Comparative Environmental Jurisprudence: A Multi-Country Analysis of Rights of Nature Applications

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Abstract

This thesis examines three distinct cases, Ecuador, the United States, and India, in their conceptualization and implementation of the Rights of Nature and environmental jurisprudence. Although the Rights of Nature have gained global traction as a response to accelerating ecological degradation and as a potential legal mechanism for addressing it, issues with implementation and enforcement consistently arise. The outcomes in each case are largely shaped by institutional design, political context, and legal cultures. Ecuador's constitutional recognition of the Rights of Nature, the United States multilevel recognition, and India's judicial assertions of ecological personhood represent divergent pathways for articulating environmental rights. Drawing from legal texts, landmark cases, and scholarly debates, this thesis evaluates the defining characteristics and the practical capacity of the Rights of Nature frameworks in influencing environmental governance. Ultimately, the comparative analysis demonstrates that while the Rights of Nature often struggle to function as a standalone legal tool due to varied institutional constraints, it holds potential in a complementary capacity within broader environmental regulatory systems.

Introduction & Literature Review

Purpose of Research

The effects of climate change continue to escalate globally, underscoring the inadequacy of efforts made by states and the international community to combat it. Dismissing the widespread decline of environmental health delays action and constrains the diminishing window in which effective solutions remain possible. Scientists and politicians grapple with finding the correct answer for nations looking to mitigate declining ecological health and protect their natural resources. The implementation of environmental jurisprudence and the Rights of Nature (RoN) is one such unique solution taking root around the world, sparking change in conversations about environmental advocacy. The introduction of rights elevates the natural world's agency and importance. Environmental protections have historically been firmly situated in an anthropocentric understanding, a viewpoint that human beings are the most significant and central part of the world. However, the Rights of Nature movement seeks to recognize the value of nature for its own sake by placing it in a familiar dialogue of recognizable and enforceable rights.

Ecuador's experimentation with the RoN has been groundbreaking in this field, becoming the first country to recognize in its Constitution the Rights of Nature. The implementation of these constitutionally protected rights, in both its failures and successes, has offered a blueprint to other nations that have enacted similar initiatives. Adopting a broader perspective, comparing the legacy of the RoN in Ecuador through the lens of federalism in the United States of America, to the environmental protection apparatus in India, catalogues several diverse implementations of the RoN across countries and scales. This allows for a critical assessment of how environmental

jurisprudence is evolving and establishing itself as an emerging legal and social framework across diverse political and legal contexts.

Human & Non-human Rights

Non-human rights have been deemed by certain scholars as both radical and revolutionary. Rights are based in entitlement and exist with the expectation that others will respect them. The objective enjoyment of a right is when its existence is out of sight and out of mind because its respect is so entrenched in the norms of society. However, this is often not the case, and rights require an assertive exercise, presenting individuals with the option to either respect or violate them (Donnelly, 2013). Rights are universally seen as valuable constructs that shape law, and historically, their application has remained human-centered. However, entitlement-based rights are evolving, and actors are working to bring entities outside the human realm under the domain of rights. Whether it be our animal counterparts, the technology we created, or the environment we live in, the power that comes with being a rights holder is increasingly recognized in numerous fields. This highlights a shift in the rights-based agenda. "The increased popularity of rights as means to augment environmental protection is evident from the fact that the environment was not a regulatory concern during the first significant global constitutional movement that saw the almost universal endorsement…of human rights," (Kotzé, Villavicencio Calzadilla, 2017, p. 408).

The title of "rights holder" is typically grounded in the assumption that an individual possesses basic human rights, understood to be universal, inalienable, and equal (Donnelly, 2013). Those that, although still contested and evolving, have been recognized and advocated for by countless organizations on the local, national, and international scale. But rights can mean so much more. Just as human rights have evolved since their earliest theorists, non-human rights

also have the same room to grow. Literature splits non-human rights into two distinctive categories of research, pre-human and post-human (Alvarez-Nakagawa, 2023). Pre-human encompasses all that came before humanity's short tenure on Earth, such as ecosystems and animal and plant species. Post-human are products created by man, like technology. The varying recipients of non-human rights emerged from different issues but shared ideological assumptions of entitlement to protection. The argument at the forefront of the Rights of Nature combines the pre-human and post-human dichotomy, seeking acknowledgement of the constant co-presence, co-development, and entanglement of humans with animals, plants, microbes, and all other natural entities (Alvarez-Nakagawa, 2023).

"Rights derive their special, elevated status from the dignity that is inherent in every human being…rights accordingly provide the justificatory basis for human mastery over a world that is seen as eternal to and removed from the human being," (Kotzé, Villavicencio Calzadilla, 2017, p. 406). This idea of *dignitas humana* explains the domination culture humans have over each other and the surrounding world. But that notion is challenged by environmental advocates who seek to expand dignity to nature itself, giving it access to its own lexicon of rights. When situating nature as a subject, in the legal sense, there is an obligation to interact with it in a new way (Laastad, 2016).

The idea of a more-than-human world is an important foundation to examine. Explored at length in David Abram's book *The Spell of the Sensuous: Perception and Language in a More-Than-Human-World*, he challenges the disconnect modern societies have from the natural world. Arguing that non-human elements shape our perspectives and experiences in much the same way as our Homo Sapiens counterparts do. An anthropocentric agenda has been coddled since the birth of Western civilization. "Ever since Aristotle, philosophers have been concerned to

demonstrate, in the most convincing manner possible, that human beings are significantly different from all other forms of life," (Abram, 1996, p. 77). Abram posits that humans have always deemed themselves "uniquely unique" and, with this mindset, have justified the exploitation of non-human entities. But this sentiment of "otherness" ignores the interconnectedness between humans and the natural world and the agency, intelligence, and presence that they both hold.

Fundamentals of the Rights of Nature & Environmental Jurisprudence

The Anthropocene is the unofficial epoch encompassing modern human civilization. The impact of humanity on the environment during this time, especially in the 21st century, has been transformative. The interference of humans with the natural processes of the planet has brought forth both innovation and dire consequences. Coupled with these impacts has been a global failure of the traditional rule of law in protecting the environment and guaranteeing environmental standards. The RoN movement presents a shift towards a commitment to the natural world in its revitalization and safeguarding. In the past, ecologically centered law was focused on human well-being, but a shift towards concern for the welfare of nature itself is occurring (Leite, Venâncio, 2017).

Scholarship on the RoN can be traced back to Christopher Stone's book *Should Trees Have Standing?* published in the 1970s, where he states, "It is no answer to say that streams and forests cannot have standing because streams and forests cannot speak…Corporations cannot speak either; nor can states, estates, infants, incompetents, municipalities, or universities. Lawyers speak for them." (Stone, 1972). He outlines distinct features of legal rights for non-human, natural objects. For example, they must have some capacity to sue for a legal remedy in court; they must have the opportunity to obtain said legal remedy, which could be in the form of

monetary damages or injunctions; and they need the opportunity to directly benefit from the legal remedy (Bradshaw, 2021).

The legal and constitutional recognition of the RoN has emerged in almost every corner of the globe. This widespread acknowledgment has been furthered by the consistent uptick in constitutional regimes and a growing public concern for environmental issues. This is reflected in over three-quarters of the world's constitutions, which reference to some degree environmental protections and responsibilities. (Kotzé, Villavicencio Calzadilla, 2017). The current and most relevant dialogue surrounding environmental rights has taken an anthropocentric stance. Laws are shaped for the benefit of people by people and not for the sake of nature itself. This furthers a human-based entitlement to the environment and the resources it provides (Kotzé, Villavicencio Calzadilla, 2017). The RoN has gained traction as a direct response to environmental degradation, which defies borders and brings to light glaring social and economic inequalities.

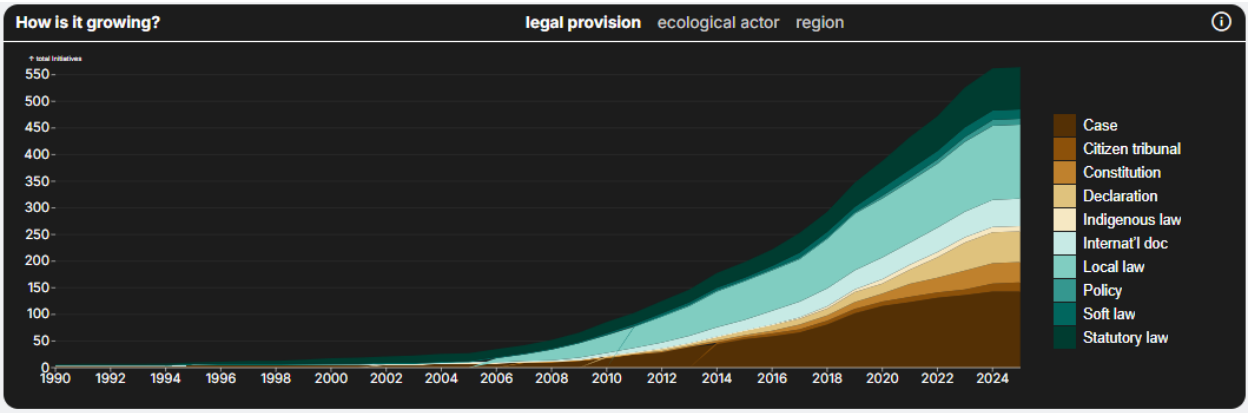
The rights to flourish and to be restored, achieved through laws or court rulings, make up the base of the RoN. Enforcements can either be broad, encompassing whole ecosystems, while others refer to more specific parts of nature like freshwater sources or pollinators (Center for Democratic and Environmental Rights, n.d.). There is notable variation in scale, with the RoN occurring at the national and local levels throughout the world. An example of implementation on a national scale is the constitutionally granted rights to the environment recognized in Ecuador. Ecuador has been deemed a leader in the RoN movement, inspiring action in Bolivia, Panama, Spain, Uganda, and New Zealand, all of which have pursued national agendas. RoN movements have also taken off on the local level, usually in response to environmental crises that threaten the livelihoods of those who live there. In some cases, legal guardians are appointed to ensure that the rights granted to a specific natural area are respected and to notify the

appropriate authorities when those rights are violated. These guardians are typically local community members or indigenous populations who foster close connections to the land.

RoN initiatives have been adopted in all branches of government – executive, legislative, and judiciary. The Legislative channel has been the most successful in achieving significant recognition. The Eco Jurisprudence Monitor provides a map of countries showcasing where ecological jurisprudence is advancing in some capacity. The data shows that Legal provisions of every kind concerning the RoN are increasing. Currently, the most utilized avenue is legal cases, local laws, and statutory laws, as seen in Figure 1. Geographically, recognition is gaining worldwide, but Latin America leads, closely followed by North America. Latin America also boasts the most approved initiatives, reflected in Figure 2. This trend is likely a reflection of the precedent set by Ecuador in the region.

Figure 1

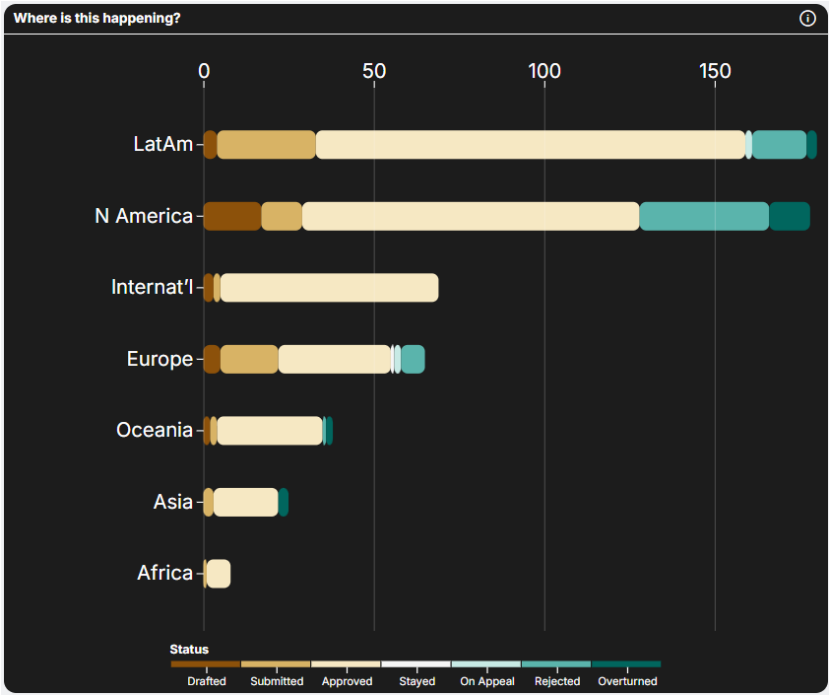
Total Number of Rights of Nature Initiatives from 1990 to 2024 by Type of Legal Provision



Source: Ecojurisprudence.org.

Figure 2

Total Number and Status of Rights of Nature Initiatives in World Regions



Source: Ecojurisprudence.org.

Civil Societies & Environmentalism

Countries that implement the RoN usually do so in partnership with civil society. Uganda, the first African nation to recognize the RoN in national legislation, formed a partnership with civil society organizations such as Advocates for Natural Resources and Development, the African Institute for Culture and Ecology, and the Gaia Foundation. Uganda's government was able to intervene to protect the Albertine Rift from oil development after local Bagungu communities raised concerns about the environmental impacts and territory infringement that the project would cause. They brought forth RoN language to political leaders who used it in spurring government action (United Nations, 2022). In almost every country that

has formally recognized the Rights of Nature, efforts did not start at the top; instead, they were made possible thanks to the mobilization of concerned citizens.

Many environmental advocacy campaigns can be defined as bottom-up movements where action starts on a small scale and climbs the ladder of power to political decision-makers. As a larger body, the pro- environmental movement ebbs and flows in its political feasibility, and many of the initiatives on the national and international levels falter due to the politicization of issues. The Paris Climate Accords is a clear example of this. The United States has joined and withdrawn in a vicious cycle, as environmentalism is further pushed into a partisan position. But when environmental action is developed from grassroots movements and local knowledge, there is a possibility to tap into the power of the "not in my backyard" rhetoric, putting forth a powerful boost in mobilization towards change (Mihaylov, Perkins, 2017).

Critiques on the Rights of Nature Movement

Scholars have expressed doubts concerning the RoN movement and the feasibility of environmental jurisprudence. Two key ideas persist in the literature. First, the concern over appropriation of indigenous cultures is raised. Ecocentrism, the inverse of anthropocentrism, recognizes the importance of nature for its own sake. This notion resonates with the cultural traditions and cosmovision of several indigenous tribes, specifically within the region of Latin America (Gilbert, 2022). To bring this reverence for nature into the realm of legally recognized rights can be seen as an appropriation of their ideals into a Western scope. Where the Andean people see humans as in tune with nature, some prevailing Western arguments for environmental jurisprudence stress that we are separate from the natural world (Alvarez-Nakagawa, 2023). Secondly, academic Noah Sachs asks the question, "Can this rights-based, paradigm-shifting framework deliver stronger environmental protection than current laws, and at an

acceptable cost?" (Sachs, 2023, p. 54). He finds that the answer may be no, claiming that the rights which the broader RoN movement seeks to instill are vague and provide little guidance on how people should navigate living in a world where nature has rights. He asserts that the Rights of Nature movement should present a more concrete definition of what successful implementation entails. He poses several more clarifying questions.

- Do nature's rights to exist and flourish encompass legally enforceable rights for ecosystems to be left alone?
- If not, how can humans lawfully use and modify rights-holding ecosystems?
- What do these rights mean for privately held land?

Sachs points to ongoing confusion about which entities would hold rights and how those rights could be enforced. Interpretations of the RoN question whether rights are to be understood as universally applicable or limited to natural entities that are threatened. There is concern that if people perceive RoN laws as granting legal rights to every living thing, including nonendangered species and ecosystems, they will be quick to oppose it, labeling the RoN movement as "a recipe for conflict and stasis, not environmental progress" (Sachs, 2023, p. 61).

From these critiques also emerged possible solutions. Sachs proposes a more specific drafting of RoN legislation to give greater substantive content to nature’s rights and clearer guidance to human actors. This approach seeks to balance nature’s rights with human rights in a way that acknowledges humanity’s membership in the natural world.

The Ecological Constitutional State & Risk Societies

In an attempt to counter anthropocentrism, Klaus Bosselmann coined the concept of the eco-constitutional state. A society in which the rules of law and environmental protection are recognized as mutually reinforcing. Tracing back to the earliest feudal systems, Bosselmann argues that there has been support of an anthropocentric and materialist agenda. His ideas rest on the assumption that human rights and the rights of nature are equal. Just as we take into account human interest in state decisions, ecological interest must be part of the discussion. Through the implementation of legal forms and rights, a system can be built that fortifies the value of nature (Kotzé, Villavicencio Calzadilla, 2017).

A Risk Society calls into question the industrial society blueprint that the world has lived under in recent history. "…an era of modern society that no longer merely casts off traditional ways of life but rather wrestles with the side effects of successful modernization," (Beck, 2012, p. 8). Through a distinction between "first-generation problems" and "second-generation problems," Beck illustrates the shift to a more global concern for environmental problems. First-generation problems are linked to industrialization, while second-generation problems are the dispersed impacts and collateral effects of climate change (Leite, Venâncio, 2017). These two idealized, utopian systems, though not immediately attainable nor feasible in most modern societies, may serve as a baseline for the ideals of environmental jurisprudence.

Conclusion

Advocates of non-human rights assert that the securement and enjoyment of rights must not only be applied to the human realm. An evolution of thought is occurring in which the more-than-human world demands rights-based recognition. The push for environmental jurisprudence reflects a belief in the intrinsic value of nature and all that it provides to the human race, a sentiment directly connected to certain Indigenous peoples' beliefs regarding humans' role in the

larger, natural world. Actions taken towards recognizing the RoN have varied in scale from small local movements to national legal recognition. Civil society and grassroots movements have led the charge for the spread of rights-based legal protections for nature by applying pressure on states when faced with environmental destruction in their communities. But, due to a lack of consistency in the RoN movement, critics raise a serious need for clarification and reform. Finally, the idea of the ecological constitutional state and risk societies serves as an idealized goal of eco-friendly governance for RoN advocates to push the movement towards. These broader themes in the literature on the Rights of Nature supply the conceptual groundwork to compare the development and effectiveness of environmental jurisprudence as it has emerged in Ecuador, the United States, and India.

Methodology

Research Design

This chapter details the methods used in this qualitative, cross-case comparative analysis of the application of the Rights of Nature, legal principles that recognize natural entities as rights-bearing subjects. A comparative approach is appropriate for this topic of research because it seeks to interpret a shared legal concept across several diverse implementations, with distinct variations in setting and scale. The qualitative approach lent itself to the research because of the focus on legal interpretation and civil movements, which do not naturally translate into a quantitative measure.

This thesis follows a most different systems design which compares cases that differ in many dimensions yet garner a similar outcome. Chapters three, four, and five offer a within-case analysis of three separate countries: Ecuador, the United States, and India, respectively. The cases vary in their demographics, colonial history, government structure, and contrasting environmental challenges, yet all fostered to some degree the Rights of Nature. The factors that shaped the interpretation and implementation of the Rights of Nature's legal meaning in each unique case identifies patterns and pathways that allow for further research outside the scope of this thesis.

Units of Analysis

A comparative case study must rely on the logic of comparison. This involves identifying units of analysis, as well as establishing an understanding of the process that leads to certain outcomes (Bartlett et al, 2017). The RoN served as a throughline in the selected cases, but each

had a multitude of factors that made them wholly unique. To identify and further compare the particulars of each case, six units of analysis were identified.

Adherence to the typical language of the RoN, i.e., "the right to exist" and the "right to flourish." The "typical language" of the RoN reflects patterns that emerged in my research around the terminology frequently used when expressing Nature's rights, usually as seen in official documents. This language is similar to that of human rights, which are often centered around people's right to "live well."

The involvement of civil society. The RoN movement has consistently proven to follow a "bottom-up" method of collective action (Mihaylov, Perkins, 2017). Characterized by outrage among groups, usually in the face of environmentally based problems, applying pressure on institutions to adopt the RoN as a means to address them.

The application of indigenous worldviews & cosmologies. At its core, the RoN reflects many indigenous perspectives on the dynamics between man and nature. While the involvement of indigenous populations and their traditional ecological knowledge is a throughline of many RoN initiatives, the differences and diversity among groups highlighted in each case call for a more dynamic approach to analysis that seeks not to generalize the indigenous aspect of the RoN movement into one, uniform characteristic (Gilbert, 2022).

Type of legal provision, i.e., statute, court ruling, constitutional framework. This refers to the legal provisions utilized to further the RoN.

Compliance with Christopher Stone's outline of non-human rights, i.e., the capacity to sue for a legal remedy in court, the opportunity to obtain said legal remedy (monetary damages, injunctions), and the opportunity to directly benefit from the legal remedy. Christopher Stone,

often credited with conceptualizing the RoN, lays out the requirements of non-human legal rights, ones that ensure a non-human entity receives the same treatment as a human being might in a court of law (Stone, 1972). These can be used to identify the validity of the RoN across cases.

Outcome, i.e., positive, negative, dynamic. Implementation and enforcement of the Rights of Nature is received by the government and broader society to varying degrees of success. A key component of evaluating outcomes includes whether or not the legal provision achieved what it set out to do. This can include concrete examples, such as receiving monetary damages or the cessation of harmful extractive behaviors, or be more abstract in nature, like triggering changes in public opinion.

Each case study will include a table identifying and summarizing the above characteristics. In the sixth chapter, units of analysis are compared across cases to showcase both similarities and differences. These characteristics can be used to aid in the analysis of countries outside the scope of this research.

Case Selection

The RoN are in use in many countries beyond those selected for analysis. Ecuador, Bolivia, Uganda, the United States, New Zealand, Brazil, Canada, Mexico, Northern Ireland, Ireland, Panama, and Spain have all implemented a form of local, state, or national law or constitutional framework concerning environmental jurisprudence. And India, Colombia, and Spain have released court decisions on the matter. Further, numerous First Nations rulings and resolutions employ RoN principles (Center for Democratic and Environmental Rights, n.d.). It is fascinating how a concept, such as the RoN, still seen as new and innovative throughout

environmental policy and regulation, has gained footing in a multitude of political landscapes. The cases selected for this study were chosen to reflect these variations.

With its revolutionary constitutional framework, Ecuador served as an obvious case to examine the RoN. The enshrinement of rights through the nation's newly drafted Constitution in 2008 was an unprecedented and ambitious exercise of the RoN, serving as an inspiration and example to many of the countries that have followed suit. Because of Ecuador's trailblazing, much of the RoN literature focuses on the events that led to its constitutional adoption and how the RoN has been implemented in the decades since, creating a rich body of material from which to draw. Several rulings have been made on violations of nature's constitutional protection, allowing for analysis of the RoN in legal practice and enforcement (Calzadilla, Kotzé, 2017). The economic climate in Ecuador offers an important example of when ecological commitments clash with the government's monetary opportunities and how an oil-dependent, extractive economy navigates the RoN framework. Ecuador's diverse indigenous populations deepen the relevance of the jurisprudence because of its basis in their own worldviews, their involvement in the drafting of the 2008 Constitution, and in how they seek to leverage the RoN as a tool towards territory protection (Juhasz, 2023).

The second case, the United States, operates under a federalist system of government, where power is divided between the federal and state governments. This creates a dynamic relationship that has allowed the RoN to play out on several scales, spurring a tri-level approach to analysis. State and local authorities are offered a degree of freedom to advance their own environmental initiatives, and in many cases, the RoN are being raised by community members through grassroots efforts and finding their way into official policy language (Moutrie, 2020). First Nations are also experimenting with the RoN through their own exercise of sovereignty.

Nationwide, where sweeping environmental actions are lacking, natural resource damage statutes implement Rights of Nature adjacent reasoning in their framing of environmental harm compensation (Bradshaw, 2021). Environmental impacts and protections are a highly politicized and contested issue in American politics, which offers a unique obstacle to all kinds of environmental policy work. These factors make the United States a strong case for studying the versatility of the RoN in practice.

