

The Earth Charter in Combating Corruption

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Introduction

To date, many decision-makers, environmentalists and scholars frequently refer to the Earth Charter whenever environment or sustainable development is at stake. A closer look on the latter declaration shows its capacity to cover all sectors of human activity and to direct human behaviour towards safer and sustainable ways of life. Officially, the Earth Charter Initiative (2012) defines the Earth Charter as “a declaration of fundamental ethical principles for building a just, sustainable and peaceful global society in the 21st century. It seeks to inspire in all people a new sense of global interdependence and shared responsibility for the well-being of the whole human family, the greater community of life, and future generations. It is a vision of hope and a call to action” (para. 1).

Indeed, the Earth Charter aims to inspire all individuals, organizations, businesses, governments, and transnational institutions and to guide them towards interdependent principles for a sustainable way of life as a common standard. Furthermore, it is agreed throughout the Earth Charter that it is by the same principles that our behaviours are to be assessed.

Meanwhile, it is widely agreed that contemporary issues including corruption are detrimental for the entire humanity. This article argues that corruption is one of the main obstacles for many to meet the minimum requirements for their livelihoods. It will demonstrate how corruption is a threat to world’s peace and security and how it undermines the enjoyment of fundamental human rights, the environment and sustainable development. It suggests that the Earth Charter offers an ethical response likely to contribute in combating corruption and its awful consequences.

State of corruption in the world and ethical response from the Earth Charter.

Corruption is a widespread phenomenon around the world. Regarding the scale range of corrupt practices, Rotberg (2009) observes that: “What is truly novel in this century is that corruption is much more a threat to world order than ever in the past.... There is a new critical security dimension to corruption, compromising world peace and stability” (p.29).

With the aim to grasp the phenomenon of corruption, the United Nations Convention against Corruption (UN, 2003) was adopted in Merida, Mexico, in December 2003. Throughout its preamble, the convention recognizes “the seriousness of problems and threats posed by corruption to the stability and security of societies”. In the same preamble, it appears that “corruption is linked to other forms of crimes that invariably rob states of substantial proportions of resources and in the long run, threaten political stability and sustainable development” (UN, 2003).

In his message for the International Corruption Day, the United Nations Secretary General (UN, 2009) describes how corruption kills development and attains the most vulnerable:

When public money is stolen for private gain, it means fewer resources to build schools, hospitals, roads and water treatment facilities. When foreign aid is diverted into private bank accounts, major infrastructure projects come to a halt. Corruption enables fake or substandard medicines to be dumped on the market, and hazardous waste to be dumped in landfill sites and in oceans. The vulnerable suffer first and worst (para.2).

Over the two last decades, regional efforts were made to tackle corruption. For example, in 2003, African heads of state and government joined the African Convention on Combating and Preventing Corruption. In its preamble, they say to be “concerned about the negative effects of corruption and impunity on the political, economic, social and cultural stability of African States and its devastating effects on the economic and social development of the African peoples” and acknowledge that “corruption undermines accountability and transparency in the management of public affairs as well as socio-economic development on the continent”.

Globally, corruption leads to many consequences as it affects many sectors of the nation including public administration, education, health and the rule of law to name but few. In this respect, World Bank (2011) argues that:

The consequences of corruption for economic and social development are detrimental. Corruption deters investment and hinders growth. It spurs inequality and erodes macroeconomic and fiscal stability. It reduces the impact of development assistance and provides an incentive to exploit natural resources, further depleting our environmental assets. It reduces the effectiveness of public administration and distorts public expenditure decisions, channelling urgently needed resources away from sectors such as health and education to corruption-prone sectors or personal enrichment. It erodes the rule of law and harms the reputation of and trust in the state. In short, it increases wealth for the few at the expense of society as a whole, leaving the poor suffering the harshest consequences (n.p.).

In the same way, Sagati et al. (2001) note that in the industrialized countries as in the developing ones, international crisis of governance as corruption is one of the challenge that countries are facing. Therefore it has become difficult to maintain even the most basic levels of order. In addition, Sagati et al.(2001) maintain that: “Where political and bureaucratic discretion is put up for rent, due process, civil liberties, and basic rights are endangered, and official policies become a sham” (p.25).

