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ARTÍCULO DE INVESTIGACIÓN

Protección jurídica de la vida y la salud de la futura generación/DOI: 10.5281/zenodo.7812154

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Resumen

El artículo examina los problemas relacionados con la protección jurídica de la vida y la salud de las generaciones futuras a partir del aparato metodológico y el derecho internacional y constitucional. Se presta especial atención a los enfoques legislativos de la definición del término "generación futura", la diferencia entre "necesidades" y "vida y salud", y la relación de correlación entre las generaciones presentes y futuras. Los autores del artículo utilizan herramientas jurídicas para abordar las propiedades profundas del concepto de generación futura a través del prisma de los principios y valores fundamentales del derecho. La discusión del tema se llevó a cabo desde la posición de los métodos científicos generales de cognición (sistémicos y teóricos), así como de los métodos científicos especiales: jurisprudencia comparada, análisis lógico, técnico y jurídico, concreción e interpretación. El propósito del estudio es identificar problemas teóricos y prácticos para garantizar la protección de la vida y la salud de las generaciones futuras, investigar la sección transversal constitucional y legal de la definición de la generación futura e identificar amenazas para las generaciones futuras. Se analizaron algunos principios de la protección de las generaciones futuras; se mostraron las diferencias entre los intereses, la salud y las necesidades de la generación futura y los requisitos procesales para la protección de la vida y la salud de la generación futura.

Palabras clave: vida y salud, generación futura, interés, necesidades humanas.

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Abstract

Legal protection of the life and health of the future generation

The article examines the problems related to the legal protection of life and health of future generations based on the methodological apparatus and international and constitutional law. Particular attention is paid to legislative approaches to the definition of the term "future generation", the difference between "needs" and "life and health", and the correlating relationship between the present and future generations. The authors of the article use legal tools to address the deep properties of the concept of future generation through the prism of fundamental principles and values of law. The discussion of the topic was conducted from the position of general scientific methods of cognition (systemic and theoretical), as well as special scientific methods: comparative jurisprudence, logical, technical, and legal analysis, concretization, and interpretation. The purpose of the study is to identify theoretical and practical problems in ensuring the protection of life and health of future generations, investigate the constitutional and legal cross-section of the definition of the future generation, and identify threats to future generations. Some principles on protection of future generations were analyzed; the differences between interests, health, and needs of future generations and the procedural prerequisites for the protection of life and health of the future generation were shown.

Key words: life and health, future generation, interest, human needs.

1.- Introduction

Legal protection of the life and health of future generations in the modern world acquires axiological significance since the world is on the verge of numerous threats, including the threat of nuclear war. Based on the statements of politicians from several countries published in the press, it seems that no one is thinking about the future generation now. The constitutions of many countries, including Russia, enshrine the right to human life and health. Following the literal interpretation of constitutional norms, they deal with the life and health of a person in the present tense, a real person. Constitutional norms, as a rule, do not reflect the obligation of the state to provide legal protection for the life and health of future generations. Disregarding the life and health of future generations determines, first of all, a barbaric attitude towards nature. Most scientific research is also devoted to the study of the institute of human rights and freedoms, including the right to life and health in real-time. Historical documents, such as the Magna Carta in England (King Edward the First, 1297), the French Declaration of Human and Civil Rights (National Constituent Assembly, 1789), or the Bill of Rights in the United

States (United States Congress, 1789), also do not contain provisions that enshrine the mechanism for protecting the right to life and health of future generations. The Basic Law of the Federal Republic of Germany points out that the state, aware of its responsibility to future generations, protects the natural environment and animals (The Parliamentary Council, 1949). Thus, no other factors negatively affecting the future generation are considered.

The study aimed to identify legislative approaches to the term "future generation" in Russian legislation and distinguish between the terms "needs" and "life and health" in constitutional documents.

2.- Methods

With this goal in mind, we analyzed 13 legal documents of the Russian Federation, in which the terms "future generation", "needs", and "life and health" were found.

General scientific methods of cognition were used in the course of the research, including the principle of objectivity and consistency, as well as such methods as theoretical and historical analysis. Special scientific methods were used along with the general ones: comparative jurisprudence; logical and technical-legal analysis; concretization. The methodological basis of the study was the method of the theory of knowledge.

