
CONSULTATION AROUND THE WORLD

The Earth Charter Workshop The Hague, May 29-31, 1995

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THE EARTH CHARTER INITIATIVE, INTERNATIONAL SECRETARIAT | THE EARTH COUNCIL
P.O. BOX 319-6100 | SAN JOSE, COSTA RICA | TEL: +506-205-1600 | FAX: +506-249-3500 | EMAIL:
info@earthcharter.org

The Earth Charter Workshop

Origins of the Earth Charter Initiative

At the first meeting of the United Nations Preparatory Committee for the 1992 Earth Summit, the UNCED secretariat proposed an Earth Charter. The proposal attracted a lot of support on the road to Rio from leaders, national and international bodies, legal institutes and NGOs. Some saw it as a short, uplifting, inspirational document, a timeless expression of a bold new global ethic by "we the peoples of the United Nations." Others, including the Secretary General of UNCED, agreed but also felt that an Earth Charter should contain "the basic principles for the conduct of nations and peoples with respect to environment and development to ensure the future viability and integrity of the Earth as a hospitable home for human and other forms of life."

This was broadly the view of the World Commission on Environment and Development. In its 1987 report to the United Nations the Brundtland Commission recommended that ethical and moral principles be articulated and relevant legal principles be consolidated and extended in a new soft-law charter that would include "new norms for state and interstate behavior needed to maintain life on our shared planet." Building on the Stockholm Declaration, the legal advisors to the Brundtland Commission identified 22 such norms. Other intergovernmental and non-governmental organizations subsequently expanded on the Commission's work.

The time was not ripe for intergovernmental agreement on an Earth Charter in Rio. In its place the 1992 Earth Summit approved a "Rio Declaration on Environment and Development". Others made numerous efforts to prepare an Earth Charter. For example, many non-governmental organizations, including religious, environmental and development bodies, produced at least four "treaties" which were related to a Charter. They are part of the 46 Alternative Treaties negotiated and signed by the more than 4,000 NGOs attending the Global Forum in Rio. While falling short of an Earth Charter setting out the moral and ethical imperatives of sustainability and "new norms for state and interstate behavior needed to maintain life on our shared planet," these NGO treaties and the Rio Declaration recognized a number of essential principles on which an Earth Charter could be built.

At the end of the Earth Summit the UNCED Secretary General, Maurice Strong, expressed a hope that the NGO treaties, the Rio Declaration and the many other relevant declarations which preceded them could be developed into an Earth Charter in time for the 50th anniversary of the United Nations in 1995.

The inaugural meeting of the Earth Council identified as a priority the development of an Earth Charter setting out the moral imperatives of sustainability as well as norms and standards for state and interstate behavior. For human rights the relevant principles, norms and standards are provided by the Universal Declaration of Human Rights.

The new programme of the Green Cross International also aimed at establishing an international

environmental code, defined in much the same way as an Earth Charter and serving purposes similar to those served by the Universal Declaration of Human Rights. The President of Green Cross International, the Honourable Mikhail Gorbachev, frequently emphasized the priority that Green Cross International attached to the development of an international environment code.

With the encouragement and support of Prime Minister Lubbers and the government of the Netherlands, a series of consultations were held during the first few months of 1994. These consultations culminated in April 1994 with an agreement that the Earth Council in partnership with the Green Cross International and with the support of the government of the Netherlands would launch an Earth Charter initiative.

A Steering Committee was then formed to guide the initial phase of the project (see the list of members in Annex 1) and Ambassador Mohamed Sahnoun appointed as the Executive Director of the Earth Charter Project.

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First Phase of the Earth Charter Project

At the meeting in the Hague in April 1994 the President of the Green Cross International and the Chairman of the Earth Council agreed to launch the Earth Charter initiative in two phases:

- Using the many relevant declarations and conventions completed during the last two decades to identify the basic elements for an Earth Charter for the 50th anniversary of the United Nations in 1995;
- Opening a wide ranging process of consultation and engagement with all parts of civil society around the world, leading in 1997 to a final text for widespread circulation as well as submission to the United Nations on the occasion of the General Assembly's fifth anniversary review of progress since the Rio Conference. This could in turn lead to an inter-governmental process and a Charter that could be ratified in time for proclamation by the United Nations on 1 January 2000.

