

Intergenerational fairness from a climate policy perspective

Current trends and priorities for the EU

SUMMARY

Political decision-making frequently focuses on short-term impacts to satisfy current demands and ensure the electability of political representatives in office. Advocates of intergenerational fairness argue for a more balanced consideration of policy consequences, emphasising that long-term thinking is crucial to ensure that political choices made today do not negatively affect generations to come. There is a broad range of mechanisms that represent unborn future generations within contemporary spheres of influence such as courts, parliaments and citizen assemblies.

Intergenerational fairness has recently secured itself a spot on the European Union's (EU) executive agenda with the inauguration of the post of Commissioner for Intergenerational Fairness, Youth, Culture and Sport, assigned to Glenn Micallef as part of the von der Leyen II College. His tasks for the present legislative term include developing a strategy for intergenerational fairness, to be published at the start of 2026, and institutionalising youth dialogues. The Commission's Joint Research Centre is presently organising stakeholder consultations on intergenerational fairness.

Intergenerational fairness has risen to prominence in political discussions not only within the EU but also on an international scale. At the United Nations Summit of the Future in September 2024, delegates adopted a Declaration on the Rights of Future Generations. The phase-out of fossil fuels featured on the summit agenda, raising questions at the nexus of intergenerational fairness and climate change. Judicial institutions have addressed similar topics, with calls for intergenerational fairness being increasingly prominent in climate litigation. In light of these developments, this briefing will focus on mechanisms for implementing intergenerational fairness within the EU's institutional framework in the context of climate change.



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Introduction

Although enshrined as a core principle in European Union (EU) primary law, the operationalisation of intergenerational fairness remains unclear. Pursuant to Article 3(3) of the [Treaty on the European Union](#), the EU has a legal obligation to promote 'solidarity between generations'. The preamble to the [Charter of Fundamental Rights of the EU](#) specifies that this has a forward-looking dimension, as enjoyment of the charter's rights 'entails responsibilities and duties ... to future generations'.

With the appointment of Glenn Micallef as the new Commissioner for Intergenerational Fairness, Youth, Culture and Sport, intergenerational fairness has become a dynamic topic of discussion. Intergenerational fairness incorporates the concept of 'long-term consequences', which can refer to different lengths of time depending on the context. To bring clarity in this regard, the concept of the '[intergenerational multiplier effect](#)' suggests that the decisions made today will have an exponential impact on future generations. For this reason, this briefing primarily focuses on the intergenerational fairness between present and future generations, rather than among current generations. In line with terminology used in the EU political context, 'intergenerational fairness' is used rather than 'equity' or 'justice'. [International discourse](#) may employ different terminology.

The political momentum at the United Nations (UN) and in the EU indicates a growing focus on including intergenerational fairness on the agenda. Article 3 of the UN Framework Convention on Climate Change (UNFCCC) [notes](#) that 'protect[ing] the climate system for the benefit of present and future generations' is one of the convention's core objectives, a sentiment echoed in the preamble. In recent years, landmark judgments addressing the link between intergenerational fairness and climate impacts have been passed down in both national- and EU-level courts. The International Court of Justice (ICJ) has been asked to prepare an advisory opinion on the obligations of states in respect of climate change, on which it is currently working.

As stated in the 1987 [Brundtland Report](#), which was requested by the UN to outline a path towards sustainable development, '[w]e 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'. Intergenerational fairness is commonly discussed in the context of the needs of future generations, yet it has both a forward- and a backward-looking [perspective](#), as it is also used to describe the consequences of historical climate injustices and their impact today. Given their varying time horizons, the interests of current and future generations, as well as those living in the present, may be at odds with one another. This requires consideration of [trade-offs](#) between temporally distinct policy objectives.

