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Envisioning a Healthy Planet for the Future

October 29, 2018 | by KAI BRITO

In 1992, the Union of Concerned Scientists and more than 1,700 other independent scientists wrote and signed the “World Scientists’ Warning to Humanity” to inform humankind of future environmental harm that would result from anthropogenic changes. Now, 25 years later, over 20,000 scientists have signed onto the second “Warning to Humanity” notice, including [Nelson Institute for Environmental Studies](#) Professor [Adrian Treves](#), who felt that future generations were being robbed of their right to a healthy environment.

Treves is the founder and director of the [Carnivore Coexistence Lab](#) on the University of Wisconsin-Madison campus, where he strives to find a balance between human needs and carnivore conservation worldwide. His work also extends more broadly, as he investigates how nature is preserved, its regulated use amongst nations and how preservation and use are balanced between current and future generations. The research he does in this area challenges the current environmental policy-making practices and recommends intergenerational equity, the principle that all generations have equal rights, be taken into account.

“We can’t take away the rights of youth and the unborn future generations. They are equal to us when it comes to things like constitutional rights and a healthy environment,” Treves said. “It’s time to fix the balance of power between the generations.”

A Healthy Environment Is a Constitutional Right, But Not Everywhere

The greatest challenges regarding intergenerational rights, start at the national level, as some governments do not recognize a right to a healthy environment or even a governmental obligation to protect a healthy environment in their constitutions. A [recent paper](#) Treves and colleagues published in the journal *Nature Ecology & Evolution* examined how constitutional provisions affect environmental protections across the globe. He found that nearly three quarters of national constitutions do acknowledge a right to a healthy environment, or a governmental responsibility to protect it.

“I was absolutely floored that three-fourths of the world’s countries have these constitutional provisions for protecting the environment, yet the courts aren’t upholding those rights for climate change and the people,” he explained. “Part of our work is to reach out to the broader public to tell stories that will inspire people to stand up for their constitutional rights.”

But some countries, mostly English speaking countries like the United States, Australia and Great Britain, make no such mention of the environment in their constitutions. There are 144 nations that do protect their citizens’ rights, and those nations also make less global CO₂ emissions than expected (74.4%) given that 85.0 percent of the world’s population lives there. The remaining CO₂ emissions disproportionately come from the nations that don’t provide constitutional protections against climate change, species extinction, or other environmental impairments.

Some of the remaining countries do embrace ancient common law principle called the public trust doctrine that protects the environment. For example, since the American Revolution, the U.S. Supreme Court has declared all of nature is held in trust for the sovereign people of the U.S. That public trust doctrine obligates all

state and federal governments to prevent substantial impairment of nature.

Thinking Towards the Future

Intergenerational equity considers the rights of all generations, which includes older generations who are already working in the world, younger generations who are set to inherit those responsibilities, and future generations that have yet to come. But Treves says there's an unjust and unconstitutional imbalance of power as youth are excluded from participating in the everyday legislative and electoral policy and decision process, leaving courts to defend constitutional rights or public trust duties owed to futurity. Treves says that in order to achieve proper representation, the decision making process should contain equal considerations for both current and future generations.

"The status quo is that adults make all the big decisions under some concept that we're wise and have the interests of future generations at heart," he said. "I think those assumptions are flawed. We haven't been wise. We haven't protected the future environment for our grandchildren."

Achieving equal representation between generations is easier said than done though. While national constitutions are meant to dictate sovereign powers, Treves says that current adults can monopolize that power and create their own rules. So rather than preserving the environment for future generations, current generations end up using too much and deplete those natural resources.

There is still hope for future generations to have a say. Just this past month, a national appeals court upheld Dutch citizens' successful suit to compel the government of the Netherlands to follow its own greenhouse gas reduction policies. Now [a group of 21 young people](#) from Our Children's Trust are using that specific court ruling, among

others, to challenge the U.S. federal government over their right to an unimpaired atmosphere.

These youth plaintiffs are challenging the traditional rulebook that limits their ability to speak out for the environment.

Writing a New Environmental Rulebook

University of Wisconsin-Madison sophomore, [Victoria Barrett](#) is one of those plaintiffs from the Our Children's Trust federal court case [Juliana v. United States](#). She's been involved with Our Children's Trust since 2015, where she was able to meet several other youth environmental activists who share her philosophy of climate justice and her desire to take on the global issue of climate change. Alongside her work on the national lawsuit, she's majoring in environmental studies at UW-Madison and is involved with Treves in an independent project on environmental policy.

Like Treves, Barrett realizes the power imbalance between generations and she's actively working to overcome those challenges. In the [current 115th session](#) of the U.S. Congress, the average age is 57 for a representative and 61 for a senator. She said the political representation for youth isn't there right now, but she's looking to change that.

"Young people who are being born right now inevitably will be in charge of things one day," she said. "We have to consider who has the most stake in our future environment, and who has the most control over the politics of it."

What Barrett finds most unsettling about climate change issues is how it disproportionately affects the people who contribute the least to the issues. She says young people, women, people of color and

impoverished nations are among the most vulnerable populations and they will have to grow and adapt to new climate conditions much sooner than the rest of the world. Barrett wants to ensure the most vulnerable are safe by making people in positions of power create policies to address what she calls climate injustice.

This is why Barrett enjoys working with youth. She can overcome the expectations of adults who haven't permitted people her age to make change happen. She said adults need to learn that it doesn't matter who you are or where you're from, but rather whether you have good ideas that can change things for the better.

Ultimately, Barrett wants to inspire people of all ages to care about their impacts on the environment. However, to make the most impactful changes she believes grassroots efforts are necessary to change the public opinion and bring people of all ages and identities together to solve this problem together.

“Young people don't really care about what color your skin is or who you love, or what you believe in, because we understand these are social divisions by which we abide. What we care about is if you have good ideas, if you can innovate and if you have compassion,” Barrett said. “The youth owns the future. I truly believe we have the ability to change minds and as a result change the world.”

The constitutional climate case will [move forward with proceedings](#) on October 29th this year. The trial will commence with oral arguments in the District Court of Oregon in Eugene, Oregon.

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