3.- Results

The definition of future generations is included in the Preamble to the Constitution of the Russian Federation, which enshrines the basic values that serve as a guide for society and the state. The category under study receives some specifications in industry legislation based on the subject matter of federal law. For example, under Article 48 of the Federal Law of November 21, 1995, No. 170-FZ "On the Use of Atomic Energy" (State Duma of the Federal Assembly of the Russian Federation, 1995a), during storage or disposal of radioactive waste, their reliable isolation from the environment, and protection of present and future generations must be ensured.

The legal concept of radiation safety of the population, enshrined in Article 1 of the Federal Law of January 9, 1996, No. 3-FZ "On Radiation Safety of the Population" (State Duma of the Federal Assembly of the Russian Federation, 1996), focuses on the state of protection of the future generation of people from the harmful effects of ionizing radiation.

In the context of safety and providing conditions for normal physical and intellectual development, human life, and future generations, the Russian legislator includes the definition of healthy nutrition in the Federal Law No. 29-FZ of January 2, 2000 "On the Quality and Safety of Food Products" (State Duma of the Federal Assembly of the Russian Federation, 2000).

As can be seen, future generations of people, as a rule, are mentioned in conjunction with real and potential threats and risks emanating from specific malicious, dangerous objects or types of humans, including economic activities and the threat of nuclear war.

There are separate attempts to expand, generalize, and systematize such objects, as well as types of activities. For example, Article 1 of the Federal Law of March 30, 1999 No. 52-FZ "On the sanitary and epidemiological well-being of the population" (State Duma of the Federal Assembly of the Russian Federation, 1999a) refers to the impact of environmental factors that pose a threat to human life or health or a threat to the life or health of future generations. Thus, such factors as biological, chemical, physical, social, and others that have or may have an impact on the health of future generations are listed.

Along with the categorization of risk factors, the legislator made an important clarification: it is not just about protecting future generations, but about protecting the life and health of future generations.

Other regulatory legal acts also mention not only health but also the life of future generations. For example, the country's territory, its potential and diversity are considered a national treasure, the preservation and protection of which is necessary to ensure the life of future generations in paragraph 81 of the Decree of the President of the Russian Federation of July 2, 2021, No. 400 "On the National Security Strategy of the Russian Federation" (President of the Russian Federation, 2021). This clarification is important for both theory and practice.

The Federal Law of January 10, 2002 No. 7-FZ "On Environmental Protection" (State Duma of the Federal Assembly of the Russian Federation, 2002a) no longer talks about the health of future generations, but about meeting the needs of future generations in the context of preserving a favorable environment, biological diversity, and natural resources.

In connection with the stated legal positions, a relevant question arises about the differentiation of the needs of future generations and the life and health of future generations.

We believe that "needs" is a very amorphous term in jurisprudence and legislation. The current regulatory legal acts, as a rule, do not contain it. The analysis of the documents shows that they distinguish between general, personal, social, satisfied, and unsatisfied needs. According to the types of property, there are financial needs, needs for medical equipment, needs for personal protective equipment, and others.

The term "future generations" in Russian sources is used mainly in the context of the realization of the rights of subjects (future subjects of legal relations) to a favorable environment. However, the status of future generations has not yet been determined by the legislature. As noted, sooner or later the legislator will be forced to determine the status of future generations (Vasileva, 2009). In our opinion, it will also be necessary to determine the basic and other needs of future generations, as well as the boundaries

below which it is impossible to fall when making and implementing important management decisions.

Sometimes the legislator points not to the needs, but to the interests of future generations. For example, Federal Law No. 73-FZ of June 25, 2002 "On Cultural Heritage Objects (Historical and Cultural Monuments) of the Peoples of the Russian Federation" (State Duma of the Federal Assembly of the Russian Federation, 2002b) establishes guarantees for the preservation of cultural heritage objects not only for the present but also for future generations.

The category of interest is widely applicable in legal science. The division of interests into private and public has also been established. According to Yu.A. Svirin (2012), there are several common features between interest and subjective civil rights. The division of interests into the interests of present and future generations is also of theoretical and practical importance.

The concept of interest has been formulated for many years through the needs of a subject, a certain group of people (Chentsov, 2012; Grigoreva, 2012). This approach is typical not only for legal but also for other sciences. Lawyers only focus on the legal means of ensuring, implementing, and protecting interests (Burmistrova, 2018). In connection with the above, interests and needs are inextricably linked with each other.

There are some differences in the needs of future generations and the life and health of future generations despite the existence of links between human needs and health.

