



FACULDADE DE DIREITO
Universidade de Lisboa

BOOK OF PARTICIPANTS

THE LAW OF THE FUTURE & THE FUTURE OF LAW IN THE ERA OF THE INTERNATIONAL & INTERGENERATIONAL CRISIS

19 / 20

JUNE

FACULDADE DE DIREITO DE LISBOA

ALAMEDA DA UNIVERSIDADE



PLEASE SIGN UP AT THIS EMAIL
ICJP@FD.UL.PT

19th of June 2014

Opening session

Jorge Duarte Pinheiro

Born in 1966, Lisbon (Portugal).

Associate Professor (since 2008) and Tenured Professor (since 2010) of the University of Lisbon School of Law, where he has been teaching Family Law, Succession Law and Children Law in graduate and postgraduate courses.

Dean of the University of Lisbon School of Law (since January 2014).

Lecturer in meetings, conferences and short courses about law issues (Portugal, Brazil, U.S.A., India).

Portuguese national reporter for the XVIIIth International Congress of Comparative Law (report topic: Civil Law, Same-sex marriages), Washington D.C., 2010.

Author of manuals on Family Law (2008-2013, 4 editions) and Succession Law (2010-2013, 1 edition and 2 reprints); author and coordinator of the collective book Family and Succession Law in the Portuguese Civil Code of 1867: A 21st Century Approach (2008, 1st edition, 2014, 2nd edition).



Carlos Blanco de Morais

Carlos Blanco de Morais holds a PhD from the Faculty of Law of the University of Lisbon where he is Full Professor of Public Law.

He has specialized in the study of legislative production, the quality of legislation, regional autonomy, Constitutional theory, the relations between the Portuguese legal system and European Law and of political regimes and systems of government. Currently, he is involved in research projects in the field of Theory of Constitution, with a special regard to 'Informal Changes in Constitutional Law' in Europe and South America. He is also developing several research initiatives related to the analysis of the quality of the laws and public policies in the area of "better regulation", of Constitutional Justice, and of the reform of institutional treaties of the European Union and their impact upon domestic legislation. He occupies various positions at the Faculty, such as that of Vice-President of the Instituto de Ciências Jurídico-Políticas (ICJP) and that of President of the Scientific Commission of the Centre of Research in Public Law (CIDP). He has been a Visiting Professor at the Faculty of Law of the University of Porto, at the Faculty of Law of the University of S. Paulo in Brazil, University of Salento, University of Trieste as well as at the Escola Superior



of the Procuradoria do Estado de São Paulo. Outside of academia, he is jurisconsult, arbiter and the current Advisor of the President for Constitutional affairs.

He has taken up several public offices such as Member of the Conselho Superior da Magistratura, Principal Advisor to the Presidência do Conselho de Ministros and member of the board of Portugal Telecom. He has experience in international affairs participating in an international mediation committee, integrated portuguese delegations which negotiated international treaties and represented Portuguese employers in ILO meetings, in Geneva. Professor Blanco de Moraes long list of published articles and books includes the widely-read two volume work Constitutional Justice, Curso de Direito Constitucional, Guide to Regulatory impact analysis and the more recent reader Perspectivas da Reforma da Justiça Constitucional em Portugal e no Brasil, which he co-edited with a brazilian scholar of S. Paulo. He has published numerous chapters and scientific articles of reference both in Portugal and abroad, mainly in Brazil, in Italy and in the United States, countries in which he has also organized several seminars, talks and conferences.

Marisa Quaresma dos Reis

Marisa Quaresma dos Reis is a doctoral candidate and researcher at the Centre for Research in Public Law (University of Lisbon School of Law) and is one of the main organisers of the Conference. She is also a Research Fellow for the Portuguese



Foundation for Science and Technology. Her interests are broad covering International and European Law, Human and Fundamental Rights, Constitutional and Environmental Law and Animal Rights. Marisa Quaresma dos Reis has a deep interest in Applied Ethics, Political Science and Philosophy. She has worked in the areas of Family Law as well as in Youth and Children Rights, Criminal and Criminal Procedure Law as a former deputy district attorney. While a Research Fellow at the Foundation for the Rights of Future Generations (FRFG) in Frankfurt, she was also the Project Leader of the international conference entitled "Ways to Legally Implement Intergenerational Justice". She also participated as a speaker and editor of the peer reviewed journal IGJR (Intergenerational Justice Review) on the same topic. Marisa was awarded by the European Commission with the prize for "Outstanding Project" for her research work on the rights of future generations at FRFG. After that, she was also invited to join the Editorial Board of IGJR. She has participated in several international conferences and has published in Germany, Portugal and France.

