

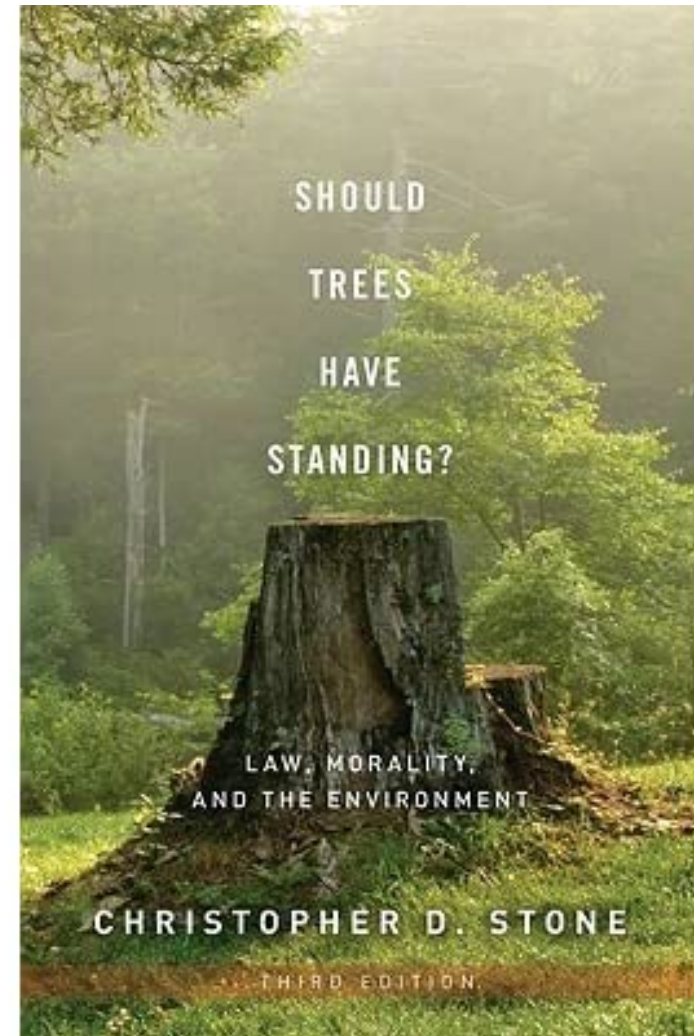


Environmental Personhood

A new legal foundation for protecting
water and natural entities.

What is Environmental Personhood?

- Grants nature the legal standing of a person.
- Nature is given legal rights, protections, privileges, responsibilities and legal liability of a person.
- Changes the narrative from nature as property to nature as its own entity.
- Can be used to protect and preserve resources and indigenous culture.



The Indigenous Roots of Environmental Personhood

- Nature as having intrinsic value separate from humans.
- Nature as a spiritual entity whose health is directly connected to the wellbeing of humans.
- Around the world Indigenous people and practices are responsible for the protection of 80 percent of the world biodiversity.
- In New Zealand environmental personhood grants guardianship rights to local indigenous tribes.



How could environmental personhood work in the United States?

- Corporations are non-human entities that the Supreme Court granted legal standing via personhood status. (Citizens United)
- Environmental Personhood could be granted federally via the 14th Amendment of the US Constitution that protects a “persons” right to “exist, flourish, and naturally evolve.”
- First natural entities would need to be granted standing via the courts under Article 1.
- In Sierra Club v. Morton three supreme court Justices dissented on the ruling citing that nature should have standing.
- Local laws granting personhood to natural entities on a smaller scale have been seen in Ohio, Pennsylvania, Indiana, California, and New Mexico.

Why Grant Natural Entities Legal Standing?

- Can protect from overuse of natural resources.
- Protects against pollution and other forms of environmental degradation.
- Money won from lawsuits regarding violations of a natural entity "rights" will go directly to the natural entity not a property holder.
- Land conservation and legal protection of sacred indigenous sites.
- Includes non-marketable damages to ecosystem functions.

International Examples from the Reading



Rivers in Victoria (Australia)



Whangauri River (NZ)



Ganges and Yamuna Rivers (India)

Legal Standing

• Yes

Yes

Yes

Legal Form

• Statutory body corporate

Legal entity with the status of a legal person

Legal entity with the status of a legal minor

Aims of Creation

• Political and economic

Treaty settlement

Environmental and religious

Brainstorming Activity

- Go to vevox.com and enter code **116-846-585**.
- <https://vevox.app/#/m/116846585>

Vox Video on Environmental Personhood

- <https://www.youtube.com/watch?v=WwhcrpJTzGQ&t=201s>



Environmental Personhood and the Colorado River

- Provides water for 60-70 million Americans, currently overallocated to the point no to very little water reaches the ocean.
- Supports 34 Native American tribes.
- Supports 1.4 trillion dollars in economic activity across seven states.

Discussion

- How do you think the Colorado River could benefit from personhood status?
- What are some potential negative consequences of granting environmental personhood status to the Colorado River? Is it just symbolic?
- How do you think different stakeholders would react to environmental personhood? (corporations, businesses, agriculture, property owners, government officials, residents)
- What about climate change? How could legal standing help repair or prevent damages to natural entities caused by climate change? (actual or imminent injury)
- What potential consequences could environmental personhood have on expanding access to renewables or preventing other energy development plans?

Work Cited

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