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The Rights of Nature: Three Models

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Abstract:

This article considers whether an approach to the rights of nature (RoN) that reproduces rights and legal personality (which we will call the Extension Model) can achieve the goal of profoundly transforming our relationship with nature. The paper argues, first, that some of the ways in which Ecuador and New Zealand have implemented RoN suggest that the Extension Model carries an in-built risk of duplicating existing frameworks of subordination and objectification of nature. Second, the paper explores alternative forms of constitutional organisation to materialise RoN's objectives: the All-Encompassing Model, where the preservation of nature would become the governing principle of the constitutional order; and the Co-Dependence Model, which would require awarding nature and humans equal consideration to ensure their mutual self-preservation. Overall, the paper shows that the recognition of rights or legal personality should not act as a conversation stopper; and that critical inquiries on how to prompt RoN's pursued paradigm shift need to be continued.

Keywords:

Extension Model, All-Encompassing Model, Co-Dependence Model, rights of nature.

Resumen:

Este artículo analiza si un enfoque de los derechos de la naturaleza (DD.NN.) que reproduce los derechos y la personalidad jurídica (lo que llamaremos el Modelo de Extensión) puede lograr el objetivo de transformar profundamente nuestra relación con la naturaleza. El artículo sostiene, en primer lugar, que algunas de las formas en que Ecuador

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y Nueva Zelanda han implementado los DD.NN. sugieren que el Modelo de Extensión conlleva un riesgo inherente de duplicar los marcos existentes de subordinación y objetivación de la naturaleza. En segundo lugar, el artículo explora formas alternativas de organización constitucional para materializar los objetivos de los DD.NN: el Modelo Todo-Incluyente, donde la preservación de la naturaleza se convertiría en el principio rector del orden constitucional; y el Modelo de Codependencia, que requeriría otorgar a la naturaleza y a los seres humanos una consideración igual para garantizar su auto-preservación mutua. En general, el artículo demuestra que el reconocimiento de derechos o personalidad jurídica no debe actuar como una meta conseguida; y que las investigaciones críticas sobre cómo impulsar el cambio paradigmático que persiguen los DD.NN. han de continuar.

Palabras clave:

Modelo de Extensión, Modelo Todo-Incluyente, Modelo Codependencia, derechos de la naturaleza.

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1. INTRODUCTION

The rights of nature (RoN) movement envisages a world where non-human natural entities are no longer constrained by their current legal jacket -which allows them to be used, exploited and managed. Instead, it imagines a reality where nature becomes a subject with voice and agency to defend its own interests. This involves two leaps of faith. First, that of assuming that we can understand what nature would want to express as its own concerns; and second, presupposing that that we can correctly code nature's presumed interests in legal language, to provoke such change. Like every main character needs to do at the beginning for their story to unfold, nature must take a magical leap into the realm of the unknown; much like Alice decided to enter into Wonderland or Harry Potter crossed onto Platform 9 ¾. The RoN movement's objective is to procure a profound transformation in the way that society, legal systems and institutions have traditionally related to nature. It projects a reality governed by different formulas, actors and goals which would make no sense -and would come as a shock- in the world that has been left behind.

RoN's proponents prefers to refer to 'Nature' (Pelizzon 2025, 216) as opposed to 'the environment' as this latter concept is associated with attempts to reduce, compartmentalize and dominate the natural world. RoN's understanding of this new world is drastic in that it does not admit grey scales of adherence. Either nature becomes an entity with its own voice and interests – an entity that can enter into a non-pre-rigged conversation with other competing goals and interests- or it remains an object perennially subordinated to human-imposed goals. Some States are already positioning themselves on either side of this tectonic shift. On the one side, Ecuador, New Zealand, Bolivia, Colombia, India, Bangladesh or Spain (among others) have incorporated RoN into their national or local legal frameworks via constitutions, statutes, judicial decisions, ordinances, and the like (Newton and Killean 2024, Kahui *et al.* 2024, Pelizzon 2025). Others are starting to show sympathies with RoN (Putzer *et al.* 2025). For example, Ireland may become the first country in Europe -and second in the world- to recognise rights of nature in its constitution (Killean *et al.* 2024). The UN Secretary-General has recently acknowledged the "increasing success" of RoN and referred to it as a "a viable pathway to replace our exploitation of the natural world with socially and ecologically just methods of protecting Earth" (UN General Assembly 2024, para. 80).

On the other side of the spectrum, there are those that are trying to block RoN *ab initio*. For example, in February 2024, a British government official stated at an international forum that "rights can only be held by legal entities with a legal personality. We [in the UK] do not accept that rights can be applied to nature or Mother Earth" (Watts 2024). In May 2024, Bill H.B. 249 came into effect in the U.S. State of Utah. Now an ordinary statute, it establishes that "notwithstanding any other provision of law, a governmental entity[1] may not grant legal personhood" to bodies of water, plants, non-human animals, or to "any other member of a taxonomic domain that is not a human being." In November 2024, the Spanish Constitutional Court responded to a challenge against the Mar Menor Law (Ley 19/2022, for a commentary see Krämer 2023) that granted legal personality to a lagoon in the South-East of the country. The challenge was launched by Vox, the Spanish right-wing party, under arguments such as that rights of nature would erode human dignity. The

[1] "Governmental entity" is defined in the bill as including the legislature and the courts.

Spanish Court endorsed the constitutionality of the 'Mar Menor' law, but only after a heated 7-5 split decision (Sentencia 142/2024). RoN laws, as these examples suggest, do not raise value-free questions of a technical character but rather entail a clash between different worldviews. The materialization of RoN is, and will continue to be, a site of contestation to which no State or organisation can remain indifferent in the long-term.

The RoN movement has had for many decades a conceptual and academic existence, stemming from both Indigenous philosophies and writings in Western circles, most influentially those of Christopher Stone and Godofredo Stutzin in its inception (Tănăsescu 2022, 20-32). Its overarching goal is making possible a new relationship between humans and non-human natural entities, where the latter are worth protecting for their intrinsic value (Kauffman and Martin 2021).[2] In 2008, these ideas finally found a practical outlet when Ecuador introduced rights of nature in its constitution (Constitución de Ecuador 2008, article 71). In the following years, New Zealand granted legal personality to a forest, a river and a mountain (Te Urewera Act 2014, Te Awa Tupua [Whanganui River Claims Settlement] Act 2017, Taranaki Maunga Collective Redress Act 2025). Ecuador and New Zealand represent and pioneered the, so far, main method to try de-reify nature, what we will call the 'Extension Model'. In the Extension Model we propose, nature is assigned a legal characteristic that is already known to the legal system. In the case of Ecuador (and Bolivia, for example) this consists in extending rights to nature, and in the case of New Zealand (and Colombia, Peru, Spain, India etc.), legal personality (Kramm 2025).

