

TODAY FOR TOMORROW: CONSTITUTIONALISING THE RIGHTS OF FUTURE GENERATIONS

[summary for the general public]

Do the “future generations” referred to in many modern constitutions, including the Polish Constitution of 1997, possess legal subjectivity? Can they be bearers of constitutional rights? If so, what specific rights do they hold, and how should these be guaranteed by the state authorities and the present generations? How can the needs and interests of future generations be identified, and how can their protection and representation in current decision-making processes be ensured?

Answering these questions is a major challenge for scholarship in general and legal scholarship in particular. It undoubtedly requires moving beyond established paradigms and conventions in our understanding of human rights and the mechanisms for their protection. Traditionally, constitutional rights have been understood as belonging to existing entities that articulate their needs and interests and seek tangible protection and effective representation in decision-making processes. In contrast, future generations are non-existent entities whose needs and expectations are unknown, and whose interests and priorities may differ from ours. Nevertheless, as individuals, societies, and states, we feel a responsibility towards future generations and strive to provide them with development opportunities comparable to those we have enjoyed.

For this reason, the rights of future generations are increasingly being incorporated into constitutional frameworks, even though they have not yet had a significant impact on the functioning of state institutions or the lives of individuals and present generations. This long-term approach, extending beyond the “here and now”, represents a form of transformational constitutionalism. It forces the human rights discourse to grapple with novel concepts, such as intergenerational responsibility, solidarity, and justice.

The ambition of this project is not only to answer the questions posed above but also to propose an optimal framework for constitutionalising the rights of future generations, alongside the corresponding duties of the state and present generations. Achieving this will require the development of an effective mechanism to identify and represent the needs and interests of future generations, thereby providing them with real legal protection within current decision-making processes. The project will reconstruct and analyse various models for the protection of the rights of future generations from both European and non-European contexts, using comparative research as a key methodological approach.

The research will be conducted by an international research team in collaboration with leading academic institutions in Western, Central, and Eastern Europe. The results will be disseminated through a series of research articles published in reputable academic journals in both Polish and English and through conference presentations. In addition, a member of the research team will prepare a doctoral dissertation, which will be one of the main outcomes of the project.