



# RIGHTS OF NATURE & MOTHER EARTH

## RIGHTS-BASED LAW FOR SYSTEMIC CHANGE





## Recognizing the Rights of Nature and the Living Forest

By Osprey Orielle Lake

*“The message our Living Forest proposal delivers is aimed at the entire world with the goal of reaching the hearts and minds of human beings everywhere, encouraging us all to reflect on the close relation between Human Rights and the Rights of Nature.” From Kawsak Sacha, The Living Forest: An Indigenous Proposal for Confronting Climate Change, presented by the Amazonian Kichwa People of Sarayaku, Ecuador*



Orellana Province, Ecuador

December 2015 found all eyes on Paris as government representatives from around the world debated and finalized a new international climate change agreement at the United Nations COP21 climate negotiations. The news was abuzz with stories and analysis about the Paris agreement and the commitments (or lack thereof) made by world governments, however it was just outside of the narrow glance of the mainstream media that actions and events for bold transformative change were taking place.

Civil society, non-governmental and community organizations representing hundreds of thousands of people from diverse social movements and international networks gathered during the Paris climate negotiations for major actions on the streets, hundreds of events, assemblies, concerts and educational workshops focused on just, community driven climate solutions.

It is critical to highlight these peoples' movement initiatives, planned in parallel to COP21 proceedings and that take place at every COP, because they are the ones bringing about the socio-ecologic and systemic transformation that concerned people around the world are calling forth—from decentralized energy systems and food sovereignty to Indigenous rights and gender-responsive climate policies.

Like inconspicuous stones cast into a deep pond, the ripples from these alternative proceedings are reaching outward and broadening into ever widening circles, connecting one to another and spreading worldwide.

So it was that two significant ripples that demonstrate respect for Nature and the natural laws of the Earth -- topics stunningly absent from the UN negotiations -- radiated out into the corridors of COP21 to civil society gatherings and onto the streets of Paris. One ripple was the growing global movement for the Rights of Nature, the other, going hand-in-hand, the potent voice of the Indigenous Kichwa People of Sarayaku, Ecuador and their Living Forest Proposal.

Rights of Nature is a revolutionary and evolutionary concept, at the heart of which lies a key to addressing our horrifically dysfunctional economic system and the legal, social and political frameworks that are destroying people and planet.

The Rights of Nature framework originated from the understanding that after decades of environmental protection laws (which surely have achieved some notable successes), our modern legal systems have failed to prevent the increasingly grave threats of climate change, ecosystem degradation, and the growing displacement of humans and other species.

The majority of the world's legal frameworks are based on treating nature as property, meaning that our life-giving rivers, forests and mountains are seen as objects to be sold and consumed. Our current legal paradigm furthers dangerous ideas around the commodification and financialization of nature, and we can see the disastrous results of this way of thinking.

To avert the worst impacts of the climate crisis and move towards truly sustainable living, we must challenge the idea that Earth's living systems are property and change the very DNA of our legal frameworks to adhere to the natural laws of the Earth.

Recognizing Rights of Nature means that human activities and development must not interfere with the ability of ecosystems to absorb their affects, to regenerate their natural capacities, to thrive and evolve, and requires that those responsible, including corporate actors, be held fully accountable for negative impacts on Earth systems.

The power of the global movement for Rights of Nature has been growing quickly, in part due to the popularity of local and international Rights of Nature tribunals.

Rights of Nature Tribunals give people from all around the world the opportunity to testify publicly on the destruction of the Earth and their communities, while simultaneously creating a new legal framework, providing critical alternatives for environmental protection, and offering a new vision for just social, economic and political structures.

Critically, a Rights of Nature framework also provides a path through which people can re-learn respect for Mother Earth, as Indigenous peoples of the world have been demonstrating for thousands of years. As more and more activists are acknowledging, we are not just protecting nature, we are nature - recognition of profound significance given that it is the belief that we are separate from the Earth that resides at the root of and furthers a destructive relationship to the natural world.

In Paris, the Global Alliance for the Rights of Nature held its third International Rights of Nature Tribunal, covering topics ranging from fracking and mega-dams to GMO's, deforestation and violence against defenders of the land.

Rights of Nature Tribunals cases were founded on the mandate of the Universal Declaration of the Rights of Mother Earth, drafted in 2010 at the World People's Conference on Climate Change and the Rights of

Mother Earth in Bolivia. Outcomes and final judgments were based on scientific, technical, research-based and other expert testimony, the first-hand experiences of witnesses, as well as the world views and wisdom of Indigenous peoples who hold an ancient understanding of humans as part and particle of the living cosmos.

## Kawsak Sacha: The Living Forest

*“Let’s leave our old perceptions and ideas, to be reborn and boost a collective transformation! Now is the time to stop these destructive ideas in our ancestral territories and around the world. We as Indigenous peoples have the great opportunity to bring our vision—and a clear proposal—that could call on a transformation for all of humanity.” —Patricia Gualinga, Director of International Relations for the Kichwa community of Sarayaku, Ecuador*

Throughout the two weeks of the COP21 UN climate talks, a delegation of Indigenous Kichwa leaders from Sarayaku, Ecuador worked ceaselessly to present and spread their proposal of Kawsak Sacha, or the “Living Forest,” a comprehensive vision for living in harmony with the natural world based upon the practices with which their ancestors have sustainably inhabited and cared for the health of the Amazon Rainforest for millennia.

