

International Symposium: Exploring our Legal Relationship with the Living World—Caring for Country, Rights of Nature & Legal Personhood

Thursday 25 and Friday 26 October 2018

Griffith Ecocentre, 170 Kessels Rd, Griffith University, Nathan Campus, Brisbane

Climate change, biodiversity loss and the global ecological crisis are forcing many people to rethink the legal, economic and governance structures underpinning contemporary industrial societies. People around the world are exploring innovative ways to use the law to better support the health of the living world.

One area receiving growing attention is the use of western legal constructs, such as legal personhood and rights based approaches, to shift the legal status of nature from being objects, and mere human property, to being recognised as *subjects* of the law. These legal approaches are seen by many as a way for human-centred western laws to be transformed towards Earth centred law and governance. 'Rights of Nature' laws now exist in Ecuador, Bolivia and the USA, and legal personhood laws and cases have emerged in New Zealand, India and Colombia. In Australia and the USA, the creation of 'environmental water managers' in domestic law has seen legal rights to water allocated to rivers and wetlands.

But are these 'rights of nature' and 'legal personhood' laws able to transform industrial societies and their legal relationship with the living world? In Australia, and around the world, First Nations Peoples have practiced ancient first laws since time immemorial; laws which have enabled them to care for land and sea country and maintain ecological health for millennia. These governance systems have much to teach the emerging efforts to build ecological laws in the 21st Century. Some First Nations Peoples have used 'legal personhood' laws to create a more pluralist legal framework; others remain concerned that these concepts further separate nature from people.

This conference will bring people together from around the world, to share their knowledge about how ancient and emerging ecological law and governance systems are working in the 21st century, and to discuss how to strengthen ecological governance in the coming decades.

Speakers include:

- Associate Adjunct Professor Mary Graham, University of Queensland & Kombumerri First Nations People
- The Hon. Justice Brian Preston, Chief Judge of the NSW Land and Environment Court
- Cormac Cullinan, South African Lawyer and author of *Wild Law*
- Professor Klaus Bosselmann, University of Auckland, NZ
- Professor Jacinta Ruru, University of Otago, NZ
- Mari Margil, CELDF, USA
- Hugo Ivan Echeverria, Lawyer, Ecuador
- Katy Kwiazdon, Center for Environmental Ethics and Law, USA
- Dr Virginia Marshall, ANU & author of *Overturning aqua nullius*
- Dr Anne Poelina, Madjulla Inc and Nyikina Traditional Custodian from the Mardoowarra, West Kimberley region of Western Australia
- Dr Erin O'Donnell, Melbourne Law School, Australia
- Dr Michelle Maloney, AELA

For details about all our speakers, please visit our website www.earthlaws.org.au



COST: 2 day registration
\$180 concession, \$350 standard

REGISTER by Thursday 18 October
<https://www.trybooking.com/URZQ>



International Symposium: Exploring our Legal Relationship with the Living World PROGRAM Day 1 - Thursday 25 October 2018

Griffith Ecocentre, 170 Kessels Rd, Griffith University, Nathan Campus, Brisbane



- 8.00 Registration opens—tea and coffee available
- 9.00 Welcome to Country
- 9.15 Introduction and Overview of Conference —Dr Michelle Maloney, AELA
- 9.30 Adjunct Associate Professor Mary Graham, University of Queensland and Kombumerri First Nations People —*Caring for Country and First Nations Governance*
- 10.00 Cormac Cullinan, Lawyer, South Africa—*Wild Law and Rights of Nature*
- 10.30 Morning Tea
- 11.00 The Hon. Justice Brian Preston—*The Legal Status of Nature in Australian Law*
- 11.30 Panel discussion: Mary Graham, Cormac Cullinan and Judge Preston
- 12.00 Lunch
- 1.00 **Legal Personhood for Ecosystems**
 - Professor Jacinta Ruru, University of Otago, *Legal Personhood for Nature in New Zealand*
 - Dr Erin O'Donnell, Melbourne University, *River Rights in India and Colombia*
- 2.00 **Parallel Session 1**

1.1 Caring for Country and First Laws

Panel Discussion (30 minutes) : Adjunct Associate Professor Mary Graham, Professor Jacinta Ruru, Ross Williams

Presentations

- Bruce Lindsay (15 minutes, via zoom) *Recognising the Yarra River: legal recognition of the river as a living being*
- Dr Katie O'Bryan (15 minutes), *Independent Voices – the Yarra River's Birrarung Council and Te Pou Tupua, the human face of the Whanganui River, Te Awa Tupua, compared*
- Video (15 minutes): *First Nations Voices from Ecuador*, by Liz Downes

3.30 Afternoon Tea

1.2 Rights and Legal Personhood

- Michelle Bender and Grant Wilson, Earth Law Center, California (via internet), *Rights of Rivers and Marine Protected Areas*
- Dr Rob White, *Advocates and Authorities: Who should speak for and about Nature?*
- Dr Graham Wood, *Exploring the conceptual foundation of personhood in the context of Earth Laws*
- Dr Marc de Leuw and Miguel Vatter, *Nature Rights as Co-immunity: towards a new legal personhood*

2.1 Bioregional Governance and Ecological integrity

- Kristian Boehringer, *Earth laws & bioregionalism*
- Dr Michelle Maloney, *GreenPrints: a pathway to bioregional governance in Australia*
- Revel Pointon, *What would planning laws look like if we had bioregional governance?*
- Nelson Quinn, *Using ecological integrity to broaden property rights across the community*

2.2 Exploring Rights-based Laws

- Katie Woolaston, *Friends in law? Rights in international wildlife law*
- Manav Satija, *Enforceability of Earth Rights and Responsibilities: Lessons from the International ESC Rights landscape*
- Dr Jane O'Sullivan, *Nature vs Person: can the 'rights' framework really constrain human impact?*

4.00 **Parallel Session 2**

5.30 Close of Day 1 & Charter Bus to Spring Hill Reservoirs

International Symposium: Exploring our Legal Relationship with the Living World

PROGRAM Day 2 - Friday 26 October 2018

Griffith Ecocentre, 170 Kessels Rd, Griffith University, Nathan Campus, Brisbane

- 8.00 Tea and coffee
- 9.00 Opening of Day 2
- 9.10 **Ecological Law and Governance**
Professor Klaus Bosselmann, Auckland University, *International Ecological Governance*
- 9.40 Dr Geoff Garver, McGill University, *Core Principles of Ecological Law and Governance*—via the internet
- 10.00 Katy Gwiazdon, Center for Environmental Ethics and Law (USA) *Ecological Law and Rooted Cosmopolitanism: Protecting Life on Earth through Ethics, Care and the Cosmos*
- 10.30 Morning tea
- 11.00 **Rights of Nature Laws and Cases**
 - Mari Margil, CELDF (USA) *Community and Nature's Rights*, via internet
 - Hugo Echeverria, Lawyer, (Ecuador) *Constitutional Recognition of the Rights of Nature*
- 12.00 **Caring for Country in the 21st Century**
 - Dr Anne Poelina, *The future of the Mardoowarra River*
 - Dr Virginia Marshall, *Aboriginal Water Sovereignty: Australia*
- 1.00 LUNCH
- 2.00 **Parallel Session 3**

3.1 The impacts of legal personhood & the Treaty of Waitangi in

- Professor Matt Rimmer, *Transpacific Partnership, Indigenous Intellectual Property and the Treaty of Waitangi*
- Dr Christine Winter, *Can nature vote? Te Awa Tupua, Te Urewera and Tara-naki suggest a radical rethink of democratic representation*
- Dr Rogen Stirling, *Kaitiakitanga: The maintenance of mauri, wairua and mana of the living world*

3.2 Exploring rights of nature—Emerging Scholars

- Duncan Wallace, *The Rights of Nature and the Rights of Corporations*
- Jessica Smith, *Should bees have legal standing?*
- Manuela Niehaus, *The ecocentric approach: a chance for Europe?*

- 3.00 Afternoon Tea
- 3.30 **Discussion Panel—Community Perspectives**
Speakers: Sarah Moles, from the Darling River; Jeremy Schroder, from East Gippsland; Denise Goodfellow, NT and speakers from Mt Wellington/Kunanyi, the Blue Mountains and Margaret River
- 4.30 **Discussion Panel—How can industrialised nations build legal systems that support the living world?**
Speakers: Cormac Cullinan, Klaus Bosselmann, Katy Gwiazdon, Anne Poelina, Virginia Marshall, Erin O'Donnell and Michelle Maloney
- 5.30 Conference Closes



Thursday
25th October
6pm-8.30pm

Conference Dinner

Spring Hill Reservoirs
\$50 for food and drinks
Book your ticket:

www.trybooking.com/URZQ

5.30pm charter bus for
conference delegates
leaves Griffith
EcoCentre for Spring Hill
Reservoirs

6pm-8.30pm dinner and
drinks + viewing of
Rights of Nature
National Art
Exhibition and
performances

9pm charter bus takes
delegates back to the
City, the Griffith
EcoCentre and the
Comfort Inn, Nathan