

Article

# Intergenerational Equity and the Sustainable Development Goals

Otto Spijkers <sup>1,2,3</sup> 

<sup>1</sup> Department of International and European Law, Utrecht University School of Law, Newtonlaan 201, Room 3A.36, 3584 BH Utrecht, The Netherlands; o.spijkers@uu.nl

<sup>2</sup> The Netherlands Institute for the Law of the Sea (NILOS), 3584 BH Utrecht, The Netherlands

<sup>3</sup> Utrecht Centre for Water, Oceans and Sustainability Law (UCWOSL), 3584 BH Utrecht, The Netherlands

Received: 4 September 2018; Accepted: 18 October 2018; Published: 23 October 2018



**Abstract:** The contribution of the present research is to link the global consensus in international legal scholarship on the principle of intergenerational equity to the Sustainable Development Goals (SDGs). The methodology used is, first, to provide a literature review of theories of intergenerational equity developed in international law scholarship, followed by a textual analysis of the United Nations General Assembly (UNGA) resolution that contains the SDGs. To place the SDGs in their proper context, an overview is provided of the most important declarations on sustainable development of the United Nations General Assembly (UNGA), and outcome documents of the most important World Conferences on sustainable development organized under the auspices of the United Nations. Two general conclusions can be drawn from the present research: in international law scholarship and in the SDGs and previous declarations, the earth is generally seen as a resource, to be used by present and future people, and not as something warranting respect regardless of its worth to human beings. Second, the main challenge is to find a proper balance between *intergenerational* equity—present and future people—and *intragenerational* equity—the rich and the poor of the present generation.

**Keywords:** United Nations General Assembly; intergenerational equity; sustainable development; international law; sustainable development goals

---

## 1. Introduction

Past, present, and future people depend on the earth. The earth's resources are scarce; and its capacity to recover from the effects of some of our actions, such as the emission of greenhouse gasses, is limited. It is up to the people of the present what kind of world to leave to the people of the future, the unborn. There are various ideas about what exactly the present people owe to future people, and that is what intergenerational equity is all about. This concept has inspired a significant amount of scholarship, in various disciplines, including philosophy, (global) governance, and international law). In this paper, the focus is on international law scholarship. International law scholarship engages not only with ideas developed by previous scholars, but also with references to intergenerational equity contained in the sources of international law, i.e., international treaties, customary law, and general principles. This distinguishes international law scholarship from that of philosophy.

The research question that is addressed in this paper is the following: in what way do the Sustainable Development Goals (SDGs) refer to the concept of intergenerational equity, and how are these references to be understood in the light of references to intergenerational equity in previous declarations and in the light of international legal scholarship on intergenerational equity?

Why should one be interested in references to intergenerational equity in UN General Assembly resolutions, such as the one containing the SDGs, and/or outcome documents of World Conferences? Because in this Assembly, and at these Conferences, all States in the world are represented. This is

already unique: it is the closest we can get to a so-called “town meeting of the world”: a forum representing the whole world. This makes these ideal to get an idea of what “the world” thinks about intergenerational equity.

In this study, an overview is provided of the most important UNGA resolutions and World Conference outcome documents that predate the Sustainable Development Goals (SDGs, Section 4). This is done because it is impossible to appreciate the SDGs without knowing what came before. The SDGs can best be seen as the latest milestone in a long, ongoing global discussion. Then, the Sustainable Development Goals are analyzed in more detail (Section 5), followed by a conclusion (Section 6).

Before we begin our analysis of above-mentioned documents, the methodology used is explained in more detail (Section 2), and a literature review is provided of the international law scholarship on intergenerational equity (Section 3).

## 2. Materials and Methods

Before starting the analysis, some remarks will be made on the chosen materials and methodology.

The primary documents that are analyzed are the declarations of the UN General Assembly (UNGA) which contain references to intergenerational equity. Such references need not be explicit, i.e., the term need not be used literally; they can also be implicit. Only declarations are referred to, not ordinary resolutions. Since its establishment in 1945, the Assembly adopted almost 20,000 resolutions, but not all of those contain general declarations of principles. This latter category is clearly distinguished from ordinary resolutions by the Assembly itself: they are generally referred to as “declarations”.

The second category of primary documents analyzed are outcome documents of World Conferences, which make implicit or explicit reference to intergenerational equity. Usually, such documents are adopted by consensus, but, where that is not the case, this will be mentioned below.

UNGA declarations and outcome documents of World Conferences are political and aspirational documents, they are not to be considered sources of international law. In other words, they are not creative of legal obligations, and States are under no legal obligation to comply with them. They are not treaties, and they are generally not meant to be codifications of customary international law. Those declarations or outcome documents that *are* intended to codify existing custom will make this evident in some way, either by stating this in the Preamble, or it can become clear from the context of their adoption.

