

Shifting the Paradigm: A Society of Wetland Scientists Rights of Wetlands Initiative

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INTRODUCTION: THE IMPERATIVE

Recognizing the failure of past efforts to turn the tide of wetland degradation and loss (Ramsar Convention on Wetlands 2018, Davidson et al. 2020) and responding to the ongoing global crises of climate destabilization and biodiversity degradation and loss (Moomaw et al. 2018, IPBES 2019, Ripple et al. 2020, Bradshaw et al. 2021), Society of Wetland Scientists (SWS) members and others, largely through Ramsar Section and the SWS Climate Change and Wetlands Initiative discussions, articles and symposia, have recognized the need for new approaches (Simpson et al. 2020, Fennessy et al. 2021, Davidson et al. 2021), and the responsibility that scientists have for responding to these global crises (Ripple et al. 2017, Ripple et al. 2020). The growing Rights of Nature movement (Koons 2012, Cullinan 2011), led by non-governmental organizations, Indigenous peoples, and local communities (Pecharroman 2018, Studley and Bleisch 2018, Wilson and Lee 2019), provides a model that could lead to a fundamental change in outcomes based on a paradigm shift in our ethical and legal thinking.

With these thoughts in mind, we have developed a *Universal Declaration of the Rights of Wetlands* (hereafter referred to as the *Declaration*) as a wetlands-specific response to the global crises and the Rights of Nature movement, a proposal for a fundamental paradigm shift in our relationship with wetlands (Davies et al. 2020) and have discussed and proposed establishment of a Rights of Wetlands Initiative (ROW Initiative) with the SWS Executive Board.

APPROACH

The Executive Board has accepted the proposal and located the Rights of Wetlands Initiative under the umbrella of

the Wetlands Concerns Committee, similar to the Climate Change and Wetlands Initiative (Finlayson et al. 2020a). Also similar to the Climate Change and Wetlands Initiative, the ROW Initiative will be coordinated by a small panel that will report to the Board of Directors twice a year and will not incur additional costs to the Society.

This ROW Initiative is open to all SWS members who may share interest in collaborating to further develop and promote a framework for recognizing the ethical and legal Rights of Wetlands and the fundamental realignment of the human-wetlands relationship that it implies. Going forward, the ROW Initiative will build on the activities of the previous year and a half. Formalization of the ROW Initiative creates a vehicle for future collaborations both within and beyond SWS, such as with individuals and organizations with whom we may wish to collaborate, including members of Indigenous and local communities and Rights of Nature non-governmental organizations. A major goal of the ROW Initiative is to share the *Declaration* with the 171 Convention on Wetlands (Ramsar Convention) signatory countries and invite them to work collaboratively to support greater understanding and respect for Rights of Wetlands and to uphold these rights. Due to the global focus of this ROW Initiative, it is anticipated to support the Society's ongoing efforts to increase our global presence and impact, thus supporting Goal 3 (Global Reach) of the Society's 2020-2025 Strategic Plan as well as supporting Goal 1 (Communication), Goal 2 (Education and Research) and Goal 4 (Membership).

SOCIETY OF WETLAND SCIENTISTS: EVOLUTION OF AN IDEA

The Society of Wetland Scientists provides a unique and essential venue for wetland scientists and others interested in wetlands to meet and collaborate, whether in person at meetings, through Chapter, Section, and Committee activities, through the writing of articles in journals, including in *Wetlands* and *Wetland Science & Practice*, or, as has become the new norm, on various digital platforms. As a result of a years' long ongoing discussion around the global challenges of climate change (Finlayson et al. 2017, Finlayson et al. 2018, Moomaw et al. 2018, Finlayson et al. 2019, Finlayson et al. 2020b), biodiversity loss (IPBES 2019, Trisos et al. 2020) and the degradation and loss of wetlands

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(Ramsar Convention on Wetlands 2018, Davidson et al. 2020), that has been occurring largely through the SWS Climate Change and Wetlands Initiative (Finlayson et al. 2020a) and the Ramsar Section (Simpson et al. 2020, Fennessy et al. 2021, Davidson et al. 2021), a group of wetland and climate scientists and attorneys identified the need for a new approach to wetland conservation, protection and restoration if we are to turn the tide against the multiple global crises that we face.

