

Climate Justice: An Intergenerational Approach

Introduction

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.

United Nations Framework Convention on Climate Change, Article 3 (1), 1992

In Article 3 of the United Nations Framework Convention on Climate Change (UNFCCC) the international community recognises that climate change is fundamentally an intergenerational problem. In his August 2013 report, *Intergenerational solidarity and the needs of future generations*, the UN Secretary-General identifies over 25 international agreements, declarations and conventions that refer to future generations. The Secretary-General concludes that ‘the breadth and the number of instruments demonstrate that concern for future generations has developed as a guiding principle of international norms’.¹ However, it should be noted that references to future generations appear for the most part in the preambular language of instruments and that there is no legally binding instrument at international level that commits States to the protection of future generations.

In its simplest form intergenerational equity can be understood as fairness between generations. Edith Brown Weiss, Professor of International Law at Georgetown University, has developed a comprehensive outline of a principle of intergenerational equity and has argued that ‘the basic concept is that all generations are partners caring for and using the Earth. The present generation must pass the Earth and our natural and cultural resources on in at least as good condition as it received them so they can meet their own needs.’² This is close to the thinking of the Report of the World Commission on Environment and Development (Brundtland Report) 1987 which grounds the concept of sustainable development in intergenerational terms: ‘Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs.’³

Such a conception of intergenerational equity is entirely consistent with a climate justice approach which links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable and sharing the burdens and benefits of climate change and its resolution equitably and fairly. The Foundation is of the opinion that intergenerational equity can

¹ Report of the United Nations Secretary-General (2013) *Intergenerational solidarity and the needs of future generations*. III.A.36. accessed online at <http://sustainabledevelopment.un.org/content/documents/2006future.pdf>

² Brown Weiss, Edith *Summary of Presentation to the Meeting of the Troika+ of Women Leaders on Gender and Climate Change*, 16 September 2013

³ While the Foundation believes that an intergenerational lens can and should also be applied to the post-2015 development agenda, it has focused on the UNFCCC process for the purposes of this paper.

serve as a unifying theme that connects developed and developing countries, young and old, to advocate for bold action on climate change. An intergenerational approach can complement and reinforce the principle of common but differentiated responsibilities and respective capabilities by ensuring that the legitimate right of the poorest to develop is not sacrificed in the name of future generations. Equally however, the needs of the present generation cannot always take precedence over those of future generations. Intergenerational equity can help to deliver a framework of cooperation in 2015 that is based on shared values.

The Moral Imperative

Today we are more aware than ever of the implications of our actions on future generations, not least in areas like climate change.

Report of the Oxford Martin Commission for Future Generations, September 2013

It is this awareness of the implications of our actions, or inaction, on future generations that increases the demand for an urgent response to the climate crisis. The Report of the Oxford Martin Commission expresses concern that ‘a culture of short-termism’ pervades modern political life and a belief that ‘future generations should not be discriminated against simply because they exist in the future and do not currently have political or economic influence.’⁴ An inability to plan for the long-term will have devastating consequences for future generations. The choices that we make and policies that we develop – on energy, water, greenhouse gas emissions, cities, models of business, etc. – will determine the options that will be available to the generations to come.

The work of the Intergovernmental Panel on Climate Change (IPCC) allows all strands of society to understand the long-term impacts of our actions while technological advancement enables us to mitigate and adapt to the impacts of climate change should we so choose. The contribution of Working Group 1 to the IPCC Fifth Assessment Report underscores the urgency to act now if we are to avoid passing an unsolvable problem to future generations; ‘In order to limit the cumulative emissions to meet the 2°C objective, the global emissions would need to peak during the next few years and be reduced to less than 50% of 1990 levels by 2050.’⁵ This message is reinforced in the 2013 UNEP Emissions Gap Report which states that ‘after 2020, the world will have to rely on more difficult, costlier and riskier means of meeting the target..... If the gap is not closed or significantly narrowed by 2020, the door to many options to limit temperature increase to 1.5° C at the end of this century will be closed.’⁶

The time to act is now, the longer we wait the more we intensify and perpetuate the injustice of climate change.

Planning for the Future

The Foundation believes that there are a number of steps that can be taken in order to ensure that intergenerational equity plays a role in the formulation of an equitable and ambitious climate agreement in 2015 and that an intergenerational approach inspires greater urgency amongst political leaders to act. History would suggest that the concept of intergenerational equity will feature in the preambular text of a new agreement. This would be an important step, but there is a

⁴ Oxford Martin Commission for Future Generations (2013) *Now for the Long Term*

⁵ IPCC Working Group I (2013) *Working Group I Contribution to the IPCC Fifth Assessment Report Climate Change 2013: The Physical Science Basis* accessed online at <http://www.ipcc.ch/report/ar5/wg1/>

⁶ UNEP (2013) *The Emissions Gap Report 2013* accessed online at <http://www.unep.org/publications/ebooks/emissionsgapreport2013/>

need to move beyond aspirational language to implement concrete measures to preserve and protect the rights of future generations:

1. As an initial step the Foundation believes that intergenerational equity should be an integral part of the broader discussions on equity under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP). Intergenerational equity should be incorporated into the evolving assessment and review processes and in an equity reference framework or similar which would assist Parties in preparing and assessing country commitments.
2. Increased participation of young people in the decision-making process of the UNFCCC as well as representation of future generations would be an important step towards implementing the principle of intergenerational equity.
3. In order to meet the ultimate objective of the Convention and keep warming below 2°C, Parties will have to prepare their country commitments in 2014 and be ready to present these at the Leaders' Summit in 2014 so that there is time to assess the adequacy and fairness of the offers made and revise them as necessary. Intergenerational equity demands that this process be ambitious, equitable and a race to the top.
4. At COP19 the ADP should prepare the key elements of a draft text for the 2015 agreement so that this can be worked on between now and COP20 in Lima. A failure to do so places the agreement of a new legal outcome in 2015 and, as a result, the prospects for future generations, at risk.
5. In order to safeguard the rights of current and future generations affected by the impacts of climate change and set those countries with least means and capacity on a route to sustainable, low carbon, and climate resilient development, the provision of climate finance is essential. COP19 should make it clear how the goal of 100 billion USD per year by 2020 will be achieved.
6. In order to protect current and future generations from slow onset climate impacts it is imperative to establish an international mechanism on loss and damage at COP19. Ultimately the slower and less ambitious our actions to reduce greenhouse gas emissions and address adaptation to climate change, the more emphasis will have to be placed on loss and damage as the only recourse for vulnerable and threatened communities around the world.