Despite its undeniably innovative features, a key characteristic of this model is that it perfectly fits within existing juridical categories. It is an approach that, for example, seeks to expand the possible identity of a rights holder without fundamentally transforming what counts as a 'right' or the institutional context in which rights operate. Its virtue, and at the same time its greatest shortcoming, is that it does not require major overhauls to our legal institutions. It takes what we already have (e.g., rights, standing rules, rules around legal personhood) and expands it into the natural realm. The familiarity of this extension-technique stands in stark contrast with the uncharted character of the change RoN pursues. Critics already abound that highlight, for example, the theoretical contradictions of extending rights or legal personality to nature (Rawson and Mansfield 2018, Bétaille 2019, Kauffman and Martin 2021, Kurki 2022).

We contribute to this debate by questioning whether an approach that reproduces rights and legal personality is capable of achieving RoN's goal. We will do so, firstly, by considering some of the ways in which rights and legal personality have been implemented in practice.[3] Ecuador and New Zealand, the trend-setters of the implementation of the idea of RoN, have now produced a sizeable volume of, respectively, constitutional judgements and legislative acts. These provide a tangible point of reference to critically evaluate whether the Extension-Model is capable of delivering on its promise. This first analysis also allows us to move to the second focus of the paper: in light of the practical shortcomings of the Extension-Model and its easy co-existence with the status quo, what other forms of constitutional organisation could contribute to the achievement of the objective of the RoN

[2] For Kauffman and Martin (2021, 7), "The ultimate goal of the RoN movement is a paradigm shift: to change the way people understand humans' relationship with Nature, change their behaviors in a way that is more ecologically sustainable, and change formal and informal rules to reinforce these behaviors."

[3] For a recent critique of how the Ecuadorian cases scarcely deal with Indigenous philosophies and portray the relationship between human rights and RoN, see Tănăsescu *et al.* (2024) and, in relation to Colombia, González-Serrano (2024).

movement? What would be their comparative advantages and disadvantages?[4] We will consider two potential alternatives to code nature's interest in the political and legal system. These alternatives, it will be seen, would require structural constitutional changes that go well beyond the extension of rights.

The first alternative, the 'All-Encompassing Model' (Part II) embraces the rights of nature as the fundamental principle of the constitutional order: all constitutional institutions must be designed in a way consistent with the realisation of that principle, to which every other law or policy is subordinate. Under such an approach, humans, as part of nature, would have rights, but on equal footing with animals, forests and rivers. These rights would have to be interpreted in light of the necessities of the relevant species or entity and, we will suggest, would likely require a completely alternative reality, possibly dystopian, with its own novel set of political institutions. The 'All-Encompassing Model' is an intellectual provocation to imagine what a truly radically different conception of nature as a central organising feature of all-life would look like. We pre-empt this analysis by warning that many of its ramifications are socially unacceptable and unpalatable; it may require, for example, an immediate reduction of human populations. The All-Encompassing model is thus, not a recommendation by any stretch, but an academic provocation.

The next alternative, the 'Co-Dependence Model', shares the separation (albeit partial) between human and non-human natural entities typical of the Extension Model. Nonetheless, it sees the possibility of human flourishing, and of the flourishing of non-human natural entities, as dependent of each other. On the one hand, human beings require certain natural conditions (aligned with the reproduction of natural life as we know it) in order to enjoy their rights. On the other hand, nature (understood as including animals, rivers, mountains, etc.) needs humans (as one of the animal species comprising it) as well as certain kinds of human institutions, for the recognition of its own needs and continuing existence. At the most basic level, this model requires constitutions that enable present and future generations to make and re-make the fundamental rules of the constitutional order and (re)organise the relationship between nature and the legal system. Importantly, they must be able to do so following a principle of long-term mutual self-preservation (i.e. the co-dependence principle). As far as the rapport between humans and nature are concerned, this model requires democratic institutions that allow present and future generations to act independently from the views of the government of the day and (by implication) of the economic interests that influence or control it.

[4] As will be seen below, some aspects of these models are present in other academic approaches and proposals. We are presenting them here as ideal types for analytical purposes. They also differ in important ways from other classifications, particularly because we see developments in countries like Ecuador and New Zealand as belonging to the same model: the extension of certain legal protections usually associated with humans and artificial persons to nature or specific natural entities. Kauffman and Martin, for example, categorise New Zealand and Ecuador as belonging to different models, partly on the basis of the type of legal provisions that characterise their approach to RoN: ordinary legislation in New Zealand and constitutional law in Ecuador (to these two models, they contrast that of the United States, where RoN protections have been adopted by local governments and tribal authorities). Kauffman and Martin (2021, 60-61). Our approach focuses instead on the place of RoN within the larger constitutional order and its driving principles. Moreover, our models are domestic in nature (they are about new forms of constitutional organisation within existing states), while the problem they seek to tackle is clearly global and may require transnational solutions. Nonetheless, as the RoN movement (which, at least for now, has largely resulted in domestic constitutional changes), these alternatives could also be developed in a global or transnational direction. For approaches that follow that route, see for example Kotzé (2016), Gilbert *et al.* (2023), Kim and Bosselmann (2015).

Based on the shortcomings of the Extension Model, we imagine ways to fill existing gaps and foretell other in-built problems. We posit that there are no quick fixes or one-solution-fits-all to fundamentally transform how the legal system codes our rapport with nature. The significance of our contribution lies in rendering clear that granting rights to nature or affording legal personality to a river should not be perceived as automatically amounting to a paradigm shift. In other words, the recognition of the so-called rights of nature should not act as a conversation stopper, but rather as an invitation to continue critically inquiring and searching for appropriate responses to materialise the goals of this movement. Such an endeavour is urgent. As the Inter-American Court of Human Rights has recently noted, the recognition of RoN makes visible nature's "structural role in the vital balance of the conditions that make this planet inhabitable" (Advisory Opinion AO-32/25, para. 280) That recognition should nonetheless be understood as only the beginning, as a way of realising the extent to which the prevailing modes of constitutional organisation can facilitate the destruction of nature and act as obstacles to any more or less ordinary legal means to stopping it. Our analysis, in this sense, is directed both as social movements pushing forward the objectives behind the adoption of RoN, and at academic and constitutional lawyers engaged in different ways in attempts to facilitate those objectives through law. In pursuing that latter, we focus on the place of RoN in relation to basic constitutional principles and forms of constitutional organisation.

