

Rights of Nature

Explainer briefing, July 2026

Summary

Rights of Nature is a social and legal movement. Globally, it covers hundreds of initiatives to give nature rights that can be represented in court and environmental governance.

This explainer briefing gives an overview of:

- The movement's background
- The design and impact of initiatives at international, national and local levels
- The initiatives in the UK and Ireland.

It ends with some key considerations for Scotland.

Introduction

The Environmental Rights Centre for Scotland (ERCS) is an environmental law charity. We advocate for policy and law reform to improve environmental rights and compliance with the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (the Aarhus Convention).¹

Rights of Nature is a social and legal movement to change the human relationship to nature from anthropocentrism (centring humans) to ecocentrism (centring nature), recognising nature's intrinsic value regardless of its utility.²

The UK has had a growing number of Rights of Nature initiatives in the past few years. In 2025, the River Ouse was the first in England to have its rights formally recognised by Lewes District Council.³ A petition to grant Scottish rivers legal personhood was considered in the Scottish Parliament in 2025, and a Nature's Rights Bill was introduced in the House of Lords in 2026.⁴

This briefing contextualises how Rights of Nature initiatives could work in Scotland. It explains what they are, how they have been used at international, national and local levels, and concludes with some key considerations for Scotland.

Background to Rights of Nature

The intrinsic value of nature and people's interdependency with it have been the foundation of many Indigenous governance systems across the world.⁵ Proposed in the 1970s, Rights of Nature is a framework in Western law in which nature has legal rights that can be represented



in court.⁶ It draws from, but is not always aligned with, Indigenous values.⁷ Indigenous activists have had an important role in shaping the Rights of Nature movement, and there have been hundreds of initiatives globally since 2006.⁸

The purpose of Rights of Nature

Historically, Western environmental protection has relied on controlling human impact. Regulations establish standards and permits to limit harm, and were created to safeguard public health, deal with threats to property and manage shared resources. Protected areas contain nature within managed conservation sites, which often restrict or exclude people.⁹

In contrast, Rights of Nature centres nature's wellbeing with legal rights that may be upheld regardless of whether other laws have been breached, or human health or property have been harmed.¹⁰

Rights of Nature initiatives have often emerged in response to the failure of conventional environmental laws to protect nature from pollution and corporate exploitation.¹¹ Many initiatives also aim to advance Indigenous peoples rights and community governance.¹²

The rights given to nature

To date, rights have been given to:

- Nature or Mother Nature – e.g. Republic of Ecuador Constitution of 2008
- Named ecosystems – e.g. Spain National Mar Menor Act of 2022
- Species – e.g. Panama Law on the Protection of Sea Turtles of 2023
- Natural features – e.g. Linhares (Brazil) Municipal Law on rights of the waves of 2024.¹³

Many Rights of Nature initiatives include a general right to life, such as Ecuador's constitution which outlines Mother Earth's right to 'maintenance and regeneration of its life cycles, structure, functions and evolutionary processes'.¹⁴ Some go further in recognising a right to 'flourish' or specific rights, e.g. a river's right 'to flow' and 'be free from pollution'.¹⁵

Nature's rights are often broadly defined, which is a challenge for their effective and consistent implementation.¹⁶ In a Spanish court case, judges cautioned that the Mar Menor lagoon's rights could threaten legal certainty, which requires laws to be accessible, clear and predictable so people understand their obligations.¹⁷

Although Rights of Nature initiatives inform each other, they do not share a unified approach. They vary widely depending on the social and geographic contexts in which rights are recognised and how they are implemented. Some countries have several Rights of Nature instruments in effect simultaneously.



Rights of Nature on an international level

At the international scale, there have been non-binding civil society declarations and tribunals for Rights of Nature.¹⁸ The first one, the Universal Declaration for the Rights of Mother Earth, was circulated to the United Nations General Assembly in 2009-2010 and informed the UN Harmony with Nature programme.¹⁹ Established in 2009, Harmony with Nature is an ongoing policy and discussion forum to promote more reciprocal relations to nature, including Rights of Nature.²⁰

Rights of Nature on a national level

A few countries have recognised Rights of Nature in their constitution, by passing national legislation, or through court rulings.

