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Chapter 12

Responsibility and Intergenerational Equity

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The issue

Intergenerational equity refers to the need for a just distribution of rewards and burdens between generations and fair and impartial treatment towards future generations. It is based on the idea that a person's value shouldn't depend on when they are born anymore than it should depend on place of birth, nationality or gender.

However, unless substantial change occurs, the present generation is unlikely to pass on a healthy and diverse environment to future generations due to harm that current generations are doing to the environment, including climate change as well as loss of animals and plant species, water quality, and habitat including forests.

Achieving intergenerational equity, therefore, requires significant changes. But why care about the future? As cynics have said: "What has posterity ever done for me?" After all the people of the far off future are strangers, they are only potential people who do not yet exist and may not exist. They will be in no position to reward us for what we do for them, to punish us for our lack of care or responsibility, nor to demand

compensation. We don't know what their needs, desires or values will be. How can people who haven't even been born yet demand rights? And if they cannot claim rights do they have any?

Although future generations do not yet exist we can be reasonably sure they will exist and they will require clean air and water and other basic physical requirements for life. And although we don't know who the individuals of the future will be – they are not individually identifiable – they can have rights as a group or class of people, rather than individually, and we can have obligations and duties towards them.

What is more, morality is not dependent on identity. Murder of an innocent person is morally wrong, whoever the victim is. Justice is something that needs to be applied to everyone, whoever they are. Their identity is irrelevant.

Future people may not be able to claim their rights today, but others can on their behalf, for example as members of human rights or environmental organizations or as government representatives. Various national and international laws protect the rights of future generations. Where future generations do not have formal legal representation, people are able to make claims on their behalf using reasoning based on moral principles, such as those outlined below.

Why worry about future generations?

Relating to Others

It is part of being human to be able to relate to others and care about the long-term wellbeing of the larger society, its values, institutions and assets. It is this desire to be part of something that is larger than one's self and will endure beyond one's lifetime that motivates careers in public service, education and scientific research, as well as works of art and literature. Most people would be demoralised and saddened by the thought that the Earth was to be destroyed in 200 years, even though they will be long dead.

The idea of contributing to and being part of an ongoing enterprise enables people to cope with the knowledge of their own mortality. It gives people a sense of purpose and identity. These feelings enable people to transcend concerns about self, and people who do not have them are worse off as a consequence. Ernest Partridge argues it is only those who are alienated from the society around them, or who have some sort of personality disorder, who do not have such feelings.

Self Interest

Morality can often be rationalised as being in one's own self interest. It is far more pleasant and desirable to live in a moral community. Because humans can either make each other's lives miserable or help each other through co-operation, it makes sense to encourage mutual respect and moral obligations. A society where citizens are concerned for the welfare of others is one where individual welfare is best secured. In this view there is an implicit so-

cial contract between members of a community that requires everyone to treat everyone else in a moral way. The question is, who are members of this moral community? Does it go beyond the current generation to include all generations?

Philosopher John Rawls claims that most people would prefer a more egalitarian and just society if they didn't know where in the society they were to be placed – at the top or the bottom, rich or poor. In a similar way people would opt for intergenerational justice if put in a similar position of not knowing which generation they were to be born into.

This 'do unto others as you would have them do unto you' creed is exemplified by the scenario of the campsite. Most people will feel morally obliged to clean up a campsite they have been using so that it is at least in as good a condition for the next person as it was when they arrived. This is even though they don't know who the next campers will be or when they will come (time and identity are irrelevant). Part of the rationale behind honouring such an obligation is the knowledge that if everyone honours this obligation then everyone benefits. The campers that are now leaving clean up the campsite in the hope that others will do so for them and with gratitude that others have done so before. When applied to generations this creed is that each generation should leave sufficient natural resources and an unspoilt environment for the generations to follow.

Common Heritage and Public Trust

The idea of a public trust or common heritage across generations means that environmental resources/values should not be destroyed merely because the majority of a current generation decides that it has better uses for them.

The idea that environmental resources are a common heritage of humanity has ancient roots. The Roman emperor, Justinian, proclaimed: "By the law of nature these things are common to mankind – the air, running water, the sea, and consequently the shores of the sea." The idea of common heritage was incorporated in the 1982 UN Convention on the Law of the Sea, which states that the seabed and ocean floor, apart from a narrow region near national coastlines, are "beyond the limits of national jurisdiction" and all rights in the resources associated with them "are vested in mankind as a whole" and activities in this area shall "be carried out for the benefit of mankind as a whole".

The doctrine of public trust similarly says that some environmental resources are so valuable to humanity that they belong to everyone and should not be privately owned or controlled. This doctrine has been incorporated into various environmental laws and has been reinforced by the courts. For example, in 1983 a US court affirmed 'a duty of the state to protect the people's common heritage of streams, lakes etc'.

