DECLARING THE RIGHTS OF NATURE PROTECTS THE FUTURE FOR US ALL

Our modern legal systems have failed to prevent increasing global warming, degradation of Earth’s sacred systems of life and displacement and death of humans, plants and animals.
Assigning market value to nature is a false solution to the climate and biodiversity crises, argues Osprey-Orielle Lake. We need national and international laws to respect and protect the natural laws of Mother Earth with our living Earth and each other. Unprecedented hurricanes, historic floods and droughts, raging fires and ever-worsening climate disasters are impacting and upending communities around the world. The urgency of the climate and socio-ecological crises demands that we completely redesign our economic, social and legal systems.

In our global movements for justice, we are looking for a revolutionary and evolutionary change for society. At the heart of it, we are asking, how can we transform dysfunctional environmental laws and neoliberal economic systems that are destroying people and the planet.

By maintaining the current structure of law, we are furthering a dangerous human relationship to the natural world of ownership and exploitation. We have to ask, why haven’t we stopped these destructive actions that are both lethal yet perfectly legal?

To truly live sustainably and live in harmony with the Earth, we need to change the very foundations, the very structural DNA of our legal frameworks to respect the natural laws of the Earth.

REORIENTING WORLD VIEWS

Today, most of the world’s legal frameworks are based on treating nature as property. Our life-giving rivers, forests and mountains are considered property to be sold and consumed. Consequently within our current structures, these natural communities and ecosystems are not recognised as rights-holders and are invisible to courts.

We need an entirely different legal configuration that recognises that Earth’s living systems are not the enslaved property of humans.

For more than a decade, I have joined many powerful global leaders to advocate for Rights of Nature policies, laws and frameworks through the Women’s Earth and Climate Action Network (WECAN) and the Global Alliance for Rights of Nature (GARN).

The premise of the Rights of Nature movement is that, to ensure a thriving future, humans must reorient themselves from an exploitative and ultimately self-destructive relationship with nature, to one that honours the deep interrelation of all life and contributes to the health and integrity of the natural world.

An essential step is to create a system of jurisprudence that sees and treats nature as a fundamental, rights-bearing entity and not merely as property, to be exploited.

At GARN, we advocate that breaking out of the human-centred limitations of our legal systems is one of the most transformative, highly leveraged actions that humanity can take to create a healthy and just future for all.

Much of the vision and world view of the Rights of Nature framework originates from Indigenous peoples around the world and their knowledge of the natural laws of Mother Earth.

Indigenous communities have already lived in accordance with the principles expressed by the Rights of Mother Earth for millennia. As knowledge-keepers of biodiversity and forests, it is no wonder that 80 per cent of the remaining biodiversity left on Earth is maintained and stewarded by Indigenous peoples.

To advocate for the Rights of Nature, we must ensure and support intercultural dialogue, led by Indigenous voices, that analyses and assesses the implications and implementation of Rights of Nature.

This importantly includes uplifting the political struggles that Indigenous peoples face globally in defending their ancestral homelands from cultural and environmental destruction.

Rights of Nature supports human and Indigenous rights protections by recognising the Earth’s innate right to exist and thrive.

A GROWING MOVEMENT

Acting as a part of Mother Earth’s immune system, people are rising up in their communities worldwide to say yes to Rights of Nature and to change the law to work in harmony with life. It’s a growing movement.

In 2008, Ecuador became the first country in the world to recognise Rights of Nature in its constitution. Many more regions have recognised the Rights of Nature. The New Zealand parliament has afforded legal status to the Whanganui
River. The Colombian Supreme Court recognises the Rights of the Amazon river ecosystem. In 2017, The Ponca Nation in the US made history as the first tribe to recognise Rights of Nature in law.

In addition to that declaration, the US has passed more than three dozen Rights of Nature ordinances to protect communities from harmful practices such as shale-gas drilling and fracking.

In the last year, the Rights of Nature movement has continued to expand and strengthen. We have seen communities and governments from Chile to Uganda to Switzerland pushing forward legal protections for the Rights of Nature.

Rights of Nature is an idea whose time has come.

As the movement continues to grow, and as climate disruption and environmental degradation increase globally, we must also highlight that our mainstream exploitative relationship with the Earth stems from long-standing patriarchal societies, colonisation, racism and neoliberal capitalism.

These are all based on the same systems and ideologies of power over Nature and exploitation of women, Indigenous peoples, people of colour and the land.

The global community needs to address these systems of oppression in an intersectional manner to move towards justice and real solutions. Rights of Nature offers a vital path forward to achieve this.

In our collective work globally we see peoples’ movements rising to reject the commodification of Mother Earth and the sky. Our Earth and atmosphere are not for sale; our sacred earth, water, air and forests do not belong in the marketplace. And that means saying no to false solutions.

**BUSINESS AS USUAL**

At the end of last year, governments gathered for the 26th United Nations Framework Convention on Climate Change Conference of Parties (COP26) in Glasgow, Scotland. Throughout the two-week conference, governments and corporations continued to promote frameworks and ideas such as net-zero policies, carbon offset schemes, and so-called nature-based solutions.

However, multiple reports have shown how these are false solutions that do not effectively cut carbon emissions or protect biodiversity. What they do is allow countries to carry on with climate-destructive business as usual, while increasing land grabs in Indigenous territories.

We do not support further carbon-offset programmes; these are false solutions to the climate crisis. Instead we want to see pollution stopped at the source.

Governments, corporate actors – all of us – need to live within the Earth’s carrying capacity and to respect reciprocity with Mother Earth.

We cannot maintain our extractivist economies and keep taking and taking – or very simply, humans will not survive.

Instead, governments and corporations must take responsibility and launch serious, urgent action to align with the frameworks and proposals of Indigenous, grassroots, and local communities globally calling for just climate solutions that include the Rights of Nature.

We see some promising signals: signs that the Rights of Nature movement is building momentum, resolutions becoming laws and being put into practice.

In December, Ecuador’s highest court ruled that plans to mine for copper and gold in the Los Cedros, a protected cloud forest, are unconstitutional and violate the Rights of Nature protected in Ecuador’s Constitution.

In northwest Minnesota in the US, the White Earth Band of Ojibwe filed an action last year to enforce the rights of Manoomin, the sacred wild rice of the Ojibwe.

This action supports the Indigenous resistance to stop the Line 3 tar-sands pipeline in their territories, which is causing severe environmental damage to local waterways, rivers, and wild-rice beds.

We look forward to a ruling this year for the Manoomin, and more broadly, in many other cases, to see how Rights of Nature laws and statutes can help to protect the world’s biodiversity and support Indigenous and human rights.

Decades of environmental protection laws have achieved notable successes. Despite this, our modern legal systems have failed to prevent increasingly grave threats of global warming, degradation of Earth’s sacred systems of life, and the growing displacement and death of humans, plants and animals.

We need Rights of Nature to transform our legal and economic systems, protect biodiversity from harmful extraction and build tangible and justice-centred solutions to address multiple, interlocking crises.

Millions are rising internationally to reject business as usual, working to build the just world we know is possible for our collective survival.

I invite all to support Rights of Nature efforts globally, to call for systemic change and a new way of living that is based on the natural laws of Mother Earth, and to uplift the leadership and rights of Black, Brown, Indigenous, grassroots and local communities.

We can and must act now.

Osprey-Orielle Lake is founder and executive director of the Women’s Earth and Climate Action Network (WECAN) International and sits on the executive committee for the Global Alliance for the Rights of Nature (GARN)