



## PLANET PLEDGE

### The Role of Nature's Rights in Achieving the Sustainable Development Goals

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I offer three questions today related to the central role of nature's rights in achieving the sustainable development goals specifically, and a thriving Earth more generally.

#### **First, how does nature's rights help us understand what "sustainable" behavior looks like?**

"Sustainability" as a concept should be applied to improve the biosphere, rather than prop up current, harmful consumption practices. To accomplish this, the Expert Report on Earth Jurisprudence submitted to you last year called on all of us to "reconnect our thoughts and practices with Nature's processes" – that is, to evolve law and policy to reflect the fact that we live on a shared Earth. We must care for it, if it is to care for us.

The concept of rights helps us understand this point more clearly. The 2030 SDG Agenda seeks to "realize the human rights of all," and adds that the SDGs are "grounded in" the Universal Declaration of Human Rights. This is important, but we also must consider ecological well-being on an equivalent legal level if we are to protect human rights in practice.

For example, the U.N. has acknowledged that the human right to water is "a prerequisite for the realization of other human rights."<sup>1</sup> But how can we say we have a right to something, like a waterway, if it does not itself have a right to exist and thrive? The Earth Jurisprudence Report addressed this gap by recommending we recognize nature's rights in law and practice, just as we recognize human rights and the rights of indigenous peoples.

Governments around the world are already taking up this charge. Just in the last few weeks, we have seen legislation passed at the national level in New Zealand, and two court decisions in India, which have recognized the legal personhood and rights of ecosystems and species. In addition, the IUCN's World Commission on Environmental Law recently concluded that recognition of nature's inherent right to "exist, thrive, and evolve" is essential to ensure ecologically sustainable development.

Just as law and policy grounded in human rights sets a higher standard for action, so does law and policy grounded in nature's rights better protect the well-being of ecosystems and species. Defining "sustainability" in terms of nature's *right to thrive* is very different from what we do now, which is to try to avoid degrading nature too much and hope for the best. Already we are moving past even that low bar, as species and habitats rapidly disappear and the global temperature continues to warm.

We must set our sights higher. The 2030 Agenda makes room for nature's rights, calling for a "healthy environment" and declaring a vision of a world "where all life can thrive." The structure of our laws,

policies and scientific inquiry must support *this* vision of sustainability, by recognizing and implementing the inherent rights of nature to exist, thrive and evolve.

**This brings us to the second question: how does nature’s rights inform the meaning of “sustainable development,” and how do we achieve such development in practice?** Recall that we illustrate sustainable development now using three pillars: economy, society and environment. This picture misses the fact that we live on a shared Earth. Envision instead sustainable development as a nested concept. The economy serves society, and society ensures the well-being of the natural systems that support us all.

We currently act the opposite way – we expect nature and people to serve the economy. Putting profit before people and nature is *unsustainable* development. We must redefine what we expect sustainable business and finance to look like, moving from a profit objective to an objective of ensuring expanding benefits for Earth society, which includes all life.

What does this mean in practice? One conclusion is that we need to replace gross domestic product as a desirable measure of sustainable progress. The Earth Jurisprudence Report observes that “blind adherence to economic growth as a measure of well-being has resulted in increasing harm to the planet and to all of us.” GDP growth does not translate to sustainable development; it includes *all* economic development, both good and tragic. Earlier this year, the World Economic Forum itself criticized such economic growth as failing to address the needs of the political economy today.

*Sustainable* development calls on us to choose our actions in light of their broader impacts, rather than continue to focus on short-term profit. Fortunately, this economic evolution is already beginning. More businesses are measuring success not just by profits and economic growth, but also by the social and ecological benefits they generate. More investors are demanding investment products that offer both strong financial returns *and* social and ecological returns. This expanded focus also allows for better consideration and management of risk, and so can actually result in stronger financial performances over time than conventional instruments.

One example of this expanded investment focus is the increasing number of investments related to mitigating climate change, to help the world stay below the 2°C threshold. The social and ecological impacts of climate change are potentially catastrophic and irreversible. Financial investments that recognize and mitigate such risks, such as investments in the low carbon economy, will ensure sustainability far more effectively than those that merely increase GDP. It is with climate change in mind that the World Economic Forum also identified an “urgent” need for “long-term thinking in market capitalism.” *Sustainable* development must be conceived and implemented in light of the magnitude of the long-term risks of climate change and other global stressors.

This is not an investment-by-investment effort. **Our goal should be a self-perpetuating system designed to generate development and investment behavior that regularly advances net positive impacts for human and ecological communities.** We need to think beyond current investment and economic practices and develop new strategies that make such behaviors the norm, rather than the exception. For instance, we should consistently place higher costs on economic behaviors that cause injury, such as fossil fuels, and reward with higher returns those economic choices that measurably benefit people and planet. Tying our economic, business and finance investment priorities and their returns to performance in protecting the rights of nature and human rights will guide us in this task.

**This brings us to our third question: how do we adjust our actions to best achieve our core sustainable development goal as soon as possible?** Delay in meaningful action is no longer an option. We have little time to course-correct before the impacts of climate change, species extinctions, and habitat destruction create tipping points that irreversibly injure all life.

The key is to focus on the 2030 Agenda's core goal, which is "**a world...where all life can thrive.**" We cannot thrive if our planet does not thrive. For this reason, we must advance legal and economic structures that recognize not only human rights, but also the inherent rights of ecosystems and species to exist, thrive and evolve. Nature's rights provides a necessary foundation from which our governance systems can build sustainable development practices, including finance and business systems designed to seek out and maximize ecological and social gains.

The distinguished members of this Assembly can take action now in this direction, by advancing nature's rights laws locally, as numerous communities and nations have done already, and by supporting a Declaration on the Rights of Nature.

Earth is the source of the laws that govern our lives in every respect. Our human laws must heed Earth's laws. Recognition of nature's rights in local, national, and international law and policy will help keep us on that path. Thank you.

#### **QUESTIONS**

- What are other examples of legal systems that have recognized the rights of nature worldwide?
- What would implementation of rights of nature laws look like in practice, and how is that different from implementation of environmental laws today?
- If nature has a right to thrive, how is that defined and measured as a practical matter? That is, what is a "healthy" natural system?

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<sup>1</sup> U.N. Committee on Economic, Cultural and Social Rights (20 Jan. 2003), E/C.12/2002/11, "Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment No. 15 (2002)"; at: [http://www2.ohchr.org/english/issues/water/docs/CESCR\\_GC\\_15.pdf](http://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf).