

Day 22, Green

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After researching them I learnt that Both Ecuador and New Zealand have pioneering legal frameworks recognizing the Rights of Nature, but they have taken distinct approaches.

Rights of Nature in New Zealand and Ecuador

New Zealand: Legal Personhood for Specific Natural Entities

- **Legal Basis:** New Zealand's approach stems from settlement agreements between the Crown and Māori (Indigenous) iwi (tribes), which are then enacted into legislation. These laws recognize the deep spiritual and cultural connection of Māori to the land and water, known as *Kaitiakitanga* — the principle of guardianship.
- **Key Examples (Granting Legal Personhood):**
 - **Te Urewera Act (2014):** Removed Te Urewera Forest's national park status and granted it legal personhood, giving it the same rights, powers, duties, and liabilities as a legal person or citizen. A governing board now acts on its behalf.
 - **Te Awa Tupua (Whanganui River Claims Settlement) Act (2017):** Granted the Whanganui River legal personhood, recognizing it as "an indivisible and living whole." The river is represented by two guardians — one appointed by the Crown and one by the Whanganui iwi — who speak for its interests.
 - **Taranaki Maunga (in process):** Similar legislation is underway to grant personhood to other sacred natural sites, such as Mount Taranaki.
- **Foundational Philosophy:** These laws embody the Māori worldview that personifies the landscape and sees human wellbeing as inseparable from the health of the natural world expressed in the saying, "*I am the River and the River is me.*"
- **Scope:** New Zealand's model is **site-specific**, granting legal personhood to particular natural entities (rivers, forests, and mountains) rather than to all of Nature as a whole.

