

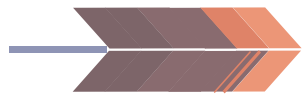


**BIONEERS**

**GUIDE TO RIGHTS OF NATURE  
IN INDIAN COUNTRY**



BIONEERS RIGHTS OF NATURE IN TRIBAL TEAM



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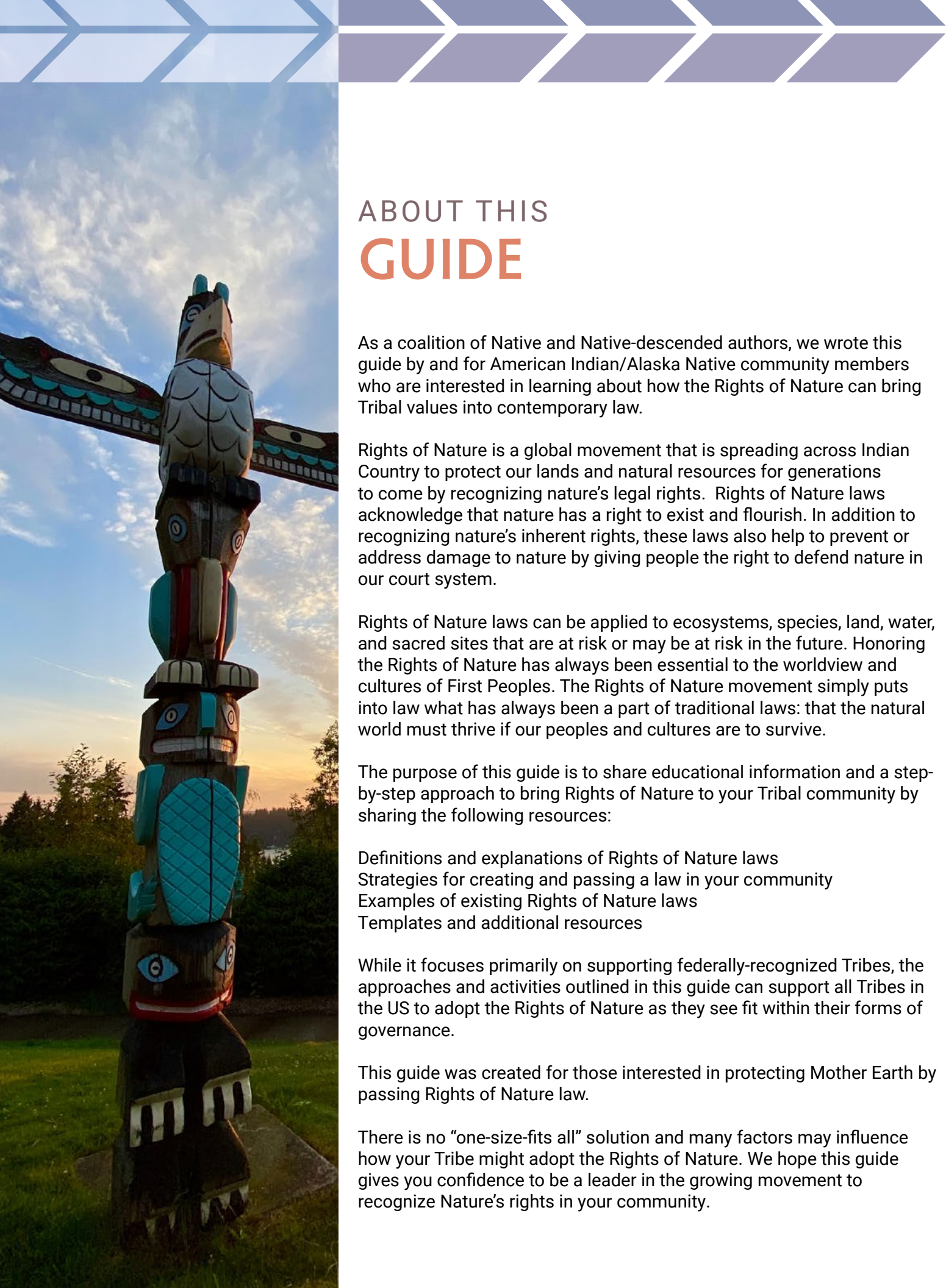
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## PART I: WHAT ARE THE RIGHTS OF NATURE?





