



BIONEERS

GUIDE TO RIGHTS OF NATURE IN INDIAN COUNTRY



12th World Wilderness Congress

Resolution for the Guardianship of Nature

WHEREAS

- Recognizing the shortcomings of anthropocentric legal frameworks, which largely treat Nature or Mother Earth as a mere commodity or resource, and which fail to recognize the unique wants, needs, and voices of life on Earth aside from its value to humans; and
- Building on the foundations laid by the 7th World Wilderness Congress (2001), which called for the development of a jurisprudence recognizing humans as inseparable from the planetary ecosystem, and the 10th World Wilderness Congress (2013), which supported the worldwide recognition of the inherent rights of Nature; and
- Applauding the growing number of legal guardianship bodies that serve as the human face and voice of Nature, such as Te Pou Tupua, the legal guardianship body for the Whanganui River in Aoteroa New Zealand, along with legal guardianship bodies fulfilling the legal rights of the Atrato River in Colombia, Mar Menor saltwater lagoon in Spain, and Marañón River in Peru (in development), amongst others; and
- Noting that Nature's voice is also being elevated in law and society through other innovations, including the establishment of a Mother Earth Ombudsman (Defensoría de la Madre Tierra) in Bolivia and by giving Nature a formal voice in governance, including within government and both for-profit and not-for-profit organisations;
- Understanding that humans cannot fully represent the entirety of Nature's diverse interests, yet despite this limitation, it is imperative to strive to provide a voice for more-than-human life in our legal and governance systems; and
- Highlighting the critical role of Nature's traditional guardians since time immemorial, namely Indigenous stewards who, based on their inherent relationships with and responsibilities to sacred lands, waters, and sky, have traditionally protected and safeguarded Mother Earth and all life within; and

THEREFORE

The 12th World Wilderness Congress emphasizes the importance of guardianship models and speaking for, with, and as Nature along with other ways to empower and protect the voice, interests, and rights of Mother Earth.

RESOLVED

- To recognize the importance of guardianship models to provide formal representation for Nature within the legal system, better ensuring protection.
- To recognize the importance of providing formal agency for Nature within governance mechanisms via human proxy models.
- To support the empowerment and rights of Indigenous peoples to serve as guardians of their sacred territories, recognizing their traditional knowledge and practices as vital to protect and restore Mother Earth.
- To highlight and support other forms of governance where Nature's voice is represented through human proxies or guardians, amongst other mechanisms.
- To promote the adoption and implementation of laws and policies that grant legal rights to and guardianship of Nature, in addition to promoting jurisprudence based on the Inherent Relationships between Indigenous Peoples and their connected lands and waters and other non-rights-based inherent responsibility pathways.
- To encourage all delegates and member organizations to acknowledge, respect, and empower the many voices of Nature within their own work, fostering a global movement to give Nature agency within the legal system and society.

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RIGHTS OF NATURE IN INDIAN COUNTRY TEAM



CARA ROMERO
Bioneers Indigeneity Program
Co-Director



ALEXIS BUNTÉN
Bioneers Indigeneity Program
Co-Director



SAMANTHA SKENANDORE ESQ.
Legal Counsel



DAVID GREENDEER
Rights of Nature Tribal
Governance Lead



DANIELLE GREENDEER
Rights of Nature Tribal
Governance Lead



BRITTANY GONDOLFI
Rights of Nature
Project Coordinator



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PART I: WHAT ARE THE RIGHTS OF NATURE?

Rights of Nature is a movement to create a new legal pathway for people to defend and protect ecosystems, waterways, plants, and animals.

Rights of Nature laws codify nature's right to exist, regenerate, and flourish, giving people and tribes the ability to protect Nature in court.



ABOUT THIS GUIDE

As a coalition of Native and Native-descended authors, we wrote this guide by and for American Indian/Alaska Native community members interested in bringing Tribal values into contemporary law.

This guide was created for those interested in protecting Mother Earth by passing a Rights of Nature law in their Tribal Governments.

Honoring the Rights of Nature has always been essential to the worldview and cultures of First Peoples. The Rights of Nature movement simply codifies what has always been a part of traditional laws: that the natural world must thrive if our peoples and cultures are to survive.

This global movement to “Indigenize the law” is spreading across Indian Country because there is a constant and growing need to protect our lands and natural resources for future generations.

Rights of Nature laws can be applied to ecosystems, species, land, water, and sacred sites that are at risk or may be at risk in the future. These laws acknowledge that nature has a right to exist and flourish. In addition to recognizing nature’s inherent rights, these laws can help prevent or address damage to nature by giving people the right to defend nature in our court system.

The purpose of this guide is to share educational information and a step-by-step approach to bringing the Rights of Nature movement to your Tribal community by sharing the following resources:

Examples of existing Rights of Nature laws
Strategies for creating and passing a Rights of Nature law
Activities and Resources to start a Rights of Nature conversation

While it focuses primarily on supporting federally recognized Tribes, the approaches and activities outlined in this guide can help all Tribes in the US adopt the Rights of Nature as they see fit within their forms of governance.

WHY A RIGHTS OF NATURE MOVEMENT SHOULD BE TRIBALLY-LED


For hundreds of years, the Western property law scheme has reduced nature to a rightless object existing only for human consumption. For time immemorial, customary Tribal law has reaffirmed that humans are here to protect and preserve nature. There is an undeniable cultural battle between the Western legal system and Traditional Ecological Knowledge.

While the Rights of Nature movement is a relatively new legal theory, the philosophical foundation of this movement is rooted in Indigenous wisdom. Whereas the Western worldview sees Nature as a resource that can be owned, Indigenous worldviews see humans as an integral part of Nature, with a role to respect and take care of it.