The development of secondary legislation, national policy and monitoring to implement laws has been slow. In Ecuador, for example, the creation of secondary laws stalled due to conflicts over economic development.²¹ Instead, implementation has mainly relied on two legal mechanisms:

- Legal standing, which allows people to bring claims on nature's behalf
- Legal personhood, which recognises nature as a legal person that acts through an appointed guardian or representative.

Legal standing: Defending nature's rights in court

Legal standing refers to a person's right to go to court.²² Because nature cannot speak for itself in court, some laws give standing to the public to defend nature's rights. For example, Uganda's Natural Environment Act 2019 states that: 'A person has a right to bring an action before a competent court for any infringement of rights of nature under this Act.'²³ Other countries limit standing to appointed guardians or representatives.

The impact of legal standing

There have been some successful lawsuits to uphold national Rights of Nature laws, but in other jurisdictions no cases have been brought forward.

Successful cases to challenge rights violations have mostly been in Ecuador. Notably, high-profile cases (e.g. contesting mining projects) which previously had failed, were more successful when lawsuits introduced human rights arguments.²⁴ Though court rulings have halted environmental destruction at places such as the Los Cedros cloud forest, they are reactive and have not created mechanisms to comprehensively protect nature's rights.²⁵

Broad legal standing depends on the public to uphold nature's rights and the ability of lawyers and judges to implement Rights of Nature, likely requiring specialist training and courts.²⁶ In Ecuador and Panama, this role has been filled by alliances between Indigenous activists, environmentalists and lawyers.²⁷ In comparison, Bolivia has had few and Uganda has had no



lawsuits.²⁸ Bolivia's Rights of Nature law has not been used partly because civil society groups have viewed it as weak.²⁹

Lawsuits in Ecuador and Panama show how legal standing has allowed communities to challenge government-sanctioned projects which would harm the health of people and nature.³⁰ However, critics of the Rights of Nature movement have questioned whether judges, instead of elected representatives, should decide on the political trade-offs of environmental protection.³¹

Legal personhood: Appointing guardians for nature's rights

Some countries have created guardianship bodies for a specific ecosystem (e.g. a river) which is recognised as a legal person. A legal person is an entity with legal rights and duties, that is, it has legal standing, can enter contracts and own property.³² For example, a corporation.

Guardians exercise powers on behalf of the legal person: they are responsible for representing nature's rights in court, policy-making and environmental management. Their governance arrangements often involve participatory decision-making through multi-stakeholder groups and are supported by scientific advisories.³³ Some focus on restoring Indigenous governance, such as the Whanganui River guardian in New Zealand.³⁴ Others combine government and citizen representatives, like the Mar Menor lagoon guardian in Spain, or make existing public bodies the guardian like in Bangladesh.³⁵

The impact of legal personhood

The implementation of legal personhood has been slow, with no significant ecological benefits reported to date. Stockholm Resilience Centre's 2026 report found that legal personhood is not a standalone solution to environmental degradation, but rather a way to reconfigure relationships between government, communities and nature in decision-making.³⁶

In New Zealand, Rights of Nature laws have been used primarily to settle Indigenous rights issues.³⁷ The guardian of the Whanganui River has improved the recognition of Māori law, and fostered participatory decision-making through sustained engagement of stakeholders in Māori values and building plans for the river's wellbeing.³⁸

Guardianships in Colombia, Australia and Spain have similarly aimed to establish more holistic and participatory environmental management, but have faced constraints including lack of clear mandates, effective enforcement mechanisms and funding.³⁹

Rights of Nature at a local level

In comparison to proposals for national Rights of Nature laws, which have been contested or stalled in several countries, there have been more successful Rights of Nature initiatives at a local level.⁴⁰

Two categories of local initiatives are relevant to Scotland:



- Local byelaws, which are legally enforceable
- Commitments, which are not legally binding.

In addition, there are Indigenous tribes that have passed Rights of Nature laws within their territory (e.g. the 2024 Yurok Tribal Ordinance for the rights of the Heyhl-keek 'We-roy/Klamath River in the US).⁴¹ These are not expanded on in this briefing because Scotland does not have a legally recognised Indigenous population with its own legal system.

