# AN ANTHOLOGY OF GLOBAL RISK

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SJ Beard and Tom Hobson (eds), *An Anthology of Global Risk*. Cambridge, UK: Open Book Publishers, 2024, https://doi.org/10.11647/OBP.0360

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Digital material and resources associated with this volume are available at https://doi.org/10.11647/OBP.0360#resources

ISBN Paperback: 978-1-80511-114-6 ISBN Hardback: 978-1-80511-115-3 ISBN Digital (PDF): 978-1-80511-116-0

ISBN Digital eBook (EPUB): 978-1-80511-117-7

ISBN XML: 978-1-80511-119-1 ISBN HTML: 978-1-80511-120-7

DOI: 10.11647/OBP.0360

Cover image: Javier Miranda, Alien planet, June 18, 2022, https://unsplash.com/photos/

nc1zsYGkLFA

Cover design: Jeevanjot Kaur Nagpal

# 22. Representation of Future Generations in United Kingdom Policy-Making

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#### Highlights:

- Global existential and Catastrophic Risks, particularly those arising from technological developments, present challenges for intergenerational justice. This chapter presents a solutionsbased approach to this challenge by examining options for representing future generations in our present policy-making structures, drawing on case studies from Singapore, Finland, Hungary, Israel, Scotland and Wales.
- The authors derive several factors which contribute to the success of some of these institutions, and discuss reasons for the failure or abolition of others. They draw out broad lessons which can be applied to policy-making in the UK and use these to make a number of recommendations.
- At the policy level, legislation should be passed containing an obligation to include the long-term risks of any Government Bill in its Explanatory Note and intergenerational rights should be included in any potential British Bill of Rights, if and when this is passed.
- At the institutional level, an All-Party Parliamentary Group on Future Generations should be formed and the various futures

research institutions and think tanks should cooperate to form an expert advisory panel with a mandate to influence policy.

 In the longer term, political momentum should be translated into a formal Select Committee on Future Generations.

This chapter considers a range of options for bringing long-term issues around the management of extreme global risks into existing democratic arrangements, as recommended by Chapter 2 and Chapter 17. Its lead author subsequently worked to establish an APPG for Future Generations (https://www.appgfuturegenerations.com), which in turn supported the development of a Welfare of Future Generations Bill (https://todayfortomorrow.org.uk). CSER continues to play an active role in supporting these initiatives and pushing for improved representation of future generations in policy-making.

### 1. Introduction

Global Catastrophic and existential risks pose central challenges for intergenerational justice and the structure of our current democracy. The Global Challenges Report 2016 defines Global Catastrophic Risk as risk of an "event or process that, were it to occur, would end the lives of approximately 10% or more of the global population, or do comparable damage".1 A subset of catastrophic risks are "existential" risks, which would end human civilisation or lead to the extinction of humanity.<sup>2</sup> Catastrophic and existential risks may be categorised in terms of ongoing risks, which could potentially occur in any given year (e.g. nuclear war; pandemics), versus emerging risks which may be unlikely today but will become significantly more likely in the future (e.g. catastrophic climate change; risks stemming from emerging technologies). Ongoing risks have existed for some time now and are generally well understood. However, emerging risks, particularly those arising from technological developments, are less understood and demand increasing attention from scientists and policy-makers. These technological developments include advances in synthetic biology, geoengineering, distributed manufacturing and Artificial Intelligence (AI).3 Although the impact of these technologies is still very uncertain, expert estimates suggest a nonnegligible probability of catastrophic harm.

In this article we rely on two main premises. The first is that future generations are under-represented in current political structures partly due to political "short-termism" or "presentism".4 Governments primarily focus on short-term concerns, which mean that they may systematically neglect Global Catastrophic Risks and, accordingly, future generations.<sup>5</sup> The problem of presentism transcends political divisions: people across the political spectrum are concerned about its effects, and should care about mitigating Global Catastrophic risks. This situation is exacerbated in that the good of mitigating Global Catastrophic and existential risks is typically global. Individual political actors (even whole countries) bear many costs in providing for such goods, whereas the benefits are dispersed globally. In addition to the benefits of mitigating existential risks being global, many of the beneficiaries are future people who do not exist presently and as such have no voice in the political process. There is a clear lack of incentives to mitigate such risks, and market failure should be expected.6

The second key assumption is that we as a society consider the rights and interests of future generations to be important. It is beyond the scope of this chapter to present a complete account of the philosophical arguments on this matter. It is sufficient to note that although significant philosophical problems have been pointed out, chiefly due to the fact that the actions of present people have a causal impact on the values, number and identity of future individuals, there are several theories of intergenerational justice that may support this assumption.

