

General consideration in the Council of State's 2025 annual report

RIGHT TO THE FUTURE

Fairness across generations

1. Introduction

Political and administrative choices that are made and incorporated into laws and regulations today have consequences for the future and thus for future generations. Future generations who are not yet able to influence these choices. Examples include far-reaching decisions on climate, environment, biodiversity, housing and living conditions, healthcare, social security and pensions, democracy and the rule of law, and even war and peace. Future generations will face choices for which the foundations are being established in the here and now.¹

By their very nature, one of the aims pursued by human beings, society and institutions is to ensure their own meaningful survival and to pass on what they consider precious and worth protecting. This often works very well and can even be seen as a feature of modern society, which is focused on progress and the future and is supported by pillars of technology, economics, politics and institutions. These pillars give shape to the vision for the future and have ensured prosperity, well-being and stability. This was particularly apparent in the first three decades after World War II. Following a decline in the 1970s and 1980s, the subsequent years saw a revitalised belief in progress due to the end of the Cold War.² After the turn of the millennium, there was a gradual rise in public awareness of the societal, environmental and demographic costs of progress.³ Vulnerabilities became more apparent and the belief in inevitable and continuous progress weakened. This also affected confidence in the predictability and 'malleability' of society.

In earlier considerations, the Council of State has addressed various vulnerabilities and the associated responsibilities of government and political actors.⁴ In that context, this year's consideration draws attention to intergenerational fairness, or the principle that current generations have a responsibility to share resources, quality of life and economic stability fairly with future generations and avoid shifting the burden disproportionately to them and their descendants.

Two preliminary questions are relevant in this context. The first is whether and, if so, why the interests of future generations should be safeguarded in the choices of the

¹ Cf. T. Andina, *A Philosophy for Future Generations*, Bloomsbury Publishing 2022.

² A. Reckwitz, *Verlies. Een kernprobleem van de moderniteit (Loss: a fundamental problem of modernity)*, The Hague: Boom 2025, p. 311-351.

³ Reckwitz (2025), p. 340-342; Statistics Netherlands-Monitor Brede Welvaart 2025 (Monitor of Inclusive and Sustainable Well-being 2025); Netherlands Institute for Social Research-Burgerperspectieven (Citizen Perspectives) 2026-1.

⁴ See, inter alia, *Krachtig en kwetsbaar. De waarde van de democratie (Powerful and vulnerable. The value of democracy)* (Annual Report of the Council of State 2024), *Slagkracht en vertrouwen (Power and trust)* (Annual Report of the Council of State 2022), *Innoveren in de rechtsstaat (Innovating within the rule of law)* (Annual Report of the Council of State 2023).

present.⁵ As stated above, resolutions and regulations passed today have a potentially major impact on future generations who are unable to take part in the decision-making process but may be harmed by the decisions made. Essentially, it can be assumed that today's decision-makers have a responsibility to leave scope for those generations to make their own responsible choices about the organisation of their society in the future. This scope presumes, among other things, that finite resources (such as raw materials, public finances and old-age provisions) will not be exhausted and that the democratic rule of law will be passed on in a vital and workable state. Those with responsibilities today should use them to the best of their ability and judgment for the benefit of future generations.

A second preliminary question is: why are the interests of future generations often not sufficiently taken into account in today's decision-making? Political and administrative institutions are not always adequately equipped to identify and meet future challenges. Moreover, the view of the future is often severely limited by a predominantly controlling approach: closed and determined rather than open and undetermined.⁶ Our outlook focuses heavily on current interests, *our* interests.⁷ Despite good intentions, people do not always have the critical thinking skills needed to consider the fate of those who come after them. Voters and politicians also have an understandable tendency to favour policies that benefit the current generation. There is, in short, a certain 'tyranny of the contemporary'.⁸

The urge to focus mainly on the contemporary is not only understandable but can be legitimate under certain circumstances if today's needs are significant and urgent. Linking current issues with long-term interests often leads to complex dilemmas. Establishing a firm, long-term basis for public values and political ideals that matter today but also in the future is a major challenge. A good example of this is the need for a countercyclical budget policy that provides sufficient certainty for the future, but often comes under pressure from the desire to combat current social problems with additional financial resources.⁹ This demonstrates the paradox that long-term policies are often seen as important, yet not urgent or easy enough to actually implement.

The key question when it comes to safeguarding the interests of future generations is: what is currently already being done to consider these interests in the here and now, and is it enough? How can these interests be responsibly taken into account in current political and administrative decision-making, and what is needed to ensure that this consideration is institutionally guaranteed to some extent? This requires at least a sense of responsibility, long-term thinking and long-term imagination. This is already enshrined to a degree in the constitutional duty of the States General to represent the whole population, including those who do not yet have a vote. There needs to be a structural awareness not only of the 'here and now' but also of the 'later and elsewhere', and the

⁵ Related to this, the preliminary question also arises as to what those interests actually are and how we can know them. See, inter alia, N. van Dijk, 'De belangen van toekomstige generaties. Wat ze zijn en hoe de politiek ze waarborgt' (The interests of future generations. What they are and how politics safeguards them), in M. Visser (ed.), *De Stem van de Toekomst* (The voice of the future), Boom 2024.

