

Parvez Hassan, Pakistan. *A thematic essay on the historical context and significance of the Earth Charter*

Earth Charter: An Ethical Lodestar and Moral Force



Parvez Hassan, a former Chairman (1990-1996) of the Commission on Environmental Law of IUCN – The World Conservation Union, participated in the drafting of the Earth Charter and was a keynote speaker at its launch. Earlier, he had led the drafting of the IUCN Draft Covenant on Environment and Development, 1995. Dr. Hassan

facilitated the recognition in the Earth Charter of the need to support the implementation of its principles with “an internationally legally binding instrument on environment and development”. Through his membership of the Eminent Persons Fora established in preparation for the World Summit on Sustainable Development in 2002, in both the Central Asia and Asia Pacific Regions, Dr. Hassan has continued to promote the adoption of the Earth Charter principles as a central plank of the development agenda.

We all came away from the launch of the Earth Charter in June 2000 with an unmistakable feeling that here was a vision that, over time, would anchor human dignity and humanity’s interdependent relationship to Earth and the universe. There are, after all, many examples where inspirational documents have changed the course of civilization: the Magna Carta, the American Declaration of Independence, the French Declaration of the Rights of Man and of the Citizen, and the Universal Declaration of Human Rights, all stirred human imagination and changed the quality of life of peoples all over the globe.

Five years later, our optimism has proved well-founded: the Earth Charter is on course to become one of the most inspirational documents of this century, joining ranks with the Universal Declaration of Human Rights of the past century, which strove for the worldwide recognition of values previously upheld in national settings. However, in promoting the Earth Charter as the conscience of the world, we can draw a valuable lesson from the experience of the Universal Declaration, which was not legally binding on states, and which needed the aid of hard law treaties to create an effective international bill of rights.

After the devastation and misery wrought by World War II, human rights emerged as one of the dominant themes of international relations for the next several decades. In the midst of our current ecological predicament, caring for Earth has become a matter of equally compelling priority. This change of focus has gone hand in hand with a realization that the primacy of economic growth cannot be the dominant ideology for the new century as it was for the old.¹ In an open letter to heads of states of American nations, a distinguished group of Western Hemisphere leaders noted:

...there is much reason to believe, based on past experience and current trends, that unless major complimentary initiatives are undertaken to bring environmental, economic, and social objectives together in the new synthesis called sustainable development, liberalizing trade and economic growth could lead to short-term gains and long-term disaster. More than anything else, the Compact for a New World must be a compact for sustainable development.²

There is, at the dawn of a new century, an unprecedented ecological crisis at hand: we live in a world where national, religious, and ethnic fault lines dominate the landscape; where the gap between rich and poor continues to inexorably widen; where the global natural resources are being exploited without regard to their future needs; where a significant part of the over six billion global population is living in abject poverty without access to clean water and sanitation facilities; and where terrorist groups turn modern technology to their ruthless designs. There is a palpable need, as at no other time in history, to forge a global ethic for building a just, sustainable, and peaceful world in the twenty-first century. This is recognized in the Preamble to the Earth Charter, which states, “We urgently need a shared vision of basic values to provide an ethical foundation for the emerging world community” (paragraph six).

As Maurice Strong has cautioned, scientific, legal, or economic resources can only take us so far without a fundamental change in orientation:

Economic change is imperative, indeed critical. But, in the final analysis, economic factors, like other aspects of human behavior, are deeply rooted in the human, cultural, spiritual, social and ethical values which are the fundamental sources of motivation of the behavior of people and nations. Technocratic measures can facilitate, but not motivate solutions to the basic issues that will face the Earth Summit. The practical solutions we devise, the concrete measures we propose will be of little effect if they are not accompanied by a deep and profound stirring of the human spirit.³

As an ethical lodestar and motivational tool, the Earth Charter succeeds magnificently across many dimensions. By integrating ecological concerns with mankind's historic quest for social justice, democracy, and peace, it creates a successful environmental ethic which will resonate well beyond the constituency of environmental activists. Having gone through the most participatory consultation process of any document in history, its call for global responsibility has an unshakeable legitimacy.

There is no doubt that the Earth Charter will have tremendous utility as a pedagogical tool for the next generation and as a values framework for businesses, communities, and nations alike. In the tradition of some of the great historical texts, it is a pithy document (no more than 2,400 words), but one which contains the wisdom needed to learn to live off nature's income, not capital.

Without undermining its tremendous moral force⁴, there is a need to carry the energy behind this landmark document into a hard law treaty creating binding obligations on state and non-state actors. This is one of the areas of cooperation being pursued by IUCN, the World Conservation Union (formerly International Union for the Conservation of Nature and Natural Resources) in association with the Earth Charter initiative in which I have been closely involved. In explaining our attempts to forge a global treaty, I often draw an analogy with the Universal Declaration of Human Rights, which was proclaimed in 1948. In the field of human rights, the Universal Declaration was the foundation on which the edifice of human dignity was built through one building block after another: the Rights of the Child, the Rights of Women, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights and several others. However, it needs to be appreciated that as a resolution of the UN General Assembly, in spite of its moral force, the Universal Declaration was not legally binding on states. It was, therefore, necessary to adopt, in 1966, eighteen years after the Universal Declaration, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the related Optional Protocol. These transformed the international protection of human rights into binding treaty commitments.

