



## Lukas Vischer: Human Rights and Sustainable Future

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### 2. Historical Context

Around 1970, efforts started to have conservation of the environment included in national legislation. In 1987, the Brundtland Report “Our Common Future” combined sustainability and the requirements of economic development. At the UN Conference on Environment and Development in Rio de Janeiro (1992), two conventions on climate change and bio-diversity were signed and the Agenda 21 agreed. Measures for the protection of the environment, however, are simply designed to avoid excesses which might threaten the well-being of the industrialized nations.

### 3. Summary

The 50<sup>th</sup> anniversary of the United Nations (1946) and of the Universal Declaration of Human Rights (1948) was the occasion for praising “the moral progress of humanity”. But the concept of human rights needs to be re-examined:

- In view of the gap between rich and poor nations. In 1993, the UN Conference on Human Rights in Vienna accepted the principle of a right to development, but pushed the dimension of collective solidarity in the background.
- In view of the ecological crisis. The Universal Declaration of Human Rights is essentially anthropocentric. It is vital that the limits to the carrying capacity of the environment be identified, fixed and respected. Unless the excessive demands of the industrialized countries are reduced, there can be no justice among the nations.

5 implications for the churches in affinity and critical distance to the Declaration of Human Rights:

- 1) Human beings receive life as a gift from God. As God’s creatures they have an intrinsic *dignity* which is not for them individually *nor for any human instance* to dispose of.
- 2) God in his love for humanity sets people *free*. But freedom is not independence. Human beings find fulfilment in the *love* of God, of other human beings, and the creation around.
- 3) The church proclaims *equality* before God. But community is always threatened by the will for power. The church’s attention therefore has to go to the *victims of the power struggle*.
- 4) The church speaks of the *participation* of all in the community. Participation, however, is not meant to serve the interests of a few, but to build up *the body as a whole*.
- 5) The church affirms *economic and social rights* but just as well *solidarity*. Human rights can only be claimed within the limited resources offered by God’s creation.

### 4. Editor’s Remarks

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# Human Rights and Sustainable Future

## Lukas Vischer

### Introduction

The 50th anniversary of the United Nations and, two years later, that of the Universal Declaration of Human Rights, was the occasion for some effusive oratory. One of the surviving “fathers” of the Declaration, Stéphane Hessel, for instance, declared exultantly: “The language of human rights is the language of the new century ... Today the general public is much more informed about how and where human rights are being violated in the world. And they feel responsible.” (1) More, “The increasing debate about human rights, which has finally extended to all the nations of the world, is a signum prognosticum of the moral progress of humanity.” (2)

Are such extravagant claims justified? Do human rights really point the way to the future? Or, on the contrary, has the time come to challenge the discourse on human rights, or at least the form it has taken nowadays? To many people even to ask the question seems like sacrilege. For them, the ideal of human rights is so sacrosanct that the slightest hint of a doubt amounts to a betrayal. Yet the question cannot be avoided.

Not because, fifty years on, the Declaration of Human Rights is still only partially implemented and all kinds of tensions and contradictions have arisen in the process. It is generally agreed that we still have a long way to go. With good reason, there was talk of an “unfinished revolution” at the time of the 50th anniversary. (3) At all events, yet more determined commitment to the realization of human rights is clearly needed

The problem goes deeper. It is becoming increasingly apparent that the concept of human rights itself needs to be re-examined.

The question arises because of the environmental crisis. How do human rights and sustainable human life relate to one another? Since the early sixties there has been a growing awareness that there are limits to human development on our planet. More and more people have to live with the limited resources offered by nature. Above all, the quality of life of future generations is threatened. What does this imply for human rights?

This is being heatedly debated. Some people believe that a new “generation” of human rights is needed and that the catalogue of rights should be extended to the natural world, expressly stating that all human beings have a right to a healthy environment. But this statement clearly does not go far enough. The concept of sustainability cannot so easily be subsumed under that of human rights.

The two concepts belong to different contexts and they serve different purposes. The Universal Declaration of Human Rights is intended to help create an order which will guarantee the development of every individual human person and of humanity as a whole. Starting with the rights of the individual, it sets out the basic prerequisites for a just social order. It is not, even today, immediately concerned with preserving the planet. The concept of sustainability, on the other hand, has developed out of the terrifying realization that human activity has sparked off an inexorable process of destruction. The Universal Declaration of Human Rights is essentially anthropocentric. The concept of sustainability sees the human being in the wider perspective of God’s creation. It seeks to define the

conditions for human survival set within the realities of nature. How are these two objectives to be brought into line with one another? So far no satisfactory answer has been found to this question.

What do the churches have to say about this contradiction? To date they have said very little, although they have been involved in the human rights debate for many decades. Even before it was officially founded, the World Council of Churches (WCC) played an important part in the drafting of the Declaration, especially the terms of the article on freedom of thought, conscience and religion. (4) Since then the churches, including, since the Second Vatican Council, the Roman Catholic Church, (5) have been increasingly involved in the defence of human rights. The WCC represents its member churches at the United Nations, notably at the sessions of the Commission on Human Rights. The concept of human rights is referred to as a criterion in public statements. At the same time, the churches are engaged in efforts to strengthen environmental awareness. The WCC was represented both at the Conference on the Environment in Stockholm in 1972 and at the Earth Summit in Rio de Janeiro in 1992, and has since been following the negotiations relating to climate change and biodiversity with close attention. Many churches are involved in programmes to achieve the goals of Agenda 21.

No systematic reflection on the relation between human rights and sustainability has yet taken place in the churches either, however. Here, too, human rights and ecological imperatives are, on the whole, dealt with by separate groups. So closely do the churches identify with the current discourse on human rights that, even here, there is little scope for critical debate. A good example of this one-sidedness is the most recent statement issued by the World Council of Churches at its Assembly in Harare (1998). It is simply a long list of demands supposedly aimed at refining and concretely defining the content of the human rights declaration. Everything conceivable is mentioned, from globalization or the death penalty to the rights of women and indigenous peoples. Even the rights of future generations receive a passing mention. But there is not a word about the fact that the need for sustainability places all these demands in a totally new perspective. (6)

Where do we go from here? How can we prevent the tension between these two domains growing and creating an impasse? Let us look first at human rights.

## **A. Human rights**

### **1. Plea for a radical reordering of society**

The initiative which led to the formulation of the human rights declaration came within a few months of the founding of United Nations. The UN Economic and Social Council appointed a Human Rights Commission with the task of promoting and encouraging respect for human rights and fundamental freedoms. (7) Work on a text began in 1947 and, on 10 December 1948, the Universal Declaration of Human Rights was adopted.

The Declaration clearly bears the marks of the Second World War. The United Nations Organization was founded to create the framework for a more peaceful world after all the devastation that had taken place. The Preamble expressly states that the Declaration has been drawn up because "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind". In the new order, it was said, "It is essential, if man is not to be compelled to have recourse, as a last resort, to

rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

The conviction that citizens can claim fundamental rights and freedoms vis-a-vis the state has a long history. It originated in America and the Declaration of Independence of 1776 can be regarded as its first formal expression. It became the central tenet of the French revolution and has become ever more widely accepted ever since, so that it is now a basic element in the structure of modern society. Every man, later every woman, is endowed with rights and freedoms which the state not only has to respect, but also to guarantee. In the course of the 19th and 20th centuries this idea has been incorporated, albeit in many different forms, into a growing number of national constitutions. (8)

The safeguarding of human rights was initially a matter for individual states. The new thing about the Human Rights Declaration of 1948 was its universal character. Henceforth the rights and freedoms of every individual in all nation states were to be recognized and protected. The Preamble describes the Declaration as “a common standard of achievement for all peoples and all nations”. It continues, “to that end every individual and every organ of society ... shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance” among the nations.

