Generational Justice—Theme for the new Century?

by

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Chairman, FRFG

Foundation for the Rights of Future Generations

Will our grandchildren be grateful or unhappy about our deeds on this planet?

FRFG Introduction

- A non-profit think-tank with the goals 'Generational Justice' and 'Sustainability'
- Scientific, but generally intelligible research (on the interface between social science and politics)
- 8,000 Euro 'Generational Justice' Prize
- Five books and numerous position papers
- Quarterly magazine ' Generationengerechtigkeit!' ('Generational Justice!' (6000 copies)
- Close cooperation with youth organisation YOIS
- Further information at www.srzg.de

FRFG Introduction

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FRFG Introduction

Jugendliche testen Politik: Parteien fallen durch

„Zu wenig Rücksicht auf Rechte zukünftiger Generationen"

„In 50 Jahren müssen wir damit leben"

Stiftungschef kritisiert Doppelbelastung der junge

Gemeinsam für eine bessere Zukur

Teilnehmer des Europäischen Jugendkongresses in Hannover fordern Genera

engiert sich für ihre Zukunft

Europäische Hauptstädte getragen

Gruppe radelte nach Berlin zur Bundesjustizministerin

VON ANJA STENZEL (dpa)

Erbe: die Erde

Intervention before 190 Nations at the United Nations in New York

Through its actions and publications, FRFG has received great media attention:

- Over 100 press articles
- Participation in about 60 political talk shows

FRFG Introduction

Honoured with

- Theodor-Heuss-Medal 2000
- Medal of the town of Oberursel

for:

- Arousing the young generation
- Commitment to the ideals of Generational Justice and Sustainability

Successful Spin-Off: YOIS Europe

Youth for Intergenerational Justice and Sustainability – Europe

- European union for Generational Justice and Sustainability – i.e. for the interests of present youth and future generations
- Chapters in 5 European countries (Germany, FYROM, Poland, Turkey, Romania)

- project and action orientiered
- Age limit (for members) 32 years
- European perspective
- through 2 organisations, strengthening the Movement for Generational Justice

Some activities of YOIS-Europe and YOIS-Germany

Participation in the demonstration for a European Constitution for JEF in Nizza (December 2000)

'We will carry Generational Justice to the grave,' Pension demo before the German Parliament (January 2001)

Definition of Generational Justice

What is Generational Justice?

Foundation for the Rights of Future Generations

Definition of Generational Justice

Generational Justice (INTERgenerational Justice):
Justice between generations that interact with one another

temporal:
Between young, middle-aged and old people living today

intertemporal:
Between people who lived yesterday, who live today, and who will live tomorrow

INTRAgenerational Justice:
Justice within one generation

Social justice:
Justice between rich and poor

international justice:
Justice between different countries

Gender justice, ethnic justice etc.

Definition of Generational Justice

- Generational Justice:
  - ➔" The consequences of our actions must be compatible with the permanence of human life on earth."
    (Hans Jonas, 1979)

  - ➔"The opportunities for future generations to satisfy their needs must be at least as great as those of the present generation." (FRFG definition of Generational Justice, 2001)

