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Water Protectors



The requisite fifty countries have now ratified the UN Treaty on the Prohibition of Nuclear Weapons. This landmark treaty will enter into force Jan 22, 2021. With this treaty, the world moves an important step closer to protecting the world's waters and future from the greatest threat of all: nuclear annihilation. For more information, [check out the Abolition](#) page on the national Physicians for Social Responsibility website.

Over the past four months, this [semi-monthly publication](#) has highlighted various health and environmental impacts from water pollution and unsustainable water management. In this edition of *Making Every Day Earth Day*, we look at a variety of examples of people taking action to protect our water—from community organizing to international governance.

Monitoring, Conservation, and Restoration

In Story County, Iowa a new 10-year water conservation and quality monitoring program is being developed with unprecedented collaboration among county jurisdictions and supporting nonprofit organizations. This program monitors the Squaw Creek* (the 42-mile-long tributary of the South Skunk River) as well as other streams in the county.



The Ames-based nonprofit Prairie Rivers of Iowa has organized, and is facilitating this planning with a team consisting of county and city (Ames, Gilbert, Huxley, and Nevada) representatives, as well as members of the Leopold Center for Sustainable Agriculture, the Izaak Walton League, and the Story County Community Foundation.

Learn More: ["Prairie Rivers of Iowa and Story County Organizing 10-Year Water Quality Monitoring Effort"](#) (September 25, 2020) *Prairie Rivers of Iowa*

*In January 2020, the Ames City Council voted in favor of changing the name of Squaw Creek to loway Creek. This [decision](#) responds to protests about the offensive connotation of the current name, and honors the people known today as the [loway](#) Native Americans. The name change is yet to be made official.



Oroquieta City Sea Wall - modified image from original by R924, under [Creative Commons](#) license

Seawalls are human-made structures built to prevent shore erosion and flooding. There are many kinds of seawalls, placed in a variety of ways. What they all have in common is the hard materials used to engineer them, as well as the high cost of building and maintaining them.

These constructed barriers are commonly used in coastal areas worldwide, especially near areas that have already suffered severe damage, and/or areas with high-value properties. According to the National Ocean Service, approximately 350,000 of these structures are located within 500 feet of U.S. coasts alone.

While providing temporary solutions for people and property, artificial seawalls disrupt the natural dynamic of sediment erosion and replenishment, which is essential to coastline ecosystem health—both in the water and on shore. Consequently, habitat for marine organisms is harmed by preventing nutrient-rich sediment from being deposited on land.

Climate change poses additional challenges to this conventional method of [shoreline armoring](#) due to the increased height and strength of waves, as well as an increasing number and severity of oceanic weather events.

Living seawalls, in contrast, aim to reconstruct natural marine life and protect land simultaneously. Some of these projects have built-in structures to encourage the biodiversity of marine flora and fauna.



Photo courtesy of the Sydney Institute of Marine Science

"Habitat panels" have been installed on the seawall in [Sydney Harbour](#) to improve water quality and biodiversity; they provide holes and crevices for microhabitats to form.

Another objective of this program is to foster the growth of saltwater plants to increase carbon sequestration

Salt marshes are natural seawalls that shrink and slow ocean waves. The restoration of salt marshes is increasingly viewed as a valuable line of defense against sea level rise and storm surges. These coastal wetlands filter runoff, and metabolize excess nutrients; this reduces harmful algal blooms, and improves water quality. Such living shorelines also provide valuable habitat for fish and birds. Additionally, salt marshes sequester and store large amounts of carbon.

Learn More: ["Swapping Sea Walls for Salt Marsh? Can Plants Save a North Carolina Island?" Rachel Carson Council](#)

Photo (below) courtesy of NOAA: Salt marsh within Narragansett Bay National Estuarine Research Reserve.



Legal Avenues to Protect Water

Water Sovereignty

In the face of climate change, ecosystem loss, intensive agriculture, and dwindling fresh water supplies, water sovereignty is an urgent global issue. All over the world, people are standing up against the profit-driven exploitation and theft of water by corporations, and asserting their human and ancestral rights to water access and preservation.

In October of this year, a UN Special Rapporteur [Report](#) on water privatization highlighted the scale of the problem, identifying risks including a lack of usage of the maximum of available resources, deteriorating services, unaffordable access, unsustainability, unaccountability, and water-based inequality. Even the production of the report itself highlighted the tensions surrounding the issue of water, with [controversy](#) arising from pro- and anti-privatization advocates accusing each other of interference and bias.

In [Australia](#), huge protests earlier this year against inadequate government climate change plans had 'food and water sovereignty for indigenous groups' as a core demand, while many towns face the prospect of running out of water entirely, even as speculators and hoarders exacerbate the problem; in [Brazil](#), residents in Rio de Janeiro have mobilized to oppose water privatization; in [Chile](#), where 100% of the water sector is still privatized, protests have targeted the water-intensive monocropping of avocados and the auctioning off of rivers; and in [Indonesia](#), a movement has emerged to remunicipalize water in Jakarta after privatization led to a decline in water quality and access.

Closer to home, Canada has emerged as a key battleground in the fight for water sovereignty. With the third largest freshwater supply in the world, indigenous communities have nevertheless experienced decades of water insecurity due to neglected or inadequate water infrastructure, and regular advisories of water being unsafe for consumption.

Residents of [Pleasant Point](#), for example, have been unable to trust their water supply for decades, with high winds resulting in brown or near black water running from taps. The small market size means the local quasi-municipal utility is unable to invest adequate money to fix the issue, while a lack of public funds and jurisdictional barriers have made it nearly impossible for the community to resolve the problem for themselves.

Elsewhere in Canada, more concrete and unprecedented action is taking form. Fifteen First Nations chiefs in [Atlantic Canada](#) have recently signed a framework agreement with the federal government to create the country's first indigenous-led water authority, the Atlantic First Nations Water Authority (AFNWA). The AFNWA will take control of upgrading and maintaining water infrastructure from 2022 onward, and while residents remain skeptical after decades of dealing with water unfit for human consumption, leaders are hopeful that promised federal funding will be forthcoming, and that improvements are around the corner.

Last year, a proposed amendment to America's Water Infrastructure Act of 2020 was introduced to the U.S. Senate. The Voluntary Water Partnership for Distressed Communities Act of 2019 (S.2596) would incentivize communities to sell their public water supplies to private companies for pennies on the dollar. In July, more than [300 groups](#), led by Food and Water Action, expressed their opposition to the bill in a [letter](#) to Senate leadership, stating that the amendment would be, "inappropriate, unjust, and unreasonable."

Raccoon River Restoration and Factory Farm Moratorium

Following years of increasing water pollution, as well as political and regulatory inaction, Iowa Citizen for Community Improvement (ICCI) filed a lawsuit last year against the State of Iowa for failing to protect Iowans' right to clean water under the Public Trust Doctrine. The case calls for the introduction of a mandatory nutrient reduction strategy to replace the existing voluntary scheme that has been shown as [woefully insufficient](#). Iowa's State Attorney General's Office responded by trying to have the case dismissed.

Nevertheless, Judge Hanson in the Polk County District Court decided in favor of the Plaintiffs, allowing the case to move to trial. However, the Iowa Attorney General's Office has once again appealed the decision, sending the question of whether the case can proceed to the Iowa Supreme Court.

As it moves forward, stay tuned to find out how you can help give this lawsuit life outside the courtroom and show widespread support for our right to clean water. Show your support by adding your name to ICCI's [petition](#) calling for action to address the clean water crisis in Iowa.

Learn More: ["Court Will Hear Case Seeking Raccoon River Restoration and Factory Farm Moratorium"](#) (September 2019) *Food & Water Action*

Environmental Personhood

While public trust doctrine protects nature for human interests, the recognition of environmental entities as legal persons entitles them to independent regard and consideration. It is a new and robust way to protect their rights to exist and flourish.

One of the influences on the development of the rights of nature in the United States is the 2010 Supreme Court decision from *Citizens United v. Federal Election Commission*. Although corporate personhood is a long-established judicial and constitutional concept, the outcome of this case resulted in radically increased donations to political candidates via super political action committees (PACs). This has illuminated juridical personhood as a potentially powerful pathway to protect the environment.



Granting legal personhood to water would give it the right to exist, flourish, and naturally evolve; and protection from pollutants, human-caused climate change impacts, and man-made contamination.

— [Kelsey Leonard](#), MSc. JD

"Why lakes and rivers should have the same rights as humans" (January 2020) [TED](#)

Learn More:

["Environmental Personhood: Recent Developments and the Road Ahead"](#) (April 2020) *Jurist*

["Maori River in New Zealand is a Legal Person"](#) (April 2019) *National Geographic*

["Should Rivers Have Rights? A Growing Movement Says It's About Time"](#) (August 2018) *Yale School of the Environment*

["Environmental Personhood"](#) (2018) *The Wharton School, University of Pennsylvania*

["The Rights of Nature"](#) (n.d.) *Community Environmental Legal Defense Fund*

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