

PEOPLES' SUSTAINABILITY TREATY ON Rights of Mother Earth

(Draft 0 – Please send comments by May 20, 2012)

Preamble

The undersigned recognize and acknowledge the following:

We are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny. Mother Earth is the source of life, nourishment, and learning and provides these as well as spirituality and all else we need to live well.

Existing governance systems that assume that humans are separate from the environment have wrought great destruction, degradation, and disruption of Mother Earth, putting life as we know it today at significant risk through habitat destruction, species elimination, climate change, and other threats. Existing 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, leading to dangerously unbalanced relationships among humans and Mother Earth.

The United Nations-commissioned 2011 report, *Towards a Green Economy*, defines a “green economy” as one that “seeks to minimise the impact of economic activity on the environment,” and thereby fails to ensure either the necessary reversal of ongoing environmental degradation or the eventual health of Mother Earth. The “green economy” mistakenly presumes that we can “protect” Mother Earth by further forcing environmental policies to fit within an economic system that is causing the destruction in the first place, such as through privatization of the natural world.

Mother Earth-based governance, rather than economy- or development-based governance, is necessary to recognize the rights of ecosystems and species – including humans – to exist, thrive and evolve. In an interdependent living community, it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth. To guarantee human rights, it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are existing cultures, practices, and laws that do so.

There exists now an urgency to take decisive, collective action to transform structures and systems that cause habitat destruction, species elimination, climate change and other threats and damage to Mother Earth.

Precedents for recognizing Rights of Mother Earth:

- In September 2008, the people of Ecuador approved a new Constitution that included rights for “Nature or Pachamama . . . to exist, persist, maintain itself and regenerate its own vital cycles, structure, functions and its evolutionary processes,” and stating that “[a]ny person, people, community or nationality, may demand the observance of the rights of the natural

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environment before public bodies,” and further providing that “Nature has the right to be completely restored.”

- In April 2010, a gathering of 35,000 people approved the Universal Declaration of the Rights of Mother Earth in Cochabamba, Brazil.
- In March 2012, over 4,000 representatives of conservation, indigenous, labor, human rights, and other groups world-wide, meeting at the Forum Alternatif Mondial de l'Eau in Marseille, France, approved a Declaration stating in part that “[w]e support the preservation and the integrity of the water cycle in the framework of the recognition of the rights of ecosystems and species to exist, thrive, and evolve”.
- The United Nations has released two reports on “Harmony with Nature,” in 2010 and 2011, which reference the movement to recognize the rights of nature, find that “society has become materialistic and consumerist based upon the illusory promise of unlimited happiness, material abundance and domination of nature,” conclude that “the economic system that has been developed has not been determined by what is good for people, much less for nature, but rather by what is good for the growth of the economic system,” call for “accept[ing] that we ourselves are an intrinsic part of nature,” and specifically recommend that Member States “consider a declaration recognizing nature’s intrinsic value”.
- Numerous Member States submitted interventions in support of the 2011 United Nations “Harmony with Nature” report, including specific support for “rights of nature” submitted by Bolivia, Ecuador and Nicaragua.
- Member States including Bolivia, Ecuador, Costa Rica, and Paraguay submitted inputs into the Rio + 20 “Zero Draft” supporting the inherent rights of Mother Earth and rights of nature; and
- Numerous Major Groups submitted detailed inputs into the Zero Draft supporting the inherent rights of Mother Earth and rights of nature, and all formal interventions by the NGO Major Group to the U.N. General Assembly in the Rio +20 preparatory meetings to date have included a call for recognition of the rights of nature.