At that meeting it was also agreed to organize by mid-1995 a workshop in the Hague involving participants from organizations with significant experience and competence in relevant areas plus many other experts and NGO leaders who, though invited in their individual capacity, were broadly representative of a diverse range of regions, cultures and religions. The Workshop would:

- consider the basic elements for an Earth Charter for presentation to the United Nations on the occasion of its 50th anniversary;
- discuss ways of conducting a worldwide process of consultation leading to an Earth Charter for wide distribution and submission to the United Nations in 1997.

The main document for the Workshop would be a report on the basic elements for an Earth Charter. That report would take into account but not replicate the provisions in such key documents as the 1972 Stockholm Declaration, the 1982 World Charter for Nature, the proposals on environmental law in the 1987 report of the World Commission on Environment and Development, the 1991 Declaration of the Indigenous Peoples, the 1991 Business Charter for Sustainable Development, the 1992 Rio Declaration, the over 40 NGO treaties presented at the 1992 Earth Summit and the 1995 IUCN Covenant on Environment and Development.

The elements for an Earth Charter would also include proposals on new moral imperatives for sustainable development as well as new principles and norms for State and Inter-State behaviour.

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The Earth Charter Workshop **Introductory Statement and Vision**

This section of the Workshop discussion paper on basic elements for an Earth Charter included concepts, principles and related ideas concerning:

- The cosmovision, holism and oneness of humankind and intrinsic value of the Earth.
- Unity, interdependence and the need to live within the limits of the Earth's carrying capacity.
- The formation of community of life which attends the needs of the diversity of nations, peoples, cultures, religions, species and the integrity of the Earth.

The common concern of humanity for environment transcends the rights of individual States and all strictly human concerns. Some of the main concerns and proposals raised during the plenary discussion included:

- The introductory section should inform and inspire people, especially on the moral, spiritual and other values and changes needed to achieve sustainable development. It should continue to emphasize the oneness of humankind and the intrinsic value and diversity of other species and ecosystems.
- The special responsibility and duties of all human beings and governments as "stewards", "guardians" and "trustees" should be stressed throughout the Charter.
- Rather than sustainable development the focus should shift to the achievement of development that is economically, socially and environmentally sustainable and meets the needs of the present without compromising the ability of future generations to meet their own needs.
- Precedence in the text and priority in all future development activities should be given to improving the economic, social and environmental conditions and prospects for the poor majority of people, communities and countries.
- Some concepts and terms need to be carefully examined and clarified such as "carrying capacity" and "assimilative capacity" which are dynamic processes rather than static conditions.
- More emphasis should be added on the vulnerabilities of life for all human beings, of other species, of the Earth and of especially vulnerable groups such as indigenous peoples, women

and youth.

- Regarding the use of natural resources, more recognition is needed of their aesthetic, spiritual and other values.
- The Earth Charter generally should have the character of both a covenant and a social contract, highlighting both the fundamental rights of people and other species as well as norms for private sector, State and inter-State behavior needed to achieve sustainable development.
- Future consultations on the evolving draft need to address some of the still unresolved tensions between environment and development, including the different conditions and perspectives of developed and developing countries regarding , for example measures to reduce threats to global ecosystems and to move away from unsustainable production and consumption patterns.

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The Earth Charter Workshop **Responsibility, Security and Partnership**

This section of the Workshop discussion paper on basic elements for an Earth Charter included concepts, principles and related ideas concerning:

- The common but differentiated responsibility of all States, peoples, individuals, corporations and organizations to preserve global ecosystems for present and future generations.
- The entitlement of all cultures and minorities to their traditionally sustainable lifestyles.
- The central concern of environmental security and intertwining of collective and individual security, peace and environmental protection.
- The right of every person to a healthy environment, security and wellbeing.
- The peaceful settlement of environmental disputes.
- The crucial need for cooperation among all States and people at every level in order to achieve sustainable development.
- The importance of environmental education in securing changes in values and behaviour needed for sustainable development.

Some of the main concerns and proposals raised during the plenary discussion included:

- This section should represent the transition in the Earth Charter from an inspiration vision to reality with recognition of the rights and the common but differentiated responsibilities of individuals States. It should build on, reinforce and extend previous declarations and norms.
- More attention is needed on how best to enable people to enjoy and exercise their entitlement to their "customary lifestyles and coexistence with nature" should be stressed.
- Some of the concepts and terms such as "environmental security" need to be carefully examined and clarified and new concepts considered such as the "sovereignty of the Earth" and "human security".
- More attention should be given to the growing issue and numbers of environmental refugees and the need for livelihood security.

