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Human Rights Council  
Marshall Islands report. Call for input.  
Proposed by Christophe Barbey  
Geneva, 31<sup>st</sup> of January and 7<sup>th</sup> of  
Marsh 2024

Beloved Human Beings,  
Dear Office of the High Commissioner for Human Rights,  
Dear Human Rights promoters (or defenders when need be),  
Dear reader,  
Greetings of peace and of understanding,

Background information

1. The Center for Global Nonkilling has Ecosoc Status since 2014. We work on issues pertaining to the right to life. The author of this submission has worked on Pacific Island issues in the past<sup>1</sup>. We do not have peculiar expertise, or the knowledge needed to go thoroughly or comprehensively in the issue of nuclear legacy and activities with all their effects on human rights. Moreover, in the Marshall Islands<sup>2</sup>. However, we think that the history of nuclear developments, and their related human rights effects for the populations in Switzerland<sup>3</sup>, as in some neighboring or other countries are worth mentioning.

2. This submission is made pursuant to resolution 51/35 of the Human Rights Council on “Technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands”<sup>4</sup> and the following call for input<sup>5</sup>.

3. Nuclear issues are directly related to the right to life and its protection. Radiations are deadly. Therefore, the utmost must be done to protect life in and around nuclear activities, past or present, future. The record shows that protection of life, regarding *inter alia* nuclear issues has not been sufficient so far.

4. They are in the world 35 countries with an active civil electric nuclear program (major nuclear power plants), including 8 countries with an active military nuclear program. Israel and North Korea have a nuclear military program but no nuclear power plant<sup>6</sup>. Uranium mining goes on or has taken place in many more countries<sup>7</sup>, presently 20<sup>8</sup>, of which 7<sup>9</sup> have no military nor civil nuclear program (power plants).

44 countries have major nuclear activities, 6 in all three fields (mining, electricity and military)<sup>10</sup>.

A major accident in, or an attack on any power plant (Fukushima and others<sup>11</sup>) could have a major or similar impact than nuclear testing or use<sup>12</sup> on human rights<sup>13</sup>. Mining has major effects as well<sup>14</sup>.

5. A list of countries having nuclear activities, either mining, civil or military activities, is appended to this contribution.

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All the countries not mentioned are the ones in which no or much lesser direct violations of human right may occur because of nuclear activities.

Another list of all parties to nuclear disarmaments treaties, including nuclear free zones could be added later<sup>15</sup>.

6. Nuclear energy is by nature a major security issue, thus raising questions on safety, transparency and information, or too often on the use of, or excessive use of force. It also has incidence on civil control of public activities, moreover when they have security components or if the “precaution principle” seems insufficiently applied.

#### Nuclear activities in Switzerland

7. Switzerland had the intent, long ago, of developing a nuclear bomb<sup>16</sup>. It definitely renounced when it became member to the non-proliferation treaty in 1977.

They are no “know to us” indications that the human rights dimension of such a nuclear development would’ve been taken in account at the time.

8. Switzerland then developed a civil nuclear program aiming at building various nuclear power plants, which did indeed raise major issues and resistances, with human rights consequences, for the population.

9. Presently, four nuclear power plants are active, producing ~30% of the Swiss electric consumption, which shall all be shut down in due time (no clear time limit set yet). Legally no new plants can be built<sup>17</sup>.

10. There was a major nuclear accident (reactor melted, grade 4/7) in Lucens, in 1969<sup>18</sup>.

11. Persons living in the vicinity of all the power plants are required to have at home, and at times to renew iodine tablets.

12. We do not know of health studies, but most likely they are some. They are civil and certainly official “prospective studies” meant to prepare for cases of accidents<sup>19</sup>.

13. Electric companies running nuclear plants pay huge amounts in insurances and provisions for dismantling costs. The cost-effective balance, and whether it affects human rights by diverting resources elsewhere needed is here left open, figures and calculation not being presently at our disposal.

