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Reflections on Major Obstacles Preventing the Earth Charter Project from Achieving its Long-term Goals

I. Introduction

In his thoughtful essay “Reflection on The Earth Charter Project and its Mission in the Anthropocene,” Brendan Mackey accurately claims that the Earth Charter was based on an optimistic hope that international affairs could be as strongly directed by ethical considerations as they are by narrowly defined national self-interest.¹ Although the Earth Charter has been formally endorsed by 7,270 organizations and 34,971 individuals as of December 2016 since its launch at the Peace Palace in 2000, even strong advocates of the Earth Charter’s potential guiding role in global affairs such as myself would have to admit that the Charter has not yet succeeded in getting most nations to adopt policies consistent with the Earth Charters’ inspirational ethical principles. In fact, as Professor Mackey acknowledges, several global environmental trends “present in a literal sense an existential threat to the human project.” Massive and accelerating losses of biodiversity, increasing atmospheric concentrations of greenhouse gases, excessive loading of global ecosystems with nitrogen and phosphorous, increasing acidification of oceans have exceeded planetary boundaries or levels that threaten large scale, irreversible disruption of nature.² And, as we shall see, nations continue to set national policies on global environmental issues on the basis of economic self-interest rather than on their ethical duties to establish a sustainable world.

This paper identifies two major obstacles to international acceptance of the Earth Charter’s principles to guide national policy formation. Because these conclusions are derived from the author’s unique vantage point to view the Earth Charter project’s progress since Maurice Strong, Secretary-General of the Rio Summit, and Mikhail Gorbachev, President of Russia in 1994 launched an initiative to develop the Earth Charter as a civil society initiative,³ the paper begins with a description of the author’s experience with the issues that are the goals of the Earth Charter initiative.

¹ B. Mackey (2017) A Reflection on The Earth Charter Project and its Mission in the Anthropocene,

² W. Steffen et al. (2015) Planetary boundaries: Guiding human development on a changing planet. *Science*. 347 (6223): 1259855. doi:10.1126/science.1259855.

³ History of the Earth Charter Movement, <http://earthcharter.org/discover/history-of-the-earth-charter/>

The author was: (1) the director of a conference on the ethical dimensions of Agenda 21 held at UN headquarters in June of 1994, (2) was present at the creation of the first draft framework of the Earth Charter at a workshop chaired by Maurice Strong and Mikhail Gorbochev in the Hague in May. 1995, (3) worked for the US Environmental Protection Agency, Office of International Activities in the position of Program Manager for United Nations Organizations representing the United States at UN meetings on Agenda 21 from 1995 to 1998, (4) from 1998 to 2004 was Senior Legal Counsel for Sustainable Development for the Pennsylvania Department of Environmental Protection, and (5) since then held professorships at Penn State University and Widener University Commonwealth Law School with responsibility for teaching and research on the intersection among legal, scientific, and ethical issues relevant to achieving sustainable development around the world.

These experiences have led the author to conclude that establishing and operationalizing global ethical principles such as those contained in the Earth Charter requires that advocates of these principles not only work to achieve express adoption of the Earth Charter's principles by people, organizations, and eventually governments around the world, a task which has been a major focus of the Earth Charter project so far, but also to learn from lessons about how nations often ignore even well-established ethical principles in policy formation.

Although intuitively it seems that those seeking to establish wider global agreement on the Earth Charter's ethical principles should first try and establish agreement on the principles and only then turn to problems with applying these principles, the author's experience has led him to conclude that there are important lessons for the Earth Charter project that can be taken from the failure of nations to apply internationally accepted ethical principles in policy formation.

The author's experiences have led to the conclusion that the first order challenge to accomplish the goals of the Earth Charter project is not simply to get nations and civil society organizations to affirm the Earth Charter's principles but to work to open up national policy formation on global environmental and social issues to express and transparent consideration of ethical principles including but not limited to the Earth Charter's principles.

Without doubt, the other major obstacle for the Earth Charter project to achieve its goal of establishing global acceptance of principles that will secure a "sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace"⁴ is to get nations to expressly acknowledge the normative validity of the Earth Charter's principles in a treaty, a "soft-law" document, or legal decision. To achieve this goal this paper will identify important lessons from failed attempts to require nations to follow ethical norms that have already been established in treaty or in soft- or hard-law.

II. Overcoming the Dominance of Instrumental Rationality in Government Policy Formation.

A. The problem of instrumental rationality

A major obstacle to ensuring that governments follow the guidance of valid ethical principles, such as the principles in the Earth Charter, is the need to overcome the dominance of "instrumental rationality" in policy formation.

