

***Representation of future people:
Lessons from existing global institutions
to protect the vulnerable***

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Introduction/Structure

- Normative framework: why should future generations be represented by international/national institutions?
- What can the normative underpinnings of existing international institutions tell us about the best way to represent FGs and most attractive normative argument?
- Three case studies: i) economically vulnerable (sugar farmers W Africa); ii) women; iii) disabled.

Is it coherent to say that a contemporary institution “represents” FGs?

“Representation” according to Rehfeld:

depends on an audience accepting a claim that some individual stands in for a group to perform a specific function(Rehfeld 2006).

Problematic for FGs?

- FGs can't recognise a contemporary institution!
- BUT contemporary audience can accept a proxy representing FGs eg member states of UN could accept a High Commissioner for FGs as a representative of FGs
- Assumptions about FG's interests.

Is proxy representation of FG's democratically legitimate?

- Democratic legitimacy separate issue for Rehfeld.
- Petit(2010) “indicative” proxy (eg jury, judges and ombudsmen) assumed to reflect the interests of those represented.
- Good fit for proxy representation of FGs – assuming the public interest.

Why should FGs be represented by international institutions?

Non- discrimination principle: all persons regardless of where and when born entitled to human dignity and core human rights flowing from this.

Commitment to human dignity obliges us to respect those goods on which future people depend ie minimal obligation of intergenerational justice.

But why does minimal obligation of intergenerational justice require representation of FGs?

- Systematic bias against interests of FGs (eg climate change response) – rep of FGs can help redress this and promote intergenerational justice;
- Separate institutional representation of vulnerable groups necessary to ensure their interests are not overlooked;
- All affected principle: those affected by a decision should have some say in decision (reflected in UN docs).

Case study 1: Sub Sahara Africa sugar and cotton farmers

Context:

- high poverty and food insecurity
- agriculture subsidies

Representation possibilities:

- WTO rules and dispute settlement weak.
- Convention on ESCR (right to food) individual complaints

Normative basis:

- Right to development, human rights

Effectiveness:

- Poor

Case study 2: Women

Context:

- systematic discrimination and sexual violence (21% of seats in Parliaments around world: 2013 data)

Representational Possibilities

1979 CEDAW (detailed rights and obligations)

2000 Optional Protocol

1993 Special Rapporteurs on Violence against Women

Normative basis

- Human rights/human dignity. Procedural justice

Effectiveness

Indian Supreme Court in Vishaka case (1997)

Disabled persons

- **Context:**

Systematic discrimination. 2001 Mexico spearheads push for Convention

Representational Possibilities

- UN Disability Convention and Optional Protocol (detailed rights and obligations)
- Committee

Normative Basis

Human dignity, equality inclusion, effective participation

Effectiveness

A start: basis for reforms in eg EU and Brazil

Conclusion/Lessons

- Vulnerability is a sound basis for rep of FGs
- Representation more effective when detailed and binding rules
- Normative basis: human dignity and human rights – linked to development with developing country support
- Proposed UN Commissioner for FGs fails at Rio plus 20.

Thank you!

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