

# Global Legal Pluralism and Rights of Nature

Edited by  
DANIEL BONILLA MALDONADO  
and RALF MICHAELS

*Max-Planck-Institut  
für ausländisches und internationales  
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*Beiträge zum ausländischen  
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**Mohr Siebeck**

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# Introduction

## I.

Rights of nature (RoN) have moved, in record time, from being a slightly eccentric niche topic to a mainstream field of research. By now there are tens of thousands of publications dedicated to the topic. Given that RoN spread through a process of rapid legal transplantation, it is not surprising that much of that literature is, to some extent, comparative in nature. Yet another comparative law publication on the subject is therefore in need of justification, lest it merely repeat what others have produced before. We believe this justification lies in a number of characteristics that make this project unique.

First, we link rights of nature with discussions on global legal pluralism (GLP). This provides a novel and, as it turns out, unusually productive perspective on both phenomena. This means that we are interested in interrelations between legal orders, both horizontally (country to country) and vertically (between local municipalities and states and international law), between official and unofficial laws, between South and North, and between South and South. And it means that we can connect two discourses that each emerge, in different and complicated ways, from North-South legal relations.

Second, this project resulted from the proceedings of the International Association of Comparative Law. This meant that we were able to bring together expertise of numerous authors from around the world who provided us with detailed information about their respective legal systems, thereby enabling a depth of information that a single researcher could not produce. The number of country reports that this book includes, together with a number of special reports, sets it apart from most comparative analyses that focus on only a few countries.

It is not solely the breadth of countries under scrutiny that sets this project apart. Many comparative studies focus on the same few countries – Ecuador, Bolivia, Columbia, New Zealand, perhaps India – that have adopted RoN. Other than them, thirdly, our list of countries includes a good number of ‘negative’ cases – legal orders that have not adopted RoN. The failure to adopt RoN in those countries is crucial for a full understanding of the global situation of RoN and of the conditions for their success, and their inclusion thus deepens the analysis considerably.<sup>1</sup>

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<sup>1</sup> See Martha-Cecilia Dietrich and others, ‘Stories of Systemic Failure? Landscaping the Rights of Nature in Europe’ (2024) 8 JLA 46–76.

Fourthly, unlike studies that concentrate on positive law, we bring together formal law, socioeconomic and cultural conditions, and analysis of the movements behind the adoption of RoN. Individually, each of these fields is well covered in the literature – formal law mainly by lawyers, socioeconomic and cultural conditions by anthropologists, movement analysis by sociologists and political scientists. Bringing them together offers more insights than the mere sum of their parts. RoN are fascinating in no small part because of the way in which social movements translated normativities into formal law, and by the alterations that these normativities assume in the process. GLP is characterized not only by static interrelations but by processes of engagement. We hope this study can shed some light on these translations and processes.

Finally, although North/South relations do not define our entire analysis, the way in which they permeate these debates made it necessary to address these relations in the work. North/South relations easily invite hierarchies. In some of those the North stands on top – Northerners are experts and Southerners informants,<sup>2</sup> or Northerners are sophisticated and Southerners are ‘legal barbarians’.<sup>3</sup> In some of these the opposite is true – Southerners are idealized as ‘noble savages’ who live in accordance with nature, unlike Northerners who can only destroy. None of these descriptions is fully accurate in either its juxtaposition of North and South or in its lumping together significantly different approaches under each label. RoN, viewed through the lens of GLP, paint a more differentiated picture.

## II.

The contributions to this book combine two general reports, five special reports, and 20 country reports from a theme of the 2022 Conference of the International Association of Comparative Law in Paraguay, for which the two of us served as general rapporteurs. Among the special reports, Daniel Bonilla’s provides a categorization of poetic, mimetic and resistance patterns that also serves as structure for this volume; he also analyzes the political economy of legal knowledge and the various transitions and cross-fertilizations RoN undertake.<sup>4</sup> Ralf Michaels addresses GLP and RoN each as internally hybrid, such that their combination becomes a hybrid of hybrids, before surveying the responses in the country reports to the questionnaire.<sup>5</sup>

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<sup>2</sup> See Annelise Riles, ‘From Comparison to Collaboration: Experiments with a New Scholarly and Political Form’ (2015) 78(1/2) *L&CP* 147–183.

<sup>3</sup> Daniel Bonilla Maldonado, *Legal Barbarians: Identity, Modern Comparative Law and the Global South* (CUP 2020).

<sup>4</sup> Daniel Bonilla Maldonado, ‘The Globalization of Rights of Nature. Global Legal Pluralism and the Rights of Nature’ in this volume, 3–46.

<sup>5</sup> Ralf Michaels, ‘A Hybrid of Hybrids. Global Legal Pluralism and Rights of Nature’ in this volume, 47–94.

The five special reports address the topic in a general fashion. Mihnea Tananescu, writing about theoretical foundations, emphasizes different origins and different conceptualizations of RoN, discarding the myth of a uniform concept.<sup>6</sup> Mara Tignino sketches the role of RoN in international law with a specific eye to the difference between an anthropocentric right *to* nature and ecocentric rights *of* nature.<sup>7</sup> Dirk Hanschel and Annette Mehlhorn demonstrate the fruitfulness of combining anthropological and legal perspectives on RoN.<sup>8</sup> Mari Margil provides an insider perspective on the role of NGOs for RoN, particularly within the United States.<sup>9</sup> The struggle to give rights to the Magpie River and other rivers in Canada is explained by Yenny Vega Cárdenas and Uapukun Metokosh.<sup>10</sup>

Among the country reports, we follow the structure proposed by Bonilla of poetic, mimetic, and resistant legal orders<sup>11</sup> – with the caveat, explained in more detail below, that this categorization is necessarily simpler than reality. As poetic countries – those that introduced RoN first – we characterize the legal orders of Ecuador, Bolivia, and New Zealand. Gabriela Espinoza shows how RoN were first established and then, over time, consolidated in Ecuador.<sup>12</sup> Clemens Gregor Barié, in his report on Bolivia, demonstrates the much more arduous path towards the recognition of RoN in Bolivia, as well as the obstacles they face.<sup>13</sup> Catherine Iorns outlines the very different foundations and structure of RoN in Aotearoa New Zealand, as laid out in treaties and laws stipulating guardianship for local Maori.<sup>14</sup>

Mimesis of the idea of RoN happened in several legal orders, of which we discuss a significant number. Tania Luna Blanco and David de la Torre Vargas present the successful adoption of RoN in Colombia, where they were recognized primarily by the courts.<sup>15</sup> India's path towards ecocentrism and the recognition

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<sup>6</sup> Mihnea Tănasescu, 'Theoretical Foundations of the Rights of Nature. Origins and Conceptual Characteristics' in this volume, 97–130.