#### Nuclear activities and popular votes in Switzerland

14. Noteworthy, Swiss citizens, using direct democracy tools, voted 2 times on Swiss nuclear military activities<sup>20</sup>, and 7 times on civil nuclear issues; either on phasing out of electric nuclear energy, or moratoriums on new power plants<sup>21</sup>. One such suspension on the construction of new power plants was accepted and lasted from 2003 until 2013.

15. It often happens in the country<sup>22</sup>, what is demanded by the people calling for the referendum is first rejected by the nation’s vote, yet it is later accepted when the government finally proposes it itself<sup>23</sup>. It is so in the present situation, with an eight vote in 2017 on a new energy law, proposed by the government definitely banning the construction of new nuclear power plants which, contested by referendum, yet accepted by the people.

16. There may be an upcoming new vote on nuclear issues, on the ratification of the nuclear weapons ban treaty; signatures will soon start to be collected, 100’000 are needed to call for a popular vote<sup>24</sup>.

17. The influence of lobbies, rich electric ones, on the results of these votes could be considered under a human rights approach as they tend to mend, through massive and costly campaigns the freedom of opinion and the free making of public opinion<sup>25</sup>.

#### Civil resistance to nuclear planning in Switzerland

18. Civil resistance to the construction of power plants has been rather massive in the country, and quite often successful:

a. A power plant planned in Kaiseraugst near Basel, at the border with Germany was abandoned in 1988. A major civil resistance, occupation of the site, was never capable of stopping the authorities; though however, it could have been influential in the final decision to abandon the project (and to pay some indemnity to the promoters of the plant)<sup>26</sup>.

b. Another plant was planned in Verbois, near Geneva, which was finally banned by a local vote in the Canton<sup>27</sup>. The vote took place in 1986, a few months after the Chernobyl accident. Interestingly enough, the vote had two aspects: banning the plant indeed but it also initiated an energy policy in favor of the environment by the electric company, thus pioneering what is or should now be the norm. The new Constitution of the local Swiss State of Geneva, as adopted in 2002, confirmed the ban on nuclear energy<sup>28</sup>.

c. Another civil resistance concerns the burial of nuclear waste near Ollon, in Vaud, where a similarly long civil resistance succeeded in stopping the project.

It must, however, be noted that in Switzerland, as in many other places in the world, management of nuclear waste is still unclear and often contested<sup>29</sup>.

19. None of these civil resistance movements have gone without (and in our opinion undue) pressures from authorities and lobbies, some of them amounting to violations of freedoms of information and opinion, of the right to peacefully protest, of due respect of the right to partake in the decision-making process.

20. These may sometimes have been accompanied by police brutality or excessive use of force. Similarly, all participants to the resistances may not have been fully non-violent. However, may peace prevail, these past incidents are not here recalled further or documented, or worth recalling at least in public knowledge.

#### Civil resistances in other parts of the world

21. Things did not go as well in France. In 1977, Vital Michalon was killed during a protest<sup>30</sup>.

22. People in Algeria and in French Polynesia have also resisted nuclear testing and demanded with mingled success compensations for health and environment damages<sup>31</sup>.

23. Similarly, nuclear testing in the French Pacific or elsewhere in the Pacific has had influence on policies and human rights therein.

24. More information on such resistance or public and civil society participation may be found in some of the web site quotes in the footnotes<sup>32</sup>.

25. A special mention must be made to the work of ICAN, Nobel peace prize recipient for the treaty and effectively banning nuclear weapons<sup>33</sup>. This web site has a special page linking nuclear activities and human rights<sup>34</sup>.

Conclusions:

Some human rights considerations

- I. Because nuclear waste will last, needing tending for millenniums, the choice to use nuclear energy has violated, or seriously hindered the right of future generations to choose their future, their right to a healthy environment and to some extent their right to choose their type of civilization, including a *nonkilling* one. Such existence of a nuclear industry may as well hinder or retrieve from future generation their right to health.
- II. Conversely or surprisingly, resistance to nuclear activities have often created or raised public awareness and involvement in public affairs, thus creating new avenues for civic participation and greater consideration for the quality of our common future.
- III. Victims of nuclear use, testing and activities, including in Japan, have not always received proper attention and reparation. Proper dealing with the past is required.
- IV. A greater respect for life, as expressed by the Right to Life and the Nonkilling principle is required.

