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# Interdisciplinary Perspectives on the Interplay between Human Rights and Sustainability

Prof. Dr. Milena Valeva,  
Prof. Dr. Kathrin Nitschmann (Ed.)

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Trier University of Applied Sciences

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## Impressum



Hochschule Trier, Umwelt-Campus Birkenfeld  
Fachbereich Umweltwirtschaft/Umweltrecht



### Contact:

Campusallee, Gebäude 9916  
55768 Hoppstädten-Weiersbach  
Deutschland

+49 6782 17-1819  
info@umwelt-campus.de  
www.umwelt-campus.de

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### Contact:

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Umwelt-Campus Birkenfeld  
Publikationsservice: Open Access Server

+49 6782 17-1477  
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## Preface

The following collection of manuscripts emerged from an interdisciplinary virtual exchange held during the Winter semester of 2023/2024 at the Environmental Campus Birkenfeld, organized by Prof. Dr. Milena Valeva and Prof. Dr. Kathrin Nitschmann. Additionally, Prof. Dr. Héctor Bombiella Medina, a lecturer of anthropology in the Department of World Languages and Cultures at Iowa State University, contributed to the virtual exchange and supervised case studies 3 and 4, bringing his extensive experience in this field and facilitating the international exchange. Within the elective module on Human Rights, students from the Bachelor's programs "Nonprofit and NGO Management" and "Environmental and Business Law," as well as the Master's program "Energy and Corporate Law," explored the interconnections between human rights and sustainability.

In an era marked by unprecedented environmental challenges and profound social transformations, the intersection of human rights and the rights of nature has emerged as a critical area of inquiry and debate. Today, as we face the dual crises of climate change and biodiversity loss, the traditional boundaries between human and environmental rights are increasingly blurred. This confluence demands a fresh, interdisciplinary approach to understanding and addressing the complex and interrelated issues at hand.

Human rights, fundamental to the dignity and freedom of individuals, are deeply impacted by environmental degradation. Communities worldwide are experiencing firsthand the devastating effects of polluted air, contaminated water, and deforested landscapes, all of which undermine basic human rights to health, livelihood, and well-being. Conversely, recognizing the rights of nature – the intrinsic value of ecosystems and species – challenges us to reconsider our legal, ethical, and philosophical frameworks. It calls for a paradigm shift from an anthropocentric world-

view to one that embraces the interconnectedness of all life forms.

Engaging in robust discussions and research on these topics is essential in today's context. By exploring interdisciplinary perspectives, we can forge innovative solutions that honor both the rights of individuals and the integrity of nature. This special issue aims to contribute to this vital discourse, providing insights and fostering dialogue on how we can collectively navigate the complex landscape of human rights and environmental sustainability.

The first chapter „Human rights and SDGs in the context of democracy“ examines the significance of international human rights in today's context and links them to new value systems like sustainability.

The second chapter, the case study „Rights of Nature“ explores the concept of granting legal rights to nature itself by comparing laws from various countries to show how it combats environmental exploitation.

The third chapter, the case study „Traditional coca leaf consumption and drug trafficking in Colombia“ delves into the complex issues surrounding coca cultivation in Colombia, highlighting its economic, social, and political impacts.

The fourth chapter, the case study „The artisanal fishing community of Chorrillos, Peru“ aims to provide theoretical insights and recommendations for improving the livelihoods of artisanal fishing communities in Peru, considering legal, ethical, and environmental perspectives as well as how economic liberalization, privatization, and deregulation affect the community's socio-economic conditions.

# Introduction

In order to protect the pristine and invaluable nature, a tool has emerged in recent years - the granting of rights to nature itself. To ensure the protection of not only the living species within a river, but also of the river itself, some may give it the status of a legal entity, with the right to legal representation and with interests that must be taken into account. This chapter discusses the underlying relationship between humans and nature, and compares existing laws from different countries to show ways to combat the exploitation of nature.

