



Center for Democratic and
Environmental Rights

Opening Statement for the Joint Committee on Environment and Climate Action

Mari Margil, Center for Democratic and Environmental Rights
17 October 2023

Thank you for the invitation to be here today.

My name is Mari Margil. I am Executive Director of the Center for Democratic and Environmental Rights. I am joined by Thomas Linzey, our Senior Legal Counsel.

The Center is a non-governmental organization, based in the U.S. We work in countries including Ecuador, Nepal, and the U.K, assisting governments, communities, and civil society to advance laws which recognize the legal rights of nature.

Since 2006, national rights of nature laws have been enacted in five countries – Ecuador, Bolivia, Panama, Spain, and Uganda. Local laws have been adopted in the U.S., Canada, and Brazil. Courts in Colombia, Bangladesh, and India have recognized that rivers and other ecosystems have rights.

These all recognize, for *the very first time*, that nature possesses legal rights, including rights to exist, flourish, regenerate, and be restored.

In 2021, the Donegal County Council adopted a rights of nature policy. Belfast and other councils in the North have as well, including very recently – amidst the growing ecological crisis with Lough Neagh – calling for the recognition of legal rights of the Lough.

My colleague, Thomas Linzey, drafted the *very first* rights of nature law in the world.

This was for a community in the U.S. facing the dumping of toxic waste. The community found that environmental laws – rather than protecting against the pollution – were in fact authorizing it to take place.

They recognized the need for a different approach – one in which nature was no longer considered a *thing* that environmental laws regulate the use and exploitation of.

Rather, it was time – in the eyes of residents – **to recognize that nature is a *living entity with legal rights* – including the most basic of rights, the right to exist.**

Environmental laws around the world treat nature as simply a thing, a resource – with laws regulating its use. As such, environmental laws *legalize* environmental harm, including the destruction of ecosystems and pollution of land, air, and water.

Under such laws, today we face global environmental crises – including ecosystem collapse, soaring species extinction rates and biodiversity loss, and climate change.

In the face of this, civil society, governments, and courts are recognizing that we need to make a fundamental shift in humankind's relationship with the natural world. That we can no longer – as Colombia's Constitutional Court put it – act as a "ruler" of nature – that we must recognize that we are part of nature.

This means changing how we govern ourselves toward nature, and how nature itself is treated under law.

In 2008, we were invited to consult with Ecuador's Constituent Assembly that was formed to draft a new constitution. Facing threats to its fragile ecosystems – from the Amazon to the Galapagos, and to species in a country renowned for its biodiversity – we worked with Assembly delegates and civil society to draft rights of nature *constitutional* provisions.

With this, Ecuador became the ***first country* in the world to enshrine the rights of nature in its constitution.** Since then, many cases have been filed in Ecuadorian courts to enforce those rights; including, recently, to overturn mining permits issued in one of the country's cloud forests.

Here, the Citizens' Assembly on Biodiversity Loss has recommended amending the Constitution to recognize the human right to a healthy environment, *and* the rights of the environment itself.

We believe both are important.

In Ecuador, the Constitution recognizes both sets of rights.

Indeed, Ecuador's Constitutional Court has ruled that protecting the rights of nature is essential to protecting the human right to a healthy environment – that the rights of nature “radiate” through Ecuador's Constitution – complementing, and helping to protect, the human right to a healthy environment.

This builds on a growing understanding – as Pope Francis stated in his 2015 speech at the U.N. – that “Any harm done to the environment ... is harm done to humanity.” He called on all nations to protect the environment, and explained that a “right of the environment does exist.”

Far from being abstract, this work is about empowering nature's defenders with a new set of tools – ones designed expressly for the growing ecological crises that we face.

In the face of these crises, governments around the world are recognizing that the rights of nature is central to the path forward.

We offer whatever assistance we can to the Committee as *you* move forward, and look forward to any questions you may have. Thank you.

Contact

Center for Democratic and Environmental Rights

1320 North Hollis Street

Spokane, Washington, U.S.A. 99201

+1-509-474-9761

www.centerforenvironmentalrights.org

Mari Margil, Executive Director

mmargil@centerforenvironmentalrights.org

Thomas Linzey, Senior Legal Counsel

tal@pa.net