On the economic aspect, Hallack (2007) argues that: “Corrupt practices are major obstacles to poverty alleviation, as they sabotage policies and programmes aimed at reducing poverty and capture resources targeted at the poor” (p.44). Moreover, a part the economic cost, corruption is linked to violence as Johnston (2010) explains:

Corruption benefits the few at the expense of the many; it delays and distorts economic development, preempts basic rights and due process, and diverts resources from basic services, international aid, and whole economies. Particularly where state institutions are weak it is often linked to violence (p.1).

As long as Africa is the most concerned by deadly conflicts, some analysts argue that they are linked to corruption. According to Fisman and Miguel (2008), “corruption and lingering political violence carried out by economic gangsters may hamper post-war investment, as seems to have been the case in many African conflicts”(p.163). Therefore, terror comes in, as Rotberg (2009) notes:

the peace of the world is systematically compromised by corruption that facilitates the possible proliferation of weapons of mass destruction, that assists the spread of terror and terrorist practices and that strengthens the malefactors who traffic illicitly in humans, guns and drugs, and who launder money” (p.28).

For Rotberg (2009), “global security depends first on being aware of the new threats to world peace and the transnational combination of corruption and organized crime, and, second, on reducing and containing corrupt practice everywhere” (p.29).

Corruption is blight on society; it destroys every effort of development or to counter poverty. It destroys also the basis of democracy and human rights. Even if in the country there is no overt conflict, corruption is a sign of negative peace, as it makes easier the return into confrontation since it allows weapons and drug trafficking. In this respect, Rotberg (2010) asserts that: «Global criminals and global criminality flourish in the twenty-first century at levels and across continents to a degree that is dramatic in their reach and power. None of this furtive industry is possible without corrupt assistance, at borders and deep within nation-states that are both strong and weak».

More salient, corruption undermines world security since it facilitates drugs and transnational crime. In this respect, Rotberg (2010) suggests that: «Transnational criminal organizations are violent, control markets, and infiltrate the legitimate economy. They smuggle humans, especially immigrants, women, and children; they run guns; traffic drugs and organs; launder large profits; and evade taxes. In order to exist efficiently, they routinely pay off enabling politicians and officials, including the most lowly border guard»(n.p).

Ostensibly, lack of ethic for national officials is one of the cause of such acts as Rotberg(2010) explains: «Corrupted officials look the other way, facilitate illicit activities of all kinds, forestall prosecutions or dismiss offences, prevent legislation and regulation, and prevent competition. Moreover, in some nation-states, officials have participated intimately in criminalized export operations, such as cocaine and heroin movements, and have altered regulatory environments to ease such trafficking. Corruption, in this dimension, shapes state policies. In some countries, such kleptocratic interdependence amounts to state capture, or what Legvold terms criminal and criminalized states. The examples of this licit and illicit fusion multiply in the post-Soviet space, in Asia, Africa, and Latin America ».

In the same way, many argue that Africa is the richest continent in natural resources but it is the poorest because of corruption and as such, the burden of poverty is borne by the people. Obviously, Africa always appears in dark scores regarding corruption and poverty. For example, the Corruption Perceptions Index of Transparency International (2011) ranks 8 African countries among the 15 most corrupt in the world whereas the Human Development Index of the UNDP (UNDP, 2011, as cited in Huffington Post, 2011) ranks 10 African countries as least developed worldwide. Yeh (2011) detects the roots of corruption in Africa in the colonial practices. Once in affairs, African elites saw public administration as a source of wealth and tried their best to escape at any kind of accountability. Hence, the primary catalyst for corruption is a lack of accountability

among the ruling elite, who use their monopoly on unchecked discretionary power for personal economic and political gain.

The management of public affairs by a handful of persons avoids any kind of accountability and reform. In this respect, Yeh (2011) says:

Corruption is not only caused by a lack of checks and balances but it also serves to prevent the emergence of the institutional reforms necessary to create checks and balances. In the majority of African countries, corruption pervades the institutions that normally provide checks and balances: the police, judiciary, and the legal system. Thus, it is not possible to rely on those institutions to fight corruption (p.194).

