



P.O. Box 3283 Fremont, CA 94539  
tel (510) 490-1690  
[www.earthlawcenter.org](http://www.earthlawcenter.org)

**Interactive Dialogue of the General Assembly  
on Harmony with Nature  
22 April 2013, 10:00 a.m. – 1:00 p.m.  
New York City, NY, USA**

**Linda Sheehan, Earth Law Center<sup>1</sup>**

**“Caring for Home through Nature’s Rights”**

As we celebrate International Mother Earth Day, this Interactive Dialogue provides us the opportunity to examine the role of economics in furthering an ethical relationship between ourselves and the Earth. The root of “economics” is from the Greek meaning to manage our home. How are we managing our home, from our closest connections with family and friends, outwards to our communities, nations and the planet as a whole?

At all levels, we can do better. Our current economic system misguidedly assumes that infinite economic growth is possible on a finite planet, that wealth concentrated in the hands of a few benefits all, that more wealth brings more well-being, and that the natural world is a “resource” for our use. As a result, Mother Earth, which sustains us, is visibly declining.

Scientists estimate that because of our actions, a quarter of mammals and 40% of amphibians may become extinct in the foreseeable future. This rate of extinction is 1,000 times the average across history. Climate change accelerates these impacts, creating a heightened urgency for action. The World Bank recently studied the potential impacts of a 4°C temperature increase, an increasingly likely scenario. They found that this would create a “transition of the Earth’s ecosystems into a state unknown in human experience.”

There is no Planet B. We are of the Earth, and we are dependent on the Earth every moment of our lives. There is no separation between what we do to the Earth and what we do to ourselves. Just as the World Bank warns of climate change’s impacts on the environment, so too does it warn of “unprecedented heat waves, severe drought, and major floods” broadly affecting human lives and livelihoods.

What then is the benefit of the current economic system? Why do we cling to it? Does money really buy us well-being? Numerous studies show that income beyond that necessary to meet basic needs does not translate to greater well-being. Moreover, many of the world’s peoples cannot achieve even this modest goal, as the benefits of the current economic system are increasingly captured by the most wealthy and powerful. The spreading divide between rich and poor endangers community and societal stability. We

---

<sup>1</sup> Linda Sheehan, Executive Director, Earth Law Center, [lsheehan@earthlaw.org](mailto:lsheehan@earthlaw.org).

need to address poverty, but a system that separates people from each other, and all of us from the natural world, is not the way to do it.

Yet, we attempt to rationalize away the impacts before us, believing that the flaw is not in the economic system itself, but in our failure to fully subsume everything into the economic system. This brings us to where we are now, attempting to assign monetary value to the environment to force it to reveal its maximum economic utility in the marketplace of human-made goods and services.

Even the terminology used here at the United Nations reflects an inherent bias towards protecting the same economic system that is consuming the Earth. We talk about “sustainable development” and the “green economy,” without recognizing the adjective-noun problem inherent in those terms. The noun, the focus, is the “economy” and “development.” The adjectives “green” and “sustainable” are tangential to the real goal of sustaining the current economic model in the face of its fundamental flaws.

We imprison our imagination and ingenuity with such language. To test this theory, I invite you to imagine writing an essay on the environment that does not use the term “natural resources.” We trivialize the fullness of life and diversity of natural world and all its elements – forests, rivers, oceans, mountains, fish and wildlife – by labeling them “resources” so they better fit within our chosen economic model. Every element of our economic system is intertwined with the idea that the natural world is property. Workers are not exempt from this marginalization. They are similarly called “human resources” on corporate balance sheets, which treat contributions to their well-being as a cost to business, not a benefit to society. Our economic system is feeding itself with our collective well-being, and we must find an alternative.

Changing the economic system to reflect our interconnections with the natural world and each other requires a fundamental re-ordering of our understanding of our place on Earth. Our current neoclassical economic models arose only about two hundred years ago, and their modern permutations even more recently. We created them. They are a subset of human existence, while we ourselves are a subset of life on Earth. The reality is that Earth itself is the overarching entity to which we humans must respond. Our economic system must serve us and the Earth. We currently have it upside down; we try to contort the environment, and increasingly ourselves, to fit within our economic model. We must instead recognize the economy’s place as servant to humans and the Earth, not the master of both.