Marcel Szabó

Marcel Szabó is the Ombudsman for Future Generations in Hungary. He is Chair of the European Law Department of the Faculty of Law and Political Sciences of Péter Pázmány Catholic University (Budapest). He was visiting fellow at the Lauterpacht Research Centre for International Law (Cambridge) as



well as the Centre for European Legal Studies (Cambridge). He served as editor for several books including *State Responsibility and the Law of Treaties*. The Hague, Eleven International Publishing, 2010, and he is editor-in-chief of the *Hungarian Yearbook of International Law and European Law*.

Fernando Negrão

Fernando Negrão is a jurist and portuguese politician. He took his Law Degree at the Law Faculty from the University of Lisbon, was official of the Portuguese Air Force, Lawyer and Judicial Magistrate. By the 31st of August of 1999 he was awarded with the Cross with the Distintivo Rojo from the Civil Order of “Mérito Policial” of Spain. He has



undertaken the positions of General Director of the Judiciary Police, President of the Administration Council of the Institute of Drugs and Addiction and Minister of Social Security, of Family and Child of the XVI Constitutional Government, of Pedro Santana Lopes. He was a candidate by PSD to the Municipal Elections of Setubal and, at the 2007 Municipal elections of Lisbon. He was elected deputy of the Parliamentary Assembly in the period 2009-2011.

Key note speech

Viriato Soromenho-Marques

Viriato Soromenho-Marques (1957) is Full Professor of Political Philosophy at the University of Lisbon. He is member of the National Council on Environment and Sustainable Development (since 1998). He was Vice-Chair of the European Environmental and Sustainable Development Advisory Councils network (2001-2006); member of the Advisory



Group on Energy and Climate Change from the EC President (2007-2009); Scientific Coordinator of the Environment Program from Calouste Gulbenkian Foundation (2007-2011), and member of the Lisbon Academy of Sciences (since 2008) and member of the Marine Academy (since 2012). More information regarding his bibliography and activities may be found on: www.viriatosoromenho-marques.com.

Abstract

The last two decades of the 18th century saw the surge of a seminal, vast and complex reflection on intergenerational justice, which mirrored the abrupt acceleration of modernity, upon the path open by the industrial and democratic revolutions in Britain, the United States and France. European

thinkers like Kant, Burke, Condorcet or Malthus, as well as American intellectuals and political actors of major greatness, like Jefferson and Madison, ranked among those who understood the need to add the time dimension if justice and fairness were to prevail in the political realm.

The sovereign debt crisis in the EU reopened dramatically the need to understand the moral and legal grounding that binds (or not) a generation to the burden created by others in the past. However, economic and financial debt it's just a preamble to the issue of ontological debt in the current «Anthropocene Age» (Paul Crutzen). The major challenge of global environment crisis and climate change establishes an enigmatic link between the late 18th century and the dawn of the 21st century, a clash of light and shadows which demands a deeper reflection, able to adventure itself beyond the shallow and obvious.

First panel: Intergenerational (in)justice in law and politics

Moderator: David Duarte

Biography

David Duarte is Assistant Professor at the Faculty of Law of the University of Lisbon where he was awarded his Doctorate and currently teaches Administrative Law and Fundamental Rights. In terms of research activity, his interests are in the fields of the theory of administrative procedure law, theory of norms, legal linguistics and general theory of fundamental rights. Also at this level, Professor David Duarte has one of the most international curricula of the Centre, with published material in scientific journals of international repute. He is in the Board of Directors of the Portuguese Association for Legal Theory, Legal Philosophy and Social Theory (ATFD) and he is also in the Board of Directors of the European Public Law Group. Apart from his academic profile, he is a legal consultant in General Theory of Administrative Law and Law of Public Procurement. He is also



member of the Portuguese Commission of Access to Administrative Documents. Published works such as “Linguistic Objectivity in Norm Sentences: Alternatives in Literal Meaning”, “Normative Conditions of Balancing: Drawing Up The Boundaries of Normative Conflicts that Lead to Balances” e “Rebutting Defeasibility as Operative Normative Defeasibility”, among others, are demonstrative of the impact of this scholar in the field.

Wolfgang Gründinger

Biography

Wolfgang Gründinger, born in 1984, has acquired an outstanding reputation as advocate of future generations. He is spokesperson of the renowned Foundation for the Rights of Future Generations, the most important think tank for intergenerational justice in Germany. In five books, Gründinger devoted himself to intergenerational justice, sustainability, demographic change, the future of democracy, and energy and



He is member of the German Section of the Young Club of Rome and advisor to the German Environment Foundation and German state governments. He also served as a youth representative in several committees for the German Federal

Ministry for the Environment and the German National Action Plan for a World Fit for Children, and was delegate to several conferences of the United Nations.

He received many awards, including the German Environment Award, the German Studies Award, the Award for Intergenerational Justice and the Award for Demography Studies. Wolfgang holds a Master in Political and Social Sciences and studied at the University of Regensburg, the Humboldt University in Berlin and the University of California, Santa Cruz (UCSC).

