

Eco-dogmatism: Nature's Values and Rights in High-Level Environmental Governance Initiatives

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Abstract: This paper scrutinizes how nature and other-than-human elements are included in global environmental governance, specifically focusing on the ideas of intrinsic values and rights of nature. It reviews the definitions, usages and framing of these ideas in 76 high-level environmental governance documents. It shows a progressive tendency through time towards stronger statements in international environmental governance documents, moving from descriptive to normative, prescriptive, political and legal claims regarding the values and rights of nature. By being integrated in global governance, these ideas are being promoted in international environmental laws- and policy-making beyond regional sociocultural contexts and disciplines. Depending on their definition and framing, these ideas could present novel challenges when used in international environmental governance, such as eco-dogmatism. Eco-dogmatism is defined in this paper as the expression of an opinion or a belief as if it were a fact that comes from or can be found in nature itself. The concept of eco-dogmatism helps to contrast the framings in terms of rights of Nature versus rights to nature. It also highlights the need for transparency regarding procedural questions such as who is legitimate to take part in the decision-processes about what elements of nature are endowed with intrinsic values and rights.

Keywords: intrinsic value; values of nature; valuation; rights of nature; rights to nature; environmental ethics; environmental policy; environmental justice; sustainability; environmental governance

Introduction

In October 2021, the Human Rights Council adopted a resolution (A/HRC/48/L.23/Rev.1) on the “Human right to a safe, clean, healthy and sustainable environment”. This resolution comes at a time where there is an increase in calls to include the ideas of rights and intrinsic values of nature in high-level environmental governance at the global scale. In contrast with these calls to attach rights to natural elements, the October 2021 resolution gives human individuals and communities across the globe the right to live within a sustainable environment. Practically, this right could be used to restrict the practices of some human groups or entities in order to protect the environment in which other human beings live (Boyd 2019; Knox 2016; Varvastian 2019; Weston and Bollier 2013). Taking into consideration the ecological causal interconnections, human activities could be restricted at a large scale in order to safeguard natural elements that play a key role in global environmental processes, such as the role that large-scale forests and natural ocean areas play to mitigate climate change and regulate pollution (Apostolopoulou and Cortes-Vazquez 2018; Hanna et al. 1996; Boyle 2007). The debates as to frame the discourses whether in terms of the rights humans have to a sustainable environment, or of the rights of nature itself all stem from a common observation: in order to sustain the environmental systems on which human life depends, there is a need to successfully enforce, at the global scale, concrete restrictions on human activities.

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The ideas of intrinsic values and rights of nature are not new. For instance, the debate over the intrinsic values of nature has raged among environmental philosophers in the English-speaking world in the 1980s and 1990s, and the ideas of Rights of Mother Nature have been widely debated in the Spanish-speaking legal world in the last decades. What is new is that these ideas are making their way into the United Nations' documents via arguments in terms of "rights of Nature". In other words, they are moving out of local debates, philosophical books and sociocultural contexts and are being promoted in global politics through high-level environmental governance documents. When brought as prescriptive tools in policy-making at the global scale, these ideas present novel challenges. The goal of this article is not to reject altogether the political use of these concepts, but to highlight the importance of transparently considering their normative and political presuppositions when they are used in the multicultural settings of global political discourses.

In political discourses at the global scale, discourses on environmental values and laws take place in a context of high diversity of worldviews and languages. Simultaneously, these discourses rely heavily on abstract linguistic constructs, such as "human", "value", "right" and "nature" (Coscieme et al. 2020; Droz, L. et al. 2022). These words take diverse connotations in different contexts, strongly influenced by the cultural historical background of the discourse, and closely intertwined with the ethical and ontological assumptions of the worldviews (Koggel 2006). Many of these assumptions and connotations remain invisible to their holder, or appear as obvious "facts", because they are like the lenses through which one makes sense of the world and the conceptual tools with which one thinks (Droz 2021). Specifically, the concepts of "intrinsic value of nature" and "rights of nature" often rest on a narrow understanding of nature that focuses on wildlife existing independently from human activities. In this narrow understanding, "nature" is characterized by a series of dichotomies (natural versus artificial, nature versus culture, human versus nature) that tear off humans and their doings from the rest of reality. In contrast, among the diversity of cultures that co-exist on Planet Earth, there are multiple of other ways of making sense of the world(s) and of the place of human communities in the world(s) that do not rely on these concepts of "nature" or "value" (Paşca 2020; Adams and Mulligan 2002; Parkes 1997; Robert 2018, 35; Droz, L. et al. 2022).

The concepts of intrinsic values and rights of nature have profound meaning to some people and in some philosophical traditions. They can be precious tools to some people in making sense of the world and their role in it, as well as trigger action and behaviour changes, as discussed in environmental psychology (Giuliani and Scopelliti 2009). Yet, today, a high diversity of conceptions of "nature", "value" and "rights" persists (Kausikan 1993). Moreover, ideas that compose complex concepts like the intrinsic value of nature are culturally situated. They carry along framings tied to particular historical worldviews and cultural assumptions that are neither neutral nor universal. This diversity contributes to the current state of vagueness of the concepts, which is reinforced in intergovernmental and intercultural negotiations at the global level. When used in political debates in high-level environmental governance, these ideas are – intentionally or not – forced out of their metaphysical, ontological, historical and cultural frames. This paper reviews some of the definitions proposed by different intergovernmental institutions to address this ambiguity.

A potential difficulty of these ideas within the global political arena is eco-dogmatism. This paper proposes a definition of eco-dogmatism as the expression of an opinion or a belief as if it

were a fact that comes from or can be found in nature itself. In light of the concept of eco-dogmatism, this paper scrutinizes how nature and other-than-human elements are included in high-level environmental governance through a review of the framing in terms of rights or values of nature in high-level environmental governance documents. This paper analyses documents by the Intergovernmental Panel on Climate Change (IPCC), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the United Nations General Assembly (such as the Millennium Assessment and “Harmony with Nature” reports) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), among others. Finally, this paper contrasts the framings in terms of rights of Nature versus Rights to nature and discusses the possible risks of the use of eco-dogmatist concepts in high-level environmental governance.