The first part of this paper portrays our current perspective on nature, how it developed and what distinguishes it from animism. Our perception of nature will be debunked, and strong advocacy will be made for a more sustainable human-nature relationship. Select nations have taken unprecedented steps to acknowledge nature as a subject with inherent rights, transcending the conventional view of the environment as mere property. This term paper dives into the evolving landscape of environmental jurisprudence by exploring the inclusion of nature's rights in the constitutional frameworks of Ecuador, Bolivia, New Zealand, Colombia and India. Through a comparative analysis of these distinct cases, we unravel the diverse approaches these countries have adopted to recognize and protect the rights of nature, examining the legal, cultural, and ecological implications of this transformative concept. From the constitutional enshrinement of Pachamama's rights in Ecuador to the legal personification of the Whanganui River in New Zealand, this paper sheds light on the global movement for the rights of nature and its potential impact on environmental conservation and societal harmony. Over the last years the discussion about rights for nature have also increased in Germany. The first part gives an overview about the current status of natural rights all over the world.

The second part deals with the rights of nature in Germany and how these have developed in recent years, for example through the citizens' initiative in Bavaria, which addresses the rights of nature and makes them the subject of a referendum.

The third part deals with the decision of the Federal Constitutional Court. This decision in March 2021 on the issue of climate protection marked a significant milestone in the context of the global climate crisis and finally the class action lawsuit.

# Decoding the Environmental Crisis: A Historical Analysis of Human- Nature Relationships

Author: Johannes Hagemann

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## 1 Introduction

When we want to understand why the laws of nature and nature itself are currently in such bad condition, we need to look at our way of seeing the world. When we want to stop the rapid deforestation, climate change, mass extinction, and other catastrophic impacts we have on our environment, we need to figure out at what time and why they started. There are fundamental differences between an anthropocentric worldview, where humans are above all other species, and an animist worldview, where humans are a part of nature. Due to people acting accordingly to their perception of the world, we need to understand why these perceptions differentiate so much and why people from the imperial core, respectively, the exploiting countries, think in a hierarchical pattern.

Our disconnectedness from nature has reached a shocking extent. People living in big cities see nothing but concrete and cars; the plants they have in their homes are made out of plastic; and

the only time they see animals is when they go to a zoo, where they are crammed in little enclosures and alienated from their natural habitat. Children growing up these days spend more time watching ads on TV or social media than they spend in nature. No wonder that many people know more brands than tree species, despite the fact that just one of those two keeps them alive. It is high time to question this development and to ask ourselves how we ended up here.

Interestingly, there are still elements of a human-nature relationship visible in our modern capitalist society. Some people see their dog or cat as part of the family and talk to them; others care for plants as well as they do for their own children. And even in movies, a world is a portrait where the birds talk to the people and plants are alive. Therefore, the idea of nature being alive rather than just some material resource still prevails in our subconscious and in our fantasy to this day.

The first part of this paper portrays our current

perspective on nature and how it developed. From Plato's Allegory of the Cave to the scientific revolution initiated by Francis Bacon and the dualism founded by Descartes, many theories influenced our perception of the world. The term Anthropocene is widespread, but it is rarely discussed or narrowed down when used. It will be discussed and elaborated on how the rise of capitalism is related to the accelerating exploitation of nature.

The second part is about defining animism, the initial view of humans as a part of nature, which is still prevalent in indigenous culture. Cartesian dualism will be challenged, and other philosophical theories will be examined. The concept and theory of ecological feminism are going to be introduced, and the underlying analyses will be conducted in the context of animism. Our perception of nature will be debunked, and strong advocacy will be made for a more sustainable human-nature relationship.

## 2 Historical development of the Anthropocene in Europe

The term Anthropocene was first introduced by Paul Crutzen and Eugene Stormer in 2000. Originally, it just referred to the geological era but it was quickly adapted by other scientists to describe the era, in which humans have a significant impact on the whole planet. Per definition, not necessarily negative, the word is nowadays mainly used to describe the different areas of destruction humans have on planet Earth, for example, climate change, ocean acidification, radioactive waste, or soil erosion. The term is highly discussed because there is no clear start to this era or a distinct indicator of what makes it special. Some argue that the start of the industrial revolution marks the beginning; others point to the importance of globalization in the form of colonization. Fundamental for this new era, however it is defined, is a new way of thinking in which humans are not a part of the environment but superior. The following section will examine some theories, why and how this way of thinking emerged, and who benefited from this narrative (Neilson, 2024).

