

The 50th Anniversary of Earth Day

May 6, 2020

The [50th anniversary of Earth Day](#), expected to be celebratory, arrives at a somber moment. [COVID-19 human tragedies](#) continue to ravage communities, and UN Environment warns that “[nature is sending us a message](#)” we must heed to avoid future pandemics. This Earth Day demands both deep reflection and bold action. Fortunately, it arrives as the rights of nature movement is surging worldwide, offering new strategies for building legal systems that reflect our interconnected relationships with each other and the planet.

The [first Earth Day](#) in 1970 inspired nations to create sweeping, new environmental law regimes. In the United States, virtually all modern [environmental laws arose in part from Earth Day](#) marches, teach-ins, and movement building actions.

My personal commitment to nature’s well-being began during that exciting period, when I was in elementary school. My local creek was regularly [polluted by upstream tannery spills](#), and in the leadership and passion of citizens around the globe, I saw a path for change. Many of these early advocates later took up the work of implementing the resulting suite of environmental laws – myself included.

Five decades later, we have seen significant improvement in some areas, but much remains to be done. As I wrote recently in the [Vermont Journal of Environmental Law](#), environmental laws have addressed some acute issues, such as large sewage and industrial pollution releases, but have failed to prevent long-term, devastating harm, such as [climate change and biodiversity loss](#). This is due in large part to the fact that our environmental laws are grounded in the frame of “nature as property,” to be owned and degraded. Systems-based science now shows us that we are fundamentally connected with nature. To better guide our relationship with the natural world, we need legal and economic systems arising from a new frame, one of natural systems as fellow Earth citizens. Recognition of the fundamental rights of nature is a core element of such new governance systems.

“Rights of nature” is a [legal](#) and [jurisprudential](#) theory and [movement](#) sparked in part by University of Southern California law professor Christopher Stone’s 1972 essay, “[Should Trees Have Standing](#).” Stone calls for legal standing and associated rights for ecosystems and species, similar to the concept of fundamental human rights. In 2008, [Ecuador](#) became the first nation to take up this call, recognizing in its Constitution the inherent rights of ecosystems and species to exist, thrive, and evolve.

As described in [new research from Craig Kauffman at the University of Oregon](#), legal recognition of nature’s rights now exists at the local to national levels in 12 countries worldwide,^[1] including roughly 50 cities and counties spanning 13 states in the United States.^[2] An additional 16 countries are also considering legal recognition of nature’s rights, which occurs in the form of constitutional provisions, treaty agreements, statutes, local

ordinances, and court decisions. Most of this activity has arisen just over the last decade, with a spike in the last several years. Successes include legal standing and rights for rivers in [New Zealand and India](#), a successful push-back on [fracking in Pennsylvania](#), and the [right to a healthy climate in the Colombian Amazon](#). Kauffman gives credit to movement building, finding that the “sudden and dramatic increase” in proposed and adopted rights of nature laws “reflects the strengthening of transnational rights of nature networks following a decade of network activation and mobilization.”

Earth Day has been a notable marker in the growth of the nature’s rights movement worldwide. For example, the 40th anniversary of Earth Day in 2010 coincided with one of the United States’ most devastating environmental incidents, the [Deepwater Horizon oil spill](#). Protective regulations put in place by President Obama to prevent another Deepwater Horizon were [reversed by President Trump](#), demonstrating the ongoing need for broader, more durable, rights-based protections for nature.



*Deepwater Horizon Oil Spill, Earth Day 2010
Photo: US Coast Guard*

This need was answered, also on the 40th anniversary of Earth Day, at the global launch of the rights of nature movement in [Cochabamba, Bolivia](#). A climate conference attended by over 35,000 representatives of 140 nations produced a [Universal Declaration of the Rights of Mother Earth](#), which led later that year to the [creation](#) of the [UN Harmony with Nature Programme’s](#) Earth Day [UN General Assembly Dialogues](#). These annual UN Dialogues examine development of [Earth-centered legal and economic systems](#), including recognition of the [rights of nature](#). In parallel, a worldwide network of rights of nature advocates has begun to solidify and expand, with an associated “explosion” of new, rights-based environmental laws and policies as described by Kauffman.

The first Earth Day gave voice to widespread alarm over an increasingly polluted and degraded environment and produced a wide range of laws to combat identified threats. On Earth Day’s 50th anniversary, we are witnessing a new global movement, by “[citizens disillusioned by the](#)

[failure of governments](#) to take stronger actions to address the dual crises of climate change and biodiversity loss.” Advocates, governments, and courts are building laws and policies that recognize nature’s rights and are now [beginning to implement them](#). This need was answered, also on the 40th anniversary of Earth Day, at the global launch of the rights of nature movement in [Cochabamba, Bolivia](#). A climate conference attended by over 35,000 representatives of 140 nations produced a [Universal Declaration of the Rights of Mother Earth](#), which led later that year to the [creation](#) of the [UN Harmony with Nature Programme’s](#) Earth Day [UN General Assembly Dialogues](#). These annual UN Dialogues examine development of [Earth-centered legal and economic systems](#), including recognition of the [rights of nature](#). In parallel, a worldwide network of rights of nature advocates has begun to solidify and expand, with an associated “explosion” of new, rights-based environmental laws and policies as described by Kauffman.

Fortunately, we can bring forward lessons learned over the last 50 years towards creation of Earth-centered legal and economic regimes. One example is the U.S. Clean Water Act, [passed in 1972 over President Nixon’s veto](#). It was a monumental achievement at the time, but decades later, [U.S. EPA reports](#) that 46% of river and stream miles, 32% of wetland areas, and 18% of coastal and Great Lakes waters are in “poor biological condition.” A [Healthy Waters Act](#), grounded in the rights of waterways, would address the shortcomings of the Clean Water Act and better support the [human right to water for basic needs](#). [Lessons learned](#) from Clean Water Act implementation efforts can inform rights-based implementation strategies, such as expanding waterway restoration in addition to attending to antidegradation, and prioritizing whole waterway health rather than focusing primarily on individual designated uses.

[Clearing skies](#) and waters associated with COVID-19 shutdowns inspire visions of what life in harmony with natural systems might look like. The burgeoning rights of nature movement represents a new Earth Day revolution, one that is building modern legal and economic regimes that will guide us towards a mutually thriving relationship with the natural world.

[1] Argentina, Bangladesh, Bolivia, Brazil, Colombia, Ecuador, France, India, Mexico, New Zealand, Uganda, United States.

[2] California, Colorado, Maine, Maryland, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Vermont, Virginia.

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