

Translating Earth



Transforming Law and Governance for the Post- Petroleum Period

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Credit: Screen Beans Art © A Bit Better Corporation

To err is human,
To really foul things up requires
a power point.

-- *Cf.* Farmers Almanac (1978)

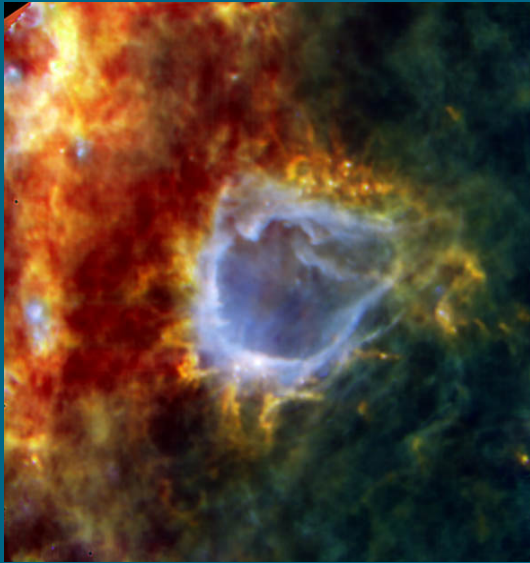


Simplify!
... your digital and
online life









Within our body is the backstory of the earth four billion years ago, the molecular chains, elemental compound, simple bacteria, and salty fluids that wash our eyes and surround our cells, forming a compendium of life that has preceded us.

–Paul Hawken, *Blessed Unrest* 169

Humans ~
Beings in
whom Earth
becomes
conscious of
itself

-Thomas Berry,
Evening Thoughts 71



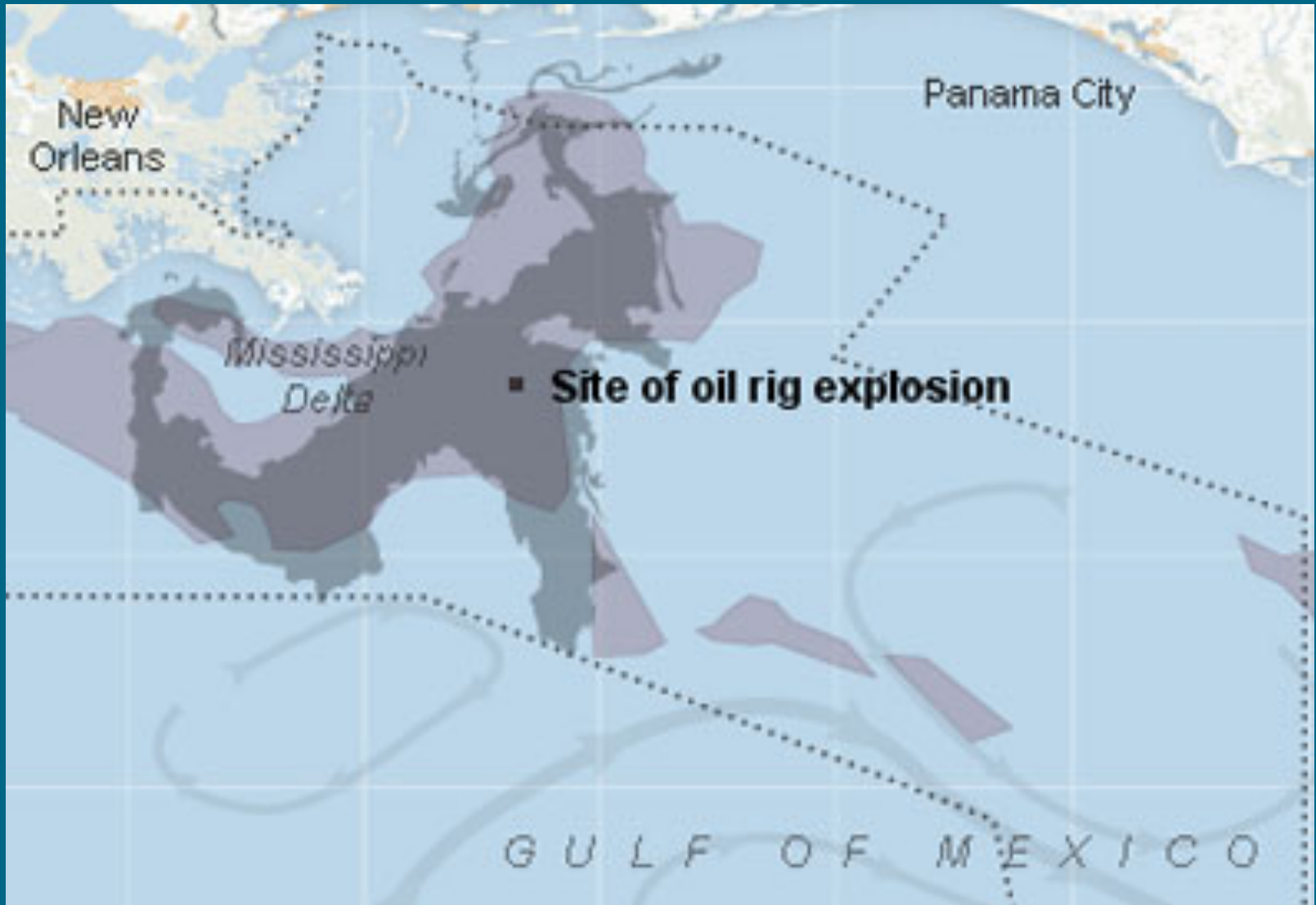
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Transforming Law and Governance
for the Post-Petroleum Period



Deepwater Horizon Blowout, April 20, 2010



Extent of Oil Intrusion, New York Times, September 20, 2010

“Learning a way of life independent of petroleum . . . may well be the most critical issue before the human community at the present time, because we cannot afford to wait until the crisis is upon us.”

