



Rethinking Human Rights and Global Governance: Inherent Rights of Nature, Ecosystems, Climate Migration, and Resource Exploitation

Ahmad Nafees^{id}

Associate Professor of South Asian University Akbar Bhawan, Satya Marg, Chanakayapuri New Delhi, India |
drafeesahmad@sau.ac.in

Article Info

Article type:
Research Article

Article history:

Received
2025-08-27

Revised
2026-05-17

Accepted
2026-05-18

Published online
2026-06-22



https://ijicl.qom.ac.ir/article_4009.html

Keywords:

Inherent Rights
of Nature (IRoN),
Global Governance,
Ecosystems,
Indigenous
Knowledge, Climate
Change, Legal
Structures.

Abstract

Biological life has been in a state of perpetual crisis since its emergence; the crisis is a historical phenomenon related to human activity (shaped by industrialisation, urbanisation, and unsustainable consumption patterns). However, the concept of the rights of Nature is central to the cultures of many Indigenous peoples (for whom Nature is a living relative, not a mere resource). The concept of Nature and its relationship to culture and history constitutes a vital nexus for appreciating the rights of Nature and its ecosystems (since how a society defines Nature determines how it treats rivers, forests, and species). This article addresses various issues related to the reassessment of the inherent rights of Nature (IRoN). It addresses individual issues involved in the IRoN trajectory to do justice to Nature (ranging from philosophical foundations to procedural enforcement mechanisms). The primary argument is the “inherent rights of IRoN-driven principle of global governance” (meaning that Nature’s inherent rights should guide international decision-making, not merely supplement it). It is an unorthodox attempt to cover the diversity of global issues having a cascading impact on the IRoN (i.e., how each crisis amplifies others), along with population growth, climate change, war, and natural resource exploitation, as well as legal matters, including constitutional personality (granting legal personhood to natural entities like rivers or forests), human rights (and their intersection with ecosystem rights), and global governance leadership (the role of states, international organisations, and civil society in championing ecocentric policies), and new legal structures fostering fundamental rights of Nature (such as environmental tribunals, ecocentric constitutions, and transnational accountability mechanisms).

Cite this article: Nafees, A., (2026). Inherent Rights of Nature, Ecosystems, Climate Migration, and Resource Exploitation: Rethinking Human Rights and Global Governance, *Iranian Journal of International and Comparative Law*, 4(1), pp: 173-207.
<https://doi.org/10.22091/ijicl.2026.16019.1250>



© Authors retain the copyright and full publishing rights.

[doi](https://doi.org/10.22091/ijicl.2026.16019.1250) 10.22091/ijicl.2026.16019.1250

Publisher: University of Qom

Table of Contents

Introduction

1. The Re-Emergence of the Rights of Nature Law
2. The Constitutional Environmentalism on the Rights of Nature
3. The Premise for the Re-Assertion of the Rights of Nature

Conclusion

Introduction

Space agencies have hypothetically been dreaming of terraforming the planet Mars, like planet Earth, for human habitation while imperiling Earth to the verge of extinction, as if Planet Nature had become a place only for temporary refuge. Nature has been in crisis on an unprecedented scale since the beginning of its evolutionary journey on planet Earth. Humanity, since its inception, has emasculated and enslaved Nature and its Ecosystems beyond their natural capacity for renewability and ruthlessly legitimized its enslavement in the name of culture, custom and law. Its inherent capability of spontaneously repairing itself has been unprecedentedly diminishing daily, and its appalling symptoms are more conspicuous today than ever. The rights of Nature¹ are the commencement of a new constitutional, legal, cultural, and climatic paradigm in all jurisdictions worldwide without any exception. Nature and its rights have emerged as a new category of rights that cannot be ignored anymore, and humanity cannot afford to ignore them if it wants to survive and defend its existence. The rights of Nature, in all their manifestations, constitute the constitutional rights-holder personality (CRHP) before the Court of law with all antecedents of legal standing to protect it.

The concept of the rights of Nature was first published in 1972 by Professor Christopher Stone² in his article “*Should Trees Have Standing- Towards Legal Rights for Natural Objects.*” The concept has recognized the centrality of indigenous cultures in the lives of people in America and beyond, as well as the role of the environment in sustaining their lives. The rights of Nature must be juxtaposed with human rights in law³, as both complement each other. However, the rights of Nature and its healthy ecosystems fuel the existential survival of human rights, and the precise logistics and justifications of human rights are needed in ethics and law to uphold the rights of Nature. Nature is like a human body, and it behaves like human beings. As Bruno Latour⁴ points out, for the past thirty years, the current ecological mutation has reshaped the entire political landscape. This could account for the lethal concoction of rapidly growing disparities, extensive deregulation, and the transformation of the Globalization dream into a nightmare for the majority of people.

For this reason, it is imperative to change course and define politics as leading to the Earth rather than the national or global level. The phenomenon that needs the most rethinking and thorough redescription is the concept of belonging to a territory; our most significant problem is discovering new ways to live on Earth. Today, politicians’ job is to bring us down to Earth. Thus, Nature uses symptomatic body language to convey its health, just as humans share their concerns.⁵ Smoking, alcohol, drugs, and other intoxicants harm human health. Similarly, Nature and its ecosystems are disrupted by anthropogenic interventions such as industrial emissions, deforestation for infrastructure, and the construction of large dams for energy generation, leading to floods, droughts, earthquakes, and global warming. These

1 David R. Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World*, (ECW Press 2017).

2 Christopher D. Stone, *Should Trees Have Standing? And Other Essays on Law, Morals, and the Environment* (rev. ed. 2010), Oxford Univ. Press (1996).

3 Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (2d ed.), (Chelsea Green Publg 2011).

4 Bruno Latour, *Down to Earth: Politics in the New Climatic Regime* (Polity Press 2018).

5 John Dupré, Daniel J Nicholson, *A manifesto for a processual philosophy of biology*, *Everything flows: Towards a processual philosophy of biology* (2018) 1-45

activities convey the symptomatic realities of the poor health of Nature and its Ecosystems, caused by anthropocentric interference and intrusion.

Therefore, human existence and Nature go together from primitiveness to the present and would continue to be central, integral, and vital for its sustenance, deviant to any contemplation of human hierarchies, class divisions, socio-economic disparities, politico-cultural distinctions, legal-institutional dichotomies, and discourses of all Nature. The rights extend from the personal to the local and from the individual to the global in terms of enjoyment and protection. The last two centuries in the post-industrial revolution¹ have exposed a rise in the magnitude of economic mobility, in the form of rapid advances in science and technology and improved modes of socialization, that have crossed the Rubicon at an unprecedented pace. Earth is a giant transforming planet where environmental priorities² are not adequately accounted for in development models; intra-structural expansion and governance institutions are swayed by fallible, fallacious, and fatal politics for the Environment and its health. Today, environmental change or climate change has become a shibboleth in leadership speeches, human rights discourses, *pro bono* engagements, print, electronic and digital media, and civil society institutions that are ostensibly espousing the cause of ecological balance, clean and green energy, and inclusive growth but, unfortunately, it does not include environmental concerns, and that is not a positive change instead it is dangerous, obnoxious and hazardous to the very idea of the rights of Nature and its sustainability.

However, the last quarter of the 20th century has seen an increasing recognition that the limits of the Earth's carrying capacity, tectonic tolerance, and the extension of human activity are being stretched to the limit, precluding all exceptions to the rights of Nature. Environmental sovereignty³ is destined to blur national boundaries and foster consolidated, collective, and concerted action to create a new relationship among Nature, human beings, and development that promotes growth while mitigating elevated levels of noxious gaseous emissions. Coordination is essential between the rights of nature and those of human beings, as Earth's life-support systems cannot be entirely replaced by technology alone. Any uncompensated anthropogenic environmental risk to posterity is immensely invidious in environmental ecology. The same must be open to intellectual and judicial scrutiny at the anvil of constitutional environmentalism⁴ of metaphysical⁵ and practical⁶ orders.

This research article sets out the premise for the re-assertion of the Rights of Nature based on five strands: re-devising the strategy for controlling the population explosion resulting in the development-induced climate change migration and disaster displacement,

1 Benedict Macon-Cooney, *The Industrial Revolution, Politics and Public Policy* (Dec. 16, 2019), <https://institute.global/policy/industrial-revolution-politics-and-public-policy> (last visited Apr. 27, 2025).

2 Kavish Rai, *Nature Should Have Rights Just as Much as Human Beings Do*, *The Asian Age* (Jan. 8, 2020), <https://web.archive.org/web/20200407075530/https://www.asianage.com/india/all-india/080120/nature-should-have-rights-just-as-much-as-human-beings-do.html> (last visited Mar. 10, 2025).

3 Linda Sheehan, *Realizing Nature's Rule of Law through Rights of Waterways*, in *Rule of Law for Nature: New Dimensions and Ideas in Environmental Law* 240 (Christina Voigt ed., Cambridge Univ. Press 2013).

4 B. Lewis, *Constitutional Environmental Rights*, in *Environmental Human Rights and Climate Change* (Springer, Singapore 2018), https://doi.org/10.1007/978-981-13-1960-0_3 (last visited May 11, 2025).

5 Christopher D. Stone, *Should Trees Have Standing?—Towards Legal Rights for Natural Objects*, 45 S. Cal. L. Rev. 450 (1972).

6 *Ramesh Agarwal v. Union of India*, order (Mar. 9, 2022) (India), (last visited May 10, 2025).

ending the war-driven devastation of the Ecosystems, de-escalating the geostrategic abuse of natural resources to forestall jeopardizing and degrading the existence of the Nature, making development sustainable for ensuring the success of the COPs and restraining unaccountable carbon emissions, and revitalizing the constitutional, structural and logistical, response to the rights of the Nature by the private entities and governance leadership. These dynamics have stripped the Inherent Rights of Nature (IRoN) of its ecological virginity, rendering it a victim and vulnerable to human avarice. The IRoN are legal and juridical concepts that illustrate innate rights concomitant with ecosystems and are analogous to fundamental human rights. Much like in criminal matters, the State prosecutes and defends the rights of the State and its citizens in the name of its constitutional and statutory bodies, which serve as the rights-holder agencies. Therefore, is there a need to enact a new body of law, the Inherent Rights of Nature Law (IRNL), to provide cross-board treatment of Nature and its ecosystems? In this research article, I examine these strands pertinent to the reassertions of the rights of Nature. I try to rummage through the responses to the invocation of HRBA to secure the inherent rights of Nature and its ecosystems. How do we recognize Nature as the constitutional rights-holder personality (CRHP) while defending the rights of Nature in the name of its Ecosystems? Can human rights protect the rights of Nature and its Ecosystems? How do we ferret out the challenges to the rights of Nature based on the fallacious framework of laws that construe Nature as a commodity or resource to be possessed, consumed, and exploited? Can ideals of the universality of human rights be applied to the rights of Nature? I aim to develop the concept of the IRoN-driven principle of global governance shifting from an object of law to a subject of law, in line with the trajectory of sustainable constitutional environmentalism and new legal structures that foster the fundamental rights of nature.

Contemporary international environmental law and global governance regimes have been designed to address the pejorative ecological crisis. However, evidence suggests that the regimes are far from achieving their goals, are struggling under their own weight, and are unable to resolve the international environmental problems that people perceive as pervasive.¹ There are no two opinions that present regimes demand urgent reformulation, re-drafting, and re-situated-ness in a different paradigm, which proposes that constitutional environmentalism, while no panacea, could contribute to these paradigmatic shifting reforms by providing new perspectives through which to view the existing inadequate and inefficient international environmental law and global governance regimes in the context of alleviating some of the deficiencies of the regimes through a normative process of Constitutionalization within the vortex of research, policy, and execution in the hierarchy of constitutional environmentalism.

1. The Re-Emergence of the Rights of Nature Law

The rights of nature law (RONL) has come to complement environmental justice by claiming the existential rights of nature, with its Ecosystems, that are inherent and intrinsic to its being. The inherent rights of Nature come from the existence of Nature itself. Nature and its ecosystems are the sources of rights and law, just as an individual is the source of human

¹ Vandana Shiva, *Earth Democracy: Justice, Sustainability, and Peace* (reprint ed. 2015), North Atlantic Books (2011).

rights¹ and law. Thus, the UDHR² formally recognized the normative understanding of the non-derogable human rights arising from the existence of humanity. Similarly, the rights of Nature emanate from the existence of Nature; therefore, the legal systems designed and developed for human rights must be expanded³, reformed, or replicated to address the rights of Nature. At the beginning of the year 2000, there was a remarkable re-emergence of the IRNL expressed in international treaties, national legislations, subnational statutes, and judicial pronouncements. The initial phase of the second decade of the 21st century registered a metastasizing⁴ IRNL in the constitutional schematization of as many as 17 nation-states,⁵ including Canada and the US and their tribal communities and a few dozen nation-states and cities in the US. As of 2019, the aggregate number of nation-states with the IRNL architecture is 28 or more⁶ who have become privy to international treaty instruments, municipal legal arrangements, or local statutes.

1.1. The Inherent Rights of Nature and its Ecosystems

The Inherent Rights of Nature⁷ (IRoN) acknowledges, identifies, and venerates that Nature has rights. IRoN establishes what I call the “Republic⁸ of Nature,” providing the differentiation that Nature and its ecosystem encapsulates a range of subjects of Nature such as vegetation to verdancy, saplings to shrubs, barren to bushes, gravel to grasses, plantlets to plants, trees to twigs, seedlings to springs, hillocks to hills, meadows to mountains, massifs to mounds, crags to cliffs, wells to weeds, lakes to lagoons, pools to ponds, creeks to rivers, drenches to trenches, rainwaters to seawaters, seas to oceans, brines to bushels, animals to mammals, and wildlife to human life are impregnated with the rights that are substantive, normative, and non-derogable. The Republic of Nature is based on the Federalism of Nature, entailing that in every part of the planet, Earth has multiple kinds of weather, altitudes, latitudes, various vegetation, diverse breeds of animals and birds, and different minerals beneath the Earth. Therefore, Nature has inherent, inalienable, and inviolable rights that establish the dignity of Nature and its Ecosystems *at par* with human rights. The existence, governance, and Survival of Nature depend on nature. The sovereignty of Nature vests in Nature. Nature First must be the argument for the sanctity and integrity of Nature. In this way, Nature is the commonwealth of Nature that sustains human existence without any encumbrances for itself.