Seen in light of the above, Commissioner Micallef's portfolio is arguably vague. During their confirmation hearings, both [Micallef](#) and [Climate Commissioner Wopke Hoekstra](#) referred to climate change as an intergenerational challenge, indicating sensitivity within the new College for this topic. It remains a fact, however, that core challenges, such as climate change, are missing from the [mission letter](#) defining the contents of Micallef's portfolio. Whether intergenerational fairness is operationalised with respect to climate policy is key for rendering it a meaningful concept in policy-making. The European Parliament could play a key role in [scrutinising](#) the Commission's work and mainstreaming intergenerational fairness across policy areas to avoid it being treated in a silo.

This briefing discusses the integration of intergenerational fairness into EU policy-making, with a focus on its relevance in relation to climate policy. It sketches potential mechanisms to incorporate this concept into the EU's institutional framework, building on the momentum of the new portfolio.

Integrating future generations' concerns into policy-making

Political institutions frequently prioritise the short term at the risk of [discounting](#) the future. As temporally distant policy outcomes are less predictable, decision-makers commonly face uncertainty when considering long-term effects. Additionally, given that legislative cycles in the EU mostly span four or five years, individual governments may lack the institutional capacity and

Do future generations have a right to democratic representation?

The Aarhus Convention safeguards the rights of present and future generations to environmental protection by ensuring them access to information and decision-making processes. Though placing these generations on an [equal footing](#), the convention specifies that it is 'the public' or 'the public concerned' that has a legitimate interest in environmental decision-making, without defining the mechanisms for claiming the rights of future generations any further.

Current legal proceedings such as the ICJ advisory opinion mentioned earlier may further clarify future generations' right to democratic representation in environmental and climate policy-making. The representation of future generations in court permits judges to employ their independent expertise to ensure that present decisions do not harm future generations. This [prevents](#) legal proceedings or other similar mechanisms from being co-opted by short-term interests, unlike more political forms of representation.

Sources: [Aarhus Convention](#); ['The Aarhus Convention and the Latent Right to a Healthy Environment'](#).

political [incentive](#) to prioritise long-term strategies. As a consequence, intergenerational challenges may not receive the political attention necessary to address them effectively.

Based on the above, philosophers commonly [present](#) two justifications for the representation of future generations in climate policy-making: justice and democratic legitimacy. Firstly, the representation of future generations in democratic processes can help advance climate justice, where [intergenerational](#) aspects are key. As young people and unborn generations may not always share the [same interests](#), representing future generations is more suitable for the advancement of climate justice. Secondly, the representation of future generations may be seen as a prerequisite for democratic legitimacy, as policy-making processes should

consider the interests of all individuals affected by decisions. The justification related to democratic legitimacy gives rise to several philosophical challenges, as current generations cannot anticipate the interests of future people(s). Furthermore, the weight to be awarded to the interests of future generations may largely depend on whether they are represented as a whole or the plurality of their interests is being recognised. It may thus be preferable to limit the right to democratic inclusion to those legally affected, rather than to all affected by a specific decision (see box above).

Integrating intergenerational fairness into democratic practices requires innovation in policy design, implementation and assessment. Conventional methods of measuring impact often centre on short- or medium-term economic gains. Overreliance on indices such as [gross domestic product](#) (GDP) can obscure the benefits of more strategic investment. Resilient policy-making and future-oriented investment require avoiding and mitigating risks without offloading costs onto future generations.

In addition to being incorporated into the policy process, the interests of future generations could also be incorporated into governance structures. Such approaches should be cross-sectoral and involve players at different levels of government. Best practices from countries that have integrated future generations' interests into the decision-making process may

Learning from practice – the Welsh example

With the adoption of the [Well-being of Future Generations \(Wales\) Act 2015](#), Wales became the first country in the world to mainstream long-term thinking for the benefit of future generations into policy decisions, both horizontally and vertically. The act defined seven well-being goals, obliging public bodies nationwide to implement them through their decisions.

