

Rights of Nature FAQ

What do we mean when we say that nature has rights?

Under the current system of law in almost every country, nature is considered to be *property*. Something that is considered property confers upon the property owner the right to damage or destroy it. Thus, those who “own” wetlands, forestland, and other ecosystems and natural communities, are largely permitted to use them however they wish, even if that includes destroying the health and well-being of nature.

When we talk about the Rights of Nature, it means recognizing that ecosystems and natural communities are not merely property that can be owned. Rather, they are entities that have an independent and inalienable right to exist and flourish.

Laws recognizing the Rights of Nature change the status of ecosystems and natural communities to being recognized as *rights-bearing* entities.

Why do we need to adopt new legal structures recognizing Rights of Nature?

By most every measure, the environment today is in worse shape than when the major environmental laws were adopted in the United States over forty years ago. Since then, countries around the world have sought to replicate these laws. Yet, species extinction is accelerating, global warming is far more advanced than previously believed, deforestation continues around the world, and overfishing the world’s oceans has caused the collapse of many fisheries.

These environmental laws – including the federal *Clean Air Act*, the *Clean Water Act*, and similar state laws – *legalize* environmental harms. They *regulate how much pollution or destruction of nature can occur under law*. Rather than preventing pollution and environmental destruction, our environmental laws allow and permit it.

In addition, under commonly understood terms of preemption, once these activities are legalized by federal or state governments, local governments are prohibited from banning them.

Laws recognizing the Rights of Nature begin with a different premise: Ecosystems and natural communities have the right to exist and flourish. People, communities, and governments have the authority to defend those rights on behalf of ecosystems and natural communities.

Where have laws recognizing the Rights of Nature been adopted?

The first laws establishing legal structures that recognized the Rights of Nature were adopted by local municipalities in the United States in 2006. Tamaqua Borough, Schuylkill County, Pennsylvania, was the first community to enact the Rights of Nature. Since then, more than three dozen communities have adopted such laws. In November 2010, the City of Pittsburgh, Pennsylvania, became the first major municipality in the United States to recognize Rights of Nature.

In September 2008, Ecuador became the first country in the world to recognize Rights of Nature in its constitution. Bolivia has also established Rights of Nature laws.

For more information on where Rights of Nature has been adopted, see Rights of Nature Timeline below.

What rights do Rights of Nature laws recognize?

The earliest Rights of Nature laws recognized the right of ecosystems to “exist and flourish.” Others, including the Ecuadorian constitutional provisions promulgated in 2008, recognize the right of nature to exist, persist, evolve, and regenerate.

These laws also recognize the right of any person or organization to defend, protect, and enforce those rights on behalf of nature, and for payment of recovered damages to government to provide for the full restoration of nature.

Doesn't recognizing Rights of Nature just add an additional layer of regulation?

No. Current environmental regulatory structures are mostly about “permitting” certain harms to occur, such as fracking, mining, and factory farming. They act more to legalize the harmful activities of corporations and other business entities than to protect our natural and human communities.

Laws recognizing the Rights of Nature are different. They establish a basic principle of rights, which requires laws and regulations to work within that framework to uphold those rights. For example, communities that have enacted Rights of Nature laws are empowered to reject governmental actions permitting unwanted and damaging development which would violate these rights. Rights of Nature laws enable people, communities, and ecosystems themselves to defend and enforce such rights. Without the ability to do so, those ecosystems would be destroyed.

Although people have been talking about “sustainable development” for decades, very little has been done to change the structure of law to actually achieve that goal. Laws recognizing the Rights of Nature finally codify the concept of sustainable development. They disallow activities that would interfere with the functioning of natural systems that support human and natural life.

What happens when the Rights of Nature and human rights conflict?

When different human rights conflict, a court weighs the harms to the interests, and then decides how to balance them. The same thing happens when the Rights of Nature conflict with human rights.

Given that ecosystems and nature provide a life support system for humans, their interests must, at times, override other rights and interests. Otherwise, we wouldn't have a habitable planet to support our continued existence.

Of course humans are part of nature as well, which means that human needs must also be considered when the rights and interests of ecosystems come into conflict with ours.

