

Reframing the human–wetlands relationship through a Universal Declaration of the Rights of Wetlands

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Abstract. The proposed Universal Declaration of the Rights of Wetlands is consistent with the principles of the rights of Nature, and reframes the human–wetlands paradigm away from one of degradation and loss to one of ecological sustainability that supports the Web of Life and continued delivery of Nature’s contributions to people. Given the significance of the role of wetlands in reversing climate destabilisation and biodiversity degradation and loss, the paradigm shift engendered by a Declaration opens new possibilities to align wetlands, climate, and biodiversity policy, consistent with the [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and Intergovernmental Panel on Climate Change \(2021\)](#) proposals, to guide effective governmental and non-governmental mechanisms. Widening the acceptance of the concepts presented in the Declaration is part of a process to reframe human–wetlands relationships, and is ongoing and iterative.

Keywords: legal personhood, rights of Nature, intergovernmental policy, human–wetlands relationship, wetlands, Ramsar.

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Introduction

As outlined in [Davies *et al.* \(2021a\)](#), there is increasing acknowledgement that Nature, including wetlands, has rights that are analogous to the rights of people or organisations, with these being equally defensible in law. This has the potential to offer a powerful means for stemming environmental degradation worldwide, including for wetlands that are in dire condition globally, as shown by the Global Wetland Outlook ([Ramsar Convention on Wetlands 2018](#)). The outcomes from the Outlook have been corroborated by other investigations, including a citizen-science survey ([McInnes *et al.* 2020](#)), and an analysis of the condition of wetlands based on information contained in

national reports supplied by Contracting Parties to the Ramsar Convention on Wetlands ([Davidson *et al.* 2020](#)). We view the rights approach as consistent with the recent joint report by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and the Intergovernmental Panel on Climate Change demonstrating the need to address climate and biodiversity in an integrated manner ([Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and Intergovernmental Panel on Climate Change 2021](#)).

The recognition of rights of Nature is becoming more prevalent, as shown by international charters and declarations developed in recent years. This includes the following:

- (1) World Charter for Nature, UN General Assembly, 28 October 1982 (<https://www.refworld.org/docid/3b00f22a10.html>, accessed 25 June 2021);
- (2) Universal Declaration of Rights of Mother Earth (<https://therightsofnature.org/wp-content/uploads/FINAL-UNIVERSAL-DECLARATION-OF-THE-RIGHTS-OF-MOTHER-EARTH-APRIL-22-2010.pdf>, accessed 25 June 2021);
- (3) Universal Declaration of the Rights of Rivers (<https://www.earthlawcenter.org/river-rights#:~:text=The%20Declaration%20draws%20from%20victories,understandings%20of%20healthy%20river%20systems>, accessed 27 November 2020).

Reference to the rights of Nature may also be included in the post-2020 Global Biodiversity Framework being negotiated through the United Nations (<https://www.cbd.int/doc/c/3064/749a/0f65ac7f9def86707f4eacfa/post2020-prep-02-01-en.pdf>, accessed 25 June 2021).

Degradation of wetlands will continue without additional and new approaches to ensure their future. One new approach is to reframe the concept of wetland ecological character that underpins the conservation and wise use mechanisms of the Ramsar Convention (Kumar *et al.* 2021). There are also calls to address the effectiveness of Multilateral Environmental Agreements that have so far not stemmed climate change or the degradation and loss of biodiversity (Davidson *et al.* 2020; Finlayson and Gardner 2021). The proposal from Davies *et al.* (2021a) to take a different, rights-based approach provides an untried option that will take time to enter the solutions framework and to be implemented at local to global levels (see Bridgewater 2021; Davies *et al.* 2021b). Further, it could be integrated with other new approaches, such as the reframing of the concept of wetland ecological character (Kumar *et al.* 2021).