Local byelaws

In many countries, including Scotland, local government has legislative powers to pass local byelaws (e.g. local ordinances and municipal laws) for their area.⁴²

There are over 70 Rights of Nature byelaws.⁴³ The vast majority are in the US and Brazil, where their prominence can be explained by a lack of political opportunities for national laws, active Rights of Nature campaigners and broad legislative powers for local government.⁴⁴

Some byelaws, like national laws, use legal standing or establish guardians for nature.⁴⁵ Others require local government to integrate Rights of Nature in its decision-making and policies.⁴⁶ In the US in particular, many byelaws also include the community's right to self-governance.⁴⁷

The impact of local byelaws

Local byelaws are legally subordinate to constitutions and national laws and generally cannot contradict their provisions.⁴⁸ This hierarchy restricts their scope because if national laws do not provide legal standing or personhood for nature, it may be unlawful for local government to legislate it, or the byelaw could be overturned. For example, the Ohio State law in the US now pre-empts Rights of Nature byelaws, and the constitutionality of Brazilian byelaws has been unclear.⁴⁹

ERCS has not found legal cases which have successfully used Rights of Nature byelaws. On the contrary, litigation has focussed on contesting their validity: the Lake Erie Bill of Rights in the US was overturned in 2020 as the result of a legal challenge from a farming business.⁵⁰

There is limited evidence on the policy implementation of byelaws beyond the City of Santa Monica in the US. The City recognised Rights of Nature with the Rights of Sustainability Ordinance in 2013, and created a Sustainable City Plan with scientifically based indicators and public hearings to ensure compliance.⁵¹

Commitments

Local authorities can recognise Rights of Nature through commitments such as motions, resolutions and charters. Motions and resolutions are a formal mechanism to express



positions, propose actions and make decisions. Charters are voluntary agreements between local authorities and communities and set out principles for working together.⁵²

There are over 30 examples of local authority commitments to Rights of Nature which are not legally enforceable but have symbolic value and can influence policymaking.⁵³

The impact of commitments

Because local authorities are often responsible for delivering services that directly affect the environment – such as planning, waste management and transport – symbolic commitments to Rights of Nature can influence their environmental impact. For example, the City of Curridabat in Costa Rica symbolically recognised pollinators as citizens in 2015.⁵⁴ This commitment was implemented through a new planning framework, which centred pollinators as community members and improved biodiversity.⁵⁵

Commitments to recognise Rights of Nature have been powerful in raising awareness and generating discussion about environmental issues and people's relationship to nature. They can also build political momentum towards legislation: Paris City Council's resolution on the rights of the River Seine has now progressed to a bill.⁵⁶

Rights of Nature initiatives in the UK and Ireland

In the UK and Ireland, Rights of Nature has, so far, progressed mostly at a local level.

Proposals for national laws

In Ireland, the Joint Committee on Environment and Climate Action of the Oireachtas recommended a national referendum to incorporate Rights of Nature in the constitution in 2023. It was a response to the Irish Citizens' Assembly on Biodiversity Loss.⁵⁷

In Scotland, a petition to grant Scottish rivers legal personhood was brought to the Scottish Parliament in 2024 by The Empire Café.⁵⁸ The Scottish Government did not support the proposal, citing existing environmental laws and its unpredictability in Scots law.⁵⁹

In June 2026, a Nature's Rights Bill was introduced by Baroness Natalie Bennett in the House of Lords, backed by a consortium including Nature's Rights and Lawyers for Nature.⁶⁰

Byelaws

There has been one byelaw proposal in the UK. It was by Frome Town Council in England in 2016 to grant rights to the River Frome and Rodden Meadow.⁶¹ The Secretary of State refused to give the Council permission to enact it because their view was that existing laws already addressed the issue.⁶²



Commitments

In 2021, one council in Northern Ireland and two councils in the Republic of Ireland passed motions to engage local communities in how Rights of Nature could be integrated into their work.⁶³

In 2025, Lewes District Council became the first to recognise river rights with the Charter of Rights for the River Ouse, supported by the Environmental Law Foundation.⁶⁴ The Charter was created over two years with extensive public engagement and consultation of stakeholders. Initiatives to give rivers rights have followed in other local authorities in England and Wales.⁶⁵ In 2026, Maidstone Borough Council became the first to adopt a Rights of Nature framework.⁶⁶

Could Rights of Nature work in Scotland?