The Declaration is clearly borne up by the hope that it will provide the basis for a strong and durable international order. The more the nations are guided by its principles, the better they will be able to resist arbitrary power and avoid the establishment of dictatorships. The more human rights are recognized as a common standard, the better will be the safeguards of justice and peace. General respect for human rights is the necessary precondition to allow humanity to develop its full potential.

Article 1 sets the tone. “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” The Declaration looks first at the individual human person, who is to be recognized and protected in his or her particularity. “Everyone has the right to life, liberty and security of person (Art.3).” However, the individual person is also seen as a member of society and as such is required to use the faculties of reason and conscience with which s/he is endowed in the service of humanity.

Starting from this perspective, the Declaration then goes on to outline the social order that is to be implemented. It is not concerned only with promoting personal freedoms but has from the very beginning also focussed on social rights. Society is to be ordered in such a way that everyone be guaranteed “the economic, social and cultural rights indispensable for his dignity and the free development of his personality (Art. 22)”. That means the right to social security, to work, free choice of employment, equal pay for equal work, rest and leisure, food, clothing, housing and medical care, education, participation in the cultural life of the community, and so on. The Declaration is not only concerned with the comprehensive protection of personal rights, “protective rights”, but with the establishment of a society based on solidarity, the right of participation. Individuals are to have the chance to use their creativity, but at the same time everyone is to benefit from the fruits of progress. The Declaration links the heritage of the 18th century Enlightenment with that of the 19th century Labour Movement. Its aim is “to promote social progress and better standards of life in larger freedom” (Preamble).

Article 28 sums it up: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (Art. 28).”

This vision includes the affirmation of democracy. The surest way towards implementing personal freedoms and social rights is for every individual to be able to participate in the running of his or her country’s affairs. Every person must therefore have the opportunity to join in shaping society. The authority of state lies ultimately with the people and emanates from the people. The Declaration explicitly states (Art 21), “The will of the people shall be the basis of the authority of government.” Periodic elections by secret ballot are essential for a healthy body politic.

## **2. Legal implementation and gradual development of the Universal Declaration of Human Rights**

Originally there had been talk of a real Bill of Rights, and the Human Rights Commission drafted both a declaration and a convention. But this proved unfeasible. Initially, the Universal Declaration of Human Rights was simply a solemn appeal to the nations. (9) The hope was expressed, however, that the demands contained in the Declaration could be translated into binding law “by progressive measures, national and international”.

Efforts in this direction met with success. Only two years after the promulgation of the Universal Declaration of Human Rights, in 1950, the Convention on Human Rights and Fundamental Freedoms was adopted at the Council of Europe. The text confines itself to guaranteeing personal freedoms, and insists above all on the independence of the judiciary. Unlike the Universal Declaration of Human Rights, however, the text is binding. Compliance is supervised by the European Commission on Human Rights and a European Court of Human Rights.

At international level, an important breakthrough was made relatively quickly. On 16 December, 1966, the United Nations General Assembly adopted two Covenants. Both texts are an attempt to translate the general affirmations of the Declaration of Human Rights into legally relevant form. The Covenant on Civil and Political Rights is concerned to ensure personal rights and freedoms and is directed against all forms of discrimination. Like the European Convention it focuses on humanizing the judicial system. The Covenant on Economic, Social and Cultural Rights seeks to translate the social dimension of the Declaration of Human Rights. The right to work, to just remuneration, rest and leisure, social security, the highest possible level of mental and physical well-being, education and the like is established. Participation in cultural life is also mentioned, with the stipulation that all members of society should have the right “to share in scientific advancement and its benefits (Art. 15)”.

Besides these two Covenants, the general terms of the Declaration of Human Rights have been spelled out more concretely in a series of conventions, notably the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Convention on the Rights of Women (1953), the Convention against Discrimination in Education (1960) and the Convention on the Elimination of all Forms of Racial Discrimination (1965).

The Covenant on Civil and Political Rights includes measures for a system of protection. A Commission on Human Rights is responsible for naming violations of human rights by name and instigating the necessary steps. The composition and procedures of the institution are laid down in detail. In recent years there has been discussion of the proposal for a proper

International Court of Justice. A statute was approved at a conference in Rome in 1998 by 120 votes to seven (which included the USA, China and Israel), but still has to be ratified by the states before it can become a reality - and even if it does, very tight boundaries will be drawn for it. The Court's activities would be dependent on the cooperation of the Security Council and its five permanent members with their right of veto. It would also have to give precedence to national jurisdiction where countries themselves were prosecuting perpetrators. On 25 May 1993, through Resolution 827, the Security Council set up a war crimes tribunal for Yugoslavia, followed a few years later by a tribunal for Rwanda. These are to prosecute serious violations of the Geneva Conventions of 1949 on the conduct of warfare.

Implementation of the Covenant on Economic, Social and Cultural Rights proved more difficult. In 1987 a Committee was set up with the task of monitoring implementation of the Covenant and submitting relevant recommendations to the General Assembly. But the Covenant has raised intractable problems from the outset. Were the rights demanded in it realistic? Could they really be made universal? The Covenant assumes that each state is responsible for implementing them among its own people. It does certainly speak of the need for international cooperation, noting at one point: "The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent (Art 11)." Such references aside, however, the implementation of the Covenant is left to individual states. But do the conditions exist for them to do so? Surely the starting situation differs so much from country to country that it is impossible to apply the same yardstick? Surely what is needed to guarantee economic and social rights universally is mutual support among the nations? In other words, something in the nature of a right to solidarity in the community of nations.

This idea lies behind attempts to go beyond the Covenant on Economic, Social and Cultural Rights and to formulate a right to development (10). The proposal was made in the early seventies and was formally taken up by the Commission on Human Rights in 1977. A declaration drafted in the following years was adopted by the United Nations General Assembly in 1986. 146 countries agreed to it; eight countries (Denmark, the Federal Republic of Germany, Finland, the United Kingdom, Iceland, Israel, Japan and Sweden) abstained. The USA voted against and continued to oppose the project in the years that followed - a "no" vote that was to prove a serious impediment.

The concept of development is central in the declaration. It is concerned first with the right of the individual person to a development that will allow fundamental human rights and freedoms to be realized. Individually and collectively, they have a responsibility for bringing about a community in which full and free human development is guaranteed. However, the declaration places the main emphasis on the role of the states (Art.3). Individually and collectively, they are responsible for creating national and international conditions that will enable the right to development to be realized. They have a duty to co-operate with each other in ensuring development and eliminating obstacles to development. They should take steps towards setting up a new international economic order. The new thing here is that the declaration speaks not of states in general, but talks specifically about developing countries. It calls for sustained action to promote more rapid development of developing countries. In other words, the community of nations has a duty to help them. But at the same time they too must undertake to endeavour to help their population by motivating them and educating them and encouraging them to participate in political responsibility.

Further work on the declaration proved difficult. A resolution on the realization of the right to development (41/133), which was approved on the same day as the declaration itself, met with strong opposition from the start (11 against, 12 abstentions). After long and painstaking efforts by an Expert Group, the UN Human Rights Commission decided to convene a world consultation (1990). The report of this consultation contains a long list of recommendations to states, to the international community and NGOs. Above all, it proposes setting up a small top-level Expert Group (with one expert from each continent), which would give an annual progress report on the implementation of the right to development at national and international level. This proposal remained a pious intention, however.

The UN Conference on Human Rights in Vienna (1993) expressly accepted the principle of a right to development, but also considerably curtailed the original concept. The “collective dimension” on which the developing countries placed so much emphasis – right to aid, trade concessions, debt release or even a kind of Marshall Plan for the Third World – is pushed completely into the background. On the other hand, a new aspect comes to the fore. No doubt influenced by the Earth Summit in Rio (1992), the Vienna Conference insisted that the right to development should be treated in a way “that does equal justice to the needs of present and future generations in the fields of development and the environment”.

