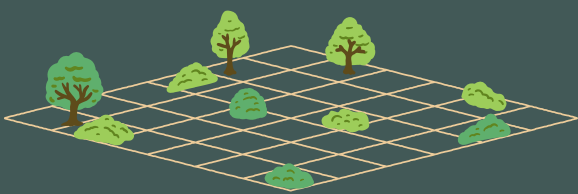


Policy Briefing:

The Unrecognized, Overdue Rights of Nature

Humans, and even corporations, in Canada have long-established, universally recognized rights under the constitution. This allows for legal sovereignty, self-advocacy, protection of equal rights, and due process under the law. It is long overdue for the **Land of British Columbia** to be granted the same protections under the law. We propose granting nature constitutional rights in British Columbia, based on the successful case study of **Pachamama** in Ecuador.



"The earth therefore, and all things therein, are the general property of all mankind, exclusive of other beings, from the immediate gift of the creator."

English jurist William Blackstone, 1753³

"[W]e are all one, ... everything depends upon everything else, ... we are all interconnected and interdependent and our fates are inextricably interlinked."

Haida lawyer Terri-Lynn Williams-Davidson, 2016⁴

The Issue:

British Columbia has a long history of environmental degradation, overexploitation, and abuse and misuse of natural resources. These practices have resulted in severe consequences for both the environment and the Indigenous Peoples who call British Columbia home. Laws, subsidies, regulations, and policies have made valiant and somewhat effective progress in slowing or de-incentivizing this destruction; but those efforts are not enough, and degradation is continuing to wreak irreversible damage on our ecosystems.

Canada, as a whole, is far behind the world in recognizing the rights of nature in a meaningful way. Current systems make nature, its resources including wildlife, fisheries, and even the land itself, the sole property of humans, with no right to protection, nourishment, or existence.

Excerpt from Ecuadoran Constitution

Chapter Seven
Rights of nature

Article 71. Nature, or Pachamama, 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".



Approaches & Results:

The approach we propose involves granting nature constitutional rights, similar to the human rights granted to natural persons or corporations. This approach has been successful in Ecuador, where **Pachamama** received constitutional rights, leading to a reduction in environmental degradation and a stronger recognition of Indigenous rights and knowledge.

By granting nature constitutional rights in British Columbia, we will be able to prioritize traditional Indigenous knowledge and conservation in science-based policy. This policy will finally cement the juridical and moral status of nature, animals, plants, and inanimate aspects of nature into provincial law.

This will ultimately lead to a healthier environment and a stronger recognition of Indigenous rights and knowledge. The newly established governmental body overseeing the employment and maintenance of this policy will consist of an equitable congregation of Indigenous Peoples, who have traditional and ancestral ties to the land. This body will have the power to design, implement, and defend provincial policies and programs that have the explicit aim of defending the rights of nature.

Recommendations:

- The drafting of an additional chapter to the **British Columbia Terms of Union** to establish nature as a legal entity, stipulating the right to an integral respect for nature's existence and for the maintenance and regeneration of its life cycles, structures, functions, evolutionary processes, and restoration
- The forming of a provincial governing body that will design this additional chapter "Rights of Nature," oversee its implementation, and ensure its maintenance
- This newly-formed governing body should have equitable representation of Indigenous Peoples with traditional and ancestral ties to the land in British Columbia

Implications:

- The formal recognition of traditional Indigenous knowledge will inform science-based policy and ensure that future conservation efforts prioritize reverence and respect for the land's natural cycles
- Indigenous Peoples will possess equitable governing power in the provincial government within the newly-established governing body overseeing this effort
- Legal entities will have the ability to defend and prosecute on behalf of nature against overexploitation, destruction, and abuse
- British Columbia will move closer to fulfilling a vital piece of decolonization, Indigenization, and truth and reconciliation



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