Unfortunately, humanity is at loggerheads with Nature and its Ecosystems. The viable understanding of the planet Earth as the world comes from maintaining the delicate perennial balance between Nature and humanity. It is the universal recognition of all Ecosystems

1 Aldo Leopold, *A Sand County Almanac, with Essays on Conservation from Round River* (Oxford Univ. Press 1949).

2 Universal Declaration of Human Rights, adopted Dec. 10, 1948, G.A. Res. 217 A (III), U.N. Doc. A/810 at 71 (1948).

3 Thomas Berry, *The Great Work: Our Way into the Future* (Crown Publishing Group 1999)

4 Craig M. Kauffman, Mapping Transnational Rights of Nature Networks & Laws: New Global Governance Structures for More Sustainable Development, Paper presented at the International Studies Association Annual Conference (Toronto, Mar. 29, 2020).

5 Linda Sheehan, Earth Day's 50th Sees Explosion in Rights of Nature Movement Worldwide, 21 Vermont J. Env'tl. L. (2020).

6 Andrea Thompson, How the Environment Has Changed Since the First Earth Day 50 Years Ago, *Scientific American* (Apr. 22, 2020), <https://www.scientificamerican.com/article/how-the-environment-has-changed-since-the-first-earth-day-50-years-ago/> (last visited Apr. 20, 2022).

7 Haida Nation v. British Columbia (Minister of Forests), [2004] 3 S.C.R. 511, 2004 SCC 73.

8 Guillaume Chapron, Yaffa Epstein & José Vicente López-Bao, A Rights Revolution for Nature, 363 Science 1392 (2019).

of Nature, wildlife, and human life that are entirely interwoven. Thus, the IRoN must be regarded as a *jus cogens* norm of international law and treated as an inalienable element of Customary International Law (CIL) because of its universal¹ exceptionalism, precluding all derogations. The constitutional environmentalism narrative envisages the explicitly dedicated and well-defined provisions of IRoN to be incorporated in all the national constitutions² worldwide. By recognizing the IRoN in the national Constitution,³ many communities in the US have been grounding their environmental protection systems on the argument that I call “IRoN are sovereign, sustainable, inalienable, federal, autochthonic, indivisible rights (SSIFAIR),” just as human rights. My initial argument might be revolutionary; however, any spontaneous deviation from the postulation that Nature is an object of property under the law is a fallacious and flawed premise. I perceive Nature as a “Republic of Nature” that requires a Global Framework for Nature Governance⁴ (GFNG) based on SSIFAIR.

Furthermore, it justifies the current climate change crisis by highlighting the need for a legally binding United Nations Framework Convention on the Inherent Rights of Nature (UNFCIRoN). Such an international treaty on IRoN with complementary restrictions under the auspices of the United Nations (UN) may be concluded in earnest and in a manner consistent with the following rights. The current canvas of climate change has exacerbated many political, social, and economic inequalities in most countries and has posed innovative challenges⁵ in the face of the rights of Nature and its Ecosystems. Therefore, climate change presents a remarkable opportunity for transformative change and for responding to structural violence against the Rights of Nature in relation to human rights violations worldwide. Thus, I perceive the Rights of Nature and its Ecosystems as the Preamble to all core international human rights treaties and normative obligations under the UDHR, which will guide the entire IRoN Framework without any interpretation based on geopolitical cleavages. Thus, in the context of IRoN, I construct, conceptualize, and recognize that Nature in all its life manifestations has the following rights, but are not limited to:

- The Right to Dignity of Nature and its Ecosystems
- The Right to Existence of Nature and its Ecosystem
- The Right to Legal Personality⁶ of Nature and its Ecosystems
- The Right to *Jus Cogens* Recognition of Nature and Its Ecosystems
- The Right to Environmental Flows of Nature and its Ecosystems
- The Right to Natural Resources of Nature and its Ecosystems
- The Right to Natural Development of Nature and its Ecosystems

1 Universal Declaration of Rights of Mother Earth, adopted Apr. 22, 2010, World People’s Conference on Climate Change and the Rights of Mother Earth (Cochabamba, Bolivia), <https://www.garn.org/universal-declaration/> (last visited June 13, 2022).

2 The Constitutions of Switzerland, Portugal, France, Columbia and Brazil have dedicated set of obligations to the government regarding the protection of Nature and its Ecosystems.

3 Constitution of Ecuador arts. 71-74 (2008).

4 I propose a United Nations Framework Convention on the Rights of Nature and its Ecosystems (UNFCRE) to be adopted at the earliest.

5 S. Nazrul Islam & John Winkel, Climate Change and Social Inequality, DESA Working Paper No. 152 ST/ESA/2017/DWP/152 (2017).

6 Lieselotte Viaene, Can Rights of Nature Save Us from the Anthropocene Catastrophe? Some Critical Reflections from the Field, 9 *Asian J. L. & Soc.* 187 (2022).

- The Right to Privacy of Nature¹ and its Ecosystems
- The Right to Integral Respect of Nature for its Existence
- The Right to Climate Democracy of Nature and its Ecosystems
- The Right to Culture of Nature and its Ecosystems
- The Right to Virginity of Nature and Its Ecosystems
- The Right to Originality of Nature and its Ecosystems
- The Right to Regenerative Cycles of Nature and Its Ecosystems
- The Right to Harmony of Nature and Its Ecosystems with Humanity
- The Right to Restoration of Nature and Its Ecosystems
- The Right to Compensation of Nature and its Ecosystems
- The Right to Sustainable Marine Biodiversity with Universal Jurisdiction
- The Right to Global Ocean Reciprocity Interests²
- The Right to Reparation for Collateral Damage to Nature and its Ecosystems
- The Right to Redress Transnational Harm to Nature and its Ecosystems
- The Right to Responsibility to Protect (R2P) Nature and its Ecosystems
- The Right to Prevent Human Actions for the Extinction of, Alteration of, or Destruction of Populations, Cycles, and Processes of Livelihoods, respectively
- The Right to Litigation of Nature and its Ecosystems

The above rights are the Invisible Frames for understanding the Rights of Nature and its Ecosystems in pre-geopolitical and pre-socio-cultural contexts, providing a critical lens to clarify the interdependence among the Rights of Nature, its Ecosystems, and human rights. The impugned rights reflect the life-fullness status of Nature and its Ecosystems, necessitating and preserving them on *par* with human rights. The above-adumbrated rights establish the inalienability, indivisibility, and universality of the Rights of Nature and its Ecosystems. These rights bring out the structural discrimination³ built into the legal systems of Global North and Global South jurisdictions and other institutional frameworks⁴, and further the risks of identity-based violence⁵ against Nature and its Ecosystems.

1.2. The Enforcement of the Rights of Nature and Its Ecosystems

The Global North's legal thinking and systems are inclined to perceive Nature as an object of law and as a commodity and property to be exploited, misappropriated, and abused to amass wealth beyond human benefits. However, Aboriginal populations and societies regarded Nature as integral to their existence. Nature and its Ecosystems have been tottering under the weights of multiple factors like anthropological climate change⁶ (ACC), progress & development-induced deforestation (PDD), and

1 Harden-Davies et al., Rights of Nature: Perspectives for Global Ocean Stewardship, 122 *Marine Policy* 104059 (2020).

2 M. Bender, The Earth Law Framework for Marine Protected Areas: Adopting a Holistic, Systems, and Rights-Based Approach to Ocean Governance (Earth Law Centre 2019).

3 Céline Guivarch et al., "Influence of Climate Change Impacts and Mitigation Costs on Inequality between Countries", 162 *Climatic Change* 15 (2020).

4 François Bourguignon & Christian Morrisson, Inequality Among World Citizens: 1820-1992, 92 *Am. Econ. Rev.* 727 (2002).

5 P. Villavicencio Calzadilla & L.J. Kotzé, Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia, 7 *Transnational Env'tl. L.* 397 (2018).

6 V. De Lucia, Towards an Ecological Philosophy of Law: A Comparative Discussion, 4 *J. Hum. Rights & Env'tl.* 167 (2013).

nuclearized industrialization-driven desertification¹ (NID), excavation-driven tectonic shifts² (ETS), disaster-driven human displacement³ (DHD), and mining-induced seismic earthquakes (MISE) and inadequate traditional laws for addressing environmental degradation, regions, countries, nation-states, communities, societies, and cities worldwide have been embracing new legal orientation called the IRoN and its reception and enforcement in countries such as Ecuador, New Zealand and the voters in Toledo, Ohio, endorsed the Lake Erie Bill of Rights⁴ ballot proposal recognized “the first rights-based law for protecting the entire US ecosystem, including the lake, its tributaries, and the multiple species that reside there in the US. Constitutional environmentalism⁵ and reforms in Ecuador⁶ and Bolivia⁷ have been instrumental in recognizing Nature as a legal entity. Collaborations between Māori and the Government of New Zealand have coaxed legal personhood for forests, lakes, and rivers, re-galvanizing a sense of equilibrium between nature and human beings.

The concept of IRoN has traveled a *terra incognita* from being an object of law to becoming the subject of law. Epistemologically, treating Nature as property under the law and legal systems worldwide has done a great disservice to Nature and its Ecosystems. Contracts and deeds are written for corporations, societies, legal personalities, trusts, and individuals to protect property rights. In matters of environmental protection, laws and legal norms legitimize ecological harm by setting pollution thresholds and allowing the devastation of nature. Under these laws, Nature and its non-human components have no legal status. Fundamentally, IRoN has been sustaining human existence on planet Earth.⁸ Therefore, human beings with a sense of perpetual responsibility must protect (R2P) Nature and maintain the inviolability of its Ecosystems. The enforcement of the rights of Nature rests with human beings in their constitutional, administrative, adjudicatory, legal, ethical, and moral capacities on behalf of Ecosystems, ecologies, and environments. The people of all geopolitical entities can litigate as legal representatives for the violation of IRoN and its Ecosystems, while designating Nature and its Ecosystems as aggrieved and injured parties, exercising their constitutional, legal, and structural rights. Recognition of IRoN is consistent with the indigenous cultures, traditions, customs, ethnicities, and civilizations that live in harmony worldwide. All varieties of life, including flora and fauna, wildlife, and human life, are profoundly and inextricably intertwined. Their fundamental principles, ethical tenets, and normative standards must have the force of constitutional environmentalism.

1 Monica Exner, Desertification and Drought Day: The Role of Nuclear Techniques in Combating Desertification and Supporting Recovery, *IAEA* (June 17, 2021), <https://www.iaea.org/newscenter/news/desertification-and-drought-day-the-role-of-nuclear-techniques-in-combatting-desertification-and-supporting-recovery> (last visited May 16, 2022).

2 Gevorg Kocharyan et al., Initiation of Tectonic Earthquakes During Underground Mining, 54 *J. Mining Sci.* 561 (2018).

3 Thematic Report, Disaster Displacement: A Global Review (2008-2018), *iDMC* (2020).

4 E.L. O'Donnell & J. Talbot-Jones, Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India, 23 *Ecol. Soc.* 7 (2018).

5 C.M. Kauffman & P.L. Martin, Constructing Rights of Nature Norms in the U.S., Ecuador, and New Zealand, 18 *Global Envtl. Polit.* 43 (2018).

6 S. Knauß, Conceptualizing Human Stewardship in the Anthropocene: The Rights of Nature in Ecuador, New Zealand, and India, 31 *J. Agric. & Envtl. Ethics* 703 (2018).

7 *Ibid.*

8 Harmony with Nature Resolution Adopted by the General Assembly, G.A. Res. 73/235, U.N. Doc. A/RES/73/235 (Dec. 20, 2018).

1.3. The Rights of Nature Litigation

Around the world, legal processes are progressively including the rights of Nature. Climate change litigation has become a powerful tool for restoring, preserving, and reinstating the Rights of Nature and its Ecosystems. Several Rights of Nature litigations¹ have emerged from climate change dimensions and have been contested in many jurisdictions worldwide before the Courts. In the *Colorado River Ecosystem v. the State of Colorado*,² a lawsuit was filed in 2017 by an environmental organization called “Next Friends” and guardians on behalf of the Colorado River Ecosystem against the State of Colorado. They sought a declaration from the Court designating the river as a “person” with “rights to exist, flourish, regenerate, and the rights of the river be restored, and naturally evolve,” as the actions of the State of Colorado transgressed the rights of Nature. They contended and contested based on a 1972 complaint in *Sierra Club v. Morton*,³ wherein the dissenting opinion claimed that “environmental objects” should have legal status to prosecute and are qualified to take somebody to Court to preserve the rights of Nature. The complaint alleged that climate change is the primary factor contributing to the river’s destruction. However, the Federal Court of the District of Colorado quashed the case.

In 2018, the Supreme Court of Colombia received an extraordinary constitutional claim called *Tutela* in the case of *Future Generations v. Ministry of the Environment*⁴ filed by a group of plaintiffs contending that their fundamental human rights, such as the Right to life, the Right to Food, the water right, the Right to healthcare, and the Right to the healthy Environment were threatened by climate change and the Colombian government failed to prevent deforestation in the Amazon. The Supreme Court observed that “fundamental rights of life, health, the minimum sustenance, fundamental freedoms, and human dignity are substantially connected and determined by the environment and the ecosystem”. It directed the government to formulate strategies, plan actions, and execute them to stop deforestation. Further, the Supreme Court expressly recognized the Colombian Amazon as the “Subject of Rights of Nature”, similar to the Constitutional Court’s recognition of the *Atrato River* in Choco, Colombia. Thus, the Supreme Court pronounced that the Colombian Amazon was eligible for conservation, preservation, protection, and restoration. It was the turning point in Colombia’s legal thinking to discard the Rights of Nature as merely the object of the law.

A group of youth petitioners filed a case, *Alvarez et al. v. Peru*,⁵ against the Peruvian government in 2019, alleging that adequate and appropriate actions have not been initiated to address the consequences of climate change. They implored the Court to direct the President and the Ministries of Irrigation, Environment, Agriculture, and Finance, as well as provincial governments, to develop action strategies to reduce further deforestation in the Peruvian Part of the Amazon to zero by 2025. The petitioners also sought recognition of the Peruvian Amazon as a subject of law with the rights of conservation, restoration, protection,

1 The Global Climate Litigation Report: 2020 Status Review, U.N. Environment Programme (2020), with support from Columbia Univ.’s Sabin Ctr. for Climate Change Law and Arnold & Porter Kaye Scholer LLP.