The project continues to be discussed at the UN, but has lost much of its momentum. It is all too obvious that the rich countries are opposed to any new obligations, while even the countries of the South have lost their original interest in the project, in that the right to development imposes new obligations on them, too.

Strategic considerations aside, the question that has to be asked is whether or not the “right to development” can in fact be derived from the concept of human rights. The objection to the contrary has often been made - wrongly, when it serves to deny or even to relativize the common obligation of states. A durable international order can only come about if the economically powerful nations recognize that they have a particular responsibility towards the community of nations. But does the idea of mutual solidarity among states not in fact introduce a perspective that goes beyond the concept of human rights? If solidarity is to be achieved, there has to be the political will to constitute a true community of nations. Acknowledgement of collective responsibility will have to come before national interests. Economic interests will have to give way to the principle of solidarity.

### **3. Limits to the implementation of human rights**

We have come a long way since 1948. In one sense, the Declaration of Human Rights can be said to have made triumphant progress in the last five decades. Its appeal has been heard and has become a fundamental dimension of international life. Within the framework of the United Nations, institutions have been set up for the specific purpose of enforcing human rights. Hardly any nations today can afford totally to disregard the requirements of the Declaration of Human Rights.

But at the same time, the obstacles in the way of making the vision a reality are considerable.

## National sovereignty

Chief of these is the tension between a universal order and national sovereignty. The authority of the covenants and conventions proposed by the international community depends on the agreement of individual countries. Texts have to be ratified by each state and, even after they have been ratified, governments still cannot really be held to their undertakings. Both of the 1966 Covenants state clearly in the very first article: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." The tension is obvious. The vision of a common order cannot really be transposed in the national situation. States with very different systems and constitutions take their place in the community of the United Nations, and the democratic order envisaged by Article 21 is by no means common to all of them. The right to self-determination is, of course, also intended to protect weaker nations from the actions of more powerful ones. Article 1.2 in particular protects them in principle from exploitation by other peoples. However, the right to self-determination also sets limits to the implementation of human rights, in that states alone decide how far international demands are to be applied. Only in the most extreme cases does it come to sanctions.

## The influence of the powerful nations

Criticisms and measures directed against countries where there are flagrant violations of human rights largely depend on the constellation of power at any given time, as is clearly demonstrated by the negotiations in the UN Human Rights Commission. Its resolutions generally reflect the particular political and economic situation at the time. Economically and politically powerful countries as a rule escape public criticism. Worse still, which countries are to be condemned for violating human rights, is largely decided by consensus among the powerful members of the Commission. Political measures are in any case part of the economic and political calculations of the powerful. Even criminal regimes can survive for a long time when economic or geopolitical interests are at stake. All this also applies to the planned Court of Justice.

## Tension between the two Covenants

But there is yet another aspect to be considered. The different aspects of the Declaration on Human Rights have been differently received. While civil and political rights are basically recognized by the majority of states, the demand for economic and social rights still meets with considerable reticence. The implementation of economic and social rights places demands on the economically powerful countries which they are not prepared to meet and which they therefore oppose. The result in effect is one-sidedness, with all the emphasis being placed on enforcing civil and political rights. Because the existence of the latter makes it easier to engage in unrestricted economic activity, they are supported by the powerful nations. Economic and social rights, and still more so, the right to development, take a back seat. (11)

"There is no human rights imbalance to be redressed", Volkmar Deile says confidently. "Freedom, justice and participation are the basic elements of human rights; they balance one another." (12) This may be true at a theoretical level, but in practice the picture is different. There is an unbridgeable gap between civil and social rights. In the mind of the general public, human rights are synonymous with personal rights and freedoms. However much talk there is of the "indivisible" nature of human rights, they have in fact long been



divided. The “struggle for human rights” has essentially become the struggle for the elementary freedoms of the individual person.

An important part in the implementation of human rights is played by non-governmental organizations (NGOs), which work to mobilize public opinion in favour of human rights and so counter the forces seeking to prevent their implementation. They try to intervene where state structures and international institutions fail. It has to be said, however, that they too are part of the “imbalance” in that they tend to concentrate exclusively on this or that aspect of human rights, thereby unintentionally contributing to dividing them.

It is sometimes argued that the commitment to civil and political rights will eventually lead automatically to a wider engagement, and that those dealing with actual violations of civil rights will inevitably be led to tackle the underlying social causes of injustice. This may well be true for some actively engaged individuals. Generally speaking, however, the division of human rights is now so deeply anchored in people’s minds, that this broadening of perspective can by no means be taken for granted.

## **B. Sustainability**

### **4. Preserving the basis of life**

In the late sixties and early seventies, a second, no less important imperative emerged alongside the demand for human rights - the demand for sustainability.

It had become increasingly clear especially to scientists that the earth’s resources were limited and that human beings had to respect those limits. The first signs of environmental destruction had become visible. Doubts were beginning to be expressed about the “course” humankind was steering. Calls for a new relationship to God’s creation were growing louder. New movements like Greenpeace and WWF sprang up. This period also saw the start of efforts to have conservation of the environment included in national legislations.

On the international political scene the new awareness was expressed in the Conference on the Environment in Stockholm in 1972. The statement issued by this conference expressly spoke for the first time of the dangers threatening mankind’s environment. To safeguard the future, new paths to “development” would have to be found. Responsibility for the follow-up to the conference lay with the newly created United Nations Environment Programme (UNEP), based in Nairobi. Another document, known as the World Charter for Nature (WCN) was drafted in the following years, and in 1982, ten years after the Stockholm conference, it was adopted by the United Nations General Assembly. It was an attempt to formulate “the common standard by which all human conduct affecting nature is to be guided and judged”.

Although there was growing concern about the state of the environment in many circles, this text had relatively little impact. Far more attention was attracted by the report of the UN commission entitled “Our Common Future”, known as the Brundtland Report, published in 1987. This report attempted to combine the demand for sustainability and the requirements of economic development. From then on the term “sustainable development” increasingly became the keyword in public discussion. (13) A few years later, in June 1992, twenty years after Stockholm, a major UN Conference on Environment and Development (UNCED) was held in Rio de Janeiro. It seemed a breakthrough had been

made. The delegates agreed on a joint declaration setting out important principles of environmental policy. Two conventions were signed – on climate change and bio-diversity - and submitted to governments for ratification. A detailed programme for the next century was agreed - what came to be known as Agenda 21. A striking feature of the conference was the unparalleled participation of non-governmental organizations. Over 15,000 people attended it.

When it came to implementing the principles, however, obstacles and opposition were not slow in appearing. The two conventions were ratified, certainly. Institutions were set up and processes inaugurated to guarantee their implementation. Taking these together with other international agreements like the Convention on the Law of the Sea, the Ramsar Convention on Wetlands, the Migratory Species Convention, the Convention on the Trade in Endangered Species or the Basle Convention on Toxic Waste, we can speak of a small corpus of international agreements in the field of protection of the natural world. One could imagine in principle that more such agreements might be added in future, thereby creating a more solid foundation for the responsible treatment of nature. The Rio initiatives soon ran into difficulties, however. The evaluation of the follow-up, which took place as planned in 1997, at the Rio+5 conference in New York, proved disappointing.

Nonetheless, committed groups continue to work patiently on two new texts, an Earth Charter and a Covenant on Environment and Development.

The proposal goes back to the report “Our Common Future”, which includes the recommendation that “The UN undertake to consolidate and extend relevant legal principles in a new charter to guide state behaviour in the transition to sustainable development”. There should be a “universal declaration that sets forth new norms for state and interstate behaviour needed to maintain livelihoods and life on our shared planet”. The report goes on to recommend that this Charter “be subsequently expanded into a convention setting out the sovereign rights and reciprocal responsibilities of all states on environmental protection and sustainable development”. (14)

The hope that an Earth Charter might emerge from the Earth Summit in Rio de Janeiro proved unrealistic, but the project was not dropped.