– Thomas Berry, *The Great Work*, 156



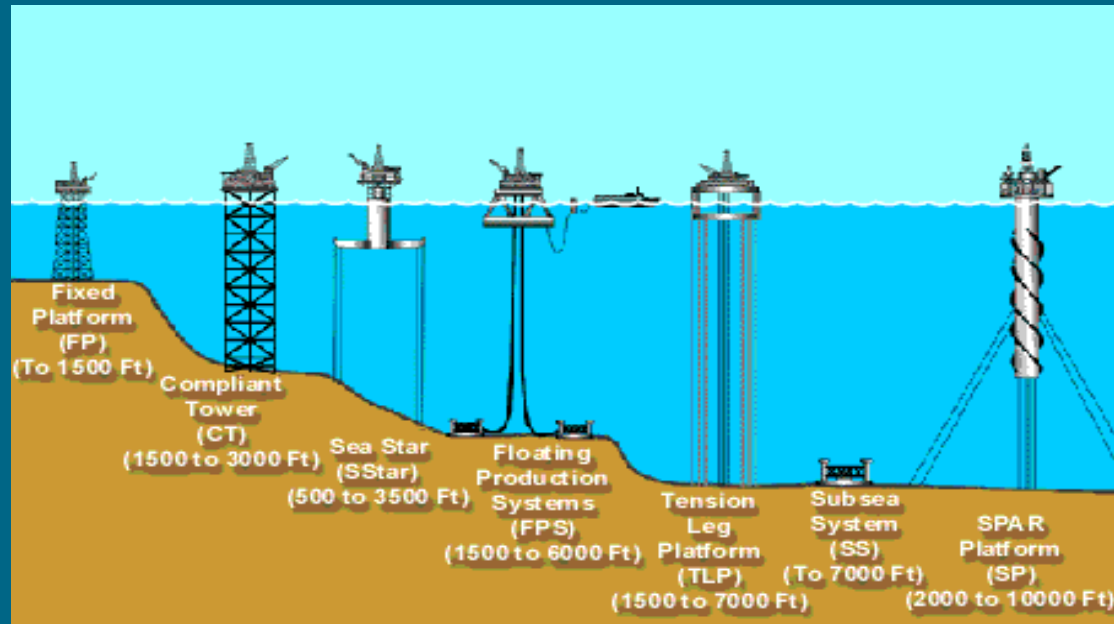


Warnings and Lessons of the Petroleum Era



As deep as Mount Everest is tall . . .

Tiber Oil Field –
39,000 feet (11,900 meters)
below the surface of the Gulf of Mexico



Humanity's way of life is on a *collision course with geology* – with the stark fact that the Earth holds a finite supply of oil.

– Tim Appenzeller, *End of Cheap Oil*, National Geographic Magazine

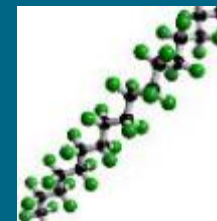


“ We need these fossil fuels . . . we have run to the end of our reservoir limits and . . . to the end of the politically acceptable places to drill in the United States. And so we are going deeper and deeper into the Gulf.”

