



GARN
GLOBAL ALLIANCE FOR
THE RIGHTS OF NATURE

7th September 2021
President Zhang, IUCN, president@iucn.org
IUCN Headquarters, Rue Mauverney 28
CH-1196 Gland, Switzerland

RE: Proposal for Adoption of Greater Rights of Nature Focus for 2020 IUCN Congress with Specific Deliverables

Dear President Zhang,

On behalf of Earth Law Center and the Global Alliance for the Rights of Nature, we urge the IUCN to implement their commitments under Resolution 100 calling for Nature's rights to be a key focal point and fundamental element in all IUCN decisions.

Rights of Nature Precedent Within IUCN

Over the past several years, IUCN has recognized the importance of Nature's rights by making several commitments to consider the Rights of Nature when issuing IUCN decisions, supporting wildlife conventions, and drafting substantive principles of environmental law.

At the 2008 WCC, IUCN passed Resolution 4.099, which recognizes that "a great number of the world's languages lack an exact equivalent for the concept of 'nature' that IUCN uses, and that, instead, the word or words they use include human beings, agrobiodiversity, and non-material realms, which are perceived as alive and often a more significant part of nature than their material counterparts...and that many of the concepts used instead of 'nature' are more holistic, and may be loosely translated in expressions such as 'Mother', 'Mother Earth', 'Mother who makes all things possible', 'Community of all beings', 'Source of all', 'Self-regenerating', 'Angel', or 'Spirit.'"

Then, at the IUCN World Conservation Congress in 2012, Members of the Union passed Resolution 100: "Incorporation of the Rights of Nature as the organizational focal point in IUCN's decision making." Within this resolution, the IUCN called for Nature's rights to be a "fundamental and absolute key element in all IUCN decisions" and work towards the creation of a Universal Declaration of the Rights of Nature.

At the 2016 Congress in Hawaii, IUCN Members included Nature's rights in the 2017-2020 Programme of work priorities, which "aims to secure the rights of nature." In order to achieve SDG 14 (Sustainable Development Goal 14: to conserve and sustainably use the ocean) the IUCN's 2017-2020 Action Programme's Target 15 commits to the following: "the pursuit of protected area governance systems that achieve the effective and equitable governance of natural resources are recognized (as best practices/ pilot testing), supported and promoted, while respecting the rights of nature." Therein, the IUCN also committed to specifically supporting the Convention on International Trade in Endangered Species (CITES) and other wildlife conventions by "advance[ing] rights regimes related to the rights of nature" through a "rights-based approach to conservation." Additionally, IUCN recognized the inherent rights of nature in two resolutions, Resolution 070, "Crimes against the Environment" and Resolution 081, "Humanity's Right to a Healthy Environment."

Also in 2016, the IUCN held its first ever World Congress on Environmental Law in Rio de Janeiro, Brazil, and adopted the “IUCN World Declaration on the Environmental Rule of Law” outlining 13 principles to serve as the foundation for developing and implementing solutions for ecologically sustainable development. Principle 2 of the Declaration expressly recognizes nature’s rights by stating that, “Nature has the inherent right to exist, thrive, and evolve.”

Additionally, in 2017, the IUCN produced a guideline document for large-scale marine protected areas. The IUCN’s framework notes “[t]he key is for all players to commit to effective and equitable governance and management that seeks to conserve biodiversity in parallel with influencing, for the better, the economic, social and political drivers that affect ecosystem management, nature-based livelihoods, and the rights and responsibilities for nature (IUCN, 2012).” It further requires that human activities are managed holistically and the use of “a holistic management model that seeks to understand the relationship between Nature, culture and the human dimension.”

Finally, at the IUCN Global Youth Summit held April 2021, Earth Law Center and the Global Alliance for the Rights of Nature Youth Hub held a thematic workshop on Rights of Nature and future generations, and produced a collaborative declaration containing specific recommendations to the IUCN to implement their commitments towards Rights of Nature. They include: updating the IUCN statutes to shift away from equating Nature to a natural resource and object here for human benefit and utility; creating an IUCN Commission (or working group within each Commission) for the Rights of Nature to be mainstreamed through cross-cutting and joint initiatives, events, discussions or projects; and creating best-guidelines documents to provide guidance to IUCN members on best practices and challenges to implementation and enforcement of Earth-centered governance. The Declaration and recommendations are included in the IUCN’s Draft Outcome Statement produced August 11, 2021. The declaration can be found here in multiple languages: <https://www.therightsofnature.org/ron-declaration/>.

Recent Rights of Nature Precedent Worldwide

Around the world, recognition of Nature’s inalienable rights is increasing. In 2008, Ecuador formally included the Rights of Nature (or Pachamama) in its constitution, providing that all Ecuadorians have the ability to demand their government recognize the Rights of Nature and speak on its behalf in the legal system.

In 2010, Bolivia held the World People’s Conference on Climate Change and the Rights of Mother Earth, where the Universal Declaration of the Rights of Mother Earth was adopted. The Declaration acknowledges that humanity has degraded and exploited the natural environment, and further recognizes that governments must defend the Earth’s rights in order to guarantee human rights. Several United Nations General Assembly resolutions followed, addressing the importance of sustainability approaches that are in harmony with Nature.

Since the 2016 Congress, there have been significant findings worldwide recognizing the Rights of Nature. These recent developments create strong precedent for the 2021 IUCN Congress. For example, in 2017 the New Zealand Parliament passed a Treaty bill recognizing the Whanganui River as a legal person. Later in the year, the High Court of Uttarakhand in India granted legal personhood to the Ganges and Yamuna Rivers. Although the decision has been stayed while the Supreme Court makes a final ruling, the High Court’s decision is

powerful as it declared the rivers as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person. That same year the Inter-American Court of Human Rights supported a Rights of Nature approach in an Advisory Opinion, declaring for the first time that the right to a healthy environment constitutes an autonomous right, and acknowledging the importance of protecting the environment for all living organisms (human and non-human) with whom the planet is shared.

Further, in Colombia a Constitutional Court recognized that the Atrato River has the right to be free from pollution and destruction in order to safeguard the rights granted to Colombians in their Constitution. Building on the Atrato River decision, in 2018 Colombia recognized the legal rights of the Amazon ecosystem, acknowledging the interconnected human right to a healthy environment. The Supreme Court of Colombia declared that it would recognize the Colombian Amazon as an entity, subject of rights, and beneficiary of protection, conservation, maintenance and restoration.

Rights of Nature-type legal developments are now occurring in over 35 countries around the world, providing support for the IUCN to do the same.

Rights of Nature Focus for the 2021 IUCN Congress

As the world's largest and most diverse environmental network, the IUCN is a global authority on the status of Nature and the measures needed to safeguard her.

In accordance with IUCN's commitment under Resolution 100 calling for Nature's rights to be a "fundamental and absolute key element in all IUCN decisions," we request the IUCN adopt measures to implement its commitments. In order to inspire action and implementation, we recommend the 2021 Congress focuses on providing Members, the public and organizations with knowledge and tools to enable a more comprehensive understanding of the Rights of Nature movement and Earth Jurisprudence more broadly), to realize IUCN and its partners' goal of advancing Nature's rights, and enable a more comprehensive understanding of Nature, and our relationship and responsibilities to her.

There is a growing awareness of "the importance of language," its role in determining our ethical and moral considerations towards nature, and how our perceptions and values drive conservation. It is of great concern that anthropocentric language continues to dominate conservation, and in particular the preamble and objectives of the IUCN. We must evolve our perceptions and values, including by transitioning to language and governance structures that represent the interconnectedness of ecological processes and that sees humans as embedded within Nature.

Incorporating Rights of Nature into decision-making means changing reference and valuation of Nature as an object or property, towards a living being and entity subject of rights. As such, terms that equate Nature to a "natural resource", property or object, or suggest Nature as only having benefits to human communities, is inconsistent with Rights of Nature, and our inherent relationship with the Earth.

This proposal will enable more efficient governance that recognizes and protects the human interconnected and interdependent relationship with one another and the Earth. This approach and systemic change created by Rights of Nature, will not only benefit humanity, but all life, by recognizing the biological interdependence of all species.

Specific Requests

In order to achieve a Rights of Nature as a fundamental part of IUCN decision-making, we have identified meaningful steps with specific deliverables to be included in the 2021 Congress Work Programme and Marseille Outcome Document.

1. Formally adopt the Universal Declaration of the Rights of Mother Earth;
2. Ensure that Indigenous knowledge, including cultural and spiritual values, innovations and practices of Indigenous peoples, guides decision-making;
3. Develop best guideline documents on implementation and enforcement of Rights of nature and Earth-centered laws and policies, including adopting Rights of Nature as an approach for protected areas;
4. Ensure Rights of Nature is included in all IUCN position statements, such as those for international bodies and institutions, including the Post-2020 Global Biodiversity Framework and the BBNJ Agreement.
5. Update the IUCN statutes to shift away from equating Nature to a natural resource and property here for human benefit and utility (as well as ensuring future motions, programmes, conservation regimes, and work products reflect this change);
6. Create an IUCN Commission (or working group within each Commission to foster synergies) for the Rights of Nature to be mainstreamed through cross-cutting and joint initiatives, events, discussions or projects;
7. Commit to at least four Rights of Nature pilot projects for specific ecosystems;
8. Encourage the Global Judicial Institute on the Environment (an IUCN body) to conduct judge trainings on Rights of Nature;
9. Convene workshops to train and support lawyers and Member organizations in working on Rights of Nature initiatives;
10. Create equitable mechanisms for youth to engage in formal policy negotiations and legal cases to promote the Rights of Nature; and
11. Identify funding sources to support Nature's rights initiatives across IUCN Member organizations.

Please acknowledge receipt of this advice and our requests. Thank you for your kind cooperation.

Sincerely,



Michelle Bender
Ocean Campaigns Director, Earth Law Center
Member, IUCN WCEL



Natalia Greene
Office Coordinator and member of the member of the Executive Committee
Global Alliance for the Rights of Nature