Manchester Museum Podcast
Season 3: Episode 2

"Nature's Rights" – Who cares?

Martha Dietrich in conversation with Andrew Gray

00:00:00 Martha Dietrich, University of Amsterdam

If the nature wasn't doing the work that it's doing, we wouldn't be here anymore, so it is work. It is work that we need to value and it is work that nature and the different elements of it need to be able to continue doing. Which is, you know, in our logic and in our world, and how we organise things, means that they should be granted rights.

00:00:45 Lowell Walbank, Manchester Museum

Today on the Manchester Museum podcast, we delve deeper into the world of 'nature's rights', exploring who is prepared to stand up for them and how they may prove crucial in the fight against climate and species degradation.

Our guest, Martha Dietrich is Assistant Professor of Social Anthropology at the University of Amsterdam and she is joined in conversation by the Museum's Curator of Herpetology, Andrew Gray. Andrew's work at the museum focuses on Wildlife Conservation, specifically amphibians with the Vivarium gallery home to many critically endangered species, including the Harlequin frog and a number of specimens from Ecuador.

In 2008, amendments were made to the Ecuadorian Constitution to integrate nonhuman claimants into the judicial processes, and Martha's research in the country has examined the practical application, debates, and outcomes of nature's rights claims in the Court of Law. Most recently, she has been involved in a ground-breaking case brought against the Ecuadorian state to stop the copper mining company Codelco from exploration work in the Intag region of Ecuador, an area with a high number of endangered species, including three tree frogs.

These special frogs brought their two worlds together, and today they discuss what this case could mean for the future rights of the natural world and humanity caring for it.

Martha started by explaining a little more about what 'nature's rights' means.

00:02:30 Martha Dietrich

So, basically the term 'nature's rights' refers to a variety of judicial initiatives from across the globe that seek to make nature – meaning, animal and plant species, or ecosystems like rivers and forests – into legal subjects; meaning subjects with rights before the law. So, recognising nature as having rights of its own is actually nothing too new and has been going on for more than a decade or so. So, the first law was introduced in US Pennsylvania in 2006 to defend the environment from being poisoned by industrial dredging. In Ecuador, which you know is the first country to include the Rights of Nature in its constitution, which was amended in 2008. And it states, and I quote, "Nature has the right to exist, persist, maintain and regenerate its vital cycles." Which basically means that anything interfering with the important workings of nature can become a punishable offence. So, in 2011, for instance, after the 2008 amendment in Ecuador, Bolivia put in place the law of the Rights of Mother Earth and in 2017, a court in India declared two of its vital rivers as 'living beings', which prompted a group of civilians to proclaim the murder of the Yamuna river by pollution. So the list of these individual initiatives goes on and on with examples, from New Zealand, from Colombia, and other countries around the world.

But what makes Ecuador so particular is that it is the only country that introduced the Rights of Nature or, you know, established a whole body of laws in its constitution, which means it produces this sort of legal framework for it. So nature's rights advocates are working in very different cultural contexts, but with the common goal of finding solutions to failing environmental accountability and production within local justice system. So, there has also been work on a global nature's rights charter, and I've heard from comparisons between nature's rights and the struggles for Black ethnic minority or women's rights, where similarly, the goal was to convince a public that thing is, or should actually be conceived of as being?

So, in places like Ecuador, these initiatives are very much informed by local Indigenous cosmologies and traditional knowledge like the *Sumak Kawsay*, which is a principle or a worldview really, that translates into good living or the good life and has been appropriated in contemporary politics to argue against aggressive neoliberalism and capitalist exploitation of, particularly of natural resources.

Now, the interesting question is to which extent can giving nonhuman beings similar to human rights contribute to a critical rethinking of the future relationship between humans and their environment. Now, the ambition here goes beyond environmental accountability, really, because advocates are not just looking to find ways of punishing, you know, companies or individuals for damaging the environment, but to create laws that prevent environmental destruction too. So, how can we protect the river before it is polluted? How can we protect a species, like our dear frogs, before they are extinct? So, how can environmental responsibility be implemented by law? And at a time of environmental crisis and climate emergency, this search for solutions – and they cannot

ever be one single solution – is more important than ever, but of course every solution has its problems and, but we will talk about this, I guess, in this later on.

