



People's Sustainability Treaty on Mother Earth Rights

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State of the World 2012



BP Oil Spill, Gulf of Mexico, April '10
Photo by John Wathen

- Continued polluting events, small to massive
- Populations and ecosystems without clean water
- Rates of species extinction climbing
- Our actions now affect even the global climate, and with it our waterways

Our Unquenched Thirst



Scott River, CA, Sept. 2009
Photo by Klamath Riverkeeper, LightHawk

- Over-diversions are drying up the world's rivers
- More "rights" are allocated than water to support them
- Bay-Delta Estuary, largest on West Coast of North America, is collapsing
- Chinook salmon, Delta smelt threatened with extinction, along with predators (killer whales)

The Changing Climate



Sunset Beach, Orange County, CA, 2010
Photo by Steve Shinn

- By end of the century:
 - 60-80% of California's Sierra snowpack is gone
 - Sea level will rise by five feet or more
- Saltwater intruding into groundwater
- California's Bay-Delta Estuary lies below sea level, behind aging levees

Human and Environmental Rights Are Intertwined



Waterkeeper Magazine, Summer '08



- Right to clean water for basic needs
- 10-15 % of California's water supply wells exceed nitrate standards for drinking water
- 40% of wells tested in Tulare County had nitrate levels above legal limits

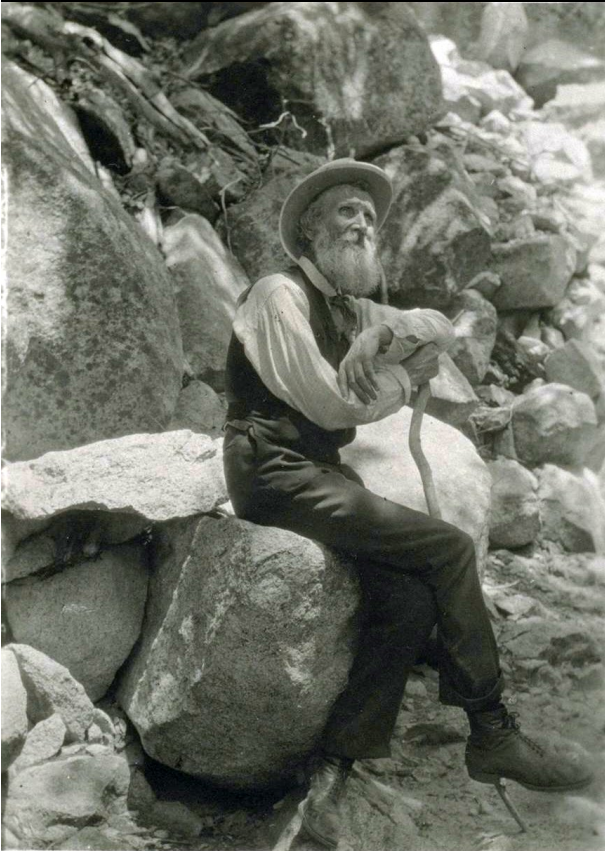
Environment's Rights Are Ignored



www.zazzle.com

- Pushback on Endangered Species Act is escalating
- “Properly designed and prudently administered, endangered species triage might allow... regulators to focus on integrated ecosystem management and aggregate species recovery....” (PPIC, 2011)

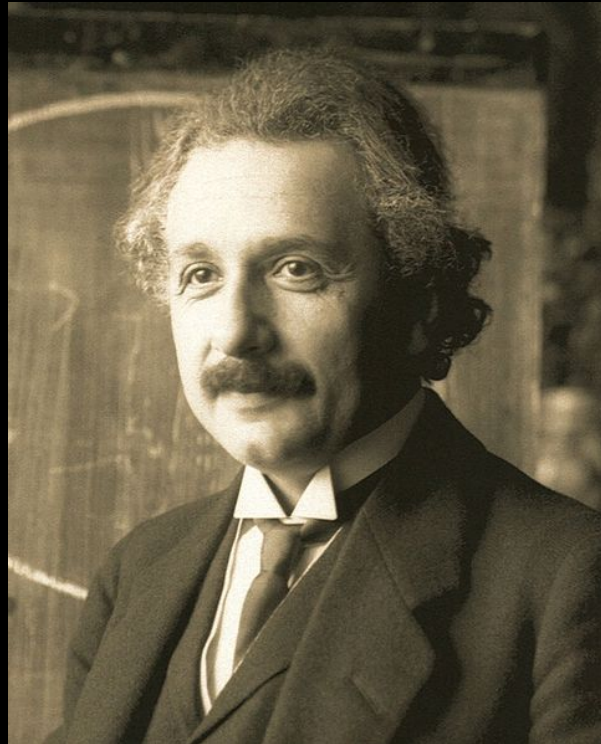
Fundamental Flaw of Modern Environmental Laws



John Muir
Wikimedia Commons

- Flaw: “Nature serving humans” foundation – falsely imagines humans are separate from natural world
- Gifford Pinchot: “produc[e] from the forest whatever it can yield for ... man” – *nature as servant*
- *Versus* John Muir: “When we try to pick out anything by itself, we find it hitched to everything else in the universe” – *rejects duality*

Fundamental Flaw (cont'd)



Albert Einstein
Wikimedia Commons
By Ferdinand Schmutzer

- Einstein, *Out of My Later Years*:
“A human being ... experiences himself ... as something separated from the rest, a kind of optical delusion of his consciousness. This delusion is a kind of prison for us Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty.”

New Path: Laws Reflect Integration of Humans and Natural World



Hydraulic gold mining
California Central Pacific Railroad
History Museum

- For indigenous Californians, ownership of water unheard of
- Spanish brought “dominance over nature,” but shared for “common benefit” of humans
- California Gold Rush changed the law to “first in time, first in right”: dominate nature and other people
- Better path: rights of nature

Rights of Nature in Practice



Steve Wacksman, *Boston Globe*, July 19, 2009

Example:

Ecuador Constitution, Art. 71

Art. 71. 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. The application and interpretation of these rights will follow the related principles established in the Constitution.

Application of Ecuador's Constitution



Road construction debris dumped into
Vilcabamba River, Ecuador
Photo by Fundación Pachamama

- First successful case implementing Art. 71 was brought by landowners in Loja, Ecuador on behalf of Vilcabamba River
- In 2011 Court granted a Constitutional Injunction in favor of the river, finding its right to flow had been violated and requiring remediation

Nature's Rights in New Zealand



Whanganui River, NZ
Wikimedia Commons

- August 2012: New Zealand court agreement between government and Maori recognized the Whanganui River and its tributaries as a legal entity, with rights to exist and flourish as an “integrated, living whole”
- Guardians will be appointed to oversee the rights of the River pursuant to this new legal recognition

Rights of Nature in Community Ordinances



**STOP THE DRILLING!
SAVE OUR WATER!**

Advertisement by New York State
Senate
Office of Sen. Joseph Addabbo, Jr.

- Local communities in the U.S. are passing laws that integrate the rights of citizens to self-governance with the rights of ecosystems to exist, thrive and evolve
- Often in response to threats
- www.earthlawcenter.org/earth-community

Example: Pittsburgh, Pennsylvania

Anti-Gas Drilling Ordinance, adopted into law November 2010, included the following:

“Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other 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.”

Must Address Economic and Corporate Impediments to Rights

**I refuse
to believe
corporations
are people
until Texas
executes one.**

- Never-ending economic growth and GDP as measure of health accelerate destruction
- Corporations *will* act to detriment of people and environment without system-level changes
- Economics is upside-down: it must serve society and environment, not the reverse



People's Summit, Rio +20, Photo by Linda Sheehan

Build New Economic Model that Serves Rights of People and Planet



“Water for Life, Not for Sale”
Marseille, France, March 2012
Photo by Linda Sheehan

- Change economic foundation to maximize social and biological well-being, not maximize private wealth
- Transform focus on “sustainable development” and “green economy” to “sustainable communities” (both human and natural world)

Contrast: Rio +20 Results



Photo by Robin Milam

- *The Future We Want*, para. 39: “some countries recognize the rights of nature”
- Ban Ki-moon to Major Groups: Be “practical” and “realistic”; Member States have “limited resources and limited time”
- Touted “voluntary commitments”

Link Human and Environmental Rights Movements to Effect Change



Photo by Linda Sheehan

- Human Right to Water:
 - U.N. Resolution; *The Future We Want*; California's AB 285 (2012)
- Environment's Right to Water:
 - Ecuador, NZ, U.S. communities
- Alternative World Water Forum:
 - “We call for the creation and recognition of the rights of nature” to protect all (linkages)
 - Also People's Summit at Rio +20
- Opportunity: Post-2015 Millennium Development Goals

Movement Tool: People's Sustainability Treaties



People's Summit March, Rio +20
Photo by Linda Sheehan

World People's Conference on Rights of Mother Earth (2010)



World People's Conference
Cochabamba, Bolivia, April 2010
Photo by Patricia Siemen

- April 2010 – “World People's Conference on Climate Change and the Rights of Mother Earth,” Cochabamba, Bolivia
- Over 30,000 attending from 140 nations
- <http://pwccc.wordpress.com>
- Universal Declaration of the Rights of Mother Earth adopted

“Universal Declaration of the Rights of Mother Earth”



World People's Conference on Climate Change and the Rights of Mother Earth
Kris Krug, <http://staticphotography.com>

- Earth is a living being
- Each being is an integral part of Mother Earth
- Earth and all beings have inherent rights to life, to exist, to “play its role in Mother Earth for her harmonious functioning”
- Every human is “responsible for respecting and living in harmony with Mother Earth”

People's Sustainability Treaty on Rights of Mother Earth: Background



People's Summit March, Rio +20
Photo by Linda Sheehan

- Cochabamba: significant representation for Rights of Mother Earth
- Rio +20 People's Summit: called for adoption of Universal Declaration of the Rights of Mother Earth
- People's Treaty closely models language of Declaration to respect this work

People's Sustainability Treaty on Rights of Mother Earth: Text



- Describes Precedent for recognizing rights of nature
- Principle #1: Inherent rights of Mother Earth to well-being
- Principle #2: Scope of “well-being”; responsibilities of people in recognizing rights
- Principle #3: “Sustainable *communities*,” not “development”; economy serves; is not served

Rio de Janeiro, Photo by Linda Sheehan

People's Sustainability Treaty on Rights of Mother Earth: Commitments



U.N. General Assembly, Rio +20
Photo by Linda Sheehan

- On top of responsibility of all to respect rights of/live in harmony with Mother Earth
- U.N. and Member States:
 - Adopt and implement Universal Decl. of Rights of Mother Earth through law, policy, courts (including corporate oversight)
 - Fund w/financial transaction tax
 - Change Charter of Int'l Criminal Court to make “Ecocide” the Fifth International Crime against Peace

Commitments (cont'd)

- Scientific Community:
 - Advance research that shows interconnectedness, tracks holistic health Earth's systems
- Economics Community:
 - Develop and advance new economic models that maximize rights of all to well-being; reject maximization of short-term profit and individual wealth as indicators of healthy society and planet
- Business Community:
 - Evolve business operations to reflect new economic models of well-being; adopt “cradle-to-cradle” production policies

People's Sustainability Treaty on Rights of Mother Earth: Action Plan



California State Assembly
Wikimedia Commons
Photo by Davis Monniaux, 2005

- Plan provides guidance, commitment, accountability, coordination structure for actors
- Short-term (2012-15): education, advocacy for change
- Medium-term (2016-2025): Initial change to provide models for others
- Long-term (2026 and beyond): Sweeping change towards Earth-based governance

Reclaim Our Social Contract Through Rights-Based Movements

- Coordinate people's movements, as supported by Treaties, to develop Earth-based governance
- Governance must respect inherent worth and rights of all inhabitants of Earth to exist, thrive, and evolve
- Establish laws, policies, economics that create a *culture of relationship*, not of duality/divisiveness



People's Summit, Rio +20
Photo by Linda Sheehan

A New Path Is Possible



California Forest Sprite
Photo by Linda Sheehan

- Law has always evolved over time; it is not static
- Coordinated, focused, and visionary human and environmental rights movements will establish Earth-based governance that advances the well-being of all



Rio de Janeiro, Sunrise
Photo by Linda Sheehan

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