Ecuador: Constitutional Rights for Nature

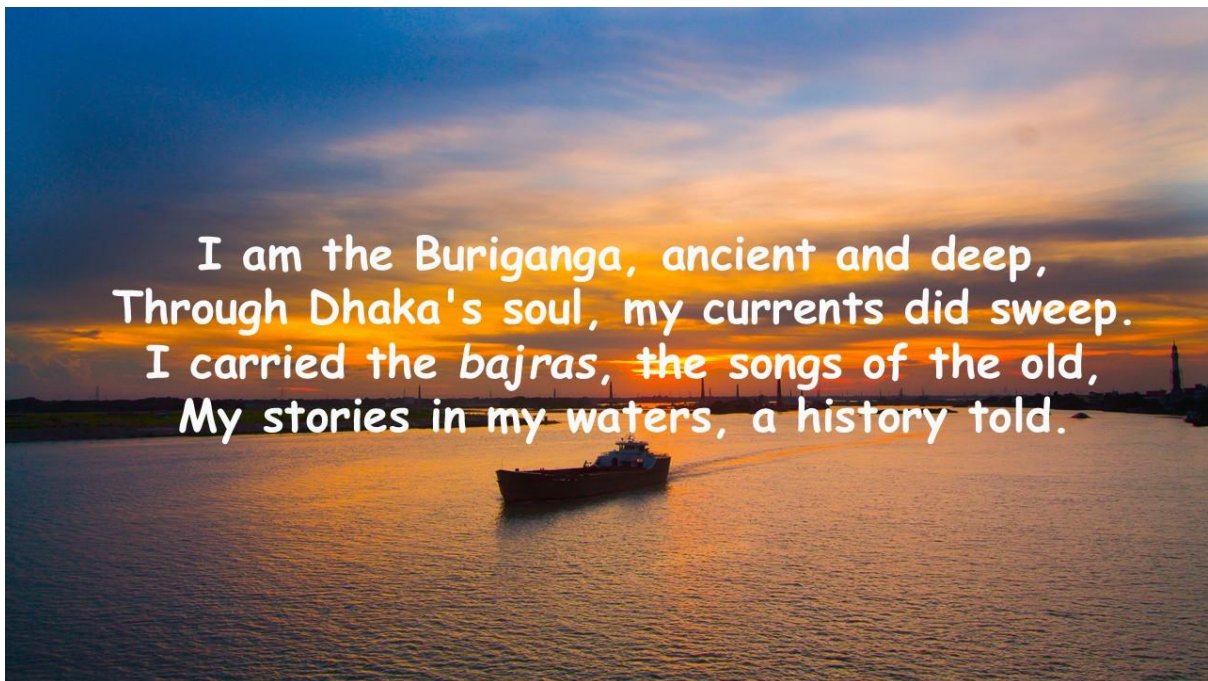
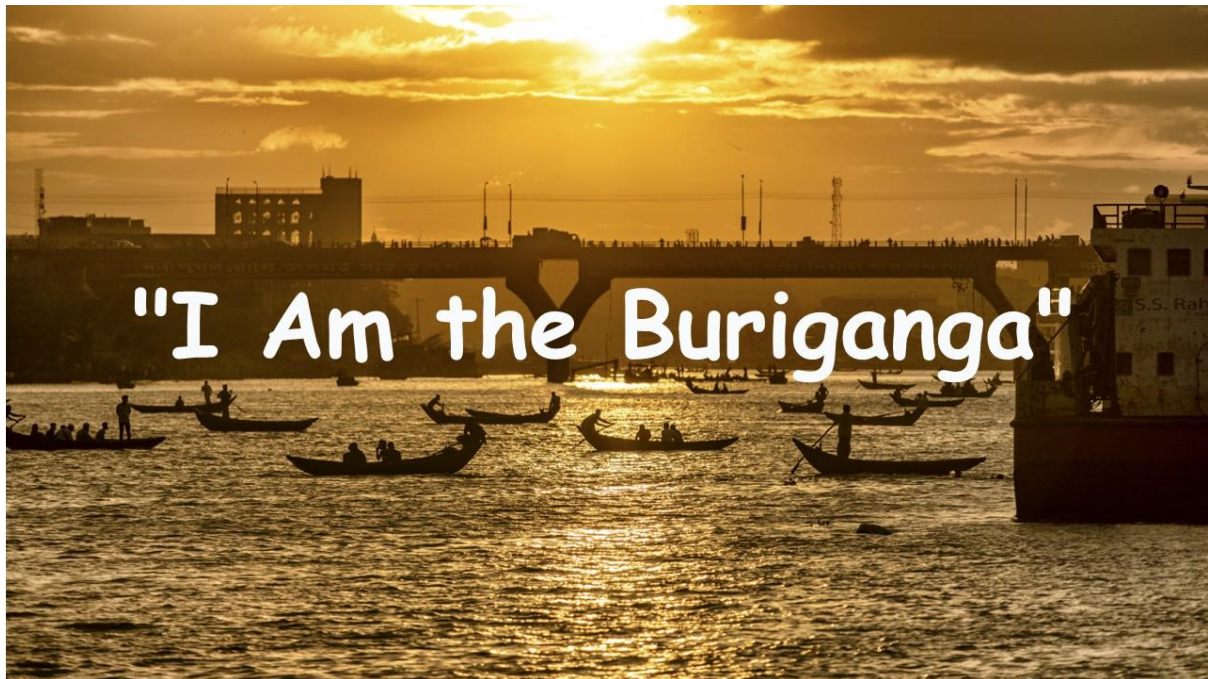
- **Legal Basis:** Ecuador became the **first country in the world** to enshrine the Rights of Nature in its 2008 Constitution.
- **Key Provisions (Chapter 7, Articles 71–74):**
 - **Article 71** recognizes that Nature, or *Pacha Mama* (Mother Earth), has the right to “integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions, and evolutionary processes.”
 - **Universal Legal Standing:** Every person, community, people, or nation may call upon public authorities to enforce these rights, meaning **any citizen can file a lawsuit on behalf of Nature**.
 - **Right to Restoration:** Nature has the right to be restored — distinct from human compensation for environmental harm.
 - **Precautionary Principle:** The State must apply preventive and restrictive measures against activities that could lead to species extinction, ecosystem destruction, or permanent disruption of natural cycles.
- **Foundational Philosophy:** The Rights of Nature are rooted in the Andean Indigenous worldview of *Pachamama* and the principle of *Sumak Kawsay* (Kichwa for “good way of living” or *buen vivir*), emphasizing harmony between humans and Nature.
- **Scope:** These constitutional rights apply broadly to **all ecosystems and natural entities** across the entire nation.

