



# Earth Law: Restoring Nature's Rights in the Midst of Environmental Crisis

Climate Change, Coasts & Communities Symposium  
Monmouth University  
April 18, 2019

**Grant Wilson**  
Directing Attorney, Earth Law Center

# About Me

To halt the decline of an ecosystem, it is necessary to think like an ecosystem.

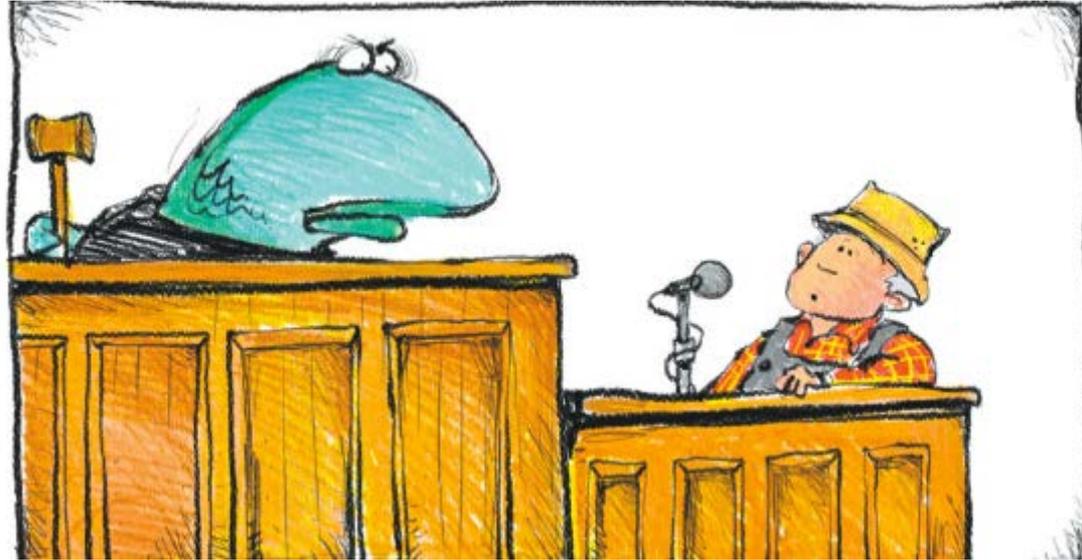
-Douglas P. Wheeler



# What is “Rights of Nature”

”Wildness is inherent in all people and organisms. [...] Yet almost all of our laws and our social governance structures suppress and stifle expressions of wildness and promote uniformity and control.”

-Cormac Cullinan, *Wild Law*



# Status Quo of Our Legal System

1. Nature treated as “property” under the law .
2. Ecosystems allowed to teeter on the brink of destruction.
3. Environmental laws limit but rarely reverse environmental degradation (CWA, ESA, CAA).



# Result: Global Environmental Declines

- 6th mass extinction.
- 60% all vertebrates lost in last 44 years.
- 57,000 large dams.
- Climate change = ocean acidity, widescale biodiversity loss, even greater extinction rates.



