

LOOKING TO 2030 AND BEYOND

HOW INSTITUTIONS FOR FUTURE
GENERATIONS CAN ASSIST
IN SDG IMPLEMENTATION



Discussion paper of the Network
of Institutions for Future Generations (NIFG)

June 2019



“We act as we do because we can get away with it: future generations do not vote, they have no political or financial power; they cannot challenge our decisions. But the results of the present profligacy are rapidly closing the options for future generations.”

BRUNDTLAND REPORT, OUR COMMON FUTURE, 1987

echoed by

“You’re not mature enough to tell it like it is. Even that burden, you leave to us children. You say you love your children above all else, and yet you’re stealing their future in front of their very eyes.”

GRETA THUNBERG, ENVIRONMENTAL ACTIVIST,
AGED 16, 2018



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Executive Summary

We as humankind are increasingly aware of the price that is being paid by future generations for our actions today. The 2030 Agenda seeks to overcome short-term, silo approaches to the complex challenges of our time, for people, planet and prosperity. The Sustainable Development Goals formulate the recognition of the intimate links between human well-being, economic prosperity and a healthy environment. Their adoption sends out a clear message that restoring

“The environmental problem now facing humanity poses the most serious danger to mankind since the human race began ... No legal system can claim to be adequate if it fails to provide ... a basic mechanism for the protection of the rights of future citizens merely because they are not yet in existence.”

JUDGE C. G. WEERAMANTRY (1926–2017),
FORMER VICE-PRESIDENT OF THE INTERNATIONAL
COURT OF JUSTICE AND WORLD FUTURE COUNCIL
HONORARY COUNCILLOR, IN HIS OPENING SPEECH
AT THE MODEL INSTITUTIONS FOR A SUSTAINABLE
FUTURE INTERNATIONAL CONFERENCE,
BUDAPEST, 2014

and maintaining the health of the natural resource base is a necessary precondition for eradicating poverty and sustaining economic progress for all. This integrated approach has become the centrepiece of Agenda 2030 and the corresponding international and national endeavours. Yet, with the best will in the world, political interventions and legal mechanisms still fail to recognise long-term needs, or joined-up solutions which will be long-lasting. The current architecture of governance is equally at odds with the interconnected, transformational and long-term aspirations of the 2030 Agenda. Unless we seek to improve governance structures and systems, we risk not only not meeting the SDGs, but also passing on a world with drastically diminished opportunities to the generations to come. Independent institutions for future generations are engaging with the SDGs through innovative, cross-cutting and horizontal interventions which work in the interests of both present and future generations. Getting beyond the well-intentioned rhetoric, advocates for future generations can help bring the intergenerational lens to policy-making. By working alongside governments, public authorities, and connecting with communities and the broader public,

these institutions for future generations are successfully stimulating dynamic and fresh approaches to social, economic and environmental challenges with sample successes presented later in this paper.

Institutions for future generations are not the silver bullet; however, on the grounds of feasibility, democratic legitimacy, efficiency and effectiveness, they offer alignment to support implementation of the SDGs in general as well as meeting directly SDG targets 16.6, 16.7 and 16.10. They are by definition effective, accountable and transparent in their mandates (SDG 16.6), and by acting as a bridge with communities and broader society, are able to promote and ensure inclusive, participatory and representative decisions and processes (SDG 16.7). In their work they ensure public access to information and protect fundamental freedoms (16.10), and their level of engagement relies upon and seeks to promote engaged, active and responsible communities which are also directly driving implementation of Agenda 2030.

1. Who we are

NIFG was established in 2014 in Budapest by institutions highlighted in the UN Secretary General's 2013 report "[Intergenerational Solidarity and the Needs of Future Generations](#)", as 'model institutions' working to realise intergenerational equity in everyday policy-making. NIFG is an independent, non-formal international network encompassing national institutions advocating for future generations. NIFG works towards ensuring that the interests, rights and well-being of future generations are endorsed by decision-makers; it shares best practices among existing institutions and grassroots initiatives, and strives to build capacity and promote the establishment of similar local, regional and national institutions.

"I am very honoured to chair this important Network as we continue to provide a voice for future generations across the world. NIFG offers an opportunity for nations to work together to combat present and future challenges in our efforts to realise the ambitious goals contained in the Agenda 2030. We've all got a part to play in the well-being of the planet and its peoples."

