



Keystone
SPECIES ALLIANCE



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LAW CENTER



OIDN
OBSERVATOIRE
INTERNATIONAL DES
DROITS DE LA NATURE

RECOMMENDATION:

RIGHTS OF MOTHER EARTH IN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

OCT 2022

KEY RECOMMENDATION:

To achieve the targets set out by the Post-2020 Global Biodiversity Framework (GBF) and the Sustainable Development Goals, a change is needed in how we view, value, manage and relate to biodiversity. This requires major transformations, common values and shared solutions. Our coalition welcomes the recommendation submitted by the Co-chairs following OEWG-4 in June, 2022 ([CBD/WG2020/4/L.2-ANNEX](#)), namely the inclusion and adoption of the **Rights of Mother Earth** texts as integral key elements of the GBF.

Despite global conservation and momentum, Nature's health continues to decline—areas of the [Amazon rainforest](#) and [Earth's climate](#) are reaching new tipping points, “[1 million species](#) already face extinction, many within decades.” How we value Nature is tightly linked to society's use and care of Nature and biodiversity. The GBF 2050 vision, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2022 Values Assessment,¹ and relevant literature,² highlight the growing need for transformative change, shifts from ‘business as usual’ practices, and the integration of diverse values of Nature into law and policy.

Rights of Mother Earth, or Rights of Nature is an innovative approach to centralize an ethic of reciprocal responsibilities, interconnection and care into our legal, governance and economic systems to restore humanity's relationship with biodiversity. Our [previous recommendation](#) received support from over 200 organizations and individuals across 40+ countries; See Appendix A for more information on and history of this campaign.

In practice, the adoption and implementation of Rights of Mother Earth as a rights-based and holistic approach in the GBF will:

- **Formally acknowledge Nature's role** as the source of all life, creating an opportunity for transformative change with a new overarching norm or code of conduct for international environmental law that respects biodiversity alongside human interests and provides Nature a voice and representation in decision-making;
- **Support and amplify diverse ontologies** to help restore our relationship with Mother Earth and her biodiversity to balance, reciprocity, and holism - just as many Indigenous Peoples and Local Communities have known and practiced since time immemorial;
- **Integrate diverse values of Nature**, including intrinsic value (value in its own right, independent of human use and benefit) in both monetary and non-monetary forms (Goal C) into policymaking and impact assessments. For example, Law 287 of Panama³ recognizes that Nature holds a superior interest in decision making due to its intrinsic values. And, the CBD 2030 Mission recognizes the “intrinsic and existential importance of biodiversity.”
- **Encourage humanity to recognize** and honor our interconnection and interdependence with biodiversity, thus, elevating standards of conservation by guiding development, economics, governance, and laws towards a harmonious human-Nature relationship.

¹ The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services 2022 values assessment; IPBES/9/L.13 (2022).

² Cormac Cullinan. *Wild law: A Manifesto for Earth Justice*. Green Books; 2011; Chapron G, Epstein Y and López-Bao JV, “A Rights Revolution for Nature” (2019) 363 *Science* 1392; Time to revise the Sustainable Development Goals. *Nature* [Internet]. 2020 Jul 16 [cited 2022 Aug 25];583(7816):331–2. Available from: <http://www.nature.com/articles/d41586-020-02002-3>; Peter Burdon. *Exploring wild law, the philosophy of Earth Jurisprudence*. Wakefield Press; 2012; Thomas Berry. *The great work: Our way into the future*. Bell Tower; 2000.

³ Panamá. Ley N° 287 “Que reconoce los derechos de la Naturaleza y las obligaciones del Estado relacionados con estos derechos” Art. 8 (2022).

This is a defining moment and historical opportunity to restore a relationship of care and stewardship – the very crossroads of ‘business as usual’ or living in harmony with Mother Earth.

We commend the efforts and ambition of the global community in developing a strong biodiversity treaty, especially one that is inclusive of the plurality of values and relationships with Nature.

Our coalition calls on the delegates at OEWG-5 and COP-15 to consider adoption of the following text, previously supported in the OEWG-4 Recommendation, into the final adopted framework. We also offer concise rationales for each recommendation below.

