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Intergenerational Equity in the Aftermath of a Nuclear Disaster

The nuclear catastrophe that befell Fukushima necessitates another closer examination of the theory of intergenerational equity in environmental law. Indeed, generational concerns became more palpable after the occurrence of the Fukushima nuclear disaster and as the news of its effects upon the Japanese environment and society spread all over the world. The thesis here is that the modern risk society challenges law and public policy—regulation and governance—to create a net of international, transnational, and local regulatory system that will adequately, effectively, and equitably protect all human generations. This will be shown not by taking down traditional legal principles, as territorial sovereignty for example, but all the more fortifying it. The crux of the argument here, or its unifying angle, is the environment—nature as the life base of humanity.

This study, thus, aims to weigh the roll of risk in the consideration of intergenerational equity as a concept and pose the question of the capability and limits of the law in the modern *risk society*¹ and the re-evaluation of law as a tool in the human-induced epoch that is the Anthropocene.² It addresses long-term, ergo generational, negative environmental consequences brought about by nuclear energy disasters, as a concrete and specific example of a risk-manufacturing industry in the modern risk society, and similar human activity-related catastrophes. In so doing, it reviews and evaluates the adequacy of the current nuclear energy and relevant environmental legal framework, as well as their availability and adaptability, in tending to the environmental interests of different generations of life on the Earth.

These are analysed against the backdrop of human-induced disasters like nuclear catastrophes and “accidents”. The geo-physical and social aftermath of the nuclear catastrophe underlined the interconnectivity of societies and nations. Fukushima highlighted the fragility of the Earth in the hands of humans, as the impacts of the catastrophe underscored the fact that this planet, being our habitat and living source, is vital to living beings.

¹ See Ulrich Beck, *Risikogesellschaft: Auf dem Weg in eine andere Moderne* (1st edn, Suhrkamp 1986).

² See Arno Bammé (ed), *Risiko und Entscheidung: Gesellschaft im Anthropozän* (Profil Verlag 2014). See also John McNeill and Peter Engelke, 'Into the Anthropocene: People and Their Planet' in Akira Iriye (ed), *Global Interdependence: The World after 1945* (Harvard University Press 2014).