

## BIBLIOGRAFIA E ITINERARI DI ORIENTAMENTO SUI DIRITTI DELLA NATURA

### Il dibattito mondiale sui "diritti della Natura"

AA.VV. *Natura e Costituzione*, 3 *Riv.Dir.Cost.*, 2020

ACOSTA A. MARTÍNEZ E. *Los Derechos de la Naturaleza como puerta de entrada a otro mundo posible*, 8 *Rev. Direito e Práx.*, 4, 2017, 2927-2961

ACOSTA A., MARTÍNEZ E. (eds.) *La naturaleza con derechos: de la filosofía a la política*, Quito, 2011

AFEISSA H.-S. *Éthique de l'environnement. Nature, valeur, respect*, Paris, 2007

AHTEENSU M. *In dubio pro natura?*, Turku, 2008

ALEXANDER S. *Earth Jurisprudence and the Ecological Case for Degrowth*, *J. Jurisprudence*, 2010, 131-147

ÁVILA SANTAMARIA R. *La utopía del oprimido. Los derechos de la naturaleza y el buen vivir*, Ciudad de México, 2019

BAGNI S. *Back to the future: building harmony with nature in the European Union by learning from our ancestors*, in *Environmental Sustainability in the European Union: Socio-Legal Perspectives*, eds. Baldin S., De Vido S., Trieste, 2020, 77-100

BAGNI S. *The Indigenous Concept of Land in Andean Constitutionalism*, in *Historical Perspectives on Property and Land Law. An Interdisciplinary Dialogue on Methods and Research Approaches*, eds. Fiocchi E. et al., Madrid, 2019, 111-136

BAGNI S. *From the Andes to the EU: Customary Land Law within the Ecology of Law*, 26 *Rev. Gen. Der. Publ Comp.*, 2019, 1-33

BAGNI S. *Los derechos de la naturaleza en la jurisprudencia Colombiana e Indiana*, 7 *Rev. Jur. Der.*, 9, 2018, 33-53

BAGNI S. (ed.) *Come governare l'ecosistema? How to govern the Ecosystem? ¿Como gobernar el ecosistema?*, Bologna, 2018

BAGNI S. *Constitución ecológica y política económica en Ecuador, durante la década presidencial de Correa*, 22 *Rev.Gen. Der. Públ. Comp.*, 2017, 1-24

BAGNI S. *The Constitutionalisation of Indigenous Culture as a new Paradigm of the Caring State*, 1 *Int'l J. Envtl Policy and Decision Making*, 3, 2015, 205-2263

BALDIN S. *Il Buen Vivir nel costituzionalismo andino. Profili comparativi*, Torino, 2019

BERQUE A. *An enquiry into the Ontological and Logical Foundations of Sustainability. Toward a Conceptual Integration of the Interface 'Nature/Humanity'*, 2 *Global Sustainability*, e13, 2019, 1-10

BERROS M.V. *Rights of Nature in the Anthropocene: Towards the Democratization of Environmental Law?*, in *Charting Environmental Law Futures in the Anthropocene*, ed. Lim M., Singapore, 2019, 21-31

BERRY T. *The Sacred Universe. Earth, Spirituality, and Religion in the twenty-first Century*, New York, 2009

BERRY T. *The Great Work: Our Way into the Future*, New York, Tower, 1999

BIGGS S. et al. *Rights of Nature & Mother Earth: Rights-based Law for Systemic Change*, Oakland, 2017

BORRÁS S. *New Transitions from Human Rights to the Environment to the Rights of Nature*, 5 *Transn'l Envtl L.*, 1, 2016, 113-143

BOURG D. (ed.), *La nature en politique*, Paris, 1993

BOYD D. *The Rights of Nature: A Legal Revolution that Could Save the World*, Montreal, 2017

BOVENKERK B. et al. (eds.), *Animal Ethics in the Age of Humans*, Cham, 2016

BRYNER N.S. *Applying the Principle in Dubio Pro Natura for Enforcement of Environmental Law*, in General Secretariat of the Organization of American States, *Environmental Rule of Law: Trends from the Americas*, Montego Bay (Jamaica), 2015, 168-174

BURDON P.D. *Earth Jurisprudence: Private Property and the Environment*, London, 2014

BURDON P.D. (ed.) *Exploring Wild Law: The Philosophy of Earth Jurisprudence*, Kent Town, 2011

CALLE H. *El Jep reconoce que la Naturaleza es víctima del conflicto*, *El Espectador*, 7 de marzo 2020

CANO PECHARROMAN L. *Rights of Nature: Rivers that can stand in Court*, 7 *Resources*, 13, 2018, 1-14

CAPRA F. MATTEI U. *The Ecology of Law. Toward a Legal System in Tune with Nature and Community*, Oakland, 2015

CARDUCCI M. *Lo "status climaticus": un'esperienza inedita per il diritto*, 2 *Geologia dell'Ambiente*, Suppl. 2/2020

CARDUCCI M. *¿Qué tipo de justicia constitucional adoptar frente al "déficit ecológico" de las Constituciones? Una comparación a través del pensamiento de Sloterdijk*, in *Tribunales y justicia constitucional. Homenaje a la Corte constitucional colombiana*, eds. Estupiñán Achury L. et al., tomo I, Bogotá, 2017, 167-182

CARDUCCI M. *Natura (diritti della)*, in *Digesto delle discipline pubblicistiche, VII Aggiornamento*, Torino, 2017

CARDUCCI M., CASTILLO AMAYA L.P. *Nature as "Grundnorm" of Global Constitutionalism*, 12 *Rev. Br. Dir.*, 2, 2016, 154-165

CARDUCCI M., CASTILLO AMAYA L.P. *Nuevo Constitucionalismo de la Biodiversidad vs. Neoconstitucionalismo del Riesgo*, 73 *Seqüência*, 2016, 255-284

CARDUCCI M. *Nomos, Ethnos e Kthonos nel processo: verso il tramonto del bilanciamento? Spunti dal dibattito latinoamericano*, 1 *www.federalismi.it-Focus America Latina*, 1, 2014, 1-24

CERINI D. *Il diritto e gli animali*, Torino, 2012

CHAPRON G. et al. *A Rights Revolution for Nature*, 363 *Science*, 6434, 2019, 1392-1393

CHAPRON G. et al. *Bolster Legal Boundaries to Stay within Planetary Boundaries*, 1 *Nature, Ecology and Evolution*, 3, 2017, 1-5

COLAGÉ I. *Le scienze naturali e la filosofia della natura: alcune riflessioni epistemologiche*, in *Si può parlare oggi di una finalità dell'evoluzione?*, eds. Auletta G. et al., Roma, 2013, 59-79

COLLINS L.M., BOYD D.R. *Non-Regression and the Charter Right to a Healthy Environment*, in 29 *J. Envtl L. & Practice*, 2016, 285-298

CORMAC C. *Do Humans Have Standing to Deny Trees Rights*, 11 *Barry L. Rev.* 2008, 11-15

COUTINHO RACHID A. et al. (eds.), *Nas Fronteiras do direito: sustentabilidade e desenvolvimento*, Florianópolis, 2015

CRESPI KAPLAN C. *Perspectives on Rights of Nature in Santa Monica, California*, Univ. Texas at Austin, 2017

CULLINAN C. *Wild Law. A Manifesto for Earth Justice*, Totnes, 2003

- CUTURI F. (ed.) *La Natura come soggetto di diritti. Prospettive antropologiche e giuridiche a confronto*, Firenze, 2020
- DANI A. *Le risorse naturali come beni comuni*, Arcidosso, 2013
- DAVID V. *La nouvelle vague des droits de la nature. La personnalité juridique reconnue aux fleuves Whanganui, Gange et Yamuna*, *Rev. Jur. Environnement*, 2017, 409-424
- DE OLIVEIRA MORAES G. et al. (eds.) *Do Direito ambiental aos Direitos da Natureza*, Fortaleza, 2019
- DE OLIVEIRA MORAES G. et al. (eds.) *Direitos de Pachamama e Direitos Humanos*, Fortaleza, 2018
- DEGRAZIA D. *Animal Rights*, Oxford, 2002, 6-8
- DESCOLA Ph. *L'écologie des autres*, Paris, 2011
- DESCOLA Ph. *Diversité des Natures diversité des Cultures*, Paris, 2010
- ECKERSLEY R. *Liberal Democracy and the Rights of Nature: The Struggle of Inclusion*, 4 *J. Envtl Politics*, 4, 1995, 169-198
- EMMENEGGER S., TSCHENTSCHER A. *Taking Nature's Rights Seriously: The Long Way to Biocentrism in Environmental Law*, 6 *Georgetown Int'l Envtl L. Rev.*, 3, 1994, 545-742
- ESTUPIÑÁN ACHURY L. et al. (eds.) *La naturaleza como sujeto de derecho*, Bogotá, 2019
- FALANCIA F. *La Natura come soggetto di diritto*, in *Il soggetto di diritto*, eds. Bilotta F., Raimondi F., Napoli, 2020, 153-164
- FERNANDES DE AQUINO S.R., *A reconstrução das utopias concretas sul-americanas: reflexões a partir do contrato natural*, 9 *Rev. Dir. Amb. Soc.*, 3, 2019, 279-304
- FLIPO F. *Nature et politique*, Amsterdam, 2014
- GAMBOA LEON P. *La problemática definición del principio in dubio pro natura*, Tesis, Quito, 2018
- GRIMONPREZ B. *Les biens nature: précis de reconstitution juridique. Le droit des biens au service de la transition écologique*, Paris-Dalloz, 2018 (Thèmes et commentaires, 2247177883)
- GUDYNAS E. *Derechos de la Naturaleza. Ética biocéntrica y políticas ambientales*, Lima, 2014
- GUDYNAS E. *El mandato ecológico*, Quito, 2009
- HANDL G. *The Human Rights to a Clean Environment and Rights of Nature: between Advocacy and Reality*, in *The Cambridge Handbook of New Human Rights. Recognition, Novelty, Rhetoric*, eds. Von Arnould A. et al., Cambridge, 2020, 137-153
- HASSON DE OLIVEIRA V. *Direitos da Natureza*, Rio de Janeiro, 2016
- HERMITTE M.A. *La nature, sujet de droit ?*, E.H.E.S.S., Annales, Histoire, Sciences sociales, 2011/1
- HOUCK O.A. *Noah's Second Voyage: The Rights of Nature As Law*, 31 *Tulane Envtl L.J.*, 1, 2017, 1-50
- HOWTOREGULATE. *Attributing Legal Personality to Nature as an Effective Means of Protection* (<https://www.howtoregulate.org/legal-personality-nature/>) 30. August 2019
- IMPARATO E. *I diritti della natura e la visione biocentrica tra l'Ecuador e la Bolivia*, 4 *DPCE online*, 2019, 2455-2878
- ITO M., *Nature's Rights. Why the European Union needs a paradigm shift in Law to achieve its 2050 vision*, in *Sustainability and the Rights of Nature in Practice*, eds. C. La Follette, C. Maser, London-New York, 2020 311-320
- ITO M., MONTINI M. *Nature's Rights and Earth Jurisprudence. A New Ecologically-Based Paradigm for Environmental Law*, in *The Right to Nature*, London-New York, eds. Apostolopoulou E., Cortes-Vazquez J.A., 2019, 221-233
- ITO M. *Nature's Rights: a New Paradigm for Environmental Protection*, *Ecologist*, 2017, 1-6
- ITO M. *Rights of Nature. Why Do We Need It?*, *Ecological Restoration*, 2016, 48-51
- KAUFFMAN C.M. *Mapping Transnational Rights of Nature Networks & Laws: New Global Governance Structures for More Sustainable Development*, Prepared for the International Studies Association Annual Conference Toronto, March 29, 2020
- KOTZÉ L. *A Global Environmental Constitution for the Anthropocene?*, 8 *Trans'n'l Envtl L.*, 1, 2019, 11-33
- KOTZÉ L. et al. *Earth System Law: The Juridical Dimensions of Earth System Governance*, 1 *Earth System Governance*, 2019, 1-12
- LA FOLLETTE C., MASER Ch. (eds.) *Sustainability and Rights of Nature in Practice*, Boca Raton, 2019
- LEFORT-MARTINE T. *Des droits pour la nature? L'expérience équatorienne*, Paris, 2017
- LIVINGLAW. *Giving Nature a Voice*, 2018
- MANG P. et al. *Regenerative Development and Design*, Hoboken, 2016
- MAY J.R., DALY E. *Global Environmental Constitutionalism*, New York, 2014
- MELO M. *Derechos de la Naturaleza, globalización y cambio climático*, *Linea Sur*, 5, 2013, 43-54
- MITTAL A. *According Legal Identity to Natural Resources: Approach towards Environment Protection*, 10 *Jindal Global L. Rev.*, 1, 2019, 7-18
- MOLINA ROA J.A. *Derechos de la Naturaleza*, Bogotá, 2014
- MONEDIAIRE G. *Sur la nature du droit de la nature*, 4 *Caesura, Canoas*, 1994, 65
- MONTEDURO M. *Le decisioni amministrative nell'era della recessione ecologica*, 2 *Riv. AIC*, 2018, 1-37
- MONTEDURO M. et al. *Law and Agroecology*, Hedelberg-New York, 2015
- MONTEDURO M., TOMMASI S., *Paradigmi giuridici di realizzazione del benessere umano in sistemi ecologici ad esistenza indisponibile e ad appartenenza necessaria*, in AA.VV., *Benessere e regole dei rapporti civili*, Napoli, 2014, 161-196
- MONTEDURO M. *Per una "nuova alleanza" tra diritto ed ecologia: attraverso e oltre le "aree naturali protette"*, 11 *Giust. Amm. Riv. Dir. Amm.*, 6, 2013, 1-44
- MONTEIRO DE LIMA DEMANGE L.H. *The Principle of Resilience*, 30 *Pace Envtl L. Rev.*, 2, 2013, 695-810
- MONTINI M. *Revising International Environmental Law through the Paradigm of Ecological Sustainability*, EUI Working Paper, 2013/05
- MURRAY J. *Placing the Animal in the Dialogue between Law and Ecology*, 39 *Liverpool L. Rev.*, 2018, 9-27

- MURRAY J. *Earth Jurisprudence, Wild Law, Emergent Law: The Emerging Field of Ecology and Law-Part 2*, 36 *Liverpool L. Rev.*, 2015, 105–122
- MURRAY J. *Earth Jurisprudence, Wild Law, Emergent Law: The Emerging Field of Ecology and Law-Part 1*, 35 *Liverpool L. Rev.*, 2014, 215–231
- NAFFINE N. *Legal Personality and the Natural World: On the Persistence of the Human Measure of Value*, *J. Hum. R. & Env.*, 2012, 63–83
- NIEHAUS M. *Nature as a Bearer of Rights: a Legal Construction in Pursuit for Better Environmental Protection?*, *Völkerrechtsblog*, 27 December 2017
- NOVELLA S. (ed.) *Des droits pour la nature*, Paris, 2016
- O'DONNELL E.L. et al. *Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India*, 23 *Ecol. and Soc.*, 1, 2018, 1–10
- O'DONNELL E. et al. *New Developments in the Legal Status of Rivers*, Aela-Creel, Melbourne L. School, 2017
- OLIVARES A. LUCERO J. *Contenido y desarrollo del principio in dubio pro natura*, 24 *Rev. Ius et Praxis*, 3, 2018, 619 – 650
- OST F. *La nature hors la loi. L'écologie à l'épreuve du droit*, Paris, 2003
- PEÑA CHACON M. *Diálogo entre sistemas ecológicos y jurídicos*, 33 *Rev. Iberoamericana Der. Amb. Recursos Nat.*, 2019, 1–2
- PEÑA CHACON M. (ed.) *El Principio de No Regresión Ambiental en Iberoamérica*, Gland (IUCN), 2015
- PERRA L. *La Natura: ¿sujeto de derechos?*, 6 *Ius Civile*, 2017, 627–645
- PETERS A. *Liberté, Egalité, Animalité. Human-Animal Comparison in Law*, 5 *Trans'l Envtl L.*, 1, 2016, 25–53
- PLATJOUW F.M. *Environmental Law and the Ecosystem Approach: Maintaining Ecological Integrity through Consistency in Law*, London-New York, 2016
- POMPEU MARCÍLIO G., CARDUCCI M. REVENGA SANCHEZ M. (eds.), *Análise constitucional das relações econômicas: entre o crescimento econômico e o desenvolvimento humano*, Rio de Janeiro, 2014
- POTTAGE A. *Holocene Jurisprudence*, in 10 *J. Hum. R. & Env.*, 2, 2019, 153–175
- PIETRO MÉNDEZ J.P. *Derechos de la naturaleza: fundamento, contenido y exigibilidad jurisdiccional*, Quito, 2013
- PUTTINI MENDES P., CONSTANTINO DE OLIVEIRA M.A. *Pantanal: bioma constitucional*, 9 *Rev. Dir. Amb. Soc.*, 2, 2019, 171–195
- QUEALLY J. *In European First, Proposed Constitutional Amendment in Sweden Would Enshrine Rights of Nature*, 13/3 *Common Dreams News*, 2020
- RESCIGNO F. *I diritti animali nella prospettiva contemporanea: l'antispecismo giuridico e la soggettività animale*, in *Cibo e diritto*, I, eds. Scaffardi L. et al., Roma, 2020, 829–851
- RESTREPO MEDINA M.A. (ed.), *Interculturalidad, protección de la naturaleza y construcción de paz*, Bogotá, 2020
- RODERICK N.F. *Rights of Nature: a History of Environmental Ethics*, Madison, 1989
- ROQUE A.C. et al. (eds.) *Peoples, Nature and Environments: Learning to Live Together*, Cambridge, 2020
- RÜHS N., JONES A. *The Implementation of Earth Jurisprudence through Substantive Constitutional Rights of Nature*, 8 *Sustainability*, 174, 2016, 1–19
- RUSSO R. *In dubio pro natura: un principio de precaución y prevención a favor de los recursos naturales*, 5 *Tierra Tropical*, 1, 2009, 23–32
- SAGOT RODRÍGUEZ Á. *La nueva otredad. Los ecosistemas como sujetos reconocidos jurídicamente*, 36 *Rev. Iberoam. Der. Amb. Recursos Nat.*, 2020
- SCHAEFER S.J. *The Standing of Nature. The Delineated Natural Ecosystem Proxy*, *George Washington J. of Energy & Envtl L.*, April 18, 2018
- SCHILLMOLLER A., PELLIZZON A. *Mapping the Terrain of Earth Jurisprudence: Landscape, Thresholds and Horizons*, 3 *Envtl & Earth L. J.*, 2013, 1–32
- SCHILLMOLLER A., RICKETTS A. *Recognising Rights for Nature: A Negotiation of Principle and Pragmatism*, 21 *Transformations J. Media & Culture*, 2012, 1–9
- SCHUSTER M. *Beurteilungsspielräume der Verwaltung im Naturschutzrecht*, Berlin, 2020
- SHEEHAN L. *Implementing Nature's Rights through Regulatory Standards*, 20 *Vermont J. Envtl L.*, 3, 2019, 227–242
- SHEEHAN L. *Implementing Rights of Nature through Sustainability Bills of Rights*, 13 *NZJPIL*, 2015, 89–106
- SHELTON D. *Nature as a Legal Person*, 22 *VertigO. Rev. Électronique Sc. Environnement*, 2015, 1–17
- SHIVA V. *Making Peace with the Earth*, North Melbourne, 2012
- SPARKS T. *Protection of Animals through Human Rights: The Case-Law of the European Court of Human Rights*, in *Studies in Global Animal Law*, ed. Peters A., Berlin-Heidelberg, 2020, 153–171
- STONE C.D. *Should Trees Have Standing. Law, Morality and the Environment*, Oxford, 2010
- STONE C.D., *Should Trees have Standing? Toward Legal Rights for Natural Objects*, 45 *Southern California L. Rev.*, 1972, 450–501
- TANASESCU M. *Local, National, and International Rights of Nature*, in *Environment, Political Representation, and the Challenge of Rights*, London, 2016, 107–128
- THIEL P. *Times for a Universal Declaration of the Rights of Nature*, [www.medium.com](http://www.medium.com), 2020
- VAN SCHILFGAARDE P. (2019) *Law and Life. Why Law?*, Cham, 2019
- VV. AA. *Rights of Nature & Mother Earth. Rights-Based Law for Systemic Change*, Oakland, 2017
- WESTON B.H. *Green Governance: Ecological Survival, Human Rights, and Law of the Commons*, Cambridge, 2013

WESTON B.H., BACH T. *Law of Humans with the Laws of Nature: Climate Change, Human Rights, and Intergenerational Justice*, Vermont L. School Research Paper, 10-06, 2009  
 WESTRA L. *Climate Change and Starvation*, Cham, 2020  
 WESTRA L. et al. (eds.) *Ecological Integrity in Science and Law*, Cham, 2020  
 WESTRA L. et al. (eds.) *Ecological Integrity, Law and Governance*, London, 2018  
 WOOD M.C. *Nature's Trust. Environmental Law for a New Ecological Age*, Cambridge, 2014

ZASIMOWICZ PINTO CALAÇA I. et al. *La naturaleza como sujeto de derechos. Análisis bioético de las Constituciones de Ecuador y Bolivia*, 18 Rev. LatAm Bioética, 1, 2018, 1-14

