



Activist, environmentalist, community leader and undertaker Peter Macfadyen stands on the banks of the River Frome, in Frome, Britain, June 25, 2019. (photo: Toby Melville/Reuters)

Mother Earth's MeToo Moment: English Town Joins Campaign for 'Nature's Rights'

By Matthew Green, Reuters 10 September 19

Nobody knows exactly how ancient masons, wielding chisels made from deer antlers, managed to build Stonehenge, the standing circle that has enchanted southern England for thousands of years.

But one theory about the epic undertaking reserves a special place for a nearby river, now known as the Frome, that may have served as a conduit for ferrying some of the smaller megaliths toward the site on rafts.

Today, the placid waterway is once again playing a supporting role in a grand vision, albeit one its architects want to etch in the statute books, not in stone.

Frome, a market town in the county of Somerset, is petitioning the British government to grant the River Frome “legal personhood” – in effect, giving it human rights.

In throwing down this gauntlet, the town has joined a global “rights of nature” movement linking river basins in New Zealand to rainforests in South

America and towns in the U.S. Midwest. In each case, communities are reimagining ways to harness the law to defend the Earth’s living tissues, and the places they call home. Some have dubbed it Mother Earth’s MeToo moment.

In practical terms, supporters hope that granting the Frome rights will give lawyers a new avenue to seek redress whenever its waters are sullied by runoff from pig and dairy farms or overflowing sewers. Last month, one of the River Frome’s tributaries turned an unnatural shade of neon blue – highlighting wider concerns over water quality in British rivers.

But Peter Macfadyen, an undertaker who redrew Frome’s political map by leading a band of independent candidates to take over the town council, wants to do more than protect one river. In an era of accelerating climate change, Macfadyen and his allies see their quest as part of a struggle to reset the balance between nature and the modern world.

“This is much bigger than just wanting to punish people for doing something wrong,” said Macfadyen,

who also served as Frome's mayor. "It's about trying to change a mindset about the environment in which we live."

Supporters of the nature's rights movement see Frome as the first test case for the concept in Europe. Nevertheless, the town has been waiting for months for the government to respond. And just as critics have questioned the effectiveness of campaigns in other countries, some in Frome have their doubts.

Neil Howlett, a lawyer who lives by the river in Frome, says he backs many of the community-building steps taken by Macfadyen and other independent local politicians. But he sees the council's vision for a "river's rights" bylaw as a distraction.

"Having a law which is completely outside the cultural basis of the society in which you pass the law doesn't make for law that works," Howlett said. "It's lovely as an idea. But it's only lovely as an idea."

"PROGRAMMED FOR SELF-DESTRUCTION"

Although indigenous peoples have long shared the intuition that rivers, mountains and lakes are in some sense living, sentient beings, American legal scholar Christopher Stone framed the idea in contemporary legal terms.

In his 1972 book, "Should Trees Have Standing?", Stone argued that voiceless natural features would be best protected by granting them the kinds of legal protections and access to courts usually reserved for two-legged plaintiffs.

The argument was a novel twist on the long-established principle in the United States that companies can enjoy "legal personality" to distinguish their legal obligations from those of their directors and shareholders.

The idea is starting to spread. Campaigners won what is hailed as the first "rights of nature" courtroom victory in Ecuador in 2011 when judges stopped a road-widening project from dumping gravel in the Vilcabamba River. Around the same time, Bolivia enshrined a far-reaching vision of nature's rights in a statute known as "The Law of the Rights of Mother Earth."

In 2017, New Zealand's parliament became the first legislature to acknowledge a river's legal personhood when it passed a bill recognising the rights of the Whanganui River as an "indivisible and living whole."

That same year, a high court in India declared the Ganga and Yamuna rivers legal entities – along with two Himalayan glaciers and their meadows, waterfalls and forests. Colombia's constitutional court made a similar move for the Atrato River basin, where riparian communities face illegal gold mining and paramilitary violence. This summer, Bangladesh recognised the rights of all its rivers.

Although legal systems in many developing countries were implanted during colonial times, nature's rights campaigns in Europe and North America represents a role reversal in which "eco-critic" indigenous worldviews are enjoying a revival.

Advocates see this new "Earth jurisprudence" as a skeleton key to unlock a shift away from the endless pursuit of economic growth, regardless of the ecological consequences.

"The current system is programmed for self-destruction, and the legal system is the enabler," said Mumta Ito, a lawyer and founder of Nature's Rights, a Scotland-based advocacy group, which is advising Frome town council. "The only way we'll be able to change things is by creating a new operating system with nature's rights at its core."

"FLATPACK DEMOCRACY"

Although the quest to win legal personhood for the River Frome was started barely a year ago, the roots of the campaign stretch back to a meeting at the Griffin pub in Frome one evening in 2011.

Fed up with party divisions hobbling the town council, Macfadyen and a group of like-minded collaborators resolved to stand as independents at the next elections.

Nestling in a shallow bowl of hills and noted for picturesque cobbled lanes, Frome has long been a magnet for free thinkers. But in a town of almost 27,000 people, the mavericks had never attempted a takeover.

Surprising even themselves, the Independents for Frome movement won 10 seats on the 17-seat council

with their model of a new participatory form of decision-making.

In 2015, the Independents swept all 17 seats, prompting the Frome Times to dub the town “The People’s Republic of Frome.” In elections this May, independents won almost 80% of the vote.

On a recent afternoon, Macfadyen led Reuters on a tour of some council-backed projects grouped loosely along the river, whose green-brown waters curve gently through the town. Wildflowers, nettles and brambles had been deliberately allowed to run riot on its steep, shaded banks.

Near the bridge in the town centre, Frome’s “share shop” allows people to rent items such as power tools, musical instruments or camping gear at low rates. Nearby, a community fridge means nobody’s excess fresh vegetables need go to waste.

The town council also backed a new renewable energy cooperative, which raised £300,000 from locals to put solar panels on buildings such as the health centre and football club.

Macfadyen laid out step-by step instructions for running a town council in his book “Flatpack Democracy” – a play on the idea that thriving localism could be replicated at scale like self-assembly furniture. Inspired by Frome’s example, independents have taken over more than 20 other town councils and have strong representation on another 20, Macfadyen says.

Jamie Kelsey Fry, a contributing editor at the New Internationalist magazine, co-founded a similar initiative in the neighbouring county of Devon. He sees the campaigns as part of a “new municipalism” movement reshaping politics in cities as diverse as Barcelona in Spain, Jackson in Mississippi and Valparaiso in Chile – their organisers often driven at least in part by concerns over climate change.

“These groups are going to become exceptionally valuable, because as society functioning in its normal,

business-as-usual way begins to collapse, we’re going to have to be in a position to look after ourselves,” Kelsey Fry said.

A NEW DEAL FOR NATURE?

Although the rights of nature movement is growing fast, turning its aspirations into effective restraints on commercial interests remains a challenge.

In the United States, the city of Toledo, Ohio, voted in February to amend its charter to state that the giant Lake Erie, plagued by toxic algae blooms, had a right to “exist, flourish, and naturally evolve.” This summer, state lawmakers quashed the move, saying nature did not have appropriate standing.

In the case of Frome, legal practitioners would be astonished if the government approves the town’s draft bylaw, partly because there are already laws protecting the river.

For example, in 2017, a court in the nearby city of Bath fined a Somerset farmer £22,000 for allowing slurry to spill into the water. The contamination had turned the River Frome brown and foul-smelling and killed at least 1,700 fish.

Frome town council said the Ministry of Housing, Communities and Local Government informed it last week that a decision on its application was still pending. The ministry did not respond to a request for comment.

With the world’s water bodies facing growing pressure from the extremes of heat, drought and rainfall driven by climate change, Macfadyen argues that any initiative that helps people to look at nature with fresh eyes is worthwhile.

“We’re in the situation we’re in because we’ve misunderstood our position in the ecosystem,” Macfadyen said. “And unfortunately, we were wrong. We can’t do what we like. If we pour poison over everything, it comes back to bite us.”