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Institutional Proxy Representatives of Future Generations: A Comparative Analysis of Types and Design Features

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Abstract

Future generations will be strongly affected by political decisions made today (e.g., by the long-term consequences of climate change). According to the democratic all-affected principle, the interests of everyone affected by political decisions should be considered in the political decision-making process. Future generations cannot influence democratic decision-making, since they do not yet exist. Election-based democratic incentive systems are said to make it difficult to consider the needs of future generations today. Surprisingly, however, since the early 1990s, an increasing number of democracies have established what could be called institutional proxy representatives of future generations (proxies), i.e., public bodies with institutionalized access to government and/or parliament that introduce the construed interests of future generations into the political decision-making process. Proxies help to consider future generations' interests alongside the interests of current constituencies. After concept building, this comparative study searches all liberal democracies and identifies 25 proxies, with heterogeneous institutional designs. By employing membership criteria, three types are distinguished: (a) expertise-driven independent guardians (type I), (b) political or administrative advisory and coordination bodies (type II), and (c) sustainability stakeholder councils or committees (type III). They vary considerably in their formal capacity to influence political decision-making (i.e., on what legal basis they were provided with what instruments to address which phases of the policy process and which branches of government). Overall, they should not be overburdened with expectations. While they are usually equipped with the tools to voice the (construed) interests of future generations, they often lack the capacity to act as watchdogs with teeth when ignored.

Keywords

all-affected principle; democracy; future generations; institutions; intergenerational justice; political representation; sustainability governance; sustainable development

1. Introduction

As early as 1983, political philosophers Gregory S. Kavka and Virginia Warren criticized that, in modern democracies, “[N]o special institutional mechanisms exist to secure representation of future people’s interests, and representatives naturally focus their attention on promoting the interests of those who have the power to vote them into, or out of, office; that is, present citizens” (Kavka & Warren, 1983, p. 21). This lack of representation is commonly regarded as problematic because future (i.e., yet unborn) generations are affected by the political decisions of today but have no voice in their making. The democratic all-affected principle calls for the voices—or at least interests—of all those affected to be considered in democratic decision-making (Goodin, 2007; Warren, 2023). The normative justification for establishing such institutional mechanisms for the representation of future generations is therefore often democratic (see, e.g., Dobson, 1996; Gonzalez-Ricoy & Rey, 2019; Rose, 2019; Zwarthoed, 2018).

Four decades after Kavka and Warren’s (1983) call for the political representation of future generations, the situation has changed. Since the early 1990s, an increasing number of national and subnational democracies have established institutions for future generations, such as the Ombudsman for Future Generations in Hungary and the Future Generations Commissioner for Wales. These bodies or offices are meant to help consider the needs of future generations alongside those of current constituencies. In doing so, they arguably make democracies more inclusive and amenable to more sustainable decision-making, strengthening the political long-term orientation and mitigating short-termism biases (Boston, 2021; Caney, 2016; Krishnakumar, 2009; Linehan, 2021; MacKenzie, 2016; Thompson, 2010).

Since future generations, by definition, do not yet exist and thus cannot authorize or engage with their potential representatives, there is no consensus in the literature as to whether and how they can be represented at all, and, by extension, whether institutional innovations such as the ombudsman in Hungary or the commissioner in Wales should be normatively motivated, framed, conceptualized, and analyzed in terms of political representation (Beckman, 2023; Campos, 2021; Ekeli, 2005; Gonzalez-Ricoy & Rey, 2019; Heyward, 2008; Jensen, 2015; Jones et al., 2018; Karnein, 2016; Kinski & Whiteside, 2023; Rose, 2019; Smith, 2020; Thompson, 2010; Warren, 2023; Zwarthoed, 2018).

While future generations do not fit the standard (i.e., electoral) account of political representation, several scholars—particularly those from the constructivist turn in the theory of representation, allowing for non-electoral forms of representation—acknowledge future generations as constituents in need of political representation (Näsström, 2011, p. 506; Saward, 2009, p. 1, 2010, pp. 112–119; Urbinati & Warren, 2008, p. 404). Moreover, empirical cases exist wherein specific institutions were clearly established to represent (the interests of) future generations, embracing vocabulary linked to political representation. In the case of Israel, a Knesset (2004, p. 21) document states:

[T]he need arises to appoint an Ombudsman to represent the as yet unborn generations before the legislative authorities, a “Commissioner of Future Generations.” He would be given the opportunity to examine any legislative act and to appear before the relevant Knesset Committee whenever there arises any suspicion of prejudice against future generations. This might be through ground or air pollution, harm to pension funds, the implications of genetic engineering or the consequences of a technological development.

In an official report, the Hungarian Ombudsman for Future Generations refers to its “duty of representing future generations’ interests” (Office of the Parliamentary Commissioners of Hungary, 2010, p. 8). In another document, an officer states that the ombudsman must represent future generations in long-term decision-making (Ambrusné, 2011, p. 22). The Maltese Guardian of Future Generations is described in a media article as being tasked with “representing the interests of future generations at the national level” (Balzan, 2013).

In this article, I do not further engage with the political philosophy literature on the merits and difficulties of the political representation of future generations, but I have done this elsewhere (see Rose, 2018, 2019). Instead, I employ a representation lens to briefly propose the rather descriptive concept of the formal institutional proxy representation of future generations, which allows us to identify institutions that can be understood as real-world instances of this concept. I call these real-world instances *institutional proxy representatives of future generations*, or *proxies* for short. To structure this field, I use the membership characteristics of these proxies to identify three different proxy types: (a) expertise-driven independent guardians (type I); (b) political or administrative advisory and coordination bodies (type II); and (c) sustainability stakeholder councils or committees (type III). To illustrate what the members of these proxy types do, I provide selected examples of their specific tasks and activities. Moreover, I characterize each proxy and proxy type by their further design features. Taken together, these design features allow me to assess the formal capacities of proxies to influence political decision-making.

2. Conceptualizing Institutional Proxy Representation of Future Generations

To differentiate the representation of future generations from the standard account of political representation, I speak of the institutional proxy representation of future generations. Since the actual referents of this representation (future generations) are per se inaccessible, only the objects—i.e., selective and construed portrayals of constituency interests, in Saward’s (2010) terms—can be represented. *Proxy* indicates this very fact. The term refers to surrogates of persons who are not there and, in our case, cannot be approached or consulted since they do not yet exist. In statistical analysis, the term is used for measurable variables aiming to represent something that is not measurable. The term has already been used occasionally regarding the (parliamentary or otherwise) political representation of nature or future generations (Beckman, 2023; Cooke, 2017; Dobson, 1996; Lawrence, 2022; Rose, 2018, 2019). *Institutional* refers to the focus of this article on formally institutionalized forms of (proxy) representation (Rose, 2021). In light of the all-affected principle, future generations are potentially affected by all political decisions made today, so they would require an institutionalized form of representation to give them sufficient access to the democratic decision-making process. I therefore disregard representative claims as individual speech acts.