SOPHIE HOWE, CHAIR OF NIFG AND FUTURE GENERATIONS COMMISSIONER FOR WALES

In line with the goal to "seek to realise human rights for all", members of NIFG work towards implementing the 2030 Agenda precisely "for the full benefit of all, for today's generations and for future generations". NIFG members not only endorse the SDGs, but lead the way by showing how institutions for future generations play a crucial role in the full implementation of the SDGs. Each of the holistic 17 goals is touched upon in the day-to-day work of our institutions, some with more emphasis than others, as long-term thinking centred around human rights, global intra- and intergenerational fairness and sustainability in the economic, environmental and social context lies at the heart of both Agenda 2030 and the mission of NIFG.

2. Our legal and moral obligations to future generations

Future generations should not be discriminated against just because they don't have a voice today. However, we are falling far short in safeguarding the needs of future generations as efforts to meet our current needs are threatening our common future. We can and should be mindful of our responsibilities to protect the Earth system, to create and maintain equal economic, social and cultural opportunities and heritage and take into consideration (bio)ethical and political developments. The present, dire threat to the ecology and biodiversity of the planet, vast mounting public debt and crippling inequality currently constitute our legacy to future generations and pose grave problems for them.

The need to act in defence of future generations has long been established and recognised by the UN: in 1945 with the UN Charter, in 1946 in the International Convention for the Regulation of Whaling and since then by

over 30 international declarations and treaties covering a broad range of issues, as well as around 40 national constitutions. Since 1987, the concept of sustainable development promotes a socio-economic-environmental model for societies, where present generations can enjoy the full realisation of their rights while safeguarding the Earth's resources for future generations.

'Leave no one behind' is the agreed motto for the SDGs, adopted by many to help communicate and pledge an underlying commitment to a complex agenda.

The poor, the marginalised, people in vulnerable

situations and living on the edge of society come to mind. They are typically voiceless and forgotten. How about future generations? They are also without a voice for whom full enjoyment of their human rights looks increasingly uncertain. Tackling inequalities – a cornerstone of the SDGs – requires transformative change. This transformation requires coherent global and national policy action in and across the environmental, economic, social, and political domains. Tackling social and financial exclusion and ensuring equity in access to opportunities will further require strengthening the agency, voice and political participation of groups that experience disadvantage or discrimination on any account, including their date of birth.

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

BRUNDTLAND REPORT, "OUR COMMON FUTURE"

The moral obligation of intergenerational equity has been translated into three overarching normative principles¹ that present generations owe towards posterity.

- The **conservation of options** requires each generation to conserve the diversity of the natural and cultural resources so that the options available for future generations are not unduly restricted.
- The **conservation of quality** stipulates that endeavours be made to maintain the quality of the planet so that it is passed on in no worse condition than that in which it was received.
- The **conservation of access** to natural resources allows present generations to freely access available natural resources only as long as equitable rights of access of the future generations are respected.

Intergenerational equity is deeply embedded in the history of human civilization and has strong roots both in moral and religious traditions. It can be traced back to indigenous peoples and traditional civilizations, who relied on a conscience keeper in their decision-making to ensure that the interests of the future were always duly taken into account.

The Iroquois Confederacy adopted the **Seventh Generation principle**, according to which leaders were obliged to consider the impact of their decisions on the next seven generations to come (about 150 years ahead).

"...intergenerational solidarity is not optional, but rather a basic question of justice, since the world we have received also belongs to those who will follow us."²

LAUDATO SI', POPE FRANCIS' ENCYCLICAL, 2015

Existing legal mechanisms protecting future generations are listed in Annex I for further reference.

¹ Brown Weiss, E. (1989). *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*. United Nations University.

² *Laudato Si'*, Pope Francis' encyclical, paragraph 159.

3. Effective, accountable and transparent institutions for future generations advocacy



We believe that the realisation of the above concepts on our obligations to future generations and the interconnected SDGs can be effectively assisted through institutions on the local, regional and national levels that ensure taking into account the needs and interests of future generations. As described in the 2013 UN Secretary General's report "[Intergenerational Solidarity and the Needs of Future Generations](#)", various independent institutions have already been established that act as catalysts to support sustained human and environmental wellbeing, tasked with balancing the short-term nature of policy-making processes and providing a broader, holistic response. The existing institutions are very diverse in terms of their statutory mandate, governance and accountability arrangements, focus areas and competence, as well as their size and resourcing. On a general basis they can be grouped as follows:

- a) Ombudsman-type institutions that are independent from the government, such as the ones in Wales, New Zealand, Hungary and formerly Israel;
- b) Parliamentary committees consisting of MPs, tasked with focusing specifically on sustainability or future-oriented matters, such as the Finnish and German institutions;
- c) State bodies that report directly to the national Parliament and have a special mandate, typically environmental auditing, such as the Canadian Commissioner of the Environment and Sustainable Development, working within the Office of the Auditor General.