Instrumental rationality is a mode of rationality that is exclusively concerned with the search for efficient means or scientific facts which, consequently, is not concerned with assessing the goals—or ends—that policies should pursue. This form of rationality has existed throughout

⁴ Earth Charter, Preamble, http://earthcharter.org/invenimages/uploads/echarter_english.pdf

history, but has become increasingly more dominant in post-Enlightenment liberal democratic capitalist societies.⁵

Ethics rationality, on the other hand, is concerned about what the goals of society should be. Ethical reasoning seeks to determine what should be the goal of human behavior including what is right or wrong, what is permissible or impermissible, and what actions are obligatory or non-obligatory.

Instrumental rationality, because it focuses on means, often hides or ignores ethical questions about what the goals of policy should be.

Scientific and economic reasoning, which have increasingly dominated public policy-making from the beginning of the Enlightenment, focuses on how to achieve goals, not on what goals or ends should be desired. Economic rationality usually focuses on how to maximize human preferences. Ethics asks a different question of economic activity, namely what preferences should humans have. Scientific reasoning usually tests hypotheses to determine what “is.” Moral philosophers believe that determining what “is,” which is the proper domain of science, cannot determine what “ought” to be, which is the domain of ethics. Yet instrumental rationality that scientists and economists deploy in their search for scientific and economic facts has dominated public life and higher education for several centuries.

That instrumental rationality dominates environmental policy making is clear given that most government environmental agencies are staffed exclusively by lawyers, engineers, scientists, and economists but very infrequently by employees trained in ethics. This is huge problem because very few employees of environmental agencies can spot problematic ethical issues in policy debates.

Instrumental rationality dominates public policy formation for at least two reasons.

First, sociologists including Max Weber have predicted that instrumental rationality would over time crowd out ethical rationality in modern societies because increasingly complex human problems would be relegated to bureaucracies run by experts whose expertise depends on the use of instrumental rationality. Since the power of experts depends in part on maintaining the fiction that their expertise is key to solving modern problems, these experts would be reluctant to acknowledge that their analytic tools for solving problems are sometimes ethically inadequate.⁶ Moreover in capitalist societies, wealthy interests are able to hire experts and frequently do so to fight government action which would reduce profits.

Second opponents of proposed sustainable development policies usually frame opposition to these policies on the basis of excessive costs to governments or industries or lack of scientific certainty about harms the policy seeks to prevent. These arguments very frequently hide controversial normative assumptions implicitly embedded in their arguments. For instance, cost arguments made in opposition to environmental or sustainable development policies often rest

⁵ Cruickshank, J., 2014, Democracy versus the domination of instrumental rationality: Defending Dewey’s argument for democracy as an ethical way of life, *Humanities* 2014, 3, 19–41; doi:10.3390/h3010019, <http://www.likealittledisaster.com/wp-content/uploads/2017/02/humanities-03-00019.pdf>

⁶ Max Weber on Rationality in Social Action, in *Sociological Analysis in Modern Life, Rational Action* <http://www.rational-action.com/hello-world/>

on the very ethically dubious idea that any policy which creates significant cost to the national or regional economy or to a specific industry should not be adopted. The public debate in response to these claims often narrowly focuses on the magnitude of the costs or whether the regulatory action will create jobs and in so doing ignores several serious ethical problems with these arguments.

In policy disputes about matters in which potential harms are acknowledged by opponents of proposed policies, the public debate about the acceptability of the harms is often limited to some form of “cost-benefit analysis (CBA).”

Yet CBAs frequently hide important ethical issues. If, for instance, a CBA concludes that government action to protect vulnerable people or ecological systems should not be taken because costs of taking action to reduce an environmental threat outweigh the economic value of harms avoided by the proposed regulation, controversial ethical assumptions may be hidden in factual assertions about the magnitude of the costs or value of benefits particularly if:

- Potentially but not fully proven catastrophic harms were ignored in the CBA.
- The costs of taking action would be imposed upon parties that are harming others, yet the victims of the harm have not consented to be harmed.
- Things that were believed to be sacred by one culture are valued in the CBA as if they were commodities whose value can be measured adequately by “willingness-to-pay” monetary measures. CBAs commodify all human values and thus value is restricted to monetary value while ignoring other values including sacred value or beliefs that certain entities should not be for sale. Thus in CBAs the value of things that could be harmed are measured by human preferences measured in monetary values. Yet ethics is concerned with what preferences people should hold, not simply what preferences people hold.
- Human rights will be violated if regulatory action is not taken.
- The proposed government action implements the ethical duty of people to not harm others on the basis of self-interest.
- The CBA determined economic value of entities that might be harmed without obtaining the consent of those who might be harmed.
- The benefits of government action to protect the environment are discounted too greatly in calculations that seek to allow future benefits of action to be compared to current costs to those who must act to prevent harm.

