

Rights of Nature

As Basis for International Law

by Ruth Caplan

Thanks to the leadership of President Evo Morales of Bolivia and Pablo Salon, his ambassador to the United Nations who previously was active in the Our World Is Not For Sale network, the UN has declared April 22 to be International Mother Earth Day. The day will be celebrated in Cochabamba, Bolivia, by rallying activists from around the world to proclaim the fundamental Rights of Nature.

In the words of President Morales, there must be a charter to “enshrine the right to life for all living things; right to regeneration of the planet’s bio-capacity; right to a clean life—for Mother Earth to live free of contamination and pollution; and the right to harmony and balance among and between all things.”

The framing in the US Constitution, which treats nature as property, is in direct contradiction to the rights of nature. Further, the series of court decisions granting corporations fundamental Constitutional rights has allowed corporations to use these conferred rights to exploit nature for corporate profit. In its organizing with local communities, the Alliance’s Defending Water for Life Campaign has been challenging these fundamentals of US Constitutional and court-conferred law. It is time for us to join the budding international Rights of Nature movement.

From the small town of Barnstead, NH to three other towns in New Hampshire and two in Maine, the Alliance has worked with communities that have passed ordinances to protect their water by denying corporate rights and asserting the Rights of Nature. These towns have challenged “settled law” based on court rulings interpreting the US Constitution, like the 1886 Santa Clara decision, in which the Chief Justice of the Supreme Court affirmed that “everyone understands that corporations are to be included as persons under the 14th Amendment.” Thus was born Corporate Personhood. In asserting their authority over corporations, these towns have not only denied corporations personhood, but also protection under the Commerce and Contracts clauses of the US Constitution.

Last fall, the campaign’s Maine organizer, Emily Posner, brought an international focus to the Defending Water for Life campaign. First she brought



graphic: Erik Ruin

“Hurricane Season” www.HurricaneSeasonTour.com to Maine for several college campus performances. The two-woman show addresses pertinent social themes from the devastation by Katrina to global water justice through their dance, poetry and multi-media performance.

Emily followed this by

organizing a speaking tour with Marcela Olivera from Cochabamba, Bolivia who, with her brother Oscar Olivera, played a central role in the people’s uprising against Bechtel’s privatization of their water. Before organizing with the Alliance, Emily spent a year in Cochabamba working with the Oliveras.

Her international focus continued with the campaign’s Water Justice art show which opened in Portland, ME in November and included art related to Cochabamba. Now plans are afoot for Emily to take the Water Justice art show to Cochabamba in April for the 10th anniversary of the Cochabamba uprising and stay on for the Peoples’ World Conference on Climate Change and Mother Earth’s Rights. The conference goals include preparing a Declaration on the Rights of Mother Earth.

Just as we must learn from nature, we also stand to learn from Bolivia and Ecuador which have made the Rights of Nature part of their Constitutions.

As the Alliance joins the Move to Amend coalition against corporate personhood, we must also continue our local organizing to build a movement for the rights of nature as a fundamental constitutional right. Settled law created by the courts allowing corporate exploitation of nature must become unsettled by a people’s movement to honor the fundamental rights of Mother Earth.

Ruth Caplan was elected Co-chair of the Afd National Council at the founding convention in 1996. She currently co-chairs the Corporate Globalization/Positive Alternatives Campaign with Dave Lewit and is the National Coordinator of the Defending Water for Life Campaign.



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