

2020 Harmony with Nature – Theme: Earth Jurisprudence

By Hana Begovic – Earth-centered Law

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?

Nature is the very web of life which connects every organism on Earth into one profound and complex interdependent ecosystem. Life on Earth as we know it is only possible thanks to a multiplicity of factors such as the bees, the rain, the proper flow of temperature in the atmosphere, the deep currents of the oceans, and more. Profoundly transforming the way humans interact with the rest of Nature is crucial to prevent this delicate balance from being irreversibly disrupted.

This is where Rights of Nature comes in as an ecocentric approach for re-establishing and maintaining this delicate balance. Rights of Nature is a powerful legal and cultural idea, tool and movement for a transformative paradigm shift which provides legal standing to Nature in human courts of law by recognizing the intrinsic rights of holistic ecosystems to exist, thrive, evolve, regenerate its vital cycles and play their role in the web of life on Earth. Recognizing the Rights of Nature provides humanity a way to build a respectful relationship in harmony with the rest of the Earth system. It also creates a unique space to call for systemic change in the current capitalist paradigm which today lays the foundation for an unscrupulous development model enslaving Nature by making her human property and separate from, and inferior to, humans. This system only benefits the few, jeopardizes the rights to life, dignity and respect of the many, and unmercifully destroys the very preconditions for life on Earth.

Rights of Nature has the potential to challenge capitalist and extractivist perceptions of Nature and change the dynamics of our legal and governance systems. A key element in this transformation is the cultural shift that Rights of Nature requires and seeks, redefining concepts such as "wealth" and "development", away from financial accumulation towards well-being. Hence, recognizing the Rights of Nature does not only address the need to protect, but also the need to fundamentally change the relationships that human beings have with the rest of Nature by transforming the socio-cultural fabric of our societies, and the world-views and perceptions of what our place should be on Earth. This profound change cannot be obtained from a legal approach only because it also needs the behavioural change in order for these recognized rights to be effectively implemented, respected and upheld. Both of these elements must find a dynamic point of intersection in order for Nature to become another actor in decision-making processes, and have her reproduction, integral restoration and continuity guaranteed.

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).

There are various approaches that I could recommend for achieving implementation of an Earth-centered worldview for Earth-centered Law. However, the contribution I wish to make to the global conversation focuses on the essential role of youth leadership.

Today, young people's faith in the future, ability to cope and sense of security are being tested. Faith in the future and confidence in the society are one of the most important things we as people have to convey to young generations. Various surveys indicate that young people increasingly lack confidence in the fairness of the society, stating that their voices are not heard on key issues such as the protection of Nature. Many young people additionally estimate that they do not have the same opportunities as their parents had growing up. Regardless of socio-economic background or geopolitical circumstances, young people have a strong desire to contribute to a transformational shift to turn the alarming scientific projections concerning their own futures, and the future of the planet, into scenarios of hope and resilience through collective action and cultivation of hope.

Now, more than ever before, meaningful participation of youth in the creation of new practices, strategies and approaches for the protection of Nature is essential and is starting to get more internationally recognized. Working with youth around the world, and being youth myself, I speak for many young change-makers when I say that being able to be a present member of a growing movement, actively contribute with skills, insights and ideas to the actions taken for protecting Nature, and find my place in the world and make it my own gives me the inner strength to cultivate hope, courage and resilience for what the future holds for me, other young people of my generation and the generations to come. Young change-makers have the capacity and capability required to effectively experiment, promote and apply the concept of Rights of Nature in order to address the ecological crisis with civil society, policymakers, world leaders and governments.

Working with young change-makers around the world, I have learned why many young people choose to get engaged in today's environmental movements. The main lessons I have drawn, and which I fully agree with, is that youth want to be seen and heard. They want to feel that they have a greater control over their futures through their purposeful engagement, taking on valued roles, addressing issues that are relevant to them and their futures, and contributing to tangible impact. Many also struggle with climate anxiety and ecological grief, and use their activism as a channel to convert feelings of powerlessness into hope and action.