New proposed text is in **yellow highlight**.

Text or brackets that we propose to delete is in ~~strike through~~.

In addition, text that has yet to reach consensus (i.e. remains in brackets) that we offer special support for adoption is in **green highlight**.

BACKGROUND:

Article:	Text:	Rationale:
Section A. (1)	Biodiversity is fundamental to human well-being and a healthy planet [for peoples living in harmony with Nature and Mother Earth]. It underpins virtually every part of our lives]; we depend on it for food, medicine, energy, clean air and water, security from natural disasters as well as recreation and cultural inspiration, and supports all systems of life on earth], among others.	Including Rights of Mother Earth in the GBF can help prioritize the conservation of Nature outside of human utility and benefit, integrating the inherent ecological, cultural and intrinsic value of biodiversity into decision making. Recognizing our human interconnection to Nature and prioritizing the interests and needs of biodiversity will help us live in a harmonious way.
Section A. (2)	The Global Assessment of Biodiversity and Ecosystem Services issued by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in 2019 2022 , fifth edition of the <i>Global Biodiversity Outlook</i> , ...[[Biodiversity loss, climate change, land degradation and desertification, ocean degradation [pollution], all ecosystems [and [mountain] ecosystem degradation],] are interrelated and mutually reinforcing, so these environmental crises need to be addressed in and integrated, comprehensive, holistic and urgent manner....	The IPBES report states: “within the context of other knowledge systems, however, it includes more holistic, relational concepts such as Mother Earth and systems of life. Indeed, in the worldviews and/or languages of many sociocultural groups (both IPLCs and others), there is no separation between humans and nature, but rather a context-specific understanding of the symbolic, spiritual and physical connectedness between people and place.” ⁴ Mitigating threats (and naming them specifically in the GBF) to biodiversity can be better actualized through a holistic and Mother Earth-centred approach.

⁴ Anderson, C.B., Athayde, S., Raymond, C.M., Vatn, A., Arias, P., Gould, R.K., Kenter, J., Muraca, B., Sachdeva, S., Samakov, A., Zent, E., Lenzi, D., Murali, R., Amin, A., and Cantú-Fernández, M. (2022). Chapter 2: Conceptualizing the diverse values of nature and their contributions to people. In: Methodological Assessment Report on the Diverse Values and Valuation of Nature of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Balvanera, P., Pascual, U., Christie, M., Baptiste, B., and González-Jiménez, D. (eds). IPBES secretariat, Bonn, Germany. <https://doi.org/10.5281/zenodo.6493134> p. 83.

THEORY OF CHANGE:

Article:	Text:	Rationale:
Section 23	... It recognizes the importance of a human rights-based approach, including the respect, protection [promotion] and fulfillment of human rights, and the rights of Mother Earth, gender equality and foster intergenerational equity. ...	Rights-based approaches include both human rights and Nature’s rights. The IPBES 2022 report has found that the causes of and solutions for our global environmental challenges are tightly linked to the ways in which we value our environments (p.4). Their findings show that including a range of valuations of Nature into policy, such as through Rights of Nature, can advance both justice and sustainability by addressing the diverse ways in which people relate to and value Nature (p.6).

2050 VISION AND 2030 MISSION:

Article:	Text:	Rationale:
26.	The mission of the framework for the period up to 2030, towards the 2050 vision is: Alt 4. To take urgent action across society to [halt and] reverse biodiversity loss to put biodiversity on a path to recovery, [towards a nature positive world] enhance the integrity of the ecosystems and to conserve, sustainably use, and to ensure the fair and equitable sharing of benefits from the use of genetic resources for the benefit of [planet] Mother Earth and people while providing the necessary means of implementation.	This mission is critical for an effective regulatory framework to protect global biodiversity—to not only prevent degradation and restore, but to enhance the resiliency and vibrancy of ecosystems and species. This is also respectful of diverse ways of knowing and relating to our planet, for whom many is revered as Mother Earth.

