

2020 Harmony with Nature – Theme: Earth Jurisprudence

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

Ecuador and Bolivia, in 2008 and 2009 respectively, recognized in their Constitutions - Nature or “Pacha Mama” as a subject of rights, which implied a new approach in relation to the then prevailing anthropocentric or human-centric paradigm. This legal innovation pushes us to rethink the way we conceive “rights”, to reformulate legal approaches and, above all, to establish an intercultural dialogue on the importance of incorporating this new legal vision in legal systems. This entails recognizing that humans are not by themselves at the center or axis of legal relations, but also the elements that constitute “Nature”. Thereby, these elements or Nature as a whole are recategorized to the extent that they not only have rights to existence, but also to integral improvements. The non-anthropocentric paradigm applied in Ecuador and Bolivia, represents a profound change in the correlation of power that law grants to subjects of law. The main benefit of this paradigmatic change consists in the real protection of Nature, in the distinction of these rights with environmental rights, and the projection that these rights have in relation to the destruction of ecosystems and climate change.

2. What promising approaches do 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 application of a biocentric vision in society, tries to maximize the possibilities of human beings. That is, despite the fact that the genesis of the “Rights of Nature” differs diametrically from the origins and objectives of environmental rights, its effects also lead to a better quality of life and above all to guarantee the future of humanity. In my experience, I would recommend that the States parties to the United Nations approve the proposal for the Universal Declaration of the Rights of Nature, in order to elevate these rights to an exponential, binding and promising a brighter future for all the nations. Having an international system of Rights of Nature, opens the doors to greater control, sanctions and standardization of protocols, rights, visions and protection mechanisms thereby.

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

We could say that the main obstacle encountered in Ecuador and Bolivia, as well as in other jurisdictions, consist in the applicability of these rights under legal systems and judicial systems, previously designed under anthropocentric conceptions. Formally and materially

adapting legal systems to the biocentric paradigm should be one of the goals to be followed for several States. In addition, from the legal systems and the prevailing legal culture, the rights of Nature find a strong resistance in the power groups, the same that administer their forces in the political and economic scenario. Therefore, in order to overcome these obstacles, communities and citizens must be empowered over these rights and seek defense mechanisms, and the Rights of Nature must be promoted in an international framework of protection, in a similar way as they exist for human rights.

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).

Is the legal recognition of the rights of Nature enough for its effectiveness? Normally, legal innovations tend to carry a strong positive emotional charge for some and an inevitable resistance for others. In this sense, short and medium-term goals should be established. I strongly believe that statistics and forecasts on climate change (and related matters) imply that we should act now; we do not have the luxury of time to table long-term actions.

Short term:

- a) Education at all levels on the biocentric vision of law, environmental rights, climate change and animal rights.
- b) Campaign for the empowerment of legal tools available to citizens in those countries where the rights of Nature are recognized or by jurisprudence in this regard.
- c) Strengthening of NGOs in the field of legal instruments on the rights of Nature, and economic financing for their dissemination to individuals and communities.

Medium term:

- a) Adoption of the Declaration of the rights of Nature by the member states of the United Nations. Move from resolutions and declarations to binding instruments.
- b) Creation of an International Court of Rights of Nature by the Member States of the United Nations.