Biocultural Rights and the Rights of Nature Within the State System

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June 2022

Key Words

Biocultural rights
Rights of Nature legal personhood Atrato River decision
Te Urewera Act

Abstract

This paper explores the potential of Rights of Nature (RoN) as a means to advance environmental protection and recognize the biocultural rights of Indigenous peoples within the state system. By analyzing the implementation of RoN frameworks in New Zealand's Te Urewera Act and Colombia's Atrato River decision, this study investigates the effectiveness of the legal personhood model and highlights the challenges associated with its practical application. The research reveals that the involvement of Indigenous peoples at the forefront of the Rights of Nature movement significantly influences its success. It argues that the recognition of RoN must be accompanied by comprehensive measures aimed at transforming social, political, and economic structures within communities, fostering the well-being of both societies and the environment they aim to safeguard. When these conditions are met, the legal personhood model of RoN laws demonstrates immense potential for environmental protection and the acknowledgment of the biocultural rights of Indigenous peoples.

Introduction

Although humans make up just 0.01% of the world's biomass, their activity has had a severely disproportionate effect on the environment and climate.[1] This has led to the unofficial titling of the current geological age as the "Anthropocene."[2] While experts argue about the exact date to mark the start of the Anthropocene, it is unquestionable that the past few centuries have seen an explosion in the extraction of resources driven by both colonialism and technological advances, to the detriment of the environment and Indigenous peoples. The degradation of the environment and the oppression of Indigenous nations have been motivated by a desire for the accumulation of profit, with white supremacy and anthropocentrism both contributing to and resulting from this. Inherent to this project is the notion of *terra nullius*, unoccupied land free to be claimed through Manifest Destiny. This imagination of *terra nullius* does not recognize the land as being inhabited because many Indigenous nations largely practice land stewardship rather than prioritizing resource extraction for the accumulation of profit. As a result, the dispossession of Indigenous peoples' land has historically coincided with ecological damage and collapse.

Although Indigenous nations around the world have been subjected to ongoing attacks by the state-building project, they protect 80 percent of the world's remaining biodiversity, despite having been reduced to just five percent of the global population.[3] This phenomenon is not coincidental; Indigenous peoples have historically been at the forefront of environmental movements, and many of these nations have an inherent respect for nature embedded within their cultures.[4] One report found that "185 people across 16 countries were killed defending their land, forests and rivers against destructive industries in 2015 alone, many of them from Indigenous communities."[5]

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[1] Hannah Ritchie. "Humans make up just 0.01% of Earth's life – what's the rest?" *Our World In Data,* April 24, 2019. https://ourworldindata.org/life-on-earth

[2] John P. Rafferty "Anthropocene Epoch," *Britannica*. https://www.britannica.com/science/Anthropocene-Epoch

[3] Gleb Raygordetsky. "Indigenous people defend Earth's biodiversity–but they're in danger," *National Geographic*, April 28, 2021, https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity-.

[4] "Indigenous peoples and nature: a tradition of conservation," *UN Environment Programme,* April 28, 2021. https://www.unep.org/news-and-stories/story/indigenous-people-and-nature-tradition-conservation.

[5] *UN Environment Programme*.

Beyond the direct threats to their land and ways of life by industries and state governments, Indigenous peoples are under increasing threat from the environmental crisis posed by climate change. The UN Refugee Agency estimates that around 20 million people are forcibly displaced each year by extreme weather that contributes to natural disasters, such as desertification, flooding, cyclones, and massive wildfires.[6] Despite this, states around the globe have largely failed to take adequate measures to address the existential threat presented by climate change and mass environmental destruction. In response, there has been a recent push for the International Criminal Court (ICC) to recognize ecocide as an international crime. Ecocide is defined by the draft proposal as an "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts."[7] Western states have contributed the most to the climate crisis, while Indigenous nations have contributed the least, and yet the latter are positioned to suffer the most from it. This imbalanced relationship can be viewed as a continuation of the history of the domination of Indigenous nations by Western states.

In response to this, there has been a push toward the recognition of biocultural rights, which refer to "a community's long-established right, in accordance with its customary laws, to steward its lands, waters, and resources."[8] The key word to note in this definition, however, is "steward," which denotes the practice of taking care of something, often for its own benefit. Absent from the definition of biocultural rights is the idea of ownership, which is significant for multiple reasons.

