

Nature's Trust: A Paradigm for Natural Resources Stewardship

Mary Christina Wood, Ed Whitelaw, Bob Doppelt, Alison Burchell

Mary Christina Wood, Philip H. Knight Professor, Morse Center Resident Scholar, Luvaas Faculty Fellow, University of Oregon, School of Law

Ed Whitelaw, President, ECONorthwest, Professor of Economics, University of Oregon

Bob Doppelt, Director, University of Oregon Leadership Initiative, at the Institute for Sustainable Development, Adjunct Professor, Planning, Public Policy and Management, University of Oregon

Alison Burchell, Geologist, NCS, Boulder, Colorado

Climate change uncertainty puts a premium on all remaining natural resources. Farmland, air, water, wetlands, wildlife, soils, mineral resources and forests must be protected to ensure that Americans – present citizens and future generations -- have the fundamental survival resources they need in a future that holds many unknowns. Moreover, in light of the need to manage resources given climate and particle forcing, government must mitigate dangerous carbon loading of the atmosphere. Confronting climate change and protecting natural resources requires a clear sense of government obligation that is inherent to sovereignty, not a matter of political choice. Our government representatives can and must reframe government's *discretion* into a *trustee obligation* to protect Nature and ensure natural resource stewardship. Drawing upon enduring legal principles and court decisions, government can be characterized as a trustee of the natural resources essential to human survival.¹ A trust is a fundamental type of ownership whereby one manages property for the benefit of another. Viewed as a trust, the environment consists of a portfolio of quantified natural assets that government manages. As beneficiaries, citizens hold a common property interest in defined, bounded assets that make up Nature's Trust. Such trust principles form the bedrock of statutory law. Trustees have a fiduciary obligation to protect trust assets and may not allow destruction of property they manage.

This session will provide a policy frame for current scientific efforts to address climate change and natural resources loss. Under the Nature's Trust frame, U.S. government leaders and agencies at every level inherit a strict *fiduciary obligation* to protect our collective natural resources, including our water and the atmosphere, as assets in the trust. Their fiduciary standard of care consists of a proportionate responsibility, which ties directly to "Nature's Mandate" as defined by current climate scientists: each jurisdiction must cap and begin reducing total GHG emissions within the decade and continue reduction until they reach 80% below 1990 levels by 2050. The trust framework positions all nations of the world in a logical relationship that can guide international diplomacy. The atmosphere, oceans and the global hydrologic cycle are commonly held assets shared as property among all nations on Earth. Thus, all Nations are sovereign co-tenant trustees, each holding the fiduciary responsibility to not degrade the common asset and to accomplish proportionate carbon reduction.