GOALS:

Goal:	Text:	Rationale:
B.	Biodiversity is [conserved,] sustainably used and managed and nature’s contributions to people, including [the long-term [integrity] [health] of] ecosystem functions and services, [with those ecosystem[s] [services] currently in decline being restored by [2030] [2050] taking into account the wide range of biodiversity values] [are valued], maintained and enhanced [through conservation, ...	The IPBES 2022 Values Assessment ⁵ concludes that conservation is “more likely to foster transformative change” when including “the diverse values of nature,” including diverse worldviews and intrinsic values of the environment. Inherent to a Mother-Earth centric framing, is focusing conservation efforts for the benefit of all life, for protecting biodiversity for their own right and inherent value, not just human utility or profit. For example, when conservation is directed towards ecosystems or species that provide the most human benefits, we risk “the exclusion of keystone species that play a vital role in ecological processes and resilience to disturbances.” ⁶

⁵ IPBES/9/L.13 (2022).

⁶ Bholá N, Klimmek H, Kingston N, Burgess ND, van Soesbergen A, Corrigan C, Harrison J, Kok MTJ. Perspectives on area-based conservation and its meaning for future biodiversity policy. *Conserv Biol.* 2021 Feb;35(1):168-178. doi: 10.1111/cobi.13509. Epub 2020 Jun 15. PMID: 32277780; PMCID: PMC7984296.

C.	The monetary and non-monetary benefits...	IPBES concludes it is well-established that: “predominant economic policies align with a ‘grow first, correct afterwards’ approach to nature’s values. In a world characterized by tipping points, this strategy often erodes the values of nature and can be costly and difficult to reverse. When developing economic policies, a more holistic, long-term focus on environmental and social impacts could help to achieve transformations towards environmental sustainability and social justice.” ⁷

2020 ACTION TARGETS:

Target:	Text:	Rationale:
5.	[Prevent overexploitation and for all living beings on Mother Earth], ...	Prevention of harm to biodiversity is not only for the benefit of humankind, but for all species and their role in sustaining life on our planet.
8.	Minimize the impacts of climate change and ocean acidification on biodiversity [and ecosystems,] [and enhance ecosystem resilience] [by strengthening ecosystem resilience] {based on equity and rights-based approaches} and common but differentiated responsibilities and respective capabilities,] [through mitigation, adaptation and [enhancing] resilience].	The CBD and related implementing structures can seek to balance State rights with their responsibilities to protect the environment, strengthening our human obligations to Nature through the Rights of Mother Earth.
11.	... as well as protection from natural hazards and disasters through [nature-based solutions and ecosystem-based approaches], {and rights-based approaches and Mother-Earth centric actions} ...	Rights-based approaches are well recognized within the draft GBF text. However, the commonly accepted definition is fundamentally human-centered, focused on human rights. While paramount, the distinction ought to be made that a human rights approach is among other global rights-based approaches, such as Rights of Mother Earth. Additionally, the recognition and implementation of Rights of Mother Earth protects the ecosystems that sustain all life, including the needs and rights of human communities.

⁷ Anderson, C.B., Athayde, S., Raymond, C.M., Vatn, A., Arias, P., Gould, R.K., Kenter, J., Muraca, B., Sachdeva, S., Samakov, A., Zent, E., Lenzi, D., Murali, R., Amin, A., and Cantú-Fernández, M. (2022). Chapter 2: Conceptualizing the diverse values of nature and their contributions to people. In: Methodological Assessment Report on the Diverse Values and Valuation of Nature of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Balvanera, P., Pascual, U., Christie, M., Baptiste, B., and González-Jiménez, D. (eds). IPBES secretariat, Bonn, Germany. <https://doi.org/10.5281/zenodo.6493134>.

