

The Earth Charter

The objective of the Earth Charter is to give inspiring expression to the most fundamental principles of an integrated ethical vision for our common future. These principles will have enduring significance for people of all races, cultures, and religions, clarifying humanity's shared values and developing a new global ethic for a sustainable life.¹

This note introduces the Earth Charter initiative, including its historical background. It also describes the Earth Charter millennium campaign, and reproduces the current benchmark draft.

What is the Earth Charter?

The Earth Charter has been described as “a statement of fundamental ethical principles and practical guidelines of enduring significance that are widely shared by all people. In like manner to the UN Declaration on Human Rights, it will serve as a universal code of conduct to guide people and nations toward sustainable development.”²

But what is it in legal terms? What is its intended function, and do we need it? The answer to these questions lies in an appreciation of both the ends *and* the process, and to an understanding of the linkages between environmental ethics and law.

Over the last 40 years the world has seen a proliferation of international environmental agreements. But most of these agreements, including those to emerge from the 1992 UNCED,³ failed to recognise that successful achievement of the goal of sustainable development requires not only international commitment and legal regulation, but also basic changes in the attitudes, values, and behaviour of people. It is here that the Earth Charter process becomes crucial. The development of the current “benchmark II draft Earth Charter” has taken place within an extensive, global consultation process. The goal of this

1 “The Earth Charter: Values and Principles for a Sustainable Future”, a publicity document, available online at <www.earthcharter.org>.

2 Ibid.

3 Taylor, P., *An Ecological Approach to International Law* (1998) ch 7.

consultation process is not just to produce a draft statement of fundamental ethical principles. The more elusive goal is to use this global consultation process to generate the required changes in people's attitudes and behaviour. It is hoped that these changes will occur when people are given the opportunity to make personal and collective contributions and commitments to these values. The consultation process also gives people the opportunity to reflect on these value changes and the encouragement to integrate them into their everyday lives. It is also hoped that "public ownership" of the Charter will motivate governments and help to create the political will necessary for its adoption by the United Nations.

The Earth Charter itself is not intended to create legal obligations, but there will be an important relationship between the Charter and international and national environmental law. It is intended that the Charter will provide the necessary ethical foundation for environmental law. With this objective in mind, a group of experts met in New York in June this year to consider strengthening the link between the draft Earth Charter and the International Union of Conservation draft Covenant on Environment and Development. The Covenant is the first comprehensive, non-sectorial international agreement on environmental law.

Historical Background

International efforts to develop a statement of ethical principles to guide environmental management date back to the 1972 United Nations Conference on the Human Environment held in Stockholm. More recently, many involved with the 1992 Earth Summit worked towards developing an Earth Charter, which was to provide an ethical foundation upon which Agenda 21 and the other Rio agreements were to be based. Individuals, governments, and NGOs worked on drafts during the two years leading up to the conference. Unfortunately, governments could not reach agreement on aspects of the draft. In its place they adopted the Rio Declaration on Environment and Development, a document that states principles central to the achievement of sustainable development, but that makes only very weak reference to environmental ethics.

A number of NGO representatives took up the challenge presented by this failure, and during the parallel Global Forum conference developed a draft Earth Charter which was adopted by conference delegates. After the Earth Summit, the Earth Council and Green Cross International began to actively further the development of a Charter. From May 1995 onwards a number of global consultations were held between interested international organisations. This led to the creation in 1997 of an Earth Commission, which has the task to oversee the drafting and ongoing consultation process. A number of prominent people

are members of this Commission including Mikhail Gorbachev and Maurice Strong. New Zealand's Pauline Tangiora is currently a member of the twenty-three person Commission.

One of the first tasks undertaken by the Commission was presentation of the initial Benchmark Draft to governments during the Rio + 5 Forum in 1997. The draft was proposed as a "document in progress" to stimulate and guide future Charter consultations and contributions.

United Nations endorsement of the Earth Charter, and UN support for its implementation internationally and domestically, are important objectives. The consultation and drafting processes are, however, crucial in providing a force for change. The stated objectives of these processes include:

- (a) Ensuring that the Charter is based on the values of diverse cultures, religions, and groups of society;
- (b) Raising the awareness and understanding of sustainable development issues;
- (c) Giving people the opportunity to make personal and collective contributions and commitments;
- (d) Developing broad public ownership.

Where to from here? — Participating in the Earth Charter Consultation and Drafting Processes

The Commission is encouraging individuals, organisations, and governments all over the world to become involved in the evolution of the Earth Charter. One of the most direct ways of doing this is by participating, individually or as a group, in the discussion forum on the Earth Charter web-site: www.earthcharter.org.⁴ Contributions and comments will be considered, and may be integrated into future drafts, by the Earth Charter Drafting Team.

Another vehicle for participation will be through direct communication with New Zealand's national Earth Charter Committee. This national committee is in the process of being established. Once this committee is up and running, it will be responsible for overseeing the New Zealand national Earth Charter campaign, which will in turn be an important component of the "Earth Charter Millennium Campaign".

The New Zealand Centre for Environmental Law and the University of Auckland was recently authorised by the Earth Council to help co-ordinate the New Zealand national Earth Charter campaign, and assist with the establishment of a national committee.

4 See also www.earthcharter.org/forum.

The objectives of the Millennium Campaign are extensive, but the primary ones include furthering the drafting process, encouraging the translation of principles into action, encouraging public ownership and government commitment, and raising public awareness and understanding, via publicity and educational programmes. This campaign will culminate in a People's Earth Charter Millennium Assembly in 2000, which will have the task of agreeing to a final draft and presenting it to the People's Millennium Assembly of the United Nations. The expectation is that by 2002, states will have developed the necessary political will to adopt the Earth Charter and the IUCN Covenant on Environment and Development, at the UN Rio + 10 Assembly.

As mentioned above, national Earth Charter campaigns are being launched around the world, under the management of national committees. These committees are to comprise representatives of National Councils for Sustainable Development, or similar entities, and diverse professional, social, economic, and spiritual groups. In general they will be contributing to the drafting and consultation processes, to promotion and education, and to translating the Charter's values into operational terms. Australia's national campaign is already well advanced, with a national campaign page on the Earth Charter website: www.earthcharter.org. A national forum was held in February of this year to inform and inspire Australians about the Earth Charter process.

The publicity for the Millennium Campaign states that: "*The transition to sustainable development will require basic changes in the values, behaviour and attitudes of civil society, the private economic society and governments. Ultimately, sustainability will depend on the decisions citizens will make on what to produce, consume, waste and the lifestyles they will pursue.*" The Earth Charter process offers us all, individually and collectively, a valuable opportunity to further this transition, and shape the changes required for ecological wellbeing and security. We should remember that this is a people's initiative. Where we lead, our governments must eventually follow.⁵

Prue Taylor*

5 The Earth Charter processes may well provide the focus for the kind of ethical debate the Minister for the Environment identifies as currently absent from discussions on amendments to the Resource Management Act 1991; see p 110 this volume.

* LLB, LLM (Hons), LLM (Energy & Environmental Law), Tulane, USA, Senior Lecturer in Law, University of Auckland.

The Earth Charter

Benchmark Draft II

PREAMBLE:

In our diverse yet increasingly interdependent world, it is imperative that we, the people of Earth, declare our responsibility to one another, to the greater community of life, and to future generations. We are one human family and one Earth community with a common destiny.

Humanity is part of a vast evolving universe. Earth, our home, is alive with a unique community of life. The well-being of people and the biosphere depends upon preserving clean air, pure waters, fertile soils, and a rich variety of plants, animals and ecosystems. The global environment with its finite resources is a primary common concern of all humanity. The protection of Earth's vitality, diversity, and beauty is a sacred trust.

The Earth community stands at a defining moment. With science and technology have come great benefits and also great harm. The dominant patterns of production and consumption are altering climate, degrading the environment, depleting resources, and causing a massive extinction of species. A dramatic rise in population has increased the pressures on ecological systems and has overburdened social systems. Injustice, poverty, ignorance, corruption, crime and violence, and armed conflict deepen the world's suffering. Fundamental changes in our attitudes, values, and ways of living are necessary.