This contribution will not engage with, or contribute to, the scholarly debate on intergenerational equity. That is done elsewhere. Section 3 only provides a review of the international law literature on intergenerational equity, because that will help us understand the UNGA declarations and outcome documents better.

Excluded from the scope of this research are references to intergenerational equity in multilateral treaties, or in declarations by entities other than the two mentioned above—UN General Assembly and World Conferences organized under the auspices of the UN—such as the International Law Association, or the European Union.

The research method employed in this study is descriptive as opposed to evaluative/normative. The purpose is to provide an overview of all relevant references, not to critically evaluate them.

## 3. Literature Review of Theories of Intergenerational Equity Developed in International Law Scholarship

In the international law literature, many different approaches have been developed on how people presently living ought to relate to the unborn. Of course, these approaches are heavily influenced by scholarship of other disciplines, philosophy and ethics in particular. The aim of this section is to provide a succinct review of the international law literature on intergenerational equity, and to briefly touch upon the most important ideas developed therein, and to show how these ideas evolved over

time. The present paper itself makes a modest contribution to this literature, and to this evolution, by analyzing the text of the Sustainable Development Goals, in light of the literature on intergenerational equity, and in the light of references to intergenerational equity in earlier declarations. Such an attempt has not yet been made. The present paper aims to fill that gap.

The most important and influential international law scholars working on intergenerational equity are Edith Brown Weiss, and Malgosia Fitzmaurice. In their research, and that of other scholars working on intergenerational equity in the field of international law, one finds a great variety of approaches and ideas. An overview is now provided thereof.

It has been argued that the people of the present must leave the earth's resources in as good a condition as in which they found them, to allow future people to use these resources as well. For example, according to a recent report of the United Nations Secretary-General, "nearly all human traditions recognize that the living are sojourners on Earth and temporary stewards of its resources" [1] (p. 4).

It has also been argued that the people of the present can fully exploit these natural resources, as long as they provide future people with an alternative way to satisfy their needs; or that the present people can fully exploit the resources, as long as they provide future people with the means (technologies) to repair what has been destroyed. This investment in new technologies should not be unduly burdensome to the present people, especially when it only benefits future people [2] (p. 1819).

It has also been argued that the present people must find an equitable balance between satisfying their own needs and leaving enough natural resources for future people to satisfy their needs. Leaving an equitable share of the benefits and burdens of natural resources' utilization is not the same as leaving an equal share, but it means more than leaving only the minimal resources needed by future people to stay alive. From the people of the past, the present people inherited much more than the means to simply stay alive. If one follows this line of reasoning, then what the past people offered to the present people, the latter now owe to future people. Such intergenerational responsibility could be grounded in philosophical or moral theory (later translated into legally binding obligations), but it could also simply be a "biological thing", i.e., the obligation to care for our unborn could be in our genes. Dinah Shelton made this point in her contribution to a very interesting symposium on "Solidarity: A Structural Principle of International Law", held at the Max-Planck-Institute in Heidelberg, in 2008 [3] (p. 124). This is not the place to elaborate further on these theories; the aim is simply to indicate different ideas and approaches.

In the literature, one also finds scholars questioning whether it is really a "good thing" for the human species to survive: why not accept that our time on this planet—or the time of the planet itself—has ended, or is about to end? [3] (p. 131). Or why not accept that whoever gets to the natural resources first, gets to exploit them, until all their needs are entirely satisfied? Is that not how the world works? Is this not how we relate to other people in the present? The problem, of course, is that the unborn cannot really take part in this whoever-gets-there-first type of arrangement, because they do not yet exist.

It is often noted that the people of the past did not just pass on the planet to the people of the present; they also passed on a problematic legacy. Some references to intergenerational equity thus refer also to an obligation of the present generation to compensate for wrongs done by the past generation. This can be understood as references to colonialism, oppression and occupation, slavery, but also to environmental damage—think of the concept of common but differentiated responsibilities, which is often understood in the sense that States' obligations to protect and preserve the environment differ, depending *inter alia* on their historical contribution to the destruction of the environment. This relationship with the past will not be the focus of the present contribution, which sees "intergenerational equity" as reference primarily to the relationship between present and future people [3] (p. 154).

The most influential theory of intergenerational equity in an *international law scholarship* is the one developed by Brown Weiss [4]. Briefly summarized, she suggested that the earth's natural resources

have been passed onto us by the previous generation, and we must pass them on to the future generations, and this is done in perpetuity—there are infinitely many future generations, or at least as many until the end of the world. In Brown Weiss' own words:

“[ . . . ] we, the human species, hold the natural and cultural environment of our planet in common with all members of our species: past generations, the present generation, and future generations. As members of the present generation, we hold the earth in trust for future generations. At the same time, we are beneficiaries entitled to use and benefit from it” [5] (p. 603).

