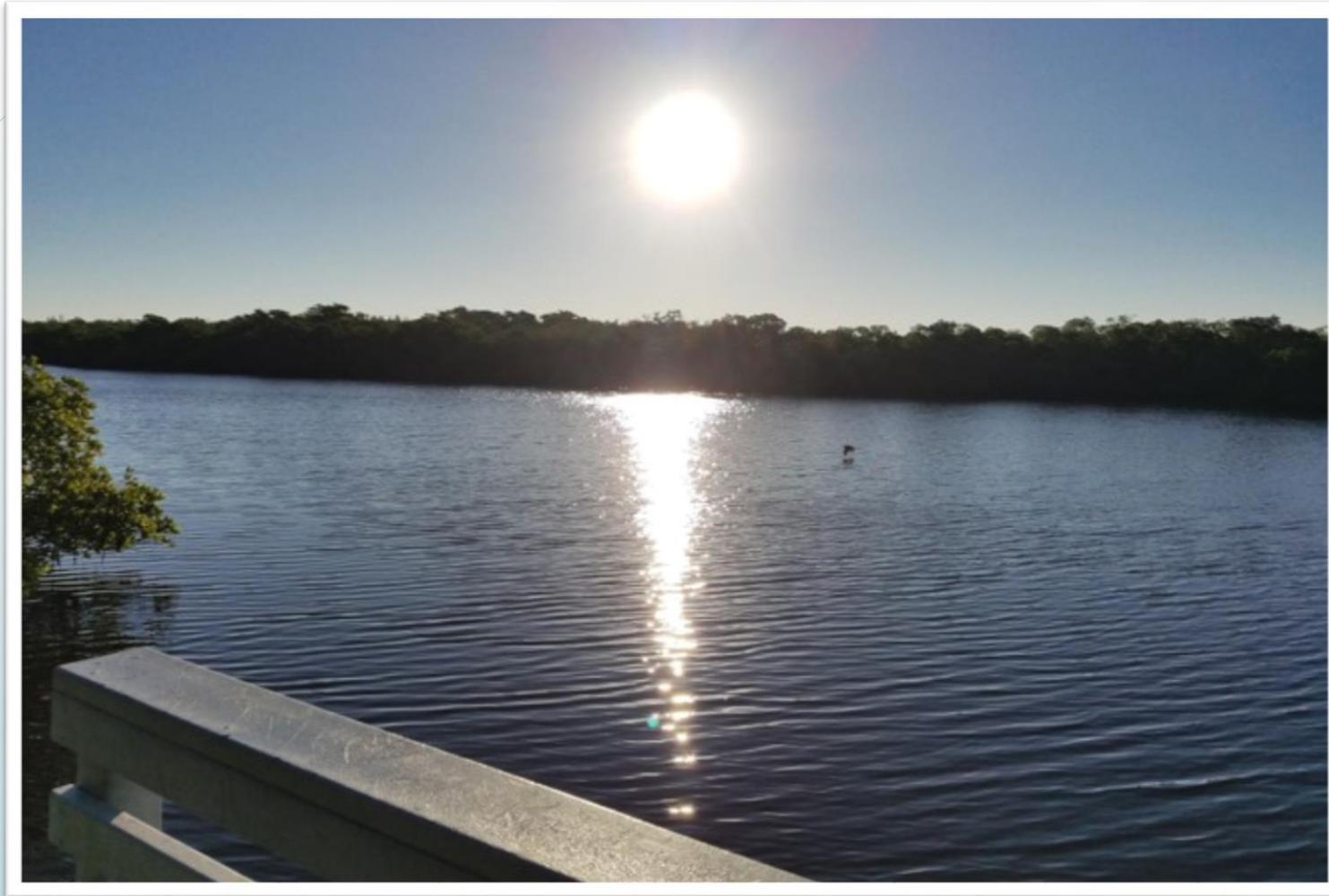
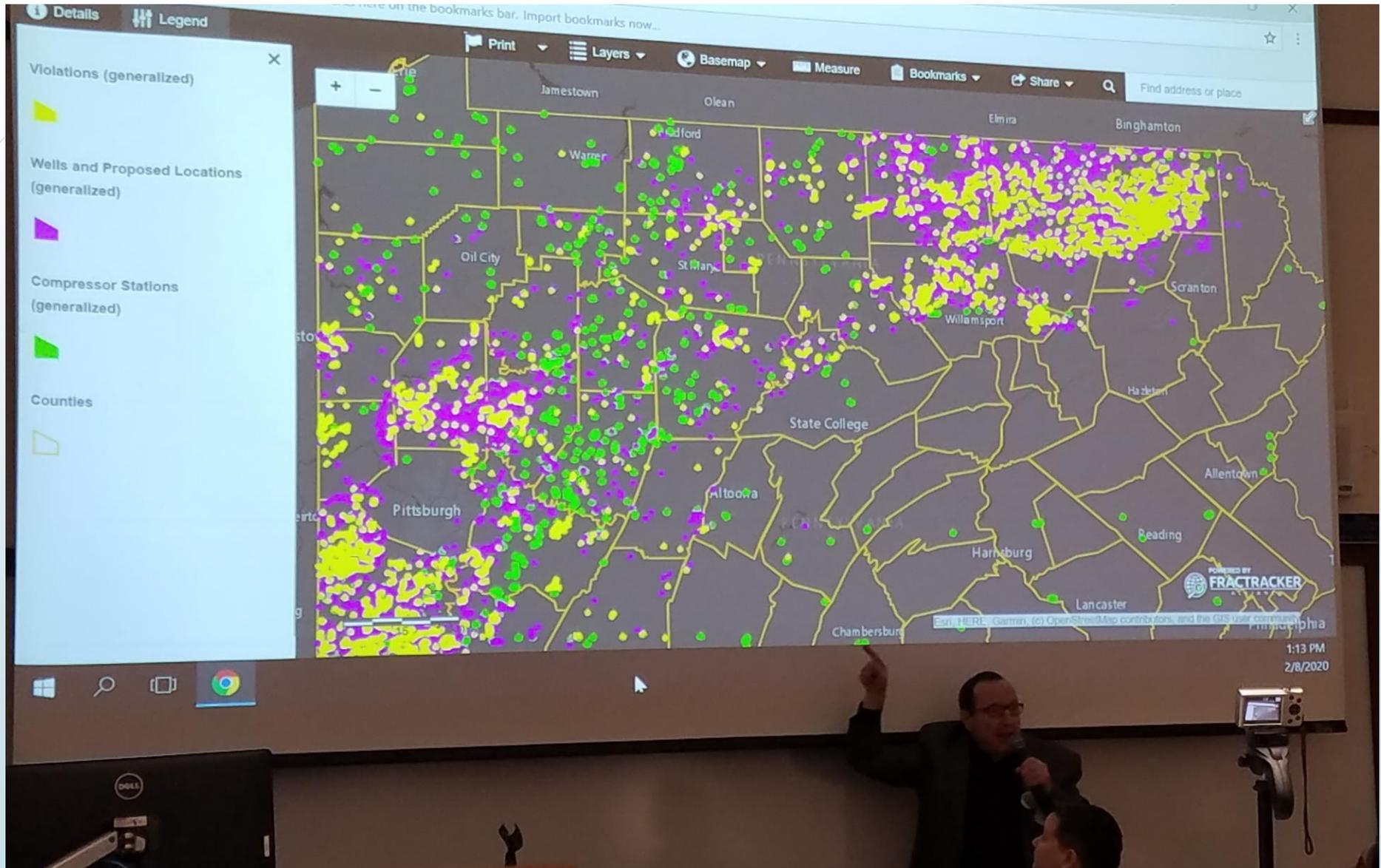
