

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

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Table of Contents

Abstract..... 3

1.0 Introduction 3

2.0 Conceptualizing Rights of Nature 4

3.0 Recognising Ecosystems as Legal Entities with inherent Rights to Exist 6

4.0 Conclusion..... 8

References 9

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Abstract

This paper discusses how the rights of nature can be effectively recognised and protected. The paper argues that it is imperative to safeguard the rights of nature in order to strengthen environmental conservation for Sustainable Development. It examines how recognising the rights of nature can strengthen environmental conservation globally in the pursuit of sustainability including through enhancing biodiversity conservation. Despite the ideal of rights of nature being a fundamental global ideal towards Sustainable Development, the paper notes that this ideal is yet to be attained. In particular, the paper observes that humanity is yet to recognise nature a rights-bearer fuelling environmental threats including biodiversity loss, pollution, climate change and environmental degradation. In light of these concerns, the paper posits that it is imperative to foster the rights of nature including through recognising ecosystems as legal entities with inherent rights to exist in order to enhance biodiversity conservation for Sustainable Development.

1.0 Introduction

Nature plays a key role in supporting life on the planet. For instance, it has been observed that humanity rely on nature for provision of essential resources including food, clean air, water, and energy which sustain human life¹. Further, human health, economies and well-being all depend on nature through the regulation of diseases and provision of raw materials among many other ecosystem services². Nature is also at the heart of global economic growth since over half of the world's Gross Domestic Product (GDP) is dependent on it³. Due to its vital role in supporting human life, health, livelihoods and global economic growth, nature has been described as humanity's lifeline⁴.

Despite its key role in supporting human life, health and well-being, it has been observed that the planet is experiencing a dangerous decline and degradation of nature⁵. Human activities are fueling interlinked environmental challenges including climate change, pollution, biodiversity loss and the extinction of species, deforestation, land degradation, and increased incidents of environmental disasters which are all

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¹ United Nations Environment Programme., 'Spotlight on Nature and Biodiversity' Available at <https://www.unep.org/news-and-stories/news/spotlight-nature-and-biodiversity> (Accessed on 17/06/2026)

² Ibid

³ United Nations., 'Biodiversity - our strongest natural defense against climate change' Available at <https://www.un.org/en/climatechange/science/climate-issues/biodiversity> (Accessed on 17/06/2026)

⁴ United Nations Environment Programme., 'Spotlight on Nature and Biodiversity' Available at <https://www.unep.org/news-and-stories/news/spotlight-nature-and-biodiversity> (Accessed on 17/06/2026)

⁵ United Nations Environment Programme., 'Facts about the Nature Crisis' Available at <https://www.unep.org/facts-about-nature-crisis> (Accessed on 17/06/2026)

causing damage and depletion of nature⁶. In light of these challenges, it has become necessary to forge harmony between humanity and nature in order to ensure a safe, healthy, sustainable and livable planet for current and future generations⁷. It has been argued that living in harmony with nature is a catalyst for Sustainable Development and requires new ways of thinking to ensure that human progress occurs alongside environmental conservation⁸. In particular, it has been observed that recognising and safeguarding the rights of nature can revolutionize humanity's approach to environmental conservation in order to ensure that nature, including biodiversity and ecosystems, thrives for the benefit of current and future generations towards Sustainable Development⁹.

This paper discusses how the rights of nature can be effectively recognised and protected. The paper argues that it is imperative to safeguard the rights of nature in order to strengthen environmental conservation for Sustainable Development. It examines how recognising the rights of nature can strengthen environmental conservation globally in the pursuit of sustainability including through enhancing biodiversity conservation. Despite the ideal of rights of nature being a fundamental global ideal towards Sustainable Development, the paper notes that this ideal is yet to be attained. In particular, the paper observes that humanity is yet to recognise nature a rights-bearer fuelling environmental threats including biodiversity loss, pollution, climate change and environmental degradation. In light of these concerns, the paper posits that it is imperative to foster the rights of nature including through recognising ecosystems as legal entities with inherent rights to exist in order to enhance biodiversity conservation for Sustainable Development.

