

What does it mean for Nature to have rights?

by Myra Jackson

Crestone/Baca is nestled in the fabled San Luis Valley known by some Native people as the "Bloodless Valley", a land once inhabited by a people who lived in harmony with nature.

Distinctive to Crestone are the twenty or more spiritual retreat centers of diverse traditions that settled here decades ago. Eleven of the centers represent various lineages of Buddhism. Remembering the role of the Earth in the Buddha's enlightenment, it is not a great leap to wonder if Crestone/Baca is a fertile ecodef for the resurgence of a worldview that recognizes Nature's intelligence.

The understanding of Nature as an intelligent and nourishing entity is also represented in an emerging legal field called "Earth Law." While relatively new to western law, the inspiration behind Earth Law is the timeless respect for Nature found in indigenous worldviews worldwide.

For some, the idea of the rights of Nature is an inconvenient truth, while for others it is a modern restoration of an indigenous worldview in the form of Earth Law that is consistent with their own inner experience and viewed as an idea whose time has come.

How does Earth Law support Nature and impact lives?

In most countries, Nature has the legal status of property. This means that our current laws protect Nature only for the benefit of people and corporations. The Earth and its ecosystems which provide a common home for all life, itself has no rights.

A primary component of Earth Law is recognizing the legal rights of Nature—including the rights of ecosystems to exist, thrive, and evolve. Under this paradigm, Nature is able to defend its rights in court, with the help of human representatives, or "guardians." Earth Law aims to permit the environment for all creatures for the sake of Nature itself. It ensures true environmental protection via proactive action and effective restoration projects.

Nature's rights benefit human rights. Where the environment is harmed, people suffer from disease, violence, and land loss. Therefore, in many situations, both human and environmental rights are supportable without conflict, and indeed would support each other.

What does "rights of Nature" mean in practice? It means that we can no longer impair entire ecosystems, but we can still sustainably maintain our house and backyard. It means that we can no longer excessively pollute and divert our rivers, but we can still draw their life-giving waters for drinking, growing food, and meeting basic needs. And above all, it means that living in harmony with Nature will be built into our legal system. And why shouldn't it be that way?

Fortunately, many of the legal concepts necessary to establish rights for Nature already exist. For example, Nature would be represented in court by humans, which is already the status quo for groups such as children and incapacitated or disabled persons. It's also the case

that nonhuman entities have held legal rights for hundreds of years—namely corporations and trusts. So why not Nature?

Rights of Nature is a growing movement

The Schuylkill Region's Tamaqua Borough, located roughly halfway between Philadelphia and Pittsburgh in the heart of Pennsylvania's Coal Region, was the first U.S. municipality to recognize legal rights for Nature. After long lingering on the far fringes of the environmental movement, the idea took root there in 2006.

In 2008, the Town Council of Halifax, Virginia, voted unanimously to adopt an ordinance banning corporate chemical and radioactive bodily trespass. Enacted to confront concerns about the proposed uranium mine in adjacent Pittsylvania County, the ordinance establishes strict liability and burden-of-proof standards for corporations and government entities involved.

Situated in the middle of the state of New Hampshire, Nottingham and Barnstead are rural communities dating back to the early 1700s. They are about 18 miles apart with a little under 4000 residents each. In 2001, a company known as USA Springs wanted to put in three wells, to withdraw over 430,000 gallons of water a day from the local aquifer for a massive water bottling operation. These wells were to be situated at the headwaters in Nottingham and in nearby Barnstead, where most inhabitants rely on wells for their own water supplies. This bottling operation presented a threat to both water quality and quantity.

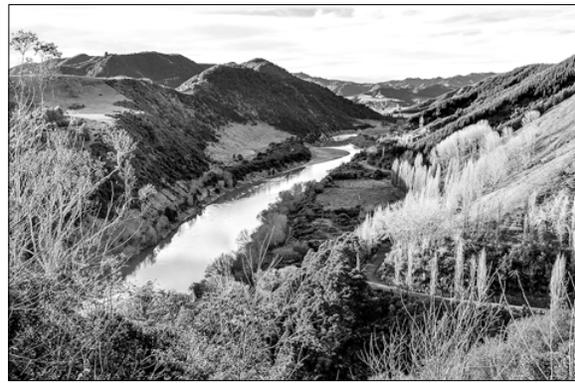
"At every planning board meeting, I was fully assured that the government would be there to protect us, that it would take notice of the will of the people of the town who did not want a water bottling plant. Yet at these same meetings, every permit asked for was granted and the community's will was ignored," said Chris Mills, Nottingham resident. The Nottingham rights of Nature ordinance was passed with 63% of the vote.