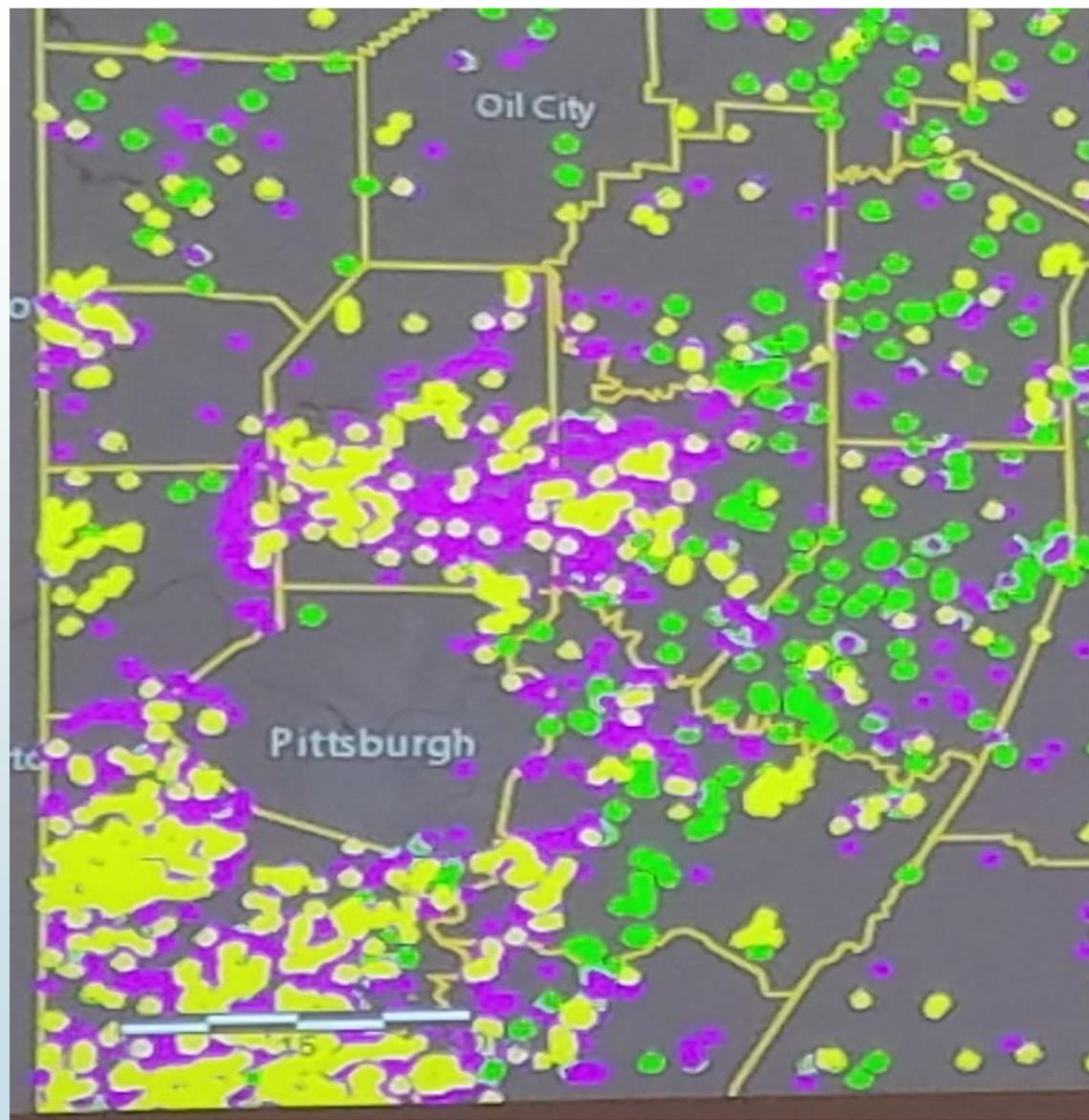


