



March 2025

Transformative legal pathways for biodiversity conservation and sustainability: toward multi-species justice

Executive summary

Reframing law and justice systems to embrace More-Than-Human ways of knowing and being and a broad goal of multi-species justice, can potentially contribute to sustainability transformations and biodiversity conservation. Combining Rights of Nature (especially granting naturehood to persons), Ecocide laws, Restorative Justice approaches and environmental courts are proposed. Work in education, arts, transdisciplinary research and local community engagement are pre-requisites for success, to shift widespread understandings of human-nature relations, catalyse government action, and facilitate community guardianship roles for all life.

Policy recommendations

- Adopt legal frameworks that **grant "naturehood" to humans** to foster a sense of responsibility and connection towards the environment.
- Clarify the definition of **Ecocide** removing the "wantonness" element to overcome human-nature dichotomies.
- **Combine Rights of Nature, Ecocide, and Restorative Justice with environmental courts** to provide a practical way to re-balance concerns for human and ecological needs.
- Grant 'naturehood' rather than legal personhood to humans, recognising the broader assemblages that co-create life.
- **Invest in educational initiatives, artistic engagements, transdisciplinary research, and support for social movements** to change human-nature relations to ones based on care and reciprocity, give voice to non-humans in governance and generate support for public and governmental action.

Lessons learnt

1. Existing environmental laws and supply chain measures focus on human benefits, neglecting nature's intrinsic value and the interconnectedness of humans and nature.
2. Current legal and policy approaches fail to address the root causes of biodiversity loss, which include human-centred perspectives and colonial modernity that exploit nature and certain peoples.
3. Embracing More-Than-Human thinking and multi-species justice can challenge rigid distinctions between humans and nature, prioritising ethics of care and requiring ontological and structural shifts.
4. Granting legal personhood to natural entities enhances their protection, but current ecocide laws focus on severe damage, neglecting gradual impacts on marginalised communities.
5. Allocating "naturehood" to humans recognises the interdependence of all life and can lead to more effective guardianship of nature.
6. Acceptance of Rights of Nature into legal systems requires societal pressure, governmental leadership, and respect for the rule of law.
7. Building consciousness, social pressure, and educational initiatives are crucial for success.
8. Combining Restorative Justice with Rights of Nature can empower nature and challenge anthropocentric justice.
9. Combining Rights of Nature, Ecocide laws, Restorative Justice, and community engagement can lead to transformative approaches to sustainability and biodiversity conservation.



Context/Introduction

The potential of legal pathways in achieving sustainability transformations that can conserve biodiversity and achieve multi-species justice has not been well studied, especially recent innovations that move beyond human-oriented (anthropocentric) approaches and recognise and value non-humans (plants, animals, micro-organisms, rivers, forests etc). Research by the TCforBE project asked: i) To what extent and in what ways can legal pathways, instruments and mechanisms contribute to sustainability transformations? ii) Which legal pathways have the most transformative potential for achieving multi-species justice?

The study analysed a range of legal instruments and measures using social theory to explore their potential effectiveness. The analysis evaluated how far each legal instrument can achieve transformations – something which requires shifts in economic paradigms and changes in human-nature relations.

Key findings

Existing environmental laws and supply chain legal measures have limitations because they solely focus on the benefits to humans from environmental regulations, neglecting benefits to nature based on its intrinsic value, still less recognising that humans and nature can be conceptualised as intrinsically entangled and co-constituting.

Current legal and policy approaches, while intending to protect biodiversity, often fall short of being transformative, because they do not tackle the underlying causes of biodiversity loss. These include human-centred ways of knowing, being and organising society, and tackling relations of domination (IPBES, 2024), such as the widespread formations of colonial modernity (Quijano, ref; Arora and Stirling, ref). The latter cast nature and certain peoples as resources to be exploited. Land dispossessions of Indigenous Peoples, for example, not only represent damage to often highly effective land governance for biodiversity, but appropriation of land destroys ways of knowing and being and creates emotional traumas from violence and separation from living ancestral lands and associated lifeways.

Contemporary mechanisms such as Human Rights and Environmental Due Diligence (HREDD) and the EU's Regulation on Deforestation (EUDR) seek to work by modifying corporate behaviour within existing capitalist structures and colonial modernity

formations, rather than challenging the underlying causes of socio-ecological damage. Therefore they cannot be transformative, nor assumed to be a step on the path to transformations. Instead, they may act as blockages that essentially advance the status quo, even where some proximate, localised impacts are achieved (e.g. reductions in deforestation).

This research finds that transformative legal strategies embrace More-Than-Human thinking, with multi-species justice as a sustainability goal. Transformative legal strategies challenge rigid distinctions between humans and nature. New social theory and Indigenous and other relational lived ways of knowing and being suggest that nature should not be viewed as a resource for exploitation or as a system coupled with human ones. Rather, they point to human-natures as a process of the co-creation of life in assemblages. Humans are de-centred and the assemblage becomes the focus. Transformative legal strategies prioritise these ethics of care. They are achieved through ontological (ways of understanding and living realities) and structural shifts – including efforts to reshape legal systems and strategies. There are challenges in fundamentally changing legal justice systems that have conventionally separated human and nature rights. New thinking emphasises distributed agency in human-nature assemblages and how these are imbued with independencies and relations through which care circulates. Such obligations of reciprocity and care recognise the role of non-humans in creating life (i.e. plants, animals, rivers, seas) and of living assemblages in having an active voice rather than a passive one – including in governance and legal processes. This represents a pathway to challenge the prevalent capitalist and colonial modernity formations that are driving ecological crises, and social inequalities.

Earth jurisprudence and Rights of Nature are a significant step forward. They grant legal personhood to natural entities to enhance their recognition and protection in decision-making.