SDG 16.6 sets the goal to establish effective, transparent and accountable institutions at all levels. The NIFG in its [Mission Statement](#) recognises the following defining principles of its members:

1. **Independent, legitimate, impartial and unbiased.** The office and mandate should be established by national or regional legislation and be legally independent from the government with its incumbent(s) elected or appointed by a legislative body;
2. **Effective,** resourced to sufficiently carry out its duties with extensive authority including access to information and empowered to make legislative or administrative recommendations;

3. **Transparent**, with a clear and direct mandate and reporting periodically to the Parliament or a regional Assembly on its work and findings;
4. **Mandated** specifically to include a reference to safeguarding the interests, rights and well-being of future generations, or some of its essential elements as listed hereunder;
5. **Approachable, accessible and accountable** with full, open access from civil society and citizens/public.

A brief introduction to some of these institutions

WALES



The Well-being of Future Generations (Wales) Act of 2015 established a statutory Future Generations Commissioner to 'act as a guardian of the ability of future generations to meet their needs' and to encourage public bodies to think about the long-term impact of their decisions, and for that purpose provide advice to these public bodies on their delivery of well-being objectives. Public bodies need to incorporate the following five ways of working into their thinking and action: (i) long-term thinking, (ii) prevention, (iii) integration, (iv) collaboration and (v) public involvement. The Commissioner's functions include the following: providing advice and assistance on the issues, encouraging best practices, undertaking necessary research, reviewing the extent to which public bodies are accounting for long-term impacts, making recommendations based on these findings, and preparing and publishing regular reports on the improvements needed in accordance with the sustainable development principle.

CANADA



The position of the Commissioner of the Environment and Sustainable Development (CESD), established in 1995, is located in the Office of the Auditor General of Canada. The CESD reports directly to Parliament and its mandate explicitly states that sustainable development requires considerations of equity and respect for the needs of future generations. The CESD provides independent analysis and recommendations to the Parliament on the federal government's efforts in relation to the promotion of sustainable development and environmental protection. The CESD's function is to conduct performance audits of the federal department's management of environmental and sustainable development issues and monitor the federal government's sustainable development strategies. The CESD also oversees the environmental petition process, where citizens hand in requests regarding environmental matters.

NEW ZEALAND



The position of the Parliamentary Commissioner for the Environment in New Zealand was established in 1986. The Commissioner is an independent officer of the Parliament providing advice to both the Parliament and the public. The primary role of the Parliamentary Commissioner is investigative with a broad remit for “any matter in respect of which, in the Commissioner’s opinion, the environment may be or has been adversely damaged”. The Commissioner’s office collects information about the environment, reviews the government’s management of resources, and inquires into specific environmental issues or problems. In its advisory role, the Commissioner could encourage remedial actions and make reports to the House of Representatives. The Commissioner can submit recommendations regarding proposed legislation affecting the environment, thereby facilitating the amendment of environment-related acts and the adjustment of the rules of management or environmental planning.

HUNGARY



The Hungarian Ombudsman for Future Generations (OFG) is part of the Hungarian National Human Rights Institution being a Deputy to the Commissioner for Fundamental Rights. Its constitutional mandate references the human right to a healthy environment and the ‘common heritage of the nation’ (including natural resources and cultural heritage). Its duties include conducting investigations into citizen’s maladministration and environmental nuisance complaints, and launching ex officio investigations to explore systemic problems. The investigations are concluded by issuing reports containing specific recommendations addressed to the government, specific authorities, or the legislature. The OFG monitors and advises on policy developments and draft bills, is entitled to intervene in the judicial review of regulatory environmental decisions, and can issue general opinions to promote the effective realisation of the interests of future generations. The Ombudsman can initiate the constitutional scrutiny of a piece of legislation by turning to the Constitutional Court or in certain cases, to the Supreme Court.

