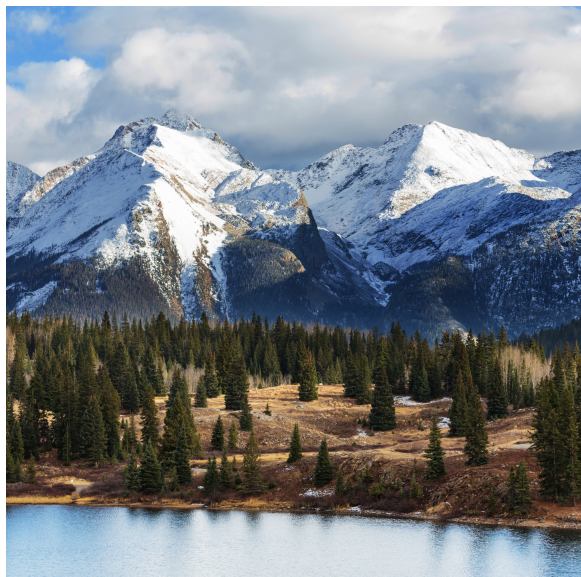


Beyond the Rights of Nature: Land that Owns Itself

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Ariana Brocious: I'm Ariana Brocious.

Kousha Navidar: I'm Kousha Navidar.

Ariana Brocious: And this is Climate One.

Ariana Brocious: A couple years ago, we had a Climate One episode exploring a concept known as the rights of nature. The basic idea is that if a corporation can have legal standing as a person, why can't a river or a mountain?

Kousha Navidar: It's both a radical idea, and an ancient way of thinking about our place on earth as humans. Essentially, rejecting the dominant view that land and natural resources are there to be owned and exploited.

Ariana Brocious: The rights of nature as a legal framework has been around for a few decades, but examples of ecosystems being granted actual legal rights are still rare.

Kousha Navidar: And yet, a few countries, like Ecuador, Bolivia and Uganda, have started to add language into their national laws or constitutions about the inherent rights of nature.

Ariana Brocious: Thomas Linzey, one of the first attorneys to put the idea into practice, now believes the structure he created doesn't go far enough: Even when ecosystems are granted rights, the land is still owned. And he's raising the question: What if land could own itself?

Kousha Navidar: Like I said before, it's a radical idea. - and yet, maybe not. Linzey serves as senior legal counsel for the Center for Democratic and Environmental Rights and is the co-founder of the

Community Environmental Legal Defense Fund.

Ariana Brocious: My conversation with him really gave me a lot to think about. He has strong views about how broken our current system of environmental law is – and how he got to the place of thinking it's time to upend that system.

Ariana Brocious: Our country and others have had environmental protection laws on the books for decades. How did you come to the conclusion that there's something wrong or lacking with conventional environmental law?

Thomas Linzey: Yeah, so 30 years ago as a bright-eyed and bushy-tailed, recent graduate of law school, we created our own nonprofit law firm to provide free legal services to conservation-oriented community groups. So think neighborhood organizations fighting things like fracking for natural gas or factory farms for these large livestock operations, large-scale water withdrawals by companies like Nestle Corporation. Groups that normally don't have legal counsel under our system because it's so expensive to get legal counsel to try to stop these things, You know, there's only 200 full-time public interest environmental lawyers in the United States today. So finding an environmental lawyer is a difficult thing to do. We thought we would solve part of that problem of not enough lawyers by creating a nonprofit law firm to provide these legal services for free. And as you can imagine, when you say for free, you know, people line up around the corner, and our phone was ringing off the hook, and eventually we were representing over 60 different community organizations in rural Pennsylvania, which is where I went to law school and where we got our start. And most of those calls were all the same. We would get a phone call from a group. They would say, "We have this proposed project coming in. It's gonna threaten our air, our water, you know, our community economy, and we don't want this thing here." And we would say, "Okay, we're with you. The first step is to challenge the permit that's been issued to the project." 'Cause in most of these places, you know, you have state government, and they issue a permit to the corporation that wants to carry out the project. And what conventional environmental laws look like over the past 40 years has been people sitting in windowless rooms reviewing permit applications that have been submitted by these corporations and trying to find mistakes that the corporation's made or something that they've left out or a signature that wasn't on a page or a water study that hasn't been done, and then walking into court and arguing to a judge that, the company hasn't complied with the regulations and therefore something's missing and therefore the permit shouldn't have been issued.

That's kind of the way environmental law is practiced today. And we would find a lot of those gaps, omissions, and deficiencies in those permit applications because corporations are generally pretty sloppy with them because 90% of permits in the US are never appealed simply because of lack of resources by the community group. And so we would have these wins. You know, the judge would say, "You're right. It's missing a signature. I'm gonna overturn this thing." And then the community group would have us back at their house for a victory party. We'd have some beer and wine, and people would say things like, "The system worked." But as anybody involved in this work knows, six months later, the corporation would simply come back, and they would fill in the gaps, omissions, and deficiencies. And in fact, it got to a point where I had some of the lawyers from some of the biggest law firms in the United States representing some of the biggest corporations, like Waste Management Corporation, for example, come to me after the hearing and thank me for actually finding the gaps, omissions, and deficiencies on the permit application.

Ariana Brocious: Oh geez.

Thomas Linzey: Because then they could bill more hours to the corporation to simply fill out a better permit application and eventually the project would be permitted and sited. I was reminded by someone at that point in time that he said, "They're not called permits for nothing." They actually

permit something to happen, something that might otherwise be illegal, but it's the actual governmental process that's issuing those permits to those communities.

