

FUTURE JUSTICE STARTS TODAY

Future Justice means recognising the integrity, value and dignity of all human beings, the earth, and all its life.

- Protecting the earth's vitality, diversity and beauty would become a matter of course and justice.
- Fair treatment would be a basic human need, set out in law.
- Preserving our world would become a core function of our economies.
- Fair shares and fair burdens would be a matter of justice between all humans living, and those yet to be born.
- Those who act without concern for the planet, and the human and non-human life upon it, would be pursued and prosecuted.

This agenda tackles head-on our culture, policies and laws.

'The acorn has a 400 year business plan.
Humans ought to be able
to do at least as well as an acorn.'
WFC Councillor Scilla Elworthy,
Founder, Oxford Research Group

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Future Justice – Securing the Rights of Future Generations

We need Future Justice because we need to change our relationships – with ourselves, with each other and with our Earth.

Over one billion people live on less than US \$ 1 a day. 10 million die every year of hunger and hunger-related diseases. Yet with US \$ 89 billion per year we could meet the Millennium Development Goals. World military expenditure was US \$ 1,339 billion in 2007. The gap between rich and poor is widening dramatically – also in rich countries. **We know the human world is suffering from our misguided actions.**

The world is warming dangerously. A quarter of our mammals face a high risk of extinction in the near future. Forest destruction continues at the size of half of the UK per year. Over 75 % of the world's fish stocks are either fully or over exploited. **We know the natural world is suffering from our misguided actions.**

'We have to ask ourselves: have we made the right choices and are we doing enough to provide our children with a sustainable future? Because our actions and our failures to act have been shaping the future of life on earth for thousands of years, if not forever.'

WFC Councillor Bianca Jagger, Human Rights Advocate

Our path of development has run counter to the principles of nature and the bonds of humanity. Modern crises such as climate change, food and water scarcity, destruction of forests, oceans and biodiversity, mismanagement of energy, money and weapons are the direct result of a failed development policy that has violated the natural world and divided communities.

The World Future Council (WFC) believes that we must address the fundamental flaws of our development path if we are to create a world that is more equitable, secure and peaceful. If we

fail to address the fundamentals, we risk placing a burden on future generations that is too heavy to bear. Also, continuing to treat the symptoms of the problems without addressing root causes is increasingly dangerous.

Future Justice is a new development path aligned with the principles of nature and based on dignity, respect and mutual trust. It is capable of addressing global challenges in a holistic and inclusive manner.

Justice today must not weaken the foundations for justice tomorrow; intragenerational solidarity must not undermine intergenerational solidarity; all decisions must respect the laws and characteristics of our earth. At stake are human rights, fundamental freedoms and human security, and the living conditions of future generations.

Future Justice is about remaking our governance frameworks – institutions, policies and laws – so they facilitate just cooperation, broad-based participation, and an equitable sharing of resources and benefits of economic, scientific and technological progress.

The World Future Council highlights common ground between environmental, economic and social challenges in building momentum for change toward the new development path of Future Justice. We are determined to bring widespread and fundamental change and encourage others to share our vision and join our work. This involves analysing the future impact of current policies, advising on effective policy solutions that align environment, economic and social futures, and acting to expose laws and activities that threaten Future Justice.

Future Justice – Vision in Action

‘We need morally justified, globally acceptable, and universally respected common rules of play for the way people live together, which emphasise cooperation instead of confrontation, and undermine the anxieties created by the accelerating changes in our surroundings and the constantly growing potentials for violence, as well as the security obsessions resulting from them.’

WFC Councillor Prof. Dr. Hans Peter Dürr,
Nuclear Physicist and Philosopher

Future Justice envisions secure, free and creative lives for all of humankind in harmony with our Earth. The work of the World Future Council on Future Justice is multi-faceted. Our contributions are informing the global political agenda, inspiring debate and designing the practical steppingstones to a new development path defending our common heritage.

We believe that widespread and rapid spread of the Future Justice vision and agenda will radically advance the prospects for sustainability of life on our planet.

- We commit to public engagement to raise awareness on long term effects of current policies and draw attention to activities that threaten our future.
- We commit to political engagement to mainstream positive behaviour and to outlaw wrongful conduct.
- We commit to judicial engagement to establish mechanisms for prosecuting behaviour that damages the future.

The World Future Council has taken a pragmatic approach. While we focus on changing the rules of governance, building on greater accountability and tougher enforcement, we recognise that in democracies, laws cannot move far beyond the moral consensus without losing legitimacy. Laws and policies can help protect both the moral and physical environment and can foster good governance. They are essential to just and sustainable development. But laws and policies cannot replace the will of people to assume responsibility through thought and action in the exercise of freedom.



The Future Justice Pyramid

Future Justice meets this challenge by engaging on all levels of societal change: encouraging citizens to live up to their sense of fairness and have the courage to act to expose and denounce wrongdoing. New thinking and acting fosters changes in rules. New rules amend the conditions for sustainable entrepreneurship. New best practice inspires others to also take steps. The wheels start turning and the new development path becomes self-reinforcing.



Yet, how to deal with the tiny minority who seem to care little for the environmental crimes they commit? Criminalisation of the worst violations of Future Justice would appear to be essential given the serious nature of global threats, their urgency and the effect of deterring others away from negative behaviour.

