

10 years Social Innovation

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SCHOOL FOR  
WELLBEING  
Studies and Research

South East Asia campus of the Right Livelihood College

In collaboration with the Center for Business & Social Studies

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## Appeal<sup>1</sup>

‘Appeal’ to include dialogue on the **“Hague Principles for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship”** in the design process of the **“Ad Hoc Open Ended Working Group towards a Global Pact for the Environment (OEWG)”** and its follow-up. The OEWG formulates recommendations for the **UN General Assembly** (resolution 72/277) addressing system-gaps and challenges related to principles, governance and implementation of **international environmental law (IEL)**.

Bangkok, 3 April 2019

*Humanity is in a position of trusteeship of the environment and not in a position of dominance.* – C.G. Weeramantry, Sri Lanka, former Vice President, International Court of Justice

### Statement of intent

This ‘Appeal’ is offered as a contribution to the OEWG process of nation-states, the EU, a number of international organisations and civil society. From 18 – 20 March 2019 OEWG partners gathered in Nairobi for a second substantive session to formulate recommendations to the UN General Assembly. An extended diversity of civil society groups as well as independent academic and responsible business initiatives could inaugurate – in a longer term perspective – a **public dialogue** and **social innovation campaign** guided by the **Global Pact for the Environment** vision<sup>2</sup>. The aim of the campaign would be addressing

<sup>1</sup> Second version with gratitude to partners for critical comments. Conceived by School for Wellbeing Studies and Research contact Hans van Willenswaard [hans.creativespace@gmail.com](mailto:hans.creativespace@gmail.com)

<sup>2</sup> Y. Aguila and J.E. Viñuales (eds.), *A Global Pact for the Environment: Legal Foundations* (Cambridge: C-EENRG, 2019). The book reports ample media coverage of the launching of the Pact, but debate is mainly confined to related experts and diplomats.

urgent legal, governance and implementation challenges posed by Agenda 2030, “and beyond”, from the perspective of Earth Trusteeship and the Pact. The ‘Appeal’ calls for **consideration of Earth Trusteeship<sup>3</sup>**, as tentatively formulated in the *Hague Principles*, **as an innovative overarching principle of IEL. Earth Trusteeship is a fundamental principle enabling deep rooted public participation. In this perspective public participation emerges from the realization that humanity is integral part of “the community of life”. From this individual and collective awareness arises the consequent duty to take care of the environment<sup>4</sup>.**

## **Consensus building towards Earth governance**

**Earth Trusteeship principles** constitute an innovative foundation for multi-stakeholder collaboration towards **governance of natural resources “for the common good”**. Earth Trusteeship principles at play are to be guided by dynamic exchanges between science and indigenous world views, as well as modern social innovation management. This is to result in cross-cultural<sup>5</sup> – plural – joint efforts to achieve “eco-system restoration”, bio-diversity recovery and related transformation of lifestyles. Primarily by means of regenerative agriculture & landscaping and sustainable food system governance<sup>6</sup> based on inspired citizens’ participation.

The ‘*Appeal*’ proposes interaction between the Earth Trusteeship Initiative and its partners, with the Global Pact formulation process and a number of specific concerned UN Agencies. This dialogue giving birth to a complex, deep-rooted but pragmatic – 21<sup>st</sup> century – **consensus building process constituting Earth governance<sup>7</sup>, with practical application on the ground** (see below), **as an inspiring prototype for broader transformation towards sustainability.**

## **Introduction of Earth Trusteeship**

**The “*Hague Principles*” on Human Rights and Earth Trusteeship were adopted 10 December 2018 at the occasion of “70 Years” Universal Declaration of Human Rights commemorations**, at the Peace Palace, The Hague, the Netherlands (Full text in the Appendix). Earth Trusteeship principles were carefully embedded in the context of Human

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<sup>3</sup> Trusteeship may also be characterized as guardianship or stewardship. However, guardianship can imply being an outsider protector, and stewardship does not exclude profit-making. Trusteeship by definition does not prioritize self-interest but service, and has legal stature. Depending on the context the terms are interchangeable.

<sup>4</sup> Article 2 of the Global Pact.

<sup>5</sup> This should include interreligious dialogue. The German government supports the 10<sup>th</sup> *Religions for Peace World Assembly*, 20 – 23 August 2019, Lindau, Germany.