Ariana Brocious: So would you say that the Clean Air Act, Clean Water Act haven't meaningfully cleaned up our air and water in the last fifty years?

Thomas Linzey: You know, we say some pretty controversial things, but I think they're backed up by data, which is that we're worse off today than we were 40 years ago before the major environmental laws were passed in the United States. And sometimes I make that remark and somebody says, "Well, wait a minute. That's not true. Rivers don't catch on fire anymore." You know, we had that period of time where rivers, you know, the Cuyahoga in Ohio. And I'm like, well, if that's our metric, you know, if rivers you know, then we're, we're in pretty sad shape at this point. But when you really look at the Clean Air Act and the Clean Water Act and the Endangered Species Act and the National Environmental Policy Act, you find much less than meets the eye. Those environmental laws were passed under the authority of Congress, pursuant to the Commerce Clause of the Constitution. Congress was never given power to protect the environment or, for that matter, to protect organized labor or women's rights or those types of things. They have this power under the Commerce Clause. So when you read the Clean Water Act or the Clean Air Act, you're left less than enthralled with the thrust of the language which talks about maximizing America's economic productivity through having clean waterways. It comes at it from a completely different direction of economic production and growth. The fact is, is that the Clean Air Act and the Clean Water Act don't guarantee clean air and clean water for anyone, which is a misconception, I think, of those federal environmental laws.

Ariana Brocious: And that's really a travesty because on the other hand, they are the tools that people have at their disposal. And I'm thinking right now about a recent episode where we've been covering the impact of data centers on communities and, the most notable case, you know, these XAI plants in Memphis that are polluting already polluted air and operating without permits. And so that's been the basis of lawsuits filed against the company, is that they're in violation of the Clean Air Act. And then I'm hearing you say, "Yeah, but the Clean Air Act isn't even..." You know. But it, but it's what these communities have to try to do something.

Thomas Linzey: And so just on that question we do the community groups that are fighting these battles a disservice. We actually shove them like cattle into a chute down to this point where they get the bolt shot through their head 'cause most of these are losing fights. I mean, just be honest, and I fought them over the past 30 years side by side with these communities. The fact is is that when a community group arises and says, "We need to stop this particular project," the first call that they make usually is to an environmental organization that's been around for a while or an environmental lawyer, or worse yet, they call the state agency 'cause they see the state agency as having the power to do X, Y, and Z. And to a person, those entities all tell the group that they have no choice but to go through the permit regulatory process to appeal a permit. And so the environmental groups are almost as bad as the corporations proposing the projects. And it's a controversial thing to say, I understand, but I've learned that the hard way over the years is that the corporation wants the community to go down the permit regulatory chute because the corporation has predefined what that chute will produce.

The environmental groups come in and say, "We're here to help you. We have the experts. You know, we have the pro bono help and everything." But they fight within the same arena that the corporation has predefined for the fight to happen with the community organization. And it's no wonder, I think at this point after these 40 years of doing this work within the regulatory permit arena, that we're losing. We- we've lost badly. I mean, the statistics, we're in the sixth major extinction and climate change, you know, the warmest year on record. I mean, it's like we're all the

frogs in the pot, and we don't understand that we're boiling. And when somebody comes in and says, "Hey, the way to fight this is this because we have experience in fighting these," and then you go through the cattle chute, and at the bottom you come out with almost nothing at all except a better frack well or a factory farm that smells a little less, or a water withdrawal that takes 100,000 less gallons a year. That's not gonna get us to the end line. Those are ways to make projects a little better from a community perspective, but not a way to stop them. And the most controversial thing that we say is that there's never been an environmental movement in this country. Because movements themselves are about taking things that didn't have rights previously, like women in the 1840s, African Americans before the Civil War and still today, but shift them physically and forcibly from not having rights into being a place where they're treated as persons under the law rather than just as things.

So our communities are treated as things. They're resource colonies where corporations and industry generally come down, suck the marrow out of those communities, and then move on. And so taking communities from being property in essence or being a thing under law, which is kind of how they're treated now, to actually being rights-bearing entities or entities able to adopt local laws that ban or stop certain things and have that stick in the law. That's what a real movement would look like from an environmental movement perspective, but we've never had one.

Ariana Brocious: This is a very nice segue into the work you're doing now. So out of this frustration, you've championed a different framework known as the rights of nature. For someone who's unfamiliar with this phrase, what does it mean for a river or a forest to have legal rights?

Thomas Linzey: Yeah, so under our framework today, nature is generally treated as property, something to be owned, can be exploited. Basically, and this is just a generalization, but a property owner can do whatever they want to with their property. If they wanna make it into a giant airstrip, they can extinguish the ecosystems, lay down concrete, and turn it into a giant airstrip. That's how the law is set up today. And regulations, in other words, attempts to put protections into place for certain ecosystems, are actually seen as an infringement on the property rights of the owner.

Under the law, when we wanna protect something to the highest levels of protection in government that we have, something most important, we wanna protect it to the highest level, we turn to human rights. So human right to due process and equal protection, the things that are embedded in the Bill of Rights to the Constitution, we use rights-based protections to protect those things. So if we're dependent upon the natural environment, which of course we are for clean water and clean air and our own survival on this planet, the question is, why wouldn't we use the same tools to protect the natural environment, that rights-based kind of protections? And up until 2005, 2006, that was kind of unheard of, that anybody was talking about environmental protection in terms of rights for nature.