## Le critiche mosse ai "diritti della Natura"

BIRNBACHER D. *Legal Rights for Natural Objects: a Philosophical Critique*, in *Applied Ethics in a Troubled World*, eds. Morscher E. et al. Dordrecht, 1998, 29-40  
 BURDON P.D. *The Earth Community and Ecological Jurisprudence*, 3 *Oñati Socio-Legal Series*, 5, 2013, 815-837  
 CRESPO PLAZA R. *Derechos de la naturaleza: ¿Símbolo o realidad jurídica?*, 8 *Juris Dictio*, 2011, 31-37  
 DUNCAN L.M. *The Rights of Nature: Triumph for Holism or Pyrrhic Victory?*, 31 *Washburn L.J.*, 1, 1991, 62-70.  
 ELDER P.S. *Legal Rights for Nature: the Wrong Answer to the Right(s) Question*, 22 *Osgoode Hall L. J.*, 2, 1984, 285-295  
 FISH L. *Homogenizing Community, Homogenizing Nature: An Analysis of Conflicting Rights in the Rights of Nature Debate*, *Stanford Undergraduate Research J.*, 2013, 6-11  
 FITZ-HENRY E. *Decolonizing Personhood*, in *Wild Law-in Practice*, eds. Maloney M., Burdon P., Abingdom, 2014, 133-148  
 GAGLIANO PINTO ALBERTO T. *In dubio pro natura: una erronia interpretativa*, *Migalhas de Peso*, 2019  
 JARIA J. *Si fuera sólo una cuestión de fe. Una crítica sobre el sentido y la utilidad del reconocimiento de derechos a la naturaleza en la Constitución del Ecuador*, 4 Rev. Chilena Der. y Ciencia pol., 1, 2013, 43-86  
 KAUFFMAN C.M., MARTIN P.L. *Can Rights of Nature make Development more Sustainable? Why some Ecuadorian Lawsuits succeed and Others Fail*, 92 *World Development*, 2017, 130-142  
 MARK J. *Natural Law*, 27 *Earth Island J.*, 1, 2012, 40-46  
 PIETARI K. *Ecuador's Constitutional Rights of Nature: Implementation, Impacts, and Lessons Learned*, 1 *Willamette Env'tl L.J.*, 2016, 37-94  
 RAWSON A. et al. *Producing Juridical Knowledge: 'Rights of Nature' or the Naturalization of Rights?*, 1 *Environ. and Planning E: Nature and Space*, 1-2, 2018, 99-119  
 VILLAVICENCIO CALZADILLA P., KOTZÉ L.J. *Environmental Constitutionalism and the Ecocentric Rights Paradigm*, in *UNEP, New Frontiers in Environmental Constitutionalism*, Nairobi, 2017  
 WARNOCK M. *Should Trees have standing?*, 3 *J. Human R. & Env.*, Special Issue, 2012, 56-67  
 WHITTEMORE M.E. *The Problem of Enforcing Nature's Rights under Ecuador's Constitution: Why the 2008 Environmental Amendments Have No Bite*, 20 *Pacific Rim L. & Policy J.*, 3, 2011, 659-691

## Il nascente dibattito sui "diritti della Natura" all'interno della UE

BELLOSO MARTIN N. *A las generaciones futuras y la naturaleza: ¿hay un deber de cuidado? Algunas reflexiones desde el Eurocentrismo*, 38 Rev. Programa Pós-Graduação Dir. UFC, 2, 2018, 522-547  
 BÉTAILLE J. *Rights of Nature: Why it Might Not Save the Entire World*, 16. *J. Eur. Env'tl & Planning L.*, 2019, 35-90  
 CAMPROUX DUFFRENE M.-P- SOHNLE J. (eds.) *La représentation directe de la nature ou de certains de ses éléments*, 22 *VertigO. Rev. Électronique Sc. Environnement*, 2015  
 DI SALVATORE L. *Towards a European Charter of the Rights of Nature. Research Paper*, Institutes of European Democrats, October 2019, 1-48  
 DONATI A. *Coronavirus and Climate Change Crises under EU law: the Need for a Common, Coordinated and Consistent Risk Management Strategy* (<https://blogdroiteuropeen.com/2020/04/22/coronavirus-and-climate-change-crises-under-eu-law-the-need-for-a-common-coordinated-and-consistent-risk-management-strategy-by-alessandra-donati/>)  
 HOVDEN K. *The Best Is Not Good Enough: Ecological (Il)literacy and the Rights of Nature in the European Union*, 15. *J. Eur. Env'tl & Planning L.*, 2018, 273-331  
 JAYATILAKA T. *Rights of Nature. The Right Approach to Environmental Standing in the EU?*, LLM Paper, Ghent University, 2017



LIMA RODRIGUES CHAGAS T.P. *Os direitos da Natureza, independentemente do ser humano*, Dissertação do Mestrado Universidade de Coimbra, 2014

PIKRAMENOU N. *Rights of Nature. Time to Shift the Paradigm in the EU?*, 2017 <https://www.earthlawcenter.org/nikolettas-ron-article>

SCHIMMÖLLER L. *Paving the Way for Rights of Nature in Germany: Lessons Learnt from Legal Reform in New Zealand and Ecuador*, 9 *Trans'l Envtl L.*, 2, 2020, 1-24

SCHOUKENS H. *Rights of Nature in the European Union: Contemplating the Operationalization of an Eco-Centric Concept in an Anthropocentric Environment?*, in *Non-Human Nature in World Politics*, eds. Pereira J.C. et al., Cham, 2020 (2021)

SCHOUKENS H. *Rights of Nature in the EU (Part II)*, 16 *J. Eur. Envtl & Planning L.*, 2019, 35-90

SCHOUKENS H. *Rights of Nature in the EU (Part I)*, 15 *J. Eur. Envtl & Planning L.*, 2018, 273-331

SHEBER K. *Legal Rights for Nature: How the Idea of Recognizing Nature as a Legal Entity Can Spread and Make a Difference Globally*, 26 *Hastings Envtl L.J.*, 1, 2019, 147-168

## **Bibliografia sul diritto ambientale attuale, le sue disfunzionalità e i suoi fallimenti**

AFFOLDER N. *Contagious Environmental Lawmaking*, 31 *J. Envtl L.*, 2019, 187-212

BARBIER E.B. *The Concept of Sustainable Economic Development*, 14 *Envtl Conserv.*, 2, 1987, 101-110

BERMEJO GÓMEZ DE SEGURA R., *Del desarrollo sostenible según Brundtland a la sostenibilidad como biomimesis*, Bilbao, 2014

BODANSKY D. *The Art and Craft of International Environmental Law*, Cambridge, 2010

BOGOJEVIC S. et al. *Environmental Rights in Europe and Beyond*, London-New York, 2018

BOLOGNESI T.H., NAHRATH S. *Environmental Governance Dynamics Some Micro Foundations of Macro Failures*, 170 *Ecol. Econ.*, 2020, 106555

BORGHESI S. MONTINI M., BARRECA A. *The European Emission Trading System and its Followers: Comparative Analysis and Linking Perspectives*, Rotterdam, 2016, 78-80

BORN C.-H. et al (eds.) *The Habitats Directive in its EU Environmental Law Context: European Nature's Best Hope?*, Abingdon-New York, 2017

CESARETTI G.P. *The Labyrinth of Sustainability*, 2 *Riv. Studi Sostenibilità*, 2019, 11-12

CLIQUET A. *Adaptation to Climate Change Legal Challenges for Protected Areas*, 5 *Utrecht L. Rev.*, 1, 2009, 158-179

COMMONER B. *Failure of the Environmental Effort*, 18 *Envtl L. Rep. News & Analysis*, 10195, 1988, 1-7

COYLE S., MORROW K. *The Philosophical Foundations of Environmental Law: Property, Rights and Nature*, Oxford-Portland, 2004

COSSEDDU A., RIGATELLI M.G. (eds.) *Ambiente e diritti tra responsabilità e partecipazione*, Roma, 2017

COZZI A.-O., *Diritti e principi sociali nella Carta dei diritti fondamentali dell'Unione europea*, Napoli, 2017

DALY E et al. (eds.) *Implementing Environmental Constitutionalism*, Cambridge, 2018

DAN TARLOCK A. *Is there a there there in environmental Law?*, 19 *J. Land Use & Envtl L.*, 2, 2004, 213-255

DARPO V.J. *The Commission: A Sheep in Wolf's Clothing? On Infringement Proceedings as a Legal Device for the Enforcement of the EU Law on the Environment, Using Swedish Wolf Management as an Example*, 13 *J. Eur. Envtl & Planning L.*, 3-4, 2016, 270-293

DEL GOBBO A. *Il discorso dello sviluppo sostenibile. Critica di una "fantasia ideologica"*, 109 *Soc. Urbana e Rurale*, 2016, 12-26

DERNBACH J.C., CHEEVER F. *Sustainable Development and Its Discontents*, 4 *Trans'l Envtl L.*, 2, 2015, 247-287

DUIT A. (ed.) *State and Environment. A Comparative Study of Environmental Governance*, Cambridge (Ma), 2014

ESCHER R. et al. *Environmental Performance in Democracies and Autocracies*, Cham, 2020

FAURE M.G., PARTAIN R.A. *Environmental Law and Economics*, Cambridge, 2019

FISCHER E. et al. *Maturity and Methodology: Starting a Debate about Environmental Law Scholarship*, 21 *J. Envtl L.*, 2, 2009, 213-250

FLOURNOY A.C., *The Case for the National Environmental Legacy Act*, in *Beyond Environmental Law: Policy Proposals for a Better Environmental Future*, eds. A.C. Flournoy A.C., Driesen D.M., Cambridge, 2010, 3-10

FOGLEMEN V. *The Duty to Prevent Environmental Damage in the Environmental Liability Directive*, 20 *ERA Forum*, 2020, 707-721

GAINES S.E. *Reimagining Environmental Law for the 21st Century*, 44 *Envtl L. Reporter*, 3, 2014, 10188-10215

GRUŠIĆ U. *International Environmental Litigation in EU Courts: A Regulatory Perspective*, 34 *Yearbook of European Law*, 1, 2016, 180-228

HARRIS P.G. *Collective Action on Climate Change: The Logic of Regime Failure*, 47 *Natural Resources J.*, 1, 2007, 195-224

KRÄMER L. (ed.) *Enforcement of Environmental Law*, Cheltenham, 2016

KRÄMER L. *The EU Courts and Access to Environmental Justice*, in *Environmental Law Dimensions of Human Rights*, eds. Boer B., Oxford, 2015, 120-135

KRÄMER L. *Environmental Governance in the EU*, in *Environmental Protection in Multi-Layered Systems*, eds. Alberton M., Palermo F., Leiden, 2012, 9-30

YAMINEVA Y., ROMPPANEN S. *Is Law failing to address Air Pollution? Reflections on International and EU developments*, 26 *RECIEL*, 2017, 89-200

- YOUNG O. *International Governance: Protecting the Environment in a Stateless Society*, Ithaca, 1994
- LAGUNA DE LA PAZ J.C. *Discretion and Judicial Review in European Environmental Law*, in *Protecting the Environment for Future Generations. Principles and Actors in International Environmental Law*, eds. Hebel T. et al., Berlin, 2017, 27-60
- LAITOS J. *Why Environmental Policies Fail*, Cambridge, 2017
- LAITOS J.G., WOLONGEVICZ L.J. *Why Environmental Laws Fail*, 39 *Wm. & Mary Env'tl L. & Pol. Rev.*, 1, 2014, 1-52
- LANE M.B., CORBETT T. *The Tyranny of Localism*, 7 *J. Env'tl Policy & Planning*, 2, 2005, 141-159
- LEI P. et al. *Determinants and Welfare of the Environmental Regulatory Stringency before and after Regulatory Capture*, 166 *J. Cleaner Production*, 2017, 107-113
- LIM M. *Charting Environmental Law Futures in the Anthropocene*, Singapore, 2019
- MALJEAN-DUBOIS S., *The Effectiveness of Environmental Law*, Cambridge, 2017
- MARTIN P. et al. *The Search for Environmental Justice*, Northampton, 2015
- MASER C. et al. *Resolving Environmental Conflicts*, Boca Raton, 2019
- MONTINI M. *The Double Failure of Environmental Regulation and Deregulation and the Need for Ecological Law*, XXVI (2016) *Italian Yearbook of International Law*, 2017, 265-285
- MORGERA E. MARÍN DURÁN G., *Commentary on Article 37*, in *Commentary on the EU Charter of Fundamental Rights*, eds. Peers S. et al., Oxford, 2014, 983-1003
- NEVIG J. et al. *Sustainability through Institutional Failure and Decline? Archetypes of Productive Pathways*, 24 *Ecol. and Soc.*, 1, 2019, 1-14
- NILSSON M., ECKERBERG K. (eds.) *Environmental Policy Integration in Practice: Shaping Institutions for Learning*, New York, 2009
- O'GORMAN R. *The Case for Enshrining a Right to Environment within EU Law*, 19 *Eur. Pub. L.*, 3, 2013, 583-604
- O'HIGGINS T. *You Can't Eat Biodiversity: Agency and Irrational Norms in European Aquatic Environmental Law*, 5 *Challenges in Sustainability*, 1, 2017, 43-51
- ODUM W.E. *Environmental Degradation and the Tyranny of Small Decisions*, 32 *BioScience*, 1, 1982, 728-729
- OLIVI M. *Danno erariale per abbattimento di fauna selvatica*, *AmbienteDiritto.it*, 1-15
- ONIDA M. *Art. 37*, in *Carta dei diritti fondamentali dell'Unione europea*, eds. Mastroianni R. et al., Milano, 2017
- PAUL W. *El poder constitucional de los hechos. El efecto Fukushima*, 20 *Rev. Lat.-Am. Est. Const.*, 2017, 241-254
- PELLETIER N. *Of Laws and Limits: An ecological Economic Perspective on Redressing the Failure of Contemporary Global Environmental Governance*, 20 *Global Env'tl Governance*, 2, 2010, 220-228
- PEETERS M. NÓBREGA S. *Climate Change-related Aarhus Conflicts: How Successful are Procedural Rights in EU Climate Law?*, in 23 *RECIEL*, 3, 2014, 354-366
- PIRKER B. *Access to Justice in Environmental Matters and the Aarhus Convention's Effects in the EU Legal Order: No Room for Nuanced Self-executing Effect?*, 25 *Rev. Eur. Comp. & Int'l. Env'tl L.*, 1, 2016, 81-91
- READ R., O'RIORDAN T., *The Precautionary Principle Under Fire*, 59 *Environment: Sc. & Pol. for Sust. Development*, 5, 2017, 4-15
- REID M. *Balancing Human Rights, Environmental Protection and International Trade, Lessons from the EU Experience*, Oxford and Portland, 2015
- RICHARDSON B.J., RAZZAQUE J. *Public Participation in Environmental Decision Making*, *Environmental Law for Sustainability*, 2006 165-194
- ROBERTSON P.J. et al. *Ecological Governance: Organizing Principles for an Emerging Era*, Special Issue *Public Admin. Rev.*, 2010, 589-599
- ROSE GL. *Gaps in the Implementation of Environmental Law at the National, Regional and Global Level*, Kuala Lumpur, 2011
- SCOTFORD E. *Environmental Rights and Principles in the EU Context: Investigating Article 37 of the Charter of Fundamental Rights*, in *Environmental Rights in Europa and Beyond*, eds. Bogojević S. et al., Oxford, 2018, 133-154
- SHOUKENS H. *Access to Justice in Environmental Cases after the Rulings of the Court of Justice of 13 January 2015: Kafka Revisited?*, 31 *Utrecht J. Int'l and Eur. L.*, 81, 2015, 46-67
- SINGH K. *Chronic Disturbance, a Principal Cause of Environmental Degradation in Developing Countries*, 25 *Env'tl Conserv.*, 1, 1998, 1-2
- SOMSEN H. *The End of European Union Environmental Law: An Environmental Programme for the Anthropocene*, in *Environmental Law and Governance for the Anthropocene*, ed. Kotzé L., Oxford-Portland, 2017, 365
- SQUINTANI L. ANNINK D. *Judicial Cooperation in Environmental Matters: Mapping National Courts' Behaviour in Follow-up Cases*, 15 *J. Eur. Env'tl & Planning L.*, 2018, 147-170
- STERN N. *The Economics of Climate Change: The Stern Review*, Cambridge, 2007, 8
- SUNDSETH K. et al. *Article 6 of the Habitats Directive Rulings of the European Court of Justice. Final Draft*, 2014
- TARLOCK A.D. *Is there a there there in Environmental Law?*, 19 *J. Land Use & Env'tl L.*, 2, 2004, 213-254
- TORRE-SCHAUB M. *Economics and Environmental Law: dealing with Competition Law and Environmental Principles in the European Union context*, Global Law Working Paper, Law NYU
- TROUWBORST A. *Precaution, Prevention, Logic and Law*, in 2 *Erasmus L. Rev.*, 2, 2009 105-127
- TURNER S. et al. (eds.) *Environmental Rights*, Cambridge, 2019
- VAN CALSTER G., REINS L. *EU Environmental Law*, Cheltenham, 2017
- VANHEUSDEN B. et al. (eds.) *EU Environmental and Planning Law Aspects of Large-Scale Projects*, Cambridge, 2016

VUJANIĆ V. *Climate Change Litigation and EU Environmental Liability Directive*, 48 *Zbornik radova Pravnog fakulteta u Splitu*, 1, 2011, 135-164

WESTON B., BOLLIER D. *Regenerating the Human Right to a Clean and Healthy Environment in the Commons Renaissance*, 2011 (<http://www.commonslawproject.org/>)

WHITE E.R. et al. *Success and Failure of Ecological Management is Highly Variable in an Experimental Test*, 116 *PNAS*, 46, 2019, 23169-23173

ZHANG J. et al. *The Discretionary Power of the Environmental Assessment Practitioner*, 72 *Envtl Impact Ass. Rev.*, 2018, 25-32

### Altra bibliografia su diritto, tempo, sostenibilità

ABRESCIA M. *Un diritto al futuro. Analisi economica del diritto, Costituzione e responsabilità tra generazioni*, in *Un diritto per il futuro. Teorie e modelli dello sviluppo sostenibile e della responsabilità intergenerazionale*, eds. Bifulco R., D'Aloia A., Napoli, 2008, 161-171.

AGUILA Y., VIÑUALES J.E. (eds.) *A Global Pact for the Environment. Legal Foundations*, Cambridge, 2019

AL-DELAIMY W. et al. (eds.) *Health of People, Health of Planet and Our Responsibility*, Cham, 2020

ALGOZINO A. *Acuerdo de Escazú. Derecho a los tres accesos*, 36 *Rev. Iberoam. Der. Amb. Recursos Nat.*, 2020

AMICI F. et al. (eds.) *Le Cori e la Carta di Nizza*, Dossier n. 12

AMIRANTE D. *Environmental Courts in Comparative Perspective: Preliminary Reflections on the National Green Tribunal of India*, 29 *Pace Env'tl L. Rev.*, 2, 2012, 441-469

BATHAEE Y. *Incompletely Theorized Agreements: An Unworkable Theory of Judicial Modesty*, 34 *Fordham Urb. L.J.*, 5, 2007, 1457-1488

BEATO S. *I quadri teorici della sociologia dell'ambiente tra costruzionismo sociale e oggettivismo strutturale*, 16 *Quad. Soc.*, 1998, 1-19

BEAUCILLON C., *Opinion 2/15: Sustainable is the New Trade. Rethinking Coherence for the New Common Commercial Policy*, 2 *Eur. Papers. J. on Law & Integration*, 3, 2017, 819-828

BELAÏDI N. (ed.) *Dossier «L'Ordre public écologique», du concept à la juridicité*, 68 *Droit et Cultures*, 2014, 2

BIANCHINI R. *Diritto umano e diritto animale*, 6 *Cultura Giur. Dir. Vivente*, 2019, 1-7

BRUNNÉE J. *Common Areas, Common Heritage and Common Concern*, in *Oxford Handbook of International Law*, Oxford, eds. Bodansky D. et al., 2007, 550-565

CALABRESI G., BOBBIT Ph. *Tragic Choices*, New York, 1978

CALDWELL J. *An Ecological Approach to Environmental Law*, Auckland, 1988

CALLIESS Ch. et al. (eds.) *Constitutional Identity in a Europe of Multilevel Constitutionalism*, Cambridge, 2019

CARDUCCI M. *"Cross-Constitutionalism" and Sustainable Comparison*, in *Sociology of Constitutions. A Paradoxical Perspective*, eds. Febbrajo A. et al., London-New York, 2016, 137-166

CAVEDON-CAPEDEVILLE F. *L'écologisation des juridictions régionales de protection des droits de l'homme: des nouveaux espaces d'accès à la justice en matière d'environnement*, 2 *Rev. Roumaine Dr. Environ.*, 2, 2010, 51-65

CEO-TNI *One Treaty to rule the all*, Amsterdam, 2018

CHANEY P. *Civil Society Organizations' Experiences of Participative Environmental Mainstreaming: a Political Systems Perspective of a Regional European Polity*, 26 *Env'tl Pol. Gov.*, 2016, 510-526

COEN D. et al. *Lobbying the European Union: Institutions, Actors, and Issues*, Oxford, 2009

COONEY R. *The Precautionary Principle in Biodiversity Conservation and Natural Resource Management*, Gland (IUCN), 2004

COOTER R.D. *The Strategic Constitution*, Princeton, 2000

CORBERA E. et al. *Climate Change Policies, Natural Resources and Conflict: Implications for Development*, 19 *Climate Policy*, sup.1, 2019, 1-7

D'ALOIA A. *Bioetica ambientale, sostenibilità, teoria intergenerazionale della Costituzione*, 2 *BioL.J.*, 2019, 645-678

DALY E. *Constitutional Protection for Environmental Rights*, 17 *Int'l J. Peace St.*, 2, 2012, 71-80

DE ARAÚJO AYALA P. *Devido processo ambiental e direito fundamental ao meio ambiente*, Rio de Janeiro, 2020

DE SOUSA SANTOS B., MENDES J.M. (eds.) *Demodiversity*, Abingdon, 2020

DEESE R.S. *Climate Change and the Future of Democracy*, Cham, 2019

DI BENEDETTO S. *Sovranità dello Stato sulle risorse naturali e tutela degli equilibri ecologici nel diritto internazionale generale*, Torino, 2018

DOBSON N.L. *Exploring the Crystallization of "Climate Change Jurisdiction": A Role for Precaution?*, *Climate L.*, 8, 2018, 207-228

DOGARU L. *Preserving the Right to a Healthy Environment: European Jurisprudence*, 141 *Procedia. Soc. & Behavioral Sc.*, 2014, 1346-1352

DONATI A. *Le principe de précaution en droit de l'Union européenne*, Thèse, Université Paris 1 Panthéon Sorbonne, 2019

DUIT S. *Greening Leviathan: the rise of the environmental State?*, 25 *Env'tl Politics*, 1, 2016, 1-25

DÜWELL M., BOS G., *Human Rights and Future People. Possibilities of Argumentation*, in 15 *J. Human R.*, 2, 2015, 231-250

EBERHARDT P. *The Zombie ISDS*, Amsterdam-Bruxelles, 2016

ELLS K. *Ecological Rhetoric through Vicarious Narrative*, 2 *Env'tl Comm. J. Nat. & Cult.*, 3, 320-339

EPSTEIN M.J. et al. *Managing Social, Environmental and Financial Performance Simultaneously*, 48 *Long Range Plann.*, 1, 2015, 35-45

