

# **Equity and Justice for Future Generations: Mandating Intergenerational Impact Assessments (IIAs) through Policy and Law**

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**Equity and Justice for Future Generations: Mandating Intergenerational Impact Assessments (IIAs) through Policy and Law**

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**Kariuki Muigua\***

**Abstract**

*This paper discusses how equity and justice can be secured for future generations through Intergenerational Impact Assessments (IIAs). The paper observes that fostering equity and justice for future generations is a global imperative in light of mounting challenges including the triple planetary crisis of climate change, biodiversity loss and pollution. In light of these challenges which undermine the human rights of future generations, the paper observes that IIAs have emerged as a powerful tool that ensure equity and justice, now and in the future, towards Sustainable Development. The paper examines IIAs and suggests how these instruments can be effectively utilised towards equity and justice for future generations for Sustainable Development.*

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# **Equity and Justice for Future Generations: Mandating Intergenerational Impact Assessments (IIAs) through Policy and Law**

## **I.0 Introduction**

The pursuit of Sustainable Development depends on ensuring equity, harmony and justice for both present and future generations. According to the United Nations, Sustainable Development envisions how we must live today if we want to ensure a better tomorrow, by meeting present needs without compromising the chances of future generations to meet their needs<sup>1</sup>. It has been observed that by pursuing Sustainable Development, it is possible to create and maintain conditions under which humans and nature can exist in productive harmony, that permit fulfilling the environmental, social, economic and other requirements of both present and future generations<sup>2</sup>.

Intergenerational equity is therefore at the core of Sustainable Development. According to the United Nations, intergenerational equity entails the moral responsibility of conserving the diversity and quality of the planet's natural resources base for the benefit of present and future generation<sup>3</sup>; the legal responsibility to protect the environment and natural resources for future generations who can be considered as rights holders with correlated duties for present generations<sup>4</sup>; and ensuring a fairer distribution of benefits and opportunities amongst present generations in order to improve the prospects of and outcomes for future generations, since structural inequalities have a strong tendency to perpetuate themselves across the lifecycle and into future generations<sup>5</sup>. Intergenerational equity therefore envisages fairness and justice between generations<sup>6</sup>. This concept provides that satisfying the needs of the present generations should not come at the expense of future generations<sup>7</sup>.

Sustainable Development has been described as inherently an intergenerational as well as an intragenerational ideal relying on a commitment to equity involving both present and future generations<sup>8</sup>. It has been correctly observed that upholding intergenerational equity is vital in protecting the rights of future generations for Sustainable Development<sup>9</sup>. According to this concept, each generation is both a beneficiary and trustee and is entitled to exploit the

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<sup>1</sup> United Nations., 'Sustainable Development' Available at <https://www.un.org/sustainabledevelopment/blog/2023/08/what-is-sustainable-development/> (Accessed on 20/06/2026)

<sup>2</sup> United States Environmental Protection Agency., 'What is Sustainability.' Available at <https://www.epa.gov/sustainability/learn-about-sustainability> (Accessed on 20/06/2026)

<sup>3</sup> United Nations Chief Executives Board for Coordination., 'Duties to the Future through an Intergenerational Equity Lens' Available at <https://unsceb.org/sites/default/files/2023-02/HLC%20Duties%20to%20the%20Future%20discussion%20paper%20%28public%29.pdf> (Accessed on 20/06/2026)

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Mujgua. K., 'Nurturing Our Environment for Sustainable Development' Glenwood Publishers Limited, 2016

<sup>7</sup> Ibid

<sup>8</sup> Weiss. E. B., 'In Fairness to Future Generations and Sustainable Development' *American University International Law Review.*, Vol 8, No. 1, 1992, pp 19-26

<sup>9</sup> United Nations Chief Executives Board for Coordination., 'Duties to the Future through an Intergenerational Equity Lens' Op Cit

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environment and its natural and cultural resources while ensuring that these resources are passed on to future generations in at least comparable condition to that in which such resources were received<sup>10</sup>. The pursuit of intergenerational equity is particularly vital in light of global challenges including environmental crises such as environmental degradation, climate change, biodiversity loss and pollution which violate the rights of countless people every day and threaten the effective enjoyment of the human rights of future generations<sup>11</sup>.

This paper discusses how equity and justice can be secured for future generations through Intergenerational Impact Assessments (IIAs). The paper observes that fostering equity and justice for future generations is a global imperative in light of mounting challenges including the triple planetary crisis of climate change, biodiversity loss and pollution. In light of these challenges which undermine the human rights of future generations, the paper observes that IIAs have emerged as a powerful tool that ensure equity and justice, now and in the future, towards Sustainable Development. The paper examines IIAs and suggests how these instruments can be effectively utilised towards equity and justice for future generations for Sustainable Development.