And then in 2006, an opportunity presented itself, which was a small community in Pennsylvania, named Tamaqua Borough, which is over near Philadelphia, was being faced with a dumping of toxic sludge and waste into the municipality. They have a bunch of open mine pits. They're a big mining community, and the brain-surgeon plan was to fill the open mine pits with this toxic waste that was being shipped in. And the community said, "We don't want it." And hired us to draft a law that would ban dumping of toxic material into the municipality. And then basically on a quirk, I suggested to them that it would be more powerful if not only the humans there had certain rights to defend, but that the waterways there which might be impacted by the toxic dumping would also have rights.

Ariana Brocious: How was that received? What did people think when you proposed this idea?

Thomas Linzey: Well, some people laughed. Other people, which were the communities, it began to make sense to them in a Machiavellian sense, which is that if you're trying to fight something off,

you don't want to rely on just your own human rights to do that. It adds another strategic level of waterways having rights. And I was there the night of the vote in which the borough council, the elected officials, tied three to three between passing the law, and then Chris Morrison, the mayor jumped in to break the tie, and it was an interesting moment. It was the first Western government in the world that had recognized nature, in this case waterways, as having rights. And the specific rights were very simple: right to exist, right to flourish, right to regenerate. But with an understanding that a lot of times, especially in Western Pennsylvania, other places where we've worked, that sometimes underground mining and those types of things completely de-water streams and rivers. So a right to life is very important, for a waterway. And that law is still on the books from 2006, and the project was eventually canceled.

Ariana Brocious: Well, that's a success for sure. I wanna ask a sort of detailed question, which is that, in this framing that these non-human entities have their own rights, we're still operating within a human-centered system of law, and so what are the parameters you use to define what is the ability to flourish?

Thomas Linzey: So people sometimes say, "Well, it's one thing to say nature has rights, but what does that mean in practice?" And in practice, it's meant these three, four, or five-page ordinances which actually spell those things out. So the other question that we get often is, "Well, who can defend these rights?" You know, a river can't walk into court to actually be a plaintiff, which is funny because they have. In these various cases, you have rivers as plaintiffs. You have wild rice as a plaintiff in Minnesota. You had salmon as a plaintiff in Washington State. So these ordinances provide that, any resident of the community, essentially, or sometimes a tribal government, sometimes a municipal government, depends on how the laws are written, can step into the shoes of an ecosystem to bring a case in the name of that ecosystem. And then in terms of standards, those are set by the ordinance itself, set by the local law. So flourish is actually defined as the ability to carry out historic processes carried out by rivers and streams. Goes into more detail than that, but what does exist mean?

What does regenerate mean? Some say free from pollution. What does that mean for a waterway to have a right to clean water? How is clean water defined? Surprisingly, some of these things are already defined in state law. So, for example, in the state of Florida, they define what clean water is. They just don't enforce it. And so, setting different standards and then allowing those standards to be enforced without governmental decision-making is a huge part of these rights of nature laws, which are starting to gain more speed both in the US and internationally.

Ariana Brocious: Right. So since the case you mentioned in 2006 in Pennsylvania, there've been a number of landmark rights of nature initiatives around the world. You've worked on some of these, what are some of the most significant successes?

Thomas Linzey: So certainly Ecuador, they're basically teaching the world how this is done. Uh, in 2008, we were called in to assist with the constitutional convention that was put together in Ecuador to write a new constitution. The reason why we were there is 'cause people had read about Tamaqua Borough two years before. So these are delegates in Ecuador sequestered on top of a mountain to write a constitution who had printouts of newspaper articles about what Tamaqua Borough had done in Pennsylvania, this small community of 6,000 people. And they wanted us to assist them to draft the language that would eventually go into the constitution. We did, after many fights with, a lot of people, including, uh, lawyers that had been hired by the constitutional convention who kept saying that nature couldn't have rights, wasn't capable of having rights. that national constitution was overwhelmingly ratified in 2008 by over 60% of the Ecuadorian public.

And since then, there have been a slew of cases, about two dozen cases, that have made their way

up to the highest courts in Ecuador, uh, in which a cloud forest has been a plaintiff, in which a river has been a plaintiff, basically trying to stop harmful activities, including mining permits in the cloud forest, for example.

And so the jurisprudence that has come out of Ecuador has been extremely important because it has normalized the conversation around rights of nature. It's taken it from being you know, radical land on the edge to being mainstream environmental law practice in Ecuador. In fact, so mainstream that other courts in Colombia, India, have picked up these concepts, and without any written laws in place in those countries, judges have borrowed the Ecuadorian legal principles and called them emerging principles of international law and applied them in cases to protect the Amazon or the Ganges.

Ariana Brocious: Coming up, an Indigenous guardian reflects on a major success: a mountain in Colorado is the first in the country to be granted legal ownership – of itself.

Crystal Wolfchild: And it really wasn't about us, it was like the mountain actually gets to be, you know, acknowledged as her own sovereign being.

Ariana Brocious: That's coming up, when Climate One continues.

Ariana Brocious: This is Climate One, I'm Ariana Brocious. Let's get back to my conversation with lawyer Thomas Linzey.

Ariana Brocious: So the Rights of Nature movement has deep indigenous roots. You present as white. How do you, as a white lawyer, navigate drawing on that tradition without appropriating it?

Thomas Linzey: We always talk about the first government to do this or the first government to do that, but those are the first Western governments to do these things. Rights of nature, this concept that nature is not property and can't be owned is, of course, an indigenous cosmovision that goes back many thousands of years.

