



## Trans European Policy Studies Association TEPSA Student Paper – 2018

### Climate change and environment protection: a new EU body to ensure intergenerational solidarity?

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Solidarity is a term, which bears much significance for the European Union (EU) and forms one of the principles that define the very existence of this complex entity. In essence, I would define solidarity as an attitude centered around mutuality, which strives towards creating an environment, where diverse groups of people share pain and gain, burdens and achievements to constitute a cohesive, wholesome and inclusive community. It applies to many areas in the functioning of the EU, one of them being environmental protection and dealing with climate change. By its very nature, this complicated field requires a strong level of solidarity, specifically speaking of intergenerational solidarity. But why exactly is it so important and how can intergenerational solidarity be ensured in this matter?

I would like to begin by briefly touching the surface of the importance that solidarity holds for the EU. As was mentioned earlier, the basis of the Union lies in acknowledging certain

principles as indispensable and intrinsic to this entity. According to article 2 of the Treaty on European Union, “the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. We can observe that solidarity is embedded in the legal framework of the EU, not only in the abovementioned Treaty on the European Union, but the leaders of the European sphere have also included it in the Treaty on the Functioning of the European Union and in the Charter of Fundamental Rights of the European Union, where an entire chapter is dedicated to solidarity (Title IV). This is a monumental step towards ensuring the respect of the so-called “third generation of rights” aka solidarity rights, which incorporate mostly social

\* All the opinions expressed in this briefing are the sole view of the author, and do not represent the position of the University of Ljubljana, nor of the Trans European Policy Studies Association (TEPSA).

and economic rights, that were in a lot of cases (and still are sometimes) overlooked or not prioritized in a way that civil or political rights are. In this manner, the EU slowly stirs its ship towards a truly conscientious kind of Europe. Yet, in order to make it fully blossom, solidarity between sexes, member states and among people and generations is still much needed.

The latter, intergenerational solidarity, meaning the solidarity between current and future generations, constitutes an integral part of many fields in the functioning of the Union and without it numerous activities simply cannot be carried out in an adequate and successful manner. One of such fields is environmental protection and climate change, because these issues stretch beyond just the generation currently residing on Earth. It is enshrined under title IV (Solidarity) in the Charter of Fundamental Rights of the European Union (article 37) and it states that "a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development." This concept encompasses the "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." (Brundtland Commission, 1987). Just by merely glancing at the definition, we can see that intergenerational solidarity is interwoven and inseparable from the concept. Furthermore, according to Brown Weiss, intergenerational solidarity is rooted in a set of three principles. These are, as follows,

conserving the diversity of our planet, the quality of our planet and ensuring equitable access to Earth's natural resources for future generations, so that they can enjoy living in this world in a fulfilling way as well (Brown Weiss, p 23).

However, consequences of human actions in the past and present are already coming to light in today's world, thus there is no saying on what the future might bring for our species at this rate, maybe even extinction. This is why a sense of responsibility towards future generations must be more broadly awoken in our society. We have received this world from past generations, which have passed down accomplishments as well as environmental burdens. Furthermore, we have used Earth's natural resources to achieve great breakthroughs. But we are living beyond our means, now more than ever, only wanting to benefit and not to share our natural heritage with our successors, closing our eyes before the concept of solidarity. We are jeopardizing the future of the human race and planet Earth, which is not going to be inhabitable if we continue at this pace of environmental destruction. There will be no natural resources to enjoy, nothing to improve, just danger and misery. The way we live does not merely affect us, but all that come after us. So how are we still not 100% committed to saving this planet? I would say that is largely due to the fact that we live in a fast-paced, goal-oriented world, which demands immediate outcomes or else the cause is not pursued intensely. Society, especially the

Western kind, wants quick, tangible results and is not prone to patience or long-term visions. Environmental issues, however, are just like that, they require time and effort, producing favourable news maybe after years and decades.

Our focal point, the EU, has become aware of this situation, and is striving to gradually enforce certain long-term plans concerning the aforementioned concepts of sustainable development and intergenerational solidarity. However, I believe there is always room for improvement, because although there are legal references to intergenerational solidarity in EU treaties, there is no institution that would speak in favour of the interests of generations to come. Hence, ensuring representation of future generations in the EU decision-making process is of crucial importance. The European Parliament has, however, recognised this as an issue in the Written Declaration in 2016 and called upon the Commission to examine possibilities and prepare the legal framework (Articles 1 and 3). Nonetheless, that has yet to happen. The Institute for European Environmental Policy (2015) has, per contra, suggested the appointment of a legal **EU Guardian for future generations**, who would independently defend their rights and make sure that EU legal decisions are in compliance with their needs. Examples of such representatives, who ensure intergenerational justice, can already be found in Hungary and Wales (Written Declaration of the European Parliament, article 2). Another option could also be the extending of the mandate of the **European Ombudsman** to

encompass the rights of future generations as well.

Personally, I am more prone to the idea of a new, independent body, specialised in this area, since this has become a vital cause. Without it, the survival of generations after us is at stake, and that presents an enormous burden to carry and great responsibilities at the same time. Thus, by simply “unloading” this function onto the Ombudsman, it would probably lead to an imperfect representation. Mainly because the Ombudsman is already dealing with a broad field of pressing tasks, and simply could not channel all of his/her attention just onto this matter. However, a separate institution could carry out the mission and pursue the subject vigorously. Furthermore, it is not adequate to establish a body only on the EU level. All of EU Member States should consider implementing a similar body to ensure intergenerational justice at a national level as well. This would symbolically show that each and every EU country is truly supportive of the concept of intergenerational solidarity and the respect for the rights of future generations.

In conclusion, intergenerational solidarity is indispensable for humans if we wish to continue inhabiting this planet. As a society, we need to prioritize this issue more and stop treating it as a secondary problem. The EU has involved itself in the subject, but more could be done. Especially working more intensely towards the establishment of a new institution, a legal representative of our successor generations. This proposal however should not only be

considered on the supranational but also on the national level, so it could truly make a difference and be beneficial for the community. Of course, this is merely one option and the more we explore this and others, the better. By raising concern about the issue, we strive towards a world, where not only we get to enjoy its splendour, but people of the future as well.

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