

# Rights of Nature and our Responsibilities as Earth Community

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**Rights of Nature** is the recognition and honoring that Nature – and the ecosystems that sustain us – have the right to exist, flourish and regenerate. Legal systems built on the premise of Rights of Nature change the status of natural communities and ecosystems from being regarded as *property* under the law to being recognized as *rights-bearing entities*. Natural communities are thereby recognized as subjects with standing under the law. Residents of communities where Rights of Nature have been adopted possess the legal authority to enforce those rights on behalf of the ecosystems. In addition, these laws require the governmental apparatus to remedy violations of those ecosystem rights.

In 2006 Tamaqua Borough, PA became the first U.S. municipality to adopt a local ordinance recognizing the Rights of Nature. Since then over three dozen communities in the United States have passed local Rights of Nature laws.

In 2008, Ecuador became the first country to include Rights of Nature in its Constitution. In 2010, Bolivia passed its *Law of Rights of Mother Earth*. Traditional indigenous cultures prefer the term Mother Earth in referring to nature and our planet as it connotes the sacred relationship of all life. The reference employed by the Ecuadorian Constitution is "Nature, or Pachamama (Quechua for Mother Earth) where life is reproduced and exists".

In the broader social sense, recognizing Rights of Nature is about "*realigning human laws with natural laws and recognizing our rightful place in the ecosystem and in relationship with every other living being.*" Shannon Biggs, **Rights of Nature Plenary at The Women's Earth and Climate Initiative Summit** [http://www.youtube.com/watch?v=iHKM3Id-C\\_8&feature=share&t=1m27s](http://www.youtube.com/watch?v=iHKM3Id-C_8&feature=share&t=1m27s)

## Current Law in the United States and most parts of the world

- Nature is treated as property - as resources for human consumption
- Natural ecosystems are treated as objects, not subjects of the law, with no standing.
- Individuals defend themselves and damages against their property.
- Damages are assigned to make property owners whole; rather than the affected ecosystems.
- Actually legalizes exploitation and damage by setting allowable limits. The purpose of regulations and permits is to establish how much damage can be done. The subject party is responsible for demonstrating damages do not exceed the limits.

## Rights of Nature based Law

- Recognizes that *Nature in all its life forms has the right to exist, persist, maintain and regenerate its vital, integral cycles.*
- Natural ecosystems can be named as a rights bearing subject.
- Humans and government agencies have the legal authority and responsibility to enforce these rights on behalf of natural systems.
- Damages are granted specifically to restore the ecosystem.
- Codifies the concept of sustainable development by disallowing activities that would interfere with the functioning of the natural systems that support human and natural life.
- Is **not** the same as human rights to nature.

## US Rights of Nature Ordinances

Throughout the US, communities are implementing rights-based initiatives to protect their communities and natural ecosystems. The largest is Pittsburgh, PA which in 2010 passed an ordinance to ban hydrofracking within the city. Across the US a variety of issues such as toxic waste, biosolids or sewage sludge application, and mineral extraction, have provided the impetus for similar ordinances. Santa Monica, CA added the recognition of Rights of Nature to the City's Sustainable City Plan.

While each community crafts their own ordinance based on the considerations at hand, three key elements are:

- Reasserting the community's rights to decide what goes on within their community;
- Limiting corporate personhood rights, and
- Recognizing the rights of natural communities or Nature.

## Eradicating Ecocide

*"Ecocide is 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<sup>1</sup> of that territory has been or will be severely diminished."* Proposed amendment to the Rome Statute, by Polly Higgins, April 2010

<sup>1</sup>Inhabitants refers to all beings, not just humans, thereby incorporating Rights of Nature.

<http://eradicatingecocide.com/>

## References

### Websites

**Global Alliance for the Rights of Nature** <http://therightsofnature.org/>

Community Environmental Legal Defense Fund (CELDF) <http://celdf.org/>; Sample US ordinances at <http://celdf.org/resources-ordinances>.

**Earth Law Center** <http://earthlawcenter.org/>

### Articles

**Rights of Nature: Planting Seeds of Real Change** compiled by Global Exchange

<http://www.globalexchange.org/sites/default/files/RONPlantingSeeds.pdf>

### Books

**Wild Law, A Manifesto for Earth Justice** by Cormac Cullinan

**Exploring Wild Law, The Philosophy of Earth Jurisprudence** edited by Peter Burdon with a collection of essays by experts in Earth Jurisprudence and Rights of Nature.

## Global Rights of Nature Historical Timeline

As the Global Rights of Nature Historical Timeline illustrates, in a few short years, the Rights of Nature movement has grown, gaining momentum both in terms of the number of communities and countries examining and adopting Rights of Nature, as well as the number of emerging organizations dedicated to advocating Rights of Nature.



## Rights of Nature Timeline

### 1972

- Christopher Stone publishes his seminal essay, "Should Trees Have Standing – Toward Legal Rights for Natural Objects," 45 *Southern California Law Review* 450 (1972).
- U.S. Supreme Court Justice William O. Douglas asserts that natural objects should have their own standing to sue for their own protection, in *Sierra Club v. Morton*, 405 U.S. 727 (1972) dissent.

