opportunities should be the same or increas
justice agrees that each generation passes on
A social contract based on intergenerational
today. Future generations will be even more
uous impacts within the lifetime of most of those
transition now, and how much the future costs of
may be) have such great potential im-
that the economic decisions on climate change
how much to spend on a low carbon transi-
tion and inaction may be) have such great potential im-
that it is essentially an ethical decision:
“Questions of intra- and inter-generational
serious impacts within the lifetime of most of those
alive today. Future generations will be even more
strongly affected, yet they lack representation in present day decisions.”

A social contract based on intergenerational
justice agrees that each generation passes on
the land, country or world in a better or no
worse state that it was received. Options and
opportunities should be the same or increa
sed for children as it was for their parents
and grandparents. This principle can be
found in the creation of a Trust for future
beneficiaries, in conservation and land man-
aged on behalf of the nation (e.g. National
Trust).

A child rights approach to climate change
would ensure that the views of children are
heard on key policy decisions, and that gov-
ernment decisions are made in the best in-
terests of the child. Considering the huge risk
of climate change to child health and deve-
lopment both in the UK and internationally,
this should mean action on mitigating green-
house emissions, investing in a low carbon
economy and adequate support for children
in developing countries. A first step to a child
rights approach has been taken with the esta-
ablishment of a ‘youth panel’ by the Depart-
ment for Energy and Climate Change, to
consult young people on key policy deci-
sions. But action on support for low carbon
industry, penalties for greenhouse gas emis-
sions, and financing for adaptation in deve-
loping countries, is not yet happening at the
scale required to avert the impacts on child
rights that has been forecast.

The new UK coalition government has al-
ready stated that: “we need to protect the en-
vironment for future generations, make our
economy more environmentally sustainable,
and improve our quality of life and well-
being.” A child rights framework could en-
sure this vision becomes reality.

Notes:

Biography:
Lucy Stone leads the climate change pro-
gramme for UNICEF UK based in London.
This involves advocating for a child-centred
approach to climate policy, and innovative
funding for climate adaptation in countries
most vulnerable to climate change. With ex-
pertise in climate change policy, behaviour
change and community participation, she has
worked as a policy advisor and researcher
for UK-based think tanks. She has contributed
to international conferences, such as the Glo-
bal Environmental Change and Human Se-
curity conference in Oslo, the British German
Environment Forum in Berlin and the
UNFCCC Conference of the Parties in Co-
penhagen. She has an MSc in Environmental
Technology at Imperial College and a degree
in philosophy and religion from Newcastle
University. Recent publications include a po-
licy briefing on climate change and interge-
nerational justice with the Institute for
Development Studies.

Third Panel “Intergenerational Justice and In-
ternational Law”: Sébastien Jodoin, Lucy
Stone, Dr. Marisa Matias and Patrick Wegner

CONFERENCE PAPERS
The Failure of Copenhagen and its consequenc
for International Relations  by Dr. Marisa Matias

Almost everything has been said
about the Copenhagen Summit: its failure, the disappointment, the
unrealised goals, a new global order, the re-
configuration of power relations, the new ‘maps’ for inter-relations, the role of the
United States and China, the news spaces
generated by the counter-summit and the
organization of the Cochabamba meeting
on the rights of Mother Earth, the emer-
gence of a new civil society. Without unani-
mosity of agreement, the problems emerging
from climate change raise important ques-
tions that demand reflection and action. One
of the key issues is the role of the United Na-
tions in the governance of climate change
and the renewal of discussions regarding a
dedicated commission inside its structure.
Another important matter involves the at-
ttempts, mainly by some Latin American
countries, to create an International Court
to deal with climate ‘crimes’. Finally, there is
a transversal debate that cuts across all afo-
rementioned dimensions: what is the role
of politics in dealing with climatic problems
and climate justice. How can our politics
deal with a possible new global order toget-
her with issues of climate justice and issues
of redistribution?
The Role of the State in the Protection of Future Generations

by Judge (ret.) Shlomo Shoham

Facing the future that awaits us beyond the horizon, taking responsibility for the generations to come, it is time for all states to find the most effective way to create a desired future on planet earth. I will focus on the need for Sustainability Units to be part of the constitutional structure in democracies, and how to establish such units within the governance structures. The most important goal of foresight bodies is to influence the state and its institutions, prompting each to act in a visionary way and to take long-term considerations into account. Yet this kind of long-term thinking is too often precisely what decision-makers lack – indeed, the lessons of future-oriented thinking are frequently neglected in favor of pressing political interests. Any discussion on the correct model for a sustainability unit must thus take the following factors as practical constraints:

a) Decision-makers and policymakers may seem to agree that conduct based on vision and foresight is desirable. However, foresight is sometimes in opposition to the hidden interests and motives (both personal and political) of the political system and its leading figures. It is these less obvious themes that determine the political agenda.

b) Decision-making and implementation processes in democratic systems are not rational, striving to reach and manifest logical, optimal solutions. Rather, they fluctuate between a model of “finding a satisfactory solution” and one of “organic chaos.” The precise balance will be determined by each country’s social and political structures, cultural tradition, and leaders’ ability to govern.

c) Our experience in Israel perhaps showed an extreme example of both constraints. Despite phenomenal progress in Israel’s mere 60 years of existence, the country’s democratic government is subject to a multiplicity of fragmented and conflicting interests. The ability of the government and the political system to rule and act is relatively low. I learned that a successful sustainability unit must be modelled in a way that allows it to address this present-day political reality as well as to think about the future.

d) To this end, I claim that the secret to success is behavior emphasizing both of these goals. I therefore suggest a model in which sustainability units of all kinds are composed of two sub-units, one for content and another for impact management.

e) The rationale for this division is grounded in the often-imperfect processes of political decision-making. A sustainability unit will be influential only if it meshes with the way decisions are actually made.

f) All democracies, virtually by definition, maximize the influence of their recommendations – problem, solution, and incentive – appear or are exposed simultaneously. Sustainability units in governmental bodies should be constructed so they can recognize and address each element in a way that maximizes the influence of their recommendations.

b) A successful sustainability unit will have a specific relationship to all of these elements of decision-making, each of which is worth examining:

i) Problems: The unit should serve as an auditing body that forms an integral part of the legislative branch’s supervisory authority over the executive branch. It should express its opinion on decisions that are in some sense damaging in the long-term view. In addition, the unit should be able to describe or anticipate problems that may occur in the absence of futures thinking – especially since crucial decisions are often a product of short-term thinking.

j) Solutions: The unit should serve as an advisory body that creates contingency plans and offers solutions created through futures thinking and long-term consciousness (not necessarily as a response to existing problems).

k) Incentives: The unit should be able to manage political stimuli in order to create incentives for decision-makers to act. It should be able to draw attention to problems and its own solutions, thereby sensitizing decision-makers to the long-term consequences of their actions or, alternately, their inaction. In so doing, the unit facilitates timely change and helps prevent extreme situations from evolving into a crisis.

l) A body that addresses only a subset of these elements will have difficulties in carrying out its task. The most exquisite sensitivity to problems and the most brilliantly conceived solutions will be useless if the incentives to act are not in place.

m) Legal authority of the unit: The legal authority of the sustainability unit naturally has great significance in determining the way it operates. Any implementing law should thus be designed to give the unit sufficient range of action and authority – all in accordance with a given country’s regime and governing system. This said, I believe there is advantage in positioning the sustainability unit in the legislative branch, as an integral part of parliament (or at least an established part of the State Comptroller’s Office, which deri-