The Earth Charter emphasises the need for world peace. The most striking provision in this regard is the chapter on democracy, non-violence and peace whereby it points out the aim «to eliminate corruption in all public and private institutions»(principle 13.e). Remarkably, the latter formulation is even much stronger than what is often used in many instruments dedicated to fight corruption which refer to ‘combating’ or ‘reducing’ corruption.

More specifically, the Earth Charter views the elimination of corruption as one of the means to «Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice»(principle. 13). At this stage, much ought to be done in order to enhance integrity of public officials. In effect, contrary to many disasters that spring up from nowhere, corruption is tightly linked to selfishness and human greed. In this respect, the Earth Charter suggests that “We must realize that when basic needs have been met, human development is primarily about being more, not having more». This wording is very powerful as it calls to a certain self-control and refers to the idea of «own what you really need». Arguably, many are involved in corrupt acts because they need to have more and many times they do not even have the time to enjoy their wealth.

Many studies and reports conducted by international organizations conclude that corruption undermines the enjoyment of fundamental human rights including the rights to health, education, water and food.

In this respect, the International Council on Human Rights Policy (2009) considers that «widespread corruption in health or educational services deters the poor from seeking healthcare and education, and depresses living standards and opportunities for poorer people in particular» (p.45). In the same way, the UN Committee on the Rights of the Child has noted that corruption reduces the resources available to implement the Convention on this right. It has suggested that states in which corruption is widespread cannot comply with their obligation to implement the economic, social and cultural rights of children as provided under Article 4 of the Convention (OHCHR, 2001, CRC/C/15/Add.136, para. 5; CRC/C/15/Add.160, para. 9; and CRC/C/15/Add.124, para. 18 and 19).

The International Council on Human Rights Policy (2009) further asserts that: «High level embezzlement of public funds would also reduce the resources for law enforcement that are needed to protect children from human trafficking and from sexual and labour exploitation» (p.46). As long as children are concerned, that is the future generations which are actually endangered because what prevents any child from going to school or what targets them in human trafficking and sexual exploitation simply means that their future is irreversibly affected.

In response to this issue, the Earth Charter offers a set of principles aimed at providing youth and children with educational opportunities that empower them to contribute actively to sustainable development (Principle 14.a). Remarkably, this principle supports the human rights provisions regarding the rights of the child but also offers a space in the decision making process for the youth and the children.

Corruption can seriously undermine the realisation of the right to food. The UN Special Rapporteur on the right to food identified corruption as one of the seven major economic obstacles that hinder or prevent the realisation of the right. (E/CN.4/2001/53, para. 69.)

The right to food also referred to as the right of everyone to be free from hunger, is a component of the more general right to an adequate standard of living (International Covenant on Economic Social and Cultural Rights (CESCR), Article 11(2)). The right to adequate food asserts that all people should be in a position to feed themselves. In 1996, the Declaration of the World Food Summit expressly mentioned corruption as one of the causes of food insecurity. As it does with other economic, social and cultural rights, corruption diverts essential resources from social spending and thus, directly or indirectly, hinders realisation of the right to food. To date, the Food and Agriculture Organization (2012) foresees 925 million undernourished people representing 13% of the world's population.

In addition, corrupt practices related to the possession and use of land and natural resources can restrict the availability of food and violate the right. This occurs for example when bribes are required to purchase or obtain a licence to farm the land, or when land is allocated in a discriminatory manner as a result of corrupt practises. Indigenous populations may be particularly vulnerable to violations of their right to food as a result of corrupt sale or expropriation of land on which they depend.

The Earth Charter refers to right to food and provides for food security as one of the means to eradicate poverty (Principle 9.a). Hence, it demands the allocation of national and international resources required. In addition, in as much the majority of food consumption stems from agriculture, the land use is also concerned. In this perspective, the Earth Charter considers that wild lands protection is paramount in order to «protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life”(Principle.5). In the same way, the Earth Charter asserts that the rights of indigenous people might be of a particular attention, especially those related to land of which they depend on a daily basis. Therefore, the Earth Charter sets out: «affirm the right of indigenous peoples to their spirituality, knowledge, lands and resources and to their related practice of sustainable livelihoods” (Principle 12.b).

