

## Operationalising the rights of nature through their implementation in the territories

Final version dated 25/10/24

Objectives of the motion <sup>(1)</sup>

The aim of the motion is to make the rights of nature pragmatic and complementary to other legal approaches. The motion will aim to promote a paradigm shift, not only in IUCN's approach, but also in the national laws of States, so that elements of nature are protected, including criminally. The aim is to continue the reflection on the construction of new models of legal regimes adapted to the rights of nature, for example the legal status of natural legal entities (ENJ). This motion will highlight, on the one hand, the role of protected areas in experimenting with this approach in order to illustrate the complementarity of the rights of nature with existing environmental protection regimes and, on the other hand, the good practices implemented.

List of members of the drafting group (first name, last name, affiliation)

|                     |              |       |   |
|---------------------|--------------|-------|---|
| SCHNITZLER          | Annik        |       | Forestry Working Group, Mountain Working Group, Wilderness and Feral Nature Working Group |
| ROUY                | Sarah        |       | Environmental Law and Policy Commission   |
| AUPETIT             | Orange swift |       | Environmental Law and Policy Commission<br>Overseas Working Group                         |
| BERSANI             | Catherine    |       | Sea and Coastal Working Group   |
| DE ZUTTER           | Carolina     |       | Business and Biodiversity Working Group   |
| Pontavice           | Violaine     |       | Environmental Law and Policy Commission   |
| Graeff Guerra       | Barbara      | NWA   |   |
| Gerfaud<br>Valentin | Daniel       | NWA   |   |
| Erny                | Cecile       | AFdPZ |   |
| MARAGE              | Damien       |       | Protected Areas Commission  |
| CARREZ              | Séverine     |       | Environmental Law and Policy Commission,<br>Ethics in Action Group                        |
| Pessina             | Stéphane     |       | Ethics in Action Working Group  |
| MONGUILLON          | Angelic      | NWA   |   |

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|----------------|-------------|--------------------------------|--|
| MALJEAN-DUBOIS | Sandrine    |                                | Environmental Law and Policy Commission                                |
| ROLLAND        | Guillemette | Conservatoire<br>e du littoral |  |
| LEOTURE        | Dominica    |                                | Protected Areas Commission<br>Overseas Working Group                   |
| RUSSO          | Sandra      |                                | Environmental Law and Policy Commission                                |
| GUYETANT       | Gaëlle      | NWA                            |  |
| VENNEL         | Karine      | NWA                            |  |
| CALMET         | Navy        | Wild Legal<br>/RNF             |  |
| GEORGES        | Christel    | City of<br>Marseille           | Communities and Biodiversity Working Group                             |
| JUST           | Christine   | City of<br>Marseille           | Communities and Biodiversity Working Group                             |
| BENEST         | Gilles      |                                | Protected Areas Commission, Environmental Law<br>and Policy Commission |
| FORECASTLE     | Emilie      |                                | Environmental Law and Policy Commission;<br>Overseas Working Group     |
| JAFFEUX        | Henri       |                                | Protected Areas Commission   |
| DAVID          | Victor      | IRD                            | Environmental Law and Policy Commission                                |
| KARPE          | Philippe    | CIRAD                          | Environmental Law and Policy Commission                                |

- (1) According to the Rules of Procedure of the World Conservation Congress, " *the purpose of motions is to define the general policy of IUCN and to influence the policies or actions of third parties, or to address IUCN governance matters, within the limits of IUCN's objectives as defined in Articles 2 and 3 of the Statutes .* "

Motions must be at international or regional level (Europe, Mediterranean, Caribbean, Indian Ocean, Pacific, Guiana Plateau, etc.) and not repeat previously adopted motions. All the resolutions and recommendations adopted by IUCN during previous editions of the World Congress are available on the [IUCN Resolutions and Recommendations platform](#).

