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# Earth Law & the Rights of Nature A New Generation of Laws Built for Nature

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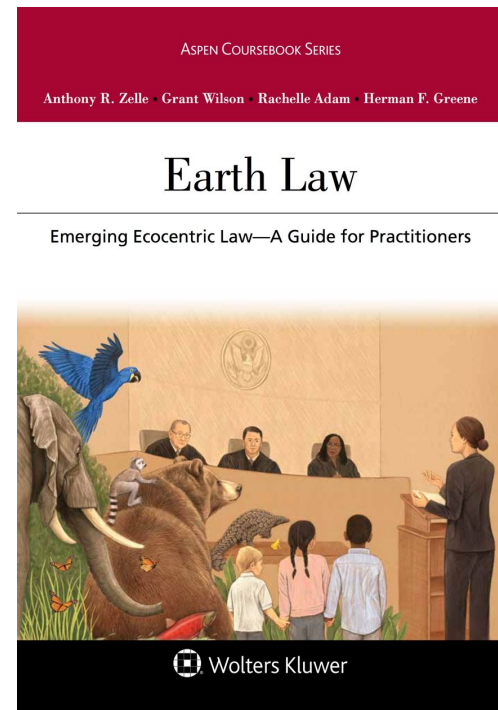
<sup>3</sup>Sustainability Council & <sup>4</sup>Environmental Justice Program, John Jay College, CUNY

## Introduction to Earth Law

### Earth law

Often called "ecocentric" law, is an emerging body of law for protecting, restoring, and stabilizing the functional interdependency of Earth's life and life-support systems. It encompasses:

- Ecocide
- Animal Rights
- Rights of Future Generations
- Indigenizing the law
- Human Environmental Rights
- Atmospheric Trust Litigation
- Guardianship of Nature



### Person v. Property

Person = has rights under the law

- Humans
- Human-made corporations
- Municipal governments
- Ships

Property = has no rights

- All animals.
- All ecosystems.
- Rivers, forest, mountains, oceans, etc.
- Freshwater

## Rights of Nature

### Rights of Nature

#### Corrects flaws with legal system

- Nature has fundamental rights to exist, thrive, be free from pollution, etc.
- Goal: Restore nature to health.
- Supports human rights, Indigenous rights, and others.

#### Gives Nature a Voice

- Guardianship bodies.
- Political representation.
- Rights of Nature must be considered in decision-making.

### STATUS QUO

Rivers over-diverted.

Scope: Protect navigable waters; other ecosystems unprotected.

Destructive dams encouraged (e.g., renewable energy targets).

Rivers = "property" without a voice in the legal system.

### RIGHTS OF RIVERS

Rivers have a right to flow.

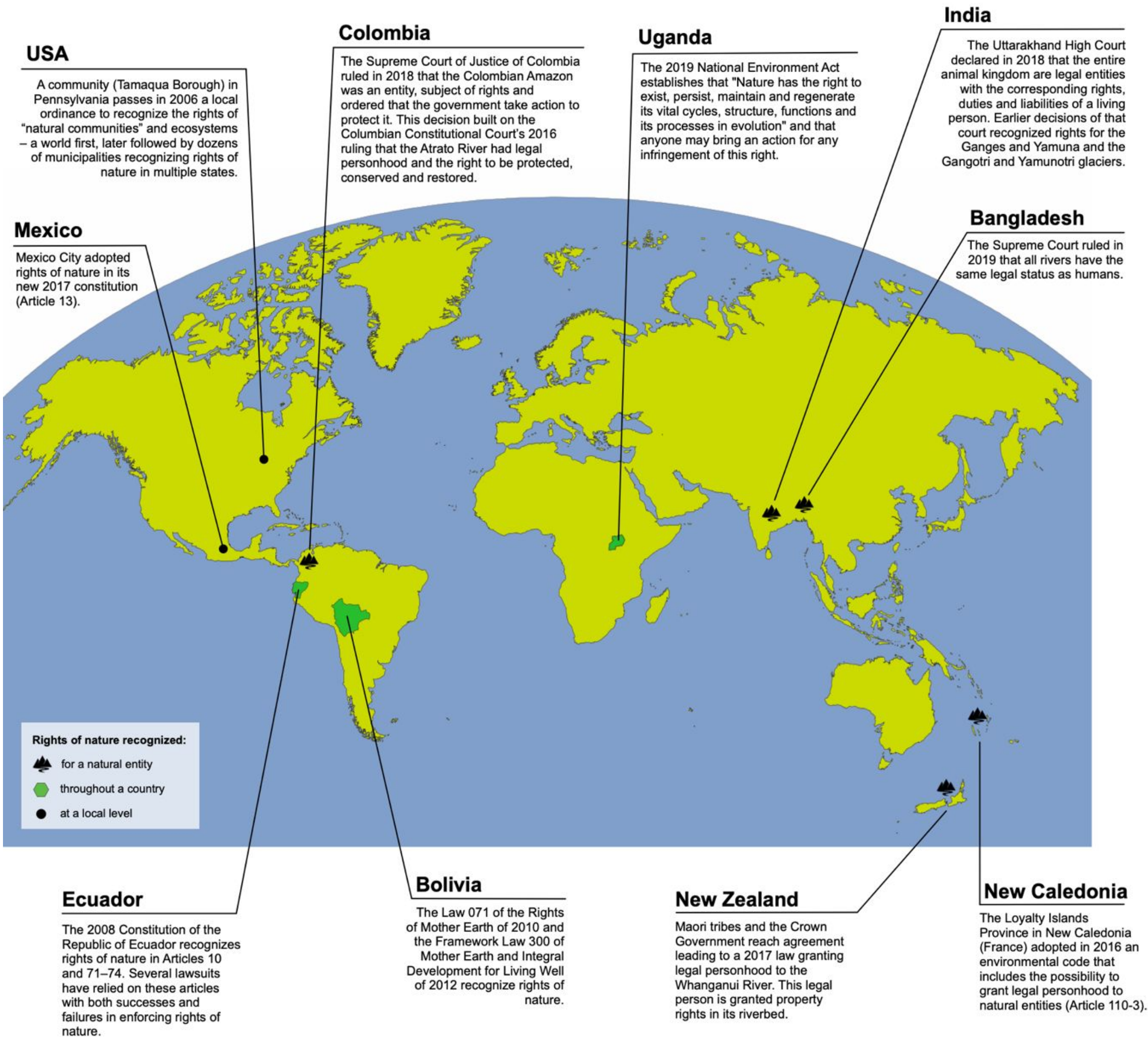
Scope: Ensure the health of entire watersheds.