The Welsh Future Generations Commissioner is tasked with defending the needs of future generations in relation to government and public bodies and holds an advisory role. Colloquially dubbed 'guardian of the unborn', the Commissioner can scrutinise decisions of public bodies and issue recommendations on the application of the act.

To assess horizontal and vertical progress towards the integration of considerations of intergenerational fairness into policy decisions, the Commissioner publishes a [Report on Future Generations](#) every five years.

Source: The [Welsh government](#).

inform the operationalisation of intergenerational fairness at EU level. Methods of integrating intergenerational fairness considerations into the policy process vary widely, as do the powers of those who implement them (see Table 1). Despite these differences, synergies can be formed through knowledge exchange. For example, the recent [Budapest Declaration](#) examined the role of ombuds institutions for advocacy on behalf of future generations on climate and environmental protection, while ensuring compatibility with different institutional structures. Only a few European countries have institutionalised mechanisms that take into account intergenerational fairness. Initiatives extending beyond government institutions illustrate the potential for participatory methods to stimulate future-oriented policy-making, with many actions having a designated environmental or climate focus. For example, civil society players in Norway launched a [Panel for the Future](#) to assess investment opportunities with benefits for the environment and future generations. However, such ad-hoc flexible mechanisms are unlikely to go beyond the targeted policy action.

Table 1 – Approaches to integrating the interests of future generations into policy-making

	Title	Role	Judicial review powers	Composition
Finland	Parliamentary Committee for the Future	Scrutinising the future reports of government and the execution of Agenda 2030	No	17 members representing political groups
Hungary	Ombudsman for Future Generations	Investigating public bodies, issuing opinions, suspending administrative action	Yes – before the constitutional court (mainly environmentally focused cases)	Ombudsman (Deputy to the Commissioner for Fundamental Rights) + office
Lithuania	Committee for the Future	8 activity areas to coordinate long-term vision and to integrate strategic foresight	No	19 members, proportionate to political groups
Wales	Commissioner for Future Generations	Providing scrutiny and advisory services to public bodies (see box)	No, but public bodies should follow recommendations	Commissioner + office

Source: Compiled by L. Pfitzner, sources linked in table.

Intergenerational fairness within the multilateral process

In 2023, a group of international legal experts published the [Maastricht Principles on the Human Rights of Future Generations](#), addressing temporal gaps in existing rights catalogues. The Maastricht principles set out obligations towards the state to respect, protect and fulfil the rights of future generations. The Maastricht principles emphasise the importance of addressing inequality, poverty and oppression. Preventing the intergenerational transmission of discrimination is a prerequisite for intergenerational fairness, a priority also alluded to in the [Paris Agreement](#). The principles call for future-oriented assessments of the environmental and human rights impacts of policy decisions. Furthermore, states must offer financial and technical support to future generations' representatives for participating in public processes and future generations-related advocacy. State obligations apply extraterritorially; this may include unconditional debt relief to avoid interfering with the ability of future generations to realise their rights across borders.

At the September 2024 [UN Summit of the Future](#), political representatives discussed mechanisms for making UN policies more responsive to the needs of future generations. The summit concluded

with the adoption of the non-binding [Pact for the Future](#), a set of 56 actions for achieving sustainable development and transforming global governance. Action 9 commits participants to fortifying the global response to climate change, focusing on the [Paris Agreement](#). The summit's [Declaration on Future Generations](#) similarly highlights the importance of developing effective intertemporal measures to address the triple planetary crises of climate change, biodiversity loss and pollution.

In October 2024, the UN Secretary-General Antonio Guterres announced the appointment of a [UN Envoy for Future Generations](#). While the precise impact of this mandate remains to be seen, the appointee is [expected](#) to represent the interests of future generations within the UN system and actively participate in multilateral discussions. Additionally, the envoy could play a key role in catalysing action and enhancing states' accountability for their commitments to future generations.

