

## SUMMARY OF SOME EJ DEVELOPMENTS GLOBALLY

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## 1. EVENTS

### 1.1 UKELA – Gaia Wild Law Weekends

In September 2009 UKELA organised its 5th WL weekend in Magdalen project on an organic farm with camping facilities. Over 40 people participated in the weekend. Speakers included Stephan Harding on Gaia Theory and Resilience and participants lead open space workshops on themes such as values and ethics in law, private law and WL, and dialogues with Nature. Click for a participant's [story](#).

#### 1.1.1 Wild Law Weekend, 24-26 September 2010

40 people came together to celebrate the 6th UKELA Wild Law weekend. The venue in Lee Valley Country Park, one of the last remaining semi-natural habitats in Greater London provided an appropriate forum to explore the theme of "Wild Law and Our Habitat: from Resource to Relationship". Colin Tudge, one of the speakers, a biologist and author of 'So Shall We Reap: The Concept of Enlightened Agriculture', diagnosed the problems in the context of science and agriculture. Scientific approaches (as have laws) which regard Nature as merely a machine/object have encouraged the exploitation and destruction of Nature. A change in the industrial paradigm and our way of thinking is needed as is a shift of power from corporations back to communities. Colin explained how agriculture is a critical point of interaction between humans and Nature and offers an opportunity to restore balance and a mutually enhancing relationship with Nature. Agriculture and food links with climate change, democracy, spirituality and resilience. Colin calls for renaissance, rather than reform or revolution, where people connect in solidarity to practice the change they want to see. Colin is developing a [Campaign for Real Farming](#).

David Hart QC, a leading environmental lawyer discussed the EU Habitats Directive which protects the integrity and network of ecosystems and exemplifies wild law in practice. Mayer Hillman, Senior Fellow Emeritus of the Policy Studies Institute and author of How We Can Save The Planet argued for carbon rationing and curtailing individual rights/freedoms, such as [air travel](#) for the benefit of the whole.

During the weekend, participants had an opportunity to connect with urban wilderness and share recent initiatives and opportunities such as talks on Earth Jurisprudence in universities. Open space methodology guided the workshop, in which participants proposed and led themed discussions and cross pollination of ideas encouraged. Enlightening discussions explored the role of direct action in securing justice for ecosystems and communities, strategies to promote intergenerational equity and behavioural change, challenges faced in becoming a wild lawyer, and advantages and disadvantages of eco-facism. Proposed actions included wild law walks to reconnect with the English countryside, organisation of events in 2011 and formation of a distinct wild law group in the UK. One of the participants tell their [story](#).

#### 1.1.2 UKELA Wild Law weekend, Loch Ossian, Scotland

The first UKELA Wild Law weekend event in Scotland took place 30th April – 3rd May 2010 in Loch Ossian, Scotland. 20 lawyers, NGO representatives, academics and policy makers from Scotland, England and Luxemburg (Europe) participated in a weekend exploring and experiencing wild law and wilderness in Scotland. In true wild law spirit, the group stayed in an ecologically sustainable youth hostel powered by renewable energy with compost toilets.

Presentations were given about the evolution of wild law, wild law in Scotland and the work of the John Muir Trust on wilderness protection. Central to the weekend was learning through experience, walks in the hills and informal discussions on visions, challenges and strategies for developing and living Earth Jurisprudence and wild law in Scotland and Europe.

Main outcomes:

- *Potential strategies to take wild law forward identified*– key ones: education, promotion and implementation of the EC Landscape Directive and a proposal for a new wild law to protect wild areas (see notes below), working as an alliance, petitioning the Scottish Parliament with a proposal. Others include campaigning, media, training judges, re-activating EJ study groups, 'Bringing the wilderness to the cities', organising a Europe wide Wild law weekend.
- *Wild law network extended and strengthened*
- **Wild law weekend in Scotland 2011** proposed for May bank holiday. More information coming soon.

For more information see [UKELA's Wild Law Specialist interest group](#) and a participant's [story](#) in UKELA E-law (May 2010 edition).

## 1.2 Schumacher College EJ courses, UK

Since 2008, Schumacher College and Gaia have been collaborating on annual courses on Earth Jurisprudence and community resilience, to bring a range of teachers from diverse backgrounds and experiences. An Earth Jurisprudence Retreat on 27th Sept – 1st October 2009 brought together 25 community leaders and activists from around the world to share experiences and strategies to address the urgent ecological and social crises, to explore and distill common principles of EJ and to strengthen the alliance of EJ activists working with communities and social movements.

Schumacher College, in collaboration with Gaia Foundation and Landscape, held the 3rd Earth Jurisprudence course on Whose Land is it Anyway? Empowerment and community of place, between 27 September – 1 October 2010. Speakers included Alastair McIntosh (author of Soil and Soul) and Tom Forsyth who led discussions exploring how our land, community and soul have been colonized, particularly through our legal systems which undermine parallel customary/indigenous laws and regard Nature as an object for exploitation, and by consumerism. We also explored how our relationship with land is fundamentally a spiritual question. Alastair and Tom also shared the inspiring story of the community on the Isle of Eigg, Scotland who reclaimed their land from the landlord. Sulemana Abudulai from the Gaia Foundation shared intercultural experiences from Ghana and South Africa where communities are living in a mutually enhancing way with Nature, based on an understanding that human governance is derived from the laws of Nature. Abudulai explained how stories of origin defines a community's relationship with each other and the wider Earth Community. Also how spiritual and cultural relationships with land is central to a community's existence and intergenerational justice. However customary laws and governance systems that promote mutually enhancing relationships with Nature are threatened by, for example, the legacy of colonization, land grabbing and food insecurity. Positive stories of resilience were shared, such as eco-cultural mapping in Venda and practice of customary governance in Ghana.

