



**Extract from the report:**

Spotlight on  
**Global Multilateralism**

Perspectives on the future  
of international cooperation  
in times of multiple crises

# The Rights of Nature

BY TOBIAS GERHARTSREITER

## The Rights of Nature

BY TOBIAS GERHARTSREITER, GARN / GPF EUROPE

The past year has seen an unprecedented number of international environmental conferences and adoption of agreements. In 2022 alone, the Conferences of the Parties of CITES on trade in endangered species, UNFCCC on climate change, UNCCD on desertification and CBD on biodiversity took place, the latter with the adoption of the global biodiversity framework.<sup>1</sup> And in March 2023, after years of negotiations, history was made with the adoption of the UN High Seas Treaty.<sup>2</sup>

All this is generally considered a success for global multilateralism. However, it is rather an expression of the sheer scale of the global climate and environmental crises. The fact that the 2030 Agenda for Sustainable Development at its halfway point is likely to fall short of its goals, that one million species are threatened with extinction according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES),<sup>3</sup> and that compliance with the 1.5-degree Celsius limit on global warming is in serious jeopardy according to the Intergovernmental Panel

on Climate Change (IPCC),<sup>4</sup> paint a disturbing picture. What is clear is that the scale and speed of global implementation of countermeasures is far from sufficient.

It is striking that more and more often Harmony with Nature and Rights of Nature (RoN) are highlighted in this context and that these are now explicitly mentioned in texts of UN agreements, such as the Global Biodiversity Framework. Also, the media have recently reported more frequently on elements of the environment as well as ecosystems that have been granted legal status as a person in different places.

Therefore, it is important to understand what is meant by RoN:

“RoN is a legal instrument that enables nature, wholly or partly, i.e. ecosystems or species, to have inherent rights and legally should have the same protection as people and corporations; that ecosystems and species have legal rights to exist, thrive and regenerate. It enables the defense of the environment in court – not only for the benefit of people, but for the sake of nature itself.”<sup>5</sup>

RoN further is the holistic recognition that all life, all ecosystems on the planet are deeply intertwined. The people have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the injured party, with its own legal standing and rights, in cases alleging rights violations. For Indigenous cultures around the world, recognizing RoN is consistent with their traditions of living in harmony with nature. Nonetheless, for millennia, legal systems around the world have treated land and nature as “property”. Laws and contracts are written to protect the property rights of individuals, corporations and other legal entities. As such, environmental protection laws legalize environmental harm by regulating how much pollution or destruction of nature can occur within the law. Under such law, nature and all of its non-human elements have no standing. Countries like Ecuador, for example, by recognizing RoN in their constitutions, are basing their environmental protection systems on the premise that nature has inalienable rights, just as humans do.<sup>6</sup>

1 UNEP (2022)

2 UN (2023)

3 IPBES (2019)

4 IPCC (2023)

5 IPBES (n.d.)

6 Global Alliance for the Rights of Nature (GARN) (n.d.)

Ecologizing constitutions could represent a crucial lever in fighting the crises of our times, affecting basically any legislation of a country while respecting human rights and rights of future generations. The many examples from around the globe in countries like Bolivia, Spain, India, New Zealand or Uganda, where ecosystems are granted legal rights or legislations have been ecologized already show that RoN is far from being a utopia.

In fact, the recognition by the General Assembly of the human right to a clean, healthy and sustainable environment<sup>7</sup> as well as its thirteenth resolution on Harmony with Nature<sup>8</sup> show that a paradigm shift and alternative holistic approaches based on diverse world views are needed. This may contribute to the implementation of the 2030 Agenda for Sustainable Development, the protection of the human rights of future generations (see the article by Ana María Suárez Franco and Sandra Liebenberg) and nature as a whole.

Looking ahead at Our Common Agenda, the 2023 SDG Summit and the 2024 Summit of the Future it is to be hoped that the global community comes to act, because if we consider the poor condition of our ecosystems, the basis of life for all of us, it becomes clear that we really can't waste any more time.