# Rights of Nature



Presented by Clean Water Now





# Rights of Nature



2A ■ THURSDAY, JANUARY 30, 2020 ■ THE NEWS-PRESS

## News from the North

OHIO

# Toxic algae plan could give other states a blueprint

**John Seewer**  
ASSOCIATED PRESS

TOLEDO – Nearly halfway into a 10-year pledge to combat the toxic algae that turns Lake Erie a ghastly shade of green, Ohio has made little progress. Its patchwork of mostly voluntary efforts hasn't slowed the farm fertilizers that feed algae blooms, leading to contaminated drinking water and dead fish.

Ohio's governor has authorized an ambitious plan that this year will begin offering farmers financial incentives to adopt new agriculture practices and will create a network of wetlands to capture and filter runoff from fields.

The broad approach is being watched closely by states struggling with an increasing number of algae outbreaks. Some environmental groups are skeptical, but others that have been at odds with the farming industry are hopeful.



**Ohio's approach to combating the toxic algae is being watched closely by states struggling with an increasing number of algae outbreaks in lakes and rivers.** AP FILE



“In 2014, researchers at Princeton and Northwestern universities released a well-known study comparing all the laws passed between 1981 and 2002 and voter preferences on each policy decision.

The policies overwhelmingly ***didn't*** reflect the will of the people” but “tilt towards the wishes of corporations and business and professional associations,’ and especially diverge from the will of non-elite Americans.”

*The Green Amendment*

Maya K. Van Rossum, Delaware Riverkeeper



“Legal systems are failing to protect the earth community in part because they reflect an underlying belief that humans are separate from and superior to all other members of the community, and that the primary role of Earth is to serve as “natural resources” for humans to consume. *These beliefs are demonstrably false.*”

American Association of Geographers



SEISMIC AIRGUN TESTING  
USES DYNAMITE-LIKE BLASTS

# 100,000 TIMES LOUDER THAN A JET ENGINE

AND WILL INJURE OR KILL  
SOME OF THE 500 LAST NORTH  
ATLANTIC RIGHT WHALES  
REMAINING ON EARTH.

BUT YOU COULD  
STOP ALL THIS.

WHAT ARE YOU WAITING FOR? <http://wh.gov/e8hu>



“Current legal systems are designed to perpetuate human domination of nature instead of fostering mutually beneficial relationships between humans and other members of the earth community...Currently the rights of humans, and particularly of corporations, automatically trump the rights of all others.”

AAG



“All ethics...rest upon a single premise: that the individual is a member of a community of inter-dependent parts. The land ethic simply enlarges the boundaries of the community...It changes the role of Homo sapiens from conqueror of the land community to plain member and citizen of it.”

Aldo Leopold



“The primary supposition here is that the interdependence of every mode of being on every other mode of being requires humans to recognize that every being has rights derived from existence itself. This interdependence is immediately evident. We cannot have well humans on a sick planet. We cannot have a viable human economy by devastating the Earth economy.”

Thomas Berry



“It cannot be stressed enough how everything is interconnected...

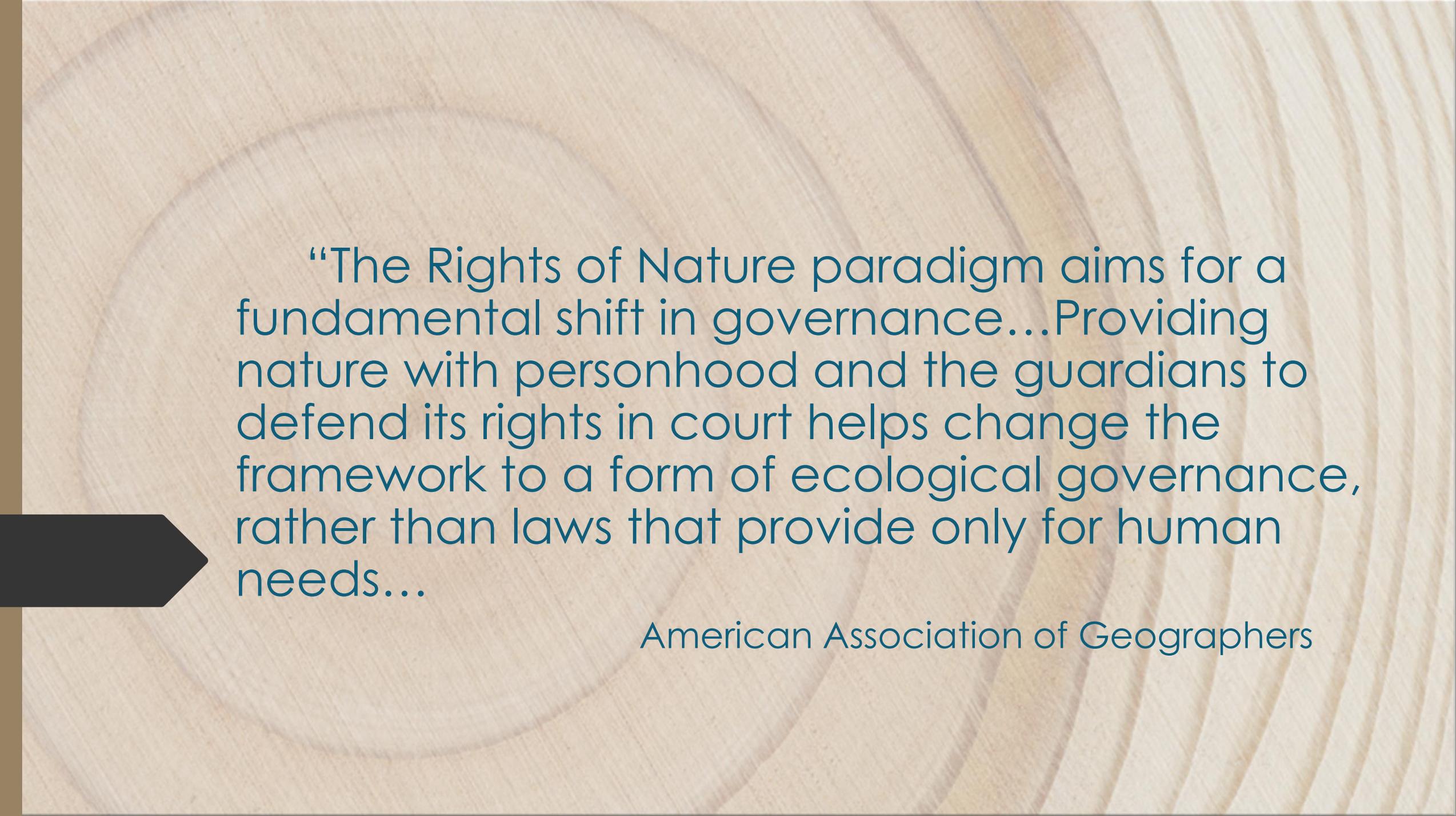
When we speak of the ‘environment,’ what we really mean is a *relationship* existing between nature and the society which lives in it. Nature cannot be regarded as something separate from ourselves or as a mere setting in which we live. We are part of nature...”