At the SWS Baltimore Annual Meeting, in Ramsar Section and Public Policy & Regulation Section symposia, we proposed and discussed the idea of developing a *Universal Declaration of the Rights of Wetlands* in response to the growing Rights of Nature movement, and have now published a multi-authored article titled, *Towards a Universal Declaration of the Rights of Wetlands* (see: <https://www.publish.csiro.au/MF/MF20219>) that makes the case for recognition of the inherent Rights of Wetlands and presents a list of such rights. The preamble and proposed *Universal Declaration of the Rights of Wetlands* from Davies et al. (2020) are included in the Appendix to this article. Ramsar Section board members have worked with *Declaration* article authors to plan symposia and co-author additional articles (Simpson et al. 2020, Fennessy et al. 2021, Davidson et al. 2021) on the topic.

PRECEDENT

While the idea of recognizing the ethical and legal Rights of Wetlands and other elements of Nature, and their status as living beings, may seem novel to some, it is supported by millennia of precedent in ethical, philosophical, religious and legal thought, with legal recognition going at least as far back as Roman law, where *jus naturale* referenced natural law and *jus animalium* implied inherent natural rights for animals, independent of their value to humans (Nash 1989). Similarly, cultures around the world, particularly those of many Indigenous peoples, have recognized the living beingness of Nature for millennia (Kimmerer 2013, Studley 2018, Kaza 2019). An outgrowth of this ethical and cultural framework has been ongoing advocacy for recognition of the rights and living beingness of Nature in legislation and in courts of law (Kauffman and Martin 2018, O'Donnell and Talbot Jones 2018). In supplementary material provided with our article (see: https://www.publish.csiro.au/mf/acc/MF20219/MF20219_AC.pdf), we provide an extensive, albeit incomplete and illustrative, timeline and world map documenting some of the examples through time and across cultures of the recognition of the rights and living beingness of Nature and the expansion of the circle of rights holders through time. We invite others

to expand upon this list. Particularly noteworthy recent examples include:

- 2000 – The Earth Charter (see: <https://earthcharter.org/>).
- 2008 – Constitution of the Republic of Ecuador recognizes and includes Rights of Nature (see: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>)
- 2009-2018 – United Nations Resolutions on Harmony with Nature (see: <http://www.harmonywith-natureun.org/>)
- 2010 – Universal Declaration of Rights of Mother Earth (Pachamama) and formation of the Global Alliance for the Rights of Mother Earth (see: <https://therightsofnature.org/universal-declaration/>)
- 2017 – New Zealand Parliament passed the *Te Awa Tupua Act (Whanganui River Claims Settlement Act)* (*Act*) recognizing the Whanganui River as a living being with the status of legal personhood. The *Act* recognized the special relationship of the Maori iwi (tribes) to the river (see: <https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>)
- 2017-2020 – Universal Declaration of the Rights of Rivers (see: <https://www.earthlawcenter.org/river-rights>)
- 2018 – Ecuadorian Kichwa Native People of Sarayaku launch Kawsak Sacha/Living Forest Declaration (see: <https://kawsaksacha.org/>)
- 2018 – Colombian Supreme Court recognizes the entire Colombian Amazon as an “entity subject of rights” (see: <https://www.iucn.org/news/world-commission-environmental-law/201804/colombian-supreme-court-recognizes-rights-amazon-river-ecosystem>)

EARLY SUPPORT FOR THE DECLARATION OF THE RIGHTS OF WETLANDS

The *Declaration* has been endorsed by:

- Community Environmental Legal Defense Fund (<https://celdf.org/2020/12/celdf-endorses-universal-declaration-rights-of-wetlands/>)
- Earth Thrive (GARN member) (<https://www.earth-thrive.org/>)
- Fundación Lagunas Costeras in Uruguay - <http://lagunascosteras.org.uy/en/home-fic/>
- Fundación Montecito (<http://www.fundacionmontecito.org/>)
- Gaia Foundation <https://www.gaiafoundation.org/>
- GARN Europe (European Rights of Nature Hub) <https://www.facebook.com/GARNEUROPE/>
- Rights of Mother Earth (<https://www.rightsofmotherearth.com/>)

