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**Rights and Representation of Future Generations in United Kingdom
Policy-Making**

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Executive Summary

This paper explores options for mainstreaming representation of future generations into current policy-making structures in the United Kingdom. Representation of future generations is increasingly important because of emerging global catastrophic risks arising from rapid technological developments. Global catastrophic risks are an intergenerational global public good, and are likely to be politically neglected. Representation of future generations in today's decision-making is likely to lead to a more appropriate degree of focus on global catastrophic risk. In the past, representation of future generations, or intergenerational justice more broadly, has mainly been considered in relation to environmental sustainability, but we extend this analysis to catastrophic risk.

First, we present a case for respecting the rights of future generations, and explore the content of the rights of future generations and consequent obligations of current generations.

Then, we examine case studies of future generations representation, and find that several factors contribute to the success of such representation: legitimacy or perceived legitimacy (in particular, an institution which provides for representation of future generations should not be given too much power, especially early in its lifespan); civil society support; transparency and accessibility; multi-disciplinarity; and political inclusion.

We make several policy recommendations:

1. An All-party Parliamentary Group on Future Generations should be formed.
2. Legislation should be passed containing an obligation to include the long-term risks of any Government Bill in the accompanying Explanatory Note.
3. The various futures research institutions and think tanks should cooperate to form an expert advisory panel with a mandate to influence policy.
4. If and when a British Bill of Rights is passed, the opportunity should be taken to include intergenerational rights. More work would be needed on the precise legal formulation of such rights.
5. In the longer term, political momentum should be translated into a formal Select Committee on Future Generations.
6. Any Future Generations institution should be explicitly mandated to consider existential risks arising from technological development, in addition to environmental sustainability.
7. Civil society needs to mobilise to form a strong cross-party support for representation of future generations.

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1. Introduction

Researchers have identified multiple risks that could permanently curtail humanity's potential ('existential and catastrophic risks').¹ Existential and catastrophic risks include well-understood risks such as climate change and natural pandemics, but also include emerging risks which arise due to advances in technology. As such, these risks raise distinctive governance challenges. One such challenge exists in relation to future generations: what rights might they have, and how might they be represented? To frame these issues as violations of the rights of future generations could bring them into contemporary focus, and construct them as issues of immediate political interest.

The need to include explicit pathways in governance structures for accountability to the rights and needs of future generations has been noted.² However, such pathways have not been fully explored in the United Kingdom (UK) context. This policy paper hopes to fill this gap.

We will examine options for representing future generations in our present policymaking structures. In practice, Wales and Scotland both have institutional forms of representation for future generations. We therefore focus here on England, while also considering options that could be mainstreamed throughout the UK. Section 2 of this paper elaborates on the scope of the problem posed by technological risks, and the reasons why future generations are under-represented in status quo policymaking. Then, Section 3 develops an understanding of why we should care about future generations, drawing on philosophical frameworks. Section 4 expands on this, exploring the content of obligations on present generations stemming from the rights of future generations.

In Section 5 we explore case studies of future generations representation from several different countries, and draw out broad lessons for policymaking here. Sections 6 and 7 discuss the UK policy context, explore policy options, and make recommendations.

Before moving to the substance of this paper, let us address a few preliminary issues.

1.1 Procedural not substantive

Our proposals are procedural, rather than substantive solutions to threats to future generations' prosperity or existence. Substantive solutions, such as designating particular threatened resources,

¹ Global Challenges Foundation and Global Priorities Project 2016, *Global Catastrophic Risks*. Bostrom, N 2002, 'Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards', *Journal of Evolution and Technology*, vol. 9, no. 1.

² Global Priorities Project, Future of Humanity Institute, Oxford Martin School, and Centre for the Study of Existential Risk 2014, *Policy Brief: Unprecedented Technological Risks*, viewed 3rd March 2017, <http://globalprioritiesproject.org/wp-content/uploads/2015/04/Unprecedented-Technological-Risks.pdf>.

species, or institutions as ‘critical’ or ‘necessary’,³ face significant challenges. First, they are necessarily ambiguous, as they are designed to deal with a broad range of existing threatened species and resources, but must account for future discoveries and those that do not yet exist. This ambiguity limits their use by making them costly and challenging to enforce in courts.⁴

Secondly, substantive solutions rely too much on our ability to predict and understand future problems and their solutions. Failed predictions of peak oil, species extinction, or Malthusian population disasters show that scholars have a tendency to exaggerate risk at the neglect of potential solutions. This problem is inevitable, because nobody is so well rounded and knowledgeable as to be aware of all potential solutions to a given problem, and by definition innovations which solve these problems (for instance discoveries of new oil reserves) are unpredictable. If we wish to take intergenerational justice seriously we must consider the implications of misguided threat limitation – that is, trying to solve problems without adequate information – as well as simple threat neglect. For instance, gain-of-function research helps us understand, anticipate and reduce risks from natural pandemics, but increases the risk of deliberately engineered pandemics. Therefore it is challenging to make specific recommendations on whether we should halt or increase such research. However, something we can agree on as being valuable is that the rights of future generations are taken into account when these decisions are being made.

Although epistemological problems of threat prediction can never be entirely avoided, we can limit our reliance on particular predictions by adopting procedural approaches. A procedural approach does not presuppose particular futures, but creates mechanisms to manage catastrophic risks and maximises our ability to cope with them in general. We therefore focus on procedural solutions here.

1.2 *Expanding from environmental risk to existential risk*

Some thought has been put into how future generations may be represented in relation to environmental risks such as climate change, resource depletion and biodiversity loss. This research is reflected in the sustainable development literature.⁵ This is unsurprising because environmental catastrophic risks, particularly climate change, are both long-term and mobilise large portions of civil society. This mixture of both long-term outlook and popular support is part of what we hope to achieve by putting future rights on the agenda.

³ Layard, A., Davoudi, S. and Batty, S 2001, *Planning for a sustainable future*, 1st edn, Spon Press, London, pp. 81-94.

⁴ Ekeli, K 2007, ‘Green Constitutionalism: The Constitutional Protection of Future Generations’, *Ratio Juris*, vol. 20, no. 3, p. 382.

⁵ See e.g. Brown Weiss, E 1990, ‘In Fairness to Future Generations’, *Environment*, vol. 32, no. 3, p. 6.

Therefore, we explore ways in which concerns for future generations have already been realised, and seeks to extend these to other areas. The rights of future generations have value in themselves, and are a legitimate concern apart from the particular value of the environment. Nevertheless, the environmental policy literature is a practical place to begin the search for a way to foreground them.

1.3 Bringing together philosophical, legal and political issues

In this paper we bring together philosophical, legal and political issues. The rights and representation of future generations lie at an important intersection between these issues. Philosophy is an indispensable starting point, as it allows us to account for a future that is difficult to predict. The political and legal climate of our time is over-concerned with the present. It neglects the more significant threats of the future for contemporary trivialities. We can move to a perspective less firmly rooted in the present by appealing to philosophical rights which can equalise generations.

The legal and political elements of our research are essential to giving a substantive force to these philosophical concerns. In particular, the law offers a way to practically instantiate the rights which can counteract presentism in political thinking. It can operate in a procedural manner, applying rules and regulations to our future-regarding behaviours rather than identifying a particular end goal of future preservation. By opening up this approach, looking at future generations as a legal issue allows us to avoid some of the greater epistemological problems associated with the subject.

A political aspect is also necessary, for attempts to inscribe the rights of future generations in law have often been stymied by political presentism. The only reliable way to enshrine a new set of rights in any constitution is by creating a strong civil society movement which will reliably force the issue on politicians, and a view to creating such a movement is the background to many of our proposals as well as the goal of some of them.

Ultimately, we make policy proposals because a concrete step forward for intergenerational justice is our priority, and an eminently achievable goal in this form. Countries as diverse as Canada, Finland, and Israel have shown that future-representation reforms can be introduced by committed individuals, and we feel that there are significant opportunities for similar change in the English political system. Philosophical issues inform the changes we propose, but it is vital that we provide a solid backbone to future-representation in the form of legal and parliamentary change so that intergenerational justice in England can be more than merely a philosophical project.