Their proposal is a profound challenge to dominant concepts and practices, which view nature as a resource to market, commodify and exploit without limit. In the context of the Paris climate change agreement, this means a challenge to the idea that we can put forests into carbon trading schemes and other market mechanisms as a means of addressing climate change.

The Kawsak Sacha “Living Forests” vision is vital for many reasons, the most fundamental being that maintaining the ecologic balance of the Amazon is essential to Earth’s health and capacity to mitigate climate change. Approximately 20 percent of the carbon dioxide produced from burning fossil fuels is absorbed by tropical forests around the world, and this is just one of many critical ecologic functions. Consequently, protecting the Amazon rainforest, the largest of the world’s tropical forests, must be central to climate change discussions and policies.

Within this context, Indigenous peoples and their rights must be respected and protected because it is their intimate relationship with their forests and their courageous ongoing struggles to defend their territories that has and will continue to bring about the highest protection of these vital rainforests. It is a grave and dangerous tragedy that alongside human rights, Indigenous rights were removed from the operative part of the final Paris agreement.

The worldview expressed in the Kawsak Sacha proposal has much to offer us in guiding a Rights of Nature framework, and it is important to highlight that Ecuador was the first country in the world to include Rights of Nature into their Constitution—in great part due to Indigenous peoples’ advocacy. We can gain a glimpse

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of the wisdom contained in the Kawsak Sacha through excerpts of the words of the Sarayaku people themselves:

*“Kawsak Sacha (The Living Forest) is a proposal for living together with the natural world that grows out of the millennial knowledge of the Indigenous Peoples who inhabit the Amazonian rainforest, and it is one that is also buttressed by recent scientific studies. Whereas the western world treats nature as an undemanding source of raw materials destined exclusively for human use, Kawsak Sacha recognizes that the forest is made up entirely of living selves and the communicative relations they have with each other. These selves, from the smallest plants to the supreme beings who protect the forest, are persons (runa) who inhabit the waterfalls, lagoons, swamps, mountains, and rivers, and who, in turn, compose the Living Forest as a whole.*

*“Kawsak Sacha, understood as sacred territory, is the primordial font of Sumak Kawsay (Buen Vivir, “Good Living”). In essence, the forest is neither simply a landscape for aesthetic appreciation nor a resource for exploitation. It is, rather, the most exalted expression of life itself. It is for this reason that continued coexistence with the Living Forest can lead to Sumak Kawsay. This encourages us to propose that maintaining this lively space, based on a continuous relation with its beings, can provide a global ethical orientation as we search for better ways to face the worldwide ecological crisis in which we live today. In this manner Sumak Kawsay can become a planetary reality.*

*“Proposal: Declaration of Kawsak Sacha (the Living Forest)*

*“1. Our Concrete Proposal consists in attaining national and international recognition for Kawsak Sacha (the Living Forest), as a new legal category of protected area that would be considered Sacred Territory and Biological and Cultural Patrimony of the Kichwa People in Ecuador.*

*“2. The Living Forest proposes a way of achieving Sumak Kawsay by means of the application and execution of Life Plans that are sustained by the three foundational pillars of the Sumak Kawsay Plan: Fertile Land (Sumak Allpa); Living in Community (Runaguna Kawsay); and Forest Wisdom (Sacha Runa Yachay).*

*“3. Understood as Territory, the Living Forest, thanks to forty years of communal effort, is now demarcated by a border of flowering and fruiting trees visible from the air. We call this vital cordon a Frontier of Life or Trail of Flowers (Jatun Kawsak Sisa Ñampi). By means of the flower’s ephemeral beauty, the Frontier of Life conveys the fragility of life and the fertility of the Living Forest that it both surrounds and protects. At the same time it creates the possibility of beginning to dialogue with the beings that make up the Living Forest. In this way the Frontier of Life creates a permanent forum for communication among beings. This can help the entire world recuperate the original understanding of Mother Earth as a shared home.”*

Given the gravity and speed of climate change, it would behoove us to immediately welcome truly transformative work such as Rights of Nature and the Kawsak Sacha proposal. May these ripples in the pond turn into waves of change, or we will have overwhelming waves from sea level rise that will not be the transformation we are seeking.

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### **For more information about the Rights of Nature:**

**Movement Rights** works to advance the rights of communities, Indigenous peoples and ecosystems over corporate interests through grassroots organizing, movement building and writing new law. Download report and/or contact us: [movementrights.org/resources.html](http://movementrights.org/resources.html) | [movement@movementrights.org](mailto:movement@movementrights.org) | Tel: +1 (415) 841-2998

**Indigenous Environmental Network** works for the rights of Indigenous peoples and for economic and environmental rights. Download the report and/or contact us: [www.ienearth.org](http://www.ienearth.org) | [ien@igc.org](mailto:ien@igc.org) | Tel: +1 (218) 751-4967

**WECAN** is a climate justice-based initiative established to unite women worldwide as powerful stakeholders in sustainability solutions, policy advocacy, and worldwide movement building for social and ecologic justice. Download the report and/or contact us: [www.wecaninternational.org](http://www.wecaninternational.org) | [osprey@wecaninternational.org](mailto:osprey@wecaninternational.org) | Tel: +1 (415) 722.2104

**Global Alliance for the Rights of Nature** is a global network of organizations and individuals committed to the universal adoption and implementation of legal systems that recognize, respect and enforce "Rights of Nature". [www.therightsofnature.org](http://www.therightsofnature.org)

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