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Edward Ricco

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RECENT DEVELOPMENTS

ANTI-NUCLEAR SENTIMENT MAKES ITSELF FELT

NUCLEAR ENERGY—REFERENDUM: An Austrian referendum rejected activation of the nation's first nuclear power plant. 9 E.R.C. 1277 (1978).

The first nationwide referendum to pose a question on the use of nuclear energy was held in Austria in November 1977. The result was an upset victory for opponents of nuclear power. In a voter turnout characterized as "low,"¹ after a highly emotional campaign, a slim majority voted against activation of the nation's first completed nuclear power plant.² The plant, located 18 miles northwest of Vienna, was attacked as unsafe and dangerous to public health. Proponents of the plant, led by Austrian Chancellor Bruno Kreisky, asserted its complete safety and promoted it as vital to future Austrian prosperity. Though Kreisky had vowed to resign if the plant were rejected, he continued in office after the election. But the Austrian government indicated that it would abide by the vote.³ The fate of the plant is uncertain.⁴

The Austrian vote, however, was not the first time Europeans had voiced anti-nuclear feelings at the ballot box. In Switzerland, the residents of the canton of Basel voted in 1977 to instruct their government to oppose nuclear energy.⁵ And late in 1976, the nuclear question was the key issue that tipped the Swedish national elections in favor of a coalition headed by Thorbjorn Falldin of the anti-nuclear Center Party.⁶

These recent votes illustrate the growing political strength of the anti-nuclear movement in Europe. Movement activists have stymied the European Community's ambitious program for developing energy alternatives to oil, and turned high hopes for atomic energy into

1. Lewis, *All Over Europe, the Atoms Are Restless*, N.Y. Times, Dec. 3, 1978, § 5, at 7, col. 1.

2. Approximately 60% of the eligible voters cast ballots; 50.5% of the votes opposed the power plant.

3. The referendum was not formally binding on the government.

4. Information derived from 9 E.R.C. 1277 (1978), supplemented by L.A. Times, Oct. 29, 1978, § 1, at 4, col. 4; *id.*, Nov. 6, 1978, § 1, at 1, col. 3; *id.*, Nov. 7, 1978, § 1, at 5, col. 1; N.Y. Times, Nov. 7, 1978, at 18, col. 2; The Times (London), Nov. 7, 1978, at 7, col. 1.

5. Hines, *Anti-Nuclear Ferment in Europe*, PROGRESSIVE, Sep. 1977, at 19.

6. Skole, *Sweden's Nuclear Election*, 223 NATION 334 (1976); N.Y. Times, Sep. 20, 1976, at 1, col. 6.

"nuclear disappointment." Projections for Europe's nuclear capability in 1985 have been almost halved, while public opposition, political pressure, and action in the courts have achieved a virtual moratorium on nuclear expansion in most of Western Europe. The anti-nuclear movement has shown a rare ability to gain power while transcending national boundaries and ignoring traditional party lines. Although it has been characterized as leftist or even nihilist,⁷ the anti-nuclear movement draws much support from the educated middle class. Business and labor tend to support nuclear power. The debate is a familiar one: prosperity, jobs, and energy independence versus reactor safety, radiation hazards, and the disposal of nuclear waste.⁸

The successful nuclear opposition in Europe calls into contrast the defeat in the United States of seven state initiatives restricting nuclear power in 1976.⁹ The Austrian vote, in particular, may indicate that the tide has turned. Perhaps, as has been suggested,¹⁰ the earlier American referendums at least served to bring the problems of nuclear energy to the attention of the public—a public which, worldwide, is growing more uneasy over governmental assurances that satisfactory solutions can be found. If so, the future should bring successful anti-nuclear initiatives in this country as well,¹¹ particularly as nuclear energy opponents take advantage of the increasing popularity of referendums to direct government action.¹² The Austrian result will doubtless fuel the American anti-nuclear drive.¹³

On the other hand, the Austrian vote, though it will be touted as a defeat for nuclear power, may not stand for very much.¹⁴ The ques-

7. See Kuehnelt-Leddihn, *Europe's Anti-Atomists*, 30 NATIONAL REVIEW 409 (1978); L.A. Times, Nov. 6, 1978, § 1, at 1, col. 3.