Dams discouraged or prohibited.

Rivers = "persons" that has a seat at the table.

### A Global Movement

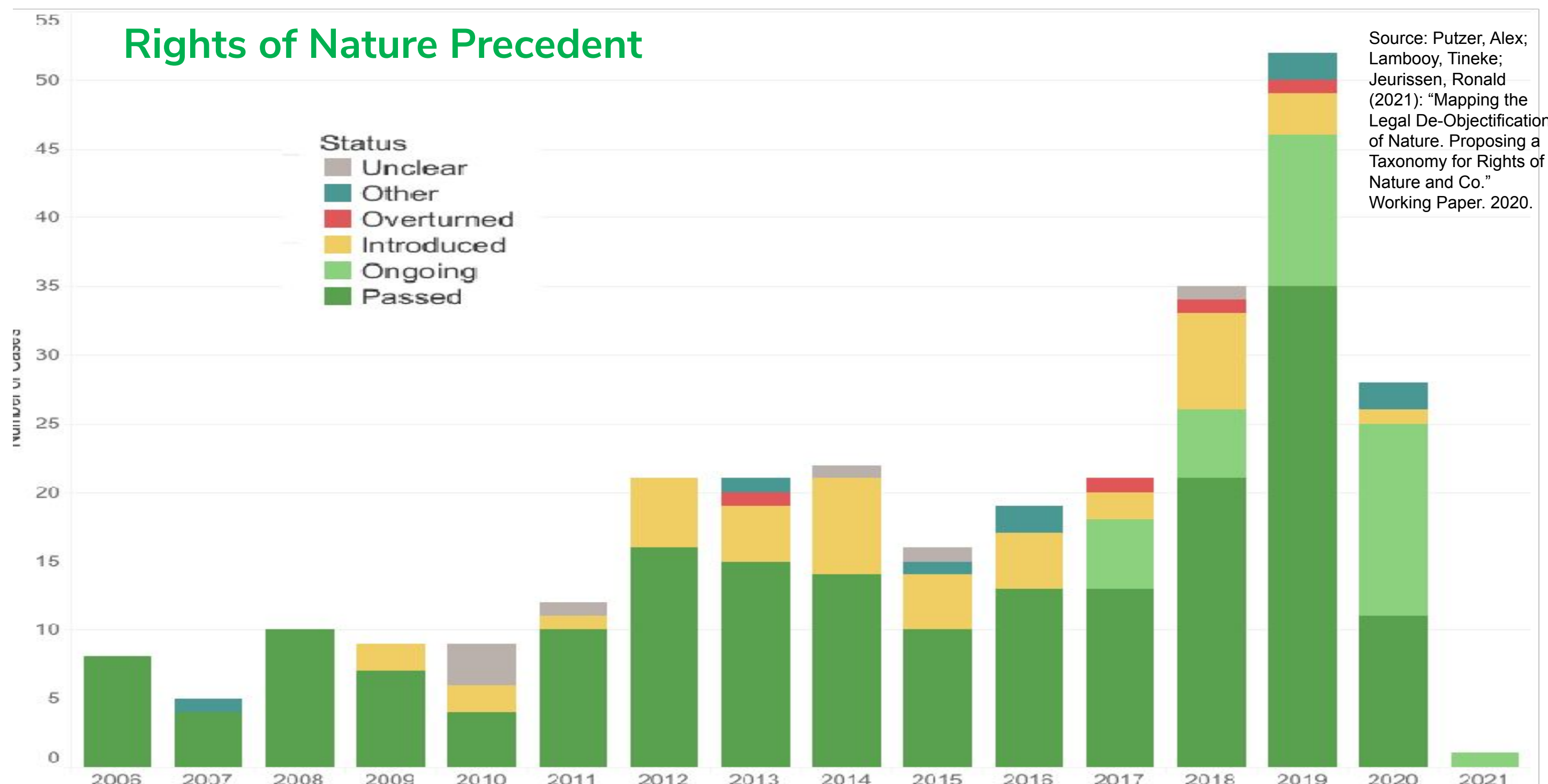
- Constitutional amendments
- Court decisions
- Local ordinances
- Declarations