Principles

Principle #1: Inherent Rights of Mother Earth

Mother Earth and all ecosystems and species of which she is composed have the following inherent rights:

- a. The right to life and to exist;

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- b. The right to be respected;
- c. The right to continue their vital cycles and processes free from human disruptions;
- d. The right to maintain their identity and integrity as distinct, self-regulating and interrelated beings;
- e. The right to water as a source of life;
- f. The right to clean air;
- g. The right to integral health;
- h. The right to habitat;
- i. The right to be free from contamination, pollution, and toxic or radioactive waste;
- j. The right to not have their genetic structures modified or disrupted in a manner that threatens their integrity or their vital or healthy functioning;
- k. The right to live free from torture or cruel treatment by human beings;
- l. The right to play their roles in Mother Earth for her harmonious functioning; and
- m. The right to full and prompt restoration in the face of violations of the rights recognized in this Treaty caused in whole or in part by human activities.

These rights do not restrict the recognition of other inherent rights of all beings or specified beings, including but not limited to those articulated in the U.N. Charter, the U.N. Universal Declaration of Human Rights, and the U.N. Declaration on the Rights of Indigenous Peoples.

Principle #2: Responsibilities of human beings to Mother Earth and the overall well-being of human and environmental communities

Every human being is responsible for respecting and living in harmony with Mother Earth.

The economy must serve and advance the overall well-being of human and environmental communities, rather than the maximization of private wealth; communities must not suffer a loss of overall well-being to serve the incessant driver of economic growth that is fueling the destruction of the Earth's ecosystems and species.

Human community well-being includes not only a functioning economy but also thriving ecosystems and species as well as diverse cultures, strong societal/familial relations, healthy food, clean drinking water, adequate sanitation, safe housing, necessary medical care, democratic governance, full education, meaningful and appropriately rewarded labor, support for spirituality, and other elements.

Environmental community well-being includes thriving relationships with human partners as well as strong natural biodiversity, clean water, healthy nutrients, and sound and connected habitats.

Principle #3: Focus on "sustainable communities" and a balanced respect for all life

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“Sustainable development” and the “green economy” should be re-focused instead as “sustainable communities,” a term which includes both human communities and the wider communities of the natural world, to ensure that all elements of sustainable communities are promoted, rather than subsumed to the overarching driver of the economy.

A balanced respect for all life, and the recognition that all life has the right to exist, persist, and evolve as an interrelated and interdependent system, is essential to ensure both sustainable communities and a healthy, thriving planet overall.

Commitments

United Nations and Member States Commitments

1. We urge the General Assembly of the United Nations to adopt the Universal Declaration of the Rights of Mother Earth as a common standard of achievement for all peoples and nations of the world and to actively support its implementation globally.
2. We urge the U.N. General Assembly to develop Mother Earth-based governance, as described in this Treaty and the Universal Declaration of the Rights of Mother Earth, at and following the 2012 U.N. Conference on Sustainable Development (“Rio +20”), through recognizing and implementing in law the rights of ecosystems and species.
3. We urge the U.N. General Assembly and Member States to establish international and national courts of environmental crimes, to hold accountable as appropriate those individuals and corporations who violate the rights described in this Treaty. Penalties for such violations may include fines, restoration requirements, imprisonment, or a combination of these.
4. We call on the U.N. General Assembly to include in future agreements specific commitments to defending and advancing the rights of Mother Earth and her ecosystems and species, as described in this Treaty and the Universal Declaration of the Rights of Mother Earth. Such commitments shall include but not be limited to:
 - a. establishment of an Ombudsperson, or High Commissioner for Future Generations, that protects the rights and well-being of future humans and non-human beings, including ecosystems and species, and
 - b. inclusion in the Sustainable Development Goals of a commitment, with tracking metrics, to implementation of specific actions that protect and promote the rights of nature to exist, thrive, and evolve.

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5. We urge the U.N. Member States to authorize changes to the Charter of the International Criminal Court to make “Ecocide” the Fifth International Crime against Peace.
6. We call on the U.N. General Assembly to advance a global financial transaction tax to be used in the implementation and enforcement of the rights described in this Treaty.
7. We call on Member States to enact laws, policies, and practices of holding corporations accountable to the recognition of the Rights of Mother Earth as described in this Treaty, including short-term renewable corporate charters and enforcement requirements that consistently reflect the harm done by illegal and injurious actions perpetrated by corporations.