- EUROPEAN GROUP ON TORT LAW, *Principles of European Tort Law. Text and Commentary*, Wien-New York, 2005
- FISHEL S.R. *The Microbial State*, Minneapolis, 2017
- FISHER D. *Legal Reasoning in Environmental Law*, Cheltenham, 2013
- FRACCHIA F. *Il diritto ambientale comparato*, 7 [www.federalismi.it](http://www.federalismi.it), 2017, 1-68
- FREMAUX A. *After the Anthropocene*, Cham, 2019
- FRENCH D. *International Law and Policy of Sustainable Development*, Manchester, 2005
- FRIEDMANN D., BARAK-EREZ D. *Human Rights in Private Law*, Oxford, 2002
- GARNETT K. PARSONS D.J. *Multi-Case Review of the Application of the Precautionary Principle in European Union Law and Case Law*, 37 *Risk Analysis*, 3, 2017, 502-516
- GARVER G. *The Rule of Ecological Law*, 5 *Sustainability*, 1, 2013, 316-337
- GERRARD M.B. et al. *Governor Cuomo proposes \$3 Billion "Restore Mother Nature" Act*, 263 *New York L.J.*, 48, 2020, 1-3
- GIBSON J.L., CALDEIRA G.A. *The Legal Cultures in Europe*, 30 *L. & Soc. Rev.*, 1, 1996, 55-86
- GLENN H.P. *Legal Traditions of the World*, Oxford, 2010
- GÖLLINGER T. *Biokratie*, Marburg, 2015
- GREAR A. *Deconstructing Anthropos: A Critical Legal Reflection on "Anthropocentric" Law and Anthropocene "Humanity"*, 26 *L. & Critique*, 2015, 225-249
- GRINLINTON D., TAYLOR P. (eds.) *Property Rights and Sustainability. The Evolution of Property Rights to Meet Ecological Challenges*, Leiden, 2011
- GROVE R. *The Origins of Environmentalism*, 345 *Nature*, 1990, 11-14
- GUSSEN B. *Axial Shift*, Singapore, 2019
- HAILA J. *Genealogy of Nature Conservation*, 1 *Nature Conservation*, 2012, 27-52
- HURT A.E. *A Global Threat: The Emergence of Climate Change Science*, New York, 2018
- HUSILLOS J. et al. *Stakeholder-Theory Approach to Environmental Disclosures by SMEs*, 11 *Rev. Contabilidad*, 1, 2008, 123-156
- IRTI C. *Gli "appalti verdi" tra pubblico e privato*, XXII *Contratto e impresa/Europa*, 2017, 183-210
- JENDROŠKA J., BAR M. (eds.) *Procedural Environmental Rights: Principle X in Theory and Practice*, Cambridge, 2017
- JUAGUARIBE H. *El equilibrio ecológico mundial y los países subdesarrollados*, 5 *Est. Internacionales*, 17, 1972, 92-123
- KAISER M. *Reactions to the Future*, 9 *Nanoethics*, 2015, 165-177
- KOHN E. *How the Forests think*, Berkeley, 2013
- KOSKENNIEMI M. *Imagining the Rule of Law: Rereading the Grotian "Tradition"*, 30 *Eur. J. Int'l L.*, 1, 2019, 17-52
- KOTHARI A. et al. (eds.) *Pluriverse: A Post-Development Dictionary*, Tulika Books, New Delhi, 2019
- KOZIOL K. *Harmonising Tort Law in the European Union: Advantages and Difficulties*, 1 *Elte L.J.*, 2013, 73-88
- LAJAUNIE S. et al. *Complexity of Scenarios of Future Health: Integrating Policies and Laws*, in *Law, Public Policies and Complex Systems: Networks in Action*, eds. Boulet R. et al., Cham, 2019
- LAMBERT E. *The Environment and Human Rights. Introductory Report to the High-Level Conference Environmental Protection and Human Rights*, Strasbourg, 27 February 2020
- LASSALLE D. et al. *DATE. Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment*, Université de Genève Global Studies Institute (Individual Report on the European Convention on Human Rights and the European Union. Report no. 14)
- LEONARDI E., *Lavoro, Natura, Valore*, Napoli-Salerno, 2017
- LUTZ NEWTON J, SULLIVAN W.C. *Nature, Culture, and Civil Society*, 1 *J. Civ. Soc.*, 3, 2005, 195-209
- LYONA C. et al. *Five Pillars for Stakeholder Analyses in Sustainability Transformations: The Global Case of Phosphorus*, 107 *Envtl Sc. & Policy*, 2020, 80-89
- MACAULAY S. *Popular Legal Culture: an Introduction*, 98 *Yale L. J.*, 8, 1989, 1545-1558
- MADDALENA P. *Il diritto umano all'ambiente e i diritti dell'ambiente*, 3 *Pace, Dir. Um., Dir. Popoli*, 1, 1989, 9-13
- MAGALHAES P. et al. *SOS Treaty. A New Approach to Managing Our Use of the Earth System*, Cambridge Scholars Publishing, 2016
- MARCOS A. *Vulnerability as a Part of Human Nature*, in *Human Dignity of the Vulnerable in the Age of Rights*, eds. MASFERRER A. et al., Cham, 2016
- MARELLA M.R. *Beni comuni: oltre l'opposizione natura/cultura*, 113 *Lettera Internazionale*, 3, 2012, 9-14
- MATTEI U., QUARTA A. *The Turning Point in Private Law: Ecology, Technology and the Commons*, Cheltenham, 2018
- MATWIKIW A. et B. *A Stakeholder Approach to International Human Rights could the Trend a Tragedy?*, 84 *Int'l Rev. Penal L.*, 3, 2013, 405-432
- MAZZUOLI DE OLIVEIRA V. et al. *The Pro Homine Principle as a Fundamental Aspect of International Human Rights Law*, 47 *Meridiano. J. Global Studies*, 17, 2016, 1-9
- MEGALE T.M. *Supermarkets and Private Standards of Sustainability: The Responsibility to Protect Without Protectionism*, in *Sustainable Consumption*, eds. Almeida Amaral J. et al., Cham, 2020
- MESSINA S. *Eco-democrazia*, Napoli-Salerno, 2019
- MORATO LEITE R.J. et al. (orgs.), *I Colóquio Direito Ecológico e Justiça na Época do Antropoceno*, São Paulo, 2019
- NEDELSKY J. *Reconceiving Rights as Relationship*, 1 *Rev. Const. Studies/ Revue d'études const.*, 1, 1993, 1-26
- NERLICH B. et al (eds.) *Communicating Biological Sciences*, London-New York, 2009
- NIOLA V. *Ambiente è valore costituzionale*, Roma, 2019



- PAQUEROT S. *Le statut des ressources vitales en droit international*, Bruxelles, 2002
- PARVIAINEN T. et al. *How can Stakeholders promote Environmental and Social Responsibility in the Shipping Industry?*, 17 *WMU J. Marit Affairs*, 2018, 49-70
- PE'ER G. et al., *Action needed for the EU Common Agricultural Policy to address sustainability challenges*, *People Nat.* 2020, 1-12
- PEGORARO L., RINELLA A. *Sistemas constitucionales*, voll. A-B, Buenos Aires, 2018
- PELLIZZONI L., OSTI G. *Sociologia dell'ambiente*, Bologna, 2003
- PENNISCALCO M. *Contratto ecologico e conformazione dell'autonomia negoziale*, 1 *Riv. Quad. Dir. Amb.*, 2017, 4-29
- PENNISCALCO M. *Sviluppo sostenibile e contratto ecologico. Un altro modo di soddisfare i bisogni*, 4 *Rass. Dir. Civ.*, 2016, 1291-1322
- PETERS M. *Can Democracy solve the Sustainability Crisis?*, 51 *Educational Philosophy and Theory*, 2, 2019, 133-141
- PHELAN S. *Intimate Distance: The Dislocation of Nature in Modernity*, 45 *West. Pol. Quart.*, 2, 1992, 385-402
- PHILLIPS R.A. et al. *The Environment as a Stakeholder?*, 23 *J. Business Ethics*, 2000, 185-197
- PICKERING J. et al. *Between Environmental and Ecological Democracy*, 22 *J. Envtl Pol. & Plan.*, 1, 2020, 1-15
- PISANÒ A. *Crisi della legge e litigation strategy*, Milano, 2016
- POTOSKI M., PRAKASH A. *The Regulation Dilemma: Cooperation and Conflict in Environmental Governance*, 64 *Publ. Adm. Rev.*, 2, 2004, 152-163
- PRIEUR M., SOZZO G. (eds.) *La non régression en droit de l'environnement*, Bruxelles, 2012
- PRIEUR-VASSALLO *Le principe de non-régression et la biodiversité*, 44 *Rev. Jur. Env.*, 3, 2019, 769-786
- QUEINNEC Y. *Sustainable Contracts. Concept's Outlines and Exploration Tracks*, Paris, 2010
- RAWORTH K. *What on Earth is the Doughnut?*, 2017 (<https://www.kateraworth.com/doughnut/>)
- ROLSTON H. *Rights and Responsibilities on the Home Planet*, 18 *Yale J. Int'l L.*, 1993, 251-271
- ROTHENBURG W.C., STROPPA T. *Sacrificio ritual e crueldade contra animais: un caso de sustentabilidade cultural*, 17 *Veredas do Dir.*, 37, 2020, 295-322
- RUBENS MORATO LEITE J. et al. (eds.) *Estado de Direito Ecológico*, São Paulo, 2017
- RUGGERI A. *Fatti, norme, criteri ordinatori. Lezioni*, Torino, 2009
- SACCO R. *Legal Formants: a Dynamics Approach to Comparative Law (I & II)*, 39 *Am. J. Comp. L.*, 1-2, 1991, 1-34, 343-401
- SCHRÖTER H.G. *Economic Culture and its Transfer*, 58 *Rev. Econ.*, 1, 2007, 215-229
- SCHUBERT H. *Environmental Adaptation and Eco-cultural Habitats*, Abingdon-New York, 2016
- SHAPIN S., SCHAFER S. *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life*, Princeton, 2011
- SHEINMAN H. *Tort Law and Corrective Justice*, 22 *L. & Phil.*, 1, 2003, 21-73
- SINDICO F. et al. (eds.) *Comparative Climate Change Litigation: Beyond the Usual Suspects*, Cham, 2020
- TALBOT-JONES J., BENNETT J. *Toward a Property Rights Theory of Legal Rights for Rivers*, 164 *Ecol. Econ.*, 2019
- TAYLOR B. (ed.) *The Encyclopedia of Religion and Nature*, 2 vols., London-New York, 2005
- TAYLOR P.D. *From Environmental to Ecological Human Rights: A New Dynamic in International Law*, 10 *Georgetown Int'l Envtl L. Rev.*, 1998, 309-397
- THIELE L.P. *Human Rights and the "End of Nature"*, 18 *J. Human R.*, 1, 2019, 19-35
- TITOMANLIO R. *Il principio di precauzione fra ordinamento europeo e ordinamento italiano*, Torino, 2018
- TRUCCO L. *The EU Charter of Fundamental Rights and the Constitutionalization of the European Law*, *Diritticomparati.it*, 28 July 2014 (<https://www.diritticomparati.it/the-eu-charter-of-fundamental-rights-and-the-constitutionalization-of-the-european-law/>)
- UNMÜBIG B. et al. *Critique of the Green Economy*, Heinrich Böll Foundation Berlin, 2012
- VAN DOMSELAAR I. *On Tragic Legal Choices*, 11 *L. & Humanities*, 2, 2017, 184-204
- VINEIS P. *Salute senza confine. Le epidemie al tempo della globalizzazione*, Torino, 2014
- VOIGT C. (ed.) *Rule of Law for Nature*, Cambridge, 2013
- VUJANIĆ V. *Climate Change Litigation and EU Environmental Liability Directive*, 48 *Zbornik radova Pravnog fakulteta u Splitu*, 1, 2011, 135-164
- WEISS E.B. *The Planetary Trust. Conservation and Intergenerational Equity*, 11 *Ecology L. Quart.*, 4, 495-582
- WELLHAUSEN R.L. *The Shield of Nationality*, Cambridge, 2015
- WEWERINKE-SINGH M. *Remedies for Human Rights Violations Caused by Climate Change*, *Climate L.*, 9, 2019, 224-243
- WHITE B. et al. (eds.) *The Commons, a Quiet Revolution*, 14 *Green Eur. J.*, 2016
- WICKS A.C. et al. *Connecting Stakeholder Theory to the Law and Public Policy*, in *The Cambridge Handbook of Stakeholder Theory*, eds. Harrison J.S. et al., Cambridge, 2019, 97-116
- WILLIAMS M. *Secrets and Laws*, London, 2005

## Fonti della triplice emergenza ecosistemica, climatica e fossile e sul consenso scientifico intorno ad essa

- BAR-ON Y.M. et al. *The Biomass Distribution on Earth*, 115 *PNAS*, 2018, 6506-6511
- BARNOSKY A.D. et al. *Has the Earth's Sixth Mass Extinction Already Arrived?*, 471 *Nature*, 2011, 51-57

BOERO F. *Nature and the Governance of Human Affairs*, in *Come governare l'ecosistema? How to govern the Ecosystem? ¿Como gobernar el ecosistema?*, ed. Bagni S., Bologna, 2018, 47-60

BOLTON P. et al. *The Green Swan. Central Banking and Financial Stability in the Age of Climate Change*, Basel, 2020

BUTCHART S.H.M. et al. *Global Biodiversity: Indicators of Recent Declines*, 238 *Science*, 5983, 2010, 1164-1168

CARDOSO P. et al. *Scientists' Warning to Humanity on Insect Extinction*, 242 *Biol. Conserv.* 104896, 2020, 1-12

CARNEY M. *Breaking the Tragedy of the Horizon. Climate Change and Financial Stability*, Speech at Lloyd's of London, 2015

CECCHERINI G. et al. *Abrupt Increase in Harvested Forest Area over Europe after 2015*, 583 *Nature*, 2020, 72-77

COADY D. et al. *Global Fossil Fuel Subsidies Remain Large*, IMF WP/19/89

COOK J. et al. *Consensus on Consensus: a Synthesis of Consensus Estimates on Human-Caused Global Warming*, 11 *Envtl Research Let.*, 4, 2016, 1-8

ELDER C.D. et al. *Airborne Mapping Reveals Emergent Power Law of Arctic Methane Emissions*, 47 *Geophysical Research Letters*, 3, 2020

GAFFNEY O., STEFFEN W. *The Anthropocene Equation*, 4 *The Anthropocene Rev.*, 1, 2017, 53-61

GARDINER et al., *Ethics and Global Climate Change*, 3 *Nat. Educ. Knowledge*, 10, 2012, 5

GARTIN M. et al. *Climate Change as an Involuntary Exposure*, 17 *International Journal of Environmental Research and Public Health*, 1894, 2020, 2-17

HALL A. et al., *Progressing Emergent Constraints on Future Climate Change*, 9 *Nat. Clim. Change*, 2019, 269-278

HMIEL B. et al. *Preindustrial CH Indicates greater Anthropogenic Fossil CH Emissions*, 578 *Nat.*, 2020, 409-412

HOWARD P., LIVERMOLE M.A. *Sociopolitical Feedbacks and Climate Change*, 43 *Harvard Envtl L. Rev.*, 2019, 119-174

Issue 7797, *Saturation Point*, 579 *Nature*, 2020

J.P.MORGAN. *Special Report: Risky Business: the Climate and the Macroeconomy*, Economic Research January 14, 2020

KLEMUN M.M. et al. *Timelines for Mitigating the Methane Impacts of Using Natural Gas for Carbon Dioxide Abatement*, 14 *Envtl. Res. Lett.*, 2019 1-14

LAMPERT A. *Over-Exploitation of Natural Resources is followed by Inevitable Declines in Economic Growth and Discount Rate*, 10 *Nature Communication*, 1419, 2019, 1-10

LANDRIGAN P.J. et al. *The False Promise of Natural Gas*, 382 *N. Engl. J. Med.*, 2020, 104-107

LEAKEY R. et al. *The Sixth Extinction: Patterns of Life and the Future of Humankind*, New York, 1995

LENOIR J. et al. *Species better track Climate Warming in the Oceans than on Land*, *Nature Ecology & Evol.*, 2020, 1-31

LENTON T.M. et al. *Climate Tipping Points: too risky to bet against*, 757 *Nat.*, 2019, 592-595

MANCUSO S. *La nazione delle piante*, Roma-Bari, 2019

Methane Emergency: <https://www.scientistswarning.org/wiki/methane-emergency/>

MOTESHARREI S. et al., *Human and Nature Dynamics (Handy)*, 101 *Ecol. Econ.*, 2014, 90-102

ODUM W.E. *Environmental Degradation and the Tyranny of Small Decisions*, 32 *BioScience*, 1, 1982, 728-729

PARRIQUE T. et al. *Il mito della crescita verde*, Roma, 2019

POWELL J.L. *The Consensus on Anthropogenic Global Warming Matters*, 36 *Bull. Sc. Tech. Soc.*, 3, 2016, 157-163

ROCKSTRÖM J. et al. *A Safe Operating Space for Humanity*, 461 *Nature*, 2009, 472-475

ROGELJ J. *Differences between Carbon Budget estimates unravelled*, 6 *Nat. Clim. Change*, 6, 2016, 245-252

ROMÁN-PALACIOS C. et al., *Recent Responses to Climate Change reveal the Drivers of Species Extinction and Survival*, 117 *PNAS* 2020, 4211-4217

SANTER B.D. et al., *Celebrating the Anniversary of Three Key Events in Climate Change Science*, 9 *Nat. Clim. Ch.*, 2019, 180-182

SANTER B.D. et al. *Human Influence on the Seasonal Cycle of Tropospheric Temperature*, 361 *Science*, 6399, 2018, 1-11

SHABANI F. et al. *Invasive weed Species' Threats to Global Biodiversity: Future Scenarios of Changes in the Number of Invasive Species in a Changing Climate*, 116 *Ecological Indicators*, 2020

STEFFEN W. et al. *Trajectories of the Earth System in the Anthropocene*, 115 *PNAS*, 2018, 8252-8259

TRISOS CH. et al. *The Projected Timing of Abrupt Ecological Disruption from Climate Change*, 581 *Nature*, 2020, 496-501

WILLEMEN L. et al. *How to halt the Global Decline of Lands*, 3 *Nature Sustainability*, 2020, 164-166

WILLIAMS M. *Tackling Climate Change: what is the Impact on Air Pollution?*, in 3 *J. Carbon Manag.*, 5, 2012, 511-519

*World Scientists' Warning of a Climate Emergency*, 70 *BioScience*, Issue 1, January 2020, 8-12

*World Scientists' Warning to Humanity: A Second Notice*, 67 *BioScience*, Issue 12, December 2017, 1026-1028

WWF, *Global Futures Report*, 2020 (<https://wwf.panda.org/?359334>)

XU C. et al. *Future of the Human Climate Niche*, 117 *PNAS* 21, 2020, 11350-11355

XU Y. et al. *Well below 2°C: Mitigation Strategies for Avoiding Dangerous to Catastrophic Climate Changes*, 114 *PNAS*, 2017, 10315-10323

## Bibliografia su servizi ecosistemici e soluzioni "Nature based" per il diritto

- ANGELER D.G. et al. *Resilience in Environmental Risk and Impact Assessment*, 101 *Bull. Environ. Contamination & Toxicol.*, 2, 2018
- BAGGIO G. *La scienza tra 'normalità' e 'post-normalità'*, 76 *Salesianum*, 2014, 497-515
- BAILEY I. et al. *Ecological Modernisation and the Governance of Carbon: a Critical Analysis*, 43 *Antipode*, 3, 2011, 682-703
- BARBIER E.B. *The Concept of Sustainable Economic Development*, 14 *Envtl Conserv.*, 2, 1987, 101-110
- BAS L. *Nature-Based Solutions are Key to achieving Europe's ambitious Climate Change Targets*, 2018 (<https://www.iucn.org/news/europe/201810/nature-based-solutions-are-key-achieving-europes-ambitious-climate-change-targets>)
- BÜSCHER B. et al. *Nature is priceless, which is why turning it into 'natural capital' is wrong*, *The Conservation*, September 21, 2016
- BURGESS M.G, GAINES S.D. *The Scale of Life and its Lessons for Humanity*, 115 *PNAS*, 2018, 6318-6330
- CARRIGAN V., VILLARD M.A. *Seeking Indicator Species to Monitor Ecological Integrity: A Review*, 78 *Envtl Monitoring & Assessment*, 2002, 45-61
- COMINELLI L. *Cognition of the Law*, Cham 2018
- COSTANZA R. et al., *The Value of the World's Ecosystem Services and Natural Capital*, 387 *Nature*, 1997, 253-260
- CUNNINGHAM W.P. et al. *Environmental Science; a Global Concern*, Boston, 2004<sup>9</sup>
- DE LUCIA V., *Competing Narratives and Complex Genealogies: The Ecosystem Approach in International Environmental Law*, 27 *J. Env'tl L.*, 1, 2015, 91-117
- DE LUCIA V. *Towards an Ecological Philosophy of Law: A Comparative Discussion*, 4 *J. Hum. R. & Env.*, 2, 2013, 167-190
- DENDENA B. (eds.) *Capitale Naturale*, Milano, 2018
- DINERSTEIN E. et al. *A Global Deal for Nature: Guiding Principles, Milestones, and Targets*, 5 *Science Advances*, 4, 2019, 1-17
- EKINS P., GUPTA J. *Perspective: a Healthy Planet for Healthy People*, 2, *Global Sustainability* 2, 20, 2019, 1-9
- ELLIS E.C. et al. *Anthropogenic Transformation of the Biomes, 1700 to 2000*, 19 *Global Ecology and Biogeography*, 5, 2010, 589-606
- ELLIS E.C., RAMANKUTTY N. *Putting People in the Map: Anthropogenic Biomes of the World*, 6 *Front. Ecol. and Environ.*, 2008, 439-447
- ELMQVIST T. et al. *Managing Trade-offs in Ecosystem Services*, Division of Environmental Policy Implementation, Paper no. 4, 2011, The United Nations Environment Programme, 15
- FRIEL S., *Climate Change and the People's Health: the Need to Exit the Consumptagenic System*, 395 *The Lancet*, 2020, 666-668
- FOLKE C. et al. *Resilience Thinking: Integrating Resilience, Adaptability and Transformability*, 15 *Ecol. and Soc.*, 4, 2010, 1-9
- GRUMBINE E. *What is Ecosystem Management?*, 11 *Conservation Biology*, 1, 1997, 41-47
- HOBBS R.J. et al. *Novel Ecosystems: Intervening in the New Ecological World Order*, Wiley, 2013
- Editorial *Include the True Value of Nature when Rebuilding Economies after Coronavirus*, 581 *Nature* 2020, 119
- KAHN, L. *Perspective: The One-Health Way*, 543 *Nature*, 2017, S47
- IOANNIDIS J.P.A. *All Science should inform Policy and Regulation*, 5 *PLOS Medicine*, 2018
- JAMES S.P. *Legal Rights and Nature's Contributions to People: Is there a Connection?*, 241 *Biol. Conserv.*, 108325, 2020, 1-4
- JORLING T.H. *Incorporating Ecological Principles into Public Policy*, 2 *Env'tl Policy and L.*, 3, 1976, 140-146
- LA NOTTE A. et al. *Ecosystem Services Classification: A Systems Ecology Perspective of the Cascade Framework*, 74 *Ecological Indicators*, 2017, 392-402
- MAHMOUDI H. et al. *Integrating Resilience Assessment in Environmental Impact Assessment*, 14 *Integrated Environ. Assess. & Manag.*, 5, 2018, 567-570
- MASTERTON V.A. et al. *Revisiting the Relationships between Human Well-Being and Ecosystems in Dynamic Social-Ecological Systems*, 2 *Global Sustainability*, 8, 2019, 11-14
- MITTELSTAEDT P. et al. *Laws of Nature*, Berlin-Heidelberg-New York, 2005
- PADOVANI L. et al. *L'approccio ecosistemico: una proposta innovativa per la gestione della biodiversità e del territorio*, 49 *Energia, Ambiente e Innovazione*, 1, 2003, 23-32
- PERSSON J. et al. *Toward an Alternative Dialogue between the Social and Natural sciences*, 23 *Ecol. and Soc.*, 4, 2018, 1-11
- PIEVANI T. *La teoria dell'evoluzione. Attualità di una rivoluzione scientifica*, Bologna, 2017<sup>3</sup>
- POTSCHIN M. et al. *Nature-based solutions*, in *OpenNESS Ecosystem Services Reference Book*, eds. Potschin M. et al., 2016 ([www.openness-project.eu/library/reference-book](http://www.openness-project.eu/library/reference-book))
- OUYANG Z. et al. *Using Gross Ecosystem Product (GEP) to value Nature in Decision Making*, 117 *PNAS*, 25, 2020, 14593-14601
- PALAHÍ M. et al. *Investing in Nature to Transform the Post COVID-19 Economy. A 10-point Action Plan to Create a Circular Bioeconomy devoted to Sustainable Wellbeing*, 11 *Solutions*, 2, 2020