Through the passage of a Rights of Nature law, Tribes can codify this Indigenous Knowledge into the American legal system they have been coerced to assimilate into. Doing so would declare that in Indian Country, Nature has a right to exist and thrive.

While the Supreme Court, Congress, and state governments have steadily worked to chip away at Tribal Sovereignty, Tribes still have the political power to create laws to protect the health and welfare of the Tribe.

Tribes must take caution and engage in extensive reviews when deciding whether a Rights of Nature law is right for them and, if so, what type of law best suits their particular needs. Despite this warning, we believe that now is the time to assert sovereignty and protect ancestral homelands for generations to come.



RIGHTS OF NATURE FAQ

This FAQ can be a useful tool for explaining Rights of Nature to members of your community.

What is “Rights of Nature?” law?

Rights of Nature laws aim to protect nature (rivers, mountains, ecosystems, specific species) by recognizing a natural entity’s legal rights and granting Natural entities “legal personhood.”

How can Federally recognized Tribes benefit from Rights of Nature law?

- Passing a Rights of Nature law can be an exercise of Tribal sovereignty.
- A Rights of Nature law can assist a Tribe in protecting a Natural Resource.
- It is a way for Tribes to put Indigenous values and worldviews into Tribal governance.

What is legal personhood?

Legal personhood grants specific rights, responsibilities, and protections typically associated with human beings to things that are not human, such as corporations, ships, or organizations. Extending legal personhood to Natural entities empowers people to represent Nature in court.

How are Rights of Nature laws made?

Rights of Nature can be made legal through Tribal ordinances, Tribal resolutions, or constitutional amendments.

What Can a Rights of Nature Law Protect?

Tribes can pass a Rights of Nature law to grant legal rights to any natural entity, such as rivers, watersheds, ecosystems, plants, animals, and sacred sites.

What are the parts of a Rights of Nature Law?

Rights of Nature laws have three essential components:

- Declare the Rights of Nature
- Give people or groups the power to protect and defend the natural entity in court
- Create a consequence for violating the Rights of Nature

TRIBES THAT HAVE IMPLEMENTED RIGHTS OF NATURE LAW



Ho-Chunk

In 2016, the Ho-Chunk Nation passed a Resolution to add the Rights of Nature to their constitution. The law states, "Whereas, in the tradition of the Nation's relationship with Mother Earth, from which we came and upon which we depend...we recognize that to protect Mother Earth, we must place the highest protections on nature, through the recognition of rights in the Nation's highest law, our Constitution..." The Tribe has yet to pass the amendment through the Tribal legislative process. The Ho-Chunk were, however, the first Tribe to propose a Rights of Nature Constitutional amendment.



The Ponca Nation

In 2017, the Ponca Nation passed a Resolution recognizing the Rights of Nature to address the problems caused by fracking near and on the reservation. The law states that "Nature is a unique, indivisible, self-regulating community of interrelated beings," and that nature has "the right to life and to exist." The law also establishes the right to clean water, clean air, a habitable climate, and the right to be free from contamination, pollution, and toxic or radioactive waste.



White Earth Ojibwe

In 2018, the White Earth Ojibwe band of the Chippewa Nation passed a resolution giving Manoomin, the Ojibwe traditional rice, the right to "exist, flourish, regenerate, and evolve." The law's preamble gives great credence to the 1855 Treaty and the hunting and fishing rights acknowledged herein. The law also declares that Manoomin has the right to be free from genetically engineered organisms and should be free from patenting. The law states that no government shall recognize as valid any permit, license, or charter that would enable any entity to violate the rights of Manoomin.



Yurok Tribe

In 2019, the Yurok Tribal Council passed a Resolution establishing the Rights of the Klamath River. The resolution declares that the Klamath River has the right to “exist, flourish, and naturally evolve to have a clean and healthy environment free from pollutants...” The law explicitly states that the Klamath River, its ecosystem, and its species have the right of personhood, “thus granting standing in causes of action against entities inflicting harm...”.



Nez Perce

In 2020, The Nez Perce Tribal General Council passed a resolution recognizing the Snake River as a living entity that has rights, including the right to “exist, flourish, evolve, flow, and regenerate.” The law states that the Nez Perce People have, “always believed that rivers are alive.... And have long strived to live in harmony with the river....” The law provides that the Snake River will be represented by legal guardians “whose duty is to act on behalf of the rights and interests of the Snake River.”



Menominee Indian Tribe of Wisconsin

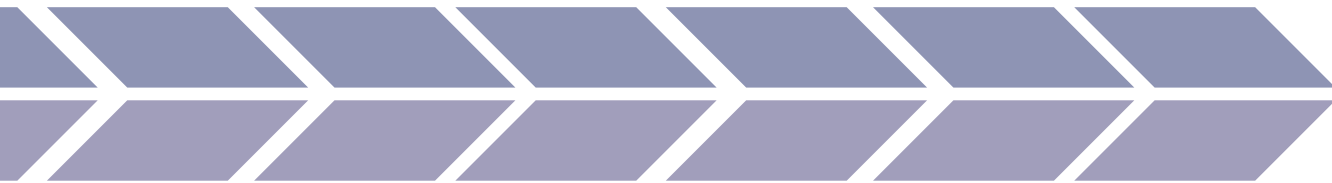
The Menominee Indian Tribe of Wisconsin asserted that the Menominee River has the right to “exist naturally, flourish, evolve, remain unpolluted and carry out its natural ecosystem functions” in a resolution passed in 2020. The resolution seeks to “secure the highest protections for the river through the recognition of the river’s inherent and legal rights.”