India's colonial history, partnered with its ongoing environmental crisis, has led to an interesting development of the RoN in the nation's judicial system, justifying its selection as the third case. India's High Courts, specifically in Uttarakhand, have issued landmark rulings concerning the RoN. The life cycles of these rulings offer key insights into how RoN advocates navigate institutional resistance. The rulings also adopt a mix of broad and specific applications of the RoN. The legal personhood cases concerning the Gangas and Yamuna rivers showcase what a more focused application can look like, while the rulings concerned with the rights of the entire animal kingdom are more expansive (Bajpai, 2025). Citizens of India are offered several formal avenues to express environmental concerns. One mechanism is the National Green Tribunal, a specialized council focused on environmental concerns that seeks to employ scientific backing in its decisions. It has fostered civil involvement and boosted public-interest legislation, presenting the possibility of a more responsive audience to the improvement of ecological welfare through the usage of the Rights of Nature (Alley, Mehta, 2019).

Sources & Limitations

Resources for my research consisted of a mix of primary and secondary sources, including legal texts, constitutions, statutes, and court decisions, as well as NGO reports, media coverage, and academic literature. This selection of sources allowed for a comprehensive

understanding of the events occurring in the selected countries as well as a robust understanding of each unit of analysis. Many sources were translated from either Spanish or Hindi to English.

Limitations to the research include the age of the topic. The RoN is a relatively new phenomenon, and with each year, it evolves in its usage and prominence. The RoN, as both a legal tool and social movement, is still establishing itself as a recognized and respected aspect of environmental policy and regulation, with many scholars still reluctant to embrace its assumption and method. The personal discretion exercised in picking cases presents another limitation. The evolving story of environmental jurisprudence is not perfectly encapsulated in the cases selected. Other countries outside of this research may not align with the units of analysis that were identified as the basis of comparison.

Ecuador Case Study

Background

Ecuador, named for its geographic location on the imaginary line that separates the Earth into its southern and northern hemispheres, is a South American country rich in historical complexities and an amalgamation of cultures and people. Although one of the smaller South American nations, Ecuador is home to a diverse array of landscapes, including its Pacific coastline, the Andes Mountain range, the Amazon rainforest, and the Galapagos Islands. This wide range of unique climates has given Ecuador the title of the most biodiverse country per square kilometer on the planet. Parallel to the natural beauty is an extensive empire of man-made development, from sprawling plantations growing and exporting cacao, coffee, palm nut, and bananas near the coast, to the domineering oil enterprises deep in the Amazon (Laastad, 2022).

Like all Latin American countries, Ecuador's social and political history has been shaped by the legacy of European colonization, which began in Ecuador in the 16th century with the arrival of the Spaniards. The country achieved its independence in 1822 through the Ecuadorian War of Independence (Britannica). The consequences of colonial rule are still felt even as an independent Ecuador establishes itself in modern political history. Ecuador's national concerns have remained consistent through several decades. Political instability and the mistreatment of Indigenous populations are prime examples, often leading to social unrest and poor economic performance (Tanasescu, 2013).

Demographically, the people of Ecuador are quite diverse. The two main ethnic groups can be classified as the indigenous peoples and the mestizos. The indigenous peoples are sometimes referred to as Amerindians, a title that encompasses numerous highly distinct groups.

Mestizos are people of mixed European and indigenous descent. A 2010 survey identified 71.9% of the population as mestizo (Britannica). As of 2025, Ecuador's population remained just below 18 million, comprising 14 distinct indigenous nationalities. The Kichua people are the largest indigenous group in Ecuador, and their language is the most widely spoken among indigenous populations (The National Institute of Statistics and Census). The diffusion of indigenous languages and cultures varies between regions. Approximately 68.2% of indigenous populations reside in the highlands of central Ecuador, specifically in the area known as the Sierra, while approximately 24% are dispersed throughout the country's eastern Amazon region (Mamo, 2025).

The presidential election of Rafael Correa in 2006 marked a new era of Ecuadorian politics. He had previously served as the country's Minister of Finance and would hold the office of President from 2007 to 2017. Correa's visions for the country were transformative and sometimes referred to as 'the citizens' revolution.' To actualize these goals, a rewrite of the nation's Constitution was initiated by the new ruling party with the support of the citizen population. A constitutional assembly was delegated, and in 2008, 63% of voters approved the new Constitution in a nationwide referendum (Calzadilla, Kotzé, 2017). Embedded within the new text was something revolutionary: the enforceable Rights of Nature.

Ecuador employs a constitutional framework for environmental jurisprudence, a practice that has given the country global recognition for its ingenuity. Under the broader umbrella of the RoN movement, Ecuador stands out for being the first to adopt the RoN in this way. The following articles of Ecuador's Constitution explicitly recognize the RoN.

Article 71

*"**Nature, 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, and 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."*

Article 72

*"**Nature has the right to be restored.** This restoration shall be apart from the **obligation of the State and natural persons or legal entities** to compensate individuals and communities that depend on affected natural systems.*

In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences."

Article 73

*"The State shall **apply preventative and restrictive measures** on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles…"*

Article 74

*"Persons, communities, peoples, and nations shall have **the right to benefit from the environment** and the natural wealth enabling them to enjoy the good way of living…"*

Building the Constitution

The steps leading to ratification of the new Constitution unfolded incrementally, with civil society actors and organizations steering the discussion in what would ultimately culminate in the RoN. The Constitutional Assembly was characterized as a receptive audience to the wants of the people, especially when it came to meeting their demands for environmental protection. The Constitutional Assembly was made up of several working groups, each deliberating on a set topic. Importantly, several Assembly members came into the role with shared sentiments on the need for a revitalization of Ecuador's approach to environmental protection, especially the president of the Assembly, Alberto Acosta. So, when a group of citizens advocated for the incorporation of the rights of animals into the Constitution, Acosta's interest was piqued. From there, the idea evolved from the rights of animals into what would become the RoN (Tanasescu, 2013). Acosta turned to Aldo Leopold's Land Ethic where, "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." (Leopold, 1949, p. 6). Acosta employed an ecocentric viewpoint, arguing that nature's value existed outside the realm of human usage and therefore could be subject to rights.

The formation of an indigenous voting bloc in the 1990s was a significant development in Ecuadorian politics. Organized under the Confederation of Indigenous Nationalities of Ecuador, they played an instrumental role in the election of Correra and the implementation of the RoN. Correra built his popularity among indigenous voters by playing off the distrust the masses held for the previous political institutions of Ecuador. Correra's predecessors had frequently ignored the needs of the indigenous communities, from territory to health to the preservation of their

cultures. The Alianza País movement, a center-left social democratic de facto political party, was founded by Correa in 2006 and, with its drafted government plan, heavily influenced the making of the 2008 constitution. Embedded in the plan was a strong allegiance to breaking the status quo and the creation of a citizens' democracy (Tanasescu, 2013).

The proposed plan was heavily based on the principle of 'sumak kawsay,' in Kichwa or 'buen vivir,' in Spanish, which translates to 'good living' in English. Although the RoN were not explicitly stated in the government plan, they did positively correlate with the 'buen vivir' mindset, which speaks to the idea of living well instead of always trying to move towards something different or better, requiring one to live in harmony with nature. This mindset did not resonate with the dominant climate of development and extraction. Indigenous perspectives have shaped environmental jurisprudence and are elevated in this context to a new level of political relevance. Pancha Mama, cited in Article 71, is the Mother Earth-type deity that various Andean indigenous groups recognize, and it is the entity granted rights in the Constitution. The RoN was in many ways also understood by its advocates as having the potential to be wielded as a strategic tool for the protection of indigenous communities and their territory, a response to a long history of exploitation.

The RoN are explicitly referenced in Articles 71, 72, 73, and 74; they are also alluded to in others, including Article 14, which outlines a person's rights to a healthy environment. Regarding the application of rights, Article 11 clarifies that even in the absence of a statutory framework for the RoN, the constitutional text makes the rights fully actionable.

Article 11

"Rights shall be fully actionable. Absence of a legal regulatory framework cannot be alleged to justify the infringement or ignorance thereof, to dismiss proceedings filed as a result of these actions or to deny their recognition."

The 2008 Constitution was approved by a national referendum with majority support, ushering Ecuador into a period of institutional and political adjustment as the country sought to navigate the Constitution's promises and the new government's aspiration to forge a different national trajectory.

Contradictions & Weaknesses

The Ecuador's Constitution has been praised globally for its progressive promises and protections, largely for the inclusion of the RoN. But the real story of how it has been practiced in their courts and abided by in their government is a complicated tale, open to various interpretations and limited in its building of legal precedence and societal acceptance. The Constitution, in one breath, provides nature with rights and addresses it as Pancha Mama, a living being, but in another also breaks it down into parts to delegate as resources for humans, illustrating both ecocentric and anthropocentric values. In Article 403, there is an assertion that the State will not form agreements with companies that could be deemed harmful to natural systems. Yet a few lines later, in Articles 407 and 408, the tone shifts, fluctuating between statements of ownership and extraction and environmentally focused regulations.

Article 403

"The State shall not make commitments to cooperation agreements or accords that include clauses that undermine the conservation and sustainable management of biodiversity, human health, collective rights and rights of nature."

Article 407

"Activities for the extraction of nonrenewable natural resources are forbidden in protected areas and in areas declared intangible assets, including forestry production. ***Exceptionally, these resources can be tapped at the substantiated request of the President of the Republic and after a declaration of national interest issued by the National Assembly, which can, if it deems it advisable, convene a referendum.****"*

Article 408

*"Nonrenewable natural resources and, in general, products coming from the ground, mineral and petroleum deposits, substances whose nature is different from that of the soil, including those that are located in areas covered by territorial sea waters and maritime zones, as well as biodiversity and its genetic assets and the radio spectrum****, are the unalienable property of the State****, immune from seizure and not subject to a statute of limitations. These assets can only be produced in strict compliance with the environmental principles set forth in the Constitution.*

The State shall participate in profits earned from the tapping of these resources, in an amount that is no less than the profits earned by the compact producing them.

The State shall guarantee that the mechanisms for producing, consuming, and using natural resources and energy conserve and restore the cycles of nature and make it possible to have living conditions marked by dignity*."*

Article 407, in overriding the RoN when it is deemed "of national interest," undermines the protection of natural resources for their own sake, and instead saves them for a later date of exploitation. In interpreting Article 408, critics allege that the RoN holds the potential to be

wielded as a weapon of the State. Ecuadorian's who supported the Rights of Nature movement pushed for the right to consent to any proposed developments, but under Article 408, they were only granted consultation, and the government holds no binding obligation to listen. Sections of the literature suggest that these constitutional contradictions may have been intended to alleviate polarization, balancing a desire for free markets and privatization, with innovative methods to stray from colonial-era behaviors. Others criticize the Constitutional Assembly for being too receptive to suggestions and that the contradicting articles reflect the political reality of a divided society (Laastad, 2022).

Vagueness has arisen as a consistent issue for the RoN movement in Ecuador. Discourse emerged over the classification of nature and the specifics of what was constitutionally protected. In examining the constitutional text, "where life is reproduced and occurs" in Article 71 can be used as guidance in determining what the term "nature" encompasses, while the language of other articles outlines what rights violations entail. Article 71 mentions regeneration of key structures, including evolutionary processes; Article 72 uses the word restoration and emphasizes the protection of nonrenewable resources, and Article 73 speaks to alteration of natural cycles, including species extinction. Interpretations vary; some wish for the RoN to apply to all that is not human made, but this labeling underscores the management and shaping of the Amazon basin that has been carried out for centuries by indigenous populations. The land in question is a crucial area that those populations seek to protect by employing the RoN. The same argument also presents an issue when it comes to the land developed for agriculture that blankets much of Ecuador. Under this thinking, not including manipulated land would disqualify much of the landscape from protection through the RoN.

