

Legal Rights of Nature

By Julie Mammitzsch, HOPE researcher NSW

Our busy, modern life makes it quite easy to overlook the deep interconnectedness that humans and the environment share. Living in cities, between concrete and highways, lots of us have forgotten that we, also, are just part of nature. Overpopulation, as well as the lack of awareness and knowledge on how to protect our environment, has led to deterioration of ecological systems, resulting in a change of climate and drastic decline in biodiversity. It is now our choice on how we are going to continue.

This article will shed light on the connection between nature conservation and population health, and the further need of developing tools that help countries, as well as individuals, to lawfully protect our planet.

The Universal Declaration of Human Rights was adopted in 1948, ensuring the best possible protection and recognition of each person. Some say that we need similar rights for nature, laws that allow us to preserve sacred natural spaces. Our environment does not have the ability to speak up for itself and this is why we need laws that enable responsible individuals to claim nature's rights. A comprehensive documentary, called ***The Rights of Nature - a Global Movement***, was published in 2020 by Issac Goeckeritz, H. Crimmel and M. V. Berros. It brings up how absurd the idea of slavery seems to us now; and how we might one day look back and feel the same way about the absence of set rights for nature.

One major barrier is that most parts of land are claimed as private property and can therefore be treated as such without legal consequences. Nature is utilized by humans to source energy, materials, as well as food. Processes such as oil drilling or tourism can completely change or destroy an ecosystem and many places need active protection. A switch to more sustainable alternatives is happening but the process is slow. For decades, waste was discarded without further consideration of consequences for our surroundings. Many countries and communities have difficulty giving rights to their eco systems, even if they are willing to do so.

The above-mentioned documentary also displays content that emphasizes the strong connection between Public Health - human health – and the health and protection of our environment. Human rights and nature rights are described as '*one unit*', giving us full responsibility for the impact we are creating on our environment. Indigenous cultures are portrayed as a major inspiration, always having understood the importance of interconnectedness of one another.

The Rights of Nature is a global movement that originated in Ecuador -the first country to assign nature legal rights. New Zealand, a country blessed with many beautiful natural spaces, closely followed Ecuador's example. The Māori, the tangata whenua - Aotearoa's indigenous population, see their rivers, mountains and Maraes as part of their identity. Māori are perceived, and more and more accepted as guardians and caretakers of the land. In 2007 the Whanganui River, situated on New Zealand's North Island, was given equal rights to those of a person. The region had previously suffered strong imbalances and flooding as a result of logging and agriculture. The local Iwi, as well as the government, had chosen one guardian each, to protect and speak up for the Whanganui River and prevent future damage. This was a ground-breaking decision that has set a strong example for other areas in New Zealand and the world.

Mount Taranaki is another geographic feature within New Zealand that was assigned legal personhood. A memorandum of understanding was signed in 2017, as a response of the strong history the Mountain has gone through. It was taken away from the local Iwi in 1895 who are to date seeing the mountain as their ancestor.



Lonely Planet, Mt Taranaki, New Zealand [image], available: <https://www.lonelyplanet.com/news/mount-taranaki-maori> [accessed 30/04/2023]

While up to now different forms of legal rights for nature have been acknowledged by over 100 nations, there is still a strong need to extend existing lawful instruments.

We can only, again, emphasize the strong interdependence of our health, and balanced ecological system. Every action and example serves as a guide and an inspiration for others. A reconnection with nature is essential to build a sustainable future.



Different efforts are currently being made within Australia. [Places You Love \(PYL\)](#), for instance, is a network of different environmental organizations, aiming to update nationwide ecological regulations. PYL was established in 2012, initially in opposition to the government's efforts to roll back our country's natural preservation regulations. More than 60 members, such as WWF Australia, The Wilderness Society and Birdlife Australia are now part of *Places You Love*.

In order to create meaningful change, *PYL* suggests five key principles for a new national framework. Most importantly national leadership, followed by a central role for communities in decision making, building trusted and independent institutions, delivering strong environmental outcomes, and the insurance of resilience in the face of climate change.

The main pointed out issue within Australia is clearly the need for the Australian Government to lead the progress and develop a national strategy for the preservation and restoration of our environment, as exact roles and responsibilities are currently unclear. As stated by *PYL*: '*A truly national approach to environmental protection would build on Australia's international responsibilities and the federal government's capacity to bring authority and resources to environmental governance.*'

The National Parks Association of NSW has developed a Strategy for the time frame of 2023- 2027 as a response to the struggles experienced in the previous term. The goal is to lawfully protect one third of NSW landscapes, waters and oceans. The last period (2018- 2022) brought up many long-predicted issues, such as missing rainfalls that lead to aquatic life vanishing as rivers ran too dry. Also fires destroying woodlands have become a great problem, all suggesting an ever-more-erratic climate system.

Expected outcomes of the strategy are firstly to the reverse or to reduce the loss of natural vegetation, the variety of species, and ecosystem services including the storage of carbon and safe water. Secondly, the decrease of carbon dioxide pollution in NSW by banning emissions in protected environments. And finally, an improvement in individuals' awareness and perception of their own connectedness and impact on nature and environmental health.

Overall, it is clear that the preservation of our natural world is a key part to guarantee a sustainable future for coming generations. The establishment of legal rights for natural areas, as seen for Mt Taranaki, are therefore essential. Australia, as well as other countries in the world are currently laying strong foundations, however, clear goals and laws need to be established to create long-term changes.

References:

- Chilton M, Jones S. (2020) 'The Rights of Nature and the Future of Public Health', *American Journal of Public Health*, 110(4), 459-460, available: doi: 10.2105/AJPH.2020.305582.
- Isaac Goeckeritz (2020) '*The Rights of Nature: A Global Movement - Feature Documentary*' [video], available: <https://www.youtube.com/watch?v=kuFNmH7IVTA&t=6s> [accessed: 30/04/2023].
- Places you love (2020), *a new generation of nature laws*, available: <http://www.placesyoulove.org/naturelaws/> [accessed: 30/04/2023]
- UNICEF, *What are human rights?*, available: <https://www.unicef.org/child-rights-convention/what-are-human-rights#:~:text=Human%20rights%20are%20standards%20that,the%20State%20have%20towards%20them> [accessed: 30/04/2023].