

Thoughts on the Hearing of Fukushima Nuclear Disaster Kanagawa Trial, Yokohama District Court

SOLIDARITY AND LEGAL EMPOWERMENT OF THE CITIZENS

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On September 3, 2014, the fifth hearing of the Fukushima Nuclear Disaster Kanagawa Trial (*Fukushima genpastu Kanagawa soshō*) took place at the Yokohama District Court. The day was sunny and warm. Outside the court building there were number of people waiting with megaphones, banners and placards, conveying information and protests against Fukushima nuclear power plant and consequence of the disaster that happened three and half years ago. The event was thought-provoking and hope-bringing at the same time.

Three and half years passed at that time from the accident but there was no sign of the authorities being able to manage the consequences. Nevertheless, with the Tokyo Olympics in sight and the nuclear power plants' restarts pending, the government announced the closure of the Fukushima disaster problem. Yet, over 100,000 people are still living in temporarily housing, while the contaminated water leaking from the damaged reactors. Misinformation, manipulation, and cover ups both by the government and the Tokyo Electric Power Company (TEPCO) resulted in distrust and anxiety among the public. Many people left Fukushima on their own seeking a safer shelter, of which Kanagawa prefecture became one the "refugee camps" with 2,400 people moving in there. The consecutive groups of evacuees from Fukushima had been filing lawsuits against the state and TEPCO, demanding compensation for the damages incurred.

Why do people have to go to the court to get a proper compensation for the disaster caused by the electric power company, which had hugely profited from the nuclear power plant until the accident? Why does the government avoid taking responsibility for results of its own national policy of promoting nuclear power? Naïve questions one could say, but the just ones, as the trial certifies.

The trial shows the importance of two aspects of the citizens' struggle against the ruling elites, first, of the public solidarity and support for

the victims, and second, of the existence of layers with strong sense of social responsibility and justice.

The evacuees from Fukushima prefecture underwent a traumatic experience of a multifold disaster followed by immigration, loss of homeland, jobs, and friends. Uprooted from their local community evacuees felt alienated and helpless, many of them probably not even aware of their rights to demand proper compensation. In those circumstance the support of groups such as Fukunaka, association of local citizens of Kanagawa prefecture supporting the trial, is of special importance. It shows solidarity with fellow citizens, making the evacuees feel more at home in a new place. Furthermore, their presence in the court room, puts also a pressure on the judges, showing them the weight of this problem, as well as the public sentiments.

The second aspect of the trial, namely the existence of the lawyers in support of the evacuees, is also of special importance. The judicial system, as all other social, political and economic subsystems, developed a technical and specialist jargon understandable only for few professionals. Having allies, such as the Kanagawa Defense Layers Council to Support Fukushima Nuclear Power Plant Victims (*Fukushima Genpatsu Higaisha Shien Kanagawa Bengodan*), knowing legal acts, procedures and strategies, is of the utmost important in the legal battle with the corporate and state authorities. Equally important is the fact of having lawyers with high sense of social justice and public good. Such court cases as this are seldom highly profitable, requiring strong commitment and persistence. They are also time consuming because of the social activities involved in it. Each time after the court hearing, the Council organizes an information meeting with plaintiffs and support members, during which the layers explain the meaning of procedures and legal terms. With time, not only the evacuees themselves but also the public acquires and deepen the knowledge of the judicial system and practices. The learning effect is taking place. It is, in other words, the legal empowerment of citizens against the state and corporations. The council is formed by a group of layers from Kanagawa and Fukushima prefectures, some of whom had been previously involved

in cases such as the Minamata lawsuit, but there is also younger generation of lawyers in their twenties and thirties. The Council serves also therefore as an educational institution for socially sensitive and pro bono oriented legal practitioners.

What kind of implications for the future the Fukushima nuclear disaster is providing? One, I think, relates to citizens solidarity and the community support. No one really knows if one would not be exposed to such accidents in the future, meaning that one himself or herself might as well be in need of community and legal support one day. To rephrase a famous proposition by an American philosopher John Rawls of “veil of ignorance”, we could say that helping others is helping yourself. The second point relates to political awareness.

Even the most democratically elected governments make mistakes, not to mention corruption and other malpractices. It is up to citizens to check the decision makers, and critically assess their policies, first of all through such democratic procedures as elections. Lack of interest in politics might ultimately result one day in such disasters as Fukushima. It is, in other words, to some extent, up to us, the citizens to act before it happens again.

Finally, as a citizen of Poland, I cannot help but to mention the implication for other countries. Polish government is quietly but steadily proceeding forward with the plan for the construction of the first commercial nuclear power plant. The laws have been amended, the consortium created and the representatives of international plant makers, including the Japanese ones led by Prime Minister Abe Shinzō, paying visits and signing the contracts. The general public is completely unaware of it, although the opinion polls seem to suggest that as many as 64% of Polish are in favor of this type of energy source. But is it really the conscious choice or it is just a matter of ignorance? How is it possible aftermath the Fukushima disaster? The answer, as one can imagine, is complex. There is no public debate, the knowledge about the nuclear energy by an average person close to null, while the Fukushima accident has been portrayed as a result of natural forces, earthquake and tsunami, neither of which exist in Poland, the latter being particularly emphasized. In the age of globalization it is hard to believe that the Polish are unaware of

consequences of the nuclear accident, but it does seem the case that the voices proclaiming nuclear energy as safe, eco-friendly, and cheap reverberate much stronger. The myth collapsed in Japan, but not so much outside its borders, mostly through media manipulation as one might speculate. So while capital globalization, as the nuclear industry's activities might suggest, is spreading, the social issues and politics are much more localized. In the Fukushima context, it is worth noticing that while the construction and exploitation of nuclear power plants draw a big number of actors, each competing for a bigger portion of that pie, there is nobody willing to take responsibility for the consequence of the accident. There might be as well very low probability of such accidents happening, as we are ensured all the time, but low does not mean zero, while the consequences are not comparable to anything else. In the end, as the Fukushima accident proved, we should not forget that it is the average citizens, not the political decision makers or corporations that are going to pay the price.