RANDERS J. et al. *Achieving the 17 Sustainable Development Goals within 9 Planetary Boundaries*, 2 *Global Sustainability*, 2019, 1-11

REID W.V. et al., *Earth System Science for Global Sustainability: Grand Challenges*, 330 *Science*, 2010, 916-917

THATCHER A. et al. (eds.) *Human Factors for Sustainability. Theoretical Perspectives and Global Applications*, Boca Raton, 2020

THIELE L.P. *Indra's Net and the Midas Touch: Living Sustainably in a Connected World*, Cambridge, 2011

TIMPANE-PADGHAM B.L. et al. *A Systematic Review of Ecological Attributes that Confer Resilience to Climate Change in Environmental Restoration*, 12 *PLoS ONE*, 3, 2017, 1-23

TREVENEN E. et al. *Restoration and Resilience*, in *Routledge Handbook of Ecological and Environmental Restoration*, eds. Allison S.K. et al., Abingdon 2017

VOGT M. et al, *Current Challenges to the Concept of Sustainability*, 2 *Global Sustainability*, 2019, 1-6

WAX A.L. *Evolution and the Bound of Human*, 23 *L. and Philosophy*, 23, 2004, 527–591

WOOLLEY O. *Ecological Governance: Reappraising Law's Role in Protecting Ecosystem Functionality*, Cambridge, 2014

## Documenti istituzionali utili sui temi del corso

### ASVIS

*Rapporto SDGs 2019*

### Bolivia

*Universal Declaration of the Rights of Mother Earth* (2010)

### CBD

*Open-ended Working Group Zero Draft of the post-2020 Global Biodiversity Framework* (2020)

*Cartagena Protocol on Biosafety* (2000)

### Centers for Disease Control and Prevention, US Department for Health and Human Service

*One Health* (<https://www.cdc.gov/onehealth/index.html>)

### CEPAL

*Recursos naturales, medio ambiente y sostenibilidad: 70 años de pensamiento de la CEPAL*, 2019

*Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe* (2018)

### CITES

*Strategic Vision 2021-2030 "Tackling illicit trafficking in wildlife"*

### Citizens for Science in Pesticide Regulation

*Rigorous science, Safe food, and a Healthy Environment* (2018)

### ClientEarth

*Guide on Access to Justice*, Brussels-London, 2019

### Climate Principles for Enterprises

*Climate Principles for Enterprises* (2015)

### Le Club des Juristes

*Draft Project Global Pact for the Environment* (2017)

### Commons Law Project

*Universal Covenant Affirming a Human Right to Commons and Rights-based Governance of Earth's Natural Wealth and Resources* (2013)

### Commons Network

*Democratise Europe Now. Towards a Europe of the Commons* (2019)

### Council of Europe

*Department for the Execution of Judgments of the European Court of Human Rights*, Thematic Factsheet, Constitutional Matter, 2020

*Recommandation CM/Rec(2017)7 du Comité des Ministres aux États membres sur la contribution de la Convention européenne du paysage à l'exercice des droits de l'homme et de la démocratie dans une perspective de développement durable*

*Manual on Human Rights and The Environment*, Strasbourg, 2012

*European Landscape Convention of the Council of Europe* (2000)

*The Council of Europe's Convention on the Conservation of European Wildlife and Natural Habitats* (1979)

### Earth Law Center

*Fighting for Our Shared Future: Protecting Both Human Rights and Nature's Rights* (2015)

### ECA

*Biodiversity on farmland: CAP contribution has not halted the decline*, 2020

*Sustainable use of plant protection products: limited progress in measuring and reducing risks*, 2020



*Audit and the new EU political environment, ECA Journal, 4, 2019*  
*Rapid case review. Reporting on sustainability: A stocktake of EU Institutions and Agencies, 2019*  
*EU greenhouse gas emissions: Well reported, but better insight needed into future reductions, 2019*  
*Animal welfare in the EU: closing the gap between ambitious goals and practical implementation, 2018*  
*More efforts needed to implement the Natura 2000 network to its full potential, 2017*

## **EEA**

EEA SOER 2020, *The European Environment-State and Outlook 2020: knowledge for transition to a sustainable Europe*

## **EESC**

Resolution on *EESC Proposals for post-COVID-19 crisis reconstruction and recovery*, EESC-2020-02549  
Opinion on *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Sustainable Europe Investment Plan European Green Deal Investment Plan [COM(2020) 21 final]*, ECO/505-EESC-2020-00463  
Opinion on *A more constructive role for civil society in implementing environmental law*, NAT/759-EESC-2019-00097  
Opinion on *Implementation of EU environmental legislation: air quality, water and waste*, NAT/744-EESC-2018-02510  
Position paper – July 2018, *Making civil society a driving force in the implementation of the UN 2030 Agenda for Sustainable Development*  
Opinion on *Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the Regions on EU actions to improve environmental compliance and governance*, NAT/730-EESC-2018-00505  
Opinion on *Climate Justice*, NAT/712-EESC-2017-01144  
Opinion on *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Better regulation for better results - An EU agenda COM (2015) 215 final*, EESC-2015-03697  
Opinion on *REFIT*, SC/044-EESC-2016-00869  
Opinion on *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Options for an EU vision and target for biodiversity beyond 2010 COM(2010) 4 final*, NAT/471 CESE 1178/2010  
*Improving the EU regulatory framework - upstream and downstream of the legislative process. A paramount political priority (2005)*  
Opinion on *The European Charter for Small Companies*, 2000/C 204/13

## **EFSA**

*Welfare Insights on slaughter of Pregnant Animals (2017)*

## **EU**

"*Rome Declaration*" of 25 March 2017

## **EU 5G Appeal**

*Scientists and doctors warn of potential serious health effects of 5G, 2020*

## **EU Science Hub-Joint Research Centre**

*Understanding our political nature: how to put knowledge and reason at the heart of policymaking (2019)*

## **Eurobarometer**

Special Report *Attitudes of European citizens towards the environment (2017)*

## **Eurogroup for Animals**

*Animal Welfare, Trade and Sustainable Development Goals (2018)*

## **European Commission**

Communication "*EU Biodiversity Strategy for 2030. Bringing nature back into our lives*", COM(2020) 380 final, 20.5.2020  
*Reflection Paper Towards a sustainable Europe by 2030*, COM(2019)22 of 30 January 2019  
*The Costs of not Implementing EU Environmental Law. Study*, Bruxelles, 2019  
Report from the Commission *Monitoring the Application of European Union Law. 2018 Annual Report*. COM(2019) final  
*A sustainable bioeconomy for Europe: strengthening the connection between economy, society and the environment*, 2018  
Communication "*EU actions to improve environmental compliance and governance*", 18.1.2018 COM(2018) 10 final  
Report from the Commission *Monitoring the Application of European Union Law. 2017 Annual Report*. COM(2018) final  
Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results*, COM(2017) 63 final, 3.2.2017  
Report from the Commission *Monitoring the Application of European Union Law. 2016 Annual Report*. COM(2017) 370 final  
Communication of the EU Commission, COM (2014) 216 of April 2014 on the implementation of the UN Hyogo Framework for Action  
*Trade for All. Towards a more responsible trade and investment policy*, 2015  
*European Red List of Birds*, Luxembourg, 2015, in which the European Commission identifies 39 animal species as "vulnerable"  
Communication "*2015 State of Nature in the EU report*" (COM (2015)219)  
*Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment (2013)*  
EU Commission Science for Environment Policy, DG Environment News Alert Service, Issue 30/2012 *Payments for Ecosystem Services*  
Report to the European Parliament and the Council *On the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC as amended by Directive 97/11/EC)*  
*Nature and Biodiversity Cases Ruling of the European Court of Justice*, Luxembourg, 2006

## **European Parliament**

*Report on the Implementation of the 7th Environment Action Programme (2017/2030(INI))*  
Communication from the Commission. *The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results*, COM(2017) 63 final, 3.2.2017  
*Animal Welfare in the European Union (2017)*

## **FAO-UNEP**

*The state of the World's Forests*, Rome, 2020

**FRA**

*Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level. Guidance*, Luxembourg, 2018  
*Access to Justice in Europe: an Overview of Challenges and Opportunities*, Luxembourg, 2011

**France**

*Déclaration universelle des Droits de l'Humanité* (Draft 2015)

**GGKP Working Group on Green Growth and the Law-UNEP**

*Environmental Rule of Law: An Analysis of Data Availability*, Working Paper 1/2019

**Global Justice Program**

*Oslo Principles on Global Climate Change Obligations* (2015)

**IBA**

*Model Statute for Proceedings Challenging Government Failure to Act on Climate Change*, 2020

**IEEP**

*Think 2030.30x30 Actions for a sustainable Europe* (2019)

**IPBES**

*Global Assessment Report on Biodiversity and Ecosystem Services* (2019)

**IPCC**

*Special Report Climate Change and Land* (2019)

*Special Report Global Warming of 1.5 °C* (2018)

*Fifth Assessment Report AR5*, 2014

**Islamic Foundation for Ecology and Environmental Science**

*Islamic Charter for the Environment* (in processing)

*Islamic Declaration on Global Climate Change* (2015)

**IUCN**

*World Declaration on the Environmental Rule of Law*, 2016

*Explaining Ocean Warming*, 2016

**Leonardo Di Caprio Foundation**

*No one is above Nature's Rule of Law* (2019)

**OAS**

General Secretariat "*Environmental Rule of Law: Trends from the Americas*", Montego Bay (Jamaica), 2015

**OSCE**

*Guidelines on the Protection of Human Rights Defenders* (2014)

**OECD**

*Taxing Energy Use 2019. Using Taxes for Climate Action* (2019)

*Measuring Environmental Regulatory Stringency* (2013)

**Stakeholder Map**

*Is the Environment a Stakeholder?* (<https://www.stakeholdermap.com/is-environment-a-stakeholder.html>)

**Sustainable Development Solutions Network. A Global Initiative for the United Nations**

*Six Transformations to Achieve the Sustainable Development Goals (SDGs)* (2019)

**UK Environmental Law Association-Gaia Foundation**

*Wild Law: Is there any evidence of earth jurisprudence in existing law and practice?*, London, 2009

**UN**

*UN Joint Statement on human rights and climate change Five UN Human Rights Treaty Bodies Demand Global Climate Action* (2019)

*Harmony with Nature. Report of the Secretary-General*, 26 July 2019

*Towards a Global Pact for the Environment* (Resolution adopted by the General Assembly on 10 May 2018 - 72/277)

*Gaps in international environmental law and environment-related instruments: towards a global pact for the environment* (Report of the Secretary-General, 30 November 2018)

*Global Pact for Environment project* (2017)

*Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61, 15 January 2009)

*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1999)

*Convention on Biological Diversity* (1992)

*Convention on the Law of the Sea* (1982)

*World Charter for Nature* (1982)

## **UN DESA**

*Multi-stakeholder engagement in 2030 Agenda implementation: A review of Voluntary National Review Reports (2016-2019)*

## **UNECE**

*Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters prepared under the Aarhus Convention, 2015*

*Good Practice Recommendations on Public Participation in Strategic Environmental Assessment, 2015*

*Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998)*

*Convention on the Transboundary Effects of Industrial Accidents (1992)*

*Espoo Convention on Environmental Impact Assessment in a Transboundary Context (1991)*

## **UN Economic and Social Council**

*Study on the Need to Recognize and Respect the Rights of Mother Earth, Permanent Forum on Indigenous Issues, New York, 2010*

## **UN Human Rights Council**

*Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, § 15 (A/HRC/31/53, 28 December 2015)*

## **UNEP**

*Sixth Global Environment Outlook (GEO 6 Report) (2019)*

*Environmental Rule of Law (2019)*

*Rule of Environmental Law and its Failures (2019)*

*Environmental Defenders Policy (2018)*

*Perspectiva de los pueblos indígenas frente a la deforestación y degradación del territorio (2018)*

*Decoupling Natural Resource Use and Environmental Impacts from Economic Growth (2011)*

*Convention on the Control of Transboundary Movements of Hazardous Wastes (1989)*

*Convention on the Conservation of Migratory Species of Wild Animals (1979)*

## **UNEP-IRP**

*Global Resources Outlook (2019)*

*Assessing Global Resource Use. A Systems Approach to Resource Efficiency and Pollution Reduction. Summary for Policymakers (2017)*

## **UNESCO**

*A New Roadmap for the Man and the Biosphere (MAB) Programme and its World Network of Biosphere Reserves, 2017*

*Universal Declaration of animal rights (1978)*

## **UNESCO - COMEST**

*Comest Concept Note on Land Use Ethics, 2019*

*Informe del Grupo de Expertos sobre el principio precautorio, 2005*

## **UNFCCC**

*Decision 1/CP.21 of 2015*

## **Vatican State**

*Holy See Interdicastery Table on Integral Ecology: Journeying for the care of the common home (2020)*

*Post-synodal Apostolic Exhortation "Querida Amazonia" (2020)*

*Final Document of the Synod on the Amazon "The Amazon: new paths for the Church and for an integral ecology" (2019)*

*Encyclical Letter Laudato si (2015)*

## **World Economic Forum**

*Nature is the Most Important Stakeholder of the Coming Decade (2020)*

## **WHO - Europe**

*European Charter on Environment and Health, 1989*

## **WWF**

*Global Futures Report (2020)*

## **Sitografia**

<https://www.allianceforcorporatetransparency.org/news/companies-failing.html>

<https://www.animalhumanesociety.org/health/five-freedoms-animals>

<http://cdca.it/en/perche-i-conflitti-ambientali>

<http://www.cedenma.org/wp-content/uploads/2019/02/Caso-de-transporte-ilegal-de-tiburones-por-la-Reserva-Marina-de-Galápagos.pdf>

<https://www.circularity-gap.world/2020>

[https://www.cites.org/eng/documents/Strategic\\_vision](https://www.cites.org/eng/documents/Strategic_vision)

<https://www.co2.earth/daily-co2>

<https://www.coe.int/en/web/compass/environment>

<https://corporateeurope.org/en/lobbying-the-eu>

<https://digitallibrary.un.org/record/676394>

<https://digitallibrary.un.org/record/84366>

<http://droitshumanite.fr/?lang=en>  
<https://earthcharter.org/read-the-earth-charter/>  
<https://www.earthlawcenter.org/co-violations-of-rights>  
<http://www.earthtrusteeship.world/the-hague-principles-for-a-universal-declaration-on-human-responsibilities-and-earth-trusteeship/>  
[https://ec.europa.eu/environment/eir/pdf/comm\\_en.pdf](https://ec.europa.eu/environment/eir/pdf/comm_en.pdf)  
[https://ec.europa.eu/environment/eurobarometers\\_en.htm](https://ec.europa.eu/environment/eurobarometers_en.htm)  
[https://ec.europa.eu/environment/nature/capital\\_accounting/index\\_en.htm](https://ec.europa.eu/environment/nature/capital_accounting/index_en.htm)  
<https://ec.europa.eu/environment/nature/cormorants/goodpractice.htm>  
[https://ec.europa.eu/environment/nature/legislation/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/index_en.htm)  
[https://ec.europa.eu/environment/sustainable-development/SDGs/index\\_en.htm](https://ec.europa.eu/environment/sustainable-development/SDGs/index_en.htm)  
[https://ec.europa.eu/eurostat/statistics-explained/index.php/SDG\\_16\\_-\\_Peace,\\_justice\\_and\\_strong\\_institutions#Access\\_to\\_justice](https://ec.europa.eu/eurostat/statistics-explained/index.php/SDG_16_-_Peace,_justice_and_strong_institutions#Access_to_justice)  
[https://ec.europa.eu/food/plant/plant\\_health\\_biosecurity/legislation/new\\_eu\\_rules\\_en](https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/new_eu_rules_en)  
<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12165-Access-to-Justice-in-Environmental-matters>  
<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1597-Global-Pact-for-the-Environment>  
[https://ec.europa.eu/knowledge4policy/publication/updated-bioeconomy-strategy-2018\\_en](https://ec.europa.eu/knowledge4policy/publication/updated-bioeconomy-strategy-2018_en)  
<https://ec.europa.eu/research/environment/index.cfm?pg=nbs>  
<http://ec.europa.eu/transparency/regdoc/rep/1/2014/IT/1-2014-216-IT-F1-1.Pdf>  
<https://www.eea.europa.eu/about-us/countries-and-eionet>  
<https://www.ecogood.org/>  
<https://ecolegalpersona.com/>  
<https://www.ecologic.eu/16575>  
<https://www.eea.europa.eu/data-and-maps/indicators/ecological-footprint-of-european-countries-2/assessment>  
<https://efface.eu/case-study-ilva>; <https://www.ecologic.eu/12327>  
<http://www.egt1.org/>  
<http://environmentalrightsdatabase.org/category/obligation-to-facilitate-public-participation-in-environmental-decision-making>  
<https://environmentaldemocracyindex.org/>  
<https://epi.yale.edu/>  
<http://www.esdaw.eu/unesco.html>  
<http://www.euro.who.int/en/publications/policy-documents/european-charter-on-environment-and-health,-1989>  
[https://europa.eu/european-union/topics/environment\\_en](https://europa.eu/european-union/topics/environment_en)  
<https://www.europe1.fr/societe/laffaire-du-siecle-avec-plus-de-18-million-de-signatures-la-petition-pour-le-climat-peut-elle-aboutir-3829112>  
<https://facedroit.univ-lyon3.fr/retour-sur-conference-du-president-du-conseil-constitutionnel-laurent-fabius>  
<https://www.globalanimallaw.org/database/europe.html>  
<https://www.globalecointegrity.org/>  
[http://www.governo.it/sites/governo.it/files/documenti/documenti/Approfondimenti/EU60/RomaDichiarazione\\_it17.pdf](http://www.governo.it/sites/governo.it/files/documenti/documenti/Approfondimenti/EU60/RomaDichiarazione_it17.pdf)  
<http://www.harmonywithnatureun.org/>  
<http://www.iaes.info/en/>  
<https://www.ibanet.org/Climate-Change-Model-Statute.aspx>  
<https://www.impel.eu/now-online-commission-report-on-eu-implementation-of-the-aarhus-convention-in-the-area-of-access-to-justice-in-environmental-matters/>  
<https://indicators.report/targets/16-3/>  
<https://www.institutmomentum.org/bioeconomics/>  
<https://www.internationalfuturesforum.com/three-horizons>  
[www.ipbes.net](http://www.ipbes.net)  
<https://ipbes.net/glossary/institutional-failure>  
<https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/our-work/religion-spirituality-environmental-conservation-and-climate-justice>  
<https://www.jusbrasil.com.br/topicos/226425592/principio-in-dubio-pro-natura>  
[www.millenniumassessment.org](http://www.millenniumassessment.org)  
[https://multimedia.europarl.europa.eu/en/history-eu-charter-of-fundamental-rights\\_V001-0025\\_ev](https://multimedia.europarl.europa.eu/en/history-eu-charter-of-fundamental-rights_V001-0025_ev)  
<https://naturalcapitalcoalition.org>  
[www.naturalcapitalproject.org](http://www.naturalcapitalproject.org)  
<http://www.naturesrattigheter.se/2019/05/15/amendment-for-the-rights-of-nature-in-the-constitution-of-sweden/>  
<https://natures-rights.org/>  
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E&fbclid=IwAR3v9KEatc>  
<https://www.oie.int>  
<http://www.ohchr.org/EN/ProfessionalInterest/pages/NaturalResources.aspx>  
<https://www.rightsofmotherearth.com/>  
<http://www.riess.org/continental-networks/europe/?lang=en>  
<https://sites.google.com/site/williamdnordhaus/dice-rice>  
<https://www.smart.uio.no/publications/>  
<http://www.solidarityeconomy.eu/>  
<https://sustainabledevelopment.un.org>  
[www.teebweb.org](http://www.teebweb.org)  
<https://therightsofnature.org/framework-for-tribunal/>  
<https://therightsofnature.org/statute-of-the-international-tribunal-of-mother-earth-rights/>  
<http://thomasberry.org/publications-and-media/earth-jurisprudence-private-property-and-the-environment>  
[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-18&chapter=27&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-18&chapter=27&clang=en)  
<http://www.unece.org/info/media/news/environment/2019/furthering-effective-and-inclusive-public-participation-in-environmental-matters-2019-aarhus-week/doc.html>  
<https://www.unenvironment.org/about-un-environment/faith-earth-initiative/religions-and-environmental-protection>  
<https://www.unenvironment.org/events/conference/towards-global-pact-environment>  
<https://www.unenvironment.org/resources/report/production-gap-report-2019>  
<https://unfccc.int/news/fossil-fuels-are-biggest-part-of-global-ecological-footprint>  
<https://www.urgenda.nl/en/themas/climate-case/>