2. The scope of the problem

2.1 Global catastrophic risk

Awareness of risks of an existential or catastrophic nature has increased in recent decades.⁶ The Global Challenges Report 2016 defines global catastrophic risk as risk of an ‘event or process that, were it to occur, would end the lives of approximately 10% or more of the global population, or do comparable damage.’⁷ A subset of catastrophic risks are ‘existential’ risks, which would end human civilisation or lead to the extinction of humanity.⁸

Existential risks can be anthropogenic, such as nuclear risks, or non-anthropogenic, such as collisions with near-Earth objects. In addition, some risks are ongoing and could potentially occur in any given year (nuclear war; pandemics), whereas emerging risks may be unlikely today but will become significantly more likely in the future (catastrophic climate change; risks stemming from emerging technologies).⁹ These ongoing risks have existed for quite some time and are generally well-understood. However, emerging risks, particularly those arising from technological developments, are less understood and demand increasing attention from scientists and policymakers. Such technological developments include advances in synthetic biology, geoengineering, distributed manufacturing and artificial intelligence (AI).¹⁰ There is increasing consensus that these new technologies should be treated with the same caution as nuclear weapons. Although the impact of these technologies is still very uncertain, expert estimates suggest a non-negligible probability of catastrophic harm.

Different risks are of different severity, which is a function of scope (the size of the population at risk), intensity (how badly this population would be affected), and probability of occurrence.¹¹ The risks which need most attention, according to the Global Challenges Report, include pandemics (both natural and engineered), nuclear war, catastrophic climate change, catastrophic disruption from AI, and failure of geo-engineering.¹² In the cases of AI and geo-engineering, the current risk is low, but because it is hard to predict how fast technology will progress, in the long term the risks could be very high.

⁶ Global Priorities Project, *Unprecedented Technological Risks*, p. 3.

⁷ Global Challenges Foundation, *Global Catastrophic Risks*, p. 22.

⁸ Ibid. pp. 28ff, 66.

⁹ Ibid. p. 14.

¹⁰ Global Priorities Project, *Unprecedented Technological Risks*, p.6.

¹¹ Ibid. p. 22.

¹² Ibid. pp 66-70.

Reducing catastrophic risks benefits those living today, as well as future generations. A global catastrophe could reduce the standards of living for many generations to come, while outright human extinction denies existence to all future generations.¹³ Reducing global catastrophic risks is therefore both a global and an intergenerational public good.¹⁴ However, such risks have so far been under-regulated.

2.2 Political 'presentism'

The under-regulation of global catastrophic risks and under-representation of future generations is partly explained by political short-termism or 'presentism'.¹⁵ Governments primarily focus on short-term concerns, which mean that they may systematically neglect global catastrophic risks and, accordingly, future generations.¹⁶ This arises in part due to the democratic election cycle, whereby politicians are incentivised to take decisions which please the current electorate (such as borrowing to increase short-term spending) but that may have adverse effects in the long-term (such as future generations holding a higher tax burden).

This situation is exacerbated in that mitigating global catastrophic and existential risks is an intergenerational global public good. Individual political actors (even whole countries) bear many costs in providing for such goods, whereas the benefits are dispersed globally. In addition, many of the beneficiaries are future people who do not currently exist and as such have no voice in the political process. There is a clear lack of incentives to mitigate such risks in this way, and market failure should be expected.¹⁷ Intergenerational concerns are not adequately taken into account by UK voters: an audit of the 2015 General Election concluded that the interests of future generations were only considered minimally important.¹⁸

The problem of presentism transcends political divisions. Both the political left and right are concerned about its effects, and should care about mitigating global catastrophic risks. But short-termism is not inevitable, and it can be overcome. The representation of future generations in

¹³ Ibid. p. 24.

¹⁴ Ibid. p. 12.

¹⁵ Thompson, D. F. (2010). Representing Future Generations: Political Presentism and Democratic Trusteeship. *Critical Review of International and Political Philosophy*, Volume 13(1), p. 17.

¹⁶ Global Priorities Project, *Unprecedented Technological Risks*, p. 21.

¹⁷ Ibid.

¹⁸ Lotherington, J 2015, 'Future Generations and the UK 2015 Election Campaign – looking ahead?' *Foundation for Democracy and Sustainable Development*, viewed 14th January 2017, <http://www.fdsd.org/site/wp-content/uploads/2015/06/Future-generations-election-2015-John-Lotherington1.pdf>

today's policy-making and decision-making structures would help to limit the effects of short-termism by reorientating discourse toward the future.

3.

Why care about future generations?

3.1 Introduction

It can seem obvious that we ought to place moral weight on the rights and interests of future generations. Caring for future generations is a value recognised across many world societies and cultures. However, relying on this intuitive concern is not enough to justify policy that actively seeks to incorporate the rights and interests of future generations into present decision making. For one thing, many people may not find such valuing obvious. History teaches us that cogent argument was necessary to secure the value of rights which we now find essential.¹⁹ For this reason, we need a background rational framework which justifies attributing moral weight to future generations.

Discussion of the ethics of future generations has only arisen relatively recently in the philosophical literature, yet already several major counterarguments have arisen against attributing moral weight to future generations. Many of these problems hinge on the fact that the actions of present people have a causal impact on the values, number and identity of future individuals.²⁰ Rather than tackle these philosophical problems head on (which is beyond the scope of this paper), we present an account from John Rawls which is at least *prima facie* plausible for our purposes.

3.2 Rawls on Intergenerational Justice

In *A Theory of Justice*²¹ Rawls presented a highly influential account of the nature of justice whilst also attempting to extend this account to the case of future generations. Rawls presents what he calls the ‘original position’, a hypothetical situation whereby members of a society are placed under a ‘veil of ignorance’: they lack knowledge of their class, social status, gender, race or any other relevant information about their place in society; and their natural attributes and abilities, such as intelligence, physical strength, disabilities, and particular desires and values.

The members of this situation must then agree upon a contract that will define the criteria of justice when they re-enter society. This contract will necessarily be fair, since the individual members lack

¹⁹ For example, freedom of expression did not gain traction as a right of any weight until the eighteenth and nineteenth centuries. It was influential arguments put forward by moral visionaries such as John Stuart Mill that helped provide a rational grounding for freedom of expression as a universally recognised and legally implemented human right. See Mill, J 1869, *On Liberty*, 4th edn, Longman, Roberts & Green, London. Also see Morsink, J 1984, ‘The Philosophy of the Universal Declaration’, *Human Rights Quarterly*, vol. 6, no. 3, pp. 309-334.

²⁰ Parfit, D 1984. *Reasons and persons*. 1st ed. Oxford [Oxfordshire]: Clarendon Press, pp.351-378.

²¹ Rawls, J 1971, *A Theory of Justice*, 1st edn, Belknap Press of Harvard University Press, Cambridge, MA.

any knowledge which might allow them to advantage themselves when placed back into society. Rawls uses this thought experiment to extract many claims about the nature of justice.

To extend the account to future generations, Rawls adds the following constraints: first, the partakers of this situation are members of a single generation but lack knowledge of their place in human history. Secondly, a ‘motivational constraint’ whereby members know that they will form part of ‘family lines’ of descendants, and hence will desire to provide for their descendants (irrespective of whether prior generations have saved for them). This latter constraint is necessary for the generation under the veil of ignorance to gain assurance that past generations will follow the duties they agree upon, and that they will not be left in deficit from past people.

Principally, these constraints are intended to motivate the members of the situation adopting a ‘just savings’ principle, whereby each generation will save a certain amount of its resources for future generations. Whilst they may agree upon differing rates of savings depending on circumstance, the rate of savings itself will be intended to preserve (or lead to the creation of) ‘just institutions’. Such just institutions may be obligated to preserve certain human rights, or at least the judicial and political processes that enable justice itself.

3.3 Pragmatic motivations

There are two main pragmatic reasons to take action now to prevent harm to the rights and interests of future generations. These reasons are intended to address the following argument: past generations have, up to now, not caused any significant harm to present generations, and were able to avoid this harm without making any deliberate effort to do so. Why, then, should present generations make any effort to avoid harm coming to future generations, if history suggests that we pose no risk?

First, past generations *have* caused significant harm to present people. This is manifest in a variety of areas. For instance, the 2007-08 financial crash had its roots in a lack of adequate and independent financial regulation, dating back 30 years prior to the crash.²² Short-termism in economic policy is highly motivated by politicians only requiring support for the next election cycle, yet clearly failures can affect people far in the future from now. Further, it is clear that the majority of people living in the Western world since the industrial revolution have contributed to climate change. Yet it is present and future generations who will bear the brunt of the financial, environmental and humanitarian impacts of this contribution.

²² Financial Crisis Inquiry Commission 2011, *The financial crisis inquiry report: Final report of the national commission on the causes of the financial and economic crisis in the United States*, Financial Crisis Inquiry Commission, p. xviii.