⁶ Cf. J. White, *In the long run, the future as a political idea*, Profile Books Ltd 2025.

⁷ S. Scheffler, *Why Worry about Future Generations?*, Oxford: OUP 2018.

⁸ S. Gardiner, *A Perfect Moral Storm. The Ethical Tragedy of Climate Change*, OUP 2011, p. 143 et seq.

⁹ Compare in relation to spending on preventing major but non-acute risks: B.S. Heerma van Voss, *Thinking fast, governing slow: Cognitieve vooroordelen beleidscycli, en internationale samenwerking bij langetermijnrisico's voor de samenleving* (Thinking fast, governing slow: cognitive biases, policy cycles, and international cooperation on long-term risks to society), (dissertation) 2026.

potential costs and losses from progress must be fully taken into account. This goes to the heart of the democratic rule of law, which must protect and, where possible, promote citizens' interests and rights. How can the democratic state under the rule of law be better equipped so that the long-term prospects of future generations form an integral part of the political debate and of administrative and state institutions? Good examples of this are already emerging in practice and many relevant suggestions are being made.

2. Rule of law

The rule of law represents core values that are also extremely important for generations to come: dignity, equality, well-being, freedom, equality of rights and pluralism. One of the aims of the rule of law is to keep these values alive, particularly in the face of attempts to undermine them.¹⁰ The rule of law requires constant maintenance and, where necessary, strengthening, to ensure that it remains meaningful for future generations. Rule-of-law safeguards and mechanisms are ideal for protecting the interests of future generations, thus contributing to intergenerational fairness.

Treaties and principles

Many democratically established treaties and regulations within European Union law already require long-term effects to be taken into account, including for the benefit of future generations. The preamble of the Charter of Fundamental Rights of the European Union explicitly states that "enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations". Article 3, paragraph 3 of the Treaty on European Union states that the Union shall promote "solidarity between generations". This need can also be inferred from the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The need is specifically expressed in climate and environmental regulations such as the EU Habitats Directive, the UN Climate Convention¹¹ and the Aarhus Convention.¹² Treaties in other policy areas also include a duty of care or guarantee.

For example, the Granada Convention aims to protect architectural heritage.¹³ This convention imposes a number of obligations, including to establish legal protection regimes and ensure appropriate structures for information, consultation and cooperation

¹⁰ For full details see *Krachtig en kwetsbaar. De waarde van de democratie (Powerful and vulnerable. The value of democracy)* (Annual Report of the Council of State 2024).

¹¹ Article 3 requires parties to protect the climate system "for the benefit of present and future generations". For further information on the development of the principle of intergenerational fairness in the context of climate change, see M.J. Wewerinke-Singh and S. Bookman, '[Intergenerationele rechtvaardigheid in besluitvorming over het klimaat: een wereldreis door de zich ontwikkelende jurisprudentie \(Intergenerational fairness in climate decision-making: a world tour of evolving case law\)](#)', *Rechtsgeleerd Magazijn THEMIS* 2023-1, and F. Wijdekop, '[Democratie, rechtsstaat en de rechten van toekomstige generaties \(Democracy, rule of law and the rights of future generations\)](#)', *Netherlands Law Journal* 2014/1137.

¹² According to Article 1 of this convention, this goal focuses on "the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being."

¹³ This convention was adopted by the Council of Europe in 1985 and supplements and elaborates on the European Cultural Convention and the UNESCO World Heritage Convention. It gives a broader definition of heritage that includes categories such as industrial heritage, cultural landscapes, ensembles and movable heritage.

between public authorities, cultural institutions, associations and the public. The specific balance between the principles contained in the convention and other interests is left to national laws and regulations. In the Netherlands, these are the Heritage Act and the Environment and Planning Act. Other heritage conventions that the Netherlands has ratified are the European Cultural Convention of Paris,¹⁴ which provides a framework for European cooperation for the preservation of common heritage; the Valletta Convention,¹⁵ which aims to preserve and protect archaeological heritage as a source of Europe's collective memory; the European Landscape Convention of Florence,¹⁶ which seeks to protect natural, rural and urban landscapes of identity-defining significance, and the Faro Convention,¹⁷ which emphasises the social value of heritage for society. The Netherlands signed the latter convention in 2024 and is currently preparing for its ratification.

In addition to treaties, there are also non-legally binding agreements and declarations that provide guidance and tools to protect future generations. In 2023, existing human rights were 'translated' in the informal Maastricht Principles on the Human Rights of Future Generations into their significance and meaning for future generations.¹⁸ See also the *Declaration on future generations* adopted at the UN Summit of the Future 2024.¹⁹

Such conventions and declarations of principle are usually about the need for governments to respect, protect and promote human rights, including the right to a healthy living environment, also for future generations. Three other different types of obligations can also be identified.²⁰ These have been developed with a healthy living environment in mind, but can be considered equally applicable or serve as an inspiring frame of reference for other policy sectors where the interests of future generations are at stake.

