



RIGHTS OF NATURE & MOTHER EARTH SOWING SEEDS OF RESISTANCE, LOVE AND CHANGE



Indigenous
Environmental Network

GLOBAL



EXCHANGE

The Earth Rights movement and the road beyond Paris

By Tom B.K. Goldtooth and Shannon Biggs, editors

L'humanité et la nature ne font qu'un. إدحاو ةعيبطللاو ةيناسنإل. In the wake of the violence in Paris, Beirut, Syria, Iraq and around the world, we are reminded that not only are we one people—but *humanity and all nature are one*. It is time to seek peace and justice for humanity and Mother Earth.

While billed as *the most important climate meeting ever held*, the next generation will not look back on the Paris COP 21 as the historic moment governments took decisive action on climate change.

The modern world is removed from nature. A world without a living knowledge of its spiritual relationship and responsibilities to the creative principles of the natural laws of Mother Earth, results in our planet become property, without a soul, to be owned and sold. Nearly everywhere, the legal paradigm of laws protects the ownership of nature, so it is not surprising that the UN climate negotiations are rooted in the continued privatization of ecosystems and putting a price tag on the processes of the natural world.

The predictable failure of the Paris UNFCCC negotiations has been 20 years in the making. The climate Ponzi scheme of trading of air, water, trees, soil, and biodiversity along with false solutions of carbon capture, genetically modified organisms, geoengineering, synthetic biology, nanotechnology, agrofuels, fracking, nuclear projects and energy generation from incineration—all these will do more harm than good to Mother Earth. As Nigerian activist Nnimo Bassey has said, “The outcome is already known: a package of non-binding promises and non-commitments. It will be another carbon stock exchange.”

Changing our relation to the sacredness of Mother Earth

Rather than mourn the loss of international political leadership on climate change to the peddlers of extractive capitalism, its time to acknowledge where the real power to create change lies, and what Paris might be remembered for. The next generation could look back on Paris as the time when grassroots movements became the real and rightful leaders on climate with searing critiques of capitalism and endless growth and a transformative solutions based on equity, and living in balance with natural laws.

Climate change itself is the Earth's demand for human system change; it is a wake up call to shake off old ways that got us here, and to create vibrant local living economies respectful of the living cycles of Mother Earth and Father Sky. It means shifting the legal landscape that has propped up industrialization by treating ecosystems as property to be owned and destroyed.

Rights of nature define legal rights for ecosystems “to exist, flourish and regenerate their natural capacities.” These laws challenge the status of nature as mere property and while not stopping development, recognizing legal rights of nature stops the kind of development that interferes with the existence and vitality of ecosystems. It provides a legal framework for an ethical and spiritual relationship to the Earth and the Sky. And its been growing at the local and national level around the world. In the last decade, three countries and dozens of communities have passed laws recognizing “legal standing” for ecosystems.

This report “*Rights of Nature & Mother Earth: Sowing seeds of resistance, love and change*” isn't just a challenge to the UN climate framework. It is a call for Earth's real revolution, a reawakening of the Sacred, and a legal framework to support real system change based on the inalienable rights of nature – of Mother Earth—of which our own human rights and the fate of humanity cannot be separated.

L'humanité et la nature ne font qu'un.



CONTENTS

The Earth Rights movement and the road beyond Paris	2
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The Age of Rights of Nature

The Stillheart Declaration on the Rights of Nature	5
At the Crossroads Between Green Economy and Rights of Nature	9
Changing the Terrain: The Significance of Rights of Nature for Environmental and Social Activism	12
From Local to National: Recognizing Legal Rights for Nature — How Do We Get There?	15
Ecuador's Challenge: Rights of Mother Earth or the Continued Colonization of Nature	18

What If We Based Our Campaigns on Rights of Nature?

No Rights of Nature, No Reducing Emissions: REDD, el Buen Vivir, and the Standing of Forests	21
Indigenous Rights and Rights of Mother Earth: One Voice, One Mind, One Heart, One Spirit	23
Earth Community Economy in 2016	26
The Global Water Crisis Demands a Paradigm Shift	28
Water in the Green Economy: "Legal Rights for Waterways"	30
Beyond Fossilized Paradigms: Futureconomics of Food	32
Food Sovereignty and Rights of Nature	34

*Some portions of this report appeared in the 2012 Global Exchange report "Rights of Nature: Planting the Seeds of Change" edited by Shannon Biggs.

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"Building a movement of this magnitude is possible. We can unify around what we're for - a future where ecosystems have legal rights to exist, flourish and regenerate their natural capacities and where there is justice for impacted communities and polluters are held accountable."

The Stillheart Declaration on the Rights of Nature

In October 2013, on Ohlone Indigenous land, Global Exchange and partners held a 3-day summit at the Stillheart Institute in Woodside, California. Nestled in the California Redwood forest a counsel of 32 global social movement leaders including Indigenous leaders, deep ecologists, grassroots justice advocates, economists, climate experts, localization activists, globalization thinkers, writers and researchers were convened to examine the emerging legal framework known as Rights of Nature, or Rights of Mother Earth. This declaration emerged and is affirmed by the undersigned participants.

The Context

As humanity fast-tracks towards the collapse of our planetary systems, we sought to articulate a shared vision toward a new economy based on living in balance with natural systems; where the rights of humans do not extend to the domination of nature. We questioned the viability of a global economy whose jurisprudence places property rights above all; recognizes corporate rights as the most sacred of property rights; subordinates human rights and the collective rights of Indigenous Peoples to corporate rights; and where Nature is not recognized as having any intrinsic rights at all.

We discussed the power and possibility of an emerging body of law—recognizing legal rights for ecosystems to exist, flourish and regenerate their vital cycles—as a necessary part of placing our human laws in alignment with Nature’s laws, and our human actions and economy in an appropriate relationship with the natural order of which we are part. Major points of discussion included the following:

- Living within the carrying capacity of the planet we call home requires that we adhere to the natural laws governing all life and does not extend human authority over them.
- In these respects, we recognize that ancient and living Indigenous cultures that live in connection with land, and have knowledge of its care, have much to teach us about this world.
- Indigenous traditions tell us that all economic activity must be rooted in an understanding and respect of our sacred relationships with Mother Earth, and that our continued wellbeing depends upon it.
- Science and common sense tell us that endless growth and the plundering of a finite planet is an impossibility, and an absurdity.
- We must avoid techno-utopianism, the illusionary idea that technological innovation will provide a “fix” to the inherent limits of a finite Earth. All technology must be subject to full life-cycle analyses, from sources to wastes to interactive stimulations to development.
- The subordination of the web of life to the chains of the markets and growth of the corporate led system erodes the primary means of existence on this planet, which is rooted in the diversity of life itself.
- The current dominant economy fails to sustain and regenerate life because it is built on flawed foundations including:
 - » The endless industrial extraction and pollution of natural systems and functions;

- » The privatization, commodification and legalized enslavement of nature as human and corporate property, which places a price on nature and creates new derivative markets that increase inequality and expedite the destruction of ecosystems;
- » A prevailing world-view that places humans above nature, and with dominion over nature (anthropocentrism);
- » A worldview and economic system that demands expansion, consumption, profit and economic growth above all other values, without recognition of carrying capacities of the planet and its ecosystems.
- » Legal systems that ennoble private property at the expense of community, ecology and equity, and that directly serve the concentration of extreme wealth in few hands.
- » Militarism and endless war as a primary means of acquisition of governance over peoples and land, and a primary expression of corporate growth models.

Changing the dominant legal and economic paradigms will require more than individual commitments to conservation and “greener” shopping. It will require fundamental changes in law, especially the rules of the global economy. Law is how we use power to make real the dominant values in a society. Over time most societies have cultivated the notion that nature is a “thing” separate and apart from humans, and that understanding has been codified in law. The ownership of ecosystems and other aspects of the natural world is promoted and protected by current law, upholding the control and dominance of humans over nature.

Current law “sees” nature as human owned property. Prevailing law and world-views express and confirm human authority over all of nature and do not provide the natural world with any legal standing in a court of law. From the tar sands of Alberta to mountaintop removal for coal extraction, to fracking and deep ocean oil drilling, to the destruction of vast tropical rainforests, to the massive continuing privatization of whole ecosystems, we have witnessed the horrifying damage that has been done with the full blessing of the law. This cannot be sustained.

We seek a world where all human activity takes place in balance with the Earth’s offerings, and with reciprocity, dignity and respect for nature.

If we are to succeed as a species, we will need to redefine “wealth” away from financial accumulation towards “sufficiency” and wellbeing. This will require a new body of human law to codify and enforce these values. We therefore declare an imperative for the development and adoption of economic frameworks rooted in the inherent legal Rights of Nature.

The Change to Come: Rights of Nature

The terms *Rights of Nature* or *Rights of Mother Earth* are interchangeable, though Indigenous preference for the use of Mother Earth better describes our connection and relationship. Rights of Nature or Rights of Mother Earth seek to define equal legal rights for ecosystems to “exist, flourish, and regenerate their natural capacities.” Recognizing these rights places obligations on humans to live within, not above, the natural world, of which we are only one part, and to protect and replenish the ecosystems upon which our mutual wellbeing depends. In essence, it is necessary to transform our human relationship with nature from property-based to a legal rights-bearing entity.

