



Kobe Seminar on International Law

### Treated Water Discharge at Fukushima Daiichi: What Role for the International Tribunal for the Law of the Sea?

In April 2021 Japan published its Basic Policy to dispose of contaminated water from the damaged Fukushima Daiichi nuclear power plant. Japan’s plan to release 1.25 million tons of water in 2023 is supported by the International Atomic Energy Agency (IAEA) which has been conducting a multi-year review into the matter. However, Japan’s proposals have also been met with stiff opposition, in particular from neighbouring countries such as South Korea and China as well as environmental activists. Former South Korean President Moon Jae-in even went so far as engaging staff to look into the possibility of seeking provisional measures (PM) from the International Tribunal for the Law of the Sea (ITLOS) to block the planned release.

In this talk, Dr. Devaney considers the role of PM under the United Nations Convention on the Law of the Sea and the likelihood of success of proposals to request PM from ITLOS relating to discharge of treated water from the Fukushima Daiichi plant. Dr. Devaney considers whether PM can be used not only for the traditional aim of preserving the rights of the parties, but also for protecting what might generally be termed community interests (such as the protection of the marine environment). In this vein, he reflects on recent practice of the International Court of Justice and asks whether this might have implications for ITLOS in the future. It will be suggested that Korea’s hypothetical request, in light of recent practice, might not be as hopeless as some commentators have so far made out.

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Lecturer: Dr James Devaney (University of Glasgow)

Date & Time: November 10th (Thursday) 17:00-18:30

Venue: **Frontier 406**, Rokkodai 1st Campus

Language: English

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James Devaney is Senior Lecturer in International Law at the University of Glasgow and a member of the Glasgow Centre for International Law and Security (GCILS). His research interests relate primarily to international courts and tribunals, state succession and legal reasoning, although he has published on a range of areas of international law. His monograph, ‘Fact-Finding Before the International Court of Justice’, was published by Cambridge University Press, and nominated for the Peter Birks Book Prize for Outstanding Legal Scholarship. He is also a Member of the Bar of the State of New York.

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