

Integrating Earth into Global Governance

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1. Issues

International environmental agreements cover climate, oceans, biodiversity and many other areas of the global environment, but they do so in a fragmented and uncoordinated manner. As a result, the interrelations between the atmosphere (climate change), the hydrosphere (oceans, freshwater systems), the lithosphere (soils) and the biosphere (biodiversity loss) have been neglected causing ever-increasing threats to the integrity of the Earth's ecosystem. In the same vein, global governance is fragmented and inadequate.

Preservation of the integrity of the Earth ecosystem is a pre-condition for all life-forms, including human life, and hence the overarching concern of international environmental law. This concern has been expressed in more than 25 international environmental agreements, including the 1982 World Charter for Nature, the 1992 Rio Declaration on Environment and Development, Agenda 21, the Earth Charter, the 2012 Rio+20 outcome document *The Future We Want* and the 2015 Paris Agreement. Principle 7 of the 1992 Rio Declaration, for example, requires states to “*co-operate in a spirit of global partnership to conserve, protect and restore health and integrity of the Earth's ecosystem*”. Fifty years after the 1972 Stockholm Declaration described responsibilities that humans have towards the Earth, humanity is facing deterioration and disintegration at planetary scale.¹

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¹ K. Bosselmann, *Where is 'Earth' 50 years after Stockholm?*, 2021

<https://www.pathway2022declaration.org/article/where-is-earth-50-years-after-stockholm/>

Earth system science has evidenced that the integrity of the Earth’s ecosystem must be protected and restored.² It is critical therefore to integrate this duty into evolving policies and institutions of global environmental governance. Conceptually, Earth governance³ requires a shift from thinking about the environment from a States-centred perspective to an Earth-centred perspective. Appropriate institutions will have to be co-created.

This shift is anticipated in the Earth Charter. Representing a civil society driven, multicultural, multi-sectoral, interreligious consensus, the Earth Charter was adopted in 2000 and subsequently endorsed by a broad spectrum of diverse social institutions, including universities, cities, governmental agencies, UNESCO, IUCN, various global organisations and several Member States. Its two central principles are Respect and Care for the Community of Life (Part I) and Ecological Integrity (Part II). These are covenantal commitments for the mutual flourishing of humanity and nature. They are foundational to achieving intergenerational equity and securing the well-being of future generations.

A conceptual framework of global governance, not fully articulated in the Earth Charter, has been further elaborated and concretized in the Hague Principles that were adopted in 2018 by a global coalition of human rights, indigenous peoples and environmental organisations. The Hague Principles define responsibilities with respect to human rights, the Earth and future generations. In this regard both, citizens and states have responsibilities as trustees of the Earth.⁴ Trusteeship – whether public, private or “hybrid” – implies a legal mandate to govern, however bound by the duty to benefit others (in contrast to self-interest implicit in private or corporate ownership and to the national interest served by sovereign States). *Earth* trusteeship would apply this concept to global governance ensuring care for the Earth System, or the Community of Life, for the benefit of future generations.

² H. van Willenswaard, *Stockholm+50: Protect the Global Commons for the prosperity of all*, Global Commons Alliance, 2022 <https://highleveladvisoryboard.org/resources/>

³ K. Bosselmann, *Earth Governance: Trusteeship of the Global Commons*, 2015.

⁴ H. van Willenswaard, *Concept Note: Expert Roundtable in Support of Our Common Agenda*, 2022 <https://highleveladvisoryboard.org/resources/>

2. Options

The High-Level Advisory Board on Effective Multilateralism (HLAB) has a unique opportunity to further develop *Our Common Agenda's* idea of a repurposed Trusteeship Council⁵, especially in the light of some resistance from a number of Member States. Under international law, there is at present no legally binding duty of States to protect the global environment, i.e. the integrity of the Earth's ecosystem. This makes it necessary, and indeed urgent, to investigate the merits of trusteeship responsibilities that Member States may have towards future generations and the Earth. A repurposed Trusteeship Council would remain a UN principal organ and focus on intergenerational equity and the global environment. It could adopt a new multilateral governance model – beyond the traditional state-centric framework – to protect and restore the global commons and Earth's ecological integrity beyond the sovereignty and reach of individual states.⁶ The process towards institutional reform of this nature takes commitment and time, however it is important to start the process and also explore new multi-sectoral coalitions at international and national levels to take up common trusteeship challenges. Not taking this opportunity now, could cause a situation where any efforts towards effective multilateralism and protection of global public goods will be too late.