The World Future Council has developed concepts for all three levels of societal change – thinking and acting, laws and policies, accountability and enforcement – and has adopted a two-pronged strategy of active engagement. First to actively encourage decisions that support Future Justice and second, to actively denounce threats to Future Justice.

- **Future Justice Indicators** integrate elements of human security, ecological integrity and peace culture and serve as a tool to express and monitor progress toward the new development path.
- **Social Taboos** define behaviour and activities that we should simply not engage in because they disrupt the environmental and social balance of Planet Earth.
- **Best Policy Principles** provide guidelines for drafting laws and policies to implement Future Justice.
- **Worst Policy Principles** provide an Early Warning System on laws and policies that work against Future Justice or encourage behaviour that could lead to *Crimes against Future Generations*.
- **Crimes against Future Generations** defines those activities and behaviours for which prosecution is appropriate given the extent of future damage.
- **World Future Award** annually identifies and showcases *Better Policies for a Better World*.

Future Justice – A Radical Shift

‘Justice is at once philosophical and political, public and intensely private, universal in its existence and yet highly individualised and culturally shaped in its expression.’

WFC Councillor Dr. Rama Mani, Advisor,
Global Centre for the Responsibility to
Protect

Politics and economics are all about communities of thinking and feeling individuals. This is why the path to Future Justice begins with the way people think and act. Knowledge and culture shape our judgement about which behaviour and solutions appear justifiable, fair or necessary. Policymakers determine which laws and policies are appropriate to meet the challenges we face.

The World Future Council champions the principle of long-term justice through governance across different contexts and conditions. We believe that designing the new development path in the most ethical and inclusive manner will lead to more respect and mutual trust, and nourish social resilience. Predictability in a highly complex and rapidly changing world is limited. Humanity may yet face unprecedented challenges demanding unprecedented cooperation. Our aim is to inform, involve and inspire as many individuals as possible to participate in the radical shift towards Future Justice, united in diversity.

Imagine ...

You were asked to design a societal system to your liking and could write all the rules ... how would it look? Now imagine you were put in front of a button “submit” and your system would become reality ... under one single precondition: you would not know where in this system you yourself would be and live. Would you rather want to change something before submitting?

Based on *The Veil of Ignorance* by John Rawls:

“Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations” (1971, p. 136).

Case 1: Social, economic and psychological insecurity

Polls in 34 countries have documented that the unchecked pace of globalisation and the unfair distribution of its benefits and damages has become a widely shared concern. "This unease has emerged strongly in advanced countries where increased economic insecurity has been associated with rising inequality and the squeezing of social provisioning. In middle-income countries, economic shocks, accelerated trade liberalisation and premature deindustrialisation have constrained economic diversification and formal job creation. In still other places, intractable poverty has fed a vicious circle of economic insecurity and political instability and, on occasion, ferocious communal violence." (UN World Economic and Social Survey 2008, Overview, p. 1).

Increasingly protracted and disruptive conflicts are concentrated in countries with an annual per capita income of under \$3,000. On average, conflicts can last 7-9 years today, compared with just 2-3 years in the 1960s and 1970s (ibid. p. 17). Economic security and fairness is key for any virtuous circle of life-enhancing development and qualitative human growth.

Future Justice is being built on solid global foundations. Drawing on existing multi-lateral worldwide agreements¹, the Future Justice agenda integrates drivers for human rights and security, ecological integrity and peaceful relations. The Future Justice agenda is sensitive to the differences between natural law, scientific knowledge and socially constructed rules when identifying priorities for change. Socially constructed rules should balance the needs of the planet with the needs of individuals, aligning nature and human potential.

- Humanity is part of a greater biosphere comprised of a unique community of life and complex ecosystems. Today, the preservation of our biosphere in its current form is at risk due to dramatic human intervention in its natural cycles. The protection of our earth's vitality, diversity, and beauty is a precondition for future life and a sacred trust we need to safeguard for future generations.
- Being treated fairly is a basic human need. Everyone has the right to dignity under any circumstances. But many individuals in our global society experience discrimination and exploitation by the few. This is morally unacceptable and creates hidden costs for future generations. The path toward greater security, wellbeing and creativity for all should be guided by principles of respect, participation, mutual trust, and a fair share of burdens and benefits.

¹ The Earth Charter, the UN Charter, the Declaration of Human Rights and the two Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Declaration on the Responsibilities of Present Generations towards Future Generations, the Valencia Declaration of Human Duties and Responsibilities, the Millennium Declaration and its Goals and the Rio Declaration on Environment and Development.

Socially constructed rules and the building of political institutions have thus far served the interests of the individual – and at that, just a select few individuals – and ignored the interests of the planet. This may be because the effect of laws and policies have not delivered as intended or had negative unforeseen consequences. But for whatever reason, the fact is that world institutions have adopted laws and policies that have resulted in obscene levels of inequity, ecosystem depletion and limited self-determination. The result: insecurity and conflict. The time is now to break free and use ecology as a guide to create mutually agreed values-based rules that keep power and wealth circulating, making all aspects of governance and economic life ever more transparent, diverse and trustworthy.

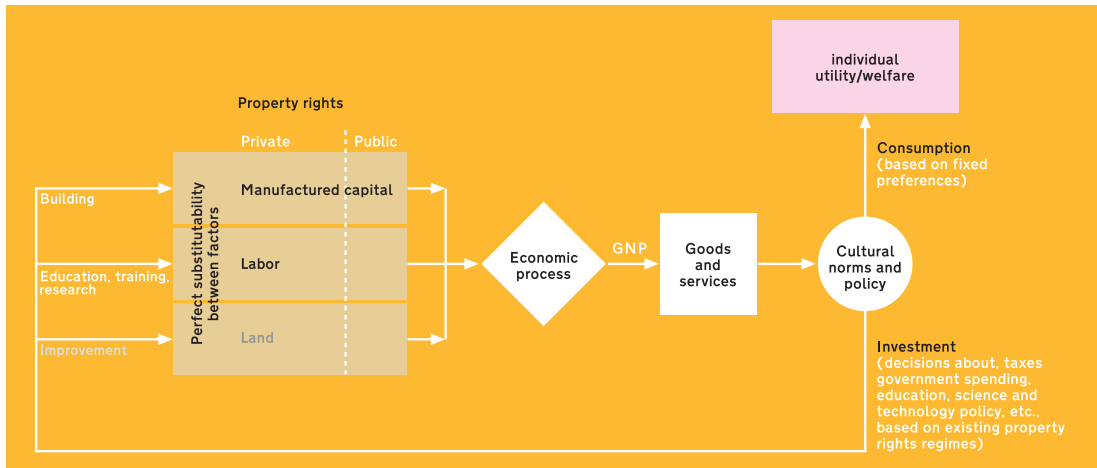
Future Justice – Living World Solutions

‘Acknowledging that we do live within ecological laws offers great relief. We realize nature offers non-arbitrary guidelines for action, which for human beings is a wonderful thing. Unboundedness is actually what makes humans insecure and anxious.’

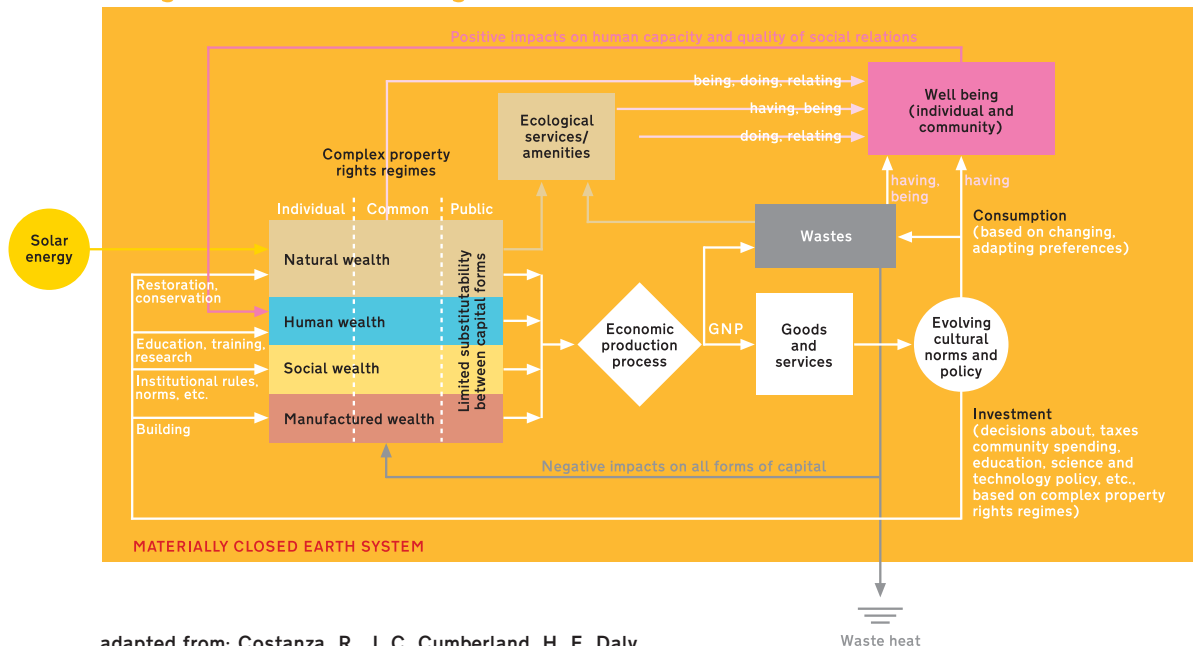
WFC Councillor Frances Moore-Lappé,
Author, Founder Small Planet Institute

The fundamental driver of our societies today is economic performance, expressed in monetary growth. We live under ever-present cost-benefit justifications in most areas of life. Wellbeing is considered to be directly linked to Gross Domestic Product (GDP) measured each quarter. The system is addicted to short-term profit and ever expanding levels of consumption.

Dead World Model of Economies



Living World Model of Ecological-Social Economies



adapted from: Costanza, R., J. C. Cumberland, H. E. Daly, R. Goodland, and R. Norgaard. 1997. An Introduction to Ecological Economies. St. Lucie Press, Boca Raton, 275 pp.

When calculating costs and benefits, humans and nature appear only as inputs for our production processes. Products and services including waste products that do not have an official price simply do not appear in this reality. The assumptions behind this modern economic model are that humans are selfish, greedy and insatiable and that markets function automatically, void of personal contact and group psychology.