Sauk Suiattle Case

In 2022, The Sauk Suiattle Tribe brought a lawsuit against the city of Seattle, with Asuladxw (the word for salmon in the Tribe’s language of Lushootseed), as the named plaintiff. The lawsuit requested the courts issue a declaratory judgment affirming the rights of the salmon to migrate and thrive. The case resulted in the City of Seattle settling and agreeing to include fish passages in any new permit or permit renewal for hydro dams.

DIFFERENCES BETWEEN ENVIRONMENTAL LAW AND RIGHTS OF NATURE LAW



Rights of Nature law can protect nature in ways that current environmental law cannot.

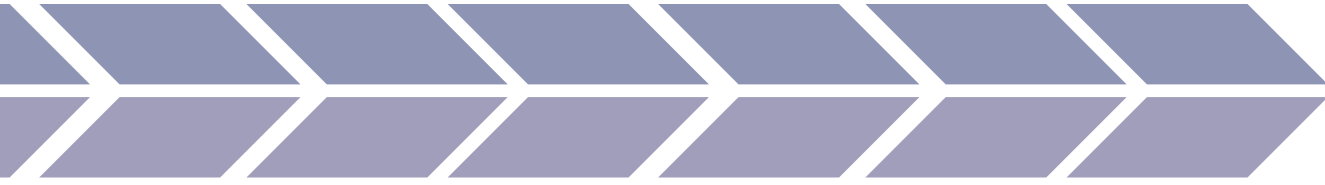
The following chart compares our current Environmental legal philosophy to a Rights of Nature law.

	CURRENT ENVIRONMENTAL LAW	RIGHTS OF NATURE LAW
What is nature?	Nature is a rightless object and is someone's property.	Nature, species, ecosystems, and watersheds have specific enumerated rights.
Who is able to defend Nature?	Individuals defend themselves and their property rights.	People, communities, and governments have the legal ability to bring a lawsuit on Nature's behalf.
How can harm to nature be legally remedied?	Property owners are paid money according to the harm done to the environment.	Nature itself is awarded money specifically to restore ecosystems.



PART II: HOW TO BRING RIGHTS OF NATURE TO YOUR COMMUNITY

THE RIGHTS OF NATURE OPPORTUNITY



Rights of Nature laws are a new and emerging strategy to protect Tribal lands, waters, ecosystems, and sacred sites for generations to come.

Rights of Nature laws incorporate cultural protocols into law-making processes. Most Tribes with governments formalized by the Indian Reorganization Act (IRA) have “boilerplate” constitutions that are modeled after the US Constitution and do not incorporate traditional values.

Rights of Nature laws send a message to future generations that we care about stewarding our territories for generations to come. These laws pass on our beliefs in writing so they can turn to previous generations for direction.

Rights of Nature laws show other stakeholders, such as inhabitants of nearby towns and cities, public law-makers, non-profits, and other interest groups, that we are serious about protecting our territories, which can build allyship and partners for a broader Rights of Nature movement.

This section of the guide offers a general overview for bringing your community together to adopt a Rights of Nature law. The Mashpee Case Study in Section III can be useful in understanding how a community moved from considering a Rights of Nature law to implementing one. It offers a starting point, but your community will have its own unique journey.

Organizing for the Rights of Nature is not a linear process. We have identified three basic activities for building a Rights of Nature movement that may overlap and repeat through this process. These are:

**PUT ON
AN EVENT**



**GATHER
AND CONNECT**

PASS A LAW

We will review each one and offer suggestions for how to implement it. Having a basic idea of what to expect will help you determine your role in bringing the Rights of Nature to your community.



A NOTE ON GETTING STARTED:

Before you get started, ask yourself the following questions to assess your leadership or supporting role in this process:

- ☐ **Do I live in my Tribal community or visit often enough to organize in-person community events?**
- ☐ **Am I willing to volunteer my time?**
- ☐ **Are other community members willing to help?**
- ☐ **Do I have enough time to devote to this?** The fastest we have ever seen this process take is four months. It might take years, especially if you are proposing to amend your Tribal constitution.
- ☐ **Is this going to compete with other responsibilities I have, such as taking care of my family, providing food, holding elected positions, and having a job?**

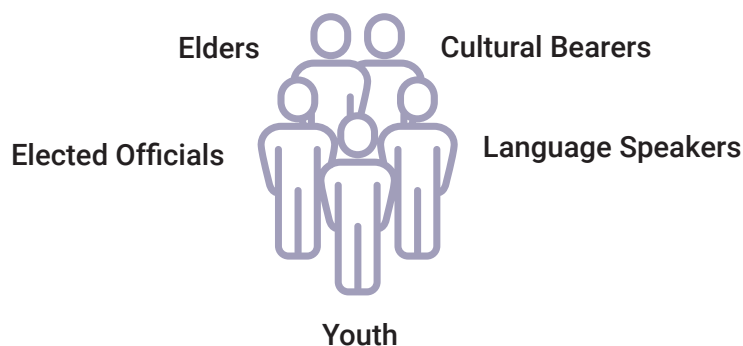
You can expect to organize one or more community information-sharing gatherings, as well as presentations at Tribal Council and General Membership meetings. You may have to make many phone calls and go door-to-door to inform Tribal members about events, talk to them about the Rights of Nature, or survey them. You may have to coordinate a volunteer Community Working Group and support the steps they must take to champion the Rights of Nature.

If the answers to these questions dissuade you from leading a Rights of Nature campaign in your Tribe, that's okay! It's good to be realistic and know your capabilities and limitations. You can decide the level of your involvement. For example, you may share information to identify a community champion (or champions) who will take over parts of the campaign.