<sup>7</sup> Mara Tignino, 'International Law. Rights of Nature and Rights to Nature: Emerging Trends' in this volume, 131–143.

<sup>8</sup> Dirk Hanschel and Annette Mehlhorn, 'Law and Anthropology. An Interdisciplinary Perspective on Rights of Natur' in this volume, 145–164.

<sup>9</sup> Mari Margil, 'NGOs in the United States. Birth of a Movement in this volume', 165–175.

<sup>10</sup> Yenny Vega Cárdenas and Uapukun Mestokosh, 'Recognizing the Legal Personality of a River. The Magpie River/*Mutehekau Shipu* in Canada' in this volume, 177–207.

<sup>11</sup> Bonilla Maldonado, 'The Globalization of Rights of Nature' (n 4) II.

<sup>12</sup> Gabriela Espinoza, 'Ecuador. The Nature of the Rights of Nature' in this volume, 211–246.

<sup>13</sup> Cletus Gregor Barié, 'Bolivia. The Rights of Mother Earth: Fifteen Years of Solitude' in this volume, 247–282.

<sup>14</sup> Catherine Iorns, 'Aotearoa New Zealand. Protecting Nature through Upholding Indigenous Rights and Human Responsibilities' in this volume, 283–316.

<sup>15</sup> Tania Luna Blanco and David de la Torre Vargas, 'Colombia. Graffiti on the Colombian Legal Architecture: The Emergence of Non-human Subjects and the Rights of Nature' in this volume, 319–340.

of RoN is explained by Manjeri Subin Sunder Raj.<sup>16</sup> Tajudeen Sanni describes Uganda as the first country on the African continent that introduced RoN, closely following the Ecuadorian model.<sup>17</sup> South Africa, presented by Louis J Kotzé, is another country that can be characterized as a mimetic legal order.<sup>18</sup> Several other countries that could be included in this group – Spain, Panama, and Peru, to name just three – have no country reports but are taken account of in our general reports.<sup>19</sup>

The largest portion of legal systems in the world can be counted as resisters, at least insofar as they do not officially recognize RoN. Their study is of interest regardless.<sup>20</sup> Our book contains no fewer than thirteen reports on countries that do not recognize RoN – though in most of them they are discussed. Antonio Carlos Wolkmer and Debora Ferrazzo consider national rejection and local adoption of RoN in Brazil and the potential that the constitutional right to an ecologically balanced environment may lead to broader recognition.<sup>21</sup> Stéphanie Roy, Gaëlle Gidrol-Mistral, and Alexandra Popovici focus on Canada, with special attention to Québec; they suggest a particularly interesting way of recognizing RoN, effectively as *res communis* under the Code Civil of Québec.<sup>22</sup> Jacques deLisle provides a particularly interesting perspective on a country rarely discussed in RoN literature – China – and describes the reasons why RoN have a particularly difficult stand there.<sup>23</sup> Konstantinos A Rokas' analysis of Cyprus shows how small countries sometimes almost entirely stand outside of discourses like the one on

<sup>16</sup> Manjeri Subin Sunder Raj, 'India. Sowing the Seeds of "Nature Rights"' in this volume, 341–352.

<sup>17</sup> Sanni Tajudeen, 'Uganda: The First African Country to Recognize Rights of Nature' in this volume, 353–366.

<sup>18</sup> Louis J Kotzé, 'South Africa. Protecting Nature through an Anthropocentric-Oriented Rights Paradigm' in this volume, 367–374.

<sup>19</sup> On the Mar Menor in Spain, see, eg, Marie-Christine Fuchs, 'Rights of Nature Reach Europe' (*Verfassungsblog*, 24 February 2023) <<https://verfassungsblog.de/rights-of-nature-reach-europe/>>; José Francisco Alenza García, 'Sobre los aparentes derechos reconocidos al Mar Menor', (2025) 226 Revista de administración pública 155–186. On Panama, see Ley 287 del 24 de febrero de 2022 <[https://www.gacetaoficial.gob.pa/pdfTemp/29484\\_A/90384.pdf](https://www.gacetaoficial.gob.pa/pdfTemp/29484_A/90384.pdf)>; Corte Suprema de Justicia 27 Nov 2023, GO N° 29922. On Peru, see STC Exp N° 00010-2022-0-1901 <<https://iuslatin.pe/historica-sentencia-rio-maranon-y-sus-afluentes-son-declarados-sujetos-derechos-expediente-00010-2022-0-1901/>>; Mariano Andres Bustamante Jimenez, 'Los Ríos como Titulares de Derechos en el Perú' (2025) 18 YachaQ: Revista de Derecho 75–89 <<https://doi.org/10.51343/yq.vi18.1673>>.

<sup>20</sup> See Dietrich and others (n 1).

<sup>21</sup> Antonio Carlos Wolkmer and Debora Ferrazzo, 'Brazil. Isolated Legislative and Judicial Inroads in a Dependent Capitalism Landscape' in this volume, 377–392.

<sup>22</sup> Stéphanie Roy, Gaëlle Gidrol-Mistral and Alexandra Popovici, 'Québec (and Canada). Nature, Culture, Rupture: Tools for Environmental Protection in a Liberal Anthropocentric Legal System' in this volume, 573–598.

<sup>23</sup> Jacques deLisle, 'China. Limited Prospects for the Rights of Nature in an Inhospitable Legal-Political Environment' in this volume, 393–425.

RoN – and instead move in other ways towards more ecological law.<sup>24</sup> Jakub Harašta shows that the Czech Republic takes a decidedly anthropocentric approach to environmental protection and thereby rejects RoN quite firmly, despite early musings in Czech scholarship.<sup>25</sup> Yvette Lind shows how a Northern country like Denmark could potentially introduce RoN based on the input of local and indigenous communities.<sup>26</sup> Elena Ewering, Janina Reimann, and Tore Vetter give a detailed perspective on the reasons for the failure, so far, of RoN in Germany, recent court decisions to the contrary notwithstanding.<sup>27</sup> Domenico di Micco and Michele Graziadei place RoN in a broader history of Italian law and ecology and point to public parks as interesting substitutes for RoN.<sup>28</sup> Keisuke Abe reports on environmental protection in Japan.<sup>29</sup> Philip Paiement writes about the Netherlands as a country that does not yet recognize RoN but that has the potential, with several ongoing initiatives.<sup>30</sup> Sören Koch, Esmeralda Colombo, and Catalina Vallejo Piedrahita discuss the potential of rights of nature in Norway – especially on the basis of Sámi legal culture – along with potential alternatives for protecting nature.<sup>31</sup> Romania is, as Diana Botău shows in her report, another ‘unfertile ground’ for RoN.<sup>32</sup> Finally, Laura Affolter and Sian Affolter show how a lively debate in Switzerland has been spurred by both local initiatives and ideas borrowed from afar.<sup>33</sup>

### III.

This book has been a long time in the making. Several unforeseen events, including a publisher’s withdrawal, delayed publication. We are especially grateful to all contributors for their texts, for their willingness to adapt – sometimes sig-

<sup>24</sup> Konstantinos A Rokas, ‘Cyprus. Constitutional Adoption of a Right to Nature, but No Formal Recognition of Nature’s Rights’ in this volume, 427–440.

<sup>25</sup> Jakub Harašta, ‘Czech Republic. An Anthropocentric Approach to Environmental Protection’ in this volume, 441–454.

<sup>26</sup> Yvette Lind, ‘Denmark. Could Danish Human- and Animal-Rights based Environmental Protection Provide Rights to Nature?’ in this volume, 455–462.

<sup>27</sup> Elena Ewering, Janina Reimann and Tore Vetter, ‘Germany. Rights of Nature: A Paradigm Change for the German Legal System’ in this volume, 463–491.

<sup>28</sup> Domenico di Micco and Michele Graziadei, ‘Italy. Establishing the Rights of Nature in Italy – Between Tradition and Change’ in this volume, 493–514.

<sup>29</sup> Keisuke Abe, ‘Japan. Bringing the Alternative View to Fruition’ in this volume, 515–525.

<sup>30</sup> Phillip Paiement, ‘Netherlands. Rights of Nature, Globalization, and Legal Pluralism’ in this volume, 527–538.

<sup>31</sup> Sören Koch, Esmeralda Colombo and Catalina Vallejo Piedrahita, ‘Norway. Rights of Nature in the Norwegian Legal Culture: To Be or Not to Be?’ in this volume, 539–571.

<sup>32</sup> Diana Botău, ‘Romania. Unfertile Ground for the Rights of Nature’ in this volume, 599–609.

<sup>33</sup> Laura Affolter and Sian Affolter, ‘Switzerland. Mapping the Scene’ in this volume, 611–635.

nificantly – to our requests, and for their patience with publication of this book. Some of the contributions were previously published in Spanish as part of an earlier special issue that we were privileged to coedit with Patricia Zalamea Fajardo.<sup>34</sup>

Special thanks go to Chiara Goetzke and Dharmita Prasad who, at different stages, supported the project at the Max Planck Institute. The editorial services team at the Institute was, as always, invaluable in turning the many texts into a book. Our thanks go to Christian Eckl, Michael Friedman, Janina Jentz, and Anja Rosenthal for the careful editing and typesetting. The Max Planck Digital Library makes it possible for the book to appear open access, a crucial element for the global discourse on topics like ours.

Bogotá/Colombia and Hamburg/Germany, December 2025

*Daniel Bonilla Maldonado*

*Ralf Michaels*

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<sup>34</sup> Daniel Bonilla Maldonado, Ralf Michaels and Patricia Zalamea Fajardo (eds), ‘Los derechos de la naturaleza: diálogos entre el derecho y las artes’ (2022) 4 *Naturaleza y Sociedad: Desafíos Medioambientales* 1.

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## Abbreviations

AASTGB	Advances in Animal Science, Theriogenology, Genetics and Breeding
ABA J	American Bar Association Journal
ABT	Authority for Social Control and Inspection of Forests and Lands
ACHPR	African Commission on Human and Peoples' Rights
ADI	Ação Direta de Inconstitucionalidade [Brazil]
AELA	Australian Earth Laws Alliance
AER	Australian Environment Review
AFRICE	African Institute of Culture and Ecology
AIDA	Interamerican Association for Environmental Defense
AIR	All India Reporter
AJAM	Jurisdictional Administrative Mining Authority
AJCL	American Journal of Comparative Law
AJIL	American Journal of International Law
Ala L Rev	Alabama Law Review
ANAPO	Asociación de Productores de Oleaginosas y Trigo
ANARDE	Advocates for Natural Resources and Development
Annu Rev Law Soc Sci	Annual Review of Law and Social Science
APA	Administrative Procedure Act
APJEL	Asia Pacific Journal of Environmental Law
APuZ	Aus Politik und Zeitgeschichte
Arch phil droit	Archives de philosophie du droit
BEK	bekendtgørelse (ministerial decree laying down more detailed rules for the implementation of a law) [Denmark]
BG	Bundesgericht
BGE	Entscheidungen des Schweizerischen Bundesgerichts
BNatSchG	Bundesnaturschutzgesetz
BPAs	Bisphenol A
BT-Drs.	Bundestagsdrucksache
Buff Env LJ	Buffalo Environmental Law Journal
BVerfG	Bundesverfassungsgericht (Federal Constitutional Court) [Germany]
BVerwG	Bundesverwaltungsgericht
CAINCO	Cámara de Industria, Comercio, Servicios y Turismo de Santa Cruz
Can J L Soc	Canadian Journal of Law and Society
CAO	Cámara Agropecuaria del Oriente
CBD	United Nations Convention on Biological Diversity
CC	Constitutional Court

CCQ	Civil Code of Québec
CDER	Center for Democratic and Environmental Rights
CEBEM	Centro Boliviano de Estudios Multidisciplinarios
CEDIB	Centro de Documentación e Información Bolivia
CEDLA	Centro de Estudios para el Desarrollo Laboral y Agrario
CEJIS	Centro de Estudios Jurídicos e Investigación Social
CEJIS	Centro de Estudios Jurídicos e Investigación Legal
CELDf	Community Environmental Legal Defense Fund
CFREU	Charter of Fundamental Rights of the European Union
CICAJ	Centro de Investigación, Capacitación y Asesoría Jurídica (Pontificia Universidad Católica del Perú)
CIDOB	Confederación de Pueblos Indígenas Del Oriente Boliviano
CIPCA	Centro de Investigación y Promoción del Campesinado
CJEU	Court of Justice of the European Union
CJLACS	Canadian Journal of Latin American and Caribbean Studies/ Revue canadienne des études latino-américaines et caraïbes
CLJ	Cambridge Law Journal
CLR	Cyprus Law Reports
CODEPANAL	Committee for the Defence of National Heritage
Comp Pol Stud	Comparative Political Studies
CONAIE	Confederation of Indigenous Nationalities of Ecuador
CONALCAM	Coordinadora Nacional por el Cambio
CONAMAQ	Consejo Nacional de Ayllus y Markas del Qallasuyu
CONTIOCAP	National Coordinator for the Defence of Indigenous Peasant Territories and Protected Areas of Bolivia
COP21	2015 Paris Agreement on Climate Change
CPEM-B	Central de los Pueblos Étnicos Mojeños de Beni
CQLR	Québec Laws and Regulations
CSUTB	Confederación Sindical Única de Trabajadores Campesinos de Bolivia
CUP	Cambridge University Press
DIIS	Danish Institute for International Studies
DÖV	Die öffentliche Verwaltung
DPSP	Directive Principle of State Policy [India]
Duke UP	Duke University Press
EAJENR	East African Journal of Environment and Natural Resources
EALS	East Africa Law Society
ECHR	European Convention on Human Rights
ECLAC	Economic Commission for Latin America
Ecology LQ	Ecology Law Quarterly
ECtHR	European Court of Human Rights
EESC	European Economic and Social Committee
eg	exempli gratia
ELJ	European Law Journal
ELR	Environmental Law Reporter
ENC	Environment Court [New Zealand]
EnvAct	Act on the Environment
EPA	Environmental Protection Act

EPI	Environmental Performance Index
EPL	Environmental Policy and Law
ERLACS	European Review of Latin American and Caribbean Studies
ERPL	European Review of Private Law
EU	European Union
EurUP	Zeitschrift für Europäisches Umwelt- und Planungsrecht
FAN	Fundación Amigos de la Naturaleza
FCC	Federal Constitutional Court [Germany]
FEGA-SACRUZ	Federación Departamental de Ganaderos de Santa Cruz
FNQLSDI	First Nations of Quebec and Labrador Sustainable Development Institute
FONABOSQUE	National Forestry Development Fund
Fordham Env L Rev	Fordham Environmental Law Review
GARN	Global Alliance for the Rights of Nature
Geo Envt'l L Rev	Georgetown Environmental Law Review
Geo Int'l Envt'l L Rev	Georgetown International Environmental Law Review
Ger YBIL	German Yearbook of International Law
GLJ	German Law Journal
GLR	Griffith Law Review
GO	Gaceta Oficial
Harv Envt'l L Rev	Harvard Environmental Law Review
Harv Int LJ	Harvard International Law Journal
Harv UP	Harvard University Press
IACHR	Inter-American Court of Human Rights
IBAMA	Institute for the Environment and Renewable Natural Resources
IJGLS	Indiana Journal of Global Legal Studies
IJPL	International Journal of Procedural Law
ILM	International Legal Materials
INRA	National Agrarian Reform Institute
Int JL Con	International Journal of Law in Context
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPSP	Political Instrument for the Sovereignty of the People
IUCN	International Union for Conservation of Nature
IVN	Instituut voor Natuureducatie en Duurzaamheid
J Legal Plur	Journal of Legal Pluralism and Unofficial Law
JCL	Journal of Comparative Law
JED	Journal of Environment and Development
JEEPL	Journal for European Environmental and Planning Law
JEL	Journal of Environmental Law
JELP	Journal of Environmental Law and Policy
JELS	Journal of Empirical Legal Studies
JEM	Journal of Environmental Management
JEP	Special Jurisdiction for Peace

JHRE	Journal of Human Rights and the Environment
JL Soc	Journal of Law and Society
JLA	Journal of Legal Anthropology
JMS	Journal of Mountain Science
JURA	Juristische Ausbildung
JuS	Juristische Schulung
KJ	Kritische Justiz
KritV	Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft
L&CP	Law & Contemporary Problems
LACES	Latin American and Caribbean Ethnic Studies
LBK	Statutory instrument acting as a compilation of a laws or statute with subsequent amendments [Denmark]
LCH	Law, Culture and the Humanities
LEAD J	Law, Environment and Development Journal
Leiden JIL	Leiden Journal of International Law
LJ	Law Journal
LLC	Limited Liability Company
MAS	Movement Towards Socialism
McGill LJ	McGill Law Journal
MDG	Miljøparti de Grønne [Norway]
Mich J Int L	Michigan Journal of International Law
MJ	Maastricht Journal of European and Comparative Law
MLR	Modern Law Review
MLRA	Marine Living Resources Act
MMAYA	Ministry of Environment and Water
NAD-DIS	Nuovi Autoritarismi e Democrazie: Diritto, Istituzioni, Società
NAPE	National Association of Professional Environmentalists
Nat Med	Nature Medicine
NCHA	Federal Act on the Protection of Nature and Cultural Heritage [Switzerland]
NDA	Nature Diversity Act
NEA	National Environment Act No 5 of 2019 [Uganda]
NEM:BA	National Environmental Management: Biodiversity Act 10 of 2004
NEM:PAA	National Environmental Management: Protected Areas Act 57 of 2003
NEMA	National Environmental Management Act 107 of 1998 [South Africa]; National Environment Management Authority [Uganda]
NGO	Non-governmental organization
NH Rev Stat	New Hampshire Revised Statutes
NHPA	National Historic Preservation Act
NJW-RR	Neue Juristische Wochenschrift, Rechtsprechungs-Report
NRDC	Natural Resources Defense Council
NVwZ	Neue Zeitschrift für Verwaltungsrecht
NZEnvC	New Zealand Environmental Court