Modern economics ignores life and threatens human survival on this planet. To illustrate the waste and destruction behind this way of thinking and acting, the World Future Council has coined the phrase “*Dead World Model of Economies*”.

Economic thinking for Future Justice on the other hand is a *means to achieve higher ends of social wellbeing and a healthy environment*. Flourishing nature, human creativity and positive social relations are the wealth of the future. The new path of development acknowledges and supports the intrinsic value of people, nature and community and uses the term “growth” only when referring to developments actually enhancing life. We call this the “*Living World Model of Ecological-Social Economies*” and have begun to observe a growing global consensus behind this outlook for cooperation, production and trade.

One important regulatory step on the path towards Future Justice is to ensure money and markets improve people’s wellbeing and ecological integrity. Cost-benefit calculations must include the non-monetary but essential value of humanity, nature and community. Important steps toward the new development path have already been taken and the World Future Council supports these actively.

- Ecuador and Bolivia have granted nature “*where life is reproduced and exists*” the right “*to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution*” (Article 1, Ecuadorian Constitution – see annex I). This includes the obligation to fully restore nature and natural resources regardless of monetary value. We support a widespread replication of these constitutional amendments.
- After 60 years the second covenant of the Human Rights Charter on economic, social and cultural rights is close to be given similar status to the first covenant on political and civil rights. We advocate that the second covenant serves as the benchmark for delivery on development partnerships globally, clearly going beyond the existing Millennium Development Goals and their targets until 2015.
- The global movement On The Commons works for new property models for our common heritage – the air we breathe, the water we drink, our ecosystems, knowledge and genetic diversity. We support these solutions because they create ownership without privatisation and focus on respectful, participatory management in line with ecological-social economic thinking.

Case 2: Social Discount Rates in the protection of our commons

Our commons comprise all those things to which we have rights just by being a member of the human family. They often lie outside the economic market and the institutional state: the atmosphere and ecosystems, human knowledge and wisdom, languages and culture, peace and social networks, the generic heritage through which all life is transmitted, the diversity of life itself.

The Social Discount Rate or Social Rate of Time is a monetary measure used to guide choices about diverting funds to protecting the commons. It is used to compare the wellbeing of future generations to the wellbeing of those alive today: how much investment can we ask of people today in order to benefit those to come? **The central – yet undefended – assumption is that future generations will necessarily be financially better off than those today:** “the assumptions used in the Stern Review imply that per capita yearly consumption in 2200 will be \$94,000 as compared with \$7,000 today. So, is it really ethical to transfer wealth from someone making \$7,000 a year to someone making \$94,000 a year?”²

While these intra-generational assumptions will hardly be defensible in light of our financial crisis, we also need to remove this purely financial cost-benefit calculation from investment decisions affecting one generation: When calculating the cost-benefit of climate change mitigation strategies, the protection of Bangladeshi lives counts less than that of European lives. **Since Bangladeshi humans possess less material wealth, their loss of livelihood is cheaper to compensate.** And even if our waste and debt-based financial growth recovers – what will our descendents purchase with \$94,000 if no natural resources remain?

² <http://www.nytimes.com/2006/12/14/business/14scene.html>

Measuring Progress: Future Justice Indicators

‘I want to start by quickly reminding ourselves that the world is not short of international instruments that exist, that were created to protect us, to give people’s lives a meaningful basis. The problem is, the big problem is, that the international community so easily forgets to apply these instruments when it counts, or ignore[s] these deliberately.’

WFC Councillor Count Hans-Christof von Sponeck, Chairman, Centre for the UN Millenium Development Goals

The equal right of all human beings to enjoy healthy, free and creative lives in dignity is the indisputable foundation for peace, democracy, human security, and sustainable development in the world. Yet the way we measure progress in societies is outdated, based purely on monetary wealth. Gross Domestic Product (GDP) does not offer information about the wellbeing of societies, nor does it provide information on levels of sustainability.

In current debates on how to tackle crises in food, climate change and ecosystem depletion this outdated GDP yardstick is proving to be an obstacle to achieving change. Scientifically undefendable causalities between “growth” in GDP and wellbeing of individuals are used to argue for the maintenance of a wasteful, destructive and increasingly violent path of development.

Fortunately, new economic, social and environmental indicators are being considered that will indicate more clearly and completely how our world and our societies are performing. The World Future Council is actively engaged in the most important debates that support the principles behind Future Justice.

- The multi-stakeholder Global Project on Measuring Progress hosted by the Organisation for Economic Cooperation and Development is developing separate indicators for economic, social and environmental progress.
- The movement for Gross National Happiness, as originally defined in the Kingdom of Bhutan, promotes development goals based on non-material values and individual self-cultivation, integrating social, economic, environmental, and cultural elements.

Case 3: Shortcomings of Gross Domestic Product (GDP)

GDP does not take into account the depletion of natural resources or environmental damage, nor social or even manufactured capital depreciation. **Measuring progress must take depletion into account.** GDP does not capture vital aspects of wealth and wellbeing, such as the extent of education or quality of health. More sick people may make GDP rise. Furthermore, **absolute numbers do not tell anything about income distribution or gaps between rich and poor.** Economic activity statistics will never tell us anything about the subjective and qualitative experiences of our lives. We need different indicators for our relationship with nature and humanity. In his State of the Union address in 1934, Franklin Roosevelt pointed out that “the overwhelming majority of our people seek a greater opportunity for humanity to prosper and find happiness. They recognize that human welfare has not increased and does not increase through mere materialism and luxury, but that it does progress through integrity, unselfishness, responsibility and justice ...”.