Eco-dogmatism

Values depend on the people who engage in the valuation, the same way that meanings depend on the people who engage in the sense-making processes (Droz 2021). To attribute a value to an external element that, at first sight, does not bring any benefit to the believer – like “non-use value” or “intrinsic value” – does not erase the believer from this valuation process. Therefore, the existence of intrinsic values of nature cannot be treated as a fact, but only as a belief held or advocated by some people. This belief could encourage positive sustainable behaviours, but it is not the only belief that can do so. For fruitful dialogue to take place among people holding different worldviews, it could be useful to make clear the distinction between facts – on which a wide consensus is likely to be reachable – and beliefs, meanings and implications that are drawn from these facts. As Brugnach and Ingram write, “even when different knowledge systems may share facts, there can still be differences in the meaning and implications of the shared information” (Brugnach and Ingram 2012, 61) (O’Flaherty, Davidson-Hunt, and Manseau 2008). While different stakeholders might appear to agree on a principle stated in abstract concepts, most often expressed in a foreign language at the global level, how they actually understand the principle within their sociocultural context and ethical worldview can vary greatly (Cowan, Dembour, and Wilson 2001). This ambiguity and diversity of interpretations are not necessarily an issue; on the contrary, it could help to locate and adapt an abstract principle discussed at the global scale to the local sociocultural specificities (Brugnach and Ingram 2012).

The idea of “intrinsic value of nature” cultivates ambiguity regarding whether these “intrinsic value of nature” are facts or beliefs, by erasing the believer and attempting to place the source of the value *inside* the object valued, *intrinsically to* it and independent from the experience of the believer. Further, the belief in an “intrinsic value of nature” is not *descriptive*, but it has a *normative* reach; it supports a specific view of what meanings should be drawn from the facts. Moreover, it is sometimes used as a basis to justify *prescriptive* claims, namely to advocate a particular view of what people *should and should not* do.

The expression of an opinion or a belief as if it were a fact is dogmatism (Merriam-Webster 2016). The idea of intrinsic value of nature attempts to naturalize a normative belief and to suggest that it is a fact, bringing the belief itself and its normative and possibly prescriptive implications beyond the scope of discussions. I suggest calling this process “eco-dogmatism”. Eco-dogmatism is the expression of an opinion or a belief as if it were a fact that *comes from or can be found in nature itself*. Eco-dogmatic rhetoric attempts to naturalize normative claims and to place them beyond the arena of debates and sociocultural diversity (Rawson and Mansfield 2018). In a context of pluralism of worldview, the use of eco-dogmatic concepts in high-level governance could open the door to political misuses (González Del Solar and Marone 2001). Indeed, by presenting or treating the “intrinsic value of nature” as a fact, other worldviews in which such a construct fails to make any sense will be invalidated and delegitimized because they *do not recognize the facts*. In high-level environmental governance, eco-dogmatic concepts can become obstacles to reach a wider consensus by dismissing other worldviews and cutting off debates and dialogue on the normative assumptions that underlie eco-dogmatic concepts (Clark 2001). At the worst, when an eco-dogmatic belief is accepted by a high-level environmental governance body, it could serve as a justification to impose policies and practices on other sociocultural contexts regardless of the lack of adequate overlapping between the worldview of what is imposed and the worldview of the people whose behaviours are restricted (Bégin 1992; Eckersley 2007; Randeria 2007, 18; Droz, L. et al. 2022).

The discussion and analysis of this paper focus on claims that apply normative ideas of rights and values of nature *in the arena of global policy-making*. Regional, subnational and local debates on these ideas lie beyond the scope of this paper, as their discussion would rely heavily on the socio-cultural and legal context (Epstein and Schoukens 2021; Corrigan and Oksanen 2021; Humphreys 2017; Ávila Santamaría 2010; Hermitte 2011; 2018). Further, some of the risks presented in this paper regarding the ideas of intrinsic values or rights of nature are specific to global discourses that aim to be “universal” – implicitly or not – and practically take place in the context of global pluralism of worldviews. Some of these risks lose relevance when these ideas are discussed and implemented at more local scales in areas where there is consensual understanding and sharing of the ethical and ontological assumptions behind these ideas (Boyd 2005; Nash 1989; Borràs 2016).

High-Level Environmental Governance Initiatives

Debates on eco-dogmatist ideas such as intrinsic values and rights of nature have very distinct implications whether they take place within a specific discipline – e.g. philosophy – within a specific religious or cultural context – e.g. Christianity –, or whether they become tools in international environmental governance. The former – debates within disciplines and religious or cultural contexts – are set aside in this paper. The reach of these normative and prescriptive ideas change when they are used by international institutions whose work, guidelines, reports and conventions have concrete impact at the global level as well as on a diversity of socio-political and cultural national and subnational contexts. When the ideas of intrinsic values and rights of nature are mobilized by high-level environmental governance in a global context, they gain a higher reach and impact, while at the same time unfolding in a highly diverse context of culture and socio-political systems.

1.1. Methodology

To illustrate the integration of eco-dogmatist concepts in high-level environmental governance, this paper reviews influential documents of high-level environmental governance for the ideas of Nature's rights and intrinsic values (including non-anthropocentric values and inherent values). It explores the framing in terms of rights or values *of* nature in high-level environmental governance. Documents of the main high-level environmental governance agencies and environmental science-policy interfaces were reviewed to highlight whether or not they used a series of keywords. If the keywords appeared, the documents were analysed in order to shed lights on what were the definitions, framing and understanding of these keywords. Documents by the Intergovernmental Panel on Climate Change (IPCC), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the United Nations General Assembly (such as the Millennium Assessment and "Harmony with Nature" reports) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), were reviewed, among others (see Annexe 1).