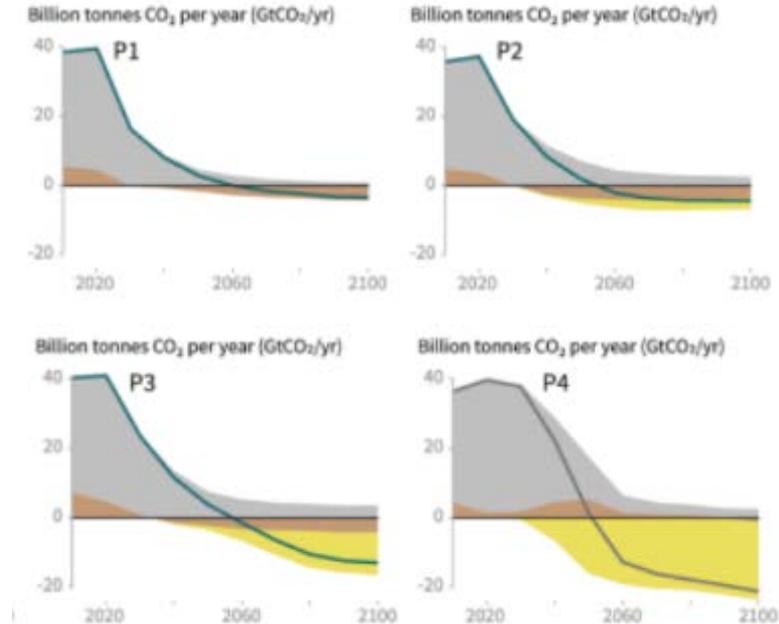
# Impacts to Communities

- Increased rates of cancer, respiratory disease, birth defects.
- Climate change = drought, wildfires, extreme heat, floods, water scarcity.
- Decline in quality of life and connection to nature.



# Urgent: We have 11 years

- Difference between 1.5 v. 2.0 degree Celsius temp increase is monumental.
- We have only 11 years to get on track with necessary emissions cuts.
- Basic climate change science understood and accepted between 1979-1989 (*40 years ago!*).



Source: IPCC's "Global Warming of 1.5 °C" report



# Rights of Nature: “E-Laws 2.0”

## Corrects flaws with legal system

- Nature has fundamental rights to exist, thrive, be free from pollution, restoration, etc.
- Goal: “Thriving ecosystems” instead of “less degradation.”
- Nature has a seat at the table.

## Rights are always evolving

- Expansion of human rights.
- Expansion of non-human rights.



# Status Quo v. Nature's Right to a Healthy Climate

Status Quo	Nature's Right to a Healthy Climate
Carbon market (pay to pollute) and the financialization of nature.	No "right to pollute"; economy reimagined to support thriving ecosystems.
Loose, incentive-based commitments.	Accountability to limit temperature increases to 1.5 degrees.
Ecosystems represented in negotiations and law making indirectly.	Ecosystems have a seat at the table.
False solutions to climate change: geoengineering, REDD+.	Challenge overarching model of production & consumption. 100% renewable energy.



# Human v. Nature's Right to a Healthy Climate

## Human Right to a Healthy Climate

## Nature's Right to a Healthy Climate

**Note:** Nature's right to a healthy climate can, and should, be recognized along with the human right to a health climate

Anthropocentric perspective.

Eco-centric perspective. Considers the inherent value of nature.

Focus on human adaptation.

Focus on ecosystem adaptation.

Ties into the larger human rights movement.

Ties into the larger Rights of Nature movement, weaving a global tapestry of rights-based victories for nature.

# The Next Great Rights Movement



# Ecuador (2008), Bolivia (2012, 2014), Uganda (2019)

“Nature ... has the right to  
**exist, persist, maintain itself  
and regenerate...**”

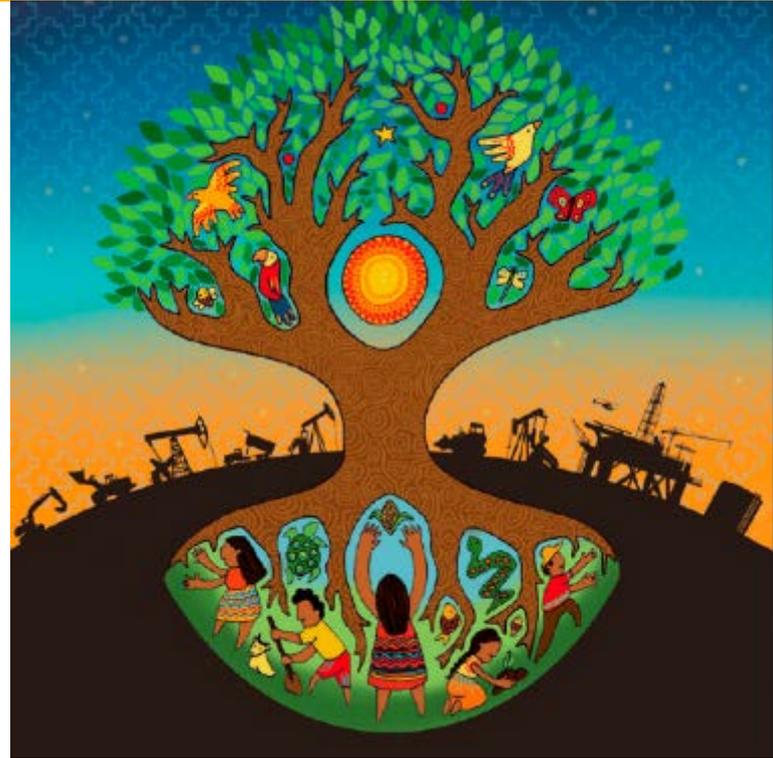
-Ecuador Constitution,  
Art. 71



# Universal Decl. of the Rights of Mother Earth

“In the heart of the new society we want to create is the Rights of Nature, Rights of Mother Earth...”

-Pablo Solón, former U.N. Ambassador for Bolivia



*Global Alliance for the Rights of Nature*

# Whanganui River – New Zealand

“[The] Te Awa Tupua is an **indivisible and living whole**, comprising the Whanganui River from the mountains to the sea...”

-Whanganui River Claims Settlement Bill

\*Rights, powers, duties, and liabilities of a “legal person”



# Atrato River - Colombia

[T]he Atrato River possesses inherent rights to **“protection, conservation, maintenance, and restoration.”**

-Constitutional Court of Colombia

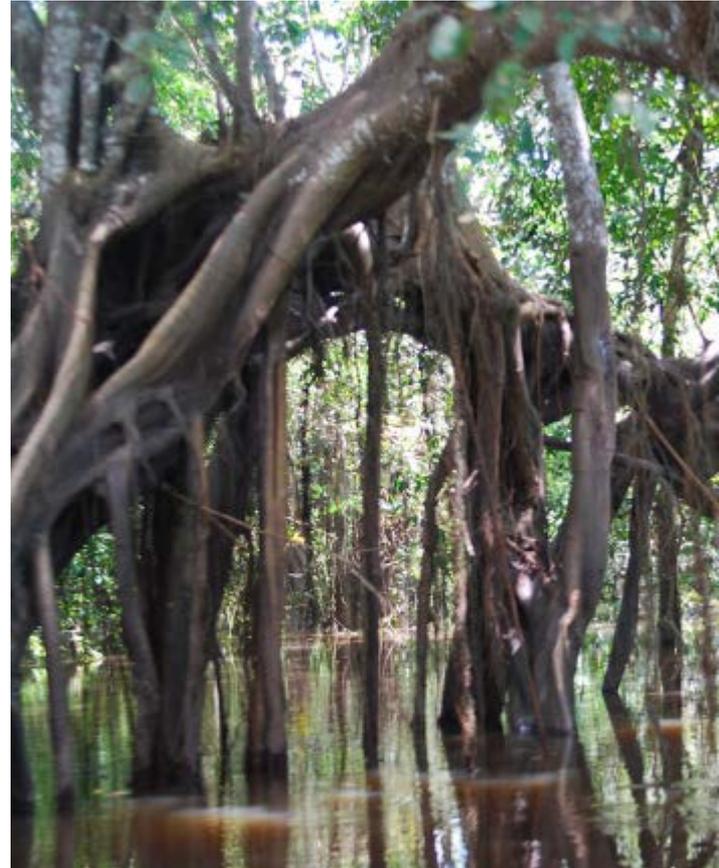


# Colombian Amazon



# Colombian Amazon - Supreme Court

- Ruling: Government must create a plan to address deforestation, their main climate change driver.
- Zero deforestation plans to be made by local governments.
- Intergenerational pact for the life of the Colombian Amazon.
- Colombian Amazon an "entity subject to rights."



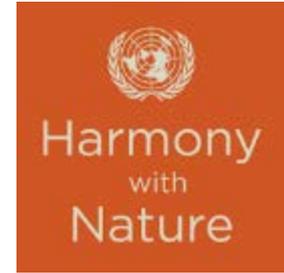
# Local Rights of Nature Laws

- Santa Monica, CA (ordinance): “Natural communities and ecosystems possess **fundamental and inalienable rights to exist and flourish...**”
- Crestone, CO (resolution): “..nature, natural ecosystems, communities, and all species possess **intrinsic and inalienable rights...**”
- Lafayette, CO (ordinance): “All residents and ecosystems of the City of Lafayette possess a **right to a healthy climate.**”



# International Efforts

- United Nations – Harmony with Nature Initiative
- International Union for Conservation of Nature
- Defining ecocide as a crime at the ICJ





# What Does it Amount to?



# Earth Law Center's Recent Efforts

## Land & Rivers



**Aditi Suresh**  
Earth Law Lead (United States)  
"If we let nature slip away, who'll give us perspective?"



**Michala Browning**  
Earth Law Associate (United States)

"Everyday we interact with our environment and have the ability to create positive change."