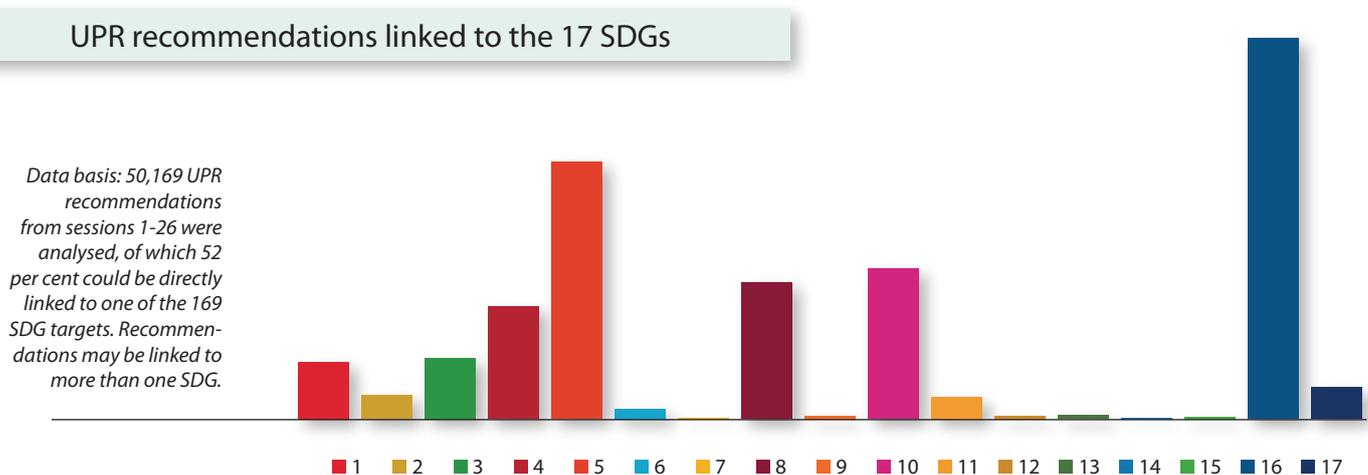
4. Why these institutions are essential to realising the SDGs

Agenda 2030 is introducing and encouraging a new vision and working methodology – one that is interconnected, multidisciplinary and fully participatory. It calls for a holistic approach and long-term thinking around the principles of social, economic and environmental sustainability on the part of governments, who are the primary addressees of SDG implementation obligations. The only acceptable way forward is for governance models to be switched from acting on short-term goals to a vision based on long-term thinking in line with Agenda 2030. This is where future generations' institutions prove to be essential, as they represent a new way and method of working to help address shortcomings of current governance models in line with SDG 16.6, 16.7 and 16.10. These three targets are closely interlinked, as an institution can only be truly effective, accountable and transparent (16.6) if it is able to assist and contribute to responsive, inclusive, participatory and representative decision-making (16.7) and ensure public access to information and protect fundamental freedoms (16.10). With those attributes, these institutions also play a key role in the implementation of the other SDGs, as demonstrated by the following factors:

- The accountability of future generations' institutions towards present stakeholders can be ensured through their *rules of election or appointment, independence and regular reporting obligations*. Institutions with a mandate and standing enshrined in public laws generally enjoy high visibility and trust in the eyes of the public and constitute great examples of truly effective, accountable and transparent institutions.
- Long-term thinking lies at the core of their mandate; therefore these future generations' institutions are essential in *integrating long-term considerations into decision-making* processes, which is the very essence of Agenda 2030. Such institutions can provide useful input to governmental stakeholders, and may even serve as special enablers for putting SDG implementation on the national political agenda in countries where governments are less able or willing to take timely, effective, and transformative action.
- Such institutions can foster *public participation and community engagement*, thereby promoting accountability through *forging a new alliance between various stakeholders*. They can successfully work towards providing a neutral platform for negotiations and building consensus between the scientific expert community, expert NGOs and governmental stakeholders to discuss legislative proposals and to *effectively channel* public comments and the opinion of the scientific community into law-making processes.