<sup>6</sup> One of the projects of the School for Wellbeing is the annual Mindful Markets Asia Forum (in 2019: 7 September, Chulalongkorn University, Bangkok) and social enterprise course on sustainable food leadership (3 – 14 September 2019).

<sup>7</sup> *Earth governance: trusteeship of the global commons*, by Klaus Bosselmann, Cheltenham, Edward Elgar Publishing, 2015. And: *The Next Step: Earth (t)Trusteeship* Interactive Dialogue of the United Nations General Assembly on Harmony with Nature, UN Headquarters, New York, 21 April 2017. Presented by Klaus Bosselmann, Professor of Law and Director, New Zealand Centre for Environmental Law, University of Auckland, Chair, IUCN World Commission on Environmental Law Ethics Specialist Group.

Rights and Responsibilities in general. More specifically, reference was made to the “Framework Principles on Human Rights and the Environment”, published in 2018 by Special Rapporteur for Human Rights and the Environment John H. Knox<sup>8</sup>. At this occasion the *Earth Trusteeship Initiative* was formed as an intermediate body for dialogue, capacity building, research and advocacy <https://www.earthtrusteeship.world/>.

## Earth Trusteeship Initiative and Global Pact for the Environment

The goal of the *Earth Trusteeship Initiative* and its supporting organisations is, among others, **to shape an innovative contribution to the Global Pact for the Environment**. The Global Pact aims to “serve as a universal *umbrella text* synthesizing the principles outlined in the Rio Declaration on Environment and Development, the Earth Charter<sup>9</sup>, the World Charter for Nature and other instruments shaping environmental governance”. The global pact was proposed by *Le Club des Jurists* (CDJ) and adopted by the French government which mandated President of the French Constitutional Council, Laurent Fabius to assume leadership. French President Emmanuel Macron brought the Global Compact to the UN General Assembly (UNGA) resulting in the Open Ended Working Group (OEWG) – process<sup>10</sup>.

## Contribution of Earth Trusteeship Initiative to the OEWG process

After carefully reading – with much appreciation – the **Summary of the Second Substantive Session of the OEWG, Nairobi, 18 – 20 March<sup>11</sup>**, we come to the conclusion that **Earth Trusteeship principles indeed could contribute significantly to the anticipated process of consensus building**, albeit, in a longer term and broader perspective than nation-states and the United Nations are held to at present. Initiation of various long term research projects and dialogue with specific focus (see below), in conjunction with the OEWG process and its follow-up, which at this point is restraint to a one year timeframe (!), may prevent that the process will narrow down – instead of the much desired consensus – to a short term compromise which does not adequately address the serious gaps and challenges identified by the UN Secretary General in his alerting report A/73/419.

## Practical application of Earth Trusteeship

Earth Trusteeship principles, if applied to the recently adopted **UN Decade on Ecosystem Restoration 2021 – 2030<sup>12</sup>** would offer appropriate opportunities and a specific framework

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<sup>8</sup> During the preparatory International Earth Trusteeship Gathering, 22 -24 June 2018, Elisabeth Vreedehuis, The Hague, exchanges were streamed with the Office of the High Commissioner for Human Rights, Geneva. An important dialogue partner in The Hague on Human Rights and the Environment was the Global Reporting Initiative (GRI), which works in strategic alliance with the corporate sector and UNEP. John H. Knox has been succeeded by David R. Boyd (see article David R. Boyd in *A Global Pact for the Environment: Legal Foundations*. The Right to a Healthy and Sustainable Environment).

<sup>9</sup> The *Earth Charter*, adopted at UNESCO Headquarters, Paris, and launched in June 2000 at the Peace Palace, The Hague, is one of the supporting partners of the “*Hague Principles*”.

<sup>10</sup> *Earth Negotiations Bulletin* (ENB), Volume 35 Number 2 / Friday, 22 March 2019.

<sup>11</sup> Ibid. See excerpts below.