Agencies and bodies of high-level environmental governance tend to build on the reports and conventions that have been previously accepted by the Conference of the Parties of the specific institution. Therefore, when a keyword appears in a document validated by an assembly, it is more likely to re-appear in the later documents, as it becomes part of the terminology adopted by the community and is sometimes even included in the official glossaries. Moreover, for these procedural reasons, the understandings, usages and definitions of the concepts tend to be relatively coherent throughout the work of an institution, unless there has been an explicit shift of change in the definition discussed by the assembly and transcribed in the reports. In contrast, when the keywords are totally absent of several reports and documents of an institution, they are likely not to play a central role in the work of this institution. Documents in this analysed were chosen accordingly. When there was no mention of any of the keywords in several key documents of an institution (for instance, the reports of the IPCC), the body of documents of the institution was not reviewed further. On the contrary, when keywords appeared in the central statements of the documents of an institution (such as the "Harmony with Nature" group or the IPBES), further documents of these institutions were included as to clarify how these concepts were understood and used, as well as the evolution of these understandings and usages. Thus, this review is not exhaustive and many documents of high-level environmental governance were omitted because they did not appear to be relevant to the debates on the rights and values of nature in high-level environmental governance, such as technical or methodological reports of the IPCC. Regional, national and sub-national environmental governance documents were excluded as they fall beyond the scope of this study.

As a whole, seventy-six documents of high-level environmental governance initiatives were analysed for occurrences of the keywords "intrinsic values" (including similar concepts such as "inherent worth"), "anthropocentrism" (including its adjectives), "intrinsic rights" and "rights of nature". Another keyword often appeared in relation to these: "harmony with nature". This paper uses a series of distinctions to analyse the governance texts: descriptive, normative, prescriptive, legal and political. Among this body of texts, particular passages were selected because they represent relevant examples of eco-dogmatism. Discourse analysis within a legal

philosophy framework is used to investigate the conceptualization of nature's rights as reflected in this range of documents affiliated with the United Nations' bodies.

This review follows the chronological order of the high-level environmental documents analysed, as to highlight the evolution of the thinking over conceptualization of nature's rights and values in high-level environmental governance documents over time. A progressive tendency towards stronger statements, moving from descriptive to normative, prescriptive, political and legal claims regarding the values and rights of nature is highlighted. This methodology of reviewing keywords from high-level environmental governance could be applied to a different area or under different scale, probably with contrasting results, for instance focusing exclusively on the debates on international and national laws in Latin Americas regarding the rights and values of nature. Notwithstanding their richness and influence for global environmental governance, these regional debates, along with disciplinary debates, are set aside in this research.

1.2. *IPCC, UNFCCC and other United Nations High-Level Environmental Governance*

One of the first high-level environmental governance documents, the World Charter For Nature (1982), describes, without mentioning the keywords, the links between the intrinsic value of a natural element, the behavioural restrictions, and the dependence of human life and wellbeing on nature:

Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action, Man can alter nature and exhaust natural resources by his action or its consequences and, therefore, must fully recognize the urgency of maintaining the stability and quality of nature and of conserving natural resources.

It reflects a soft abstract, yet pragmatic posture: Because human beings have the power to destroy other life forms, then they need ethical guidelines to regulate their behaviours. It also displays a reasoning gap that will be recurrent in the subsequent high-level environmental governance documents. Because something is unique –or has value– does not imply that this thing should be maintained, neither does it imply specific behaviour rules. For example, the red lionfish (*Pterios volitans*) is a unique and aesthetically captivating coral reef fish that is cherished by some as a pet in water tanks. While mainly native to the Indo-Pacific region, it has become an invasive species in the Caribbean Sea, along the East Coast of the United States and in the East Mediterranean Sea. As red lionfishes have very few predators, they became a threat to the ecosystems they “invaded” by outcompeting similar fishes. They are recognized as an “invasive alien species” responsible for declines in biodiversity in the coral reef areas they invaded. In these specific ecosystems, the red lionfish is not considered as a species that is worth to be maintained at the cost of other native species' decline, and human behaviour rules and policies do not flow straightforwardly from the consideration of the red lionfish uniqueness and aesthetic value.

Back to the documents, the Earth Charter (1987) also echoes some arguments for the intrinsic value of nature without mentioning the keywords, by personifying the Planet Earth: “Earth, our home, is alive with a unique community of life.” The Rio Declaration (1992) could be

considered by some to reflect anthropocentrism, without mentioning the keyword either: “human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”

Interestingly, none of the reviewed texts and reports that focus on climate change mentions anthropocentrism or intrinsic values or rights of Nature (which include (see Annexe) the Paris Agreement (2016), The Kyoto Protocol (1998), IPCC reports of 1990, 1995, 2001, 2007, 2014, and UNFCCC reports of 2017, 2018, 2019, 2020)). This absence might be explained by the fact that climate change has been largely treated technically as a threat to human development, with little concern with nature and other-than-human elements. Yet, this might be changing, as the 2021 IPBES-IPCC workshop report showed that climate change and biodiversity loss are “mutually reinforcing” and that “satisfactorily resolving either issue requires consideration of the other” (p. 15).

The following high-level environmental governance documents do not mention any of the keywords either: the Brundtland Report (1987), the UNDP’s 2015 Sustainable Development Goals’ booklet, the 2020 Sustainable Development Goals Report, the 2030 Agenda for Sustainable Development (2015, A/RES/70/1).

1.3. Convention on Biological Diversity (CBD)

The intrinsic value of biodiversity is the first idea that appears on the first line of the preamble to the Convention on Biological Diversity (CBD) that entered into force on 29 December 1993:

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components.

Biodiversity’s “intrinsic value” is separated, therefore probably understood as different, from any of the other types of values listed, but remains undefined and unexplained in the document. The Global Biodiversity Outlook 2 goes further and highlights the intrinsic rights *of* Nature and the (human) rights *to* Nature: “Many would argue that every life form has an intrinsic right to exist. [...] We must also recognize the right of future generations to inherit, as we have, a planet thriving with life, and that continues to afford opportunities to reap the economic, cultural and spiritual benefits of nature” (Global Biodiversity Outlook 2, 2006).

The Local Biodiversity Outlook 2 (2020) notes that Parties to the CBD at COP 14 adopted the Sharm El-Sheik Declaration on Nature and Culture. This declaration acknowledges that ‘cultural elements are a fundamental part of the life and cosmological vision of indigenous peoples and local communities, who actively pursue an intrinsic and balanced relationship between Mother Nature, human-beings and the Universe’. The generalized idea that “indigenous people” believe in an “intrinsic value” of nature can frequently be found in the reports and texts, without clarifications regarding whom exactly the statement refers to among the immense diversity of local groups and worldviews across the globe.