### **2.0 Role of Intergenerational Impact Assessments (IIAs) in Ensuring Equity and Justice for Future Generations**

Impact Assessment (IA) in general refer to a systematic process used to identify and manage the likely consequences, both positive and negative, of a current or proposed action, policy or project before implementation<sup>12</sup>. It has been observed that IA is a key decision-support tool used globally to evaluate the environmental, social, health, and economic effects of policies, plans, programmes, and projects before decisions are made<sup>13</sup>. The main types of IA focus on the environment, society, economy and health. They include Environmental Impact Assessment (EIA), Social Impact Assessment (SIA), Economic Impact Assessment, Human Rights Impact Assessment (HRIA), and Health Impact Assessment (HIA)<sup>14</sup>. Through IA, it is possible to ensure transparency and accountability, encourage public participation, enhance sustainability and equity and support sound decision-making processes<sup>15</sup>. IA is therefore a key tool towards fostering Sustainable Development.

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<sup>10</sup> Anstee-Wedderburn. J., 'Giving a Voice to Future Generations: Intergenerational Equity, Representatives of Generations to Come, and the Challenge of Planetary Rights' Available at <https://www.austlii.edu.au/au/journals/AUJEnvLaw/2014/3.pdf> (Accessed on 20/06/2026)

<sup>11</sup> United Nations., 'Call to Action for Human Rights: Rights of Future Generations' Available at <https://www.un.org/en/content/action-for-human-rights/assets/pdf/info%20sheet%20-%20future%20generations.pdf> (Accessed on 20/06/2026)

<sup>12</sup> Impact Assessment., Available at <https://iaia.org/impact-assessment/> (Accessed on 22/06/2026)

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> Ibid

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IIAs have emerged as a powerful tool towards ensuring that current decisions are taken with future generations in mind and that decisions taken today do not harm future generations<sup>16</sup>. It has been observed that IIAs incorporate long-term thinking into decision-making processes for sustainability<sup>17</sup>. They are used to identify, evaluate and mitigate the intergenerational impacts of policies, programmes and actions in order to ensure equity, justice and fairness for future generations<sup>18</sup>.

IIAs are grounded in the *Maastricht Principles on The Human Rights of Future Generations*<sup>19</sup>. The Maastricht Principles acknowledge that decisions being taken by those currently living can affect the lives and rights of those born years, decades, or many centuries in the future<sup>20</sup>. The Principles urge all states to recognize the intergenerational dimensions of present conduct in order to safeguard the human rights of future generations. In addition, the Principles require decision-making processes to consider and ensure both justice and sustainability across an array of timescales including the present, near term and distant future<sup>21</sup>. The Maastricht Principles provide that each generation has the duty to protect and sustain the Earth's natural and cultural heritage for future generations<sup>22</sup>. These Principles envisage the use of IIAs since they impose an obligation on state and non-state actors to carry out environmental and human rights impact assessments of decisions, explicitly including impacts on the rights of future generations<sup>23</sup>. According to the Maastricht Principles, future generations must be represented meaningfully and effectively in decision-making that may impact on their enjoyment of human rights<sup>24</sup>.

Securing the human rights of future generations is therefore a key global ideal as envisaged under the Maastricht Principles. In particular, it has been observed that current economic, social and environmental policy choices often privilege current and older generations leaving future generations extremely vulnerable as a result of inadequate attention to long-term prosperity<sup>25</sup>. Consequently, IIAs have become key policy and decision-making instruments in order to ensure intergenerational fairness, equity and justice<sup>26</sup>. Through IIAs, decision-makers are able to evaluate

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<sup>16</sup> Kuslits. B et al., 'Impact Assessment for Intergenerational Fairness' Available at <https://jesc.eu/wp-content/uploads/2025/11/IGF-impact-assessment.pdf> (Accessed on 22/06/2026)

<sup>17</sup> Intergenerational Foundation., 'Towards intergenerational fairness in local government: An intergenerational impact assessment for local councils' Available at <https://www.if.org.uk/research-posts/towards-intergenerational-fairness-in-local-government-an-intergenerational-impact-assessment-for-local-councils/> (Accessed on 22/06/2026)

<sup>18</sup> Ibid

<sup>19</sup> Maastricht Principles on The Human Rights of Future Generations., Available at <https://www.ohchr.org/sites/default/files/documents/new-york/events/hr75-future-generations/Maastricht-Principles-on-The-Human-Rights-of-Future-Generations.pdf> (Accessed on 22/06/2026)

<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Intergenerational Foundation., 'Towards intergenerational fairness in local government: An intergenerational impact assessment for local councils' Op Cit

<sup>26</sup> Ibid

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the short-, medium-, and long-term impacts of policies, projects, programmes and actions and to take measures that prevent any generation, be it older, younger, or future, from being disproportionately affected by such decisions and choices<sup>27</sup>.