### 2.1 Plato and the Allegory of the Cave

The foundation for the anthropocentric worldview was laid by the Greek philosopher Plato. He was the

first to describe life as dualism and drew a distinct line between the earthly realm and the transcendental realm. In his famous Allegory of the Cave, he described people only seeing the shadows of reality. They are having fake experiences that feel real but are only shadows of reality. One of the prisoners breaks out, leaves the cave, and figures out what is causing these shadows. When he comes back to the others, he cannot see the objects pictured by the shadows because he has gained the knowledge that these are nothing but shadows and sees them just as that. The other people in the cave might, therefore, think he lost rather than gained knowledge. According to Plato, we can just access the intellectual realm through reason. Our initial experience is only in an earthly, embodied manner, so with the help of our intellect, we can grasp *the idea in itself* (D'Olimpio 2023).

### 2.2 Francis Bacon

Plato's ideas, especially the one of the world being split in two, were adopted by the transcendental philosophies during the Enlightenment. They built on the idea that intellect is the core essence of knowledge. Therefore, humans are given a special place above the rest of creation. The first one to call for this dualism was the English philosopher Francis Bacon. He was a significant contributor to the 'scientific method' that laid the foundation for empiricism. While describing science as a way of observing events in nature, he called for science to be used to enslave nature. The idea of a living world seemed absurd to him because, for him, it was just a chaotic mass that needed to be sorted. He went as far as saying that science should torture nature to reveal its secrets. For him, science is more than a tool to observe; it is a weapon to fight nature and subdue it (Hickel, 2020; Scalercio, 2018).

His ideas might sound brutal, but their consequences were way more devastating. Not only did he, as Attorney General under King James I, use torture against peasants and work to legitimize this practice, he also had a big influence on how the colonialists conducted themselves. The human domination of nature and the sham to sort out this chaos that is present in every part of the world were two of the most important reasons why the colonization of every part of the world was jus-

tifiable. In the understanding of nature that was prevailing in the 16th century, other human beings were part of this wild nature, which had to be tamed as well. The term 'uncivilized', which is shockingly still used sometimes, was omnipresent at the time of Bacon and described the characteristics of people living in harmony with nature. Therefore, the conquering of new lands and within the humans who lived on them, was not seen as the brutal subjection as we recognize it today, but as a favor and doing good (Hickel, 2020; Scalercio, 2018).

Despite the fact that he was calling for this aggressive treatment and exploitation of nature, he did not establish a philosophical concept to justify this proposal for a new behavior. There are some indications of Bacon being the pioneer of the disenchantment of nature, but the main part of this theory was characterized by René Descartes (Hickel, 2020).

### 2.3 René Descartes

René Descartes reflected back on the idea of Plato and broadened the concept of gaining knowledge just by intellect. In this point, he was contrary to Bacon, for whom experimenting and observing the scientific method of gaining knowledge was. But what they shared was the vision of nature as a dead matter that has no influence on humans or the way they behave. According to Descartes, humans are the only beings with a soul, which has a special connection with God. Every other creature was like a machine without thoughts or intentions. They are just a mass of flesh with some instincts, and in his opinion, they do not even have feelings. He tried to prove this point by cruelly dissecting living animals. After torturing them and cutting them in pieces, he insisted that what seemed like pain and sentience was only the appearance of it. The animals are nothing but flesh, muscles, and nerves, and they just act accordingly. What came to be known as mechanical philosophy was nothing else than objectifying animals and even the human body. He split the human being into two parts. The body is just machinery that has to be controlled by the soul, which is what actually makes us humane. Therefore, the body was pictured as weak and had to subdue the brain. If people were poor, they had to be lazy, and the reason for

According to Descartes, humans are the only beings with a soul, which has a special connection with God. Every other creature was like a machine without thoughts or intentions. They are just a mass of flesh with some instincts, and in his opinion, they do not even have feelings.

this was the deficiency of willpower to make the body obey the brain. Normal human instincts like sleeping and hunger were portrayed as unnatural and signs of weakness (Harrison, 1992).

According to Jason Hickel, who analyzed the destruction of the human-nature relationship and the role Descartes had in it, this philosophy was imbibed by the early capitalists. They propagated his philosophy because it allowed them to exploit people and nature as much as they wanted. The work was stripped of its meaning and mastery and became a purpose in itself. Not the actual manufacturing of things was the achievement, but the working and productivity by themselves. Land became property, and living ecosystems became resources. This gave the landowners permission to exploit and destroy whatever they liked. The role of Descartes in the development of capitalism should not be underestimated and played right in the hands of landowners. The church also had an interest in the creation of a dualist worldview because it legitimized humans as the image of God to rule over every other creature. The spiritual realm, which is not observable, was co-aligned with the existence of God and justified the power of the church in this new epoch (Hickel, 2020).