The Cartagena Protocol on Biosafety (drafted 2000), the Nagoya Protocol on Access and Benefit-sharing (2010), the Global Biodiversity Outlooks 1, 3, 4 and 5, as well as the Local Biodiversity Outlook 1 (2016) do not mention either intrinsic values or anthropocentrism.

1.4. The Millennium Assessment

The Millennium Assessment Synthesis (2005) recognizes that “the actions people take that influence ecosystems result not just from concern about human wellbeing but also from considerations of the intrinsic value of species and ecosystems”. It defines “intrinsic value” as “the value of something in and for itself, irrespective of its utility for someone else”. The underlying assumption seems to be that the human belief in an intrinsic value of natural elements can encourage the believer to take more sustainable actions. The Millennium Current State & Trends Assessment distinguishes between “use values”, that are a “utilitarian (anthropocentric) concept”, and the “non-use values” or “intrinsic value” rooted in a “non-utilitarian value paradigm”:

Non-use values, usually known as existence values, involve the case where humans ascribe value to knowing that a resource exists even if they never use that resource directly. These often involve the deeply held historical, national, ethical, religious, and spiritual values people ascribe to ecosystems— the values that the MA recognizes as cultural services of ecosystems.

Intrinsic value is classified as a “non-use value” alongside this list of cultural services of the ecosystems, and an entire section is dedicated to it (2.3.6.). This section distinguishes between “ecological value” (the value of an element of the ecosystem in reference to the causal relationships between parts of the system, e.g. a tree species to control erosion), and “sociocultural value” that “derives from the value people place on elements in their environment based on different worldviews or conceptions of nature and society that are ethical, religious, cultural, and philosophical”. The latter includes notions of sacredness, deities, “moral transformation” and the “embodiment of national ideals”. It is closely linked to sociocultural identity:

For many people, sociocultural identity is in part constituted by the ecosystems in which they live and on which they depend— these help determine not only how they live, but also who they are.

According to this paragraph, while it can appear to “transcends utilitarian preference satisfaction”, the value of ecosystems tied to sociocultural identity can, to some extent, be captured by the idea of cultural ecosystem services, subjected to economic valuation techniques, and elicited by techniques of participatory assessment.

Intrinsic value is described as “a basic and general concept” that can be found in “many and diverse cultural and religious worldviews”. The list of examples given mentions some interpretations of the Judeo-Christian-Islamic tradition of religions in terms of “God’s creation”, the idea of considering natural elements as “relatives, born of one universal Mother Earth and Father Sky (Hughes 1983)”, as well as moral imperatives of non-injury to all living beings. The fact that values are listed alongside moral imperatives hints to the possibility that what is at stake might not be the values themselves (their existence, nature, etc.), but the behaviour

restrictions that the belief in such values entails. The last paragraph attempts to identify the source of intrinsic values:

In democratic societies, the modern social domain for the ascription of intrinsic value is the parliament or legislature (Sagoff 1998). In other societies a sovereign power ascribes intrinsic value, although this may less accurately reflect the actual values of citizens than do parliamentary or legislative acts and regulations. The metric for assessing intrinsic value is the severity of the social and legal consequences for harming what society has deemed to be intrinsically valuable.

This paragraph marks a puzzling shift. Intrinsic value was previously presented as something close to sacredness and religious beliefs. The previous examples refer to spiritual beliefs anchored in specific worldviews and bounded with moral rules that restrict the behaviours of the believers towards the element to which intrinsic value is assigned. Yet, this paragraph introduces the idea that intrinsic value is ascribed by the political sovereign. In other words, it shifts a matter of spirituality and religion to the political domain. The last sentence goes one step further by suggesting a metric: the more severe the social and legal consequences one faces when harming an element endowed with intrinsic value, the higher the degree of intrinsic value. This paragraph points out crucial questions that must be addressed by any use of the idea of intrinsic value of nature for environmental governance: who are the people in the political arena who are legitimate to decide to ascribe “intrinsic value” to some elements; what behaviour restrictions does such an ascription entail; what are the punishments for violating these behaviour restrictions?

1.5. Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)

The Summary for Policy-Makers (SPMs) – the most read and carefully drafted documents that propose a synthesis of the findings and policy options – of the 2022 IPBES methodological assessment of the diverse values and valuation of nature distinguishes between intrinsic, instrumental and relational values of nature. It also contrasts anthropocentric versus non-anthropocentric worldviews. This follows the progressive tendency towards stronger statements in high-level environmental governance regarding the values and rights of nature. Indeed, none of the precedent SPMs of IPBES report mentions either anthropocentrism or intrinsic value. IPBES mandate does not allow for normative or prescriptive statements, which is reflected in IPBES assessments that mention the values and rights of nature and anthropocentrism in their descriptions of the literature on nature’s valuation.

Yet this line is sometimes blurred, as in the following statement, which seems to present the “intrinsic value” as a fact instead of a value judgment held by some people: “More than 50 previous international and national assessments demonstrate that biodiversity and ecosystems have intrinsic value and are essential for human life” (Europe and Central Asia Regional Assessment Report, 2018, p. 3). This contrasts with the Asia Pacific Regional Assessment Report that states that: “Intrinsic values often refer to the value inherent to nature, independent of human experience and evaluation. Therefore it is beyond our capacity to reflect intrinsic value accurately in this assessment” (2018). This regional assessment resists the tendency to

attribute to “indigenous people” the belief in an “intrinsic value” of nature. Instead, it states that “indigenous people’s values and worldviews recognize that nature and people are inseparable and thus socio-ecological systems are interpreted as one (N. J. Turner et al., 2000)”. This aligns with IPBES Pollination Assessment’s remarks according to which the separation between intrinsic and anthropocentric values “does not hold in worldviews of most Indigenous peoples and local communities, who do not recognize a nature people dichotomy, viewing spiritual presences of people as present in the world from time immemorial” (IPBES Pollination Assessment 2018). Indeed, many of the diverse human worldviews on the natural world do not fit value-based or right-based approaches and are skewed and misrepresented when forced through the lenses of the human-nature dichotomy (Manzano 2013). Nevertheless, the Americas Regional Assessment (2018) presents the “rights of Mother Earth” as emerging “from a cosmovision that, unlike the predominant anthropocentric western vision, perceives mankind and nature as one indivisible being” and list Bolivia and Ecuador as examples of countries that have affirmed these rights in their national legislation. These differences in approaches between IPBES regional assessments possibly reflect the dominant discourses regarding rights and values of nature in the linguistic (Droz 2022), cultural and political contexts of each region, but further research is needed to explore this hypothesis.

