The TEPCO Fukushima Daiichi nuclear power plant accident made evident the importance for countries to be prepared to deal with the legal implications of a nuclear accident. The accident did not cause bodily injury or casualties due to the release of radioactive substances within the population living around the nuclear power plant, but it affected the lives of tens of thousands of displaced citizens, resulted in very large economic losses and caused considerable environmental damage. It also fully demonstrated that a clear and comprehensive legal framework is necessary to allow the operator of a nuclear installation and, if necessary, its government, to quickly react and adapt to the specific circumstances of events in order to ensure timely and financially adequate compensation to victims.

Since the beginning of the nuclear industry, special regimes governing liability for nuclear damage suffered by third parties have been put in place, both at the international level through international conventions, and at the national level through domestic legislations. These regimes have been largely adhered to by nuclear power generating countries, especially at the national level, but they have also been adopted by many non-nuclear power generating nations. Countries that follow the regimes wish to ensure timely and adequate compensation of victims of nuclear accidents. These countries take the position that ordinary tort law is not well suited to deal with exceptional risks related to nuclear installations and have opted for regimes that are founded upon a series of specific basic principles.

Although Japan was not a party to any of the international nuclear liability conventions at the time of the accident, its national legislation conforms to their basic principles. The existing Japanese legislation on nuclear third party liability, coupled with the innovative mechanisms adopted to supplement that legislation, fulfilled the purpose of allowing the nuclear operator, TEPCO, to compensate victims of the accident in a timely and adequate manner given the circumstances.

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