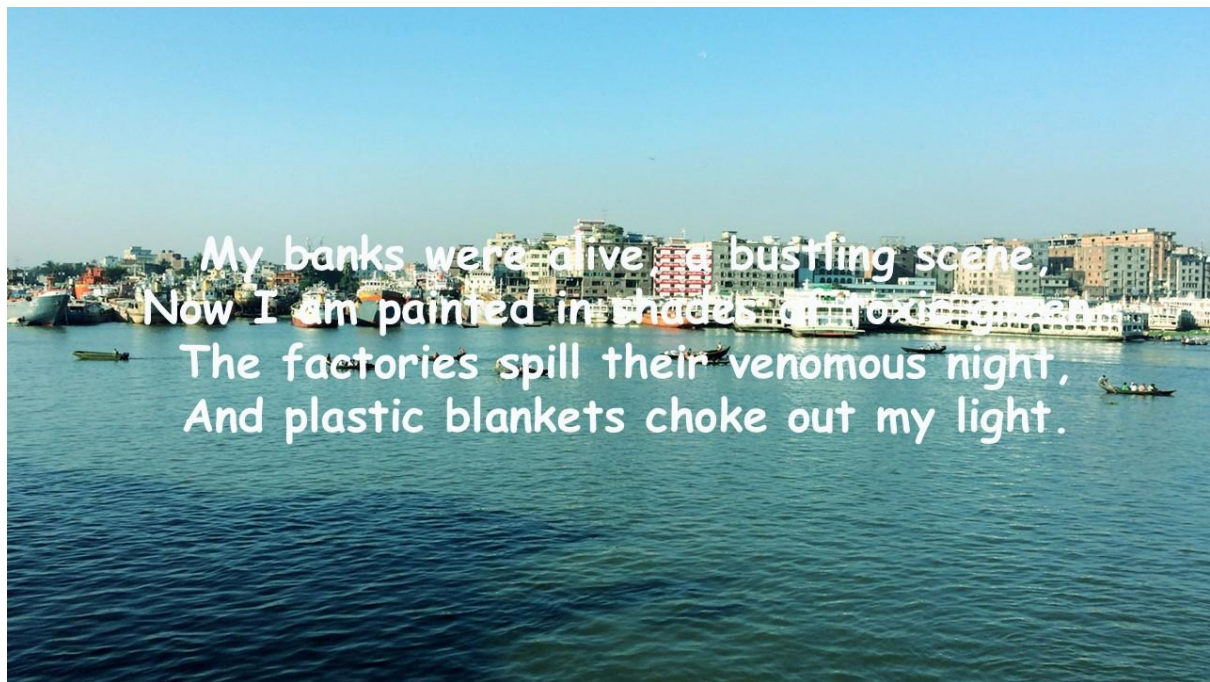
A Local Ecosystem in Peril: The Buriganga River

For this reflection, the focus is on the **Buriganga River**, the historic lifeline of Dhaka. Once a vibrant, navigable channel central to trade, culture, and community, the Buriganga is now a stark symbol of environmental neglect. It suffers from extreme pollution caused by industrial discharge, raw sewage, and plastic waste. Its flow is constricted, and its water is toxic, threatening the health of millions and the aquatic life it once sustained.