Secondly, present generations demonstrably pose a much greater risk to future generations than any past generations posed to the present generation. There is a much greater potential for impact due to a combination of fast economic growth and unprecedented scientific advancement and technological development²³. Furthermore, the rate of these developments means that time effectively moves much faster, yet our foresight on issues affecting future generations has not altered. We are effectively planning less far ahead. We are more likely to anticipate an obstacle too late and suffer the consequences than past generations.

²³ Bostrom, N 2014. *Superintelligence: Paths, Dangers, Strategies*, Oxford University Publishing, Oxford, pp. 1-4.

4. Rights of future generations

This section gives background to human rights legislation in the UK presently, as well as discussing the evolving nature of rights through history and how this might affect our present obligations to future generations.

4.1 *Rights are not static*

Prima facie, it seems plausible that future generations will at least have the rights we ascribe to present generations. Certainly, individuals in future generations have the right to life. However, determining exactly what rights are recognised within the UK at present is more difficult than would initially appear. The UK lacks an explicitly codified constitution, and there is no single document or piece of legislation which covers all rights discussed in the current UK context.

The Human Rights Act 1998 is the only candidate for something approaching general human rights legislation within the UK. Complicating the situation further, various other rights have to come to be recognised within the UK since the Human Rights Act came into force via separate pieces of ad hoc legislation. A government proposal to replace the Human Rights Act with a ‘Bill of Rights’ also creates uncertainty regarding what rights will be legally recognised within the UK in the near future.

However, there are several possible ways that the rights of future generations may differ from the rights of present generations. Furthermore, it is not easy to predict how the recognition and legal status of rights will evolve over time. In the midst of this uncertainty about what rights future generations will even have, what obligations can be ascribed to present generations with respect to the future? Some rights may depend upon circumstance (cultural, economic, social or otherwise) for their very existence. If so, we may see the rights of UK citizens changing in the future with these evolving conditions within society. The interpretation and scope of rights may also change in light of major political watersheds; there is clear historic precedent for this.²⁴ Furthermore, it appears plausible that entirely novel rights have gained legal recognition over time.²⁵

Evan G. Williams²⁶ has argued that it is very likely that we are currently living through an ‘ongoing moral catastrophe’ of which we are unaware. Williams provides an inductive argument from past

²⁴ For instance, the emergence of the internet has forced new interpretations of rights to privacy, freedom of information and freedom of expression.

²⁵ See e.g. right to marriage between two people regardless of gender; reproductive rights; the right to online freedom.

²⁶ Williams, E, G 2015, ‘The Possibility of an Ongoing Moral Catastrophe’, *Ethical Theory and Moral Practice*, vol. 18, no. 5, pp. 971–982

unrecognized moral disasters, as well as arguing that the sheer number of possible moral mistakes we are making should make us confident that at least one of these possibilities is such a mistake. It seems plausible that in future, such a catastrophe could be explained in terms of future rights which we presently do not recognize. There is at least a general motivation for thinking there will be future (presently unrecognized) rights then. There are also several specific instances of rights which in the future may gain much greater recognition than the level (if any) that they enjoy presently.²⁷ However, there is clearly still great uncertainty regarding all possible new rights. Novel and expected technological advances may give rise to new human rights that were very difficult (if not impossible) to anticipate beforehand.²⁸

4.2 Obligations of the current generation

Until now, researchers have posed at least two obligations held by current generations with respect to future generations. First, there is a ‘fairness obligation’, by which current generations have a duty to not impose any existential risks upon future generations that they would not themselves accept.²⁹ Second, there is an obligation not to restrict the possible futures of future generations by decisions made today.³⁰

In addition, the possibility of novel rights appear to present two more obligations for present generations with respect to future generations: an obligation to ensure that already anticipated future rights (for instance, genetic, environmental, digital) will be fulfilled for future generations; and an obligation for present generations to monitor any technological, risk-based or moral developments that may call for the creation of novel legal rights. This latter obligation can be fulfilled at least in part by successfully increasing representation of future generations in present political decision making and discussion.

Despite the uncertainty created by the possibility of novel human rights, it seems clear that basic economic and social rights which are prerequisites for life, shelter, education, health, as well as scientific and cultural development, seem to have a fairly narrow scope within which to reinterpret. Whilst the interpretation of what level of provision is required to fulfil these rights varies across countries (for instance, whether to provide free primary, secondary or up to tertiary education), this appears to depend more on the economic resources of the specific country rather than substantive

²⁷ For instance, the right to die; animal rights; genetic rights; and a right to a healthy environment.

²⁸ For instance, a right to determine one’s own lifespan.

²⁹ Schrader-Frechette, K. 1991. Ethical dimensions and radioactive waste. *Environmental Ethics*, 13, 327-344.

³⁰ Golding, M.P. 1981. Obligations to future generations. In E. Partridge (Ed.), *Responsibilities to future generations: Environmental ethics*. Buffalo, NY: Prometheus Books.

conflict with other rights. It appears then, that present generations at least have an obligation to ensure that future generations can successfully fulfil their own economic and social rights. In addition, civil and political rights seem fairly unchanging.

What, then, of the obligations given by possible novel rights, that future generations will recognize but we presently do not? With respect to novel rights instigated by the changing moral views of society, it is often only in hindsight that one can see the social pressures that lead to these changes. Hence, it is difficult to know in advance what rights might be created this way.

However, novel rights can also be created in response to technological advancement (such as digital rights, or genetic rights) as well as in response to newly recognized and significant issues facing society (such as environmental rights). It seems more plausible that these technological and risk based trends can be successfully anticipated. Furthermore, if there is success in raising the profile of future rights issues, there is hope that society will become better at detecting technological or risk based developments which call for novel rights, as well as being able to integrate these new rights into contemporary legal and political structures.

5. Case studies of the representation of future generations

Over the last two decades, several governments worldwide have set up institutional structures to attempt to tackle short-termism in decision making, with varying levels of success. These institutions have taken a variety of different structural and functional forms, providing a useful data set from which we can analyse factors contributing to their success. Here we focus on institutions explicitly aimed at the interests of future generations, rather than those which may merely have an indirect effect on future generations (such as environmental protection agencies).

We discuss the main variables in institutions in terms of structure, function and degree of power. Structurally, commissioners and committees have been used, with varying amounts of resources at their disposal. The independence of such institutions from government has varied considerably, from taking the form of arm's length companies from government, to being composed of parliamentarians themselves. Similarly, the responsibilities and powers of each institution ranges from a minimalist research and advocacy role, to the power to delay or block legislation indefinitely. Subject scope also varies, as does the individuals and organisations that institutions work with. In particular, we find that only one institution has explicitly considered global catastrophic or existential risks in its work. An additional variable, and a key success factor we will return to, is the transparency of such representative institutions and the extent to which they engage with the public and politicians in an educational awareness role. Individual institutions' methods and success in achieving transparency vary considerably. In addition, the historical and social context within which these institutions were created, and the accompanying political pressures, naturally differ among countries. We will analyse these variations to determine if their successes can be transferred to the English context.

It is important for the purposes of our analysis to specify what indicators are being used to assess the success of these representative institutions. Broadly, one of the most important indicators of success for these institutions is the *impact* they have had on present decision making to take intergenerational interests into account. Unfortunately, this indicator is necessarily vague; almost all institutions differ somewhat in their functions and powers, and giving a narrow definition of 'impact' will wrongfully exclude institutions which take alternative measures to ensure present representation of future generations in decision making. However, it will become clearer what kinds of impacts are desirable.

Another success indicator is *increasing dialogue and giving a clearer articulation of intergenerational issues* in the political and public spheres. Presently, as we have already seen, the issue of representing the rights and interests of future generations is not well articulated (if at all) in

the UK political context. Simple awareness of these issues is an essential step towards their having an impact upon decision making.

One *a priori* constraint on the success of the mechanisms to be analysed is *scope*: as has already been discussed, future generations face a wide range of problems and risks that may have an adverse impact. Consequently, a successful representation mechanism for future rights and interests ought to consider a broad variety of intergenerational issues.

A third key indicator of success is *longevity*. A trend with intergenerational representation mechanisms is that such institutions generally face challenges to their status within a short period after their creation. But longevity is essential for successful representation of future interests.

The institutions discussed are summarised in Table 1, which shows dates of operations, position with respect to the executive and the legislature, scope, and powers.

