

**“Universal Rights and Responsibilities:
The Universal Declaration of Human Rights and the Earth Charter”**

By Steven Rockefeller

April 2009

The year 2008 was the 60th Anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on December 8, 1948. Representatives of Earth Charter International participated in several conferences designed to celebrate this historic event and promote the Universal Declaration of Human Rights, and they used the opportunity to reflect on the relation between the Universal Declaration and the Earth Charter.¹ This essay provides an introduction to the exploration of the relationship between these two documents. In addition, at this critical moment in the evolution of civilization when humanity faces massive ecological, economic, and social challenges and suffering is widespread in every society, there is an urgent need to reflect on and commit ourselves anew to the fundamental values that are the promise of a better world.

Historians will come to recognize that one of the most significant accomplishments of the 20th century has been the development of international agreement on shared human values and the emergence of a new global ethics. This has been achieved in and through international, cross-cultural dialogue initiated by the United Nations. This process began with the drafting of the UN Charter (1945) and the Universal Declaration of Human Rights (1948) and has progressed with the development of international law. The significance of this work for promoting freedom and justice and creating world community and peace cannot be overestimated. The Earth Charter, which was drafted by a civil society initiative, builds on this work, and its integrated ethical framework expands the vision of humanity’s shared values in a number of very significant ways. Further, a good argument can be made that the Universal Declaration and the Earth Charter together provide a vision of the fundamental principles that form the core of the new global ethics.

How are these two documents related? How are they different? How do they complement each other so as to provide an ethical framework for building a free, just, sustainable and peaceful world in the 21st century?

A. The Universal Declaration of Human Rights

At the outset, it is useful to note the basic ideas and values that form the foundation of the ethical vision in the Universal Declaration of Human Rights, which was drafted immediately after World War II by the newly formed UN Commission on Human Rights chaired by Eleanor Roosevelt. The Universal Declaration further develops the concept of human rights found in the British Bill of Rights of 1689, the U.S. Declaration of Independence of 1776, the U.S. Bill of Rights, and the French Declaration of the Rights of Man and Citizen of 1789. These documents declare that all men are born free and equal and the purpose of government is to protect their rights and freedoms.²

Initially the Universal Declaration of Human Rights was called the International Declaration of Human Rights. The title Universal Declaration was adopted to make clear that its ethical principles are morally binding on each and every individual as well as every government.³ The Universal Declaration is a document addressed to all humanity, and it was adopted by the UN General assembly “as a common standard for achievement of all peoples and all nations.”

If one asks, why should all people respect the rights and fundamental freedoms of all other people, the Universal Declaration has a short answer. It declares in Article 1: “All human beings are born free and equal in dignity and rights.” The Universal Declaration affirms this as the basic “faith” on which the document is founded.

The Preamble of the Universal Declaration focuses special attention on the concept of the “inherent” and “equal” dignity of the human person. This concept is used to affirm what philosophers would describe as the intrinsic value of each and every human being. In Article 1, the Universal Declaration closely associates the dignity of the human person with the capacity for “reason and conscience,” with which “all human beings...are endowed.” Recognition of the inherent and equal dignity of all people provides the basis for respecting the rights and fundamental freedoms of each and every person.⁴

The idea that “all human beings are born free and equal in dignity and rights” and all are endowed with reason and conscience involves the conviction that all share a common humanity that unites them beyond all that differentiates and separates them. Their identity as “members of the human family” is their most fundamental identity. Therefore, the Universal Declaration states in Article 1 that all people “should act toward one another in a spirit of brotherhood.” Eleanor Roosevelt and her colleagues on the Human Rights Commission recognized the importance of a person’s cultural identity and appreciated cultural diversity, but they firmly believed that one should not allow cultural diversity to become a barrier to mutual respect and cooperation for peace. They “were not homogenizers,” explains Professor Mary Ann Glendon, “but they were universalists in the sense that they believed that human nature was everywhere the same and that the processes of experiencing, understanding, and judging were capable of leading everyone to certain basic truths.”⁵

In a speech in 1941 that received wide international attention, President Franklin Roosevelt endeavored to inspire support for U.S. engagement in World War II by identifying the aims of the war with the effort to secure four basic freedoms. The Universal Declaration Preamble references this theme, stating: “the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.” The rights set forth in the document are designed to secure these four freedoms, including freedom from want. In this regard it is noteworthy that the Universal Declaration combines political and civil rights (Articles 3-21) together with economic, social and cultural rights (Articles 22-27). The latter include, for example, the right to education, work and an adequate standard of living and are often identified as the second generation of human rights.

Unlike earlier human rights documents, the Universal Declaration makes very clear that equal dignity and rights belong to every person without distinction of sex, class, race, religion, or national origin. Here lies the radical nature and transformative power of the Universal Declaration. It contributed to the end of colonialism and continues to be a force in the struggle against discrimination of every kind and all forms of oppression. Further, it establishes the principle that how governments treat their own citizens is not just an internal matter; it makes governments accountable to the larger human family with regard to their human rights record.⁶

B. The Earth Charter, Universal Responsibility, and Sustainability

Like the Universal Declaration, the Earth Charter has been designed “as a common standard by which the conduct of all individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.” (Earth Charter Preamble). There are two general points to be made when comparing the Universal Declaration of Human Rights and the Earth Charter and considering how these documents complement each other. First, the drafters of the Universal Declaration and the Earth Charter recognized the importance of both universal rights and universal responsibilities. However, the emphasis in the Universal Declaration is almost entirely on human rights, and the emphasis in the Earth Charter is primarily on human responsibilities. Taken together, the two documents provide the balanced understanding of rights and responsibilities and their interrelationship that is needed in the 21st century.

The Universal Declaration recognizes in Article 26 that “everyone has duties to the community” as well as individual rights. The Earth Charter is designed as a declaration of global interdependence and universal responsibility. It considers human rights in this context. It reaffirms the vision of human rights in the Universal Declaration and related international law as a fundamental part of the new global ethics, emphasizing that the promotion and observance of human rights is a basic responsibility of everyone. Nine principles in the Earth Charter -- two main principles (7 and 12) and seven supporting principles (2a, 3a, 9a, 11a, 12b, 13a and 13b)--refer explicitly to human rights.

Second, the Earth Charter sets forth a larger and more inclusive vision of shared values and common ethical standards than one finds in the Universal Declaration, reflecting the influence of the international environmental and sustainable development movements that took form during the last three decades of the 20th century. The Earth Charter integrates the human rights agenda into this more comprehensive ethical framework, making clear the interdependence of human rights, respect for nature, environmental conservation, the eradication of poverty, equitable socio-economic development, democracy and peace.

When the Universal Declaration was adopted in 1948, the United Nations was focused on the issues of collective security, human rights, and equitable development. The degradation of the environment was not yet viewed as a major problem by the international community. This did not begin to change until the United Nations Stockholm Conference on the Human Environment in 1972. The concept of sustainable development was not introduced into United Nations deliberations until the 1980s. The most important influences in this regard were publication of the IUCN World

Conservation Strategy in 1980 and Our Common Future, the report of the World Commission on Environment and Development, in 1987.

C. Environmental Justice, Intergenerational Responsibility, and Respect for Nature

The focus of the Earth Charter on universal responsibilities and on sustainable ways of living leads to an emphasis on three very important ethical ideas not found in the Universal Declaration and to a clarification of the limits to human rights. First of all, the Earth Charter expands the Universal Declaration's vision of social justice and human rights with its vision of environmental justice and the right to a healthy environment and essential natural resources such as clean air and water. In the past, there has been tension between human rights advocates concerned about socio-economic development and environmentalists concerned about the impact of development on ecosystems and biodiversity. However, over the past twenty-five years these groups have increasingly found common ground in and through a deepening understanding of the interdependence of people and ecosystems and a recognition of the principle of environmental justice involving the idea of a basic human right to a safe and healthy environment.

A number of international environmental declarations such as the Stockholm Declaration (1972), the World Charter for Nature (1982), and the Rio Declaration (1992) and the United Nations Millennium Declaration have laid the groundwork for recognition of a right to a healthy environment, but they do not contain an explicit affirmation of such a right. Some regional human rights treaties such as the African Charter on Human and Peoples Rights (1981) and the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (1988), and other regional agreements like the Aarhus Convention (1998) ratified by the European Community do recognize this right.⁷ It is also recognized in sixty national constitutions. Building on these declarations, treaties, and constitutions, the Earth Charter contains a very strong formulation of this principle, which reads: "Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health and spiritual wellbeing, with special attention to the rights of indigenous peoples and minorities." (Principle 12)

Earth Charter Principle 9a sets forth certain basic rights regarding the environmental and economic conditions that must be secured in order to protect the right to a healthy environment and eradicate poverty. These rights "to potable water, clean air, food security, uncontaminated soil, shelter, and safe sanitation" include and go beyond what one finds in the Universal Declaration and more recent human rights treaties. Principles 12 and 9a provide an especially good example of the interdependence of human rights and sustainable development.