– Scientist Lisa Margonelli, *Need to Know*, PBS, June 30, 2010



Human Progress & Petroleum



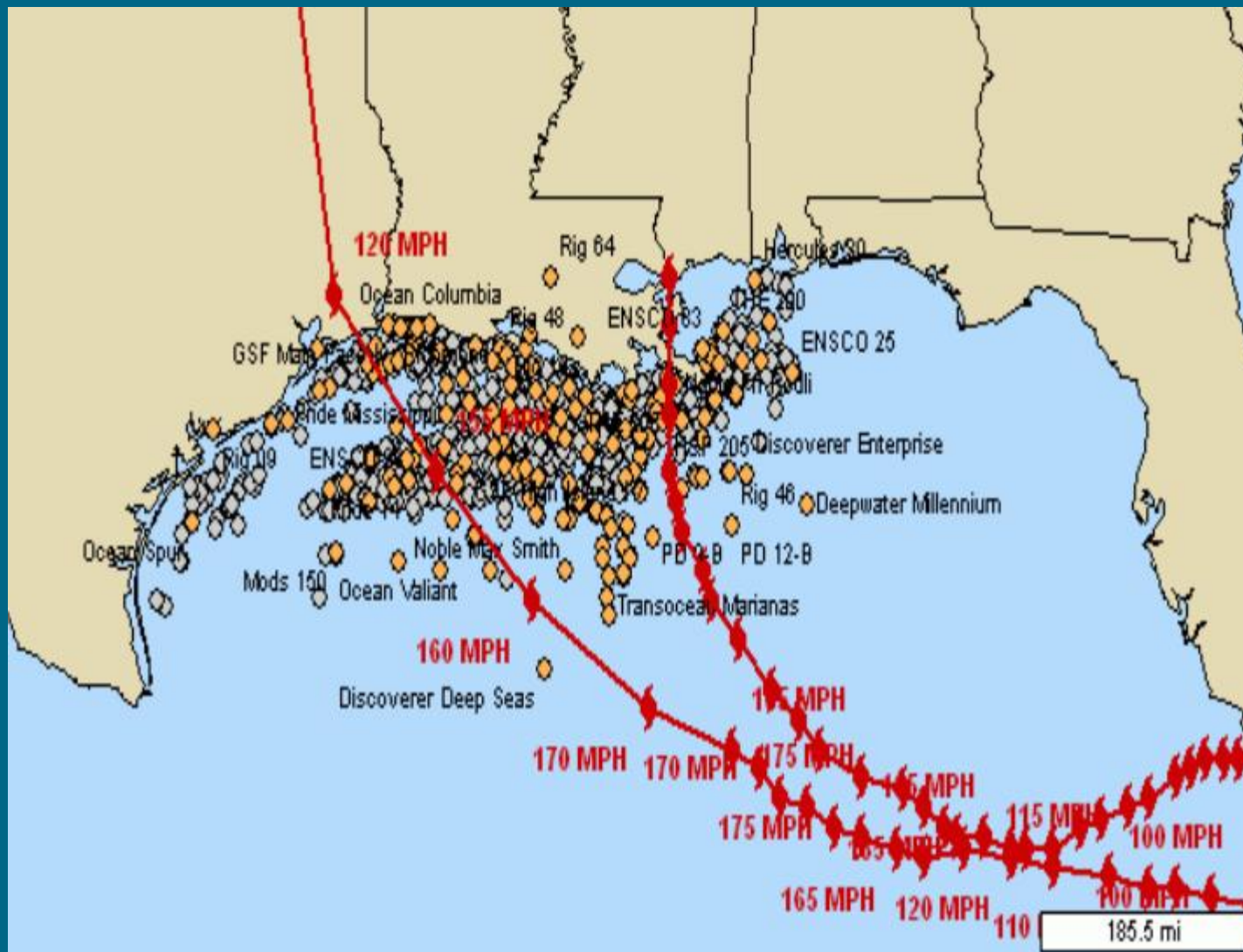




Untenable



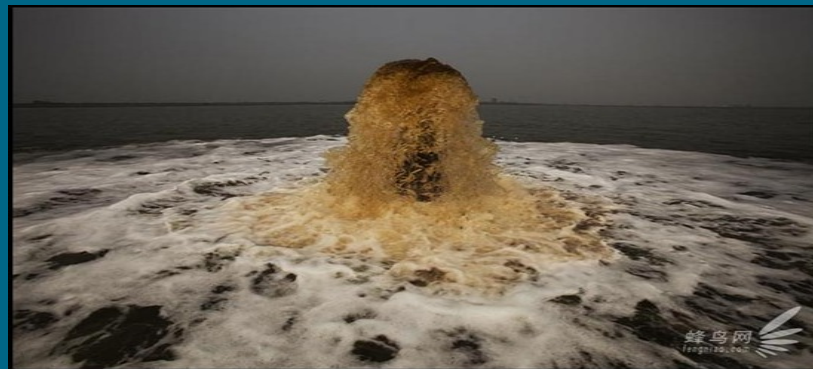


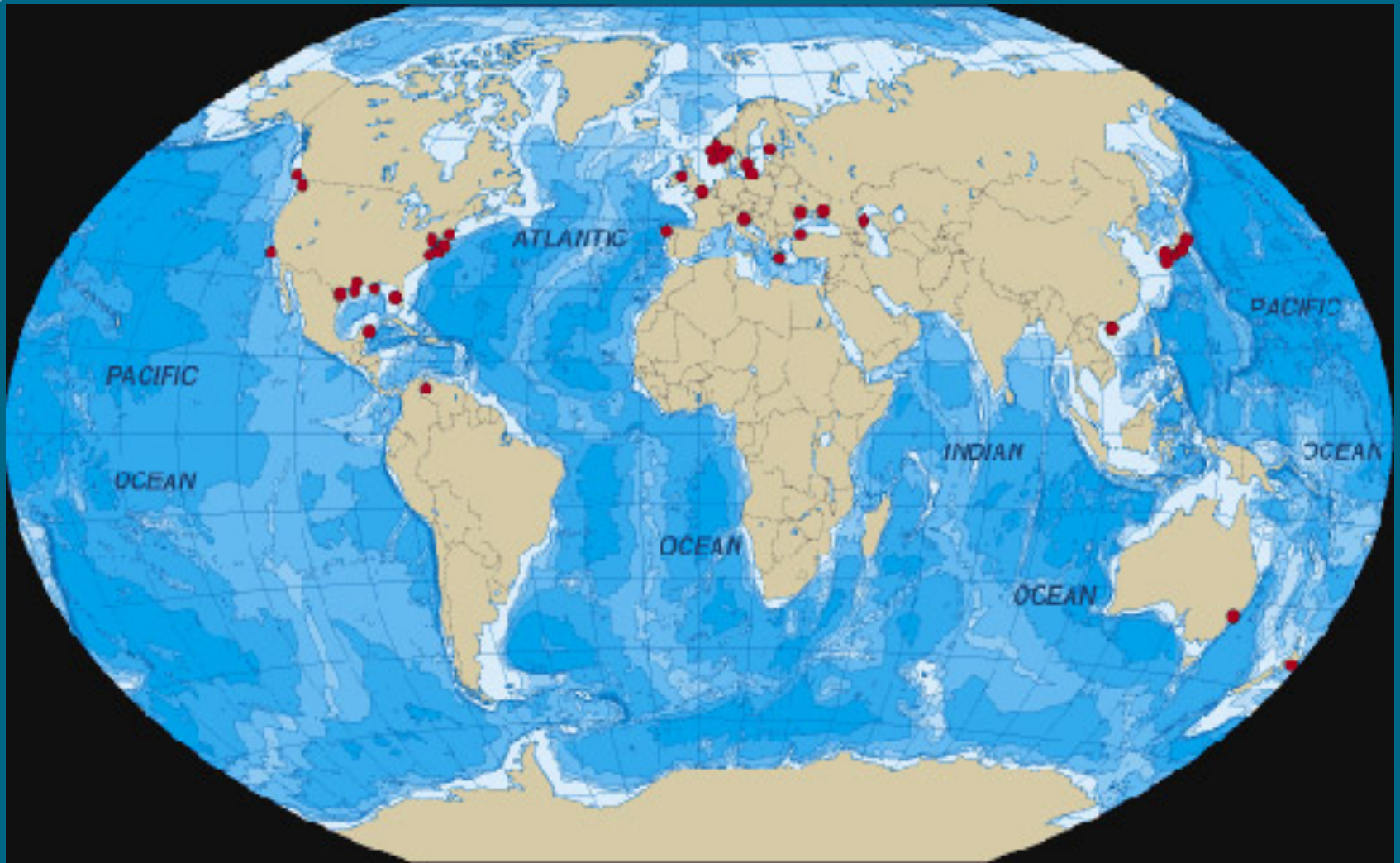


Oil Rigs in the Gulf of Mexico

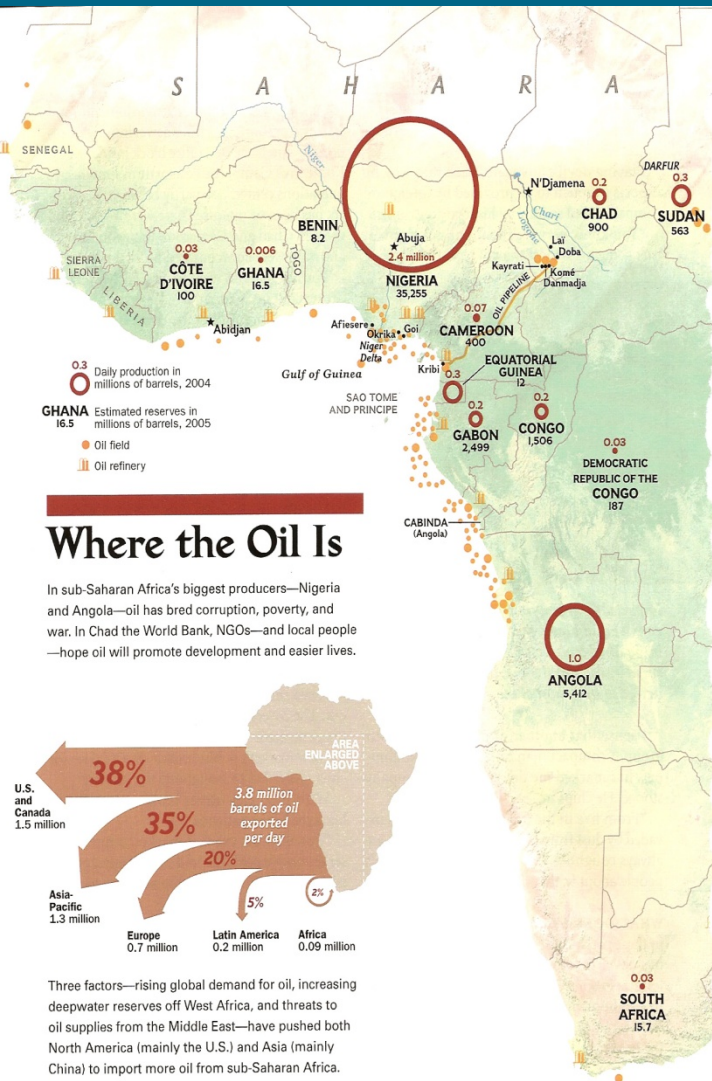
We are now turning to exploitation of the ocean in new ways . . . while desperately seeking a place to dump our industrial waste and to find a repository in which to hide excess carbon byproducts to halt the dangerous warming of our global climate.

- Richard Charter, Defenders of Wildlife, LIFE ON THE EDGE: THE INDUSTRIALIZATION OF OUR OCEANS (NOAA 2007)



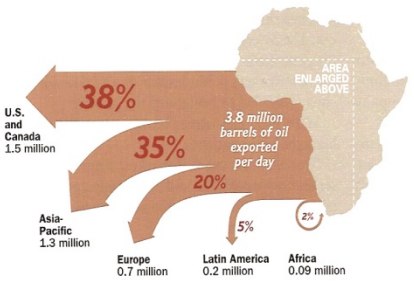


Sites of Major Dead Zones in the World's Oceans



Where the Oil Is

In sub-Saharan Africa's biggest producers—Nigeria and Angola—oil has bred corruption, poverty, and war. In Chad the World Bank, NGOs—and local people—hope oil will promote development and easier lives.



Three factors—rising global demand for oil, increasing deepwater reserves off West Africa, and threats to oil supplies from the Middle East—have pushed both North America (mainly the U.S.) and Asia (mainly China) to import more oil from sub-Saharan Africa.



SOURCES: BRITISH PETROLEUM STATISTICAL REVIEW OF WORLD ENERGY; INTERNATIONAL PETROLEUM ENCYCLOPEDIA; RELIEF DATA: TOM PATTERSON, NATIONAL PARK SERVICE. NO MAPS





In the Niger delta, this warning sign turns away people from oil docks. Nearly full-scale war has broken out between resisting indigenous groups, such as the Ogoni people, and global oil companies, seeking control of traditional lands.