First and foremost, there are substantive obligations such as establishing standards in regulations and policies, and monitoring and enforcing such standards. See also Articles 2 and 8 of the ECHR in this context. The prohibition on discrimination can also play a role, as shown by the recent Greenpeace/Bonaire ruling by the Court of The Hague. Secondly, there are several procedural obligations that must be met in order for rights to be effectively realised. For example, the obligation to provide impact assessments, information, legal protection and participation.

¹⁴ European Cultural Convention; Paris, *Treaty Series* 1955, 117.

¹⁵ [European Convention on the Protection of the Archaeological Heritage \(revised\); Malta/Valletta, Treaty Series 1992, 97.](#)

¹⁶ European Landscape Convention; Florence, *Treaty Series* 2005, 23.

¹⁷ Council of Europe Framework Convention on the Value of Cultural Heritage for Society; Faro, *Treaty Series* 2024, 15.

¹⁸ These principles are the result of a five-year process (2018–2023) involving scholars, non-governmental human rights organisations and current and former members of UN human rights bodies, see: www.rightsoffuturegenerations.org.

¹⁹ Resolution adopted by the General Assembly on 22 September 2024 (A/Res/79/1). The UN summit was organised on the initiative of UN Secretary-General António Guterres. According to Guterres, the UN system must be able to respond faster to today's changes. This means taking a critical look at the structure and functioning of the UN, with the aim of better equipping the organisation to meet the challenges of our time. See: [Key role for the Netherlands in the lead-up to the Summit of the Future | Rijksoverheid.nl](#).

²⁰ For full details see: *Realisatie van het recht op een schoon, gezond en duurzaam leefmilieu in Nederland - Deel 1: Juridisch kader (Realising the right to a clean, healthy, and sustainable environment in the Netherlands - Part 1: Legal framework)*, Netherlands Institute for Human Rights, 2023 Annual Report.

Thirdly, there are several obligations that can be seen as important preconditions for shaping the 'right to the future'. Examples are the need for international cooperation, the protection of freedoms of expression and demonstration, the promotion of education and, more generally, raising awareness of the challenges facing future generations.

Case law

In the high-profile 2024 *Verein Klimaseniorinnen* case, the European Court of Human Rights (ECtHR) assigned an important role to the interests of future generations.²¹ In this case the Court ruled, among other things, that Member States have a positive obligation under Article 8 of the ECHR to lay down rules and take measures that can effectively protect the health and lives of residents from the adverse effects of climate change, also to avoid placing a disproportionate burden on future generations. National courts, including in the Netherlands, have also ruled that governments must sometimes take the interests of future generations into account in their actions.²²

In addition to the ECtHR and national courts, the Inter-American Court,²³ the International Tribunal for the Law of the Sea²⁴ and the International Court of Justice²⁵ have confirmed in recent years that states have legally enforceable climate policy obligations that also serve the interests of future generations. Many of these are best-efforts obligations to which a strict standard of due diligence applies: states must draw on the best available science and all means at their disposal, adopt a proactive approach and take all reasonably appropriate measures to achieve the objective: legislation, monitoring, enforcement and continuous updating. This includes mitigation (reducing emissions), adaptation (making adjustments) and prevention (preventing serious damage to present and future generations and to the environment). The obligations set out in Articles 2 and 8 of the ECHR protect the right to life and the right to respect for private life, family life and home respectively.²⁶ The ECtHR has taken a particular approach to these obligations in climate cases.²⁷ The ECtHR adopts the stance that climate change poses a serious threat to human rights, leaving states with limited policymaking discretion in terms of the necessity and goals of climate measures. The result is a special 'overall assessment' in climate cases to examine whether a member state has met its positive obligations to lay down rules and take substantial, progressive measures to mitigate the existing and future impact of climate change.

²¹ ECtHR (Grand Chamber) 9 April 2024, no. 53600/20, ECLI:CE:ECHR:2024:0409JUD005360020 (*Verein Klimaseniorinnen Schweiz v. Switzerland*).

²² See, inter alia, Supreme Court 20 December 2019, ECLI:NL:HR:2019:2006 (*Urgenda*); Court of The Hague 28 January 2026, ECLI:NL:RBDHA:2026:1344 (*Bonaire*).

²³ Inter-American Court of Human Rights 9 April 2024, Advisory Opinion OC-32/23, Series A No. 32, available at www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf.

²⁴ S.C.W.M. Arntz & S. Bakker, 'Klein maar krachtig: eilandstaten boeken historische overwinning bij het Internationaal Zeerechttribunaal (Small but powerful: island states achieve historic victory at International Tribunal for the Law of the Sea)', *Milieu en Recht* 2024/86.