An additional 30+ municipalities have since passed rights of Nature ordinances including: Mahoney (PA), Newfield (NJ), Licking (PA), Packer (PA), Wales (NY), Pittsburgh (PA), Baldwin (PA), Forest Hills (PA), Mountain Lake Park (MD), State College (PA), West Homestead (PA), Broadview Heights (OH), Yellow Spring (OH), Mora County (NM), and Santa Monica (CA) among many others.

Small towns leading the rights of Nature movement in the US

With the exception of Pittsburgh, small towns have taken the lead in enacting rights of Nature in United States. Specifically, rights of Nature wins have happened because of community-led initiatives.

One in ten Americans lives in a small town. Small towns represent roughly 75% of all municipalities in the United States and some 33 million people. Moreover, recent demographic data shows a movement away from expensive coastal cities as people, including millennials, are



After 140 years of negotiation, the Maori tribe in New Zealand won recognition for Whanganui river, meaning it must be treated as a living entity.

Transforming our relationship with Nature, presentation on May 18

Is now the time to explore a path to recognize and protect the Rights of Nature to exist, thrive and evolve?

Learn how people in communities across the US and the world are evolving environmental law to establish Rights of Nature for the well-being of the planet and the species who call it home. Join us for an inspiring evening of informative stories from the field with Grant Wilson, Directing Attorney at the Earth Law Center at the Colorado College Conference Center, Friday, May 18 at 6:30pm. It is open to all. Please RSVP at FieldofCreation@gmail.com.

The Desert Sage will serve a special buffet-style Himalayan Feast for \$18 plus tax and tip. Join us for dinner at 5:30pm.

Please park your car in the Colorado College parking lot, accessible from Rd. T, to ensure that business at the Desert Sage remains robust for the entire evening.

More about Grant Wilson: His grandparents ran the town's newspaper in Omak, Washington, located in Eastern Washington, and earlier in Ritzville, Washington. His uncle ran a small-town newspaper in Port Townsend, Washington, for many years as well. He appreciates being in small towns where a local newspaper is alive and well. Grant will join the Volunteers of Outdoor Colorado, VOC for the weekend trail building just outside of Crestone, May 19-20.

looking for affordable single-family homes. The number of rural home mortgages has increased for five straight years.

These small towns demonstrate that at a time when state and federal governments slowly grind through gridlock and partisanship, responsive local leadership can still be decisive and make a real difference. This can be seen in the case of green energy. Thanks to the foresight of small towns, the growing presence of solar and wind power in rural communities has created opportunities and income (green power employs roughly five times more Americans than the coal industry). Green power is helping small towns to save both money and resources.

Small town papers as beacons

Two-thirds of residents in small towns across America depend upon their local newspaper for news and information. This is according to the National Newspaper Association's most recent newspaper readership survey.

"Central to small towns, local newspapers are a beacon of community-level democracy," said Grant Wilson of Earth Law Center, a nonprofit that seeks legal rights for Nature in the US and internationally. "Through newspapers, town hall meetings, and local organizing, many towns are now taking a hard look at the rights of Nature as a way of preserving their quality of life and connection to the natural world."

Earth democracy

Adjudication is the legal process by which a judge reviews evidence, including legal reasoning set forth by opposing parties, to come to a decision which determines rights and obligations between the parties involved.

Establishing legal rights for Nature implicates familiar democratic and legal processes. For example, local communities can vote into law the recognition of the rights of Nature. If necessary, citizens can then bring lawsuits to remedy violations of Nature's rights (as defined). City councils can review petitions brought by residents to amend existing laws, as well. And local governments work to implement Nature's rights through city programs and policies. In other words, we see the same tenets of a rich democracy—but only with another stakeholder: Nature.

Small towns have considerable power to make change happen.

Small towns have considerable power to make change happen. Writing about small towns for *The Atlantic* in 1942, Arthur Morgan stated that the "controlling factors of civilization are not art, business, science, government. These are fruits. The roots of civilization are elemental traits—goodwill, neighborliness, fair play, courage, tolerance, open-minded inquiry, patience." In regards to the rights of Nature movement, such small towns will continue to be a source of hope and inspiration for a better planet.