

ADAM MICKIEWICZ UNIVERSITY POZNAŃ

**European Master's Programme in Human Rights and
Democratisation
A.Y. 2025/2026**

DEMOCRACY BEYOND THE PRESENT

Exploring the Participation and Representation of Future Generations in
Democratic Systems

Author: Jana Berchtold
Supervisor: Dr. Agata Hauser

Word Count Declaration: 29624

Abstract

The actions of the present generations shape the lives of those yet to be born, creating a temporal bond. Raising questions of intergenerational justice and solidarity, this concept of future generations is an emerging issue in International Human Rights Law that is becoming increasingly influential in relation to global issues. On a national level, it exposes fundamental deficiencies in democracy's capacity for long-term decision-making and its presentism-bias. This is reflected in the structural and substantive exclusion of future generations in democratic processes. Against this background, the thesis addresses the central research question:

How can democracies realise the rights of future generations through the tools of participation and representation, and what part can children play in this process?

Using a desk research methodology that combines systematic literature review with empirical examples, and building on democratic theory and human rights frameworks, this thesis argues that future generations should be recognised as rights holders, while present generations act as duty bearers responsible for safeguarding their interests.

The findings reveal a significant gap between theoretical commitments and their practical application. Despite recent normative developments, the implementation of the promotion, protection, and democratic representation of future generations remains limited to a few exceptions. Strengthening mechanisms of participation and representation is therefore essential for embedding long-term thinking in democratic systems and for effectively delivering for future generations. Subsequently, this thesis proposes a multi-layered approach that combines legal recognition with institutional innovations, including dedicated bodies, procedural reforms, and participatory mechanisms. Particular attention is given to the potential role of children for future generations, for example through models of participation or representative roles.

Acknowledgements

There are many developments in today's world that could make me lose faith in positive change, human rights and humanity. This thesis is dedicated to all those who continue working tirelessly for a better future, whose actions are louder than their words, and who never give up hope, in solidarity with future generations.

A heartfelt thank you

To Dr. Agata Hauser, my exceptional thesis supervisor, who gave this work structure and substance, for guiding me through this process with dedication and kindness. Thank you for always asking 'why' and for seeing a clear path in my chaotic thoughts.

To Adam Mickiewicz University and to Poznań, for providing me with a very welcoming environment in this second semester and for showing me that much warmth can be beneath a 'Polish smile'. I left with new academic knowledge, great cultural experiences and funny memories of trying to learn the difficult Polish language: Dziękuję bardzo!

To the EMA Academic team and all professors from the first semester, for establishing the academic groundworks for this thesis, and for emphasising the importance of community spirit in these difficult times for human rights.

To our EMA Cohort of 2025/26, for inspiring and motivating me with your stories, knowledge, passion and dedication. Our community is what made this master programme so special.

To all my friends, because our friendships are the backbone of this work. Your support, your visits and calls, all your notes and our shared conversations made me enjoy this process. Writing a thesis is one thing, being lucky enough to do this with a network of caring people is another.

A special thank you goes to my EMA friends, for our lively discussions and weekly dinners, and to Anja, Lena, Mäggy, and Marie, for whose comments, ideas and help I am deeply grateful.

And lastly, to my family, whose love and support made all this even possible in the first place. Danke Mama, Däta und Carla.

Table of Contents

Abstract	1
Acknowledgements	2
Table of Abbreviations	5
 Introduction	 6
Thesis Statement and Research Questions.....	8
Methodology	9
Limitations	9
Outline.....	10
 1 Democracy, Participation and Representation.....	 11
1.1 Definitions of Democracy	11
1.2 Aspects of Democratic Theories	14
1.3 Democratic Institutions	16
1.4 Participation	18
1.5 Representation.....	19
1.5.1 The Relationship between Representation and Democracy	19
1.5.2 Democratic Representation	20
1.5.3 Models of Representation.....	22
1.6 The Temporal Dimension of Democracy.....	24
1.7 Conclusion	25
 2 Children’s Rights, Participation and Representation in Democracies.....	 26
2.1 Definition of a ‘Child’.....	26
2.2 Relationship between Children and Future Generations	27
2.3 Children’s Rights and Participation	30
2.3.1 The Child’s Right to Be Heard	30
2.3.2 The Concept of Child Participation.....	33
2.4. Children’s Rights and Representation	34
2.4.1 Article 3: The Best Interests of the Child	34
2.4.2 Representation of Children and their Best Interests	35

2.5 Practical Implications of Children’s Participation and Representation	37
2.5.1 Models of Child Participation and Representation	37
2.5.2 Children’s Political Participation and Representation	39
2.6 Conclusion	42
3 Rights and Representation of Future Generations in Democracies	43
3.1 Definition of Future Generations	43
3.2 Rights of Future Generations	45
3.2.1 Controversy and Criticisms	46
3.2.2 Legal Recognition of Rights of Future Generations	48
3.3. Democratic Reasoning for Future Generations’ Rights	53
3.4 Strengthening Future Generations’ Rights through Participation in Democracy	55
3.5 Representation of Future Generations in Democracies	56
3.5.1 Institutional Representation	57
3.5.2 Effective Representation	58
3.5.3 Representation through Structural Changes	59
3.6 Conclusion	61
4 Practical Implications and Recommendations	63
4.1 Existing Legal and Political Instruments to Include Future Generations in Democracies	63
4.1.1 Participation	63
4.1.2 Representation	65
4.2 Models of International Representation	69
4.3 Learnings from Practical Examples	72
4.4 Recommendations for Future Generations’ Inclusion in Democracies	73
Concluding Observations	78
Avenues for Further Research	80
Bibliography	81

Table of Abbreviations

ACHR	American Convention on Human Rights
AO	Advisory Opinion
CJEU	Court of Justice of the European Union
CRC	Convention on the Rights of the Child
DFG	UN Declaration on Future Generations
DMP	Deliberative Mini-Public
EC	European Commission
ECHR	European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms)
ECtHR	European Court of Human Rights
EU	European Union
FG	Future Generations
GC	General Comment
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IHRL	International Human Rights Law
ISI	Intergenerational Solidarity Index
PFTF	UN Pact for the Future
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
VDPA	Vienna Declaration and Programme of Action
WBFGA	Well-Being of Future Generations Act

Introduction

It is the year 2126. The world looks completely different to how it does today. Democratic systems no longer exist, and people live in autocracies ruled by a small group of super-rich individuals. There are no structures of human rights protection. Immediate profit is valued more than long-term benefits. Cultural sites, traditions, languages, and communities have vanished. People are suffering the consequences of the climate crisis; nature has become uninhabitable and survival on the planet is only possible with technology. The population has no options to change their situation and no access to resources, which have all been exhausted. In 2026, their ancestors failed to protect their rights.

This is one potential vision for the world in 100 years, painting a very dystopic picture. However, there are a variety of possible scenarios, both positive and negative, and the outcome rests with us. It is the decisions today that influence how the world will look like tomorrow and that shape the life of future generations. Because in 2126, today's future generations will be alive, and they will have to deal with the consequences of our actions. Currently, we "treat the future like a distant colonial outpost devoid of people, where we can freely dump ecological degradation, technological risk, and nuclear waste, and which we can plunder as we please"¹. From these considerations, it seems obvious from a human rights perspective that we should care about future generations, and that they have rights which need protection. Moral obligations of solidarity and a sense of community beyond the present should compel humanity to act.

Nevertheless, there are many critics regarding this concept of future generations and their rights. At present, people are suffering from war and hunger, climate change is threatening livelihoods, and gender inequality persists. Why should we care about future generations and their lives, if there exist urgent problems today? Prioritising present generations' needs seems to be the logical choice, especially for decision makers that need to deliver results. Moreover, it appears to be very challenging to consider future generations' needs, let alone to ensure their representation. Democracies have short election cycles; participation is often limited and including not yet present people could be argued to go against democratic values of equality. Extending democracy beyond the present to enable long-term decision-making can seem impossible to implement in practice. But humanity has done this before. London's sewage

¹ Roman Krznaric, *The Good Ancestor: How to Think Long Term in a Short -Term World* (WH Allen 2021) 7.

system has been designed with foresight to adapt to future populations, the Svalbard Global Seed Vault in Norway is preserving seeds for over 1000 years, and the Sagrada Familia church in Barcelona has been an ongoing construction for 144 years.² People have the ability to include the future in their decisions and projects, and democracies can too deliver for future generations. It, however, requires a change in conventional ways of thinking and foresight methods.

Worldwide, there exist successful examples, but democracies are still struggling to find ways to expand their temporal dimension to the future. Fundamentally, this questions whether democratic systems are suitable and fit for the inclusion of future generations. If one looks at other global challenges, for instance the climate crisis, some might argue that autocracies or even dictatorial systems could be more successful in delivering fast results, without the longer democratic process.³ The Intergenerational Solidarity Index (ISI)⁴ provides a measurable indicator to compare democracies' and autocracies' performances when it comes to intergenerational solidarity, combining ten indicators for long-term policies from the social, environmental and economic dimension.⁵ Krznaric contextualises this data using the V-Dem Liberal Democracy Index⁶, categorising countries based on their performance in delivering for future generations. Although the most recent data is from 2019, it delivers clear results. The average ISI score for democracies is higher than for autocracies, and if compared, 75% of the democracies included are long-term democracies, compared to only 37% of long-term autocracies.⁷ The data also suggests that "more democracy is accompanied by more long-termism"⁸, leading to the conclusion that democracies worldwide promote intergenerational solidarity more effectively. Intergenerational solidarity correlates positively with democracy. This thesis is therefore based on the premise that democracy is deficient, however, it is currently the most effective form of government for long-term policy-making, particularly with regard to the inclusion of future generations. Clearly, this entails more than just the potential for long-term policies, which is why possible avenues for the representation of future generations will be explored in this thesis, along with the unique position of children in this system.

² *ibid* 98–101.

³ *ibid* 168–169.

⁴ *ibid* 169.

⁵ *ibid*.

⁶ Varieties of Democracy Institute, 'The V-Dem Dataset' <<https://www.v-dem.net/data/the-v-dem-dataset/>> accessed 11 June 2026.

⁷ Krznaric (n 1) 172.

⁸ *ibid* 174.

Children, unlike future generations, are already born human beings that have rights guaranteed by the UN Convention on the Rights of the Child (CRC)⁹. Still, they are often excluded and underrepresented in the democratic process and negatively impacted by the lack of long-term policymaking as well as the presentism-bias. In recent years, however, this myopic attitude of democracies has begun to be challenged, both in courts and through political advocacy work. Children have played a fundamental role in these developments, being at the forefront of the movement, which is especially relevant given that they themselves are a marginalised group affected by the current system.

Thesis Statement and Research Questions

Building on existing academic research, legal frameworks and practical examples, this thesis aims to demonstrate that current democracies are deficient in their temporal dimension, particularly with regard to long-term thinking. There is a need to reshape the democratic process in order to promote the inclusion of future generations as well as other underrepresented groups, in particular children. It argues that future generations are right bearers and current generations are duty bearers that can enable democratic representation and participation. Moreover, this thesis explores different possibilities for the inclusion of future generations, seeking to prove that a combination of dedicated institutions as well as legal protection is needed. It also attempts to illustrate how some of the tools employed in the participation and representation of children can be adapted for future generations. Ultimately, it seeks to emphasise the importance of translating policies and laws, that concern future generations' inclusion, into practice.

The following main research question will guide the analysis of this thesis:

How can democracies realise the rights of future generations through the tools of participation and representation, and what part can children play in this process?

In support of this research, five interconnected sub-questions will be addressed:

1. What are the rights of future generations and how do they differ from children's rights?
2. How can democracies design their policy- and decision-making processes to protect the rights of future generations?
3. In what ways can models of political and institutional participation and representation of children's rights be adapted to representing the rights of future generations?

⁹ Convention on the Rights of the Child ('CRC') (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

4. How do current democratic systems ensure the protection and implementation of the rights of future generations?
5. How can the presented theoretical models and commitments be put into practice?

These questions will be explored with the methodological instruments explained in the following.

Methodology

This research implements a desk research methodology, based on the combination of a systematic literature review and an analysis of practical cases. The normative framework builds on fundamental works in democracy theory, focusing especially on the concepts of participation and representation. Furthermore, literature works in the field of children's rights and childhood studies were considered as sources, in addition to research papers around future generations. Along with academic literature, this thesis includes international treaties and reports, soft law instruments by international organisations, national acts, and policy documents.

This thesis also analyses practical examples of the inclusion of future generations from various democracies, with an attempt to achieve diversity in terms of geographical location, institutionalisation and longevity. The discussed cases stem mostly from the national level, nevertheless some were established on regional as well as local levels. The relevant literature was compiled through comprehensive searches of multiple academic databases and relevant journals, via the use of key words including 'democracy', 'democratic process', 'temporal dimension of democracy', 'participation', 'representation', 'children's rights', 'future generations' rights', and 'temporality of human rights'.

Limitations

There are certain limitations to this thesis which need to be addressed.

Firstly, its focus lies entirely on democracies, and no other forms of government have been included. Secondly, it argues for future generations' rights mostly from a political science perspective, leaving out the legal conceptualisation of how a potential international treaty on future generations could look like. Thirdly, this thesis centres around the institutional political process in democracies, and only shortly mentions the role of civil society, which is a key player in the developments around the topic. Fourthly, it lacks a more thorough understanding of local action on future generations, which is often where practical implementation is most successful.

Outline

This thesis is organised in four chapters, excluding introduction and concluding observations. Touching upon normative frameworks, policy instruments and real-life examples, it progresses from theory to practical application.

Chapter 1 establishes the conceptual and normative framework of this thesis, exploring how democracies can design their policy- and decision-making processes to include future generations. The discussion spans from the theoretical definitions of democracy to its institutions and specific aspects of democracy theories. The main focus lies on establishing a broad understanding of democracy and its relationship with participation and representation.

Chapter 2 centres around children's role for future generations, considering children's rights, participation and representation in democracies. It starts with the definition of children and explores the relationship between children and future generations, which is fundamental to this thesis. It then moves on to explore children's participation and representation, with particular emphasis on Article 3 and 12 CRC, the principle of the best interests of the child and the right to be heard. Finally, the chapter considers practical implications by analysing different models of participation and representation and how these are implemented in the democratic process, linking them to future generations.

The theoretical framework of including future generations in democracy is elaborated in Chapter 3, conceptualising a legal and democratic basis for their rights. Key debates around this legal recognition are addressed, including controversies and critical arguments. This is followed by a study of possible forms of participation and representation in democracies, focusing especially on how democratic systems are ensuring the protection and implementation of future generations' rights through institutional mechanisms, structural reforms and effective representation.

The final chapter of the thesis considers existing legal and policy instruments to include future generations in democracies, again focusing on implementing participation and representation. It also discusses international models of representation, from the United Nations (UN) to the European Union (EU), that can inspire national democratic processes. Finally, this chapter presents specific recommendations regarding the practical implementation of participation and representation for future generations.

1 Democracy, Participation and Representation

This chapter introduces the normative framework of this research, setting out the democratic standards, theories and institutions that will inform the subsequent discussion. The objective is to explore the potential of democratic systems to represent those who cannot participate or do not yet exist. The notions of participation and representation will be studied to develop specific concepts that will inform the research questions of this thesis. The chapter also briefly touches on the temporal dimension of democracy, emphasising its importance for future generations.

1.1 Definitions of Democracy

In current times, democracy is both a form of governance and a set of normative commitments and its meaning has evolved through centuries of philosophical and political debate. Democracy, as a form of government, has a long history, tracing back to ancient Greece and beyond. The concept of the rule by the people, and some other democratic elements, however, also have their traces all over the world.¹⁰ The idea can be found in many cultures and ancient societies, from native Indian traditions to Poland-Lithuania's election of kings in the 16th century¹¹ and political institutions in Latin America. In most cases, forms of democratic institutions were present, not democracy as it is viewed today. Welzel argues that “no democracy in pre-industrial history would qualify as a democracy under today's standards”¹², referring to universal suffrage and broad participation, amongst others.

Over the course of the centuries, the idea of the government of people has developed, progressing from philosophies and concepts to current democratic institutions and processes.¹³ Nowadays, elections play a fundamental role in shaping political processes in representative democracies. They ensure participation of the people in the process, thereby realising their representation. However, so-called ‘universal suffrage’ is still shaped by the exclusion of specific groups, including children and future generations. Contemporary scholarship therefore emphasises that democracy cannot be reduced to elections alone, but instead encompasses a complex set of principles, procedures and values that constitute rule by the people in a modern,

¹⁰ Robert A Dahl, David Froomkin and Ian Shapiro, ‘Democracy’ *Encyclopaedia Britannica* (Encyclopaedia Britannica, Inc 2026) <<https://www.britannica.com/topic/democracy>> accessed 24 March 2026.

¹¹ Almut Bues, ‘The Formation of the Polish-Lithuanian Monarchy in the Sixteenth Century’ in Richard Butterwick (ed), *The Polish-Lithuanian Monarchy in European Context, c. 1500–1795* (Palgrave Macmillan UK 2001) 71 <https://doi.org/10.1057/9780333993804_4> accessed 14 May 2026.

¹² Christian Welzel, ‘2. Theories of Democratization’ in Christian Welzel, *Democratization* (Oxford University Press 2018) 75 <<https://doi.org/10.1093/hepl/9780198732280.003.0002>> accessed 24 March 2026.

¹³ Adam Przeworski, ‘Introduction’ *Democracy and the Limits of Self-Government* (1st edn, Cambridge University Press 2010) 2–3 <<https://doi.org/10.1017/CBO9780511778490>> accessed 24 March 2026.

large-scale society. These building blocks of modern states are democracy, rule of law, and human rights. By enabling the collective majority to take decisions and establishing limits, independent reviews, and protection systems at the same time, they shape the process of political decision-making. Without human rights and rule of law, democracy would not function as a framework that goes beyond governance, ensuring effective and inclusive participation and representation.¹⁴ The combination of these three concepts works in democratic systems all over the world, and, with all its imperfections, presents the best avenue for future generations.

Defining democracy with all its aspects takes more than just a few pages. Therefore, this chapter will only touch upon certain theories and aspects relevant to the main research interest of this paper, the exclusion of people from the political process. Essential elements of democracies today are liberty, equality, and rule by the people. A democracy should have free, fair and frequent elections, fundamental rights and civil liberties, political equality, a system of checks and balances, rule of law, political pluralism and political participation.¹⁵ However, the core characteristics of democracy vary across the different definitions, two of which are the procedural and substantive definition.

The procedural definition focuses on the methods and institutions of democratic decision-making, identifying the criteria for making collective decisions. This can be understood in a narrow way, like Schumpeter's¹⁶ theory, or in a broader interpretation, like Dahl's¹⁷. The key elements of the procedural definition are free and fair elections, democratic competition between parties and universal suffrage, focusing on institutions rather than outcomes. Schumpeter addresses the competitive struggle for votes, defining democracy as the system where "no single party or ruler monopolises access to public power"¹⁸. Dahl expands the procedural definition by adding aspects such as institutions of inclusive suffrage and freedom of expression.¹⁹ In short, procedural democracy defines democracy by how leaders are selected, not by the policies they implement.

The substantive definition identifies democracy by its collective's output, according to which "decisions made by a perfectly democratic procedure are nevertheless undemocratic if their

¹⁴ European Commission for Democracy Through Law (Venice Commission), 'The Updated Rule of Law Checklist' (CDL-AD(2025)002, 16 December 2025) para 21-23.

¹⁵ Przeworski (n 13) 7.

¹⁶ Joseph Alois Schumpeter, *Capitalism, Socialism and Democracy* (Harper Torchbooks 1976) 293.

¹⁷ Robert Alan Dahl, *Polyarchy: Participation and Opposition* (5. print, Yale Univ Press 1975) 1–3.

¹⁸ Ludvig Beckman, 'Democracy' *Oxford Research Encyclopedia of Politics* (Oxford University Press 2021) 4 <<https://doi.org/10.1093/acrefore/9780190228637.013.2001>> accessed 24 March 2026.

¹⁹ Dahl (n 17) 2–3.

content violates substantive democratic demands”²⁰. Core democratic values such as freedom, justice, and equality need to be met, therefore elements like the protection of civil and political rights, minority rights, rule of law, and citizen participation beyond elections are part of substantive democracy. Alongside Dahl, who amplifies the importance of both procedural and substantive elements, Diamond and Morlino²¹ as well as Sen²² discuss qualitative aspects of democracy. The first two authors define the quality of democracy in eight dimensions, comparing the quality of results, content and procedures.²³ Sen, however, considers democracy as the promotion of capabilities, freedoms, and human development, and rejects the idea that democracy is only about elections. In his theory, the central idea is about people’s freedom through capabilities, meaning substantively equal participation and opportunities in democracies. Democracies therefore must provide for education and social inclusion. Adding on that, Sen argues that democracy is more than formal rights, as it is defined by substantive participation and public reasoning.²⁴

In today’s world, democracy is a political theory and reality, but it is also a political ideal that comes with moral values and an egalitarian social attitude. This perspective on democracy centres around the social relations among members of a society, where “members take responsibility to resolve shared problems in the best interest of everyone”²⁵. The works of writer Alexis de Tocqueville and philosopher John Dewey were influential for this aspect, while taking slightly different positions. In his theories and observations about democracy in America, Alexis de Tocqueville deliberated on the spirit of an egalitarian society, perceiving it as democratic, more just and equal. However, he also saw this democratic egalitarian character as one of the dangers to democracy itself, risking that “rights of individuals are nothing”, as all are the same, and rights of the collective seem to be more important.²⁶

John Dewey claims that “democracy is primarily an ethical way of life”²⁷, meaning that “without a vital democratic ethos or culture, political democracy becomes hollow and meaningless”²⁸. Democracy as a form of government depends upon this living democratic

²⁰ Beckman (n 18).

²¹ Larry Diamond and Leonardo Morlino, ‘The Quality of Democracy: An Overview’ (2004) 15 *Journal of Democracy* 20 <<https://doi.org/10.1353/jod.2004.0060>>.

²² Amartya Sen, *Development as Freedom* (Oxford University Press 2001) 1–5.

²³ Diamond and Morlino (n 21) 22.

²⁴ Sen (n 22).

²⁵ Beckman (n 18) 2.

²⁶ Harold W Stoke, ‘De Tocqueville on Democracy’ (1935) 9 *Prairie Schooner* 260, 260.

²⁷ Richard J Bernstein and Molly Chochran, ‘13 - Dewey’s Vision of Radical Democracy’ *The Cambridge Companion to Dewey* (1st edn, Cambridge University Press 2010) <<https://doi.org/10.1017/CCOL9780521874564>> accessed 24 March 2026 292.

²⁸ *ibid* 291.

ethos. In other words, democracy is built on the lived democratic realities and discourse of the people. Dewey sees democracy as a method to discuss and solve common problems of communities by including all experiences and perspectives.²⁹ Expanding on Dewey's approach, this communitarian democratic perspective possesses the potential to transcend the present era, and, in light of this thesis, one could pose the question of how moral and social attitudes might be extended to future generations.

1.2 Aspects of Democratic Theories

Past thinkers have heavily influenced how democratic systems are designed today. For the purpose of this thesis, a brief understanding of their theories is essential, especially where they discussed models of exclusion and inclusion of certain groups from the political process. Some of them inform the possibilities of including future generations which will be discussed in the next chapters. As democratic theories have a long history, this thesis only briefly describes the classical thinkers before moving on to more modern theories.

The Athenian leader Pericles is said to be the one calling the political system of Athens a democracy, later followed by Aristotle, whose scheme of ideal and perverted forms of constitutions was fundamental for all later theorists. In the 17th century, Locke was one of the first important philosophers to pick up elements of the Aristotelian classification system, although with a different approach, supporting political equality, individual liberty and majority rule. Nevertheless, for instance, he did not support children's rights to participation but held that "parents are morally obliged to respect their children's rights as human beings"³⁰. His two main ideas, the consent of the governed and the majority rule, proved to be fundamental for all subsequent theories of democracy.³¹ Following that, Montesquieu proposed the concept of the republic as a form of government, which could be democratic if "the body [...] is possessed of the supreme power"³² with the necessary element of the "public virtue" in leaders, a motivation to achieve the public good. Rousseau's³³ democracy theory was based on the idea that the people's sovereignty, or the right to make decisions for themselves, could not be transferred or represented by another group. This signified that, in his theory, democracy was not compatible

²⁹ Matthew Festenstein, 'Dewey's Political Philosophy' in Edward N Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy* (Spring 2023, Metaphysics Research Lab, Stanford University 2023) <<https://plato.stanford.edu/archives/spr2023/entries/dewey-political/>> accessed 24 March 2026.

³⁰ Dahl, Froomkin and Shapiro (n 10).

³¹ *ibid.*

³² *ibid.*

³³ Jean-Jacques Rousseau, *Rousseau: The Social Contract and Other Later Political Writings* (Victor Gourevitch ed, 2nd edn, Cambridge University Press 2018) 10–39 <<https://doi.org/10.1017/9781316584606>> accessed 24 March 2026.

with representative institutions. According to Rousseau, democracy was a form of government deemed too idealistic to be implemented, especially in the context of large nation states.

For this thesis, especially John S. Mill's theory provided valuable philosophical input, as his work centres around liberty, participation and representative government. He argues that individual liberty can only be infringed if it would cause harm to others, thereby providing the foundations for freedom of expression.³⁴ Mill views the representative government as the best way of ruling, elected by universal suffrage. He also considers the democratic process of selecting representatives and debates as having a positive effect on the whole population.³⁵

Democratic philosophers of the 20th century shaped our current understanding of democracy in its various forms, from liberal to deliberative and polyarchal democracy.

Dahl's 'polyarchy' describes a form of government with six distinctive institutions, focusing on the process of "regularized interactions among citizens and officials"³⁶. Democratic legitimacy arises when all citizens have equal opportunities to influence political decisions amid conditions of freedom, competition and transparency. This is where Dahl's theory proves vital for this thesis: his criteria indicate areas in which current democracies potentially fall short regarding children and future generations, namely inclusion, participation, and contestation, thus possibly depriving them of influence.³⁷

Another take on democracy theory was contributed by Habermas. His works centred around free and open public discussion, naming it the "public use of reason". For Habermas, democracy is based on deliberation, insisting on the importance of public argumentation as a democratic practice.³⁸ Moreover, deliberation can help to motivate long-term thinking. Therefore, one could also see an implication for children and future generations, as affected but absent or not included deliberative participants.

This thesis is furthermore informed by the democracy philosophies of Rawls, as his main idea, the 'veil of ignorance', can be adapted to include future generations. Rawls' theory imagines a hypothetical situation where rational individuals forget all social and economic facts about themselves and their standing in society before deciding the general principles that would govern their political institutions. Expanding on this, it could also include not knowing about

³⁴ Brian Duignan and Britannica Educational Publishing, *Forms of Government and the Rise of Democracy* (Britannica Educational Publishing 2013).

³⁵ John Stuart Mill, *Considerations on Representative Government* (Parker and Bourn 1861).

³⁶ Charles Tilly, 'What Is Democracy?' *Democracy* (1st edn, Cambridge University Press 2007) 10 <<https://doi.org/10.1017/CBO9780511804922>> accessed 25 March 2026.

³⁷ Dahl (n 17).

³⁸ Duignan and Publishing (n 34) 125.

when one will be born or how long one will live. Then, Rawls argues, “reason and self-interest” would lead the people to decide on equal liberties and equal opportunities for everyone as well as a distribution of wealth that “those who are least well-off are better off than they would be under any other distribution, whether equal or unequal”³⁹. Rawls’ democracy can therefore be seen as a system of justice as fairness, emphasising stability over time and intergenerational justice, meaning that just institutions must be ones that future citizens would also choose.⁴⁰

This elaboration on the historic and present theoretical foundations of democracy lays the groundwork for the following discussions on today’s democratic processes, institutions, and outcomes in representative democracies, especially regarding excluded groups. There are two main categories: direct and indirect democracy. Direct democracy was the original idea of this form of government when it was established in ancient Athenian city-states. People participated directly in decision-making, without any representatives. Indirect democracy, also known as representative democracy, evolved throughout history and became particularly successful following the introduction of elections.⁴¹

Over time, various mechanisms of participation and representation, like voting, petitions or citizen councils, have been developed. The two concepts are both foundational elements of modern democracy that shape different forms of government. The next subchapter will further explore the relationship of institutions, participation and representation.

1.3 Democratic Institutions

Democracies are characterised by their institutions and systems, which allow for categorisation into various types. This subchapter explores the institutions of democracies over time, looking from the past to the present. The appointment of government, legislative procedures and the extent of political rights, all being examples for political institutions, are used to differentiate democracies and non-democracies. Whilst different forms of government by the people have existed before, it is in ancient Greece and the Roman Republic that democratic institutions are firstly and systematically implemented. In the 18th century in Northern America and Europe, these institutions were redesigned for what is today known as ‘representative democracy’. The concept of representation solved the practical problem of democracy in newly established

³⁹ *ibid* 123.

⁴⁰ John Rawls, *A Theory of Justice* (Rev. ed., 5.-6. printing, Belknap Press of Harvard Univ Press 2003) 251–258.

⁴¹ Gil Delannoi and Oliver Dowlen, ‘Sortition, Direct Democracy and Indirect Democracy’ in Laurence Morel and Matt Qvortrup (eds), *The Routledge Handbook to Referendums and Direct Democracy* (1st edn, Routledge 2017) 504–505 <<https://doi.org/10.4324/9780203713181>> accessed 19 May 2026.

nation states, as it enabled a larger group of people to take part in decisions, through representatives. Especially the developments in England and the British Colonies of North America and the later constitution of the United States of America were defining processes for the democracy as we know it today. Parliaments were established, political parties emerged, and elected governments ruled alone or alongside monarchs. In the end, this representative system enabled the suffrage for part of the society, mostly white men from a certain class and age. It would take until the middle and end of the 20th century until most women and non-white people worldwide were allowed to vote. Still today, there are groups excluded from suffrage, including children and future generations.⁴²

Representative democracy has its faults, which did not remain undiscovered at the time. Philosophers like Montesquieu and Rousseau did not view representative governments as genuinely democratic.⁴³ John Stuart Mill, however, following de Tracy and Mill, saw “the ideal type of a perfect government” as both democratic and representative.⁴⁴ In the 20th century, Dahl⁴⁵ takes the discussion further, reflecting on the political institutions of modern representative democracy and their development over time, naming six fundamental elements: elected officials; free, fair, and frequent elections; freedom of expression; access to alternative sources of information; associational autonomy; inclusive citizenship. These institutions developed, as Dahl argues, because of their necessity for “governing countries, not smaller units”⁴⁶.

As elaborated previously, democracies differ in many ways, another one of which is their democratic system. These systems can be categorised as presidential or parliamentary, unitary or federal, majoritarian or consensual, and two-party or multiparty. Factors such as these can influence how a democracy and its institutions function, as well as affecting the results of elections and other participatory elements. However, further discussion of this topic is not required for the purposes of this research, as the fundamental principle of representation itself remains unaffected. All countries that fall within the ambit of a liberal and representative democracy, irrespective of their system, will be considered plausible for the purposes of this thesis.

⁴² Dahl, Froomkin and Shapiro (n 10).

⁴³ *ibid.*

⁴⁴ Mill (n 35) 131–154.

⁴⁵ Robert Alan Dahl and Ian Shapiro, *On Democracy* ([Second edition], Veritas paperback edition, Yale University Press 2021) 83–85 <<https://doi.org/10.12987/9780300257991>>.

⁴⁶ *ibid* 92.

1.4 Participation

In general terms, participation has had a longstanding relationship with democracy. In its essence, it is the foundation of today's democracy, in form of participation in elections. However, the relationship between these two concepts cannot be reduced to only that. Direct democracy is conceptualised as “a set of institutional mechanisms and practices that allow citizens to participate in political decision-making, either by proposing legislation or by voting on specific policy questions”⁴⁷. These are all aspects of participation, like referendums, citizen's initiatives, recall votes, petitions, public opinion polls or online participatory platforms. The bindingness of the outcomes and the possibilities of deliberation of all these direct democratic tools vary from consultative instruments to instruments where the final decision power lies with the citizens. Direct democracy must be distinguished from participatory and deliberative democracy, the former of which is concerned with extensive and recurrent citizen participation in political processes, and the latter of which is based on dialogue and reasoning in a public deliberation. A characteristic of direct democracy is unmediated participation in policy formation or policy decision, but only through specific political instruments.⁴⁸ Some argue that, because of the influence of political parties, even these forms of participation are not unmediated⁴⁹. However, it does not provide any correction instruments for people with unequal capacities to participate, above all for children. In conclusion, it can be asserted that participation plays a pivotal role in this specific democratic model, in various ways.

This is not limited to the political sphere; participation in civil society or public life, for example, can also be a key component of democracy, supporting and strengthening representative democracy.⁵⁰ Participation can take on many roles in democratic systems, and it can enable certain groups to be better heard.

The relevance of this concept for children will be explored in the next chapter, along with its implications for representation. As direct participation for future generations is simply not possible, this thesis will focus in the following on representation.

⁴⁷ Paul Tap and Sergiu Gherghina, ‘Direct Democracy’ in Daniel Stockemer, Stephen Sawyer and Audrey Gagnon (eds), *IPSA Companion to Political Science* (Springer Nature Switzerland 2026) 1
<https://doi.org/10.1007/978-3-032-06918-4_120-1> accessed 26 March 2026.

⁴⁸ *ibid.*

⁴⁹ Ian Budge, ‘Direct Democracy’ in Sarah A Binder, RAW Rhodes and Bert A Rockman (eds), *The Oxford Handbook of Political Institutions* (1st edn, Oxford University Press 2009) 599
<<https://doi.org/10.1093/oxfordhb/9780199548460.003.0030>> accessed 26 March 2026.

⁵⁰ Peter Somerville, ‘Thematic Review: Democracy and Participation’ (2011) 39 *Policy & Politics* 417, 425
<<https://doi.org/10.1332/147084411X581817>>.

1.5 Representation

Representation is a concept of multiple forms and should not be understood as a monolithic concept. Over time, researchers have developed an abundance of terms describing and differentiating variations of ‘representation’. Some of these types will be discussed in the following, however, for this research, the focus will be on political representation in representative democracy, building mostly on the works of Pitkin⁵¹. Pitkin established that to represent is “to make present again”⁵², what is already in the word itself. This concept of being present and not yet present precisely describes one of the core points of this thesis: how do we make this possible for future generations? Later chapters will address this question, but it is important to keep this in mind, following the next remarks.

Political representation has many different dimensions and there is a wide range of scholar’s work describing this complex concept. Importantly, these different forms of representation need to be seen in relation, opposing or complimenting each other. Many of these concepts have five key components: a party that is representing, a party that is being represented, something that is being represented, a setting within which the representation is taking place, and something that is being left out.⁵³

1.5.1 The Relationship between Representation and Democracy

Democracy and representation are two distinct concepts; however, they are often equated, especially in their daily use. Historically, they have different origins, dating back to Ancient Greece and the Medieval period, and they had no relationship. It was only after the democratic revolutions in the 18th century that the “alliance between democracy and representation [was] formed”⁵⁴, needed to realise democracy in bigger nation-states. This proved to be the start of a highly successful form of government, the representative government, continuing until today. Nevertheless, the relationship was criticised by political theorists and politicians throughout the centuries. Pitkin calls it an “uneasy alliance”⁵⁵. She states that “representation has supplanted democracy instead of serving it”⁵⁶, lacking successful attempts to democratise the representative system. It completely erased the thought of the people having the power as the

⁵¹ Hanna Fenichel Pitkin, *The Concept of Representation* (1st edn, University of California Press 2023) <<https://doi.org/10.2307/jj.2711645>> accessed 27 March 2026.

⁵² *ibid* 8.

⁵³ Suzanne Dovi, ‘Political Representation’ in Edward N Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Fall 2018, Metaphysics Research Lab, Stanford University 2018) <<https://plato.stanford.edu/archives/fall2018/entries/political-representation/>> accessed 26 March 2026.

⁵⁴ Hanna Fenichel Pitkin, ‘Representation and Democracy: Uneasy Alliance’ (2004) 27 *Scandinavian Political Studies* 335, 337 <<https://doi.org/10.1111/j.1467-9477.2004.00109.x>>.

⁵⁵ Pitkin (n 54).

⁵⁶ *ibid* 339.

collective public. Therefore, governing has become the privilege of a selected few⁵⁷. Moreover, Pitkin argues that not all acts of representation are equally democratic; some forms could even undermine democracy.⁵⁸

Furthermore, representation has a complex relationship concerning excluded groups in democracies. Young emphasises that it needs to be recognized how “representative institutions include as well as they exclude”⁵⁹, as the representation of some can come at the expense of others who are losing visibility or influence. Adding to this, one could argue for a limitation of the influence of overrepresented privileged groups, with the aim of more diverse and differentiated representation. Exclusion also concerns elections, which became a central tool for representative democracies, as there remain groups disqualified from suffrage. In most countries, children and future generations belong to this disenfranchised part of society, alongside non-citizens, people with disabilities, and people deprived of liberty. They are denied the possibility of choosing their representatives, which raises the question to which extent they and their perspectives are being excluded from the democratic process.⁶⁰

Overall, representation remains essential for today’s democracy, and may, as this thesis is trying to explore, provide some additional tools for the democratic inclusion of under- or not-represented people.

1.5.2 Democratic Representation

Representative democracy is a system of government in which a group of representatives is elected by the populace to make political decisions and formulate laws on their behalf. Its key features are authorization and accountability through regular elections.⁶¹ This form of government is often associated with the idea of a system operating “of the people, by the people, for the people”⁶². Although it is the prevalent type today, it is not without its critics, particularly in the light of current democratic crises around the world. Questions are being asked about whether representative democracy is enough, or if systems need to include direct participation

⁵⁷ *ibid* 340.

⁵⁸ Dovi (n 53).

⁵⁹ *ibid*.

⁶⁰ *ibid*.

⁶¹ Ann-Kristin Kölln, ‘The Value of Political Parties to Representative Democracy’ (2015) 7 *European Political Science Review* 593, 597 <<https://doi.org/10.1017/S1755773914000344>>.

⁶² Abraham Lincoln, *Gettysburg Address* (delivered 19 November 1863) (Cornell University Library transcript) <https://rmc.library.cornell.edu/gettysburg/good_cause/transcript.htm> accessed 14 May 2026.

and democratic innovations for survival and effective delivery. Waves of populism signal that the representative structures are not yet meeting the needs of many citizens.⁶³

Historically, too, the concept has been criticised, above all by Rousseau. He argued that “the sovereignty of people can neither be alienated nor represented”⁶⁴. He did not view representative democracy as a legitimate form of government, stating that “the moment a people allows itself to be represented, it is no longer free; it no longer exists”⁶⁵. Rousseau’s critique came at a time when the concept of representation and democracy began to merge. Politicians and theorists, especially in England and the United States of America, at that time still a British colony, pursued the idea of rule by democracy through elected parliaments, and political parties started to emerge. Democratic revolutions in the 18th century finally brought this model of representative democracy to life, expanding the electorate. Over the centuries, this evolved into suffrage for a big part of adult citizens.

Representative democracy facilitates broader participation through elected officials but is criticised for its lack of accountability and the disconnect between representatives and their voters’ desires. This relationship is central to today’s democratic process, and it is deeply influenced by political parties. These have established themselves in almost any representative democracy as the “main actor establishing and maintaining the representative link”⁶⁶. They are involved in the representative relationship and present several opportunities to strengthen accountability and authorization. The bottom-up as well as the top-down perspective are vital in representational democracy; parties are important to both views. Kölln also emphasises that parties can convincingly present visions for the respective country, contributing to the long-term perspectives of the representative democracy, and are therefore essential institutions.⁶⁷ Representative democracy is guided, amongst others, by the principle of ‘popular control’, meaning the extent to which citizens can impose their will upon government as the ultimate source of political authority and how this will be translated into policy. Key elements include popular sovereignty, accountability, political equality and responsiveness.⁶⁸ However, as this

⁶³ Jane Mansbridge, ‘The Evolution of Political Representation in Liberal Democracies: Concepts and Practices’ in Robert Rohrschneider and Jacques Thomassen (eds), *The Oxford Handbook of Political Representation in Liberal Democracies* (1st edn, Oxford University Press 2020) 36
<<https://doi.org/10.1093/oxfordhb/9780198825081.001.0001>> accessed 27 March 2026.

⁶⁴ Rousseau (n 33).

⁶⁵ *ibid.*

⁶⁶ Kölln (n 61) 595.

⁶⁷ *ibid* 610.

⁶⁸ Bryan Garsten, ‘Representative Government and Popular Sovereignty’ in Ian Shapiro and others (eds), *Political Representation* (1st edn, Cambridge University Press 2010)
<<https://doi.org/10.1017/CBO9780511813146.006>> accessed 27 March 2026.

principle is perceived as not heavily influencing the research of this thesis, it will not be explored further.

As has been established in this chapter, the concept of representation is inherently linked to democracy, historically as well as in democratic systems today. One manifestation of this relationship can be seen in the practice of representative democracy. There are various ways of practically implementing democratic and political representation, which will be presented in the following subchapter.

1.5.3 Models of Representation

One of the basic frameworks is the ‘Principal-Agent Framework’, expressing a simple relationship between two actors, where one acts (agent) on behalf of the other (principal). It is also possible for the relationship to have multiple agents or multiple principals. This presents as an easy framework to demonstrate the problems of representation, one of which being informational asymmetries. The agent often does not know what the principal wants or the signals can be misunderstood, or the principal has less knowledge and expertise than the agent. As a second asymmetry, the principal does not always know about the actions of the agent, or how their own interests influence how they act.⁶⁹ This framework could be used to illustrate the representation of children and future generations, in which one could observe this informational asymmetry.

The ‘Delegate vs. Trustee Framework’ by Madison and Burke describes the process of representation and composes two completely opposite interpretations of the representative role. Delegates simply adhere to the declared wishes of their constituents; they have no autonomy from the constituency and are bound by their mandate. This is also called an ‘imperative mandate’. As trustees, representatives deliberate, decide and act on things independently and in the way they think is best, according to their own knowledge and experience. It is often implemented as a ‘free mandate’.⁷⁰ The trustee model of representation inspired the theory of ‘democratic trusteeship’, which will be further discussed in Chapter 3.

This framework shows that there can be “competing and contradictory demands on the behaviour of representatives”⁷¹. It is important to keep in mind that some research also suggests that, when applied, there can be a mix of the delegate and trustee framework. In relation to this

⁶⁹ Keith Dowding and Adriano Giuliani, ‘Political Representation: A Typology and Synthesis’ (2026) 62 Representation 39, 42–43 <<https://doi.org/10.1080/00344893.2025.2526209>>.

⁷⁰ Dovi (n 53).

⁷¹ *ibid.*

concept, Pitkin sees the importance of safeguarding the autonomy of both the representative and the represented, meaning the “capacity of the representative to act independently”⁷² and the capacity of the represented to “authorize and hold their representatives accountable”⁷³. It is only through the act of authorization that a relationship between the representative and the represented is formed.⁷⁴

The most influential conception of political representation was constructed by Pitkin⁷⁵. She defined political representation in four different views: formalistic, symbolic, descriptive and substantial representation. Formalistic representation refers to the institutional arrangements that define who may act as a representative and under what conditions. It entails both the procedures through which individuals acquire their position and the mechanisms through which they may be disciplined or replaced. From this perspective, representatives are not judged by the quality of their conduct but by whether they legitimately hold office and whether constituents possess tools to sanction them.

Symbolic representation shifts attention from institutions to perception, emphasizing the meanings that representatives embody for the public. Here, representation is effective to the extent that the represented accept the representative as an appropriate figure who ‘stands for’ them. The evaluation rests on the degree of acceptance or legitimacy conferred by constituents. Descriptive representation focuses on similarity between representatives and the represented. It highlights shared characteristics, experiences, or social backgrounds as markers of representativeness. The key question is whether the representative mirrors the constituency in ways that matter politically, meaning if there is an accurate resemblance.

Finally, substantive representation concerns what representatives actually do on behalf of their constituents. It evaluates whether their decisions and policy initiatives advance the interests or preferences of those they represent. In this view, representation is judged by outcomes: the extent to which the representative’s actions align with and promote the constituency’s ‘best interests’.⁷⁶

⁷² *ibid.*

⁷³ *ibid.*

⁷⁴ Kölln (n 61) 596.

⁷⁵ Pitkin (n 51) 38–112.

⁷⁶ Dovi (n 53).

1.6 The Temporal Dimension of Democracy

The last part of the normative framework of this thesis is the relationship between democracy and time, which is considered one of its blind-spots. What are the tools to describe how current democratic systems deal with, or fail to deal with, relations to the future? There are a few that will be relevant for this thesis: democratic short-term thinking, the presentism-bias of democracy, and intergenerational justice.

Democratic short-term thinking can be described as the focus on achieving immediate, present-day goals, often limited to a single generation or even shorter time spans. This is closely related to the concept of presentism-bias, whereas the first focuses more on institutional bias and the latter one centres around political behaviour. The inability to think long-term is not only limited to democracy but also appears in all areas of life, including nature, technology or the economy. Even though today's global problems should encourage people to take the future into account, the current system, technologies and parts of the human brain promote shortsightedness. The lack of long-term thinking could have enormous consequences for future generations of humankind.⁷⁷

The presentism-bias of democracy, sometimes also called 'democratic myopia', describes the phenomenon that democracies are partial towards the present. There are a number of sources for this bias, including that democratic government is supposed to be responsive to the interests of citizens.⁷⁸ Therefore, as there is the "human tendency to prefer the immediate to the distant"⁷⁹, democracies tend to focus on the present, neglecting children and future generations. Naturally, it can also be seen as "a virtue of democracy that it pays attention to actual citizens"⁸⁰, holding actual decision makers accountable for their actions. Additionally, the short election cycles of democratic government influence its myopia. Decision makers only remain in power for a limited time, during which they are assessed by their tangible achievements. Another reason for democratic myopia can be the unbalanced electorate in some, mostly Western, countries, where elder people are more powerful in numbers and influence, and hence shape politics. Therefore, the presentism-bias of democracy does not only affect future generations, but it can also include already existing children, at whose expense laws are made that favour

⁷⁷ Krznaric (n 1) 4–6.

⁷⁸ Dennis F Thompson, 'Representing Future Generations: Political Presentism and Democratic Trusteeship' (2010) 13 *Critical Review of International Social and Political Philosophy* 17, 17 <<https://doi.org/10.1080/13698230903326232>>.

⁷⁹ *ibid* 18.

⁸⁰ *ibid* 17.

elder people.⁸¹ Intergenerational justice connects to this differentiated affectedness of various generations and goes beyond that, referring to obligations that exist between generations.⁸²

1.7 Conclusion

This chapter serves to build the conceptual and normative framework for the chapters to follow, outlining the democratic standards against which the exclusion of children and future generations must later be evaluated. Democracy is both a procedural system and a societal and political ideal that cannot be reduced to elections alone. This chapter establishes that participation and representation play a key role, especially in today's democracies. The historical overview of democratic institutions depicts how representation emerged as a practical solution to governing large societies. This insight is crucial for later chapters: if representation is a constructed mechanism, it can also be adapted to include those who currently lack political power. The chapter also highlights core democratic values, like political equality, liberty, inclusion, which question the structural absence of children and future generations from decision-making. The idea of democracy shaping all dimensions of life supports the concept of a democratic community depending on shared responsibility and inclusivity. Consequently, it could be argued that democratic obligations should extend beyond current interests and individuals, incorporating long-term and intergenerational considerations.

Modern democratic theories offer further tools, like Dahl's theory of inclusion underlining where children and future generations fall outside the boundaries of influence, or Rawls's veil of ignorance, which imagines decision-making without knowledge of one's position in society or time, providing a normative argument for including future persons in democratic design. Lastly, the idea that representation means 'to make present again' frames the central challenge of the following chapters: how to make present those who are not allowed to participate, cannot engage, cannot authorize, and in the case of future generations, do not yet exist.

⁸¹ *ibid* 17–20.

⁸² Christoph Lumer, 'Principles of Generational Justice' in Jörg Tremmel (ed), *Principles of generational justice* (Edward Elgar 2006) 39–42.

2 Children's Rights, Participation and Representation in Democracies

Children have a special relationship with the future, being the most recently born generation and at the same time the closest to future generations. Their present political power is often diminished, being framed as not yet important and their issues are pushed aside by adults and politicians until later. Nevertheless, they are present now and must live with the implications of today's actions concurrently. This chapter sets out to explore the normative and practical frameworks for child participation and representation in a democracy, establishing a theoretical background which will be complemented by different practical models. This part of the thesis aims to analyse the relationship between children and future generations, identifying their differences and potential interdependence. It also considers the role of child participation and representation for future generations, which will be discussed in later chapters.

2.1 Definition of a 'Child'

A child is a person until the age of 18, according to Article 1 of the CRC⁸³. All human rights frameworks apply to children too, but they have rights of their own that were defined in the CRC in 1989. Children are the rights bearers and the Contracting States are the duty bearers. According to the Convention, there is only a fixed upper age limit, no determined lower age limit, it is left undefined by Article 1: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". In other international legal documents, there are different definitions for children that can be found, with varying ages.⁸⁴ However, as the CRC is a treaty with 196 contracting parties, this definition can be seen as universal.⁸⁵

Cultural differences and an evolving societal understanding of childhood shaped the debates about age limits, leading to a more open definition in the Convention.⁸⁶ There were and are many discussions about the lower age boundary, but for the purpose of this thesis, children will be defined according to the aforementioned international legal definition of the CRC, which leaves space for flexibility to the Contracting States, with no explicit obligation to protect the

⁸³ CRC art 1.

⁸⁴ Marta Prucnal, 'Who Is a Child? The International Definition of a Child' in Farhad Malekian and Kerstin Nordlöf (eds), *Sovereignty of children in law* (Cambridge Scholars 2012) 77.

⁸⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Human Rights Indicators: Convention on the Rights of the Child' <<https://indicators.ohchr.org/>> accessed 29 April 2026.

⁸⁶ Gerison Lansdown and Ziba Vaghri, 'Article 1: Definition of a Child' in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) 408 <https://doi.org/10.1007/978-3-030-84647-3_40> accessed 17 April 2026.

unborn child. From the Convention it is clear that childhood, and therefore rights protection, begins with the birth of the child. This is a critical point as arguments for rights of not yet born generations, future generations, could be misappropriated by pro-life movements and abortion critics, claiming rights for the unborn child. This would be a misinterpretation, however, as there is no claim for a right to be born, and the Maastricht Principles⁸⁷, for instance, clearly state that the principles “may not be construed as accepting any interferences with the bodily autonomy of women, girls, and others who can become pregnant”⁸⁸.

As can be concluded from this discussion about age limits, time plays a significant role in terms of children’s rights, given that “such rights are generally by definition time-bound”⁸⁹. They end at the age of 18, so the group of rights bearers is continuously changing. All children are entitled to the realization of their human rights, also “constantly arriving [children]”⁹⁰, as is mentioned in the General Comment 26⁹¹ of the Child Rights Committee. This highlights the importance of the principle of intergenerational justice and safeguarding the interests of future generations also in relation to children’s rights. The extent to which children overlap with or are distinct from future generations is an important discussion in this field of research and there is no clear answer. It is not entirely defined where ‘present’ ends and ‘future’ starts. The following sub-chapter will dive deeper into the relationship between these two groups.

2.2 Relationship between Children and Future Generations

Children are the closest in time to generations still to come, which gives them a critical position in the discussion around future generations. The two groups, however, risk to get mixed together in scholarship and in practice, especially when it comes to court decisions, as recent climate litigation cases demonstrate. Children’s rights are linked to argue for future generations’ rights and in many cases, such as in the South Korean Constitutional Court’s Case *Do-Hyun Kim et al. v. South Korea*⁹² or the Brazilian case of *Six Youths v. Minister of Environment and Others*⁹³, the courts did not differentiate between the two groups⁹⁴. Children could be argued to qualify

⁸⁷ Maastricht Principles on the Human Rights of Future Generations (‘Maastricht Principles’) (adopted 3 February 2023).

⁸⁸ *ibid* para 4c.

⁸⁹ Aoife Nolan, ‘Children and Future Generations Rights before the Courts: The Vexed Question of Definitions’ (2024) 13 Transnational Environmental Law 522, 543 <<https://doi.org/10.1017/S2047102524000165>>.

⁹⁰ Committee on the Rights of the Child, ‘General Comment No 26 (2023) on children’s rights and the environment with a special focus on climate change’ UN Doc CRC/C/GC/26 para 11.

⁹¹ CRC Committee, General Comment No 26.

⁹² *Do-Hyun Kim and others v Republic of Korea* (Constitutional Court of Korea, 29 August 2024) 2020Hun-Ma389 (and consolidated cases 2021Hun-Ma1264, 2022Hun-Ma854, 2023Hun-Ma846).

⁹³ *Six Youths v Minister of Environment and Others* (14th Federal Civil Court of São Paulo, Brazil, 5 June 2024) Ação Popular No 5008035-37.2021.4.03.6100.

⁹⁴ Nolan, ‘Children and Future Generations Rights before the Courts’ (n 89) 524–525.

for rights as members of two groups: children in the present and “as members of existing ‘future generations’”⁹⁵. However, this could pose a risk to the coherent framework of children’s rights in the present. Additionally, children’s rights might prove inadequate for safeguarding the rights of future generations, given that for instance, intertemporal rights claims are a significantly under-researched concept with regard to the CRC.⁹⁶ These are rights claims based on the universality of human rights, extending beyond present humanity.⁹⁷

Accordingly, it is important to clearly state, for the purposes of this thesis, that children and future generations are defined as two distinct groups which are interrelated yet have different rights and needs. They cannot be confused and their determination comes with specific rights and responsibilities. This goes along with the consensus evident in the current central political and legal documents concerning future generations. The UN Pact for the Future (PFTF)⁹⁸, the most recent international political declaration on this topic from 2024, makes a clear distinction. The Member States are recognizing “[...] that children and youth are distinct groups from future generations”⁹⁹. Furthermore, in its definition, it states that “future generations are all those generations that do not yet exist”¹⁰⁰, establishing a clear difference to children, who already exist. The definition of future generations used in the Maastricht Principles, “future generations are those generations that do not yet exist but will exist”¹⁰¹, leads to the same conclusion. Children are the generation that is already born and whose rights are guaranteed under the CRC. Future generations are generations that are not born yet, and that are until now without protection by any specific human rights treaty. Their role and rights will be discussed in the next chapter in more detail.

As children’s rights are a well-established and developed area of IHRL, a distinct definition of the rights bearers presents an easier task than one for future generations. However, when it comes to the practical application of these rights and to the duties of the States, the line is not always that clear. As Düwell puts it, “[d]uties we have with regard to future people are to some

⁹⁵ *ibid* 529.

⁹⁶ Aoife Nolan, ‘The Children Are the Future – Or Not? Exploring The Complexities of the Relationship between the Rights of Children and Future Generations’ (*EJIL: Talk!*, 26 May 2022) <<https://www.ejiltalk.org/the-children-are-the-future-or-not-exploring-the-complexities-of-the-relationship-between-the-rights-of-children-and-future-generations/>> accessed 17 April 2026.

⁹⁷ Aoife Nolan, ‘Placing Future Generations at the Heart of Inter-American Human Rights Law?’ (*EJIL: Talk!*, 21 July 2025) <<https://www.ejiltalk.org/placing-future-generations-at-the-heart-of-inter-american-human-rights-law/>> accessed 29 May 2026.

⁹⁸ United Nations General Assembly, ‘Pact for the Future’ (adopted 22 September 2024) UNGA Res A/RES/79/1.

⁹⁹ *ibid* ch IV para 59.

¹⁰⁰ Declaration on Future Generations preamble.

¹⁰¹ Maastricht Principles paras 1–3.

extent also duties that we have with regard to the future of the current generation of children”¹⁰². It illustrates that intergenerational justice is an essential concept for both groups. Recent climate litigation cases¹⁰³, which will be explored in Chapter 3, also showcase these blurry lines between the generations, for instance when it comes to the impact of climate policies. Constitutional courts fail to provide an exact definition of future generations for the purpose of constitutional protection. This directly affects the courts’ ability to determine the respective interests and rights for children and future generations, which could lead to gaps in the protection of both groups.¹⁰⁴ It also leads to inconsistencies, differences, and potential conflicts on the international legal level regarding these rights bearers. This provides an additional argument for why the issue of future generations is important for children’s rights.

The framework of future generations can serve to strengthen the position of children in political and legal discussions and can foster their engagement in policy processes and court cases. If court decisions, for example, recognize solidarity between the two groups, this supports the inclusion of children as “informed, diverse and hitherto silenced or unheard stakeholders” in conversations¹⁰⁵. A similar argument is made in the PFTF, where the participation of children and intergenerational dialogue is clearly linked to “the needs and interests of future generations”¹⁰⁶. The States recognized “children and youth as agents of change”¹⁰⁷, alongside the need to engage them in policy- and decision-making processes. The experts’ Maastricht principles acknowledged a similar importance for children in their preamble, stating that “[children and youth’s] perspectives and participation in decision-making with respect to long-term and intergenerational risks must be accorded special weight”¹⁰⁸. As this thesis will discuss participation and representation regarding both groups, the pivotal role of children will potentially become even more evident in the following pages and chapters.

When looking at strategic reasons for linking the two groups, it can be argued that children ‘give future generations a face’, meaning that their presence – in courts, at demonstrations – makes the group less abstract and renders the whole concept of rights bearers more tangible.¹⁰⁹

¹⁰² Marcus Düwell, ‘Human Rights and Intergenerational Ethics’ in Stephen M Gardiner (ed), *The Oxford Handbook of Intergenerational Ethics* (1st edn, Oxford University Press 2022) 623 <<https://doi.org/10.1093/oxfordhb/9780190881931.013.39>> accessed 16 April 2026.

¹⁰³ *Netherlands v Urgenda* ; *Juliana v United States*

¹⁰⁴ Nolan, ‘Children and Future Generations Rights before the Courts’ (n 89) 529.

¹⁰⁵ Margaretha Wewerinke-Singh, Ayan Garg and Shubhangi Agarwalla, ‘In Defence of Future Generations: A Reply to Stephen Humphreys’ (2023) 34 *European Journal of International Law* 651, 622 <<https://doi.org/10.1093/ejil/chad033>>.

¹⁰⁶ Declaration on Future Generations preamble.

¹⁰⁷ *ibid.*

¹⁰⁸ Maastricht Principles principle 7.

¹⁰⁹ Nolan, ‘Children and Future Generations Rights before the Courts’ (n 89) 527.

This sub-chapter provided insights into the complex relationship between children and future generations by focusing on the current academic and political discussions. It aimed to provide reasoning for the importance of children and their rights for future generations, as for this thesis, it is not only about a definitional question whether these two groups are distinct. This research is about their multi-faceted relationship and especially about what can be adapted from one group of rights bearers for the other.

2.3 Children's Rights and Participation

This thesis and chapter are based on children's rights, particularly the Articles 3 and 12 of the CRC, and the concepts of child participation and representation. These legal frameworks could help to identify potential solutions for including future generations in current political processes. They will therefore be explored in the following pages with a particular focus on children, while the fourth chapter will apply these discussions to future generations.

2.3.1 The Child's Right to Be Heard

The Convention on the Rights of the Child was celebrated as a legal treaty that changed the perception of the adult-child relationship, ensuring a legal and societal stance for children. One of these fundamental provisions was Article 12, describing the right to be heard. However, in the development of the Convention itself, children's input as the affected group was missing. Article 12 was therefore not fulfilled.¹¹⁰ The provision holds:

“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”¹¹¹

Article 12 of the Convention on the Rights of the Child is a provision that is unique in its wording and contains rights that are only granted to children. Freeman states that it is significant

¹¹⁰ Mark Henaghan, ‘Article 12 of the UN Convention on the Rights of Children: Where Have We Come from, Where Are We Now and Where to from Here?’ (2017) 25 *The International Journal of Children's Rights* 537, 538 <<https://doi.org/10.1163/15718182-02502012>>.

¹¹¹ CRC art 12.

“because it recognises the child as a full human being with integrity and personality and the ability to participate freely in society”¹¹². Children are the subjects of rights, without having the same full autonomy as people over 18, and they have the right to express their opinions freely, in all matters affecting them. States are the duty bearers for this right. They must provide appropriate legal mechanisms, ensure a suitable and trained environment for children and establish, for instance, independent children’s rights institutions, like ombudspersons or commissioners.¹¹³ Moreover, and this is the key to the provision, “the views of the child [must be] given due weight in accordance with the age and maturity of the child”¹¹⁴. All this concerns especially judicial and administrative proceedings, where also the concept of representation is coming into play. Article 12 is also one of the four key principles of the Convention identified by the Committee on the Rights of the Child, alongside the right to non-discrimination, the right to life and development, and the consideration of the best interests of the child. This means that the right to be heard must be considered while interpreting and implementing all other rights of the Convention. In terms of content, Article 12 is closely linked to other articles of the Convention, sometimes called the “package of participation rights”¹¹⁵, including the rights to freedom of expression (Article 13), freedom of thought, conscience, and religion (Article 14), freedom of association (Article 15) and the right to information (Article 17). In 2009, the Committee published a General Comment (No. 12)¹¹⁶ giving a detailed analysis and more context for this provision. Article 12 changed the traditional view on children at the time. It put them in the position of active participation and agency, and the States under the obligation to provide this enabling environment for children. The provision includes some important aspects to consider, above all when talking about child participation later.

From a legal perspective, Article 12 imposes a clear legal obligation on States to respect this right, to ensure the implementation of this right and to build an environment for children where they feel enabled to speak freely, with all the necessary information available to them.¹¹⁷ Children, however, are not obliged to exercise their right; doing so is their choice. Additionally, the provision does not impose any age limit, as States are obliged to assess the capacity of a

¹¹² Michael Freeman, ‘Children’s Education: A Test Case for Best Interests and Autonomy’ in Ronald Davie and David M Galloway (eds), *Listening to Children in Education* (Taylor and Francis 2013) 37.

¹¹³ Committee on the Rights of the Child, ‘General Comment No 12 (2009) on the right of the child to be heard (art 12)’ UN Doc CRC/C/GC/12 para 49.

¹¹⁴ CRC art 12.

¹¹⁵ Laura Lundy, John Tobin and Aisling Parkes, ‘The Right to Respect for the Views of the Child’ in John Tobin (ed), *The UN Convention on the Rights of the Child* (1st edn, Oxford University Press 2019) 401 <<https://doi.org/10.1093/law/9780198262657.003.0013>> accessed 20 April 2026.

¹¹⁶ Committee on the Rights of the Child, General Comment No 12 (2009) on the right of the child to be heard (art 12) UN Doc CRC/C/GC/12.

¹¹⁷ Lundy, Tobin and Parkes (n 115) 402.

child to form his or her own views which they can express in a variety of forms. A child's maturity must be assessed on a case-by-case examination, determining the ability to comprehend the full implications of an issue.¹¹⁸ This can prove to be difficult to establish, therefore the Committee provides a broad definition: maturity is “the capacity of a child to express her or his views [...] in a reasonable and independent manner”¹¹⁹, respecting the evolving capacities of the child. A similar broad approach was established by the Committee when it comes to the matters that Article 12 covers, as it holds that every issue affecting the child is included, not naming an explicit list. States should “listen to children's views wherever their perspective can enhance the quality of solutions”¹²⁰.

The provision covers both the rights of the individual child as well as the rights of children as a group. This point is important, as the Committee insists that States must “exert all efforts to listen to or seek the views of those children speaking collectively”¹²¹, even if the assessment of age and maturity proves to be more challenging than for the individual child. Children can assume their rights as a group, a point that will be interesting later on, in comparison to future generations.¹²²

Furthermore, Article 12 is linked to the ‘autonomy principle’ of children, giving them in part the capacity to make their own decisions, limited by their own capabilities and adult's assessment thereof. Autonomy is not about children getting what they want, but about them “having choices to the extent [they] possibly can, free from undue interference of others [...]”¹²³. The CRC can be seen as an attempt to give children more autonomy rights.¹²⁴

One of the key aspects of Article 12 concerns giving ‘due weight’ to the perspectives of children, demanding that more needs to be done than simply giving them the opportunities to speak and listening to their views. The Committee holds that their opinions have to be “seriously considered”¹²⁵. Participatory processes are a way for realising this right. In the following subchapter, this connection between Article 12 and the concept of participation will be explored.

¹¹⁸ CRC Committee, General Comment No 12 para 20-21.

¹¹⁹ CRC Committee, General Comment No 12 para 30.

¹²⁰ *ibid* para 27.

¹²¹ *ibid* para 10.

¹²² *ibid* para 9.

¹²³ Aoife Daly, *Children, Autonomy and the Courts: Beyond the Right to Be Heard* (Brill | Nijhoff 2018) 6 <<https://doi.org/10.1163/9789004355828>> accessed 25 April 2026.

¹²⁴ *ibid* 87.

¹²⁵ *ibid* para 28.

2.3.2 The Concept of Child Participation

Article 12 ensures that the child is a subject of rights and does not only hold rights “derived from her or his vulnerability (protection) or dependency on adults (provision)”¹²⁶. The concept of child participation challenges the common perception of children as ‘incomplete adults’ or “adults in waiting”¹²⁷ and the conception of childhood as a natural process of maturing towards a fixed end named adulthood. Instead of viewing children as dependent, incompetent human beings without any agency, participation means empowering and valuing children as effective agents with own perspectives and competences, abandoning the paternalistic view. Childhood is therefore seen as a social construct which children are actively shaping and where they are demonstrating “fluctuating levels of agency and competency”, depending on the context and relationships.¹²⁸ This is an important foundation for child participation.

As explained above, Article 12 ensures the exercise of the child’s right to be heard.¹²⁹ The concept of child participation can be seen as a practical expansion of that right. It emphasises that the engagement of children should be meaningful and sustainable in the long term, meaning that it should be “an intense exchange between children and adults on the development of policies, programmes and measures in all relevant contexts of children’s lives”¹³⁰. Participation is one of the building stones of democracy and a “fundamental right of citizenship”¹³¹. It also raises the question of power and agency in democratic systems. However, it is important to mention that the scope of child participation as described here goes beyond the established concept of participation in the first chapter. It does not only concern the political sphere but all areas of life that affect children and where they should be able to participate.

Before this thesis discusses the practical relationship with democratic participation in more detail, it is important to touch upon the many different forms and levels of child participation existing today. Children are mostly engaging at the community level, in local formal decision-making processes and organisations. These processes can be child-led or run by adults, and children can contribute to projects and decisions directly impacting their daily life.¹³² Other

¹²⁶ *ibid* para 18.

¹²⁷ Sean Molloy, ‘The Committee on the Rights of the Child and Article 12: Applying the Lundy Model to Treaty Body Recommendations’ (2024) 37 *Leiden Journal of International Law* 669, 669 <<https://doi.org/10.1017/S0922156524000098>>.

¹²⁸ *ibid* 670.

¹²⁹ Gerison Lansdown, ‘Article 12: The Right to Be Heard’ in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) 42 <https://doi.org/10.1007/978-3-030-84647-3_5> accessed 20 April 2026.

¹³⁰ CRC Committee, General Comment No 12 para 13.

¹³¹ Roger Hart, ‘Children’s Participation: From Tokenism to Citizenship’ (UNICEF International Child Development Centre 1992) 5.

¹³² Laura Lundy, “Voice” Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child’ (2007) 33 *British Educational Research Journal* 927, 935 <<https://doi.org/10.1080/01411920701657033>>.

ways for child participation include the regional, national, and international level, where the opportunities for contributing their views range from small consultations to big conferences. Often, children's councils, NGOs and civil society organisations play key roles in organising, supporting, and safeguarding the participation of children, reducing the risk of manipulation or poor practices.¹³³

In its General Comment on Article 12, the Committee has established a couple of basic requirements for processes of child participation. These should serve to avoid tokenism and make States understand participation as an effective and meaningful process. Therefore, the established activities must be transparent and informative for children, voluntary, respectful for children and their views, on issues relevant for their lives, take place in child-friendly environments, inclusive and non-discriminatory, supported by training for adults, safe and sensitive to risks that may appear, and finally, accountable processes that involve follow-up and evaluation.¹³⁴ These guidelines can help to ensure the quality of child participation practices and the protection of the participating children without restricting their agency.

2.4. Children's Rights and Representation

Children can not only influence political processes by direct participation but also by having their rights and interests represented. The following subchapter deals with the political representation of children, exploring how this links Article 12 CRC with Article 3 CRC, the best interests of the child.

2.4.1 Article 3: The Best Interests of the Child

One of the fundamental principles of the Child Rights Convention is Article 3, stating that “[in] all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”¹³⁵. This means that decisions regarding children must always have their best interests in mind, must assess the impact on children and must respect the other rights of the CRC.¹³⁶ The Committee held that “no right could be compromised

¹³³ CRC Committee, General Comment No 12 para 127-130.

¹³⁴ *ibid* para 134.

¹³⁵ CRC art 3(1).

¹³⁶ Roberta Ruggiero, ‘Article 3: The Best Interest of the Child’ in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) 22 <https://doi.org/10.1007/978-3-030-84647-3_3> accessed 23 April 2026.

by a negative interpretation of the child's best interests"¹³⁷, underlining the interconnectedness of the rights.¹³⁸ Article 3 has three meanings: as a substantive individual and collective right, as a interpretative legal principle meaning interpretation always in the best interests of the child, and as a rule of procedure with impact assessment. This includes short- and long-term assessments, recognising that children can be especially impacted by future-looking decisions. In general, the best interests need to be determined on a case-by-case basis, as there is not one definition.¹³⁹ The best interests principle binds not only institutions that primarily engage with children, but also courts of law, administrative authorities and legislative bodies, especially when "involving or concerning children".¹⁴⁰ Following from this, the obligations of Article 3 can be expanded to policy- and decision-making processes, where the best interests of children regarding the impact of these decisions need to be represented.

2.4.2 Representation of Children and their Best Interests

In previous chapters, the direct participation of children in decision-making processes was explored, in relation with Article 12. The provision, however, cannot always be applied in this way and this is mentioned in the second paragraph of the Article. In judicial and administrative proceedings, a child can be heard directly, through a representative or a representative body.¹⁴¹ Here is where Article 3 takes on a key role. The best interests principle is based on two presumptions: If children are unable to exercise their own legal rights, decisions must be made on their behalf by adults. Children's interests must be protected; therefore, the principle is covering all areas concerning children.¹⁴² There is also a direct relationship to children's autonomy principle, as the two principles should support each other in taking the best decisions for and with the child. Children need to be treated as autonomous equals as far as possible and they need to be protected at the same time, ensuring their best interests. This balancing act was established by the CRC, and some argue that it needs to be improved towards more autonomy for children.¹⁴³ This shows that the best interests principle underlies many questions of participation and representation of children and could collide with the right to be heard. There remain open discussions about representatives acting in the child's best interests as perceived

¹³⁷ Committee on the Rights of the Child, 'General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1)' UN Doc CRC/C/GC/14 para 4.

¹³⁸ Ruggiero (n 136) 22–23.

¹³⁹ *ibid* 25.

¹⁴⁰ CRC Committee, General Comment No 14 para 25.

¹⁴¹ CRC art 12.

¹⁴² Daly (n 123) 81.

¹⁴³ *ibid* 88.

by themselves or following the child's viewpoint, if disclosed.¹⁴⁴ This debate goes beyond the scope of the thesis, so it will not go into further detail.

As a last point, it will mention the controversy surrounding democratic representation of children. Wall views children's exclusion from direct political representation as a flaw in democracy conceptions today, as there is no systematic way of engaging with the perspectives of children. There are some possibilities, occasionally, but policy and law makers are not obliged to interact. While there is representation of children's apparent 'best interests' through specialised government agencies and commissioners, this is mostly done without properly seeking feedback from the affected group themselves. Children's parliaments are direct ways of participation, without however leading to representation in the real decision-making process.¹⁴⁵ This is where Articles 12 and 3 tend to be neglected, with no consideration given to their interconnection. Decisions are made representing the best interests of children, as perceived by decision makers, without consulting or including the children affected by the outcome. This creates an imbalance, reducing children to passive, dependent citizens despite assurances that their best interests are at heart.¹⁴⁶ Looking at ways to improve this democratic representational system, Wall proposes a concept of democracy that is responsive to the diversity and difference of experiences in its demos, seeing it as a form of responsibility. Responsiveness is "a capacity to enable differences of perspective to make a difference to the existing social imagination"¹⁴⁷. The system should respond to people as persons "with both active powers for struggle and passive vulnerabilities and dependencies"¹⁴⁸. For children, this would signify having their rights in Article 3 and 12 both realised, being present in the political process as both active representatives and being represented in their best interests. These conceptions also link to the difference argument regarding children's active participation, which will be addressed subsequently.

Children's impactful representation requires rethinking political representation mechanisms and potentially the democratic process. Their best interests as well as their participation rights can be respected if, as an excluded group, they "will find genuine political representation [...] insofar as their particular experiences are able to transform the use of political power by

¹⁴⁴ Lundy, Tobin and Parkes (n 115) 428–429.

¹⁴⁵ John Wall, 'Can Democracy Represent Children? Toward a Politics of Difference' (2012) 19 *Childhood* 86, 86–87 <<https://doi.org/10.1177/0907568211406756>>.

¹⁴⁶ Hege Stein Helland, 'Reconciling Children's Best Interests and Right to Be Heard' (2024) 32 *The International Journal of Children's Rights* 45, 48–49 <<https://doi.org/10.1163/15718182-32010007>>.

¹⁴⁷ Wall (n 145) 95.

¹⁴⁸ *ibid.*

societies”¹⁴⁹. This emphasises the need for an implementation of both Article 3 and 12 when it comes to children’s representation, and for changes in the child-adult societal and political relationship. The practical implications of these considerations will be explored in the following subchapter.

2.5 Practical Implications of Children’s Participation and Representation

A key part of this thesis is its exploration of the practical implementation of the rights, participation, and representation of children for future generations, looking at children’s role in these processes.