Some recommendations:

1. Nuclear activities are of such nature that they require public open scrutiny and surveillance, an activity clearly needed for the just exercise of human rights.
2. Greater involvement and a human right's centered approach are required from all institutions, including the International Atomic Energy Agency<sup>35</sup>, involved in nuclear activities.

We thank the Human Rights Council for the Marshall Islands resolution, and the Office of the High Commissioner for a broad approach in the questionnaire, and as well an open approach while preparing the report. We recommend to the Council to continue the work on the issue.

May life in peace prevail for all, in health and joy!

For the Center for Global Nonkilling,  
Christophe Barbey

<sup>1</sup> Christophe Barbey, "Non-militarization. Countries without armies, identification criteria and first findings", Åland Islands peace institute, 2015. Available here, second edition (2016): <https://www.demilitarisation.org/spip.php?article232>

<sup>2</sup> We may however, if useful, cite the following:

Jane Dibblin, "Day of Two Suns: U.S. Nuclear Testing and the Pacific Islanders", 1998, New Amsterdam Books.

Giff Johnson "Don't Ever Whisper", 2013, author's edition

We also recommend a more recent publication (though it does not mention the Human Rights Council's work :

<https://inkstickmedia.com/forgotten-fallout-the-unfulfilled-promise-of-nuclear-justice-for-the-marshallese/>

<sup>3</sup> Where the redactor if this submission resides.

<sup>4</sup> <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F51%2F35&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>5</sup> <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-addressing-challenges-and-barriers-full-realization-human-rights>

<sup>6</sup> We believe our sources to be sufficiently reliable, whatsoever.

[https://en.wikipedia.org/wiki/Nuclear\\_power\\_by\\_country](https://en.wikipedia.org/wiki/Nuclear_power_by_country)

<sup>7</sup> [https://en.wikipedia.org/wiki/Uranium\\_mining\\_by\\_country](https://en.wikipedia.org/wiki/Uranium_mining_by_country)

<sup>8</sup> [https://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_uranium\\_production](https://en.wikipedia.org/wiki/List_of_countries_by_uranium_production)

<sup>9</sup> Australia, Germany, Kazakhstan, Malawi, Namibia, Niger, and Uzbekistan.

<sup>10</sup> See chart in annex.

<sup>11</sup> [https://en.wikipedia.org/wiki/Nuclear\\_and\\_radiation\\_accidents\\_and\\_incidents](https://en.wikipedia.org/wiki/Nuclear_and_radiation_accidents_and_incidents)

<sup>12</sup> Advisory opinion of the International Court of Justice on the use of nuclear weapons. <https://www.icj-cij.org/case/95>

[https://en.wikipedia.org/wiki/Advisory\\_Opinion\\_on\\_the\\_Legality\\_of\\_the\\_Threat\\_or\\_Use\\_of\\_Nuclear\\_Weapons](https://en.wikipedia.org/wiki/Advisory_Opinion_on_the_Legality_of_the_Threat_or_Use_of_Nuclear_Weapons)

<sup>13</sup> Studies on the potentials impacts of such accidents are available here. [https://www.institutbiosphere.ch/crbst\\_6.html](https://www.institutbiosphere.ch/crbst_6.html)

In the French one, chapter 4 is on international risks. The summary in English also contains all the risks figures and conclusions.

<sup>14</sup> Describing these effects country by country is resource and time wise beyond our reach.

<sup>15</sup> The NGO « Reaching Critical Will » does a good survey on disarmament issues:

<https://www.reachingcriticalwill.org/disarmament-fora>

<sup>16</sup> Christian Bühlmann : « Le développement de l'arme atomique en Suisse », Lausanne, 2007.

