

ABSTRACT

Japan's discharge of radioactive-contaminated water from the Fukushima Daiichi Nuclear Power Station (NPP) into the Pacific Ocean, which officially began on 24 August 2023 and was set to continue for three decades, sparked controversy and widespread condemnation from various quarters, raising complex issues of international law related to protection of the marine environment. Despite the endorsement of the International Atomic Energy Agency (IAEA), a number of scientific studies indicated that radionuclides other than tritium were still present in the wastewater. Meanwhile, the 1982 UNCLOS did not specifically address state responsibility for the disposal of radioactive waste, leaving a legal uncertainty requiring further examination. The objective of this research was to analyze the regulations concerning the disposal of radioactive waste in maritime areas under international law, and to assess the legal consistency of international law in determining Japan's responsibility for the disposal of radioactive waste from the Fukushima Daiichi nuclear power plant into the Pacific Ocean. This study applied a normative legal approach through laws and regulations, as well as a case-based approach with a descriptive-analytical specification. The research findings showed that marine radioactive waste disposal remained inadequately regulated internationally, creating an enforcement gap from weak sanctions and the absence of a mandatory dispute forum. However, fragmentation did not exempt Japan from responsibility as set out in the Draft Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA), as state attribution and breach of obligations were met, making its actions inconsistent with international environmental law principles.

***Keywords : State Responsibility, Radioactive Waste
The 1982 UNCLOS, Fukushima Daiichi NPP***