Solution 1: Gross National Happiness

The Gross National Happiness (GNH) Index is generated to reflect the happiness and general wellbeing of the Bhutanese population more accurately and profoundly than a monetary measure. The measure will both inform Bhutanese people and the wider world about the current levels of human fulfillment in Bhutan and how these vary across districts and across time, and will also inform government policy.

The GNH indicators have been designed to measure nine core dimensions that are regarded as components of happiness and wellbeing. The nine dimensions were selected on normative grounds, contain between three and seven indicators and are equally weighted: 1. Psychological Wellbeing; 2. Time Use; 3. Community Vitality; 4. Culture; 5. Health; 6. Education; 7. Environmental Diversity; 8. Living Standard; 9. Governance. <http://www.grossnationalhappiness.com>

Defining Wrongful Conduct: Social Taboos

'Our traditional ideas of justice and legal procedure have been fashioned erga singulum, i. e. against an individual or individuals. Notions of environmental justice go far beyond this notion and are based on notions erga omnes, i. e. towards the whole world. Traditional legal procedures and concepts will need to be recast in this reality ...'

WFC Councillor Judge C. G. Weeramantry, Former Vice-President of the International Court of Justice

Laws change according to advances in knowledge and changes in morality and culture. The World Future Council works to speed changes in laws to reflect new knowledge on the state of the planet and the psychology of human beings. The notion of social taboo will be recast to express that certain behaviour is simply unacceptable given what we know. When scientific knowledge tells us that the wellbeing or the very survival of human and other species is threatened, we need collectively to say '*no way, we just don't go there*'.

For Future Justice, what is taboo?

- Knowingly breaking the limits of our earth's carrying capacity.
- Oppressing rights, removing freedoms, abusing trust and exploiting fear among people in one's own or other societies.
- Maintaining rules that continue or increase injustice and insecurity now and in the future.

In its public engagement the World Future Council will make it clear that in our world today there exists absolute **no go's** if we want to achieve Future Justice:

- Rules that prevent resources reaching people in need, such as denied access to water and food because of speculative market prices.
- Patterns of production and consumption that waste resources, such as industrial, monocultural, transport-intensive agriculture systems.
- Investments in technology that result in extreme costs or even irreversible damage for future generations in terms of waste or risk, such as nuclear power.
- Decisions on science, economics, culture or society that aggravate insecurity and resource shortage, such as violent strategies of conflict resolution.

We cannot afford to let outdated knowledge inform our current self-reinforcing development path. There are simply too many examples of best practice and workable and effective solutions out there for anyone to claim "There is No Alternative".

World Future Council:



Case 4: Pumping our resources into the perpetuation of violence

In 2006, the Millennium Project estimated that meeting all of the targets of the Millennium Development Goals (MDGs) would cost approximately \$135 billion. In 2007, global military expenditure reached approximately \$1,339 billion, a real-term increase of 6% over 2006 and of 45% since 1998. In poor countries the percentage of government budget spent on arms and military forces is rising and is often higher than the global average. The relationship between poverty and military spending is cyclical and reinforcing: the shortage of funds for economic and social development is a catalyst for conflict and violence, leading to more military spending and poverty, precluding the possibility of political, social, or economic progress.

Meanwhile, recent research³ compares the outcomes of 285 non-violent and violent campaigns to resist dictatorship in the 20th century. It found that major non-violent campaigns were successful 55% of the time, compared to 28.4% for violent resistance campaigns. In addition, studies on psychological security have shown that conflict is also perpetuated when violence and humiliation is experienced, indicating a direct relation between trauma and fundamentalism. Rather than force and repression, relations of respect, consultation and inclusion have shown best results in transforming conflict over time into stable relations. Psychological security modules are available and remarkably less expensive and cost-effective than military intervention. They need to become the first choice.

³ "Why Civil Resistance Works: the strategic logic of non-violent political conflict" Dr Maria Stephan and Dr Erica Chenoweth (Belfer Centre, Harvard University).

Fostering Positive Solutions: Best Policy Principles

'The international law of the future may, instead, focus on preserving the collective rights of the community of states, as co-stewards of our planet.'