Abstract

Intergenerational (in)justice and demographic change

David Kingman

Biography

David Kingman is a researcher at the Intergenerational Foundation (www.if.org.uk) in London, a think tank which conducts research into intergenerational equity. He is especially interested in how intergenerational justice relates to such issues as housing, pensions, the national debt and political representation. He has recently written research papers on property taxation in



Britain and intergenerational injustice within the UK state pension system.

He has previously spoken in a panel event on intergenerational justice at the University of St Andrews, Scotland, and helped to organize a conference on rights and responsibilities between different generations at the University of York. He was recently invited to serve as one of 100 “thought leaders” being convened by the asset management company Redington PLC to come up with new ways of creating a long-term savings culture in Britain.

Abstract

Intergenerational Justice and Party Politics

Intergenerational injustice is often seen as something which only affects future generations who are yet to be born. However, the work of the Intergenerational Foundation has shown that the culture of short-termism which pervades much of politics has concrete, practical consequences for today’s young people as well.

Drawing on recent data, David Kingman will argue that there is clear evidence that British governments overwhelmingly pursue short-termist policies that favor older voters - who are more likely to turn out at elections - to the detriment of younger and future generations of citizens who will have to live with the consequences. He will suggest ways in which we can reform our

democratic process to ensure that all generations are represented fairly.

Axel Gosseries

Biography

Axel Gosseries is a Professor at Louvain University (Hoover Chair, UCL, Belgium) and a Permanent Research Fellow at the FNRS. He holds a PhD in philosophy (Louvain, 2000) for which he received the 2001 Dopp Prize, and an LL.M. (London, 1996). He works in the field of political philosophy and



especially on issues of intergenerational justice. He is the author of *Penser la justice entre les générations* (Aubier-Flammarion, 2004; forthcoming in Portuguese with Almedina) and the co-editor of three books including *Intergenerational Justice* (OUP, 2009). He is the author of more than 50 articles and chapters in philosophy, law and economics books and journals, including *J. of Political Philosophy*; *Politics, Philosophy & Economics*; *Loyola of Los Angeles Law Rev.*; *New York University Environmental Law J.*; *International Economic Rev., Economics & Philosophy*; *J. of Environmental Economics and Management*.

Webpage:

<http://www.uclouvain.be/11692.html>

Abstract

Cohort injustice as age discrimination

In public debates, we often confuse two meanings of “generation”: age group and birth cohort. In this presentation, I will explore the potential of anti-age discrimination law to promote equality between birth cohorts. There have been significant developments on age discrimination in the latest years, especially in front of the European Court of Justice. And one case, *Commission v. Hungary*, has clearly opened the gates to using the prohibition on age discrimination to address concerns for justice between birth cohorts. I will spell out under which conditions it would be feasible to generalize this strategy.

Marisa Quaresma dos Reis

Biography

Marisa Quaresma dos Reis is a doctoral candidate and researcher at the Centre for Research in Public Law and is one of the main organisers of the Conference. She is



also a Research Fellow for the Portuguese Foundation for Science and Technology. Marisa Quaresma dos Reis has a deep interest in Applied Ethics, Political Science and Philosophy. She has worked in the areas of Family Law as well as in Youth and Children Rights, Criminal and Criminal Procedure Law as a former deputy district attorney. While a Research Fellow at the Foundation for the Rights of Future Generations (FRFG) in Frankfurt, she was also the Project Leader of the international conference entitled "Ways to Legally Implement Intergenerational Justice". She also participated as a speaker and editor of the peer reviewed journal IGJR (Intergenerational Justice Review) on the same topic. Marisa was awarded by the European Commission with the prize for "Outstanding Project" for her research work on the rights of future generations at FRFG. After that, she was also invited to join the Editorial Board of IGJR. She has participated in several international conferences and has published in Germany, Portugal and France.

Abstract

The Jeffersonian concept of generations as nations – international law as an inspiration to an "intergenerational law"?

Within the correspondence exchanged between Thomas Jefferson and James Madison in the XVIIIth century, Jefferson

had already approached the issue of generational sovereignty, equating generations to nations and advocating "*by the law of nature, one generation to another is the one independent nation to another.*" Taking this as a starting point I will try to demonstrate that similar to what Jeremy Bentham conceived for nations it is also possible to conceive an "intergenerational law" for generations inspired by principles of international law. This will be made, for instance, by establishing some important parallelisms such as the one between the right to self-determination of people and freedom of choice of future generations.