The ongoing environmental crisis is the result of the view of land as a commodifiable resource with unlimited extractable resources. Shifting the paradigm to exclude this idea of ownership is a significant step toward imagining a more sustainable future. Furthermore, the exclusion of the principle of ownership from the definition means that biocultural rights don't carry the undertone of sovereignty and liberation that makes states so nervous. The result of this

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[6] "Climate change and disaster displacement," *UN Refugee Agency,* April 28, 2022. https://www.unhcr.org/en-us/climate-change-and-disasters.html

[7] Josie Fischels. "How 165 Words Could Make Mass Environmental Destruction An International Crime," *NPR,* June 27, 2021. https://www.npr.org/2021/06/27/1010402568/ecocide-environment-destruction-international-crime-criminal-court

[8] Kabir Bavikatte and Tom Bennett. "Community stewardship: the foundation of biocultural rights." Journal of Human Rights and the Environment 6, no. 1 (2015).

is twofold—it means that the recognition of biocultural rights is more likely because the State would not necessarily be undermining its own sovereignty by doing so. However, this also means that this movement for the state to recognize biocultural rights, especially in the context of promoting environmental conservation for the good of humankind, can undermine future movements for sovereignty and independence, which is the primary goal for many Indigenous nations. The existence of legally-fictitious states is foundationally dependent upon the ongoing oppression of Indigenous nations and the extraction of natural resources for profit, and so the only true path to the recognition of the rights of Indigenous nations and the restoration of the environment is through the dissolution of the state system.[9] However, because this is improbable without mass social and political upheaval and the overthrow of the current economic order, this paper is concerned with the following question: What potential legal mechanisms can operate within the current state system to protect the biocultural rights of Indigenous peoples and promote the conservation of the environment?

Methods

This paper evaluates "legal personhood," as applied to the environment, as a potential answer to this issue, through a literature review and analysis of previous research articles. This mechanism holds promise in its ability to offer protection to the environment, although varying degrees of success have been reported thus far. Its implication for Indigenous nations is more complicated, however. In many cases, it has resulted in increased participation by Indigenous peoples in decision-making and has allowed for the incorporation of Indigenous ideologies into Western rule of law, to the benefit of the environment. However, there is an inherent risk in advocating for the recognition of Indigenous biocultural rights in the context of promoting environmental conservation. This can position Indigenous efforts for self-determination as subservient to environmentalism, making the recognition of biocultural rights conditional on Indigenous nations' commitment to sustainable lifestyles. Furthermore, the legal personhood model implies a degree of acceptance of state sovereignty and can undermine future Indigenous sovereignty claims.

[9] Hiroshi Fukurai and Richard Krooth. *Original Nations Approach to International Law.* (London: Palgrave MacMillan, 2021).

Findings

Two primary models for structuring rights of nature laws have emerged within the past two decades, and significantly, a large number of cases within both categories have been the result of Indigenous negotiation efforts with the state. The first model recognizes the rights of all nature, rather than a specific natural feature or ecosystem. This model has been applied by Bolivia and Ecuador, with both states incorporating the Rights of Nature into their constitutions, and also by various local communities within the United States. Rather than a specific person or entity holding responsibility for the enforcement of the Rights of Nature, this model largely relies on vigilante citizens for enforcement. Any citizen is able to take legal action on behalf of nature, but many lack the resources necessary to do so. Because there is no specific entity charged with the duty to act on behalf of nature, violations of the Rights of Nature often go unprevented. Instead, legal action is taken in response to violations that have already occurred.

By contrast, the second model involves the recognition of the rights of specific ecosystems by invoking legal personhood, rather than rights being applied to nature as a whole. This ecosystem is then appointed a guardianship body, typically composed of community members and state actors. These guardians are mandated to act on behalf of this ecosystem, and so these legal entities are actively protected from present and future violations of their rights. The community portion of the guardianship body is generally appointed by Indigenous nations. This is supported by Justice Douglas' statement in his influential opinion, "Those who have that intimate relationship with the inanimate object about to be injured, polluted, or otherwise despoiled are its legitimate spokesmen." The deeply woven link between ancestral lands and the cultural practices, traditions, and spirituality of Indigenous peoples clearly constitutes an "intimate relationship."

Model 1: Incorporating Rights of Nature

Although many Indigenous nations have long recognized nature as inherently living and even as holding personhood, Rights of Nature (RoN) emerged as a concept within Western law in the 1970s, with environmental catastrophes such as the Cuyahoga River Fire and the Santa Barbara Oil Spill bringing environmentalism into the forefront of the national conversation in the United States. Christopher D.

Stone first brought attention to the concept with his noteworthy essay "Should Trees Have Standing?."[10] In this, he asserted that the United States' legal system failed to protect the environment from damage. This is largely because citizens were not entrusted with the power to represent the interests of the environment in court, instead having to show that degradation of the environment was the cause of damages to their persons. Proving these indirect damages presents a much greater challenge to plaintiffs, and most individuals lack the resources to pursue challenging cases against large corporations that are responsible for environmental destruction.

While Stone's work may have otherwise faded to the background, Supreme Court Justice Douglas drew on the essay in his dissenting opinion in *Sierra Club v. Morton*, stating that those with a relationship to nature should have standing to legally intervene on its behalf. This marked the first time that Earth Jurisprudence and RoN principles have been directly referenced in Western law, albeit to little success. However, the turn of the twenty-first century saw the take-off of RoN laws. In 2006, Tamaqua Borough, Pennsylvania was the first community to enact an RoN law, passing their Sewage Sludge Ordinance "recognizing and enforcing the rights of residents to defend natural communities ecosystems." [11] Since then, a number of local communities and state governments have come to incorporate RoN laws, with the movement gaining traction in the late 2010s. Some of the most well-known cases include New Zealand's Te Urewera Act, the incorporation of RoN into the constitutions of Bolivia and Ecuador, and Colombia's Atrato River decision.

Rights of Nature in Bolivia and Ecuador

While this paper is primarily concerned with examining the legal personhood model, an examination of the success of Bolivia's and Ecuador's constitutional amendments may illuminate the challenges involved in the incorporation of RoN laws. Both Ecuador and Bolivia's constitutional amendments resulted from pressure from Indigenous groups who allied with socialist governments to enact a post-neoliberal development model based on Indigenous views of nature. As examined in *The Politics of the Rights of Nature*, RoN activists in both Ecuador and Bolivia faced similar conditions, including "government opposition to RoN as a threat to its development agenda, a judicial system seen to lack political independence, and a lack of knowledge among judges about how to interpret new RoN

[10] Christopher D. Stone. *Should Trees Have Standing?: Law, Morality, and the Environment.* (Oxford: Oxford University Press, 2010).
[11] Craig M. Kauffman, Pamela L. Martin; Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand. Global Environmental Politics 2018; 18 (4): 43–62. doi: https://doi.org/10.1162/glep_a_00481; "Tamaqua Borough, Pennsylvania," *CELDF,* August 31, 2015. https://celdf.org/2015/08/tamaqua-borough/

laws."[12] Despite this, Ecuador's RoN jurisprudence has gradually become stronger, but Bolivia has seen a complete lack of implementation of its amendments. Interviews with relevant groups, including Indigenous activists, NGO's, and lawyers, suggest that the legal basis of Bolivia's law has become progressively weakened by the government and that Indigenous peoples do not identify with the laws or feel that these laws can help them.[13] This is in part because the final 2010 Law of Mother Earth law failed to incorporate the concrete elements laid out in the initial draft developed by the grassroots organization Unity Pact, which had included an institutional framework for guaranteeing the rights of nature. This law was weakened by Bolivia's subsequent 2012 Framework Law of Mother Earth and Integral Development for Living Well, which mandated that RoN must be balanced with socioeconomic interests. The supposed intent of this law was to reduce poverty levels, advance social justice, and protect the rights of Indigenous peoples, but in practice, it has been employed by the state to expand resource extraction in the name of generating prosperity, without sufficient consultation by Indigenous peoples.[14] By contrast, Ecuador's constitution ensures that RoN is considered independent from human interests. RoN has been upheld and even strengthened by Ecuador's courts. Further complicating Bolivia's implementation of RoN, Bolivia's Indigenous population is divided, both geographically and in their interests. The highland Aymara and Quechua nations self-identify as campesinos and *originario* peoples, rather than as *indígena*, in part due to the negative stereotypes attached to Indigenous identities in Bolivia.

