

2024 Harmony with Nature – Theme: Earth Jurisprudence

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1. What would the practice of Earth-centered Law look like from an Earth Jurisprudence perspective? How is that different from how Earth-centered Law is generally practiced now? And, what are the benefits of practicing Earth-centered Law from an Earth Jurisprudence perspective?

The 21st century has brought with it a set of transformations that authorize us to speak of a paradigm shift. In fact, we are leaving the industrial society to enter the knowledge society once and for all, opening possibilities for us to think about what pillars we are going to build our civilization from now on. In this debate, the environmental issue, and the protection of the ecosystem of planet Earth, therefore, research and scientific conclusions point in the direction of the need to review the current model of economic growth, towards a model that pays attention to the need to preserve the planet's ecosystem and the human and non-human species that inhabit this planet.

Land jurisprudence is a legal doctrine and philosophy that breaks with the ethnocentric paradigm of environmental law and notions of sustainable development, to assume a new, more bio-inspired model, which has Nature as a subject of law. This model is based on the principle that all beings have their origin in stardust (minerals, plants, animals, including humans) and the same ancestral root, although they are at different stages of evolution, both from a biological and spiritual point of view. On the other hand, there are cultures and peoples, which bring together millions of people, where trees, birds, as well as the enchanted, are revered as spirits superior to humans. In this sense, it is necessary to consider the way of life of these groups, combating what we call cognitive injustice, that is, the belief that there is only one way if one sees the world.

Human beings have always taken the law in anthropocentric logic, for this reason, they consider themselves different, superior, and more evolved than the spirits of other kingdoms. The rights of Nature, the jurisprudence of the earth, all these currents bring as a benefit the possibility of building an international and national legal system for the protection of the rights of Nature, the adoption of good practices and public policies that allow the preservation of the ecosystem of planet earth, the recognition of the work of those who fight to preserve nature with the payment of environmental services, from the correction of the course of scientific and technological development to the generation of technologies that favor the protection of the environment.

We have no doubt about the importance of this discussion, but, mainly, of actions with the legislative, executive and judiciary powers, as well as with organized civil society aiming to review the assumptions that guide anthropocentric environmental law (which sees nature as a resource to be exploited indefinitely) for a paradigm based on the rights of Nature and the jurisprudence of the Earth. more bio-inspired, capable of reviewing our relationship with society and nature, within a logic of an Earth-centered law and an ecological economy.

2. What promising approaches would you recommend for achieving implementation of an Earth-centered worldview for Earth-centered Law? (Note: depending on the discipline, approaches could also be theoretical, although practical approaches should be prioritized).

The adoption of an Earth-centered vision and rights depends on the diffusion of this idea throughout society. To this end, it is necessary to generate knowledge, through basic and applied research, creating the feasibility of using this vision in all areas of knowledge. It is also necessary to guide technological development and technology transfer to ensure the success of the undertakings. And when we talk about technology, we are not only referring to industry 4.0, but to technologies for sustainable development, smart cities, management technology, among others. It is also necessary to invest in the protection of popular and traditional knowledge, in the preservation of the way of life of these communities and use them as bioinspiration to think about models centered on the protection of the ecosystem of planet earth. Finally, it is necessary to invest in the dissemination of this knowledge, in the dissemination of good practices in the orientation of the whole society on what should and can be done.

Formal, non-formal and informal education are also very important in this process, education is both a fundamental human right and the main tool for building a culture of respect for the environment and land-centered rights. It is the role of the State, society, churches, unions, associations, foundations, and the family to promote this knowledge, especially among young people, children and adolescents, who can change the status quo of our society. In relation to law, we have two perspectives: the first is to understand law as a tool for maintaining the social status quo. For this group, the way forward is to defend what is in place. However, for those who see law as a tool for social transformation, it is worth reflecting on current law, fighting a dogmatic and decontextualized view, seeking the role of law as a social science applied to the resolution of social and environmental problems.

