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David Takacs

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Environmental Law
Rivers with Rights

David Takacs¹

Introduction

Legislatures, courts, and voters around the globe have declared that rivers and other living systems have legal rights. The New Zealand Parliament granted the Whanganui River and the Te Urewera mountain ecosystem rights as legal persons, with a Māori governing board to speak for the nonhuman entities.² The Colombian Constitutional Court ordered government entities to recognize the rights of the Río Atrato and required appointment of government and community delegates to represent the rights of the river.³ Courts in India, Bangladesh, and Ecuador have also recognized rivers' legal rights, with concomitant orders to governments to fulfill those rights by remediating and preventing pollution.⁴ In the United States, various municipalities have passed "rights of nature" initiatives.⁵ Recently, citizens in Toledo voted to grant Lake Erie legal personhood, connoting the lake's right "to exist, flourish, and naturally evolve."⁶ An article in *Science* declares a "rights revolution for nature,"⁷ which the U.N.

¹ Excerpted and adapted from David Takacs, *We Are The River*, 2021 U. ILL. L. REV. 545.

² Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (N.Z.); Te Urewera Act 2014 (N.Z.).

³ No. T-622/16 § 10.2 (R.C.C. Nov. 10, 2016) (Colom.).

⁴ Wheeler v. Loja, No. 11121-2011-0010 (Loja Provincial Ct. of Just. Mar. 30, 2011) (Ecuador); Michael Safi, *Ganges and Yamuna Rivers Granted Same Legal Rights as Human Beings*, GUARDIAN (Mar. 21, 2017); Rina Chandran, *Fear of Evictions as Bangladesh Gives Rivers Legal Rights*, REUTERS (July 5, 2019). *But see India's Ganges and Yamuna Rivers Are 'Not Living Entities'*, BBC NEWS (July 7, 2017).

⁵ Peggy Kirk Hall, Ellen Essman & Evin Bachelor, *The Lake Erie Bill of Rights Ballot Initiative*, OHIO ST. UNIV. EXTENSION: IN THE WEEDS (Feb. 8, 2019).

⁶ Tom Henry, *Lake Erie Legal Rights Gets Approval from Toledo Voters*, TOLEDO BLADE (Feb. 26, 2019); Timothy Williams, *Legal Rights for Lake Erie? Voters in Ohio City Will Decide*, N.Y. TIMES (Feb. 17, 2019).

⁷ Guillaume Chapron, Yaffa Epstein & José Vicente López-Bao, *A*

Secretary General labels “the fastest growing legal movement of the twenty-first century.”⁸

We seem to be in a watershed moment in the drive to grant legal rights to rivers, lakes, and mountains. I examine this phenomenon and ask: What does it mean to give a river, lake, or mountain legal rights? What differentiates these rights from more traditional legal protections? Who is advocating for nonhuman legal rights, and why? And, ultimately, what does it mean when laws shift our relationship with the Earth and nonhuman communities from “we *own* the River” to “we *are* the River?”

Background

Global environmental laws have increased 38-fold since 1972. Eighty-eight nations grant their citizens the right to a healthy environment, and 62 have these rights enshrined in their constitutions.⁹ Yet Earth’s life-support systems continue to erode. Humans are causing unchecked greenhouse-gas pollution and species mass extinction.¹⁰ Meanwhile, the human population is projected to grow to nine billion by 2050 and to 11 billion by 2100.¹¹

To survive and thrive, we must recognize that our existence as individuals, as communities, and as a species fundamentally depends on the nonhuman world.¹² This recognition requires a radical rejiggering of our legal system. Mainstream, anthropocentric environmental law conceives of nonhuman

Rights Revolution for Nature, 363 SCI. 1392, 1392 (2019).

⁸ U.N. Secretary-General, *Harmony with Nature*, U.N. Doc. A/74/326 ¶ 129 (July 26, 2019).

⁹ *Dramatic Growth in Laws to Protect Environment, but Widespread Failure to Enforce, Finds Report*, ENV’T L. INST. (Jan. 2019), <https://www.eli.org/news/dramatic-growth-laws-protect-environment-widespread-failure-enforce-finds-report>.

¹⁰ The IUCN lists more than 32,000 species—27% of assessed species—threatened with extinction. See IUCN RED LIST OF THREATENED SPECIES, <https://www.iucnredlist.org> (as of Mar. 14, 2022).

¹¹ Damian Carrington, *World Population to Hit 11bn in 2100—With 70% Chance of Continuous Rise*, GUARDIAN (Sept. 18, 2014).

¹² Maria Niera, *Our Lives Depend on a Healthy Planet*, WORLD HEALTH ORG. (June 3, 2015), <https://www.who.int/mediacentre/commentaries/healthy-planet/en/>.

ecological entities and processes as ours to use and control. The natural world is a buffet of resources to fulfill human desires, and we regulate accordingly. If instead we viewed nature as an entity with which we are symbiotically entwined, with inherent value and thus, inherent rights, we would ask: what does this river or lake or mountain require to achieve its full potential? Human needs might then, at times, yield to the needs of functional ecosystems.

Christopher Stone's 1972 essay, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, set a template in Western legal circles for why, and with what implications, nonhuman entities might acquire legal rights.¹³ When a nonhuman entity has legal rights, legal actions can be instituted on its behalf; injury *to* it must be considered; and relief from injuries must flow to its benefit.¹⁴ If a polluter is held liable for polluting a waterway, Stone argues, money should go “to the benefit of the stream itself to repair *its* damages.”¹⁵ Stone's ideas are finally taking root in countries abroad and in communities in the United States.

New Zealand

New Zealand has granted both the Whanganui River and Te Urewera mountain ecosystem legal personhood by statute.¹⁶ New Zealand law gives Māori communities, who have a longstanding, well-documented, and scientifically validated cultural interconnectedness with the natural world,¹⁷ responsibility for speaking for those entities.¹⁸

The Te Awa Tupua (Whanganui River Claims Settlement) Act establishes that the River “is an indivisible and living whole,

¹³ Christopher D. Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. CAL. L. REV. 450, 456 (1972).

¹⁴ *Id.* at 458.

¹⁵ *Id.* at 462.

¹⁶ Te Urewera Act 2014, § 11 (N.Z.); Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, § 14 (N.Z.).

¹⁷ Elizabeth Macpherson & Felipe Clavijo Ospina, *The Pluralism of River Rights in Aotearoa, New Zealand and Colombia*, 25 WATER L. 283, 288 (2018); Kennedy Warne, *A Voice for Nature*, NAT'L GEOGRAPHIC (Apr. 2019).

¹⁸ Te Urewera Act, § 11; Te Awa Tupua Act, § 14.

comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements.”¹⁹ It declares that “Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person.”²⁰ The Act recognizes “Tupua te Kawa,” or the “intrinsic values that represent the essence of Te Awa Tupua,” including that the River is a “spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi, hapū [analogous to “tribe,” “clan”] and other communities of the River,” and that those communities “have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being.”²¹ The Act creates “Te Pou Tupua,” i.e., “the human face of Te Awa Tupua,”²² whose duties are “to act and speak for and on behalf of Te Awa Tupua” and “to promote and protect the health and well-being of Te Awa Tupua.”²³

In early exercises of Te Awa Tupua’s legal personhood, Te Pou Tupua intervened when the government was removing power lines and constructing a cycling bridge.²⁴ As both Gerrard Albert (Chief Māori Negotiator) and Christopher Finlayson (Attorney General, Minister for Treaty of Waitangi Negotiations) told me, these early interventions are muscle flexing to show seriousness and strength.²⁵ Albert said Te Awa Tupua is “reconditioning a community and nation to speak as we speak.”²⁶ They wish to confront any problems through negotiation, keeping Te Awa Tupua out of the courts both as a preferred means of conflict resolution, but also until judges can be properly socialized on what it means, legally, for Te Awa Tupua to speak for the River.²⁷ Looming over ongoing work is the Tongariro Power Scheme, which diverts 80% of the Whanganui River, and which the Māori

¹⁹ Te Awa Tupua Act, pt. 2, § 12.

²⁰ *Id.* pt. 2, § 14(1).

²¹ *Id.* pt. 1, §§ 13(a)–(d).

²² *Id.* pt. 2, §§ 18(1)–(2).

²³ *Id.* pt. 2, § 19(1).

²⁴ *Whanganui River Work Triggers Te Awa Tupua Legislation*, N.Z. HERALD (Mar. 15, 2019).

²⁵ Interview with Gerrard Albert in Whanganui, N.Z. (July 9, 2019); Interview with Chris Finlayson in Wellington, N.Z. (July 8, 2019).

²⁶ Albert Interview, *supra* note 25.

²⁷ *Id.*

oppose.²⁸ In 20 years, the Scheme will be up for relicensing, and Albert says the intervening years to build the capacity—of the community, of the government, and of the ecosystem—to meet that challenge.²⁹

The Te Urewera Act declares former National Park Te Urewera “a legal entity” with “all the rights, powers, duties, and liabilities of a legal person.”³⁰ The new Te Urewera Board now speaks for the mountain ecosystem.³¹ The Board is creating a management plan, Te Kawa, to express the values that will drive Te Urewera governance and “start the journey of understanding and articulating the Te Urewera identity.”³² The Board must manage according to traditional Tūhoe (the local Māori community) principles such as “mana me mauri,” *i.e.*, “the sensitive perception of a living and spiritual force in a place,” and “tapu,” *i.e.*, “a state or condition that requires certain respectful human conduct, including raising awareness or knowledge of the spiritual qualities requiring respect.”³³

Although the New Zealand laws are sometimes portrayed as “rights for nature,” that is not precisely correct.³⁴ They confirm that nature has intrinsic value,³⁵ but their primary focus is on the complex, symbiotic relationship between human and nonhuman communities: an expression of its value, and a recognition that the health of both human and nonhuman depends upon it.³⁶ Legal personhood for the Whanganui and Te Urewera is the latest, and perhaps most important, chapter in the Māori communities' quest to determine their relationships to the nonhuman world around them.

²⁸ ERIN O'CONNELL, LEGAL RIGHTS FOR RIVERS: COMPETITION, COLLABORATION, AND WATER GOVERNANCE 178 (2019).

²⁹ Albert Interview, *supra* note 25.

³⁰ Te Urewera Act, pt. 2, § 44.

³¹ *Id.* pts. 1–2, §§ 12, 16, 18.

³² TE UREWERA BOARD, TE KAWA O TE UREWERA 22 (2017).

³³ Te Urewera Act, pt. 2, § 18(3).

³⁴ Addison Luck, *The Rights of Nature Movement: A Closer Look at New Zealand*, VT. J. ENV'T L. (Nov. 30, 2018).

³⁵ *Id.*

³⁶ See generally Sibyl Diver, Mehana Vaughan, Merrill Baker & Heather Lukacs, *Recognizing “Reciprocal Relations” to Restore Community Access to Land and Water*, 13 INT'L J. COMMONS 400 (2019).

These legal outcomes are replicable anywhere communities seek to legalize a complicated, ecologically grounded worldview of fundamental interconnectedness with the natural world—that we are the natural world, and it is us. The worldview may have deep historical roots or may be prompted by the ecological cataclysms modern science portends.³⁷ Seeing ourselves as part of, not apart from, nonhuman nature means we see that we injure ourselves with each species loss or chemical catastrophe.³⁸ By reorienting how we understand our interrelationship with the natural world, and writing that reorientation into law, we ward against injuring the natural world, and thus ourselves.

Colombia

In 2016, the Colombian Constitutional Court declared that the Río Atrato’s “basin and tributaries are recognized as an entity subject to rights of protection, conservation, maintenance and restoration by the State and ethnic communities.”³⁹ The Court relied upon the “biocultural” connection between the River and the rural, minority communities that depend upon it.⁴⁰ The decision presents one of the most extensive analyses a court has ever undertaken of the essential links between human communities and nonhuman entities and processes. The court’s findings on the disastrous state of the River basin and its Afro-Caribbean communities were based both on documented submissions and on the judges’ own visits to the basin.⁴¹

The court’s erudite analysis of the interdependence between cultural and biological diversity stressed “the deep and intrinsic

³⁷ Catherine J. Iorns Magallanes, *Nature as an Ancestor: Two Examples of Legal Personality for Nature in New Zealand*, VERTIGO (Sept. 2015).

³⁸ See Christie Kochis & Amina Smajlovic, *When Care Takes the Driver’s Seat*, CTR. HUM. & NATURE (May 29, 2017), <https://www.humansandnature.org/what-happens-when-we-see-ourselves-as-separate-from-or-as-a-part-of-nature-when-care-takes-the-driver-s-seat>.

³⁹ No. T-622/16 § 10.2 (R.C.C. Nov. 10, 2016) (Colom.).

⁴⁰ *Id.* § III.5.11.

⁴¹ *Id.* §§ III.5.51, III.7.24, 9.14–9.24. Chief Justice Jorge Iván Palacio confirmed that they visited several times and that the plight of the communities and the river shaped how he viewed the case. Interview with Jorge Iván Palacio in Bogotá, Colom. (Sept. 26, 2019).

connection that exists between nature, its resources, and the culture of the ethnic and indigenous communities that inhabit them, which are interdependent with each other and cannot be understood in isolation.”⁴² Seeing nature “as a real subject of rights,”⁴³ the court stated: “Now is the time to begin taking the first steps to effectively protect the planet and its resources before it is too late, or the damage is irreversible, not only for future generations but for the human species.”⁴⁴ Those first steps include “recognizing [humanity’s] role within the circle of life and evolution from an *ecocentric* perspective” by “establishing a legal instrument that offers greater justice to nature and its relations with human beings.”⁴⁵ Thus, the court recognized the Atrato River, basin, and tributaries “as an entity subject to rights of protection, conservation, maintenance and restoration by the State and ethnic communities,” and it “order[ed] the national government to exercise legal guardianship and representation of the rights of the river.”⁴⁶ Guardians are drawn from government appointees, the affected populations, and ecological experts.⁴⁷

Chief Justice Palacio explained to me that his “interest is to send the message: to preserve life. Not just the life of human beings, rather all of life on planet earth.”⁴⁸ His readings in ecocentrism particularly influenced him.⁴⁹ He was aware that in making the Río Atrato a subject (and not merely an object) of legal protections, he was drawing from and contributing to a growing legal movement to grant rights to nonhuman entities, thus helping build a movement to root in firm legal ground a deeper respect for the nature that supports us.⁵⁰ Following the Constitutional Court’s lead, Colombian courts have declared that the Amazon,⁵¹ several

⁴² T-622/16, § III.5.13.

⁴³ *Id.* § III.5.9.

⁴⁴ *Id.* § III.9.29.

⁴⁵ *Id.* § III.9.30.

⁴⁶ *Id.* § III.10.2.1.

⁴⁷ “el Cuerpo Colegiado de Guardianes Comunitarios” son “cogestores responsables.” VIII Informe de Seguimiento Sentencia T-622 de 2016, Sobre la gestión cumplida en el primer semestre de 2021, Bogotá Noviembre 2021 at Introducción, §§ 1.1, 1.1.1.

⁴⁸ Interview with Jorge Iván Palacio in Bogotá, Colom. (Sept. 26, 2019).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Barragán v. Peña, C.S.J. (Apr. 5, 2018) (Colom.).

other rivers,⁵² a high-altitude ecosystem,⁵³ and the spectacled bear⁵⁴ are legal persons.

Australia

The State of Victoria's Yarra River Protection (Wilip-gin Birrarung murrong) Act of 2017 recognizes the Yarra as "one living, natural entity."⁵⁵ The Act's Aboriginal title means "keep the Birrarung alive."⁵⁶

Unlike the New Zealand statutes, the legislation neither grants the River legal personhood nor appoints a specific legal guardian.⁵⁷ Instead, the Act creates an independent Birrarung Council,⁵⁸ appointed by the Environment Minister, to be "the Voice of the River."⁵⁹ To maintain autonomy, the Council has no government representatives.⁶⁰ Currently, the group comprises three Aboriginal elders, an infrastructure expert, two members from a Yarra Riverkeeper NGO, a landscape architect, and rancher, and an environmental-law scholar.⁶¹

The Council's role is "to provide independent advice" to the Minister for Water, Planning, and Environment "on significant activities, issues and plans concerning the Yarra River and its lands."⁶² That mandate includes speaking for the River during 10-year Strategic Plan and 50-year community-vision processes

⁵² No. 41-396-40-03-001-2019-00114-00, Juz. Mun. (Mar. 19, 2019) (Colom.); No. 73001-23-00-000-2011-00611-00, T. Admtivos (May 30, 2019) (Colom.).

⁵³ No. 15238 3333 002 2018 00016 01, T. Admtivos (Aug. 9, 2018) (Colom.).

⁵⁴ No. 17001-22-13-000-2017-00468-02, C.S.J. (July 26, 2017) (Colom.).

⁵⁵ Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017, pt. 1, § 1(a) (Austl.).

⁵⁶ *Id.* pmbl. at 1.