This briefing has provided an overview of the growing and complex Rights of Nature movement and initiatives at international, national and local levels.

There is no doubt that the Rights of Nature movement is playing an important part in redefining human-nature relationships and acknowledging our responsibilities to nature in shifting from extractivism to stewardship.

Notwithstanding, beyond important lawsuits in South America, there is limited evidence that incorporating Rights of Nature improves ecological outcomes in the short term.⁶⁷ Initiatives generally have a wide implementation gap and, as highlighted by others, legal recognition is only the first step.⁶⁸ Rights of Nature, like other environmental laws, depends on effective enforcement outside the courts and the mechanisms for this are still being explored.

Considerations for Scotland

People involved in Rights of Nature initiatives report being failed by public bodies and governments amidst environmental harm often inflicted by corporations, and feeling powerless to challenge the situation.⁶⁹ Initiatives in the UK and Ireland reflect similar circumstances.⁷⁰ The petition to grant Scottish rivers rights, for example, raised concerns over privatisation and ineffective protection of the River Clyde for the benefit of nature and the public.⁷¹

These experiences underscore the failures of environmental governance structures that must be challenged. ERCS agrees with the values of Rights of Nature – the right of ecosystems and species to exist and flourish regardless of their utility and commercial value. How these can be better reflected and enforced in law remains an open question. Upholding Rights of Nature laws in court, for example, would be limited by the same current barriers to accessing justice in public interest environmental law.⁷²

This is why ERCS's advocacy priorities are to achieve equitable participation in environmental decision-making and access to justice to enforce existing environmental laws, and an enforceable right to a healthy environment.⁷³



In determining whether Rights of Nature could work in Scotland, questions to consider include:

- What do groups want to achieve by utilising Rights of Nature initiatives?
- What are the practical mechanisms and timelines to enforce Rights of Nature?
- How will Rights of Nature sit alongside environmental and human rights laws?

ERCS is committed to testing all legal tools to protect nature. There are several steps which could be taken in Scotland to recognise Rights of Nature. For example, Scottish local authority motions, local development plans or byelaws could be used for this purpose.⁷⁴

Our Law Service can offer free legal advice to anyone who is seeking to recognise Rights of Nature in Scotland.

For free legal advice contact

[Law Service](#)

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For more information contact

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- ⁶⁸ Stockholm Environment Institute/Rodríguez-Blásquez, Kim, Farnan, Dyke, Mandal & Coleoni (June 2026) [Case study report on rights of rivers in practice in Bangladesh and Colombia](#).
- ⁶⁹ Bookman (2025) [The Puzzling Persistence of Nature's Rights](#), *Utah Law Review* 1: 165-233; Kahui, Armstrong & Aanesen (2024) [Comparative analysis of Rights of Nature \(RoN\) case studies worldwide: Features of emergence and design](#), *Ecological Economics* 221: 108193.
- ⁷⁰ BBC (31 July 2025) [Rights of rivers recognised in council votes](#); Killean, Gilbert & Doran (2024) [Rights of Nature on the Island of Ireland: Origins, Drivers, and Implications for Future Rights of Nature Movements](#), *Transnational Environmental Law* 13(1).
- ⁷¹ The Scottish Parliament (5 March 2025) [Citizen Participation and Public Petitions Committee](#), p22; The Scottish Parliament (accessed 17 July 2026) [PE2131: Grant Scottish rivers, including the River Clyde, the legal right to personhood](#).
- ⁷² Environmental Rights Centre for Scotland (June 2026) [Progress on access to environmental justice and next steps](#).
- ⁷³ Environmental Rights Centre for Scotland (Sept 2025) [Advocacy Manifesto: Securing environmental rights in Scotland](#).
- ⁷⁴ Local development plans ('LDPs') have an important role in decision-making in planning matters. Local authorities are required to prepare LDPs for their area and have broad powers as to the content of their LDPs ([Town and Country Planning \(Scotland\) Act 1997](#), S15). Local authorities in Scotland have broad powers to make byelaws ([The Local Government \(Scotland\) Act 1973](#), Ss201-204).