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**“Young People at the Centre of Sustainable Development”**

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## **Values-based Leadership: On Intergenerational Equity and the Integrity of Global Leadership (DRAFT)**

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*Future Foreign Policy is a student and graduate led initiative that was set up to engage young people in a fresh and innovative forum for progressive policies, and allow them to promote their ideas on the future direction of UK foreign affairs. By communicating, contributing and cooperating with a variety of political decision makers and professionals in the field, students can shape the world they live in, become mobilised around key international issues, and fight for the policies and campaigns they believe in.*

## Executive Summary

*“We act as we do because we can get away with it: future generations do not vote; they have no political or financial power; they cannot challenge our decisions.”*

*UN World Commission on Environment and Development 1987<sup>1</sup>*

Young people around the world are increasingly expressing concern about the integrity of leadership at all levels. However given the continued failure to fulfill the ambitions of today’s sustainability agendas and the implicit importance of sustainable development to the wellbeing of tomorrow’s youth, future generations of young people will equally - if not more critically – also question the integrity of their political leaders. It is therefore the resolution of this policy paper to present actionable recommendations that promote and protect both the sustainable development agenda and the rights of future generations, specifically at the national level.

Establishing the conceptual and policy frameworks beneficial to far-sighted governance is essential if the socio-economic and environmental conditions necessary for greater institutional legitimacy among tomorrow’s young people are to be created. In demonstrating their incipient and potential success on this theme, the recommendations of this policy paper are specifically concerned with national innovations such as Parliamentary Commissions, Special Committees and Parliamentary Commissioners for sustainable development and future generations. Indeed, given the experience of its members and expansive global network of potential role-models, the Commonwealth represents an ideal platform to promote, support and help develop these innovations.

## Background

It is over 20 years since the first global sustainability summit. Despite laudable declarations and substantial financial input, social, economic and environmental targets are frequently missed and the implementation of far-sighted global policy objectives remains poor. Policymakers are confronted by a series of challenges in pursuit of these objectives not least among which include: (i) the exigency political and economic of short-termism; (ii) the need to develop integrated policymaking approaches that identify where long-term trends create policy convergence; (iii) weak monitoring and enforcement of agreed sustainability strategies at all governance levels; (iv) the need to adjust common conceptions of wellbeing from those focused on national economic success to those which acknowledge, for example, an individual’s health or employment. Overcoming these issues is critical if political leaders are to fulfill their commitments to a sustainable future. But they are also critical given young people already express concern about the integrity of leadership at all levels. Without structural change, the continued failure to effectively fulfill the ambitions of today’s sustainability agendas and the implicit importance of sustainable development to the wellbeing of tomorrow’s youth will mean that future generations of young people will equally - if not more critically - also question the integrity of their political leaders.

The importance of intergenerational equity has been gaining traction for some time. At the international level, the UN General Assembly considers the rights of future generations in its global deliberations and several proposals have been generated among experts for the creation of new international instruments to represent the voices of future generations in global policymaking.<sup>2</sup> Fulfillment of the rights of future generations has furthermore been adopted by the international community through treaty law and the jurisprudence of eminent courts and tribunals including the International Court of Justice. The rights of future generations are also increasingly recognized as an

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<sup>1</sup> 1987 UN Report of the World Commission on Environment and Development, ‘*Our Common Future*’.

<sup>2</sup> For more on these, please see: Centre for International Sustainable Development Law -World Future Council [Legal Working Paper], ‘*National Policies & International Instruments to Protect the Rights of Future Generations*’, pp. 18-25. Available at: [http://www.worldfuturecouncil.org/fileadmin/user\\_upload/PDF/RepresentationFuture\\_Generations.pdf](http://www.worldfuturecouncil.org/fileadmin/user_upload/PDF/RepresentationFuture_Generations.pdf)

essential component in policymaking at the national level and their observation is a legal requirement in a growing number of countries. Many national constitutions feature explicit recognition of the rights of future generations,<sup>3</sup> and a growing number of countries have enacted various innovative measures to represent future generations in their policymaking processes.