<sup>12</sup> Decision of the UN General Assembly, 1 March 2019 at the initiative of El Salvador. Coordinating UN Agency: FAO, Rome.

for longer term (action-)research on how Global Pact governance design and implementation can concretely work out for environmental rehabilitation and sustainable development in general. **The aim of the Earth Trusteeship inspired research would be to gather** evidence based assessment, analysis and reflection on governance challenges as well as actual solutions, enabled by an Earth Trusteeship approach. **Earth Trusteeship principles can constitute enabling legal and governance conditions for multi-stakeholder biodiversity recovery at local and regional levels** – in a global context – as well as a new foundation and methodologies for related capacity building.

## Growing network

This Appeal is circulated by the School for Wellbeing Studies and Research, Bangkok, the Southeast Asia campus of the **Right Livelihood College**<sup>13</sup>. The School for Wellbeing is one of the partner organisations of the *Earth Trusteeship Initiative* (ETI). It acts here on its own behalf. Other ETI partner organisations include: the Earth Charter, World Future Council, WWF UK, ResponsAbility, Ecological Law and Governance Association (ELGA), Common Home of Humanity, Network of Institutions for Future Generations, World Commission on Environmental Law, and others.

One of the supporting partners of the School for Wellbeing is CCFD – *Terre Solidaire*, France, an NGO affiliated with *Coopération Internationale pour le Développement et la Solidarité* (CIDSE, based in Brussels). CIDSE is a member of the OEWG. Another member of OEWG, *Common Home of Humanity*, is a partner organization in the “Hague Principles” and ETI.

Interest in Earth Trusteeship was shown by *commonland* <https://www.commonland.com/en>, a Dutch organization shaping international initiatives for landscape restoration. It pioneers prototypes for long term landscape rehabilitation efforts. A related initiative is “ecosystem restoration camps” <https://www.ecosystemrestorationcamps.org/>.

“Nan Sandbox” <https://www.nansandbox.com/> is a new, innovative, hope-giving, **multi-stakeholder approach to ecosystem restoration in Thailand**. It involves government agencies, the corporate sector, NGO’s and local citizens as well as the Buddhist Sangha.

*This ‘Appeal’ proposes a joint effort supporting local and regional ecosystem restoration, strengthened by reflection and experimentation in the the spirit of the Global Pact and Earth Trusteeship.*

## Highlights of the Second Substantive Session in Nairobi: Excerpts

Before further articulation of the *Earth Trusteeship principles* in this context, let’s familiarize with reported (sometimes opposing) statements made during the OEWG process.

**(Start of selected excerpts from the Earth Negotiation Bulletin, Volume 35 Number 2, Friday 22 March 2019)**

... the real impact of the French Government’s initiative—for now—has been to unleash what is widely regarded as a necessary re-examination of the defining gap of our times,

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<sup>13</sup> <https://www.rightlivelihoodaward.org/educate/right-livelihood-college/campuses/>

namely the gap between the stated promise and ambition of the international environmental law regime and its impact or “fitness for purpose” at the dawn of the Anthropocene.

Egypt underlined the risk of re-opening or redesigning existing principles.

Belize, for the Alliance of Small Island States (AOSIS), with China, Switzerland, Honduras, and Nicaragua, stressed the need to stay true to the UNGA mandate.

The US, EU, AOSIS, Mexico, Guyana, Honduras, Bolivia, and China emphasized that the process should be inclusive. NGOs called for the meaningful participation of civil society, including indigenous peoples and local communities.

Morocco noted support for a global pact. Mexico said a pact should be flexible in its form and legal nature, should bring together and harmonize all principles of IEL, link with the 2030 Agenda, and incorporate means of implementation and strengthen relevant UN bodies.

Nigeria supported a global pact, saying it should be transparent and inclusive, taking into account national circumstances. Switzerland said the OEWG should produce a broad spectrum of options. Nigeria called for an international environmental court.

The Federated States of Micronesia (FSM), with Canada, noted (...) gaps exist in IEL that undermine their implementation and disproportionately impact small island developing states.

Sri Lanka highlighted the principles of best available technology, best environmental practice, accountability, transparency, and cross-border responsibility.

Russia stressed the principle of sovereignty of states over natural resources. Sudan, for the League of Arab States, said any outcome document should reflect the principles of national sovereignty, and that it should not impose constraints on international trade.

Costa Rica underlined her country’s commitment to the founding principle that all people have the right “to enjoy and grow” within a healthy and ecologically balanced environment.

