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Rights of Nature, Intercultural Respect, and Climate Change

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ABSTRACT

From a traditional environmental ethics perspective, rights of nature are linked to debates about nonanthropocentrism because they give legal force to the idea that nature has intrinsic moral value. However, we claim that the emergence of Indigenous-led rights of nature initiatives shows that intercultural respect is also an important aspect of this issue. Supported by an example involving an Indigenous nation in Peru, we explain how intercultural respect encourages greater engagement between Western and Indigenous philosophies. On this basis, we advance an argument that a river can be a living being with interests of its own. We also explain how intercultural respect is helpful for understanding the relationship between rights of nature and climate change. In general, our contention is that rights of nature should be understood in the context of efforts to counteract the *disrespect* of marginalized groups commonly found in environmental injustices.

1. INTRODUCTION

As the mainstem source of the Amazon River, the Marañón River is of unquestionable importance to rainforests known as "the lungs of the Earth" and, consequently, to avoiding the worst effects of climate change. But the Marañón River is also threatened by deforestation, mercury contamination from gold mining, and oil spills from leaky pipelines (Kamphuis and Kelly 2022). These impacts resulted in a lawsuit in Peru demanding that the Marañón River be recognized as a living sentient person with legal rights (Warner 2024). The organization leading this legal action was *Huaynakana Kamatahuara Kana*, or the Federation of Indigenous Kukama Kukamiria Women, whose members represent a number of communities along the Marañón. In October 2024, a Peruvian appellate court ruled in favor of the suit, declaring the Marañón River

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to be a holder of legal rights (Corte Superior de Justícia Loreto 2024). The Marañón River case is just one example of Indigenous leadership in rights of nature (RoN) initiatives (Corrigan and Oksanen 2021; Gilbert et al. 2023). In this article, then, we explore relationships between RoN, intercultural respect for Indigenous Peoples, and climate change.

Although RoN has enthusiastic supporters (Boyd 2017), it has also been the target of extensive criticism from several angles. One influential objection is the *no interest argument*, which aims to show that ecosystems like rivers and rain forests cannot be ascribed legal rights because they lack interests (Baard 2021; Cahen 1988; Kurki 2022; Williams 2025). According to the no interest argument, ecosystems lack necessary conditions for possessing interests, like sentience or goal-directedness. A river cannot feel pleasure or pain, the thinking goes, and it is directed towards no purpose—it just *is*. Given the no interest argument, since natural entities like rivrs cannot suffer harms or enjoy benefits, they cannot be genuine holders of legal rights.

In contrast, Indigenous moral ontologies often ascribe features like goal-directedness and sentience to natural entities like rivers. For the Kukama Kukamiria, the Marañón River is a living sentient person inhabited by a variety of spirits. Philosophers who debate the no interest argument are aware of similar Indigenous perspectives, with the Māori view of rivers as spiritual beings often cited as an example (Kurki 2022). In our view, environmental philosophers have much to learn from Indigenous views such as these. However, no philosophical discussion of RoN we know of seriously engages with Indigenous perspectives on this matter, and some explicitly limit attention to proposals couched in secular, Western scientific terms (Cahen 1988). Neil Williams (2025) considers the possibility of engaging with Indigenous ontologies, but suggests that doing so would be "a monumental philosophical task" and does not pursue the matter.

We view engagement with Indigenous philosophies related to RoN as an ethical and epistemic responsibility. Ethically, it helps to disrupt the colonial practice of marginalizing Indigenous Peoples and their worldviews, and it is epistemically virtuous because it takes advantage of an opportunity to learn from Indigenous ecological philosophies (Ross 2020). Due to this commitment, we approach the subject from the perspective of intercultural respect (Vásquez-Fernández et al. 2021). One important aspect of intercultural respect is curiosity, which entails a willingness to learn *about* and *from* cultural views and practices that differ from one's own. Consequently, we discuss the Kukama Kukamiria's view of the Marañón River as a living sentient person in connection with the no interest argument. Since these perspectives rest on fundamentally differing moral ontologies, this comparison requires explaining how intercultural respect can facilitate useful engagement. Given this basis, we propose an argument that the Marañón River is a living being. Our argument is couched in secular terms, like "goal-directedness," but we explain how it parallels Amazonian philosophy at several key points. Thus, our argument shows, for a Western philosophical audience, how Amazonian Indigenous philosophies are relevant to RoN.