For its part, the Commonwealth supports the principles of the 1987 UN Report of the World Commission on Environment and Development, which defines the concept of sustainable development as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”.<sup>4</sup> Given the experience of its members and expansive global network of potential role-models, the Commonwealth represents an ideal platform to promote, support and develop an increasing number of national innovations on the theme of sustainable development and future generations, specifically with regard to the incipient trend of national Parliamentary Commissions, Councils or Commissioners among the Commonwealth membership and the wider international community.

### Existing National Innovations for Sustainable Development and Future Generations

#### **Parliamentary Commissions**

The Brazilian Commission on Environment and Sustainable Development has the responsibility to promote and protect the interests of future generations with specific regard to the environment and is a permanent organ of the Brazilian House of Representatives. The Commission has the authority to: (i) review and vote on bills related to the environment; (ii) raise environmental concerns before Parliament; (iii) provide legal commentary on environmental legislation (iv) promote public debate on sustainable development; (iv) receive public complaints on governmental acts or omissions relating to the environment and sustainable development.<sup>5</sup> To date, Brazil’s Commission on Environment and Sustainable Development has, for instance, proposed a legislative bill setting greenhouse gas emission targets for the industrial and energy sectors and has engaged the Ministry of Environment with public concerns over deforestation.<sup>6</sup> Similarly empowered, the Chilean Commission on Natural Resources, National Resources and the Environment additionally balances environmental protection with the sustainable use of natural resources and other national heritage. In addition to enacting legislation intended to protect both the environment and environmental impacts on the wellbeing of individuals, it has proposed the regulation of environmental crimes committed by juridical persons.<sup>7</sup>

The Finnish Committee for the Future has jurisdiction to consider an even wider range of issues relating to future generations. Its principal mission is to “*conduct an active and initiative-generating dialogue with government on major future problems and the means of solving them*”.<sup>8</sup> Not limited to environmental concerns, Committee research reports addressing the economy, employment, energy, health and science and technology have enabled broad engagement with Parliament. Indeed as an innovative political body it has entered the ‘*inner circles*’ of the parliamentary system and, in addition to having ‘*demonstrated that parliamentary measures can be used to take the initiative within*

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<sup>3</sup> An expansive and detailed list is given in: Ibid, pp. 5-7.

<sup>4</sup> 1987 UN Report of the World Commission on Environment and Development, ‘*Our Common Future*’.

<sup>5</sup> As set out by Articles 24 and 32 of the Rules of the Brazilian House of Representatives. Further information about the Brazilian Commission on Environment and Sustainable Development is available, in Portuguese, at: <<http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cmads>>

<sup>6</sup> Reports detailing the activity of the Brazilian Commission on Environment and Sustainable Development since its inception in 2004 are available, in Portuguese, at: <<http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cmads/documentos-1/relatorio-anual-de-atividades>>

<sup>7</sup> A full list of projects is available, in Spanish, at: <[http://www.camara.cl/trabajamos/comision\\_pley.aspx?prmID=405](http://www.camara.cl/trabajamos/comision_pley.aspx?prmID=405)>

<sup>8</sup> Tiihonen, P., “*Committee for the Future – A new institution to discuss the future in Finland*”, in: Javor, B. & Racz, J. [eds.] (2006), “*Do we owe them a future?*” (Budapest: Vedegylet – Protect the Future!), pp. 74-75.

democracy', represents a forum for parliamentarians to 'broaden their views beyond everyday politics and their own country's problems'.<sup>9</sup>

