An Ecuadorian river wins in court. In 2011, a lawsuit filed on behalf of the Vilcabamba River, named plaintiff in the case, sought to enforce its own constitutional rights to exist and thrive. The healthy functioning and flow of the river was being impacted by a government road-widening construction project.

Earlier in 2007, when Ecuador was drafting a new constitution, a coalition of indigenous people asserted that it should include not only human rights but also rights for ‘Pachamama’, a Quechua word for Mother Earth. They convinced the citizens assembly to include a series of articles recognizing the rights of Pachamama. With standing granted by the newly established constitution, the Provincial Justice Court of Loja ruled in favor of the Vilcabamba River, marking the first instance of a court upholding the constitutional rights of nature.

A national park and watershed in New Zealand attain personhood. New Zealand’s Māori iwi, who call the Whanganui River ‘ancestor’, have been fighting for its legal protections for over 140 years. In 2014, parliament passed the Te Awa Tupua Act, establishing the Whanganui River and its ecosystem as having the status of a legal person, with an articulated series of rights and protections under the law to guarantee its health and well-being.

Around the same time, negotiations between Māori iwi and the government over Te Urewere National Park, a contested 400,000 acre reserve originally taken from the Māori in the 1950’s, followed a similar trajectory. When the new law was passed in 2017, the former national park became the first national area on earth to be designated as a person, a place where humans have relinquished assertion of ownership and recognized an ecosystem as having inalienable rights.

An Indian court establishes Himalayan glaciers and major rivers as “legal persons.” The Ganges is India’s holiest river, considered a source of spiritual purification for devout Hindus. It is also among the world’s most polluted and struggles to supply potable water to 40% of India’s growing population, or roughly 500 million. Saturated with human waste, industrial contaminants and the ashes of deceased Hindus, the Ganges is a major source of deadly waterborne disease and diarrhea.

In 2015, in an effort to reverse this devastation, the Indian state of Uttarakhand granted the Ganges River, and its main tributary, the Yamuna River, legal status of living human entities. Henceforth, polluting or damaging these rivers is the equivalent of harming a person carrying with it “all corresponding rights, duties and liabilities…to preserve and conserve them”.

Beginnings of a movement

Legal Rights for the Great Lakes

Establishing legal rights for the Great Lakes will provide lasting protections for this unique, important ecosystem.

What do you mean nature has rights?

Establishing nature’s rights is a paradigm shift in the approach to environmental protection, recognizing nature as a legal stakeholder with inalienable rights, and therefore “standing”, in environmental law proceedings is becoming a powerful counter-balance to corporate dictatorship. It empowers people by establishing a legal foundation to stand up for nature - the underlying basis of our economy and our lives. It stands in stark contrast to feeble approaches based on the financialisation and commodification of nature, which are too often twisted to justify more destruction.

There is a deep flaw in a system of law that treats living beings as objects or property, while treating corporations (which are a form of property) as subjects of the law with legal personality and rights. This promotes an economic paradigm based on endless growth fueled principally upon the destruction of nature. Under this system, nature is valued solely for its utility to human beings; as resource, as property, as natural capital. A new system of thinking is desperately needed, one that establishes nature as the foundation of all other systems built upon it.

A paradigm shift

The current model of sustainability assumes each system can exist independently of the others and that conflict resolution is only necessary when the three systems collide. In reality the only one that can exist without the others is nature. A more accurate model is one with a dependent hierarchy of systems, because without nature, there’s no people, and without people there’s no economy.

A natural hierarchy of rights establishes nature as the fundamental layer, because our life depends on it. Human rights are a subset of nature’s rights, followed by property and corporate rights. In the mutual benefit model, rights are in service of each other rather than in conflict and are working synergistically to protect the integrity of the whole. Human activities have to be beneficial for nature, as well as humans, or the model is simply unsustainable.

Bringing the balance back...

Today human rights are often in conflict with corporate rights, while nature’s rights are left out of the picture completely, unless the conflict falls within a narrow margin of overlap. The growing trend of corporations suing governments for trying to protect their people or nature, like a recent Bayer Syngenta case against the European Union’s ban on three neonicotinoid pesticides linked to the deaths of millions of bees, shows us just how far out of balance the system is becoming.

We are witnessing the financialization of nature, monetizing ecosystems by creating property titles to nature’s functions, to form the basis of cash flows that can be traded on the capital markets. This, coupled with flawed compensation like biodiversity offsetting, which assumes that interconnected living ecosystems are interchangeable, will eventually lead to ecological suicide.