Intergenerational fairness and climate action policies

If decision-makers today fail to rapidly and drastically curb greenhouse gas emissions, global warming will be [exacerbated](#) in the coming decades. Additionally, if policy choices are not based on well-informed decisions, maladaptation could [pose a risk](#) to future generations. High-risk measures, such as [geoengineering](#), could worsen environmental or climate threats with unanticipated consequences. Legally speaking, if current generations have responsibilities towards future generations, today's policy decisions need to account for the interests of future generations. However, if future generations had specific rights, this would restrict the policy choices of decision-makers to options that do not significantly infringe upon the rights of these generations. It is necessary to identify policy contexts relevant to intergenerational fairness in order to create normative guidance that can turn abstract principles into practical measures.

Attempts to tease out the intergenerational threats presented by climate change can be traced back to as early as 1985. In her seminal [Villach Paper](#), Edith Brown Weiss outlined three principles of intergenerational fairness designed to guarantee comparable options, quality and access. She argued that each generation should receive the planet in at least as good a condition as the previous generation (including resources). This requires balancing the interests of generations across time. Ideas of intergenerational fairness must also be applied flexibly to permit future generations to make their own policy choices, as current generations cannot predict future generations' priorities.

The [exhaustion of planetary resources](#) through activities such as deforestation and the burning of fossil fuels by generations living today implies that the costs of environmental pollution and climate change are bequeathed to future generations. Climate impacts may include extreme weather events, loss of habitat, or loss of territory in small island states. Intergenerational fairness also has inherent links to intragenerational fairness, as harm is most strongly experienced in impoverished communities and regions. Temporal and spatial discrepancies of climate impacts should therefore be considered concurrently. Generally speaking, harm to future generations is determined by the rate at which climate change occurs and whether they will possess the necessary tools to adapt. The existence of [tipping points](#) complicates the inverse correlation between climate action taken today and future costs. Major and irreversible climatic changes threaten intergenerational fairness, as they could have disastrous consequences for future generations' ability to meet their needs.

In acknowledging the duties of current generations towards future generations, policy-makers must operationalise the transmission over time of comparable availability of natural resources. The [Earth Commission](#), an interdisciplinary group of scientific experts, has quantified limits to the Earth's resources, identifying safe and just Earth system boundaries that safeguard the natural foundations of life while ensuring universal access to resources. As protecting resources for future generations may [limit](#) the ability of current underprivileged communities to meet their own needs, identifying earth system boundaries requires [trade-offs](#). Rockström et al. [identify](#) eight Earth system boundaries, of which seven (including climate change) have already been transgressed at the global level. The Earth system boundaries also illustrate how intergenerational fairness functions both prospectively and retroactively: current generations hold responsibility for ensuring the availability

of a comparable natural resource base and a stable climate for future generations, while past generations are responsible for today's concentration of atmospheric greenhouse gases, which have already led to significant harm. The duty to prevent significant [transboundary harm](#) also forms part of states' obligations under international law. Given its backward-looking character, this duty does not apply to prospective harm to future generations. From a [justice perspective](#), complete elimination of climate harm may not be necessary. Efforts involving the reduction of emissions should take into account the ability of current generations to live well, while also balancing the needs of future and current generations. The challenge for decision-makers is to minimise trade-offs. Anticipatory policy-making can reduce risks, for example, by adopting a precautionary approach or averting the intergenerational transmission of vulnerabilities. In this context, sustainable development requires operationalising intergenerational fairness principles to avoid the reproduction of historical and present injustices.

Intergenerational climate justice in the courts

In April 2024, the European Court of Human Rights (ECtHR) affirmed that climate change raises questions of intergenerational burden-sharing in the case [Verein KlimaSeniorinnen Schweiz and Others v Switzerland](#). Paradoxically, this case focused on the impact of climate change on elderly women. The ECtHR is charged with interpreting the [European Convention on Human Rights](#), which limits victimhood to those personally affected, disqualifying future generations from claiming violations. Nonetheless, future generations can influence legal proceedings through representation by interest groups. According to the court, convention parties must protect both those currently affected and those who may be 'severely and irreversibly affected in the future'. [Pending climate-related proceedings](#) provide an opportunity for the ECtHR to further clarify governmental obligations. Such litigation may have a [snowball effect](#) across the EU, highlighting that ambitious climate action is necessary to insure against litigative risk.