**Charles Krauszberger**  
Land & River Rights Associate (United States)

"When one bug of a single thing in nature, he finds it attached to the rest of the world." - John Muir



**Danielle Bilecki**  
Mangrove Rights (United States)  
"There is only one Earth, there is only one Ocean. Won't you join us in protecting it?"



**Lauren Aboodi**  
Southern Resident Orca Associate (United States)

"The fate of the environment and our futures are so interconnected that to protect one is to ensure the other."



**Alex Perks**  
Research & Writing Associate (United States)

"The more clearly we can focus our attention on the wonders and realities of the universe about us, the less taste we shall have for destruction" - Rachel Carson



**Martin Genshaft**  
Senior Policy Lead  
"Earth Law, like the Inuit's Confederacy philosophy, is committed to decisions today which result in a sustainable world seven generations into the future."



**Pallavi Chandra**  
Research Associate (United States)

"In today's technology-driven world, it is time that we should join hands to conserve our planet Earth."



**Jessica Askey**  
Earth Law Associate (United States)

"After decades of reactive approaches to environmental issues, it is time to be proactive in protecting our home."



**Kaitlyn O'Halloran**  
Ocean Rights Associate (United States)

"Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts." - Rachel Carson



**Romina Bassigiani**  
Spanish Translator - Oceans (Argentina)

"What you do makes a difference, and you have to decide what kind of difference you want to make." - Jane Goodall



**Amy Youngman**  
Ocean Rights Associate (United States)

"A healthy ocean is a healthy planet. Earth Law is an exciting way to give our planet legal standing."



**Katie McLaughlin**  
Research and Writing Associate (United States)

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." - Margaret Mead



**Kristina Cowell**  
Research and Writing Associate (United States)

"Earth Law is the voice of our fast flowing rivers and natural landscapes that need protection."



**Wenhao Yan**  
Earth Law Associate (United States)

"The Earth provides humans a home, it's time and it's our turn to protect and respect the Earth."



**Laila Reimans**  
Puget Sound Rights Associate (United States)

"Earth Law makes it possible to act in the present securing the rights of nature in order to create a sustainable future."



**Olivia Deens**  
Ocean Rights Associate (United States)

As Sylvia Earle said: "Even if you never have the chance to see or touch the ocean, the ocean touches you with every breath you take."



**Kristen Kaufman**  
Ocean Right to Associate (United States)

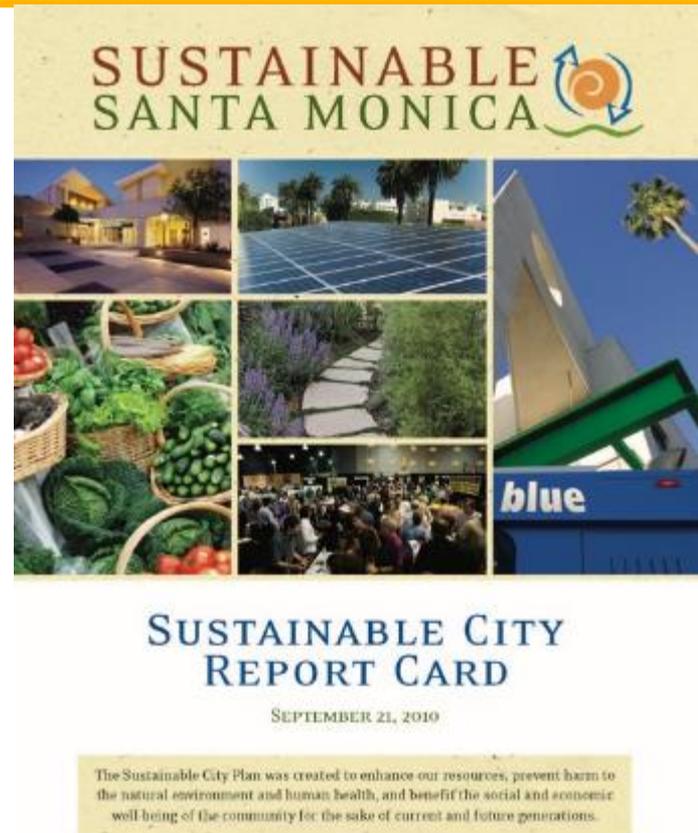
"An important yet neglected step in furthering environmental sustainability is to change the way society engages with and understands nature through promoting its intrinsic value and rights."