The need to include explicit pathways in governance structures for accountability to the rights and needs of future generations has been noted. Some thought has been put into how future generations may be represented in relation to environmental risks such as climate change, resource depletion and biodiversity loss; this research is reflected in the sustainable development literature. However, this problem has not been explored in relation to society's burgeoning awareness of technology-related catastrophic and existential risks. In addition, such pathways have not been fully explored in the United Kingdom (UK) context. This chapter hopes to fill this gap in the literature.

We aim to present a solutions-based approach to the challenge of intergenerational inequality. This chapter will examine options and challenges for representing future generations in our present policy-making structures. In practice, Wales and Scotland both have institutional forms of representation for future generations. We therefore focus here on England, while also considering options that could be mainstreamed throughout the UK.

In Part 2 of this chapter, we explore case studies of future generations representation from several different countries, including Singapore, Finland, Hungary, Israel, Scotland and Wales. We derive several factors which contribute to the success of these institutions, and discuss reasons for the decline of some. We draw out broad lessons which we can apply to policy-making here. We go on in Part 3 to discuss the specific UK policy context which may affect the appropriate solutions, and in Part 4 we explore policy options and make recommendations based on our previous findings. Present generations pose a much greater risk to future generations than any past generations posed to the present generation, due to a combination of fast economic growth and unprecedented scientific advancement and technological development. The time is ripe for the futures studies and existential risk communities to connect with policy-makers on these important issues.

# 2. Institutional Case Studies of Representation of Future Generations

Over the last two decades, several national governments have set up institutional structures to attempt to address short-termism in decision-making, with varying levels of success. These institutions have taken a variety of different structural and functional forms, providing a useful data set by which we can analyse factors contributing to their success. Here we focus on institutions explicitly aimed at the interests of future generations, rather than those which may merely have an indirect effect on future generations (such as environmental protection agencies).

We discuss the main variables in institutions in terms of structure, function and degree of power. Structurally, commissioners and committees have been used, with varying amounts of resources at their disposal. The independence of such institutions from government has varied considerably, from taking the form of companies at arm's length from government, to being composed of Parliamentarians themselves. Similarly, the responsibilities and powers of each institution ranges

from a minimalist research and advocacy role, to the power to delay or block legislation. Subject scope also varies, as do the individuals and organisations that institutions work with: in particular, we find that only one institution has explicitly considered Global Catastrophic or existential risks in its work. In addition, the historical and social context within which these institutions were created, and the accompanying political pressures, naturally differ among countries. We analyse these variations to determine if their successes can be transferred to the English context.

It is important for the purposes of our analysis to specify what indicators are being used to assess the success of these representative institutions. Broadly, one of the most important indicators of success for these institutions is the *impact* they have had on present decision-making to take intergenerational interests into account. Unfortunately, this indicator is necessarily vague; almost all institutions differ somewhat in their functions and powers, and giving a narrow definition of "impact" will wrongfully exclude institutions which take alternative measures to ensure present representation of future generations in decision-making. However, it will become clearer what kinds of impacts are desirable.

Another success indicator is *increasing dialogue and giving a clearer* articulation of intergenerational issues in the political and public spheres. Presently, as we have already seen, the issue of representing the rights and interests of future generations is not well articulated (if at all) in the UK political context. Simple awareness of these issues is an essential step towards their having an impact upon decision-making.

A third key indicator of success is *longevity*. A trend with intergenerational representation mechanisms is that such institutions generally face challenges to their status within a short period after their creation. But longevity is essential for successful representation of future interests.

The institutions discussed are summarised in Table 1, which shows dates of operations, position with respect to the executive and the legislature, scope, and powers.

Table 1: Institutions for representing future generations.

Country	Dates of operation	Position with respect to executive and legislature	Scope	Functions and Powers
Finland	1993-	Standing Committee of Parliament	Futures in general; can choose own scope	Research/advisory Education
Hungary	2008–2012	Structurally independent from government	Issues which may affect the constitutional right to a healthy environment	Research/advisory Complaints investigation Legal enforcement
Israel	2001–2006	Parliamentary committee	Environment, natural resources, science, development, education, health, state economy, demography, planning and building, quality of life, technology, law, any other matter considered relevant	Research/advisory Initiate legislation Veto legislation
Scotland	2005-	Structurally independent from government	Futures in general; can choose own scope	Research/advisory Education
Singapore	2009-	Within the Prime Minister's Office	Risk and futures; can choose own scope	Research/advisory Education
Wales	2016-	Structurally independent from government	Sustainable development	Research/advisory Recommendations are binding

#### 2.1 Finland: Committee for the future

Created in 1993, the Committee for the Future is a Standing Permanent Committee of the Finnish Parliament. It consists of 17 Parliamentarians representing all parties, in proportion to the makeup of Parliament itself.<sup>12</sup> The Committee serves a variety of functions: it acts in a "think tank" role for government by analysing research regarding the future and assessing possible implications for the work of Parliament; it conducts dialogues with other organs of government on any foreseeable long terms issues affecting policy or the work of the bodies in question; it prepares responses to Government reports on the future of Finland which are commissioned by the Prime Minister every four years; and it engages in public outreach.<sup>13</sup> Aside from these reports, it is free to choose its own methodology and the scope of issues upon which to focus.<sup>14</sup> It is also responsible for and must cover the implications of technological development for society. Formally, the Committee has little power to intervene in legislation or policy decisions, and has no power to receive and act legally upon complaints from the general public.