Produced during the research project 2018-02364 funded by the Swedish Research Council Formas. Available at: [clawsandlaws.org/nature-rights.php](https://doi.org/10.1126/science.aav5601)

Cited: Chapron, G., Epstein, Y. & López-Bao, J.V. (2019). A rights revolution for nature. *Science* <https://doi.org/10.1126/science.aav5601>

### Rights of Nature Precedent



## Rights of Nature: Successes

### Whanganui River – New Zealand

The Awa Tupua has the rights, powers, duties, and liabilities of a **legal person**.

-[Whanganui River Claims Settlement Bill](#)

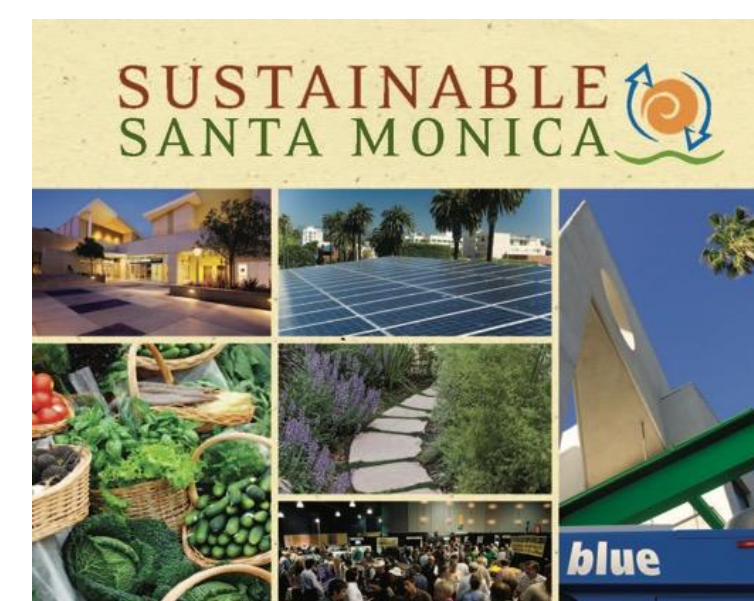
### Atrato River - Colombia

[T]he [Atrato River](#) possesses inherent rights to "protection, conservation, maintenance, and restoration."

-Constitutional Court of Colombia

### Bangladesh

- Lawsuit challenging encroachments on the Turag River.
- Feb. 2019: High Court recognizes legal personhood of the Turag & all rivers in Bangladesh
- 1 year later: Upheld by highest court. [Earth Environ. Sci.](#)



Proposed DNC Platform Takes Bold Step Towards the Rights of Nature



### Local - Regional Rights of Nature

- Santa Monica residents and ecosystems possess "sustainability rights."
- Lake Erie Bill of Rights.
- Wekiva & Econlockhatchee Rivers.
- Rivers across Colorado.

### Federal Rights of Nature in the U.S.?

"Establish a commission, similar to the President's Council on Sustainable Development, to explore incorporating Rights of Nature principles into U.S. law."  
-Recommendation of the DNC Council on the Environment & Climate Crisis

## Earth Law & Animal Rights

### Ecocide (Earth Law)

- Goal: Define ecocide as a crime at the ICJ.
- France proposing to recognize ecocide as a crime.
- Currently, ecocide is a cost of business.



### Right to a Stable Climate (Earth Law)

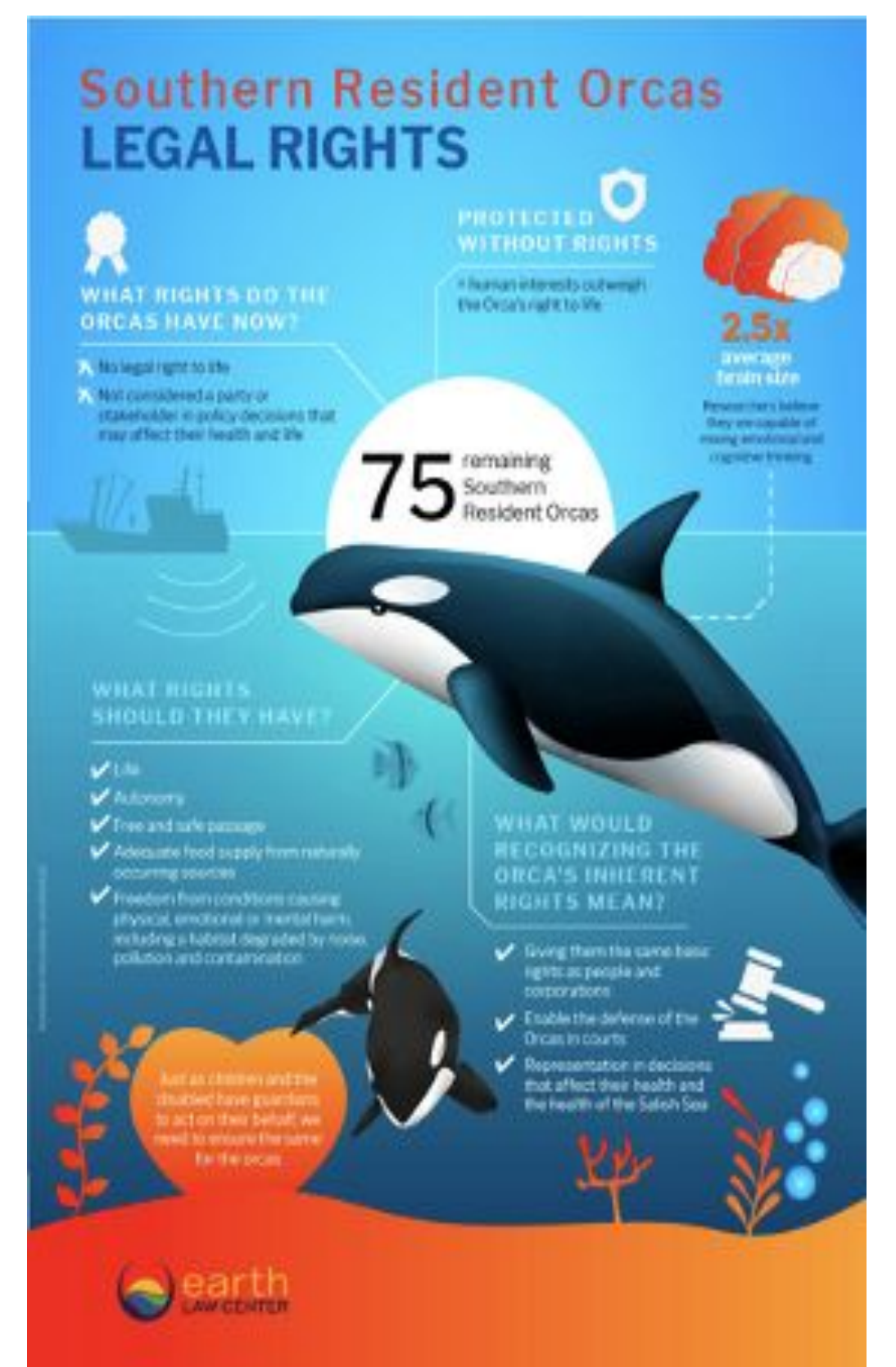
- *Urgenda* – Established human right to a healthy climate.
- *Juliana* – No standing; best left to political branches. (\*Rights of future generations.)

### Rights of Future Gens (Earth Law)

[E]very generation has a responsibility to the next to preserve [the] rhythm and harmony [of nature] for the full enjoyment of a balanced and healthful ecology.  
-*Oposa v. Factoran*, Supreme Court of the Philippines, 1993

### Animal Rights

- Most animals defined as property under the law.
- *Cecilia* possesses basic rights in Argentina = victory!
- Nonhuman Rights Project fighting for nonhuman rights / animal rights in the US



## Earth Law Resources

Literature Review: <https://www.earthlawcenter.org/lit-review>

Timeline: <https://www.earthlawcenter.org/timeline>

Legal Database: <http://www.harmonywithnatureun.org/rightsOfNature/>

Poster Companion Website: [Env & Sustainability Ed Resources](#)