Scientific Community Commitments

8. We call on the scientific community to advance research that promotes the adoption and implementation of laws, regulations, policies, and programs that recognize and advance the rights of nature, and that advance a deeper understanding of the relationships among people, ecosystems, and species.
9. We call on the scientific community to advance technologies and support for real-time, comprehensive monitoring of the health of the Earth’s systems, and for broad dissemination of that information to decisionmakers and the public at large.

Economics Community Commitments

10. We call on the economics community to research and seek opportunities for application of new economic models that maximize the rights of humans and the environment to well-being and sustainability. We urge the economics community to explicitly reject false models of economic prosperity premised on never-ending growth and private wealth maximization, which occurs at the expense of the planet as well as most people. The results of this work should be made widely available to decisionmakers and the public for application.
11. We urge members of the economics community to work closely with government decisionmakers to educate them on the use and application of such new economic models.

Business Community Commitments

12. We call on the business community to work with economists to integrate economic models of well-being into their business practices, to reflect the Rights of Mother Earth as described in this Treaty.

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13. We urge the business community to adopt integrated “cradle to cradle” production policies that ensure that zero waste is created in the production and use of goods and services.

Action Plan

1. Unless the rights of nature are respected and safeguarded, it will not be possible to guarantee human rights and achieve sustainable development. Accordingly, we call on all human beings, the United Nations, Member States, and all public and private institutions to take action to implement the principles, rights, and obligations recognized in this Treaty.
2. Consistent with this call for action, we as civil society commit to the following Action Plan to recognize, and advance actions that reflect, the Rights of Mother Earth as described in this Treaty.

Short-Term (2012-2015)

3. Educate and communicate broadly about the need to live in harmony with Mother Earth in accordance with this Treaty;
4. Translate progressive scientific and economic research and models that protect and enhance the Rights of Mother Earth into easily-understandable language that includes policy recommendations, and distribute widely to decisionmakers and the public;
5. Advocate for the establishment and application of laws that explicitly recognize and advance the Rights of Mother Earth;
6. Advocate for laws and policies that guarantee that the damages caused by human violations of the inherent rights recognized in this Treaty are fully rectified to the benefit of affected ecosystems and species, that citizens have the right to bring enforcement actions under such laws, and that those responsible are held accountable for restoring the integrity and health of Mother Earth;
7. Advocate for broad application of measures that implement precaution in the face of uncertainty, including shifting the burden of proof to show no harm to those proposing the activities at issue;
8. Establish and promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Treaty and the well-being of people and environment, and advocate for withdrawal from economic systems that encourage never-ending growth and private wealth maximization;

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9. Advocate against, and offer sustainable alternatives to, activities that clearly and significantly harm the Earth, including but not limited to destructive mining and fossil fuel extraction, and ensure a measurable decrease in such projects in both the North and South;
10. Advocate for the development and application of integrated “cradle to cradle” production policies that ensure that zero waste is created in the production and use of goods and services, and ensure that these practices are adopted and promoted by a range of businesses in both the North and South.

Medium-Term (2016-2025)

