



UN World Conference on
Disaster Risk Reduction
2015 Sendai Japan

SIDE EVENT ID 245

Within the framework of the UN World
Conference on Disaster Risk Reduction



CRIDEAU
Centre de Recherches Interdisciplinaires
en Droit de l'Environnement
de l'Aménagement et de l'Urbanisme



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TENTATIVE PROGRAM

“Introduction”

Pr. Michel PRIEUR, President of the International Centre of Comparative Environmental Law (CIDCE), (France)

“The principle of humanity in the event of disasters”

Catherine LE BRIS-HERVÉ, Researcher at the National Centre for Scientific Research (CNRS), UMR Comparative Law Paris, University of Paris I Panthéon-Sorbonne, (France)

“Avoiding the Tragedy of Human Rights”

Émilie GAILLARD, Lecturer in private law at the University of Caen (UCNB), (France)

“Cultural Heritage and Natural Disasters”

Jerôme FROMAGEAU, Dean of the Faculty Jean Monnet, Law, Economics and Management, University of Paris Sud 11, (France)

“Environmental Impact Assessment and Human Rights”

Andressa DE OLIVEIRA LANCHOTTI, Attorney in the State of Minas Gerais (Brazil), Graduated in Master 2 “International and Comparative Law of the Environment” of the University of Limoges (France), Doctoral candidate in Human Rights and Fundamental Freedoms at the University of Castilla-La Mancha (Spain)

“The Council of Europe human rights approach to disability”

Mechtilde FUHRER, Deputy to the executive secretary, Democratic Governance Directorate, Council of Europe, (Strasbourg)

“Disasters and Human Rights in South Korea”

Pr. Kwangyoun LEE, Professor at the University of Sungkyunkwan, Seoul, (South Korea)

“Constitutions and disasters”

Pr. Marie-Anne COHENDET, Professor of public law at the University of Paris I Panthéon-Sorbonne, (France)

“International law Commission on protection of persons in the event of disasters”

Pr. Eduardo VALENCIA-OSPINA, Special rapporteur on the Protection of Persons in the Event of Disasters, (Colombia)

Background

Both natural and technological disasters tend to proliferate but the human rights approach remains very weak. The vulnerability of certain victims, which reflects existing social inequalities, is exacerbated in situation of disasters. To know and to take into account human rights in disaster law and disaster management could help mitigate the dramatic consequences of disasters.

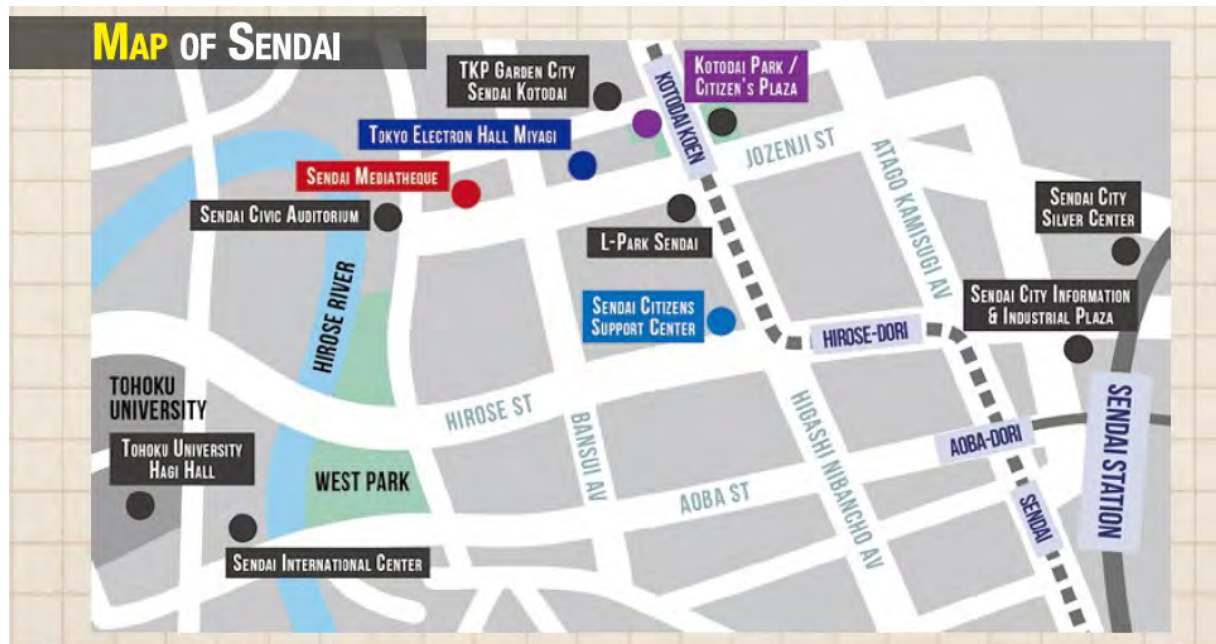
A research group called CADHOM, with the help of the French national research agency (ANR), worked from 2010 to 2014 in north and south countries to study international and comparative national law about human rights in disaster international and national law. The confrontation between disaster law and human right law was carried out reviewing the situation in France, in Africa (Cameroon, Tunisia), South America (Argentina, Brazil), Asia (Vietnam) and Europe (Turkey).

The weak legal and practical links between disaster law and human right law has been noticed at international, regional as well national level. However , in recent years some progress was perceived in the relations between these two areas of law, mainly due to the work of international bodies such as United Nations Human rights Council after Katrina Hurricane, Haiti earthquake and Fukushima both natural and nuclear disaster.

The recent contribution of the United Nations International Law Commission with its draft articles on “protection of persons in the event of disasters” is a fundamental output for the future.

Sendai conference is an opportunity to reinforce the links between human rights and disaster risk reduction. The questions to be discussed will be: Is a strong legal and practical human right approach a significant tool for people’s resilience to disasters, before, during and after the disaster, as it had been pointed out by the Council of Europe in its Ethical principles on disaster risk reduction; Are there derogations to human rights international conventions in situation of emergency? What are the out put of the International law commission draft articles for disaster resilience? Would these draft articles become international convention, guidelines or international customary law? How human rights compliance committees take into account human rights violation? How, through case studies, some past disasters have taken into account human rights issue in practice?

Practical information



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**THE
NANSEN
INITIATIVE**

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT



**geama
usp**
university of são paulo
environmental law
research group



**Université
de Limoges**

CRIDEAU
Centre de Recherches Interdisciplinaires
en Droit de l'Environnement
de l'Aménagement et de l'Urbanisme



DISASTERS AND DISPLACED PERSONS

Sunday, 15 March 2015 – 13:00 – 16:00 – Tohoku University –
Room C101

**FREE ENTRANCE, LIMITED SEATING
ENGLISH LANGUAGE WITHOUT INTERPRETATION**

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“Introduction”

Pr. Michel PRIEUR, President of the International Centre of Comparative Environmental Law (CIDCE), (France)

“The Council of Europe’s human rights approach: Civil protection in diverse societies: migrants, asylum seekers and refugees in the context of major risks prevention and management”

Mechtilde FUHRER, Deputy to the executive secretary, Democratic Governance Directorate, Council of Europe, (Strasbourg)

“Integrating human mobility into disaster risk reduction”

Pr. Walter KAELIN, Envoy of the chairmanship of the Nansen Initiative, (Switzerland)

“Displaced by disasters: Do industrialized countries really know better?”

Pr. François GEMENNE, Professor at the University of Liège, of Belgium and of Versailles – Saint Quentin, (France)

“Is it salutary to take refuge in the illusion of protection?”

Cécile ASANUMA-BRICE, CNRS, (Japan)

“Planned relocation as a disaster risk reduction strategy”

Sanjula WEERASINGHE, Institute for the study of international migration, Georgetown University, Washington, United-States

“Social vulnerability and resilience: a Brazilian approach to the problem of displaced people”

Patrícia FAGA IGLECIAS LEMOS, Associate Professor, Faculty of Law - University of Sao Paulo (Brazil) and **Tatiana BARRETO SERRA**, Brazilian prosecutor and doctoral candidate in the Faculty of Law, University of São Paulo (Brazil)

Background

Because of natural hazards such as floods, earthquake, droughts, typhoon, sea level rise because of climate change and because of technological hazards or projects such as nuclear or chemical accidents, construction of dams or mineral exploitation, millions of people are forcibly displaced. Most are displaced within their own country, they are internal displaced people. Some cross borders, they are external displaced people. In both situations they have always to face difficulties about bureaucratic and legal recognition, discrimination, lack of information on their rights, provisory camps and housing, violation of children, women and disabilities person's rights.