Carolyn Merchant, an environmental historian and ecofeminist, also concluded that the shift from an animistic worldview to a mechanistic worldview significantly accelerated the exploitation of nature. She analyzed the parallels between the man-women hierarchy and the human-nature

hierarchy. Before the scientific revolution, people spoke about 'mother nature' as the origin of all life. Tellingly, Bacon speaks of nature as female and calls for putting her under constraint, so she takes orders from men. In addition, many jobs previously done by women changed into meaningless jobs under capitalism (Merchant, 1980). Her work was the first philosophical analysis of history from an ecofeminist perspective. Therefore, she is seen as a mentor by many, and numerous case studies and research papers are based on her work (Nichols, 2021).

#### 2.4 Cheap nature

For many historians, the roots of the problem are not the existence of the human species. The earliest traces of mankind date back 40,000 years, around the time when the first homo sapiens came to Europe. And for all of history, humans have had impacts on nature, but most historians argue that the Anthropocene started between the 17th and 19th centuries (Wilford, 2002). Due to the emergence of capitalism at this time, some argue that we live in a Capitalocene (Moore, 2016).

In a capitalist system, the main goal is making profit rather than providing a decent life for the people, which has been the main goal before. Capitalism is based on internalizing resources and paying as little as possible for their usage or exploitation. The damages done to the environment get externalized, so the polluter does not have to

The entire world is full of living persons, and no matter if they are human or non-human, they deserve respect. Other beings like animals, plants, or rivers influence us as much as we influence them, so we are all in a relationship with them. Therefore, animism is more naturalist and human-nature-based than metaphysical.

pay for them. Creating value in a capitalist system is highly dependent on appropriating raw materials and putting a price tag on them. The value that ecosystem services, such as rivers providing fish, produce, is not paid for, at least not in the right amount. So-called profit is nothing else but surplus value squeezed out of nature or the workers. When companies want to increase their profit, they have to either earn more income or reduce cost. In reality, this cost reduction often means paying workers less or damaging ecosystems beyond the point where they can repair themselves (Think That Through, 2022).

Moore calls this a capitalized separation between society and nature, but as a matter of fact, all are one and of the same nature. This separation is just an ideological one, because even the people arguing for it cannot draw a clear line between what is nature and what is society. The economy can only exist and thrive in a healthy ecological environment. As said before, at the beginning of capitalism and colonialism, most of the indigenous people were seen as part of nature and could be internalized. In Moore's opinion, economics is just a way to differentiate which part is given a monetary value and which part is not. The soil and the plants are free, as are the slaves, so in theory, the owner makes money from nothing. When the soil loses fertility, it has to be fertilized to get roughly the same amount of crops over time. In this case, the external cost has become an internal one because the owner of the plantation has to pay money to maintain it. Due to this new cost, it would be cheaper to buy new lands, or ideally get them for free, so the owner can just use the fertile soil. Therefore, the profits of capitalism are nothing but the damage done to the environment or humans (Moore, 2016).

### 3 Animism as an ontology

#### 3.1 Definition

The English anthropologist Edward Burnett Tylor first introduced the term animism and defined it as the characteristic religious belief in spirits. For him, animism was the first and most basic religion because animists think everything is inhabited by souls. In his Handbook about Contemporary Animism, Graham Harvey questions this definition as

too vague. He also criticizes the prejudice of the egocentric view that 'they believe but we know' because it hinders understanding the animistic worldview. For a deep comprehension of animism, it is necessary to be open-minded and to respect their way of seeing the universe as much as any other religion (Harvey, 2015).

The most widely used application of animism is to describe humans participation in a multi-species community. The entire world is full of living persons, and no matter if they are human or non-human, they deserve respect. Other beings like animals, plants, or rivers influence us as much as we influence them, so we are all in a relationship with them. Therefore, animism is more naturalist and human-nature-based than metaphysical. In some cases, animism is also used to characterize religions, the interrelation of all matter and all being itself, or to describe human-animal relationships, e.g., if someone sees their pet as a part of the family. All these definitions and meanings have the same core, which is trying to understand what activates and motivates the way lives are lived (Harvey, 2015).

