



Earth Jurisprudence: the philosophy and practice, from vision to action

Interactive Dialogue of the General Assembly on Harmony with Nature

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Setting the context

I want to start off by acknowledging **Thomas Berry**, cultural historian and father of Earth Jurisprudence, who I was privileged to meet in 1996. He spoke with a certain authority when he said:

“The industrial process is now in its terminal phase. This is the inevitable consequence of civilisations which destroy their life support system. The difference this time is that the dominant civilisation has colonised the farthest reaches of the Earth....”

We need, he said, to transform all modern industrial institutions – economics, education, religion, politics, law and governance – *from an anthropocentric pre-occupation to an Earth-centred understanding of our role and responsibilities as humans embedded in the larger Earth community.*

He pointed to two sources of inspiration for this transformation: i) Nature herself as the primary text, and ii) indigenous traditions, who recognise the Earth as

lawful and ordered – as the source of law, from which we humans should derive our laws. This has enabled them to live in harmony with the Earth for generations.

It is this different conception of law - from the modern idea of human made law for human interest. This he called Earth Jurisprudence, which requires humans to comply with the laws that govern life. This he said should underpin all our actions and institutions. It requires a paradigm shift – where we experience ourselves as intrinsically part of the web of life, which needs to be sustained as a priority.

I also want to acknowledge **Albert Einstein**, who some decades earlier said, "*we cannot solve a problem with the same thinking that created it*" – a critical guiding principle for us today as we face the multiple crises triggered by the dominant industrial growth economy.

Sharing Lessons from the experience of growing a movement of Earth Jurisprudence Practitioners

I have just come back from spending three weeks on the Uganda-Congo boarder, on the shores of Lake Albert, one of the Great Lakes of Africa, co- facilitating a series of dialogues with over 100 community and civil society leaders, journalists, local government officials, lawyers and academics - on Earth Jurisprudence philosophy and practice and indigenous knowledge systems.

The Gaia Foundation and some of our partner organisations - have been facilitating similar dialogues for more than a decade in the Amazon and across Africa, to build and connect a movement of what we call "Earth Jurisprudence practitioners".

The explorations into Earth Jurisprudence began in 1999 with a series of meetings with Thomas Berry and others.

Since 2004 we began working with communities and their allies across the African continent – introducing them to Earth Jurisprudence to affirm and accompanying them in a process of reviving their indigenous knowledge and practices, their traditional seed and food systems and their customary laws and governance systems - which have protected their ancestral lands and ways of life for

generations – prior to the colonial, post colonial and globalisation process.

This work was inspired by learning exchanges with indigenous communities in the Colombian Amazon who had pioneered this path of revival and have since been recognised as local government, based on their own Earth- centred customary systems, over more than 26 million hectares of tropical forest.

As part of the process of transformation we developed a series of experienced based learning processes, and eventually a three year training course for Earth Jurisprudence Practitioners to become animators in their own countries. These trainings lie at the heart of building the movement, for people to experience our intrinsic connection with Nature for themselves.

The trainings encourage practitioners to develop an intimate relationship with Nature in order to read her laws, to learn from elders, and to live according to the laws of Nature - as a way of life. Practitioners embody the change, to lead by example.

The UN Harmony with Nature working group has been supporting the work of building an African Earth Jurisprudence Movement. **This year, 2017, the first three-year training course for Earth Jurisprudence facilitators and practitioners will be completed and the second course will begin.**

Practitioners from Uganda, Ethiopia, Benin, Kenya, Zimbabwe, South Africa are working with communities, are actively building national networks and have become passionate advocates.

As one of the African practitioners said,

“This training awakens a profound sense of belonging to an animate orderly Universe. When you see the world in this way, you cannot stop yourself from enthusing others. It becomes a way of life, a calling at this time of chaos and confusion. And more people are ready for this message as things fall apart”.

Gaining Recognition

By 2012 a number of precedents had emerged in Africa as a result of this work. In Ethiopia sacred natural sites and custodial governance systems have been restored and recognised by local government in two regions; in Benin the first national law recognising sacred forests has been established; in South Africa

clans have developed their own constitutions and documented the customary laws to assert their practices; and similar work is taking place in Uganda, Kenya, Zimbabwe, Togo and Ghana.

Drawing on the work over the years, together with our African partners and sacred site custodians, we submitted a report calling on the **African Commission for Human and Peoples' Rights** to recognise sacred natural sites and territories and their customary governance systems, rooted in Earth Jurisprudence, and assert that these ancestral lands should be No Go areas for any industrial activity. A resolution will be voted on later in 2017.

The African Charter acknowledges the continent's plurilegal systems and rich heritage of cultural diversity. Commissioners see the resolution as an opportunity to support this emerging movement of the communities who are asserting their ancestral responsibilities to protect their ancestral lands. Inherent in customary laws and governance systems, are the rights of rivers, mountains, forests, wetland, lakes and sacred natural sites – which should not to be interfered with or defiled.

Last year, at the world's largest environmental gathering, **the IUCN World Conservation Congress**, we presented a similar resolution which received overwhelming support from government and civil society for recognising that all protected areas and indigenous sacred natural sites and territories should be No Go areas for mining and other destructive industrial activities.

Also in 2016, the Expert Report on Earth Jurisprudence, submitted to the General Assembly - emphasises the crucial importance of ensuring that an Earth-centred worldview underpins the implementation of the UN Sustainable Development Goals (SDGs). The Report recognises the Gaia Foundation's work in building alternatives to our current paradigm, including *"the training of Earth Jurisprudence facilitators ..and the growing African Earth Jurisprudence network."*

Thank you for listening.