Drawing on Rehfeld’s (2006) formal account of political representation and Rose’s (2018) work on the representation of future generations, we need the following elements to formally identify (institutional proxy) representation:

1. A specific *function* that determines both the activity of the representative and the audience, which must recognize the representative as standing for a specific group. Following Pitkin (1967, p. 153), being represented, in general, means “being made present in some sense, while not really being present literally or fully in fact.” Considering both the democratic all-affected principle and the above

examples of representation-related statements of proxies, we can adopt Rose's (2018) postulation that the function of institutional proxy representation is to make future generations present in today's political decision-making process (i.e., to introduce their interests into this process). This function implies that the institutional proxy representative (i.e., proxy) needs *access* to the political decision-making process on a regular (i.e., institutionalized) basis, usually via the parliament and/or government. Therefore, institutions that are not concerned with parliamentary or governmental processes or that are severely restricted in their access (e.g., only contributing to a national sustainability strategy or yearly meetings) are not considered. Moreover, access should not be restricted to a single problem or policy area, such as climate change policy, fiscal policy, or environmental policy in a narrower sense, since the all-affected principle requires a broader scope, providing proxies with a certain leeway to identify the affected interests of future generations;

2. An *actor* who accepts the charge to perform the function and who is recognized and enabled by the relevant audience to do this. An institution that exists on paper but lacks people in office to perform its given function would not qualify as a proxy. For example, both the Knesset Commissioner for Future Generations in Israel and the Council for the Rights of Future Generations in France existed much longer on paper than in practice, as the respective positions were not refilled while the documents formally institutionalizing these proxies were still valid. Moreover, while a proxy need not care for future generations exclusively, it must represent their construed interest at least to the same extent as the sum of possible other *constituents' interests*, such as current generations, so that in cases of internal conflicts between interests, the (construed) interests of future generations would not be disregarded (Rose, 2018). Sustainability institutions represent a borderline case (Mathis et al., 2023). If they are oriented toward an understanding of sustainable development that explicitly claims to consider the needs of future generations (at least) equally to those of the current generation, as it is defined, for example, in the famous Brundtland definition of sustainable development, they can be regarded as proxies. It is thus crucial that a proxy's main documents show a strong link to future generations;

3. According to Rehfeld (2006, p. 1), "Political representation....results from an audience's judgment that some individual, rather than some other, stands in for a group in order to perform a specific function." The *audience's* recognition is key to performing the function. For institutional proxy representation, the function can only be performed when the actors who control the political decision-making process grant formal institutionalized access to this very process. While proxies, in general, may have multiple and broad audiences, only their recognition by the parliament and/or government is necessary and sufficient for the function to be performed. The audience uses a set of *rules of recognition*. As long as the relevant audience regards these rules as valid and they can be used to identify a representative, the nature of these rules is not relevant for identifying cases of formal representation (Rehfeld, 2006). However, I use parts of these rules to construct proxy types in Sub-section 5.1. These rules can be differentiated into three parts: The (a) *selection agent* uses certain (b) *decision rules* to select the representative from a (c) *qualified set* (Rehfeld, 2006, p. 5). This can be quite formalized. In the Israeli case, the former Knesset Law (Paragraphs 36–39 of Section 8; English translation available at Knesset, 2004) determined the rules of recognition as follows: The *qualified set* consists of resident Israeli citizens with an academic degree in a relevant field who have worked in that field for at least five years, were not politically active up to two years prior to the candidacy, and

were not convicted of a charge inappropriate for the position. The final *selection agent* is the speaker of the Knesset, who appoints the Knesset Commissioner for Future Generations in agreement with the Knesset House Committee according to the decision rules. The *decision rules* determine that the speaker appoints, according to specified rules, a public committee that examines the qualifications of the candidates and nominates at least two candidates with a majority of at least four committee members each.

If conditions 1 to 3 are met, we can speak of institutional proxy representation of future generations. Proxies, therefore, are staffed public offices or bodies with institutionalized access to government and/or parliament and the function of introducing the construed interests of future generations into the political decision-making process across policy areas.

3. How Are Proxies Designed to Influence Political Decision-Making?

As a minimum, performing this function means stating future generations' (construed) interests in cases where the proxy deems this suitable, but this can still mean that these voiced interests are ignored by the government or parliament in the subsequent process. The degree to which proxies have the formal capacity to influence the political decision-making process depends on how they are designed by their creators.

In the following sub-sections, I briefly explain which different design features might increase a proxy's formal capacity to influence political decision-making. By focusing on their formal capacity, I do not systematically analyze how this formal capacity actualizes in real-world influence but provide a rough measure that allows for comparisons across proxies and their design features. Design features that cannot be assessed comparatively due to a lack of comparative data, such as organizational structures and resources, as well as those lacking any clear causal direction toward increased capacity for impact, such as the degree of independence from parliament and government, are not considered.

The design features of a proxy are interdependent and work together in their formal capacity to influence political decision-making. In particular, the political instruments a proxy is endowed with are related to all other features, in that they grant access to certain stages of the public policy process or certain branches of government and may require a certain legal basis. Details, variants, and anchor examples of each design feature are presented in the analytical framework in the Supplementary File (see SM Table 1). While the selection of design features is partly informed by literature (Mathis et al., 2023; Rose, 2018; Rose & Hoffmann, 2020), I include only design features that have at least one expression in real-world proxies to avoid unrealistic expectations of proxy designs.

3.1. Political Instruments

On the political level, proxies can use political instruments to influence political decision-making by accessing one or multiple stages of the policy process and branches of government. These include outreach, advice and consultancy, independent policy recommendations, monitoring and review, legislative proposals, suspensive vetoes, ombudsperson functions, and auditing. All else being equal, the greater the variety of political instruments, the higher their capacity to influence political decision-making. Political instruments can also be designed as "hard-power" instruments that can force the addressees to visibly deal with the

interests of future generations as put forward by the proxy in a way that precludes addressees from ignoring them (Rose, 2018, p. 143). This includes legal rights of action, suspensive vetoes, and forms of recommendations wherein addressees are obliged to answer in writing, justifying any deviations from the recommendations.

3.2. Access to the Stages of the Public Policy Process

On a process level, policy-making is often depicted with the heuristic of the policy cycle and is differentiated in the ideal-typical phases of agenda setting, policy formulation, policy adoption, implementation, and evaluation (see, e.g., Knill & Tosun, 2017). In their entirety, proxies indeed address all of these stages, but usually, individual proxies have access only to specific stages (Rose & Hoffmann, 2020). Every proxy needs access to at least one stage. All else being equal, proxies' capacity to influence policy-making increases along with the number of stages of the policy process they can access.

3.3. Access to the Branches of Government

On the polity level, decision-making is shaped by the different branches of government. A proxy may be institutionalized by the same or a different branch of government than it has access to, and it may have access to a single or multiple branches of government. While every proxy needs regular access to the legislative or executive branch (the most important ones in political decision-making), optional access to the judicial branch provides additional means of influence, since passed laws can be legally challenged, which feeds back into the political decision-making process. All else being equal, the more branches of government a proxy has access to, the greater its capacity to influence political decision-making.

3.4. Legal Entrenchment

The stronger the legal basis of a proxy, the higher its political legitimacy and the more difficult it is to amend or revoke this legal basis and, with it, the proxy and its design features. This way, a strong legal basis makes proxies more resilient against external pressures and indicates a high and rather credible commitment to considering the interests of future generations, both of which should increase the capacity of a proxy to influence political decision-making (Rose, 2018, pp. 178–179). I distinguish between four levels of legal entrenchment from *weak* to *strong*: (a) no legal basis, (b) secondary law or by-law, (c) primary law, and (d) constitutional entrenchment.

