

Welcome to Turning Conscience Into Action, the Earth Charter podcast. Join Mirian Vilela, Earth Charter International Executive Director, in her fascinating conversations with great thinkers, scholars, and activists from around the world who are working in the fields of sustainability, ethics, education, and social transformation. Our purpose is to generate new insights on how to face current global challenges and inspire Informed Action.

Today, we have the pleasure of having a conversation with Johanna Bernstein.

Johanna is an international environmental lawyer who was involved in the Rio 92 summit, helping the Canadian government in the preparatory process of this historical summit. She has been involved in many of the subsequent summits on sustainable development. And I have known Johanna for at least 25 years and I admire her tenacity. In the mid-90s, Johanna got involved with the drafting process of the Earth Charter and worked closely together with Steve Maroccafella for several years in this effort.

Over the years, she has developed a solid track record in UN negotiation processes and building partnerships among different actors. She is currently working with WWF International, coordinating another advocacy project on the biodiversity negotiations. Thank you, Johanna, for joining us today. My great pleasure, Marianne, and it's a great pleasure indeed to reconnect with you after these years. We worked very closely when we were both working with the Earth Council and I'm so delighted to be here as well.

Thank you so much. So we are here putting together a series of conversations, a podcast series for the Earth Charter. And given the fact that you were so involved and you were part of the Earth Charter drafting process and the launch, could you share with us some highlights of your experience and your own learning through this process? Of course. Thank you. Thanks, Marianne. I think one of the biggest highlights of the experience was Stephen Rockefeller. Stephen is a mentor of mine and I can honestly say I don't think I've ever met an individual with a greater depth of intellect and scholarship, but with a level of humility matching the depth of his intellect.

It's just absolutely extraordinary. And Stephen, what an eminent philosopher of world religion. He I think he wrote one of the sort of definitive books of John Dewey on his philosophical naturalism and democratic humanism. And Stephen, the years and years as the scholar of world religion, but also the Zen training and his own meditation practice and his study of Buddhist philosophy enabled him to bring a certain spirit to the process, a spirit of openness, a spirit of respect for the intellectual contributions of others and intellectual differences of others.

And I honestly don't think, Marianne, that we would have landed with the result that we did without Stephen. It was extraordinary. And then I would also say that we agree with the I mean, you know, you know, so why I know you know so so why. And I would say another highlight was just the drafting committees, the drafting committee process. Can you imagine this sitting around a table with Mary Evelyn Tucker and John Grimm to again world renowned scholars of the philosophy of world religion, Ron Engel, just extraordinary environmental ethicist, Paul Raskin, a cosmologist, you know, from the Stockman Environment Institute, Wolfgang Brunhene, one of the great environmental

lawyers who sadly is no longer Nick Robinson, Parvan Hassan, Abelardo Abelardo-Brennes, and we have these drafting sessions at the Cantico.

And can you imagine we're seated in a room, a very beautiful, it was the old carriage house that was renovated. And I remember one day one of the rooms that we used to meet in had this giant Picasso tapestry. And do you remember it? And Stephen, every time we... Story. Yeah, yeah. Oh my gosh. Behind the Picasso. Yeah, exactly. And Stephen, before we would reconvene after lunch or after a tea break, Stephen would always ring a bell and we would have a moment of silence just to reach deep and reflect deeply on how we were going to do our best work and how we were going to contribute our best work and how we were going to really work in accordance with the principles and the ethos of the Earth Charter in order to draft the Earth Charter.

And it was just an absolutely amazing time. I mean, I don't think I've ever experienced a process of co-creation with the total absence of ego. Yes, thank you so much for sharing that and reminding us on the models of branding, in the experience of the process. And also that it was not just about bringing together those great minds, but the great minds were also looking at the outcomes of the consultation process. Yes. And Christine von Weiss-Zucker was also... Of course, another one. That's right.

That's right. But no, as you say, because there were different sort of strands of the creative process of the Earth Charter. You had the global consultations with NGOs around the world. I think there were something like 10,000 NGOs consulted probably more combined with this drafting process. And the results of the consultations were feeding into the drafting process. And I think that, again, the individuals around the table were very mindful of the need to really deeply consider the value of the voices who were not around the table, but whose own reality was so relevant and so pertinent to the drafting process.