Contradictions are perhaps most clear in the actions of former President Correa. He has continuously championed resource exploitation in a country promising to protect its natural processes. His ‘new era’ of leadership fell short in many regards, recycling the extractive practices of past administrations. The Yasuní-Ishpingo Tambococha Tiputini (ITT) Initiative placed a stain on the RoN legacy in Ecuador. Yasuní is a national park in Ecuador’s Amazon region, home to two groups of indigenous people who live in voluntary isolation, the Tagaeri and the Taromenane. There are an additional estimated 3,000 contacted indigenous people in the park. ITT stands for Ishpingo-Tambococha-Tiputini, an oil field located in Yasuní, estimated to make up 20% of Ecuador's oil supplies. Soon after the new Constitution went into action, President Correa launched the ITT initiative, stating that the oil would be left untouched, under the ground, if the international community "contributed with an amount equaling half the opportunity cost of foregoing the revenues from exploiting these oil reserves," equating to 3.6 billion US dollars. The plan proposed that the money would be set up as a trust fund overseen by the United Nations Development Programme and invested back into Ecuador to fund conservation efforts and social development (Laastad, 2022).

This initiative, if successful, would have been a major indicator of a transition into a post-petroleum society. When pitching the idea to the United Nations in 2007, Correa stated, "For the first time in history, an oil-producing country - dependent on oil export for one third of its budget - proposes to forgo this income for the well-being of humanity." But soon, hope surrounding the monumental plan dissolved. Only a fraction of the money requested was pledged, and an even smaller amount delivered. Correa criticized the global community, pinning the failure on them. In 2013, the trust fund was liquidated, and the initiative ended, via executive order, made possible by Article 407 (Kotze, Calzadilla, 2017). Ecuador needed money, and they could no

longer ignore the stash of it stored beneath their feet. In 2016, plans were officially made for oil extraction in the park.

Correa consistently made the argument that continued resource extraction was necessary to achieve the vision of ‘buen vivir’ outlined in the constitution. As previously stated, indigenous concepts played heavily into the development of the RoN movement, but because of ambiguity in its combination with official policy, non-indigenous actors have distorted its meanings. There is a disconnect between actual indigenous ontologies and how the state perceives itself as carrying them out. Correa was accused of using them as a tool to win campaigns and not actually for their teachings. In the indigenous understanding of ‘buen vivir’ or ‘sumak kawsay’, community-based prosperity is reliant on a constant state of equilibrium between humans and non-human beings (Laastad, 2022). To apply ‘buen vivir’ on a national scale ignores the balance and impacts on the local level, a direct misunderstanding of the principle. "In Andean spiritual worldviews, human well-being is possible only within a community in harmony with nature, according to principles of reciprocity, complementarity, and relationality rather than a nature/society dualism," (Kotze, Calzadilla, 2017, p. 417). Correa, once held highly in the public's opinion, soured in the eyes of some Ecuadorians because of his shortcomings in the promises made to his people. The Confederation of Indigenous Nationalities of Ecuador, once allies that aided in his ascent to office, now offered stark opposition.

The Case of Los Cedros

In 2021, Ecuador’s Constitutional Court provided a landmark ruling in the Los Cedros case, the country’s strongest judicial affirmation of the RoN. By revoking government-approved mining permits that allowed for exploratory mining in the Los Cedros cloud forest and instituting

a blanket ban on all future extractive activities in the area, the Constitutional Court took the RoN out of the abstracts of the Constitution and concretely enforced them.

Located in the Northwest region of the country, the Los Cedros cloud forest covers 11,681 acres and has been classified as a protected forest for the past thirty years (Warner, 2024). Not only does the forest house many hundreds of species, over 200 of which are endangered, but it also provides drinking water for the surrounding communities. (Guayasamín et al., 2021). The conflict began in 2017 when Ecuador's Ministry of the Environment, Water, and Ecological Transition (MEWET) issued Rio Magdalena 1 and 2, which approved exploratory mining for copper and gold in an area that covers two-thirds of the protected forest. The companies implicated in the case were the Empresa Nacional Minera, Ecuador's state mining company, and Canadian mining company Cornerstone Capital Resources. Each was required to file for an environmental registration permit, which is typically used in projects that will result in "minimal environmental impact." These permits were granted by MEWET.

Cotacachi, a town located in the province of Imbabura, is one such peripheral community that relies on Los Cedros for drinking water. In 2018, the mayor's office filed a constitutional protective measure through the local municipal court on behalf of the forest and in response to the mining companies' presence. They claimed that MEWET violated the RoN when they allowed mining in the protected forest (Sentence No. 1149-19-JP/21). The action was swiftly denied by the Municipal Court of Cotacachi and then appealed to the Provincial Court of Imbabura. The provincial court did rule in favor of the plaintiffs in 2019, but only based its decision on the violation of the citizens' rights to environmental consultation and did not touch on the RoN in the ruling. The mayor filed one more action, this time to the Constitutional Court, which was initially denied. It wasn't until the Empresa Nacional Minera filed an action because

of their displeasure with the provincial court's ruling that the Constitutional Court would agree to hear the case (Rodríguez-Garavito et al., 2024).

Ultimately, the Constitutional Court ruled that mining in Los Cedros would be considered a violation of the constitutional RoN and rejected the notion that the exploratory mining would have little environmental impact. "Article 73 also establishes a duty of the State by indicating imperatively that precautionary and restrictive measures apply. It is not an option, but a constitutional obligation derived from the intrinsic value of nature…Indeed, the risk of this case is not necessarily related to human beings…but to the extinction of species, the destruction of ecosystems of the permanent alteration of natural cycles…," (Sentence No. 1149-19-JP/21, para. 65). The government's actions had not adhered to Article 73 and the restrictive measures required when dealing with fragile ecosystems. The authorizations granted to the mining companies were to be dissolved. Expanding the scope of the ruling, the court found that the constitutional protection of nature was not only applicable in protected areas but also applied to the entirety of the country's land. "It would not be logical to state that the RoN, the right to water, and the human right to a healthy and balanced environment are valid only in the protected and intangible areas. On the contrary, the obligation of protection of these rights applies to public authorities throughout the national territory and must be analyzed in accordance with the Constitution and infra-constitutional regulations to authorize, restrict or regulate such extractive activities," (Sentence No. 1149-19-JP/21, para. 142).

However, the ruling could not stand alone; the enforcement of the court's decisions was equally important. In the Los Cedros case, several demands were made by the court, all of which were embraced with varying degrees of success. First, the court instructed that the mining companies remove any and all infrastructure that had been in place within the forest and reforest

any areas that had been affected by said infrastructure. Any costs associated with this endeavor would be shouldered by the mining companies (Rodríguez-Garavito et al., 2024). This demand was issued with an emphasis on acting with haste. Local accounts have testified that the machinery was gone within a week and has not reappeared since the ban took place (Warner, 2024). Second, the MEWET was given six months to create a plan for the management and care of the forest. Requirements for the plan included the identification of indicators to measure the levels of effectiveness of the protection of the forest, the development of measures to prevent the now-illegal extractive activities in the area, and the promotion of economic activities in the surrounding areas that abided by the ruling and the RoN. Unlike the first demand, these have faced obstacles in implementation. In 2015, an initial management plan was drafted regarding care for the forest, and its failure to gain approval opened the door for the actions of the MEWET in 2017. As the primary actor in the implementation of the new plan, the MWET fell short in meeting this responsibility. Although the plan has been created, the MEWET has been inactive in most of its requirements. Additionally, the Ministry of Energy and Mines was expected to collaborate with the MEWET within a year to adopt regulations in the issuing of environmental registrations and environmental licenses in order to avoid future violations of the RoN, as were present in this case. As of 2024, nothing has been publicly reported to indicate that these steps have been taken (Rodríguez-Garavito et al., 2024).

Scientists observing the forest in the few years since the ruling find that Los Cedros has continued to thrive as a treasure trove of biodiversity (Warner, 2024), but some still see the fate of the forest as undecided if the State continues to take insufficient action. The current leader of the MEWET has faced pressure to step down in the face of accusations that she prioritizes

private interests that favor the economy at the detriment of nature and local communities (Rodríguez-Garavito et al., 2024).

The Los Cedros case paints a picture of the RoN in action. Nature cannot pursue the protection of its rights by itself; it requires human actors, guardians who will raise alarm bells when the environment is threatened. Los Cedros is a testament to Article 71, written to remind citizens that the success of the RoN ultimately falls in their hands. The ruling in this case and the precedent it set may be adhered to in future cases within Ecuador and used as an example for the rest of the world of what the RoN looks like in practice. But the building of precedent takes time. An example of this is the rights laid out in the U.S. Constitution; even with the centuries of precedent built, their understanding is still contested. As previously mentioned, Ecuador's Constitution is littered with ambiguity, so although the case of Los Cedros can be seen as one of the first and a major step towards a better understanding and respect of the RoN, a roadmap to how it exists in practice is still in the early stages of development.

Implications of an Oil-Dependent Economy

Oil has been a key player in Ecuador politics since its discovery in the late 1960s. It is an abundant resource, and the country relies on its export earnings. South America is a continent with a dense economic history of resource extraction at the hands of foreign players, dating back to the period of European colonialism and continuing even now into the 21st century.

The impacts of oil extraction have weighed heavily on both the natural systems of Ecuador and the people who live in them. When the oil industries made themselves at home in the lush jungles of the Amazon, they razed down entire swaths of forest to make room for their roads and pipelines. Much of these areas are ancestral land and home to numerous tribes, making

territory protection a large part of the fight to end oil extraction. Threats to the health and well-being of oil-adjacent communities are also a stark component of the presence of the oil companies. Communities living near oil wells experience generational negative health impacts. Individuals, including adults and children, can be up to ten times more susceptible to certain kinds of cancers. (Amazon Frontline). Runoff poisons once safe waterways, forcing families to either stay and consume the contamination or abandon their homes in search of somewhere safer. Waste pits left behind by the oil companies are deemed one of the biggest environmental disasters in the world (Cazar Baquero, 2023).

The dependency of Ecuador's economy on oil extraction exists in stark contract to its accolades in innovative environmental protections. The current economic model of Ecuador is not built to be compatible with the RoN, and the development of a new model has yet to be prioritized over continued extractive practices. Between 1999 and 2011, a political trend emerged in Ecuador known as progressive neo-extractivism (Laastad, 2022). It was an attempt to gain control over natural resources and to use the financial gains from said exports to fuel greater development in the country by strictly regulating extractive activities and no longer expanding on existing ventures. Talks of a transition into a post-petroleum society were present throughout Correa's presidency, with a clear need expressed to diversify the economy in a way that didn't continue to contribute to extractive practices. But oil extraction has persisted, although on a smaller scale, reflecting global shifts in oil demand. This practice is something some Ecuadorians see as necessary for the country to stay afloat in the global capitalist economy. A consistent criticism of the RoN movement is that it puts nature before man and before the betterment of the country. The hesitation to embrace the RoN is often because of the fear that nature's protection would be at the detriment of Ecuador's socio-economic status.

The government faces a challenge: how to stray from a revenue-generating oil industry while operating within an international capitalist system that favors its current practices. As of 2021, approximately 6% of Ecuador's gross domestic product comes from oil, down from approximately 20% in 2008 (Juhasz, 2023). Some communities are taking up the challenge of developing projects that offer an income-generating alternative to extractive practices. These endeavors include boosting ecotourism and expanding free trade networks of Ecuadorian goods (Martone, 2025).

The fight to halt oil extraction has been taken up by the people of Ecuador for quite some time, with varying degrees of public or government support. Currently, a major split in Ecuador on the topic has become clear. Where parts of the nation continue to champion neoliberal capitalism, others take up the fight against extractivism and for the protection of territories. In 2023, a historic, nationwide referendum voted to halt all current and future oil drilling in the Yasuni National Park and ban all mining in the Choco Andino forest, stating that it was in direct violation of indigenous rights and the RoN. This mining is the consequence of the previously mentioned Yasuní-ITT Initiative. The implications of such a vote would mean that 1.67 billion barrels of crude oil would remain untapped and underground, a first-of-its-kind action if the government adheres to the people's vote (Juhasz, 2023). This referendum reflects the public's attitude towards the protection of nature and a desire to shift away from an oil-dependent economy. But even with the collective will of Ecuador's citizens and a mandate from the Constitutional Court, Ecuador's government is once again dragging its feet. Daniel Noboa, the current president of Ecuador, has held office since 2013 and established a committee tasked with developing mechanisms to implement the referendum and suspend mining operations. Yet he has failed to carry out any substantive halt within the one-year timeframe mandated by the

Constitutional Court (Human Rights Watch, 2024). This is noted as another instance of hesitation to phase out oil production due to the expenses and complications of shifting an economic model that has long been dependent on the depletion of natural resources.