Next, we make the case that intercultural respect matters for the connection between RoN and climate change, distinguishing two possible approaches. One approach is to see RoN as an instrument for promoting climate action, while the second is to see RoN as part of a philosophical shift that coevolves with a renewable energy transition. Regarding the first, we explain that RoN has the potential to protect carbon sinks and internalize negative environmental externalities if implemented appropriately. Regarding the second approach, we explain that energy transitions can involve changes to laws and social norms and that there are good reasons to explore new legal strategies to prevent environmental injustices in a renewable energy transition. In both cases, we explain that RoN can be a part of efforts to push back against intercultural *disrespect* of Indigenous lives and cultures.

Overall, we argue that intercultural respect is essential for understanding the relationships between RoN, climate change, and environmental justice more broadly. Our discussion is

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organized as follows. Section 2 introduces the concept of legal rights of nature and the growing role of Indigenous Peoples in this domain, illustrated by the Kukama Kukamiria's efforts to establish legal rights for the Marañón River. Section 3 dives into arguments about whether legal rights can be legitimately granted to natural entities like rivers. In 3.1, we contrast arguments that ecosystems cannot be genuine holders of legal rights because they lack interests with the Kukama Kukamiria view of the Marañón River as a living sentient being. Then in 3.2 we introduce intercultural respect and explain its relevance to debates about RoN. And in 3.3, we propose an argument that the Marañón River is a living being whose interests merit protection with legal rights. Section 4 explores the relationship between intercultural respect, RoN, and climate change. Finally, section 5 concludes by recapping our argument, noting its limitations, and suggesting further lines of research.

2. BACKGROUND ON RIGHTS OF NATURE

While the origins of RoN are complex (Boyd 2017; Tănăsescu 2022), we start from Christopher Stone's article "Should Trees Have Standing?—Toward Legal Rights for Natural Objects" (Stone 1972). In his article, Stone emphasizes that the scope of who and what is recognized as having legal rights has broadened throughout history to include entities, like corporations and states, that do not correspond to any human individual, thereby raising the question of whether natural entities like rivers and forests can have legal rights too.

Stone claims that for an entity to be a holder of legal rights, it must be possible: (1) to bring legal actions on the entity's behalf, (2) for legal decisions to consider injury to the entity itself, not merely to third parties, and (3) for legal relief to benefit the entity (Stone 1972, 458). Stone explains that, at the time of his writing, natural entities like rivers were not holders of legal rights under US law. For example, legal action to protect a river from pollution would have to be initiated on behalf of humans who were harmed by that pollution, and only injuries to humans would matter to the court in decisions about granting legal relief. Yet Stone argues that natural entities have interests of their own, can thus suffer injuries and enjoy benefits, and can even communicate their interests (1972, 471). As discussed below in section 3, whether natural entities have interests is a central question in disputes about whether they can have rights.

Stone explains that enacting legal rights of nature would require representatives who pursue legal actions on the natural entity's behalf. He argues that this is no different than legal guardianship for people who are incapacitated or legal representation for entities, like corporations, that are not identified with an individual human person. Stone advances several arguments for extending legal rights to natural entities. He makes instrumental arguments, for instance, suggesting that rights of nature are a means for addressing environmental problems, including climate change (1972, 492). In addition, Stone argues that recognizing legal rights of nature stands to improve the moral character of human beings because treating nature as a mere object to be used for human purposes exhibits a similar mindset as denying legal rights to racialized groups and women (1972, 495–96).

While Stone's article was very influential, the landscape of RoN has changed substantially since 1972 (Merino 2022). Most importantly, RoN is no longer just an idea debated by academics. Legislation following the outlines of Stone's proposal has been enacted at national or local levels in a number of countries, including the United States, Ecuador, Bolivia, Colombia, India, Canada, Spain and New Zealand (Kauffman and Martin 2021). The legal efforts of the Federation of Kukama Kukamiria Indigenous Women on behalf of the Marañón River in Peru illustrate Indigenous leadership in RoN initiatives (Warner 2024).