*** The proposal of environmental education should be expanded to address the broader issues of sustainable development such as support and training for sustainable livelihoods as well as the intergenerational transfer of indigenous knowledge. Sustainable development approaches should be integrated in relevant disciplines and at all levels in the educational system.**

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The Earth Charter Workshop **Good Governance and Equity**

This section of the Workshop discussion paper on basic elements for an Earth Charter included concepts, principles and related ideas concerning:

- The need for governments to develop good laws, efficient institutions, democratic participation, and long term planning capabilities.
- The right of concerned people to know about, participate in and appeal decisions that may adversely affect their health or environment.
- The strengthening of people's capacity for participation in decision-making.
- The need to consider the special situation and needs of poor nations and individuals and assist them in achieving sustainable development.
- The elimination of poverty and ensuring that the rich do not meet their needs at the expense of the poor or the future generation.
- The full partnership of women and participation of youth in decision-making for sustainable development.

Some of the main concerns and proposals raised during the plenary discussion included:

- Good governance should be extended to include the greater empowerment of neglected and vulnerable groups such as indigenous people, women and youth as well as local communities.
- International legal institutions largely recognize only the rights of States, leaving minorities and indigenous groups without legal recourse against unfair actions by national authorities. The predominance of economic and military might in international relations should be replaced by the rule of law and justice.
- More attention is needed on major international actors other than States such as transnational corporations and regional economic communities.
- More emphasis is needed on the increasingly "interdependent sovereignty" of States rather than persistent adherence to national sovereignty doctrines which often impede progress toward sustainable development at the global and regional levels.
- The need for national and international ombudsman functions to help address and reduce environment and development issues as sources of inequity and injustice should be highlighted.

* New measures and modalities are needed to enforce and deal with violations of international environmental agreements and norms.

* The text should reflect the need for more innovative institutional arrangements at the national and international levels in order to cope more effectively with the escalating pace and scale of environmental degradation.

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Economic, Trade and Inter-State Relations

This section of the Workshop discussion paper on basic elements for an Earth Charter included concepts, principles and related ideas concerning:

- The integration of environment and development and democratic participation as basic factors for sustainable development and the need to respect environmental integrity in trade and development activities.
- The need for technological and financial assistance to developing countries to achieve socially and environmentally sustainable development.
- The need to facilitate technology transfer to developing countries on equitable terms.
- The need to ensure that trade practices and treaties respect the equitable use of shared natural resources and the carrying capacity of ecosystems.
- The internalization of environmental costs in market mechanisms, economic planning, national accounting systems and decision-making.
- The need to incorporate environmental impact assessment for proposed activities and to make States and business responsible for restoration.
- The right of States to utilize the environment and natural resources within the carrying capacity of ecosystems.
- The application of the precautionary principle that States shall act upon the best available scientific information to prevent irreversible damage even in the absence of full scientific certainty.
- The requirement that States provide timely and prior notification and consult with States likely to be affected by a proposed activity.
- The need to adapt patterns of production and consumption to the requirements of environmentally sustainable development.
- The need for each country to reconcile population, economic growth and the Earth's carrying capacity.

Some of the main concerns and proposals raised during the plenary discussion included:

- As environmental degradation is both a cause and consequence of conflict, the link between peace and environment should receive special emphasis. The harmful health and environmental impacts of military activities, including the production and testing of chemical weapons, should be highlighted.
- In addition to environmental protection, more emphasis needs to be added on the further need for conservation, on the sustainable use of natural resources, on measures for regenerating and improving the environment and, as prevention is better and cheaper than restoration, on risk assessments and anticipatory approaches.
- Proposals should be added for strengthening international cooperation and exchanges on scientific research, especially the sharing of monitoring data and research results in order to assess global and regional environmental conditions, trends and risks.
- While some modern technologies have been environmentally harmful, the positive role and potential of cleaner production technologies and waste management methods should receive greater support and emphasis.
- While building on previous declarations and conventions, this and other sections of the Earth Charter should include new principles and norms for inter-State behaviour such as monitoring and ensuring compliance with international environmental conventions.
- The importance of environmental impact assessments should continue to be emphasized but the need to prepare and implement national and international strategies and management plans for achieving sustainable development should be highlighted more.

