

Supplementary material

Towards a Universal Declaration of the Rights of Wetlands

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Annotated timeline and world map for the evolving rights community and personhood of nature

Introduction

The *Universal Declaration of the Rights of Wetlands* outlined in the associated article proposes the inclusion of wetlands in the circle of rights-holders, as one specific element within the growing movement to grant rights to Nature, a movement that has grown out of the evolving expansion of rights to broader groups of humans. Many Indigenous peoples around the world have consistently recognised the personhood and rights of Nature throughout time. As noted by enrolled member of the Citizen Potawatomi Nation, Robin Wall Kimmerer (2013), ‘Indigenous ways of understanding recognise the personhood of all beings as equally important, not in a hierarchy but a circle’, and cultures and religions such as Buddhism, Hinduism and Taoism have understood humanity as a part of living Nature (such as acknowledging the ‘Buddha nature’ in every object). But the prevailing Western paradigm has viewed humanity as set aside from, superior to, and dominant over the rest of Nature. However, throughout time, a philosophical, ethical and religious thread that acknowledges the rights (and at times personhood) of Nature has featured in Western culture, with the circle of rights-holders expanding over time to ever-larger groups of humans and to Nature.

Christopher D. Stone (2010) in referencing his seminal 1972 statement, commented:

Throughout legal history, each successive extension of rights to some new entity has been, theretofore, a bit unthinkable. We are inclined to suppose the rightlessness of rightless ‘things’ to be a decree of Nature, not a legal convention acting in support of sonic status quo. It is thus that we defer considering the choices involved in all their moral, social, and economic dimensions.

In the past few decades, the expansion of rights of Nature, and acknowledgement of the personhood of Nature, has accelerated rapidly as an outgrowth of the expansion of rights to ever-larger groups of humans (human/civil rights, racial equity, women’s rights, rights of Indigenous peoples, gender rights). Particularly in the 21st Century, the diversity of publicly acknowledged voices advocating the rights of both humans and Nature has broadened substantially. The annotated Timeline below documents a few of the major historical and well-documented (in the English language) milestones in the evolution of rights and full personhood of, and respect for, both humanity and non-human Nature in order to illustrate how the rights of Nature have evolved and their deep historical and broad cultural roots. In Western thought, the circle of rights-holders and full personhood first expanded to ever-larger groups of humans, and then to animals and Nature. Globally, the history of recognition of the rights and personhood of, and respect for, Nature is both long-standing and extensive, and more so among Indigenous and non-Western peoples. As the Timeline listings are illustrative rather than comprehensive, and are limited by the language skills (English) of the authors, and as the rights community and personhood of Nature continues to evolve, we invite and encourage suggestions of other examples that could be added, and indeed, comment on the examples provided.

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Legal Defense Fund and the Global Alliance for the Rights of Nature as particularly significant sources of information for this document.

The dates and names listed in the annotated Timeline correspond to the dates noted on the World Map graphic. The annotated Timeline provides explanations as well as quotations from many of the personages and entities listed. If a specific date is listed for a particular person, along with the person's birth and death dates, the specific date refers to a specific event or quotation that is referenced.