## 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 who are interested in learning about how the Rights of Nature can bring Tribal values into contemporary law.

Rights of Nature is a global movement that is spreading across Indian Country to protect our lands and natural resources for generations to come by recognizing nature's legal rights. Rights of Nature laws acknowledge that nature has a right to exist and flourish. In addition to recognizing nature's inherent rights, these laws also help to prevent or address damage to nature by giving people the right to defend nature in our court system.

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

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

- Definitions and explanations of Rights of Nature laws
- Strategies for creating and passing a law in your community
- Examples of existing Rights of Nature laws
- Templates and additional resources

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

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

There is no "one-size-fits all" solution and many factors may influence how your Tribe might adopt the Rights of Nature. We hope this guide gives you confidence to be a leader in the growing movement to recognize Nature's rights in your community.

## WHY A RIGHTS OF NATURE MOVEMENT SHOULD BE TRIBALLY-LED

Creating and implementing a Tribally-led Rights of Nature policy is a way to "come back" to our traditional worldviews for future generations. 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. Rights of Nature offers an opportunity to turn Indigenous values into laws that could develop into legal paths to better protect Tribal lands for future generations. Passing a Rights of Nature law is a way for Tribal governments to Indigenize their codes and constitutions, by legally declaring the natural world to be sacred.

It is important to understand that the ability of Rights of Nature policy to support and forward Tribal sovereignty is subject to case law and has not yet been tested in court. Tribes must take caution and engage in very thorough 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? In spite of this warning, we believe that now is the time to stretch sovereignty to protect ancestral homelands for generations to come.

Passing a Rights of Nature Law helps us to uphold traditional beliefs and protocols. Passing these laws within our tribal governance can also inspire and influence the broader public to support this movement beyond Tribal lands. Just like any long term movement (such as the decades long fight for Native American religious freedom) this outside support can put pressure on elected officials throughout the United States to better protect nature.

Everyone in your community has a part to play in passing a Rights of Nature law. Community organizers (elders, youth, other volunteers) gather stories, data, and perspective and then share that information with the wider community. Council members turn community wishes into reality by passing laws in the form of resolutions and ordinances. Tribal attorneys are there to guide council members and community organizers in the process of writing a viable law.





# 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?

The Rights of Nature laws aim to protect nature (rivers, mountains, ecosystems, specific species) by recognizing a natural entity’s legal rights.

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

- It can protect natural resources for generations to come.
- It is a way for Tribes to put Indigenous values and worldviews into governance.
- Upholding Rights of Nature can be an exercise of Tribal sovereignty.

### What is legal personhood?

Legal personhood grants certain rights, responsibilities, and protections typically associated with human beings to things that are not human, such as corporations, ships, organizations, or in the case of the Rights of Nature movement, natural entities like rivers or ecosystems.

### How are Rights of Nature laws made?

Rights of Nature must be made legal through Tribal ordinances, Tribal resolutions and constitutional amendments.

### What Can a Rights of Nature Law Protect?

Rights of Nature laws can declare the Rights of a river, a watershed, an ecosystem, a plant, an animal, or the law can seek to protect Nature in general.

### What are the parts of a Rights of Nature Law?

- Declares the Rights of Nature.
- Gives people or groups the power to legally protect and defend the natural entity.
- Creates a Consequence for violating the Rights of Nature.

### How are Rights of Nature law different from existing environmental law?

Rights of Nature laws protect the rights of nature to exist, persist, flourish and evolve. Existing environmental law is based on property rights. If an environment is harmed, the **property owners** can be awarded ‘damages,’ usually in the **form of payment**. Conversely, if an environment protected by Rights of Nature law is harmed, the **environment itself** can be awarded damages **specifically to restore ecosystems**. The primary goal of the movement is to create strong laws that prevent damage to natural environments occurring in the first place.



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, which included earthquakes. 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, the right to a climate that is habitable, 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 acknowledging the rights of Manoomin, the Ojibwe traditional rice. The law states that Manoomin has the right to exist, flourish, regenerate, and evolve.



