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**“RESPONSIBILITIES OF THE PRESENT GENERATION IN ENSURING PEACE AND SECURITY OF THE FUTURE GENERATIONS: REFLECTIONS ON THE LEADERSHIP ROLE OF THE LEGISLATURE**

**A work- paper**

**by Ambassador Ibrahim Idris Ibrahim, Executive Manager of IW Research and Consultancy (Put' Ltd.) Center for International Relations**

**Introduction**

When I was invited by the organizers to present a paper, to this august audience, on human rights and democracy as basis of peace and security, I counter-proposed a topic, which was endorsed by the organizers. The topic concerns the commitment of the present generation to striving for the promotion of human rights and democracy now as the foundation of peace, and security for the future generations.

 In opting for the topic, I had two specific reasons. The first is to reflect on an important UNESCO declaration with which the legislature should, I am convinced, be familiarized. This is the 'Declaration on the Responsibilities of the Present Generations Towards Future Generations' also called the 'La Laguna Declaration' adopted in 1997. As a non-governmental expert, I was involved in the initial stage of the deliberation on the development of the draft document in La Laguna, Canaries, Spain, in 1994. The second is to take advantage of data that I was able to collect in respect of an issue, which I have been working for some time, i.e. enhancing the continuity of religious co-existence and tolerance in Ethiopia.

 This short paper consists of three sections. Section I skims over the significance of the Universal Declaration of Human Rights in the promotion of human rights the positive impacts of which would no doubt transcend to the future generations. Section II explores the persistence of violations contrary to the Universal Declaration of Human Rights. Section III focuses briefly on the responsibilities of the present generation to the future generations under the 'Declaration on the Responsibilities of the Present Generations Towards Future Generations.' Section IV outlines the responsibilities of the legislature in ensuring peace and security for not only the present generation but also the future generations.

**I. The Universal Declaration of Human Rights**

In the study of human rights, the Universal Declaration of Human Rights, which is the foundation of freedom, justice and peace, is an important milestone document. The Declaration arose directly from the experience of the World War II in which the world was drenched with atrocities. The Declaration promised that war and conflicts of such kind would never exist. The Declaration was drafted looking beyond the world of war and accepting the right of all individuals to live in peaceful environment.

 The United Nations General Assembly adopted the Declaration on December 10, 1948. The Declaration was adopted by the 56 member states of the United Nations. Ethiopia was one of these states, which endorsed the Declaration. The Declaration is viewed as a common standard of achievement for all people and all nations. It serves the international community as a great inspirational document with the highest moral status. So far, the Declaration has been able to inspire numerous multilateral and bilateral human rights declarations, conventions, protocols, treaties, charters, and agreements dealing with the realization of human rights in the world, as well as domestic human rights bills and constitutional provisions.

 As a worldwide referential document spelling out the liberties and freedoms as well as obligations of its members, the Declaration is closely linked with peace and the protection of the rights and dignity of people, which are also significant in terms of ensuring the peace and security of the future generation. It has inspired countries and individuals to create a better place for individuals to live in as a place where human rights values are respected and international peace and stability are guaranteed.

 However, as close reading of the Universal Declaration of Human Rights would evidence, it is not express if it directly concerns the future generations, i.e. whether or not the benefits the Declaration accords could also be directly enjoyed by the future generations that are still not in existence. The Declaration does not specifically address the obligations of the present generation to the future generations either. However, this is not to contest the indirect benefits that the Declaration would have vies-a-vies the future generations. The fruits of respect of human rights and democracy achieved by the present generation pass on to the future laying down the foundation for peace and security of the generations to come.

**II. Persisting Violations of the Universal Declaration of Human Rights**

Indubitably, the Universal Declaration of Human Rights is a truly relevant document creating a common understanding of basic human rights and freedoms the benefits of which could be shared including by the future generations, i.e. our children, grand children and grand and grand children. It has enormous merits indeed.

 Despite all these achievements, however, not all expected from the Declaration have been attained. Nearly seventy years after the adoption of the Declaration, whether or not the world is safe is still an issue of debate. Since the Declaration came into being, numerous experts and politicians would agree that the Declaration is still more a dream than reality. They also agree that the achievements so far attained in terms of improving the well-being of the peoples of the world is far from satisfactory.