The IPBES Global Assessment (2019) synthesizes the scientific evidence from each region regarding the state of biodiversity. Its analytical framework “explicitly includes perceived intrinsic worth (non-anthropocentric value)” and places “types of values along a gradient of anthropocentric to non-anthropocentric values, including instrumental, relational, and intrinsic values, on nature, nature’s contributions to people and a good quality of life” (Chapter 1). Yet, the following passage displays an attempt to objectify values, as if there was an intrinsic value “out there”, independently from people. It erases the question of “who decides”:

Intrinsic values are an inherent property of the entity (e.g. an organism), not ascribed by external valuing agents (such as human beings). Because of this independence from humans’ experiences, intrinsic values are beyond the scope of anthropocentric valuation approaches (Díaz et al., 2015). Intrinsic values can be particularly relevant in nature for non-human and even nonliving entities (Krebs, 1999).

One might wonder how we, humans, would get to know “intrinsic values” of an entity if these values are precisely defined as not ascribed by human beings, and beyond the scope of human experience². Yet, the paragraph further notes the political use of the idea of intrinsic value of natural entities, which was “advocated” for sentient animals, all living beings or ecosystems with living and nonliving components:

Intrinsic values have been presented as a basis for laws and regulations or other governance to implement conservation agendas that minimize humans’ interactions with nature (Purser & Park, 1995) while ensuring the wellbeing of future human generations by maintaining nature contributions to people (Mace, 2014). Some argue that the intrinsic value of non-human entities and its implications for biodiversity conservation could be considered as part of a wide instrumental perspective (Justus et al., 2009; Maguire & Justus, 2008).

² This points to the debates on the unavoidability of epistemological anthropocentrism, which lies beyond the scope of this present paper (Mylius 2018).

In other words, the abstract idea of intrinsic value of nature has been politically used to justify the implementation of restrictions on other humans' behaviours, in the name of future humans' wellbeing. This highlights the shift from an idea of intrinsic value of a natural element, to an idea of rights of this element, and finally to the behavioural restrictions that this right entails for other human beings, as well as the punishments applied in case of violation of these rights. This shift appears clearly in Chapter 6 that describes the "Rights of Nature" as "the entitlement of nature with rights as a collective subject of interest, acknowledging its intrinsic values", giving a series of examples of codifications in legal systems at different scales.

1.6. *Harmony With Nature*

The United Nations General Assembly declared the International Mother Earth Day on 22 April 2009. Following this, the General Assembly worked on a series of resolutions and reports on the principles of Harmony with Nature. According to 2019 report (A 74 236 E), these resolutions "have contributed to the global trend of granting legal rights or personhood to Nature", that share a "rejection of anthropocentrism, of human beings existing above and outside the network of relationships that define the surrounding cosmos".

The Universal Declaration on the Rights of Mother Nature (proposed in 2010) states: "(2) Nothing in this Declaration restricts the recognition of other inherent rights of all beings or specified beings". The term "being" is defined as including "ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth". Spearheaded by Bolivia, Ecuador and other nations, this Universal Declaration is also advocated by a non-governmental network of organizations and individuals called The Global Alliance for the Rights of Nature (GARN). This network created an "International Rights of Nature Tribunal" comprised of lawyers, activists and leaders from various communities. Yet, this tribunal was not created by Governments and "is not established by any law, and does not ensure that defendants are represented", and therefore there is no legal consequences for "found guilty" perpetrators (Boyd 2005).

The review of the "Harmony with Nature" reports through time demonstrates a progressive tendency towards stronger normative statements. For instance, the 2011 report (A 66 302 E) explicitly recommends "to consider a declaration recognizing nature's intrinsic value and its regenerating capacity". The 2014 report (A 69 322 E) mentions anthropocentrism and intrinsic values in the context of a desirable Earth-based legal approach characterized by "reciprocal respect for protecting human and natural rights". The 2017 Report (A/72/175) adopts an even stronger normative and prescriptive stance. It states that "in order to halt the destruction of Nature, laws must recognize the intrinsic value of Nature" and uses the expression "intrinsic rights of nature":

Reconciling the ancestral perception with a development perspective requires an understanding that the rights of Mother Earth and Harmony with Nature are preconditions for sustainable development. In that regard, human rights depend on Nature's rights, and implementing the 2030 Agenda for Sustainable Development hinges on respecting the principles of Harmony with Nature.

Following this prescriptive advocacy stance, the 2018 Report A/73/221 calls to recognize “the fundamental truth of the intrinsic value of nature” and the “legal personhood of nature”. The idea of reciprocity is the cornerstone of this storyline: in order to achieve the respect of human rights, we need the rights of nature. The 2020 report (A 75 266) explicitly contrasts “recognizing Nature as a subject of law” with “current environmental protection laws, which are anthropocentric”. It mentions over 30 times the rights of nature and argues that:

Throughout its 75-year history, the United Nations has given a voice to the voiceless. Responsibility now lies with the Organization to be the champion of non-anthropocentrism and a voice on behalf of the natural world and to play a lead role for a twenty-first century global Earth-centred transition, in which the lives of all human and non-human species matter.

Following this view, the scope of whom is legitimate to take part in decision-making was already widened from the male colonizer to the women and to the previously colonized people, so widening it to non-human elements is only a logical consequence (Kopnina et al. 2018). The humans who are “voiceless” were voiceless *within their own socio-political system*, because they were not given legitimacy and a place at the decision-making table of their own country. The United Nations acted as a medium to “give them a voice” internationally, mainly through media exposure. However, the above statement calls the UN not only to give a microphone and a place at a local political table to an oppressed minority, but to *create* the voice of the natural world *at the global level*, as a plant species, a rock or a lizard cannot speak in a microphone and participate in political decision-making in a way intelligibly for humans (Whiteside 2013). Further, unlike human minorities, precisely because other species and natural elements cannot speak for themselves in human assemblies, it is impossible for them to contest when people claim to be their voices to actually push forward their own interests and views (Giraud 2019, 35). In a sense, global reports that are peer-reviewed by many scientists and stakeholders on the state of nature by IPBES and IPCC could provide this voice to a certain extent – still, “giving a voice” does not warrant either that this voice will be heard by Governments and the private sector.