Model 2: Legal Personhood Model

The move to empower Indigenous peoples to act as the voice of ecosystems that have been afforded legal personhood is not just based upon the need for the expansion of Indigenous peoples' agency to act as key stakeholders in decision-making processes, but it also has a grounding in the historical interactions between Indigenous peoples and the environment. Many Indigenous nations view their role in the natural environment as that of stewards, just as outlined in the definition of biocultural rights. Contrary to the paternalistic idea of the "noble savage," many indigenous nations actively managed the land they inhabited. The notion of civilization and "productive" use of land as inherently involving the extraction of resources from the land, to the detriment of ecosystems, reflects Western, capitalist ideology. Sanjay Kabir Bavikatte and Tom Bennett explain this:

[12] Craig M. Kauffman and Pamela L. Martin. *The Politics of Rights of Nature: Strategies for Building A More Sustainable Future.* (Cambridge, Massachusetts: The MIT Press, 2021), 120.
[13] Kauffman and Martin, 125.
[14] Kauffman and Martin, 127.

> A major reason for the failure in international environmental law scholarship to produce a comprehensive biocultural jurisprudence lies in a political, economic and social paradigm that is unable to grasp the ethic of stewardship. This paradigm stems from the very foundations of the market economy, which views land as a universally commensurable, commodifiable and alienable resource.[15]

While not all Indigenous nations practice entirely sustainable land-management practices, "Rediscovery of Traditional Ecological Knowledge as Adaptive Management" offers a survey of a wide range of traditional practices that mirror science-supported adaptive management practices in their ability to maintain a high level of biodiversity and ecological resilience.[16] Fikret Berkes, Johan Colding, and Carl Folke also provide a survey of specific Indigenous practices that reflect an understanding of the complexity of ecosystems and are generally not found in Western land management strategies. Examples include the management of landscape patchiness, watershed-based management, managing ecological processes at multiple scales, responding to and managing pulses and surprises, and nurturing sources of ecosystem renewal.[17]

This reflects the dichotomy between Indigenous and Western views of nature. For instance, as explained in Dr. Robin Wall Kimmerer's award-winning book *Braiding Sweetgrass*, the Potawatomi nation of the western Great Lakes views the natural world as inherently animate.
This is reflected in their language, which is 70 percent verb-based, while English is only 30 percent verb-based.[18] The result of this is that the Potawatomi people view "objects" as active and living, and therefore hold more respect for the personhood of the natural world. In the case of the Potawatomi nation, granting nature legal personhood may be seen as an expression of its inherent animacy within Western law. By contrast, Western languages' emphasis on nouns places the natural world firmly in the position of an "object," thereby giving individuals, corporations, and the state permission to act upon nature.

Legal Personhood Model Case in New Zealand

Just as a comparison of Bolivia and Ecuador helps illuminate the complexity of the issue and offer warning signs for future efforts toward constitutional amendment recognizing RoN, a comparison of New Zealand's Te Urewera Act and Colombia's Atrato River decision can offer similar benefits for the legal personhood model. Both cases resulted in the establishment of a bipartisan guardianship body

[15] Kauffman and Martin.
[16] Kauffman and Martin, 1252.
[17] Kauffman and Martin.
[18] Robin Wall Kimmerer. *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants.* (Minneapolis: Milkweed Editions, 2013), 53.

appointed to represent the interests of the ecosystem. These factors illustrate the imperative for movements towards RoN laws to be led by Indigenous peoples, and also for RoN laws to be accompanied by additional policies meant to address the social, political, and economic circumstances surrounding both the newly-established legal nonhuman entity and the local communities.

The legal personhood model was pioneered through New Zealand's granting of Te Urewera personhood through the Te Urewera Act*,* although the 2017 Te Awa Tupua Bill's recognition of Whanganui River's personhood is more well-known. Both Te Urewera and the Whanganui River were afforded the same legal protections and a guardianship body composed in part of members from the Whanganui iwi and the Tūhoe iwi, respectively. Te Urewera is held sacred by the Tūhoe iwi of the Indigenous Māori peoples. It was designated as a national park by the New Zealand government, but the Tūhoe who inhabited the forest never signed the 1840 Treaty of Waitangi, an agreement intended to establish British sovereignty over Aotearoa, now known as New Zealand. Despite not relinquishing their territory, the Tūhoe iwi was dispossessed of all but 16% of their lands.[19] They engaged in the treaty settlement process that had begun in the 1990s in an effort to reclaim Te Urewera and have their rights to self-determination recognized. The settlement process went on without much success until 2011 when Crown negotiators recognized that the Tūhoe were pursuing the reclamation of their land, not the title of the land, as the concept of land ownership is contradictory to their traditional views. Therefore, the Crown negotiators recognized they could bestow legal personhood to the Te Urewera and establish a guardianship body composed of representatives appointed by the Crown and representatives appointed by the Tūhoe iwi. The Te Urewera Act was finalized by the New Zealand Parliament in 2014, entrusting the representation of the ecosystem to the Te Urewera Board, which was initially composed of four members appointed by the Tūhoe and four by the New Zealand Crown. After the first three years, the composition of the board was shifted to six guardians total, with the same split between the Tūhoe and the Crown. Section 18(2) of the *Te Awa Tupua Act* mandated that Tūhoe cultural values and traditions must be considered in decision-making processes pertaining to the care of Te Urewera.