During workshop discussions, a representative from the Institute for Culture and Ecology in Kenya shared inspiring work in strengthening the capacity and governance systems of communities in Kenya and explained how *'land is not only regarded as a legal entity, like a title deed, but our communities regard land as a source of life, livelihood, heritage and also connected to peoples' cosmology and spirituality.'* Participants were inspired by the African Biodiversity Network's Community Ecological Governance (CEG) methodologies, particularly intergenerational learning with elders and eco-cultural mapping as processes to deepen spiritual and cultural relationships with land, revive traditional knowledge and practices, and to secure legal recognition and protection of land and community self determination. Opportunities for practicing Earth Jurisprudence through implementing the new Kenyan Constitution, which recognizes community land and cultural heritage, and reviving EJ study groups in Kenya were identified.

### 1.3 Gaia Partnership EJ workshop (proposed)

There is a proposal for a weekend retreat coordinated by Ian Mason and Elaine Brook (Gaia Partnership), to explore 'Making Earth Law work' - how to live lawfully and in harmony with Nature through practical experiential learning in an eco-conscious venue. This course has been postponed to 2011. There is scope to engage in practical themes relating not just to law, but also to food security, governance and the economy and embrace a wider audience including business leaders and local groups to start their own initiatives.

### 1.4 Australia EJ Conference

The 1st Australia Wild Law conference took place at the University of Adelaide in October 2009. Liz Rivers gave a keynote address and ran a 1 day workshop after the event on Wild Law and Personal Leadership. For more information please visit [FoE Adelaide website](#).

The 2nd EJ conference explored **'Keeping the Fire: Cultural Integrity, Wild Law and Economic Development'** on 23-25 August 2010 at the University of Wollongong, NSW. The event comprised of three interconnected events: the official launch of the Sandon Point Project at the Sandon Point Aboriginal Tent Embassy; the 5th North- South Forum of the Movement of the Schools and Ethics and Economics; and the Second Australian Conference on Wild Law and Earth Jurisprudence, titled "Keeping the Fire: Ecologies, Ontologies and Myth-Making". Over 100 people participated including leading Australian philosophers, as well as videoconference with Cormac Cullinan (keynote) and Liz Rivers (session on Remythologising the Law - the Divine Feminine). Alessandro/Alex Pelizzon coordinated this year's event which provided experiential learning of physical interconnectedness and intellectual dialogue. The conference connected with place, an Aboriginal site, and respected all the appropriate protocols and ceremonies. The conference highlighted the need for an ongoing translation of different legal systems embedded in diverse cultural contexts and to bridge together Indigenous and colonial legal systems in a dialogue based on reciprocal recognition as equals.

There is now a permanent Australian network on Wild Law and Earth Jurisprudence through the consolidation of the association Earth Laws Incorporated. Earth Laws will provide a platform for the discourse, the promotion and the implementation of Wild Law/Earth Jurisprudence and of rights of Nature.

The third Australian conference on Earth Jurisprudence is now being organized for 2011 and the first conference of the Pacific on Earth Jurisprudence is envisioned for Hawaii in June/July 2011.

### **1.5 World's People Conference on Climate Change and Rights of Mother Earth, Bolivia**

Following the failure of Copenhagen Summit, the Bolivian Government organised an alternative conference for communities, NGOs, lawyers, academics, scientists and governments from around the world, in Cochabamba, Bolivia, coinciding with Mother Earth Day on April 22nd 2010. Around 35,000 people registered for the conference from 140 countries. Working groups invited people to contribute to 17 main subject areas including structural causes of our crises, Rights of Nature and harmony with Nature, indigenous peoples and climate adaptation. A final declaration - the Peoples Agreement - was adopted as was a Declaration of the Rights of Mother Earth (see precedents below). The Cochabamba Statement also explicitly rejected 'false solutions' to climate change such as biofuels, biochar, GM crops and geo-engineering. Please visit [website](#) for more information, including recorded discussions.

Discussions are underway to present the Bolivian Declaration to the UN in 2011/2012. The Peoples Conference group have called for the UNFCCC to take into account the Peoples' Summit 'Life and Earth saving' proposals including implementation of the Declaration for Mother Earth Rights, an International Climate and Environment Justice Tribunal, recognition of community and indigenous rights and integral management of forests and a World Referendum on Climate Change in forthcoming negotiations such as in Cancun. People have signed a [petition](#). We await to see if the proposal appears in the agenda for Cancun.

#### **1.5.1 Bolivian UK meeting, 19th October 2010**

Following up on the important Cochabamba Summit, this meeting explored the current state of the global climate negotiations ahead of December's talks in Cancun, Mexico and highlighted the need to address underlying systemic injustices and historical responsibilities of industrialist countries. Speakers including the Bolivian Ambassador to the U.N., Friends of the Earth (FoE) and John Vidal (The Guardian), called for solidarity with Bolivia and the formation of a global movement for ecological and social justice. The meeting was supported by the Bolivia Information Forum, Campaign Against Climate Change, Climate Alliance, Embassy of the Plurinational State of Bolivia, Friends of the Earth, Gaia Foundation, Green Party, Jubilee Debt Campaign, UNISON, World Development Movement.

#### **1.6 Rights of Nature conference, Quito, Ecuador, 2nd – 8th September 2010**

Hosted in Hacienda Mantales at the foot of Mama Tungurahua from 2 to 5 September 2010, this meeting followed up the Bolivian Conference in April, to discuss how to strengthen a global movement to promote EJ and the Universal Declaration of the Rights of Mother Earth. An international group of organisations promoting rights of Nature including Pachamama Alliance (U.S.), EnAct International (South Africa), CELDF (U.S), Earth Law (Australia), organisations in Bolivia, Ecuador and Peru, and Gaia Foundation (U.K and international partners) were invited to share multilevel initiatives and explore forming a global alliance for the rights of Nature.

The conference led to:

- the creation of a **Global Alliance for the rights of Nature** (see notes below under networking) guided by a founding Declaration, Principles and Statutes of membership.
- proposal to create specific working groups, either regional or topic specific, in order to share more specific research and activities.
- proposal for a website to host and connect global initiatives
- proposal to explore developing an international EJ syllabus
- proposal to hold bi-yearly conferences to maintain connections

### 1.7 12th International Congress of Ethnobiology, Tofino, Canada

Between May 6-9, 2010 a group of people from 17 countries around the world came together to discuss and celebrate Indigenous and Community Conserved Areas, Sacred Sites, and Bio-Cultural Landscapes. Participants discussed threats such as mining and corporate power and co-developed strategies of resilience for future generations. A 'Opitsath Declaration' of principles and recommendations was signed.

### 1.8. Law for Social-Ecological Resilience Conference, Stockholm, Sweden, 17-19 November 2010

International conference brought together a diversity of disciplines to discuss the impact and role of law on environmental governance, ecosystem 'management' and sustainability policies, and develop strategies for resilience. [Session papers](#) and podcasts will be available soon.

## 2. EDUCATION

### 2.1 EJ Libraries/Resource centres

- [Gaia Foundation EJ Resource Centre](#) to provide communities, grassroots lawyers and organisations, academics and policy-makers access to materials on international legal precedents, publications, articles and map initiatives and case studies on Earth Jurisprudence. While the new website is being developed there is a temporary one at <https://wiki.gaianet.org/groups/gaiapublic/>.
- [UKELA website](#) in the UK – provides access to publications and events on wild law
- [WL UK](#) – campaigns for the rights of Nature and practice of wild law in the UK
- [Centre for Earth Jurisprudence](#) in the US – hosts a wealth of educational EJ materials
- [Ecozoic Times](#) - new website dedicated to elder Thomas Berry and the Earth Community.
- The Global Alliance for Rights of Nature are also exploring the creation of a website.

### 2.2 EJ Syllabuses

International partners in the EJ Network offer inspiration and guidance for designing and implementing an EJ syllabus. For example in the U.S. since 2007 the Centre for Earth Jurisprudence has taught an EJ syllabus as an elective in 2 law schools. Barry law school has created a certificate program: ELJJ (environmental law, environmental justice and Earth jurisprudence) which starts in January 2011, and a LL.M (Masters of Law) in Environmental Sustainability will commence in August 2011. Experiential learning of EJ in Nature is promoted in Colombia, Ethiopian Civil Service College which encourages students to discover and document EJ in traditional practice of their communities, Kenya, Malaysia, South Africa and Australia (in all 3 law schools in South Australia).

In Europe, EJ is being taught in UK universities within environmental law modules such as Brighton, Plymouth, Kent, London and Scotland. There is some interest in consolidating and integrating these materials into an EJ syllabus for law schools in the UK. EJ is also taught in Sweden and Norway.

The Global Alliance for Rights of Nature will be exploring development of an international EJ curriculum.

### **2.3 UKELA Wild law Education group**

The UKELA Wild law Education Subgroup involves members interested in promoting Earth Jurisprudence and Wild Law in education and academia. The main shared goal is to encourage awareness and discussion of WL ideas and examples of their application in practice. At present, the focus is on academic institutions where students, researchers and teaching staff are engaging in subjects which link to Wild Law including law, philosophy, environmental science and related disciplines.

#### **2.3.1 Presentations on EJ**

To date, guest lectures on EJ have been given to students of College of Law, BPP Law School, Oxford Brookes University, (environmental assessment and management), UCL (Masters environmental law), Brighton, Kingston and Kent Universities. There is some interest from new Bristol Law School and Brunel University to host guest lectures on EJ.

To reach a wider audience, the UKELA Wild law group have been organizing wild law talks for the public in London such as in January 2010, an introductory talk on *Wild Law: Post Copenhagen*. 50 lawyers, students, academics and members of various Transition Towns groups attended. Due to interest from participants, the talk was subsequently repeated to the emerging Transition Town Hampstead for about 30 locals. Visit UKELA [website](#) for more information.