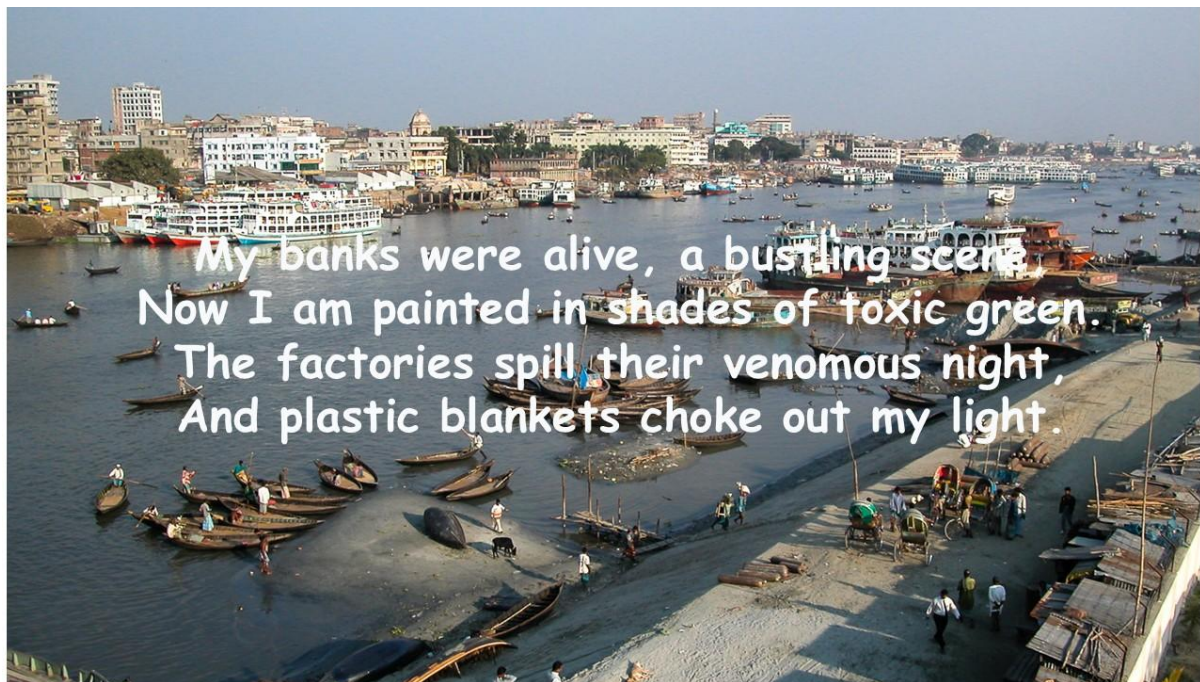
If the Buriganga River Could Speak: A Declaration in Verse

The following poem is a declaration, a lament, and a call to action from the perspective of the river itself.