2.5.1 Models of Child Participation and Representation

Over time, practical models have been developed that categorise different ways of child participation and give more concrete guidelines on how these processes should look like. For a long time, the most renowned model was the ‘Ladder of Participation’ by Roger Hart, presented in 1992, quite quickly after the adoption of the CRC. He describes eight steps of participation, whereby three are considered non-participation and five are categorised as participation, all ranked in increasing degrees.¹⁵⁰ Hart’s prototype serves as the basis for many other models which were subsequently developed. This thesis, however, will only focus on Lundy’s model, which could potentially be transferred to the participation and representation of future generations.

The Lundy model shifts the perspective to a practical realisation of ‘The Right to Be Heard’, describing how States can fulfil their legal obligations. Lundy provides a framework for children’s participation that has successfully been applied to many different contexts whilst keeping the same four pillars: Space, Voice, Audience, and Influence.¹⁵¹ The two first factors for the realisation of Article 12 are linked to the “right to express a view”, the latter ones to “the right to have the view given due weight”.¹⁵² It connects participation with representation. The four elements are interrelated and influence each other chronologically.

‘Space’ explains the necessity to create opportunities for children to be involved in decision-making, meaning to “take proactive steps to encourage children to express their views”¹⁵³

¹⁴⁹ Anandini Dar and John Wall, ‘Children’s Political Representation: The Right to Make a Difference’ (2011) 19 *The International Journal of Children’s Rights* 595, 606 <<https://doi.org/10.1163/157181811X547263>>.

¹⁵⁰ Hart (n 131) 9–10.

¹⁵¹ Lundy (n 132) 932.

¹⁵² *ibid* 931.

¹⁵³ *ibid* 934.

instead of passively waiting to receive them. Children should be asked to select which topics they would like to engage with and how, while insisting that participation is voluntary. The space provided needs to be safe and inclusive for children to feel like they can speak freely, without any fear of reprisal. It should also be accessible to a diversity of children, providing for marginalised and disadvantaged groups to be included.¹⁵⁴

The factor of ‘Voice’ entails the support for children to express their views, a right which is “not dependent upon their capacity to express a mature view; it is dependent only on their ability to form a view, mature or not”¹⁵⁵. In a participation process, children should receive the help, guidance, and facilitation they need to form their own perspectives. Often, this is linked to enough time, child-friendly information, capacity building, or practical assistance through, for instance, interpretation.¹⁵⁶

‘Audience’ describes the fact that children have the right to be listened to when expressing their views, granted by Article 12. They may choose a variety of ways to state their opinions and choices, and the audience needs to be prepared for that. It is mentioned here as well that adults need to be trained to actively listen to children, and in understanding the non-verbal expressions. Lundy summarises this factor as “a guaranteed opportunity to communicate views to an identifiable individual or body with the responsibility to listen”¹⁵⁷.

The factor of ‘Influence’ refers to the ‘due’ weight that adults are required to give to children’s perspectives. However, this is where the implementation of the right lies in the hands of adults, as their assessment of the child’s maturity and capacity decides how much influence it is given. The Convention calls here for an interpretation that is “generous and child-empowering rather than negative and opportunity-restricting”¹⁵⁸. One way of assuring that the views of children have influence is by giving them feedback on how they were considered, ensuring transparency. This factor ties the active participation of children to the need for an actual representation of their views in the process, by themselves or by adults.

Lundy’s model of participation depicts a comprehensible way of applying Article 12 in practice. Monitoring and procedural safeguards could support the implementation as foreseen by the Convention, and also include other articles, ranging from Article 2, 3, and 5 to Article 13 and 19.¹⁵⁹ Lundy concludes that the strongest argument for Article 12 “derives from its capacity to

¹⁵⁴ *ibid* 934–935.

¹⁵⁵ *ibid* 935.

¹⁵⁶ *ibid* 935–936.

¹⁵⁷ *ibid* 937.

¹⁵⁸ *ibid* 938.

¹⁵⁹ *ibid* 933.

harness the wisdom, authenticity and currency of children’s lived experience in order to effect change”¹⁶⁰.

2.5.2 Children’s Political Participation and Representation

In democratic systems, voting rights are one of the essential ways to influence governance, though not the only one. While the right to participate in decision-making processes is guaranteed by the Universal Declaration of Human Rights (UDHR)¹⁶¹, there remain groups excluded from this important democratic institution. Historically, this had been women, non-White persons, non-landowners, or Indigenous Peoples, who all fought for enfranchisement. Today, still, in some states, people with severe mental disabilities, people deprived of liberty or non-nationals cannot exercise their right to vote. The struggle for suffrage is still ongoing, as there remain barriers of various nature, and one of them is age.¹⁶² Worldwide, most states grant the right to vote from the age of 18 onwards, with some exceptions setting the age at 16 or 17. This leaves most children and young people without a possibility of directly participating in elections, a major part of democracy in most systems. Their issues do find space in the political process in other ways, but mostly through a paternalistic discourse and perceptions about them, rather than a conversation with them.¹⁶³ It is often the perception that children “are sufficiently represented by their parents” and that it is in their best interest to be protected, relating falsely to Article 3.¹⁶⁴

But it is the Convention on the Rights of the Child that grants children not only protection, but also participation and representation. The package of participation provisions guaranteed by the CRC entails important political rights like the right to freedom of expression, the right to information and the right to freedom of peaceful assembly, thereby also granting children ways to directly engage in the democratic process. However, the notion of political participation remains limited for children. It is where children’s rights differ from adult’s rights guaranteed by the International Covenant on Civil and Political Rights (ICCPR)¹⁶⁵: the right to vote. The CRC does not provide a legal imperative for voting rights for children. Article 12 discusses participation but does not specify the right to vote or any direct engagement in democratic

¹⁶⁰ *ibid* 940.

¹⁶¹ Universal Declaration of Human Rights (‘UDHR’) (adopted 10 December 1948) UNGA Res 217 A(III).

¹⁶² John Wall, ‘Democratising Democracy: The Road from Women’s to Children’s Suffrage’ (2014) 18 *The International Journal of Human Rights* 646, 647–648 <<https://doi.org/10.1080/13642987.2014.944807>>.

¹⁶³ Aoife Nolan, ‘The Child as “Democratic Citizen” – Challenging the “Participation Gap”’ [2010] *Public Law* 126, 129.

¹⁶⁴ Wall (n 162) 648.

¹⁶⁵ International Covenant on Civil and Political Rights (‘ICCPR’) (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

processes. It assumes the representation of children but does not give any instruction. For a long time, the CRC Committee has remained quite hesitant on the topic of political participation of children, and especially silent when it comes to the restrictions on the voting age. To some extent, this has been challenged by an individual complaint case under the Optional Protocol on a Communication Procedure¹⁶⁶, where the child claimed a violation of its CRC rights by being excluded from voting.¹⁶⁷ Although the case was declared inadmissible, it sparked some discussion around political rights of children and the Committee's interpretation of it, but without any remarkable new developments.¹⁶⁸ The question of voting remains unclear, even though some scholars argue that "limiting and obstructing children's involvement in the political context could be considered incompatible with their best interests"¹⁶⁹.

Discussions around the voting age as well as stronger participation rights for children in political decision-making processes inherently include questions on democracy, representation, citizenship, and intergenerational justice. While this thesis will not cover child enfranchisement in detail, it is important to consider some of the most important arguments linked to children's exclusion, as this could potentially also impact future generations' inclusion.

From a representative democracy perspective, elections are important as they present a regular way for citizens to choose their representatives and give them feedback on their work, holding them politically accountable. It can therefore be argued that children should be granted the right to vote so that decision makers must care about their issues as a potential electorate, giving more significance to their views.¹⁷⁰ Adding to this democracy argument, it can be seen as imperative for democratic processes to include as many perspectives as possible and give them an equal weight. Third wave feminists, for instance, have constructed democracy as being about the "representation of difference as such"¹⁷¹, and if this thought is applied to children, which would mean that they must be included as themselves, not as 'developing adults' or 'future adults'. From this theoretical standpoint, children's voting rights would only be a manifestation

¹⁶⁶ Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (adopted 19 December 2011, entered into force 14 April 2014) 2983 UNTS 7.

¹⁶⁷ *DC v Germany* (Committee on the Rights of the Child, Communication No 60/2018) UN Doc CRC/C/83/D/60/2018 (28 September 2020).

¹⁶⁸ Daniella Zlotnik Raz and Shulamit Almog, 'Children's Political Rights and the UN Convention on the Rights of the Child' (2023) 31 *The International Journal of Children's Rights* 500, 501–502 <<https://doi.org/10.1163/15718182-31020008>>.

¹⁶⁹ *ibid* 507.

¹⁷⁰ Ludvig Beckman, 'Children and the Right to Vote' in Gheaus Anca, Calder Gideon and De Wispelaere Jurgen, Anca Gheaus, Gideon Calder and Jurgen De Wispelaere (eds), *The Routledge Handbook of the Philosophy of Childhood and Children* (1st edn, Routledge 2018) 384 <<https://doi.org/10.4324/9781351055987-35>> accessed 23 April 2026.

¹⁷¹ Wall (n 162) 653.

of the purpose of democratic elections, since “democracy would prove itself truly democratic to the extent that it responds to the people’s diversity of differences”¹⁷². This is linked to another argument made by scholars¹⁷³ about highlighting children’s differences as the main reason for children’s suffrage. They are experts of their own lived experiences, which can be quite different from the ones of adults. In this perspective, their vote is “grounded in the necessity for political representation to respond to children’s uniqueness rather than their competence or power”¹⁷⁴. Their participation can look different from adults whilst having the same effect.¹⁷⁵ Children organise in groups and protests, they participate indirectly through movements or unions, and they are consulted sporadically. But political barriers are impeding them from partaking directly in decision-making process until they are ‘of age’, keeping direct political participation and chosen representation to adults.¹⁷⁶

Historically however, all groups excluded from voting have gained their right by “revising what is meant by the franchise itself”¹⁷⁷ and potentially, this is what has to happen for children too. Some argue about lowering the voting age, which only changes the group of excluded children, other scholars support different versions of child suffrage. Holt argues for a right to vote for everyone from birth on, and people can just take part as soon as they want, seeing democracy as maximally inclusive.¹⁷⁸ There is the proposal of a ‘fitness test’ for voting for all children, which has been introduced by Schrag. This would mean that from the age of 18 on, enough knowledge would be presumed. The idea guarantees a child’s right depending on competence and interest and renders the right unequal. Additionally, it would reinforce existing marginalisation of disadvantaged children. Thirdly, there is the concept of proxy-representation by parents or guardians who exercise their child’s voting right until the child claims it for themselves. In this model, every child conditionally has the right, but it is temporarily exercised through representation until they can directly participate themselves.¹⁷⁹ However, the Venice Commission views this with caution, as proxy voting is vulnerable to intentional interference

¹⁷² *ibid* 654–655.

¹⁷³ Ruth Lister, ‘Why Citizenship: Where, When and How Children?’ (2007) 8 *Theoretical Inquiries in Law* 693, 693 <<https://doi.org/10.2202/1565-3404.1165>>; Mehmoona Moosa-Mitha, ‘A Difference-Centred Alternative to Theorization of Children’s Citizenship Rights’ (2005) 9 *Citizenship Studies* 369, 375 <<https://doi.org/10.1080/13621020500211354>>.

¹⁷⁴ Wall (n 162) 654.

¹⁷⁵ *ibid* 652–654.

¹⁷⁶ Dar and Wall (n 149) 596.

¹⁷⁷ Wall (n 162) 653.

¹⁷⁸ Dar and Wall (n 149) 598.

¹⁷⁹ Wall (n 162) 655–656.

and must be subject to strict rules. Family voting, whereby only one person in the family can vote, goes against the principles of individual and secret voting.¹⁸⁰

All these models would mean a reinterpretation of the voting system and a new era for children's political participation and representation in democracies. Debates around the voting age and exclusion of political decision-making pose questions of power and agency, about who has it, who it is granted to and who does not want to give it up. However, following the outlined positions, the full realisation of children's rights needs children's political participation, either through direct participation or by representation.

2.6 Conclusion

This chapter has analysed children's rights to participation and representation in democratic systems within the framework of the CRC, focusing in particular on Articles 12 and 3. It has shown that children are present rights-holders whose views and interests must be considered in decision-making processes affecting them, challenging paternalistic perceptions that defer children's political relevance to the future.

A key finding concerns the relationship between children and future generations. While both groups are intricately connected through intergenerational justice concerns, they remain legally and conceptually distinct. Children already exist and are protected by a developed rights framework, whereas future generations do not yet exist and lack comparable legal recognition. Children's proximity to future generations places them in a pivotal position within future-oriented debates, particularly in relation to long-term risks and policy impacts.

The discussion of Article 12 and participation models has highlighted that participation must be meaningful, requiring structures that ensure children's views are listened to and given due weight. These challenges point to broader structural limitations of democratic systems in including those without formal political power, pointing also to other marginalised groups. Finally, the best interests of the child, as articulated in Article 3, indicated how representation can safeguard interests where direct participation is constrained, offering an important normative reference point. In practice however, children's political representation mechanisms as well as democratic processes require adaptation.

Building on these insights, the next chapter turns explicitly to future generations, examining how their rights and interests are conceptualised within democratic systems and to what extent children play a role in the representation of future generations.

¹⁸⁰ Venice Commission, 'Code of Good Practice in Electoral Matters: Guidelines, Explanatory Report and Interpretative Declarations' (Council of Europe 2002) 28, 31.

3 Rights and Representation of Future Generations in Democracies

This chapter explores how future generations are defined and integrated into legal and political frameworks and discusses the contested nature of their rights. As outlined in the introduction, the chapter is based on the premise that democracies are the most effective form of government for long-term policy-making, particularly with regard to the inclusion of future generations, given that democratic systems promote intergenerational solidarity. The chapter then studies institutional and political models to determine whether representation in democratic processes offers a viable means of safeguarding long-term interests. It focuses on the theoretical frameworks regarding future generations, while Chapter 4 will subsequently explore their practical implications.

3.1 Definition of Future Generations

The concepts of ‘future generations’ and ‘intergenerational justice’ go back to the founding of the United Nations. In its preamble, the Charter of the UN¹⁸¹ refers to protecting ‘succeeding generations’ from war, establishing a goal for long-term peace. This idea continued to persist and was increasingly mentioned in international documents. For instance, the Vienna Declaration and Programme of Action (VDPA)¹⁸² of 1993 picks up the notion of future generations and in 1997, there was a UNESCO Declaration on Future Generations¹⁸³. The concept of future generations was particularly promoted within the field of sustainable development, as it aligns with this area’s core values of longevity and living within the Earth’s resource limits. In 1987, the United Nations’ Brundtland Report¹⁸⁴ established the notion of justice for posterity as a fundamental component of the concept of sustainable development, which it defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”¹⁸⁵. In 1998, the Aarhus Convention¹⁸⁶ introduced the term of future generations regarding the right to live in a healthy environment, being one of the first conventions to use it as a legal term in connection with rights.¹⁸⁷ The Court

¹⁸¹ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI.

¹⁸² Vienna Declaration and Programme of Action, UN Doc A/CONF.157/23 (25 June 1993).

¹⁸³ Declaration on the Responsibilities of the Present Generations Towards Future Generations (UNESCO General Conference, Res 29 C/44, 12 November 1997).

¹⁸⁴ UN Secretary-General, Report of the World Commission on Environment and Development (Our Common Future), UN Doc A/42/427 (4 August 1987).

¹⁸⁵ *ibid* para 27.

¹⁸⁶ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (‘Aarhus Convention’) (adopted 25 June 1998, entered into force 30 October 2001) 2161 UNTS 447.

¹⁸⁷ Aarhus Convention art 1.

of Justice of the European Union (CJEU) has drawn on the Aarhus Convention in numerous decisions.¹⁸⁸ Up until today, and even more so now, the concept of future generations has been central to the UN Agenda. The Secretary-General's 'Our Common Agenda' Report¹⁸⁹, along with its policy brief¹⁹⁰ on the topic of future generations, emphasises the importance of making progress in this area. It highlights that, although present generations are far fewer in number than future ones, they exert significant influence through current actions. Consequently, a corresponding responsibility should be acknowledged. Similar wording can be found in the Pact for the Future and the Declaration on Future Generations¹⁹¹.

The idea of future generations does not solely come from international law and sustainable development policies. Many Indigenous Peoples worldwide live according to the 'Seventh-Generation Principle' to ensure the well-being of future generations, staying within the limits of this Earth and planning ahead.¹⁹² The idea is implicit in the wording itself. Think about how your actions today would affect your sixth great-grandchild and then draw your conclusions from those potential future results. Indigenous Peoples may have different names for it, but ultimately, it is their respectful relationship with nature and their view of human beings as part of the planetary system that leads them to act as stewards of the Earth. They see it as their duty to preserve the world for subsequent generations.¹⁹³

So far, IHRL does not protect or define future generations in any specific treaty. For this reason, there is not one definition, but different ones. Some include children and young people, therefore already existing generations, and unborn generations, other definitions focus on who will be living in a specific time, and others solely on generations that do not yet exist.¹⁹⁴ It is a constantly changing group, similar to other groups with particular rights, such as children.¹⁹⁵ The discussion also raises questions about the meaning of 'generations' and the time limits of 'the future'. The spatial implications of the term remain largely undefined. Some researchers highlight the democratic perspective on future generations, referring to people affected by

¹⁸⁸ United Nations Economic Commission for Europe, 'Case law related to the Aarhus Convention' <https://unece.org/env/pp/tfaj-case-law-related-convention#accordion_11> accessed 11 June 2026.

¹⁸⁹ UN Secretary-General, 'Our Common Agenda', UN Doc A/75/982 (2021).

¹⁹⁰ UN Secretary-General, 'Our Common Agenda: Policy Brief – To Think and Act for Future Generations' (2023).

¹⁹¹ United Nations General Assembly, 'Declaration on Future Generations', annex II to 'Pact for the Future' (adopted 22 September 2024) UNGA Res A/RES/79/1.

¹⁹² Gideon Basson and others, 'Commentary to the Maastricht Principles on the Human Rights of Future Generations' (2025) 47 Human Rights Quarterly 754, 782-785 <<https://doi.org/10.1353/hrq.2025.a972482>>.

¹⁹³ Krznaric (n 1) 87-88.

¹⁹⁴ Nolan, 'The Children Are the Future – Or Not?' (n 96).

¹⁹⁵ Peter Lawrence, 'International Law Must Respond to the Reality of Future Generations: A Reply to Stephen Humphreys' (2023) 34 European Journal of International Law 669, 676 <<https://doi.org/10.1093/ejil/chad034>>.

current policy- and decision-making processes who, however, cannot influence them.¹⁹⁶ In summary, there are many ways of defining this term. It is, however, evident that without a classification of who belongs to the group, it proves difficult to establish who can qualify for rights claims.¹⁹⁷ This thesis does not intend to provide answers for all these questions, given that its focus lies elsewhere. It has, however, explained the relationship between future generations and children in the second chapter and builds on those conclusions for its definition. Stemming from the Maastricht principles, in this paper future generations are defined as “those generations that do not yet exist but will exist and who will inherit the Earth. Future generations include persons, groups and peoples”¹⁹⁸. This is consistent with the definitions made by the Secretary General in his aforementioned policy brief as well as in the DFG. The Maastricht definition also recognises that “future generations do not constitute an amorphous collectivity [...]”¹⁹⁹ but are distinct individuals or groups subject to existing patterns of injustice. This will be of importance when discussing potential collective or individual rights.

A concrete scope of future generations under international law is especially important when it comes to questions about their needs, interests, and rights, as will be discussed in the following subchapter.

3.2 Rights of Future Generations

From an international law perspective, there is no legally binding document or treaty naming explicitly only the rights of future generations. States recognise their roles in the protection of future generations and in the promotion of intergenerational justice. Important declarations and reports by the UN or by Member States, like the most recent Declaration on Future Generations, talk about safeguarding their needs and interests but only few, like the Aarhus Convention, define future generations as rights holders.²⁰⁰ This linguistic distinction is important: needs and interests are subjective and can easily be disregarded in favour of the interests of the present generation. Consequently, governments that fail to honour their commitments cannot be held to account by citizens or specialised institutions. Rights, on the other hand, bind duty bearers.

¹⁹⁶ Mikkel Knudsen, Toni Ahlqvist and Amos Taylor, ‘Defining “Future Generations”: Epistemic Considerations on Conceptualizing a Future-Oriented Domain in Policy and Law-Making’ [2023] *Journal of Futures Studies* 3, 16 <[https://doi.org/10.6531/JFS.202312_28\(2\).0001](https://doi.org/10.6531/JFS.202312_28(2).0001)>.

¹⁹⁷ Nolan, ‘The Children Are the Future – Or Not?’ (n 96).

¹⁹⁸ Maastricht Principles para 1.

¹⁹⁹ Basson and others (n 192) 762.

²⁰⁰ Declaration on Future Generations preamble.

Rights are “juridically protected interests”.²⁰¹ For now, the scope of future generations’ protection by UN Member States remains limited to ‘needs’ and ‘interests’, often referred to in non-binding preambles, without clear practical legal obligations. Questioning the accountability and effectiveness of the existing international agreements referring to future generations, activists and scholars worldwide have started to advocate for a human rights treaty to establish the rights of future generations. Some researchers have also tried to interpret existing IHRL as to recognising future generations’ rights, like the Maastricht Principles for the UDHR or Liebenberg and Nolan for the International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁰². This opens a wide range of legal questions: What options are there for granting rights to people who do not yet exist? Who are the duty bearers? How are the rights bearers defined? What are the accountability mechanisms?²⁰³

This research paper will attempt to provide answers based on the Maastricht principles, other legal conceptualisations and constitutional examples, also addressing some of the criticisms. In the end, as Chapter 4 will show, this thesis’ focus is on the results in practice, whether it concerns the implementation of a specialised future generations treaty or a new interpretation of existing human rights treaties.

3.2.1 Controversy and Criticisms

When it comes to the rights of future generations, criticism has been voiced regarding the granting of rights to them, and more generally, there is controversy around the concepts of future generations and intergenerational justice. As all these aspects of future generations are interconnected, they will be explored together in the following discussions. Before going into further detail, it is important to note that criticism often focuses on climate justice and climate litigation, failing to consider the rights of future generations in relation to issues such as finance, health, sustainability, and democracy. This is particularly pertinent to this thesis.

Scholarly critique has focused on the insufficient distinction between moral obligations and legal rights, as well as on the assertion of equal rights for current and future generations, as exemplified by the Maastricht Principles. This is consistent with more philosophical ‘non-

²⁰¹ Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* (Brill | Nijhoff 1989) 99 <<https://doi.org/10.1163/9789004633544>> accessed 20 May 2026.

²⁰² Sandra Liebenberg and Aoife Nolan, ‘Recognizing Future Generations under the International Covenant on Economic, Social and Cultural Rights: An Overdue Reappraisal’ (2026) 26 Human Rights Law Review 1, 9 <<https://doi.org/10.1093/hrlr/ngaf052>>.

²⁰³ Krznaric (n 1) 183.

existence' and 'non-identity' problems attributed to future generations. These criticisms address the impossibility of future generations being rights bearers as non-existent people, as well as the difficulty of individualising or personalising future people. However, this discussion goes beyond the scope of this thesis.²⁰⁴

Humphreys critique assumes that the discourse around future generations prioritises intergenerational over intra-generational justice and that it is mostly pursued by wealthy Western nations, neglecting historical and societal inequalities which will be carried forward into the future.²⁰⁵ These arguments are refuted by two independent response papers who both underline the important role of actors of the Global South in pushing for future generations.²⁰⁶ They provide various examples of Asian, African and South American constitutional court cases, constitutional changes, and scholarship that support future generations' rights.²⁰⁷ In addition, the importance and leadership of Indigenous knowledge, law and practices in this field is acknowledged.²⁰⁸ Through different cases, the articles show that the importance of intragenerational justice does not get obscured by intergenerational justice, which is an essential point to make. The framework of future generations could on the contrary serve to "broaden our temporal perspectives and grasp the interconnectedness of the past, present and future"²⁰⁹. It is also something that is captured by the Maastricht principles, as will be discussed later. This criticism that favouring the rights of future generations goes against the interests of the present generations²¹⁰ can also be countered by practical examples concerning children's rights, which show that the two must not be mutually exclusive. As already discussed more extensively in Chapter 2, future generations can serve to strengthen the position of children in political and legal discussions and can foster their engagement in policy processes. Investments in children's healthcare or education can help reduce inequalities in present generations and promote the values of intergenerational justice. With many climate-related issues, claims for protection and action benefit both the present and future generations.²¹¹ Nonetheless, this criticism sheds light on an important aspect of future generations' rights that requires further research on its theoretical and practical implications: the balancing of rights. Can the rights of future

²⁰⁴ Szilárd Tattay, 'Whose Rights? Which Representation?: Conceptual Problems Concerning the Representation of the "Rights" of Future Generations' (2024) 65 *Hungarian Journal of Legal Studies* 147, 153–155 <<https://doi.org/10.1556/2052.2024.00493>>.

