes (contaminated water) from the Fukushima Daiichi Nuclear Power Plant, Japan, and proposal for an expert technical workshop to explore alternatives to discharge

Submitted by Greenpeace International

SUMMARY

Executive summary: The fate of radioactive contaminated water that has accumulated at the Fukushima Daiichi Nuclear Power Plant remains an issue of international concern. Although an IAEA Task Force has recently been established to assess the proposed discharge to the marine environment, opportunities still remain to explore the availability of technical alternatives to such discharge. In the spirit of "continued dialogue, collaboration and information sharing within the international community" (paragraph 11.12.3 of LC 41/17), Greenpeace International therefore requests the governing bodies to establish a working group (or intersessional correspondence group) tasked with the development of a technical workshop early in 2022, with the objective of gathering evidence from relevant international experts on available alternatives to marine discharge for the radioactive water stored at the Fukushima Daiichi complex.

Action to be taken: Paragraph 14

Related documents: None

Introduction

1 The occasion of the forty-third Consultative Meeting of Contracting Parties to the London Convention/sixteenth Meeting of Contracting Parties to the London Protocol represents the first opportunity for Parties to consider the implications for the protection of the marine environment that arise from the decision of the Japanese Government on 13 April 2021 to proceed with plans to discharge radioactive contaminated water into the Pacific Ocean

from the Fukushima Daiichi Nuclear Power Plant. On the current schedule, discharges are scheduled to begin in 2023 and to continue for at least 30 years.*

2 Given the potential negative consequences of such a discharge to efforts to protect the marine environment from pollution, and the significance of the matter in relation to the overall aims, intent and purpose of the London Convention and London Protocol, Greenpeace International considers that it is vital for Japan to continue to explore and pursue all possible alternatives to discharge, including through international consultation and cooperation.

3 The issues surrounding the ongoing accumulation, storage and processing of contaminated water at the Fukushima Daiichi Nuclear Power Plant are complex and are of international significance. The implications of their disposal into marine waters would be long-lasting and irreversible and, in the view of Greenpeace International, every practical effort should therefore be made to avoid recourse to their discharge. To date there has been insufficient international consultation and consideration of the available technical alternatives to discharge, including long-term storage combined with the application of Best Available Technology (BAT) for the processing and removal of radioactive material (including tritium and carbon-14), as well as the use of superior ALPS technology and expertise.

4 When the Government of Japan first presented information to Parties on this matter in 2011 (annex 8 of LC/SG 34/15), it expressed regret over discharges resulting from the Fukushima Daiichi accident, which were unavoidable at that time. At the same time, however, Japan made a commitment to Parties that in the future they would undertake studies of "ways to minimize discharge into the ocean". Furthermore, in response to document LC 41/11, presented by Greenpeace International in 2019, Japan stated *inter alia* that they would continue to pay close attention to the development of technologies for tritium removal. In concluding on the discussions during that meeting, the governing bodies thanked Japan for their continued engagement with the international community, and "urged continued dialogue, collaboration and information sharing within the international community, in particular the affected States".

5 Nevertheless, in 2021, a decade on from the tsunami and resulting damage to the plant, the potential for the application of alternatives to discharge, and therefore to minimize radioactive contamination of the marine environment, has still not been fully investigated by Japan, and opportunities for thorough consultation and cooperation with the international community, including Parties to the London Convention and London Protocol, have not been fully explored.

6 Given the potential international implications if Japan were to proceed with its plans, and the legitimate concerns expressed by Parties to the LC/LP and others, the issue continues to merit in depth discussion and review by the governing bodies, with particular regard to the examination of technical alternatives that would make discharge unnecessary. Furthermore, while Japan proceeds with preparations for the commencement of discharges in 2023, there remains time for Parties to consider in detail what practical alternative approaches to discharge are available. It should also be kept in mind that there is every possibility that the current planned schedule for discharges will be delayed for multiple technical, social and legal reasons, perhaps affording additional time for the exploration and testing of such alternatives.

* Further background information on the Fukushima Daiichi contaminated water issue is provided in document LC 41/11 and in the report "Stemming the tide 2020: The reality of the Fukushima radioactive water crisis", published by Greenpeace Germany in October 2020 (https://www.greenpeace.org/static/planet4-japan-stateless/2020/10/5e303093-greenpeace_stemmingthetide2020_fukushima_radioactive_water_crisis_en_final.pdf)

7 It is settled international practice for an environmental impact assessment to consider alternatives to the proposed activity. The Espoo Convention includes in article 5(a) "possible alternatives to the proposed activity, including the no-action alternative" as part of consultations, and information to be included in the environmental impact assessment documentation shall, "as a minimum, contain a description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative" (appendix II).