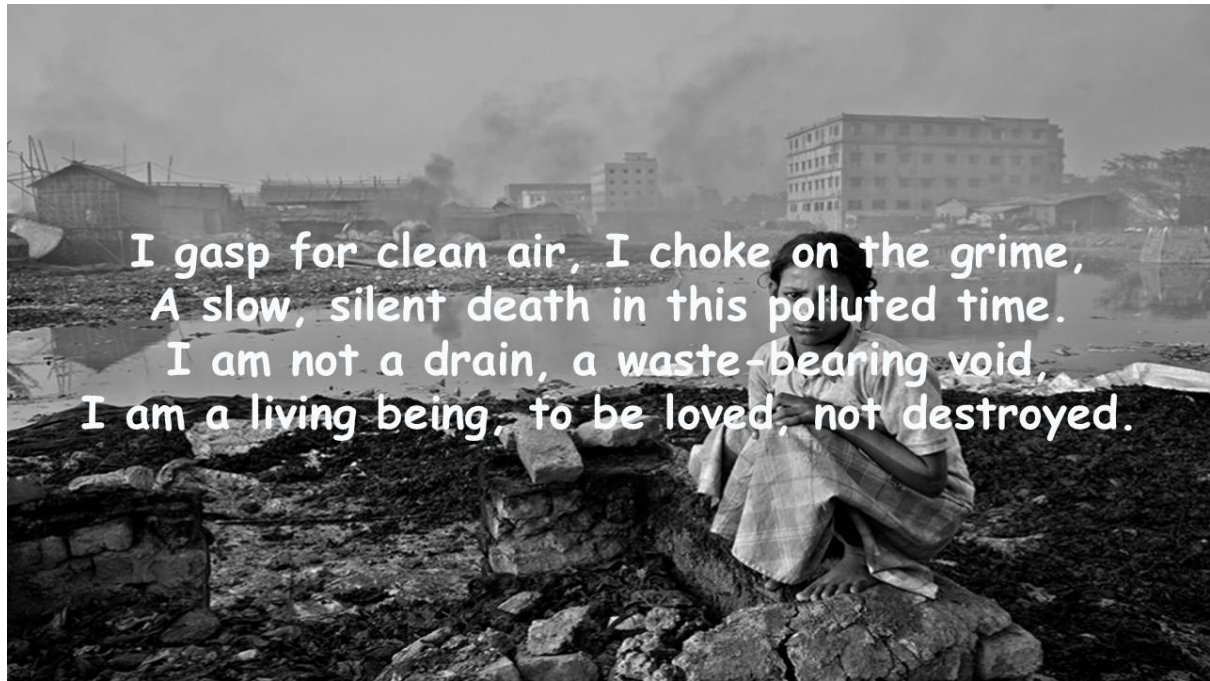




My banks were alive, a bustling scene,
Now I am painted in shades of toxic green.
The factories spill their venomous night,
And plastic blankets choke out my light.



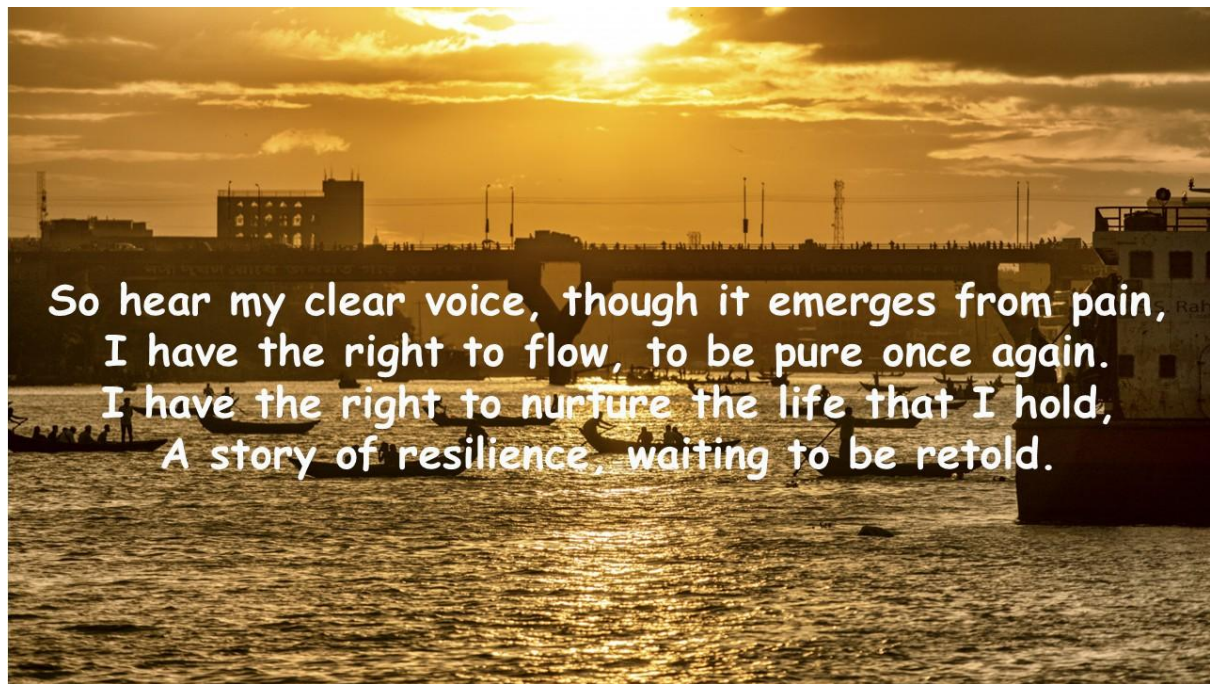
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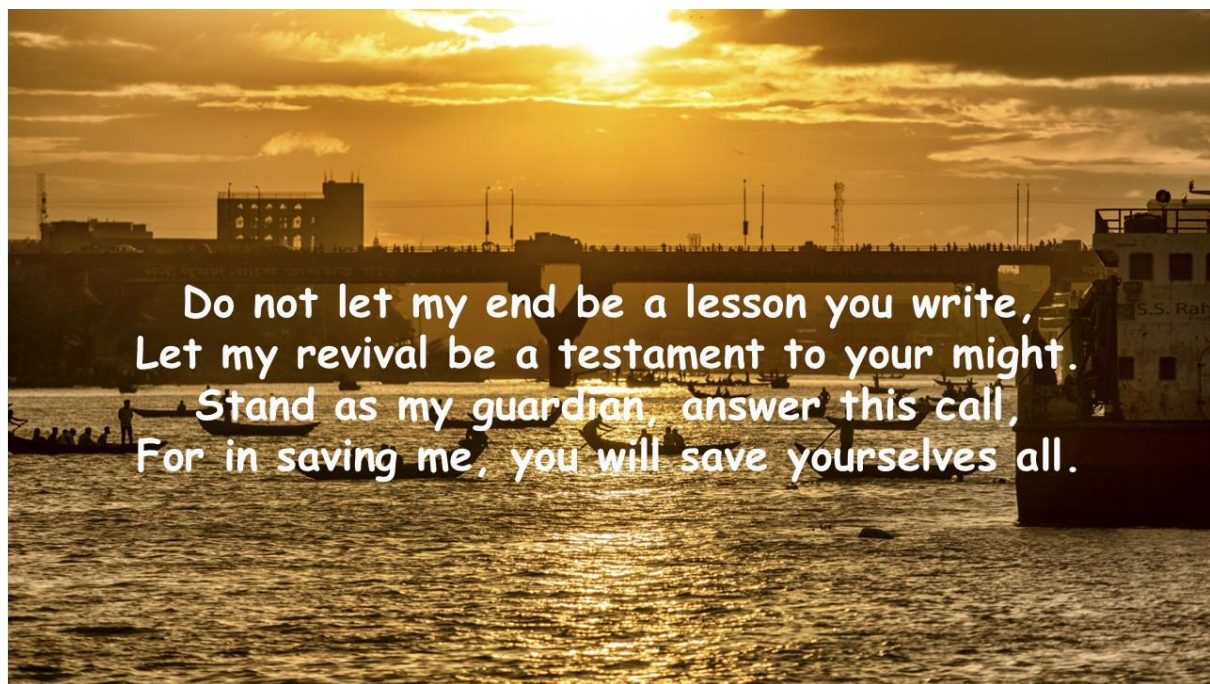
I gasp for clean air, I choke on the grime,
A slow, silent death in this polluted time.
I am not a drain, a waste-bearing void,
I am a living being, to be loved, not destroyed.