²⁵ International Court of Justice 23-07-2025, 2025/36, JCDI:BSD41665:1 (Conclusion), *Milieu en Recht* 2026/6, with commentary from T.R. Bleeker.

²⁶ For example, the Supreme Court ruled in 2019 in *Urgenda* that the State was obliged under Articles 2 and 8 of the ECHR to meet the 25% greenhouse gas reduction target because of the risk of dangerous climate change that could also seriously affect the right to life and well-being of residents of the Netherlands.

²⁷ *Klimaseniorinnen*, para. 410-520 and para. 538 under (a).

This interpretation of the obligations arising from Articles 2 and 8 is the guiding principle for courts in the Netherlands when reviewing acts or decisions against the ECHR. Moreover, this more detailed interpretation of human rights can give substance to the standard of due care laid down in Section 6:162 of the Civil Code.²⁸ In administrative cases, it can be an elaboration of the requirement of due care imposed by the administrative court on the balancing of interests by an administrative body.²⁹ There is greater scope for the administrative courts to take into account the interests of future generations if the regulations require the administration to consider the impact on future generations when making a decision. If the administration has a statutory duty to take this future effect into account when making decisions, the administrative court must assess whether this has been done. It should be noted that explicit statutory duties to this effect are rare. There are also statutory 'duties of care' as applicable in areas such as environmental and planning law.³⁰ Another example is the precautionary principle,³¹ which allows preventive measures to be taken even if it has not (yet) been scientifically established that negative consequences will occur in the future.

Constitutional enshrinement

The importance of future generations and fairness for these generations is sometimes enshrined in national constitutions, including very old ones.³² Since the 1960s, the number of countries with such a reference has increased significantly. Countries whose constitutions provide significant legal safeguards for or refer to future generations include Belgium, Germany, Portugal, Norway and Japan. A reference to future generations can be found in as many as 41% of constitutions worldwide (81 out of 196).³³ Although there are of course major differences between these constitutions, there would appear to be a trend of enshrining the interests of future generations and the protection of these interests. Earlier references to future generations often concerned the traditional liberal values of freedom, justice and order. In recent decades, constitutions have increasingly introduced specific rights and state obligations in relation to future generations.³⁴ This development runs parallel to the references in international conventions already mentioned.

²⁸ Court of The Hague 28 January 2026, ECLI:NL:RBDHA:2026:1344 (*Bonaire*), para. 10.9-10.31. Combating climate change is not only the responsibility of states, but also of companies whose products have contributed to the problem and that have the power to help combat it, see for example The Hague Court of Appeal 11 November 2024, ECLI:NL:GHDHA:2024:2099 (*Shell/Friends of the Earth Netherlands*), para. 7.26.

²⁹ See for example Administrative Jurisdiction Division of the Council of State 3 July 2019, ECLI:NL:RVS:2019:2217 on gas extraction decisions.

³⁰ See, for example, the duties of care in Article 1.6 and 1.7 of the Environment and Planning Act, which also state that responsibility for a safe and healthy physical living environment and good environmental quality is not the exclusive preserve of the government, but rests with everyone (*Parliamentary Papers II* 2013/14, 33962, 3, p. 67). A duty of care may also derive from international law, such as Articles 2 and 8 of the ECHR.

³¹ See for example Administrative Jurisdiction Division of the Council of State 30 April 2025, ECLI:NL:RVS:2025:1950 and ECLI:NL:RVS:2025:1953.

³² The Constitution of the United States referred to future generations as early as 1789.

³³ R. Araújo & L. Koessler, *The Rise of the Constitutional Protection of Future Generations* (LPP Working Paper Series), 2021, nr. 7.

³⁴ Cf. R. Araújo & L. Koessler (2021), no. 7.

The Constitution of the Netherlands makes no explicit reference to future generations. There has so far been very little debate on the value of including a provision in the Constitution that explicitly protects future generations and their interests.³⁵ Enshrinement is not inconceivable given the development of international law, but may also meet with objections. Such objections relate in part to existing views on the austere nature of our Constitution and the consensus, whether or not established, on the desirability of such a constitutional amendment. Would a provision primarily serve a symbolic purpose or is the aim to add legal and regulatory value?³⁶ It should also be clarified whether enshrinement in the constitution serves the interests of future generations or even grants rights to them. Constitutional enshrinement of intergenerational fairness also merits careful consideration because of its scope, which is not necessarily limited to climate change or sustainable management of the natural environment.³⁷

In view of the cumbersome and lengthy amendment procedure, a direct enshrinement in our Constitution cannot be expected in the foreseeable future. Yet future generations have a more indirect role in the functioning of the fundamental social rights in the Constitution. Under the Constitution, it is the concern of the authorities to secure the means of subsistence of the population and to achieve the distribution of wealth (Article 20 paragraph 1), to keep the country habitable and to protect and improve the environment (Article 21), to promote the provision of sufficient employment (Article 22) and education (Article 23). The required outcome of the government's best-efforts obligations in these areas is not always clear. What is clear, however, is that the obligations to 'promote' and 'take care of' should not be allowed to become the reverse—for example, obstruct, neglect or disregard. In general, it may be helpful for the legislation to provide an explicit framework for the constitutional duty to realise fundamental social rights,³⁸ for example by at least identifying the rights at stake in explanatory notes to relevant legislative proposals.