Nevertheless, the Committee appears to have had substantial impact. It has demonstrated agenda-setting power in the Parliament, and the government has tended to adopt the Committee's responses to its reports. <sup>15</sup> The Committee is also the longest-running institution assessed in this analysis, which indicates that it has achieved a stable relationship and balance of power with government.

This success may be due to a number of factors. First, the Committee's work had legitimacy from the beginning due to widespread cross-party and public support during its creation. At that time Finland already had a substantial history of futures studies, concentrated in the Finnish Society for Future Studies. The Committee's continuing public outreach work can only sustain this legitimacy. Secondly, the Committee has enough power to have an impact, whilst not enough power to provoke any major challenges to its status. Despite the lack of significant independence from government, it has been able to set its own agenda for the most part, meaning it can challenge a wide scope of issues which it sees as relevant to future generations. The fact it is composed of Parliamentarians allows the opportunity for informal intervention by its

members, lends its findings political weight, and is a strength in that its proceedings are highly integrated with those of Parliament.<sup>17</sup>

# 2.2 Hungary: Commissioner for future generations

The Hungarian Commissioner for Future Generations was one of the strongest representative mechanisms for future generations yet created. The Commissioner was established in 2008, but only continued until 2012 before having its power substantially reduced. 18 Structurally, the Commissioner was elected by Parliament, but under the Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights (Ombudsman) 1993 had to fulfil the condition of being a lawyer with expertise in environmental protection and/or nature conservation law (s 27/A. § (2)). Independence was also assured by the exclusion of anyone who had, among others, held office or been a member of a political party within the last 4 years, or held other employment or business that could constitute a conflict of interest (ss 3, 27/A(2)). Structurally, the Commissioner was elected by Parliament, but was required to be a lawyer with expertise in environmental protection and/or nature conservation law (s 27/A. § (2)). Independence was also assured by the exclusion of anyone who had, among other criteria, held office or been a member of a political party within the last four years, or held other employment or business that could constitute a conflict of interest (ss 3, 27/A(2)).

In terms of scope, the primary task of the Commissioner was to "ensure protection of the fundamental right to a healthy environment", which at the time was enshrined in Hungary's constitution. The Commissioner's core duty was to receive complaints and carry out investigations in relation to all issues that may affect citizens' constitutional right to a healthy environment (s 27/B). These investigations often resulted in legal cases taken by the Commissioner — over 200 substantive cases a year, many of which resulted in success. Through this investigatory role it achieved many successes in protecting the interests of future generations. In addition, the Commissioner was also responsible for strategic development research, and consulted on legislation concerning the environment and all levels of government. The Commissioner had considerable powers, including the power to call for termination

of activity damaging the environment, backed up by police and law enforcement bodies.

Advantages of the Hungarian approach include that the office was legally (and arguably politically) independent from other government branches and from businesses, and had some legitimacy through its support from civil society groups and its interaction with individual citizens through its complaints service. It also maintained transparency and open relationships with all stakeholders during investigations and reported annually on its work (s 27/H). However, the Commissioner had fairly narrow scope, both in terms of its issue focus (i.e. environmental issues) and methodology; the Commissioner seems to have expended a great deal of resources on legal pursuits in response to individual complaints.

Additionally, the institution did not see the longevity essential for long-term representation of future interests. The role ended in 2011 when Hungary's four commissioners (on different subjects) were amalgamated into one position, the powers and mandate of the Commissioner were vastly reduced and it faced large budget cuts. This change was a part of a new constitution, drafted by the newly incumbent right-wing Fidesz party. It is likely that, given the Commissioner's notable interventions in private and governmental interests, there was significant political pressure to reduce its level of power. Despite the fact that originally, the Commissioner was brought about by support from across the political spectrum and from civil society groups, there may still have been a deficit of political understanding of, or sympathy for, its goals and methods. Whilst the Commissioner did engage with citizens through its complaints role, it may still have lacked the widespread awareness and support for tackling intergenerational issues to prevent it being easily dissolved by other political interests.