Compared with the prescriptive stance of these reports, the resolutions tend to focus on the wording “rights of nature” and of – remaining undefined – “harmony with nature”, with no mention of intrinsic value or anthropocentrism (2009 Resolution A/RES/63/278; 2010 Resolution A/RES/64/196; 2012 Resolution A/RES/66/204; 2014 Resolution A/RES/68/216; 2015 Resolution A/RES/69/224; 2016 Resolution A/RES/70/208; 2017 Resolution A/RES/71/232; 2020 Resolution A/RES/75/220). “Harmony with nature” is described as an “integrated” (2020 Resolution A/RES/74/224) and “holistic approach” (2011 Resolution A/RES/65/164) “exemplified by indigenous peoples, among others” (2020 Resolution A/RES/74/224). This approach is advocated in the context of the rights of nature (or “Mother Earth”) and along with sustainable development (2013 Resolution A/RES/67/214; A/RES/70/1). The idea of reciprocity remains central, as stated by the 2019 resolution A/RES/73/235: “protecting ecosystems and avoiding harmful practices against animals, plants, microorganisms and non-living environments contributes to the coexistence of humankind in harmony with nature”.

Finally, the 2016 “Harmony with Nature Note by the Secretary General**” (A/71/266) attempts to address the procedural question of the “who decides”:

Another means for helping to bridge the gap between humankind and Nature would be the fostering of ecocentric democracy in political decision making at all levels. Ecocentric democracy can be defined as follows: Groups and communities using decision making systems that respect the principles of human democracy while explicitly extending valuation to include the intrinsic value of non human Nature, with the ultimate goal of evaluating human wants equally to those of other species and living systems that make up the Ecosphere.

Without further procedural guidelines and conflict-solving rules regarding what “ecocentric democracy” would concretely entail (Payne 2010; Whiteside 2013; Eckersley 2000), it raises questions: if one values the wants of humans *equally* to the wants of other species, then how do we, decision makers, arbitrate our human needs for food, water and shelter versus agricultural practices that reduce other species’ habitats?

Rights of Nature versus Rights to nature

To summarize, the “intrinsic value of nature” is recognized in several high-level environmental governance documents, while many other documents acknowledge that a belief in something like the “intrinsic value of nature” can be found among some people and cultures. The “intrinsic value of nature” remains undefined most of the time, and is often assimilated to non-use value, inherent worth, non-anthropocentrism, and a rejection of utilitarianism. The review of gray literature unveiled a variety of terminology and mutually contradicting claims regarding what intrinsic value of nature is, what it is attributed to, who attributes it, and what it entails for human practices.

A recurrent narrative appears between the lines: The “Western” utilitarian and anthropocentric view is the root of the environmental crisis, while “Indigenous” people who live in harmony with nature hold the solutions to it, because they recognize the intrinsic value of nature. Therefore, the story goes, *we* must go past anthropocentrism and recognize the rights of nature and change laws. Beyond the fact that, as we have seen, this statement regarding Indigenous people’s beliefs is challenged, this story heavily relies on generalizations of highly diverse human groups and an antagonistic rhetoric of the “us” versus “them” (Acosta 2013; Said 1979; Satha-Anand 2018). Another key feature of this narrative is the objectivation of one’s view as a natural fact. Intrinsic value or rights of nature are claimed to come from natural elements themselves, and the question of “who” ascribes them is ignored or addressed by searching for it in political institutions or in the dominant opinion of a particular society.

Beyond these generalizing discourses, many proponents of the recognition of the intrinsic value of nature hope that it serves to justify the introduction of rights of nature in legal and sociocultural systems, and, in the end, efficiently restrict non-sustainable behaviours and practices, and punish violations of these restrictions. Table 1 sketches the arguments for the rights *of* Nature and for the rights *to* nature. Most arguments in terms of intrinsic value of nature

start by asserting the existence of this intrinsic value *beyond* any human debates (Lu Shucheng and Cui Kun 2017). They then proceed to ground Nature's rights and to justify the enforcement of behaviour restrictions from this eco-dogmatic starting point. These accounts tend to answer the question of why this value should matter to us – or why and how we should change our behaviours in view of this intrinsic value – by our human dependency on nature.

However, if the intrinsic value of nature matters to us because we depend on nature, then whether or not there is an intrinsic value of nature becomes irrelevant, for the final reason for action (our dependency on nature) is sufficient by itself to justify behaviour changes. Therefore, both lines of arguments appear to share not only the goal (restricting unsustainable practices to protect nature), but also the starting point (our human dependence on nature). A first main difference lies in what is in the spotlight, and each approach risks ignoring the needs of what is *not* in the spotlight. Reciprocity is central: To protect human life, we need to protect nature. Likewise, to achieve the respect of human rights, we would need the rights of nature. While human life depends on nature, it does not force upon us the choice of tools to regulate human practices in terms of rights, or rights of nature (Nickel 1993). Possibly, the introduction of a human right *to* nature – or to a healthy environment – could have the similar effects as an account of the rights of nature.

Still, an account in terms of rights and values *of* nature could be advantageous insofar as it is openly discussed among members of a community and taken as tools and guidelines that help us take into consideration the natural world within our human decision-making. For instance, we could argue that we, the human community A, decide to attribute some rights A' to some natural entities A'' to help us take the survival needs of these entities into consideration and regulate human practices accordingly. This brings us to another main difference between the two lines of argument, which is tied to the political question of *who* decides. An account in terms of human rights contains the answer to this question in itself; every human being has the right to sit at the table and discuss what should be protected, what legal or social tools are appropriate to enforce the protection, and what restrictions and punishments should be imposed (Hoover 2013; Bratspies 2015).