 Surely, despite the accomplishments made following the adoption of the Universal Declaration of Human Rights, millions are facing death, displacement, violence and other forms of insecurity within and outside armed conflicts, i.e. international and non-international armed conflicts. Wars triggering the death of civilians and the destruction of property have continued to be waged in every corner of the earth. Thousands of civilian have become victims of chemical weapons. States are spending billions in military expenditure. The world now posses enough of weapons of mass destruction such as atomic bombs and chemicals that are enough to cause its total annihilation within a very short period.

 Several billions of people are still living in extreme conditions of poverty, income and other inequality, discrimination, deprivation, exclusion, fear, oppression, powerlessness, and subordination. Violence and sexual abuse against women, unsafe labor conditions have become rampant. Human traffickers have continued to shatter the dream of hundreds of thousands of the youth population. Racism and its consequences continue to haunt communities and governments around the globe. Terrorism, which is on the rise, has plagued the world. Civilians and civilian properties, including mosques and churches have become targets of these barbarous acts.

 Climate change is threatening crops, damaging food supplies, spreading disease and creating refugees. Frequent and intense drought, storms, floods, heat waves, rising sea levels, melting glaciers and warming oceans have now become common occurrences. Experts agree that climate change has, more than ever before, become a fundamental threat to the existence of humanity.

 These and several acts of violations of the Universal Declaration of Human Rights have continued to generate serious dangerous outcomes that threaten the existence of the present and future human generations. The occurrences of such violations not only shatter the aspirations for peace and security by the present generations but also that of the future generations. The alarming side of this reality is that such violations are on the rise and continue to cause instability and human suffering worldwide. If such incidents are not checked on time, they could get out of control. It is now the time for the international community to strive to fully comply with the Declaration with the view to undertaking all positive acts to reverse this dangerous trends affecting both the present and future generations.

**III. Responsibilities of the Present Generations Towards the Future Generations**

In scholarly discussions, whether or not the present generations are responsible to the future generations is a very controversial issue. There is no consensus among scholars on balancing the interests of the present and future generations. The extent of the responsibilities that the present generations owe to the future generations is not clear, either. There are individuals who argue that the present generations should focus more on their interests rather than on the future generations. Other numerous legal scholars, politicians and etc. have blamed the present generations for undertaking acts that would eventually undermine the peace and security of the future generations

 Indeed, morally, caring for the future generations is a legitimate concern for the present generations.[[1]](#footnote-1) The members of the present generations have obligations to leave blessings rather than sins to their children and children's children. The obligations to those already in existence might well be greater than are our obligations to those who are yet to be born. All the same, if parents care about their children who care about their children who in turn care about their children and so on, the present generations directly or indirectly care about their grand and grand children and grand and grand children i.e. the future generations.

 The present generations are and should be concerned with well-being of the future generations whom they consider as their successors and want them to be happy. Whatever actions the present generations take today would have a directly or indirectly impact on the future generations. Neil H. Buchanan

Every decision that we make today can either directly or indirectly affect the interests of future generations, both those generations already born and those to be born in the decades and centuries after we are gone. Even if it is unlikely that many of our decisions (especially the smaller ones) will affect the general course of history, the possibility of doing so imposes a profound obligation on us at least to consider how our policy choices might affect our children, our grandchildren, and those who will follow. Not every policy choice must elevate the concerns of future generations over those of current generations, of course, but a conscious acknowledgement that we are making decisions for people who cannot speak for their own interests creates a moral imperative to give voice to the voiceless.

 Legally, however, the obligations of the present generations to the future generations have not been recognized as a binding principle of international law. In other words, the future generations do not enjoy legally enforceable rights. On the contrary, there is a strong reason for more responsibility of the present generations towards the future generations. Several national laws, constitutions and international instruments, including non-binding declarations have aimed at sparing future generations through doing something positive now by the present generations. These, however, focus on isolated cases such as the environment and natural resources.

