

2020 Harmony with Nature – Theme: Earth Jurisprudence

By Lorena Bilicic – 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?

The practice of Earth-centered Law from an Earth Jurisprudence perspective is based on the recognition of Earth's rights and the importance of their inclusion in moral and legal circles in a non-anthropocentric paradigm, in which it is understood that human and non-human beings are part of Nature and depend on it, recognizing Mother Earth as a source of natural laws that govern life. In this sense, the health and well-being of the human species is closely linked to the health of the Earth and a new paradigm becomes necessary where human beings repair their destructive relationship with Mother Earth.

These values and basic non-anthropocentric principles should be applied in an integral manner in the economy, regulatory systems and governance. Historically, the human being has placed himself as the center of the universe and positioned his rights to the detriment of the rest of the living beings and those of the Earth, herself. This positioning has been reflected in our legal systems and governments; not giving the importance that Nature deserves as a creditor of before human existence.

The importance of the Earth Jurisprudence paradigm for the recognition of Nature is deeply interconnected with planetary and human well-being, as well as for the promotion of mutually beneficial relationships between human beings and other members of the Earth community. Principles based on the philosophy of Earth Jurisprudence can contribute to the planning, development and implementation of significant changes in governments and legal systems oriented to living in harmony with Nature.

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).

An approach to Earth Jurisprudence based on indigenous knowledge in terms of their conception of Nature and the importance and identity granted by Nature, would be promising.

A constitutional approach based on intrinsic rights not listed in many fundamental laws could be the basis for the advancement of new rights that accompany this paradigm, based on the derivatives expressly listed in relation to principles regarding sustainability and collaborative relationships with the natural world, as well as the obligation and urgency to rebuild civilization in ecological matters.

From the perspective of international law, a unique and binding normative plexus of obligations regarding the provisions inherent to these rights would be an important step to this new paradigm. Clearly, any political, legal and advance decision must be approached with a non-anthropocentric and anti-speciesist approach.

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

There are several obstacles that prevent the implementation of the Earth Jurisprudence Perspective and Earth-centered Law, the main one being the current economic system that prevents adequate regulations addressing ecological problems in general, thus preventing the recognition of the rights of Nature and her legal personhood.

Legislation is based on regulations that are not based on respect for the Earth and Nature, and do not recognize Nature as a rights-bearing entity.

The dominant ideology based on capitalist ideas and the predominance of those associated with neoliberal globalization is one of the greatest obstacles to the implementation of an Earth-centered worldview and Earth centered Law.

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).

To achieve real change, it is necessary to overcome the anthropocentric vision and adopt a comprehensive eco-centric posture to all living beings with whom we live on this Earth and the recognition of Nature as a subject of law.

To this end, human being must understand, accept and internalize that he is an animal and that just like non-human animals, he depends on Nature for his survival. Nature must be preserved and respected.

Therefore, for this to happen, significant modifications must be made not only in the economy, the legal system, the way of governing, along with adequate public policies that adopt this new approach, but important changes in education are extremely necessary through activities that contribute to creating in society a new relationship with the Planet, in which each person becomes aware of his obligation and responsibility to live a life in harmony with Nature.

- Short-term actions
 1. Determine good practices for governments, officials and society in general based on Earth-centered Law that leads to the elaboration of internal norms according to the rights of Nature.
 2. Create international instruments, be they treaties, declarations, conventions, etc. to serve as a guide for the nations based on the respect Earth-centered law that generate fundamental obligations to those who adhere to these as the first step for

their advance. Awareness campaigns that contribute to the de-objectification of Nature.

3. The adoption of an anti-species perspective that collaborates as a starting point to abandon the anthropocentric vision that leads to violating not only the rights of Nature but also that of the non-human animals with which we live on this planet.

- Long-term actions

1. Make significant changes in educational systems by mandating Earth-centered law education in curricula from entry-level to higher levels adopting an Earth Jurisprudence paradigm, as well as anti-species education that values the life of all sentient beings
2. Creation of adequate Public Policies, based on respect and harmony with Mother Earth, using eco-centric democracy in political decision-making for its elaboration.
3. Establish international and local institutions to centralize and supervise the implementation of Earth-centered law from an Earth Jurisprudence perspective
4. The adoption of an Earth Jurisprudence paradigm that abandons anthropocentrism and the speciesism derived from it and that is strictly applied both in the process of making laws and in judicial decisions and even in society itself