



MONACO DECLARATION

We, Mediators and Ombudsmen, members of the Association of Ombudsmen and Mediators of La Francophonie (AOMF), gathered in Monaco on 12 and 13 July 2021 to explore the role that our institutions may be called upon to play in the protection of the rights of future generations, in the face of the acceleration on a global scale of crises, in particular relating to the environment, migration and society, threatening to irreversibly jeopardise the prospects, rights and future of the generations of tomorrow;

RECALLING, WITH REGARD TO THE PRINCIPLES GOVERNING OUR INSTITUTIONS:

- The Bamako Declaration, adopted in 2000 by the Heads of State and Government where French is an official language, specifically on the commitments made with regard to the promotion of an internalised democratic culture and full respect for human rights;
- The principles on the protection and promotion of the institution of the Ombudsman (*Venice Principles*), adopted by the Venice Commission at its 118th plenary session on 15 and 16 March 2019 and endorsed by the Committee of Ministers of the Council of Europe at the 1345th meeting of Ministers' delegates on 2 May 2019 and by the Parliamentary Assembly in its PACE Resolution No. 2301 (2019) of 2 October 2019, and, jointly, Resolution 75/186 (16 December 2020) adopted by the United Nations General Assembly, entitled *The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law*, setting out the international benchmark for ombudsman and mediator institutions and calling on States and governments to strengthen their role and independence;
- The Namur Declaration adopted on 9 November 2018 by the AOMF General Assembly, calling specifically for the *“promotion and achievement of an inclusive society, where every person, regardless of their origin, circumstances or orientation, benefits from the protection of the State, from interpersonal solidarity and from respect for their fundamental rights”*;

RECALLING, WITH REGARD TO THE IMPERATIVE FOR THE PROTECTION OF FUTURE GENERATIONS:

- The Stockholm Declaration on the Environment adopted on 16 June 1972 by the United Nations Conference on the Human Environment, proclaiming the solemn duty of Man to protect and improve the environment for the present and future generations (principle 1), and to preserve natural resources for the benefit of the present and future generations (principle 2);
- The Rio Declaration on Environment and Development adopted on 12 August 1992 by the United Nations Conference on Environment and Development, proclaiming that the right to development must be realised in a manner that equitably meets the development and environmental needs of the present and future generations (principle 3);
- The 2013 report of the Secretary-General of the United Nations on *Intergenerational solidarity and the needs of future generations*, drawn up in accordance with §86 of Resolution 66/288 (11 September 2012) adopted by the General Assembly of the United Nations, entitled *The future*

we want, highlighting the need to promote intergenerational solidarity for the purposes of sustainable development, taking into account the needs of future generations;

- The Sustainable Development Goals (SDGs), collated in the 2030 Agenda adopted in September 2015 by all UN Member States at the UN Summit on Sustainable Development in New York City;
- The Declaration on the Responsibility of the Present Generations Towards Future Generations, adopted on 12 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, adopted on 30 October 2018 by the UN Human Right Committee, specifically §62 thereof, affirming that: “Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life” and recalling that “obligations of States parties to respect and ensure the right to life should also inform their relevant obligations under international environmental law”;

ATTENTIVE TO:

- The concerns of citizens, expressed in particular by the youngest, who, fearing for the future, are denouncing all over the world the inertia of government authorities in the face of the climate and environmental emergency and the lack of effective measures to repair and prevent ecological damage, by questioning decision-makers on their responsibilities towards future generations;
- Alarming unanimous findings by both the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) on the acceleration of climate and biodiversity degradation endangering in the short term the habitability of many regions of the world;
- Populations more particularly affected by the consequences of climate change and especially those suffering from uprooting and exile and those who are in the front line to welcome the migratory flows resulting therefrom;

AWARE:

- Of the urgent need to act to limit as far as possible the irreversible nature of the damage currently being caused to the environment and ecosystems, to preserve the conditions of habitability of the planet, which is the essential prerequisite for the protection and maintenance of the effective exercise of fundamental rights, in respect of which in particular the right to life and health;

STRESSING:

- The specific difficulties raised by the issue of the representation of future generations, who are by definition not yet legal entities and therefore do not have an interest in acting as currently commonly understood in our legal systems, and the need to rapidly find the best way to make their voices heard and to take into account their interests and needs;