Responsibility

Responsibility arises from having power and ability to impact and affect. Increasingly the activities of modern industrialised nations have impacts that

are felt not only globally but well into the future. If we know that our actions may harm future generations, and we have a choice about whether to take those actions, then we are morally responsible for those actions. This is particularly pertinent to the environment as many environmental impacts, such as radioactive waste disposal, climate change and the spread of chemical toxins, have long-term implications.

Because current generations can undermine the welfare of future generations they have a measure of responsibility for that welfare. Inaction can also have consequences and so inaction can be just as irresponsible as any action, particularly if it entails allowing existing trends to continue in the knowledge that these will be harmful. The fact that the consequences of our actions or inactions occur some time into the future does not diminish our responsibility.

Because a healthy environment is a shared interest that benefits whole communities, and is often threatened by the cumulative effects of many different human activities, there is a collective responsibility to protect it. Individual efforts to protect the environment can only offer limited solutions and there is a need for government regulation and international cooperation.

Avoid Actions that will Harm Future Generations

Some philosophers argue that the more distant future generations are from us the less our obligations to them because we cannot know what their needs and wants will be and what is good for them. Others argue that even if we do not know what will be *good* for future generations we do know what will be *bad* for them. Nevertheless we do know that they are unlikely to want skin cancer, soil erosion or frequent catastrophic weather events. Humans have fundamental needs that can be projected into the future, including healthy, uncontaminated ecosystems.

Therefore we may not have positive obligations to provide for the future but negative obligations to avoid actions that will harm the future. We can fairly safely assume that future generations would want a safe and diverse environment. We cannot just assume that future generations will have better technological and scientific means to solve the problems we leave them. For this reason we should endeavour to pass on the planet to future generations in no worse shape than past generations passed it on to us.

International Agreements

The responsibility of current generations for intergenerational equity has been recognised in various international agreements including the:

- Convention for the Protection of the World Cultural and Natural Heritage, 1972
- United Nations Framework Convention on Climate Change, 1992

- Convention on Biological Diversity, 1992
- Rio Declaration on Environment and Development, 1992
- Vienna Declaration and Programme of Action, 1993

These agreements led up to the UNESCO Declaration on the Responsibilities of the Present Generations towards Future Generations, 1997. The text of the declaration was adapted from a Bill of Rights for Future Generations presented to the UN in 1993 by the Cousteau Society together with over 9 million signatures of support from people in 106 countries. The UNESCO Declaration states that "present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded" and that to ensure this they must ensure that the Earth is not irreversibly damaged and ecosystems not harmfully modified by human activity. Article 5 on Protection of the Environment says:

1. "In order to ensure that future generations benefit from the richness of the Earth's ecosystems, the present generations should strive for sustainable development and preserve living conditions, particularly the quality and integrity of the environment.
2. The present generations should ensure that future generations are not exposed to pollution which may endanger their health or their existence itself.
3. The present generations should preserve for future generations natural resources necessary for sustaining human life and for its development.
4. The present generations should take into account possible consequences for future generations of major projects before these are carried out."

Today the principle of intergenerational equity is a principle of international law. A number of national laws and agreements also include intergenerational equity such as Australia's 1992 Intergovernmental Agreement on the Environment, which states that "the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations". Such sentiments go back as far as 1916 with the National Park Act in the US, which charges the National Park Service with the duty of protecting the land 'unimpaired for the enjoyment of future generations'. In general the idea of national parks in all countries have the same intergenerational goals.

What should be sustained?

Even if it is agreed that we have an obligation to future generations, the nature of that obligation is controversial. Do we merely need to protect those aspects of the environment necessary for survival and health, such as a

minimal standard of clean air and water? And what standard would that be? Which risks from hazardous and radioactive substances do we need to prevent?

The problem is that protecting the interests of the future may conflict with the interests of current generations. How do we balance our obligations to current generations with our obligations to future generations when these conflict? At one extreme is the *preservationist model*, which requires that present generations do not deplete any resources or destroy or alter any part of the environment. In this case an industrialised lifestyle would not be possible and the present generations would make significant sacrifices, living subsistence lifestyles so to benefit future generations.

At the other extreme is the *opulence model*, where present generations consume all they want and assume that future generations will be able to cope with the impoverished environment that remains because they will be technologically better off. Or alternatively advocates of this model assume that future generations will have the technological expertise to find new sources or substitutes for exhausted resources and extinct species. However this model seems to be overly optimistic about the ability for wealth and technology to deal with environmental catastrophe and losses.

Substitutability of Nature and Wealth

Many economists and businesspeople tend to argue that what is important is to maintain human welfare over time. By this they mean that a community can use up natural resources and degrade the natural environment so long as they compensate future generations for the loss with 'human capital' (skills, knowledge and technology) and 'human-made capital' (buildings, machinery, etc).

They point out that a depleted resource, say oil, could be compensated for by other investments that generate the same income. If the money obtained from exploiting an exhaustible resource, such as oil, is invested so that it yields a continuous flow of income this is equivalent to maintaining the amount of oil for future generations. In other words, they claim that using significant amounts of minerals or oil is not contrary to intergenerational equity so long as the money earned from using the minerals or oil is invested so that it provides an ongoing income for future generations that would be equivalent to the value of having the oil and minerals. This means that the Amazon forest could be removed so long as the proceeds from removing it were reinvested properly.