GATHER AND CONNECT

All great things happen in groups. What an individual cannot do alone, they can do in a group. It is important that this working group represent a diverse group of Tribal citizens that can include, but is not limited to:



An important part of gaining community buy-in is organizing a group of volunteers. The earlier you bring this group together, the more 'hands on deck' will be available to support all the steps necessary to secure enough community buy-in to Indigenize the law.

You can put out a call in your community via email, social media, word of mouth, phone calls, texts, flyers, or an announcement by your Tribal press secretary stating that you want to create a group of people to develop and pass a Rights of Nature law.

Once the Community Working Group is formed, consider the following questions:

- How often will the group meet?
- Does your group have a special name?
- Who in your community does the group need to reach out to for support?
- Which of the following actions will the group take on and in what order?
 - Conduct a survey?
 - Put on an event?
 - Meet with the Tribal Council?
 - Call the Tribal Attorney?
- What is your long term vision for the group?
- Who in the group will shoulder what responsibilities?
 - Scheduler
 - Notetaker
 - Social Media Person/ Outreach
 - Event Planner



PUT ON AN EVENT

Presenting on the Rights of Nature at a Tribal Council Meeting through community gatherings and door-to-door can help gain community buy-in for the Rights of Nature.

A good way to get the word out is to post fliers at community hubs, through social media outlets like Facebook, and ask people to share word of mouth. The agenda should include sharing about the Rights of Nature, surveying Tribal members about what is important to protect, and discussing environmental threats. Make sure there is plenty of food and hands-on activities such as beading materials.

Suggestions for presenting include:

- Use your own words.
- Describe adopting the Rights of Nature as an “opportunity.”
- Connect the Rights of Nature to some potential landscapes, waters, sacred sites, and species that need protection in your community.
- Explain that you will organize meetings to share this information with community members to learn whether they will support this.
- Be prepared to answer questions or to say, “I will find that out,” if you don’t know the answer

Once you have shared the basic concept, conduct a survey. This will be important for making a case to the Tribal Council when a Rights of Nature law is up for a vote. See the Sample Survey provided in Section III. You may distribute this survey multiple times in various contexts from community gatherings to visiting households or through an email blast.



Before or after presenting the Rights of Nature, you may also include some activities to spark discussion. See Section III, for the Guiding Principles Activity, Discussion Prompts, and Rights of Nature in Your Language Activity. Initiating a conversation on what in your environment needs greater protection is the best way to start the movement to protect the Rights of Nature.

You should expect questions during discussions at an event or Tribal Council meeting. See Common Questions in Section III of this guide.



After your event(s), determine with the committee what Natural entity the Tribe wants to protect. At this point, you may want to “do your homework” to learn more about the issues surrounding it. You might talk to culture bearers to learn the cultural significance. You might want to research and gather data about the health of the species or ecosystem. Both approaches can help explain the current and potential threats to nature. From the knowledge you have gathered, you can develop a Community Presentation. See some Examples in Section III.

When the Community Working Group is ready to bring the Rights of Nature to a vote by the Tribal Council or at a General Membership meeting, be ready to share everything you have prepared to make a convincing point that this is what Tribal members want, this is what the land/water needs, and how important this is for future generations.



PASS A LAW

This section offers several considerations for passing a Rights of Nature law. Rights of Nature laws are not a “one-size-fits-all” solution.

Every Tribe has their own unique legal circumstances. Due to different governmental structures, treaties, and land statuses, Tribes’ legal ecosystems are as unique as their natural ones. This is why consulting with professional legal counsel is important in creating and passing a Rights of Nature law in your Tribal government.

A foundational pillar of sovereignty is the ability to pass laws and be governed by them. The best place to start mapping your Tribe’s law-making process is by reviewing its constitution. The constitution contains methods of passing ordinances and resolutions, calling for council meetings, and even amending the constitution.

PATHWAYS TO PASSING A RIGHTS OF NATURE LAW:

Passing a Rights of Nature law begins with deciding how to write the law. From getting your entire community involved, to asking your Tribal Council, to working with in-house or outside legal counsel, there are a number of pathways to pass a Rights of Nature law.

Community Drafted

Do you want to generate your own law with a Community Working Group and present it to the council? Your Community Working Group can draft an ordinance or resolution using existing laws within your community and other Rights of Nature laws as templates.

Tribal Council Drafted

Do you want to ask your Tribal Council to take up the work of drafting a Rights of Nature Law? Many Tribes’ constitutions outline a process where citizens can petition their Tribal Council to go into a special session for the purpose of passing a specific ordinance.

Inside Counsel Drafted

Working with the Tribal Council, you may be able to seek the assistance of your Tribe’s attorney in drafting a Rights of Nature resolution or ordinance.

Outside Counsel Drafted

If you cannot get the immediate support of your Council or the Tribal attorney, you could seek legal support outside your Tribal government. If you know attorneys capable of drafting ordinances or resolutions, you could ask for their help in drafting a law to present to your council.



DIFFERENT KINDS OF LAWS

There are different kinds of laws that a Tribe could pass on behalf of Nature. Tribes can make a symbolic declaration, pass a resolution, create an ordinance, create a zoning regulation, put land and territory into a protected status, or even amend the Tribal constitution.

/// **A DECLARATION** is a symbolic way for a Tribe to speak up for the natural world. Passing a declaration can spread awareness about an ecosystem in danger. Although declarations are not legally enforceable, they can inspire people to support the protection of ancestral territories and mobilize real change.

