



# İÇİNDEKİLER

<b>ÖNSÖZ</b> .....	<b>VII</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>IX</b>
<b>ABBREVIATIONS</b> .....	<b>XV</b>
<b>INTRODUCTION</b> .....	<b>1</b>
<b>FIRST SECTION: RIGHTS OF FUTURE GENERATIONS:</b>	
<b>FOUNDATIONS AND DEFINITION</b> .....	<b>7</b>
A. Healthy Environment as a Fundamental Right.....	7
1. Human Rights in General.....	7
a. Foundations and Definition.....	7
b. Classification of Human Rights .....	8
c. Constitutionalism and Human Rights.....	11
2. Right to Environment .....	14
a. Historical Development of the Right to Healthy Environment .....	14
i. Stockholm Conference .....	16
ii. World Charter for Nature .....	16
3. Nature shall be secured against degradation caused by warfare or other hostile activities.” .....	17
i. Report of World Commission Environment and Development.....	17
ii. The UN Environment and Development Conference.....	18
a. Subject and Object of the Right to Environment.....	19
b. Constitutionalisation of the Right to Environment.....	22
c. National Legislations.....	23
i. European Countries.....	23
ii. United States of America .....	26

- iii. India .....29
- iv. Indonesia.....29
- v. Turkish Republic.....30
- d. International Legislations.....30
- B. Rights of Future Generations .....32
  - 1. Rights of Future Generations Definition and Foundation .....32
  - 2. Environmental Crises’ Effect on Future Generations .....37
  - 3. Duty to Protect Rights of Future Generations Under Constitutions .....37

**SECOND SECTION: PROTECTION OF RIGHTS OF FUTURE GENERATIONS .....39**

- A. Judicial Review of Right of Future Generations .....39
  - 1. Public Trust Doctrine.....39
  - 2. Intergenerational Equity Principle .....43
  - 3. Atmospheric Trust Litigation .....46
  - 4. Future Generations Representation Problem .....51
  - 5. Case-law .....54
    - a. International Case-law .....55
      - i. European Court of Human Rights.....55
      - ii. European Court of Justice .....57
      - iii. United Nations Committee on the Rights of the Child .....59
      - iv. Future International Court Expectations.....60
    - b. Domestic Case-law .....62
      - i. Colombia: Future Generations v. Ministry of the Environment and Others .....63
      - ii. Australia: Sharma v. Minister for the Environment (2021) .....67
- B. Hard Law .....74
  - 1. International Law Instruments.....75
    - a. Regional Regulations .....75
    - b. Global Regulations .....78

---

2. Establishing intergenerational justice in national jurisdictions .....	82
a. The Structural Issues .....	82
b. National Legislations .....	83
i. Wales .....	83
ii. Australia .....	84
c. Clauses in Constitutions .....	86
i. South Africa .....	87
ii. Germany .....	88
iii. Hawaii .....	90
d. Potential Constitutional Regulations .....	93
e. Institutionalizing the Rights of Future Generations .....	97
i. Israel Knesset Commission .....	97
ii. Welsh Commissioner for Sustainable Futures .....	99
iii. Hungary Ombudsman for Future Generations .....	100
f. Evaluating Impacts of Regulating the Rights of Future Generations in Constitutions .....	101
<b>CONCLUSION .....</b>	<b>105</b>
<b>BIBLIOGRAPHY .....</b>	<b>109</b>