The UKELA WL education group has been gathering a collection of freely accessible materials (mostly power point presentations) for educational and research purposes for anyone wanting to give a talk on WL. The resources will be hosted on the UKELA website's Wild Law pages. There is a general disclaimer that materials are authors' own and have not necessarily been independently reviewed. There is also a [calendar](#) of past and forthcoming talks on Earth Jurisprudence and Wild Law, which provides space for speakers to share experiences, record details of feedback, questions discussed, etc.

Liz Rivers led a **speaker training workshop** in October for people who would like to give talks on EJ/WL. Participants included lawyers, students and local environmental groups who can now deliver presentations to their colleagues, the public and other networks. The possibility of running an 'advanced' session for more experienced speakers is being explored for 2011.

## 2.4 EJ study groups

In 2009 Gaia revived monthly study groups on EJ, inspired by similar sessions by international partners in Ethiopia and Kenya. Sessions led by Ian Mason and Colin Campbell and coordinated by Carine Nadal provided space for deeper discussions on themes including EJ principles, practice of EJ by indigenous peoples and experiential learning on Hampstead Heath. These will begin again in 2011.

There is also growing interest in Kenya to reactivate EJ study groups in 2011.

## 3. PUBLICATIONS/COMMUNICATIONS

### 3.1 Published

There have been several publications over the past year including:

- **Abridged version of UKELA-Gaia Wild Law Report** by Ian and Begonia (and translation into Spanish). Requests for citing the Report include: Ecuador's Ministry of Justice and Human Rights of Ecuador for its upcoming book which will assess environmental regulation and policy and other issues such as defining the concept of Nature, and bio-prospecting in Ecuador. The WL Report was highly commended by the Ministry which is responsible for adapting Ecuador's legal system to the new Constitution 2008, which is the first Constitution to formally recognize the rights of Nature in law, and engaging with academia for law reform. The Centre for Earth Jurisprudence in the U.S. has also requested permission to cite the Report in their upcoming monograph publication - *An Introduction to Earth Jurisprudence: Guiding Principles and Wild Law Possibilities* – due this summer. UKELA are exploring next steps for the Report.
- **Consolidation of key EJ principles by Gaia** by Carine Nadal and Ian Mason - for the Schumacher College EJ Retreat September 2009 – and subsequent Spanish translation by the Bolivian Embassy for the Mother Earth Conference.
- [Article on Wild Law](#) by Peter Burdon in Alternative Law Journal in Australia:
- [Eradicating Ecocide](#) book by Polly Higgins.
- [The Rights of Nature Reconsidered](#), Australian Journal of Legal Philosophy by Peter Burdon
- **Legal Expression of Indigenous Peoples' Worldviews: An Analysis of the Proposed Universal Declaration on the Rights of Mother Earth** by Mary Munson, IUCN Policy Matters 66 (2010).
- ['Does Nature Have Rights: Transforming Grassroots Organizing to Protect the People and the Planet'](#) by Council of Canadians, Fundacion Pachamama and Global Alliance
- **Thomas Berry and a New Jurisprudence – Worldviews: Global religions, culture & Ecology**
- **Thomas Berry & Natural Law** – Barry University E-Journal on Thomas Berry: Continuing the Great Work

- **BBC Radio 4's [Costing the Earth](#)** - radio program on how courts and legal framework can influence protection of ecosystems. One of the series featured Climate 9's direct action trial, and Earth Jurisprudence by the Gaia Foundation.

### 3.2 Ongoing

- **Wild Law newsletter** – compiled regularly by Melanie Strickland (UK WL group) with updates on recent and upcoming events and other news. It is well read by over 100 members.
- **[Groundswell](#) newsletter** by Centre for Earth Jurisprudence, U.S.
- **Gaia's CEG newsletter**
- **UKELA's E-law**

### 3.3 Forthcoming

- **Continuing the Great Work: A Tribute to Thomas Berry's Contribution to Earth Jurisprudence e-symposium** (coordinated by the CEJ in U.S.)
- **CEJ's monograph publication** - An Introduction to Earth Jurisprudence: Guiding Principles and Wild Law Possibilities. Due summer 2010 and will be distributed within the U.S.
- **Wild Law book from Australian EJ 2009 conference** is expected to be published early 2011.
- **Australian Wild Law Conference EJ Papers 2010 presented at the** will be considered for inclusion in a 2011 special edition of the Southern Cross Law Review on Wild Law.
- **Ecuador Ministry of Justice and Human Rights of Ecuador book** citing UKELA-Gaia WL Report.

### 3.4 Research reports/proposals

- **Wild Landscape legislation** –Following suggestions during the WL Scotland weekend, a research report will examine the effectiveness of existing legislation in protecting wilderness areas and in embedding EJ principles in UK/EU law. The Report will offer recommendations and consider whether a new 'wild' law to protect wild landscapes is necessary and the processes and mechanisms to implement this law. The Report will be led and coordinated by UKELA and John Muir Trust with support from the WL UK group.
- **Future Generations/Green Ombudsman in the UK**– Following a talk by the Hungarian Parliamentary Commissioner for Future Generations in February 2010, a group of NGOs met to explore how to further long-term protection of ecosystems and future generations in law and policy. A research report - **Taking the Long View: UK Governance Options for a Finite Planet** - has been commissioned and published to explore existing and potential legal, policy and voluntary processes and initiatives in the UK, drawing on comparative experiences internationally. A key question was whether the absence of a UK Constitutional right to a healthy environment poses a barrier. The report provides a range of options for a growing movement for future generations to take forward. Peter Roderick wrote the report for WWF and Foundation for Democracy and Sustainable Development with the support of a steering group (representatives of UKELA, Gaia Foundation, Capacity Global, Sustainable Development Commission, Environmental Law Foundation and Friends of the Earth).