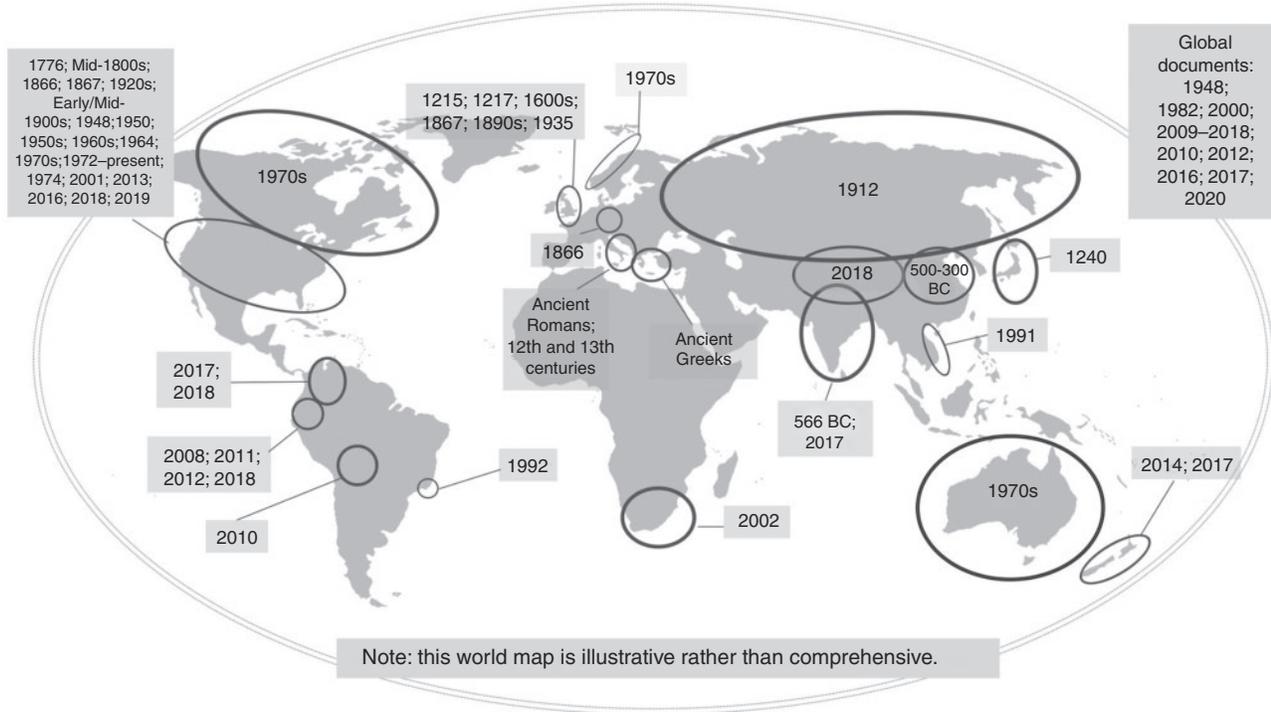


Fig. S1. World map: geographical and historical distribution of the evolving rights community and personhood of nature.

Annotated timeline for the evolving rights community and personhood of nature

c. 566(?)–480(?) BC – Siddhartha Gautama, historical Buddha

Founder of Buddhism, which views all beings as inter-related in a non-dualistic community and where a universal Buddha nature exists in all beings, implying ‘personhood’ and rights for all. With compassion as a central teaching, Buddhism advocates for relieving the suffering of all living beings. The Buddha elucidated teachings that provide a path and practice leading a practitioner to experience the non-duality of ultimate reality, otherwise known as enlightenment.

Man models himself after Earth.

Earth models itself after Heaven.

Heaven models itself after Tao.

And Tao models itself after Nature [Chan 1963].

Man takes his law from the Earth;

The Earth takes its law from Heaven;

Heaven takes its law from the Tao.

The law of the Tao is its being what it is [Tao Te Ching, Ch. 25 in Cullinan 2011].

Ancient Greeks and Romans

Concept of *jus naturale* referenced natural law based on biological principles, existence and survival, in contrast to *jus commune* which referenced common law, applied to humans in society. Concept of *jus animalium*, a part of *jus naturale*, implied that animals have inherent natural rights independent of humans (Nash 1989).

12th and 13th Centuries – St Francis of Assisi (1182–1226) Italian patron saint of ecologists

Advocated spiritual egalitarianism and included inanimate presences (rocks, water, fire, wind, etc.) as well as animate within the community of worshipers. Referenced non-human beings as ‘brother’ and ‘sister’ and referenced the earth as ‘mother’. Challenged anthropocentrism, dualism, and the hierarchy of the dominant paradigm. Implied that all creatures and natural processes have value independent of value to humans (Nash 1989).

1215 – Magna Carta Libertatum (The Great Charter of the Liberties) (England)

Twenty-five English barons declared that they possessed rights by virtue of their existence, and independent of rights granted by the King of England. Considered first document to establish personal rights (Nash 1989).

1217 – Charter of the Forest (England)

Re-established the right of free men to access the royal forest. At the time, the term ‘forest’ included wetlands, grasslands, and heaths as well as forests (<https://www.nationalarchives.gov.uk/education/resources/magna-carta/charter-forest-1225-westminster/>, 26 April 2020).

1240 – Eihei Dōgen (1200–1253) Japanese Buddhist priest, founder of the Sōtō school of Zen Buddhism, writer, poet, philosopher

Zen Buddhism often expresses non-dualistic thinking through apparently contradictory, paradoxical, enigmatic teachings that become understandable through non-dualistic thinking or realisation (Tanahashi 1985). Dōgen’s famous *Mountains and Rivers Sutra*, written in 1240, demonstrates non-dualistic conceptions of human existence as part of the living Universe, one with living Nature:

Mountains and waters right now are the actualization of the ancient buddha way. Each, abiding in its phenomenal expression, realizes completeness. Because mountains and waters have been active since before the Empty Eon, they are alive at this moment. Because they have been the self since before form arose they are emancipation-realization... The green mountains are always walking... Mountains do not lack the qualities of mountains. Therefore they always abide in ease and always walk... Mountains' walking is just like human walking [*Tanahashi Footnote states: In the realm of nonduality, mountains and humans are not separate*].

'In the mountains' means the blossoming of the entire world... If you doubt mountains' walking, you do not know your own walking; it is not that you do not walk, but that you do not know or understand your own walking. Since you do know your own walking, you should fully know the green mountains' walking. Green mountains are neither sentient nor insentient. You are neither sentient nor insentient. [*Tanahashi Footnote states: From a nondualistic viewpoint, mountains have inconceivable function beyond stillness and motion*].

Because mountains are buddha ancestors, buddha ancestors appear in this way [*Tanahashi Footnote states: Because of the enlightenment that is manifested in mountains, buddha ancestors appear*].

'When it falls to the ground, it becomes river' means that when water reaches the ground it turns into rivers. The essence of rivers becomes wise people...Where buddha ancestors reach, water never fails to appear. Because of this, buddha ancestors always take up water and make it their body and mind, make it their thought [Tanahashi 1985].

1600s John Locke (1632–1704) English philosopher

Locke developed an ethical and governmental system based on natural, inherent, unalienable rights to life, liberty and property, as well as the right to revolution if the government fails to safeguard the natural rights of the individual (Nash 1989).

1776 – American Declaration of Independence

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them... We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness... [United States of America 1776].

The American Declaration of Independence states that the foundation of government is based on unalienable rights that arise from Nature and Nature's God, potentially recognising Nature as a Being. Of note, expansion of the groups included as rights holders is characteristic of the evolution of rights. It took from 1215, when the Magna Carta gave 25 barons political rights that had previously been enjoyed exclusively by the king, until 1776 for another group to declare their rights to be equal to those of kings and barons. The Declaration of Independence not only asserted the independence of the colonies from Great Britain, but also declared that 'all Men are created equal, (and

are endowed by their Creator with certain unalienable Rights'. Like all declarations to follow, this radical statement was less radical in practice. The reference to equality was meant to inform King George that the American signers were equal to *men* of similar stature in England. The Declaration did not apply to all men, nor to women, nor to African slaves, nor to Native Americans. Rights have been extended gradually over time to more classes of people with amendments to the U.S. Constitution and with new laws. For instance, it took until 1870 for African Americans and until 1919 for all women to gain the right to vote, but it was not until the Civil Rights Act in 1965 and additional legislation in 1967 that voting and other rights of all races, including Native Americans, were assured. Attempts to pass an Equal Rights Amendment to the Constitution for gender equality initially failed but may ultimately succeed based on recent progress. Forbidding discrimination on the basis of sexual identity or orientation is still being debated. The eventual granting of full rights to a group that once was excluded is typical of the gradual expansion of rights that are now being extended beyond humans to include other living organisms and Nature.

Mid-1800s – Henry David Thoreau (1817–1862) American philosopher/naturalist and the Transcendentalists

Transcendentalists recognised an ‘...all-pervading force that made nature a vast, living interconnected being’ (Nash 1989). Thoreau stated, ‘The earth I tread on is not a dead, inert mass; it is a body, has a spirit, is organic and fluid to the influence of its spirit’ (Nash 1989), thus recognising the animacy of nature. Thoreau viewed humans as part of a non-hierarchical community that included nature, stating in 1857, ‘The woods were not tenantless, but choke-full of honest spirits as good as myself any day’ and in 1859 ‘What we call wildness is a civilization other than our own’, concepts that according to Nash (1989), are “..remarkable for their total absence in previous American thought.” Thoreau’s ideas manifested an environmental ethic that questioned human exceptionalism and dominance; “every creature is better alive than dead, men and moose and pine trees” and “[t]here is no place for man-worship ... [humans should] take wider views of the universe.” He stated, “If some are prosecuted for abusing children, others deserve to be prosecuted for maltreating the face of nature committed to their care”, thus implying legal rights for nature (Nash 1989). Nash (1989) references the influence of Asian religions on the Transcendentalists, including Thoreau. Thoreau’s writings, including his oft-cited 1851 wilderness proclamation “In wildness is the preservation of the world”, influenced the evolution of environmental ethics during the 20th century, in part due to the first publication of his unpublished works in 1906 (Nash 1989).

1866 – American Society for the Prevention of Cruelty to Animals formed, Charter included a Declaration of the Rights of Animals

A few days later, the State of New York passed a law forbidding cruelty to all animals, domestic and wild (Nash 1989). The Universal Declaration of Animal Rights was proclaimed at the United Nations Educational, Scientific, and Cultural Organization (UNESCO) headquarters on October 15, 1978 in Paris and revised in 1989 by the International League of Animal Rights (<http://www.esdaw.eu/unesco.html>, 29 March 2020).

1866 – Ernst Haeckel (1834–1919) German naturalist, philosopher, artist, physician, professor

Introduced the word ‘oecologie’, based on Greek *oikos* (house), although the concept of different parts of nature fitting together in larger units existed as early the 17th century, and was embraced by thinkers such as Swedish

botanist Carl von Linne (Linnaeus). Oecologie became ecology in the 1890s (Nash 1989). As a holistic science based on understanding relationships, the discipline of ecology contributed to the development of environmental ethics (Nash 1989).

1867 – John Muir (1838–1914) Scottish-American naturalist, founder of Sierra Club (1892)

Nash (1989) identified Muir's 1867 journal entry, 'How narrow we selfish, conceited creatures are in our sympathies! How blind to the rights of all the rest of creation!' as the, '...first association of rights with what a later generation would call 'environment''.

I have never yet happened upon a trace of evidence that seemed to show that any one animal was ever made for another as much as it was made for itself ... no matter, therefore, what may be the note which any creature forms in the song of existence, it is made first for itself, then more and more remotely for all the world and worlds [Muir 1875].

Surely all God's people, however serious or savage, great or small, like to play. Whales and elephants, dancing, humming gnats, and invisibly small mischievous microbes – all are warm with divine radium and must have lots of fun in them. [In addition to recognizing the rights of Nature, Muir references their personhood, Muir 1913].

1890s – Henry Salt (1851–1939) English schoolmaster and writer, lead founder of the Humanitarian League

Published *Animals' Rights Considered in Relation to Social Progress* in 1891, writing that natural rights support the right to life and liberty for animals as well as humans (Nash 1989). Nash (1989) stated, 'Salt's achievement in *Animals' Rights* was to fuse the ancient doctrine of natural rights with eighteenth- and nineteenth-century liberalism, and to advance the concept to its fullest expression before the twentieth century'. 'If we are ever going to do justice to the lower races [i.e. animals], we must get rid of the antiquated notion of a 'great gulf' fixed between them and mankind, and must recognize the common bond of humanity that unites all living beings in one universal brotherhood'. Salt wanted to include all living things within the scope of a perfected democracy, stating 'it is only by the spread of the same democratic spirit that animals can enjoy the 'rights' for which even men have so long struggled in vain'. Salt also wrote a biography of Henry David Thoreau in 1890 (Nash 1989)

1912 – Peter D. Ouspensky (1878–1947) Russian philosopher

Ouspensky wrote 'a mountain, a tree, a river, the fish in the river, drops of water, rain, a plant, fire – each separately must possess a mind of its own' in *Tertium Organum* in 1912 and referenced 'the mind of a mountain', a phrase that later influenced Aldo Leopold and is interestingly similar to Dōgen's *Mountains and Rivers Sutra* (Nash 1989). He stated, 'anything indivisible is a living being' (Nash 1989).

1920's – Royal Dixon (1885?–1962) American theologian and philosopher

Promoted idea that all animals have 'the inalienable right to life, liberty, and the pursuit of happiness' (Nash 1989).

1935 – *Arthur G. Tansley (1871–1955) English ecologist*

Proposed the word ‘ecosystem’ to describe ecological communities (Nash 1989).

Early to Mid-1900s – Aldo Leopold (1887–1948) American forester and professor

Leopold felt, ‘the indivisibility of the earth – its soil, mountains, rivers, forests, climate, plants and animals’ provided a rationale for respecting the earth ‘not only as a useful servant but as a living being’, and this understanding of the earth as ‘an organism possessing a certain kind and degree of life’ created justification for inclusion within the ethical community. He stated, ‘A moral being respects a living thing’ (Nash 1989).

In 1949 Leopold stated, ‘All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts... The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land’ (Leopold 1949).

Influenced by Ouspensky and Thoreau, Leopold admonished us to think like a mountain and references Thoreau’s ‘In wildness is the preservation of the world’ statement (Leopold 1949).

1948 – *Universal Declaration of Human Rights, United Nations*

(https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf, 29 March 2020).

Eleanor Roosevelt (1884 – 1962) Chair of the Human Rights Commission/leader of drafting committee

Eleanor Roosevelt stated, ‘This declaration may well become the international Magna Carta for all men everywhere’.

1950 – *Albert Einstein (1879–1955) German–American theoretical physicist*

In a 1949 letter, Einstein wrote:

A human being is part of a whole, called by us the ‘universe’ – a part limited in time and space. He experiences himself, his thoughts and feelings as something separated from the rest – a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest us. Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty [Einstein, quoted in Sullivan 1972]].

1950s & 60s – Rachel Carson (1907–1964) American marine biologist and writer

Carson ‘challenged the right of humans to own and abuse nature’ and brought unprecedented public attention to the idea that all forms of life and the ecosystem as a whole should be included in the moral community. Her ethical framework was based on a reverence for the miracle of all life and the ecological relationships (web of life) that connect all members of the ecosystem (Nash 1989).

1960s – 1970s – Gary Snyder (1930–present) American poet

Snyder developed an ethic based on an integration of Buddhism, Native American spirituality and American natural rights ideology, which led to personification of Nature and inclusion of Nature into a Lockean social contract, stating ‘Plants and animals are also people’. In 1970 he advocated for the rights of Nature, saying, ‘What we must ... do ... is incorporate the other people ... the creeping people, and the standing people, and the flying people and the swimming people ... into the councils of government’. He warned that if we do not grant these rights to all, then ‘they will revolt against us’, referencing an exploited environment leading to potential collapse of human society as we fail to meet the ‘nonnegotiable demands about our stay on earth’ (Nash 1989). Snyder published Pulitzer-prize winning *Turtle Island* in 1975 (Nash 1989).

1970s

During the 1970s the field of environmental philosophy emerged, with significant contributors from America, Australia, Canada, and Norway, countries where strong liberal traditions had been founded on Lockean natural rights. These societies first recognised oppressed people, then made the leap to recognition of the rights of exploited Nature (Nash 1989).

1972 – present – Christopher D. Stone, American law professor

Published law review article in 1972 titled, *Should Trees Have Standing? Toward Legal Rights for Natural Objects*, which advocated for the legal standing of Nature in courts of law, including legal representation for Nature by appointed guardians who would advocate for the inherent interests/natural rights of the Nature entity in question. He commented, ‘I do not think it too remote that we may come to regard the earth, as some have suggested, as one organism, of which mankind is a functional part...’ (Stone 2010). His more recent publication, *Should Trees Have Standing? Law, Morality and the Environment* (Stone 2010), pointed out that in protecting endangered species and natural resources, government agencies are already acting as guardians who represent the legal rights of Nature, and that to some extent, our legal system already recognises the rights of Nature in practice, if not in name, thus making the case that legal standing for Nature has already existed for some time and has precedent (Stone 2010).

1974 – Vine DeLoria, Jr (1933–2005) Native American Sioux scholar, professor, activist, writer

Vine DeLoria wrote in a 1974 unpublished essay about the ‘legal rights of non-human nature’, a concept that was consistent with the Native American perspective, but which would necessitate a drastic change in the world view of white Americans (Nash 1989).

