

# **Property Rights and Rights of Nature**

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Development  
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Last year, I was here to introduce my

**Project for a Universal Nature Man  
Declaration**

a

**Project for a Universal Emergency Declaration  
on Rights and Duties of Human Beings**

drafted June 2016  
revised December 2017

**It consists of a preamble and 3 parts:**

- **PART I: Rights of Human Beings,**
- **PART II: Duties of Human Beings,**
- **PART III: Instruments to protect Nature and natural persons (human beings) \_ (Articles 7-10).**

7.2. The duty to care for Nature principle, that includes the duty to care for human beings in order to guarantee their rights, must override all other considerations.

# **The right to own property is fundamental**

- **Universal Declaration of Human Rights, 1948**  
(Article 17)
- **Declaration of Human and Civic Rights, 1789**  
(Article 17)  
(still in force through the French Constitution)

Yet, the right to own property  
has been attached to the

**notion of *usus et abusus***

inherited from Roman Law.

It left victims **without recourse,**

- **women,**

- **slaves,**

- **children,**

until they obtained the status of a  
**legal person.**

It still leaves victims **without recourse:**

**non-human beings,**

who nonetheless have specific needs, and

**should therefore have**

**rights specific to their species,**

just as human beings have their own needs and

therefore their own rights.



**The right to own property has often been denounced, because of many abuses committed in its name.**

**It is destructive whenever human or non-human beings are deprived of**

- their means of existence,
- their habitat,
- their right to live and be in good health,

whenever the natural, social or cultural equilibrium has been destroyed.

**But the right to own property also has its advantages.**

**It protects whenever**

- it can be invoked by human beings to preserve their livelihood,  
(for instance by farmers threatened to become landless peasants),
- it allows human beings to own a decent home,
- it allows benevolent owners **to protect** other beings.

**And it is the notion of protection that can  
turn the notion of property rights upside down.**

Owners should not only have  
**the opportunity to protect Nature,**  
they should have a  
**DUTY to protect Nature.**

The notion of  
**DUTY TO CARE / DUTY TO PROTECT**  
**changes our relation to others,**  
**the non-human beings.**

It is the fundamental relation that  
unites us to the others.

This is how I sought to  
**redefine**  
**the notion of property rights**  
in my declaration project

PART I  
Article 2

**2.1. This Article specifies the meaning of the notion of property (Article 17 of the Universal Declaration of Human Rights).**

**2.2. The right to property is understood as a means to guarantee the right to life and well-being, in terms of housing (habitat), health or livelihood.**

**2.4. The right to property is limited by the duty of human beings to protect Nature. It should under no circumstances result in the appropriation of living organisms, or in a right to exploit.**

**2.5. Ownership should first and foremost be understood as a particular type of guardianship. Human beings must act as guardians of Nature and mankind. Their duty is to preserve the Earth and its treasures for future generations.**



Moreover,

any non-human beings  
or ecosystems  
become  
**legal persons:**

**6.3. *Amicus curiae*: all adult human beings who are sane in mind and body have a right and duty to stand in court, wherever that court might be, in order to represent the interest of any other being or ecosystem.**  
(DEUXIÈME PARTIE, Article 6)

**Embedding the principle of  
guardianship /duty to care  
in our declarations,  
in our constitutions and  
in our laws  
is a valuable step forward.**

**But it is not sufficient.**  
We also need  
**courts and public forces**  
**that enforce this principle.**

We also need  
**a majority of States,**  
**a majority of citizens**  
in our global interdependent world  
**to accept this principle.**

We also need  
**effective policies**  
to be put in place,  
**at all levels of human society.**

Will human beings  
protect themselves from  
**the worst possible world?**

**Time is running short!**

**Shall we promptly acknowledge that**

**“...to guarantee human rights it is necessary  
to recognize and defend the rights of Mother  
Earth...”**

*(Proposal for a Universal Declaration of the Rights of  
Mother Earth,*

*Preamble, 5<sup>th</sup> paragraph)*

**?**



THANK YOU!

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