How do we go about accomplishing this? Let us start by examining the term “sustainable development.” Is “sustainable development” really our end goal? Or is it “sustainable communities”; that is, integrated communities of humans, natural ecosystems and species? Elements of sustainable human communities include not just the economy, but also relationships, healthy food, clean drinking water, housing, education, labor, and many other elements. Sustainable environmental communities similarly require healthy nutrients; clean air, soil and water; biodiversity; restoration in the face of destruction; and thriving, connected habitats. Both types of communities are intimately connected.

An operating system premised on “development” as the end goal of defining “sustainability” is not equipped to ask and answer the urgent questions about how we should conduct our lives. Only a governance system based on a humble acknowledgment of our place within a web of inter-relationships with other humans and natural world can be deemed “sustainable.”

If we decide our end goal is sustainable communities – or better yet, thriving communities – what kind of economic system do we seek? What is the foundation of an economic system that serves its root meaning of caring for home?

Adam Smith, credited with the neoclassical economic theory we observe today, provides insight in this regard. Smith recognized the importance of caring for community, writing that the “chief part of human happiness arises from the consciousness of being beloved” – by those closest to us, and within our larger communities. He believed that “wise and virtuous man” was “at all times willing that his own private interest should be sacrificed to the public interest” – contrary to the motive of wealth maximization that drives economics today. In fact, Smith believed that “[t]he rate of profit ... is always highest in the countries which are going fastest to ruin.” Indeed, we currently measure growth by harmful goods and actions, as well as those that help and heal.

Is there an economic model today that reflects a foundation of care for relationships and community? Ecological economics comes closest to achieving this vision. It focuses both on achieving a healthy human society and flourishing natural world, and incorporates inter-generational equity. The economy is viewed as a servant of a healthy environment, which itself is acknowledged as essential to our collective well-being. This is a wisdom already understood by indigenous communities throughout the world, who recognize that well-being arises from caring for the Earth’s systems that nurture us.

By contrast, today’s neoliberal economic system fails to protect our homes and communities. The ethical qualities that create happy, prosperous homes – love, cooperation, friendship, duty – both arise from and create strong relationships. We have discarded these ethics, however, in favor of an economic system premised on separation and greed. We can do better.

An essential element of this shift in perspective is realizing that relationships can flourish only if we recognize the inherent rights of their participants. Over time, we have learned that the denial of rights creates separation. As we came over time to acknowledge the rights of people who were formerly treated as property, we began to have full, thriving relationships with them. These lessons extend to the natural world. We are first and foremost Earth citizens and must recognize the rights of ecosystems and species to exist and thrive, if we are to flourish ourselves.

When the United Nations was drafting the Universal Declaration of Human Rights, the drafting committee observed that “the supreme value of the human person...did not originate in the decision of a worldly power, but rather in the fact of existing.” So too must we recognize the supreme value and rights of the natural world as arising from the fact of existing. Recognition of the rights of nature will help us build strong relationships with the natural world, and guide our actions to care for it.

Acknowledgement of the rights of nature is a movement that is spreading throughout the world. Ecuador recognized these rights in its Constitution in 2008, stating that nature “has the right to exist, persist, maintain itself and regenerate.” Under the Constitution, “[a]ny person” may “demand the observance of the rights of the natural environment before public bodies,” including the rights of nature to be “completely restored.” Bolivia has passed two sets of laws on rights of Mother Earth, and hosted the World People’s Conference on Climate Change and the Rights of Mother Earth in April 2010. This conference, attended by over 35,000 people from 140 countries, resulted in the “Universal Declaration on the Rights of Mother Earth,” which states, among other things, that Mother Earth has a right to life and to exist. Other countries are increasingly taking up this model, including New Zealand, which recognized the rights of the Whanganui River and its tributaries last summer.

Recognition of the rights of nature is essential to help us build closer relationships with the environment and correct our upside-down ordering of Earth, humans and economic system. But we cannot complete this change in perspective solely through rights of nature. We also must specifically reject the current neoliberal economic system and its false assumptions, and replace them with alternatives, such as those described by ecological economists. Roughly three dozen communities, large to tiny, across the United States have taken up this particular cause, with more joining in. Threatened by unwanted, destructive activities such as mining and hydrofracking, these communities have passed local laws that recognize the rights of local natural systems to exist, thrive and evolve. Significantly, these laws also reject the rights of corporations who would conduct these harmful activities, over the rights of local community members to live in harmony with each other and their environment. That is, these laws support a community’s right to nurture its home, rather than witness its destruction.