2 *Colorado River Ecosystem v. Colorado*, No. 17-cv-02316-NYW (D. Colo. Nov. 6, 2017).

3 *Sierra Club v. Morton*, 405 U.S. 727 (1972).

4 STC 4360 (2018)

5 2019 (*Sub judice*)

and maintenance, along the lines of the Rights of Nature litigation in other geopolitical entities, such as Ecuador, New Zealand, and Colombia. The petitioners also contended that a declaration should be made regarding the current state of environmental degradation in the Peruvian Amazon region as unconstitutional; however, the case is *sub judice*.

On March 15, 2024, a Peruvian court heard arguments for the first time about a river's rights and the role of indigenous people in exercising them. The Peruvian Amazon region is home to speakers of approximately 50 distinct indigenous languages, which are now collectively referred to as "indigenous peoples." However, Peru's legal system does not recognize indigenous peoples as political entities or over historic "ethnic" regions. Instead, they are identified as "Native Communities"¹ in the area, which are granted collective ownership rights over forestry land but only use agreements over land appropriate for forestry use. Up to 2,700 Native Communities are thought to exist in the Peruvian Amazon, with over 700 lacking officially recognized titles. The Peruvian Constitution², which went into effect on January 1, 1994, mentions the rights of indigenous groups and environmental policy goals. However, the country's legal and constitutional framework is insufficient to categorize it as belonging to the "New Latin American Constitutionalism"³, which focuses on creating a plurinational state, documenting its creation through participation, and asserting an ecocentric foundation for the legal system. Unlike other governments such as Ecuador or Bolivia, Peru does not have evidence of the intrinsic rights of Nature or a unique role for indigenous peoples in protecting them, making the requirements for recognizing these rights different.

Finally, the Court's ruling⁴ was made public on March 15, 2024. It adopted significant arguments from the lawsuit regarding the requested legal recognition of the Marañón River and its tributaries, highlighting the importance of recognizing Nature's intrinsic value as a dimension to be considered when interpreting the Constitutional Right to a Clean Environment.⁵ The Court ruled that although the Marañón River is not a formal entity, it is responsible for acknowledging the river's inherent worth and applying the precautionary principle⁶ when preserving, preventing, and protecting the river and its tributaries. The implication is that the Marañón River and its tributaries have rights that must be "protected." The Loreto Regional Authority oversees the "Interregional Council for the Marañón River Basin" requirement.⁷ The Court notes that the State and indigenous organizations are recognized and appointed as guardians, protectors, and spokespeople of the Marañón River. This is the first time a Peruvian court has dealt with the rights of Nature, acknowledging but also outlining a river's rights but not limited to:

1 [https://www2.congreso.gob.pe/sicr/cendocbib/con3_uibd.nsf/0D41EC1170BDE30A052578F70059D913/\\$FILE/\(1\)leydecomunidadesnativasley22175.pdf](https://www2.congreso.gob.pe/sicr/cendocbib/con3_uibd.nsf/0D41EC1170BDE30A052578F70059D913/$FILE/(1)leydecomunidadesnativasley22175.pdf)

2 The Constitution of Peru, <https://pdba.georgetown.edu/Constitutions/Peru/peru.html>

3 Pedro Salazar Ugarte, New Latin American Constitutionalism, <https://archivos.juridicas.unam.mx/www/bjv/libros/7/3271/22.pdf>

4 <https://iuslatin.pe/historica-sentencia-rio-maranon-y-sus-afluentes-son-declarados-sujetos-derechos-expediente-00010-2022-0-1901/>

5 Ibid.

6 Ibid.

7 Ibid.

1. The Right to flow (naturally);
2. The Right to constitute a healthy ecosystem;
3. The Right to flow free from pollution.
4. The Right to be fed by tributaries;
5. The Right to authentic biological diversity;
6. The Right to restoration;
7. The Right to regeneration of natural cycles;
8. The Right to the maintenance of its ecological structure and cycles;
9. The Right to protection, preservation, and recreation; and
10. The Right to be represented before the law

The Court expressly did not acknowledge the river’s “legal subjectivity”; instead, it protected it as a “holder of rights.” This is a significant point that has not been adequately emphasized in the public response. It is debatable whether the Court accurately represented the doctrinal differences or whether the conceptual step of attributing legal personality status to the river should be avoided in light of Peru’s lax environmental laws. According to the inference, the river has rights but does not have the entire legal capacity of a legal person. Instead, it is acknowledged as a “protected object” whose rights the Court must “protect”—as the ruling expressly puts it. The decision’s weak point is the absence of specific third-party duties that could be established concurrently with the acknowledgment of the river’s rights. To prominent theorists ranging from HLA Hart to Leopold Pospišil, every legal idea inherently carries a responsibility. However, this does not seem to be the case in the current ruling. Consequently, the rights of, without the creation of specific responsibilities to accompany them, require further legitimacy.

The Supreme Court of Argentina ceased with prayers made by the groups of individuals called *Asociación Civil por la Justicia Ambiental and Foto Ecologista de Paraná* and the class of children in the case of *Asociación Civil por la Justicia Ambiental v. Province of Entre Ríos, et al.*,¹ against the governments of the Province of Entre Ríos and the Municipality of Victoria City regarding their alleged failure to protect the environmentally delicate wetlands. The petitioners requested the Court, on the grounds of the Rights of Nature Laws enacted in Bolivia, Colombia, Ecuador, New Zealand, and India, to proclaim the Paraná Delta a “subject of rights” and an indispensable ecosystem for extenuating and adapting to climate change, and assigning a “guardian” to protect the “rights of the Paraná Delta” who will be entrusted with the responsibility for the supervision of the conservation, restoration and sustainable utilization of the wetlands. However, the impugned case is *sub judice*.

In the case of *G. Khan Cement Company v. Government of Pakistan*,² the Supreme Court of Pakistan upheld a judgment of the Provincial Government of Punjab that proscribed the construction of new or additional cement plants in ecologically fragile zones. The Supreme Court ruled that the impugned cement plants could cause comprehensive groundwater

1 Annalisa Savaresi & Joana Setzer, Rights-Based Litigation in the Climate Emergency: Mapping the Landscape and New Knowledge Frontiers, *J. Hum. Rights & Envtl.* (2021).

2 PTD 1179 (2004)

depletion in the years ahead, among other serious environmental implications and impacts. Furthermore, the Supreme Court emphasized the need for the government to apply the precautionary principle for the protection of the Rights to life, human dignity, and climate sustainability of communities living near project locations. Simultaneously, the Supreme Court recognized the necessity to protect “the Rights of Nature,” asserting that environmental requirements are to be secured in their own Right and expressed that human beings and their Environment each require cooperation and conciliation for the betterment of each other. Therefore, for peaceful co-existence, the Supreme Court emphasized that the law must construe environmental objects as bearers and proprietors of legal rights.

2. The Constitutional Environmentalism on the Rights of Nature

Initially, the Right to a healthy environment (RAHE) was not explicitly recognized in the constitutions of many jurisdictions as a fundamental human right. Subsequently, the RAHE was incorporated into the Right to Life through judicial interpretation and adjudication. Thus, the RAHE has been constitutionally, judicially, and internationally recognized as part of the Right to Life and human dignity in many countries. In more than 90 countries, it has been identified and incorporated into their municipal legal systems. For example, governments recognized the Right to a healthy and pollution-free environment in the eight Constitutions of the South Asian Association for Regional Cooperation (SAARC). For example, Article 21 provides an inherent guarantee to a person for the Right to live with human dignity. Articles 21, 48A, and 51A (g) of the Constitution of the Republic of India recognized and determined the human Right to a healthy environment¹ as an inalienable part of the Right to life. The Supreme Court of Pakistan² held in *Ms Shehla Zia v. WAPDA*³ that the Right to a healthy and clean environment is internal to the fundamental Right to life under Article 9 of the Constitution of the Islamic Republic of Pakistan. In *Maria Khan et al. v. Federation of Pakistan et al.*, vital questions were raised relating to human rights and the rights of Nature.⁴

Recently, the Right to a healthy environment has gained prominence as the international community confronts the intersecting and interconnected global environmental disasters and emergencies, including peroxiding and perishing coral reefs, escalating death rates of species, and the ever-increasing threat of climate change. However, the RAHE is challenging to accomplish if the Environment *per se* remains harmful and in poor shape. The rights of Nature and human rights cannot be secured in a polluted and worsened Environment.⁵ In reality, soil degradation, reckless deforestation, and exposure to poisonous chemicals, dangerous wastes, and polluted drinking water have jeopardized the existence of the fundamental human Right

1 Rural Litigation & Entitlement Kendra v. State of U.P., AIR 1988 SC 2187 (1988). (Popularly known as Dehradun Quarrying Case)

2 Article 184(3) of the Constitution of the Islamic Republic of Pakistan empowers the superior judiciary to directly address matters involving the enforcement of fundamental rights if it considers that such enforcement involves a question of public importance.

3 PLD 1994 SC 693

4 (2018) Whether the government of Pakistan's inaction on climate change violated the constitutional rights of women and future generations including the right to a healthy environment and a climate capable of supporting human life

5 Klaus Töpfer, former director of the United Nations Environment Program

to life. Therefore, the quality of climate conditions helps determine the scope for enjoying various fundamental human rights¹ relating to life, livelihood, health, food, housing, culture, education, etc. Consequently, the realization of the RAHE exclusively depends on a healthy environment, and the RAHE itself does not have an independent existence.

The Constitution of Ecuador is the first constitution to include provisions for the constitutional and legal rights of the Environment. Article 71 stipulates that Nature, or *Pacha Mama*, where life is procreated and happens, has the Right to inalienable respect for its existence and for the maintenance and rebirth of its life cycles, structure, purposes, and development processes. Article 14 of the Ecuadorian Constitution stipulates that the people's Right to live in a healthy, environmentally balanced atmosphere that guarantees sustainability and healthy, well-disciplined living is recognized.² The constitutional provisions on the rights of Nature transform Nature from being an object of law to a subject of law. In Ecuador, Nature is not regarded as an item without legal rights. Nature has been recognized as a constitutional rights-holding personality (CRHP).

The existing body of IEL is based on the notion of the “nature as property framework,” which has proven inadequate to the mounting challenges and is increasingly regarded as part of the problem in the wake of growing environmental threats. Such a flawed perception gives rise to a fundamental change in how to treat Nature under the law. The IEL provisions have been premised on the concept of Nature as an object, item, or whatnot to be regulated and managed for human consumption. It was like slave trades and slave codes to handle the maximum exploitation of enslaved people in the US and elsewhere. Thus, the IEL body of provisions fundamentally legitimizes the exploitation and misappropriation of Nature that has — even today — endangered human existence. This means that the IEL and other environmental laws legalize activities such as pollution, mining, and fracking that deliberately harm Nature. Amid soaring temperatures, ever-rising sea levels, the northward migration of tropical diseases, and other mounting environmental threats, these issues present unprecedented challenges. Thus, communities, civil societies, NGOs, and governance leaders have started considering, reviewing, and reforming the existing manner of treating nature, which is flagrantly flawed and brazenly fallacious. It has awakened people to mobilize a mass movement to transform perceptions of the potential contours of treating nature under the law and ultimately make humanity aware of how human rights can protect the rights of nature.

In the US, in 2006, the first set of laws on the rights of Nature was enacted at the community level, and there are currently more than 30 local laws in effect across 10 states. Similarly, Ecuador promulgated a new constitution in 2008, followed by an enactment of the IRNL in Bolivia in 2010. Moreover, the Courts in India and Colombia, and the Parliament of New Zealand, have recognized rivers and other Ecosystems of Nature as CRHP in recent years. In these circumstances, many scholars, scientists, and experts of IEL have been branding the impact of anthropocentric activities on biodiversity and the Environment as the cynosure of human existentialism as the “Sixth Great Extinction”³ episode. Thus, the emerging movement

1 Maria Khan et al. v. Federation of Pakistan et al., No. 8960 of 2019, Lahore High Court (2018).

2 Article 14, The Constitution of Ecuador, 2008. (Sumak Kawsay)

3 Gerry Canavan & Eric Carl Link, *The Cambridge History of Science Fiction* 479 (Cambridge Univ. Press 2019).

for the rights of Nature is pushed and propelled by urgency, necessity, and inevitability. The IRNL postulates for execution by both people and their respective governance structures. For instance, under the 2008 Constitution in Ecuador, the first case¹ was contested by two residents of Ecuador for the restoration, preservation, and maintenance of the Vilcabamba River. They contended that the government road construction project violated the river's rights and obstructed its natural flow. In 2011, the Provincial Court of Loja conceded for the first time about the CRHP formulation. In the US, local laws have safeguarded the rights of ecosystems, and indigenous communities have recognized them as part of the CRHP principle. The past movements² for recognizing the rights of Nature offer vast opportunities for learning and advocacy for enacting the IRNL. Since antiquity, the law and customs have been invoked to legitimize the subjugation of women and girl children and the dehumanization of enslaved people and indigenous communities. Unfortunately, the same treatment is being meted out to Nature and its Ecosystems. The Constitutional Court of Colombia (CCC) has justified the destiny of the CRHP formulation and the purpose of the IRNL while discussing the kind of societal change brought about by past movements that is needed today. In 2016, the CCC delivered a decision³ recognizing the rights of the *Atrato River* and observed that humanity depends on the world of Nature and not the other way round---and humanity must embrace the consequences of its acts of commission and omissions with Nature. The CCC believes such a transformation is possible, as it has happened before, culminating in the International Bill of Human Rights.