2. THE EXTENSION MODEL

The RoN movement has gained traction with the advent of climate change and what has been described by some as the Anthropocene / Capitalocene (Crutzen 2006, Moore 2016, Witze 2024). Aware of the highway to destruction that lies ahead of us if nothing changes, it purports transcending the present regulatory paradigm where nature appears as a mere means for human activities. It also aspires to fill the space that law and, in particular, environmental law, have proven unable to occupy. Environmental law, be it in its domestic or international dimension, has been chided with being one of the factors that has propelled the so-called triple planetary crisis (Turner 2014, section 3.4.2, Kotzé *et al.* 2021, Gilbert *et al.* 2023 51-55). Its goals are structurally aligned with the path and speed of the prevailing economic system and its commitment to profit because, instead of questioning the dominant behaviour and shielding nature against capitalist ventures, it measures and regulates the degree of damage and destruction necessary in extractivist activities. The landmark Stockholm 1972 and Rio 1992 Declarations, spinal cords of international environmental law, are actively anthropocentric and arguably conceive the environment as a backdrop to use, abuse and, potentially, sacrifice.

While the Western division between human/nature is usually criticized, the 1972 Stockholm declaration takes it a step further by referring to the environment as something *of* humans: the expression 'human environment' is repeated throughout the 1972 Stockholm Declaration, including in its title. The declaration constantly plays a double game, suggesting that development and technology are answers to environmental concerns, rather than its causes (Pallemaerts 1996 as cited in Atapattu 2002, 78).[5] The document marks the coming of maturity of both the ideology and the rhetoric underpinning environmental law. This and the 1992 Rio Declaration, which has been described as

[5] For example, principle 5 says that "Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increases with each passing day."

deliriously anthropocentric,[6] became the standard of legitimacy of environmental regulation.[7] The UN 2030 Agenda for Sustainable Development perpetuates the use of the planet as a place that needs to be managed to support human needs.[8] That is why environmental law is considered complicit in the destruction of nature and the rise of capitalism (M'Gonigle 2008, Grear 2017).

One implication of environmental law is that nature lacks the capacity to represent and formulate its own interests in the face of claims over its integrity because it appears as a site of management and supervision (Luke 1995, 65), not an entity with agency. This is exemplified in the landmark US Supreme Court case *Sierra Club v. Morton* (1972), where the Sierra Club environmental group challenged the construction of a Disney ski resort in a California valley. The Supreme Court ruled that the Sierra Club lacked standing, as its members failed to demonstrate direct and personal injury to their rights or property. This decision highlights how legal frameworks, despite the existence of environmental law, are rooted in highly compartmentalized and individualistic entitlements. They subordinate the environment to economic growth and only respond with protective measures in instances of direct and demonstrable affront to a legally recognised interest. And legal systems recognise certain interests while systematically excluding others, such as the deep interconnection between humans and nature, and the lives of non-humans. Moreover, they emphasize on short-term gains because, by insisting on proving direct injury, they remain indifferent to the slow violence[9] exerted upon nature and the complex ways in which environmental harm unfolds over time.

[6] See principle 1 of the 1992 Rio Declaration setting the tone: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." This is reminiscent of the 1972 Stockholm statement according to which "[o]f all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment" (principle 5).

[7] For example, the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as most international environmental treaties, recalls the 1972 Stockholm Declaration in its preamble. The Basel Convention's focus lies on State's sovereign rights to send/receive waste, whereas calls for reducing their production represents an aspirational periphery of the document. In other words, this IEL treaty tolerates substances harmful to the environment and regulates their movement. The UN Framework Convention on Climate Change from 1992, which preamble also recalls the 1972 Stockholm Declaration, vows to stabilize and control greenhouse emissions so that they do not amount to "dangerous ... interference with the climate system" (art. 2) The Convention treats the environment as an entity that needs to be subject to scientific calculation and manipulation so that it yields an optimal medium for human needs. Article 2 continues: "[s]uch a level [of gas concentration in the atmosphere] should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

[8] "We are determined to protect the planet from degradation, including through sustainable *consumption* and *production*, sustainably *managing* its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations", preamble, paragraph 6 (emphases added). It remains unclear who the agenda is referring to when it says "we" are determined, raising questions of democratic deficit (the 2030 Agenda was prepared by world leaders in 2015, many of which may not be in office anymore, which makes one wonder what legitimacy they had to dictate a plan that would outlive their mandate).

[9] Nixon (2011, 19) defines slow violence as "violence that occurs gradually and out of sight, a violence of delayed destruction ... an attritional violence that is typically not viewed as violence at all" but that is instead "incremental and accretive, its calamitous repercussions playing out across a range of temporal scales."

Justice O. Douglas, inspired by the academic work of Stone (1972),[10] appended a dissenting opinion in the Sierra Club case where he argued that, just as ships and corporations are afforded legal personality for the purposes of adjudicatory processes, so should "valleys, alpine meadows, rivers, lakes" due to the threats they face in modern life. This extension of legal personhood to nature is precisely the method that New Zealand championed, starting in 2014, when it declared Te Urewera (a forest and natural park) to be a legal person. In the remainder of this section, we consider some of the shortcomings of the Extension Model by examining key aspects of its implementation, primarily in New Zealand and Ecuador.[11]

2.1. EXTENSION OF LEGAL PERSONALITY

Legal personality is a fiction that allows corporations to carry out the daily transactions needed by an economic system which is in turn based on growth and expansion. Applying this same fiction[12] to nature, not to enable but to hinder these processes, is fundamentally at odds with the order of things. Extending legal personality to nature ensures that it becomes part of the legal traffic, but not that it goes in a radically different direction from the other vessels (Reeves and Peters 2021, 477). Law and its legal fictions are articulations of the system's self-concept of what ought-to-be. "Law and culture are [...] mutually constitutive" and thus, rules that help materialize the prevailing "wider worldview" (de Lucia 2013, 171). This legal status is a new experience for nature, but there is nothing novel in the concept of legal personhood. Nature does not change what a legal person is or what it can do (e.g. have entitlements, incur into liability); nor where it operates, that is, in a system with other legal and natural persons with their own competing entitlements. Extending legal personality is not a tailored solution for RoN, but a new legal garment with pre-existing seams. In employing the system's own methods against itself, nature is made to adhere to the same formulas and dichotomies of inclusion of certain interests to the exclusion of others and navigate in hostile territory in perpetuity.