 Underscoring the duty of the present generation to the future generations, the international community, has, over the past years, introduced several declarations, which aim at saving the future generations through doing something positive now. These instruments urge the present generations to respect its human rights and democracy so that the future generations would reap the fruits of such efforts. Various legislations, including those adopted by UNESCO have, for instance, specified the responsibilities of the present generations towards the future generations. The Convention for the Protection of the World Cultural and Natural and Natural Heritage adopted by the General Conference of UNESCO in 1972;[[2]](#footnote-2) the United Nations Framework Convention on Climate Change;[[3]](#footnote-3) the Vienna Declaration and Programme of Action;[[4]](#footnote-4) the Universal Declaration on Bioethics and Human Rights;[[5]](#footnote-5) and Agenda 21 of the United Nations Conference on Environment & Development adopted in Rio de Janerio, in June 1992[[6]](#footnote-6) are few of the documents that aim at safeguarding and promoting the interests of the future generations through positive actions to be undertaken by the present generations now.

 Of all the declarations and conventions adopted so far, the 'Declaration on the Responsibilities of the Present Generations Towards Future Generations' may be seen as a document offering comprehensive attention to the promotion of the rights of the future generations.[[7]](#footnote-7) This Declaration adopted by UNESCO's General Conference enumerates pertinent principles focusing on the responsibilities of the present generations towards the future generations. These include: safeguarding the needs and interests of present and future generations;[[8]](#footnote-8) ensuring that they enjoy full freedom of choice as to their political, economic and social systems and are able to preserve their cultural and religious diversity;[[9]](#footnote-9) ensuring the maintenance and perpetuation of humankind with due respect for the dignity of the human person;[[10]](#footnote-10) ensuring that life is not prejudiced by harmful modifications of the ecosystems and that scientific and technological progress in all fields should not harm life on earth;[[11]](#footnote-11) protection of the human genome and biodiversity;[[12]](#footnote-12) preserving the cultural diversity of humankind and transmitting the common heritage to future generations;[[13]](#footnote-13) ensuring that both the present and the future generations learn to live together in peace, security, respect for international law, human rights and fundamental freedoms as well as sparing the future generations from the harmful consequences of armed conflicts as well as all other forms of aggression and use of weapons, contrary to humanitarian principles;[[14]](#footnote-14) ensuring the conditions of equitable, sustainable and universal socio-economic development of future generations, in particular through a fair and prudent use of available resources for the purpose of combating poverty as well as fostering peace, justice, understanding, tolerance and equality for the benefit of present and future generations;[[15]](#footnote-15) and refraining from taking any action or measure which would have the effect of leading to or perpetuating any form of discrimination for future generations.[[16]](#footnote-16)

 The principles embodied in the aforementioned declarations, conventions no doubt reflect common sense, and they appeal to the human conscience. Although it may be argued that many of these principles have been endorsed by large number of states, they have not yet attained customary international legal status whereby they would be considered as being legally binding.[[17]](#footnote-17) Here, the role played by both the International Court of Justice (ICJ) and national courts is worth noting.

 The opinion of the International Court of Justice (ICJ) in the case '*Legality of the Threat or Use of Nuclear Weapons'* pronounced in 1996 refers to the obligations of the present generations vis-à-vis the interests of the future generations. In the ICJ case in which many states were represented, all the judges without exception agreed that the use of nuclear weapons offended every principle of humanitarian law.[[18]](#footnote-18) Although, the Court did not go so far as to rely on the principle or to expressly recognize rights of future generations, it has acknowledged the interests of future generations. Further, on January 15, 2016, the General Assembly of the United Nations adopted a resolution requesting an advisory opinion from ICJ on the responsibility under international law of States to address the global climate crisis for the benefit of present and future generations of humankind.[[19]](#footnote-19)

 At national level, though precedent and jurisdiction limit courts, the experiences of courts in certain countries may underline the significant of the evolvement of the legal obligation in support of the benefits of the present generations. In 1994, the Supreme Court of the Philippines ruled that a group of minors could sue on behalf of themselves and the future generations because of unsustainable logging practices tacking place in the country. In its decision, the Supreme Court of Philippines acknowledged the rights of future generations to a healthy environment.[[20]](#footnote-20) In the United States, several domestic cases were litigated in the United States concerning the obligations of the present generations to the future generations. For instance, in the case *Juliana v United States* launched by 21 young Americas, the US District Court for Oregon was, *inter alia*, asked for an order declaring that the fundamental constitutional rights of youth and future generations to life, liberty, property, and public trust resources.[[21]](#footnote-21) In Netherlands, the Hague District Court, in its historic decision, held that the Dutch government should strengthen its emissions reduction targets based on its duty of care to its people and determined the appropriate minimum target.[[22]](#footnote-22)

