

# Rights of Nature Ordinance Template

## **AN ORDINANCE RECOGNIZING THE RIGHTS OF NATURE FOR [INSERT NAME OF LOCAL ECOSYSTEM(S)]**

## **AND PROVIDING FOR IMPLEMENTATION AND OVERSIGHT OF THOSE RIGHTS IN [INSERT MUNICIPALITY]**

WHEREAS, the City of [INSERT CITY] (the “City”) is defined and distinguished by the Nature within and around it; and

WHEREAS, residents of [INSERT CITY] value their relationship with Nature and the local environment, understanding that there is only one Natural world on Earth, all life within it is interconnected, and that the well-being of the whole system depends on the health of its Natural components; and

WHEREAS, Nature sustains all of life, including this City and its people—creating community (a place wherein culture, activity, and relationships flourish), rejuvenating residents, and providing a unique municipal space for [INSERT ACTIVITIES YOUR COMMUNITY ENGAGES IN]; and

WHEREAS, humans living by the [INSERT NAME OF LOCAL ECOSYSTEM(S)] have long understood that their own health and welfare are inextricably connected to Nature[, as the [INSERT SPECIFIC INDIGENOUS PEOPLES] respected and enjoyed the [INSERT NAME OF LOCAL ECOSYSTEM(S)] long before [INSERT CITY] was founded, and many Indigenous peoples continue to do so]]; and

WHEREAS, modern federal law, the [INSERT STATE] Constitution, and laws and policies of the state and locale do not adequately protect the natural environment; and

WHEREAS, the failures of modern law and policy stem from the fallacy that the Natural world is mere “property,” valued mostly for private, relatively immediate, economic benefits to its owner/occupiers. Denying Nature any legal rights, protection, or standing of its own has led to mass extinctions, extreme weather, desertification, drought, and ocean acidification—and threatens to end life on Earth as we know it; and

WHEREAS, in response to the acute need to protect Nature, cities and countries have begun recognizing the Rights of Nature, giving Nature a “seat at the table” by appointing legal human guardians. Around the world, governments are enacting laws that acknowledge Nature as the source and sustainer of all, including human life; many endow Nature with inherent, inalienable, preexistent rights; and

WHEREAS, the governments of at least 15 countries, including Bangladesh, Bolivia, Colombia, Mexico, and Uganda, have recognized and enforced the Rights of Nature; and

WHEREAS, communities from coast to coast in the United States—from Santa Monica, Calif. to Orange County, Fla.; Nederland, Colo. to Toledo, Ohio—also recognize the Rights of Nature; and

WHEREAS, these “progressive” modern enactments in fact join a long tradition of Tribal Nations’ recognizing the inherent Rights of Nature; and

WHEREAS, governments, communities, and organizations around the planet establish legal guardianships of diverse groups of people to protect Nature’s rights and act on Nature’s behalf; and

WHEREAS, the City of [INSERT CITY] joins the global movement to protect the health, safety, welfare, and future of its residents by recognizing the rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)] and effectuating these rights through a Guardianship Body as protector, agent, and advocate.

## **SECTION 1. Title and Purpose.**

**A. Short Title.** This Ordinance shall be known as the “Rights of Nature for the [INSERT NAME OF LOCAL ECOSYSTEM(S)]” (“Ordinance”).

**B. Purpose.** The Ordinance is intended to help ensure the health and vitality of the [INSERT NAME OF LOCAL ECOSYSTEM(S)], including all ecosystems and natural entities within.

## **SECTION 2. Rights of Nature for the [INSERT NAME OF LOCAL ECOSYSTEM(S)].**

**A. The Nature of [INSERT NAME OF LOCAL ECOSYSTEM(S)].** The [INSERT NAME OF LOCAL ECOSYSTEM(S)] and the living and natural things existing therein are interconnected, and therefore recognized, respected, and protected by this Ordinance as a unified living entity possessing fundamental rights.

**B. The Rights of [INSERT NAME OF LOCAL ECOSYSTEM(S)].** The [INSERT NAME OF LOCAL ECOSYSTEM(S)] possess, at minimum, the following fundamental rights:

1. The right to exist, thrive, and persist;
2. The right to a healthy ecosystem, as scientifically defined;
3. The right of water cycles as necessary to sustain living systems;
4. The right to uncontaminated air of a quality that can maintain life systems;
5. The right to native biodiversity;
6. The right to be free of pollution; and
7. The right of the ecosystem to be restored to, and persist in, a healthy, functional state.

**C. [INSERT NAME OF LOCAL ECOSYSTEM(S)] Guardianship Body.** The aforementioned Rights of [INSERT NAME OF LOCAL ECOSYSTEM(S)] shall be protected by appointed legal guardians, forming a Guardianship Body that will represent the ecosystem and advocate for it as public-facing and fiduciary agents.

