Lukas VISCHER

Human Rights and Sustainability:
Two Conflicting Notions?

In 1998, the 50th anniversary of the Universal Declaration of Human Rights was the occasion for some effusive oratory. One of the surviving "fathers" of the Declaration, Stéphane HESSEL, 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]

The philosopher Norberto BOBBIO went even further, as he called "the increasing debate about human rights, which has finally extended to all the nations of the world, a signum prognosticum *of the moral progress of humanity."*[2]

Notions in Conflict

Are such claims justified? Do human rights really point the way? Or has the time come to challenge the discourse on human rights, or at least the form it has taken today? To many people, even to ask the question seems like sacrilege, as for them the ideal of human rights is sacrosanct.

Yet the question cannot be avoided. Moreover, the Declaration of Human Rights is still only partially implemented and all kinds of tensions and contradictions have arisen in the process. There has been talk of an "unfinished revolution."

At all events, yet more determined commitment to the realization of human rights is clearly needed. But 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 sustainability relate to one another? 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. The quality of life of future generations is threatened. What does this imply for human rights? This is being heatedly debated.

1 HESSEL Stéphane, *Eine mächtige Lüge*. Die Zeit 1998/51. 18.
2 BOBBIO Norberto, *Die Verbesserung der Zukunft*. Die Zeit 1998/46. 18.

Lukas VISCHER was the director of the World Council of Churches (WCC) Faith and Order Commission (F&O) from 1961–1980, and a professor of ecumenical theology at the university of Berne from 1980–1992. He now lives in Genève, Switzerland. His email address is lvischer@bluewin.ch.

Some people believe that a new "generation" of human rights is called for 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 is this a realistic proposition? Can the two concepts of human rights and sustainability be so easily combined?

The two concepts have different roots and serve different purposes. The Universal Declaration of Human Rights is intended to create a social and political order guaranteeing 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 immediately concerned with preserving the planet. The concept of sustainability has developed out of the disturbing awareness that human activity has sparked off an inexorable process of destruction.

The Universal Declaration of Human Rights is essentially more anthropocentric. The concept of sustainability sees the human being more in the wider perspective of God's creation. It seeks to define the conditions for human survival set within the realities of nature.

How can these two objectives be brought into line with one another? So far no satisfactory answer has been found to this question. What does the Church have to say about this contradiction? Though she has been involved in the human rights debate for many decades, she has to date said very little.

Even before it was officially founded, the World Council of Churches (WCC) played an important part in the drafting of the Universal Declaration, especially the terms of the article on freedom of thought, conscience and religion.[1]

Since then the churches, including the Roman Catholic church (even if only from the Second Vatican Council) 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 declared to be a criterion of its public statements. At the same time, the Church is 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.

But no systematic reflection on the relation between human rights and sustainability has yet taken place in the Church either. Here, too, human rights and ecological imperatives are, on the whole, dealt with by separate groups.

So closely does the Church 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 statement issued by the World Council of Churches at its Eighth Assembly in Harare in 1998, which 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 new perspective.[2]

1 NOLDE O. Frederick, *Freedom of Religion and Related Rights*. In *The Church and the International Order*. Genève, 1948. 143ff.
2 KESSLER Diane (ed.), *Together on the Way. Official Report of the Eighth Assembly of the World Council of Churches*. Genève, 1999. 195–206.

I. Human Rights: A Plea for a Radical Reordering of Society

The initiative which led to the formulation of the Universal Declaration of Human Rights came within a few months of the founding of the United Nations. 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 World War II.

The UN 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 humankind."

In the new order, "It is essential, if humankind 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 Declaration is 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.

The Declaration primarily looks at the individual human person, who is to be recognized and protected in her or his particularity: "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" (art.1) and "Everyone has the right to life, liberty and security of person" (Art.3).

The individual person, however, is also seen as a member of society and, as such, is required to use the faculties of reason and conscience with which she or he is endowed in the service of humanity. So the Declaration states that society is to be so ordered that everyone be guaranteed "the economic, social and cultural rights indispensable for her or his dignity and the free development of her or 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 concerned also with the establishment of a society based on solidarity and 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 XVIIIth century Enlightenment with that of the XIXth 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)."

II. Sustainability

In the late 1960s, a second imperative emerged alongside human rights: 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.

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 by the Conference on the Environment in Stockholm in 1972, which expressly spoke of the dangers threatening humankind's environment. To safeguard the future, new paths to "development" would have to be found.

In the '80s the term "sustainable development" increasingly became the keyword in public discussion.[1] In 1992, the delegates of the UN Conference on Environment and Development in Rio de Janeiro set out important principles for environmental policy. Two conventions (on climate change and biodiversity) were signed and submitted to governments.

A detailed programme for the next century was agreed, but ten years later, at the Johannesburg summit it was clear that the nations were no longer prepared to advance on the road indicated by Rio.

The prospect of a binding 'Universal Declaration' on sustainability proved unrealistic. Committed groups patiently continued work on two new texts, an Earth Charter and a Covenant on Environment and Development.