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So hear my clear voice, though it emerges from pain,
I have the right to flow, to be pure once again.
I have the right to nurture the life that I hold,
A story of resilience, waiting to be retold.



Do not let my end be a lesson you write,
Let my revival be a testament to your might.
Stand as my guardian, answer this call,
For in saving me, you will save yourselves all.

Declaration of Rights for the Buriganga River

Inspired by the legal precedents of Ecuador and New Zealand, we declare the Buriganga River to be a living entity possessing the following fundamental, inalienable rights:

1. **The Right to Life and Flow:** The right to exist naturally, to flow freely from its source to the sea, and to be free from obstructions that artificially alter its course and function.
2. **The Right to Purity and Health:** The right to be free from pollution of all kinds, including industrial effluents, municipal waste, and chemical runoff, which poison its waters and destroy its aquatic ecosystems.
3. **The Right to Regeneration and Restoration:** The right to be rehabilitated and restored to a state of health after decades of degradation, through active, concerted cleanup and conservation efforts.
4. **The Right to Legal Representation:** The right to have legal guardians—including community representatives, environmentalists, and relevant authorities—who can speak for and defend its interests in public forums and courts of law.

See my Instagram post here:

https://www.instagram.com/p/DQJxmrPk_rW/?utm_source=ig_web_copy_link&igsh=MzRlODBiNWFiZA==

Screenshot:

