

Who is entitled to speak for nature? A qualitative analysis of representation and guardianship in Rights of Nature initiatives

Jonas Gurman, Yanic Kieser

In this article we examine several Rights of Nature (RoN) initiatives. Building on previous research by Kahui et al. (2024), we focus on the question of how guardianship models that speak on behalf of nature and natural entities are legitimised and to which worldviews they are connected. We follow the understanding of O'Neill (2001) that nonhuman and inarticulate beings can only be represented by proxy and based on epistemic claims, combined with care. Our findings show that the cases rarely rely on one source of legitimation but often stem from a combination of care, epistemic claims and political authority. Rather than resolving the normative problem of representing nature, Rights of Nature initiatives institutionalise new configurations of legitimacy that reshape how environmental interests are articulated within political and legal processes. While frequently framed as a departure from anthropocentric governance, RoN initiatives remain embedded in political negotiations over authority, knowledge, and responsibility. Their potential therefore lies less in transcending politics than in redistributing power over how nature's interests are defined and defended. These findings carry implications for public administration and institutional design: where guardianship responsibilities are clearly defined and distributed across multiple actors, RoN initiatives appear better equipped to translate legal recognition into effective environmental governance and accountability.

1 Introduction

In the face of continuing climate and biodiversity crises, scientists and advocacy groups are calling for increased action and the implementation of innovative and alternative modes of governance that abandon logics of infinite growth and exploitation of nature. Some argue that at the basis of human-induced environmental destruction lies a notion of human exceptionalism that does not sufficiently acknowledge the inherent worth of nonhuman beings and the dependence of humanity on intact natural and ecological processes. One approach attempting to incorporate more complex ways of human-nature relations is the Rights of Nature (RoN) movement. RoN initiatives try to enhance the outcomes of environmental policy by granting rights to nature or natural entities. They argue that our legal systems are anthropocentric, viewing nature as a collection of resources to be extracted. To change that view the legal

standing of nature needs to be re-defined by making it a bearer of rights. Hundreds of these initiatives have already emerged around the world. While these initiatives generally assign a high worth to nature, they emerge within varying contexts and worldviews. In this paper, we focus on guardianship and representation. Although nature is constituted as a bearer of rights, it cannot articulate its own interests. Most initiatives therefore employ models of guardianship in which individuals or groups speak on behalf of nature. While much research examines the legal design and implementation of RoN, few studies address the normative problem of representation. We argue that the appointment of guardians places them in a position of political and legal power. It therefore matters to examine on what grounds guardians are deemed competent to speak for nature and which worldviews underpin these guardianship models.

We examine 12 of these initiatives in a qualitative comparison, asking Who is entitled to represent nature in Rights of Nature cases and how is that representation legitimised? We argue that Rights of Nature initiatives do not resolve the problem of representing nonhuman entities. Rather, they institutionalise new combinations of political authority, epistemic knowledge, and relational care that reshape environmental governance and redistribute power over how nature's interests are defined. That is why it becomes relevant to analyse the logics of legitimizing guardianship. To approach this question, we first introduce various worldviews and value systems that describe how societies and individuals value nature and provide a literature review on issues of representation of inarticulate beings, especially of nature. In a descriptive comparison we analyse 12 RoN initiative first introduced in a comparative study by Kahui et al. (2024), reassessing them through the lens of representation.

The current state of crisis

In 2009, almost 20 years ago Levin et al. (2009, p. 1) already called to look at the global "Climate Change" as a "Wicked Problem." – a complex matter that cannot be addressed in a single government policy but rather requires a variety of solutions to "limit ourselves in our actions." As Climate Change progresses and is now commonly referred to as the Climate Crisis or Climate Emergency (Ripple et al., 2020, p. 8), the urgency to find solutions to limit our actions that have an impact on the progress of rising temperatures and biodiversity decline grows dramatically. As for now, 95% of earth's land surface excluding Antarctica shows human activity, 51% is heavily modified (Kennedy et al., 2019). Under the most modified Biomes (30-50% heavily modified) are also the most Biodiverse Biomes with few Tropical Forests habiting 13% of Plant diversity in just 0.2% of World surface area (Mittermeier et al., 2002). This development is leading to a continued decline of global biodiversity (IPBES, 2019, p. 10ff.), with wildlife populations on average declining by 73% since 1970 (WWF, 2024, p. 7). Biodiversity loss affects climate change negatively and while climate change affects biodiversity negatively as well, this becomes a vicious downward spiral (Pfenning-Butterworth et al., 2024, p. e270). The call for solutions to "limiting our actions" is therefore relevant as ever.

