



**Recommendations for Strengthening the Ethical
Dimension of the Negotiating Text under the
United Nations Framework Convention on Climate Change**

Prepared by Earth Charter International Council members
Steven Rockefeller, Brendan Mackey and Song Li.

The following recommended revisions are designed to strengthen the ethical dimension of the Negotiating Text prepared in May 2009 by the chair of the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA) under the United Nations Framework Convention on Climate Change and revised after the sixth session of the AWG-LCA and dated 22 June 2009.

1. In the Preamble, include the following two paragraphs:
 - a. “Recognizing that a successful global partnership requires a common faith in the ethical principles that are the foundation of the shared vision for long-term cooperative action called for in the Bali Action Plan, and that fulfillment of the Parties’ common but differentiated responsibilities will require on-going dialogue regarding how to address the ethical, as well as scientific, technological and financial, challenges presented by climate change.
 - b. “Recalling the affirmation of our responsibility to one another, to the greater community of life, and to our children in the Johannesburg Declaration of the World Summit on Sustainable Development.”
2. In Chapter I. A Shared Vision for Long-term Cooperative Action, paragraph #7, add a reference to “a strong ethical commitment” in the sentence that reads: “The urgent need to confront dangerous climate change requires a strong ethical commitment and political determination to continue building an inclusive, fair and effective climate regime....”
3. In Chapter I, paragraph #8, add a reference to “human rights.” This could be done, for example, by revising the second sentence to read: “It takes into account social and economic conditions and human rights.”
4. In Chapter I, paragraph #8, add a concluding sentence that reads: “It also recognizes that the common but differentiated responsibilities of the Parties includes the duty to protect and restore the integrity of Earth’s ecological systems,

with special concern for biological diversity and the natural processes that sustain life.”

5. In Chapter I, paragraph #1, capitalize “Earth.” Throughout the document whenever the planet is referenced, the planet’s name, “Earth,” should be used and capitalized.
6. In Chapter I, paragraph #4, add a reference to gender equality in connection with the statement regarding “the need for gender equity”. The sentence will then read: “...addressing the need for gender equality and equity.”
7. In Chapter II. Enhanced Action on Adaptation and Its Means of Implementation, Section A. Objectives, Scope and Guiding Principles, add to paragraph #22 a new sub-paragraph that reads: “Be guided by the principles of the Universal Declaration of Human Rights and the Earth Charter.”

If a section on Objectives and Principles is added to Chapter III. Enhanced Action on Mitigation, a similar principle on the Universal Declaration of Human Rights and the Earth Charter could be added to this section.

The rationale for these recommendations is attached.

Rationale for Recommendations 1a and 2

Ethical values and principles define what is considered to be right and wrong, good and bad, in human conduct in an interdependent world. A society's ethical ideals form its vision of the common good. A faith in shared ethical values is what creates among people a strong sense of community. It builds mutual trust and inspires respect for the law. It provides the only sure foundation for long-term cooperative action.

Scientific knowledge, technological innovation, and financial mechanisms are all essential to the international effort to address climate change. However, a change in attitudes and values is also necessary. Over the past four decades through summit meetings, declarations and conventions, the international community has gone far in developing a compelling vision of universal values and a sustainable future, but the political will to act has often been weak. Only a steadfast common faith in the principles of sustainable living on the part of leaders in government, business and civil society will inspire and sustain the political will needed to address climate change and create a sustainable future.

Regarding the use of the term "faith" in Recommendation 1a, it should be noted that Universal Declaration of Human Rights uses the term "faith" in a very similar way. The Universal Declaration of Human Rights in its Preamble states:

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

When the word "faith" is used in a context such as this, it means a moral faith, that is, a deep trust in the ethical principles involved as a guide to what is just and good and a wholehearted commitment to their implementation.

The administration of a new international agreement on climate change will involve at all levels many complex problems that require on-going ethical evaluation regarding how best to apply the principles and achieve the goals of the shared vision for long-term cooperative action. For example, when resources are limited, difficult decisions must be made about how best to promote the common good. There will be conflicts between various values and between nations. Defining the responsibilities of present generations in relation to future generations will be a continuing task. In such cases, leaders are needed who have the ability to evaluate situations and the consequences of alternative courses of action in the light of an inclusive ethical framework.

