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04-12-2010 - **Proposal for a Law on Mother Earth**

This proposal for a Law of Mother Earth was prepared by the Bolivian social movements that form the Unity Pact (Pacto de Unidad). They are the: Confederation of Native Indigenous Peasant Women Bartolina Sisa (**CNMCI OB BS**), Confederation of Bolivian Indigenous Peoples (**CIDOB**), National Council of Ayllus and Markas of Qullasuyu (**CONAMAQ**), Committee of the Confederation of Bolivian Peasant Workers (**CSUTCB**) and the Confederation of Intercultural Communities of Bolivia (**CSCIB**). The membership of these social movements represents 60% of the 10 million citizens of the Plurinational State of Bolivia.

Throughout 2010 over 1,500 members of the social movements attended 20 workshops to draft the proposal for the law. The proposal represents the voice of Bolivia's 36 ethnic groups. We present this law to the rest of the world to put forward the model of **Vivir Bien** (to 'Live Well') to establish harmony, balance and a communitarian economy (based on the principles of solidarity, reciprocity and fairness). We believe **Living Well** is the model to follow in order to remedy the ecological crisis and climate change. Both are the result of centuries of irresponsible human activity towards Mother Earth and all living beings. We do not want to contemplate the continuing destruction and plunder of our world by the Capitalist system and its servants. Now is the time to stop Mother Earth's agony and treat her wounds. It is the obligation of the human race to reverse all the damage caused to Mother Earth. This will re-establish harmony and balance between all living beings.

The Law of Mother Earth is a victory for native Bolivians(1) and social movements in the struggle against capitalism. The Law of Mother Earth is a framework law covering all of the laws of the Plurinational State of Bolivia. The basis of the law is the model of to 'Live Well' as an alternative to capitalism, modernity and the development model of the West. The law is the framework for a group of foundational laws and for the economic, political, institutional, social and cultural transformations needed to apply the model of Living Well. The Law of Mother Earth also proposes a transformation in legal thinking. It demands an epistemological shift that reintroduces and proposes the use of native Bolivians' ancestral knowledge and science. This knowledge is complemented by Western theories and knowledge of ecology, technology and science, as well as critical theories of capitalism and modernity.

The proposal for the Law of Mother Earth puts forward a theoretical framework establishing the rights of Mother Earth and our duties towards Mother Earth. It defines the role of the Plurinational State and society in complying with these duties and rights. Under the law there will be comprehensive ecological and land management. There will be a set of policies, plans, programmes and projects designed to protect, preserve, restore and mitigate the balance of eco-systems. The Law also establishes penalties, bans and sanctions in relation to the crimes of environmental and ecological damage committed against Mother Earth. The Law creates mechanisms for the active participation of society in monitoring and making legally binding recommendations to government in order to protect Mother Earth. It also includes the legally binding and free prior informed consent and consultation of society – including of indigenous nations and peoples. The Law of Mother Earth is a

decolonising law through its defence of the rights of native rural indigenous peoples. It also empowers them to participate in the formation of the Plurinational state. It is a contribution to a new and transformational global development model that is an alternative to capitalism and modernity.

The concept of **Living Well** is based on the values of indigenous civilizations and their cosmovision (view of the universe) of *suma qamaña*, *suma kausay*, *teko kavi*, *ñandereko*, *ivimarej*, and *qhapaj ñan*. It proposes ideals and social activities in harmony with nature and the community. Living Well means adopting forms of consumption, behaviour and conduct that are not degrading to nature. It requires an ethical and spiritual relationship with life. **Living Well** proposes the complete fulfilment of life and collective happiness. This can only be the result of a holistic and integrated vision. The 'Living Well' development paradigm calls for new norms that regulate and guarantee harmony and balance with Mother Earth.

Mother Earth is a living being. She is sacred, fertile and the source of life that feeds and cares for all living beings in her womb. She is in permanent balance, harmony and communication with the cosmos. She is comprised of all ecosystems and living beings, and their self-organisation. She is the home of all living beings, ecosystems, biodiversity, natural societies and their individual components. The conception of Mother Earth is based on the cosmovisions (view of the universe) of the native indigenous nations and peoples. It forms parts of their symbolic rituals and ceremonies. The understanding of Mother Earth is now re-emerging as part of indigenous peoples' struggle for decolonization. In this sense it forms part of the rights of native indigenous nations and peoples, including their right to: Self-government; Self-determination; Reinstatement of their ancestral territories; Use of their own rules, customs and traditions.

