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## Rights of Nature: What Are They?

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# RIGHTS OF NATURE

## *What Are They?*

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? (Guide #1)
2. What are their rights? (This guide)
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.

## What Are Nature's Rights?

The first guide in this series, *Rights of Nature: Who Holds Them?*, showed that RON laws recognize a variety of non-human entities as holders of rights, from animals to rivers to ecosystems to the entire planet. With such a variety of rights holders, it is no surprise that the range of rights they hold also varies immensely. Numerous RON laws recognize that rights vary with the character of the rights holder. According to the non-binding Universal Declaration of the Rights of Mother Earth (UDRME), adopted by a non-governmental people's conference in 2010, all beings have rights “specific to their species or kind and appropriate for their role and function within the communities within which they exist.” In a general guide like this it is impossible to detail the rights recognized for each class of beings. Instead we present a general catalogue of rights that have been legally recognized, with illustrative examples.

Some RON laws enumerate long lists of rights, often inspired by the UDRME (see box). Others specify much shorter lists. The pathbreaking RON provisions in Ecuador's constitution are an example of this more concise approach (see box). Yet others—especially those that adopt a personhood model—do not specify any rights explicitly. Aotearoa New Zealand's Te Urewera Act is an example of this (see box).

The remainder of this guide presents a list of rights commonly recognized in RON laws around the world, with illustrative examples. The list is somewhat arbitrary and oversimplified, as the legal language

## APPROACHES TO SPECIFYING RIGHTS: LONG LISTS, SHORT LISTS AND NO LISTS

### Long list

Article 2. (1) Mother Earth and all beings of which she is composed have the following inherent rights:

- (a) the right to life and to exist;
- (b) the right to be respected;
- (c) the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions;
- (d) the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being;
- (e) the right to water as a source of life;
- (f) the right to clean air;
- (g) the right to integral health;
- (h) the right to be free from contamination, pollution and toxic or radioactive waste;
- (i) the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning;
- (j) the right to full and prompt restoration for violation of the rights recognized in this Declaration caused by human activities;

(2) Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.

(3) Every being has the right to wellbeing and to live free from torture or cruel treatment by human beings.

(UDRME, 2010) (non-binding)

### Short list

Article 71. Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. ...

Article 72. Nature has the right to be restored. (Constitution of Ecuador, 2008)

### Even shorter list

Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish (RON ordinance, Nottingham, USA, 2008)

### No list

11. (1) Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person. (Te Urewera Act, Aotearoa New Zealand, 2014)

used often differs in subtle or not-so-subtle ways. But it gives a good first approximation of the range of rights that have been given legal expression.

Some of these rights are analogous—to varying degrees—to widely recognized human rights, including rights to life, liberty, security of the person, health, a healthy environment, water and clean air; and freedom from discrimination, cruelty, torture, arbitrary detention, slavery, servitude and forced labour.

Numerous rights accorded to humans are absent from RON laws, including freedom of expression, assembly, association, thought and religion, and rights to nationality, education, to marry, work, vote, own property and be presumed innocent and represented by counsel when charged with a crime. Most of these are clearly inapplicable to non-human beings, but the question of which rights accorded to humans should also be accorded to nature remains controversial and unsettled.

## A NOTE ABOUT THE UDRME

The Universal Declaration of the Rights of Mother Earth (UDRME) was adopted in 2010 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 is referred to frequently in this guide as a model or template for RON laws.

## The right to life

The most basic right recognized by most RON laws is the right to life or to exist. The first explicit legal recognition of this right was in a municipal ordinance in the town of Halifax, Virginia in 2008. A corollary right recognized by some RON laws is a right of species not to go extinct.

This does not mean that every killing of a non-human being is a violation of the right to life. Some RON laws recognize that consuming other organisms is essential to life on earth and is not a violation of nature's right to life when done in accordance with natural trophic relationships (food chains) or longstanding human practices. Thus the Ponca Nation's customary RON law of 2018 states that nature's right to life and to exist is "subject to the traditional roles and ethical harvesting of plants and animals by humans for sustenance." Along similar lines, Ecuador's Constitutional Court has ruled that agriculture, animal husbandry, fishing, hunting, gathering and forestry, if carried out for the survival and advancement of the human species, are legitimate activities that do not violate animals' or plants' right to life.

Laws often accord more rights in this respect to wild than domesticated beings, and especially to members of endangered species. According to the same Ecuadorean decision, "wild species and their individuals have the right not to be hunted, fished, captured, collected, extracted, kept, retained, trafficked, traded or exchanged," subject to the legitimate interactions mentioned above.

The Ponca Nation's 2018 RON law goes farther than just saying that nature's right to life is subject to traditional and ethical harvesting. It says that every being has a qualified right to take other living beings: "Each being has the right to a place and to play its role in Nature, which may include the responsible and

## Examples of the right to life

Natural communities and ecosystems...possess inalienable and fundamental rights to exist (RON Ordinance, Halifax, USA, 2008)

Mother Earth and all beings of which she is composed have the following inherent rights: ... the right to life and to exist (UDRME, 2010)

Manoomin [wild rice] ... possesses inherent rights to exist (Rights of Manoomin resolution, White Earth Band, USA, 2018)

The Mutehekau Shipu/Magpie River and its watershed have the following fundamental rights ...: the right to live, to exist (Magpie River resolution, Canada, 2021)

The main right of wild animal species is the right to exist and, consequently, not to be extinct for non-natural or anthropogenic reasons (Estrellita the monkey court decision, Ecuador, 2022)



ethical taking and consuming of living beings as is traditional, ethical, just and proper for sustenance and the perpetuation of life.”

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## The right to regenerate and to maintain integrity

Closely related to the right to exist is the right to regenerate oneself and one’s essential structures, processes and cycles. This right is often accompanied by a right to maintain one’s integrity. The right to integrity is expressed in various ways including a right to physical integrity and a right to maintain and perform one’s distinct identity and role in the community of life. Sometimes these rights are expressed in terms specific to a particular type of rights holder, such as a river. Sometimes they include a right to some kind of natural balance or equilibrium.



### *Examples of the right to regenerate oneself and maintain integrity*

Mother Earth has the following rights: ... The right to maintain the integrity of living systems and natural processes that sustain them, and capacities and conditions for regeneration; ... [and] to maintenance or restoration of the interrelationship, interdependence, complementarity and functionality of the components of Mother Earth in a balanced way for the continuation of their cycles and reproduction of their vital processes. (Law on the Rights of Mother Earth, Bolivia, 2010)

... the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions; the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being. ... Each being has the right to a place and to play its role in Mother Earth for her harmonious functioning (UDRME 2010)

... the right to... maintain and regenerate its vital cycles, structure, functions and its processes in evolution (Environment Act, Uganda, 2019)

The right to support essential functions within its ecosystems, including by horizontal and longitudinal connectivity, recharging groundwater, moving and depositing sediment, providing adequate habitat for native plants and animals (Rights of Boulder Creek resolution, Nederland, USA, 2021)

Nature has the right to live, exist and persist under its own framework of balanced development where each part of the interconnected process that keeps it alive, be it the biological diversity or its components, may fulfill their function within it (RON law, Panama, 2022)

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## The right to flourish and evolve

Beyond merely maintaining one’s integrity, many RON laws recognize a right to thrive, flourish and/or evolve.

### *Examples of the right to flourish and evolve*

Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish (RON ordinance, Mahanoy Township, USA, 2008)





Ecosystems and the natural flora and fauna communities which compose them possess inalienable and fundamental rights to ... flourish and naturally evolve (RON ordinance, Licking Township, USA, 2010)

The municipality recognizes nature's right to exist, thrive and evolve (Constitution of the Municipality of Paudalho, Brazil, 2018)

Lake Erie, and the Lake Erie watershed, possess the right to flourish ... and naturally evolve (Lake Erie Bill of Rights, Toledo, USA, 2019)

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## The right to freedom from cruelty or torture

Some RON laws recognize a right to be free from torture or cruel treatment by humans. Exactly what constitutes such treatment is controversial, and most RON laws leave this question open. It is therefore not clear how far RON laws depart from a welfare-based approach, which allows the use of animals or other non-human beings for experimentation, entertainment, exhibition, labour, sport, food, clothing or other materials so long as such treatment is humane.

## *Examples of the right to be free from torture or cruel treatment*

Every being has the right ... to live free from torture or cruel treatment by human beings (UDRME 2010)

[The law] recognizes the animals' natural right not to be treated in a manner that subjects it to unnecessary pain and suffering. ... It is a natural right of an animal not to be tortured or unnecessarily killed because the gift of life it possesses is precious and its disrespect undermines the respect of the Creator. ... subjecting an animal to unnecessary pain or suffering, is an infringement of the right to life (Kavaan the Elephant court decision, Pakistan, 2020)

Animals must be guaranteed life in an environment free of violence and disproportionate cruelty, fear and distress. (Estrellita the Monkey court decision, Ecuador, 2022)

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## The right to liberty

Some RON laws recognize that nature has a right to be free, but this is usually limited to specific organisms and situations, such as wild animals kept in zoos or as pets in unhealthy and unnatural conditions. Primates, cetaceans and elephants have been particular beneficiaries of such rights. But they seldom extend to livestock confined in brutal conditions in industrial farm operations.

In some instances the right to freedom blends into the right to flourish and evolve. An Ecuadorean court, for example, has ruled that wild animals have "the right to

## *Examples of liberty rights*

... every whale and dolphin has the right to be free of captivity, and to remain unrestricted in their natural environment (Free and Safe Passage of Whales and Dolphins resolution, San Francisco, USA, 2014)

Humans cannot arrogate to themselves a right or prerogative of enslaving or subjugating an animal, because the latter has been born free for some specific purposes. (Kavaan the Elephant court decision, Pakistan, 2020)

Animals must be guaranteed sufficient space and

the free development of their animal behavior, which includes the guarantee not to be domesticated and not to be forced to assimilate human characteristics or appearances.” It went on to say:

The right to free animal behavior protects the general freedom of action of wild animals; i.e. the right to behave according to their instinct, the innate behaviors of their species, and those learned and transmitted among the members of their population.

The right to free animal behavior also protects the right of animals to freely develop their biological cycles, processes and interactions. (Estrellita the Monkey court decision, 2022)

relationship conditions to ensure the possibility of the free development of their animal behavior. (Estrellita the Monkey court decision, Ecuador, 2022)

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## The right to be respected

Another common right is a right to be respected. This may be expressed as a general right or in terms of respect for particular interests.

### *Examples of the right to be respected*

Nature, or Pacha Mama, ... has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes (Constitution of Ecuador, 2008)

... the right to be respected (UDRME, 2010)

It is also a natural right of every animal to be respected because it is a living being, possessing the precious gift of “life” (Kaavan the Elephant court decision, Pakistan, 2020)

... the right to respect for its natural cycles (Magpie River resolution, Canada, 2021)

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## The right to be protected and restored

A right to protection and conservation, along with restoration and/or recovery in the event of human-caused harm, is another common feature of RON laws.

### *Examples of rights to protection and restoration*

... the right to timely and effective restoration of living systems directly or indirectly affected by human activities (Law on the Rights of Mother Earth, Bolivia, 2010)

... The right to restoration and preservation of adequate ecosystem health (Rights of Uncompaghre River resolution, Ridgway, USA, 2018)

... the right to restoration, recovery, and preservation

(Rights of Menominee River resolution, Menominee Indian Tribe, USA, 2020)

... the rights to protection, conservation, maintenance and, if necessary, restoration (Mar Menor law, Spain, 2022)

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## The right to health and wellbeing

Some RON laws recognize a right to health and/or wellbeing. This is often expressed in abstract terms, but sometimes in more detail. For example, an Ecuadorean court ruled that wild animals have a right to access to adequate food and water to maintain their health and strength, and adequate sanitary conditions to protect their health and physical integrity.

## *Examples of the right to health and wellbeing*

Mother Earth and all beings of which she is composed have the following inherent rights: ... the right to integral health. ... Every being has the right to wellbeing (UDRME 2010)

Sandra has the right to enjoy the best quality of life possible in her particular and individual situation. (Sandra the Orangutan court decision, Argentina, 2015)

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## The right to a healthy environment

Closely related to the right to health is a right to a healthy environment, which is now widely recognized as a human right. Some RON laws extend this right to nature. It is expressed in varying terms including a right to a suitable environment, a clean and healthy environment, an ecologically healthy and balanced environment, and adequate ecosystem health.

## *Examples of the right to a healthy environment*

All members of the natural community, human and non-human ... have the right to an ecologically healthy and balanced environment (Constitution of the Municipality of Paudalho, Brazil, 2018)

It is a right of each animal, a living being, to live in an environment that meets the latter's behavioral, social and physiological needs (Kaavan the Elephant court decision, Pakistan, 2020)

The Wekiva River and Econlockhatchee River...and all other Waters...have a right to...maintain a healthy ecosystem (Charter of Orange County, Florida, USA, 2020)

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## The right to a stable climate system

A few RON laws, so far confined to tribal laws in the US, recognize a right to a stable climate system. The City of Santa Monica's Sustainability Rights Ordinance of 2019 recognizes the right of atmospheric systems to exist and flourish in the city, but whether this amounts to a right to a stable climate system is unclear.

## *Examples of the right to a stable climate system*

Nature and all beings of which it is composed have the following inherent rights: ... the right to a climate that is habitable, supports life, sustains culture, and is not disrupted by humans (Customary RON law, Ponca Nation, USA, 2018)



Manoomin [wild rice] ... possess inherent rights to ... a healthy climate system and environment free from human-caused global warming impacts and emissions (Rights of Manoomin resolution, White Earth Band, USA, 2018)

The Yurok Tribal Council now establishes the Rights of the Klamath River to ... have a stable climate free from human-caused climate change impacts (Rights of the Klamath River Resolution, Yurok Tribal Council, USA, 2019)

## The right to water

Many RON laws recognize that nature has a right to water. Some specify that this is a right to pure, clean and unpolluted water. This is not surprising, considering the fundamental importance of water to all life on Earth.

Some RON laws recognize that water itself has distinctive rights that other entities do not have. Rivers, lakes and other aquatic ecosystems often have rights to flow; to replenish and be replenished by precipitation, glaciers, groundwater, surface water and/or aquifers; to move and deposit sediment; and to provide habitat for native wildlife and plants.

### *Examples of the right to water*

Mother Earth has the following rights: ... To water: The right to preserve the functionality of the water cycle, its existence in the quantity and quality needed to sustain living systems, and its protection from pollution for the reproduction of the life of Mother Earth and all its components (Law on the Rights of Mother Earth, Bolivia, 2010)

Mother Earth and all beings of which she is composed have the following inherent rights: ... the right to water as a source of life (UDRME, 2010)

All residents, natural communities and ecosystems in Pittsburgh possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the City (RON ordinance, City of Pittsburgh, USA, 2010)

### *Examples of the rights of water*

The Menominee River possesses inherent and legal rights including ... the right to natural groundwater recharge and surface water recharge; ... the right to natural water flow; the right to carry out its natural ecosystem functions ... (Rights of Menominee River resolution, Menominee Indian Tribe, USA, 2020)

... the [Boulder] Creek and all its tributaries possess, at minimum, the following fundamental and inalienable rights:

1. The right to maintain natural flow sufficient in quantity to maintain ecosystem health;
2. The right to support essential functions within its ecosystems, including by horizontal and longitudinal connectivity, recharging groundwater,

moving and depositing sediment, providing adequate habitat for native plants and animals;  
3. The right to feed and be fed by sustainable precipitation, glaciers, and aquifers; ... (Rights of Boulder Creek Resolution, Town of Nederland, USA, 2021)

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## The right to clean air

Another common element of RON laws is a right to clean air.

### *Examples of the right to clean air*

Mother Earth has the following rights: ... To clean air: The right to preserve the quality and composition of air for sustaining living systems and its protection from pollution, for the reproduction of the life of Mother Earth and all its components (Law on the Rights of Mother Earth, Bolivia, 2010)

All residents, natural communities and ecosystems in State College Borough possess a fundamental and inalienable right to breathe air untainted by toxins, carcinogens, particulates and other substances known to cause harm to health (Community Bill of Rights, State College Borough, USA, 2011)

The State recognizes the following minimum rights of Nature ...: The right to the preservation of the quality and composition of the air for the sustenance of life systems and its protection against pollution (RON law, Panama, 2022)

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## The right to be free from pollution

Numerous RON laws include a right to be free from pollution in various forms, including toxic waste and radiation.

### *Examples of the right to freedom from pollution*

Mother Earth has the following rights: ... To pollution-free living: The right to preserve Mother Earth's components from pollution, as well as toxic and radioactive waste generated by human activities (Law on the Rights of Mother Earth, Bolivia, 2010)

All residents of Grant Township, along with natural communities and ecosystems within the Township, possess the right to clean air, water, and soil, which shall include the right to be free from activities which may pose potential risks to clean air, water, and soil within the Township, including the depositing of waste from oil and gas extraction (Home Rule Charter, Grant Township, USA, 2015)

as a legal person, the Mutehekau Shipu / Magpie River





and its watershed have the following fundamental rights ... the right to be free from pollution (Magpie River resolutions, Canada, 2021)

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## **The right to be free from genetic modification**

A right to be free from genetic modification is found in some RON laws. Some such rights are limited to genetic modification of the right holder itself. Others recognize a right not to be patented or a right not to be contaminated by genetically modified organisms.

### ***Examples of the right to freedom from genetic modification***

Mother Earth and all beings of which she is composed have the following inherent rights: ... the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning (UDRME, 2010)

Manoomin ... possess inherent rights to ... be free from infection, infestation or drift by any means from genetically engineered organisms (Rights of Manoomin resolution, White Earth Band, USA, 2018)

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## **The right to diversity**

Some RON laws include a right to natural biodiversity. In some cases this right overlaps with the right to be free from genetic modification.

### ***Examples of the right to diversity***

Mother Earth has the following rights: ... To the diversity of life: the right to preservation of differentiation and variety of beings that make up Mother Earth, without being genetically altered or structurally modified in an artificial way, so that their existence, functioning or future potential would be threatened (Law on the Rights of Mother Earth, Bolivia, 2010)

The Uncompahgre River and its Tributaries possess, at minimum, the following fundamental and inalienable rights: ... The right to maintain native biodiversity (Rights of Uncompahgre River resolution, Ridgway, USA, 2018)

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## **The right to be free from discrimination**

No RON law recognizes an unqualified right to equality. This is no surprise, since the holders of rights and the rights they hold vary in many legally significant ways. Courts in several countries have rejected both “speciesism” (the assumption of the superiority of the human species) and equal rights for all beings. In search of a middle ground that does justice to the rights of nature, Ecuadorean courts have adopted the “interspecies principle,” according to which each being

### ***Examples of the right to be free from discrimination***

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. ... 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. (Customary RON law, Ponca Nation, USA, 2018; taken from UDRME 2010)

has rights peculiar to its character and circumstances”. Other RON laws, while agreeing that rights of nature are peculiar to specific beings, insist that all beings are entitled to their rights without distinction of any kind.

... this Court agrees that animals cannot be equated to human beings [footnote: The recognition of animals as subjects of law does not mean their equality with humans, since each species has its own protection needs that are differentiated by its own characteristics and qualities...], since their nature and essence is not fully compatible with that of human beings, which does not mean that they are not subjects of rights, but rather that their rights should be observed as a specific dimension—with their own particularities—of the rights of Nature ... The interspecies principle ... guarantees the protection of animals with a concrete grounding in the characteristics, processes, life cycles, structures, functions and evolutionary processes that differentiate each species ... The interspecies principle also allows us to observe that there are rights that can only be guaranteed in relation to unique or exclusive properties of a species ... As a consequence, the rights to life, to physical integrity and others must be interpreted based on these principles (Estrellita the Monkey court decision, Ecuador, 2022)

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## The right to non-interference with rights

Some RON laws expressly stipulate a right to be free from interference with or violation of the rights guaranteed by the law. Such a right could be seen as redundant, insofar as having a right implies a right to be free from interference with or violation of that right.

## *Example of the right to be free from interference with rights*

[Boulder] Creek and all its tributaries possess, at minimum, the following fundamental and inalienable rights: ... The right to exist free of activities, practices, or obstructions, that interfere with or infringe upon these rights (Rights of Boulder Creek resolution, Nederland, USA, 2021)

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## Limitations on rights

Some RON laws identify limitations on the rights of nature; others do not. Rights of nature are sometimes limited by the rights of other beings, a concept familiar from the field of human rights. Put simply, no one may exercise their rights in ways that infringe others' rights. Another limitation found in some RON laws, discussed earlier under the right to life, is the performance of natural and historic ecological relationships in which one being uses other beings for sustenance. This idea is not found in the field of human rights. It is unique to rights of nature, and its scope is uncertain.

## *Examples of limitations on rights*

The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that respects Nature and each being within Nature. (Customary RON law, Ponca Nation, USA, 2018; taken from UDRME 2010)

... in addition to an interspecies principle, it is necessary to take into account a principle of ecological interpretation that respects the biological interactions that exist between species and between populations and individuals of each species. ... the rights to life, to physical integrity and others, must be interpreted based on the principles of interspecies and ecological interpretation, since biological interactions are the



basis of the interdependence, interrelation and balance of ecosystems; therefore, when a predator kills its prey in compliance with the food chain, the right to life of an animal is not illegitimately violated.

These types of activities are legitimate, and reflect historical and maintained forms of interaction of the human species with the rest of the animal species; and respond to mechanisms that human beings have been developing and consolidating to ensure their own survival as a heterotrophic species that lacks the capacity to produce its own nutrients.

Similarly, the domestication of animals has served to enable humans to respond to threats to their physical integrity and the security of their possessions; to control pests that can endanger livestock, crops and human health; to provide transportation, help in work, for clothing and footwear; and even for recreation and leisure.

Thus, the Constitutional Court recognizes that all the aforementioned activities could be framed, depending on the particularities of each case, within the [rights of nature] (Estrellita the Monkey court decision, Ecuador, 2022)

## 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:

1. Rights of Nature: Who Holds Them? (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)

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## 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).

Rights of Nature: What Are They?  
A Plain Language Legal Guide for Earth Citizens

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