The choice is ours: to care for Earth and one another or to participate in the destruction of ourselves and the diversity of life.

As a global civilization comes into being, we can choose to build a truly democratic world, securing the rule of law and the human rights of all women, men, and children. We can respect the integrity of different cultures. We can treat Earth with respect, rejecting the idea that nature is merely a collection of resources to be used. We can realize that our social, economic, environmental, and spiritual problems are interconnected and cooperate in developing integrated strategies to address them. We can resolve to balance and harmonize individual interests with the common good, freedom with responsibility, diversity with unity, short term objectives with long term goals, economic progress with the flourishing of ecological systems.

To fulfill these aspirations, we must recognize that human development is not just about having more, but also about being more. The challenges humanity faces can only be met if people everywhere acquire an awareness of global interdependence, identify themselves with the larger world, and decide to live with a sense of universal responsibility. The spirit of human solidarity and kinship

with all life will be strengthened if we live with reverence for the sources of our being, gratitude for the gift of life, and humility regarding the human place in the larger scheme of things.

Having reflected on these considerations, we recognize the urgent need for a shared vision of basic values that will provide an ethical foundation for the emerging world community. We, therefore, affirm the following principles for sustainable development. We commit ourselves as individuals, organizations, business enterprises, communities, and nations to implement these interrelated principles and to create a global partnership in support of their fulfillment.

Together in hope, we pledge to:

I. GENERAL PRINCIPLES

1. ***Respect Earth and all life,***
recognizing the interdependence and intrinsic value of all beings;
affirming respect for the inherent dignity of every person and faith in the intellectual, ethical, and spiritual potential of humanity.
2. ***Care for the community of life in all its diversity,***
accepting that responsibility for Earth is shared by everyone;
affirming that this common responsibility takes different forms for different individuals, groups, and nations, depending on their contribution to existing problems and the resources at hand.
3. ***Strive to build free, just, participatory, sustainable, and peaceful societies,***
affirming that with freedom, knowledge, and power goes responsibility and the need for moral self-restraint;
recognizing that a decent standard of living for all and the quality of relations among people and with nature are the true measure of progress.
4. ***Secure Earth's abundance and beauty for present and future generations,***
accepting the challenge before each generation to conserve, improve, and expand their natural and cultural heritage and to transmit it safely to future generations;
acknowledging that the benefits and burdens of caring for Earth should be shared fairly between present and future generations.

II. ECOLOGICAL INTEGRITY

5. ***Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain and renew life.***

- 1 Make ecological conservation an integral part of all development planning and implementation.
 - 2 Establish representative and viable nature and biosphere reserves, including wild lands, sufficient to maintain Earth's biological diversity and life-support systems.
 - 3 Manage the extraction of renewable resources such as food, water, and wood in ways that do not harm the resilience and productivity of ecological systems or threaten the viability of individual species.
 - 4 Promote the recovery of endangered species and populations through in situ conservation involving habitat protection and restoration.
 - 5 Take all reasonable measures to prevent the human-mediated introduction of alien species into the environment.
- 6. *Prevent harm to the environment as the best method of ecological protection and, when knowledge is limited, take the path of caution.***
- 1 Give special attention in decision making to the cumulative, long-term, and global consequences of individual and local actions.
 - 2 Stop activities that threaten irreversible or serious harm even when scientific information is incomplete or inconclusive.
 - 3 Establish environmental protection standards and monitoring systems with the power to detect significant human environmental impacts, and require environmental impact assessments and reporting.
 - 4 Mandate that the polluter must bear the full cost of pollution.
 - 5 Ensure that measures taken to prevent or control natural disasters, infestations, and diseases are directed to the relevant causes and avoid harmful side effects.
 - 6 Uphold the international obligation of states to take all reasonable precautionary measures to prevent transboundary environmental harm.
- 7. *Treat all living beings with compassion, and protect them from cruelty and wanton destruction.***

III. A JUST AND SUSTAINABLE ECONOMIC ORDER

- 8. *Adopt patterns of consumption, production, and reproduction that respect and safeguard Earth's regenerative capacities, human rights, and community well-being.***
- 1 Eliminate harmful waste, and work to ensure that all waste can be either consumed by biological systems or used over the long-term in industrial and technological systems.
 - 2 Act with restraint and efficiency when using energy and other resources, and reduce, reuse, and recycle materials.

- 3 Rely increasingly on renewable energy sources such as the sun, the wind, biomass, and hydrogen.
- 4 Establish market prices and economic indicators that reflect the full environmental and social costs of human activities, taking into account the economic value of the services provided by ecological systems.
- 5 Empower consumers to choose sustainable products over unsustainable ones by creating mechanisms such as certification and labeling.
- 6 Provide universal access to health care that fosters reproductive health and responsible reproduction.

9. *Ensure that economic activities support and promote human development in an equitable and sustainable manner.*

- 1 Promote the equitable distribution of wealth.
- 2 Assist all communities and nations in developing the intellectual, financial, and technical resources to meet their basic needs, protect the environment, and improve the quality of life.

10. *Eradicate poverty, as an ethical, social, economic, and ecological imperative.*

- 1 Establish fair and just access to land, natural resources, training, knowledge, and credit, empowering every person to attain a secure and sustainable livelihood.
- 2 Generate opportunities for productive and meaningful employment.
- 3 Make clean affordable energy available to all.
- 4 Recognize the ignored, protect the vulnerable, serve those who suffer, and respect their right to develop their capacities and to pursue their aspirations.
- 5 Relieve developing nations of onerous international debts that impede their progress in meeting basic human needs through sustainable development.

11. *Honor and defend the right of all persons, without discrimination, to an environment supportive of their dignity, bodily health, and spiritual well-being.*

- 1 Secure the human right to potable water, clean air, uncontaminated soil, food security, and safe sanitation in urban, rural, and remote environments.
- 2 Establish racial, religious, ethnic, and socioeconomic equality.
- 3 Affirm the right of indigenous peoples to their spirituality, knowledge, lands and resources and to their related practices of traditional sustainable livelihoods.
- 4 Institute effective and efficient access to administrative and judicial

procedures, including redress and remedy, that enable all persons to enforce their environmental rights.

12. Advance worldwide the cooperative study of ecological systems, the dissemination and application of knowledge, and the development, adoption, and transfer of clean technologies.

- 1 Support scientific research in the public interest.
- 2 Value the traditional knowledge of indigenous peoples and local communities.
- 3 Assess and regulate emerging technologies, such as biotechnology, regarding their environmental, health, and socioeconomic impacts.
- 4 Ensure that the exploration and use of orbital and outer space supports peace and sustainable development

IV. DEMOCRACY AND PEACE

13. Establish access to information, inclusive participation in decision making, and transparency, truthfulness, and accountability in governance.

- 1 Secure the right of all persons to be informed about ecological, economic, and social developments that affect the quality of their lives.
- 2 Establish and protect the freedom of association and the right to dissent on matters of environmental, economic, and social policy.
- 3 Ensure that knowledge resources vital to people's basic needs and development remain accessible and in the public domain.
- 4 Enable local communities to care for their own environments, and assign responsibilities for environmental protection to the levels of government where they can be carried out most effectively.
- 5 Create mechanisms that hold governments, international organizations, and business enterprises accountable to the public for the consequences of their activities.

14. Affirm and promote gender equality as a prerequisite to sustainable development.

- 1 Provide, on the basis of gender equality, universal access to education, health care, and employment in order to support the full development of every person's human dignity and potential.
- 2 Establish the full and equal participation of women in civil, cultural, economic, political, and social life.

15. Make the knowledge, values, and skills needed to build just and sustainable communities an integral part of formal education and lifelong learning for all.

- 1 Provide youth with the training and resources required to participate effectively in civil society and political affairs.
- 2 Encourage the contribution of the artistic imagination and the humanities as well as the sciences in environmental education and sustainable development.
- 3 Engage the media in the challenge of fully educating the public on sustainable development, and take advantage of the educational opportunities provided by advanced information technologies.