00:06:49 Andrew Gray, Curator of Herpetology, Manchester Museum

Yeah great, okay, that's really, really helpful, and really useful to sort of lay that out and to hear. And, you know, from my sort of understanding and really from my heart, really, I guess, is that sort of connection that we have with nature. At the museum we have a saying in the Vivarium, that 'it all starts with you', and that everything is connected. We have a line that runs through the whole gallery and try to convey to people that their actions in everyday life affect everything around them. And it's the same in the rainforest; the actions of all those animals affect all the things, the trees affect the cleanliness of the air that we're breathing in Manchester. So, everything is connected.

And when we look at using things like amphibians and frogs as a model, there's a good reason for that, because, you know, when we talk about animals, when we talk about ourselves, you know, vertebrates, I'm a biologist, so I kind of come at it from a biological perspective, and you know, amphibians were the first animals to come on land, millions of years ago, they've had millions of years to adapt, to be able to deal with changes to the planet, and they do that really well. But having said that, they are very, very sensitive, so some, as with all animals, some have adapted to be very generalistic, and others have adapted to be very specific. And when they've gone down a one-way path to be very specific, which they need to do to be able to adapt, even the slightest change, can throw them off course, and it makes them very vulnerable. The thing is, with the amphibians that is scary is the fact that they are very sensitive. They do absolutely everything through the skin, so any pollutants, any pesticides, but particularly things in the water, for example, where these mining companies are working, directly affects the frogs really quick. It affects them before anything else. It's the species or the group that are affected more than anyone, it's just been massive die-offs. It is estimated that almost a third of the world's amphibians are now threatened with extinction through various different things, and it's attributable to humans, our impact, whether it be through global warming which is actually global cooling in the highlands, which is affecting the frogs, that then supports this chytrid fungus that's having devastating effects on amphibians, again driven by climate change.

But the other thing is pollution. In a lot of areas that I've been to, in places like Costa Rica, they're spraying pesticides into the atmosphere, which obviously lands on the leaves, lands on the frogs and it's absorbed straight into those animals. So, some of the species, like the ones that we're talking about being used as an example, as a model in Ecuador, include species like the *Atelopus*, which are Harlequin frogs, and that's the group that's been affected more than any other amphibian. Most of the species are critically endangered, are on the brink of extinction, many of them have become

extinct, particularly in Ecuador, and it really is a group of frogs that are very unique as well. There's things in these frogs that could potentially be of massive benefit to humans in the future. Some of the secretions that are being secreted out from these frogs, we're finding that there's new drugs can be developed. You never know, you know, some of these frogs that are becoming extinct, there could be, potentially, it's been said, you know, obviously a cure for cancer or whatever, but really, we don't know, we don't know. We're only just on the tip of the iceberg of looking at these natural resources as far as, sort of, supporting human health. So, yeah, so when people say to me, 'why is it important that we conserve these frogs? It's only a frog', but to me, if we lose even, you know extinctions permanent, and if we lose one species, we shouldn't be thinking along the lines of, 'okay, well, it's okay, it's only just one frog.' We've got to do our best to really conserve everything that we've got because once it's gone, it's gone.

00:11:08 Martha Dietrich

Yeah, I agree, I agree. And also, I mean, there is no coincidence that it's these two frogs that are actually in the front row, basically, in this court case, called the 'Llurimagua case', because they are the ones that are the most vulnerable to any sort of intervention. And as you have taught me in one of our previous conversations, it is that, you know, the state of the amphibians in an area are real indicator for how healthy an ecosystem, an environment is, and maybe to pick up on a few things that you just said, that I thought are really key also in making nature's rights work. On the one hand, you know, to really understand the value of biodiversity because, you know, many of, you know, even friends of mine, people I know, they say biodiversity is, you know, I can understand why it's important because it's, you know, we have all these beautiful species and, you know, they look great and they're really interesting. But, you know, one goes, what, you know, what's the trouble with that? And then, and there is a real trouble with that, which is what you mentioned before, which is the connectivity of everything, how everything is connected, how an ecosystem cannot uphold itself when different parts start to collapse. And that is why it is so important to actually keep it going, and keep it alive and protect it.

And on the other hand, I also think that what, you know, nature's rights really invites us to do, is to also rethink the value of nature, in the sense of, for instance, work. I mean, you said, you know, basically we all are animals, we humans are all animals, but I also think that, you know, perhaps we can start thinking of not just animals, but other beings as perhaps elevating their status to like, you know, human-like status, in the sense that they have the right to have similar to human rights, and because of the work they do. I mean, we wouldn't be able to breathe if trees weren't there, producing oxygen and sucking up all the carbon dioxide. If nature wasn't doing the work that it's doing, we wouldn't be here anymore. So, it is work. It is work that we need to value and it is work that nature needs, and the different elements of it need to be able to continue doing, which is, you know, in our logic and in our world and how we organise things means that

they should be granted rights and that we need advocates that help claiming these rights. So, you know, if we look at this court case, this specific court case, known as the Llurimagua case, in which, basically, these two frogs are the protagonists in fighting against the exploitation of copper in a region that is known as Intag. So the so-called Toisán range where the frogs' habitat dislocated is one of the most biodiverse regions in the world and one of 36 so-called 'biodiversity hotspots' which means there are more different species in one square metre than anywhere else in the world, which is incredible. But diversity doesn't mean abundance. So, many species don't, or if there are many different species, it doesn't mean that there are many of their kind. So, one frog is, you know, one frog of these two key frogs is the nearly extinct and recently rediscovered Longnose Harlequin Frog, and the other one is known as Confusing Rocket Frog. And it's not because the frog is confused, but because it was long believed that it was a different species, i.e., confusing.

So, this northern tip of the Andes is made of mountainous rainforests, and the reason why this area so precious is because of the varying degrees of altitudes that offer an enormous range of microclimates, which, you know, in turn creates habitats for these innumerable species – mammals, birds, and amphibians. Now, since 1997, the local population, in alliance with activists and scientists like your friend Luis Coloma and Andrea Terán, and the incredible work of the people from the Centro Jambatu, are working, or have been working, with these frogs and Andrea here, who is an expert in herpetology has taken the Ecuadorian state to court in the name of these frogs, or basically highlighting the case of these frogs on the basis of nature's rights. So, her accusation is basically that the state and its Ministry for the Environment is not doing their job of environmental protection right. But the way they're not doing it right is by approving a highly insufficient environmental assessment study and a very flawed monitoring plan. So the effect of this means that mining companies can come like this, like Codelco and others before, they can enter the region and start exploiting it, which has an effect, an immediate effect, on the water, not just because of the chemicals that they use to extract copper, but also because the influx of people, because there's suddenly a whole lot of people in that region bringing things in an out of the region.

Now, maybe you can tell us a little bit more about the sensitivity of these frogs, because many of them have not just been extinct because of human intervention necessarily, but because fungi and other elements that have been introduced to the region, mainly because of human intervention, but then have had this enormous effect and it tends to be, you know, the sort of more vulnerable species that take the brunt of it. And so in this case, it is the frogs that only exist in that region, which means there are endemic to the exclusive to that region that are under such threat that they are the main protagonists because they're not saying, 'you're destroying my habitat', they are saying 'you are destroying my species by destroying my habitat'.

00:18:19 Andrew Gray

Yeah, absolutely. I was going to say, need to emphasise the fact that these frogs are only found in this one place in the world. It's the only specific place that you can find these, and one, as you say, thought to be extinct. And the impacts that people have on these areas and these assessments before, as you rightly say, before some of these companies are allowed to go and actually do the mining or to start the work, they need to have assessments done. And I've seen first-hand some of these assessments that have been done. I had friends, I've been out to Ecuador and Peru.

Just going back, in the past, going back quite a while now, but a friend of mine was actually employed to do one of these surveys by another company in Ecuador, and I went out there with him afterwards and it was a bit of a strange one, because you're a biologist, you're a conservationist, so, it's a bit strange being employed by one of these organisations, but in your mind, you're thinking that actually it's really important that we highlight the biodiversity of these areas, because something like this, effectively people will recognise that there are these really rare species, and that it is such a biodiverse area. He assessed the area, and it was, the roads that go in, so straight away as soon as you've got access into these areas, the amount of roadkill was incredible, and the affects it was having on some of the larger mammals, and some of the other animals there.

This particular company, it was an oil exploration company, and one of the things that they do, which he actually showed me when we went out there, when they're exploring for oil, they dig huge, great big square pits, basically, and these have got sheer sides in them. And they're the huge things, it's basically for any oil spillage, and for any spillage that comes from the drilling that they're doing. And one of the things, obviously is rainforest, so these pits they fill up with water very, very quickly and they got sheer sides on them. And just, you know, he made a variety of different suggestions after it finished doing the survey, which highlighted that this again was one of the most biodiverse areas. But the oil company was allowed in. Just one of the suggestions that he made was that actually that the oil company put branches, or at least a tree trunk into one of these pits so that any animals falling in would be able to escape. Not even that one recommendation was taken up by the oil company when they went in there.

When we got there, we found, we could smell them from a distance, but you could, we found these pits full of dead animals, because not even that one suggestion had been followed, and it was terrible. It really was. The roads themselves were covered in oil, because they were actually releasing oil out of the back of the containers, just so that there wasn't any dust on the roads. And you can imagine just crude oil on the roads. What a mess it made for the animals crossing that.

So, it basically divided the forest up straight away. Animals weren't able to cross these roads that were covered in oil, or they were falling into these pits and it was a really,

really sad state. It was absolutely heart wrenching. You know, it just brought tears to your eyes and it had a massive impact on me. And, you know, to see these animals that just, people just thought were worthless.

00:22:26 Martha Dietrich

At that point though, I think, it also needs to be said that copper is in every single electrical device we own. So...

00:22:35 Andrew Gray

Yeah, well, maybe every iPhone that we, yeah...

00:22:38 Martha Dietrich

Every iPhone, even every kettle, even every toaster, everything that has a cable inside, even our headphones, here. Every cable has copper and in it, so, every electric device. So, if we if we talk about the exploitation of copper, we also have to talk about our habits of consummation. And if we want this to stop, we do need to think how we can, you know, force companies to produce better quality so we don't have to buy as much, how we can recycle whatever we are using, that we don't just quickly and easily throw away and buy something new. It does relate very much, it comes very quickly, as you said as well, how, you know, the way you want to communicate this in the museum that it all starts with us, really. And it ends with us.

And I do think that these companies, they respond to a demand and if the demand wasn't there then they would certainly lose a lot of their force. And I think that is our responsibility. And I also think that as a social anthropologist, I do need to, you know, think and incorporate and also, you know, critically reflect on the role of local people in this, because obviously it's not, you know, all people are for or against it. Some people who have their farms on that land have a real problem with these copper mining companies coming in, activists, scientists who are really invested, because we are talking about you know an abundance of knowledge that needs to be explored. But then, on the other side we do have people who really profit from more people arriving in that area, you know, restaurants and hotels and places where people come to rest and to eat, you know, are the livelihoods of a lot of people there. And I think that there can't be a solution without people, even though, you know, critics of nature's rights have said as well, you know, whether nature's rights as such is another way of saying, you know, environmental protectionism without people, rather than with people.

And that is how we enter the, you know, legal specificity of how we start to interpret these laws and how we think about these laws, not as something that looks at nature as something detached from humans, but it looks at it as, you know, something more organic, and it looks at the cohabitation of humans and nature, not as something divided, but as something very organic. And I think that is what we really need to be thinking about when we talk about these laws.

And, I mean, there are of course a huge amount of problems with this, when, you know, we think of questions like, 'how can nature defend itself in practise?' You know, we need the advocates for it. And what if a court is corrupt? And what if the legal system of a country is weak? You know, then, you know, the rights, you know, just disappear basically and the forest disappears. So, how feasible are nature's rights in a world of human protagonism, you know?

And so I think there are probably many people out there who may be thinking, you know, 'why does this matter?' You know, if the world is coming to an end, we may as well enjoy it, but I do think that there is something deeper philosophical to be gained from protecting the species and valuing the planet and its diversity. I think, you know, that also can, not just spring peace outside of ourselves, but perhaps calm us down as, you know, humanity – as humans, as individuals, and as collectives within.

00:27:24 Andrew Gray

Yeah, it boils down to care. That's the one word really, I guess.

00:27:29 Martha Dietrich

Exactly, that's the one word.