Need for Overcoming Anthropocentrism

The unprecedented exploitation of our planet follows the principle of Anthropocentrism. In contrast to ecocentric worldviews "that place importance [...] on nature as a whole as having inherent worth in themselves" (Raymond et al., 2023, p. 3). It centers around the importance of nature and its functioning, stressing concepts such as ecosystem stability (Murali et al., 2026, p. 5). Anthropocentric worldviews generally prioritise humans, claiming superiority of humans over nature, and neglect any ethical worth of nature itself (Raymond et al., 2023, p. 3). It has

been argued that, as a result of its "failure to recognise and address the natural world in ethical terms" (Washington et al., 2021, p. 286), such an approach is inherently incapable of addressing ecological collapse. Finally, pluricentrism refers to an understanding of "the world as a relational sphere or network of interdependencies across biophysical, sociocultural, economic, and, in some cases, spiritual dimensions that elude a strict centre-periphery dichotomy and challenge human–nature dualisms" (Murali et al., 2026, p. 5). Where ecocentrism places value on nature and ecosystem integrity as its moral centre, pluricentrism stresses more diverse forms of relationships and connections, including those of humans and non-humans. The intertwinedness of diverse beings becomes the centre of moral consideration

Emerging in early Greek mythologies and spreading since, an anthropocentric worldview is the dominant paradigm in western countries later globalised around the world to most industrialised countries. "Worldviews are the 'lenses', through which individuals and groups perceive, interpret, inhabit and modify the world" (Raymond et al., 2023, p. 2), each defining general habits, behaviours and interactions. On a smaller scale but closely connected to present worldviews, there are different value systems that define the position of non-human natural entities in those systems and the accompanying human-nature relation. The three kinds of valuations of nature are generally referred to as intrinsic, relational and instrumental (ibid., p.3f.). The intrinsic value of nature exists independent of human use, preferences, or benefits. Nature is morally considerable simply because it exists, not because it serves human ends. Relational values refer to meaningful relationships and responsibilities between humans and nature. This includes cultural identity, care, stewardship, kinship, moral obligations, and reciprocal relationships. The instrumental value of nature lies in the benefits, services, or utilities ecosystems and species provides to humans. At present this is argued to be the dominant paradigm in human-nature relations. Most indigenous and pre-colonial populations related to nature via its intrinsic or relational values and only through modernist thought, capitalism and colonialism, have non-human entities been reduced to capitalised resources (Washington et al., 2021, p. 289). That most western cultures see non-human entities solely as resources that exist to be exploited ignores the fact that humanity is dependent on Nature to survive. That is why overcoming this human exceptionalism is seen by some as a prerequisite for ecological preservation (Horn & Bergthaller, 2022, p. 90f.). These distinctions between anthropocentric, ecocentric, and pluricentric worldviews are crucial for understanding who is considered capable of representing nature and why. The way nature is valued shapes assumptions about who may legitimately speak on its behalf.

While worldviews and value systems are closely related, they operate at different levels of analysis. Worldviews describe the broad philosophical orientation through which societies and individuals understand the human-nature relationship. Value systems operate at a more specific level, describing how nature is assessed and what worth is attributed to it. The two are connected but not identical, e.g. ecocentric worldviews tend to emphasise intrinsic values; pluricentric worldviews tend to emphasise relational values; Instrumental values tend to follow anthropocentric worldviews, treating nature as a resource for human interests. However, as our cases will show, RoN initiatives frequently draw on multiple value logics simultaneously which is why we treat worldviews and values as orientation points on a continuum rather than as fixed, mutually exclusive categories.

The Rights of Nature movement

Gaining increasing popularity in recent years, the Rights of Nature Movement is a compound term for legal initiatives around the world, mostly originating in The Americas followed by prominent successors in Australia and New Zealand (Putzer et al., 2022, p. 91). These Initiatives try to increase the effectiveness of environmental protection policy through recognition of non-human natural entities as legal persons and bearers of rights. This allows nature “standing in court and a wider possibility to take nature science evidence into consideration in deciding on environmental matters” (Darpö, 2021, p. 13). As of 2025, 615 initiatives in 57 countries have been registered (Kauffman et al., 2025). Initiatives differ in emergence, legal provision, quality, and effectiveness in protecting the entities they refer to. Often but not always, the concept constitutes a legal-philosophical act in integrating understandings of intrinsic and/or relational values of nature into legal systems that emerged in anthropocentric systems and reproduce them since (Darpö, 2021, p. 13).