In one sentence, each generation is “both a trustee for the planet with obligations to care for it and a beneficiary with rights to use it” [5] (p. 606). This means that “the purpose of human society must be to realize and protect the welfare and well-being of every generation [and] this requires sustaining the life-support systems of the planet, the ecological processes and the environmental conditions necessary for a healthy and decent human environment” [5] (p. 605).

Brown Weiss, a lawyer, not only used the concept of an intergenerational trust; she also grounded the entitlements of future generations in international human rights law. This requires some imagination, because human rights are normally seen as rights pertaining to individuals, and the individuals of the future generation do not yet exist. The solution was to speak of rights pertaining to the future generation *as a group*. She referred to these rights as “intergenerational rights”, rights that generations hold vis-à-vis other generations [5] (pp. 610–616). Group rights already exist under international law, think of the right to self-determination of peoples.

The “intergenerational rights”-approach has been criticized a lot. The main criticism is that non-existing people cannot have rights. Brown Weiss in reply insisted that the rights do not belong to individuals, but to the group. Of course, one can argue that even the group of “future generations” does not exist (yet). Another point of critique is that we do not know what these future people want or need, and if we grant them specific rights (and deny them others), we are basically telling them how to live. Another critique is that future people owe their existence to present people; thus, they should be grateful to us, and not complain about their quality of life. Another critique of Brown Weiss' theory is that it is too anthropocentric: the duty of the present generation not to ruin the earth could also be an obligation we owe to nature itself [6] (pp. 208–209). In response to the latter critique, it should be emphasized that Brown Weiss held that intergenerational equity was shaped by two different relationships: the relationship of the present generation to other—past and future—generations; and the relationship of present people to “the natural system of which we are a part” [5] (p. 603). Conceptually speaking, it is a bit problematic to see the latter relationship—between present people and nature—as part of intergenerational equity, as it has nothing to do with how different generations of human beings relate to each other. Therefore, Shelton saw our relationship with nature as something “beyond inter- and intragenerational equity” [3] (p. 128).

These are some of the theoretical approaches the UN General Assembly could choose from. Before we get to analyze the UNGA declarations, it is worth pointing out that there is a lot of hypocrisy involved in how we relate to future people. There is often an enormous disjuncture between words and deeds. Therefore, Tomuschat exclaimed:

“Is there not a huge gap between very nice talk about intergenerational equity and hard facts? [We blame the States, or the politicians, but it is] not the States, but the societies [that] are acting. They want everything. They want well-being as we live now and here. And they want of course social and economic rights. Article 11 of the Covenant on Economic and Social and Cultural Rights says: “Everyone has a right to the continuous improvement of living conditions.” This comes down to an extremely brutal form of self-affirmation. We take everything, we take the natural resources which exist at the present time and we really do not care about the future” [3] (pp. 163–164).

#### 4. Prehistory to the Sustainable Development Goals

Before we get to the analysis of the SDGs, let us look briefly at what came before. Since the focus is on the declarations issued by the main deliberative organ of the United Nations, the UN General Assembly, we will start in 1945, when the United Nations Organization was established [7] (pp. 255–269).

The UN Charter, the founding document of the United Nations, says little about obligations of intergenerational equity. Sometimes, in intergenerational equity scholarship, a reference is made to the first sentence of the Charter's Preamble, which states that "we, the peoples of the United Nations, [are] determined to save succeeding generations from the scourge of war". This is, of course, a promise to future people, but it has little to do with finding a balance between interests of present and future generations.

The earliest resolutions on sustainable development of the UN General Assembly, and World Conference outcomes documents, distinguish two different approaches: the earth is either seen as a resource to be used for the benefit and development of humankind (both past, present, and future generations), or as something of intrinsic value.

In 1972, the United Nations Conference on the Human Environment took place in Stockholm. The Declaration on the Human Environment was adopted at the end of that Conference [8]. The aim was to come up with a "common outlook and [ . . . ] common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment" [8]. That is already quite telling, that nature was referred to as the "human environment". Indeed, the Declaration said nothing about nature's intrinsic value. Instead, the document was full of phrases like "of all things in the world, people are the most precious" [8]. The aim was clearly not to preserve the environment for its own sake, but to "defend and improve the human environment for present and future generations" [8] (para. 6).

The 1972 Declaration put forward a set of twenty-six principles on which a common environmental policy should be based. The first principle stated that

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations [8].

Although the word "sustainable development" did not appear in the Declaration, the main theme was the relationship between the development of the present generation and that of future generations. Principle 2 is the clearest reference to this relationship:

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate [8].

Other principles are relevant as well. For example, principle five states that "the non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind" [8].

The most traditional and legalistic principle has also become the best known of all principles. This is principle 21:

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction [8].