So basically, it's just Western law growing up, maturing in some ways, that these indigenous legal principles are being torpedoed into a Western system of law, basically forcibly to say we that land ownership is, is kind of weird in itself, that folks landed here and then started drawing lines around things that had no connection to ecosystems or bioregions or whatsoever, and then we said, "You can own this," all that concept needs to kind of disappear, needs to be reversed out, and I think the rights of nature principles that are derived from that indigenous cosmovision are one of the vehicles that are gonna get us there. On a personal level about how do I work in tribal communities, it's important to understand, I think, when working in those communities that those tribal communities, they've been doing this for, you know, some of the individuals there have been doing it for decades. Our Tribal Rights of Nature program is headed by a guy named Frank Bibeau, and he's been litigating treaty rights for forty years. So these guys are the experts. We're just coming in in a support role to say, "Hey, we think this might be helpful in getting you where you need to go." The two seminal cases that have really come out of that partnership, were the White Earth Band of Ojibwe in Minnesota, one of the bands of the Chippewa Tribe, that passed a Rights of Wild Rice law and then enforced that law against Enbridge Line 3, the tar sands oil pipeline that was passing close to the reservation, saying that the state of Minnesota issued them a five billion gallon a day water permit to the corporation, that that was going to impact wild rice growing on the reservation. So that was one of the first seminal cases, and the second one was brought by the Sauk-Suiattle Tribe in Washington State with salmon as the plaintiff against the City of Seattle to force fish passage around

the three dams on the Skagit River that produce power to the City of Seattle. That case recently settled, and the City of Seattle agreed to put in fish passage to the tune of one billion dollars of investment over the next decade.

Ariana Brocious: Yeah. So recently you and the Center for Democratic and Environmental Rights have launched a program that goes beyond the rights of nature to land that owns itself. What's the distinction there?

Thomas Linzey: Yeah, for a lot of people when you say beyond rights of nature, their brain kinda blows up 'cause they're like, "What do you mean beyond?" It's like this, these rights of nature is far enough out there. But a couple years ago we were approached by landowners in Washington State and in Nova Scotia, who had land that they wanted to protect. They love the rights of nature work, but they had a tough conversation with us to say, "Rights of nature are great, but nature is still owned. You're not doing anything about the ownership part." So to draw a parallel back to African Americans in the 1840s, uh, before the Civil War, is that, you know, you could be a slave with certain rights, but you're still owned by a slave owner, and there are certain things that come with that ownership that are not reduced or eliminated by just having rights. You're still in that hierarchical relationship. And so the conversation with those landowners was, let's try to find a way to, divorce human ownership entirely and return ownership of a parcel of land to the ecosystems that exist and are dependent upon that land. And so, finding a way for the ecosystems themselves as non-human actors to come together in a legal vehicle that's capable of holding a deed.

And that's what we did. We brought the ecosystems together into what are called unincorporated associations, in which the associators are not humans, but non-human actors, these ecosystems. So think climate ecosystem or atmospheric ecosystem, the fungal ecosystem, the flora and the fauna, the soil ecosystem, the water ecosystem joining together in an entity that's legally capable of holding a deed. And then having guardians, because somebody has to sign contracts and make decisions about management and those types of things, but have guardians that are majority indigenous, who represent each of those ecosystems and then come together under a binding agreement to represent the best interests of those ecosystems in making decisions. First pilot project was in Washington State. It was completed two years ago. A two-acre forest now owns itself in northern Washington State. And then recently the coalition that's formed called Sacred Contract, of which we are a member organization, just completed a 30-acre mountain in Colorado. So that mountain now owns itself. The ecosystems are the ownership entities that actually hold the deed. And now we're getting calls from Australia, from the UK, from Costa Rica, from title holders in a bunch of other places who want to do it on the land that they currently own.

Ariana Brocious: Okay, so just to make sure I understand. In the case of a mountain, this mountain owns itself, or the ecosystems of that mountain are kind of unified in owning themselves. Let's say a company wants to come and mine on that mountain. How would that be navigated? The company puts forward a permit application, and then the guardian, but not owner of this mountain says, "That's not in the interests of the mountain, so no."

Thomas Linzey: Well, that's one way it would work, is that because ownership is held by the ecosystems, the guardians make decisions based on the best interests of the ecosystems, that the mining company would come to them and say, "Hey, we wanna mine this land. Would you sell it to us?" The land is unsellable. It's actually embedded into the legal agreements that create the construct that the property is no longer a property that can be sold.

That's another important piece of that. But your scenario actually plays out when a copper mine or another mine wants to mine next door on an adjacent piece of land that would have an impact on this land. And what's fascinating about this, as well as the Rights of Nature material, is that

technically when land has agency under these arrangements, it can begin to control land use outside of the immediate parcel that it owns. So suing to stop a project, whether it's GMO crops that are being grown that might have drift over onto the land or a mining project that might de-water streams and rivers on that particular parcel, it gives the land enough agency so that the land itself can begin to use these legal options to try to stop that which may harm the land itself, using the land's interest itself and its legal standing to do those actions.

Ariana Brocious: This is so interesting, you know, it's a real reframing, upending of how most Western societies have inhabited and colonized and exploited the lands that they live on for their own benefit. Now, we're creating our own bad feedback loops with the climate disruption that we've created. Still, many people are trying to kind of find a path out of that, that ultimately still comes down to using resources. I mean, the energy transition requires a lot of critical minerals, and those have to be mined. So how do you think about the best way to sort of navigate if, if we really wanna uphold this idea that ecosystems have inherent value and rights and self-ownership, but we need something from them?