⁵⁷ *Compare id. with* Te Awa Tupua Act, No. 7, §§ 14(1)–(2) (N.Z.).

⁵⁸ Yarra River Protection Act, pt. 1, § 1(c), pt. 5.

⁵⁹ *Id.*

⁶⁰ *Id.* § 47.

⁶¹ BIRRARUNG COUNCIL, SECOND YEAR REPORT 4–5 (2020).

⁶² BIRRARUNG COUNCIL FIRST YEAR REPORT 3 (2019).

hosted by the state's municipal-water agency.⁶³ The Council has already asserted that recognition of the Yarra and other Rivers as living beings “has been explicitly grounded in the relationship between the river and the people(s) who live along and near it.”⁶⁴ However, the Council's role is only advisory: the needs of the River itself will compete with the needs of humans who prize it as a resource.⁶⁵ This voice-based model is an alternative to the rights-based model of New Zealand and Colombia.

Elsewhere

Ecuador's 2008 Constitution declares: “Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, and maintain and regenerate its vital cycles, structure, functions and its evolutionary processes.”⁶⁶ The first successful rights-of-nature case arose from this constitutional provision.⁶⁷ A provincial court ruled that construction waste had been impermissibly bulldozed into the Vilcabamba River. The court recognized “the duty of constitutional judges to immediately guard and to give effect to the constitutional rights of nature” and ordered the defendants to remediate their mess.⁶⁸ Recently the Constitutional Court ruled that mining in a protected forest violated the constitutional rights of nature, and that these rights apply to all areas of the nation.⁶⁹

⁶³ *Id.* at 9; SECOND YEAR REPORT, *supra* note 61, at 9. The Strategic Plan's Aboriginal name means “What is good for the River is good for all.” BURNDAP BIRRARUNG BURNDAP UMARKOO, YARRA STRATEGIC PLAN: A 10-YEAR PLAN FOR THE YARRA RIVER CORRIDOR 2022–2032, at 4 (2022).

⁶⁴ FIRST YEAR REPORT, *supra* note 62, at 4.

⁶⁵ Yarra River Protection Act, pt. 5, § 48(1).

⁶⁶ ECUADOR CONST. art. 72.

⁶⁷ *First Successful Case Enforcing Rights of Nature in Ecuador*, PACHAMA ALLIANCE (July 29, 2011); *Wheeler v. Loja*, No. 11121-2011-0010 (Loja Provincial Ct. of Just. Mar. 30, 2011).

⁶⁸ ALBERTA CIV. LIBERTIES RES. CTR., RIGHTS OF NATURE, <http://www.aclrc.com/rights-of-nature>.

⁶⁹ *Rights of Nature Victory in Ecuador—Los Cedros Case—Constitutional Court Upholds Rights of Nature*, CTR. DEM. & ENVTL. RTS. (Dec. 1, 2021).

In India, the Uttarakhand High Court declared that

the Rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these Rivers are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve River Ganga and Yamuna.

In 2019, the Bangladesh Supreme Court made its nation the first to grant full legal personhood to all its rivers.⁷⁰ The court noted that “[w]ater is likely to be the most pressing environmental concern of the next century,” and called on officials to act *in loco parentis* to protect the rivers “at all costs.”⁷¹

United States

Several dozen U.S. communities have passed Rights of Nature ordinances.⁷² The city of Santa Monica, for example, recognizing that its “welfare is inextricably bound to the welfare of the natural environment,” passed a 2013 resolution declaring that “[n]atural communities and ecosystems possess fundamental and inalienable rights to exist and flourish” and that “residents of the City may bring actions to protect groundwater aquifers, atmospheric systems, marine waters, and native species within the boundaries of the City.”⁷³ In Minnesota, the White Earth Band of Ojibwe passed a law granting wild rice its own legal rights.⁷⁴ And the Yurok Tribal Council of Western California unanimously voted for a resolution that granted rights to the Klamath River.⁷⁵

⁷⁰ Ashley Westerman, *Should Rivers Have Same Legal Rights as Humans? A Growing Number of Voices Say Yes*, NPR (Aug. 3, 2019); Human Rights and Peace for Bangladesh v. Bangladesh, W.P. No. 13989 of 2016 (HCD 2019) (Bangl.).

⁷¹ Chandran, *supra* note 4.

⁷² Cmty. Env’t Legal Def. Fund, *U.S. Communities*, <https://celdf.org/join-the-movement/where-wework/u-s-communities/>.