#### 3.2 Closeness in Human-Nature relationships

In his book on Ontology, Neil H. Kessler argues that the ecological catastrophes happening in the Anthropocene are just the symptoms of an underlying root problem – the faulty relationship humans have with other beings. He criticizes concepts like planetary boundaries, which aim to limit the destruction of nature to a 'save' extent, because they still imply that humans can pollute the planet. Sustainable development does not mean less destruction, but non at all. Every tree cut down and every plastic bottle thrown in the ocean indicates how we treat nature and the beings around us. Due to ontology being the study of the nature or essence of being or existence, Kessler looks at the small and big scale of human-nature relationships.

A good human-nature relationship does not guarantee the end of destruction because humans are sometimes insidious to each other. But when this mistreatment happens, it can never be moral or justified, so that should apply to the destruction of nature as well. This could fuel an improvement in treating the earth, not just to survive but to be

respectful. Due to this possible improvement, the author takes a deeper look into the history of animism and questions the reason why many people find animism strange. Prejudices and assumptions about more-than-humans not having the capacity to form a relationship can negatively influence the research about the human-nature relationship; therefore, the author tries to be as unbiased as possible. The first problem he encounters before writing this philosophical paper is the term 'nature' in itself. By referring to nature, many humans mean every non-human being at once. This plural distorts the fact that these are many individual beings and pigeonholes them. Due to the widespread use of the word 'nature' in this context, it is impractical for him to refrain from this word. Especially when analyzing the creation of human-nature dualism, it would be rather confusing to use an unbiased term that includes humans and everything that we call 'nature'.

When the way of finding a definition for the human-nature relationship is just done through already inherent knowledge, in isolation, and without feeling or believing, then this definition is not a definition of a relationship but of a self-conception. Due to this method of defining the relationship already being anthropocentric, it is impossible to get a balanced outcome. The only way a river becomes alive is by humans treating it as if it were. If they think it is dead, it will forever appear dead to them, no matter what they examine. This is similar to other religions because just if someone, e.g., speaks prayers, they can be answered, and their belief will be reinforced. To change the worldview of a dead world that many people nowadays have, the author thinks correcting mistakes in the worldview is more efficient than offering an alternative worldview. Many aspects of animism seem not to fit into our modern worldview, but the author argues that this is not a question of false religion or perception of the world, but of a flawed ideology. When we take for granted that indigenous people know that everything is alive, the question of compatibility is in reality more one of accuracy and misconception.

He favors and builds up on the Ecofeminist conclusion that the root causes of the anthropocentric stance are human-nature-dualism. Ecofeminists like Carolyn Merchant (mentioned in

2.3) analyze the human-nature hierarchy as a form of dualism because, just like in the man-women hierarchy this distinction is made up and both are of the same matter and soul. The most remarkable parallel is 'Passive Object vs. Active Subject Dualism'. Describing nature or women as objects denies their role in the world and limits their significance and equality in life. They are portrayed as a thing without a will or feelings that just exists but doesn't act on itself. Another parallel is a significant value dualism. By valuing nature only as the means to achieve human goals, it is being stripped of its self-purpose as a being. So when we see nature just as resources or as something existing for us to survive, it loses its independence and is determined by whether we need it or not. The same happens when humans are seen as 'human capital' or women are seen as 'birth machines' they get reduced to their utility for society. This rhetoric can be extremely dangerous as it disowns people's right to exist and be treated with dignity (Kessler, 2018).

In this hierarchy of value, the subordination of women was not only justified, but men were also called upon to subjugate women and appropriate them. Through societal norms and cultural practices, this justification was enforced and strengthened because the longer people lived under these norms, the more they did not question them. Ecofeminists argue for understanding and completely dismantling these oppressive concepts. The logic of domination not only justifies the subordination of women and nature but also other forms of discrimination like racism, classism, and heterosexism. The goal of all struggles against discrimination should be the eradication of this logic. Marily Frye advocates for overcoming discrimination against humans and nature by shifting from an 'arrogant perception' to a 'loving perception' where non-human beings are valued and respected. The human-nature relationship then becomes one of care, love, and closeness.

Overall, ecofeminism opposes any form of domination or discrimination. It is a contextualist form of ethics, which defines relationships between beings rather than rules and sees humans as a part of nature. An important part of the past and further development of ecofeminism is the Inclusivity of different perspectives, e.g., indigenous and

marginalized groups. Only through the diversity of perspectives and opinions is it possible to create a model for just ethics. Furthermore, ecofeminism challenges abstract and hyper-individualism because humans are being shaped by their relationship with other humans and nature. Individualism is embracing an anthropocentric worldview that omits other perspectives and therefore has to be limited. So ecofeminism analyzes every aspect of the logic of domination and its effects and is thus a holistic approach to ethics (Warren, 1990).