Secondly, recognition that environmental degradation will have a devastating impact on the quality of life of future generations has led to a new concern with intergenerational responsibility as fundamental to the ethics of a sustainable way of life. The Earth Charter, therefore, adds to the vision in the Universal Declaration an explicit call for recognition of the needs and rights of future generations with a special emphasis

on preservation of the integrity of Earth's ecosystems. Principle 4, for example, is a call to "secure Earth's bounty and beauty for present and future generations."

Thirdly, recognizing the interdependence of humanity and nature, as well as all peoples, the Earth Charter states in the Preamble: "in the midst of a magnificent diversity of cultures and species we are one human family and one Earth community with a common destiny." The Earth Charter affirms in Principles 1 and 1a that all life forms have inherent value, not just members of the human species, and all are worthy of respect regardless of their utilitarian value to people. The Earth Charter, therefore, expands the vision of ethical responsibilities to include respect and care for the whole community of life, of which humanity is one interdependent part. In addition to issues of environmental justice and wellbeing for people, here lies another fundamental reason for ecological responsibility. The Earth Charter's ethical vision is summarized in the Preamble in the statement that "it is imperative that we, the peoples of Earth, declare our responsibility to one another, to the greater community of life, and to future generations."

By considering human rights in the light of the goal of sustainability and the principles of environmental justice, intergenerational responsibility, and respect for nature, the Earth Charter clarifies the relation between rights and responsibilities, specifying certain limits to the exercise of human rights and fundamental freedoms. The Universal Declaration acknowledges in Article 29 that a person's rights and freedoms may be limited by law in order to protect the rights and freedoms of others and the general welfare. In accord with this view and the concept of environmental justice, the Earth Charter in Principle 2a, for example, states "that with the right to own, manage and use natural resources comes the duty to prevent environmental harm and protect the rights of people." Along the same lines, Earth Charter Principle 4a asserts, "that the freedom of action of each generation is qualified by the needs of future generations."

Earth Charter Principle 7, which contains a fundamental guideline for achieving sustainability, sets limits to the right to development. It calls for "patterns of production, consumption, and reproduction that safeguard Earth's regenerative capacities, human rights, and community well-being." The Earth Charter establishes a general guideline directly relevant to the relation between rights and responsibilities in Principle 2b, which asserts, "that with increased freedom, knowledge, and power comes increased responsibility to promote the common good." This principle helps to clarify the meaning of the concept of "common but differentiated responsibilities," which is cited as a fundamental guideline in the United Nations Framework Convention on Climate Change (1992) and the Rio Declaration (1992).

Some international lawyers distinguish environmental human rights and ecological human rights. Environmental human rights affirm the right to a safe and healthy environment along the lines of Earth Charter Principle 12. Ecological human rights involve viewing human rights from a biocentric perspective and imposing limits on the exercise of human rights in the light of humanity's responsibility to protect and restore the integrity of Earth's ecosystems.⁸ In the Earth Charter both concepts are at work.

D The Rights of Nature

When considering the Earth Charter and human rights, it is important to note that the Earth Charter does not use rights language to articulate the ethical responsibilities of human beings in relation to non-human species and the larger community of life. The Earth Charter recognizes that every life form and all living beings are worthy of respect and moral consideration, but it does not refer to animal rights or the rights of nature. During the drafting process, some individuals and groups, including the environmental philosopher Thomas Berry, strongly supported use of such language in the Earth Charter. However, the Earth Charter Commission concluded that there was not a consensus on this issue in the emerging global civil society and, therefore, the Earth Charter should not make reference to the rights of nature.

The call for respect and care for the community of life in the Earth Charter can, of course, be used to support the concept of the rights of non-human species. Rights language is useful primarily as a legal mechanism. The strongest argument for using rights language with reference to animals and ecosystems is that it could be a way to clarify and to establish legally humanity's responsibilities in relation to the larger community of life and to facilitate legal enforcement. United States legislation like the Endangered Species Act and International treaties such as the Convention on International Trade in Endangered Species (CITES) are steps in this direction. International documents like the World Charter for Nature and the Earth Charter have established the ethical foundation for the legal use of rights language to protect the greater community of life. This possibility certainly merits serious consideration.

E. Diversity, Poverty, and Governance

There are a number of other ways in which the Earth Charter extends and strengthens the ethical vision in the Universal Declaration. A special emphasis is put on the value of diversity, especially biological and cultural diversity and gender equality. For example, Principle 1 contains a call to respect "life in all its diversity," and Principle 5 sets forth the imperative: "Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life." The concluding section of the Earth Charter, "The Way Forward," states: "Our cultural diversity is a precious heritage and different cultures will find their own distinctive ways to realize the vision" of a sustainable future. The Universal Declaration affirms "the equal rights of men and women" in its preamble, but it does not include a principle on gender equality. Reflecting the fundamental importance of the liberation of women for the achievement of sustainable development, the Earth Charter in Principle 11 calls for "gender equality and equity" and "universal access to education, health care and economic opportunity." Earth Charter Principles 12 and 12b give special recognition to the rights of indigenous peoples, which have long been neglected by the international community. Concerned to promote an inclusive society, the Earth Charter in Principle 12a calls for the elimination of "discrimination in all its forms, such as that based on race, color, sex, sexual orientation, religion, language, and national, ethnic or social origin."