Current environmental law is failing because it comes from the same archaic paradigm that created the problem. It is designed to manage externalities of business as usual without addressing root causes, like the fundamental orientation of our economic system itself. Bringing nature in as a stakeholder, in its own right, is a powerful counterbalance to current corporate dictatorship and will be instrumental in establishing a new structure of law – one that encourages human activity that enhances the resilience of the earth. Source: Excerpted from an introduction of the European Citizen’s Initiative by Mumta Ito, lawyer and Founder of the NGO Nature’s Rights.
How are nature’s rights established?

The first step in establishing nature’s rights is coming to understand how powerful and significant these protections are becoming in the global movement to preserve what’s left of our precious natural world. Any concerned citizen has the ability to introduce language to incorporate nature’s rights into their local governing documents. And this change has already begun...

In 2013, Earth Law Center helped Santa Monica become the first West Coast city to pass such a law, allowing citizens to serve as guardians of nature and enforce its protections. And this change has already begun...

In the United States, some three-dozen cities and towns have passed laws recognizing nature’s rights and, in many cases, the related human right to a healthy environment. These new ordinances, declarations of self-governance and community Bills of Rights are establishing groundbreaking protections for natural systems, and the people living within them, as a direct response to corporate overreach and the abject failure of institutions that were established to protect nature.

What’s at stake?

The Great Lakes, which contain roughly 21% of the world’s fresh surface water and 84% of North America’s surface freshwater, are a dominant part of the physical and cultural heritage of North America. The Great Lakes basin ecosystem, linked downstream with the St. Lawrence River, supports roughly 10% of the U.S. population and more than 30% of the Canadian population, in its combined watersheds which stretch well into significant portions of the states and territories which surround them, including roughly a third of Wisconsin’s rivers. This web of connected lakes, rivers and streams feed the Great Lakes basin, supporting a rich array of biodiverse ecosystems. Unique climate regimes and geology sustain over 3,500 plant and animal species, some of which are found nowhere else on Earth and all of which rely on the stability and long-term health of the lakes to survive.

How do I get started?

As with any rights-based movement, the process begins at the grassroots level. Community groups, nature advocates and concerned citizens alike can present resolutions, draft ordinances or introduce bills-of-rights to have them heard in a public forum and voted on by governing bodies. Crafting legalese can be daunting. Fortunately, there are some exceptional organizations doing great work to help people like you with your cause;

Sacred Water Sacred Land has been advocating for environmental causes in Wisconsin for years and is coordinating a campaign to propel an emergent Nature’s Rights movement forward in cities, towns and rural communities throughout Wisconsin... and beyond. We’re happy to field an exploratory conversation about your cause. 608-632-2216

Community Environmental Legal Defense Fund assists communities in developing first-in-the-nation, groundbreaking laws to protect worker, environmental and democratic rights, and rights of nature. CELDF provides free and low-cost legal services, grassroots organizing, and education to communities, states and countries, helping them assert community and nature’s rights in the face of injustice. 717-498-0054

Wisconsin Green Party believes that Ecological Wisdom has a direct effect on quality of life. The public trust doctrine, which holds that public land and other natural resources are held in trust and used for the common good, must be enforced. In 2018, the Wisconsin Green Party added Rights of Nature to their official platform. 608-359-2940

Earth Law Center holds that just as people have fundamental rights, so too should nature. Earth Law is the idea that ecosystems have the right to exist, thrive, and evolve — and that nature should be able to defend its rights in court. Earth Law Center creates new laws that recognize rights of nature. They partner with local groups and indigenous organizations around the world. 646-833-8521

Rights of Nature for Wisconsin Watersheds

Establishing legal rights for Wisconsin’s cherished streams, rivers & watershed ecosystems is the only means to afford them protections into the future.

• Following in the footsteps of successful rights-based movements, like gay rights, emancipation and women’s suffrage, comes a movement to legally recognize the inherent rights of nature.
• A nature’s rights paradigm treats ecosystems as entities, empowering them to prohibit exploitation, unlike our current legal system which treats nature as property. enacting laws merely to regulate exploitation.
• Reverence for the commons has been practiced by indigenous peoples for millennia; protecting nature’s rights resonates with indigenous peoples and sets them on the front lines of the movement.
• Emboldened by calls from local communities and indigenous groups alike, governments and judiciaries worldwide are starting to integrate rights of nature language into their fundamental legal structures.

Join the movement to recognize fundamental rights of nature for Wisconsin’s Rivers and the greater Great Lakes Watershed!

A global movement to acknowledge the rights of nature in courts of law is gaining momentum. In the US, numerous communities are incorporating rights of nature language into local ordinances, enacting new community bills of rights, and amending current articles of governance to protect their life-giving ecosystems and wrest power from corporations by acknowledging that nature, in all its lifeforms, has the right to exist, persist, maintain and regenerate its vital cycles.