Their suit was filed against the Peruvian state for failing to adequately protect the Marañón. The state-owned oil corporation, Petroperú, was one of the most important targets, due to its

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inadequate maintenance of the North Peruvian Oil Pipeline (*Oleoducto Norperuano*) that has resulted in numerous spills polluting the river. The lawsuit was filed in the northeastern Peruvian region of Loreto, where the first trial was heard in the town of Nauta, followed by an appeal in the regional capital of Iquitos. The initial decision in favor of the Kukama Kukamiria was handed down by the lower court in March 2024, leading to an appeal by the Peruvian government. The final decision, issued in October 2024, was again in favor of the Kukama Kukamiria (Corte Superior de Justícia Loreto 2024).

The appellate ruling declares the Marañón to be a "holder of rights" (*titular de derechos*), including the rights to exist, flow, be free of contamination, and perform essential functions within the ecosystem (Corte Superior de Justícia Loreto 2024). The court also upheld the Kukama Kukamiria's demand that the Peruvian government and Indigenous organizations be appointed as representatives of the river and its tributaries, and that the government of Loreto and Peru's National Water Authority (*Autoridad Nacional del Agua*) work with Indigenous communities of Loreto to create management councils with decision-making capacity on matters impacting the river. The appellate court also upheld the demand that Petroperú update its environmental management plan and immediately repair or replace leaky sections of the North Peruvian Oil Pipeline. However, the ruling carefully circumscribes the Marañón's legal personhood (*personalidad jurídica*), stating that it is limited to the river's "protection, conservation, maintenance and sustainable use" (Corte Superior de Justícia Loreto 2024).[1]

The appellate decision, then, declares the Marañón to be a holder of legal rights, specifies the government and Indigenous groups as its representatives, and mandates new regulatory processes to give these representatives decision-making capacity. In what follows, we examine debates concerning RoN in reference to the Marañón case.

3. CAN A RIVER REALLY HAVE RIGHTS?

This section asks whether natural entities like rivers and forests can be appropriately ascribed legal rights. Section 3.1 describes two arguments that ecosystems do not have interests and, therefore, cannot be rights holders. These two arguments take goal-directedness and sentience, respectively, as necessary conditions for possessing interests. We contrast these arguments with the Kukama Kukamiria view of the Marañón River as a living sentient being, and we end section 3.1 by noting challenges to useful engagement among such fundamentally differing outlooks. Next, section 3.2 proposes intercultural respect as a basis for approaching "pluri-paradigmatic interactions" like this one. Building on this ground, section 3.3 presents an argument, consistent with the Kukama Kukamiria perspective, for viewing the Marañón River as a living being.

3.1. Interests and moral considerability

Several authors argue that natural entities such as rivers, forests and mountains do not have interests and therefore cannot be properly granted legal rights. For example, Harley Cahen (1988) argues that ecosystems lack "moral considerability" because they don't have interests, and that they don't have interests because they are not goal-directed. Cahen defines moral considerability to mean that an entity (i) has a good of its own, (ii) harming it is prima facie wrong, and (iii) the wrongness of the harm is direct (i.e., not reducible to harms suffered by third parties). Given this definition, an entity without moral considerability could not satisfy Stone's conditions for being a holder of legal rights as it could not suffer harm or enjoy benefits.

Cahen (1988) suggests goal-directedness is a basic threshold for having interests. If an entity is goal-directed, then it is possible to argue that it has functions and can be harmed if it is prevented from carrying them out. A tree, for instance, performs functions like photosynthesis, and actions that prevent it from doing so, such as cutting off its branches, are naturally regarded

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as harmful to it. Conversely, Cahen would view a stone as not goal-directed and thus as completely lacking interests. However, Cahen does not regard goal-directedness as *sufficient* for moral considerability, and notes machines can be goal-directed. So, even if a river were goal-directed, some additional argument would be needed to show that it has moral value that merits protection by legal rights.

Goal-directedness is closely linked to functions, since functions are behaviors oriented at some goal. Cahen adopts Larry Wright's (1972) "etiological" account of functions, according to which the function of a behavior *B* is *F* if and only if (i) *B* causes *F* and (ii) *B* exists because it causes *F*. Thus, Cahen proposes that a behavior is goal-directed if its behaviors have effects that explain why the behavior exists (1988, 205). To see the idea, consider flowering plants. Flowers facilitate sexual reproduction, and this effect is a key component of an evolutionary explanation of why plants have flowers. Cahen claims that ecosystems are not goal-directed in this sense: their behaviors have effects, but the effects do not explain those behaviors. Consider, for example, a river that overflows its banks in spring and enriches the soil of the floodplain. This effect would be, according to Cahen's view, a mere "by-product" of spring rains and snowmelt, not a function of the river. Given this perspective, the river is not goal-directed, as such does not have interests, and therefore lacks moral considerability. That in turn suggests that granting legal rights to a river, while technically possible, would be incoherent because a holder of legal rights is a being with interests that the law seeks to protect.

