

September 2021

# **An introduction to the Rights of Nature and opportunities for Councils in Northern Ireland**

## **1.0 Background**

1.1 This short briefing attempts to explain the concept of the Rights of Nature and how the Rights of Nature can help us to create a healthy and habitable Northern Ireland. The briefing further suggests a menu of opportunities that could be employed by Councils to advance the concept.

1.2 Councils in Northern Ireland have begun the process and are leading the way to recognise the Rights of Nature, not just on these islands but across Europe. This gives us enormous hope, especially as we are playing a significant part in the growth of a dynamic grassroots movement across the world.

1.3 In the United States, Ecuador, India, New Zealand, and many other countries there is a growing recognition that in order to adequately respond to climate breakdown, and widespread damage to nature, we must recognise the interdependency of all life on the planet including human life. The Blue Mountain City Council in Australia has pioneered this approach as have groups such as the Centre for Democratic and Environmental Rights. Within Europe and farther afield there is a growing debate recognising the Rights of Nature.

1.4 Essentially Rights of Nature is a way of re-thinking our relationship with nature - from one of dominance to one of sharing, caring, respect and interdependency. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy. The idea of nature having rights is not new. Nature has rights. What is new is how we can intervene using a rights of nature lens to protect nature and to recognise the intrinsic rights of ecosystems and species to evolve, flourish, and regenerate.

## **2.0 Some core principles of the Rights of Nature**

2.1 Nature is not a thing, the earth not an object, but a living ecosystem and humankind is part of that web of life.

2.2 The Rights of Nature offers us a way of seeing differently and thinking differently, that we no longer should be trapped in the false notion that there is a choice to be made between people and other species, or between the economy and environment. Everything is connected.

2.3 Our systems of environmental laws and regulations only regulate the rate of destruction of nature and feel outdated in climate and ecological emergencies. Laws and systems that have been designed by people can easily be redesigned by people.

2.4 For a few centuries we have been in a battle against nature. We now recognise that in this battle the ultimate victim will be ourselves.

2.5 All species, including humankind, and the ecosystems we depend on, have a right to flourish, evolve, generate, and be protected

### **3.0 Four Stages in the Development of a Rights of Nature programme**

#### **3.1 Firstly, pass a Rights of Nature motion**

These motions are not a Rights of Nature law nor are they prescriptive. Rather, these motions are designed to reimagine a world where we treat nature as a living relation and work to restore our connection with nature. Derry City and Strabane District Council was the first Council to pass a Rights of Nature motion in these islands in June 2021. One motion adopted by Fermanagh and Omagh District Council is attached as an appendix.

The motions are enabling as to what Rights of Nature could mean for Councils, and they should embrace:

- (a) commitments to develop a dialogue with the local community for at least 6 months but preferably up to 18 months;
- (b) to agree to use this dialogue, discussions in Council working groups, and learnings from international best practice to research what a declaration for the rights of nature might look like;
- (c) research into practical strategies to shift the ways in which we make decisions and the way we treat nature; and
- (d) building alliances with other councils and other bodies to establish how ecosystems that transcend borders can be afforded rights to flourish, regenerate and evolve.

#### **3.1 Secondly, issue a declaration for the Rights of Nature**

Over the next three months Friends of the Earth can help by drafting some ideas as to what a declaration might look like. These declarations should:

- *declare* that all life on earth possesses fundamental rights;
- *identify* those rights, for example the right for life to be self-sustaining and the rights of particular ecosystems to evolve and flourish;
- *acknowledge* that all life is embedded with other life and interconnected;
- be *aware* that we are in a climate and ecological emergency;
- *commit* to embed the Rights of Nature into operational practices and be a foundational principle of the Council's work going forward; and
- *commit* to a structure and process to take this work forward.

#### **3.2 Thirdly, commit to ongoing participation and longer-term development**

Involving local communities and global experts in the field of the Rights of Nature is vital to ensure that this is a dynamic, participatory, and ongoing process. Some people will react to the concept with surprise and confusion, and this is to be

expected, which is why awareness raising and education is important. A long-term process of internal and external community awareness raising is vital to shape a process of embedding democracy, review, and transparency in the programmes of work that will flow from the Declarations. A council working group will be needed to take all this work, and all other Rights of Nature work, forward.

### 3.2 Fourthly, commit to a work programme



3.4.1 A work programme for the Rights of Nature can and should have many dimensions and the above illustration identifies some areas of investigation. At this stage it is important to be alive to the potential and to shape the concept in line with the needs of nature in a particular Council area.

3.4.2 Much work needs to be done to turn a declaration into reality. The Rights of Nature, for example, could be embedded within the Council's corporate planning framework and as a key concept or as a foundational principle. Councils will also want to look at the planning system: local development plans, community plans and material planning considerations. There are many opportunities within Council's other responsibilities: air quality, land management, environmental health, biodiversity, and waste. There are also exciting opportunities to embed the Rights of

Nature in novel legal principles at Council level and Friends of the Earth can assist by researching these opportunities in the next few months.

### **3.5 Finally, review and evaluate the work programme**

Councils should recognise that this concept is new and that it will not provide an immediate solution to our climate and ecological emergencies. However, within this concept there exists enormous potential to make transformational shifts in the way we relate to nature. For these reasons, internal and external dialogue is necessary to enrich this process but also an annual process of review and evaluation should be carried out, including creative benchmarking partnerships with other local authorities both here and across the world.

### **Conclusion**

The earth is in crisis, and it is highly probable that much of humankind for the first time in our history does not have a habitable future on this planet.

We have escalating environmental problems in Northern Ireland with air pollution that injures habitats and people, rivers and lakes that are under threat, far too much pollution and not enough rewilding or fish in our seas.

Affording Rights to Nature is now vital because our laws, policies and environmental systems were never really designed to protect the environment. They were designed merely to reduce the rate of loss not to halt the loss in the first place or restore long term damage.

It is, however, exciting that local government in Northern Ireland is grasping this concept and at Council level is showing remarkable leadership, not just at home but to the world.

*'The Earth does not belong to us, we belong to the earth. This we know. All things are connected like the blood which unites one family. Whatever befalls the earth, befalls the children of the earth. We did not weave the web of life, we are merely a strand in it. Whatever we do to the web, we do to ourselves.'*

Duwamish Tribe

## **Appendix One**

### **Fermanagh and Omagh District Council motion**

Fermanagh and Omagh District Council notes the legal and social movement globally for the 'Rights of Nature' aimed to strengthen protections for people, place and planet.

We believe that 'Rights of Nature' can help inspire an innovative rethinking about how to create regenerative, not extractivist, economies while also making human and other living communities safer, stronger and more resilient.

The positive work already being done by Council staff and groups on the climate emergency and biodiversity crises are commendable, but we recognise the need for a rights-based approach to nature.

We propose, that over the next 6 months, this Council will collaborate with civic society to explore what rights of nature mean for the people and economies of the region and to investigate how Rights of Nature could be expressed in community plans, corporate plans, improvement objectives and other strategic frameworks. In particular, the council will in the next 6 months hold two community workshops and work with the local community and stakeholders to draw up a Declaration for the Rights of Nature for the District area to be brought back before Council for adoption.

We also request that a report, authored in collaboration and with input from the local community be brought to FODC in relation to embedding 'Rights of Nature' as a keystone concept into Council's operational practices, planning processes and long-term decision making.

Mindful of our mutual environmental obligations under the Espoo Convention we call on all Councils, North & South, to also explore 'Rights of Nature' for their Council areas, not least in Donegal, Leitrim, Cavan, Monaghan, Mid Ulster & Causeway, Coast & Glens