

Using local laws to assert community and nature's rights



Communities around the world are actively resisting unwanted mining, fracking, logging and the destruction of their local waterways and biodiversity. In Australia, State and Federal laws often don't help - in fact, much of the time they permit the environmental destruction that communities are fighting to stop. So can we change the way our legal system works?

Asserting community and nature's rights in local laws

In the US, more than 150 communities have passed local laws that assert community and nature's rights and stop unwanted development. These laws are part of a global Earth democracy and Earth laws movement, where people are combining peaceful civil disobedience with local law making, to protect what they love and change our legal culture.

How we can use this approach in Australia

Asserting community and nature's rights through local law making is a paradigm shift for communities in Australia. Today, our communities find they don't have the right to make critical decisions for themselves—such as the right to say “no” to mining, fracking and logging and the right to say “yes” to sustainable energy and food systems.

By working together at the community level, to mobilise community support and to draft and pass local laws that assert community rights, we are making change at two levels. We are creating new conversations in our local communities—about democracy and our legal rights to a healthy future. We are also forcing the existing legal system in Australia to recognise that communities have inherent rights to protect the ecosystems in which they live and work.

More information

For more information, please contact AELA at:
convenor@earthlaws.org.au

Or visit our website: <http://www.earthlaws.org.au/what-we-do-australia/asserting-community-and-natures-rights/>

How is this a new approach?

In Australia, our legal system evolved so that States have most of the legal power to control land use and environmental law. Our Federal constitution does not recognize local communities. Local law making powers are created and controlled by state governments, through the creation of local councils.

But all around the world, communities are asserting their rights to have more control over their local region. This approach is new because it empowers people at in local communities to make their own laws for a healthier, sustainable future.



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How is this local law making approach being used in the USA?

Over the past decade, local communities in the USA have been challenging State, Federal and corporate power, by passing their own local laws asserting community and nature's rights to a healthy future. These local acts ban unwanted activities such as fracking, factory farming, water extraction and other activities. They also assert the rights of nature and natural ecosystems to exist, thrive and evolve.

Examples of success from local law making in the USA

More than 150 communities have worked to draft and pass local laws to stop unwanted development. A number of State level community rights networks have also been created, and the community rights movement is growing. There are many success stories from this movement. Here are just two of them:

The City of Pittsburgh passed the first Community Bill of Rights in the US, and was able to stop fracking under cemeteries. Their community solidarity and rights based local laws prevented the relevant corporations from drilling and fracking.

In the State of Maine, the townships of Shapleigh and Newfield created their own Community Bill of Rights to protect their water ecosystems and ban commercial water extraction. Transnational corporation Nestle withdrew from their communities and did not proceed with large scale commercial water extraction from their local aquifers.

But isn't the US legal system different to ours?

While the US legal system has many aspects that are different to Australia, fundamentally local communities face the same challenges that we face in Australia: in the current legal system, local communities can be overridden by State and Federal laws and corporate interests. So when community groups organise, lobby and work with their local municipalities and get new community laws passed—it's exactly the same 'outcome' as in Australia.

Communities are engaging with the existing legal system and asserting their own rights to a healthy, sustainable future.

Further information about the community rights movement in the USA

Please visit the Community Environmental Legal Defence Fund website: www.celdf.org



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