We believe that it is necessary to distinguish between the maximum possible protection, as well as the protection of the basic, fundamental rights of future generations, the optimum and the minimum, below which, under no circumstances, the state (represented by the legislator, the executive), society, and business should not fall. The life and health of future generations can act as the main reference points.

Thus, the conservation of biological diversity is the most important global task of mankind, the implementation of which allows providing a set of measures (environmental, scientific, organizational, legal, financial, etc.). However, its solution only indirectly affects or may affect the solution of tasks to preserve the life and health of future generations. For example, the disappearance of a particular animal species is often simply not noticed by a person (since this or that wild species is simply not included in its food chain). A modern person is content with a rather narrow set of products of plant and animal origin. They not only learned how to grow them, but also to change them to their advantage (breeding, genetic technologies), including storing them in case of Doomsday (biological collections in bioresource centers, specialized seed storages, etc.). Therewith, one or another food chain supports the well-being of a particular ecosystem. The opening of the chain destabilizes the system and endangers the existence of the ecosystem. Some of these systems are very important for the biosphere as a whole, therefore, maintaining an acceptable level of human habitat. This issue needs a separate study in the context of the presence (absence) of these or other connections (direct, indirect, immediate, and long-term results).

It is also impossible not to consider the fact that even today a few groups of people in relatively isolated territories continue to lead a traditional way of life, conduct agriculture, and (or) engage in hunting as well as their ancestors. For them, the disappearance of even one species of plants or animals can be a disaster (foundations collapse, there is a need to change their place of residence, etc.). Thus, there is usually no immediate threat to the life and health of an isolated group in modern conditions (the state can provide a limited contingent of those in need with food, housing in new territories, etc.). However, such a group outside of its habitual living conditions ceases to exist (loss of traditions, language, decrease in fertility, etc.) and will dissolve into the general human mass.

The legislator is trying to solve the problems noted above. According to the Federal Law of April 30, 1999, No. 82-FZ "On Guarantees of the Rights of Indigenous Peoples of the Russian Federation" (State Duma of the Federal Assembly of the Russian Federation, 1999b), the Government of the Russian Federation approves a list of places of residence of indigenous peoples and types of traditional economic activities of indigenous peoples. Measures are being taken to preserve the traditional habitat of indigenous minorities.

It is also important to pay attention to the legislatively enshrined concept of ethnological expertise, which is understood as a scientific study of the impact of changes in the ancestral habitat of small peoples and the socio-cultural situation on the development of an ethnic group.

It is important to know about the direct and indirect threats for practical purposes, as well as the risks to the life and health of future generations.

Human civilization has accumulated considerable experimental and empirical experience with several radioactive and chemical substances. Threats and risks for future generations have not only been studied but there are also developments in their leveling (Kuzubova et al., 2022). Today, there is a significant array of technical and other special norms, standards, and recommendations (norms on technical regulation, ensuring biological safety, sanitary-epidemiological and other norms). There are separate legal norms aimed at securing or protecting the rights of future generations. As a rule, this refers to protecting the life and health of unborn children (Mokhov, 2019b).

For example, the Labor Code of the Russian Federation provides for a gentle work regime for pregnant women (reduction of the production rate, transfer to another job that excludes the impact of adverse production factors).

Federal Law No. 323-FZ of November 21, 2011 "On the Fundamentals of Protecting the Health of Citizens in the Russian Federation" (State Duma of the Federal Assembly of the Russian Federation, 2011) proceeds from the prevention principle of priority in the field of health protection. Several additional guarantees are fixed for women during pregnancy and childbirth, as well as after childbirth. However, it still lacks not only any norms on the protection of the life and health of future generations but even an unborn child. Therewith, manipulations (diagnostic, therapeutic, and other directions) by doctors concerning an unborn child (fetus) are committed. They are regulated at the level of by-laws of the Ministry of the Russian Federation. The issue of protecting the life and health

of an unborn child (at least from the moment of conception until their birth) should be put to resolution by the Russian legislature. In some countries, there are examples of the allocation of such a subject (quasi-subject) of legal relations as an unborn child.

The situation is more complicated with new, insufficiently studied technologies, and objects that have a certain probability of harming the life and health of future generations. For example, threats and risks of these technologies for people have been actively discussed with the development of genetic (genomic) editing technologies. Particularly heated discussions broke out regarding the possibility of editing the genome of a human embryo.

Article 16 of Resolution 36 adopted by the UNESCO General Conference at its 33rd session "Universal Declaration on Bioethics and Human Rights" of October 19, 2005 (UNESCO General Conference, 2005) emphasized the need to pay due attention to the impact of the life sciences on future generations, including their genetic characteristics.

Questions about the impact of new technologies (biosocial, informational, etc.) on the family, society, and fixed and cultivated values have become more and more active along with direct risks (for the life and health) of future generations.

Personality is formed in a particular family and a particular society. Defects in development and upbringing can affect a person's mental, physical, and reproductive health. A person lives in an artificial, modified environment, but in the meantime, they are significantly immersed in the natural and cultural environment that forms their modern biological and social essence.

In connection with the above, the protection of citizens' rights to life and health is irreducible to solving a narrow range of medical tasks (prevention, diagnosis, and treatment of human diseases). Along with direct connections (the presence of a harmful factor – damage – functional and (or) organic disorders – disease), there are several dependent, indirect connections. They also cannot be ignored in the context of protecting the life and health of citizens, both born and unborn.

Decree of the President of the Russian Federation of November 9, 2022, No. 809 "On Approval of the Fundamentals of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values" (President of the Russian Federation, 2022) does not directly operate with the definitions of needs of future generations and (or) the life and health of future generations. Therewith, the word "generation" is used in it several times. Traditional values are understood as moral guidelines that form the worldview of citizens, passed down from generation to generation. The purpose of the state policy for the preservation and strengthening of traditional values is to ensure the transfer of traditional values from generation to generation.

It also focuses on the protection of the institution of marriage as a union of a man and a woman, and not any other forms alien to the biosocial essence of man, formed and maintained for centuries. More than 80 types of genders are now officially recognized in the USA. In the 1st grade, schoolchildren are taught how to properly engage in oral

sex – this hardly contributes to the preservation of the health of the future generation, rather we can talk about the degeneration of homo sapiens.

The issue of protecting the life and health of future generations by ancestors is an independent, self-sufficient issue that requires study by historians, including historians of law. In general, human civilization knows traditions that have allowed and still allow preserving the viability and health of future generations (several taboos, prohibitions on the conclusion of close-blooded marriages, etc.).

Considering the above, it seems possible to conclude that it is necessary to isolate, more in-depth research of the institution of protection of the life and health of future generations.

So far, the Russian legislator uses both the words "security" and "protection" as synonyms. The doctrine attempts to differentiate these concepts. Thus, V.A. Tarkhov wrote that legal security exists constantly; its purpose is to prevent violation of the law. Protection is resorted to in case of violation of the right or case of threat of its violation (Tarkhov, 1997).

It is also proposed to distinguish between security and protection by subject, circle of persons, and other grounds (Nikitin, 2008).

The differentiation of concepts in the context we are studying is important. Future generations cannot protect their right for objective reasons. To do this, it is necessary to use a time machine in which a representative of the future generation must get into the past and appeal to the court with a claim for the protection of the right, make a report to parliament about the consequences of the adoption of the law in the version they are discussing, or otherwise indicate their concerns and report threats and risks the decision being made.

The above does not mean that the protection of rights, including in court, is completely excluded. The legislator may grant the right to appeal to the court with a claim for the protection of the life and health of future generations to certain subjects under certain conditions. This issue has begun to be discussed in the doctrine in recent years (Mokhov, 2019a). The formation and development of the doctrine, as well as legislation on the protection of the life and health of future generations, is difficult to imagine without attempts to isolate the corresponding set of norms into a legal institution.

A legal institution is usually understood as a relatively isolated set of norms that regulate the type, group, and side of public relations with the help of specific techniques (Kerimova, 1998).

Currently, the norms on security, protection, and consideration of the needs and interests of future generations are dispersed in acts of various levels and strengths. This refers to international and environmental-oriented documents. The development of specific legal means and mechanisms for the implementation of starting points, and principles aimed at accounting, ensuring, securing, and protecting the rights of future generations, primarily their life and health (from leveling direct threats and risks to the

life and health of future generations (for example, from radiation) to indirect (for example, reduction of biodiversity or the threat to the preservation of traditional family, sexual, and other relations in society) will undoubtedly require the formation of a corpus of norms in sectoral material and procedural legislation (first of all, civil, family, labor, healthcare, civil procedural). Legislation on science and technology will play an increasingly prominent role. There is a war going on for understanding the future of humanity. The future has become more dependent on the present than ever. There has never been such a thing in the history of civilization. We will either preserve what we have so far and in the future, we will switch to nature-like technologies, which will allow us to more or less stabilize the difficult conditions of the biosphere, or we will switch to the path of constant improvement, more precisely, slow or rapid deterioration, with the patching of emerging gaps and the elimination of increasing catastrophes.

