

# **Bolivia: We Must Support a Universal Declaration of the Rights of Mother Earth**

*Pablo Solón and Comrac Cullinan*

For Bolivia, December marked an important and historic step forward in climate change politics. We are of course not referring to Brokenhagen, where we saw the worst of intransigent, undemocratic and cynical tactics from the world's largest emitters of carbon dioxide. The interesting action happened in a completely unreported event in New York when on 22 December, the UN General Assembly passed a resolution which put the issue of Mother Earth rights as an item on the UN agenda.

This might sound rather esoteric, when you consider that in Copenhagen, it was the failure of rich nations to set ambitious and binding specific targets that led to the conference's rightly discredited conclusion. For Bolivia, which is already facing unprecedented droughts, disappearing glaciers and water shortages, the difference between a target of 2 degrees or 1 degree is a matter of life and death for many. But we also believe that even if we had succeeded in achieving consensus on these important issues, we would still have left with a flawed agreement.

This is because the UN climate change framework does not deal with the root causes of climate change and the wider problem of environmental exploitation. Climate change is like a fever that is symptomatic of an underlying disease which must be cured before the fever will dissipate. The underlying cause is the belief that humans are separate from, and superior to, nature and that more is better. These beliefs have fueled the misconceived and doomed attempts of industrialized, consumer-based societies to achieve lasting human well being by exploiting and damaging Earth.

Bolivia's proposal for Rights for Mother Earth is therefore about tackling these fundamental underlying issues. For centuries indigenous communities have warned that if human communities are to remain part of the Earth community they must behave as respectful members. We call our planet Pachamama, Mother Earth, because we know we cannot live without her. This understanding is supported not only by ancient spiritual traditions but also by contemporary science which continues to reveals the complex interdependence of life on earth. These perspectives are coming together in what is known as "Earth jurisprudence."

Stabilizing the climate at levels that allow human life to flourish will require human societies to meet our needs in a way that contributes to, rather than degrades, the health of the ecological communities which sustain us. This will require balancing human rights against the rights of all the other members of our planet.

And this stated position isn't just more hot air in the atmosphere. Bolivia, Ecuador and other Latin American countries already have begun the process of defining such a development path. We use terms like "living well" to describe a way of life that seeks not

to live "better" and at the cost of others and nature, but in harmony with all. The struggles of indigenous people and social movements in Latin America have enabled this perspective to be enshrined in the Bolivian and Ecuadorian constitutions.

On 22 April 2009 President Evo Morales Ayma of Bolivia called on the General Assembly of the United Nations to develop a Universal Declaration of the Rights of Mother Earth. His proposal has received backing from nine countries of the Bolivarian Alliance for the Peoples of Our America (ALBA). The recent UN General Assembly resolution approved in December now calls on all countries and the Secretary General to share their experiences and perspectives on how to create "harmony with nature." In Bolivia, we hope to take this proposal forward in a People's Assembly on climate change that we are organizing on Mother Earth Day, 22 April 2010.

So what would rights for nature look like? One of the most important implications is that it would enable legal systems to maintain vital ecological balances by balancing human rights against the rights of other members of the Earth community. Presently many environmentally harmful human activities (including those that cause climate change) are completely lawful. Most legal systems define everything, that is not a human being or a corporation, as property. Just as slave laws, which turned humans into property, entrenched an exploitative relationship between the two, our legal systems have entrenched an exploitative and inherently damaging relationship between ourselves and Earth. Even most environmental laws do little more than regulate the rate at which environmental destruction may take place.

If legal systems recognized the rights of other-than-human beings (e.g. mountains, rivers, forests and animals), courts and tribunals could deal with the fundamental issues of environmental contamination rather than being bogged down in the technical details of permitted pollutants and emissions. For example, a rights-based approach could evaluate whether the rights of humans to clear tropical forests for beef ranching should trump the right of species in those forests to continue to exist. Instead of devising ever more complex schemes to authorize environmental damage and to trade in the right to pollute, we would focus on how best to maintain the quality of the relationship between ourselves and Earth.

In 1948, when the Universal Declaration of Human Rights was proclaimed, it was a declaration of hope into a post-war world. It had no legal basis as a document. Sixty years on the declaration has been incorporated into the laws of many countries and been the basis for the International Criminal Court. Facing a crisis far worse than any world war, might it not be time for humanity to launch a new declaration, one that defends our planet and its biodiversity from ever-continuing extinction?

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