Should nature have rights?

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After decades in the legal wilderness, the concept of rights for nature has re-emerged stronger than ever. Is it finally time to give Mother Earth her day in court?

It's funny how our views on rights often turn out wrong. In the late 1850s, a US court decreed that "the slave is not a person, but a thing". Meanwhile, Australian women weren't allowed to vote and Aborigines were still nearly a century away from citizenship. The suggestion that these people deserved full rights would have seemed preposterous at the time.

Fast forward to the 21st century, and the idea of equal rights for human beings is accepted almost without question. We've also granted limited rights to infants and animals. Yet when someone suggests rights for nature, the idea is immediately dismissed as radical and ridiculous.

But as it turns out, the broad premise of giving the environment a voice in court is neither new nor silly. It's been under consideration for decades and is even enshrined in at least one country's constitution. Our legal system can easily accommodate the concept – the question is, are we ready for it?

History of the "unthinkable"

The idea of legal rights for nature can be traced to Christopher Stone's 1972 essay 'Should Trees Have Standing?' In very simple terms, 'standing' means the right to sue. Under US law at the time it was not enough to be interested in a matter – if you wanted to go to court you had to prove you had something at stake. In practice, this meant that unpopulated wilderness had limited legal representation. Stone's idea was to give forests, mountains, streams and even trees the right to sue, with a guardian appointed to speak on their behalf.

As the essay acknowledged, the concept seemed "unthinkable". But then again, so did rights for women,

prisoners and animals just a few hundred years ago. In fact, the history of law shows a steady expansion of rights, so perhaps rights for nature could be the next logical step. Nor is it a stretch to see the environment as a legal ‘person’. As Stone pointed out, the law sometimes treats corporations as people, even though they can’t act or speak without a human representative. If a company – or an animal – can express its views in court, why not a tree?

In the past 10 years, the idea of rights for nature has evolved into a global movement, underpinned by a new legal philosophy called ‘Earth Jurisprudence’. Coined by the cultural historian Thomas Berry, the term describes a system of laws that govern the whole community of life, not just human beings. Within this overarching framework there are human laws that help achieve environmental goals. South African author Cormac Cullinan has named this type of legislation ‘wild law’.

It all sounds a bit theoretical, but there are now examples of how it works in practice. At the local level, around 25 communities in the US have passed ordinances to safeguard their environment from industries such as coal mining and gas drilling. The township of Blaine in Washington County, Pennsylvania, has legislated that local wetlands, rivers and streams “possess inalienable and fundamental rights to exist and flourish”. This allows members of the community, NGOs and Aboriginal people to sue on behalf of the ecosystem being damaged, explains Peter Burdon, a lecturer at the University of Adelaide School of Law. “This approach builds on the existing concept of ‘guardianship’ which functions when, for example, directors speak on behalf of a corporation or parents speak on behalf of children.”

At the national level, Ecuador enshrined rights for nature in its constitution in 2008. In March this year Mother Earth won her first case, gaining an injunction to stop the widening of a road along a river. Bolivia has also passed legislation that gives nature equal rights to humans and is now pushing for the UN to adopt a Universal Declaration of the Rights of Mother Earth, which, among other things, includes the right for nature to “regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions”.

These laws are significant because they empower communities to reject government actions that threaten the environment. According to the Global Alliance for the Rights of Nature, people can step “into the shoes” of a mountain, stream or forest ecosystem and give the natural world a showing in court.

Nature rights down under

In some ways, the history of rights for nature goes back even further than Stone’s seminal essay. “These principles have been adopted and used by indigenous people all over the planet for millennia, and Australia is a very good example of that,” says Alessandro Pelizzon, associate lecturer in the School of Law and Justice at Southern Cross University.

Indigenous Australians have personal dreamings, or ‘totems’, explains Pelizzon. A person with a black cockatoo dreaming, for example, has a special relationship with that animal and is not allowed to kill or eat it. If a cousin slaughters too many black cockatoos, the person might intervene and argue on the animal’s behalf. “It ties in this environmental and ecological awareness with a very complex political and regulatory regime.”

Pelizzon has been involved in the Australian ‘Wild Law’ conferences, the first of which was held in October 2009. The third conference in Brisbane this September featured Chief Justice Preston from the NSW Land and Environment Court as a guest speaker, signalling that the topic is not just a fringe theory for radical conservationists.