**earth**  
LAW CENTER

# Santa Monica

- Santa Monica residents “possess fundamental and inalienable rights” to a “sustainable climate that supports thriving human life and a flourishing biodiverse environment” and “sustainable energy future based on renewable energy sources.”
- Implemented into Sustainability Plan.



# Rights of Nature in Boulder

## Boulder Rights of Nature looks to ignite a new environmental rights movement

By John Spina  
Staff Writer

POSTED: 02/01/2019 07:49:35 PM MST | UPDATED: 19 DAYS AGO



# Rights of Natural Forests in El Salvador

All natural forests in El Salvador are legal entities that are subjects of fundamental rights, including:

1. the right to life;
2. the right to integral health;
3. the right to exist free from pollution, including its air, water, and soil;
4. the right to natural habitat;
5. the right to support native biodiversity and all naturally occurring species;
6. the right to restoration;
7. **the right to a sustainable climate**; and
8. the right to independent legal guardianship to secure all of these rights.



*The King Vulture*  
Wikipedia

# Environmental Rights in El Salvador

- “All current and future generations of humans also possess fundamental rights that are dependent upon effectuating the rights of natural forests.”
- Rights of Nature becoming a national movement.



# Earth Law Center: Rights of Rivers

- Universal Declaration of the Rights of Rivers (pictured right).
- Active campaigns:
  1. Mexico
  2. US (e.g., Boulder)
  3. Colombia
  4. Nigeria
  5. Serbia
  6. France
  7. Pakistan
  8. *And more*



## Universal Declaration of River Rights

[A]ll rivers are entitled to the fundamental rights set forth in this Declaration, which arise from their very existence on our shared planet.

The fundamental rights held by all rivers include:

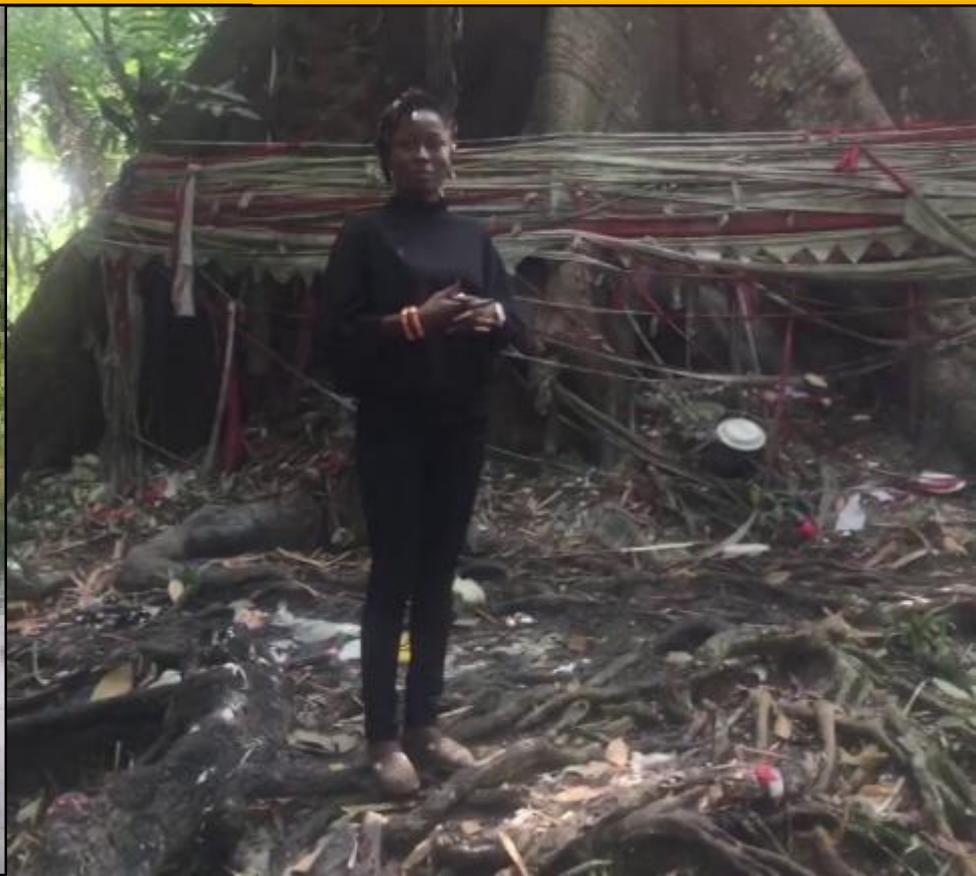


In order to ensure full implementation:

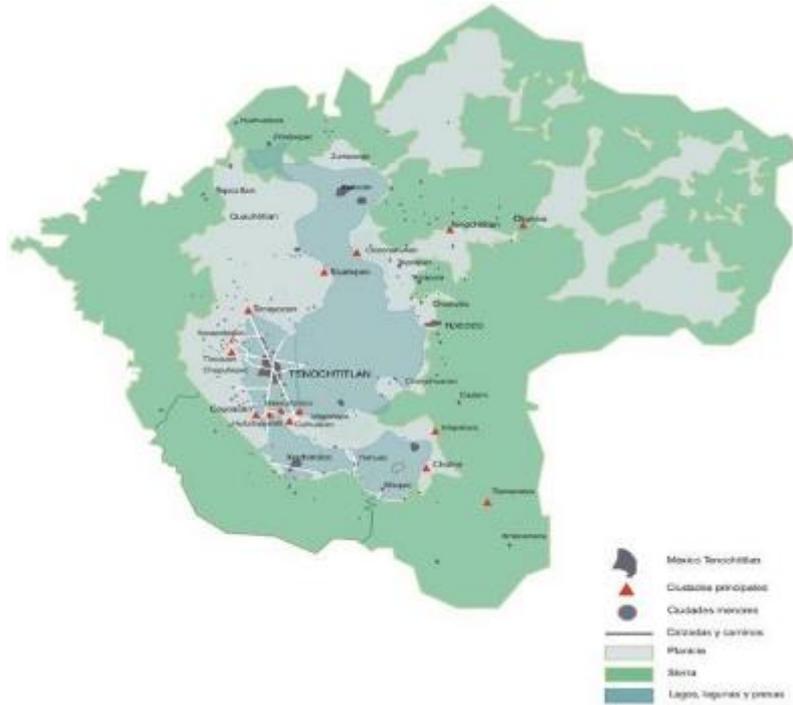
- Each river shall be entitled to a guardian to monitor and enforce its rights.
- Governments shall ensure adequate funding to realize these rights.

To read the full text and support the Universal Declaration of River Rights visit:  
[www.earthlawcenter.org/river-rights](http://www.earthlawcenter.org/river-rights)

# River Ethiopie - Nigeria



# Tenochtitlan



México Tenochtitlan



México Tenochtitlan

# Mexico City



# Rio Magdalena & Atoyac - Mexico



# Indus River - Pakistan



# Ocean Rights

- Framework for Marine Protected Areas
- Framework for Coral Reef Protection – *what if coral reefs had rights?*
- Rights for the Salish Sea.
- Nature's right to a healthy climate in island nations.