But I hope that it does not take the international community

eighteen years to transform the principles of the Earth Charter into binding obligations of states and societies. IUCN has tried to accelerate and jump-start the process beyond the Earth Charter by proposing a comprehensive draft Covenant on Environment and Development⁵ to follow and supplement the Earth Charter⁶. It is only when the lofty principles of the Earth Charter become binding legal obligations and are implemented by people all over the world, will the Earth Charter have achieved its full potential. International environmental law would then have entered a new phase of universal recognition.

In a speech to the United States Congress in 1941, President Roosevelt bravely looked forward to a world where "four freedoms" were celebrated:

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world. The second is freedom of every person to worship God in his own way—everywhere in the world. The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy, peaceful life for its inhabitants—everywhere in the world. The fourth is freedom from fear—which translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of aggression against any neighbor—anywhere in the world.⁷

The Earth Charter is a no less ambitious statement of lofty concepts as it builds on the essential human freedoms of expression, worship, dignity, and security and adds the crucial freedom to live in a world which is in harmony with nature. It provides a richness of content that is impressive in its sheer breadth. This is reflected in the basic shell of the four foundational Parts: I. Respect and Care for the Community of Life; II. Ecological Integrity; III. Social and Economic Justice; and IV. Democracy, Non Violence, and Peace, which are in turn supported by several subsidiary principles. Given its provenance, it has justly been called "[t]he most sophisticated and participatory effort to date to frame values and principles for a sustainable future."⁸

Since its launch, the Earth Charter has attracted a growing constituency in Asia. When the global community was preparing for the decennial World Summit on Sustainable Development (WSSD) in Johannesburg in 2002, the preparatory work involved the convening of "Eminent Persons" in each geographical region. The Eminent Persons Forum held in Bishkek, Kyrgyzstan, recommended the importance of the Earth Charter to the global community in its report in 2001:

Governments need to give serious consideration to launching a process leading to elaboration of an overar-

ching international treaty on sustainable development that will provide an “umbrella” to more specialized treaties and instruments dealing with specific environmental, social and economic issues. This work could build on IUCN’s Draft International Covenant on Environment and Development, and the Earth Charter.⁹

Similarly, the Asia Pacific Forum for Environment and Development (APFED) has continued to highlight the relevance of an ethics-based approach to sustainable development for the Asia Pacific region, using the Earth Charter as a foundational document:

To initiate the shift along the sustainable development path toward the long-term vision, innovative policies should be articulated for the region. However, with recognition that achieving sustainability is not just a technical problem, but also based on people’s mentality, such policies would be most effectively designed around provocative ethical principles such as those advocated by the Earth Charter.¹⁰

I was a part of both the efforts in Kyrgyzstan and in APFED and facilitated the acknowledgement of the Earth Charter in the Central and South Asian bloc and in Asia Pacific. Given the rapid economic transformation of Asia currently underway and projected in the new century, the reception given to the Earth Charter in this region is a most welcome indicator of a growing environmental consciousness and resolve. ●

Notes

1 According to historian J.R McNeill, the primacy of economic growth is “easily the most important idea of the twentieth century”. McNeill, J.R. (2000). *Something new under the sun: An environmental history of the twentieth century world* (p. 33). New York: W.W Norton.

2 World Resources Institute. (1991). *The New World Dialogue on Environment and Development in the Western Hemisphere, Compact for a new world* (p. 1). Washington D.C.: Author.

3 Remarks delivered at the Preparatory Committee of the Earth Summit.

4 The Millennium Development Goals reinforce the moral impact of the principles of the Earth Charter; see Parvez Hassan, “The Earth Charter: Providing an Ethical Basis for Millennium Development Goals”, presented at the Aberdeen conference, *Ibid*.

5 Hassan, P. (1994). The IUCN draft international covenant on environment and development: Background and prospects. In *A law for the environment-Essays in honour of Wolfgang E. Burhenne*. Gland: IUCN.

6 Hassan, P. (2000, June 30). The Earth Charter: The journey from the Hague 2000. Presented at the Official Launch of the Earth Charter at the Peace Palace, The Hague.

7 US Congress, *Hearings documents, 77th Congress, 1st Session*.

8 Speth, J.G. (2004). *Red Sky at morning-America and the crisis of the global environment-A citizen’s agenda for action* (p. 193). New Haven: Yale University Press.

9 Johannesburg Summit. *Report of the regional roundtable for Central and South Asia*. p. 14.

10 Asia Pacific Forum for Environment and Development (APFED), *Paradigm shift towards sustainability for Asia and the Pacific-turning challenges into opportunities*. p. 75.