

2018 Harmony with Nature – Theme: Earth Jurisprudence

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1. What would the practice of Earth-centered Law look like from an Earth Jurisprudence perspective? How is that different from how Earth-centered Law is generally practiced now? And, what are the benefits of practicing Earth-centered Law from an Earth Jurisprudence perspective?

The practice of Earth-centered Law would differ from the current perspective extensively. The basal shift in what we consider a person have resonances with almost every tier of our legal systems. Seeing nature as a owner of rights, as a person, that have rights based merely on its existence implies in a change in the way we see and deliver justice. This new person will demand that Law is seen in a more collective way than our system currently can provide and also in a more synergistic way with other sciences than it is used to.

Law, specially the Civil branch, has, since Modern Age, tried to be individualized from other Human Sciences, denying and neglecting aspects perceived and conceived by its sister sciences. The Earth-centered change of perspective forces Law to learn how to deal with the necessary interfaces this new system will required. Lawiers will need to be sentient of environmental, economic and administrative knowledge and learn how to value and pair with all these new scientists and academics that will generate researches and new knowledge in Law's new academic field. Law Academy will need to deal with non-autopoietic information.

The system itself will need to be open to these new reality and with procedures that can provide access and security needed to counter economic and market pressure in the issues. This will demand a change in the way society relates with its legal system and how they perceive itself and how it relates with the locus they inhabit.

The Earth-centered Law will provide and improvement in Rule of Law towards environmental protection. Besides that, and more importantly, it can be an opportunity to reengage the path to sustainable development in undeveloped countries and a path of world collaboration for environmental damage mitigation and welfare promotion, based in this new relation between societies and the place that they live. Paradoxically, by granting legal rights to nature, we can approach the reality in a more humane way, confronting issues with a less mechanical way.

2. What promising approaches do you recommend for achieving implementation of an Earth-centered worldview for Earth-centered Law? (Note: depending on the discipline, approaches could also be theoretical, although practical approaches should be prioritized).

Earth-centered Law needs actions in a more pragmatic and institutional approach. Many desired changes, including the recognition of the rights of nature, depends in an extensive systematic law revision. In the case of Brazil, it relies in a review of the Constitution and of the Civil Code. Both of these must be achieved through a revisional legislative process. Jurisprudence and public policies can provide some relieves in punctual cases, but don't have the possibility of providing the utmost result wanted.

In our country, this debate is still secluded in academic niches that are focused in health sciences or environmental debate. It is still very shy in the major thinktanks of the country, which few 3 or 4 promote the core thought of the majority of countries public policies.

Brazilian perception of environmental protection is forged in the premise of nature as a good and, as a property, it relies in the idea of exclusion instead of inclusion. When someone has something, the idea of property is centered in the impossibility of other to have or explore that something. We also see implemented a dozen of different legal types of environmental protection and property. One basilar step to be done is also propose revisions of this system, so we can implement the seeds of the recognition of nature rights.

3. What key problems or obstacles do you see as impeding the implementation of an Earth-centered worldview in Earth-centered Law?

Considering Brazilian reality, the discussions of the rights of nature are too far from the central thinktanks. The shifts need to be stated in the end by Brazilian legislative power, that have very strong ties with the agricultural economic sector, conservative and usually against this kind of approach.

4. What are the top recommendations for priority, near-term action to move Earth-centered Law toward an Earth Jurisprudence approach? What are the specific, longer-term priorities for action? (Note: give 3 to 10 priorities for action).

-Increase academic debate in law and economic academic centers (starting with events and presentations);

-Stimulate municipalities in proposition of local rules based in the Earth-centered Law;

-Foster, not just financially, the publication of Earth-centered Articles, in order to gain more mass to support debates.