Sentience is also sometimes used to argue against the legal personhood of nature. For example, Visa Kurki (2022) argues that natural entities like rivers cannot be legal persons because they do not have interests, and that they do not have interests because they are not sentient. Kurki distinguishes active from passive legal persons: active legal persons have agency, while passive legal persons (e.g., infants) do not. Kurki states that since natural entities like rivers do not have agency, passive legal personhood is the only plausible option. However, according to Kurki, only sentient beings can have interests because sentience is necessary for being a subject of well-being. Similar to Cahen's argument, Kurki's claims entail that a river could not be a holder of rights according to Stone's (1972) criteria. Kurki grants that there are exceptions to the claim that only sentient beings can be legal persons, giving the examples of comatose persons and corporations, but does not explain why exceptions could not also be made for ecosystems. Despite this critical line, Kurki says that RoN legislation may be justifiable, but only on the grounds that it protects rights of sentient beings like humans and animals.

In contrast, according to the Kukama Kukamiria's ontology, and for that of many Indigenous Peoples in the Amazon, nature comprises a society of interconnected beings—including animals, plants, rivers, and mountains—all of whom have spirits (Fernandes et al. 2019). In such an ontology, there are many different types of spirit, and a single entity, like a river, may be linked to several. For example, the Marañón River has a mother, the *Purawa,* a colossal snake that protects it, and there are beings called *karuaras* who live in a village on the riverbed and maintain the river. Karuaras include the spirits of Kukama Kukamiria individuals who disappeared in the river and whose bodies were never recovered. Communication between karuaras and shamans is an important aspect of traditional Kukama Kukamiria healing practices. As sentient beings, karuaras and other spirits experience pain when harmed by disturbances like oil spills and wastewater from mining. The reactions of spirits to these harms, in turn, create negative rebound effects on humans and other species. For example, it is believed that the Purawa is retreating deeper into the river or going to the sea, causing rivers and streams to dry up and leading to more severe forest fires and drought.

Consider how the Kukama Kukamiria ontology relates to the claim of Cahen and Kurki that ecosystems cannot be holders of legal rights. On the one hand, there appears to be a straightforward difference of views. The Kukama Kukamiria say that the Marañón is sentient

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and capable of goal-directed behavior, while Kurki and Cahen claim the opposite. But on the other hand, the opposing views are embedded in such fundamentally differing ontologies that it is difficult to understand how they could be usefully brought in contact. Indeed, according to Cahen, only "scientifically and philosophically respectable" views of goal-directedness are worthy of serious consideration, which he takes to exclude "vitalistic" and "anthropomorphic" beliefs (1988, 203). That criterion would apparently exclude the Kukama Kukamiria's ontology. A similar restriction on what kinds of proposals merit serious academic discussion seems to be implicit in Kurki (2022), who observes that the Māori regard the Whanganui River as a spiritual entity but nevertheless assumes without argument that a river could not be sentient.

3.2. Intercultural respect

Respect involves several elements, including persons who respect and are respected, a characteristic that is the basis of respect, and an evaluative perspective (Cranor 1975). Applying this schema to the disagreement described in section 3.1, the first two elements are relatively clear: the persons are Western philosophers and Indigenous Peoples, while the basis of respect is shared humanity. But the evaluative perspectives used to assess differing moral claims are unsettled. The Western philosophers see appeal to spirits as inadmissible, while the Kukama Kukamiria take spirits to be crucially important for how humans should behave. Lack of a shared evaluative perspective can generate obstacles to respectful interaction. The distinction between recognition respect and appraisal respect (Darwall 1977) is helpful for explaining how this is so. Recognition respect rests on acknowledging the personhood of the other and consequently taking their interests and welfare into account when acting. Appraisal respect is a positive judgment of a person's abilities or qualities in a domain, and consequently can be earned or lost depending on how the person behaves. As we will explain, both recognition and appraisal respect are relevant to intercultural respect.