### **SECTION 3. Legal Duties and Responsibilities in Enforcing the Rights of Nature.**

**A. City's Responsibilities.** The City of [INSERT CITY] ("City") assumes the following legal duties and responsibilities to protect the Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)]:

1. To make the aforementioned Rights of Nature a primary consideration in all City actions and decisions that concern [INSERT NAME OF LOCAL ECOSYSTEM(S)], particularly in matters, actions, and decisions that may result in [INSERT SPECIFIC TYPES OF IMPACTS]. A short "Rights of Nature" assessment must be included in related staff reports;

2. To enact, implement, and enforce laws, policies, programs, best practices, and other measures necessary to protect the enumerated Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)];

3. To oppose actions or activities that would clearly violate the Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)], including opposing all new [INSERT SPECIFIC TYPES OF INFRASTRUCTURE IMPACTS] located within the City or which the City owns or controls, unless such infrastructure has a compelling social and ecological purpose that cannot be achieved by other reasonable means; and

4. To empower the [INSERT NAME OF LOCAL ECOSYSTEM(S)] Guardianship Body, as established in Section 4, to participate in all relevant decision-making processes as the embodiment of the [INSERT NAME OF LOCAL ECOSYSTEM(S)].

**B. Public's Responsibilities.** Members of the public shall assume the responsibility and duty to respect the inherent and inalienable Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)] as set forth in Section 1 and to abide by City laws, regulations, and procedures that implement and fulfill the purpose of this Ordinance.

### **Section 4. [INSERT NAME OF LOCAL ECOSYSTEM(S)] Guardianship Body.**

**A. Establishment and Authority.** The [INSERT NAME OF LOCAL ECOSYSTEM(S)] Guardianship Body ("Guardianship Body") is hereby established to ensure awareness and implementation of the Rights set forth in this Ordinance. The Guardianship Body shall act as the agent of the [INSERT NAME OF LOCAL ECOSYSTEM(S)], with the fiduciary duties of loyalty and diligence; and as advocate and human embodiment of the [INSERT NAME OF LOCAL ECOSYSTEM(S)]. When appointed, members of the Guardianship Body shall swear that they will faithfully discharge the duties of Section 4(B).

**B. Duties and Responsibilities.** To protect the Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)], the Guardianship Body shall:

1. Receive information from the public regarding potential violations of the rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)].

2. Directly monitor the [INSERT NAME OF LOCAL ECOSYSTEM(S)] for meaningful changes, then determine whether changes are due to human infringement on the established Rights;

3. Hold public hearings at least annually to review the effectuation of the Rights recognized by this Ordinance;

4. Submit recommendations for enforcement of these Rights, and have standing to participate in enforcement efforts on behalf of the [INSERT NAME OF LOCAL ECOSYSTEM(S)];

5. Create public reports and serve as a resource for best practices for implementing the Rights of Nature;

6. Provide input and recommendations to the City Council as in 3(A)(4); and

7. Take other actions reasonably necessary to fulfill its duties and functions.

**C. Composition.** The Guardianship Body shall consist of [INSERT NUMBER OF MEMBERS] Guardians (“Guardians”), appointed by the Guardian Selection Committee, as defined and described below. No more than one Guardian shall be a current, former, or immediate family member of a City employee.

**D. Guardianship Selection Committee.** The Guardianship Selection Committee (“Committee”) will choose the members of the Guardianship Body. The Committee shall consist of the [INSERT CITY’S ENVIRONMENTAL ADVISORY BOARD OR OTHER APPROPRIATE BODY].

**E. Selection Process.** Any member of the public may apply to join the Guardianship Body. The Committee shall select qualified candidates for public interviews. Guardians shall be selected by majority vote of Committee members. The first vote shall be taken within six months of the effective date of this Ordinance. The Guardians’ appointments shall be formalized through official action of the City Council, which will also set their compensation, if any.

**F. Qualifications for Guardians.** Qualifications to be a member of the Guardianship Body are:

1. A demonstrated commitment to protecting the [INSERT NAME OF LOCAL ECOSYSTEM(S)] for its own sake (not just human interests);

2. Appropriate skills, knowledge, and experience to fulfill the purpose and requirements of this Ordinance; and

3. Residency in the City, either full or part-time, or a strong connection to the [INSERT NAME OF LOCAL ECOSYSTEM(S)], as determined by the Guardianship Selection Committee.

**G. Diversity.** The Guardianship Body should represent various segments of the community. The Guardianship Selection Committee shall set guidelines describing how the Body reflects diversity [including diversity in race, gender, and Indigenous representation], based on Section (4)(G)(1) of this document.