11. Educate and communicate broadly about the need to live in harmony with Mother Earth in accordance with this Treaty;
12. Translate progressive scientific and economic research and models that protect and enhance the Rights of Mother Earth into easily-understandable language that includes policy recommendations, and distribute widely to decisionmakers and the public;
13. Ensure the establishment and application of laws that explicitly recognize and advance the Rights of Mother Earth, with adoption in at least 25 Member States;
14. Advocate for laws and policies that guarantee that the damages caused by human violations of the inherent rights recognized in this Treaty are fully rectified to the benefit of affected ecosystems and species, that citizens have the right to bring enforcement actions under such laws, and that those responsible are held accountable for restoring the integrity and health of Mother Earth; ensure such laws and policies are adopted in at least 25 Member States;
15. Advocate for broad application of measures that implement precaution in the face of uncertainty, including shifting the burden of proof to show no harm to those proposing the activities at issue, with specific application of such measures in at least 25 Member States;
16. Establish and promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Treaty and the well-being of people and environment, and advocate for withdrawal from economic systems that encourage never-ending growth and private wealth maximization, with the goal of a shift to such economic systems in at least 25 Member States;
17. Advocate against, and offer sustainable alternatives to, activities that clearly and significantly harm the Earth, including but not limited to destructive mining and fossil fuel extraction, and ensure a measurable decrease in such projects in both the North and South to the point where such projects are the exception rather than the norm;

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18. Advocate for the development and application of integrated “cradle to cradle” production policies that ensure that zero waste is created in the production and use of goods and services, and ensure that these practices are adopted and promoted by a range of businesses in both the North and South.

Long-Term (Post-2026)

19. Educate and communicate broadly about the need to live in harmony with Mother Earth in accordance with this Treaty;
20. Translate progressive scientific and economic research and models that protect and enhance the Rights of Mother Earth into easily-understandable language that includes policy recommendations, and distribute widely to decisionmakers and the public;
21. Establish and apply effective norms and laws for the defense, protection, and conservation of the rights of Mother Earth in at least 100 Member States;
22. Advocate for laws and policies that guarantee that the damages caused by human violations of the inherent rights recognized in this Treaty are fully rectified to the benefit of affected ecosystems and species, that citizens have the right to bring enforcement actions under such laws, and that those responsible are held accountable for restoring the integrity and health of Mother Earth; ensure such laws and policies are adopted in at least 100 Member States;
23. Advocate for broad application of measures that implement precaution in the face of uncertainty, including shifting the burden of proof to show no harm to those proposing the activities at issue, with specific application of such measures in at least 100 Member States;
24. Establish and promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Treaty and the well-being of people and environment, and advocate for withdrawal from economic systems that encourage never-ending growth and private wealth maximization, with the goal of a shift to such economic systems in at least 25 Member States;
25. Advocate against, and offer sustainable alternatives to, activities that clearly and significantly harm the Earth, including but not limited to destructive mining and fossil fuel extraction, such that: fossil fuel extraction for energy has been replaced in full by renewable alternatives, and large destructive mining projects have been eliminated with smaller-scale, essential efforts that consistently restore the environment as activity proceeds, with full restoration at the projects' conclusion;

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26. Advocate for the development and application of integrated “cradle to cradle” production policies that ensure that zero waste is created in the production and use of goods and services, and ensure that these practices are adopted and promoted by the significant majority of businesses in both the North and South.

Signatories

- Linda Sheehan (USA), Earth Law Center - <http://earthlawcenter.org/>
- Shannon Biggs (USA), Global Exchange - <http://www.globalexchange.org/>
- Cormac Cullinan (South Africa), Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- Karen Redhawk Dallett (USA/Turtle Island)
- Tom Goldtooth (USA/Turtle Island), Indigenous Environmental Network - <http://www.ienearth.org/>
- Natalia Greene (Ecuador), Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- Randy Hayes (USA), Foundation Earth - <http://www.fdnearth.org/>
- Michelle Maloney (Australia), Australian Wild Law Alliance - <http://www.wildlaw.org.au/> ; Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- Osprey Orielle Lake (USA), Women's Earth and Climate Caucus (USA) - <http://www.iwecc.org/> ; Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- Jon Love (USA) , The Pachamama Alliance <http://pachamama.org/>
- Robin Milam (USA), Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- Bill Twist (USA), The Pachamama Alliance - <http://pachamama.org/> ; Global Alliance for Rights of Nature - <http://therightsofnature.org/>
- One World Awake (USA) - <http://www.oneworldawake.com/>