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The Contemporary Twist of Hope: A Response to Brendan Mackeys “A Reflection on The Earth Charter Project and its Mission in the Anthropocene”

The Anthropocene which Brendan Mackey defined as *‘the time period recognised by geological science starting when humans began to significantly influence the global Earth System including through causing mass extinction, changes in atmospheric and marine chemistry, and altering terrestrial features’* underscores the centrality of the ‘human factor’ in achieving the *Future We Want*¹. The preamble to the Earth Charter (the EC) could not have stated it more clearly: *We stand at a critical moment in Earth’s history, a time when humanity must choose its future*². Every day decision makers in every sphere – national, international and at the domestic or individual level - make this choice for a future with hope or one without hope whether they are aware of it or not.

The UNEP YouthXChange in 2007 published very interesting data that sheds light on this issue of hope for the future of our world and the consequences of the choices we make: expenditure on military equipment and services worldwide in 2005 was 1,001 billion USD whereas to reduce by half the proportion of people living on less than a dollar a day at that same period would have cost 54/62 billion USD. The governments of the world made their choice. To ensure that all boys and girls complete a full course of primary schooling at that time would have cost 11 billion USD. Alcoholic drinks in one of the western countries in 2004 was 56 billion USD. There were more examples like weight loss products in Europe in 2005 costing 49.2 billion USD whereas only 22.1 billion USD was needed, during that period, to reverse the spread of HIV/AIDS. There were many more examples of the choices we make between spending on illicit drugs and spending to provide affordable access to essential drugs in developing countries and many others. Unfortunately, the globalisation of commerce only adds to this warped perception: the consumer doesn’t observe the cause and effect of the choices they make – they buy tonnes of plastic and it washes up on the shores of a country halfway around the world. Our individual choices have the potential of distorting the scope of our hopes for world and for the future.

In a global community that seems to be comfortable with such choices the EC did strike a different note signalling the ethical foundations for the future we desperately long for in global declarations and reports such as the Stockholm Declaration(1972), The United Nations World Charter for Nature (1982), Our Common Future Brundtland Report (1987), The Rio Declaration (1992), Millennium Development Goals (MDGs)(2000), The Johannesburg Plan of Implementation (2002), The Future We Want – Outcome Document (2012), and of course the Sustainable Development Goals (SDGs) which is a ‘universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity’. The more the international community shies away from fully embracing the ECs call to *respect for nature, universal human rights, economic justice, and a culture of peace,*

¹ Future We Want -Outcome document, United Nations Conference on Sustainable Development, 2012.

² The Earth Charter, 2000.

the more global conferences will continue to churn out declarations and instruments that have signatories of world leaders but without the heart and soul to drive them. We should know by now that our hope is not in the multitude of our words but in our daily choices. It is in this light that the EC must be seen as an essential companion to walk the talk of global instruments and declarations and in particular the Sustainable Development Goals.

I am reminded of the story of a priest who had the unenviable task of preparing a Christmas message in the heat of the holiday festivities. In particular, his five year old son would not hear of his Dad being excused from all the fun to go prepare a sermon. His Dad then thought of an old trick his own father used on him. It was one trick that never failed. He took his son to the family lounge, took down the big world map they had on the wall and cut it to pieces! He told his son that this was now their home made puzzle. He was to put it all together and ensure that he could accurately identify their city. The Priest was sure that the five year old boy would spend a good part of the day fixing the puzzle and he would have all the time he needed to prepare his sermon. He went confidently to his study, congratulated himself on how smart he was and started preparing his sermon. In less than thirty minutes, the little boy was back jumping excitedly. 'Son we have an agreement, go fix that puzzle and we can go join the rest of the family for the festivities.' 'But Dad I am through'. 'Impossible' Dad said. Reluctantly, he followed the little boy to the family lounge and right there on the floor was the map of the world laid out and the boy proudly pointed out his city. How did you get this done the Priest exclaimed? The little boy chuckled and just could not stop giggling. He explained to his father that there was a picture of a man at the back side of the map. He figured that the fastest way to get the world map fixed would be to turn the backside and fix the man. So as soon as he fixed the man, the puzzle was solved. He had the map of the world! The priest stood in astonishment and also began to laugh. He said now I have my sermon. Fix the man and you will fix the world!

One of the most important judgements I have read as an environmental law teacher is that of the Supreme Court of the Philippines in the case of *Oposa vs Factoran, Jr.*³ The case involved a group of Filipino minors who brought a class suit on their own behalf and on behalf of generations yet unborn, through their respective parents together with the Philippine Ecological Network Incorporated. They claimed inter alia that the country's natural forest cover was being destroyed at such a rate that the country would be bereft of forest resources by the end of the decade if not sooner. They contended that as citizens and taxpayers, they were entitled to the full benefit, use and enjoyment of the "natural resource treasure that is the country's virgin rain forests"⁴. They also asserted that they represent their generation as well as generations yet unborn. They prayed for an order that directs the Secretary to the Department of Environment and Natural Resources (DENR) to cancel all existing timber license agreements and cease from accepting or approving new agreements. The Petitioners' suit which had been dismissed by the Regional Trial Court was upheld by the Supreme Court. The Supreme Court recognized from the outset, that this case raised the right of the people of the Philippines to a balanced ecology, to the concept of inter-generational responsibility and justice. And held inter alia that "The Petitioners had the right to sue on behalf of succeeding generations because every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful ecology. The Petitioners complaint focused on one specific fundamental right, namely the right to a balanced and healthful ecology, which was incorporated in Article 16 of the 1987 Constitution. The fact that it was included under the Declaration of Principles and State Policies and not under the Bill of Rights did not make it any less important. This right

³ 224 SCRA 792.

