



Earth Law Center

www.earthlawcenter.org

Grant Wilson, Executive Director, gwilson@earthlaw.org

Earth Law Center (ELC) works to secure rights for Nature and future generations. We are leading experts in Earth-centered (or ecocentric) law, including through the United Nations, where we are honored to have consultative status with both the United Nations Economic and Social Council (ECOSOC) and the United Nations Envi-2 (np64drT80m (O)2 (C)-3P)-4 (-2 (ng-2 (a)4 (64drT8

Building from this precedent, Earth Law Center is encouraged about the potential for a bold and transformative Pact for the Future that supports a meaningful voice and rights for future generations. Below we have included six recommendations of important themes and concepts that we suggest you include in the Pact for the Future.

Recommendation 1: Incorporate Clear Language Extending Human Rights to Future Generations, Especially the Human Right to a Clean, Healthy and Sustainable Environment

The Maastricht Principles on the Human Rights of Future Generations, which ELC recommends as foundational source material for developing the Pact for the Future, highlights that all human beings—including future generations—are entitled to the full and equal enjoyment of human rights.⁵ We recommend that the Pact for the Future explicitly support rights for future generations. In particular, we emphasize the importance of extending the right to a clean, healthy, and sustainable environment, as recognized by the Human Rights Council in 2021 (A/HRC/RES/48/13) and the General Assembly in 2022 (A/RES/76/300), to apply to both present and future generations. Other important rights and interests of future generations may include, but are not limited to, the right to clean air, safe water, a healthy and non-toxic environment, a stable climate, a functioning ecosystem rich with biodiversity,⁶ preserved cultural heritage,⁷ and ultimately, to be heard and represented.

Recommendation 2: Clarify the Need for Long-term Intergenerational Thinking

Protecting the rights and interests of those yet unborn will require long-term intergenerational thinking. It is the responsibility of those currently making decisions to consider long-term impacts and mitigate any harmful consequences that may occur in order to deliver a healthy planet to the future citizens of the world.

Reasonable restrictions must be imposed on activities that will threaten the enjoyment of human rights by future generations, including the unsustainable use of Nature and the destruction-1.32 Td(pl)-2 (a)48ur

To ensure we leave a habitable, or thriving, planet for future generations, we must incorporate mechanisms and systems to support long-term thinking. Specifically, the Pact should support long-term thinking as a guiding principle in all UN policy choices, programming, and governance,⁹ particularly in the context of environmental issues. The Pact for the Future should also encourage state parties to adopt long-term thinking within their own legal frameworks.

Recommendation 3: Incorporate Future Design into the Pact for the Future

One important mechanism and system for long-term thinking and intergenerational stewardship is Future Design. Future Design, a concept introduced in Japan in 2015, opens a space to discuss how current decision-making will influence future generations. It is the design and implementation of social systems that activate participants’ “futurability”, that is, the possibility that the present generation will put the interests of the future generations ahead of its own.¹⁰ Future Design aims for the well-being or happiness of the current generation as well as well-being or happiness of future generations.¹¹

Future design, or a similar concept that trades short-sightedness for long-term thinking, can be implemented in both small and large scale, local communities and high-level governments, and would require decisions being made today to consider its impact on future generations. ELC recommends the Pact for the Future highlight Future Design as well as other specific mechanisms, frameworks, and tools to promote intergenerational equity.

Recommendation 4: Include Support for a Robust Special Envoy for Future Generations

One way to build long-term thinking into important policies and decision-making is to establish an Envoy for Future Generations. The Envoy for Future Generations would represent, advocate for, and give voice to, future generations. National Institutions for future generations already exist in several countries around the world (see Recommendation 5 for details), with many other initiatives to establish Guardians or Ombudspersons for Future Generations at all governance levels currently proposed. These could provide a model for the representation of future generations at the international level.

ELC strongly supports the proposal of the Secretary-General to create an Envoy for Future Generations, whether a Guardian or Ombudsperson. Here are a few of the potential benefits:

⁹ See High-Level Committee on Programmes, United Nations System Common Principles on Future Generations (HLCP) (May 2023).

¹⁰ Saijo, Tatsuyoshi. "Future Design for Sustainable Nature and Societies." (2022). https://doi.org/10.1007/978-3-030-68074-9_145-1.

¹¹

- ” The Envoy would encourage and implement the long-term intergenerational and intragenerational thinking required to protect the rights and interests of future generations.
- ” The Envoy would ensure that future generations benefit from the biodiversity of Earth's ecosystems and that the present generation should strive for sustainable development and preserve living conditions, particularly the quality and integrity of the environment.¹²
- ” The Envoy would ensure that future generations are not exposed to pollution which may endanger their health or their existence itself¹³ and that present generations will preserve for future generations natural resources necessary for sustaining human life and for its development.¹⁴
- ” The Envoy would be proof of concept for giving a voice to other voiceless entities, particularly Nature, within the United Nations. Ultimately, we believe the Envoy could even build support for the UN General Assembly or other UN organs to include voting seats for Future Generations, Nature, and other voiceless entities.

An Envoy, once appointed, would be in a position to leverage other efforts already underway within the United Nations system in the context of Our Common Agenda to understand the future impact of today’s actions and to systematically act on those insights.¹⁵

Recommendation 5: Provide Support for Mechanisms to Give Future Generations a Formal Voice in National and Sub-National Legal Systems

In response to the environmental threats faced by future generations—the damage and destruction of Earth’s life-sustaining systems, including the unsustainable use of Nature; the unsound management of chemicals and waste; the pollution of air, land, and water, including significant pollution of rivers and oceans worldwide; biodiversity loss; fragmented habitats; and exacerbated climate change, amongst many other harms—a growing number of U.S., foreign, and international governments now recognize that present generations have a legal duty to maintain a healthy environment to ensure the well-being of future generations and to provide them with a voice in governmental decision-making

A voice for future generations has already been successfully implemented in Wales, as the Future Generations Commissioner; in Hungary, as the Ombudsman for Future Generations; and in Malta, as the Guardian of Future Generations. Here are a few pertinent details:

¹²

”

If the UN is committed to living in Harmony with Nature, it must begin to treat the natural world as more than just a mere resource or property, instead recognizing that all life has intrinsic value that is worthy of protection. The Pact for Future Generations is an excellent opportunity to propose the notion that future generations of life—human beings, more-than-human beings, and Nature in general—deserves special consideration and a voice within the United Nations.