

LAW OF THE RIGHTS OF MOTHER EARTH

Law N° 071 - 21 December 2010



UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH

(Draft proposal - 22 April 2010)



General Assembly

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[without reference to a Main Committee (A/63/L.69 and Add.1)]

63/278. International Mother Earth Day

The General Assembly,

Reaffirming Agenda 21,¹ and the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),²

Recalling the 2005 World Summit Outcome,³

Recalling also its resolution 60/192 of 22 December 2005 proclaiming 2008 the International Year of Planet Earth,

Acknowledging that the Earth and its ecosystems are our home, and convinced that in order to achieve a just balance among the economic, social, and environmental needs of present and future generations, it is necessary to promote harmony with nature and the Earth,

Recognizing that Mother Earth is a common expression for the planet earth in a number of countries and regions, which reflects the interdependence that exists among human beings, other living species and the planet we all inhabit,

Noting that Earth Day is observed each year in many countries,

1. *Decides* to designate 22 April as International Mother Earth Day;
2. *Invites* all Member States, the organizations of the United Nations system, international, regional and subregional organizations, civil society, non-governmental organizations and relevant stakeholders to observe and raise awareness of International Mother Earth Day, as appropriate;
3. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and organizations of the United Nations system.

*80th plenary meeting
22 April 2009*

¹ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

² *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

³ See resolution 60/1.

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CHAPTER I OBJECT AND PRINCIPLES

Article 1. (SCOPE). The present Law has the object of recognizing the Rights of Mother Earth, and the obligations and duties of the Plurinational State and of society to guarantee the respect for these rights.

Article 2. (PRINCIPLES). The binding principles that govern this law are:

1. **Harmony.** Human activities, in the framework of plurality and diversity, must achieve dynamic balances with the cycles and processes inherent to Mother Earth.
2. **Collective good.** The interest of society, in the framework of the rights of Mother Earth, prevails in all human activities and over any acquired right.
3. **Guarantee of the regeneration of Mother Earth.** The State, at its different levels, and society, in harmony with the common interest, must guarantee the necessary conditions to ensure that the diverse life systems of Mother Earth can absorb damages, adapt to disruptions, and regenerate without altering significantly their structural and functional properties, recognizing that life systems have limits in their capacity to regenerate, and that humans are limited in their capacity to undo their actions.
4. **Respect and defense the rights of Mother Earth.** The State and any person whether individual or collective must respect, protect and guarantee the rights of Mother Earth for the Living-Well (Vivir-Bien) of present and future generations.
5. **No commodification.** By which neither life systems, nor the processes that sustain them, may be commodified, nor form part of anyone's private heritage.
6. **Interculturalism.** The exercise of the rights of Mother Earth requires the recognition, recovery, respect, protection, and dialogue of the diversity of feelings, values, wisdom, knowledges, practices, skills, transcendences, transformations, sciences, technologies and regulations, of all the cultures of the world that seek to coexist in harmony with nature.

CHAPTER II

MOTHER EARTH, DEFINITION AND CHARACTER

Article 3. (MOTHER EARTH). Mother Earth is the living dynamic system formed by the indivisible community of all life systems and living creatures, interrelated, interdependent and complementary, which share a common destiny.

Mother Earth is considered sacred in the worldviews of the indigenous–autochthone–peasant Nations and Peoples.

Article 4. (LIFE SYSTEMS). Life systems are complex and dynamic communities of plants, animals, micro-organisms and other beings and their environment, where human communities and the rest of nature interact as a functional unit, under the influence of climatic, physiographic, and geological factors, as well as production practices and the cultural diversity of Bolivians, and the worldviews of the indigenous–autochthone–peasant Nations and Peoples, Intercultural communities and Afro-Bolivian communities.

Article 5. (LEGAL CHARACTER OF MOTHER EARTH). With the aim to protect and safeguard her rights, Mother Earth adopts the character of a collective subject of public interest. Mother Earth and all its components, including human communities, are holders of all the inherent rights recognized in this Law. The exercise of the rights of Mother Earth will take into account the specificities and particularities of its various components. The rights established in the present Law, do not limit the existence of other rights of Mother Earth.