We are pointing to the need for a wholly different framework that recognizes that Earth's living systems are not the enslaved property of humans. Just as it is wrong for men to consider women property or one race to consider another race as property, it is wrong for humans to see nature as property over which we have dominion. All rights, including humans', depend on the health and vitality of Earth's living systems. All other rights are derivative of these rights. This requires an essential paradigm shift from a jurisprudence and legal system designed to secure and consolidate the power of a ruling oligarchy and a ruling species, and to substitute a jurisprudence and legal system designed to serve all of the living Earth community.

In 2008, Ecuador became the first country to recognize Rights of Nature in their constitution. Bolivia has also passed national laws recognizing the inherent rights of ecosystems. Nepal, and India and other countries are also putting forward similar national laws. Dozens of communities across the US and around the world have taken similar action to place the rights of natural communities (including humans) above corporate interests. The natural world is of a higher order of good that we dare not undercut. In that sense, it is sacred.

Call to Action

All must speak out for the needs of nature and our Mother Earth as a whole. It is our responsibility to live within the natural order that is sacred to all life on earth. We must redraw the boundaries of the economy to bring them into line with ecological limits and the common sense science of planetary boundaries. Nature's needs are also our own and must be elevated and protected by legal rights, and maintained through life-sustaining systems of exchange and reciprocity.

We therefore must initiate a process of re-educating societies, dispelling the dominant anthropocentric belief that the earth belongs to humans. This will require fundamentally aligning global, regional, and local economic and legal structures to exist within natural systems. Social movements must create the space for the shift that is necessary to protect against the tide of corporate-led globalization.

The Rights of Nature demand regenerative, mature, and dynamic economic relations in which:

- The interdependence of humans and nature is primary; the laws of nature supersede rights to property; and vital natural cycles of life must be protected for the good of all. Recognize that there is no separation between how we treat nature and how we treat ourselves;
- Nature is seen as the foundation of life itself; it is not seen as an inventory of goods and services for human beings, a dumping ground for pollution and waste, or as capital;
- The rejection of all market-based mechanisms that allow the quantification and commodification of Earth's natural processes, rebranded as 'ecosystem services';
- Indigenous Peoples are empowered by legal and cultural norms as partners or caretakers of the lands and territories in which they live;
- All communities must become true caretakers of the places in which they live, including writing new laws that recognize the rights of local ecosystems to maintain their vital cycles and eliminate harmful projects in their midst;
- Whether one is Indigenous or not, we all must live in a responsible and natural way.

- Systems of Earth law focus on our responsibilities to foster natural ways and necessarily preempt corporate rights, property ownership, and financial speculation;
- Necessary elements of an economic system consistent with the Rights of Nature include:
 - » Immediately reducing production and consumption levels to within the carrying capacities of the planet, and the equitable redistribution of available resources/wealth;
 - » The full restoration of ecosystems, primarily allowing nature to heal itself;
 - » The relocation of primary production, distribution and use; the abandonment of economic globalization models as inherently wasteful and inequitable;
 - » Full recognition of non-monetized labor;
 - » Governance through ecologically informed, democratic, participatory, engaged and empowered decision-making at all scales;
 - » Elimination of economic systems and strategies that prioritize economic growth, and profit, and private acquisition of resources and wealth, above all other values;
 - » The elimination of substances that are toxic, persistent, and bioaccumulative;
 - » Zero waste systems for production, use, and decomposition known as cradle-to-cradle living;
 - » Recognition of sacred relationships with place;
 - » In all economic decisions and human activities, the wellbeing of Nature is primary.

As affirmed by the (undersigned) participants, March 3, 2014*:

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** An up-to-date list of endorsers can be found at www.globalexchange.org/communityrights/rightsofnature/stillheart.*

At the Crossroads Between Green Economy and Rights of Nature

by Pablo Solón

In the last 40 years, the Earth System has lost 50 percent of its biodiversity. In tropical areas, the loss has even been as high as 70 percent. This is not happening by accident. This is the result of an economic system that treats nature as a thing, as just a source of resources. For capitalists, nature is mainly an object to possess, exploit, transform and most specially profit out of it.

Green economy is about cheating nature while making profit out of it

Humanity is at the edge of a cliff. Instead of recognizing that nature is our home and that we must respect the rights of all beings of the Earth community, transnational corporations are promoting more capitalism under the ambiguous name of “green economy.”

According to proponents, the mistake of capitalism, which led us to these current multiple crises, is that the free market had not gone far enough. Thus, “green economy” capitalism is going to fully incorporate nature as part of its capital. They are identifying the specific functions of ecosystems and biodiversity that can be priced and then brought into a global market as “Natural Capital.”

In a report by Ecosystem Marketplace, we can read a brutally frank description of what is motivating Green Economy advocates:

“Given their enormous impact on our daily lives, it’s astounding that we don’t pay more attention, or dollars, to ecosystem services. Ecosystems provide trillions of dollars in clean water, flood protection, fertile lands, clean air, pollination, disease control - to mention just a few. These services are essential to maintaining livable conditions and are delivered by the world’s largest utilities. Far larger in value and scale than any electric, gas, or water utility could possibly dream of. And the infrastructure, or hard assets, that generate these services are simply: healthy ecosystems. So how do we secure this enormously valuable infrastructure and its services? The same way we would electricity, potable water, or natural gas. We pay for it.”

The goal is not just to privatize material goods that can be taken from nature, such as wood from a forest, but also to privatize the functions and processes of nature, label them environmental services, set a price and then bring them into the market. In the same report, the contributors already have estimated annual values for these environmental services.

To illustrate, take a look at the leading example of “green economy,” the program REDD (Reduction of Emissions from Deforestation and Forest Degradation). REDD’s purpose is to isolate one of the functions of forests — its ability to capture and store carbon — and then measure how much CO₂ it can capture. Once the value of the potential carbon storage of the forest has been estimated, carbon credits are issued and sold to rich countries and big corporations who then use these to offset, or buy and sell, polluting permits in the carbon markets. For example, if Indonesia, which has a deforestation rate of 1,700,000 hectares per year — only deforests 1,500,000 hectares next year, it will be able to sell in the REDD market, the carbon credits for the amount of CO₂ that is stored by the remaining 200,000 hectares.

In theory, REDD provides a monetary incentive for not deforesting. In actuality, corporations purchasing credits can release into the atmosphere the amount of CO₂ they paid for. In other words, carbon credits are polluting permits for the rich. Additionally, only countries that reduce their deforestation will be able

to put carbon credits in the REDD market. So if a region has always preserved its forest, they will not be able to sell any carbon credits from reduction of deforestation. So what is happening now, for example, in some parts of Brazil, is that in order to be prepared for REDD, trees are being cut with the purpose of increasing the deforestation, so that, tomorrow, the reduction of the “deforestation” will be higher and the amount of carbon credits that can go into the market will be bigger.

REDD is just the face of “green economy” for forests. The whole system is about cheating nature while making profit from it. Imagine if the same logic is applied to biodiversity, water, soil, agriculture, oceans, fishery and so on. Add to this the proposal to perform geo-engineering and other new technologies in order to further the exploitation, tampering and disruption of nature and creating a new speculative market.

In order to promote such an assault on nature, the capitalists have first labeled their greed economy as “green economy.” Cash strapped governments, are being told that the only way to get the billions of dollars needed for the preservation of water, forests, biodiversity, agriculture and others is through private investment. But the private sector will not invest profits — accumulated through the exploitation of labor and material goods of nature — without an incentive. And so, governments need to offer them this new business of making profit from the processes and functions of nature.

Most promoters of “green economy” are very straightforward on this: if there is no pricing of some functions of nature, new market mechanisms and guarantees for their profit... the private sector will not invest in ecosystem services and biodiversity.

UPDATE for COP 21: More markets, loopholes, and damaging technologies

“Despite the clear failure of carbon markets, the proposals on the table in Bonn and Paris are all about how to enhance the current market mechanisms and develop new ones, including the development of high risk technologies. False solutions abound like carbon pricing, climate smart agriculture, REDD+, BECCS, Carbon Capture and Storage, bioenergy, nuclear, synthetic biology, geo-engineering, fracking and other technological proposals that arrogantly claim to be able to cheat Mother Earth. Carbon market mechanisms are mentioned 27 times and REDD+ 13 times in the Bonn proposal. A reading of the text shows that COP 21 will open the door for new carbon market mechanisms that will be developed and agreed to at future COPs. In addition, the largest oil companies, the biggest culprits for climate change, are now telling the UNFCCC that they will save the planet with carbon capture and storage technologies and bioenergy (CCS and BECCS, both geoengineering proposals) while they continue to exploit the planet’s most unconventional sources of oil.” - **Statement of the initiating organizations of Climate Space June 10, 2015.**

“We cannot command nature except by obeying her”

The “green economy” will be absolutely destructive because it is premised on the principle that the transfusion of the rules of the market will save nature. As the philosopher Francis Bacon said: we cannot command nature except by obeying her.

Instead of putting a price on Nature, we need to recognize that humans are part of Nature and that Nature is not a thing to possess or a mere supplier of resources. The Earth is a living system, it is our home and it is a community of interdependent beings and parts of one whole system. Nature has its own

rules that govern its integrity, interrelationships, reproduction and transformation, and these rules have worked for millions of years. States and society must respect and assure that rules of nature prevail and are not disrupted. This means we need to recognize that our Mother Earth has also rights.