Pope Francis, *Laudato Si'*



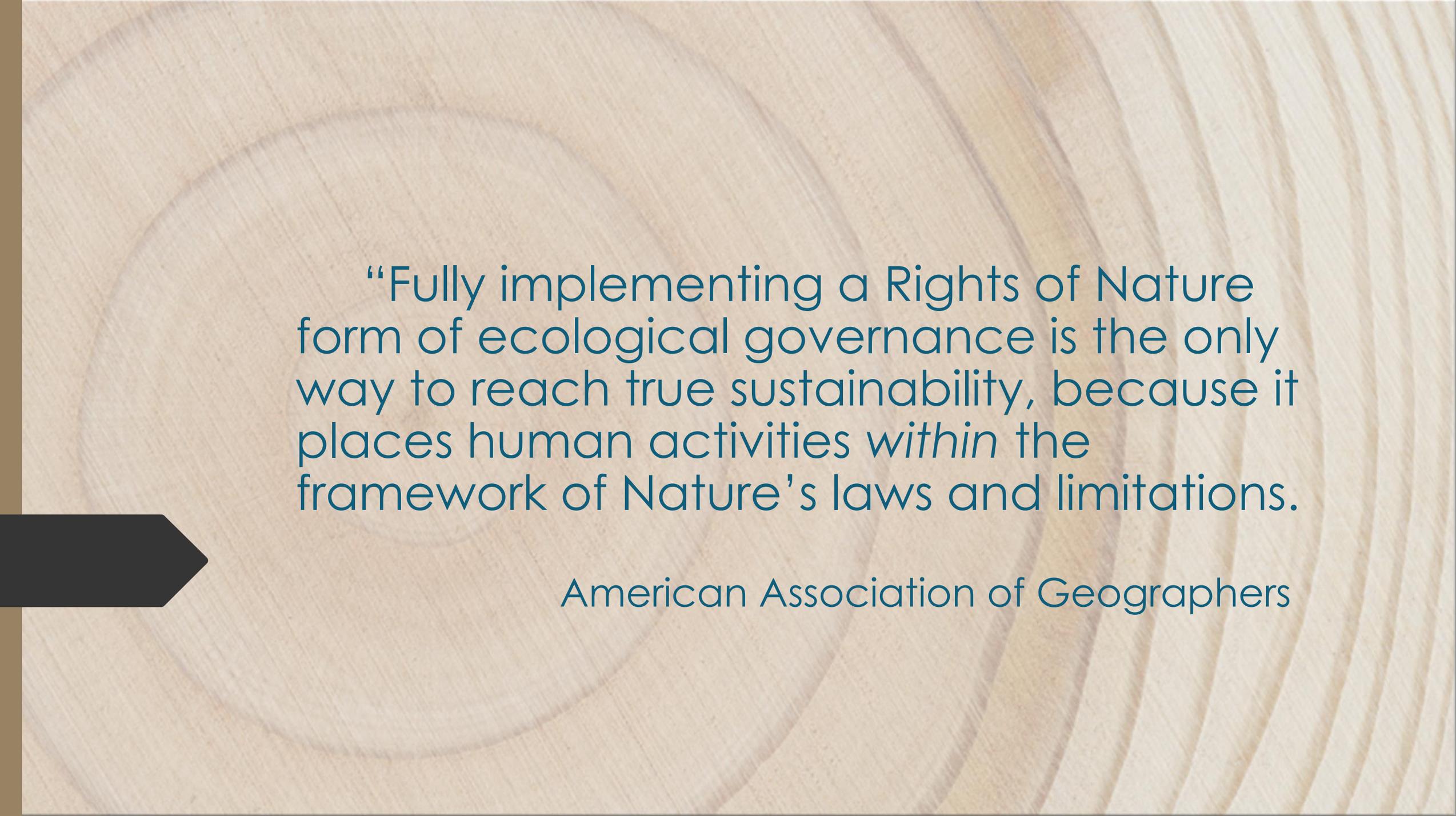
“Recognizing the reasons why a given area is polluted requires a study of the workings of society, its economy, its behavior patterns, and the ways it grasps reality.”

Pope Francis



“The Rights of Nature paradigm aims for a fundamental shift in governance...Providing nature with personhood and the guardians to defend its rights in court helps change the framework to a form of ecological governance, rather than laws that provide only for human needs...

American Association of Geographers



“Fully implementing a Rights of Nature form of ecological governance is the only way to reach true sustainability, because it places human activities *within* the framework of Nature’s laws and limitations.

American Association of Geographers



Lake Erie, August 2019

# Rights of Nature

Recognizes that ecosystems and natural communities are not merely property that can be owned but are entities that have an independent and inalienable right to exist and flourish.