8 To this end, Greenpeace International calls upon the governing bodies to establish a working group or intersessional correspondence group to develop a technical workshop to be held as early as possible in 2022 under the auspices of the London Convention/London Protocol with the objective of gathering evidence from relevant international experts on the available alternatives to marine discharge for the radioactive water stored at the Fukushima Daiichi complex, including technologies for both the long-term storage and further processing of radioactive contaminated water. Such a technical workshop, which could be run virtually, if necessary, would give Parties the opportunity to consider the non-discharge options and the positive contribution these would make towards ensuring consistency with the aims and objectives of the London Convention and London Protocol.

9 Greenpeace International recognises that there remain differing opinions between Parties as to the relevance to the proposed discharge of liquid radioactive wastes from the Fukushima Daiichi facility of article 2 of the London Protocol (i.e. the general obligation "individually and collectively" to "protect and preserve the marine environment from all sources of pollution"). However, the facilitation of a workshop aimed at detailed examination of alternatives to discharge of radioactive water would in no way be inconsistent with either interpretation of article 2, since its focus would be on the practical availability of technologies and techniques and not on issues of legal interpretation or compliance.

10 Greenpeace International also recognises that the Government of Japan and the International Atomic Energy Agency (IAEA) have recently agreed terms of reference for, and established, a Task Force to provide advice and to assess safety issues related to the discharge of radioactive contaminated water. Whilst it is critically important for information on the many safety issues relating to the planned discharges to be assessed, Greenpeace International notes that the remit of the IAEA Task Force is focused exclusively on these aspects and does not include any assessment of possible alternatives to discharge, including the availability and application of BAT. A technical workshop facilitated by the LC/LP would therefore be complementary to, rather than in conflict with, the IAEA Task Force. The establishment by the governing bodies of a working group or intersessional correspondence group to guide the development of the technical workshop on alternatives would ensure that its remit would remain focused and specific and would not overlap or duplicate work to be conducted by the IAEA Task Force. It would also be a recognition of the importance of the London Convention and London Protocol in considering, overseeing and where possible preventing marine pollution, in this case from radioactive material.

11 Greenpeace International recalls that, historically, Japan played an important role, along with other Parties, when assessing and finding alternatives to the disposal of radioactive contaminated water in the case of the Russian Federation in the mid-1990s. This included the provision of technical and financial support by the international community, including the Government of Japan, to provide the Russian Federation with the means to store and process radioactive contaminated water, thus avoiding further marine contamination. Nearly three decades later, the protection of the global marine environment from pollution has taken on even greater urgency. Parties have a duty to take all possible measures to minimize marine pollution, including in the context of UN Decade of Ocean Science for Sustainable Development. In this context, the development of an expert technical workshop as proposed

above under the auspices of the LC/LP, carefully guided in its remit by a working group or intersessional correspondence group established by the governing bodies, would represent a further unique and practical contribution from the LC/LP towards the overarching goal of protection of the marine environment from pollution. As well as addressing questions relating directly to the contaminated water at the Fukushima Daiichi facility, the outcomes of such a workshop could well have wider relevance to the governing bodies in the context of matters related to the management of radioactive wastes.

12 Greenpeace International would welcome a positive decision of the governing bodies to develop an expert technical workshop on the options for further treatment and containment of Fukushima Daiichi contaminated water as outlined above, and would willingly provide whatever support is considered appropriate, including assistance in the recommendation of experts from academic institutes and the private sector in the area of storage and processing technology for liquid radioactive wastes.

13 At their forty-first meeting in 2019, as well as urging "continued dialogue, collaboration and information sharing within the international community" on the issue of the management of radioactive contaminated water at the Fukushima Daiichi facility (paragraph 11.12.3 of LC 41/17), the governing bodies also acknowledged that Greenpeace International's ongoing interest in these matters "should be viewed in a constructive way". It is in that same constructive and collaborative spirit that the current proposal is made.

Action requested of the governing bodies

14 The governing bodies are invited to:

- .1 consider the proposal to establish a working group or intersessional correspondence group to develop an expert technical workshop to examine alternatives to discharge for Fukushima Daiichi contaminated water, to be held as early as possible in 2022 under the auspices of the London Convention/London Protocol; and
 - .2 note the offer from Greenpeace International to contribute to the development of that workshop including through the recommendation of appropriate independent experts.
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