

The Earth Charter in the Classroom: Transforming the Role of Law

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Introduction

This is a short case study on the educational use of the Earth Charter at the University of Auckland, New Zealand at the undergraduate and graduate levels within two different schools. The first section describes how the Charter has been used in courses taught in the School of Architecture and Planning, by Prue Taylor, a senior lecturer in environmental and planning law. The second section describes the use of the Charter in courses taught in the Law School, by Professor Klaus Bosselmann. In both instances, students are enrolled in law courses, however the qualifications they are seeking are different. In the former case, the degrees sought are in environmental management and urban planning, and in the later case, in law.

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Prue Taylor and Klaus Bosselmann have had a long commitment to the Earth Charter. Using it in their courses reflects deeply held views that incremental 'business as usual' will not deliver the necessary degree of change needed for the interrelated ecological and social issues facing the world, nor will it achieve a just and sustainable global society. The Charter is used to challenge students to consider the interdependence of human existence on Earth, and role of ethics in driving human behaviour and shaping (reshaping) the structure and content of governance and legal systems.

Courses in the School of Architecture and Planning

In the New Zealand legal system, urban planners are the primary resource managers. This means they both design policy and law, and implement it through regional and local plans for integrated land, air and water use. Planners are also involved in the implementation of local government legislation intended to meet the broader sustainability goals of local communities. For this reason, planners are required to take a number of compulsory courses in law and governance.

The Earth Charter is explicitly used in two of these compulsory courses: Introduction to Planning Legislation and the Legal and Institutional Context of Planning. Both courses are introductory and deliver an overview of relevant content, but they do so from a critical point of view. That is, students are required not only to acquire substantive knowledge, but to also exercise skills of critique in respect of substantive knowledge.

Both courses contain a module on the role of environmental ethics. The purpose of this module is to look at the underlying causes of ecological degradation, and the current destructive ethical paradigms that are a major driver. This module progresses to consider alternative worldviews and ethical principles, and how these can be promoted through both domestic and international legal frameworks. It is at this point that the Earth Charter proves to be an invaluable tool for class discussion and individual discovery.

Students are provided with copies of the Earth Charter and information about its inception, the comprehensive

drafting process and its subsequent endorsement. Class discussion then focuses primarily upon the first four broad commitments, which fall under the heading of "Respect and Care for the Community of Life." Generally speaking, there are three related outcomes from class discussion.

First, many students are already aware of the dangerous contradictions inherent in our current value systems. Class discussion gives them the opportunity to articulate these views and to consider the depth of change needed in human society. There will be no quick fix, rather human social and economic systems need to be rebuilt upon a shared responsibility for the community of *all* life (human and non-human).

Second, while the magnitude of this change can seem overwhelming in the face of entrenched interests, there is significant cause for hope in the form of the Earth Charter itself, the Initiative that promotes it, and the level of recognition achieved by the Charter, since its launch in 2000. Many students experience a sense of solidarity and affirmation, stemming from the Charter and the global dialogue that it is a part of.

And third, for law to play a constructive role in halting ecological degradation, it must transform from being an instrument for the exploitation of Earth's ecological systems and its vulnerable peoples, to be reflective of an ethic of care and respect.

In addition to the above courses, the Earth Charter was used as an important educational tool in another course: Climate Change and Planning. The purpose of this course was to first raise awareness of climate change and its multiplicity of related causes, and to consider the appropriate scope and range of planning responses. As will be explained below, the Charter was used in a slightly different manner, but built upon its use in the compulsory courses described above.

The climate change course began with the students viewing and then analyzing Al Gore's movie, "An Inconvenient Truth." This analysis was based upon the integrated approach of the Earth Charter, linking social, economic, cultural, spiritual and ethical causes of climate change. In this manner, students were able to

identify the significant limitations inherent in both the movie's discussion of causes, and its identification of appropriate responses. This discussion helped students understand that climate change is not about greenhouse gases and their reduction. Rather, climate change is symptomatic of a fundamental imbalance in the human/nature relationship.