²⁰⁵ Stephen Humphreys, 'Against Future Generations' (2022) 33 *European Journal of International Law* 1061, 1074–1075 <<https://doi.org/10.1093/ejil/chac068>>.

²⁰⁶ Wewerinke-Singh, Garg and Agarwalla (n 105) 651; Lawrence (n 195) 670.

²⁰⁷ Wewerinke-Singh, Garg and Agarwalla (n 105) 659–664.

²⁰⁸ *ibid* 654.

²⁰⁹ *ibid* 657.

²¹⁰ Humphreys (n 205) 1080.

²¹¹ Krznaric (n 1) 185.

generations prevail and what are the costs? The possibilities of reconciliation in the event of a conflict of rights, or other potential solutions, should be explored.²¹²

Furthermore, Humphreys criticises that the practical application of the concept of future generations and intergenerational justice into rights and policy is not feasible because of its vagueness.²¹³ However, as noted by Lawrence, the core of policy- and law-making is about taking decisions for the future. When it comes to the legal implementation, climate litigation cases before constitutional and international courts prove the criticism wrong, as some have been argued and decided based on future generations' rights.²¹⁴ Nonetheless, as Netto points out, in some climate litigation cases, courts have avoided to decide on the basis of future generations but resorted to the positive obligations of States regarding implications and risks to the rights of current generations.²¹⁵

And lastly, there is one area of criticism regarding the intangibility of the term 'future generations', the lack of a clear definition and boundaries, which has already been considered in Chapter 2 as well as in previous subchapters. Netto emphasises the risks of this broad term, generationally and geographically, and calls for a more nuanced approach that addresses 'generational heterogeneity'.²¹⁶

While these are all legitimate points that need to be addressed, they do not convincingly question the usefulness of the concept of future generations itself. They ask for more debate and research on the category to advance the framework and its implementation.

3.2.2 Legal Recognition of Rights of Future Generations

Moving on from the criticism, there are different ways of conceptualising the rights of future generations, as will be explored in the following. These often provide thoughts and questions for further debate. Some options are focused on the legal recognition in treaties and constitutions, others are focused on standing before court.

The considerations of Brown Weiss, already in 1989, proved to be foundational for the discussions around future generations' rights and present generations' obligations. She

²¹² Düwell (n 102) 634.

²¹³ Humphreys (n 205) 1069.

²¹⁴ Lawrence (n 195) 677–679.

²¹⁵ Luisa Netto, 'Resisting the Allure of Future Generations' Rights' [2024] *Völkerrechtsblog* <<https://doi.org/10.17176/20240419-103457-0>> accessed 20 May 2026.

²¹⁶ Luisa Netto, 'The Struggle Is Now' (10 April 2025) <<https://doi.org/10.59704/d030cd6da3d38b53>> accessed 20 May 2026.

established three intergenerational normative principles: the conservation of options, quality and access. They concern the natural and cultural resources of this Earth, the quality of the environment and the legacy of previous generations, all compared to the condition of how the present generations ‘received’ them.²¹⁷ These principles could inform the development of future generations’ rights and address the question of whether they should have specific rights or merely sufficient scope for agency. Brown Weiss also shaped the theory of intergenerational equity, which is related to intergenerational justice, on the basis of a shared stewardship and common heritage. There must be a “minimum level of equality among generations”²¹⁸, which roots in IHRL. She perceives this equality or justice as moral obligations that can transfer into legal intergenerational rights and obligations.²¹⁹

Düwell builds the argumentation for intergenerational human rights duties not on future generations as rights holders per se, but on state duties. He bases this on three assumptions: “that there will be human beings in the future”²²⁰; “that people in the future will be similar to us in some fundamental regards”²²¹; “that our actions today are affecting the living conditions of people in the future”²²². He argues that if these conditions are fulfilled, there can exist a human rights responsibility and duty regarding future generations.²²³

Behrendt centres her work around the question about the relational character of future generations’ rights and present generations’ obligations. In her relational concept, human rights for all are granted if the positive law acknowledges fundamental rights, meaning that everyone can be a rights bearer in an equal sense.²²⁴

When looking into the possible rights of future generations, and especially at their practical application, constitutions and constitutional courts play an important role. With the most recent data stemming from 2021, 81 out of 196 constitutions worldwide refer to future generations explicitly or in a broader sense.²²⁵ Future generations’ interests are considered and linked to topics that go beyond environment and sustainability, extending their importance to resources, societal values and public finance.²²⁶ Araújo and Koessler’s research revealed that

²¹⁷ Brown Weiss (n 201) 38.

²¹⁸ *ibid* 24–25.

²¹⁹ *ibid* 21–22.

²²⁰ Düwell (n 102) 627.

²²¹ *ibid*.

²²² *ibid* 628.

²²³ *ibid*.

²²⁴ Svenja Behrendt, ‘Facing the Future: Conceiving Legal Obligations Towards Future Generations’ (2024) 12 *Politics and Governance* 7839, 6–10, 12 <<https://doi.org/10.17645/pag.7839>>.

²²⁵ Renan Araújo and Leonie Koessler, ‘The Rise of the Constitutional Protection of Future Generations’ [2021] *SSRN Electronic Journal* 4 <<https://doi.org/10.2139/ssrn.3933683>> accessed 20 May 2026.

²²⁶ *ibid* 16, 19–20.

constitutional provisions regarding future generations have grown stronger over time, particularly due to the influence of human rights language. Today, it is primarily in non-Western states in regions such as Africa, Central Asia and Eastern Europe that this framework has been incorporated into the constitution, where constitution-making was heavily influenced by foreign political pressure, shaped by the post-communist era and by decolonisation movements using IHRL language.²²⁷ In practice, most constitutions provide generally vague protection for future generations' interests, which gradually shifted over the last decades in the direction of a recognition of their rights.²²⁸

In cases before constitutional courts regarding the long-term effects of today's states' actions and inaction, present generations have strengthened their arguments by referring to the interests or rights of future generations. One of the most famous examples is the *Neubauer* judgement²²⁹ from Germany, where parts of the Federal Climate Change Act were found to be unconstitutional by not specifying measures for emissions reduction from 2020 onwards, thereby granting the rights to life and health to future generations. It held that Germany has a de facto obligation to protect future generations' rights and interests.²³⁰ Other examples of constitutional provisions that could support the legal recognition of future generations' rights can be found in Hungary, Brazil, Tunisia and Niger.²³¹ In practice, the main issue is the insufficient application of these provisions, with "varied *de jure* and *de facto* levels of protection"²³² across the constitutions, resulting in a lack of effectiveness. This is where maybe this thesis can also provide some strategies for implementation.

In conclusion, the concept of future generations' interests and rights for constitutional courts is an ongoing debate. This is also underlined by the latest Congress of the World Conference on Constitutional Justice, held by the Venice Commission of the Council of Europe and attended by presidents and judges of constitutional courts and equivalent institutions, who discussed 'The Human Rights of Future Generations'.²³³

In practice, recent climate litigation cases have made future generations one of the most debated legal issues, as it could involve granting future generations rights or recognising their legal

²²⁷ *ibid* 24.

²²⁸ *ibid* 23.

²²⁹ *Bundesverfassungsgericht* (Federal Constitutional Court), Order of 24 March 2021, 1 BvR 2656/18 and others.

²³⁰ Araújo and Koessler (n 225) 37–38.

²³¹ *ibid* 6.

²³² *ibid* 6–7.

²³³ Council of Europe, 'The Human Rights of Future Generations – 6th Congress of the World Conference on Constitutional Justice (WCCJ)' <<https://www.coe.int/en/web/venice-commission/-/-the-human-rights-of-future-generations-6th-congress-of-the-world-conference-on-constitutional-justice-wccj->> accessed 21 May 2026.

standing. However, the scope of the rights or standing of future generations is far from evident. As previously highlighted, there are some obstacles to establishing a clear stance: the lack of a recognised definition of future generations by most courts, no clear scope of their rights or standing, and an overlap with present younger generations.

Nevertheless, in 1993, the standing of future generations was recognised by the Supreme Court of the Philippines in *Oposa v Factoran*²³⁴, together with the children's standing. Following from this, there have been many tries to repeat this successful suit, but in most cases, courts avoided to address the question of standing for future generations wherever possible, like in *Netherlands v Urgenda*²³⁵ and *Juliana v United States*²³⁶. It is implied that the present and future generations have identical interests and that the means available to the current generations are sufficient in pushing for stronger climate action.²³⁷ In another example, the Inter-American Court of Human Rights has addressed the implications of the American Convention on Human Rights (ACHR)²³⁸ for future generations several times, and lately in its Advisory Opinion (AO) 32²³⁹. Some key aspects of the scope of future generations' discussion of the court included the 'intergenerational burden-sharing approach', intergenerational justice recognition and a link to other human rights beyond the environmental context. It also outlined "an inter-temporal understanding of human rights universality"²⁴⁰, similar to the Maastricht Principles. It however did not include future generations in the right to public participation or the access to justice parts of the AO. Nevertheless, Nolan interestingly concludes from the AO-32 that some parts could maybe be used to "justify the creation of FG-specific processes related to democratic decision-making".²⁴¹ The European Court of Human Rights (ECtHR) Judgement in *Verein KlimaSeniorinnen v. Switzerland*²⁴² also mentioned the 'intergenerational burden-sharing' and referred to the exclusion of future generations in democratic decision-making. Here it even stated that temporal bias and short-term thinking in these democratic processes could serve as

²³⁴ *Oposa v Factoran* (Supreme Court of the Philippines, G.R. No 101083, 30 July 1993).

²³⁵ *State of the Netherlands v Urgenda Foundation* (Hague Court of Appeal, Case No 200.178.245/01, 9 October 2018) para 37.

²³⁶ *Juliana v United States* 217 F Supp 3d 1224 (D Or 2016) 1260.

²³⁷ Lydia Slobodian, 'Defending the Future: Intergenerational Equity in Climate Litigation' (2020) 32 Georgetown International Environmental Law Review 569, 576–577.

²³⁸ American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123.

²³⁹ Advisory Opinion OC-32/25, 'Climate Emergency and Human Rights' (Inter-American Court of Human Rights, 29 May 2025) <<https://corteidh.or.cr/tablas/OC-32-2025/index.html>> accessed 29 May 2026.

²⁴⁰ Aoife Nolan, 'Placing Future Generations at the Heart of Inter-American Human Rights Law?' (*EJIL: Talk!*, 21 July 2025) <<https://www.ejiltalk.org/placing-future-generations-at-the-heart-of-inter-american-human-rights-law/>> accessed 29 May 2026.

²⁴¹ *ibid.*

²⁴² *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* (App no 53600/20) (ECtHR, 9 April 2024).

the argument for judicial intervention. This signifies a potential protection of future generations by the judiciary, but it does not grant them own standing or rights of representation.²⁴³ In conclusion, some courts have recognised children as representatives of future generations whilst others focused on the rights of children and their intergenerational claims as already living people, instead of exploring the issue of future generations.

This research has identified four possibilities to legally recognise the rights of future generations, without claiming to be exhaustive: recognition via reinterpretation of existing IHRL treaties; establishment of a specialised IHRL treaty on future generations' rights; protection in constitutional provisions; recognition of standing before courts through representation by children or NGOs.

Considering all these examples, this thesis will conceptualise rights of future generations as argued in the Maastricht Principles. They are based on three legal arguments: international law recognising human rights for all people, without any temporal limitations; international law identifying obligations and responsibilities towards future generations; and general principles of law, including worldwide belief systems, norms, customs and values introducing responsibility towards future generations.²⁴⁴ The Principles highlight the continuous reinterpretation of human rights, as the UDHR is a 'living instrument' and is therefore able to be extended to future generations as well.²⁴⁵ Human dignity rests on the principles of indivisibility, interdependency and universality of human rights and also extends to future generations. The universality of human rights "applies across space and time"²⁴⁶. Furthermore, the Maastricht Principles are particularly pertinent as they address some of the aforementioned criticisms by incorporating both Indigenous and non-Western knowledge, and by recognising the importance of intragenerational justice.²⁴⁷

Acknowledging open questions in this constantly evolving field and the associated criticism, this thesis takes the standpoint of granting rights to future generations, based on the aforementioned explanations. Bearing in mind that the legal discussion of these rights is not the

²⁴³ Aoife Nolan, 'Inter-Generational Equity, Future Generations and Democracy in the European Court of Human Rights' *Klimasenioreninnen Decision* (*EJIL: Talk!*, 15 April 2024) <<https://www.ejiltalk.org/inter-generational-equity-future-generations-and-democracy-in-the-european-court-of-human-rights-klimasenioreninnen-decision/>> accessed 29 May 2026.

²⁴⁴ Maastricht Principles para 2.

²⁴⁵ Basson and others (n 192) 763.

²⁴⁶ *ibid* 797.

²⁴⁷ Maastricht Principles paras 7, 10, 11, 12.

main focus of this research, further evidence will be sought to substantiate the argument by exploring democratic reasoning for the rights of future generations.

3.3. Democratic Reasoning for Future Generations' Rights

The first chapter discussed the temporal dimension of democracy, highlighting how democratic systems tend to be myopic. Short electoral cycles, short-sighted politicians and interest groups with short-term objectives result in short-term policy decisions. This is where the blind spot of democratic processes lies, working against future generations and potentially endangering their existence.

However, looking at democratic theories and aspects, some of them can be used to reason for future generations' rights and inclusion. As mentioned in Chapter 1, Rawls' 'veil of ignorance' thesis, which is based on a hypothetical situation in which all rational individuals forget their social standing and life timeline, presents a compelling argument for intergenerational justice. This is essential for understanding why people should care about future generations.²⁴⁸ On the basis of his argument, just and fair democratic institutions and processes could be developed that serve the interests of both present and future people.

Connected to this theory is the idea of intergenerational justice, going beyond affectedness of specific generations. It refers to the obligations that one generation has to others, including both preceding and succeeding generations. Intergenerational justice can be conceived at a global, national and local level. It can also concern different areas of responsibilities, like economic or environmental obligations.²⁴⁹ In most modern academic discussions, as well as in this thesis, the concept is used to discuss the obligations and responsibilities present people have regarding future generations. It is intricately linked to the previously explained terms, and it is used as an argument when criticising the short-term bias of democracy. At its core, intergenerational justice assumes that justice is not limited to the present: the future has a moral and rightful standing. All policies and political decisions today must reflect obligations to safeguard the well-being, opportunities and rights of those who will inherit the consequences of these decisions, either children or those who are not born yet. Overall, the challenges of implementing intergenerational justice, in many ways, overlap with criticism related to rights of future generations.²⁵⁰

²⁴⁸ Rawls (n 40) 251–258.

²⁴⁹ Simon Caney, 'Justice and Future Generations' (2018) 21 *Annual Review of Political Science* 475, 476 <<https://doi.org/10.1146/annurev-polisci-052715-111749>>.

²⁵⁰ Lumer (n 82) 39–42.

As the source of political power, ‘the people’ are essential for the concept of democracy. The democratic all-affected principle questions who belongs to the people, constituting a ‘boundary problem’. It is strongly linked to the “paradox of a self-constituting people”²⁵¹, meaning that the only legitimate source in a democracy, the people, cannot decide on how it should be composed. According to this principle, all those affected by a political decision should have a say in its making, either directly or indirectly. The scope of those involved is determined by the scope of political decision-making. It raises difficult questions of inclusion and exclusion, and their justification. This concept could be applied to theoretically legitimise the rights of future generations.²⁵²

Democratic trusteeship is a concept rooted in democratic theory that describes possibilities of how the future’s representation can function in the present. It centres around preserving the democratic process itself through representatives acting as trustees and does not focus on specific interests or rights of future generations. In this idea, there is no mention of specific individuals or predictions about how the lives and needs of future citizens will look like. It rather focuses on protecting “the democratic capacity of future representatives (and their constituents)”²⁵³, meaning competent control in collective decision-making as well as accountability mechanisms for representatives or other officials.²⁵⁴ This duty of democratic trusteeship could lie with specific institutions or certain roles within the current democratic systems, for instance in the legislature.²⁵⁵ These ideas can be explored further in the discussion of representation mechanisms of future generations.

As has now been demonstrated, there is a range of legal and democratic arguments supporting the recognition of rights for future generations. Despite this, merely having rights written down is not enough to ensure the protection of future generations. The next subchapters will explore how theoretical models of democratic participation and representation can strengthen this argumentation before Chapter 4 looks at practical examples.

²⁵¹ Sofia Näsström, ‘The Challenge of the All-Affected Principle’ (2011) 59 *Political Studies* 116, 116 <<https://doi.org/10.1111/j.1467-9248.2010.00845.x>>.

²⁵² Akira Inoue, ‘Another Boundary Problem: Democracy, Future Generations, and the All-Affected Principle’ in Yukio Adachi and Makoto Usami (eds), *Governance for a Sustainable Future* (Springer Nature Singapore 2023) 57 <https://doi.org/10.1007/978-981-99-4771-3_3> accessed 26 May 2026.

²⁵³ Thompson (n 78) 27.

²⁵⁴ *ibid* 26–27.

²⁵⁵ *ibid* 29.

3.4 Strengthening Future Generations' Rights through Participation in Democracy

Future generations need to form part of democracies. Clearly, direct participation is not possible given that they do not yet exist. However, this does not mean that participation plays no role at all when it comes to future generations. Their rights cannot only be guaranteed by representation but also promoted by embedding long-term thinking in democracy. Democratic innovations and elements of deliberative democracy are ways of achieving such long-term visions for policy processes.

Deliberative democracy, as already established in the first chapter, centres around free and open public discussion, namely 'deliberation'.²⁵⁶ It is about a dialogue, a reasoning and listening exercise, between citizens with diverse perspectives. Various arguments have been put forward to explain how deliberative democracy and its elements can help to include future generations, even though they cannot be physically present as participants. Deliberation gives voice to a variety of people and hinders that only powerful groups with often short-term interests influence policy.²⁵⁷ Moreover, deliberation can motivate long-term thinking by encouraging people to consider different perspectives and anticipate potential effects for others. In deliberative processes, arguments must be well thought through, which can include temporal aspects and future consequences. Furthermore, including children can contribute to more future-focused debates by incorporating their experiences and concerns.²⁵⁸

Democratic innovations are considered to be "institutions that have been specifically designed to increase and deepen citizen participation in the political decision-making process"²⁵⁹. They include elements of deliberative democracy and are mostly focused on enhancing participation. They can take on many different forms, including participatory budgeting, deliberative mini-publics or citizen's assemblies.²⁶⁰ Democratic innovations are reported to promote long-term thinking for the reasons listed earlier: deliberation, inclusive groups, limiting the power of groups with short-term interests, and allowing more thoughtful consideration. Furthermore, experiments have been conducted with citizens' assemblies, in which one group of participants represents current residents and the other group represents future residents. These groups debate long-term issues and combine their different perspectives.²⁶¹

²⁵⁶ Duignan and Publishing (n 34) 125.

²⁵⁷ Michael K MacKenzie, 'Deliberation and Long-Term Decisions: Representing Future Generations' in Andre Bächtiger and others (eds), *The Oxford Handbook of Deliberative Democracy* (1st edn, Oxford University Press 2018) 252 <<https://doi.org/10.1093/oxfordhb/9780198747369.013.7>> accessed 22 May 2026.

²⁵⁸ *ibid* 254–255.

²⁵⁹ Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (1st edn, Cambridge University Press 2009) 1 <<https://doi.org/10.1017/CBO9780511609848>> accessed 22 May 2026.

²⁶⁰ *ibid* 1–2.

²⁶¹ Krznaric (n 1) 180–181.

Another important aspect of participation stems from the Maastricht Principles, among others. It is affirmed that present children's close position to future generations must be acknowledged and "[...] their rights to be heard and other participatory rights, including when advocating for human rights on behalf of themselves and future generations"²⁶² must be protected. This highlights the significance of children's participation for future generations and long-term-visioned political processes.

In conclusion, this brief exploration of participation with regard to future generations has revealed that it has its benefits, namely an increased diversity of included people, time for thorough debates and increased knowledge. While the scale of participation is often smaller, it can have positive effects on long-term thinking, particularly when combined with representation, which will be discussed subsequently.

3.5 Representation of Future Generations in Democracies

The first chapter showed that democratic systems tend to favour short-termism, making it more difficult to implement long-term, intergenerationally just policies. However, as discussed, there are ways to expand this temporal dimension of democracy to include the future. Various forms of participation can facilitate this shift, but the greatest potential lies in representing future generations "[...] meaningfully and effectively in decision-making that may impact on their enjoyment of human rights"²⁶³. How can people who have not yet existed and cannot engage personally be made present? What forms of representation are theoretically possible in current democracies and how can the system adapt? These are some of the questions that will be explored in this fundamental subchapter.

The various theoretical proposals for institutionally and politically representing future generations impact every dimension of a democracy, most notably the executive and legislative branches. There are also more independent alternatives, as well as options for greater reform and a redistribution of power within democratic systems. All these institutional concepts share the goal of promoting long-term policies and a more inclusive and sustainable democracy. Some of the ideas presented subsequently are theoretical considerations, while others have already been implemented in practice. These applied examples will be discussed in Chapter 4, examining the gaps in practical application.

²⁶² Maastricht Principles para 22c.

²⁶³ *ibid* para 22a.

3.5.1 Institutional Representation

The most common proposals for democratic representation of future generations are centred around institutional proxy representatives. Rose categorises them into three types: political or administrative advisory and coordination bodies; sustainability stakeholder councils or committees; expertise-driven independent guardians.²⁶⁴

The first type is mostly represented in parliaments, as advisory panels or as often-called ‘Committees for the Future’. They are bodies integrated into the political system and consist of elected members of parliament that take on this advisory role. These committees or panels focus on advice regarding long-term policies and sustainability.²⁶⁵ Some scholars also construct them as bodies that have the authority to check all policies of a government and to hold the responsible decision makers accountable.²⁶⁶ Such Committees for the Future have been found to contribute to a more future-regarding policy-making and to have improved anticipatory governance systems wherever they were implemented.²⁶⁷

The second type of proxy representation are stakeholder councils or committees. Members belong to NGOs, labour unions, business associations as well as high-ranking politicians. They develop recommendations and statements, though they are mostly non-binding. Civil society can be included in a more institutionalised way in the political process by using this model.²⁶⁸

The third type are independent commissions or ombuds offices for future generations, one of the most common currently implemented forms of representation. This model comes with a variety of responsibilities and authority, depending on the national context. The bodies are generally composed of different experts in the field of long-term thinking, future generations and sustainability. These commissions or ombuds offices can influence political decision-making in many ways, ranging from recommendations, advice, or consultations to facilitating the engagement of civil society and other stakeholders.²⁶⁹ Smith argues that these institutions make the promise that “they bring a consistent, independent, and impartial voice [...] that aims

²⁶⁴ Michael Rose, ‘Institutional Proxy Representatives of Future Generations: A Comparative Analysis of Types and Design Features’ (2024) 12 *Politics and Governance* 1, 1 <<https://doi.org/10.17645/pag.7745>>.

²⁶⁵ *ibid* 10.

²⁶⁶ Simon Caney, ‘Political Institutions for the Future’ in Iñigo González-Ricoy and Axel Gosseries (eds), *Institutions For Future Generations* (Oxford University Press 2016) 136 <<https://doi.org/10.1093/acprof:oso/9780198746959.003.0008>> accessed 1 June 2026.

²⁶⁷ Vesa Koskimaa and Tapio Raunio, ‘Political Institutions and Long-Term Policymaking: How Parliamentary Future Committees Can Make a Difference’ (2023) 14 *European Journal of Risk Regulation* 686, 695 <<https://doi.org/10.1017/err.2023.85>>.

²⁶⁸ Rose (n 264) 11.

²⁶⁹ *ibid* 9.

to safeguard the future”²⁷⁰. They have time to build trust in the society and continue their work in a long-term perspective, independent of changes in government.²⁷¹

In addition to these three types of Rose’s categorisation, this thesis includes a fourth type of representation in parliament: assembly seats for future generations. A variety of proposals have been brought forward regarding the reservation of seats, one of which is by Ekeli. He suggests that a certain number of future generations’ representatives get democratically elected, providing them with lawmaking competence as well as the right to delay the enactment of laws they consider harmful in the long-term. Every citizen would have two votes, one for present generations’ and one for future generations’ representatives. This would lead to future focused political parties in addition to the currently existing parties. A potential misuse of this double system needs to be prevented by clear legal norms on who can establish such future parties. This model is inspired by deliberative democracy and wants to encourage deliberation on future-related issues.²⁷² Ekeli also introduces the idea of a ‘submajority rule’, whereby a small group of elected representatives with special long-term oversight powers could intervene in legislation that could potentially harm future generations.²⁷³

3.5.2 Effective Representation

Having explained some of the possibilities for institutional representation, the literature highlights another important factor: the design features of these representatives, which determine their effectiveness.