Absolutely. Absolutely. I agree. So Johanna, what do you think is the uniqueness of the Earth Charter document? Yes. As a document. Yeah, that's such a good question, Maryam, because I think we're always asking ourselves, what is the value added that we are creating? So we talked about the process. The process was unlike anything we'd ever seen before. And to be honest, I don't think I've seen any process of consultation as broad with NGOs around the world. So that's number one, the very widespread, truly multi-stakeholder process of consultation.

I think that when you compare the Earth Charter with the actual real declaration on environment development, which as you remember, originally the real declaration was going to have a slightly different shape and form and scope and politics got in the way. And this created the space for the Earth Charter to be born under the leadership of Gorbachev and more strong and of course our dear wood lovers. I also think it gives this more time in space for the Earth Charter to be built around this broad consultation process.

No, that's right. And I was involved in advising the Canadian government during the drafting of the real declaration. Yeah, go Canada. How is that? So Canada was very, very active involved in the preparatory process of their summits. Oh my gosh, it was a very, very extraordinary experience because I was running, if you remember, this coalition, a multi-stakeholder coalition in Canada. We worked very, very closely with the Canadian

government delegation at every step of the way. And they'd call me in and say, listen, can you help us with a drafting of a certain chapter in Agenda 21, but certainly when it got to the draft and the real declaration, they brought me in.

And so what I see, Maran, is that what we were able to embed in the Earth Charter, we could never have mobilized consensus on the part of member states around these sorts of fundamental principles. So that's number one. It was the idea of an integrated ethical vision to guide the sustainability transition was not really something that governments at the time realized was as important as it has turned out to be. So in terms of the process, the Earth Charter, the vegetarian meat of the Earth Charter is the fact that it builds on over 100 international declarations and charters and treaties involved in many which were drafted by NGOs.

But many of the principles also draw from scientific discoveries and insights, as well as the moral insights of world religions and the very extensive body of global ethics and the ethics of environment development. So there were many, many inputs that would never have been possible in the real declaration. And so that in and of itself meant that we were able to infuse the Earth Charter with a very much broader array of scholarship, if you will, scholarship in different domains. Now, but you say you would say that one of the uniqueness is the language itself, being able to manage that kind of language.

Yeah, yeah, yeah. And that language to be very, very honest comes from Stephen Rockefeller. It comes from Stephen, it comes from Mary, from Jean Grim, you know, Ron Engel, you know, it's that sharp crystallization of how the ethical vision is the sharp crystallization of what that ethical vision actually is, right?

You know, we talk about the, you know, I remember back in 1987, the Broughton commission, you know, called for the need for an integrated vision of ethical principles that would govern, you know, the conduct of people, nations, and indeed their relationships with each other in the earth. And the Earth Charter was really a response to that call. Well, indeed, the Earth Charter, once it was launched, it was very much a response to that call. And again, what's unique in terms of the language is the expression of global interdependence of partnership of shared responsibility for both the well-being of humanity and for the larger community of life. And, you know, the integrated ethical vision that we always talk about is grounded in the indivisibility of environment and development human rights issues. It's grounded in the interdependence of the goals of environmental protection, of the goals of human rights, of equitable development and of peace.

But then underlying that is this ethos of universal responsibility that is framed in a way that it was, had never been framed before. And to be honest, it hasn't really been framed as such

since. And it's this sense of solidarity and kinship with all life forms. And, you know, from the preamble, one of my favorite lines is the Earth Charter calls on humanity to declare our responsibility to one another to the greater community of life and to future generations. And Mary Evelyn, you know, who I just revered as one of the great minds and the great souls of all time, she, I want to share with you a quote because she expresses it so beautifully. She says, within the framework of the universe story, we're beginning to

acknowledge that our common ground is the common ground of the earth itself, and that the survival of species and the planet depend on this adaptation for survival is necessary, of course, for all species, and of course, crucial for humans. And but this adaptation will be less biological than cultural, and it involves a shift in an understanding of the Western Enlightenment mentality that emphasizes radical individualism to an earth community mentality of a shared future. So that to me is the le pointe clé. And, you know, in our COVID adjusted world, I don't think that there could be a more apt expression of what we should all be aiming for. With this vision of earth community and collectivism, and human as a family, and moving away from this mindset of individualism.

Exactly, exactly. And, you know, you see, for example, if you remember, I think it was in June, you saw these protests of the United States, the anti lockdown protests, which, you know, were, I felt like I was really in a parallel universe watching, you know, on the news, and people fighting for what they perhaps incorrectly regard as absolute human right individual rights. And we do not live in a world we do our, our, our body politic, the whole sort of philosophy underpinning any free democratic society is that there are no such things as absolute rights. It's a constant dance of weighing and balancing competing interests. And I think the Earth Charter gives us a framework within which we can now be weighing and balancing competing interests in 2020, moving on into 2021.

So that for me, Marianne, an attitude of question about the uniqueness, I would say that it's that integrated ethical vision, the new, the concept of universal universal responsibility that doesn't stop with humans, but extends to all all life forms. And that that's something that is particularly relevant, probably for the ongoing UN biodiversity negotiations, which I'll talk about in a moment. Thank you so much, Sohana. So in 2007, you wrote a paper on which you reflected on the Earth Charter policy relevance to Europe. Yes. Yeah.

I would like to ask you to, to share with us the gist of what you wrote there, because it has to do with the Earth Charter relevance for public policy, for the authority and also, especially in the realm of the European Union, please. Yeah, no, of course, of course. So I think the first point is that I'll talk about a few very quick points in terms of what underlie the authority of the Earth Charter. And I think it's so important because even though, or rather just because it was not adopted by governments in the UN context, its value as a soft law document instrument can be absolutely profound when you consider that the Universal Declaration of Human Rights was only a resolution of the General Assembly, and yet it transformed the landscape in terms of the development of human rights law around the world.

It transformed the landscape in terms of the way human rights are litigated before the Supreme Court. And so the Earth Charter has just as much value as a soft law instrument. But I'll start first with the drafting process. So where did it succeed where other international declaration drafting processes didn't? And that was, as we talked about before, in the integration of the principles and the insights of science, ethics, religion, international law, the wisdom of indigenous peoples, and the thinking of local communities and NGOs. So that's number one. And again, nothing like that has ever been achieved. Like bringing the knowledge, the different fields of knowledge. Exactly. Exactly. The next point is that, and indeed, this is a very important legal point that underpins its authority. And that is that the Earth Charter, as I mentioned before, is doesn't articulate any new principles that do

not already exist in international environmental law, right? We draw on about, as I said, over a thousand different international treaties, regional agreements, national constitutions. And so it's that integration of the wisdom in the body of international and human rights and development law that we integrate into a unified vision. So it's grounded in existing international law. So that's, I think, a very, very important fact.

Another is that the, at least, you know, remember when there was a period of endorsements, right, when we, or you rather, Marianne, worked very closely with governments around the world to solicit their commitment to embedding the Earth Charter, in my cases, in what were then their new sustainability strategies, in many new constitutional processes that were very,

that were at that time were nascent. And not to mention the reflection of the Earth Charter principles in international, for like UNESCO, do you remember in early 2000 when UNESCO very, you know, gave very, very clear and ambiguous political support in one of its sort of general General Assembly, was the UNESCO General Assembly in 2003 and then again in 2019.