This principle has little to do with obligations to future generations. It focuses more on *intragenerational* equity, i.e., the duty not to cause harm to the neighbouring State.

The Stockholm Declaration is not very explicit about how to find a proper balance between intergenerational and intragenerational interests. As Claire Molinari pointed out, “the idea that the interests of present and future generations might conflict is not made explicit in the Stockholm Declaration, where there is no mention of ‘equitably’ meeting the needs of both present and future generations” [9] (p. 140).

Some of the ideas of the Stockholm Declaration also ended up in the 1974 Charter of Economic Rights and Duties of States, especially in the part entitled Common Responsibilities Towards the International Community [10], in which the Assembly proclaimed that “the protection, preservation and enhancement of the environment for the present and future generations [was] the responsibility of all States,” and that “all States [should] endeavour to establish their own environment and development policies in conformity with such responsibility” [10].

On 28 October 1982, the General Assembly adopted the World Charter for Nature [11]. This time the earth was no longer treated as a commodity. The Assembly now stated that it was “aware that mankind [was] a part of nature,” that “civilization [was] rooted in nature,” that “living in harmony with nature [gave] man the best opportunities for the development of his creativity,” and that it was convinced that “every form of life [was] unique, warranting respect regardless of its worth to man” [11]. The first principle of the World Charter for Nature proclaimed that “nature shall be respected, and its essential processes shall not be impaired” [11] (para. 1). Furthermore, the Charter demands that “natural resources shall not be wasted.” Instead, they should be used in a sustainable way [11] (para. 13).

The World Charter for Nature approach has not made all that much impact on international law and international affairs. Instead of protecting the environment for its own sake, the United Nations generally sees the earth as a giant natural resource to be enjoyed both by present and future generations. The concept of sustainable development was introduced based on this idea. It was authoritatively defined in “Our Common Future,” a report written by the World Commission on Environment and Development, chaired by Gro Harlem Brundtland of Norway, and usually referred to simply as the Brundtland Report [12]. The main theme of the report was that the global economy and global ecology were “locked together” [12] (p. 21). The most pressing developmental problems, such as poverty and hunger, and the most pressing environmental problems, such as desertification and global warming, were so closely connected that they essentially constituted different sides of the same coin [12] (p. 20). The way forward was to make development sustainable, i.e., “to ensure that [development] meets the needs of the present [generation] without compromising the ability of future generations to meet their own needs” [12] (para. 27).

A set of Proposed Legal Principles for Environmental Protection and Sustainable Development, adopted by the World Commission on Environment and Development Experts Group on Environmental Law was annexed to the report [13]. An important principle was the principle of intergenerational equity, according to which “States [should] conserve and use the environment and natural resources for the benefit of present and future generations” [13] (Principle 2).

The most important declaration on sustainable development predating the SDGs, is the Declaration on Environment and Development, adopted at the end of the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992 [14]. The first principle emphasized the human-centred approach. It stated that “human beings are at the centre of concerns for sustainable development” [14]. The second principle reaffirmed principle 21 of the 1972 Stockholm Declaration on the Human Environment [14]. The third principle attempted to reconcile the right to development with intergenerational equity, by stating that “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations” [14]. It is interesting that intergenerational equity is linked to the right to development in this way. There are political—as opposed to conceptual—reasons for this. If we look at the drafting history, we see that

the principle initially was supposed to refer primarily to the right to development, i.e., the right for everyone presently living to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. However, at the insistence of the developed nations, a reference was added to the future generations. In addition, in the end, “the Nordic countries agreed to accept a right to development, as long as it was tempered by a reference to the needs of future generations” [9] (p. 142). Therefore, principle 3 now refers to both. Over time, the Nordic countries’ view prevailed: nowadays, the principle is generally interpreted and invoked as reference to intergenerational rights, and not to the right to development [9] (pp. 144, 155).

The next major declaration on sustainable development was the Millennium Declaration. This declaration included in its list of values, the value of respect for nature. This suggests a return to the World Charter for Nature approach to environmental protection. In reality, the Assembly continued to prefer the focus on the interests of future generations of human beings, as opposed to the interests of nature itself. About respect for nature, the General Assembly stated:

Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants [15] (para. 6).

Section IV of the Millennium Declaration, on “protecting our common environment,” elaborated on this value in greater detail. The Assembly pledged to “spare no effort to free all of humanity, and above all our children and grandchildren, from the threat of living on a planet irredeemably spoilt by human activities, and whose resources would no longer be sufficient for their needs” [15] (para. 21). Thus, the States resolved to “adopt in all our environmental actions a new ethic of conservation and stewardship.” The eight Millennium Development Goals (MDGs), which were extracted from the Millennium Declaration, included the goal of ensuring environmental sustainability (MDG7). The emphasis of the MDGs was on alleviating poverty in the present generation, and not on the protection of the environment for the benefit of future generations.

