

Opening Comments by Dr Peter Doran
Joint Committee on Environment and Climate Action
17 October 2023

Recommendations from the Citizens Assembly on Biodiversity Loss
On Rights of Nature

Tuesday, 17 October 2023

Introduction:

At the outset of my comments I want to invite everyone to let your minds wander to your favourite piece of wilderness – the place where your soul is most at home on our island. A field, a lake side, a beach or coastal walk...a wood or a piece of farmland [perhaps tended by generations of your family]

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Today Citizens across the island and across the world are watching.

- a. RoN Campaigners who have brought motions to local authorities, seeking recognition of the Rights of Nature or their local landscapes/rivers in policy and law. Especially the pioneers in the borderlands of Derry/Strabane and Donegal.
- b. The Secretariat of the United Nations ‘Harmony With Nature’ and its global network:

In July last year, The eleventh report of the UN Secretary-General on Harmony with Nature was published ([A/77/244](#)). The report recognizes the advances in Earth Jurisprudence, in particular through the Rights of Nature and Ecological Economics, and joint efforts by Member States to create a new narrative for a regenerative world in which **Human Rights go hand in hand with the Rights of Nature, and sustainable development is reframed to ensure planetary health and the well-being of future generations.**

- c. Members of the Global Alliance for the Rights of Nature with whom I had the privilege of sharing a platform at the 50th anniversary of the UN Stockholm Conference and Governments and civil society delegations who gathered at a session of the UN General Assembly earlier this year,

when the Chair of the CA and I reported on progress on Rights of Nature across the island.

These Campaigners from across the world are part of a new transformative movement that makes a simple claim: Ireland's response to the Citizens Assembly has garnered global interest and anticipation.

For members for the global movement for Rights of Nature:

Nature is Alive.

Nature is our Relative

Nature's Integrity and Intrinsic Rights to Flourish are inseparable from our own Human Rights to Freedom and Dignity.

An amendment to the Constitution incorporating the Human Right to a healthy environment and the Rights of Nature can bring a new dignity to the Constitution....a new visibility to the fact that we are constituted as a nation by citizens and the 'more than human' [all the ecosystems, the landscapes, the rivers, trees and mountains] whose daily labour make our lives possible, make our Rights meaningful, our economies possible.

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At the first meeting of the Citizens Assembly on 14th May last year, Professor Bob Watson [a man who has helped steer the world's scientific work on climate change – at the head of the Intergovernmental Panel on Climate Change – and a former Chair of the Intergovernmental Platform on Biodiversity – asked a profound question:

He Asked: ***'Do we humans have the right to destroy nature?'***

It was a deliberately provocative question that goes to the heart of our deliberations about Nature and Rights:

In my reading, Professor Watson's question poses this dilemma:

The destruction of our life support systems has accelerated even as our national and international legal systems have proliferated laws and conventions designed [supposedly] to limit the damage we have wrought, designed to preserve and extend the hubris of *The Era of the Human* [The Anthropocene] in the face of our own systems failure:

75 years after the Universal Declaration of Human Rights

50 years since the Stockholm Declaration¹ [It was in the 1972 Stockholm Declaration that there was an allusion to fundamental rights and ‘adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.’ Since the 1970s, over 150 states have already *established legal recognition of the right to a healthy and sustainable environment.*”

More than thirty years after the first ‘Earth Summit’ [UN Conference on Environment and Development] in Rio de Janeiro:

- There are few signs that we will contain the climate emergency
- And the wider ecological [or socio-ecological crises] continue to point to an ongoing Extinction Event unprecedented in its scale – during humanity’s time on Earth. [We are living through and complicit in the Sixth Mass Extinction Event]

The authoritative ‘planetary boundaries’ framework update finds that six of the nine boundaries are transgressed, suggesting that Earth is now well outside of the safe operating space for humanity².

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¹ The right to a healthy environment has developed gradually since the 1970s when it was first alluded to by the 1972 Stockholm Declaration. Its first Principle states: “*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being*”.

The Stockholm Declaration was a catalyst for the recognition of the right to a healthy environment at the national and regional levels. Today, according to UN Special Rapporteur David Boyd, the right to a healthy environment “*is included in regional human rights treaties and environmental treaties binding more than 120 States. It enjoys constitutional protection in more than 100 States and is incorporated into the environmental legislation of more than 100 States. In total, 155 States have already established legal recognition of the right to a healthy and sustainable environment.*”

² Of the six, [Biosphere Integrity component of the biosphere integrity boundary is ‘markedly exceeded’]: Of an estimated 8 million plant and animal species, around 1 million are threatened with extinction, and over 10% of genetic diversity of plants and animals may have been lost over the past 150 years.²

There is increasing concern that we ‘humans’ have designed our political, economic, legal and environmental solutions – using the very toolbox that has brought us to the brink.

That old toolbox puts ‘humans’ first. In Ireland as in many parts for the world, the right to enclose, to use, to exploit, to transform and dispose of Nature trumps all other considerations. Nature herself enjoys no intrinsic rights to exist.

Our laws and constitutions remain deeply anthropocentric.

In the European habit of thought, we Humans have – regularly – reduced Nature’s standing to that of an ‘object’.....‘dead matter’.....only deserving of our fundamental ethical regard insofar as it can derive value from our dominant economic systems [“We know the price of everything, but the value of nothing”].

We have failed, time and time again, at local, national and global levels to respect Nature’s Standing – not as an object – but as a ‘subject’ of our history. We celebrate our love of our island continuously in our poetry, song, and language but it has remained invisible in our founding Constitution....Our founding evocation of what constitutes us as an island community of communities.... Human and ‘More Than Human’.

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It took a vast European-led imaginative and political enterprise – colonial, intellectual, philosophical, and cultural in its scope – to render the Earth “as a vast machine made of inert particles in ceaseless motion”.

To construct Nature as a ‘machine’, as ‘resource’....as ‘dead matter’.

...and to destroy and denigrate the thousands of indigenous communities who lived from a different spirit, a deeply ecological sense of their own origins and being. [In Brian Friel’s immortal words, in his Play, *Translations*, colonialism led to ‘a kind of exile’ that not only resulted from the imposition of an alien language but from the partition that severed communities from their ancient ties to their landscapes and their metis].

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The recommendations from the Citizens Assembly present us with an opportunity to listen carefully to our own story of imposed narratives that would have us reduce our Irish mytho-poetic traditions to mere superstition, devoid of meaning.

The insatiable appetite for the writings and broadcasts of the celebrated Manchán Magan suggest that we are emerging as a people from a spell of disenchantment that accompanied our experience of colonialism [indeed, our experience as a petri dish for colonial adventures in many other parts of the world].

Our own writers, poets, singers, story tellers and many academics [Stretching back to the song of Amerghin and up to figures such as John Moriarty or Michael Cronin] have protected and cherished ways of knowing and belonging to our landscapes in ways that restore an intimacy, love and meaning.

Let me close with the words of the UN Special Rapporteur on Environment and Human Rights:

“In the predominant western frame of thought, non-human animals and ecosystems have always been treated as things, property intended for human use and exploitation. In dramatic developments spanning the globe, these entities are being recognized as legitimate, rights-bearing subjects. The fundamental values and laws that have governed society for hundreds of years are in the early stages of the most radical transformation in history. To some extent, this is a revitalization of long-suppressed Indigenous cosmologies that offer a different, and many would say far healthier, vision of humanity’s relationship with the rest of the natural world....challenging the global predominance of anthropocentrism....[and bringing into question our wholesale and accelerating appropriation of the planet.” (p.220)

The Rights of Nature points to much more than a legal transformation.

It points to an opportunity to amend our constitution so that we might – at last – constitute our Republic as a Republic for ALL:

- A Republic for humans and the ‘more than human’ who work, love and flourish every moment of every day to secure the conditions for our human communities....

The Rights of Nature points to knowledge...to alternative stories...to old ways of being in the world...that are part of our own ancient stories, even laws [Brehon Laws].

The Rights of Nature speak to an intimate knowledge, an intimate pre-colonial memory, an intimate knowledge that our freedom as a Republic will only be complete when our Rivers Run Free too.

That's why our Children and Young People's Assembly anticipated the Citizens Assembly recommendations, with a call on all of us to treat Nature as a relative.

That's why the Rights of Nature speak to a deep intuitive insight that everyone carries deep in their hearts...for we are all in love with the wild places we call home, the wild places where we come to know freedom as a kind of wild stirring of our most beautiful thoughts and connections.

Senators, Members of the Dáil Éireann, Let the Rivers Run Free

The invitation is to Let the writ of our Constitution extend to those wild places that enliven our imaginations, our very souls

Let the Rivers Run Free

99 Citizens have spoken.....and invited us to shape a Constitution in the image of all the species – all beings – who constitute our landscape, our communities of communities.

Let the Rivers Run Free