WFC Councillor Prof. Marie-Claire Cordonier Segger, Director, Centre for International Sustainable Development Law

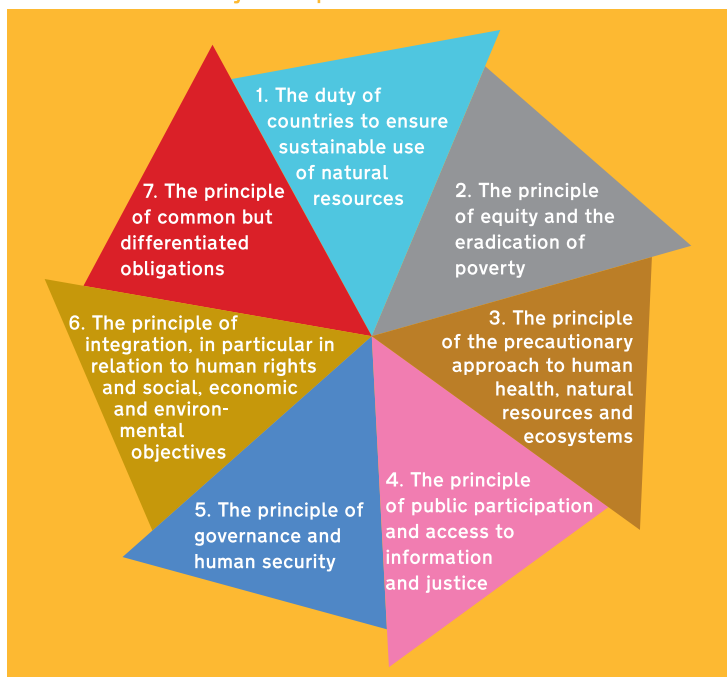
Individual countries, regions or states and multilateral institutions such as the World Health Organisation and the United Nations are co-stewards of our planet. It is their common responsibility to create laws that serve to deliver progress. And given the complex inter-dependence of our societies, global policy coherence has become ever more important. But lack of policy coherence has become an obstacle to progress according to reports⁴ by the Organisation for Economic Cooperation and Development and the European Union.

The World Future Council has developed Future Justice Policy Principles based on thorough research, analysis and debate with leading experts within and outside the Council. These principles of sustainability and development were built upon the foundations laid by the International Law Association in Delhi in 2002.⁵

These principles provide criteria against which laws and policies can be judged for their contribution to Future Justice. The World Future Council is now working to mainstream the Future Justice Agenda into all policy making:

- Promoting Future Justice Policy Principles as a valuable tool for individuals and groups that monitor, develop, amend and adopt laws and policies.
- Creating a multi-stakeholder online community for policy development and implementation to foster multi-country, multi-level collaboration to change governance systematically.
- Evaluating globally discussed policies such as those proposed to meet Millennium Development Goals against the Future Justice Policy Principles and promoting recommendations for amendment or change publicly.
- Applying the Future Justice Policy Principles in all World Future Council policy recommendations including thematic projects.

Future Justice Policy Principles



⁴ http://www.oecd.org/department/0,3355,en_2649_18532957_1_1_1_1_1,00.html and www.eucoherence.org

⁵ http://www.cisd.org/pdf/new_delhi_declaration.p

Celebrating Successes: World Future Award

'It is better to light one candle than to curse the darkness.'

Jakob von Uexküll, Founder, Right Livelihood Award and World Future Council

The World Future Award champions successfully implemented policies that safeguard Future Justice. The Award highlights existing policy solutions and shows that change is possible where there is political will. Exposing *best policies* provides a valuable resource for policymakers around the world as an immediate reference point for effective implementation of the Future Justice vision.

Each year the World Future Council selects one topic of critical political concern and receives nominations from all over the world for best policies. Evaluated according to our Future Justice Policy Principles, the best laws are voted, a winner announced and the success story documented with a short film. A representative of the winning country or region is honoured at a ceremony following the World Future Council Annual General Meeting. The first Award in 2009 received nominations for best policies to ensure food security.

Solution 2: Future Generations Ombudspersons

Our current system is driven by short-term decision-making, be it in business and investment aiming for quick profits or in representative politics aiming for the next votes.

Some countries have begun to counter this discrimination against the future with an additional body that reviews the long-term effects of solutions debated. The Hungarian parliament, for example, elected Mr. Sándor Fülöp as first **Parliamentary Commissioner for Future Generations** on May 28, 2008.

His task is to ensure the protection of the fundamental right to a healthy environment, sustainability and improvement of the situation of environment and nature. **The ombudsman in Hungary is independent of the government, other state organisations and the private sector.** He or she is responsible for reporting his or her activity to the Parliament only. He can directly call on individuals to change their behaviour, report on them publicly or even file complaints in the courts.

For the full list of authorities and measures available see: http://www.jno.hu/en/?menu=LIX_of_1993#jno

Time periods of human and natural development



Sources*

Early Warning Systems: Worst Policy Principles

'Patents on life and the rhetoric of the "ownership society" in which everything – water, biodiversity, cells, genes, animals, plants – is property expresses a world view in which life forms have no intrinsic worth, no integrity and no subject hood.'

WFC Councillor Prof. Dr. Vandana Shiva, Founder, Research Foundation for Science, Technology and Ecology

Today's sharing of information, resources and wealth is unfair and unequal, and participation and freedom of choice are undermined.

The impact is psychological. People are insecure, conflicts are prolonged, exploitation of nature and the least protected is encouraged and violence is incited. Yet is the role of government, institutions and laws not to promote a fair society and reduce suffering?

Working from the basis of Best Policy Principles, laws and policies threatening Future Justice can be easily identified. We believe such laws should be scrapped or amended:

- Laws that promote the unsustainable use of natural resources
- Laws that exacerbate inequity and poverty within or between societies
- Laws that undermine precautionary approaches to human health, natural resources and ecosystems

- Laws that prevent public participation and hinder access to information and justice
- Laws that perpetuate and encourage bad governance in practice
- Laws that promote fragmentation and exploitation of social or ecological systems, that ignore human rights and undermine progress
- Laws that violate the principle of common but differentiated obligations.

