

Protecting Nature - Rights of Nature Laws and Court Decisions:

Today, there are laws and court decisions recognizing rights of nature in a number of countries, including the United States, Mexico, Ecuador, Colombia, Bolivia, Uganda, Bangladesh, and India.

United States: The first rights of nature laws in the world were enacted in local municipalities in the U.S. beginning in 2006. With more than three dozen rights of nature laws now adopted in ten states, communities have stopped activities such as fracking, toxic waste dumping, and water privatization. These communities are part of the more than 200 communities nationwide which have enacted “community rights” laws prohibiting environmental threats, and are part of a growing movement to secure local democratic decision-making authority such that communities are able to protect their hometowns and the environment. This includes:

- Pittsburgh, PA: In 2010, the City Council unanimously approved of a rights of nature law prohibiting fracking within the city limits. While fracking had been proposed in the city prior to the law’s adoption, no fracking has occurred since enactment. Communities across Western Pennsylvania have followed in Pittsburgh’s footsteps, adopting similar laws prohibiting fracking and protecting the rights of nature.
- Shapleigh, ME, and Newfield, ME: At Town Meeting gatherings in 2009, the people of both towns approved of rights of nature laws which prohibited corporate water bottling activities. Nestlé had already set up test wells within the communities. Following enactment, the company pulled out the wells and no water bottling is occurring. Communities in New Hampshire have successfully enacted similar laws.
- Lafayette, CO: In 2017, the City Council adopted a “Climate Bill of Rights” law prohibiting extraction of coal, oil, and shale gas, as well as disposal of drilling waste. While the state remains a center for fracking and drilling, no new fossil fuel development has occurred in the city since adoption of the law.

Ecuador: In 2008, Ecuador enshrined the rights of nature in its constitution, the first country to do so. Numerous court cases have followed, in which violations of the rights of nature have been argued by civil society and the government. Courts have ordered the end of activities such as construction which interfered with the water quality and natural water flow of a river. Ecuador’s recently approved Organic Code on the Environment provides for executive branch implementation of the rights of nature. The Code requires that environmental regulations and land use decisions protect the rights of nature, and coastal and marine development be done in accordance with the rights of nature.

Colombia: In 2016, the Constitutional Court of Colombia issued a decision recognizing legal rights of the Atrato River, including rights to conservation and protection. This came as the river ecosystem has long been degraded by illegal mining and other activities. A court-ordered process is underway in which the national government and the indigenous peoples of the river basin are working together to develop and implement steps to restore and protect the river.