



EARTH TRUSTEESHIP WORKING GROUP Organisational Meeting ('Workshop'), 8-9 December 2022 at Right Livelihood College, Geneva, Switzerland

Follow-up Notes & Reflections (draft, Hans)

Schedule

The Workshop consisted of **4 sessions** divided over two days and an **ICJAO Consultation** co-organised with partners.



Venue: Right Livelihood College (RLC), Geneva Office, **Maison de la Paix**, 2E Chemin Eugène-Rigot, **Building 5**, 1202 Geneva (except the ICJAO consultation)

Day 1 – Thursday 8th December 2022

Conceptualisation, operationalisation; climate governance

9 AM to 12:00 PM: Session 1: Internal meeting of the ETWG
Exploratory session on the **conceptualization** (definition) of **Earth trusteeship**, in the context of Earth System Governance and the dynamics of diverse resonating innovative concepts.

- Earth Trusteeship must be understood and explained within the context of various world views, academic disciplines and languages: (sacred) trust, Our Common Heritage, Earth System Governance etc.
- Good to distinguish origin, status, prevailing legal and governance principles, actors and beneficiaries
- Humanity as actor is part of '**community of life**' (Earth Charter, 2000)
- Distinct sectors of human action are nation-states / governments, corporate sector and civil society
- Various modes of action may differ somewhat, but have a common aim: trusteeship, stewardship, guardianship, custody. Trusteeship has legal standing in public and private law.

- Major beneficiaries of Earth trusteeship are **future generations**. This does not exclude care for present generations as enablers
- Important to define '**commons**' as a 'reality in its own right' and recognise its 21st century transformative potential
- Earth trusteeship can be understood the major governance / self-organisation principle for the (global) commons
- Global governance implies **global citizenship**

12:00 PM: Lunch at Maison de la Paix Cafeteria

1:00 PM-3:00 PM Session 2: Continued ETWG meeting.
Strategic operationalisation of Earth trusteeship in various fields of application



- Major focus: **UN Summit of the Future**, September 2023 and 2024, New York.
- Various gatherings over the year 2023 including academic exchanges.
- Public dialogue TED-style, including world views and redefinition relationship humanity-Nature.
- **Support for ICJAO climate justice campaign**; and submissions. Parallel initiatives toward law- and governance innovation.
- UN Envoy for Future Generations.
- *Global Futures Forum* (in preparation for the UN Summit of the Future) hybrid New York, Earth Trusteeship online side event 20-21 March 2023
- *Earth Trusteeship Dialogue* and *Eco-Peace* conference 27-29 April 2023, Bangkok.
- Book launch *Reflections on Earth Trusteeship*, April 2023.
- Release of Report, UN HLAB on Effective Multilateralism, April 2023, with critical debate.
- Gradual extension of ETWG and including members representing indigenous world views.
- 3-Year **Earth Trusteeship Dialogue project** as soon as financial conditions can guarantee project management toward realisation of an activity package at three levels: 1. research on paradigm shift – 2. institutional development, coalition building – 3. grassroots-level case studies (action research), including innovations on land-water-oceans governance in frames of ecosystem restoration, biodiversity protection and regenerative agriculture toward healthy food for all (food security); rural reconstruction and reversion of land grabbing.
- Co-creation of research and experiential study opportunities for young people at Masters and PhD levels.
- **Earth Trusteeship Council** as an independent civil society initiative initiating collaborative engagement with UN member-states and the responsible business sector.

- Simultaneous support for a global citizens' campaign and a UN Parliamentary Assembly to secure that Earth trusteeship is an attribute of direct democratic governance.

Intermezzo

3:30 PM-5:00 PM

Consultation on Trusteeship principles and the initiative for an International Court of Justice Advisory Opinion on the Climate Crisis



Host: **Nicolas Lockhart** (U.K.), Sidley Geneva; **Co-Moderators on behalf of ETWG:** **Alyn Ware** (Aotearoa New Zealand / Czech Republic), Right Livelihood Laureate, International Representative, Aotearoa Lawyers for Peace, Program Director, World Future Council, and **Justin Sobion** (Trinidad and Tobago), PhD Candidate, Auckland University, New Zealand.