- Future generations advocacy is context-dependent; the environmental, social, economic and cultural interests of future generations may vary across different places, and therefore cannot solely be defined universally and in the abstract. In line with the requirements of national SDG implementation, the interests and needs of posterity can be best defined at a local level, paying due regard to local specifics, which calls for *local institutions* giving voice to such concerns. *National and local spokespersons* are essential in translating holistic SDG goals and abstract notions of “the interests of future generations” into national requirements and in advocating for taking effective action locally.
- Through their everyday practice, whether through individual complaints received or via engaging with particular stakeholders, these institutions can be essential tools in *identifying vulnerable groups* in the process, in line with the requirement to ensure that no-one is left behind. Through translating the holistic SDG goals into action, they can prove essential in defining the necessary *specific steps* and measures as well as the required *legislative changes* for providing guidance to decision-makers regarding SDG implementation.
- Institutions endowed with a specific mandate to safeguard and advocate for the environmental interests of future generations can be essential in articulating requirements flowing from *environment-related SDGs*. The pioneering research of the Danish Institute for Human Rights demonstrated an apparent gap in the recommendations of international monitoring bodies of the UN in relation to environment-related SDGs. Among the recommendations made by the UN during the Universal Periodic Review process, there is a salient shortage in those covering Goals 6, 7, 12, 13, 14, 15 – all of which have the strongest connection to environmental protection (see figure below). This suggests that certain environmental aspects of the SDGs can be more effectively defined on the local level, in which regional or national future generations advocates can play an essential role.

Graph illustrating the data gap with respect to environment-related SDGs, prepared by the Danish Institute for Human Rights



5. Examples and successes in local future generations advocacy linked with SDGs

Future generations' institutions can assist and guide the implementation process in a number of ways. The actual involvement in the SDG process is as diverse as the institutional setup of future generations' spokespersons. Below are some examples to show how national institutions for future generations can be enablers in the SDG process, some highlighting general institutional models and methods aimed at assisting SDG implementation, while others showing specific actions that achieved progress in a certain SDG area.

Well-being of Future Generations (Wales) Act and Agenda 2030

Wales became the first country in the world to have its legislation aligned with the SDGs. "The Wales Future Generations Act captures the spirit and essence of two decades of United Nations work in the area of sustainable development and serves as a model for other regions and countries."³ The Act specifically calls on the Welsh Government to take account of any action taken by the United Nations in relation to the SDGs in their 'future trends report', and requires Ministers to publish national indicators and milestones for monitoring and measuring progress towards the achievement of the well-being goals. As a specific example linked to several SDGs: the Future Generations Commissioner for Wales successfully assisted the Welsh Government in ensuring that the revised Planning Policy Wales (PPW) – the national land-use planning policy document – reflected the Well-being of Future Generations Act. PPW has been restructured into a better integrated and future-focused document with policy themes around the 7 national well-being goals. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. The document highlights the importance of access and inclusivity,

³ Nikhil Seth, former Director of Division for Sustainable Development at the UN, at the conference entitled "Essential Ingredients for a Sustainable Future – Why do we need independent institutions, and how should they work for the long term?", 28–29 April 2015, Cardiff, Wales.

environmental sustainability, community safety, movement, character and good design. The PPW also sets out the relationship that planning decisions have with transport, the environment, decarbonisation, the economy and energy. This document provides practical and strategic support for all planning decisions in Wales and contributes to the implementation of the following SDGs: 9 (9.1, 9.4) 11 (11.1, 11.2, 11.3, 11.4, 11.6, 11.7) 13 (13.2).

The Commission on Human Rights of the Philippines concluded landmark inquiry on the effects of climate change on human rights

The Commission on Human Rights of the Philippines' Panel (CHRP) has conducted an inquiry to determine the impact of climate change on the human rights of the Filipino people based on a petition accusing global oil, mining and cement companies – the so-called “carbon majors” – of human rights violations by playing a role in driving climate change. The petition was filed in 2015 and the CHRP accepted it knowing there was no legal precedent and despite the plea of oil companies to dismiss the case. The related investigation has been dialogical, based on the principle of persuasion, rather than adversarial. The CHRP had invited stakeholders from around the world to participate in the hearings – witnesses, businesses, academics, scientists, and human rights defenders – and had received several amicus briefs and other submissions from legal and scientific experts. The case presents a model for national human rights institutions to test their boundaries and establish new processes for inquiring into human rights issues beyond legal technicalities, especially those with trans-boundary and sustainability challenges. The findings of the CHRP are expected to be released in the second semester of 2019, contributing to the implementation of the following SDGs: SDG 13 (13.1, 13.2, 13.3) and SDG 16 (16.3, 16.6, 16.7, 16.8).

