

## **WCC-2016-Res-079-EN**

### **Request for an Advisory Opinion of the International Court of Justice on the principle of sustainable development in view of the needs of future generations**

CONSIDERING that sustainable development is generally defined as development that balances social, economic and environmental interests in order to meet the needs of the present generations without compromising the ability of future generations to meet their own needs;

DISTRESSED that, unless halted, environmental degradation worldwide as reflected in the climate crisis and the calamity of extinctions, will deny the option of sustainable development to future generations;

GRATEFUL for contributions to sustainable development at national and international levels, including from IUCN Members and the IUCN Environmental Law Programme;

OBSERVING that interpretations in legal texts and practice of the principle of sustainable development tend to settle on meeting the needs of present generations rather than factoring in the needs of future generations;

SUGGESTING that many national and international legal documents have been adopted that can be understood as making sustainable development a general principle of law that is a binding norm of international law;

TRUSTING that an authoritative restatement of the principle of sustainable development taking the needs of future generations into particular account will enhance the willingness of states and international organisations to implement existing international environmental agreements and create new ones;

AWARE that Article 96 of the United Nations Charter authorises the United Nations General Assembly (UNGA) to refer questions to the International Court of Justice (ICJ) for Advisory Opinions, and that past ICJ Advisory Opinions under Article 65 of the Statute of the ICJ have clarified norms of International Law and advanced international cooperation, and protected the environment, as is the case with the Court's 1996 Advisory Opinion on the 'Legality of the Threat or Use of Nuclear Weapons' provided in response to United Nations General Assembly resolution 49/75K, which was initially requested by the World Health Organization (WHO); and

CONVINCED that the IUCN World Conservation Congress although not being a UN specialised agency is entitled to propose that the UNGA request an advisory opinion from the ICJ, and should do so;

#### **The World Conservation Congress, at its session in Hawai'i, United States of America, 1-10 September 2016:**

1. CALLS UPON the General Assembly of the United Nations (UNGA) to request an Advisory Opinion from the ICJ on the legal status and content of the principle of sustainable development taking the needs of future generations into particular account;
2. REQUESTS the Director General of IUCN to communicate this call to the UNGA, through the IUCN Permanent Observer Mission to the United Nations; and
3. FURTHER REQUESTS the World Commission on Environmental Law to provide its legal expertise to inform IUCN Members about the legal status and content of the principle of sustainable development in view of the needs of future generations, and on the role of the ICJ in explicating this principle.

**State and agency Members of the United States** voted against this motion.