Experts: Ambassador **Collin Murdoch** (Antigua and Barbuda), Organisation of Eastern Caribbean States; **Jorge Vinuales**, (Argentina) Professor of Law at the University of Cambridge and International Law at the Graduate Institute, Geneva, legal counsel for Vanuatu; **Christopher Bartlett** (USA, online), Advisor to the Vanuatu initiative and **Jule Schnakenberg** (Germany).. representative of World's Youth for Climate Justice.

Venue: *Sidley Austin LLP, Geneva*, **Nations Business Centre, Rue du Pré-de-la-Bichette 1, 1201, Geneva**

- **Is articulation of the concept of Earth Trusteeship relevant to the ICJAO process?** (no report ; reflections only)
- **ICJAO research can trigger a global scenario-building process.**
- If UN member states hold - in the framework of collective responsibilities for climate and Earth System governance – obligations that not only transcend sovereignty bound to national borders, but also include *obligations toward future generations* (inter-generational equity), the duties thus incurred, would be better expressed as trusteeship obligations, implying service to others, than as sovereignty or property. The latter are both dedicated to self-service and self-interest.
- The actual acceptance of trusteeship duties-and-rights would not be a simple act of the International Court of Justice instructing or advising UN member-states who decide their adherence in compliance with their national political systems. In the first place it would be global citizens who become aware and accept these intrinsic trusteeship principles and organise themselves effectively accordingly.
- This is a huge awareness building and communication challenge.
- Global citizenship would imply inner and social recognition that humanity is part of 'the community of life' as articulated by the Earth Charter (2000):
- Recognition of this global citizenship would bring about a transformation of the right to self-determination of peoples limited to nation-states (as anchored in the UN Charter), to a principle of self-organisation and consequent future scenario building.

- In order to self-organise themselves adequately vis-à-vis 21st century challenges, global citizens can choose to maintain existing laws on nation-states and corporations-with-legal-personhood, or to revise these laws. And/or co-create additional laws (law and governance innovation). Independent global citizens most likely will organise themselves increasingly, by means of civil society initiative, as eco-system positive, bio-diverse, and culturally diverse 'commons' for which Earth trusteeship principles constitute the legal foundation.



- Three-sector collaboration between 1. 'partner states', 2. responsible business and 3. critical civil society-driven 'commons' together generate the healthy dynamics needed for climate balance and social justice.
- As a 'new social contract' based on tri-sector self-organisation will address climate emergency probably better than existing nation-states and corporations evidently fail to do, nation-states are obliged to facilitate (research on) transition to a threefold, commons-driven economy, based on a *culture of care* with *Eco-Peace* as its leading security concept.

Day 2 – Friday 9th December 2022

Open coalition networking; UN policy development; conclusions

9 AM to 12:00: Session 3: in-person and online. Zoom link from 10.00 onwards CEST (Geneva) = 9:00 GMT.

Exchanges with (prospective) partners and allies toward “**open coalition networking**”. Summary Day Thursday 8 December, Design of collaboration – Modes of operationalisation.



Guest In Person

Friday 9 December 09.00 – 15.30

Dr. Arthur Lyon Dahl

Member, Advisory Board, *Global Governance Forum*, Geneva. Arthur Lyon Dahl has been a consultant to the World Bank on indicators of development, Visiting Professor at the University of Brighton (UK) and Senior Advisor to its project on values-based indicators of education for sustainable development, and Co-coordinator of the UNEP Major Groups & Stakeholders Advisory Group on International Environmental Governance.

Online session Friday 9 December 10.00 – 12.00
[Interrupted by electricity outage]

ETWG members and associates

Neshan Gunasekera (Sri Lanka) (TBC)

Working Group Co-Chair; World Future Council; Member, Board, International Association Of Lawyers Against Nuclear Arms (IALANA). Right Livelihood legacy holder for **Judge C.G. Weeramantry** (1926 – 2017), Sri Lanka, (RLA 2007, and former Vice President, International Court of Justice);

Dr. Till Stellmacher (Germany)

Coordinator, *Right Livelihood College* (RLC) Bonn and global secretariat RLC. Till is Senior Researcher at the Centre for Development Research, University of Bonn (countries: Ethiopia, Kenya, Tanzania). He gained his PhD in Agriculture at the Institute for Food and Resource Economics, Bonn.