The evolution of the concept of sustainable development continued in 2002, at the United Nations Conference on Sustainable Development in Johannesburg, South Africa [16]. The start of the conference was promising. At the beginning of the Summit, the “children of the world” spoke to the representatives and reminded them that the future belongs to the children, and to the future generations that follow [16] (paras. 3–4). However, when the representatives got to work, the mood changed. The focus was more on *intragenerational* equity, as opposed to *intergenerational* equity. The developing States are often blamed for this, as they focused more on their own immediate developmental problems, rather than on preventing or at least mitigating developmental problems for future generations. Resources are scarce, and increasing the share of resources to be left for future generations automatically decreases the resources available for the present generation. Intergenerational equity comes at the expense of intragenerational equity. The existence of this tension is also acknowledged in scholarship. For example, Brown Weiss argued that:

“While it is important to focus on future generations, it is also important to address the equity concerns among communities within the present generation. While many actions promote both intergenerational and intragenerational equity, there will be conflicts in some cases. Immediate satisfaction of wants may be at the expense of long-term needs of sustainability” [5] (p. 607).

Shelton also noted that intergenerational equity “in part asks whether a given resources should be used today or saved for possible future use” [3] (p. 148). There is nothing selfish or superficial about stressing the importance of satisfying the needs of the present generation, when these are vital

human needs. There is no reason why people should starve only to secure interests of the unborn future people. Of course, if “wants” refers to present people’s excessive claims to a luxurious life, that’s a different story. Brown Weiss followed the approach of the Brundtland report, in stressing that many policies are beneficial both to the poor of the present and to future people: “to implement intergenerational equity, countries need to help poor communities within their country and elsewhere to use the natural environment on a sustainable basis” [5] (p. 608).

A World Fit for Children deserves a brief mention here. In this declaration the Assembly pledged to “protect the Earth for children,” by “safeguard[ing] our natural environment, with its diversity of life, its beauty and its resources, all of which enhance the quality of life, for present and future generations” [17] (para. 4). This could be interpreted as indicating an adjustment in the balance between present and future generations, but the declaration has not had much impact.

Then came the UN Secretary-General (UNSG)’s report on intergenerational solidarity. The UNSG noted that “future generations are politically powerless, with the representation of their interests limited to the vicarious concern of present generations” (para. 5). The report is a bit ambiguous about who exactly belongs to the “future generation”. To get some clarity, it first discusses the term “generation”. This term normally “refers to relations between the younger and older generations of those living” (para. 6). However, “in the context of sustainable development, intergenerational solidarity goes beyond relations among the currently living representatives of different generations to embrace the future generations who do not yet exist” (para. 8). What exactly does “going beyond” mean? This is not clear, but it does suggest that intergenerational solidarity refers both to solidarity between the young and the old, and between present and future people.

In scholarship, one also sees that scholars wrestle with the term “generation”. For example, Fitzmaurice, a very influential scholar on intergenerational equity, reached the same conclusion as the UNSG: “the concept of intergenerational equity (solidarity) is wider as it embraces future generations, who do not yet exist, and is therefore not limited to the relations among currently living representatives” [18] (p. 357). Some scholars use the term “generation” as if we are all clear on what it means [6] (pp. 197–198). Some use the term “future generation” as reference to the category of all persons not yet born, and “present generation” as reference to “those people who are living at the present time” [5] (p. 602, footnote 1). That is not how the term is used in normal speech, in which the baby-boomers and millennials are certainly not considered as part of one and the same generation. To avoid all this confusion, it might be better to avoid the term “generation” altogether and instead speak of present people and future people, but the UN General Assembly is persistent in referring to “generations”.

## 5. Sustainable Development Goals and Intergenerational Equity

There is not a single explicit reference in the Sustainable Development Goals (SDGs), adopted by the UN General Assembly in 2015, to the principle of “intergenerational equity”.

There are a couple of references to “future generations” in the SDGs. In a section on *Planet*, the States expressed their determination “to protect the planet from degradation [ . . . ] so that it can support the needs of the present and future generations” [19]. Even though the title of this section suggests that it is the interest of the planet itself that is at stake, from the text it becomes clear that the protection of the planet from degradation is done in the interest of today’s and tomorrow’s people. In other paragraphs, the SDGs more explicitly refer to the present and future generations—and not nature itself—as the beneficiaries: “We will implement the [Sustainable Development] Agenda for the full benefit of all, for today’s generation and for future generations” [19] (para. 18).

The most interesting part is a section entitled “A call for action to change our world”. This section refers to all different generations, and how they relate to each other. “Seventy years ago”, so it begins, “an earlier generation of world leaders came together to create the United Nations” [19] (para. 49). And now we, the present generation, take over, and “[w]e can be the first generation to succeed in

ending poverty; just as we may be the last to have a chance of saving the planet” [19] (para. 50). At the end, there is a reference to the consequences of our actions for future generations:

“The future of humanity and of our planet lies in our hands. It lies also in the hands of today’s younger generation who will pass the torch to future generations” [19] (para. 53).