Table 1: Institutions for Representing Future Generations

Country	Dates of operation	Position with respect to executive and legislature	Scope	Functions and Powers
Finland	1993-	Standing Committee of Parliament	Futures in general; can choose own scope	Research/advisory Education
Hungary	2008-2012	Structurally independent from government	Issues which may affect the constitutional right to a healthy environment	Research/advisory Complaints investigation Legal enforcement
Israel	2001-2006	Parliamentary committee	Environment, natural resources, science, development, education, health, state economy, demography, planning and building, quality of life, technology, law, any other matter considered relevant	Research/advisory Initiate legislation Veto legislation
Scotland	2005-	Structurally independent from government	Futures in general; can choose own scope	Research/advisory Education
Singapore	2009-	Within the Prime Minister's Office	Risk and futures; can choose own scope	Research/advisory Education
Wales	2016-	Structurally independent from government	Sustainable development	Research/advisory

				Recommendations are binding
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5.1 Finland: Committee for the Future

Created in 1993, the Committee for the Future is a Standing Permanent Committee of the Finnish Parliament. It consists of 17 parliamentarians representing all parties, in proportion to the makeup of parliament itself.³¹ The Committee serves a variety of functions:³² it acts in a ‘think tank’ role for government by analyzing research regarding the future and assessing possible implications for the work of parliament; it conducts dialogues with other organs of government on any foreseeable long terms issues affecting policy or the work of the bodies in question; it prepares responses to Government reports on the future which are commissioned by the Prime Minister every four years; and it engages in public outreach.³³ Aside from the Government reports, the Committee is free to choose its own methodology and the scope of issues upon which to focus.³⁴ It is also responsible for and must cover the implications of technological development for society. Formally, the Committee has little power to intervene on legislation or policy decisions (in contrast to other institutions), and it has no power to receive and act upon complaints from the general public.

Nevertheless, the Committee appears to have had substantial impact. The Committee has employed agenda-setting power, for instance by having the following themes brought up at plenary sessions: plant gene technology in food production (1998), the future of work in Finland (2001) and the future of the Finnish knowledge society (2004).³⁵ Furthermore, it has enjoyed a good level of attention and responsiveness by policy makers. In particular, by 2004 the Committee had produced lengthy (100+ page replies) to four government reports, and in each case the government has adopted the committee’s proposals after lengthy debate.³⁶ The Committee is also the longest-lived institution in

³¹ The Parliament of Finland n.d., *Enacting Legislation: Committees*, viewed 14th January 2017, <https://www.eduskunta.fi/EN/lakiensaaminen/valiokunnat/Pages/default.aspx>.

³² Groomsbridge, B 2006, ‘Parliament and the Future: Learning from Finland’, *The Political Quarterly*, vol. 7, no. 2, pp. 273-280.

³³ *Ibid*, p. 275.

³⁴ Association of Secretaries General of Parliaments 2004, *CPI Review No. 188 Geneva*, pp 5-17, p 12, para 4, viewed 14th January 2017, http://www.asgp.co/sites/default/files/CPI_188.pdf.

³⁵ *Ibid*, p. 10.

³⁶ *Ibid*, p. 7.

our analysis, which indicates that it has achieved a good relationship and balance of power with government.

This success may be due to a number of factors. Firstly, the Committee's work had legitimacy from the beginning due to widespread cross-party and public support in its creation.³⁷ At that time Finland already had a substantial history of futures studies, concentrated in the Finnish Society for Future Studies. Its continuing public outreach work can only sustain this. Secondly, the fact it is composed of parliamentarians allows the opportunity for informal intervention by its members, as well as lending its findings political weight. Groomsbridge has highlighted that the fact it is not at arms-length from the government is a strength, as its proceedings are highly integrated with those of parliament.³⁸ Furthermore, despite the lack of significant independence from government, it has been able to set its own agenda for the most part, meaning it can work on a wide scope of issues it sees as relevant to future generations.

5.2 Hungary: Commissioner for Future Generations

The Hungarian Commissioner for Future Generations was one of the strongest representative mechanisms for future generations yet created. Its legislative foundation stemmed from Act LIX of 1993 on the Parliamentary Commissioner (Ombudsman) for Civil Rights (s 27 onwards)³⁹, but it was not until 2008 that the Commissioner was actually established, and the role only continued until 2012 before having its power significantly reduced.⁴⁰

Structurally, the Commissioner was elected by parliament, but had to fulfil the condition of being a lawyer with expertise in environmental protection and/or nature conservation law (s 27/A. § (2)). Independence was also assured by the exclusion of anyone who had, among other criteria, held office or been a member of a political party within the last 4 years, or held other employment or business that could constitute a conflict of interest(ss 3, 27/A(2)).

In terms of scope, the primary task of the Commissioner was to 'ensure protection of the fundamental right to a healthy environment', which at the time was enshrined in Hungary's constitution. The Commissioner's core duty was to receive complaints and carry out investigations in relation to all

³⁷ Groomsbridge, 'Parliament and the Future', p. 274. See also Tiihonen, P 2011, *Revamping the Work of the Committee for the Future*, p.7, viewed 30th December 2016, https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj_7+2011.pdf.

³⁸ Ibid. p. 279.

³⁹ *Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights (Ombudsman) 1993* (Hungary), viewed 14th January 2017, http://www.jno.hu/en/?menu=policy&doc=LIX_of_1993.

⁴⁰ Future Policy n.d., *The Hungarian Parliamentary Commissioner for Future Generations*, Future Policy, viewed 14th January 2017, <http://www.futurepolicy.org/guardians/hungarian-parliamentary-commissioner/>.

issues that may affect citizens' constitutional right to a healthy environment (s 27/B). These investigations often resulted in legal cases taken by the Commissioner – over 200 substantive cases a year,⁴¹ many of which resulted in success. The Commissioner had significant impact through its complaints and investigations role. It saw the following achievements (among others):⁴² protecting US\$ 1.6 b worth of state-owned forest from privatization,⁴³ preventing privatization of water utilities and 'safeguarding' Hungary's agricultural gene pool.⁴⁴

In addition, the Commissioner was also responsible for strategic development research, and consulted on legislation concerning the environment and all levels of government. The Commissioner had considerable power, including the power to call for termination of activity damaging the environment, backed up by police and law enforcement organs.

Advantages of the Hungarian approach include that the office was legally (and arguably politically) independent from other government branches and from businesses, and had some legitimacy through its support from civil society groups and its interaction with individual citizens through its complaints service. It also maintained transparency and open relationships with all stakeholders during investigations and reported annually on its work (s 27/H).⁴⁵ However, the Commissioner had narrow scope, both in terms of its issue focus (i.e. environmental issues) and methodology; the Commissioner seems to have expended a great deal of resources on legal pursuits in response to individual complaints.

Additionally, the institution did not see the longevity essential for long-term representation of future interests. The role ended in 2011 when Hungary's four commissioners (on different subjects) were amalgamated into one position, the powers and mandate of the Commissioner were vastly reduced and it faced large budget cuts. This change was a part of a new constitution, drafted by the newly incumbent right-wing Fidesz party. It is likely that, given the Commissioner's notable interventions in private and governmental interests, there was significant political pressure to reduce its level of power. Despite the fact that originally, the Commissioner was brought about by support from across the political spectrum and from civil society groups, there may still have been a deficit of political

⁴¹ Future Policy n.d., *The Hungarian Parliamentary Commissioner for Future Generations*.

⁴² Some achievements listed on the commissioner's website: Parliamentary Commissioner for Future Generations n.d., 'Rights to a Healthy Environment', viewed 14th January 2017
<http://www.jno.hu/en/?&menu=healthy5>.

⁴³ Future Policy n.d., *The Hungarian Parliamentary Commissioner for Future Generations*.

⁴⁴ Institute for European Environmental Policy 2015, 'Establishing an EU 'Guardian for Future Generations'', p. 5, viewed 14th January 2017,
http://www.ieep.eu/assets/1849/IEEP_2015_Establishing_an_EU_Guardian_for_Future_Generations_.pdf.

⁴⁵ *Act LIX of 1993* (Hungary).

understanding of, or sympathy for, its goals and methods. Whilst the Commissioner did engage with citizens through its complaints role, it may still have lacked the widespread awareness and support for tackling intergenerational issues to prevent it being easily dissolved by other political interests.

