

Sustainable Rights of Nature Ordinance
[DRAFT: NOT FOR GENERAL CIRCULATION]
Ordinance No. _____ of 2013

AN ORDINANCE TO RECOGNIZE THE IMPORTANCE OF THE RIGHTS OF NATURE TO THIS
COMMUNITY'S SUSTAINABILITY, BY RECOGNIZING THE LEGAL RIGHTS OF NATURAL
BEINGS, NATURAL COMMUNITIES, AND ECOSYSTEMS, AND BY PROVIDING FOR
ENFORCEMENT OF THOSE RIGHTS

Section 1. Name. The name of this Ordinance shall be the “Sustainable Rights of Nature Ordinance.”

Section 2. Preamble and Purpose. We the People of this community hereby declare that all living beings are part of Nature and that living in balance and harmony with the natural environment is essential for life, liberty, and well being for all species, and the natural systems that support them. We recognize that humans have destroyed many of the Earth’s species and ecosystems, and that human activity is accelerating that destruction by damaging global climate systems. The following principles are a preamble to our new course of action, which is designed to address the unsustainable predicament we have helped to create:

In the last fifty years, national and state governments have attempted to address the environmental crisis by adopting specific environmental protection laws, such as the Clean Water Act, Clean Air Act, National Environmental Policy Act and Colorado environmental protection statutes, that attempt to limit pollution and resource consumption; but those laws also have proven inadequate to provide long-term protection of our rights to clean air, water, and soil, and sustainable food systems, and the rights of natural ecosystems; and

The inadequacy of these laws results, in part, from the underlying legal assumption that the natural world is “property”, which may be used by its owners — be they individuals, corporations, or other entities — for their own, private, short-term economic benefit, generally with minimal regard for the health of the environment; and

Numerous specific examples show that this underlying assumption has proven destructive to the environment upon which all living things ultimately depend; and

In response to the environmental and social destruction from treating the natural world as mere property, the world-wide, national and local environmental communities are urging governments to adopt a new paradigm based upon recognition that human beings, as well as all other natural beings, natural communities and ecosystems, have fundamental environmental rights which should be recognized by the law, that the health of the world’s populations and ecosystems depends on the full protection of these rights, and that asserted corporate rights can no longer be allowed to take precedence over these rights to human and environmental health and well-being. While not eliminating property ownership, these new laws seek to eliminate the authority of a property owner to destroy, or cause substantial harm to, natural communities and ecosystems that exist and depend upon that property.

THEREFORE, this Community enacts this Ordinance to establish and protect the legal rights of Nature, as defined herein.

Section 3. Authority. This Ordinance is enacted pursuant to the inherent, inalienable, and fundamental rights of Nature that emanate from the Earth’s own functioning; the rights of the people to self-government; and under authority retained by the people pursuant to all relevant state, federal, and international laws, treaties, and agreements including, but not limited to, the Declaration of Independence; the Fifth, Ninth, and Fourteenth Amendments to The United States Constitution, and Article II of the Constitution of the State of Colorado. This Ordinance is also adopted pursuant to the authority of Article I, Part 1 of the U.N. World Charter for Nature which states that Nature’s “processes shall not be impaired;” and Article III, Part 15 of the Charter which states that the principles set forth in the Charter “shall be reflected in the law of each State, as well as at the international level.”

We the People of this Community declare that recognizing the rights of Nature continues a long, enduring and necessary history securing rights for the “rightless” – including women, children, African-Americans and others – who were once considered “property” under the law. Due to the need for this transformation to be global, we call upon all other local, state, and national governments to adopt similar systems of law.

Section 4. Definitions; Statement of Law; Rights.

Section 4.1 Definitions. The term “Natural Beings” includes humans and all living species of plants, animals, and algae. The term "Natural Communities" shall include communities of Natural Beings. The term "Ecosystems" includes Natural Communities and their habitat, such as their natural food supply, forests, grasslands, shrub lands, wetlands, groundwater systems, surface water systems, rivers, streams, aquifers, mountains, the atmosphere and Earth’s climate. The term "Ecosystems" shall also include the interactive processes that exist among Natural Communities and their habitat.

Section 4.2. Statement of Law: Rights of Natural Beings, Natural Communities and Ecosystems

A. Rights of Natural Beings, Natural Communities, and Ecosystems. All Natural Beings, Natural Communities and Ecosystems possess the inalienable right to exist, flourish, regenerate, and evolve. The phrase “right to exist, flourish, regenerate, and evolve” shall include, but not be limited to, the right to a healthy habitat, and the right to be free from pollution, harmful contamination, or destructive manipulation of natural genetic systems.

(1) ***Rights of Human Beings.*** As an essential element of our right as Natural Beings to exist, the people of this Community possess the right to affordable and accessible water from sustainable water sources for human consumption, cooking, and sanitary purposes; the right to a sustainable energy future based on sustainable renewable energy sources; the right to a sustainable climate that supports thriving human life and flourishing biodiversity; the right to clean air, clean water and clean soil that pose a negligible health risk to the public; and the right to a sustainable food system that provides healthy, locally grown food to the community.

Corporations, and other business associations created by governments, are not considered "Natural Beings" and do not possess any of the rights of Natural Beings described herein.

(2) ***Rights of Natural Beings and Natural Communities.*** As an essential element of the rights secured by this section, Natural Beings have rights that are specific to their species or kind and appropriate for their role and function in the Natural Communities and Ecosystems within which they exist.

(3) ***Resolution of Conflicting Rights In Natural Communities.*** Only the rights of a Natural Being may properly limit the rights of another Natural Being, and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of the Ecosystem as a whole.

Section 4.3: The Ecosystem Is A Public Trust. This Community recognizes that the Ecosystem of air, water, land, and atmosphere are a Public Trust, is to be preserved and protected as habitat for all Natural Beings and Natural Communities.

Section 4.4: The Precautionary Principle Is Needed To Protect These Rights. These rights are not sufficiently safeguarded by the existing body of local, national and international environmental policies and laws, which are grossly inadequate to avert the mounting environmental crisis. Therefore, in order to protect and preserve the rights of Natural Beings, Natural Communities, and Ecosystems, it is necessary for this Community to apply precautionary principles and restrict activities that can lead to the extinction of species, the destruction of ecosystems, or the permanent alteration of natural cycles.

Section 5. Statement of Law. It shall be unlawful for any person, government entity, corporation, or other business entity, or its directors, officers, owners, or managers, to intentionally or recklessly violate the rights of Natural Beings, Natural Communities or Ecosystems as secured by this Ordinance. "Intentionally or recklessly violate" shall consist of actions that result in the substantial denial, whether temporary or permanent, of any of the rights secured by this Ordinance, and which substantially impair the integral functioning of an Ecosystem.

Section 6. Enforcement. The local government, along with any resident of this community, shall have standing to seek declaratory, injunctive, compensatory, and punitive relief for damages caused by the intentional, or reckless violation of the rights secured by this Ordinance. Such standing is based, in part, on recognition of the principles that "what happens to Nature happens to humans," that humans are trustees for Nature, and that Nature requires representational standing for its protection. Any action to secure or protect those rights shall be brought in the name of the Natural Community or Ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the Natural Community or Ecosystem to its state before the injury, and shall be paid to the local government or other applicable governmental entity, to be used exclusively for full and complete restoration.

Section 7. Severability. The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by

any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

Section 8. Effect. This Ordinance shall be effective immediately upon its enactment.