

## **CHANGING THE TERRAIN:**

### **THE SIGNIFICANCE OF RIGHTS OF NATURE FOR ENVIRONMENTAL AND SOCIAL ACTIVISM**

**Cormac Cullinan**

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#### **Overview**

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. This brief discussion paper argues that the dominant modes of environmental activism are not only insufficiently effective - they cannot succeed. The primary reason for this is that most environmental organisations have tacitly acquiesced to playing within a set of rules that has been designed to facilitate and legitimate the on-going exploitation of Nature. This means that advocates of ecological sustainability are operating within a political “terrain” which favours those civilisations, corporations and individuals that seek to achieve short-term improvements in the wellbeing of a minority of humans at the expense of Nature and of most humans. Accepting the fundamental assumptions and rules that define this terrain precludes the possibility of changing industrial societies and restraining the perceived short-term consumption demands of their citizens sufficiently to protect the long-term integrity and health of natural systems – and hence the long-term wellbeing of most humans.

This discussion paper proposes that the paramount objective of environmental and social justice advocates in the 21<sup>st</sup> Century must be to shift their efforts to a terrain that favours them, and that the best way of doing so is to join and build the emerging broad-based movement to bring about the recognition and effective enforcement of rights of Nature (or Mother Earth).

#### **Introduction**

We are everywhere confronted with the evidence that the combined impact over the last several decades of environmental policies, laws and treaties and the efforts of environmental activists has been insufficient to stop, let alone reverse, the tide of environmental degradation. Indeed it is probably true to say that as a whole, human civilisations now are less ecologically sustainable than they have ever been. (Certainly with each passing day industrial civilisations have less time within which to avert collapse by becoming ecologically sustainable.)

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. Environmental organisations have tried a wide range of tactics including: educated the public about the life-threatening implications of degrading our only habitat, scaring people with apocalyptic visions of the future we are heading for, working with corporations to encourage more sustainable practices, boycotting corporations, lobbying for law and policy reforms, protests, petitions, and publicity stunts. It isn't working.

## **Diagnosing the problem**

One of the main reasons that environmental activists are not succeeding is that we are addressing the symptoms and not the causes of the problem. Most environmentalists would probably accept that although they may campaign against specific issues such as climate change or deforestation, all these issues are symptoms of the dysfunctional relationship between most of our species and the planet. In short, industrialised civilisations do not respect and protect that which sustains life - instead they exploit and abuse Nature until the integrity and functioning of natural systems is destroyed or severely impaired. This creates a myriad of environmental problems which also have a severe impact on people, particularly those that benefit least from this degradation.

Any effective and lasting (sustainable) response to these many symptoms must address the root causes and the personal and collective values and beliefs that drive the actions that cause the harm. A person who believes that their identity, status and ability to achieve wellbeing for themselves and their family depends on the amount of money and material possessions that they can accumulate, is almost certain to exploit Nature in order to do so. If society prevents that person from exploiting Earth in a particular manner or place, he or she will simply change to a different form of exploitative activity or continue the exploitation elsewhere.

Establishing an enduring society requires changing people's world-views, values and beliefs so that they are motivated to heal rather than harm Earth. It also means changing the structures of society so that environmentally responsible behaviour, instead of harmful behaviour, is promoted and rewarded. As we know, it also requires confronting the powerful vested interests which seek to perpetuate the existing systems of domination and control (usually by a few).

It seems reasonable to surmise that an effective strategy must at least address the dysfunctional relationship between humans and the Earth community of which they form part, and be capable of transforming core beliefs and values in order to inspire change. This suggests that while scientific evidence and rational appeals to the intellect are important, they will never be sufficient. People will march for freedom and justice far sooner than they will for sustainable development.

## **Learning from social justice movements**

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 that perpetuate injustice. Slavery, the oppression of women, the exploitation of children and racism were all once legitimised and enforced by the law. The abolitionists, suffragettes, and others who campaigned against these practices argued not only for better treatment of exploited groups (i.e. improved welfare) but instead focussed primarily on the abolition of the laws that legalised these infringements of human dignity and favoured the oppressors. They did not campaign for socially sustainable slavery nor for the sustainable or wise use of women.

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.