From the time human beings established on earth, water has always been a precious component for livelihoods. Especially to date, countless cases of deaths due to lack of water when drought occurs are noted around the world especially in Africa or Asia. In the same way, thousands of millions of people do not access potable water due to awful pollution. But also, water is no longer sufficient because of unsustainable use or overpopulation around the globe. Meanwhile, the right to water is a fundamental human right. The core content of the right to water is analysed in the CESCR, General Comment No. 15. Water must be of adequate quality. The International Council on Human Rights Policy (2009) observes that «water for personal or domestic use must be safe and free from micro-organisms, chemical substances and radiological hazards that constitute a threat to health...It has been argued that the shortage of clean water and rising water

pollution are not caused by a lack of natural supply or engineering problems but by corruption»(p.46).

The International Council on Human Rights Policy (2009) describes how corruption, when it concerns water is detrimental for the livelihoods especially for women when they are the ones to whom water supply is assigned:

Corruption also occurs when citizens have to pay bribes in order to be connected to the national water grid, or to avoid drinking unclean water from sources such as rivers or dams. Women tend to use more water because of their roles as caretakers of the home. In poor female-headed households, lack of money to bribe water officials exposes them to unhygienic water sources, increasing their exposure to water-borne diseases. Where women are responsible for providing the household with water, interruptions of the supply due to corruption will mean that women have to walk further to fetch water (p.58).

Once more, corruption worsens water pollution as International Council on Human Rights Policy (2009) asserts: « If a company bribes a public inspector to overlook the discharge of waste into water resources, water supplies will be polluted and the right of people who depend on that water will be infringed. Again, the right of indigenous and minority populations to water is frequently threatened because many indigenous settlements are located by lakes or rivers» (p.58).

The Earth Charter pays a special attention to water. In effect, by asserting that 'Earth is our Home', it contends that the resilience of the community of life and the well-being of humanity depends, among other things, upon pure waters. In the same way, the Earth Charter urges the protection and restoration of the integrity of earth's ecological system namely by managing the use of renewable resources such as water « in ways that do not exceed rates of regeneration and that protect the health of ecosystems» (Principle 5.e). In addition, the right to potable water must be guaranteed in order to eradicate poverty (Principle 9 .a).

Human health is of great importance because it enhances welfare and human productivity. It is widely agreed that the healthier populations, the happier they are and more sustainable are their lives. Conversely; when corruption attains human health, it results in deaths and unsustainable ways of life. Whatever the reason or type, there is little doubt that corruption hurts health. Lewis (2000, as cited in UNDP, 2011) asserts that:

Several quantitative and qualitative studies illustrate how the burden of corruption impacts the poor most heavily given their limited ability to meet demands imposed by corruption. For example, poor and marginalized individuals can be denied access to necessary care if payments are required for health care services (p.6).

Similarly, Amnesty International(2010, as cited in UNDP, 2011) in a study conducted on maternal health in Burkina Faso found that one of the primary cause of the deaths of thousands of pregnant women annually (including during childbirth) is due to corruption by health professionals. Poor women do not get critical health care services simply because they are unable to pay informal fees» (p.18). The Earth Charter links gender equality to health care as it recognizes the right of all without discrimination to bodily health (Principles 11& 12).

As many would expect, corruption affects the environment in as much as corrupt acts flourish in mineral rich states and unfortunately these natural resources contribute to enrich those in power at the expense of the poor. In this respect, Ehwarienne and Cocodia (2011) assert that: «It has

been noted that in countries where corruption is high, especially in mineral rich states, budgetary appropriations are often systematically structured to enrich those who control the levers of power. A common way of doing this consists in concentrating huge public expenditures on overpriced white elephant projects with little or no relevance to public welfare, but which usually offers unlimited opportunity for officials to line their pockets through kick-backs paid by contractors”(p.34).

