

The Earth Charter:
The Journey from The Hague 2000*

Dr. Parvez Hassan**

* Remarks made at the Official Launch of the Earth Charter at the Peace Palace, The Hague, on 29 June 2000.

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Inspirational documents have changed the course of events and impacted on human societies: 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. Today, we gather here in the Peace Palace at The Hague on the invitation of the Co-Chairs of the Earth Charter Commission, Mikhail Gorbachev and Maurice Strong, and in the distinguished presence of Her Majesty Queen Beatrix of The Netherlands, to officially launch a document that moves beyond people to underline humanity's unique interdependent relationship to Earth and the vast evolving universe. The Earth Charter declares, in the tradition of the other great visionary documents, a compelling and universally valid ethical framework for nature conservation, environmental protection and sustainable development for the new millennium.

Allow me, first, to make a personal statement : it is not common for a lawyer from Pakistan, indeed from any place, to address such a distinguished gathering at the Peace Palace. The event becomes more special with the presence here this morning of Her Majesty, Queen Beatrix. What makes this doubly special for me is that I am having this honor a second time. Almost a decade ago, in August 1991, I was the co-host and keynote speaker at an important international environment law seminar at this very venue. As the day for the important event approached, there was some nervousness around Her Majesty's participation as she had an unfortunate accident involving her leg. But it was a measure of her commitment to environmental protection and sustainable development that she insisted on attending the seminar. It was a memorable moment for me to receive as she got down from her car, and in the full glare of the paparazzi from all over Europe, who had by then sensed the unique event, a Queen in plaster and on crutches. May I felicitate, in gratitude, the Green Queen for her compassion and continuing commitment to our cause.

The World Conservation Union – IUCN is proud to be associated with the Earth Charter initiative. We are conscious that in supporting this effort, we are furthering the Union's mission to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. When the membership and friends and supporters of the Union returned to Fontainebleau in France in 1998, fifty years after its founding, we were humbled, on this anniversary, by the enormity of the challenges that still lay ahead. But we felt that the basis for a fair, just and equitable global society had perhaps been identified. The World Charter for Nature, initially drafted by the Union and adopted by the United Nations General Assembly in 1982, was a pioneering recognition of the role of nature and the value of life support systems. Caring for the

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Earth, another epochal formulation of the Union, followed in 1991. Looking beyond the Stockholm Declaration on the Human Environment (1972), the World Charter for Nature (1982), the Rio Declaration on Environment and Development in 1992 and several other soft law instruments, the Union launched its Draft Covenant on Environment and Development at the Congress on Public International Law held at the United Nations in New York in 1995 with the hope and expectation that the Draft Covenant will be a negotiating text for an international treaty and will transform soft law principles into a binding international agreement on sustainable development.

With such common ground, it was a natural partnership for the Union to work with the Earth Council on the Earth Charter. The close association of the Union to the Earth Council is best seen in Yolanda Kakabadse who is President of the Union and a member of the Earth Charter Commission and the Steering Committee of the Earth Charter. As Chair of the Union's Commission on Environmental Law from 1990-96, I led, with Wolfgang Burhenne, Executive Governor, International Council of Environmental Law, the drafting and adoption of the IUCN Draft Covenant on Environment and Development. I have done this on several occasions at the Peace Palace before and I must gratefully acknowledge, once again, the support of the Government of the Netherlands for this result. If one Government made a difference in the work of the Covenant, it was that of the Netherlands. Allow me to express our appreciation to Honourable Minister Brinkhorst who is here with us this morning. It is not surprising that with this dedication to a better world for all, the Earth Charter is being launched here in the Netherlands.

It was during the drafting of the IUCN Draft Covenant that we met with the Earth Council and agreed that as the Earth Charter and the Draft Covenant seek to serve the same objectives, the Union and the Earth Council should work together for the success of both the documents. This understanding was strengthened during my meetings with Ambassador Mohamed Sahnoun in Geneva in February 1995, Maurice Strong in Pakistan in March 1995, and with President Mikhail Gorbachev at the Peace Palace at the Hague in May 1995.

Professor Nicholas Robinson, who succeeded me as the Chair of the Commission on Environmental Law, continued to prioritize the Union's support to the Earth Charter. He enabled me to put together a team of international environmental law experts and ethicists to assist Steven Rockefeller in the drafting of the Earth Charter in four extended sessions at the Hastings Centre and the Pocantico Centre in New York from November 1998 to January 2000.¹

The above background is important. It shows the out-reach of the Earth Council in the drafting of the Earth Charter. The preparatory process was consultative, diverse and well balanced in geography and interests. My story demonstrates that like the several other interests which were included, the environmental lawyers were also given a due chance to play their role.

The Earth Commission will today launch a global campaign to bring the Earth Charter to all sectors of society in many nations of the world for awareness and implementation. I have faith that, like the Universal Declaration of Human Rights, the Earth Charter will unleash energies and expectations that will change human societies in their relationship not only to each other but also to our planet Earth.

1. These meetings were held in November 1998 (Hastings Center), January 1999 (Pocantico Centre), June 1999 (Hastings Centre), and January 2000 (Pocantico Centre)

Over half a century ago, the vision and dedication of Eleanor Roosevelt, Rene Cassin and Charles Malik placed human rights on the international agenda when the UN General Assembly, in 1948, declared human rights as “universal” and as a “common standard of achievement”. Today, on 29 June 2000, we are similarly inspired by the vision and dedication of Mikhail Gorbachev, Maurice Strong and Steven Rockefeller and several others, to launch the Earth Charter as a “common standard” by which the conduct of all individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.

The IUCN World Conservation Congress which is to meet in Amman, Jordan in October this year is expected to endorse the Earth Charter and call upon its membership to support its wide dissemination. LEAD International, generously supported by the Rockefeller Foundation, and with which both Maurice Strong and I are associated, will also centre piece the Earth Charter in its future work.

The Universal Declaration of Human Rights was a resolution of the UN General Assembly; in spite of its moral force, it was not legally binding on states. It was, therefore, necessary to adopt, in 1966, eighteen years after the Universal Declaration, the Covenant on Civil and Political Rights and the 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. We at the IUCN have tried to accelerate and jump-start the process beyond the Earth Charter by proposing a comprehensive draft Covenant on Environment and Development to follow and supplement the Earth Charter. It is only when the lofty principles of the Earth Charter become binding legal obligations and are implementable by people all over the world will the Earth Charter have achieved its full potential.

When the United Nations Environment Program put together earlier this year a group of environmental law experts from all parts of the world—North, South, East and West—to identify priorities for the coming decade – a process known as Montevideo III – we spoke with one voice that implementation and compliance is the biggest challenge in the years ahead. We must move – and soon – beyond formulation of principles to practically deliver fairness, equity and justice at the doorstep of the common man, particularly in the developing societies. Only then will we have fully succeeded.

The Earth Charter, in one of my favorite phrases, beckons a new beginning. Such renewal is the promise of the Earth Charter principles. The journey has just begun from The Hague. And, for me, the most important challenge to our dream is captured in the penultimate paragraph of the Earth Charter:

In order to build a sustainable global community, the nations of the world must renew their commitment to the United Nations, fulfill their obligations under existing international agreements, and support the implementation of Earth Charter principles with an international legally binding instrument on environment and development.

The IUCN Draft Covenant on Environment and Development will, hopefully, provide the framework and basis for such an instrument. I look forward to the day when Governments, led perhaps by the Netherlands, and supported by the irrepressible dedication, energy and goodwill present here at the Peace Palace today, will make that happen.