Widening acceptance

With the above in mind, the proposed Universal Declaration of the Rights of Wetlands (Declaration), as shown in Box 1, is for discussion and potential adoption internationally, nationally and by local communities, including by Indigenous communities. This includes national and international non-governmental organisations and community-based organisations in addition to governmental and quasi-governmental organisations (see Table S1 of the Supplementary material). While the proposal is for a universally applicable Declaration, there is evidence that not all communities concur with the Rights of Nature premise (O'Donnell and Talbot-Jones 2018; O'Donnell *et al.* 2020). However, it is anticipated that adopting a ROW Declaration will create a paradigm shift that will lead to increased capacity to manage wetlands in a manner that contributes to reversing biodiversity loss and global climate destabilisation, and better integrates humans with Nature.

In support of a proposed Declaration, we present seven opportunities for further consideration by wetland users and decision-makers.

- (1) In recent decades, it has been more widely acknowledged that humans and the natural world with all of its biodiversity are interconnected with healthy functioning of wetlands and the benefits that wetlands provide to local communities (Millennium Ecosystem Assessment 2005; Russi *et al.* 2013), and that wetlands play a significant role in global

- climate regulation, mitigation and adaptation (Moomaw *et al.* 2018; Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and Intergovernmental Panel on Climate Change 2021).
- (2) Wetlands have significance for the spiritual and sacred inspirations and belief systems of many people.
- (3) Indigenous Peoples and local communities (Verschuuren 2016), who live in close relationship with wetlands, have and do so with Indigenous knowledge, understanding, respect and care for wetlands according to belief systems, systems of governance, and knowledge of science and technology (Papayannis and Pritchard 2010; Russell *et al.* 2021).
- (4) Humans are integrally connected with wetlands and exist in a relationship with many aspects of wetland biodiversity and ecological processes as members of the Earth community. Many cultures have acknowledged this interconnectedness with the wider biosphere by conferring 'personhood' on Nature, as shown in the timeline and world map presented by Davies *et al.* (2021a).
- (5) Implicit support for the Rights of Wetlands comes from the United Nations General Assembly's World Charter for Nature, representing a global move towards a more respectful relationship with Nature. The ethos represented by the Charter was further developed between 2009 and 2018 with nine United Nations resolutions on Harmony with Nature (<http://www.harmonywithnature.un.org/>, accessed 25 June 2021).
- (6) Legal recognition of the inherent rights of Nature is occurring in a growing number of jurisdictions. This includes recognition by the Colombian Supreme Court of the Colombian Amazon as an 'entity subject to rights' (Wilson and Lee 2019), recognition of the rights and legal and living personhood of the Whanganui River through the *Te Awa Tupua Act* (Whanganui River Claims Settlement Act 2017) by the Māori iwi and the New Zealand Parliament (<https://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html>, accessed 25 June 2021), and Ecuador's recognition of the rights of Nature in its Constitution (<https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>, accessed 25 June 2021).
- (7) There is also evidence that existing environmental law may not be achieving its objective because of difficulties in applying international treaties to local situations, including taking on board the views of local communities, and balancing these with interests of multinational corporations, as raised for parts of Oceania (Payri and Vidal 2019). The sovereignty of states can also be a limit to the harmonisation of environmental management.

Considering these opportunities, we are interested in presenting the proposal for a Universal Declaration of the Rights of Wetlands to intergovernmental policymakers, including the Contracting Parties to the Ramsar Convention. An initial ambition is to obtain formal statements that 'welcome' or 'support' the proposed Declaration, and to encourage Contracting Parties to the Convention individually to incorporate Rights of Wetlands into their national procedures, and invite others to join in ensuring that these rights are understood, respected and upheld through local traditions and governance arrangements, and potentially, further developed.