Hungarian Ombudsman participating in the Voluntary National Review and shaping legislation in line with SDGs

The Ombudsman for Future Generations (OFG) was actively engaged in national SDG awareness-raising and articulated the most urgent steps for the implementation of environmental and human health related SDGs, also proposing related national indicators. A summary of the OFG's recommendations was annexed to the Hungarian Voluntary National Review in 2018. As a specific example with SDG relevance: the OFG successfully contributed to the Constitutional Court's scrutiny and final annihilation of a proposed legislation which would have greatly endangered groundwater resources and human health. Following a broad stakeholder consultation involving the scientific and expert community, green NGOs, and civil society, the Ombudsman called for public attention regarding the dangers

of the proposed change. When the amendment ended up before the Constitutional Court for constitutional scrutiny, the Ombudsman submitted an amicus brief to the Court advocating for invalidating the amendment on the basis of potentially harming the interests of future generations through the possible risks to human health and the environment. Using the Ombudsman's argumentation, the Constitutional Court invalidated the amendment on the grounds that it infringed fundamental rights. This decision contributed to the implementation of the following SDGs: SDG 6 (6.1, 6.3, 6.4, 6.6) and SDG 16 (16.6, 16.7, 16.10).

New Zealand Parliamentary Commissioners for the Environment advising for an independent Climate Commission

Successive Parliamentary Commissioners for the Environment (PCE) in New Zealand have recommended to Parliament that new legislation set up a process for reducing greenhouse gas emissions into the future – a process that endures through changing governments. While the idea originated from the UK-style Climate Change Act (2008) with their Independent Climate Committee, it was important to highlight some of the differences in the New Zealand context that Parliamentarians needed to be aware of. The corresponding PCE's report contained detailed advice to Parliament and nine specific recommendations on some of the more critical elements that needed to be reflected in the forthcoming legislation. These included the setting and timing of effective carbon budgets and the necessary modus operandi for a credible Commission. The report also underlined the importance of addressing climate adaptation. Regarded as an essential move necessitated by climate change, the ultimate intergenerational issue, the establishment of the Independent Climate Commission is occurring with the Zero Carbon Bill currently passing its first reading in the New Zealand Parliament. This major step will contribute to the implementation of the following SDGs: SDG 13 (13.1, 13.2, 13.3) and SDG 16 (16.6, 16.7, 16.10).

Canadian Commissioner auditing for SDG preparedness

Canada's Commissioner of the Environment and Sustainable Development (CESD) within the Auditor General's Office, together with audit institutions in over 80 countries, has been working to determine how prepared governments are to implement the 2030 Agenda. Using a common approach developed by the International Organization of Supreme Audit Institutions (INTOSAI), these audits are meant to help develop effective, accountable, and transparent institutions in line with the goal of peace, justice, and strong institutions (Goal 16). The special mandate and expertise of CESD presented a unique added value in designing the INTOSAI approach. Given her special

mandate and expertise, the CESD agreed to be one of the lead actors for INTOSAI for this project. The CESD's audit demonstrates how such a process can impact the work of the government in real-time and achieve heightened sensitivity among decision-makers. While the audit was being conducted, the Government of Canada – in order to facilitate the SDG implementation process – provided funding to establish an SDGs Unit, as well as to support monitoring and reporting activities by Statistics Canada, and SDG implementation programming across federal departments. This audit process covered the whole range of SDGs.

Creating a Future Generations Lab in the Netherlands

The “Lab for Future Generations” was established by the Future Generations working group of the Dutch NGO “Worldconnectors” at the end of 2018. It focuses on environmental and social inclusivity topics, functioning as a think-tank that carries out research, offers advice on related topics and tailors educational materials. One of its most visible activities will be the complaint desk and the position of the ‘acting (unofficial) Ombudsperson for Future Generations’, who could make an investigation into complaints received from the public in cases where a decision allegedly failed to take into account the interest of future generations. While lacking a legally established mandate, its activities and findings will be based on international and national law, including reference to the SDGs. Via raising awareness, it could be an additional factor in the bottom-up effort aimed at the establishment of an institutionalised representative of future generations. In their day-to-day work, it deals with the whole array of SDGs, placing the strongest emphasis on the social and environmental areas in acknowledgment of their interconnectedness.