⁷³ Santa Monica Cal. Code §§ 4.75.020(b), 4.75.040(b)(c) (Apr. 9, 2013).

⁷⁴ Williams, *supra* note 6.

⁷⁵ Yurok Tribe, Res. 19-40, Resolution Establishing Rights of the Klamath River (2019), <http://files.harmonywithnatureun.org/uploads/upload833.pdf>.

Not all initiatives have been successful. Following episodes of unsafe levels of toxins in Lake Erie, 61.39% of Toledo residents voted yes on the 2019 “Lake Erie Bill of Rights,”⁷⁶ the first U.S. law to grant rights to an ecosystem.⁷⁷ The initiative specified that “Lake Erie, and the Lake Erie watershed, possess the right to exist, flourish, and naturally evolve.”⁷⁸ However, a farmers’ group quickly filed an injunction, alleging that the initiative was “unconstitutional and unlawful,”⁷⁹ and the Ohio legislature passed a law stating: “Nature or any ecosystem does not have standing to participate in or bring an action in any court of common pleas. No person, on behalf of or representing nature or an ecosystem, shall bring an action in any court of common pleas.”⁸⁰

In 2017, the Colorado River Ecosystem (litigating as a group of “next friends”) sued the state of Colorado, alleging that environmental law “has failed to protect the natural environment because it accepts the status of nature and ecosystems as property, while merely regulating the rate at which the natural environment is degraded,” and seeking recognition “that the Colorado River is capable of possessing rights similar to a ‘person,’ and . . . that the Colorado River has certain rights to exist, flourish, regenerate, and evolve.”⁸¹ However, the plaintiffs voluntarily dismissed their complaint after the Colorado Attorney General threatened them with sanctions or disbarment for “unacceptably impugn[ing] the State’s sovereign authority to administer natural resources for public use . . . well beyond the jurisdiction of the judicial branch of government.”⁸²

⁷⁶ Toledo, Ohio, *Question 2, “Lake Erie Bill of Rights” Initiative*, BALLOTPEDIA (Feb. 2019).

⁷⁷ Cmty. Env’t Legal Def. Fund, *Breaking News: Toledo Voters Enact Lake Erie Bill of Rights* (Feb. 26, 2019), <https://celdf.org/2019/02/breaking-news-toledo-voters-enact-lake-erie-bill-of-rights/>.

⁷⁸ *Question 2*, *supra* note 76.

⁷⁹ *Drewes Farms Partnership v. City of Toledo*, 441 F. Supp. 3d 551 (N.D. Ohio 2020).

⁸⁰ *Question 2*, *supra* note 76.

⁸¹ Compl. ¶¶ 2–4, *Colo. R. Ecosystem v. Colorado*, 1:17-cv-02316 (D. Colo. Sept. 25, 2017).

⁸² Chris Walker, *Attorney to Withdraw Colorado River Lawsuit under Threat of Sanctions*, WESTWORD (Dec. 4, 2017).

Conclusion

Our current system of environmental laws—even those that have cleaned air and water and protected species—conveys dominion and separation: the environment remains a set of resources for us to manipulate or safeguard at will. These laws usually start by asking what *we* need from the environment. They do not suppose a web of relationships for us to participate in, or a series of interrelated systems for us to sustain for their own sake.

Rights for nature may reconceive those relationships and thus reconceive our laws. The initiatives portrayed above reach for a system of law where we ask what the *planet* needs—and, therefore, what we need as part of that ecocentric system. Speaking for the river or mountain means speaking for ecosystem health, for abundant life with a diversity of species, for ecosystem resilience in the face of multiple, synergistic human pressures. Many of these initiatives empower indigenous groups or other communities with long histories as ecological stewards. They are likely to manage nature as if their lives depended on it—because their lives do depend on it.

These legal innovations are rooted in the fundamental interdependence between human and nonhuman communities. They are premised on the belief that even the most ardent anthropocentrists (or egocentrists) cannot disregard the interests of the river, or mountain, or lake because these entities are the matrices that sustain human lives. The new legal are about *relationships* between the human and nonhuman, recognizing first that the relationship exists, and then recognizing that we are fundamentally dependent on the continued health and flourishing of the nonhuman world.

We are the River, and the River is us. When we derive ways to ground this epiphany in law, we will find sustainable ways forward for human and nonhuman communities.

* * *