**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 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.”



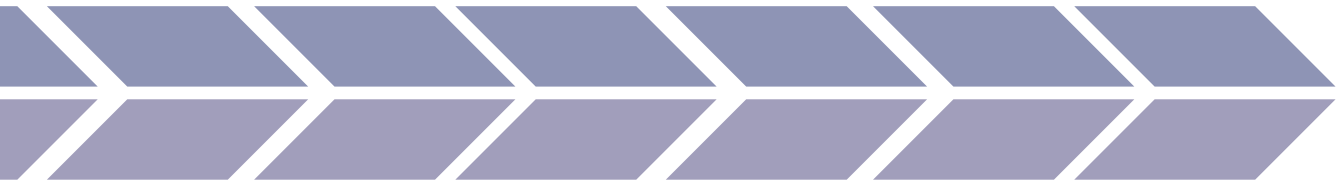
**Sauk Seattle Case**

In 2022 The Sauk Seattle Tribe brought a lawsuit against the city of Seattle, with Salmon 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



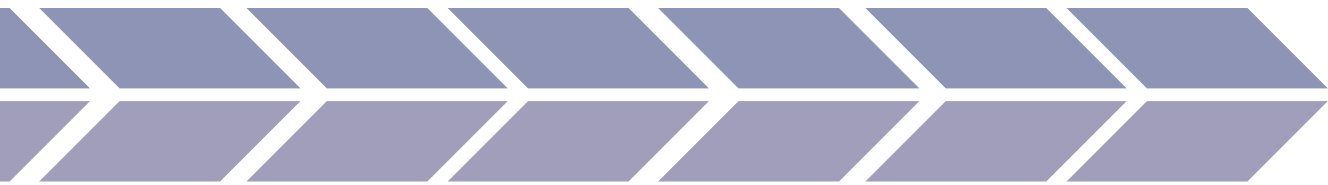
LEGAL CATEGORY	ENVIRONMENTAL LAW	RIGHTS OF NATURE LAW
What is nature?	Nature is property	Nature has rights Species have rights Features of ecosystems have rights
What is nature’s role?	Ecosystems are property	Ecosystems have rights
Who is able to defend?	Individuals defend themselves	People, communities and governments have the legal ability to defend rights on behalf of nature
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

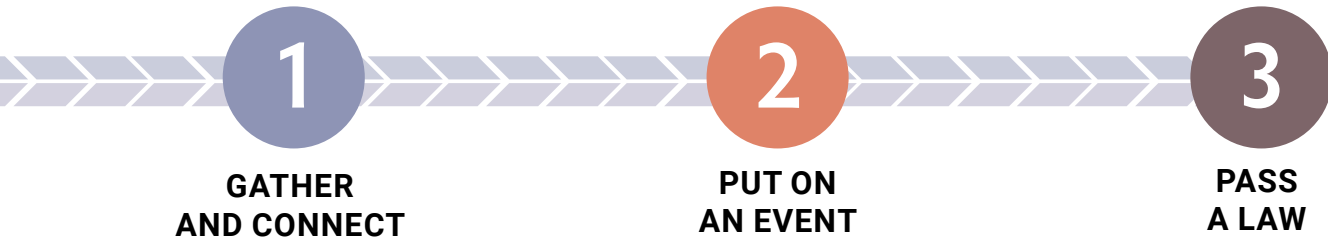


Rights of Nature laws can be important and effective to protect your Tribal lands, waters, ecosystems, and sacred sites for generations to come in several ways.

1. It incorporates cultural protocols into law-making processes. Most Tribes with governments formalized by the Indian Reorganization Act (IRA Tribes) have “boilerplate” constitutions that are modeled after the US Constitution and do not incorporate traditional values.
2. It sends a message to future generations that we care about stewarding our territories for generations to come, giving them the language and passing on our beliefs in writing so they can turn to previous generations for direction.
3. It shows other stakeholders, such as inhabitants of nearby towns and cities, public lawmakers, 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.