Without too much effort, one can see in these remarks traces of the “intergenerational trust” theory: the idea that we—the present generation—pass on the world we received from the past generation to the future generation.

It is much more difficult to identify in the SDGs any traces of the “intergenerational rights” approach. There are, of course, references to international human rights, but those refer only to the rights pertaining to individuals of the present generation. For example, the ambition of the SDGs is to “seek to realize human rights of all” [19] (Preamble). And the States gathered together “envisage a world of universal respect for human rights and human dignity [ . . . ] and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity” [19] (para. 8). The most concrete commitment is the following [19] (para. 19):

We reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.

Does this include international human rights of future generations? Does it not say we ought to promote human rights and fundamental freedoms for all, without distinction of any kind or status? Does the prohibition to make a “distinction of any kind” include the prohibition to discriminate between present and future people? Is being a future person a “status”?

Other references to rights include a reference to “equal rights to economic resources” pertaining to “all men and women, in particular the poor and the vulnerable” [19] (SDG1, target 1.4; see also SDG5, target 5.a). The follow-up process must be “people-centred” and “respect human rights” and “have a particular focus on the poorest, most vulnerable and those furthest behind” [19] (para. 74). Might future people perhaps be regarded as a “vulnerable group”, because they lack the means to vindicate their rights in the present? Vulnerable people are listed, and include “children, youth, persons with disabilities [ . . . ], people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants” [19] (para. 23). There is no mention of future people in the list of vulnerable groups.

If one tries very hard, one might be able to read in some sentences a reference to intergenerational rights, i.e., human rights of future people. For example, in a paragraph on the importance of universal respect for human rights and human dignity, the State representatives also pledge to create “a world which invests in its children and in which every child grows up free from violence and exploitation” [19] (para. 8). Isn’t this a commitment to prepare the world for the birth of the future generation? It could also be read as an obligation *only* to invest in the children already born into this world.

There are lots of references to equity in the SDGs, but none of those appear to refer to—or even include—intergenerational equity. They all refer to *intragenerational* equity, i.e., equity within the present generation. There is, for example, a call to create a world with equitable access to education [19] (SDG4, and target 4.1, and paras. 7, 25); a world with universal and equitable access to safe and affordable drinking water and sanitation [19] (SDG6, targets 6.1 and 6.2); a world with equitable sharing of benefits arising from the utilization of genetic resources [19] (SDG2, target 2.5, and SDG15, target 15.6); and a world with an equitable multilateral trading system [19] (SDG17, target 17.10, para. 68). Then, there is the general reference to a “a just, equitable, tolerant, open and socially inclusive world” [19] (para. 8).

## 6. Conclusions

This paper attempted to make a modest contribution to the ongoing discussion on intergenerational equity in international legal scholarship [for the most important contributions see [20–44], by linking that scholarship to some of the most important UNGA resolutions and World Conference outcome documents (see [8,10,11,14–17,19]). Two conclusions can be drawn from the analysis. First, that the protection of the earth is held to be important, not because we respect nature’s intrinsic worth, but to allow it to serve as a resource for the development of human society, in the past, present, and future. Second, that the increasing attention to intergenerational equity was perceived, particularly by the developing world, as a threat to the interests of the people of the present. They held that increased attention to the interests of future people would come at the expense of the poor people of the present generation. The Stockholm Declaration did not say much about this tension between intergenerational and intragenerational equity. The Brundtland report tried to convince the world that this tension was only apparent, and that future people’s and present people’s interests were locked together; they were one and the same. However, the State representatives were not convinced. In principle 3 of the Rio Declaration, and especially in its drafting history, we see clear traces of this tension. Then, the Johannesburg Declaration tilted the balance in favor of *intragenerational* equity, and the Rio+20 Summit tilted the balance back in favor of *intergenerational* equity. Thus, what about the SDGs? Did they finally find a proper balance between the two? There is not a single explicit reference in the SDGs to “intergenerational equity”; and references to rights and equity apply almost exclusively *intragenerationally*. At the same time, the SDGs are, as the title suggests, all about sustainable development, i.e., about development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Sustainable development is the overall aim, and all SDGs should be interpreted and applied in such a way that they help achieve this aim.