1. The Conditions for Sustainability

A. Limits to Carrying Capacity

Sustainability can only be achieved if human beings recognize the limits that are set for them in exploiting the resources 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 Framework Convention on Climate Change, adopted by the United Nations Earth Summit in Rio de Janeiro in 1992.

In view of the destruction that the change in climatic conditions will provoke, the Convention attempts to find a common solution. In order to reduce dangerous emissions of greenhouse gases, e.g. carbon dioxide (CO_2), countries agreed to a carefully devised plan.

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

1 The concept of sustainability had been used in Church circles since the mid-'70s. The WCC Assembly in Nairobi in 1975 called on the Church 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 of the need for a "sustainable *society,*" not "sustainable development." PATON David (ed.), *Breaking Barriers, Nairobi 1975.* Genève, 1975. 127., 138., 299.

depletion of fish stocks through over-fishing, to safeguard water supplies, or to prevent the loss of cultivable land.[1] On a variety of fronts, limits and quotas are being identified and fixed.

B. 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 so-called developing countries.

Thus, it only makes sense to speak of economic and social human rights if 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.

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, as it makes a clear distinction between industrialized and developing countries.

The Convention is an attempt to apportion responsibility to each country, the rich ones being expected to make the first move by limiting their CO_2 emissions. Real solidarity means that the industrialized countries must be prepared to make substantial cuts and sacrifices. Justice cannot be achieved by constant growth, but only by implementing 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.

2. Greater Efficiency?

Or 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," and new scientific achievements, new technologies, new forms of organization will make for a "friendlier" treatment of the environment possible.

But this argument soon proves illusory. Some dangers can 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; and far less that the present growth can be continued into the future.

Unless demands are reduced, there will be no way forward to the future, and unless the excessive demands of the industrialized countries are reduced, there can be no justice among the nations.

1 Tutzinger Projekt "Ökologie der Zeit", *Böden als Lebensgrundlage erhalten: a Proposal for an Agreement on Sustainable Treatment of Soils (Soil Convention)*. München, 1998.; PETRELLA Riccardo, *Le Manifeste de l'Eau, Pour un Contrat Mondial*. Lausanne, 1999.

III. How Can Human Rights and Sustainability Be Reconciled?

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

It continues to be assumed that there is no contradiction between human rights and sustainability. The demand for sustainability is at odds with the spirit of the Human Rights Declaration, since it 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 her or his responsibilities in this overall setting.

The narrow anthropological focus of human rights discourse leads to blind spots and distortions. In 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 the face of the impending danger of environmental destruction implies the need for self-restraint—indeed, even the right to demand self-restraint of others.

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.

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.

Nations favoured by nature and by history carry a different responsibility for the community than do less-favoured nations. Weaker nations have a right to support, which includes for them the duty to contribute to the world-wide community. It is not enough simply to add the right to a healthy environment to the list of human rights. This is the simplistic path adopted by the WCC.

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. The Church must connect her work for human rights with her concerns for the environment."[1]

1 World Council of Churches, *Human Rights and the Churches: New Challenges*. Background Information of the Commission of the Churches on International Affairs, 1998/1.

IV. The Witness of the Church

What are the implications of such a statement for the Church? Where does she stand in relation to human rights? To what extent can she make the cause of human rights her own? To what extent does she have to maintain a critical distance?

1. Proclamation of the Gospel and Human Rights

For a long time an attitude of scepticism, and even rejection, towards the idea of human rights prevailed in the Church. Today the Church strongly and clearly affirms human rights. Her involvement in efforts for the enforcement of rights is self-evident.

Affirming human rights cannot mean totally identifying with the current human rights discourse. The Church can affirm and defend human rights as long as they relate to values which are in harmony with her 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.

The Church's preaching starts with the assumption that human beings have an intrinsic dignity as God's creatures, which is not for them individually nor for any human instance to dispose of. Whoever they are and whatever they do, they are still "created 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 assaults by society or the state?

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. Nothing, "neither height, nor depth," shall separate them from God and from their status as beings created in God's image.

Freedom is one of the central keywords in the Christian message. God sets people free. Human beings 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 light of the Church's preaching, it is in fact immediately clear that a person can only maintain and develop her or his worth if these rights are guaranteed and respected.

The space for every human being to develop her or his humanity must be defended, and this applies in particular to the protection of conscience. A society which suppresses this freedom loses the most intimate source of true humanity. But the Church has something more to say in its preaching. She knows that freedom is only true freedom when it is enjoyed within the relationship to God.

Jesus Christ sets us free from all the powers, 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. […] 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 dependent on the space provided by the rights and freedoms guaranteed by the Declaration of Human Rights in order to become truly human.

The Church's message proclaims equality. All human beings are taken seriously in their particular identity and with their particular gifts and weaknesses. The Church can therefore endorse the ethos of equality that runs through the Declaration of Human Rights.

Her image of community is marked by the knowledge that the quality of human relations is constantly under threat; and 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 has to go to those who are the victims of the power struggle, and she will be guided by the commanding vision of the Magnificat.