# 2.3 Singapore: Centre for strategic futures

The Centre for Strategic Futures (CSF) is an in-government futures think-tank established in 2009 within the Strategic Policy Office, which is itself a part of the Prime Minister's Office of Singapore. <sup>21</sup> Focusing on the public sector, CSF works to encourage and improve governmental and cross-department strategic thinking on risk and the future. This can

be seen both in the wide audience it has reached through educational and networking methods within the civil service,<sup>22</sup> as well as through individual projects with other departments, such as that on the implications of automation on the Singapore workforce (carried out conjointly with the Minister of Manpower).<sup>23</sup>

Structurally, whilst its position within the Prime Minister's Office may lend it some authority in political and policy spheres, it also raises questions of independence. The precarious position it occupies close to government means it is open to both political pressures on agendasetting and outright dissolution if it causes much upset for the relevant stakeholders. However, there is reason to think these latter worries do not pose much of a threat. Singapore has a history of valuing strategic thinking and scenario planning that dates back to the 1980s,<sup>24</sup> and as such, the relevance of the institution is firmly ingrained in the civil service and government. Furthermore, the head of civil service has written glowing reviews of the Centre's work in introductions to its annual report, "Foresight".<sup>25</sup>

Functionally, CSF acts mainly as a futures think-tank for government and the civil service. It has worked on a wide range of issues in doing this, including the effects of automation and renewable energies on Singapore, as well as more abstract questions of national identity. Yet, its most distinctive feature lies in its role to, "not just to think about the future, but also to think about how we think about the future". The Centre has developed highly rigorous frameworks for thinking about future trends, risks and opportunities. An example is its "Scenario Planning Plus" (SP+) toolkit, which incorporates insights from chaos theory on complex systems, and psychological insights on cognitive biases when thinking about the future. Furthermore, it has stressed the need to pick up on "weak signals" which might be evidence of upcoming, significant future events. A major benefit of such a framework is its receptivity to low-probability, high-impact events, such as Global Catastrophic and existential risks.

CSF's second main role is to encourage and facilitate this thinking across policy-making platforms. In addition to encouraging individual departments to engage in strategic thinking about the future, the Centre aims to facilitate wider, "whole-of-government" thinking and coordination on future issues, which is advantageous since long-term

risks and opportunities do not all necessarily fall into neat public service categories.<sup>31</sup> It has partly achieved this through running "Futurecraft" workshops to teach its SP+ toolkit to members of the civil service, and trainees of the Civil Service College.<sup>32</sup> This outreach, along with the annual publication of its Foresight reports, means the Centre increases transparency and is accessible to individuals across the public sector.

CSF lacks any substantive powers to intervene in the legislative process, or penalise those which it sees as acting against the long-term interests of Singapore. However, this has not been an issue given its role in promoting long-term, strategic thinking, which mainly requires positive action on its part. Furthermore, although the Centre has not engaged in extensive outreach work with the general population of Singapore, it has made efforts to engage with relevant professionals from a range of backgrounds "through incoming visits, overseas trips, paid consultancies, interviews and curated events".<sup>33</sup>

As an institute for implicitly representing future interests, CSF has been broadly successful and has several key, desirable features such as its focus on inculcating strategic thinking on the future across government to disperse its workload and enhance scope.

However, several features of the Singaporean context mean that this institution may not be easily transferable to the UK. First, Singaporean politics arguably does not suffer from political short-termism to the same extent. Partly as a consequence of the design of the Parliamentary system, the ruling People's Action Party has been in power for half a century. Although individual Parliamentarians are at risk of losing their seats, there is not enough of a threat to undermine the government planning far into the long-term. The government has acted favourably towards strategic future thinking since the 1980s, and there are little signs that it will change path in the near future.

Secondly, there are factors intrinsic to Singapore as a nation which dispose it to allocate more resources to long-term planning. Its relative youth as a nation (having only achieved full independence in 1965) as well as its precarious location, size and lack of natural resources gives rise to feelings of national insecurity (similar factors likely influenced the creation of Israel's Commission for Future Generations). Furthermore, arguably an increased cultural emphasis on collectivism and national

prosperity, and diminished value placed on individual freedom, creates a context more favourable to long-term planning and strategy.

# 2.4 Israel: Commission for future generations<sup>34</sup>

Established in 2001 by the Knesset (Israel's Parliament), the Israel Commission for Future Generations was an organ of Parliament headed by a Commissioner chosen by an ad-hoc Parliamentary committee and appointed by the Speaker of the Parliament.<sup>35</sup> Similarly to Hungary, regarding independence, the Commissioner could not be someone whom in the last two years had been active in political life or a member of any political party. The Commissioner was assisted in its role by a Public Council (an advisory committee) which consisted of scientists, intellectuals, clergymen and other public figures. The Commission is now disestablished; it was only given a five-year mandate and when the term of the first Commissioner ended no new Commissioner was appointed, apparently for budgetary reasons.<sup>36</sup>

Functionally, the Commissioner could give opinions on bills and secondary legislation brought before Parliament if they believed it concerned future generations. It also had the power to initiate bills to advance the interests of future generations, and could play a general advocacy role to Parliament and Parliamentarians. It was required to submit an annual report on its activities for that year, creating some transparency.