This provides an opportunity for EJ ideas to feed into policy making e.g. a guardian/advocate for future generations, which includes both Nature and humans, who have rights to a healthy environment and duties to restore/maintain healthy ecosystems. The proposed Localism Bill and concept of Big Society in the UK present opportunities to embed long term thinking in law and policy.<sup>1</sup>

- **Climate 9's 'Taking on Goliath: How ordinary people can challenge the legal system to bring about positive social and ecological justice'**. Following their recent defence trial for direct action to stop emissions from aviation, Climate 9 (see notes on precedents below) are inviting Gaia and other organisations to co-develop a community handbook to serve as a practical guide and mobilizing tool for communities challenging the law and building resilience to climate change. Themes will include direct action, legal system and Earth Jurisprudence, community resilience and strategies for adapting to and mitigating climate change, human rights/civil liberties and police powers. More information coming soon.
- **PhD theses** on EJ by Peter Burdon in Australia (May 2011), EJ and biodiversity by Mellese Damtie in Ethiopia, community practices in indigenous Scottish Highlands by Iain McKinnon. There are several students writing Master dissertations on EJ and WL at Brighton, Kent and UCL universities. Also at the [CEJ](#) in the U.S.

### 3.5 Social networking sites e.g.

- [I Support a Universal Declaration of Rights for Mother Earth](#) (Facebook group):
- [Wild Frontiers](#) – (Online community forum set up by Cormac Cullinan)
- [Wild Law](#) blog
- [WL Facebook](#)
- [Trees Have Rights Too](#) - (Global social movement for a Universal Declaration on Planetary Rights)
- [Pensive Prognosticator](#)
- [The Lazy Environmentalist](#)

## 4. LEGAL PRECEDENTS

For more information and further examples please visit Gaia's evolving EJRC library (copy and paste following link): <https://wiki.gaianet.org/groups/gaiapublic/>

### 4.1 Universal Declaration of the Rights of Mother Earth

The World's People Conference on Climate Change and Rights of Mother Earth in Bolivia led to a [Declaration of the Rights of Mother Earth](#). The Declaration prepared by Cormac Cullinan, Bolivian Embassy and the Rights of Nature working group, recognizes Mother Earth as a living being with rights including to life, existence and to continue her vital cycles and processes free from human disruptions, and human obligations of respect and to ensure the pursuit of human wellbeing contributes to the wellbeing of Mother Earth, now and in the future.

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<sup>1</sup> Note also calls for the UK Coalition Government to green its policies, BBC news 'David Cameron 'must act to green Whitehall'', 10 January 2011 <http://www.bbc.co.uk/news/science-environment-12138243>.

#### 4.2. BP Oil spill case

Historic case filed by a coalition of indigenous activists and organizations, including winners of the Right Livelihood award Vandana Shiva and Nnimmo Bassey, on 26th November, 2010 to the Constitutional Court of Ecuador against BP for the oil spill disaster in April 2010. The coalition is [defending the Rights of Nature](#) as recognised in the Ecuadorian Constitution. Rather than seeking financial compensation, since the harm done to Nature cannot be compensated for in monetary terms, some of the key demands include that BP should release all data and information on the ecological destruction caused by the oil spill, and that they should also refrain from extracting as much oil underground as they spilled in the Gulf of Mexico incident.

#### 4.3. Proposed United Nations crime of Ecocide

Polly Higgins is calling on the United Nations to adopt a law recognizing mass destruction of ecosystems as a 5th international crime against peace – a crime of '[Ecocide](#)' - actionable before the International Criminal Court (ICC). Polly proposes a legal definition of Ecocide as: "The extensive destruction, damage to or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished." There is an integral link between destruction of ecosystems and a break down in social relationships which lead to conflict and war. Founded upon a duty of care to the planet, this crime would be against individuals e.g. directors rather than companies, of strict liability and erga omnes (binding on all – even those States who are not signed up to the ICC). Mining, fossil fuel extraction (e.g. Tar Sands) recent BP oil spill disaster could be classified as ecocide as could climate change deniers. The global campaign is to pressure national governments to vote for the proposed law if it is accepted by the UN Law commission. Polly's book 'Eradicating Ecocide' is now available.

#### 4.4. Liability for damage to 'living' ecosystem, Belize

Chief Justice of the Belize Court ruled a coral reef is not property but a [living being](#) which is part of Belize's national patrimony and cannot be sacrificed to commercial interests. On 13 January 2009, a cargo vessel collided into the 225 million years old Mesoamerican Reef in Belize, damaging 6,000 square meters of the largest coral reef in the Atlantic Ocean. One expert estimated it will take approximately five hundred years for the Reef to recover from damage. The shipping company was ordered to pay liability costs of \$11 million Belize dollars (\$5.5 million US dollars) plus an interest of 3% per year for environmental and ecological loss and the cost of restoration services.