3. Democracy

In our democratic state under the rule of law, the interests of future generations can be taken into account in political decision-making in a number of ways. This can be achieved by placing greater emphasis on the long-term perspective when formulating policy, whether or not enshrined in laws, regulations and framework-setting policy documents. But there are also other ways to give future generations a 'voice' in the debate.

Politics and democracy

³⁵ See for example R. Tinnevelt, 'Constitutionele bescherming voor toekomstige generaties? (Constitutional protection for future generations?)', *Ars Aequi* 2025.

³⁶ Cf. Tinnevelt (2025), p. 393.

³⁷ Although the term future generations only appears once in the collection of essays [Grondwet en digitale technologie. Klaar voor de toekomst? \(The Constitution and digital technology. Ready for the future?\)](#) (Ministry of the Interior and Kingdom Relations, 2024), measures such as the future-oriented regulation of digital and artificial intelligence technologies are also crucial to ensure the freedom and security of future generations.

³⁸ Cf. P.B.C.D.F. van Sasse van IJsselt, 'Constitutionele toetsing aan sociale grondrechten - een vervolg' (Constitutional review of fundamental social rights - a follow-up), *Nederland Rechtsstaat. Over Grondwet en rechtsstaat*, 2 April 2025 (www.nederlandrechtsstaat.nl).

Young people have little or no influence on political and administrative decision-making that affects them or will affect them in the future. Of course, this applies all the more for subsequent generations who have not yet or only recently been born. They need to be able to trust that, in the absence of their involvement, mutual solidarity and intergenerational fairness will be taken into account in the decisions that are currently being made. The young people of today show no signs of a sharp decline in willingness to contribute to policies that mainly benefit the elderly.³⁹ However, this could be the case if they feel that the solidarity requested is not reciprocal.⁴⁰ Confidence that fairness will be safeguarded from generation to generation in the long term is essential and indispensable for public policy. A stable, reliable, democratically legitimised government that is bound by law is the best guarantee of such confidence. It is not easy for the government to look beyond the present day. After all, it is difficult to estimate the effects of policy and legislation over the long and very long term. Moreover, there is the aforementioned political bias towards prioritising the short term and the wishes of today's citizens. It therefore makes sense to develop tools that provide insight into, encourage and guarantee intergenerational fairness.

Setting up citizens' consultations is an option that could be considered with the aim of involving young people in policies for the future. Some tentative experience of this is being gained at local and national level in the Netherlands, for example through the recent Dutch Citizens' Assembly on Climate.⁴¹ Proponents argue that such consultations, if well thought out, can be effective and increase support, despite their inherently limited representativeness and uncertainty as to whether recommendations will actually be implemented. Where consultations are set up, a clear understanding will be required of their purpose, structure and follow-up.⁴² The instrument of citizens' consultations warrants further research and evaluation because it can help to boost participation and confidence in democratic decision-making. The drawbacks must also be explicitly taken into account, such as raised expectations that may ultimately lead to disappointment and even mistrust.⁴³

When it comes to intergenerational fairness, there are a number of conceivable variants of these consultations. These include specific young people's consultations, where experience is gained at local level, and consultations where representatives of all age cohorts actively consider a long-term policy issue. Young people's consultations seem appropriate when an issue specifically affects young people and their voice remains underrepresented. Wider consultations are appropriate for issues concerning solidarity. A variation on the latter is 'future design', in which an imaginary future generation joins a citizens' consultation. Some of those in attendance are tasked with imagining and representing the interests of future generations, while others argue on the basis of the

³⁹ However, the level of political engagement among young people is relatively low, see for example: Council for Public Administration, *Jong geleerd, oud gedaan. Pleidooi voor experimenten met het verlagen van de kiesgerechtigde leeftijd (What is learned early is carried to the grave. A call for trials of lowering the voting age)*, The Hague 2019.

⁴⁰ See for example the Netherlands Institute for Social Research, *Naar een toekomst die jongeren toekomst (Towards a future that belongs to young people)*, The Hague: October 2025, and Social and Economic Council of the Netherlands, *'t Tij keren. Kansen en belemmeringen voor jongeren in 2025 (Turning the tide. Opportunities and barriers for young people in 2025)* (Exploratory Study 25/07), The Hague: October 2025.

⁴¹ Dutch Citizens' Assembly on Climate December 2025. Before that, the Citizens' Forum on the Electoral System in 2006.

⁴² E. Rovers, *Nu is het aan ons. Oproep tot echte democratie (Now it's up to us. A call for real democracy)*, Amsterdam: Uitgeverij De Correspondent 2022.