Furthermore, many nations have expanded their body of legal rights to recognize **a human right to a healthy environment**. This includes a number of European nations, including Spain, France, Portugal, Greece, and Finland.

The recognition of such rights should mean that the highest legal protection is implemented and enforced. However, over recent decades, as ecosystems and species around the globe have been pushed

toward collapse and global warming has accelerated, it has become increasingly clear that *fulfilling the human right to a healthy environment is unachievable without a fundamental change in the relationship between humankind and nature.*

Thus, *implementing and fulfilling a true human right to a healthy environment is dependent on the health of the natural environment itself.* The human right to a healthy environment can only be achieved by securing the highest protections for the natural environment – by recognizing in law the right of the environment itself to be healthy and thrive.

Doesn't this mean that rocks must be given lawyers?

No, but it does mean that the rights of ecosystems and natural communities are enforceable independently of the rights of people who use them. That means that people within a community could step “into the shoes” of a mountain, stream, or forest ecosystem, and advocate for the rights of those natural communities. It calls for a system of jurisprudence in which those ecosystems are actually “seen” in court. Damages are assessed according to the costs of restoring the ecosystem to its pre-damaged state.

What is the Universal Declaration of the Rights of Mother Earth?

In April 2010, Bolivia hosted the [World People's Conference on Climate Change and the Rights of Mother Earth](#). At the conference, CELDF assisted in drafting the Universal Declaration of the Rights of Mother Earth. Modeled on the [Universal Declaration of Human Rights](#), the Declaration has been forwarded to the United Nations for consideration by the U.N. General Assembly. On April 20, 2011, the General Assembly hosted an Interactive Dialogue entitled “Ways to promote a holistic approach to sustainable development in harmony with nature.” The Universal Declaration of the Rights of Nature was presented during the session.

Rights of Nature Timeline:

- In 1972, the Southern California Law Review published law professor Christopher Stone's seminal article, “Should trees have standing – toward legal rights for natural objects.” Stone described how under the existing structure of law, nature was considered right-less, having no legally recognized rights to defend and enforce.
- In 1989, Professor Roderick Nash, published *The Rights of Nature: A History of Environmental Ethics*. In it he explains how, throughout history, the right-less – slaves, women, others – have struggled to expand the body of legal rights to include themselves. Nash provides a context for how and why the body of rights is moving in the direction of expanding to include nature.
- In 2001, Thomas Berry published *The Origin, Differentiation and Role of Rights* in which he described how all members of the Earth community possess inherent rights.
- In 2003, *Wild Law: A Manifesto for Earth Justice*, was published. Authored by South African attorney Cormac Cullinan, with Berry, he opens up a new front on the Rights of Nature – adding a significant spiritual and moral element to the legal and historic discussion begun by Stone and Nash.