In addition to the class discussion, students were asked to write evaluations of "An Inconvenient Truth." A large number of students referred to the moral assertions made by Al Gore (i.e. that climate change is a moral issue) and then linked this back to previous class discussions based on the Earth Charter. The result was a much deeper and interconnected understanding of the changes needed. And something more was also achieved; a number of students identified how this deeper understanding translated to motivate individual actions. As one student noted (and many echoed), they now understood that taking constructive action was no longer a matter of individual choice but a moral responsibility, owed to current and future generations of humans and other living beings both in New Zealand and in other parts of the world.

Furthermore, and of no less importance, was the understanding that actions should no longer be justified solely by criteria of self-interest, as this would limit the scale of actions taken. For example, reduced electricity consumption leads to saving money on power bills. Similar savings could not always be expected as a result of using public transport or purchasing locally produced goods. The extra costs associated with these actions were not used to justify inaction, but were accepted as the current price of acting in a morally responsible manner.

Such shifts in the behaviour of students may seem small, but when multiplied (in whole or in part) across a class of fifty-five students, the cumulative impact is both exciting and dramatic. Of course, the real challenge is to make value and behavioural changes enduring. Even taking this into account, the Earth Charter, and "An Inconvenient Truth," came together in this course, to mutually reinforce one another and create a powerful impetus for ethical action on climate change. This convergence certainly

provided all involved with a valuable and rewarding learning – and teaching – experience.

Courses in the School of Law

Within the suite of environmental policy and law courses, the Earth Charter is also used at undergraduate and graduate levels. International Environmental Law is a course in the Bachelor of Laws programme that provides an introduction to the concepts, principles, customs and treaties of international law that relate to protection of the global environment. In this course the Charter is introduced as part of a discussion on international treaties and agreements. Students learn about the Charter's unique history, inclusive nature and importance. This provides a context for understanding the strengths and weaknesses of existing treaties (for example, the United Nations Convention on Biological Diversity), and for understanding issues concerning the design and scope of future international legal and policy frameworks. Students learn to identify failures and gaps in the existing system of international law and to apply ethical and conceptual reasoning to the design of future law.

The Law School also offers a graduate course entitled Earth Governance. Its purpose is to examine existing governance models and practices with a focus on their capacity to provide for long-term sustainability. One of the key issues is the tension between democratic traditions and ecological principles. The Earth Charter offers an important learning experience, enabling students to think holistically and identify relevant ethical and legal issues for the attainment of a sustainable future. Students find that they can directly use the Charter as a blueprint for multi-level governance in pursuit of a sustainable and peaceful world.

The Earth Charter is also used in a number of other law courses including international law, jurisprudence and environmental law. It is of particular importance for research at the post-graduate level where students explore the legal significance of the Earth Charter in the context of principles and instruments of international law. Such research ranges from short research papers to Masters theses, doctorates and post-doctoral research.

The World Conservation Union's (IUCN) Academy of Environmental Law recently recognized the importance of Earth Charter-related research by adopting a research agenda that includes exploring the use of the Charter, and its principles, for the development of new jurisprudential foundations for entire legal systems.

In sum, the Earth Charter has proven to be a formidable learning tool in legal education at the University of Auckland. There are a variety of uses (from learning about ethics to comprehensive legal research) at all levels of legal training (from year one to post-doctorate studies). In most cases, students show an instant appreciation of the Earth Charter's purpose, values and principles. They obviously resonate with widely held beliefs.

The real challenge, however, is to understand their practical relevance. How can the Earth Charter be applied to law? What is its current status in international law and what degree of legal recognition exists for its principles? Further, how can the Earth Charter influence international, national or local decision-making? What political and legal measures are needed to make this happen? These and other questions can all be addressed in the course of legal training and indeed must be addressed.

If the Earth Charter has a key educational function, it must pass the test in the classroom and in the training of future leaders. For us, introducing the Earth Charter to our students has been the most rewarding experience of our academic work.

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