The matter of Representation

While empowering non-human natural entities to personhood in legal cases opens the door for them to be part of decision making in the first place, it imposes the question of representing those who cannot speak as a matter of power distribution by – again – humans and not the actual entities. The only remaining source of legitimacy to “speak for the voiceless” are epistemic claims, i.e. “having knowledge of the objective interests of those groups, often combined with special care for them” (O’Neill, 2001, p. 496). This so-called proxy representation of one interest group representing another bears its own problems, “as it was used to justify the representation of women by husbands and servants by masters.” (ibid., p. 95) In our case, that not only means that identifying needs of non-human natural entities but also them being represented by a group with at least in western economical development-driven cultures contradictory interests.

Many attempts in analysing and comparing RoN-Cases, have been made. These primarily take the legal frameworks into consideration and establish categories of Guardianship models and legal provision to identify causes of success and failure. Following the idea of relational spatial theory in which the focus lies in context and relations between entities, we see an essential importance in the cultural contexts, underlying worldviews and value systems in which RoN-Cases emerge. Therefore, this paper attempts to answer the question of Who is entitled to represent nature in Rights of Nature cases and how is that representation legitimised?

2 Methods

To answer the question, we will compare several Rights of Nature cases which have already been summarised in a comparative analysis by Kahui et al. (2024). This descriptive study compared the emergence and design of various legal models where nature or natural entities have been granted certain rights. However, our research focuses on the arguments that legitimise legal personhood and the representation of nature by appointed guardians. This involves interpreting the design, emergence and implementation of these frameworks. We limit our analysis of cases to the selection of this study because it includes some of the most prominent and detailed documentation of RoN initiatives. However, we omit initiatives which lack detail and literature needed for a detailed investigation. This applies to municipal RoN ordinances in the U.S and RoN in state constitutions in Mexico. The remaining initiatives analysed are listed in table 1.

Title	Year enacted
Constitution of the Republic of Ecuador	2008
Mother Earth Law, Bolivia	2010
Victorian Environmental Water Holder, Australia	2011
Oregon Water Trust, USA	2003
Te Urewera Act, New Zealand	2014
Te Awa Tupua Act, New Zealand	2017
Atrato River case, Colombia	2016
Fitzroy River Declaration, Australia	2016
Magpie River Declaration, Canada	2021
Mar Menor Act, Spain	2022
Court Ruling on the Ganges and Yamuna rivers, India	2017
Court Ruling on the Turag River, Bangladesh	2019

Table 1: List of analysed RoN initiatives

By analysing legal documents and results of previous studies evaluating these cases, we attempt to categorise models of guardianship and their legitimisation as well as underlying worldviews. We apply the typology of worldviews and knowledge systems surrounding nature

as defined by Raymond et al. (2023, p. 3f.). By examining each case individually, we attempt to find patterns and similarities among the cases.

The main categories for our framework are as follows:

- Type of guardianship - Are there personal guardians or can anyone demand the rights of nature to be respected? How is the guardianship organised?
- Type of legal provision? Are rights of nature stated in a constitutional article, law, court ruling or declaration?
- Dominant worldview – Raymond et al. (2023, p. 3f.) proposes three worldviews regarding the relationship between humans and nature. We try to extract which worldview is dominant in the formulation and implementation of RoN cases.
 - * Ecocentric: emphasis on the inherent worth of nature
 - * Anthropocentric: human needs are prioritised; nature is relevant for its use value.
 - * Pluricentric: focus “on reciprocal, intertwined and embedded relationships between humans and other beings, and nature’s elements and processes (i.e. with no centre)” (Raymond et al. 2023, p. 3f.).
- Legitimization of guardianship: here we focus on the types of guardianship established in RoN cases and on how the granting of guardianship is legitimised, whether it is through epistemic claims, care, political authority or otherwise.

Regarding the categorization of worldviews, we draw on the processes of emergence as described by Kahui et al. (2024, p. 9ff.) and the Eco Jurisprudence Monitor (Kauffman et al., 2025), as well as official and legal documents, and statements of advocacy groups involved in the process of granting legal personhood or certain rights to nature. In practice, the value language used in these sources – whether nature is framed as having worth in itself or as providing services to humans – serves as the primary empirical indicator from which we deduce the dominant worldview. Therefore, this work will involve some interpretation as to what worldview arises in each case. While an initiative might originate from advocates of an ecocentric worldview, the wording of legal provisions might reflect another. Relevant interpretive questions include: What exactly is being protected? Which rights are granted to nature? What are the duties of guardians? If the initiative mostly stresses the benefits of ecosystems, natural entities, nature for humans, e.g. by providing clean drinking water or space for recreation, we deem this view of nature as anthropocentric, reflecting an instrumental

valuation. Initiatives stressing intertwined dynamic relationships of coexistence of all beings and elements, and the connections of humans to the land, are assumed to stem from a pluricentric worldview, typically expressed through relational values. Thirdly, initiatives foregrounding intrinsic values by stressing living beings’ and ecosystems’ right to exist and thrive, are treated as ecocentric. As several cases combine multiple value logics we identify the combination rather than forcing a single classification, treating worldviews as orientation points on a continuum rather than discrete, mutually exclusive categories.

To examine the legitimization of guardianship we are going to analyse the design of the different guardianship models and the appointment of guardians. Who are the guardians? Who chooses the guardians? On what ground are guardians deemed competent to represent the interests of nature? Are guardians directly affected by harm inflicted on the ecosystem, river etc.? The goal here is to find out if there is any substantial knowledge about or connection to the protected natural entity that would imply an adequate understanding of and care for nature. Since nature is inarticulate to humans, “representation must necessarily be by proxy” (Lawrence, 2022, p. 554) and through epistemic claims (O’Neill, 2001, p. 497). Following this logic, guardians with deeper local or expert knowledge could provide an adequate proxy for the needs and interests of nature.

Through combining these questions, we should arrive at an evaluation of how nature is conceived and what constitutes an adequate representation of it. Conclusions to draw might be if the RoN has any benefits compared to other models of environmental law.

3 Results

Rights of Nature cases emerge in highly diverse contexts with differing advocates and reasonings. The models chosen to establish legal personhood for and rights of nature vary by legislative level, commitment, and detail. The common goal of all cases is to promote improved environmental outcomes by strengthening the legal standing of natural entities. The presentation of our findings follows the main questions of our analysis, firstly characterizing the cases by design and emergence, then focusing on value systems underpinning their reasoning and lastly, presenting the models of guardianship and the “epistemic claims” that might be used to legitimise them. While this chapter provides general trends within our data, the appendix (which can be accessed in the online publication) includes a detailed table with information regarding the subquestions for each initiative.

Legislative levels & the structures of guardianship

The cases explored show a variety of legal models. While in Ecuador rights of nature have been established in the constitution, they are more often defined in national laws. For instance, in Bolivia the Law of the Mother Earth (Ley de Derechos de la Madre Tierra, 2010) presents general rights for all of nature, while in New Zealand and Spain the rights of certain bodies of water have been established through national laws (Kauffman et al., 2025; Rehnstrom, 2025, p. 351). Other cases had RoN established through court rulings (Colombia, India, Bangladesh) and through declarations by Indigenous communities (Fitzroy River, Australia; Magpie River, Canada). However, these cases stand on less clear legal ground: the case of the Ganges and Yamuna rivers has been overturned by the Supreme Court of India, and it is still unclear how the declarations in Canada & Australia will be interpreted in court (Kahui et al., 2024, pp. 7 & 16). Two outliers in the selection of RoN cases are the Victorian Environmental Water Holder (VEWH, Australia) and the Oregon Water Trust (OWT, United States). Here, neither legal personhood nor rights were granted to natural entities, instead non-profit corporations have been set up and authorised to secure and manage water rights to ensure the health of water ecosystems. In that way, they serve as representatives of ecosystems to support their functioning. Even though they are not strictly examples of RoN, we have decided to include them as, firstly, they are part of the study by Kahui et al. (2024), and secondly, they still provide an innovative model of representing nature. Therefore, they serve as valuable comparisons to the other true RoN cases.

What unites most cases is their origin in the struggle against continued degradation of ecosystems that has not been effectively halted by previous environmental policies. The initiators of RoN initiatives are often local & indigenous communities, environmental & human rights NGOs or sometimes individual politicians and officials.

Kahui et al. (2024, p. 3f.) provide categories for the description of models of guardianship. The main differentiation of cases is between those which allow all citizens to take legal action on behalf of nature (Public Guardianship) and those which appoint certain persons or groups to function as legal guardians of nature/natural entities (Environmental Legal Personhood, or ELP). Among those with appointed guardianship we can further distinguish between Direct ELP (guardians speaking directly on behalf of the river) and Indirect ELP (indirect action on behalf of ecosystems, e.g. by reserving water rights for environmental processes). The majority of RoN cases fall under the Direct ELP category, only the cases of the Ecuadorian Constitution and the Bolivian Law of the Mother Earth employ the Public Guardianship model. The two cases of Indirect ELP are the VEWB and the OWT as institutions securing water rights for environmental needs. Thus, they functionally act as guardians, without

articulating a commitment to Rights of Nature. While the Mar Menor Lagoon in Spain has its guardianship divided between three committees, Article 6 of the Mar Menor Act also allows “[a]ny natural or legal person [...] to defend the Mar Menor ecosystem and may enforce the rights and prohibitions of this law” (Mar Menor Act, 2022, p. 134). This case therefore combines both the Public Guardianship and the ELP model.