When implementing the first scenario, it is possible to be responsible and careful and prevent unacceptable threats and risks, while implementing the second one is unlikely.

Transhumanism as a phenomenon, the fruit of uncontrolled scientific and technical transformation of man, the biosphere, leaves no chance in the way of protecting the life and health of future generations. There is always a temptation to replace the natural course of events with a simulacrum. Already today, elements of such thinking are being actively imposed on society. For example, infertility has arisen – not an issue. It does not need to be treated, because it is long, expensive, and not always effective. It is easier to immediately go the high-tech way – to use assisted reproductive technologies, if necessary, surrogacy technology. Infertility is growing in the population – we will solve your problem – we will create "artificial fecundities" and "human incubators". Specialists and society are not interested in infertility prevention... The interest of business, the healthcare system, and medical specialists is obvious. But is the interest of the individual, family, and society obvious? It is difficult to give an unambiguously positive answer. We must not forget about the presence of harm (moral and physical) caused to the individual, as well as possible negative consequences for the health of future generations. This question is put up for discussion by biologists, demographers, physicians, psychologists, and sociologists. Reliable, scientifically based, unambiguous positive answers about the absence of harm have not yet been received.

In connection with the above, it is also impossible to exclude the emergence and development of protective norms aimed at ensuring the rights of future generations. Currently, the Code of Administrative Offences of the Russian Federation and the Criminal Code of the Russian Federation do not contain special compositions that allow the full protective potential to be realized.

The development of the institute of life and health of future generations, in our opinion, requires discussion and resolution of several of its starting points, based on which particular tasks will be solved in the future.

Firstly, it is necessary to define the basic principles of legal regulation. These may include the principle of responsibility to future generations and the precautionary principle.

The principle of responsibility is based on the connection of generations, an invisible thread running from the past to the present and from the present to the future. What did our ancestors come to our land with, what did they give us, left, and why? What do we pass on not only to our children but also to grandchildren, as well as to other people?

An analogy is given in the literature with a tourist who, under the established rule (both legally fixed and not), must clear their parking lot of garbage. Therewith, it does not matter whether another tourist arrives there and when, or does not come at all. The very potential of coming generates such a duty.

This principle is being developed so far only in environmental law. Its implementation indirectly contributes to ensuring the environmental rights of future generations. Therewith, it should be noted that future generations themselves are considered by the doctrine as a new subject of environmental legal relations.

Philosophers, bioethicists, and other specialists should come to the aid of lawyers in terms of the scope and content of this principle. Currently, there is a shortage of work on this issue (Prokofev, 2013).

The precautionary principle is a relatively well-known principle in law, according to which necessary and sufficient precautionary measures should be taken when making significant decisions (considering the existing level of development of science and technology).

Due to the need to ensure a balance of interests of citizens and society, on the one hand, and business, on the other, possible restrictions and prohibitions should be justified and proportional to real or potential threats and risks.

In Russia, this principle as a whole is at the stage of formation, and in foreign legal systems, it differs in a noticeable variety. National traditions, including legal, are affected.

Secondly, the definition of practical means to ensure the effectiveness and efficiency of this institution.

There is a need for a public or quasi-public body that could undertake diverse work to protect the rights of future generations to life and health, or, more broadly, to protect the totality of the rights and interests of future generations. These can be coordinating, representative, and some other functions.

However, expert practice becomes the most significant area of work. Currently, an environmental assessment is being carried out in the context of solving environmental problems. Relations in the field of environmental expertise are regulated by the federal law of the same name, namely, the Federal Law of November 23, 1995, No. 174-FZ "On Environmental Expertise" (State Duma of the Federal Assembly of the Russian Federation, 1995b). The subject of such an examination is the environmental requirements imposed on the object of the examination. Projects of various documents, programs, and other materials act as objects of expertise. The analysis of legislation and expert practice shows that the subject of environmental expertise does not coincide with

the one that is necessary to solve the tasks of protecting the life and health of future generations. There is only a sphere of minor intersection. Prevention of the negative impact of a particular type of economic activity on the environment in connection with giving a negative opinion on the construction, commissioning of a particular object and the subsequent negative decision of the competent authority (not granting a permit, a ban on construction, carrying out an activity, etc.) may have an indirect and local (territory, period) impact on life and health of future generations.