– Richard Heinberg, Searching for a Miracle: “Net Energy” Limits and the Fate of Industrial Society, International Forum on Globalization

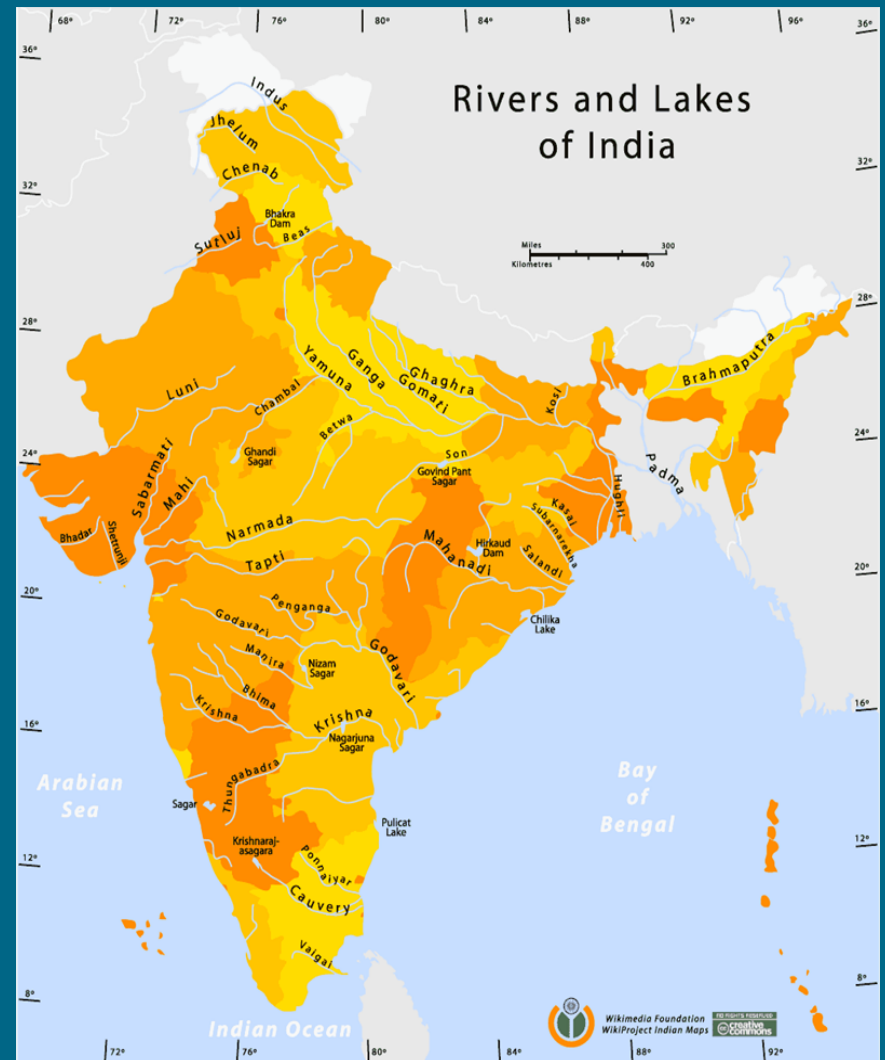


Oil Spill in the Niger Delta



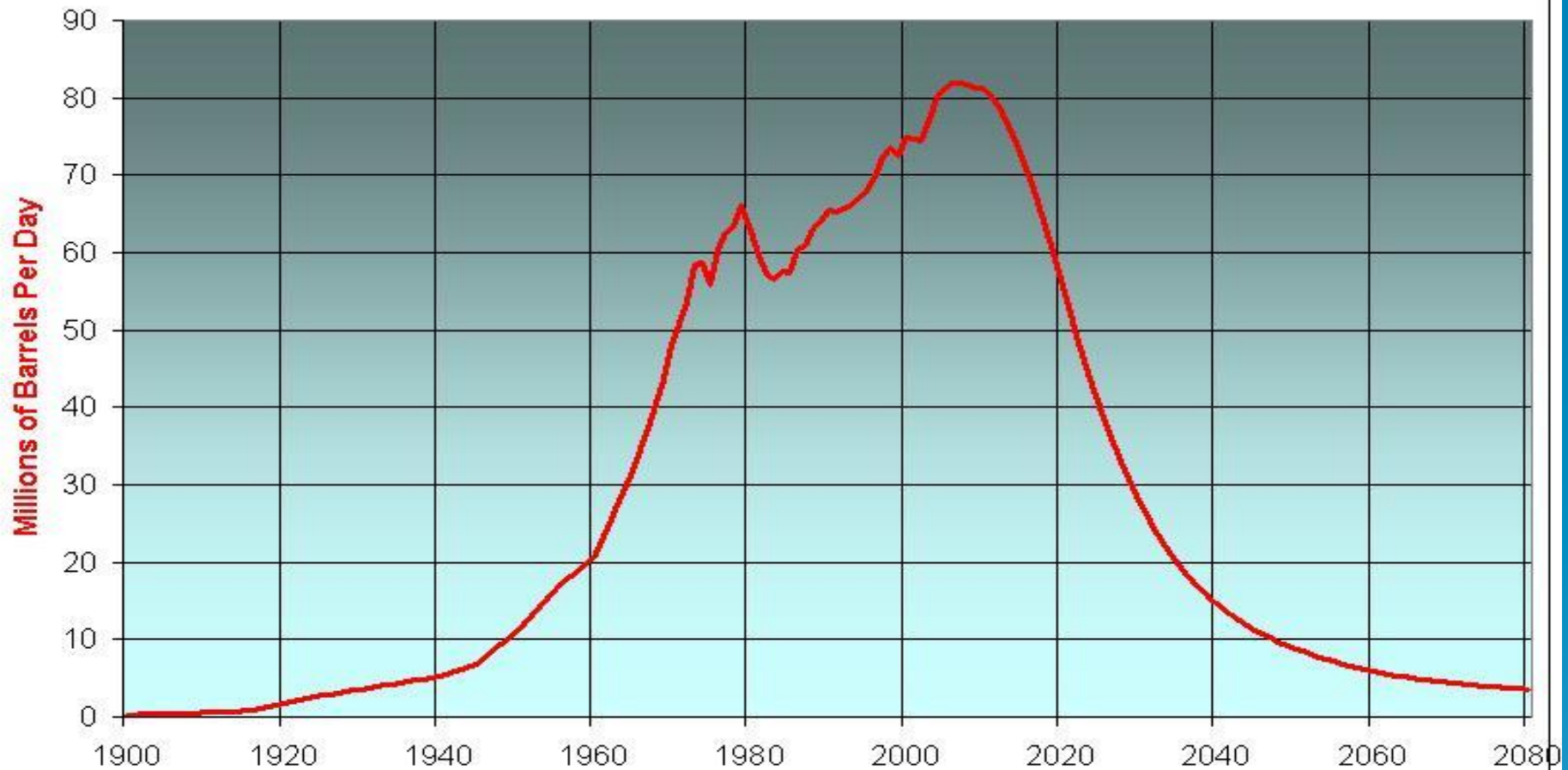
“Substituting sacred rivers with highways, substituting our connection to the sacred earth, her mountains and forests, with connection to automobiles, cement, and coal tar, is rewriting India’s ecology, culture, and history.”