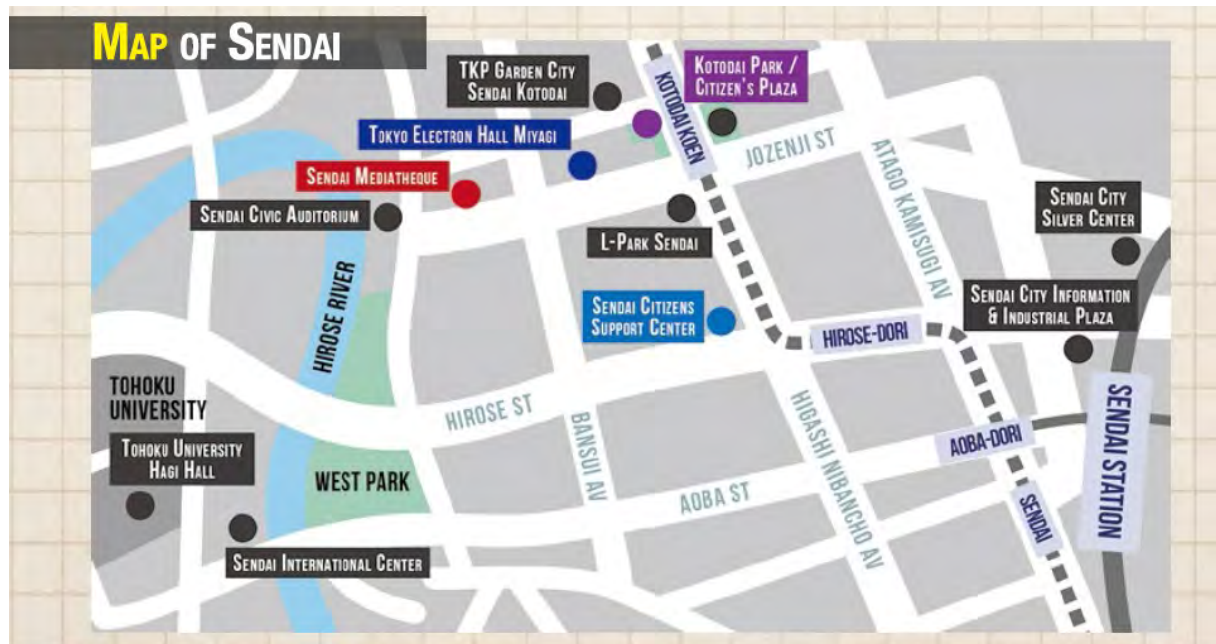
Without a legal status at international level, these displaced persons in disaster context need international protection to improve their human rights.

Many works and research have been done in several international organizations and in University research center. In particular the Limoges University with the international center of comparative environmental law drafted a special and innovative convention on the international status of environmentally displaced persons. The International Law commission drafted articles on protection of persons in the event of disasters without taking seriously account of human rights of displaced persons. Guidelines have been circulated on principles on internal displacement. Works are being done by the Nansen Initiative on the needs of people displaced across international borders.

The Sendai Conference is the right place in the right time to progress on preparation of national and international legislation on displaced persons both internal and external. A Universal declaration on the fundamental rights of environmentally displaced persons has been submitted to the Sendai Conference for adoption.

The side event should discuss on: what are the gaps in international law and national law about displaced persons? How International human rights law is sufficient? How international refugee law can apply to these people? Is there a specificity of displaced persons in the Pacific region with climate change issue? What is the international strategy to set up for a better human right approach of environmental migrants? Why choosing between soft law or binding conventions? Why choosing between regional convention or universal instrument?

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Source: Decapactu 572

HEALTH AND HUMAN RIGHTS: QUESTIONS ABOUT NUCLEAR ACCIDENTS

Monday, 16 March 2015 – 13:00 – 16:00 – Tohoku University –
Room C101

**FREE ENTRANCE, LIMITED SEATING
ENGLISH LANGUAGE WITHOUT INTERPRETATION**

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TENTATIVE PROGRAM

“Introduction”

Pr. Michel PRIEUR, President of the International Centre of Comparative Environmental Law (CIDCE), (France)

“Humans and the health of Rights”

Cécile ASANUMA-BRICE, CNRS, (Japan)

“Fukushima and human rights issues”

Kazuko ITO, Attorney at law, Secretary General of the NGO Human rights Now, (Japan)

“Nuclear disaster and global ethic”

Pr. Mitsuhei MURATA, Former Japanese Ambassador to Switzerland, (Japan)

“Application of Principle 10 to nuclear issues”

Pr. Noriko OKUBO, Professor at the University of Osaka, (Japan)