Intercultural respect has been defined as "practices that are based on care, curiosity, unsettling instances, and acknowledging that the only commonality might be the uncommon and diverge[nt] aspects in pluri-paradigmatical interactions" (Vásquez-Fernández et al. 2021, 146). This definition requires a bit of unpacking. To begin, intercultural respect pertains to "pluri-paradigmatical interactions," in other words, to interactions among people with deeply divergent cultural understandings of some important topic. For example, one perspective may say that the river is an inanimate natural resource, while according to the other it is a living sentient person. Encountering radically differing views can be unsettling, which makes it tempting to dismiss the other as ignorant or incomprehensible. Intercultural respect pushes back against that temptation by insisting upon care and curiosity. In our view, the care component of intercultural respect stems from recognizing the personhood of cultural others, and is thus linked to recognition respect. Curiosity requires an interest in learning about and, where appropriate, *from* their viewpoints. The "learning from" aspect of intercultural respect is motivated by appraisal respect, that is, a positive assessment of the other's epistemic competence. We operate on the premise that Indigenous Peoples often possess rich traditions of ecological knowledge from which Western science and philosophy can learn.

In an intercultural context, appraisal respect is complicated by the fact that norms for assessing knowledge vary from culture to culture. Western scientists and the Kukama Kukamiria, for example, would assess a person's expertise on the nonhuman world in very different ways. Moreover, this difference is not symmetrical, but occurs within the broader power imbalance of colonialism that is drastically skewed against Indigenous Peoples. As a practical matter, Indigenous Peoples have little choice but to engage with Western modes of thinking, while Westerners can disregard Indigenous knowledge if they choose. That draws attention to the connection between respect and justice (Bloomfield 2024), a topic we return to in section 4.

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To learn from a fundamentally differing view, it is helpful to find points at which the divergent ideas perform analogous roles despite differing in substance. We start from the observation that views about right and wrong are often grounded in a moral ontology. Moral ontology focuses on whether there are objective moral facts, such as universal human rights that exist prior to and independently of a legal system that recognizes and protects those rights. Moral realists believe that moral facts exist, and particular moral ontologies say something about what those facts are and how they relate to other types of facts. In religious traditions, moral ontologies often involve supernatural entities, such as gods and immortal souls. In secular philosophy, processes or properties studied by science are often thought to be linked to moral facts. For instance, one might take a central nervous system to be indicative of sentience, and hence to be a marker of moral considerability. A moral ontology along these lines would be consistent with Kurki's position described above.

The Kukama Kukamiria moral ontology includes a variety of spirits and provides a basis for Kukama Kukamiria beliefs and practices about how to interact with the river and the nonhuman species within it. But it is distinct from the Western moral ontologies just mentioned. The spirits in the Kukama Kukamiria ontology differ from supernatural beings in Western religious traditions in being embodied by entities like rivers, snakes, and trees. On the other hand, spirits in the Kukama Kukamiria moral ontology are not natural in the sense of "natural science," as they have an internal mental life and subjective experiences, like pain.

The analogy of a "society of nature" (Descola 1994) is helpful for conveying to Western audiences how Amazonian Indigenous moral ontologies, like the Kukama Kukamiria's, support a moral perspective. Just as there are norms for appropriate behavior in human society, there are rules for how humans should respectfully interact with the multitude of nonhuman spirits. That is because humans and nonhuman beings are all persons in one moral community. Furthermore, just as for human societies, proper functioning of the society of nature—of which humans are but one part—depends on maintaining respectful relationships. If some community members persistently trample the interests of others, societal functioning is likely to break down with dire consequences for all. Conversely, both recognitional and appraisal respect among members of a community are crucial to sustaining positive societal functioning.

This leads to two central ethical concepts, which in Quechua are called "kutimuy" and "sumak kawsay." Kutimuy is the idea that actions taken towards other persons tend to generate rebound effects that are beneficial if the actions are respectful, and harmful if disrespectful. Kutimuy, then, draws attention to the potential for harmful feedback loops to spiral out of control, and consequently emphasizes norms of respect when interacting with other persons, including nonhuman persons. Sumak kawsay is a state in which the many persons present in nature coexist in a healthy and harmonious way. This state is thought to be dynamic and to involve frequent conflict that is resolved to restore the functioning of the system. Kutimuy and sumak kawsay are closely related because showing respect for human and nonhuman persons is essential for healthy functioning. The term "sumak kawsay," commonly translated into Spanish as "buen vivir" (to live well), is often discussed in connection with rights of nature (Kauffman and Martin 2017). The terms "kutimuy" and "sumak kawsay," or variants of them adapted to Spanish grammar such as "kutipado," are widely used by Indigenous Peoples in Peru, including the Kukama Kukamiria (Yajahuanca et al. 2015).