2.0 Conceptualizing Rights of Nature

Rights of nature is a fundamental concept that recognises that nature has an independent and inalienable right to exist and flourish¹⁰. This concept seeks to extend the scope of rights which has for a long time been understood to only cover human beings¹¹. Most jurisdictions have for a long time considered nature as property¹². It has been correctly noted that something that is considered property confers upon the property owner the right to use, damage or destroy it in whichever way¹³. By considering nature as property, it means that those who 'own' wetlands, forestland, and other ecosystems and natural communities, are largely permitted to use them however they wish, even if that includes destroying the

⁶ United Nations Development Programme., 'Triple Planetary Crisis' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2022-11/UNDP-Triple-Planetary-Crisis-Infographic.pdf> (Accessed on 17/06/2026)

⁷ United Nations Environment Programme., 'The Triple Planetary Crisis: Forging a New Relationship Between People and the Earth' Available at https://www.unep.org/news-and-stories/speech/triple-planetary-crisis-forging-new-relationship-between-people-and-earth?gad_source=1&gclid=EAlalQobChMI5Jf4zJXihwMvr6KDBx2jcx22EAAYASAAEglqsfD_BwE (Accessed on 17/06/2026)

⁸ United Nations Development Programme., 'In harmony with nature: A path to Sustainable Development' Available at <https://www.undp.org/ghana/blog/harmony-nature-path-sustainable-development> (Accessed on 17/06/2026)

⁹ Peluso. C., 'What are the Rights of Nature?' Available at <https://www.populationmedia.org/the-latest/what-are-the-rights-of-nature> (Accessed on 17/06/2026)

¹⁰ International Joint Commission., 'Rights of Nature' Available at <https://www.ijc.org/system/files/commentfiles/2019-10-Nicolette%20Slagle/FAQ.pdf> (Accessed on 18/06/2026)

¹¹ Ibid

¹² Ibid

¹³ Ibid

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

health and wellbeing of nature¹⁴. For many centuries, contracts and laws have been made protect the property rights of individuals, corporations, states and other legal entities over nature¹⁵. It has been observed that this approach has subjected nature to human exploitation and misuse resulting in some of the environmental challenges being experienced throughout the world including environmental degradation, deforestation, biodiversity loss, pollution, and climate change¹⁶.

The idea of rights of nature represents a fundamental shift from the traditional conception of rights since it recognises that nature, including trees, plants, oceans, animals, rivers, lakes and mountains, has rights just as human beings have rights¹⁷. Rights of nature is premised on the principle that nature has intrinsic value and the right to exist, regenerate, and thrive outside of its role in supporting human needs¹⁸. It has been argued that rights of nature considers all beings on the planet, both organic and inorganic, including organisms, species, ecosystems, land, air and water, to be members of a planetary community¹⁹. Since all these beings are interdependent to one another, they all have agency, life force, rights and responsibilities, in their own ways²⁰.

Rights of nature therefore involves the holistic recognition that all life and all ecosystems on our planet are deeply intertwined and should thus be respected and protected²¹. It has been observed that this represents a significant shift from viewing nature as property or resource, towards seeing it as an interconnected web of life, of which humanity is a part of²². Rights of nature seeks to ensure that ecosystems such as rivers, lakes, forests and mountains bear legal rights in the same, or at least a similar, manner as human beings²³. According to this idea, nature and in particular ecosystems have the right to exist, flourish, regenerate their vital cycles, and naturally evolve without human-caused disruption²⁴. It has been observed that this concept covers several rights that seeks to protect nature including the right to life and to exist, the right to regenerate and continue its vital cycles without human disruptions, the right of nature to maintain its identity and integrity, the right of nature to be free from destruction, degradation and pollution, and the right to effective remedies including ecosystem restoration in case of violation of nature's rights²⁵.