CELDF



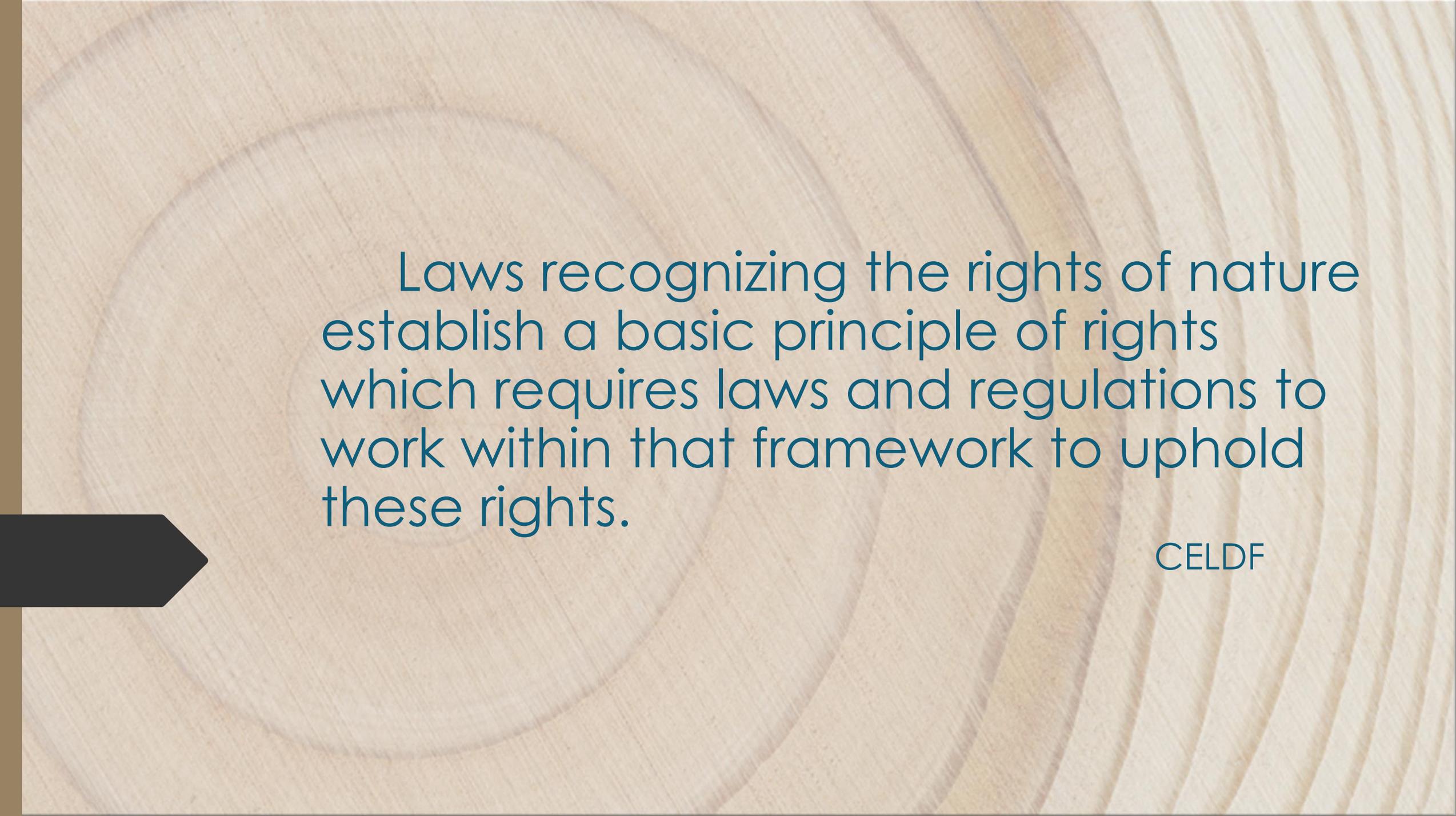
Environmental laws *legalize* environmental harms. They permit pollution and destruction of the natural world.

CELDF



**Human beings have an inalienable right to a healthy environment.**

► That right can only be achieved by securing the highest protections for the natural environment—by recognizing nature’s right to be healthy and thrive.

The background of the slide is a light-colored wood grain with prominent circular patterns. A solid black arrow points from the left edge towards the center of the slide.

Laws recognizing the rights of nature establish a basic principle of rights which requires laws and regulations to work within that framework to uphold these rights.

