

Rights of Nature

Riccarda Flemmer and Imke Horstmannshoff

Introduction

Nature as a whole or individual ecosystems, such as rivers, forests, and other elements of the environment have been declared as bearers of rights and/or legal persons in Bolivia, Ecuador, and New Zealand since the late 2000s. Today, such approaches, commonly subsumed under the term Rights of Nature (RoN), are a legal reality in many countries around the world and subject of political and creative claims, mobilisations, and campaigns by diverse local to transnational networks (cf. Kauffman and Martin 2021). At the same time, they have been at the core of an emerging field of inter- and transdisciplinary academic research.

In the face of current challenges of the Anthropocene, RoN serve as a legal tool to protect nature or individual ecosystems, but beyond that, the approach aims to transform dominant paradigms in environmental ethics, legislation, and society. RoN is typically understood to involve some set of the following commitments: Nature is recognised as a subject with intrinsic value and rights of its own (writing Nature with a capital N is

a practice used widely, e.g. by the UN Harmony with Nature programme; for a critique on this practice as essentialising, see Tănăsescu et al. 2024). RoN challenge widespread anthropocentric worldviews and normative frameworks. They usually break with perspectives which conceptualise humans as fundamentally separate from nature. Lastly, RoN often come with a critique of an understanding of nature as property or as a resource to be exploited and/or to be protected (if at all) only on the grounds of its benefits to humans.

Addressing and in many cases challenging the ‘human-nature divide’, the RoN approach has the potential for effecting nothing less than legal and cultural paradigm change; it thus connects to ongoing debates at the core of the Environmental Humanities, such as considerations of environmental ethics and justice (cf. ► [Environmental Justice](#)), ontological pluralism and decolonial critiques, multispecies perspectives (cf. ► [Multispecies Studies](#)), the role of artistic approaches in environmental problem-solving, and, more generally speaking, the relations between human and ‘more-than-human’ life worlds.

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RoN as Legal Innovation and Inspiration

Rooted in Western legal theory, Indigenous ontologies, and the efforts of progressive forces in Latin America, RoN have been described as a “hybrid”

(Gutmann 2021, p. 142) between Indigenous worldviews (cf. ► [Indigeneity](#)) and the rights-based approach(es) of originally Western legal systems. In 1972, law professor Christopher Stone (1972) opened the debate on the legal standing of non-human entities in his article “Should Trees Have Standing?” in the US and beyond. Stone’s article is not focused on RoF but has become a central reference for RoN in general terms. Today, RoN are present in the Global South and North, and mostly closely related to—but in some instances independent from—the presence of Indigenous Peoples. Since Ecuador’s recognition of the rights of Pacha Mama in its 2008 Constitution, and with a subsequent ‘wave’ of prominent legislations declaring the legal personhood of multiple rivers in Aotearoa/New Zealand, Colombia, and Bangladesh in 2017/18, numbers of approved cases are steadily increasing. In 2024, Spain’s Constitutional Court upheld Law 19/2022, conferring legal personhood to Mar Menor, a salt lagoon in the province of Murcia which after severe degradation had been the subject of a citizen initiative. With this decision, the legal recognition of RoN reached Europe.

Existing RoN legislations and initiatives are listed and mapped online by the open access database Eco Jurisprudence Monitor (EJM), which in January 2025 detailed over 400 RoN initiatives around the world (cf. EJM 2025; Putzer et al. 2025). Depending on cultural and legal-political settings, implementations and claims differ significantly from case to case; they take on diverse forms, from constitutional amendments via acts and court rulings to citizen initiatives and declarations. While legal studies analyse these diverse institutional frameworks, philosophical research explores e.g. the compatibility of RoN and Western settings (cf. Kramm 2025).

On the international level, activists have been pushing for recognition of the Universal Declaration for the Rights of Mother Earth since 2010, when it was adopted by the Peoples’ Conference in Cochabamba (cf. Lake et al. 2017). The Kunming-Montreal Global Biodiversity Framework in December 2022 prominently put new emphasis on their implementation. Moreover, the EU and European countries have formulated

starting points for RoN agendas (cf. Ito et al. 2024). Transnational organisations and networks such as the Global Alliance for the Rights of Nature (GARN), the US-based Community Environmental Legal Defence Fund (CELDF) and the UN Harmony with Nature Programme take on leading roles in bringing claims forward on a global stage. At the same time, initiatives are often—though not always—based at local or regional levels, with Indigenous and local communities standing up for individual elements of the ‘more-than-human’ world.

RoN in Inter- and Transdisciplinary Research: Rights of Rivers and Forests

Research, art, and activism come together in invocations of RoN. Most prominently, the International Rights of Nature Tribunal was founded in 2014 as a citizen court with a strong emphasis on the rights of non-human beings and Indigenous voices. The Tribunal holds international, regional, and local hearings with an assembly of judges composed of academics, practitioners, activists, lawyers, and legal experts. Judges have travelled to sites of RoN violations, including the Tren Maya trajectory in Mexico and the Amazon rainforest in Brazil. Hearings on the Brazilian Amazon case presented by Indigenous leaders in 2021 claimed that then-President Jair Bolsonaro should be held responsible for ecocide (cf. McCartin 2022).

Academic approaches to RoN are positioned at the intersection of law, political science, philosophy, and anthropology, with increasing engagement of literary studies and the arts (cf. Gilbert et al. 2023). Transdisciplinary collaborations and co-creation of knowledge combining academia, art, and activism can be illustrated in two RoN fields: the Rights of Rivers and the Rights of Forests.

Firstly, the Rights of Rivers (RoR) and other water bodies have globally been at the centre of many RoN legislations and initiatives, and much scholarly work. In January 2025, the EJM lists 81 approved or submitted RoN cases involving freshwater ecosystems and 14 cases of marine

ecosystems (cf. EJM 2025). Responses to the question ‘How can a river speak?’ have been brought forward through institutional frameworks involving guardianship bodies and collaborative governance mechanisms, such as in the prominent cases of Aotearoa/New Zealand’s Te Awa Tupua (Whanganui River Settlement) Act 2017; or the Colombian Constitutional Court’s ruling on Río Atrato.

In English-language academia, legal experts focused on water rights are broadly investigating RoR frameworks from legal perspectives (cf. e.g. O’Donnell 2019), while legal-anthropological research aims to develop critical, decolonial approaches to river rights (cf. e.g. Viaene 2021). Political ecologists investigate grassroots struggles for river rights as part of a broader phenomenon of New Water Justice Movements (NWJMs), therein reflecting academic-activist collaborations in the field and theoretical integrations of RoR and Multispecies Justice (cf. Boelens et al. 2023).

Artistic projects, arts-science collaborations, and community mobilisations, too, are inquiring into rivers’ ‘voices’ and ‘agency’. Following up on theatre plays such as *Anwälte der Natur* by the Berlin-based Theatre of the Anthropocene, dramaturgist Frank Raddatz co-authored a German-language, six-part audio series *Die Konferenz der Flüsse* (The Conference of Rivers) with literature scholar Denise Reimann, in which they give voice to rivers of the world. Thus, in each part of the series rivers such as Danube, Mississippi, and Jordan reflect on multi-faceted human-riverine relations and histories, and ultimately demand river rights. Meanwhile, activists across Europe are enacting similar gatherings: Since 2023, the interdisciplinary Confluences of European Water Bodies annually bring together representatives of initiatives engaging for the rights and representation of European aquatic ecosystems. The first Confluence finished with a *Proclamation European Waters to the people of Europe* in the European Parliament. Among the organisers is the Dutch initiative Embassy of the North Sea, which works on RoN and RoR with artistic, scientific, journalistic, and diplomatic means (cf. Horstmannshoff 2025).

Besides, in Western Europe and beyond, an emerging landscape of initiatives is actively supporting river rights, often in collaboration with academics and legal experts, local politicians and municipalities. Mobilising local communities around rivers’ rights in consultation processes and creative, participatory activities (marches, festivals, workshops), local river groups and organisations—such as those around the Ouse River in Sussex, UK, or the French Parlement de Loire—are working towards cultural shifts as much as institutional change. Legal experts and non-governmental organisations such as the French Notre Affaire à Tous and Wild Legal, and the British Environmental Law Foundation (ELF) are key in advising and bringing forward their claims on legal-political levels.

Secondly, the Rights of Forests (RoF) are increasingly becoming a focus of RoN claims and cases. The EJM lists eleven forest cases in January 2025 (cf. EJM 2025). The first forest was recognised as having legal personhood in Aotearoa/New Zealand in 2014, when the Tūhoe and the government agreed to formally convert the former National Park Te Urewera into a legal person and establish a Guardian Board. Critical research has examined the implications for Indigenous connections with the land and self-determination (cf. Coombes 2020). Legal studies and social science research have also reviewed mobilisations and court cases which led to the recognition of RoF in Colombia and Ecuador against extractive industry projects relating to mining and oil drilling. In Colombia, the Amazon rainforest has been a bearer of rights since 2018, when the judges decided to turn the claim for its protection on the basis of coming generations’ right to a healthy future into an RoF case. However, this conversion of climate litigation into RoF is criticised for not considering the human rights of Amazonian communities (cf. Macpherson et al. 2020).

In Ecuador, the recognition of RoN in the 2008 Constitution has resulted in several court decisions in favour of ecosystems. A forerunner case is the Los Cedros forest ruling against a mining project in 2021. The initial plaintiffs were a local government and several communities together

with researchers and activists working in the Protected Forest Los Cedros. The case highlights the close collaboration between natural science research, activists, and artists in legal and political dynamics. Research has examined the implications of the case for local, national, and international biodiversity conservation (cf. Peck et al. 2024). Recently, a legal petition was filed to recognise Los Cedros as co-author of a song with the support of the More Than Human Life Project at New York University (cf. MOTH 2024). Further, the Indigenous Kichwa community Sarayaku has issued the Declaration of *Kawsak Sacha* (Living Forest) in 2012, recognising their territory as a living being and subject of rights. The Declaration was updated by the Sarayaku's Assembly in 2018 and presented at the IUCN World Conservation Congress in the same year, as a new protected areas category with 'more-than-human' ethics embedded in *Sumak Kawsay* (or *buen vivir*, meaning 'good life') (cf. Ruales and Gualinga 2024).

In Europe, initiatives have also focused on RoF but not (yet) successfully (cf. Dietrich et al. 2024). However, academic research has highlighted the connections between resistances against extractive industry projects in Latin America and Europe, shedding light onto the close interrelation of humans, forests, and trees (cf. Ruales and Gualinga 2024).

Forests are also at the centre of several artistic and civil society initiatives, for example in Germany. In the German-language play *Zirkus der Bäume* (Circus of Trees) by the aforementioned Theatre of the Anthropocene, forests, urban trees, and dying tree species under conditions of climate change are brought into the limelight. In Berlin, the play was accompanied by the citizen initiative for urban trees (Baumentscheid).

Outlook

RoN have become a legal reality in many national contexts and are increasingly discussed in transnational activist arenas as well as international fora. This includes UN agenda setting and the 2024 UN Biodiversity Conference of the Parties (COP16) in Cali, Colombia. The urgent need for profound transformations on a planetary scale is

harnessed to reassess international climate and environmental politics and establish a more balanced approach encompassing humans and nature: This affects prominent frameworks such as the Sustainable Development Goals, agendas for dealing with human-nature conflicts as well as international environmental and criminal law. Connecting to the Environmental Humanities, RoN with their understanding of nature as a subject with rights are—implicitly or explicitly—already part of community practices, political campaigns, and artistic works outside of legal processes. As seen in the ambit of RoF, this is already challenging property conceptions over nature, and anthropocentric climate and biodiversity politics. For the future, thinking or doing RoN in transformative terms may open new horizons to think, feel and ultimately live 'more-than-human' relations.

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