¹⁴ Ibid

¹⁵ Global Alliance for the Rights of Nature., 'What are the Rights of Nature?' Available at <https://www.garn.org/rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20that%20Nature%20has%20rights.&text=It%20is%20the%20recognition%20that,as%20human%20beings%20have%20rights.> (Accessed on 18/06/2026)

¹⁶ International Joint Commission., 'Rights of Nature' Op Cit

¹⁷ Global Alliance for the Rights of Nature., 'What are the Rights of Nature?' Op Cit

¹⁸ Rights of Nature., Available at <https://naturerecovery.ox.ac.uk/toolkits/rights-of-nature/> (Accessed on 18/06/2026)

¹⁹ Rights of Nature: What are they?., Available at <https://allard.ubc.ca/sites/default/files/2023-10/RON%20Guide%20%20No%202.pdf> (Accessed on 18/06/2026)

²⁰ Ibid

²¹ Global Alliance for the Rights of Nature., 'What are the Rights of Nature?' Op Cit

²² Rights of Nature., Op Cit

²³ Challe. T., 'The Rights of Nature — Can an Ecosystem Bear Legal Rights?' Available at <https://lamont.columbia.edu/news/rights-nature-can-ecosystem-bear-legal-rights> (Accessed on 18/06/2026)

²⁴ Ibid

²⁵ Rights of Nature: What are they?., Op Cit

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

By recognising and safeguarding the rights of nature, it is possible to foster sound environmental protection towards Sustainable Development. Rights of nature plays an important role in fostering legal recognition and protection for ecosystems, and other natural entities such as rivers, lakes, mountains and forests, through a similar approach to human rights²⁶. By recognising nature as a rights-holder, rivers, forests, lakes and other ecosystems can be treated as legal persons, with the ability to be represented in court and be protected from harm²⁷. It has been observed that with the world struggling with numerous environmental challenges, including climate change, biodiversity loss, environmental degradation, deforestation and pollution, adopting this new paradigm is not only a legal and ethical necessity, but also a pragmatic step towards a more harmonious coexistence with nature²⁸.

Despite its role in fostering sound environmental protection and Sustainable Development, recognising and safeguarding the rights of nature still remains an elusive dream all over the world. It has been observed that all over the world, nature is primarily viewed as a resource for human benefit, a situation that has contributed to and worsened environmental crises including the triple planetary crisis of climate change, biodiversity loss and pollution²⁹. In light of these challenges, it has been argued that by acknowledging the rights of nature, humanity can redefine its relationship with the environment and embrace a sense of responsibility towards preserving the planet for the benefit of both current and future generations³⁰. It is therefore imperative to recognise and safeguard the rights of nature in order to ensure sound environmental protection for Sustainable Development.

3.0 Recognising Ecosystems as Legal Entities with inherent Rights to Exist

It is imperative to foster rights of nature by recognising ecosystems as legal entities with inherent rights to exist. By fostering the rights of nature, it is possible to foster sound environment protection by respecting nature for its intrinsic value³¹. Rights of nature challenges the anthropocentric world view, which regards humans as fundamentally separate from nature, considering nature a property as well as a resource to be exploited at human will³². This idea provides an innovative approach towards establishing harmony between humanity and nature for true Sustainable Development³³. It has been observed that upholding the rights of nature provides an invaluable opportunity towards enhancing biodiversity conservation, safeguard indigenous and traditional ecological knowledge, mitigating the effects of climate change and promoting Sustainable Development³⁴.

Fostering the rights of nature can enhance biodiversity conservation. It has been argued that the aim of conferring rights to nature is to secure the highest level of environmental protection under which

²⁶ Peluso. C., 'What are the Rights of Nature?' Op Cit

²⁷ Rights of Nature., Op Cit

²⁸ Singhe. IC., 'The implications of recognizing the Rights of Nature in Africa' Available at <https://observatoirenature.org/observatorio/en/2024/03/16/the-implications-of-recognizing-the-rights-of-nature-in-africa/> (Accessed on 18/06/2026)

²⁹ Frantz. P., Rego. F., & Barbas. S., 'Ecocentrism vs. Anthropocentrism: To the Core of the Dilemma to Overcome It' Available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC12152000/> (Accessed on 18/06/2026)

³⁰ Peluso. C., 'What are the Rights of Nature?' Op Cit

³¹ Rights of Nature., Op Cit

³² The Rights of Nature: A redefinition of human-nature relations., Available at <https://www.boell.de/en/2025/01/23/rights-nature-redefinition-human-nature-relations> (Accessed on 18/06/2026)

³³ Ibid

³⁴ Singhe. IC., 'The implications of recognizing the Rights of Nature in Africa' Op Cit

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

ecosystems can thrive towards bolstering biodiversity conservation efforts³⁵. With the world facing an alarming rate of biodiversity loss, recognising ecosystems as legal entities with inherent rights to exist entitles them to legal personhood and the right to defend themselves against harm, including environmental degradation caused by a specific development project, deforestation or climate change³⁶. It has been correctly observed that we can best protect biodiversity by granting rights to nature³⁷. By granting right to nature, it is possible to prevent harmful practices that fuel biodiversity loss, punish violations to nature and biodiversity, and promote a culture that respects ecosystems and other non-human life³⁸.