Similarly, corruption affects natural resources in many ways. Yeater(2011) contends that «Corruption is present in the environment and natural resource sectors, just as it is in other policy sectors and indeed in virtually any form of human activity»(p.17). He gives a series of examples of which high officials, international organizations and staff are involved

Government licensing officials have been offered or sought bribes from private individuals or enterprises for the issuance of export permits for specimens of wild animals or plants. Border officials or transport companies have been offered or sought bribes from private individuals or enterprises for the endorsement or clearance of an export or import. Members of the diplomatic corps have used the diplomatic pouch to transport wildlife parts and derivatives from one region to another. United Nations peacekeepers have illegally purchased wildlife while they are on mission in another country and illegally taken that wildlife home (p.17).

Hence, consequences are enormous as Yeater (2011) explains:

The impacts of corruption are reflected in, inter alia: the over-exploitation of a country's living and non-living natural resources; pollution of ecosystems; loss of wildlife habitat; possible spread of diseases or of invasive alien species; significant losses in assets and revenues for many countries; and the deprivation of local people who depend on wild animals and plants for food, shelter, clothing, medicine and other subsistence needs». (p.18).

In the same vein, corruption is believed to be an obstacle to development as Aidt (2010) put : “rampant corruption can put an economy to unsustainable path along which its capital base is being eroded”(p.1). It is worth recalling that sustainable development was defined for the first time in the Brundtland report (1987) as follows: “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (p. 27).

The shock that corruption causes to sustainable development is mainly felt when one assesses the use of natural resources. Arguably, illegal timber trade is one of the main problems over exploitation of natural resources on the global level. In 2005, for example, the World Bank noted that corruption fuelled illegal logging costs the world billions of dollars and reduces the cover of forests. For the aforementioned year, 90 billion dollars were affected in tackling the problem of illegal logging. Notably the global ecosystem is threatened by such a fraud which is tightly linked to corruption. For example, the remaining of the Borneo forest which is one of the largest rainforests in the world is only 20%. Meantime, overexploitation of the rainforest is due to discretionary power to manage the forest by some officials in the government and timber concessions are reported to be given to political connections. In the same way, the government planned the construction of 12 hydroelectric dams whereas it has a surplus of production and such projects are conducted without any environment impact assessment especially as it occurs in the rainforest. Similarly, it has proven that illegal timber in Cameroun and Liberia is organised at

the expense of the people who never take advantage of it and are rather deprived of their resources for traditional medicine. To date, more than half of Liberia's forests have been granted to logging firms, bypassing environmental laws and with few benefits to the people (The Guardian, 2012).

In the rainforest of the Republic Democratic of Congo, the same phenomenon of illegal logging attains one of the most gifted countries in natural resources because of corruption. In this perspective, Nellmann, Redmond and Refisch (2010) explain that:

«It is generally common knowledge in the mining sector where the minerals originate and from which militia. Resources from major companies and pension funds in the industrialized world are sometimes directed through subsidiary companies to help finance corruption and arms sales, processes that may involve 'conflictive' natural resources. Companies help sustain corruption, often with rewards being paid in the form of new concessions or low-interest loans, where the recipient simply gains incomes from the differences in interest rates when funds are placed in banks, invested or given as loans to third parties. Most countries that have been through a timber boom have experienced the corrupting effect of cronyism, as concessions are swapped for privilege, political advantage or commercial opportunities among the top elite of the nation (p.30).

Alongside timber and minerals, some species are threatened of extinction because of corruption. For example the case of gorilla in the rainforests of the Democratic Republic of Congo is alarming. Beside, Nellmann, Redmond and Refisch (2010) observe that not only hundreds of gorillas are threatened of extinction, but also because of «widespread corruption and also companies supported by large multinational networks, more than 200 rangers have been killed in the last decade in the relatively small area of the Albertine Rift»(p. 11). In the same way, Drori (2010) asserts that «Basically for us, the lack of application of the law – often because of corruption in governments – is the main problem that is causing the extinction of gorillas and other species »(p.33).

