

<p>Title of Report:</p> <p>Rights of Nature Update</p>	<p>Officer Presenting: Director of Environment & Regeneration</p> <p>Author: Biodiversity Officer</p>
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this report is to update Members on the motion passed in June 2021 in relation to recognizing the Rights of Nature.

2 Background

- 2.1 In June 2021, Members passed the following Notice of Motion:

“Council notes the legal and social movement globally for the ‘Rights of Nature’ aimed to strengthen protections for people, place and planet.

Council recognises that ‘Rights of Nature’ can help catalyse an innovative rethinking about how to create regenerative, not extra-activist economies while also making human and other living communities safer, stronger and more resilient.

Council commends the excellent work already being done by Council officers on the climate emergency and biodiversity crisis but recognises the need for a rights based approach to nature.

Council will, over the next 6 months, collaborate with civic society (including The Gathering, Friends of the Earth Northern Ireland and trade unions) 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 including DAERA, NFU, UFU, IFA and any local farming groups to draw up a Declaration for the Rights of Nature for the Council area to be brought back before Council for adoption. Council asks for a report to come to Council on embedding ‘Rights of Nature’ as a keystone concept into Council’s operational practices, planning processes and long term decision making.

Council notes our position as a border region and our mutual environmental obligations under the Espoo Convention and so invites Donegal County

for Council, in addition to all Councils in the North to also explore 'Rights of Nature' their Council areas".

- 2.2 Biodiversity is the foundation of our lives and livelihoods. It provides the clean air we breathe, it purifies the water that we drink, it limits the outbreak and spread of infectious diseases, provides medicine and supplies the variety of food we eat. However, biodiversity is under threat from habitat loss, pollution, invasive species and other human activity. Biodiversity loss threatens our food, health, economy and future. The rate of biodiversity loss is at an unprecedented rate. To stop biodiversity loss, we need to transform our world. This can be achieved through a number of initiatives, to include legislation, policy and action.
- 2.2 The United Nations Convention on Biological Diversity have developed a *Post 2020 Global Biodiversity Framework*, to guide actions worldwide, to preserve and protect nature and its essential services it provides to people. The mission of the Framework for the period up to 2030, towards the 2050 vision is, '*to take urgent action across society to conserve and sustainably use biodiversity and ensure the fair and equitable sharing of benefits ... to put biodiversity on a path to recovery by 2030 for the benefit of planet and people.*' This Framework will be adopted by countries at the United Nations Convention of the Parties (COP15) to the Convention on Biological Diversity in October 2021.
- 2.3 '*Rights of Nature*', is a growing international movement, that recognizes that nature has rights. Legal recognition of the Rights of Nature is occurring across the world, due to an increase in concern about environmental damage. The United Nations has warned that we are heading towards '*major planetary collapse*'.
- 2.4 Rights of Nature recognizes that our ecosystems have rights, similar to people. It acknowledges that nature has the '*right to exist, persist, maintain and regenerate its vital cycles*'. Giving nature legal rights means that the law can recognize nature as a legal person and can give nature 'a voice'. Therefore, it can create rights that can be enforced. People can have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem is named as the injured party, with its own legal standing rights, in cases alleging rights violations. Making this fundamental shift, recognizes our dependence on nature and respecting our need to live in harmony with the natural world.
- 2.5 Several countries have developed legislation to recognize the rights of nature. In Ecuador, Article 71 of the 2008 Constitution, states that nature, '*has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes*'. Also, under Article 72, nature has the right to be restored.

- 2.6 Bolivia passed the *Law of the Rights of Mother Earth* legislation, to grant rights to the natural world. Also, in Uganda the Natural Environmental Act 2019 that, '*person has right to bring action before a competent court for infringement of rights of nature*'. In addition, Western Australia Parliament introduced the *Rights of Nature and Future Generations Bill* in 2019, to recognize the rights of nature and to '*promote the protection and care of nature as a primary goal for human societies*'.
- 2.7 The rights of specific ecosystems, for example, forests and rivers have been introduced in Bangladesh, Australia, New Zealand and India. In 2019, The High Court of Bangladesh recognized the River Turag as a living entity with legal rights and agreed that this would be applied to all rivers in Bangladesh. The Victorian Parliament in Australia, passed the *Yarra River Protection Act 2017*, that legally recognizes the River Yarra as a living entity deserving protection. New Zealand passed its first rights of nature law in 2017, after years of negotiation, which recognized the Whanganui River catchment as a legal person. In India, the high court ruled that the River Ganga and Yamuna have the same legal rights as a person, in response to the urgent need to reduce pollution in these two rivers.
- 2.8 A draft Universal Declaration of the Rights of Nature was created by hundreds of civil society organizations in 2020, which aimed to reinforce human responsibilities to nature. Subsequently, the International Union for the Conservation of Nature (IUCN) acknowledged Rights of Nature as a decision making principle and planning framework.
- 2.9 The Rights of Nature approaches aim to develop governance systems that preserve ecological integrity and the prevention of ecosystem damage. Although Rights of Nature laws and approaches vary, they all share the same principle, nature has the rights to exist, evolve and fulfil ecological functions.

3 Key Issues

- 3.1 Council recognises the legal and social movement globally for the 'Rights of Nature', aimed to strengthen protections for people, place and planet. Council will review how it could develop a rights-based approach to nature.
- 3.2 Council will engage with the local community and relevant stakeholders, over the next six months, by hosting two online workshops (October & November 2021), due to the ongoing COVID-19 restrictions to inform next steps in taking forward this initiative. The two online events will be promoted through existing community partnerships / stakeholder groups and a media campaign, to reach a wide audience.

- 3.3 Although Council can develop rights of nature approach, it will not be able to legally implement a 'Right of Nature' approach, as this would need to be progressed by the Northern Ireland Executive as part of a future Programme for Government.
- 3.4 Council has developed the District's Local Development Plan 2032 and other long term strategies, including the Green Infrastructure Plan 2019 – 2032. These long term plans currently do not currently have the Rights of Nature approach included.

4 Equality, Rural Needs, Climate Change and Data Protection

- 4.1 No equality, rural needs, climate change or data protection implications arise at present.

Financial, Legal, HR, Improvement and Other

- 4.2 No financial, legal, HR or other implications arise.

5 Recommendations

- 5.1 Members are asked to note the contents of the report. A further report will be brought to Members following the stakeholder engagement events.