- Rights of Nature Sweden
<http://www.naturensrattigheter.se/in-english/>
- Stichting Mission Lanka
[\(http://stichtingmissionlanka.org/\)](http://stichtingmissionlanka.org/)
- Wetlands International
[\(https://www.wetlands.org/\)](https://www.wetlands.org/)
- Wildfowl and Wetlands Trust
[\(https://wli.wwt.org.uk/2020/12/proposing-a-declaration-of-universal-rights-for-wetlands/\)](https://wli.wwt.org.uk/2020/12/proposing-a-declaration-of-universal-rights-for-wetlands/),

with several other organizations providing initial positive feedback while in the process of sharing the *Declaration* with boards and committees for formal endorsement.

RECENT ACTIVITIES

Thus far, the SWS Rights of Wetlands Initiative has undertaken a number of activities as outlined below:

1. Publication of multiple-authored journal articles presenting the case for a *Universal Declaration of the Rights of Wetlands* and proposing the *Declaration* (Davies et al. 2020), and reporting on symposia presented or planned to be presented at scientific meetings (Simpson et al. 2020, Fennessy et al. 2021, Davidson et al. 2021)
2. Establishment of a website: <https://www.rightsofwetlands.org/> and a Twitter hashtag: #RightsOfWetlands.
3. Conducting ongoing outreach to Indigenous groups, with inclusion of a leader of the Kichwa Native People of Sarayaku, Ecuador in upcoming symposia at the SER2021World Conference and the INTECOL International Wetlands Conference.
4. Conducting ongoing outreach to wetlands and Rights of Nature non-governmental organizations and members of the Ramsar Convention community.
5. Presented the idea of Rights of Wetlands at SWS annual meeting special symposia, including the following.
 - a. Baltimore SWS annual meeting 2019: 1) SWS Ramsar Section Symposium: *Overview of Key Global Wetland Issues – Threats, Challenges and Solutions*; and 2) SWS Public Policy & Regulation Section Symposium: *The Critical Role of Wetlands in International Climate Solutions: Emerging Opportunities*. The abstracts from these symposia are available in *Wetland Science & Practice* July Special Issue, Volume 36, Number 3 in 2019.
 - b. SWS virtual annual meeting 2020: SWS Ramsar Section Symposium: *After fifty years of ups and downs, what is needed*

for international wetland conservation to become a relevant force for the challenges of the future? (See Davidson et al. 2021)

6. Presented the idea of Rights of Wetlands in SWS webinars, including the following.
 - a. SWS September 2019 Webinar: *Scientists' Second Warning to Humanity and a Declaration of the Rights of Wetlands*.
 - b. SWS December 2020 Webinar: *SWS History – 40 Years of Globalization*.
7. Translation of the Preamble and Declaration into Spanish, and ongoing efforts to seek support for translation into other languages.

PROPOSED ACTIVITIES

As mentioned above, a major goal of the Initiative is to share the *Declaration* with Ramsar Convention signatory countries and invite their support for Rights of Wetlands and a proposed Rights of Wetlands Resolution at the upcoming 2021 or 2022 Ramsar Convention of the Parties in Wuhan, China.

Additionally, a number of Rights of Wetlands activities, presentations and articles are planned, several of which were scheduled for 2020 conferences but now have been rescheduled to 2021 due to the COVID19 pandemic. Scheduled presentations include:

1. SWS virtual annual meeting June 1, 3, 8 and 10, 2021: SWS Ramsar Section Symposium: *A Universal Declaration of the Rights of Wetlands – Shifting our paradigm restores the human-wetland relationship in support of wetland restoration, conservation and wise use*. (Note: The Ramsar Section symposium was originally scheduled to be presented at the joint SWS-SER-CLRA RE3 Quebec conference in June of 2020. Due to the pandemic, this joint meeting has now been split into two separate meetings. The Ramsar Section will present at both meetings).
2. Society for Ecological Restoration June 19 – 24, 2021 World Conference virtual meeting: *A Universal Declaration of Rights of Wetlands – Shifting our paradigm restores the human-wetland relationship in support of wetland restoration, conservation and wise use*.
3. INTECOL International Wetlands Conference, October 10 – 15, 2021, Christchurch, New Zealand (in-person and virtual): *Declaration of Wetland Rights: Responding to Nature Rights Movement and Scientists' Second Warning to Humanity*.