4. Data and Methods

I employ the definition and criteria presented in Section 2 to identify proxies in liberal democracies across the world. I draw on Freedom House to operationalize democracy and, for every proxy, check whether its host country had the status of “free” in the proxy’s foundation year (Freedom House, 2022). The universe of cases therefore consists of proxies at the national level in liberal democracies. The subnational level is considered only in exceptional cases when a subnational proxy has highly relevant characteristics (e.g., when it refers to future generations in its name), is a forerunner institution, or has otherwise unique features that distinguish it from all other proxies known thus far. This applies to the Future Generations Commissioner for Wales. There is a pragmatic limitation that affects case selection: sufficient information must be available in English, French, or German via desk research to allow an assessment of the definitional criteria and relevant design features.

Against this background, I aim for a full survey of proxies. For this, I desk-researched proxies in all countries assessed as “free” by Freedom House in 2022 (currently, 84 countries and territories).

To identify and assess proxies, I prioritized primary sources such as legal documents, written outputs of proxies (e.g., webpages and reports), and academic literature authored by proxy members or staff. Secondary sources, such as academic literature, media articles, and webpages by third parties, are only used supplementarily, if at all. The sources the following assessment is based on are listed in the Supplementary File (see SM List 1).

I analyzed the sources according to the criteria and design features presented in Sections 2 and 3. The definition-related criteria (see Section 2) must be maintained throughout the lifespan of a proxy. I mark a proxy as discontinued if the respective institution was either abolished entirely or altered fundamentally so that it either no longer qualifies as a proxy or does not qualify as the same proxy. SM Table 1 (in the Supplementary File) is used as a coding scheme for the design features. Based on the reading of the relevant sources, I coded every design feature binarily for its *absence* (0) or *presence* (1) to allow for easy visualization. The design features are broad enough so that minor within-proxy developments over time do not typically affect the attributed codes. In cases of very significant changes, I split up an institution into separate consecutive proxies, which I did with the Hungarian Ombudsman (later Deputy Commissioner) for Future Generations. To measure the formal capacity of proxies to influence political decision-making, the codes are aggregated into sub-indices (one per dimension), which are then added to a total index of formal capacity. The data sheet with coding results and calculations is available in SM Table 2 (in the Supplementary File).

5. Results

Twenty-five proxies were identified and coded, 16 of which still exist. The proxies were hosted by 17 countries; today, 11 countries still host at least one proxy. There is a strong bias toward European proxies when compared to other continents. To my knowledge, large democracies such as the US, Australia, Italy, Spain, or Poland have never hosted a proxy at the national level, while some countries have hosted multiple, such as Germany, Finland, Hungary, and Belgium (see Table 1).

The first four proxies were established in 1993, one year after the World Summit on Sustainable Development in Rio de Janeiro. The number of existing proxies continually rose until 2004. Since then, the number has varied between 15 and 18 proxies. Apart from that, there is no clear pattern in the dynamics of founding and dissolving proxies. Since 2017, the remaining proxies have been mostly stable (Figure 1). As of 2022, proxies have lasted between three years (France) and 30 years (Finland), with the average proxy lasting for just under 16 years. Continued proxies have an average age of 19 years (and counting), while discontinued proxies have an average lifespan of nine years (see SM Table 3 in the Supplementary File).

In the following sub-section, I present three types of proxies and illustrative activities of selected proxies of each type. The subsequent sub-sections show the design features of each proxy and the respective average of the number of the design features for each proxy type, as well as the proxies' additive formal capacity to influence political decision-making. Details on the distribution of proxies across the design features are presented in the Supplementary File (see SM Figures 1 to 4).

Table 1. List of institutional proxy representatives of future generations (proxies), sorted according to type.

Proxy name and ISO 3166 country code	Host country	Founding year	Dissolution year	Freedom House score	Government level
Type I: The independent guardian					
(HU) Ombudsman for Future Generations	Hungary	2008	2011	1.0	national
(HU) Deputy Commissioner for Future Generations	Hungary	2012		1.5	national
(IL) Knesset Commissioner for Future Generations	Israel	2001	2005	2.0	national
(CA) Commissioner for Environment and Sustainable Development	Canada	1995		1.0	national
(GB-WLS) Future Generations Commissioner for Wales	Wales	2016		1.0	subnational
(GB-WLS) Commissioner for Sustainable Futures	Wales	2011	2015	1.0	subnational
(GB) Sustainable Development Commission	United Kingdom	2000	2011	1.5	national
(MT) Guardian of Future Generations	Malta	2012		1.0	national
(FR) Council for the Rights of Future Generations	France	1993	1995	1.5	national
Type II: The political or administrative advisory or coordination body					
(FI) Committee for the Future	Finland	1993		1.0	national
(CH) Interdepartmental Committee Sustainable Development	Switzerland	1993	2018	1.0	national
(DE) State Secretary Committee for Sustainable Development	Germany	2000		1.5	national
(DE) Parliamentary Advisory Council on Sustainable Development	Germany	2004		1.0	national
(BE) Federal Institute for Sustainable Development	Belgium	2014		1.0	national
(LI) Future Office	Liechtenstein	2004	2010	1.0	national
Type III: The sustainability stakeholder council or commission					
(FI) Finnish National Commission on Sustainable Development	Finland	1993		1.0	national
(EE) Commission for Sustainable Development	Estonia	1996		1.5	national
(BE) Federal Council for Sustainable Development	Belgium	1997		1.5	national
(IE) Comhar: Sustainable Development Council	Ireland	1999	2011	1.0	national
(DE) German Council for Sustainable Development	Germany	2001		1.5	national
(MT) National Commission for Sustainable Development	Malta	2002	2011	1.0	national
(CZ) Government Council for Sustainable Development	Czech Republic	2003		1.5	national
(LU) High Council for Sustainable Development	Luxembourg	2006		1.0	national
(HU) National Council for Sustainable Development	Hungary	2008		1.0	national
(KR) Commission on Sustainable Development	South Korea	2010		1.5	national