<https://www.vaticannews.va/en/vatican-city/news/2020-05/vatican-climate-season-of-creation-laudato-si.html>  
<https://whc.unesco.org/en/culturallandscape/>  
<https://wwf.panda.org/?359334>  
<https://www.wavespartnership.org/>

## Legal recognition of Rights of Nature: Most Recent Milestone Report

A list of laws and judicial decisions by Country, on the Rights on Nature, is in "*Rights of Nature, Law, Policy and Education*" (<http://www.harmonywithnatureun.org/rightsOfNature/>)

<i>LEVEL OF GOVERNMENT</i>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2014/ 2016</b>	<b>2017/ 2018</b>	<b>2019/ 2020</b>
<b>STATE LEVEL</b>	<b>First Constitution containing the "ecological mandate"</b> (Ecuador)	<b>First Constitution based on "Pacha Mama"</b> (Bolivia)	<b>First Organic Law on "the rights of Mother Earth"</b> (Bolivia)	<b>A Constitutional Court recognizes the Rights of an Ecosystem for the first time</b> (Colombia, Atrato River - 2016)  <b>First National Act</b> recognizing a natural element as a legal entity (Te Urewera Act 2014)	<b>First recognition of the "Rights of Nature easement"</b> (US-Hawai. 2017)  <b>First general application of the "in dubio pro natura" criterion as "mandate of justice"</b> (Supreme Court of Mexico. 2018)	<b>Damages against Nature are defined as imprescriptible</b> (Supreme Federal Court of Brazil - 2020)  <b>Judicial distinction between anthropocentric biocentric and ecocentric legal parameters</b> (Supreme Court of Colombia - 2020)
<b>LOCAL LEVEL</b>					<b>First capital of a State that recognizes the Rights of Nature</b> (México City - 2017)	
<b>GLOBAL LEVEL</b>	<b>UN:</b> the launch of "Harmony with Nature" Programme	<b>Universal Declaration</b> of the "Rights of Mother Earth (ME)"		<b>The International Rights of Nature Tribunal</b> has been created as permanent opinion Tribunal (2014)		<b>Recognition of Environmental Damage as General Principle of International Law</b> (ICJ, <i>Costa Rica v. Nicaragua</i> - 2018)
<b>REGIONAL OR SUPRANATIONAL LEVEL</b>					<b>OAS:</b> The Inter-American Court of Human Rights (OC - 23/17) recognizes that environment has a universal dimension such as human rights  <b>EU:</b> Nature's Rights Draft EU Directive (European Citizens' Initiative) (2017)	

## Organizations promoting the Rights of Nature

### The most recent study is:

KAUFFMAN C.M. *Mapping Transnational Rights of Nature Networks & Laws: New Global Governance Structures for More Sustainable Development*, Prepared for the International Studies Association Annual Conference Toronto, March 29, 2020

## MAIN ORGANIZATIONS

### International and Global organizations

- UNEP List of accredited organizations: <https://www.unenvironment.org/civil-society-engagement/accreditation/list-accredited-organizations>
- CIEL: <https://www.ciel.org/>
- Earth Rights Conference: <http://www.earthrightsconference.org/>
- Ecodemocracy: <https://ecodemocracy.net/>
- EcoHealth Alliance: <https://www.ecohealthalliance.org/>
- Ecological Law and Governance Association: <https://www.elgaworld.org/>
- Earth Charter: <https://earthcharter.org/>
- Earth Law Alliance: <https://earthlawyers.org/>
- Earth System Governance: <https://www.earthsystemgovernance.org/>
- Earth Trusteeship: <https://www.earthtrusteeship.world/>
- Ecologia Política: <https://www.ecologiapolitica.info/>
- Economy for the Common Good: <https://www.ecogood.org/>
- Elni: <https://www.elni.org/>
- End Ecocide on Earth: <https://www.endecocide.org/en/>
- Environmental Ethics and Law: <https://www.environmentalethicsandlaw.org/>
- Eradicating Ecocide: <http://eradicatingecocide.com/>
- Friends of the Earth International: <https://www.foei.org/>
- Gaia Foundation: <https://www.gaiafoundation.org/>
- Global Alliance for the Rights of Nature: <https://therightsofnature.org/>
- Global Ecovillage Network: <https://ecovillage.org/>
- Global Integrity: <https://www.globalecointegrity.org/>
- Green 10 NGOs: <https://green10.org/>
- The Global Network for Human Rights and the Environment: <https://gnhre.org/>
- Humans and Nature: <https://www.humansandnature.org/>
- International Union for Conservation of Nature: <https://www.iucn.org>
- Land Rights Now: <https://www.landrightsnow.org/>
- Lawyers of Nature: <http://lawyersfornature.com/>
- Mission Life Force: <https://www.missionlifeorce.org/>
- Movement Rights: <https://www.movementrights.org/>
- Nature's Rights: <http://www.natures-rights.org/>
- Nature's Rights Watch: <http://naturerightswatch.com/>
- Non Human Rights Project: <https://www.nonhumanrights.org/>
- Rapid Transition Alliance: <https://www.rapidtransition.org/>
- Regenes Group: <https://regenesgroup.com/team>
- Rights of Mother Earth: <https://www.rightsofmotherearth.com/>
- Stop Ecocide: <https://www.stopecocide.earth/>
- UN Harmony with Nature: <http://www.harmonywithnatureun.org/>
- La Via Campesina: <https://viacampesina.org/en/>
- Wild Law: <http://www.wildlaw.org/>
- Wild Life Trusts: <https://www.wildlifetrusts.org/>
- Women's Earth and Climate Action Network: <https://www.wecaninternational.org/>

### Africa

- Green Belt Movement: <http://www.greenbeltmovement.org/>
- Trees for Future: <https://trees.org/>

### America

- Alberta Civil Liberties Research Center: <http://www.aclrc.com/rights-of-nature>
- Ambiente en América latina: <http://ambiental.net/>
- Biodiversidad en América latina: <http://www.biodiversidadla.org/>
- Bioneers: <https://bioneers.org/>
- Celam: <https://celeam.org/>
- Center for Earth Jurisprudence: <http://www.earthjurist.org/>
- Community Environmental Legal Defense Fund (CELDF): <https://celdf.org/>
- De Justicia: <https://www.dejusticia.org/>
- Derechos de la naturaleza: <https://www.derechosdelanaturaleza.org.ec/>

- Direitos da Mãe Terra: <http://www.direitosdamaeterra.org.br/>
- Earth Law Center: <https://www.earthlawcenter.org/mission/>
- Earth Jurist: <http://www.earthjurist.org/>
- Earth Justice: <https://earthjustice.org/about>
- Ecología Social: <http://ecologiasocial.com/>
- Gobernanza de la Tierra: <http://gobernanzadelatierra.org.pe/>
- Inredh Derechos Humanos, Pueblos, Naturaleza: <https://www.inredh.org/>
- Nature Rights Watch: <http://naturerightswatch.com/>
- Wildlife Conservation Network: <https://wildnet.org/>

## Asia

- Eco-Business: <https://www.eco-business.com/>
- Earth Rights International: <https://earthrights.org/>
- Earth Trusteeship Platform: <https://earthtrusteeshipplatform.org/>
- Navdanyia: <https://www.navdanya.org/home>

## Europe

- Carta dei diritti della natura: <https://carta-dei-diritti-della-natura.jimdosite.com/>
- Client Earth: <https://www.clientearth.org/>
- Corporate Europe: <https://corporateeurope.org/en>
- Diritti della natura Italia: <https://www.dirittidellanaturaitalia.it/>
- Droits de la nature: <https://droitsdelanature.com/>
- Ecologia politica: <http://www.ecologiapolitica.org/wordpress/>
- Eurogroup for Animals: <https://www.eurogroupforanimals.org/>
- European Environmental Law Forum: <http://www.eelf.info/>
- European Rights of Nature Hub: <https://vimeo.com/europeanhub/about>
- Gaia Trust: <https://gaia.org/>
- Mouvements: <http://www.mouvements.info/Droits-de-la-nature-mythe-ou.html>
- Naturens rättigheter: <http://www.naturensrattigheter.se/>
- Nature Rights: <http://www.naturerights.com/blog/>
- Rechte der Natur: <https://www.rechte-der-natur.de/de/>
- Rewilding Europe: <https://rewildingeurope.com/>
- Wildlegal: <https://www.wildlegal.eu/>

## Oceania

- Australian Earth Law Alliance: <https://www.earthlaws.org.au/>
- Green Agenda: <https://greenagenda.org.au/>
- The Green Institute: <https://www.greeninstitute.org.au/>
- New Zealand Centre for Environmental Law: <http://www.nzcel.auckland.ac.nz/en/nzcel.html>

## Observers

Centro Documentazione Conflitti Ambientali: <http://cdca.it/>  
 Environmental Justice Atlas: <http://www.ejolt.org/>  
 Extractivismo: <http://extractivismo.com/>  
 Observatorio Latinoamericano de Conflictos Ambientales: <http://olca.cl/oca/index.htm>

## Opinion Tribunals

- European Rights of Nature Tribunal in Defense of aquatic ecosystems: <https://therightsofnature.org/open-call-for-cases-european-rights-of-nature-tribunal-in-defense-of-aquatic-ecosystems/>
- International Rights of Nature Tribunal: <https://www.rightsofnaturetribunal.com/about>
- Monsanto Tribunal: <https://www.monsanto-tribunal.org/>

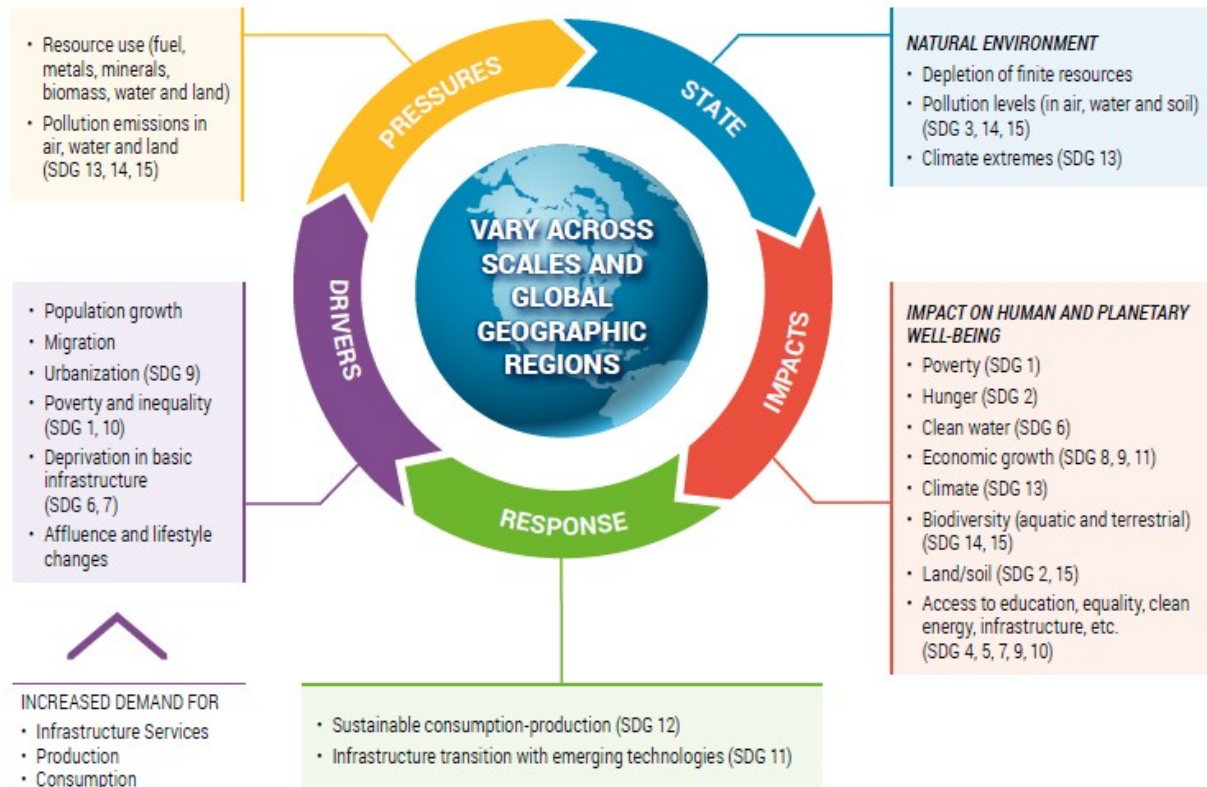


## Systemic and integrated approach of policies, according to the International Resource Panel

### INTERNATIONAL RESOURCE PANEL

*Assessing Global Resource Use.*

*A Systems Approach to Resource Efficiency and Pollution Reduction. Summary for Policymakers, Paris, 2017*



## Why is there no shared legal definition regarding Nature? (source: Bagni S., Carducci M. 2020)

BAGNI S., CARDUCCI M. *Rights of Nature and "tragic choices"* (CEDEUAM-UniSalento, 2020)

There is no common legal definition of Nature among the different legal systems.

This mismatch can be explained by two historical reasons.

1) The first reason regards the concept of "natural resources" contained in a principle of international law, defined as "permanent sovereignty over natural resources"<sup>1</sup>. State sovereignty legitimized "sovereign" legal definitions of the Nature and its exploitation<sup>2</sup>. In the last decade, this approach has been criticized by scholars<sup>3</sup>, as it is considered a barrier to effective responses against the planetary ecological catastrophe and the global climate emergency. For this reason, the legal doctrine conceptualized new universal legal principles as an alternative to the State sovereignty over the N. Some of these are, for example: pursuit of common ecological interests<sup>4</sup>; common duties of internal protection from global risks<sup>5</sup>; respect for common ecological thresholds<sup>6</sup>.

2) The second reason of non-correspondence in the legal definitions about Nature concerns the existence, of different legal traditions<sup>7</sup>.

The "Western tradition" of Civil and Common Law predominates in the international, constitutional and environmental law on a global level.

In this tradition, Nature is generally framed:

- a) as an "asset", ie. a set of resources and objects to be exploited and protected rationally for the needs of the human being<sup>8</sup>;
- b) as a cultural and immaterial representation of human activities over time (e.g. with the meaning of "landscape"<sup>9</sup>);
- c) as a specific area or form of life to be preserved (natural parks, reserves, protected species).

This last legal definition prevails in EU law. In the preamble to the Habitats Directive (92/43/EEC) it is also written that «*the threatened habitats and species form part of the Community's natural heritage*»<sup>10</sup>. However, this definition was never developed by EU law and is almost never used by judges<sup>11</sup>. The distinction-separation between "natural sites" and "natural resources" prevails, for example in EU Aarhus Regulation no. 1367/2006.

<sup>1</sup> See <https://www.ohchr.org/EN/ProfessionalInterest/pages/NaturalResources.aspx>. In EU Law, see EU Court of Justice, case C-266/16.

<sup>2</sup> See also the opinion of the EU Court of Justice on this principle: case C-266/16.

<sup>3</sup> See DI BENEDETTO S. *Sovranità dello Stato sulle risorse naturali e tutela degli equilibri ecologici nel diritto internazionale generale*, Torino, 2018; CALDWELL J. *An Ecological Approach to Environmental Law*, Auckland, 1988; JUAGUARIBE H. *El equilibrio ecológico mundial y los países subdesarrollados*, 5 *Est. Internacionales*, 17, 1972, 92-123.

<sup>4</sup> See FRENCH D. *International Law and Policy of Sustainable Development*, Manchester, 2005.

<sup>5</sup> See MAGALHAES P. et al. *SOS Treaty. A New Approach to Managing Our Use of the Earth System*, Cambridge Scholars Publishing, 2016; See too [earthsystemgovernance.org](http://earthsystemgovernance.org).

<sup>6</sup> DI BENEDETTO S. *Sovranità*, cit., 192 ss.

<sup>7</sup> GLENN H.P. *Legal Traditions of the World*, Oxford, 2010.

<sup>8</sup> See article 44 Italian Constitution; articles 810, 812, 813, 820, 821, 923, 924, 926, 2052 Italian Civil Code (see BIANCHINI R. *Diritto umano e diritto animale*, 6 *Cultura Giur. Dir. Vivente*, 2019, 1-7); CoE Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano, 21.VI.1993); CoE. *Convention on the Conservation of European Wildlife and Natural Habitats* (Bern, 19.IX.1979).

<sup>9</sup> See art 9 Italian Constitution, and UNESCO (<https://whc.unesco.org/en/culturalandscape/>). See also: JAMES S.P. *Legal Rights and Nature's Contributions to People: Is there a Connection?*, 241 *Biol. Conserv.*, 108325, 2020, 1-4.

<sup>10</sup> See [https://ec.europa.eu/environment/nature/legislation/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/index_en.htm), and SUNDSETH K. et al. *Article 6 of the Habitats Directive Rulings of the European Court of Justice. Final Draft*, 2014, EUROPEAN COMMISSION, *Nature and Biodiversity Cases Ruling of the European Court of Justice*, Luxembourg, 2006.

<sup>11</sup> See, for example, EU Court of Justice Case C-441/17R, §§ 59 and 208.

The concept of Nature as an "asset" has been recently influenced and slightly changed towards a Rights of Nature compatible framework by the latest documents of the Catholic Church on the environment.

The Encyclical Letter *Laudato si* (2015), the Final Document of the Synod on the Amazon "*The Amazon: new paths for the Church and for an integral ecology*" (2019) and the Post-synodal Apostolic Exhortation *Querida Amazonía* (2020) invite all human beings to an ecological conversion, recognizing that everything is connected and that we must repair the bonds we have broken<sup>12</sup>. The ecological conversion methods are indicated in the document "*Journeying for the care of the common home*" (2020).

In legal traditions different from Western ones (such as those based on "Chthonic traditions", the "Hinduism", and Islam), Nature is conceived as:

**a)** a "sacred"/"legal" entity, comparable to a "subject" (a river, a tree, etc.)<sup>13</sup>, in the "Chthonic" and Hindu traditions;

**b)** a set of services of use to human beings, that must be preserved and cared for their reproduction similar to a "system" (this is the case of "Hima", unavailable area of conservation of natural resources in Islamic tradition)<sup>14</sup>.

Therefore, it is clear that the main difference between "Western legal tradition" and "other legal traditions" deals with the "preferential orientation" in the humans /Nature relationship: the Western one is based on a "Human and Market Oriented" approach while the others are based on "Human and Nature Oriented" approach.

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<sup>12</sup> <https://www.vaticannews.va/en/vatican-city/news/2020-05/vatican-climate-season-of-creation-laudato-si.html>.

<sup>13</sup> Te Urewera Park, Whanganui River, Taranaki Mountain, Vilcabamba River, Ganges River etc. See O'DONNELL E.L. et al. *Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India*, 23 *Ecol. and Soc.*, 1, 2018, 1-10, and *Attributing Legal Personality to Nature as an Effective Means of Protection* (<https://www.howtoregulate.org/legal-personality-nature/>) 30. August 2019. However, recognition of the protection of natural places declared "subjects" produces legal effects similar to European protected areas.

<sup>14</sup> See UNEP: <https://www.unenvironment.org/about-un-environment/faith-earth-initiative/religions-and-environmental-protection>; and IUCN: <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/our-work/religion-spirituality-environmental-conservation-and-climate-justice>).

## What are the legal definitions of "Nature" and "Rights of Nature"? (source: Bagni S., Carducci M. 2020)

BAGNI S., CARDUCCI M. *Rights of Nature and "tragic choices"* (CEDEUAM-UniSalento, 2020)

The concepts and definitions of Nature, inserted in legal formats (such as Constitutions or Acts)<sup>15</sup>, were mainly the following:

- a) Nature as a "legal entity" with access to justice (for example articles 71 and 88 Ecuador Constitution 2008);
- b) Nature as an expression of a "common meta-right" influencing and guiding the policies<sup>16</sup> (for example in Bolivia with the Constitution of 2009 and the "*Defensoria de la Madre Tierra*" or art. 18 of the new 2017 Constitution of Mexico City);
- c) Nature as part of expression of the "ecological integrity"<sup>17</sup> (for example: *Canada National Parks Act*).

In non-binding documents are present other definitions of Nature, for example:

- a) as inspiration for so-called "eco-legal principles" (e.g. "*Universal Charter for Species of Flora and Fauna and Ecosystem Rights*"<sup>18</sup>);
- b) as an "Earth Community" in connection with the universality of Human Rights (e.g. "*The Hague Principles for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship*"<sup>19</sup>).

In legal theory, after Stone's seminal study<sup>20</sup> and Elder's criticism<sup>21</sup>, Nature was defined as part of a general reformulation of law, conceived as: "rule of ecological law"<sup>22</sup>; "rule of law for nature"<sup>23</sup>; "ordre public écologique"<sup>24</sup>; "Estado de Direito Ecológico"<sup>25</sup>; "ecological conversion" of law and politics<sup>26</sup>; "Planetary Trust"<sup>27</sup>; "Biocracy"<sup>28</sup>. In these theories, Nature represents the "container" of a new vision of law and economics. This, however, does not necessarily mean recognizing Nature as a legal entity. For example, not all of these theories discuss the relationship between human rights and the Rights of Nature.