An account in terms of rights *of* nature risks sweeping these procedural yet critical questions under the carpet. To push the human aspect away from the valuation process seems sometimes to be explicitly what is aimed for, for instance when it is linked to claims to move away from anthropocentrism (Droz 2022). Yet, regardless whether one believes in the existence of an intrinsic value of nature or not, the question of who interprets/assigns/translates/decides what natural elements should be protected and how remains. Believers in the intrinsic value of nature find themselves confronted to the question of *who* will make this value intelligible to human beings, given that this abstract value does not depend upon human beings and lies beyond human experience. The answer to this question is likely to be the people who gave themselves the legitimacy to speak in lieu of natural elements. Various options have been evoked in the gray literature reviewed as to whom they could be: religious leaders, governments (e.g. island nations have been proposed as “flag bearers” for the Rights of Nature (Wilson 2020)), NGOs and associations, other human groups or entities, scientists, etc. The main point here is that thinking in terms of intrinsic rights *of* nature still brings us back to very human questions of *who* is legitimate to make the decisions and impose restrictions on others' ways of life, and probably raises questions in terms of human rights (Acosta 2013; Avendaño 2009; Ost 2018, 212).

Table 1: Rights of Nature versus Rights to nature in global environmental governance (arrows indicate the flow of the reasoning).

	Rights of Nature	Rights to nature	
What has values or rights?	“Nature”; “Mother Earth”	Human wellbeing	Normative
What risks being ignored?	The valuers; the human and sociocultural perspective	The survival needs of non-human entities	
Why? Justification for why this value matters to us	Human wellbeing (e.g. physical, cultural, identity) and survival (e.g. future generations) depend on nature. <i>(And we value human wellbeing and survival).</i>		Descriptive <i>(Normative)</i>
Who decides? Source of the value (or who interprets/assigns/translates /decides it to make it intelligible by humans)	Religious leaders, Governments, courts of law, lawyers, other human groups or entity	Participatory decision-making mechanisms specific to each context	Political/ Procedural
Who is legitimate to participate in the decision-making process?	People who give themselves the legitimacy to speak in lieu of natural elements	Every human being	Political/ Normative
How? Implementation tools to make human respect the value	Rights of nature in legal and sociocultural systems	Human rights to a healthy environment	Political/ Normative/ Legal
For what? Goal	To restrict non-sustainable behaviours and practices		Normative
How? Implementation tools in case of disagreement/dissent	Punishments in case of violation		Political/ Procedural/ Legal
Where?	Examples at the national and sub-national levels.	Sub-national, national and international mechanisms; interpretations in each sociocultural and legal context.	Political

At a regional or local scale, an important reason for defending the political rights of nature could be that environmental activists use them to defend natural sites (Honig 2008; Robyn Eckersley 2002). When used as “a tool rather than an idol” (Hoover 2013, 18), rights of nature could, like human rights, be key ideas for activists to express their claims and defend them in legal and socio-political contexts torn by many interests that diverge from sustainability and that are often blind to our human dependence on nature. The rights of nature can help to reply in strong terms to views that reject the interdependence of humans with natural processes. In other words, an eco-dogmatic view in terms of intrinsic rights and values of nature could be useful, in last resort, to fight against other dogmatic views within worldviews and systems that do not recognize interdependence and inseparability of human and natural processes.

Paradoxically, the ideas of *intrinsic* values and rights make the most sense within a limited dichotomous frame based on the separability of humans – their conceptual and cultural sense-making – from an essentialized object, “Nature” that exists and has value by itself. The ideas of

intrinsic values and rights of Nature rest on the erasure of the conceptual and cultural processes that are required to build and think these ideas. This remark only applies to rights that are claimed to be *intrinsic* or *inherent* or based on *intrinsic value* of Nature. There exist other accounts of rights of nature that clearly address the “who” question by, for instance, anchoring them in a specific culture or community. This is the case with the idea of biocultural rights (Bavikatte and Bennett 2015), that is found in the ruling of the Constitutional Court of Colombia in the case of the Atrato river (Lloredo Alix 2022). In these examples, the account of rights is closely entangled with the natural element it is attributed to (the *what*), with the local community (the *who*), and with institutional mechanisms (the *how*).

In contrast with the local or regional examples of biocultural rights, a difficulty of speaking of intrinsic rights of “Nature” at the global level is the lack of concrete natural elements on which values and rights are attributed. This forces global environmental governance to rely on abstract linguistic constructs such as “Nature” or “Mother Earth”. Indeed, concrete natural elements likely fall under national sovereignty or multilateral negotiations and cooperation between the governments that share the natural element at stake (as it would be the case, for instance, for the Mekong River Basin (Lan 2021)). As this review showed, in high-level environmental governance, the “who” question is surrounded by ambiguity. Ambiguity is common in concepts used in global governance (Best 2008; Brugnach and Ingram 2012; Best 2012; Renn, Klinke, and van Asselt 2011) and could be desirable as it gives room to multitudes of interpretations (Glendon 1997). Yet, discussions and debates on these interpretations can only take place if their reliance on the sociocultural and linguistic webs of meanings is made explicit. This article aimed to be a step in this direction by contributing to highlighting the cultural situatedness and potential eco-dogmatism that underpin some conceptualizations of “intrinsic value of nature” and “intrinsic rights of nature”.

Conclusion

This paper analysed how eco-dogmatic claims regarding the intrinsic value of nature tend to transition into claims regarding the rights of nature, and finally into openly prescriptive calls to change legal systems worldwide. The way the Universal Declaration of the Rights of Mother Earth was welcomed by some as “a clear departure from this [the colonial nature of current legal systems] because it recognizes a kind of law that is beyond and superior to human law” ((Cullinan 2010), quoted by (Dancer 2021)) is an example of such a potentially concerning drift. This reaction avoids the “who decides/believes” question. It attempts to make the “intrinsic value of nature” appear as objective and as pertaining to “a kind of law that is beyond and superior to human law” (William O. Douglas and Joseph W. MeekerSource 1973). Yet, to call oneself to be the voice of “a kind of law beyond and superior to human law” in the context of global governance and international law that are grounded on long and complex negotiations between representatives from highly diverse sociocultural backgrounds is at the very least a misstep.