Scientists have been telling us that we are all part of an Earth System that includes the atmosphere, the biosphere, the lithosphere, and the hydrosphere. We humans are just one element of the biosphere. So why would it be that only we humans have rights and all the rest are just materials for human life? To speak of equilibrium in our Earth system is to speak of rights for all parts of the system. These rights are not identical for all beings or parts of the Earth System, since not all the elements are identical. But to think that only humans should enjoy privileges while other living things are simply objects is the worst mistake.

Why should we only respect the laws of human beings and not those of nature? Why do we call the person who kills his neighbor a criminal, but not he who extinguishes a species or contaminates a river? Why do we judge the life of human beings with parameters different from those that guide the life of the system as a whole if all of us, absolutely all of us, rely on the life of the Earth System?

There is a contradiction in recognizing only rights of humans while all the rest of the Earth system is reduced to a business opportunity in the “green economy.”

Decades ago, to talk about slaves having the same rights as everyone else seemed like the same heresy that it is now to talk about glaciers, or dolphins, or rivers, or trees, or orangutans having rights.

In an interdependent system in which human beings are only one component of the whole, it is not possible to only recognize the rights of the human part without instigating an imbalance in the system. To guarantee human rights and to restore harmony with nature, it is necessary to effectively recognize and apply the rights of Nature.

Nature cannot be submitted to the wills of markets or a laboratory. The answer for the future lies not in scientific inventions that try to cheat nature, but in our capacity to listen to nature. Science and technology are capable of many things, including destroying the existing world itself. It is time to stop geo-engineering and all artificial manipulation of the climate, biodiversity and seeds. Humans are not gods. The capitalist system has gone beyond control. Like a virus it's going to kill the body that feeds it... it's going to damage the Earth System, making life impossible for humans as we know it. We need to overthrow capitalism and develop a system that is based on the Community of the Earth.

Pablo Solón is the Executive Director of Focus on the Global South, and the former Ambassador of the Plurinational State of Bolivia to the United Nations. He has been a social activist and worked for several years with different social organizations, indigenous movements, workers' unions, student associations, human rights and cultural organizations in Bolivia.

Changing the Terrain: The Significance of Rights of Nature for Environmental and Social Activism

By Cormac Cullinan

The activities of industrialised societies are causing very severe damage to the habitats that support most people and species. Phenomena like climate change now pose an immediate and growing threat to the lives and livelihoods of millions of people, and are exacerbating social injustice. This is occurring despite the best efforts of millions of committed environmental activists, and the fact that in most countries a majority of people express support for environmental protection.

Examining our Activism

Environmental Organizations: Any honest assessment of the effectiveness of environmental movements over the past several decades must conclude that their successes have been insufficient to prevent the on-going degradation of ecological systems. Environmental organisations have tried a wide range of tactics including: educating the public about the life-threatening implications of degrading our only habitat; scaring people with apocalyptic visions of the future we are heading toward; working with corporations to encourage more sustainable practices; boycotting corporations; lobbying for law and policy reforms; and using protests, petitions, and publicity stunts. Our traditional methods of environmental advocacy are operating within a political “terrain” that seeks to achieve short-term improvements for an elite minority at the expense of Nature and the rest of humanity. If we operate within this “terrain,” it precludes the possibility of changing industrial societies sufficiently to protect the long-term integrity and health of natural systems – and hence the long-term wellbeing of most humans. The environmental movement has also failed to articulate a vision of ecologically sustainable communities that is sufficiently appealing and credible to inspire a large number of people to change their lifestyles.

Labour Organisations: The ability of trades unions to lead “systems change” is similarly compromised. (Some labour organisations have even aligned themselves against environmental activists on the basis that the environmental movement seeks to constrain the expansion of industries that would increase the pool of employees from which the trades unions recruit their members.)

Indigenous peoples’ organisations: The ability of Indigenous peoples’ organisations to achieve widespread social change is limited by the fact that in most industrialised societies the people who define themselves as indigenous are a socially marginalised minority.

Faith-based organisations: Many such organisations have begun to overcome their self-imposed restrictions on working with people in other faiths and denominations, and have recognised the moral and ethical significance of “environmental issues.” They are likely to play an increasingly influential role in wider social change by promoting the adoption of different values and behaviour, and by re-emphasising the spiritual and sacred dimensions of existence.

Everywhere, we are confronted with evidence that the combined impact of environmental policies, laws and treaties and the efforts of environmental activists over the last several decades has been insufficient to stop, let alone reverse, the tide of environmental degradation. Establishing an enduring society requires changing people’s world-views, values and beliefs so they are motivated to heal rather than harm Earth. It seems reasonable to surmise that at a minimum an effective strategy must: (a) address the dysfunctional relationship between humans and the Earth community of which they form part, (b)

be capable of transforming core beliefs and values in order to inspire change, and (c) bring about structural changes in social systems that incentivise appropriate behaviour. People will march for freedom and justice far sooner than they will for sustainable development.

More environmental law is not the answer: Learning from social justice movements is

Social justice activists have long recognised the need to campaign not only for people to be treated justly, but also to change the societal structure and systems of law that perpetuate injustice. Advocates of social justice have always appealed to deeply held values such as freedom and justice, and have consciously invoked feelings of compassion and solidarity with fellow humans. They have also used the idea of inherent human rights, particularly since the proclamation of the Universal Declaration of Human Rights in 1948, to shape a more favourable political terrain in which it is easier to isolate those who violate these norms.

Yet instead of attacking the fundamentals of legal systems that legitimise and facilitate the exploitation of Nature and the accumulation of money and power, most environmental groups have confined themselves to campaigning for stricter environmental laws and more effective enforcement. Most environmental laws establish systems to regulate human exploitation of nature (e.g. Making environmental law systems work more effectively is a good thing to do, but it does not address the fundamental injustice and inequities on which the entire legal, political and economic systems are founded.) Like slaves, Earth and all other-than-human beings are exploited and denied of their natural rights.

Moving towards a rights-based approach

Some environmental groups are now beginning to adopt a human rights-based approach to environmental issues (e.g. in response to climate change). They recognise that sustaining human rights depends on sustaining a healthy environment and it is easier to mobilise large numbers of people by appealing to their sense of justice and concern for their children, rather than by relying on ecological arguments alone. However, few recognise the crucial importance of broadening the class of beings that the law recognises as capable of holding rights. Currently, most legal systems only recognise humans and corporations as being subjects capable of possessing legal rights. However until legal systems recognise and protect the rights of all aspects of Nature (i.e. all that has come into being as part of Earth) to make their contribution to the integrity and functioning of Earth, legal systems will fail to strike an ecologically acceptable balance between the interests of humans and those of rivers, trees and antelope, or indeed the Earth community.

In fact, it is only by recognising and defending the rights of all beings which contribute to the integrity and health of the Earth community that we can safeguard human rights. The human right to life has no value if forests and mountains have no right to exist and to play their role in sustaining the streams of fresh water on which our lives depend. As more and more people begin to appreciate this, the historical barriers between environmental and social justice activism will dissolve.

Rights of Nature: The new terrain

*** It addresses the core issues.** Any serious discussion of the validity and content of the Universal Declaration of the Rights of Mother Earth (UDRME) or the idea of rights of Nature immediately opens a dialogue about the core issue — the dysfunctional relationship between humans and Nature.

*** It enables environmentalists to occupy the high ground.** Current legal systems criminalise many of the actions taken by environmentalists to prevent, or even draw attention to, the harm being done to Nature. Holders of property rights (including corporations) can obscure the real crimes of assaulting Nature for private gain by enlisting the support of the State in prosecuting those who would defend Nature as infringers of property rights. Shifting to this new terrain in which not only humans, but all beings have inherent rights simply because they exist (i.e. have come into being), repositions environmentalists, indigenous peoples and animal rights and welfare activists as defenders of pre-existing inherent rights against the people and corporations that infringe them.

*** It unites a broad range of activists and enables broad coalitions to be built.** As a friend once said to me, the common ground that we have been searching for lies beneath our feet: Earth. Most people know that allowing decision-making based on money, greed or narrow self-interest to imperil Earth is foolish; they just can't see how to move to a better way of doing things.

*** It is easier to mobilise people in favour of a positive vision than to fight a powerful opponent.** This approach allows environmental organisations to make the crucial evolutionary shift from protest politics, which reacts to the agenda and actions of the exploiters, to the positive, proactive politics of building communities that seek their ecological niche within the Earth community by defending the rights of all the members of that community. The UDRME is analogous to the DNA of an ecologically sustainable society.

*** This approach is equally valid in the Global South and North.** Recognising rights of Mother Earth or Nature correlates strongly with indigenous understandings that we belong to Earth and not *vice versa*. Consequently, it is already gaining momentum rapidly in the Global South.

Mobilising grassroots support and building a movement around a proactive agenda of creating ecologically beneficial human communities will support these initiatives within the United Nations without leaving the movement reliant on international agreements to achieve success.

Many people already understand that they are part of Nature and are opposed to environmental destruction. We cannot move beyond confrontational win/lose battles to a win/win paradigm until we change the rules of the "game." People everywhere are hungry for a new approach that will unite environmental and social activists, and forge a common agenda to create ecologically sustainable and socially just societies.

The Universal Declaration of the Rights of Mother Earth, which was proclaimed by a peoples' world conference attended by some 35,000 individuals, provides a credible manifesto for the emerging Rights of Nature movement. It is time to abandon playing within the system and instead adopt "game-breaking" strategies that shift the discourse to a more favourable terrain and that are capable of sufficiently transforming societal values and structures to begin re-orienting societies toward ecological sustainability. Now is the time to unite within a Global Alliance for the Rights of Nature and to begin building the ecologically sustainable, spiritually fulfilling and socially just communities we all want.