The Kukama Kukamiria moral ontology is an example of what has come to be known as "animism" (Harvey 2013). According to Graham Harvey (2006, 9), "Animism is the label given to worldviews in which the world is understood to be a community of living persons, only some of whom are human." Some forms of animism, such as the Kukama Kukamiria's, involve beliefs in spirits that inhabit plants, animals and geographical features, like rivers. But spirits are not essential to animism (Harvey 2006). Instead, animism as defined by Harvey is distinguished

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by a belief in nonhuman living *persons* that exist in a *community* with humans. Since the term "person" in Western philosophy is often defined by features, like agency and rationality, thought to distinguish humans from nonhuman animals, it is obvious that "person" is being used differently in Harvey's definition. The key difference is that animism characterizes persons as living beings who engage in respectful relationships with one another, rather than as individuals who possess higher-level cognitive abilities (Harvey 2006; Harvey 2013). The emphasis on respect in animism implies that persons possess moral considerability. But personhood in animism is not merely passive. Human and nonhuman persons can have obligations for self-improvement and responsibilities to carry out roles that support collective goods (Harvey 2006). In animism, community involves norms intended to allow the various persons and the system as a whole to thrive, but with the caveat that it is sometimes necessary for persons of one type to kill those of another, for instance, for food or building materials. Norms of respect for nonhuman persons are an important aspect of animism, for instance, asking permission before cutting down a tree or not killing more animals than needed when hunting.

It is not difficult to find parallels to animism in Western environmental thinking. Aldo Leopold's land ethic famously portrays humans and nonhuman species as interdependent citizens in a biotic community (Millstein 2024). For a more recent example, Anna Wienhues argues that human and nonhuman living beings form a shared "community of justice" arising from the conditions of justice (scarcity, limited generosity, interdependence), the capability of flourishing, and the need to share the Earth (Wienhues 2017). At a more prosaic level, anyone who sees their cat or dog as part of the family is, to some extent, an animist.

Given Harvey's definition, animism can come in different forms. Variants of animism can differ in the scope of nonhuman entities included in the moral community. The community might be restricted to sentient animals (Singer 2023), also include plants (Taylor 2011), extend to ecosystems and major geographic features, or even encompass the entire Earth. In addition, variants of animism differ in whether their moral ontology is secular or invokes immaterial entities such as souls and spirits thought to endow their bearers with a mental life. That raises the question of whether a secular argument can be made for regarding geographical features, like rivers, as living persons. We turn to that next.

3.3. An argument for rivers as living persons

According to the Kukama Kukamiria perspective discussed above, the Marañón River is a living being (*ser vivo*). More generally, the idea that rivers are living beings has received greater public attention in recent years (cf. MacFarlane 2025). In this section, we develop an argument for viewing the Marañón River as a living person that is secular insofar as not assuming the existence of spirits or other entities beyond the ken of science. Let's start from the view, endorsed by Cahen, that goals give rise to interests and moral considerability. As discussed above, Cahen proposes that entities can be goal-directed by having functions in the sense of the etiological account. According to the etiological account, an entity has functions when its behaviors have effects that explain why those behaviors exist, as illustrated by the role of flowers in plant reproduction.

We suggest that rivers can also be goal-directed. Consider the example of a river that inundates its floodplain each year and enriches the soil. There is a plausible mechanism whereby the behavior's effect explains the behavior: flooding enriches the soil, which enhances forest growth, thereby increasing the release of water vapor through transpiration, leading to more rain and thus to seasonal flooding. Given an etiological account, therefore, one could say that a function of seasonal river flooding is to enrich the soil. This scenario is an example of "rain follows the forest," an important concept in Indigenous Hawaiian ecological knowledge that is supported by environmental science (Grosset-Touba et al. 2024). The link between forest cover and regional

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rainfall is also present in Kukama Kukamiria ecological knowledge and is supported by scientific research on the Amazon (Leite-Filho et al. 2021). Thus, Indigenous ecological knowledge suggests a secular argument that rivers can be goal-directed.

