

# Community Toolkit for Rights of Nature

# Acknowledgements

This Toolkit has been created for communities who want to expand their role in the protection of Nature through the passing of Rights of Nature laws at the local level.

Earth Law Center would like to especially thank **Marsha Jones Moutrie** (who served as the City Attorney of Santa Monica, California from 1994 through 2016, when she retired) and **Myra Jackson** (Senior Advisor on Whole Earth Civics, Geoversiv Foundation) for their invaluable contributions and partnership.

At Earth Law Center, **Darlene Lee**, **Grant Wilson**, **Senami Craft**, and **Caitlin Cleary** helped draft this toolkit. Earth Law Center works to transform the law to recognize, honor, and protect Nature's inherent rights to exist, thrive, and evolve.

Earth Law Center also thanks the work of experts in the **UN Harmony with Nature Knowledge Network** who have initiated important activities to support the United Nations with the goal of ensuring that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with Nature, as set out in target 12.8 of the Sustainable Development Goals in its Dec 2018 resolution A/RES/73/235.

Myra L. Jackson, Darlene Lee, Marsha Moutrie, and Grant Wilson are experts of the UN Harmony with Nature Knowledge Network, an online platform of practitioners, academics, and researchers dedicated to strengthening interdisciplinary collaborations to advance a non-anthropocentric, or Earth-centered, worldview also called Earth Jurisprudence. At the core of this worldview is the recognition of the intrinsic value of Nature and of human-Earth relationships that are symbiotic, interconnected, and subject to the natural laws of the Universe.

To learn more, visit [www.earthlawcenter.org](http://www.earthlawcenter.org)

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# I. Toolkit Purpose

This Toolkit aims to concisely summarize the history, drivers, and results of the Rights of Nature movement in U.S. communities. We hope it will provide useful guidance as you consider expanding the protection of your local ecosystems and species.

The content of this Toolkit includes:

- Brief history of Rights of Nature
- How does Rights of Nature work?
- Rights of Nature in the U.S.: A review of Rights of Nature resolutions and laws already adopted by local governments in the United States
- Challenges to a Rights of Nature approach
- Implementing Rights of Nature
- How Earth Law Center can help
- Additional Notes

Those using this Toolkit may already be thinking about community resilience in the face of a deteriorating planet. Perhaps you have already taken steps to safeguard the vitality of your community. But you might need guidance on how to implement new forms of environmental governance, particularly where rooted in the Rights of Nature, within your unique community.

With these considerations in mind, this Toolkit seeks to inform your efforts through a collection of insights, including wisdom from frontlines practitioners, on how to harmonize local governance with the needs of Nature.

## About Earth Law Center

Earth Law Center (ELC) ([www.earthlawcenter.org](http://www.earthlawcenter.org)) works to transform the law to recognize, honor, and protect Nature's inherent rights to exist, thrive, and evolve.

We do this by building a force of advocates for Nature's rights at local and international levels. We partner with local organizations to create new laws that recognize rights of river, ocean, coastal, and land ecosystems.



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## II. Brief History of Rights of Nature

Since Christopher Stone published “Should Trees Have Standing” in 1972 and Cormac Cullinan published his book Wild Law in 2002, the Earth Law movement, including Rights of Nature, has grown significantly. Ecuador and Bolivia recognize Rights of Nature nationally, as do dozens of local governments in North America, including Santa Monica, California and Crestone, Colorado.

A growing number of Rights of Nature victories have occurred over the last several years. Recognizing the legal rights of rivers has been a focal point of the movement. In New Zealand, with the Passage of the Te Awa Tupua (Whanganui River Claims Settlement) Bill on March 15, 2017, the Whanganui River, the largest navigable river in Aotearoa, the Māori word for New Zealand, was recognized as a rights-bearing entity, holding legal ‘personhood’ status. Other rivers are also recognized as possessing rights, such as the Atrato River in Colombia, which won fundamental rights in a landmark court decision, as well as the Vilcabamba River in Ecuador.

The Rights of Nature movement has also expanded to include other species. In July 2018, the Uttarakhand High Court in India held that the entire animal kingdom is a legal entity that possesses rights. In November 2018, the First Criminal Court of the Circuit of Cartagena ordered the State of Colombia to protect and preserve the life of bees as pollinating agents. The United Nations Secretary General’s Report on Harmony with Nature also highlights the perspective that animals have equal rights to live and flourish.



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## III. How Does Rights of Nature Work?

Many believe that giving legal rights to Nature is the next great rights-based movement, building on the foundations of previous rights-based movements, such as children's rights, the abolition of slavery, women's suffrage, equal marriage, recent developments in animal rights, and others. Through these rights-based movements, the law evolved to reflect larger moral and ethical considerations in society.

But don't we already have environmental laws that protect our planet?

Yes and no. While our existing environmental laws help slow the destruction of Nature, they are inadequate to foster the change necessary to preserve all life on Earth. One reason is that they operate to protect human use and enjoyment of the natural world, rather than protecting Nature for its own sake. Another reason is that our environmental laws take a threshold perspective, defining how much we can pollute and exploit, without ever considering a positive goal of thriving, healthy ecosystems.