/// **A RESOLUTION** is an act passed by the Tribal Council that states a position, takes a stance, or sets a legislative intent. Resolutions can address a specific problem and outline steps the Tribe intends to take to resolve it. Resolutions are a step toward passing an ordinance. They can be drafted by the Tribal Council, in-house counsel, or presented to the council by the community. Resolutions can have legally enforceable components.

/// **AN ORDINANCE** is a law, often created by the Tribal Council, that establishes penalties for certain actions. Ordinances outline prohibitions and consequences and can create civil or criminal penalties.

/// **A CONSTITUTIONAL AMENDMENT** can be passed by a vote of a certain number of Tribal citizens or by the Tribal Council. For many Tribes, this process requires approval from the Secretary of the Interior. The process of passing constitutional amendments can be quite long and bureaucratic.



EXAMPLES OF RIGHTS OF NATURE IN FEDERAL INDIAN AND TRIBAL LAW

The following are examples of different Rights of Nature laws. Each Tribe took a different approach, but these laws share some features in common. You can compare them and learn more about the considerations for adopting the Rights of Nature through the **Tribal Governance Lawmaking Reflection** in Section III.

Passing a Rights of Nature Law that Establishes Broad Protections for Nature

In 2017, the Ponca Nation passed a Resolution recognizing the Rights of Nature to address problems caused by fracking near and on the reservation. The law states that “Nature is a unique, indivisible, self-regulating community of interrelated beings” and that nature has “the right to life and to exist.” The law also established the right to clean water, clean air, a habitable climate, and to be free from contamination, pollution, and toxic or radioactive waste.

Passing a Rights of Nature Law to Protect a Specific Species

In 2018, the White Earth Nation passed a law to recognize the rights of Manoomin, or wild rice. In this case, there was an imminent threat (a pipeline) to Manoomin and the watersheds it depends upon. As a treaty Tribe, Manoomin not only has inherent rights but due to treaty rights, the state and federal government must uphold and respect those rights.

Passing a Rights of Nature Law to Protect a River

In 2019, the Yurok Nation adopted a resolution to establish the Rights of the Klamath River through an ordinance establishing Tribal Law granting the Klamath River, its ecosystems, and dependent species the legal rights of personhood. This law had a ripple effect, eventually leading to the undamming of the Klamath.



WHAT TO CONSIDER IN PASSING A RIGHTS OF NATURE LAW

When considering what kind of Rights of Nature law your Tribe should consider the following:

Current Events

Is there an environmental emergency or something your community needs an immediate response to, for example, a species in crisis or a project that you want to stop? If so, tailoring your law to meet the immediate needs of your community is a great place to start. A resolution or ordinance is the most expedient strategy.

Land Status

If a Tribe has a sizable portion of land held in trust, it will be more likely to be able to enforce a Rights of Nature law over that territory. If the Tribe has more land held in fee/private, non-Indian ownership, it will be more difficult to enforce a Rights of Nature law in that territory.

Treaty Tribe

If a Tribe has a treaty establishing hunting, gathering, or rights of use, the Tribe should consider creating a Rights of Nature law to protect the natural element mentioned in the treaty. According to the US Constitution, Treaties are the highest law of the land. If a Tribe has a right recognized in a Treaty, the Tribe can create a law that reiterates the Tribe's right. Treaties can serve as a legal foundation for a Tribe's Rights of Nature law.

Public Law 280 State

In the 1950s, Congress passed Public Law 280, giving some state governments the authority to enforce state law on Tribal land. If a Tribe passes a Rights of Nature law as a criminal statute, that Tribe could face obstacles in enforcement if the state government refuses to enforce it. Tribes in Public Law 280 States would have to get the state to recognize the Tribe's Rights of Nature law and agree to uphold it through a compact.

Timeline to a Constitutional Amendment

In 1934, Congress passed a law called the Indian Reorganization Act. The motivation for the act was to recognize and support Tribes' ability to self-govern. However, the law forced the US colonial government's structure onto Tribes and gave the Secretary of the Interior more power over Tribal governance. Tribes with 1934 IRA constitutions must seek approval from the Secretary of the State to amend their constitutions. This process is long and often complicated. Check your Tribe's constitution to learn the exact process for amending it.



PART III: RESOURCES AND ACTIVITIES

INTRODUCING THE RIGHTS OF NATURE

This speech was given at our first Rights of Nature Intertribal in Southern California in 2023 by Sammy Gensaw, an advocate for the Rights of Nature, who was instrumental in the passage of the Yurok Nation's Rights of the Klamath River Resolution.

For time immemorial, the Yurok people have existed along the bountiful banks of the Klamath. Our stories, songs, and ceremonies are woven with tales of its pristine waters, vibrant fish, and the spirit of unity it instills in our people. But this river is not just a body of water for us. It is a living entity, a relative, and a vital life force nourishing our communities and souls.

Our precious river has been dammed, polluted, and disrespected in a world increasingly dominated by industry and development.

The consequences are dire, not just for us, Yurok, but for every living being that calls this planet home. This is a manifestation of a larger problem: a world that views nature as a mere commodity rather than the living, breathing entity it truly is.

It's high time we challenged this mindset. Just as our ancestors honored the spirit of the river, we, too, stand our ground. By granting our territory rights akin to those of a person, we acknowledge its inherent worth and dignity, independent of any economic value. This isn't just a symbolic gesture. It's a necessary step to ensure the protection, restoration, and reverence our river deserves.

But this isn't just about the Klamath. Rivers and ecosystems across the world are crying out for recognition and protection. From the Amazon Rainforest to the Great Barrier Reef, from the sacred Black Hills to the icy expanses of the Arctic – we must come together as a global community and say: These places matter. Their rights matter. This is not just a path for the Yurok people; it is a path for humanity.

For too long, a majority has been living in a world where we see ourselves as separate from nature, where the environment is something 'out there' to be used rather than an integral part of who we are. However, this perspective is not only unsustainable; it is also out of touch with the deeper truths of our existence.

In this essential endeavor, we need allies. We need voices that will echo the importance of this cause that will stand with us as we fight for the recognition and protection of our sacred spaces. It's not just about one river or one community; it's about our entire planet's health, well-being, and survival.

Our ancestors didn't see a boundary between themselves and the natural world. They understood that the river's health was their health, and the vitality of the forests was their vitality. This worldview acknowledges the interconnectedness of all things, where every rock, tree, and waterway has a spirit, a purpose, and a right to exist and thrive.

To those who might ask, "How can a river have rights?" I say this: How can it not? When we recognize nature's inherent value and understand that every element of our world plays a vital role in the intricate dance of life, the question becomes not "Why should we grant rights?" but "How could we ever deny them?"

Let the Klamath's journey be a beacon of hope, a call to action. Let it remind us of who we are and what we can achieve when we come together with respect, understanding, and love. By recognizing the rights of our rivers, forests, and sacred sites, we recognize the best parts of ourselves and pave the way for a brighter, more harmonious future.

Thank you for your commitment, passion, and unwavering support of our shared goals. Together, we are making a difference.

With gratitude and in solidarity,
Sammy Gensaw III

DISCUSSION PROMPTS

The following questions a great way to initiate a conversation on how your Tribe's laws can respond to ecological threats.

What is Nature to you?

Is there a particular element of Nature that speaks to you?

Is there a place, animal, creature, ecosystem, element that you feel uniquely connected to?

Where do you see Nature hurting? How can you tell Nature is hurting?

What are the signs that Nature has been damaged?

Who do you see causing harm to nature?

What are some things that can be done to stop the damage to Nature?

What rules would you write and enforce (if you could) to help Nature in your community?

Is there a behavior you would like to stop?

Is there something you would ban?

Is there something you would ask people to do?

Is there a place you would want to protect?

Is there a place you would spend money to help?

What is a "right" to you?

What are Nature's rights?

GUIDING PRINCIPLES ACTIVITY



This activity aims to determine the core values that guide my Tribe's way of life and should be discussed as a foundational step in Tribal planning around the Rights of Nature. To identify your tribe's guiding principles, you must collaborate with knowledge bearers/elders and community representatives of all ages to gather their views on what they believe is important.

A guiding principle is an **idea** that **influences** you very much when making a **decision** or **considering a matter**.

Examples: Each person has a unique gift to offer
 Protecting the earth is an essential priority

Guiding principles are fundamental for developing your Tribe's vision and plans. They are derived from prayer, the land, community values, discussion, and knowledge gathering (research). Guiding principles help to determine how to maintain a Tribal community's balance with its environment while addressing differing viewpoints within the Tribal community and in relation to its neighbors.

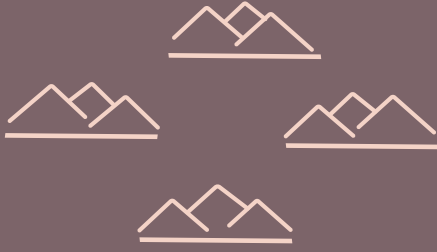
Directions: On the lines below, write down what you believe to be 5 core principles that are the most important rules guiding your daily decisions and impacting your life.

1. _____
2. _____
3. _____
4. _____
5. _____

You may also want to create your own additional tools for determining guiding principles. Some suggestions include asking a group of elders to describe what's most important about their community, land, and way of life. Another exercise could be to ask an elder to think back to where they grew up when they were young and to describe this place to a visitor. In analyzing the knowledge shared in these activities, see which values and concepts come up most frequently to determine a common set of guiding values.

RIGHTS OF NATURE IN YOUR LANGUAGE ACTIVITY

This activity aims to align the Rights of Nature lawmaking process with your ancestral language. Identifying important terms and concepts in your language will help your Tribe make your Rights of Nature law more specific to your culture, homeland, and worldview.



Refer to the Guiding Principles Activity. Try to come up with ways to articulate these principles in your own language. For example, in the Diné language, Hózhó naashá, or “the beauty way path,” is a complex concept that refers to the life journey one takes with love in relationship to the four cardinal directions.



Can you share a story about how our people relate to land, water, or food...? You can start with one or more of the topics or come up with your own.



Nahasdzáán
Unci Maka
Shkaakaamikwe
Mother Earth

In your culture, how do humans fit in or relate to Nature? What responsibilities do humans have to Nature? Ecosystems? Land? Water?

What are our words for or that are similar to the following? Start with one or more of the concepts listed below, or develop your own.

- Mother Earth
- Nature
- Creator
- Water
- Human Beings
- Law

With the committee’s free, prior, and informed consent, record these conversations and list the terms and phrases that came up in your language. These will help your Tribe determine the most fitting words for potential Rights of Nature Law when you are further along in the lawmaking process.

TRIBAL GOVERNANCE LAWMAKING

REFLECTION

Carefully review the three Tribal Resolutions provided next in Section III of this guide and answer the following questions. This exercise can be done in groups, with each group assigned to review one of the three Tribal Resolution documents. Answer the questions to the best of your ability, and don't worry if you are unfamiliar with terms or concepts. Once you have answered all the questions, gather together to compare and contrast your findings.