Previously adopted motions on the subject

**Resolution WCC-2012-Res-100-EN**

**Integrating the rights of nature as a cornerstone of IUCN decision-making**

[https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC\\_2012\\_RES\\_100\\_FR.pdf](https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2012_RES_100_FR.pdf)

**ANNEX - Recognizing nature as a subject of law - draft motion put forward in 2019 by the French members of IUCN, but not retained**

**Title** (maximum 150 characters including spaces)

Making the rights of nature operational through their implementation in the territories

**Preamble** (2000 characters maximum, including spaces)

**CONSIDERING** the growing number of governments around the world that are seeking to reverse the current trend of degradation of natural environments and the collapse of biodiversity by recognizing and upholding the inherent rights of nature;

**RECALLING** that States and territories have already recognized, on different grounds and in different ways, the rights of nature in their constitutions, such as Ecuador, or in their legislation, as in Bolivia, Uganda, New Zealand and Spain;

**WELCOMING** recent developments in the international community in this area, including in the Kunming-Montreal Global Biodiversity Framework adopted in 2022, which recognizes and considers "the rights of nature and the rights of Mother Earth, as integral to the successful implementation of its implementation";

**CONSIDERING** that protected areas are one of the most effective tools for conserving biodiversity and geodiversity in the face of major anthropogenic threats and maintaining the resilience and adaptation potential of ecosystems;

**CONFIDENT** that the implementation of the rights of nature, particularly in protected areas, could contribute to reconciling humans and nature, reinspire citizenship, and reduce the vulnerability of environments to climate change;

**RECALLING** that the Ethical Manifesto of the French Committee of the IUCN, based on the World Charter for Nature, the Earth Charter and the Initiative for an Ethics of the Biosphere, calls for a different way of thinking about our ways of interacting with the living world and landscapes and of inhabiting the Earth;

**CONTINUING** the resolutions adopted by the World Conservation Congresses, including WCC Resolution 2012 Res 100 "Integrating the Rights of Nature as a Cornerstone of IUCN Decision-Making"

**The IUCN World Conservation Congress 2025, at its session in Abu Dhabi, United Arab Emirates:**

**Operational section** (maximum 1500 characters, including spaces)

1. **REQUESTS** the States to:
  - a. Recognize the rights of nature in their diversity and support their implementation in territories, in particular within protected areas and areas on the IUCN Green List;
  - b. To accompany this legal evolution by guaranteeing spaces of environmental democracy where civil society, including the guardians of the rights of nature, can actively contribute to the consideration of the needs and interests of nature.
2. **INVITES** States and local and sub-national governments to plan human activities in synergy with the rights of nature and to ensure the involvement of indigenous peoples and local communities.
3. **REQUESTS IUCN** to:
  - a. continue the reflection on the construction of new legal regimes adapted to the rights of nature, in particular on natural legal entities;
  - b. conduct an experiment on the rights of nature in a network of pilot sites, particularly within protected areas;
  - c. Encourage the dissemination of inspiring initiatives where the rights of nature are recognized or in the process of being recognized.
4. **REQUESTS** the World Commissions on Protected Areas and Environmental Law to coordinate the assessment of the impacts of this law of nature experiment on the protection of biodiversity, and the living conditions and lifestyles of populations, as well as to develop a replicable toolbox to disseminate the solutions identified.

**Optional explanatory memorandum** (maximum 3500 characters including spaces)

On the one hand, the limits in terms of justiciability observed in the experiments carried out throughout the world in the recognition of the rights of nature by making certain elements of nature or the whole nature of legal persons, and on the other hand, philosophical or legal doctrine oppositions, show that the regime of legal persons is not intended to apply to natural entities. It can nevertheless serve as an inspiration. If we take it for granted that it is no longer conceivable to qualify nature or some of its elements as objects of law, it is therefore necessary to work on a new non-anthropomorphized legal regime of subjects of rights. The creation of a third category that is neither a person nor a thing makes it possible to enrich legal categories and to implement a systemic approach necessary to take into account the infinite interdependencies and complex and dynamic relationships that sustain an indispensable diversity on Earth.

Defining the rights of nature

The recognition of the rights of nature is reflected in the creation of a status allowing nature to emancipate itself from the regime of goods or "ecosystem services" (anthropocentric conception) in order to define a legal model in which nature can be endowed with a legal personality and recognized as the holder of its own rights.

This new legal situation aims to strengthen or even complement existing legal means, by enunciating fundamental rights of nature and in particular the right to health and integrity, in the face of anthropogenic pressures, climate change and the collapse of biodiversity.

Outline of the experiment

Propose to members A, B or C, and in particular the managers of protected areas on the IUCN Green List, to actively participate and at their own level, in a programme of experimentation with the rights of nature in order to study its feasibility and advantages with regard to the objectives of protection and conservation of natural environments.

This work will have to be coordinated by IUCN and involve the various commissions concerned. Admittedly, not all the experimental territories and IUCN members have legislative competence and cannot opt out of the law currently in force, but the reflection on the recognition of the rights of nature makes it possible to envisage several lines of work: legal (in order to propose a change in the regimes in force), pedagogical (in order to propose new educational and awareness-raising tools) and governance (in order to study governance models less anthropocentric).

## Main Sponsor Proposal <sup>(2)</sup>

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## Proposal of co-sponsors (name of organization, country) <sup>(2)</sup>

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|---|
| <ul style="list-style-type: none"><li>• Nature reserves of France</li><li>• ...</li><li>• ...</li></ul> |
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(2) The rules of procedure of the World Conservation Congress provide that motions may be presented " *by any Member entitled to vote with the support of at least five other Members entitled to vote and from at least two Regions* " (Article 49 a). Only IUCN Members belonging to categories A (States, government agencies, local authorities), B (NGOs) and C (indigenous peoples' organizations) who are up to date with their membership fees can be sponsors or co-sponsors of a motion. Category D members (affiliates) cannot therefore be sponsors or co-sponsors of a motion, and for motions sponsored by French members, at least 1 IUCN member outside the Western Europe Region must be a co-sponsor.

## ANNEX

### ***Proposal for a recommendation for the World Conservation Congress (June 2019) - Motion not accepted***

#### **Recognizing Nature as a Subject of Law**

GUIDED by IUCN's vision of an "equitable world that understands and preserves the value of nature";

ALARMED by the fact that the sustainability of nature is seriously threatened at the global level by the current way many human societies operate;

CONVINCED of the importance and urgency of renewing the modes of social life, production, consumption and governance;

NOTING that, to date, in the majority of States, Nature and its non-human elements are considered as things that can be appropriated and that this results in environmental law that is not very restrictive and not very dissuasive;

CONSIDERING that the recognition of the rights of Nature can, through its symbolic and practical significance, contribute to limiting its destruction;

RECALLING the inclusion of these rights in a restored and deepened vision of relations with all non-humans, especially *Harmony with Nature*;

CONSIDERING in this regard the importance of recognizing and respecting, in the context of the restoration of a true "community of life", the rights of indigenous peoples, including their dynamics and their profoundly vibrant nature;

CONFIDENT in the global positive influence of the progress already made at the international level and in several domestic laws;

CONCERNED about a possible distortion of these rights, in particular due to inappropriate legal training or ignorance of their true foundations;

TAKING NOTE of the resolutions adopted by the World Conservation Congresses, in particular WCC Resolution 2012 Res 100 "Integrating the Rights of Nature as a Cornerstone of IUCN Decision-Making".

**The World Conservation Congress, at its session held in Marseille, France, from 11 to 19 June 2020:**

1. REQUESTS the Director-General, the Commission on Education and Communication, the World Commission on Environmental Law and the Commission on Environmental, Economic and Social Policy:
  - a) Assess the impact of the rights of Nature on biodiversity and the living conditions of populations, especially those most dependent on them;
  - (b) develop and disseminate tools that contribute to:
    - i. the evolution of international law and domestic law towards a less anthropocentric model by promoting the granting of legal personality to Nature in general and to some of its elements in particular;
    - ii. to establish the effectiveness of the rights of Nature or its elements;
  - c) to support and promote the creation and development of relevant training on the rights of nature;
  - (d) to initiate and facilitate in this regard the involvement of indigenous peoples in the construction and implementation of such training;
2. ENCOURAGES the commissions to promote and support through their expertise the recognition, in international law and within each State, of Nature or elements of Nature as rights holders;
3. URGES Member States and sub-state actors to promote the sustainability of their natural heritage by being part of the movement towards the recognition of Nature as a subject of rights.