**Funding:** This research received no external funding.

**Conflicts of Interest:** The author declares no conflicts of interest.

## References

1. United Nations Secretary-General. *Intergenerational Solidarity and the Needs of Future Generations*; A/68/322; United Nations: New York, NY, USA, 15 August 2013.
2. Taebi, B. Bridging the Gap between Social Acceptance and Ethical Acceptability. *Risk Anal.* **2017**, *37*, 1817–1827. [[CrossRef](#)] [[PubMed](#)]
3. Shelton, D. Intergenerational Equity (presentation) and Discussion following the presentation by Dinah Shelton. In *Proceedings of the Solidarity: A Structural Principle of International Law Symposium*, Heidelberg, Germany, 29 October 2008; Wolfrum, R., Kojima, C., Eds.; Springer: Heidelberg, Germany, 2010; pp. 123–168.
4. Brown Weiss, E. *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity*; United Nations University: Tokyo, Japan, 1989.
5. Brown Weiss, E. Intergenerational equity and rights of future generations. In *The Modern World of Human Rights: Essays in Honour of Thomas Buergenthal*; Nikken, P., Cançado Trindade, A.A., Eds.; Inter-American Institute of Human Rights: San José, CA, USA, 1996; pp. 601–619.
6. Fitzmaurice, M. Intergenerational Equity Revisited. In *International Law between Universalism and Fragmentation: Festschrift in Honour of Gerhard Hafner*; Hafner, G., Buffard, I., Eds.; Martinus Nijhoff Publishers: Leiden, The Netherlands, 2008; pp. 195–229.
7. Spijkers, O. *The United Nations, The Evolution of Global Values and International Law*; Intersentia: Cambridge, UK, 2011.
8. United Nations. Declaration of the United Nations Conference on the Human Environment, adopted 16 June 1972. In *Proceedings of the Report of the United Nations Conference on the Human Environment*, Stockholm, Sweden, 5–16 June 1972; UNDoc. A/CONF.48/14/Rev.1. United Nations: New York, NY, USA, 1972.

9. Molinari, C. Principle 3: From a right to development to intergenerational equity. In *The Rio Declaration on Environment and Development: A commentary*; Viñuales, J.E., Ed.; Oxford University Press: Oxford, UK, 2015; pp. 139–155.
10. United Nations General Assembly. *Charter of Economic Rights and Duties of States, Resolution 3281(XXIX), Adopted 12 December 1974*; United Nations: New York, NY, USA, 1974.
11. United Nations General Assembly. *World Charter for Nature, Annexed to United Nations General Assembly Resolution 37/7, Adopted 28 October 1982*; United Nations: New York, NY, USA, 1982.
12. World Commission on Environment and Development. *Our Common Future*; Report Transmitted to the General Assembly by the Secretary-General on 4 August 1987, UNDoc. A/42/427; World Commission on Environment and Development: Oxford, UK, 1987.
13. World Commission on Environment and Development. Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development, adopted by the WCED Experts Group on Environmental Law. In *Our Common Future*; World Commission on Environment and Development: Oxford, UK, 1987; pp. 339–342.
14. United Nations. Rio Declaration on Environment and Development. UNDoc. A/CONF.151/26/Rev.1. In Proceedings of the Report of the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3–14 June 1992; Volume I.
15. United Nations General Assembly. *Millennium Declaration, Resolution 55/2, Adopted 8 September 2000*; United Nations: New York, NY, USA, 2000.
16. United Nations. Johannesburg Declaration on Sustainable Development. UNDoc. A/CONF.199/20. In Proceedings of the Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002.
17. United Nations General Assembly. *A World Fit for Children, Annexed to United Nations General Assembly Resolution S-27/2, Adopted 10 May 2002*; United Nations: New York, NY, USA, 2002.
18. Fitzmaurice, M. Intergenerational Equity, Ocean Governance, and the United Nations. In *The IMLI Treatise on Global Ocean Governance: Volume II: UN Specialized Agencies and Global Ocean Governance*; Attard, D.J., Fitzmaurice, M., Ntovas, A., Eds.; Oxford University Press: Oxford, UK, 2018; pp. 357–375.
19. United Nations General Assembly. *Transforming our World: The 2030 Agenda for Sustainable Development, Resolution 70/1, Adopted 25 September 2015*; United Nations: New York, NY, USA, 2015.
20. Beder, S. Responsibility and intergenerational equity. In *Enough for All Forever: A Handbook for Learning about Sustainability*; Andrew, C., Cawthorne, G., Dey, C., Murray, J., Eds.; Common Ground Publishing: Champaign, IL, USA, 2012; pp. 131–138.
21. Brown Weiss, E. Conservation and equity between generations. In *Contemporary Issues in International Law: Essays in Honor of Louis B. Sohn*; Buergenthal, T., Sohn, L., Eds.; N.P. Engel: Kehl am Rhein, Germany, 1984.
22. Brown Weiss, E. Implementing Intergenerational Equity. In *Research Handbook on International Environmental Law*; Fitzmaurice, M., Ong, D., Merkouris, P., Eds.; Edward Elgar: Cheltenham, UK, 2014; pp. 100–116.
23. Brown Weiss, E. In fairness to future generations. *Am. Univ. J. Int. Law Policy* **1992**, *8*, 19–34.
24. Brown Weiss, E. Intergenerational equity: A legal framework for global environmental change. In *Environmental Change and International Law: New Challenges and Dimensions*; Brown Weiss, E., Ed.; United Nations University Press: New York, NY, USA, 1992; Chapter 12.
25. Brown Weiss, E. Our rights and obligations to future generations for the environment. *Am. J. Int. Law* **1990**, *84*, 198–207. [[CrossRef](#)]
26. Brown Weiss, E. The Planetary Trust: Conservation and Intergenerational Equity. In *International Dimensions*; Viñuales, J.E., Lees, E., Eds.; Edward Elgar Publishing: Cheltenham, UK, 2017.
27. Brown Weiss, E. The Planetary Trust: Conservation and Intergenerational Equity. *Ecol. Law Q.* **1984**, *11*, 495–581.
28. Collins, L. Revisiting the Doctrine of Intergenerational Equity in Global Environmental Governance. *Dalhous. Law J.* **2007**, *30*, 79–140.
29. Fitzmaurice, M.A. A Human Right to a Clean Environment: A Reappraisal. In *The Global Community Yearbook of International Law and Jurisprudence 2015*; Capaldo, G.Z., Ed.; Oxford University Press: Oxford, UK, 2015.
30. Fitzmaurice, M.A. Human Rights, Intergenerational Equity and International Environmental Law. In *Les Droits de L'homme en Évolution: Mélanges en L'honneur du Professeur Petros J. Pararas*; Sakkoulas, Ed.; Bruylant: Bruxelles, Belgium, 2009.