QUESTIONS

- Does the law include language specific to cultural belief systems? y/no If so, what?
- Does the law state the relationship between Tribal citizens and the ecosystem/species/body of water being protected? y/n
- Does the law state something about the Tribe's inherent sovereignty? y/n
- Does the law include language about restoration of the environment? y/no If so, what?
- Does the law include language about an existing or future destruction of the environment, ecosystems, or species? y/no If so, what?
- Does the law include language about historical circumstances? y/no If so, what?
- Does the law address subsistence practices? y/no If so, what?
- Does the law address rights on or off-reservation lands? What are they?
- Does the law include language for enforcing the law? y/no If so, what?
- Does the law address Federal Indian law? y/no If so, what?
- Does the law address State law? y/no If so, what?
- Does the law define the rights of what is being protected? y/no If so, what?
- Does the law address the rights of Tribal members? y/no If so, what?

REFLECTION

- What do the resolutions have in common?
- How are they different?
- What do you think would be important to include for your Tribe?



RESOLUTION 1

<https://bit.ly/48npxuC>

Yurok Nation Rights of the
Klamath River



RESOLUTION 2 -

<https://bit.ly/3ZtyLRW>

White Earth Ojibwe Rights of
Manoomin



RESOLUTION 3

<https://bit.ly/3Pvdx1w>

Ponca Nation Rights of Rivers

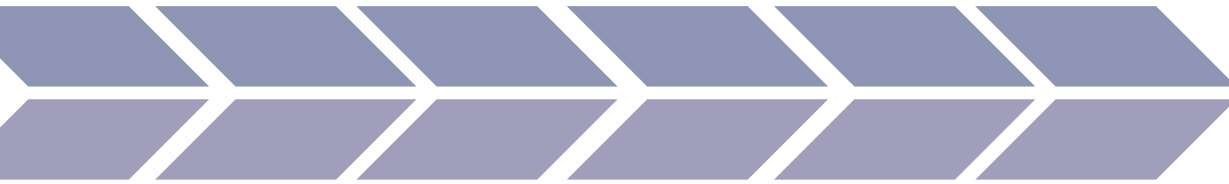


Sample Constitutional Amendment- <https://bit.ly/3sWIMef>

Ho-Chunk Nation Constitutional Amendment

LAWS

PROS AND CONS



TYPE OF LAW	ADVANTAGE	DISADVANTAGE
Customary Definition: Original instructions, laws of nature, protocol, etc.	Can change the ways Tribal members think about Nature and good ways to steward it Can be a step toward passing an enforceable law	Not legally enforceable
Resolution Definition: A law about a specific action that is voted upon	Easier and quicker to pass to address immediate threats.	Not always legally binding It can be easily overturned, especially when elected officials are out of office Current leaders may have differing beliefs about protecting nature or know how to enforce it relative to current threats.
Ordinance Definition: A law or regulation	Has the force of law More formal than a resolution Violating an ordinance can result in legal consequences	It takes more time to create A council will need to assess the need for the ordinance and the Tribe's ability to enforce that ordinance. Question of jurisdiction and enforcement
Constitutional Amendment Definition: A revision of a constitution	Permanent and difficult to overturn	Longer process If a resolution is passed to change the constitution, follow through to the amendment can be challenging.

COMMON QUESTIONS

QUESTION	SAMPLE RESPONSE
"Will Rights of Nature prevent our Tribe from being able to carry out our own economic activities related to extraction?"	"Rights of Nature is part of a larger comprehensive strategy to preserve land and resources for future generations while supporting Tribal leadership in renewable and regenerative economic activities."
"Can our Tribe be sued and go bankrupt?"	"We have no way of knowing unless we try. We can always pull out later if we feel too threatened."
"Can we lose sovereignty if Rights of Nature are contested at the Supreme Court Level?"	"We don't see any major threats until we use it."
"Can Rights of Nature law be enforced?"	"It depends on many factors. The only way to find out is to try."
"We do not want nature to be entered into Western law."	"Nature is already exploited by Western law. By codifying traditional law, we give our Tribe the chance to influence the dominant legal system, not the other way around."
"Judges don't like Rights of Nature. They think it's too wacky and often judge against it."	"The only way to change the law is to test it. We cannot assume to know how every judge will react."

SAMPLE SURVEY

This survey aims to gather Tribal members' knowledge and opinions about ancestral lands and what should be protected for future generations. Your responses will help with a planning process to enact laws to better steward Tribal lands, following our values and worldviews.

Anything you share will be made anonymous. Only write your name or address on the survey if you want to be contacted further regarding your opinions or to join the Rights of Nature committee.

1. Please Indicate your gender? ☐ Male ☐ Female
2. What is your age? ☐ Under 18 years ☐ 18-24 ☐ 25-34 ☐ 35-44
☐ 45-54 ☐ 55-64 ☐ 65-74 ☐ 75 and older
3. How long have you lived in your community? ☐ Less than 1 year
☐ 1-5 years ☐ 6-10 years ☐ 11-20 years ☐ Over 20 years
4. Do you support development on your Tribal lands?
☐ Yes ☐ No ☐ No Opinion
5. Do you support your Tribal government protecting nature?
☐ Yes ☐ No ☐ No Opinion
6. Do you support your Tribal government allocating resources for the protection of Mother Earth?
☐ Yes ☐ No ☐ No Opinion
7. What are your feelings about past or present development on your Tribal lands?

8. List aspects of nature located on or near your Tribal lands that are in need of protection. These can include animals, plants, sacred sites, features of the natural landscape (such as a mountain, river, air, etc.) Explain why.