People are not inherently greedy and selfish, but they are capable of cruel, even brutal actions under certain Conditions, such as extreme concentration of power, anonymity, lack of transparency, rigid ideologies, "we" and "them" thinking and a culture of fear.

The World Future Council works to prevent conditions causing Future Injustice and Insecurity. We are

- Scrutinising existing policies and issuing "early warnings" when policies systematically aggravate injustice, insecurity and biodiversity depletion and have the potential to destroy ecosystems and communities.
- Engaging in global policy debates to sensitise the international community on the risks of creating conditions that make crimes against future generations not only possible but even likely.

"around 10 million years"

*Sources: United Nations World Population Prospects 2006. http://www.un.org/esa/population/publications/wpp2006/WPP2006_Highlights_rev.pdf; Bob Holmes: Imagine Earth without people, New Scientist, 12 October 2006. <http://www.newscientist.com/channel/life/mg19225731.100>; J. W. Kirchner and A. Weil, Delayed biological recovery from extinctions throughout the fossil record, Nature, 404, 177-180, 2000; Matt Golder: Democratic electoral systems around the world, 1946-2000, Electoral Studies 24 (2005) 103-121, p. 106. <http://homepages.nyu.edu/~mrg217/es.pdf>

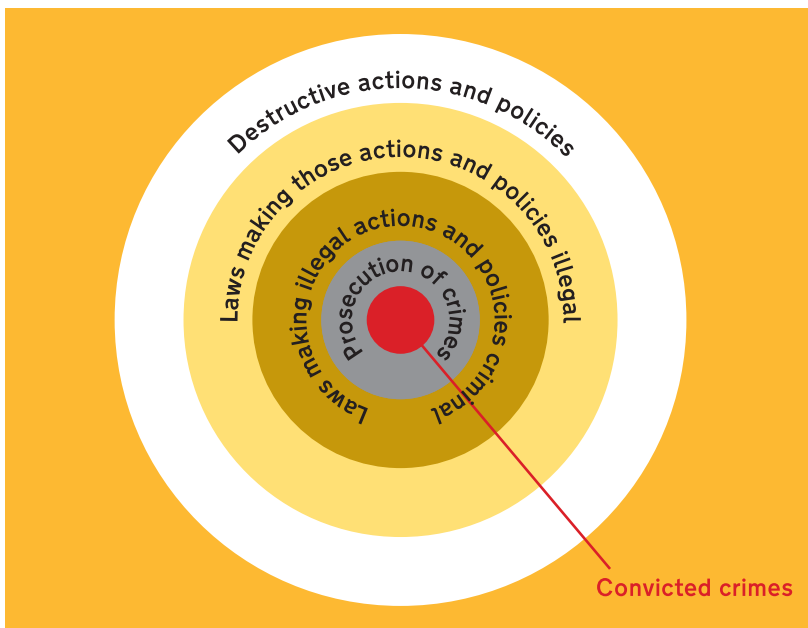
Measures of Prosecution: Crimes against Future Generations

'We need to recognise and appreciate the extent to which our decisions and acts in the present have serious, potentially irreversible consequences for the future.'

WFC Councillor David Krieger, President,
Nuclear Age Peace Foundation

As environmental devastation of the planet continues to gather momentum, ignoring the long-term consequences of economic, social, cultural and military conduct is no longer acceptable. Where regulatory approval or legal authorisation of (potentially) future-foreclosing behaviour is possible, laws must be changed to stop damaging acts. Yet what for those who continue to commit crimes against future generations? The World Future Council supports the idea of criminalisation of the worst offences.

Levels of societal response to unacceptable behaviour



Case 5: Crimes against Future Generations as Crimes against Humanity

Crimes against future generations are not future crimes, nor crimes committed in the future. Rather, they apply to acts or conduct undertaken in the present which have repercussions for the natural environment, human populations, species or ecosystems in the present and which have consequences, as assessed in the present, for future generations of life.

Just as crimes against humanity are not crimes which are directly committed against humanity, crimes against future generations are also not directly committed against future generations. The term "humanity" in crimes against humanity indicates that this crime concerns offences which are of concern to all of humanity, the gravity is such that when they are committed, all of humanity is injured and aggrieved. Crimes against future generations are similar, and further, there is even an actual nexus, in terms of knowledge and causation, between the underlying offence and damage to future generations of life.

Hence, "Crimes against future generations" are military, economic, cultural or scientific activities, where the regulatory approval or authorisation of activities are committed with knowledge of their severe and likely irreparable consequences on the health, safety, or means of survival of future generations of humans, or of their threat to the survival of entire species or ecosystems.

Hypothetical cases currently being researched by the World Future Council include bottom-trawling, gas flaring, unattended oil spills from pipelines and private trade in small arms.

What are crimes against future generations?

The World Future Council definition of Crimes against Future Generations are acts that cause widespread, long-term and severe damage to the natural environment, to the health, means of survival or safety of a given human population, or to the conditions of survival of a given species or ecosystem.

