Rights of Nature: Time to shift the paradigm in the EU?

**Nature as a Living Entity**

Despite the proliferation of environmental laws and treaties, the destruction of the natural world persists. One of the key reasons that this occurs is because modern environmental legal frameworks treat Nature as an object, tending to adopt an approach which does not protect the environment but leads to the commodification of Nature’s ecosystems. Nature's rights, aim to shift the current paradigm through the recognition that ecosystems have rights just as human beings. Therefore, they question the anthropocentric approach which commodifies the ecosystems and strive for a holistic approach which enables people and governments to stand up for Nature.

**Granting rights to Nature**

Several countries have already recognised rights of Nature in their legal frameworks and/or jurisprudence. The first laws establishing legal structures which recognised the rights of Nature were adopted by local municipalities in **the United States (U.S)** beginning in 2006 with Tamaqua Borough, Schuylkill County, Pennsylvania. Since then, more than two dozen communities in the U.S. have adopted local laws that recognise the rights of Nature. In September 2008, **Ecuador** became the first country in the world to recognise rights of Nature in its Constitution. In 2010, the **Bolivian** law of the Rights of Mother Earth declared both Nature and life-systems as titleholders of inherent rights specified in the law. Regarding jurisprudence, in 2017, **India**, issued a ruling declaring that both the Ganga and Yamuna rivers are legal persons and **Colombia**’s Constitutional Court declared that the Atrato River basin possesses rights to protection, conservation, maintenance, and restoration. Last, although **New Zealand** has not formally adopted the rights of Nature into statutory or constitutional law, the nation has acknowledged the inherent rights of Nature by granting legal personhood to selected lands and rivers.

Furthermore, since 2009, the aim of the United Nations General Assembly (UNGA), with adopting its five resolutions on **'Harmony with Nature'**, has been to define a non-anthropocentric relationship with Nature. In 2010, the outcome of the **World People’s Conference on Climate Change** **and the Rights of Mother Earth** was the creation of the Universal Declaration of Rights of Mother Earth. Finally, during the last years, the **International Rights of Nature Tribunal** has been examining systemic Rights of Nature based alternatives to the false solutions and failed negotiations of governing States. This year, the Tribunal is taking place in Bonn, Germany.

**This is the time for the European Union to change the narrative too**

Modern European Union (EU) legal frameworks treat Nature as property and implicitly legalise damage through regulations which treat ecosystems as objects and not subjects of law. The purpose of the existing regulations is to establish how much damage can be done and not to prevent it and/or eradicate it. Individuals as the right holders are the ones responsible to demonstrate if damages have exceeded or not the limits. Of course, most of the times individuals tend to defend themselves and the damages against their property. In contrast, rights of Nature frameworks name ecosystems as rights-bearing subjects and allow humans and government agencies to have the legal authority to enforce these rights on behalf of natural ecosystems. Additionally, in the rights of Nature law, damages are granted directly to the restoration of the ecosystems. For instance, a legal guardian could be appointed to an endangered river who will act on behalf of it in case of violation of its rights and the reparations will be used integrally for its restoration.

Several decades have passed since the adoption of the first environmental European Union (EU) laws and policies. However, according to the European Environment Agency reports, environmental destruction in the EU continues, and climate change is happening. The impacts are and will be tremendous not only for the ecosystems for humans as well. Under those circumstances, there is no better time for the EU to follow the international developments and shift the paradigm by introducing a new Directive[[1]](#endnote-1) which will recognise that Nature has the right to exist, persist, maintain and regenerate its vital, integral cycles. The rest is yet to come…

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**Useful Links**

In 2009, the United Nations General Assembly proclaimed 22 April as International Mother Earth Day. In so doing, Member States acknowledged that the Earth and its ecosystems are our common home. <http://www.harmonywithnatureun.org/>

Nature’s rights a non-profit organisation with an international network on a mission to establish legal personality and rights for ecosystems and species in law and transform our inner and outer relationship with nature. <http://natures-rights.org/>

The Earth Law Center (ELC) is a global force of advocates for the Rights of Nature. <https://www.earthlawcenter.org/>

The Women's Earth & Climate Action Network, International (WECAN) is a solutions-based, multi-faceted effort established to engage women worldwide to take action as powerful stakeholders in climate change and sustainability solutions. <http://wecaninternational.org/pages/rights-of-nature>

1. The organisation "Nature's Rights" has already prepared a Draft EU Directive and is about to launch a European Citizens Initiative to propose rights of Nature to the EU's legislative agenda. [↑](#endnote-ref-1)