Definition of Generational Justice

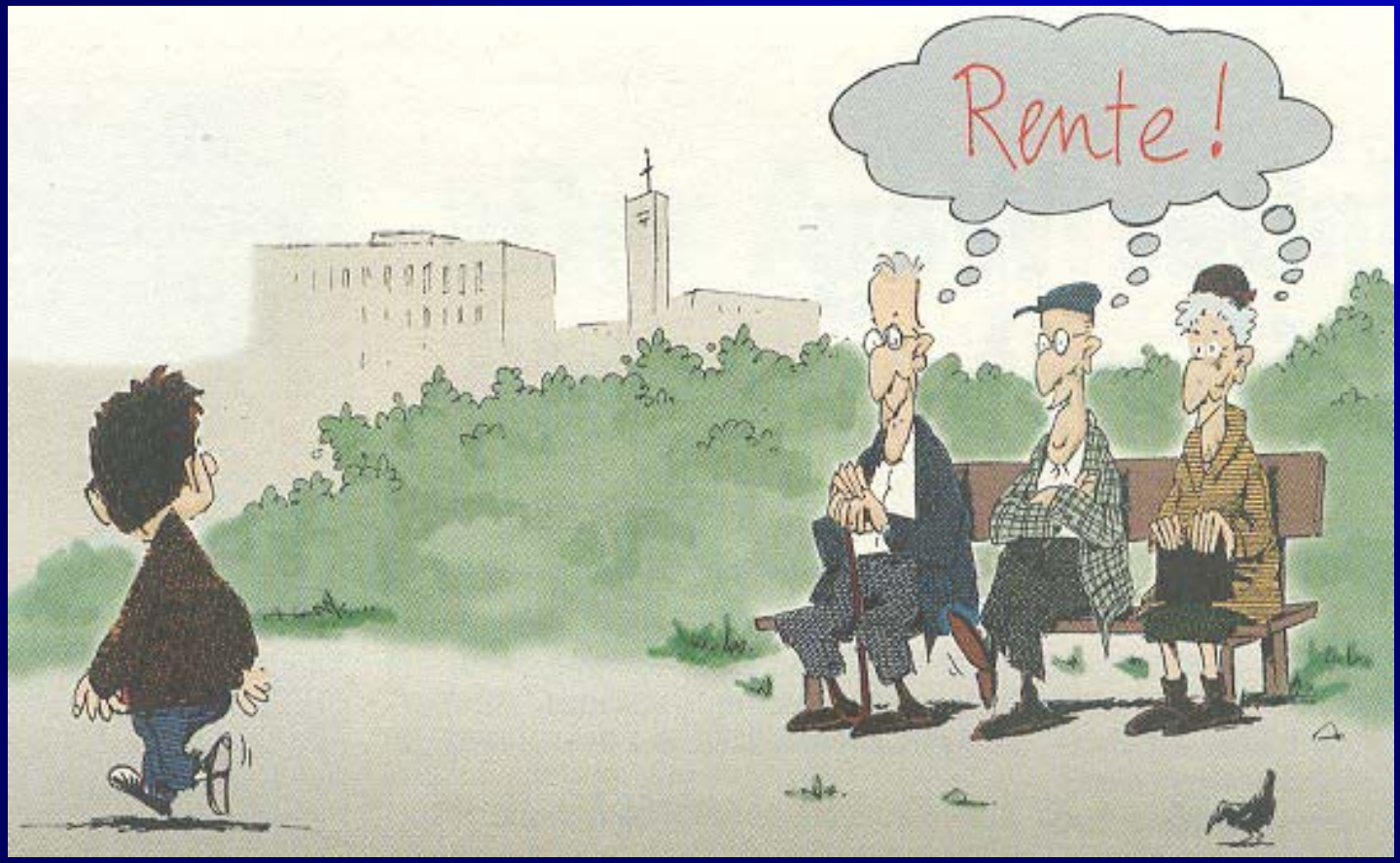
What does Generational Justice mean for Ecology?

Definition of Generational Justice – Ecology

Natural Capital may not be destroyed. Energy resources may only be used insofar as they are regenerated. Non-renewable energy resources must only be minimally used so that subsequent generations may create substitutes for them. Biological diversity of species and ecosystems must not be reduced. Air, Water and Earth may only be burdened with harmful substances as far as they can withstand such influences.

Definition of Generational Justice

What does Generational Justice mean for Pensions?



Definition von Generationengerechtigkeit

Social Security

The achievable Contribution-Performance ratio (yield) of the young and future generations from state social security and private business alternatives should not be worse than the yields of the present and preceding generations.

State Indebtedness

The interest that state undertakings pay on their debt (interest- tax quote) must not increase in the long term. The currently ruling generation's financial politics mean that future generations bear the burden of interest and capital repayment. This growing trend of states unjustly exploits future generations.

Definition of Generational Justice

Education

Every generation must - above all in the early years- be provided training and education to give people the tools to make best use of the opportunities given to them in life.

Definition of Generational Justice

Employment

The ratio of unemployed youth must not exceed the overall unemployed ratio. This ratio should not be higher that in the past.

Child Rights (Equal Rights of Generations)

Under 18s should be included in all political decisions on matter that concern them, with equal decision rights as adults. This means that children should be given the right to vote in all elections to legislative bodies.

Definition of Generational Justice

World Population Growth

The negative consequences of population explosion- such as declining natural capital, unemployment or overburdening of educational systems- should be reduced by actively clamping down the world-wide population growth rate

Definition of Generational Justice

Global Governance

The negative consequences of globalisation - such as declining natural capital, distributional inequity, increasing urban migration, state impotence - should be controlled or reduced through transnational regulations.

Definition of Generational Justice

Health/ Medicine/ Biotechnology

The health status of following generations should be better than in previous generations. The risks and benefits of biotechnology must be assessed. If the benefits are greater, research must be undertaken to benefit coming generations; if not, biotechnology must be abandoned.

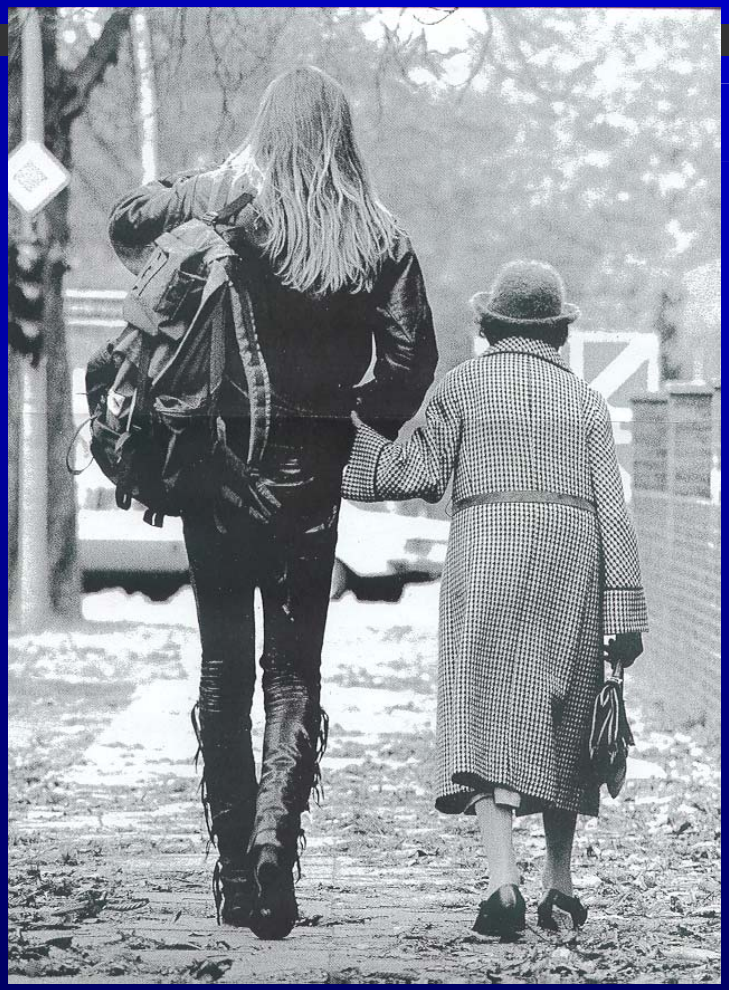
Definition of Generational Justice

Further Areas of Interest

- The global danger of war is the greatest threat to future generations
- The institution of democracy must be further developed to guarantee generational justice

We must work together!

In human society, relationships between old and young require mutual respect, consideration and love. Conflicts are resolved through civilised dialogue. The ‘War of Generations’ is a horrible creation of the media.



The conclusion:

Ask yourself:

In which of these respects is our society presently generationally just?

And what does this mean for our constitution?

The campaign for a new Art. 20a GG

Campaign for including ecological generational justice into the German Constitution

The campaign to establish ecological generational justice in the German Constitution is one of the most popular and far-reaching activities of the FRFG.

The campaign for a new Art. 20a GG

At the moment, our legal order protects the rights of living persons. However we have a great responsibility for future generations. It is particularly important to protect those generations because presently living generations are capable of effecting the future for thousands of years. This new and developing capacity for the living generation to have extraordinarily detrimental long term effects on the quality of life in the future requires urgent attention, as the stakes grow continually higher and our potential for devestation expands.

The campaign for a new Art. 20a GG

In global governance and in the Basic Law of the German constitution, we must secure the rights of future generations.
Article 20a was adopted in the German constiution in 1994 to saveguard the rights of future generations. It proved to be unsatisfactory. Starting with this framework, FRFG drew up a new version of article 20a of the Basic Law (the German constitution).