The World Future Council advocates changes to laws in order to prevent crimes against future generations being committed. We also work for an official recognition of such crimes in international jurisdiction, so that such behaviour is deterred even if there are no relevant national laws. We are

- Reaching out to human rights groups working on fair justice systems to seek their support for the official recognition of crimes against future generations as crimes against humanity.
- Compiling dossiers on acts and individuals that qualify as crimes and criminals under the World Future Council definition of Crimes against Future Generations and making sure everyone knows the worst cases.
- Researching existing legal cases or laws for the recognition of Crimes against Future Generations and preparing for legal action.
- Investigating innovative forms of sentencing such as the provision of additional “services” or types of damages in addition to compensation, fines or imprisonment.

Case 6: Nuclear arms are still not illegal

In 1996, the International Court of Justice issued an Advisory Opinion on the legality of the threat or use of nuclear weapons. The Court found, “The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilisation and the entire ecosystem of the planet.” Even setting aside the blast effects of nuclear weapons, the Court found, “Ionising radiation has the potential to damage the future environment, food and marine ecosystem, and to cause genetic defects and illness in future generations.”

The Court unanimously concluded that any threat or use of nuclear weapons that violated international humanitarian law would be illegal. Despite the fact that there could be virtually no threat or use of nuclear weapons that did not violate international humanitarian law, the Court did not declare them as clearly unlawful. **Only WFC Councillor Judge Weeramantry as the Vice-President of the Court held that:** “My considered opinion is that the use or threat of use of nuclear weapons is illegal in any circumstances whatsoever. It violates the fundamental principles of international law, and represents the very negation of the humanitarian concerns which underlie the structure of humanitarian law. It offends conventional law and, in particular, the Geneva Gas Protocol of 1925, and Article 23(a) of the Hague Regulations of 1907. It contradicts the fundamental principle of the dignity and worth of the human person on which all law depends. It endangers the human environment in a manner which threatens the entirety of life on the planet”.

For full text and argument see:

<http://www.cornnet.nl/~akmalten/uweerama.html>

Now Future Justice, More than Ever

'Yes moko,
just like the sea which has to move its tides
so we can collect Kaimoana at certain times.
Rules give harmony to our lives
so we live with minimum conflicts.
Working in harmony with others, ae moko,
it's nature's act of saying,
Let us make music all together
if not in reality – then make it your dream.'
WFC Councillor Pauline Tangiora,
Maori Elder

The Future Justice vision and agenda are designed to **raise the consciousness of humankind** regarding the responsibilities we have to one another and to our planet as well as the rights to which we are all entitled.

Now is the time to act for the future and for Future Justice. The challenges we face as humankind are the same the world over, although the symptoms are manifested in different ways. It is the task of policymakers and citizens to act together to uphold Future Justice and to expose those responsible for Crimes against Future Generations. The World Future Council reaches out to other likeminded organisations and individuals and embraces

ideas and activities that serve to support the new path to development and a future of solidarity, peace and diversity.

The Future Justice Commission behind this work is composed of World Future Councillors, Advisors and selected experts from different fields of knowledge relevant to anticipate the needs of future generations. Councillor members include Judge Christopher Weeramantry (Former Vice-President of the International Court of Justice), Prof. Marie-Claire Cordonier Segger (Director of the Centre for International Sustainable Development Law), Bianca Jagger (Human Rights Advocate), Prof. Hans Peter Dürr (Nuclear Physicist and Peace Activist), Dr. Scilla Elworthy (Founder of the Oxford Research Group), Dr. Rama Mani (Scholar, Activist and Policy Analyst), Count Hans von Sponeck (Former UN Assistant Secretary General), Frances Moore Lappé (Author, Founder Small Planet Institute), as well as Honorary Councillors H.E. Arthur Robinson (Former President of the Republic of Trinidad and Tobago) and Prof. Ernst Ulrich von Weizsäcker (Dean of the Donald Bren School of Environmental Science and Management at the University of California).



Inaugural Meeting of the Future Justice Commission, Santa Barbara, California, April 2008

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The World Future Council

The World Future Council (WFC) brings the interests of future generations to the centre of policy making. Its 50 eminent members from around the globe have already successfully promoted change.

The Council addresses challenges to our common future and provides decision-makers with effective policy solutions. In-depth research underpins advocacy work for international agreements, regional policy frameworks and national lawmaking and thus produces practical and tangible results.

Please consult our website

www.worldfuturecouncil.org/futurejustice.html for more detailed information, in-depth research papers, reports of Commission meetings and updates about events. We are grateful for your support in remaking a governance system that is fair, secure and peaceful – a multi-step challenge for which we and our partners are competent and determined to succeed.

Please do not hesitate to contact us with any more detailed questions:

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How to donate

This World Future Council publication aims to share the organisation's successes with our partners in policymaking, funding and the media. To carry on our work creating better policies for a better world the World Future Council needs your support. We are grateful for all donations. Please send your donation to

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What is Future Justice?

Future Justice ...

- is about thinking and acting differently, based on respect, dignity and mutual trust
- considers not just what is happening now, but the effects of our actions in the years, decades and centuries to come
- is a means of creating new rules for how we live and work, pass laws and run countries
- is the giving of rights to the poorest, the weakest, the ignored, to the planet and to the other living creatures we share it with
- is a protection for all the people yet to be born, whose lives we are blighting before they have even started
- is about what we do now. Our actions today will determine the conditions of life for centuries to come.