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# Thinking about the rights of Nature



# Introduction

The Rights of Nature (RoN) is an innovative new approach to environmental law and conservation. Nature and natural entities are protected from human exploitation through the recognition of legal rights.

RoN have been realised across around 40 countries – each with their own legal and cultural background.



## The RoN is a global movement defined by diversity:

- Rights granted to Nature as a whole in constitutions and laws (Ecuador, Bolivia)
- Legal Personality (and associated rights) granted to ecological entities and ecosystems (Aotearoa New Zealand, Colombia, Spain)
- RoN charters supported by local authorities (UK)
- Nature representatives on management bodies and company boards (UK, Europe)
- Bold political strategies and formation of new informal institutions (Iceland, France, UK)

What is it that unifies all these distinctive approaches under the common banner “Rights of Nature”?

We need an account which captures what is common about different initiatives, without losing the diversity which is a feature and strength of RoN movement.

## The Two Pillars of Rights of Nature

### ALL RoN APPROACHES HAVE TWO PILLARS:

#### 1. Valuational Pillar

- Nature is a subject to which we owe direct duties, not merely an object to be owned or managed.
- Nature has non-instrumental value – not reducible to human purposes
- Nature has “intrinsic” value – meaning that it is valuable for its own sake, not just because of what it provides to human beings.
- Intrinsic value is central to moral attitudes such as love, care, and respect.

#### 2. Representational Pillar

- The appointment of representatives to speak on behalf of nature’s rights and interests.
- Typically, this involves the empowerment of indigenous groups or local communities who have existing relationships of care with their natural environment.
- Those with existing relationships of care with nature are best placed to be representatives: they better understand the needs of an ecological entity, and are motivated to speak for its interests.

Without the representational pillar, RoN might become an ecocentric and top-down approach to environmental management, which ignores existing relationships.

Without the valuational pillar, RoN risks becoming another anthropocentric tool for managing ecosystems for the benefit of particular groups of humans.

Together, RoN embodies the idea that the health and empowerment of local communities is intimately connected with the health and empowerment of nature.



# Rights and Relationships

To fully understand nature's rights, we need to understand what rights are.

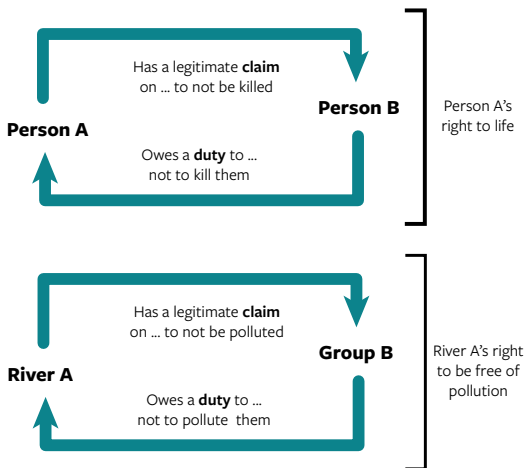
A right is a relationship between at least two parties: someone with a legitimate claim, and someone with a responsibility or duty to respect that claim.

1. **Claimant:** One party has a legitimate claim to expect a certain treatment or behaviour from someone else. The claim is made legitimate by moral principles, legal backing, or both.
2. **Duty-holder:** Another party has a responsibility to live up to, meet, or respect that claim.

"Rights" describe particularly weighty relationships of claim and obligation.

**A human right to be free from torture means:** one person has a claim to be free of unnecessary suffering, and others have a responsibility not to inflict suffering upon them.

**A river's right to be free from pollution means:** one entity has a legitimate claim to not be polluted, and the rest of the community has a responsibility to refrain from polluting behaviours.



**So:** rights always describe relationships, and rights always entail responsibilities.

**Rights help map the topography of our moral and legal landscape:** they tell us which claims and obligations we have to take seriously.

**RoN involves a paradigm shift:** natural entities are seen as members of our moral and legal community, rather than objects to be distributed and managed within it.

# Some FAQ about the Rights of Nature

**Q. Do nature's rights prevent us from using natural resources?**

A. No. But recognising nature's rights places reasonable limits on our use of natural resources. Nature's rights are compatible with sustainable use, but incompatible with exploitation and ecological damage.

**Q. Will nature's rights always beat human rights?**

A. No. Recognising the rights of nature gives natural entities a "seat at the table" and allows their interests to be represented in decisions which affect them. But conflicts of rights will be decided on a contextual basis – no rights-bearer is given general priority.

**Q. How do "nature's rights" differ from existing environmental legislation?**

A. RoN is distinctive in that it recognises natural entities as subjects of law, towards which we owe direct duties, rather than objects for human use. Nature has "standing", meaning that proving ecological harm is sufficient to show that a breach of duty has occurred, rather than having to show humans have been affected. Rights are vague but forceful. They can change the background against which existing environmental legislation is interpreted, and shape public and private understanding of responsibilities.

**Q. Are awarding "rights" to nature compatible with existing relationships of care?**

A. Some worry that rights-language is an imposition on the felt responsibilities which arise within lived relationships of care. This is a fair concern. Adopting the language of rights always marks a failure in our relationships of care. When relationships are functioning well, we do not need the public, formal, and enforceable language of rights. But our relationships with the non-human world are broken, and until they are fixed we will require the language of rights.





### Find out more

Visit [www.southampton.ac.uk/research/projects/a-meeting-of-rivers-exploring-the-rights-of-nature-in-the-uk](http://www.southampton.ac.uk/research/projects/a-meeting-of-rivers-exploring-the-rights-of-nature-in-the-uk)

Visit [www.riverrights.org](http://www.riverrights.org)

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