The Universal Declaration addresses the problem of poverty by calling for freedom from want and affirming in Article 25 "that everyone has a right to a standard of living adequate for the health and well being of himself and of his family." The Earth Charter contains in Principle 9 an explicit call to "eradicate poverty as an ethical, social

and environmental imperative.” In addition, Principle 10 sets forth a basic principle that should govern economic development. It states: “Ensure that economic activities and institutions at all levels promote human development in an equitable and sustainable manner.” This principle is designed to make clear that economic development is not an end in itself and should be regarded first and foremost as a means for promoting equitable human development. Businesses are entitled to make a profit, but the well-being of people, including observance of human rights, and sustainability should be the fundamental objectives of a healthy economic system.

The Earth Charter also contains other principles and guidelines for good governance that are of fundamental importance in the effort to secure human rights and to protect the environment. For example, Principle 13 states: “Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making and access to justice.” Further, the Earth Charter takes the position that in the transition to a sustainable future, responsibility for governance should be a common but differentiated responsibility. “The Way Forward” asserts:

Every individual, family, organization, and community has a vital role to play. The arts, sciences, religions, educational institutions, media businesses, nongovernmental organizations, and governments are all called to offer creative leadership. The partnership of government, civil society, and business is essential for effective governance.

F. The Spiritual Dimension of a Sustainable Way of Life

Another distinctive aspect of the Earth Charter’s vision for a better world is its recognition of the importance of human spiritual development for the achievement of a sustainable way of life and its identification of a number of widely shared spiritual attitudes and values that support ethical responsibility. The Earth Charter states “that when basic needs have been met, human development is primarily about being more, not having more” and it affirms “the intellectual, artistic, ethical and spiritual potential of humanity.” It calls for “a change of mind and heart.” Among the spiritual values cited in the document are: reverence for the mystery of being, gratitude for the gift of life, humility regarding the human place in nature, reverence for life, compassion, love, and the joyful celebration of life. The spiritual practice outlined in the Earth Charter is about right relationship, and the goal is a culture of nonviolence and peace. Principle 16 on peace is the last principle in the Earth Charter because implementation of the preceding fifteen principles is a prerequisite for the realization of peace. In Principle 16f peace is defined as “the wholeness created by right relationship with oneself, other persons, other cultures, other life, Earth and the larger whole of which all are a part.”

Much more could be written about the Universal Declaration of Human Rights and the Earth Charter, but I would like to conclude by reiterating this fundamental point. These two documents together provide a balanced vision of the universal rights and social and ecological responsibilities that are at the core of the emerging new global ethics. It is these values and principles that should be guiding decision making as our

leaders work to reconstruct the global economy, eradicate poverty, protect planetary ecosystems, and promote collective security.

Endnotes:

¹ For example, Earth Charter representatives participated in the 61st Annual UN DPI/NGO Conference celebrating the 60th Anniversary of the Universal Declaration of Human Rights in Paris, and Earth Charter International devoted part of a two day meeting of Earth Charter activists in Amsterdam to a panel discussion of the Universal Declaration and the Earth Charter. One outcome of these events has been publication of a book of essays by Ruud Lubbers, Willem van Genugten and Tineke Lambooy entitled Inspiration for Global Governance: The Universal Declaration of Human Rights and the Earth Charter. The essays in this book put these two documents in an illuminating historical perspective, describe the development of international human rights law, and discuss the relation between rights and responsibilities.

² Mary Ann Glendon, A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (New York: Random House, 2001), p. xvii.

³ Ibid., p.161.

⁴ Ibid., pp.144-46, 173-74.

⁵ Ibid., p. 230.

⁶ Ibid., pp. xvi, 235.

⁷ Ruud Lubbers, Willem van Genugten and Tineke Lambooy, Inspiration for Global Governance: The Universal Declaration of Human Rights and the Earth Charter (Amsterdam: Robert Luckers, 2008), pp. 40-41.

⁸ Prue Taylor, "Ecological Integrity and Human Rights," in Laura Westra, Klaus Bosselmann and Richard Westra, Reconciling Human Existence with Ecological Integrity (London:earthscan, 2008), pp. 89-106.