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Focus on Bioregions

Contribution to GTI Forum [An Earth Constitution: Has the Time Come?](#)

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Like most republicans (with the small 'r'), I am in favor of a world constitution as a document that affirms human and non-human flourishing, equality, and non-domination. Glen Martin's opening essay and several contributions to this forum seem to support this position broadly. But I also join my voice with those who have expressed their concern that in an already unequal world, the lack of inclusion and representation of marginalized segments of the world in the framing of the constitution might very well produce institutions that end up breeding new forms of violence and injustice. After all, the undemocratic United Nations system arose out of centuries of imperialism and colonialism and remains under the thumb of the Dollar-Wall Street regime.

Still, this need not be the sole benchmark for judging the proposal. A legal document that does not reflect the participation of underrepresented groups in global politics and claims to speak on behalf of everyone is not illegitimate by definition. Virtually all modern constitutions were written by a small body of influential and propertied men. Many were slaveowners, large landowners ruling over serfs, and prominent lawyers—elite men of means who frequently treated women, indigenous communities, and the natural world as parts of the scenery, not as agents themselves. But once they wrote constitutions to begin with the words, "we the people," several progressive processes were set in motion.

Those excluded used the contradictions to assert themselves and make claims on those in authority. In a few instances, the phrase "we the people" and the (constitutionally mandated) institutions of rule of law helped to create political agents who learned to adapt (or were forced) to become public spirited even as they accepted and followed procedures. In others, they inspired

political revolutions like the American Civil War, the Haitian revolution, the suffrage movement, and today's campaigns for food sovereignty, animal rights, and decoloniality.

I am therefore not as concerned as some of the interlocutors in this forum about the lack of representation in the drafting of a world constitution. A constitution can be seen a framing device that makes explicit the principles of social justice, so that ordinary people have the ability to make claims on power. A constitution gives people the right to justification, which is essential for confronting arbitrary action by elites in authority.

Writing a world constitution is, however, not the same as creating the conditions for “world government.” Rather than performing “coordination” functions, a world constitution might seek to revamp the existing Earth Charter into the language of law and jurisprudence. If Parties were to ratify such terms as a collective purpose, it would conceivably create the conditions to reduce white-collar crime and transnational crime, initiate state-led and collective efforts to provide a universal income, heal the Earth in ecologically sensible ways, and deploy safe and appropriate tools to improve collaboration on equal terms within and across borders, including fair trade and low-intensity markets.

A Nod to Anarchism

There are good reasons to take seriously the anarchist position that cooperation without hierarchy or statehood is not only conceivable but is (and has been) the predominant pattern of living among Indigenous communities and forest peoples across the world, in spite of the growing pressures on them to fit into various programs. States have a “civilizing” mission that serves to erase vernaculars in all their dimensions—language, to be sure, but also other ways of living, including cuisine and food practice, and forms of worship.

Today's nation-states are by no means natural sovereign entities. They emerged out of the European imperial ambitions of absolutist powers that grew in the seventeenth and eighteenth centuries, decolonizing impulses by peoples under occupation in the nineteenth and twentieth centuries, and what Pierre Manent terms a “liberal compromise” that allowed constitutional governments to form out of erstwhile monarchies.¹ That they exhibit unstable qualities because of the predominant roles of competing elite interests is as evident in the United States today as in the Congo. States do not allow ordinary people within them to practice the arts of not being governed.

The problem with the anarchist plot is that it assumes that letting people do their own thing in a million eco-communities is sufficient to heal the Earth and free humanity from the evils of the state. Yet, the state as such is a chimera and is neither so ubiquitous nor overpowering as to remove human freedoms totally. Statehood—the institutions and processes of state actors—can be negotiated with and tamed by democratic institutions.² The focus of republican politics must be to contest its harmful territorial and rent-seeking power. In other words, it is the elite interests protected by state-making and war-making authority that destabilize human and ecological flourishing. Anarchists have the right impulse but perhaps not the right tools to contest this authority.

Deterritorializing Global Governance

The proposed Earth Constitution does not yet destabilize territorial, rent-seeking power, in my view, but perhaps some minor changes would help. For instance, why base its formation on existing nation-states at all? Instead of a separate House of Nations and a House of Peoples, the Constitution could promote the idea of a single House of Biome Stewardship Councils, with representatives from the fourteen biomes of the world and a fifteenth one for coastal and marine fisheries.³

To begin with, each of these Councils would consist of a group of individuals elected or nominated by local community organizations that reside in the regions making up a biome, including a few government officials who are deemed to be particularly sensitive to ecosystem protection. To ensure public confidence, the rules for developing the Councils would need to come from input from extensive consultation from stakeholders who may, for instance, decide that a “biomic constitution” is warranted. Whatever the final outcome of these consultations, it is important that certain key principles be adhered to, namely that the Council members (a) be properly representative of the stakeholder groups resident to the biome; (b) function through internal rules of legitimacy; and (c) uphold basic values of ecological stewardship.

Since the precise boundaries of biomes are hard to delineate and because they are non-contiguous across continents, each Council need not ever be viewed threateningly as a political unit having territorial borders, but rather as a functional governance entity concerned with particular types of ecosystems. Finally, biome stewardship provides a realistic and less threatening start to this agenda than the idea of “world government.” An incremental adaptive institutional framework of law that is supra-national, but sub-global offers a practical way to build and govern the global commons.

It also offers possibilities for developing broadly accountable commitments for fair, personal, and collective freedoms; safe soil, water, and other constituents of life on Earth; and opportunities for new creative and collaborative ventures.

Endnotes

1. Pierre Manent, "The Crisis of Liberalism," *Journal of Democracy* 25, no. 1 (2014): 131-141.
2. Bob Jessop, *The State: Past, Present, Future* (Cambridge, UK: Polity Press, 2016).
3. Chella Rajan, "The Case for Biome Stewardship Councils," in *Restoring Nature's Capital: An Action Agenda to Sustain Ecosystem Services*, edited by Janet Ranganathan and Frances Irwin (World Research Institute, Washington, DC, 2008).

About the Author



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