Beyond the European level, intergenerational fairness also resonates in international legal proceedings on climate change. In 2023, the UN General Assembly [requested an advisory opinion](#) from the International Court of Justice (ICJ) to clarify states' legal obligations under international law to protect the climate system in the interest of present and future generations. Intergenerational fairness was a central theme at the hearings held in December 2024. The opening statement from Pacific countries spearheading the advisory proceedings [highlighted](#) the participatory rights of children and youth by virtue of their proximity to future generations. Although the advisory opinion, once issued, will not be legally binding, the proceedings strengthen [existing affirmations](#) regarding the responsibility of the international community towards future generations.

Both the advisory proceedings before the ICJ and European judicial developments indicate an increasing willingness of courts to address questions of intergenerational climate justice. At international level, this requires 'fair share' debates on the allocation of the global carbon budget. Within the EU, these developments compel policy-makers to effectively address the climate impacts on future generations or risk facing future litigation. These trends follow national developments, including a [2021 decision](#) by the German Constitutional Court affirming that the state has a 'duty of care' to protect the climate system and exhaustible resources for future generations.

Assessing EU policy decisions' intergenerational impacts

EU lawmakers already possess tools to determine future impacts of policies. Strategic foresight forms part of the Commission's Better Regulation Guidelines (BRGs), encouraging lawmakers to consider the long-term effects of legislative initiatives. Impacts [assessed](#) under the BRGs are primarily environmental, social and economic. As a tool for [future-proofing](#) EU legislation, strategic foresight [encompasses](#) different methodologies such as megatrends, horizon scanning and scenarios. The BRGs recommend foresight methods 'where appropriate', leaving their use largely to the discretion of the Directorate-General responsible for the legislative initiative.

Climate and environmental change are a megatrend that is likely to influence policy-making. Under the von der Leyen I Commission, climate-related legislative files proliferated as part of the European Green Deal. As a result, most impact assessments mentioning strategic foresight during this period related to [climate policy](#). This suggests that Commission staff (including those in DG CLIMA) are aware of the long-term impacts of climate legislation. Nonetheless, strategic foresight is not always fully operationalised to assess impacts and is often only cursorily referenced when utilised.

In its [2022 resolution](#) on the BRGs, the European Parliament called for improving clarity on the strategic foresight methods used. Additionally, it recommended integrating key climate science reports produced by [international](#) and [European](#) experts when using strategic foresight. To [clarify](#) how to address trade-offs between the needs of present and future generations, civil society players have [proposed](#) developing a Better Regulation tool specific to intergenerational fairness. The declaration on future generations [notes](#) the value in applying anticipatory risk analyses, forward-looking impact assessments or multidimensional approaches centred on indices beyond GDP.

Intergenerationality is a [core principle](#) of EU primary law, but it has not been legislatively operationalised. This lack of clarity leaves policy-makers in the dark on how to ensure that decisions today respect the rights of future generations. At the end of the European Parliament's previous legislative term, Members across the political spectrum partnered with the Future Generations Initiative in [calling for](#) an inter-institutional declaration on future generations. This declaration would require decision-makers to strategically consider the rights of future generations throughout the policy cycle and should address several key questions. Firstly, decision-makers should consider whether the document creates enforceable, potentially through litigation, rights for future generations and, if so, who could [claim](#) them on their behalf. Additionally, an inter-institutional declaration would have to consider which rights of future generations should be recognised. Adherence to a catalogue of rights for future generations could protect the EU and its Member States from potential litigation. Finally, it should consider inter-temporal threats and seek to address the issue of trade-offs between the interests of current and future generations, preventing the burden from being offloaded to future generations. This process could help to clarify the potential interaction of a declaration on future generations with other provisions of EU law.