5.3 Singapore: Centre for Strategic Futures

The Centre for Strategic Futures (CSF) is an in-government, futures think tank established in 2009 within the Strategic Policy Office, which is itself part of the Prime Minister's Office of Singapore.⁴⁶ Focusing on the public sector, CSF works to encourage and improve governmental and cross-department strategic thinking on risk and the future. This can be seen both in the wide audience it has reached through educational and networking methods within the civil service,⁴⁷ as well as through individual projects with other departments, such as that on the implications of automation on the Singapore workforce (carried out conjointly with the Minister of Manpower).⁴⁸

Structurally, whilst its position within the Prime Minister's Office may lend it some authority in political and policy spheres, it also raises questions of independence. The precarious position it occupies close to government means it is open to both political pressures on agenda setting and outright dissolution if it causes much upset for the relevant stakeholders. However, there is reason to think these latter worries do not pose much of a threat. Singapore has a history of valuing strategic thinking and scenario planning that dates back to the 1980s,⁴⁹ and as such, the relevance of the institution is firmly ingrained in the civil service and government. Furthermore, the head of civil service has written glowing reviews of the Centre's work in introductions to its annual report, 'Foresight'.⁵⁰

Functionally, CSF acts mainly as a futures think for government and the civil service. It has worked on a wide range of issues in doing this, including the effects of automation and renewable energies on Singapore, as well as more abstract questions of national identity.⁵¹ Yet, its most distinctive feature lies in its role to, "not just to think about the future, but also to think about how we think about the

⁴⁶ Centre for Strategic Futures [CSF] 2015, 'History', CSF, viewed 25th March 2017, <http://www.csf.gov.sg/about-us/history>.

⁴⁷ Centre for Strategic Futures 2015, 'Futurecraft', CSF, viewed 25th March 2017, <http://www.csf.gov.sg/our-work/futurecraft>.

⁴⁸ Centre for Strategic Futures 2015, *Foresight 2015*, CSF, viewed 25th March 2017, <http://www.csf.gov.sg/docs/default-source/default-document-library/csf-report-2015.pdf>.

⁴⁹ CSF, 'History'.

⁵⁰ CSF, *Foresight 2015*. See also Centre for Strategic Futures 2014, *Foresight 2014*, CSF, viewed 25th March 2015, <http://www.csf.gov.sg/docs/default-source/default-document-library/csf-report-2014.pdf>.

⁵¹ Centre for Strategic Futures 2016, 'Publications', viewed 25th March 2017, <http://www.csf.gov.sg/our-work/publications>.

future.”⁵² The Centre has developed highly rigorous frameworks for thinking about future trends, risks and opportunities. An example is the ‘Scenario Planning Plus’ (SP+) toolkit it has developed, which incorporates insights from chaos theory on complex systems,⁵³ and psychological insights on cognitive biases when thinking about the future.⁵⁴ Furthermore, it has stressed the need to pick up on ‘weak signals’ which might be evidence of upcoming, significant future events.⁵⁵ A major benefit of such a framework is its receptivity to low-probability, high-impact events, such as global catastrophic and existential risks

CSF’s second main role is to encourage and facilitate this thinking across policy-making platforms. In addition to encouraging individual departments to engage in strategic thinking about the future, the Centre aims to facilitate wider, ‘whole-of-government’ thinking and coordination on future issues, which is advantageous since long-term risks and opportunities do not all necessarily fall into neat public service categories.⁵⁶ It has partly achieved this through running ‘Futurecraft’ workshops to teach its SP+ toolkit to members of the civil service, and trainees of the Civil Service College.⁵⁷ This outreach, along with the annual publication of its Foresight reports, means the Centre is transparent and accessible to individuals across the public sector.

CSF lacks any substantive powers to intervene in the legislative process, or penalise those which it sees as acting against the long-term interests of Singapore. However, this has not been much of an issue given its role in promoting long-term, strategic thinking, which mainly requires positive action on its part. Furthermore, although the Centre has not engaged in extensive outreach work with the general population of Singapore, it has made efforts to engage with relevant professionals from a range of backgrounds “through incoming visits, overseas trips, paid consultancies, interviews and curated events”.⁵⁸

As an institute for implicitly representing future interests, CSF has been broadly successful and has several key, desirable features such as its focus on inculcating strategic thinking on the future across government to disperse its workload and enhance scope. However, several features of the Singaporean

⁵² CSF, *Foresight 2014*, p.4.

⁵³ Centre for Strategic Futures 2015, ‘Our Approach’, CSF, viewed 25th March 2017, <http://www.csf.gov.sg/our-work/our-approach>.

⁵⁴ Ho, P 2010, ‘Thinking About the Future: What the Public Service Can Do’, *Ethos*, vol. 7, ‘Cognitive Biases’, viewed 25th March 2017, <https://www.ccollege.gov.sg/Knowledge/Ethos/Issue%207%20Jan%202010/Pages/Thinking-About-the-Future-What-the-Public-Service-Can-Do.aspx>.

⁵⁵ CSF, *Foresight 2015*, p.6.

⁵⁶ Ho, ‘Thinking About the Future’, ‘Fragmentation of Risk’.

⁵⁷ CSF, ‘Futurecraft’.

⁵⁸ Centre for Strategic Futures 2015, ‘Programmes’, CSF, viewed 25th March 2017, <http://www.csf.gov.sg/networks/programmes>.

context mean that this institution may not be easily transferable to the UK. First, Singaporean politics arguably does not suffer from political short-termism. Partly as a consequence of the design of the parliamentary system, the ruling People's Action Party has been in power for half a century⁵⁹. Although individual parliamentarians are at risk of losing their seats, there is not enough of a threat to undermine the government planning far into the long-term. The government has acted favourably towards strategic future thinking since the 1980s, and there are little signs that it will change its mind in the near future.

Secondly, there are factors intrinsic to Singapore as a nation which dispose it to allocate more resources to long-term planning. It's relative youth as a nation (having only achieved full independence in 1965⁶⁰) as well as it's precarious location, size and lack of natural resources gives rise to feelings of national insecurity (similar factors likely influenced the creation of Israel's Commission for Future Generations). Furthermore, arguably an increased cultural emphasis on collectivism and national prosperity, and diminished value placed on individual freedom, creates a context more favourable to long-term planning and strategy.

*5.4 Israel: Commission for Future Generations*⁶¹

Established in 2001 by the Knesset (Israel's parliament), the Israel Commission for Future Generations was an organ of parliament, headed by a Commissioner chosen by an ad-hoc parliamentary committee and appointed by the Speaker of the parliament. Similarly to Hungary, regarding independence, the Commissioner could not be someone whom in the last two years had been active in political life or a member of any political party. The Commissioner was assisted in its role by a Public Council (an advisory committee) which consisted of scientists and intellectuals as well as clergymen and other public figures. The Commission is now disestablished - it was only given a five-year mandate and when the term of the first Commissioner ended, no new Commissioner was appointed, apparently for budgetary reasons.⁶²

⁵⁹ The Economist 2011, 'Go East, young bureaucrat', *The Economist*, 17th May, viewed 25th March 2017, <http://www.economist.com/node/18359852>.

⁶⁰ The Economist 2015, 'How Singapore gained its independence', *The Economist*, 22nd May, viewed 25th March 2017, <http://www.economist.com/blogs/economist-explains/2015/03/economist-explains-22>.

⁶¹ The Knesset n.d., 'Commission for Future Generations', The Knesset, viewed 14th January 2017, <https://www.worldfuturecouncil.org/file/2016/10/Knesset-Paper.pdf>.

⁶² Göpel, M & Pearce, C 2013, 'Guarding our Future: How to include future generations in policy making', *World Future Council*, p. 7, viewed 14th January 2017 http://www.futurejustice.org/wp-content/uploads/2013/04/Ombudspersons_for_Future_Generations_Brochure_WFC.pdf.

Functionally, the Commissioner could give opinions on bills and secondary legislation brought before parliament if they believed it concerned future generations. It also had the power to initiate bills to advance the interests of future generations, and could play a general advocacy role to parliament and parliamentarians. It was required to submit an annual report on its activities for that year, creating some transparency.

The scope of its responsibilities was wide, stretching across 12 policy areas including environment, development, science, and technology. Furthermore, the explanatory notes to the Knesset Law explicitly contemplated the possibility of adverse consequences from genetic engineering or other technological developments. This is the closest reference to existential risks across any of the institutions being assessed.

As well as holding the power to initiate bills in the Knesset, the Commissioner had an effective veto power over the passage of legislation which didn't comply with the interests of future generations. This may be one of the reasons the institution was eventually scrapped. Along with cost issues, members of the Knesset cited "their feelings that the Commission received too much authority to interfere in their work".⁶³

5.5 Scotland: Future Forum

Set up by the Scottish Parliament in 2005 as a company at arm's length from the Parliament itself, the main motivation for the Future Forum was to tackle short-termism in present decision making: to "look beyond immediate horizons, to some of the challenges and opportunities we will face in the future".⁶⁴ A Board of Directors helps guide the Forum's work; its members include backbench MSPs (Scottish parliamentarians), prominent academic leaders, civil servants and business leaders. The Forum is autonomous from parliament in deciding the focus of its work, though it still depends on the Scottish Parliament Corporate Body (SPCB) for funding.⁶⁵

One of the main functions of the Forum has been to "stimulate public debate in Scotland" with respect to preparing for the future (s 1)⁶⁶. In doing so, it has engaged with politicians, the private sector, and the general public. It has facilitated public policy seminars, lectures and discussion groups on various

⁶³ Teschner, N 2013, 'Official Bodies that Deal With the Needs of Future Generations and Sustainable Development' Knesset Research and Information Center, p. 3, viewed 14th January, <https://www.knesset.gov.il/mmm/data/pdf/me03194.pdf>.