Rose focuses on the proxy representatives’ capacity to influence the political process which is shaped by their access to specific stages of the policy-making process and to different governmental branches. Additionally, their power depends on the variety of political instruments at their disposal, ranging from recommendations to monitoring and suspensive votes. Another important factor is the legal basis which impacts the proxy representatives’ political legitimacy.²⁷⁴ Tremmel looks at the agency and policy fields of possible ‘offices of future generations’, as he calls the forms of institutionalised representation. He specifically categorises their ‘proactiveness’, meaning the political initiative right, and their ‘reactiveness’,

²⁷⁰ Graham Smith, *Can Democracy Safeguard the Future?* (Polity Press 2021) 69.

²⁷¹ *ibid.*

²⁷² Kristian Skagen Ekeli, ‘Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People’ (2005) 18 *Journal of Agricultural and Environmental Ethics* 429, 434 <<https://doi.org/10.1007/s10806-005-7048-z>>.

²⁷³ Kristian Skagen Ekeli, ‘Constitutional Experiments: Representing Future Generations Through Submajority Rules’ (2009) 17 *Journal of Political Philosophy* 440, 449 <<https://doi.org/10.1111/j.1467-9760.2008.00328.x>>.

²⁷⁴ Rose (n 264) 5–6.

describing competences to hold a lawmaking process.²⁷⁵ Thompson additionally lists potential powers such representatives could have, for instance asking governments for posterity impact statements or calling for regular constitutional conventions to synchronise the convention with potential developments in democracy. He also insists on the importance of international collaboration between the trustees or representatives of future generations from different countries.²⁷⁶

3.5.3 Representation through Structural Changes

When it comes to more systemic changes, some scholars propose institutional reforms that do not entail the creation of representatives for future generations but rather focus on building structures that foster long-term thinking and foresight. The suggestions range from ‘future-checks’, ‘democratic balance sheets’, and intergenerational budgeting to changes in the electorate and more inclusive representation.

A proposal in relation to both the executive and the legislative are the ‘future-checks’. This includes the assessment of the impact of planned policies and laws looking into the long-term future. There are other examples with similar structures that are already in place, like the sustainability impact assessments or ‘youth checks’.²⁷⁷

Another proposal is the ‘democratic balance sheet’ where governments would have to report on the “gains and losses in democratic control experienced by their agencies”²⁷⁸, combined in a ‘democratic deficit or surplus’. This would also demonstrate the future capacity of the process, making the state of democracy transparent to the public and clarifying what democracy will be passed on to future generations.

Thompson also argues the possibility of a ‘contingency trust fund’ that collects damages paid by the government, or possibly other actors, if they fail to protect future generations’ interests in the democratic process. This fund would then serve to improve democracy and would be administered by future generations’ representatives.²⁷⁹

²⁷⁵ Joerg Chet Tremmel, ‘The Four-Branches Model of Government: Representing Future Generations’ in Marie-Claire Cordonier Segger, Marcel Szabó and Alexandra R Harrington (eds), *Intergenerational Justice in Sustainable Development Treaty Implementation* (1st edn, Cambridge University Press 2021) 774 <<https://doi.org/10.1017/9781108768511.045>> accessed 29 May 2026.

²⁷⁶ Thompson (n 78) 32, 34.

²⁷⁷ European Education and Culture Executive Agency, ‘Youth Mainstreaming, Youth Impact Assessment and Youth Checks: A Comparative Overview.’ (Publications Office 2024) 14 <<https://doi.org/10.2797/038401>> accessed 31 May 2026.

²⁷⁸ Thompson (n 78) 33.

²⁷⁹ *ibid.*

Intergenerational budgeting is another tool at the disposal of the government when it comes to long-term thinking and representing the interests of future generations. It is a fiscal concept that looks at how government spending, taxation, and debt affect different generations. The demographic transition in the Global North, with a bigger older population than a young working population, has driven this concept that was developed as ‘generational accounting’ instead of ‘deficit accounting’ and has contributed to the discussions around intergenerational redistribution.²⁸⁰ Without going into more detail here, it is a tool that serves governments to analyse long-term sustainability of public finances, to redistribute financial resources between generations and could also help to improve fiscal policies that impact future generations currently the most.²⁸¹

As frequently mentioned throughout this thesis, children are oftentimes perceived to be representatives of future generations, or at least to have a special relationship as being closest in time to the next generation. Following through with this logic, another option of representing future generations could be by strengthening children’s position in decision-making processes. There are many ways to realise this, and one of them has been discussed already in more detail previously: granting voting rights to children. Currently, in many democratic systems younger voters are outnumbered by the older electorate, a demographic reality recognised by parties who in turn focus on the more short-term interests of older voters. Such a step of changing the electorate could influence the democratic process immensely. There is, however, no empirical evidence yet that this would promote long-term thinking or impact the representation of future generations’ interest.²⁸² As Smith holds, this idea just clarifies the “dysfunctionalities in our existing democratic practices”²⁸³.

Representation and participation are treated separately in this chapter but in many scholars’ works, a combination of the two approaches is presented as a possibility, namely as representation of future generations through citizens’ participation in so-called ‘citizens’ assemblies for the future’. This is a random selection of citizens representing society who deal with either specific or a variety of issues in a deliberative process.²⁸⁴ Thompson argues that this is a way of engaging people who potentially resemble future generations more than experts do,

²⁸⁰ Alan J Auerbach, Jagadeesh Gokhale and Laurence J Kotlikoff, ‘Generational Accounting: A New Approach to Understanding the Effects of Fiscal Policy on Saving’ (1992) 94 *The Scandinavian Journal of Economics* 303, 303–304 <<https://doi.org/10.2307/3440455>>.

²⁸¹ Pedro Arévalo and others, ‘The Intergenerational Dimension of Fiscal Sustainability’ (EU Publications Office 2019) Discussion Paper 112 37 <<https://doi.org/10.2765/9614>> accessed 31 May 2026.

²⁸² Smith (n 270) 39–41.

²⁸³ *ibid* 41.

²⁸⁴ Tremmel (n 275) 775.

since they represent a variety of possibilities for how future people could be.²⁸⁵ The assemblies' debates and decisions could relate to topics that will impact the future. In some other proposals, these bodies could have more extensive powers, such as temporarily suspending a potentially harmful law or calling for statements from governments. Scholars consider different models to be valuable, whether on a national or international level, or whether they are temporary or more institutionalised.²⁸⁶

Lastly, structural change also requires the inclusion and application of non-Western knowledge and experiences, as the idea of future generations roots deeply in many Indigenous cultures, which has been explained in section 3.1. This pertains to a fundamental point noted in the Maastricht Principles, which holds that States must recognise "bodies established by Indigenous Peoples, peasants and traditional communities that have developed their own mechanisms to represent future generations"²⁸⁷. This could present as an important foundation for more comprehensive representation; however, States are currently not including Indigenous knowledge concerning future generations in systemic ways, leaving its potential underutilised and undervalued. The Future Design movement in Japan, which will be explored in Chapter 4, presents some inspiration for developing theoretical models to close this gap. At present, inclusion of Indigenous perspectives and expertise remains limited to climate and justice issues in many States, lacking a strong connection to future generations representation.²⁸⁸

3.6 Conclusion

This chapter has shown that, although the idea of future generations is widely acknowledged in international and theoretical discourse, its legal and political implementation is still incomplete and contested. The absence of a universally accepted definition and the lack of a clear recognition as rights holders continue to hinder effective protection, despite growing acknowledgement of intergenerational responsibilities in international law, constitutional practice, and court cases. Both legal and democratic theories provide compelling justifications for extending rights to future generations, highlighting the temporal universality of human rights and the centrality of intergenerational justice. Fundamentally, the chapter has shown that rights alone are insufficient without mechanisms for their implementation. Democratic participation, deliberation, and especially innovative forms of representation offer avenues to

²⁸⁵ Thompson (n 78) 31.

²⁸⁶ Danielle Zwarthoed, 'Political Representation of Future Generations' in Marcus Düwell, Gerhard Bos and Naomi Van Steenberg, *Towards the Ethics of a Green Future: The Theory and Practice of Human Rights for Future People* (1st edn, Routledge 2018) 92 <<https://doi.org/10.4324/9781315115788>> accessed 30 May 2026.

²⁸⁷ Maastricht Principles para 22b.

²⁸⁸ Basson and others (n 192) 923.

integrate long-term perspectives into decision-making processes. Institutional and political representation models, from parliamentary committees to independent guardians, can serve to represent future generations in democratic systems. Ultimately, safeguarding the interests of future generations requires a combined theoretical approach that aligns legal recognition with democratic innovation, ensuring that those absent from present processes are nonetheless meaningfully considered in shaping the future.

4 Practical Implications and Recommendations

Over the last three chapters, the theoretical framework for the participation and representation of future generations in current democracies has been built. Additionally, this thesis has explored the role of children, examining their potential in serving future generations' democratic inclusion. This final chapter turns to the practical translation of these proposals and concepts, highlighting learnings from real failed as well as successful examples. Its aim is to provide answers that bridge the gap between theory and practice, building on theoretical models presented in Chapter 3. In a second step, this chapter will focus on international examples in terms of participation and representation of future generations. Ultimately, this will lead to the development of recommendations for the inclusion of future generations, including the potential role of children's participation and representation in this process.

4.1 Existing Legal and Political Instruments to Include Future Generations in Democracies

The question of how to represent future generations has not only been addressed in research papers or policy proposals, like presented in the previous chapter, but has actually been answered in practice. Worldwide, states have followed up on their international agreements, they have listened to future generations advocates and local activists. This thesis will focus on fundamental examples that have shaped and inspired others.

4.1.1 Participation

Enhancing future generations' rights through participation is not the most common method in practice. However, there have been some ideas and attempts which focused on deliberative democracy, democratic innovations and children's participation.

Participation is a building stone of the currently probably most extensive plan on future generations: the Welsh Well-being of Future Generations Act (WBFGA) from 2015²⁸⁹. In its definition of sustainable development, it insists on the importance of the involvement of people to reach the goals of this act.²⁹⁰ In the progress report of 2025²⁹¹, meaningful involvement of

²⁸⁹ Well-being of Future Generations (Wales) Act 2015.

²⁹⁰ *ibid* s 5(2)(c).

²⁹¹ Future Generations Commissioner for Wales, 'Future Generations Report 2025' (Future Generations Commissioner for Wales) <<https://futuregenerations.wales/cym/wp-content/uploads/2025/05/Future-Generations-Report-2025.pdf>> accessed 1 June 2026.

the public in decision-making processes is addressed, highlighting the gaps that lead to an erosion of trust and low voter turnout, meaning a decline in participation.²⁹² This underlines the key role of participation in safeguarding the rights of future generations.

Another example of implemented participation is the concept of ‘Future Design’, which pertains to creating societies for future generations. This is where current people’s ‘futurability’, which refers to “the possibility that the present generation will put the interests of future generations ahead of its own”²⁹³, is activated. The practical implementation of this was tried in a Japanese municipality and is one of the most known examples in participatory deliberation practice. In a series of workshops, people were separated into two groups of representatives: a present generations group and an imaginary future generations group. They were asked to deliberate separately first, and then all together, with the goal of creating a common vision for their town in 2060. The focus of these workshops was on negotiation and consensus building.²⁹⁴ The creation of imaginary stakeholders served to incorporate the viewpoints and interests of future generations in the deliberative process, made it participatory and helped overcome intergenerational conflicts of interest. It is not a large-scale example of an intergenerational dialogue incorporating future generations, but it demonstrated the influence this model could potentially have locally on consensus-building and long-term policies that include future generations’ rights.²⁹⁵

Democratic innovations are following the same approach, without however specifically reserving spots or groups for future generations’ representation. They are included on the assumption that deliberation stimulates long-term thinking, therefore benefits future generations. One model of democratic innovations is deliberative mini-publics, which includes citizen’s assemblies or deliberative polling.²⁹⁶ These are happening all over the world, with one of the most prominent cases being Ireland’s assembly on biodiversity loss which had an adult and a children’s assembly as part of the process.²⁹⁷ In Poland, these practices of Deliberative

²⁹² *ibid* 15.

²⁹³ Tatsuyoshi Saijo, ‘Future Design for Sustainable Nature and Societies’ in Walter Leal Filho and others (eds), *Handbook of Sustainability Science in the Future* (Springer International Publishing 2023) 1753 <https://doi.org/10.1007/978-3-031-04560-8_145> accessed 1 June 2026.

²⁹⁴ Keishiro Hara and others, ‘Reconciling Intergenerational Conflicts with Imaginary Future Generations: Evidence from a Participatory Deliberation Practice in a Municipality in Japan’ (2019) 14 *Sustainability Science* 1605, 1608 <<https://doi.org/10.1007/s11625-019-00684-x>>.

²⁹⁵ *ibid* 1617–1618.

²⁹⁶ Smith (n 270) 88, 93.

²⁹⁷ Knowledge Network on Climate Assemblies (KNOCA), ‘Ireland’s Children’s and Young People’s Assembly on Biodiversity Loss’ (KNOCA) <<https://www.knoca.eu/national-assemblies/irelands-childrens-and-young-peoples-assembly-on-biodiversity-loss>> accessed 1 June 2026.

Mini-Publics (DMPs) are very well established on a variety of issues affecting also future generations, like flooding preparation²⁹⁸, air pollution²⁹⁹ or energy poverty³⁰⁰. Adding to these, there are climate assemblies that have taken place in various countries, including France³⁰¹ or Austria³⁰². In a small region of Austria, there was also a regional mini-public on how to create an attractive living space for future generations, with publicly presented recommendations.³⁰³ All these DMPs were on topics that concern future generations and require long-term thinking, showing possibilities for the practical implementation through participation.

4.1.2 Representation

As discussed in Chapter 3, the scope of strengthening the rights of future generations through participation can be limited. Nevertheless, there are several examples of practical implementation of the representation of future generations in democracies. Most of these are based on theoretical modules that were presented in the section on institutional and political representation in Chapter 3 and whose practical implementation will be analysed in this part.

One of the earliest and the longest-lasting examples of a parliamentary body on future generations is the Finnish Committee for the Future, which was installed in 1993. It is a permanent body, consists of Finnish Members of Parliament, and is independent from the legislative, so not a law-making committee.³⁰⁴ It acts as a kind of think tank, facilitating dialogue between parliament and the government on issues relating to the future. It is free to decide which topics to take on but also has to deal with potential controversies regarding contested matters. An important part of its work is the response to the government's report on the future, in addition to statements on future matters, debates, and research on future related

²⁹⁸ Participedia, 'Gdańsk Citizens' Panel' (Participedia) <<https://participedia.net/case/gdansk-citizens-panel>> accessed 1 June 2026.

²⁹⁹ Participedia, 'Lublin Climate Assembly on Air Control' (Participedia) <<https://participedia.net/case/lublin-climate-assembly-on-air-control>> accessed 1 June 2026.

³⁰⁰ Knowledge Network on Climate Assemblies (KNOCA), 'Polish Citizens' Assembly on Energy Poverty' (KNOCA) <<https://www.knoc.eu/national-assemblies/polish-citizens-assembly-on-energy-poverty>> accessed 1 June 2026.

³⁰¹ Convention Citoyenne pour le Climat, 'Citizens' Convention for Climate' (Convention Citoyenne pour le Climat) <<https://www.conventioncitoyennepourleclimat.fr/en/>> accessed 1 June 2026.

³⁰² Klimarat, 'Climate Assembly' (Klimarat) <<https://klimarat.org/english/>> accessed 1 June 2026.

³⁰³ Participedia, 'Mini-Public on How to Create an Attractive Living Space for Future Generations (Vorarlberg, Austria)' (Participedia) <<https://participedia.net/case/mini-public-on-how-to-create-an-attractive-living-space-for-future-generations-wie-knnen-wir-fr-nchste-generationen-einen-mglichst-attraktiven-lebensraum-schaffen>> accessed 1 June 2026.

³⁰⁴ Vesa Koskimaa and Tapio Raunio, 'Encouraging a Longer Time Horizon: The Committee for the Future in the Finnish Eduskunta' (2020) 26 *The Journal of Legislative Studies* 159, 160 <<https://doi.org/10.1080/13572334.2020.1738670>>.

issues. They can also lead own projects on topics of their choosing.³⁰⁵ The aim of this Committee is to identify political issues at an early stage, thereby giving policy-makers greater scope for action, and continuing the work beyond single electoral terms. For this, they also engage with different stakeholders, academia, citizens, and network internationally.³⁰⁶ This research found no evidence of child participation or representation in the Committee for the Future's work .

The direct impact of the Committee's influence on Finnish politics can be doubted. However, most of the influence is indirect, by raising awareness and providing knowledge, directing decision makers to long-term thinking, without being able to change the root causes of democratic myopia.³⁰⁷ Parliamentary committees like the Finnish model can also contribute to strategic foresight, and can broaden the network of actors involved in the process, potentially leading to an expansion of the scope of relevant information. The body can also increase transparency, accountability, and therefore legitimacy of government's foresight work.³⁰⁸ In cases like this, representation of future generations works by enhancing long-term thinking and governance.

Currently, with the most recent numbers dating from 2025, there are 14 committees for the future operating in America, Asia, and Europe.³⁰⁹ In Chile's Senate, for instance, there is a Committee on Future Challenges, Science, Technology and Innovation that collaborates with external experts to enhance parliamentary foresight. A similar approach has been chosen by the Norwegian and Dutch parliament, whose work gets supported by external institutions providing them with foresight knowledge and scientific information about future scenarios.³¹⁰ Additionally, there are some failed or discontinued examples from Germany, Mexico or Argentina.³¹¹ Without going into the specific characteristics of each body, it can be said that many of them have been established based on the Finnish model. However, they differ in terms of their power and the contexts in which they work.³¹²

Moving from parliamentary bodies to independent commissioners, ombudspersons and

³⁰⁵ *ibid* 166.

³⁰⁶ *ibid* 170.

³⁰⁷ *ibid* 174.

³⁰⁸ Koskimaa and Raunio (n 267) 695–696.

³⁰⁹ Paola Aceituno O., 'Parliamentary Committees for the Future: A Legislative Movement to Overcome Political Myopia' (*UNU-CPR*, 9 July 2025) <<https://unu.edu/cpr/blog-post/parliamentary-committees-future-legislative-movement-overcome-political-myopia>> accessed 31 May 2026.

³¹⁰ Inter-Parliamentary Union 'Anticipating Tomorrow: How Expert Insights Enhance Parliamentary Foresight' (2025) <<https://www.ipu.org/news/case-studies/2025-02/anticipating-tomorrow-how-expert-insights-enhance-parliamentary-foresight>> accessed 7 June 2026.

³¹¹ Aceituno O. (n 309).

³¹² *ibid*.

guardians, it is essential to point out the difference. They are not members of the legislative or executive branches, despite being appointed by the legislature or government. The examples from Hungary and Wales belong to this category.

The Future Generations Commissioner in Wales (Commissioner) was established in the context of the Well-Being of Future Generations Act (WBFGA). This independent body has the task to implement the aims of this act, particularly by supporting other public institutions in fulfilling their duties in regard to future generations. The Act, and therefore the Commissioner, build upon the sustainable development principle to deliver for future generations, which is in line with the Brundtland's Report that has already been mentioned in this thesis.³¹³ It clearly states that specific public bodies obligated by this Act, the Public Services Boards (PSB), must operate “in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”³¹⁴, therefore, leaving agency to future generations.³¹⁵

The WBFGA is particularly notable because it requires the development of objectives by the PSB and provides mechanisms for institutional accountability through an Auditor General and the Future Generations Commissioner, even though they don't have legal enforcement power.³¹⁶ The latter one's role is to “act as a guardian of the ability of future generations to meet their own needs”³¹⁷. This includes publishing a progress report with recommendations.³¹⁸ In practice, research has shown that most of the action and the plans focus on the well-being of present generations, neglecting long-term planning and future-oriented thinking. With some exceptions, most plans from the Public Services Boards do not detail the impact for future generations and do not have longer time periods than ten years.³¹⁹ These bodies are supported in their work by the government and the Future Generations Commissioner through tools and advice, however, until now it has not translated into long-term planning and safeguarding future generations as well as expected.³²⁰ Further research indicates that an “institutional fix [...] is not sufficient for

³¹³ Haydn Davies, ‘The Well-Being of Future Generations (Wales) Act 2015—A Step Change in the Legal Protection of the Interests of Future Generations?’ (2017) 29 *Journal of Environmental Law* 165, 165–166 <<https://doi.org/10.1093/jel/eqx003>>.

³¹⁴ Future Generations Act 2015 s 5.

³¹⁵ Davies (n 313) 168.

³¹⁶ *ibid* 171.

³¹⁷ Future Generations Act 2015 s 18.

³¹⁸ Davies (n 313) 172.

³¹⁹ Alan Netherwood and Andrew Flynn, ‘A Shift in Public Policy for Future Generations in Wales? Future Generations and Well-Being Planning’ in Jan Linehan and Peter Lawrence (eds), *Giving Future Generations a Voice* (Edward Elgar Publishing 2021) 155–156 <<https://doi.org/10.4337/9781839108259.00017>> accessed 7 June 2026.

³²⁰ *ibid* 160.

effective governance of future generations”³²¹ and that there is a need of a “devolution of responsibilities to be able to make meaningful decisions on behalf of future generations”³²². There have been suggestions for improvement, including “[...] financial systems focusing on longterm budgeting and fiscal planning [and] sunset clauses reviewing policy direction and impact”³²³.

When it comes to children in the WBFGA, there is no explicit reference to children’s participation or their special position in relation to future generations. The Act installed an advisory panel to the Commissioner and one of its members is the Children’s Commissioner for Wales, but this is nearly the only concrete point of participation for children in the text, in form of representation.³²⁴ The two Commissioners also collaborated on a guidance document with practical tools and examples for public bodies in their task to take into account children’s rights in fulfilling their duties under the WBFGA.³²⁵ In practice, however, there are indications that currently living children were interpreted by Public Service Bodies as future generations. These bodies therefore focus some of their long-term measures on protecting and preventing negative impacts on current children’s future lives.³²⁶ At local level, many of them also have children’s groups that are ‘provided a voice’.³²⁷ Additionally, it is mentioned in the 2025 report that engagement with young people has happened through diverse projects, like the Future Generations Leadership Academy or school visits. Nevertheless, it does not detail the scope of involvement and does not specifically address children.³²⁸ Furthermore, there are missed opportunities for direct collaboration with children. For instance, Wales has an elected youth parliament consisting of members aged 11 to 17. However, this research could not find any cooperation with or reference to future generations or the Commissioner.³²⁹

Another example for independent institutional representation of future generations is the Ombudsman for Future Generations in Hungary, established in 2007. At first, its function was to investigate citizen’s complaints and to appeal to the constitutional court where legislation may violate the constitution and therefore future generations’ rights. It was constructed firstly with more power, but with the constitutional change in 2011, its capacities and constitutional

³²¹ *ibid* 163.

³²² *ibid*.

³²³ *ibid* 165.

³²⁴ Future Generations Act 2015 s 26.

³²⁵ Rhian Croke and others, ‘Integrating Sustainable Development and Children’s Rights: A Case Study on Wales’ (2021) 10 *Social Sciences* 1, 15 <<https://doi.org/10.3390/socsci10030100>>.

³²⁶ Netherwood and Flynn (n 319) 156.

³²⁷ *ibid* 161.

³²⁸ Future Generations Commissioner for Wales, Future Generations Report 2025, 142.

³²⁹ Welsh Youth Parliament, ‘About’ <<https://youthparliament.senedd.wales/about/>> accessed 1 June 2026.

role were changed.³³⁰ Since then, the body is part of Hungary's Office of the Commissioner for Fundamental Rights, as one of two Deputy Ombudspersons. The body can be compared to similar institutions protecting children's rights as it remains procedurally autonomous when it comes to its area of expertise.³³¹ It produces yearly reports that are public and ensure transparency, it can initiate inspections and can act as *amicus curiae* at the constitutional court.³³² Additionally, it is important to highlight that the institutional protection is not only limited to the right to a healthy environment, but extends to all fundamental rights affecting future generations.³³³ Still, a lot of its power is connected to the Fundamental Rights Commissioner, the resources are scarce and the report mechanisms non-binding. There are no rights of investigation or opinion without the higher body's agreement.³³⁴ In conclusion, Hungary's Ombudsman for Future Generations is rooted in the State's fundamental law and therefore has a strong basis, but the practical translation is limited.³³⁵

The research for this thesis could not find any kind of child participation in this institution's work, children are mostly mentioned in the Ombudsman's work when it comes to protection.

4.2 Models of International Representation

So far, this thesis has looked at participation and representation of future generations in democracies, at national and sub-national levels. However, political representation could also be realised at the international level, guiding and unifying national progress. This can potentially strengthen future generations' position in the multilateral system. Independent bodies could accelerate efforts to realise the practical implementation of international agreements made in regard to future generations, especially if they were to be "afforded powers in relation to international court systems"³³⁶.