Thus, if a decision to take no government action on a potential sustainable development problem is explained only as a matter of imbalance between costs and benefits, very dubious ethical assumptions are frequently hidden in the CBA calculations while ethical norms that have been widely acknowledged are often ignored. In this writer’s experience, proponents of environmental and sustainable development policies very rarely identify the ethical problems with the use of CBAs or almost any cost-based arguments made in opposition to proposed policies. Civil society is also not trained in spotting ethical issues. Thus important ethical consideration are ignored by all parties.

Evidence of the utter dominance of instrumental rationality in the United State includes an executive order of the United States president which requires that any US proposed regulation

must satisfy a CBA before it may be promulgated.⁷ This is so despite the fact that, as we have seen, a CBA used as a prescriptive guide to rulemaking often hides many controversial ethical issues including the failure of nations to comply with their duty to not harm others on the basis of national self-interest.⁸ Using cost to those causing harm to others as justification for failing to abate the harm also violates well-established principles of international environmental law including the “polluter pays principle”⁹ and the “no harm principle.”¹⁰

In 1997, while working as the Program Manager for United Nations Organizations in the US Environmental Protection Agency (EPA) Office of International Affairs, I observed the US government and public debate about whether the US should agree to the Kyoto Protocol under the United Nations Framework Convention on Climate Change (UNFCCC). This debate focused exclusively on two different CBAs, one completed by the US EPA and the other by the US Department of Energy which reached slightly different conclusions about negative impacts on US GDP if the US agreed to the Protocol. Amazingly both CBAs examined costs and benefits to the United States alone while completely ignoring potentially harsh climate impacts on poor people around the world and the most vulnerable nations. Yet no one in the US government nor NGOs following the debate raised any ethical problems with the US reliance on CBAs that examined costs and benefits to the US alone as a tool to determine the appropriateness of US action on climate change.

In most Western capitalist countries, corporations and their industry associations have huge political power to frame public policy questions and don’t hesitate to exercise their power to prevent any government action that could lower their profits. And so the public debate on proposed policies often focuses on economic “facts,” not ethical duties, despite the almost universally accepted ethical norm agreed to by almost all religions and nations that people should not harm others on the basis of self-interest.

Opposition arguments against proposed environmental policies often rest on the unstated dubious norm that regulatory action limiting human commercial activities should not be taken unless the harms are proven by the government with reasonably high degrees of scientific uncertainty even in cases where achieving high levels of certainty is scientifically difficult or very prohibitively expensive. For over 25 years, opponents of US action on climate change have based their opposition on scientific uncertainty about human-caused climate change harms despite the fact that the United States agreed to the “precautionary principle” when it agreed to

⁷Congressional Research Service (2014) Cost-Benefit and other analysis requirements in the rulemaking process, <https://fas.org/sgp/crs/misc/R41974.pdf>

⁸ Brown, D. (2010) Ethical problems with cost arguments against climate change policies: Increased cost may not justify human rights violations, *Ethics and Climate Change*, https://ethicsandclimate.org/2010/09/20/ethical_problems_with_cost_arguments_against_climate_change_policies_increased_costs_may_not_

⁹ 'Rio Declaration on Environment and Development' (United Nations Environment Programme, 1992), A/CONF.151/26 (Vol I), Art 3.1.

¹⁰ UNFCCC, *supra* note 6, Preamble.

the United Nations Framework Convention on Climate Change (UNFCCC) in 1992.¹¹ Yet advocates of national action on climate change in response to opponents' scientific uncertainty arguments almost always simply claim that the scientific "facts" of harm have been adequately scientifically demonstrated not on the ethical rule that precaution is required.

If a government decides not to act to reduce the threat of environmental harm on the basis of lack of proof of harm, such a decision can hide important ethical questions if:

- The government assumes that the proponents of government action to prevent environmental harm should shoulder the burden of proof of demonstrating harm particularly in matters where proof is expensive, difficult to demonstrate, cannot be demonstrated because of time limitations.
- There is credible but uncertain evidence that the current activity may be approaching thresholds that could trigger serious consequences.
- If the government waits until all uncertainties are resolved it will be too late to prevent serious harm.
- Some very serious potential harm is judged to be low probability just because the mechanism for causing serious harm is not completely understood so that the probability of the serious harm cannot be confidently evaluated.
- The victims of potential harm have not consented to put at risk.