Bolivia called for consideration of climate justice and environmental justice, development in harmony with Mother Earth, and the participation of indigenous peoples.

Coopération Internationale pour le Développement et la Solidarité (CIDSE, based in Brussels) said the most significant gap is the absence of an overarching legal framework that recognizes a human right to a healthy environment.

The EU said any work on principles has to take into account their history and context, Cameroon suggested that the OEWG should also consider innovative and emerging principles, in addition to established principles.

Colombia cited the UN Secretary General’s report’s observations on fragmentation and a lack of coordination on International Environmental Law (IEL), and called for alternative approaches to strengthening the structure of UNEP and consideration of institutional capacity to act as a global environmental authority. The EU suggested calling on UNEA to further support efforts on synergies and the need to improve cooperation on existing Multinational Environmental Agreements (MEAs).

The Democratic Republic of Congo (DRC), opposed by the Russian Federation, recommended creating an international court for the environment, which would enable those responsible for international ecological crimes to be brought to justice and penalize those who infringe IEL.

The Federated States of Micronesia (FSM) called for an expert-led approach to the development of a global pact, including the use of surveys, and for an intergovernmental conference preceded by a one-year preparatory process.

Natural Justice (based in Cape Town, South Africa) said a global pact would be welcome as long as it includes the voices of indigenous peoples and local communities.

Benin underlined stakeholder capacity needs. The FSM underlined two case studies demonstrating the need for clarity in, and compilation of, IEL principles, citing: a resolution on geoengineering withdrawn at UNEA-4, where the difficulties in garnering consensus demonstrated inconsistent interpretations of the precautionary principle, and the international community's delay in recognizing the right to a healthy environment as an important IEL principle.

Common Home for Humanity<sup>i</sup> (based in Porto, Portugal) called for political momentum, urging delegates to consider the "political sign" that the OEWG's outcome could send "to the younger generation." an observation that principles have matured and formed part of customary law, while other principles have become soft law.

Elements of the Co-Chairs summary:

- Agreement on: strengthening international environmental governance, with observations tabled regarding a lack of system coherence, implementation challenges, and a failure in law to address the interdependent nature of ecosystems; the failure of the IEL system to deliver expected results due to failures in cooperation and coordination.
- the link between political will and implementation.

The range of potential recommendations throughout the week gave rise to a heightened emphasis on consensus—a "cherished principle and practice" in MEAs, as one seasoned participant put it. Many delegates urged the OEWG to follow a consensus-based approach.

While the fate of the original proposal for a "Global Pact" remains murky, it is clear that the French initiative has triggered a timely, even urgent, revisiting of the state of international environmental law and governance and its status in relation to other, as some have observed, more coherent and empowered legal orders.

(End of selected excerpts from *Earth Negotiations Bulletin*).

## Conceptual origins of Earth Trusteeship

The conceptual origins of Earth Trusteeship can be located in the lifetime mission of **Judge C.G. Weeramantry** (1926 – 2017), Sri Lanka, former **Vice President of the International Court of Justice**, Peace Palace, The Hague. He stated: "*Humanity is in a position of*

*trusteeship of the environment and not in a position of dominance*<sup>14</sup>.” In the observation of Judge Weeramantry the concept of trusteeship is, as a living example, rooted in traditional irrigation systems and practices of farmers in Sri Lanka. Trusteeship resonates with world views of indigenous peoples and the teachings of world religions as well as with Nature-based secular philosophies. Living wisdom such as **Ubuntu** in Africa, “happiness” as in the Bhutanese concept of **Gross National Happiness** and **Buen Vivir** in Latin America<sup>15</sup> all resonate with the traditional world view of Sri Lankan farmers, in a contemporary perspective.

One of Earth Trusteeship’s goals is to overcome inequality in order **to make ecosystem restoration a common mission**. It is morally driven by the land rights movement in India guided by Gandhian activist Rajagopal P.V.<sup>16</sup>. Earth Trusteeship provides the foundation for “Right Livelihood”<sup>17</sup>. The constitution of Bhutan states: “Every Bhutanese is a trustee of the Kingdom’s natural resources and environment for the benefit of the present and future generations (...)”<sup>18</sup>The growing recognition of Rights of Nature<sup>19</sup> adds to the position of humanity as trustee of the Earth, and not as the “owner” in conventional legal terms. Conventional ownership gives way to exploitation of the Earth. Earth Trusteeship does not have the ambition to “replace” ownership but to give it a new foundation.