Target:	Text:	Rationale:
15. (e)	(e) {Follow a rights-based approach}, including human rights, and the rights of Mother Earth. }	<p>This represents an opportunity to align with a growing global legal movement that embodies an innovative approach to view the well-being of all life as interdependent and promote the balance of all elements of the biosphere. Rights of Mother Earth/Nature is emerging worldwide with frequent new developments. Just this year, <u>Panama</u> passed a Rights of Nature law and the <u>Mar Menor</u> ecosystem was recognized as a legal entity. In fact, over 200 laws and policies exist in twenty countries recognizing the Rights of Nature, whether in the form of constitutional amendments, national law, judicial decisions, treaty agreements, local law, or resolutions; for example, Ecuador, Mexico, India, Colombia, Brazil, and the United States. In addition, the GBF has the opportunity to align with other global frameworks, for example:</p> <ul style="list-style-type: none"> • The <u>Rio Declaration on Environment and Development</u> recognizes the integral and interdependent nature of the Earth and proclaims that humans are entitled to a life in harmony with Nature. • UN resolution “The Future We Want” (A/RES/66/288) acknowledges “that some countries recognize the rights of nature in the context of the promotion of sustainable development.” • IUCN Resolution 100 of 2021: “Incorporation of the Rights of Nature as the organizational focal point in IUCN’s decision making.”
16.	... {, in order for all peoples to live well in harmony with mother earth }..	In practice, understandings of an interconnected and interdependent relationship with biodiversity guides governance of human activity in a harmonious and holistic way.
19.1 and footnote 22, insertion to glossary	<p>{including financial resources for Mother Earth-Centred Actions}</p> <p>Footnote 22: Insertion to the glossary: Ecocentric and rights-based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth.</p>	<p>Rights of Mother Earth or Mother Earth-Centered Actions signifies a transformative change in how we value, protect and restore biodiversity. Doing so can reorient governance around a new and relationship-based ethic, that seeks to respect the complex and diverse relationships between and with humankind and the natural world.⁸ This clear definition is needed to guide implementation. As a result, this embodies a proactive approach to protect the biodiversity and ecosystems that support all life. In tandem, this safeguards human rights and propels realization of the Sustainable Development Goals.</p>

⁸ Cullinan C, “Earth-Centered Law 2016 Virtual Dialogue on Harmony with Nature – Theme Earth Jurisprudence” (*UN Harmony with Nature* 2016) <<http://files.harmonywithnatureun.org/uploads/upload593.pdf>> accessed 2022; Kotzé LJ and others, “Earth System Law: Exploring New Frontiers in Legal Science” (2022) 11 *Earth System Governance* 100126, 2; Cullinan C, *Wild Law: Governing People for Earth* (Siber Ink 2011), 103; Ward D and others, “Safeguarding Marine Life: Conservation of Biodiversity and Ecosystems” (2022) 32 *Reviews in Fish Biology and Fisheries* 65; Paterson, Barbara, “Ethics for Wildlife Conservation: Overcoming the Human–Nature Dualism” (2006), 56:2 *BioScience* p. 147.

Additional recommendation for keystone species:

Goal:	Text:	Rationale:
A.	<p>Option 1 [Beginning now,] the human-induced extinction of [all] [known] [threatened] species and keystone species is halted [by 2030] [by 2050], [[and] extinction risk is reduced [by at least [10] [20] [25] per cent] by 2030 and [eliminated] [The genetic diversity and adaptive potential of [all] [known][wild species, with special attention on keystone species and domesticated] species is safeguarded and [all genetically distinct populations are] maintained [by 2030, at least [95] ...</p>	<p>Including keystone species (any organism that is essential to the structure and resilience of a habitat) will not only acknowledge their roles, but ensure a holistic and integrated approach to achieve harmony with Nature. They will support the habitats that sustain all life. Hoban et al. suggest adopting both holistic and biocentric (recognizing the inherent value of biodiversity) approaches to ensure diverse genetic variation in populations, which ultimately “supports not only species’ persistence but also ecosystem integrity, adaptability and risk reduction.”⁹</p>
Target:	Text:	Rationale:
4	<p>[Ensure active] [Undertake urgent] [and sustainable] management actions [to] [enable] [achieve] the recovery and conservation of [threatened species] [species, in particular threatened species with a main focus on threatened and endangered keystone species], [and] [to] [maintain and restore] the [genetic diversity] [within and between populations] of [all species] [[all] [native] wild and domesticated species]] [[to] [and] maintain their adaptive potential] including through in situ and ex situ conservation, [[prevent] human-induced extinctions [of [known] threatened species,]] and [effectively manage human-wildlife interactions] and to [[halt] [minimize] [avoid or reduce]] human wildlife conflict] [to promote their [coexistence] [to the benefit of both humans and wildlife]].</p>	<p>Beyond ensuring genetic diversity and balancing ecosystems,¹⁰ keystone species are critical stakeholders in the global mitigation of climate change impacts, sequestering carbon, and supporting ecological resilience.¹¹ The GBF already acknowledges the need for restoration, but additionally illustrates that “restoration efforts cannot be effective unless we protect keystone species within these ecosystems, especially those that are endangered,” and that “without keystone species, ecosystems and all species living in them would experience drastic changes that could threaten their existence. Global ecosystem restoration efforts depend on urgent action to conserve endangered keystone species.”¹²</p>

