

Book Review

The Rights of Nature, by David R. Boyd

Shuchi Vora

David R. Boyd, *The Rights of Nature: A Legal Revolution That Could Save the World* (Toronto, ECW Press, September 2017); 312 pp; ISBN: 9781770412392; English; URL <http://ecwpress.com/products/rights-of-nature>

Introduction

"Ko au te awa, ko te awa ko au."

"I am the river and the river is me."¹

New Zealand created history when it passed a law granting legal personhood to the Whanganui river in early 2017. This piece of legislation created ripples in the legal world because of the nature of its clauses which included the above-mentioned Maori saying. In granting the river legal personhood, the law incorporated the Maori worldview of human connectedness with nature into a modern western legal framework.

Can Nature have rights? David Boyd sets out to narrate a story of the progress from anthropocentric to ecocentric laws in his book 'The Rights of Nature'. He points out that while this idea of nature having rights may sound ludicrous to most minds with a western worldview, he quotes John Stuart Mill when he says that this movement towards ecocentrism in law, like all other movements, has had its share of "ridicule, discussion and adoption". The book was published in 2017 and highlights the history of granting legal personhood to nature in the Western world by documenting its watershed moments such as the case of the Whanganui river. This book review first gives a background of the debates surrounding laws governing natural resources, and then goes on to highlight the strengths and weaknesses of the book.

Anthropocentric Vs. Ecocentric Legal Frameworks

The debate within the rights-based natural resource management framework has hitherto been restricted to property rights over natural resources as against the human right to resources. The tragedy of the commons that has been inflicted by

¹ A Maori Saying that explains the Maori worldview of oneness with nature.

fractured governance and regulation frameworks for nature has been accepted by governments and society alike. However, the means to restoration of degraded ecosystems and conservation of endangered wildlife has often been a subject of disagreement between various groups. The pollution in the Ganges river has been a subject of petitions in the National Green Tribunal of the Supreme Court of India, but neither the government nor the industries have been able to suitably address the issue yet.

Market-based environment discourse has argued that natural resources such as water and forests can be allocated and governed by granting users property rights over them. Australia, California and some other drought prone regions have applied this approach in allocating the entitlement to scarce water resources within their jurisdictions. However, many others including activists who have fought for the rights of the First Nations in North America, have stood by the human right to natural resources over property rights. They have maintained that basic human need for survival should be paramount when allocating natural resources.

However, both these arguments are inherently anthropocentric and part of a Western worldview that treats humans as divorced from nature. In contrast, many indigenous and eastern philosophies have always believed in the interconnectedness of humans and nature, or ecocentrism. For instance, in the Sunderbans islands of the Ganges-Brahmaputra delta where people live in difficult natural conditions fraught with constant erosion, floods and the fear of being preyed upon by tigers, they pray to *Bonbibi*, the Goddess of the forest, who protects them from calamities. On the other hand the laws in much of the world are a product of the Roman philosophy that the purpose of nature and its creatures is to serve humans.

About the Book

The book has been divided into three sections – The Rights of Animals, The Rights of Species and The Rights of Nature. In the first section, Boyd argues that animals are sentient beings with the capability to feel complex emotions such as grief and pain, and are much like humans in many respects such as the use of tools, language and communication, memory, culture and self-awareness. He documents the animal rights movement by describing various cases in the North America in favour of chimpanzees, Asian elephants and marine mammals. In his section on the Rights to Species, he highlights cases such as the case of the rights of the snail darter vs. the Tennessee Valley Authority that forced the US Congress to change its stand on endangered species and infrastructure, those of wildlife trafficking, global laws and cooperation on wildlife monitoring. His last section, the Rights to Nature, provides the most interesting insights into the change in the moral and philosophical compass of the western legal world. He documents cases such as that of the rights of Sierra Valley vs. Walt Disney and the Whanganui river. It is in this section that a more detailed analysis of what the rights of nature may mean in different countries such as Ecuador and Bolivia, apart from developed countries like New Zealand and the USA.

Critique and Conclusion

This book targets minds trained in western thinking and tries to orient such minds to the different worldviews held by indigenous and other groups. The book is heavily focused on North America, and in that, does not answer vital questions that are faced by developing countries in trying to perform the balancing act between economic growth and conservation of ecosystems. He also does not demonstrate awareness of the fact that indigenous communities in poor countries such as Bolivia and Ecuador may aspire for economic growth to escape poverty. After all, it is not for the world to ask these countries to languish at the bottom of the growth curve, when the rest of the world has grown at the expense of what are rightfully their natural resources.

Boyd has celebrated individual heroes such as animal rights lawyers in the 1960s, the lawyers of the Community Environment Legal Defence Fund (CELDF), negotiators from the Maori groups, and leaders such as Evo Morales of Bolivia and Rafael Correa of Ecuador. The animal rights and rights of wildlife are in many ways much more advanced discourses compared to the rights of nature, which makes Boyd's last section the most interesting and ground-breaking. He is one of the few writers who have chosen to focus on this shift in worldview towards natural resources that has been brewing for many decades now in different forms. 'The Rights to Nature' is an important book that highlights the intrinsic value of nature itself and the human interconnectedness with nature; ideas that may prove critical in future as the world grapples with restoring degraded ecosystems and sustaining life on earth.

School of Geography and the Environment