

# BREAKING THE PLANET

“And then, we wept.”

Such were the words of Professor Terry Hughes, the head of the Centre of Excellence for Coral Reef Studies at James Cook University in Queensland, Australia. Hughes was responding to the Centre’s recent findings that over 90 percent of the Great Barrier Reef is experiencing bleaching, and that northern portions of the reef are now half-dead.

The Great Barrier Reef isn’t the first ocean ecosystem to be hit by the effects of global warming, of course – mass coral death around the Pacific island nation of Kiribati was reported earlier in 2016, and new studies confirm that these are part of a massive ocean die-off of coral.

within one mile of a federal Superfund site. Eighty thousand industrial chemicals are currently in use, with more than 700 of those chemicals now found within every human body. Eighteen hundred new chemicals are introduced annually.

If anything could surprise us at this point, perhaps it’s learning that over forty years *after* the major U.S. environmental laws were passed, the environment is worse than ever. Forty percent of our waterways fail to meet even the most basic standards imposed by federal and state clean water laws, 90 percent of the country’s forests have been logged, and half of all animal species on earth have been driven to extinction.

**somehow the human race has been elevated above the basic laws of nature.**

It’s delusion of the highest order, and like Icarus melting his wax wings by flying too close to the sun, we too have begun to plummet to the ground.

## Waiting for Godot

We do not have the luxury of waiting for prevailing belief systems to change to finally affect the decision making of those currently in power. Rather, says Mary Geddry, “We must revoke our consent to be governed.”

Geddry, a community leader in Coos Bay, Oregon, is working to stop a proposed new gas pipeline from coming into her community. She explains that **to effect real change, we must replace our permission for others to govern us by assuming the mantle of governing ourselves.**

People like Geddry are calling for the emergence of a time similar to that when Americans seized control of the colonies from Great Britain; when slaves rose in Haiti; when abolitionists and slaves broke their manacles in Britain and the U.S.; when suffragists forced their way into the ballot box; when farmers joined together in the late 1800s to challenge the banks and the railroad corporations; and when civil rights protesters dared to march.

**Over the past one hundred years or so, our “consent to be governed” by others has turned us into rubberstamps for an unholy alliance of professionals – lifetime politicians, large corporations, and a small elite of policy-makers who profit from control over politics, the economy, and our system of law.**

Our “consent” has been turned into such

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Those surprised at the results of these studies – which document the ongoing demise of the planet’s major ecosystems – simply haven’t been paying attention.

Even to the most casual of observers, it has become clear that our little blue orb has suffered long and hard from the effects of human occupation. **What’s surprising isn’t that we’re now seeing the effects of that occupation, but that the planet has been able to bear it for so long.**

In the United States alone, 4 billion pounds of toxic chemicals – including 72 million pounds of known carcinogens – are released into the atmosphere each year from 20,000 industrial polluters. Two trillion pounds of livestock waste – laced with antibiotics, hormones, and chemicals – are dumped into waterways and applied to land. Eleven million people now live

### We’ve broken the planet.

And there’s far more on the horizon. Today a growing number of climate scientists agree that predictions about the worst effects of global warming now appear to be downright optimistic.

The arrogance of the human race – that we can continue to exhaust the planet that gives us life while avoiding any adverse consequences to our own survival – lies at the base of our current tragedy. The belief that endless economic growth is not only possible, but *necessary* for our daily lives, serves as the underlying platform for the legal and economic systems that are driving the world off the cliff.

**To be clear, clearcutting, pollution, fracking, and the like aren’t what’s killing the planet. Rather, it’s the manic belief system that we can do those things without repercussion, that**

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a mockery that we've come to believe that we're incapable of governing ourselves. Indeed, we believe that we would be lost without those professionals managing our complex political, economic, and legal systems.

It is that belief in our own dependency which makes us so vulnerable to manipulation. **It is that belief which makes it so easy to present us with superficial choices which aren't really choices at all (the 2016 presidential primaries an excellent case in point). And yet we earnestly believe that we're deciding for ourselves.** It's as if the choice between paper versus plastic at the grocery store has invaded all facets of our life. Instead of being in charge, we're increasingly divorced from being able to make real decisions that actually matter to our survival.

It is a farce to call any of this democracy.

The first step, the hardest one of all to take, is to cleanse our brains of all that we've been fed – like mushrooms in the dark that have been fertilized with shit – and understand that not only are we the best qualified to make decisions about the future, but that we're the only ones who can.

In short, we must begin to believe that we're not only capable of seizing the power to make critical decisions about the future, but that we would make them better than those currently in charge.

### Reversing Course to Save Ourselves

Beginning nearly a decade ago, the people of Tamaqua Borough, Pennsylvania, a small enclave of 7,000 people in the rural Schuylkill area part of the state, began to believe.

Faced with a state plan to dump PCB-laden river dredge into abandoned deep mines, along with a slew of other projects that over the last century have turned

parts of their county into cancer clusters, the people of Tamaqua gave up hope. **They gave up hope that state and federal environmental agencies would protect them, or that their state government was working on their behalf.** They gave up hope that the unholy alliance of those who governed them actually cared about what happened to the people and natural environment of Tamaqua.

**The people in Tamaqua then proceeded to do what people and communities have historically done when they've come to grips with the failure of their own government to help them – they revoked their consent to be governed and took steps to govern themselves.**

Their first step was to adopt a law that banned the dumping of PCB dredge. The law contained a local bill of rights, which included a right to clean air and water. Further, it reaffirmed their right to govern themselves as a community, and elevated that right above the rights claimed by waste corporations and the state government to force toxic dredge into their community.

