ACTING FOR THE FUTURE GENERATIONS

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INTRODUCTION

Entry into **NUCLEAR AGE** = Change of Paradigm

Recall: Anthropological Gap between Accident/Disaster

Tipping point = Power on Future Generations means extension of our Responsability towards Future Generations => Civilization values are at stake.

Complexity and paradox in the very concept of Disasters

- Disasters are eternally ongoing, the future has no more future (Fukushima/Tchernobyl/ Mayak)..
- Disasters are getting more complex (cf. new vulnerability due to Climate change + New threats concept of war).

 Pb: nuclear technology => too late = can help to inspire and renew legal frame
- Era of acceleration of transgenerational disasters: pollution of food food chains by heavy metals, by carbon nanotubes, radioelements, genetic mutations due to radioactive contamination, the process of bio-accumulations of chemical substances in living organisms + ontological disaster (Transhumanism)

I. RECOGNITION OF RIGHTS FOR FUTURE GENERATIONS

A. AVOIDING THE TRAGEDY OF HUMAN RIGHTS:

= Indirect and continous protection of Future Generations:

Higher protection for present generations => benefit FG

- For our workers through time and space (pb= globlization)
- For consumers (pb= free trade treaties)
- For mothers, kids = more vulnerable
- = get rid of the Paracelse Paradigm!

= ensure a **Transgenerational Democracy**:

taking future's interests into account in choices integrating representations of FG (3 powers) new check and balances in consideration of

Future

Generations

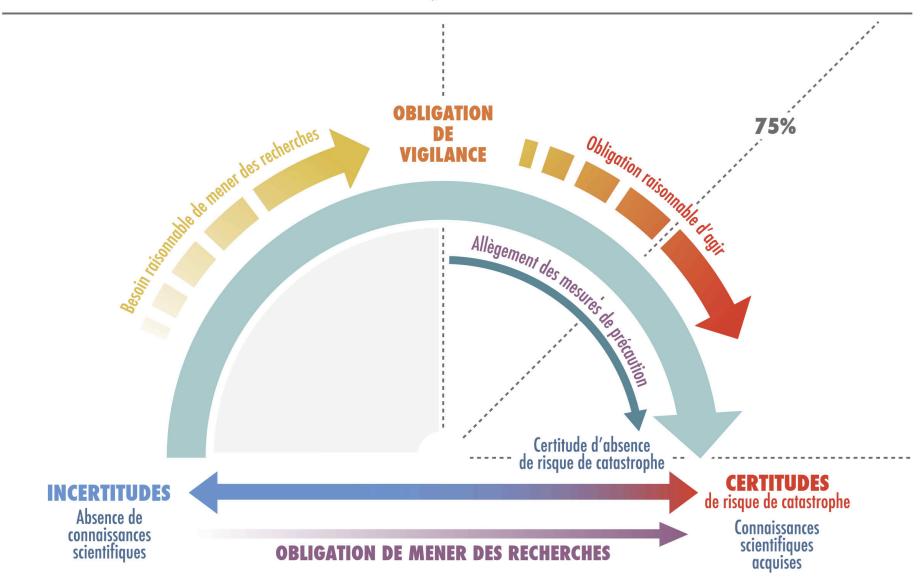
= ensure a new legal anticipatory matrix:

In order to avoid disasters => anticipate!

Prevention Principle + Precautionary Principle

=> systemic legal obligations

APPLICATION DU PRINCIPE DE PRÉCAUTION EN CAS DE RISQUE DE CATASTROPHE



B. RECOGNIZING TRANSGENERATIONAL HUMAN RIGHTS

Basic HUMAN RIGHT = Right to an open Future

- * stop nuclear technology as an urgent necessity of civilization (*de facto* + *enough scientific datas/studies* = *Era of nuclear collapse*)
- * Anticipate Bankruptcy of corporation/States's corportations => Huge amounts!
 - lies on the real costs
 - Ask for urgent plan for fundings through decades = a transgenerational imperative of safety (centuries

business plan!)

- * Taking legal actions in the name of Future Generations:
 - Supreme Court (constitutional Law)

Japanese Constitution

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

International Human Rights Law

De lege lata

Principle of international public law: No State shall do harm to other's States' environment

Current processes of transformation
UN Declaration of Human Rights 1948 = Human Family
Idea of dignity of Future Generations = metamorphosis
process!

Right to food, right to a healthy environment, right to peace = era of huge transformations in international law => systemic Human Rights

Regional Human Rights Systems

1. European Human Rights system

Method of interpretation « Protection par ricochet »

Idea: Recognizing Human Rights for FG directly and indirectly!

2. Interamerican Human Rights system

Methof od interpretation => soft law (Thesis Marie Rota Caen)

II. RECOGNITION OF CRIMES AGAINST FUTURE GENERATIONS

A. DEFENDING Future Generations:

- Ombudsman for future generation
- Associations
- Rule of intergenerational precedent (effective) Ex. Tony Oposa (symposium Taking legal actions in the name of future Generations, Caen 17-18 novembre 2017)
- New legal anticipatory obligations => no right to put FG in danger = a crime

B. VARIETY OF TRANSGENERATIONAL CRIMES

- 1. In a context of UNCERTAINTY= Precautionary Principle (Obligation of due vigilance)
- 2. In a context of CERTAINTY = CRIMES
- Imprescriptible because unforgettable, transgenerational => Recognition of New HUMANKIND RIGHTS?

Legitimate courts?

ICJ = for States only => Weearamantry called for recognition of Rights and defense of FG's

ICC = not yet for multinational need for recognition of ecocide as the 5th crimes against Peace

according to the *Policy Paper on Case Selection and Prioritisation from September 2016*, the Prosecutor of the ICC wants to give particular consideration to Rome Statute crimes involving the illegal dispossession of land or the destruction of the environment.

=> Era of profound metamorphosis of International Law

FUTURE PERSPECTIVES?

- * Be aware: Huge needs of datas and tracability (States' Secret = Map)
- * Be aware context: Free trade widening gap between international human rights law and corporate accountability

Example: International Tribunal Monsanto

- * to assert the primacy of international human and environmental rights law.
- * the need to hold non-state actors responsible within international human rights law

IPPNW and IALANA => Towards an international Tribunal on Nuclear field?



International Monsanto Tribunal in The Hague



Crédit: Tribunal Monsanto/G. de CROP



No limit to imagination, No limit to legal creativity!

THANK YOU!

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