While some raise concerns that the legal personhood model requires the anthropomorphization of nature in order for its value to be recognized, the Tūhoe iwi's relationship with the Te Urewera forest illustrates that this is not incompatible with respect and care for the environment. Rather, the Tūhoe view their primary guardianship duty as managing the impact of human activities on the Te Urewera ecosystem so as to maintain ecological balance. Since assuming guardianship, the Tūhoe have been able to establish their own strategy to manage the invasive possums that were introduced to the ecosystem during the

[19] Craig M. Kauffman and Pamela L. Martin. *The Politics of Rights of Nature: Strategies for Building A More Sustainable Future.* (Cambridge, Massachusetts: The MIT Press, 2021), 144

colonization of New Zealand. The New Zealand Department of Conservation sought to control the possum population through the use of an aerial spray that endangered the health of both humans and the environment. The Tūhoe, however, now limit the possum population through hunting and trapping, which helps support the livelihood of Tūhoe families. The personhood status of Te Urewera and the guardianship body's authority has remained untested by the courts, but the Te Urewera Act has appeared largely successful in its recognition of the biocultural rights of the Tūhoe iwi.

Atrato River case in Colombia

The legal personhood with guardianship model was formulated in "a country with strong institutions, strong rule of law, and a well functioning legal system, which greatly relies on private law damages in regulating grievances that are elsewhere rather addressed in public law litigation."[20] It is helpful, therefore, to examine its implementation in a state that does not share all of these characteristics. Philipp Wesche's 2021 study of the Atrato River decision offers crucial insights into the political, social, and economic context surrounding the case and evaluates the substantive effects of the decision.[21] In 2016, Colombia's Constitutional Court granted legal personhood status to the Atrato River, which is located in the Chocó region. The region consists of 87% of afro-descendant populations and 10% of Indigenous peoples. The communities within the Chocó region hold the right to self-government and own 96% of the land in collective titles.[22] Historically, the communities within the Chocó region mined gold for their livelihoods. Still, the gold mining industry has been overtaken by illegal enterprises from outside the region who employ advanced machinery to extract the precious metal, to the detriment of the river ecosystem. These enterprises also employ dangerous chemicals that have harmed both the river ecosystem and the local communities.[23] Complicating the issue, the illegal gold mining industry constitutes the primary economy within the impoverished region, in which approximately 80% of the population has their basic needs unmet.[24] The industry is so pervasive that "to eradicate illegal mining means that 60 percent of Chocó's population need to find another job."[25]

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[20] Philipp Wesche. "Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision." *Journal of Environmental Law* 33, no. 3 (2021): 554.
[21] Wesche.
[22] Wesche, 535.
[23] Craig M. Kauffman and Pamela L. Martin. *The Politics of Rights of Nature: Strategies for Building A More Sustainable Future.* (Cambridge, Massachusetts: The MIT Press, 2021), 194.
[24] Philipp Wesche. "Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision." *Journal of Environmental Law* 33, no. 3 (2021): 553.
[25] Wesche.