00:27:30 Andrew Gray

It's all about care, it's about caring. And if we instil that, if we can instil that. And I think that, you know, on one side we're talking about companies and the use of various commodities and how were exploiting those and, you know, I was listening to David Attenborough the other day, and he said if there's one thing you could say, what would make a difference, and he just said "use less." You know, that was the one thing he said, use less. And you know, I do think that things are changing, you know. And I think that obviously with such a massive change over the last 20 years, really, people are getting it. Young people are getting it. So, I do think that on one side things are improving; there is definitely, you know, that side of it is growing, the importance. Everybody's, you

know, we’re highlighting so much about the sustainability and we're all working towards that in a lot of ways.

But the other thing that you mentioned, I think’s worth drawing out from our conversation, is what you mentioned about the political side and about, you know, the difficulty of perhaps the courts in some of these areas where it is potentially corrupt and that it must be very difficult even for some of the judges to make these decisions, because I'm sure they must be under a lot of pressure, yeah, to follow one way or the other really. And you can kind of get that. So yeah, I don't know really what the answer is there, apart from perhaps, you know, make this thing aware to the world, really, make these small cases that really never get out in the press. Actually, you know, make them visible. Do things like we're doing now where we're actually trying to share that, so people are aware, and really explaining a little bit more about the background to it really, and why it's important. And having strong characters, having strong people that are prepared to stand up for nature, you know, and it takes brave people to do that in some cases, you know.

Some of the things I've witnessed in Ecuador, and I'm sure that's a lot of your colleagues that you work with have had similar experiences, you know. We've had threats about sharing some of this information.

00:30:10 Martha Dietrich

Exactly.

00:30:11 Andrew Gray

And, you know, it's whether you’re prepared to stand up for what you believe in, basically, and I think, you know, hopefully we can get people that are in, that make some of these decisions, these critical decisions, that will be able to do that, they will be able to be prepared to stand up.

00:30:31 Martha Dietrich

Yeah, I agree. I think we need to talk. We need to talk in different mediums. We need to make podcasts. We need to, you know, be present on social media and supports these cases. I mean, many of these court cases, you know, are receiving, or are really open for, or really are dependant actually on international support because once they are, you have the interference and intervention of, you know, international academics, artists, civil society really, then you may perhaps take a bit of pressure off the decision makers here, who are often, you know, really, in really very difficult situations, and some

of the people that I've been talking to for a very long time now, like Carlos Zorrilla, from Decoin, who has really been working on this very specific case since 1997. So, we're talking of a whole life dedicated to a struggle that has not ended yet.

00:31:49 Andrew Gray

Could you just explain a bit more about that particular organisation?

00:31:53 Martha Dietrich

Yeah, so Decoin is basically an independent NGO that is located in the Intag valley, and it has been created in the context of the struggles that started in 1997 when a Japanese company called Bishi Metals, which is sister company of Mitsubishi, entered the region to look for copper. This is where the whole story started, and then after the local population found that Bishi Metals was polluting their waters, the local population got together, organised, this is when this organisation was founded, and managed to actually ask the company to leave and they left, to say it, to put it in a friendly matter way. But they actually, you know, kicked them out, basically, and they succeeded.

But then other companies came and the whole struggle had to start again. And so we're really talking about local, I would call them even heroes, because, you know, with very, very little funding, and very little support, they are keeping up the fights there, and not just fighting, you know, in the sense of political struggle, but they're very much involved in the region's development of alternative economies. They are very much into discovering, you know, different species and highlighting why this region is so special. So for instance it was Carlos, who stumbled across one of these frogs and took photographs, sent it to the scientists, who then came as a team and then started looking for them and eventually found them.

So, it is so important, as a local population, to also be, you know, involved in what's happening in your immediate surrounding, and I think they're really exemplary in, you know, showing us how the Intag region wouldn't be as protected as it still is now if it wasn't for them.

00:34:16 Andrew Gray

Wow, that's an amazing story, and, you know, yeah, they are the true heroes I think of this, they really are. Yeah, it's...

00:34:28 Martha Dietrich

It's heart-breaking isn't it?

00:34:29 Andrew Gray

It is really is yeah, and how long ago was that, when the Japanese company went in?