1970s–present – EO Wilson (1929–present) American biologist and professor emeritus

Wilson identified a holistic earth community, encompassing humans and ecosystems, as extending through time to include past and present ecosystems, and includes ethics as part of the evolutionary struggle for survival. He wrote about the evolution of the human mind in kinship with myriad other species, and how the survival of the human spirit, as well as physical survival, is threatened by our capacity to reduce biodiversity. He referenced ‘biophilia’, ‘which he defined as the tendency of the human mind to ‘affiliate’ with other forms of life and with the

life process... The core of the issue was that the human mind evolved in association with myriad life forms and needed them, even if subconsciously, for the continued survival of ‘the human spirit’. He felt that ‘‘reverence for life’ will one day be understood in terms of evolutionary biology and evolutionary psychology’ (Nash 1989).

1964 – Paul Sears (1891–1990) American ecologist and writer

In 1964, Paul Sears identified ecology as the ‘the subversive science’, questioning societies’ accepted practices and assumptions. Ecology places humans in relationship to Nature, not above it (Nash 1989).

1982 – United Nations World Charter for Nature, United Nations

(<https://digitallibrary.un.org/record/39295?ln=en>, 29 March 2020).

The World Charter for Nature states that

...mankind is a part of nature and life depends on the uninterrupted functioning of natural systems ... living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation... Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action... Nature shall be respected and its essential processes shall not be impaired.

1991 – Thich Nhat Hanh (1926–present) Vietnamese Buddhist monk, writer

Thich Nhat Hanh is one of many major Buddhist thinkers who shares Buddhist teachings with the non-Asian world, broadening the understanding of a non-dualistic world view.

‘To be’ is to inter-be. We cannot just *be* by ourselves alone. We have to inter-be with every other thing. This sheet of paper is, because everything else is... Without non-paper elements, like mind, logger, sunshine and so on, there will be no paper. As thin as this sheet of paper is, it contains everything in the universe in it [Hanh 1991].

1992 – Malta Delegation to Rio Earth Summit

Proposed that future generations should be given legal representation, asking that ‘[a]n authorized person (‘guardian’) to represent future generations at various international fora ... whose decisions would affect the future ... to argue the case on behalf of future generations, hence bringing out the long-term implications of proposed actions and proposing alternatives’ (Stone 2010).

2000 – Earth Charter, Earth Charter Commission

(<https://earthcharter.org/discover/the-earth-charter/>, 29 March 2020).

Endorsed by over 2000 organisations and global institutions such as UNESCO and International Union for Conservation of Nature (IUCN), this document states:

Earth, our home, is alive with a unique community of life ... we must decide to live with a sense of universal responsibility... The spirit of human solidarity and kinship with all life is strengthened when we live with reverence for the mystery of being, gratitude for the gift of life, and humility regarding the human place in nature.

It further acknowledges that the actions ‘of each generation is qualified by the needs of future generations’. The Charter states that traditional knowledge and spiritual wisdom of all cultures, relative to environmental protection and human well-being, should be recognised and preserved, as well as Indigenous rights more broadly. The Charter is considered to represent global consensus on sustainable development and a code of ethics.

2001 – The Origin, Differentiation and Role of Rights

Thomas Berry (1914–2009), American monk, philosopher, cultural historian

Berry wrote a declaration of the rights of Nature (<http://www.ties-edu.org/wp-content/uploads/2018/09/Thomas-Berry-rights.pdf>, 29 March 2020) and working with others proposed an Earth Justice System, drawing on Indigenous restorative justice systems and based on the concept that all members, human and otherwise, and the planet herself, have rights based on their existence and as members of a single earth community. Berry’s declaration identifies three rights held by all living and non-living community members: ‘The right to be, the right to habitat, and the right to fulfill its role in the ever-renewing processes of the Earth Community’ (Berry 2001 as cited in Cullinan 2011). This document recognised that rights would be specific to each type of entity and would differ in appropriately qualitative ways. Neither human rights nor property rights would invalidate the rights of other beings. The origin of rights is the Universe as the originator of existence, and ‘The Universe is a communion of subjects, not a collection of objects’ (Berry 2001 as cited in Cullinan 2011).

2002 – Wild Law, A Manifesto for Earth Justice

Cormac Cullinan, South African environmental attorney and writer, published *Wild Law, A Manifesto for Earth Justice*, proposing a system of Earth Jurisprudence, based on the Great Jurisprudence, which expands on the idea of rights of Nature. Cullinan commented that current governance is based on a misunderstanding or denial of our status as a member of the web of life community, viewing our status as master or manager of natural resources, and inhabiting the ‘homosphere’, that mythical world of human separation, mastery and superiority’ (Cullinan 2011). He proposed that our laws and governance structures need to be reconstructed to account for the reality of our existence in relationship with Nature and governed by the Great Jurisprudence (aka laws of Nature) (Cullinan 2011).

If we are to transcend the mental fetters of species and culture and engage fully with the wider Community we must strive, not only as Aldo Leopold suggests, to think like a mountain, but also to breathe like a tree and allow our minds to move like water. By this I mean we need to feel and consciously experience the supportive symbiosis of our relationship with the other members of the Earth family, the give and take of carbon dioxide and oxygen, the constant exchange of nutrients and energy. We must also, metaphorically, allow our own consciousness to trickle deep, deep into the soil until it connects with Earth’s vast and ancient subterranean

waters. Until we allow ourselves this freedom to experiment with new ways of knowing we will never believe that the capacity to share a degree of consciousness is more than a romantic metaphor [Cullinan 2011].