⁶⁴ Wilson, S 2016, *Scotland's Future Forum: A Guide and Legacy Report for the 2011-2016 Parliamentary Session*, Scotland's Future Forum, viewed 15th January 2017, <https://spark.adobe.com/page/6fofj/>.

⁶⁵ Scotland's Future Forum 2016, *What is Scotland's Future Forum?*, Scotland's Future Forum, viewed 15th January 2017, http://scotlandfutureforum.org/assets/library/files/application/forum_leaflet_2016.pdf.

⁶⁶ Wilson, S 2016, *Scotland's Future Forum*.

topics relating to thinking about the future (s 1).⁶⁷ It also carries out “futures studies” to report on various areas of Scotland and how they will evolve in the future (s 3).⁶⁸ The scope of these studies is fairly narrow, and the importance of the topics covered for future generations varies significantly (from how to successfully engage parliament with academia, to the benefits of community sport).

In terms of success, the institution is laudable for making an active effort to directly promote longer term thinking in decision making. From 2011-2016, the Forum organized more than 100 events directed to bringing ““fresh-thinking” into the [Scottish] Parliament”.⁶⁹ However, it is hard to assess the impact of these educational events on policy making in general. Furthermore, the Forum has so far been limited in scope, dealing with only a handful of varied individual topics in its future studies research. This narrower scope is possibly affected by limited powers that Scottish parliament has to deal with issues relating to economic policy, healthcare budget or existential risk research, and highlights the need for the UK Parliament to deal with intergenerational issues.

5.6 Wales: Commissioner for Future Generations

The Commissioner for Future Generations is a guardian role focused on sustainable development, outlined in the Well-being of Future Generations (Wales) Act 2015.⁷⁰ This is the most recent institution considered here: the first Commissioner came into existence on February 1, 2016. The Act imposes certain obligations regarding sustainable development and well-being targets on 44 listed Welsh public bodies, and the Commissioner’s main role is to ensure that this is done successfully.

The Commissioner may research how public bodies can best meet these targets, as well as encourage and give recommendations to these bodies. The Act obliges public bodies to follow these recommendations, and the Commissioner can carry out reviews their own discretion to assess their progress. In a wider role, the current Commissioner, Sophie Howe, has emphasized the need for public bodies to engage with the public on discussions of the future of Wales.⁷¹

It is too early to assess the success of the Commissioner given the institution’s youth. Whilst it is promising to see long-term thinking being promoted across public bodies, it does not seem that global

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ *Well-being of Future Generations (Wales) Act 2015*, viewed 15th January, <http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>.

⁷¹ Office of the Future Generations Commissioner for Wales 2016, *Future Generations Commissioner challenges Public Services to build a genuine conversation with the public*, Office of the Future Generations Commissioner for Wales, November 3rd, viewed 15 January 2017, <http://futuregenerations.wales/wp/2016/11/03/future-generations-commissioner-challenges-public-services-build-genuine-conversation-public/>.

catastrophic and existential risks are being considered. Again, some issues may not receive attention to their long-term consequences due to a lack of devolved power on Wales' part.

Why does the Commissioner exist in Wales but not England? What distinguishes the Welsh case? First, in Wales there is a more prominent strand of environmental and social awareness than in mainstream UK politics, and an element of 'conscious exceptionalism' which made Welsh politicians enthusiastic to distinguish themselves from English MPs by adopting a sustainability agenda.⁷²

In addition, Welsh environmental policy contains a strong emphasis on 'management and stewardship'⁷³ – that is, a policy context which foregrounds waste reduction and renewable energy. In England, there is a much greater focus on three prominent short-term issues: flooding,⁷⁴ overcrowding,⁷⁵ and coastal erosion. These issues are important, but do not provide the same platform for intergenerational sustainability that resource management does, because they inherently respond to short-term complaints such as housing. Governments are encouraged to act in a way that solves these short-term problems, and therefore fail to create a framework for orientating themselves toward the long-term future as is the case with resource management. As a result, at least in regard to environmental policy, the precedent for a policy of future representation in England is weak, and perhaps an environmental angle is not the best direction to take. An attempt to revive the Sustainable Development Commission, for instance, could be ill-considered.

5.7 Conclusions

Representative institutions for future generations, whether local or abroad, differ widely in their structure, functions and power. Although such institutions have only begun to appear in the last two decades, common trends and features exist. In particular, they tend to face challenges to their existence within a short period after their creation (usually an election cycle). Hungary's Commissioner for Future Generations, Israel's Commission for Future Generations and the UK's Sustainable Development Commission all faced either complete removal or significant reductions of their power and funding.

⁷² Institute for European Environmental Policy, *Establishing an EU 'Guardian for Future Generations'*, p.8.

⁷³ Ogwr, B, O (Owen) 2011, 'Differences between England and Wales – The Higgitt Question', *Oggy Bloggy Ogwr*, web log post, 3rd August, viewed 7th March 2017, <http://www.oggybloggyogwr.com/2011/08/differences-between-wales-and-england.html>.

⁷⁴ Harvey, F 2017, 'England's floods – everything you need to know', *The Guardian*, 11th February, viewed 12th January 2017, <https://www.theguardian.com/environment/2014/feb/11/englands-floods-everything-you-need-to-know>.

⁷⁵ Dangerfield, A 2014, 'London's housing crisis: Five controversial solutions', *BBC News*, 22nd July, viewed 12th January 2017, <http://www.bbc.co.uk/news/uk-england-london-28377740>.

This is a major problem for securing successful representation of future generations. The representation mechanisms that we propose will therefore seek to avoid capricious party politics, either by being firmly constitutionally entrenched, or more realistically by being a cross-partisan organ that recognises its limits and works with the political grain. As such, several factors can be drawn out from the analysis which may increase or decrease the likelihood of short-term discontinuation of a future representative institution.

First, institutions which are given too much power, too soon in their lifespan, tend to face rejection from politicians. Hungary's Commissioner for Future Generations' ability to terminate activity damaging the environment and legally pursue environmental complaints from the general public led to some major successes. Yet it required a large amount of resources from government, and significantly interfered with public and private interests (for instance, the Commissioner "Prevented about 400 billion forints (US\$ 1.6 b) worth of state-owned forest from privatization"⁷⁶) which likely produced political pressure in opposition to it. The Israeli Commissioner' high level of power was also cited by Members of the Knesset as motivating its removal. This is a difficult balancing act, however: an institution with no power is of no use in representing future generations.

The legitimacy of, and public support behind, an institution is a key factor as to whether it will last. Public and politicians alike need to perceive an institution as legitimate, and its functions and powers must be proportional to this perceived legitimacy. Public and political (especially cross-party political) support for future representative institutions is essential for representative institutions to have any level of power. It is imperative then, for any such institution to be transparent and accessible in its work, as well as taking initiative to promote the cause of intergenerational rights and issues to the general public and decision makers. Civil society movements and support can be very advantageous in the success of implementing long-term thinking in policy (the creation of the Hungarian Commissioner due to this is illustrative). Public and political engagement of the cause is key to successfully representing future generations in the long-term.

Structurally, it has been beneficial to have a multi-disciplinary team working on the issues, as in Scotland and Hungary. This makes sense given the wide range of issues affecting future generations. Furthermore, securing the right kind of independence from government is key to ensure criticisms of policy can be made without fear of dissolution, as well as to maximize impact. Although inclusion of parliamentarians can risk a conflict of interests, their participation lends political weight to the institution, both in terms of influence and the importance of the institution. This may be essential for the highly influential, long-lived Finland Committee. It is also to important ensure independence in

⁷⁶Future Policy, *The Hungarian Parliamentary Commissioner for Future Generations*.

agenda setting, at least to an extent, as observed in Finland and Scotland. However, academic engagement should be used to prioritize issues.

We are led to the preliminary conclusion that in the UK political context, substantive powers (such as a veto power, or strong enforcement powers) should not be given to intergenerational representatives. Instead, a UK wide representative institution could play a monitoring role for legislation affecting future generations, carry out and collate relevant research with respect to intergenerational issues and play an advisory role to government. Additionally, such an institution should work to achieve wider public engagement and lobby with policy makers to care about issues facing future generations.