<https://www2.unil.ch/mysteres/img07/bombe.pdf>

<sup>17</sup> [https://www.fedlex.admin.ch/eli/cc/2004/723/fr#art\\_12\\_a](https://www.fedlex.admin.ch/eli/cc/2004/723/fr#art_12_a)

<sup>18</sup> [https://en.wikipedia.org/wiki/Lucens\\_reactor](https://en.wikipedia.org/wiki/Lucens_reactor)

<sup>19</sup> <https://www.institutbiosphere.ch/#10>

<sup>20</sup> [https://fr.wikipedia.org/wiki/Initiative\\_populaire\\_%C2%AB\\_pour\\_l%27interdiction\\_des\\_armes\\_atomiques\\_%C2%BB](https://fr.wikipedia.org/wiki/Initiative_populaire_%C2%AB_pour_l%27interdiction_des_armes_atomiques_%C2%BB)

<sup>21</sup> [https://fr.wikipedia.org/wiki/Industrie\\_nucl%C3%A9aire\\_en\\_Suisse](https://fr.wikipedia.org/wiki/Industrie_nucl%C3%A9aire_en_Suisse)

<sup>22</sup> Among quite a few other examples, conscientious objection to military service underwent numerous negative popular votes yet was finally accepted when the government itself proposed it.

<sup>23</sup> Examples on request, all sorts of topics.

<sup>24</sup> <https://gssa.ch/initiative-pour-la-signature-du-traite-sur-linterdiction-des-armes-nucleaires-tian/>

<sup>25</sup> Covenant on Civil and Political Rights, article 25, letter b (emphasize added): [the right and the opportunity... ] : a) directly or through freely chosen representatives ... b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, **guaranteeing the free expression of the will of the electors.**

See also general comment 25 of the Human Rights Committee, § 19.

<sup>26</sup> [https://en.wikipedia.org/wiki/Kaiseraugst\\_Nuclear\\_Power\\_Plant](https://en.wikipedia.org/wiki/Kaiseraugst_Nuclear_Power_Plant)

<https://www.unige.ch/campus/numeros/125/dossier7/>

Guy Curdy : « Kaiseraugst: le défi, vie et mort d'un projet de centrale nucléaire », ed. d'En Bas, 1988.

<https://enbas.net/guy-curdy-kaiseraugst-le-defi/>

<sup>27</sup> There has been contestation on the legality of the vote, by a canton (local state of the federation), nuclear activities being a federal prerogative. Whatever, it was sufficient to see the plan abandoned.

<sup>28</sup> <http://www.cuepe.ch/html/enseigne/pdf/trp-09-10-01.pdf> p. 24-28.

<https://www.tdg.ch/geneve-deja-trente-ans-sans-latome-291882709503>

[https://www.fedlex.admin.ch/eli/cc/2013/1846\\_fga/fr#art\\_169](https://www.fedlex.admin.ch/eli/cc/2013/1846_fga/fr#art_169)

<sup>29</sup> « Ollon ne céd(e)ra pas. Épopée d'une résistance à l'enfouissement de déchets nucléaires ». Michel Renaud. 165 p.

Editions Mon Village, 2021 <https://editionsmonvillage.ch/produit/ollon-ne-cedera-pas/>

<sup>30</sup> <https://reporterre.net/Il-y-a-quarante-ans-l-Etat-tuait-Vital-Michalon-jeune-antinucleaire>

[https://fr.wikipedia.org/wiki/Vital\\_Michalon](https://fr.wikipedia.org/wiki/Vital_Michalon)

<sup>31</sup> [https://fr.wikipedia.org/wiki/Essais\\_nucl%C3%A9aires\\_fran%C3%A7ais](https://fr.wikipedia.org/wiki/Essais_nucl%C3%A9aires_fran%C3%A7ais)

<sup>32</sup> <https://www.criirad.org/sinformer/>

<sup>33</sup> <https://www.icanw.org/>

<sup>34</sup> <https://www.sortirdunucleaire.org/Raison-no6-les-droits-humains>

<sup>35</sup> <https://www.iaea.org/>