Value systems

To approach an evaluation of value systems underpinning RoN cases, we focused on what exactly is being protected, which values of nature are implicitly mentioned within declared rights, and how the guardians’ duties are defined. The following analysis groups cases into clusters based on dominant value orientations. These groupings are heuristic rather than definitive — most initiatives draw on more than one value logic, and the clusters are best understood as regions on a continuum rather than discrete categories.

In the majority of our cases, the natural entities protected are aquatic ecosystems (sometimes including their basin). The prevalence of initiatives giving rights to rivers has been noted as a trend within the Rights of Nature movement. This might be due to rivers having a distinct and relatively permanent shape that makes their delineation easier than that of other natural features (Cano-Pecharroman, 2018, p. 6). Apart from that, in New Zealand a mountainous, forested region has been granted rights, and in the two cases with Public Guardianship models, rights have been established for all of nature.

Next, we looked at what values of nature are explicitly named, which relates to the exact rights being granted to rivers. In many cases, values are not explicitly or clearly stated. In 5 of the cases (Spain, Canada, Colombia, OWT, VEWB) the main reasoning for the RoN implementation is the importance of the ecosystem. What needs to be protected is the ecological integrity (VEWB, Australia), the ecosystem and biodiversity which depend on clean water (Colombia), or the general ecological value of a diverse ecosystem (Spain). Accordingly, the rights granted in these cases refer to nature’s rights to evolve naturally, fulfill ecological functions, and to be restored and preserved. The ecological value is stated as the central argument for protection. We therefore call this the Ecological Value Cluster. Because this wording places worth on natural systems themselves without connection to another cause, we assign it to an ecocentric worldview.

In 5 other cases (Bolivia, Ecuador, 2x NZ, Fitzroy River AUS), the ecological or natural values of ecosystems are combined with cultural or spiritual values that connect people and nature. This is the case where Indigenous understandings of the world are explicitly of importance. For example, the Ecuadorian Law of the Mother Earth

is rooted in the belief in a holistic earth system, where the balance of human activities with natural processes is stated as a central principle (Kahui et al., 2024, p. 10; Ley 071 (Ley de Derechos de la Madre Tierra, 2010, Art. 2). 3 of the cases (Ecuador, Bolivia, Fitzroy) utilize similar wordings to the rights declared in the first cluster. In NZ on the other hand, the river and the forest more generally possess “all the rights, powers, duties, and liabilities of a legal person”. This we call the Indigenous Value Cluster and argue that it fits best into the definition of pluricentrism, as it does not value nature merely for its existence and the importance of ecological integrity, but for the complexity of present and ancestral relations between people and their surroundings.

Interestingly, the declaration of the Rights of the Magpie River (CA) – an Indigenous initiative – does not explicitly mention the spiritual or ancestral value of the river. Instead, the same focus on ecology as in the Ecological Value Cluster is prevalent. However, the recreational value of the river for tourism – especially for kayaking – is also given high importance in the declaration. The Magpie River declaration therefore eludes easy classification. Unlike other Indigenous cases in our selection, it is neither explicitly based on ancestral nor spiritual connection to the river, instead combining ecological integrity arguments with recreational and tourism value. This makes it the most genuinely mixed case in our analysis, drawing on both ecocentric and anthropocentric logics simultaneously. This further illustrates that even with Indigenous-led initiatives, the value logics underpinning RoN cannot be assumed from the identity of their advocates alone.

The remaining cases of India and Bangladesh are somewhat unique. In the Indian case of the Ganges and Yamuna rivers the main values recognised were a) the sanctity of these rivers in Hinduism b) the importance of these rivers as water source for 50 % of the Indian population, as an ecosystem service so to say. The court ruling in Bangladesh refers to the river ecosystems as something that needs to be protected, but also about navigability of waters (Kahui et al., 2024, p. 18).