#### 4.5. Ecuadorian Constitution *-First Constitution in the world to recognize the legally enforceable rights of Nature (Pacha Mama)*

The peoples and Constitutional Assembly passed, with an overwhelming majority vote, this holistic Constitution which states that 'Nature or Pacha Mama, from which life reproduces and enfolds itself, has the right to the integral respect for its existence and the maintenance and regeneration of its vital cycles, structures, functions and evolutionary processes. 'Nature's rights also include to restoration, independent of damage to humans. Citizens have a right to a healthy and ecologically balanced environment, and reciprocal duty to respect the rights of Nature. Communities can require public authorities to comply with Nature rights. Ecosystem governance is guided by the principles of 'sumac kawsay' or good living,

intergenerational responsibilities, and strict application of the precautionary principle. The rights of indigenous peoples to self-determination, public participation and prior informed consent, governance of sacred lands/territories, through customs and traditional authorities are also recognized and protected. How the rights of Nature will be protected in the face of growing mining pressures in the country await to be seen.

The Ministry of Justice and Human Rights of Ecuador have shown an interest in Earth Jurisprudence and UKELA and Gaia Foundation are exploring potential collaboration in upcoming policy and law reform.

#### **4.6. CEDLF precedents in the U.S.**

The Community Environmental Legal Defense Fund (CELDF) has co-developed with communities local laws which recognise the rights of Nature, community rights to self governance and deny polluting corporations of their legal rights e.g. in Tamaqua, Spokane and Shapleigh.

#### **4.7. Green/Future Generations Ombudsman, Hungary**

In 2007 Hungary appointed a Parliamentary Commissioner for future generations to uphold the peoples' Constitutional right to a healthy environment. The Commissioner is entrusted with broad powers to investigate complaints including environmental issues, advocate on sustainability issues and also widen the knowledge base through research projects. An alliance of NGOs are now exploring mechanisms and processes in the UK to implement long-term protection of Nature and future generations in law and policy. See recent report - Taking the Long View: UK Governance Options for a Finite Planet – for more information.

The World Future Council also has an initiative on Crimes against Future Generations [http://www.worldfuturecouncil.org/futurejustice\\_commission.html](http://www.worldfuturecouncil.org/futurejustice_commission.html)

#### **4.8. Protection of Sacred Sites Network and territories and recognition of Community Ecological Governance, Venda, South Africa**

The Gaia Foundation and African Biodiversity Network have been supporting a local partner and communities in South Africa to maintain their traditional practices and community governance which are rooted in Earth Jurisprudence. At the core of Venda culture is a system of Sacred Sites of forests, mountains and rivers which play important ecological, cultural and spiritual roles, and are sources of Earth law.

Faced with destruction of Phiphidi sacred site and interconnected network of Sacred Sites from illegal tourism, the custodians - the Ramunangi – courageously took the developer – the ex 'King' Tshivhase's Foundation Development Trust - to court on 25th June 2010 for violating their traditional and Constitutional cultural and spiritual rights and breaching planning regulations. The custodians were strongly supported by Dzomo la Mupo (sacred sites committee led by Makhadzis (elder women custodians), Mupo Foundation, ABN, GRAIN, The Gaia Foundation and others - as the violation of one sacred site affects the viability of the whole interconnected network of sacred sites.

On 7th July the High Court granted an interim court interdict to stop the tourism development on Phiphidi Sacred Site, Venda, pending application for a full court hearing. The Judge

recognized the whole site as sacred and the custodians' cultural and spiritual rights under the South African Constitution and their right to environmental protection under national law. On 4<sup>th</sup> August, the custodians' applied to permanently stop the tourism development by setting aside the authorisation for development and asserting their custodianship rights and responsibilities. The date of the court hearing is still to be announced and could take up to 2 years.

Advocates and organizations from around the world showed solidarity with Dzomo la Mupo, particularly through media, technical and funding support. The case also received wide media coverage locally in South Africa and internationally in the UK, US, Canada and Australia, including coverage by [BBC World news](#).

But the threats continue... In September the Tshivhase Development Trust began to build again in the Phiphidi sacred site, in breach of the court interdict. Dzomo la Mupo lawyers applied for urgent contempt court to stop the construction.

The ravaging tentacles of land grabbing have spread to the sacred Thathe Vonde forest, which forms part of the network of Venda sacred sites. On Saturday 9<sup>th</sup> October, an illegal burial took place in Thathe forest, which is a registered State Forest under the Forestry Act. Neither the traditional custodians, the Netshidzivhe clan, nor the Forestry Department were informed or consulted, as is legally required.

Recent burials are not ordinary burials, but a purposeful violation of one of the most important sacred sites in Venda, which if left unchallenged, is undermining the rights of the custodians of the forest. It will also set a further precedent for the disregard of the sacredness and protection of other sacred sites. It is a new chapter in an ongoing effort by some chief, local elites and mining companies to exert control over land in Venda and elsewhere.

Next steps...