Thomas Linzey: Well, the question is do we? We pretend that we live in a place where unlimited economic production is possible. That there's nothing that constrains us, yet we live in a finite planet. At some point, we have to actually physically come to grasp with that fact and do things like use less energy or less of this or less of that. We need to begin living within our own constraints. Unfortunately, the green energy stuff is not about living within our own constraints. It's about continuing to expand our energy use. When's the last time you heard a politician say we need to use less energy? Everybody's set on using more. They just can't agree on how we're going to actually get more. It's just a deep form of denial at the end of where everything collapses, I think.

It's like the body when it dies. You read the medical journals. The body when it dies, it pulls the oxygen out from underneath the fingernails to try to survive. And I think that's kinda what the human race is doing now, it's pulling out whatever it can from wherever it can as a means of a last gasp of coming to an understanding that we have to begin to limit ourselves, whether that's population, whether that's, you know, the energy we use, whether it's finding a different way to grow the food we eat so it's not putting two trillion pounds of livestock waste into the water each year. I mean, we have four billion pounds of toxic chemicals being discharged into the air each year. The magnitude of the stuff that we're doing is just horrendous. And so eventually we have to learn to live within our means, but we're, we're not there.

Our economic models are about that endless economic production is possible. That's, that's the logic of a cancer cell, So we can continue to try to scramble and, and make rationalizations for everything that we're doing, but at some point we just have to stop. We just have to stop.

Ariana Brocious: So ultimately, how do we get from the system that you see as broken to one that you think would work?

Thomas Linzey: So I think in the US it takes a revolt. It takes a revolt by several thousand communities who refuse to place their futures in the hands of state regulatory agencies or the federal government. And that sounds, you know, kind of edgy. But it's going to take a mass uprising of communities that are not satisfied with the legal options or remedies that they've been given or told that they have by the system, but instead begin to rise up and do this work anyway, and then build a new framework from that that actually recognizes their right to say no to a fossil fuel pipeline that's gonna exacerbate climate change, or a factory farm that comes in that cleans out their family farm-based local economy, or stopping a large-scale water withdrawal that's going to deplete their well water in their particular area. And that proof of concept has been done in different places. It just hasn't been done on a wide enough scale, but done in the right way with that kind of revolt,

changing the legal framework to actually give communities real governing authority, that's the way forward.

Ariana Brocious: Thomas Lindsey is Senior Legal Counsel at the Center for Democratic and Environmental Rights. Thank you for joining us and sharing all these really provocative and interesting concepts on Climate One.

Thomas Linzey: Thanks for having me.

Kousha Navidar: Thomas Linzey mentioned his work with the Sacred Contract Coalition in helping establish self-ownership rights for a 30-acre mountain in Colorado. An Indigenous-led guardianship council was established to take care of the Mountain's needs and uphold the Mountain's rights. There are five members, each of whom represents a different part of the ecosystem. I spoke with one of the guardians, Crystal Wolfchild, who represents earth and minerals.

Crystal Wolfchild: My name is Crystal Wolfchild, and I'm from Durango, Colorado. And my mother, Deluvina Romero, is from San Luis Valley. And we are of, um, Ute and Pueblo descent, as well as Spanish Mexican for many generations. My grandfather was a sheepherder, um, in the San Luis Valley. And my father is from Minnesota, and we're from the Dakota Nation, the Mdewakanton Dakota Nation.

Kousha Navidar: Wonderful. Let's talk about this special place in Colorado. Last year it became the first mountain to be legally recognized as owning itself, and I've been asked not to name the mountain in this interview out of respect for the privacy of the place. Is that the right way to say it?

Crystal Wolfchild: Yeah, in honor of the place and the space and the, um, town, and also the other guardians that live there. We just wanna right now really hold it as sacred and give it some space.

Kousha Navidar: Yeah, that makes sense. Uh, and I do wanna be respectful, and I'm hoping you could give me and our listeners a sense of the place. Like, what does it look like? What does it sound like? What does it smell like?

Crystal Wolfchild: Well, anyone who drives, um, in this very beautiful area of the San Luis Valley in Colorado, it's quite majestic, and it really is breathtaking, and it has definitely a presence. You're seeing these ginormous mountain peaks, you know, 14,000-foot peaks. And The Mountain is a lot smaller than that, um, but it does sit nestled amongst these really gorgeous mountain range, um, in this most beautiful valley. It's very sacred. When you, when you're driving in it, you're witnessing it when you're there, you feel, you feel it. It has a very, very distinct, beautiful presence.

Kousha Navidar: What is that feeling for you? When you say feeling, can you go into that?

Crystal Wolfchild: Yeah, I think like when I'm there, it's like, it's very breathtaking. Like, it really does also take your breath away, and it just, it's humbling and it's feels just like, yeah, like you can breathe and like reverence. You know? There's just this moment where you really feel very reverent, very humbled, and in awe of like the beauty of nature.

Kousha Navidar: What was your relationship with the land like when you were growing up?

Crystal Wolfchild: I've always had a deep, deep, deep connection with the earth. And, I was raised in Silverton, Colorado, so amongst big, beautiful mountains and peaks, and, it always felt like home to me. Even when I moved to Los Angeles, I had to... I lived in the valley 'cause there were, like, little, little mountains, little hills, that just feel very resonant to, to home, or at least some semblance of the earth and home. But yeah, so the mountain, Silverton, the earth, has always been such a

calling for me since I was a little child. And I think that, I've always just felt very deeply connected to, partially because of my upbringing as a Dakota woman and a caretaker of the earth, and like a protector, an earth protector in many, many ways. You know, I think that seed was planted when I was very young, in school and, you know, learning about the ozone and climate and how climate change is real and how we have to really, you know, be protectors of the earth.