For example, the acclaimed New Zealand Te Awa Tupua Act declared the Whanganui River, "from the mountains to the sea, incorporating all its physical and metaphysical elements," to be an indivisible and living whole with "all the rights, powers, duties, and liabilities of a legal person" (s 14(1)). The river can now behave like a business, invest, incur into debt, or objectify its components if their representatives (Te Pou Tupua) deem that such course of action is ultimately geared in the river's interest. In discharging their function as faces of the river, the Te Pou Tupua must uphold "to promote and protect the health and well-being of Te Awa Tupua" (s. 19(1)(c)). Yet, there is nothing in the Act that pre-empts subjecting the Whanganui River to a utilitarian logic because said logic, if framed

[10] C. Stone (1972) wrote this article directly engaging with the *Sierra Club* case, while it was still pending before the US Supreme Court, see e.g., p. 469.

[11] The Extension Model can have other, perhaps more promising, implications when applied to specific groups of non-human entities, such as sentient animals. See for example Adenitire and Fassel (2025, xxii): "As beings who are governed by constitutions, we argue, animals should be recognized as having 'constitutional worth', that is, as having interests that are of constitutional importance." *Ibid.* xivi. Adenitire and Fassel are also open to the possibility that this approach is extended to other non-natural entities: "[W]e view the theory of sentience-based constitutionalism as complementary to other proposals for future oriented constitutionalisms, including models of environmental constitutionalism, which aim to extend constitutional protections to a larger set of natural entities." Their proposal also includes important constitutional changes.

[12] The orthodox (traditional) conception of legal person "involves either the holding of rights and bearing of duties or the 'legal capacity' to hold rights and bear duties," see Kurki (2019, 4). Kurki problematizes this traditional view and proposes a new theory of legal personhood.

well, is not inimical to the overarching goal of promoting and protecting the health and well-being of Te Awa Tupua. For instance, there is nothing in the Act that pre-emptively forbids using the river for economic activities. Temporarily granting a downstream zone for extraction or exploitation to generate revenue for conservation projects upstream or to generate emergency funds, could thus be justified in the name of the overall river's interest.

The granting of legal personality to the Whanganui River —along with Te Urewera National Park and Mount Taranaki— is also an exercise of selection and exclusion. First, unlike corporations, which can gain legal status by meeting standardised criteria, nature is granted legal personality through a highly selective, politically driven process. The NZ acts do not constitute a neutral recognition but a controlled decision, where only certain natural entities are chosen. In that context, the extension of personality to nature can be understood as being less about acknowledging its intrinsic value, dignity or interests and more about power struggles over who controls a river, forest or mountain (Tănăsescu 2022, 82).[13] In comparison to corporations and ships, natural elements continue to be legally underprivileged. If the approach were truly principled, natural entities would not gain legal status through *ad hoc* legislation but through a consistent rules-based framework, much like an entity in England can incorporate itself following the rules of the Companies Act [2006].

Second, granting legal personality to these natural entities entails an implicit denial of the same status to all other rivers, national parks and mountains. Elevating a particular river as a legal person ultimately reinforces hierarchies and patterns of exclusion. It draws artificial boundaries between what is cared for and what is not, reflecting human history[14] rather than a true eco-centric paradigm shift. Lastly, if legal personality was to serve as a gateway to granting rights to nature, this approach would fundamentally contradict core principles associated with rights, such as equality and non-discrimination. For example, the Spanish law declaring the Mar Menor a legal person includes a section that states the lagoon (i.e., not similar lagoons or other natural entities) has the right to exist and evolve naturally (art. 2(a)). One could argue that the task of granting rights to nature is an imperfect process, and that is to be expected that some natural elements will have such rights recognised ahead of others, just like some groups were the first recipients of rights. This leads us to the next critical inquiry concerning the rights dimension of the extension model. We assess if the prospect of granting rights to all and each element of nature can lead to the qualitative change the RoN movement envisages.

2.2. EXTENSION OF RIGHTS

Around the same time that the *Sierra Club v. Morton* was decided, Stutzin, the Chilean lawyer and activist, proposed not only granting legal personality to nature, but also recognising its rights. He called for an ecocentric paradigm shift in which nature's interests would be defended independently of human concerns. Stutzin argued that by elevating nature from a mere legal object to a subject of rights, it would transcend its subordination to interests driven by human goals (Stutzin 1984, Bosselmann 2010). However, just like with legal personality, this approach comes at the cost of making nature inherit rights' ideological baggage and constricting it to operate within their pre-imagined boundaries.

[13] Tănăsescu argues that these acts respond to the specific NZ context, trying to mend past colonial governance arrangements, and rather represent "a new *political* arrangement, over and beyond the legal innovation."

[14] All acts include an official apology to the Māori (e.g. see s 70 of Te Awa Tupua Act 2017 and s 111(d) of the Te Urewera Act 2014).

Awarding rights to nature cannot be understood as a magic spell that guarantees it interests would become inviolable. Instead, it situates natures' claims within a new normative playing field with different game rules. This new normative playing field is characterised by latent clashes between rights and systemic goals, uncertainty of the relationship between nature and human rights, and a lack of determinacy of what nature rights imply (i.e. what state of affairs they require), and in relation to what 'part' of nature.

At the systemic level, human rights find limitations in the form of national security, public order, health or morals.[15] Rights work within, and in acceptance of, a pre-established system which, in turn, finds expression through the authority of the State and its espoused economic model. Rights claims must acknowledge and submit to the pre-existing structures and objectives because their own existence depend on this acceptance. There is, for lack of better words, a sacrificial dimension to rights. To be sure, civil and political rights (e.g. freedom of expression, freedom of assembly etc.) are heavily descriptive and contingent of liberal democracies. Similarly, the overarching obligation to progressively develop and promote economic, social, and cultural rights requires States to possess adequate resources, which depend on States' capacity to generate and retain wealth. This often puts States into the indirect (human rights mandated) obligation to pursue profit-generating activities. Under the prevailing economic model, it is hard to think of any profit-generating paradigm that does not involve some level of environmental harm (Fyock 2025, 3).[16]

In practice (and despite proposals that push in other directions), the dominant view is that there is no alternative to achieve wealth than that of pursuing economic growth. If a State wants to generate wealth by investing in, say, AI technologies, this is always at an environmental cost (Shaji George *et al.* 2023, Zewe 2025). If a poor country does not have the capacity to invest in new technologies but is rich in resources, the chances are that it will try to generate money by allowing foreign companies to mine their nature (i.e. resources) (World Bank 2021, 3).[17] In foreign investment strategy, States compete with each other to attract foreign investment, and one obvious way of making one's land more attractive is that of having lenient environmental rules, giving way to a "regulatory chill in a warming world" (Tienhaara 2018, Yilmaz Vastardis 2024). This is all to say that respecting nature is an expensive endeavour if one continues to regard it as a resource (Gudynas 2012).