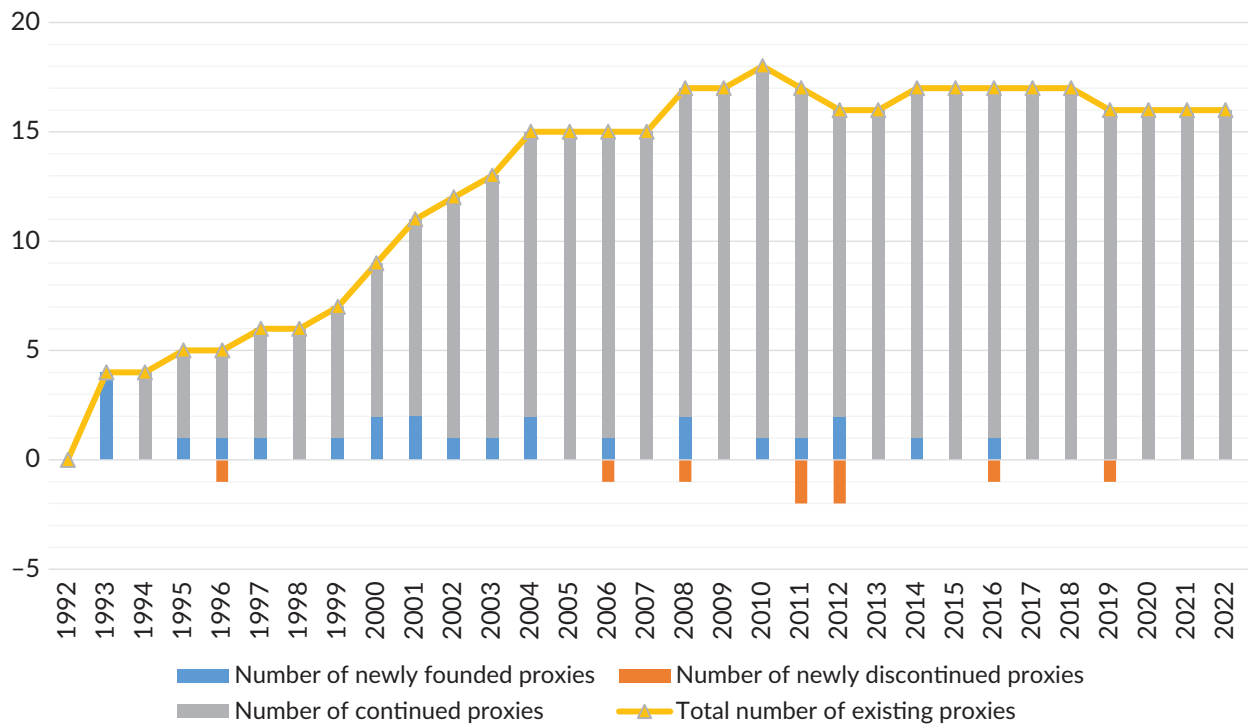


Figure 1. Number of institutional proxy representatives of future generations (proxies) over time.

5.1. Types and Exemplary Activities of Proxies

To structure this heterogeneous field, I examine the qualified set of each proxy (i.e., the rules for the individuals selected as members of a proxy; see Section 2). This reveals three different member selection rationales that result in three different proxy types. The proxies belonging to each type are shown in Table 1. In addition, for each type, I provide selected examples of the tasks and activities of individual proxies to illustrate what they do when fulfilling the function of introducing the interests of future generations into the political decision-making process.

5.1.1. Type I: The Independent Guardian

Often named “commissioners,” members of type I (the independent guardian) are primarily selected according to their expertise to fulfill the function. These may include scientists, lawyers, former politicians, elder statesmen, and other experts. To sustain the proxy’s independence, the members are usually not allowed to have any parallel political function in government or parliament, and the government or parliament is usually not authorized to steer the activities of the proxy. An example is the Knesset Commissioner for Future Generations, whose rules of recognition have been briefly described in Section 2. Of the nine identified proxies belonging to this type, only four still exist. Two of the discontinued proxies, however, were replaced by new proxies that are also part of this set (in Hungary and Wales). On average, type I proxies are four years younger than type II or type III proxies (see SM Table 2 in the Supplementary File).

For the Knesset Commissioner for Future Generations, the Knesset Law provided a non-exclusive list of areas where the lawmakers expected significant consequences for future generations: “environment, natural

resources, science, development, education, health, the economy, demography, planning and construction, quality of life, technology, justice” (Section 8, § 30 of the Knesset Law available at Knesset, 2004). The commissioner began his work by investigating the pension system and the concept of sustainable development and employing the backcasting method to search for ways toward a desirable future (Shoham & Lamay, 2006). Rather than determining the specific interests of future generations, he claimed to have worked toward safeguarding the broadest spectrum of future choices possible (Shoham, 2010). This included initiatives on the long-term provision of drinking water, high air quality, adequate food, and reduced hatred and division within Israeli society (Shoham, 2010). The commissioner reviewed and initiated dozens of bills in the areas of education, sustainable budgeting, the facilitation of preventive healthcare, and the environmental conditions of the Israeli coastline, among others (Shoham, 2010).

To provide a more recent example, the Future Generations Commissioner for Wales makes explicit claims on behalf of future generations. In her *Future Generations Report 2020*, Commissioner Sophie Howe—appointed by the Welsh Ministers in 2015 for a single term of seven years—sets out target states for areas such as public procurement, natural resources, mental health, equality, climate change, and housing under the reoccurring subheading “What Future Generations Need.” As established in the Well-Being of Future Generations Wales Act, the commissioner advises and monitors public bodies on their long-term impacts, well-being goals, and measures, aiming to safeguard the ability of future generations to meet their needs (Future Generations Commissioner for Wales, 2020).

5.1.2. Type II: The Political or Administrative Advisory or Coordination Body

In contrast to type I, type II proxies are internal bodies of the political-administrative system, as either parliamentary advisory councils or interdepartmental parts of the government’s administration, built to advise and coordinate on sustainability and long-term-oriented policies. As a consequence, the members of these proxies usually have parallel roles in regular administrative or political positions (such as MPs), which often are the very reason why they are appointed as members of the proxy. The German State Secretary Committee for Sustainable Development is a self-explanatory example of this type. Four out of the six proxies of this type do still exist.

In addition to the State Secretary Committee, another example of a type II proxy from Germany is the Parliamentary Advisory Council on Sustainable Development. First established in 2004 in the German Bundestag, this council consists of Members of Parliament delegated by the parliament’s political groups. It is a member of the Network of Institutions for Future Generations. The council advises parliament on matters of sustainable development, engages with the National Strategy for Sustainable Development, and formally checks the implementation of the government’s sustainability impact assessments of draft legislation. In an empirical study, Kinski and Whiteside (2023, p. 28, original emphasis) report that the members of the council indeed “view *themselves* as representatives of future generations and their interests.” In addition to sustainability strategy, the council also deals with the policy fields of environment and natural resources, economy, European affairs, trade, farming, agriculture, and nutrition, as well as transport and infrastructure, among others (Kinski & Whiteside, 2023).

The Finnish Committee for the Future is similar in its membership rules but was created by parliament as early as 1993. According to the long-standing secretary to the committee, Paula Tiihonen, it was established

“to deliberate problems of our common future, and thus also the rights and responsibilities of future generations” (Tiihonen, 2009, p. 239). In addition to technological impact assessments, it discusses the government’s Report on the Future, issues statements to other committees, analyzes future research, and sets its own policy priorities on relevant long-term issues across policy areas. Through developing and discussing alternative futures in a timeframe of 20 to 50 years, according to Tiihonen, “[I]t is working for the best of coming generations” (Tiihonen, 2021, p. 401).

5.1.3. Type III: The Sustainability Stakeholder Council or Commission

Type III, the sustainability stakeholder council or commission, follows the logic of functional representation and participation (i.e., members are selected from a variety of sectors to represent business associations, labor unions, religious associations, environmental non-governmental associations, academia, and, in most cases, also governmental institutions, represented by high-ranking members such as presidents and/or prime ministers). For example, the Belgian Federal Council for Sustainable Development consists of 24 members with voting rights, including three representatives from each environmental NGOs and development NGOs, six representatives each from employer associations and unions, and two representatives of youth organizations, as well as 50 members without voting rights, including the King and representatives from science, all ministries, the regions, the language communities, and other sustainable-related bodies (Federal Council for Sustainable Development, 2023). Only two of the 10 proxies of this type have been discontinued.