This movement is not limited to communities rejecting immediate threats to their well-being. Others are moving proactively to protect their current well-being and preserve gains achieved in living sustainably. For example, the Vermont Legislature has already voted in support of community and human rights over corporate rights. Towns in Vermont now are passing resolutions calling for a state Constitutional amendment to recognize the rights of nature. If passed, this would work in tandem with the state’s commitment to a sustainable economy premised on ecological economics models.

Other communities are taking this a step further, pairing local rights of nature laws with community sustainability plans. As Thomas Kuhn wrote, rejection of one paradigm means simultaneous acceptance of a new one. These communities are creating this new paradigm by passing laws that reject the current economic system, that create relationships with the natural world by acknowledging its rights, and that support city sustainability plans that set specific, measureable, and accountable goals for the city’s government, businesses, and people. Such sustainability goals establish the day-to-day structure of community life in harmony with other residents, businesses and nature, both locally and in the context of the larger world.

One such example is Santa Monica, California, which adopted a “Sustainability Rights Ordinance” two weeks ago, in part to protect the goals of their Sustainable City Plan

from destructive economic interference. This new, local law states that “natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish,” and provides citizens with enforcement authority to protect these rights. It adds that Santa Monica possess rights to “clean water from sustainable sources; marine waters safe for . . . recreation; clean . . . air; a sustainable food system that provides healthy, locally grown food . . . and a sustainable energy future based on renewable energy sources.” Each of these areas is addressed further in Santa Monica’s Sustainable City Plan. The new law also rejects the current economic paradigm by stating that “corporate entities . . . do not enjoy special privileges or powers under the law that subordinate the community’s rights to their private interests.”

This model – rejection of the current economic paradigm, acknowledgement of the rights of the natural world, and commitment to specific government, business and individual actions that ensure thriving communities - can advance as well in other nations. For example, I recently spent time as a Research Fellow at the University of Victoria in British Columbia, where I examined the potential for municipalities there to pass similar laws in the face of massive extraction projects. Canada’s Constitution delegates to the provinces the power to make laws regarding municipalities. Though municipal authority can be circumscribed as a result, British Columbia municipalities can pass local laws that protect public health and the rights of waterways. Vancouver in particular could provide the next model law. Like Santa Monica, Vancouver adopted a “Greenest City 2020 Action Plan” that includes categories of targets such as reducing the city’s ecological footprint and setting protective drinking water standards. The adoption of a local law recognizing the rights of waterways and their connected systems will help support actions grounded in relationship with a rights-bearing environment, a foundation essential to lasting well-being.

Rights-based initiatives to care for our shared home can also take root and flourish at the international level. The United Nations is currently in the process of establishing its post-2015 Millennium Development Goals and Rio +20 Sustainable Development Goals. To be successful, these initiatives must embrace the model of ecological economics, which serves sustainable communities, and reject the current neoliberal economic model, which degrades them. They also must recognize the inherent rights of the natural world and tie that acknowledgement of rights with steps to achieve them. For example, we applaud the United Nations’ recognition of the human right to drinking water; we urge as well the United Nations’ recognition of the rights of waterways to water, along with implementation of actions that ensure the environment enjoys clean, adequate water flows. With that level of attention to the Earth that nourishes us, we will all flourish together.

In sum, as we face an uncertain future driven by ongoing climate change, species extinctions and habitat destruction, we need a vision sufficiently broad to encompass our interconnections with the natural world, and to commit us to actions commensurate with the sweep and importance of the challenges before us. Let us together embrace an economic system that guides us to fully care for each other, our communities, and the Earth as a whole, one that recognizes the rights of the environment to thrive, and for us to prosper with it. We look forward to working with you to achieve this vision. Thank you.