Seizing powers that the current system of law denies that they have, the people of Tamaqua understood that if they didn't exercise those powers, that they were guaranteed to receive the dredge. They further understood that only by driving their own municipality up against both the corporations and the state government – in a giant game of chicken – did they stand any chance of not becoming a dumping ground again.

That was lightning in a bottle by itself.

But they didn't stop there. **Understanding that protecting the people of Tamaqua required protecting the natural environment upon which the human race depends, they adopted a law that recognized ecosystems within the Borough – groundwater, streams,**

**and rivers specifically – as having legally enforceable, independent rights to be free from toxic dredge.**

Their law openly and directly refuted one of the most fundamental rules of the system that has brought us to this place – that **nature has no rights of its own** – such that ecosystems can be used and exploited by whomever owns them, or by whomever holds a permit to pollute them.

### Ecosystem rights must be enforced against those causing global warming.

Several years after Tamaqua adopted its law, the people of Ecuador would arrive at a similar conclusion – voting to adopt a new national constitution that recognized that all ecosystems in Ecuador must be afforded basic rights – the right to exist, flourish, and naturally evolve.

The first case to be brought in Ecuador under those constitutional provisions – *Vilcabamba River v. the Province of Loja* – resulted in a ruling upholding the constitutional rights of the river to flow, against a local government's dumping of road debris into the river. Since then, the constitutional rights of nature have been invoked in several cases, including by the national government itself in actions aimed at stopping illegal gold mining.

### The Rights of Nature – Liberation Ecology

In the 1950s, a new strain of Catholicism arose against dictatorial governments and severe poverty in Latin America. Called "liberation theology," priests cast Jesus as a political figure and revolutionary who sought to free the poor from an oppressive governmental elite. Priests decentralized the practice of Christianity, transforming

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disenfranchised communities from being the object of church teaching to becoming direct interpreters of the Bible and designers of their own worship services.

Liberation theology became a threat to the church by critiquing the economic and social structures on which the church structure relied. In response, the Vatican ordered purges of Catholic priests to suppress the doctrine.

**The community rights movement emerging in the United States has much in common with the major themes of liberation theology, in seeking to decentralize decision making authority to marginalized communities, and positing that the highest role of the law is the protection of human and natural communities, rather than protection of the ruling elite.**

Its critique is much the same – that an unholy alliance of governmental and corporate elites prey on communities, and people have no choice but to submit to fracking and other corporate projects, thus allowing the elite to expand their power over people and nature.

While “liberation ecology” has been used in the past to describe the authority of human communities to serve as good stewards of the planet, it must go further – towards an expansion of community lawmaking which recognizes nature not as property to be well-used and conserved by humans, but as possessing the highest rights protections capable of being afforded by our system of governance.

**Without a true liberation ecology activism – in which community democratic authority is expanded to**

**enable people to ban that which harms human and natural communities, and to begin to construct a new system which affords those communities the highest protections of the law – dependence on the old order will guarantee the destruction of the planet continues.**

### The Way Forward

Whether it’s bleaching of the Great Barrier Reef in Australia, the slow death of Lake Erie and the Chesapeake Bay in the United States, disappearing glaciers around the globe, or an ice-free Himalaya, **people that are part of those vanishing ecosystems must act to harness their own governmental power to protect them.**

People in Toledo and other Ohio municipalities must adopt a *Lake Erie Bill of Rights*; Australia’s cities, local councils, shires, and district councils must adopt a *Great Barrier Reef Bill of Rights*; municipalities bordering the Chesapeake Bay must adopt a *Chesapeake Bay Bill of Rights*; local governments in Nepal must adopt a *Himalayan Bill of Rights*.

As in Ecuador, people in those places – with the help of those with resources who care about the planet – must step into the shoes of those ocean, estuary, bay, mountain, and other ecosystems to use every judicial, legislative, and other institution in existence to stop that which threatens them.

Precisely because the health and well-being of those ecosystems are dependent upon a planetary climate which can support them, ecosystem rights must also then be enforced against those

actors – both private and governmental – who are violating those rights by causing global warming. That may mean directly challenging international norms – by providing for jurisdiction of those lawsuits in community “climate courts” established for exactly that purpose.

**In response to fracking, new gas pipelines, and a slew of energy projects, communities across the United States have begun to adopt local laws which recognize a right to, and a right of, the climate to be free from fossil fuel emissions. Those laws must then be used to drive lawsuits and new laws that begin to reverse climate change.**

To do anything else means relying on those who are destroying the planet to voluntarily restrain themselves from doing so. That’s akin to hoping that the slave owners of the 1840s would abolish slavery on their own, or that Woolworths would *voluntarily* desegregate its lunch counters.

As Kiribati and other small island nations sink into the sea, as the die-off of land and ocean species accelerates, we must ask what actions should be deemed too radical to remedy the radical damage that is being done to the planet and ourselves. Past people’s movements were forced to ask similar questions, and similarly, were forced to admit that the institutions which created and depended on the existing system were incapable and uninterested in extracting them from it.

They built mass movements to change the existing order. It’s time we do the same.

The Community Environmental Legal Defense Fund (CELDF) brings the practice of public interest law, grassroots organizing, and community education together in a unique legal and organizing strategy, to build a movement for Community Rights and the Rights of Nature.

To learn more, visit our website – [www.celdf.org](http://www.celdf.org) – or contact us at [info@celdf.org](mailto:info@celdf.org) or (717) 498-0054.

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