- In 2006, Tamaqua Borough, Pennsylvania, in the U.S., banned the dumping of toxic sewage sludge as a violation of the Rights of Nature. Tamaqua is the very first place in the world to recognize the Rights of Nature in law. Since 2006, dozens of communities in ten states in the U.S. have enacted Rights of Nature laws.
- In 2008, Ecuador became the first country in the world to recognize the Rights of Nature in its national constitution. In 2011, the first Rights of Nature court decision was issued in the Vilcabamba River case in Ecuador, upholding the Rights of Nature constitutional provisions.
- In 2010, Bolivia held the *World People's Conference on Climate Change and the Rights of Mother Earth*, where the *Universal Declaration on the Rights of Mother Earth* was issued. It has been submitted to the U.N. for consideration.
- In 2010, the *Global Alliance for the Rights of Nature* was formed. In 2014, the Global Alliance sponsored the first *Rights of Nature Tribunal* in Ecuador. Subsequent tribunals have now been held, including in Bonn in 2017.
- In 2010, Bolivia's Legislative Assembly passed the Law of the Rights of Mother Earth.
- In 2011, a campaign was launched in Nepal to advance the Rights of Nature. Today, Members of Parliament are considering a Rights of Nature constitutional amendment.
- In 2012, a campaign was launched in India to recognize rights of the Ganga River through national legislation. The campaign slogan is "Ganga's Rights are Our Rights."
- In 2012, the International Union for the Conservation of Nature (IUCN) adopted a policy to incorporate the Rights of Nature in its decision-making processes.
- In 2013, the campaign for the European Citizen's Initiative for the Rights of Nature was launched. The initiative process allows citizens to present proposals to the European Union government for consideration.
- In 2014, the first Rights of Nature state constitutional amendment was proposed in Colorado. Efforts are now advancing in Ohio, New Hampshire, Oregon, and other states.
- In 2014, the New Zealand Parliament passed the *Te Urewera Act*, finalizing a settlement between the Tūhoe people and the government. The Act recognizes the Te Urewera – a former national park, of more than 2,000 square kilometers – as having "legal recognition in its own right."
- In 2015, Sweden's Riksdag considered a motion to create a commission to prepare a proposal on how the Rights of Nature can be incorporated into Swedish law.
- In 2015, Pope Francis, in calling for a new era of environmental protection at the U.N., declared, "A true 'right of the environment' does exist..."
- In 2016, the Green Party of England and Wales adopted a Rights of Nature policy platform. The Greens in Scotland have taken similar steps.
- In 2016, the Ho-Chunk Nation took a first vote for a Rights of Nature tribal constitutional amendment, the first tribal nation in the U.S. to do so.
- In 2016, Colombia's Constitutional Court ruled that the Rio Atrato possesses rights to "protection, conservation, maintenance, and restoration," and established joint guardianship for the river shared by indigenous people and the national government.

- In 2016, the *Lake Erie Bill of Rights* was proposed by residents of Toledo, Ohio, in the U.S. City residents were prevented from voting on the measure in 2018 by the Ohio Supreme Court. Efforts to advance the measure are ongoing.
- In 2017, Mexico City incorporated language into the city constitution which requires a law to be passed which would “recognize and regulate the broader protection of the rights of nature formed by all its ecosystems and species as a collective entity subject to rights.”
- In 2017, the New Zealand Parliament finalized the *Te Awa Tupua Act*, granting the Whanganui River legal status as an ecosystem.
- In 2017, the High Court of Uttarakhand in India issued rulings recognizing the Ganga and Yamuna Rivers, glaciers, and other ecosystems as legal persons with certain rights.
- In 2017, Lafayette, Colorado, in the U.S., enacted the first *Climate Bill of Rights*, recognizing rights of humans and nature to a healthy climate, and banning fossil fuel extraction as a violation of those rights.
- In 2017, *Colorado River v. State of Colorado* was filed in U.S. federal court. In this first-in-the-nation lawsuit, an ecosystem sought recognition of its legal rights.
- In 2017, the international *Rights of Nature Symposium* was held at Tulane Law School in the U.S. The *Rights of Nature Principles* – outlining the central elements of Rights of Nature laws – were issued from the Symposium. The Principles are available at <https://celdf.org/rights-nature-symposium/>.
- In 2017, the Municipality of Bonito, in the State of Pernambuco in Brazil, enacted a rights of nature law, securing rights to “exist, thrive, and evolve.”
- In 2018, the Ponca Nation of Oklahoma adopted a customary law recognizing the rights of nature.
- In 2018, the Colombian Supreme Court recognized the Colombian Amazon as a “subject of rights.”
- In 2018, in Colombia, the Administrative Court of Boyacá recognized the Páramo in Pisba, a high Andean ecosystem facing significant mining, as a “subject of rights.”
- In 2018, the Municipality of Paudalho, in the State of Pernambuco in Brazil, enacted a rights of nature law.
- In 2018, the High Court of Uttarakhand in India recognized rights of the “entire animal kingdom.”
- In 2018, the White Earth band of the Chippewa Nation adopted the “Rights of the Manoomin” law securing legal rights of manoomin, or wild rice, a traditional staple crop of the Anishinaabe people. This is the *first law* to secure legal rights of a particular plant species. Rights of Manoomin was also adopted by the 1855 Treaty Authority.
- In 2019, the National Lawyers Guild in the United States amended the organization’s constitution to include the rights of nature, stating “human rights and the rights of ecosystems shall be regarded as more sacred than property interests....”