The scope of its responsibilities was wide, stretching across 12 policy areas including environment, development, science, and technology. Furthermore, the explanatory notes to the Knesset Law explicitly contemplated the possibility of adverse consequences from genetic engineering or other technological developments. This is the closest reference to existential risks across any of the institutions being assessed.

As well as holding the power to initiate bills in the Knesset, the Commissioner had an effective veto power over the passage of legislation which didn't comply with the interests of future generations. This may be one of the reasons the institution was eventually scrapped: alongside cost issues, members of the Knesset cited "their feelings that the Commission received too much authority to interfere in their work".<sup>37</sup>

#### 2.5 Scotland: Future Forum

Set up by the Scottish Parliament in 2005 as a company at arm's length from the Parliament itself, the main motivation for the Future Forum was to tackle short-termism in present decision making: to "look beyond immediate horizons, to some of the challenges and opportunities we will face in the future".<sup>38</sup> A Board of Directors helps guide the Forum's work; its members include backbench MSPs (Scottish Parliamentarians), prominent academic leaders, civil servants and business leaders. The Forum is autonomous from the Parliament in deciding the focus of its work, though it still depends on it for funding.<sup>39</sup>

One of the main functions of the Forum has been to "stimulate public debate in Scotland" with respect to preparing for the future.<sup>40</sup> In doing so, it has engaged with politicians, the private sector, and the public. It also carries out "futures studies", reporting on how various areas of Scotland will evolve in the future.

In terms of success, the institution is laudable for making an active effort to directly promote longer term thinking in decision making. From 2011–2016, the Forum organised more than 100 events directed to bringing "'fresh-thinking' into the [Scottish] Parliament". However, it is hard to assess the impact of these educational events on policy making in general. Furthermore, the Forum has thus far been limited in scope, dealing with only a handful of varied individual topics in its future studies research. This narrow scope is possibly affected by limited powers that Scottish Parliament has to deal with issues relating to economic policy, healthcare budget or existential risk research, and highlights the need for the UK Parliament to deal with intergenerational issues.

#### 2.6 Wales: Commissioner for Future Generations

The Commissioner for Future Generations is a guardian role focused on sustainable development, outlined in the Well-Being of Future Generations (Wales) Act 2015. This is the most recent institution considered here: the first Commissioner came into existence on February 1, 2016. The Act imposes certain obligations regarding sustainable

development and well-being targets on 44 listed Welsh public bodies, and the Commissioner's main role is to ensure that this is done successfully.

The Commissioner may research how public bodies can best meet these targets, as well as encourage and give recommendations to these bodies. The Act obliges public bodies to follow these recommendations, and the Commissioner can carry out reviews at their own discretion to assess their progress. In a wider role, the current Commissioner has emphasised the need for public bodies to engage with citizens on discussions of the future of Wales.<sup>42</sup>

It is too early to assess the success of the Commissioner given the institution's youth. Whilst it is promising to see long-term thinking being promoted across public bodies, it does not seem that Global Catastrophic and existential risks are being considered. Again, some issues may also not receive attention to their long-term consequences due to a lack of devolved power on Wales' part.

Why does the Commissioner exist in Wales but not England? What distinguishes the Welsh case? First, in Wales there is a more prominent strand of environmental and social awareness than in mainstream UK politics, and an element of "conscious exceptionalism" which made Welsh politicians enthusiastic to distinguish themselves from English MPs by adopting a sustainability agenda.<sup>43</sup>

In addition, Welsh environmental policy contains a strong emphasis on "management and stewardship" in environmental policy — that is, a policy context which foregrounds waste reduction and renewable energy. In England, by contrast there is a much greater focus on three prominent short-term issues: flooding, overcrowding, and coastal erosion. These issues are important, but do not provide as strong a platform for intergenerational sustainability because they inherently respond to short-term complaints such as housing. It is useful to observe that the future generations agenda had cross-party support in the Welsh assembly, and secondly that the UK government's disbanding of the Sustainable Development Commission — expanded upon in the next section — "created a shared understanding of the fragility of a purely administrative structure, not backed by legislation". 46

#### 2.7 Conclusions

Representative institutions for future generations, whether local or abroad, differ widely in their structure, functions and power. Although such institutions have only begun to appear in the last two decades, common trends and features exist. In particular, they tend to face challenges to their existence within a few years of their creation (usually an election cycle). This is a major problem for securing successful representation of future generations. The representation mechanisms that we propose will therefore seek to avoid capricious party politics, either by being firmly constitutionally entrenched, or more realistically by being a cross-partisan organ that recognises its limits and works with the political grain. As such, several factors can be drawn out from the analysis which may increase or decrease the likelihood of short-term discontinuation of a future representative institution.

First, institutions which are given too much power, too early in their lifespan, tend to face rejection from politicians. The Israeli and Hungarian Commissioners illustrate this pitfall. This is a difficult balancing act, however: an institution with no power is of no use in representing future generations. But the sort of massive, transformational change needed to protect future generations requires a degree of institutional strength — strength which appears to be deeply incompatible with current politics. This implies a major dilemma — a choice between proposals which are ineffective in protecting future generations but politically realistic, and those which are effective yet unrealistic — which will be returned to in our conclusions.

The legitimacy of, and public support behind, an institution is a key factor as to whether it will last. Public and politicians alike need to perceive an institution as legitimate, and its functions and powers must be proportional to this perceived legitimacy. Public and political (especially cross-party political) support for future representative institutions is essential for representative institutions to have any level of power. It is imperative, then, for any such institution to be transparent and accessible in its work, as well as taking initiative to promote the cause of intergenerational rights and issues to the general public and decision-makers. Civil society movements and support can be very

advantageous in the success of implementing long-term thinking in policy (the creation of the Hungarian Commissioner due to this is illustrative). Public and political engagement of the cause is key to successfully representing future generations in the long-term.

Structurally, it has been beneficial to have a multi-disciplinary team working on the issues, as in Scotland and Hungary. This makes sense given the wide range of issues affecting future generations. Furthermore, securing the right kind of independence from government is key to ensure criticisms of policy can be made without fear of dissolution, as well as to maximise impact. Although inclusion of Parliamentarians can risk a conflict of interests, their participation lends political weight to the institution, both in terms of influence and the importance of the institution. This may be essential for the highly influential, longlived Finland Committee. It is also important to ensure independence in agenda setting, at least to an extent, as observed in Finland and Scotland. However, academic engagement should be used to prioritise issues. In making these findings we echo the argument of the World Future Council that the key characteristics of future-representation institutions should be independence, transparency, legitimacy, access to information, accessibility, and authority.<sup>47</sup>

We are led to the preliminary conclusion that in the UK Parliamentary context, substantive powers should not be given to intergenerational representatives, at least initially (contrast the Israeli power to veto legislation, and the Hungarian abilities to enforce rulings). Instead, a UK-wide representative institution could play a monitoring role for legislation affecting future generations; carry out and collate relevant research with respect to intergenerational issues; play an advisory role to government; and work to create wider public awareness of intergenerational inequality issues.

# 3. English Policy Context

Several England-specific factors are important in determining which policy options should be adopted in order to mainstream the representation of future generations.

# 3.1 UK Sustainable Development Commission

The UK previously had a Sustainable Development Commission (SDC), responsible for promoting sustainable development throughout the UK.<sup>48</sup> The SDC reported to the UK government, providing analysis of government departments' Sustainable Development Action Plans and responding to consultation papers which often disagreed with Government Policy.<sup>49</sup> The Commission's work on sustainable development was relevant to future generations, though they were not its explicit mandate.

However, the Commission was not statutorily independent, which may have limited it in its criticism of government policy, and also enabled the government to easily remove it in 2010.<sup>50</sup> Although the exact motivations for this are unclear, it seems likely that targeted criticism of government actions may have had an impact.

#### 3.2 Environmental Audit Committee

Historically, the Environmental Audit Select Committee monitored the sustainability policies of government departments in a way similar to that prescribed by the Welsh Act. This is an important precedent in any attempts to introduce future representation into government, in particular because the Committee in 2011 recommended the creation of a new cabinet minister for sustainable development,<sup>51</sup> in order to improve the situation post-abolition of the SDC. Our concerns are broader than this: future representation encompasses a large range of discrete concerns than sustainable development. However, this is a useful recommendation which may be updated according to our understanding of intergenerational justice.

# 3.3 Political discourse regarding future generations

Political discourse in the UK places a strong emphasis on responsibility to future generations. This is reflected, for instance, in the political discourse surrounding national debt and austerity since 2010, which revolves around ideas of what today's voters owe to future UK citizens. The idea that each generation should "live within its means" has gained support even from the radical political opposition<sup>52</sup> and has been

explicitly linked to intergenerational equity by the Prime Minister.<sup>53</sup> Potential exists to ground policies regarding representation of future generations in already existing concepts in British public discourse.

# 3.4 Merger of the Department of Energy and Climate Change

In 2016 a restructuring of government departments led to the merger of the former Department for Business, Innovation and Skills and the Department of Energy and Climate Change. The latter once dealt with many of the sustainability issues that have historically been at the heart of the intergenerational justice movement. This change has been understood by some as a signal that the government is not committed to sustainable action on climate change, although the government disagrees.<sup>54</sup> The new Department for Business, Energy and Industrial Strategy retains a minister for climate change, and some have argued that it may constitute a better foundation for the decarbonisation of the British economy.<sup>55</sup> If criticisms of the merger are correct, then this may indicate that the political environment is not supportive of future-planning and issues of intergenerational inequality.