-Vandana Shiva, Soil Not Oil



Peak Oil Projections

World Oil Production 1900-2080



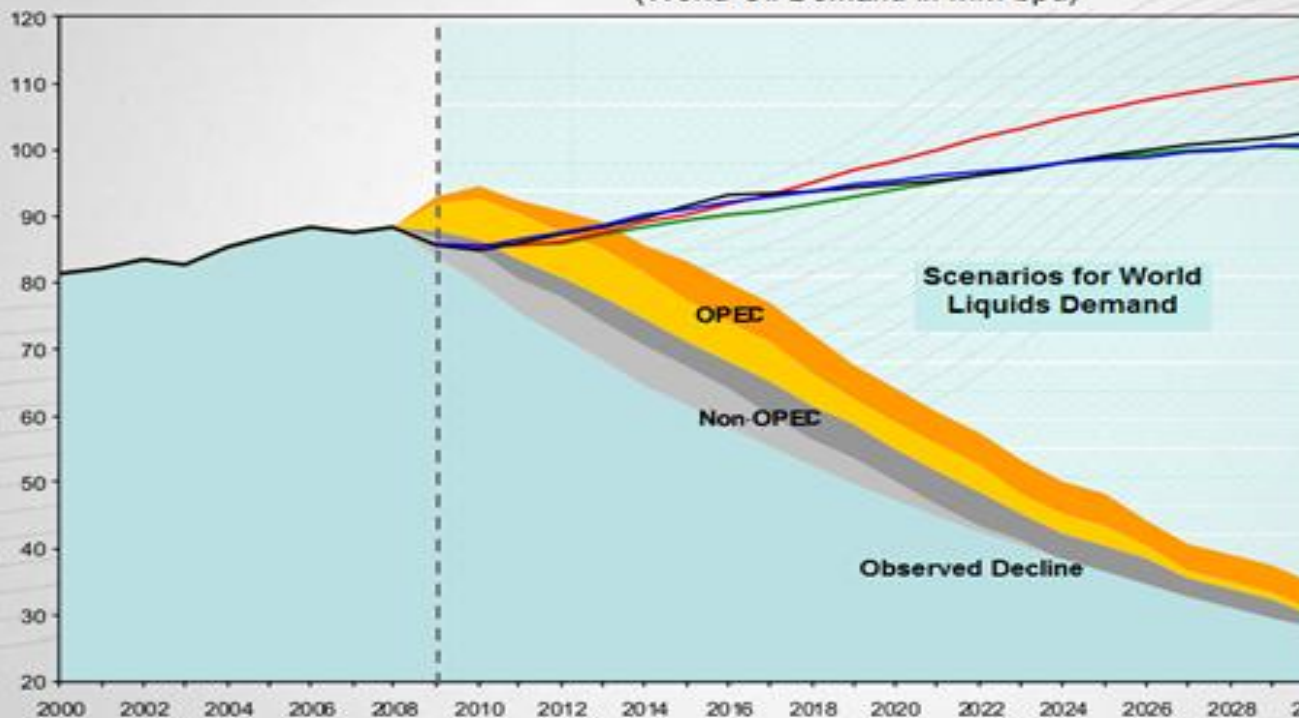
World Oil Demand and Supply

NEW ANNOUNCED PRODUCTION IS YET TO MEET LONG TERM DEMAND



SCENARIOS FOR OIL DEMAND

(World Oil Demand in MM bpd)



Scenarios Petrobrás

Predatory Growth

Force of Habit (BAU)

Divided Attention

Sustainable Development [sic]

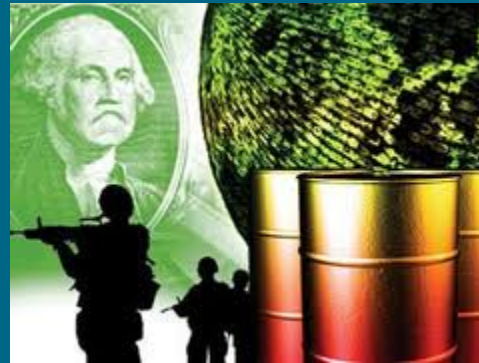
SIZE OF THE SUPPLY CHALLENGE

New Required Capacity

2020	29	–	34	MM bpd
2030	68	–	79	MM bpd

- New OPEC Projects
- OPEC Expansion Projects
- New Non-OPEC Projects
- Non-OPEC Expansion Projects

The Predatory Growth Scenario stands out as the most challenging for long term supply. Although less challenging, Divided Attention and Sustainable Development [sic] shall also require considerable investment effort.