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info@earthcharter.org

The Earth Charter Workshop

Participants List

Stephen Aizenstat
Pacifica Graduate Institute
U.S.A.

Hans Alders
UNEP
Switzerland

A.T. Ariyaratne
Lanka Jatika Sarvodaya Shramadana Sangamaya
Sri Lanka

Carlos A. Asfora
Embassy of Brazil
The Netherlands

Richard Barret
World Bank
U.S.A.

R.J. Berry
IUCN
University College London- Dept. Of Biology
United Kingdom

Margreeth de Boer
Minister of Physical Planning, Housing and Environment
The Netherlands

Manus van Brakel
Friends of the Earth The Netherlands
The Netherlands

Jacqueline Broerse
Ministry of Foreign Affairs
The Netherlands

Donald A. Brown
Earth Ethics Research Group, Inc.
U.S.A.

Jacques Bugnicourt
ENDA
Senegal

Wolfgang Burhenne
IUCN Commission on Environmental Law
Germany

Pierre Calame
Foundation pour le Progres de l'Homme
France

Theodora Carroll-Foster
IDRC
Canada

Rene Castro Salazar
Minister of Natural Resources, Energy and Mines
Costa Rica

David T. Chittleborough
Bah 'i International Community
South Australia

Donald B. Conroy
NACRE
U.S.A.

Wouter van Dieren
Institute for Environment and Systems Analysis
Amsterdam

John A. Fraser
Department of Foreign Affairs
Canada

Alvaro Gil-Robles
Spain

Gisbert Glaser
UNESCO

France

Muriel Glasgow
UNICEF
U.S.A.

Parvez Hassan
IUCN Commission on Environmental Law
Germany

Geza Herczegh
ICJ-Chamber for Environmental Matters
The Netherlands

Wakako Hironaka
House of Councillors
Japan

John A. Hoyt
The Humane Society of the United States
U.S.A.

Nay Htun
UNDP
U.S.A.

Maximo T. Kalaw, Jr.
Green Forum
Philippines

Inge Kaul
UNDP
U.S.A.

Ad Koekkoek
Ministry of Foreign Affairs
The Netherlands

Theo van Koolwijk
Both Ends
The Netherlands

Johan G. Lammers
Ministry of Foreign Affairs
The Netherlands

Denis Langlois
Department of Foreign Affairs
Canada

Warren H. Lindner
Centre for Our Common Future
Switzerland

Rainer Lingscheid
World Council of Churches
U.S.A.

Robert Lion
Energy 21
France

Simone Lovera
Netherlands Committee for IUCN
The Netherlands

Ruud F.M. Lubbers
The Netherlands

Heino Luik
Green Cross
Estonia

Daniel Martin
ICCRE
U.S.A.

Juan Mayr Maldonado
Fundacion Pro-Sierra Nevada de Santa Marta
Colombia

Ricardo Melendez Ortiz
Fundacion Futuro Latinoamericano
Ecuador

Kate Moyo-Mhlanga
Africa 2000 Network
Africa

Patricia M. Mische
Global Education Associates
U.S.A.

William R. Pace
WFM-IGP/INTGLIM
U.S.A.

Metropolitan Pitirim
St. Josef Monastery
Russian Federation

Cruz Prado
ILPEC
Costa Rica

Jan Pronk
Minister of Development Cooperation
The Netherlands

Bernard J. Przewozny
Franciscan Center of Environmental Studies
Italy

Raymond Ranjeva
ICJ-Chamber for Environmental Matters
The Netherlands

Chris G. Rapley
IGBP Secretariat
Sweden

Ismail Razali
Permanent Mission of Malaysia to the UN
U.S.A.

Valery V. Remizov
GAZPROM
Russian Federation

Harold Robles
Albert Schweitzer Institute
U.S.A.

Charles Secrett

Friends of the Earth International
United Kingdom

Alberto Szekely
UN International Law Commission
Mexico

Kazuo Takahashi
The Sasakawa Peace Foundation
Japan

Carlos C. Tamez Luna
Alfalit Latinoamericano
Costa Rica

Pauline E. Tangiora
New Zealand

Guennadi Tcherkachine
Russian Federation

Andrey Vasilyev
UN DPCSD/DSD
U.S.A.