#### 3.5 The UK Constitution

The structure of constitutional law creates a distinct challenge to any attempt to institutionalise representation of future generations in England. In states like Hungary, future commissions can be created by constitutional law and protected against governments who must then rely on sweeping change if they wish to remove them. In the UK, on the other hand, no laws are more fundamental than any others; any statute can simply be repealed by Parliament. In addition, a key constitutional principle is that Parliament may not bind itself for perpetuity. A number of pieces of legislation have attempted to introduce a longer-term view, with various levels of success, such as the Human Rights Act 1998, the Climate Change Act 2008, and the Fiscal Responsibility Act 2010. These demonstrate the possibility of overcoming constitutional challenges.

Due to the uncodified and organic character of the British constitution, Parliamentary politics are governed by convention to a relatively large degree. These conventions are more helpful to the implementation of future representation in the UK, because they (as opposed to explicit documents) will dictate the tools and avenues of institutional form, and in some cases because they may create or enable an institutional resistance to change — particularly a change as large as a general perspective shift toward the future.

#### 4. Recommendations

On the basis of the comparative analysis and UK policy context presented above, we make several recommendations. Each recommendation is followed by a brief explanation.

To begin, we note the following caveat. As noted earlier, there is a certain dilemma in that, globally, futures institutions with more power than politically acceptable have been quickly abolished, while those which are politically tolerable are not powerful enough to make the kinds of truly transformational changes required to protect future generations. In the face of this dilemma, we have chosen proposals which are practicable and politically feasible, taking the view that a small step forward is better than no step at all. We acknowledge the criticism that these proposals may not be nearly enough, but note that they may provide a foundation from which more radical change can be sought.

a) An All-Party Parliamentary Group on Future Generations should be formed.<sup>56</sup>

All-party Parliamentary Groups (APPGs) are multi-party groups of MPs who meet regularly or semi-regularly to discuss issues of common interest. They are registered formally in Parliament and are required to hold annual elections, but otherwise are informal groups organised by the interests of MPs for the sake of promoting particular causes. APPGs draw together members of major parties in order to maximise the possibility of influencing government. They create and enhance crossparty support, and as such we think that they are a good first step towards creating cross-party support for future generations issues. During their meetings, they discuss the activities of the governing parties and issues relevant to their subject of concern, and enlist government ministers to speak on their issues of concern. An APPG can use the existence of party

members who deviate from the partisan line in order to give the issue in question greater exposure and to introduce it into legitimate party discourse.

An APPG may be a useful stepping stone to eventual institutionalisation of intergenerational justice in Parliament (perhaps in the form of a Select Committee). APPGs serve to increase the visibility of particular issues and emphasise their bipartisan support, creating a sense of the issue or "constructing" it as a shared, objective one. Another important function of APPGs is to act as a channel through which charities, campaign groups, NGOs and even commercial interests can involve themselves in government and political lobbying. This means that an APPG for future generations could function as a means by which the prominent civil society movement for sustainable futures could be translated into political change.

In practical terms, the lack of an explicit precedent for the representation of future generations in the British Parliament does not eliminate the possibility of an APPG for future generations. Many APPGs begin with the support of a prominent charity or other NGO, and perhaps the Centre for the Study of Existential Risk or the Future of Humanity Institute could operate as such a support in this case.<sup>57</sup> This would be an alliance reminiscent of that between Finland's Committee for the Future and the Finland Futures Research Centre in Turku University. Though such support is not a requirement, in practice an APPG needs some form of support in order to do its work effectively.

b) Legislation should be passed containing an obligation to include the long-term risks of any Government Bill in the accompanying Explanatory Note.

We recommend an obligation to describe the long-term risks of any bill introduced into Parliament, and to include this in the accompanying Explanatory Notes. Micro-level measures such as this are somewhat outside the scope of this chapter, which focuses on institutionalised representation, and we include this as just one example. Further research should be done into other possible options to promote good risk management on the micro-level.

c) The various futures research institutions and think-tanks should cooperate to form an expert advisory panel with a mandate to influence policy.

There are several academic institutes and think-tanks in the UK which study catastrophic and existential risks, sustainable development, and the future of society. These include, but are not limited to, the Centre for the Study of Existential Risk, the Future of Humanity Institute, the Oxford Martin School, Forum for the Future, the Centre for Future Studies and the Intergenerational Foundation. A veritable wealth of expertise is contained here, and these institutions should consider working together to create a committee tasked with providing advice to government. This is a recommendation which would not require much immediate action from government, save a willingness to receive advice.

This sort of independent expert advisory group could be formalised in the form of a non-departmental public body (NDPB), which operates at arm's length from government. There is clear precedent here, for instance in the form of the Committee on Radioactive Waste Management, which is an NDPB. Another option would be for a Policy Advisory Group (PAG) to be formed, which is simply a panel of people who advise on policy development.

d) If and when a British Bill of Rights is passed, the opportunity should be taken to include intergenerational rights.