16. *Create a culture of peace and cooperation.*

- 1 Seek wisdom and inner peace.
- 2 Practice nonviolence, implement comprehensive strategies to prevent violent conflict, and use collaborative problem-solving to manage and resolve conflict.
- 3 Teach tolerance and forgiveness, and promote cross cultural and interreligious dialogue and collaboration.
- 4 Eliminate weapons of mass destruction, promote disarmament, secure the environment against severe damage caused by military activities, and convert military resources toward peaceful purposes.
- 5 Recognize that peace is the wholeness created by balanced and harmonious relationships with oneself, other persons, other cultures, other life, Earth, and the larger whole of which all are a part.

A New Beginning

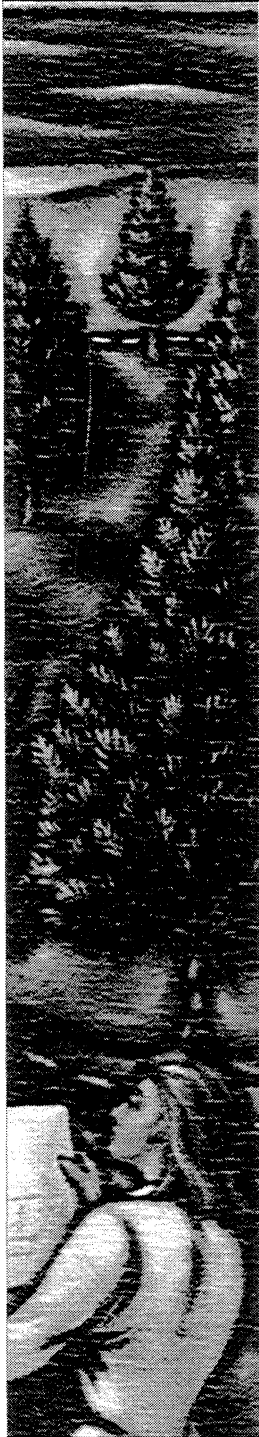
As never before in human history, common destiny beckons us to redefine our priorities and to seek a new beginning. Such renewal is the promise of these Earth Charter principles, which are the outcome of a worldwide dialogue in search of common ground and shared values. Fulfillment of this promise depends upon our expanding and deepening the global dialogue. It requires an inner change — a change of heart and mind. It requires that we take decisive action to adopt, apply, and develop the vision of the Earth Charter locally, nationally, regionally, and globally. Different cultures and communities will find their own distinctive ways to express the vision, and we will have much to learn from each other.

Every individual, family, organization, corporation, and government has a critical role to play. Youth are fundamental actors for change. Partnerships must be forged at all levels. Our best thought and action will flow from the integration of knowledge with love and compassion.

In order to build a sustainable global community, the nations of the world must renew their commitment to the United Nations and develop and implement the

Earth Charter principles by negotiating for adoption a binding agreement based on the IUCN Draft International Covenant on Environment and Development. Adoption of the Covenant will provide an integrated legal framework for environmental and sustainable development law and policy.

We can, if we will, take advantage of the creative possibilities before us and inaugurate an era of fresh hope. Let ours be a time that is remembered for an awakening to a new reverence for life, a firm commitment to restoration of Earth's ecological integrity, a quickening of the struggle for justice and empowerment of the people, cooperative engagement of global problems, peaceful management of change, and joyful celebration of life. We will succeed because we must.



seeing the forest through the trees...

...it's all about focus.

The Resource Management Act was initiated to provide for the sustainable management of New Zealand's environment, not to hinder development.

With that in mind, our Resource Management Group focuses on providing durable solutions that are both practical and commercially acceptable. Success of our clients is our underlying vision.

For expert legal advice on town planning, resource management and all areas of environmental law, please contact one of the following legal advisors.

All you may need is a fresh perspective.

Auckland: Ian Cowper, Rebecca Macky, David McGregor
Ph: 64 9 309 0859 Fax: 64 9 309 3312

Wellington: Paul Radich
Ph: 64 4 473 7777 Fax: 64 4 473 3845

Website: www.bellgully.co.nz

Bell | Gully