### **Special Commissions with Mandates to Support Commissioners**

A more flexible instrument to represent the interests of future generations in policymaking and law has been through the establishment of Special Parliamentary Commissions. The major authorities of New Zealand's Parliamentary Commissioner for the Environment include: (i) investigating "the effectiveness of environmental planning and management carried out by public authorities"; (ii) investigating "any matter in respect of which, in the Commissioner's opinion, the environment may be or has been adversely affected"; (iii) reviewing "the system of agencies and processes established by the Government to manage the allocation, use, and preservation of natural and physical resources"; and (iv) if so requested by the House of Representatives, inquiring on matters that have significant environmental impacts.<sup>10</sup> While the office of the Parliamentary Commissioner for the Environment's mandate appears focused on the environment, in practice it has incorporated issues such as the social and economic rights of future generations within its research.<sup>11</sup> Having reviewed and investigated a wide-range of matters including emissions trading schemes, national policy statements and national environmental standards for efficient environmental management, the office of the Parliamentary Commissioner for the Environment plays an active role in addressing governmental or private activities that have the potential to impinge on the rights of future generations.<sup>12</sup> The office is further commendable in its efforts to solicit and respect the views and values of indigenous peoples, thus fostering positive links between leadership and public.<sup>13</sup>

Several countries have expanded on New Zealand's Parliamentary Commissioner for the Environment model and established Sustainable Development Commissioners. Originally proposed to focus on environmental protection, the initiative for a Commissioner in Canada gained broad public, civil society and parliamentary support and its remit was subsequently expanded to cover sustainable development more generally. Under the Office of the Auditor General of Canada, the Commissioner for Environment and Sustainable Development is mandated to: (i) "provide sustainable development monitoring and reporting"; (ii) "make any examinations and inquiries that the Commissioner considers necessary" and; (iii) as with those other innovations mentioned above, forward and pursue public complaint with the appropriate authority. The *Federal Sustainable Development Act* (2008) furthermore established the Commissioner's responsibility to review the national sustainable development strategy and report on the extent to which federal departments have contributed to meeting the targets laid out by the Act.<sup>14</sup> At the international level, the Commissioner plays an active role in the Working Group on Environmental Auditing, which is part of the International Organization of Supreme Audit Institutions, by helping to produce guidelines and reports, and by helping to develop and implement training for environmental auditors. Although not expansively concerned with all issues concerning future generations, like New Zealand's Parliamentary Commissioner for the Environment, the office of the Canadian Commissioner for the Environment and Sustainable Development equally incorporates social and economic elements into its work.<sup>15</sup>

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<sup>9</sup> Ibid, p. 87.

<sup>10</sup> Environment Acts (1986-1996) by Parliamentary Council 015, I: Parliamentary Commissioner for the Environment. Available at: <<http://legislation.knowledge-basket.co.nz/gpacts/reprint/text/1996/an/015.html>>

<sup>11</sup> See, for instance: 'Outcome Evaluation: See Change – Learning and Education for Sustainability', Parliamentary Commissioner for the Environment.

<sup>12</sup> A full list of projects is available at: <<http://www.pce.parliament.nz/publications/all-publications/>>

<sup>13</sup> See, for instance: 'Tangata Whenua Participation in Environmental Management'. Available at:

<<http://www.pce.parliament.nz/publications/all-publications/kaitiakitanga-and-local-government-tangata-whenua-participation-in-environmental-management-2>>

<sup>14</sup> Federal Sustainable Development Act (S.C. 2008, c.33). Available at: <<http://laws-lois.justice.gc.ca/eng/acts/F-8.6/>>

<sup>15</sup> Centre for International Sustainable Development Law -World Future Council [Legal Working Paper], 'National Policies & International Instruments to Protect the Rights of Future Generations', pp. 18-25. Available at:

<[http://www.worldfuturecouncil.org/fileadmin/user\\_upload/PDF/RepresentationFuture\\_Generations.pdf](http://www.worldfuturecouncil.org/fileadmin/user_upload/PDF/RepresentationFuture_Generations.pdf)>

## ***Parliamentary Commissioners for Future Generations***

Developed as part of an overarching statute creating an Ombudsperson for Civil Rights, the Hungarian Parliamentary Commissioner for Future Generations has the same status as a special Ombudsperson as a matter of law.<sup>16</sup> The Commissioner has wide jurisdiction and is required to monitor proposals at state, municipal and local levels to ensure they do not threaten the environment and future generations.<sup>17</sup> This requirement includes the issuance of research and provision of opinions to Parliament, as well as other entities including private enterprise, that wish to take actions that may impact future generations. Having conducted investigations into potential or alleged threats, the Commissioner is empowered to stop or order modification of actions in order to protect the environment and future generations.<sup>18</sup>

