

## Written Submission on OEWG3

We kindly ask the Member States to retain the language of “*intergenerational equity*” in the operating principles of the panel and put forward for your consideration three reasons as to why it is relevant. Please also find textual proposals to Operating Principles of the panel 2(i) at the end of this document.

1. The accumulation of chemicals and waste and the failure to prevent pollution in the present generation can degrade the environments that future generations will depend upon. Additionally, there is evidence that exposure in the current generation can affect subsequent generations through biological pathways. For example, it has been found that PFOS, PFOA and PFHxS are transferred to foetus through cord blood and to infants through breast milk.<sup>1</sup>
2. It is important that this panel focuses on current issues regarding chemicals, waste, and pollution *and* identify issues that could arise in the future. To this end, horizon scanning is listed as a function of the panel. A recognition of intergenerational equity is intertwined with this function of the panel, as the early identification of issues and possible ways to address them is imperative to securing a clean and healthy environment for current and future generations.
3. Intergenerational equity is a widely recognized principle of international law, invoked in many multilateral environmental agreements and political declarations in the form of references to present and future generations. The following examples (not an exhaustive list) set precedence for the imperative to safeguard the needs and interests of present and future generations:
  - a. The 1945 UN Charter: “we, the peoples of the United Nations, [are] determined *to save succeeding generations from the scourge of war.*”<sup>2</sup>
  - b. The 1972 Declaration: “*To defend and improve the human environment for present and future generations* has become an imperative goal for mankind - a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.”<sup>3</sup>
  - c. The 1974 Charter of Economic Rights and Duties of States: “*The protection, preservation and enhancement of the environment for the present and future generations is the responsibility of all States.*”<sup>4</sup>

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<sup>1</sup> <https://www.unep.org/topics/chemicals-and-pollution-action/pollution-and-health/persistent-organic-pollutants-pops/and>

<sup>2</sup> <https://www.un.org/en/about-us/un-charter/preamble>

<sup>3</sup> <http://hrlibrary.umn.edu/instreet/humanenvironment.html>

<sup>4</sup> <https://www.refworld.org/legal/resolution/unga/1974/en/20519>



- d. The 1979 Convention on the Conservation of Migratory Species of Wild Animals: “AWARE that *each generation of man holds the resources of the earth for future generations and has an obligation to ensure that this legacy is conserved and, where utilized, is used wisely.*”<sup>5</sup>
- e. The 1982 World Charter for Nature: “Conscious of the spirit and terms of its resolutions 35/7 and 36/6, in which it solemnly invited Member States, in the exercise of their permanent sovereignty over their natural resources, *to conduct their activities in recognition of the supreme importance of protecting natural systems, maintaining the balance and quality of nature and conserving natural resources, in the interests of present and future generations.*”<sup>6</sup>
- f. The 1982 Nairobi Declaration: “It urges all Governments and people of the world *to discharge their historical responsibility, collectively and individually, to ensure that our small planet is passed over to future generations in a condition which guarantees a life in human dignity for all.*”<sup>7</sup>
- g. The 1992 Declaration on Environment and Development: “*The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.*”<sup>8</sup>
- h. The 1992 UN Framework Convention on Climate Change: “Parties should *protect the climate system for the benefit of present and future generations of humankind*, on the basis of equity and in accordance with their common but differentiated responsibilities and respective abilities.”<sup>9</sup>
- i. The 1992 Convention on Biological Diversity: “Determined *to conserve and sustainably use biological diversity for the benefit of present and future generations.*”<sup>10</sup>
- j. The 1997 Declaration on the Responsibilities of the Present Generations Towards Future Generations: “*The present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded.*”<sup>11</sup>
- k. Agenda 21: “... a country-driven sustainable development strategy. Its goals should be to ensure socially responsible economic development while *protecting the resource base and the environment for the benefit of future generations.*”<sup>12</sup>

<sup>5</sup> [https://www.cms.int/sites/default/files/instrument/CMS-text.en\\_.PDF](https://www.cms.int/sites/default/files/instrument/CMS-text.en_.PDF)

<sup>6</sup> <https://ejci.orfaleacenter.ucsb.edu/wp-content/uploads/2018/03/1982.-UN-World-Charter-for-Nature-1982.pdf>

<sup>7</sup> <https://worldjpn.net/documents/texts/ENVI/19820518.D1E.html>

<sup>8</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000110220.page=75>

<sup>9</sup> <https://unfccc.int/resource/ccsites/zimbab/conven/text/art03.htm>

<sup>10</sup> <https://www.cbd.int/doc/legal/cbd-en.pdf>

<sup>11</sup> <https://www.unesco.org/en/legal-affairs/declaration-responsibilities-present-generations-towards-future-generations>

<sup>12</sup> <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>



- l. The Millennium Declaration: “Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. *The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.*”<sup>13</sup>
- m. The Future We Want: “We stress the importance of the active participation of young people in decision-making processes, as *the issues we are addressing have a deep impact on present and future generations*, and as the contribution of children and youth is vital to the achievement of sustainable development. We also recognize *the need to promote intergenerational dialogue and solidarity by recognizing their views.*”<sup>14</sup>
- n. General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change: “The Committee *recognizes the principle of intergenerational equity and the interests of future generations*, to which the children consulted overwhelmingly referred. While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent. Beyond their immediate obligations under the Convention with regard to the environment, States bear the responsibility for foreseeable environment-related threats.”<sup>15</sup>

The inclusion of the language of “*intergenerational equity*” in the operating principle fosters a proactive, equitable, and responsible approach to managing chemicals, waste, and pollution, ensuring that the needs and interests of both present and future generations are protected.

## Textual proposals

### **Option 1: Intergenerational equity as a standalone principle/sub-paragraph**

- Incorporating the principle of intergenerational equity and the interests of future generations into all relevant aspects of the panel’s work.

<sup>13</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-millennium-declaration>

<sup>14</sup> <https://sustainabledevelopment.un.org/futurewewant.html>

<sup>15</sup>

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vHrWghmhZPL092j0u3MJAYhyUPAX9o0tJ4tFwwX4frsfflPka9cgF%2FBur8eYD%2BEeDmuoVnVOpiKzWB9eiDayjZA>



**Option 2: Intergenerational equity incorporated into the current proposals of (i) which do not currently have language on it**

[(i) alt Incorporating the need to give special attention to those populations most vulnerable to adverse impacts from chemicals, waste and pollution(, **taking into account the principle of intergenerational equity.**)]

[(i) alt bis Incorporating a human rights-based approach, including by recognizing that the implementation of the sound management of chemicals and waste and prevention of pollution contributes to the full enjoyment of human rights and human well-being and dignity(, **and intergenerational equity.**)]

**Option 3: Integrating Intergenerational equity along with the gender equality language:**

(o) Integrating gender equality [and equity](del) (**and intergenerational equity**) in all relevant aspects of its work.

Find out more about CYMG's engagement with the SPP OEWG:

<https://www.cymgenvironment.net/youth-oewg-spp>

For additional information, the following thematic facilitators from CYMG could be contacted:

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