IIAs are therefore vital instruments towards protecting the rights and well-being of future generations. They provide a practical approach towards balancing the needs and rights of both present and future generations by ensuring that choices and decisions made today do not compromise the ability of future generations to thrive<sup>28</sup>. At their core, IIAs focus on how current decisions affect social, economic and natural resource systems over generations<sup>29</sup>. It has been observed that IIAs require current decisions to meet present needs without disadvantaging future generations<sup>30</sup>.

Despite their role in ensuring equity, justice and fairness for future generations, IIAs are yet to be fully embraced in policy choices and decision-making processes. For instance it has been observed that policies, programmes and actions on environmental issues such as the use and management of natural resources, and socio-economic aspects such as taxation, employment, housing and social security, favour current and older generations creating imbalances that risk the human rights and well-being of young people and future generations<sup>31</sup>. Consequently, it is imperative to mandate IIAs through policy and law in order to ensure equity, justice and fairness for future generations.

### **3.0 Mandating IIAs through Policy and Law**

IIAs are a powerful tool that incorporate long-term thinking into today's choices, actions and decisions in order to secure the rights and well-being of future generations. IIAs are grounded in the principle of intergenerational equity which requires fairness and justice between generations<sup>32</sup>. Intergenerational equity provides that satisfying the needs of the present generations should not come at the expense of future generations to meet their own needs<sup>33</sup>. IIAs are practical tools towards achieving intergenerational equity since they are used to identify, evaluate and mitigate

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<sup>27</sup> Ibid

<sup>28</sup> Secretariat of the United Nations Framework Convention on Climate Change., 'Climate policy impact assessment: Centring intergenerational equity, gender, youth, local communities and Indigenous Peoples' Available at <https://unfccc.int/sites/default/files/resource/04c-%20Draft%20policy%20brief%20impacts%20on%20gender%20local%20communities%20and%20Indigenous%20Peoples.pdf> (Accessed on 23/06/2026)

<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Intergenerational Foundation., 'Towards intergenerational fairness in local government: An intergenerational impact assessment for local councils' Op Cit

<sup>32</sup> Muigua. K., 'Nurturing Our Environment for Sustainable Development' Op Cit

<sup>33</sup> Ibid

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the intergenerational impacts of policies, programmes and actions in order to ensure equity, justice and fairness for future generations<sup>34</sup>.

With current environmental and socio-economic policies, actions, plans and programmes disproportionately impacting future generations, it has become vital to mandate IIAs in order to ensure equity, justice and fairness for future generations. IIAs are able to unlock all the three dimensions of Sustainable Development: environmental, economic and social, in order to foster prosperity, now and in the future. For instance, from an environmental dimension, IIAs provide an effective pathway towards conserving the environment and natural resources and protecting global ecosystems and biodiversity to support health and wellbeing, now and in the future<sup>35</sup>. From an economic perspective, IIAs ensure that current economic policies including taxation, employment and social security are stable and sustainable and that future generations do not incur unnecessary burdens including debts due to current unsustainable economic policies<sup>36</sup>. From a social perspective, IIAs can foster social justice and ensure fair, equal and inclusive societies that uphold human rights for both present and future generations<sup>37</sup>.

It is therefore imperative to adopt IIAs as policy instruments towards ensuring equity, justice and fairness across generations. Achieving this goal requires the development of laws and policies that incorporate long-term thinking in decision-making processes across all sectors of the society<sup>38</sup>. In particular, it has been suggested that the principle of intergenerational equity should be a driver for policy action in order to achieve fairness and justice across generations<sup>39</sup>. In addition, it has been observed that citizen dialogues and participation can serve as a platform for intergeneration fairness, equity and justice in decision-making processes<sup>40</sup>. It is therefore necessary to actively engage the public, with specific focus on the youth, in order to ensure that policies, plans and programmes are sustainable towards meeting the needs of both present and future generations<sup>41</sup>.

Embracing IIAs is therefore vital towards fostering equity and justice for future generations.

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<sup>34</sup> Intergenerational Foundation., 'Towards intergenerational fairness in local government: An intergenerational impact assessment for local councils' Op Cit

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Kuslits. B et al., 'Impact Assessment for Intergenerational Fairness' Op Cit

<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Intergenerational Foundation., 'Towards intergenerational fairness in local government: An intergenerational impact assessment for local councils' Op Cit

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**4.0 Conclusion**

The pursuit of Sustainable Development relies on meeting present needs without compromising the chances of future generations to meet their needs<sup>42</sup>. At the heart of Sustainable Development is the principle of intergenerational equity which envisages fairness and justice across generations. IIAs are practical and viable tools towards achieving the ideal of Sustainable Development by integrating intergenerational equity in decision-making processes in order to ensure that actions, policies and plans made today do not harm future generations<sup>43</sup>. It is therefore imperative to mandate IIAs through policy and law in order to foster equity, justice and fairness for future generations.

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<sup>42</sup> United Nations., 'Sustainable Development' Op Cit

<sup>43</sup> Kuslits. B et al., 'Impact Assessment for Intergenerational Fairness' Op Cit

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