Box 1. Proposed Universal Declaration of the Rights of Wetlands (reproduced from Davies *et al.* 2021a)

- **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 on 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 destabilisation 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 recognised 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 organisations have been contributing to a global movement to recognise the rights of Nature;
- **Aware** that continued degradation and loss of wetlands threaten the very fabric of the planetary Web of Life, on 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 on 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 recognising 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 wellbeing of both human and non-human Nature;
- **Further convinced** that recognising the rights and legal and living personhood of all wetlands and the paradigm shift that this represents will lead to an increased capacity to manage wetlands in a manner that contributes to reversing the destabilisation of the global climate and biodiversity loss;
- **Declares** 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

We see the proposal for a Universal Declaration of the Rights of Wetlands as a key step in the global efforts to ensure that wetlands, their biota and the benefits they provide to people are sustained. This recognition could be as important as that which accompanied the acceptance by governments of the Ramsar Convention in 1971, an initiative that was led by non-governmental organisations and waterbird experts (Matthews 1993), who were likely to be less constrained than governmental officials to launch an initiative of this kind.

We anticipate that further dialogue around the principles behind the proposed Declaration will refine it and will identify ways to strengthen the resolve of the Parties to the Ramsar Convention to achieve its mission, namely 'The conservation

and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world' (www.ramsar.org/about/the-convention-on-wetlands-and-its-mission, accessed 29 July 2021). The triennial meetings of the Contracting Parties of the Convention provide an opportunity to develop and articulate a position on the Rights of Wetlands generally, and specifically on the proposal for a Declaration. In support of this opportunity, the Declaration has been translated into French and Spanish, the official languages of the Convention along with English. Further translations would also be very useful.

This opportunity could also include investigating synergies with other international efforts, while confirming explicitly the

benefits for wetlands, as raised by Bridgewater (2021). Similarly, the INTECOL international wetland conferences and the meetings of the Society of Wetland Scientists provide opportunities to articulate views on the scientific underpinnings for reframing the human–wetlands relationships and to develop further the rights of wetlands concept (Simpson *et al.* 2020).

The Declaration has been used to support efforts for improved governance of Lake Tota in Colombia (see information from Fundación Montecito in Table S1 and <http://www.fundacion-montecito.org/actividadesprincipales-gobernanza.html>, accessed 30 July 2021), and is being discussed and shared with Indigenous and local communities in several countries, and thus can be explored, modified, further developed, operationalised and integrated into the existing rights of Nature initiatives simultaneously at local to global scales.

A proposed Declaration

The Declaration proposed by Davies *et al.* (2021a; Box 1) starts by noting some of the court decisions, UN Resolutions and other initiatives that provide a basis for recognising rights of Nature, and expresses the importance of applying this to wetlands. It contains eight specific Rights of Wetlands based on their ecological structure and condition, as well as the right to recovery from adverse actions by people. These are similar to the premises that underpin the Ramsar Convention's concept of ecological character (Pritchard 2018), defined as 'the combination of the ecosystem components, processes and benefits/services that characterise the wetland at a given point in time' (p. 474). Integration of the social-ecological view of wetland character articulated by Kumar *et al.* (2021) may lead to the inclusion of further specific rights in a future iteration of a Declaration, but such discussions have yet to occur, and may well extend for some time and across many communities.

Recognition of the Rights of Wetlands outlined in the proposed Declaration could lead to a fundamental shift in the prevailing conception of our relationships with wetlands, and with the legal frameworks that regulate our interactions with wetlands. This could begin to constitute a step-change for reversing current trends of wetland deterioration and loss and the concomitant loss of ecosystem services. The authors of the proposed Universal Declaration of the Rights of Wetlands seek a wider dialogue and feedback, and expansion of documentation of the history and cultural diversity of the recognition of the rights of Nature, to help reframe the human–wetlands relationships. In this respect, they have, in a separate article (Davies *et al.* 2021b), welcomed the critique of the proposal provided by Bridgewater (2021) and recognise that on-ground evidence of the value of the proposed approach is needed, and will take time.

Data availability statement

Data sharing is not applicable because no new data were generated or analysed during this study.

Conflicts of interest

Nick Davidson, Siobhan Fennessy and Max Finlayson are editors for *Marine and Freshwater Research*. Despite this relationship, those authors took no part in the review and acceptance

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