The Earth Charter does not exclusively deal with the environment. But it dedicates an important part of it to ecological integrity. For example, it creates the responsibility to protect the environment which is a counter part of our right to own, manage and use natural resources (Principle 2). This is very important in international arena whereby the state's claim of sovereignty over their natural resources has to comply with the universal requirement to use these resources in the way that the use of others and the rights of the futures generations are not compromised. In the same way, all development initiatives should take into account the environment (Principle 5.a), control and eradicate non-native and genetically modified species harmful to environment(Principle 5.d) The Earth Charter also provides for measures to undertake in many areas including trade(10 .c), conflict management(16.b), local communities(13 .e) to name but few.

The entire philosophy of the Earth Charter is to seek for sustainable ways of living. The preamble of the Earth Charter set forth:

To move forward we must recognize that in the midst of a magnificent diversity of cultures and life forms we are one human family and one Earth community with a common destiny. We must join together to bring forth a sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace.... Therefore, together in hope we affirm the following interdependent principles for a sustainable way of life as a common standard by which the conduct of all

individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.

Obviously, the aim for the Earth charter is to adopt a responsible behaviour whereas development, environment, consumption, human activity, world peace, economy and communities have to be sustainable. What is sustainable is the opposite of what is temporary and of which neither the current generations nor the future ones may never profit. This is actually a challenge since many issues including corruption are likely to undermine this noble mission.

From a couple of decades, development is often viewed as being linked to access to information and communication technologies. In this perspective, developing countries endeavour to develop this sector, regardless the cost for the environment. For instance, Terekhova (2011) observes that

«Africa has been undergoing rapid transformation in information and communication technology (ICT), as countries attempt to bridge the so-called «digital divide» by importing second hand or used computers, mobile phones and television sets from developed countries. The countries of the region, however, lack the infrastructure and resources for the ESM of electrical and electronic waste (e-waste) when these pieces of imported equipment reach their “end of life” (p.15).

The lack of criteria and cooperation in inspecting the shipments especially those suspected (Terekhova, 2011) «leave room for potential cases of corruption, for example when the documents accompanying a particular shipment indicate that it contains used electrical and electronic equipment (EEE) while in reality it is a shipment of non-functional EEE.». Greenpeace Africa (2008) describes the illegal export of e-waste in Ghana which originated from American and European multinationals:

Containers filled with old and often broken computers, monitors and TVs - from brands including Philips, Canon, Dell, Microsoft, Nokia, Siemens and Sony - arrive in Ghana from Germany, Korea, Switzerland and the Netherlands under the false label of "second-hand goods". Exporting e-waste from Europe is illegal but exporting old electronics for 'reuse' allows unscrupulous traders to profit from dumping old electronics in Ghana (para. 7).

Regarding the TIC, the Earth Charter views that we need to “Promote the development, adoption, and equitable transfer of environmentally sound technologies» (Principle.7). This supposes technologies which are not harmful to the environment, fully identified to be likely of a certain use for the benefit of the new owners. This excludes any case whereby such equipments are merely exported knowingly that it is to find a space for their «burial» at the expense of the surrounding environment as it is often the case when such a process is dealt through corrupt channels.

Conclusion

Corruption is a threat to world peace and security; it affects the environment and avoids the world to journey towards sustainable development. It undermines the enjoyment of fundamental human rights including the rights to food, education, health, water, and healthy environment to name but few. Despite the existence of binding instruments dedicated to fight against corruption,

the crime and its effects keep increasing; the vulnerable are the most affected, and the future of the entire humanity might be totally compromised.

In their endeavours to fight against corruption, states, leaders, decision-makers and citizens as well should be inspired by a series of values and principles developed in the Earth Charter. These principles are interconnected and aim at providing all the citizens of the world with an ethical framework likely to enhance our shared responsibility towards sustainable ways of living. The ownership of the values and principles contained in the Earth Charter by all the citizens of the world, regardless their race, sex, religion, culture or nationality is a genuine tool in combating corruption. As such, we can legitimately aspire to a world which relies on a set of values including justice, equity, peace and due regard to our Mother Earth.

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