Scientists employed by environmental agencies usually focus on understanding the environmental harms and risks of various human activities and whether proposed government action will acceptably reduce threats to human health and the environment. The goals of environmental regulatory action are usually given to them by law or regulation such as water pollution should be reduced to prevent unreasonable harm to humans or ecological systems. Yet, in the face of scientific uncertainty about whether human actions may cause harm, scientists cannot determine who should have the burden of proof or what quantity of proof should satisfy the burden of proof by scientific methods alone because these are fundamentally ethical questions.

The claim that ethical principles are rarely guiding environmental policy formation is strongly supported by the comments of the founder of the journal *Environmental Ethics*, Eugene Hargrove, who in 2003 published an essay "What's Wrong? Who's to Blame?"¹² This essay invited reflection on why environmental ethics has not had more of an influence on environmental policy. Just three years later, Robert Frodeman, in the journal *Environmental Ethics*, in an article entitled "The Policy Turn in Environmental Ethics" also reflected on the failure of environmental ethics to influence environmental policy-making.¹³

An understanding the ethical limits of instrumental rationality leads to an understanding of how nations ignore even well-established ethical principles.

¹¹ United Nations, 1992. United Nations Framework Convention on Climate Change (UNFCCC). FCC/INFORMAL/84/Rev.1 GE.14-20481 (E), Art. 3.3

¹² Hargrove, E. 2003, What's wrong, Who is to blame?, *Environmental Ethics*, 25 (1):3-4 (2003)

¹³ Frodeman, R (2006) The policy turn in environmental philosophy, *Environmental Ethics*, 28 , 3-20

B. An Institutional Solution to the Dominance of Instrumental Rationality

An institutional solution for combatting the ethically problematic dominance of instrumental rationality in decision-making has arisen in the climate regime. Although all nations agreed in the Paris agreement to set national targets for reducing greenhouse gas (GHG) emissions to levels that would limit warming to as close as possible to 1.5°C but no more than 2°C based on equity and common but differentiated responsibilities, (the equity requirement), recent research has revealed that most national GHG reduction targets, known as Nationally Determined Commitments (NDCs), submitted under the Paris Agreement have actually been based on national economic interest rather than on what is required of nations if they take the Paris Agreement's warming limit goals and equity requirements seriously.¹⁴

Although the Paris Agreement requires nations to voluntarily determine their NDC commitment, their discretion is bound by agreeing to the Paris Agreement's warming limit goals and the equity requirements, both of which can be understood to be elements of a nation's ethical duties under the Paris Agreement. The Paris Agreement's mechanism for assuring that nations are complying with their duties to set adequate NDCs is a requirement that they supply information about their NDCs necessary for clarity, transparency and understanding in regard to their promises on warming limits and equity obligations so that periodic reviews may have the effect of ratcheting up inadequate NDCs.¹⁵ The primary mechanism in the Agreement created to achieve this strengthening is successive 5-yearly cycles of review, referred to as the "stocktake" mechanism, which aims to ensure that Parties progressively strengthen their contributions.¹⁶ Thus nations are required to explain in a clear and transparent manner how they complied with their ethical obligations to reduce their GHG emissions to the nation's fair share of safe global emissions. The Paris Agreement thus relies on shaming nations for ethically inadequate climate change commitments that they make in a process which starts with requiring nations to explain in a clear and transparent manner how they complied with their ethical duties

Although reasonable people may disagree on what equity requires of nations to reduce their GHG emissions, national economic self-interest as a justification for their GHG reduction targets does not pass minimum ethical scrutiny. In this regard the Intergovernmental Panel on Climate Change (IPCC) said its fifth assessment report that despite ambiguity about what equity means:

There is a basic set of shared ethical premises and precedents that apply to the climate problem that can facilitate impartial reasoning that can help put bounds on the plausible interpretations of 'equity' in the burden sharing context. Even in the absence of a formal, globally agreed burden sharing framework, such principles are important in establishing expectations of what may be reasonably required of different actors.¹⁷

The IPCC went on to say that these equity principles can be understood to comprise four key dimensions: responsibility, capacity, equality and the right to sustainable development.ⁱ

¹⁴ National Climate Justice, <https://nationalclimatejustice.org/>

¹⁵ United Nations (2015) Paris Agreement, Art 4, para 8. FCCC/CP/2015/L.9, file:///C:/Users/Donald/Desktop/climate%20law/book%2016/carbon%20budget/5%20step%20proces/paris%20agreement.