SUMMARY

Recognition of the Rights of Wetlands may provide the basis for a step-change in our relationship with wetlands, and thus provide a potential pathway to help reverse the downward trajectory of wetland loss and degradation and the associated acceleration of climate destabilization and biodiversity degradation and loss. Although a new idea to many of us, recognition of the beingness and Rights of Nature is actually an ancient idea, one that has been embraced around the world across many diverse cultures and throughout time into the present day. Recent successes in establishing Rights of Nature, as well as lessons learned from less successful examples, can help identify important aspects of implementing or “operationalizing” Rights of Wetlands. Connecting with the Rights of Nature movement offers wetland scientists the opportunity to collaborate with Rights of Nature non-governmental organizations, Indigenous peoples and local communities, attorneys, and others who are searching for alternatives to “business as usual” in the face of multiple global crises and the resulting downward global trajectory. ■

APPENDIX

Universal Declaration of the Rights of Wetlands

Acknowledging that wetlands are essential to the healthy functioning of Earth processes and provision of essential ecosystem services, including climate regulation at all scales, water supply and water purification, flood storage, drought mitigation and storm damage prevention;

Acknowledging that wetlands have significance for the spiritual or sacred inspirations and belief systems of many people worldwide, but particularly for Indigenous peoples and local communities living in close relationship to wetlands, and that wetlands provide opportunities to learn from and about Nature, which supports scientific understanding and innovation, cultural expression and artistic creativity;

Further acknowledging that humans and the natural world with all of its biodiversity depend upon the healthy functioning of wetlands and the benefits that they provide, and that wetlands play a significant role in global climate regulation;

Alarmed that existing wetland conservation and management approaches have failed to stem the loss and degradation of wetlands of all types around the globe;

Further alarmed that global climate destabilization and biodiversity losses are accelerating and that efforts to reverse these trends are failing;

Acknowledging that peoples around the world of many cultures and faiths have recognized for millennia that Nature, or elements of Nature, are sentient living beings with

inherent value and rights independent of their value to humans, and that Indigenous peoples, local communities and non-governmental organizations have been contributing to a global movement to recognize the rights of Nature;

Aware that continued degradation and loss of wetlands threatens the very fabric of the planetary Web of Life upon which depend the livelihoods, wellbeing, community life and spirituality of many people, particularly Indigenous peoples and local communities who live in close relationship with wetlands;

Guided by recent legal recognition of the inherent rights of Nature, including recognition of the entire Colombian Amazon as an “entity subject to rights” by the Colombian Supreme Court; recognition of the rights and legal and living personhood of the Whanganui River through the Te Awa Tupua Act (Whanganui River Claims Settlement Act) agreed upon by the Māori iwi and the New Zealand Parliament; and Ecuador’s first-in-the-world recognition of the rights of Nature in their Constitution;

Convinced that recognizing the enduring rights and the legal and living personhood of all wetlands around the world will enable a paradigm shift in the human – Nature relationship towards greater understanding, reciprocity and respect leading to a more sustainable, harmonious and healthy global environment that supports the well-being of both human and non-human Nature;

Further convinced that recognizing the rights and legal and living personhood of all wetlands and the paradigm shift that this represents will lead to increased capacity to manage wetlands in a manner that contributes to reversing the destabilization of the global climate and biodiversity loss;

WE DECLARE that all wetlands are entities entitled to inherent and enduring rights, which derive from their existence as members of the Earth community and should possess legal standing in courts of law. These inherent rights include the following:

1. The right to exist.
2. The right to their ecologically determined location in the landscape.
3. The right to natural, connected, and sustainable hydrological regimes.
4. The right to ecologically sustainable climatic conditions.
5. The right to have naturally occurring biodiversity, free of introduced or invasive species that disrupt their ecological integrity.
6. The right to integrity of structure, function, evolutionary processes and the ability to fulfil natural ecological roles in the Earth’s processes.
7. The right to be free from pollution and degradation.
8. The right to regeneration and restoration.

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