

8<sup>th</sup> U.N. General Assembly Interactive Dialogue on Harmony with Nature  
23 April 2018

Harmony with Nature: How Earth ethics can inform local and global law and governance to create sustainable consumption and production patterns

Kathryn Gwiazdon, J.D., Esq.  
Executive Director, Center for Environmental Ethics and Law  
Deputy Chair, Ethics Specialist Group, IUCN World Commission on Environmental Law

Every decision we make has ethical underpinnings – so, what are the values that our decisions show? And are those the values that we want to represent ourselves, and our nations? Right now, in one of the wealthiest nations on Earth, millions of dollars are being spent on weapons and tax breaks, while an entire community is being poisoned by its government water system.

We are the decisions we make.

Today I will be discussing how ethics informs individual, organizational, and government decision-making, and here, particularly, to protect the foundations of life. A society's ethical ideals are at the core of its vision of the common good and give insight into its hopes for the future. In a deeply interdependent, but vulnerable world, they can help us take responsible action to address shared problems.

Ethics, and ethical engagement, is foundational to an ecological, or Earth-centered, approach to law and governance. It is the domain of inquiry that examines claims about what is right or wrong, just or unjust. Earth ethics expands the domain of inquiry into our obligations to the entire community of life.

My work is primarily done through the Biosphere Ethics Initiative (BEI), an international soft law program of the Center for Environmental Ethics and Law, created to inform and effectuate change in law and life to better protect the foundations of life. After 8 years of development, together with the Center for Humans and Nature and the French National Museum of Natural History, the BEI was adopted as a formal policy of IUCN at their Congress in 2012.

The work of the BEI is achieved through the *Relato* Methodology, a process of ethical engagement with local, diverse communities around the world. Through this methodology, we seek to (1) bear witness to ethics in action; (2) unpack those experiences with practitioners and scholars from across disciplines, and (3) share those stories, those policies, those cases, those constitutions – to build local and global solidarity to live in Harmony with Nature. We recognize the diversity in ethical engagement and norms, and the strength in that diversity, but also understand that there are commonalities which unite us all.

Today, I share the experiences and stories from the indigenous peoples in Gangjeong Village, Jeju to the Local Agenda 21 in Nova Friburgo; from the community programs of Mesquita to the catadores of Gramacho; from the social upliftment initiatives of South African National Parks to the promotion of women and the youth at the World of Letters in Amman and Azraq, Jordan; from the regional consortium of Chicago Wilderness in Illinois to the diverse people and partners of the Indiana Dunes region.

Our foundational aim is to keep Nature alive and flourishing on Earth through just and sustainable forms of governance: systems that uphold decision-making that is participatory, inclusive, self-critical, and democratic; that foster local and regional alliances; that recognize and implement the rights of Nature; and that promote just development and consumption, recognizing that we must address richness alongside poverty, as it is the affluent and industrialized nations that consume the most. We also seek to establish economies rooted in ecological realities, that recognize natural limits, and that reflect the diverse ways in which we understand and value our relationships with Nature.

For the global crises we face today, namely climate change and mass biodiversity loss – each due to unsustainable consumption and production practices – I am not sure what new data I can provide. The research is out there, the science is available, the charts show our trajectories. Due to the evidence on hand, we know our current path is inadequate, and we know there is an urgent need for change. So, why isn't the change happening, and with the urgency that is required?

Therefore, what I aim to do today, is to briefly analyze some of the obstacles to change, or in other words, some of the opportunities to seek change, and provide a new way to frame the issues, a new way to argue for action, and against inaction.

To try to motivate action, I will not speak in the language of fear – although there is great reason to be fearful. Forces darker than any of us thrive in the language of fear, but it does not motivate for the greater good. But we must speak honestly. And we must have the courage to face the challenges ahead.

Therefore, I will speak in the language of courage and care, imploring States to look at the many examples of good, ethical action happening in communities around the world, learn from these examples, and replicate and build upon them. I implore you to be models of the good in humanity, for the good of humanity, and for all life on Earth.

From my work in ethics, I believe that the greatest challenges to living in Harmony with Nature, to creating sustainable production and consumption practices are, quite simply, the power of money and the poison of corruption.

First, our current economic system defies science and promotes limitless growth. It prioritizes short-term economic gains over long-term human and ecological health.

Second, corruption is a natural byproduct of an economic system that equates money with power, or in other words, creates power with money. States need to do more to acknowledge and combat corruption, and to understand and prevent its root causes. We cannot deny the data that the extractive industries have repeatedly been shown to be the most prone to corruption. How often are decisions that harm Earth determined by corruption? How do we support the common good alongside individual ambition, and those seeking excessive power? Is our justice system, a system of justice?

As corruption causes ecological harm, it also increases state and global insecurity. Ecological security is food security is national security is global security. We have seen our necessities of

life be used as weapons for war. We have also seen resource scarcity be a tool for peace, engagement, and negotiation.

Lastly, there is a need to transform negotiation processes – at all levels. We need to address the imbalance of negotiating power and the influence of money. We need to incorporate certain “non-negotiable” truths, such as the fundamental needs of a healthy planet, or the urgency that is required to effectuate change. To do that, we must give Nature a voice at the negotiation table.

To address these challenges, I begin with four fundamental understandings:

1. first, that humans are utterly dependent upon Nature.
2. Second, that all life is interconnected – what we do here, affects what happens there, which is why ecological harms are issues of justice and fairness.
3. Third, every individual, every community, every sector, and every State has a collective responsibility to protect our common future, dependent upon what harm they have caused and what good they are capable of doing; and
4. fourth, the fundamental duty of the State is to protect its citizens.

And so, since it is the fundamental duty of the State to protect its citizens – and humans are utterly dependent on Nature, and all life is interconnected – the State must protect the foundations of all life on Earth.

The very existence of the State is due to its social contract with its citizens. Citizens give up certain rights, and in turn are protected by the State. This is the covenant between man and State. But the covenant between man, including the State, and Nature, is something much bigger, something sacred. Nature is life and gives us life, and takes life away. It is the basis for our complex biological and societal relationships, and is ultimately governed by our relationships, our laws, and our interpretations and implementations of those laws. We have the power to do great harm. And we have the power to do great good.

For the State to do its duty, to protect life, environmental law must move towards ecological law, which is multi-disciplinary, global and local, holistic and particular, based in science, while also understanding the limits of human understanding, and thereby taking precaution.

Jurisprudence must move towards Earth Jurisprudence, based in Earth ethics, which recognizes our place upon Earth, and in relationship with all life.

The rights of man must move towards the rights of Nature, including man.

And the burdens that promote sustainable consumption and production that are continually placed on the individual, must equally, if not more-so, be placed on the State. We, as individuals, are instructed on how to live simpler lives, how to make better choices. So, should we not demand the same or more of States? They, after all, mold our existing consumption and

production infrastructure. Whether individual or state, however, we must recognize that the power, scale, and scope of choice is often aligned with wealth.

Look at the state of our soils, the toxins in our foods, our air, and our waters – are our decision-makers actively and knowingly choosing a poisoned life? What are they doing to prevent it? It seems so easy to harm, and so difficult to defend, the foundations of life. Through courage and care, through the courage to care, this can change.

There are individuals who give their life to defend Earth – for its intrinsic value, and its human value. These environmental defenders are life defenders. They stand up against some of the most powerful – and most violent – forces on Earth. I call upon States to have that same courage, to acknowledge humanity's utter dependence on the foundations of life, and to act upon their fundamental duty to protect life – of their citizens, now and in the future.

They can do this by promoting principles of Earth ethics in their decision-making, in their laws and policies, in their negotiations, and governance structures. There is so much good happening in so many places around the world, and so many models of good behavior – of ethics in action.

1. We have bore witness to communities who foster ecological solidarity and the four loves: biophilia, the love of living things; socio-philía, the love of society; loca-philía, the love of place; and even a bit of ego-philía, as you cannot love others unless you first love yourself.

2. Who understand that ecological reconciliation is necessary for a sustainable future: we must confront the truth of the past and reconcile ourselves with those harms.
3. Communities who recognize that environmental protection is linked to human integrity and ecological integrity, and that human dignity is a central ecological value.
4. Places that understand that religion is a basis for ethics and ecology, that people and animals have sacred spaces, and that secular and non-secular ethics can be used as a common ground to bring people together.
5. And who understand that the media has a key role in promoting truth, justice, and sustainable living.

In closing, the governance systems we structure, the laws we choose to create, implement and enforce, or choose not to create, implement or enforce, is and always will be about our values, our ethics.

It is the State's primary duty to protect the lives of its citizens, and those lives utterly depend on Nature, its diversity, its processes. How many times must we say, "business as usual is not working", before we change how we work? If we know that our current path is not working – and data has shown the escalating crises we face – then business as usual is a dereliction of a State's duty to protect the lives of its citizens. It is a dereliction of its duty to protect life.



Inaction – in the face of known harms...

Action that promotes the few over the many, the individual over the greater good, those in power over the vulnerable...

Action that denies science, truth, the interconnectedness of all life, our utter dependence on Nature...

Each is a dereliction of the State's duty to protect its citizens.

To fulfill that duty? Protect life – all life. Courageously, and with urgency, protect life. For what greater cause is there, than seeking truth, justice, and care for life on Earth.