Cormac Cullinan is the author of the seminal book on nature's rights: Wild Law: A Manifesto for Earth Justice and led the drafting of the Universal Declaration of the Rights of Mother Earth. He works in Cape Town, South Africa as an environmental attorney with Cullinan Associates Inc and as a governance advisor with EnAct International.

From Local to National: Recognizing Legal Rights for Nature — How Do We Get There?

By Mari Margil

In 2006, Tamaqua Borough in Schuylkill County, Pennsylvania, became the first community in the United States to recognize the rights of nature in law. Now more than three-dozen communities have followed suit – including the City of Pittsburgh, with a population of roughly 305,000 – recognizing that ecosystems and natural communities have the legal right to exist and flourish, and that residents of those communities have the authority to enforce and defend those rights.

Recognizing the Rights of Nature

More than a generation ago, American law professor Christopher Stone penned his seminal law review article *Should Trees Have Standing?* In it, he conducted something of a thought experiment, exploring what it might mean and why we may seek to recognize legal rights of nature. Stone described how under the existing structure of law, nature was considered *right-less*, having no legally recognized rights to defend and enforce. Thus, nature – much like slaves once were – was treated by the law as a thing, as property, existing for the use of its owner. Stone examined what it might mean for nature to move from *rights-less* to *rights-bearing*. For example, whether a forest may have standing to defend its right to existence, to life, in a court of law.

In 1989, Professor Roderick Nash, published *The Rights of Nature: A History of Environmental Ethics*, which traces the evolution of environmental law and ethics over centuries. He explained how, throughout history, the right-less – slaves, women, others – have struggled to expand the body of legal rights to include themselves. Nash's book helped advance the discussion about the rights of nature, providing a context for how and why the body of rights is moving in the direction of expanding to include nature.

In 2001, the author and religious leader Thomas Berry published *The Origin, Differentiation and Role of Rights* in which he described how all members of the Earth community possess inherent rights. *Wild Law: A Manifesto for Earth Justice*, by South African attorney Cormac Cullinan, followed Berry's work several years later. Together, Berry and Cullinan have opened up a new front on the rights of nature – adding a significant spiritual and moral element to the legal and historic discussion begun by Stone and Nash.

Each of these writers has played an important role in driving a shift in Western culture regarding the relationship between humankind and nature. Such a cultural shift – as the Abolitionists, Suffragists, and other rights-based movements have found – is essential for achieving an expansion of the body of legal rights. But alone it is not enough. Rather, such cultural change must be paired with legal change.

History shows us how cultural change can drive change in law, and similarly, changes in law can drive change in culture. When it comes to the question of rights – that is, expanding the body of legal rights to include those who are currently without rights – such change can take generations, if not centuries.

Moving from the idea of rights of nature (culture) to the codification of those rights (law) occurred for the first time in Tamaqua Borough in 2006 – a move from discussion to practical application. Other communities and even countries have followed Tamaqua's example, building a growing movement recognizing the rights of nature.

In 2008, Ecuador became the first country in the world to recognize the rights of nature in its national constitution. The first lawsuits have now been decided in Ecuador under those constitutional provisions. Each upheld the constitutional rights of the ecosystems being harmed and required that activities causing such harm to cease.

More and more communities and countries are now beginning to consider rights of nature legal frameworks as they increasingly see that existing environmental laws are not able, or were never intended, to protect nature.

Building a Movement for the Rights of Nature

Changes in both law and culture are necessary to successfully transform that which we now consider right-less to being a possessor of enforceable legal rights. In the U.S., building such a movement – which is essential if we are to achieve true sustainability and survive – will not be top-down. Rather, it will build from the grassroots, as more and more communities join Tamaqua, Pittsburgh, and dozens of others to openly defy existing environmental laws that legalize environmental harm and are causing the collapse of species and ecosystems.

As past movements can attest, there is no straight line from right-less to rights-bearing. Yet historic and current rights movements provide numerous lessons for building a national and global movement for the rights of nature. This includes the adoption of law at the local and state level that challenges higher levels of law.

That defiance – which frontally takes on current legal and governing structures – defines past rights movements. As we saw with the Abolitionists and Suffragists, the Civil Rights Movement, and the contemporary Gay Rights Movement, such defiance “lifts the veil” by shining a spotlight on how existing structures of law deny rights. This helps drive a cultural shift in which the belief in the need for change, shared by a few, builds into a demand for change supported by the many. And as such movements grow, they increasingly put pressure on existing legal and governing structures, forcing change in law.

A movement for the rights of nature is beginning at the most local level in the U.S. – in communities both large and small – and will continue to grow there, forcing change upward. In November 2015, residents in Grant Township and West Chester Borough, both in the State of Pennsylvania, voted to enact new laws codifying the rights of nature. They have become the latest communities to join this growing movement in establishing legal rights for ecosystems and natural communities. As well, communities in Ohio, New Hampshire, California, Oregon, Colorado, Pennsylvania, Maryland, and other states are now advancing rights of nature laws.

As a movement grows at the grassroots, communities are now joining together to drive change to the state level. In Oregon, Colorado, and New Hampshire, statewide Community Rights Networks have introduced state constitutional amendments which would authorize communities to secure the rights of nature in law.

These efforts support and are supported by efforts outside the U.S., including in Nepal, India, Ghana, Colombia, and Australia – where groups are introducing the idea of rights of nature, and beginning to advance nature’s rights frameworks.

In India, for example, the *National Ganga River Rights Act* is being advanced for consideration by the national Parliament. Half a billion people depend on the river, yet it is an ecosystem in severe decline. The Act would establish rights of the river to exist and flourish, and the right of people of India to water and a healthy, thriving river ecosystem.

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Ecuador's Challenge: Rights of Mother Earth or the Continued Colonization of Nature

By Alberto Acosta

The accumulation of material — the mechanistic and endless compilation of goods — is seen as progress, but has no future. If we want to prevent the collapse of our Earth's absorptive capacity and resilience, we have to stop looking at ecosystems as nothing more than resources for economic growth or as mere objects of development politics. And, of course, we have to accept that humanity exists in community — in relationship with other human beings and as an integral part of Nature — without trying to dominate it.

This leads us to accepting that Nature, as a social construct, needs to be reinterpreted and revised entirely if we do not want to jeopardize human life on the planet. To start any reflection, let's accept that humanity cannot exist outside of Nature and that Nature has biophysical limits.

A complex relationship with Nature

Capitalism seeks to expand the room for maneuvering by increasingly commodifying Nature. Carbon markets and environmental services are examples of the most recent expansion to sustain the accumulation of capital. Air, forests, the climate and the Earth itself are being colonized, commodified and privatized. It doesn't seem to matter that the snake continues to devour its own tail, jeopardizing its own life and the existence of all of humanity.

This extreme, neoliberal exercise, from which the "progressive" governments of Latin America do not escape, turns Mother Earth capacities into a business. Increasingly, the atmosphere is turned into a new commodity designed, regulated and administered by the same actors who are responsible for the ecological climate crisis, and who now receive governmental subsidies for doing so. Let's recall that this process of the privatization of the climate was initiated during the neoliberal era supported by the World Bank, the World Trade Organization and complementary treaties. In short, these instruments of the so-called "Green Economy" do not prevent the destruction of Nature.

Latin America as a great exporter of Nature

They say that the German explorer Alexander von Humboldt — amazed by Ecuadorian geography, flora and fauna — looked at its inhabitants as if they were beggars sitting on a bag of gold. Alexander von Humboldt, in some way, ratified the continuation of the colonization of nature in the post-colonial era.

More than 500 years ago, our *Abya Yala* — or "continent of life," as was the case with Africa and Asia — was integrated into the global market as a supplier of primary resources.¹ From this region came the gold, the silver and the precious stones, which funded the expansion of the Spanish Empire and the emergence of capitalism in Central Europe. From then on, these American territories, especially those from the South, assumed a submissive position in the international context by its specialization in extracting natural resources for the global market.

¹ Eurasia, according to Andre Gunder Frank, was already a world-system integrated with cultural and economic exchanges (Silk Road) and cycles of hegemony (the Arab Caliphates, India, China) and business cycles. The incorporation of America (gold) caused the focus to change toward Europe. In addition, this was made possible by the internal crisis of the Chinese hegemonic power. The incorporation of America, Africa and later on Australia and the Pacific Islands made the world-system, for the first time, a global system.

Despite our knowledge that it is impossible to continue along the current predatory path, this spirit of domination has not been overcome. The illusion of the powerful extractivism, embodied in the metaphor of Humboldt, remains alive. In order to defend the (unconstitutional) Mining Act, the Ecuadorian President, in his report to the nation on January 15, 2009, used Humboldt's metaphor: *"We will not reverse the Mining Act, because the responsible development of mining is fundamental for the progress of the country. We cannot sit like beggars on a bag of gold."*

Holding the Rights of Nature in Ecuador

At the global level, Ecuador is a pioneer country in recognizing that Nature is subject to rights and constitutionally promoting this notion as a leading response to the current crisis of civilization. Yet, despite the constitutional developments of 2008, several laws supported by the Executive [branch] contradict Ecuador's constitutional principles in the field of environmental rights, and especially the Rights of Nature.