The Belgian Federal Council for Sustainable Development follows the Brundtland definition of sustainable development, which invokes both present and future generations’ capacities to meet their respective needs. The council’s main task is to issue recommendations and statements on measures that relate to sustainability policies, which it issues on its own initiative or upon request by the government or parliament. If the government decides not to follow a recommendation, it must state its reasons (Article 11, Moniteur Belge, 1997). In 2022, the council issued 15 recommendations on diverse topics such as the reduction of plant protection products and biocides, the European Fit for 55 legislative package, and a reparability index (Federal Council for Sustainable Development, 2023).

The High Council for Sustainable Development of Luxembourg is a similar proxy as regards its concept of sustainability, membership rules, and tasks. However, it lacks the Belgian council’s authority to require justification from the government if its recommendations are not followed. In 2021, recommendations were issued on topics such as waste prevention and the circular economy, as well as the certification of agricultural products.

5.2. Political Instruments

With what political instruments are proxies endowed? As shown in Figure 2 and Figure SM 1 (in the Supplementary File), almost all proxies have the rather soft political instruments of outreach, advice, and consultancy, as well as independent policy recommendations, at their disposal. Proxies usually engage in public relations and they are not fully dependent on their sponsor when it comes to advice and recommendations. However, most do not seem well-equipped to perform a guardian or watchdog function, as instruments such as the suspensive veto (Knesset commissioner) or legal right of action (Hungarian

ombudsman) are very rare, which is, to a slightly lesser extent, also true for the ombudsman functions (petitions and investigation), legislative proposals, and auditing (right to access undisclosed information). For only four of these proxies, at least one of their instruments has a hard-power character (i.e., can force addressees to actually deal with the needs of future generations). The Hungarian ombudsman and Knesset commissioner stand out with their high-above-average number of political instruments. Although these two are probably the most studied proxies, both have been disbanded in the context of political quarrels and changes in government.

The proxy type of the independent guardian (type I) has by far the highest variance of political instruments. It includes the proxy with the fewest instruments as well as the three proxies with the most. Auditing, ombudsman functions, suspensive vetoes, and the legal right of action can only be found in this type, and the average number of political instruments per proxy is highest for this type as well. Types II and III are endowed with mostly similar sets of political instruments (Figure 2).

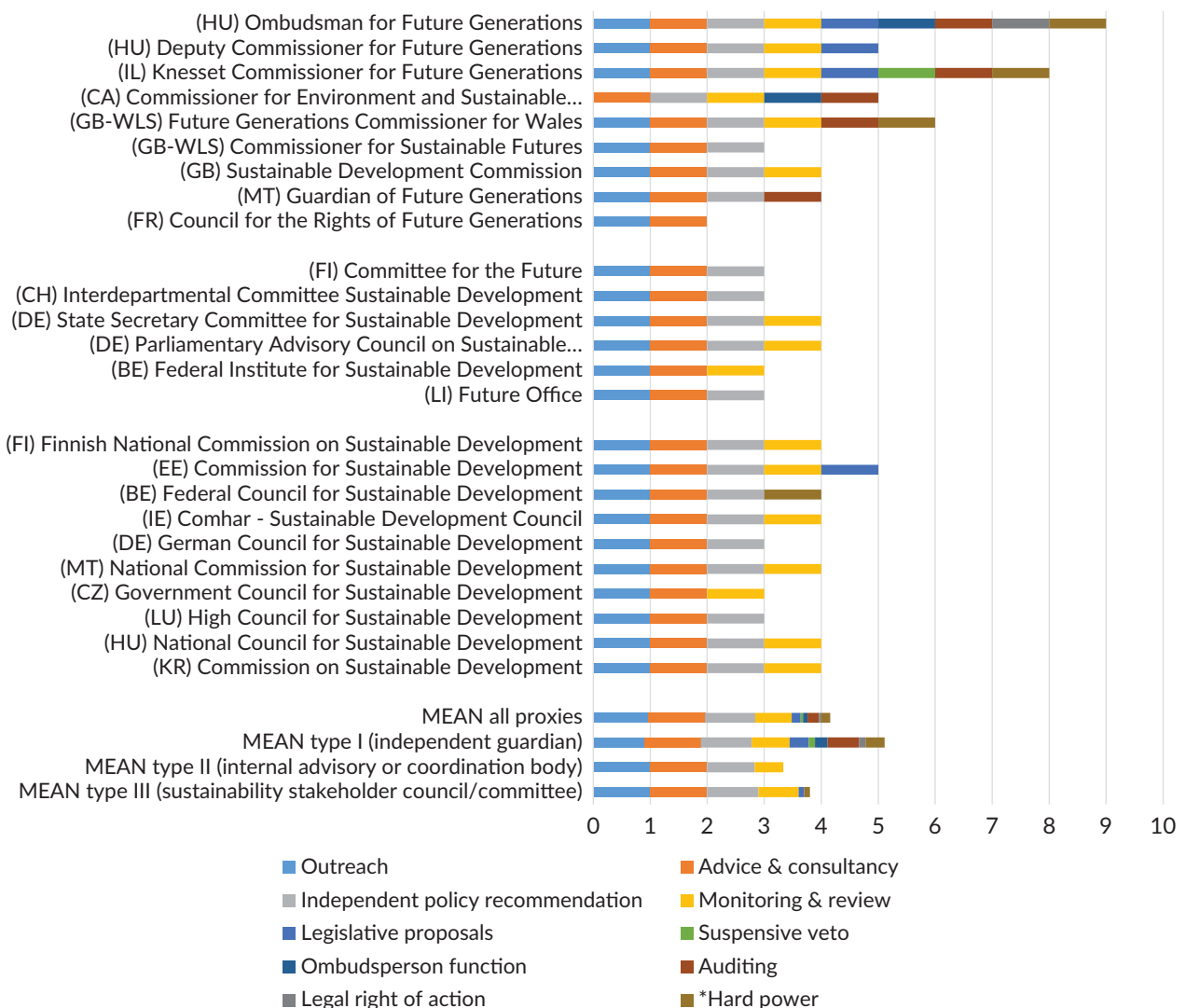


Figure 2. Political instruments.

5.3. Access to the Stages of the Public Policy Process

While all proxies have access to agenda setting and most to policy implementation, less than half are involved in policy formulation and evaluation. Only the Kneset commissioner had access to policy adoption. As such, proxies seem involved primarily at the beginning and end of the policy process, but they participate less at the heart of policy-making, where the actual decisions are made (Figure 3 and SM Figure 2 in the Supplementary File).

The stage of policy evaluation is most pronounced in type I proxies, the independent guardians, in contrast to type II proxies. Type II also has the lowest average number of stages addressed (Figure 3).