¹⁶ Ibid, Art 14,

¹⁷ Intergovernmental Panel on Climate Change (IPCC) (2014). 5th Assessment Report, Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, Chapter 4. Sustainable Development and Equity. Sec 4.6. 2.1, p 48 , <http://www.ipcc.ch/report/ar5/wg3/>

And so, although most nations thus far have ignored their ethical duties under the Paris Agreement, the Agreement's transparency mechanism provides a tool for requiring nations to explain in clear language how they took equity into account while observers will be able to strongly argue that economic self-interest fails to pass ethical scrutiny in regard to what equity requires.

This lesson could be benefit to Earth Charter project in so far as to suggest that part of its mission should be: (a) in its educational role to deepen civil society understanding of the ethical problems with instrumental rationality, and (b) to find opportunities to require nations to expressly and transparently explain the ethical principles that have or will guide them in policy formation on global sustainability problems.

III. Achieving global acceptance of the Earth Charter's principles

A huge challenge for achieving global acceptance of the ethical validity of the Earth Charter's principles is how to overcome the strong resistance from some nations. To explain this resistance, this paper now describes the author's own experience with this problem.

In late May of 1995 the Earth Council and Green Cross International organized a workshop in the Hague Netherlands to which they invited about 70 people from governments and NGOs with established records on sustainable development issues. Because I had organized a conference at the UN on the ethics of Agenda 21 in 1994, I was invited to participate. This workshop was tasked with formulating the basic framework of the Earth Charter. The workshop was chaired by Mikhael Gorbachev, former President of the Soviet Union, who was then Chairman of Green Cross International and Maurice Strong, former Secretary General of the 1992 Rio Conference on Environment and Development, the Earth Summit. This workshop launched an ambitious multi-year consultation process that sought the views of people in all parts of the world on the specific principles. This consultation process culminated in the Earth Charter document which was launched in March 2000.

Although there was much agreement among participants at the Hague workshop about the general principles that should be guide the development of more specific principles in the Earth Charter at the initial 1995 workshop, there was some disagreement among some of the participants on a few of the principles in regard to how strongly they should be stated. One principle which received considerable attention during the workshop was the principle stated that all life had intrinsic value. A few of the participants who had worked at the international government level warned that some nations would strongly resist a principle that stated all life had intrinsic value. These countries, it was argued, included some wealthy developed countries including the United States whose powerful private sector businesses and organizations would mount a massive, powerful, and ultimately successful resistance that would prevent the US from agreeing to this principle. Some also predicted that some other nations that would strongly oppose such a principle including some of the world's poorest countries who feared that if the world adopted such a principle without securing compensating financial assistance from the richer countries it would prevent them from achieving the economic development needed to eradicate desperate poverty. As the participants left the Hague, this issue was not completely resolved with some of the government officials advising that some principles be softened if the organizers wanted to maintain hope of achieving soft-law status for the Earth Charter. These issues were somewhat worked out in the final Earth Charter draft which was launched in 2000. Yet opposition from some wealthy and poor countries even to the existing draft is likely to be an obstacle preventing adoption of the Earth Charter as a soft-law document.

While working in the position of Program Manager for United Nations Organizations in the Office of the International Activities at the United States Environmental Protection Agency from 1995 to 1998, it became clear that the actual basis for the United States unwillingness to strengthen the Principles of Agenda 21 in meetings of the UN Commission on Sustainable Development (UN CSD) was because American corporations strongly, relentlessly, and successfully lobbied the United States government to oppose any strengthening of international rules on sustainable development. For the three years I worked for US EPA on sustainability issues that were being negotiate at the UN, the US successfully opposed numerous proposals made by other countries that would strengthen some Agenda 21 provisions. For instance, during this time there was a proposal strongly backed by a few nations and most NGOs discussed at the UN CSD to create an ethical code of conduct for transnational corporations. The United States prevented this from happening. Several EU countries during this time also proposed strengthening Agenda 21 by inserting targets and timetables into some chapters. The United States and a few other developed countries also prevented this from happening.

In my position with US EPA in the late 1979s, I had a front row seat on the power of US corporations to prevent the US from agreeing to strengthen rules on sustainable development. My EPA responsibilities included going to planning sessions at the US State Department before upcoming negotiating sessions at the UN on global sustainable development issues organized by the UN Commission on Sustainable Development (CSD). At these State Department sessions, a US State Department representative hammered out US government positions on the issues under negotiations at the UN after hearing from US government agencies with specialized knowledge. In these meetings, I was tasked with articulating the EPA position on the draft negotiating text, a responsibility which required me to articulate the strongest environmental position among all the US agencies represented. The EPA position was always opposed by the US Commerce Department which was known to be representing US corporate interests. When this happened the State Department would always rule in support of the Commerce Department's position.

The US so frequently opposed other nation's efforts to strengthen Agenda 21, that near the end of the 1997 CSD negotiations which marked the 5-year anniversary of the Rio Earth Summit, the chair of the negotiation committee said in a plenary session:

I beg the United States to come here prepared to get something done. You come here and have no new ideas, all you do is oppose other people's ideas.

This statement made in plenary session was an amazing break with the unstated norm in the UN that no one attacks a government like this, especially the US. The room in which over 150 nations were seated became extraordinarily quiet as a shock wave had just rumbled through the room.

Yet later, when the members in the US delegation reconvened in the US embassy to the UN, a few acknowledged quietly to each other that they agreed that what was said was true. The US delegation had no proposals for making Agenda 21 work more effectively. Its mission at the UN CSD was to prevent any expansion of Agenda 21.

At UN negotiating sessions on global environmental and sustainable development issues, several dozen NGOs usually monitor the negotiations with the goal of lobbying the government on its position in the negotiations. The US delegation would usually meet with the US NGOs at

least once a week to solicit the NGOs' views on the state of play. Because many, if not most, of the members on the US delegation were secretly very unhappy with the US position on many issues, they sometimes openly stated to other members of the US delegation that they hoped that the NGOs would give the US delegation a hard time knowing that the only hope for getting the United States to be more responsible was if the NGOs would publicly apply pressure on the US delegation about the irresponsibility the US position. After several of the US delegation-NGO meetings on several occasions members of the US delegation expressed unhappiness to me that the NGOs had not been tougher with the US delegation. .

If the Earth Charter project is going to succeed in establishing global ethical rules relevant to sustainable development, it should support the creation of fora or processes in which governments can be deeply questioned about the actual normative basis for their positions on sustainable development issues. This would likely frequently expose conflicts between governments' actual motivation for their policies on sustainable development and ethical principles needed to create a "sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace," the goals of the Earth Charter project. If nations were forced to disclose the actual normative basis for their positions on global sustainable development issues, it would become obvious, at least in some cases, that the actual basis for national positions on global sustainability issues was economic self-interest rather than global responsibility.

Shaming nations for violations of accepted ethical principles such as their failure to provide human rights has been shown to be sometimes effective in advancing international law.¹⁸ Although shaming nations to get a change in policy is most effective when nations are shown to violate ethical principles that have wide acceptance, and therefore not necessarily as effective for some of the Earth Charter's more controversial principles, the kind of social progress that would lead to the acceptance of all of the Earth Charter principles begins with demonstrating the ethical inadequacy of the status quo. For this reason, the Earth Charter project should support international processes that require nations to explain their opposition to sustainable development ethical principles/

IV. Recommendations

To achieve the goals of the Earth Charter project, namely to establish a "sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace" the Earth Charter project should:

1. In its educational activities strive to increase global awareness of:
 - a. The dominance of instrumental rationality in policy formation around the world and how this way of thinking hides, ignores, and often distorts ethical reasoning.
 - b. Specific ethical problems with economic and scientific uncertainty arguments made in opposition to proposed policies needed to create a sustainable world.
 - c. Teach citizens how to question governments to uncover the actual normative basis for their positions on sustainable development issues.
2. Support the creation of fora or processes in which governments must respond on the record to questions about how their sustainable development

¹⁸ Jacquet, J., 2015, *Is Shaming Necessary, New Uses for an Old Tool*, Pantheon Books, , New York

policies conform to both well-established principles of international law such as the “no harm,” “polluter pays,” and “precautionary” principles, as well as the Earth Charter’s principles. If nations refuse to acknowledge the ethical force of the Earth Charter’s principles, nations should be asked to state on the record their justification for their unwillingness to acknowledge the ethical force of these principles.

3. Encourage government agencies that formulate sustainable development policies and scientific organizations which make sustainable policy recommendations to establish an office, organizational entity, or person to engage in ethical analyses of proposed sustainable development policies.