3. The Premise for the Re-Assertion of the Rights of Nature

The Rights of Nature and its Ecosystems are now part of legal education and span all disciplines. Today, the Rights of Nature constitute a crosscutting central theme in the knowledge hierarchies of curricula worldwide. Stockholm's agenda⁴ testify to the paramountcy of the Rights of Nature Plan of Action that stresses the need to develop strategies for infusing the Rights of Nature as a crosscutting issue into all disciplines of human cognizance that includes not only law but also social studies, history, anthropology, scientific fields like neuroscience, neurotechnology, or technological domains such as artificial intelligence (AI), etc. As the discipline of human rights has attained a non-negotiable maturity, critical voices advocating for the Rights of Nature and its Ecosystems are becoming increasingly prominent. With the emergence of the human rights movement⁵ in the 1970s, human rights education (HRE) was put on the international community's agenda as a global policy program. Subsequently, HRE has been defined through several general and programmatic statements. In classical United Nations (UN) language, "[e]ducation should promote understanding, tolerance, peace and friendly relations between the

1 Lidia Cano Pecharroman, Rights of Nature: Rivers That Can Stand in Court, 7 *Resources* 13 (2018).

2 Katie Surma, Does Nature Have Rights? A Burgeoning Legal Movement Says Rivers, Forests and Wildlife Have Standing, Too, *Inside Climate News* (Sept. 19, 2021), <https://insideclimatenews.org/news/19092021/rights-of-nature-legal-movement/> (last visited June 12, 2022).

3 Philipp Wesche, Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision, 33 *J. Envtl. Law* 531 (2021).

4 S. Díaz et al., Pervasive Human-Driven Decline of Life on Earth Points to the Need for Transformative Change, 366 *Science* eaax3100 (2019).

5 Samuel P. Hays, The Environmental Movement, 25 *J. Forest Hist.* 219 (1981).

nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives."¹ Recognizing the Rights of Nature and its Ecosystems merely as a human rights issue would be an injustice to the vast arena of the Rights of Nature, which has emerged as an independent discipline and laid the groundwork for reasserting its rights alongside those of its ecosystems. Therefore, the Rights of Nature movement concept has also developed a set of obligations that apply to planet Earth. Let's consider the trajectory of the Rights of Nature with its ecosystems, vis-à-vis the role that human rights play (and might come to play) in our world. Different people currently perceive the Rights of Nature in various ways. For some, invoking the Rights of Nature is a heartfelt, morally justified demand to rectify all sorts of injustice to Nature and its Ecosystems; for others, it is not more than a catchphrase to be regarded with skepticism or even antagonism.

Strand 1: Re-devising the strategy for controlling the population explosion resulting in the development-induced climate change migration and disaster displacement

The human population explosion,² vertical development-induced climate change migration³, and disaster-driven human displacement (DHD) have become challenges to the load-bearing⁴ capacity of the planet Earth. The increasing human population has been mounting overwhelming pressure on the Environment. Developed economies have been polluting Nature and its ecosystems, degrading natural resources, while developing economies face immense pressure to meet competitive challenges. Their industrial signs of progress are also counterproductive and damaging to the Environment. These developments have increased the burden on Nature and its Ecosystems and threatened the future of Earth's sustainable life. One of the most prominent environmental effects of human population growth is global warming. Some scientists⁵ fear global warming will lead to rising sea levels and extreme weather conditions. Deforestation has been happening at an alarmingly disproportionate scale to sustain the increasing population. Human beings also continue to significantly exploit nature and the natural resources of the planet Earth. No one has stopped the exploitation of energy and fuel; several non-renewable resources have been depleted in many regions, and people in many parts of the world have been enduring shortages of water and food. Thus, the growing population places greater demands on already limited natural resources, and the Environment on Earth has been suffering as the global population grows. The depletion of resources and biodiversity, waste production, and the destruction of natural habitats are profound challenges that must be addressed to ensure that life on Earth remains sustainable throughout the next century.

Strand 2: ending the war-driven devastation of the Rights of Nature and its Ecosystems

War has made the landscapes and Ecosystems of Nature scary and inhospitable to human

1 Vienna Declaration and Programme of Action, World Conference on Human Rights, U.N. Doc. A/CONF.157/23 (June 25, 1993).

2 J. Van Bavel, The World Population Explosion: Causes, Backgrounds and Projections for the Future, 5 Facts Views Vis. Obygn 281 (2013).

3 Michael Berlemann & Max Friedrich Steinhardt, Climate Change, Natural Disasters, and Migration—A Survey of the Empirical Evidence, 63 *CEsifo Econ. Stud.* 353 (2017).

4 Roberta Cohen & Megan Bradley, Disasters and Displacement: Gaps in Protection, 1 *J. Int'l Humanitarian Legal Studies* 1 (2010).

5 IPCC, Climate Change Widespread, Rapid, and Intensifying (Aug. 9, 2021), <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/> (last visited July 14, 2025).

beings. Waging War is a crime against Nature and its Ecosystems. Generally, human beings and their conflicts are disruptive¹ during War and peace. War and conflict have been altering the biosphere² since the inception of modern civilization on planet Earth. The detrimental consequences and adverse impacts of modern warfare and military hostilities on Nature have devastated the structure and function of Ecosystems. The outcomes of direct military engagements, military training-related emissions, military transport movements (MTMs), military-generated contaminants (MGCs), and nuclear, biological, and chemical weapons (NBCs) have been found to have significantly impacted the Rights of Nature and its Ecosystems. “*Warfare is inherently destructive of sustainable development. States shall, therefore, respect international law protecting the Environment in times of armed conflict and cooperate in its further development, as necessary.*”³ Thus, due to these war activities, there is the destruction of structures, fires in the oil fields, and chemical spraying, all instances of annihilating war impacts on Nature and its Ecosystems. Therefore, I try to rummage through the frames of understanding about war-driven devastation of the Rights of Nature and its Ecosystems as under:

Pre-Conflict Environmental Damage:

The war-driven devastation of the Rights of Nature and its environmental Ecosystems starts with military build-up before the military engagement that demands ample land and sea areas. Military buildups require colossal amounts of natural resources and rare Earth elements, such as water and hydrocarbons. Military preparedness requires energy, such as oil, to maintain military vehicles, vessels, and aircraft, as well as the maintenance & modernization of military equipment, buildings, and infrastructure, which have environmental repercussions. However, the CO₂ emissions by the largest militaries worldwide are more deleterious than the total emissions of most countries.

Damage by Cyclical Military Pollution:

In addition to detonation and disposal of conventional military weaponry (CMW) by open incineration, dangerous NBCs also pose perennial ecological troubles throughout their stages of existence and dumping. Military pollution leaves many countries with large volumes of toxic waste and explosives due to a weak-willed institutional response to climate impact management & administration (CIMA). Cyclical military pollution (CMP) has posed challenges for overseas military bases in host States.

Damage by Ordoliberal Military Expenditure Policies:

Fiscal profligacy has become the norm of military expenditure worldwide without any commitment to sustainable Rights of Nature and its Ecosystems. Tensions in international relations,⁴ transformations in global geostrategic visions⁵, and transitions in the geopolitical

1 Roger Mac Ginty, *Conflict Disruption: Reassessing the Peace and Conflict System*, 16 *J. Intervention & State Building* 40 (2022).

2 M. Leitenberg, *Deaths in Wars and Conflicts in the 20th Century* 3rd ed. (Cornell Univ. Peace Studies Program 2006).

3 *Rio Declaration on Environment and Development* (June 14, 1992), U.N. Doc. A/CONF.151/26 (vol. I), 31 I.L.M. 874 (1992).

4 Alexander Clackson, *Conflict and Cooperation in International Relations* (Feb. 1, 2011), E-International Relations, <https://www.e-ir.info/2011/02/01/conflict-and-cooperation-in-international-relations/> (last visited June 22, 2025).

5 Thomas F. Lynch III & Phillip C. Saunders, *Contemporary Great Power Geostrategic Dynamics: Relations and Strategies* (2020), Nat'l Defense Univ. Press, <https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2404308/3a-contemporary-great-power-geostrategic-dynamics-relations-and-strategies/> (last visited July 10, 2025).

structures¹ have pandered to reckless demand for high military expenses that have been diverting welfare resources away from the worldwide understanding of the Right to a healthy environment and addressing the environmental threats emanating from the multiple dimensions of climate emergency, CMP, and anthropocentrism.

Environmental Damage through Conflicts:

Wars may be short² and long³ with varying intensity and environmental impact. However, current conflicts have blurred the borders and obscured the combatants, leaving an indelible environmental impact. The wars of high-pitched intensity consume massive amounts of energy and fuel, resulting in colossal CO₂ emissions that exacerbate climate change.

Damage by Geodiversity Erosion:

Large-scale use of explosive armaments and massive movement of military vehicles cause erosion to geodiversity⁴ and delicate natural landscapes. Environmentally sensitive utility structures such as water treatment plants, water pumping stations, and energy generation facilities all contribute to air and soil pollution and to damage to geodiversity.

Damage by Agro-Industrial Contamination:

The military destruction of agro-industrial infrastructure is a critical form of pollution. In several cases, targeted attacks on oil or various industrial installations are used as part of military strategy and war weapons, leading to large-scale pollution and trepidation. The devastation of agro-infrastructural utilities such as wells, pumps, canals, and culverts, and the burning of crops by resorting to scorched Earth⁵ techniques jeopardize livelihoods, imperil food security, and increase the people's vulnerabilities. These war methods lead to transboundary climate impacts, such as air pollution, contamination of aquifers, and pollution of seas and rivers, which in turn affect overall weather patterns.

Damage by War Vestiges:

Military weapons used during War leave remnants hazardous to environmental stability. Land and sea mines, cluster munitions, and many kinds of explosive remnants of War hamper mobility to arable land and contaminate soils and water resources with toxic metals and active noxious military constituents. Large amounts of military debris, including shards, slivers, splinters, and other war residues, are produced and left behind during significant conflicts. Such war fragments pollute soils and groundwater and expose farmers and other people working on such war-ravaged lands to critical and chronic health hazards. Further, damaged submarines, war-wrecked ships, and offshore oil infrastructures⁶ also cause marine pollution.

1 Mathieu Blondeel et al., *The Geopolitics of Energy System Transformation: A Review*, 15 *Geography Compass* e12580 (2021).

2 Michael J. Lawrence, *The Effects of Modern War and Military Activities on Biodiversity and the Environment*, 23 *Envtl. Rev.* 4 (2015).

3 *Ibid.*

4 Doug Weir, *How Does War Damage the Environment?* (June 4, 2020), Conflict and Environment Observatory, <https://ceobs.org/how-does-war-damage-the-environment/> (last visited July 23, 2025).

5 The term "scorched earth" is employed by militaries during armed conflicts and troops would destroy valuable goods – crops, buildings, routes in and out of towns – in order to make them unusable by enemy troops

6 Zwijnenburg, *Iranian Oil Spills on Syria's Shores: A Brief OSINT Overview of an Environmental Incident* (July 31, 2019), Bellingcat, <https://www.bellingcat.com/news/mena/2019/07/31/iranian-oil-spills-on-syrias-shores-a-brief-osint-overview-of-an-environmental-incident/> (last visited Sept. 10, 2022); C.M. Anderson, M. Mayes & R.P. LaBelle, *Oil Spill Occurrence Rates for Offshore Spills* (2012) (Herndon, DC: Bureau of Ocean Energy Management).

Damage by Conventional Armaments:

Several conventional armaments and their components are impregnated with toxic materials¹ like depleted uranium, which is radioactive, and incendiary arsenals with white phosphorus are unhealthy and prone to causing deadly fires to habitats. The extensive application of chemical defoliants² as a “tactical use” of Rainbow Herbicides by the US military as part of its herbicidal warfare program destroyed public and environmental health in the Vietnam War from 1961 to 1971.

Damage by Armed Hunting and Poaching:

The informal and comfortable access to small arms and light weapons has harmed wildlife, fauna, and flora by enabling³ intensified hunting and poaching. The unregulated areas created by the conflicts have become ideal opportunities for committing crimes against wildlife. Conflict-affected countries are the source of weapons used for such crimes. Due to security considerations and deleterious impact on conservation programs, researchers and scientists cannot access such spaces. It has become challenging to provide continued protection to national parks and reserved areas when hunters and poachers are armed with weapons. Such conditions will likely foster further militarized conservation⁴ that might adversely impact relationships between Nature and local communities.

Damage by Military Deforestation:

Local communities often rely on wood and charcoal for heating and fuel, leading to overharvesting. Further, the conflicts increase deforestation through the involvement of armed criminal gangs, the absence of administrative machinery, and the over-exploitation of natural resources, driven by flawed civilian coping strategies and environmentally damaging practices such as artisanal oil refining, which, in several cases, disrupt community systems of sustainable resource management. In many conflicts, armed groups vie for control of mineral resources, timber, and oil and indulge in their over-extraction to finance conflicts that lead to ecological disturbance and environmental degradation. Treatment methods, such as mercury used in gold mining, contaminate water bodies and many other Ecosystems. Further, armed groups, artisanal workers, and private companies are active in conflict-affected areas with negligible CIMA.

Damage by RAMS, DHD, CDM & IDP Movements:

Armed conflicts have been causing massive human displacements of refugees, asylum-seekers, migrants, and the stateless (RAMS⁵), disaster-driven displacement (DHD⁶) people, climatically displaced migrants (CDMs), and internally displaced persons (IDPs). These

1 H. Bem & F. Bou-Rabee, *Environmental and Health Consequences of Depleted Uranium Use in the 1991 Gulf War*, 30 *Envtl. Int.* 123 (2004).

2 K.R. Olson & Larry Cihacek, *Agent Blue Spraying in the Mekong Delta during the Vietnam War: Fate of the Arsenic-Based Herbicide Weapon Used to Destroy Rice Crop and Mangrove Forests*, 12 *Open J. Soil Sci.* 253 (2022).

3 Cathy Haenlein & M.L.R. Smith, eds., *Poaching, Wildlife Trafficking and Security in Africa: Myths and Realities* (2016), RUSI Whitehall Paper 86 (2016).

4 Ruth Duffy et al., *Why We Must Question the Militarisation of Conservation*, 232 *Biol. Conserv.* 66 (2019).

5 Nafees Ahmad, *Afghan Refugees: Asylum Restrictionism and Future of Non-Refoulement in Europe*, *Refugee Law Initiative* (Dec. 15, 2021), <https://rli.blogs.sas.ac.uk/2021/12/15/afghan-refugees-asylum-restrictionism-and-future-of-non-refoulement-in-europe/> (accessed Sept. 18, 2025).