One novel approach comes from Dr John Hadley at the University of Western Sydney. He argues that the existing conservation system isn’t protecting biodiversity because habitat is viewed as vacant land. “To use an evocative expression we might say it’s terra nullius in the sense that there is no direct representation for the animals that reside in the vegetation.”

Dr Hadley’s solution is to give animals property rights over their habitats, administered by a guardian. And no, this doesn’t mean the cockroaches in your kitchen cupboard could serve you an eviction notice: the property rights would extend to endangered species, not common creepy crawlies. The theory is being tested in a pilot study on a dingo population near Sydney.

Putting it into practice

Believe it or not, Australia has already made practical progress in rights for nature. In NSW for example, most environmental legislation allows ‘open-standing’, meaning anyone can challenge a decision or seek to enforce the breach of a law. “In that respect we’re not all that far away from Christopher Stone’s formulation,” says Jeff Smith, director of Environmental Defender’s Office NSW.

Conservation organisations are, however, sometimes confronted with a High Court argument that ‘intellectual’ or ‘emotional’ interest isn’t a good enough reason to bring the matter before the courts, explains Brendan Sydes, CEO of the Environment Defenders Office in Victoria. This has stopped some green groups from enforcing environmental legislation.

At a local level, councils have laws to prevent trees being cut down without a permit, and there’s scope for other legislation to protect the environment. The problem, explains Sydes, is that state or federal laws could override local laws, and larger developments such as mining often come under state legislation.

On a national scale, rights for nature could become an important tool for advocates. The debate about Murray River water entitlements would make a good case study. “Rather than arguing about interstate water rights and the rights of irrigators to draw water, our attention could shift to the health of the River Murray as a whole,” explains Burdon. The River’s water rights would be placed first, rather than last.

However, if you think we’re going to follow Ecuador’s lead anytime soon and give Mother Earth a place in our constitution, think again. “In Australia, we don’t even have a bill of rights that guarantees certain fundamental human rights. An extension of rights to incorporate nature appears more distant,” says Burdon.

Perhaps the biggest obstacle is the status quo. People are resistant to the idea because it challenges the conventional wisdom that the planet is our plaything. “Don’t underestimate the power of mainstreamers and pro-development dudes to completely ridicule rights for nature and eco-centric approaches,” explains Michelle Maloney, convenor of the 2011 Wild Law conference at Griffith University. “At the heart of our society is the idea that humans can do whatever they want.”

Yet this obstacle is also an opportunity. The mere suggestion of rights for nature helps nudge society towards a new point of view where the environment does not exist solely for human consumption. Although a Universal Declaration of the Rights of Mother Earth is little more than a symbolic document, it could be an ethical benchmark, in the same way the Universal Declaration of Human Rights is used to hold governments to task.

History shows that societal values can change drastically. As our environment continues to deteriorate, and existing laws remain powerless to halt the worldwide degradation of the planet, the concept of rights for nature becomes increasingly relevant and necessary. Perhaps, in time, it won’t seem so strange to sue on behalf of a tree. After all, we once thought giving women the vote was a crazy idea too.

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Re: Should nature have rights?

Posted by Frank Barraza - 02 Dec 2018 23:51

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Moncler UK

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Adidas Shoes For Women

Pandora Ring

Nike Vapormax

Nike Shoes

Pandora Jewelry

Longchamp

Ralph Lauren Outlet Store

Longchamp Handbags

Soccer Cleats

Nike Air Max 2018

Michael Kors

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KD 10 Shoes

Air Max 95

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Nike Huarache

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Kyrie 4

Christian Louboutin Shoes

Pandora Jewelry

Adidas Yeezy V2

Jordan Space Jam 11

Adidas Outlet

Birkenstock

Birkenstock Sandals

Curry 4 Shoes

Adidas Shoes

Coach Outlet

Air Max 90

Timberlad Shoes

Jordans 11

Adidas NMD

Goyard

Yeezy Shoes

Air Max 90

Pandora Charms

Air Jordan 11

New Jordans 2018

James Harden shoes

Michael Kors Canada

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Re: Should nature have rights?

Posted by Frank Barraza - 04 Dec 2018 14:32

Timberland Boots

Ralph Lauren Outlet

Yeezy Boost 350

Christian Louboutin

Curry 4

KD 10

Pandora

Pandora Rings

Nike Air Max 2018

Nike Outlet Store

Louboutin Shoes

Yeezys

Yeezy boost 350 v2

Jordan 11

Air Jordan 11

Pandora Charms

Lebron 15

Rihanna Puma

Harden vol 1

Air Max 95

North Face Jackets Clearance

Vans

Yeezy

Moncler

Ralph Lauren Polo

Nike Air More Uptempo

Nike Air Vapormax

Jimmy Choo Shoes Outlet

Nike Air Force 1

Adidas NMD R1

Timberlad Boots

Nike Air Max

Adidas NMD

KD Shoes

Curry Shoes

Pandora

Lebron Shoes

Pandora Jewelry

Birkenstock

Coach Outlet

Adidas Shoes

Nike Air Max

Red Bottom Shoes For Women

Longchamp Outlet

Adidas Shoes

Nike Shoes

Chaussure Air Max 90

Moncler

Soccer Shoes

Nike Huarache

Vapor Max

Pandora Charms

Adidas Yeezy

Louboutin Shoes

Kyrie 3

Skechers

KD Shoes

Jordan 11

Ultra Boost

Yeezy Beluga 2.0

Ralph Lauren

Ralph Lauren Outlet

Nike Outlet

Nike Air Max 2018

Adidas Outlet

Michael Kors

Michael Kors Outlet

Nike Cortez

Adidas NMD

Puma Shoes

Pandora Jewelry

Yeezy Shoes

Coach Outlet

Yeezy Boost 350 V2 Blue Tint

Longchamp

Christian Louboutin Shoes

Kyrie 4

North Face Jackets

Pandora Jewelry

Kyrie Shoes

Polo Ralph Lauren Outlet Online

Pandora Rings

Nike Kyrie 3

Clarks Shoes

Red Bottom Shoes

Birkenstock Outlet

Kate Spade Outlet Online

Yeezy Boost 350

Pandora Charms

New Jordans

Christian Louboutin Shoes

Pandora Bracelets

Pandora Outlet Online

Lebrons shoes

Jordan 11 Red

Pandora Jewelry

Pandora Charm

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Adidas Outlet Online

Birkenstock

James Harden shoes

Kate Spade Outlet

Goyard

Longchamp Handbags

Kyrie Irving Shoes

Birkenstock Shoes

Coach Factory

Jordan Space Jam 11

Air Max 90

Adidas Yeezy Shoes

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Re: Should nature have rights?

Posted by Frank Barraza - 08 Dec 2018 02:16

Fila Shoes

NMD Adidas

Fila Disruptor ii

Adidas Sneakers

Goyard Handbags

Louboutin Outlet

Nike Clearance

Pandora Jewelry Official Site

Fjallraven Backpack

Moncler Official Site

Yeezy Supply

Yeezys

Pandora Jewelry

Adidas Stan Smith Sneakers

Lebron James Shoes

Christian Louboutin Shoes

Christian Louboutin Outlet

Nike Outlet

Asics Outlet

Nike Cortez Men

Pandora Charms

Puma Store

Louboutin

Pandora Bracelet Charms

Valentino Shoes

Air Max 98

Balenciaga

Asics Outlet

Air Max 270 Dusty Cactus

Puma Shoes

Pandora Charms

Yeezy 500 Black

Fitflop

Nike Air Max 95 Essential

Asics Shoes

Pandora Bracelets

Nike Sneakers

Air Jordan Shoes

EQT Adidas

Nike Air Max 97

Pandora Necklace

Red Bottom

Skechers Shoes

Yeezy Sneakers

Bottega Veneta

Nike Outlet Online

Lebron 16 Shoes

Nike Air Max 270 Men

Womens Nike Shoes

Yeezy Sneakers

Adidas

Fjallraven

Yeezy Shoes

Balenciaga Sneakers

Yeezy Boost 350

Red Bottom Shoes

Ferragamo Belts

KD Shoes

Red Bottom Heels

Air Jordan Retro

Pandora Bracelets Clearance

Adidas Stan Smith

NMD Adidas

Timberland Boots Outlet

Timberland Outlet

Pandora Charms Outlet

Christian Louboutin Shoes

Air Max 270

Pandora Jewellery

Vans Shoes Outlet

Nike Sneakers For Women

Nike Outlet

Yeezys

Christian Louboutin Shoes Outlet

Ferragamo Outlet

Nike Cortez

Pandora Ring

Kanken Backpack

Jordan Sneakers

Louboutin Outlet

Christian Louboutin shoes

Adidas NMD

Valentino Shoes

Adidas Superstar

Nike Air Max 98

Nike Store

Yeezy Shoes

Hermes Belts

Jordan Retro 11

Mens Nike Shoes

Nike Shoes

Goyard Bags

Adidas Shoes Outlet

Yeezy

Yeezy Boost

Golden Goose

Nike Air Max 95 Essential

Adidas Outlet Online

Adidas Superstar

Adidas EQT Support

Adidas NMD

Yeezy

Valentino Sneakers

Timberland Outlet

Hermes Handbags

Pandora Jewelry Official Site

Timberland Boots

Longchamp Outlet

Salvatore Ferragamo

Pandora Jewelry Official Site

Pandora Jewelry

Yeezy 500

Nike Air Max 270

Adidas Ultra Boost

Adidas Ultra Boost

Yeezy Boost 350

Nike Running Shoes

Ultra Boost

Timberland Shoes

Fila Sneakers

Adidas Superstar

Asics Shoes

Timberland Boots

KD 11

Christian Louboutin

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Re: Should nature have rights?

Posted by Frank Barraza - 18 Dec 2018 23:25

Pandora Jewelry

Jordan Shoes

Jordan 11

Pandora Jewelry

Nike Air Max 270

Christian Louboutin Outlet

Isabel Marant Shoes

Moncler Jackets

Pandora Jewelry

Nike Air Force One

Pandora Charms

Ferragamo Belt

Kate Spade

Ed Hardy Clothing

Goyard Handbags On Sale

Goyard Bags

Nike Roshe

Pandora Charms

Red Bottoms

Jordan Retro 9

Pandora Jewelry Official Site

Yeezy Shoes

Birkenstock Sandals

Pandora Outlet

Air Jordan 8

Balenciaga

Moncler Outlet

Fjallraven Kanken

Birkin Bag

Nike Air Max 270 Flyknit

Pandora Official Site

Balenciaga Sneakers

NMD XR1

Air Jordan Shoes

Stan Smith Adidas

Nike Clearance Outlet

Fjallraven Kanken Backpack

Birkenstocks

Nike Shoes For Women

Christian Louboutin Shoes

Jordans Sneakers

Nike Outlet

Pandora Jewelry Outlet

Pandora Disney

Nike Air Max

Jordan Retro 11

Nike Shoes For Men

Pandora Jewelry

Valentino

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Pandora Bracelet Charms

Ralph Lauren

Curry 5

Retro Jordan

Yeezy 700

Jordan Retro

Longchamp Outlet Online

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Moncler Coats

Nike Vapormax Flyknit

Yeezy

Fitflop Sale Clearance

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Pandora Bracelet

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Nike Air Max

Air Jordan 4

Christian Louboutin

Nike Shoes For Men

Yeezy Shoes

Adidas NMD R1

Fitflop

Pandora Charms

Pandora Rings

Nike Clearance

Pandora Jewelry

Nike Air Max

Pandora Jewelry Official Site

Bottega Veneta Wallet

Fitflop Shoes

Moncler Jackets

Nike Air Force 1

Balenciaga Shoes

ECCO

Air Jordan Retro 12

Nike Epic React

Adidas Superstar

Timberland Outlet

Valentino Outlet

Ferragamo Outlet

Balenciaga Shoes

Adidas NMD

Fitflops Sale Clearance

Bottega Veneta Handbags

Pandora Jewelry

Pandora Charms Outlet

Pandora CZ Ring

Vans Shoes

Adidas UK

Pandora Bracelet

Nike Sneakers For Men

Nike Factory Outlet

Jordan 10

Kate Spade Bags

Ferragamo Outlet

Pandora

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Kate Spade Handbags

Nike Outlet Online Store

Christian Louboutin Outlet

Pandora Website

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Nike Air Force 1

Fitflop

Nike Air Max 98 Cone

Christian Louboutin Shoes

Red Bottoms

ECCO Shoes

Adidas Human Race

Kate Spade

Pandora

Fitflop Sandals

Christian Louboutin

Nike Basketball Shoes

Vapor Max Plus

Yeezy Sneakers

Pandora Charms Jewelry

NMD R1

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Re: Should nature have rights?

Posted by Frank Barraza - 29 Dec 2018 19:52

Under Armour Curry 5

Nike Roshes

Nike Air Max 270

Nike Vapormax

Fitflops Clearance Outlet

Balenciaga

Nike Presto Women

Pandora Jewelry

Pandora Charms

Pandora Jewelry Outlet

Nike Sneakers For Men

Longchamp Bags

Nike Clearance

Birkin Bag

Air Max 270 Flyknit

Kanken Backpack

Yeezy 700

Moncler

Balenciaga

Birkenstock Shoes

Timberland Outlet

Triple S Balenciaga

Pandora Jewelry

Moncler Outlet

Adidas Sneakers

Christian Louboutin Shoes

Adidas NMD

Nike Outlet

Air Jordans

Pandora

Fitflop Shoes

Ferragamo Outlet

Nike Factory Outlet

Yeezy Shoes

Yeezy Adidas

Kyrie Shoes

Pandora Jewelry Outlet

Pandora Charms

Pandora Bracelet Charms

Nike Women's Shoes

Valentino Shoes

Red Bottom Shoes

Pandora Disney Charms

Pandora Jewelry

Nike Sneakers

Fitflop Sale Clearance

ECCO Shoes For Men

Pandora Jewelry

Pandora Charms Canada

Vans Shoes

Nike Roshe One

Adidas NMD

Pandora Jewelry

Birkenstock outlet

Kyrie 4

Christian Louboutin Shoes

Pandora Charms

Nike Outlet Store

Yeezy 750

Jordan 10

Isabel Marant Boots

Pandora Ring

Nike Outlet Online

Nike Outlet Store Online Shopping

Jordans Retro

Kate Spade Factory Outlet

Pandora Charms

Nike Epic React

Air Force 1

Jordan 8

Air Max

Nike Clearance Store

Pandora Charms Sale

Pandora Jewelry Official Site

Cheap Nike Shoes

Pandora Jewelry Official Site

Cheap Jordan Shoes For Women

Jordan Win Like 96

Pandora Charm

Moncler UK

Jordan Shoes For Men

Christian Louboutin Outlet

Pandora Bracelets

Adidas Human Race

Nike Air Force

Valentino

Ferragamo

Birkenstock Sandals

New Jordans

Christian Louboutin

Christian Louboutin Shoes

Adidas Superstars

Goyard Handbags

Moncler Outlet Online

Bottega Veneta

Nike Outlet

Kate Spade Handbags

Louboutin shoes

Pandora Outlet

Louboutin UK

Red Bottoms Louboutin

Pandora

Pandora Jewelry

Yeezy Sneakers

Ralph Lauren Outlet

Birkenstock Outlet

Ferragamo Belt

Nike Shox For Men

Stan Smith

Pandora Jewelry

Adidas NMD

Air Force Ones Shoes

Pandora Jewelry

Goyard Handbags

Bottega Veneta Handbags

Air Max 98

ECCO Shoes

Pandora Jewelry

Adidas NMD

Pandora Jewelry

Air Jordan

Air Jordan 9

Fitflop Shoes

Pandora Bracelets

Air Jordan Sneakers

Pandora Jewelry

Pandora Bracelets

Pandora Jewelry

Jordan 11

Adidas Superstar

Adidas Yeezy Boost 350

Kanken Backpack

Pandora Jewelry Official Site

Jordan 12

Nike Air Max Women

Kate Spade

Vapor Max

Yeezy Boost

Moncler

Retro Jordan

Moncler Jackets

Adidas Yeezy

Birkenstock Outlet

Adidas Yeezy

MBT

Nike Air Max 270

Pandora Jewelry Official Site

Pandora Charms

Air Jordan Shoes For Men

Nike Outlet Store

Burberry Handbags

Basketball Shoes

Nike Air Max TN

Balenciaga Shoes

Air Jordan 11

Fitflop Sale Clearance

Ed Hardy

Air Jordan 11

Skechers Outlet

Jordan 4 Retro

Vapormax Plus

Pandora Charms

Air Max 270

Pandora Outlet

Kate Spade Handbags

Pandora CZ

Jordan 14

Kate Spade

Nike Air Max UK

Air Jordan

Fitflop

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