The individual pursuit of both civil and political rights, as well as economic, social, and cultural (ESC) rights, requires a certain degree of material well-being to meaningfully desire or exercise, say, one's freedom of religion or participation in cultural life (Chibber 2024, 13-14). For persons to enjoy a satisfactory level of material well-being they need to be able to produce wealth, mostly through labour, and retain what they generate as their own property.[18] Moreover, with few exceptions, since rights are so overwhelmingly 'me' and 'me first' focused, they individualize struggle. By compartmentalizing reality in sectorial rights, human rights architecture forgoes the ability for group contestation of the whole (Douzinas

[15] See, e.g., articles 12, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights, presenting public morals or national security as limitations to rights such as freedom of association, expression, peaceful assembly and the like.

[16] Fyock maintains that in the context of investment law, "environmental degradation is intrinsic to capitalist production."

[17] The World Bank reports illustrates how many countries are depleting their natural resources "in favor of short-term boosts in income or consumption".

[18] Incidentally, property is framed as a human right, rather than a structural necessity of the prevailing social and economic order.

2019). Rights are apt to tackle intrusions committed within the system (via States and other actors) but not to challenge the system as such, wherein growth is a fixed (and aspired to) feature. This unyielding drive perpetually threatens to objectify nature, reducing it to a mere resource for capital gain. A final blow to the rights-extension approach is that, as a vehicle, rights are ill-suited to serve nature's claims. Rights gain their strength by being explicitly tied to identifiable subjects and concrete legal provisions. That is, the more clearly a right articulates its scope and application, the more effective it is in guiding behaviour and enforcing protections: e.g. equal rights of women to acquire, change or retain their nationality (art. 9 CEDAW); respect for the right of the child to preserve his or her identity (art. 8 CRC); freedom of humans from torture (art. 7 ICCPR) etc.

This key feature is difficult to transfer to nature. Its vastness and the complexity of its life - both as an interconnected whole and in its individual components- resist being broken down into specific identities or predetermined claims. It is therefore unsurprising that the Constitution of Ecuador uses sweeping language and grants nature, as a whole, "the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes" (art. 71). This is as if human rights had been expressed in just one vague statement that society has the right to a good life, without making further specifications of which humans and through what rights. A right framed as an imprecise aspiration can mean everything and nothing at once. Even worse, it demands action without providing direction, creating a normative void that can be filled and captured by pre-existing legal principles and dominant dynamics. This is what has happened in Ecuador where the Constitutional Court, when developing the concept of nature's rights, has registered two marked tendencies: one where rights of nature are easily overridden by economic interests; and another where the content of those rights has begun to be colonized by earlier legal figures, such as the rules of classical environmental law (Lostal and Colón-Ríos 2025).

For example, in case no 32-17-IN (2021), the Ecuadorian Constitutional Court assessed the constitutionality of a norm within the Environmental Regulation for Mining Activities that allowed for the diversion, transfer, damming, or modification of the natural course of water bodies if a mining project required it (arts. 86 and 136). The Court established that these articles were unconstitutional for formal reasons, but found no substantive contradiction with the rights of nature. It declared that the challenged provisions were unconstitutional because the permission to modify a river's flow was not assigned to the correct level of authority (Sentencia No. 32-17-IN/21, para. 67). It then explored whether this type of water deviation for mining purposes would materially infringe the rights of nature. The Court concluded that, if the intervention was performed in a way that respected nature as well as the regeneration of its life cycles, and the precautionary principle was observed, it was not, in the abstract, incompatible with the rights of nature.

One is left to wonder, if diverting a river's flow for mining purposes is not contrary to rights of nature, then what is? Despite their nominal existence, and their constitutional rank, rights of nature proved redundant in helping nature shed its long-held identity as a resource. The previously discussed judgment is no outlier. The Court's most recent decision on the matter concerned a constitutional challenge filed against Article 104 of the Organic Law for the Development of Aquaculture and Fishing (LODAP) (Sentencia 95-20-IN/24). The plaintiffs brought a public action of unconstitutionality, arguing that the rule was incompatible with the constitutional right to the integral conservation of nature. Article 104 of LODAP establishes that the first eight nautical miles from the Ecuadorian continental

coastline are designated as an artisanal fishing zone, where aquatic species recruitment processes take place. This area can be extended after assessment, but it cannot be reduced. The plaintiffs argued that "[a]n inflexible zoning such as that established by Article 104 of LODAP [...] could generate an anthropogenic disaster, which would result in the extinction of many species" (Sentencia 95-20-IN/24, para. 10).

The Ecuadorian Constitutional Court acknowledged that marine–coastal ecosystems are holders of constitutional rights, including the rights to conservation and restoration, and therefore deserve protection (Sentencia 95-20-IN/24, para. 48). However, it reasoned that fishing activities are expressly permitted under the Constitution, provided they are regulated by the competent authorities to avoid disproportionate impacts on ecosystems (Sentencia 95-20-IN/24, para. 55). The Court ultimately found no violation of nature's rights. It held that the existence of these rights does not bar the exploitation of marine resources or the right to carry out economic activities, so long as such activities abide by regulatory standards (Sentencia 95-20-IN/24, paras. 64 and 83).

This decision highlights a recurring pattern in Ecuadorian constitutional jurisprudence. While the Court rhetorically recognises ecosystems as subjects of rights, it immediately frames those rights within the boundaries of preexisting economic activities such as fishing (including traditional fishing) in accordance to established environmental regulations. In practice, this means that the rights of nature are not applied as imposing categorical limits; rather, they are subordinated to and balanced against the constitutional mandate to permit economic activities. What emerges is a model that is nearly indistinguishable from classical environmental law. The innovative promise of nature's rights - to shift the legal paradigm by granting ecosystems intrinsic entitlements beyond human interests - becomes diluted. The Court's reasoning reduces these rights to a regulatory check, enforceable only insofar as authorities exercise their discretion responsibly. Even in cases where an activity has been prohibited, like in the *Los Cedros* case (Sentencia No. 1149-19-JP/21), the rights of nature were not determinative because the solution reached rested on the application of environmental principles (Lostal and Colón-Ríos 2025, 37).

The rights discourse is undoubtedly a powerful one, which may limit our ability to think beyond rights. In short, affording rights to nature may be conflating, on the one hand, the goal of nature's emancipation from its thing status with, on the other hand, the method to achieve that goal. This has come at the cost of confining nature to the fixed, predetermined path and limitations of rights, like a train bound to its tracks. It is a mode of proceeding that carries with itself an in-built risk of duplicating existing frameworks of subordination and objectification of nature. But if the extension of rights is not it, then what?

