

Reflections on Bolivia
World's People Conference on Climate Change
and the Rights of Mother Earth

(April 19 - 24, 2010)

by

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On Sunday, April 19 I left to attend the World's People Conference on Climate Change and the Rights of Mother Earth to be held in Tiquipaya, a small town outside of Cochabamba, Bolivia. I was very excited, for while I've traveled to many of the Central American countries, I had never traveled on the continent of South America. Also, this was my first time attending an international conference of such large size. (Ten thousand were expected and some 30,000 participants showed up; the overwhelming majority attending were of indigenous origin.)

While waiting at the Miami airport I had a chance to meet the UN Permanent Representative to Nicaragua, Maria Rubiales, who was also enroute to Cochabamba. We exchanged our perspectives and hopes on the upcoming conference, which was designed to be a forum to hear the voices of the people, particularly those of indigenous people, on critical issues of climate change, climate debt, *buen viver* (living well, rather than relentless consumerism and development based on extraction and unsustainable production practices), creation of an international climate court, and the provision of a framework to establish legal protection for Nature. As we settled into the flight we learned that the flight plan was changed to go directly into Cochabamba rather than to Santa Cruz, saving us from having to take a connecting flight. It was courtesies such as this that indicated the welcome the Plurinational State of Bolivia was providing its guests from over 150 countries. (In addition, the Bolivian consulates provided complementary visas to anyone who had a registration number for the conference,)

Monday, April 20

Getting credentials

With the gracious assistance of the Maryknoll Sisters, who provided hospitality while I was staying in Cochabamba, we arrived at the conference registration site in Tiquipaya at about 9am on Monday morning, along with several thousand others!



(My companion for the week was Eleanor Rae, theologian, author, mother, and founder of CWED, the Center for Women, Earth and the Divine. CWED holds consultative status with the Economic and Social Council of the UN.) As the taxi dropped us off in front of the Tiquipaya City Hall I could see the long lines of people stretching for blocks.



We literally had to backtrack 4 blocks to get in line for the accreditation process. I confess that at 2:00, with the encouragement of my newly found friends from La Paz (who were in front of us. Fortunately we were able to communicate between my broken Spanish and one of them who spoke a few words of English.) So I reluctantly got out of the winding line, walked another 2 blocks to the head of the line, and asked for "*permision de mayoria*" (special recognition of elders). I was immediately given a privileged position at the head of the line. Within minutes I had my participant credentials. I did this because I had arrangements to meet at 3 p.m. with several representatives of Kawsay, a Center for Indigenous Culture and I had no way of contacting them to change plans. (My reliable Blackberry was supposed to be working but very few cell phones of international participants actually worked regardless of what we were promised beforehand. I was able to access email later in the week.)

Kawsay

Having acquired my accreditation materials in a timely manner (given the circumstances!), I rendezvoused with Tiina Saaresranta, one of the original founders of Kawsay (see www.kawsay-unik.org), her partner Leonel Cerruto and director, Jose Rocha later Monday afternoon. Kawsay is an amazing Bolivian NGO, founded on indigenous thinking. Its mission is to organize educational activities on different topics, such as intercultural pedagogy, rights of indigenous peoples, ecological and community

based production, and indigenous governance. Indigenous identity, worldview, practices and techniques are embedded in all of the courses and programs that Kawsay organizes. Kawsay was among the first Bolivian institutions to raise the issue of indigenous higher education, questioning the “universal knowledge/science” paradigm, and putting forward the idea that indigenous cultures have a different idea of the world and therefore can offer a different type of education/science from what the Western culture has supported. Kawsay has been a proponent of the “sumak kawsay” or *buena vivir* (living well or good life) as an alternative to the concept of development. Tiina, Leonel and I spent several hours on Monday and again on Thursday discussing possible ways we could collaborate in creating indigenous universities and correspondence courses on Earth matters in the future. It was especially good meeting both Tiina and Leonel, as Leonel was supposed to be a participant in the Gaia Foundation consultation on Earth jurisprudence held at Schumacher College in September 2009 and was denied a visa by the UK embassy and was not able to attend.

Tuesday, April 21

The conference was billed as a *people’s* conference on climate change and rights of Mother Earth, called for by President Evo Morales after the disappointing outcomes of the Copenhagen Accord adopted at the United Nations Framework Convention on Climate Change, COP15 in Copenhagen in December, 2009. The idea was to bring together the voices of people from around the world to speak their concerns and create proposals that address multiple issues related to climate change and the long term health of Mother Earth and future generations. There were a total of 17 thematic Working Groups organized. Much of the drafting work and consultation was done prior to the conference in Cochabamba via electronic communications and virtual meetings.