He stated,

...what we call 'governance' needs soul ... in the sense of a quality of depth, connection, and emotional and intellectual substance. This depth and connection is closely associated with the wild creativity that runs through the heart of humans back into the wild space and times that are our heritage and the context within which we belong.

and

Earth governance is concerned with who we are as individuals, as communities, as human societies, and as a species ... the systems that we establish to govern ourselves at every level both reflect who we are, and play an important role in shaping who we become [Cullinan 2011].

This is remarkably similar to Buddhist wisdom ascribed to Gautama Buddha:

The thought manifests as the word;
The word manifests as the deed;...
As the shadow follows the body,
As we think, so we become.

It thus represents a circling back to more ancient forms of knowing and ethical frameworks.

2006 – Tamaqua Borough, PA, USA – codified rights of nature.

Globally, the first entity to recognise the legal rights of Nature in law via a ban on dumping of toxic sludge (<http://files.harmonywithnatureun.org/uploads/upload666.pdf>, 29 March 2020).

2008 – Constitution of the Republic of Ecuador

Ecuador became the first country in the world to recognise the rights of Nature in the national Constitution (Morales 2013; <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>, 29 March 2020).

Preamble

We women and men, the sovereign people of Ecuador

RECOGNIZING our age-old roots, wrought by women and men from various peoples,

CELEBRATING nature, the Pacha Mama [Mother Earth], of which we are a part and which is vital to our existence,...

CALLING UPON the wisdom of all the cultures that enrich us as a society,

AS HEIRS to social liberation struggles against all forms of domination and colonialism

AND with a profound commitment to the present and to the future,

Hereby decide to build

A new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the *sumak kawsay*;

Title I, Chapter Seven

Rights of nature

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. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

2009–2018 – Resolutions on Harmony with Nature, United Nations

(<http://www.harmonywithnatureun.org/>, 29 March 2020).

The United Nations adopted the first Resolution on Harmony with Nature in 2009, and the most recent in 2018. A total of nine Harmony with Nature resolutions have been adopted. In adopting these resolutions, the UN General Assembly advocates for moving our relationship with the natural world away from an anthropocentric perspective, stating:

The solar system reminds us that, just as the Earth is not at the center of the Universe, neither are we humans the center of the Earth. We, along with the rest of the natural world, are all interconnected within the larger web of life.

It also reaffirms the 2012 statement from the UN Conference on Sustainable Development:

We recognize that planet Earth and its ecosystems are our home and that ‘Mother Earth’ is a common expression in a number of countries and regions, and we note that some countries recognize the rights of nature in the context of the promotion of sustainable development.

2009

United Nations General Assembly adopted a resolution to proclaim April 22 as ‘International Mother Earth Day’, proposed by the Plurinational State of Bolivia, and adopted on 22 April 2009 (Cullinan 2011; <https://www.un.org/en/observances/earth-day>, 29 March 2020).

2010

Universal Declaration of Rights of Mother Earth (Pachamama) and formation of the Global Alliance for the Rights of Mother Earth (<https://therightsofnature.org/universal-declaration/>, 29 March 2020).

Universal Declaration of Rights of Mother Earth was issued at the World People's Conference on Climate Change and the Rights of Mother Earth in Cochabamba, Bolivia. The Declaration has been submitted to the United Nations for consideration and declares that Mother Earth is a living being with inherent inalienable rights that 'arise from the same source as existence'. The Declaration states, 'Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings'.

2010 – *The Plurinational State of Bolivia passes Law of the Rights of Mother Earth*

(http://f.cl.ly/items/212y0r1R0W2k2F1M021G/Mother_Earth_Law.pdf, 29 March 2020).

2010 – *Global Alliance for the Rights of Nature was formed.*

(<https://therightsofnature.org/>, 29 March 2020).

2011 – *Vilcabamba River, Ecuador Court Case*

(<https://therightsofnature.org/first-ron-case-ecuador/>, 29 March 2020).

Ecuadorian Constitutional rights of Nature were upheld.

2012 – *International Union for the Conservation of Nature (IUCN)*

Incorporated rights of Nature in decision-making process (WCC-2012-Res-100-EN) (<https://portals.iucn.org/library/efiles/documents/WCC-5th-005.pdf>, 29 March 2020).

2013 – *Robin Wall Kimmerer (1953–present), American ecologist, professor and enrolled member of the Citizen Potawatomi Nation*

Published *Braiding Sweetgrass* in 2013, with the following statements:

The animacy of the world is something we already know, but the language of animacy teeters on extinction... Our toddlers speak of plants and animals as if they were people ... until we teach them not to... When we tell them that the tree is not a *who*, but an *it*, we make the maple an object; we put a barrier between us, absolving ourselves of moral responsibility and opening the door to exploitation. Saying *it* makes a living land into 'natural resources'. If a maple is an *it*, we can take up the chain saw. If a maple is a *her*, we think twice... The arrogance of English is that the only way to be animate, to be worthy of respect and moral concern, is to be a human.

A language teacher I know explained that grammar is just the way we chart relationships in language. Maybe it also reflects our relationships with each other. Maybe a grammar of animacy could lead us to whole new ways of living in the world, other species a sovereign people, a world with a democracy of species, not a

tyranny of one – with moral responsibility to water and wolves, and with a legal system that recognizes the standing of other species. It's all in the pronouns.

But there is more to it. I have heard our elders give advice like 'You should go among the standing people' or 'Go spend some time with those Beaver people'. They remind us of the capacity of others as our teachers, as holders of knowledge, as guides. Imagine walking through a richly inhabited world of Birch people, Bear people, Rock people, beings we think of and therefore speak of as persons worthy of our respect, of inclusion in a peopled world.

But to become native to this place, if we are to survive here, and our neighbours too, our work is to learn to speak the grammar of animacy, so that we might truly be at home (Kimmerer 2013).

2014 – New Zealand Parliament passes Te Urewera Act

(<http://www.legislation.govt.nz/act/public/2014/0051/latest/whole.html>, 29 March 2020).

The *Te Urewera Act* finalises settlement with Tuhoe Indigenous people and recognises the Te Urewera, a former national park, as having inherent legal rights.

2016 – Ho-Chunk Nation, WI, USA

First tribe in USA to adopt rights of Nature in tribal constitution (<https://celdf.org/2016/09/press-release-ho-chunk-nation-general-council-approves-rights-nature-constitutional-amendment/>, 29 March 2020).

2016 – IUCN World Declaration on the Environmental Rule of Law

(https://www.iucn.org/sites/dev/files/content/documents/english_world_declaration_on_the_environmental_rule_of_law_final.pdf, 29 March 2020).

This declaration recognises the rights of Nature and the responsibility that humans have for caring for nature, regardless of Nature's worth to humans in the first two principles listed:

Principle 1. Obligation to Protect Nature

Each State, public or private entity, and individual has the obligation to care for and promote the well-being of nature, regardless of its worth to humans, and to place limits on its use and exploitation.

Principle 2. Right to Nature and Rights of Nature

Each human and other living being has a right to the conservation, protection, and restoration of the health and integrity of ecosystems. Nature has the inherent right to exist, thrive, and evolve.

2017 – New Zealand Parliament passed Te Awa Tupua Act (Whanganui River Claims Settlement Bill)

(<http://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>, 29 March 2020).

The Whanganui River, including its wetlands, is granted the status of legal personhood (first time in the world), and the special relationship of the Maori iwi (tribes) is legally recognised.

Te Awa Tupua is an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements [*Te Awa Tupua Act*, Subpart 2, Section 12].

Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person [*Te Awa Tupua Act*, Subpart 2, Section 14].

‘*Ko au te Awa, ko te Awa ko au*’: I am the River and the River is me:

The iwi and hapū of the Whanganui River have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being [*Te Awa Tupua Act*, Subpart 2, Section 12].

...we consider the river an ancestor, and always have [Gerrard Albert, Whanganui iwi lead negotiator, quoted in Roy 2017].

We have fought to find an approximation in law so that all others can understand that from our perspective treating the river as a living entity is the correct way to approach it, as in indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management [Gerrard Albert in Roy 2017].

2017 – Indian Uttarakhand High Court

Granted rights of personhood to the Ganges and Yamuna Rivers. Judges stated that the rivers and their tributaries would be ‘legal and living entities having the status of a legal person with all corresponding rights, duties and liabilities’ (Safi and Agencies 2017). Decision was later reversed upon appeal (<https://www.theguardian.com/world/2017/mar/21/ganges-and-yamuna-rivers-granted-same-legal-rights-as-human-beings>, 29 March 2020).

2017 – Atrato River, Colombia Constitutional Court

(<https://www.iucn.org/news/world-commission-environmental-law/201804/colombian-supreme-court-recognizes-rights-amazon-river-ecosystem>, 29 March 2020).

Colombia Constitutional Court found that the river basin of the Atrato River possesses rights to ‘protection, conservation, maintenance and restoration’.

2017 – Universal Declaration of the Rights of Rivers

(<https://www.earthlawcenter.org/river-rights>, 29 March 2020).

The Earth Law Center and others developed a draft Universal Declaration of the Rights of Rivers in an effort ‘to build international consensus on the fundamental rights to which all rivers are entitled. It is based on international legal precedent as well as ecological principles of river health’ (Wilson and Lee 2019) and is being used for river rights efforts around the world. The Declaration states in part:

Convinced that recognizing the rights of nature, and in particular recognizing those river rights contained in this Declaration, will foster the creation of a new legal and social paradigm based on living in harmony with nature and respecting both the rights of nature and human rights, particularly with reference to the urgent needs of Indigenous communities and the ecosystems they have long protected,

1. Declares that all rivers are entitled to the fundamental rights set forth in this Declaration, which arise from their very existence on our shared planet;

2. Further declares that all rivers are living entities that possess legal standing in a court of law;

3. Establishes that all rivers shall possess, at minimum, the following fundamental rights: (1) The right to flow, (2) The right perform essential functions within its ecosystem, (3) The right to be free from pollution, (4) The right to feed and be fed by sustainable aquifers, (5) The right to native biodiversity, and (6) The right to regeneration and restoration

2018 – *White Earth band of Ojibwe, MN, USA*

(<https://www.yesmagazine.org/environment/2019/02/01/the-white-earth-band-of-ojibwe-legally-recognized-the-rights-of-wild-rice-heres-why/>, 29 March 2020).

The White Earth band of Ojibwe passed a law recognising the rights of Manoomin (‘wild rice’) to protect wild rice and freshwater resources for future generations. This is considered to be the first law to recognise the rights of a plant species. The law states:

Manoomin, or wild rice, within all the Chippewa ceded territories, possesses inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation. [Manoomin possesses] The right to clean water and freshwater habitat, the right to a natural environment free from industrial pollution, the right to a healthy, stable climate free from human-caused climate change impacts, the right to be free from patenting, the right to be free from contamination by genetically engineered organisms.