6 Stellina Jolly & Nafees Ahmad, *Conceptualizing the Climate Change Migration in South Asia*, in *Climate Refugees in South Asia* (Springer Singapore 2019).

population classes live in camps, leaving an indelible imprint on local Nature and its Ecosystems. Massive human displacements impact local resources, sanitation, firewood availability, waste management, and water bodies. Conflict-affected people flock to urban spaces, putting pressure on urban environmental services. These affected people move with their livestock to urban centers, and massive RAMS mobility causes transboundary environmental impacts, and transnational resources totter under the weight of such an influx of people.

Damage by Waste Dumping and Burning:

Conflict-affected areas confront the increased challenges of waste management¹, jeopardizing public health and the Environment, waste dumping, burning, waste mismanagement at military bases, and poor waste segregation. Environmental governance institutions, such as CIMA, come to a standstill during these challenges. Furthermore, local laws, regulations, and administrative machinery are often unable to effectively assess, monitor, and respond to environmental problems. Institutions like CIMA must emerge in areas controlled by non-state actors with a different governance model. However, there is an emerging pattern of arming with environmental information² for enhanced politicization of environmental threats during armed conflicts.

Damage by Technological Risks:

National governments worldwide are not sincere³ in meeting their Global Climate Obligations.⁴ They are prone to technological risks from industrial infrastructure, particularly programs and projects sponsored by international organizations and nations. In this context, Nature and its Ecosystems are impacted by a locally limited conflict that might be harmful nationally and obstruct international cooperation.

Damage by Military Occupations:

Military occupations might be ephemeral or perennial; nation-states are under an international human rights obligation⁵ to protect the occupied people and their rights consistent with their environmental commitments.⁶ Military occupations hinder sustainable development, impede access to technologies, and affect natural landscapes through military mobility. The construction of fences and walls disrupts wildlife movements, obstructs upfront investments, and derails pre-planned, environmentally viable development programs. On the other hand, the occupied Nature and its ecosystems, as well as the occupied populations, are deprived of the Rights of Nature and environmental human rights, and are forced to live with

1 Sintana E. Vergara & George Tchobanoglous, *Municipal Solid Waste and the Environment: A Global Perspective*, 37 *Annu. Rev. Envtl. & Res.* 277, 309 (2012).

2 Int'l Comm. of the Red Cross, *Climate Change and Conflict Are a Cruel Combo That Stalk the World's Most Vulnerable* (July 9, 2020), <https://www.icrc.org/en/document/icrc-report-climate-change-and-conflict-are-cruel-combo-stalk-worlds-most-vulnerable> (accessed Sept. 8, 2025).

3 Stéphane Willems & Kevin Baumert, *Institutional Capacity and Climate Actions*, OECD/IEA COM/ENV/EPOC/IEA/SLT(2003)5 (2003).

4 J. Setzer & C. Higham, *Global Trends in Climate Change Litigation: 2021 Snapshot (2021)* (Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science, London).

5 C. Jeffords, *On the Temporal Effects of Static Constitutional Environmental Rights Provisions on Access to Improved Sanitation Facilities and Water Sources*, 7 *J. Hum. Rts. & the Env't* 74 (2016).

6 D.R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver: Univ. of British Columbia Press 2012).

scarce resources, increased pollution, and pitiful environmental services. The steps taken by occupied people in opposing the occupying force also led to environmental degradation. Security concerns also cause profound environmental harm through militarised responses to the rights of Nature and its ecosystems, as well as to human rights.

Post-Conflict Environmental Damage:

In post-conflict situations (PCS), transitions to peace, truth, and reconciliation are multi-dimensional exercises.¹ Even sporadic skirmishes may continue during PCS for extended periods. However, the forms of harm that occurred during the armed conflicts are equally applicable in the PCS stage as follows:

Damage by Pathetic Institutional Governance (PIG) Syndrome:

In the State of PCS, transitional peace and justice suffer from PIG syndrome², which entails poor environmental governance, a lack of CIMA framework, and weak response capacity. The competing socio-economic priorities³ and truncated political types of machinery⁴ require re-focussing on environmental concerns as the PCS scenarios have impeded peace and governance devolution agreements. In the wake of PCS, nation-states and international actors confront war remnants like debris, fragments, rubble, and wreckages. The same is poorly managed and disposed of by casual dumping, creating dangers to ecological stability and continuity. The looting of industrial waste is another problem that exposes local communities to contaminants and multiple environmentally hazardous coping practices⁵ adopted by the local people during conflicts. The same might continue indefinitely. Further, conflicts damage environmental governance with prolonged ramifications⁶ for environmental protection. It can adversely impact progress in industrial emission pollution control, climate change adaptation, RAMS & DHD security, biodiversity protection, geodiversity safety, and natural resources management, as well as preserving the Rights of Nature and its Ecosystems. Ultimately, recovering environmental expenses might be substantial, but large-scale urban reconstruction projects can require immense wealth.

Damage by Returnees, Environmental Pressures & Deforestation:

The problems related to land rights and land ownership titles⁷ are common when returnees⁸ get back to their roots in the PCS stages, particularly in areas with high levels of human displacement. Returnees increase environmental pressures⁹ in spaces from which they were absent for a significant period by expanding their agricultural activities. Such

1 David Mendeloff, Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?, 6 *Int'l Stud. Rev.* 355 (2004).

2 Maria Carmen Lemos & Arun Agrawal, *Environmental Governance*, 31 *Annu. Rev. Env'tl. & Res.* 297 (2006).

3 Katrina Kosec et al., *Political Competition and Rural Welfare: Evidence from Pakistan*, 70 *Oxford Econ. Papers* 1036 (2018).

4 J. Knight & J. Johnson, *The Priority of Democracy: A Pragmatist Approach to Political-Economic Institutions and the Burden of Justification*, 101 *Am. Pol. Sci. Rev.* 47 (2007).

5 V.K. Gaur et al., *Assessing the Impact of Industrial Waste on Environment and Mitigation Strategies: A Comprehensive Review*, 398 *J. Hazardous Materials* 123019 (2020).

6 Jan Corfee-Morlot et al., *Cities, Climate Change and Multilevel Governance*, OECD Env't Working Papers No. 14 (2009).

7 Scott Leckie, *Housing and Property Issues for Refugees and Internally Displaced Persons in the Context of Return: Key Considerations for UNHCR Policy and Practice*, 19 *Refugee Surv. Q.* 5 (2000).

8 W. Courtland Robinson, *Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement* (Brookings Inst.-SAIS Project on Internal Displacement 2003).

9 N. Myers, *Environmental Refugees: A Growing Phenomenon of the 21st Century*, 357 *Phil. Transactions Royal Soc'y B: Biological Scis.* 609 (2002).

engagements result in high incidences of deforestation in the PCS in several countries that cannot manage or regulate these activities.

Damage by Military Forces & War Explosive Remnants:

In a state of PCS, military presence goes beyond the stipulated time frame for various reasons.¹ The transfer of military bases² is impregnated with pollution concerns, specifically in cases of the host states' inability to address environmental obligations. The use of burn pits exposes military personnel and local communities to harmful pollutants, and senior citizens face health issues. Further, removing landmines and explosive remnants³ of War in PCS is prone to soil degradation⁴ and increased local pollution. Land use is also affected by the presence of landmines and war remnants when people begin cultivating such land again.

Military engagements and armed conflicts can cause multiple forms of environmental hazards. However, responding to environmental harms during conflicts and PCS can create opportunities to rebuild infrastructure, craft sustainable peace, and re-transform societies by achieving sustainable recovery targets. In the PCS stages, common and transnational natural resources can facilitate negotiations between the belligerent factions to address environmental hazards that exceed human limitations. During armed conflicts, unstable power supplies can facilitate a transition to solar energy while reconstructing greener options in post-conflict stages and re-enacting municipal legal frameworks to regulate, manage, and monitor sustainable Rights of Nature and Ecosystems. However, these possibilities depend on the individual and institutional focus on pre-conflict, through-conflict, and post-conflict stages to ensure more effective protection; otherwise, the environmental loss will be perceived as usual. To avoid future conflicts over natural resources, all opportunities presented in the PCS stages must be tapped to achieve a sustainable recovery of the Environment. Ending the war-driven devastation of the Rights of Nature and its Ecosystems is tremendously harmful. The impacts of MTMs, MGCs, NBCs, War, military training, tactical operations, and biochemical contamination all contribute to the decline of local flora and fauna and the diminishing of species diversity in the adversely altered Ecosystems. Furthermore, ill impacts were recorded in various climates with distinct pigeon-holed clusters, indicating war outcomes that simultaneously had critical and compounding effects on the Rights of Nature and its Ecosystems.

Strand 3: De-escalating the geostrategic abuse of natural resources to forestall jeopardizing and degrading the existence of Nature

The supremacy of the few nation-states has been the hallmark of the world's geopolitics. It got impetus with the dawn of Globalization⁵ as a TINA⁶ (There Is No Alternative) factor that

1 Astri Suhrke, *Pressure Points: Environmental Degradation, Migration and Conflict* (1993), <https://www.cmi.no/publications/file/1374-pressure-points-environmental-degradation.pdf> (last visited Sept. 22, 2022).

2 Martha Mendoza, Juliet Linderman & Jason Dearen, *What Lies Beneath: Vets Worry Polluted Base Made Them Ill*, Associated Press (Feb. 23, 2022), <https://apnews.com/article/us-army-fort-ord-chemical-exposure-cancer-c1078dd520322f2a4130e2f7077b7892> (last visited Sept. 24, 2025).

3 Henrique Garbino, *The Impact of Landmines and Explosive Remnants of War on Food Security: The Lebanese Case*, 23 *J. Conventions Weapons Destruction* (2019).

4 Asmeret Asefaw Berhe, *The Contribution of Landmines to Land Degradation*, 18 *Land Degradation & Dev.* 1 (2007).

5 Jorge Heine & Ramesh Thakur, eds., *The Dark Side of Globalization* (United Nations Univ. Press 2011).

6 . Ronaldo Munck, *Neoliberalism, Necessitarianism and Alternatives in Latin America: There Is No Alternative (TINA)?*, 24 *Third World Q.* 495 (2003).

worked for the Global North power structures to gain a geostrategic edge by treading *terra-incognita* (unexplored field of knowledge) overtly and covertly to access natural resources in the Global South planet Earth (GSPE) at the minimum cost of production. Geopolitical supremacy is fundamentally abused to transform the struggle for capturing natural resources and resource-abundant regions by pro-US and Eurocentric transnational corporations and companies, in the name of a fallacious Global Common Good trajectory. The geopolitical clout has given rise to competition and collaboration, identifying the terrain of geostrategic abuse of the natural resources of GSPE while generating malleable far-right political discourse surrounding it. Therefore, in the first quarter of the 21st century, sustainable geostrategic security¹ of nation-states shall depend on the safety and integrity of natural resources. Nature also provides natural protection to its natural resources in many geostrategic settings. World economies, in both Global North and Global South jurisdictions, depend on the availability and accessibility of essential needs of life such as cultivable land, potable water, livestock, minerals, energy, geodiversity, biodiversity, and many other renewable and non-renewable resources for meeting the increasing demands of the growing global population. However, the availability and accessibility of natural resources are not guaranteed. The Rights of Nature and its Ecosystems are for the dignity and sanctity of natural resources that are being subjected to geostrategic abuse², degrading the existence of Nature and jeopardizing their preservation and conservation. Geostrategic importance and implications for natural resources have been formidable for geopolitical power permutations³ in the resource-consuming capitalist Global North and its pursuit of globalizing⁴ the space of the Rights of Nature and its Ecosystems in the resource-rich decolonized⁵ Global South. The geostrategic developments conceptualize a relationship with socio-politico-economic and environmental trends to address several strategic concerns related to the de-escalation of the geostrategic abuse of natural resources.

Currently, the concept of civilized nation-states is crumbling without any future resurrection. The centrality of multilateralism and multi-alignment in the international geopolitical order⁶ and geostrategic vision has shifted to the Globalization of occidental capitalism, consumerism, and neo-imperialism orientations⁷, undermining the universality of sovereign equality⁸ consistent with the mandate of the UN Charter. Globalization is an economic *coup de grace* (a decisive finishing blow) that colonizes developing economies and their natural resources for the consumption of the developed economies. Therefore,

1 Feng Zhongping et al., *Global Security in a Multipolar World* (Inst. for Sec. Studies, European Union, Paris 2009).

2 smini Tsakiri, Defending the Undefended: The Rights of Nature During the Age of Humans, Northern Univ. Pol. Rev. (Feb. 14, 2019), <https://www.nupoliticalreview.com/2019/02/14/defending-the-undefended-the-rights-of-nature-during-the-age-of-humans/> (accessed Sept. 28, 2022).

3 Bob Scher, The Potential Impacts on the Geostrategic Environment of the Transition to a Low-Carbon Economy, in *Transatlantic Disruption: Challenges and Opportunities* (Spring 2021).

4 Anja Nygren, Markus Kröger & Barry Gills, *Global Extractivisms and Transformative Alternatives*, 49 *J. Peasant Stud.* 734 (2022).

5 B. Rodríguez-Labajos et al., *Not So Natural an Alliance? Degrowth and Environmental Justice Movements in the Global South*, 157 *Ecol. Econ.* 175 (2019).

6 Monish Tourangbam, *The UN and the Future of Multilateralism in a Multipolar World*, 14 *Indian Foreign Aff. J.* 301 (2019).

7 Elena Lazarou, *The Future of Multilateralism and Strategic Partnerships*, EPRS Ideas Paper, European Parliamentary Research Service (2020).

8 Article 2(1)–(5), United Nations Charter, 1945

capitalism has been politically orchestrated and economically engineered into Globalization that has been perceived to have embedded neo-imperialism and entrenched the sustainability of human life in the Global South region with its tentacles. Globalization is a cocktail of capitalism, consumerism, and imperialism designed to colonize non-white economies, the Global South, planet Earth, and the Eastern way of life. The planet, nature, has become like a kindergarten of bratty adolescents, stripped of its identity. The pro-US and Eurocentric multinational corporations worldwide have colonized and lobotomized the planet Earth to the maximum levels of exploitation of natural resources to the disadvantage of Global South economies. The allegorical American dream-driven mass consumerism, crass materialism, unilateral recantations¹ from international commitments on environmental treaties, and US-NATO-triggered militarism have crippled the Rights of Nature and its Ecosystems, pandering to neo-liberal disaster for the planet, making nature beyond repair.