The ethnological expertise mentioned above is only indicated in the Federal Law of April 30, 1999 N 82-FZ "On Guarantees of the Rights of the Indigenous Minorities of the Russian Federation". The procedure for conducting ethnological expertise, its objects, and the grounds for its mandatory conduct have not been fixed at the legislative level to date.

In 2018, the Federal Agency for Nationalities Affairs (FADA of Russia) prepared the Draft Federal Law "On Amendments to the Federal Law of April 30, 1999 N 82-FZ 'On Guarantees of the Rights of Indigenous Minorities of the Russian Federation' in Terms of Establishing the Procedure for Conducting an Ethnological Expertise" (Federal Agency for Nationalities Affairs, 2018).

When discussing the draft law, most experts agreed with the relevance of this legislative initiative. However, due to the presence of several defects (including the uncertainty of the range of experts involved in the production of such expertise), the document was sent for revision.

Currently, the issue of examination of the presence (absence) of threats, risks of new, implemented activities, practices, technologies, the introduction of individual objects into circulation in the context of protecting the rights of future generations to life and health, or protecting the rights and interests of future generations is open.

The backbone of knowledge and skills for carrying out this kind of research can be professional knowledge in the field of medicine, biology, and related sciences. In some cases, there may immediately be a need for the production of complex examinations, but the basis of the expert commission is likely to remain the same (biologists and doctors).

If we turn to the text of the Federal Law of November 21, 2011, N 323-FZ "On the Basics of Protecting the Health of Citizens in the Russian Federation", then a medical examination is understood as a study conducted in the prescribed manner, aimed at establishing the state of health of a citizen, to solve the following tasks: determination of the ability to carry out labor or other activities; establishing a causal relationship between the impact of any events, factors and the state of health of a citizen.

The range of tasks is narrower than we need, which is not surprising since the legislation on health protection does not use the term "health of future generations".

If one looks at the range of possible examinations, they differ in genera, classes, and types, there can be both judicial and non-judicial. The legislator lists the examination of

temporary disability, medical and social expertise, forensic medical and forensic psychiatric expertise, and some other expertise.

Based on the prospective nature of the protection of the rights of future generations to life and health, it can be assumed that the examination we are analyzing (currently unnamed), as a general rule, should be non-judicial. Its conclusion, along with other materials, can become one of the documents that are important for the adoption (non-acceptance) of a regulatory legal act or decision.

If a person goes to court with a claim for the protection of the rights of future generations to life and health, or a demand for the termination of a particular type of activity, the court will be forced to appoint a forensic examination to resolve the issues that have arisen. It can be argued that with a high degree of probability, the court will put questions for permission before forensic doctors. However, they are not currently dealing with these issues. This area of possible expert practice has yet to be identified as scientific and then practical.

Alternatively, the court may try to resolve the problems it has encountered by obtaining the advice of several specialists. However, even in this scenario, the court faces serious difficulties. Our analysis (market offer, inquiry, survey of experts) showed that there are no specialists in Russia yet who are ready to give advice, and explanations on issues related to harming and protecting the life and health of future generations.

4.- Conclusion

Based on the above, it is necessary to draw the following conclusions:

1. Future generations cannot, for objective reasons, defend their right on their own. To do this, it would be necessary to use a time machine in which a representative of the future generation should get into the past. Therefore, the task of creating a favorable development for future generations, and protecting their right to life and health falls on the present generation.

2. A public or quasi-public body is needed that could take over the work of protecting the totality of the rights and interests of future generations.

3. The institution of the legal protection of the life and health of future generations, or the protection of future generations as a whole, needs to be singled out in the doctrine. Its isolation can give impetus to the development of both theoretical proposals and practical recommendations.

4. Since the term "future generations" is used mainly in the context of the realization of the rights of future subjects of legal relations to a favorable environment, it is necessary to determine the basic and other needs of future generations, the boundaries below which cannot be lowered when making and implementing important management decisions. First of all, the interests of protecting the life and health of future generations can act as the basic ones.

5. It is necessary to conduct several examinations to identify the presence of threats and risks for future generations, to assess them when introducing new types of activities, practices, and technologies, and putting into circulation individual objects in the context of protecting the rights of future generations to life and health or protecting the rights and interests of future generations. This is one of the emerging new areas of activity for expert science.

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