6. Advocates for future generations at the UN level

Future generations are referred to in a number of international soft law documents and in binding international treaties. Their interests have been acknowledged as a guiding principle from the United Nations Stockholm Conference on the Human Environment (1972) through the Rio Declaration on Environment and Development (1992), the Declaration of the UN Conference on Sustainable Development (2012) and the 2030 Agenda for Sustainable Development (2015) to the Paris Agreement on Climate Change (2015). The needs of future generations are recognised in over 200 UN General Assembly Resolutions.

“The future of humanity and of our planet lies in our hands. It lies also in the hands of today’s younger generation who will pass the torch to future generations. We have mapped the road to sustainable development; it will be for all of us to ensure that the journey is successful and its gains irreversible.”

POINT 53 OF UN GENERAL ASSEMBLY,
TRANSFORMING OUR WORLD: THE 2030 AGENDA
FOR SUSTAINABLE DEVELOPMENT,
21 OCTOBER 2015, A/RES/70/1

The idea to create a commission or commissioner for future generations at the international level was first proposed by Edith Brown Weiss in 1989.⁴ It was championed by Malta in the lead-up to the Earth Summit in Rio in 1992 and was again proposed in the lead-up to Rio+ 20 in 2012.⁵ The creation of a High Commissioner for Future Generations has been subsequently proposed at the UN level.⁶ In recent times, the informal Governmental Group of Friends for Future Generations (comprising over 20 New York based Permanent Representatives to the UN) has been advocating for Global Guardians for Future Generations⁷ to ensure that the UN plays a leading role in securing intergenerational equality globally. Global Guardians could help to bring the UN system to where it needs to be: more inclusive, impactful and coherent. The Group of Friends for Future Generations proposes that Global Guardians for Future Generations be appointed by the Secretary-General of the United Nations to provide a voice for future generations and

to help achieve fairness between generations in the context of sustainable development. The mandate of these Global Guardians, once established, and the existing mandate of national future generations’ institutions could

⁴ See Brown Weiss, E. (1989). *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity*.

⁵ See zero draft of *The Future We Want*, 2012.

⁶ UNSG 2013, A/68/322 “Intergenerational solidarity and the needs of future generations”.

⁷ Mary Robinson Foundation. (2018). *Global Guardians: A Voice for Future Generations*.

complement each other nicely and contribute to a more effective system working towards the well-being of future generations. In recent times, an increasing number of references to 'future generations' can be noted in UN Human Rights Reporting in relation to the SDGs. One recent example:

IN 2018, THE [HUMAN RIGHTS COUNCIL REPORT A/HRC/37/58](#) PROCLAIMS:

"It is understandable that international environmental and development policy and human rights law take different approaches to issues concerning future generations. While the former is concerned with the long-term as well as short-term consequences of present decisions, the latter is based primarily on the rights of individual human beings. [...] the division between present and future generations is less sharp than it sometimes appears to be. [...] Many people that will be living in 2100 are not yet born, and in that sense truly belong to future generations. But many people who will be living then are already alive today. [...]. Moreover, the line between future generations and today's children shifts every time another baby arrives and inherits their full entitlement of human rights. It is critical, therefore, that discussions of future generations take into account the rights of the children who are constantly arriving, or have already arrived, on this planet. We do not need to look far to see the people whose future lives will be affected by our actions today. They are already here."

The aim with this Discussion Paper was to show how various institutions representing the needs and rights of future generations are unique and important assets in national and international long-term governance and how they can specifically be useful enablers in the implementation of Agenda 2030.

The Network of Institutions for Future Generations can be contacted at www.futureroundtable.org

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ANNEX I:

Existing legal mechanisms to protect future generations

Long-term interests are often prone to be marginalised by elected officials, whose horizon is typically confined to few-year-long election cycles. This is all the more troubling if one considers the excessive social costs of short-termism. Notably, the long-term costs of not regulating polluters effectively in the present can generate

“The theory of intergenerational equity ... argues that we, the human species, hold the natural environment of our planet in common with all members of our species: past generations, the present generation, and future generations. As members of the present generation, we hold the Earth in trust for future generations. At the same time, we are beneficiaries entitled to use and benefit from it.”