Sea Gulls Flying Over Oil in the Gulf of Mexico 2010





Earth Jurisprudence: A New Direction



Earth Jurisprudence

*Earth-centered solutions for
future generations*

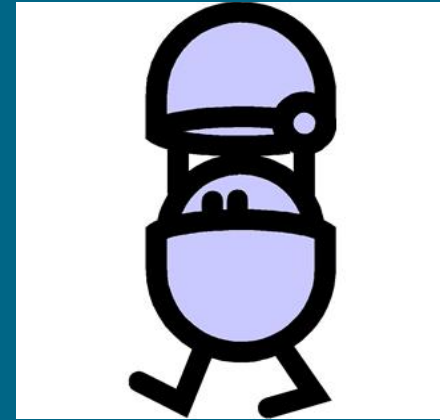


Earth Jurisprudence

*Transformation and Re-creation of Law:
Re-thinking the Premises of Law*



Theory

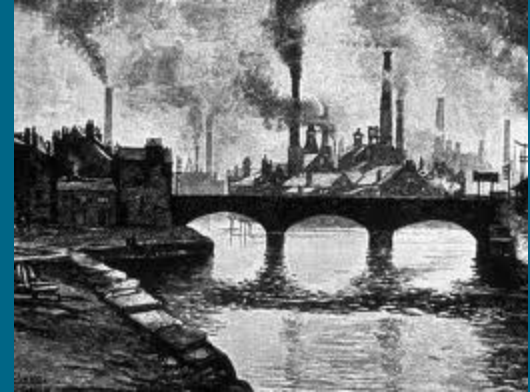
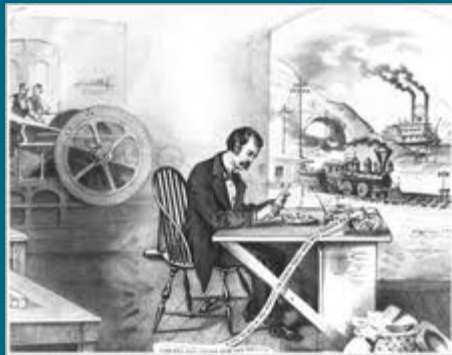


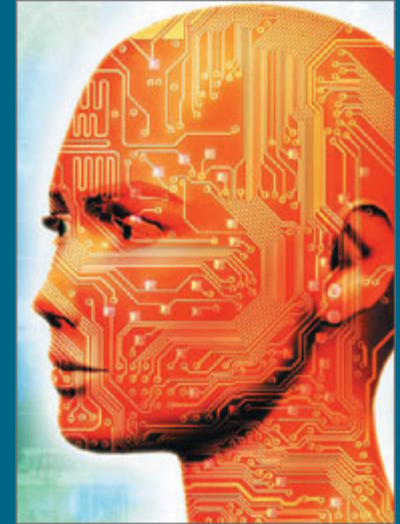
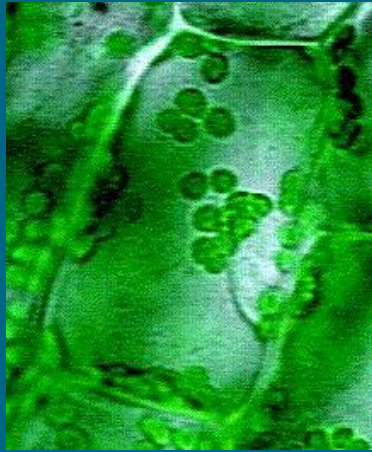


Imagine

Our Western culture long ago
abandoned its integral relation with
the planet on which we live.

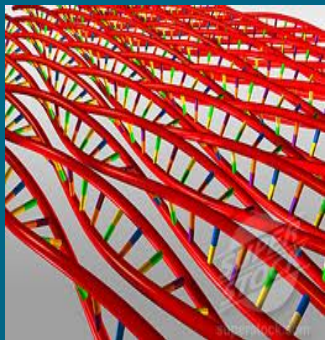
-Thomas Berry, *The Great Work* 147





What is needed is not
transcendence but "inscendence,"
not the brain but the gene.