3. THE ALL-ENCOMPASSING MODEL

What we call the "All-Encompassing Model" is presented not as a proposal for institutional change, but as an analytical tool. It highlights the shortcomings of the Extension Model and, at the same time, allows us to see some of the reasons (practical and theoretical) that may push against its alternatives. The All-Encompassing Model requires us to attribute to constitutions a novel purpose: that of realising the rights of nature as a whole, that is, the

rights of human and non-human natural entities.[19] In so doing, we will argue, it would ensure the protection of nature, but at a price that we may not be willing to pay: the limitation of fundamental human rights (including, in extreme scenarios, the right to life) may become necessary for other natural entities to flourish. This model would also face other practical challenges. In particular, it would inevitably clash with the goals of the prevailing forms of economic organisation. For example, the creation of more value (unless resulting in a dramatic improvement in the quality of human life without at the same time causing harm to nature) would seldom prevail over the interests of a river or a mountain.

Contemporary constitutions are generally understood as having one main purpose: organising and, at the same time limiting, the exercise of political power (Sartori 1962). The different principles and institutions contained or reflected in a constitution are all directed toward achieving that objective (Barber 2018). The principles of the rule of law or the separation of powers, for instance, are concerned with limiting state authority. The institution of judicial review of executive or legislative action ensures that those branches of government do not exceed their jurisdiction. Often, those jurisdictional limits will be found, precisely, on rights. These rights can be traditional human rights or, as in the Extension Model, rights of nature. Indeed, some constitutions explicitly identify the protection of rights as one of their very purposes. The Colombian Constitution, for instance, affirms: "The essential goals of the State are to serve the community, promote the general prosperity, and guarantee the effectiveness of the principles, rights, and duties stipulated by the Constitution" (Constitution of Colombia 1991, Article 2). What if constitutions were conceived in a different way, what if their primary objective was the realisation of the rights of nature? (Eckersley 2004, Donaldson and Kymlicka 2013) What if the rights of nature, rather than being simply part of a constitution (or limited, for example, to standing or legal personality rights) were understood as the fundamental principle animating the constitutional order itself?

Such a constitution would involve, first, a very different relationship between human rights and the rights of non-human natural entities. Instead of simply seeing non-human natural entities as potential bearers of rights, as in the Extension Model, the rights of nature would appear as the fundamental principle that the constitution seeks to realise. Both its dogmatic (i.e. its rights provisions) and organic (i.e. the structure of government) parts would have to be organised in a way that points in that direction. This means, on the one hand, that the distinction between human rights and the rights of non-human natural entities becomes unstable: both types of rights would be protected by provisions seeking to realise the same general principle. In other words, human rights would be protected only because humans are part of nature.[20] On the other hand, those rights would be subject to limits that are not

[19] In this sense, it would point toward a non-anthropocentric form of constitutional organisation, which rejects the established hierarchies between humans and other non-human entities. For a critical discussion of legal and constitutional anthropocentrism, see Adentire and Fassel (2025, 7). This kind of view has of course been advanced by others. See for example Jones (2021, 85), Bennett (2010, ix).

[20] A very similar notion is reflected in Earth System Law theory. See e.g., Kotzé and Kim (2019, 7): "[Earth law] is Earth-centred in the sense that it considers neither humanity nor nature as a central reference point, but rather the entire community of life as the central fulcrum around which it revolves." Similarly, Cullinan (2021, 236) has identified one of the principles of Earth Jurisprudence "to decide between competing rights on the basis of what is best for Earth as a whole and thereby contribute to maintaining a dynamic balance between the rights of humans and those of other members of the Earth Community..." See also Berry (1999), Cullinan (2011), Bosselmann and Taylor (2017). These similarities do not mean that bodies of thought described by labels such as Earth System Governance or Earth Jurisprudence, are interchangeable with the recognition of the rights of nature. Kauffman and Martin (2021, 8) explain the distinction as follows: "[T]he

necessarily related to conflicts between human rights and compelling state interests, but to the need to protect nature as a whole. The right to property or the right to housing, for example, could be subject to limits that arise from the rights of rivers and, conversely, the rights of rivers could be subject to limits that arise from the right to property or the right to housing. And those conflicts would have to be resolved in a way that does not assume, for example, that human interests in economic growth must be in some way facilitated by the legal system or should enjoy any kind of priority.[21]

The fundamental principle of protecting the rights of nature would thus mean that humans would have no prima facie priority over non-human entities. It would not be as if human have rights and then decide to extend them to rivers or mountains, but that the constitutional order, from its inception, would seek to realise nature's rights. Needless to say, such a type of constitutional arrangement could not exist without a major change in economic and social conditions. In particular, economic growth would most likely have to be moved to a secondary place. In short, the model would require an economic reordering inconsistent with the advanced capitalism of contemporary societies. As noted earlier, this model would also have implications for the organic part of the constitution: it would need to be accompanied by different institutions, by a new type of State. The interests represented in the legislature, for instance, would not be the interests of "the people" or the "nation", but that of nature.[22] This would probably require novel law-making processes that are somehow able to, when necessary, move human interests to a secondary plane.[23] That would seem to be the greatest challenge to the implementation of such a model and the reason why, from a human perspective, it would seem as highly undesirable.

In the same way the protection of a particular species would sometimes require the partial destruction of another, the protection of nature may sometime require major reductions in human populations. Such results would perhaps not be necessary in a different world, that is to say, in a world in which the human relationship to the planet had been radically different, but would seem to be required by this model in the type of world we have created. What the All-Encompassing Model allows us to see, however, is that there may not only be different ways of conceiving who counts as a right-holder, but alternative understandings of the place of the rights of nature within a constitutional order and of the purpose of the constitutional order itself. Moreover, the structural obstacles toward the establishment of the All-Encompassing Model (i.e., the economics and institutional limits that push against

Earth Jurisprudence norm says human systems should be constructed to coincide with the natural laws governing ecosystem functioning. The RoN norm says that ecosystems should be recognised as legal subjects with rights and legal standing, and that Nature's rights should be incorporated into a broader rights framework governing the planet sustainability. These are related -but distinct- norms."

[21] This view is to some extent present in judge Ramiro Avila's concurrent opinion in Sentencia 32-17-IN/21. Such a conception would of course need to rest on a theory that allows us to discriminate between intrinsically valuable (e.g. a forest) and non-intrinsically valuable (e.g. a virus) natural entities.