**IV. Responsibilities of the Legislature**

In any parliamentary government, the legislature assumes pertinent functions: legislative function,[[23]](#footnote-23) overseeing and informing functions,[[24]](#footnote-24) and other functions.[[25]](#footnote-25) These functions no doubt render the legislature as an appropriate national organ to contribute in ensuring peace and security to the future generations. In attaining this objective, the legislature should take all appropriate actions advancing the needs and interests of present generations. These include the adoption of laws and policies that also take into consideration the interests of the future generations, i.e. taking a long-term perspective.

 The legislature is also qualified to raise its vigilance in undertaking all oversight activities that the executive branch takes measures geared towards the advancement of the future generations through working for the respect of human rights and democracy now. Further, it ought to take all essential steps to encourage the society to address the challenges that the society encounters through constructive dialogue and cooperation as the only right way to promote and protect human rights of the present generations, which is the precondition for peace and security of the future generations.

 In advancing the cause of the future generations in all-important aspects, the legislature should adopt farsighted pertinent laws that should accommodate the interests of both the present and future generations, which are closely connected. If human rights and democracy thrive and the present generations enjoy peace and security, this would mean laying down a firm foundation for peace and security of the future generations. Conversely, the future generations would not enjoy peace and security, if the present generations have failed to live in peace and security, because there is no respect for human rights and democracy.

 In accommodating the interests of the future generations, the legislature could do a favor to the present generations by internalizing or transforming the principles of the Declaration on the Responsibilities of the Present Generations Towards Future Generations and other principles benefiting humanity, including the future generations, in the national legislation.[[26]](#footnote-26) In this regard, therefore, the legislature should, in particular, focus on ensuring that the future as well as the present generations enjoy full freedom of choice as to their political, economic and social systems and are able to preserve their cultural and religious diversity; the preservation of life on earth; the protection of the environment; the protection of the human genome and biodiversity; ensuring that both the present and the future generations learn to live together in peace, security, respect for international law, human rights and fundamental freedoms; ensuring the conditions of equitable, sustainable and universal socio-economic development of future generations, in particular through a fair and prudent use of available resources for the purpose of combating poverty.

 As the Declaration primarily underlines the teaching and education of the principles, the legislature could relentlessly strive for the promotion of tolerance, diversity, co-existence, cooperation and the essentiality of peace for the continuity of human race. In achieving this objectives, a primarily focus should be made on younger generation. For this purpose, schools should be used as ideal places for teaching and educating tolerance to enable students to appreciate diversity, tolerance and co-existence. This move will help to reduce the incidence of hate crimes, racism, discrimination, bigotry, war, terrorism and etc. For attaining this objective, it is indeed essential to enhance the values of civic education and civic responsibility, constitutional values, as well as the expression of moderation voices through discussions.

 The legislature should stimulate the conscience of the public, including through investing on education among the youth population who ought to learn about other cultures, races, religions, and understand and respect people different from themselves. Investing on the youth now before it is too late should be a matter of responsibility. Preparing the youth to assume its societal responsibilities helps eliminate all threats that would or could affect the well-being of the human generations, both the present and the future generations.

 Further, the legislature should continue focusing on the principle of sustainability of development. The present generation could not afford to sacrifice the future for the sake of gains in the present. In this connection, the legislature can assist in introducing all appropriate legal and policy measures that are essential to address the negative impacts of climate change.

**V. Conclusion**

The present generations care for the future generations. Denial of the rights of the future generations to live a decent life simply because they are not yet alive lacks legitimacy. Further, lack of concern for the interests of the future generations would serious consequences for the interests of the present generations. The survival of our children, grand children, great grand children will be guaranteed, if and only if the present generations are determined to live in peace and democracy. The present generations have more than a moral duty to make this a reality.