Earth Trusteeship consequently holds validity as international customary law, following the insights of Judge Weeramantry.

Independent, out of the box, thinkers as diverse as Leo Tolstoy (1828 – 1910), Henry George (1839 – 1897), Rudolf Steiner (1861 – 1925), M.K. Gandhi (1869 – 1948) and later Nobel Laureate Elinor Ostrom (1933 – 2012) all explored the importance of *trusteeship*, meaning: **the fulfillment of ownership responsibilities for the benefit of others or for the “common good”**. Trusteeship responsibilities include care for the interests of future generations, the major attribute of sustainability as defined in *Our Common Future*.

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<sup>14</sup> *Tread Lightly on the Earth. Religion, the Environment and the Human Future* by C G Weeramantry, World Future Council, 2<sup>nd</sup> print 2014.

<sup>15</sup> See: ***Development as Service. A Happiness, Ubuntu and Buen Vivir interdisciplinary view of the Sustainable Development Goals*** by Dorine van Norren, Tilburg University (PhD thesis). She formulates an assessment of the SDG’s from the perspectives of the three philosophies which she earlier concluded, have much in common. “ See also: *Rethinking education: towards a global common good?* UNESCO, 2015: “(...) in Andean communities in Latin America, development is expressed through the notion of *sumak kawsay*, the Quechua word for ‘buen vivir’, or ‘good living’. Rooted in indigenous cultures and worldviews, *sumak kawsay* has been proposed as an alternative conception of development (...). Mahatma Gandhi’s concept of ‘trusteeship’ by which we hold the Earth’s wealth not as ‘owners’ but as ‘trustees’ (...) (in the benefit of) all living creatures and future generations, is (...) worth considering.” These views were exchanged among participants from all continents during the **International Forum for Wellbeing, 6 – 8 June 2018, Grenoble, initiated by CCFD-Terre Solidaire**, a member of CIDSE.

<sup>16</sup> Ekta Parishad, India, organizes the JAI JAGAT 2020 March from New Delhi to Geneva.

<sup>17</sup> One of the steps of the Noble Eightfold Path in Buddhism. Also the leading principle of the Right Livelihood Award or “Alternative Nobel Prize” <https://www.rightlivelihoodaward.org/>

<sup>18</sup> Article 5, the Constitution of Bhutan, 2008.

<sup>19</sup> *The Rights of Nature. A Legal Revolution that Could Save the World* by David R. Boyd, 2017.

In the Netherlands an *acting* Ombudsperson for Future Generations has been tentatively appointed. Young people massively strike against ineffective governance vis-à-vis climate chaos. Pope Francis launched “*Laudato Si’*. On care for our common home” an encyclical in which he calls all people of the world to take "swift and unified global action." This message resonates with fundamental insights in all world religions.

## The Earth Trusteeship “maxim”

This strain of thoughts, reflections on law, spiritual insights, traditional farmers’ practices and indigenous world views leads to the simple maxim: **“All global citizens are equal trustees of the Earth for the benefit of future generations”**. Consequently global citizens mandate nation-states and organisations with trusteeship responsibilities.

This is not the only way to characterize Earth Trusteeship. Conceptual articulation is still in full swing.

Is the Earth Trusteeship maxim as above in contradiction with “sovereignty of states over natural resources”? No, on the contrary, as the late Thai statesman and former Secretary General of ASEAN Dr. Surin Pitsuwan said about Human Security<sup>20</sup>: *it will strengthen sovereignty because states will become more responsible.*

The “Hague Principles” are a first step towards crafting the ancient and sacred Earth Trusteeship paradigm into contemporary international law not as “new design” to be added to existing IEL, but as a timely synthesis of existing legislation and timeless, globally shared, intrinsic values. This synthesis crafting process could ultimately result in the articulation of Earth Trusteeship as an essential dimension of the overarching principles constituting the evolving Global Pact for the Environment.

Earth Trusteeship should find its way to **the SDG 16 and 17 realisation process (Peace and legal institutions; a global partnership for development)** while, in addition to SDGs addressing environmental issues, it is ultimately rooted in an in-depth understanding of **SDG3: Health and Wellbeing<sup>21</sup>**.