Kousha Navidar: I remember learning about the ozone too in elementary school. It's like it's one of the only things I learned about that actually went well.

Crystal Wolfchild: Right. Right? Exactly.

Kousha Navidar: Uh, take me back to June of last year, 'cause that's when the mountain was granted self-ownership. And I'm wondering what that moment was like for you and your community.

Crystal Wolfchild: Yeah. well, the first, the first moments of really being introduced as a possibility to be a guardian of this mountain, it was extremely emotional. I just remember, like, almost couldn't find the words... Yeah, just lots of tears and, like, in the most, like reverent and, and sacred way. Just a, a deep honor to be really in this position, you know? Very humbling um, to be asked to be a guardian of the earth in such an official way. It was like a very momentous time to be gathered with the other four guardians and the Sacred Contract team. And it really wasn't about us, it was like the mountain actually gets to be, you know, acknowledged as her own sovereign being.

Kousha Navidar: You cried.

Crystal Wolfchild: Oh, yeah. Oh, yeah. Tears, lots of tears. Because humans are finally catching up to like what's real and true, that we are not owners of this earth and this land, and we can do with it what we will, but that we are, are really guardians of the land, that we are here to be caretakers of the land. And so it was like a huge relief and also so much celebration in, in my tears and in my emotions of, we're like graduating as, as humans. You know, we're, we're growing up, and we're stepping into this new way of living, but it's not that new because, you know, my ancestors, walked in this way with the earth, and we came from the earth, and we're connected to, but we were never owners of.

Kousha Navidar: You are one of five guardians.

Crystal Wolfchild: And I'm earth.

Kousha Navidar: You're representing earth and minerals?

Crystal Wolfchild: I'm representing earth and minerals.

Kousha Navidar: What does that mean? What is your role there?

Crystal Wolfchild: Well, for each one of us, I think we are deepening that relationship and that connection. I think that for each one of us, we're learning how to listen. and for me, What helps me is prayer, um, and meditation, daily. I like to get my feet into the earth. I do some other different practices in terms of giving back to the earth, and also, just like this deep listening and, or asking. And oftentimes I feel, I do feel things like in my physical body that help me discern, that communication.

Kousha Navidar: Cause I'm trying to wrap my head around what your role looks like compared to Animal or, or another guardian's purview. Is it fair to say that if there's a discussion about what's in the best interest of the mountain, or if you need to represent it in some way, your role is to think of

what is best from the perspective of earth and minerals in addition to the wider needs of the mountain? Is that kind of what, how you would describe your role in a functional way?

Crystal Wolfchild: Yeah, I would say that. I do think though that it is my specific role, right? Like, that's like my title, I guess. My name is connected to Earth and Mineral, but I think it's broader. I think we all are connected to, like, the mountain space, and we may have a different lens that we see through but we all are kind of as a collective, asking these questions. You know, what does the mountain need? And then we can kind of go deeper into that. But to be honest, it's such a new experience, and we're really trying not to get the ego mind involved, but a deeper relationship and listening to the mountain, right? And the first thing that came very clear between all of us was that the mountain needed to rest.

Kousha Navidar: Mm-hmm.

Crystal Wolfchild: and have nothing, like, like no human on that land. And there were, there was a time before that that we felt very clear we needed to clean the mountain. There was a space up on top where they had a lot of prayer flags. And so we, we went up with our families, and we cleaned the space and cut all of the debris off all of the trees of, of years and years and years, in a, in a very and reverent way to those prayers and those offerings, um, of those peoples that have walked that mountain before. But it is very clear that, that the mountain needed to be its own

Kousha Navidar: Mm-hmm.

Crystal Wolfchild: and be unobstructed or, you know, any ties to any, any human contact really. And so that's what we actually did was our first true action was that introduction in prayer and ceremony and introducing ourselves and who we are and what we're there for, and that cleaning and clearing of the space and letting her breathe.

Kousha Navidar: The parcel of land whose ownership has been transferred to itself, I would say it's relatively small. It's about 30 acres. It's small but mighty. But how do you think about its significance beyond those 30 acres?

Crystal Wolfchild: Well, it's a seed. And as we know about seeds, this is just the beginning.

Kousha Navidar: Mm-hmm.

Crystal Wolfchild: and there's been so much, and so many people have been really excited about this conversation that we're having. And I feel like it's a new way, um, for all of us to be in the world and be in relationship to the Earth, and also, in honoring and remembering who we are and our place on the planet, And that we really come from the Earth, and how do we see the Earth as actually having a voice and having its own expression and experience

Kousha Navidar: So then, let's talk about that seed growing, what that looks like. What are your hopes for how this model of landowning itself might spread?

Crystal Wolfchild: Well, there has been talks and people interested from, like, New Zealand and Australia and Europe. And so I love the idea that it's global, absolutely. And you know, we're at the beginning of this process, and I would love to see the majority of the Earth come home to herself.

Kousha Navidar: Crystal Wolfchild, guardian of the mountain. Thank you so much for hanging out with us and, and, and talking about your work. We really appreciate it.

Crystal Wolfchild: Thank you so much. Thanks for having me.

Kousha Navidar: Coming up, rethinking how we value the natural world:

Ramsey Taum: Our relationship with nature is one of accounting. What can I extract from it? What can I get from it with my return on investment rather than my return on integrity?

Kousha Navidar: That's up next, on Climate One.

Ariana Brocious: This is Climate One. I'm Ariana Brocious. Kumu Ramsey Taum knows a lot about being in relationship with nature. He's a Hawaiian leader with many skills and accolades who helps incorporate cultural, sustainability, and place-based values into contemporary business models. We talked about his views on the rights of nature.