## References

- Global Alliance for the Rights of Nature (GARN) (n.d.)**. What Are the Rights of Nature? GARN.  
<https://www.garn.org/rights-of-nature/>
- IPBES (2019)**. Media Release: Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating'. Paris.  
<https://www.ipbes.net/news/Media-Release-Global-Assessment#:~:text=The%20Report%20finds%20that%20around,20%25%2C%20mostly%20since%201900.>
- IPBES (n.d.)**. Policy Instrument – Rights of Nature (RoN). IPBES.  
<https://www.ipbes.net/policy-support/tools-instruments/rights-nature-ron>
- IPCC (2023)**. AR6 Synthesis Report: Climate Change 2023. Interlaken.  
<https://www.ipcc.ch/report/sixth-assessment-report-cycle/>
- UN (2023)**. Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction. New York.  
[https://www.un.org/bbnj/?\\_gl=1\\*k08h5b\\*\\_ga\\*NTcyMjEzNjAzLjE2MjU0ODExNDk.\\*\\_ga\\_TK-9BQL5X7Z\\*MTY3OTQ3MDY2NC43LjEuM-TY3OTQ3MDczMS4wLjAuMA..](https://www.un.org/bbnj/?_gl=1*k08h5b*_ga*NTcyMjEzNjAzLjE2MjU0ODExNDk.*_ga_TK-9BQL5X7Z*MTY3OTQ3MDY2NC43LjEuM-TY3OTQ3MDczMS4wLjAuMA..)
- UN General Assembly (2022a)**. The human right to a clean, healthy and sustainable environment. New York: UN (UN Doc. A/76/L.75).  
<https://digitallibrary.un.org/record/3982508?ln=en>
- UN General Assembly (2022b)**. Harmony with Nature. New York: UN (UN Doc. A/RES/77/169).  
<https://www.undocs.org/A/RES/77/169>
- UNEP (2022)**. COP15 ends with landmark biodiversity agreement. UNEP.  
<https://www.unep.org/news-and-stories/story/cop15-ends-landmark-biodiversity-agreement>

<sup>7</sup> UN General Assembly (2022a)

<sup>8</sup> UN General Assembly (2022b)

Spotlight on

## Global Multilateralism

Perspectives on the future of international cooperation in times of multiple crises

Published by



Global Policy Forum Europe

Königstrasse 37a  
53115 Bonn, Germany  
europe@globalpolicy.org  
<https://www.globalpolicy.org>

With support of



Friedrich-Ebert-Stiftung Geneva

6 bis, Chemin du Point-du-Jour  
Geneva 1202, Switzerland  
info@fes-geneva.org  
<https://geneva.fes.de>

**Authors:** Edgardo Bilsky, Aldo Caliari, Nandini Chami, Daria Cibrario, Bodo Ellmers, Tobias Gerhartsreiter, Anita Gurumurthy, Hajo Lanz, Sandra Liebenberg, Björn Lindh, Jens Martens, Giulia Massobrio, Patricia Miranda, Chenai Mukumba, Paola Simonetti, Ana María Suárez Franco, Anna Sundström, Antonia Wulff

**Editorial Assistance:** Karen Judd, Tobias Gerhartsreiter, Emilia Boutin

**Coordination:** Jens Martens, Global Policy Forum Europe

**Design:** Design pur, Berlin

**Photos:** UN Photo by Werner Schmidt (Cover), Untitled by Jens Martens (Page 15), godrick/istockphoto.com (Page 23), lassedesignen/shutterstock.com (Page 37), by Markus Spiske (Page 57), by Pete Linforth (Page 67), Goncharovaia/shutterstock.com (Page 77)

**Printing:** Druckerei Brandt GmbH, Bonn. Printed on 100% recycled paper

**The views and opinions expressed in the articles are those of the authors and do not necessarily reflect the positions of the publishers, the editors, other authors, or funders.**

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available in the internet at <http://dnb.d-nb.de>.

ISBN 978-3-943126-57-0

Bonn/Geneva, May 2023