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ECOLOGICAL DISASTER AREA: THE CHERNOBYL CASE STUDY

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The accident at the Chernobyl atomic power station on April 26, 1986, was dangerous and vast, with long-term adverse consequences. It now is viewed as one of the national disasters of the century. The most significant damage resulting from the accident was the radioactive contamination of an enormous amount of territory, where conditions became harmful to life. Equally damaging have been the losses and discomforts that residents of the contaminated areas have endured. The incident gave rise to the necessity of developing a special legal regime for the damaged territories and creating a new legal institute to defend people in the Chernobyl "ecological disaster area". Without considering all of the circumstances and consequences of the Chernobyl accident, I would like to describe in brief the essential factual and legal features of the Chernobyl ecological disaster area.

Having undertaken emergency measures to stop the emission of radioactive particles from the ruined atomic reactor of the Chernobyl power station, officials decided to evacuate all inhabitants from lands within a radius of thirty kilometers from the power station as soon as possible. These lands were undoubtedly the most polluted with radionuclides and, in fact, they compose the core of the ecological disaster area. The emission of radionuclides from the reactor continued for ten days. During that time, the direction of the wind changed 360°, heavily polluting enormous areas of the Ukraine, Byelorussia, and the Russian Federation. Radioactive rains fell even on territories of a number of European countries.

It is crucial to recognize that during the three to four years after the accident, there were no proper investigations of the extent of

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the damage or of all the ecological and human consequences. No one knew the real scale of environmental catastrophe. Time was lost, and the rehabilitation process went slowly. Corrective measures and the compensation of victims were not satisfactory. Only in 1989, thanks to public protests, did the Soviet people and government actually come to understand that a great tragedy had taken place.

The government finally undertook intensive research—at the federal, republican, and regional levels—into the vital conditions and the state of the environment. It became clear that high-level radiation "spots" were scattered all over fourteen regions in three republics encompassing three million hectares, and that about five million people were victims. Only after the completion of these studies did the government initiate special organizational, legal, economic, and technical measures. We now recognize that it will take us one hundred years or more to restore the quality of the environment and livable conditions in these regions.

At the end of 1989, the governments of three republics adopted special programs to cope with the aftermath of the Chernobyl accident. Parliamentary hearings on the accident took place at the republican and federal levels during the spring of 1990. On April 25, 1990, the Supreme Soviet of the U.S.S.R. adopted a special decree establishing a unified program of urgent social aid measures for victims. It allocated fourteen billion rubles for this program from the federal budget. In addition, both the federal government and the three republics created special administrative bodies and state committees to ameliorate the consequences of the accident.

The parliaments of the three republics, as well as the federal government, adopted special laws providing aid for Chernobyl accident victims and creating a legal regime for managing the radioactively polluted territories. The federal law, passed May 12, 1991, that enacted these provisions is entitled "On the Special Protection of Individuals Who Are Victims of the Chernobyl Accident." The law sets forth the following categories of individuals who must be considered Chernobyl accident victims: persons who suffered radiation sickness and were disabled as a result of the accident; persons who participated in efforts to stop the accident or clean up radioactively polluted areas; persons who were staff members of the Chernobyl atomic power station; and persons who were evacuated from or still live in radioactively polluted territories. The law provides special privileges, compensations, and other sorts of material aid not only to Soviet citizens, but also to foreigners and persons without citizenship who took part in any postaccident relief work.

The federal law includes a special chapter entitled "On the Regime of the Territory Radioactively Polluted by the Chernobyl Catastrophe." Articles in this chapter effectively create the legal regime for the Chernobyl ecological disaster area despite the fact that there is no general definition of the term "ecological disaster area" in the legislation. Article 6 of the law divides the territories contaminated as a result of the accident into four zones: an Evacuation Zone, a Resettlement Zone, a "Living under a System of Special Protections" Zone, and a "Living under Special Privileges" Zone. The republics' governments must define the actual boundaries of each zone and then redefine them every three years after evaluating the remaining radiation and other environmental factors. Decisions on the boundaries of zones must be coordinated with the federal government.

In the Evacuation Zone are all the territories from which all residents were evacuated in 1986. These territories are now empty. Permanent residence in them is prohibited, and economic activity and natural resource use within their boundaries are quite limited. The Resettlement Zone is composed of those territories outside of the Evacuation Zone where the levels of radioactive pollution of soils by cesium-137 are above 15 curies per square kilometer (c/km), by strontium-90 are above 3 c/km, or by plutonium-239 and plutonium-240 are above 0.1 c/km. It is mandatory that all residents be removed from those areas in the Resettlement Zone where the average annual effective equivalent dose of irradiation per person amounts to five millisivert (0.5 ber) or more. People who are living in the other areas of this zone have the right to decide if they wish to move or continue living in their native place.

The "Living under a System of Special Protection" Zone covers the territories, outside of the two already mentioned zones, where the density of radioactive pollution of soils by cesium-137 ranges from 5 to 15 c/km. Residents have the right to continue to live in this zone. They also have the right to move from places where the average annual effective equivalent dose of irradiation per person exceeds one millisivert (0.1 ber). The "Living under Special Privileges" Zone includes territories, beyond the other three zones, where the density of radioactive pollution of soils by cesium-137 is from 1 to 5 c/km. Within this zone, the average annual effective equivalent dose of irradiation per person must not exceed one millisivert (0.1 ber).

In each of the four zones, there are special systems for medical care and environmental monitoring, controls over all activities that have an impact on the environment, programs to disseminate infor-

mation, tax privileges, and other measures to promote ecologically sound behavior. Within the Chernobyl ecological disaster area, the Union and republican governments are developing and introducing new forms for the structure and operation of their own agencies, as well as for local authorities and law enforcement bodies.

It is clear now that the Chernobyl ecological disaster area is unique not only because it exists for the implementation of special government measures to protect people and the environment, but also because its creation was a singular experience for any government: the development of new laws and administrative machinery to manage the extreme conditions that will exist during the next hundred years. Of course, not every problem of governing in the Chernobyl ecological disaster area has been solved. There are many unanswered questions regarding the use and protection of land, minerals, waters, forests, and wildlife, including migratory species. Special research programs on these issues are expected to provide guidance in the near future on how to function effectively in the ecological disaster area.