**1. Recommended Categories of Guardians.** The Guardianship Selection Committee is encouraged to select Guardians that represent various segments of the community, and may consider the following categories:

1. [SELECT YES/NO] *Indigenous Persons;*

2. [SELECT YES/NO] *Community members under the age of 18 who regularly visit the [INSERT NAME OF LOCAL ECOSYSTEM(S)];*

3. [SELECT YES/NO] *Senior community members who regularly visit the [INSERT NAME OF LOCAL ECOSYSTEM(S)];*
4. [SELECT YES/NO] *Low-income workers who visit the [INSERT NAME OF LOCAL ECOSYSTEM(S)] for respite;*
5. [SELECT YES/NO] *Artists who use the [INSERT NAME OF LOCAL ECOSYSTEM(S)] as inspiration for their work;*
6. [SELECT YES/NO] *Bicycle commuters who travel on the [INSERT NAME OF LOCAL ECOSYSTEM(S)];*
7. [SELECT YES/NO] *Experts in the healing power of Nature;*
8. [SELECT YES/NO] *Naturalists who have studied species in the [INSERT NAME OF LOCAL ECOSYSTEM(S)];*
9. [SELECT YES/NO] *Trained ecologists, biologists, or climate scientists;*
10. [SELECT YES/NO] *Experts in Earth jurisprudence.*
11. *[INSERT CATEGORY]*
12. *[INSERT CATEGORY]*
13. *[INSERT CATEGORY]*

**H. Terms and Vacancies.** For the Guardians appointed immediately following the effective date of this Ordinance, the Selection Committee shall determine [INSERT NUMBER OF GUARDIANS] Guardians to serve one term of [INSERT YEARS; 2 RECOMMENDED] and [INSERT NUMBER OF GUARDIANS] Guardians to serve one term of [INSERT YEARS; 4 RECOMMENDED]. The maximum term of service for all subsequent guardians shall be one term of [INSERT YEARS; 4 RECOMMENDED]. The Committee shall convene at least six months before the expiration of any Guardian's term to initiate the selection process. If a vacancy arises, the remaining Guardians shall issue a call to appoint a replacement Guardian and shall approve a qualified candidate by majority vote.

**I. Additional Rules and Procedures.** The Guardianship Body and Committee may, by majority vote, adopt rules and procedures necessary to fulfill the duties specified by this Ordinance.

## **Section 5. Annual City Report and Hearing.**

At least once every [INSERT MONTHS; 12 RECOMMENDED], the City will solicit and incorporate input from the Guardianship Body for a concise written report on the state of the [INSERT NAME OF LOCAL ECOSYSTEM(S)] and the status of the Rights recognized in this Ordinance. The report shall include recommendations for the continued welfare of the [INSERT NAME OF LOCAL ECOSYSTEM(S)]. The report shall be delivered to the City Council, which shall hold a public hearing on the report.

## **Section 6. Limitations and Harmony with Other Laws.**

**A. Indigenous Peoples' Rights.** Nothing in this Ordinance shall be construed as extinguishing or diminishing the rights Indigenous Peoples have now or acquire in the future. This Ordinance may never be wielded to prevent Indigenous and Tribal Peoples from exercising their rights to self-determination and self-government; nor may this Ordinance be used to interfere with their use and enjoyment of the territory in accordance with their rights, cultures, customs, faiths; nor to thwart the protections of the United Nations Declaration on the Rights of Indigenous Peoples.

**B. Private Parties.** It shall be the responsibility of the City and the Guardianship Body to protect and enforce the Rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)] recognized in this Ordinance. No private party shall be held liable for violating the rights of the [INSERT NAME OF LOCAL ECOSYSTEM(S)] if they act in accordance with the specific responsibilities set forth in Section 3(B) of this Ordinance and otherwise abide by local law and legislation giving effect to the Rights of Nature.

**C. Conflicting Rights.** Any conflict between the Rights of Nature and other rights must be resolved in a way that maintains the integrity, balance, and health of the [INSERT ECOSYSTEM] as a whole.

#### **SECTION 7. Call for State-Level Support for the Rights of [INSERT NAME OF LOCAL ECOSYSTEM(S)].**

To fully realize the purposes of this Ordinance, the City calls upon the State of [INSERT STATE] to recognize the Rights of Nature and to create a state-level Commission. The Commission may advise on integrating the Rights of Nature into relevant [state name] law, policy, and procedures. The Commission may also propose new constitutional amendments, laws, policies, and processes that would facilitate the full exercise of the rights of [INSERT NAME OF LOCAL ECOSYSTEM(S)].

#### **SECTION 8. Severability.**

The terms of this Ordinance are severable. If any provision of this Ordinance, or application thereof, is held invalid to any person or circumstance, such invalidity shall not affect any other provision or application of this Ordinance that could be effected without the invalid provision or application.

#### **SECTION 9. Enactment.**

If a majority of all votes cast on the submitted issue are in support of the issue, the issue shall be deemed to have passed and shall become effective [INSERT DAYS; 30 RECOMMENDED] days after its adoption. The Ordinance shall be self-executing as of its effective date.