6.

English Policy Context

6.1 UK Sustainable Development Commission

The UK's Sustainable Development Commission was established in 2000 as a non-departmental Public Body, which left it with no formal statutory status, but also formal independence from Government ministries⁷⁷. Absence of statutory independence may have limited the SDC in being critical of government policy, and also enabled the new Coalition government in 2010 to easily remove it⁷⁸. The Commission was responsible for promoting sustainable development across the UK, and was responsible for advising the UK government and devolved administrations in Northern Ireland, Scotland and Wales.⁷⁹

The Commission did not explicitly focus on future generations. Nevertheless, it covered a fairly wide scope of relevant issues through promoting sustainable development. However, its work was directed solely at the public sector through advising, promoting and carrying out research on how to implement sustainable development in the work of Government. The Commission also played a watchdog role to monitor and hold the Government to account in making decisions based upon sustainable development.⁸⁰

The Commission reported to the UK government, and provided analysis of government departments' 'Sustainable Development Action Plans'⁸¹ as well as responding to consultation papers which often set out substantial disagreements with Government Policy. An instructive example is the influential 'Prosperity without Growth' report.⁸² Although these provisions were mostly environmental in character, they clearly resemble the 'Committee for the Future' in Finland and similar institutions, which suggests such policies may operate as lessons in the representation of future generations.

Serving in mostly an advisory and monitoring role, the Commission lacked power to directly enact change towards sustainable development. It is clear, however, that the Commission played an

⁷⁷ Sustainable Development Commission [SDC] n.d., 'Who we are', SDC website, viewed 14th January 2017, <http://www.sd-commission.org.uk/pages/our-role.html>.

⁷⁸ Vaughan, A 2010, 'Government axes UK sustainability watchdog', *The Guardian*, 22nd July, viewed 15th January 2017,

<https://www.theguardian.com/environment/2010/jul/22/government-axes-sustainability-watchdog>.

⁷⁹ Sustainable Development Commission 2009, *Framework Document on the SDC*, SDC, p. 4, viewed 15th January 2017,

<http://www.sd-commission.org.uk/data/files/publications/20091113%20SDCFrameworkDocument.pdf>.

⁸⁰ Sustainable Development Commission n.d., 'Scrutiny', SDC, viewed 15th January 2017,

<http://www.sd-commission.org.uk/pages/scrutiny.html>.

⁸¹ Ibid.

⁸² Jackson, T 2009, 'Prosperity without Growth?', SDC, viewed 14th January 2017,

http://www.sd-commission.org.uk/data/files/publications/prosperity_without_growth_report.pdf.

important scrutinizing role to Government, and did not fear providing appropriate criticism. However, the lack of statutory independence meant the Commission was easily removed in 2010 by the Coalition government. Although the exact motivations for this are unclear, it seems likely that targeted criticism of government actions may have had an impact.

Furthermore, it may have been the case that the government attached so little significance to the Commission that its removal was not a difficult calculation to make. The Commission was abolished as part of the 2010 ‘quango’ reforms by the Coalition government.⁸³ These reforms eliminated hundreds of public bodies in order to make savings and increase transparency and accountability in public services, so the removal of the Commission was not of special importance. The Commission may have fallen due to a lack of political weight behind sustainable development, and in turn, the political short-termism that entailed.

6.2 Environmental Audit Committee

The geographical peculiarities of England might suggest that it is more resistant to future-regarding reform than Wales, but historically that has not precluded all movement in that direction. The Environmental Audit Select Committee has previously monitored the sustainability policies of government departments in a way similar to that prescribed by the Welsh Act.

Clearly this is an important precedent in our attempts to introduce future representation into government, in particular because the Committee produced a report in 2011 recommending that sustainability should be embedded permanently in government. The form that this new emphasis on sustainability would take was a new cabinet minister for sustainable development,⁸⁴ in order to resolve the precarious nature of consistent and long-term sustainability goals revealed by the demise of the SDC. However, this proposal is environmental in character, whereas our concerns are broader. Not only does future representation encompass a large range of discrete concerns than strict environmental sustainability, but it implies a range of threats which are not predictable because they exist in a world much different to our own. It may be useful, therefore, to take the Environmental Audit Committee’s recommendation and to update it according to our understanding of intergenerational justice.

⁸³ Lib-Dem Conservative Government 2010, ‘Public Body Review published’, UK Government, viewed 14th January 2017, <https://www.gov.uk/government/news/public-body-review-published>.

⁸⁴ Saltmarsh, N 2011, ‘Environmental Audit Committee recommends minister for sustainable development’, *Sustainable Development in Government website*, 10th January, National Archives database, viewed 7th March 2017, <http://webarchive.nationalarchives.gov.uk/20120913014812/http://sd.defra.gov.uk/2011/01/environmental-audit-committee-recommends-minister-for-sustainable-development/>.

6.3 Political discourse regarding future generations

Political discourse in the UK places a strong emphasis on responsibility to future generations. This is reflected, for instance, in the political discourse surrounding national debt and austerity since 2010, which revolves around ideas of what today's voters owe to future UK citizens. The relationship between debt and growth became the rationale for policies of 'austerity', but in popular discourse gave way to more moralistic debates about the right of one generation to indebt the next. The idea that each generation should 'live within its means' has been accepted at times even by the radical opposition,⁸⁵ and has been explicitly linked to intergenerational equity by the Prime Minister.⁸⁶ The potential exists to ground policies regarding representation of future generations in already existing concepts in British public discourse.

Over all, the form and persistence of this debt debate points to the populist potential of intergenerational justice in British politics. The idea that public debt is analogous to household expenditure, and that states just like people should 'live within their means' provides the link to the personal that Vanhuysse and Goerres suggest is central to a successful policy of future representation and for a movement away from the factional potential of ageing populations.

6.4 Closure of the Department of Energy and Climate Change

In 2016 a restructuring of government departments led to the merger of the former Department for Business, Innovation and Skills and the Department of Energy and Climate Change. The latter once dealt with many of the sustainability issues that have historically been at the heart of the intergenerational justice movement. This change has been understood by some as a signal that the government is not committed to sustainable action on climate change, although the government disagrees.⁸⁷

The consequence of this policy is ambiguity about the next step for future representation in the UK government. If it indicates a shift in priorities for the government,⁸⁸ this change could be very

⁸⁵ Watt, N & Wintour, P 2015, 'John McDonnell: Labour will match Osborne and live within our means', *The Guardian*, 25th September, viewed 7th March 2017, <https://www.theguardian.com/politics/2015/sep/25/john-mcdonnell-labour-will-match-osborne-and-live-within-our-means>.

⁸⁶ Thomas, N 2016, 'Theresa May defends Tories' economic record', *Financial Times*, July 20th, viewed 7th March 2017, <https://www.ft.com/content/f6610b6e-ea50-317b-bd40-ef587d1c6618>.

⁸⁷ Rincon, P 2016, 'Government axes climate department', *BBC News*, 14th July, viewed 12th January 2017, <http://www.bbc.co.uk/news/science-environment-36788162>.

⁸⁸ Ibid.

significant. A government which does not think habitually about future threats to its operation and how to limit exposure does not present a friendly environment to institutions of future representation. This is both a formal institutional problem that bodies like the SDC can solve, and an informal institutional problem where decision makers do not feel that they are held to account by or have to satisfy those concerned with intergenerational justice.

6.5 The UK Constitution

The structure of constitutional law creates a distinct challenge to any attempt to institutionalise representation of future generations in England. In states like Hungary, future commissions can be created by constitutional law and protected against governments who must then rely on sweeping change if they wish to remove them. In the UK, on the other hand, no laws are fundamental than any others; any statute can simply be repealed by Parliament. How, then, might we fix in place a longer-term political perspective taking into account the interests of future generations?

Due to the uncodified and organic character of the British constitution, parliamentary politics are governed by convention to a relatively large degree. These conventions are crucial to the implementation of future representation in the UK, because they (as opposed to explicit documents) will dictate the tools and avenues of institutional form, and in some cases because they may create or enable an institutional resistance to change - particularly a change as large as a general perspectival shift toward the future.