Partners open coalition networking

John Vlasto (UK)

John Vlasto is based in London, UK, and joined the *World Federalist Movement / Institute for Global Policy* Executive Committee, of which he is the Chair, in 2021. In addition, he is an Associate of *Democracy Without Borders* and founding Chair of the UK chapter. He is bringing the *Campaign for a United Nations Parliamentary Assembly* to the UK, working with the [One World Trust](#). Previous roles include soldier, hedge fund risk manager, and rock-climber.

Prof. Jung OK LEE (South-Korea)

Jung-Ok Lee is member of the Board, *Democracy International*, Bonn, Germany, and Professor of Sociology at the Catholic University of Daegu. She is a leading person of Asian-wide democracy networks. She was Minister of Gender Equality and Family of the Republic of Korea and is a pioneer of *Eco-Peace*.

Ms Lee has been a visiting scholar at Waseda University in Japan and Harvard University in the US. Besides her academic profession, she has been engaged with various public activities both in government and civil society sector.

Open coalition networking

- Various networks and **networks-of-networks** are forming. All can converge around the Summit of the Future in 2024 and its preparatory process.
- Our own connections are defined by various networks of ETWG members including Right Livelihood Laureate's networks, Right Livelihood College network (also connected with Global Campus of Human Rights) and **World Future Council**.
- Global Governance Forum and partners, based in Geneva, initiates, together with World Federalist Movement / Institute for Global Policy and partners a **Global Governance Alliance**.
- Club of Rome and its **"World4All"** initiative celebrated its 50 years' network, together with Earth Charter International, at the UN University of Peace, Costa Rica.

- Special attention deserves the coalition of Democracy Without Borders, Democracy International and CIVICUS. They form the core group of the WE THE PEOPLES CAMPAIGN for **world / global citizenship**.
- A Special Envoy for civil society could be helpful to strengthen organisational capacity at the global level and interaction with the UN system.

12:30 PM: Lunch at Maison de la Paix Cafeteria

Expert's consultation

1:30 PM: Session 4: Guest In Person **Dr Adam Day**, Head, Geneva Office, UNU Centre for Policy Research.

Dr Adam Day is Head of the Geneva Office of *United Nations University Centre for Policy Research*. He oversees programming on peacebuilding, human rights, peacekeeping, climate-security, sanctions, and global governance, while also acting as co-lead on UNU-CPR's support to the High-Level Advisory Board on Effective Multilateralism.

- Content of the final Report cannot be disclosed yet as the (complex) drafting process is still in full swing.
- "Global commons"- language is "not helpful" in the UN context; preference is given to "global public goods".
- The HLAB is partially overlapping with civil society networks
 - Two HLAB advisors are also members of the **Club of Madrid**. Former Prime Minister of Thailand Anand Panyarachun is also a member of the Club of Madrid.
 - The President of the Club of Madrid and HLAB member Danilo Türk (Slovenia) published a Project Syndicate article together with Maria Fernanda Espinosa, also a member of **World Future Council**, pleading – in line with Our Common Agenda – for "**a new social contract**"
 - HLAB member Jayati Gosh is also a member of the **Club of Rome**
 - HLAB member Azza Karam is Executive Secretary of Religions for Peace. The Thai chapter of **Religions for Peace** is associated with the Global Campus of Human Rights Asia – Pacific coordinated by ETWG member Mike Hayes. She held the 2020 annual Global Affairs Lecture titled 'We the Peoples, Religions for Peace and the United Nations' for the New Zealand Centre for Global Studies with Klaus Bosselmann a Trustee.
- An *Asia – Pacific* launching of the final HLAB Report in collaboration with UN agencies, April 2023 in Bangkok, is not yet planned.