Exactly, exactly. And so, you know, I think that, for me, those are the key factors that really underpin the authority. And then, you know, the question that we're often asked is, all right, well, what is the value of the Earth Charter relative to other UN declarations, right, we that were talking about the UN declaration on human rights or any of the, like the protocols, the new generation of human rights legislation. And I would say that, first and foremost, the Earth Charter presents, unlike the other human rights instruments, what I would call a holistic world of view, right, that's driven by the ethical concerns in terms of the respect for nature, that should underpin decision making rather than the economics

and science driven approach that many, that underpin many international, international law instruments. And so the holistic approach is one that really views the strengthening of democratic institutions, the importance of promoting transparency and accountability of those institutions, participatory decision making, as inseparable from the imperatives of environmental protection, social and economic justice, right. And so the point there is that the governance, the quality of the way decisions are being made from the perspective of the Earth Charter is just as important as the substantive principles that it promotes. That's another area of difference. You know, we talked about the bottom up approach and the characteristic, if you will, of the Earth Charter as a people's treaty. You know, that's very, very important.

But I think at the end of the day, where the Earth Charter still has currency is in this very elegant balancing and interweaving of the principles of intergenerational equity, of common differentiated responsibilities, democratic decision making, human rights,

all wrapped up in the integrated ethical vision. So, you know, I honestly don't think that

there exists an instrument like the Earth Charter. And the question is now, you know, how do we ensure that the Earth Charter continues to be relevant for the, for public policy processes at the national level, at the international level. And as you know, we talked about, we've seen that indeed, in the early 2000s, there was a real movement on the part

of national governments to integrate it. And also we see that in many cases, you know, the Earth Charter, in a sense, provides us with a roadmap, you know, for solving global problems, right. And as I wrote in the paper on the policy relevance of the Earth Charter for the EU, we talked about how the the challenges that the EU is facing at the time with a rapidly growing European Union and facing an increasingly deep least set of vexing issues. And the EU was really, I think, losing, losing the plot. But it was really, it was, it was being challenged to its very core. And in terms of

providing the groundwork as it were, the enabling environment, as it were, for the solving of the most complex problems, you know, at the time I wrote the paper. And so, you know, I said that, you know, Europe doesn't need a new hegemon. What it needs is a union that is grounded in the Earth Charter ethos of multilateral cooperation and collaboration, and which asserts that a strong global partnership role is one that has to ensure that the benefits of globalization are spread fairly and justly around the world. And that the EU at the time, what the Earth Charter gave to the EU, was this roadmap in terms of how do we deepen interdependence and responsibility within the union. Yeah, that's good. Interdependence and responsibility within the European Union, giving us sort of guidance, or maybe emphasizing the importance of that. Okay, so Johanna, the world continues having growing world challenges, right? So we currently have

ongoing world challenges. And the question here is how can the Earth Charter help us move forward and address the current world challenges? Maybe if you can also speak specifically with regards to the ongoing challenge of the biodiversity negotiations. Yes, of course, of course. Well, thank you, Mary. You know, that's again, an area that is so ripe for potential for the Earth Charter to play a more significant role. You know, we're living in, I wouldn't call it the super year anymore, it's the year of global planetary emergency, right? And where, you know, never before have we seen the interconnectedness of biodiversity loss, ecosystem degradation, climate change, interweave in such a powerful way, but it's not just those issues that are interconnecting in a very dangerous way. It's the unacceptable inequalities that are deepening, in part because of unsustainable production and consumption, which are based on models of extraction and exploitation that destroy life sports systems. And so, you know, in order to turn bend that curve, and to solve and to address the planetary emergency, we need a deep fundamental transformation in terms of our political systems, our economic systems, our legal systems, our system of institutions. And one, and that transformation needs to ultimately lead to a new relationship with nature that recognizes the value, the importance of nature, not only as the foundation of human well-being, the foundation of resilient economies and peace and security, but importance for the earth system and for the economic, I mean, excuse me, that was affordance for the resilience of the overall earth system. So, but the first step has to start from within. It has to start within, in terms of our own personal relationships with nature and understanding the value that nature places in our role in utilitarian terms, in spiritual terms, in terms of our, not only our material well-being, but our spiritual and emotional well-being. And I think COVID really shone a spotlight for those, so many people around the world who were confined to their apartment, just not able to leave. And I am very fortunate, I live here in the Swiss Alps, where every day I was able to go on my beautiful walks with my beautiful dogs and commune with nature.