### 1999

- Thomas Berry publishes **The Great Work, Our Way into the Future**

### 2002

- **Wild Law, A Manifesto for Earth Justice** by Cormac Cullinan proposes recognizing natural communities and ecosystems as legal persons with legal rights.

### 2006

- Tamaqua Borough, Pennsylvania becomes the first U.S. municipality to adopt a local ordinance ("bylaw" in Canada) recognizing the rights of nature to exist, thrive and evolve.
- Since 2006, over three dozen communities in seven U.S. states – Pennsylvania, Ohio, New Mexico, New York, Maryland, New Hampshire, and Maine – have followed in Tamaqua's footsteps, passing local laws which codify nature's rights.

### 2008

- Swiss Federal Ethics Committee finds "living organisms should be considered morally for their own sake because they are alive" and "arbitrary harm caused to plants to be morally impermissible."
- Ecuador amends its Constitution to include the rights of nature to "exist, persist, maintain itself and regenerate; the rights of "any person" to enforce these rights in court; and the rights of nature to be fully restored if injured, independent of human claims for restitution.

### 2010

- Belize court finds ship-damaged reef was not "property," but a living thing entitled to damages for its own restoration.

- Over 35,000 people from 140 nations at the World People's Conference on Climate Change and Rights of Mother Earth in Cochabamba, Bolivia adopted the **Universal Declaration of the Rights of Mother Earth**.
- Pittsburgh, PA becomes the largest U.S. city to adopt a local ordinance recognizing rights of nature.
- Bolivia adopts "Law of the Rights of Mother Earth," outlining its commitment to Rights of Nature.

### 2011

- First successful case implementing Ecuador's "rights of nature" Constitutional provision, recognizing the rights of the Vilcabamba River had been violated by pollution and ordering full restoration.
- Ecuador, Costa Rica, Paraguay and Bolivia call on United Nations to include rights of nature in final agreement at the U.N. Conference on Sustainable Development in Rio de Janeiro, Brazil ("Rio +20").

### 2012

- Supreme Court of India recognizes a fundamental duty of citizens under the Constitution to protect and enhance environment, ruling that "human interest[s] do not take automatic precedence and humans have obligations to nonhumans independently of human interest."
- Final agreement at United Nations Rio +20 Earth Summit reflects the recognition of rights of nature by several members states.
- Final Declarations of the People's Summit at Rio +20 Earth Summit call for adoption of the **Universal Declaration of the Rights of Mother Earth** and rights for waterways.
- The *Rights of Mother Earth signature campaign delivered 120,000 signatures* in support of the *Universal Declaration of the Rights of Mother Earth* to U.N. Secretary General Ban Ki-moon during a Major Group Assembly at the U.N. Rio+20 Earth Summit.
- New Zealand agreement proposed between Maori iwi and the government recognizes Whanganui River and tributaries as a legal entity, with rights to exist and flourish as an "integrated, living whole" and guardians to be appointed to oversee the rights of the river.
- Bolivia adopts "Law of Mother Earth and Integral Development for Living Well", providing details for implementing rights of nature in practice.

- Conference on Rights of Mother Earth: Restoring Indigenous Life Ways of Responsibility and Respect at Haskell Indian Nations University, in Lawrence KS, brought together indigenous leaders from North and South America to explore organizing a system of jurisprudence that treats Mother Earth as a rights-bearing entity.
- The Kathmandu-based *Center for Economic and Social Development (CESOD)* proposed draft Rights of Nature constitutional provisions to the Nepal Constituent Assembly. Assembly was dissolved with no action.
- A coalition of citizens and organizations launched the National Ganga River Rights movement in India to recognize rights of the Ganga River Basin. The campaign slogan is, "Ganga's Rights are Our Rights."
- The Women's Congress for Future Generations gathered in Moab, Utah and created a **Declaration of the Rights Held by Future Generations**. The declaration is based on and recognizes the Rights of Nature.
- J. Stephen Cleghorn, an organic farmer in Jefferson County, PA became the first landowner in the US to use a conservation easement to recognize and protect the rights of water, forests and wild ecosystems.

### 2013

- Two Vermont municipalities become the first to adopt resolutions urging the State Legislature to amend the Vermont Constitution to include the rights of nature; this effort is ongoing.
- Santa Monica, California becomes first West Coast U.S. municipality to adopt a local ordinance recognizing the rights of nature; also the first to do so in part to support its Sustainable City Plan.
- In 2013, the County Commission of Mora County, NM became the first county in the US to pass an ordinance banning all oil and gas extraction and recognize rights of nature.
- More US communities are proposing local rights based ordinances. For updates see [www.CELDF.org](http://www.CELDF.org).
- A growing number of Conferences around the world are addressing Rights of Nature as keynote topics.

For more information: [www.TheRightsofNature.org](http://www.TheRightsofNature.org)