

The Mandate of a UN High Commissioner for Future Generations

Background

This document contains summary recommendations for the mandate of a UN High Commissioner for Future Generations. It is released in advance of a more detailed discussion paper in order to assist UN member states, international organisations and Major Groups in their preparations for the 2012 UN Conference on Sustainable Development (Rio + 20). The full discussion paper will be available at the beginning of March 2012.

Paragraph 57 of the zero draft of the Rio + 20 outcome document, *The Future We Want*, refers to the creation of an Ombudsperson or High Commissioner for Future Generations. But it is too weak. Currently the draft would commit states only 'to further consider' the establishment of a High Commissioner for Future Generations 'to promote sustainable development'.

The outcome document of the 2012 UN Conference on Sustainable Development must commit states to a clearly defined process leading to the establishment of a UN High Commissioner for Future Generations.

Key Points

The mission of a High Commissioner for Future Generations should not be 'to promote sustainable development' but rather **to promote and protect the interests of future generations in the context of the imperative to meet the needs of the present without compromising the ability of future generations to meet their own needs.**

Recognition of responsibilities to future generations has been at the heart of the United Nations since its inception, and has been developed by the international community over several decades in many treaties, agreements and declarations across a wide range of subjects.

A High Commissioner for Future Generations would secure the proper space of the United Nations in delivering global governance for the long-term.

A High Commissioner for Future Generations would be the official charged with acting as the UN's principal advocate for the interests and needs of future generations. He or she would be an individual with the leadership skills, the moral authority and vision necessary to catalyse reflection, analysis and meaningful commitments that can reach beyond the short term of most government electoral cycles. The High Commissioner's Office must be capable of earning the respect and trust of both states and civil society.

This would be an agenda-setting role: the High Commissioner for Future Generations would offer a political space in which the needs of future generations, and the overriding imperative to prioritise the needs of poor people, present and future, are considered *alongside* present interests.

The High Commissioner for Future Generations must not be a talking shop. As an initial priority, working closely with the Secretary General, the High Commissioner could work to develop a UN-wide strategy for protection of the interests and needs of future generations for adoption by means of General Assembly resolution.

A High Commissioner for Future Generations would provide space in which to enhance the accountability of states for policies that allow present needs to be met only at the expense of future

generations. The High Commissioner would play an active role in seeking out ‘win-wins’: the areas in which and the means by which it is possible to meet the needs of the present *and* ensure that future generations are able to meet their own needs.

The High Commissioner would help to develop the international normative framework for consideration of the needs of future generations. And he or she must also point to conflicts; monitoring the UN system and its specialised agencies, providing early warning of systems faults and reporting on areas where decisions, policies, programmes and intergovernmental agreements undermine or weaken our collective ability to meet the needs of the present without compromising the ability of future generations to meet their own needs.

There are many areas where it is not clear how best to meet the needs of present without compromising the ability of future generations to meet their own needs: climate change and energy water and food security are among them. The office of a High Commissioner for Future Generations would become a centre of expertise on how to address these issues, exploring and advising on the difficult choices that must be made in considering and acting to deliver the needs of future generations.

We envisage a spectrum of possible powers and responsibilities. Their practical implications will be explored further in the discussion paper to follow.

Our initial recommendations for the powers and responsibilities of a High Commissioner for Future Generations in pursuit of his or her mission (which we refer to below as ‘the mission’) are:

International agenda-setting and leadership

- To enhance international cooperation on matters falling within the scope of his or her mission, including through liaison with existing international institutions, treaty secretariats, and international initiatives
- To act as an advocate for matters falling within his or her mission across the family of United Nations organisations and specialised agencies so that implementation of the mission becomes a central, system-wide commitment in all UN activities.
- To develop or initiate proposals for new international legal frameworks for the protection of future generations
- On request from the United Nations or any of its subsidiary organs, specialized agencies, or affiliated organizations, to offer advice on implementation of existing intergovernmental commitments to or recognition of future generations. Where requested and accepted by state parties to any dispute raising matters related to the protection of future generations, this may include provision of good offices for dispute settlement
- To request United Nations organisations and specialized agencies or affiliated organisations to consider and to report to the High Commissioner for Future Generations on how their norms and procedures address future generations, including in relation to compliance mechanisms

Public participation

- To act as an advocate for, and to promote and facilitate, the engagement and full participation of the public in the identification and resolution of issues falling within the mission

Capacity for institutional innovation at national and subnational levels

- On request from governments or civil society groups, to work to build capacity at national and/or subnational levels on matters falling within the scope of his or her overall mission, including through support, where requested, for the establishment of national level Commissioners, Guardians or Ombudsmen for future generations, or for convening events or other forums for sharing best practices

Public understanding and evidence

- To catalyse develop and coordinate United Nations education and public information programmes within the mission
- To catalyse and develop independent research and analytical excellence in order to promote learning and clarification of the issues faced by the global community in matters falling within the mission

In carrying out his or her functions, a High Commissioner should have regard to any submissions or representations from states, international organisations, individuals and civil society groups, including from the nine Major Groups.

Operationally, a High Commissioner for Future Generations must be an independent office within the United Nations. The High Commissioner should report annually to the General Assembly on activities undertaken by his or her office and progress and remaining challenges in implementation of his or her mission¹

The office of the High Commissioner, together with a small staff, should be funded from the regular UN budget without diverting resources from UN development programmes and activities. An annual budget of USD 10,000,000, approximately 0.2% of the regular UN budget for 2010-2011, could be sufficient to play a catalytic role.

Halina Ward, Peter Roderick, Catherine Pearce, 14th February 2012

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¹ This could be through the Economic and Social Council or, in the event that it is established, the Sustainable Development Council