### Rights of Nature in Practice

We recognize that attaining our long-term goal of global recognition of Nature's inherent legal rights will take time. But we have a feasible strategy to get there.

It starts with you and people like you passing local resolutions and ordinances that include a Rights of Nature element, which will eventually generate rights recognition at state and national levels. These enactments can help shift how we relate to Nature: from object to subject, from property to legal person. In this way, we chart a new pathway to live in harmony with Nature based upon the acknowledgment that we are all part of Nature and that our welfare depends on Nature's own well-being.

How does Rights of Nature work in practice at the municipal level? Consider the following central elements:

1. Fundamentally, Rights of Nature empowers a community to evolve its legal, cultural, and spiritual relationship with Nature from one of property and owner to one of co-inhabitants of our shared planet.
2. Instead of merely establishing thresholds for allowable environmental damage as our current environmental laws do, Rights of Nature's more holistic approach to decision-making considers what the natural ecosystem needs to regain and maintain health.
3. Including Nature as a right-bearing entity means seeing humanity as part of the web of life, recognizing that a healthy natural ecosystem determines the health of all who depend on it, including humans.

Additionally, Rights of Nature draws from the following principles:

1. All living things and natural entities have intrinsic value, a worldview held by many indigenous peoples for millennia.
2. Every part of Nature also has innate rights, including fundamental and inalienable rights to exist, thrive, and evolve. Nature's rights are not given by humans but rather are inherent.
3. Our legal system should be Earth-centered, not human-centered, with ecosystems and fellow species all being legal subjects under the law. This is in stark contrast to legal systems around the world, which treat Nature as "property."
4. A legal and economic system based on the exploitation of Nature for profit has inevitably led to Nature's own decline. By contrast, a legal system based on the protection of Nature as a right will lead to a healthy planet in which humans and Nature live together in harmony.

Dozens of local communities around the world have recognized Rights of Nature whether in the form of a resolution, ordinance, or other legal instrument. Some of these community stories are described in subsequent sections.

### **Box A – First River to Gain Legal Personhood**

With the Passage of the Te Awa Tupua (Whanganui River Claims Settlement) Bill on March 15, 2017, the Whanganui River, the largest navigable river in Aotearoa, the Māori word for New Zealand, became the first water system in the world to be recognized as a rights-bearing entity holding legal 'personhood' status.

Today's youth, especially, recognize that their future is at stake. For example, a group of young people in Colombia won a lawsuit against their national government for infringing upon their right to a healthy climate. In this same case, the court recognized the entire Colombian Amazon as a legal entity possessing rights, an acknowledgment that human rights and Nature's rights are inseparable.

Likewise, indigenous nations have connected with the Rights of Nature movement, which reflects many indigenous worldviews committed to living in harmony with Nature.

In the United States, as elsewhere in the world, state and local governments are increasing their active participation in international efforts to protect the air, water, soil, forests, seas, and natural ecosystems that support all life on Earth. They are recognizing human responsibilities to Nature and working to mitigate risks to the natural world. And they are increasingly organizing around principles of sustainable development and the reduction of greenhouse gas emissions.

Partners as diverse as fisherman, farmers, politicians, educators, scientists, and environmental advocates demonstrate that Earth Law can connect and catalyze our shared commitment to restore Nature's health both today and for future generations.

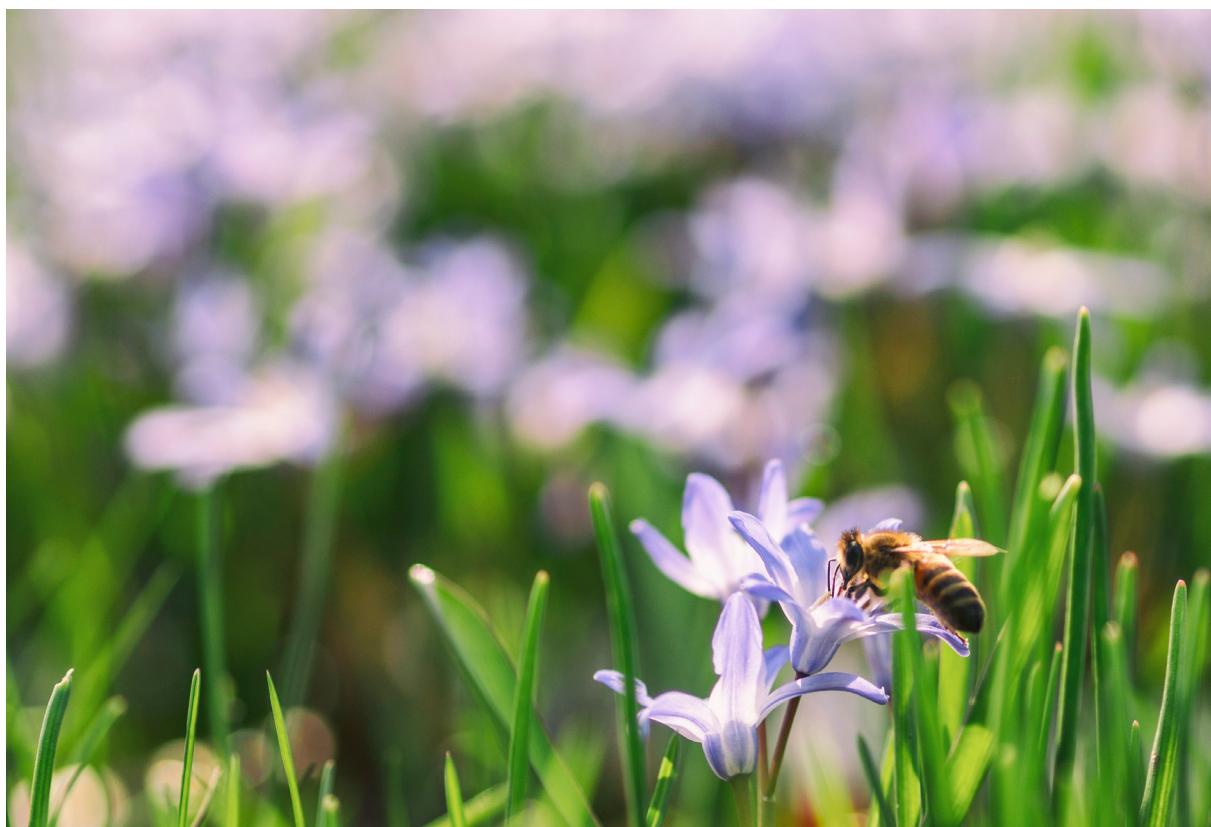


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## IV. Rights of Nature in the U.S.

In the United States, many of the efforts to establish Rights of Nature in law have occurred locally rather than at the state or federal level. One primary reason is that local legislative bodies are typically more accessible than state and federal governmental bodies. They also tend to be the more responsive to public input and less dominated by corporate and other “big money.”

In adopting the Rights of Nature, each community has its own story to tell and approach that it takes. Variables to consider include environmental concerns, governmental structures, and lines of communications, including both governmental communications and media outlets.

The following list of communities that have passed Rights of Nature laws serves as a reference for your efforts and is by no means exhaustive. New resolutions and ordinances are passed continuously, and the wins are not always shared widely. Nonetheless, we hope they can give you important insights into solutions and strategy.

### Box B – Some of the Successful Resolutions and Laws Passed in the United States

- In 2018, Town of Crestone, Colorado approved a resolution recognizing the Rights of Nature.
- In 2018, the Ponca Nation of Oklahoma adopted a customary law recognizing the Rights of Nature.
- In 2016, the Ho-Chunk Nation took a first vote for a Rights of Nature tribal constitutional amendment, the first tribal nation in the U.S. to do so.

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- In 2014, Mendocino, CA residents adopted the first-in-the-state Community Bill of Rights law to ban fracking.
- In 2013, Santa Monica, California, passed the Sustainability Rights Ordinance, which laid out the fundamental and inalienable rights of all residents of Santa Monica to clean water from sustainable sources, marine waters safe for recreation, clean indoor and outdoor air, a sustainable food system that provides healthy, locally grown food, comprehensive waste disposal systems, and a sustainable energy future.
- In 2010, Pittsburgh, Pennsylvania, passed an ordinance to ban fracking and awarded rights to Nature by a unanimous vote.
- In 2006, Tamaqua Borough, Pennsylvania banned the dumping of toxic sewage sludge as a violation of the Rights of Nature. Tamaqua is the very first place in the world to recognize the Rights of Nature in law. Since then, dozens of communities in ten states in the U.S. have enacted Rights of Nature laws.

## **Important Drivers That Led Communities to Pass Rights of Nature Resolutions or Ordinances:**

### **(1) Town of Crestone, Colorado**

The town of Crestone, Colorado passed a resolution that recognizes the Rights of Nature and highlights the historic relationship between the region's Nature and its community. Crestone was successful in passing this resolution with the help of many resident environmental advocates, such as noted environmentalist John P. Milton and Crestone Mayor Kairina Danforth, along with Myra L. Jackson, staff at Earth Law Center, and the attorney who drafted Santa Monica's Rights of Nature law, Marsha Moutrie. Crestone also utilized one of their important media outlets, the local newspaper, the Crestone Eagle, in order to facilitate the communication and circulate wisdom and knowledge within the community, including through an article written by Myra L. Jackson and Earth Law Center.

- **Obstacle:** Lack of an effective network of communication necessary to reach, inform, and engage community members within the Town of Crestone and the Baca.
- **Solution:** Utilizing trusted members within the community, local environmental experts, respected business leaders, and established educational institutions, specifically Colorado College, as well as proper communication tools in a rural environment, such as the local newspaper, social media, and posters on bulletin boards at the local post office, grocery store, mercantile, coffee shop, credit union, library, and Town Hall. All of this helped to circulate wisdom and knowledge to galvanize the will of the community to identify their shared values for living in harmony with Nature and taking clear action to protect and preserve the wilds of Nature by declaring those values in a public resolution to guide decision-making.
- **Take Away:** Identifying and enlisting the trusted members and entities within a community coupled with utilization of tried and true methods for connecting directly with people is the key to spreading a new approach to living in harmony with Nature within a rural community.
- **Who Passed the Law:** Crestone Board of Trustees.

## (2) Ponca Nation, Oklahoma

Ponca, Oklahoma is located at the center of a region that experiences frequent earthquakes as a result of fracking and injection wells. Movement Rights, founded by rights activists Shannon Biggs and Pennie Opal Plant, worked closely with the members of Ponca Nation to recognize the Rights of Nature in law. The new statute aims to protect local ecosystems and communities from the multitude of fracking harms.

Leading up to the statute's passage, the Ponca Tribe and Movement Rights held educational and interactive community events that revolved around fracking, the Rights of Nature, and related issues. One event, entitled the "Ponca Environmental Community Action Day," included a prayer walk to the Phillips 66 Refinery as well as a community meeting. These types of actions built the support for a strong Rights of Nature statute.

- **Obstacle:** The initial lack of widespread community awareness and support to adopt the Rights of Nature.
  - **Solution:** Holding events that reflect the culture and religion of the community in order to achieve a common goal of protecting the community and its ecosystems.
  - **Take Away:** Incorporating community values into a Rights of Nature campaign and conducting significant outreach is an effective tool to gain support and momentum for change.
  - **Who Passed the Law:** The Business Committee, the governing body of the Ponca Tribe of Oklahoma.
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## (3) Ho-Chunk Nation

The Ho-Chunk Nation's General Council voted to advance a rights-based constitutional framework to protect Nature, which will be followed by additional legislative steps to formalize the effort in law. The amendment would establish the Rights of Nature and prohibit fracking, fossil fuel extraction, and genetic engineering as violations of Nature's rights. The amendment was proposed by a member of the Ho-Chunk Nation and Deer Clan.

- **Obstacle:** The absence of precedent for a tribal nation to include the Rights of Nature in their constitution.
- **Solution:** Identify a voice and a leader. Finding one unifying voice to call for the importance of change and electing help from outside groups to draft amendments and proposals.
- **Take Away:** Utilizing one public voice is enough to be heard and gain momentum in the fight for change.
- **Who Passed the Law:** Ho-Chunk Nation General Council.



Photo titled “Santa Monica Beach and Pier” by Ian Liget on Flickr

#### (4) Santa Monica, California

The efforts of Mark Gold, the then 20-year Chair of Santa Monica’s Task Force on the Environment, and Earth Law Center called for moving beyond the City’s extensive sustainability programs and taking the next step of recognizing Nature’s inherent rights.

Leading up to the ordinance, CELDF held a three-day Democracy School Training and Global Exchange, a California based advocacy and non-governmental organization, presented a draft ordinance to the City’s Task Force on the Environment. The Task Force ultimately supported the ordinance, but the road to adoption was long, taking three years in total with significant rewrites of the ordinance, despite Santa Monica’s pre-disposition to a progressive approach to environmental protection.

- **Obstacle:** Convincing legislators who actively support current frameworks of environmental protection that a new conceptual and legal approach is necessary and must be pursued, even though according legal rights to Nature is a difficult challenge in our property-oriented legal system.
- **Solution:** Taking small progressive steps, such as starting with a resolution and then moving to an ordinance, and building on those steps.
- **Take Away:** Small changes can lead to great changes. Set practical measurable goals and educate the public.
- **Who Passed the Law:** Santa Monica City Council.

## (5) Pittsburgh, Pennsylvania

In a direct response to the threats to drinking water and public health posed by natural gas extraction from the Marcellus Shale by drilling companies, CELDF drafted an ordinance to ban new natural gas extraction within Pittsburgh, which also sought to recognize Nature's rights and limit the claim of "personhood" by corporations engaged in natural gas extraction.

- **Obstacle:** The government's assumption that the economic benefits outweighed the environmental risk.
  - **Solution:** Attending neighborhood meetings to hear and voice concerns of local residents and to get informed. Emails were sent to various environmental groups, zoning and land use experts, and environmental lawyers who were asked to weigh in on the situation.
  - **Take Away:** Crucial strategies included meeting with locals, reaching out to environmental activists for opinions, and taking a community rights strategy that implements rules under the idea that individual rights to clean air and water are being violated. Establishing municipal authority and rights is sometimes more effective than trying to win the battle via zoning laws.
  - **Who Passed the Law:** The Council of the City of Pittsburgh.
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## (6) Tamaqua Borough, Pennsylvania:

Pits from abandoned coal mines in Tamaqua were being used for waste disposal. This toxic waste had become a hazard to individual human health. More often than not, these toxins ended up in poor communities, where people did not have enough clout to fight the dumping.

This waste inevitably leached into waterways and soil and ran the risk of leading to the consumption of contaminated waters. The Army for a Clean Environment, a grassroots community group, spoke up in front of the Department of Environmental Protection and caught the attention of local doctors and nurses that provided insight to the communities rising disease rates. These issues were taken to CELDF, who aided in drafting an ordinance on dumping based in part on giving legal rights to Nature.

- **Obstacle:** Lack of time experienced by some community members to fight stronger environmental protections.
- **Solution:** Attending the Democracy School, a flagship education program and key piece of community organizing that teaches residents and activists how to reframe issues in a way that can confront corporate control and state preemption.
- **Take away:** Accessible educational seminars and a place for a community to gather to get informed is a powerful tool in making changes and allowing voices to be heard.
- **Who Passed the Law:** The Tamaqua Borough Council.



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## Note on Implementation

Given that many local Rights of Nature laws have been passed fairly recently, examples of implementation are still building up.

The City of Santa Monica recently adopted an ordinance regulating private water wells (2018). The text of that ordinance explicitly references the City's Rights of Nature ordinance (adopted five years earlier) and reiterates the City's recognition of those rights. Additionally, Santa Monica has incorporated recognition of the rights of ecosystems and natural communities into its Sustainability Plan as one of the guiding principles for city decisions. Santa Monica's recognition that the local environmental movement is part and parcel of a larger movement to recognize and effectuate Nature's rights is a useful example of how a city can enfold both new and ongoing environmental regulations and programs within the mantle of Nature's rights.

Crestone, Colorado, is a much smaller community than Santa Monica, and it lacks the fiscal resources necessary to operate extensive environmental programs. Nonetheless, it has found a way to implement its Rights of Nature solution through a process of recognizing existing public activities that align with the intent of the resolution to protect and preserve Nature. A prime example is that Crestone's Tree Board, which manages the care and safety of trees in the common areas of the town, now bears explicit responsibilities to the implementation of the resolution (2018).

Inspired by the town of Crestone's resolution on Rights of Nature, the neighboring unincorporated community known as the Baca is sponsoring local signage, to be created by a team of local artists and community members, which will proclaim and publicize the broader community's commitment to recognizing and effectuating Nature's rights.

In the coming years as the Rights of Nature movement gains momentum, cities and towns will need to significantly increase their focus on implementation of local Rights of Nature laws. Until then, one strategy for municipalities that pass new Rights of Nature laws is to look to the international community for inspiration, such as in New Zealand, where the government and the Māori tribe of Whanganui have implemented a robust system of governance to implement the rights of the Whanganui River.

# V. Challenges to Local Rights of Nature Laws: Preemption and Other Hurdles

As with any emerging rights-based movement, establishing Rights of Nature faces several challenges including:

- Resistance from industries that believe establishing Rights of Nature will negatively impact their business models;
- Resistance from within a legal system that strongly favors property rights and classifies Nature as human property; and
- The challenges of shifting from a human-centric worldview to an Earth-centered one and altering our lifestyles and consumption patterns accordingly.

Rights of Nature is a new legal movement that seeks to evolve our legal system's treatment of Nature under the law. And so Rights of Nature laws should be drafted carefully to ensure they are clear, credible, and legally-defensible. Successful case studies and legal counsel can help you navigate the best path forward, as well as understanding some of the key legal considerations.

**Preemption Doctrine:** Local laws that ban certain industrial activities as part of their Rights of Nature scheme can be preempted by state and federal laws which permit those activities. For example, courts have ruled that ordinances banning fracking in Colorado are preempted by state law. Courts have yet to consider whether Rights of Nature laws in particular are preempted by state law.

**Exceeding local authority:** Municipalities have only a certain amount of authority to pass local laws. In general, the authority of cities and towns is circumscribed by federal and state law. Some cities, those known as "statutory" or "general law" cities, can only exercise the power expressly granted to them by the state. Other cities, classified as "charter" or "home rule" cities, have broader authority. But, like other cities, they cannot adopt laws in conflict with federal and state laws. Working closely with your city attorney or other legal experts can ensure that a law does not exceed local authority.

**Other areas to consider:** Consult a legal professional to ensure that your local ordinance does not implicate the Supremacy Clause, Equal Protection Clause, Due Process Clause, or other principles of federal law.



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## VI. Various Approaches

### Local Legislative Approach

Working with a local legislative body can be an effective way to directly engage government while leveraging their existing connections to schools, businesses, and community organizations. Under this approach, it is essential to foster a community dialogue on Rights of Nature. Approaches to do so include hosting events, building communications campaigns, and creating a Right of Nature steering group with government and local stakeholders. To further expand awareness, local schools can host guest speakers and mock trials on Rights of Nature.

Environmental task forces or similar specialized environmental bodies can be great partners in structuring a Rights of Nature law based on their local environmental expertise and understanding of local community needs. Such task forces may be populated with local leaders who are not necessarily within the government but who can introduce recommendations to the municipal governance body. For example, in Santa Monica, the Environmental Task Force was the first body to take up the Rights of Nature idea.

Grassroots initiatives from civil society and local leaders form a key part of the decision-making process, as they can educate the public, including council members, about the needs of the community. For example, natural allies might include local indigenous groups, universities with environmental initiatives, Waterkeeper Alliance groups, environmental clubs at schools, and similar organizations.

As described above in the case study for Santa Monica, you may wish to start small and then work towards something larger. One way to do this is by passing a resolution first and then working towards a binding law. In addition to being a simpler starting point, it introduces the community to the concept of Rights of Nature more gradually, which can be effective for building support.

## Voter Referendum Approach

This approach puts the Rights of Nature issue up for a vote by local residents (see Box D). In this bottom-up approach, advocates submit a Rights of Nature law to local vote by way of a voter-ballot initiative. A referendum voted upon by the people cannot be overturned by a city council. This approach is the most democratic because it directly reflects the will of the local community.

This approach has been successful in many communities in the United States which have passed laws that assert their right to local self-government and recognize Nature's rights, including in Mendocino County, California (see Box D). These wins have occurred despite opposition funded by fossil fuel extractors.

For a general explanation of the procedure and requirements for preparing and qualifying a ballot measure, begin with your state's Constitution and election laws and your city's local election laws. Procedures vary from state-to-state. In California, for example, in order to be placed on a statewide ballot for consideration by voters, an initiative petition must be presented to the Secretary of State, certified by local officials to have been signed by a specified number of qualified registered voters (Cal. Const., art. II, § 8, subds. (a) & (b).)

### Box C – The Movement Rights Approach Used in Mendocino County, CA

Mendocino County was the first California community to adopt a Community Bill of Rights (known as “Measure S”) asserting their right to local self-government and banning fracking and the dumping of frack waste. The movement started with several community rights groups, including Californians Against Fracking, Global Exchange, and the Community Environmental Legal Defense Fund. They provided initial trainings to community organizers, which then trained their respective groups. A core group of 30 and countless volunteers then formed the Community Rights Network of Mendocino County (CRNMC). They went door-to-door to collect signatures for the ballot, hosted public events, wrote letters to the editor, and painted lawn signs to spread the message. The voters of Mendocino County passed Measure S in the November 4, 2014 county election by a 70% vote.

– **Shannon Biggs**, Co-Founder and Director of Movement Rights, Co-Founder of the Global Alliance for the Rights of Nature, and author of Rights of Nature & Mother Earth Rights-Based Law for Systemic Change.

## Box D – Sustainable Development Goals

The Sustainable Development Goals (SDGs) (or Global Goals for Sustainable Development, the 17 Global Goals) are a collection of 17 global goals adopted by the United Nations General Assembly in 2015. The goals are broad and interdependent, yet each has a separate list of targets to achieve. The SDGs cover social and economic development issues including poverty, hunger, health, education, global warming, gender equality, water, sanitation, energy, urbanization, environment, and social justice.

Implementation of the SDGs is described as “Localizing the SDGs” to highlight the role of local institutions and local actors. Local and subnational governments have a unique role and contribution to play in the advancement and implementation of global agreements and sustainable development laws, policies, strategies, standards, programs, and actions.

In the past year, there has been a marked increase in the number of city and local government leaders pledging their support to sustainable development and putting in place concrete action plans to achieve it. Recent campaigns, including We Are Still In and the Climate Mayors initiative, have galvanized this movement. With regards to the latter, in the 2018 American Mayors Survey, eight in ten U.S. mayors consider climate change as an issue important to address in their cities.

C40, a coalition of 80 megacities who represent 550+ million people and a quarter of the global economy, have taken leadership responsibility for Goal 13 - Climate Change. This is directly linked with Goal 12 - Sustainable Consumption, which includes an indicator directly linked with harmonizing with Nature. The well-being of ecosystems and the health of people are front and center for a growing number of cities.

Beyond a purely climate-oriented perspective on sustainability, the Mayor’s Survey lists degrading infrastructure, rising inequality, affordable housing, and jobs and economic growth as key concerns. These issues directly correspond to the multi-dimensional, holistic approach suggested in the SDG framework. As sustainable development plans have become more common as a model of long-term city planning in the United States, with many variations therein, the SDGs can act as a unifying and coordinating framework to facilitate more cross-city collaboration.

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The challenges facing life on planet Earth require a response from all of us. While the entry points of greatest concern may differ from city to city, the preservation and care of Nature is a fundamental antidote. Natural allies in the effort to live in harmony with Nature and effectuate the Rights of Nature can be found within local and subnational governments closest to the communities of life impacted.

**Note on Rights of Nature and the SDGs:** The SDGs are important for communities to consider when creating Rights of Nature laws because they tie local efforts to the global level. The SDGs represent a concerted global effort to address some of the major environmental challenges of our time. In practice, achieving the SDGs requires implementing a new legal paradigm in which Nature is respected as a living and life-giving entity. By contrast, so long as we continue to treat nature as mere property under the law, we can never achieve a sustainable society in general nor the SDGs in specific. Local laws that acknowledge the role of the Rights of Nature in supporting the SDGs will strengthen both movements.



Photo by Miguel Ángel Sánchez Troncoso on Unsplash.com

## VII. Implementing the Rights of Nature

Once you've succeeded in securing legal recognition of the Rights of Nature, you can consider the following examples of implementation measures:

- Enfold new and existing local environmental policies and programs, e.g., sustainability plans, development plans, recycling programs, or water conservation programs, within the mantle of Nature's rights.
- Create metrics of environmental health and/or for the ecosystem the community seeks to protect and implement those metrics through local plans. This allows quantifiable assessments of progress made, improvements, and practical results.
- Incorporate best environmental practices from international agreements, such as those contained in Sustainable Development Goals, into all facets of community life and governance with the explicit purpose of honoring Nature's rights.
- Require annual hearings and/or reports to monitor progress, ensure practical results, and allow room for improvement. For example, the City of Santa Monica's Rights of Nature ordinance requires biennial hearings and reports.
- Incorporate Nature as an actor within local politics, such as by giving Nature a seat on the local legislative body as represented by a group of human experts from academia, civil society, indigenous groups, and/or other appropriate individuals.
- Appoint legal guardians whose job it is to implement Nature's rights and interests, which might include a mix of local community members (including tribal leaders where possible) and government.
- Explicitly incorporate the concept of Nature's rights into all city communications about protecting the environment and the city's environmental programs so that every opportunity is taken to remind the community that Nature has rights and mankind must live in harmony with Nature.
- Incorporate recognition of Nature into the DNA of societal life in ways that inspire citizens and those that visit your community through visual storytelling, public art, museum programs, tourism, etc.
- Fortify and strengthen your efforts by encouraging neighboring communities to recognize the Rights of Nature.



Photo by Grant Wilson

## VIII. How Earth Law Center Can Help

Earth Law Center (ELC) is building an international movement from the ground up, one that gives better grounding to the idea that humans have a responsibility for how we impact the world around us.

The belief that Nature – the species and ecosystems that comprise our world – has inherent rights has proven to be a galvanizing idea, and we work with local communities to help them organize around the Rights of Nature to permanently protect and respect the environment.

The heart of the ELC approach is to seek legal rights for ecosystems and species, similar to the personhood recognition that is given to corporations in U.S. law. This approach also creates responsibilities on the part of human beings and societies to respect Nature's rights.

Empowering Nature also empowers communities. When advocates see themselves as rights defenders rather than stewards of Nature for only human ends, the stakes are raised, and the relationships between people and the environment is transformed.

To achieve its goals, ELC consults with and connects local advocates to build regional movements, with the ultimate aim of creating national and international momentum for a radical change in how we view and interact with the natural world.

Here's what ELC can provide to you:

- Research about the pros and cons of different approaches,
- Connections with experts who can give presentations and answer questions,
- Help writing and designing appropriate outreach materials,
- Written examples of resolutions and ordinances for guidance on how best to write yours,
- Help writing a resolution or law tailored to your circumstances, needs, and goals,
- Help formulating and effectuating an implementation strategy.



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## IX. Additional Notes

### Note 1.

Many Rights of Nature ordinances contain clauses which seek to deprive corporate entities of their legal rights, or which completely ban all corporate activities within city limits. These ordinances can have a powerful effect of building towards a new legal system in which communities have the right to “say no” to environmental degradation and “say yes” to a new paradigm. However, note that when such laws are challenged, the general tendency for courts has been to overrule these ordinances as being unconstitutional and therefore unenforceable. (See, e.g., anti-fracking ordinance of Mora County, New Mexico, overturned by the U.S. District Court in Albuquerque, New Mexico in 2015 on the ground that it violated the First Amendment by “chilling” protected activities by corporations; see also the anti-drilling zoning ordinance of Munroe Falls, Ohio, overturned by the Ohio Supreme Court on the ground that the state had sole and exclusive authority over oil and gas drilling across the state and that state laws trump city, township, and county laws.) Some advocates for the Rights of Nature think that court decisions striking down local Rights of Nature laws promote or solidify the belief that Nature does not and cannot have rights. Others believe that challenging the system directly in the courts is necessary to achieve a paradigm shift. Cities considering adopting the Rights of Nature should weigh these different views when drafting their laws.

## Note 2.

There is a movement underway to restore the capitalization of Nature. Rights of Nature advocate Myra Jackson has forwarded a formal request with all of the citations to Oxford Dictionary. Language shapes our view of the world. The misguided mindset of the Industrial Age on language is open and notorious. Oxford dictionary has recognized Mother Nature, and in that definition alone there is room for citing Nature as a derivative synonymous with Mother Nature.

Here are some of Myra Jackson's findings as submitted to Oxford:

The word Nature was first used in the 12th century. It has come to represent, in its many definitions, all of the Universe and the living and nonliving things with it. Before the Scientific Revolution, Nature was considered in a spiritual context, deserving of respect and admiration.