Parliamentary scrutiny of Commissioner Micallef's work

Establishing oversight mechanisms for intergenerational fairness in the Parliament could play a key role in creating accountability for Commissioner Micallef's activities. For example, Parliament could play a subsidiary role in scrutinising legislative initiatives for their impact on future generations or spearhead the development of an inter-institutional declaration on future generations. This requires enhancing institutional capacity for intergenerational fairness within Parliament, which lags behind the Commission in its uptake of the topic. That said, several Members from across political groups have expressed an [interest](#) in supporting the integration of intergenerational fairness into EU decision-making. To institutionalise and mainstream such efforts, civil society players have called for setting up an [informal strategy group](#) on intergenerational fairness.

The Parliamentary Committees for the Future in [Lithuania](#) and [Finland](#) could provide guidance on how to involve the European Parliament in EU decision-making on intergenerational fairness. Regardless of the specific format of this involvement, it would be necessary to determine whether and how to ensure representation of different generations and how to select and prioritise policy portfolios with long-term impacts. These considerations may lead to a preference for the representation of young people and Members working on topics with clear links to intergenerational fairness (e.g. climate change and digital policy). Institutionalising intergenerational fairness within Parliament could be crucial in ensuring that parliamentary decision-making focuses on looking ahead rather than reacting impulsively, similar to trends witnessed in the Commission.

The cross-cutting nature of intergenerational fairness requires consideration of intergenerational impacts specific to different policy areas. For the European Parliament, this could involve developing guidance on how to integrate long-term thinking into the work of various committees. Commissioner

Micallef has already engaged with the Committees on Employment and Social Affairs (EMPL), Culture and Education (CULT) and Legal Affairs (JURI) on this matter. Given the importance of climate change as an intergenerational challenge, such guidance could particularly benefit the work of the Committee on the Environment, Climate and Food Safety (ENVI). Committee-specific information could enhance capacity for forward-looking policy-making and clarify the nature of future generations-sensitive legislation in specific policy areas. For the ENVI committee, this could help safeguard the EU against climate litigation. The CULT committee, responsible for questioning Commissioner Micallef during his confirmation hearings, could take on a coordinating role for the development of committee-specific intergenerational fairness-related guidance.

Looking ahead

The developments at UN and EU level indicate the importance of intergenerational fairness and create room for synergies between the two entities. Commissioner Micallef holds a key responsibility in capitalising on the momentum for future-oriented policy-making. Additionally, the European Parliament could play an important role in [scrutinising](#) the Commission's work and ensuring that intergenerational fairness remains a priority within Commissioner Micallef's portfolio.

The Commissioner's strategy for intergenerational fairness will set the trajectory for how the topic is discussed within the EU and has the potential to influence policy-making beyond the current legislative period. Following consultations with other EU institutions and non-governmental stakeholders in early 2025, the strategy was officially launched on 20 February 2025, and scheduled for publication in early 2026. The strategy will include flagship projects developed in accordance with the portfolios of the entire College. By supporting the inclusion of core policy areas in the strategy, Parliament could demonstrate its commitment to safeguarding future generations' rights.

Parliament plays a key role in ensuring that intergenerational fairness is integrated into EU policy with democratic legitimacy. Following [best practices](#), scrutiny mechanisms could be implemented to ensure that this integration happens through a '[whole of government](#)' approach. There is a noticeable absence of climate policy in current discussions on intergenerational fairness within the EU. To prevent offloading problems onto others, EU climate policy must address questions of fair burden-sharing across time and space. Addressing the intergenerational climate challenge requires [systemic transformation](#) to foster greater cooperation across the College's policy portfolios.

MAIN REFERENCES

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