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**QUESTION OF THE PREPARATION OF A DECLARATION
ON THE RIGHTS OF FUTURE GENERATIONS**

SUMMARY

The Director-General reported to the 144th session of the Executive Board on the UNESCO and Cousteau Society initiative resulting on the adoption of the La Laguna Declaration.

This document presents suggestions by the Director-General concerning a procedure to be followed by the Executive Board in order to elaborate a normative instrument - Declaration on the Rights of Future Generations - to be adopted by the twenty-eighth session of the General Conference so as to contribute to the fiftieth anniversary celebration of the United Nations and UNESCO.

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I. INTRODUCTION

1. In its very first words, the Charter of the United Nations expresses the preoccupation of the international community with the fate of future generations, so as to save them from the scourge of war. Rights, needs and interests of future generations are also mentioned in several standard-setting instruments.

2. Among such instruments, one can mention the UNESCO Convention for the Protection of the World Cultural and Natural Heritage. Its adoption in 1972 was inspired, *inter alia*, by the wish to safeguard the world cultural heritage in order to pass it on intact to future generations. The 1972 *Stockholm Declaration on the Human Environment* lists as its first principle the need to protect and ameliorate the environment for future generations.

3. Some recent global conferences have given added significance to the concept of the rights of future generations. Thus the *Rio Declaration* adopted by the Earth Summit (1992) proclaimed the idea of solidarity between generations. This idea has acquired prominence in the context of the current thrust towards sustainable development. Further, the *Vienna Declaration and Programme of Action* (1993), adopted by the World Conference on Human Rights, which lays down that: 'the right to development should be fulfilled so as to meet equitably the development and environmental needs of present and future generations', gives vent to the heightened concern of the world community with the rights of future generations.

4. It is also important to note that paragraph 235 of *Agenda for Development: Report of the Secretary-General* (United Nations document A/48/935 of 6 May 1994) states 'The welfare of future generations must not be compromised by incurring debts that cannot be repaid, whether financial, social, demographic or environmental'.

5. Though the list of conventions and declarations containing a limited reference to the rights of future generations can be extended,¹ there is as yet no normative instrument which defines the concept and presents in a comprehensive manner and in detail the rights of future generations, despite the fact that the need for such an instrument has been stressed by specialists, non-governmental organizations and academic and research institutions.

II. THE LA LAGUNA DECLARATION

6. In order to advance the comprehensive approach and reflection on the rights of future generations, UNESCO, in co-operation with the Cousteau Society, sponsored a meeting of experts organized by the Tricontinental Institute for Parliamentary Democracy and Human Rights at the University of La Laguna (Tenerife, Spain) on 25 and 26 February 1994.

7. Experts, coming from all regions of the world, adopted by consensus a declaration of the rights of future generations entitled the 'Universal Declaration of Human Rights for Future

1. The Convention on Prohibition of Military or Any Other Hostile Use of Environmental Modifications Techniques (1977) speaks about the preservation and improvement of the environment for the benefit of present and future generations; the Convention on Biological Diversity (1992) underlines the determination of the Contracting Parties 'to conserve and sustainably use biological diversity for the benefit of present and future generations'; the needs of future generations linked with the legitimate utilization of the sea are mentioned by the Convention on the Protection of Marine Environment of the North Atlantic. In the Helsinki Final Act (1975), the Participating States stressed that the development of relations of an international character in the fields of education and science is to the advantage of all peoples as well as to the benefit of future generations.

Generations' (see Annex). Its preamble points out that decisions adopted today must take account of the needs and interests of future generations, endorses the goal of establishing new, equitable and global partnership links between generations, speaks about the need for solidarity among generations as well as duties of present generations towards future generations. In fourteen articles, the Declaration formulates in detail the rights of future generations from the right to a preserved Earth and an ecologically balanced environment through the right of conservation and transmission of cultural property, the right to individual and collective development, the right of use of the common heritage of humankind to the prohibition of future discrimination.

8. Although the La Laguna Declaration adopted by a group of non-governmental experts cannot be qualified as a normative instrument as only declarations adopted by governmental organs may have such a character, nevertheless it can be seen as the beginning of the process leading to the elaboration and adoption of a normative instrument on the rights of future generations.

9. Encouraged by the positive reaction of the Executive Board, to which the La Laguna Declaration was presented at its 144th session, the Director-General then drew it to the attention of the United Nations Secretary-General and the United Nations High Commissioner for Human Rights.

10. To get an opinion on the desirability of the elaboration of a normative instrument on the rights of future generations and to gather suggestions concerning possible improvements to the La Laguna Declaration, the Director-General has started a worldwide expert consultation. He has already received a number of comments supporting the idea of the adoption by the UNESCO General Conference of a declaration on the rights of future generations which might be seen as an important contribution to the fiftieth anniversary of the United Nations and UNESCO.