However, the issue of the relationship between legal systems, Nature and recognition of Rights of Nature has also been discussed by natural and ecological scientists. In particular, we must consider the appeals of scientists for a trans-disciplinary collaboration with legal scholars, in order to develop "eco-legal principles" and to avoid "ecological collapse", through new legal instruments. The characteristics of these instruments can be summarized as follow:

- a) to be identified by Earth system sciences<sup>29</sup>;
- b) cannot be modified by interpretations and balancing by the courts<sup>30</sup>;
- c) not to be negotiable by political authorities<sup>31</sup>.

<sup>15</sup> About the concept of legal formant, see SACCO R. *Legal Formants: a Dynamics Approach to Comparative Law* (I & II), 39 *Am. J. Comp. L.*, 1-2, 1991, 1-34, 343-401.

<sup>16</sup> Similar are the definitions of Nature as a "Common" or Nature as "Wild Law".

<sup>17</sup> WESTRA L. et al. (eds.). *Ecological Integrity, Law and Governance*, London, 2018, and <https://www.globalecointegrity.org/>.

<sup>18</sup> <https://ecolegalpersona.com/>.

<sup>19</sup> <http://www.earthtrusteeship.world/the-hague-principles-for-a-universal-declaration-on-human-responsibilities-and-earth-trusteeship/>

<sup>20</sup> STONE C.D. *Should Trees have Standing? Toward Legal Rights for Natural Objects*, 45 *Southern California L. Rev.*, 1972, 450-501.

<sup>21</sup> ELDER P.S. *Legal Rights for Nature: the Wrong Answer to the Right(s) Question*, 22 *Osgoode Hall L. J.*, 2, 1984, 285-295.

<sup>22</sup> See GARVER G. *The Rule of Ecological Law*, 5 *Sustainability*, 1, 2013, 316-337.

<sup>23</sup> See VOIGT C. (ed.) *Rule of Law for Nature*, Cambridge, 2013.

<sup>24</sup> See BELAÏDI N. (ed.) *Dossier «L'Ordre public écologique», du concept à la juridicité*, 68 *Droit et Cultures*, 2014, 2.

<sup>25</sup> See RUBENS MORATO LEITE J. et al. (eds.), *Estado de Direito Ecológico*, São Paulo, 2017.

<sup>26</sup> See CAPRA F., MATTEI U. *The Ecology of Law: Toward a Legal System in Tune with Nature and Community*, Oakland, 2015.

<sup>27</sup> See WEISS E.B. *The Planetary Trust. Conservation and Intergenerational Equity*, 11 *Ecology L. Quart.*, 4, 495-582.

<sup>28</sup> See GÖLLINGER T. *Biokratie*, Marburg, 2015.

<sup>29</sup> REID W.V. et al. *Earth System Science for Global Sustainability: Grand Challenges*, 330 *Science*, 2010, 916-917.

<sup>30</sup> MONTEDURO M. *Le decisioni amministrative nell'era della recessione ecologica*, 2 *Riv. AIC*, 2018, 1-37.

<sup>31</sup> LIVINGLAW. *Giving Nature a Voice*, 2018, AA.VV. *Rights of Nature & Mother Earth. Rights-Based Law for Systemic Change*, Oakland, 2017.



In this perspective, for example, Guillaume Chapron speaks about "legal boundaries" conforming to the "planetary boundaries" of sustainability<sup>32</sup>.

These hypotheses presuppose a qualification of the legal order as a shared area and this legal qualification is already known by international law<sup>33</sup>. It would therefore be possible to accept these "eco-legal" proposals.

Other hypotheses include rules (non only principles) such as "non-regression"<sup>34</sup>, "resilience"<sup>35</sup> (although the concept is complex in its concrete applications<sup>36</sup>), definition of the "maximum permitted levels"<sup>37</sup> of degradation and depletion of natural resources<sup>38</sup>.

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<sup>32</sup> See CHAPRON G. et al. *Bolster Legal Boundaries to Stay within Planetary Boundaries*, 1 *Nature, Ecology and Evolution*, 3, 2017, 1-5, with interesting comparisons with the legal instruments of biodiversity protection.

<sup>33</sup> See BRUNNÉE J. *Common Areas, Common Heritage and Common Concern*, in *Oxford Handbook of International Law*, Oxford, eds. Bodansky D. et al., 2007, 550-565.

<sup>34</sup> See PRIEUR-VASSALLO *Le principe de non-régression et la biodiversité*, 44 *Rev. Jur. Env.*, 3, 2019, 769-786, and "World Declaration on the Environmental Rule of Law" (*World Environmental Law Congress*, Rio de Janeiro, 2016).

<sup>35</sup> See "Law for Social-Ecological Resilience Conference", Stockholm, 2010 (<https://www.earthsystemgovernance.org/events/law-for-social-ecological-resilience-conference/>).

<sup>36</sup> See FOLKE C. et al. *Resilience Thinking: Integrating Resilience, Adaptability and Transformability*, 15 *Ecol. and Soc.*, 4, 2010, 1-9.

<sup>37</sup> As an economic and not only environmental objective.

<sup>38</sup> LAMPERT A. *Over-Exploitation of Natural Resources is followed by Inevitable Declines in Economic Growth and Discount Rate*, 10 *Nature Communication*, 1419, 2019, 1-10.

## Economic and Ecological Analysis of Rights of Nature (source: Bagni S., Carducci M. 2020)

BAGNI S., CARDUCCI M. *Rights of Nature and "tragic choices"* (CEDEUAM-UniSalento, 2020)

The topic of the economic and ecological analysis of the Rights of Nature is very complex and little discussed in the legal sphere<sup>39</sup>.

However, the introduction of the Rights of Nature requires an appropriate elaboration according to the objectives of the European Commission's REFIT program.

Some schemes are shown below.

In current law, the environment is qualified in two different ways:

- as a set of "goods";
- as a set of "ecosystem functions".

In the first case, the Law regulates the use of resources and gives them an economic value<sup>40</sup>. In the second case, the Law protects natural processes (ecosystem functions<sup>41</sup>) and gives them a value.

These two perspectives always propose a "balance" between "value" of Nature as "good" or "function" and other human values (political, social, economic values). This balance is regarded as "legitimate", only because it conforms to the plurality of human interests (procedural and substantive) and not to the functioning rules of ecosystems.

Many cases confirm this perspective.

For example, in the Opinion of Advocate General Kokot in Case C-127/02, § 143, the protection of Nature is not considered as a protectable right, but only a general interest "balancing" with other interests.

In France, the Council of State (Conseil d'État) considers that "imperative reasons of overriding public interest", with economic and political content, may prevail over "ecological reasons" for the protection of wild species<sup>42</sup>.

In Italy, the Council of State (Consiglio di Stato) qualifies environmental assessment as a "political function" of balancing interests, not only environmental but also economic; therefore, environmental assessment is never ecological<sup>43</sup>.

Therefore, this legal approach has not fought the ecosystem and climate emergency that threatens the Earth. Thus, balancing could be defined as an ecological failure.

The main forms of this failure are the following:

**a)** the so-called "Chronic disturbance"<sup>44</sup> of ecosystems, due to a set of environmental impact assessments regulated by law in the absence of medium and long-term integrated analysis of cumulative data and solely focused on the interests of human action;

**b)** The "Tyranny of Small Decisions" emphasized by William E. Odum<sup>45</sup>, in which the law operates a fiction, dividing the biosphere into distinct sections and giving each of them a different regulation, and considering the biosphere as an entity different from the other ecosystem dimensions;

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<sup>39</sup> See, for example, COMINELLI L. *Cognition of the Law*, Cham 2018 (Chapter 3: Nature, Evolution, and Law, 83-134), GUSSEN B. *Axial Shift*, Singapore, 2019, 87-124.

<sup>40</sup> For example with the PES (Payments for Ecosystem Services): see EU Commission Science for Environment Policy, DG Environment News Alert Service, Issue 30/2012 *Payments for Ecosystem Services*, and *EU Natural Capital Accounting* ([https://ec.europa.eu/environment/nature/capital\\_accounting/index\\_en.htm](https://ec.europa.eu/environment/nature/capital_accounting/index_en.htm)).

<sup>41</sup> See GRUMBINE E. *What is Ecosystem Management?*, 11 *Conservation Biology*, 1, 1997, 41-47

<sup>42</sup> Conseil d'Etat no. 425395/2020.

<sup>43</sup> See Cons. Stato Sez II, no. 2248/2020.

<sup>44</sup> Starting from SINGH K. *Chronic Disturbance, a Principal Cause of Environmental Degradation in Developing Countries*, 25 *Envtl Conserv.*, 1, 1998, 1-2.

c) The "Tyranny of Localism"<sup>46</sup>, based on the idea that community-based environmental management can in itself satisfy the knowledge of the biosphere complexity;

d) the absence of a three-dimensional approach of "Climate Change and Environmental Degradation", focused on the joint assessment of 1) climate change, 2) air pollution and 3) loss of ecosystem goods, resources and services<sup>47</sup>;

e) the improper application of the principle of sustainable development and the precautionary principle<sup>48</sup>;

f) the rhetorical use of the balance between economic and environmental interests, supported by the vision of the so-called "three pillars" (or "rings"<sup>49</sup>) of sustainability (society, economy, environment), which is highly criticized because it places on the same level situations that are actually very different<sup>50</sup>.

Actually, Law, Economy and States depend on Nature, and not the opposite<sup>51</sup>. Stephanie R. Fishel called this dependence "*Microbial State*"<sup>52</sup>.

If this dependence is not respected, economic analyses of the environment produce negative spirals and further ecosystem losses (called "*lose-lose*").

By introducing the Rights of Nature, Law must not simply attribute a "value" to goods and functions. It must respect the functioning rules of these goods and functions. Through the Rights of Nature, the "imperative reasons of overriding public interest" concern the functioning rules of the ecosystems on which everyone's life depends.

Ecological assessments are very complex<sup>53</sup> but scientists have identified the main ecosystem rules to be respected<sup>54</sup>.

These rules are absolutely compatible with the "pillars" of the Rights of Nature.

The following scheme can be submitted

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<sup>45</sup> ODUM W.E. *Environmental Degradation and the Tyranny of Small Decisions*, cit.

<sup>46</sup> LANE M.B., CORBETT T. *The Tyranny of Localism*, 7 *J. Envtl Policy & Planning*, 2, 2005, 141-159.

<sup>47</sup> [https://ec.europa.eu/knowledge4policy/foresight/topic/climate-change-environmental-degradation\\_en](https://ec.europa.eu/knowledge4policy/foresight/topic/climate-change-environmental-degradation_en)

<sup>48</sup> READ R., O'RIORDAN T., *The Precautionary Principle Under Fire*, 59 *Environment: Sc. & Pol. for Sust. Development*, 5, 2017, 4-15.

<sup>49</sup> BARBIER E.B. *The Concept of Sustainable Economic Development*, 14 *Envtl Conserv.*, 2, 1987, 101-110.

<sup>50</sup> LAITOS J.G., WOLONGEVICZ L.J. *Why Environmental Laws Fail*, 39 *Wm. & Mary Envtl L. & Pol. Rev.*, 1, 2014, 1-52.

<sup>51</sup> PELLETIER N. *Of Laws and Limits: An ecological Economic Perspective on Redressing the Failure of Contemporary Global Environmental Governance*, 20 *Global Envtl Governance*, 2, 2010, 220-228.

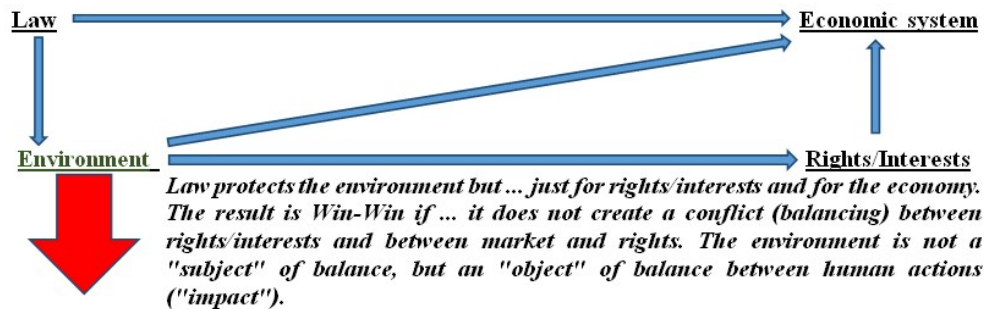
<sup>52</sup> FISHEL R.S. *The Microbial State*, Minneapolis, 2017.

<sup>53</sup> See WHITE E.R. et al, *Success and Failure of Ecological Management is Highly Variable in an Experimental Test*, 116 *PNAS*, 46, 2019, 3169-23173.

<sup>54</sup> See MITTELSTAEDT P. et al. *Laws of Nature*, Berlin-Heidelberg-New York, 2005. The ecosystem approach allows to consider the "laws" of nature (see <https://www.cbd.int/ecosystem/>). In fact, it identifies, through scientific knowledge, the "critical non-replaceable" natural capital. This capital prevails over any "law" of the human will. Furthermore, it favors deliberation in compliance with the "fundamental laws" of ecology (the "Laws" of Albert A. Bartlett, Kenneth Boulding, Barry Commoner, Nicolas Georgescu-Roegen, Brilliant Green, Garrett Hardin, Karl William Kap, Stefano Mancuso etc.). See BOERO F. *Nature and the Governance of Human Affairs*, in *Come governare l'ecosistema? How to govern the Ecosystem? ¿Como gobernar el ecosistema?*, ed. Bagni S., Bologna, 2018, 47-60, and MANCUSO S. *La nazione delle piante*, Roma-Bari, 2019.

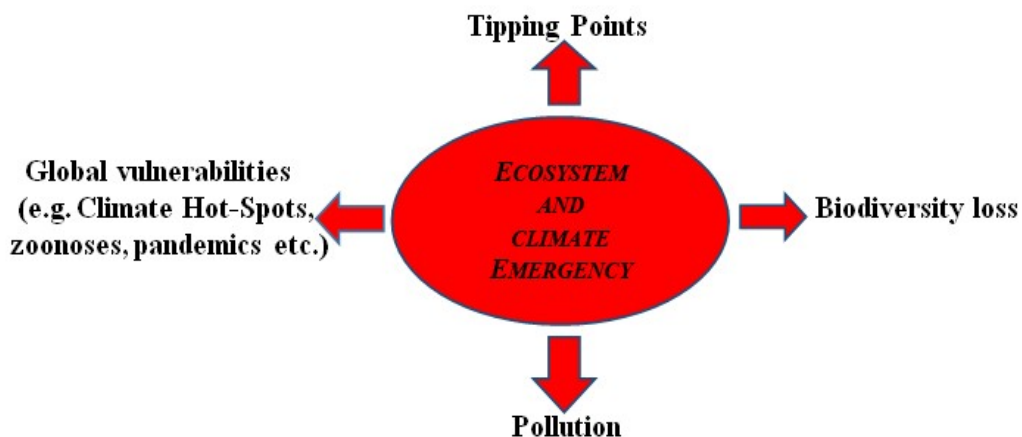
## ECOSYSTEM AND CLIMATE EMERGENCY IN THE CURRENT EUROPEAN ENVIRONMENTAL LAW

*The structure of current environmental law.  
(Alleged) Win-Win logic of the balance between rights/interests - economy - environment*



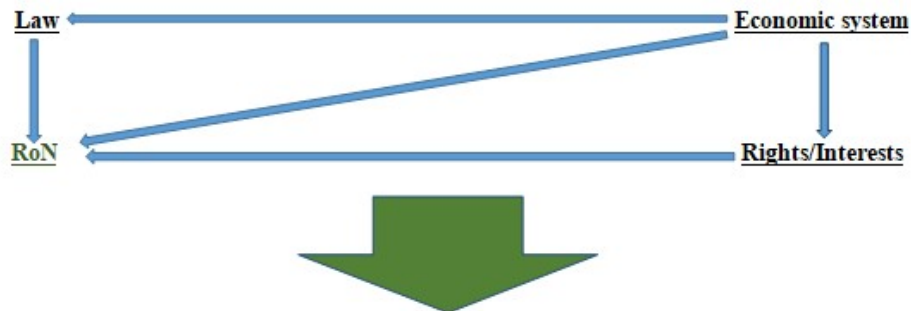
*But ... the ecosystem and climate emergency show that the concrete effect of environmental regulation is Win-Lose not for the "environment" but for "earth life" (one earth - one health) and therefore for the economy and rights/interests. Definitely, it's Lose-Lose. In the age of emergency, a "current" law becomes "dysfunctional" (fails). But the failure in the emergency turns into a failure of an entire legal system. It multiplies a dangerous "Lose-Lose" spiral.*

## EXAMPLE OF LOSE-LOSE SPIRAL



*For this reason, we need to think of a "new subject" of law that includes all the components inside the "Spiral" of emergency and it can "govern" them through a new "method"; the elements of the emergency are all the components of the earth system, namely Nature. Therefore, speaking about RoN does not mean recognizing the rights of "other subjects", but means including "all subjects" of the earth system in this unprecedented emergency. Even the human being is Nature. Consequently, also the human being has the "same rights" of Nature. This "identification" is not "cultural", but "physiological". We will overcome the emergency if we recover the "physiology" of the earth's system. If all the elements of life (all "subjects") do not come out of the spiral nobody will win. In the age of emergency, decisions are not a "tragic game" (sacrificing someone for someone else's sake); nor a "zero-sum game" (making a Win-Lose compromise). They are a "necessary game" (to give up something "exclusive of one's own", to win everything that belongs to any living subject: nature with its biodiversity, without pollution, without pandemics, without "Tipping Points").*

## RoN PERSPECTIVE IN THE ECOSYSTEM AND CLIMATE EMERGENCY



*Law protects life (not "the environment") only if, in case of conflict between RoN and rights/interests, the primacy of RoN is affirmed "unconditionally". Only in this way all the people "win" everywhere, also for the economy. Man and the economy do not "lose", but "give up", because it is the only way to guarantee present and future life (pro natura as pro vita). Any other "Win" is a defeat, because the emergency remains "inside". Any balance is a "Loss" because it aggravates the emergency. The RoN discipline is used to define the "legal methods" of "renunciation". The "methods" must be applied in any "field" of European law. They are not a "matter" of environmental law, but the new "method" of the interpretation and action of all European law. Nature becomes the "subject" of rights which means that "essential content" of rights is constituted by the "method" of the RoN. Without RoN, fundamental rights can have a "present", but not a "future".*

*A European Charter of RoN must serve this purpose.*

*The only alternatives to this plan is balancing the "current" Law; but, in the era of the ecosystem and climate emergency, balancing only causes "Loss" (Tipping Points, Biodiversity loss, Pollution, Climate Change Hot-spots, Vulnerability, Pandemics etc.).*

In conclusion, the ecological analysis of the Law serves to verify that human rules comply with these ecosystemic functioning rules. In this perspective, for example, the introduction of the "ecological impact analysis" of policies has been proposed<sup>55</sup>.

However, the introduction of the Rights of Nature also modifies the economic analysis of the Law, as it imposes inter-temporal economic evaluations on the costs and benefits of any policy with respect to the natural cycles of the Earth system. In this perspective, the economic analysis of the Rights of Nature is similar to the economic analysis of the rights of future generations<sup>56</sup>.

<sup>55</sup> See ASVIS Rapporto SDGs 2019.

<sup>56</sup> See ABRESCIA M. *Un diritto al futuro. Analisi economica del diritto, Costituzione e responsabilità tra generazioni*, in *Un diritto per il futuro. Teorie e modelli dello sviluppo sostenibile e della responsabilità intergenerazionale*, eds. Bifulco R., D'Aloia A., Napoli, 2008, 161-171.



## Annex 11: Rights of Nature and "tragic legal choices" (source: Bagni S., Carducci M. 2020)

BAGNI S., CARDUCCI M. *Rights of Nature and "tragic choices"* (CEDEUAM-UniSalento, 2020)

The contrasts between fundamental rights that produce "moral conflict" in the decision-maker (legislator, administrative authority, judge) can be defined as "tragic choices".

These occur in two cases<sup>57</sup>:

- a)** when two or more fundamental rights are in conflict within the same category of persons to whom the decision is addressed;
- b)** when the same fundamental right conflicts between different categories of persons to whom the decision is addressed.

We talk about "moral conflict" because the "tragic choices" impose "*aut-aut*" decisions. These are based on:

- the denial of a fundamental right in order to protect another fundamental right within the same category of persons, in case **a)**,
- the denial of the protection of one category of persons rather than another one, even though both of them have the same fundamental right, in case **b)**.

In the field of fundamental human rights, the "tragic choices" involve bioethical issues: for example, in the case of abortion, the collision between two different rights of the mother (the right to life and the right to motherhood) or the collision of the same right (the right to life) between mother and unborn child may occur.

In these specific cases, the "*aut-aut*" decision is focused on the criterion of prevalence and proportionality (*pro choice/pro life*).

Can "tragic choices" occur in the case of Rights of Nature? How does the criterion of prevalence and proportionality apply?

The following possibilities can occur:

- a)** the collision between different Rights of Nature related to the same subject (single living being/species/ecosystem), for example between the right to life and the right to migration of the living subject/species X;
- b)** collision of the same Right of Nature between different categories of subjects (single living being/species/ecosystem), for example between the right to life of the living being/species/ecosystem X and the right to life of the living being/species/ecosystem Y
- c)** the collision between Rights of Nature and fundamental human rights with the same content, for example between the right to life of the living being/species X and the right to life of humans.

In practical terms the collision depends on the type of:

- content of Rights of Nature;
- Subject holding these rights (single living being, living species, ecosystem).

For example, if animals are considered as legal entities, the meaning of the so called "*five freedoms of animal welfare*" ("*Freedom from hunger and thirst (food and water)*"; "*Freedom from discomfort*"; "*Freedom from pain, injury and disease*"; "*Freedom to express normal behaviour*"; "*Freedom from fear and distress*")<sup>58</sup> changes.

Therefore, the introduction of the Rights of Nature into current EU law could produce some "tragic choices".

<sup>57</sup> See RUGGERI A. *Fatti, norme, criteri ordinatori. Lezioni*, Torino, 2009; CALABRESI G., BOBBIT Ph., *Tragic Choices*, New York, 1978, VAN DOMSELAAR I. *On Tragic Legal Choices*, 11 *L. & Humanities*, 2, 2017, 184-204.