## Genesis of Earth Trusteeship Initiative

In 2015 the UN **Year of the Soil** prompted a step-by-step pioneering process towards Earth Trusteeship. The Year of the Soil was an initiative of the Government of Thailand, adopted by the FAO. It is continued as annual UN World Soil Day, in honour of the late King Rama IX, Thailand. A groundbreaking event in 2015 was **Celebrating Soil! Celebrating Life!** June 2015, Royal Tropical Institute (KIT), Amsterdam, organized at the occasion of 25 Years

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<sup>20</sup> Message from the Secretary-General of ASEAN, Dr. Surin Pitsuwan, for the “Realizing Human Security in Asia” Symposium at the University of Tokyo, 23 February 2010.

<sup>21</sup> The *Wellbeing* element of SDG3 at present has a very low profile among the SDGs and no indicators have been awarded. While the design process of the Gross National Happiness (GNH) Index in Bhutan triggered a variety of wellbeing, happiness and “beyond GDP” indicators, easily available to the international community. The GNH Index emphasizes the importance of a healthy environment for happiness and wellbeing.



EOSTA, a private company trading organic food products. One of the resource persons was Ibrahim Abouleish, founder of Sekem, Egypt, and co-founder with Judge Weeramantry of the World Future Council. Both were Laureates of the Right Livelihood Award. In conjunction the **15 Years Earth Charter** conference was held in Doorn, the Netherlands.

In the context of the Biennial Conference of the International Network of Engaged Buddhists (INEB) in Sri Lanka, 2016, titled “Converging streams: Engaging for Holistic Development” a meeting took place with *Judge C.G. Weeramantry* at his residence in Colombo. INEB initiated the *Inter-religious Climate and Ecology Network (ICE)*. In April 2017 Klaus Bosselmann, professor of law, Auckland University, delivered a groundbreaking speech at the UN General Assembly ‘Harmony with Nature’ dialogue titled “The Next Step: Earth Trusteeship.” The meeting with Judge Weeramantry led to the **Earth Trusteeship roundtable, July 2017**. The roundtable was an independent activity in the framework of the international “Practicing the Commons” conference organized by Utrecht University, the Netherlands. The Earth Trusteeship Platform was established and the **International Earth Trusteeship Gathering**<sup>22</sup> was convened at Elisabeth Vreede huis, The Hague, June 2018. This was followed by the First **Earth Trusteeship Forum** including the launch of the “Hague Principles” and *Earth Trusteeship Initiative*, 10 December 2018, Peace Palace, The Hague.

## **Second Earth Trusteeship Forum 19 – 21 July 2019**

The Second **Earth Trusteeship Forum** “Nature Rights, Global Citizenship, Reclaiming the Commons: *the Rise of Earth Trusteeship*” will be held at **Chulalongkorn University, Bangkok, 19 – 21 July 2019**. Registration: <https://goo.gl/forms/5BgB0yb9yZJd8iJD3>.

The forum will be preceded by the annual Chulalongkorn University Right Livelihood Summerschool (CURLS). **Organizing partners** with the School for Wellbeing (Right Livelihood College campus) and the Earth Trusteeship Initiative are: CU Social Research Institute (CUSRI); the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), based at Thammasat University, Bangkok; INEB and ICE; CCFD-Terre Solidaire, France; The Japan Foundation; and Iona Foundation, the Netherlands. It is an open partnership that constantly grows.

## **UN frameworks to be engaged from an Earth Trusteeship perspective**

In the context of growing networks supporting a contribution to the Global Pact in the context of the OEWG process, the School for Wellbeing will try to engage inter-related UN bodies, national representatives and civil society organisations. We propose at this point:

- the **Post-2020 global biodiversity framework as a stepping stone towards the 2050 Vision of "Living in harmony with nature"**, UN Convention on Biological Diversity, Bonn;
- The recently launched **UN Decade on Ecosystem Restoration 2021 – 2030**, coordinated by FAO. Its 10-year perspective offers a productive timeframe for in-depth research rooted in well-grounded experimentation and further reflection;

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<sup>22</sup> Report of the UN Secretary-General “Harmony with Nature”, 23 July 2018.