NZHC	New Zealand High Court
NZLR	New Zealand Law Reports
NZRMA	New Zealand Resource Management Act Court
NZTPA	New Zealand Town Planning Appeal Authority
OAU	Organization of African Unity
OIDN	International Observatory of the Rights of Nature
OJLS	Oxford Journal of Legal Studies
OUP	Oxford University Press
P&H	Punjab and Haryana [India]
Pace Envtl L Rev.	Pace Environmental Law Review
PCA	Pollution Control Act
PCBs	Polychlorinated biphenyls
Penn St JL & Int'l Aff	Penn State Journal of Law and International Affairs
PFAs	Per- and polyfluoroalkyl substances
PIL	Public Interest Litigation [India]
PNCC	National Climate Change Program
PoLAR	Political and Legal Anthropology Review
PUP	Princeton University Press
QCCA	Court of Appeals of Quebec
QCCS	Superior Court of Quebec
RabelsZ	Rabels Zeitschrift für ausländisches und internationales Privatrecht
RCM	Regional County Municipality
RECIEL	Review of European Community and International Environmental Law
RGD	Revue générale de droit
RJEUL	Revue juridique des étudiants et étudiantes de l'Université Laval
RJPA	Romanian Journal of Public Affairs
RLRQ	Recueil des lois et des règlements du Québec
RMA	Resource Management Act 1991 [New Zealand]
RoC	Republic of Cyprus
RoN	Rights of Nature
RTP	Radio Televisión Popular
S Cross U L Rev	Southern Cross University Law Review
SAC	Supreme Administrative Court
SCal LRev	Southern California Law Review
SCC	Supreme Court of Canada; Supreme Court Cases [India]
SCR	Supreme Court Reports [Canada]
SERNAP	National Protected Areas Service
SNST	sacred natural sites and territories
STC Exp	Sentencia del Tribunal Constitucional, Expediente
STF	Supreme Federal Court
Sy J Int L	Syracuse Journal of International Law

TEL	Transnational Environmental Law
TFI	Tribunal de première instance
TIPNIS	Isiboró Sécure National Park and Indigenous Territory
TLCP	Transnational Law and Contemporary Problems
Trans Inst Br Geogr	Transactions of the Institute of British Geographers
TRNC	Turkish Republic of Northern Cyprus
Tulane Env LJ	Tulane Environmental Law Journal
U Ark Little Rock L Rev	University of Arkansas at Little Rock Law Review
U Ill L Rev	University of Illinois Law Review
U Pa Asian L Rev	University of Pennsylvania Asian Law Review
U Pa JIL	University of Pennsylvania Journal of International Law
UCP	University of Chicago Press
UDHR	Universal Declaration of Human Rights
UKPC	United Kingdom Privy Council
ULR	Utah Law Review
UmwRG	Umweltrechtsbehelfsgesetz
UN	United Nations
UNDP	United Nations Development Program
UNEP-WCMC	United Nations Environment Program World Conservation Monitoring Center
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNITAS	Unión Nacional de Instituciones para el Trabajo de Acción Social
UP	University Press
US	United States
USA	United States of America
UW Press	University of Wisconsin Press
Va L Rev	Virginia Law Review
Val U L Rev	Valparaiso University Law Review
VRÜ	Verfassung und Recht in Übersee
Vt JEL	Vermont Journal of Environmental Law
Vt L Rev	Vermont Law Review
VwGO	Verwaltungsgerichtsordnung
Wai	Waitangi Tribunal's Wai Numbering System
Wash Int LJ	Washington International Law Journal
WCC	World Conservation Congress; Western Cape High Court, Cape Town
Widener L Rev	Widener Law Review
Wis L Rev	Wisconsin Law Review
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht
ZAWCHC	High Court of South Africa Western Cape
ZfRSoz	Zeitschrift für Rechtssoziologie – The German Journal of Law and Society
ZUR	Zeitschrift für Umweltrecht

## I. General Reports



# The Globalization of Rights of Nature

## Global Legal Pluralism and the Rights of Nature

*Daniel Bonilla Maldonado\**

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## I. Introduction

Nature is a subject of rights. The legal systems of countries as dissimilar as Ecuador, Bolivia, New Zealand, the United States, and Uganda have recognized this new legal subject and have granted nature rights such as the right to life, the right to the functioning of its vital cycles, and the right to restoration of its processes.<sup>1</sup> Nature as a subject of rights therefore opposes the nature-object perspective that

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This manuscript was finalized in January 2024. The assessment of literature and case law, including internet materials, reflects the legal situation at that time.

<sup>1</sup> Mihaela Tănasescu, 'Rights of Nature, Legal Personality, and Indigenous Philosophies' (2020) 9 TEL 429.

has historically been dominant in the West. Rights of nature challenge the notion of nature as an object that humans should describe, understand, and master; as an instrument that exists solely to satisfy human needs; and as property that humans can exploit without limit. Rights of nature thus challenge the objectification of nature, its absolute instrumentalization, and the anthropocentrism and extractivism with which science, religion, economics, and law in the West have typically described, evaluated, and interacted with nature.<sup>2</sup> As regards the rights of nature, these ideas have not only had discursive consequences, they have also had practical consequences. These ideas are some of the main causes of the contemporary global environmental crisis. The rights of nature therefore emerge as a discursive and practical model that aims to rethink the concept of nature, as well as the relationship between nature and humans, so that we can effectively address the radical environmental degradation we are currently experiencing.<sup>3</sup>

The rights of nature are now a global discursive and practical pattern.<sup>4</sup> Between 2006, the year in which the rights of nature took precise legal form, and June 2021, we can find 409 initiatives related to the rights of nature around the world. Of these initiatives, 66.5% recognize rights of nature as a whole, 17.8% the rights of rivers or other aquatic ecosystems, and 10.5% the rights of animals.<sup>5</sup> Thirty-nine countries account for 90% of all initiatives.<sup>6</sup> However, the vast majority of the initiatives, 80%, were submitted in the Americas, and 91% of the legal texts were written in English or Spanish. The biggest group among all initiatives, 38%, is made up of municipal legal provisions.<sup>7</sup>

We can divide this global discursive and practical pattern into three parts. First, there are the paradigmatic articulations of the discourse. The prototypical models of the rights of nature emerge from two countries in the Global South, Ecuador and Bolivia, and from a peripheral country in the Global North, New Zealand. Second, there are discursive and practical patterns that reproduce the conceptual structures of the prototypical discourse, although they may vary or complement them, such as the perspectives on the rights of nature that have been embraced by Argentina, Panama, India, Pakistan, and the international human rights system.

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<sup>2</sup> Michel Serres, *The Natural Contract* (Michigan UP 1995); and Bruno Latour, *Politics of Nature* (Harv UP 2004).

<sup>3</sup> Rafi Youatt, 'Personhood and the Rights of Nature: The New Subjects of Contemporary Earth Politics' (2017) 11 *International Political Sociology* 39, 43–45.

<sup>4</sup> Craig M Kauffman and Pamela L Martin, 'Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand' (2018) 18(1) *Global Environmental Politics* 43, 43–44.

<sup>5</sup> Alex Putzer and others, 'Putting the rights of nature on the map. A quantitative analysis of rights of nature initiatives across the world' (2022) 18(1) *Journal of Maps* 89, 92. 66% of the initiatives offer a specific institutional design for a materialization of the rights of Mother Earth, while 33% of these initiatives are silent on the in terms of the necessary institutional structures.