⁴ As summarized in UNEP Biannual Bulletin of environmental Law, Special Issue No. 2, 1997.

implied, among other things, the judicious management and conservation of the country's forest." In this regard the Supreme Court remarked, "*As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind. If they are now explicitly mentioned in the fundamental charter, it is because of the well-founded fear of its framers that unless the rights to a balanced and healthful ecology and to health are mandated as State policies by the constitution itself, thereby highlighting their continuing importance and imposing upon the State a solemn obligation to preserve the first and protect and advance the second, the day would not be too far when all else would be lost not only for the present generation, but also for those to come—generations which stand to inherit nothing but parched earth incapable of sustaining life.*"⁵ The Supreme Court underlined the fact that these are basic values and rights which are common to humanity. These are the same values for example values of respect plus inter and intra generational equity that are posited in the Earth Charter, and many other international and national bill of rights and declarations. We ignore them at our peril.

The Earth Charter was one unique opportunity the global community had to speak from the heart with one voice. It was an opportunity that happened accidentally, deflecting what Brendan Mackey referred to as 'the constraints of governmental processes' and 'narrowly defined national interest', and I would add economic interest that always waters down the aspirations of the global community to get to the heart of the matter of the environment and sustainability discourse. Devoid of the bureaucracy of these 'governmental processes' and 'the sophism that nations have interest not friends'⁶ and 'the general state of international affairs as either one of war or war readiness'⁷ a global consultative process expertly captured by Brendan Mackey in his paper evolved, encapsulating essential ethics and hearts and mind of humans giving birth to the Peoples Charter. The Earth Charter spoke to 'the basic values and rights which are common to humanity' and clarified them under four main thrust: Respect and care for the community of life, Ecological integrity, Social and Economic justice and Democracy, Nonviolence and peace.

Indeed, the real essential needs of humans do not change. There are several international instruments that keep changing to address the mixed bag of 'interests' of the international community or influential corporations, groups or persons. These have contributed to the multiple agenda on the international scene. The uniqueness of the Earth Charter is its focus on the basic values and rights which are common to humanity as referred by the supreme court in Oposas case. The unique process of hope that produced the Earth Charter demonstrates that the present structure of global governance is incapable of generating the value system that can birth the future we want.

I am in agreement with the exposé proffered by Brendan Mackey on the potential power of the Earth Charter in the Anthropocene through education, governance and activism. I would also advocate for further simplifying the charter such that its essential message of respect and care, of justice and equity of nonviolence and peace can be more effectively embedded in education, governance (international, national, local and self) and activism. However, education is still one of the most potent weapons we have for promulgating the vision

⁵ Oposa vs Factoran, 224 SCRA 792. (emphasis mine)

⁶ Brendan Mackey, A Reflection on the Earth Charter Project and its Mission in the Anthropocene, 2017.

⁷ Brendan Mackey, supra.

enshrined in the Earth Charter. If we take a look at the great periods of change that have occurred throughout mankind's history we will see that real change starts in the schoolhouse and coffee shops, anywhere freethinkers can openly sharpen their ideas against the whetstone of critical arguments. An effective means of getting people interested in the ethical principles found in the EC would be to show them that these principles have been around in various forms throughout history. For example, take the case of Parākramabāhu I. He ruled a kingdom in what is now Sri Lanka during the 12th Century, and carried out what could be described as the greatest works of irrigation carried out by any nation during his time and centuries after.⁸ He dug vast reservoirs for collecting rain water, knowing full well that the fruits of his labours would not be fully enjoyed by his generation or the one that came after him. He did it for the future of his people in perpetuity. Parākramabāhu I famously said, "Let not even a drop of rainwater go to the sea without benefiting man". Little did he know that these reservoirs he built would also become a lifeline for the animals in that area, to the point where the Sri Lankan elephants changed their migratory paths to better take advantage of this new abundance of water. We must take a truly holistic approach when trying to educate people on the virtues of conservation, social responsibility and sustainability. We must employ history, philosophy, and science so that people see that what we teach them is not separate from what they have been learning, is not some esoteric bit of knowledge like algebra that leaves them wondering when they would actually need it in "real life". We must show that these ethics are part and parcel of the human experience. We teach about ancient wars and create modern soldiers, so teach about ancient conservationists and create modern revolutionaries. The planet does not have the time to wait for the people to grow a conscience, so we must use logic, philosophy and science, all of which back up these ethical principles to promulgate our message. In that sense, I support the amendments to the charter insofar as they do not dilute the ethical principles it was founded upon. The populace, in recent years, have become more aware of environmental issues so we would benefit from updating the structure of the EC from a set of high-minded principles to firm, actionable, ethical propositions for extricating humanity from its current polluted quagmire and moving forward into a sustainable future.

I end with the Chinese Flute:

The firmament is blue forever, and the Earth

Will long stand firm and bloom in spring.

But, man, how long will you live?⁹

To this last question, the EC says the answer is in our choices.¹⁰ This may appear to be an emotional answer but it also points the direction for future work on the EC Initiative - amplifying actionable propositions.

⁸ H. Parker (1981) Ancient Ceylon, Volume 1 of Ceylon historical journal monograph series, Asian Educational Services.

⁹ Li-Tai-Po/Hans Bethge/Gustav Mahler, The Chinese Flute: Drinking Song of the Sorrow of the Earth. Quoted in Alan Weisman, The World Without Us, 2007, NY.

¹⁰ 'We stand at a critical moment in Earth's history, a time when humanity must choose its future...' Preamble of The Earth Charter.