⁴³ *Innoveren in de rechtsstaat (Innovating the rule of law)* (Annual Report of the Council of State 2023).

here and now. This means that the interests of present and future generations can be balanced and the future talks 'back to the present'. Experience with future design remains limited, however the Netherlands Scientific Council for Government Policy (WRR) has concluded on the basis of a pilot that, despite methodological challenges, there is every reason to further explore and adopt this format.⁴⁴ An obvious advantage of future design is that it creates scope to consider the presumed interests of as yet unborn future generations who, by their very nature, can never take part in participatory processes themselves.

In addition to citizens' consultations in their various forms, other methods of participation are also possible such as involving interest groups or bodies that represent young people, for example the youth platform of the Social and Economic Council of the Netherlands (SER) and the National Youth Council. The National Delta Programme also seeks to connect with young people through 'intergenerational dialogue', job shadowing and educational pathways and the appointment of a *Future Ambassador*.⁴⁵ Innovations have been suggested at institutional level such as a parliamentary committee on the future, a special future representative⁴⁶ or an ombudsman for future generations.⁴⁷ The National Ombudsman has expressed its willingness to act as a coordinator for this purpose,⁴⁸ in line with the statement made at the International Ombudsman Institute World Conference: "future generations cannot speak out on their own behalf and (...) therefore the ombuds institutions should be their voice."⁴⁹

Legislation and policy

Structural attention to the long-term effects of policies and legislation is generally desirable, especially when the interests of future generations may be at stake. This can be embedded in policy and legislative processes. A future or generational assessment was recently introduced that provides an in-depth and structured analysis of the intergenerational and long-term consequences of policies and regulations.⁵⁰ Naturally, this assessment does not need to be applied to every proposal, but should be carried out when such consequences are likely.⁵¹ For example, if the expected effects may lead to significant redistribution of benefits and burdens between generations, be irreversible

⁴⁴ *Terugpraten naar het heden: het geven van een stem aan toekomstige generaties (Talking back to the present: giving future generations a voice)*, Netherlands Scientific Council for Government Policy 2022, p. 222; M. Swinkels, O. de Vette & V. Toom (15 May 2025): Future design in the public policy process: giving a voice to future generations, Policy Studies (doi.org/10.1080/01442872.2025.2502678).

⁴⁵ www.deltaprogramma.nl/deltaprogramma/jongeren.

⁴⁶ Finland has had a future committee since 1993, featuring seventeen MPs from different political parties. The point of contact on the government side is the prime minister, encouraging a cross-domain approach. The Finnish government also publishes a 'Government's Future Report' at least once per government term, which is discussed by the committee. Meanwhile, the Inter-Parliamentary Union—an international organisation of national parliaments—has also held two 'World Summits' of all Committees of the Future (in 2022 and 2023). See also: Scientific Climate Council report 005, '*Vaart maken met visie*' (Fast forward with vision), July 2025 (second recommendation and p. 35).

⁴⁷ *Parliamentary Papers II* 2024/25, 36740, No. 35 (motion by Sneller/Chakor). GL-PvdA, D66, SP, PvdD and Volt voted in favour of the motion, the rest voted against.

⁴⁸ www.nationaleombudsman.nl/node/44278 (letter dated 25 November 2024).

⁴⁹ The Hague Declaration, International Ombudsman Institute (IOI) 14 May 2024, point 4.

⁵⁰ www.kcbr.nl/ontwikkelen-beleid-en-regelgeving/beleidskompas/4-wat-zijn-de-gevolgen-van-deze-opties/42-overzichtspagina-analyse-methoden.

⁵¹ Cf. *Parliamentary Papers I* 2024/25, 31731, U, p. 9 (letter of 6 June 2025 on integrated legislative policy).

or only reversible with great difficulty, or severely limit the choices of future generations.

A Guideline for Future-oriented Policy has also recently become available for policymakers and legislators in relation to this assessment.⁵² The guideline mentions the 'Future at the Table' method, which aims to facilitate an understanding and discussion of the burden that today's choices place on the future and the extent to which this burden is acceptable. It is one of the few methods in this area that are already being effectively applied within central government. More attention will therefore be paid to the future effects of policies and regulations, eventually creating a culture in which intergenerational policy is an integral part of all phases of policy development and decision-making. The introduction in the water and climate adaptation sector of the aforementioned Future Ambassador, who promotes and embeds the importance of future thinking in the workplace, is a promising example.

Consideration of future generations is of course also relevant when developing policy and legislation at European level. The importance of this is already expressed in the Treaty on European Union and in the EU Charter of Fundamental Rights. The European Commission uses 'strategic foresights' to give the future a role in shaping policies and regulations.⁵³ A special European Commissioner for Intergenerational Fairness, Youth, Culture and Sport is tasked with ensuring that the Commission's work is future oriented and with identifying trends and developments in research and technology "that will shape our economies and societies and have an impact on future generations".⁵⁴ To this end, there is also an EU-wide Foresight Network, in which 'ministers for the future' appointed by all member states meet informally at least once a year to discuss issues that are important for the future of Europe. Although in practice these are the member states' ministers of foreign affairs who meet regularly anyway, this Foresight Network is of considerable symbolic significance.