- **Agenda 2030**, in particular SDG 16. Re: a **SDG 16 House** was launched by the Peace Palace, The Hague and the Ministry of Foreign Affairs, the Netherlands;
- **The Permanent Forum on Indigenous Issues (UNPFII) Eighteenth Session, 22 April – 3 May 2019, UN Headquarters, New York;**
- UNESCO Global Action Programme (GAP) on Education for Sustainable Development (ESD); Social and Human Sciences Sector; Science Policy and Capacity Building; as well as the **Section for Small Islands & Indigenous Knowledge (PCB/SII)**, UNESCO, Paris;
- **The UN Climate Change secretariat**, UNFCCC, Bonn;
- Ultimately, as a strong symbol of the organizational reform needed to fully accommodate a Global Pact: engagement with the **campaign for a UN Parliamentary Assembly (UNPA)** is rising.

### **Civil society – academia calendar of events: steps in a process**

A series of directly and indirectly related events will be held in the coming years.

**Earth Trusteeship Forum, 19 – 21 July 2019, Chulalongkorn University (CU) Bangkok, Thailand**, organized by the School for Wellbeing Studies and Research and partnership, including the CU Social Research Institute (CUSRI) and the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), INEB and ICE.

Registration: <https://goo.gl/forms/5BgB0yb9yZJd8iJD3>

10<sup>th</sup> **Religions for Peace World Assembly** “Caring for Our Common Future”, 20 – 23 August 2019, Lindau, Germany;

**Mindful Markets Asia Forum, ‘Community Design of Food Citizenship’** Saturday 7 September 2019, Chulalongkorn University with social enterprise course on **sustainable food system leadership**.

*Start of the JAI JAGAT 2020 We Are on the Move campaign*, Ekta Parishad, October 2019, India;

**Earth Trusteeship gathering**, Elisabeth Vreedehuis, The Hague, 27 – 28 October 2019.

**“Inspiring Change. 40 Years Right Livelihood Award.”**. International gathering on **Education for Right Livelihood**, 20 – 22 February 2020, Chulalongkorn University, Bangkok;

**JAI JAGAT 2020 Geneva’s People’s Action Forum**, 25 September – 3 October, Geneva, Switzerland.

## Conclusions

Based on consultations with pioneers of Earth Trusteeship and partner organisations, as well as careful study of Yann Aguila and Jorge E. Viñuales *A Global Pact for the Environment – Legal Foundations*, as well as reports on the OEWG process, we propose the following conclusions:

1. Earth Trusteeship can be characterized concisely by means of a “maxim”: all global citizens are equal trustees of the Earth for the benefit of future generations.
2. Earth Trusteeship is proposed to be taken into consideration as an overarching principle (among others) of International Environmental Law (IEL); it resonates with almost all 12 dimensions of the Global Pact for the Environment such as participation, innovation, integration of rights- and duty based, normative approach (benefiting others, “the common good”<sup>23</sup>) and offers an additional dimension: it addresses reduction of inequality, and strengthens global citizenship and the intentional evolution of awareness.
3. Further articulation of Earth Trusteeship in the framework of a critical but supportive, civil society-driven, dialogue will benefit the Global Pact for the Environment process. It will be able to involve civil society sectors and cultural values which are not fully included – even though they are the carriers of life – in the strictly secular foundation of the Pact. Earth Trusteeship intends to give a voice to indigenous peoples’ wisdom, world religions on the obligation to care, engaged spirituality, traditional and organic farmers’ values, the interests of future generations and Nature.
4. The Global Pact aims at direct, pragmatic result, and therefore understandably avoids, at present, dialogue on three delicate but essential issues:
  - a. What does “taking due account of the sovereignty and interests of States” mean vis-à-vis the urgently needed cooperation to protect

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<sup>23</sup> *Plaidoyer pour l'altruisme*, Matthieu Ricard, 2013. Ted talk in English:  
[https://www.ted.com/talks/matthieu\\_ricard\\_how\\_to\\_get\\_altruism\\_be\\_your\\_guide#t-873330](https://www.ted.com/talks/matthieu_ricard_how_to_get_altruism_be_your_guide#t-873330)

and regenerate Nature, the integrity of ecosystems and the health of food systems? <sup>24</sup>