7. Policy options for England

7.1 Policy recommendations

On the basis of the comparative analysis and English policy context presented above, we make several recommendations. Explanations follow below. There are several limitations to what we have presented here. First, because our scope is necessarily limited, we deal only with ‘macro’ mechanisms; we do not consider more specific legislative proposals in detail. Second, these conclusions are quite specific to the United Kingdom, and particularly the English context. In particular, the cultural context surrounding intergenerational issues may significantly differ between societies. Further research is needed to determine appropriate representative mechanisms in other countries, for catastrophic risks are a global problem and intergenerational inequality cannot be addressed only by one country acting alone. We hope that the examples set by the six countries analysed here will be taken up across the globe. Nevertheless, our recommendations are as follows:

1. An All-party Parliamentary Group on Future Generations should be formed.
2. Legislation should be passed containing an obligation to include the long-term risks of any Government Bill in the accompanying Explanatory Note.
3. The various futures research institutions and think tanks should cooperate to form an expert advisory panel with a mandate to influence policy.
4. If and when a British Bill of Rights is passed, the opportunity should be taken to include intergenerational rights. More work would be needed on the precise legal formulation of such rights.
5. In the longer term, political momentum should be translated into a formal Select Committee on Future Generations.
6. Any Future Generations institution should be explicitly mandated to consider existential risks arising from technological development, in addition to environmental sustainability.
7. Civil society needs to mobilise to form a strong cross-party support for representation of future generations.

7.2 APPG for Future Generations

All-party Parliamentary Groups (APPGs) are multi-party groups of MPs who meet regularly or semi-regularly to discuss issues of common interest. They are registered formally in parliament and are required to hold annual elections, but otherwise are informal groups organised by the interests of MPs for the sake of promoting particular causes. APPGs draw together members of major parties in

order to maximise the possibility of influencing government. They create and enhance cross-party support, and as such we think that they are a good first step towards creating cross-party support for future generations issues. During their meetings, they discuss the activities of the governing parties and issues relevant to their subject of concern, and enlist government ministers to speak on their issues of concern. An APPG can use the existence of party members who deviate from the partisan line in order to give the issue in question greater exposure and to introduce it into legitimate party discourse.

An APPG may be a useful stepping stone to eventual institutionalisation of intergenerational justice in Parliament (perhaps in the form of Select Committee). APPGs serve to increase the visibility of particular issues and emphasise their bipartisan support, creating a sense of the issue or ‘constructing’ it as a shared, objective one. Another important function of APPGs is to act as a channel through which charities, campaign groups, NGOs and even commercial interests can involve themselves in government and political lobbying. This means that an APPG for future generations could function as a means by which the prominent civil society movement for sustainable futures could be translated into political change.

In practical terms, the lack of an explicit precedent for the representation of future generations in the British parliament does not eliminate the possibility of an APPG for future generations.⁸⁹ Most APPGs begin with the support of a prominent charity or other NGO, like the Aegis Trust in the case of the genocide prevention APPG, and perhaps the Centre for the Study of Existential Risk, the Future of Humanity Institute and/or the World Future Council could operate as such a support in this case. This would be an alliance reminiscent of that between Finland’s Committee for the Future and the Finland Futures Research Centre in Turku University.⁹⁰

7.3 Obligation to include risks in Explanatory Notes to Bills

We recommend an obligation to describe the long-term risks of any Bill introduced into Parliament, and to include this in the accompanying Explanatory Notes. Micro-level measures such as this are somewhat outside the scope of this paper, and we include this as just one example. Further research should be done into other possible options to promote good risk management on the micro-level.

7.4 Expert advisory panel

⁸⁹ See the All-Party Parliamentary Group for the Prevention of Genocide, which similarly had no precedent.

⁹⁰ ‘Finland – The Committee for the Future’ 2013, *European Parliamentary Technology Assessment*, viewed 14th January 2017, <http://www.eptanetwork.org/static-html/comparative-table/countryreport/finland.html>.

There are several academic institutes and think tanks in the UK which study catastrophic and existential risks, sustainable development, and the future of society. These include, but are not limited to, the Centre for the Study of Existential Risk, the Future of Humanity Institute, the Oxford Martin School, Forum for the Future, the Centre for Future Studies and the Intergenerational Foundation. A veritable wealth of expertise is contained here, and these institutions should consider working together to create a committee tasked with providing advice to government. This is a recommendation which would not require much immediate action from government, save a willingness to receive advice.

This sort of independent expert advisory group could be formalised in the form of a non-departmental public body (NDPB), which operates at arm's length from government. There is clear precedent here, for instance in the form of the Committee on Radioactive Waste Management, which is an NDPB. Another option would be for a Policy Advisory Group (PAG) to be formed, which is simply a panel of people who advise on policy development.

7.5 Intergenerational rights in a 'British Bill of Rights'

Institutional security is difficult to acquire in the UK government, exemplified by the case of the Sustainable Development Commission. One of the best opportunities to constitutionally secure rights for future generations may be in the currently proposed 'British Bill of Rights'. Such rights-focused statutes are typically politically difficult to repeal. A historical example is the Act of Union of 1707; another is the Statute of Westminster which gave many former colonies their freedom and is now in practice impossible to rescind. The British Bill of Rights offers an opportunity to establish the rights of future generations in law. If intergenerational justice becomes parts of the lexis of codified 'British rights', it may have acquired a foothold of such historical significance that repeal becomes a practical impossibility. More research would be needed regarding the precise legal formulation and content of such rights.

7.6 Select Committee

A joint committee should be formed, charged with scrutinising every government bill for its compatibility with the rights and interests of future generations, and investigating the extent to which government departments consider future generations in their operation. A joint committee, unlike a select committee, is made up of both MPs and Members of the House of Lords. This committee would be modelled on the Joint Committee on Human Rights, which is charged with scrutinising every government bill for its compatibility with human rights, and the UK's compliance with its international human rights obligations. This is a less immediate option than an APPG (which requires

a mere 10 interested parliamentarians to come together), as a joint committee needs to be created by parliament via its standing orders and therefore necessitates a more involved process. However, in the medium term a joint committee would have more power than an APPG and would be a more effective way of representing future generations.

As an alternative option, it is important to note that select committees can appoint sub-committees to produce reports on particular issues.⁹¹ To apply this possibility to the representation of future generations, it would be necessary to identify an appropriate select committee. The most obvious choice is the select committee on Energy and Climate Change, although there could be a problem of fitting technological catastrophic risk under its mandate.

7.7 Mandate to consider existential risks arising from technological development

As previously noted, only the Israeli institution amongst our examples was mandated to consider risks arising from technological development; the other institutions only considered environmental risks. This is a major blind spot. In light of the burgeoning research in this field demonstrating that technological risks are a serious issue, any institution mandated to address international inequality should expressly consider them.

7.8 Civil society mobilisation

A common factor amongst the successful institutions studied is that all were established against a background of significant support from civil society. In addition, in the cases where that support continued, and where civil society organisations created significant public awareness of future generations issues, the institutions were more likely to endure rather than being abolished as soon as they fell out of political favour. Civil society needs to mobilise to form a strong cross-party support for the policy measures listed here.

7.9 Proposals we considered but do not recommend

We encountered several ideas which we do not include above, for various reasons. One of these is the proposal for a “third house of parliament”, or “Guardians”, made by Rupert Read (Read 2012). Under Read’s proposal these Guardians, appointed randomly amongst citizens on the same principle as juries, would have the power to (a) veto new legislation that threatened the basic needs and

⁹¹ Maer, L & Sandford, M 2004, *Select Committees under Scrutiny*, UCL Constitution Unit, London, UK, viewed 15th January 2017, <https://www.ucl.ac.uk/political-science/publications/unit-publications/111.pdf>.

fundamental interests of future people, and (b) force a review of any existing legislation that threatens such needs and interests. He also suggests similar structures within local governments. As we found previously, institutions with veto powers did not last long, and as such we do not think this “third house of parliament” would be workable. In addition, we share concerns raised by Michael Bartlet about the proposed method of selection by lot (Bartlet, 2012).

A second idea we thought of was an annual, designated day on which the House of Commons would discuss future generations issues. By analogy, events are held annually in the House of Commons for Human Rights Day and International Women’s Day. We did not recommend this because although this might serve to publicise future generations issues, this kind of tokenization of the rights and interests of future generations could create complacency and ultimately undermine the long-term, year-round work which needs to be done.

Another alternative way to represent future generations could be through a Royal Commission. A Royal Commission is an ad hoc advisory committee appointed by the government, in the name of the Crown, for a specific investigatory and/or advisory purpose. They generally exist for a limited time, on average taking between two and four years to produce a report, and have had a mixed impact. The work of the Royal Commission on Environmental Pollution spanned 40 years and had considerable influence (Owens, 2012), but other commissions have had less impact or have even been disestablished before reporting (Institute for Government, n.d.). We do not think a Royal Commission would be an appropriate means of representing future generations primarily because a Commission is generally time-limited and addresses a specific issue. The interests of future generations do not support such a “one-time” approach.

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