The year 2025 also saw the introduction of a European Citizens' Panel on Intergenerational Fairness, which presented recommendations on a range of policy areas in November that year. Building on this, the European Commission adopted its first strategy on intergenerational fairness in March 2026 to further develop long-term thinking in policy-making and add weight to young people's views and concerns.⁵⁵ One of the measures is the introduction of an intergenerational 'fairness index' to identify opportunities and gaps, inform policy decisions and promote intergenerational fairness.

Political and administrative instruments

A range of instruments have already been developed in various policy areas that can be used to further strengthen future-oriented governance and policies. Particularly in the spatial domain, extensive experience has been gained with long-term policy programmes such as the National Delta Programme, which sets out what the government must do now and in the future to protect the Netherlands against flooding, ensure sufficient freshwater and ensure climate-resilient planning and development for the country. Another example is the Main Energy Structure Programme, which, among other things,

⁵² www.kennisopenbaarbestuur.nl/themas/t/toekomstgericht-beleid/leidraad-toekomstgericht-beleid.

⁵³ commission.europa.eu/strategy-and-policy/strategic-foresight_en.

⁵⁴ Mission Letter 1 December 2024: ec.europa.eu/newsroom/just/items/863374/en.

⁵⁵ ec.europa.eu/commission/presscorner/detail/nl/ip_26_535.

clarifies what new national energy infrastructure is needed in the period up to 2050 and where it can be located.

Knowledge institutions and planning agencies play an essential role in the development of future-oriented policy by carrying out research into long-term challenges. See, for example, the Netherlands Scientific Council for Government Policy's key exploratory studies in recent years on new systems technology, fairness in climate policy and an expert government,⁵⁶ and the Social and Economic Council of the Netherlands' perspective on broad prosperity.⁵⁷ Interdepartmental policy studies (IBO) also contribute to long-term thinking, such as the Simplification of Social Security IBO or the Electricity Infrastructure Funding IBO, as do reports by advisory councils in the various sectors and the findings of the various High Councils of State. Independent ad hoc committees are also regularly set up to identify long-term developments and make policy recommendations on them. For example, the State Commission Demographic Developments 2050 examined the social consequences of population changes over the coming decades against the background of the broad prosperity approach.⁵⁸ The State Commission identified a number of actions on the basis of the findings.

'Broad prosperity' is the basic principle that the main indicator of how society is doing is not only the state of the economy, but also ecological and social developments, in the knowledge that today's policies have implications for later generations as well as for other countries. The broad prosperity approach makes it possible to look at how policy outcomes relate to each other: choices in one policy area have an impact on other policy areas.⁵⁹ Since 2024, the planning agencies have provided a joint reflection on the central government budget: what do the policy intentions mean for the broad prosperity of the Netherlands?

Broad prosperity is also a key element in the recommendations made by the Council of State's Advisory Division to the government to carry out a broad socioeconomic structural analysis.⁶⁰ Since financial resources, manpower and space are scarce, choices need to be made with regard to the structure of the Dutch economy, the labour market and government capacity. An analysis of the socioeconomic structure of the Netherlands makes it possible to carry out comprehensive assessments with the right priorities. Such assessments must also take into account the sustainability of prosperity for future generations and that of other countries.

Legislation with a long-term horizon can also contribute to the interests of future generations. The Climate Act 2017 sets out long-term targets as legal obligations. The

⁵⁶ Netherlands Scientific Council for Government Policy, *Opgave AI. De nieuwe systeemtechnologie (Mission AI. The new system technology)*, no. 105 (2023); Netherlands Scientific Council for Government Policy, *Rechtvaardigheid in klimaatbeleid. Over de verdeling van klimaatkosten (Justice in climate policy. Distributing climate costs fairly)*, no. 106 (2023); Netherlands Scientific Council for Government Policy, *Deskundige overheid (Expert government)*, no. 113 (2025).

⁵⁷ Social and Economic Council of the Netherlands, *Perspective on broad prosperity in 2040. Building the economy of the future*, no. 01 (2024).

⁵⁸ *Moderate growth* (report of the State Commission Demographic Developments 2050), The Hague 2024.

⁵⁹ Netherlands Institute for Social Research Ongoing Citizen Perspectives Survey 2026-1. Cf. Social and Economic Council of the Netherlands, *Perspective on broad prosperity in 2040. Building the economy of the future*, no. 01 (2024).