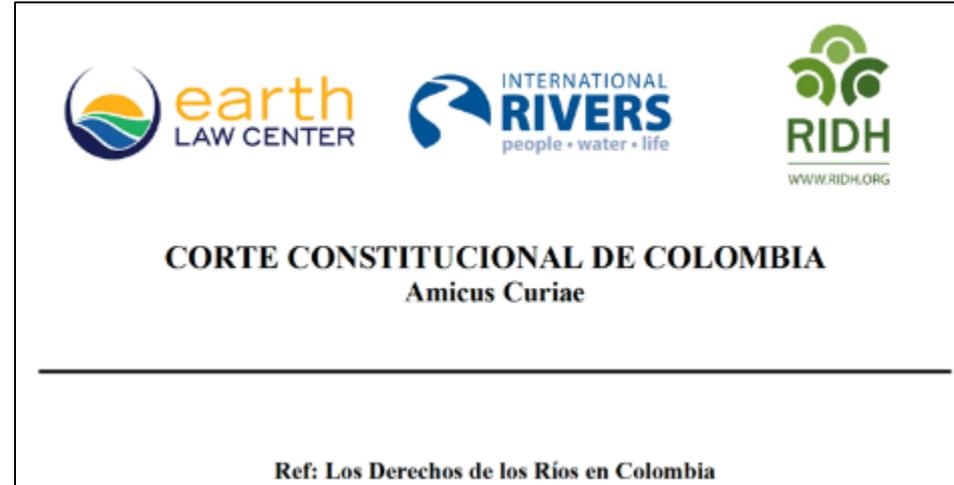
## THE EARTH LAW FRAMEWORK FOR MARINE PROTECTED AREAS

ADOPTING A HOLISTIC, SYSTEMS,  
AND RIGHTS-BASED APPROACH  
TO OCEAN GOVERNANCE



# Amicus Briefs

- Educates courts on the Rights of Nature.
- Campaigns in Colombia, Ecuador, USA, Canada, and Europe.
- Template amicus brief on nature's right to a healthy climate.



*Special thanks to Constanza Prieto Figelist*

# Anchicayá River – Colombia (Amicus)



**LAWYERS  
WITHOUT  
BORDERS**



**Lawyer: German Ospina Muñoz**

# Dulcepamba River – Ecuador (Amicus)



Pomona  
College



# Co-Violations of Rights

- Rights of nature violations frequently overlap with human rights violations.
- Disproportionately impacts indigenous groups and other frontlines defenders.
- How we treat nature reflects how we treat each other.
- Climate change fuels co-violations.



**2016 Update:**

**FIGHTING FOR OUR  
SHARED FUTURE**

Protecting Both Human Rights  
and Nature's Rights

# Rights of Nature Education

- Earth Law course taught at VLS, 2013.
- Earth Law Society.
- High school mock trials.
- Legal training (e.g., WCEL).
- Courses in Australia, Brazil, Europe.



VLS / Academics / Class Listings /

## EARTH LAW

### Professor(s)

Cormac Cullinan

### Semester

2017 Summer - Term 4

### About This Class

Climate change and other global threats are increasingly illustrating the limits of our existing environmental laws to stem degradation. This course posits that environmental declines will continue until we address a fundamental assumption underlying our legal system: that humans are separate from the natural world and may treat it as property to be exploited, rather than as a connected ecological partner. The course will critically examine the sources of this assumption and its impacts on preventing us from achieving a healthy, thriving planet. It will then explore Earth jurisprudence as a basis for developing legal, economic, and other governance systems that recognize the inherent rights of the natural world to exist, thrive, and evolve, and it will discuss how such systems can be implemented to advance lasting sustainability. Specific applications will be highlighted, debated, and practiced.

### Class Code

ENV5521

### Subject

Environmental Law

# Earth Law Casebook for Law Schools

- Earth Law casebook for law schools in 2020.
- Rights of nature and related movements: animal rights, public trust doctrine, ecocide, etc.
- Goals 1: Train the next generation of rights of nature lawyers.
- Goal 2: Expose all legal professionals to the rights of nature.



# What Can You Do?

- Demand binding, rights-based climate change solutions that protect the web of life.
- Start with your own community.
- Add Rights of Nature messaging to everything you do.
- Keep fighting and never stop.



**Earth Law Center Volunteer Form**

**Thank you for volunteering with us!**  
*Please tell us a little about yourself*

**Hours you'd like to spend with us\***

10 hours  
 11-15 hours per week  
 16-20 hours per week  
 Other

**Contact Information**

First Name\*

Last Name\*

Country

Address Lines

City

State/Province

# Concluding Thoughts

- We can change the law to create a sustainable climate.
- Why rights of nature? It offers necessary system change in our *law and culture*.
- Give nature a voice in the climate change debate.
- It is (almost) not too late.





# Thank you!

[gwilson@earthlaw.org](mailto:gwilson@earthlaw.org)