[22] A key question here is of course how to determine what is in the interests of a non-human natural entity. At the very least, things that promote the interests of a natural entity allow it to flourish and to exist over time in ways that are consistent with their particular necessities as an animal species, plant, or natural entity. For a discussion in the context of sentient animals, see Adenitire and Fassel (2025, 56). For more general discussions on the difficulty of identifying what is in nature interests, see Cochrane (2013, 658) and Jones (2021, 95).

[23] This approach could be developed along the lines of Latour (2004)'s concept of the 'Parliament of Things'. It could also involve reserved parliamentary seats for humans tasked to promote the interests of nonhuman entities, as has been argued in other contexts (Bennett 2010, Magaña 2022).

it) also illustrate the strong connections between the prevailing model of rights-extension and the dominant forms of social and political organisation.

4. THE CO-DEPENDENCE MODEL

A possible response to the potential threat to human survival and well-being posed by the All-Encompassing Model would look at the relationship between the exercise of political power and the natural environment. This approach, which we call the Co-Dependence Model, rests in a partial separation between humans and nature, one that at the same time recognises their co-dependence.[24] Unlike the Extension- and All-Encompassing models, it does not prioritise the constitutional recognition of rights, neither human nor natural. This is not to say that it is incompatible with such recognition or that it may not ultimately require it, but that its point of departure is a different one. Instead of being concerned with the limitation of public and private power so that human rights and the rights of nature are not violated, it instead focuses on enabling, on the one hand, the possibility of human political action (in the last instance reflected in the possibility of present and future generations of engaging in exercises of democratic constituent authority) and, on the other, the reproduction of nature as we know it. As such, we will argue, it does not present an alternative to the dominant RoN model, but rather an initial framework for the development of future alternatives.

The model is based on a very old idea: that communities of human beings, just by virtue of existing, have the authority to decide about their own form of government, about the type of constitutional order they will live under. This is a view that can be traced back to 17th century social contract theory and that, since the 18th century, has been associated with the theory of constituent power (i.e., the idea that the people possesses an unlimited and inalienable constitution-making authority) (Kalyvas 2018). The Co-Dependence Model takes seriously the inter-generational implications of that theory: for human communities to have the possibility of creating and (re)creating their constitutional order through democratic mechanisms, the people of the here and now should not act in ways that deprive future generations of their constituent authority. After all, the democratic legitimacy of a constitution, as one of us has argued elsewhere, depends precisely on its opening to future exercises of constituent power, to the ever-present possibility of future democratic transformations (Colón-Ríos 2012). A people may, as a matter of pure fact, sanction a permanent dictatorship, but that such an act would lack democratic legitimacy. It would not even count as an exercise of constituent power, since it would have resulted in a constitution that negates (from a theoretical and institutional perspective) the people's authority to give itself novel constitutional forms.

The Co-Dependence Model takes that logic to its natural conclusion: in the same way that the establishment of an undemocratic constitutional order would negate the possibility of future exercises of constituent authority, decisions that threaten the continuing existence and reproduction of nature have the same effect.[25] For human communities to be able to

[24] This idea is of course present in the academic literature and also in RoN jurisprudence. It was, for example, present in the majority opinion in the *Los Cedros* case, where the connection between human rights and RoN was stressed (sentencia No. 1149-19-JP/21, para 171). On the reciprocal relationship between the human and non-human world, see Merchant (1989, 8).

[25] This approach could be understood as inconsistent with traditional conceptions of constituent power, which emphasise the authority of present generations to depart from decisions made in the past. So, for example,

engage in democratic acts of constitution-making, the continuing existence and reproduction of nature is thus a necessary condition. At the same time, the continuing existence and reproduction of nature (which can be understood, as it were, as nature's basic mode of action), requires constitutional orders that allow present generations to alter the relationship between human and non-human entities when necessary to protect their (and future generations') capacity for future political action. Accordingly, and unlike the All-Encompassing Model, the Co-Dependence Model requires the flourishing of democratic human communities so that they are in a position to transcend immediate economic interests and establish constitutional orders that, in one way or another, protect both human and non-human natural entities.

From a human perspective, the Co-Dependence Model is about protecting the conditions that enable democratic political action and, from the perspective of nature, about enabling its reproduction. The former conditions are not only institutional but material in nature: the possibility of democratic political action depends, in important ways, on the extent to which all members of a community have easy and continued access to the basic needs for human life. In other words, the alleviation of poverty is a necessary condition for democracy. But in the prevailing mode of economic organisation, attempts to improve the life of those that are worst off often come at a heavy environmental price, as we have seen in countries like Ecuador and Bolivia. In those jurisdictions, and despite the presence of RoN provisions in their constitutions or national legislation, progressive governments consolidated past extractivist practices in order to make different social programmes possible (Gudynas 2012). In this sense, the implementation of something like the Co-Dependence Model would require fundamental change, not only at the level of constitutional law, but at that of their basic economic structures.

We are presenting the Co-Dependence model as a way of imagining future alternatives. That said, in order to give the model a minimal degree of specificity, in what follows we consider what we think are some of its potential institutional implications. First, the constitutional order should rest on the recognition that its very establishment, and the possibility of its revision and improvement, depends on the continuing existence of nature as we know it. This is not a common feature of contemporary constitutions which, instead, consecrate the artificial separation between humans and nature as two hermetic separate universes. The Preamble to the Constitution of Bolivia (2008) is perhaps the closest we may find to the recognition of the co-dependence between the exercise of constituent power and nature: "We found Bolivia anew, fulfilling the mandate of our people, *with the strength of our Pachamama* and with gratefulness to God."[26] But what we have in mind is more than

18th century authors such as Thomas Paine, Emmanuel Sieyes, and Thomas Jefferson thought that present generations had the authority to create, at any moment, any constitution they wanted. Thomas Paine, for example, maintained that "there ought to be, in the constitution of every country, a mode of referring back, on any extraordinary occasion, to the sovereign and original constituent power, which is the nation itself", and that "[e]very age and generation must be as free to act for itself, in all cases, as the ages and generations that preceded it" (Paine 1824; 1953, 87, 76). In exercising that power, Sieyes thought, the will of the constituent subject, "is always legal. It is the law itself" Sieyès (2003, 136). In that same vein, Jefferson insisted that "the earth belongs always to the living generation. They may manage it, and what proceeds from it, as they please, during their usufruct" (Jefferson 1999). Those statements, however, have important inter-generational implications that require something akin to the Co-Dependence Model: the "living generation" must be free to live under any constitution it wants, but the same applies to those generations living in the future. And for those future generations to be able to engage in political action, present generations must exercise their political power in a way that protects the continuing existence and reproduction of nature.