The initiative has come from two groups. In 1994, the Earth Council and Green Cross International decided to draft a Charter and submit it to the United Nations. At the end of the eighties, another organization, the International Union for the Conservation of Nature and Natural Resources (IUCN), had already begun to draft an International Covenant on Environment and Development. The IUCN was founded in 1948 by France, UNESCO and the Swiss League for the Protection of Nature and, through its legal commission, has intervened on several occasions with draft proposals for international agreements. In 1995 these two groups decided to take joint action. The two texts have already gone through various drafts, and large-scale opinion surveys are in process.

The Charter is to the Covenant what the Universal Declaration of Human Rights is to the 1966 Covenants. While the Charter sets out the basic principles, the Covenant seeks to open the way for legislation. The promoters of the Earth Charter hope that their text will be adopted by the United Nations General Assembly some time between 2000 and 2002. Their chief concern, however, is to promote a new world ethos. They see the Charter first and foremost as a “peoples’ treaty to be adopted by civil society” (15), whereas the Covenant

depends much more on the approval of the UN General Assembly if it is to become legally binding.

There is still a long way to go and, even if the texts should be adopted it is uncertain how much they will actually change.

## **5. The power of the contemporary social project**

Despite the intensive debate about sustainability going on in many circles, this international agreement has nevertheless had a very limited reception. The disastrous course continues, even though the damage done is becoming more obvious every year. On the whole, measures for the protection of the environment are simply designed to avoid excesses – above all when these seem to threaten the well-being of the industrialized nations. As with the buying and selling of indulgences in medieval times, humanity appears to be avoiding the demand for true conversion by doing small penances – adjustments instead of real action.

Why should this be so? The answer, no doubt, must be that the whole thrust of the concept of sustainability runs counter to the current development of society. The prevailing economic system is essentially hostile to creation. Everything is geared to expansion. A rapid succession of scientific discoveries in recent decades has opened up new horizons, technological innovations have placed new means at the disposal of the human race, and production is spiralling all the time. The process of globalization has stepped up the intensity of the attack on nature. Doubts may be increasing, but the maxim remains “growth”. The phrase “sustainable development” that we hear everywhere today is significant. “Sustainability” has been reduced to an adjective qualifying the noun “development”.

Some people try to console themselves by saying that reception takes time - and point to the example of the Declaration of Human Rights over the past five decades. Why should a similar process not take place with sustainability? (16) Quite apart from the fact that, given the pace of destruction, there is no time to lose, the comparison breaks down. As we have seen, the reception of the human rights declaration was not exactly a model of its kind. The result is a one-track discourse that fits in with the existing system. Broader considerations about social and cultural rights and about the right to development have had little or no echo.

The Declaration of Human Rights is part of the project of society launched after the Second World War. Its primary aim is to create the best possible conditions for the integrity and development of the human person. It was produced at a time of reconstruction, when there were hopes of a happier and more peaceful world and when the limits to economic growth had not yet been sighted. It was possible to develop the world without endangering the quality of human life.

In 1948, to rescue the world from the chaos of the Second World War, the basis for a new order was formulated. Now another new order is needed to cope with the destruction of the environment. This can clearly not be automatically derived from the Declaration of Human Rights; a new approach is needed. (17)

## 6. The conditions for sustainability

### Limits to carrying capacity

Sustainability, i.e. social development that is sustainable, bearing in mind our responsibility vis-a-vis future generations, can clearly only be achieved if human beings recognize the limits that are set for them and respect a certain moderation in their exploitation and use of the planet earth. Human activities, especially economic production, must not exceed the boundaries set by the biosystem. Resources must not be exploited to such an extent that they cannot be renewed or replaced by other resources. Nature must not be placed under such strain that it is changed and damaged beyond repair. It is vital that the limits to the carrying capacity of the environment be identified, fixed and respected.

A good illustration of this approach is the Convention on Climate Change. In view of the threatened change in climatic conditions and the damage and destruction this will inevitably provoke, the Convention represents an attempt to find a common solution. In order to reduce dangerous emissions of greenhouse gases, countries agreed to a carefully devised plan. CO<sub>2</sub> emissions are to be progressively reduced until the concentrations of CO<sub>2</sub> in the atmosphere are brought down to an acceptable level. A complicated international structure has been set up to implement the common project. Similar efforts are now also being made in other fields, e.g. to prevent the depletion of fish stocks through over-fishing, to safeguard water supplies, to prevent the loss of cultivable land and so on. (18) On a variety of fronts, limits and quotas are being identified and fixed.

### Solidarity within this framework

The realization that there are limits to the demands humanity can make on the natural environment, places the obligation to mutual solidarity among the world's nations in a new light. Not all countries participate to the same extent in the exploitation and destruction of the environment, the demands of the industrialized countries being far greater than those of the developing countries. This being so, it only makes sense to speak of economic and social human rights if, at the same time, the demands on the natural environment are realigned and adjusted. The willingness to engage in new forms of solidarity is essential if the destruction of the environment is to be halted. What is already laid down in outline in the Right to Development needs to be further expanded. The growing ecological fragility of all the world's countries makes the need for mutual solidarity all the more urgent. For the industrialized countries, this means facing the fact of their own life-endangering role in the community of nations. Here, too, the Convention on Climate Change is a good example. It makes a clear distinction between industrialized and developing countries, in other words, between countries with high levels of CO<sub>2</sub> emissions and countries which are only now beginning to industrialize. The Convention is an attempt to apportion responsibility to each country, the rich ones being expected to make the first move. Careful calculations have shown that the CO<sub>2</sub> emissions per head of the population and per year should not exceed 1.8 tonnes. The conclusion is obvious. Real solidarity means that the industrialized countries must be prepared to make substantial cuts and hence also to make sacrifices.

### Greater efficiency

Or are there perhaps other solutions? Are there ways to reduce the demands on natural resources without having to give up anything? This argument is often defended, usually linked to the concept of sustainable development. If only the necessary measures are taken,

economic growth will remain “sustainable”. New scientific achievements, new technologies, new forms of organization, its advocates say, will make “friendlier” treatment of the environment possible. But the argument soon proves illusory. Some dangers can of course be avoided or alleviated by new human techniques. Efficiency is imperative, but nothing entitles us to expect that the levels necessary for sustainability can be reached by this means alone, far less that the present growth can be continued into the future. Unless demands are reduced, at least in some areas, there will be no way forward to the future, and above all, unless the excessive demands of the industrialized countries are reduced, there can be no justice among the nations.

Considerations of this kind have little place in the human rights discussion as it has developed over the last fifty years. Even in the Declaration on the Right to Development the assumption is still that the resources the world offers are sufficient for everyone’s economic growth and that the question is simply how to ensure that all get their fair share of the product. But in fact, justice cannot be achieved by constant growth, but only by a radical application of the principle of solidarity. The industrial nations’ excessive claims on creation go far beyond what is due to them. By their lifestyle they in fact constantly violate the rights of less advantaged peoples. The struggle to protect civil and political rights is essential but, if it is to make sense, it needs to be embedded in the wider context of the struggle for a just and sustainable society. Otherwise we may find that we have “strained out a gnat but swallowed a camel” (Matt 23:24).

