

tion'. For example, during the process of de-colonisation, emerging nations that were part of colonial empires fought for the right to be treated as distinct entities within the world community (i.e. independent states). Once this was recognised, they would have the right to regulate themselves internally and to negotiate their relationships with other states. Members of the Earth Community, whether they be species or communities, must be recognised as having similar rights.

In recent decades many indigenous communities have also fought for the recognition of their right to be allowed to live and regulate themselves within their habitat, without the imposition of outside law and cultures that define how they must relate to one another and other members of the Earth Community. It is important to note that, by and large, these communities have not been asking the dominant cultures to extend certain 'human rights' to them. Their plea is for the dominant culture (represented by the national government) to cease trying to impose its idea of an appropriate human role on their relationships with one another and with the Earth Community as a whole. If the national governments accept that such a right of self-determination exists, then by necessary implication it must limit and reduce the extent of its influence and power, and allow the indigenous communities to self-regulate to a greater extent. In the same way, the first step is for our human jurisprudence to recognise that the dominant cultures of our times have no right to prevent other components of the Earth Community from fulfilling their evolutionary role. This is more important, I believe, than attempting to determine the precise content of the Earth rights of rivers, animals and plants.

BREACHING EARTH RIGHTS

One of the most dangerous misconceptions of the dominant cultures is that because human governance systems do not penalise most infringements of the Earth rights of other members of the Community, there is no sanction. Nature has its own way of responding to a failure to observe Earth rights. Each infringement violates the Earth Community and causes a further deterioration in the relationships between humans and the rest of that Community. We humans have evolved, and are genetically coded, to be part of that Community, and share a consciousness with it. Consequently the growing detachment of the dominant human societies from the Earth Community is matched by an increasing sense of loss and emptiness. It is already apparent that by replacing what were relationships of respect and reverence with other members of the Community with exploitative relations, we have lessened not only the beauty and complexity of the whole Earth Community, but also ourselves.

The Origin, Differentiation and Role of Rights

1. Rights originate where existence originates. That which determines existence determines rights.
2. Since it has no further context of existence in the phenomenal order, the universe is self-referent in its being and self-normative in its activities. It is also the primary referent in the being and the activities of all derivative modes of being.
3. The universe is a communion of subjects, not a collection of objects. As subjects the component members of the universe are capable of having rights.
4. The natural world on the planet Earth gets its rights from the same source that humans get their rights, from the universe that brought them into being.
5. Every component of the Earth Community has three rights: The right to be, the right to habitat, and the right to fulfil its role in the ever-renewing processes of the Earth Community.
6. All rights are species-specific and limited. Rivers have river rights. Birds have bird rights. Insects have insect rights. Humans have human rights. Difference in rights is qualitative not quantitative. The rights of an insect would be of no value to a tree or a fish.
7. Human rights do not cancel out the rights of other modes of being to exist in their natural state. Human property rights are not absolute. Property rights are simply a special relationship between a particular human 'owner' and a particular piece of 'property' for the benefit of both.
8. Species exist in the form of individuals and groupings—flocks, herds, schools of fish and so forth. Rights refer to individuals and groupings, not simply in a general way to species.
9. These rights as presented here also establish the relationships that the various components of Earth have towards each other. The planet earth is a single community bound together by interdependent relationships. Every component of the Earth Community is immediately or mediately dependent on every other member of the community for the nourishment and assistance it needs for its own survival. This mutual nourishment, which includes the predator-prey relationship, is integral with the role that each component of the Earth has within the comprehensive community of existence.
10. In a special manner humans have not only a need for but a right of access to the natural world not only to supply their physical needs but also to provide the wonder needed by human intelligence, the beauty needed by human imagination, and the intimacy needed by the human emotions.

UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH

Preamble

We, the peoples and nations of Earth:

considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

recognizing that the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused great destruction, degradation and disruption of Mother Earth, putting life as we know it today at risk through phenomena such as climate change;

convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth;

affirming that to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are existing cultures, practices and laws that do so;

conscious of the urgency of taking decisive, collective action to transform structures and systems that cause climate change and other threats to Mother Earth;

proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world.

Article 1. Mother Earth

1. Mother Earth is a living being.
2. Mother Earth is a unique, indivisible, self-regulating community of inter-related beings that sustains, contains and reproduces all beings.
3. Each being is defined by its relationships as an integral part of Mother Earth.
4. The inherent rights of Mother Earth are inalienable in that they arise from the same source as existence.
5. Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
6. Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
7. The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

Article 2. Inherent Rights of Mother Earth

1. Mother Earth and all beings of which she is composed have the following inherent rights:
 - (a) the right to life and to exist;
 - (b) the right to be respected;
 - (c) the right to continue their vital cycles and processes free from human disruptions;
 - (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
 - (e) the right to water as a source of life;
 - (f) the right to clean air;
 - (g) the right to integral health;
 - (h) the right to be free from contamination, pollution and toxic or radioactive waste;

(i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;

(j) the right to full and prompt restoration for the violation of the rights recognized in this Declaration caused by human activities;

2. Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.

3. Every being has the right to well-being and to live free from torture or cruel treatment by human beings.

Article 3. Obligations of human beings to Mother Earth

1. Every human being is responsible for respecting and living in harmony with Mother Earth.

2. Human beings, all States, and all public and private institutions must:

(a) act in accordance with the rights and obligations recognized in this Declaration;

(b) recognize and promote the full implementation and enforcement of the rights and obligations recognized in this Declaration;

(c) promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this Declaration;

(d) ensure that the pursuit of human well-being contributes to the well-being of Mother Earth, now and in the future;

(e) establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth;

(f) respect, protect, conserve and where necessary, restore the integrity, of the vital ecological cycles, processes and balances of Mother Earth;

(g) guarantee that the damages caused by human violations of the inherent rights recognized in this Declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;

(h) empower human beings and institutions to defend the rights of Mother Earth and of all beings;

(i) establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles;

(j) guarantee peace and eliminate nuclear, chemical and biological weapons;

(k) promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs;

(l) promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration.

Definitions

1. The term "being" includes ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth.

2. Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings.