



RIGHTS OF NATURE

Who Holds Them?

A Plain Language Legal Guide for Earth Citizens



CENTRE FOR
LAW & THE
ENVIRONMENT



ALLARD
SCHOOL OF LAW
THE UNIVERSITY OF BRITISH COLUMBIA

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Rights of Nature: A Global Movement

Since the early twenty-first century, governments and courts around the world have adopted a rapidly growing number of laws declaring that nature has rights. These laws take many forms, from local government bylaws to court decisions to national constitutions. They vary greatly in form, content and legal effect.

The global **rights of nature** (or “**RON**”) movement emerged in reaction to the dominant approach to human-nature relations in most societies today. The dominant approach considers humans to be separate from and superior to nature, and nature to be a collection of objects to be exploited to satisfy human needs and desires.

In this dominant approach, only human beings and some of their artificial creations, including corporations, are legal “persons” with rights, while other organisms and nature are objects to be owned or consumed. In this approach, the basic function of environmental laws is not to prevent harm to the environment but to legalize it by regulating the conditions under which humans may transform nature, extract materials and energy from it, deposit waste into it and use the ecological services it provides.

According to its critics, this dominant approach to human-nature interaction and environmental law has allowed human activities to exceed planetary ecological boundaries and is behind the deepening environmental crises afflicting humanity and the planet.

By contrast, the RON movement considers all beings, organic and inorganic—including organisms, species, ecosystems, land, air, water, and Earth itself—to be members of a planetary community. These beings are in relationships of interdependence with one another. They all have agency, life force, rights and responsibilities, in their own ways.

They are interdependent, but their interdependence is asymmetrical. Humans are dependent on nature for survival, whereas nature can survive and thrive without humans. The human economy is contained

within, dependent upon and ultimately limited by planetary ecology. Humans thus have responsibilities to themselves and the planetary community to respect and protect non-human nature.

These ideas are not new. Kinship with and respect for nature are cornerstones of many Indigenous and ancient legal cultures. What is new is the widespread recognition and enforcement of nature’s legal rights in modern legal instruments like constitutions, statutes, ordinances and court decisions.

SMALL BEGINNINGS

The first explicit rights of nature law was adopted by the Borough of Tamaqua, a municipality in the state of Pennsylvania, USA, in 2006. The law was a reaction to proposals to dump sewage sludge in old coal mining pits. The Tamaqua Borough Sewage Sludge Ordinance prohibits the application of sewage sludge to land in the Borough. It recognizes natural communities and ecosystems in the Borough as “persons” with rights, and gives the Borough and all its residents the right to go to court to seek remedies for damage caused to those natural communities and ecosystems.

About This Guide

This guide is one in an evolving series of guides intended to provide a general introduction to RON laws in plain language. They are intended for anyone curious about the subject, from ordinary citizens to community organizers, business people, scientists, politicians, government officials and Indigenous leaders.

The guides survey common features of RON laws around the world. Each guide addresses a different question:

1. Who or what has rights? (This guide)
2. What are their rights? (Guide #2)
3. Are there corresponding duties, and if so, who owes them? (Guide #3)
4. Are the rights and duties enforceable, and if so, how and by whom? (Guide #4)
5. What are the connections between Rights of Nature and Indigenous peoples? (Guide #5)

The guides are available on the website of the Centre for Law & the Environment at the University of British Columbia, <https://allard.ubc.ca/cle>.

Please keep a few limitations in mind when using these guides.

First, the guides are restricted to laws that have actually taken effect. They do not include draft legislation, undecided lawsuits, or non-binding declarations issued by non-governmental bodies.

Second, the guides are limited to laws that explicitly recognize rights of nature. Some laws recognize natural systems as self-organizing, integrated, living entities without acknowledging that they have any rights. Examples include an Australian law that recognizes the Yarra River as “one living and integrated natural entity,” but does not grant it any rights. Furthermore, it is important to acknowledge that rights are a distinctively modern, Western idea. Other legal systems, including those of many Indigenous peoples, use different terms and concepts, rooted in different worldviews. These other approaches may have synergies and overlaps with rights of nature. But it is important to avoid casual comparisons that might distort or misuse them.

Third, the guides are general global surveys. They do not discuss the details of different jurisdictions and legal systems—subnational, national, international, or Indigenous. These vary substantially, with crucial implications for the implementation and enforcement of rights of nature. You will need to determine for yourself whether and how rights of nature are legally protected in your jurisdiction.

Fourth, these guides deal only with legal documents that are available in English or a handful of other European languages understood by the researchers. They overlook some laws that exist only in other languages.

Fifth, the guides give snapshots in time. They do not attempt to describe the historic development of RON laws or predict how they will evolve in the future.

Finally, the guides take no position on the desirability of RON laws. They merely describe common features and developments. You are welcome to make your own judgments about the pros and cons of RON laws.

A NOTE ON TRANSLATIONS

Many of the RON laws discussed in this guide exist in languages other than English. The translations in this guide come from a number of sources, including semi-official translations by courts or governments, unofficial translations by academics or non-governmental groups, translations generated by DeepL translator, <https://www.deepl.com/en/translator>, and our own translations.

Who or What Has Rights of Nature?

“Nature” is a huge category. It encompasses many things that could possess rights, individually or collectively, from microbes to the entire planet. A basic question for any RON law, therefore, is who or what has rights. Answers include Nature as a whole; ecosystems generally; specific ecosystems or natural features like rivers and mountains; animal or plant species; and individual organisms. Some laws extend rights to supernatural or ancestral beings, or at least acknowledge the spiritual or sacred character of the rights holder.

Nature generally

Some RON laws recognize nature as a whole, or Mother Earth, as the holder of rights. Ecuador’s groundbreaking constitution of 2008, for example, protects the rights of “Nature, or Pacha Mama, where life is reproduced and occurs.” Pacha Mama translates roughly as “Mother Earth.” Along the same lines, in 2022 a court in India declared “Mother Nature” to be “a ‘Living Being’ ... having the status of a legal person, with all corresponding rights, duties and liabilities of a living person.”

These laws also often recognize individual components of nature as holders of their own rights. Bolivia’s 2010 Law on the Rights of Mother Earth declares that “Mother Earth and all its components” are entitled to certain rights. The Ponca Nation of Oklahoma’s 2018 tribal law similarly declares that “Nature and all beings of which it is composed” have certain rights. It goes

on to say that “being” includes ecosystems, natural communities, species and all other natural entities that exist as part of Nature. It states that all beings are entitled to their rights without distinction of any kind, including between organic and inorganic beings, and that rights are specific to each type of being and its role in its natural community.

LAW ON THE RIGHTS OF MOTHER EARTH (BOLIVIA, 2010)

Article 3. Mother Earth is the dynamic living system formed by the indivisible community of all life systems and living beings, interrelated, interdependent and complementary, which share a common destiny. Mother Earth is considered sacred in the worldviews of Indigenous peasant nations and peoples.

Article 4. Life systems are complex and dynamic communities of plants, animals, microorganisms and other beings and their environment, where human communities and the rest of nature interact as a functional unit

Article 5. ... Mother Earth and all its components, including human communities, are entitled to all the inherent rights recognized in this Law.

Some RON laws define what they mean by nature; others do not. Some RON laws describe nature or Mother Earth as a living being, a complex dynamic system and a community of interconnected beings that sustains, contains and reproduces all beings. These characteristics of life force, complexity and interconnectedness contrast with the dominant legal approach, which fragments nature into individual living and non-living components, often to authorize their exploitation.

Additionally, some laws that recognize the rights of nature as a whole—including the Ponca Nation’s tribal law (see box)—are modelled on the 2010 Universal Declaration of the Rights of Mother Earth (UDRME) adopted by a People’s Conference in Cochabamba, Bolivia. Although the Declaration was not adopted by governments and is not legally binding, it is a leading global expression of the rights of nature and will be referred to frequently in this guide as a model or template for RON laws.

CUSTOMARY RON LAW (PONCA NATION, OKLAHOMA, USA, 2018)

Article 1. Nature

(1) Nature is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all other beings. The term “being” includes ecosystems, natural communities, species and all other natural entities which exist as part of Nature.

(2) Each being is an integral part of Nature.

(3) The inherent rights of Nature are inalienable in that they arise from the same source as existence.

(4) All beings are entitled to all the inherent rights recognized in this law without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status.

(5) All beings have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist.

Most RON laws in the USA take a slightly different approach, recognizing the rights of “**natural communities and ecosystems**” generally. These laws often go on to indicate that this includes a range of aquatic ecosystems (see box). This approach reflects a decision to emphasize water while extending protection to all ecosystems and natural communities within the jurisdiction. A few of these laws define “natural communities and ecosystems” more selectively. The City of Santa Monica, California, for example, defines this term restrictively as “groundwater aquifers, atmospheric systems, marine waters, and native species within the boundaries of the City.”

RIGHTS OF NATURE ORDINANCE (CITY OF PITTSBURGH, PENNSYLVANIA, USA, 2010)

Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the City of Pittsburgh.

Specific Biophysical Systems: Land, Air and Water

Some RON laws recognize only certain natural systems or areas, rather than nature or ecosystems generally, as holders of rights. Many focus on **water**, reflecting its fundamental importance to life and the fact that the most pressing environmental threats experienced by many communities involve water. Others focus on **terrestrial systems** and areas, while very few identify air as a rights holder.



Many of these laws extend rights to all living and natural things that inhabit the area or system covered by the law. A 2021 municipal resolution regarding the Uncompahgre River in Colorado, USA, is an example (see box).

RIGHTS OF THE UNCOMPAHGRE RIVER RESOLUTION (TOWN OF RIDGWAY, COLORADO, USA, 2021)

The Uncompahgre River, its tributaries, and the Uncompahgre River Watershed, along with the living and other things existing naturally within them, exist and function as an integrated and interdependent system of natural communities and are therefore understood, respected, and recognized in this Resolution as a living entity, possessing fundamental and inalienable rights.

Water

RON laws have recognized rivers, streams, lakes, aquifers, wetlands, lagoons, glaciers, and waters (or water systems) generally as holders of legal rights. In addition, some of these laws recognize not just water bodies themselves but also (or instead) their surrounding basins, catchments or watersheds as rights holders.

Water or Water Systems Generally

Some laws, like the USA local ordinances mentioned in the previous section, recognize the rights of **all waters or water systems** in a jurisdiction. Very few of these say what they mean by “waters” or “water systems” beyond listing examples such as rivers, streams, wetlands and aquifers. One that gives a more detailed definition is the Charter of Orange County, Florida. It states that “waters” has the same meaning as in a section of the Florida Administrative Code and includes “rivers, lakes, streams, springs, impoundments, and all

RIGHTS OF WATER ORDINANCE (MUNICIPALITY OF ORURILLO, PERU, 2019)

Whereas:

Yakumama [“Mother of water,” a giant serpent believed to live in the Peruvian Amazon and to be the mother of all aquatic creatures], puquios [ancient subterranean aqueduct systems created by Indigenous peoples], mayus [rivers], mama Qochas [deities of the sea and lakes], have their own life, the water, springs, puquios, rivers, lagoons, lakes have life. ...

Mother Water – Yaku-Unu Mama is a sensitive being, it feels, hence the importance of recognizing that water is a living being and it manifests itself according to the behavior of human beings, that is, we receive responses in coexistence according to our living and relationship with it, therefore, when there is a dispute over water or about water, it brings consequences. ...

In our country, our region of Puno, Mother Water – Yaku-Unu Mama, in the cosmovision of our Indigenous peoples, is characterized by a strong spirit in favor of environmental sustainability, its relationship with nature is sacred, especially with the earth, water, sun and wind. ...

The Quechua expression Yaku-Unu Mama ... reveals to us the deep conception of water that in our communities is understood as a living being, another “person” that shares life in this world helping humans to live. On the other hand, it also tells us that this person is a woman and that she is capable of listening to us, of being happy, of being sad, of being angry, of blessing and even of punishing us. ...

The Municipal Council ... approves the following:

Article 1. To recognize Mother Water – Yaku-Unu Mama as a living being, a subject of rights in all its forms: puquios, springs, rivers, lagoons, lakes.

other waters or bodies of water within the boundaries of Orange County, including fresh, brackish, saline, tidal, surface or underground waters.”

Farther south, the municipality of Orurillo in Peru enacted an ordinance in 2019 that recognizes **Mother Water** as a living being with rights. This ordinance draws heavily on the local Indigenous peoples’ cosmology.

Some laws also, or instead, identify one or more specific aquatic ecosystems that have rights. These are described in the following sections.

Rivers and Streams

Rivers and streams in Aotearoa New Zealand, Bangladesh, Canada, Colombia, Ecuador, India, Peru and the USA have been recognized as holders of rights. Some laws recognize the rights of individual named rivers—often along with their tributaries—while

others recognize rights of all rivers in a jurisdiction. An example of the latter is a 2016 court decision in Bangladesh declaring all rivers flowing in or through the country to be legal persons and living entities. Some laws extend rights beyond rivers to their entire watersheds.

Some rivers, especially those in Indigenous territories, are recognized not just as biophysical systems but as living beings with metaphysical or spiritual dimensions. The law establishing the legal personhood of the Whanganui River in Aotearoa New Zealand is an example of this. So is the 2021 resolution of the Innu Council of Ekuanitshit declaring Canada’s Magpie River or Mutehekau Shipu to be a legal person and living entity with nine enumerated rights. The resolution acknowledges the Innu people’s ancient and continuing occupation of the river and surrounding territory, their stewardship responsibility for it, and its centrality to their culture and spirituality.

Some rights-holding rivers are identified in legislation, others by courts. Courts in Colombia and India have been at the forefront of declaring rivers' rights, based on innovative readings of those countries' constitutions.

ATRATO RIVER COURT DECISION (COLOMBIA, 2016)

... [A]t the international level ... a new legal approach ... is being developed, whose central premise is the relationship of profound unity and interdependence between nature and human species, and that has as a consequence a new socio-legal understanding in which nature should be taken seriously and with full rights. That is, as a subject of rights.

In other words, justice for nature must be applied beyond the human scenario and must allow nature to be subject to rights. Under this understanding, the Chamber considers it necessary to take a step forward in the jurisprudence towards the constitutional protection of one of our most important sources of biodiversity: the Atrato River.

... [T]he Court will declare that the Atrato River is subject to rights that imply its protection, conservation, maintenance and, in the specific case, restoration.

GANGA AND YAMUNA RIVERS COURT DECISION (INDIA, 2017)

Rivers Ganges and Yamuna are worshipped by Hindus. These rivers are very sacred and revered. The Hindus have a deep spiritual connection with Rivers Ganges & Yamuna. ...

... [T]he Rivers, Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna.

As for legislation, local and tribal governments in the USA and the national parliament in Aotearoa New Zealand have led the way in enacting legislation recognizing rivers' rights. RON laws in Aotearoa New Zealand are unique in at least two ways. First, they develop a distinctive model of legal personhood for nature. Second, they give effect to settlements of longstanding disputes over the government's systematic violations of the 1840 Treaty of Waitangi between the British Crown and Māori leaders.

TE AWA TUPUA (WHANGANUI RIVER CLAIMS SETTLEMENT) ACT (AOTEAROA NEW ZEALAND, 2017)

13. ...

(a) ... Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi [roughly, "tribe"], hapū [roughly, "subtribe"], and other communities of the River.

(b) ... Te Awa Tupua is an indivisible and living whole from the mountains to the sea, incorporating the Whanganui River and all of its physical and metaphysical elements.

(c) ... The iwi and hapū of the Whanganui River have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being.

(d) ... Te Awa Tupua is a singular entity comprised of many elements and communities, working collaboratively for the common purpose of the health and well-being of Te Awa Tupua.

14. (1) Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person.

RIGHTS OF THE KLAMATH RIVER RESOLUTION (YUOK TRIBAL COUNCIL, CALIFORNIA, USA, 2019)

WHEREAS: The Yurok Tribe and its members have had a strong relationship with 'We-roy, also known as the Klamath River, since time immemorial and Yurok culture, ceremonies, religion, fisheries, subsistence, economics, residence, and all other lifeways are intertwined with the health of the River, its ecosystem, and the multiple species reliant on a thriving Klamath River ecosystem; ...

WHEREAS: At the core of the Tribe's sacred responsibilities to the Yurok people and essential to their survival is protecting the Klamath River, its ecosystem, and the species within its ecosystem from the many current threats ...; and

WHEREAS: The Yurok Tribal Council recognize that to protect the Klamath River, its ecosystem, species, and our people, the Yurok Tribe must secure the highest protection of the Klamath River through the recognition of legal rights.

NOW THEREFORE BE IT RESOLVED THAT the Yurok Tribal Council now establishes the Rights of the Klamath River

Lakes and Lagoons

In addition to numerous RON laws that include lakes or lagoons in general lists of water bodies that enjoy rights, a few RON laws recognize specific lakes or lagoons as rights holders. In 2019 the City of Toledo, Ohio, enacted the Lake Erie Bill of Rights, which established legal rights for Lake Erie and its ecosystem. This law, which was later nullified by the state legislature, proclaimed that Lake Erie and the Lake Erie watershed possess the right to exist, flourish and naturally evolve. The lake and its watershed together comprised the Lake Erie Ecosystem, which the law defined as including "all natural water features, communities of organisms, soil as well as terrestrial and aquatic sub ecosystems that are part of Lake Erie and its watershed."

In 2020, a court in India declared Sukhna Lake to be a legal person with the "corresponding rights, duties, and liabilities of a living person" to guarantee its survival, preservation and conservation. In 2022, Spain became the first European Union country to enact a RON law when it passed legislation recognizing the Mar Menor, Europe's largest saltwater lagoon, as a legal subject with enumerated rights. These rights are enjoyed not just by the lagoon but also by its catchment basin.

Glaciers

In 2017, a court in Uttarakhand, India declared the Gangotri and Yamunotri glaciers, from which the Ganges and Yamuna rivers originate, to be legal persons with rights. This decision is remarkable not just for being the first legal proclamation of the rights of glaciers, but also for the variety of other entities it includes as rights holders. The court extended rights not just to glaciers but to numerous elements of the land, air, water and biota of the Himalayas.

GANGOTRI & YAMUNOTRI GLACIERS COURT DECISION (INDIA, 2017)

The Himalayan Mountain Ranges, Glaciers, rivers, streams, rivulets, lakes, jungles, air, forests, meadows, dales, wetlands, grasslands and springs are required to be declared as the legal entity/ legal person/ juristic person/ juridical person/ moral person/ artificial person for their survival, safety, sustenance and resurgence. ...

We ... declare the Glaciers including Gangotri & Yamunotri, rivers, streams, rivulets, lakes, air, meadows, dales, jungles, forests, wetlands, grasslands, springs and waterfalls, legal entity/ legal person/ juristic person/ juridical person/ moral person/ artificial person having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve them. They are also accorded the rights akin to fundamental rights/ legal rights.

Aquifers and Wetlands

Many RON laws, including most US local government RON ordinances, recognize aquifers, wetlands or both as being among the entities that have legal rights. The Constitutional Court of Ecuador has recognized mangrove forests, a type of wetland, as subjects of rights under the constitution's pathbreaking RON provision. Apart from this, few RON laws are aimed primarily at recognizing the rights of specific wetlands or aquifers.

Oceans

Oceans have generally escaped the attention of RON laws. A few river rights laws include marine waters beyond the river mouth. An example is the Yurok Tribe's resolution on the rights of the Klamath River in the USA, which recognizes the rights of the river ecosystem "through and past the estuary into the Pacific Ocean." Santa Monica's RON ordinance declares that marine waters within the boundaries of this coastal city in the USA possess rights. Furthermore, there is a global campaign for a Universal Declaration of Ocean Rights, but it has not secured any legally binding outcomes yet.

Watersheds

As noted earlier, some RON laws recognize watersheds (also referred to as catchments or basins) as holders of rights. A 2019 law of the municipality of Melgar, Peru names the Llallimayo river basin, rather than the river itself, as the subject of rights. This is unlike most laws recognizing rights for rivers or lakes, which tend to make rivers or lakes the main subject of rights and its basin or watershed an additional rights holder. Examples of the latter approach include the Lake Erie Bill of Rights (USA), the Uncompahgre River resolution (USA), the Magpie River resolutions (Canada), the Mar Menor law (Spain) and at least one other local government law in the USA, in the Town of Nederland, Colorado. Similarly, Colombian courts have declared multiple rivers, along with their basins and tributaries, to be subjects of rights to protection, conservation, maintenance and restoration.

Recognizing the rights of an entire watershed or basin, rather than a water body, vastly enlarges the size of the rights holding entity and encompasses not just

water but land—in fact, usually much more land than water, by surface area. This makes it similar to the land-based entities discussed in the next section.

RIGHTS OF BOULDER CREEK RESOLUTION (TOWN OF NEDERLAND, COLORADO, USA, 2021)

Section 3. The Watershed and its living and non-living natural components and communities—including forests and wildlife—possess, at minimum, fundamental and inalienable rights to exist, maintain integral health, regenerate, evolve, and be restored.

Land

Numerous RON laws recognize terrestrial ecosystems or areas as subjects of rights. These include mountains, forests, alpine tundra, parks and protected areas, and Indigenous territories.

Mountains

TARANAKI MAUNGA TE RURUKU PŪTAKERONGO COLLECTIVE REDRESS DEED (AOTEAROA NEW ZEALAND, 2023)

5.1. Te Kāhui Tupua is a living and indivisible whole comprising Taranaki and the other Tūpuna Maunga [roughly, ancestor mountains], including Pouākai and Kaitake [two nearby mountains], from their peaks down to and including all of the surrounding lands, and incorporating all of their physical and metaphysical elements.

5.2. Te Kāhui Tupua is a legal person.

5.3. Te Kāhui Tupua has all of the rights, powers, duties and responsibilities of a legal person.

Mountains and mountain ranges are amongst the most iconic and revered landscapes on Earth. A few RON laws single them out as holders of rights. In Aotearoa New Zealand, the government and affected Māori iwi

(roughly, “tribes”) reached a framework agreement in 2017 and a final agreement in 2023 to recognize Mount Taranaki and two neighbouring mountains as a legal person with rights. Like the Whanganui River mentioned above, this legal person is recognized as an embodied ancestor of the local iwi, a living being with physical and spiritual aspects. The national government will enact legislation to implement the agreement.

In another prominent example, a court in India declared the Himalayan Mountain Ranges to be a legal person along with their glaciers and many other ecosystem elements (see the Gangotri & Yamunotri Glaciers court decision box on page 9).

Forests

TE UREWERA ACT (AOTEAROA NEW ZEALAND, 2014)

3. (1) Te Urewera is ancient and enduring, a fortress of nature, alive with history; its scenery is abundant with mystery, adventure, and remote beauty.

(2) Te Urewera is a place of spiritual value, with its own mana [roughly, authority, spiritual power] and mauri [roughly, life force].

(3) Te Urewera has an identity in and of itself, inspiring people to commit to its care.

(4) For Tūhoe, Te Urewera is Te Manawa o te Ika a Māui; it is the heart of the great fish of Maui [an ancestral deity], its name being derived from Murakareke, the son of the ancestor Tūhoe.

(5) For Tūhoe, Te Urewera is their ewe whenua [literally, the place where their placenta is buried], their place of origin and return, their homeland.

(6) Te Urewera expresses and gives meaning to Tūhoe culture, language, customs, and identity. There Tūhoe hold mana by ahikāroa [roughly, long occupation]; they are tangata whenua [roughly, the Indigenous people] and kaitiaki [roughly, guardians] of Te Urewera.

11. (1) Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person.

Numerous RON laws list forests or jungles among several natural features that have rights. Only a few single out forests as primary rights holders. A Colombian court ruled in 2018 that the entire Colombian Amazon, which is part one of the planet’s most important forest ecosystems, is a subject of rights. A 2014 law in Aotearoa New Zealand recognized Te Urewera, a forest ecosystem sacred to the Tūhoe people, as a legal person. Like the other RON laws in that country, the law recognizes the spiritual character of this person.