[26] Emphasis added. The Constitution of Ecuador also contains a reference to nature in the preamble, which the Constitutional Court emphasised in a key 2021 decision: "Al destacar esta relación, la Constitución, en

a symbolic recognition: the idea that the continuing existence and reproduction of nature is a necessary condition for the possibility of present and future exercises of constituent authority must be a fundamental constitutional principle that stands besides other principles such as the separation of powers or the rule of law. As a fundamental principle of the constitutional order, the *co-dependence principle* would have important implications not only for constitutional interpretation but for any exercise of political power.

Second, a constitutional order consistent with the Co-Dependence Model would make possible, from a formal perspective, the future exercise of constituent power. This means, on the one hand, that it is incompatible with authoritarian or non-democratic forms of political organization. On the other hand, it would require much more than a democratic constitutional amendment formula. It would point towards the possibility of convening, at any time, a formal site of popular action with the power to transform the constitution in fundamental ways. Such an instance of popular action would not necessarily be used to improve the constitutional system (e.g., to transform it in ways that further realise the co-dependence principle), but their potential independence from government provides an additional means for individuals and social movements to try and challenge the economic and political interests of the day. The constituent assembly convened from below (that is, by popular initiative), present in the constitutions of Bolivia and Ecuador, would seem to satisfy that criterion (Colón-Ríos 2020). As suggested above, while the availability of such a mechanism serves to remind us of the inter-generational aspect of constituent power, it does not provide any guarantees that they will be used (if ever) in a way consistent with the co-dependence principle.

The realisation of the co-dependence principle, accordingly, requires it to be understood as directly justiciable. In other words, a third institutional implication of the Co-Dependence Model would be the recognition of standing (not only through judicial actions but also through political mechanisms) to any individual, group, or social movement, to challenge public and private activities that threaten the existence or reproduction of nature as we know it. The specifics of such an arrangement (which, perhaps, would embrace some aspects of the Extension Model)[27] would of course need to be spelled out, but some version of it would be required by the Co-Dependence Model. These three institutional implications would require new types of constitutional orders whose establishment would face important practical challenges. In the context of our current environmental crisis, however, it seems clear that if the current pattern of destruction continues, the capacities of action both for human communities and nature would be increasingly diminished. That is the reality that the Co-Dependence Model would seek to confront, while recognising that

su preámbulo, recalca que la Naturaleza ... '*es vital para nuestra existencia*'. Aquí la Constitución avizora que la existencia misma de la humanidad está atada inevitablemente a la de la naturaleza, pues la concibe como parte de ella. Por tanto, los derechos de la naturaleza abarcan necesariamente el derecho de la humanidad a su existencia como especie" (Sentencia No. 1149-19-JP/21, para. 30). Those statements, even if taken as part of the ratio of the case, do not have the status of a fundamental constitutional principle of the kind we are suggesting here, and were in fact the subject of disagreement between judges. See Tănăsescu *et al.* (2024, 12-13).

[27] Specific arrangements could include, for example, the 'rejective' and 'protective' popular initiatives (in a version that is not limited to sentient beings, proposed by Adenitire and Fassel (2025, 194). These initiatives would, for example, trigger popular votes on laws and policies proposed by government considered by groups of citizens to threaten the interests of nature; or put to the popular vote positive proposals related to the protection of nature. As in Adenitire and Fassel's (2025, 196) approach, the standing to present such an initiative could be narrowed in ways that prevent their abuse.

the mere existence of a particular type of constitution cannot magically guarantee the preservation of nature.

5. CONCLUSION

We started this paper by considering some of the practical and conceptual limits of what we called the Extension Model. Building on some examples, we argued that in the jurisdictions that are best known for having embraced it (i.e., New Zealand and Ecuador), the legal relationship between human beings and nature has not been fundamentally transformed. The potential impact of the extension of legal personality to certain rivers or mountains, for example, is limited by its own logic: only certain natural entities are attributed with legal personality and their actions are restricted to what legal persons can do. The extension of rights to 'nature' comes accompanied by an additional set of problems, for example, a lack of determinacy about what those rights require and their absorption under traditional principles of environmental law. Perhaps most importantly, both versions of the Extension Model assume the continued operation of the forms of political and economic organisation that underpin the present crisis.

In short, extending rights to nature, or treating certain natural entities as legal persons, is far from being a magic wand that moves us to a new stage in the relationship between human and non-human natural entities. This formula does not alter reality, as magic is supposed to do, but duplicates it. The question then became, and still is, what then? We have presented two alternative models. In so doing, our aim was to show, on the one hand, that the notion of 'the rights of nature' can play different roles within a constitutional order. Instead of rights simply being extended to nature, the realisation of the 'rights of nature' (understood as comprising both the rights of human and non-human entities) could be regarded as the main purpose of the constitutional order. This approach, the All-Encompassing Model, would involve a fundamental change in the way we conceive constitutions, require new types of political structures, clash with the prevailing economic system, and would likely result in unacceptable outcomes for human beings.

On the other hand, by presenting the Co-Dependence Model, we wanted to show that a transformation in the relationship between human and non-human natural entities does not necessarily need to begin (much less end) in some form of right recognition. It may be that what is needed is a different point of departure, one that is focused on the ways in which our own capacity for democratic political action depends on nature's continued existence and reproduction. At the most fundamental level, without a nature capable of sustaining human communities, there can't be democratically legitimate constitutions, constitutions susceptible to future of constituent authority. From the perspective of nature, the possibility of future exercises of constituent authority represents the potentiality of novel forms of constitutional organisation, forms that may contradict the existing political or economic interests, but advance further the realisation of what we called the co-dependence principle.

What can we learn from this analysis? First, the implementation of the rights of nature and the notion of legal personality to certain natural entities, despite their moral appeal, has been limited by their very features (lack of determinacy, selectivity) and influenced in important ways by the general (economic, constitutional, political) structures in which they

operate. Second and accordingly, achieving the objectives of the RoN movement (i.e., making possible a new relationship between humans and non-human natural entities, where the latter are worth protecting for their intrinsic value) may, perhaps counterintuitively, require us to think beyond – and perhaps bigger than - the notion of extending rights to nature or to specific natural entities. A shift in the way that society, legal systems and institutions have traditionally related to nature requires profound changes in our constitutional orders, changes that allow us to challenge prevailing forms of political and economic organisation. Third, and accordingly, our efforts may be better placed in pushing for constitutional changes that make democratically possible, now and in the future, fundamental transformations in the way we relate to nature.

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