However, the conformation of the first judiciary of Nature in Galapagos as well as the acceptance of the Constitutional action for the protection of rights, inspired by the Rights of Nature, against the Provincial Government of Loja in 2011 for pollution of the Vilcabamba River should be noted. Inclusively, note that a controversial, precautionary measure was made on behalf of the Rights of Nature against informal mining in the province of Esmeraldas in May 2011.

It will not be easy to crystallize Rights of Mother Earth transformations in Ecuador despite the constitutional provisions, and we know that its recognition will be even more complex at the global level. Rights of Nature affects the privileges of the circles of power — which will do everything possible in order to try to stop this process of liberation. Yet it is incumbent upon us all to envision a civilization beyond the endless capitalistic exploitation of nature.

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In less than a decade, dozens of U.S. communities and the nation of Ecuador have passed laws recognizing legal rights for nature. The People's Summit on Climate Change and Rights of Mother Earth birthed the Universal Declaration on the Rights of Mother Earth and today a growing number of countries, states communities and Indigenous peoples worldwide are working toward legal rights for ecosystems. The movement is growing quickly. From new economic indicators and policies to our work locally, nationally and globally, rights of nature offers a new and fertile ground upon which to plant our feet. To succeed, rights for Mother Earth needs support and solidarity and a myriad of new ways to engage. This section begins to open the door of possibilities for this transformation.

No Rights of Nature, No Reducing Emissions: REDD, el Buen Vivir, and the Standing of Forests

By Jeff Conant and Anne Petermann

“For my people, the forest is sacred, it is life in all its essence. We can protect Pachamama only if this is respected. REDD and other market mechanisms have turned our relationship with forests into a business.” – Marlon Santi, leader of the Sarayaku Quichua community of Ecuador

Forests have always been valued by human societies for a multitude of uses and non-uses. Among them, the practical-use value of shade and shelter, thatch and timber, fuel wood, food and medicine; the ecological value of capturing, storing and filtering water, producing oxygen, and harboring biodiversity; as well as the spiritual value of their mere existence, for which Indigenous peoples and forest-dependent communities have prayed and held ceremony since the dawn of time.

Today, with the emergence of Payment for Ecosystem Services (PES) schemes, the use value and the ecological value of forests have collided to eclipse all other value they may have, and any other values that human societies may place on them. While the emerging PES schemes pretend to shift the paradigm away from extractive approaches to resource use, they have one important feature in common with other uses that industrial society has for forests: the further you are from the forest, the greater the economic value it has — and the greater the potential for forest destruction.

Like the crusading armies of missionaries that in the colonial era claimed to save indigenous souls by converting them to Christianity at the point of the sword, one of the greatest emerging threats to forests today is the very policy that claims to save them. Reducing Emissions from Deforestation and Degradation (REDD) is a mechanism for wealthy countries and polluting industries to pay cash-poor countries in the Global South to conserve their forests instead of cutting them down or allowing them to be logged.

As the World Bank’s Forest Carbon Partnership Facility puts it, REDD programs “provide value” by monetizing standing forests. Likewise, the United Nations REDD Programme advertizes that the chief aim of its REDD program is “to make forests more valuable standing than they would be cut down, by creating a financial value for the carbon stored in trees. Once this carbon is assessed and quantified, the final phase of REDD involves developed countries paying developing countries carbon offsets for their standing forests.”

Taken superficially, the idea of “reducing emissions from deforestation” is of course very appealing — we do, after all, need to protect forests from an endless parade of threats. But, rather than “saving” forests, the debasement of forests into the sum of the carbon stored in their trees, combined with the vast absence of any political will to address the underlying drivers of deforestation, is moving forests closer to the abyss.

From a practical perspective, REDD has many problems. It makes trees part of a property rights system, excluding Indigenous peoples and local forest-dependent communities who often lack basic rights and especially rights to their forested lands. Human rights safeguards, even if they were put in place, are guaranteed to fail. National governments and carbon trading companies stand to make billions of dollars on the sale of forest carbon, while the communities that live in and depend on forests, whose traditional livelihoods are up for grabs under REDD, will receive small cash payments at best. At worst, they will be displaced from their homes. For big polluters, it becomes cheaper to buy permits to pollute through a REDD carbon offset mechanism than to reduce emissions — which allows them to continue burning and mining fossil fuels from the Alberta tar sands to the Ecuadorian Amazon, and from the Niger Delta to the mountaintops of Appalachia.

In other words, these practical concerns are the real costs of doing business with forests. While treating forests as carbon sinks and commodities may create economic value, it greatly diminishes their intrinsic value — and it is precisely the intrinsic non-monetized value of forests that has kept them standing. This value — the value of forests *as* forests — can be upheld best by an approach based in the Rights of Mother Earth.

Sadly, at present, decision-making bodies are so far from understanding what the rights of forests might look like that the United Nations cannot even make a determination on the difference between a forest and a monoculture tree plantation. This compounds the problem of reducing emissions from deforestation because it makes measuring the true levels of deforestation impossible, as the cutting of forests is balanced out by the “reforestation” or “afforestation” of trees in industrial timber plantations. As a result, the logging of primary forests is accelerating, while the amount of land covered by biologically poor tree monocultures is rapidly increasing, with genetically engineered trees waiting in the wings.

Thus, the real paradigm shift necessary to protect forests will come not from assigning economic value to forests through REDD. Indeed, this approach is nothing more than a continuation of the extractive approach, in a subtler but more insidious form. The real value of forests can only be protected by recognizing the rights of forest-dependent communities and the rights of forests and Mother Earth.

In recognizing both the rights of forest-dependent communities and the rights of forests, we enter into the need for biocultural approaches. Rather than an approach that focuses strictly on conserving ecosystems or biological diversity, we need a paradigm of conservation and stimulation of *biocultural diversity*: the Rights of Nature and rights of people intertwined and understood to be interdependent and mutually reinforcing.

These concepts are age-old. In the Tzeltal language of Chiapas, Mexico, the broad term is *el lekil kuxlejal*; in the Andes, it is *sumak causay*; in Spanish these concepts are loosely translated as “*el buen vivir*,” to live well, which connotes harmony in interpersonal relations, health, education, nutrition, peace, territorial autonomy, ecological balance, and personal and collective growth appropriate to local conditions. In a modern context, where we must develop legalistic mechanisms to revive such concepts, the Rights of Mother Earth may be the closest thing we have to an approach that can preserve *el buen vivir*, and thus truly protect forests and other planetary ecosystems, by protecting the social and spiritual fabric that accompanies and underlies them.

Without first identifying and addressing the underlying causes of deforestation, understanding and advancing the rights of forests will be impossible. And with forests being the cradles of biodiversity on our small and fragile planet, we must recognize the rights of forests if we are to advance the Rights of Mother Earth. REDD claims to keep forests standing in order that they may serve us by acting as the Earth’s lungs and absorbing our pollution; the Rights of Mother Earth, in contrast, offers an opportunity to give forests *legal standing* in order that they may continue to serve, in all of their timeless and sacred complexity, as forests.

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Indigenous Rights and Rights of Mother Earth: One Voice, One Mind, One Heart, One Spirit

By Tom B.K. Goldtooth

The “green economy” is giving momentum to the global implementation of national and international mechanisms based on the concept of pricing nature. Natural capital accounting and the economic valuation of nature demonstrate the differences between the dominant anthropocentric belief that the earth and nature belong to humans as compared to the indigenous life-centered worldview of our sacred relationship and responsibilities to Mother Earth. This stems from a fundamental belief that no one can own the air, the water, the plants and all life in its many manifestations. Many of our Indigenous peoples around the world are deeply concerned by an economic system that objectifies Mother Earth as a resource for mercantilism and the so-called free market system to own, privatize and exploit for maximized financial return.

The United Nations Framework Convention on Climate Change (UNFCCC) in Paris, late 2015 – where 195 member countries are governmental parties to a UN process whose stated aim is to achieve a legally binding and universal agreement on mitigating climate change, and keeping global warming below 2°C – is full of false solutions.

During its twenty one years, the UNFCCC has failed to address the compounding effects of a changing climate. The 2015 Paris mitigation plans are linked to the free-market economy, with no real commitments to reduce carbon dioxide and greenhouse gases at source and the level required to save Mother Earth as we know her.

The global climate justice movement contends that carbon trading, implementation of carbon off-sets such as REDD (reducing emissions from deforestation and forest degradation) and other market mechanisms such as payment-for-environmental services (PES) allow polluters to continue to pollute and to profit while the impacts of climate change worsens.

Now these mechanisms are making a transition based on capitalism to the “financialization of nature” process. This process separates and quantifies the Earth’s cycles and functions – such as carbon, air, water, flora and fauna – by turning them into “units” to be sold in financial markets. With governments establishing legal frameworks to set these markets in place, they also have provided the financial infrastructure for negotiating financial instruments, by using derivatives, hedge and equity funds among others. While financial markets have a growing influence over economic policies, the financialization of nature goes further than a privatization process giving power to financial markets run by bankers, brokers and other intermediaries.

As an advocate of the rights of Indigenous Peoples, as affirmed in the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169, I am witnessing these market mechanisms coupled with development models that are displacing Indigenous peoples from their lands, cultures and spiritual relationship to Mother Earth, as well as destroying the life-sustaining capacity of nature and the ecosystem.

