



BRON - Boulder Rights Of Nature

*Establishing legal rights
for naturally functioning ecosystems and native species
in Boulder County and beyond*

Frequently Asked Questions

What do we mean when we say that nature should have rights?

Under the current system of law in almost every country, nature is considered to be property, a treatment which confers upon the property owner the right to destroy ecosystems and nature on that property. When we talk about the “rights of nature,” it means recognizing that ecosystems and natural communities are not merely property that can be owned, but are entities that have an independent *right to exist and flourish*. Laws recognizing the rights of nature thus change the status of natural communities and ecosystems to being recognized as *rights-bearing entities* with rights that can be enforced by people, governments, and communities.

Why do we need to adopt new legal structures recognizing rights for nature?

By most every measure, the environment today is in worse shape than when the major U.S. environmental laws were adopted over forty years ago. Since then, countries around the world have sought to replicate these laws. Yet, species continue to precipitously decline, global warming is far more accelerated than previously believed, deforestation continues unabated around the world, and overfishing in the world’s oceans has pushed many fisheries to collapse.

These laws – including the United States’ Clean Air Act, the Clean Water Act, and similar state laws – legalize environmental harms by regulating how much pollution or destruction of nature can occur under law. Rather than preventing pollution and environmental destruction, these laws, instead, allow and permit it. In addition, under commonly understood terms of preemption, once these activities are legalized by federal or state governments, local governments are prohibited from banning them.

Laws recognizing rights for nature begin with a different premise – that ecosystems and natural communities have the right to exist and flourish, and people, communities and governments have the authority to defend those rights on behalf of those ecosystems and communities.

Where have laws recognizing the rights of nature been adopted?

The first laws establishing legal structures which recognized the rights of nature were adopted by local municipalities in the United States beginning in 2006 with Tamaqua Borough, Schuylkill County, Pennsylvania. Since then, more than two dozen communities in the U.S. have adopted local laws that recognize the rights of nature. In November of 2010, the City of Pittsburgh in western Pennsylvania became the first major municipality in the United States to recognize rights for nature.

In September 2008, Ecuador became the first country in the world to recognize rights for nature in its constitution. Bolivia is in the process of implementing a set of laws that also recognize certain rights for nature.

What rights do those laws recognize?

The earliest “rights of nature” laws recognized the right for ecosystems to “exist and flourish.” Others, including the Ecuadorian constitutional provisions adopted in 2008, recognize the right for nature to exist, persist, evolve, and regenerate. Those laws also recognize the right of any person or organization to defend, protect, and enforce those rights; and for payment of recovered damages to government to provide for the restoration of those ecosystems.

The Endangered Species Act seems to be working very well for the plants and animals...lots of successes. Why do they need more protection from yet another group?

The Endangered Species Act generally only protects species that are on the brink of extinction, often after it's too late to preserve large enough tracks of habitat to sustain them. Many other species are locally threatened or in serious trouble. For example, here in Boulder County, northern harriers have nested successfully only three times during the last seven years and no white-tailed jackrabbits have been documented on the plains for at least five years. Legal rights may be the only hope for these and many other species, as well as for locally threatened ecosystems.

Doesn't Boulder County already have strong laws in place to protect the environment?

No, unfortunately. During the past 20 years, wintering Ferruginous Hawk populations declined 95% in Boulder County as cities and farmlands replaced grasslands and prairie dog colonies. Northern Harriers now nest in just one fragile site. Burrowing Owls and White-tailed Jackrabbits have nearly disappeared from our diminishing prairies.

Local management plans rarely even mention species that we've extirpated, such as Bison and Black-footed Ferret. These locally extirpated species have no legal standing and may never come back.

While the Boulder County Comprehensive Plan includes a goal of protecting native ecosystems and wildlife, the plan has no legal clout, and local officials often relent when faced by pressure from developers and recreationists. Without legal standing, many of our native species will disappear.

Although the Clean Water Act partially protects the water quality of our rivers and streams, none of our prairie waterways currently function as natural communities. Meanwhile, fracking and other industrial activities threaten local water supplies.

Doesn't recognizing rights for nature just add an additional layer of regulation?

No. Current environmental regulatory structures are mostly about "permitting" certain harms to occur – acting more to legalize the activities of corporations and other business entities than to protect our natural and human communities. Laws recognizing the rights of nature empower communities to reject governmental actions which permit unwanted and damaging development to occur – by enabling communities to assert the rights of those ecosystems that would otherwise be destroyed. Although people have been talking about "sustainable development" for decades now, very little has been done to change the structure of law to actually achieve that goal. Laws recognizing the rights of nature finally codify the concept of sustainable development – disallowing those activities that would interfere with the functioning of those natural systems that support human and natural life.

What happens when nature's rights and human rights conflict?

The same thing that happens when different human rights conflict – a court weighs the harms to the interests, and then decides how to balance them. Given that ecosystems and nature provide a life support system for humans, their interests must, at times, override other rights and interests. Otherwise, we wouldn't have a planet to inhabit that would support our continued existence. Of course, humans are an integral part of nature as well, which means that human needs must also be considered when the rights and interests of ecosystems come into conflict with those of humans.

Doesn't this mean that rocks must be given lawyers?

No, but what it does mean is that the rights of ecosystems and natural communities are enforceable independently of the rights of people who use them. That means that people within a community could step "into the shoes" of a mountain, stream,

or forest ecosystem, and advocate for the rights of those natural communities. It calls for a system of jurisprudence in which those ecosystems are actually “seen” in court, and that assesses damages according to the costs of restoring the ecosystem to its pre-damaged state.

What is the Universal Declaration on the Rights of Mother Earth?

In April 2010, Bolivia hosted the Peoples Conference on Climate Change and the Rights of Mother Earth. At the conference the **Universal Declaration of The Rights of Mother Earth** was drafted and approved by the conference. Modeled on the *Universal Declaration of Human Rights*, the Declaration is being taken forward to the United Nations for consideration by the UN General Assembly. On April 20, 2011, the General Assembly hosted an Interactive Dialogue entitled **Ways to promoting a holistic approach to sustainable development in harmony with nature**. The Universal Declaration of the Rights of Nature was presented during the session.

What can I do to support Rights of Nature?

1. **Become better informed.** A variety of books, articles, videos, podcasts, and other reference materials may be found on the Boulder Rights of Nature website (www.boulderrightsofnature.org).
2. **Talk with friends and spread the word about Rights of Nature.** Share this site with others and visit our Facebook group.
3. **Locally: Endorse and support our work to recognize legal rights for nature in Boulder County.**
4. **Globally: Join a global signature and letter writing campaign by signing our Value Rights of Nature petition <http://www.thepetitionsite.com/1/yes-to-rights-of-nature/> or writing a letter to your President or other head of state** requesting support for Rights of Nature. Gather friends for a letter huddle and write your letters together. For more information, visit www.RightsofMotherEarth.com.
5. If you are an Awakening the Dreamer Symposium facilitator, include Rights of Nature in your symposium discussions.

For more information, please go to: www.boulderrightsofnature.org

(Thanks to the Global Alliance for Rights of Nature for many of the above Questions and Answers.)