Opening of Conference

The conference opened officially on Tuesday morning in the Tiquipaya Stadium. We arrived early to get a seat

Working Group 3 – Rights of Mother Earth

Given my background and work in Earth jurisprudence, my primary interest was participating in Working Group 3 on the Rights of Mother Earth. Cormac Cullinan, an environmental lawyer from Capetown, South Africa, had been asked by Bolivian UN representative Pablo Salon to prepare a draft Universal Declaration on the Rights of Mother Earth. (Cormac is a friend and colleague who has worked with us at the Center of Earth Jurisprudence the past four years. My students studied and provided critique to the first draft statement issued in February.)

Drawing upon ethical, ecological, systemic and spiritual concepts articulated by the traditions of many indigenous peoples, scientists, ecologists, systems theorists, historians, geologists, human rights advocates, and peoples of various spiritual traditions, Cullinan crafted a template to which the Working Group could react, respond and reshape. The essence of the initial declaration affirms the recognition of Mother

Earth as an indivisible, living community of interrelated and interdependent beings with a common destiny. It acknowledges that Mother Earth is the primary source and sustainer of life and existence on Earth; respect and legal protection is owed to her. It recognizes that much of the environmental and social destruction taking place today is caused by economic systems that exploit and disrupt the integral functions of Mother Earth causing a great imbalance in harmony with nature.

Many of the proposed rights reflect the primary principles articulated by Thomas Berry in his 2001 statement on the origin and nature of rights of the natural world.¹ Berry's legal conditions for Earth survival continue to provide a language that the Western world can identify with, even if one differs with its premises. The adopted declaration sets forth foundational principles acknowledging the right of Mother Earth to exist and flourish, and is designed to provide a framework for the legal protection of Mother Earth. Cullinan and his team were intentional in drafting language and form that was modeled on the Universal Declaration of Human Rights and complementary to the Earth Charter. As such it is a corollary and companion text to both the Earth Charter and the Universal Declaration on Human Rights. (The adopted text is attached.)

I spent two days attending the Working Group on the Rights of Mother Earth.



The first day (remember, I had missed all of Monday while waiting to get registered!) I spent nearly an hour on Tuesday waiting in the overflow outside of the meeting room

¹ See M.E. Tucker, ed., *Evening Thoughts*, (San Francisco: Sierra Club Books 2009) pp.110-11.

as there was no space in the room. There had to be 400 people in a room designed to comfortably accommodate 250. When I did gain entrance I soon realized that the session was in Spanish, except for the translator helping Cormac and several of the drafting team understand the points being made. People lined up to make their comments and critique. Many argued passionately for the inclusion of certain content in the declaration, such as the right to water and animal rights. High energy and strong commitment pulsed throughout the room.

There was a strong concern expressed by many, particularly the indigenous people, of the role of the UN in the future adoption and enforcement of Rights for Mother Earth. A sense of distrust and frustration was apparent because of the history of the UN General Assembly to generally not respect the concerns of the “undeveloped” countries. Participants were very articulate about the disproportionate structural power of the UN Security Council. Equally as strong was the criticism of the destructive power of unregulated global capitalism to destroy cultural and biological diversity and the ability of Mother Earth to function integrally. People spoke from their experience and articulated their analysis with great clarity. They wanted their critique to be included in the document. Having worked on many committees over the years and knowing the difficulty of drafting a proposal “from the floor”, I was amazed that the writing committee could track and absorb all of the comments and come back the next morning with a new draft reflecting many of the concerns raised.



Wednesday, April 22

On Wednesday, each of the Working Groups needed to conclude their proposals and prepare a short synopsis to be included in the closing document of the conference. It was pretty exciting to be present when the entire Declaration was read (and projected on a Power Point screen) and the participants vocally approved the draft of the Declaration of Human Rights. It was clear that not everyone prevailed in getting their particular wording into the document, but there was overwhelming support for adoption of the declaration.

Later that morning I attended a panel on the Rights of Mother Earth. It was probably the highlight of my time in Cochabamba as the panelists expressed political, economic, ecological cultural and spiritual reasons why legal protection of Mother Earth is now non-negotiable. The panelists included former President of the UN General Assembly, Nicaraguan Father Miguel D'Escoto; internationally renowned eco-liberation theologian,

Leonardo Boff; Ecuadoran economist, Alberto Acosta; environmental lawyer, Cormac Cullinan, Global Exchange Green Economy Director, Shannon Biggs, and Mari Margill, Associate Director of the Community Environmental Legal Defense Fund. (Mari substituted for Dr. Vandana Shiva who was unable to attend due to the volcanic ash erupting from the Iceland volcano.) The presentations of the panelists created layers of thoughtful analysis and insights validating the need for providing legal protection of the natural world. The urgency to protect the future existence of biological and cultural diversity, as well as the integrity of Earth's geology, chemistry and ability to function integrally was palpably present.

The rest of the day I absorbed the various artistic performances taking place in the Univalle campus outdoor stage, the numerous exhibits and the rich diversity of color and language.

Thursday, April 22

I attempted to attend the scheduled dialogue between the people and governments only to find out it was a closed event for dignitaries only. I sat in on several of the workshops but found myself wandering about the campus among the sights and sounds of many people. The closing event was taking place later in the afternoon at the Stadium in Cochabamba.

During the closing there was lengthy reading of the final document, the People's Accord, which included the conclusions of each of the 17 Working Groups. The Universal Declaration on the Rights of Mother Earth became a foundational framework for the final accord. After many speeches there was much cultural celebration with music and dance and ritual.

Next Steps

Last week the Bolivian government submitted the People's Accord to the UN Framework Convention on Climate Change Secretariat as an official contribution to the debates taking place in preparation for the COP 16 to be held in Cancun, Mexico in November. Key aspects of the People's Accord are the draft Declaration on the Rights of Mother Earth, a proposal for a global referendum on climate change, a project for a 50% reduction in greenhouse gas emission by developing countries for the 2010- 2017 period, and recommendations for the creation of an International Climate and Justice Tribunal.

It is anticipated that the Declaration on the Rights of Mother Earth will also be introduced to the UN General Assembly by one or more of the member states. While it took many decades for the Universal Declaration on Human Rights to become embedded within the laws of most nations, having the Declaration on the Rights of Mother Earth adopted by the UN provides legitimacy and the influence of "soft law" that

contributes to the shift in consciousness required for legal protection of the natural world to emerge with enforcement powers.

It is important to note that Universal Declaration clarifies that it does not give rights to Mother Earth, but rather, humanity comes to recognize, respect and legally protect the rights of other beings that already exist, by the very nature of their existence on the planet. Thomas Berry states it this way: "Earth has rights that come from existence itself. These rights come from the same source from which humans receive their rights, from the universe that brought them into being."² Also, a critical learning for me was the distinction between providing legal protection to *Earth* and providing protection to *Mother Earth*. For many indigenous people attending the conference, Earth is clearly our mother, Pacha Mama, and not just an object. Our mothers are living beings, providing us sustenance and nurturance. One respects one's mother who has given one life. Therefore using the term "Mother Earth" is significant as it conveys so much more than property to be owned and regulated.

In conclusion, I was deeply touched by the hospitality and graciousness of the Bolivian people. I was awed that a small country such as they are, could organize and manage a world conference of this size. They expected maybe 10,000 or 12,000 people to attend. Instead 30,000 showed up. Unfortunately, no international (or at least none of the US networks) major media networks covered the event. While this was billed as a peoples' conference few countries sent official representations to attend. Some of this is due to political protocol; more probably has to do with the fact that President Morales, as the first elected indigenous president, has been critical of the workings of the dominant developed countries. He also has spoken critically of the lack of transparency, inclusion and substance at the recent Copenhagen Climate conference and refused to sign the Copenhagen Accord. This does not situate him comfortably with the leaders of many of the developed countries. While the major media outlets did not cover the WPCCC, fortunately, Amy Goodman and Democracy Now and several other alternative media sources (Common Dreams and AlterNet, for two) did provide excellent coverage.

As I return home and enter back to an academic setting I am challenged by the message of so many people who have to struggle against the results of a dominant economic system that holds little or no respect for Mother Earth and the natural world. Many of us have lost our sense of relatedness to our mother. Yet it will also take us in the Western world to join our energy and hearts with the leadership of the indigenous peoples if we are to design a future where all beings can *vivir bien*.

² Thomas Berry, *Evening Thoughts*, (San Francisco: Sierra Club Books, 2009), p 110...