THE RIGHTS OF NATURE. A NEW PARADIGM (I)

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ABSTRACT:*Despite the proliferation of environmental legislation, the destruction of the natural world persists and even worsens. We think that, an essential reason for this situation is that most normative frameworks treat nature as an object, and thus tend towards an approach that does not protect the environment but leads to the commercialization of nature's ecosystems.*

It is becoming increasingly clear that the current environmental regulations are the result of the dualistic, mechanistic and anthropocentric vision, according to which humanity is the master and owner of nature, so that environmental law remains seriously anchored in its philosophical preconceptions, maintaining over time the unwavering belief of private property as the sole guardian of the environment, of the idea that nature must be protected and valued only from the perspective of its usefulness. (Armstrong, 2012) (Gutwirth, 2001) (Darpo, 2021)

That is why the recognition of the Rights of Nature together with the Human Rights aims to change this paradigm. One positive aspect, even if only at the discourse and political level, is that, in the last period it is observed that the anthropocentric approach that commodities ecosystems is increasingly questioned, while the holistic, dynamic and multidimensional approach, which allows the support and protection of nature, is gradually emerging.

In this paper, we will present and analyse how the recognition of the Rights of Nature together with Human Rights can lead through changing the old paradigm. And the reason why the anthropocentric approach of nature and ecosystems as commodity is frequently questioned, in contrast to the holistic, dynamic and multidimensional approach, which allows the support and protection of nature.

The Rights of Nature aim at a complete overhaul of the legal order regarding the old paradigms and the recognition of the dignity of the natural world. Despite serious criticism, nature is becoming, slowly but surely, the subject of full rights, rights considered as not affecting human rights, but only complement logic, as the protection of nature is ultimately limited to the people's protection, the present and the future of mankind.

The Rights of Nature involve a new approach of environmental law, through which the nature no longer expresses the set of resources that can be used by humans, but a living subject that possesses its own interests and rights.

We point out that the issue of claiming the Rights of Nature arose in the international arena in the context of the Rio+20 Ecological Summit, under the impetus of the Bolivia initiative

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at the end of 2011, materialized in the proposal entitled " Rights of Nature", an approach in full compliance with other significantly international documents and texts (such as: the World Charter for Nature from 1982, the Rio de Janeiro Declaration from 1992, the Earth Charter adopted in 2000, the People's Summit on Climate Change and Mother Earth's Rights to Cochabamba in 2010. Of course, the issue of claiming the Rights of Nature was taken over by a lot of social movements, but also vehemently rejected and considered to be incompatible with an emancipatory project, then materialized at the level of normative acts and jurisprudence.

In this paper, we will examine the status of the Rights of Nature, trying to identify a number of central themes, unifying principles, and relevant distinctions of how the discourse on these rights has been sustained in law, philosophy, and the social sciences field.

KEYWORDS*: Rights of Nature; environment protection; subject of law; climate change.*
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1. SOME DOCTRINAL APPROACHES

The scientific literature on the environment field suggests that the planet has reached a "point of no return" and that humanity is approaching safely and dangerously those extreme boundaries called "planetary boundaries", beyond which, according to researchers, is collapsing. It is becoming increasingly clear that humanity is moving toward sudden, subtle, drastic, irreversible, and uncontrollable changes in current living conditions, changes that can be catastrophic not only for humanity but for much of life on Earth. (Steffen&others, 2015) (Dogaru & Kajcsa, 2021)

To such an apocalyptic scenario of the global ecosystem, the ecosystems do not have the ability to answer to the disturbances gradually and proportionally, so there is a break of invisible borders, a phenomenon that can cause a sudden collapse.

This magnitude of current ecological crisis is noted by experts, scientists and established climatologists, who show that anthropogenic activities are the ones that decide the balances, that human pressures or influences and climate change can irreversibly change the global ecosystem and can severely disrupt global animal and plant communities, as well as essential environmental elements (such as water, soil, air, food). (Barnosky & others, 2012) They all argue that an improvement in this forecast can be achieved both by detecting early warnings of global and local critical changes, as well as by addressing the root causes of how people determine climate change.

Most authors believe that the current environmental crisis is related to the un-naturalistic dimension of our society, to the proximity and excessive exploitation of nature. And the current realities clearly show that technical solutions are not able to provide a sufficient long-term answer because, the world condition is above all, a symptom of cultural dysfunction that promotes the understanding of nature as a commodity.

Of course, based on such findings, under the pressure of ecological urgency, a lot of myths about infinite economic development or life-saving technologies have come to be seriously questioned. (Dogaru & Kajcsa, European Union Strategies and policies in the Current Context of Technologization, 2022) Thus, a necessary solution seems to be that of legal regulation, more precisely, a serious environmental legislation reconsidered in the light of these new circumstances, and adapted to the reality of the environment.

The idea according to which the humanity has obligations in relation to the environment, obligations concerning the conservation, sustainable development, protection and improvement of this common heritage of humanity (Duţu & Duţu, 2014) (Mitroi, 2019), has been increasingly supported and argued not only in terms of environmental policies, but also at the doctrinal and jurisprudential level.

This, of course, starts from the thesis according to which any obligation involves a correlative subjective right, so that some rights could be consecrated to the environment in relation to humanity. For such a reason, it is considered that it is possible to recognize the legal capacity for the environment or nature, as a common heritage of humanity, namely to become a subject of law. (David, 2012) (Cabanes, 2016) (Flipo, 2007)

It has become increasingly clear that societies have permanently validated the perpetual belief that people must behave like the masters and owners of nature and the earth. Thus, the goods that person can use and exploit jointly, have been subject to the rule according to which, what is common for the largest number receives little care, because the individual is prone to take more care of his private goods and not of the common ones. Here's how, the common property was neglected, and the private property remained the only solution for the conservation of the environment, holding the ecological function and even being considered a true "guardian of nature". We can mention in this context, the opinion of Liberal Ecological School according to which well-defined property rights allow economic agents to remedy negative externalities, precisely, the undesirable effects of their economic activity, such as pollution or overexploitation of natural resources.

In the following, we will try to draw some criticisms that have been formulated in doctrine over time about the concept of the right of nature, which is considered by many specialists to be individualistic and even inappropriate to the nature or environment.

From the beginning, relating to such doctrinal criticisms of the rights of nature, we recall the one that argues that such subjective rights attributed to nature are in fact a way of deifying the Earth and at the same time denying human autonomy, the primacy of the natural following the primacy of person. (Jégouzo, 2004) Other more pragmatic criticisms, which consider that it is not possible to implement these rights, or even that this would be absurd, are grounded on the idea that only man has enough subjectivism to be entitled to rights, and the nature which can neither express itself nor invoke or plead, cannot claim rights just as it cannot have any correlative obligations.

Therefore, such an objection is based on the idea that legal personality is an institution with an exclusively human figure, an institution designed on the model of a natural person. (Harribey, 2012) On the basis of such a critique, but also taking into account the spirit of current law, it could still be considered that, if nature cannot be conferred the status of a subject of law, it is absolutely necessary to establish human duties aimed at its respect.

Of course, there are also authors who support the idea that nature wants the recognition of its rights although it has no correlative obligations, as the individual has, as a subject of law, as a holder of subjective rights and correlative obligations. And that the rights of nature can exist only in the interaction of person with the living beings to whom obligations are also imposed.

According to other more flexible opinions, which have been formulated on legal personality, this quality can be granted to companies or associations, in their capacity as subjects of law which are claimed not to have more expressive capacity than nature. We all know that the legal person is an abstract, fictitious notion, and that it has subjective

rights and correlative legal obligations. However, it can take legal action and defend its interests only through natural persons. Moreover, the legal person does not have the same attributes like the natural person, because its rights are adapted to its specificity, so that we come to the logical conclusion that legal personality is that exclusive legal construction which does not exclude as a principle, everything that does not fall within the individual subject of law. (Shelton, 2015)

According to other points of view, it is impossible to identify the interests of nature if it cannot express them, because objects do not have the capacity to communicate their will. And that no entity can have rights if it is unconscious, nor can it have objective desires and interests. (Sagoff, 1974) In such a case, there are authors who believe that only from an ecosystem perspective can be considered that the ecosystem has the right to balance, regeneration, non-destruction and resilience, so that the protection of its components (animal and plant species or other elements), occurs as constituent parts of the ecosystem. (Cullinan & Falstrom, 2008) In addition, the recognition of the Rights of Nature does not involve isolated and extracted elements of their ecosystem function, but rather relationships and interconnections that take place between certain entities, including humans. There are, of course, many who believe that nature and respect for its rights are nothing more than a restriction on human autonomy, a restriction of the freedom of persons, something that forces them to take into account natural contingents. (Burdon, 2010) Opinions that are largely contested by other authors who argue that nature is by no means a constraint but a positive capacity for a life in balance with the natural world, and that human autonomy is correlated with its environment, so that the rights of nature do not express a denial of fundamental human rights and freedoms but, on the contrary, a reinterpretation of them in order to conserve the biosphere. And, people are not limited in their actions and decisions, nor are they subject to a natural order, they just have to learn to act to allow the sustainability of the biosphere of which they are part and on which they depend. (Flipo, Pour des droits de la nature, 2012)

One conclusion that can be drawn is that the rights of nature reinforce the importance of human rights, as they are a necessary condition for the development of a greater number of human rights strictly dependent on healthy ecosystems. It turns out that biodiversity and human rights are interdependent, as the exercise of human rights depends on healthy ecosystems and biodiversity, and on the other hand, the loss of biodiversity has the consequences of weakening humans' ability to enjoy their rights. This designates the recognition by humans of the value of nature precisely by the recognition of their own rights. (John Knox, 2017)

If we consider other doctrinal approaches (Dogaru, Dreptul mediului, 2nd Edition, 2020), even the right to a healthy environment is protected only by the implementation of other more well-established human rights, which is in fact, the essential condition for their exercise (Dogaru & Kajcsa, Manual terminologic de dreptul mediului, 2021). The interdependence between humans and their environment, the connection between environmental protection and human rights, is obvious if we consider the effectiveness of the right to life and physical integrity, the right to human dignity and others, by guaranteeing the possibilities of living in a physical and biological environment that is compatible with ecological tolerances close to humans. We recall in this context that the jurisprudence of the European Court of Human Rights recognizes the right to a healthy environment only indirectly (so-called protection by "ricochet"), that means through the

perspective of other fundamental human rights, although more and more the autonomy of this right is invoked and stated at the level of international documents, global and national environmental policies but also at the doctrinal level (May & Daly, 2019) (Lambert, 2020).

In conclusion, regarding the use of human rights as a tool for environmental protection, starting with the giving up of the myth of human separation from the rest of the biosphere, human rights can be used to protect all ecosystems, as rights that protect people from environmental degradation. Only by using the way of human rights, humans' well-being can be linked to that for the rest of their lives, and the benefit of a resilient Earth can be assured for future generations (Lewis, 2018) .This approach is obviously in contrast to those views which hold that claiming the rights to nature is not part of the classical repertoire, and that it leads to eco-centrism, being contrary to the humanism of rights (Hermitte, 2011).

In our opinion, all the issues that have arisen in the doctrinal space in connection with the assigning of the right of nature, have been generated especially, by an inadequate attention with reference to the need of conservation and protection the global ecological environment to whom people belong and on whom their existence and well-being depend entirely, at present and in the future.

2. NATURE AS A SUBJECT OF LAW AND THE EMERGENCE OF AN ECOLOGICAL SYSTEM (Duşcă, 2020)

In order to meet the current challenges of recognizing the specific rights of nature, it is necessary to rethink the deepest legal categories. In such a context, we also argue that nature must be protected by all legal means, because it represents not only a source of goods but also it is a very important harmonious and fragile system of which human life itself is a part.

In the following, we will try to expose the founding sources of the claim of the specific rights of nature, followed by a brief presentation of the reforms and initiatives that recognize them, as well as an analysis of these legal efficiencies by proving an interest.

In order to answer the question that frequently arises, namely that of the idea of making nature a subject of law, but also to clarify this issue, it is necessary to identify the three main sources or influences, namely, philosophical, legal and cultural. We must point out that these sources are closely linked and therefore must be understood holistically without making divisions that are meaningless.

Most of philosophical currents are based on the idea of eco-centrism (Abate, 2019) (Dogaru & Kajcsa, Manual terminologic de dreptul mediului, 2021). Starting from the dualism human-nature, they state that the current ecological crisis proves the fact that humans are separated from and superior to the natural world, a context that can lead to stalemate and to a loss of connection with nature and the challenge of excesses generated by the unlimited needs of humans and their domination. Or, this so-called humanism of domination is the one which has gradually but surely led to the threat to the security of the planet and to the survival of humanity (Mireille Delmas-Marty, 2015). Other currents and schools start from the fact that the entire nature is no longer a simple resource, but a real purpose, an intrinsic own value, and people are only stakeholders in a global system.

Gradually, there has been generated a movement of jurisprudence of nature, of the earth, which promotes a mutually beneficial system for the communities that must share

their common goods and ecosystems in a healthy and sustainable way (Berry, 2000). Of course, not only such relationships are promoted within the biosphere, relationships in which the humans must recognize themselves as responsible members of an extended moral community and not as dominators, but also the need for laws able to reflect biophysical realities (Maloney & Siemen, 2015).

The legal sources or influences appeared as an answer to the philosophical currents, and these aim mainly at rethinking the legal categories as well as recognizing the rights of nature. Of great importance will be the first International Conference on the Environment, held in Stockholm in 1972, which shook the political, doctrinal and jurisprudential world in matters of environmental protection and conservation, and which designated the moment when the idea of recognizing nature legal capacity has taken root (Zabalza, 280). We recall in this context that the Environmental Declaration adopted in Stockholm in 1972 and later in Rio in 1992 based the concept of the responsibility of future generations, a concept that promotes intergenerational equity. Thus, it has been established for present and future generations, the duty to safeguard the environment and planet's resources, correlative to the right to benefit in a similar way from the condition, possibilities and characteristics of Earth planet. The rights and obligations of the present generations appear to be transitory, because they are required to pass on to the next generations the same benefits inherited from their predecessors. Thus, this phenomenon can be considered a partnership between generations, through which the classic legal responsibility is replaced by the future-oriented responsibility which involves a set of behavioural rules in relation to other law subjects and nature.

The famous essay of Christopher Stone (Stone, 2010), published in 1972, by which he defends the idea of recognizing legal rights over nature, it is a true founding act of the consecration of nature as a subject of law. The American lawyer argued that the courts must give legality to the guardians in representation of nature's rights, similarly with the legality that is granted to the guardians in the representation of children's rights. And in order to make this possible, the law must enshrine the fact that nature is not just a set of objects that can be owned, but it is a subject with legal rights that has the possibility of representation in court for their exercise. This article was invoked in the famous judgment in the case *Sierra Club v. Morton* of 1972, in which the court showed that: "the concern of the contemporary public to protect the ecological balance of nature should leads to the granting of rights to environmental objects to act for their own conservation". In addition, in the content of the court decision it is stated that a federal law should be enacted to allow environmental issues to be brought before federal agents or courts in the name of the inanimate object that can be harmed.

However, in his study, C. Stone acknowledges the existence of some conceptual and procedural issues that may arise as a result of the recognition of rights for inanimate natural objects. Thus, starting from an analogy made between trees and corporations, the author shows that both individuals and corporations have and own natural objects, but private ownership of a corporate entity is totally different from ownership of a natural object because the dissolution of a corporation rarely affects general interests that come into conflict with private interests. Instead, the destruction of natural objects concerns more people than their owners. Therefore, just as the recognition of legal status that allows of a corporation to act in justice or be sued is to the benefit of its owners, just like that the recognition of legal status of inanimate natural objects can benefit people whose interests

are contrary to the interests of the owners of natural objects. With regard to the recognition of the rights of a natural object, this would imply that the courts must strike a balance between the interests and rights of that object and those of a person relating to that object. And in such situations, the guardian of the natural object is the one obliged to describe the final benefits of the object and the human interests in its protection. Finally, the third issue that the author presents in his study is that the guarantee of rights to natural objects will not be able to ensure a real protection of public rights and public interests in their use.
Although Stone's theory has not been sheltered from discussion and criticism, his idea of recognizing nature's rights has been included in a number of environmental documents and national laws.

3. PROMOTING THE RIGHTS OF NATURE. ARE THESE RIGHTS A NEW ELEMENT IN INTERNATIONAL RELATIONS?

As mentioned before, recognizing Rights of Nature means that all human activities and developments must not interfere with the ability of natural ecosystems to absorb their effects, to regenerate their natural capacities and at the same time to evolve, but it requires for responsible actors to be fully responsible for negative impacts generated on Earth systems. And yet, the majority of the world's legal frameworks are based on treating nature as property, meaning that all natural factors and resources are seen as simple objects to be sold and also to be consumed. But, the influence exerted by the doctrine more and more in the sense of recognizing the quality of law subject to nature, both in the legislative and jurisprudential framework, has been not only relevant but very necessary (Atus & Read, 2016) (Michelle, 2017).

Therefore, it is worth mentioning that the first regulations that established the legal structures that have recognized the Rights of Nature were adopted since 2006 in some American states.

In September 2008, Ecuador became the first state in the world which recognized the rights of nature in its Constitution, in Chapter seven entitled Rights of Nature, articles 71-74. Right from the beginning, it is stipulated "the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes". Taking the aforementioned aspects into consideration „all persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature" and „the state shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem" (Flipo, Pour des droits de la nature, 2012). Article 72, recognises its restoration and provides that "in those cases of severe or permanent environmental impact, including those caused by the exploitation of non-renewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences". The constitutional text continues with rules regarding the need of limitation or prevention of activities that might lead to species extinction or negative effects on ecosystems or natural cycles. In the end it is recognized that persons, communities, peoples, and nations have „the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living".

Although without constitutional power, the Bolivian state also adopted in 2010 the Law of the Rights of Mother Earth, representing a creative vision to put into law a system that preserves the biological foundations of life. Declaring both Nature and life-systems as holders of the inherent rights specified in the law, the law enumerates seven specific rights to which Mother Earth and her constituent life systems, including human communities, are entitled: right to life, right to the diversity of life; right to water; right to clean air; right to equilibrium, and the right to the effective and opportune restoration of affected life systems; right to live free of contamination.

Another example that needs to be pointed out is that New Zealand, although not formally adopting the rights of nature in its constitutional or statutory law, has nevertheless enshrined the inherent rights of nature by granting legal personality to glaciers and to some rivers. For the Rio + 20 International Conference (Nations Conference on Climate Change and Mother Earth's Rights, 22 April 2010, Cochabamba, Bolivia) (Pietari, 2016), the Bolivian and Ecuadorian proposals were put forward in October 2011, proposals which identified "new" and "emergency" environmental issues and calls for the proclamation of a Universal Declaration of the Rights of Nature.

The Cochabamba project states, among other things, that just as humans enjoy rights, the same way, the other beings on Mother Earth have rights specific to their conditions, role and function in the communities in which they exist. And the rights of each being are limited by the rights of other beings, and the conflict between them must be resolved so that the integrity, balance and health of Mother Earth continue to exist.

This extremely important international document, called the Universal Declaration of the Rights of Mother Earth (Charter Mother Earth), contains significant provisions regarding the rights of nature, even from its Preamble, as follows: We, the peoples and nations of Earth: considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny… proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world".

Interesting is the first article of this document, which declares Mother Earth as a living being, a community of interrelated beings that sustains, contains and reproduces all beings. A number of inherent or intrinsic rights are enshrined in it (for example: *article 2 - Inherent Rights of Mother Earth***,** of which we mention: the right to life and to exist; the right to be respected; the right to regenerate its bio-capacity and to continue its vital cycles and processes free from human disruptions; the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being; the right to water as a source of life; the right to clean air and to integral health; the right to be free from contamination, pollution and toxic or radioactive waste; the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning; the right to full and prompt restoration for violation of the rights caused by human activities. In relation to the established rights, Article 3 also indicates the obligations of human beings,

nations and institutions in relation to Mother Earth, such as: the obligation to respect and live in harmony with Mother Earth; the obligation to behave in accordance with the rights and obligations recognized by the declaration and to recognize and promote the implementation and application of the rights and obligations recognized; the obligation of education in the sense of living in harmony with nature; the obligation to establish and enforce rules and laws aimed at respecting, protecting and preserving the rights of Mother Earth; the obligation to ensure that the damage caused by the violation of these rights is recovered, and that the those responsible are held accountable; the obligation to promote and support practices of respect for Mother Earth and all beings, in accordance with their own cultures, traditions and customs.

The Declaration thus formulated, gained a lot of adherents not only from other states, but gradually also from the doctrine, even if in the establishment of these rights and in their application a lot of discussions and controversies were expressed, but also pertinent ideas (Sheehan, 2015) (Acosta, 2010). Some adherents of the idea that the nature should be considered as a subject of law, trying to justify discussions on this topic, pointed out that the state has also been the subject of heated discussions regarding its quality as a subject of international law, this being only a fiction, an instrument in the promotion of the collective interest, whose acts are also carried out through people.

We believe that the consideration by some authors of the granting of specific rights to nature, as a new approach to environmental legislation that conceptualizes the natural world as entitled to protection and not only as a benefit to humans (Colon-Rios, 2014), was especially determined by the failure of the anthropocentric model of environmental protection.

In such a context, the case law on environmental protection has taken its place and judges in most cases, leaned toward the legal protection of the rights of nature, to prevent environmental contamination and to request immediate remedies, to promote environmental sustainability and to consider environmental damage as generational damage, which affects both present and future generations (Maloney & Burdon, Wild Law-In Practice, 2014).

Cleary, Bolivia's position indicates a continuity that began with the World Charter of Nature adopted by the United Nations in October 1982. This relevant document, considered fundamental to environmental responsibility, although it does not refer to "Rights of Nature", promotes similar concerns and proclaims principles aimed at respect of nature, conservation, protection and non-alteration and also the use of ecosystems and environmental resources in a sustainable manner. In fact, the Environmental Declaration, adopted in Rio de Janeiro in 1992, does not reveal any right of nature, but provides for the need to preserve the integrity of the terrestrial ecosystem, sustainable and equitable use of resources, maintaining certain order of the whole in relation to its parts, being identified the idea of a dignity of nature that must be protected. Among the few crucial principles set out in this Ecological Summit characterized by the absenteeism of the main people responsible for the planet situation, we also mention that of the common but differentiated responsibilities of the states.

4. CONCLUSIONS

Rights have always been the main tool in addressing power imbalances. And human and business rights have long been in conflict with the rights of nature, as evidenced in

many ways by the aggressiveness of corporations in suing governments on the grounds that they seek to protect people or nature, to the point of monetizing ecosystems through creation of titles to various functions of nature to ensure cash flows as tradable on the capital markets (Dogaru & Kajcsa, Interrelationship between Globalization and Environmental Protection, 2011). Or, it is clear that such misconduct (such as biodiversity compensation, which assumes that interconnected living ecosystems are as interchangeable as money), are trends that can lead to ecological collapse. Thus, considering nature as an independent stakeholder represents a strong counterbalance to such trends, empowering people and governments to sustain nature for the benefit of present and future generations.

Certainly, this article does not exhaust the complex issue of the rights of nature, which benefits from a multitude of arguments in the sense of recognizing these rights, but also from objections, with reference to the fact that such recognition is considered to lead to the limitation of human freedom (Chilton & Jones, 2020) (Boyd, 2017).

A noticeable aspect is that the human being is obliged not to consider nature as a simple object, of course, without being forced to sanctify the whole of nature, in the sense of remaining with it in an instrumental relationship. The rights of nature must not be recognized to the detriment of human rights, but must be articulated with them, yet without replacing them, and human freedoms must be rethought in relation to the ecosystems on which humans depend (Dogaru, Preserving the right to a healthy environment: European jurisprudence, 2014). Because humans are inseparable from the rest of the biosphere, all the rights that protect them from environmental degradation include obligations to protect the ecosystems and species on which life on Earth depends. And in order to link human well-being to that of the rest of their life and, for future generations to benefit from a resilient and sustainable Earth, fundamental human rights must be intertwined with the fundamental rights of nature.

As it is also the case with human rights, the rights of nature can be opposed to the poor and not to the rich, just as they can be opposed to the polluters and the exploiters when forcing them to reduce their activity. We could even say that they have a remarkable declarative and discursive value. At the same time, the modernity or anti-modernity of these rights facilitates the start of a perpetual global dialogue, of environmental policies that can be contradictory and often impossible to implement.

REFERENCES

Abate, R. (2019). An Anthropogenic Problem That Requires an Ecocentric Solution. *Climate Change and the Voiceless Protecting Future Generations, Wildlife, and Natural Resources*, 1-16.

Acosta, A. (2010, August 24). Toward the Universal Declaration of Rights of Nature Thoughts for action. *AFESE Journal* , pg. 14-16.

Armstrong, A. (2012). *Ethics and Justice for the Environment.* London: Routledge.

Atus, M.-R., & Read, R. (2016). The Rights on Nature must be recognised in Law. *Ecologist.*

Barnosky, A. D., & others. (2012). Approaching a state shift in Earth's biosphere. *National Library, Medicine*, p. 486.

Berry, T. (2000). *The Great Work: Our Way into the Future.* Random House Press.

Boyd, D. (2017). The Rights of Nature: A Legal Revolution That Could Save the World. *Publishers Weekly*, pg. 35-72.

Burdon, P. (2010). The rights of Nature: Reconsidered. *Australian Humanities Review*.

Cabanes, V. (2016). *Un nouveau droit pour la Terre. Pour en finir avec l'écocide.* Paris: Editeur Threshold-Seuil.

Chilton, M., & Jones, S. (2020). The Rights of Nature and the Future of Public Health. *American Journal of Public Health*.

Colon-Rios, J. (2014). Constituent Power, the Rights of Nature, and Universal Jurisdiction. *McGill Law Journal,*, 127-172.

Cullinan, C., & Falstrom, A. (2008, February). If Nature Had Rights. *Orion Magazine*.

Darpo, J. (2021). *Can Nature Get it Rights? A Study on Rights of Nature in the European Context, Policy Department for Citizens' Rights and Constitutional Affairs.* Bruxelles: European Parliament.

David, V. (2012). La lente consécration de la nature, sujet de droit, Le monde est-il enfin Stone? *Revue Juridique de L'Environnement*, 474.

Dogaru, L. (2014). Preserving the right to a healthy environment: European jurisprudence. *Procedia Social and Behavioral Sciences* (pg. 1346-1349). Springer.

Dogaru, L. (2020). *Dreptul mediului, 2nd Edition*. Bucharest: Pro Universitaria Publishing House.

Dogaru, L., & Kajcsa, A. (2011). Interrelationship between Globalization and Environmental Protection. *Journal de L'Europe Unie*.