Institutional security is difficult to acquire in the UK government, exemplified by the case of the Sustainable Development Commission. One of the best opportunities to constitutionally secure rights for future generations may be in the currently proposed "British Bill of Rights". Such rights-focused statutes are typically politically difficult to repeal. If intergenerational justice becomes part of the lexis of codified "British rights", it may have acquired a foothold of such historical significance that repeal would later become a practical impossibility. However, more research would be needed on the precise legal formulation and content of such rights.

e) In the longer term, political momentum should be translated into a formal Joint Committee on Future Generations.

A joint committee should be formed, charged with scrutinising every government bill for its compatibility with the rights and interests of future generations, and investigating the extent to which government departments consider future generations in their operation. A joint committee, unlike a select committee, is made up of both MPs and Members of the House of Lords. This committee would be modelled on the Joint Committee on Human Rights, which is charged with scrutinising every government bill for its compatibility with human rights, and the UK's compliance with its international human rights obligations. This is a less immediate option than an APPG (which requires a mere 10 interested Parliamentarians to come together), as a joint committee needs to be created by Parliament via its standing orders and therefore necessitates a more involved process. However, in the medium term a joint committee would have more power than an APPG and would be a more effective way of representing future generations.

As an alternative option, it is important to note that select committees can appoint sub-committees to produce reports on particular issues.<sup>58</sup> In the future generations context, the select committee on Energy and Climate Change could be an appropriate candidate to appoint such a sub-committee.

f) Any Future Generations institution should be explicitly mandated to consider existential risks arising from technological development, in addition to environmental sustainability.

As previously noted, only the Israeli institution amongst our examples was mandated to consider risks arising from technological development; the other institutions only considered environmental risks. In light of the burgeoning research in this field demonstrating that technological risks are a serious issue, any institution mandated to address international inequality should expressly consider them.

g) Civil society needs to mobilise to form a strong cross-party support for representation of future generations.

A common factor amongst the successful institutions studied is that all were established against a background of significant support from civil society. In addition, in the cases where that support continued, and where civil society organisations created significant public awareness of future generations issues, the institutions were more likely to endure rather than being abolished as soon as they fell out of political favour. Civil society needs to mobilise to form a strong cross-party support for the policy measures listed here.

# 4.1 Proposals we considered but do not recommend

We encountered several ideas which we do not include above, for various reasons. One of these is the proposal for a "third house of Parliament", or "Guardians", made by Rupert Read.<sup>59</sup> Under Read's proposal these Guardians, appointed randomly amongst citizens on the same principle as juries, would have the power to (a) veto new legislation that threatened the basic needs and fundamental interests of future people, and (b) force a review of any existing legislation that threatens such needs and interests. He also suggests similar structures within local governments. As we found previously, institutions with veto powers did not last long, and as such we do not think this "third house of Parliament" would be workable. In addition, we share concerns raised by Michael Bartlet about the proposed method of selection by lot.<sup>60</sup>

A second idea was an annual, designated day on which the House of Commons would discuss future generations issues. By analogy, events are held annually in the House of Commons for Human Rights Day and International Women's Day. We did not recommend this because although this might serve to publicise future generations issues, this kind of tokenisation of the rights and interests of future generations could create complacency and ultimately undermine the long-term, year-round work which needs to be done.

Another alternative way to represent future generations could be through a Royal Commission. A Royal Commission is an *ad hoc* advisory committee appointed by the government, in the name of the Crown, for a specific investigatory and/or advisory purpose. They generally exist for a limited time, on average taking between two and four years to produce a report, and have had a mixed impact. The work of the Royal Commission on Environmental Pollution spanned 40 years and had considerable influence,<sup>61</sup> but other commissions have had less impact or have even been disestablished before reporting.<sup>62</sup> We do not think

a Royal Commission would be an appropriate means of representing future generations primarily because a Commission is generally timelimited and addresses a specific issue. The interests of future generations do not support such a "one-time" approach.

## 5. Conclusions

In response to the issues of intergenerational inequality raised by catastrophic and existential risks, we have presented several concrete options to represent future generations in current policy-making, founded on a comparative analysis of similar representative mechanisms worldwide. There are several limitations to what we have presented here. First, because our scope is necessarily limited, we deal only with "macro" mechanisms; we do not consider more specific legislative proposals in detail. Second, these conclusions are quite specific to the United Kingdom, and particularly the English context. In particular, the cultural context surrounding intergenerational issues may significantly differ between societies. Further research is needed to determine appropriate representative mechanisms in other countries, for catastrophic risks are a global problem and intergenerational inequality cannot be addressed only by one country acting alone. Finally, there is the dilemma previously mentioned: are all of these recommendations insufficient to truly protect future generations? Is it politically impossible to avoid irrevocable damage to future generations? Perhaps. We consider that *some* representation is better than *none*. Further, we do not wish to rule anything out, nor to lose hope. Future generations need us to keep on. We hope that the examples set by the six countries analysed here will be taken up across the globe.

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