These mechanisms are nothing more than capitalism of nature. The United Nations Conference on Sustainable Development, in its promotion of a green economy, is another step in the evolution of capitalism. The goal is to implement an alternative to global regimes cashing in on creation by privatizing, commodifying, and selling off all forms of life — including air, water and genes, plants, traditional seeds, trees, biological and cultural diversity, ecosystems and even indigenous traditional knowledge.

In addition, the Clean Development Mechanism, the International Regime on Access to Genetic Resources and Benefit Sharing, patents on life, TEEB (The Economics of Ecosystems and Biodiversity), green bonds and species banking, are systems of the dominant world far removed from nature and Mother Earth. This dominant economic system greenwashes environmentally and socially devastating, extractive industries like logging, mining and oil drilling, and promotes them as “sustainable development.”

REDD is a false solution to climate change promoted by the UN, the World Bank, and climate corporate criminals, such as Royal Dutch Shell, that allow polluters to expand fossil fuel development and not reduce their emissions at source. REDD is a pillar of the global agenda for the privatization and financialization of nature, and is already demonstrating evidence of it resulting in land grabs and carbon offset Ponzi-like scams.

Indigenous peoples from every region of the world inhabit and care for the last remaining ecosystems and biodiversity-rich hotspots in the world. Despite so-called promises of safeguards, these carbon markets systems are continuing the violation of the Indigenous peoples of the world’s inherent rights to self determination and right to lands, territories, waters, and natural resources and the Earth’s right to create and sustain life.

The dominant societies’ economic paradigm, at all levels, places rapid economic growth, the quest for individual and corporate accumulation of wealth, and a race to exploit the earth, as its foundation. This economic system disregards the finite limits of Mother Earth, in terms of natural regeneration, consumption, waste generation and absorption.

With some indigenous communities it is difficult and sometimes impossible to reconcile traditional spiritual beliefs with the participation in climate mitigation that commodifies the sacredness of air (carbon), trees, biodiversity, soils and life. Climate change mitigation and adaptation must be based on different mindsets with full respect for the rights of Mother Earth — and not solely on market-based mechanisms.

Full recognition of land tenure of our place-based Indigenous communities is the most effective measure for protecting the rich biological and cultural diversity of the world. Strengthening international, national and sub-national frameworks for collectively demarcating and titling Indigenous peoples’ territories and land has proven to be one of the most effective measures for reducing deforestation, protecting the environment from unsustainable mineral extraction, conserving and restoring biodiversity, and preserving a better world for future generations.

A body of law must be developed that recognizes the inherent rights of the ecosystems of Mother Earth and enables indigenous and non-indigenous communities to act as protectors of those ecosystems. Colonial Western law limits nature as mere property or “resources” to be exploited. For the sake of the future generations of humanity and for the world as we know her to survive, there must be a new paradigm enforced by law that redefines humanity’s governance relationship to the sacredness of Mother Earth and the natural world. This includes the integration of the human-rights based approach, ecosystem approach and culturally-sensitive and knowledge-based approaches. The world must forge a new economic system that restores harmony with nature and among human beings. We can only achieve balance with nature if there is equity among us.

The people of the world must take concerted action to initiate a new framework that begins with recognition that nature – in all its manifestations – is sacred and not for sale, and that the ecosystems of our Mother Earth have jurisprudence for conservation and protection.

There is a need for this new paradigm in this world. This paradigm requires a change in the human relationship with the natural world from one of exploitation to the sacredness of our true mother – Mother Earth.

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The Earth Community Economy in 2016

Osprey Orielle Lake

“Wealth is a deep understanding of the natural world.” Inuit wisdom

We are at a crossroads, both as a species and as a planet. On the current trajectory, our very survival and that of all future generations is at risk. In order to live in harmony with the Earth and to halt the most destructive aspects of our modern life, we need to advance a new economy based on the carrying capacity of our Earth and finite planetary boundaries. Recognizing that nature has rights can inform and help to legally re-enforce principles that counter a solely market-driven economy. It will foster a new sort of sustainable economy — an “Earth Community Economy” — based on respect for natural laws and governance systems that uphold the rights and needs of nature in balance with the rights and needs of humans.

What can a system of earth jurisprudence (Rights of Nature) that views the natural world not as mere property, but as a rights-bearing entity with legal standing, offer a new Earth Community Economy? Rights of Nature laws would require a fundamental redirection of the world economy, necessitating that we adhere to precepts that uphold the ecological design and boundaries of nature. Recognizing that Nature has rights means that human activities and development must not interfere with the ability of ecosystems to absorb their affects, to regenerate their natural capacities, and to thrive and evolve.

As an example, current extractive practices like mountaintop removal to obtain coal, which destroys entire mountain and watershed ecosystems, would be categorically illegal. So too would industrial agriculture practices that poison soil and water, genetically alter natural species, or cause loss of biodiversity. To this we must add any industrial activities that pollute the ecosystem of the atmosphere.

Consequently, employing a Rights of Nature framework will encourage an economic transition to renewable energy, the reduction of greenhouse gas emissions, the investment of resources in energy efficiency, the implementation of agro-ecology and regenerative economies —all of which can support healthier ecosystems and promote vibrant local economies. Rights of Nature laws require that those responsible — including corporate actors — be held accountable for negative environmental impacts, thereby encouraging economic models and practices that respect the natural limits and laws inherent to the natural world we inhabit.

A “true cost” economic model will drive industry toward sustainable activities and practices because it becomes cost-prohibitive, as well as just plain prohibited, to pollute and harm Nature. Enforcing Mother Earth Rights does not stop development, but places development within the context of a healthy ecosystem.

An economic system based on infinite physical growth and development on a finite planet is irrational and simply not sustainable. As Prime Minister Jigmi Thinley of Bhutan stated in his 2012 address at the United Nations High Level Meeting on Happiness and Wellbeing, “The GDP-led development model that compels boundless growth on a planet with limited resources no longer makes economic sense.”

Rights of Nature legislation will encourage the formulation and implementation of new economic indicators such as Gross National Happiness, Genuine Progress Indicator, Index of Sustainable Economic Welfare and others that do not rely upon GDP as the only true or acceptable metric. We must question defining worth, wealth, value and wellbeing that is based only on the measuring of money and quantities of material goods.

What might this new economics look like and what do we need to be thinking about as we seek a transition? Around the world, we are seeing the emergence of creative alternatives to destructive economic paradigms. The good news is what is healthy for an ecosystem is also good for people: a key ingredient is localization and regionalism. The best economic and environmentally sound solutions are place-based, diverse according to region, and are responsive to local communities, social needs and address inequalities. Instead of fearing a transition to an Earth Community Economy, we can support and enjoy local organic food, vibrant local businesses, a healthy local economy, jobs with justice and the development of clean decentralized energy.

No, not Utopias, but regenerative, functional, local communities. Already we are seeing a plethora of creative, self-organizing groups and their ideas on the move with this concept: Transition Towns, Eco-builders, Cooperatives, Eco-villages, Eco-Cities, permaculture communities, food sovereignty groups — the list grows daily with working concepts and models in every part of the world.

History and logic dictate that transitioning away from a globalized economy will not always be smooth or easy — not was the transition from the slave system following the U.S. Civil War. Yet our survival depends on our ability to do so, and quickly.

We must change the way we think about what an economy is *for*, and how we measure it. Today, we measure economic well-being using flawed instruments such as the GDP. Yet even the generation and dumping of toxic waste is part of the GDP — a wildly inaccurate measure of progress. We must begin to develop new metrics like the Gross National Happiness Index, which assesses economic performance based on the health and wellbeing of people living in balance with each other and nature.

Cultures living close to the Earth have shown a balanced way of life quite unlike newer, consumer-driven notions of simply having more. “Living well,” in the Kichwa language of the Indigenous people of Ecuador, is called “sumak kawsay;” in Spanish, it is “buen vivir.” An Earth Community economy envisions a future that has *not* come from enslaving Nature and treating all other life as mere resources for human exploitation and unchecked material growth.

A Rights of Nature legal framework would foster human wellbeing in harmony with the integrity and functioning of the entire Earth community, thus prompting economic incentives and disincentives aligned with this purpose. An Earth Community Economy recognizes the inherent meaning, sacredness and value of the natural world: that which is not tradable or subject to commerce. To this end, in order to truly protect our Earth, we must stop the commodification and financialization of nature, which is inherent in the current capitalist system.

While a Rights of Nature framework does not solve all of our daunting problems, it does offer a foundation upon which healthy economic principles and sustainability can be built. Advocating for a systemic economic alternative that balances the rights of human communities with the rights of ecosystems should be at the heart of all international sustainable development and climate negotiations. As we look to completely transform our responsibilities and relationship with the natural world, this Earth Community Economy based on Rights of Nature is an idea and a necessity whose time is now.

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The Global Water Crisis Demands a Paradigm Shift

By Maude Barlow and Meera Karunanathan

Gandhi said it best when he said, “the Earth provides enough to satisfy every man’s need, but not enough to satisfy every man’s greed.”

This is truer of the world’s freshwater supply now than ever before. There is no shortage of water for the needs of people and the planet, yet we are rapidly running out of clean water because there aren’t sufficient amounts to serve the insatiable greed of a small number of powerful corporations whose interests dominate the global economic agenda.

If there was any illusion that Rio+20, the United Nations Conference on Sustainable Development, could restrain the runaway capitalism that has generated the environmental crisis plaguing our ever-shrinking planet, it has already been extinguished. Rio+20 is shaping up to be yet another platform for corporations seeking unfettered growth at a time when the planet is telling us we need to scale down and change course.