- The essentially moral scope of the principle of the responsibility of the present generations towards those to come and the need to define the very concept of future generations, and to anchor it legally to ensure it can be better taken into account;
- The applicability of most of our current instruments to all present generations, including the youngest, ensuring we can commit henceforth to a truly intergenerational defence of rights, oriented towards the future;
- The multidimensional nature of the right of future generations under construction, at the junction of environmental protection, the protection of children and young people and, more broadly, respect for and preservation of the fundamental rights of individuals;

CONSIDERING:

- That ombudsmen constitute a natural link between citizens and government authorities in that they embody a grassroots vision facilitated by their proximity to citizens and have institutionalised access to political decision-makers;
- That ombudsmen play an essential role in their countries in the promotion of the rule of law and the protection of fundamental rights and freedoms;
- That the principles of neutrality and independence underlying their operation are major assets to take effective action in a field where the economic and political stakes are such that the risks of conflicts of interest are very marked;
- That, given the experience gained in their mission to handle complaints amicably, the Ombudsmen are specifically able to find a balance in complex situations where individual interests and the general interest are weighed up;
- That, as part of their mission to promote rights, Ombudsmen can act proactively and prospectively by making proposals for reform and by raising awareness among decision-makers of the importance of certain issues;

NOTING HOWEVER:

- That while many of the countries represented in the AOMF already guarantee the right of their citizens to a healthy environment at a constitutional or legislative level, very few have yet enshrined in their legal order a principle of responsibility towards future generations;
- That while some Ombudsmen have specific missions to protect children's rights, very few yet have special remits to protect the environment and/or the rights of future generations;
- That the limitations that may result from the mandates of our institutions – which differ according to the legal systems and the Member institutions, with specific regard to their ability to act on their own initiative, to enter into dialogue with private entities, to exercise a right of follow-up on the recommendations made or even to request or impose sanction – may constitute hindrances to effective action to protect the rights of future generations;

- That tensions are likely to arise between the mission of defending the individual rights of citizens in their relations with the administration conventionally assigned to the Ombudsman and the objective of preserving a healthy environment for future generations;

WE COMMIT TO:

1. Training ourselves in the challenges and specificities of protecting future generations, in particular by:
 - an increase in expertise in the legal tools that can already be mobilised in the context of a transgenerational interpretation of certain rights (right to life, dignity, physical integrity, right to health, precautionary principle, etc.) so as to better integrate a long-term dimension in the analysis of the complaints referred to us or the issues we deal with and in the recommendations we formulate,
 - the development of a reflection aimed at overcoming the conflicts that may exist between the defence of the common good (imposing restrictions on individual freedoms) and the protection of fundamental rights (involving ensuring the safeguarding of these same freedoms), in order to promote harmonious action to protect the environment and human rights, which form an indivisible whole,
 - sustained dialogue and cooperation between institutions within the AOMF in this field, specifically taking into account the trans-state dimension of the subject;
2. Participate, alongside the other stakeholders, in raising the awareness among the authorities of the need to intensify the effort to preserve the common heritage of humanity in order to guarantee a healthy environment for future generations without compromising their freedoms and taking into consideration the social justice issues related thereto;
3. To stimulate debate and make proposals on the concrete role that independent institutions such as Ombudsmen and Mediators could play in this context, and the institutional changes that should result therefrom;

WE INVITE THE ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (O.I.F.) AND THE PARLIAMENTARY ASSEMBLY OF LA FRANCOPHONIE (A.P.F.) TO:

1. Assign priority in their work to the protection of the rights of future generations;

WE INVITE STATES AND GOVERNMENTS TO:

1. Reflect on the establishment of a salient and ambitious legal framework to better take into account and protect the rights of future generations;
2. Consider granting a specific remit to broad-based Mediators and Ombudsmen to ensure that the interests of future generations are taken into account and defended, or alternatively to establish specialist Mediators or Ombudsmen with the said remit;
3. Realise the reflections initiated at the Earth Summits in Rio in 1992 and Rio+20 in 2012 and set up at UN level a High Commissioner for future generations with officers at a regional level.