

# Ecological justice and Earth Jurisprudence

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Environmental Justice Symposium  
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# Overview

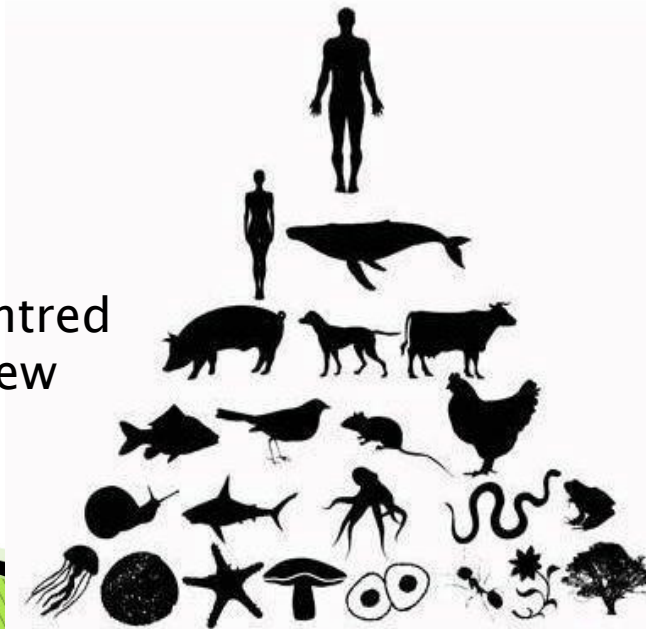
- ▶ Ecological Justice and Earth Jurisprudence
- ▶ Earth Jurisprudence and Wild Law
- ▶ Practical examples – rights of nature
- ▶ The role of the Australian Wild Law Alliance



# Ecological justice and environmental justice

- ▶ *Environmental justice* – traditionally about rights between humans, regarding their environment
- ▶ *Ecological justice* ‘extends’ these boundaries to rights between all species and earth systems – doesn’t ‘exclude’ humans – sees humans as part of an interconnected Earth community

Human centred  
world view

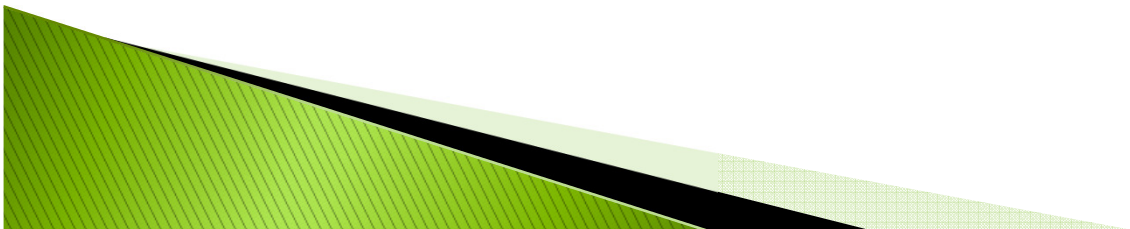


Earth centred  
world view



# What is Earth jurisprudence?

- ▶ ‘jurisprudence’ = theory of law
- ▶ aims to implement/achieve ecological justice
- ▶ ‘legal branch of deep ecology’
- ▶ Emerging legal theory and growing (global) social movement – suggests we rethink our legal and governance structures to be earth centred instead of human centred; to nurture, rather than degrade the natural world
  - Stems from work by Thomas Berry, especially 1999 – “The Great Work: Our Way Into the Future”
  - Further explored by Cormac Cullinan in 2002 – “Wild Law: A Manifesto for Earth Justice





# Elements of Earth Jurisprudence

## Earth Jurisprudence

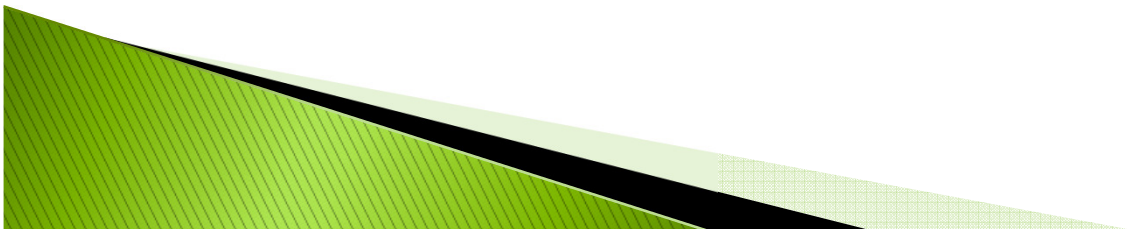
1. 'Great Law' or 'Great Jurisprudence' – laws of the natural world are 'higher' than human laws
2. Seeing the world as an interconnected 'Earth community' – community of subjects
3. Rights of nature – rights inherent in existence (life and earth systems)
4. Living within ecological limits
5. Encouraging diversity in human governance – localisation, responsiveness to the reality of the physical environment, indigenous knowledge

## Current western legal system

1. In the western legal system, human laws are the highest authority (disconnect of our legal and economic systems from physical realities)
2. Laws (eg property laws) reflect the view that nature is a commodity for human use
3. Rights for humans and corporations, but not nature
4. Pro-growth ideology
5. Western legal systems often reject cultural diversity (eg frequent exclusion of indigenous knowledge and lore)

# What can it mean in practice?

- ▶ Rights of nature a ‘high profile’ element of Earth jurisprudence (but not the only element)
- ▶ Rights of nature legislation
  - Ecuador – 2008 Constitution
  - Bolivia – “Act of the Rights of Mother Earth”, 2010
  - New Zealand – Whanganui River
  - USA
    - ‘Rights of nature’ local ordinances are used to help communities fend off CSG and other unwanted activities



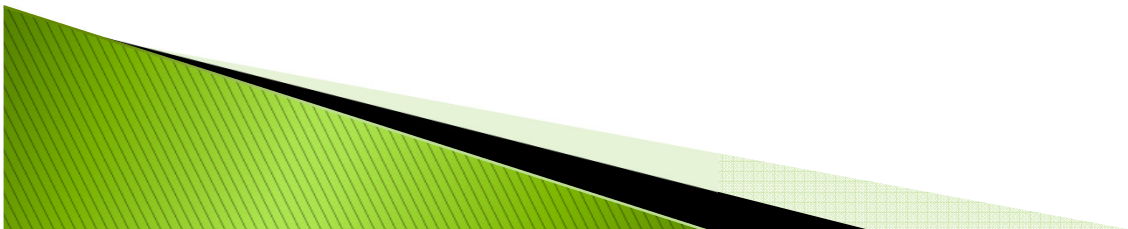
# Municipal governments, USA

- ▶ A dozen municipalities have introduced ordinances creating rights for human and natural communities
- ▶ Ordinances are legally binding in the relevant local jurisdiction – eg if fracking is banned, municipality wouldn't zone to allow it
- ▶ BUT – US municipalities are fairly powerless – State and Federal can override
- ▶ The 'rights of nature' ordinances are not intended as a legal strategy; they are an organising strategy
- ▶ Community Environmental Legal Defense Fund (CELDF) assists communities to organise and draft ordinances via 'democracy schools' ([www.celdf.org](http://www.celdf.org))
- ▶ Local ordinances are an organising vehicle for community resistance to unwanted developments
- ▶ But even a legal challenge can be of benefit – local communities can show inequities and community goals



## Example – Town of Wales, New York Community Protection of Natural Resources

- ▶ s.4(a) Right to water
- ▶ s.4(b) *Rights of Natural communities.*  
*Ecosystems and natural communities possess the right to exist and flourish within the Town. The residents of the Town of Wales have the inalienable right to enforce and defend those rights to protect all ecosystems, including but not limited to, wetlands, streams, rivers, aquifers and other water systems, within the Town of Wales”*
- ▶ s.4(c) Right to self-government





- ▶ Can granting rights to nature create more effective environmental laws and greater ecological justice?



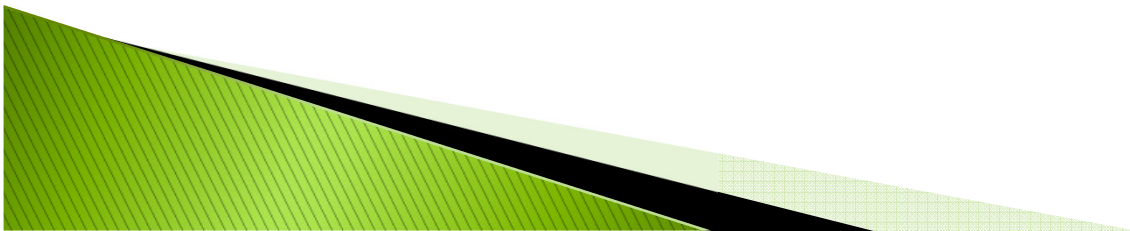
Whanganui River, New Zealand

It can ... it gives natural systems equal legal status to human interests; can force a rethink of what we do to nature; can implement ecological justice

But it may not ...

It depends on the interpretation and enforcement of the law; and this in turn depends on the worldview and economic and political systems that exist in the society that creates the laws

The main 'idea' behind Earth jurisprudence is that humans need to rethink their place in the world and create human governance systems (law, politics, economics) that nurture the Earth community upon which we depend





# Australian Wild Law Alliance

AWLA's Mission: promote the understanding and practical implementation of Earth Jurisprudence, to help transform our governance systems from human centred to earth centred systems

[www.wildlaw.org.au](http://www.wildlaw.org.au)





# The global movement

- ▶ In 2010 Bolivia hosted The World People's Conference on Climate Change and Rights of Mother Earth
- ▶ 30,000 people from 100 countries
- ▶ Prepared “Universal Declaration on Rights of Mother Earth” – presented to the UN
- ▶ ‘Global Alliance for the Rights of Nature’ created
  - 60 member organisations, from around the world
  - Advocates for Rights of Nature
  - AWLA a founding member

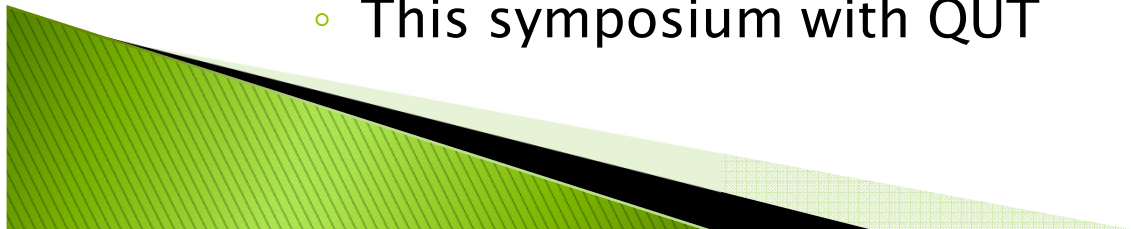


A worldwide movement  
creating human communities that  
respect and defend the rights of Nature.

*Its time has come!*

# AWLA's activities: (1) Promote the understanding of Earth Jurisprudence

- ▶ Promotion of Earth Jurisprudence and earth centredness
  - Website, facebook
  - 'Road show series' – 1 day workshops 2012/2013
    - Melbourne, Adelaide, Sydney, Perth, possibly Darwin
- ▶ Development of theory and practice
  - Conferences (2009, 2010, 2011, 2013)
  - Research – as independent scholars, as university academics, also through AWLA working groups
- ▶ Work with others to promote Earth Jurisprudence
  - Eg roadshow events – State based EDO's
  - This symposium with QUT



# AWLA's activities: (2) Practical implementation of Earth Jurisprudence

- ▶ Working groups – people working together across Australia – just beginning
  - Magistrates and the judiciary
  - Water law – environmental flows
  - Planning for limits – living within our limits
- ▶ Local/State AWLA groups (events, collaborative work) – Melbourne, Adelaide, Brisbane, Perth
- ▶ **Future**
  - Law reform, advocacy work, supporting civil society environmental groups in their day to day work (linking volunteers )
  - To do this, as a volunteer/unfunded organisation:
    - Growing our skills bank – helping researchers, academics, volunteers, civil society organisations find each other and work together
    - Drawing on keen volunteers to contribute to shared projects



# Thank you!

For more information about AWLA please visit our  
website:

[www.wildlaw.org.au](http://www.wildlaw.org.au)