Each Tribe has its own language, culture, history and governance. Some of these features are common across many Tribes. This section of the guide offers a general overview for bringing your community together to adopt Rights of Nature. The Mashpee Case Study in Appendix can be useful to review to understand how a community moved from considering to implementing a Rights of Nature law. It offers a starting point, but your community will have its own unique journey.

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



We will go over each one with suggestions for how to implement them. Having a basic idea of what to expect will help you to determine the part you will play in bringing 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 your 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?** E.g., taking care of family, providing food, elected positions, job, etc.

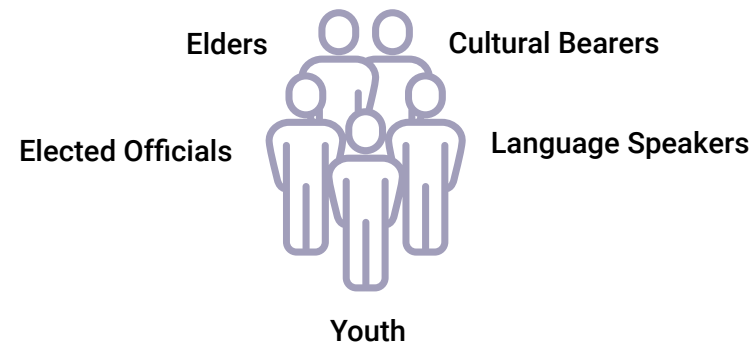
You can expect to organize one or more community information sharing and gatherings, as well as presentations at Tribal Council and General Membership meetings. You may have to make many phone calls and go door-to-door to let Tribal members know about events, talk to them about Rights of Nature or survey them. You will probably have to coordinate a volunteer Community Working Group, and support the steps they will need to take to champion Rights of Nature. Other things will come up that are not known at this time.

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 own involvement. For example, you may share information to identify a community champion (or champions) who will take over parts of the campaign.



# 1 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 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 to organize a group of volunteers. The earlier you bring together this group, the more 'hands on deck' will be available to support all the steps it takes to secure enough community buy-in to inform the Tribal Council what Tribal citizens want.

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

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

- 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 get 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?
  - All of the above?
- 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

# 2 PUT ON AN EVENT

Presenting Rights of Nature at a Tribal Council Meeting, through community gatherings, and door-to-door can help gain community buy-in for 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 asking people to share word of mouth. The agenda should include some combination of sharing about Rights of Nature, surveying Tribal members about what is important to protect, and discussion. See the Sample Invitation Flier in the Appendix. Make sure there is plenty of food, and hands-on activities such as beading materials.

Start by sharing information about what Rights of Nature are, how and what they can protect. Suggestions for presenting include:

- Use your own words.
- Describe adopting Rights of Nature as an "opportunity."
- Connect Rights of Nature to some potential landscapes, waters, sacred sites, species that need protection in your community.
- Explain that you are going to organize meetings to share this information with community members to learn whether this is something they would support.
- 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 the Appendix. You may distribute this survey multiple times in various contexts from community gatherings to visiting households.



Before or after presenting Rights of Nature, you may also want to include some activities to spark discussion. See the Guiding Principles Activity and Rights of Nature in Your Language Activity in the Appendix . You might also select some Discussion Prompts provided in the Appendix.

During the discussions at an event or Tribal Council meeting, you should expect questions. See Common Questions in the Appendix of this guide.





After your event(s), determine with the committee what it is that 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 research the Western science pertaining to 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 Materials in the Appendix .

When the Community Working Group is ready to bring 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. See Introducing Rights of Nature in the Appendix .

# 3

## PASS A LAW

This section of the guide offers a number of 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.

Every Tribe also has the capacity to pass their own laws and create their own rules and regulations to take care of their ancestral territories. The best place to start mapping your Tribe’s law-making process is by reviewing your Tribe’s constitution. In the constitution, you will find methods of passing ordinances, resolutions, calling for council meetings, and even how to amend the constitution itself.

### PATHWAYS TO PASSING A RIGHTS OF NATURE LAW:

The process of passing a Rights of Nature law begins with deciding how to go about writing 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 in-house in drafting a Rights of Nature resolution or ordinance.