While these value statements could allow us to categorise the cases neatly into anthropocentric, pluricentric and ecocentric, they must be contextualised. Kahui et al. (2024, p. 5f.) have already provided summaries of the emergence of initiatives: Most of them stem from struggles to prevent pollution, exploitation and appropriation of ecosystems. Pollution of the Atrato River in Colombia has repeatedly led to child deaths (Richardson & Bustos, 2023, p. 238); degradation of the Mar Menor lagoon in Spain has led to “ecological death” and a foul smell that has kept tourism away (Kahui et al., 2024, p. 16); and the Magpie River declaration, as noted above, combines ecological and recreational value logics without emphasising the ancestral or spiritual connections typical of the Indigenous Value Cluster. Even if the initiative states only the ecology

or biodiversity value of ecosystems, they emerge from humans experiencing the negative consequences of environmental degradation. What the clustering reveals, therefore, is not that cases belong to fixed categories, but that certain value logics tend to co-occur, and that where they do not, the combination itself points to the political negotiations through which RoN initiatives are shaped

Legitimizing guardianship of nature

As stated before, in absence of its own articulation nature can only be represented by proxy and through epistemic claims. Therefore, we investigated the reasons for why certain guardians and models of guardianship were selected, and whether guardians are making any epistemic claims. In cases of Public Guardianship, there is no specific guardian stated. Instead, any person can take legal action on behalf of nature, making all citizens of the respective country potential guardians. Under the vision of Pacha Mama or Mother Earth which recognises all individuals and elements as kin entwined in complex relationships, all individuals have sufficient connection to their surroundings that would summon a motivation to care for and even sue on behalf of Mother Earth. Belief in the kinship of all beings could therefore serve as the legitimization of public guardianship.

Among the cases with appointed guardians, we identify three sources of legitimacy that are used in varying combinations: Political authority where members of government & administration are appointed; care & connection where Indigenous communities or advocacy groups become guardians; or epistemic authority where scientific expertise is the basis for speaking on behalf of nature.

Many models of guardianship rely on Indigenous communities with their ancestral, spiritual or religious connection to the land or the river as representatives of nature. Indigenous values are seen as being supportive of integrated human-nature- relationships that do not rely on dualist separation of both. Knowledge about interactions with and care for nature passed down for generations supposedly make for a more reflected view of nature beyond exploitation. This we deem representation based on care – the Indigenous mode of interacting with nature is deemed to be in line with the ecological integrity of nature. In the Whanganui River case for example, the river is an integral part of the Indigenous identity, and the rights of the river are intertwined with the rights of the Indigenous Whanganui Iwi (Macpherson & Ospina, 2018, p. 9ff.). Here it also becomes evident how Indigenous guardianship models can represent a pluricentric rather than ecocentric worldview – nature is valued through its connections to generations of Indigenous people and is seen as an integral part of everyday practices. Similarly, the inclusion of the Innu First Nations as guardians of the Magpie River (Canada) is based on the “recognition

of indigenous legal traditions [which] are based on a symbiotic relationship with the land.” (Minganie Regional County Municipal Council, 2021).

Indigenous knowledge is seldom the only knowledge claim made to support the mandate of guardianship. It may be supported by some form of scientific advisory, experience in environmental management and in working with Indigenous communities. Sometimes guardianship comes in the form of government officials and their expertise in (environmental) governance.

The most comprehensive model of guardianship has been enacted with the Mar Menor Act in Spain where guardianship has been divided between three councils:

“a Committee of Representatives composed of competent representatives of the Public Administrations and the public of the coastal municipalities; a Monitoring Commission (the guardians of the Mar Menor Lagoon) and a Scientific Committee comprising an independent commission of scientists and experts, universities and research centres.” (Mar Menor Act, 2022, Art. 3)

In this distribution we can find all forms of legitimising guardianship stated earlier:

1. Environmental policy as a political matter—representation through elected guardians 2. Representation through care – a Monitoring Commission where members are selected based on previous involvement in advocacy for the lagoon. 3. Guardianship based on epistemic claims – scientific findings on the health and restoration of the ecosystem. In other cases, not all these legitimations are combined. The commissioners of the Victorian Environmental Water Holder present themselves as capable guardians because of their experience in governance and business management as well as in working with Indigenous communities, implying a care for the land influenced by Indigenous worldviews (VEWH, 2025). The Atrato River Case in Colombia established two guardians – one appointed by the government, one by the local advocacy group of the Indigenous and Afro-Colombian community. Additionally, an advisory group formed by the Humboldt Institute and WWF Colombia (Atrato River Act, 2024, Art. 4). Ergo, legitimisation of guardianship here is a combination of political responsibility, care, and scientific knowledge. Only few cases rely solely on political responsibility as legitimisation of guardianship. These are the court rulings in India and Bangladesh that established rivers as living and legal persons and declared members of the government as legal guardians (Kahui et al., 2024, p. 7). This foundation of guardianship can be problematic because governments change with legislative periods and epistemic claims about the rivers can depend on the political stance of the representatives. Accordingly, the case in India has been overruled because of unclear definitions of guardianship and liability (ibid.).