And I don't think ever before have I so deeply appreciated the possibility to be in nature in the middle of a global pandemic. So, these are the big challenges that we're facing. And it's about so what I'm seeing in the Biodiversity negotiations is that there's very little reference to the importance of taking decisions in respect to the greater public good, right, and the larger community of life. What we see is that, you know, the system of decision making, the governance systems that underpin our UN negotiations, you know, they're embedded with so many biases that entrench the unsustainable and the inequitable status quo. And what we see is that until we embed our global governance systems with that integrated moral vision, ethical vision, that decisions, negotiations will continue to be made, not from a point of view of governing in the interest of the whole and the whole and the greater community, but, you know, continually grounded in terms of narrowly construed economic interests. And, you know, and with national sovereignty continuing to lock any real effort to solve these problems in the way they need to be solved, which is through a global partnership, through an enriched sense of universal responsibility to the greater earth community. And so what we're seeing, you know, is a continuing retreat from the imperative global cooperative action, right, and we see continued polarization and it's amazing these dynamics do not change. They do not change. And so how do we reverse these trends? And it's about a fundamental shift to a collective mindset, isn't it, that is grounded in a sense of global interdependence of collective partnership between our human communities and the greater community of life. So there, and I believe lies the role for the Earth Charter to help catalyze that shift, that fundamental shift to this new collective mindset. Well, new, it was new in

1997, but it continues to be just as imperative and just as important a gap in our international decision making. So maybe what I heard you say is that the charter helps us in addressing the current world's challenges and the biodiversity negotiations by offering a certain mindset, a certain role in terms of how we ought to relate with the large gaming world. Yes, yeah, absolutely. And you know, another thing, Mirian, the problems of nature loss, climate change, ecosystem degradation, you know, these are all systemic problems of that are growing in increasing complexity against a backdrop of increasing uncertainty, right, and under conditions of dynamic change and immense risk, but the risk landscape is, you know, when I wrote the essay about my trip to Greenland, which we'll talk about in a second, I talked about the, you know, already then, CO2 emissions were at 385 ppm, and we then we could never imagine that they would have risen to what they are now over, what is it 400 and is it some like 420 ppm. So the risk landscape is accelerating, accelerating and intensifying and deepening. And so turning that around requires not only a different mindset

within individuals, but it's a new mindset within leadership. And it's about, it is a sense of a form of servant leadership, one that leads from behind, but one that can really balance its competing interests in a way that respect planetary bound, that recognizes the value of new science and ancient wisdom in solving these problems. But I would say, Mirian, besides ethical leadership, we need ethical partnerships that are grounded in that sense of interdependence and shared responsibility, in which, you know, in which all members of the human family identify ourselves, not just within human communities of which we're members, but with the larger community of life of which we are part. So, you know, along, it's a long answer to your question, but I think this is the fundamental value add

that the Earth Charter brings to, you know, the current UN and the biodiversity negotiations. And it's about a new mindset that if we don't cultivate that new mindset, we will not be able to just solve the planet or redress the global planetary emergency.

That is, you know, we have learned over and over and over again. Certainly, we are very keen in finding ways to cultivate that kind of mindset in using Earth Charter as an instrument for that. So, you just mentioned that you went to Greenland. So, your travel to Greenland took place in 2005. Yes. And I heard that you were struck by the Inuit people and how their wisdom and mythology embodied the Earth Charter. We had two Greenland people I would like to remember, Henry S. Rasmussen, who was an Earth Charter commissioner, and Fin Linghe. Both were passed away, but they were very, very closely involved in the drafting process of the Earth Charter. Yes. Yes. Yes. So, but coming back to your travel, wonderful experience in Greenland, getting to know the wisdom and knowledge and culture of the Inuit people, what were your feelings, your experience and the parallels you draw between that culture and their charter? You wrote an essay on this on the ethical dimensions of climate change from the perspective of the Inuit, which you called lessons from white birth. So, would you please share with us your key ideas on that when you went to course? Of course. Thank you. Thank you. So, my trip to Greenland is part of a learning journey that was organized by the Talberg Forum. And Joanne Rockstrom is one of my dearest closest friends and brothers was also on the trip. It was a small group of about 10 people. And we spent about seven days near the Alulisaat Glacier studying the impact of climate change on the Alulisaat Glacier, which is Greenland's fastest retreating glacier. And so, we had the opportunity to meet with many, many Inuit elders and Inuit youth.