Dominated by corporate interests, the dialogues leading to Rio+20 have been about packaging the quest for economic growth and market expansion into a new brand of corporate environmentalism, and the still fairly vague proposals for a so-called “green economy” are being met with fierce opposition from social movements around the world.

When it comes to water, the corporate green economy is about using the environmental crisis to further entrench corporate rights and access to increasingly scarce water resources. As the United Nations Environment Programme (UNEP) puts it, “water is the engine for the green economy.”

On the one hand, systemic causes of the global water crisis are evaded by emphasis on resource efficiency and high-tech solutions that allow business as usual for water-intensive and water-polluting industries. On the other hand, there is a push to develop market-based models for the distribution of scarce water resources. These models will entrench corporate rights and access to water resources — among them, water markets and pricing mechanisms that will allow for those who pay more to have more, and the financialization of both water resources and utilities in order to generate new forms of capital accumulation in areas where markets have had very limited access. All of these elements require greater analysis than what we are able to offer within the limited space of this article. Suffice to say that many forces are at play to ensure that the environmental and economic crises serve as ruses to facilitate greater corporate control of water.

And in the tug of war against corporate so-called “rights” — which are better described as privileges and protections — we need to think bigger and beyond existing regulatory systems and human rights mechanisms.

By 2030, demand for water will outstrip supply by 40% according to a 2009 report by the World Bank-sponsored Water Resources Group. This will cause tremendous human suffering, yet this statistic does not even take into consideration the water needs of non-human life. The handful of corporations engaged in water-intensive and water-polluting activities are not only competing with the rest of the world’s human population, they are competing with all other species as well.

Water shortages are having an ever-increasing impact on the planet's biodiversity. According to Wetlands International, there has been a 50% loss of wetlands over the course of the 20th century. Freshwater species in particular are disappearing at a much faster rate than all other species. Nearly 25% of freshwater fish in Africa alone are threatened with extinction and 136 freshwater-dependent birds had become extinct by 2010.

This has led to a growing movement demanding a new model of governance centered on the rights of nature.

Far from being radical, the Rights of Nature model is based on the inescapable reality that we are all connected.

Our economies have been built on unrealistic expectations of what the planet can yield — and people living closer to the land have been feeling the impacts for decades. Indigenous communities living downstream from polluting industries like the tar sands in Canada or large mining projects in Latin America have seen unnaturally high rates of cancer, skin diseases, birth defects and illness in the fish and livestock vital to their survival. The food security of communities throughout the Global South has been severely threatened by drought, leading farmers in India to commit suicide over the loss of crops.

Even the staunchest proponents of the neoliberal agenda can no longer deny the scientific evidence of our deeply ailing planet, leading countries like Canada to foolishly engage in shoot-the-messenger strategies such as eliminating publicly funded science, shrinking government departments responsible for environmental monitoring and criminalizing environmental organizations in order to blindly pursue a path of economic growth based on massive expansion of the extractive sector.

The global campaign for the Rights of Nature provides a way forward. But to simply recognize the Rights of Nature on paper does not suffice. Such an approach will be laden with internal contradictions if governments are unwilling to challenge the dominant model of economic globalization. The recognition of the Rights of Nature must be part of a larger commitment to rebuild economies based on respect for watersheds and ecosystems. This means scaling down and reducing consumption; limiting export-oriented production and nurturing sustainable local economies to bring an end to over-extraction, large-scale displacement and contamination of water, fragmentation of rivers and the continued destruction of wetlands and glaciers.

It's no longer enough to simply regulate corporate greed.

Maude Barlow is the National Chairperson of the Council of Canadians, Chair of the board of Food and Water Watch, as well as an international best-selling author. She has received ten honorary doctorates as well as many awards, including the 2005 Right Livelihood Award. She served as Senior Advisor on Water to the 63rd President of the United Nations General Assembly.

Meera Karunanathan is a Water Campaigner for the Council of Canadians, Canada's largest social justice group. Working with the organization's 70 chapters across the country, Meera promotes water as a human right and a commons in Canada. She also works with global water justice activists around the world through the Blue Planet Project to support struggles against the corporate takeover of water.

Water in the Green Economy: “Legal Rights for Waterways”

By Linda Sheehan

Problems

Our current environmental laws have been largely unable to prevent over-drawn waterways, continued contamination of remaining waters, and disappearing species and habitats. These dilemmas result in large part because our overarching legal and economic systems treat the natural world as property that can be exploited and degraded, rather than as an integral ecological partner with its own rights to exist and thrive. As a result, environmental concerns are generally subsumed to the incessant driver of economic growth, leading to dangerously unbalanced relationships among humans and the rest of life on Earth.

Solutions

We must re-envision economic systems so that they serve “sustainable communities” and establish legal rights for ecosystems – including waterways – so they may exist, thrive and evolve.

UNEP, Towards a Green Economy (2011)

This Green Economy is the driving force behind Rio+20 negotiations. It fundamentally presumes that protecting the environment can be achieved by further forcing environmental policies to fit within an overarching economic system that is causing the destruction. The Green Economy proposal also assumes that the current, overarching economic system will continue, rather than challenging it and offering alternatives.

Focus on “Green Economy” Stalls Progress on Waterway Health in Favor of Current Growth Models

Using UNEP’s Towards a Green Economy report as an example, the Water chapter lists indicators of “progress towards a green economy” on page 121. Of the five indicators listed, not one would measure improvements to the health of affected waterways or water-dependent ecosystems. This is particularly disturbing in that the same report points to an aggregate decline in waterway and aquifer health world-wide. Human water needs depend on healthy waterways. Additionally, the report defines a “green economy” as “one that results in ‘improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.’” It also states that the “green economy “seeks to minimise the impact of economic activity on the environment.” Both definitions fail to embrace environmental health, and instead settle for “reducing” or “minimizing,” rather than reversing, the trend of ecological degradation, which will continue without changing the overarching driver of economic growth. The end result will be haggling over the prices stakeholders are willing to pay to continue destructive patterns, rather than actually improving our relationships with the natural world to reverse environmental degradation.

Alternative Approach: Re-Envision Our Economic Models to Serve People and Planet

Rather than contort environmental policies to fit within an economic system premised on the maximization of private wealth, examine the root of the problem: the economic system itself. The distribution of goods and services need not be for the purpose of maximizing economic wealth. Instead it could be focused, for example, on maximizing attainment of biological and social needs.

The Economy Should Serve “Sustainable Communities,” Both Human and Environmental

Our economic model should be re-envisioned to serve “sustainable communities,” a term which includes both human communities and the wider communities of the natural world. Elements of sustainable human communities include not just the economy, but also culture, societal/familial relations, healthy food, clean drinking water, sanitation, housing, necessary medical care, democratic governance, education, meaningful and appropriately rewarded labor, spirituality, civic duty, local development consistent with these elements, and other factors. Similarly, elements of sustainable environmental communities include healthy nutrients, clean water, biodiversity, restoration in the face of destruction, and thriving, connected habitats. In setting governance policy, all elements of sustainable communities must be considered. The economy must be viewed as serving human and environmental communities, not the reverse.

Develop and Implement Legal Rights for Ecosystems and Species

Existing laws assume that waterways are to be manipulated for human economic benefit. In doing so, they marginalize the larger interconnections demonstrated by modern science and ethics. However, by recognizing in law the rights of the waterways to exist, thrive and evolve, we will better guide our behavior to protect waterway integrity to the benefit of sustainable human and waterway communities.

Rights-Based Laws Exist and Are Expanding to Reverse Degradation and Promote Healthy Waterways

At the local level, Pittsburgh, Pennsylvania, passed a law in November 2010 that stated: “Natural communities and ecosystems, including, but not limited to . . . water systems, possess inalienable and fundamental rights to exist and flourish within the City of Pittsburgh. Residents of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.” In California, the state is initiating work to amend the state’s water law to grant legal water rights to rivers. Nationally, the 2008 Constitution of Ecuador includes Article 71, which holds: “Nature or *Pachamama*, where life is reproduced and exists, has the right to exist, persist, maintain itself and regenerate its own vital cycles, structure, functions and its evolutionary processes. Any person, people, community or nationality, may demand the observance of the rights of the natural environment before public bodies...” and Article 72, which states: “Nature has the right to be completely restored.” The first successful case demonstrating this article was in favor of the Vilcabamba River. The Provincial Court of Loja decided in March 2011 that the river’s right to flow had been violated and required remediation. On the global scale, the “Universal Declaration of the Rights of Mother Earth,” which was adopted at April 2010 World People’s Conference on Climate Change and the Rights of Mother Earth and presented to the UN in April 2011, says “Mother Earth and all beings” have, among other rights: the right to exist, the right to water as a source of life, the right to integral health, and the right to full and prompt restoration for violations of these and other enumerated rights. These rights-based laws advance “sustainable communities” by respecting and supporting the ecological integrity of waterways, for the benefit of all beings that depend on water.

Linda Sheehan is an environmental attorney and Executive Director of the Earth Law Center. Previously she took action on behalf of California’s waterways and ocean habitats as Executive Director of the California Coastkeeper Alliance. Ms. Sheehan is a contributing author to Exploring Wild Law: The Philosophy of Earth Jurisprudence, published by Wakefield Press in 2011.