There are, at least, three options for further investigating trusteeship governance.

1. One is the **process of further implementing Agenda 2030 and achieving its Sustainable Development Goals**. From an Earth system perspective, the seventeen SDGs, while all relevant, need to foremost ensure that humanity stays within the limits of planetary boundaries. The economy- and society-related SDGs will not be achieved without ensuring that the environment-related SDGs including Water (6), Climate (13),

⁵ See also Global Governance Innovation Network, *Road to 2023: Our Common Agenda and the Pact for the Future*, 2022, at p. 46, and B. Desai, "The Repurposed Trusteeship Council for the Future", *Environmental Policy and Law* 52 (2022), 223-235.

⁶ K Bosselmann, *The Next Step: Earth Trusteeship*, Address to the United Nations General Assembly, 21 April 2017, <http://files.harmonywithnatureun.org/uploads/upload96.pdf> ; K.Bosselmann, *Earth Trusteeship and State Sovereignty: Transforming Global Governance*, forthcoming 2023.

Life Below Water (14) and Life on Land (15) are realized. These need to be safeguarded, arguably through trusteeship governance, to make any prospect for sustainable development realistic and achievable. The HLAB should highlight the need for this 'strong sustainability' approach in its report and ask the High-Level Political Forum (HLPF) for a systematic review of the implementation of Agenda 2030.

2. Another opportunity is the **Summit of the Future** in September 2024 where the merits of repurposing of the Trusteeship Council - and/or an *Earth Trusteeship Dialogue* programme in conjunction with the appointment of a Special Civil Society Envoy - could be discussed including its mandate, governance structure and possible amendments to the UN Charter (Preamble and Chapter XIII - Trusteeship Council - to include intergenerational equity and future generations). To be successful, the HLAB's report needs to accompany the preparations for the Summit's outcome document "Pact for the Future" and also inform the preparatory ministerial meeting to be held in September 2023.
3. At the Summit, the establishment of a **UN Special Envoy for Future Generations** is likely to be decided on to help ensure that future generations inherit a healthy planet. To have sufficient impact, the Envoy needs to be in a position of responsibility and access with a clearly defined mandate and with the support from a - well-resourced - UN Future Generations Office. The terms of reference for both, the Envoy and the Office should include responsibility and capacity to pursue dialogue on trusteeship including a repurposed Trusteeship Council.

These three options are not mutually exclusive and should be pursued simultaneously to encourage cross-sectoral discussions within the UN, but also within civil society. Critically, the UN needs to open up to citizens and civil society. No recommendations of the HLAB, no matter how ambitious, will be realized without multi-sector collaboration involving governments, the corporate sector and civil society as equal consensus building partners.

3. Recommendations

1. Ask the High Level Political Forum on Sustainable Development to conduct a review - pursuant to Article 82 of Agenda 2030 and in collaboration with the General Assembly, ECOSOC and other relevant organs and forums – on the question of how an Earth system perspective and associated governance implications can improve and accelerate the successful implementation of Agenda 2030 and its SDGs.

2. Request relevant organs and forums to include the Earth system perspective and associated governance implications into the preparations of the Summit of the Future 2024 and the Summit's preparatory Ministerial Meeting in 2023 including the drafting of the Summit's outcome document "Pact for the Future" and the establishment of an UN Special Envoy for Future Generations.

3. Encourage the UN General Assembly and other relevant organs and forums to actively seek collaborations with Member States and civil society on exploring the Earth system perspective on global governance and its implications for responsibilities that citizens, civil society, Member States and the UN have for the preservation and restoration of the integrity of the Earth system and how these responsibilities can be codified and institutionalised under international law and within the jurisdictions of Member States.