



*INTERNATIONAL COUNCIL of ENVIRONMENTAL LAW
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NOTE: Recognition of Harmony with Nature

The International Council of Environmental Law (ICEL)¹ provides this additional NOTE to the consultations under General Assembly resolution 73/333 to provide legal analysis relevant to the theme of “Harmony with Nature,” which is a focus of the UN Environment Programme’s medium-term strategy “For people and planet” (2022-2025),² to tackle the losses of biodiversity. ICEL welcomes the UN Environment Assembly’s acceptance of this medium-term strategy and recommends that Harmony with Nature also be reflected in the Political Declaration mandated by General Assembly resolution 73/333. ICEL partnered with the UN Environment Programme and UN Member States to prepare the legal foundations for what became the UN World Charter for Nature (res. 37/7, 1982).³ ICEL offers this NOTE in that tradition.

At the 1972 UN Conference on Environment and Development, States acknowledged that “Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. ... Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself.”⁴ Throughout the past 50 years, States have agreed on environmental laws at all levels, local to global, to sustain ecosystems, enabling humans to live in Harmony with Nature.⁵

¹ ICEL is the oldest organization of jurist specializing in environmental law, having been founded in New Delhi in 1969. IUCN has accreditation with ECOSOC and the UNEP. ICEL’s secretariat is situated at the Universidad Carlos III de Madrid, Spain, www.icelinternational.org. ICEL acknowledges the contribution of ICEL’s Representative for Nature, Prof. James R. May, and of ICEL’s UN Representative in NY and Associate Executive Governor, Prof. Victor M. Tafur, in the preparation of this NOTE.

² UNEP/E.A./5/3/Rev.1 (17 February 2021): UN Environment Assembly of the UN Environment Programme, “For People and Planet: The UNEP Strategy for 2022-2025 to tackle climate change, loss of Nature and pollution,” Fifth Session, 22-26 February 2021.

³ Wolfgang E. Burhenne and Will A. Irwin, *The World Charter For Nature* (May 1986, Erich Schmidt Verlag).

⁴ Stockholm Declaration, Preamble, UN Conference on the Human Environment, 16 June 1972.

⁵ The UN General Assembly reflects these norms when it adopted The World Charter For Nature, Res. 37/7 (1982), at <https://undocs.org/en/A/RES/37/7>.

Complementing human rights, many legal instruments recognize the rights of Nature as an implicit element necessary to balance the scales that gauge the Harmony with Nature. The UN General Assembly acknowledged as much when it adopted The World Charter for Nature (Res. 37/7) in 1982, which stated that “Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognitions, man must be guided by a moral code of action.”⁶ More recently, States and civil society alike have progressively acknowledged Harmony with Nature, reflecting the intrinsic value of Nature in sustaining human well-being, regardless of her utility to humans.⁷

The progressive recognition of Nature in international law was evident also at the “Rio+20” United Nations Conference on Sustainable Development. In June of 2012, states recognized the rights of Nature in the conference’s outcome document, “The Future We Want,” which recognized both that the Earth and its ecosystems are the home for all of humanity and that some states have advanced the rights of Nature to implement sustainable development. States also agreed that it is necessary to promote Harmony with Nature to achieve a balance among the needs of present and future generations,⁸ and called “for holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with Nature and lead to efforts to restore the health and integrity of the Earth’s ecosystem.”⁹

Subsequently, in its resolution 70/1 (25 September 2015), the General Assembly adopted the post-2015 development agenda, the 2030 Agenda for Sustainable Development. The 2030 Agenda contains 17 Sustainable Development Goals, including Goal 12, Target 12.8, which seeks to “ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with Nature”.¹⁰

Since the UN General Assembly’s Resolution recognizing “Harmony with Nature” (A/RES/64/196), and its Declaration of International “Mother Earth Day” (A/RES/63/278), there have been continuous intergovernmental elaborations of the principles comprising Harmony with Nature, including twelve General Assembly Resolutions and eleven Secretary-General reports, the 2016 Expert’s Report¹¹ requested by the General Assembly,¹² and the Supplement to the 2020 Secretary-General’s Report.¹³

⁶ <https://undocs.org/en/A/RES/37/7>.

⁷ www.harmonywithNatureun.org.

⁸ https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E (para. 39).

⁹ *Ibid.*, (para.40).

¹⁰ https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

¹¹ https://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/266.

¹² A/RES/70/208.

¹³ <http://files.harmonywithNatureun.org/uploads/upload1019.pdf>.

The 2016 Expert's Report provided information and recommendations in Earth-centred governance, also known as Earth Jurisprudence, acknowledging the fundamental legal rights of ecosystems and species to exist, thrive and regenerate. The 2020 Supplement further notes the growing numbers of schools, universities and academic institutions designing and delivering programmes and projects that focus on an Earth-centred paradigm. Many of these advances are led by expert members of the UN Harmony with Nature Knowledge Network.