#### Outside Counsel Drafted

If you are not able to get the immediate support of your Council or the Tribal attorney, you could seek legal support outside of your Tribal government. If you know attorneys who are 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, determine a zoning regulation, put land and territory into a protected status, or even amend the Tribal constitution. See the Laws “Pros and Cons” Chart in the Appendix.

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

/// **A RESOLUTION** is an act passed by 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 council, in-house counsel, or presented to council by the community. Resolutions can have legally enforceable components.

/// **AN ORDINANCE** is a law, often created by the Tribal Council, that creates penalties for certain actions. Ordinances outline prohibitions and consequences. Ordinances can create either civil (pay a fine) or criminal penalty (do some time).

/// **A CONSTITUTIONAL AMENDMENT** can occur through 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. However, the outcomes are very difficult to overturn which can have a better “lasting power” in affirming Tribal lands and waters to be protected.

EXAMPLES OF RIGHTS OF NATURE IN FEDERAL INDIAN AND TRIBAL LAW

The following are examples of Rights of Nature law. Each Tribe took a different approach, but these laws share some features in common. You can compare them and learn more about the considerations that go into adopting Rights of Nature through the Tribal Governance Lawmaking Reflection in the Appendix of this guide.

**APPROACH 1: The Ponca Nation Passed a Customary Law, Putting It in Writing**

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, to a climate that is habitable, and to be free from contamination, pollution, and toxic or radioactive waste.

**APPROACH 2: Resolution for the Right of a Species via Tribal Law**

In 2018, the White Earth Nation passed a law to formally 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 is obligated to uphold and respect those rights.

**APPROACH 3: Resolution for the Legal Personhood of a River via Tribal Law**

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 species the legal rights of personhood. Legal Personhood means that the ecosystem can be a named a party in a lawsuit. Oftentimes, environmental attorneys have a hard time representing the needs of nature in court. Granting Nature Legal personhood helps.

**APPROACH 4: Resolution to Protect the Rights of Nature with a Constitutional Amendment**

In 2015, the Ho-Chunk Nation’s General Council approved a resolution to be ratified into the Tribe’s constitution. The Ho-Chunk Tribe determined that a constitutional amendment would have a more powerful ability to protect Tribal lands than other forms of Tribal law.





## WHAT TO CONSIDER IN PASSING A RIGHTS OF NATURE LAW

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

### Current Events

Is there an environmental emergency or something your community needs an immediate response to? E.g. 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 to begin with.

### Land Status

If a Tribe has a sizable portion of land held in trust, that Tribe will have a greater likelihood of being able to enforce a Rights of Nature law over that territory. If the Tribe has more land that is 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 further protect the natural element mentioned in the treaty. According to the U.S. 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 Tribe's right. In this way, treaties can serve as a legal foundation for a Tribe's Rights of Nature law.

### Public Law 280 State

In the 1950's 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.

### 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 Tribe's abilities 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 the constitution. This process is long and often complicated. Check your Tribe's constitution to learn the exact process for amending it.



# APPENDIX



REAL WORLD CHALLENGES

EXAMPLE



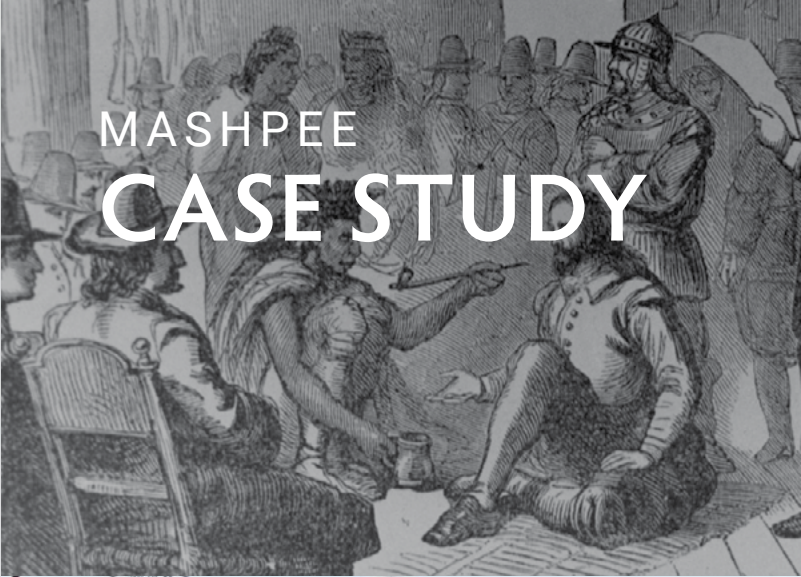
Uncle and Auntie Running - Water’s trust property and homestead was being threatened by a Drilling and Excavation company that was located a quarter mile from their house. Every day, the Running - Waters noticed changes to their tap water. The color of the water went from clear, to cloudy, to brown in a matter of months. The water’s taste became bitter and a smell of ammonia seemed to come from the faucet every time the water was used. After 6 months, Uncle Running-Water became very ill and he tested positive for a rare form of throat cancer.

The Running-Waters called their Tribal Council representative for help. The council member sponsored Auntie Running-Water and she was added to the agenda to explain the issues that were happening to her family, land, and husband. The Council wanted to help but had no laws or protections in place to deal with an environmental issue like this. They had no law or program that could directly assist relocating the family. Nor did they have the funds or housing resources to give to the family to relocate. Auntie Running-Water left dismayed. There was no clear direction on how the Tribe would assist her family.

Six months passed. Uncle Running-Water died of complications from the health issues he experienced post drilling. The Tribe tried to sue the drilling company, but had no legal grounds to pursue a lawsuit against the drilling company. Even though the Running-Waters land was in trust, the drilling company had obtained permits to drill on the adjacent to the Running-Waters home. Further, there was no solid legal evidence physically present as the drilling company had diagonally drilled under the Running-Waters’ homestead. Due to a lack of jurisdiction the Tribe could not obtain a warrant of entry to investigate the claim that the drilling and potential pollutants from that site were poisoning the Running-Waters’ land.

As Tribal members, we have heard these kinds of stories time and time again. When this type of situation occurs and leaders are blamed for inaction, they encounter the following arguments about their ability to lead when Tribal members say that, “those leaders are not educated,” “not Indian,” “didn’t grow up here,” “should have done something,” “only care about money,” and, “didn’t listen to the elders.”

Truth be told, people can’t always see the potential threats to our Mother Earth, and in most cases when the threats are exposed, Tribes only hope they can move fast enough to pass certain laws to protect or find resources to assist Tribal members in times of need. Tribes may not be able to control the monetary assistance they can provide, but they can control the long term protections of the laws that govern their lands.



MASHPEE

CASE STUDY



The Mashpee Wampanoag were concerned about the loss of herring, a keystone species for maintaining healthy watersheds. They reached out to the Bioneers Indigeneity Program’s Rights of Nature team for assistance. Together, they established a cohort of youth,Native Environmental Ambassadors, who developed a campaign to protect herring.

From this, an initiative grew to create educational opportunities for Native youth across the US to gather and learn how to organize and advocate for the Rights of Nature. Because herring are threatened from coast to coast, the team felt it would be important for Mashpee Tribal members to experience a cross-cultural exchange to learn from Sitka Tribal members who are also fighting to protect herring. In the Spring of 2023, these youth gathered in Sitka, Alaska to attend “Herring Camp” and a Rights of Nature symposium 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 let the community know how important it is to protect herring through a social media campaign, and a “Declaration Day” where they invited stakeholders from the Tribe, City, and State. With legal support from the Bioneers Indigeneity Program’s Rights of Nature team, 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 and deputizes the Tribe’s Natural Resource Commission to create programs and seek federal funding to support ecosystem restoration. The resolution also declares the Tribe as the herring’s legal guardian. At the time this Guide was written , the Mashpee Native Environmental Ambassadors are planning to pass an ordinance to further protect the herring. Their first steps are to rebuild three outdated and failing fish ladders, and plan to take further actions to protect herring and restore healthy ecosystems.



See these news pieces here:

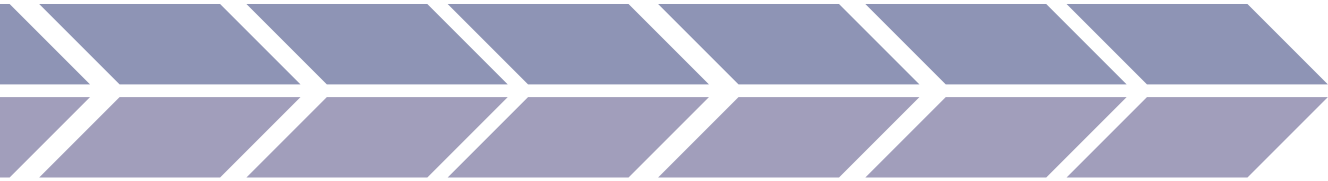
[www.kcaw.org/2023/04/05/in-a-sitka-camp-students-explore-a-powerful-new-strategy-to-protect-nature-and-preserve-culture/](http://www.kcaw.org/2023/04/05/in-a-sitka-camp-students-explore-a-powerful-new-strategy-to-protect-nature-and-preserve-culture/)

[www.alaskasnewsresource.com/2023/04/03/indigenous-youth-summit-hosted-sitka/](http://www.alaskasnewsresource.com/2023/04/03/indigenous-youth-summit-hosted-sitka/)

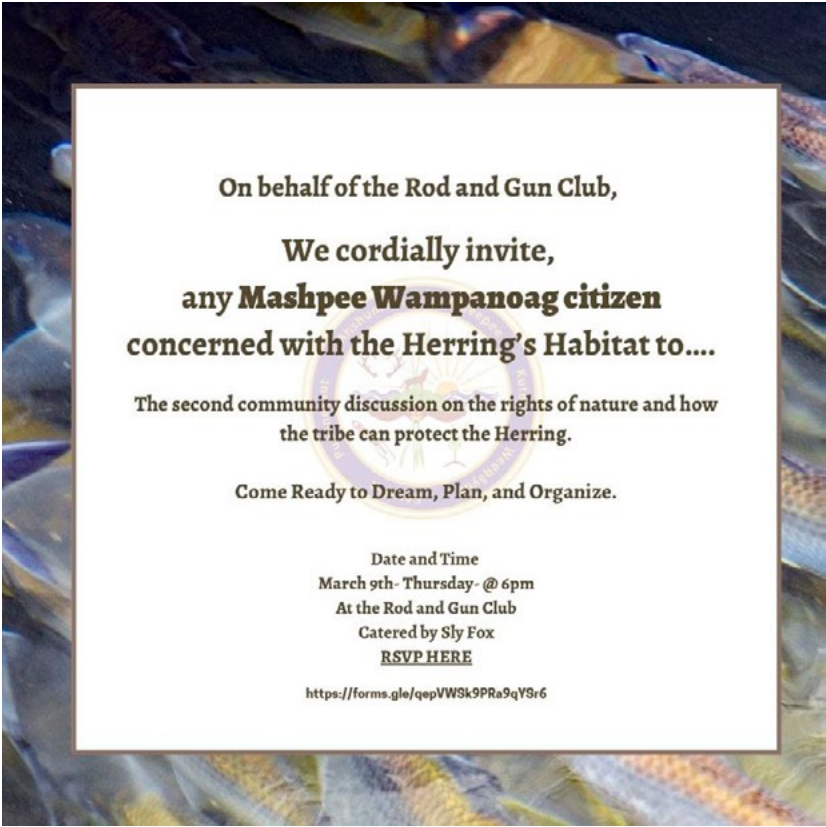
[www.capecodtimes.com/story/news/environment/2023/03/20/Tribal-members-hope-federal-rights-nature-laws-can-protect-herring/70008935007/](http://www.capecodtimes.com/story/news/environment/2023/03/20/Tribal-members-hope-federal-rights-nature-laws-can-protect-herring/70008935007/)



# SAMPLE INVITATION FLIER



Your invitation flier should ideally include the following elements in this order:



Above is an example of a Rights of Nature event at the Mashpee Wampanoag Nation

Name of the gathering:  
e.g. "Rights of Nature Learning Session"

Date and time

Names of presenters

Broad agenda  
- What Rights of Nature can protect for your Tribe(s)

# SAMPLE SURVEY

The purpose of this survey is 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. Do not write your name or address on the survey unless 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.