COLOMBIAN AMAZON COURT DECISION (COLOMBIA, 2018)

14. Therefore, in order to protect this vital ecosystem for the global future, ... the Colombian Amazon is recognized as an entity, “subject of rights,” entitled to protection, conservation, maintenance and restoration ...

Alpine Tundra

Another type of ecosystem to be singled out for recognition is the páramo or humid alpine tundra ecosystem of the Andes. In 2019 a Colombian court ruled that the Páramo de Pisba is a subject of rights.

Parks and Protected Areas

A few RON laws recognize parks and protected areas as subjects of rights. Te Urewera in Aotearoa New Zealand is not just a forest; it was a national park until it was recognized as a legal person that owns itself. Mount Taranaki, for its part, will continue to be a national park after it becomes a legal person.

In countries with general RON laws, an issue can arise whether rights of nature apply only to parks and protected areas or everywhere. In Ecuador, courts have ruled that they apply everywhere. Uganda’s Environment Act, by contrast, provides that rights of nature apply only in conservation areas designated by the government via regulations.

Indigenous Homelands

There is often a substantial overlap between places recognized as holding rights of nature and Indigenous peoples' territories. Their boundaries often overlap. There is at least one example of an Indigenous territory itself being recognized as a subject of rights. In 2019, a special tribunal devoted to post-conflict truth and reconciliation in Colombia recognized Katsa Su, the homeland of the Awá people, along with their representative organizations, as a collective subject of rights.

When Indigenous governments themselves enact RON laws, an issue can arise whether they apply only within limited borders recognized by the state—for example reservations imposed by settler-colonial authorities—or throughout the entire Indigenous territory. Indigenous governments often insist on the latter. For example, the Yurok Tribe's resolution on the rights of the Klamath River purports to apply to the entire river ecosystem from its headwaters in Oregon to the ocean in California, even though the Yurok reservation encompasses only its lowermost stretches.

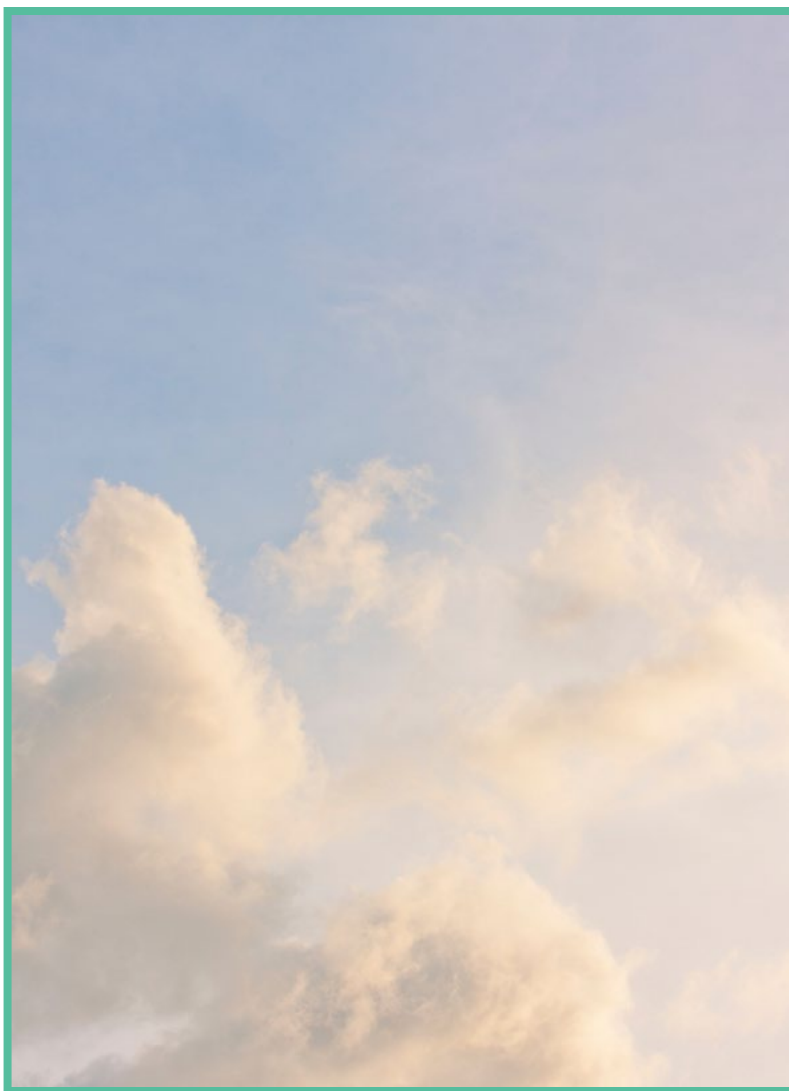
The Magpie River in Canada lies entirely outside the colonially-created reserve of the Innu of Ekuanitshit. The same is true of the Menominee Tribe's Menominee River resolution and the Nez Perce Tribe's Snake River resolution in the USA. State organs may claim that Indigenous RON laws apply only on the reservation or to members of the Indigenous nation. Incidentally, an analogous issue can arise regarding whether local government RON laws apply outside the municipality's borders. To resolve these issues, you would need to consult the Indigenous and non-Indigenous legal systems in effect in these places.