Herman T.H. Verheij
Ministry of Environment
The Netherlands

Hans van Zijst
Ministry of Environment
The Netherlands

Consultants

Angela Harkavy
Working Group on Ethics USCNSD

Rustem I. Khairov
International Foundation for the Survival and Development of Humanity
Russian Federation

Bob Munro
Kenya

Stephen Purdey
Canada

Steering Committee Members

Alicia Barcena
Earth Council
Costa Rica

Victor I. Danilov-Danilyan
Minister of Environmental Protection and Natural Resources
Russian Federation

Daniel Goeudevert
Green Cross International
Switzerland

Mikhail .Gorbachev
Green Cross International
Russian Federation

Emile van Lennep
The Netherlands

Jim MacNeil
Canada

Steven C. Rockefeller
U.S.A.

Mohamed Sahnoun
Earth Charter Project
The Netherlands

Awraham Soetendorp
The Netherlands

Maurice F. Strong
Earth Council
Canada

Ema Witoelar
Consumers Consumers International
Indonesia- Russian Federation

Staff

P. Krishnamurthy
Earth Council
Costa Rica

Marlou Y. Heinen
Earth Charter Project
The Netherlands

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THE EARTH CHARTER INITIATIVE, INTERNATIONAL SECRETARIAT | THE EARTH COUNCIL
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A Joint Initiative of the Earth Council and Green Cross International

Key References

The Workshop discussions focussed on the report "Basic Elements for an Earth Charter" prepared by Angela Harkavy. That report and the reference list of over 150 previous declarations, documents and articles on which it is based are available on request from the Earth Council. The following list includes a selection of key references which participants in the future might find helpful.

UN Declarations and Documents

- 1972 Stockholm Declaration: Declaration of the United Nations Conference on the Human Environment held in June 1972 in Stockholm, Sweden.
- 1982 World Charter for Nature: Adopted by the United Nations General Assembly in October 1982.
- 1989 Kampala Declaration on Sustainable Development in Africa: Adopted by the African Regional Conference on Environment and Sustainable Development held in June 1989 in Kampala, Uganda.
- 1989 European Charter on Environment and Health: Adopted by the First European Conference on Environment and Health in December 1989 in Frankfurt, Germany.
- 1990 ECE Charter on Environmental Rights and Obligations: Adopted by the Experts Meeting held in October in Oslo, Norway.
- 1992 Rio Declaration: Declaration of the United Nations Conference on Environment and Development held in June 1992 in Rio de Janeiro, Brazil.

Other Declarations and Documents

- 1987 Our Common Future: Report of the World Commission on Environment and Development, Oxford: Oxford University Press, 1987 (see Chapter 12 on "Institutional and Legal Change" and Annex 1 on "Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development".)
- 1991 Caring for the Earth: A Strategy for Sustainable Living: Published in partnership by the World Conservation Union (IUCN), the United Nations Environment Programme (UNEP) and the World Wide Fund for Nature (WWF).

- **1991 Declaration of Indigenous Peoples:** Adopted at the NGO Global Forum held in Paris, France.
- **1991 Business Charter for Sustainable Development: Principles for Environmental Management,** International Chamber of Commerce.
- **1992 Rio Treaties by NGOs:** In addition to an "Earth Charter", 46 'alternative treaties' were prepared and issued by NGOs for and at the Global Forum held in June 1992 in Rio de Janeiro, Brazil. They were prepared under the following five groupings:
 - NGO Cooperation and Institution Building (e.g. Code of Ethics; Technology Bank)
 - Alternative Economic Issues (e.g. Trade, Transnational Corporations, Debt)
 - Big Environmental Issues (e.g. Biodiversity, Climate, Forests, Toxic and Nuclear Wastes)
 - Food Production (Sustainable Agriculture, Fisheries, Food Security)
 - Cross-Sectoral Issues (e.g. Women, Indigenous Peoples, Population and Environment, Education)
- **1992 Earth Summit's Agenda for Change:** A plain language version of Agenda 21 and the other Rio Agreements published by the Centre for Our Common Future, Geneva, Switzerland.
- **1995 Draft International Covenant on Environment and Development:** Prepared by the Commission on Environmental Law of the World Conservation Union (IUCN) in cooperation with the International Council of Environmental Initiatives (ICLEI).

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