Throughout the years, there have been calls for the international community to adopt such a global representational role, with diverse proposals being set out in debates relating to future generations. In some scenarios, children and young people are seen as key players because of the higher overlap of interests with future generations, as was explained previously. Therefore,

³³⁰ Smith (n 270) 64–65.

³³¹ Marcel Szabó, '17. Representing the Interests of Present and Future Generations at the Same Time – A Case Study of the Hungarian Ombudsman for Future Generations' in Hélène Ruiz Fabri, Valérie Rosoux and Alessandra Donati (eds), *Representing the Absent* (Nomos Verlagsgesellschaft mbH & Co KG 2023) 417–418 <<https://doi.org/10.5771/9783748918646-413>> accessed 29 May 2026.

³³² *ibid* 419, 421.

³³³ *ibid* 418.

³³⁴ *ibid* 420.

³³⁵ Smith (n 270) 65.

³³⁶ *ibid* 68.

some argue that appointing a young person as a UN Special Envoy could enhance the legitimacy of the role of international advocate.³³⁷ Others have argued for a possible Envoy to have standing on behalf of future generations before the International Court of Justice (ICJ).³³⁸ Notwithstanding, a specific mandate has never been agreed upon by Member States.³³⁹ In 2014, the establishment of such a position failed because of a lack of support from developing countries.³⁴⁰ In 2024, the situation changed with the adoption of the DFG where the proposal for an UN Special Envoy for Future Generations was noted, however not agreed upon.³⁴¹ The Secretary General still proceeded to prepare a position that could include a mandate to “promote ... best practices in policy-making at all levels [...] and engagement and full participation of all stakeholders in United Nations processes related to intergenerational solidarity”³⁴², to be a voice advocating for future generations and to publish annual reports. It would also be linked to the existing and supported principles of sustainable development, intergenerational solidarity and human rights³⁴³. While everything seems prepared, currently, the appointment of an Envoy is on hold due to UN reform efforts and budget constraints.³⁴⁴

Furthermore, representation via civil society groups has been, and will continue to be, a key aspect of advancing the rights of future generations at the international level. NGOs are also regularly pushing for the participation of children and young people, happening mostly in informal processes.³⁴⁵ Regarding the DFG, an international coalition for future generations has been established that serves the advocacy work and provides knowledge from a civil society perspective, which is essential especially for successful implementation of the whole PFTF. They also take on important monitoring roles for the Pact.³⁴⁶

Another way of representing future generations at an international level has been tried by 16 children in the *Sacchi et al. Case*³⁴⁷ before the CRC Committee. Through the CRC’s Third

³³⁷ Peter Lawrence and Michael Reder, ‘A UN Special Envoy for Future Generations’ *Representing Future Generations: Climate Change and the Global Legal Order* (1st edn, Cambridge University Press 2025) 203 <<https://doi.org/10.1017/9781009655859>> accessed 5 June 2026.

³³⁸ *ibid* 212.

³³⁹ Zwarthoed (n 286) 102–103.

³⁴⁰ Lawrence and Reder (n 337) 207.

³⁴¹ Declaration on Future Generations para 32a.

³⁴² Lawrence and Reder (n 337) 208.

³⁴³ *ibid* 209–210.

³⁴⁴ United Nations, ‘Pact for the Future: Paragraph 32(a)’ (UN, 2024) <<https://www.un.org/pact-for-the-future/en/paragraph-32a>> accessed 8 June 2026.

³⁴⁵ Elizabeth Dirth, ‘European Approaches to Institutions for Future Generations’ in Jan Linehan and Peter Lawrence (eds), *Giving Future Generations a Voice* (Edward Elgar Publishing 2021) 196 <<https://doi.org/10.4337/9781839108259.00019>> accessed 8 June 2026.

³⁴⁶ Daouia Chalali, ‘How a “Guardian” for Future Generations Can Transform Global Policymaking’ (*UNU-CPR*, 25 January 2025) <<https://unu.edu/cpr/blog-post/how-guardian-future-generations-can-transform-global-policy-making>> accessed 31 May 2026.

³⁴⁷ *Chiara Sacchi et al v Turkey* (Committee on the Rights of the Child, Communication No 108/2019) UN Doc CRC/C/88/D/108/2019 (11 October 2021).

Optional Protocol Communication Procedure, the children tried to seek justice from the five States Argentina, Brazil, France, Germany, Turkey. They claimed that their rights to life, health and culture have been violated and their best interests were disregarded by the States' high emissions and inaction.³⁴⁸ In the end, the communication was found inadmissible because of a failure to exhaust domestic remedies, but the Committee spoke in the plaintiffs favour regarding causation and jurisdiction.³⁴⁹ The case presents as an example for children acting as potential proxy representatives for future generations as their claim is "on behalf of *all* children impacted by climate change now and in the future [...], in addition to acting on their own behalf"³⁵⁰. This is a possibility provided by the Communication Procedure, which holds that a submission on behalf of others without consent is possible if justified. However, the Committee focused only on the impact of the violations on children existing now, without expanding standing to children on behalf of future generations.³⁵¹ The inclusive and empowering nature of this Communication procedure nevertheless could push forward the framework of future generations' representation, by giving children voice and space.³⁵² It would eliminate the currently existing "temporal discrimination against future generations"³⁵³ in the procedure. Learning from this case, this could be a way to advance on the representation of future generations, building upon children's rights, experiences and shared interests.

On a regional scale, there have been efforts from the EU to advance the concept of future generations. In 2024, the European Commission (EC) established a commissioner's portfolio for intergenerational fairness, combined with culture, youth and sports. Additionally, the EC has recently presented a strategy on intergenerational fairness, referring to current trends impacting the balance between generations and affecting democracy. This also serves to fulfil the EU's commitments under the UN PFTF. Interestingly, the strategy goes beyond sustainability concerns and includes areas such as education, housing, finances and democracy.³⁵⁴ It explicitly names long-term policy-making and the inclusion of young people in political processes as important dimensions of an 'intergenerational contract'.³⁵⁵ Fitting with

³⁴⁸ Nicky Van Dijk, 'A UN Committee on the Rights of the Child Case Study' in Peter Lawrence and Michael Reder, *Representing Future Generations: Climate Change and the Global Legal Order* (1st edn, Cambridge University Press 2025) 180–181 <<https://doi.org/10.1017/9781009655859>> accessed 8 June 2026.

³⁴⁹ *Sacchi v Turkey* [para 9.20].

³⁵⁰ Van Dijk (n 348) 181.

³⁵¹ *ibid* 184.

³⁵² *ibid* 185.

³⁵³ *ibid* 186.

³⁵⁴ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Strategy on Intergenerational Fairness' COM (2026) 110 final, 1.

³⁵⁵ *ibid* 5.

the research of this thesis, the EU also names the strengthening of child participation in policy-making as well as upholding children's rights as goals³⁵⁶.

4.3 Learnings from Practical Examples

Having explored different options for the implementation of future generations' participation and representation, this thesis poses the question: What can be learnt from these examples? Although this is an evolving area with many ongoing debates, several tendencies have emerged from the practical cases discussed.

The concepts of intergenerational justice and solidarity as well as sustainable development shape the frameworks of most examples, promoting long-term thinking. A wide variety of possibilities is available for the inclusion of future generations, both at the international as well as the national level. On one hand, this thesis has showed that there are many existing structures that can be reformed or extended to include future generations. Some could also deliver better by forming coalitions and collaborations, like the two Commissioners for Future Generations and Children in Wales.³⁵⁷ On the other hand, the current crisis of democracy could help establish new structures and bodies, implementing ideas of participation and deliberation through democratic innovations.

In democracies, it is also imperative to consider the options of inclusion in the activities of all branches of government, as well as institutionalisation in the executive and legislative. A broad perspective is also required when it comes to matters relating to future generations. The above-presented examples illustrated that including future generations does not only concern climate-related issues but should extend to a wider range of topics with long-term implications.

The importance of advocacy and knowledge of civil society is central to all the cases discussed, as they play a key role in advancing the inclusion of future generations in democratic processes. Children are often involved in this, primarily in informal initiatives and projects. One of the biggest challenges that can be concluded from this research is the predominantly non-institutionalisation of children's participation. This aligns with a lack of meaningful engagement.

To conclude, the previous subchapter showed the practical developments that have happened over the last years. It however also underlined the insufficient translation of policies and laws into practice, often lacking funding, knowledge, and political will.

³⁵⁶ *ibid* 8.

³⁵⁷ Croke and others (n 325) 15.

4.4 Recommendations for Future Generations' Inclusion in Democracies

In four chapters, this thesis explores the theoretical background and practical implementation of the inclusion of future generations in democratic processes, guided by the concepts of participation and representation. Building on this, it now advances to discuss the practical implications of these frameworks, concepts and examples. How can current democratic systems guarantee the protection and implementation of future generations' rights? Fifteen recommendations for the inclusion of future generations in democracies will be suggested, including specific proposals regarding a mixed approach as well as children's role in the representation of future generations.

Participation is one of the cornerstones of the democratic process, like petitions or citizens' assemblies. There are limitations to this concept, as future generations themselves cannot participate directly. Moreover, participation is limited for some groups that are present today, and specifically for children. This thesis proposes the following recommendations regarding participation to include future generations:

1. Include participation in legal frameworks and policies on the inclusion of future generations. Many of the examined examples do not include the possibility to promote long-term thinking and perspective diversity in democracies by strengthening participation. Enhanced participation could not only provide positive results for future generations, but also for present democracy, addressing transparency and mistrust issues.
2. Participation must be meaningful. Whether it is about engaging children or promoting participation in marginalised groups, these processes have to be designed inclusively and with purpose, fulfilling the criteria of meaningful participation methods³⁵⁸, potentially fostering more sustainable systems in the long term.
3. Democratic innovations can serve several purposes: to improve the quality of present democracies by enhancing participation and increasing deliberation as well as to strengthen long-term thinking through deliberative processes. They can help reduce the presentism-bias of democracy.

³⁵⁸ CRC Committee, General Comment No 12 para 134.

4. Children's participation should be accorded special weight when it comes to decision-making on long-term and intergenerational issues, as their perspectives come from the unique position of being the closest in time to future generations, and they are a highly affected group themselves.

As participation can have limited scope and impact in practice, especially looking at the scale of some democracies, most proposals for future generations consider opportunities regarding representation. This concept includes various forms, reaching from political to institutional and effective representation. This research has developed some recommendations regarding different forms of representation:

5. Pitkin's four categories of representation should be applied to further examine potential avenues of future generations' representation. The symbolic and substantive representation could be especially interesting as they focus on how future generations' representatives stand for their represented group and what outcomes they deliver for their constituents. It is, however, a particular case that it is not the represented group itself that can judge this but other presently living people.
6. International as well as national judicial and quasi-judicial bodies can play a key role in strengthening and guaranteeing rights for future generations. This has been shown by climate litigation over the last few years, as cases have been made regarding future consequences of current actions. However, when it comes to representation before courts, future generations' standing has very rarely been granted. This is an area for improvement, granting them access to justice via representatives, and not just by being included in or affected by present generations' claims.
7. The democratic process offers many possibilities for representation, either through institutions, political positions, or structural changes. Stemming from the trusteeship model of representation, democratic trusteeship can be a good option to guarantee the rights of future generations. People from the present act as trustees, ensuring that agency and options are preserved for future generations. This model is mostly applied on a political level but could also serve to create a feeling of intergenerational solidarity in society, by turning all people into trustees that contribute to safeguarding the future.

8. In terms of innovations in the democratic system, this thesis encourages policy instruments and proposals that can be measured effectively. Intergenerational budgeting, democratic balance sheets, and future checks point out the myopia of democratic processes, making visible how policies, decisions and budgets impact the future. They can support transitions to long-term solutions in all areas by increasing transparency. Another option are sunset clauses that serve to review policy direction and impact after specific time has passed, potentially shifting the long-term effects.

After having discussed a variety of possible avenues for future generations' inclusion, this thesis concludes that a mixed approach of participation and representation will be the most effective way in democracies. This is primarily because the two concepts address the issue of future generations using different yet complementary approaches.

9. Participation aims to improve democracy in general and to encourage long-term thinking, representation intends to promote future generations' rights through representing their interests and changing structures.
10. Furthermore, a combination of international guidelines and implementation at national level needs to be enforced. Developments at the international level are important for progressing the agenda, but they must translate into regional and national policies to have an impact. These learnings from the local democratic level need then to feed back into decision- and policymaking.

Finally, the role of children for future generations emerges as a key factor in this mixed method approach. It is a complex relationship between the latest-born and not yet born generation that can serve to reform current democratic processes. There are ways in which models of political and institutional participation and representation of children can support representing the rights of future generations, which have been explored in Chapters 2 and 4 of this research. Additionally, we want to emphasise again the importance of keeping children and future generations as separate groups, with distinct interests and rights. They can, however, reinforce each other's positions, as policies and decisions that incorporate long-term thinking can have multiple benefits, for both groups as well as for the democratic process itself. Even though Chapter 2 and 3 have provided initial guidance and answers, this thesis will suggest additional recommendations regarding the role of children for future generations.

11. This specific aspect of future generations requires more research and especially more data regarding implementation. Children are either perceived as belonging to the same group as future generations or as completely separate, but the link between the two groups is rarely explored in concepts and frameworks. Even more, in practice, there is a gap when it comes to engaging children in future generations' institutions or representation. As a number of international declarations, including the Pact for the Future, emphasise the unique status of children and their participation, it is imperative that this theoretical commitment is effectively realised.

12. Subsequently, child participation must be seen as a key to realising future generations' rights. It should be based on the provisions of the CRC, namely Article 12 and 3, and commit to an inclusive participation process. The criteria for such a process and possible practical models have been listed in Chapter 2. However, we want to stress the importance of institutionalised child participation alongside non-formal participation mechanisms, especially in democratic policymaking. One option that this thesis proposes is lowering or eliminating voting age limits, providing children with a right to take part in the democratic process regularly. Furthermore, children need to be engaged better and earlier in deliberations as well as in representative institutions for future generations, like the Future Generations Commissioner. The previously discussed Lundy model, with its four dimensions Space, Voice, Audience, and Influence, can serve to ensure children's participation is meaningful, in all aspects of projects or processes.

13. This research also proposes an adaptation of the Lundy model to future generations, applying the four core dimensions to their possible right to be represented. Certainly, some aspects would have to be changed, but particularly 'Audience' and 'Influence' could support the practical implementation. This would need further theoretical and practical considerations.

14. This thesis links the representation of future generations also to the representation of children, if direct participation for children is not possible or not realised currently. This pertains to our recommendation of a stronger democratic representation of children, aligned with possibilities to choose their representatives themselves, keeping their best interests in mind. The idea of child representation has a double meaning, as children themselves can act as representatives for future generations too. This is already

happening before constitutional courts, UN treaty bodies like the CRC Committee, and in national climate litigation cases. Children also advocate for future generations by using other democratic tools, such as demonstrations.

15. Finally, integrating children and future generations into the democratic decision-making process could present itself as an avenue for restructuring current democracies in crisis, and rebuilding trust. It forces long-term thinking, foresight and inclusiveness in democracy, whilst realising the fundamental democratic ‘All-affected principle’.

Concluding Observations

Over the last four chapters, the possibilities of participation and representation in democracies for future generations have been discussed based on academic literature, international legal and policy instruments as well as practical examples. Chapter 1 was dedicated to the theoretical and normative framework of the research: the concept of democracy. As was argued, this form of government delivers better results than other forms, such as autocracies, in terms of long-term thinking and foresight for future generations. Intergenerational solidarity correlates positively with democracy. Nevertheless, this thesis also pointed out the limitations of democracy, some of which can be linked to the dominant promotion of short-term thinking and quick solutions. Other critical points correlated with the broader structural exclusion of certain groups from the political process. These marginalised groups, including children, future generations, non-citizens, people with severe disabilities, and people deprived of liberty, remain with limited or without any formal political power. They often lack participation and representation, which are essential tools of the democratic process. Consequently, a decline in trust in public institutions and growing discontent with politics can be observed, as was noted in the Welsh Progress Report of 2025.³⁵⁹ In order to rebuild trust in decision-making, the engagement of people in shaping policies must be reformed. This is where democratic innovations and a new approach to participation and representation come into play, promoting long-term decisions, deliberations and inclusive processes.

Furthermore, establishing a clear scope of future generations and their rights is one of the most important steps in realising their protection in democracies. The absence of a universally accepted definition and the lack of a clear recognition as rights holders continue to hinder effective inclusion, despite growing acknowledgement of intergenerational responsibilities in academia, constitutions, and court cases. Without a classification of who belongs to the group, establishing who can qualify for rights claims could prove difficult. This constitutes a task for the international level, whose results could subsequently assist UN Human Rights Treaty Bodies and international courts in clarifying the interpretation of future generations with regard to specific treaties or constitutions, an issue that has hitherto been largely sidestepped. A concrete scope for future generations under IHRL could also inform developments at a national level, where needs, interests, and rights tend to overlap.

³⁵⁹ Future Generations Report 2025, 15.

This thesis examined legal as well as democratic arguments for the recognition of rights of future generations, with intergenerational justice proving as a solid foundation. Furthermore, the importance of solidarity in relation to future generations as well as inter- and intragenerational relationships in general is emphasised. Solidarity “expands our debate to how we can care for others with whom we are bound together in arrangements of mutual care and support”³⁶⁰. If intergenerational solidarity is perceived as a basis for decision-making, representation is viewed from a ‘perspective of similarity’.³⁶¹ The concepts of solidarity as well as justice entail not only intergenerational dimensions, but also intragenerational ones. As the previous chapters have shown, the promotion of rights of future generations does not aim to contradict or conceal the rights claims and injustices existing in present society. Most scholars also emphasise the importance of not perpetuating today’s inequalities into the future, emphasising that marginalised groups must not be left behind. Indigenous movements as well as constitutions from Global South countries underline the diverse struggle for future generations, which is deeply connected to non-Western knowledge. The importance of promoting and preserving this expertise, and the methods used by Indigenous Peoples to integrate long-term thinking and foresight into their decision-making processes, cannot be overstated.

Safeguarding the rights and interests of future generations requires a multi-faceted approach aligning legal recognition with democratic innovations. There is a need for institutional and political representation in democracies with effective mechanisms for implementation, as explored in Chapters 3 and 4. On one hand, there are theoretical foundations and practical examples that support representation on the basis of already existing frameworks. On the other hand, possibilities for new frameworks have been discussed, focusing on establishing a specific rights treaty on future generations. Regardless of the theoretical foundation, the key challenge is the translation into practice. This aligns with the arguments of Sen and Dahl, explained in Chapter 1, that democracy is more than formal rights. It can be concluded that the core implication of this thesis is the challenge lying in realising participation and representation of future generations in democracies.

³⁶⁰ Barbara Prainsack, ‘Solidarity in the Climate Governance: Representing Future Generations and Non-Human Entities’ in Barbara Prainsack, *States of Solidarity* (1st edn, Oxford University PressOxford 2026) 50 <<https://doi.org/10.1093/9780198965336.003.0003>> accessed 3 June 2026.

³⁶¹ *ibid.*

The main research question also asks about the role of children for future generations, whose lack of systemic and meaningful participation and representation shows a broader structural limitation of the current democratic systems. As has been outlined, the two groups are connected by claims of intergenerational justice, albeit on different timescales. Children's proximity to future generations places them in a key position within future-oriented debates. They are often named in the declarations and reports on future generations as key stakeholders but lack strong positions in the practical discussions. Court cases are one of the examples where they act as representatives of future generations' interests, some successfully, some not. Children are at the forefront of much of the advocacy for more long-term thinking and for future generations' rights, which could ultimately benefit the already existing children too.

In conclusion, this thesis emphasises the need for broader alliances in society for future generations, going beyond politics or courtrooms. There lies a lot of potential in democratic innovations and reforms as well as in future generations litigation cases before national and international courts. Additionally, a better engagement of children in the democratic process can prove beneficial for future generations. Finally, the realisation of future generations' rights depends on the translation of policies and laws into practice, employing the tools of participation and representation.

Avenues for Further Research

There exist several avenues for further research, most of which align with this thesis' conceptual and practical limitations, which have been explained in the introduction.

The inclusion of future generations and their rights could be studied in other forms of government, especially looking at the practical implications of these different political processes. Potentially, future generations' representation could be perceived as non-democratic, giving power to non-existing beings. This could be researched as a possible threat to democracy. Another option, that could be explored, lies in a bottom-up approach, looking at action on local levels, and how they influence commitments and policies around future generations and foresight. In addition to that, a stronger focus on civil society could provide new ways of including, and especially of delivering practically, for future generations. This is also where different knowledge and perspectives could be discovered. Finally, there is a lot of potential when it comes to analysing the recognition of future generations under the existing human rights treaties in more detail, like in the ICCPR and the ICESCR. These already present international treaties could provide additional avenues of protection.

Bibliography

Legal and Policy Instruments

a) United Nations Treaties and Declarations

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (adopted 25 June 1998, entered into force 30 October 2001) 2161 UNTS 447

Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

International Covenant on Civil and Political Rights adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171

Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (adopted 19 December 2011, entered into force 14 April 2014) 2983 UNTS 7

UNESCO General Conference, Declaration on the Responsibilities of the Present Generations Towards Future Generations (Res 29 C/44, 12 November 1997)

United Nations General Assembly, Declaration on Future Generations, annex II to Pact for the Future (adopted 22 September 2024) UNGA Res A/RES/79/1

United Nations General Assembly, Pact for the Future (adopted 22 September 2024) UNGA Res A/RES/79/1

Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III)

Vienna Declaration and Programme of Action, UN Doc A/CONF.157/23 (25 June 1993)

b) United Nations Committee on the Rights of the Child

Committee on the Rights of the Child, General Comment No 12 (2009) on the right of the child to be heard (art 12) UN Doc CRC/C/GC/12

Committee on the Rights of the Child, General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1) UN Doc CRC/C/GC/14

Committee on the Rights of the Child, General Comment No 26 (2023) on children's rights and the environment with a special focus on climate change UN Doc CRC/C/GC/26

c) United Nations Documents and Reports

UN Secretary-General, Our Common Agenda, UN Doc A/75/982 (2021)

UN Secretary-General, Our Common Agenda: Policy Brief – To Think and Act for Future Generations (2023)

UN Secretary-General, Report of the World Commission on Environment and Development (Our Common Future), UN Doc A/42/427 (4 August 1987)

d) International Soft Law

Maastricht Principles on the Human Rights of Future Generations (adopted 3 February 2023)

e) Regional legal and policy instruments

American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123

European Commission, ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Strategy on Intergenerational Fairness’ COM (2026) 110 final

f) National Acts

Well-being of Future Generations (Wales) Act 2015

Case Law

a) United Nations Treaty Bodies Communications

DC v Germany (Committee on the Rights of the Child, Communication No 60/2018) UN Doc CRC/C/83/D/60/2018 (28 September 2020)

Chiara Sacchi et al v Turkey (Committee on the Rights of the Child, Communication No 108/2019) UN Doc CRC/C/88/D/108/2019 (11 October 2021)

b) Regional Courts

Advisory Opinion OC-32/25, *Climate Emergency and Human Rights* (Inter-American Court of Human Rights, 29 May 2025) <<https://corteidh.or.cr/tablas/OC-32-2025/index.html>> accessed 29 May 2026

Verein KlimaSeniorinnen Schweiz and Others v Switzerland (App no 53600/20) ECtHR, 9 April 2024

c) *National Courts*

Bundesverfassungsgericht (Federal Constitutional Court), Order of 24 March 2021, 1 BvR 2656/18 and others

Do-Hyun Kim and others v Republic of Korea (Constitutional Court of Korea, 29 August 2024) 2020Hun-Ma389 (and consolidated cases 2021Hun-Ma1264, 2022Hun-Ma854, 2023Hun-Ma846)

Juliana v United States 217 F Supp 3d 1224 (D Or 2016)

Oposa v Factoran (Supreme Court of the Philippines, G.R. No 101083, 30 July 1993)

Six Youths v Minister of Environment and Others (14th Federal Civil Court of São Paulo, Brazil, 5 June 2024) Ação Popular No 5008035-37.2021.4.03.6100

State of the Netherlands v Urgenda Foundation (Hague Court of Appeal, Case No 200.178.245/01, 9 October 2018)

Literature

a) *Books*

Brown Weiss E, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* (Brill | Nijhoff 1989) <<https://doi.org/10.1163/9789004633544>> accessed 20 May 2026

Dahl RA, *Polyarchy: Participation and Opposition* (5. print, Yale Univ Press 1975)

Dahl RA and Shapiro I, *On Democracy* ([Second edition], Veritas paperback edition, Yale University Press 2021) <<https://doi.org/10.12987/9780300257991>>

Daly A, *Children, Autonomy and the Courts: Beyond the Right to Be Heard* (Brill | Nijhoff 2018) <<https://doi.org/10.1163/9789004355828>> accessed 25 April 2026