Ariana Brocious: The title "Kumu" means teacher in Hawaiian. What did your teachers teach you about humanity's relationship with the natural world?

Ramsey Taum: Interesting. It's tied to the term kumu itself because it's about a responsibility. Uh, so kumu is a title. It actually speaks to accountability and responsibility. When it comes to nature and things like that, we have a responsibility, right, in our relationship with it to behave in a certain manner, with respect, and that practice of respect and reciprocity, which we actually frame or refer to as aloha. That spirit of aloha, reciprocity, is about giving and receiving. And so as kumu, same thing. We give and we receive. We receive from our students, we receive from our teachers as we reciprocate with information, right? Guidance, direction, and in many times just protection. As far as our relationship with nature is concerned, it's very much the same. What we do to it, we do to ourselves, right?

Ariana Brocious: Yeah. It follows very much in line with what we heard already in this episode about how different that experience and way of thinking is, that reciprocity, that mutual respect from the sort of colonizing extractive relationship that most of us in the Western world live in. Can you tell me about one of the particular places in Hawaii that you have a special connection with?

Ramsey Taum: Well, I'm actually in it. It's the valley in which I grew up in, have now returned to. And as I look around me, I'm surrounded by trees, so that bird you heard earlier is literally sitting on a branch right in front of me. It's in their house as I am in their house as well. So, this particular valley in Kailua on the island of Oahu, affords me the opportunity to be in nature. I wake up in it, I go to bed in it, So again, it's relational. I'm in it, not separate from it. And as much as I'm in it, it's in me as I am nature. I am water, I am air, I am soil. I am all those things that we might say in Hawaii, "He Hawaii au," which means I am Hawaii, to the extent that I breathe it, I eat it, I drink it, and I'm immersed in it. And so it's an inside job.

Ariana Brocious: For most people listening to this, for most of the way that Western society has kind of exercised dominion over land and water and, and to a certain extent had this idea of stewardship, but in, and still in the service of humans, that we're kind of the ultimate, beneficiary of all of these things. Um, and so this, this worldview you're describing is completely different, and it,

Ramsey Taum: Mm-hmm.

Ariana Brocious: it sounds so much more balanced and respectful. And also, how do you navigate that or translate that into this kind of dominant, extractive ownership system?

Ramsey Taum: Right. Well, you know, it, it requires us to go back to the worldview where that starts. Uh, we like to say start right, end right. So if you start at the wrong place in a conversation, you're gonna end up in the wrong place or someplace that you didn't intend. And I think we have to go back to principles and definitions, the worldview from the doctrine of discovery, right? Or even

further back in a, a world that subscribed to the idea that they were kicked out of the garden, right? So if, if this world in which doctrine of discovery is rooted in is the spiritual principles of Europe being imposed on the rest of the world, which was grounded in biblical teachings of, a man and his wife being kicked out of the garden, you know, for eating an apple, right? The idea that it is there in service to us and the concept of dominion, domination, the root word to that is dominate, right? And there's the domain, but a domain again is something that you lord over.

Ariana Brocious: Yeah.

Ramsey Taum: Those principles of lordship is very different from stewardship or kinship. So the native mind that was born and remained in the garden, we never got kicked out, right? So if you look at it from a higher perspective, take all the terms off, it seems that those that subscribe to or are rooted in the principles of being kicked out of a garden have developed principles and practices of revenge on the garden, something to control. Whereas native people who continue to live in gardens, we live in an island, uh, we have a direct relationship with it, right? So once again, there's an inside re-relationship versus an on top relationship. And I think most environmental experiences that are rooted there come from being on top, rather than being in. So consequently, tends not to be any concern about doing something to it because you can always get off. But none of us drive on our cars or live on our houses. so we do have that ability to understand a kinship related to in-ship. I'm in it, therefore, what I do to it has an impact on me. If we're out of the environment and just choose to go in it according to our needs and requirements, that sets up the relationship. I have no accountability to it until it serves. If it doesn't serve me, I can do what I want to it.

Ariana Brocious: It's a perception based on separation rather than unity, rather than being one with the whole sphere and inhabiting it.

Ramsey Taum: Right. And, and if we look at ourselves as an ecosystem, you know, we have all of the elements within us. We have a consciousness that we believe other things don't have. So we behave as if we're the only conscious beings and therefore have control over everything because of that consciousness, which is unconscionable, right, when it comes to relationships with other living beings. And to consider mammals and the whales that have been on the planet multiple times more than us. We're a percentage of life on this planet, and yet we have impacted it far greater than any of them have ever. So, uh, it requires that perspective, which I, which again, I, I come back to saying the difference between accountability and accounting. You know, I think our relationship with nature is one of accounting. What can I extract from it? What can I get from it with my return on investment rather than my return on integrity, you know?

Ariana Brocious: Well, and even, you know, there are newer conservation arguments that are framed around the term ecosystem services, you know, that there are, services that the, the natural world provides, and it's worth investing in them financially because it's to our benefit rather than maybe that watershed just wants to be healthy, deserves to be healthy, you know? So, like most of the United States, the Hawaiian Islands were taken from native people without their consent in the 1890s. A lot of your work focuses on restoring sovereignty. How do you see this connection between restoring sovereignty and the rights of nature?