Just as we have come to use Nature's capital (animals, fresh water, minerals, forests, etc.) in a non-sustainable way, we have replaced the capital letter "N" in Nature with a lower case one.

Oxford Dictionary tells us that there was a shift in the conventions of the English language in the 17th and 18th centuries. It was fairly normal in written English to capitalize Nature, as it is currently done in present-day German.

The dramatic shift in our concept of Nature began with an acceleration in scientific and technological advances, along with the birth of capitalism. This fed into the Industrial Revolution of the early 19th century where we find the value of natural capital discounted in the pursuit of capital.

Oxford University Press and University of Chicago Press agree that there is a great variation in the rules for capitalizing proper nouns in the English language. It is more or less up to the publishing house to set its own convention. They agree that there is ample room, within the rules of English, to capitalize the word Nature.

In fact, in scientific journals focused on Life Sciences, we commonly see Nature capitalized in all cases.

In this toolkit, we have consistently capitalized Nature, as language is changed according to usage across society.

# Exhibit 1

## Sample checklist for community Rights of Nature campaign

While each community Rights of Nature campaign is different, here is a broad look at how a local law could be passed through grassroots efforts.

- Develop a personal understanding of the Rights of Nature movement. See, e.g., the U.N. Harmony with Nature and Earth Law Center websites.
- Read the contents of this toolkit. Research further as warranted.
- Identify key community leaders, organizations, politicians, etc. and conduct outreach on a potential Rights of Nature campaign.
- Consider creating a local organization (formal or informal) dedicated to advancing the Rights of Nature.
- Begin outreach, such as through local community-based media.
- Consider organizing community meetings and/or local hearings, such as through an environmental task force or the appropriate local legislative body. This is an opportunity to have a community-led discussion of how Rights of Nature fits into the local social and environmental fabric. Be sure to listen and appreciate all perspectives.
- Consult Rights of Nature experts, lawyers (e.g., the municipality's staff attorney, environmental lawyers, etc.), community leaders, and so forth, as appropriate.
- Once the community is comfortable with moving forward, draft or outline text for a law or resolution. This can be done in cooperation with the local municipality, or the municipality can complete this step with public input, as appropriate.
- Conduct outreach to advocate for passage of the local law. Continue the community discussion. For referendums, begin securing signatures.
- Upon passage, begin working to enforce the Rights of Nature. This may occur in partnership with other governments worldwide that also recognize Nature's rights.

# Exhibit 2

## LINKS TO RECOMMENDED RIGHT OF NATURE LAWS

Amendment to the Organic Law of the Municipality of Paudalho in the State of Pernambuco, Brazil:

<http://files.harmonywithNatureun.org/uploads/upload720.pdf>

Crestone Rights of Nature resolution:

<https://www.earthlawcenter.org/crestone/>

Ecuador's Constitution:

<https://therightsofNature.org/wp-content/uploads/pdfs/Rights-for-Nature-Articles-in-Ecuadors-Constitution.pdf>

Santa Monica Rights of Nature ordinance:

<https://www.smgov.net/departments/council/agendas/2013/20130312-s2013031207-C-1.htm>

Whanganui River Claims Settlement Bill of March 15, 2017, in New Zealand:

<http://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>

## Additional Resources

### 100 U.S. Sustainable Cities Report

<http://unsdsn.org/resources/publications/leaving-no-u-s-city-behind-the-2018-u-s-cities-sdgs-index/>

### C40 Cities

<https://www.c40.org/cities>

### Community Toolbox

<https://ctb.ku.edu/en>

### County Health Rankings

<https://ctb.ku.edu/en/build-your-toolbox>

### Marsha Moutrie on Implementation of Rights of Nature Laws, U.N. Harmony with Nature Dialogue, April 23, 2018

<http://files.harmonywithnatureun.org/uploads/upload600.pdf/>

### National Association of Counties, NACo

<https://www.naco.org/>

### U.N. Harmony with Nature

<http://www.harmonywithnatureun.org>

### U.S. Mayor's Survey

<https://www.bbhub.io/dotorg/sites/2/2018/04/American-Mayors-Survey.pdf>



Photo by Grant Wilson

## About Earth Law Center

Earth Law Center is a 501(c)(3) nonprofit environmental law organization working around the world to create Rights of Nature laws with local partners on behalf of river, ocean, coastal, and land ecosystems. It aims to transform the law to recognize and protect Nature's inherent rights to exist, thrive, and evolve. Earth Law Center recently issued the Universal Declaration of the Rights of Rivers. It has also launched initiatives to recognize the rights of numerous waterways and watersheds, including the River Ethiope (Nigeria), Boulder Creek Watershed (USA), Atoyac and Magdalena Rivers (Mexico), Indus River (Pakistan), and others. Earth Law Center also helped the City of Santa Monica, California, recognize "both the rights of natural communities and ecosystems" in its Sustainability Rights Ordinance, and the City of Crestone pass a Rights of Nature resolution.

Learn more at [www.earthlawcenter.org](http://www.earthlawcenter.org)