Nevertheless, the Global South world still awaits sustainable decolonization of its survival, which remains to be accomplished socially, economically, and politically. Ever since the natural resource-guzzling Global North acquired military hegemony and technological superiority, the natural resource-opulent Global South or Afro-Asian countries and their natural resources have become the thorn² in the eyes of the Western world. These powerful Global North States have been capturing the natural resources of the Global South countries by creating unrest³ in the name of democracy, the rule of law, human rights, liberalism, and good governance, and pursuing the policy of forced regime change⁴ (FRC) in Afghanistan, Iraq, Syria, Iran, Libya, Lebanon, DR Congo, and many other countries. The War on Terror (WoT) project turned out to be an instrument of serving the US interests⁵, including exploiting the natural resources of the developing economies. The US-sponsored WoT project has created more terror organizations⁶, crafted more pro-US geostrategic goal posts⁷ worldwide, and calibrated a unilateral pro-US geopolitical world order⁸ based on the Everything First narrative to meet the interests of the US and its collaborators and allies, which exacerbated the Rights of Nature and its Ecosystems. Fundamentally, the Everything First narrative is the far-right⁹ political discourse shaping the contours and contents of the Global North jurisdictions' international relations and foreign policies. Such a far-right political discourse positions the national interests of the Global North

1 Nafees Ahmad, *G20 at Hamburg: America Jilted, World Wilted* (July 17, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3008598 (last visited Aug. 26, 2022).

2 Michael Wines, *The Earth Summit; Bush Leaves Rio With Shots at Foreign and U.S. Critics*, *N.Y. Times*, June 14, 1992, <https://www.nytimes.com/1992/06/14/world/the-earth-summit-bush-leaves-rio-with-shots-at-foreign-and-us-critics.html> (last visited Sept. 22, 2022).

3 Ding Gang, *Regime Change Is Old, Dangerous Trick of US*, *Global Times*, Mar. 30, 2022, <https://www.globaltimes.cn/page/202203/1257219.shtml> (last visited Aug. 15, 2025).

4 Alexander B. Downes & Jonathan Monten, *Forced to Be Free? Why Foreign-Imposed Regime Change Rarely Leads to Democratization*, 37 *Security Stud.* 90 (2013).

5 Greg Simons, *The Evolution of Regime Change and Information Warfare in the 21st Century*, 11 *J. Int'l Analytics* 4 (2020).

6 ISIS, Guantanamo Bay

7 NATO+ and its expansion

8 Will Moreland, *The Purpose of Multilateralism: A Framework for Democracies in a Geopolitically Competitive World* (Brookings Inst. 2019).

9 Michael Leonardi, *Introducing Giorgia Meloni: How the US Opened the Door for Fascism's Return to Italy*, *Counter Punch*, Sept. 27, 2022, <https://www.counterpunch.org/2022/09/27/introducing-giorgia-meloni-how-the-us-opened-the-door-for-fascisms-return-to-italy/> (last visited Sept. 30, 2022).

countries at the top, at the cost of the rest of the nation-states, and it does not shy away from exploiting the natural resources of the Afro-Asian countries. Thus, the US asserts its province of geopolitical influence in the name of anti-communist ideology to maintain its grip over geostrategically located critical natural resources.

The evidence establishes that societies' disappearance is due to the geostrategic abuse of natural resources without sustainable environmental security. The globalized world's contemporary geopolitical permutations and priorities are likely to necessitate more complex adaptation, mitigation, and resilience strategies to sustain natural security. Environmental and natural resource patterns may pose an existential threat to 21st-century society. Global climate change trends affect geopolitical security and impede the natural resource prosperity of nation-states. Furthermore, radical climate change has been prognosticated to jeopardize human existence and pose a threat to the mass extinction of the Rights of Nature and its Ecosystems. However, the scope, scale, and speed of environmental degradation and loss of global natural resources lack expert consensus. History testifies¹ that human civilization depends on a high degree of climate continuity and environmental stability. Forecasting the impact of climate change on demographic composition at different thresholds of progress and its associated paradoxes is impossible. It is now inevitable that the concept of natural resource security must be integral to national security while de-escalating the geostrategic abuse of natural resources that has been jeopardizing and degrading the existence of Nature *per se*, the Rights of Nature, and its Ecosystems.

Strand 4: making development sustainable for ensuring the success of the COPs and restraining unaccountable carbon emissions

Development has become the gospel truth for all nation-states without recognizing the Rights of Nature and its Ecosystems, including bypassing the CIMA models, decimating the rights of indigenous people², treating “the Rights of Nature and its Ecosystems as the rights of indigenous people,”³ and stretching the same to encapsulate the entire population, deconstructing the geostrategic abuse of natural resources, and devastating the global logistical infrastructure. Moreover, crudely crafted development mappings⁴ and models result in invasive development that consumes and undermines the sustainability of development and misappropriates⁵ natural resources. These apprehensions have been highlighted by an environmental referendum⁶ that a significant population was likely to be affected but refused to allow development detrimental to the Rights of Nature and its Ecosystems in the State of Odisha, India. Similarly, in the State of Uttarakhand, the Rights of Nature and its Ecosystems

1 Hiroshi Fukurai & Richard Krooth, *Earth Jurisprudence, the Rights of Nature, and International Rights of Nature Tribunals*, in *Original Nation Approaches to Inter-National Law* (2021).

2 Arunima Mishra, *Tribals in Orissa's Niyamgiri Hills Reject Vedanta's Bauxite Mining Project*, <https://businesstoday.intoday.in/story/orissa-niyamgiri-rejects-vedanta-entry-impact-reasons/1/197972.html> (last visited July 10, 2025).

3 Int'l Law Ass'n, *The Hague Conference on Rights of Indigenous Peoples* 43–49 (2010), <http://www.ila-hq.org/en/committees/index.cfm/cid/1024> (last visited July 10, 2022).

4 V. Asara et al., *Socially Sustainable Degrowth as a Social–Ecological Transformation: Repoliticizing Sustainability*, 10 *Sustainability Sci.* 375 (2015).

5 . Á. López Latorre, *In Defence of Direct Obligations for Businesses Under International Human Rights Law*, 5 *Bus. & Hum. Rts. J.* 56 (2020).

6 Ekaterina Aristova and Justin Lim (eds), *Climate Litigation in Europe Unleashed: Catalysing Action against States and Corporations* (Bonavero Institute for Human Rights 2024)

have created particular jurisprudence¹ and discourse² in the public domain. Therefore, the Rights of Nature and its Ecosystems must be construed as the Common Heritage of Naturekind³ for sustainable Nature.

In this context, the Conference of the Parties (COPs) is an important initiative that has been institutionalized as the supreme decision-making body of the United Nations Framework Convention on Climate Change⁴ (UNFCCC). The landmark UNFCCC accord, adopted in 1992 and ratified by 197 countries, has been the first international treaty to expressly address climate change and its adverse impacts. COPs, as an alliance of member states, meet annually for two weeks to address the climate change problems confronted by the planet Earth by reviewing the implementation of the UNFCCC and other legal instruments and incidental obligations that the COPs adopt and take required decisions for promoting the pragmatic enforcement of the mandate of the UNFCCC, including institutional and administrative arrangements. The member states have debated extensively at every COPs on how to deal with climate change since the 1990s. These COPs have produced several legal instruments, including the Kyoto Protocol of 1997, the first climate change treaty that required developed countries to reduce emissions by 5% below 1990 levels and included a mechanism for progress-monitoring. However, the impugned treaty did not require developing countries to take any measures to reduce emissions, and major emitters such as China and India did not take any action.

The Paris Agreement of 2015 was a global milestone on climate change that required all countries to set targets for emissions-reduction commitments. National governments decided their targets, called Nationally Determined Contributions⁵ (NDCs) to prevent an average global temperature from rising 2°C (3.6°F) above the levels of the pre-industrial era. It further requires keeping global warming below 1.5°C (2.7°F) to achieve net-zero global emissions, where the amount of greenhouse gases emitted equals the amount removed from the atmosphere, ensuring carbon neutrality and climate stability in the second half of the century. Under the Global Stocktake⁶ process scheduled for 2023, countries are assumed to assess their progress every five years in enforcing the Paris Agreement and in determining whether they meet their goals without enforcement systems. The US is the second biggest emitter⁷ in the world and was the only country to withdraw unilaterally from the Paris Agreement under the Donald Trump administration from November 2020. However, the US rejoined the Paris Agreement under Joe Biden's administration immediately after his inauguration. The Global

1 Narayan Dutt Bhatt v. Union of India & Others, Writ Pet. (PIL) No. 43 of 2014 (Uttarakhand HC 2018); Karnail Singh & Others v. State of Haryana, CRR-533-2013 (Punjab & Haryana HC 2019).

2 Mauro Barelli, *The Role of Soft Law in the International Legal System: The Case of the United Nations Declaration on the Rights of Indigenous Peoples*, 58 *Int'l & Comp. L.Q.* 957 (2009).

3 Synneva Geithus Laastad, *Nature as a Subject of Rights? National Discourses on Ecuador's Constitutional Rights of Nature*, 47 *Forum Dev. Stud.* 2020 (2020).

4 John W. Zillman, *A History of Climate Activities*, 58 *Bull.* (2009); Bertil Bolin, *A History of the Science and Politics of Climate Change* (Cambridge Univ. Press 2007).

5 Janet Arlene Amponin & James Warren Evans, *Assessing the Intended Nationally Determined Contributions of ADB Developing Members*, ADB Sustainable Development Working Paper Series No. 44 (2016).

6 UNFCCC, *What Is the Global Stocktake?*, Climate Champions (May 16, 2022), <https://climatechampions.unfccc.int/what-is-the-global-stocktake/> (last visited Oct. 2, 2022).

7 Johannes Friedrich et al., *This Interactive Chart Shows Changes in the World's Top 10 Emitters*, World Resource Institute (Dec. 10, 2020), <https://www.wri.org/insights/interactive-chart-shows-changes-worlds-top-10-emitters> (last visited Sept. 26, 2022).

North countries, led by the US, are adamant about imposing environmental slavery on the Global South countries while destroying external engagements and multilateral management to achieve the universality of the Rights of Nature and its Ecosystems.

In addition, several countries, such as Eritrea, Iran, Iraq, Libya, and Yemen, have not officially signed the agreement.¹ However, there is a broader consensus among scientific experts that climate change is a high-magnitude problem. At the climate talks, negotiating delegations show minimal skepticism about the science of climate change but worry about determining priorities and goals. The data indicate that anthropogenic activities and interventions such as using fossil fuels (coal, oil, and natural gas) are the fundamental causes of the Earth's rapid warming.² It has increased Earth's average temperature to an unprecedented level over the last 800,000 years, causing climate change. These trends continue global warming and are bound to harm the Rights of Nature and its Ecosystems worldwide. Scientists consider it essentially the outcome of anthropogenic interventions over the last 150 years, attributable to deforestation and the use of fossil fuels, which have dramatically increased the concentration of heat-trapping greenhouse gases, primarily carbon dioxide, in the atmosphere, leading to the warming of the planet Earth. A UN body called the Intergovernmental Panel on Climate Change (IPCC) was established in 1988 to regularly assess the latest climate change impacts and produce reports based on a broad consensus for nation-states.

However, member states of the COPs engage in blame-shifting over who is exceeding set carbon-emission limits, rather than ensuring the holistic and honest implementation of emission-reduction goals to protect the Rights of Nature and its Ecosystems. Climate change experts opine that the Paris Agreement is insufficient to prevent the Global Average Temperature from increasing by 1.5 Celsius. When that occurs, the world will face dreadful consequences, such as droughts, floods, and heatwaves. Governments have collectively pledged to mitigate global warming for several years. Unfortunately, the cataclysmic impacts of climate change are pervasive, while proactive diplomacy fails to mitigate them. Nevertheless, through the Kyoto Protocol and the Paris Agreement, nations have agreed to reduce greenhouse gas emissions. Still, the quantity of carbon dioxide in the Environment has been rising to dangerous levels, alarmingly warming the planet and its ecosystems. The scientific community of experts warns of the relentless pace of global warming, which may result in environmental disasters worldwide, including unprecedented droughts, devastating floods, alarming sea-level rise, and widespread loss of wildlife and species. Most member states made new commitments at COP26 in 2021, but experts and the public remain anxious about their adequacy.

However, there are several significant international arrangements on climate change; if they had been implemented in letter and spirit, the environmental face of the planet Earth, the Rights of Nature, and its Ecosystems would have been improved. For example, the Montreal Protocol³ of 1987 was a historic accord on the Environment, but it was not designed to address climate change per se. However, it became a model for future environmental diplomacy. Eventually, the world ratified a treaty requiring an end to the production of substances that destroy the ozone layer, such as chlorofluorocarbons (CFCs). Consequently,

1 Kate Fowler, *Which Countries Have Not Signed Paris Agreement? Climate Change Accord Explained!*, <https://www.hitc.com/en-gb/2021/01/21/paris-agreement-countries-not-signed/> (last visited Sept. 30, 2025).

2 J. Lelieveld et al., *Effects of Fossil Fuel and Total Anthropogenic Emission Removal on Public Health and Climate*, 116 *Proc. Nat'l Acad. Sci. U.S.A.* 7192 (2019).

3 Montreal Protocol on Substances that Deplete the Ozone Layer, Sept. 16, 1987, 1522 U.N.T.S. 3.

the Montreal Protocol successfully eliminated almost 99% of ozone-depleting substances. Further, the Parties to the Protocol conceded through the Kigali Amendment¹ in 2016 to reduce the production of powerful greenhouse gases, hydrofluorocarbons (HFCs), that cause climate change. Therefore, it is time to establish the Right of Nature's permanent sovereignty over natural resources (PSNR) to save the Rights of Nature and its Ecosystems. I aim to establish the principle of PSNR as no more than an entitlement of nation-states. Still, instead of the Right of Nature and its Ecosystems' permanent sovereignty over natural resources to accomplish transcendental justice to Nature and its Ecosystems, I call it the Principle of Reverse Ecological PSNR (PRE-PSNR), empowering decolonized Nature as a subject of International Law and recognizing its legal personhood status under the Rights of Nature Law.