Finally, it is necessary to create knowledge networks, first attracting the proactive, then the active, and finally the reactive. It is up to this network to promote studies, meetings, seminars, public spaces for reflection and discussion, for the free circulation of ideas and people, where these ideas can be worked on in terms of projects with different audiences. This social mobilization should aim to engage society in this discussion, because it is the role of law to demystify false notions of reality, to reveal the true role of legal science, which is the promotion of social justice. Being a citizen is knowing what your rights are, where those rights are, how to exercise them and who to turn to in case of violation. Civil society institutions must invest in the promotion of this type of content, because we will not have a democratic state based on the rule of law, protector and promoter of land-centered rights, without the citizen vigilance of organized civil society.

3. What key problems or obstacles do you see as impeding the implementation of an Earth-centered worldview in Earth-centered Law?

The biggest problem we have in the implementation of land-centered rights is economic domination carried out by a neoliberal doctrine that promotes economic growth based solely on the idea of private appropriation of ever-increasing profits, to the detriment of environmental preservation and protection of the rights of traditional populations and communities.

The way forward is to dialogue with economic organizations around the world, promoting a debate on the importance of preserving the planet's ecosystem and welcoming social demands and respecting the fundamental rights of citizens. It is important to demonstrate to the managers of private organizations that, contrary to what common sense says, more ethics means more development, and the promotion of environmental ethics can coexist harmoniously with economic, social and cultural development.

Dialogue with economic organizations is fundamental and necessary, because, without it, the good practices of society alone will not contain the advances of climate change, global warming, among other forms of degradation of Nature. The State, as an entity that promotes development, plays an essential role in this process, by regulating the operating system of companies.

The right to the city, the right to the city and life in the countryside need to be thought of within this new bio-inspired and citizen perspective. In this sense, it is necessary to act on two strategic fronts: the first is the empowerment of organized civil society, to demand these rights from the State. The second is the governance and accountability of the state in relation to these rights.

Finally, the lack of environmental education of the population is a major obstacle, from elementary school to university, little has been said about the need to preserve the planet's ecosystem and, when this theme is remembered, it occurs within the context of an anthropocentric paradigm, which sees Nature as a resource, a factor of production to be explored. Spreading this new bio-inspired vision of the rights of Nature, having it as a subject of law, is fundamental so that everything can work out in the future.

4. What are the top recommendations for priority, near-term action to move Earth-centered Law toward an Earth Jurisprudence approach? What are the specific, longer-term priorities for action? (Note: give 3 to 10 priorities for action).

Invest in the popularization of research, science, technology and innovation based on the assumption of a bioinspired transdisciplinary and holistic science that brings young people closer to this process. Promote formal activities in non-formal spaces such as squares, sports courts, theaters, schools, to disseminate these ideas. Invest in didactic material appropriate to this perspective.

To produce, preserve and disseminate knowledge, bringing people together to think about the great challenges in this area. It is necessary to generate a density of knowledge, doctrine, teaching materials, books, articles and book chapters. Documentaries and digital classes that can favor the socialization of this knowledge as multipliers, capable of taking this knowledge to the whole society. In this sense, it is essential to invest in the training of popular and social leaders to advance this process.

Invest in changes in formal, non-formal and informal education in order to bring citizens closer to this debate. Promote administrative and educational measures aimed at promoting this public policy throughout society. Promote meetings with judges, judges, prosecutors and justice, lawyers, administrative technical servers and students of law and related areas. Propose changes, debate and dialogue with these groups, focusing on the diffusion of the idea of land-centered rights.

Create networks of collective intelligence to disseminate the idea, promote social mobilization, occupying all forms of communication with society: formal press, social networks, alternative press. Broaden the dialogue, through networks of collaboration and promotion of knowledge.

Invest in environmental education and contextualized environmental re-education, with urban agro ecological gardens, sustainable gardens, agroecology, this, fostering new social and environmental technologies with the population.