In response to these threats, a paralegal training and capacity building workshop took place on 17 – 19<sup>th</sup> December for Dzomo la Mupo and local communities to raise awareness of their custodian rights and responsibilities, and to develop constitutions for each sacred site within the interconnected network. This will help Dzomo la Mupo pre-empt further threats and prepare for registration of the network of sacred sites through documentation and formalisation of their eco-cultural maps. Dzomo la Mupo are continuing dialogues with traditional leaders and local authorities to reach an understanding and way forward, and working with custodians in an international alliance to distill and promote ethical principles and practices.

This case is setting an important precedent in asserting community rights and responsibilities and Earth centred governance in South Africa and will contribute to similar struggles in Africa and internationally in the face of increasing threats such as mining, tourism and land grabbing.

### **Protection of Mapungubwe heritage site**

Elsewhere in South Africa Mapungubwe Cultural Landscape and National Park in Limpopo, which is also a UNESCO World Heritage Site and Biosphere Reserve, is threatened by mining by Coal of Africa (CoAL) at Vele colliery. On 3<sup>rd</sup> August, a High Court interdict was launched by the [Save Mapungubwe Coalition Group](#) (7 NGOs including The Wilderness Foundation of South Africa) to stop mining in an area of critical ecological, cultural, spiritual and

archaeological importance. The group has also lodged internal appeals against the decision to grant the mining right. On 5th August 2010, the South African Environmental Management Inspectorate (Green Scorpions) issued a compliance order to CoAL of Africa to stop mining. In December 2010, the Centre for Child Law at University of Pretoria applied to intervene as amicus curiae in the interdict application, arguing that the mining violates [children's](#) Constitutional rights to environment and cultural heritage.

#### **4.9 Climate 9 case - 1st climate direct action in Scotland**

Communities and activists continue to embrace the challenge of leadership amid the failure of Governments, notably at the UNFCCC Copenhagen Summit, to urgently reduce greenhouse gases and protect biological and cultural diversity.

In June 2010, Climate 9 was charged with breach of the peace and vandalism for blockading Aberdeen airport in Scotland. Climate 9 justified their non-violent direct action on the grounds of urgency and moral duty to stop greater crimes of climate change, destruction of Earth, and social inequity to present and future generations. They argued that 'climate defence is not an offence'.

Gaia Foundation provided Climate 9 with legal, advocacy and communication support, helping to identify Earth Jurisprudence precedents and arguments to inform the legal defense. In solidarity with Climate 9, Gaia and partners in the African Biodiversity Network (ABN) and Community Ecological Governance (CEG) Alliance shared [statements of support](#). Climate 9's trial provided opportunities to share the work of Gaia and partners on climate change resilience, including at a public meeting in London and on radio (Resonance 104.4FM and BBC Radio 4's [Costing the Earth](#)).

*'Climate change is the inevitable consequence of systematically breaking the laws of the Earth, which maintain the web of life – our life support system (Gaia Foundation).* Climate 9's case highlights the interdependence between humans and ecosystems, locally and globally, the need to hold activities which undermine the viability of the Earth and of future generations to account, and the strength of international solidarity.

Climate 9 were found guilty of a breach of the peace and fined, despite compelling legal arguments, scientific evidence and powerful statements of support from communities suffering the impacts of climate change. However this finding has renewed Climate 9's efforts, in collaboration with Gaia and other organizations, to develop a handbook on how communities can challenge the legal system to bring about positive social and ecological justice.

Another [direct action trial in England](#) to prevent a greater crime of climate change took place in November 2010. The 20 climate change activists in the UK were found guilty of conspiracy to commit trespass for planning to shut down one of Britain's most polluting power stations on grounds of necessity to stop the further crime of climate change. However, the judge spoke of the 'highest possible motives' of the defendants as he sentenced them to lenient fines and community service on 5th January 2011.

#### **4.10 Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya 276 / 2003**

After a 40 year struggle, this landmark ruling by African Human Rights Commission finds that eviction of the [Endorois](#) peoples to make way for a wildlife reserve, with minimal compensation, violated their rights as indigenous peoples to own their customary lands and to 'free, prior and informed consent', to culture, religion, health, and natural resources. The Commission ordered Kenya to restore the Endorois to their historic land and compensate them. It is the first ruling of an international tribunal to recognise indigenous peoples in Africa and their rights to traditional lands as custodians, and that there had been a violation of the right to development, both a means and an end, which must be equitable, non-discriminatory, participatory, accountable and transparent. The case has major implications for vindicating the right of all indigenous peoples to restitution for lands taken without their consent to create national parks and reserves.

#### **4.11 Other precedents evolving**

The Venda community is part of an alliance with others in Africa, the Amazon and Altai in Russia, who are working to establish spaces in the dominant legal system for recognition of indigenous community ecological governance systems which are consciously derived from the living laws of Nature e.g. *Colombian Pira Parana Intangible Heritage List and UNESCO Intangible Designation, Ethiopian Sacred Sites Law, Russian Altai Ethno Parks*

#### **Speech of New President of Colombia embodies EJ principles, August 2010**

The new President visited the Sierra Nevada region prior to his official inauguration and said: *Our country is a wonderful combination of cultures, races, talents and natural wealth, which makes us unique on this planet. In recognition of this cultural and ethnic diversity, this morning, with my family, I visited the great ceremonial temple Seiyua, in the Sierra Nevada de Santa Marta. In a symbolic act, but with transcendental significance, the "mamas" (spiritual leaders) gave me a stick/staff of power and a collar/necklace with four stones: one represents the Earth that we should take care of; another represents water which is the source of life; another represents Nature with which we should be in harmony; the fourth represents governance, which should respect the order of Nature and the will of the Creator. Earth, water, Nature and good governance - these precious symbols - will be an integral part of the administration that we are starting today. Today I am delighted to transmit the message of our 'elder brothers', of the guardians of Universal balance, to more than 45 million compatriots ...it is the message of life, harmony and unity within diversity.*

We await to see how these words, inspired by the Mamoas (spiritual leaders) of Sierra Nevada will influence his actions.

