

Beyond Legal Standing: Rights of Nature as a Tool for Indigenous Sovereignty

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ABSTRACT

Ongoing environmental justice efforts highlight the need to support Indigenous communities and natural bodies simultaneously through codifying Indigenous beliefs and Indigenous-led environmental stewardship. This could take place through the creation and implementation of federal, state, or tribal laws recognizing Rights of Nature (RoN). Such laws support local sovereignty movements, including the cultivation of Indigenous land sovereignty. To understand the link between RoN laws and Indigenous sovereignty, I conduct a systematic review of all 36 established RoN laws in the United States. I also use a primary source review to develop case studies of interactions between three tribal nations and the RoN movement. While both local ordinance and tribal RoN laws aim to protect natural bodies from toxic waste, local RoN ordinances fail to integrate Indigenous belief and stewardship systems into their intended implementation plans. Based on the shared interests and templates of all RoN laws, it is possible to “Indigenize” environmental law and promote Indigenous sovereignty through the enforcement of the Rights of Nature. A baseline understanding of the motivations, implementation, and outcomes of RoN laws provides a basis to design environmental laws that effectively steward local ecosystems and uphold Indigenous sovereignty in the United States.

KEYWORDS

environmental stewardship, legal personhood, traditional ecological knowledges, tribal law, community rights