## **C. How can human rights and sustainability be reconciled?**

### **7. Human responsibilities and world ethos**

Can a breakthrough perhaps be achieved by insisting on the obligations that every human being has to fulfil? It has always been said that human rights can only be implemented in a society whose members are committed to protecting human rights. Should we not then place all the emphasis precisely on promoting that commitment? The Declaration of Human Rights itself speaks unequivocally of duties. Article 29 expressly states: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” However, the Declaration does not spell out clearly what exactly these duties imply. Is it not time today to put this right? Could an explicit list of the duties recognized by all human beings, regardless of religion or culture, help to lay the foundation for a true international community? Above all, could this be the way to build a bridge from human rights to sustainability?

Attempts along these lines have been made in various quarters in recent years. Calls have been made for a common code of ethical values and principles. A “world ethos” capable of holding together the centrifugal tendencies of society has been outlined. (19) Discussion of common moral convictions is going on in inter-faith dialogue. (20) All these attempts are based on the hope that the acknowledgement of common ethical approaches can release strong moral forces.

### **The proposal of the InterAction Council**

In conjunction with the 50th anniversary of the Universal Declaration of Human Rights (1998), the InterAction Council, a group of former heads of state and government, including personalities like Helmut Schmidt, Jimmy Carter, Pierre Trudeau, Oscar Arias and others, presented a draft for a "Universal Declaration of Human Responsibilities". (21) In the preamble to the declaration it is pointed out that: "the exclusive insistence on rights can result in conflict, division and endless dispute, and the neglect of human responsibilities can lead to lawlessness and chaos." The declaration sees itself as an appeal to all people "to foster a better social order, both at home and globally". The text itself comprises 19 articles and closely follows the structure of the Declaration of Human Rights. In the area of social rights in particular, its principles are far-reaching. Art. 11, for example, states: "All property and wealth must be used responsibly in accordance with justice and for the advancement of the human race."

Helmut Schmidt, the former German Chancellor, chairman of the group, hopes the declaration will contribute to peace. He sees ever more destructive world conflicts developing. "If we want to avoid the impending clash between cultures, then economic and military strength will certainly not be enough; we must also have a moral code that is accepted by everyone else." (22) In his view, the declaration represents "the minimum ethical code" common to all religions, countries and their governments and could therefore form a bulwark that would prevent conflicts from degenerating.

But does this declaration really get us anywhere? Important as the appeal to the world's moral conscience may be, it is doubtful how much is actually gained by it. The problem lies first in the content of the declaration and the fact that the list of duties closely parallels the Declaration of Human Rights. It is not surprising, therefore, that the environmental crisis is scarcely mentioned. The dangers to the natural basis of life are mentioned only in passing, with the brief statement that "the animals and the natural environment also demand protection" and that "all people have a responsibility to protect the air, water and soil of the earth for the sake of present inhabitants and future generations". Because the text of the declaration places all the emphasis on the human person and the quality of human life, this mention seems rather in the nature of an embarrassed after-thought. (23) The declaration really does nothing to broaden the perspective from human beings to the whole of God's creation. On the contrary, its one-sidedness will simply allow the work of destruction to go ahead unabated. For what is the point of calling for the protection of air, water and soil unless, at the same time, it is made clear that the fulfilling of this responsibility calls in question the existing understanding of human rights? An understanding of human rights which does not consider the role of human beings in God's creation as a dimension in its own right is not only not realistic today, but actually harmful. (24)

The common texts on global ethics emerging from inter-religious dialogue point in a similar direction. Both the declaration drafted at the Parliament of World Religions and the more private initiative for a "Universal Declaration on a global Ethic", propagated notably by Leonard Swidler and Hans Küng, give only secondary importance to responsibility for the environment.

### **The Earth Charter**

Not so the Earth Charter, which is a striking call for a new sense of responsibility for the planet Earth. "It is imperative that we, the people of the Earth, declare our responsibility to

one another, to the greater community of life, and to future generations.” It demands a clear decision for Life. “The choice is ours: to care for the Earth and one another, or to participate in the destruction of ourselves and the diversity of life.”

Having stated this responsibility, it goes on to set out principles on Ecological Integrity, a Just and Sustainable Economic Order and, finally, Democracy and Peace. The text develops a global view of society and identifies the ethical imperatives that have to be respected in order to draw closer to this vision. It is noteworthy that there is little word about human rights in this vision. Whereas, in the InterAction Council’s text, the starting point was clearly the Declaration of Human Rights, here human rights are mentioned only in passing. Paragraphs 8 and 11 say that a just and sustainable social order includes the protection of human rights, but under this heading they speak of the basic right to potable water, clean air, uncontaminated soil, food security, and safe sanitation.

Why is the relationship between human rights and sustainability not dealt with more explicitly and in greater detail? Apparently, for tactical reasons, the promoters of the Earth Charter came to the conclusion that a reference to the Declaration of Human Rights would create unnecessary problems for the Earth Charter. There was a consensus that removing the reference to the Universal Declaration would remove a great many potential problems. (25) But does this solve the problem? Clearly they are of the opinion that the Universal Declaration of Human Rights and the Earth Charter are complementary and it is enough to include reminders of their inter-relatedness. It is important constantly to reaffirm the corollary that rights are dependent upon the health of natural systems and also that the health of natural systems is dependent on human rights. (26)

But is that all there is to it? As soon as it comes to putting the general principles into practice, it will become apparent that the relationship is in fact full of tension. Because of the decision not to confront human rights discourse head-on, these problems are being played down, but sooner or later they will surface again.

### **World ethos or a new contract**

Both the InterAction Council’s text and the Earth Charter are addressed first and foremost to individuals. Every individual person is called upon to recognize and fulfil his or her responsibility in the private and the wider public sphere. The primary aim of the texts is to awaken a new ethical consciousness. Only at a second level are governments addressed. They are called upon to act in line with these ethical obligations and so help to safeguard the future. “Like the Human Rights Declaration at the time, the new declaration of responsibilities would be in the nature of an ethical appeal, not a document binding under international law”, Helmut Schmidt says; “but we would hope it would subsequently have legal or political effects”. The authors of the Earth Charter say much the same.

There can be no doubt that only a new consciousness can produce a new order. All projects for social change are to no avail unless they have the involvement and consent of the population. The approach of the various movements for greater ethical commitment is therefore justified. In view of the centrifugal forces in society it is high time for a counter-movement of responsibility.

But that still leaves the question of how a genuinely new approach is to be achieved. Unless and until the different and still conflicting perspectives can be integrated into a common overall view, and the nations reach agreement on a real treaty, nothing will change. What is

lacking at the level of social order cannot ultimately be put right by a new emphasis at the level of moral values and obligations. What is needed are new texts and, above all, new practice at the level of national and international law.

The Human Rights Declaration of 1948 was initially a solemn appeal to the general public but, through the public, it also addressed States, which were to be the actual agents of the new beginning. Responsibility for guaranteeing the political and social rights of the individual would lie with them. The Earth Charter likewise ultimately has governments in mind. The new social model implicit in the Covenant on Environment and Development can only be brought about by state action. If anything is to be achieved, there has to be absolute clarity about what the aims and objectives are. That is why it is essential to reconcile the conflicting perspectives underlying the two streams of thinking.

## **8. Correcting the course**

It has been clear for some time now that human rights discourse needs to be corrected. From the churches, too, there have been reminders that the struggle for the implementation of human rights must include care of the environment. (27)

On the whole, though, it continues to be assumed that there is no contradiction between human rights and sustainability. After all, so the argument goes, the basis of mutual responsibility is laid down in the Universal Declaration of Human Rights. How can there be any talk of equality and fraternity without the willingness to stand by one another in the face of impending danger? Article 30 states that every person has not only rights, but also duties towards the community; his/her rights and freedoms can be limited for one reason only, which is, to secure due recognition and respect for the rights and freedoms of others and to meet the just requirements of morality, public order and general welfare. Are we not entitled to deduce from this that the rights of individual persons and individual states can only be developed within the limits of the resources that are available to all? The Human Rights Declaration is couched in such general terms that these conclusions are by no means obvious. The demand for sustainability is at odds with the spirit of the Human Rights Declaration and it will only cloud the issues if we try to hide the fact.

At least four points must be mentioned here:

1. The first concerns the image of the human being that is assumed in the Declaration. Article 1 speaks of the human being and human community without reference to the world in which they are placed. Not a word is said about the indissoluble relationship between human beings and nature. The environmental crisis has reminded us that the human being is not a creature isolated from the rest of creation, but a creature among creatures and obliged as such to fulfil his/her responsibilities in this overall setting. The narrow anthropological focus of human rights discourse leads inevitably to blind spots and distortions.
2. In the light of the environmental crisis it has become increasingly obvious that there are limits to human development and these limits have to be borne in mind when rights are formulated. Rights are subject to limitation not only in the freedoms of others, but also in the realities of nature. The limits within which rights can be exercised are thus crucial in the debate. The principle of equality in face of the impending danger of environmental destruction implies the need for self-restraint, indeed even the right to demand self-restraint of others.



3. The Declaration of Human Rights sees the human being here and now. It emphasizes the fact of being born and living now, disregarding what went before and what will come after. Yet the fact is that human beings are part of the chain of generations, they have to preserve and hand on the heritage they have received. Their rights on this earth are those of sojourners, and they are limited by the legitimate claims of future generations.
4. The Declaration of Human Rights claims universal validity. It outlines the ideal common standard to be achieved by all peoples and nations. In doing so it assumes that the task is basically the same for all peoples and nations - but the reality is that conditions vary from nation to nation. If the peoples and nations of the world are to form a true community they must be able to rely on one another. Nations favoured by nature and by history carry a different responsibility for the community than do less favoured nations. For the sake of the whole community, weaker nations have a right to support, a right which for them includes the duty to contribute what they can to consolidating the world-wide community. A right to solidarity is, as we have seen, already envisaged in the Declaration on the Right to Development. If sustainability is really to be treated seriously, this "right" will have to be radically developed.

In view of these contradictions it is not enough simply to add the right to a healthy environment to the list of human rights. As we have seen, this is the simplistic path adopted by the World Council of Churches. At the end of a long list of demands we read: "The full exercise of human rights requires a healthy environment. Nuclear and other toxic wastes, atmospheric pollution, climate change, massive deforestation, depletion of fish stocks and other forms of assault on God's creation threaten the survival and well-being of individuals and societies and sacred lands. Churches must connect their work for human rights with their concerns for the environment." (28)

Desirable as a new version of the Declaration of Human Rights itself may be, that belongs to the realm of the impossible. The only way to create awareness of the conflict between the two approaches is to spell it out in a new declaration, such as the Earth Charter. Unless and until this is done, the road to a "responsible society" will stay blocked. The Earth Charter promoters' decision not to address the tension directly may bring short-term tactical advantages but is unlikely to pay off in the longer run.

## **9. The witness of the churches**

What are the implications of these findings for the churches? Where do they stand in relation to human rights? To what extent can they make the cause of human rights their own? To what extent do they have to maintain a critical distance?

### **Proclamation and human rights**

While the free churches in the Anglo-Saxon world have been open to the idea of rights and freedoms of the individual from early on, the attitude that prevailed in the evangelical churches of the continent was one of scepticism, and even rejection. The demand for freedoms seemed to them to challenge God's claim on humanity. Still more emphatic was the opposition of the Roman Catholic Church, which saw a danger not only to God's authority but to that of the Church as well. This time of rejection is a thing of the past. The churches are agreed today that their message compels them to affirm human rights strongly

and clearly. Their involvement in efforts for the enforcement of rights is accepted as self-evident.

It is, of course, immediately clear that affirming human rights cannot mean totally identifying with them. The church's proclamation has its own foundation. It can affirm and defend human rights because they relate to values which are in harmony with its own preaching. Freedom, equality and solidarity are values which reflect the message of the gospel and which serve not only to build a sound social order but to pave the way for what is ultimately the intention of the gospel. But at the same time the churches' proclamation goes far beyond these demands.

This can be illustrated by the following five examples:

- a) The church's preaching starts with the assumption that the human being is created by God. Human beings are not born of themselves, but receive life as a gift from God. As God's creatures they have an intrinsic dignity which it is not for them individually nor for any human instance to dispose of. Whoever they are and whatever they do, they are still "made in God's image". How could the church possibly not agree with the Declaration of Human Rights when it affirms that the dignity of every human person is inviolable and must be protected against unacceptable assaults by society or the state? God's claim on human beings must also be respected in society. It is important to put a stop to the arbitrary treatment of people. But at the same time the church's message goes further. God's gift to human beings is not life alone, but also the grace that is bestowed on them. However much they may lose their dignity in rebelling against God, God does not let them go. In Christ their dignity is restored to them. Nothing, "nor height, nor depth" shall separate them from God and from their status as beings created in God's image.
- b) *Freedom* is one of the central keywords in the Christian message. God in his love for humanity sets people free. Human beings justified by God in Christ become God's children. They are led from the condition of slaves concealing themselves from God, to that of free human beings able to walk confidently in the world. The Declaration of Human Rights attributes fundamental rights and freedoms to the human person. In the light of the church's preaching it is in fact immediately clear that a person can only maintain and develop his or her worth if these rights are guaranteed and respected. The space for every human being to develop his or her humanity must be defended, and this applies in particular to the protection of conscience. People must be free to give account of themselves before God. A society which suppresses this freedom loses the most intimate source of true humanity. But the church has something else to say in its preaching. It knows that freedom is only true freedom when it is enjoyed within the relation to God. Christ may set us free of all the powers, and especially the oppressive power of the Law, but freedom is not to be confused with independence. Human beings find fulfilment in the love of God, love of other human beings and of the creation around them. "You were called to freedom.....only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another" (Gal. 5:13). Because freedom and love are indissolubly linked, the human being is ultimately not so dependent on the space provided by the rights and freedoms guaranteed by the Declaration of Human Rights in order to become truly human. Ecce homo! said Pilate of Jesus, abandoned and mistreated by all.

- c) The church's message proclaims *equality*. Before God there is no "respect of persons", God is accessible to all, equally. All human beings are taken seriously in their particular identity and with their particular gifts and weaknesses. Different as people may be, before God there is no hierarchy. The church can therefore endorse the ethos of equality that runs through the Declaration of Human Rights. It is entirely in line with its teaching, which assumes at the outset that there is an inherent worth shared by all human beings equally and that, as a matter of principle, all have the same rights. This ethos of equality is the precondition for a life lived in mutual respect and community but, again, the church's proclamation goes further. Its image of community is marked by the knowledge that the quality of human relations is constantly under threat, that community is always in danger of being undermined by the will for power. Even where the principle of equality is theoretically affirmed relations of domination can develop. The church's attention therefore has to go to those who are, or are liable to become, the victims of the power struggle, and in this respect it will be guided by the commanding vision of the Magnificat: God who "looks down with favour on the lowliness of his servant" and who "has shown great strength with his arm; he has scattered the proud in the thoughts of their hearts. He has brought down the powerful from their thrones, and lifted up the lowly (Luke 1: 38-52)". Equality is not something to be formally claimed by each individual, but the responsibility of the community towards its "weakest and neediest members".
- d) The church's preaching speaks of the *participation of all* in the community. The Spirit is poured out on all – on people of all generations, male and female, of every origin and colour. Everyone, weak and strong alike, shares in the gifts of the Spirit. The community thrives on the contribution of all its members with their specificity and their gifts. It is in a sense only natural, therefore, that the churches should defend the rights of participation in the life of society, indeed they can scarcely avoid doing so. Every person must have at least the opportunity to contribute to public life. Affirming participation implies affirming a democratic social order - a society will only remain viable if there is constant interplay among all its vital forces. But here too, the church's proclamation goes further. Participation as the church understands it is first and foremost conscientious service to one's neighbour. It knows that the common welfare depends on people who are prepared "to bear one another's burdens (Gal. 5)". Participation is not meant to serve the interests of a few, but to build up the body as a whole.
- e) The church's preaching also calls for *community in the sphere of material goods*. In the church community the contrast between rich and poor does not exist. The image of the church shown to us in the New Testament is one of a community that shares its worldly goods. The church must therefore not only affirm economic and social rights but must call emphatically for their implementation. The rights and freedoms of the individual person can only become a reality if they are bound up with economic and social rights. Social justice is a precondition if every person is to be able to develop his or her full potential. As with the rights and freedoms of the individual, so every state and the community of states have a duty to stand up for social justice; solidarity among the states is essential for the sake of human rights. The church's proclamation goes further than formulating economic and social rights, in that the demand for solidarity is radical. Property is placed radically in the service of the neighbour.

### Critical acceptance

These few short indications will suffice to show that the churches' relation to human rights cannot simply consist in endorsing them. The affinity with the values and perspectives opened up by the Declaration of Human Rights is obvious. The gospel compels the church quite naturally to join in the struggle to establish human rights. It stands wholeheartedly and unreservedly behind this or that goal arising out of the existing formulations of human rights, and it will not hesitate to refer to them to justify a commitment. The church knows that the gospel it proclaims assumes faith in Christ and that this faith cannot and must not be generally assumed. It will therefore work with conviction for the advancement of the existing consensus but, on the basis of its proclamation, it will also question human rights discourse, for it knows it is obliged to maintain a critical distance.

Over-hasty identification with human rights does not do justice to the complexity of the relationship. It undermines the critical potential inherent in the gospel. Again, the World Council of Churches' statement provides an example of the attempt to derive the churches' commitment to human rights from the gospel without due consideration of the problems involved. It states: "As Christians, we are called to share in God's mission of justice, peace and respect for all Creation and to seek for all humanity the abundant life which God intends. Within scripture, through tradition, and from the many ways in which the Spirit illumines our hearts today, we discern God's gift of dignity to each human person and their inherent rights to acceptance and participation within the community. From this flows the responsibility of the Church, the Body of Christ, to work for universal respect and implementation of human rights." (29)

### Participating in the current debate in the light of the Gospel

In seeking an adequate definition of the relation between proclamation and commitment to human rights, it must first be emphasized that the concept "human rights" is not a fixed quantity with a firmly established meaning. Human rights in their present formulation are the subject of an intensive debate in which the churches find themselves in discussion with very different partners representing widely differing interpretations and emphases. If they want their commitment to be understood, they have to feed their own understanding into the discussion. Of particular importance here is how the different aspects of human rights are related and linked to one another. How far is the balance maintained between civil and political rights on the one hand, and economic and social rights, on the other? Is the whole emphasis placed *de facto* on civil and political rights? Or are efforts also being made for the implementation of economic and social rights? The important thing for the churches here is not simply to participate in the struggle for human rights, but to avoid distortion of the discourse about human rights itself. A critical debate on human rights is needed in the churches if for no other reason than because the danger of such distortions exists in their own midst. Human rights belong among the values that Paul sums up in his Letter to the Philippians under the adjectives "true, honourable, just, pure, pleasing, commendable", closing his list with the exhortation "if there is any excellence and if there is anything worthy of praise, think about these things (Phil. 4:8)". How and why the gospel can be implicated in the struggle for human community is something that requires constantly to be thought through afresh.

Critical distance is needed above all, however, because human rights discourse is subject to change. Human rights have been gradually formulated in the course of several centuries. The body of texts available today is the outcome of a complicated history and, while some

of the original intentions have been maintained, others have been modified. New perspectives have been added in the course of time. Above all, it has become obvious that the demand for the rights and freedoms of each individual person cannot be universally realized so long as the gap between rich and poor nations has not been overcome. The answer, as we have seen, was the call for a Right to Development, a proposition that went far beyond the original intention of the Universal Declaration of Human Rights, and indeed in a sense began to explode the concept of "human rights", for this further development met with almost insuperable opposition, and human rights discourse forfeited considerable credibility as a result. Lastly, the demand for sustainability has now highlighted the need for a further redefinition of the relation between the church's witness and human rights discourse.

## Two demands

Rather than settling too hastily for a particular expression of human rights, the churches would therefore do well to monitor the different lines of thinking and, where need be, express criticism.

What might this mean today?

First of all, the churches must defend the indivisible nature of human rights: civil and political rights cannot be separated from economic and social rights. The right to development must be defended and promoted as a legitimate extension of the meaning of human rights. Whether or not the concept of "right" can be retained in the struggle for implementation remains to be seen. Whatever the terminology, the concern must not be allowed to disappear.

The churches will work to have the demand for future sustainability incorporated in thinking on human rights. An Earth Charter that makes no reference to the Universal Declaration of Human Rights would be incomplete.

In the discussion surrounding the appropriate formulation of human rights and in efforts for their implementation, the churches should never forget that their hope for the future is not tied to human rights. Important as it is to improve and perfect this instrument, it remains to be seen what can be achieved with it in this world. Witness to the kingdom of God is opposed by the "principalities and powers" and it is by no means certain that the outcome of the struggle will be a gradual improvement. Not just sloth but, more still, blindness of heart could still gain the upper hand. Clear as the challenges before us are, they may still not be fully acknowledged. Human rights practice as it has evolved so far is by no means an unequivocal "*signum prognosticum* of the ethical progress of the human race". Rather, in more ways than one, it is a sign of unclarity and stagnation. The revolution that was intended by the Declaration of Human Rights is thus not only incomplete, but possibly incompletionable. For the churches, the future sustainability of the world is not ultimately in human hands, but the hiddenness of the future is no reason to withdraw from the struggle for human rights. The significance of that struggle is that, in this world of injustice and destruction, it is at any rate a *signum caritatis* and as such points to God's coming world.

## Notes

- (1) *"Eine mächtige Lüge"*, Die Zeit, no. 51, 10 December 1998, p. 18
- (2) Norberto Bobbio in: *"Die Verbesserung der Zukunft"*, Die Zeit, no. 46, 5 November 1998, p. 18
- (3) In: Die Zeit, no. 50, 3 December 1998, Supplement, p.1
- (4) A survey of this work is given by O. Frederick Nolde, *"Freedom of Religion and Related Rights"*, in: The Church and the International Order, 1948 , p. 143ff. At the Assembly itself the main concern was also freedom of religion; a statement was drafted and adopted on the subject. Cf. W.A. Visser't Hooft (ed.), *The First Assembly of the World Council of Churches, Amsterdam 1948, 1949*, pp. 97-99
- (5) The Roman Catholic Church was long in coming to terms with the idea of human rights. It saw them as modern humanity's claim to self-determination and feared that they might undermine the church's authority. The real turning point did not come until Pope John XXIII and the Encyclical *Pacem in terris*, which states that the Declaration represents "an important step on the path towards the juridical-political organisation of the world community (§144). Looking back, it is asserted in the usual way that the Roman Catholic Church has basically always taught human rights. O.von Nell-Breuning says, for example: "With *Pacem in terris*, the church, long sceptical, not to say dismissive in its attitude towards human rights,.....has adopted human rights divested of their one-sidedness; it has recognized human rights, properly understood, as a genuine component of its own image of humanity that has simply been lying buried for a while." Cf. Franz Furger, Cornelia Strobel-Neppe, *Menschenrechte und katholische Soziallehre*, 1985, p.84
- (6) In preparation for the assembly, the World Council of Churches published a booklet on the theme *Human Rights and the Churches, New Challenges, Reports and Papers of the Global Review of Ecumenical Policies and Practices on Human Rights*, Background Information of the Commission of the Churches on International Affairs, 1998, 1, Geneva 1998. The assembly statement broadly speaking adopted the ideas of this publication. For the text of the statement itself, cf. *Together on the Way, Official Report of the Eighth Assembly of the World Council of Churches*, Diane Kessler (ed.), Geneva, 1999, pp. 195-206
- (7) The basis for this mandate had already been laid down in the 1946 Charter of the United Nations itself . The Preamble speaks of the intention "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to establish conditions under which justice and respect of the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom".
- (8) For the history of human rights, cf . Fritz Hartung, *Die Entwicklung der Menschen-und Bürgerrechte von 1776 bis zur Gegenwart*, Göttingen 1972
- (9) At that time the World Council of Churches called for a binding declaration. At the inaugural Assembly of the World Council of Churches in Amsterdam in August 1948, a few months before the adoption of the Universal Declaration of Human Rights by the