Science by itself cannot determine what is right and wrong. Experimental scientific inquiry can clarify the consequences of various courses of action, and this information is of critical importance in the process of ethical deliberation. However, making ethical judgments about different courses of action and their consequences

involves choices and decisions that go beyond the scope of scientific knowledge. Ethical principles provide guidance regarding the various issues and interests that should be kept in mind in the course of the ethical decision-making process.

Rationale for Recommendation 1b

The passage cited from the Johannesburg Declaration (2002) is important because it provides a concise statement of the scope of the Parties' common but differentiated responsibilities. The passage is from Article 7, which reads as follows:

From this continent, the cradle of humanity, we declare, through the Plan of Implementation of the World Summit on Sustainable Development and the present Declaration, our responsibility to one another, to the greater community of life and to our children.

It is also noteworthy that a similar statement is found in the Preamble of the Earth Charter (2000). The first paragraph of the Earth Charter Preamble states:

We stand at a critical moment in Earth's history, a time when humanity must choose its future. As the world becomes increasingly interdependent and fragile, the future at once holds great peril and great promise. 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. Towards this end, 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.

Rationale for Recommendation 3

Securing and protecting human rights should be recognized as one basic component of the Parties' common but differentiated responsibilities in the shared vision for long-term cooperative action. A UNESCO report on the ethics of climate change makes the following summary statement regarding this point: "If we consider the impact global climate change is predicted to have on the living standards, health, livelihood and even life of populations who will be most vulnerable to the consequences of climate change, a good case can be made for a very strong moral duty, if not a legal obligation, for all signatories of the Universal Declaration of Human Rights and the Universal Declaration on Bioethics and Human Rights to put in place measures that will protect the human rights which the international community has accepted." (See "Ethical Implications of Global Climate Change," page 19, prepared by the Working Group on Environmental Ethics of COMEST for the World Commission on the Ethics of Scientific Knowledge and Technology, June 2009). Article 28 of the Universal Declaration of Human Rights asserts, for example: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

This principle can certainly be interpreted to include an obligation to address global environmental threats to human rights.

In addition, in recent decades a number of international regional treaties and over 60 state constitutions have recognized the principle of environmental justice that affirms the right of every person to a safe and healthy environment. This principle is also contained in Earth Charter Principle 12, which asserts: “Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities.”

The universal ethical values set forth in human rights principles provide a compelling reason for urgent international action on climate change and serve as one basic guide when considering what is equitable, fair and just regarding strategies for adaptation and mitigation.

Rationale for Recommendation 4

There are four interrelated reasons why the shared vision for long-term cooperative action on climate change should recognize the duty of the Parties to protect and restore the integrity of Earth’s ecological systems. First, protecting and restoring ecosystem carbon stocks is a necessary mitigation activity. Scientific evidence is growing that stabilizing atmospheric concentrations of greenhouse gases at a safe level will require both deep cuts in fossil fuel emissions and a dramatic decrease in emissions from deforestation and ecosystem degradation. Second, healthy ecosystems are more resilient and have greater capacity to adapt to climate change impacts, and therefore can better serve ecosystem-based adaptation initiatives. Third, humanity is dependent on the goods and services provided by Earth’s ecological systems, and the loss of biological diversity and degradation of Earth’s life support systems under the impact of climate change can undermine efforts to achieve sustainability and threaten human security. Fourth, the greater community of life in all its diversity has intrinsic value and is worthy of respect and care quite apart from its instrumental value to human beings.

In addition, the Rio Declaration (1992) in Principle 7 asserts: “States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth’s ecosystem.” The World Charter for Nature (1982), the Earth Charter (2000) and the United Nations Millennium Declaration (2000) all recognize the principle of respect for nature, which requires the protection and restoration of Earth’s ecological integrity. Earth Charter Principle 5 is the imperative to: “Protect and restore the integrity of Earth’s ecological systems, with special concern for biological diversity and the natural processes that sustain life.”

