



Earth Is Our Business by Polly Higgins

Reviewed by Brian Hodgkinson

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'The concept of Earth as a living organism has been forsaken. The prevailing belief that has wrought our predicament has treated the earth as a mere resource to be plundered at will. As a consequence the imbalance in our ecosphere is now so great that it is threatening to destabilise all of Earth and mankind' (page 149).

With these words Polly Higgins pinpoints the problem that she regards as the most fundamental facing the world at the present time. Already author of an award-winning book on ecocide, she heightens the debate yet further with this far-reaching analysis and prescription of a solution. Ecocide she defines precisely as 'the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished' (page 3).

When human agency is the cause, she has no doubt about the ideology that lies behind it. Nature has been treated as a commodity to be bought and sold, just like the goods and services produced by labour which are traded for money. No line has been recognised between the gifts that humanity receives from the earth – forests, minerals, water, wild life, in short all that economists have always categorised as land –

and things that have been transformed by work to suit human needs. Nature as a commodity becomes property. Individuals, companies and banks invest in it, and in claiming ownership appropriate rights to exploit, pollute and even to destroy the life enhancing natural qualities on which we all depend. Property in labour more or less ended with the abolition of slavery. Property in land remains largely unquestioned, except by visionaries like Polly Higgins.

Recently it is true that some firms have begun to respond to criticism about the unrestricted profit motive by freely adopting moral rules to limit their exploitation of the earth; but this is wholly inadequate, according to the author. Shareholders are legally entitled to demand that companies aim at profit maximisation, so that such rules are under institutional pressure. Rent-seeking especially becomes the prime objective of corporate leadership. Likewise, the growth of such measures as trading in rights to pollute only gives further sanction to pollution itself and to similar destructive practices. What is needed is the introduction of laws passed both by governments and by international bodies like the United Nations. Law alone can transform the ideology behind ecocide by simply making deleterious behaviour illegal and punishable. As a lawyer herself, Polly Higgins demands an International Criminal Court able to impose custodial sentences on offenders, such as the CEOs of companies that commit ecocide.

What then should replace the concept of ownership of natural resources? Two answers are proposed. The earth itself should be understood as possessing rights, enforceable by law like human rights. Thus the status of the earth as a living creature, rather than as an inert object available for use at will, would be recognised. Secondly the duty of care should be acknowledged by all who have dealings with the earth, whether as individuals, business representatives or government officials. In particular, 'a Law of Ecocide imposes an international and trans-boundary duty of care on any person or persons exercising a position of superior responsibility, without exemption, in either private or public capacity to prevent the risk of and/or actual extensive damage to or destruction of or loss of ecosystem(s)' (page 148).

There are abundant well-researched examples of the issues of concern. Deforestation of the Amazon basin, Canadian tar sands, oil pollution of the oceans and many others are discussed. One vital and often overlooked question given some emphasis is that of how the natural resources of war-torn countries, such as those in the Middle East, are to be appropriated in the peace process. In places like Iraq, Libya and Sudan there is a hidden agenda of who gets the rights to oil. Without just settlements that recognise the rights of all parties and of the earth itself there will be no lasting solution.

Finally this invaluable book offers a most significant improvement in the rules of the World Bank in allocating funds for development. It should require 'environmental assessment of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making' (page 179). Such a recommendation illustrates the breadth of view of an author who brings both her skills as a lawyer and her original thinking to this most critical of today's economic and political matters. 📖