

Influences shaping the Earth Charter

In addition to international law instruments and NGO declarations, the ideas and principles in the Earth Charter are drawn from a variety of sources. The Earth Charter is influenced by the new scientific worldview, including the discoveries of contemporary cosmology, physics, evolutionary biology, and ecology. It draws on the wisdom of the world's religions and philosophical traditions. It reflects the social movements associated with human rights, democracy, gender equality, civil society, disarmament, and peace. It builds on the seven UN summit conferences on children, the environment, human rights, population, women, social development, and the city held during the 1990s. The Charter draws on the path breaking work done in the field of environmental and sustainable development ethics over the past fifty years. The Charter has also been developed in the light of the practical experience and insights of those groups that have successfully pursued sustainable ways of living and working.

The Earth Charter Initiative is part of the worldwide global ethics movement which seeks to identify common goals and shared values that transcend cultural, religious, and national boundaries. Its development has been influenced by the growing literature on global ethics. During the last three decades of the twentieth century, the practice of cross-cultural and inter-religious dialogue has spread widely, and there is a growing awareness that peoples from diverse traditions share belief in many fundamental values. The "Declaration toward a Global Ethic" issued by the Parliament of the World's Religions in 1993 is a very good example. In addition, the increasing consciousness of global interdependence and the identification of common problems has intensified the search for and articulation of shared ethical principles. The Earth Charter consultation has promoted the worldwide dialogue on global ethics, and the ethical vision in the Earth Charter is an important contribution to the search for a global ethics.

As the broad range of sources upon which the Earth Charter is based suggests, the Charter is not just a document about humanity's relations with the environment. It has been constructed with the understanding that humanity's environmental, economic, social, political, cultural, and spiritual challenges are interrelated and can only be effectively addressed with integrated global solutions. All the principles in the Earth Charter are related to environmental issues, but they do not all deal exclusively with environmental issues.

The Earth Charter Commission made a decision to draft the Charter first and foremost as a people's treaty rather than as an intergovernmental instrument for two reasons. First, during the 1990s most state governments were preoccupied with the promotion of economic growth, and they failed to meet the challenge of adopting patterns of sustainable development as defined by Agenda 21 at the Rio Earth Summit. Consequently, they were not prepared to embrace new and stronger ethical commitments. It was clear that an intergovernmental drafting process would not produce a strong document. Second, the collapse of Russian communism and the end of the Cold War has led to a renewal of civil society in many nations. The result has been the emergence of an increasingly influential global civil society involving a worldwide network of NGOs linked together by the new communications technologies. This global civil society is playing an increasingly important role in leading the world toward sustainable ways of living. However, in order to be effective in persuading governments and corporate leaders to cooperate, individual citizens and civil society at

large need an inspiring, shared vision of fundamental values to guide planning, policy making, and action. With these considerations in mind, the Earth Charter Commission decided to keep the drafting process as a civil society initiative.

This decision has not altered the hope that the Earth Charter will be endorsed eventually by the United Nations General Assembly. The Millennium NGO Forum, which brought together one thousand four hundred NGOs from around the world for a meeting at the UN headquarters in May 2000, supported this objective and issued a formal call for governments "to endorse the Earth Charter in the UN General Assembly"¹. The Earth Charter can serve as an effective people's treaty and instrument for motivating and guiding civil society without such formal UN support. However, if the Earth Charter is endorsed by the UN General Assembly, it will enhance the stature of the Charter as a soft law document and increase its influence on governments, business, and international law.²

Regarding the connections between the Earth Charter and international law, the document has been drafted in coordination with a hard law treaty that is designed to provide an integrated legal framework for all environmental and sustainable development law and policy. This International Covenant on Environment and Development, which like the Earth Charter was originally proposed in Our Common Future, is being prepared by the Commission on Environmental Law at the World Conservation Union (IUCN). After six years of work, a Draft Covenant was presented at the United Nations in 1995 and is currently being revised in the light of comments received from governments. For three years, members of the IUCN Commission on Environmental Law, including the past and present chairs of the Commission, Parvez Hassan from Pakistan and Nicholas Robinson from the US, have been actively involved in the drafting of the Earth Charter, which provides an ethical foundation for the Covenant. The revised Covenant will be presented to the United Nations again in the near future in the hope that it will generate the governmental interest and support required to start formal international negotiations on the document.

Many people have favored a very short text with a brief preamble and no more than twelve concise principles. Others have strongly argued for a more substantial document like a UN declaration that includes guidelines for implementation. A very short Charter would be more accessible to people and could be easily memorized. The problem with a short document is with what gets left out. The major challenges humanity faces are complex and interrelated and the ethical guidelines needed cannot in most cases be reduced to phrases of a few words like "think globally, act locally." In addition, many groups who feel marginalized and excluded from decision-making processes are particularly uncomfortable with the idea of a short Earth Charter with a limited number of

¹ *We the Peoples Millennium Forum Declaration and Agenda for Action Strengthening the United Nations for the 21st Century," The Millennium NGO Forum, May 2000, Section E. Sustainable Development and the Environment, Government #5. The Millennium Forum Declaration also urged civil society "To adopt and disseminate the Earth Charter as a tool for promotion of values and actions which will create sustainable development."*

² *Unlike a hard law treaty, a soft law document such as the Universal Declaration of Human Rights is regarded as a statement of intentions and aspirations, and it is not considered to be legally binding. However, soft law documents like the Universal Declaration of Human Rights frequently evolve into hard law over time. In addition, any declaration of fundamental ethical principles that gains wide acceptance can function as a soft law document that influences the development of international law even if it has not been formally endorsed by the United Nations.*

very general principles. They believe that those in positions of power will interpret the meaning of such a document as they will, and there will be little if any opportunity for discussion. These groups want the additional language and principles that qualify and clarify. There is another important consideration. Even though the IUCN Draft Covenant spells out in considerable detail the practical implications of much of the Earth Charter, it may require many years of negotiation before governments reach agreement on the Covenant. Therefore, the Earth Charter must be a document that can stand on its own.

With all these concerns and considerations in mind, a decision was made by the drafting committee to construct the Earth Charter as a layered document with a preamble that describes in general terms the basic challenge, sixteen main principles with supporting principles, and a conclusion that contains a call to commitment and action. This approach makes possible an abbreviated version that includes the preamble and sixteen main principles only. As the text grew in length, the main principles were divided into four parts in order to make the organization and main themes of the principles easily understood. Part I contains four very broad main principles that can serve as a short summary of the Earth Charter vision. The sixty-one supporting principles that follow the sixteen main principles deal with critical issues and clarify the meaning of the main principles.

The Drafting Committee has remained mindful to keep the Earth Charter as short and concise as possible. It has, therefore, limited the document to fundamental ethical values and principles that set forth major strategies for achieving a just, sustainable and peaceful world.

The Earth Charter does not attempt to identify the mechanisms and instruments required to implement its ethical and strategic vision.

By the Earth Charter International