« Health impact of radiological incidents: the need of accurate ex-ante information »

Francesc PLA, Deputy Executive Secretary, European and Mediterranean Major Hazards Agreement EUR-OPA, Council of Europe, (France)

“How to protect human rights of children from low level internal radiation”

Pr. Eisuke MATSUI, Director of the Gifu Environmental Medicine Research Institute, (Japan)

“From Chernobyl to Fukushima: arguments of a doctor against civil use of nuclear power plant”

Dr. Andreas NIDECKER, Medical doctor, International physicians for the prevention of nuclear war (IPPNW), (Switzerland)

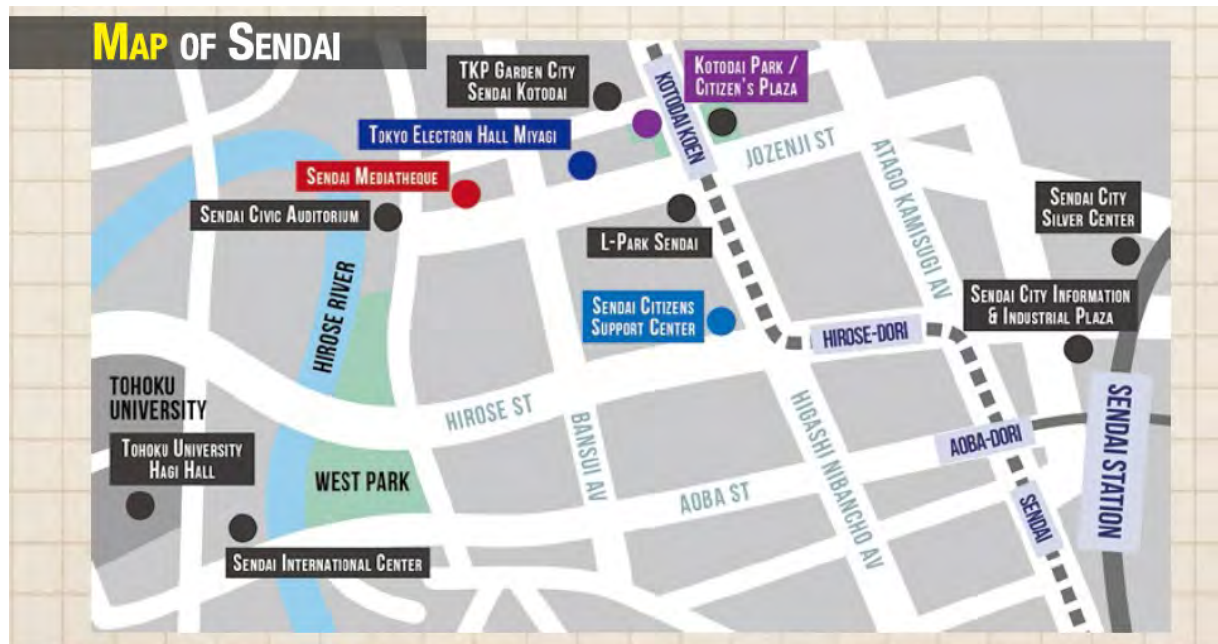
Background

After Three Mile Island, Chernobyl and Fukushima, further nuclear disasters unfortunately may again become a reality. At international and national levels there exist guidelines for preparedness and response in an emergency situation. However most of the documents on nuclear emergency do not deal with the human rights aspects involved in these situations. It is a common responsibility to anticipate all aspects of nuclear disaster management, taking into account legal, medical, social and economic aspects. After a workshop in Geneva on human rights and nuclear disasters, sharing views between lawyers and doctors on 28 February 2014 and a conference in Tokyo at the Waseda University on 14-15 October 2014, a group of lawyers and physicians from France, Japan and Switzerland wrote recommendations in part based on the statement of the special rapporteur of the Human rights Council of the United Nations Anand Grover on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health after Fukushima.

How should we protect human rights during and after a nuclear disaster? Are International and national regulations up to date with the international human rights law? How to manage health issues and genetic consequences of ionizing radiation including low dose radiation? How to organize large scale evacuation in densely populated area? When, who and which body should render information to the population? When to distribute iodine prophylaxis? How to provide continued monitoring of the impact of radiation on health and should this be done by independent groups? How to manage sites where radioactive wastes are stored? How to ensure fair and quick compensation for affected persons?

The side event will consider these and other issues and will contribute to a better understanding of human rights implication in management of nuclear disasters.

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