#### **New environmental law, Ecuador**

An Environmental Law is being proposed before Congress (National Assembly) in the next few months. Note opportunity to strengthen collaboration with the Ecuador's Ministry of Justice and Human Rights (who are citing the UKELA-Gaia WL Report in an upcoming book) which assists in implementing the Ecuadorian Constitution.

#### **Proposed Environmental Rights Commission in UK**

[At a recent UKELA event, Caroline Lucas, MEP mentioned the need for an environmental rights commission. An opportunity to investigate further.](#)

## 5. EJ IN PRACTICE

The Gaia Foundation continues 25 years of working with partners and communities in Africa, Asia, South America and Europe to revive traditional knowledge and practices to restore healthy ecosystems and strengthen community resilience, in compliance with the laws of Nature - an approach known as '[Community Ecological Governance](#)' (CEG).

### **EJ practice internationally and in Europe**

The ABN and CEG networks are communities of practice, learning and innovation. For examples of communities reviving their EJ practices such as ecological farming in Kenya, protection of sacred sites in South Africa and traditional forest protection in Ethiopia, please explore our [website](#) and [films](#).

There are examples of EJ practice in Europe through rebuilding communities, living lightly on the Earth (including barefoot), growing and foraging for local, organic, biodynamic and seasonal food and desisting from mechanised transport and consumerism e.g. The Transition Town initiative, Swedish and Irish fishing communities, Scottish crofters, Altai Russian custodians of sacred sites etc.

## 6. NETWORKING

There is a diverse international and interdisciplinary network of communities, legal profession, NGOs, policy makers and academics advocating and practising EJ. Below maps some of the global EJ advocates and related activities to encourage cooperation and synergies in building a critical mass for change.

### 6.1 Existing

- EJ Networks
- Global Alliance for the rights of Nature
- [African Biodiversity Network](#) and CEG Global Alliances
- Wild Law UK
- UKELA Wild Law groups – England and Scotland
- Schumacher College annual courses
- Australian WL conference/group e.g. *Earth Laws – International Research Network on Earth Jurisprudence and Legal Ontologies*

#### **6.1.1 Wild Law UK**

A UK core group of EJ advocates met in July to discuss a strategy for promoting Earth Jurisprudence and agreed to remain as a loose EJ/Earth law/Wild law alliance. Following consensus at the 6th UKELA Wild Law weekend in September, participants met in November to form a group which will actively campaign to secure the rights of Nature and develop wild law as a way of life. This is inspired by elder Thomas Berry who calls for a transformation of

human centred laws into Earth centred laws, in particular by securing the recognition of rights of Nature, developing wild law as a way of life and supporting the wild law community. The alliance will function around common values and enable and support a diversity of initiatives. Consisting of a hub supported by advisors and subgroups, Wild Law UK will explore potential campaigns such as raising awareness of the Declaration for Rights of Mother Earth and developing a Rights of Nature Act. The group is in the process of developing a website - Wild Law UK <http://www.wildlawuk.info/>. WL UK is open to individuals and organisations within the UK to join and explore connecting in solidarity with international alliances, such as the Global Alliance for rights of Nature, ABN and CEG-Global Alliance.

Invited by the Wild Law UK to join the steering/advisory group and facilitate dialogues between these alliances, Gaia will continue linking and promoting information and strategies from the ground and internationally and develop its [Earth Jurisprudence Resource Centre](#) /library to map EJ initiatives globally and relevant precedents and publications.

### **6.1.2 Global Alliance for the rights of Nature**

At the recent Quito conference there emerged a Global Alliance for the rights of Nature, an international alliance of diverse organisations cooperating for the legal recognition of the rights of Nature/Mother Earth/Earth Community and universal adoption and effective implementation of rights for Nature. This is not a new organisation but a decentralised alliance united and guided by founding principles which recognise the interconnectedness and interdependence of the living community, working in solidarity to promote and defend the rights of Nature and integrate Earth Jurisprudence in our daily lives. Membership is open to both individuals and to organisations that endorse the Declaration for Rights of Mother Earth. Working groups will include ancestral knowledge, legislative assistance, international advocacy and communications. The Alliance's main aims and strengths lie in the development of the philosophy of EJ and comparative legal perspectives, including indigenous/customary laws, education and advocacy.

### **6.2. Emerging/potential alliances**

e.g. Transition Towns, Foundation for Democracy and Sustainable Development, Future Generations ombudsman, Resilience Alliance, Bolivian Embassy, Pachamama Alliance, Global Exchange etc.