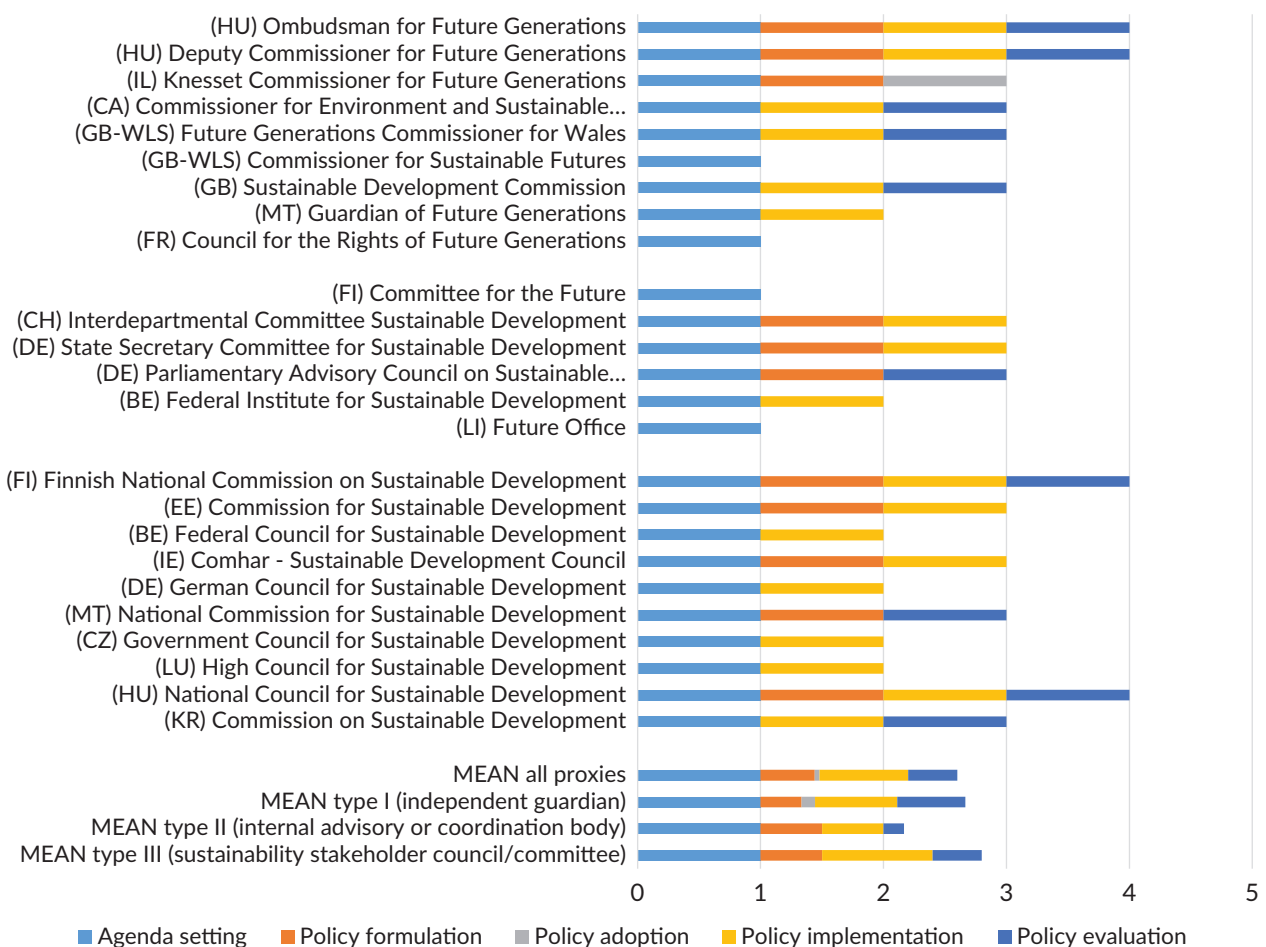


Figure 3. Access to the stages of the public policy process.

5.4. Access to the Branches of Government

Proxies' access to the branches of government is strongly dominated by access to the executive branch. This is especially true for type III proxies. Only Hungary's deputy commissioner (type I) lacks this access, as he needs his supervisor, the Commissioner for Fundamental Rights, to access the government. Hungary also accounts for the only access to the judiciary, which is accounted for by its predecessor, the Ombudsman for Future Generations. Compared to governments, parliaments allow far fewer proxies to access the political

decision-making process through them. On average, a proxy has access to 1.3 branches, with rather small differences between the three proxy types (Figure 4 and SM Figure 3 in the Supplementary File).

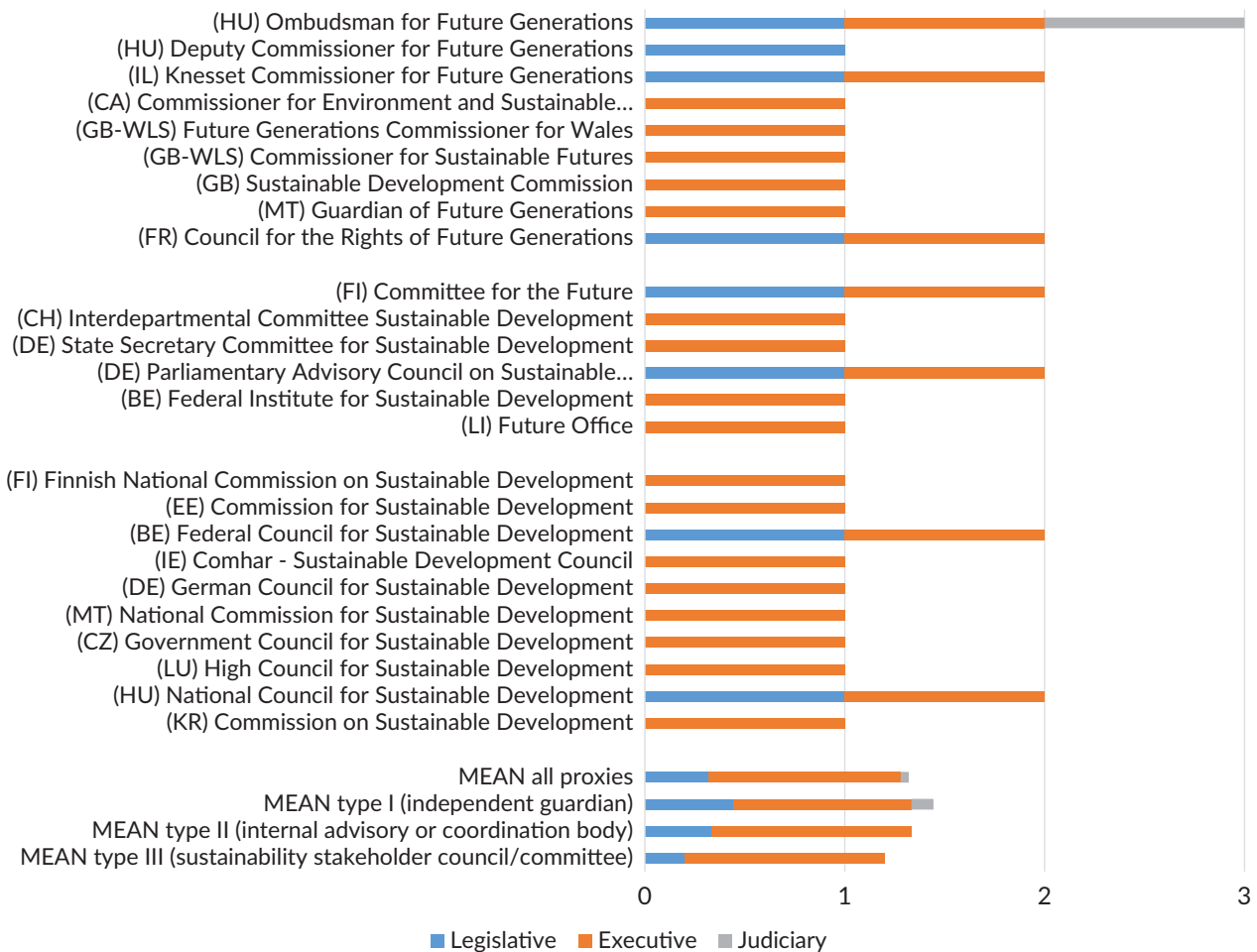


Figure 4. Access to the branches of government.