To summarise, only the cases in India and Bangladesh rely on one type of legitimisation of guardianship. This suggests an implicit recognition that no single actor can legitimately claim comprehensive knowledge of or authority over nature’s interests. It also shows that even in RoN cases remain a political process of individuals and groups formulating their visions and strategies for better environmental outcomes – the framing as RoN mainly allows a change in the framing of environmental policy, altering the weighting of arguments.

4 Discussion

Representation and the Limits of Proxy Authority

This study asked who is entitled to represent nature in RoN cases and how such representation is legitimised. Our comparison shows that RoN initiatives do not eliminate the fundamental problem that nature cannot authorise its representatives. Instead, they institutionalise different combinations of political authority, epistemic expertise, and relational care as substitutes for authorization.

As Lawrence (2022, p. 554) notes, representation of nonhuman entities must necessarily be by proxy. Similarly, O’Neill (2001, p. 497) argues that speaking on behalf of nonhumans requires “epistemic claims, coupled with care”. In the cases examined these two dimensions repeatedly appear as sources of legitimacy. Indigenous groups can appoint guardians themselves justified through claims of ancestral connection and responsibility toward the land. Epistemic claims for the functioning and well-being of ecosystems are sources of legitimacy for scientific advice being included in models of guardianship, e.g. in Spain, Colombia, Oregon.

One must acknowledge that these are all limited sources of legitimisation and that given the inability of nature to authorise representation, representing nature remains contestable (O’Neill, 2001, p. 497). What our cases demonstrate is not the solution to this problem, but rather varying strategies for managing it. Models that combine multiple forms of legitimacy—such as the Whanganui River, the Atrato River, or the Mar Menor—appear institutionally more robust than those relying solely on governmental appointment, as in India and Bangladesh.

Indigenous guardianship and the risk of essentialism

RoN cases draw heavily on Indigenous knowledge systems to legitimise guardianship. These cases often emphasise pluricentric worldviews in which humans and nature are understood as interconnected and valued through their intertwinedness. Such framings support the claim that Indigenous communities possess particular competence to represent natural entities.

Yet the way this mode of legitimization is adopted within legal and political frameworks carries the risk of reproducing essentialist narratives. When RoN initiatives justify Indigenous guardianship primarily on the basis of an assumed inherent harmony with nature, they risk reproducing the trope of the "Ecologically Noble Savage" (Rodrigue-Allouche, 2015, p. 6), thereby echoing the colonial myth of the Noble Savage. Therefore, while Indigenous guardianship often brings valuable relational knowledge and care, external framings that treat it as ontologically superior or inherently more authentic risk essentialising Indigenous peoples and forcing them into a predetermined role. Indigenous guardianship still operates within political and legal institutions and is itself embedded in negotiations of power. Recognizing this prevents RoN from becoming a depoliticised narrative of harmony and instead situates it within broader struggles over land, sovereignty, and environmental governance.

Rights of Nature as Political Process

The distribution of guardianship across multiple stakeholders demonstrates that RoN does not replace political authority over nature with ecocentric governance. Rather, it restructures political processes. Because the needs of nature must be articulated by guardians, and because guardians often represent different interests, the interests of nature become politically contested. RoN therefore does not replace political power over nature with self-determination, but it shifts weight of varying interests and claims on how humans should interact with nature (Petel, 2024, p. 14).

As Tanasescu argues, "the question of who has the power to represent a nature with rights is central to understanding their potential" (Tanasescu, 2022, p. 16), and that RoN are "about creating new relations through which environmental concerns may be differently expressed" (ibid, p. 17). Our cases illustrate that initiatives often spring from local communities which are being harmed or endangered by environmental degradation. Arguing for RoN strengthens the normative weight of environmental claims against polluting and harmful activities. Examples are the Atrato River case where polluted water had led to the death of 34 children and poisoned many others, and the Fitzroy River declaration stating concerns about "extensive development proposals" (Traditional Owners of the Fitzroy catchment, 2016, p. 1) and their impacts.