Article 6. (EXERCISE OF THE RIGHTS OF THE MOTHER EARTH). All Bolivians, by being part of the community of beings that form Mother Earth, exercise the rights established in the present Law, in a way that is compatible with their individual and collective rights.

The exercise of individual rights is limited by the exercise of collective rights in the life systems of Mother Earth. Any conflict between rights must be solved in a way that it does not affect irreversibly the functionality of the life systems.

CHAPTER III RIGHTS OF MOTHER EARTH

Article 7. (RIGHTS OF MOTHER EARTH) I. Mother Earth has the following rights:

1. **The right to life:** It is the maintenance of the integrity of life systems and natural processes that support them, as well as the capacity and conditions for their regeneration.
2. **The right to the diversity of life:** It is the preservation of differentiation and variety of beings that form Mother Earth, without being genetically altered nor modified in their structure in an artificial manner, so as to threaten their existence, functioning and future potential.
3. **The right to water:** It is the preservation of the functionality of the water cycles, its existence in the quantity and quality necessary to sustain life systems, and its protection from pollution, for the reproduction of the life of Mother Earth and all its components.
4. **The right to clean air:** It is the preservation of the quality and composition of the air for the sustainability of life systems and their protection against pollution, for the reproduction of the life of Mother Earth and all its components.
5. **The right to balance:** It is the maintenance or restoration of the interrelationship, interdependence, complementarity and functionality of the components of Mother Earth, in a balanced way for the continuation of their cycles and the reproduction of their vital processes.
6. **The right to restoration:** It is the timely and effective restoration of the life systems affected by human activities, either directly or indirectly.
7. **The right to live free from pollution:** It is the preservation from contamination of any of Mother Earth's components, as well as from toxic and radioactive residues generated by human activities.

CHAPTER IV

OBLIGATIONS OF THE STATE AND DUTIES OF THE SOCIETY

Article 8. (OBLIGATIONS OF THE PLURINATIONAL STATE). The Plurinational State, at all its levels and territorial jurisdiction, and through all its authorities and institutions, has the following obligations:

1. To develop public policies and systematic actions of prevention, early warning, protection, and precaution in order to prevent human activities from causing the extinction of populations of living creatures, the alteration of the cycles and processes that guarantee life, or the destruction of life systems, including the cultural systems that form part of Mother Earth.
2. To develop balanced forms of production and patterns of consumption for the satisfy the needs of the Bolivian people for their "Living-Well" (Vivir-Bien), while safeguarding the regenerative capacities and the wholeness of the cycles, processes and vital balances of Mother Earth.
3. To develop policies to protect Mother Earth in the multinational and international levels from the overexploitation of its components, from the commodification of life systems, or the processes that support them, and from the structural causes of Global Climate Change, and its effects.
4. To develop policies to ensure long-term energy sovereignty, based on [energy] savings, increased efficiency, and the gradual introduction of clean and renewable alternative sources of energy into the energy matrix.
5. To demand at an international level, the recognition of the environmental debt through the financing and transfer of clean and effective technologies, compatible with the rights of Mother Earth, among other mechanisms.
6. To promote peace and the elimination of all nuclear, chemical, biological, and mass destruction weapons.
7. To promote the recognition and defense of the rights of Mother Earth at multilateral, regional and bilateral levels of international relations.

Article 9. (DUTIES OF THE PEOPLE) The duties of natural and legal persons, public or private are:

1. To defend and respect the rights of Mother Earth.
2. To promote harmony in Mother Earth in all spheres of her relationship with other human communities and other nature in the life systems.
3. To take part actively, individually or collectively, in the generation of proposals oriented to the respect and defense of the rights of Mother Earth.
4. To adopt production practices and consumption patterns that are in harmony with the rights of Mother Earth.
5. To ensure the sustainable use and benefit of Mother Earth's components.
6. To denounce all acts that violate the rights of Mother Earth, her life systems, and/or their components.
7. To follow the call from competent authorities, or from organized civil society, to implement actions oriented towards the preservation and/or protection of Mother Earth.

Article 10. (MOTHER EARTH OMBUDSMAN). [The present Law mandates] the creation of the Ombudsman of Mother Earth, whose mission is to look after the enforcement, promotion, dissemination, and compliance of the rights of Mother Earth established in the present Law. A special law will establish its structure, functioning, and powers.