Furthermore, nine Interactive Dialogues of the General Assembly on Harmony with Nature have been held to commemorate International Mother Earth Day since 2010.¹⁴ The important contributions that Harmony with Nature provides for attaining the Sustainable Development Goals is evident in the 2017 Dialogue.¹⁵ The UN Secretary General's Harmony with Nature Programme provides a useful archive of the many aspects of Harmony with Nature.¹⁶

Legal recognition of rights of Nature under different legal systems worldwide has been reflected in national practices that rebalance human relationships with Nature. Governmental policies in some nations incrementally shifted from anthropocentric or human-centred, to non-anthropocentric or Earth-centred. This contributes to a change of paradigm, in which the planet is not considered to be an inanimate object to be exploited, but as our common home, alive and subject to a plethora of dangers to its health. A consequence of this paradigm shift is reconsideration of human interactions with Nature, which in turn is reflected in the appearance of Earth Jurisprudence in laws, ethics, institutions, policies, and practices, all based upon a fundamental respect and reverence for the Earth and its natural cycles.¹⁷

For the past decade, the Secretary General's Harmony with Nature Programme has documented and analysed legislation and policies on the rights of Nature¹⁸ that have been either adopted or proposed for adoption by national governments or sub-national governments, in the following countries: Argentina, Australia, Bangladesh, Belize, Belgium, Bolivia, Brazil, Canada, Colombia, Chile, Costa Rica, Denmark, Ecuador, El Salvador, France, Guatemala, Hungary, India, Ireland, Italy, Mexico, Netherlands, New Zealand, Nigeria, Peru, Philippines, Portugal, Romania, Spain, South Africa, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, and Holy See.¹⁹

¹⁴ <http://harmonywithNatureun.org/dialogues/>.

¹⁵ Ibid.

¹⁶ <http://harmonywithNatureun.org>.

¹⁷ A/71/266 para. 6.

¹⁸ <http://harmonywithNatureun.org/rightsOfNature/>.

¹⁹ A/75/266.

There are also a wide range of proposals for new laws on rights of Nature.²⁰ Some States have also recognized the rights of bodies of water constitutionally, legislatively or judicially, including Argentina, Australia, Bangladesh, Canada, Colombia, Ecuador, El Salvador, Guatemala, India, Mexico, Netherlands, New Zealand, Nigeria, Peru, Spain, and the United States of America.²¹

Judicial decisions and the teachings of highly qualified publicists and jurists from all legal traditions have evaluated the emerging paradigms reflecting the rights of Nature. Earth jurisprudence is increasingly important to a number of institutions worldwide, including: Earth Law Center, Ecological Law and Governance Association, European Green Party, European Parliament, G77+China, International Union for the Conservation of Nature, Green Party of England and Wales, the Irish Green Party, the World Council of Churches and the Church of Sweden, among others.²²

Courts are increasingly receptive to recognizing the rights of Nature. At the international level, for instance, in the *Advisory Opinion on The Environment and Human Rights* by the Inter-American Court of Human Rights No. OC-23/17 (15 November 2017), the Court explains this in paragraph 62 of the 2017 ruling:²³

“[T]he Court considers it important to stress that, as an autonomous right, the right to a healthy environment, unlike other rights, protects the components of the environment, such as forests, rivers and seas, as legal interests in themselves, even in the absence of the certainty or evidence of a risk to individuals. This means that it protects Nature and the environment, not only because of the benefits they provide to humanity or the effects that their degradation may have on other human rights, such as health, life, or personal integrity, but because of their importance to the other living organisms with which we share the planet that also merit protection in their own right. In this regard, the Court notes a tendency, not only in court judgments, but also in Constitutions, to recognize legal personality and, consequently, rights to Nature.”

Furthermore, in the contentious case of *Lhaka Honhat v. Argentina* (6 February 2020), the Inter-American Court of Human Rights acknowledged the protection of Nature because of its importance for other living organisms, rather than for its “usefulness” or “effect” to human beings,²⁴ echoing principles of Harmony with Nature.

²⁰ The UN Harmony with Nature Programme has documented and analyzed collaboration among non-governmental organizations (NGOs), civil society organizations, legislators and legislative bodies working together to draft, adopt and implement laws or policies recognizing Nature as a subject of rights and/or a legal “person,” protected by law. *Ibidum*. See A/75/266.

²¹ <http://harmonywithNatureun.org/rightsOfNature/>.

²² <http://harmonywithNatureun.org/rightsOfNaturePolicies/>.

²³ https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf, para. 62.

²⁴ https://www.corteidh.or.cr/docs/casos/articulos/seriec_400_ing.pdf, para. 203.