## BIBLIOGRAPHY

“Bolivia Law of the Rights of Mother Earth,” Law 071 (Dec. 2010). Online. Available HTTP: <[http://f.cl.ly/items/212yOr1RoW2k2F1Mo21G/Mother\\_Earth\\_Law.pdf](http://f.cl.ly/items/212yOr1RoW2k2F1Mo21G/Mother_Earth_Law.pdf)> (accessed 21 April 2013).

“Bolivia Law of Mother Earth and Integral Development for Living Well,” Law 300 (Oct. 2012). Online. Available HTTP: <<http://www.lexivox.org/norms/BO-L-N300.xhtml>> (accessed 21 April 2013).

City of Santa Monica, California, “An Ordinance of the City of Santa Monica Establishing Sustainability Rights” (9 April 2013). Online. Available HTTP: <[http://www.smgov.net/departments/council/agendas/2013/20130409/s20130409\\_07A1.htm](http://www.smgov.net/departments/council/agendas/2013/20130409/s20130409_07A1.htm)> (accessed 21 April 2013).

City of Santa Monica, California, “Sustainable City Plan” (rev’d 24 Oct. 2006). Online. Available HTTP: <<http://www.smgov.net/uploadedFiles/Departments/OSE/Categories/Sustainability/Sustainable-City-Plan.pdf>> (accessed 21 April 2013).

Constitución de la República del Ecuador, Title II, Ch. 7 (Sept. 2008). Online. Available HTTP: <[http://www.asambleanacional.gov.ec/documentos/constitucion\\_de\\_bolsillo.pdf](http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf)> (accessed 21 April 2013).

Daly, H. and Farley, J., (2004), *Ecological Economics: Principles and Applications*, Washington D.C.: Island Press.

Millennium Ecosystem Assessment Board, “Living Beyond Our Means: Natural Assets and Human Well-Being” (March 2005). Online. Available HTTP: <<http://www.millenniumassessment.org/documents/document.429.aspx.pdf>> (accessed 21 April 2013).

Santa Cruz, H., “Statement on the Universal Declaration of Human Rights” (Sept. 2008). Online. Available HTTP: <[www.un.org/en/documents/udhr/history.shtml](http://www.un.org/en/documents/udhr/history.shtml)> (accessed 21 April 2013).

Smith, A., (1976), *An Inquiry into the Nature and Causes of the Wealth of Nations*, Book 1, Chicago: University of Chicago Press.

Smith, A., (2002), *The Theory of Moral Sentiments*, Cambridge: Cambridge University Press.

Town of Norwich, Vermont, Annual Town Meeting Official Ballot, Article 37 (5 March 2013). Online. Available HTTP: <<http://norwich.vt.us/wp-content/uploads/2013/03/VotingResults030513.pdf>> (accessed 21 April 2013).

“Tūtohu Whakatupua: Agreement between the Whanganui Iwi and the Crown” (30 Aug. 2012). Online. Available HTTP: <<http://nz01.terabyte.co.nz/ots/DocumentLibrary%5CWhanganuiRiverAgreement.pdf>> (accessed 21 April 2013).

The World Bank, “Turn Down the Heat: Why a 4°C World Must Be Avoided” (Nov. 2012). Washington D.C.: The World Bank. Online. Available HTTP:

<[http://climatechange.worldbank.org/sites/default/files/Turn\\_Down\\_the\\_Heat\\_Executive\\_Summary\\_English.pdf](http://climatechange.worldbank.org/sites/default/files/Turn_Down_the_Heat_Executive_Summary_English.pdf)> (accessed 21 April 2013).

UN General Assembly, “Resolution A/RES/66/288: The Future We Want” (11 Sept. 2012). Online. Available HTTP: <<http://sustainabledevelopment.un.org/futurewewant.html>> (accessed 21 April 2013).

UN General Assembly, “Resolution A/RES/64/292: The Human Right to Water and Sanitation” (3 August 2010). Online. Available HTTP: <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/64/292](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292)> (accessed 21 April 2013).

UN General Assembly, “The Universal Declaration of Human Rights” (10 December 1948). Online. Available HTTP: <<http://www.un.org/en/documents/udhr/index.shtml>> (accessed 21 April 2013).

World People's Conference on Climate Change and the Rights of Mother Earth, “Universal Declaration of the Rights of Mother Earth” (22 April 2010). Online. Available HTTP: <<http://pwccc.wordpress.com/programa/>> (accessed 5 January 2013).