8. See generally Lewis, *supra* note 1; Yergin, *Europe's Nuclear Disappointment*, NEW REPUBLIC, Jan. 7, 1978, at 13; *Crusading Against the Atom*, TIME, Apr. 25, 1977, at 48; The Times (London), Nov. 7, 1978, at 15, col. 1.

9. See N.Y. Times, Nov. 4, 1976, at 22, col. 3.

10. Barkenbus, *Nuclear Energy and the Ballot*, BULL. ATOM. SCIENTISTS, Apr. 1977, at 4.

11. Montana voters recently reversed themselves and imposed strict curbs on nuclear power plants. N.Y. Times, Nov. 9, 1978, § 1, at 20, col. 5. See also *id.*, Mar. 9, 1978, § 4, at 13, col. 4 (California county vote against construction of nuclear plant); *id.*, Mar. 3, 1977, at 24, col. 5 (communities in Vermont vote against nuclear plants).

12. See Herbers, *Deciding by Referendum is a Popular Proposition*, N.Y. Times, Nov. 12, 1978, § 5, at 4, col. 3. But a revived anti-nuclear initiative failed to make the 1978 ballot in California. *Id.*, Jan. 21, 1978, at 4, col. 5.

13. See, e.g., Mayo, *Geiger Counter*, Village Voice, Nov. 20, 1978, at 48, col. 1. Such European-American reciprocity in the anti-nuclear movement would be fitting, since ctivists in Europe have obtained much of their impetus and technical advice from colleagues in the United States. See Sweet, *The Opposition to Nuclear Power in Europe*, BULL. ATOM. SCIENTISTS, Dec. 1977, at 40.

14. One recalls the 1976 claims of nuclear proponents that the American referendums recorded a resounding vote of confidence in nuclear power. See, e.g., N.Y. Times, Nov. 4, 1976, at 22, col. 3; *id.* at 59, col. 1.

tion put to the voters was a narrow one. The Austrian nuclear plant stands ready to be activated at any time, should the economic pinch of increased energy cost sway the opinions of a small fraction of the public. Already the government is moving to refute the claims of critics and to reverse the referendum result.¹⁵ Additionally, Chancellor Kreisky framed the issue as a vote of confidence in himself, and the balloting, slanted by the attempts of political opponents to unseat Kreisky, may not accurately reflect public sentiment on nuclear energy.¹⁶

In Sweden, too, the nuclear question was not the sole factor that determined the outcome of that nation's 1976 elections.¹⁷ Indeed, the Center Party, though it prevailed as part of a coalition, did not itself win increased support.¹⁸ Conflict within the coalition government on the nuclear issue has forced the Centralist Falldin repeatedly to compromise his position and finally to resign in October 1978; no effective restraints were placed on nuclear power plants, and the new Swedish government is certain to be controlled by the pro-nuclear Social Democrats, who held power before the coalition was elected.¹⁹

The European events do indicate, however, that nuclear energy will remain an important political issue. Significant numbers of citizens are wary of nuclear power itself, and others find in the nuclear question an opportunity to express their general distrust of government. A government that intends to develop nuclear energy sources will either have to arrogate all decision making power to itself, or else win the support, by first earning the confidence, of its citizens.

EDWARD RICCO

15. Lewis, *supra* note 1; N.Y. Times, Nov. 7, 1978, at 18, col. 2.

16. The Times (London), Nov. 7, 1978, at 7, col. 1; *id.*, at 15, col. 1.

17. Note 6, *supra*.

18. N.Y. Times, Sep. 20, 1976, at 1, col. 6.

19. Nossiter, *Crisis in Sweden over A Plants*, Wash. Post, Oct. 6, 1978, §1, at 22, col. 1; Skole, *Sweden: Cat & Mouse with the Atom*, 223 NATION 549 (1976).