Klaus Bosselmann's ecological constitutional state is relevant in this discussion as he posits out that human interest, and ecological interest must be held in equal regard when making legal, state, and economic decisions. In solely focusing on anthropocentric interests, there would be little motivation to stray from extractive measures, as their negative impacts are easy to ignore in the face of their monetary value. But by acknowledging the RoN, there is also an acknowledgement of the environments' interests, and it allows for a rebuilding of a system where both human rights and nature's rights are respected.

Conclusion

The composition of the Constitution, in both its legal obligations and the way it influences the actions of human beings, is a rich resource for an examination of the RoN. How they have been developed within Ecuador cannot be judged on how it sounds on paper, but instead for its ability to meet its goal. "The Constitution is a collection of poems. It says many beautiful things, but these things are only on paper," (Laastad, 2022, p. 57). Simply assigning rights in a constitution does not solve the problem they seek to address. But, while the legal side of granting rights to nature is critical, the social side bears similar weight, and scholars find that dimension to fare better in achieving a positive impact. With the adoption of the RoN, people can experience a cognitive shift in how they view nature, as seen in the ongoing developments of the Yasuní-ITT Initiative. This shift fosters an outlook that situates nature in a role demanding respect, one that people feel obligated to uphold.

The implementation of the RoN in Ecuador has been mixed, and one should be cautious about making blanket statements that frame it as either a complete success or failure. The environment has been granted rights, but the responsibility lies with the people for its protections. The Los Cedros case demonstrates how engagement on the local-level is critical in upholding that duty-bound relationship and ensuring those rights are meaningful. The various implemental failings tell a story about how ecocentric aspirations can still fall into anthropocentric traps. What those are, and how the country has adjusted in response to them, is crucial to a "successful" application.

Units of Analysis	Ecuador
Adherence to the typical language of the RoN	Several constitutional articles provide the primary legal language. *Article 71:* ***"Nature, 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…"***
The involvement of civil society	Present in the pre-constitution mobilization during the Constitutional Assembly, the Los Cedros case, and the 2023 national referendum.
The application of indigenous worldviews & cosmologies	Direct incorporations of indigenous ontologies in the constitution. See Article 71, "Pancha Mama." Distortion of indigenous values present.
Type of legal provision	Constitution and judicial enforcement.
Compliance with Christopher Stone's outline of non-human rights	Meets Stone's criteria but struggles with consistent enforcement.
Outcomes	Mix of both positive and negative outcomes.

The United States Case Study

Background

According to the Eco Jurisprudence Monitor, there have been 172 ecological jurisprudence initiatives within the continental United States, encompassing a wide variety of legal provisions, and occurring primarily at the state level. Three streams of action are evident in the United States: local grassroots initiatives, efforts made by First Nations and indigenous populations, and a Rights of Nature adjacent policy tool at the federal level (Center for Sustainable Systems). The United States' environmental impacts are extensive and multifaceted. In 2022 alone, the Environmental Protection Agency reported 6.343 million metric tons of carbon dioxide emissions, stemming from continued reliance on non-renewable energy sources and fossil fuel combustion (EPA). The country's vast geographic scale makes the United States home to many diverse landscapes, but coast to coast, border to border, every acre of land has experienced some degree of disruption to its natural processes.

The RoN in the United States operates within the country's federalist system, a governance design that allows a degree of freedom to states and localities in their approaches to policy and regulation. Environmental federalism is concerned with the management of environmental policy and the distribution of responsibility among governing bodies at various levels, often involving the balancing of local autonomy with national goals. This dynamic creates tension for local and state policy actors looking to utilize the RoN. The centralization of national power has ebbed and flowed across U.S. political eras, with each new administration bringing its own notions of power dynamics between the federal government and the states as well as its own environmental priorities (Fowler, 2020). These factors directly shape the broader political

climate, influencing the public's concern for environmental protection and their willingness to embrace new environmental policy.

Local Initiatives

Local and grassroots RoN initiatives tend to emerge following the Community Rights Model of local legislation. This model generally follows these major points: "recognize the people's right to local, self-government; prohibit or target corporate activities that threaten the local environment; diminish or nullify legal rights of corporate violators; elevate local authority to control use of the local environment over state and federal authority; recognize that natural communities and ecosystems have legal rights to, exist, flourish, and naturally evolve; confer legal 'personhood' (and thus the ability to sue) upon elements of Nature," (Moutrie, 2020, p. 9).

The world's first law to recognize the RoN occurred in Tamaqua Borough, Pennsylvania, in 2006, presenting a clear utilization of the Community Rights Model to create local RoN legislation. Several rivers run through the town of around 7,000 and, due to toxic runoff, were prone to turning a troubling shade of orange (CELDF). The town is nestled within the Appalachian Mountain range, and mining has had a prolonged presence in the area. Many of the mining ventures have been retired due to shifting demands for coal, leaving behind gaping pits in the ground. Private owners of these pits have allowed companies to use them as dump sites for toxic sludge, a concoction of human, hospital, and chemical waste. This waste leaches into the water systems, infiltrating aquifers, rivers, and reservoirs. Tamaqua residents observed a disturbing increase in terminal illnesses among their population and drew the connection between the sicknesses and the toxic waste dumping. Local outrage led to the establishment of The Army For A Clean Environment. Over 1,000 members organized under that group to push back against the dumping (Kauffman et al., 2025). At frist, town officials were not receptive to

the demands because dumping generated revenue for the municipality. The city initially claimed that nothing was wrong and that the citizens' concerns could not be tied to the pits.

The residents soon realized that existing environmental regulations could not provide the protections that they were seeking for themselves and the environment (Milam, 2013). Activists worked with the Community Environmental Legal Defense Fund to draft an ordinance that would create a local law prohibiting the dumping of toxic sludge (Moutrie, 2020). However, their proposal included a unique element. In addition to banning dumping, it also recognized the local, affected ecosystems as legal persons with rights, and allowed residents to seek retribution for damages caused to the ecosystems (Tamaqua Borough, 2006). Grassroots organizational tactics were utilized to spread the information to locals and garner support ahead of the Bourgh council's vote on the matter. In the end, the council was evenly divided, leaving the mayor to break the tie in favor of the new ordinance. The document opens with the lines:

> *"An ordinance to protect the health safety and general welfare of the citizens and environment of Tamaqua Borough by banning corporations from engaging in the land application of sewage sludge, by banning persons from using corporations to engage in land application of sewage sludge, by providing for the testing of sewage sludge prior to land application in the borough, by removing constitutional powers of corporations within the borough, by recognizing and enforcing the rights of residents to defend natural communities ecosystems,"*

And further in Section 7.6 declares:

"Borough residents, natural communities, and ecosystems shall be considered to be "persons" for purposes of the enforcement of the civil rights of those residents, natural communities, and ecosystems."

To this day, the ordinance has never been struck down in court, although there has been no instance of enforcement, limiting its impact.

The efforts of Tamaqua do not stand alone; many other localities throughout the United States are seeking to implement the RoN into their own policy spheres. Such as in Toledo, Ohio, where citizens established the Lake Erie Bill of Rights (LEBR). Industrial farm runoff has plagued Lake Erie for decades, but in 2014, when an algae bloom caused by an accumulation of phosphorus disrupted water services for around 300,000 people for several days, the community reached its breaking point. Once again, the Community Environmental Legal Defense Fund partnered with a citizen-organized group, Toledoans for Safe Water, to write the Lake Erie Bill of Rights. The LEBR does not prohibit a specific activity, but establishes rights that are shared among the residents, the lake, and its watershed. Typical RoN language is present, stating that the lake has the right to exist, flourish, and naturally evolve (Grossman, 2019). The LEBR also establishes criminal sanctions in the form of fines for those who carry out actions prohibited by the ordinance (Moutrie, 2020). The Lake Erie Bill of Rights was approved by residents in 2019 after a lengthy battle over ballot access. In 2018, the county election board said it exceeded the city's legal authority, a harbinger for what was to come (CDER).

One day after its adoption, the Lake Erie Bill of Rights was challenged in federal court by the Drewes Farm Partnership. The plaintiff claimed that crop fertilization was approved by the state and a crucial part of their business, yet now it was in direct conflict with this new ordinance. They argued that local law lacked jurisdiction over a body of water crossing multiple

states and two countries, and that the statutes were too vague in clarifying which activities were permitted and which would trigger fines, thereby opening the door to discriminatory enforcement (Drewes Farms Partnership v. City of Toledo, 2020). In 2020, a federal district court agreed with Drewes Farms Partnership and invalidated the Lake Erie Bill of Rights (CDER). Even though the LEBR was ultimately dismantled, it was effective in compelling state legislators to address Lake Erie's pollution more seriously. Soon after, daily monitoring and phosphorus-level limits were implemented (Moutrie, 2020).

Tamaqua and Toledo are both examples of local level RoN initiatives, where residents employed a "not in my backyard" rhetoric to fuel their fight for changes in environmental standards and policy. Both represent bottom-up movements where populations challenged state and local authorities, albeit with varying levels of success, to address their concerns with a rights-based approach that enshrined both the community and the natural environment with a new kind of protection.

First Nation Initiatives

As in Ecuador, indigenous communities are important players in RoN mobilization efforts. Several tribal courts have implemented ecocentric rulings that employ RoN language and are backed by traditional ecological knowledge. In the United States, Tribal nations are recognized as sovereign, and they hold the authority to make and enforce their own laws on their recognized land. However, Congress can employ federal law to overrule tribal law, and the Supreme Court has limited the scope of tribal sovereignty in several of its rulings (Justia, n.d.). But even operating within these restrictions, several examples of RoN implementation exist within the United States on tribal land.

In 2018, the Earth Band of Ojibwe, an offshoot of the Minnesota Chippewa Nation, adopted the Rights of Manoomin, securing legal rights for manoomin, a wild rice. This is the first instance of legal rights given to a specific plant species. The legal protection extends beyond the crop to the water and habitat it needs to thrive. The official language of the law that was adopted by both the Earth Band of Ojibwe and the 1844 Treaty Authority used in the resolution is reminiscent of other RoN declarations.

> *"Manoomin, or wild rice, within all the Chippewa ceded territories, possesses inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery and preservation."*

In 2021, a tribal court was asked to enforce the Rights of Manoomin. An action was filed in the Tribal Court of the White Earth Band of Ojibwe on behalf of manoomin. Tribal members sought to stop the state government of Minnesota from allowing the Enbridge Corporation to use 5 billion gallons of water in their construction of an oil pipeline. The case, Manoomin, et.al., v. Minnesota Department of Natural Resources, et al., is ongoing and rife with added complications of treaty infringement between the Chippewa and the U.S. government on the utilization of public land and water.

In Wisconsin, the Menominee Nation recognized the rights of the Menominee River via Resolution 19-52. In response to pollution and a proposed open-pit mining project called the Back Forty Project, the Menominee people sought to endow the river with rights in 2020. The rights include: the right to naturally exist, flourish, regenerate, and evolve; the right to restoration, recovery, and preservation; the right to abundant, pure, clean, unpolluted water; the right to natural groundwater recharge and surface water recharge; the right to a healthy environment and natural biodiversity; the right to natural water flow; the right to carry out its

natural ecosystem functions; and the right to be free of activities or practices that interfere with or infringe upon these rights (Menominee Tribe of Wisconsin, 2019). The mining project's proximity to the river raised concerns of the potential contamination of the waterway with highly toxic chemicals (Earthjustice, n.d.). The Back Forty Mine Project is still in flux as permits are continuously stalled and relinquished in the face of strong pushback. The Menominee Nation is one of the main forces at the front of the opposition, continuing to leverage their RoN ruling as a defensive tool against the project (Earthjustice, 2021).