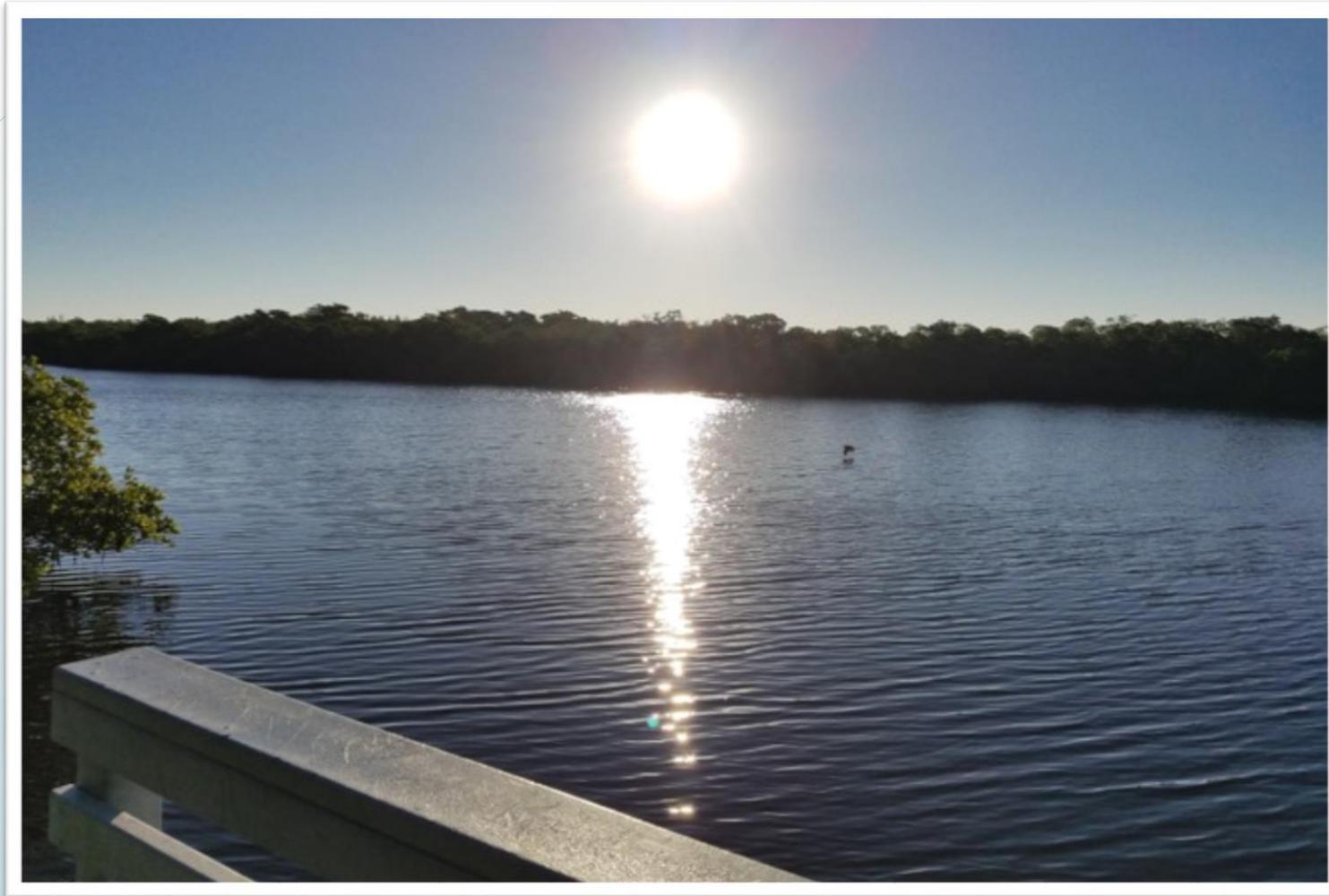
CELDF

*“Fulfilling the human right to a healthy environment is unachievable without a fundamental change in the relationship between humankind and nature.”*

CELDF



# Rights of Nature



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2015: Pope Francis declared “A true right of the environment does exist.”

2016: Columbia’s Constitutional Court ruled that the Rio Altrato possesses rights to “protection, conservation, maintenance, and restoration.”



2017: New Zealand grants the Whanganui River legal status as an ecosystem.

2017: India recognizes the Ganga and Yuman Rivers, glaciers, and other ecosystems as legal persons with certain rights.



2017:  
Lafayette,  
Colorado  
enacted the  
first Climate  
Bill of Rights.



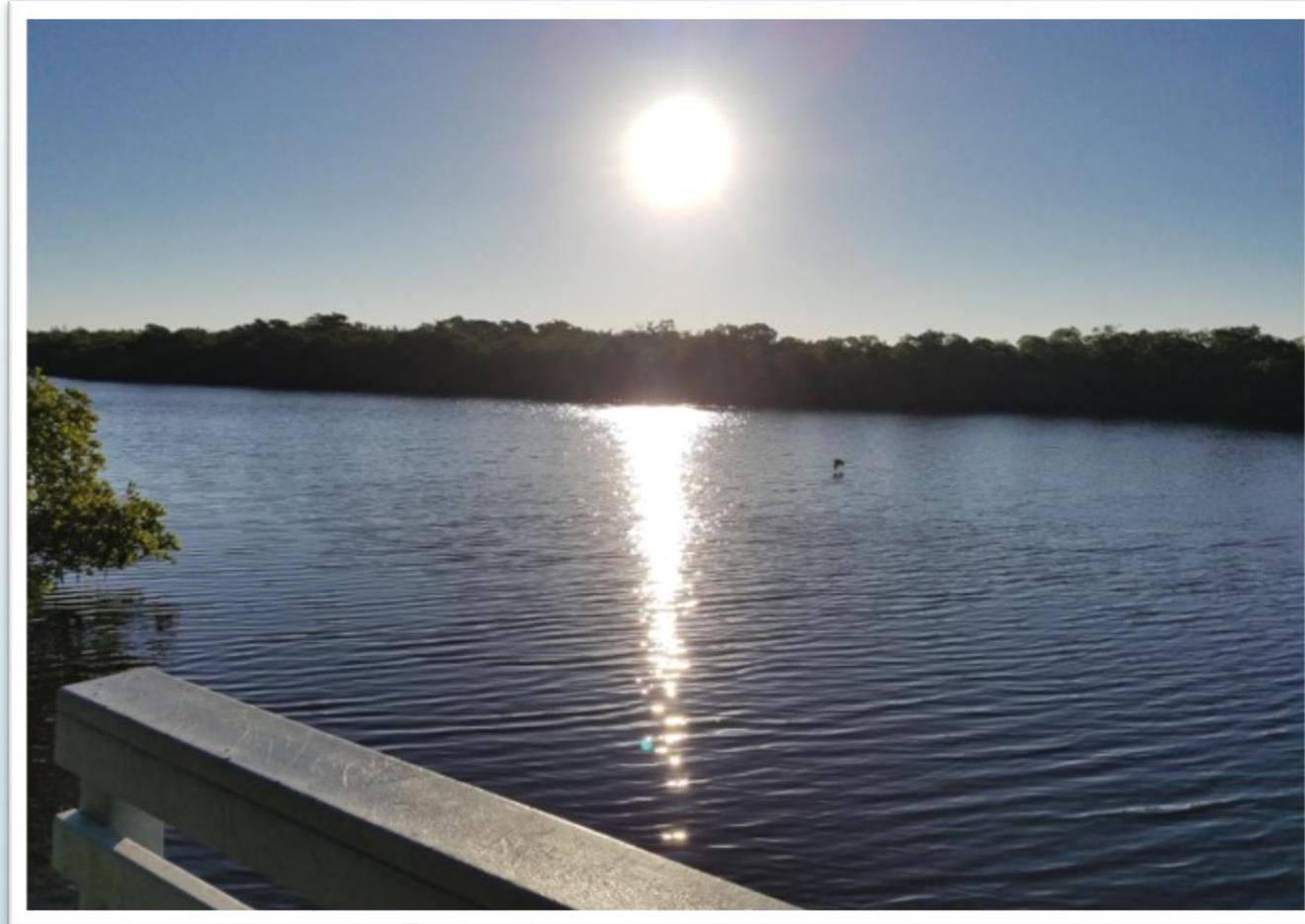
2017: *Colorado River v. State of Colorado* was filed in U.S. federal court. In this first in the nation lawsuit, an ecosystem sought recognition of its legal rights.



2019: Lake Erie  
Bill of Rights.

It is the *first* law in  
the nation to  
secure legal  
rights for an  
ecosystem.

# The Caloosahatchee River Bill of Rights





## A. Rights of the Caloosahatchee River

“The Caloosahatchee River possesses rights, including but not limited to the right to exist, flourish, regenerate and evolve naturally; the right to restoration, recovery, and preservation; the right to abundant, pure, clean, unpolluted water, the right to natural groundwater recharge and surface water recharge; the right to a healthy, natural environment and natural diversity; the right to natural water flow; the right to carry out its natural ecosystem functions, and the right to be free of activities or practices, as well as obstructions that interfere with or infringe upon these rights.”



## B. Rights of the People

“Every resident of Lee County possesses the right to a healthy, flourishing Caloosahatchee River ecosystem; the right to pure, clean, unpolluted water, including the right to sustainably access, use, consume, and preserve water drawn from natural water cycles; and the right to a healthy environment and natural biodiversity. Every resident of Lee County shall also possess the right to be free of activities or practices that interfere with or infringe upon those rights, and the right to be free from state and federal preemptive laws that interfere with the enforcement of these rights.”



light keeps on breaking  
i keep knowing  
the language of other  
nations.  
i keep hearing  
tree talk  
water words  
and i keep knowing  
what they mean

Lucille Clifton

A young child wearing a green hat and a dark jacket is holding the hand of an adult. They are standing on a rocky shore with water in the background. The child is looking towards the camera and giving a thumbs up.

**Human beings have an inalienable right to a healthy environment.**

**That right can only be achieved by securing the highest protections for the natural environment—by recognizing nature’s right to be healthy and thrive.**

**CELDf**

A dark blue arrow points to the right at the top left. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

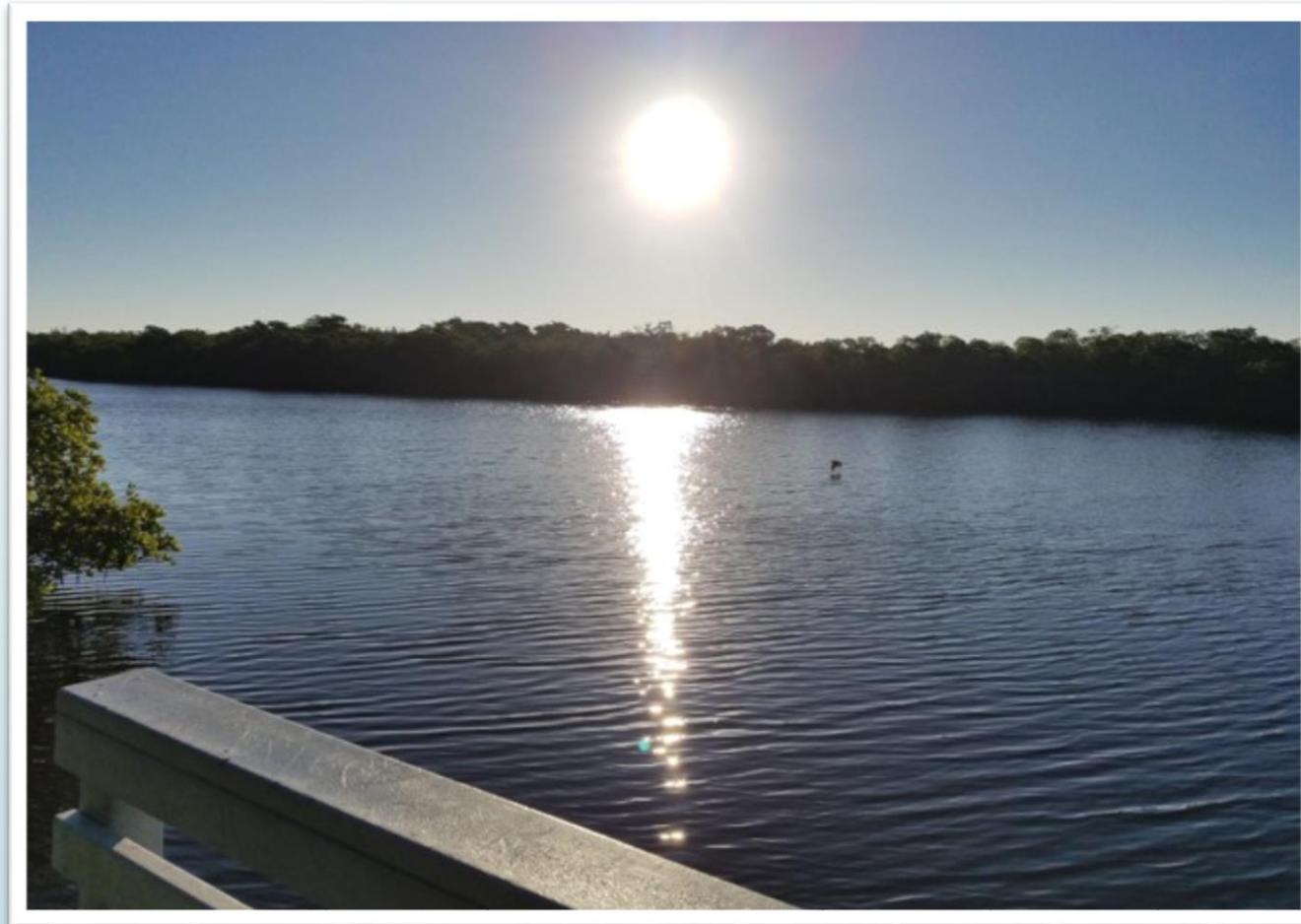
## Recommended Reading (available online)

Thomas Berry: “Legal Conditions for Earth Survival.”