Refer to the Executive Branch for constitutional purposes.

Given at the Session Room of the Plurinational Legislative Assembly, on the seventh day of the month of December two thousand and ten.

(signed) **Senator René Oscar Martínez Callahuanca, President Chamber of Senators**

(signed) **Deputy Héctor Enrique Arce Zaconeta, President Chamber of Deputies**

Therefore I pass it to be complied with as a Law of the Plurinational State of Bolivia.

Given in the Government Palace of the city of La Paz, on the twenty first day of the month of December two thousand and ten.

(signed) **EVO MORALES AYMA, Constitutional President of the Plurinational State of Bolivia**

(signed) **Ministers: David Choquehuanca Céspedes, Oscar Coca Antezana, María Esther Udaeta Velásquez, Nemesia Achacollo Tola, Carlos Romero Bonifaz, Zulma Yugar Párraga.**

UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH

(Draft proposal - 22 April 2010)¹

The Rights of Mother Earth

Preamble

We, the peoples and nations of Earth:

Considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

recognizing that the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused great destruction, degradation and disruption of Mother Earth, putting life as we know it today at risk through phenomena such as climate change;

convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth;

affirming that to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are existing cultures, practices and laws that do so;

conscious of the urgency of taking decisive, collective action to transform structures and systems that cause climate change and other threats to Mother Earth;

proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world.

¹ World People's Conference on Climate Change and the Rights of Mother Earth. Tiquipaya, Bolivia.

Article 1. Mother Earth

- (1) Mother Earth is a living being.
- (2) Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings.
- (3) Each being is defined by its relationships as an integral part of Mother Earth.
- (4) The inherent rights of Mother Earth are inalienable in that they arise from the same source as existence.
- (5) Mother Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.
- (6) Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.
- (7) The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth.

Article 2. Inherent Rights of Mother Earth

- (1) Mother Earth and all beings of which she is composed have the following inherent rights:
 - (a) the right to life and to exist;
 - (b) the right to be respected;
 - (c) the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions;
 - (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
 - (e) the right to water as a source of life;
 - (f) the right to clean air;
 - (g) the right to integral health;
 - (h) the right to be free from contamination, pollution and toxic or radioactive waste;
 - (i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;

- (j) the right to full and prompt restoration the violation of the rights recognized in this Declaration caused by human activities;
- (2) Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.
- (3) Every being has the right to wellbeing and to live free from torture or cruel treatment by human beings.

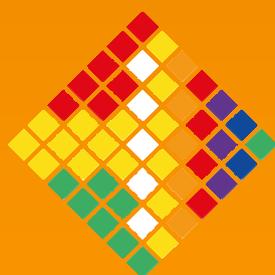
Article 3. Obligations of human beings to Mother Earth

- (1) Every human being is responsible for respecting and living in harmony with Mother Earth.
- (2) Human beings, all States, and all public and private institutions must:
 - (a) act in accordance with the rights and obligations recognized in this Declaration;
 - (b) recognize and promote the full implementation and enforcement of the rights and obligations recognized in this Declaration;
 - (c) promote and participate in learning, analysis, interpretation and communication about how to live in harmony with Mother Earth in accordance with this Declaration;
 - (d) ensure that the pursuit of human wellbeing contributes to the wellbeing of Mother Earth, now and in the future;
 - (e) establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth;
 - (f) respect, protect, conserve and where necessary, restore the integrity, of the vital ecological cycles, processes and balances of Mother Earth;
 - (g) guarantee that the damages caused by human violations of the inherent rights recognized in this Declaration are rectified and that those responsible are held accountable for restoring the integrity and health of Mother Earth;
 - (h) empower human beings and institutions to defend the rights of Mother Earth and of all beings;
 - (i) establish precautionary and restrictive measures to prevent human activities from causing species extinction, the destruction of ecosystems or the disruption of ecological cycles;
 - (j) guarantee peace and eliminate nuclear, chemical and biological weapons;

- (k) promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs;
- (l) promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration.

Article 4. Definitions

- (1) The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth.
- (2) Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings.



EMBAJADA DE BOLIVIA EN BÉLGICA Y LUXEMBURGO
MISIÓN ANTE LA UNIÓN EUROPEA

ESTADO PLURINACIONAL DE BOLIVIA