Employing the RoN within tribal courts has proven to be internally successful but limited by weak external cooperation. To be truly impactful, there is a requirement that local, state, or federal officials recognize them. However, this has not often been the case, and those entities often seek to override the decisions of First Nations, asserting that they hold no merit outside of tribal land.

Federal Level Statutory Tort Remedies

Scholar Karen Bradshaw makes the argument that even though some legal scholars view the RoN as unworkable within the American legal system, principles of the RoN are in fact already present within some existing U.S. environmental laws. Natural resource damages statutes offer the clearest example of this, with over 100 documented cases of it in action. "Natural resource damages are a tort remedy that requires tortfeasors who harm public lands or natural resources to pay monetary damages to fix them…Tort remedies provide a judicial remedy for a court to order that a company, agency, or individual who harms nature must pay money damages to compensate for that harm," (Bradshaw, 2021, p. 22-23). Tort remedies are collected by the government under the public trust doctrine, which establishes that certain natural resources are preserved for public use, preventing private entities from fully appropriating them. The

Comprehensive Environmental Response, Compensation, and Liability Act, as well as the Oil Pollution Act, provide the framework for assessing the injuries to natural resources, which they define as water, air, land, and other resources that are held in public trust. (Bradshaw, 2016).

The best-known example of federal-level statutory tort remedies would be the damages that British Petroleum (BP) had to pay to restore the Gulf Coast after the Deepwater Horizon oil spill. Bradshaw equates this to an exercise in the RoN because natural resource damage statutes elevate the legal status of natural entities on public lands by protecting them under the law. Christopher Stone's outline of legal rights for non-human natural objects can be seen in this example; they must have some capacity to sue for a legal remedy in court; they must have the opportunity to obtain said legal remedy, which could be in the form of monetary damages or an injunction; and they need the opportunity to directly benefit from the legal remedy (Stone, 2010). In a roundabout way, the United States government is granting rights through these statutes by awarding standing to natural entities when they are harmed

The Future of the Rights of Nature in the United States

Federalism can help and hurt the RoN movement. On one hand, it allows for a degree of autonomy for local communities, giving them the freedom to take up innovative environmental protection policies. But it also, following the preemption doctrine, which "is the idea that a higher authority of law will displace the law of a lower authority when the two authorities come into conflict," (Legal Information Institute, n.d.), can hinder it. When RoN initiatives are challenged in courts, infringement of federal civil rights is often raised, as it is a staple of the Community Rights Model of local legislation to diminish the rights of corporations and boost civilians' and nature's rights (Moutrie, 2020). It is also important to note that the increased

politicization of environmental efforts fuels opposition in certain state governments to any kind of pro-environmental efforts.

Although not every instance can be cited as a complete success, the grassroots movements popping up in communities around the United States to combat threats to their local environments indicate there is a drive among the people to have a role in stopping environmental exploitation. This sentiment directly translates to the guardianship element of enforcement for the RoN. And, even in the face of invalidation, communities adapt and alter their efforts where necessary. Showing that in the absence of legal change, social recognition of the RoN persists (Moutrie, 2020).

Several steps need to be taken to expand the RoN in the United States. First, there is the question of trustees, the people responsible for upholding the legal personhood of nature. What person or group is best suited to fulfill this role? How is success in this role measured? What kind of oversight is necessary? There is also much to be done in the judicial realm. Judges, in each level of courts, often lack the appropriate scientific expertise to thoughtfully engage with certain environmental cases. To remedy this, Bradshaw suggests a private governance system, comprised of qualified scientists and holders of traditional ecological knowledge who can be more effective than courts or agencies in examining and upholding the RoN. She likens this proposed venture to the Administrative Conference of the United States (Bradshaw, 2021), which is an independent federal agency, with a blend of both public and private members, that oversees federal agencies, providing oversight for efficiency, fairness, and transparency (Administrative Conference of the United States, n.d.). Finally, it will be important to take note of what can be learned from these initial judicial responses and how that can be applied in the formulation of future RoN laws (Moutrie, 2020).

Legal scholars in the United States have applied a narrow framing to the RoN, which has led to much skepticism and dismissal. This sentiment hinders the RoN from progressing in certain policy spheres but it also brings to light many valid unanswered questions and gaps in the practice.

The imminent danger of climate change may also call for a revised approach. The reworking of corporate constitutional rights and the complexities of federalism present timely obstacles to the RoN movement in the United States. This is where, more than ever, it is important to examine the societal impacts of the RoN. Legal recognition isn't everything, and where the RoN movement gains a foot in the legal sphere, the societal acceptance of its principles could carry it much farther towards its goals.

Units of Analysis	The United States
Adherence to the typical language of the RoN	Found in local ordinances, such as in the Lake Erie Bill of Rights: "*the lake has the right to exist, flourish, and naturally evolve."* And in First Nations' rulings. The Menominee River has "*the right to naturally exist, flourish, regenerate, and evolve; the right to restoration, recovery, and preservation…*"
The involvement of civil society	Grassroots mobilization is evident in local initiatives.
The application of indigenous worldviews & cosmologies	Leverage sovereignty to apply the RoN in their legal systems, backed by traditional ecological knowledge.
Type of legal provision	Multi-layered. Rights of Nature seen in local ordinances and municipal law, tribal law, and federal statutory tort remedies.
Compliance with Christopher Stone's outline of non-human rights	Meets capacity to sue and opportunity for remedy, but only partially meets the direct benefit requirement.
Outcomes	Outcomes are divided, reflective of the multi-layered approach.

India Case Study

Background

India is home to a rich display of flora and fauna from the Himalayas in the north to the Arabian Sea in the west. With a population of nearly 1.5 billion, it is also the world's most populous country. This has put a significant strain on the India's natural systems and situated the nation in a mounting environmental crisis. "The rapid population growth in a developing country like India is frightening the environment through the expansion and intensification of agriculture, the uncontrolled growth of urbanization and industrialization, and the destruction of natural habitats. The pressure on the environment intensifies every day as the population grows," (Anand, 2023, p. 786). 2025 was India's warmest year on record, and over 300 days of that year had some kind of extreme weather event. This has led to major population displacements. The data also shows continued growth in greenhouse gas emissions. All of this is compounded by a lack of consistent pollution management among the 36 states (Down to Earth, 2025).

Rivers in India hold strong spiritual and cultural ties, but they are highly polluted. Each day, around 40 million liters of waste go into the waterways, with only a small amount receiving any kind of treatment, leaving 70% of surface water undrinkable (World Economic Forum, 2019). Most pollution comes from sewer drainage in major urban centers or factories, and processing plant runoff (Alley, Mehta, 2019). Scarcity in the availability of safe water also presents an issue threatening food production. As with most environmental crises, low-income populations feel the brunt of the impact (Anand, 2023).

India's environmental history and ecological changes were profoundly shaped by British colonialism. Extensive deforestation occurred to meet the high demands of timber back in

England, which was used to build ships and develop railways. Large irrigation networks and canals were carved into the land, which have for centuries disrupted ecological systems, disrupting drainage and degrading salinity. The overhunting of keystone species also severely disrupted food chains. The environmental policy that emerged in the early 20th century to address these issues reflected a colonial effort to revoke community control over land and consolidate authority within the state (Rangarajan, 2009). Resource extraction had reached a tipping point, particularly in timber, and the new policies introduced limited forms of forest management to prevent the complete exhaustion of these supplies. Through the Forest Acts of 1865 and 1878, forests that were once communally-owned became state-owned, hindering what had been centuries of traditional conservation and management. By commercializing the forest, it transformed from a natural ecosystem to a timber farm, where certain species of trees were cultivated at the expense of all other living organisms in the forest (Swami, 2003). And although India gained its independence in 1947, state control of natural resources still stands and is an important factor in the state's interactions with the RoN (Rangarajan, 2009).

The High Court of Uttarakhand's Rights of Nature Rulings

The Constitution of India includes several passages that are concerned with environmental protection (Brara, 2017).

Article 48A

"Protection and improvement of environment and safeguarding of forests and wildlife.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."

Article 51A(g)

> *"It shall be the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures…"*

But frustration with noncompliance among state leadership, coupled with a mounting ecological crisis, called for a new approach to environmental protection. Experimenting with the RoN in granting legal personhood and fundamental rights to nature was the path that the High Court of Uttarakhand took in its 2017 ruling on Mohd. Salim v State of Uttarakhand (Bajpai, 2025). Under Articles 214 and 231 of the Constitution of India, High Courts are established and given original appellate, writ, supervisory, and disciplinary jurisdiction within their state. In the High Court's judgment, they issued this statement:

> *"…the Rivers Ganga and Yamuna, all their tributaries streams, every natural water flowing with flow continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person,"*

Uttarakhand is home to the headwaters of the Ganga, better known as the Ganges, and Yamuna rivers and also includes significant parts of the Himalayas, both of which have been increasingly threatened by pollution and climate change. Discussion to grant personhood to the water started in 2014 when several organizations came together and drafted the National Ganga River Rights Act, which recognized the rights of the Ganga River and stated that citizens also had a personal right to a healthy river (Alley, Mehta, 2019). The group took inspiration from the New Zealand RoN ruling on the Whagauni river, which was granted legal personhood in 2012 (Australian Earth Laws Alliance). The National Ganga River Act was put before the State and submitted to the Union Science and Technology Minister (Alley, Mehta, 2019). Existing

environmental protection for the rivers was established in the Water Prevention and Control of Pollution Act of 1974, which is widely viewed as ineffective. Even after decades in action, the state of water quality in India had been in sharp decline. Coupled with the efforts of the coalition backing the National Ganga River Act, multiple social campaigns were underway as well. These groups were also campaigning for cleaner rivers, and many discussed the granting of legal rights (Brara, 2017).

Several legal, moral, and scientific arguments were employed by the High Court in pursuit of their ruling. The decision to grant legal personhood carried with it a very prominent religious aspect. Both the Ganga and the Yamuna rivers are sacred in the Hindu religion. Evoking personhood for divine beings is a common practice in several schools of the Hindu religion, with the Ganga River often being referred to as a goddess and mother. This dimension showed that there was a significant anthropocentric motivation behind the ruling (O'Donnell, Talbot-Jones, 2018). "It appears, in this case, that environmental conservation of natural resources does not have importance as a value standing alone, but is based on the cultural, social, or religious understandings of these resources" (Alley, Mehta, 2019, p. 377). Some RoN activists in India hoped for a more secular ruling, one that did not rely on sacredness for protection (Brara, 2017). The High Court also noted that unless drastic measures were taken, the rivers' health and very existence were at risk.

Article 226 of India's Constitution allows for High Courts to issue certain writs. Allowing them the power to give direction to governments and people in the enforcement of rights (Government of India, 1950).

Article 226

"Notwithstanding anything in article 32 every High Court shall have powers, throughout the territories in relation to which it exercise jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrantor and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose."

To uphold the ruling, the lead justice appointed guardianship to ensure the legal standing of the rivers (O'Donnell, Talbot-Jones, 2018). Three guardians were selected as persons in loco parentis, Latin for "in place of a parent." They included a central government official and two state-level officials whose jobs would be to act as the legal voice for the rivers if their rights were infringed upon. Soon after the initial ruling, the justices expanded on their RoN sentiments, granting personhood to glaciers, lakes, and wetlands, appointing 5 more guardians in loco parentis (Alley, Mehta, 2019). Any harm that was done to the rivers or the now expanded watershed would be grounds for criminal proceedings.

However, the ruling failed to address several important details, including what was to become of the various agencies already involved in the usage and monitoring of the rivers, what the plan of action was to mitigate and heal the existing ecological damage, and how to hold those who have been negligent in their monitoring for the past decades responsible. Literature on the case raised concerns that the central government's interest was not limited to protecting the fundamental rights of the Ganga and Yamuna but also reflected an effort to reassert control over the rivers, an approach reminiscent of colonial-era environmental governance. The ruling placed jurisdiction of the rivers and their new rights in the hands of the central government. Management was previously carried out by the Gangas Management Board, which, even though

characterized as ineffective in its actions, allowed for strong checks and balances of power and was more receptive to citizen participation, two elements lost in this new arrangement (Alley, Mehta, 2019).