⁹ Hoban et al., 2020 “Genetic diversity targets and indicators in the CBD post-2020 Global Biodiversity Framework must be improved” *Biological Conservation* 248 <https://doi.org/10.1016/j.biocon.2020.108654>; Davidson MD, “On the Relation between Ecosystem Services, Intrinsic Value, Existence Value and Economic Valuation” (2013) 95 *Ecological Economics* 171; Rea and Munns (n 122)

¹⁰ Paine RT. The Pisaster-Tegula Interaction: Prey Patches, Predator Food Preference, and Intertidal Community Structure. *Ecology* [Internet]. 1969 Nov [cited 2022 Oct 20];50(6):950–61. Available from: <http://doi.wiley.com/10.2307/1936888>

¹¹ Peers, M.J.L., Majchrzak, Y.N., Menzies, A.K. et al. Climate change increases predation risk for a keystone species of the boreal forest. *Nat. Clim. Chang.* 10, 1149–1153 (2020). <https://doi.org/10.1038/s41558-020-00908-4>; Ecological Society of America. “Climate change, predators, and trickle down effects on ecosystems.” *ScienceDaily*. ScienceDaily, 11 August 2014. <www.sciencedaily.com/releases/2014/08/140811180326.htm>; Wyllie de Echeverria VR, Thornton TF. Using traditional ecological knowledge to understand and adapt to climate and biodiversity change on the Pacific coast of North America. *Ambio*. 2019 Dec;48(12):1447–1469. doi: 10.1007/s13280-019-01218-6. Epub 2019 Oct 9. PMID: 31598834; PMCID: PMC6882747; Schippers, P., Abarca, E.L., Verboom, J. et al. Biodiversity conservation in climate change driven transient communities. *Biodivers Conserv* 30, 2885–2906 (2021). <https://doi.org/10.1007/s10531-021-02241-4>.

¹² CBD 2022 “Ecosystem restoration is on the global agenda. The United Nations is dedicating a Decade to it, it’s at the heart of the post-2020 global biodiversity framework, and it’s the theme for World Wildlife Day 2022. But what does ecosystem restoration actually mean?” Available from: <https://www.cbd.int/article/saving-endangered-keystone-species>

