**BAUDL Novice Pack**Diagram

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### Topic Introduction

#### The national debate topic for the 2021-2022 academic year is:

**Resolved: The United States federal government should substantially increase its protection of water resources in the United States.**

This packet will allow you to debate that resolution by providing arguments for and against one example of the protection of water resources: having the Federal government grant legal rights to rivers.

What does that mean? How does a river have legal rights? Is the river going to sue somebody!?!?

It turns out that it’s not such an unusual idea. Lots of things that aren’t people have legal rights including universities, cities, and estates after people die. All those things have a guardian who represents their interests, just like minors do before they turn 18. The affirmative plan would give a river the right not to be polluted and destroyed and a guardian would use those rights to protect the river.

#### The affirmative will claim that granting legal rights to rivers will:

#### Protect critical species who live in rivers

#### Prevent the catastrophic consequences of environmental harm that could threaten all of our survival

#### Reduce pollution that is disproportionately experienced by minority populations who are uniquely at risk

#### The negative will demonstrate problems with the affirmative’s proposal to grant legal rights to rivers:

#### Businesses need to use rivers and if they can’t then it will collapse the US economy

#### The risks of a loss of biodiversity are exaggerated by the affirmative

#### Granting legal rights won’t protect river environments

### Welcome and Hot Tips

Welcome to Debate!

Debate is an opportunity for you to build your voice and be heard.

When you debate, you will have the chance to speak your mind and to prove your skills against young people from all over the bay. Debate is a sport: it calls on you to join a team, represent your school, and win trophies.

What is Debate?

Debate is a competition between two teams, each with two debaters. One team takes the Affirmative, proposing a plan to change the world and explaining why it is a good idea. The other team is the Negative, who attacks the plan and tries to prove that it will do more harm than good.

There are 8 speeches and 4 cross-examinations in a debate round. You and your partner will each take the lead on 2 speeches (1 Constructive and 1 Rebuttal) and 1 cross-examination.

****

### What’s in this pack?

#### An important part of policy debate is using evidence to prove important facts that show your argument to be true and to get ideas and opinions from experts who agree with your position. In this pack we’ve provided evidence that both sides can use to form the foundation of their argument so that a debate can take place. However, a debate can’t be won with just evidence alone! We’ve also provided opportunities for you to expand upon the evidence by explaining important concepts through your own words and personal experiences to make your arguments more interesting and engaging with the judge.

#### Cards have three different parts:

#### (1) The Tag – This is a short summary of the evidence that’s read first so the judge can right down what the main idea and purpose of the card is. *The entire tag is read in the speech.*

#### (2) The Cite – This gives important information about who the author is to demonstrate if they are qualified to speak on that subject and to show where the evidence comes from so other people can find it. *Only the author’s last name and the year it was published are read in the speech.*

#### (3) The Card – This is the actual text of the evidence that is directly copied and pasted from the publication where it was produced without any changes made. *Only the underlined and highlighted parts of the evidence are read in the speech.*

#### Example:

#### (1) Debating in the BAUDL is the best

#### (2) Whitaker 21, Program Director of the Bay Area Urban Debate League (Mya, Police Body Cameras Novice Pack, www.baudl.org)

#### (3) BAUDL is the best organization not only in the Bay Area but in the whole entire world and indeed in the Universe. BAUDL has the best evidence that it gives to its students and it also has the best clothing, stickers, and other SWAG. Students who didn’t do debate will look back at when they were in high school and wish that they had because all of the cool travel, college, and fun opportunities they missed out on.

### What should I do with this pack?

#### Read it – To be an effective debater you need to do more than just have evidence and put it in your speech, you need to know what it says! Carefully read over what’s written in the evidence and ask your coach any questions that you might have on the meaning or use of the evidence

#### Make notes explaining the evidence – In cross examination and in your rebuttal speeches you will need to talk about what the evidence says and if you are able to have notes handy on what the evidence means to you so that you are able to explain it in your own words, the better and more convincing you will sound

#### Highlight it – It may not be necessary to read every single word that’s underlined in the evidence so you can use a highlighter to make the speech more efficient or remove unnecessary parts. It all depends on how time you have in your speech. If you find that you are not able to fill all the time in your speech than read more and if you find that you are running out of time before you say everything you want to say than you will need to highlight more and read less

#### Organize it – You will not be able to read all the evidence in every speech so make sure you pick and choose which ones you think are the best and most useful pieces of evidence. You can also use an accordion or file folders to sort and label the evidence so you know where to find the pieces of evidence that best respond to what your opponents are saying. If you are affirmative and your opponents spend most of their time on the 3D printed guns argument, and don’t spend very much time on the Transfers argument, then you need to make sure you are reading more of the 2AC 3D printed guns evidence and not as much of the 2AC transfers evidence

### Vocabulary

**Here are some important words, phrases, and abbreviations that you will see used in the evidence**:

**Biodiversity** - Biodiversity refers to the variety of living species on Earth, including plants, animals, bacteria, and fungi. While Earth’s biodiversity is so rich that many species have yet to be discovered, many species are being threatened with extinction due to human activities, putting the Earth’s magnificent biodiversity at risk.

**Ecosystem** - An ecosystem is a geographic area where plants, animals, and other organisms, as well as weather and landscapes, work together to form a bubble of life.

**Guardian** - A legal guardian is a person who has been appointed by a court or otherwise has the legal authority (and the corresponding duty) to care for something that has legal rights.

**Legal Rights** – Laws that provide protection from harm.

Rivers - A river is a ribbon-like body of water that flows downhill from the force of gravity. A river can be wide and deep, or shallow enough for a person to wade across. All rivers have a starting point where water begins its flow. This source is called a headwater. The headwater can come from rainfall or snowmelt in mountains, but it can also bubble up from groundwater or form at the edge of a lake or large pond. The other end of a river is called its mouth, where water empties into a larger body of water, such as a lake or ocean.

The water that flows in rivers is fresh, meaning that it contains less than one percent salt.

**RoN** – Rights of Nature

**Sustainability**  - Sustainability is the practice of using natural resources responsibly today, so they are available for future generations tomorrow.

**Species** - a group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding

## Affirmative Evidence

### 1AC Advantage

#### Rivers are in danger! Overuse of rivers is threatening water health and killing species that are critical to global ecosystems

Strang 20, Professor of Social Anthropology at Durham University (Veronica, Re-imagining the River: New Environmental Ethics in Human Engagements with Water, https://www.cell.com/one-earth/pdf/S2590-3322(20)30092-0.pdf)

How did humankind go from worshipping rivers to wreaking havoc upon them? For most of our history, prior to the emergence of agriculture, societies worshipped nature in the form of non-human deities. As the essence of life and as the most powerful element, water had a central role, and rivers were often personified as important deities. Many still bear the names of the gods or ancestral beings that they repre- sented: thus, in Europe the Seine recalls the goddess Sequana, the Thames is named after Tamesa, and the Clyde comes from Clota, ‘‘the divine washer.’’ Major rivers such as the Ganges, the Volga, and the Huang Ho (Yellow River) were described as the Great Mother, and the Tiber and the Irrawaddy were known as the Great Father. The building of temples at river sources and the ritual propitiation of their deities expressed societies’ filial re- lationships with water. Yet today, rivers are bearing the brunt of unsustainable activities that threaten the viability of global ecosystems, and there is a need for a radical transformation in how we think about them and consider their rights and interests.

A historical perspective reveals an accelerating pattern of intensification. With the emergence of agriculture in Neolithic societies, engagements with rivers became more instrumental. Such activities were low key at first, but advancements in technologies and infrastructure, the emergence of major hydraulic societies, and the growth of urban areas brought intensifying efforts to direct water to serve human needs. Major societies moved from ‘‘steady-state’’ circular economies to trajectories of development and expansion. Such instrumental modes of environmental engagement came hand in hand with more hierarchical social arrangements and with patriarchal religions promoting notions of human ‘‘dominion’’ over feminized nature.

Over several millennia, as dams, canals, irrigation channels, reservoirs, and then piped water supplies and hydroelectric power stations were built, human infrastructural control over water tightened dramatically. Land and waterscapes were reformed: rivers were redirected, dredged, and channelled; vast areas of forest and wetland were cleared for farming; and huge amounts of water were abstracted to support irrigated crops, industry, and domestic dwellings. There were major ecological impacts: water-redirecting infrastructures, such as irrigation channels (Figure 1), disrupted the normal water flows necessary to ecological processes and caused vital wetlands to vanish. Industrial activities produced multiple forms of air and water pollution, contributing to the climate change now disrupting global weather patterns and water flows.

Population growth lies at the heart of these changes. Today, over 70% of the world’s fresh water is redirected into agriculture, and according to the World Bank, agricultural production will have to expand by a further 70% by 2050 to pro- vide sufficient food for humankind. With ongoing urbanization, millions of people still lack access to clean drinking water and sanitation. Confronted with these pressing issues, many governments have focused on short-term technical solutions. Particularly in the last century, this short-termism has been coupled with a neoliberal and anthropocentric vision of rivers as mere assets or suppliers of ‘‘ecosystem services’’ for human purposes. This mode of thinking has impelled an accelerating and cumulative development of infrastructures and practices that, as well as destroying the lifeways of many indigenous and rural human communities, brutally override the needs of the non-human species that are equally dependent upon fresh water. This ‘‘infrastructural violence’’ is a primary contributing factor to a mass species extinction that, in an interdependent biosphere of living beings, threatens the health and sustainability of global ecosystems.

### 1AC Advantage

#### **Maintaining the health of US rivers is necessary to sustain life on earth – we need them for food and energy and to protect us from diseases and climate change**

Helfrich 19 [Louis A., Richard J. Neves, and James Parkhurst; 2019; Department of Fisheries and Wildlife Sciences, Virginia Tech; Department of Fisheries and Wildlife Sciences, Virginia Tech; Department of Fisheries and Wildlife Sciences, Virginia Tech; Virginia Cooperative Extension, “Sustaining America’s Aquatic Biodiversity What Is Aquatic Biodiversity; Why Is It Important?” https://vtechworks-lib-vt-edu.proxy.lib.umich.edu/bitstream/handle/10919/96365/CNRE-77.pdf?sequence=1]

The United States is a world center for freshwater biodiversity. The United States has a rich diversity of fish, mussels, crayfish, snails, salamanders, frogs, and toads. In fact, one of the richest diversities of aquatic animals in the world can be found in our own backyard.

The United States ranks first worldwide in the number of species of freshwater mussels, crayfish, snails, and many aquatic insects (mayflies, caddisflies, dragonflies, and damselflies). We rank seventh in our diversity of fishes, most of which are found in our Southeastern rivers and streams. We also rank first in threatened fish species. In this, we share a common theme with our tropical rain forest counterparts—an alarming vulnerability to development, habitat loss, and species declines.

The Value of Biodiversity

Each aquatic species from a tiny bacterium to a blue whale is unique. It is not size, but the genetic composition of plants and animals that makes all life forms special. Each species has its own inherent genetic library that codes its ability to survive in changing environments. The huge variety of species and genes represents a living library of options to adapt to change, to develop immunity to disease, and to pass improved fitness on to future generations.

Sustaining biodiversity is essential to the health of our environment and to the quality of human life. We depend on many aquatic plants and animals, and their ecological functions, for our survival. For example, we use surface waters and their inhabitants to help process our waste products. Each day, aquatic organisms (bacteria and fungi) continually break down harmful toxins and nutrients that we flush into our sewage systems or discard directly into our rivers and streams.

Aquatic and terrestrial organisms are sources of medicine, food, energy, shelter, and the raw materials that we use and need. Although we seldom recognize them, each aquatic species has an important role in making our lives easier, healthier, and more productive. Every living organism has an important role to play, and many are indispensable. Our aquatic wildlife are important sources of food, energy, jobs, atmospheric oxygen, buffers against new diseases, pests, and predators, and protection against food shortages and global climate change.

### 1AC Advantage

#### The consequences of water pollution fall disproportionately on low-income communities of color whose health is at great risk from a decline in environmental quality

Bell 16, Intern with the Progress 2050 team at the Center for American Progress (Jasmine, 5 Things to Know About Communities of Color and Environmental Justice, https://www.americanprogress.org/issues/race/news/2016/04/25/136361/5-things-to-know-about-communities-of-color-and-environmental-justice/)

Environmental racism and failing infrastructure have plagued communities of color for decades. The environmental justice movement seeks to rectify the problems created from these issues by ensuring the fair treatment of all people from different races, ethnicities, and incomes with the laws, regulations, and policies that affect their environment. The water contamination in Flint, Michigan, is just one window into the failures of infrastructure and environmental quality that have threatened communities across the country for generations. It has been more than 100 days since President Barack Obama declared a state of emergency due to the contaminated water in Flint. This column provides a snapshot of the environmental justice issues that communities of color across the country face every day.

Communities of color have higher exposure rates to air pollution than their white, non-Hispanic counterparts. A Yale University study found that non-Hispanic whites had the lowest exposure rates for 11 of the 14 pollutants monitored in the study. Meanwhile, Hispanics had the highest exposure rates for 10 out of the 14 pollutants, and African Americans had higher exposure rates than whites for 13 out of the 14 pollutants. Some of the pollutants studied have been connected to asthma, cardiovascular issues, lung disease, and cancer. For example, a case study of The Bronx, New York, found that individuals who lived close to noxious industrial facilities and waste sites were 66 percent more likely to be hospitalized for asthma. Significantly, these same individuals were 13 percent more likely to be people of color.Landfills, hazardous waste sites, and other industrial facilities are most often located in communities of color. A report titled “Toxic Waste and Race at Twenty” reviewed data collected over a 20-year time period and found that more than half of the people who live within 1.86 miles of toxic waste facilities in the United States are people of color. A report by the Center for Effective Government found that people of color are nearly twice as likely as white residents to live within a fenceline zone of an industrial facility. These facilities contribute to air pollution, safety issues, and health concerns.Lead poisoning disproportionately affects children of color. Children of color who live in urban areas are at the highest risk for lead poisoning caused by lead-based paint. A study by the Centers for Disease Control and Prevention determined that 11.2 percent of African American children and 4.0 percent of Mexican-American children are poisoned by lead, compared with 2.3 percent of white children. Lead poisoning can result in a wide range of health problems, such as anemia, seizures, and brain development issues. Even with the restrictions on lead paint usage, children of color who live in low-income communities continue to suffer the most. For example, a 2004 report revealed that African American children and Hispanic children in Chicago were 12 times and 5 times more likely to be poisoned, respectively, than white children.Climate change disproportionately affects low-income communities and communities of color. The effects of climate change, such as extreme weather conditions, have devastating consequences for communities of color and low-income communities. These extreme weather events can displace residents and even cause death. In the aftermath of such disasters, efforts of city officials to rebuild communities of color and low-income communities are often inadequate compared to efforts to rebuild higher-income and white communities. Perhaps the most powerful example of this inequity is the communities of color in New Orleans that were affected by Hurricane Katrina. Black homeowners received $8,000 less in government aid than white homeowners due to disparities in housing values. In 2013, about 80 percent of the mostly black residents of the city’s Lower 9th Ward had not returned to their community due to inadequate building efforts.

Water contamination plagues low-income areas and communities of color across the nation. Studies have documented limited access to clean water in low-income communities of color. Water contamination has largely affected children of color who live in rural areas, indigenous communities, and migrant farmworker communities. Contaminated water can cause an abundance of health-related issues, particularly for young children. Depending on the contaminant, possible health problems can include waterborne diseases, blood disorders, and cancer. Indigenous people of the Navajo Nation, for example, have suffered for years from water contamination due in part to the residual effects of uranium mining in the region during the 1950s, as well as the recent Gold King Mine toxic spill. In St. Joseph, Louisiana, residents are forced to live on water that is tinted brown and yellow but that the state continues to claim is safe to drink. African Americans make up three-quarters of the town’s population and nearly 40 percent of the residents live in poverty.Decades of studies have proven that environmental racism is a threat to the health and overall safety of communities across the country. But this is not a problem without a solution. Indeed, policymakers already have the tools to address this injustice and to develop policies with communities of color in mind. Effective environmental justice policies should safeguard communities as places where all people can live, work, and play without fear of exposure to toxic, deadly surroundings. As people of color come to make up a majority of the population, environmental justice issues should be prioritized as national issues, not one-off problems siloed in cities with significant populations of color, such as Flint, Michigan.

### 1AC Advantage

#### [\*\*\*Here is an opportunity to contribute your own voice to the speech and add some context for the judge to further emphasize why they should be concerned.

#### If you would like to, you can share an experience of how pollution has affected your life, the lives of your family, or the lives of people in your community.]

### 1AC Advantage

#### Granting rights to the environment is a moral obligation that should be upheld before looking at the consequences of the action

Hope M. Babcock 16, Professor of Law, Georgetown University Law Center, 2016, “A Brook with Legal Rights: The Rights of Nature in Court,” Ecology Law Quarterly, Vol. 43, https://lawcat.berkeley.edu/record/1127508?ln=en

Stone also recognized that the moral imperatives involved required the Court to take action. He called on the Court to summon up ―from the human spirit the kindest and most generous and worthy ideas that abound there, giving them shape and reality and legitimacy.‖129 He referenced the school desegregation cases, which ―awakened us to moral needs which, when made visible, could not be denied. He asked the Court to do the same thing by awarding rights to the environment ―in a way that will contribute to a change in popular consciousness.‖131 In words that Stone might have used, Professor Jedediah Purdy calls on law to provide ―a forum in which we give increasingly definite shape to shared questions that, however regrettably, we are not yet prepared to resolve.

Subsequent animal rights and environmental theoreticians took up Stone‘s belief that morals play an important role in granting nonhumans legal rights,133 arguing that at least at a minimum, they are important in analyzing the appropriateness of a legal rule.134 Professor Purdy maintains that ―the legitimacy of a legal rule must be tested by, among other factors, generally shared moral precepts.‖135 And, while a ―[m]oral theory is not determinative of the proper legal rule,‖ it ―is an element in a broader analysis of the legitimacy of a rule.‖136 For example, ―[e]ven though laws regulating the use of animals have always been minimally protective of nonhumans, ethically proper conduct often demands more than the law commands.‖137 Some even argue that ―the community has the duty, as well as the right, to preserve and to defend the environment.

### 1AC Plan

#### Therefore, we offer the following plan: The United States Federal Government should grant legal rights to rivers.

### 1AC Solvency

#### Granting rights to rivers will ensure their protection by allowing for guardians to effectively represent them

**Healy 19** [Meredith N.; 2019; J.D. Candidate, 2019, University of Colorado Law School; Colorado Natural Resources, Energy & Environmental Law Review, “Fluid Standing: Incorporating the Indigenous Rights of Nature Concept into Collaborative Management of the Colorado River Ecosystem,” vol. 30]

Federal recognition of the rights of nature would (1) ameliorate standing doctrine without requiring wholesale overhaul of the environmental advocacy scheme, (2) provide a moral victory for tribes that already recognize the legal rights of nature, (3) set a necessary framework for protecting natural resources within the U.S. legal system, and (4) allow for an implementation of a system of guardians for major natural resources. This proposed recognition comes at a time when it is becoming more apparent that the federal government might not reasonably be relied upon to advocate successfully for natural resources’ best interests. As renowned Western water legal scholar Charles Wilkinson remarked, “the water laws that . . . arose for good reason in a particular historical and societal context, the westward expansion of the nineteenth century . . . simply do not square with the economic trends, knowledge, and social values of the modern West.”

A. Acknowledging the Rights of Nature Would Further American Environmental Goal While federal laws such as NEPA, the ESA, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and the American Indian Religious Freedom Act mandate that federal land management agencies consider certain indigenous cultural resources on and near the lands they manage, natural resource conservation goals may be more effectively met if land managers consider traditional ethnic knowledge to complement Western views.143 Rather than a blanket application of federal laws aimed at an amalgam of initiatives, local incorporation of the indigenous rights of nature tailored specifically to the resource to be managed would fill the gaps Perhaps one of the strongest federal recognitions of indigenous views came via the permanent protection of the Taos Pueblo Nation’s “most sacred shrine:” the Blue Lake in northern New Mexico.155 The Taos Pueblo Nation believed that the lake was a living entity, and that if the lake ceased to exist, the tribe itself would cease to exist.156 Even though the Taos Pueblo Nation persuaded the federal government to protect the Pueblo Nation’s sacred waters from recreational overuse, this victory— and that of the temporary reprieve at Badger-Two Medicine—remains rare.157 In Idaho v. Coeur d’Alene Tribe of Idaho, the Court affirmed state control of waterbeds seemingly without concern for location or import to native tribes.158 The federal courts’ reasoning did not appear to rely on indigenous peoples’ views of natural resources, even in those cases the tribes won. However, non-indigenous environmental groups continue to challenge the Western utilitarian view that natural resources are to be used and not heardC. Proposed Guardianship Framework

The United States is likely not yet ready to incorporate indigenous beliefs into of the rights of nature, but if the government assigned non- governmental coalitions of guardians—a kind of guardian ad litem for natural resources—to major rivers, environmental advocates would be permitted to: (1) proffer a guardian who can focus exclusively on the long-term representation of one river; and then (2) delegate funding to protect other resources adequately. Further financial support from federal or state governmental agencies could be considered as well, but the reduction in plaintiffs bringing suits on behalf of the river would perhaps balance the costs of permanent guardianship.

This framework would ensure legal representation of the natural resource’s long-term interests. For example, legally-appointed river guardians might advise federal and state agencies on permit applications for multiple nearby mining operations. The guardians would have a stronger, more sustained case for the river because their advocacy would not be limited to case-by-case scenarios. Because the Colorado River Ecosystem would have permanently appointed guardianship, advocacy for the ecosystem would be broader than just ad hoc participation in notice and comment rulemaking every time there was a perceived threat to the ecosystem. In litigation, the Ecosystem would be a named party rather than property, developing reliance for opposing parties whose interests in the river may be currently subject to litigation by multiple adversaries. In that way, guardians for the Ecosystem could develop a co-management plan that focused on long-term health of the river.

### 1AC Solvency

#### Legal rights are a proven model and their application to rivers will cause a shift away from viewing nature only as property for humans

Sheber 20 [Kaitlin; Winter 2020; Associate Attorney at Reuben, Junius & Rose, LLP; Hastings Environmental Law Journal, “Legal Rights for Nature: How the Idea of Recognizing Nature as a Legal Entity Can Spread and Make a Difference Globally,” vol. 26 no. 1;]

For an entity to hold rights, it must be able to bring legal action on its own behalf, the court must take injury to that entity into account, and the relief granted by the court must benefit that entity. Should natural objects acquire legal rights, they would have an operational advantage in the sense that they would have standing to bring law suits on their own behalf. While a river or mountain cannot appear physically in court, a model like that used for universities, municipalities, infants, and estates where guardians are appointed to represent the entity in court would function well for natural objects. Trends, at least in the U.S., have leaned toward liberalized standing where people have increasingly had the opportunity to bring cases into court for environmental harm.29 But, a guardianship approach would give the environment an effective voice in more situations, and would help prevent the potential flood of cases pouring into courts due to relaxed standards for standing.30

Another benefit to recognizing natural objects as having legal rights is that harm to the environment itself will be considered in its own right. For example, if there is a polluting mill on a lake, focusing the damages in terms of harm to the lake itself will give a more representative measure of the pollution’s true damages. While people may be able to sue for harm based on pollution on their land, the damages to the lake itself cannot be addressed in those suits.

Additionally, affording natural objects legal rights will allow a natural object to be a beneficiary in its own right.33 Doing so will ensure that private litigants do not make a deal that does not actually enforce established rights and will also allow the natural object to receive money awards.34 For example, if a polluter is damaging a stream by $10,000 each year and people who bring suit are only affected by $3,000, a polluter may choose to simply pay the $3,000 to the people affected and continue polluting.35 As environmental law currently stands, a plaintiff and defendant can come to a deal to settle that does not include the interests of the natural entity in dispute.36 If the stream itself was also a part of the suit, then a settlement would need to include terms that also address the interests of the stream. In this sense, both the true price of the damages and the best overall remedy are skewed.37 Further, the damages that are awarded do not even go to the stream to help repair the damage caused.38 By allowing the natural entity, such as the stream, to be a beneficiary in its own right, a better result for the natural entity can be achieved.39

Finally, if natural objects are afforded legal status, there can be a shift away from the western idea that nature exists only as property for humans. Again and again, the questions that arise for environmental protection tend to focus on how humans benefit.41 Preservation of the environment is often framed as protecting species for the sake of their potential use in the future, or preserving nature for the sake of recreational interests.42 However, for some indigenous groups, such as the Maori in New Zealand, nature plays a different role.43 The Whanganui River is recognized by the Whanganui Iwi as their ancestor and a living being.44 In another example, Ecuador’s law was amended to recognize indigenous views of mother nature which holds “Pachamama,” or nature, as the “mother of all living creatures.”45 Giving legal status to nature can help legally support certain indigenous viewpoints while also respecting the intrinsic value of nature.

### 1AC Solvency

#### Arguments against legal rights for nature don’t account for advances in environmental law – only a legal right can make sure that human interests aren’t prioritized

O’Donnell 18 [Erin L. and Julia Talbot-Jone; PhD. a water law and policy specialist, focusing on water markets, environmental flows, and water governance, and academic fellow and Senior Fellow at the University of Melbourne Law School; Lecturer at Victoria, University of Wellington; March 2018; Ecology and Society, “Creating legal rights for rivers: lessons from Australia, New Zealand, and India,” vol. 23 no. 1; kp]

Not everyone thinks legal standing (the right to sue or be sued in court) for nature is a good idea, however. Several commentators have argued that legal standing for nature is an unnecessary complication of standing law, which is based on the notion that only directly affected individuals can bring actions in a court of law (Rolston 1993, Warnock 2012). Others have argued that the recent relaxation in environmental law of the definition of “harm” to humans has sufficiently lowered the hurdle to achieving legal standing (Sunstein 1992, Bertagna 2006, Preston 2006, Vanhala 2012). They argue that this relaxation makes it much easier for human plaintiffs to demonstrate the necessary harm, and seek redress for it, without requiring the creation of legal rights (Stone 2012).

However, the counter to this argument is that these other advances in environmental law actually provide two powerful reasons for extending legal rights to nature. First, from a philosophical perspective continuing to prosecute environmental cases on the basis of ever-more attenuated “harm” to humans relies on an increasingly convoluted and anthropocentric argument, which obscures the needs of nature (O’Riordan 1981, 1991). For example, there are many elements of nature that are not captured by existing anthropocentric paradigms such as natural capital or ecosystem services (see Salzmann 1997), and identifying environmental impacts outside of these conceptions is crucial for effective protection of the environment in law (Ruhl and Ruhl 2001). Although the advances in environmental law have enabled more environmental cases to be brought to court, the outcome has often been the conflation of the harm experienced by the natural object with the harm to human interests. This can ultimately devalue the natural environment, and continues to reinforce the anthropocentric position that nature only has value in terms of its benefit to humans (Bertagna 2006).

Second, the argument for the use of legal personality for protecting nature is one of efficiency and cost effectiveness. If the injuries to the environment (as opposed to the human users of, or participants in, that environment) are ignored, then a significant proportion of the total injuries are not accounted for. For example, the cost of poor water quality to users is calculated in terms of the costs of treatment necessary to improve the water quality to the required standard. However, this treatment may fail to address the broader issues associated with the river’s ecosystem health and well-being. If the injuries to the river are not recognized in court, then they cannot be compensated for, which means that the true costs of environmental impacts may be underestimated. Further, without giving due consideration to the injuries imposed on the river, the damages to other potential plaintiffs may be insufficient to cover the costs of litigation. In some cases this may result in the litigation not proceeding.

### 1AC Solvency

#### Legal rights for rivers will develop a model that will enhance environmental protection around the world

Sheber 20 [Kaitlin Sheber; Winter 2020; Associate Attorney at Reuben, Junius & Rose, LLP; Hastings Environmental Law Journal, “Legal Rights for Nature: How the Idea of Recognizing Nature as a Legal Entity Can Spread and Make a Difference Globally,” vol. 26 no. 1; kp]

In the end, granting legal rights to nature can help protect the environment in a greater capacity by allowing more lawsuits to be brought to protect the earth and redressing damage to natural entities themselves, rather than attenuated human harms. Indigenous communities have also had more input in their surroundings and respect for their views because granting legal rights to natural entities has not only provided a further basis to bring lawsuits, but has also given more weight to indigenous views of nature in the legal system.

As seen with the Vilcabamba case, two Americans obtained standing to bring a lawsuit on behalf of a river that they could not have brought before.198 Had the Americans never brought the suit, it is quite possible that the river would have remained unprotected. While the project ultimately continued, it continued with consideration to the environment and the river itself. The court ordered that the contractor must follow environmental guidelines.199 In the future, plaintiffs can have more opportunities to bring suits, and fewer cases like this would fall through the cracks due to lack of standing.200

There are limitations for how much of a difference a framework granting legal status to natural entities can help. An issue in the Vilcabamba case was that few enforcement mechanisms existed to execute the court’s decision.201 Further, natural entities still depend on humans and organizations to bring law suits on their behalf. On the other hand, at least granting rights to natural entities is a step in the right direction to obtaining a favorable decision from a court. In the future, countries can continue to develop frameworks to address environmental harms, including granting legal status to natural entities, and borrow ideas to ensure compliance.

Recognizing nature as more than property provides a human benefit for indigenous peoples. Through providing legal rights to natural entities, indigenous groups may be able to gain more agency in the environments that they live. As seen with the Maori people in New Zealand, the Iwi and government’s worldviews were bridged by granting the Whanganui River legal status.202 In this sense, recognition of the Maori’s beliefs in New Zealand’s legal system gives respect to the Maori’s view of the world that was lacking in the past.203 Likewise, in Ecuador, the addition of Pachamama into the constitution codifies the nation’s recognition and respect for indigenous beliefs.204 By codifying indigenous values into law, nations afford more respect to indigenous beliefs and rights.205

VII. Conclusion

All things considered, the emergence of legal rights for nature can be a helpful tool for environmental efforts worldwide. Through granting rights to nature, indigenous and local communities’ beliefs are better recognized, and the environment has an added layer of protection because more lawsuits can be brought on its behalf and courts can grant relief that better addresses harms to the environment.206 As Stone recognized, if nature could have legal status as a person, then it can be valued for itself, rather than being valued merely as property.207 When nature has legal standing, lawsuits can be based on a less attenuated harm because, rather than focusing on the injury to humans from the environmental injury, lawsuits can simply be based on the injury to the environment itself.208 Further, any legal battles on behalf of natural entities will be more efficient and cost effective because the “true costs of environmental impacts” will not be underestimated.209

Through the above case studies, I have outlined how nations have been able to effectively, and perhaps less effectively, implement legal status for nature.210 It is possible that nature will continue to be granted legal status in more nations as nations borrow ideas from each other. The idea can also gain traction through grassroots and indigenous movements and, potentially in the future, through international movements.212 Ultimately, affording nature legal status could make a positive difference because not only would it allow more natural entities their day in court, but it would also help indigenous communities gain more agency in nations by codifying their values and viewpoints in the law.

### 2AC Economy Disadvantage Answers

#### COVID already devastated the economy

Siegel 21 – Rachel Siegel, Andrew Van Dam and Erica Werner, reporters at the Washington Post, January 28th ("2020 was the worst year for economic growth since World War II", Available online at https://www.washingtonpost.com/business/2021/01/28/gdp-2020-economy-recession/, Accessed 4-6-2021)

The U.S. economy shrank by 3.5 percent in 2020 as the coronavirus pandemic ravaged factories, businesses and households, pushing U.S. economic growth to a low not seen since the United States wound down wartime spending in 1946.

Overall, the economy was surprisingly resilient in the second half of the year, given the falloff at the start of the public health crisis, according to data released Thursday from the Bureau of Economic Analysis. Yet, the 1 percent growth in the fourth quarter signaled a faltering recovery and a long road ahead, with 9.8 million jobs still missing and 23.8 million adults struggling to feed their families.

“2020 has no precedent in modern economic history,” said David Wilcox, senior fellow at the Peterson Institute for International Economics and a former director of the domestic economics division at the Federal Reserve. “The influenza of 1918 and 1919 predates our modern system of economic statistics, and since World War II, there’s never been a contraction that even remotely approached the severity and the breadth of the initial collapse in 2020.”

It’s the first time the economy has contracted for the year since 2009, when gross domestic product shrank by 2.5 percent during the depths of the Great Recession. The next-worst plunge was 1946, when the economy shrank by 11.6 percent as the nation demobilized from its wartime footing.

### 2AC Economy Disadvantage Answers

#### Protecting rivers is the best way to protect the economy

Turley 15 (Laura E., decade of experience in sustainable development research and advising, she has overseen projects on public procurement, infrastructure finance, investment policy and voluntary sustainability standards, pursuing a PhD at the University of Geneva on the topic of freshwater allocation in contexts of scarcity. “New Research Links Water Security and Economic Growth” <https://www.newsecuritybeat.org/2015/08/research-links-water-security-economic-growth/>)

A new report prepared by a task force under the Global Water Partnership and the Organization for Economic Cooperation and Development begins to address this problem by plotting global datasets of national economic growth against indicators of water security. The results confirm the intuition that the two factors are closely linked.

Based on the analysis by Claudia Sadoff et al., one can determine which countries would benefit most from fewer droughts in terms of the impact on their economic growth rate. In Malawi, for example, a 50 percent reduction in the so-called “drought effect” led to a 20 percent higher per capita GDP at the end of the simulation. In the case of Brazil, the reduced drought effect led to GDP per capita that was seven percent higher.

Climate Change: More Than Hotter Temperatures

A unique aspect of the research undertaken in Securing Water, Sustaining Growth is the implication for climate change research: water and water-related hazards have a statistically significant effect on economic growth, one that historically has been at least as important as, and likely more important than, temperature effects.

In estimating the economic impacts of climate change, many studies focus on how changes in temperature, and sometimes precipitation, will affect economic activity. What is new here is that runoff is included as an indicator, as well as specific flood and drought indicators, to measure water security, not just precipitation and temperature.

Runoff refers to water accumulating on the land surface as a result of hydrologic processes. As an indicator, it provides a more accurate depiction of water availability than precipitation because it includes soil moisture and temperature (factors of evapotranspiration). As for measuring water-related hazards, this study used cutting-edge flood and drought metrics. The results show that changes in both runoff (general water availability) and floods and droughts (water hazards) have statistically significant effects on economic growth.

This implies that studies focusing only on the temperature and rain effects of climate change will likely significantly underestimate the potential economic costs of climate change.

Avoiding the Hydro-Poverty Trap

Water availability and water-related hazards are obviously not the only factors affecting economic growth, but they do act as a significant drag or headwind on growth.

Most developed countries have already invested heavily in water information, institutions, and infrastructure systems. These investments may initially come at the expense of investment in other sectors, creating a drag on the economy. But without it, long-term growth is hard to sustain.

Today, countries that have made these investments are relatively water secure and facing largely tolerable water-related risks in the future. Most of the world’s developing nations, however, are relatively water insecure.

The goal is to get beyond a minimum level of investment after which a tipping point is reached

Securing Water, Sustaining Growth builds on a 2007 article, “Sink or Swim: Water Security for Growth and Development,” by some of the same authors. They suggest that countries facing difficult water dynamics – those characterized by high rainfall and runoff variability – are often the world’s poorest countries. Typically in these countries, the level of institutional and infrastructural investment needed is very high and the ability to invest is low. Unable to break free of a low-lying equilibrium, many of these countries remain “hostage” to their hydrology, essentially analogous to a water-related poverty trap.

### 2AC Economy Disadvantage Answers

#### Economic decline doesn’t cause war

Clary 15 Christopher Clary, Ph.D. in Political Science from MIT, Postdoctoral Fellow, Watson Institute for International Studies, Brown University, “Economic Stress and International Cooperation: Evidence from International Rivalries,” April 22, 2015, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2597712

Do economic downturns generate pressure for diversionary conflict? Or might downturns encourage austerity and economizing behavior in foreign policy? This paper provides new evidence that economic stress is associated with conciliatory policies between strategic rivals. For states that view each other as military threats, the biggest step possible toward bilateral cooperation is to terminate the rivalry by taking political steps to manage the competition. Drawing on data from 109 distinct rival dyads since 1950, 67 of which terminated, the evidence suggests rivalries were approximately twice as likely to terminate during economic downturns than they were during periods of economic normalcy. This is true controlling for all of the main alternative explanations for peaceful relations between foes (democratic status, nuclear weapons possession, capability imbalance, common enemies, and international systemic changes), as well as many other possible confounding variables. This research questions existing theories claiming that economic downturns are associated with diversionary war, and instead argues that in certain circumstances peace may result from economic troubles.

### 2AC Economy Disadvantage Answers

#### No problems will come from economic decline

**Walt 20** [Stephen M. Walt is the Robert and Renée Belfer professor of international relations at Harvard University. “Will a Global Depression Trigger Another World War?”, May 13th, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

### 2AC Advantage

#### Water’s key to all environmental and social resilience---breakdown risks extinction

Johan Rockström 14, professor in environmental science at the Stockholm Resilience Centre, Stockholm University, et al., October 2014, “The unfolding water drama in the Anthropocene: towards a resilience-based perspective on water for global sustainability,” Ecohydrology, Vol. 7, No. 5, p. 1249-1261

Water is critical to the resilience of landscapes and communities. It is connected to fundamental aspects of the future survival and prosperity of humankind. All living organisms in the biosphere and the ability of landscapes to provide ecosystem services depend on the freshwater, both in terms of ‘green’ evapotranspiration water for plant growth and ‘blue’ environmental water flows to sustain ecological habitats. In recent years, the realization that water is the bloodstream of the biosphere has been an important eye-opener (Ripl, 2003). Water is a prerequisite for human health, food production and the generation of all other ecosystem services, from biodiversity to temperature regulation.

#### We’re on the brink of global water tipping points that risk catastrophic impacts

Johan Rockström 14, professor in environmental science at the Stockholm Resilience Centre, Stockholm University, et al., October 2014, “The unfolding water drama in the Anthropocene: towards a resilience-based perspective on water for global sustainability,” Ecohydrology, Vol. 7, No. 5, p. 1249-1261

Indications show that humanity may be pushing exploitation of finite natural resources and the use of the living biosphere too far, putting at risk the future stability of the Earth system (Steffen et al., 2011a, 2011b), which is tightly coupled to the regional and global use of freshwater (Meybeck, 2003; Vörösmarty et al., 2004). This may trigger water-related tipping points with potentially disastrous and long-term implications for human civilization.

### 2AC Advantage

#### Environmental decline causes global wars

Giulio Boccaletti 17, Chief Strategy Officer & Global Managing Director, Water, The Nature Conservancy, March 2017, “The Geopolitics of Environmental Challenges,” <https://global.nature.org/content/the-geopolitics-of-environmental-challenges>

Much of the world seems to be on edge. The West’s relationship with Russia, the future of NATO, the Syrian civil war and refugees, rising right-wing populism, the impact of automation, and the United Kingdom’s impending departure from the European Union: all of these topics— and more—have roiled public debate worldwide. But one issue—one might say the most significant of them all—is being ignored or pushed aside: the environment.That was the case at this year’s annual meeting of the World Economic Forum at Davos, Switzerland. Beyond a mention of the Paris climate agreement by Chinese President Xi Jinping, topics like climate change and sustainable development didn’t even make it to the main stage. Instead, they were relegated to side meetings that rarely seemed to intersect with current political and economic events.

Allowing environmental issues to fall by the wayside at this time of geopolitical and social instability is a mistake, and not just because this happens to be a critical moment in the fight to manage climate change. Environmental degradation and natural-resource insecurity are undermining our ability to tackle some of the biggest global issues we face.Environmental insecurity is a major, though often underestimated, contributor to global instability. The UN High Commission on Refugees reports that natural disasters have displaced more than 26 million people per year since 2008—almost a third of the total number of forcibly displaced people in this time period.Even the current refugee crisis has an environmental element. In the years leading up to the war, Syria experienced its most extreme drought in recorded history. That drought, together with unsustainable agricultural practices and poor resource management, contributed to the internal displacement of 1.5 million Syrians and catalyzed political unrest ahead of the 2011 uprising.The link between environmental and agricultural pressures extends far beyond Syria. Over-reliance on specific geographies for agriculture means that food production can exacerbate environmental problems, or even create new ones. This can pit global consumer interests against local citizen interests, as it has along the Mississippi River, where fertilizer runoff from one of the world’s breadbaskets is contributing to concerns about water quality.

The connection goes both ways, with environmental conditions also shaping agricultural production—and, in turn, the prices of agricultural commodities, which represent about 10% of traded goods worldwide. For example, rising temperatures and altered precipitation patterns are already driving up the price of coffee. With the global land area suitable for growing coffee set to contract by up to half by 2050, price pressures will only intensify.A sudden shift toward trade protectionism could drive up agricultural commodity prices further. Such an increase would affect farm-level household income, favoring some farmers while harming others. End consumers, particularly the poor and vulnerable, would also suffer.Another reason why the environment should be at the center of economic debates is its role as the world’s single largest employer. Almost a billion people, just under 20% of the world’s labor force, are formally employed in agriculture. Another billion or so are engaged in subsistence farming, and therefore don’t register in formal wage statisticsAny initiatives to support economic development must support this population’s transition toward higher-productivity activities. This is particularly important at a time when increasingly sophisticated and integrated technology threatens to leapfrog an entire generation of workers in some countries. Efforts to benefit this huge population must focus not only on training and education, but also on new models that allow countries to capitalize on their natural capital—the landscapes, watersheds and seascapes—without depleting it.

Just as natural-resource insecurity can cause displacement and vulnerability, effective natural-resource management can support conflict resolution and sustainable economic development. On this front, efforts to achieve environmental remediation, to boost the resilience of rural communities, to advance sustainable agricultural production, and to support community-based environmental stewardship have all shown promising results.

Consider the Northern Rangelands Trust, an organization focused on creating community conservancies to enable sustainable and equitable land use in Kenya. NRT has helped pastoralist communities establish effective governance mechanisms for the environment on which they depend, reducing conflict over grazing rights, especially in times of drought.

For many communities, members’ relationship with the landscape in which they live is an integral part of their identity. With effective governance and planning, open dialogue, resource-sharing frameworks and sufficient investment, including in skills training, these communities can translate this relationship into effective environmental stewardship—and build healthier and more secure societies.

The crises engulfing the modern world are complex. But one thing is clear: the environment is connected to all of them. Solutions will mean little without a healthy world in which to implement them.

### 2AC Advantage

#### Advances in technology wont wont be able to save us from environmental decline

Alexander 18, Melbourne Sustainable Society Institute, Melbourne School of Design, University of Melbourne, “A Critique of the Australian National Outlook Decoupling Strategy: A ‘Limits to Growth’ Perspective,” *Ecological Economics*, Volume 145, 2018, pp. 10-17

There are several reasons why efficiency gains, in the real world, are likely to be far less than the factor-five literature suggests. First, optimistic claims tend to overlook the implications of ongoing depletion of non-renewable resources. As the most easily accessible resource deposits are produced first, later deposits tend to require increasing time, energy and money to discover and extract. With respect to fossil fuels, this trend is reflected in the declining energy return on energy invested (EROI). Between 1995 and 2006 the global average EROI for oil and gas declined from an estimated 30:1 to 18:1 (Hall et al., 2014), with average EROI of US oil production falling to 11:1 (Murphy, 2013). Further decline in EROI is expected in coming decades, given the increasing reliance of the global economy on non-conventional, lower EROI, sources of oil and gas supply (Hall et al., 2014).12 The impact of depletion is also evident in the mining sector with declining mineral ore grades and increasing mining waste rock and tailings evident, both in Australia and globally, resulting in higher energy, water and emission costs for mining and ore separation (Mudd, 2009; Diederen, 2009).13 This means that even if there are efficiency gains in, say, manufacturing processes, to some extent they will be counteracted by efficiency declines in resource extraction. This situation evokes the challenge faced by the Red Queen in Lewis Carroll's Through the Looking Glass, who has to run faster and faster simply to stay in the same place (Likvern, 2012).

Second, enthusiastic efficiency claims about technology often attend only to the gross reductions, not the net reductions, which are often far less. Von Weizsacker et al. (2009) cite a case study claiming factor-five reductions in the ecological footprint of an Australian house, but it is not clear that embodied energy in both building and heating and cooling materials has been adequately accounted for. A recent Australian study using hybrid life cycle assessment for estimating embodied energy found that the additional materials required for heating and cooling often ‘require more embodied energy than the operational costs they save’ (Crawford et al., 2016: 449). Another example pertinent to Stretch is CCS technology which has potentially very large fuel and capital costs making it a potentially large source of future inefficiency (Supekar and Skerlos, 2015).

Third, optimistic efficiency projections sometimes fail to factor in the likelihood of diminishing returns over time. Ayres and Warr (2009) note that for many decades there have been plateaus for the production efficiency of electricity and fuels, electric motors, ammonia, iron and steel. While large increases are no doubt possible in certain areas, this does not imply that rapid, large and continuous technical gains can easily be made across all sectors of the economy.

### 2AC Solvency

#### Legislatively creating rights for rivers sets up a strong, flexible framework for water governance that addresses economic and environmental stressors on water resources

Erin L. O’Donnell 18, Senior Fellow at Melbourne Law School; and Julia Talbot-Jones, Visiting Fellow at the Australian National University, 2018, “Creating legal rights for rivers: lessons from Australia, New Zealand, and India,” Ecology and Society, Vol. 23, No. 1

In analyzing the case studies from Australia, New Zealand, and India we have reached three key conclusions about the granting of legal rights to rivers. First, legal rights for nature can be created within a range of legal and institutional settings to address a number of complex socio-environmental and economic problems. One of the most unexpected findings from this analysis was that the legal rights for rivers approach can be used to address problems motivated by economic, cultural, or environmental factors as in the case of Australia, New Zealand, and India, respectively. In addition, it can be used to complement legislative frameworks ranging from state ownership models through to water markets, highlighting the broad potential applicability of the approach.

Second, it is possible to create legal rights through both judicial and legislative channels. This makes legal rights a flexible water governance tool with its own set of opportunities and limitations. Achieving change through legislative channels, as occurred in Australia and New Zealand, can be slow, but effective. In contrast, the Indian case showed that legal rights for rivers can be granted rapidly through the judicial process, but can be equally rapidly undermined by further rulings. Although the High Court of Uttarakhand created some very broad legal rights for the Ganges and Yamuna rivers, the rulings lack the institutional depth of the legislated examples in Australia and New Zealand. In India, the absence of broader government engagement raises questions about the Ganges and Yamuna rivers’ guardians’ likely ability to act, given the absence of financial support, institutional capacity, and statutory independence. The recent appeal to the Supreme Court of India is demonstrative of the type of uncertainty that could be created by granting legal rights to rivers through the judicial system.

Third, this analysis suggests that granting rights to nature no longer sits on the fringes of environmental law. These three cases represent a development in environmental law and demonstrate a new way in which nature can be granted legal standing. Where nature has been given legal rights previously, namely in Ecuador and Bolivia, a distinct limitation of the approach has been the inability to give the rights force and effect. This analysis shows that the approaches taken in Australia and New Zealand could overcome some of the challenges experienced in the earlier cases and deliver outcomes to the benefit of the environment and society.

The cases evaluated here shine light on how legal rights for rivers can be used to address a range of issues commonly observed in water resources management. As pressures on freshwater systems continue to increase, understanding the opportunities and limitations provided by this new legal approach will allow decision makers to make more informed choices when considering ways of addressing their context-specific socio-environmental and economic pressures.

### 2AC Solvency

#### Rights for nature are feasible---they require avoiding harm and remedying prior damage

Oliver A. Houck 17, Professor of Law, Tulane University, Winter 2017, “ARTICLE: Noah's Second Voyage: The Rights of Nature As Law,” Tulane Environmental Law Journal, 31 Tul. Envtl. L.J. 1

From these roots, legal principles of nature rights emerge: (1) to avoid disruption of basic ecosystem functions; (2) to avoid harm to all natural areas where alternatives are available; (3) to avoid critical areas [\*41] altogether; (4) to mitigate prospective damage fully and in kind; and (5) to restore damage already incurred. None of these principles are rocket-science; several are found in existing (if limited in scope) national programs. More detailed prescriptions are contained in the earlier referenced Draft European Directive, 229with structures for implementation and enforcement (including criminal law, a daunting provision). 230A similar structure was presented to the Ecuadorian Assembly in 2008, complete with decision-making matrix and flow chart, but has not yet been adopted. 231With which, thirty-five years after its adoption, the U.N. Declaration of 1982 has born its first offspring, more mature, more considered, and ready for take-off. What remains is to let it go forward and evolve. 232This evolution will demand respect for existing environmental programs that have their own, often more-targeted missions and some significant accomplishments to their name. They also have significant handicaps, however, some shackled by their authorizing statutes, 233more still by the lack of budget and personnel (nowhere abundant), and nearly all by political challenges that may leave them vulnerable, where functioning at all. Which is where rights of nature, properly perceived, kick in.Properly viewed, rights of nature need not be a separate regulatory system, raising obvious difficulties with redundancy and conflicts. It [\*42] need not be a system at all, but rather a pulse-check in the nature of due process that ensures decisions from line agencies also meet standards fundamental to the earth as a whole. This has been the approach of several U.S. states and many courts abroad in the interpretation of similarly broad mandates. 234Most resource development does not put species of ecosystems at serious risk, but for those that do, nature rights can be a significant partner to existing programs, reinforcing them against the same pressures that led to their creation in the first place. Their next best friend.

There are some of course who would argue that nature rights cannot, and should not, play so fundamental a role. We have met several arguments earlier in this Article: . 235Taking them singly or in concert, it is hard not to conclude that, whatever science and ethics tell us about humans and the natural world, these people simply do not want them to be fundamental. According to a recent contributor to the National Review:I keep writing about [nature rights] because - like cancer, early detection and eradication surgery is the key to stopping this madness… . [A] malevolently malignant attack on human thriving that, if allowed to take hold, presents an existential threat to human exceptionalism and the moral values of Western civilization. 236 [\*43] Whether humanity can loosen the shackles of this view sufficiently to appreciate, and accept, the exceptionalism of other life may be the ultimate question of this field.There are some who have done just this, including the former Chief Justice of the Supreme Court of the Philippines, Hilario Davide. 237In a case of first impression invalidating large sales of virgin timber previously authorized by the government, Davide wrote:

As a matter of fact these basic rights [preserving the rhythm and harmony of nature] need not even be written in the Constitution for they are assumed to exist from the inception of humankind. If they are now explicitly mentioned … it is because of the well-founded fear of its framers that unless the rights to a balanced and healthful ecology are mandated … the day would not be too far when all else would be lost not only for the present generation but for also for those to come - generations which stand to inherit nothing but parched earth incapable of sustaining life. 238

### 2AC Solvency

#### Legal personhood for nature’s totally feasible---corporate rights prove the law can easily accommodate the interests of non-human entities

Erin L. O’Donnell 18, Senior Fellow at Melbourne Law School; and Julia Talbot-Jones, Visiting Fellow at the Australian National University, 2018, “Creating legal rights for rivers: lessons from Australia, New Zealand, and India,” Ecology and Society, Vol. 23, No. 1

Protecting the environment through judicial process is one of the lasting legacies of the rapid expansion of environmental law that occurred through the 1960s and 1970s (Plater 1994, Gunningham 2009). Over this period, environmental law emerged as a distinct discipline and a range of legal tools were established to protect the environment from the impact of human activities (Sax 1971, Grinlinton 1990, Preston 2007, Fisher 2010). Since then, most environmental law has focused on either protecting particular special or iconic features, or by placing sustainable limits on development and use of resources (Doremus 2002, Stallworthy 2008, Fisher 2010, Godden and Peel 2010). However, these approaches have often obscured the particular interests of “nature” behind the effects of environmental degradation on human interests (Carlson 1998, Bertagna 2006, Sands 2012). For example, the public trust doctrine (Sax 1970) places emphasis on the public use of natural resources (Preston 2005) rather than the protection of nature itself. Addressing this obscurity has become one of the core challenges in environmental law.

The key question has become how to best represent the environment in court, and how to frame the legal challenges to deliver “judicial protection of nature for the sake of nature itself” (Daly 2012:63). Stone (1972) proposed a method to recognize the rights of nature in his seminal paper Should Trees Have Standing?, which showed how nature could be personified in law, so that it could seek legal redress on its own behalf. Stone combined a philosophical argument with key practical steps to enable the environment to become a legal subject. He identified three legal criteria that “go toward making a thing count jurally”: (1) “that the thing can institute legal actions at its behest”; (2) “that in determining the granting of legal relief, the court must take injury to it into account”; and (3) “that relief must run to the benefit” of it (Stone 1972:458 [emphasis in the original]). The essence of these legal criteria is to create the possibility for nature to take action in court to protect its own interests: to give nature itself legal standing.

Although Stone’s proposal has remained on the fringes of mainstream environmental law (Naffine 2012, Warnock 2012), it is premised on a concept widely accepted in law: that legal rights can be conferred on nonhuman entities. The creation of “legal fictions” is a long-standing mechanism to create legal personality for a range of nonhuman entities, including, most notably, for-profit corporations (Micklethwait and Wooldridge 2003, Truitt 2006, Farrar 2007). The advantage of this legal approach is that it creates a new, identifiable, legal entity (the legal person), which includes all the necessary legal rights (standing, contract, and property) for granting the nonhuman entity its own personality. Although there are limited examples of using the legal person in the environmental context, it has been used for many purposes throughout history, including businesses, not-for-profit charities, and religious organizations (Micklethwait and Wooldridge 2003), as well as Hindu deities.[1]

### 2AC Solvency

#### Rights of nature provide an advance requirement to consider environmental impact before development decisions---that’s key to avoid extinction

Oliver A. Houck 17, Professor of Law, Tulane University, Winter 2017, “ARTICLE: Noah's Second Voyage: The Rights of Nature As Law,” Tulane Environmental Law Journal, 31 Tul. Envtl. L.J. 1

Skeptics also pose what they believe to be a clinching question: given that nearly every nation on earth has environmental laws by now, what difference would rights of nature make? Implying, of course, no difference. The record to date is otherwise. For one, they reinforce and expand the interpretation of those same laws, adding restoration requirements to some, enforcement to others. 193They also provide a safety net where existing programs have been overwhelmed by other interests, or because they fail to address the injury at all. 194More proactively, they provide a seat at the table, in advance of development decisions, for nature rights to appear through the lens of its own needs and not simply the cacophony of competing human interests. 195As proactively, they provide a vantage point to demand restoration for past injury and to insist on compensation going forward. 196Lastly, and perhaps most enduringly, they catalyze a new awareness of our relationship with the natural world, which, in turn, could play a larger role in human survival than many now admit. 197Whether these advantages are realized is still conjectural, we are in the early stages of the game. Their potential, however, seems well worth the try. 198

#### Lack of standing for nature means other legal and legislative avenues fail

Hope M. Babcock 16, Professor of Law, Georgetown University Law Center, 2016, “A Brook with Legal Rights: The Rights of Nature in Court,” Ecology Law Quarterly, Vol. 43, https://lawcat.berkeley.edu/record/1127508?ln=en

Reflecting on the intervention petition of Little Mahoning Creek, the time seems ripe to revisit Stone‘s proposal.7 If there was a moral and practical imperative to giving nature an independent voice in court in 1972, it is even truer today. The current trend in the Supreme Court is to increase the barriers facing surrogate litigants who seek to protect some feature of the environment from harm, particularly the barrier presented by Article III standing. Why these cases increasingly fail—despite the ingenuity of the lawyers—is the attenuated, almost fictive connection between the interested or injured party and the threatened resource. The lack of success in prosecuting these cases forces the resolution of natural resource conflicts into the political branches, which evince no capacity to act. But, if the natural resource could appear in its own right to complain of threats to its continued existence, the injury prong of Article III standing should cease to be a problem.8

## Negative Evidence

### 1NC Economy Disadvantage

#### Current environmental rules protect rivers while supporting economic growth

Wheeler 20 (Andrew, administrator of the U.S. Environmental Protection Agency. He co-authored this with R.D. James, assistant secretary of the Army for civil works. “Trump Administration’s WOTUS Definition Ends Decades of Confusion, Federal Overreach” <https://www.miamiherald.com/article239612438.html>)

Now, thanks to our new rule, our nation’s farmers, ranchers, developers, manufacturers and other landowners can finally refocus on providing the food, shelter and other commodities that Americans rely on every day, instead of spending tens of thousands of dollars on attorneys and consultants to determine whether waters on their own land fall under the control of the federal government. When it comes to federal regulation, we owe it to the American public to finalize rules that are consistent with congressional intent and the law while at the same time promoting clarity and certainty for the regulated community and protecting the environment.

Our new rule follows the law and embodies the intent of Congress to regulate the nation’s navigable waters. It outlines an approach that, together with existing state and tribal regulations and programs, protects our nation’s water resources in accordance with the Clean Water Act. It provides certainty and predictability that will save Americans time and money while accelerating infrastructure projects and economic development. It recognizes that regulation of land use is a quintessential state and local power. And, importantly, the Trump administration’s WOTUS definition will be easier to understand and implement in comparison to previous rules.

After 50 years of environmental protection, we know that making progress requires strong cooperation and coordination between Washington, D.C., and the states. Many states already have a robust network of regulations that protect their state waterways. Our new rule, together with these state efforts and other federal programs, such as the Great Lakes program, will continue to ensure that America’s water protections — among the best in the world — remain strong, while giving states and tribes the flexibility and certainty to manage their waters in ways that best protect their natural resources and local economies. We look forward to continuing our close cooperation with our state and tribal partners as we make progress together for a stronger future.

### 1NC Economy Disadvantage

#### Granting rights to rivers will collapse the economy – many businesses will be unable to operate

Wesley J. Smith 18, senior fellow at the Discovery Institute’s Center on Human Exceptionalism, 8/6/18, “The return of nature worship,” https://www.acton.org/religion-liberty/volume-28-number-3/return-nature-worship

Nature rights would cause profound harm to human thriving: Granting rights to nature would bring economic growth to a screeching halt by empowering the most committed and radical environmentalists – granted legal standing to act on “nature’s” behalf – to impose their extreme views of proper environmental stewardship through the buzz saw of unending litigation. Backed by well-funded environmentalist organizations and their lawyers, any and all large-scale economic or development projects – from oil drilling, to housing developments, to mining, to farming, to renewable energy projects, such as electricity-generating windmills that kill countless birds – could face years of harassing lawsuits and extorted financial settlements. At the very least, liability insurance for such endeavors would become prohibitively costly – indeed, if underwriters permitted policies to be issued for such projects at all. Of course, that is the whole point.

### 1NC Economy Disadvantage

#### Economic decline causes world war

Sundaram 19 [Jomo Kwame Sundaram, a former economics professor, was United Nations Assistant Secretary-General for Economic Development, and received the Wassily Leontief Prize for Advancing the Frontiers of Economic Thought in 2007. Vladimir Popov, a former senior economics researcher in the Soviet Union, Russia and the United Nations Secretariat, is now Research Director at the Dialogue of Civilizations Research Institute in Berlin. Economic Crisis Can Trigger World War. February 12, 2019. www.ipsnews.net/2019/02/economic-crisis-can-trigger-world-war/]

Economic recovery efforts since the 2008-2009 global financial crisis have mainly depended on unconventional monetary policies. As fears rise of yet another international financial crisis, there are growing concerns about the increased possibility of large-scale military conflict. More worryingly, in the current political landscape, prolonged economic crisis, combined with rising economic inequality, chauvinistic ethno-populism as well as aggressive jingoist rhetoric, including threats, could easily spin out of control and ‘morph’ into military conflict, and worse, world war. Crisis responses limited The 2008-2009 global financial crisis almost ‘bankrupted’ governments and caused systemic collapse. Policymakers managed to pull the world economy from the brink, but soon switched from counter-cyclical fiscal efforts to unconventional monetary measures, primarily ‘quantitative easing’ and very low, if not negative real interest rates. But while these monetary interventions averted realization of the worst fears at the time by turning the US economy around, they did little to address underlying economic weaknesses, largely due to the ascendance of finance in recent decades at the expense of the real economy. Since then, despite promising to do so, policymakers have not seriously pursued, let alone achieved, such needed reforms. Instead, ostensible structural reformers have taken advantage of the crisis to pursue largely irrelevant efforts to further ‘casualize’ labour markets. This lack of structural reform has meant that the unprecedented liquidity central banks injected into economies has not been well allocated to stimulate resurgence of the real economy. From bust to bubble Instead, easy credit raised asset prices to levels even higher than those prevailing before 2008. US house prices are now 8% more than at the peak of the property bubble in 2006, while its price-to-earnings ratio in late 2018 was even higher than in 2008 and in 1929, when the Wall Street Crash precipitated the Great Depression. As monetary tightening checks asset price bubbles, another economic crisis — possibly more severe than the last, as the economy has become less responsive to such blunt monetary interventions — is considered likely. A decade of such unconventional monetary policies, with very low interest rates, has greatly depleted their ability to revive the economy. The implications beyond the economy of such developments and policy responses are already being seen. Prolonged economic distress has worsened public antipathy towards the culturally alien — not only abroad, but also within. Thus, another round of economic stress is deemed likely to foment unrest, conflict, even war as it is blamed on the foreign. International trade shrank by two-thirds within half a decade after the US passed the Smoot-Hawley Tariff Act in 1930, at the start of the Great Depression, ostensibly to protect American workers and farmers from foreign competition! Liberalization’s discontents Rising economic insecurity, inequalities and deprivation are expected to strengthen ethno-populist and jingoistic nationalist sentiments, and increase social tensions and turmoil, especially among the growing precariat and others who feel vulnerable or threatened. Thus, ethno-populist inspired chauvinistic nationalism may exacerbate tensions, leading to conflicts and tensions among countries, as in the 1930s. Opportunistic leaders have been blaming such misfortunes on outsiders and may seek to reverse policies associated with the perceived causes, such as ‘globalist’ economic liberalization. Policies which successfully check such problems may reduce social tensions, as well as the likelihood of social turmoil and conflict, including among countries. However, these may also inadvertently exacerbate problems. The recent spread of anti-globalization sentiment appears correlated to slow, if not negative per capita income growth and increased economic inequality. To be sure, globalization and liberalization are statistically associated with growing economic inequality and rising ethno-populism. Declining real incomes and growing economic insecurity have apparently strengthened ethno-populism and nationalistic chauvinism, threatening economic liberalization itself, both within and among countries.

### 1NC Advantage Answers

#### Biodiversity loss won’t cause extinction

Peter Kareiva 18, Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al., September 2018, “Existential risk due to ecosystem collapse: Nature strikes back,” Futures, Vol. 102, p. 39-50

The interesting question is whether any of the planetary thresholds other than CO2 could also portend existential risks. Here the answer is not clear. One boundary often mentioned as a concern for the fate of global civilization is biodiversity (Ehrlich & Ehrlich, 2012), with the proposed safety threshold being a loss of greater than 0.001% per year (Rockström et al., 2009). There is little evidence that this particular 0.001% annual loss is a threshold—and it is hard to imagine any data that would allow one to identify where the threshold was (Brook, Ellis, Perring, Mackay, & Blomqvist, 2013; Lenton & Williams, 2013). A better question is whether one can imagine any scenario by which the loss of too many species leads to the collapse of societies and environmental disasters, even though one cannot know the absolute number of extinctions that would be required to create this dystopia.

While there are data that relate local reductions in species richness to altered ecosystem function, these results do not point to substantial existential risks. The data are small-scale experiments in which plant productivity, or nutrient retention is reduced as species numbers decline locally (Vellend, 2017), or are local observations of increased variability in fisheries yield when stock diversity is lost (Schindler et al., 2010). Those are not existential risks. To make the link even more tenuous, there is little evidence that biodiversity is even declining at local scales (Vellend et al., 2013, Vellend et al., 2017). Total planetary biodiversity may be in decline, but local and regional biodiversity is often staying the same because species from elsewhere replace local losses, albeit homogenizing the world in the process. Although the majority of conservation scientists are likely to flinch at this conclusion, there is growing skepticism regarding the strength of evidence linking trends in biodiversity loss to an existential risk for humans (Maier, 2012; Vellend, 2014). Obviously if all biodiversity disappeared civilization would end—but no one is forecasting the loss of all species. It seems plausible that the loss of 90% of the world’s species could also be apocalyptic, but not one is predicting that degree of biodiversity loss either. Tragic, but plausible is the possibility of our planet suffering a loss of as many as half of its species. If global biodiversity were halved, but at the same time locally the number of species stayed relatively stable, what would be the mechanism for an end-of-civilization or even end of human prosperity scenario? Extinctions and biodiversity loss are ethical and spiritual losses, but perhaps not an existential risk.

### 1NC Advantage Answers

#### Water is sustainable – it cycles – stress is different than scarcity

Brauman 16 – [Kate Brauman, Lead Scientist Institute on the Environment, University of Minnesota, 6-5-2016, accessed 7-22-2021, We’re (not) running out of water, Conversation, https://theconversation.com/were-not-running-out-of-water-a-better-way-to-measure-water-scarcity-58699]//AtulV

Water crises seem to be everywhere. In Flint, the water might kill us. In Syria, the worst drought in hundreds of years is exacerbating civil war. But plenty of dried-out places aren’t in conflict. For all the hoopla, even California hasn’t run out of water.

There’s a lot of water on the planet. Earth’s total renewable freshwater adds up to about 10 million cubic kilometers. That number is small, less than one percent, compared to all the water in oceans and ice caps, but it’s also large, something like four trillion Olympic-sized swimming pools. Then again, water isn’t available everywhere: across space, there are deserts and swamps; over time, seasons of rain and years of drought.

Also, a water crisis isn’t about how much water there is – a desert isn’t water-stressed if no one is using the water; it’s just an arid place. A water shortage happens when we want more water than we have in a specific place at a specific time.

What does this metric reveal? You’re probably in trouble if you’re using up 100 percent of your water, or even 75 percent, since there’s no room for error in dry years and there’s no water in your river for fish or boats or swimmers. But only local context can illuminate that.

We found that globally, just two percent of watersheds use more than 75 percent of their total renewable water each year. Most of these places depend on fossil groundwater and irrigate heavily; they will run out of water.

### 1NC Advantage Answers

#### Advances in technology will prevent the worst consequences of environmental destruction

Zenghelis 3-19 [Dimitri Zenghelis, economist focusing on sustainable prosperity, 3-19-2021, accessed 7-21-2021, Sustainability Is Not Only Compatible With Growth, It Requires It – But Only With Targeted Innovation, Forbes, https://www.forbes.com/sites/dimitrizenghelis/2021/03/19/can-we-be-green-and-grow/?sh=7ae9dec4ce01]//AtulV

Where a minimal public and private effort has been made to invest in new technologies, for example in renewable energy and electric vehicles, great progress has been made towards decarbonising the electricity and transport sectors. This relied heavily on taxpayer funded research and deployment policies to kick start innovation. Moreover, once learning, experience and economies of scale in production and discovery kicked in, these innovative new technologies turned out to be cheaper, more efficient and more productive than the incumbents they replaced.

Exponential growth is not only possible, it is exactly what you’d expect in a world where you did not increase your resource or greenhouse gas footprint. You’d learn to use resources smarter and get more out of them. Investing in science, creativity and innovation can accelerate our ability to use fewer resources. In this way, increasing returns to ideas overcome diminishing returns to factors, such as labour and physical capital. This then generates more resources for further investment. Unlike material resources, ideas are weightless. Knowledge begets knowledge and does not deplete when used.

Ideas can be weightless as well as priceless

The green transition can serve to accelerate this trend provided we steer innovation in a way that enhances prosperity. The World Bank estimates that intangible capital—ideas, processes, software, databases, new media libraries, creative copy-write and online services—now makes up between 60% and 80% of total wealth in most developed countries.

In short, what matters is decarbonisation and dematerialisation, not ‘degrowth’. The primary route to dematerialisation is through innovation. And this requires strong, clear and credible policy intervention. There is no reason why the future cannot be cleaner, quieter and more secure as well as more efficient, productive and innovative. We just need to design it that way. Our species developed effective vaccines for COVID-19 in record time. For all our failings as stewards of the planet, innovation is one thing humans excel at. We need more of it and of the right kind.

### 1NC Solvency Answers

#### River rights wont do anything – they will have all the same problems as existing environmental law

DARPO 21, emeritus professor in environmental law at Faculty of Law, Uppsala Universitet, March 2021, “CAN NATURE GET IT RIGHT?,” https://www.europarl.europa.eu/RegData/etudes/STUD/2021/689328/IPOL\_STU(2021)689328\_EN.pdf

By now, the reader of this study is aware that I concur with those legal scholars who do not share the view that RoN entails a shift of paradigm in law that has the capacity to save the environment from the challenges we face today. Many of the deficits that this movement criticises modern environmental law for having are general problems that have been discussed for years and which will not be remedied by introducing new labels in a system that still must be handled by humans. The dichotomy between RoN and modern European environmental law is therefore partly artificial, a symbolic construct. Environmental law remains an instrument handled by individuals and – as the history of RoN shows – any alternative discourse of thoughts faces the same challenges as the old schools, most importantly; lofty legislation not adapted to the nature and development of the environment, deferral to economic growth in decision-making, weak enforcement, and lack of funding for environmental interests. When deconstructing the RoN concept, no radical new instruments come to light compared with what we have today.

Even so, the RoN school of thought contains fresh insights in its critique of Western society and presents ideas that can be developed within our conventional legal notions. At the heart of the concept lies the notion that law must adapt to ecological and scientific reality in order to addressthe main challenges of today, such as climate change and large-scale losses of biodiversity. The limiting factor for achieving this is not, however,that nature does not have rights, or other basic flaws in our legal system, but the lack of public support for a radical change, and the necessary political will. I cannot think of any reform that lies beyond the present institutional or legal scope of the EU. Environmental and social reforms require decisions through political process, and until the necessary shifts in public attitudes or values occur, the fundamental direction of society will not change.

### 1NC Solvency Answers

#### Ecuador and Bolivia prove that rights for nature fails

Erin L. O’Donnell 18, Senior Fellow at Melbourne Law School; and Julia Talbot-Jones, Visiting Fellow at the Australian National University, 2018, “Creating legal rights for rivers: lessons from Australia, New Zealand, and India,” Ecology and Society, Vol. 23, No. 1

Further, legal rights are only worth having if they can be enforced. To enforce legal rights for a river, several practical factors must be accounted for. First, an individual or organization must be appointed to act on a river’s behalf, to uphold the rights of, and speak for nature (Croley 1998, Stone 2010). Second, capacity in the forms of time, money, and expertise may need to be made available so that the rights of the river can be upheld in court. And third, river representatives and funding sources are likely to need some form of independence from state and national governments, as well as sufficient real-world power to take action, particularly if such action is politically controversial (O’Donnell 2012).

Historically, these factors have been absent in cases where legal rights have been granted to nature and, as a result, legal rights for nature have been difficult to enforce (Whittemore 2011). For instance, in the examples of Ecuador and Bolivia, few cases have been successfully upheld and even when the rights have been recognized in court, local actors responsible for enforcement have lacked capacity to translate the legal decision into effective outcomes on the ground (Daly 2012).

### 1NC Solvency Answers

#### Human guardianship for nature doesn’t work

Julien Betaille 19, Associate Professor of Public Law, University of Toulouse Capitole, 3/27/2019, “Rights of Nature: Why it Might Not Save the Entire World,” Journal for European Environmental & Planning Law, Vol. 16, No. 1, https://brill.com/view/journals/jeep/16/1/article-p35\_35.xml#affiliation0

Against this backdrop, one should be more cautious before speaking about a legal “revolution” when discussing RoN. As Dinah Shelton held:

“Environmentalists may be concerned that inevitably the legal personhood of nature will have to be defended by humans. If these humans are appointed by the government, environmental concerns may not always be paramount. Any guardians will have responsibility for developing a management plan and deciding on what particular activities should be permitted. In theory, environmental agencies already undertake these responsibilities in respect to public lands and protected areas”.61

However, the critique goes deeper. One might even submit that the substantive norms put forward by RoN do not differ substantially from the protection schemes set out by modern environmental law.

### Economy Extension – Economy Good Now (Uniqueness)

#### Stimulus funds and other government intervention ensured COVID didn’t undermine the economy – but it’s fragile enough that a new shock could

Lynch 21 [David J. Lynch Washington, D.C. Financial writer covering trade and globalization Washington Post, 6-11-2021, "Rising prices in the U.S. could rattle other countries amid uneven global recovery," <https://www.washingtonpost.com/us-policy/2021/06/11/inflation-fed-biden-recovery/>] 6/13/2021

U.S. leaders stumbled in their initial pandemic response. But they did flood the economy with several trillion dollars, powering through the worst of the health scare and quickly resuming growth.

Europe provided less direct relief to its citizens and has seen weaker results. By the end of June, U.S. output should be slightly above its pre-pandemic level while the European Union will still be about 4 percent below its starting point, said Sheets.

Still, the U.S. rebound has been anything but smooth. Labor market progress has disappointed and an uneven reopening has led to widespread shortages, including of semiconductors, resin, ketchup and lumber.

Those supply-chain headaches are going global. An increasing number of countries are suffering supply disruptions, shipping problems and delivery delays, forcing companies to raise prices to compensate, said Robin Brooks, chief economist for the Institute of International Finance, an industry group.

“The world has never seen the kind of global supply disruptions we are seeing now,” Brooks wrote this week.

The Federal Reserve insists that May’s 5 percent annual inflation reading — the highest since August 2008 — represents a temporary fever. The supply of goods will improve as more companies resume normal operations while consumer demand will ease as government stimulus payments taper off, it says.

### Economy Extension – Aff Collapses the Economy (Link)

#### Nature rights would cause massive harm to the economy

Wesley J. Smith 14, senior fellow at the Discovery Institute’s Center on Human Exceptionalism, “The “Nature Rights” War on Humans,” https://www.nationalreview.com/human-exceptionalism/nature-rights-war-humans-wesley-j-smith/

Scream it from the rooftops! Copy the column I will quote below and send it far and wide. Tweet. Facebook. Tell your mother. The Nature Rights Movement wants to destroy human prosperity. I have been feeling very lonely in my years of warning about nature rights. Most people just roll their eyes. Not Suzanne Webel, at least not any longer. She lives in the Boulder area, which, as she points out, has very strong environmental protections already in place. But some environmentalists want a rights of nature law passed, and she was appointed to a task force for to see if the request could be accommodated.Webel found the experience a real eye-opener. She lists the nature rightists’ demands in her column, “Just Say No to the Rights of Nature,” published in the Daily Camera:

1) “Eliminate the authority of a property owner to destroy, or cause substantial harm to, natural communities and ecosystems. Me: Nature rights is Marxist in its intentions. This would essentially destroy the rights of private property.

2) Accord “inherent, inalienable, and fundamental rights of Nature to all Natural Beings” including humans and “all living species of plants, animals, and algae”

Me: Humans are just another virus in the forest.

3) Include a Statement of Law that “All Natural beings, Natural Communities and Ecosystems possess the inalienable right to exist, flourish, regenerate, and evolve”

Me: A right to life for nature would stop human enterprise and resource development in its tracks.

4) Declare that “The Precautionary Principle Is Needed To Protect These Rights”

Me: The PP assumes that if something even has the slightest, hypothetical chance of going wrong, it must not be done. Another way to stop humans from engaging in enterprises and resource development.

5) Find that “It shall be unlawful for any person, government entity, corporation (etc) to intentionally or recklessly violate the rights of Natural Beings, Natural Communities or Ecosystems

Me: This comes close to a law of ecocide that would criminalize development.

6) Enforce “Damages” measured by the cost of restoring the Natural Community or Ecosystem to its [original] state before the injury.

Notice that there need be no pollution. Requiring any user of nature to restore it to its original condition is intended to chill any uses of nature

Webel nails the war on humans these environmentalists are waging:

The proposed “Rights of Nature Ordinance” would have enormous detrimental implications for all public and private lands, agriculture, medicine, backyard gardens, animal ownership, public land access and trail use, property rights and many other existing rights of Boulder County residents. It would create unimaginable social and legal nightmares for all of us.

### Economy Extension – Aff Collapses the Economy (Link)

#### Lawsuits from the plan will wreck small business and government budgets

Caroline McDonough 19, J.D. Candidate, Villanova Charles Widger School of Law, 2019, “COMMENT: WILL THE RIVER EVER GET A CHANCE TO SPEAK? STANDING UP FOR THE LEGAL RIGHTS OF NATURE,” Villanova Environmental Law Journal, 31 Vill. Envtl. L.J. 143

Among the most sympathetic opponents of the legal rights of nature movement are individuals and small businesses who claim they will be susceptible to copious lawsuits threatening their livelihood. 151In Toledo, Ohio, owners of farms surrounding Lake Erie argue lawsuits brought on behalf of the Lake to stop agricultural runoff could put the farms out of business. 152 These small businesses [\*161] are backed by the Ohio Farm Bureau, who contend agricultural runoff problems must be solved scientifically and with the help of those experienced in best farming practices. 153The Farm Bureau argues that this bill will have the power to change farming practices based on public votes and may subject businesses who abide by all current laws to expense-draining lawsuits. 154Public officials have also found themselves in a difficult position, torn between the desire to support environmental change and the practical realities of a potentially massive increase in legislation. 155Officials in Toledo worry that public opposition to the bill will make them "appear to support polluting the lake." 156These officials share the same concerns that the passage of this bill may cost the city thousands in legal fees and "would most likely drain city finances." 157

### Economy Extension – Economic Collapse Bad (Impact)

#### Economic collapse will cause global war

**Tonnesson 15** (Research Professor, Peace Research Institute Oslo; Leader of East Asia Peace program, Uppsala University, 2015, “Deterrence, interdependence and Sino–US peace,” International Area Studies Review, Vol. 18, No. 3, p. 297-311)

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may **both inhibit and drive conflict** are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among interdependent states that in turn **increase the risk of military conflict** (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately **refuse to be deterred by** either **nuclear arms** or prospects of socioeconomic calamities. Such a dangerous shift could happen **abruptly**, i.e. under the instigation of actions by a third party – or against a third party. Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that **changes in the world economy** alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. **Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war**, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

### Answer to “Moral Obligation”

#### Preventing war and preserving existence comes before moral obligations

Michelis 17 Angela Michelis has been qualified as Associate Professor or Professor of II level in Moral Philosophy in Italian University since 2014, 2017, “The roots of human responsibility,” April, pp. 302-305 Accessed 07/03/2018

The common elements making both phenomena paradigmatic and original are retraceable, according to Jonas, through the concepts of “totality”, “continuity” and “future” in relation to the existence and happiness of human beings. Human beings, like all other living beings, are ends in themselves; however, only human beings are able to carry out strategies which safeguard their being ends in themselves. Therefore, their very capacity for action implies an objective obligation in the form of external responsibility. For these reasons they can be defined as moral beings; that is, as capable of carrying out morally responsible or morally irresponsible behaviours33. Jonas reaffirms in any case that the archetype of every responsibility is that of human beings for human beings, in which the subject-object connection in the relationship of responsibility is irrefutable, and through this the responsibility for every living thing becomes clear. The totality of responsibility may be characterized by the paradigmatic examples of parents and of the statesman, which combine as the opposite poles of the greatest particularity and the greatest generality. In particular, the educational sphere demonstrates how the responsibility of parents and of the State are related, and how the private and public spheres integrate reciprocally, encompassing all aspects of the life of human beings. As Jonas describes, the education of the child includes socialization, beginning with speech and progressing with the transmission of the entire code of societal convictions and norms, through whose appropriation the individual becomes a member of the wider community. The private opens itself essentially to the public and includes it in its own completeness as belonging to the being of the person. In other words, the ‘citizen’ is an immanent aim of education, thus a part of parental responsibility, and this not only by force of the state’s enjoining it. From the other side, just as the parents educate their children ‘for the state’ (if for much more as well), so does the state assume responsibility for the education of the young. The earliest phase is left in most societies to the home, but everything after that comes under the supervision, regulation, and aid of the state – so that one can speak of a public ‘educational policy’.34 The continuity of responsibility depends on its own very nature since, for example, neither the care of parents nor the care of the government can cease, as they must respond to the ever new needs of life, which is rooted in the past and moves towards the future. Of course, political responsibility is greater in both temporal directions in relation to the greater duration of the historical community with respect to individual existence. Responsibility is projected beyond the present and today’s care into the future, despite life’s unpredictability; therefore, responsibility must have the function of making possible more than determining the present. Jonas writes: The object’s self-owned futurity is the truest futural aspect of the responsibility, which thus makes itself the guardian of the very source of that irksome unpredictability in the fruits of its labors. Its highest fulfillment, which it must be able to dare, is its abdication before the right of the never anticipated, which emerges as the outcome of its care […] In the light of such self-transcending width, it becomes apparent that responsibility as such is nothing else but the moral complement to the ontological constitution of our temporality35. Thus, every total responsibility, such as that of a parent or that of statesman or stateswoman – beyond its specific and important duties – is always also the preservation of the future possibility of responsible actions and of politics itself. Jonas affirms that by means of the difficult journey through the various regions of responsibility, he also found the answer to the question that at the beginning seemed to represent “the critical point of moral theory”: how to transform the will into the “ought”. The transition is mediated by the phenomenon of power in its uniquely human sense, in which causal force joins with knowledge and freedom. [...] Only in man is power emancipated from the whole through knowledge and arbitrary will and only in man can it become fatal to him and to itself, his capacity is his fate, and it increasingly becomes the general fate. In him, therefore, and in him alone, there arises out of the willing itself the ‘ought’ as the self-control of his consciously exercised power36. Human beings, as an epiphenomenon of nature capable of determining for itself the aims of actions and to carry them out autonomously, have reached even within nature the point at which their own self-destruction is possible. This imposes upon them the duty to pay special attention to not destroying, through irresponsible use, what exists, what has come about, and all the other living things, which are somehow in their power. Therefore, it is clear that, at the present time, human power not only requires the union of will and obligation, but also undeniably places responsibility at the centre of morality. Ethics and politics are necessarily interwoven, and Hans Jonas – in a situation where survival is threatened, of emergency, owing to the exponential development of technological power, and in the conviction that human beings cannot adapt themselves to everything – declares: “For the moment, all work on the ‘true’ man must stand back behind the bare saving of its precondition, namely, the existence of mankind in a sufficient natural environment” Responsible politics turns towards the future with the consciousness that it must guarantee the very possibility of responsible action and the existence of future generations, as well as the right to life of the world. It urges a limitation of technological development and the pursuit of a moderate and equitable use of resources. Philosophy itself has the task of watching over what fundamentally cannot be renounced, and indicating and motivating the understandable and agreeable reasons – in the broad, Aristotelian sense of the term – for political movement towards great renunciations out of respect and responsibility for life, which is a free gift, like the earth which we inhabit and the sky above us. In concluding his reflection on the theory of responsibility, Jonas reaffirms that the place of responsibility is the being immersed in becoming, subject to transiency and corruption, for which this theory turns to beings not sub specie aeternitas but sub specie temporis, in a vulnerability which makes their loss constantly possible at every instant, and where responsibility itself contributes to their continuum. In late modernity we can discover some positive courses: a) the exit from a subjectivity which has become a devourer and has collapsed upon itself; b) the recognition of the self-affirmation of being, who is given a way to participate in nature and in its children; and c) the respect of this as a given, regardless of our will, of our knowledge and of our power – respect which in the final analysis is respect and responsibility for life in and beyond ourselves. These phenomena can constitute the rediscovered common denominator in order to renew the possibility of dialogue among human beings: with themselves, with others, and with the world they encounter. Accepting with humility and honesty the self-affirmation of being is the first and also the ultimate key to opening the door to a new beginning, based on faith in the radical positivity of what we are.

### Extension - Advantage Answers

#### Species are resilient

Peter Kareiva 12, Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al., 2012, “Conservation in the Anthropocene,” http://thebreakthrough.org/index.php/journal/past-issues/issue-2/conservation-in-the-anthropocene/

But ecologists and conservationists have grossly overstated the fragility of nature, frequently arguing that once an ecosystem is altered, it is gone forever. Some ecologists suggest that if a single species is lost, a whole ecosystem will be in danger of collapse, and that if too much biodiversity is lost, spaceship Earth will start to come apart. Everything, from the expansion of agriculture to rainforest destruction to changing waterways, has been painted as a threat to the delicate inner-workings of our planetary ecosystem.The fragility trope dates back, at least, to Rachel Carson, who wrote plaintively in Silent Spring of the delicate web of life and warned that perturbing the intricate balance of nature could have disastrous consequences.22 Al Gore made a similar argument in his 1992 book, Earth in the Balance.23 And the 2005 Millennium Ecosystem Assessment warned darkly that, while the expansion of agriculture and other forms of development have been overwhelmingly positive for the world's poor, ecosystem degradation was simultaneously putting systems in jeopardy of collapse.24

The trouble for conservation is that the data simply do not support the idea of a fragile nature at risk of collapse. Ecologists now know that the disappearance of one species does not necessarily lead to the extinction of any others, much less all others in the same ecosystem. In many circumstances, the demise of formerly abundant species can be inconsequential to ecosystem function. The American chestnut, once a dominant tree in eastern North America, has been extinguished by a foreign disease, yet the forest ecosystem is surprisingly unaffected. The passenger pigeon, once so abundant that its flocks darkened the sky, went extinct, along with countless other species from the Steller's sea cow to the dodo, with no catastrophic or even measurable effects.