CELDF: “A Phoenix from the Ashes: Resurrecting a Constitutional Right of Local, Community Self-Government in the Name of Environmental Sustainability.”

Oliver A. Houck: “Noah’s Second Voyage: The Rights of Nature as Law.”

# The Caloosahatchee River Bill of Rights



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"A human being is a part of the whole, called by us the 'Universe,' a part limited in time and space. He experiences himself, his thoughts and feelings as something separated from the rest, a kind of optical delusion of his consciousness...Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty."

Albert Einstein



“The deepest level of communication is not communication, it is communion...Not that we discover a new unity. We discover an older unity. But we imagine that we are not. And what we have to rediscover is our original unity. What we have to be is what we are.”

Thomas Merton



“There are many unanswered questions about ecological governance. How would Rights of Nature be implemented? What level of Nature would be granted the right to flourish: a watershed, an entire ecosystem, a single river, a valley, the climate of the world? Who would determine whether a given use interferes with Nature’s well-being and how would it be measured? If there are damages, how would they be measured, what would the remedy be, and how would it be implemented? How would human communities reconfigure themselves to live sustainably and stably, without instability, poverty and excessive resource use? How would human needs and Nature’s need to flourish without interference be balanced to create wholeness for both parties?”

American Association of Geographers



“All political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may deem expedient.”

Constitution of the State of Florida



“The primary cause of the American Revolution was the systemic usurpation of the right of local, community self-government by the British King and Parliament. Those usurpations occurred not only through the direct suppression of colonial legislation, but also through the King’s empowerment of 18<sup>th</sup> century corporations of global trade, such as the East India Company. Often cited as the final spark of the War, the Boston Tea Party was the direct result of colonial opposition to the East India Company.”

Thomas Linzey & Daniel E. Brannen Jr.  
Community Environmental Defense Fund (CELDF)



“Environmentalism is a political and moral movement based on a set of beliefs about nature and human place within it...that respecting the rules of nature is indispensable to having a good society and living a good life.”

Charles Mann, *The Wizard and the Prophet*



## Key Deer



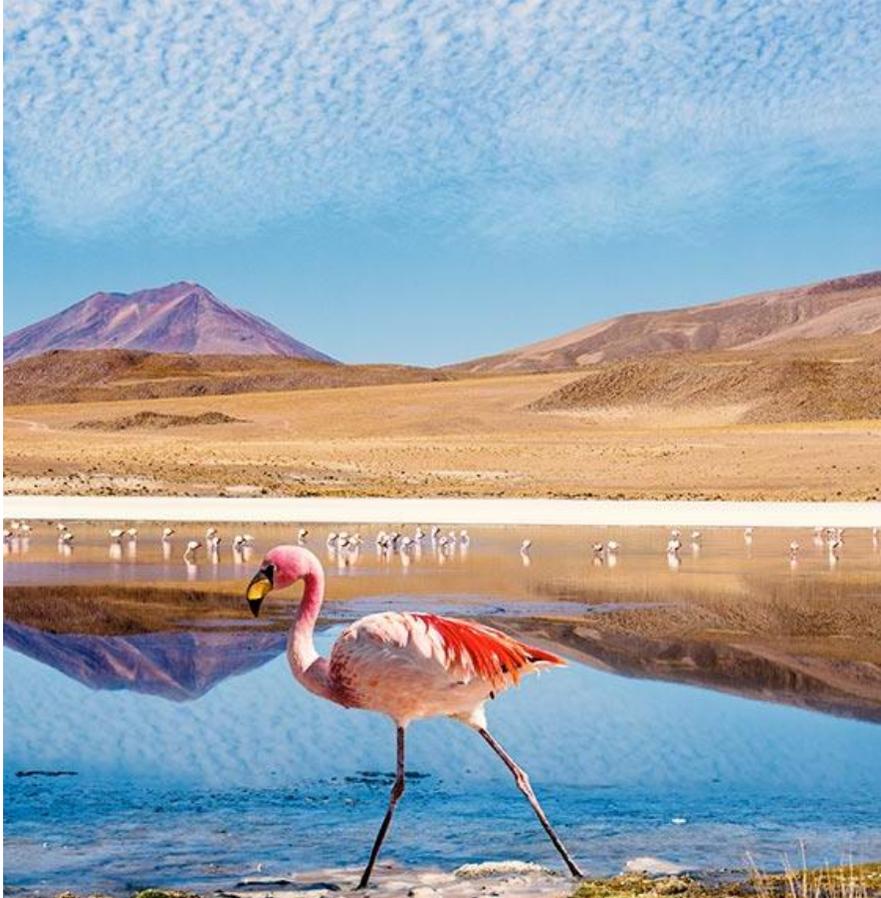


2006: Tamaqua Borough, PA., banned the dumping of sewage sludge as a violation of the Rights of Nature (RON).

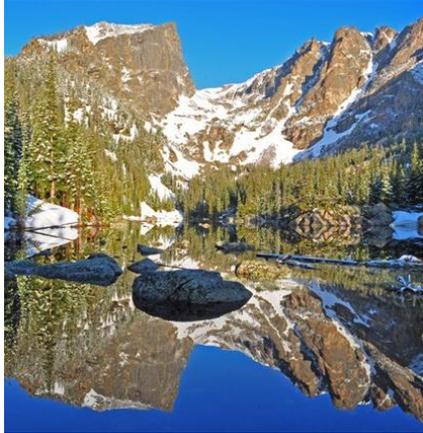
Tamaqua was the first place in the world to recognize RON in law.



2008: Ecuador became the first country to recognize RON in its national constitution.



2010: Bolivia  
passed the  
Law of the  
Rights of  
Mother Earth



2014: The first state constitutional amendment to include RON was proposed in Colorado. Ohio, Oregon, New Hampshire and other states followed suit.



2014: New Zealand granted the Te Urewera—a former national park—“legal recognition in its own right.”

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