Beyond Fossilized Paradigms: Futureconomics of Food

By Vandana Shiva

The economic crisis, the ecological crisis and the food crisis are reflections of an outmoded and fossilized economic paradigm — one that grew out of mobilizing resources for the war by creating the category of “Growth” and is rooted in the age of oil and fossil fuels. It is fossilized because it is both obsolete and a product of the age of fossil fuels. We need to move beyond this fossilized paradigm if we have to address the economic and ecological crisis.

Economy and ecology have the same root: “oikos” — meaning home — both our planetary home, the Earth, and our home where we live our everyday lives in family and community.

But economy, separated from ecology, forgot the home and focused on the market. An artificial “production boundary” was created to measure Gross Domestic Product (GDP). The production boundary defined work and production for sustenance as non-production and non-work. Thus, “if you produce what you consume, then you don’t produce.” In one full sweep, the production and work of sustenance economies disappeared along with the work of women.

To the false measure of growth is added a false measure of “productivity.” Productivity is output for unit input. In agriculture, this should involve all outputs of biodiverse agro-ecosystems — the compost, energy and dairy products from live stock; the fuel, fodder and fruit from agro forestry and farm trees; the diverse outputs of diverse crops. When measured honestly in terms of total output, small biodiverse farms produce more and are more productive.

Inputs should include all inputs — capital, seeds, chemicals, machinery, fossil fuels, labor, land and water. The false measure of productivity selects one output from diverse outputs — the single commodity to be produced for the market — and one input from diverse inputs — labor.

Thus, low output, high input chemical, industrial monocultures — which in fact have a negative productivity — are artificially rendered more productive than small, biodiverse, ecological farms. And this is at the root of the false assumption that small farms must be destroyed and replaced by large industrial farms. This false, fossilized measure of productivity is at the root of the multiple crises we face in food and agriculture.

It is at the root of hunger and malnutrition because, while commodities grow, food and nutrition have disappeared from the farming system. “Yield” measures the output of a single commodity, not the output of food and nutrition.

It is at the root of the agrarian crisis. When costs of input keep increasing, but are not counted in measuring productivity, small and marginal farmers are pushed into a high-cost farming model, which result in debt and, in extreme cases, the epidemic of farmer suicides.

It is at the root of the unemployment crisis. When people are replaced by energy slaves because of a false measure of productivity based on labor inputs alone, destruction of livelihoods and work is an inevitable result.

It is also at the root of the ecological crisis. When natural resource inputs, fossil fuel inputs and chemical inputs are increased but not counted, more water and land is wasted, more toxics are used and more fossil fuels are needed. In terms of resource productivity, chemical industrial agriculture is highly inefficient. It uses 10 units of energy to produce 1 unit of food. It is responsible for 75% of water use, 75% disappearance of species diversity, 75% land and soil degradation and 40% of all greenhouse gas emissions, which are destabilizing the climate. According to the recently released report from the Intergovernmental Panel on Climate Change (IPCC), extreme events due to an unstable climate are costing \$80 billion annually.

We need to move from these false and fossilized indicators to real indicators that reflect the health of nature and the well being of the economy. The inadequacies of the old paradigm based on economic growth and false productivity are being recognized at the highest levels.

In food and agriculture, when we transcend the false productivity of a fossilized paradigm, and shift from the narrow focus on monoculture yields as the only output and human labor as the only input, we will protect small farms and farmers — instead of destroying them — because they are more productive in real terms. Instead of destroying biodiversity, we will intensify it, because it gives more food and nutrition.

Futureconomics, the economics of the future, is based on people and biodiversity, not fossil fuels, energy slaves, toxic chemicals and monocultures. The fossilized paradigm of food and agriculture gives us displacement, dispossession, disease and ecological destruction. It has given us the epidemic of farmer suicides and the epidemic of hunger and malnutrition. A paradigm that robs 250,000 farmers of their lives and millions of their livelihoods, and robs half our future generations of their lives by denying them food and nutrition, is clearly dysfunctional. It has led to growth of money flow and corporate profits, but it has diminished life and the well-being of our people. The new paradigm we are creating on the ground and in our minds enriches livelihoods, health of people and ecosystems and cultures.

The violence to the Earth and people through an agricultural system that is like war can only be stopped when we make peace with the Earth. The first step in making peace is recognizing the Rights of the Earth, the Rights of Nature and the Rights of all beings — the billions of soil organisms that create soil fertility, the millions of biodiverse species that give us food. The more we protect the Earth, the more she provides. Human rights flow from Earth Rights. And in a transition to an earth-centered food and agriculture economy of permanence and abundance, human care replaces carelessness, nonviolence replaces violence, abundance and well-being replace scarcity, hunger and disease. And care needs intimacy, a sense of place. This is why decentralized, small farm-based, biodiverse and ecological food and agricultural systems are vital to a future economy that protects the well-being of the Earth and people.

On April 2, 2012, the United Nations organized a High Level Meeting on “Happiness and Well Being: Defining a New Economic Paradigm” to implement Resolution 65/309, which was adopted unanimously by the General Assembly in July 2011:

“Conscious that the pursuit of happiness is a fundamental human goal” and “recognizing that the gross domestic product [...] does not adequately reflect the happiness and well-being of people.”

I was invited to address the conference at the United Nations meeting, which was hosted by the tiny Himalayan Kingdom of Bhutan. Bhutan has given up the false categories of GNP and GDP, and replaced them with the category of Gross National Happiness, which measures the well-being of nature and society. The Bhutanese Prime Minister Jigmi Thinley has recognized that “growing organic” and “growing happiness and well-being” go hand in hand. That is why he has asked Navdanya and me to help make a transition to a 100% organic Bhutan. In India, Navdanya is working with the states of Uttarakhand, Kerala, Madhya Pradesh, Jharkhand, and Bihar for an organic transition. We aim for an organic India by 2050 to end the epidemics of farmer suicides, hunger and malnutrition; to stop the erosion of our soil, our biodiversity, and our water; to create sustainable livelihoods and end poverty. This is futureconomics.

Dr. Vandana Shiva is a philosopher, physicist, environmental activist, ecofeminist, and author of several books and scientific papers. Among her many awards are the Right Livelihood Award (1993), Global 500 Award of the UN (1993), and the Sydney Peace Prize (2010). From India, she is one of the leaders of the International Forum on Globalization and is a figure of the global solidarity movement.

Food Sovereignty and Rights of Nature

By Suzy Pinos

In 1996, at the UN Food and Agriculture Organization summit in Rome, the international peasant movement, *La Via Campesina* introduced the concept of food sovereignty¹, a visionary concept which, following the global food crisis of 2007-08 gained global attention and acceptance. In 1972, Christopher Stone penned his famous law article, “Should Trees have Standing?” arguing the idea of protecting nature by recognizing legal rights for ecosystems.

Conceptually, both movements intend to be alternatives to the current economic model, generating a paradigm shift to achieve a new society that is both more equitable and sustainable. These initiatives are compatible, and worthy representatives of the global justice movement mantra “another world is possible”.

Both movements have common roots. They are proposals from the South, seeking to bridge the gap with the North, and find their niche in the countries of the South. An example is the constitutional process which occurred in Ecuador and Bolivia. The concepts of food sovereignty and the rights of nature were incorporated in constitutions and laws² in order to build the “*buen vivir*” proposed by the native peoples of South America.

The recognition and valuation of ancestral knowledge is fundamental to enable food sovereignty as well as the full implementation of the rights of nature. This isn’t a romantic return to the past, but a revival of the holistic view of native peoples when developing and implementing social and technological innovations. It is about adding knowledge as well as rights.

The rights of nature are also human rights. Nature has the right to preserve and recover its cycles of life, such as: the flow of nutrients within an ecosystem which help to maintain soil fertility, the water cycle which allows irrigating crops, the life cycles of plants and animals and many more. By respecting the rights of nature, we can guarantee the human right to food.

Sustainable food production would not be possible without the natural cycles that sustain life. At the same time, it is impossible to reduce dependence on external inputs without taking into account the need to reestablish the natural cycles destroyed by conventional agriculture; as such, the rights of nature and the concept of food sovereignty are allies in the building of more sustainable and democratic alternatives of production.

Nature cannot be treated as merely property. While the supporters of the Universal Declaration of the Rights of Nature express the need to recognize nature as a subject of rights, the social movements in search for alternatives to the global food crisis say it is time to stop treating food as a commodity subject

1 Defined by Via Campesina, as follows “food sovereignty is the right of people, nations or unions of countries to define their agricultural and food policies, without dumping towards third countries. Food sovereignty organizes the production and consumption of food that meets the needs of local communities, giving priority to production for local consumption and domestic use. Provides to the people the right to choose what they eat and how they want to produce it. Food sovereignty includes the right to protect and regulate domestic agricultural production and protect the domestic market from dumping of agricultural surpluses and low-priced imports from other countries. Likewise recognizes the rights of rural women. The landless people, the peasantry and small-scale agriculture must have access to land, water, seeds and productive resources and to an adequate supply of public services.” Source www.viacampesina.org

2 2008 Ecuador recognized the rights of nature in its constitution (Art.71-74) and promotes food sovereignty (Art. 13). During 2009, Bolivia recognizes the right to food security and sovereignty (Art. 404 and 406) in 2010 Bolivia passed the Mother Earth Rights Law.

to speculation in the global marketplace. This change of paradigm will finally create a more balanced relationship between human beings and the rest of nature.

As well, it is clear that the current global situation requires a paradigm shift which allows for the full exertion of the “*buen vivir*”. The UN climate process is an opportunity for social movements to join forces and create synergies.

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