

The Community Environmental Legal Defense Fund

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Rights of Nature: Pioneering a New Form of Law

The Community Environmental Legal Defense Fund works with communities in the United States and abroad to draft and adopt laws recognizing the inalienable and fundamental Rights of Nature.

We've assisted communities in the U.S. to adopt *first-in-the-nation* laws recognizing Rights of Nature – laws which change the status of natural communities and ecosystems from being regarded as *property* under the law to being recognized as *rights-bearing entities*. The Legal Defense Fund also assisted the country of Ecuador to adopt Rights of Nature into the country's new constitution.

These laws recognize that natural communities and ecosystems possess an inalienable and fundamental right to exist and flourish, and that residents of those communities possess the legal authority to enforce those rights on behalf of those ecosystems.

Need for Change

By most every measure, the environment today is in worse shape than when the major U.S. environmental laws were adopted over thirty years ago. Since then, countries around the world have sought to replicate these laws. Yet, species decline worldwide is increasing exponentially, global warming is far more accelerated than previously believed, deforestation continues unabated around the world, and overfishing in the world's oceans is pushing many fisheries to collapse.

These laws – including the Clean Air Act, the Clean Water Act, and similar state laws – legalize environmental harms by regulating how much pollution or destruction of nature can occur under law. Rather than preventing environmental harm, these laws instead codify it.

In the U.S., title to property carries with it the legal authority to destroy the natural communities and ecosystems that depend upon that property for survival. In fact, environmental laws in the U.S. were passed under the authority of the Commerce Clause, which grants exclusive authority over “interstate commerce” to Congress. Treating nature as commerce has meant that *all existing environmental law frameworks in the U.S. are anchored in the concept of nature as property*.

To learn more, contact:

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