5.5. Legal Entrenchment

The two Hungarian type I proxies are the only ones constitutionally entrenched. Eight additional proxies are entrenched in primary law. The majority of proxies, however, are entrenched only in secondary law, or have no legal basis. Again, we observe the strongest variance of legal entrenchment within type I. Still, on average, type I proxies have by far the strongest legal basis. Half of the type II proxies, conversely, have no legal basis, and the other half are based on secondary law (Figure 5 and SM Figure 4 in the Supplementary File).

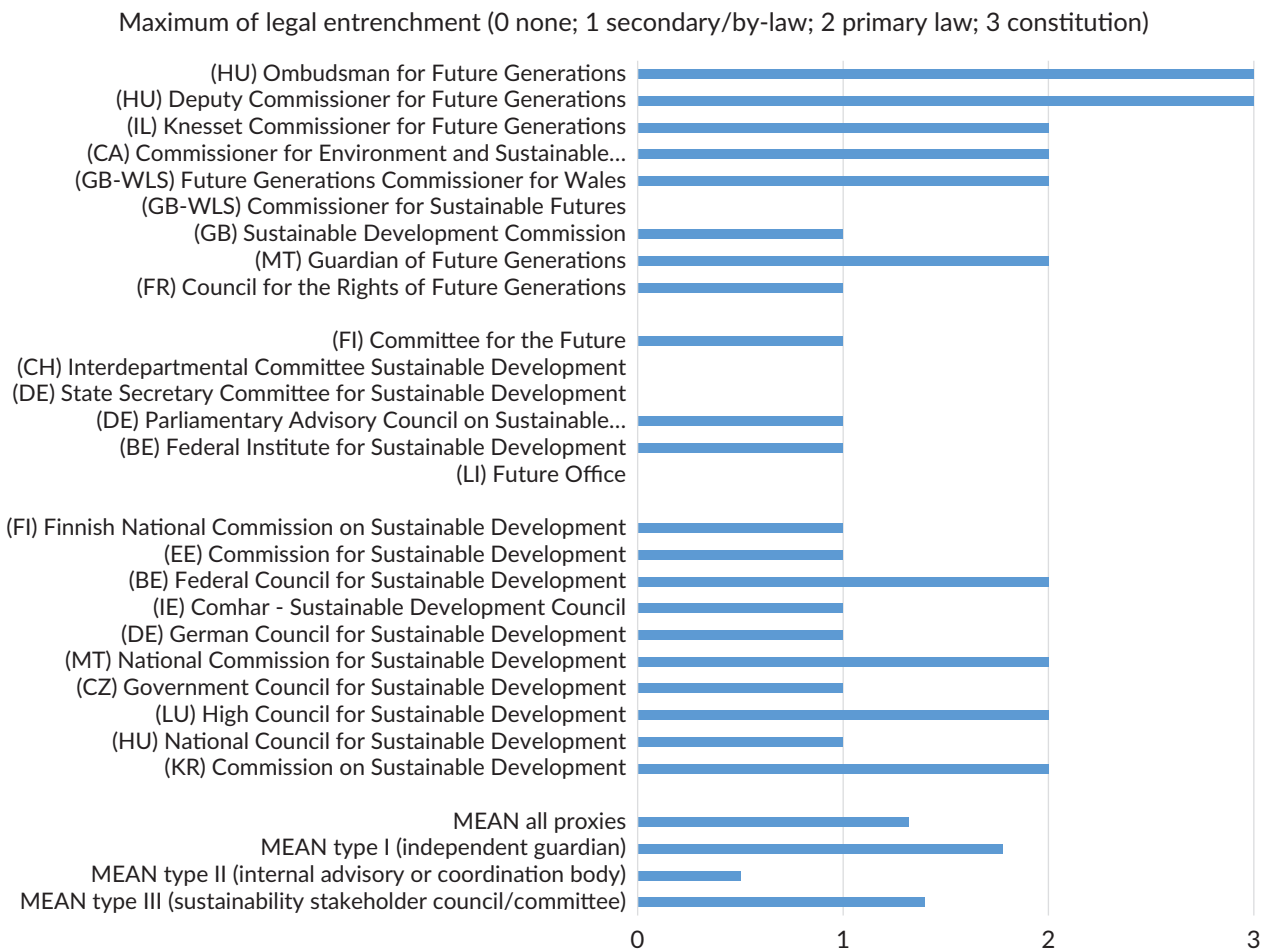


Figure 5. Strongest legal entrenchment per institutional proxy representative of future generations (proxy) and type.

5.6. Total Formal Capacity of Proxies to Influence Political Decision-Making

If we add up all design characteristics contributing to the formal capacity of proxies to influence political decision-making, we would reach a theoretical maximum of 21. The no longer-existent Hungarian ombudsman and Knesset commissioner had the highest formal capacities. On the lower end of the spectrum, the four proxies with the lowest formal capacities have also been disbanded. Moreover, on average, type I proxies have the highest formal capacity, whereas type II proxies have the lowest. These differences are largely driven by the average lead of type I in the number of political instruments and the strength of legal entrenchment (Figure 6).

The total count of design features is only a rough measure of a proxy's formal capacity to influence political decision-making, even if the design features are not independent but potentially reinforcing (see Section 3). Calculating this index with equal weighting of all four dimensions provides a similar picture (SM Figure 5 in the Supplementary File). Small differences between proxies shown in Figure 6 or Figure SM 5 (in the Supplementary File) should not be overinterpreted.