And, you know, a lot of time learning from them about Inuit mythology and Inuit wisdom. And what struck me, there are a number of things that struck me that were, that really drew parallels with the wisdom of the O'Chara. And I guess it's not surprising because there were so, as you say, Finn and Harriet were very much involved in the drafting committee. And many other indigenous groups, I know, really shared such important perspectives. But a few things that really struck me. The Inuit don't believe in the presence of, or rather pardon me, the Inuit believe in the spirit, in the presence of spirit and soul, which in the Inuit language is called Anirnik. And they believe that this spirit inhabits all sentient and non-sentient beings. And it's that spirit which compels them to what they refer to as a solemn moral duty to respect all life forms. And their cosmology, what we learned is, unlike our own, doesn't include the concept of dominion of humans over nature that's completely foreign to their cosmology. And they believe instead that the earth is alive, it's, and that humans are connected with your system in a harmonious relationship.

But it's a relationship that must be continually renewed and always revered. And in the essay that I wrote, I said it must, I wondered, because this was in 2005, before the Paris Agreement. And I said, I pondered what the Kyoto Protocol would have looked like had it been drafted by a group of Inuit elders. And it's a powerful parallel. And so we learned about, for example, how during the harsh winter months, the Inuit have an extraordinary mastery of how to live in harmony with a very harsh environment. And they lived in these tiny huts that were made out of peat. And a family of 10 would be living in a space of something like five square meters. But this is what I drew out of the way they managed to live so harmoniously in these very, very small settings against the backdrop of a very

harsh environment. And, you know, it's about a systems based approach to decision making, because what serves one family member, if it does not serve the entire family, it does not, you know,

it doesn't have merit, rather. So we have to look at the broader implications of any decision, because if it doesn't serve all 10 family members living in that five square meter hut, it's just not going to work. And there will be nobody. They're always looking through the lens of the collective. Exactly. Exactly. Nothing is done. Nothing is done. There's no crisis or a cage. Yeah, exactly. Exactly. And it's just for the only one person or only one family. The benefit of the collective. Exactly. That's the shift. Exactly. And that's the shift that we need in global governance and in multilateral environmental diplomacy, where we find ways to incentivize governments to sublimate their narrowly construed interest in favor of working collectively towards the interests of a greater whole. And that's what the Inuit family does in their tiny peat huts. And it's about the value of learning from chaos and crisis, which the Inuit were in a constant state of. But they replace confrontation with cooperation as their dominant modes of decision making. And so in a way, by stunning me anyway, you glean a blueprint for how we need to reform multilateral decision making. And so this led me into a conclusion about what we need in the, at the time I was writing this essay in relation to the climate negotiations. And I said that the bottom line is that the international community is only negotiating what is politically viable as to what nature requires. New science informs an ancient wisdom compels. And I said then that where do we go from here? Looping back to the earlier points that we were talking about in terms of the value of the charter in terms of stimulating a new sort of shift in thinking. And so what I said in the essay was that we need a new mindset, a deep and a radical change of soul and heart, and perhaps a new mental map, one that repositions humanity in a different relationship with a greater earth community, and which recognizes that in the midst of this magnificent diversity of life, there is common destiny. That my friend was the lesson from white earth that I think could radically transform multilateral environmental diplomacy.

Wonderful. Well, Johanna, thank you so much. We are coming to the end of our conversation today. And there's so much more that we could be sharing and speaking with you. I really want to express my appreciation and gratitude for the work you have done over the years. In many platforms, certainly

from the Earth Charter perspective, you have contributed greatly with the thinking behind the Earth Charter. And also with making the bridge between the Earth Charter and public policy and national level seeings. So I really appreciate and express my gratitude. Thank you for making a difference. Oh, well, thank you for being such an inspiration and for making the immense difference that you've made, Marianne, in your life. Thank you, Johanna.

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