The impact, relevance and interpretation of legal rights depend on the legal systems, and can therefore hardly be abstracted from these systems (Tobin 2010). Initiatives to personify natural elements and give them legal rights might be relevant and efficient *within some specific sociocultural and legal contexts*, especially when these ideas are tied to a specific natural object and anchored within a particular culture and community. Calls to recognize an intrinsic value of

some natural elements could also encourage some believers to adopt sustainable behaviours and fight against unsustainable practices. In some local political contexts, one could argue that the end –urgently enforcing sustainable practices– justifies the means –to impose an eco-dogmatic conceptualization of our relationship to some natural elements. Nevertheless, it is essential to recognize that the debates around these ideas and their translations in laws and practices unfold in very different ways depending on the social, cultural, linguistic, political and legal contexts.

Our common goal is the adoption, implementation and long-term success of pro-environmental practices. This goal can be achieved through various pathways including frames of meanings and conceptual tools that do not rely on abstract ideas of rights, nature, and intrinsic value (E.L. Ngo-Samnack 2021; Fernandez Fernandez 2015, 135). The normative and ontological assumptions that underlie the concepts of intrinsic value of nature are rooted in the intimate sphere of beliefs and views regarding the world and spirituality. To impose these assumptions hidden within the ideas of intrinsic values and rights without discussing them explicitly could be perceived as going unnecessarily too far into this intimate sphere. This could lead to a backlash from people who agree on the need for environmental sustainable practices, but do not share these intimate beliefs, and thus be counterproductive, delay or jeopardize the success of pro-environmental practices. Pragmatically, it is not necessary to agree on ontological and ethical questions regarding the status of some view of what it is to be human with regards to the world(s) in order to agree on the implementation of some concrete environmental policies. Regardless of religious affiliation, cultural worldviews and spiritual beliefs, most people can agree on the importance to tackle biodiversity loss, air pollution and climate change.

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ANNEXE

List of reviewed high-level environmental governance documents

Agency	Document title	Date
IPBES	Global Assessment Full Report	2019
IPBES	Global Assessment SPMs	2019
IPBES	Land Degradation Assessment SPMs	2018
IPBES	Land Degradation Assessment full report	2018
IPBES	Pollination Assessment SPMs	2016
IPBES	Pollination Assessment full report	2016
IPBES	Scenarios SPMs	2016
IPBES	Scenarios full report	2016
IPBES	Regional Assessment Africa SPMs	2018
IPBES	Regional Assessment Africa Full report	2018
IPBES	Regional Assessment ECA SPMs	2018
IPBES	Regional Assessment ECA full report	2018
IPBES	Regional Assessment Asia-Pacific SPMs	2018
IPBES	Regional Assessment Asia-Pacific full report	2018
IPBES	Regional Assessment Americas SPMs	2018
IPBES	Regional Assessment Americas full report	2018
IPBES	IPBES Workshop Report on Biodiversity and Pandemics	2020
IPBES	IPBES-IPCC Co-sponsored Workshop on Biodiversity and Climate Change, Workshop Report	2021
IPBES	Methodological assessment regarding the diverse conceptualization of multiple values of nature and its benefits, including biodiversity and ecosystem functions and services (assessment of the diverse values and valuation of nature) SPMs	2022
CBD	Global Biodiversity Outlook 1	2001
CBD	Global Biodiversity Outlook 2	2006

CBD	Global Biodiversity Outlook 3	2010
CBD	Global Biodiversity Outlook 4	2014
CBD	Global Biodiversity Outlook 5	2020
CBD	Local Biodiversity Outlook 1	2016
CBD	Local Biodiversity Outlook 2	2020
CBD	Cartagena Protocol on Biosafety	2000
CBD	Nagoya Protocol on Access and Benefit-sharing	2010
CBD	Convention on Biological Diversity (CBD) entered into force on 29 December 1993.	1992
UNDP	SDGs Booklet	2015
UN	Brundtland Report	1987
UN	World Charter For Nature (1982)	1982
UN	Earth Charter (1987)	1987
UN	Rio Declaration (1992)	1992
UN	The Sustainable Development Goals Report 2020	2020
UN	Resolution adopted by the General Assembly on 25 September 2015 (A/70/L.1)] 70/1.Transforming our world: the 2030 Agenda for Sustainable Development	2015
UN	Millennium Assessment Synthesis	2005
UN	Millennium Policy Responses Assessment	2005
UN	Current State & Trends Assessment MA Conceptual framework	2005
UN	Millennium Scenarios Assessment	2005
IPCC	Climate Change 2014 Synthesis Report	2014
IPCC	Climate Change 2007 Synthesis Report	2007
IPCC	Climate Change 2001: Synthesis Report	2001
IPCC	IPCC Second Assessment Climate Change 1995	1995
IPCC	Climate change: The 1990 and 1992 IPCC Assessments IPCC First Assessment Report Overview and Policy-maker Summaries	1990
UNFCCC	UNFCCC Annual report 2020	2020
UNFCCC	United Nations Climate Change Annual Report 2019	2019
UNFCCC	United Nations Climate Change Annual Report 2018	2018
UNFCCC	United Nations Climate Change Annual Report 2017	2017
UNFCCC	Climate Action Now SPM 2018	2018
UNFCCC	Paris Agreement	2016
UNFCCC	Kyoto Protocol to the UNFCCC 1998	1998
General assembly	Harmony with Nature Report of the Secretary-General 2019	2019
General assembly	Report - A/65/314 E	2010
General assembly	Report - A/66/302 E	2011
General assembly	Report - A/67/317 E	2012
General assembly	Report - A/68/325 E	2013

General assembly	Report - A 69 322 E	2014
General assembly	Report - A 70 268 E	2015
General assembly	Report - A 74 236 E	2019
General assembly	Report - A 75 266	2020
General assembly	Resolution A/RES/63/278	2009
General assembly	Resolution A/RES/64/196	2010
General assembly	Resolution A/RES/65/164	2011
General assembly	Resolution A/RES/66/204	2012
General assembly	Resolution A/RES/67/214	2013
General assembly	Resolution A/RES/74/224	2020
General assembly	Resolution A/RES/75/220	2020
General assembly	Resolution A/RES/68/216	2014
General assembly	Resolution A/RES/69/224	2015
General assembly	Resolution A/RES/70/208	2016
General assembly	Resolution A/RES/71/232	2017
General assembly	Report A/72/175	2017
General assembly	Report A/73/221	2018
General assembly	Resolution A/RES/73/235	2019
Human Rights Council	Human Rights Council adopted a resolution (A/HRC/48/L.23/Rev.1)	2021

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