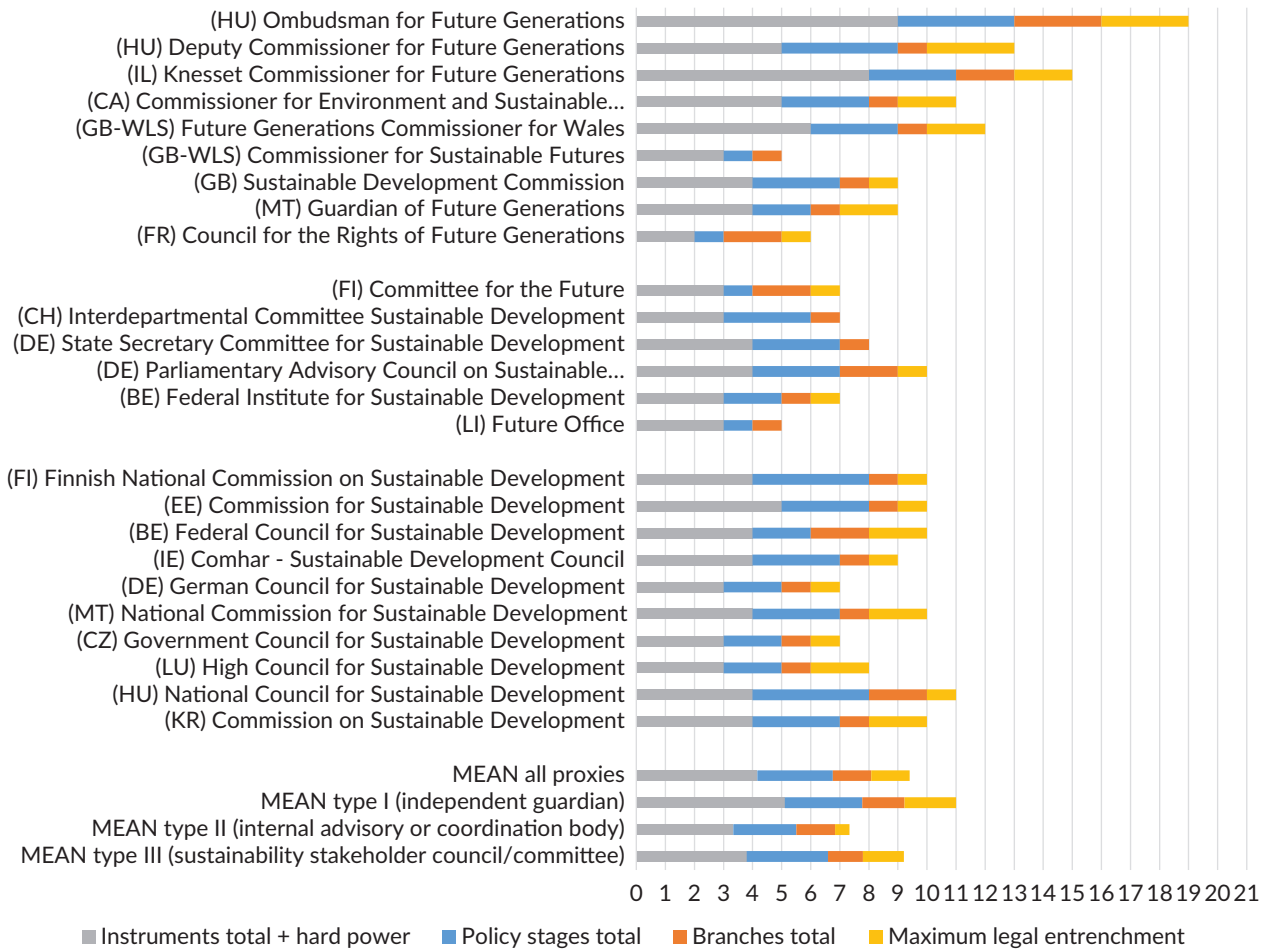


Figure 6. Total unweighted count of the formal capacity to influence political decision-making.

6. Discussion and Conclusion

Moving beyond normative claims, single case studies, and loose collections of institutions for future generations, this study has employed conceptual work and systematic comparative analysis to show that future generations indeed have been formally represented at an institutional level in various nations, even if this is not always done explicitly. Globally, 25 proxies were identified, 16 of which still exist, mostly in European democracies. In fact, a considerable variety of proxies exists, while proxies with comprehensive roles in the public policy process and many (and strong) instruments, as well as strong legal bases, are rare. Three types of proxies were found: (a) the independent guardian (type I), (b) the political or administrative advisory or coordination body (type II), and (c) the sustainability stakeholder council or commission (type III).

The three proxy types vary most in terms of political instruments and legal entrenchment, both of which are most pronounced for type I proxies, the independent guardians. They need a strong legal basis to secure their independence and justify their above-average share of hard-power political instruments. While all proxies provide advice to government and/or parliament, the political instruments of suspensive veto, ombudsperson function, auditing, and legal right of action are exclusive to individual type I proxies, which is also true for access to the policy process stage of policy adoption (Knesset commissioner) and to the

judiciary (Hungarian ombudsman), as well as for entrenchment in the constitution (Hungarian ombudsman and deputy commissioner). Type II proxies are appointed by the government or parliament without a known specified legal basis in half of the cases, which might also explain why they have, on average, only a few and rather weak political instruments at their disposal. Type III proxies are rather unobtrusive in their design features when it comes to their formal capacity to influence political decision-making. Their anchoring in different societal and political sectors might contribute to their stability: 80% of the proxies of this type were built to stay, which is the highest share among the three proxy types. This reflects the understanding of Jones et al. (2018) that proxies require public and cross-party political support for survival.

Extreme cases (i.e., proxies with a very low or very strong formal capacity to influence political decision-making) seem to live dangerously—all have been dismantled. This affects type I proxies in particular. As is expected in the relevant literature (see, e.g., Jones et al., 2018), strong independent guardians may be seen as political rivals, and their strong competences might lack legitimacy and acceptance, leading to their demise (see Lavi, 2014, for the example of Israel). Guardian proxies with very low formal capacities to influence political decision-making, conversely, might be too weak to exert significant influence, which might lead to protest by its members (as was the case in France, see Sénat, 1999), or they might be regarded as irrelevant and superfluous. This is a finding new to the literature. In the Welsh case, however, the rather ill-capacitated Commissioner for Sustainable Futures was only a temporary solution between the dismantling of the UK Sustainable Development Commission and the creation of the rather strong Future Generations Commissioner for Wales (Davidson, 2011). Type I also accommodates all proxies with the term “future generations” in their names. As this type has both the strongest proxies and the lowest survival rate, we may conclude that invoking future generations might help to justify a strong institutional design but does not guarantee long-term support.

The fact that many proxies are not entrenched in primary law, let alone constitutions, indicates that there is often no strong legal commitment by political actors to institutionally represent the interests of future generations effectively. Moreover, being entrenched in a constitution does not necessarily save a proxy from backsliding, as the Hungarian case shows. The observation that most proxies must rely on the rather soft phases of the policy cycle and political instruments when they want to influence the political decision-making process adds to this tentative assessment.

Overall, proxies should not be overburdened with expectations, as they sometimes seem to represent more cosmetic than far-reaching reforms of the democratic decision-making process. While proxies are usually equipped with the tools to voice the interests of future generations at some point, they often cannot act as watchdogs with teeth when ignored. However, the small but heterogeneous and vibrant landscape of proxies also provides examples of proxies that can do more than just voice interests, especially within type I, the independent guardian.

Still, the proxies' formal design features can only tell parts of their stories. Future empirical research should gather reliable comparable data on their resources, their institutionalization and interactions, and the substantive dimension of the proxy representation of future generations. Interviewing proxy members and staff, as well as their creators and addressees, and analyzing additional documents such as speeches and policies would not only allow for more nuanced measures of their capacities to influence political decision-making; it would also provide an empirical basis for an analysis of how the interests and needs of

future generations are construed, how they are perceived by third parties, and what real-world impact proxies have on politics and society.

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Conflict of Interests

The author declares no current conflicts of interest.

Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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