The campaign for a new Art. 20a GG

Therefore, a legal barrier is needed to protect the overexploitation of nature. Generally, there are two routes of improving the Constitutions: **(see GJ, p.12)**

- **Providing the protection of future generations through textual changes directly in the Constitution (South Africa, Germany, Uruguay) → Watch-Dog: Highest Court**

- **Setting up a "Third Chamber", an Ombudsman, an Commission, a Council or the like (Israel, Switzerland, France, Hungary) → Watch-Dog: the new Institution**

The campaign for a new Art. 20a GG

Within the law of the 27.10.1994 (BGB 1.I S.3146), which changes the constitution, the art. 20a became part of the constitution. The exact text is:

Art. 20a: Natural basis of living (old):

Art.20a (Natural Resources): „Within the bounds of the constitution and in responsibility also for future generations, the state protects the natural resources through the legislation and according to the law through the executive power and administration of justice.“

Art. 20a is a legal requirement of the state's target and therefore, it does not give subjective rights to individual citizens.

The campaign for a new Art. 20a GG

Our proposal: (see also GJ, p.31)

Art. 20a (new): Protection of the Rights of succeeding generations

(1) The Federal Republic of Germany protects the rights and interests of succeeding generations within the bounds of the constitutional order through the legislative and according to law through the executive and the jurisdiction.

(2) It guarantees that harmful substances pollute the natural media, namely soil, air, water and atmosphere, only to such an extent as these can decompose due to their natural regenerative capabilities in the respective period of time.

The campaign for a new Art. 20a GG

(3) It guarantees that renewable resources are not exploited to a greater extent than they are capable of renewing themselves. Non-renewable raw materials and energy resources must be used as economically as is possible by a justifiable expenditure.

(4) It guarantees that no sources of danger are constructed which could lead to harm that cannot be undone or only undone by unjustifiable expenditure.

(5) It guarantees that the existing variety of the fauna and the flora as well as ecological systems is not diminished by human activity.

(6) Offences against paragraphs 2 and 5 can be compensated for in the case of international environmental hazard by a quantitatively and qualitatively comparable compensation abroad.

The campaign for a new Art. 20a GG

This new version, lovingly called 'Declaration of the rights of succeeding generations', was sent to 20 renowned experts of consitutional law for their consideration and feedback. FRFG, published it in the renowned '<u>Zeitschrift für Rechtspolitik</u>' (ZRP) ('Journal for the Politics of Law). The proposal of the FRFG has already been approved by experts, and determined legally sound and of substantial significance.

The campaign for a new Art. 20a GG

Results:

Proposal from the Minister Däubler-Gmelin (ZRP 2000, S.28):

Art. 20a: Natural basis of living :

Art.20a (Natural Resources): „Within the bounds of the constitution and in responsibility also for *the rights of* future generations *and the animals*, the state protects the natural resources through the legislation and according to the law through the executive power and administration of justice.“

The campaign for a new Art. 20a GG

Results:

Change of the constitution in sommer 2002:

Art. 20a: Natural basis of living :

Art.20a (Natural Resources): „Within the bounds of the constitution and in responsibility also for future generations *and the animals*, the state protects the natural resources through the legislation and according to the law through the executive power and administration of justice.“

The campaign for a new Art. 20a GG

FRFG was not satisfied with this change. The campaign to amend the Basic Law, and to establish Germany as an ecologically sustainable society became one of the principal aims of FRFG. It is time to act. Our campaign here intends firstly a collection of signatures, secondly a targeted media campaign, and thirdly, lobby letters to responsible politicians.

The goal is to collect 100,000 signatures for the establishment of the „declaration of the rights of succeeding generations“ as the new article 20a GG. We ask all citizens to protect coming generations with their signature. The FRFG has found environmental initiatives, e.g. the BUND or the NABU, as partners.

The campaign for a new Art. 20a GG

Furthermore, we have contacted influential journalists and asked them to put the theme of the 'constitution observing generation justice' on their agenda regularly. All

These activities can achieve a change in social consciousness, which is a precondition for the amendment of the constitution. In the end, however, only the politicians can decide by two-thirds majority.

The long term goal for FRFG is to generate a general motion from all parties. Since summer 2001 FRFG has been writing to selected politicians to urge them to support such a motion. It is known to the FRFG that politics for the sake of succeeding generations is a slow and difficult process. We have the patience.

The campaign for a new Art. 20a GG

One important remark:

It makes a crucial difference if you talk about "future" generations or "succeeding" generations.