The 'Independent Expert Panel (IEP) for the Legal Definition of Ecocide. define Ecocide as: "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" (Stop Ecocide Foundation, 2021). It has some potential to challenge capitalist and colonial modernity relations, but the current inclusion of the "wantonness element" reinforces existing



human-centric priorities and artificially rigid dichotomies between humans and nature.

“Wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated (Stop Ecocide Foundation, 2021). This means that ecocide only occurs when the environmental damage outweighs any anticipated social and or economic benefits to humans. In other words, the cost to the environment is deemed secondary to the benefits of humans.

In addition to legislative and enforcement issues, by focusing on the most severe and widespread instances of ecological destruction, the crime of ecocide fails to recognise the gradual and invisible environmental impacts, which disproportionately affect marginalised and racialised communities (Gonzalez, 2024).

A more transformative approach to Rights of Nature may involve allocating "naturehood" to humans. This approach entangles humans with nature, showing that there is no external nature. It draws upon Indigenous and relational philosophies that respect the interdependence and intrinsic value of all life. By giving people "naturehood" in law, there can be a better balance between humans and other members of Earth's life systems. This can lead to more effective guardianship of nature, especially in contexts where relational philosophies and ethics of care are already guiding communities.

To get Rights of Nature accepted into legal systems requires societal pressure and governmental leadership. This is the first hurdle – arts, education and transdisciplinary action research, and social movements are needed to create the policy window for governmental action.

Implementing Rights of Nature effectively depends on the degree of enforcement and is more possible where there is respect for the rule of law. In situations of ongoing violence and conflict, especially over land and 'natural resources', this can be extremely challenging. Local community representatives acting as nature guardians cannot risk taking corporate actors and vested interests to court and thereby resist the predations of capital and colonial modernities. An example of this is the Atrato River in Colombia, that has been allocated legal personhood and Indigenous Peoples are guardians to give Nature an active voice in the legal process. However, they cannot go to court due to the ongoing violence (Wesche 2021). Rights of Nature can be more effective where there is greater respect for the rule of law.

Local community representatives acting as nature guardians cannot risk taking corporate actors and vested interests to court and thereby resist the predations of capital and colonial modernities. An example of this is the Atrato River in Colombia, that has been allocated legal personhood and Indigenous Peoples are guardians to give Nature an active voice in the legal process. However, they cannot go to court due to the ongoing violence (Wesche 2021). Rights of Nature can be more effective where there is greater respect for the rule of law.

Rights of Nature have been established especially where Indigenous and relational philosophies are embraced and recognised in society at least to some degree. This can also support design and implementation of effective guardianship roles by local community actors.



More work needs to be done to build guardianship practices and the associated onto-epistemological shifts (i.e. changes in ways of knowing and being) – the latter through work in education, the arts and transdisciplinary approaches.

To achieve effective legal mechanisms using Rights of Nature, it is essential to build local community and decision-maker consciousness. This must be supported by social pressure for change and governmental leadership. Additionally, educational and artistic initiatives are needed to cultivate "naturehood" and foster a deeper human-nature relations based on ethics of care.

The latter engagements are especially needed in contexts of intense capitalist and colonial modernities to provoke new ways of thinking and being that transcend current ideas of 'common sense' and to challenge entrenched vested interests.

Further, restorative justice (which brings together the victim, offender and all those impacted by the crime to reach a resolution) has the potential to support transformative change for multi-species justice when combined with Rights of Nature. Recognising that human-nature relations are entangled, restorative justice requires offenders to take responsibility for harms committed against the more-than-human world. It empowers and gives nature a voice and ultimately challenges the anthropocentric nature of justice.

In sum, combining Rights of Nature – especially granting naturehood to persons, rather than legal personhood to nature – with Ecocide laws, Restorative Justice approaches and environmental courts, along with work in education, research and local community engagement to create the conditions for success, have the potential to foster more transformative approaches to sustainability and biodiversity conservation.

References

- Arora and Stirling (2023) Colonial modernity and sustainability transitions: a conceptualisation in six dimensions. *Environ Innov Soc Trans* 48:100733. <https://doi.org/10.1016/j.eist.2023.100733>
- Gonzalez, C.G. (2024). Racial capitalism, climate change and ecocide. *Wisconsin International Law Journal*, vol 41:4:479-519.
- IPBES, (2024) Thematic Assessment of the Underlying Causes of Biodiversity Loss and the Determinants of Transformative Change and Options for Achieving the 2050 Vision for Biodiversity
- Quijano, A. (2000) Coloniality of power and eurocentrism in Latin America. *Int Sociol* 15(2):215-232
- Stop Ecocide Foundation, (2021). Independent expert panel for the legal definition of ecocide: commentary and core text. Stop Ecocide International. Accessed 24 March 2025
- Wesche (2021) Rights of nature in practice: a case study on the impacts of the Colombian Atrato River Decision. *J Environ Law* 33:531-555

About this policy brief

The study is part of the *Transformative Change for Biodiversity and Equity* project funded by the European Union through its Horizon Europe research and innovation programme.

Recommended citation: Banwell, S., Nelson, V. & Dehbi, F. (2025) Transformative legal pathways for biodiversity conservation and sustainability: toward multi-species justice. TCforBE Project Policy Brief No. 1. London, UK. DOI: 10.5281/zenodo.15181018

Policy brief prepared by: Thirze Hermans, Valerie Nelson, Stacy Banwell, Joshua Muhumuza and Adrienne Martin

Read the full paper: <https://doi.org/10.1007/s11625-025-01627-5>

Contact

Stacy Banwell
s.l.banwell@greenwich.ac.uk

Valerie Nelson
v.j.nelson@greenwich.ac.uk

Learn more about TCforBE: <https://bit.ly/4ioZfN3>



TCforBE Project