

- **Where:** Japan, Fukushima Prefecture
- **When:** 11 March 2011;
- **What:** CBRN Agent Released: **Nuclear**;
- **Who:** Actor(s) involved: Private Corporation
- **Why:** CBRN Event: Accidental



THE FUKUSHIMA DISASTER

Keywords: nuclear agent – accidental release – natural hazard – private corporation

The facts

The Great East Japan Earthquake of magnitude 9.0 that hit Japan on March 11, 2011 triggered a large tsunami that inundated about 560 sq km, resulted in a human death toll of about 19,000 and in much damage to coastal ports and towns. The earthquake and tsunami also initiated a severe accident at the Fukushima Daichii Nuclear Power Plant (NPP).

Three of the six reactors at the plant sustained severe core damage and released hydrogen and radioactive materials. The hydrogen explosions damaged the reactor buildings while the offsite releases of radioactive materials contaminated land in Fukushima and several neighboring prefectures. The accident, classified as level 7 INES as the Chernobyl disaster, prompted widespread evacuations of local populations and major distress of the Japanese citizenry.

A Japanese parliamentary commission [found](#) that the disaster, although triggered by two extreme natural hazards, was the result of man-made errors and negligence that left the Fukushima Daichii NPP completely unprepared to respond. According to the commission's report, inadequate laws and regulations on nuclear accidents' prevention and preparedness were among the fundamental causes of the accident.

Legal response

Despite the concerns raised by NPPs and the likely transboundary implications of a nuclear accident, States continue to resist significant intrusions upon their sovereignty in the area of nuclear safety and nuclear emergency preparedness and response. The Fukushima disaster demonstrated the multiple weaknesses of the international legal framework on nuclear safety, including the lack of an independent verification mechanisms. Fukushima prompted the International Atomic Energy Agency (IAEA) to adopt an [Action Plan on Nuclear Safety](#) aimed at defining a programme to strengthen the global nuclear safety framework.

Selected practice of UN Human Rights Bodies

- Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Mission to Japan' (2013) [UN Doc A/HRC/23/41/Add.3](#)

IN PILLS

- **Where:** Japan, Fukushima Prefecture
- **When:** 11 March 2011;
- **What:** CBRN Agent Released: **Nuclear**;
- **Who:** Actor(s) involved: Private Corporation
- **Why:** CBRN Event: Accidental



Author:

- Committee on Economic Social and Cultural Rights, ‘Concluding Observations on the third periodic report of Japan’ (2013) [UN Doc E/C.12/JPN/CO/3](#), para 24
- Human Rights Committee, ‘Concluding observations on the sixth periodic report of Japan’ (2014) [UN Doc CCPR/C/JPN/CO/6](#), para 27

Related legal tools:

- [Convention on Nuclear Safety](#)
- [IAEA Fundamentals Safety Principles](#)
- IAEA Safety Standards on [Regulatory Framework for Safety](#) and on [Preparedness and Response](#)
- [Early Notification Convention](#)
- [Assistance Convention](#)

Further readings:

- <https://www.iaea.org/newscenter/focus/fukushima> (International Atomic Energy Agency)
- J. M. Acton and M. Hibbs, ‘Why Fukushima was Preventable’ (Carnegie Papers, 2012)

Audio-visual materials:

- [Fukushima - A Nuclear Story](#)

Witness Reports:

- <https://redkimono.org/fukushima-memoirs/>

About this publication

This memo is the outcome of research carried out in the scope of the project CBRN-ITALY on International legal obligations related to Prevention, Preparedness, Response and Recovery from CBRN events and status of their implementation in Italy.

CBRN-ITALY has been funded by the Italian Ministry of Education, University and Research (MIUR) under the PRIN Programme (Progetti di Rilevante Interesse Nazionale) under grant n° 20175M8L32, with a duration of 36 months (March 2020 – February 2023). The research is carried out by four Universities: Scuola Superiore Sant’Anna, Institute of Law, Politics, Development (DIRPOLIS), Università di Bologna, Università di Firenze, Università di Torino.

The project aims at developing a common understanding of CBRN events and of actors involved (stage 1), at mapping obligations stemming from the wide range of applicable norms of International Law and European Union Law (stage 2), at exploring the implementation of applicable international obligations in Italy (stage 3) and at providing recommendations to address the gaps in the International, European and Italian legal and policy frameworks in all phases of the CBRN emergency management cycle (stage 4). The research activities are thus structured around four stages: 1. Definitions, 2. Mapping International and Regional Obligations, 3. Assessing the situation in Italy, 4. Providing recommendations.

For further information on the PRIN Project CBRN-ITALY, please visit:

<http://www.cbrn-italy.it/en>

Disclaimer

Reproduction and translation for non-commercial purposes are authorized, provided that the source is acknowledged, and the authors are given prior notice and sent a copy.

The authors can be contacted through the form available at the following link:

<http://www.cbrn-italy.it/en/node/16>