BLESSINGS OF NATURE: We reject terms that express relations of exploitation and expropriation with nature. We reject terms that are mercantilist, commercial and capitalist. We reject the term "Natural Resources" because it justifies the endless pillaging of nature by the capitalist world system. These are not just mere economic resources. They are beings in themselves, material beings, elements, constituents and blessings of nature. As such they constitute all organised forms of life. From the perspective of indigenous cosmovisions (view of the universe) we do not consider the distinction between renewable and non-renewable made in the context of the current development model to be adequate. This is because nature is vulnerable to plunder, contamination, degradation and the indiscriminate pillaging by this capitalist model of development.

Mother Nature encompasses the interaction between the plurality of living beings and the blessings of nature. Living beings constitute the different existing forms of life, the logic of life, the strength of life and the will of life. The blessings of nature are the fruits of Mother Earth. They are the physical and immanent forces that are found at all levels of planet earth. They are also what are called "Natural Resources". These are minerals in all their states, hydrocarbons, water, air, soil, the subsoil, forests, jungles, biodiversity, and all physical elements and forces of Mother Earth.

OBJECTIVES OF THE LAW

- Guarantee the coexistence and preservation of life.
- Restore, strengthen and revalue ancestral knowledge, values, sciences, technology, and principles to care for Mother Earth from a perspective of cultural diversity.
- Establish legal instruments and mechanisms for the prevention and sanction of crimes against Mother Earth.
- Conserve, protect and defend protected areas, sacred areas, forests, and areas of ecological fragility. This shall be done through public policies, plans, programmes and projects to apply the model of Living Well.
- Guarantee and implement adequate public policies in harmony with nature. These policies shall respect and apply the rules and procedures of native Bolivians to conserve the strategic blessings of nature such as: water, air, soil, subsoil, forests, jungles, biodiversity, and all physical elements and forces that ensure the application of the model of Living Well.

- Implement public policies that guarantee the environmental management of nature's blessings, such as minerals and hydrocarbons, in harmony with nature.
- Guarantee the right to legally binding and free prior informed consent and consultation of native Bolivians in accordance with their own rules and procedures. These rights are recognised in the Bolivian Constitution (approved in February 2009), International Labour Organisation (ILO) Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples.
- Guarantee the creation of mechanisms for the effective participation and monitoring by all Bolivians to defend, protect, conserve, restore and safeguard Mother Earth, nature's blessings and biodiversity. These mechanisms shall operate in accordance with the laws and institutional configuration of the Plurinational state.
- Promote, train and give incentives for the management of agricultural production to guarantee food security and sovereignty. This shall be done through the use of appropriate technology for Mother Earth.
- Implement policies to prevent and reduce socio-environmental impacts on soils, water, air and biodiversity.

RIGHTS OF MOTHER EARTH

- Right to life and to exist.
- Right to be respected.
- Right to continue her vital cycles and processes free from human alteration.
- Right to maintain her identity and integrity as a self-regulating, interrelated and differentiated being.
- Right to pure water as a source of life.
- Right to clean air
- Right to a healthy environment
- Right to not be polluted and contaminated with toxic and radioactive waste.
- Right to not have her cellular structure modified or be genetically altered. This would threaten her vital and healthy functioning and integrity.
- Right to full and immediate restoration and decontamination due to human activity.
- Right to be reforested.
- Right to ensure the responsible and sustainable management of nature's blessings.
- Right to not be affected by mega infrastructure and development projects that affect the balance of ecosystems and the local inhabitant communities.

1: 'Native Bolivians' encompass the 36 ethnicities within Bolivia. These include native indigenous nations and peoples of diverse ethnic origin, the majority of whom are farmers who still live on their ancestral lands or who have migrated and settled in other rural areas. Ethnic groups include the Aymara, Quechua, Guarani and Afrobolivians.

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