 Thus, as a very pertinent organ of a government, the legislature should not depend on or wait for global policies to act to ensure the interests of the future generations. It should make all necessary efforts within its power, taking into full account the interests of the future generations. In undertaking its share of responsibility, it should, to the extent possible, strive to disseminate and implement the principles of the Declaration of the Future Generations Towards Future Generations by introducing appropriate laws and policies, which also have significance to the promotion and respect of the human rights and democracy of the present generations.

1. Edith Brown Weiss, In Fairness To Future Generations and Sustainable Development, *American University International Law Review*, Volume 8, 1992, , pp. 20-21. [↑](#footnote-ref-1)
2. Convention for the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO on 16 November 1972, Article 1. [↑](#footnote-ref-2)
3. The United Nations Framework Convention on Climate Change (UNFCCC ) adopted in 1992 at the United Nations Conference on Environment and Development (UNCED),held in Rio de Janeiro from June 3 to 14, 1992, Article 3 (1). [↑](#footnote-ref-3)
4. ##  Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna on 25 June 1993, Paragraph 11.

 [↑](#footnote-ref-4)
5. Universal Declaration on Bioethics and Human Rights of 19 October 2005, Article 2 (1g). [↑](#footnote-ref-5)
6. United Nations Conference on Environment & Development Rio de Janerio, Brazil, 3 to 14 June 1992, Agenda 21, Item 8.7. [↑](#footnote-ref-6)
7. Declaration on the Responsibilities of the Present Generations Towards Future Generations, adopted by the General Conference of UNESCO, at its 29th session, on 12 November 1997, in Paris. [↑](#footnote-ref-7)
8. Ibid, Article 1. [↑](#footnote-ref-8)
9. Ibid, Article 3. [↑](#footnote-ref-9)
10. Ibid, Article 4. [↑](#footnote-ref-10)
11. Ibid, Article 5. [↑](#footnote-ref-11)
12. Ibid, Article 6. [↑](#footnote-ref-12)
13. Ibid, Article 7. [↑](#footnote-ref-13)
14. Ibid, Article 9. [↑](#footnote-ref-14)
15. Ibid, Article 10. [↑](#footnote-ref-15)
16. Ibid, Article 11. [↑](#footnote-ref-16)
17. Jane Anstee-Wedderburn, Giving a Voice to Future Generations: Intergenerational Equity, Representatives of Generations to Come, and the Challenge Of Planetary Rights**,** *Australian Journal of Environmental Law* 2014 Vol. 1(1), 201, pp. 41-42. [↑](#footnote-ref-17)
18. *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, July 8, 1996, ICJ Rep. 1996, p. 226. [↑](#footnote-ref-18)
19. The request was made by UNGA resolution A/RES/70/xxx requesting the ICJ for an advisory opinion on this matter (“What is the responsibility under international law of States to address the global climate crisis for the benefit of present and future generations of humankind?” [↑](#footnote-ref-19)
20. Philippines Supreme Court, *Minors Oposa v. Secretary of the Department of Environment and Natural Resources (DENR)*, July 30, 1993, 33 *ILM* 175 (1994). [↑](#footnote-ref-20)
21. *Juliana v United States,* No 6:15-cv-01517-TC (D Or Jan. 14, 2016). [↑](#footnote-ref-21)
22. David Estrin, Limiting Dangerous Climate Change: The Critical Role of Citizen Suits and Domestic Courts-Despite The Paris Agreement, CIGI PAPERS, No. 101, May 2016. [↑](#footnote-ref-22)
23. The legislative functions pertains to the power of enacting laws as well as the discussion of issues of national concern, manner of general policy and criticize the conduct of ministers contributing to the governance of the country. [↑](#footnote-ref-23)
24. The overseeing and informing function involves the monitoring of the executives actions that help in maintaining a balance of power among the three branches of government and to assert the interests of ordinary citizens particularly against the decisions of the executive. [↑](#footnote-ref-24)
25. The other functions of the legislature refer to activities other than legislation and oversight function thereby providing the link between government and people, scrutiny of the executive to ensure that the government is accountable. [↑](#footnote-ref-25)
26. Responsibilities of the Present Generations Towards Future Generations in national legislation, Article 12. [↑](#footnote-ref-26)