In 2017, not long after the initial ruling, the State Government of Uttarakhand filed a petition to the Supreme Court of India asking them to stay the ruling by the High Court. "It appears that the state government does not want to assume the liability and responsibility for the grievances that people could bring to the court in the name of Ganga's rights," (Alley, Mehta, 2019, p. 379). Water, as outlined in the Constitution, is a state right, but because the water in question flowed between several states, the Supreme Court found that the rights and restrictions that accompanied the ruling were not within the jurisdiction of the High Court of Uttarakhand. They also went on to file a stay on the second personhood ruling concerning the glaciers, lakes, and wetlands.

In 2018, the High Court of Uttarakhand delivered yet another RoN ruling in Bhatt v. Union of India, this time concerning rights for the animal kingdom. Animal rights jurisprudence has a dynamic history in India, starting with the 2014 Supreme Court decision in Animal Welfare Board of India v. A. Nagaraja, a case concerned with unethical bullfighting. The court found that this was a violation of the 1960 Prevention of Cruelty to Animals Act (PCA) and also decreed that humans' legal duty to protect the animals under the PCA extended those same rights directly to the animal. This ruling emphasized constitutional Article 51, which calls for compassion for living things. "Put simply, fundamental duties owed by humans to animals under the constitution conferred corresponding fundamental rights to those animals under the constitution as well," (Reddy, 2020, para. 2). Explicit RoN language concerning legal personhood was not included in the opinion, but the connection was clear in the court proceedings.

In Bhatt v. Union of India, the People's Charioteer Organization filed a public interest litigation in the High Court of Uttarakhand, raising concerns of animal cruelty over the treatment of horses used for labor on the Nepalese border. The High Court of Uttarakhand looked at this as a bigger conversation on animal welfare across the entire state. Animal Welfare Board v. Nagaraja (2014) was taken into account, as well as Articles 48 and 51. In a landmark ruling, the court declared that the entire animal kingdom was a legal entity, making it one of the broadest RoN rulings in the world (Bhatt v. Union of India, 2018).

> *"The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person…all the citizens throughout the State of Uttarakhand are hereby declared persons in loco parentis as the human face for the welfare/protection of animals."*

Similar to the 2017 river personhood cases, guardianship was declared, but this time it was the citizens of Uttarakhand who bore the responsibility. The Court issued detailed directions for enforcement, which included stricter transport rules and mandatory veterinary checks. The respect-based reasoning behind the animal jurisprudence rulings aligns with ecocentric ideals, elevating animals from property to right-bearing entities (Bhatt v. Union of India, 2018). The judgment is not a binding national precedent and has not yet been tested at the Supreme Court or challenged on the same grounds that Mohd. Salim v State of Uttarakhand faced. There is also no record of the Court's directions being implemented. This suggests that the ruling was more symbolic than enforceable.

Networks for Civilian Concerns

The existing legal framework in India is considered generous to civilian concerns. India's Supreme Court established the National Green Tribunal in 2010, ceding most of its environmental cases to this new legal body. It is suggested that this was in response to a mounting call for environmental justice and reparations by the civilian population. The tribunal offered citizens a place to apply direct pressure to the State, presenting a mix of legal deliberation and scientific oversight, reflective in its employment of both judges and scientists. Decisions passed by the National Green Tribunal are subject to both environmental merits and citizen concerns. This specialized environmental court has produced several environmentally promising rulings, such as ensuring that proper environmental clearance is met by ongoing ventures and banning certain mining projects (Alley, Mehta, 2019). Notably, because the petition concerning the Ganga and Yamuna rivers was filed before the Uttarakhand High Court and not before the Supreme Court of India, the National Green Tribunal did not exercise jurisdiction over Mohd. Salim v State of Uttarakhand or Bhatt v. Union of India.

Another outlet for civilian concerns is public interest litigation, which is a legal mechanism in India that allows groups to file petitions in court to protect public interest. It is a well-developed legal tool in the country and has been most commonly used for the protection of marginalized communities. "Justices in the post-independence period were concerned with opening up uses of the law to citizens of all socioeconomic classes, to act upon their ideals of equality and justice," (Alley, Mehta, 2019, p. 371). Citizens have consistently utilized it to express environmental concerns.

These two resources can serve as an option for citizens to apply continued pressure on the State to address environmental concerns. They also keep the fight close to civilians, those who are closest to the environmental fallout. Additionally, given the National Green Tribunal's

specialized focus, the RoN may find firmer footing in a setting where legal actors better understand the complexities of environmental policy implementation.

Units of Analysis	India
Adherence to the typical language of the RoN	Environmental duties are outlined in the constitution, but do not explicitly discuss the RoN. Mohd. Salim v State of Uttarakhand declared the Ganga and Yamuna as legal persons. "*…declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person*." Bhatt v. Union of India declared the entire animal kingdom as legal entities. *"The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person…all the citizens throughout the State of Uttarakhand are hereby declared persons in loco parentis as the human face for the welfare/protection of animals."*
The involvement of civil society	Civil society is not directly authoring the RoN ruling but is mobilizing for the cause. Legal traditions in India of public interest litigation and the National Green Tribunal provide citizens with options to file complaints concerning environmental issues.
The application of indigenous worldviews & cosmologies	Not shaped by indigenous ecological knowledge, instead led by Hindu religious cosmology, which declares the rivers to be sacred.
Type of legal provision	The High Court rulings granted personhood and appointed legal guardians to uphold the RoN.
Compliance with Christopher Stone's outline of non-human rights	Partially met. The capacity to sue is recognized, but the remedy and benefit requirements are not realized due to an underdeveloped implementation plan and the Supreme Court's decision to stay the case.
Outcomes	RoN rulings have faced significant obstacles and lack examples of enforcement.

Comparative Analysis

The world's approach to averting a climate crisis has proven unsuccessful, with most emerging environmental law seeming to play a symbolic role and falling short in preventing further environmental degradation. Popularized views of nature cast it as inert and separate from humans, with our dependency on its services rarely reflected in its treatment. The Rights of Nature have emerged in recent decades as an attempt by the movement's advocates, civil society actors, and government bodies as a way to remedy this discrepancy.

The units of analysis, as outlined in the Methodology chapter, are addressed in the context of the case studies performed on Ecuador, the United States, and India, showcasing the structural and institutional factors that shape the reach and impact of the RoN .

Adherence to the Typical Language of the RoN

Several Articles Ecuador's Constitution provide the primary legal language concerning the RoN.

Article 71

"Nature, 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…"

Article 72

"Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems…"

Article 74

"Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living…"

The RoN language appears in several legal avenues in the United States. First, in local ordinances such as the Lake Erie Bill of Rights, which uses familiar phrasing: the lake has the right to exist, flourish, and naturally evolve (Grossman, 2019). Second, RoN terminology is seen in the legal language of First Nations tribal law and rulings: the Menominee River has the right to naturally exist, flourish, regenerate, and evolve; the right to restoration, recovery, and preservation (Menominee Tribe of Wisconsin, 2019). And lastly, although not explicitly stating that nature has the same kinds of rights to evolve and flourish as seen in other examples, natural resource damages statutes align with the notion of granting standing in legal court (Bradshaw, 2021).

Articles within India's Constitution that address the environment are not explicitly concerned with the RoN, but they do outline a duty-based environmental framework, a key component of environmental jurisprudence.

Article 48A

"Protection and improvement of environment and safeguarding of forests and wildlife. — The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."

Article 51A(g)

"It shall be the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures…"

The High Court of Uttarakhand's ruling in Mohd. Salim v State of Uttarakhand offers explicit examples of RoN language. The rivers discussed in the case, the Ganaga and Yamuna, are declared "juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person," (Mohd. Salim v. State of Uttarakhand, 2017). The High Court of Uttarakhand's ruling in Bhatt v. Union of India address animals as legal entities. "The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person," (Bhatt v. Union of India, 2018).

Language like "the right to exist" and "the right to flourish" is consistent among almost all legal and social interpretations of the RoN. Many of the terminologies used are reflective of the typical human rights language, as seen in the UN's Universal Declaration of Human Rights. The above cases evoke language that alludes to two important factors. One, the actual rights afforded, and two, the duty-based aspect of humans in their protection and enforcement. Some are explicit and sweeping, while others offer fragmented language across multiple ordinances.

The Involvement of Civil Society

Consistently, the RoN has rose from the ground up, starting with concerned citizens and making its way into the realm of government. The mobilization of civil society has driven change in Ecuador, the United States, and India by effectively communicating public concerns and applying direct pressure to the state.

Civil society in Ecuador mobilized, playing a crucial role in bringing the RoN into the Constitution during the Constitutional Assembly. Citizen participation was heavily encouraged in the Constitution's drafting process through the utilization of working groups (Tanasescu, 2013). In the Los Cedros case, local outrage sparked community action, which elevated the issue to Ecuador's Constitutional Court for their ultimate ruling championing the RoN (Rodríguez-Garavito et al., 2024). The 2023 national referendum highlights another instance of civil society involvement, as over 10 million Ecuadorians voted to ban oil drilling in Yasuni National Park and halt all mining in the Choco Andino forest (Juhasz, 2023). There is also blossoming efforts among communities to promote ecotourism and free-trade networks to provide alternatives to economic growth outside of oil extraction (Martone, 2025).

Civil society has been the driving force behind many of the RoN initiatives undertaken in the United States. Grassroots mobilization is evident in both Tamaqua, Pennsylvania, with the work of the Army For A Clean Environment, and in Toledo, Ohio, with the Toledoans for Safe Water..

Although ill-fated, the National Ganga River Rights Act in India was composed by several organizations, fueled by strong social campaigns that sought to employ the RoN to mitigate the mounting water quality disaster. Public interest litigation also has a strong foundation in India, which allows citizen groups and individuals to file petitions in court concerning issues that pose a threat to public interest. In the Bhatt v. Union of India case, the People's Charioteer Organization utilized public interest litigation to bring the case in front of the High Court of Uttarakhand. The National Green Tribunal offers yet another avenue for citizen involvement (Alley, Mehta, 2019).

The Application of Indigenous Worldviews & Cosmologies

Ecuador showcases direct incorporation of indigenous ontologies in the constitutionally protected RoN. Article 71 references “Pancha Mama,” an Andean deity representing Mother Earth. The Constitution also grounds itself in sumak kawsay or buen vivir, living in harmony with nature. Strategically, the RoN in Ecuador can be understood as a tool to protect indigenous territories. But continued exploitation and encroaching oil and agriculture industries have challenged these efforts and called into question whether including the RoN in the Constitution was done with genuine respect to indigenous populations. Former president Correa has reportedly been accused of distorting indigenous worldviews in favor of his own political gain (Laastad, 2022).

In the United States, First Nations seek to leverage their sovereignty by applying the RoN in their own legal systems. Tribal courts employ RoN language in ordinances and have practiced enforcement, upholding them in tribal court as seen in the Tribal Court of the White Earth Band of Ojibwe ruling on the Rights of Manoomin. But conflicts concerning sovereignty consistently arise. What one tribal entity may enshrine with rights, the external state or federal government may ignore or invalidate (Justia, n.d.). First Nation populations are also closely connected to civil society in their mobilization to address environmental harms occurring in their communities.

The RoN in India are not shaped by indigenous worldviews as seen in Ecuador and the United States. Instead, it is Hindu religious cosmology that asserts the sacredness of the Ganga and Yamuna rivers in Mohd. Salim v. State of Uttarakhand (O’Donnell, Talbot-Jones, 2018). The High Court stated that the divine status of the waterways (the Ganga is often regarded as a goddess and mother) played a role in their ruling on its protection.

The RoN reflects a consciousness of living in harmony with the environment, one where nature is an entity to be respected and not exploited. These are reflective of the ecocentric

ontologies foundational to many indigenous cultures, especially those within Ecuador and the United States. India differs in the application of spirituality, instead taking a religious pathway that speaks more to an anthropocentric approach. The spiritual backing in the application of the RoN raises concerns among certain advocates who call for a more secular interpretation.

Type of Legal Provision

The primary legal provision in Ecuador is their recognition of the RoN in its 2008 Constitution, embedded with Articles 71, 72, 73, and 74. Ecuador was the first country in the world to elevate the RoN to legal recognition in this kind of way. There have also been several instances of judicial enforcement, the most notable being the Constitutional Court's ruling in the Los Cedros case.