Other Terrestrial (and Extraterrestrial) Candidates

Before leaving this topic it is worth noting a couple of other candidates for rights of nature. In addition to the campaign for a Universal Declaration on Ocean Rights noted earlier, there are active global campaigns to have the continent of Antarctica and even the Moon recognized as legal entities that have rights of their own. These campaigns have yet to achieve legally binding outcomes.

Air and Atmosphere

It is rare for RON laws to recognize air or the atmosphere as having rights. This seems an odd omission, given the urgency and severity of climate change and air pollution for the entire planet. One example of such rights is the City of Santa Monica's RON ordinance in the USA, which grants rights to "atmospheric systems" and mentions climate change as one of the challenges facing the city. Elsewhere, the Gangotri and Yamunotri glaciers decision in India noted that the very existence of glaciers, air, rivers and other natural features is endangered by global warming, and that some cities are not liveable due to atmospheric pollution. It went on to recognize air as a component of the legal person that enjoys rights.



Animals, Plants and Other Life

Many RON laws recognize that living organisms have rights. The bearers of rights under these laws range from all life, to species or populations, to individual organisms. Some laws recognize these rights holders as incidental to, or encompassed within, a biophysical system that is the main rights holder. Others treat them as the primary or sole rights holders. Some laws extend rights to all life or species, while others extend rights only to native or naturally occurring organisms or species. Some limit rights to sentient beings.



Examples of laws recognizing the rights of all life or species include numerous local and tribal RON laws in the USA. As noted earlier, the Uncompahgre River resolution declares that the river, its tributaries, watershed and “the living and other things existing naturally within them” are an integrated system that possesses fundamental and inalienable rights. Similarly, the Nez Perce Tribe’s 2020 Snake River resolution declares the river “and all the life it supports” to possess fundamental rights.

RIGHTS OF NATURE RESOLUTION (TOWN OF CRESTONE, COLORADO, USA, 2018)

... the Town of Crestone does officially recognize that nature, natural ecosystems, communities, and all species possess intrinsic and inalienable rights which must be effectuated to protect life on Earth.

Beyond rivers, the Ho-Chunk Nation’s 2015 constitutional amendment recognizes the rights of all living plants and animals, while Santa Monica’s 2019 RON ordinance recognizes “native species within the boundaries of the City” as a subject of rights. Toledo, Ohio’s short-lived Lake Erie Bill of Rights granted rights to all natural “communities of organisms” that are part of the lake and its watershed.

Animals

The animal rights movement predates the RON movement by decades. In many respects it is a springboard and inspiration for RON laws. This guide can only sketch the broad contours of animal rights laws. Legislation and court decisions recognizing animals as legal persons and/or holders of legal rights reflect a growing societal acceptance that animals are not merely objects to be owned but sentient beings that experience pain and emotion, and often have sophisticated social systems.

The rights holders recognized by such laws range from individual animals to the entire animal kingdom. Non-human primates and large, iconic animals such as elephants, whales and dolphins top the list of rights-holding animals.

Courts in two states in India have declared the entire “animal kingdom” to be a legal entity with the corresponding rights of a living person (see box). The Indian Supreme Court undermined the force of these rulings in 2023, however, when it ruled that sentient animals—including bulls used for sport—have some legal rights but do not enjoy legal personhood or fundamental constitutional rights. An Ecuadorean court decided in 2022 that wild animals, individually and collectively, are subjects of rights. In Pakistan, a court declared in 2020 that wild animals living in captivity in a zoo have rights (see box).

UTTARAKHAND ANIMAL KINGDOM COURT DECISION (INDIA, 2018)

The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person.

KAAVAN THE ELEPHANT COURT DECISION (PAKISTAN, 2020)

Do the animals [living in captivity in a zoo] have legal rights? The answer to this question, without any hesitation, is in the affirmative. ... Like humans, animals also have natural rights which ought to be recognized.

Non-human primates - especially those living in captivity in deplorable conditions - were among the first non-human species to be recognized as rights-bearing subjects. In 2015, a court in Argentina deemed an orangutan named Sandra a “non-human person” with legal rights. The next year, an Argentine court held that a chimpanzee named Cecilia was a living

sentient being with legal personhood and fundamental rights including the rights to be born, live, grow and die in a proper environment for her species (see box). Ecuador’s Constitutional Court later held that a wild choro monkey named Estrellita, held in captivity as a pet for most of its life, was a subject of rights.

