

Input for UNCSD 2012, Rio de Janeiro, June 2012

Ombudspersons for Future Generations: closing the sustainability implementation gap

This document sets out a short rationale and proposed text for the adoption by governments at the UNCSD in June 2012 for a new, complementary institution to safeguard environmental and social conditions for the benefit of present and future generations.

Rationale: Sustainable development enjoys widespread recognition as a concept which, if implemented, is capable of meeting the needs of present generations without compromising the ability of future generations to meet their needs. Progress has been made in this regard since the UN Conference on Environment and Development in Rio de Janeiro in June 1992 - for example, on sustainable development metrics and Councils. Yet despite several international processes and agreements over the last 20 years, unsustainable trends continue.

The declared Objectives for the UNCSD 2012 are therefore: *to secure renewed political commitment for sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges.*

Analysis: Drawing on the Synthesis report compiled by the UN Secretary General, it is clear that for as long as sustainable development remains separated from core policy formulation and economic thinking, sustainability challenges will not be met:

103. Systematic institutional and governance reforms at *national, regional and international levels* are essential to achieve sustainable development.

104. Relevant lessons for sustainable development include recommendations to build on existing institutions; promote collaboration, coherence, efficiency and effectiveness in partnerships; and ensure meaningful and equitable public access to international forums related to sustainable development by adapting and structuring their processes and mechanisms in a way that they promote transparency and facilitate the participation of those groups that might not have the means for participation without encouragement and support.¹

Proposal: One reform that would meet these lessons and therefore could fill the gaps in the implementation of the outcomes of the major summits on sustainable development, and to address new and emerging challenges, is the establishing of an independent institution to be known as an Ombudsperson (or Commissioner or Guardian) for Future Generations.

¹ Synthesis report on best practices and lessons learned on the objective and themes of the United Nations Conference on Sustainable Development, paragraph 103, Note by the Secretariat, 21st January 2011, A/CONF.216/PC/8, available here: <http://www.uncsd2012.org/files/intersessional/Synthesis-Report-website-version.pdf>

Building on examples from several countries and as a strengthening of Sustainable Development Councils where in existence, such an institution at national and local levels with legal functions would provide a systematic official champion for sustainable development. It would help to balance short-term political interests with the long-term interests of society, to make sure sustainability policies work in synergy and are effective in practice, to bring authority to agreed sustainability goals, to hold governments and private actors accountable for not delivering on them, and to connect citizens and civil society with the core of policymaking – improving accountability, access, and sensitivity for emerging issues.

Proposed Text for UNCSD 2012:

Recognizing that systematic institutional and governance reforms are essential to achieve sustainable development:

1. States will establish in law institutions to safeguard environmental and social conditions for the benefit of present and future generations, such as Ombudspersons, Commissioners or Guardians for Future Generations.

2. These institutions will be independent of the executive, and have legal powers and duties at the national level which include the following:

(a) to act to safeguard those conditions, including requesting public authorities and private persons to act or refrain from acting and, where necessary, taking legal action;

(b) to report, monitor, examine and inquire into progress by government and public bodies towards achieving sustainable development;

(c) to participate in the development of law and policy relevant to those conditions, including initiating proposed legislation;

(d) to receive and consider petitions from members of the public; to request responses from government, public bodies and private persons; and to make recommendations;

(e) to advise and make recommendations to government, public bodies and private persons on achieving sustainable development, including on the provisions, operation and implementation of international agreements and processes;

(f) to participate, as a member of national delegations, in international processes;

(g) to have access to property, and to information held by public bodies and private persons, where necessary to perform its functions;

- (h) to carry out research;
- (i) to convene, and to participate in, public hearings; and
- (j) to report annually on its activities.

3. Local authorities will be empowered to introduce such institutions at the local level, if they wish to do so.

4. Paragraphs 1 and 2 above apply to regional economic integration organizations as they apply to States, *mutatis mutandis*.

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