Despite the Cartesian dualism being omnipresent in our society, there are still examples of 'modern' humans describing their relationship with plants and forests as intimate. For example, children, interestingly, do not think in this dualism but of people and the environment being in a mutually sustaining relationship. When asked about nature, their perception is more like that of an inter-human relationship. Children playing in the forest or in the fields feel close to this part of nature. They develop feelings related to their environment and trees and are sad if they are cut down. Additionally, everyone seems to have had a favorite place in nature as a child, where they were connected to it and were 'one with nature'. For some, it is climbing trees; for others it is building something in the forest or running through the fields. Many children explore nature, embark on an adventure, or fantasize about nature interacting with them. The author suggests that children do not lack knowledge but are more free in feeling and accepting than adults, who tend to hide their imagination behind reason. While growing up, many children get told that their perception and joy of nature are wrong and they should stop feeling connected to it. This objectification is easy for some but pretty difficult for others (Hoffman, 1992).

Neil H. Kessler elaborates that human-nature relationships require material conditions, but they do not start with them. This implies a criticism of materialism as a way of analyzing the world. Due to materialism being 'a priori' because the material has been inserted before observation, which means materialists have a presumption of the world, they reject findings that do not fit into this worldview. For example, children's experiences to closeness with nature cannot be explained by materialist philosophy; thus, they have to be fake. In

science, truth is what we observe and which theory the observation solidifies, but in philosophy, truth comes from experiences and their interpretation. A school of thought always deals with experiences made by the one thinking about them or other humans. If some of these experiences do not get taken into account because they vary from what we believe, this school of thought is inaccurate or even wrong.

The author reveals that most monist materialists claim to be free from Cartesian dualism, but they are in fact reproducing it. By getting rid of the spiritual realm, they do not value humans and nature the same but deny spiritual experience with nature, which they can't explain. However, this spiritual sense is what makes humans value nature the same as themselves and what it means to be an animist. The only way to get rid of Cartesian dualism is by seeing both nature and humans in the materialist as well as in the spiritual realm. They both are made out of matter, and they both can have a spiritual connection with each other or among themselves. This is why they originally (before the scientific revolution) were in both categories. These connections and spiritual beings can have inherent feelings, consciousness, and meaning. Hence, Cartesian dualism creates a contradiction between our experiences with the world and the imposed worldview.

Accordingly, the author has proven that the lack of closeness in human-nature relationships

Forest therapy; a famous example of emotions felt in connection with nature, in which participants visit a forest or do forest-related activities with the help of therapeutic personnel, which can significantly improve adults mental health by decreasing stress, depression, anxiety, and anger levels..

does not originate in human-originated culture and can be identified purely through the analysis of mistakes in perception and conception that modern societies make. Instead of trying to adopt the animist view of indigenous people because it is more environmentally friendly, he questioned our worldview. This has the big advantage of not being in danger of appropriating the animist culture. Experiences someone makes with nature do not have anything to do with culture but with emotions, feelings, and closeness (Kessler, 2018).

A famous example of emotions felt in connection with nature is the relatively new forest therapy. In such therapy, participants visit a forest or do some forest-related activities with the help of therapeutic personnel, which can significantly improve adults mental health. Especially for people from big cities, forest therapy, compared to control groups, decreased stress, depression, anxiety, and anger levels (Lee, 2017). Thus, it is scientifically proven that humans need the forest for their mental health, independent of how they see the forest and if it has a soul in their perception.

#### 4 How our view of nature influences laws

The goal of ecofeminist philosophy and other philosophers exploring the human-nature relationship is to prevent destruction and pollution by defining better morals. This does not necessarily involve writing new laws because, in a perfect society where everyone behaves morally correctly, there would not be a need for laws. If everyone sees the destruction of nature as unethical, not because it endangers our future but because it harms other beings, people and companies doing so would be boycotted on a large scale. Our system would be one of harmony and mutual respect, and our economy would be very different. Instead of destroying our planet and exploiting workers to pursue the goal of profit, which is meaningless, our goal would be an economy of sufficiency and postscarcity (Hickel, 2020). Because this goal is far off, a reasonable step in the right direction would be implementing (better) rights of nature.