Growing political support for Harmony with Nature is reflected in the letter dated 7 May 2010 from the Plurinational State of Bolivia presented to the Secretary-General of the United Nations, which conveys conclusions adopted at the first Peoples' World Conference on Climate Change and the Rights of Mother Earth (Pachamama), held from 20 to 22 April 2010 in Cochabamba, Bolivia. This Conference adopted the Universal Declaration on the Rights of Mother Earth.²⁵ Since then, many non-governmental organizations and civil society organizations have initiated campaigns and drafted declarations on the rights of Nature, calling upon the United Nations to engage in drafting a *Universal Declaration of the Rights of Mother Earth*, reflecting the growing worldwide commitment to protecting the Earth and future generations of all species.

This proposal for a new universal declaration illustrates that there is sufficient consensus about rights of Nature that an articulation of appropriate reference to these rights should be included in any political declaration to be considered by the General Assembly's One-Ended Working Group established pursuant to Resolution 73/333. Consensus on the norms embodied in recognition of the rights of Nature can provide an international moral compass to protect Nature. This is an appropriate progressive measure reflecting the decisions of the General Assembly to date.²⁶

The 2017 report of the Secretary-General on Harmony with Nature highlights the importance of a just transition to an Earth-centred paradigm and encourages States:

“to engage in a formal dialogue among academics, non-governmental organizations and civil society organizations regarding the drafting of a universal declaration of the rights of Mother Earth reflecting the growing worldwide commitment and calls to protecting Earth and future generations of all species. Such a universal declaration will provide an international moral compass to guide humanity to a better understanding of a life in Harmony with Nature. Earth Jurisprudence legislation adopted worldwide may serve as framework for such dialogue, which can be further supported through the Harmony with Nature website.”²⁷

Through the rights of Nature, humans recognize that they are an inseparable part of Nature. Humans cannot damage Mother Earth without severely damaging themselves.²⁸ As the UN Environment Assembly has determined,²⁹ emerging infectious diseases, like the current Covid-19 Pandemic, are a reflection of such human behaviour. To avert future

²⁵ <https://undocs.org/en/A/64/777>.

²⁶ A/72/223, A/73/235, A/74/224 and A/75/220.

²⁷ <https://undocs.org/en/A/74/236>, para. 134.

²⁸ Eric Chivian, ed., *Biodiversity: Its Importance to Human Health — Interim Executive Summary* (Center for Health and the Global Environment, Harvard Medical School, 2002).

²⁹ See UN Environment Assembly Resolution 4 (2017), at UNEP/E.A.3/Res.4 (2017): “biodiversity loss is a health risk multiplier...human, animal, plant and ecosystem health are interdependent.” See N.A. Robinson, “The Next Pandemic Is Here,” *The Environmental Forum* (Environmental Law institute), pp.30-35 (Nov./Dec.2020), at www.eli.org.

pandemics, there is urgency to re-establishing the balance of Nature by embracing an Earth-centred paradigm. Doing so would further the Decade of Action through the rights of Nature, as well as drive renewed efforts to attain the Sustainable Development Goals.³⁰

When at its fifth session, of the UN Environment Assembly adopted the UNEP medium-term strategy for 2022–2025, it endorsed the further development of Harmony with Nature as a core component of its work. UNEA agreed to apply its efforts to three priorities: (a) “Climate stability”, where net zero greenhouse gas emissions and resilience towards climate change are achieved; (b) “Living in harmony with Nature”, where humanity prospers in harmony with Nature; and (c) “Towards a pollution-free planet”, where pollution is prevented and controlled, and good environmental quality and improved health and well-being are ensured for all. Harmony with Nature is central to the goals of the UN Decade of Action.³¹

Secretary General António Guterres’ address to the UN Environment Assembly: “As UNEP’s own ‘Making Peace with Nature’ report makes clear, we need a healthy planet for sustainable development. Indeed, by taking profit of Nature-based solutions, we can vastly improve human well-being and prosperity. So, I commend the delegates gathered today for your commitment to ending our environmental ills. ***This is a critical year to reset our relationship with nature.*** Following this important environment assembly, UN Member States will gather to address biodiversity loss, chemical pollution, ocean health, desertification and, of course, climate disruption. All these events are opportunities to increase ambition and action.”³²

UNEP’s Report “Making Peace With Nature”³³ makes clear that globally States are not in Harmony with Nature. The Report presents the scientific evidence that the world is degrading “Earth’s finite capacity to sustain human well-being.” Recognizing the rights of Nature can reverse these trends. Human society can act positively by focusing upon the deep appreciation that all cultures have for the many ways of being that life – not just human life, but all life – is imagined.³⁴ It is time for the United Nations to make a clear political declaration that will guide the international community toward re-establishing Harmony with Nature.

³⁰ "Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss".

³¹ <https://www.un.org/sustainabledevelopment/decade-of-action/>.

³² Address of 22 February 2021, Nairobi, at: <https://www.un.org/press/en/2021/sgsm20591.doc.htm> (emphasis added).

³³ UNEP, “Making Peace with Nature – A Scientific Blueprint to tackle the climate, biodiversity and pollution emergencies,” (2021), at www.unep.org/resources/making-peace-Nature.

³⁴ A/74/236.