APPENDIX A: CAMPAIGN CONTEXT

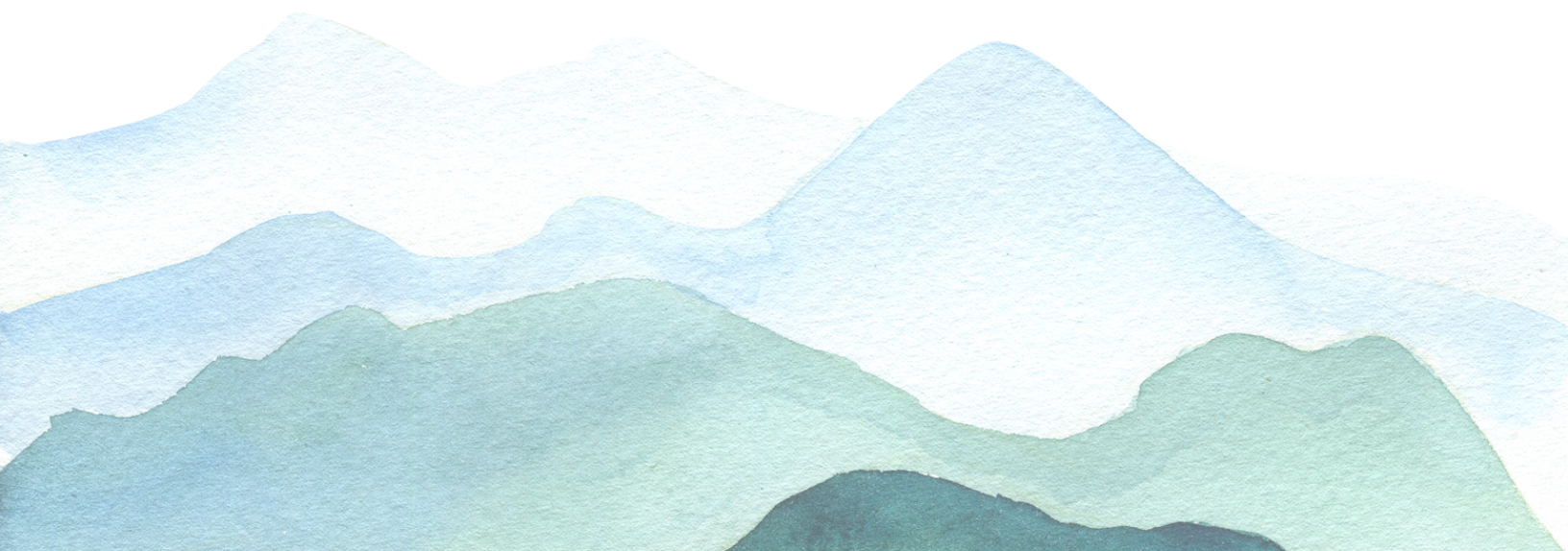
Since 2020, our Coalition, composed of Earth Law Center, Rights of Mother Earth, and others, has advocated for the incorporation of Rights of Nature into the post-2020 Global Biodiversity Framework.

On July 12, 2021, the UN Convention on Biological Diversity (CBD) Secretariat released the first official draft of the GBF with a view to realizing the 2050 vision of a world living in harmony with Nature. In doing so, this draft removed the enabling condition to “consider and recognize, where appropriate, the rights of nature” previously included in the zero draft, replacing this language with "employing rights-based approaches."

Subsequently, in August 2021, our Coalition released a recommendation for the re-incorporation of Rights of Nature in the GBF, which has since received an on-going list of support from over 200 organizations and individuals across 40+ countries. The recommendation called for the definition of ‘rights-based approaches’ to include Rights of Nature as well as human rights-based approaches. With the coalition's support, Earth Law Center authored an accompanying supplementary report that offers methods of implementation.

Since then, Rights of Nature/Mother Earth has received ample support following treaty negotiations. Most notably, the Draft recommendation submitted by the Co-Chairs at OEWG-4 in June 2022 includes Rights of Mother Earth language currently [in brackets], meaning it is subject to adoption during COP-15 in Montreal, Canada this December.

Together, ensuring recognition of the Rights of Mother Earth and protection of keystone species in the GBF is a powerhouse catalyst for transformational change.





Earth Law Center (www.earthlawcenter.org) is a 501(c)(3) organization that works to transform the law to recognize and protect nature's inherent rights to exist, thrive, and evolve. Earth Law Center is a member of the United Nations' Economic and Social Council (ECOSOC) and the IUCN's World Commission on Environmental Law, an expert and partner of the UN Harmony with Nature Initiative, member of the High Seas Alliance, a Mission Blue partner and a founding member of the Global Alliance for the Rights of Nature.



Keystone Species Alliance (<https://keystonespeciesalliance.org/about-us/>) is a newly formed organization incorporating as a 501(c)4 to be able to influence policy and legislation around the world. We are seeking to change national and international legislation around the rights of keystone species within their bioregions. We are going from geopolitics to biosphere consciousness to achieve ecological health and peace.



Rights of Mother Earth is a global movement, campaign for the adoption of a Declaration of Rights of Mother Earth by the United Nations, to complement the Human Rights Declaration. You can sign and share the petition at www.RightsOfMotherEarth.com



Observatoire International des Droits de la Nature has the vision to promote the recognition of the rights of Nature in Quebec and Canada, as well as globally (<https://observatoirenature.org/observatorio/en/home/>).