Rationale for Recommendation 5

Our Common Future (the 1987 report of the World Commission on Environment and Development), Agenda 21 (1992), the Rio Declaration (1992), and the UN Framework Convention on Climate Change (1992) all adopted the practice of capitalizing Earth when referring to the planet. For example, the Rio Declaration Preamble refers to “the integral and interdependent nature of the Earth, our home,” and the UNFCC Preamble asserts “that change in the Earth’s climate and its adverse effects are a common concern of human kind.” The practice of referring to “the Earth” involved a decrease in references to nature in general and reflected the growing recognition of the unity of the biosphere and the interdependence of people and Earth’s ecosystems. It also involves adopting the common practice among scientists of using the planet’s name, Earth. This should become standard practice when drafting international documents.

There are three basic alternatives when referring to the planet: “the earth,” “the Earth,” or “Earth.” Using “the Earth” is a step toward using the planet’s name with a capital E. Since no one would refer to planets like Mars and Jupiter as “the Mars” or “the Jupiter,” it seems not appropriate to continue using the definite article with the name Earth.

In addition, an important reason for using the name Earth is that this practice can encourage respect and care for our planetary home and the greater community of life of which people are a part. The practice of referring to “the earth” can reinforce the problematical attitude of regarding the planet as just a warehouse of resources that exists for human exploitation. Use of the name Earth can evoke the image of our planet floating in space captured in the photographs of the astronauts. This image inspires in many people an appreciation of the uniqueness, beauty, and fragility of our planetary home and a heightened awareness of humanity’s dependence on Earth’s extraordinary biosphere.

Rationale for Recommendation 6

The Universal Declaration of Human Rights asserts “the equal rights of men and women.” However, gender inequality remains a worldwide problem. Denied access to education, health care and economic opportunity in many countries, millions of women are among those most vulnerable to the dangers posed by climate change. Securing the human rights of women is both a matter of social justice and essential to achieving sustainable development and building climate resilient communities. A call for gender equity is not sufficient. The critical issue is gender equality. Equity means fairness. The concept of gender equity can be problematical, because what is considered fair in regard to the treatment of women can vary greatly in different societies. In the light of these considerations, a shared vision for long-term cooperative action should include gender equality among the fundamental principles that define the Parties’ common but differentiated responsibilities.

The Earth Charter (2000) addresses this issue in Principle 11 as follows: “Affirm gender equality and equity as prerequisites to sustainable development and ensure universal access to education, healthcare, and economic opportunity.”

Rationale for Recommendation 7

The Universal Declaration of Human Rights (1948) and the Earth Charter (2000) together provide a vision of the fundamental principles that form the core of the new global ethics that have emerged through intergovernmental initiatives at the United Nations and worldwide, cross-cultural dialogue in civil society. Taken together the two documents provide the balanced understanding of universal human rights and universal responsibilities that is needed to realize the Millennium Development Goals and build a just, sustainable and climate resilient world. The Earth Charter sets forth a larger and more inclusive vision of shared values and common ethical standards than is found in the Universal Declaration of Human Rights, reflecting the influence of the environmental and sustainable development movements and related international declarations and conventions. The Earth Charter integrates the human rights agenda into this more comprehensive ethical framework, making clear the interdependence of human rights, environmental conservation, eradication of poverty, equitable socio-economic development, democracy and a culture of peace. Together the Universal Declaration of Human Rights and the Earth Charter clarify the nature and scope of humanity’s common but differentiated responsibilities and provide each State with a basis for determining its differentiated responsibilities. It is, therefore, appropriate for the Parties to be guided by these two documents in designing actions on adaptation and mitigation and in implementing these strategies.

The Earth Charter is a declaration of fundamental ethical principles for building a just, sustainable and peaceful global society in the 21st century. It is the product of a decade long, worldwide, cross-cultural dialogue on common goals and shared values. The Earth Charter project began as a United Nations initiative but it was carried forward and completed by a global civil society initiative. It was finalized and launched in 2000 by the Earth Charter Commission, an independent international entity. The drafting of the Earth Charter involved the most inclusive and participatory process ever associated with the creation of an international declaration. It has been endorsed by UNESCO and IUCN and over 4,800 civil society organizations worldwide.

For more information, see the Earth Charter International website: www.EarthCharter.org