Second panel: Human and fundamental rights from an intergenerational dimension

Moderator: Luís Pereira Coutinho

Biography

Luís Pereira Coutinho has completed his doctorate in Law at the Instituto de Ciências Jurídico-Políticas (ICJP) of the Faculty of Law of the University of Lisbon where he is Assistant Professor and a Researcher. He has also taught at the Faculty of Human and Social Sciences of the Universidade Nova de Lisboa. Apart from his academic functions, he is a lawyer. He has devoted a lot of his research to the topics of human rights and fundamental rights, participating in many collective works and in several conferences on the themes both in Portugal and in Germany. His research interests focus above all in the moral authority of the Constitution, in the relation between the Constitution and Sovereignty, in constitutional revision and in various themes in political thought, international relations theory and the philosophy of



law. Among these themes, he is we should highlight his recent interest in the problem of informal changes to the constitution, a theme on which he is working as part of a larger research effort devoted to the project Informal Changes in Constitutional Law at the Centro de Investigação em Direito Público (CIDP) at the Faculty of Law of the University of Lisbon. His list of published books features such titles as *A Realidade Internacional* and the acclaimed *A Autoridade Moral da Constituição: Da Fundamentação da Validade do Direito Constitucional*.

Emilie Gaillard

Biography

Emilie Gaillard holds two Master degrees in business law. In december 2008, she graduated a Phd entitled « Future Generations and Private Law” (published LGDJ, 2011, 666p). Her work has been awarded in 2010 by the French Academy of Political and Moral Sciences (Charles Dupin’s Price, which reward the best book published in law every two years). Her works highlight the emergence of a new temporal paradigm which not only tends to renew the legal imaginary but also initiates new legal logics. From International to Private Law, accross the French traditional boundaries between Public and Private Law, this work is highly inspired by Comparative Law. She works for the



establishment of a renewed juridical humanism. She writes theoretical articles on Legal Theory of Human Rights (Avoiding the Tragedy of Human Rights, ESF 2013), on the preservation of the Commons (in Repenser les Communs, CNRS, 2012) and in Theory of Law (“Normative densification and Future Generations”, 2012). She is author of issues on the Precautionary Principle for Juris-Classeurs editions (300 pages, in press). She is member of various research teams (member of a research project on the precautionary principle funded by “La Mission Droit et Justice GIP” from the French Department of Justice).

Abstract

The case of international crimes against future generations. Which Crimes and what challenges for international Law?

Many changes are currently at work in the international legal field. The international community, NGO's or even law practitioners are seeking for projects allowing to sue and stop Crimes against Future Generations. Our aim will seek to identify the conceptual notion of crime against future generations in international law and to seek out relevant horizons for such a legal qualification. More specifically, one can ask whether it is relevant to talk of crimes against future generations when the element of intent (mens rea) is missing? What kind of offense may be relevant to be pursued as crimes against future generations? Can they be dedicated in international law? To what extent the concept of international crime can deal with a

new temporal dimension in order to embrace the Future? Is international law relevant for protecting the fundamental interests of our civilization? More than a new category of incrimination, we should seek for a new matrix of Law which can deal with a new temporal frame and with complex causality. Internormativity between juridical systems is a key issue.

Jean-Paul Markus

Biography

Tenured Professor in Public Law since 2008 at the Faculty of Law and Political Science at the University of Versailles St. Quentin. He is a researcher at the Research Centre of Versailles Saint-Quentin – Public institutions (VIP). In 2007 he was granted habilitation to conduct research activities at the Faculty of Law and Social Sciences of Poitiers.



Between 2008-2010 he taught at the University of Poitiers. Between 1995 and 2008 he taught at the University du Maine, where he was as well responsible for the management of international relations (1995-2001).

Jean-Paul Markus conducted the Masters of Law of taxation and tourism at the University Paris-I Pantheon-Sorbonne in the period 2003-2007. He passed also through other universities such as University of Jaen, Spain; University Jules Verne

Picardie, Amiens; University Paris-V-Cochin; University from French Polynesia and University of Marien N’Gouabi, Brazzaville.

He was part of the Scientific Committee of the magazine Juristourisme, Dalloz/Juris-éditions and was responsible for the item « Procédures contentieuses », Act. Jur. Dr. Adm., Dalloz.

He is the author, among others, of «Quelle responsabilité envers les générations futures?», Dir., Dalloz, Coll. Thèmes et commentaires, January 2012. He was author and speaker at several conferences, among which:«Quelle responsabilité juridique envers les générations futures ?» at the universities of Versailles-Saint-Quentin and Poitiers, in December, 2010.

Abstract

Right to Health Care, Bioethics and Future Generations

Concerning the purpose, which is “protecting the interests of the future generations”, there is a consensus. This consensus has been put on paper in a Declaration on the Responsibilities of the Present Generations Towards Future Generations, proclaimed in 1997 (12 nov), at the The General Conference of the UNESCO. But this declaration includes health matters only as they are provoked by environmental pollution, or genetic manipulations.