Such arguments provide a rationale for continuing to use non-renewable resources at ever-increasing rates. Economists argue that although this might cause temporary shortages, those shortages will cause prices to rise and this will provide the motivation to find new reserves, discover substitutes and encourage more efficient use of remaining resources.

Non-substitutability of Nature

However, whilst the economic value of natural resources can be easily replaced, their functions are less easily replaced. Most people, even econom-

ists, agree that there are limits on the extent to which natural resources can be replaced without changing some biological processes and puttingecological sustainability at risk. They recognise that some environmental assets could not be 'traded-off' because they are essential for life-support systems and they cannot be replaced.

For example, there are parts of the environment for which there are no substitutes: for example, the ozone layer, the climate-regulating functions of ocean phytoplankton, the watershed protection functions of tropical forests, the pollution-cleaning and nutrient-trap functions of wetlands. For those people who believe that animals and plants have an intrinsic value, there can be no substitute for them.

There are other parts of the environment for which we cannot be certain whether or not we will be able to substitute in the future and what the consequences of continually degrading them will be. For example, scientists do not know enough about the functions of natural ecosystems and the possible consequences of depleting and degrading the environment. Therefore it is not wise to assume that all will be well in the end because of some faith in economics and technological ingenuity. The precautionary principle requires that we do not assume that natural resources can be replaced without good evidence.

Environmental degradation can lead to irreversible losses such as the loss of species and habitats, which once lost cannot be recreated. Other losses are not irreversible but repair may take centuries – for example, the ozone layer and soil degradation.

For these reasons environmentalists argue that a loss of environmental quality cannot be substituted with a gain in human or human made capital without loss of welfare. Therefore they argue that future generations should not inherit a degraded environment, no matter how many extra sources of wealth are available to them.

Access

The principle of 'conservation of access' implies that not only should current generations ensure equitable access to that which they have inherited from previous generations, but they should also ensure that future generations can also enjoy this access.

Is it fair to replace natural resources and environmental assets – that are currently freely available to everyone – with human-made resources that have to be bought and in future may only be accessible to people who can afford them. Poor people are often affected by unhealthy environments more than wealthier people. A substitution of wealth for natural resources does not mean that those who suffer are the same people as those who will benefit from the additional wealth. For example, if an area of forest is cut down in Brazil to provide wealth for the shareholders, taxes for the government and even perhaps economic growth for the nation, this does not compensate for the loss of access to the forest for future generations of indigenous people whose way of life, sense of identity and livelihoods depend on the forests.

Options

When resources are depleted and species extinct, the options available to future generations are narrowed. Once plants and animals are extinct, or habitats destroyed, future generations no longer have the option to enjoy or utilise them, for example to produce new medicines. Therefore intergenerational equity demands that the current generation conserve the diversity of nature so as not to restrict the options available to future generations to solve problems and develop in ways that they choose.

We do not know what the safe limits of environmental degradation are; yet if those safe limits are crossed, the options for future generations would be severely limited. Overdevelopment reduces diversity and therefore reduces future options.

Discussion

Retaining environmental quality for future generations means passing on the environment in as good a condition as we found it. It does not preclude some trade-offs and compromises but it requires that those tradeoffs do not endanger the overall quality of the environment so that environmental functions are reduced and ecosystems are unable to recover.

A minimal environment may be all that is needed for human survival but people have come to expect a lot more than a subsistence lifestyle. Should that be denied to future generations? Justice would seem to require that future generations not only be able to subsist but that they have the same level of opportunities to thrive and be comfortable as current generations. Opportunities require more than mere survival level environmental resources.

Thinking it through: where do I stand?

Do we have any responsibilities towards people who haven't even been born yet? What might those responsibilities be? How do we decide what to do when there is a conflict between improving living conditions for current generations and maintaining environmental quality for future generations.

Further reading

Beder, S. (2006). *Environmental Principles and Policies*. Sydney: UNSW Press and London: Earthscan.

Partridge, E. (1981). *Responsibilities to Future Generations*. Buffalo: Prometheus Books.

Shrader-Frechette, K. (2002). *Environmental Justice: Creating Equality, Reclaiming Democracy*. Oxford: Oxford University Press.

Visser 't Hooft, H. P. (1999). *Justice to Future Generations and the Environment*. Dordrecht: Kluwer Academic.

Weiss, E. B. (1989). *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*. Dobbs Ferry, New York: Transnational Publishers.

Resources

Partridge, E. (2011) Topics in Environmental Ethics. http://gadfly.igc.org/e-ethics/ee-topic.htm.

UNESCO (1997). Declaration on the Responsibilities of the Present Generations Towards Future Generations http://portal.unesco.org/en/ev.php-URL_ID=13178&URL_DO=DO_TOPIC&-URL_SECTION=201.html

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