The ruling in the Atrato River case sought to address the harm to the local community and environmental devastation wrought by the illegal mining industry by granting the river legal personhood status. The Court explicitly referenced biocultural rights in the ruling, asserting, "these rights result from the recognition of the profound and the intrinsic connection that exists between nature, its resources and the culture of ethnic communities."[26] The Court mandated the government and the local community to each select one representative, who would, in turn, form a commission of guardians that included an advisory group. In 2018, the required coordination bodies were formed. These bodies are the Intersectoral Commission for Choco and the Commission of Guardians of the River Atrato, which consists of the Ministry of the Environment and the Collegial body. The Collegial body comprises seven male and seven female guardians representing the communities in the Atrato region. The implementation of the ruling was also overseen by an inter-institutional Monitoring Committee, and subsequent public policy orders mandated various ministries to develop plans for "the environmental restauration of the river system, the neutralization of illegal mining, the recovery of traditional forms of subsistence of adjacent communities and the conduct of toxicological and epidemiological studies."[27]

Wesche conducted qualitative interviews and focus groups with 23 experts involved in the implementation of the ruling and the subsequent policies. Through these interviews, he found that the eradication of the illegal mining industry has continued to represent a significant obstacle. There have been reports of police activity against the illegal mining operations, but it is unclear whether these efforts have actually reduced the illegal mining or simply prompted its relocation.. The most significant effect of the Court ruling is the appointment of community members to the guardianship body representing the interests of the Atrato River. This has resulted in increased community participation in governance through the collaboration between the guardians appointed by the local communities and the guardians appointed by the government. Through the community-appointed guardians, the local population has been able to participate in decision-making processes to a much greater extent through a "new dynamic of more direct, more close dialogue."[28] This has been reached in part through technical workshops organized by the Ministry of the Environment that fostered collaboration between government agencies and the local communities, along with the river guardians. In late 2019, these workshops resulted in the formation of an extensive, multi-faceted plan to restore the river ecosystem through a process that ensured recognition of the community's biocultural rights, including the right to self-determination.[29] Despite this,

[26] Wesche, 539.
[27] Wesche, 541.
[28] Wesche, 546.
[29] Wesche, 547.

however, there has been no movement towards initiating legal action and collecting damages on behalf of the river.

Conclusion/Discussion

Examining the RoN laws of Ecuador, Bolivia, New Zealand, and Colombia helps illustrate the imperative for RoN laws to be customized to fit the needs of local communities. RoN laws have shown to be most successful when formed through a bottom-up approach, rather than being formulated without Indigenous actors as key decision-makers. Of course, this would limit the incorporation of RoN laws to states that recognize Indigenous rights to self-determination. However, an examination of the issues that arose in Bolivia and Colombia clearly shows that RoN laws will not measure up to their intended goals if Indigenous peoples are not at the forefront of both the push for RoN laws and also empowered to actively pursue the implementation of these laws. Bolivia's failures can largely be attributed to the exclusion of the enforcement frameworks proposed by Indigenous activists and grassroots organizations from the final draft of the 2010 Law of Mother Earth law. Likewise, the Chocó region's obstacles to the pursuit of judicial proceedings against the illegal mining industry have been exacerbated by the fact that the community-appointed river guardians did not seek out this measure themselves.

Philipp Wesche offered a few additional suggestions for what is needed for the legal personhood model to succeed in Colombia, which are as follows: (1) Define the legal capabilities of guardianship bodies; (2) Provide guardians with legal education; (3) Address the financial means of guardians.[30] These same suggestions should be applied across the board to other cases recognizing the legal personhood of natural entities. In addition, more clarity is needed regarding whether the acceptance of guardianship roles by Indigenous peoples may jeopardize future sovereignty claims, especially given that this guardianship role is also shared by state actors.

There is also a danger to be found in assuming that all Indigenous nations will pursue an environmentally sustainable way if their rights to self-determination and sovereignty are recognized. To do so is to fall into the noble savage trap, which envisions Indigenous peoples as inherently in harmony with nature and innocent of greed. In reality, Indigenous peoples share the same desire for safety for themselves and their communities, prosperity, and the right to pursue their own goals as Western peoples do. As shown by the Bolivian highland population, some may view the path to this as being through further development and the extraction of resources. As in the case of the communities in the Chocó region, Indigenous peoples may be reliant on extractive industries for their livelihoods and lack

[30] Wesche. 555.

alternative options should those industries be taken away. Through this lens, it becomes all the more clear that any movement towards the recognition of RoN must be accompanied by measures meant to transform communities' social, political, and economic structures in manners that allow for the flourishing of both communities, and the environment they seek to protect. Should the conditions outlined be met, however, the legal personhood model of RoN laws holds great promise for the protection of the environment and the recognition of the biocultural rights of Indigenous peoples.

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