The RoN landscape in the United States is multi-layered, reflective of its federalist system of government. Three distinct pathways are explored in this research: local ordinances and municipal law, tribal law carried out through sovereign indigenous legal systems, and federal statutory tort remedies offering a judicial remedy to enforce compensation for ecological harm.

India's primary RoN mechanisms operate in the judicial realm. The High Court of Uttarakhand, acting under Article 226 of the Constitution, declared legal personhood in Mohd. Salim v State of Uttarakhand and Bhatt v. Union of India. These decisions also appointed guardians to act in loco parentis for the concerned entities (O'Donnell, Talbot-Jones, 2018). While legislative efforts such as the proposed National Ganga River Rights Act have been explored, they have yet to succeed in any official capacity (Alley, Mehta, 2019).

The advancement of environmental jurisprudence occurs through a diverse range of legal provisions. As of 2024, the most used pathway has been legal cases, local laws, and statutory

laws. Examples of each are present throughout Ecuador, The United States, and India. Globally, the Rights of Nature have found some degree of success in nearly all forms of legal provisions.

Compliance with Christopher Stone's Outline of Non-human Rights

Christopher Stone outlines his requirements for non-human rights. These characteristics confirm that a non-human entity is afforded the same actions as a human counterpart in legal proceedings (Stone, 1972). In Ecuador, the capacity to sue for legal remedy is met via Article 71, which states, "All persons, communities, peoples, and nations can call upon public authorities to enforce the RoN." Humans serve as guardians who give nature standing, as seen explicitly in the Los Cedros case, when the Mayor of Cotacachi filed suit on behalf of the cloud forest. The opportunity to obtain legal remedy is also met, as seen again in Los Cedros, when the Constitutional Court revoked mining permits and charged the mining companies to restore the forest ecosystem (Sentence No. 1149-19-JP/21). This carries over to the opportunity to benefit from the remedy, which is fulfilled via the order to cease extractive activities. Ecuador's RoN meets Stone's criteria yet struggles with consistent enforcement.

In the United States, the local and First Nation usage of the RoN satisfies the capacity to sue for a legal remedy and the opportunity to obtain a legal remedy, but local RoN rulings are often overturned before they have the chance to test out enforcement, and First Nation initiatives struggle to achieve external validation. Federal tort remedies require monetary damages that do exist to directly benefit ecosystems, but function parallel to actual usage of the RoN.

Stone's characteristics of non-human rights are partially met in India's RoN initiatives. The rivers and animals are declared to have the rights, duties, and liabilities of a human being, and guardians are appointed to act on their behalf in a court of law, meeting the capacity to sue

requirement. However, the rulings lack a clear path to obtaining a legal remedy. Criminal proceedings are included in the river personhood ruling, but implementation of this measure within India's existing agencies remains unclear. This partners with the opportunity to directly benefit from the remedy, which, in Mohd. Salim v. State of Uttarakhand, with the ruling stayed by the Supreme Court, is not met (Alley, Mehta, 2019). In Bhatt v. Union of India, 2018, there are concrete steps outlining the idea of enforcement, but these have so far only existed in a symbolic capacity.

Outcome

Both positive and negative outcomes exist in Ecuador's practice of the RoN. The landmark ruling in Los Cedros and the 2023 national referendum are positive in nature. But, in studying their longevity, are still highly dynamic and dependent on Ecuador's government to boost enforcement and honor the people's wishes at the cost of their own economic growth. While the RoN in Ecuador was legally groundbreaking and successful in inspiring cognitive shifts in the population's perspective on nature, an overall assessment of the success of the RoN in Ecuador is mixed.

Outcomes in the United States are reflective of the triad examined in the case study. Locally, RoN initiatives are highly experimental and its usage as a legal tool is still situating itself within the authority structures of the country. This remains a major obstacle to meaningful enforcement for local laws and statutes employing the RoN. On the First Nations level, there is strong internal enforcement but limited external recognition, much of it complicated by treaty rights and the limited scope of tribal sovereignty. Federal outcomes, concerning natural resource damages, provide a meaningful route to enforcement, accountability, and restoration, but only

implicitly connect to the RoN. However, outside of the legal realm the RoN movement is sparking social mobilization around the cause.

In India, the immediacy in which the High Court's river personhood ruling was challenged stalled any meaningful outcomes. Additionally, the animal personhood ruling remains unchallenged, but has yet to enact any kind of enforcement of the directions laid out in the High Court's decision. However, the National Green Tribunal delivers strong environmentally minded rulings, presenting an option for citizens to pursue environmental justice and restoration in India.

In each case discussion, outcomes are dynamic and reflect a mix of wins and losses for the RoN movement, highlighting its contested nature and the need for continued evolution as a legal tool. The economic and political climate of each country presented obstacles to the RoN. Ecuador built a strong legal foundation for the RoN in its Constitution but has succumbed to competing economic desires and weak enforcement. At the state and local level, Americans seemed energized to experiment with the RoN, but institutionally, environmental jurisprudence has not found footing in the broader U.S. legal system. The High Court of Uttarakhand failed to fully deliver of their RoN rulings which has in turn made them weak beyond their symbolic powers.

Units of Analysis	Ecuador	The United States	India
Adherence to the typical language of the RoN	Several constitutional articles provide the primary legal language. *Article 71:* *"**Nature, 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…"***	Found in local ordinances, such as in the Lake Erie Bill of Rights: "*the lake has the right to exist, flourish, and naturally evolve."* And in First Nations' rulings. The Menominee River has "*the right to naturally exist, flourish, regenerate, and evolve; the right to restoration, recovery, and preservation…*"	Environmental duties are outlined in the constitution, but do not explicitly discuss the RoN. Mohd. Salim v State of Uttarakhand declared the Ganga and Yamuna as legal persons. "*…declared as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person*." Bhatt v. Union of India declared the entire animal kingdom as legal entities. *"The entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person…all the citizens throughout the State of Uttarakhand are hereby declared persons in loco parentis as the human face for the welfare/protection of animals."*

The involvement of civil society	Present in the pre-constitution mobilization during the Constitutional Assembly, the Los Cedros case, and the 2023 national referendum.	Grassroots mobilization is evident in local initiatives.	Civil society is not directly authoring the RoN ruling but is mobilizing for the cause. Legal traditions in India of public interest litigation and the National Green Tribunal provide citizens with options to file complaints concerning environmental issues.
The application of indigenous worldviews & cosmologies	Direct incorporations of indigenous ontologies in the constitution. See Article 71, "Pancha Mama." Distortion of indigenous are values present.	Leverage sovereignty to apply the RoN in their legal systems, backed by traditional ecological knowledge.	Not shaped by indigenous ecological knowledge, instead led by Hindu religious cosmology, which declares the rivers to be sacred.
Type of legal provision	Constitution and judicial enforcement.	Multi-layered. Rights of Nature seen in local ordinances and municipal law, tribal law, and federal statutory tort remedies.	The High Court rulings granted personhood and appointed legal guardians to uphold the RoN.
Compliance with Christopher Stone's outline of non-human rights	Meets Stone's criteria but struggles with consistent enforcement.	Meets capacity to sue and opportunity for remedy, but only partially meets the direct benefit requirement.	Partially met. The capacity to sue is recognized, but the remedy and benefit requirements are not realized due to an underdeveloped implementation plan and the stay placed on the case.
Outcomes	Mix of both positive and negative outcomes.	Outcomes are divided, reflective of the multi-layered approach.	RoN rulings have faced significant obstacles and lack examples of enforcement.

Recommendations & Conclusion

Each presented case seeks to utilize the Rights of Nature in response to an environmental crisis, yet all three flounder in implementation. Taking a step back and examining the bigger picture of the RoN landscape across each, valuable insight can be gleaned on the possibilities and limitations of environmental jurisprudence. There is growing receptiveness to the RoN, and sustained mobilization behind the cause has been instrumental in translating the concept into tangible policy measures. However, the struggle lies in application and enforcement. The RoN in practice are either overshadowed and ignored by other policy concerns or flagged upon implementation for missing crucial details, such as private land implications and coexistence in the existing political and economic traditions.

But such barriers do not negate the argument that the RoN can hold significant strength in a complementary capacity. The RoN may be able to enhance existing environmental law and policy by strengthening enforcement and supplementing "traditional" legal tools in areas where they have fallen short. By granting non-human natural entities standing in court, especially through guardian appointment, environmental harms that previously would have never reached litigation are now being pursued because of the duty-bound relationship created under the RoN framework. Utilization of the RoN also articulates ecological value that existing, anthropocentric laws neglect. The ecocentric approach demands courts to consider the possible fallout to ecosystems and present remedies that forward ecological restoration instead of just focusing on human plaintiffs. And even when unsuccessful in court, the RoN has a strong symbolic power that influences civil society by encouraging a more sustainable, harmonious relationship with nature.

Environmental policy demands a certain kind of approach to accomplish a meaningful reduction of environmental harm. “The nonlinear behavior of the systems in which environmental problems occur complicates the search for viable policy responses…because of these complexities, general blueprint solutions to environmental problems are rarely effective” (Andersson et al, p. 1, 2023). Nations and corporations have spent decades promising global audiences they will decrease their ecological footprints. The commitment to try is certainly not a negative thing, but the measurable outcomes of these ambitions are often minimal. The gap between aspiration and impact underscores the limitations of conventional policy tools and highlights the need for a more innovative approach to environmental governance.

If the RoN movement hopes to garner more support, there are certain aspects of its approach that require an adjustment. Foundationally the RoN demands an ecocentric viewpoint, one where nature deserves protection for its own sake, not for ours. But, to some, nature’s value is established because of what it is able to provide to humans, reflective of an anthropocentric viewpoint. But these people need not be lost to the RoN movement simply because of their value systems. A change in the narrative, one where the catalyst for nature's protection lies in the continued usage of its resources, should not be dismissed as wholly counteractive. The RoN are in place to allow nature to flourish, and if it does, resource extraction, done sustainably, does not have to be incongruent with the movement. In a 1908 speech entitled *Conservation as a national duty*, Theodore Roosevelt preaches the art of foresight, calling upon a farm analogy, speaking to how a man should seek to utilize his property wisely so that he can pass it on in even better condition to his children. “…the time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soil shall have been further impoverished and washed into the streams…these questions do not relate only

to the next century or to the next generation." This addresses one of the major critiques of environmental jurisprudence, which is the question of how humanity's need for resources aligns with the RoN. Life itself is at the center of the RoN discourse, life that includes humans along with all other beings. That is why, as environmental jurisprudence continues to develop, it is crucial that the rights of human beings are not lost in the discourse. The RoN seeks to elevate nature to the same level of respect as human beings, and if done correctly, uplifting one should not be at the detriment of the other, hence the emphasis placed on building a "harmonious relationship." Understanding this balance is key in developing the RoN movement.

The RoN owes much of its foundation to indigenous worldviews and cosmologies which speak to an interconnectedness and mutual respect of the natural world. Parallel to this is environmental science which teaches us of the delicate balance of ecosystems and their importance to the health of society. Whether the standpoint is spiritual or intellectual, the RoN has accomplished a combination of ancient worldviews and modern scientific understandings. The warning that our planet is at the precipice of a climate disaster has been well established among scientific fields and there is little question that the world's current approach to fight climate change has not been sufficient. However it is discovering the "right" approach that fuels disagreement. Although the embrace of environmental jurisprudence is still seen as radical by some scholars and lawmakers, so too were many other rights-based movements that are now firmly embedded in contemporary society (Laastad, 2022). A breaking point, a moment where delay is no longer an option, has fueled many drastic changes throughout human history: "every conquest of rights is a difficult process, and a development that previously would have been unthinkable" (Laastad, 2022, p. 63). Mobilization of the RoN both as a legal tool and a movement is already occurring across the world, taking root in public consciousness and shifting

legal frameworks (Bradshaw, 2021). In this sense, the idea of the Rights of Nature stands poised to challenge the foundation of how societies govern environmental issues and invites a profound reimagining of nature as our counterpart.

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