Besides the environment, the Commissioner's remit observes the protection of cultural heritage, the operation of large social systems (e.g. pensions and social insurance systems), long-term development concepts, infrastructural investments, the rate of state indebtedness and all decisions made by the state and private enterprise bridging periods of time concerning the wellbeing of future generations.<sup>19</sup> The Ombudsperson is therefore unique among the innovations described thus far. Rather than uniquely concerned with a particular sector with more or less secondary or inferential links with other sectors, the Hungarian Commissioner is the executor of a national democratic principle regarding the rights of future generations and the representative of sustainability. By placing future generations at the forefront of its advocacy and investigative powers, and given its focused but broad mandate and quasi-judicial role, the office represents a useful example for consideration in policymaker's deliberations over the creation of similar instruments appropriate to other national structures.<sup>20</sup>

### Review and Recommendations

It is perhaps too early to establish whether the nascent interventions discussed above will prove effective with regard to addressing young people's disillusionment with the integrity of political leadership. Nevertheless, they are commendable in so far as they represent, to differing degrees, a concerted effort to address issues that beset global, national and local sustainability agendas and furthermore facilitate the delivery of an inter-generationally equitable politics to the heart of national governments, policymaking and intra-governmental expertise. In addition to generating a policymaking environment both conscious of and responsive to the rights of future generations, a key strength of these innovations with respect to future political integrity lies in their role as a conduit for public opinion. Increasing trust in policy implementation and faith in governmental accountability, they are a potentially vital tool in ensuring that the public helps shape the world their children inhabit.

In the spirit of innovations and their relevance to improving the integrity of political leadership from an increasingly common value-based standpoint of intergenerational equity, this policy paper encourages the Commonwealth Youth Minister's Meeting to take appropriate steps with regard to the following recommendations:

1. Among member countries yet to establish or which have recently de-activated such entities, discuss the feasibility of national Parliamentary Commissions, Special Commissions or Commissioners concerned with the environment or sustainable development more generally, expressly in the interest

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<sup>16</sup> 7 Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights (ombudsman) art. 27/A.

<sup>17</sup> Hungarian Government, Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights (Ombudsman), Art. 27/B.

<sup>18</sup> Ibid.

<sup>19</sup> Javor, B., "A Proposal on the Representation of Future Generations in Hungary", in: Javor, B. & Racz, J. [eds.] (2006), "Do we owe them a future?" (Budapest: Vedegylet – Protect the Future!), p.120.

<sup>20</sup> Readers are especially encouraged to review the summary and explanation of the Hungarian statute establishing the Commissioner for Future Generations produced by the Council for International Sustainable Development Law/World Future Council in: 'National Policies & International Instruments to Protect the Rights of Future Generations', pp. 27-30.

2. of the rights of future generations as acknowledged by the Commonwealth, international law and a growing number of countries.
3. Establish a '*Future Generations Expert Advice Panel*' to provide advisory services to those governments that face capacity constraints and request Commonwealth assistance in: (i) the design or establishment of entities promoting or protecting sustainable development agendas at all levels and the rights of future generations and; (ii) the resolution of legislative issues relating to sustainable development concerns and the rights of future generations.
4. Draft a resolution that: (i) defines the promotion and protection of the rights of future generations as a mission of the Commonwealth and its membership and; (ii) resolves to deliver the sustainable development agenda and the rights of future generations to the heart of national governments, policymaking and intra-governmental expertise in order to engender durable, accountable and just national governance.
5. Create a space on the forthcoming '*Commonwealth Connect*' web portal to unite Commonwealth experts on sustainable development and the rights of future generations to share knowledge, promote best practice and enhance communication in the field.