III. PROPOSED PROCEDURE

11. Convinced of the timeliness for the adoption by the UNESCO General Conference of a declaration¹ on the rights of future generations which no doubt is in line with the ethical and intellectual mission of the Organization and may be seen as an important element aimed at the establishment of a culture of peace, the Director-General presents to the Executive Board for its consideration the following proposals:

- (a) in order to elaborate a draft of the above declaration, the Executive Board could establish a small working group composed of representatives of all regions;

1. It is worth noting that the UNESCO General Conference has already adopted the following declarations:
Declaration of the Principles of International Cultural Co-operation, 4 November 1966;
Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange, 15 November 1972;
International Charter of Physical Education and Sport, 21 November 1978;
Declaration on Race and Racial Prejudice, 27 November 1978;
Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War, 28 November 1978.

- (b) the working group on the basis of the La Laguna Declaration and comments already received by UNESCO and with the help of recognized experts (two to four) nominated by the Director-General could prepare a draft on which the Member States and organizations and bodies of the United Nations system would be consulted;
- (c) the working group, taking into account comments received from governments and organizations and bodies of the United Nations system, should elaborate an amended version of the declaration to be presented to the 146th session of the Executive Board for its approval. If approved, the decision and the draft declaration will be brought to the knowledge of the Secretary-General of the United Nations;
- (d) the draft declaration as approved by the Executive Board would then be presented to the twenty-eighth session of the General Conference for its final adoption, and would constitute a contribution to the celebration of the fiftieth anniversary of UNESCO;
- (e) the declaration on the rights of future generations, as adopted by the General Conference of UNESCO, could then be transmitted to the Secretary-General of the United Nations for submission to the General Assembly.

12. The Director-General will be grateful for views and positions of the Executive Board on this proposed procedure.

ANNEX

**UNIVERSAL DECLARATION OF
HUMAN RIGHTS FOR FUTURE GENERATIONS**

The participants at the UNESCO-Cousteau Society meeting of experts organized by the Tricontinental Institute for Parliamentary Democracy and Human Rights of the University of La Laguna (Tenerife, Spain),

1. Considering the will of the people, set out solemnly in the Charter of the United Nations, to 'preserve future generations from the scourge of war', 'to reaffirm their faith in fundamental human rights and in the dignity and worth of the human person' and 'to promote social progress and better standards of life in larger freedom',
2. Recognizing that, at this point in history, the right of humanity to its own perpetuation, and to the enrichment and diversification of its spiritual and physical environment, are seriously threatened as a result of the activities of previous generations,
3. Aware that, in this respect, the growing wastage of natural non-renewable resources, particularly by rich and developed countries, may lead to the exhaustion of the heritage of resources which belong legitimately to future generations,
4. Whereas decisions adopted today must take account of the needs and interests of future generations,
5. Recognizing the integrity and interdependence of the Earth, and the interest of future generations in having a favourable environment,
6. Endorsing the goal of establishing new, equitable and global partnership links between generations,
7. Whereas a life worthy of living on planet Earth is a lasting possibility only if persons belonging to future generations are recognized as having of this moment certain rights permitting them to take their place in the life chain without being forced to endure the consequences of the at times irreversible attacks on the liberty, equality and fraternity of human beings perpetrated in the past,
8. Whereas the recognition of such rights in the case of persons belonging to future generations is justified by the need for solidarity among generations and by the past, present and future unity of the human species,
9. Whereas the identification of these rights to be enjoyed by persons belonging to future generations entails corresponding duties for current generations, thus corroborating the existence of a unique human form of life,
10. Considering the need to reaffirm and develop jointly humanitarian values and respect for the human person in times of peace as well as war,
11. Recognizing that only awareness on the part of all peoples and all nations of their duties towards persons belonging to future generations will enable human life to continue on Earth in dignity and in liberty,

12. Whereas the task of safeguarding the human rights of future generations should be undertaken as of this moment by the international community and especially by international organizations, particularly the United Nations and its Specialized Agencies,
13. Whereas full respect for human rights and the ideals of democracy constitute today one of the best guarantees of the human rights of future generations,
14. Whereas the provisions set forth herein should be implemented essentially through teaching and education, which on the international level are the prime responsibility of UNESCO,
15. Solemnly propose that the present Universal Declaration of Human Rights for Future Generations be adopted and implemented by all peoples and all nations:

ARTICLE 1

The right to a preserved Earth

Persons belonging to future generations have the right to an uncontaminated and undamaged Earth, including pure skies; they are entitled to its enjoyment as the ground of human history, of culture and of social bonds that make each generation and individual a member of one human family.

ARTICLE 2

The right of future generations to freedom of options

Each generation which inherits the Earth temporarily is charged solely with its trustee and gives an undertaking to future generations to protect life on Earth from all irreversible attacks and to respect their freedom of options as regards their economic, social and political system.

ARTICLE 3

The right to life and to the preservation of the human species

Persons belonging to future generations have the right to life and to the maintenance and perpetuation of humankind in the different expressions of its identity. Consequently, it is forbidden to undermine in any way whatsoever the human form of life, particularly through acts which compromise irreversibly and definitively the preservation of the human species, the human genome and humankind's genetic heritage, or acts which are designed to partly or completely destroy a national, ethnic, racial or religious group.

ARTICLE 4

The right to know one's origins and identity

Persons belonging to future generations have the right to know their personal and collective origins, identity and history, in conformity with the law and to the extent which is compatible

with the right to privacy and the right to receive information concerning different systems of values so as to enable them to freely form their will.

ARTICLE 5

Exoneration from all individual liability in respect of actions committed in the past by preceding generations

Except where they derive personal profit therefrom, persons belonging to future generations cannot legally be held individually liable for actions or omissions which contravene the law of nations or the laws of humanity and which were committed in the past by, among others, persons or groups with whom they have bonds of kinship or any other ethnic or national ties.

ARTICLE 6

Limiting restrictions to the right of ownership

Persons belonging to future generations may have and may exercise the right to own property alone as well as in association with others. This right may not be emptied of its substance by laws which would result in future generations being unequitably and unfairly burdened by measures deemed to be necessary in the general interest at the time of adoption.

ARTICLE 7

The right of conservation and transmission of cultural property

Persons belonging to future generations have the right of enjoyment of cultural property, which is the sum total of all the world's cultures, whose elements must be preserved in their environment and passed on to future generations as the common heritage of humankind.

ARTICLE 8

The right to individual and collective development on Earth

The right to development is an inalienable human right entitling persons belonging to future generations to enjoy the benefits of optimum economic, social and cultural conditions in order to propitiate their own individual and collective, spiritual and material development. The acquisition, diffusion and use of knowledge, such as scientific, technical and medical knowledge, must always be for the benefit of future generations.

ARTICLE 9

The right to an ecologically balanced environment

Persons belonging to future generations have the right to a healthy and ecologically balanced environment which will propitiate their own economic, social and cultural development. Consequently, States, individuals and all public and private entities are under a duty not to adversely modify living conditions, particularly climate and biodiversity, and, in general, to

constantly oversee all fields of scientific and technological progress to ensure that the consequences do not harm life on Earth, its natural balances and the well-being of future generations. Furthermore, States have an obligation to monitor the quality and diversity of the environment and in particular to determine the consequences of major projects on future generations.

ARTICLE 10

The right of use of the common heritage of humankind

No one can claim exclusive property rights over humankind's common heritage, as it is recognized today and in years to come. All generations have the right of use of humankind's common heritage provided that this right does not exhaust its substance irreversibly or does not modify its quality.

ARTICLE 11

The right to peace and the right to be spared from the consequences of previous wars

Persons belonging to future generations have the right to be spared from the scourge of war. To this end, all necessary measures must always be taken, in particular to ensure that persons belonging to future generations are not exposed to the consequences of previous armed conflicts, which may adversely affect their lives, health or environment and which result from armed conflict in the past, and in particular from the use of banned weapons and weapons of mass destruction or any preparatory actions for or actions related to such conflicts.

ARTICLE 12

Prohibition of future discrimination

Persons belonging to future generations have the right to be born free and equal in dignity and in rights. Consequently, each generation must undertake not to adopt any measure which might lead in future to discrimination of any kind among human beings based on ethnic grounds, race, colour, sex, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth or other status.

ARTICLE 13

The intangibility of the human rights of persons belonging to future generations

Each generation must always ensure that the rights of those belonging to future generations are fully safeguarded and are not sacrificed for the sake of expediency of interests. None of the rights set forth in the Universal Declaration of Human Rights, the human rights covenants, regional instruments for the protection of human rights or any other existing or future instrument, and in particular in conventions for the protection of cultural property and the environment, can be interpreted or applied as implying for any State, group or person the right to engage in any activity or perform any act aimed at the destruction of the human rights of future generations. Consequently, persons belonging to future generations have the inalienable

right, which may be opposed to all sources of power, to enjoy the benefits of and exercise all human rights, as guaranteed by the international community.

ARTICLE 14

Implementation of the human rights of future generations

States, international governmental and non-governmental organizations, individuals and, in general, all public and private entities must assume fully their duties towards future generations and must always ensure that the human rights of future generations are not sacrificed to expediency and to current interests. To this end, and bearing in mind the requirements of international solidarity, States shall take all the appropriate measures, both legislative and otherwise, and shall use international co-operation, particularly on the legal, political, economic, cultural and technological levels, and in the fields of education and research, to preserve and guarantee the human rights of future generations.

Adopted in the City of La Laguna, on this the 26th day of February 1994.