Dogaru, L., & Kajcsa, A. (2021). *Manual terminologic de dreptul mediului*. Bucharest: Pro Universitaria Publishing House.

Dogaru, L., & Kajcsa, A. (2021). The globality of climate change - between ecological thinking, policies and strategies. *Proceedings of the International Scientific Conference Globalisation, Intercultural Dialogue and National Identity, GIDNI,* (pg. 54-61). Tg-Mures: Arhipelag XXI Press.

Dogaru, L., & Kajcsa, A. (2022). European Union Strategies and policies in the Current Context of Technologization. *The 15th International Conference Interdisciplinarity in Engineering* (pg. 307-315). Tg-Mures: Springer International Publishing.

Duşcă, I. A. (2020). Natura ca subiect de drept. *Law Review*, 40-44.

Duţu, M., & Duţu, A. (2014). *Dreptul mediului.* Bucharest: C.H. Beck Publishing House.

Flipo, F. (2007). *Justice, nature et liberté. Les enjeux de la crise écologique.* Lyon: Parangon.

Flipo, F. (2012). Pour des droits de la nature. *Revue La Découverte, Mouvements*.

Gutwirth, S. (2001). Trente ans de théorie du droit de l'environnement:concepts et opinions. *Revue Environnement et Société*, 8.

Harribey, J.-M. (2012, January). La nature sujet de droit:une fiction, un mythe fondateur pour changer la réalité? *Mouvements,*.

Hermitte, M.-A. (2011). La nature, sujet de droit? *Annales. Histoire, Sciences Sociales*, 173-180.

Jégouzo, Y. (2004). L'évolution des instruments du droit de l'environnement. *Editions Pouvoirs*, pg. 24-25.

John Knox. (2017). *Annual Report: Biodiversity and Human Rights and Country Visit to Madagascar, Human Rights Council.*

Lambert, E. (2020). *The Environment and Human Rights, Introductory Report to the High-Level Conference Environmental Protection and Human Rights.* Strasbourg.

Lewis, B. (2018). *Environmental Human Rights and Climate Change. Current Status and Future Prospect.* Springer.

Maloney, M., & Burdon, P. (2014). Wild Law-In Practice. *Routledge Law, Justice and Ecology Series*.

Maloney, M., & Siemen, P. (2015). Responding to the Great Work: The Role of Earth Jurisprudence and Wild Law in the 21st Century. *Earth Jurisprudence & Environmental Justice*.

May, J., & Daly, E. (2019). *Global Judicial Handbook on Environmental Constitutionalism, 3rd Edition.* UNEP.

Michelle, B. (2017). We need rights of Nature legislation now to protect our home Planet. *Ecologist*.

Mireille Delmas-Marty, o. (2015). *Des écocrimes à l'écocide: Le droit pénal au secours de l'environnement, 1re édition*. Bruxelles: Bruylant.

Mitroi, C. R. (2019). *Regimul juridic internaţional al protecţiei atmosferei.* Bucharest: Hamangiu Publishing House.

Pietari, K. (2016). Ecuador's Constitutional Rights of Nature: Implementation, Impacts, and Lessons Learned. *Willamette Environmental Law Journal*, 39-41.

Sagoff, M. (1974). On Preserving The Natural Environment. *The Yale Law Journal*.

Sheehan, L. (2015). Implementing rights of Nature through sustainability bills of Rights. *New Zeeland Journal of Public and International Law*, 99-102.

Shelton, D. (2015). Nature as a legal person. *VertigO - Revue électronique en sciences de l'environnement*.

Steffen&others, W. (2015). *Planetary Boundaries: Guiding human development on a changing planet,*. Stockholm: Stockholm Resilience Center, https://hdl.handle.net/10568/53095.

Stone, C. D. (2010). Should Trees Have Standing?Law, Morality and The Environment,. *Southern California Law Review*, 450-501.

Zabalza, A. (280). *La Terre et le Droit: du droit civil à la philosophie du droit.* Bordeaux: Editions Bière.