MASHPEE CASE STUDY



The Mashpee Wampanoag were concerned about the herring population. Herring are a keystone species for maintaining healthy watersheds and a traditional food source for the Mashpee Wampanoag. They contacted the Bioneers Indigeneity Program's Rights of Nature team for assistance. We established a youth cohort, the Native Environmental Ambassadors, who developed a campaign to protect the herring.

Because herring are threatened from coast to coast, the Indigeneity Team felt it would be important for Mashpee Tribal members to experience a cross-cultural exchange and learn from Sitka Tribal members who were also fighting to protect herring. In the Spring of 2023, these youth gathered in Sitka, Alaska, to attend an Alaskan Native Indigenous Training Academy hosted by local Tribal members.

During this time, the youth experienced cultural teachings, hands-on subsistence activities, and workshopped Rights of Nature actions and referendums for their own communities.

The youth brought what they learned home to Mashpee. They connected with elders who were also very concerned about this issue. They created a social media campaign and hosted "Declaration Day" where they invited stakeholders from the Tribe, City, and State, to let the community know how important it is to protect herring. The Mashpee Wampanoag Tribe unanimously adopted a resolution for the Rights of Herring on April 26, 2023. They are also the first Tribe to pass a Rights of Herring Resolution.

This resolution empowers the Tribal Council to pass ordinances and laws to protect the herring's ecosystem. It also deputizes the Tribe's Natural Resource Commission to create programs and seek federal funding to support ecosystem restoration. The resolution also declares the Tribe the herring's legal guardian.

When this Guide was written, the Mashpee Native Environmental Ambassadors planned to draft and pass an ordinance to protect the herring by limiting motorboat use and certain chemicals near and around Herring's spawning ponds.

See these news pieces here:



*Alaska News Story on Sitka
Herring Camp*

*Cape Cod Article on Mashpee
Youth Movement*



*Radio Story on Intertribal
Youth Camp in Alaska*

COMMUNITY PRESENTATION MATERIALS

Slide Deck for Community Event



[https://bioneers.org/
mashpeepresentation](https://bioneers.org/mashpeepresentation)

Sample Fact Sheet



<https://bioneers.org/factsheet>

Sample Project Pitch



[https://bioneers.org/
mashpeestrategy](https://bioneers.org/mashpeestrategy)

BIONEERS RIGHTS OF NATURE

MEDIA AND RESOURCES

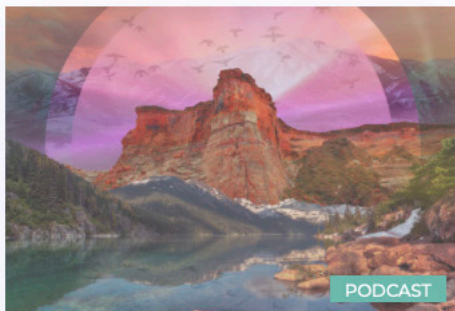
If you want to learn more, please visit Bioneers.org and enjoy videos, podcasts, and articles on the Rights of Nature.

Here is a list of other organizations working to advance Nature's legal state and honor Mother Earth's right to exist. These organizations have resources that could help a community group begin its Rights of Nature journey.

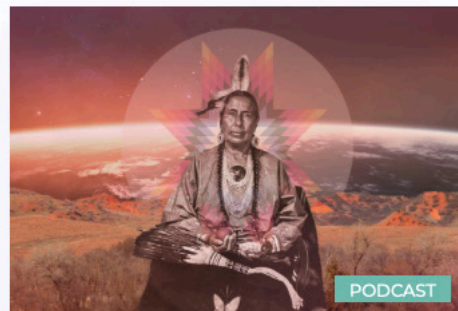
- Movement Rights
- Global Alliance for the Rights of Nature
- Community Environmental Legal Defense Fund
- Earth Law Center
- Women's Earth Climate Action Network
- Center for Democratic and Environmental Rights



Legalizing Nature's Rights: How Tribal Nations are Leading the Fastest Growing Environmental Movement in History



Indigenize the Law: Tribal Rights of Nature Movements with Casey Camp-Horinek | Part 1



Indigenize the Law: Tribal Rights of Nature Movements with Casey Camp-Horinek | Part 2



Aligning Human Law with Natural Law – Casey Camp-Horinek



The Rights of Nature Movement in Indian Country and Beyond: From Grassroots to Mainstream



Changing Everything: The Global Movement for the Rights of Nature – Mari Margil and Thomas Linzey



BIONEERS

HOW CAN WE HELP

If you are interested in connecting, collaborating, or have any questions, please email us at rightsofnature@bioneers.org. We are here to help.

ABOUT BIONEERS

FOR 30 YEARS, BIONEERS has acted as a seed head for the game-changing social and scientific vision, knowledge, and practices advancing the great transformation to a restored world. We do so through our annual national conference, award-winning media, local Bioneers conferences and initiatives, dynamic programs, and special projects.

WE DISSEMINATE THE VOICES of breakthrough innovators with practical and visionary solutions for people and planet, connecting people with solutions and each other. We provide communications and networking platforms for diverse voices inclusive of those often marginalized or excluded.

WE PROVIDE COMPELLING HOLISTIC EDUCATION FOR ACTION to the public and educators.

WE HIGHLIGHT COMMUNITY RESILIENCE MODELS to spread successful strategies to build resilience from the ground up locally and regionally.

WE CULTIVATE LEADERSHIP DEVELOPMENT at a time we're all called upon to be leaders. We focus on the leadership of **WOMEN, INDIGENOUS PEOPLES and YOUTH**.

WE INSPIRE A CHANGE OF HEART AND A SENSE OF WONDER AND REVERENCE for the genius of Nature and the human spirit.

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