00:34:39 Martha Dietrich

So that was 1997, and yeah, so I think in 2000 and 2002. There's the whole story is laid out on the website of Decoin, so it's DECOIN.org, and so anyone who is interested in reading, you know, all the details of this story and.

00:35:05 Andrew Gray

It's 20, 25 years back, yeah.

00:35:09 Martha Dietrich

It's a long struggle.

00:35:10 Andrew Gray

It's a long struggle, absolutely.

00:35:12 Martha Dietrich

So, ultimately what the goal is, is that these concessions that are given by the Ministry of the Environment, or actually but the Ministry of Energy, but the Ministry of the Environment has to allow for this to be granted, ultimately, the goal is that these concessions are revoked, because there are regions in Ecuador, but not just in Ecuador, around the world where we can safely say that any sort of mining is damaging to the environment, and we don't want that to happen. So, it's not about saying, 'let's mine sustainably', because there is no example in the world where there is a sustainable mining going on. Wherever we look and whatever sort of resource we look at, whether it's copper, whether it's oil, whether it's gold, there is no sustainable mining as such happening. Because, I mean, we even just have to look at the human intervention, that

just arrival of groups, masses of people, is already not sustainable, as, you know, you have explained, you know, very lucidly how this is not, how this affects the frogs in the area, how this affects amphibians, how this affects the vulnerable species on the ground. So, I don't, I think the case has to be made that we're not talking about finding a solution to mine more sustainably, but to actually give people the means, the judicial tools to actually put an end to these struggles. Because once we've found out that this doesn't make any sense, we should be able to reach a verdict that says, 'No mining here. This has to stop. Full stop.'

00:37:20 Andrew Gray

Yeah, yeah. And I think it's worth really discussing, or sort of bringing to light, the recent events, and, I mean, you know, it was a few weeks ago, we were celebrating, weren't we, really? And it was amazing that actually this case looked like it was actually, that the frogs had won, basically, and it was an amazing...

00:37:48 Martha Dietrich

In a local court, yeah.

00:37:50 Andrew Gray

In a local court, yeah, in the local court. So it got to that point, and I don't know, and I think it's maybe worth, if you could just explain a little bit how that's how that's changed now, and how it's almost like been a real step back.

00:38:03 Martha Dietrich

Yeah, so the local court of Imbabura has, they basically, the court case came to verdict in a local court with the local judge that they were effectively violating the rights of nature; that mining in that region would violate the rights of nature because of the threat against endemic species, namely, these frogs. So, but then, this verdict was appealed and in the appeals court there were a few technicalities really, which were related to who was allowed to speak in court and who was allowed to bring their cases forward that the whole court case was annulled. The whole, so not just the verdict, but everything basically is back to square one, which was devastating for the plaintiffs and for the prosecution, obviously, but, and that's what keeps me fascinated, is, even though it means, you know, returning to a point from many, many months ago, there's no question about, you know, the people who have been working on this case to, you know, keep going and, you know, keep working at it, and even if it means a whole more

work and the whole more money to be invested, they will do it. And that, you know, that deserves a lot of admiration.

00:39:52 Andrew Gray

Yeah, absolutely. But it's, yeah, let's hope things get back on track. You know, it's heavy hearted, really, listening to a lot of this and it's, you know, for a little bit of hope really, you know, the fact that we are moving on, the fact that, you know, again, frogs are in the headlines, that potentially they could save this area makes me excited about the importance of amphibians for the future. And people recognising that that's the case, and that they could actually save, potentially save these areas where there's so many other animals. And, yeah, we talk, we look at nature's rights and people's rights, and I think, for me, it does, it goes right back to starting by each of us making the difference that we can, and just doing our best. I think, you know, we have to start from scratch, really, we have to build that into the future. And the future is people, you know, it's all about people. It's all about how we can communicate, and how we can care, and I think, for me, that is, yeah, that's the word that sums it all up, again, it's about care; making people care, care for each other, care for the planet and have that kind of ownership themselves, have that, you know, the fact that they are prepared to do it. And if everybody did that, then there will be such a better place, you know. And it sounds very idealistic, but it all makes a difference.

00:41:35 Martha Dietrich

I agree, and I think we need to keep the conversation going. Not just you and I, but, you know, on your blog, in the museums and online, and wherever we can make it happen.

00:41:54 Andrew Gray

Yeah, absolutely.