

Japan's New Hibakusha and the Collapse of the Nuclear Power "Safety Myth"
Position Paper of the Japan Association of Lawyers Against Nuclear Arms

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Japan Association of Lawyers Against Nuclear Arms

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We offer our condolences for all those who lost their lives in the 2011 off the Pacific coast of Tohoku Earthquake. We also express our concern and support to all victims of this disaster, including those who were injured, lost family members and homes, and those who must now live in evacuation shelters. May we all work hard for rapid recovery and reconstruction.

An accident at a nuclear power plant has also occurred with this massive earthquake and tsunami. The Japan Association of Lawyers Against Nuclear Arms takes the following position in regard to this nuclear accident.

1. Radioactive materials (including caesium and iodine) have leaked from the Fukushima Daiichi Nuclear Power Plant, exposing people including nearby residents and workers to radiation. They are new hibakusha, but must be the last. We cannot allow for any more hibakusha. Radioactive materials from the power plant have been detected in various locations. There is no telling how extensive the damaging effects of the radiation will be on people and the environment. The scale of this disaster surpassed that of Three Mile Island and is being compared with Chernobyl.

The nuclear power "safety myth" has collapsed. We demand that Tokyo Electric Power Company, the Japanese government, and other related organizations do their utmost to prevent further damage and that everything possible be done to provide relief to victims.

2. At this power plant, they were unable to prevent leakage of radioactive materials coming from nuclear fission reactions inside the nuclear reactor. Tokyo Electric Power Company and

the government have ignored opinions pointing out the dangers accompanying the use of nuclear fission energy, and have instead propagandized the safety of nuclear power. The courts have also accepted this position.

Reality has proven otherwise. Many people are now suffering the consequences of a rudimentary error—a cooling system malfunction which made it impossible to decrease the temperature at the reactor core.

According to Section 3 of the Act on Compensation for Nuclear Damage, “where nuclear damage is caused as a result of reactor operation...the nuclear operator who is engaged in the reactor operation... on this occasion shall be liable for the damage.”¹ We will now make it clear who is responsible for the new hibakusha.

3. The pro-nuclear lobby is claiming that the cooling system malfunctioned because of power failure and problems with the backup diesel-powered generators resulting from an earthquake and tsunami of unforeseen scale. This sounds as if they are blaming the cause on a natural disaster that surpassed expectations. They may be keeping in mind the proviso in Section 3 of the Act on Compensation for Nuclear Damage that stipulates that the nuclear operator shall be liable “except in the case where the damage is caused by a grave natural disaster of an exceptional character.”

It is common knowledge, however, that natural disasters such as earthquakes and tsunami occur frequently in the Japanese Archipelago. In 2006, Member of the House of Representatives Hidekatsu Yoshii (Japanese Communist Party) had already pointed out that “if decay heat cannot be removed, the worst case scenario could involve a meltdown, phreatic explosion, hydrogen explosion, etc.” He persistently demanded that the government explain how it would respond if sufficient power could not be secured in the case of an earthquake or tsunami. In 2007, the members of the Fukushima Prefectural Assembly of Japanese Communist Party demanded that Tokyo Electric Power Company take necessary measures saying, “if an earthquake of the same magnitude as the Chile Earthquake were to create a tsunami, there is the danger that cooling water would be lost and cause a terrible accident at the Fukushima power plant.”

¹ For full text of the Act on Compensation for Nuclear Damage, <http://www.oecd-nea.org/law/legislation/japan-docs/Japan-Nuclear-Damage-Compensation-Act.pdf>.

The government responded as if it were someone else's problem with, "We are of the understanding that measures have been taken to ensure that the reactor can be cooled." Tokyo Electric Power Company refused to take such measures.

Although the current situation was foreseen, both the government and Tokyo Electric Power Company failed to take any measures. Their poor foresight and failure to take preventative measures must be pointed out to make clear the tremendous professional negligence on the part of the nuclear plant operators. And we must not overlook the irresponsibility of the government. We cannot accept the "grave natural disaster of exceptional character" as an excuse. This nuclear power plant accident also contains aspects of a "man-made" disaster.

4. Among the government and certain intellectuals, there are those who say that this degree of radiation leakage will not impact health. The government, however, has a history of ignoring internal radiation exposure from the atomic bombing, as seen in the process of official recognition of atomic-bomb illness. There are intellectuals who have rationalized this claim as well. The mechanism of radiation exposure — internal radiation exposure in particular — is still unclear, but its dangers were made evident in the process of court suits regarding official recognition of atomic-bomb illness.

It is plain arrogance to underestimate the dangers of radiation on the human body that are still not fully understood. Humanity's knowledge and technology are yet insufficient to control radioactivity. We must make this truth known.

The government should not just state the existence or degree of danger, but on the principle of "do not hide, do not lie, do not purposely underestimate," the government should immediately disclose objective data and request expert analysis.

We demand that Tokyo Electric Power Company immediately provide the government with timely data. We also demand that the government discloses information and gather expert analysis to "prepare for the worst and do its best."

5. Nuclear energy has been touted as a clean energy response to global warming. However, its use of nuclear fission makes it inherently dangerous. The current situation speaks for itself. Nuclear energy is neither safe nor clean.

In addition, while the earthquake and tsunami of this time might have been the largest in Japan's recorded history, they were not the largest in human history. They were foreseeable and should have been foreseen.

The pro-nuclear lobby has been much too ignorant, insensitive and irresponsible regarding the dangers of both radioactive materials and threats of nature.

Sources of energy are essential to human society, but human safety must not fall a sacrifice to securing energy. It is sheer recklessness to entrust safety-management to businesses driven by the profit principle. Looking at Tokyo Electric Power Company's response to this incident, it is clear that there has been insufficient information disclosure and irresponsible handling of the situation.

In addition, it is detrimental to have a state institution that cannot control corporate bodies. It is necessary to examine the role and work of the Nuclear and Industrial Safety Agency located within the Ministry of Economy, Trade and Industry.

6. The government's ignorance and irresponsibility towards the dangers of nuclear power is also evident in its position on trying to ensure our country's security with nuclear weapons.

We demand that there be a sincere verification of the negative impacts of nuclear energy on human health and environment, and serious examination of whether it is possible and realistic to control those impacts.

Nuclear weapons cannot coexist with humanity, so we call not only for their abolition, but we also demand that our country's nuclear power industry be re-examined, based on the premise that respect for human life is of utmost importance. [E]