Ramsey Taum: Well, because I think nature should be respected as being sovereign also. The tree, the forest, all of those things have similar sovereign rights. But the sovereignty that I'm speaking about is not just political sovereignty, but food sovereignty, right? Energy sovereignty. All of those play into this other thing, political sovereignty. Because once you become dependent on someone else controlling your access to food, to energy, to housing, you don't have sovereignty, right? And I think that's the perspective. Once someone controls nature, the forest, and what water comes from it, uh, what air comes from it, what products come from it, then it has no sovereignty, and neither do

you because you're now dependent upon a delivery system,

Ariana Brocious: Yeah. So we hear elsewhere in this episode from a lawyer, Thomas Lindsey, who makes the case that existing environmental regulations are too weak, or too poorly enforced. Basically, the system itself is kind of broken. Do you think legal personhood is the right tool to fix this problem?

Ramsey Taum: I'm not sure it's the right tool, but it's the one we have, right? I think given our history, it doesn't seem that we have the spiritual integrity to make the decision on our own. So to a certain degree, these mechanisms go back to accountability. But if you retain that accountability internally, then you know you won't injure this child any more than I would injure this tree or vice versa, or this dog or this whale or, or this land, because I respect that it has value, it has life. Many of our responses to environmental challenges are still based on an economic value to us. It doesn't change our behavior. You know, so now that I have electric vehicles, if I can get to another plug in time, I'll drive everywhere, whether I belong there or not, or whether I need to be there, just because I can. And so, yes, thank you, electric vehicle, but now I'm going to places that perhaps I wouldn't have gone with a four-wheel drive electric vehicle. Right? And so we just keep expanding or going out, which to another way is, is also extractive. I'm taking from it by consuming it, getting into it, whereas perhaps I might not have had I not had this technology.

Ariana Brocious: You know, the climate crisis is many things, but a lot of it can stem from broken relationships between people and place. And so for you, what does it mean to truly belong, to be part of a landscape rather than, you know, owning it?

Ramsey Taum: Well, part of it is recognition. When you can step into your yard, as we do, and the bird flies out of a tree and come and sits and tweets at you, it's like, "Good morning. How are you?" You know, versus, "Get out of my house." I think that's when it happens, when you go down to the stream and the river and you begin to experience and hear and see and feel things, rather than just going and taking water from it, right? It's going into a forest and watching the animals come out rather than continue to hide. I think it's no different than if you walked into your home and everyone ran into the back room when you walked in, right? I don't think you belong there, right? So when you walk in and everybody bows down to the-- and lies on the floor, that's not very empowering for them, right? That's a domination. But when you walk into the room and everyone gives you a hug, you know, "Hey, how are you doing?" You know, they start bringing out food for you and then offer you a place to sleep, mm, maybe now you're home, And when you're in a place where you belong, that's reflected back at you because food is available, water's available, safety's available, you know. A predator might come out to someone else, but for you, it's like, "No, friend, not hungry." Right? So let's not eat one another, because there's a respect, you know. Same time I go into the ocean, if I see a shark, my question is, "Has he eaten recently?" So it's--

Ariana Brocious: Right. Healthy respect for them.

Ramsey Taum: I'm not his enemy. And, oh yeah, I mean, it's, it's, it's not like he's coming to, "Oh, well, there's somebody I can eat today." I, I, I don't think they operate that way. In fact, I know they don't. and they'll come and look at you. "You're-- You're in my house. Who are you? Who let you in here, and what do you want?" And I think if we're gonna personify anything, then we have to include all of those things that make us, so-called human, And a lot of it has to do with territory. Mine. This is mine. This is mine. And someone else walks in uninvited, they obviously want mine.

Ariana Brocious: So when you think about some of the impacts that we're seeing now, like rising sea levels as an example, what's your advice for how we should think about that and, and respond to changes like that?

Ramsey Taum: Hmm. Floaties would be a good idea. And, and life rafts. Learning how to swim. If we look at the ocean as mother because for our societal thought, it is. We came from that. Now we can go back a million years. came from the ocean, either the lands rose out of the ocean or that creatures crawled up out of the ocean, stood up and started flying, whatever that might be. I think we came from the ocean. I also believe that we came from the ocean called amniotic fluid from mother's wombs. That relationship, when we look at the ocean as mother, mom's coming home. That's it, right? Somehow we either create an accommodation for her or we spend time keeping her out. That's really the two choices, right? I can move and let her have it, or I can try to establish a relationship with her and create an accommodation so that I can be with mother. But right now we see ocean as an enemy. We see nature as an enemy, something to control. We're rarely ever looking at controlling our own behavior, our own needs. Well, I need to live on the coastline so that I can see the ocean. Well, you're gonna get to see the ocean. She's coming in, right? So you're getting what you asked for. So why are you complaining?

Ariana Brocious: Yeah, again, it goes back to that division, right? The idea of separation from the world and that we are somehow, we exist apart from it, and we engage when we want to on, on our terms rather than that we are a piece of it, a part of it, living among nature and then working with it. Kumu Ramsay Taum is a cultural advisor and co-founder of the Center for Restoring Sovereignty. Thank you so much for joining us on "Climate One."

Ramsey Taum: Thank you, Ariana, for having me.

Kousha Navidar: And that's our show. Thanks for listening. Talking about climate can be hard, and exciting and interesting -- AND it's critical to address the transitions we need to make in all parts of society. Please help us get people talking more about climate by giving us a rating or review. You can do it right now on your device. Or consider joining us on Patreon and supporting the show that way.

Ariana Brocious: Climate One is a production of the Commonwealth Club. Our team includes Jenny Park, Austin Colón, Megan Biscieglija, Brad Marshland, and Kousha Navidar. Our theme music is by George Young. I'm Ariana Brocious.