God Who "looks down with favour on the lowliness of God's servant" and Who "has shown great strength with God's arm; God has scattered the proud in the thoughts of their hearts. God 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." The Church's preaching speaks of the participation of all in the community.

The Spirit is poured out on all: everyone shares in the gifts of the Spirit. The community thrives on the contribution of all her members with their specificity and their gifts. It is thus only natural that the Church should defend the rights of participation in the life of society.

Affirming participation implies affirming a democratic social order: a society will only remain viable if there is constant interplay among all its vital forces. Participation is a conscientious service to one's neighbour.

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.

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 her worldly goods.

The Church must not only affirm economic and social rights, but also 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 her or his 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.

2. Critical Acceptance

These few short indications must suffice to show that the Church's 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. She stands wholeheartedly and unreservedly behind this or that goal arising out of the existing formulations of human rights, and she will not hesitate to refer to them to justify a commitment. She will therefore work with conviction for the advancement of the existing consensus, but she will also question human rights discourse, for she knows it is obliged to maintain a critical distance.

Over-hasty identification with human rights undermines the critical potential of the Gospel. Again, the WCC's statement provides an example of the attempt to derive the Church's commitment to human rights from the Gospel without due consideration of the problems involved:

"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."[1]

3. Participating in the Current Debate in Light of the Gospel

The concept of "human rights" is not a fixed quantity with a firmly established meaning. Human rights are the subject of an intensive debate.

The Church has to feed her own understanding into the discussion. Of particular importance 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; between economic and social rights?

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? It is important for the Church 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 Church, because the danger of such distortions exists in her own midst. Human rights belong among the values "true, honourable, just, pure, pleasing, commendable" that Paul writes to the Philippians. He closes his list with the exhortation: "If there is any excellence and if there is anything worthy of praise, think about such things" (Phil. 4,8). How and why the Gospel can be implicated in the struggle for human community is something that constantly requires to be thought through afresh.

Critical distance is needed, because human rights discourse is subject to change. They have been formulated through several centuries and are the outcome of a complicated history. New perspectives have been added. 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.

1 The phrasing was adopted without alteration by the assembly. *Assembly Report*.196.

The answer 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 began to explode the concept of "human rights," for this further development met with almost insuperable opposition.

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.

4. What Might This Mean Today?

The Church 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 term "right" can be retained, remains to be seen. But the concern must not be allowed to disappear.

The Church will work to have the demands for sustainability and human rights seen as a unity. She will work towards a synthesis. An Earth Charter that does not establish an explicit link to the Universal Declaration of Human Rights would be incomplete.

The Church's hope for the future is not tied to human rights. Witness to the Reign of God is opposed by the "powers and principalities," and it is by no means certain that the outcome of the struggle will be a gradual improvement.

The challenges may still not be fully acknowledged. Human rights practice is not an unequivocal "*signum prognosticum* of the ethical progress of the human race." Rather, it is a sign of obfuscation and stagnation.

The revolution that was intended by the Declaration of Human Rights is thus not only incomplete, but possibly 'incompletable.' For the Church, the sustainability of the world is not ultimately in human hands.

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 charitatis* and points to God's coming world.

Suggested Reading

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Lukas VISCHER: Droits de l'Homme et Durabilité: Deux Notions en Conflits?

L'auteur examine la place de la Déclaration Universelle des Droits de l'Homme (DUDH) dans la crise écologique d'aujourd'hui. Le thème de la Déclaration sont les droits de chaque tre humain. Elle est fondamentalement anthropocentrique. La crise écologique rend nécessaire une nouvelle attitude. 'Durabilité' ne peut tre réalisée que par la reconnaissance que les ressources naturelles sont limitées. Il faut en diminuer l'exploitation et respecter les limites imposée á l'homme par la nature. La Déclaration est un instrument indispensable pour la promotion des droits civils et sociaux. Mais il faut qu'en m me temps notre responsabilité pour le don de la création soit soulignée. Les églises ne peuvent donc pas s'identifier avec une vision étroite des droits de l'homme. Elles sont appelées á défendre en m me temps les 'droits' de la nature.

Lukas VISCHER: Los Derechos Humanos y el Mantenimiento: ¿Dos Nociones Contradictorias?

El artículo examina el lugar del discurso de hoy sobre los derechos humanos ante la crisis ecológica ascendente y sus requisitos. La Declaración Universal de Derechos Humanos (DUDH) se preocupa por los derechos y demandas de cada ser humano. Es antropocéntrico. La crisis ecológica exige un nuevo conocimiento de los límites impuestos a la existencia humana. El mantenimiento sólo puede lograrse si la raza humana se ha preparado para respetar "balanzas" cuando explota los recursos naturales. La Declaración Universal es un instrumento indispensable para la promoción de derechos civiles y sociales, pero necesita ser equilibrado por un énfasis fuerte en el cuidado responsable del regalo de Dios de la creación. El testigo de la Iglesia no puede por consiguiente identificarse con un limitado discurso de los derechos humanos sin ser crítico. Ella se llama al mismo tiempo para defender los 'derechos' de la naturaleza.