Recognising ecosystems as legal entities with inherent rights to exist is therefore key towards enhancing biodiversity conservation. It is imperative to fulfill this ideal including through granting ecosystems such as rivers, lakes, forests and mountains legal status under national laws³⁹. Through this, it is possible to effectively protect nature and biodiversity including through giving ecosystems a platform to defend their rights⁴⁰. In addition, it has been observed that in order to effectively enforce the rights of nature, ecosystems and natural objects, such as trees, should be bestowed with legal rights through the appointment of special guardians who are designated to protect the 'voiceless' elements in nature⁴¹. By bestowing rights to ecosystems, it is possible to ensure that they have a right to legal representation by a guardian towards effectively safeguarding their interests through courts among other appropriate channels⁴². In particular, courts have been urged to acknowledge and protect the legal rights of nature including threatened forests, rivers and endangered species by granting standing to ecosystems themselves, as opposed to humans⁴³.

Embracing ecocentrism is also key towards safeguarding the right of nature. Ecocentrism is a world view that posits that everything in the natural world has its own intrinsic value and deserves moral consideration⁴⁴. This approach emphasizes the intrinsic value of nature and places a moral obligation on humanity to respect and conserve the environment for the benefit of present and future generations⁴⁵. Ecocentrism has been identified as the broadest world view since it recognises and advocates respect for environmental systems as wholes, and their abiotic aspects, beyond world views that only focus on respect

³⁵ Sokefun, J et al., 'Biodiversity Loss vs the Rights of Nature (RoN): The Legal Challenges to Biodiversity Protection' Available at https://www.researchgate.net/publication/400576542_Biodiversity_Loss_vs_the_Rights_of_Nature_RoN_The_Legal_Challenges_to_Biodiversity_Protection (Accessed on 18/06/2026)

³⁶ Ibid

³⁷ Protecting Nature and Biodiversity: 'Living Things Deserve Rights', Available at <https://www.afd.fr/en/actualites/protecting-nature-and-biodiversity-living-things-deserve-rights> (Accessed on 18/06/2026)

³⁸ Ibid

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Stone, C., 'Should Trees Have Standing?' *Oxford University Press*, 2010,

⁴² Sokefun, J et al., 'Biodiversity Loss vs the Rights of Nature (RoN): The Legal Challenges to Biodiversity Protection' Op Cit

⁴³ Stone, C., 'Should Trees Have Standing?' Op Cit

⁴⁴ Proctor, J. D., 'Nature, Concepts of: Environmental and Ecological' Available at <https://www.sciencedirect.com/science/article/abs/pii/B0080430767041280> (Accessed on 18/06/2026)

⁴⁵ Ibid

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

for living species including humans, animals and plants⁴⁶. It is therefore necessary to embrace ecocentrism in order to effectively promote the rights of nature including through recognising and respecting ecosystems for their intrinsic value⁴⁷.

4.0 Conclusion

With the planet facing mounting and worsening environmental threats including biodiversity loss, environmental degradation and climate change, it is imperative to foster the rights of nature in order to ensure sound environmental protection. In particular, there is need to recognise ecosystems as legal entities with inherent rights to exist in order to enhance biodiversity conservation for Sustainable Development.

⁴⁶ Paul. C et al., 'Why ecocentrism is the key pathway to sustainability' Available at <https://mahb.stanford.edu/blog/statement-ecocentrism/> (Accessed on 18/06/2026)

⁴⁷ Ibid

Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

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Rights of Nature: Recognising Ecosystems as Legal Entities with inherent Rights to Exist, so as to Enhance Biodiversity Conservation

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