(EDITH BROWN WEISS)

burdens for the healthcare systems in the long run, which compares to or even exceeds the short-term economic benefits of industrial activity.⁸

Further moral obligations have been couched in the concept of **ecosystem** stewardship or **trusteeship**, a powerful advocacy tool to promote the making of more provident and responsible decisions. This idea takes its legal form in the public trust doctrine, which is present in many common-law systems as well as in certain constitutions, and which calls for a more just balancing between the interests of present and future generations. The public trust doctrine sees the government as a sovereign trustee who owes fiduciary obligations for preserving natural resources held by the State in trust for future generations. In the US the doctrine was successfully relied on in a number of cases to ban hydraulic fracking,⁹ to invalidate excessive water withdrawals from a fragile ecosystem,¹⁰ and to prohibit diverting waters from natural ecosystems to plantations.¹¹

As a recent example, [The Hague Principles](#) for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship drafted under the auspices of the [Earth Trusteeship](#) initiative also raise awareness about individual responsibility over the Earth resources. These Principles are

⁸ See a recent projection about the health costs of Britain’s air pollution: <https://phys.org/news/2018-06-pollution-britain-cars-vans-billion.html>

⁹ Robinson Township et al. v. Commonwealth of Pennsylvania, [J-34A-B-2016], Supreme Court of Pennsylvania Middle District.

¹⁰ Mono Lake case, 658 P.2d 709, 711 (Cal. 1983).

¹¹ Waiahole Ditch decision, Water Use Permit Applications, 94 Hawaii 97, 9 P.3d 409, 2000.

the result of a collaboration between environmental, indigenous and human rights stakeholders and recognise that all human beings, individually and collectively, share responsibility to protect Nature, of which we are an integral part, the integrity of Earth's ecological systems and Earth as a whole, home to all living things. This obligation also burdens each state individually and the international community as a whole.¹²

- Regional and international **human rights guarantees** have long been utilised to protect the environmental interests of future generations. International human rights courts have remedied in their practice the harmful consequences of environmental pollution with reference to human rights. The life of the next generations is closely interlinked with how we act today to fight the ecological crises. The Human Rights Committee in November 2018 also recognised that “[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life”¹³
- Recognising that **nature has rights** is a relatively recent initiative to better protect the environment from human harm. By affirming the rights of nature, it reflects the view that nature has an intrinsic value that is independent of its human, instrumental relevance, which needs to be respected and defended. In New Zealand, the Whanganui river was given legal personality by the legislature in 2017. This inspired India to grant two sacred rivers, Ganges and Yamuna, the same legal rights as human beings later that year. In 2019, the Lake Erie Bill of Rights, a ballot initiative in Toledo, Ohio in the US successfully established “irrevocable rights for the Lake Erie Ecosystem to exist, flourish and naturally evolve” and “a right to a healthy environment for the residents of Toledo”.
- Future generations’ advocacy can be a powerful tool with a wider temporal scope than the human rights based protection of the environment. A recent study identified **44 national constitutions** that mention future generations as rights holders or beneficiaries in the context of environmental protection duties.¹⁴ Constitutional protection of future generations’ interests can be more responsive to long-term future risks and can justify taking precautionary action in the face of uncertain environmental threats.
- **Future generations as emerging rights holders:** There is a growing number of lawsuits filed in the name of minors against governments that are reluctant to fight climate change and environmental destruction.

¹² The Hague Principles for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship, Articles 1.1-1.2.

¹³ General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights on the right to life, CCPR/C/GC/36, paragraph 62.

¹⁴ May, J. R., & Daly, E. (2014). *Global Environmental Constitutionalism*. Cambridge University Press.

The landmark *Minors Oposa* decision of the Supreme Court of the Philippines in 1993 was a groundbreaking decision, where a successful claim against a government-issued logging measure was brought in the name of a group of children. This was followed by a climate change lawsuit in the US also filed in the name of adolescents. The latter *Rose Juliana* case is currently pending before the Supreme Court of the United States after the plaintiffs successfully established their standing before the Oregon District Court.

As the threats of climate change, predicted for years ahead, are rushing backwards, the dangers of imminent climate breakdown are becoming increasingly apparent. Young people, taking matters into their own hands, are standing up and demanding action. Greta Thunberg, the teenage activist from Sweden has successfully led and inspired school strikes and other initiatives by children and young people around the globe. "Act like your house is on fire, because it is", Greta calls for the world to act as it should in a crisis: she addressed the UN climate summit COP 24 at Katowice in 2018 and the World Economic Forum in Davos and European Parliament in 2019. Greta has seemingly captured the mood of children all over the world and ignited a global movement. To date, more than 20,000 students have held strikes in at least 270 cities worldwide.





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