Krznaric R, *The Good Ancestor: How to Think Long Term in a Short -Term World* (WH Allen 2021)

Mill JS, *Considerations on Representative Government* (Parker and Bourn 1861)

Pitkin HF, *The Concept of Representation* (1st edn, University of California Press 2023) <<https://doi.org/10.2307/jj.2711645>> accessed 27 March 2026

Rawls J, *A Theory of Justice* (Rev. ed., 5.-6. printing, Belknap Press of Harvard Univ Press 2003)

Rousseau J-J, *Rousseau: The Social Contract and Other Later Political Writings* (Victor Gourevitch ed, 2nd edn, Cambridge University Press 2018) <<https://doi.org/10.1017/9781316584606>> accessed 24 March 2026

Schumpeter JA, *Capitalism, Socialism and Democracy* (Harper Torchbooks 1976)

Sen A, *Development as Freedom* (Oxford University Press 2001)

Smith G, *Democratic Innovations: Designing Institutions for Citizen Participation* (1st edn, Cambridge University Press 2009) <<https://doi.org/10.1017/CBO9780511609848>> accessed 22 May 2026

——, *Can Democracy Safeguard the Future?* (Polity Press 2021)

b) Book chapters

Beckman L, ‘Children and the Right to Vote’ in Gheaus Anca, Calder Gideon and De Wispelaere Jurgen, Anca Gheaus, Gideon Calder and Jurgen De Wispelaere (eds), *The Routledge Handbook of the Philosophy of Childhood and Children* (1st edn, Routledge 2018) <<https://doi.org/10.4324/9781351055987-35>> accessed 23 April 2026

Bernstein RJ and Chochran M, ‘13 - Dewey’s Vision of Radical Democracy’ *The Cambridge Companion to Dewey* (1st edn, Cambridge University Press 2010) <<https://doi.org/10.1017/CCOL9780521874564>> accessed 24 March 2026

Budge I, ‘Direct Democracy’ in Sarah A Binder, RAW Rhodes and Bert A Rockman (eds), *The Oxford Handbook of Political Institutions* (1st edn, Oxford University Press 2009) <<https://doi.org/10.1093/oxfordhb/9780199548460.003.0030>> accessed 26 March 2026

Bues A, ‘The Formation of the Polish-Lithuanian Monarchy in the Sixteenth Century’ in Richard Butterwick (ed), *The Polish-Lithuanian Monarchy in European Context, c. 1500–1795* (Palgrave Macmillan UK 2001) <https://doi.org/10.1057/9780333993804_4> accessed 14 May 2026

Caney S, ‘Political Institutions for the Future’ in Iñigo González-Ricoy and Axel Gosseries (eds), *Institutions For Future Generations* (Oxford University Press 2016) <<https://doi.org/10.1093/acprof:oso/9780198746959.003.0008>> accessed 1 June 2026

Delannoi G and Dowlen O, ‘Sortition, Direct Democracy and Indirect Democracy’ in Laurence Morel and Matt Qvortrup (eds), *The Routledge Handbook to Referendums and Direct Democracy* (1st edn, Routledge 2017) <<https://doi.org/10.4324/9780203713181>> accessed 19 May 2026

Dirth E, ‘European Approaches to Institutions for Future Generations’ in Jan Linehan and Peter Lawrence (eds), *Giving Future Generations a Voice* (Edward Elgar Publishing 2021) <<https://doi.org/10.4337/9781839108259.00019>> accessed 8 June 2026

Düwell M, ‘Human Rights and Intergenerational Ethics’ in Stephen M Gardiner (ed), *The Oxford Handbook of Intergenerational Ethics* (1st edn, Oxford University Press 2022) <<https://doi.org/10.1093/oxfordhb/9780190881931.013.39>> accessed 16 April 2026

Freeman M, ‘Children’s Education: A Test Case for Best Interests and Autonomy’ in Ronald Davie and David M Galloway (eds), *Listening to Children in Education* (Taylor and Francis 2013)

Garsten B, 'Representative Government and Popular Sovereignty' in Ian Shapiro and others (eds), *Political Representation* (1st edn, Cambridge University Press 2010) <<https://doi.org/10.1017/CBO9780511813146.006>> accessed 27 March 2026

Inoue A, 'Another Boundary Problem: Democracy, Future Generations, and the All-Affected Principle' in Yukio Adachi and Makoto Usami (eds), *Governance for a Sustainable Future* (Springer Nature Singapore 2023) <https://doi.org/10.1007/978-981-99-4771-3_3> accessed 26 May 2026

Lansdown G, 'Article 12: The Right to Be Heard' in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) <https://doi.org/10.1007/978-3-030-84647-3_5> accessed 20 April 2026

Lansdown G and Vaghri Z, 'Article 1: Definition of a Child' in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) <https://doi.org/10.1007/978-3-030-84647-3_40> accessed 17 April 2026

Lawrence P and Reder M, 'A UN Special Envoy for Future Generations' in *Representing Future Generations: Climate Change and the Global Legal Order* (1st edn, Cambridge University Press 2025) <<https://doi.org/10.1017/9781009655859>> accessed 5 June 2026

Lumer C, 'Principles of Generational Justice' in Jörg Tremmel (ed), *Principles of generational justice* (Edward Elgar 2006)

Lundy L, Tobin J and Parkes A, 'The Right to Respect for the Views of the Child' in John Tobin (ed), *The UN Convention on the Rights of the Child* (1st edn, Oxford University Press 2019) <<https://doi.org/10.1093/law/9780198262657.003.0013>> accessed 20 April 2026

MacKenzie MK, 'Deliberation and Long-Term Decisions: Representing Future Generations' in Andre Bächtiger and others (eds), *The Oxford Handbook of Deliberative Democracy* (1st edn, Oxford University Press 2018) <<https://doi.org/10.1093/oxfordhb/9780198747369.013.7>> accessed 22 May 2026

Mansbridge J, 'The Evolution of Political Representation in Liberal Democracies: Concepts and Practices' in Robert Rohrschneider and Jacques Thomassen (eds), *The Oxford Handbook of Political Representation in Liberal Democracies* (1st edn, Oxford University Press 2020) <<https://doi.org/10.1093/oxfordhb/9780198825081.001.0001>> accessed 27 March 2026

Netherwood A and Flynn A, 'A Shift in Public Policy for Future Generations in Wales? Future Generations and Well-Being Planning' in Jan Linehan and Peter Lawrence (eds), *Giving Future Generations a Voice* (Edward Elgar Publishing 2021) <<https://doi.org/10.4337/9781839108259.00017>> accessed 7 June 2026

Prainsack B, 'Solidarity in the Climate Governance: Representing Future Generations and Non-Human Entities' in Barbara Prainsack, *States of Solidarity* (1st edn, Oxford University Press Oxford 2026) <<https://doi.org/10.1093/9780198965336.003.0003>> accessed 3 June 2026

Prucnal M, 'Who Is a Child? The International Definition of a Child' in Farhad Malekian and Kerstin Nordlöf (eds), *Sovereignty of children in law* (Cambridge Scholars 2012)

Przeworski A, 'Introduction' *Democracy and the Limits of Self-Government* (1st edn, Cambridge University Press 2010) <<https://doi.org/10.1017/CBO9780511778490>> accessed 24 March 2026

Ruggiero R, 'Article 3: The Best Interest of the Child' in Ziba Vaghri and others (eds), *Monitoring State Compliance with the UN Convention on the Rights of the Child*, vol 25 (Springer International Publishing 2022) <https://doi.org/10.1007/978-3-030-84647-3_3> accessed 23 April 2026

Saijo T, 'Future Design for Sustainable Nature and Societies' in Walter Leal Filho and others (eds), *Handbook of Sustainability Science in the Future* (Springer International Publishing 2023) <https://doi.org/10.1007/978-3-031-04560-8_145> accessed 1 June 2026

Szabó M, '17. Representing the Interests of Present and Future Generations at the Same Time – A Case Study of the Hungarian Ombudsman for Future Generations' in Hélène Ruiz Fabri, Valérie Rosoux and Alessandra Donati (eds), *Representing the Absent* (Nomos Verlagsgesellschaft mbH & Co KG 2023) <<https://doi.org/10.5771/9783748918646-413>> accessed 29 May 2026

Tap P and Gherghina S, 'Direct Democracy' in Daniel Stockemer, Stephen Sawyer and Audrey Gagnon (eds), *IPSA Companion to Political Science* (Springer Nature Switzerland 2026) <https://doi.org/10.1007/978-3-032-06918-4_120-1> accessed 26 March 2026

Tilly C, 'What Is Democracy?' *Democracy* (1st edn, Cambridge University Press 2007) <<https://doi.org/10.1017/CBO9780511804922>> accessed 25 March 2026

Tremmel JC, 'The Four-Branches Model of Government: Representing Future Generations' in Marie-Claire Cordonier Segger, Marcel Szabó and Alexandra R Harrington (eds), *Intergenerational Justice in Sustainable Development Treaty Implementation* (1st edn, Cambridge University Press 2021) <<https://doi.org/10.1017/9781108768511.045>> accessed 29 May 2026

Van Dijk N, 'A UN Committee on the Rights of the Child Case Study' in Peter Lawrence and Michael Reder, *Representing Future Generations: Climate Change and the Global Legal Order* (1st edn, Cambridge University Press 2025) <<https://doi.org/10.1017/9781009655859>> accessed 8 June 2026

Welzel C, '2. Theories of Democratization' in Christian Welzel, *Democratization* (Oxford University Press 2018) <<https://doi.org/10.1093/hepl/9780198732280.003.0002>> accessed 24 March 2026

Zwarthoed D, 'Political Representation of Future Generations' in Marcus Düwell, Gerhard Bos and Naomi Van Steenbergen, *Towards the Ethics of a Green Future: The Theory and Practice of Human Rights for Future People* (1st edn, Routledge 2018) <<https://doi.org/10.4324/9781315115788>> accessed 30 May 2026

c) Academic Journal Articles

Araújo R and Koessler L, 'The Rise of the Constitutional Protection of Future Generations' [2021] SSRN Electronic Journal <<https://doi.org/10.2139/ssrn.3933683>> accessed 20 May 2026

Auerbach AJ, Gokhale J and Kotlikoff LJ, 'Generational Accounting: A New Approach to Understanding the Effects of Fiscal Policy on Saving' (1992) 94 *The Scandinavian Journal of Economics* 303 <<https://doi.org/10.2307/3440455>>

Basson G and others, 'Commentary to the Maastricht Principles on the Human Rights of Future Generations' (2025) 47 *Human Rights Quarterly* 754 <<https://doi.org/10.1353/hrq.2025.a972482>>

Behrendt S, 'Facing the Future: Conceiving Legal Obligations Towards Future Generations' (2024) 12 *Politics and Governance* 7839 <<https://doi.org/10.17645/pag.7839>>

Caney S, 'Justice and Future Generations' (2018) 21 *Annual Review of Political Science* 475 <<https://doi.org/10.1146/annurev-polisci-052715-111749>>

Croke R and others, 'Integrating Sustainable Development and Children's Rights: A Case Study on Wales' (2021) 10 *Social Sciences* 1 <<https://doi.org/10.3390/socsci10030100>>

Dar A and Wall J, 'Children's Political Representation: The Right to Make a Difference' (2011) 19 *The International Journal of Children's Rights* 595 <<https://doi.org/10.1163/157181811X547263>>

Davies H, 'The Well-Being of Future Generations (Wales) Act 2015—A Step Change in the Legal Protection of the Interests of Future Generations?' (2017) 29 *Journal of Environmental Law* 165 <<https://doi.org/10.1093/jel/eqx003>>

Diamond L and Morlino L, 'The Quality of Democracy: An Overview' (2004) 15 *Journal of Democracy* 20 <<https://doi.org/10.1353/jod.2004.0060>>

Dowding K and Giuliani A, 'Political Representation: A Typology and Synthesis' (2026) 62 *Representation* 39 <<https://doi.org/10.1080/00344893.2025.2526209>>

Ekeli KS, 'Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People' (2005) 18 *Journal of Agricultural and Environmental Ethics* 429 <<https://doi.org/10.1007/s10806-005-7048-z>>

——, 'Constitutional Experiments: Representing Future Generations Through Submajority Rules' (2009) 17 *Journal of Political Philosophy* 440 <<https://doi.org/10.1111/j.1467-9760.2008.00328.x>>

Hara K and others, 'Reconciling Intergenerational Conflicts with Imaginary Future Generations: Evidence from a Participatory Deliberation Practice in a Municipality in Japan' (2019) 14 *Sustainability Science* 1605 <<https://doi.org/10.1007/s11625-019-00684-x>>

Helland HS, 'Reconciling Children's Best Interests and Right to Be Heard' (2024) 32 *The International Journal of Children's Rights* 45 <<https://doi.org/10.1163/15718182-32010007>>

Henaghan M, 'Article 12 of the UN Convention on the Rights of Children: Where Have We Come from, Where Are We Now and Where to from Here?' (2017) 25 *The International Journal of Children's Rights* 537 <<https://doi.org/10.1163/15718182-02502012>>

Humphreys S, 'Against Future Generations' (2022) 33 *European Journal of International Law* 1061 <<https://doi.org/10.1093/ejil/chac068>>

Knudsen M, Ahlqvist T and Taylor A, 'Defining "Future Generations": Epistemic Considerations on Conceptualizing a Future-Oriented Domain in Policy and Law-Making' [2023] *Journal of Futures Studies* 3 <[https://doi.org/10.6531/JFS.202312_28\(2\).0001](https://doi.org/10.6531/JFS.202312_28(2).0001)>

Kölln A-K, 'The Value of Political Parties to Representative Democracy' (2015) 7 *European Political Science Review* 593 <<https://doi.org/10.1017/S1755773914000344>>

Koskimaa V and Raunio T, 'Encouraging a Longer Time Horizon: The Committee for the Future in the Finnish Eduskunta' (2020) 26 *The Journal of Legislative Studies* 159 <<https://doi.org/10.1080/13572334.2020.1738670>>

——, 'Political Institutions and Long-Term Policymaking: How Parliamentary Future Committees Can Make a Difference' (2023) 14 *European Journal of Risk Regulation* 686 <<https://doi.org/10.1017/err.2023.85>>

Lawrence P, 'International Law Must Respond to the Reality of Future Generations: A Reply to Stephen Humphreys' (2023) 34 *European Journal of International Law* 669 <<https://doi.org/10.1093/ejil/chad034>>

Liebenberg S and Nolan A, 'Recognizing Future Generations under the International Covenant on Economic, Social and Cultural Rights: An Overdue Reappraisal' (2026) 26 *Human Rights Law Review* 1 <<https://doi.org/10.1093/hrlr/ngaf052>>

Lister R, 'Why Citizenship: Where, When and How Children?' (2007) 8 *Theoretical Inquiries in Law* 693 <<https://doi.org/10.2202/1565-3404.1165>>

Lundy L, '"Voice" Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child' (2007) 33 *British Educational Research Journal* 927 <<https://doi.org/10.1080/01411920701657033>>

Molloy S, 'The Committee on the Rights of the Child and Article 12: Applying the Lundy Model to Treaty Body Recommendations' (2024) 37 *Leiden Journal of International Law* 669 <<https://doi.org/10.1017/S0922156524000098>>

Moosa-Mitha M, 'A Difference-Centred Alternative to Theorization of Children's Citizenship Rights' (2005) 9 *Citizenship Studies* 369 <<https://doi.org/10.1080/13621020500211354>>

Näsström S, 'The Challenge of the All-Affected Principle' (2011) 59 *Political Studies* 116 <<https://doi.org/10.1111/j.1467-9248.2010.00845.x>>

Nolan A, 'The Child as "Democratic Citizen" – Challenging the "Participation Gap"' [2010] *Public Law* 126

——, 'Children and Future Generations Rights before the Courts: The Vexed Question of Definitions' (2024) 13 *Transnational Environmental Law* 522 <<https://doi.org/10.1017/S2047102524000165>>

——, 'Children and Future Generations Rights before the Courts: The Vexed Question of Definitions' (2024) 13 *Transnational Environmental Law* 522 <<https://doi.org/10.1017/S2047102524000165>>

Pitkin HF, 'Representation and Democracy: Uneasy Alliance' (2004) 27 *Scandinavian Political Studies* 335 <<https://doi.org/10.1111/j.1467-9477.2004.00109.x>>

Rose M, 'Institutional Proxy Representatives of Future Generations: A Comparative Analysis of Types and Design Features' (2024) 12 Politics and Governance 1 <<https://doi.org/10.17645/pag.7745>>

Slobodian L, 'Defending the Future: Intergenerational Equity in Climate Litigation' (2020) 32 Georgetown International Environmental Law Review 569

Somervill P, 'Thematic Review: Democracy and Participation' (2011) 39 Policy & Politics 417 <<https://doi.org/10.1332/147084411X581817>>

Stoke HW, 'De Tocqueville on Democracy' (1935) 9 Prairie Schooner 260

Tattay S, 'Whose Rights? Which Representation?: Conceptual Problems Concerning the Representation of the "Rights" of Future Generations' (2024) 65 Hungarian Journal of Legal Studies 147 <<https://doi.org/10.1556/2052.2024.00493>>

Thompson DF, 'Representing Future Generations: Political Presentism and Democratic Trusteeship' (2010) 13 Critical Review of International Social and Political Philosophy 17 <<https://doi.org/10.1080/13698230903326232>>

Wall J, 'Can Democracy Represent Children? Toward a Politics of Difference' (2012) 19 Childhood 86 <<https://doi.org/10.1177/0907568211406756>>

——, 'Democratising Democracy: The Road from Women's to Children's Suffrage' (2014) 18 The International Journal of Human Rights 646 <<https://doi.org/10.1080/13642987.2014.944807>>

Wewerinke-Singh M, Garg A and Agarwalla S, 'In Defence of Future Generations: A Reply to Stephen Humphreys' (2023) 34 European Journal of International Law 651 <<https://doi.org/10.1093/ejil/chad033>>

Zlotnik Raz D and Almog S, 'Children's Political Rights and the UN Convention on the Rights of the Child' (2023) 31 The International Journal of Children's Rights 500 <<https://doi.org/10.1163/15718182-31020008>>

d) Reports and Discussion Papers

Arévalo P and others, 'The Intergenerational Dimension of Fiscal Sustainability' (EU Publications Office 2019) Discussion Paper 112 <<https://doi.org/10.2765/9614>> accessed 31 May 2026

European Commission for Democracy Through Law (Venice Commission), 'The Updated Rule of Law Checklist' (CDL-AD(2025)002, 16 December 2025)

European Education and Culture Executive Agency, 'Youth Mainstreaming, Youth Impact Assessment and Youth Checks: A Comparative Overview.' (Publications Office 2024) <<https://doi.org/10.2797/038401>> accessed 31 May 2026

Future Generations Commissioner for Wales, *Future Generations Report 2025* <<https://futuregenerations.wales/cym/wp-content/uploads/2025/05/Future-Generations-Report-2025.pdf>> accessed 1 June 2026

Hart R, 'Children's Participation: From Tokenism to Citizenship' (UNICEF International Child Development Centre 1992)

Venice Commission, 'Code of Good Practice in Electoral Matters: Guidelines, Explanatory Report and Interpretative Declarations' (Council of Europe 2002)

e) *Encyclopaedia*

Beckman L, 'Democracy' *Oxford Research Encyclopedia of Politics* (Oxford University Press 2021) <<https://doi.org/10.1093/acrefore/9780190228637.013.2001>> accessed 24 March 2026

Dahl RA, Froomkin D and Shapiro I, 'Democracy' *Encyclopaedia Britannica* (Encyclopaedia Britannica, Inc 2026) <<https://www.britannica.com/topic/democracy>> accessed 24 March 2026

Dovi S, 'Political Representation' in Edward N Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Fall 2018, Metaphysics Research Lab, Stanford University 2018) <<https://plato.stanford.edu/archives/fall2018/entries/political-representation/>> accessed 26 March 2026

Duignan B and Publishing BE, *Forms of Government and the Rise of Democracy* (Britannica Educational Publishing 2013)

Festenstein M, 'Dewey's Political Philosophy' in Edward N Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy* (Spring 2023, Metaphysics Research Lab, Stanford University 2023) <<https://plato.stanford.edu/archives/spr2023/entries/dewey-political/>> accessed 24 March 2026

Online articles and Webpages

Aceituno O. P, 'Parliamentary Committees for the Future: A Legislative Movement to Overcome Political Myopia' (*UNU-CPR*, 9 July 2025) <<https://unu.edu/cpr/blog-post/parliamentary-committees-future-legislative-movement-overcome-political-myopia>> accessed 31 May 2026

Chalali D, 'How a "Guardian" for Future Generations Can Transform Global Policymaking' (*UNU-CPR*, 25 January 2025) <<https://unu.edu/cpr/blog-post/how-guardian-future-generations-can-transform-global-policymaking>> accessed 31 May 2026

Convention Citoyenne pour le Climat, 'Citizens' Convention for Climate' <<https://www.conventioncitoyennepourleclimat.fr/en/>> accessed 1 June 2026

Council of Europe, 'The Human Rights of Future Generations – 6th Congress of the World Conference on Constitutional Justice (WCCJ)' <<https://www.coe.int/en/web/venice-commission/-/the-human-rights-of-future-generations-6th-congress-of-the-world-conference-on-constitutional-justice-wccj->> accessed 21 May 2026

Inter-Parliamentary Union ‘*Anticipating Tomorrow: How Expert Insights Enhance Parliamentary Foresight*’ (2025) <<https://www.ipu.org/news/case-studies/2025-02/anticipating-tomorrow-how-expert-insights-enhance-parliamentary-foresight>> accessed 7 June 2026

Klimarat, ‘Climate Assembly’ <<https://klimarat.org/english/>> accessed 1 June 2026

Knowledge Network on Climate Assemblies (KNOCA), ‘Ireland’s Children’s and Young People’s Assembly on Biodiversity Loss’ <<https://www.knoc.eu/national-assemblies/irelands-childrens-and-young-peoples-assembly-on-biodiversity-loss>> accessed 1 June 2026

Knowledge Network on Climate Assemblies (KNOCA), ‘Polish Citizens’ Assembly on Energy Poverty’ <<https://www.knoc.eu/national-assemblies/polish-citizens-assembly-on-energy-poverty>> accessed 1 June 2026

Netto L, ‘Resisting the Allure of Future Generations’ Rights’ [2024] *Völkerrechtsblog* <<https://doi.org/10.17176/20240419-103457-0>> accessed 20 May 2026

——, ‘The Struggle Is Now’ (10 April 2025) <<https://doi.org/10.59704/d030cd6da3d38b53>> accessed 20 May 2026

Nolan A, ‘The Children Are the Future – Or Not? Exploring The Complexities of the Relationship between the Rights of Children and Future Generations’ (*EJIL: Talk!*, 26 May 2022) <<https://www.ejiltalk.org/the-children-are-the-future-or-not-exploring-the-complexities-of-the-relationship-between-the-rights-of-children-and-future-generations/>> accessed 17 April 2026

——, ‘Inter-Generational Equity, Future Generations and Democracy in the European Court of Human Rights’ *Klimaseniorinnen Decision*’ (*EJIL: Talk!*, 15 April 2024) <<https://www.ejiltalk.org/inter-generational-equity-future-generations-and-democracy-in-the-european-court-of-human-rights-klimaseniorinnen-decision/>> accessed 29 May 2026

——, ‘Placing Future Generations at the Heart of Inter-American Human Rights Law?’ (*EJIL: Talk!*, 21 July 2025) <<https://www.ejiltalk.org/placing-future-generations-at-the-heart-of-inter-american-human-rights-law/>> accessed 29 May 2026

Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘Human Rights Indicators’ <<https://indicators.ohchr.org/>> accessed 29 April 2026

Participedia, ‘Gdańsk Citizens’ Panel’ <<https://participedia.net/case/gdansk-citizens-panel>> accessed 1 June 2026

Participedia, ‘Lublin Climate Assembly on Air Control’ <<https://participedia.net/case/lublin-climate-assembly-on-air-control>> accessed 1 June 2026

Participedia, ‘Mini-Public on How to Create an Attractive Living Space for Future Generations (Vorarlberg, Austria)’ <<https://participedia.net/case/mini-public-on-how-to-create-an-attractive-living-space-for-future-generations-wie-knnen-wir-fr-nchste-generationen-einen-mglichst-attraktiven-lebensraum-schaffen>> accessed 1 June 2026

United Nations, ‘Pact for the Future: Paragraph 32(a)’ (UN, 2024) <<https://www.un.org/pact-for-the-future/en/paragraph-32a>> accessed 8 June 2026

Welsh Youth Parliament, 'About' <<https://youthparliament.senedd.wales/about/>> accessed 1 June 2026

Speeches

Lincoln A, *Gettysburg Address* (delivered 19 November 1863) (Cornell University Library transcript) <https://rmc.library.cornell.edu/gettysburg/good_cause/transcript.htm> accessed 14 May 2026