

Book and media reviews

Giving future generations human rights

Linehan, J. and Lawrence, P. (Eds.) (2021). *Giving Future Generations a Voice: Normative Frameworks, Institutions and Practice*. Cheltenham: Edward Edgar Publishing. 232 pp., £85.00 (Hard Cover) ISBN: 978-1-83910-824-2; £25.00 (eBook) ISBN: 978-1-83910-825-9.

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This thought-provoking book considers how newly formed institutions are giving future generations a voice. The book presents case studies from around the globe, demonstrating diverse approaches to tackling the limitations of short-term thinking that is biased against the interests of future generations. It is a timely publication, given the devastating impacts and implications of the Covid-19 pandemic, global food insecurity and poverty, climate change, and biodiversity loss.

The case studies brought together by Jan Linehan and Peter Lawrence present both the strengths and the limitations of institutions that play a role in addressing these significant threats to future generations, contributing essential knowledge regarding how we can better embed future-orientated thinking. The book addresses its topic from different perspectives: from human rights to administrative law, intergenerational justice, ethics, and sustainable development. The text will be a helpful reference for those seeking an introduction to the field, either academically or as policy makers and civil society practitioners.

Chapter 1 presents a helpful introduction, setting the scene for the substantive chapters. The first group of chapters contemplates the normative underpinnings of institutions for future

generations, considering why such institutions should be established and how they should be evaluated. Lawrence explains that Institutions for Future Generations (IFGs):

can take different forms, ranging from rules and procedures, norms and organisations – including, for example, simple auditing processes which highlight long term impacts – to bricks and mortar-type institutions which highlight the interest of future generations, such as commissioners or ombudspersons or legislative committees (p.22).

Lawrence, in Chapter 2, focusses on commissioners and ombudspersons and how they can act as proxy representatives and ‘agents of justice’ to mitigate bias against future generations. This approach is grounded in a concept of intergenerational justice, embedded in core human rights. Nicky Van Dijk (Chapter 3) adopts a ‘Capability Approach’, using the ‘self-proclaimed’ interests of the current generation to create a capability set for future generations (p. 49). Drawing on UN instruments and empirical research into the physical needs of humans, she argues that this set of capabilities should be utilised by IFGs when considering the interests of future generations. Bridget Lewis (Chapter 4) draws directly from human rights law and jurisprudence to examine how human rights approaches can support intergenerational solidarity between current and future generations. She considers the importance of going beyond the limitations of economic and environmental sustainability and promotes the importance of the protection of the full range of civil, political, social, economic and cultural rights. She argues for the establishment of IFGs that incorporate the human rights of future generations and encompass advisory, supervisory, complaints-hearing, and legislative scrutiny functions. Lewis also pushes beyond the boundaries of existing IFGs and proposes standards of performance in relation to, for example, standing and evidence. She promotes the importance of more nations establishing such bodies and of their global interconnectedness.

The second part of the book addresses the mandate and operating principles of IFGs. Jonathon Boston (Chapter 5) discusses ‘commitment devices’: institutional approaches that ‘seek to bind a person, organisation or government to an agreed course of action, or agreed norm or rule’ (p.87). His evaluation is pragmatic, recognising the inherent bias against future generations in liberal democracies. He argues that such devices must be presented as costly to override and designed with detailed consideration in order to incentivise senior policy makers to adhere to long-term targets. Boston refers to the example of child poverty, where children have been failed from one generation to the next, with intergenerational impacts devastating and far-reaching, despite legislative targets having been set to eliminate it.

Friedrich Soltau (Chapter 6) counters criticism of the Sustainable Development Goals being time-limited to 15 years, citing examples of how the achievement of many of the goals within this time frame will contribute to a flow of actions protecting future generations.

Incorporation in governmental and IFG processes, and critically, he argues, sustainability education will help embed the interests of future generations in societies.

Part 3 of the book draws on lessons from practice. Phillipa McCormack and Cleo Hansen-Lohrey (Chapter 7) present a critique from administrative law principles, suggesting that IFGs could act as a proxy or legal guardian for future generations, holding decision makers to account. To that end, IFGs would be mandated with powers—similar to an ombudsman—embracing investigation, research and education, and would themselves be accountable to parliament rather than the executive arm of government.

Alan Netherwood and Andrew Flynn (Chapter 8) analyse the Well-being of Future Generations (Wales) Act 2015 (WBFGA), legislation that has been described as ground-breaking. The Act establishes the office of the Future Generations Commissioner (FGC), with a remit framed by 7 well-being goals. The FGC has powers to advise and scrutinise Welsh Public Service Boards and the Welsh Government on action to deliver the 7 well-being goals. Netherwood and Flynn's analysis of the first 5 years of implementation of the Act indicates that public bodies have, however, been struggling to address the long-term thinking required as a way of working under the Act. They suggest that strong political leadership and more support to public bodies is required to achieve this.

Jan Linehan (Chapter 9), examining reform approaches, considers deliberative or citizen assemblies that capture diverse voices, arguing that these models help to combat short-term thinking rooted in time-limited electoral cycles, partisan politics, and executive dominance. Finally, Elizabeth Dirth (Chapter 10), presents a systematic account of the characteristics of different IFGs in Europe. She argues that we must move beyond the systemic failures of existing institutions and reconceptualise institutions as 'just future making' (p. 206). Instead of being restricted to a narrow view of the future or conservationist standpoints, IFGs must be framed by processes that are 'participatory and imaginative, rather than static' (p.208). Dirth also highlights the importance of participatory processes and the engagement of young people.

Dirth points towards a limitation not just of IFGs but of this book, in that space has not been given to children having a voice. Children will have valuable and indeed essential insights in protecting and promoting the interests of future generations. Indeed, the climate protest movement, driven for the most part by young climate activists, has seized opportunities for climate litigation and justice and raised the profile of the threat to future generations (Daly, 2022). If we are truly to imagine and create futures that consider a diversity of interests, then their voice must be heard and not excluded, and become integral to IFGs (Croke et al 2021).

The book as a whole ultimately argues that a multi-faceted approach is required to give future generations a voice. However, several authors suggest we must give greater protection to the

interests of future generations by firmly placing the full range of human rights and individual administrative justice rights into law, so there is enhanced legal accountability. In other words, instead of just 'voice', we must give future generations 'human rights', with IFGs empowered to act as a 'proxies' or guardians to ensure they are respected, protected, and fulfilled.

The book is well-timed. Globally, a recently adopted UN Resolution on access to a clean and healthy environment (UN N.D) and the forthcoming Maastricht Principles on the Human Rights of Future Generations, provide a context in which the book is clearly relevant. In Wales (this author's 'locality') it will aid reflection on what has been achieved by what has been seen as ground-breaking legislation on future generations, at a time when a new FGC will soon be appointed, and a Welsh Human Rights Bill is being considered (Welsh Government 2022).

The book's interrogation of the role and functions of IFGs will be helpful to such offices that exist and to the people who are charged with creating new ones.

References

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