CECILIA THE CHIMPANZEE COURT DECISION (ARGENTINA, 2016)

Animals must have fundamental rights and legislation in accordance with these fundamental rights that protects the particular situation in which they find themselves, according to the degree of evolution that science has determined that they can reach. It is not a question here of granting them the rights that human beings have, but of accepting and understanding once and for all that these entities are living sentient beings, that they are subjects of rights and that they have, among others, the fundamental right to be born, to live, to grow and to die in the environment that is proper to them according to their species. Animals and great apes are not objects of exhibition as works of art created by man.

Legislatures and courts have extended legal rights to a growing number of other animals and animal species including elephants, Asiatic lions, Asiatic wild buffaloes, cetaceans, sharks and some birds. Some US local governments have adopted legal measures declaring that wild and/or captive cetaceans such as whales, dolphins and orcas have certain rights. Some courts in the US have allowed endangered species or individual animals to be named as parties to lawsuits, but US courts have resisted explicitly acknowledging that animals or species have legal rights or personhood.

Plants

Few RON laws are aimed explicitly at plants. In the US, the tribal law of the White Earth Band of Ojibwe recognizes manoomin, or wild rice, as a legal subject with rights (see box).

RIGHTS OF MANOOMIN LAW (WHITE EARTH BAND OF OJIBWE, MINNESOTA, USA, 2018)

WHEREAS, manoomin, or wild rice, is considered by the Anishinaabe people to be a gift from the Creator or Great Spirit and continues to be an important staple in the diets of native peoples for generations, is a central element of the culture, heritage, and history of the Anishinaabe people, and is an integral part of the wetland ecosystems and natural communities of our traditional lands; ...

1. (a) Rights of Manoomin. Manoomin, or wild rice, within all the Chippewa ceded territories possesses the inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation.

Metaphysical Entities

In some RON laws, especially those adopted or inspired by Indigenous peoples, the holder of rights is defined not in purely biophysical terms but as a metaphysical being. Pachamama, for example, is a deity in Indigenous Andean cosmology. As mentioned earlier, laws in Aotearoa New Zealand that recognize legal personhood of rivers, mountains or former national parks define these legal persons as combining physical and metaphysical elements. They are understood as physical embodiments of more-than-human ancestors and supernatural beings. In a similar vein, at least one local government law in the US recognizes the sacred relationship between the people and the land as a holder of rights (see box).

COMMUNITY WATER RIGHTS AND LOCAL SELF-GOVERNMENT ORDINANCE (MORA COUNTY, NEW MEXICO, USA, 2013)

3.6 “La Querencia de la Tierra” shall mean the loving respect which Mora County residents have towards the land and Earth, which is rooted in our indigenous worldview-the Earth is living and holy, is the habitat that sustains us, and is composed of all natural & living systems, flora and fauna - interrelated, interdependent and complementary - which share our common destiny: The right to live free from contamination. ...

4.7. *Rights of La Querencia de la Tierra*: The farm-based indigenous/mestizo (mixed blood) people who created the original Mora County culture considered the Earth to be living and holy; thus they referred to their homeland as “La Querencia de la Tierra,” Love of the Land. This sacredness connotes an intrinsic right of the land to exist without defilement.

RIGHTS OR PERSONHOOD?

Within the variety of RON laws, we can identify two basic models: a legal personhood model and a rights holder model. The personhood model recognizes nature as a legal “person,” a bit like a corporation, usually with an undefined range of rights and liabilities. Some RON laws—mainly in Aotearoa New Zealand and India—adopt this model, explicitly recognizing natural entities as legal “persons.”

By contrast, many RON laws adopt a rights holder model, which makes no mention of “persons” but recognizes nature as a holder or “subject” of particular rights that are usually specified in the law itself.

These two models have some commonalities. In many legal systems, only “persons” can have rights, and the fact of having rights implies that one is a person, at least for the purpose of exercising those rights. It is important to emphasize, however, that the legal and practical implications of rights, personhood or “subject” status for nature vary depending on the particularities of each legal system. To understand these implications, you would need to consult an expert in your local legal system.

Check Out Our Other Guides

If you found this guide useful, please consult the other guides in this series of Plain Language Legal Guides for Earth Citizens:

2. Rights of Nature: What Are They? (September 2023)
3. Rights of Nature: Are There Corresponding Duties? (coming soon)
4. Rights of Nature: Are They Enforceable? (coming soon)
5. Rights of Nature and Indigenous Peoples: What are the Connections? (coming soon)

Where to Learn More

These guides are just a starting point. Good sources for further information include:

- United Nations Harmony with Nature Program, RON law and Policy, <http://www.harmonywithnatureun.org/rightsOfNature/> (a compendium of RON laws and policies, including many discussed here)

- David R. Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World* (Toronto: ECW Press, 2017) (an accessible introduction to the subject)
- Craig M. Kauffman and Pamela L. Martin, *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future* (Cambridge, MA: MIT Press, 2021) (a more academic exploration of the subject)
- Global Alliance for the Rights of Nature, <https://www.garn.org/> (a worldwide education and advocacy network).

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