United Nations, the delegates emphatically urged the United Nations to draft a proper Bill of Rights. The resolution stated: "The Assembly...regards a Declaration of Human Rights which is neither binding nor enforceable, although valuable as setting a common standard of achievement for all peoples and all nations, as in itself inadequate....The Assembly calls upon its constituent members to press for the adoption of an International Bill of Human Rights making provision for the recognition, and national and international enforcement of all the essential freedoms of man, whether personal, political or social." W.A.Visser't Hooft (ed), *The First Assembly of the World Council of Churches*, New York, 1949, p.96

- (10) S. Bennigsen, *Das Recht auf Entwicklung in der internationalen Diskussion*, Bern, 1989. Barbara Vischer, "Gibt es ein Recht auf Entwicklung?" in Karin Bredull (ed.) *Oekumenische Theologie in den Herausforderungen der Gegenwart*, Göttingen, 1991, p. 332f.
- (11) Ratification of the two Covenants has been slow. A first bunch of ratifications took place in 1976. By 1999, 144 countries had ratified the Covenant on Social and Political Rights and 140 countries had ratified the Covenant on Economic, Social and Cultural Rights. The United States ratified the former in 1992, but has still not ratified the latter!
- (12) Volkmar Deile, "Rechte bedingungslos verteidigen", in: *Zeitdokument 1*, Hamburg, p. 52
- (13) The concept of sustainability had been used in church circles since the mid-seventies. The WCC Assembly in Nairobi (1975) called on the churches to work for a just, participatory and sustainable society. In contrast to the Brundtland Report, which accepts the need for economic development as more or less axiomatic, the church documents at that time spoke - with good reason - of the need for a "sustainable society", not "sustainable development". David Paton (ed.), *Breaking Barriers, Nairobi 1975*, pp. 127, 138, 299.
- (14) *Our Common Future*, Oxford, 1987, p. 332
- (15) Steve C. Rockefeller, "The Earth Charter and Human Rights" in: Boston Research Center for the 21st Century, *Human Rights, Environmental Law and the Earth Charter*, Cambridge MA, p. 23
- (16) Nicholas A. Robinson, "The Draft Covenant on Environment and Development: A Sustainable Model of International Lawmaking", in: Boston Research Center for the 21st Century, *Human Rights, Environmental Law and the Earth Charter*, Cambridge MA, p. 33
- (17) The tension is clearly evident in: Martin Honecker, *Das Recht des Menschen, Einführung in die evangelische Sozialethik*, Gütersloh, 1978. "The question of human rights and their implementation is made all the more acute today by the environmental crisis which sets limits to economic growth and industrial expansion....However, the problems of a new and juster international economic order and the conservation of the environment cannot be ranked among human rights issues, for this would simply lead to the blurring of human rights. The principles of a new economic order or a right of the earth can neither be deduced from nor read into human rights." (p.100) However, Honecker does not develop this observation further.

- (18) Cf. two proposals for conventions of this nature: Tutzinger Projekt "Ökologie der Zeit", *Böden als Lebensgrundlage erhalten, a proposal for an agreement on sustainable treatment of soils (soil convention)*, Munich 1998; Riccardo Petrella, *Le manifeste de l'eau, Pour un contrat mondial*, Lausanne 1999.
- (19) Cf. Hans Küng, *Global Responsibility: in Search of a new World Ethic*, London, SCM Press, 1991; and *A Global Ethic for Global Politics and Economics*, London SCM Press, 1997
- (20) See in particular *The Declaration of the Parliament of World's Religions, 1993*, in: Hans Küng and Helmut Schmidt (ed.), *A Global Ethic and Global Responsibilities, Two Declaration*, London SCM Press, 1993; Hans Küng, *The Ethics of World Religions and Human Rights*, London, SCM Press 1990; Sallie King, *A Global Ethic in the Light of Comparative Religious Ethics*, in: Sumner B. Twiss and Bruce Grelle (ed.), *Explorations in Global Ethics: Comparative Religious Ethics and Interreligious Dialogue*, Boulder, Colo, Westview Press 1998
- (21) "A Universal Declaration of Human Responsibilities", *Zeitdokument* 1998, 1, Hamburg, p. 37
- (22) Helmut Schmidt, "Zeit von den Pflichten zu sprechen", *Zeitdokument* 1998, 1, Hamburg, p. 36
- (23) Carl Amery, "Prolemäer und Plattweltler", *Zeitdokument* 1998, 1, Hamburg, p. 50f.
- (24) "The declaration is a statement of the four elementary imperatives of human life – do not kill, do not steal, do not tell untruths, do not engage in depravity - transposed to our times," says Hans Küng, the academic adviser to the group. But do we not today have other, quite different duties and responsibilities in view of the environmental crisis? And, above all, do the highly industrialized nations not face very different challenges? The text leaves the reader perplexed, because the real challenge of our time is not recognized and taken into consideration. Those who are familiar with Küng's books on the world ethos will not be surprised by this narrow perspective. A strange under-estimation of the ecological crisis can be noted in all of them.
- (25) Boston Research Center for the 21st century, *Human Rights, Environmental Law and the Earth Charter*, Cambridge MA, p.84.
- (26) Ibid.
- (27) For example, a text from the World Alliance of Reformed Churches (WARC), dating from 1976 states: "Our biblical faith requires us to see human life as a whole expressed in three basic complementary pairs: man and woman, individual and society, human life and its ecological context". Cf. Jan Milic Lochman/Jürgen Moltmann (ed.), *Gottes Recht und Menschenrechte*, Neukirchen-Vluyn, 1976, p. 61 Wolfgang Huber and Heinz Eduard Tödt say in their study on human rights published in 1977, "Awareness (of the growing scarcity of resources) - and hence the fact that human rights are ecologically conditioned - has been steadily increasing in political circles and in the churches since the beginning of the seventies. This raises a series of fundamental questions about the understanding and implementation of categories of human rights" (p. 57f) . They state a principle: "Human participation in nature has to be limited by the finite physical



character of the latter” (p. 94), and sound a warning: “The right to free development of the personality - and, in economic activity, also the right to share in the earth’s resources - cannot mean that the latter can be plundered at will (p. 192).” *Menschenrechte, Perspektiven einer menschlichen Welt*, Stuttgart, 1977.

(28) World Council of Churches, *Human Rights and the Churches, New Challenges*. Background Information of the Commission of the Churches on International Affairs, 1998/1. This reference was dropped in the statement from the Assembly itself, which says instead: “Safeguarding the rights of future generations. Out of our concern for the future of all Creation we call for the improvement of international norms and standards with regard to the rights of future generations.” Cf. Assembly Report, p. 204

(29) Cf. Note 24 above, p.7. The phrasing was adopted without alteration by the assembly. Cf. Assembly Report, p.196

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