These stories of resilience are not isolated examples -- a thorough review of the scientific literature identified 240 studies of ecosystems following major disturbances such as deforestation, mining, oil spills, and other types of pollution. The abundance of plant and animal species as well as other measures of ecosystem function recovered, at least partially, in 173 (72 percent) of these studies.25

While global forest cover is continuing to decline, it is rising in the Northern Hemisphere, where "nature" is returning to former agricultural lands.26 Something similar is likely to occur in the Southern Hemisphere, after poor countries achieve a similar level of economic development. A 2010 report concluded that rainforests that have grown back over abandoned agricultural land had 40 to 70 percent of the species of the original forests.27 Even Indonesian orangutans, which were widely thought to be able to survive only in pristine forests, have been found in surprising numbers in oil palm plantations and degraded lands.28

Nature is so resilient that it can recover rapidly from even the most powerful human disturbances. Around the Chernobyl nuclear facility, which melted down in 1986, wildlife is thriving, despite the high levels of radiation.29 In the Bikini Atoll, the site of multiple nuclear bomb tests, including the 1954 hydrogen bomb test that boiled the water in the area, the number of coral species has actually increased relative to before the explosions.30 More recently, the massive 2010 oil spill in the Gulf of Mexico was degraded and consumed by bacteria at a remarkably fast rate.31

### Extension - Advantage Answers

#### Technology advance means aren’t as reliant on the environment or at risk from environmental decline

John Asafu-Adjaye 15, associate professor of economics at the University of Queensland, et al., April 2015, “An Ecomodernist Manifesto,” http://www.ecomodernism.org/s/An-Ecomodernist-Manifesto.pdf

At the same time, human flourishing has taken a serious toll on natural, nonhuman environments and wildlife. Humans use about half of the planet’s ice-free land, mostly for pasture, crops, and production forestry. Of the land once covered by forests, 20 percent has been converted to human use. Populations of many mammals, amphibians, and birds have declined by more than 50 percent in the past 40 years alone. More than 100 species from those groups went extinct in the 20th century, and about 785 since 1500. As we write, only four northern white rhinos are confirmed to exist.¶ Given that humans are completely dependent on the living biosphere, how is it possible that people are doing so much damage to natural systems without doing more harm to themselves?The role that technology plays in reducing humanity’s dependence on nature explains this paradox. Human technologies, from those that first enabled agriculture to replace hunting and gathering, to those that drive today’s globalized economy, have made humans less reliant upon the many ecosystems that once provided their only sustenance, even as those same ecosystems have often been left deeply damaged. Despite frequent assertions starting in the 1970s of fundamental “limits to growth,” there is still remarkably little evidence that human population and economic expansion will outstrip the capacity to grow food or procure critical material resources in the foreseeable future.¶ Human use of many other resources is similarly peaking. The amount of water needed for the average diet has declined by nearly 25 percent over the past half-century. Nitrogen pollution continues to cause eutrophication and large dead zones in places like the Gulf of Mexico. While the total amount of nitrogen pollution is rising, the amount used per unit of production has declined significantly in developed nations.¶ Indeed, in contradiction to the often-expressed fear of infinite growth colliding with a finite planet, demand for many material goods may be saturating as societies grow wealthier. Meat consumption, for instance, has peaked in many wealthy nations and has shifted away from beef toward protein sources that are less land intensive. As demand for material goods is met, developed economies see higher levels of spending directed to materially less-intensive service and knowledge sectors, which account for an increasing share of economic activity. This dynamic might be even more pronounced in today’s developing economies, which may benefit from being late adopters of resource-efficient technologies. Taken together, these trends mean that the total human impact on the environment, including land-use change, overexploitation, and pollution, can peak and decline this century. By understanding and promoting these emergent processes, humans have the opportunity to re-wild and re-green the Earth — even as developing countries achieve modern living standards, and material poverty ends.

### Extension - Solvency Answers

#### RoN (Rights of Nature) is expanding now but it can't save the planet

**Betaille 19 –** [Dr. Julien Betaille, Associate Professor of Law at the University of Toulouse Capitole; "Rights of Nature: why it might not save the entire world?"; Journal for European Environmental & Planning Law; 27 Mar 2019; <http://publications.ut-capitole.fr/42307/1/PUBLI-RON-J.Btaille.pdf/>; mc]

Before starting to argue, two more warning remarks are necessary. First, the scope of this reflection is limited to the framework of our European legal culture. This is the views of a western scholar, accustomed with Environmental Law within the EU, notably in France. Therefore, it is obvious that those views are too narrow. Second, there are no reasons for our views to be very original. Indeed, the RoN’s critic has already been done a long time ago14. However, its comeback since 2008 might justify reconsidering it. Indeed, following RoN’s expansion around the globe, voices are rising to promote it, even in the European Union where the legal protection of the environment is quite sophisticated. Moreover, the arrival of RoN in positive law is displacing the debate from the philosophical ground to the legal one. This is the ground where Christopher Stone itself played in 1972, this is the only one where legal scholars can play. Therefore, we argue that RoN are **not a legal revolution** and **will not save the world**. It is rather a legal trend – not so much opposed to Environmental Law – which is not fundamentally changing the nature of legal issues concerning legal norms’ effectiveness. For those who wants to **save the planet** by using Law, it **will take more than recognizing RoN** all around the globe.

### Extension - Solvency Answers

#### The aff is not different enough from current environmental law to solve

Julien Bétaille 19, Associate Professor of Public Law, University of Toulouse Capitole, 3/27/2019, “Rights of Nature: Why it Might Not Save the Entire World,” Journal for European Environmental & Planning Law, Vol. 16, No. 1, <https://brill.com/view/journals/jeep/16/1/article-p35_35.xml#affiliation0>

\*RoN = Rights of Nature

The main thesis of this paper is that RoN will not do away with the main shortcoming of modern environmental law, being the lack of proper enforcement. It is opined that merely acknowledging nature’s rights into legislation will in itself not lead to a better protection of the eu’s endangered nature if not complemented with a clear commitment for more strict enforcement. The added value of RoN needs to be measured against the three main assumptions upon which it is based. In this respect, it is important to underline that a revision of modern environmental law could, in itself, come forward to many of the prevailing criticism upon which RoN are based. In this article, it is substantiated that modern environmental law is able to recognize the intrinsic value of Nature (1), second, that acknowledging RoN is not necessarily to be equated to a “legal revolution” (2) and, third, that RoN might not live to its promise regarding saving the world (3).

Environmental Law Revisited: Reinforcing the Intrinsic Value of Nature?

The first assumption underlying the RoN’s theory is that environmental law is too anthropocentric to take into account the intrinsic value of nature, whereas RoN would be more suitable to carry out the task of reasserting this intrinsic value. In other words, RoN is founded upon the assumption that even modern environmental law is not equipped to fully protect the intrinsic value of nature. This is a poignant point of departure. Often, RoN advocates submit that modern environmental law is the result of Cartesian philosophy, reproducing the renowned Nature/Culture dualism. Accordingly, environmental law would explicitly acknowledge that mankind is to be framed as the “master” of nature. For instance, pursuant to current property law nature is to be treated an object. In contrast, however, RoN is often linked to ecocentric philosophy and therefore is more inclined to approach nature as a subject of rights. However, this dichotomy, while attractive from a philosophical point of view, renders an objective legal critique of RoN challenging at best.

In my view, RoN supporters attach too much weight the above-depicted distinction. Indeed, it is possible to argue that modern environmental law is less anthropocentric than it used to be (2.1), that property rights can be limited in light of environmental interests (2.2) and that modern environmental law protects the intrinsic value of Nature (2.3), which recently has led to the recognition of “pure” ecological harm in several legal instruments (2.4). Moreover, on the procedural ground, access to justice has been broadened in environmental cases (2.5) and the burden of proof is no longer an insurmountable hurdle in legal cases (2.6).

### Extension - Solvency Answers

#### Conflicting laws and underenforcement make rights of nature fail

Julien Bétaille 19, Associate Professor of Public Law, University of Toulouse Capitole, 3/27/2019, “Rights of Nature: Why it Might Not Save the Entire World,” Journal for European Environmental & Planning Law, Vol. 16, No. 1, https://brill.com/view/journals/jeep/16/1/article-p35\_35.xml#affiliation0

4.2 Effectiveness, or a Lack Thereof, after All?

Whereas it remains relatively easy to posit that modern environmental law is failing to reach its objective, the track-record of RoN is not much better. The first empirical studies regarding the effectiveness of RoN in countries, such as Ecuador and Bolivia, clearly reveal the myriad of limitations to be faced in this respect. For example, some authors have concluded that “Ecuador’s (RoN) amendments are more likely to have an impact if Ecuador implements structural and procedural changes”.76 This should come as no surprise. Simply granting legal personhood to nature will not make a big difference when it is not supplemented with structural changes. For one, even when everybody can act as a guardian when nature’s rights are encroached upon, nature will still disappear if no-one is effectively willing to take manifest violations before court. Even when nature’s rights are explicitly protected in a constitution, other provisions in the same constitution might still prioritize economic development and lead to ongoing environmental destruction. In fact, most of it is linked to what Herbert Hart named “secondary norms”.77

Whereas primary norms prescribe human beings to perform or abstain from certain behaviors, secondary norms ensure that new primary rules are enforced whenever cases of non-compliance arise. In other words, simply endowing substantive rights upon nature might matter little if not accompanied by strict enforcement commitments. Of course, one might admit that whenever RoN are included in the primary norms, this might ultimately also influence the legislator when enacting secondary norms. In other words, implementing RoN in primary norms might ultimately also trickle down in the body of secondary norms, which might be more centered on ensuring a better enforcement of the existing rights.

Be that as it may, we always end up with the “effectiveness challenge” when contemplating new environmental norms. Even if all countries would immediately decide to implement RoN into their legislation, there exists no guarantee that the environmental decline would be cured. One might submit that ensuring effectiveness has little to do with the legal nature of the obligation towards nature. To put it bluntly: opting for a RoN approach might inflict additional harm the environment if not properly enforced, especially when measured up against modern environmental statutes which are properly applied in the field. It is well-known that both legal and extra-legal factors are to be addressed in order to ensure proper compliance with environmental norms. And thus, if RoN advocates are really serious about “saving the world”, they ought to invest all their time and efforts in finding solutions for the multitude of challenges when it comes to compliance. In this regard, the focus should be on the following items: coherent legislation, strict sanctions, tackling corruption, impartiality of public authorities and judges, administrative inertia, regulators’ capture, access to justice, judges’ interpretation, execution of judicial decisions, etc.78

### Extension - Solvency Answers

#### US action on the environment doesn’t cause global action

Caroline McDonough 19, J.D. Candidate, Villanova Charles Widger School of Law, 2019, “COMMENT: WILL THE RIVER EVER GET A CHANCE TO SPEAK? STANDING UP FOR THE LEGAL RIGHTS OF NATURE,” Villanova Environmental Law Journal, 31 Vill. Envtl. L.J. 143

Support for this legal "rights of nature" movement gained an impressive foothold in foreign countries and continues to make small strides in the United States as well. 6The movement seeks to confer legal rights, or "legal personhood," onto nature in order to bring a claim against governments or individuals who harm the environment. 7Around the world, ecosystem organizations most commonly [\*144] attempt to secure legal rights for rivers and other bodies of water. 8

The highest-profile domestic attempt to secure legal rights for the environment was filed on behalf of the Colorado River in 2017. 9Although this litigation was stopped in its tracks, the case is emblematic of more successful litigation and regulations that secured legal rights for nature around the country, albeit on a smaller scale. 10State and town governments in Ohio, Pennsylvania, and New Hampshire have previously contemplated, or are currently contemplating, enacting laws that would grant legal rights to local ecosystems. 11

While the movement in the United States has progressed slowly, it has enjoyed markedly more success internationally. 12Almost fifteen years ago, Ecuador drafted a new national constitution explicitly providing legal rights for nature, or "Pachamama." 13Permitting "all persons, communities, peoples and nations [to] call upon public authorities to enforce the rights of nature," Ecuador's constitutional provision has been incorporated into the country's criminal and environmental codes to protect the right of nature. 14

In another noteworthy case, the New Zealand government granted legal rights to the Whanganui River in order to resolve a long-standing property dispute with the Maori Tribe. 15New Zealand's recognition of the river as a living entity explicitly articulated the rights it possessed. 16Despite the progress in both Ecuador and [\*145] New Zealand functioning as a model for countries around the world who seek to accomplish the same goals, headway in the United States has failed to rise above the grassroots level and remains an open-ended question in the courts.