There are others threats on future generations’ health. Our methodological choice supposes, first of all, in the bioethical area, to identify the current policies or behaviours which can alter the health of the future generations

We already know that previous policies or behaviours have altered the health of the present generations (for instance

asbestos use in buildings) and it is possible to learn from it. The current policies or human behaviours which threaten future generations' health can be grouped according to their respective consequences, namely:

- Depletion of the medical resources, which constitutes a threat for the human health
- Misuse of the medical resources, which constitutes a threat for the human characteristics

Beatriz Esperança

Biography

Beatriz Esperança is an undergraduate student at the Law Faculty of Lisbon. In the last year she was awarded a scholarship to investigate "The Protection of refugees – from theory to practice – analysis of the Portuguese reality in conformance with international parameters" during the period of 2013-2014. In her second year she was invited to be part of the Centre of Research of Public Law from the University of Lisbon and immersed in the project related to the topic "Towards a legal protection of the Future? Thinking the legal protection of future generations".



Abstract

Sustainable development concerning socioeconomic rights: a duty towards future generations?

The notion of sustainable development, in international law, is already vastly known, mainly as a principle of environmental international law. Nonetheless, there are still some major questions that must be addressed: is it, or will it ever be, a *legal, justiciable* principle of international law? What is it, specifically, composed by? In which terms does it surpass the environmental dimension? In the analyses of these questions, this presentation will procure to clarify the different dimensions of sustainable development, specifically in its socio-economic dimension, its direct connection to future generations in terms of intergenerational equity and the application of this principal in international and national courts.

Márcio Barcelos

Biography

Márcio Barcelos is a board member at the European Youth Forum. He studied at the University of Fine Arts of the



University of Lisbon and is currently a professional communication designer.

The European Youth Forum (YFJ) is the platform of youth organisations in Europe. Representing 99 youth organisations, both National Youth Councils and International Non-Governmental Youth Organisations. The Youth Forum brings together tens of millions of young people from all over Europe, organised in order to represent their common interests. The Youth Forum works to empower young people to participate actively in society to improve their own lives by representing and advocating their needs and interest and those of their organisations. In the current uncertain political and social context that affects young people, they can be powerful catalysts for positive change and contributors of innovative solutions to Europe's problems.

Abstract

Political Rights of Young People, rethinking the minimum age for voting.

Third panel: Sharing experiences: Model Institutions for the Protection of Future Generations

Moderator: Teresa Anjinho

Biography

Teresa Anjinho studied Law at the University of Coimbra and holds a Master's Degree in Human Rights and Democratization in the University of Padua. Later, she took a course in European Criminal Law at the University of Maastricht and has a Master and Doctor Thesis about the topic "Violence against Women in the jurisprudence of International Courts" at the New University of Lisbon. She has worked as Electoral Supervisor in the Municipal Elections of Kosovo and at the Parliamentary Elections in Russia and Bosnia and Herzegovina. She has also worked at the European level at the Ministry of Foreign Affairs. She did an Internship at the European Commission and at the European Parliament. She was visiting Professor at the New University of Lisbon of several subjects, such as Social Equality, Criminal International Law, Public



International Law and International Humanitarian Law. At the moment, she is a Deputy at the Parliamentary Assembly from the Party CDS-PP (People Party).

Oras Tynkkynen

Biography

Oras Tynkkynen, 36, is the vice chairperson for the Finnish Green parliamentary group. He has been serving as a Member of the Parliament since 2004. As the vice chairperson for the Parliament's Committee for the Future, he has been responsible for directing the crowdsourcing project in the Finnish Parliament since 2011, working closely with other crowdsourcing projects across the Finnish government. For his work with crowdsourcing and democracy, he received the National Democracy Institute's Democracy Award in 2013.

From 2007 to 2011, Tynkkynen also served as Climate Policy Specialist in the Prime Minister's Office. Over that period, he was in charge of writing the government foresight report on climate and energy policy, covering policy up to the year 2050 and beyond. Before joining the Parliament, Tynkkynen, MSc, worked as a journalist.



The Parliament's Committee for the Future was founded in 1993. It is tasked with developing futures policy dialogue, organizing and coordination Technology Assessment within the Parliament and following up the results of futures studies. Its direct counterpart within the Government is the Prime Minister's Office, which is responsible for preparing a long-term foresight report for each Government during its term. The report is submitted to the Parliament, and the Committee for the Future serves as its reporting committee. The Committee also acts as a parliamentary think tank and publishes several independent reports during each election term.

Abstract

Strengthening Future Thinking in the Parliament

In his presentation, Mr. Tynkkynen will be covering the following questions:

The Committee for the Future has served 20 years as a parliamentary think tank in Finland. What have we learnt over the years? Has the Committee been able to strengthen futures thinking in the parliament? What has worked and what needs to be improved? What are the alternatives to a committee for the future?

José de Faria Costa

Biography

Portuguese Ombudsman and Full Professor at the Faculty of Law from the University of Coimbra. Member of the General Council of the University of Coimbra. President of the Institute of Economic and European Criminal Law. Member of the Editorial Board and Scientific Council of the most prestigious national and international magazines of his specialty. Member of the Superior Council of Judiciary, nominated by the Republics Assembly.



Abstract

Promoting and Defending citizen's human rights from a present-future perspective

Marcel Szabó

Biography

Marcel Szabó is Ombudsman for Future Generations in Hungary. He is Chair of the European Law Department of the Faculty of Law and Political Sciences of Péter Pázmány Catholic University (Budapest). He was visiting fellow at the Lauterpacht Research Centre for International Law (Cambridge) as well as the Centre for European Legal Studies (Cambridge). He served as editor for several books including *State Responsibility and the Law of Treaties*. The Hague, Eleven International Publishing, 2010, and he is editor-in-chief of the *Hungarian Yearbook of International Law and European Law*.



Abstract

National institutions for the safeguarding of future generations

There is a deep concern over the *de facto* collapse of both the international treaty based protection of biological diversity and prevention mechanisms against climate change at the international level. Since 1965, the territory of national parks and other nature protection areas increased by 700 percent,

while at the same time humanity faced a 40 percent loss of biological diversity in non-maritime areas, and 20 percent in the world oceans. Although there is a growing literacy about worldwide environmental problems, global protection seems to remain a too remote concept for states and citizens. However, institutions serving as watchdogs on the state of the environment and long-term governance, which can take into account the needs of future generations, proved to be efficient tools in challenging the current political and economic status quo at the national level. In this paper, I argue that the development of such national institutions working in an internationally coordinated manner, can better serve the aim of global protection of nature. Sharing experience and best practices proven themselves at the state level could be channeled into a coordinating body operating under the auspices of the United Nations, to collaborate efforts and strengthen the roles of national institutions in the advancement, promotion and protection of the interests of future generations. Furthermore, since recommendations stemming from international bodies are often disregarded at the national level, guidance coming from a potential future coordinating body would be endorsed by the well-established institutions in individual countries, thereby promoting the national implementation of such guidelines. The proposed idea is tested in the context of various concepts examining the functioning and features of international cooperation, while the

methods, means and realization of the proposal is examined in the light of the functioning of public international law.

Shlomo Shoham

Biography

Judge (ret.) Shlomo Shoham served as the first Commissioner for Future Generations and as a legal advisor to the Constitution Law and Justice Committee in the Israeli Parliament.

Shoham was a lecturer in the Law Faculties of the Universities of Tel Aviv, Jerusalem and Bar Ilan on range of subjects on Human Rights and Criminal Law. He also taught Emotional Intelligence at the executive MPA program at the Hebrew University in Jerusalem and Meditation, Bio-energy, Future Oriented Leadership and Holistic Leadership for thousands of people worldwide.

Shoham served also as the head of the Israel delegation to the CSD convention of the UN.



In recent years, Shlomo was an honorary fellow of the Bertelsmann Foundation; within this framework he wrote his book on Future Intelligence.

He is the founder of the Sustainable Global Leadership Academy which will train promising young leaders with the greatest potential to create global transformation. With future intelligence at the core of the curriculum, the academy will facilitate the world's future leaders to internalize a holistic approach and embody leadership at the intellectual, physical, emotional and spiritual levels.

Abstract

Commissioner for Future Generations in the Israeli Parliament **– Lesson Learnt**

20th of June

Key Note Speech

Pieter Vanhuysse

Pieter Vanhuysse, PhD (LSE) is Head of Research and Deputy Director at the European Centre for Social Welfare Policy and Research in Vienna (affiliated with the UN). His research focuses on the comparative politics and political sociology of welfare states, public policies, intergenerational policy conflict, and population aging. Pieter has published more than forty journal articles, has co-edited *Post-Communist Welfare Pathways* (Palgrave Macmillan, 2009) and *Ageing Populations in Post-Industrial Democracies* (Routledge/ECPR, 2012), and has authored *Divide and Pacify: Strategic Social Policies and Political Protests in Post-Communist Democracies* (CEU Press, 2006), which was nominated for the American Sociological Association's Best Book Award for Political Sociology.



Home page: www.euro.centre.org/vanhuysse

SSRN

page:

http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=876624

Abstract

I summarize the main findings from my Bertelsmann Stiftung report 'Intergenerational Justice in Aging Societies' (Vanhuysse, 2013). Sustainability is the moral starting point for developing this simple four-dimensional empirical snapshot index: 'enough and as good' ought to be left by each generation to the next. I discuss results on ecological footprint, debt per child and child poverty rates, and indicate that EU member states occupied 8 of the 9 highest positions within the OECD on the pro-elderly bias of social spending. I then briefly discuss policy options for boosting intergenerational equity, ranging from the obvious (early childhood investment) to the radical (proxy votes for children).

Short Blog at Oxford (with further downloads to the original research):

<http://www.openpop.org/?p=583>

Policy Brief for the OSE on the report:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=241691

6

Fourth panel: Portugal and intergenerational justice

Moderator: Jorge Miranda

Biography

Jorge Miranda is one of the most distinguished Portuguese constitutionalists. He is Professor Jubilado of the Instituto de Ciências Jurídico-Políticas of the Faculty of Law of the University of Lisbon, of which he is also the President. He is also Distinguished Professor and Chairholder at the Faculty of Law of the Portuguese Catholic University (UCP). His research activity lies mostly in the fields of Constitutional Law, Political Science and International Law, but he has worked and done research in democratic theory, fundamental rights, electoral law and on the relation between the constitution, international law and the structure of constitutional norms. Currently, he is the head researcher at the Centro de Investigação em Direito Público (CIDP) of the project Informal Changes in Constitutional Law, which focuses on the problem of informal changes to the Constitution in Portuguese Constitutional Law as well as in southern European and south-American constitutional systems. He has participated in the drafting of the Portuguese Constitution, of the Constitution of



East-Timor and that of São Tomé and Príncipe. He is a Honorary Professor of the University of Ceará in Brazil and he received the title of Doctor Honoris Causa by several institutions such as the University of Porto, the University of Lovaina, the University of Vale do Rio dos Sinos and Pau University. He has also been awarded other distinctions of public repute such as the Grã-Cruz da Ordem do Infante D. Henrique, the Grã-Cruz da Ordem da Liberdade and the Comenda da Ordem de Santiago de Espada. Among various works he is praised for his Manual de Direito Constitucional (in seven volumes), and widely known for his Teoria do Estado e da Constituição and his Curso de Direito Internacional Público, all of them essential readings in any law degree in Portugal or in Portuguese. He has also published numerous articles of reference in Spain, Brazil, Italy and France.

Francisco Pereira Coutinho

Biography

Francisco Pereira Coutinho has a degree (2002) and a PhD (2009) in law from the Faculdade de Direito da Universidade Nova de Lisboa and is currently a Law teacher at the Instituto Superior de Ciências Sociais e Políticas da Universidade de Lisboa. Between 2005 and 2011 worked as a legal advisor at the Portuguese Diplomatic Institute.



Abstract

The role of future generations in the Portuguese constitutional law in times of crisis

My talk will address the role given to the principle of intergenerational justice in the case law of the Portuguese Constitutional Court. Although the Portuguese Constitution only explicitly protects that principle in environmental issues - art. 66.º states that natural resources must be explored with due regard for the principle of solidarity between generations -, the Constitutional Court was only forced to deal with it in the context of the current financial and economic crisis. The latter forced the government to raise taxes, to cut pensions and to low wages of public servants. These austerity measures were also justified on intergenerational justice grounds. When faced with the task of reviewing these measures, the Court favored the protection of the expectations of retirees and public servants by only accepting limited temporary actions destined to tackle the ongoing crises. It did, however, recognize that the principle of intergenerational solidarity is a constitutional principle linked to the principle of sustainability that is also applicable to social and economic matters.

Carla Amado Gomes

Biography

Assistant Professor at the Law Faculty of the University of Lisbon. She was Vice-President of the Institute of Legal Cooperation from the Faculty of Law of Lisbon between 2006 and 2014. Since 2014 she is Vice-President of the Institute of Brazilian Law from the Faculty of Law of Lisbon. She is a member of the pedagogical council since 2012.



Carla Amado Gomes teaches masters and post-graduation courses in Environmental Law, Administrative Law and Energy Law in Angola, Mozambique and Brazil. She collaborates regularly in training courses at the Centre of Judiciary Studies. She was also Guest Professor at the Nova Faculty of Law between 2007 and 2013. In the years 1998 and 1999 she was advisor of the Constitutional Court.

Carla Amado Gomes has work published – monographs, articles and jurisprudence annotations – published in the areas of Administrative, Procedural Administrative, Constitutional, Procedural Constitutional, Environmental, Energy, Cultural Patrimony, Education, Parliamentary and European Union Law.

More information at: <http://www.icjp.pt/corpo-docente/docente/1886>

Abstract

The presentation, under the title *Ecological Sustainability and the Interests of Future Generations, a bright red light*, procures to articulate the concepts of environmental and ecological sustainability, alerting to the need of a rational management of resources through the awareness of present generations towards the practices of sustainable consumption.

José António Vieira da Silva

Biography

José António Vieira da Silva is a portuguese politician. He was a Minister of Work and Social Solidarity at the first government of José Sócrates (2005-2009). He was Minister of Economy, Innovation and Development in the second Government of José Sócrates (2009-2011). Before, he had been the Secretary of State of Social Security (1999-2001) and Public Works (2001-2002) from the second government of António Guterres (1999-2002), in both cases as Minister.

He has a degree in Economics from the Superior Institute of Economics and Management and is a Guest Professor at ISCTE-IUL.



Abstract

Intergenerational Equity and Public Debt

António Correia de Campos

Biography

António Correia de Campos has a Law Degree from the University of Coimbra, a Master's degree in public health from the University John Hopkins in the USA and a Doctor degree in public health from the New University of Lisbon. He is Full Professor at the National School of Public Health from the New University of Lisbon, has been Minister of Health from the XVII and XIV Governments, President of the Scientific Council of the European Institute of Public Administration of Maastricht (2000-2001), Deputy of the Parliamentary Assembly, elected by the Socialist Party (1991-2002), Secretary of State of Health from the V Government (1979) and Secretary of State of Supply from the V Provisional Government (1975). He is Deputy of the European Parliament (since 2009).



Abstract

Sustainability of the Social Security System and the Interests of Future Generations

Closing session

Ana Martinho

Biography

Ambassador Ana Martinho graduated in law from the University of Lisbon. She joined Portugal's Foreign Service in 1975 and served in Portugal's Mission to the United Nations



before returning to Lisbon in 1985 to take up a series of diplomatic and political posts. Most recently, she was Director General for Multilateral Affairs at the Ministry of Foreign Affairs, being the first woman to assume this post in Portuguese Diplomacy.

Paulo Pinheiro

Biography

Born in 1984, in Lisbon, graduated in Law, by the Lisbon University Faculty of Law, and currently attending postgraduate degree in Governance & Strategic Intelligence. Lawyer and Parliament legal advisor. In the university, represented the students



in the Pedagogical Council and then in the Faculty Executive Office. Achieved, in 2008, the Presidency of the University of Lisbon Students Union, and was member of the Portuguese Government Youth Advisory Council.

Recently, was reelected as board member of the Portuguese Youth Council, responsible for International Relations and International Cooperation. In this sense, deals with several international organizations and partners in the area of youth, such as the European Union, Council of Europe, European Youth Forum, CPLP, Iberoamerican Youth, UNESCO and the UN.

Just a few months ago, was elected as Chair of the Council of Europe's Advisory Council on Youth.

Maria Luísa Duarte

Biography

Maria Luísa Duarte is the Principal Investigator of the Project and an Associate Professor of Law at the Instituto de Ciências Jurídico-Políticas of the Faculty of Law of the University of Lisbon, where she graduated and completed her PhD. She is one of the most distinguished experts in European Law in Portugal. Her



research interests lie in the fields of International Law, European Law and Administrative Law, areas where she has earned a reputation in teaching and researching nationally and

internationally. At the research level, she has specialized in various themes within European Law such as European administrative law, fundamental rights, freedom of movement within the European Union, the relationship between Member-States and European institutions, and European Union litigation. She is currently the head of the line of research in European Law at the Centro de Investigação em Direito Público (CIDP) of the Faculty of Law of the University of Lisbon. Outside of the academic career, she has occupied several distinguished positions in legal consultancy at the Direcção-Geral dos Assuntos Europeus and has participated, as an agent of the Portuguese State and as consultant of several companies, in numerous legal cases at the International Court of Justice (Portugal v. Australia, East-Timour case), the European Court of Justice and at the Court of First Instance. Amongst the various books and articles of great scientific relevance and public impact, we should highlight *A Liberdade de Circulação de Pessoas e a Ordem Pública no Direito Comunitário* (a book which has won the Pessoa prize in 1992), *A Teoria dos Poderes Implícitos e a Delimitação de Competências entre a União Europeia e os Estados-membros*, *Direito da União Europeia e das Comunidades Europeias*, *União Europeia e Direitos Fundamentais – no espaço da internormatividade*, *Direito Administrativo da União Europeia* and *União Europeia - estática e dinâmica da ordem jurídica eurocomunitária*.

Marcelo Rebelo de Sousa

Biography

Marcelo Rebelo de Sousa is a Portuguese politician and former Minister and Member of Parliament, law professor, former journalist, political analyst and pundit. He is a Licentiate, Doctorate, Cathedric Professor and



Publicist specialized in Administrative Law from the Faculty of Law of the University of Lisbon, where he currently teaches Administrative Law. He was member of the Parliamentary Assembly and is the co-founder of Expresso newspaper. He was leader of the Social Democratic Party, from 31 March 1996 to 27 May 1999 and created a center-right coalition, called Democratic Alliance, with the People's Party in 1998. In other local elections he also became the President of the Municipal Assembly of Cascais and the President of the Municipal Assembly of Celorico de Basto. He had a weekly program of political analysis every Sunday at public TV station RTP after previously having a similar program on the private TV station TVI, where he was announced as being the wisest and most perspicacious political analyst of current times.