Having applied the Global South Approach to International Law (GSAIL) and the PRE-PSNR, the RNL is a fundamental principle that recognizes and establishes the province of sovereign rights of Nature and its Ecosystems over natural resources. Therefore, the UN General Assembly must adopt the United Nations Framework Convention on the Rights of Nature and its Ecosystems (UNFCRNE), while recognizing the sovereign rights of nature over natural resources. The current premise of the PSNR must be recalibrated, recrafted, and re-created to incorporate the Principle of Reverse PSNR for protecting the Rights of Nature and its Ecosystems. The PRE-PSNR must have the broadest scope to legitimize the entitlements of nature, as it is a legal personality possessing rights on par with human rights. The PRE-PSNR has a coterminous nexus of rights with indigenous people, forest communities, and non-state actors. Still, it overrides their rights of ownership, possession, and appropriation. It propounds the absolute sustainability of the Rights of Nature and its Ecosystems over the natural resources in all geopolitical entities.

Therefore, IRNL must evolve, develop, and recognize normative, substantive, and procedural Rights of Nature and its Ecosystems that include Nature's ownership based on the PRE-PSNR premise, the Right of Nature as a legal personality to participate in the decision-making process, the Right of Nature to have informed-consent about extraction projects, benefit sharing stemming from the environmental assessment, industrial exploitation, and commercial consumption at every stage of the PRE-PSNR as a subject of international law as a requirement of the modern world in all indigenous lands. The PRE-PSNR protects people's Right to self-determination under the IHRL regime while holding holders of property rights in natural resources accountable under the IRNL and limiting their usage rights to human survival. Even human rights at the cost of the Rights of Nature and its Ecosystems cannot be made available to indigenous people, and their natural resource rights are not unfettered. Indigenous people must complement their substantive and procedural usage rights with the Rights of Nature and its Ecosystems to enjoy their natural resource rights. Furthermore, the time has come for nation-states to share their rights on PSNR to PRE-PSNR, aiming to achieve sustainable constitutional environmentalism.

The contemplation of development in all its manifestations, within the context of the Rights of Nature and its Ecosystems, must be based on Green Equality and Equity

¹ Government of India's Cabinet, Ratification of Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer for Phase Down of Hydrofluorocarbons (Aug. 18, 2021), <https://pib.gov.in/PressReleasePage.aspx?PRID=1746946>;SDG Knowledge Hub-A Project by IISD, Kigali Amendment Enters into Force, Bringing Promise of Reduced Global Warming (Jan. 8, 2019), <https://sdg.iisd.org/news/kigali-amendment-enters-into-force-bringing-promise-of-reduced-global-warming/> (last visited Oct. 5, 2025).

(GEE) and its incorporation into national constitutions and institutionalization within the implementing machinery. The principle of GEE must be an inalienable and non-derogable part of the constitutional environmentalism framework (CEF) in all geopolitical entities and their respective constitutions, without exception. The institution of CEF is evolutionary, and its dynamics have embraced novel developments in IRoN. I, therefore, contemplate the juxtaposition of the Rights of Nature and its Ecosystems Framework mentioned above as IRoN with the Global Human Rights Framework (GHRF) as their counterparts, complementing the following elements of the basic structure of CEF for substantive and normative consolidation, reinforcement, and crystallization of the IRNL, but not limited to:

- That the Right to Equality must include *the Right to Green Equality and Equity*,
- That the Right to Life must include *the Right to Life of Nature and its Ecosystems*,
- That the Right to Procreate Children must include *the Right to the Carrying Capacity of Nature*,
- That the Right to the Environment must include *the Right to the Environment of Nature*,
- That the Right to Development must include *the Right to Natural Integrity of Nature*,
- That the Right to Sustainable Development must include *the Right to Sustainable Nature*,
- That the Right to Artificial Environment must include *the Right to a Natural Environment*,
- That the Right to Climate Adjustment must include *the Right to Pristine Climate Continuity*,
- That the Right to Human Survival must include *the Right to Safeguard Fresh Water*,
- That the Right to Water must include *the Right to Harvest Rainwater*,
- That the Right to Underground Water must consist of *the Right to the Natural Balance of Water*,
- That the Right to Lay Infrastructure must consist of *the Right to Forestation*,
- That the Right to Access Beneath Earth Resources must consist of *the Right to Repair Nature and its Ecosystems*,
- That the Right to Natural Resources must consist of *the Right to Permanent Sovereignty over the Natural Resources of Nature*,
- That the Right to be Accountable for Carbon Emissions must consist of *the Right to Decarbonized Emissions*
- That the Right to Marine Research & Development must consist of *the Right to Marine Virginity of Nature*,
- That the Right to Diversified Development must consist of *the Right to a Balanced Ecology of Nature*,
- That the Right to Use Underground Natural Resources must consist of *the Right to the Sanctity of Underground Natural Resources and their Incidental and Collateral Reserves & Deposits*,

I am not convinced and contest the argument¹ that the Rights of Nature and its Ecosystems are non-human aspects of Nature²; I argue that Nature has life with a symptomatic language whose interpretation is in the hands of the community of naturalists, environmentalists, scientists, geologists, wildlife experts, seismologists, entomologists, biologists, botanists, zoologists, ornithologists, and natural historians. This community of experts is bound to offer an independent, unbiased, and well-informed opinion about climate change, environmental degradation & disasters, ozone depletion, hazardous carbon emissions, and the status of the Rights of Nature and its Ecosystems globally, regionally, and locally. Unfortunately, the Global North's orientation toward Globalization has demonstrated the sustainable colonization of the Rights of Nature and its Ecosystems of the Global South planet Earth. However, there is an unprecedented need for sustainable decolonization of natural resources to save planet Nature from audacious human greed. The environmental problems of the US and Europe are presented as the problems of the world, but, ironically, the problems---environmental or otherwise---of the rest of the world are not recognized as the problems of the international community. Now is the time to adopt a GSAIL to achieve the Rights of Nature and its Ecosystems in Collaboration with the CEF.

Global North scholarship and expertise alone are insufficient to argue for and decide on the non-human traits of nature. For the existential survival of humanity, Nature is like a Deep State³ controlling, monitoring, and managing human life on the planet Earth. The Rights of Nature and its Ecosystems serve as a firewall for sustainable development, and it also draws a red line for accessing and enjoying human rights. Therefore, every moment of life is the right time to Build Our Common Home and Honour the Dignity and Resilience of Nature and its Ecosystems unless it is too late. In this context, an international institutional framework for international human rights law (IHRL) must be established to protect the Rights of Nature and its Ecosystems under the auspices of the UN. All core international environmental law (IEL) treaties⁴ and international climate change law (ICCL) regimes must be brought under a single umbrella to implement the mandate of emerging jurisprudence and the institutionalization of the Rights of Nature and its Ecosystems for maintaining the transcendental equilibrium between Human Rights and the Rights of Nature. In addition to the existing core IEL treaties, the international community must adopt a legally binding UNFCRNE that reflects, incorporates, and crystallizes the Rights of Nature and its Ecosystems mentioned above, taking into account their different dynamics and dimensions. I also advocate that before concluding the UNFCRNE, a soft international law arrangement may be contemplated as a minimum substantive and normative understanding of the Rights of Nature and its Ecosystems. It may be adopted as a non-binding Universal Declaration of the Rights of Nature and its Ecosystems (UDRN) in collaboration with the UN and all stakeholders, thereby transcending the CEF and institutionalizing justice for nature.

1 Tilo Wesche, *Who Owns Nature? About the Rights of Nature*, 65 *Estudios de Filosofía* 49 (2022).

2 J.C. Gellers, *Earth System Law and the Legal Status of Non-Humans in the Anthropocene*, 1 *Earth Sys. Governance* 1 (2020).

3 I perceive the concept of Deep State as controlling, monitoring and dictating super-structures of unelected authority beyond the orbit of constitutional framework of accountability for sustaining the governance of a specific kind and formulating its policies, and programmes to maintain stability, integrity and continuity of state away from the democratically elected governments. For example, Zionist Lobbies in the US, UK, Europe, and many other countries worldwide, Military Establishment in Pakistan, Military Junta in Myanmar, Family Fiefdoms in South Asia, etc.

4 L.J. Kotzé, *Rethinking Global Environmental Law and Governance in the Anthropocene*, 32 *J. Energy & Nat. Resources L.* 121 (2014).

Thus, in conserving and preserving the Rights of Nature and its Ecosystems, the role of non-governmental organizations (NGOs), civil society organizations (CSOs), and other non-state actors (ONSAs) and the presentation of their report at the proposed RNPR (Rights of Nature Periodic Review) proceedings before the proposed UN-RNC must be of vital importance for the dispensation of justice to Nature. Therefore, it is imperative in the contemporary Global Nature Order (GNO) that the Rights of Nature and its Ecosystems must be regarded as the peremptory norms¹ of international law, from which no preclusion or derogation should be a possibility, and recognizing Nature with legal personhood status as a subject of international law while creating New Legal Structures and discarding the Rights of Nature and its Ecosystems merely as an Object of Law for empowering the CEF based on the proposed institutional framework as under:

At the United Nations Level

International Court of Justice for Nature

The idea of establishing the International Court of Justice for Nature (ICJN) or International Court of Climate Justice (ICCCJ) The idea of establishing the International Court of Justice for Nature (ICJN) or International Court of Climate Justice (ICCCJ) parallel to the current International Court of Justice (ICJ), which has issued a landmark advisory opinion on state obligations regarding climate change in July 2025, the International Court of Climate Justice (ICCCJ) is a proposed international tribunal intended to address the legal, ethical, and reparative aspects of climate change. It is frequently framed as a mechanism for “climate justice.” In contrast to what supporters regard as the shortcomings of existing international frameworks, such as the Paris Agreement, it would prioritize responsibility for high-emitting countries and businesses, restitution for disadvantaged populations, and enforcement of legally binding climate pledges. Amid discontent with international climate discussions in the early 2010s, state-led and grassroots activities in Latin America, especially Bolivia, gave rise to the idea of the ICCJ. It became popular at the April 2010 World People’s Conference on Climate Change and the Rights of Mother Earth in Cochabamba, Bolivia. An ICCJ should be established to “judge and sanction the climatic debt” that developed countries owe the Global South, according to the conference’s final declaration. Allies, such as Ecuador, which introduced the notion in 2013 along with a UN proclamation on the Rights of Nature, reiterated it and included it in negotiating materials, including the “Shared Vision” paper. The ICCJ emerged in reaction to “voluntary” carbon market mechanisms (such as emissions trading) that LDC countries criticized as insufficient and unfair. Its origins may be traced back to larger calls for climate justice in the 2000s.

UN Rights of Nature Council (UNRNC)

A proposed international organization, the UNRNC, is intended to serve as a special forum within the United Nations system to support and formalize the IRoN movement globally. Inspired by Indigenous worldviews and the growing legal recognition of nature’s inherent rights in many nations, this concept is the result of lobbying by groups such as the United Nations of Nature. Fundamentally, the UN-RNC aims to transform nature—ecosystems, rivers, forests, and species—from resources or property into legally recognized

¹ Louis Jacobus Kotzé, *Constitutional Conversations in the Anthropocene: In Search of Environmental Jus Cogens Norms*, 46 *Neth. Y.B. Int’l L.* 105 (2016).

entities with rights. An Earth-centered perspective, in which nature has basic rights to exist, flourish, regenerate, and be restored, supplants anthropocentric (human-centered) rules. For instance, a river may be entitled to unrestricted flow and ecological well-being. To safeguard its biodiversity, a forest may be protected from destruction.

The Harmony with Nature project of the UN, which encourages moral and biocentric interactions with the environment, is linked to the UN-RNC. The concept aligns with previous achievements, such as the UN General Assembly's 2022 declaration of a clean, healthy environment as a human right. However, it is not yet an official UN resolution. Proponents argue that utilizing RoN as a tool for environmental conservation could accelerate the achievement of the UN Sustainable Development Goals. In the face of growing ecological issues, this vision places the UN-RNC as a "State of Nature" champion, protecting the planet's health for future generations.

The Rights of Nature Periodic Review (RNPR)

IRoN movement, which acknowledges ecosystems, rivers, forests, and other natural phenomena as rights-holders with inherent legal safeguards, is gaining traction as a revolutionary legal paradigm. As of November 2025, more than 40 countries have enacted over 400 IRoN legislation, resolutions, and court rulings. With an emphasis on developments in 2025, this RNPR overview will highlight significant breakthroughs, challenges, and emerging trends. The movement's expansion is indicative of a transition away from anthropocentric environmental legislation and towards ecocentrism, driven by pressing climatic imperatives and Indigenous knowledge systems.

At the Regional or Continental Level

Regional Courts of Justice for Nature may be envisioned in accordance with UN level:

Regional Rights of Nature Council (RRCC)

Regional Rights of Nature Periodic Review (RRNPR)

At the National or Federal Level

National/Federal Justice Tribunals for Nature (NJTN)

National/Federal Commissions on Justice for Nature (NCJN)

National/Federal Supreme Courts of Justice for Nature

High Courts of Justice for Nature (HCJN)

District Courts of Justice for Nature (DCJN)

Judicial Magistrate Courts of Justice for Nature (MCJN)

The above hierarchy of proposed administrative and judicial bodies, having further vetted through more comprehensive consultations, may be pragmatic in addressing the most significant concerns of climate change and its repercussions and transgressions of the Rights of Nature and its Ecosystems at the most extensive scale ever recorded in the annals of human history. Cases relating to the claims and entitlements of , as well as compensation for the restoration of Nature and its Ecosystems, must be the exclusive jurisdiction of these proposed bodies.

Strand 5: resuscitating the constitutional, structural and logistical response to the rights of Nature by the private entities and governance leadership

The history of human mobility demonstrates that the frame of legal rights is not determinate as

refugees, asylum-seekers, migrants, the stateless, women, children, and indigenous and enslaved peoples have been divested of their rights and property under the law. It started mass movements to restore and preserve fundamental human rights, including the Right to a healthy environment. The protagonists¹ contend that there is a perennially inalienable relationship between the worlds of humanity and Nature. The laws justified in the rights of Nature command human beings to perform correctly and in harmony with the CEF. Therefore, constitutional environmentalism² requires the structural and logistical Rights of Nature-based Approach³ (RNBA) response to the Rights of Nature by private entities and governance leadership. The philosophy of the RNBA recognizes the Rights of Nature rooted in the existentialism of Nature *per se*. Human beings themselves are the source of their rights and laws. Likewise, in the natural world, every creature is a source of its own existence, rights, and laws, including those of nature. Thus, I can argue that rights come before human rights, as the survival, accessibility, and affordability of human rights depend on the existence of Nature and its healthy Ecosystems. Therefore, protecting the rights of Nature is a prerequisite for the availability and enjoyment of human rights.