<sup>58</sup> See <https://www.animalhumanesociety.org/health/five-freedoms-animals>

Let us consider the following EU law provisions:

- article 13 TFEU, on "animal welfare" as "sentient beings";
- articles 36 and 114 (4) TFEU, on public policy, protection of health and life of humans and animals, preservation of plants, protection of the environment;
- Annex 1 to the TFEU, which lists 'live animals' among the 'products' of Article 38 TFEU (Chapter 1);
- Recital no. 41 of Directive 2006/123/EC, which states «*The concept of 'public policy', as interpreted by the Court of Justice, covers the protection against a genuine and sufficiently serious threat affecting one of the fundamental interests of society and may include, in particular, issues relating to human dignity, the protection of minors and vulnerable adults and animal welfare. Similarly, the concept of public security includes issues of public safety*».

How does the interpretation of these rules change if the Rights of Nature are recognized to subjects (animals or plants), to entire living species, to ecosystems?

What happens if the "*in dubio pro natura*" rule is included among the "fundamental interests" of the EU and if it collides with other rules (such as the right to life, the right to ecological integrity, the right to the reproduction of life cycles)?

The right to life of a living species (animal or plant) or an ecosystem could legitimize a State to use article 36 TFEU or article 114 (4) TFEU, as has already occurred in some cases (C-6/99; C-236/01; T-584/13).

Moreover, the Rights of Nature would also strengthen the content of Article 13 TFEU by extending the concept of "animal welfare" to the whole living system<sup>59</sup>. This "welfare" would become a parameter of proportionality of European decisions, according to the interpretation introduced by the Opinion of Advocate General L.A. Geelhoed in case C-244/03 (§§91-124).

In this context, the definition of the concept of "product" in art. 38 TFEU should be amended.

So, the scenarios of "tragic choices" could still arise. The cases could involve:

- the right to life of every single living being (for example, through imprisonment for the protection of the species) and the right to live freely in an ecosystem (there is a Colombian judicial precedent in the *habeas corpus* case known as "oso Chucho": Corte constitucional - sentencia SU-016/20<sup>60</sup>);
- the right to life of an alien animal species and the right to life of native animal species in the same ecosystem (can the 'right to migrate' of living species due to climate change be recognised?);
- the right to reproduction of the life cycles of all living beings and its preservation through sterilization practices;
- the collision between Rights of Nature and cultural rights and religious practices on animals or plants<sup>61</sup>, or between the right to the health of living beings and the human right to health through scientific progress (article 15 of 1966 UN Covenant on Economic, Social and Cultural Rights) through animal experimentation<sup>62</sup>;
- the collision between the right to the ecological integrity of a natural ecosystem and the human right to the maintenance of an ecosystem and its energy requirements;
- the collision between the "*in dubio pro natura*" rule and the "*in dubio pro reo*" principle in environmental crimes or crimes against animals and plants, where the prevailing criterion is always the human one<sup>63</sup>.

If the right of access to justice in relation to the Rights of Nature is recognized, these collisions would become the basis for litigation.

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<sup>59</sup> See SPARKS T. *Protection of Animals through Human Rights: The Case-Law of the European Court of Human Rights*, in *Studies in Global Animal Law*, ed. Peters A., Berlin-Heidelberg, 2020, 153-171; PETERS A. *Liberté, Égalité, Animalité. Human-Animal Comparison in Law*, 5 *Transn'l Envtl L.*, 1, 2016, 25-53.

<sup>60</sup> According to the Constitutional Court of Colombia, the Habeas Corpus «*es un instrumento de protección de la libertad de los seres humano, que es un derecho que no se puede predicar de los animales*».

<sup>61</sup> See ROTHENBURG W.C., STROPPA T. *Sacrificio ritual e crueldade contra animais: um caso de sustentabilidade cultural*, 17 *Veredas do Dir.*, 37, 2020, 295-322.

<sup>62</sup> See Italian case on experimentation on macaques: TAR Lazio, Sez. III-Quater, no. 5771/2020.

<sup>63</sup> See Corte di Cassazione, Sez III penale no. 13214/2010.

How to deal with such "tragic choices"?

Some authors propose "ecologically oriented"<sup>64</sup> or "ecological proportionality"<sup>65</sup> interpretations. Other authors suggest "Due Process of ecological law"<sup>66</sup>.

However, these proposals do not include the Rights of Nature: they always consist of balancing operations, based on exclusively human interests.

Instead, by including the Rights of Nature, "tragic choices" must be decided through the above-mentioned "pillars", in particular the rules of non-regression, resilience and "*in dubio pro natura et clima*".

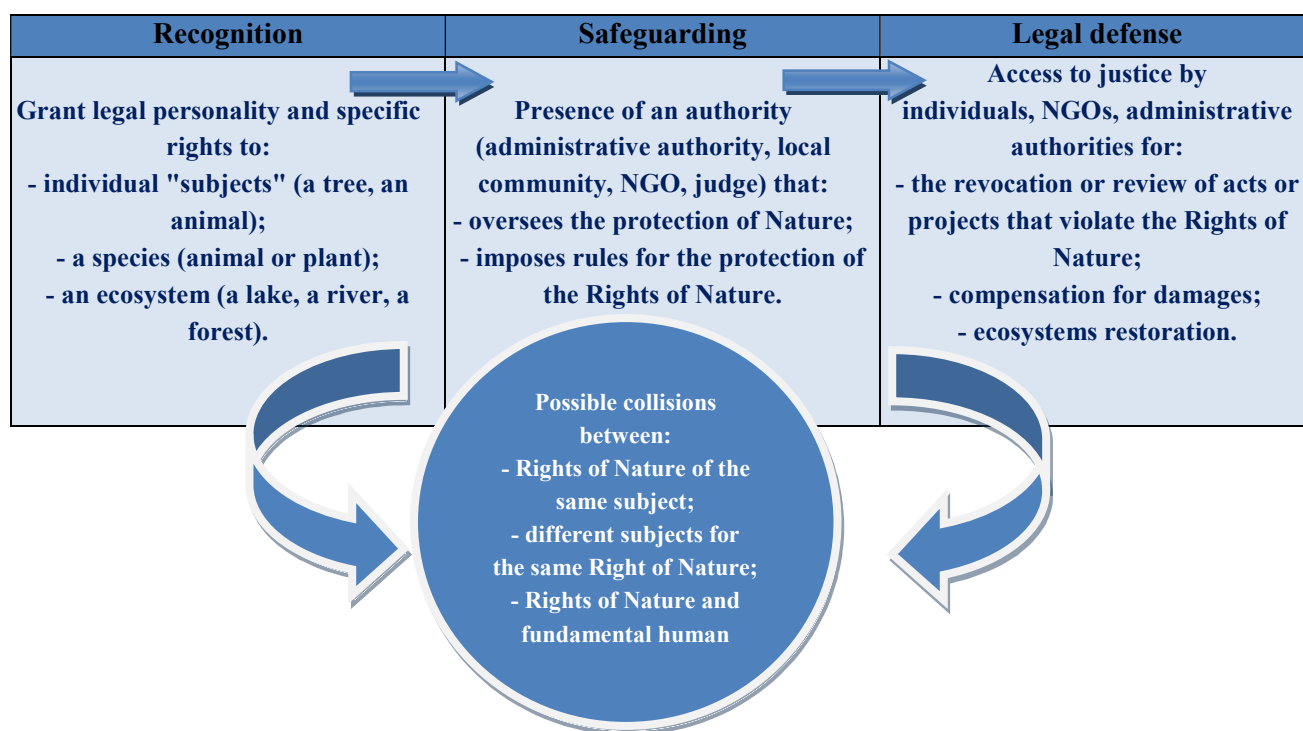
In fact, only these "pillars" ensure the protection of the entire ecosystem in the face of all "eco-legal" breaking points. They guarantee all living beings, including the human being.

In this perspective, they do not produce collisions in the common interest of survival.

Therefore, the "pillars" are the *Grundnorm* to solve any "tragic choice" in the era of the ecosystem and climate emergency.

The following scheme can be submitted:

#### Rights of Nature and "tragic choices" in the era of "eco-legal" breaking points



In the "tragedy" of the ecosystem and climate emergencies, the Rights of Nature prevent worsening "tragic choices". In fact, they adapt the legal system to the ecosystem reality. Let's see how.

<sup>64</sup> MONTEDURO M. *Per una "nuova alleanza" tra diritto ed ecologia: attraverso e oltre le "aree naturali protette"*, 11 *Giust. Amm. Riv. Dir. Amm.*, 6, 2013, 1-44

<sup>65</sup> WINTER G., *Ecological Proportionality: an Emerging Principle of Law for Nature?*, in *The Rule of Law for Nature*, Voigt C. (ed.), cit., 111-116.

<sup>66</sup> DE ARAÚJO AYALA P. *Devido processo ambiental e direito fundamental ao meio ambiente*, Rio de Janeiro, 2020.

In the anthropocentric law, legal subjectivity has always been related to the concept of “person”, both natural or legal. It refers to a human being, real or in fiction. By the way, the word “person” comes from ancient Greek πρόσωπον (prósōpon) that means both the face, the actor’s mask used in classic time during theatre performances and the character played. So, even if in legal history, not all human beings have been considered as “natural persons” since the beginning (let’s think about blacks, slaves, strangers, women, children, disabled, etc.), when trade and economic interests pretended separating personal assets from business ones, the fiction of “legal person” was generated. Anyway, a human form (e.g. a company or association), belief (e.g. an idol) or interest (e.g. a trust) always stands behind the legal person.

The consequence is that the law can recognize to legal persons some or all rights usually recognized to natural persons. And once the right is recognized, no preferences could be claimed on the basis of the different qualification of the right-bearer: the honor of an individual is comparable to the honor of a company; property rights of a multinational are equivalent to the ones of a real person. Then, there are some rights that are only “human”. We call them “human rights” and we enshrine them in international declarations or treaties, depending if they must be considered binding or not for the States.

Non-human species and the ecosystems would not enter into the person’s fiction. They are not masks of humans, but autonomous entities. Moreover, an ecosystem, being it a garden or the Planet Earth, intended not as an autonomous subject, but as a complex relational concept, represents the conditions of existence for all its living components, but at the same time, the harmonic balance of all the parts is the condition of existence of the ecosystem.

This means that there is an inter-dependent relationship between the survival of the whole and that of its parts. And the same interdependency exists even among the various minor ecosystems and the whole Earth ecosystem. Including non-human species and the ecosystems as new subject of rights means making the substantial differences among them relevant in the interpretative process, because there is a survival relationship of dependency among humans and non-humans legal subjects as part of an ecosystem, and among the various ecosystems and the planet.

This ecological principle of co-living, clearly stated in the theory of evolution, demands a change in the substantial concept of right. In legal theory, a right is a claim supported by the law.

From an ecological point of view, an ecosystem’s right is a set of co-living relationships whose balance must be defended for the survival of each subject of the relation<sup>67</sup>.

It is true that in the theory of evolution, mutation and adaptation are the mechanisms that permit an evolution in the conditions of co-living and in the global balance.

But the theory of evolution is neutral with respect of the interests of each species and ecosystem.

This means that the planet life will always find a proper equilibrium, but it is absolutely equivalent in favor of whom the new balance will be established.

The ecological principle of coexistence excludes "tragic choices", as it is based on a "ladder of choices" that always favors the survival of all living subjects.

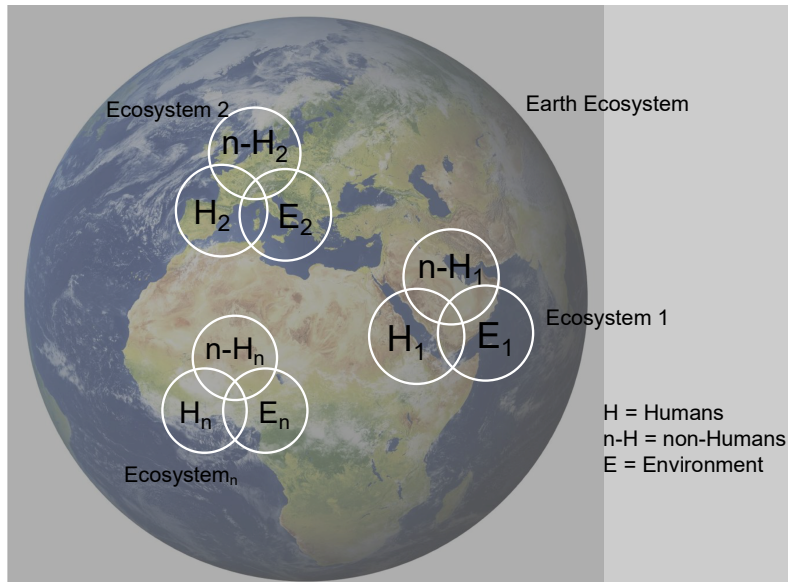
This "ladder of choices" is built with this distinction of subjects:

- **Earth ecosystem (EE);**
- **Other ecosystems**, co-existing inside the planet ( $E_1, E_2, E_3, \dots E_n$ );
- **Human and non-human species**, co-existing in each ecosystem (**HS** and **n-HS**);
- **Human and non-human individuals** inside each species (**HI** and **n-HI**).

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<sup>67</sup> NEDELSKY J. *Reconceiving Rights as Relationship*, 1 Rev. Const. Studies/ Revue d’études const., 1, 1993, 1-26.

### "Ladder of choices" in the Earth Ecosystem



When anthropocentric rights collide, the criteria applied to solve the conflict are different:

#### a) **Hierarchy,**

**a-1)** if the rights are recognized by sources of law of different level: e.g. constitutional rights prevail over legislative rights;

**a-2)** where there is an interpretative criterion that recognizes preference to one of them (e.g. in dubio pro reo);

#### b) **Balancing,**

if all the rights in conflict are formally equivalent (e.g. all constitutional rights). In this case, two different principles can be applied. The principle of proportionality requires limitations of fundamental rights to be adequate, necessary and proportional to the aims pursued. On the other hand, the principle of protection of the essential nucleus of fundamental rights prevents the total sacrifice of one of the conflicting rights.

How would these criteria be applied, when eco-centric rights collide, pretending that Rights of Nature were incorporated at EU Treaties' level (or at constitutional level in national contexts)?

The survival of the planet is the pre-condition for the existence of all other subjects, so whatever action or omission that has a negative impact on the planetary boundaries should always be prohibited and EE rights should always prevail over the other legal subjects. The "*in dubio pro natura et clima*" rule should be interpreted and applied in this sense.

Then, diversity is a fundamental component both of the theory of evolution<sup>68</sup> and of biological communities. Moreover, other key ecological elements must be taken into consideration: complexity, productivity, stability (resilience and resistance), structure<sup>69</sup>.

The complex co-living relationship among all natural ecosystems and the delicate balance between and inside them, make it more difficult to foreseeing all the feed-back loops deriving from their interaction. So,

<sup>68</sup> PIEVANI T. *La teoria dell'evoluzione. Attualità di una rivoluzione scientifica*, Bologna, 2017<sup>3</sup>.

<sup>69</sup> CUNNINGHAM W.P. et al. *Environmental Science: a Global Concern*, Boston, 2004<sup>9</sup>.



the second legal principle to be applied, when the first condition does not occur, is the "pro conservation rule" (already recognized by the CITES with respect of biodiversity and in principle 5 of the ecosystem approach endorsed by the COP of the Convention on Biological Diversity UNEP/CBD/COP/5/23<sup>70</sup>), in accordance with the "*in dubio pro natura et clima*" rule. This means that, when the conflict does not entail the safety of the EE, it must be applied the solution that guarantees the conservation of ecosystem and species diversity, independently from its costs, and even in cases where we are not able to estimate the exact ecological impact of a human action or omission.

In the same way, species rights should always prevail over individual rights.

Only when the previous conditions are satisfied, a safeguard clause in favor of human rights should apply. In fact, from an ecological point of view, among each category there is a total equivalency.

The EE interests prevail over the interests of the sub-ecosystems of the planet, that prevail over the interests of single species, that prevail over the interests of any individual.

But in ecological terms, anthropic ecosystems have the same value as the arctic biome; and among individual rights, the right to life of a man has the same value as that of a polar bear.

From a human point of view, this is unacceptable, as far as law is a human product and will always be administered by humans and for humans.

Only the common condition of vulnerability of all individuals and species in front of planetary ecological disaster justifies the juridification of the ecological rules and an expansion in the theory of legal personhood.

Therefore, when individual human and non-human rights collide, the "*pro-homine*" principle<sup>71</sup> should apply. But, in this case, the "principle of eco-proportionality" (proposed by Winter<sup>72</sup>) and the principle of defense of the "essential content" of the Rights of Nature should guarantee a reasonable balance and preserve the fundamental right to life also of non-human individuals.

So, in the case exemplified above, if the maintenance of human communities in the Arctic circle would put at risk the entire biome, the principle of conservation should prevail, preventing irreversible changes to the Arctic ecosystem.

If a human community can live in the Arctic, respecting the biome equilibrium, all such measures in order to preserve a harmonic coexistence in diversity must be taken.

If humans' communities hunt whales in pursuance of an ancient cultural tradition, and this does not menace the species survival, the human cultural right should prevail.

But if hunting is merely a human amusement or the rituals inflict unjustified sufferance to the animal, it should be prohibited, in application of the proportionality principle and the protection of the essential core of the animal dignity and right to life.

Here follows a scheme of conflicting rights resolution criteria.

#### Conflicting Rights/Applicable rules

Conflicting Rights	Applicable rules
EE E <sub>1</sub> v. E <sub>2</sub>	Always prevail (" <i>in dubio pro natura et clima</i> ") Pro conservation and " <i>in dubio pro natura</i> " rules
HS v. n-HS	Pro conservation and " <i>in dubio pro natura</i> " rules. If extinction is not a risk, " <i>pro homine</i> " principle,

<sup>70</sup> PADOVANI L. et al. *L'approccio ecosistemico: una proposta innovativa per la gestione della biodiversità e del territorio*, 49 *Energia, Ambiente e Innovazione*, 1, 2003, 23-32.

<sup>71</sup> MAZZUOLI DE OLIVEIRA V. et al. *The Pro Homine Principle as a Fundamental Aspect of International Human Rights Law*, 47 *Meridiano. J. Global Studies*, 17, 2016, 1-9.

<sup>72</sup> WINTER G., *Ecological Proportionality*, cit., 111-128.

<p>HI v. n-HI</p> <p>E v. S or</p> <p>E v. I</p> <p>S v. I</p>	<p>but "eco-proportionality" and protection of the "essential content" of Rights of Nature</p> <p>"<i>pro homine</i>" principle, but "eco-proportionality" and protection of the "essential content" of Rights of Nature</p> <p>Hierarchy,</p> <p>as application of the conservation principle</p> <p>Hierarchy,</p> <p>as application of the conservation principle</p>
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EE = Earth Ecosystem  
E = Ecosystem  
HI = Human Individual  
HS = Human Species  
I = Individual  
n-HS = non-Human Species  
n-HI = non-Human Individual  
S = Species

Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

### Main differences between current Environmental Law and Rights of Nature

THE ELEMENT OF COMPARISON	CURRENT ENVIRONMENTAL LAW	RIGHTS OF NATURE
REPRESENTATION OF THE EARTH SYSTEM	The human being is at the center of the Earth system	The "planetary boundaries" promote harmony between the entire Earth system and all living beings, including the human being
REPRESENTATION OF NATURE	Nature is a set of factors of the production of wealth, in favour of human interests	Nature is a set of irreplaceable ecosystem services, because life on Earth depends on them
REPRESENTATION OF NATURAL CAPITAL	Natural capital is an economic exchange value and is countervailable with other economic or financial capital	Natural capital is an irreplaceable value in use, and it is not countervailable with other economic or financial capital
REPRESENTATION OF ECONOMY	The economy is based on the exchange of goods and services between human beings	The economy is based on the priority consideration of natural capital and ecosystem services
REPRESENTATION OF DEVELOPMENT	Development consists of the growth of the gross domestic product (GDP) and global economic competition	Development consists of everyone's natural well-being, within ecosystem services
RELATIONSHIP BETWEEN SUBJECT AND OBJECT	Legal entities are only human (natural or legal persons) and use natural resources and other forms of non-human life as objects of exploitation, consumption or protection.	All living forms are interdependent and no one dominates the other.
REPRESENTATION OF LAW	Law regulates the relationships between human beings and their freedoms	Law aims to regenerate natural capital and ecosystem services
REPRESENTATION OF THE RIGHTS	Rights are individual needs and interests that depend on human wishes	Rights are needs that depend on Nature and guarantee the survival of all living species, not only the human one.
OBJECTIVES OF ENVIRONMENTAL PROTECTION	Environmental protection is never absolute: it finds protection only in relation to some human actions and it works according to human interests.	Environmental protection is absolute, and it is guaranteed in relation to all human actions
OBJECTIVE OF ENVIRONMENTAL PROTECTION RULES	Environmental rules regulate the compromise between human interests and natural goods or services	Environmental rules guarantee the protection of natural capital and ecosystem services
PROTECTION OF NATURAL RESOURCES	Protection is partial and limited to single areas or contexts	Protection refers to all ecosystems in all contexts, including urban ones
REPRESENTATION OF THE DAMAGE TO NATURE	The damage affects single events, goods or territories, according to human interests	The damage affects all living beings and all ecosystem functions

Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

#### Contents of the Protection of Nature with or without the Rights of Nature

TYPE OF PROTECTION	WITHOUT THE RIGHTS OF NATURE	WITH THE RIGHTS OF NATURE
PROTECTED AREAS	Yes	Yes
THE EQUILIBRIUM OF ECOSYSTEMS	Only within protected areas and in impact assessments	Everywhere and always
LIFECYCLES REGENERATION	It is guaranteed only within protected areas	It is guaranteed everywhere
PROTECTION OF ALL ECOSYSTEMS, INCLUDING URBAN ONES	No	Yes
RECOGNITION OF THE VALUE OF NATURE WITHIN ALL INTERACTION CONTEXTS BETWEEN HUMAN ACTION AND NATURE	No	Yes
NON-REGRESSION ABOUT ENVIRONMENTAL PROTECTION	It is not guaranteed	It is guaranteed
LINK WITH THE FIGHT AGAINST CLIMATE CHANGE	It is not guaranteed	It is guaranteed

Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

### The logic on freedoms, rights and "values" with or without the Rights of Nature

THE LOGIC ON FREEDOMS, RIGHTS AND "VALUES" WITHOUT THE RIGHTS OF NATURE	THE LOGIC ON FREEDOMS, RIGHTS AND "VALUES" WITH THE RIGHTS OF NATURE
<b><u>The premise upon Nature:</u></b> anthropocentric presumption about Nature as an "object" dependent on human will	<b><u>The premise upon Nature:</u></b> Nature is not a human creation nor a "value", but a biophysical condition independent of human will
<b><u>Logical consequence on Nature:</u></b> the human will is independent of Nature	<b><u>Logical consequence on Nature:</u></b> the human will is dependent on Nature
<b><u>Logical condition 1:</u></b> there are only freedoms and rights as human wills	<b><u>Logical condition 1:</u></b> there are not only freedoms and rights as human wills, but there are also "planetary boundaries" and ecosystem services that must be respected
<b><u>Logical consequence 1a:</u></b> human freedom, rights and wills are limited only by human will through balancing	<b><u>Logical consequence 1a:</u></b> without respect for "planetary boundaries", natural capital and ecosystem services, human freedom, rights and will cannot survive
<b><u>Logical condition 2:</u></b> "values" are creations of the human will therefore the environment can also be defined as a "value" by the human will	<b><u>Logical condition 2:</u></b> although "values" are human creations they cannot deny the existence of "planetary boundaries", natural capital and ecosystem services
<b><u>Logical consequence 2a:</u></b> even the environment, as a "value" created by the human will, can be balanced with all human creations and, therefore, with all the other freedoms or rights or "values"	<b><u>Logical consequence 2a:</u></b> "planetary boundaries", natural capital and ecosystem services cannot be balanced with the creations of human will, because they are just their presupposition
<b><u>Logical consequence 2b:</u></b> Ecosystem and climate emergencies do not call into question current law.	<b><u>Logical consequence 2b:</u></b> Current law is not adequate for the unprecedented challenges of ecosystem and climate emergencies.



Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

**The main elements of Fundamental Rights with or without the Rights of Nature**

THE MAIN ELEMENT OF FUNDAMENTAL RIGHTS	WITHOUT THE RIGHTS OF NATURE	WITH THE RIGHTS OF NATURE
IDENTIFICATION OF THE RELEVANT CONTENT	Exclusively for human interests	For ecosystem services and natural capital, through the " <i>in dubio pro natura</i> " criterion
RIGHT TO LIFE AND RIGHT TO HEALTH	Exclusively for humans	For all living beings
SOLVING CONFLICTS BETWEEN RIGHTS	Through the balance of all rights and interests, including economic ones	For ecosystem services and natural capital, through the " <i>in dubio pro natura</i> " criterion
RELATIONSHIP BETWEEN ECONOMIC OPTIONS AND RIGHTS	It is based on the proportionality between economic advantages and limitation of rights	It is based on the rule of assessment of ecological resilience and on the use of economic analyses for the maintenance of natural capital and ecosystem services, through the " <i>in dubio pro natura</i> " criterion
RELATIONSHIP BETWEEN POLICIES, RIGHTS AND THE ENVIRONMENT	Policy options are not negotiable ( <i>Political Question; discretionary powers</i> )	Policy options are negotiable through the " <i>in dubio pro natura</i> " criterion and the rule of non-regression.
RELATIONSHIP BETWEEN SCIENCE AND RIGHTS	Science is subordinate to human interests	Science is a priority to define the safeguarding of natural capital and ecosystem services
PRECAUTION TOWARDS THE MAIN RISKS AND UNCERTAINTIES	It depends on political and economic options	It is based on the " <i>in dubio pro natura</i> " criterion
NON-REGRESSION ABOUT ENVIRONMENTAL PROTECTION	It is not guaranteed	It is guaranteed by the non-regression rule
CONNECTION WITH THE FIGHT AGAINST CLIMATE CHANGE	It is not guaranteed	It is guaranteed by the " <i>in dubio pro natura</i> " criterion
SOLIDARITY BETWEEN GENERATIONS	It is not guaranteed	It is guaranteed by the non-regression rule



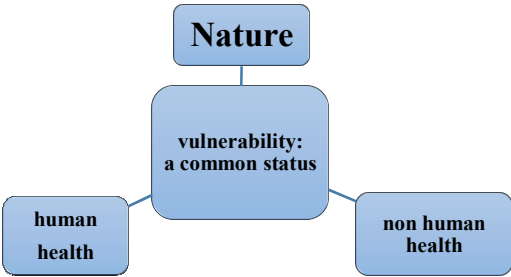
Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

### The role of stakeholders with or without the Rights of Nature

ROLE OF STAKEHOLDERS	WITHOUT THE RIGHTS OF NATURE	WITH THE RIGHTS OF NATURE
<b>INTERESTS</b>	They are in opposition and in competition, for human purposes only	They are oriented towards respect for "planetary boundaries", natural capital and ecosystem services
<b>PARTICIPATION IN DECISION-MAKING</b>	It is aimed at realizing its interests	It is aimed at sharing common duties to safeguard "planetary boundaries", natural capital and ecosystem services
<b>RIGHT TO INFORMATION</b>	It is regulated and limited according to interests	It allows free, unconditional and unlimited access to all information
<b>ACCESS TO JUSTICE</b>	It is conditioned and limited	It is unconditional and unlimited
<b>AVAILABILITY TO ACCEPT WORKS/PROJECTS CONSIDERED TO BE OF STRATEGIC IMPORTANCE</b>	It depends on the interests and economic advantages	It depends on the resilience and ecological compatibility of the works with respect to natural capital and ecosystem services
<b>COST-BENEFIT ANALYSIS</b>	It is based on primarily economic assessments	It is based on primarily ecological assessments

Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

**Ecosystem, climate and fossil Emergency and Common status of vulnerability**



Source: CARDUCCI M., BAGNI S., MONTINI M., MUMTA I., LORUBBIO V., BARRECA A., DI FRANCESCO MAESA C., MUSARÒ E., SPINKS L., POWLESLAND P. (2020) *Towards an EU Charter of the Fundamental Rights of Nature. Study*, Brussels: European Economic and Social Committee

### Proposals for the EU

There are two proposals on the Rights of Nature, specifically related to the EU.

The first is the *Nature's Rights Draft EU Directive* (European Citizens' Initiative) (2017) promoted by non-profit Organization *Nature's Rights*. The text can be downloaded from the site: <https://natures-rights.org/>

The second is a hypothesis of "*European Charter of Duties towards Nature and Climate*" (2020), developed by the non-profit organization "ASud" together with the Italian CDCA (Documentation Center on Environmental Conflicts).

It is in Italian to promote public awareness and encourage discussion events and endorsements. The text is reported.

#### PROPOSTA DI "ASud" e CDCA

##### «CARTA EUROPEA DEI DOVERI UMANI PER I DIRITTI DELLA NATURA E DEL CLIMA»

###### PREAMBOLO

###### Constatazione dell'emergenza ecosistemica e climatica

Il mondo versa in una situazione di deficit ecologico e di perdita crescente di biodiversità.

Gli organismi delle Nazioni Unite, in particolare UNEP, IPBES e IPCC, hanno dimostrato, sulla base di evidenze scientifiche non controverse, l'entità e la gravità del degrado ambientale che interessa l'intero Pianeta e le minacce che ne derivano per gli equilibri ecologici di tutte le forme di vita.

L'umanità tutta è minacciata da un'emergenza ecosistemica e climatica senza precedenti, destinata a peggiorare nel tempo. Degrado ambientale ed emergenza ecosistemica e climatica coinvolgono anche l'Unione europea e gli Stati membri.

###### Constatazione dell'errore ecologico dell'attuale diritto ambientale

L'attuale approccio europeo di apposizione di vincoli di tutela limitatamente a determinate aree naturali non è sufficiente a contrastare l'emergenza ecosistemica e climatica, perché fondato su un duplice errore ecologico:

- quello di trattare gli interessi dell'essere umano indipendentemente dall'equilibrio ecologico generale del sistema Terra;
- quello di inquadrare l'equilibrio ecologico esclusivamente all'interno di determinati territori separati dalla presenza e dall'azione umana (habitat naturali, riserve, aree protette).

L'equilibrio ecologico non è un dato settoriale né è circoscrivibile solo a determinati territori. Esso dipende da tutti i comportamenti umani e deve quindi rappresentare l'interesse prioritario di qualsiasi decisione pubblica o privata, perché garantisce la sopravvivenza di tutti gli esseri viventi per il presente e il futuro.

###### Necessità di doveri di solidarietà intergenerazionale verso la Natura

Per tali motivi, è dovere di tutti condividere come prioritaria la tutela dell'equilibrio ecologico e agire di conseguenza nella solidarietà tra la presente e le future generazioni, per impedire che il futuro della Terra sia peggiore del presente.

L'adempimento di questo dovere impone inderogabili azioni finalizzate:

- all'immediato abbandono delle attività umane che alterano le funzioni ecosistemiche, accelerano i cambiamenti climatici e l'ulteriore riscaldamento globale del Pianeta;
- al recupero, e non solo alla conservazione, della biodiversità, per scongiurare il collasso degli ecosistemi;
- al mantenimento della stabilità climatica del presente e del futuro, per impedire l'accelerazione di eventi meteorologici estremi e del processo di mutamento delle condizioni climatiche, che causano perdite e danni alle persone e all'ambiente.

Le finalità di queste azioni si realizzano attraverso:

- il rispetto di tutte le forme di vita che compongono la biodiversità;
- il rispetto dell'integrità dei beni e dei servizi ecosistemici;
- il divieto dei comportamenti umani che riducono o alterano la biodiversità e la stabilità climatica.

###### Necessità di una Carta dei doveri per i diritti della natura e del clima

La *Carta dei doveri umani per i diritti della natura e del clima* disciplina i doveri umani verso la natura e il clima, in quanto elementi costitutivi della sopravvivenza di tutte le specie viventi e della stessa possibilità di vita della specie umana all'interno del sistema climatico del Pianeta Terra. Per questo la Carta **obbliga l'Unione europea verso i diritti della Natura e del clima**, in quanto:

- la **Natura**, in tutte le sue manifestazioni di vita, ha il **diritto di essere rispettata nelle sue funzioni ecosistemiche e nelle sue regole di funzionamento**;
- il **clima** ha il **diritto di essere rispettato nella stabilità del suo sistema di azioni e interazioni planetarie**.



## **PARTE PRIMA: DOVERI**

### **Art. 1 - Interessi prioritari dell'Unione europea**

1. L'Unione europea riconosce biosfera e atmosfera come patrimonio comune dell'umanità.
2. La preservazione della biodiversità e il mantenimento della stabilità climatica sono interessi prioritari dell'Unione europea, degli Stati membri e di tutti i cittadini europei.
3. L'equilibrio storico degli ecosistemi del territorio europeo deve essere garantito e preservato nel tempo.
4. Tutte le persone, fisiche e giuridiche, pubbliche e private, agiscono per preservare la biodiversità e mantenere la stabilità climatica.
5. I diritti di proprietà e l'iniziativa economica, pubblica e privata, sono esercitati e garantiti nell'interesse superiore del rispetto della biodiversità e della stabilità climatica.

### **Art. 2 - Doveri di rispetto della Natura**

1. La natura è un insieme di soggetti viventi, beni e servizi ecosistemici senza i quali la stessa vita umana è impossibile.
2. Il rispetto di tutti i soggetti viventi, beni e servizi ecosistemici impone doveri inderogabili a carico di tutti gli esseri umani.

### **Art. 3 - Doveri di prevenzione, protezione e cura**

1. Tutte le attività e politiche dell'Unione europea, in qualsiasi ambito di sua competenza, devono essere improntate al perseguimento di tre doveri prioritari di:
  - prevenzione dei danni ambientali e climatici,
  - protezione di tutti gli esseri viventi dagli effetti di alterazione degli ecosistemi e del clima causati dall'azione umana;
  - cura degli ecosistemi esistenti e delle loro biodiversità.
2. Nessun interesse strategico europeo o statale può prevalere su questi tre doveri.
3. Tutti gli atti dell'Unione europea devono essere motivati in base ai tre doveri indicati.

### **Art. 4 - Doveri di garantire la stabilità climatica**

1. Il clima è un servizio ecosistemico essenziale e insostituibile per tutte le forme di vita.
2. L'abbandono definitivo e irreversibile delle risorse fossili è un dovere prioritario.

### **Art. 5 - Doveri di prevenzione verso la biodiversità**

1. Tutti hanno il dovere di rispettare la biodiversità, in base al principio di prevenzione.
2. Tutte le azioni dell'Unione europea, degli Stati membri e degli operatori economici, pubblici e privati, devono essere improntate alla prevenzione dei danni nei confronti di qualsiasi forma di vita, bene e servizio ecosistemico che compone la biodiversità.
3. L'Unione europea disciplina forme e modi di esercizio del dovere di prevenzione verso la biodiversità.

### **Art. 6 - Doveri di promozione della biodiversità**

1. L'Unione europea promuove la biodiversità in tutte le politiche di sua competenza e all'interno di tutti i contesti di azione.
2. La biodiversità deve essere rispettata e promossa su tutto il territorio dell'Unione, comprese le aree urbane, industriali, produttive e agricole.

### **Art. 7 - Doveri di incremento delle aree di protezione assoluta della biodiversità**

1. Gli Stati membri dell'Unione europea hanno l'obbligo di incrementare le aree di protezione assoluta della biodiversità, in base a programmi e piani europei, fondati sulle informazioni e acquisizioni della scienza.

### **Art. 8 - Doveri di contribuzione e compensazione preventiva in favore della biodiversità**

1. È dovere di tutti concorrere alle spese di promozione e ripristino della biodiversità.
2. È dovere di chi inquina mettere in atto le azioni per il completo ripristino degli ecosistemi danneggiati.
3. Gli operatori economici pubblici e privati che incidono direttamente o indirettamente sulla biodiversità devono concorrere al suo recupero attraverso apposite misure di compensazione preventiva vincolata.
4. Le misure di compensazione preventiva vincolata non escludono le responsabilità per danni.
5. L'Unione europea disciplina forme e modi di esercizio dei doveri di contribuzione e di compensazione preventiva in tutte le politiche e azioni di sua competenza.
6. Il mercato interno dell'Unione europea persegue l'interesse superiore del rispetto degli ecosistemi della stabilità climatica.

### **Art. 9 - Doveri della valutazione di impatto e di resilienza**

1. Tutte le attività economiche pubbliche e private sono sempre sottoposte alla valutazione preventiva del loro impatto sulla biodiversità e la stabilità climatica.
2. La valutazione di impatto deve includere l'analisi della resilienza dei territori interessati all'attività economica, nel quadro degli effetti cumulativi sui cambiamenti climatici in atto e sugli obiettivi di stabilità della temperatura terrestre.

### **Art.10 - Doveri di conversione e transizione ecologica**

1. Tutte le attività umane devono essere convertite in processi compatibili con il mantenimento:
  - della biodiversità
  - degli equilibri storici degli ecosistemi europei
  - della stabilità climatica.
2. A tal fine, l'Unione europea promuove politiche volte a:
  - sostituire le materie prime estrattive con materia prima-seconda;
  - sostituire l'allevamento intensivo con il pascolo naturale;
  - abbandonare la produzione e l'uso della plastica;
  - sostenere e finanziare le comunità agroecologiche e il ripopolamento dei piccoli centri;
  - sostenere e finanziare le comunità energetiche totalmente rinnovabili e autonome;
  - sostenere e finanziare le piccole imprese ecocompatibili e i distretti industriali ecologici;
  - incentivare la partecipazione della cittadinanza nel monitoraggio del consumo di suolo e nella pianificazione urbana;
  - abbandonare la costruzione di mega infrastrutture legate all'utilizzo delle fonti fossili o alla difesa militare;
  - incentivare e sostenere finanziariamente azioni di prevenzione e riduzione della produzione dei rifiuti, oltre che buone pratiche di riuso, recupero e riciclo;
  - incentivare e sostenere finanziariamente forme di gestione pubblica e partecipata dei servizi pubblici essenziali, a partire dal servizio idrico e dall'energia, in nome del diritto umano all'acqua e all'accesso all'energia;

- incentivare e sostenere finanziariamente la tutela della salute umana e l'accesso ai servizi sanitari all'interno di programmi unitari di salvaguarda della biodiversità e della stabilità climatica;
  - incentivare e sostenere finanziariamente la ricerca pubblica interdisciplinare sulla salute, la biodiversità e la stabilità climatica.
3. I doveri di conversione e transizione ecologica non possono costituire oggetto di bilanciamento con altri interessi o doveri dell'Unione europea.

## **PARTE SECONDA: DIVIETI**

### **Art. 11 - Divieto di ricorso a nuove risorse fossili e alle biomasse**

1. Il ricorso a nuove risorse fossili, in aggiunta di quelle già esistenti e utilizzate all'interno del territorio europeo e degli Stati membri, è contrario agli interessi prioritari dell'Unione europea.
2. La produzione di energia attraverso la combustione di fossili e biomasse è vietata.
3. Sono eliminati e vietati i sussidi diretti e indiretti alle imprese del settore fossile.
4. È sanzionata e vietata qualsiasi attività pubblicitaria e informativa che qualifichi le fonti fossili e le biomasse come risorse ecocompatibili con l'ambiente e la stabilità climatica.
5. Tutte le attività economiche pubbliche e private devono essere pianificate e realizzate in attuazione dei doveri di mitigazione climatica previsti dagli accordi internazionali.

### **Art. 12 - Divieto di nuovo consumo di suolo e di obsolescenza programmata**

1. All'interno dell'Unione europea, è vietato l'ulteriore consumo di suolo.
2. È dovere di tutti rigenerare aree antropizzate già esistenti.
3. Tutte le azioni dell'Unione europea, degli Stati membri e degli operatori economici pubblici e privati sono improntate al recupero o alla sostituzione degli spazi antropizzati già esistenti.
4. È vietata l'obsolescenza programmata di qualsiasi bene, prodotto o materiale fabbricato o importato all'interno dell'Unione europea.

### **Art. 13 - Divieto di opere e attività economiche all'interno delle aree naturali protette**

1. È vietata qualsiasi opera o attività economica pubblica e privata all'interno delle aree naturali protette dal diritto europeo.
2. Il taglio della vegetazione naturale protetta è vietato.

### **Art. 14 - Divieto di alterazione degli equilibri ecologici naturali**

1. Gli equilibri ecologici naturali non possono essere alterati dalla tecnologia.
2. È proibito l'impiego di OGM e fitofarmaci di sintesi, altresì vietata è la loro importazione e commercializzazione.

## **PARTE TERZA: DIRITTI**

### **Art. 15 - Diritto alla non regressione nella tutela della Natura**

1. Nessuna azione o atto dell'Unione europea, degli Stati membri e degli operatori economici pubblici e privati può limitare o ridurre, anche temporaneamente, livelli di tutela della biodiversità e della stabilità climatica, già introdotti da precedenti atti europei, internazionali o statali.
2. Qualsiasi dubbio interpretativo deve essere sempre risolto a favore della migliore e più elevata tutela della biodiversità e della stabilità climatica.
3. L'individuazione della migliore e più elevata tutela è basata esclusivamente sulle informazioni e acquisizioni della scienza.
4. In ogni caso, gli interessi alla preservazione della biodiversità e alla stabilità climatica non sono bilanciabili con qualsiasi altro interesse pubblico o privato, anche se riconosciuto da altre fonti europee, internazionali o statali.

### **Art. 16 - Diritto di accesso alla giustizia**

1. Chiunque, in forma individuale o associata, ha diritto di accedere alla giustizia europea e degli Stati membri, per far valere la non regressione nella tutela della Natura.
2. L'azione è esperibile nei confronti dell'Unione europea, degli Stati membri e degli operatori economici pubblici e privati sulla base del principio generale del "*neminem laedere*".
3. Qualsiasi limitazione è vietata.

### **Art. 17 - Diritto al risarcimento del danno**

1. Chiunque, in forma individuale o associata, può agire in giudizio, in sede europea o dei singoli Stati membri, per il risarcimento dei danni prodotti dall'azione umana agli altri esseri viventi, ai beni naturali, ai servizi ecosistemici e alla stabilità climatica.
2. L'azione di risarcimento ha finalità pubblica e può essere esperita verso autorità pubbliche e soggetti privati.
3. Qualsiasi danno ambientale e i danni climatici non sono soggetti a prescrizione.
4. Le somme rimosse a livello europeo o dei singoli Stati membri sono destinate a un apposito fondo, istituito dall'Unione europea per la promozione dei contenuti e degli obiettivi della presente Carta.

### **Art. 18 - Diritto alla scienza**

1. Qualsiasi decisione dell'Unione europea, degli Stati membri o degli operatori economici pubblici e privati deve essere motivata sulla base di informazioni e acquisizioni scientifiche pubbliche, trasparenti e verificabili, che dimostrino l'utilità della decisione rispetto alla preservazione della biodiversità e al mantenimento della stabilità climatica.
2. Chiunque, in forma individuale o associata, ha diritto di accedere alle informazioni e acquisizioni scientifiche poste a base delle decisioni dell'Unione europea, dello Stato membro e degli operatori economici pubblici e i privati.
2. In nessun caso, tale diritto di accesso può essere limitato o condizionato.

### **Art. 19 - Diritto all'istruzione ambientale e climatica**

1. Tutti hanno diritto all'istruzione pubblica e gratuita in tema di funzionamento degli ecosistemi, conoscenza della biodiversità europea, della stabilità climatica e dei doveri di mitigazione e adattamento.

### **Art. 20 - Clausola di chiusura**

1. I contenuti della Carta integrano il nucleo essenziale del diritto alla vita di qualsiasi persona umana, in quanto ne permettono la sopravvivenza presente e futura nella stabilità della biodiversità e del clima.
2. La tutela di questo nucleo essenziale è assoluta e non bilanciabile.

## List of abbreviations

ASVIS	Italian Alliance for Sustainable Development
CBD	Convention on Biological Diversity
CEPAL	Comisión Económica para América latina y el Caribe
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ECA	European Court of Auditors
EEA	The European Environment Agency
EESC	European Economic and Social Committee
EFSA	European Food Safety Authority
FAO	Food and Agriculture Organization
FRA	Fundamental Rights Agency
IBA	International Bar Association
IEEP	Institute for European Environmental Policy
IPBES	Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services
IRP	International Resource Panel
IPCC	International Panel on Climate Change
IUCN	International Union for Conservation of Nature
OAS	Organization of American States
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
REFIT	European Commission's regulatory fitness and performance programme
SDGs	UN Sustainable Development Goals
SOER	State of the Environment Report
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNECE	United Nations Economic Commission for Europe
UN-DESA	Department of Economic and Social Affairs of the United Nations Secretariat
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
WHO	World Health Organization