- b. What is the stretch of “arbitrarily” in Art. 17.2 of the Universal Declaration of Human Rights “No one shall be arbitrarily deprived of his property” if excess property-for-benefit causes massive environmental destruction?
  - c. How can institutional arrangements to implement the Pact be embedded in a process of appropriate UN reform<sup>25</sup> in order to realistically match the governance challenges of a “binding Pact”?
5. Earth Trusteeship is rooted in a great diversity of consensus building world views and supporting responsible lifestyles (Right Livelihood).
  6. The UN Decade on ecosystem restoration, 2021 – 2030, offers a challenging opportunity for (action-)research and experimentation towards shaping and testing the Global Pact for the Environment overarching principles as well as Earth Trusteeship at local, regional (eco-systems and cultural identities), national and global scales.
  7. Earth Trusteeship is an enabling governance principle for ecosystem restoration and Right Livelihood. This includes sustainable food system realization and biodiversity recovery.
  8. Earth Trusteeship guides transformative education and awareness building towards sustainability and the reduction of inequality.
  9. Earth Trusteeship inspires systemic multi-stakeholder collaboration between governments, the corporate sector and civil society (tri-sector governance). Civil society organisations can provide appropriate transformative leadership involving the three sectors if supported with capacity building.

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<sup>24</sup> Neshan Gunakesera, Sri Lanka, World Future Council, referred to the Treaty of Westphalia, 1648, as an important step toward constituting modern nation-states. His presentation at the launch of the Earth Trusteeship Initiative, 10 December 2018, Peace palace, The Hague. Are present nation-states still “fit to purpose”?

<sup>25</sup> *A World Parliament. Governance and Democracy in the 21<sup>st</sup> Century* by Jo Leinen and Andres Bummel. The authors plead for representation of parliamentarians in a UN “Second Chamber” in addition to the General Assembly with representatives of States. Jo Leinen is a member of the German Bundestag for the SPD.

## APPENDIX

### The “Hague Principles”

*We*, citizens of nation-states, actors in the world economy and members of global civil society,

*Acknowledging* that well-being of human beings, our lives, and our survival as a species and as individuals depend on the health and well-being of other beings and ecosystems,

*Noting* that consumerist society and competitive nationalism repeatedly inflicts unbearable injuries to Nature, leading to catastrophic climate change, unprecedented biodiversity loss, and eventual disintegration of the Earth system,

*Recognizing* that disintegration and collapse of ecological systems force numerous people to leave their homelands, creating political and economic instability that may lead to conflict and upheaval in many parts of the world,

*Considering* that the totality of beings and ecosystems on Earth forms a community of life (the ‘Earth community’),

*Realizing* that just as human beings have rights that suit their needs, other beings have the right to exist and flourish according to their specific needs, and that these rights have their source in being part of the Earth community,

*Understanding* that a new, more mindful and appropriate relationship with Earth and Nature is necessary for the flourishing of all beings,

*Confident* that inspired common effort and dedicated collaboration between political, economic and cultural transformation movements can ultimately result in adequate responses to the challenges of the 21st century,

HEREBY DECLARE that we have agreed on the following principles as a guide for drawing up a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship:

#### ***Principle 1 Responsibilities for Earth***

1.1. All human beings are an integral part of Nature, and individually and collectively share responsibility to protect the integrity of Earth’s ecological systems and Earth as a whole, home of all living beings.

1.2. Each state individually, and the international community of states collectively, acknowledge that they have, and share, responsibilities for Nature, in cooperation and in alliance with their citizens as equal trustees of Earth and the integrity of Earth’s ecological systems.

#### ***Principle 2 Responsibilities within the Community of Life***

2.1. Human rights are grounded in our membership within the community of life, the Earth community, which qualifies what rights we are called on to honor and what responsibilities we have for each other and for Nature.

2.2. Responsibilities for Nature, the Earth community and rights of Nature are grounded in the intrinsic values of nature and of all living beings.

***Principle 3 Responsibilities for Human Rights***

3.1. All human beings are responsible for the protection of human rights and for affirming human rights in their ways of thinking and acting.

3.2. Each state has a prime responsibility for the protection of human rights as a trustee of its citizens and all human beings.

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