In the 20th century, the principal legal protection of the rights-of-nature dimensions grounded in IEL was based on an antediluvian framework. Under such a framework, the Rights of Nature are perceived as self-possessed by distinct, individual segments. Moreover, the IEL and its framework lean towards economic priorities and do not fully mitigate money-driven degradation; instead, they position the rights of nature as the principal subject of the IEL, rather than merely confining it to the role of the object of the EIL. The assessment of the contemporary EIL constitutes a binding framework for maneuvers such as climate change litigation, which seek to intensify social action to alleviate the adverse consequences of climate change. By June 2021, laws relating to the rights of nature exist in 39 countries, as well as in their cities and municipalities, at both the local and national levels. These laws have evolved into constitutional provisions, local ordinances, treaty instruments, and court verdicts. The CEF and the sovereignty of the Rights of Nature and its Ecosystems are prevailing narratives that now govern the world in all respects. Currently, militaries and multinational corporations are the final materialization of obvious, straight, structural, and cultural violence that requires nipping and extirpating from planet Earth.

Conclusion

Empowering Nature and its ecosystems with legal personhood bound to protect it against all sorts of injuries under the law. Emancipating Nature and its Ecosystems from the tentacles of human greed might envision a balance between economics and ecology for the survival of the present and future generations. However, the attribution of legal personality status to Ecosystems has been ornamental and rhetorical. It is unclear how successful these litigations have been in achieving durable solutions, complementary pathways, and sufficient protection for the Rights of Nature and its Ecosystems. But the question is how to achieve it. The

1 Per Ariansen, “*Anthropocentrism with a human face*” (1998) *Ecological Economics* 24(2-3):153-162

DOI: 10.1016/S0921-8009(97)00139-0

2 Caleb Hall, “*A Right Most Dear*” (2016) *Tulane Environmental Law Journal* Vol. 30, No. 1 85-109

3 Krystyna Swiderska, “*The Governance of Nature and the Nature of Governance: Policy that works for biodiversity and livelihoods*” <https://www.iied.org/sites/default/files/pdfs/migrate/14564IIED.pdf?>

aftermath may vary depending on the formulation of a lawsuit and the litigants' contentions. Therefore, many complex questions arise from the potential implications of the upward trend, such as precisely what the claimant is pursuing as the representative of the injured entity? Does the party ask for authority or agency to pay reparations for the injuries sustained? How are these reparations calculated? Who can be accountable for such reparations? Will the designated authority or officer be responsible if damages are caused due to the river floods? For example, who would decide the case arising out of a transboundary river in India, where the Ganges and Yamuna rivers cross the boundaries of Uttarakhand? If a litigant contends that climate change is intimidation, how much compensation does a particular industry's activities causing injuries pay for the redressal? Nevertheless, increasing litigation involving the Rights of Nature and its Ecosystems is likely to establish sustainable constitutional environmentalism stemming from these litigations, which may serve as precedents.

In the context of the climate change catastrophe, advocacy for the "Rights of Nature and its Ecosystems" concept can prioritize protecting biodiversity. It is an opportune time for nation-states to broker an international treaty, called the UNFRNE, under the auspices of the UNO, that includes legal protection for Biological Diversity. A coalition called the High Ambition Coalition for Nature and People¹ (HAC) of more than 50 nation-states had dedicated themselves to protecting 1/3 of the planet's Ecosystems by 2030. Additionally, it aimed to achieve the 30X30 target to mitigate biodiversity loss and greenhouse gas emissions. The accomplishment of such targets depends on re-conceiving novel tools, re-casting strategies, and formulating new best practices for conserving the Rights of Nature and its most biodiverse Ecosystems. The HAC must be based on the *One Planet, One Nature, One People* vision for sustainable constitutional environmentalism and healthy functionalism of the Rights of Nature and its life-sustaining Ecosystems essential to human civilization.

Moreover, to safeguard biodiversity, national governments and local bodies can take decisive action against projects that exploit natural resources from a specific ecosystem without replenishment. These litigations also advocate for climate justice and address other ecological concerns faced by indigenous populations, marginalized and vulnerable communities, and, increasingly, the entire populations of all geopolitical entities in various ways. These peoples depend on Nature and its Ecosystems for their livelihoods, spiritual survival, and cultural traditions. Undoubtedly, there are victories and vulnerabilities inherent in creating New Legal Structures from an *object of law to a subject of law* that might have the capability to address the challenges in restoring, maintaining, and safeguarding the Rights of Nature and its Ecosystems and balancing the two sets of rights in the more significant interest of planet Earth and its inhabitants.

¹ Fiona Harvey, "US rejoins coalition to achieve 1.5C goal at UN climate talks" November 02, 2021 The Guardian <https://www.theguardian.com/environment/2021/nov/02/us-rejoins-coalition-to-achieve-15c-goal-at-un-climate-talks> <accessed on 10 October 2025>

References

- Aldo Leopold, *A Sand County Almanac, with Essays on Conservation from Round River* (Oxford University Press 1949).
- Alexander B Downes and Jonathan Monten, 'Forced to Be Free?' (2013) 37 *Security Studies* 90.
- Anja Nygren, Markus Kröger and Barry Gills, 'Global Extractivisms' (2022) 49 *Journal of Peasant Studies* 734.
- Annalisa Savaresi and Joana Setzer, 'Rights-Based Litigation in the Climate Emergency' (2021) *Journal of Human Rights and the Environment*.
- Asmeret Asefaw Berhe, 'Landmines and Land Degradation' (2007) 18 *Land Degradation & Development* 1.
- Benedict Macon-Cooney, 'The Industrial Revolution, Politics and Public Policy' (2019) <<https://institute.global/policy/industrial-revolution-politics-and-public-policy>>.
- Bertil Bolin, *A History of the Science and Politics of Climate Change* (Cambridge University Press 2007).
- B Lewis, 'Constitutional Environmental Rights' in *Environmental Human Rights and Climate Change* (Springer 2018).
- B Rodríguez-Labajos and others, 'Degrowth and Environmental Justice' (2019) 157 *Ecological Economics* 175.
- Bruno Latour, *Down to Earth: Politics in the New Climatic Regime* (Polity Press 2018).
- Caleb Hall, 'A Right Most Dear' (2016) 30 *Tulane Environmental Law Journal* 85.
- Cathy Haenlein and ML R Smith (eds), *Poaching, Wildlife Trafficking and Security in Africa* (RUSI 2016).
- Christopher D Stone, *Should Trees Have Standing? And Other Essays on Law, Morals, and the Environment* (rev edn, Oxford University Press 2010).
- Christopher D Stone, 'Should Trees Have Standing?—Towards Legal Rights for Natural Objects' (1972) 45 *Southern California Law Review* 450.
- CM Kauffman and PL Martin, 'Constructing Rights of Nature Norms' (2018) 18 *Global Environmental Politics* 43.
- Colorado River Ecosystem v Colorado No 17-cv-02316 (D Colo 2017).
- Constitution of Ecuador (2008) arts 71–74.
- Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (2nd edn, Chelsea Green Publishing 2011).
- Céline Guivarch and others, 'Influence of Climate Change Impacts and Mitigation Costs on Inequality' (2020) 162 *Climatic Change* 15.
- David R Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World* (ECW Press 2017).
- D R Boyd, *The Environmental Rights Revolution* (University of British Columbia Press 2012).
- Ekaterina Aristova and Justin Lim (eds), *Climate Litigation in Europe Unleashed* (Bonavero Institute 2024).
- EL O'Donnell and J Talbot-Jones, 'Creating Legal Rights for Rivers' (2018) 23 *Ecology and Society* 7.
- François Bourguignon and Christian Morisson, 'Inequality Among World Citizens' (2002) 92 *American Economic Review* 727.
- Gerry Canavan and Eric Carl Link, *The Cambridge History of Science Fiction* (Cambridge University Press 2019).
- Gevorg Kocharyan and others, 'Initiation of Tectonic Earthquakes During Underground Mining' (2018) 54 *Journal of Mining Science* 561.
- Greg Simons, 'Regime Change and Information Warfare' (2020) 11 *Journal of International Analytics* 4.
- Guillaume Chapron, Yaffa Epstein and José Vicente López-Bao, 'A Rights Revolution for Nature' (2019) 363 *Science* 1392.
- Haida Nation v British Columbia (Minister of Forests) 3 SCR 511.
- Harden-Davies and others, 'Rights of Nature: Perspectives for Global Ocean Stewardship' (2020) 122 *Marine Policy* 104059.
- Henrique Garbino, 'Impact of Landmines on Food Security' (2019) 23 *Journal of Conventional Weapons Destruction*.
- IDMC, *Global Report on Disaster Displacement* (2020).
- International Committee of the Red Cross, 'Climate Change and Conflict' (2020).
- IPCC, 'Climate Change: Widespread, Rapid, and Intensifying' (2021).
- JC Gellers, 'Earth System Law' (2020) 1 *Earth System Governance* 1.
- J Knight and J Johnson, 'The Priority of Democracy' (2007) 101 *American Political Science Review* 47.
- Jorge Heine and Ramesh Thakur (eds), *The Dark Side of Globalization* (United Nations University Press 2011).
- J Van Bavel, 'The World Population Explosion' (2013) 5 *Facts, Views & Vision in ObGyn* 281.
- Katrina Kosec and others, 'Political Competition and Rural Welfare' (2018) 70 *Oxford Economic Papers* 1036.
- Kavish Rai, 'Nature Should Have Rights' *The Asian Age* (8 January 2020).
- Lidia Cano Pecharroman, 'Rights of Nature: Rivers That Can Stand in Court' (2018) 7 *Resources* 13.
- Lieselotte Viaene, 'Can Rights of Nature Save Us from the Anthropocene Catastrophe?' (2022) 9 *Asian Journal of Law and Society* 187.
- Linda Sheehan, 'Realizing Nature's Rule of Law' in Christina Voigt (ed), *Rule of Law for Nature* (Cambridge University Press 2013).

- LJ Kotzé, 'Rethinking Global Environmental Law' (2014) 32 *Journal of Energy and Natural Resources Law* 121.
- Louis J Kotzé, 'Constitutional Conversations in the Anthropocene' (2016) 46 *Netherlands Yearbook of International Law* 105.
- Maria Khan v Federation of Pakistan (2018) Lahore High Court.
- Mathieu Blondeel and others, 'The Geopolitics of Energy System Transformation' (2021) 15 *Geography Compass* e12580.
- Mauro Barelli, 'The Role of Soft Law' (2009) 58 *International and Comparative Law Quarterly* 957.
- M Bender, *The Earth Law Framework for Marine Protected Areas* (Earth Law Centre 2019).
- Michael Berlemann and Max Friedrich Steinhardt, 'Climate Change, Natural Disasters, and Migration' (2017) 63 *CESifo Economic Studies* 353.
- Michael J Lawrence, 'Effects of Modern War on Biodiversity' (2015) 23 *Environmental Reviews* 4.
- M Leitenberg, *Deaths in Wars and Conflicts in the 20th Century* (3rd edn, Cornell University 2006).
- Monish Tourangbam, 'The UN and the Future of Multilateralism' (2019) 14 *Indian Foreign Affairs Journal* 301.
- Montreal Protocol on Substances that Deplete the Ozone Layer* (1987).
- N Myers, 'Environmental Refugees' (2002) 357 *Philosophical Transactions of the Royal Society B* 609.
- Per Ariansen, 'Anthropocentrism with a Human Face' (1998) 24 *Ecological Economics* 153.
- Philipp Wesche, 'Rights of Nature in Practice' (2021) 33 *Journal of Environmental Law* 531.
- P Villavicencio Calzadilla and LJ Kotzé, 'Living in Harmony with Nature?' (2018) 7 *Transnational Environmental Law* 397.
- Rio Declaration on Environment and Development* (1992).
- Roberta Cohen and Megan Bradley, 'Disasters and Displacement' (2010) 1 *Journal of International Humanitarian Legal Studies* 1.
- Roger Mac Ginty, 'Conflict Disruption' (2022) 16 *Journal of Intervention and Statebuilding* 40.
- Ronaldo Munck, 'Neoliberalism and Alternatives in Latin America' (2003) 24 *Third World Quarterly* 495.
- Rural Litigation and Entitlement *Kendra v State of UP* AIR 1988 SC 2187.
- Ruth Duffy and others, 'Why We Must Question the Militarisation of Conservation' (2019) 232 *Biological Conservation* 66.
- Samuel P Hays, 'The Environmental Movement' (1981) 25 *Journal of Forest History* 219.
- Scott Leckie, 'Housing and Property Issues for Refugees' (2000) 19 *Refugee Survey Quarterly* 5.
- S Díaz and others, 'Pervasive Human-Driven Decline of Life on Earth' (2019) 366 *Science* eaax3100.
- Sierra Club v Morton* 405 US 727 (1972).
- Sintana E Vergara and George Tchobanoglous, 'Municipal Solid Waste and the Environment' (2012) 37 *Annual Review of Environment and Resources* 277.
- S Knauß, 'Conceptualizing Human Stewardship in the Anthropocene' (2018) 31 *Journal of Agricultural and Environmental Ethics* 703.
- Synneva Geithus Laastad, 'Nature as a Subject of Rights?' (2020) 47 *Forum for Development Studies*.
- Thomas Berry, *The Great Work: Our Way into the Future* (Crown Publishing 1999).
- UNEP, *Global Climate Litigation Report* (2020).
- UN General Assembly Resolution 73/235 (2018).
- Universal Declaration of Human Rights (1948) GA Res 217 A (III).
- Universal Declaration of the Rights of Mother Earth (2010).
- Vandana Shiva, *Earth Democracy: Justice, Sustainability, and Peace* (North Atlantic Books 2011, repr 2015).
- V De Lucia, 'Towards an Ecological Philosophy of Law' (2013) 4 *Journal of Human Rights and the Environment* 167.
- Vienna Declaration and Programme of Action* (1993).
- VK Gaur and others, 'Impact of Industrial Waste on Environment' (2020) 398 *Journal of Hazardous Materials* 123019.