Rights of Nature are a legal instrument that enables ecosystems or species to have inherent rights like people and corporations do. Such rights include the legal right to exist, thrive, and regenerate. This enables the defense of nature in court,

not for the benefit of people who rely on these ecosystems but for the sake of nature itself. Contrary to our current legal system, in which even the environmental protection measures are anthropocentric, Rights of Nature are ecocentric and focus solely on the environment. It addresses complex issues, e.g., deforestation, at the systemic level, thereby enforcing proactive action and effective restoration projects (IPBES Secretariat).

### 5 Conclusion

However we call this era of human domination over nature, one of the biggest misguided developments was the dualist world view. Through this, a hierarchy of humans over nature and men over women was trying to be justified. Due to its rising popularity in the scientific revolution, it had catastrophic impacts on everyone and everything that was not defined as a subject in the Cartesian sense. Women were subjected, nature was exploited, and during colonialism, indigenous people were seen as things just because they did not fit in the picture of European civilization. The logic of domination over nature and even over marginalized people is still present to this day.

The only way to get rid of this logic is by actively questioning it and exploring the flaws it has in its argumentation. We should realize that neglecting the experiences humans all around the globe have about the nature that surrounds them is inconsistent. Philosophy is the school of thoughts and experiences and should therefore take any experiences into consideration, even the ones that may vary. Our worldview is not based on reason but on a wrong assumption made centuries ago that became embedded in our society. So when we think of nature as something to subdue, we are not progressive but holding on to a tradition of dominance.

Ecofeminism laid out an excellent analysis of the parallels of discrimination against nature and against women; hence, they call for combining efforts to abolish them. A successful fight against discrimination should be universal and seek to eliminate not one form of discrimination but the entire logic of domination. A very important part of this is the inclusiveness of different perspectives, especially those of marginalized groups. For some, it might seem helpful to look at the indige-

nous way of living, but we need to comprehend that cultural appropriation is not the solution but instead a shift in our worldview due to our renewed perception.

Rights of Nature can be a complementary measure to effectively defend nature in our current system. A shift from exploitation and capitalism to a world of mutual respect will certainly take its time, and in the case of the climate crisis, we have absolutely no time to lose. Therefore, the fight for a better future should have a vision of what needs to be overcome and what we want to archive, but it also has to take direct action by defending every other being.



#### Johannes Hagemann

is a third semester student of Nonprofit and NGO Management (B.A.) at the Environmental Campus Birkenfeld, Trier University of Applied Science. His personal interest in degrowth and an economy that serves people and nature rather than profit, led him to participate in this course.

## Rights for Nature in selected states

Author: Sahar Mallak

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### 1 Introduction

In recent years, a paradigm shift in environmental ethics has given rise to a groundbreaking concept granting legal rights to nature itself. As the global community grapples with escalating environmental challenges, select nations have taken unprecedented steps to acknowledge nature as a subject with inherent rights, transcending the conventional view of the environment as mere property. This term paper dives into the evolving landscape of environmental jurisprudence by exploring the inclusion of nature's rights in the constitutional frameworks of Ecuador, Bolivia, New Zealand, Colombia and India. Through a comparative analysis of these distinct cases, we unravel the diverse approaches these countries have adopted to recognize and protect the rights of nature, examining the legal, cultural, and ecological implications of this transformative concept. From the constitutional enshrinement of Pachamama's rights in Ecuador to the legal personification of the Whanganui River in New Zealand, this paper sheds light on the global movement for the rights of nature and its

potential impact on environmental conservation and societal harmony.

### 2 Rights for Nature in selected States

The following section focuses on selected countries such as Ecuador, Bolivia, New Zealand, Colombia, and India. In these countries, nature successfully gained rights.

#### 2.1 Ecuador

Ecuador adopted a new constitution in 2008 (Gutmann, 2019). The Latin American country is the first and so far, only country in the world to include the rights of nature in its constitution (Johns, 2023). With this step, Ecuador laid the foundation for the inherent rights of nature. The Constitution de la República del Ecuador (CRE) stood up for the rights of nature. The CRE is a hybrid structure in which various influences are combined. This formerly colonized country rejects any capitalist economic models and development concepts from the West that are growth oriented. However, it does incorporate elements of the legal system of

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