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

Even though Rights of Nature has been increasingly gaining momentum, it has not given young generations enough space to actively participate and define their roles in the movement, through which they can act with Mother Earth. Youth should not only be informed about how Rights of Nature can be a useful tool for systemic change, but they also need space to grow, learn and find their own ways to express themselves, spread their wings and defend Nature within the movement.

In many countries across the planet, legal systems currently consider Nature to be human-owned property which can be exploited, commodified and used for human benefit and economic profit. This is the dominant perception of Nature of many actors with power and influence in decision-making, and it is a very challenging perception to transform as economic and political interests are currently considerably stronger than the willingness to act strategically and long-term for the health of the planet as a whole.

Hence, we need to find effective strategies to inform decision-makers and influential stakeholders on the tenets of the Rights of Nature and present solid arguments for them to adopt Earth-centered practices and strategies, in order to change the prevailing laws and world-views which confirm human authority over Nature. The reality is that we cannot separate ourselves from the water we drink, the food we eat, the air we breathe, and we must act accordingly.

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).

1. Ensure Youth Leadership and Engagement in Efforts to Implement and Uphold Rights of Nature laws: Build meaningful relationships and collaborations with young change-makers (leaders, lawyers, politicians, Indigenous leaders, journalists, activists, educators etc.) who are finding their own ways of expressing themselves and defending Nature. Rights of Nature has the potential to connect to the rise of youth movements and find new bridges enabling exciting collaborations with tangible impacts.
2. Empower and Engage through Information and Education: Only when people are informed can they begin to understand the importance of what they have come to know. Only when people understand, can they truly grasp the potential power of the idea. Only when they truly grasp its potency, will they believe in it and act wholeheartedly for it.
3. Strategy, Strategy, Strategy. Explore new spaces such as governments, intergovernmental organizations and supranational entities where Rights of Nature can be inserted as a new practice and tool in the toolbox of influential stakeholders around the world.
4. Bridge Rights of Nature with Climate Action: We are seeing more lawsuits being lodged against governments because of climate change and the lack of sufficient and active actions to address the ecological crisis. In the context of climate change litigation, Rights of Nature could be a very valuable tool through which Nature establishes a direct interest in defending her own rights. When the claim can be brought by Nature herself, the harm suffered by for example climate change is no longer indirect.
5. Consider how we use language and wording for indicating the inclusion of Rights of Nature in a legal system. Instead of granting an ecosystem rights, we are recognizing those rights because the rights assigned are inherent rights whose existence do not depend on humans. Rather, we choose to recognize rights that have always existed,

but which we have not respected in the past.

6. Learn to listen to and channel the already existing voices of Nature: We should always talk to the mountain, not about the mountain, and in this way emphasize the fact that Nature is speaking to us. Nature already has a voice, many voices, but we must learn how to genuinely hear them, listen to them and channel them into deep understanding, connection and action. Humans amongst other humans do not need to speak the same language to be able to respect, love and care for another. A similar view should be applied for the rest of Nature: It is not about granting or giving Nature a voice. Rather, we need to understand each other on a deeper level than mere words and connect with all those voices. If you pay enough attention, you will clearly see how every plant, tree, flower, river, lake, insect and animal communicates with you every minute of every day.

Climate change, land system change, the disturbance in Earth's nitrogen cycle, and biodiversity loss are the Earth's responses to the disharmony and imbalance of natural law. Unquestionably, Nature is worthy of respect and dignity, and a subject of rights, and we have a responsibility to respect the life that exists with us. Overcoming the above-mentioned aberrant contradiction is the monumental task that we humans have to confront as we face the extinction of life as we know it. There are even cosmological reasons that assume the Earth and life as simply moments of the vast process of evolution of the Universe. Life on this planet is then essentially a brief moment in time, but for that life to exist and reproduce, it needs all the preconditions that allow it to survive, live and thrive.