– Thomas Berry, *The Dream of the Earth* 208



... from conqueror of the land–community to plain member

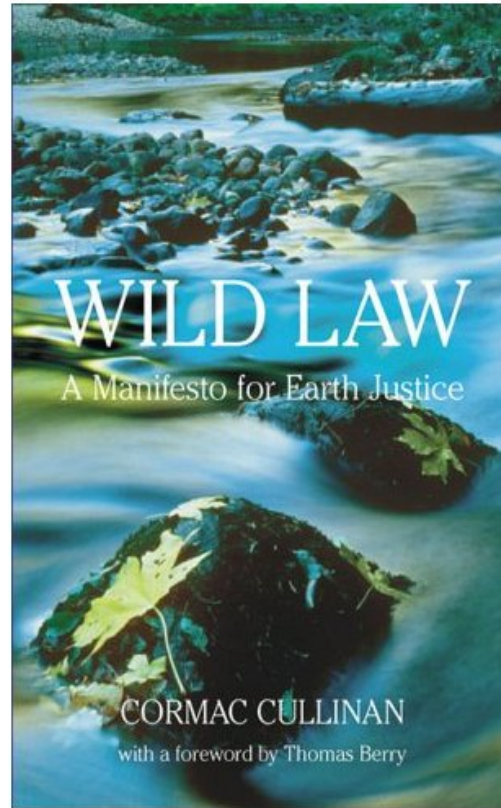
– Aldo Leopold, A Sand County Almanac





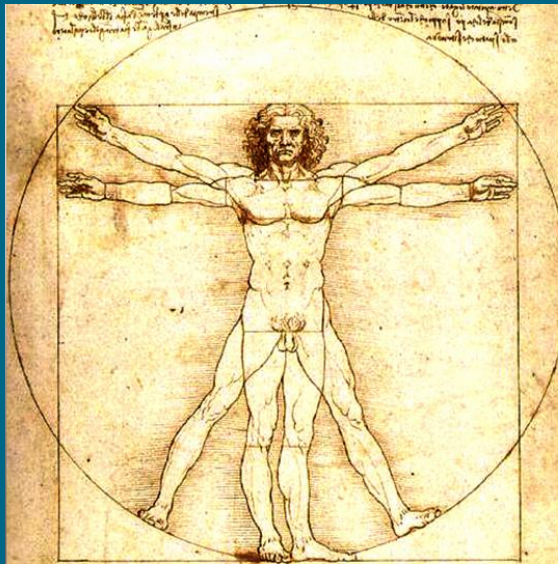
Vision ~ Praxis of Social and Environmental Justice





[T]he prospects of a governance system being successful could be increased by designing it in a way that took account of the attributes of what was being governed.

– Cormac Cullinan, *Wild Law* I, 27



Shift to Earth-centered



Reflect Earth-functioning





I can only guess at the shape of a tree's mind and what it knows about life on the edge of a pond.

– Stephanie Kaza, *The Attentive Heart*

Earth Jurisprudence

Aligning human
governance systems with
the principles of the
Universe

Organizing Themes of the Universe

Subjectivity

- Nature is subject

Communion

- Everything is related

Differentiation

- Universe says: "I am fresh."

Translating Cosmological Themes into Jurisprudential Principles

Intrinsic Value of Nature

- Moral and Legal Consideration

Interdependence

- Inclusive Justice and Fiduciary Responsibilities

Sustainability

- Earth Democracy and Ecosystem Governance

Translating Jurisprudence into Legal Applications

Intrinsic Value of Nature

- Doctrine of Standing
- Jural Status of Species and Ecosystems

Interdependence

- Intragenerational Equity
- Intergenerational Equity for Earth Community

Sustainability

- Precautionary Principle to Prevent Cumulative Damage

Public Trust Doctrine for Preservation of Earth's Oceans

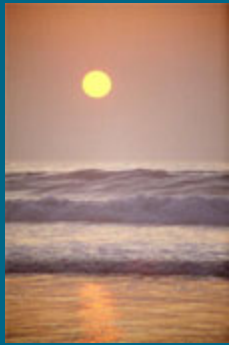




“By the law of nature these things are common to [hu]mankind – the air, running water, the sea, and consequently the shores of the sea.”

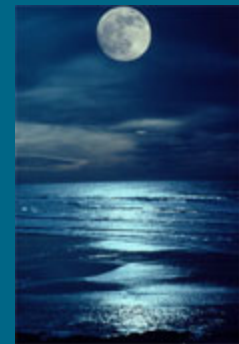
-Institutes of Justinian (533 C.E.)





“[T]he shores may be said to be the property of no [hu]man, but are subject to the same law as the sea itself, and the sand or ground beneath it.”

-Institutes of Justinian (533 C.E.)



Public Trust Doctrine to Preserve Earth for Future Generations



Public Trust Doctrine Goes in Hand with the Precautionary Principle



United Nations Convention on the Law of the Sea of 10 December 1982

Preamble: The States Parties to this
Convention

Recognizing the desirability of establishing through
this Convention, with due regard for the sovereignty
of all States, a legal order for the seas and oceans
which will facilitate international communication, and
will promote the peaceful uses of the seas and
oceans, the equitable and efficient utilization of their
resources, the conservation of their living resources,
and the study, *protection and preservation of the
marine environment*



United Nations Convention on the Law of the Sea of 10 December 1982

Article 192: General obligation



States have the obligation to protect and preserve the marine environment.

Article 193: Sovereign right of States to exploit their natural resources

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and *in accordance with their duty to protect and preserve the marine environment.*

Public Trust Doctrine Expresses Values of Ecological Preservation



Public Trust Doctrine Expresses Values of Earth Democracy



We are Trustees of Earth





Earth-Centered Law and Governance



Transition into the Post-Petroleum Period: Moments of Grace





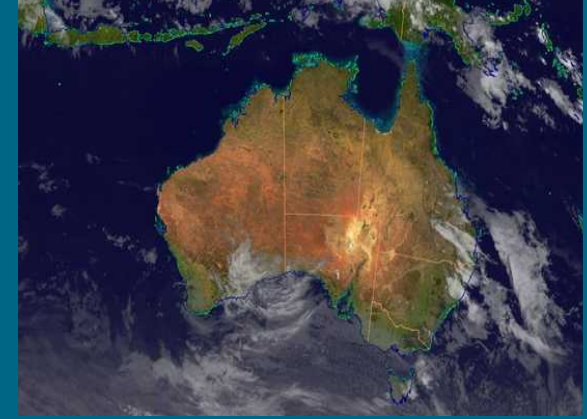
“Never doubt that a small group of thoughtful committed people can change the world. Indeed, it is the only thing that ever has.”

– Margaret Mead

United States



Australia



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BARRY
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Center
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Jurisprudence

Many laws. One Earth.