We understand that water is life for all living creatures and protecting abundant, clean, fresh water is essential for our ecosystems and wildlife habitats to sustain all of us and the manoomin [Frank Bibeau, Executive Director of the 1855 Treaty Authority].

2018 – *Ecuador*

Ecuadorian Kichwa Native People of Sarayaku launch Kawsak Sacha/Living Forest Declaration after winning ‘Case of the Kichwa Native People of Sarayaku vs Ecuador’, Inter-American Court of Human Rights (<http://sarayaku.org/caso-sarayaku/>, 29 March 2020).

After winning a case in the Inter-American Court of Human Rights that recognised Sarayaku Indigenous rights to their Amazonian territory and thus prevented exploitation by oil companies working with the Ecuadorian government, the Kichwa Native People of Sarayaku issued the Kawsak Sacha/Living Forest Declaration, stating:

Kawsak Sacha is a living being, with consciousness, constituted by all the beings of the Jungle, from the most infinitesimal to the greatest and supreme. It includes the beings of the animal, vegetable, mineral, spiritual and cosmic worlds, in intercommunication with human beings, giving them what is necessary to reanimate their psychological, physical and spiritual facets, this restoring the energy, life and equilibrium of the original peoples... [<https://kawsaksacha.org/>, 7 July 2020].

This Declaration proposes to the international community a new conception and category of land protection that excludes extractive industries based on the deep spiritual connection between Indigenous peoples and their surrounding forest and waters (<https://amazonwatch.org/news/2018/0719-visionary-living-forest-proposal-to-be-launched-by-kichwa-people-of-sarayaku>, 7 July 2020).

2018 – *Entire Colombian Amazon, Colombian Supreme Court*

(<https://www.iucn.org/news/world-commission-environmental-law/201804/colombian-supreme-court-recognizes-rights-amazon-river-ecosystem>, 29 March 2020).

Colombian Supreme Court recognised the Colombian Amazon as an ‘entity subject of rights’ in response to a lawsuit brought by young people in response to Amazonian deforestation and climate change (Wilson and Lee 2019).

2018 – *Tenzin Gyatso (1935–present) The Fourteenth Dalai Lama, Tibetan*

Buddhists ... believe in extending love and compassion toward all sentient beings [Dunne and Goleman 2018].

So as a Buddhist practitioner, one needs to develop the ability to have a holistic, comprehensive perspective on reality [Dunne and Goleman 2018].

2019 – *Lake Erie Bill of Rights, Toledo, OH, USA*

(<https://theintercept.com/2019/08/29/lake-erie-bill-of-rights-ohio/> and <https://www.cleveland.com/news/2019/12/toledos-lake-erie-bill-of-rights-is-stuck-in-court-but-inspiring-environmentalists-nationwide.html>, 29 March 2020).

A citizen initiative added a law, the *Lake Erie Bill of Rights*, to the city Charter, granting the Lake Erie Ecosystem, including its watershed, the status of personhood and the rights to ‘exist, flourish, and naturally evolve’. The Bill also granted citizens the right to a ‘clean and healthy environment’. The law was challenged in federal court, and later nullified at the state level by a last-minute rider added to an appropriations bill at the request of the Ohio Chamber of Commerce.

2019 – *Stephanie Kaza, Zen Buddhist and Professor Emeritus, University of Vermont, VT, USA*

In her book, *Green Buddhism: Practice and Compassionate Action in Uncertain Times*, Stephanie Kaza states:

Ecology has made its mark as a science by lifting up the central governing aspect of ecological systems: interdependence... Buddhist philosophy likewise takes interdependence as its central tenet... Buddhism most

explicitly includes all beings in the web of interdependence [Indra's net] without claiming a sovereign role for human beings... Buddhism, however, takes interdependence a step further than ecology. This central law is also stated as co-dependent arising, or mutual causality, and part of this realm is the human mind... Indra's net includes not only individual mental habits and values, but also underlying patterns of cultural relations with the environment... From my perspective as a Buddhist, what is missing from science training is the practice of compassion... The path of compassion invites one to suffer with the existence of suffering... The first teaching of the Buddha directly addressed the existence of suffering in what are known as the Four Noble Truths. After establishing the truth of the universal existence of suffering and the cause of that suffering as clinging to the delusion of a separate self, the Buddha proclaimed the third truth, that there is a way out of suffering. Right in the midst of delusion, one can find the spaciousness of enlightenment [Kaza 2019]... Joanna Macy describes this ecological self as relational and interdependent, responding constantly to information flow in interaction with other beings... The ecological self is experienced as one node in a web of relationship where one's actions reverberate throughout the causal web. The relational self in Macy's model responds not only to human actions but also to the actions of plants, animals, stones, rivers, and mountains. These nonhuman members of the ecological web are themselves relational and influential... This understanding of social reality is common to many Native American spiritual traditions [Kaza 2019].

2020 – *Universal Declaration of the Rights of Wetlands*

A group of authors organised through the Society of Wetland Scientists developed a proposal for a *Universal Declaration of the Rights of Wetlands* to expand the paradigm of rights to these important ecosystems, and based this *Declaration* on historical examples of expanded rights and international legal precedent as well as ecological principles of wetland well-being (Davies *et al.* 2020).

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