3:30 – 4 PM *Break* (Early departures Klaus Bosselmann and Alyn Ware)

4 – 6 PM: Further ETWG internal **discussions / analysis / 'the way forward'**. Online connection with Vongthep Arthakaivalvatee. **Media communications** of workshop highlights and conclusions.

Online communication with new ETWG member Friday 17.00 hours

Vongthep Arthakaivalvatee (Thailand) (Friday afternoon 5 PM, from Los Angeles, USA)
 Visiting Fellow, ISEAS - Yusof Ishak Institute (ISEAS), Singapore; Special Advisor, Thailand Institute of Justice (TIJ), Bangkok; former Deputy Secretary-General of ASEAN, Socio-Cultural Community, Jakarta, Indonesia.



Conclusions

- Further research and exchanges on Earth Trusteeship are needed and can be very fruitful.
- This must imply “codification” of trusteeship across cultures and languages.
- Gradual extension of the ETWG will broaden the network of dedicated academics, policy makers, activists and social entrepreneurs.
- Adequate funding for collaboration in long term perspective must be secured,
- Indigenous world views and present pressure on indigenous communities are realities to be included and addressed. They stand symbol for the multiple crises our world is entangled in.
- A contemporary understanding of the “commons” needs further articulation and requires strong advocacy in the framework of existing institutions.
- Global governance needs to be developed in tandem with global citizenship.
- Ongoing support for and exchanges with the ICJAO process offers a field of exercise for multi-sector collaboration with mutual benefit for all stakeholders.
- Publication of the book *Reflections on Earth Trusteeship* will be very helpful for advanced dialogue.
- Presentations and initial public dialogue in New York, Bangkok and other locations are crucial.
- HLAB recommendations will be one window on the Summit of the Future.
- Open coalition networking needs time but is essential.
- *Eco-Peace* could be considered as a one-word expression of what initiatives, groups, movements and open coalition networks have in common.
- PhD and Master degree education and research is crucial for progress as well as experiential learning and social innovation at all levels in the perspective of service to future generations.

Closure

ETWG workshop Participants List (alphabetical order family name)

Prof. Klaus Bosselmann (Germany / New Zealand)

Professor of Environmental Law, Auckland University, Founder-Director, New Zealand Centre for Environmental Law;

Prof. Emilie Gaillard (France)

Associate Professor in Private Law. Director, Master's degree GENFUT (Future Generations and Legal Transitions), Sciences Po Rennes. Chair Normandie for Oeace.

Prof. Paulo Magalhães (Portugal)

Founder-Director Common Home of Humanity, Professor, Centre for Legal and Economic Research, University of Porto;

Alexander Repenning (Germany / Switzerland) (Thursday 8 December only)

Education Manager, Right Livelihood College

Justin Sobion (Trinidad and Tobago)

PhD Candidate, Auckland University, New Zealand. Coordinator Earth Trusteeship Working Group

Alyn Ware (Aotearoa New Zealand / Czech Republic)

Right Livelihood Laureate; International Representative, Aotearoa Lawyers for Peace. Program Director, World Future Council.

Hans van Willenswaard (Thailand / the Netherlands)

School for Wellbeing Studies and Research / Right Livelihood College Bangkok; Social entrepreneur, INI-Innovation Network International, Thailand; *Connecting the Commons* (CTC)

Wallapa van Willenswaard (Thailand)

Right Livelihood College Bangkok; Social entrepreneur, INI-Innovation Network International, Thailand; *Food Program Policy Development*, Thai Health Promotion Foundation

ETWG members not connected

Dasho Karma Ura (Bhutan) (TBC)

Working Group Co-Chair, President, Centre for Bhutan & GNH Studies, Thimphu, Bhutan; Member, Advisory Board, Wellbeing Research Centre, University of Oxford; former Member, Constitution Drafting Committee.

Prue Taylor (New Zealand)

Senior Lecturer, University of Auckland, Faculty of Creative Arts and Industries, Architecture and Planning, New Zealand; current research projects: local government and climate change; climate change ethics; common heritage of mankind and legal strategies for the commons; the ocean-climate nexus, with a particular focus on ocean acidification; and intergenerational equity].