Rights of Nature in Upstate New York

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Nature is not a commodity

Human beings are just another species among others, all part of the natural world

Rivers and entire ecosystems are living entities, just like biological organisms

From the microorganisms in the soil to the water of the rivers, we’re all part of an interwoven tapestry of life

This worldview has been imbedded in customary law since time immemorial
During Europe's Middle Ages...

- **Property** meant rights IN a piece of Land

- Lawyers never spoke of owning land, but rather **HOLDING land**

- When the communal land was privatized with the expansion of global empire, the *rights IN land* became *rights to land*

- Rather than a network of relationships between community and land, property became an object: *land without community*
What are *RIGHTS*?

- **Rights** are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states (Sandford Encyclopedia of Philosophy)

- **Rights** are what someone deserves, a just claim, what is due, equitable treatment

- **Rights** are a duty, an obligation

- **Rights** are the codification of how to be in good (right) relationship with other members of a community
Right to *POLLUTE*

- Pollution *vs.* Reciprocity
- **Assimilative Capacity:** Satisfying the minimum generic standards for regulation.
- Governed by a huge *regulatory and management apparatus*
- Permit system *PERMITS* environmental destruction
- **Remedy:** Procedural Correction rather than sustentive protection.
“The critical question of ‘standing’ would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies of federal courts in the name of the inanimate object about to be dispoiled, defaced or invaded by roads and bulldozers and where injury is the subject of public outrage.”

Supreme Court Judge Douglas
Dissenting Argument, *Sierra Club vs. Morton*
1972
“Borough residents, natural communities and ecosystems ... shall be considered to be ‘persons' for the purpose of enforcement for the civil rights of those residents, natural communities and ecosystems.”

Ordinance No. 612
Tamaqua Borough, PA (Lenape Territory)
2006
“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 71-74
Ecuadorian Constitution
2008
“Article 73 also establishes a duty of the State by indicating imperatively that precautionary and restrictive measures apply. It is not an option, but a constitutional obligation derived from the intrinsic value of nature...Indeed, the risk in this case is not necessarily related to human beings...but to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles..."
Dam along Skagit River that helps power Seattle
April 19, 2023, the City of Seattle settled a case, brought in 2022 by the Sauk-Suiattle Tribe, with salmon as a plaintiff, agreeing to create fish passage on three of their dams.

Honoring the RIGHTS of the Upper Skagit River Tribes and of SALMON!
WHAT ARE RIGHTS OF NATURE?

• Recognition of the legally enforceable rights of nature, ecosystems, and species.
• CIVIL RIGHTS-TYPE protections for nature.
• The natural entity has the right to legal representation by a GUARDIAN who will act on their behalf and in their best interest.
• Augment or strengthen existing environmental laws.
• Creates new and elevated standards of protection for ecosystems, including RESTORATION required as a remedy.
And the North Country?
Planting the Seed

CONVERSATIONS  YOUTH GROUP  SYMPOSIUM  DRAFTING LAW
“The right to be free of pollution as far as it affects that ability of the River to fulfill their roles and responsibilities to all their relations.”

St. Lawrence River / Kaniatarowanénhne Watershed

*Bill of Rights & Responsibilities*
On November 10th, the Town of Potsdam NY (Haudenosaunee Territory) passed a Resolution committing their board to write a law to grant Rights to the Raquette River / Ahná:wate.
Resolution Recognizing
The Rights of the Raquette River and its Watershed

WHEREAS, the Raquette River (Ahná:wate) is the lifeblood of the human and natural communities that make up its Watershed and surrounding ecosystems; and

WHEREAS, the Raquette River has since time immemorial sustained an immense diversity of species all connected in a tapestry of interdependent life; and

WHEREAS, communities around the world and across the North Country are legally recognizing the Rights of Rivers to protect the water that brings life to their communities;

NOW, THEREFORE BE IT RESOLVED that we, the Potsdam Town Council, do hereby resolve, as follows:

1. That the Raquette River should be recognized as having certain legally enforceable rights; and
2. That residents of the Town of Potsdam should have the legal ability to enforce those rights; and
3. That the Potsdam Town Council pledges to work towards healthy connectivity between the River and land within its Watershed; and towards preserving natural biodiversity and pollution-free ecosystems; and
4. That the Potsdam Town Council pledges to work towards a review of local law for the purpose of recognizing and securing those rights, while providing for ways that the residents of the Town can enforce those rights.
NEXT STEPS

- **Nature Governance**

- How do acknowledge the **voice of nature** within an institution.

- **Environmental remediation** that respects and works in accordance to ecosystems’ rights.