### **More environmental law is not the answer**

On the other hand, instead of attacking the fundamentals of legal systems to legitimise and facilitate the exploitation of Nature and the accumulation of money and power by those that benefit from that exploitation, 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. permitting systems) and to protect species and ecosystems that are severely threatened by human activity or that we wish to preserve as examples of ecosystems that have been almost completely destroyed. Making environmental law systems work more effectively is a good thing to do but 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 have no rights. Indeed, in the eyes of the law they are incapable of holding rights –they are mere property. Consequently it should not surprise us that those with all the rights (i.e. humans and corporations) ruthlessly exploit the rightless. It is also clear that while legal systems like this persist there is no possibility of establishing mutually beneficial, and hence sustainable, relationships between humans and Nature any more than it was possible to do so between slave owners and slaves.

### **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) because they recognise that sustaining human rights depends on sustaining a healthy environment and because it is easier to mobilise large numbers of people by appealing to their sense of justice and concern for their children, 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 legal subjects capable of having 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 continue to be ineffective in striking 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 the beings that 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 is dissolving.

### **The new terrain**

Shifting the discourse from how to achieve sustainable development (primarily through the use of technological innovation and economic and financial instruments) to a discourse about the rights of Nature or Mother Earth has a number of very important advantages, a few of which are outlined below.

- **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. Environmentalists have already lost many of their supporters in the tangled thickets of climate change science and spurious debates about the reliability of scientific data. This approach cuts through all that and makes it much more difficult for vested interests to confuse the public with spurious “scientific” information from captive think-tanks.
- **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 can obscure the real crimes of assaulting Nature for short-term private gain by enlisting the support of the State in prosecuting those who would defend Nature as infringers on property rights (e.g. for trespass or malicious damage to property). 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. Their true role of defending and restoring ecological balance (analogous to “justice”) against those that would destabilise it, is then more apparent.
- **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. This approach creates a platform for uniting a far greater range of activists and special interests groups than any ideology because it appeals to what we all already know in our heart of hearts and what all the great wisdom traditions have taught. We live in a wondrous community of life that deserves our respect, awe and love. 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. Although it is not prescriptive about how to give effect to the rights and duties in it, any community or nation that was successful in doing so would be living in harmony with Nature.
- **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*, and consequently is already gaining momentum rapidly in the Global South. However by phrasing it in the legal language of the international community, and in particular by formulating the UDRME to contextualise and balance the Universal Declaration of Human Rights (“UDHR”), it can be used for campaigning in the Global North as well.

- **This is a good time to adopt this approach.** An historic opportunity to promote the rights of Mother Earth/Nature approach in international forums exists because this approach is being driven by a president with a strong political mandate and support base (President Evo Morales of Bolivia), with the support of other Latin American countries within ALBA. Mobilising grass roots support and building a movement around a proactive agenda of building ecologically beneficial human communities will support these initiatives within the United Nations without leaving the movement reliant on international agreements to achieve success. (It is clearly undesirable to pin hopes of success on the outputs of international forums since most are dominated by states that are beholden to interest groups with vested interests in maintaining the status quo.)

## Conclusions

Many people already understand that they are part of Nature and are opposed to environmental destruction. However but the legal, political and economic systems of most countries reward the exploiters with money and power and ensure that in the overwhelming majority of cases they will “win” any battle with environmentalists. We cannot move beyond confrontational win/lose battles to a win/win paradigm in which humans flourish by enhancing the Earth community unless we can change the rules of the “game”. This means that we need a game-changing strategy not a strategy to enable us to score more goals in the current “game”.

In 2012 the World Summit on Sustainable Development (“Rio +20”) will be convened in Brazil. The promises of the original Earth Summit two decades ago have not been met and there is wide-spread disillusionment about the ability of new treaties or action plans to make any meaningful difference. 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. They also want action – now!

The Universal Declaration of the Rights of Mother Earth that was proclaimed by a peoples’ world conference attended by some 35,000 people provides a credible manifesto for the emerging Rights of Nature movement. The support of Latin American countries and of President Morales of Bolivia in particular, provides and historic opportunity to drive this approach both within and outside the United Nations.

It is time to abandon playing within the system and to adopt “game-breaking” strategies that shift the discourse to a more favourable terrain and are capable of transforming societal values and structures sufficiently to begin re-orienting societies towards 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 that we all want. This is an idea whose time has come.