31. Fitzmaurice, M.A. Indigenous Peoples and Intergenerational Equity as an Emerging Aspect of Ethno-Cultural Diversity in International Law. In *Ethno-Cultural Diversity and Human Rights: Challenges and Critiques*; Pentassuglia, G., Ed.; Brill Nijhoff: Leiden, The Netherlands, 2018.
32. Fitzmaurice, M.A. International environmental law as a special field. *Neth. Yearb. Int. Law* **1994**, *25*, 181–226. [[CrossRef](#)]
33. Fitzmaurice, M.A. International Protection of the Environment. *Recueil des Cours* **2002**, *293*, 9–488.
34. Fitzmaurice, M.A. Some Reflections on Legal and Philosophical Foundations of International Environmental Law. *Pol. Yearb. Int. Law* **2013**, *32*, 89–110.
35. Fitzmaurice, M.A. Whaling and Inter- and Intra-Generational Equity. In *Research Handbook on Biodiversity and Law*; Michael Bowman, M., Davies, P., Goodwin, E., Eds.; Edward Elgar Publishing: Cheltenham, UK, 2016.
36. Meyer, L. Intergenerational Justice. In *The Stanford Encyclopedia of Philosophy*; Zalta, E., Ed.; The Metaphysics Research Lab (Center for the Study of Language and Information, Stanford University): Stanford, CA, USA, 2015; Available online: <https://plato.stanford.edu/entries/justice-intergenerational/> (accessed on 22 October 2018).
37. Padilla, E. Intergenerational equity and sustainability. *Ecol. Econ.* **2002**, *41*, 69–83. [[CrossRef](#)]
38. Pasek, J. Obligations to future generations: A philosophical note. *World Dev.* **1992**, *20*, 513–521. [[CrossRef](#)]
39. Taebi, B. Intergenerational Risks of Nuclear Energy. In *Handbook of Risk Theory*; Roeser, S., Hillerbrand, R., Sandin, P., Peterson, M., Eds.; Springer: Dordrecht, The Netherlands, 2012; pp. 295–318.
40. Vibhute, K.I. Environment, present and future generations: Inter-generational equity, justice and responsibility. *Indian J. Int. Law* **1998**, *38*, 65–73.
41. Weston, B. The Theoretical Foundations of Intergenerational Ecological Justice: An Overview. *Hum. Rights Q.* **2012**, *34*, 251–266. [[CrossRef](#)]
42. Wolf, C. Environmental ethics, future generations and environmental law. In *The Routledge Companion to Philosophy of Law*; Marmor, A., Ed.; Routledge: New York, NY, USA, 2012; pp. 397–413.
43. Wolf, C. Intergenerational justice. In *A Companion to Applied Ethics*; Frey, R.G., Wellman, C., Eds.; Blackwell Publishing: Malden, MA, USA, 2003; pp. 279–294.
44. Oliveira, R.V. Back to the Future: The Potential of Intergenerational Justice for the Achievement of the Sustainable Development Goals. *Sustainability* **2018**, *10*, 427. [[CrossRef](#)]



© 2018 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).