# GUIDING PRINCIPLES ACTIVITY



The purpose of this activity is 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. In order to identify the guiding principles of your Tribe, 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.

- Example:
- 1. Each person has a unique gift to offer
  - 2. Protecting the earth is an essential priority

Guiding principles serve as a fundamental framework 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. \_\_\_\_\_

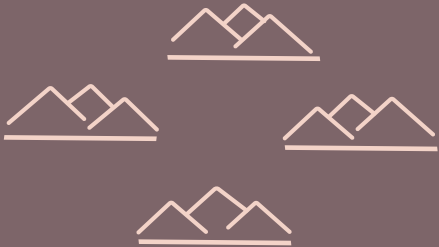
4. \_\_\_\_\_

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

The purpose of this activity is to align Rights of Nature law-making with your ancestral language. Identifying important terms and concepts in your language will help your Tribe to make Rights of Nature law more specific to your culture, homeland and worldviews.



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,” is a complex concept that refers to the life journey one takes, with love, in relationship to the four cardinal directions.



In your culture, how do humans fit in or relate to nature? What responsibilities do humans have in relation to nature? ecosystems? land? water?



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

Nahasdzáán  
Unci Maka  
Shkaakaamikwe  
Mother Earth

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

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

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



# DISCUSSION PROMPTS

- 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?

# 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.”



PLACEHOLDER FOR COMMUNITY PRESENTATION MATERIALS  
Slide Deck for community event  
Sample Fact Sheet  
Sample Project Pitch

Unsure what is meant by this?

Do I need to save enough pages in booklet for these or just save this page to be able to link?

This will affect the rest of the layout depending on answer.



“Our community has always been in relationship to nature. We take care of our lands, waters, animals and plants. Even the rocks on the ground have a spirit that we recognize.

We feel a strong responsibility to protect nature for future ancestors, those yet to be born. This is especially poignant because as parents, our kids will one day be responsible for our ancestral homeland, wherever they end up as adults.

Today we have an opportunity to put our traditional values and beliefs into Tribal law so that we can protect our lands for future generations from name current or future threat familiar to the Tribe through the Rights of Nature. Rights of Nature laws are a way to ensure that our values are passed down to generations to come. They tell the world what matters to us. And, they are a way to make a statement to non-Natives about what is important to us. This can impact public opinion on and off the rez, which is how real change is made.

As you may know, we formed a committee to explore whether Rights of Nature would be right for our Tribe. We did our due diligence and learned about the benefits of adopting Rights of Nature into our Tribal law. We surveyed X number of Tribal citizens, and we learned that X percent are in favor of protecting our homelands through Rights of Nature.

They told us the most important things to protect are name and describe these explaining why giving evidence from the survey and community discussions..

I am here today along with name them members of the Rights of Nature committee, and supporting members of our Tribe to ask the Tribal Council to consider taking a vote on a resolution to adopt the Rights of Nature into our Tribal law specify whether the ask is for an ordinance or a constitutional amendment, and explain the logic behind this ask.”



LAWS

# PROS AND CONS



TYPE OF LAW	ADVANTAGE	DISADVANTAGE
<b>Customary</b> 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
<b>Resolution</b> Definition: A law about a specific action that is voted upon	Easier and quicker to pass to address immediate threats.	Not always legally binding.  Can be easily overturned, especially when elected officials are out of office  Current leaders may not share the same beliefs about protecting nature or know how to enforce it relative to current threats.
<b>Ordinance</b> Definition: A law or regulation	Has the force of law  More formal than a resolution.  Violating an ordinance can result in legal consequences	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.  Questions of jurisdiction and enforcement.
<b>Constitutional Amendment</b> 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.

# TRIBAL GOVERNANCE LAWMAKING REFLECTION

Carefully review the three Tribal Resolutions provided 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 back together to compare and contrast your findings.



**RESOLUTION 1**  
Yurok Nation Rights of the Klamath River



**RESOLUTION 2**  
White Earth Ojibwe Rights of Manoomin



**RESOLUTION 3**  
Ponca Nation Rights of Rivers

## 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 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?

## REFLECTIONS

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



