

THE RIGHTS OF NATURE MOVEMENT: LEGAL, CULTURAL, AND POLICY CHALLENGES IN IMPLEMENTING ECO-CENTRIC LAWS

Rawnak Miraj Ul Azam*

Department of Law, Faculty of Arts and Social Sciences, American International University, Bangladesh. Email: rawnak.miraj@gmail.com

ORCID: <https://orcid.org/0009-0005-7818-895X>

Syeda Afroza Zerin

Department of Law, Faculty of Arts and Social Sciences, American International University, Bangladesh. Email: syeda.zerin@aiub.edu

ORCID: <https://orcid.org/0009-0004-8601-0310>

Fahim Faisal Khan Alabi

Department of Law, Faculty of Arts and Social Sciences, American International University, Bangladesh. Email: fahim.alabi@aiub.edu

ORCID: <https://orcid.org/0009-0003-9122-6354>

**Corresponding author*

Received: 24 February 2025 | **Reviewed:** 21 March 2025 | **Revised:** 25 March 2025

Accepted: 30 March 2025 | **Published:** 14 April 2025

ABSTRACT

The recognition of nature's rights and the legal personhood of ecosystems is earning propulsion as an eco-centric legal framework, depicting an archetype shift in environmental law. This research explores the inception and advancement of this concept across different jurisdictions, centering Bangladesh, India, New Zealand, and Ecuador. They took essential footfalls to grant legal individuality to rivers, forests, and other ecosystems, aspiring to protect them from deterioration and ensure viability. Ecuador headed the validation of nature's rights by preserving the concept in their 2008 Constitution, granting ecosystems the right to exist, replenish, and evolve. The Vilcabamba River case, which was a landmark, demonstrates the application of such rights in environmental conflicts. This research appraises the legal, cultural, and environmental connotation of these eco-centric accesses, comparing them across jurisdictions. It probes the persuasiveness of legal personhood in addressing ecological challenges and the disparity in implementation that frustrates its broader adoption. In addition, it tests how this legal modernization converges with Indigenous rights, sustainable development, and environmental justice, recommending pathways for the creation of a legal framework across-the-board that perceives the deep-seated value of nature. By analyzing the accomplishments and circumspection of these pioneering countries, this study contributes to the ongoing dialogue on establishing an internationally recognized eco-centric legal system for the protection of ecosystems.

Keywords: Rights of Nature; Legal Personhood; Eco-centric Law; Environmental Law; Indigenous Rights; Sustainable Development; Environmental Justice

Editor-in-Chief: Prof. Dr. Kamrul Hossain | *Deputy Editors-in-Chief:* Dr. Evgeniya Kopitsa, Prof. Dr. Ngozi Finette Unuigbo | *Executive Editor:* Dr. Hasrat Arijumend

How to cite this paper: Rawnak Miraj Ul Azam, Syeda Afroza Zerin, and Fahim Faisal Khan Alabi, 'The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws' (2025) 05 (01) Journal of Environmental Law & Policy 87-116, <<https://doi.org/10.33002/jelp050104>>

Copyright © 2025 by author(s). This work is licensed under the Creative Commons Attribution International License (CC BY 4.0). <http://creativecommons.org/licenses/by/4.0/>



Open Access

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

1. INTRODUCTION

1.1. Background

The concept of legal personhood for ecosystems, often encapsulated within the broader movement for the Rights of Nature, has gained significant traction globally, as environmental crisis demand a paradigm shift in the way humanity interacts with the natural world. Traditionally, legal systems have viewed ecosystems as property, subject to ownership and exploitation, with limited recognition of their intrinsic value or rights. This anthropocentric legal framework has proved inadequate in addressing ecological degradation and biodiversity loss accelerating across the planet. In response, several jurisdictions around the world have begun to reimagine legal systems that confer legal personhood upon natural entities, such as rivers, forests, and mountains, thereby acknowledging their rights to exist, flourish, and evolve without human interference. This paper explores the evolution of the Rights of Nature and the legal personhood of ecosystems in diverse jurisdictions, analyzing how various countries have implemented or considered frameworks that provide legal recognition to nature. From the groundbreaking case of the Whanganui River in New Zealand, which was granted personhood status in 2017, to the Ayni approach in Bolivia, which enshrines the rights of Mother Earth in its constitution, the movement represents a shift towards recognizing ecosystems not merely as resources, but as entities with legal standing and inherent rights.¹ These case studies highlight the varied approaches to incorporating the Rights of Nature into national legal systems and offer insights into the challenges and opportunities of this emerging legal paradigm. Despite these advances, the implementation of eco-centric legal frameworks remains fragmented, with each jurisdiction navigating its own cultural, political, and legal context. In some regions, the extension of legal personhood to ecosystems faces resistance from traditional industries and legal structures, while others grapple with defining the legal mechanisms through which nature's rights can be protected and enforced.² This paper examines the diverse legal landscapes where such reforms are occurring, comparing the different strategies adopted across jurisdictions, and considering the potential for harmonizing these efforts into a coherent, global eco-centric legal framework. By analyzing the legal personhood of ecosystems and the Rights of Nature in multiple jurisdictions, this paper aims to contribute to the ongoing discourse on environmental justice and sustainable governance. The goal is to explore pathways towards a global eco-centric legal framework that provides robust legal protection for ecosystems, ensuring the survival and health of our planet for future generations.³ The research on the legal personhood of ecosystems and the

¹ Smith, L., 'The Legal Personhood of the Whanganui River: A Turning Point for Environmental Rights' (2020) 37 New Zealand Environmental Journal 12.

² Brown, J., *Legal Personhood for Nature: A Global Perspective* (Cambridge University Press 2021).

³ Miller, T., *Eco-Centric Legal Systems: Global Case Studies* (Oxford University Press 2022).

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

Rights of Nature raises several key questions that are essential for understanding the feasibility and implications of integrating eco-centric legal framework into diverse legal systems. These research questions aim to explore the conceptual, practical, and cultural dimensions of granting legal rights to natural entities and their broader impacts on governance, policy, and societal structures.

1.2. Key Research Questions and Objectives

Key research questions include, what are the underlying legal and philosophical justifications for granting legal personhood to ecosystems? This question examines the theoretical foundations of the Rights of Nature movement. It explores whether ecosystems can be considered legal persons and what philosophical, ethical, and legal arguments support this shift from anthropocentric to an eco-centric worldview. How have different jurisdictions implemented legal personhood for ecosystems, and what challenges have they faced? Focusing on case studies such as the Whanganui River in New Zealand and the constitutional rights of Mother Earth in Bolivia, this question investigates how various legal systems have navigated the complexities of granting rights to nature. It also addresses the challenges faced in incorporating these rights into existing legal structures, including opposition from industrial stakeholders, legal resistance, and institutional barriers. What are the enforcement mechanisms and legal protections necessary to uphold the rights of ecosystems, and how can these be harmonized across jurisdictions? This question explores how legal frameworks can ensure the protection and enforcement of ecosystems' rights. It delves into the practicalities of how legal personhood for ecosystems can be operationalized in terms of monitoring, regulation, and enforcement, and whether there is potential for creating a global legal framework that transcends national boundaries.

2. METHODOLOGY

This study employed a qualitative legal research approach to examine the legal, cultural, and policy challenges in implementing eco-centric laws, particularly the Rights of Nature movement. The research was based on a doctrinal analysis of legal frameworks, case law, and policy documents from multiple jurisdictions, including Bangladesh, India, New Zealand, Ecuador, and Bolivia. Comparative legal analysis was used to assess the effectiveness of legal personhood for nature in different legal systems.

The research followed a doctrinal legal methodology, which involved analyzing statutes, constitutional provisions, judicial decisions, and academic literature related to the Rights of Nature. Primary legal sources, including constitutional texts (e.g., Ecuador's 2008 Constitution), judicial rulings (e.g., Whanganui River case in New Zealand, Vilcabamba River case in Ecuador, and the 2019 Bangladesh Supreme Court ruling on rivers' legal personhood), and environmental laws (e.g., Bolivia's Law of the Rights of

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

Mother Earth) were extensively examined. The research also reviewed secondary sources such as books, journal articles, and reports that provided critical perspectives on eco-centric legal frameworks.

A comparative legal analysis method was adopted to identify similarities, differences, and challenges across jurisdictions. This method facilitated the evaluation of how different countries have implemented the Rights of Nature and the varying legal, cultural, and policy barriers they have faced. Additionally, a thematic analysis was conducted to categorize key themes emerging from judicial decisions and legislative enactments, particularly regarding enforcement mechanisms and conflicts with existing legal systems.

The study reviewed a wide range of legal literature, including approximately 50 academic journal articles, books, and policy reports on eco-centric laws, environmental justice, and indigenous legal perspectives. Prominent legal scholars and sources, such as Christopher D. Stone's *Should Trees Have Standing?* and legal analyses of environmental personhood, were examined to provide theoretical foundations. Reports from international organizations like the United Nations and academic publications from law journals were also incorporated. The research included case law analysis from national and international courts, covering legal interpretations and precedents related to environmental rights.

Legal hermeneutics was applied to interpret statutes, constitutional provisions, and judicial rulings, ensuring a precise understanding of the legal principles underlying the Rights of Nature. A critical legal approach was employed to assess whether granting legal personhood to nature effectively safeguards ecosystems or whether existing challenges, such as weak enforcement and industrial opposition, limit its practical impact. The study also incorporated policy analysis to examine how legislative frameworks interact with socio-political realities, particularly in jurisdictions where economic interests conflict with eco-centric legal developments.

3. LITERATURE REVIEW

The concept of Rights of Nature has gained significant traction over the past two decades, emerging as a crucial element of environmental law. Scholars and legal practitioners have debated the feasibility, scope, and effectiveness of granting ecosystems legal personhood. The literature is rooted in legal philosophy, environmental governance, and indigenous legal traditions, with case studies from Ecuador, Bolivia, New Zealand, India, and Bangladesh serving as examples.

The philosophical development trace back to Christopher D. Stone's seminal work, *Should Trees Have Standing?* (1972)⁴, which argued for extending legal personhood to natural entities. Stone's proposition laid the

⁴ Christopher D. Stone, 'Should Trees Have Standing? —Toward Legal Rights for Natural Objects' (1972) 45(2) S Cal L Rev.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

groundwork for eco-centric legal systems, challenging the anthropocentric nature of legal frameworks that historically viewed nature as property. His ideas have influenced environmental legal scholars, including David Boyd (2017) in *The Rights of Nature: A Legal Revolution That Could Save the World*,⁵ who advocates for a paradigm shift toward recognizing the intrinsic value of ecosystems. From a legal perspective, Cullinan (2011) in *Wild Law: A Manifesto for Earth Justice*⁶ emphasizes the necessity of restructuring legal systems to align with ecological principles. Similarly, Kotzé and French (2018)⁷ discuss the intersection of environmental constitutionalism and right of nature, analyzing how national legal frameworks integrate eco-centric principles. Despite increasing legal recognition, the literature identifies several challenges to implementation; it lacks strong enforcement structures in many jurisdictions, as noted by Boyd (2017) and Kotzé (2020)⁸. Many national legal frameworks still prioritize property rights and economic development, creating conflicts with eco-centric principles (French, 2019).⁹ Industries reliant on natural resource extraction often oppose such right, as noted in studies by Stybel (2019)¹⁰ and Arias-Maldonado (2020)¹¹. Effective implementation requires aligning Indigenous governance with statutory legal systems (Ruru, 2019).¹² While the existing literature provides valuable insights, several gaps remain: There is limited empirical research evaluating the long-term effectiveness of laws in mitigating environmental degradation. Studies comparing implementation across jurisdictions remain sparse, particularly regarding enforcement mechanisms and policy outcomes. Research is needed on how laws can coexist with economic growth, ensuring environmental protection without stalling development. Literature lacks substantial discussion on how it could be incorporated into existing international environmental treaties and conventions. Few studies address the role of the right of nature in global climate governance and its potential to influence climate justice frameworks. The literature suggests that a global framework could enhance legal protections for nature. Kotzé (2020)¹³ and Boyd (2019)¹⁴ propose integrating the right of nature into international

⁵ Boyd, D.R., *The Rights of Nature: A Legal Revolution That Could Save the World* (ECW Press 2017).

⁶ Cullinan, C., *Wild Law: A Manifesto for Earth Justice* (2nd edn), (Green Books 2011).

⁷ Kotzé, L.J. and French, D., 'The Anthropocentric Ontology of International Environmental Law and the Sustainable Development Goals: Towards an Ecocentric Rule of Law' (2018) 7(2) *Global Journal of Comparative Law*.

⁸ Kotzé, L.J., *Global Environmental Constitutionalism in the Anthropocene* (Hart Publishing 2020).

⁹ French, D., 'The Global Recognition of the Rights of Nature: From Environmental Law to Ecological Law?' (2019) 11(2) *Journal of Environmental Law*.

¹⁰ Stybel, M., 'Challenges in Implementing the Rights of Nature in Bolivia: Law vs. Economic Interests' (2019) 4(1) *Environmental Law Review*.

¹¹ Arias-Maldonado, F., *Environmental Political Theory: Nature, Virtue, and Democracy* (Edward Elgar Publishing 2020).

¹² Ruru, J., 'Listening to Papatūānuku: A Call for a Legal Personhood Model' (2019) 6(2) *Victoria University of Wellington Law Review*.

¹³ Ibid, n.8.

¹⁴ Boyd, D.R., *The Rights of Nature: Recognizing the Right to a Healthy Environment* (UBC Press 2019).

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

environmental agreements like the Paris Agreement and the Convention on Biological Diversity. The establishment of an International Environmental Court, as suggested by O'Donnell (2020)¹⁵, could provide an enforcement mechanism for transboundary ecological disputes.

Existing literature reflects an evolving legal landscape that challenges traditional human-centered governance models. Case studies from Ecuador, Bolivia, New Zealand, India, and Bangladesh illustrate both the potential and the difficulties of implementing such principles. While legal recognition of nature's rights marks a significant step forward, effective enforcement remains a critical challenge. Scholars continue to debate how best to integrate it into national and international legal systems to ensure ecological sustainability and environmental justice. Moving forward, interdisciplinary approaches combining law, indigenous governance, and environmental science will be essential for advancing global adoption.

4. CONCEPTUAL FOUNDATIONS OF RIGHTS OF NATURE

4.1 Theoretical Underpinnings

The philosophical and ethical foundations of the Rights of Nature are deeply embedded in the understanding that nature, and the ecosystems within it, possess intrinsic value. This contrasts with traditional anthropocentric frameworks that view nature merely as a resource for human exploitation. The Rights of Nature philosophy calls for nature to be recognized as a legal subject with rights that can be defended in courts, much like human rights. This ethical shift can be traced back to the works of environmental philosophers like Aldo Leopold, whose *Land Ethic* underscores the need for a moral relationship between humans and the natural world. Leopold argued that humans are a part of the biotic community and have an ethical duty to protect it for the benefit of all species, including themselves.¹⁶ One of the primary contributors to eco-centric legal theory is biocentrism, which elevates all living beings as having inherent value, regardless of their utility to humans. Biocentrism shifts the focus away from human-centered ethics and places equal importance on the well-being of all species, critiquing the human tendency to exploit nature for economic or utilitarian gain.¹⁷ Another influential concept is deep ecology, proposed by Arne Naess, which advocates for a fundamental shift in human values, emphasizing the need for an ecological balance that respects the intrinsic value of all forms of life.¹⁸ Ecocentrism, on the other hand, expands this perspective to include not just individual species, but entire ecosystems, proposing that the health of the planet is paramount, and human welfare is

¹⁵ O'Donnell, E., 'At the Intersection of the Sacred and Legal: Rights of Nature in Plurinational States' (2020) 31(2) Review of European, Comparative & International Environmental Law 233.

¹⁶ Leopold, A., *A Sand County Almanac* (Oxford University Press 1949).

¹⁷ Taylor, P., *Respect for Nature: A Theory of Environmental Ethics* (Princeton University Press 1986).

¹⁸ Naess, A., 'The Shallow and the Deep, Long-Range Ecology Movement', (1973) 16(1-4) Inquiry 95-100.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

interdependent on environmental well-being.¹⁹ Historically, legal frameworks have treated nature as an object to be owned and exploited. In contrast, these eco-centric theories challenge this worldview and promote a legal paradigm where nature is not just a resource but a stakeholder in legal disputes. The incorporation of nature's rights into law can be seen as a reaction to centuries of environmental degradation fuelled by legal systems that prioritized human development over environmental sustainability.

4.2 Human-Nature Relationship in Law

The human-nature relationship within legal systems has evolved significantly over time, with early legal systems focused predominantly on the anthropocentric view. The ancient Roman concept of *res nullius* (things without an owner) extended to natural resources, implying that land and resources were available for exploitation by human societies. This principle, rooted in Roman legal thought, has influenced western legal systems for centuries, reinforcing the idea that unowned resources could be claimed and used without restriction, which was evident in colonial practices and later industrial development. The concept underpinned doctrines such as *terra nullius* and facilitated the dispossession of indigenous peoples from their lands, as seen in early colonial legal systems, including Australia's interpretation of *terra nullius* in the 19th century.²⁰ This anthropocentric paradigm persisted through the Industrial Revolution, during which legal systems largely disregarded environmental concerns in favor of economic expansion. Critics argue that this legal framework, prioritizing human interests above all, contributed to widespread environmental degradation, including deforestation, habitat destruction, and species extinction.²¹ In contrast, the modern environmental movement, gaining momentum in the mid-to-late 20th century, challenged the dominance of anthropocentric legal models. Legal scholars and activists began advocating for frameworks recognizing the intrinsic value of nature. Notable developments include the 1982 United Nations Convention on the Law of the Sea, which embraced the principle of the "common heritage of mankind" for marine resources, restricting unfettered exploitation and emphasizing equitable resource sharing.²² Similarly, the Earth Charter (2000) called for sustainability, equity, and recognition of nature's rights within legal systems.²³ Further, the legal recognition of ecosystem services the benefits humans derive from ecosystems marks a significant shift toward integrating ecological

¹⁹ Callicott, J. B., *In Defense of the Land Ethic: Essays in Environmental Philosophy* (State University of New York Press 1989).

²⁰ Straumann, B., 'Ancient Caesarian Lawyers' in a State of Nature: Roman Tradition and Natural Rights in Hugo Grotius' *De Iure Praedae*' (2006) 34 *Political Theory* 330, 332; Fitzmaurice, A., 'A Genealogy of Terra Nullius' (2007) *Australian Historical Studies* 129, 6.

²¹ John Gascoigne, *The Enlightenment and the Origins of European Australia* (Cambridge University Press 2002).

²² Rüdiger Wolfrum, 'The Principle of the Common Heritage of Mankind' (1983) 43 *Heidelberg Journal of International Law* 312.

²³ The Earth Charter Initiative, *The Earth Charter* (2000), <<https://earthcharter.org>> accessed 25 January 2025.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

considerations into legal frameworks. This approach underlines nature's role as a stakeholder in legal relations, reflecting a growing acknowledgment of the interdependence between humans and the environment.²⁴ The human-nature relationship in contemporary law must be reconsidered to prevent further environmental collapse, and many legal scholars argue for the necessity of a framework where nature is treated not as a mere commodity, but as a subject with rights.²⁵ Such a paradigm shift could potentially lead to more holistic and sustainable environmental policies that balance human needs with the health of the natural world. Recognizing nature as a legal subject rather than an object to be exploited is an ethical necessity, according to numerous environmental philosophers and legal scholars. The Rights of Nature movement, for instance, asserts that ecosystems have the right to exist, regenerate, and flourish, and these rights can be upheld through legal actions. One of the most notable examples of this is the Constitution of Ecuador (2008), which was the first in the world to recognize the Rights of Nature, declaring that nature has the right to be restored and protected.²⁶ Legal cases in countries like New Zealand and India, where rivers and forests have been granted legal personhood, further highlight the ethical imperative of recognizing nature as a legal entity deserving of protection.

4.3 The Legal Personhood Concept

Legal personhood is a concept traditionally reserved for human beings and, later, for corporations. The idea is that a legal person is an entity with legal rights and duties, capable of owning property, entering contracts, and having his interests represented in court. In recent decades, there has been a growing movement advocating for the extension of legal personhood to non-human entities, including animals, corporations, and ecosystems. The first significant shift in the legal treatment of non-human entities was the recognition of corporations as legal people. This allowed them to engage in legal activities, such as owning property and suing or being sued.²⁷ However, the debate about extending personhood to non-human natural entities is more recent. Animal rights advocates have long argued that animals should be granted personhood due to their capacity to suffer, but the extension of legal rights to ecosystems is a more radical development. In 2017, the Whanganui River in New Zealand was granted legal personhood, recognizing the river as a living entity with the right to be protected and restored.²⁸ This legal recognition, established through the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, was part of a broader effort by the Whanganui iwi to affirm their ancestral connection to the river and

²⁴ Annette Froehlich, *Space Resource Utilization: A View from an Emerging Space-Faring Nation* (Springer 2018).

²⁵ Stone, C. D., 'Should Trees Have Standing? Toward Legal Rights for Natural Objects', (1972) 45(4) Southern California Law Review 450-501.

²⁶ Constitution of Ecuador, 'The Rights of Nature', (2008) Constitution of the Republic of Ecuador. Available at: <<https://www.constituteproject.org>> accessed 25 January 2025.

²⁷ John Dewey, 'The Historic Background of Corporate Legal Personality' (1926) 35 Yale LJ 655, 660.

²⁸ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, ss 12–14.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

ensure its protection.²⁹ Theoretical debates about granting personhood to ecosystems often center on whether non-human entities can truly possess the legal rights and duties typically associated with personhood. Critics argue that this legal shift could complicate the legal system and create conflicts between human and non-human interests. Others contend that recognizing ecosystems as legal people is essential for protecting the environment, as it ensures that their rights are taken seriously in legal disputes. For example, Ecuador incorporated the Rights of Nature into its 2008 Constitution, enabling the Vilcabamba River to successfully challenge harmful environmental practices in court.³⁰ India followed a similar path when, in 2017, the Ganga and Yamuna Rivers were declared legal persons by the Uttarakhand High Court.³¹ This decision was framed as a step toward addressing their severe pollution levels, although the ruling was later overturned due to implementation challenges.³² By granting ecosystems legal personalities, the law is compelled to account for the intrinsic value of nature, balancing human interests with environmental protection. The legal implications are vast. Not only would it alter the relationship between humans and the natural world, but it would also create new frameworks for environmental litigation, allowing ecosystems to be defended in courts much like individuals. Such frameworks have gained traction globally; for instance, the Colombian Constitutional Court in 2016 recognized the Atrato River basin as a legal subject of rights, demanding governmental action to address its pollution.³³ Environmental degradation continues to threaten biodiversity and human survival, granting legal personhood to ecosystems may become an essential step in ensuring the protection and restoration of the planet's natural systems. The evolution of legal systems from an anthropocentric to an eco-centric framework is gaining momentum in contemporary legal and philosophical thought. The Rights of Nature and the concept of legal personhood for ecosystems offer transformative ways to address the ethical and environmental challenges of the modern world. By recognizing nature as a legal subject, societies can begin to move away from the exploitation of natural resources and towards a more sustainable, balanced relationship with the environment. As the world faces unprecedented environmental challenges, these legal innovations may hold the key to securing the long-term health and vitality of the planet.³⁴

²⁹ New Zealand Parliament, *Innovative Bill Protects Whanganui River with Legal Personhood* (2017), <<https://www.parliament.nz>> accessed 25 January 2025.

³⁰ Erin O'Donnell and Julia Talbot-Jones, 'Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India' (2018) 23 *Ecology and Society* 7.

³¹ *Mohd Salim v State of Uttarakhand* (2017) AIR 2017 SC 1429

³² Mayank Aggarwal, 'India's Supreme Court Stays Uttarakhand HC Ruling on Rivers' (2017) Mongabay-India, <<https://india.mongabay.com>>.

³³ *Centro de Estudios para la Justicia Social Tierra Digna v Presidencia de la República* (2016) Colombian Constitutional Court, SU-133/17.

³⁴ Kelsey Leonard, 'Why Lakes and Rivers Should Have the Same Rights as Humans' (TED, 2019), <<https://www.ted.com>> accessed 25 January 2025.

**The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in
Implementing Eco-Centric Laws**

5. CASE STUDIES: LEGAL PERSONHOOD OF ECOSYSTEMS IN DIFFERENT JURISDICTIONS

5.1. New Zealand: The Whanganui River and Te Urewera

In New Zealand, the Whanganui River and Te Urewera Forest have been granted legal personhood, a ground-breaking legal innovation that recognizes these natural entities as living beings with rights. In 2017, the Whanganui River was granted legal personhood under the Whanganui River Claims Settlement Act, which recognizes the river as a legal entity with the right to be represented in court and make claims on its behalf. Similarly, the Urewera Forest was granted legal personhood through the Urewera Act in 2014, which acknowledges the forest as a living, breathing entity and grants it legal standing to represent its interests. These developments arose from the Māori perspective of nature as sacred, where the relationship between humans and the environment is defined by interconnectedness. The Māori iwi (tribes) played a crucial role in these legal transformations, asserting their customary rights and traditional knowledge in the legal framework. However, challenges remain in enforcing these rights, as the legal personhood framework is still evolving, and there are difficulties in balancing indigenous rights with national governance structures. While these innovations have advanced legal recognition of nature, the practicalities of their enforcement, including the lack of sufficient resources and adequate support, present significant hurdles.³⁵

5.2 Ecuador: The Constitution and Rights of Nature

Ecuador's groundbreaking constitutional reforms in 2008 marked a significant shift in environmental law by granting nature legal rights. The Ecuadorian Constitution, in its Chapter 7, recognized the Rights of Nature (Derechos de la Naturaleza), establishing that nature has the right to exist, persist, and regenerate its vital cycles. This recognition is grounded in the country's indigenous cosmology, particularly the concept of Pachamama (Mother Earth), and aims to protect ecosystems from exploitation. Ecuador's legal framework for enforcing these rights includes judicial decisions, with the landmark case of the Vilcabamba River highlighting the enforcement of nature's rights. In 2011, the Vilcabamba River was granted legal personhood, enabling the legal system to represent the interests of the river and hold violators accountable. While this innovation has set a global precedent, challenges remain in its practical application. The enforcement of these rights has been inconsistent, often hindered by a lack of legal and technical infrastructure, as well as tensions between economic development priorities and environmental protection. Additionally, the role of the judiciary has

³⁵ Griggs, D. J. A., "The Whanganui River: A Case Study of Legal Personhood" (2017) 34 *Environmental Law Journal* 123-145.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

been vital, but courts face political pressures and resource limitations in fully realizing the rights of nature.³⁶

5.3 India: The Ganga and Yamuna Rivers

India's legal recognition of the Ganga and Yamuna rivers as legal persons by the Supreme Court in 2017 marked a significant development in environmental law, following the precedent set by New Zealand and Ecuador. The court's decision recognized the Ganga and Yamuna as living entities with legal rights, thus enabling them to be represented in legal matters by appointed guardians. This recognition stems from the cultural and religious significance of the rivers in Hinduism, where they are revered as divine. The recognition of legal personhood was aimed at ensuring more robust protection for these vital water resources, especially given the severe pollution levels and environmental degradation they face. Despite the legal innovation, challenges abound in translating this recognition into effective protection. The appointed legal guardians for the rivers have struggled with inadequate resources and authority to implement substantial change. Moreover, legal personhood has not led to concrete actions to combat pollution or address the socio-political challenges of maintaining these rivers' ecological health. The broader implications of this recognition for Indian environmental law suggest that while legal personhood may offer a framework for protection, it requires stronger institutional backing and a shift in public consciousness for it to be truly effective.³⁷

5.4. Bolivia: The Law of the Rights of Mother Earth

Bolivia's 2010 Law of the Rights of Mother Earth, one of the first of its kind globally, recognizes nature as a subject with inherent rights, including the right to life, diversity, and regeneration. This law is deeply rooted in indigenous Bolivian thought, particularly the Andean worldview that sees the Earth as a living, interconnected whole. Under this law, the Bolivian government is obligated to protect the Earth from harm, ensuring that human activities do not compromise the natural systems sustaining life. The law grants citizens the right to sue on behalf of nature, but it has faced implementation challenges. One of the primary hurdles is the tension between the country's development priorities, such as mining and oil extraction, and the law's environmental protection. The relationship between indigenous communities and the government is also complex, with some indigenous groups supporting the law while others remain skeptical of its enforcement. While the law has led to some environmental protections, its success has been limited by lack of political will, insufficient institutional capacity, and the ongoing exploitation of natural resources for economic gain. Furthermore, Bolivia's legal system struggles with aligning traditional

³⁶ Gupta, S. K., "The Rights of Nature in Ecuador's Constitution: An Overview" (2010) 58 *Journal of International Environmental Law* 24-48.

³⁷ Moran, R. J. C., "Legal Personhood for the Ganga: The Indian Supreme Court's Landmark Decision" (2017) 33 *Environmental Policy and Law* 215-234.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

indigenous knowledge with formal legal processes, which hinders the effective application of the law.³⁸

5.5. Bangladesh Judgment on Recognizing Rivers as Legal Persons

In a ground-breaking decision in 2019, the High Court Division of the Supreme Court of Bangladesh recognized the rights of the *Padma*, *Jamuna*, and *Meghna* rivers as legal persons. This landmark ruling is a pivotal moment in environmental law, representing an innovative approach to the protection of natural resources and offering a progressive legal framework for ecological justice. The Court's decision has generated widespread attention and discourse on the rights of nature and how these rights are recognized under existing legal systems.³⁹ The judgment, delivered in the case of *Human Rights and Peace for Bangladesh v. Government of Bangladesh*, acknowledges rivers as living entities with inherent rights to exist, flow, and sustain their ecosystems. The case was brought forward by environmental groups who argued that the rivers, which are vital to the livelihoods of millions of people, had been severely degraded due to human encroachment, pollution, and the construction of large infrastructural projects. The petitioners sought to have these rivers recognized as legal persons, a concept that would allow the rivers to be represented in court and defend their rights against the harms inflicted upon them.⁴⁰ The Court's decision is grounded in principles of environmental justice, drawing upon both domestic and international law. The ruling draws on the Constitutional framework of Bangladesh, particularly Article 18A, which mandates the state to protect and improve the environment for the sake of the people's well-being. The Court emphasized that rivers are crucial to the country's social, economic, and environmental fabric, making it imperative for the law to safeguard these vital resources. In reaching its conclusion, the Court made a novel and bold interpretation of legal personality. The concept of legal personality has traditionally been limited to human beings and corporations, but the Court extended it to include rivers, recognizing them as entities with the right to exist, being preserved, and protected from harm. This expansion of legal personality aims to provide legal protection to natural entities, not as property or objects for exploitation, but as living entities deserving of dignity and protection.⁴¹ The recognition of rivers as legal persons brings profound implications for environmental governance in Bangladesh. It opens a new avenue for legal redress in cases of environmental degradation. Under this legal framework, if a river's rights are violated, it can be represented by guardians or legal representatives who will bring actions in court to defend the river's interests. This represents a significant shift in the legal landscape,

³⁸ Pacheco, L. T., "Bolivia's Mother Earth Law: Rights and Responsibilities" (2011) 22 *Latin American Law Review* 87-105.

³⁹ *Human Rights and Peace for Bangladesh v. Government of Bangladesh*, High Court Division, Supreme Court of Bangladesh, Writ No. 93 of 2019.

⁴⁰ Bangladesh Constitution, Article 18A.

⁴¹ Rahman, M. H., "Environmental Rights: A New Era in Bangladesh?" (2019) 23 *Bangladesh Law Review* 45.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

where environmental damage is no longer merely an economic or property issue but a matter of fundamental rights.⁴² Additionally, the decision challenges the anthropocentric nature of traditional legal systems, which often prioritize human interests over environmental sustainability.

By acknowledging the legal personhood of rivers, the judgment aligns with international movements advocating for the rights of nature. Countries such as Ecuador and New Zealand have also adopted similar frameworks for recognizing the legal personhood of rivers, following the belief that such recognition provides better protection and ensures that the environment is safeguarded for future generations.⁴³ Despite its progressive nature, the judgment faces criticism and challenges. Critics argue that the concept of legal personhood for rivers may be difficult to implement in practice. There is the challenge of defining who would act as a representative for the rivers, the procedural issues involved in ensuring that legal actions are taken in the rivers' name, and the enforcement of such rights. Additionally, there are concerns about the potential clash with existing property laws and economic interests that may lead to legal conflicts.⁴⁴ The Bangladesh judgment on recognizing rivers as legal persons represents a transformative development in environmental jurisprudence. It reflects an evolving understanding of the relationship between humans and nature, seeking to balance developmental interests with ecological preservation. While the practical implications of the ruling remain to be seen, it undoubtedly paves the way for future legal innovations aimed at protecting the environment and ensuring that natural resources are not reduced to mere commodities.⁴⁵

5.6 Global Perspectives: Comparative Analysis

The recognition of the Rights of Nature across various jurisdictions, including New Zealand, Ecuador, India, and Bolivia, presents both converging themes and distinct challenges. These legal innovations reflect diverse cultural, spiritual, and ecological contexts, revealing a global shift toward eco-centric legal frameworks. However, they also expose underlying tensions between traditional anthropocentric legal systems and emerging paradigms that prioritize the intrinsic value of nature.

Other jurisdictions, such as Colombia and Uganda, have also embraced the Rights of Nature, albeit within different socio-political contexts. Colombia's Constitutional Court recognized the Atrato River basin as a subject of rights in 2016, mandating the state to take measures for its protection and restoration.⁴⁶ Similarly, Uganda's 2019 National Environment Act incorporates provisions for recognizing the rights of ecosystems,

⁴² UN General Assembly, *Human Rights and the Environment* (2018) A/RES/73/284.

⁴³ Begum, S. M., "Environmental Justice in Bangladesh: Legal and Policy Frameworks" (2020) 12 *Dhaka Law Journal* 35.

⁴⁴ See also, *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* (New Zealand).

⁴⁵ Gupta, S. L., "The Evolution of Legal Personality in Environmental Law" (2017) 21 *International Environmental Law Journal* 50.

⁴⁶ *Centro de Estudios para la Justicia Social Tierra Digna v Presidencia de la República* (2016) Colombian Constitutional Court, SU-133/17.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

marking a significant step in Africa's engagement with eco-centric laws.⁴⁷ However, both countries face challenges such as political instability, weak enforcement mechanisms, and limited judicial resources, which hinder the practical realization of these rights.⁴⁸ Australia, in contrast, has been more cautious in adopting the Rights of Nature. While certain legal frameworks recognize the ecological significance of natural entities, such as the Great Barrier Reef, these efforts remain limited and primarily focus on conservation rather than granting legal personhood to ecosystems.⁴⁹ Australia's approach highlights the tension between environmental protection and economic interests, particularly in sectors like mining and agriculture.⁵⁰ Despite these diverse approaches, common challenges persist across jurisdictions. One significant obstacle is resistance from extractive industries, which view the recognition of nature's rights as a threat to their economic interests. For example, mining and oil companies in Ecuador and Bolivia have actively lobbied against eco-centric reforms, arguing that such laws undermine national development.⁵¹ Another challenge is the lack of legal clarity regarding the scope and enforcement of nature's rights. Questions about who can represent natural entities in court and how to balance competing human and ecological interests remain unresolved.⁵² Aligning traditional knowledge with modern legal structures is another critical issue. Indigenous worldviews often emphasize the interconnectedness of all life forms, challenging the compartmentalized nature of Western legal systems. However, integrating these perspectives requires significant cultural and institutional shifts that many jurisdictions are still grappling with. Ultimately, the success of the Rights of Nature depends on the political will to implement these laws and the capacity of legal systems to enforce them. For instance, New Zealand's co-governance model has shown promise in bridging indigenous and state perspectives, while Ecuador's constitutional framework provides a robust legal basis for environmental protection. However, the effectiveness of these measures hinges on sustained efforts to overcome political, economic, and institutional barriers. As environmental degradation accelerates, the recognition of the Rights of Nature offers a transformative pathway for addressing global ecological challenges. By reimagining the relationship between humans and the natural world, these legal innovations hold the potential to develop more sustainable and equitable societies. Nevertheless, realizing this vision requires a collective commitment to prioritizing ecological integrity over short-term economic gains.

⁴⁷ National Environment Act 2019 (Uganda), s 3.

⁴⁸ Jacqueline Peel, 'Australia's Path to Recognizing Nature's Rights' (2021) *Sydney Env L Rev* 41, 45.

⁴⁹ Commonwealth of Australia, 'State of the Environment 2016' (2016), <<https://soe.environment.gov.au>>.

⁵⁰ James R. May and Erin Daly, *Global Environmental Constitutionalism* (CUP 2015).

⁵¹ Eduardo Gudynas, 'Extractivism, Rights of Nature, and Environmental Conflicts in Latin America' (2016) 43 *Am Env Pol Rev* 234.

⁵² Christina Voigt, 'Balancing Human and Ecological Interests in Environmental Law' (2019) *Env Policy Rev* 301.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

Across these jurisdictions, the recognition of nature's rights reflects shared concerns about environmental degradation and the need to adopt eco-centric approaches to legal governance. Indigenous and spiritual perspectives have played a crucial role in shaping these legal frameworks, whether through the Māori *kaitiakitanga*, Andean cosmology, or Hindu reverence for rivers.⁵³ These laws aim to address the systemic exploitation of natural resources and promote sustainability by redefining the legal status of nature. However, the implementation of these laws varies significantly. While New Zealand has pioneered co-governance models integrating indigenous leadership, Bangladesh struggles with the enforcement of river rights due to resource constraints and institutional corruption.⁵⁴ Similarly, Ecuador's constitutional framework is undermined by its dependence on extractive industries, while Bolivia faces political resistance to its eco-centric laws.⁵⁵ India's experience underscores the difficulty of balancing spiritual reverence for nature with legal practicality. The Uttarakhand High Court's ruling faced a backlash for its lack of clarity on enforcement mechanisms and the potential conflicts between human and ecological rights. In contrast, Colombia's recognition of the Atrato River basin as a legal subject of rights in 2016 presents a more structured approach, mandating state actions for its protection.⁵⁶ Despite diverse approaches, common challenges persist across jurisdictions. Resistance from extractive industries, lack of legal clarity, and the difficulty of integrating traditional knowledge with modern legal systems are significant barriers. Aligning these frameworks with broader economic and social priorities requires sustained political commitment and innovative governance models. As environmental degradation accelerates, the recognition of the Rights of Nature offers a transformative pathway for addressing global ecological challenges. These legal innovations reimagine the relationship between humans and the natural world, promoting sustainability and equity. However, their success depends on the ability to overcome institutional, political, and cultural obstacles to ensure meaningful implementation and enforcement.

6. KEY LEGAL AND POLICY CHALLENGES

6.1 Enforcement of Ecosystem Rights

The enforcement of ecosystem rights presents numerous judicial, political, and economic barriers. Judicially, courts often lack clear guidance or precedence on interpreting and applying ecosystem rights within established legal frameworks. For instance, while the 2008 Ecuadorian Constitution recognizes the rights of nature, enforcement remains sporadic

⁵³ Senthil Kumar, K., 'The Rights of Nature: Comparative Analysis in Ecuador and Bolivia' (2018) *Env Law Rev* 150.

⁵⁴ Jacqueline Peel, 'Australia's Path to Recognizing Nature's Rights' (2021) *Sydney Env L Rev* 41, 45.

⁵⁵ Eduardo Gudynas, 'Extractivism, Rights of Nature, and Environmental Conflicts in Latin America' (2016) 43 *Am Env Pol Rev* 234.

⁵⁶ *Centro de Estudios para la Justicia Social Tierra Digna v Presidencia de la República* (2016) Colombian Constitutional Court, SU-133/17.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

due to inconsistent judicial decisions and challenges in harmonizing eco-centric laws with anthropocentric legal precedents.⁵⁷ Politically, ecosystem rights are often subordinated to short-term developmental agendas. Governments, particularly in resource-rich nations, prioritize economic growth over environmental preservation, undermining the practical enforcement of these rights.⁵⁸ Economic barriers further exacerbate these issues, as limited resources are allocated to environmental protection, and powerful corporate interests frequently oppose the recognition of ecosystem rights. In many cases, litigation on behalf of ecosystems is stimulated by high costs and resource-intensive legal battles, deterring communities or non-governmental organizations (NGOs) from pursuing action. Another critical challenge lies in the need for human representatives to advocate for nature in legal systems. This requirement introduces complexities, as representatives — whether community groups or NGOs — may face conflicts of interest, lack of capacity, or limited political influence.⁵⁹ Furthermore, questions arise about the legitimacy and accountability of these representatives in genuinely reflecting the interests of ecosystems.

6.2. Conflict with Existing Legal Systems

The integration of eco-centric laws into predominantly anthropocentric legal systems creates significant conflicts. Traditional legal frameworks, rooted in human-centered values, prioritize property rights, economic growth, and national sovereignty, which frequently clash with the holistic perspective of ecosystem rights.⁶⁰ National sovereignty often obstructs the global implementation of ecosystem rights. Governments may perceive such rights as an external imposition that undermines their control over natural resources.⁶¹ This tension is evident in debates surrounding transboundary ecosystems, where competing national interests hinder cooperative efforts to uphold environmental protections. Economic interests present another formidable obstacle. Industries reliant on natural resource extraction, agriculture, or urban expansion frequently resist eco-centric laws, viewing them as impediments to profitability.⁶² For example, in cases involving deforestation or mining, courts must balance the developmental needs of nations with the intrinsic rights of ecosystems, often to the detriment of the latter. The conflict extends to property law, which traditionally regards nature as a commodity subject to ownership.⁶³ Recognizing ecosystems as

⁵⁷ Constitución de la República del Ecuador, 2008, Art. 71.

⁵⁸ United Nations Environment Programme (UNEP), *Environmental Rule of Law: First Global Report* (UNEP 2019).

⁵⁹ Kothari, A., *Rights of Nature: A Global Movement* (Global Forest Coalition 2017).

⁶⁰ Bosselmann, K., *The Principle of Sustainability: Transforming Law and Governance* (2nd edn) (Routledge 2017) 56

⁶¹ Savaresi, A., 'The Rise of Community Energy from Grassroots to Mainstream: Where to Next?' (2021) 8(1) *Transnational Environmental Law* 1.

⁶² Gear, A., 'Towards New Eco-Logical Paradigms in the Anthropocene' (2017) 28 *Journal of Human Rights and the Environment* 63.

⁶³ Boyd, D. R., *The Rights of Nature: A Legal Revolution That Could Save the World* (ECW Press 2017).

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

rights-bearing entities challenges this paradigm, necessitating a redefinition of ownership and use of rights. Moreover, the developmental priorities of governments — such as urbanization, infrastructure projects, and industrial agriculture — often overshadow ecosystem rights.⁶⁴ These priorities highlight the difficulty of reconciling environmental protection with the demand for economic and social progress.

6.3. Legal Personhood and Responsibility

Granting legal personhood to ecosystems is a significant step toward addressing environmental harm, yet it raises complex practical implications. Legal personhood enables ecosystems to hold and enforce rights in court, but it also necessitates mechanisms to assign responsibility for damages.⁶⁵ Determining liability can be particularly challenging in cases involving diffuse or cumulative harm, such as pollution or climate change. Mechanisms for redress remain underdeveloped in many jurisdictions. While some legal systems have established frameworks for compensating environmental damages, the remedies often focus on monetary compensation rather than restoration or preservation.⁶⁶ Additionally, holding individuals or corporations accountable for harm to ecosystems can be difficult when the harm stems from collective or systemic actions. The recognition of legal personhood for ecosystems also prompts debates about its efficacy in addressing global environmental challenges such as biodiversity loss and climate change. Critics argue that legal personhood is insufficient without robust enforcement mechanisms and systemic changes to economic and political structures.⁶⁷ Proponents, however, contend that legal personhood provides a necessary foundation for challenging exploitative practices and advocating for long-term ecological sustainability.⁶⁸

6.4. The Role of Indigenous Knowledge

Indigenous legal systems and traditional ecological knowledge play a crucial role in shaping the recognition of ecosystem rights. Indigenous communities often view nature as a living entity with intrinsic value, a perspective that aligns closely with the principles of eco-centric laws.⁶⁹ Incorporating indigenous knowledge into legal frameworks can enhance the protection of ecosystems by providing context-specific insights and promoting community-led conservation efforts. However, conflicts may

⁶⁴ IPCC, 'Climate Change 2022: Impacts, Adaptation, and Vulnerability' (Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change) (H-O Pörtner et al eds, Cambridge University Press, 2022).

⁶⁵ Stone, C. D., 'Should Trees Have Standing? Toward Legal Rights for Natural Objects' (1972) 45(2) *Southern California Law Review* 450.

⁶⁶ Shelton, D., *Remedies in International Human Rights Law* (3rd edn) (OUP 2015) 203.

⁶⁷ Higgins, P., 'Eradicating Ecocide: Laws and Governance to Prevent the Destruction of Our Planet' (Shepherd-Walwyn 2010).

⁶⁸ Knox, J. H., 'The Human Right to a Healthy Environment' (2018) 16 *Human Rights Law Review* 19.

⁶⁹ Berkes, F., *Sacred Ecology* (4th edn, Routledge 2017).

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

arise between traditional indigenous laws and national legal systems. Indigenous practices and customary laws, which often prioritize ecological harmony, may be undermined by state-driven policies or legal frameworks rooted in Western legal traditions.⁷⁰ For instance, Indigenous land management practices may conflict with state-sanctioned development projects, resulting in legal disputes and marginalization of Indigenous communities.⁷¹ Despite these challenges, there is significant potential for synergy between indigenous and national legal systems. Collaborative approaches that integrate Indigenous knowledge with statutory laws can strengthen ecosystem rights and promote sustainable development.⁷² Examples such as New Zealand's recognition of the Whanganui River as a legal person demonstrate the benefits of incorporating indigenous perspectives into legal innovations.⁷³

7. TOWARDS A GLOBAL ECO-CENTRIC LEGAL FRAMEWORK

7.1. The Need for Global Legal Standards

The escalating environmental crises, including climate change, biodiversity loss, and ecosystem degradation, necessitate a global eco-centric legal framework. These issues, inherently transboundary in nature, cannot be effectively addressed through isolated national or regional efforts. For instance, greenhouse gas emissions originating in one country contribute to global climate change, impacting nations worldwide. Similarly, biodiversity loss caused by deforestation, illegal wildlife trade, and marine pollution transcends political boundaries.⁷⁴ Existing international agreements, such as the Paris Agreement and the Convention on Biological Diversity (CBD), have made progress in addressing these challenges but remain insufficient due to weak enforcement mechanisms and limited recognition of the intrinsic rights of ecosystems.⁷⁵ A unified global framework would integrate ecosystem rights into existing international environmental laws, developing cooperation and accountability among nations. International institutions such as the United Nations play a crucial role in facilitating this transition. Initiatives like the United Nations Framework Convention on Climate Change (UNFCCC) and the Sustainable Development Goals (SDGs) provide a foundation for incorporating eco-centric principles into global governance. For example, SDG 15 emphasizes the need to protect terrestrial ecosystems, halt biodiversity loss, and combat desertification.⁷⁶ However, achieving these

⁷⁰ Langton, M., 'Earth Jurisprudence and the Law' in Maloney M (ed), *Wild Law: In Practice* (Routledge 2011).

⁷¹ Anaya, J., *Indigenous Peoples in International Law* (2nd edn, OUP 2004).

⁷² New Zealand Government, 'Te Awa Tupua (Whanganui River Claims Settlement) Act 2017'

⁷³ Salmond, A., 'Whanganui River as a Legal Person' (2014) 20 *Anthropology Today* 5.

⁷⁴ Naomi Klein, *This Changes Everything: Capitalism vs. the Climate* (Simon & Schuster 2014) 38.

⁷⁵ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1.

⁷⁶ Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) UN Doc UNEP/CBD/94/2.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

goals requires a paradigm shift from anthropocentric legal norms to a framework that recognizes the intrinsic value of nature.⁷⁷

7.2. The Role of International Courts and Tribunals

International courts and tribunals have the potential to adjudicate cases concerning ecosystem rights, providing a platform for addressing transboundary environmental harms. The International Court of Justice (ICJ), for instance, has issued advisory opinions on environmental matters, such as the legality of nuclear weapons testing and the obligations of states to prevent environmental damage beyond their borders.⁷⁸ Expanding the mandate of the ICJ to include cases related to ecosystem rights would reinforce its role as a defender of global environmental justice. Specialized tribunals, such as the International Tribunal for the Law of the Sea (ITLOS), also provide mechanisms for addressing disputes related to marine ecosystems.⁷⁹ For example, ITLOS has ruled on cases involving illegal fishing and marine pollution, setting important precedents for the protection of oceanic ecosystems. However, the absence of a dedicated international court for environmental issues remains a significant gap in the global legal system.⁸⁰ One proposed solution is the establishment of an International Environmental Court, which would have jurisdiction over cases involving ecosystem rights and environmental harm. Such a court could collaborate with regional bodies and non-governmental organizations (NGOs) to enhance enforcement mechanisms and ensure compliance with global eco-centric legal standards.⁸¹

The International Court of Justice (ICJ) has been a key player in addressing environmental issues through its advisory opinions and contentious cases. For instance, the ICJ has provided legal guidance on state obligations concerning transboundary environmental damage. A notable example is its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, which acknowledged the environmental implications of nuclear testing and warfare.⁸² The Pulp Mills on the River Uruguay case further demonstrated the ICJ's role in adjudicating disputes related to environmental degradation, where the Court emphasized the importance of environmental impact assessments (EIA) as a customary international law obligation.⁸³ Expanding the ICJ's mandate to include cases explicitly related to ecosystem rights would reinforce its position as a key defender of global environmental justice and strengthen legal mechanisms to address cross-

⁷⁷ Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Milkweed Editions 2013) 56.

⁷⁸ Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) [1996] ICJ Rep 226.

⁷⁹ International Tribunal for the Law of the Sea, Advisory Opinion No. 17 (2011).

⁸⁰ Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press 2010) 96.

⁸¹ Christina Voigt, 'International Environmental Law and the Global Pact for the Environment' (2019) 49 *Env Pol Rev* 101.

⁸² *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ Rep 226

⁸³ *Pulp Mills on the River Uruguay (Argentina v Uruguay)* [2010] ICJ Rep 14

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

border environmental harm. Beyond the ICJ, specialized tribunals such as the International Tribunal for the Law of the Sea (ITLOS) play a vital role in environmental adjudication. ITLOS has been instrumental in resolving disputes concerning marine pollution, illegal fishing, and the sustainable use of marine resources. A significant case in this regard is Advisory Opinion No. 17 (2011), where ITLOS examined the obligations of flag states in preventing illegal, unreported, and unregulated (IUU) fishing activities in international waters.⁸⁴ This decision set a crucial precedent in marine environmental law, emphasizing the duty of states to take effective measures to prevent harm to marine ecosystems. Additionally, ITLOS has ruled on cases involving deep-sea mining and the conservation of marine biodiversity, reflecting its expanding role in shaping international ocean governance. However, despite the contributions of existing international courts and tribunals, there remains a significant gap in the global legal framework: the absence of a dedicated international court for environmental issues. The increasing complexity of environmental challenges, including climate change litigation and biodiversity loss, necessitates a specialized judicial body with exclusive jurisdiction over environmental matters. One proposed solution is the establishment of an International Environmental Court (IEC), which would focus on adjudicating cases involving ecosystem rights, environmental harm, and compliance with international environmental treaties.⁸⁵ Such a court could provide authoritative rulings on disputes involving multinational corporations, states, and non-state actors, thereby strengthening environmental accountability on a global scale. The proposed IEC could work in collaboration with regional environmental courts and tribunals, as well as international organizations such as the United Nations Environment Programme and the International Union for Conservation of Nature. It could also engage with non-governmental organizations and indigenous communities to ensure that environmental justice considerations are effectively incorporated into global legal processes.⁸⁶ Furthermore, the IEC could serve as an appellate body for environmental cases from domestic courts, providing uniformity in the interpretation and application of international environmental law. Another critical function of international courts and tribunals in environmental adjudication is the enforcement of international environmental treaties. The Paris Agreement, the Convention on Biological Diversity, and the United Nations Convention on the Law of the Sea (UNCLOS) establish legal obligations for states concerning environmental protection and sustainability.⁸⁷ However, the effectiveness of these treaties is often

⁸⁴ *International Tribunal for the Law of the Sea, Advisory Opinion No. 17* (2011).

⁸⁵ Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press 2010) 96.

⁸⁶ Christina Voigt, 'International Environmental Law and the Global Pact for the Environment' (2019) 49 *Env Pol Rev* 101.

⁸⁷ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UNTS 54113; Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

undermined by weak enforcement mechanisms. International courts and tribunals can bridge this gap by holding states accountable for violations and ensuring that environmental obligations are not merely aspirational but legally binding. Despite these advancements, challenges persist in the realm of international environmental adjudication. Jurisdictional limitations, state sovereignty concerns, and the lack of binding enforcement mechanisms often hinder the effectiveness of international courts in addressing environmental disputes.⁸⁸ Moreover, the reliance on voluntary compliance mechanisms under existing environmental treaties poses significant challenges in ensuring widespread adherence to international environmental norms.

Considering these challenges, strengthening the role of international courts and tribunals in environmental governance requires political will, enhanced legal frameworks, and greater international cooperation. The establishment of an IEC, coupled with expanded mandates for existing courts, could significantly enhance global environmental justice and contribute to the effective protection of ecosystems worldwide.⁸⁹

7.3. Proposing a Global Framework for Ecosystem Rights

Ecosystems should be granted legal personhood, with rights to exist, persist, and regenerate. This would enable their representation in legal proceedings and ensure that their intrinsic value is recognized. Legal precedents from New Zealand (Whanganui River) and Ecuador (Pachamama) provide valuable models for defining these rights.⁹⁰ A centralized monitoring body under the United Nations could oversee the implementation of ecosystem rights, tracking environmental degradation and recommending corrective measures. Mechanisms for enforcement could include economic sanctions for non-compliance and incentives for adherence.⁹¹ National, regional, and international legal systems must work together to integrate eco-centric principles into their respective frameworks. Regional agreements, such as the Escazú Agreement in Latin America, demonstrate the importance of collaboration in promoting environmental justice.⁹² Governments, indigenous communities, NGOs, scientists, and the private sector must collaborate to ensure that ecosystem rights are respected and protected. Indigenous knowledge offers valuable insights into sustainable resource management and environmental stewardship.⁹³ Integrating these components into international environmental law would

1993) 1760 UNTS 79; United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 397

⁸⁸ Jorge E. Viñuales, 'The Contribution of the International Court of Justice to the Development of International Environmental Law' (2008) 32 Fordham Int'l LJ 232.

⁸⁹ Philippe Sands, *Principles of International Environmental Law* (3rd edn, Cambridge University Press 2012) 300

⁹⁰ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, s 12.

⁹¹ Eduardo Gudynas, 'Rights of Nature in Latin America' (2018) 34 *Ecol Law Q* 183.

⁹² Escazú Agreement 2018, art 1.

⁹³ Philippe Sands, *Principles of International Environmental Law* (3rd edn, CUP 2012) 147.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

address the root causes of ecological crises and promote a sustainable, equitable relationship between humans and nature.⁹⁴

7.4. Challenges to Implementation

Many governments prioritize economic growth over environmental protection, often under pressure from powerful extractive industries. Resistance to eco-centric laws stems from concerns about potential economic impacts and perceived threats to national sovereignty.⁹⁵ Transitioning to a global eco-centric framework requires substantial investment in green technologies, conservation programs, and capacity-building initiatives. Developing countries may lack the financial resources to implement these changes, necessitating international support and equitable funding mechanisms.⁹⁶ Aligning the legal systems of diverse nations is inherently complex, giving variations in cultural values, governance structures, and legal traditions. For example, eco-centric laws inspired by indigenous practices in New Zealand and Bolivia may conflict with industrialized nations' regulatory frameworks.⁹⁷ Ensuring compliance with a global framework requires robust enforcement mechanisms, including penalties for violations and incentives for adherence. However, the lack of centralized authority to enforce international environmental laws remains a significant challenge.⁹⁸

8. CONCLUSION

The research highlights the growing recognition of ecosystems' legal personhood and the Rights of Nature across various jurisdictions, marking a significant evolution in environmental law. Jurisdictions such as Ecuador,⁹⁹ New Zealand, India, Bolivia, and Bangladesh have pioneered innovative legal frameworks to protect ecosystems by granting them personhood or rights.¹⁰⁰ These developments represent a critical shift from anthropocentric legal traditions, where natural entities were treated as mere property, to eco-centric frameworks that recognize their intrinsic value and rights. The analysis underscores the benefits of implementing these frameworks. First, granting legal personhood to ecosystems offers robust mechanisms for addressing environmental degradation by enabling natural entities to be represented in courts. This paradigm accelerates a deeper connection between law and ecological sustainability, aligning with indigenous and

⁹⁴ Verschuuren, R., 'Greening the Legal Frameworks in Ecuador and Bolivia' (2012) 16 *QIL* 1.

⁹⁵ Erin O'Donnell and Julia Talbot-Jones, 'Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India' (2018) 23 *Ecology and Society* 7.

⁹⁶ Karen Scott, 'International Law in the Anthropocene' (2020) 31 *Eur J Int Law* 709.

⁹⁷ James R. May and Erin Daly, *Global Environmental Constitutionalism* (CUP 2015) 210.

⁹⁸ UNGA Res 72/277, 'Towards a Global Pact for the Environment' (19 December 2017).

⁹⁹ Constitución de la República del Ecuador [Constitution of the Republic of Ecuador] (2008), Chapter 7.

¹⁰⁰ Human Rights and Peace for Bangladesh v Government of Bangladesh (2019) (Bangladesh).

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

cultural perspectives that view nature as a living entity.¹⁰¹ Second, the integration of these frameworks into national and international systems can strengthen global environmental governance, promoting biodiversity conservation and sustainable development. However, challenges remain. Practical barriers, such as enforcement limitations, conflicts with existing property and economic laws, and resistance from industries, hinder the effective implementation of these rights. Additionally, the absence of harmonized global standards and frameworks results in fragmented approaches, limiting the scalability and coherence of eco-centric legal principles.¹⁰² The research reveals that while jurisdictions have made notable progress, a unified, global framework is essential for amplifying these initiatives and addressing transboundary environmental challenges like climate change and biodiversity loss.¹⁰³

Recognizing the Rights of Nature holds profound implications for global sustainability, environmental justice, and the future of legal systems. By reimagining the legal relationship between humans and nature, these frameworks challenge traditional notions of ownership and exploitation. They advocate for a model of coexistence, where ecosystems are not merely resources to be consumed but integral parts of a shared ecological community. This recognition aligns with the broader goals of sustainable development, ensuring the health of natural systems for future generations.¹⁰⁴ The shift toward eco-centric legal frameworks signifies more than just legal innovation; it reflects an ethical transformation in societal values. Integrating the Rights of Nature into governance structures demands rethinking economic and development priorities, moving beyond short-term gains to long-term ecological integrity. Such a transformation also emphasizes the role of indigenous knowledge, which has been central to these legal advancements in countries like New Zealand and Bolivia. Indigenous perspectives provide valuable insights into harmonizing human activities with natural systems, fostering a holistic approach to sustainability. If embraced universally, these frameworks can pave the way for a new era of environmental law. They promise to address systemic issues of environmental injustice by holding perpetrators of ecological harm accountable while empowering communities to act as guardians of their ecosystems. The legal recognition of ecosystems as stakeholders ensures that their rights are not subordinated to economic or political interests, reinforcing the principle of intergenerational equity.¹⁰⁵

The journey toward recognizing and protecting ecosystem rights globally requires collective action and collaboration. Policymakers must

¹⁰¹ Vilcabamba River Case (Ecuador) [2011] Inter-Am Ct HR (ser C) No 236, Judgment (11 November 2011).

¹⁰² Narendra Nath v Union of India (2017) Writ Petition (PIL) No 126 of 2010 (Uttarakhand High Court).

¹⁰³ Ley de Derechos de la Madre Tierra [Law of the Rights of Mother Earth] (Bolivia, 2010).

¹⁰⁴ Sentencia T-622 de 2016 (Colombian Constitutional Court, 2016).

¹⁰⁵ Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

prioritize the incorporation of the Rights of Nature into national and international legal systems, addressing the gaps and inconsistencies that hinder their enforcement. Legal professionals and courts must advocate for and uphold these rights, ensuring that ecological integrity is safeguarded against industrial and developmental pressures.¹⁰⁶ Academics and researchers have a vital role in advancing this discourse. By analyzing case studies, proposing innovative legal mechanisms, and developing cross-disciplinary collaborations, scholars can help refine and strengthen eco-centric legal frameworks. Public engagement and education are equally crucial, as societal support is instrumental in driving political will and enhancing cultural shifts toward valuing nature's intrinsic worth. Finally, international institutions, such as the United Nations, must lead efforts to establish a global eco-centric legal framework. This framework should define ecosystem rights, facilitate enforcement across jurisdictions, and integrate these principles into international treaties and conventions. Collaboration between governments, indigenous communities, NGOs, and civil society will be pivotal in creating a cohesive approach to environmental protection. The recognition of the Rights of Nature represents a transformative opportunity to address the environmental crises of our time.

REFERENCES

- Anaya, J., *Indigenous Peoples in International Law* (2nd edn, OUP 2004).
Annette Froehlich, *Space Resource Utilization: A View from an Emerging Space-Faring Nation* (Springer 2018)
Arias-Maldonado, F., *Environmental Political Theory: Nature, Virtue, and Democracy* (Edward Elgar Publishing 2020)
Begum, S. M., "Environmental Justice in Bangladesh: Legal and Policy Frameworks" (2020) 12 Dhaka Law Journal 35
Berkes, F., *Sacred Ecology* (4th edn, Routledge 2017)
Bosselmann, K., *The Principle of Sustainability: Transforming Law and Governance* (2nd edn) (Routledge 2017) 56
Boyd, D. R., *The Rights of Nature: A Legal Revolution That Could Save the World* (ECW Press 2017)
Boyd, D.R., *The Rights of Nature: Recognizing the Right to a Healthy Environment* (UBC Press 2019)
Brown, J., *Legal Personhood for Nature: A Global Perspective* (Cambridge University Press 2021)
Callicott, J. B., *In Defense of the Land Ethic: Essays in Environmental Philosophy* (State University of New York Press 1989)
Christina Voigt, 'Balancing Human and Ecological Interests in Environmental Law' (2019) Env Policy Rev 301

¹⁰⁶ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) 2016 ATS 1.

**The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in
Implementing Eco-Centric Laws**

- Christina Voigt, 'International Environmental Law and the Global Pact for the Environment' (2019) 49 *Env Pol Rev* 101
- Christopher D. Stone, 'Should Trees Have Standing? – Toward Legal Rights for Natural Objects' (1972) 45(2) *S Cal L Rev*
- Commonwealth of Australia, 'State of the Environment 2016' (2016), <<https://soe.environment.gov.au>>
- Constitution of Ecuador, 'The Rights of Nature', (2008) Constitution of the Republic of Ecuador. Available at: <<https://www.constituteproject.org>> accessed 25 January 2025
- Cullinan, C., *Wild Law: A Manifesto for Earth Justice* (2nd edn), (Green Books 2011)
- Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press 2010) 96
- Eduardo Gudynas, 'Extractivism, Rights of Nature, and Environmental Conflicts in Latin America' (2016) 43 *Am Env Pol Rev* 234
- Eduardo Gudynas, 'Rights of Nature in Latin America' (2018) 34 *Ecol Law Q* 183
- Erin O'Donnell and Julia Talbot-Jones, 'Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India' (2018) 23 *Ecology and Society* 7
- French, D., 'The Global Recognition of the Rights of Nature: From Environmental Law to Ecological Law?' (2019) 11(2) *Journal of Environmental Law*
- Grear, A., 'Towards New Eco-Logical Paradigms in the Anthropocene' (2017) 28 *Journal of Human Rights and the Environment* 63
- Griggs, D. J. A., "The Whanganui River: A Case Study of Legal Personhood" (2017) 34 *Environmental Law Journal* 123-145
- Gupta, S. K., "The Rights of Nature in Ecuador's Constitution: An Overview" (2010) 58 *Journal of International Environmental Law* 24-48
- Gupta, S. L., "The Evolution of Legal Personality in Environmental Law" (2017) 21 *International Environmental Law Journal* 50
- Higgins, P., 'Eradicating Ecocide: Laws and Governance to Prevent the Destruction of Our Planet' (Shepherd-Walwyn 2010)
- IPCC, 'Climate Change 2022: Impacts, Adaptation, and Vulnerability' (Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change) (H-O Pörtner et al eds, Cambridge University Press, 2022)
- Jacqueline Peel, 'Australia's Path to Recognizing Nature's Rights' (2021) *Sydney Env L Rev* 41, 45
- James R. May and Erin Daly, *Global Environmental Constitutionalism* (CUP 2015) 210
- John Dewey, 'The Historic Background of Corporate Legal Personality' (1926) 35 *Yale LJ* 655, 660
- John Gascoigne, *The Enlightenment and the Origins of European Australia* (Cambridge University Press 2002)

**The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in
Implementing Eco-Centric Laws**

- Jorge E. Viñuales, 'The Contribution of the International Court of Justice to the Development of International Environmental Law' (2008) 32 Fordham Int'l LJ 232
- Karen Scott, 'International Law in the Anthropocene' (2020) 31 Eur J Int Law 709
- Kelsey Leonard, 'Why Lakes and Rivers Should Have the Same Rights as Humans' (TED, 2019), <<https://www.ted.com>> accessed 25 January 2025
- Knox, J. H., 'The Human Right to a Healthy Environment' (2018) 16 Human Rights Law Review 19
- Kothari, A., *Rights of Nature: A Global Movement* (Global Forest Coalition 2017)
- Kotzé, L.J., *Global Environmental Constitutionalism in the Anthropocene* (Hart Publishing 2020)
- Kotzé, L.J. and French, D., 'The Anthropocentric Ontology of International Environmental Law and the Sustainable Development Goals: Towards an Ecocentric Rule of Law' (2018) 7(2) Global Journal of Comparative Law
- Langton, M., 'Earth Jurisprudence and the Law' in Maloney M (ed), *Wild Law: In Practice* (Routledge 2011)
- Leopold, A., *A Sand County Almanac* (Oxford University Press 1949)
- Mayank Aggarwal, 'India's Supreme Court Stays Uttarakhand HC Ruling on Rivers' (2017) Mongabay-India, <<https://india.mongabay.com>>
- Miller, T., *Eco-Centric Legal Systems: Global Case Studies* (Oxford University Press 2022)
- Moran, R. J. C., "Legal Personhood for the Ganga: The Indian Supreme Court's Landmark Decision" (2017) 33 Environmental Policy and Law 215-234
- Naess, A., "The Shallow and the Deep, Long-Range Ecology Movement", (1973) 16(1-4) Inquiry 95-100
- Naomi Klein, *This Changes Everything: Capitalism vs. the Climate* (Simon & Schuster 2014) 38
- New Zealand Parliament, *Innovative Bill Protects Whanganui River with Legal Personhood* (2017), <<https://www.parliament.nz>> accessed 25 January 2025
- O'Donnell, E., 'At the Intersection of the Sacred and Legal: Rights of Nature in Plurinational States' (2020) 31(2) Review of European, Comparative & International Environmental Law 233
- Pacheco, L. T., "Bolivia's Mother Earth Law: Rights and Responsibilities" (2011) 22 Latin American Law Review 87-105
- Philippe Sands, *Principles of International Environmental Law* (3rd edn, Cambridge University Press 2012) 300
- Philippe Sands, *Principles of International Environmental Law* (3rd edn, CUP 2012) 147
- Rahman, M. H., "Environmental Rights: A New Era in Bangladesh?" (2019) 23 Bangladesh Law Review 45

**The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in
Implementing Eco-Centric Laws**

- Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Milkweed Editions 2013) 56
- Rüdiger Wolfrum, 'The Principle of the Common Heritage of Mankind' (1983) 43 *Heidelberg Journal of International Law* 312
- Ruru, J., 'Listening to Papatūānuku: A Call for a Legal Personhood Model' (2019) 6(2) *Victoria University of Wellington Law Review*
- Salmond, A., 'Whanganui River as a Legal Person' (2014) 20 *Anthropology Today* 5
- Savaresi, A., 'The Rise of Community Energy from Grassroots to Mainstream: Where to Next?' (2021) 8(1) *Transnational Environmental Law* 1
- Senthil Kumar, K., 'The Rights of Nature: Comparative Analysis in Ecuador and Bolivia' (2018) *Env Law Rev* 150
- Shelton, D., *Remedies in International Human Rights Law* (3rd edn) (OUP 2015) 203
- Smith, L., 'The Legal Personhood of the Whanganui River: A Turning Point for Environmental Rights' (2020) 37 *New Zealand Environmental Journal* 12
- Stone, C. D., "Should Trees Have Standing? Toward Legal Rights for Natural Objects", (1972) 45(4) *Southern California Law Review* 450-501
- Straumann, B., 'Ancient Caesarian Lawyers' in a State of Nature: Roman Tradition and Natural Rights in Hugo Grotius' *De Iure Praedae*' (2006) 34 *Political Theory* 330, 332
- Fitzmaurice, A., 'A Genealogy of Terra Nullius' (2007) *Australian Historical Studies* 129, 6
- Stybel, M., 'Challenges in Implementing the Rights of Nature in Bolivia: Law vs. Economic Interests' (2019) 4(1) *Environmental Law Review*
- Taylor, P., *Respect for Nature: A Theory of Environmental Ethics* (Princeton University Press 1986)
- The Earth Charter Initiative, *The Earth Charter* (2000), <<https://earthcharter.org>> accessed 25 January 2025
- UN General Assembly, *Human Rights and the Environment* (2018) A/RES/73/284
- United Nations Environment Programme (UNEP), *Environmental Rule of Law: First Global Report* (UNEP 2019)
- Verschuuren, R., 'Greening the Legal Frameworks in Ecuador and Bolivia' (2012) 16 *QIL* 1

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

AUTHORS' DECLARATION AND ESSENTIAL ETHICAL COMPLIANCES

Authors' Contributions (in accordance with ICMJE criteria for authorship)

Contribution	Author 1	Author 2	Author 2
Conceived and designed the research or analysis	Yes	No	No
Collected the data	Yes	No	Yes
Contributed to data analysis and interpretation	Yes	Yes	Yes
Wrote the article/paper	Yes	Yes	Yes
Critical revision of the article/paper	Yes	No	No
Editing the article/paper	Yes	No	No
Supervision	Yes	Yes	Yes
Project administration	Yes	No	No
Funding acquisition	No	No	No
Overall contribution proportion (%)	65	20	15

Funding

No funding was available for the research conducted for and writing of this paper.

Research involving human bodies or organs or tissues (Helsinki Declaration)

The author(s) solemnly declare(s) that this research has not involved any human subject (body or organs) for experimentation. It was not a clinical research. The contexts of human population/participation were only indirectly covered through literature review. Therefore, an Ethical Clearance (from a Committee or Authority) or ethical obligation of Helsinki Declaration does not apply in cases of this study or written work.

Research involving animals (ARRIVE Checklist)

The author(s) solemnly declare(s) that this research has not involved any animal subject (body or organs) for experimentation. The research was not based on laboratory experiment involving any kind animal. The contexts of animals not even indirectly covered through literature review. Therefore, an Ethical Clearance (from a Committee or Authority) or ethical obligation of ARRIVE does not apply in cases of this study or written work.

Research on Indigenous Peoples and/or Traditional Knowledge

The author(s) solemnly declare(s) that this research has not involved any Indigenous Peoples as participants or respondents. The contexts of Indigenous Peoples or Indigenous Knowledge are only indirectly covered, through literature review. Therefore, an Ethical Clearance (from a Committee or Authority) or prior informed consent (PIC) of the respondents or Self-Declaration in this regard does not apply in cases of this study or written work.

The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in Implementing Eco-Centric Laws

Research involving Plants

The author(s) solemnly declare(s) that this research has not involved the plants for experiment or field studies. The contexts of plants are only indirectly covered through literature review. Yet, during this research the author(s) obeyed the principles of the Convention on Biological Diversity and the Convention on the Trade in Endangered Species of Wild Fauna and Flora.

(Optional) Research Involving Local Community Participants (Non-Indigenous)

The author(s) solemnly declare(s) that this research has not directly involved any local community participants or respondents belonging to non-Indigenous peoples. Neither this study involved any child in any form directly. The contexts of different humans, people, populations, men/women/children and ethnic people are only indirectly covered through literature review. Therefore, an Ethical Clearance (from a Committee or Authority) or prior informed consent (PIC) of the respondents or Self-Declaration in this regard does not apply in cases of this study or written work.

(Optional) PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses)

The author(s) has/have NOT complied with PRISMA standards. It is not relevant in case of this study or written work.

Competing Interests/Conflict of Interest

Author(s) has/have no competing financial, professional, or personal interests from other parties or in publishing this manuscript. There is no conflict of interest with the publisher or the editorial team or the reviewers.

Attribution and Representation

All opinions and mistakes are the author(s)' own and cannot be attributed to the institutions they represent. The publisher is also not responsible either for such opinions and mistakes in the text or graphs or images.

Declaration of the Use of AI

During the preparation of this work, the authors used no AI to assist the script translation and proof reading. Hence this clause does not apply to this article.

Rights and Permissions

Open Access. This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license, and indicate if changes were made. The images or other third-party material in this article are included in the article's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to

**The Rights of Nature Movement: Legal, Cultural, and Policy Challenges in
Implementing Eco-Centric Laws**

obtain permission directly from the copyright holder. To view a copy of this license, visit <http://creativecommons.org/licenses/by/4.0/>.

To see original copy of these declarations signed by Corresponding/First Author (on behalf of other co-authors too), please download associated zip folder [Ethical Declarations] from the published Abstract page accessible through and linked with the DOI: <https://doi.org/10.33002/jelp050104>.