⁶⁰ Opinions on the 2023, 2024 and 2025 Budget Memorandum. See also the opinion on the draft Climate Plan 2025-2035.

aim is to achieve a 95% reduction in greenhouse gas emissions by 2050 compared to 1990. Electricity generation must be 100% CO₂ neutral by 2050. The Climate Act provides for a five yearly Climate Plan that sets out the main features for the next ten years, plus an annual Policy Document on Climate Change that reports on the progress of implementation. Under the Climate Act, the Council of State's Advisory Division issues an annual opinion on the current situation. The Scientific Climate Council has subsequently proposed a vision for the future to make climate policy more consistent, more predictable and more future-oriented.

4. A future for the future

The interests of future generations are already being taken into consideration in the here and now. It is clear from the above that the necessary efforts are being made in the various areas of the democratic state under the rule of law, at national, European and international level. However, these efforts are often still inconsistent, fragmented and difficult to link to regular government policy. Many initiatives are also still at an early stage and remain non-binding. More is needed to give real substance to intergenerational fairness: structural measures that compel politicians, ministries and society to take into account the right to a future for the generations to come and the impact of their decisions and policies on that future. More and better coordinated government policy is needed in the long term. Various policy initiatives already discussed, as well as European and foreign examples, can be used to achieve this.

Institutional innovations: democratic institutions have the task of developing long-term instruments and incorporating them into mainstream policy and decision-making. Innovations such as established citizens' consultations, a future ambassador in relevant policy sectors and an ombudsman function for future generations help to focus attention on young people and the generations that will follow them. It is not always possible to identify future interests and circumstances. Forms of scenario thinking, including *future design*, can provide insight into the rights and interests that may be at stake in the future.

Constitutional enshrinement: a thorough exploration is recommended of the possibility and desirability of enshrining the interests of future generations and the duty to pursue intergenerational fairness in the Constitution. A constitutional duty can serve as a benchmark for laws, regulations and case law, but will need to be balanced against the traditionally restrained and austere design of the Constitution. An obligation to make efforts for future generations in various areas can already be indirectly inferred from the fundamental social rights set out in the Constitution. Government and parliament could pay greater heed to this by explicitly identifying these fundamental social rights in explanatory notes to legislative proposals. Fundamental social rights often form the basis for the development of the social welfare state. Legislation in areas such as pensions, curative and long-term care, youth care, and children's services shows how fundamental social rights encourage a fair distribution of benefits and burdens across different generations and future generations.⁶¹

⁶¹ Cf. T. Kotkas, '[Social rights and social sustainability: can social law promote intergenerational justice?](#)', in: J. Nowag (ed.), *Research Handbook on Sustainability and Competition Law*, Edward Elgar Publishing 2024, p. 320-335.

Legislation and policy: material and procedural standards and enabling conditions developed in case law on a healthy living environment can also add value in other policy areas where a long-term approach is needed. It is recommended that these standards and conditions are addressed in the Guide to Constitutional Review.⁶² It is also desirable to continue to focus on publicising and using existing instruments, such as the Guideline for Future-Oriented Policy, the generational scan and the generational assessment. The use of these instruments can be reported in the State of Legislation. In the context of shaping European policies and regulations, government and parliament can make greater use of and reference to the 'strategic foresight' instrument. To ensure that policy and governance is future oriented, further use can be made of the experience already gained in areas such as the spatial domain through long-term policy programmes.

Governance and knowledge: long-term agreements with social sectors can set out structural pathways for the future and make improvements in various areas of society. At a time when political stability cannot be taken for granted, it is also advisable to pursue broad parliamentary agreements with longer-term commitments on central issues that can ensure that the Netherlands remains socially, environmentally and economically sustainable for future generations. Inspiration can be drawn from the pre-war legislative inquiries that led to important legislation across party lines. Socioeconomic structural analyses, medium-term economic, ecological and demographic exploratory studies, and well-prepared visions of the future that paint a picture of society in at least twenty-five years' time, with a look ahead to at least fifty years, are needed in order to make insightful and informed choices for sustainable policies that take into account the interests of future generations. For the development of future-oriented policy, government and parliament should pay closer attention to research carried out by knowledge institutions and planning agencies on long-term challenges. In this context, the Council of State's Advisory Division could place greater emphasis on a future-oriented perspective in its assessment of proposed laws and regulations, during requested and spontaneous briefings. The Council of State can further develop its knowledge function for the benefit of a future-proof democratic state under the rule of law, in close collaboration with the other High Councils of State.

5. Conclusion

There are many areas where incentives could be used to ensure that our society and the values we cherish are passed on responsibly to future generations. The government, at international, European and national levels, plays a decisive role in this process. This role could be more clearly articulated. Government and parliament must venture to look beyond the boundaries of today's generations of citizens and voters even more than they do now, and pay heed to their responsibility to ensure a liveable world for our children's children and grandchildren. The account that must one day be rendered for this duty will need to be brought forward to the here and now. Creating a right to the future for tomorrow's generations that they cannot enforce themselves. That is a job for our generation.

⁶² The most recent version of the Guide to Constitutional Review (December 2025) can be found on www.kcbr.nl (Policy Compass, section 3.2.1).