

INTERGENERATIONAL RIGHTS ARE CHILDREN'S RIGHTS: UPHOLDING THE RIGHT TO A HEALTHY ENVIRONMENT THROUGH THE UNCRC

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The climate crisis has brought broader attention to intergenerational issues, which has prompted deeper consideration of the **position of children within intergenerational justice**. However, confusion over the overlapping concepts of intergenerational equity, future generations, and the position of children runs the risk of failing to include the children's rights framework in climate cases. It is argued in this article that the term "**intergenerational equity**" should not just include those yet to be born, but also those who are children now.

The **UN Convention on the Rights of the Child** (CRC) has enormous potential for helping children's rights in the climate crisis. Almost every country has agreed to uphold principle of the **best interests of the child**. Relying on this principle

- focuses on children and;
- could help win climate cases.

This article argues that **children's rights should be invoked where possible in climate cases alongside the rights of future generations**.



"Future generations"

- This is frequently taken to mean those yet to be born. Many countries have laws protecting their rights, and therefore these rights are invoked in many climate cases.

"Intergenerational equity"

- A concept elaborated by **Edith Brown Weiss**.
- Children are the 'first **embodiment of the interest of future generations**', they have intergenerational rights to a robust environment, and adults have a duty to preserve options for them and to protect the quality of resources.
- Although it has influenced many legal instruments, the concept has not had a detailed examination from the perspective of children's rights.



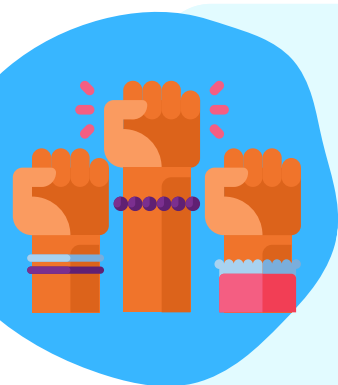
UNCRC

- The children's rights framework can be positioned as a key component within the picture of intergenerational rights.
- It can be used as a bridge between the interests of those in the present and in the future.



Best interest principle

- The **principle** can serve as a tool to ensure that States adopt procedures which place children in a prominent position in decision making.
- Very few climate cases have referenced the principle of the best interests of the child in spite of the involvement of child litigants.
- Reference to this principle can increase the chances of success in litigation cases, but also ensure that the case is firmly based in the children's rights framework.



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