Thus, RoN should be understood less as the legal recognition of intrinsic value alone and more as a reconfiguration of political authority. It formalises new relations between communities, states, and ecosystems and alters the balance of justificatory power in environmental decision-making. This insight strengthens our central claim: RoN does not resolve the problem of representation but reorganises how representation is structured and legitimised.

Parallels to justice of future generations

The normative instability of representing nature parallels debates about representing future generations. Like nonhuman entities, future persons cannot authorise representatives or be present in decision-making processes. As O'Neill observes, "the central problem is that for many of those affected by decisions, two central features of legitimisation – authorisation and presence – are absent. [...] Given the limited sources of legitimacy [...] the contestability of claims [...] are I suspect ultimately ineliminable" (2001, p. 497).

Interestingly though, some argue that interests of future generations – a group that also cannot be represented in a legitimate way – coincide with those of nonhuman entities. But in contrary to interests of non human entities, those of future generations can be represented without ontological controversy: "[...] It is sufficient to define the demands of intergenerational justice as a duty to ensure that persons born in the future enjoy core human rights to health, life, and subsistence" (Lawrence 2022, p. 559) – human rights which are well established in the international order. In contrast, representing nonhuman entities requires expanding the moral and legal community. The epistemic and normative basis for such representation remains more controversial. While ecological justice arguments emphasise intrinsic value, these claims lack the same institutional entrenchment as human rights discourse.

This comparison clarifies both the promise and fragility of RoN. It suggests that while ecological and intergenerational justice may converge in practice—since protecting ecosystems often benefits future humans—their normative foundations differ significantly. RoN therefore operates in a more contested normative terrain.

Worldviews and Political Struggles

Finally, our findings relativise the importance of explicitly stated worldviews. Although ecocentric, anthropocentric, and pluricentric wordings can be identified in legal texts, RoN initiatives often emerge from concrete struggles against environmental degradation. Communities mobilise RoN not merely to express philosophical commitments but to gain stronger legal standing against harmful activities. In cases such as the Atrato River or the Fitzroy River declaration, the recognition of nature's rights strengthens political resistance to pollution and extraction. The adoption of relational or intrinsic value language enhances the normative force of these claims. Yet the underlying dynamic remains political: actors use RoN strategically to reshape legal and institutional power relations.

Thus, worldviews matter not only as philosophical orientations but as resources within political struggles. RoN provides an alternative lens through which environmental conflicts can be reframed and renegotiated.

5 Conclusion

This paper examined who represents nature in Rights of Nature initiatives and how such representation is legitimised. Our analysis shows that RoN does not resolve the fundamental problem that nature cannot authorise its representatives. Instead, it institutionalises new configurations of legitimacy by recognizing political authority, epistemic expertise, and relational care as grounds for speaking on behalf of nature. In doing so, RoN shifts environmental governance from a framework centred primarily on property and state authority toward a more pluralised political process in which different actors compete to define and articulate nature's interests.

Although Rights of Nature initiatives are often presented as a departure from anthropocentric legal frameworks, our findings suggest that they do not transcend the political and normative challenges of representation. Nature still requires human proxies, and its interests remain subject to interpretation and contestation. Yet this does not render RoN a merely symbolic shift toward ecocentrism. Rather, it indicates that RoN operate within political institutions while expanding the range of actors and justifications through which environmental claims can be articulated.

In doing so, RoN reshapes environmental governance without depoliticizing it. Whether these institutional innovations will lead to more effective environmental protection remains an open empirical question and requires continued monitoring of implemented cases. Developments such as the Mar Menor initiative in Spain

suggest that RoN is not confined to specific Indigenous or post-colonial contexts but may increasingly influence environmental debates in Europe and beyond. The long-term significance of Rights of Nature will therefore depend less on their symbolic departure from anthropocentrism and more on how their guardianship structures operate in practice.

At the level of institutional design, our findings suggest several lessons relevant to public administration. First, clearly defined roles and responsibilities for guardians – as seen in the New Zealand acts and the Mar Menor model – appear to support more effective and accountable governance than models that delegate guardianship to government officials without further specification, as in India and Bangladesh. Second, distributing guardianship across multiple actors with different sources of legitimacy (political authority, scientific expertise, and community care) appears to reduce dependence on any single institution and makes guardianship more resilient to political change. Third, and most broadly, RoN initiatives demonstrate that environmental interests can be institutionalised within existing public legal frameworks without requiring a fundamental departure from established governance structures. Whether these institutional arrangements translate into measurably better environmental outcomes remains an open question, but the design of guardianship, meaning who holds it, on what grounds, and with what responsibilities, is where the practical significance of Rights of Nature is ultimately decided.

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