<sup>6</sup> Putzer and others (n 5) 90.

<sup>7</sup> Putzer and others (n 5) 91.

Finally, we have the discourse and practices that have opposed the rights-of-nature discourse, as encountered in most European countries.<sup>8</sup>

The discursive and practical pattern of rights of nature has been analyzed from a variety of academic perspectives. The rights of nature are an object of study that has firmly positioned itself in areas as diverse as constitutional law, environmental law, legal and political theory, and the social sciences. Constitutional law scholars have examined the contents of political charters that, like the Ecuadorian or Bolivian ones, recognize nature as a subject of rights or that recognize principles, such as good living, that intersect with this type of subject of rights.<sup>9</sup> Environmental law scholars have analyzed the tensions that exist between prevailing environmental regimes and the rights of nature.<sup>10</sup> Legal or political theorists have been concerned with studying the conceptual architecture of these rights or their foundations.<sup>11</sup> Finally, social scientists are beginning to investigate the efficacy of the rights-of-nature discourse.<sup>12</sup>

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<sup>8</sup> Most countries in Asia and Africa have been indifferent to the rights of nature. In the vast majority of the countries that make up these continents, rights of nature have not been an object of systematic and continuous public discussion, and there have been no rights of nature initiatives introduced. Putzer and others have produced the most complete quantitative analysis of rights of nature presently available. In Map 2 of their article they offer a powerful image of the regions and countries where rights of nature initiatives have been introduced. In grey are the countries and regions where no rights of nature initiative have been introduced. Africa and Asia are almost all grey. See the map at Putzer and others (n 5) 92. Also see, Oluwabusayo Temitope Wuraola, 'The Legal Rights of Natural Entities: African Approaches to the Recognition of Rights of Nature' in Michael Addaney and Ademola Oluborode Jegede (eds), *Human Rights and the Environment under African Union Law* (Palgrave Macmillan 2020). The case of South Africa is particularly notable in that some of its scholars and activists, such as Cormac Cullinan, have been very influential in articulating the foundations of the rights of nature, as well as promoting them internationally. However, South Africa has not legally recognized nature as a subject, and there has been no proposal for such a thing to happen. See Louis J Kotzé, 'South Africa. Protecting Nature through an Anthropocentric-Oriented Rights Paradigm' in this volume, 367ff. Cullinan has written some well-known and well-discussed books on rights of nature. See, for example, Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice, Green Books* (Chelsea Green Publishing 2011).

<sup>9</sup> Daniel Bonilla Maldonado, 'El constitucionalismo radical ambiental y la diversidad cultural en América Latina. Los derechos de la naturaleza y el buen vivir en Ecuador y Bolivia' (2018) 42 Revista Derecho del Estado 3.

<sup>10</sup> Eduardo Gudynas, 'La ecología política del giro biocéntrico en la nueva Constitución de Ecuador' (2009) 32 Revista de Estudios Sociales 34.

<sup>11</sup> Minheau Tăñăescu, *Environment, Political Representation, and the Challenge of Rights: Speaking for Nature* (Palgrave Macmillan 2016).

<sup>12</sup> María Valeria Berros, 'Challenges for the Implementation of the Rights of Nature: Ecuador and Bolivia as the First Instances of an Expanding Movement' (2021) 48 Latin American Perspectives 192; Craig M Kauffman and Pamela L Martin, 'Can Rights of Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail' (2017) 92 World Development 130.

This article aims to contribute to the understanding of the rights of nature from a different perspective: comparative law. More precisely, this article aims to contribute to the description, analysis, and comparison of the discursive patterns that convey and underpin the rights of nature. It also aims to analyze these discursive patterns from the perspective of global legal pluralism.<sup>13</sup> To meet these objectives, I divide this article into two main parts.

In the first part (II.), I describe, analyze, and compare three types of discourse related to the rights of nature: Initially, I examine their prototypical models, that is, the models emerging in Bolivia, Ecuador, and New Zealand. Then, I study discourse on the rights of nature that reproduce the conceptual structures of the paradigmatic models, including those emerging in the international human rights system and the legal systems of Colombia and India. Finally, I explore discourse that resists rights of nature, such as literature emerging in the legal systems of much of Western Europe. This section of the article therefore divides discursive patterns related to the rights of nature into poietic, mimetic, and resistance patterns.

In the second and longer part of this article (III.), I analyze rights of nature from three perspectives that are central to contemporary comparative law: the political economy of legal knowledge, legal pluralism, and explanatory theories of legal change. These perspectives revolve around three questions that are of particular interest for a full understanding of rights of nature. The political economy of legal knowledge investigates the discursive and practical patterns that determine where legal knowledge is (and should be) created and who can (and should) create, use, and transfer it.<sup>14</sup> Legal pluralism is concerned with the description and examination of the characteristics and interactions between legal systems within a single state or between national legal systems and international law.<sup>15</sup> Explanatory theories of legal change account for the variables and processes that motivate transformations of legal orders.<sup>16</sup> I therefore divide this second part of the report into three sections.

In the first section (III. 1), I explore how rights of nature challenge the dominant political economy of legal knowledge. Rights of nature are culturally hybrid, as well as epistemologically, politically, and legally heterodox. Rights of nature, and particularly their paradigmatic forms, have been articulated in countries which have historically been considered poor or marginal to the creation of original legal knowledge and which draw on knowledge – such as that of indige-

<sup>13</sup> Ralf Michaels, ‘Global Legal Pluralism’ (2009) 5 Annual Review of Law and Social Science 243.

<sup>14</sup> Daniel Bonilla Maldonado, ‘Economía política del conocimiento jurídico’ (2015) 2 Brazilian Journal of Empirical Legal Studies 26; Daniel Bonilla Maldonado, ‘The Political Economy of Legal Knowledge’, in Daniel Bonilla and Colin Crawford (eds), *Constitutionalism in the Americas* (Elgar Publishing 2018).

<sup>15</sup> John Griffiths, ‘What is Legal Pluralism?’ (1986) 24 J Legal Plur 1.

<sup>16</sup> Alan Watson, ‘Comparative Law and Legal Change’ (1978) 37 CLJ 313.

nous peoples – that has usually been excluded from state law-making processes. Likewise, the contents of the rights of nature question some of the central premises of modern law, eg who can be a subject of rights and what rights can be granted to non-human entities.

In the second section (III.2), I analyse the rights of nature from the perspective of external legal pluralism.<sup>17</sup> More precisely, I explore the interactions that have taken place between international law and domestic law with respect to the rights of nature. We cannot accurately describe and analyze rights of nature using the conceptual lenses through which external legal pluralism is typically examined. These dominant perspectives generally focus on the impact of international law on national rights and the ways in which these legal systems transform, use or, oppose international law.<sup>18</sup> Occasionally, these perspectives also examine how national legal orders influence international law, although these analyses generally focus on how a few legal systems in the Global North – in the US, French, or German systems, for example – have influenced international law.<sup>19</sup> Rights of nature are not a consequence of the impact of international law on national law. To the contrary, the legal systems of countries of the Global South, such as Ecuador and Bolivia, or of peripheral countries of the Global North, such as New Zealand, have influenced and partially transformed international law. In the third and final section (III.3), I study how national legal systems have included rights of nature within their structures through a process of cross-fertilization that involves not only North-South processes of knowledge exchange, but also heterodox processes of South-South and South-North exchange. Section IV summarizes my findings in a brief conclusion.

I base the theses offered in this article on twenty-two national reports and six special reports that were written for the 2022 Asunción Conference of the International Academy of Comparative Law.<sup>20</sup> The two types of reports are a consequence of a set of questions that Ralf Michaels and I drafted in our capacity as general rapporteurs for the project. This set of questions touches on central dimensions of the discourse and practice regarding rights of nature, eg their con-

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<sup>17</sup> Daniel Bonilla Maldonado and Libardo José Ariza, ‘El Pluralismo jurídico: contribuciones, debilidades y retos de un concepto polémico’, in Brian Tamanaha and others (eds), *Pluralismo Jurídico* (Siglo del Hombre Editores 2007).

<sup>18</sup> Sally Engle Merry, ‘Human Rights and Global Legal Pluralism: Reciprocity and Disjuncture’ in Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Anne Griffiths (eds), *Mobile People, Mobile Law* (Ashgate Publishing 2005); Sally Engle Merry, ‘Anthropology and International Law’ (2006) 35 Annual Review of Anthropology 99; Sally Engle Merry, ‘From Law and Colonialism to Law and Globalization’ (2006) 28 Law and Social Inquiry 569; Helen Quane, ‘Legal Pluralism and International Human Rights Law: Inherently Incompatible, Mutually Reinforcing or Something in Between?’ (2013) 33 OJLS 675.

<sup>19</sup> Anthony Clark Arend, ‘The Evolution of International Law’, in JR McNeill and Kenneth Pomeranz (eds), *The Cambridge World History* (CUP 2015).

<sup>20</sup> Twenty-eight reports were written by national rapporteurs. However, not all of these reports are included in this book.

tent, the institutions that have recognized them, their foundations, their effectiveness, and their relationship with international law.<sup>21</sup> The national reports, as their name suggests, focus on the various aspects that make up rights of nature in a particular legal system. The special reports, by contrast, focus on specific issues that we, as general rapporteurs for the project, consider key to a full understanding of rights of nature, including their philosophical underpinnings and their tensions with international law. The theses that I offer in this article also draw on other primary and secondary sources to complement the empirical and theoretical information provided in the national and special reports. Finally, the theses I present in this article are theoretically informed. The questions that guided the national and special reports, as well as the conceptual lenses that allowed for the interpretation of the empirical information they (and other sources) offer, fall within the following theoretical approaches: legal epistemology and epistemic justice; legal Thepluralism; and comparative explanatory theories of legal change.

## II. Mapping the Global Legal Discourse on Rights of Nature

We can divide the global discourse on rights of nature into three types of patterns: poietic, mimetic, and resistance. Poietic patterns are those that create the constitutive elements of the discourse and those that articulate the structural components of the global discourse on rights of nature.<sup>22</sup> These poietic patterns emerge in the legal systems of Ecuador, Bolivia, and New Zealand.<sup>23</sup> The rights of nature literature widely considers the models constructed in these three countries as prototypical.<sup>24</sup> Mimetic patterns are those that reproduce the structures of poietic pat-

<sup>21</sup> The questionnaire is reproduced at the end of this book (p 639ff). It covers the following eight dimensions of rights of nature: existence and contents; legal and political operators; enforcement; theoretical sources and foundations; relationship between national legal systems; international law; efficacy; and consequences.

<sup>22</sup> Poieisis comes from the Greek term *ποιεῖν*, which means to create or to make.

<sup>23</sup> Gabriela Espinoza, 'Ecuador. The Nature of the Rights of Nature' in this volume, 211ff.; Cletus Gregor Barié, 'Bolivia. The Rights of Mother Earth: Fifteen Years of Solitude' in this volume, 247ff.; and Catherine Iorns, 'Aotearoa New Zealand. Protecting Nature through Upholding Indigenous Rights and Human Responsibilities' in this volume, 283ff.. The Tamaqua Borough Ordinance no 612 of 2006 (Pennsylvania, United States) was the first legal norm that conceptualized nature as a subject of rights. This legal norm influenced the drafting of the Ecuadorian constitutional norms on the rights of nature. However, this ordinance did not become a central element of the prototypical discourse on the rights of nature. I elaborate on these arguments in this article's section on external legal pluralism.

<sup>24</sup> See, on the one hand, the reports on these three countries in this volume: Espinoza, 'Ecuador' (n 23); Barié, 'Bolivia' (n 23); and Iorns, 'Aotearoa New Zealand' (n 23). On the other hand, see the reports from other parts of the world where the discourse on rights of nature articulated in Ecuador, Bolivia, or New Zealand is recognized as central in the global discourse on rights of nature; in this volume Mara Tignino, 'International Law. Rights of Nature and Rights to Nature: Emerging Trends' in this volume, 131ff.; Dirk Hanschel and Annette Mehlhorn,

terns, although sometimes these are partially transformed or some new contingent components are added to them. Countries in five continents have articulated mimetic patterns: in Africa, Uganda, and Nigeria; in the Americas, Colombia, Panama, Argentina, and Canada, for example; in Asia, India, Bangladesh, and Pakistan; in Europe, Spain; and in Oceania, Australia.<sup>25</sup> Finally, patterns of resistance are those that oppose the recognition of the rights of nature. In Europe, for example, up until 2022 no country had legally recognized rights of nature, and some social, political, or academic sectors opposed them actively. The exceptional and recent recognition in Spain of the Mar Menor as a subject of rights confirms this rule.<sup>26</sup>

### 1. Poietic Pattern

The poietic discourse on the rights of nature revolves around the following three components: subject, rights, and representation. The prototypical discourse constructed in Ecuador, Bolivia, and New Zealand creates a new legal subject, to whom rights are extended and whose representation is given to third parties, individuals, or institutions. Poietic patterns emerge with the following legal instru-

<sup>25</sup>‘Law and Anthropology. An Interdisciplinary Perspective on Rights of Nature’ in this volume, 145ff.; Mari Margil, ‘NGOs in the United States. Birth of a Movement’ in this volume, 165ff.; Yenny Vega Cárdenas and Uapukun Mestokoshó, ‘Recognizing the Legal Personality of a River. The Magpie River/*Mutehekau Shipu* in Canada’ in this volume, 177ff.; and Minhea Tănasescu, ‘Theoretical Foundations of the Rights of Nature. Origins and Conceptual Characteristics’ in this volume, 97ff.; Domenico di Micco and Michele Graziadei, ‘Italy. Establishing the Rights of Nature in Italy: Between Tradition and Change’ in this volume, 493ff.; Sören Koch, Esmeralda Colombo and Catalina Vallejo Piedrahíta, ‘Norway. Rights of Nature in the Norwegian Legal Culture: To Be or Not to Be?’ in this volume, 539ff.; Laura Affolter and Sian Affolter, ‘Switzerland. Mapping the Scene’ in this volume, 611ff.; Phillip Paiement, ‘Netherlands. Rights of Nature, Globalization, and Legal Pluralism’ in this volume, 527ff.; Yvette Lind, ‘Denmark. Could Danish Human- and Animal-Rights based Environmental Protection Provide Rights to Nature?’ in this volume, 455ff.; Jakub Harašta, ‘Czech Republic. An Anthropocentric Approach to Environmental Protection’ in this volume, 441ff.; Stéphanie Roy, Gaële Gidrol-Mistral and Alexandra Popovici, ‘Québec (and Canada). Nature, Culture, Rupture: Tools for Environmental Protection in a Liberal Anthropocentric Legal System’ in this volume, 573ff.; Tania Luna Blanco and David de la Torre Vargas, ‘Colombia. Graffiti on the Colombian Legal Architecture: The Emergence of Non-human Subjects and the Rights of Nature’ in this volume, 319ff.. See also Stefan Grundmann, ‘Globalisation et pluralisme juridique – Globalisation and Legal Pluralism. Orders of Pluralism and Rights’ in Martin Schmidt-Kessel (ed), *German National Reports on the 21st International Congress of Comparative Law* (Mohr Siebeck 2022).

<sup>26</sup> See, for example in this volume, Tajudeen Sanni, ‘Uganda. The First African Country to Recognize Rights of Nature’ in this volume, 353ff.; Margil, ‘NGOs’ (n 24); Blanco and de la Torre, ‘Colombia’ (n 24); Congreso de la República de Panamá, Ley No 287 de 24 de Febrero de 2022 <[https://www.gacetaoficial.gob.pa/pdfTemp/29484\\_A/90384.pdf](https://www.gacetaoficial.gob.pa/pdfTemp/29484_A/90384.pdf)>; and on Argentina, Fernando Solanas, Proyecto de ley nacional S-2506/15-2015 (2015); Fernando Solanas, Proyecto de ley nacional S-0615/19-2019 (2019); Fernando Solanas, Proyecto de ley nacional 6118-D-2020 (2020).

<sup>26</sup> Ley 19/2022, de 30 de septiembre, para el reconocimiento de personalidad jurídica a la laguna del Mar Menor y su cuenca, <<https://www.boe.es/eli/es/l/2022/09/30/19>>.

ments: the Ecuadorian Constitution of 2008,<sup>27</sup> the Bolivian Mother Earth Laws 71 of 2010<sup>28</sup> and 300 of 2012,<sup>29</sup> and the New Zealand Te Urewera Act of 2014 and Te Awa Tupua Act of 2017.<sup>30</sup> In these legal norms a new subject is created:

<sup>27</sup> The key components of the rights of nature discourse in Ecuador appear in the Preamble and art 71 of the 2008 Constitution. Preamble: ‘Celebrating nature, Pacha Mama, of which we are a part and which is vital to our existence’; Article 71: ‘Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate. The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.’ – <<https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>>. See also arts 72, 73, and 74.

<sup>28</sup> Law 71 of 2010 (Bolivia) – ‘Article 1. (Object). The purpose of this Law is to recognize the rights of Mother Earth, as well as the obligations and duties of the Plurinational State and society to guarantee the respect of these rights.’

‘Article 3. (Mother Earth). Mother Earth is the dynamic living system formed by the indivisible community of all life systems and living beings, interrelated, interdependent and complementary, which share a common destiny. Mother Earth is considered sacred, from the cosmovisions of the indigenous native peasant nations and peoples.’

‘Article 5. (Legal Status of Mother Earth). For the purposes of the protection and tutelage of its rights, Mother Earth adopts the character of a collective subject of public interest. Mother Earth and all its components, including human communities, are holders of all the inherent rights recognized in this Law. The application of the rights of Mother Earth shall take into account the specificities and particularities of its various components. The rights established in this Law do not limit the existence of other rights of Mother Earth.’ (Author’s translations.)

<sup>29</sup> Law 300 of 2012 (Bolivia) – ‘Article 5. (Definitions). For the purposes of this Law, the following definitions shall apply: 1) Mother Earth. It is the dynamic living system formed by the indivisible community of all life systems and living beings, interrelated, interdependent and complementary, which share a common destiny. Mother Earth is considered sacred; she nourishes and is the home that contains, sustains and reproduces all living beings, ecosystems, biodiversity, organic societies and individuals that compose her.’

‘Article 4. (Principles).

1) Compatibility and Complementarity of Rights, Obligations and Duties.

One right cannot materialize without the others or cannot be above the others, implying the interdependence and mutual support of the following rights:

a) Rights of Mother Earth as a collective subject of public interest.’ (Author’s translations.)

<sup>30</sup> Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (New Zealand), <<https://legislation.govt.nz/act/public/2017/0007/latest/DLM6831458.html>>:

‘Subpart 2 –Te Awa Tupua

*Te Awa Tupua and Tupua te Kawa*

12 Te Awa Tupua recognition

Te Awa Tupua is an indivisible and living whole, comprising the Whanganui river from the mountains to the sea, incorporating all its physical and metaphysical aspects.

13 Tupua te Kawa

Tupua te Kawa comprises the intrinsic values that represent the essence of Te Awa Tupua, namely – *Ko Te Kawa Tuatahi*