Some argue that ecosystems cannot be goal-directed because they don't tend toward equilibrium but instead are "dynamic systems filled with stochastic events that limit predictions" (Baard 2021, 162; cf. Cahen 1988). However, we claim that equilibrium is unnecessary for goal-directedness. The criterion for goal-directedness being considered is whether the entity has behaviors whose effects explain those behaviors, in other words, whether it has functions according to an etiological account. That is consistent with the entity being dynamic and subject to stochastic events that can make its development difficult to predict. Behaviors of individual organisms can have functions, yet organisms age through life stages that may be disrupted by chance occurrences. Recall that an important aspect of sumak kawsay is to see healthy functioning as an inherently dynamic rather than static state. The point of goal-directedness is that impeding important functions within a system can be viewed as a harm to the system's health and flourishing (Wienhues 2017). That can be true even if the system never settles on an equilibrium.

A different objection is that etiological functions are not sufficient for an entity to have interests (Moosavi 2024; Williams 2025). For example, consider the handle of a coffee mug. Handles make mugs easier to hold, and that effect explains why coffee mugs have handles. In this example, the causal link between the feature's effect and its persistence derives from humans, who understand the usefulness of handles and accordingly put them on mugs. Mugs are extensions of their human makers, and while mugs and handles have functions, humans are the ones with the interests. So, functions are not sufficient for having interests. Showing that a river has functions according to the etiological account, therefore, is not enough to show that it has interests of its own. Some explanation of the pertinent difference between rivers and artifacts is needed.

The functions of the Marañón River differ from those of human artifacts in the possibility of recreating them if destroyed. A mug can be pieced back together if broken, while machines can be shut down, disassembled, rebuilt, and started up again. In contrast, the vast web of ecological functions linked to the Marañón watershed—maintaining seasonal rainfall, forests, innumerable plant and animal species, and so on—could not be brought back if lost. This difference provides reason to view the river as a living being, as the Kukama Kukamiria claim. Vulnerability to loss of functions that humans cannot reverse is a key feature of living things. A severe injury, for instance, can take away a person's ability to walk, while death is a loss of function that is both comprehensive and beyond human ability to change. Whereas humans can always rebuild a machine, human power to reverse detriments to the health of living beings is limited. Susceptibility to irreversible loss of function is furthermore a reason for viewing living beings as possessing interests unto themselves. Functions generate interests that belong to the living being itself because those functions are lost when it dies (Wienhues 2017).

One might object that susceptibility to irreversible loss of function is not sufficient for life and that rivers lack other definitive characteristics, such as the capacity to evolve by natural selection. In response, we note that there is no generally accepted definition of life and that it is not even agreed that a sharp boundary separating life and nonlife should be sought (Malaterre and Chartier 2021). Moreover, some definitions of life arguably include rivers. For example, one approach to defining life focuses on autopoiesis, or the capacity for self-maintenance by a system with relatively clear boundaries (Bitbol and Luisi 2004; Bruckner 2025). The mechanism of seasonal flooding, forest growth, and rainfall described above is an example of self-maintenance, and rivers have relatively clear boundaries in the form of banks. However, our purpose here is not to defend autopoiesis as the criterion for life or to claim that rivers would certainly count as living

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beings if it were. Instead, we wish to emphasize, first, that rivers possess features associated with living things, and second, that a definition of life is a human-chosen convention. Consequently, there are reasons to view rivers as living beings and it is possible to define "life" in a manner that is consistent with doing so.

Even if one accepts that a river is a living being with interests and moral considerability, there is an additional step to legal rights. That a flea, for example, is a living being with interests is not sufficient grounds to grant legal rights to fleas. So, when do the interests of an entity merit protection by legal rights? Williams (2025) suggests an answer to this question illustrated by the example of the right of journalists to keep their sources confidential. While journalists have interests, that alone is not enough to justify the right to confidentiality. Rather, the justification turns on the function of journalism in a democratic society. Democracy requires a free press that can report facts that reflect unfavorably on powerful individuals, organizations, and institutions. The legal right of journalists to keep their sources confidential is, therefore, important for democracy, since without that protection fear of retribution would deter sources from disclosing information to journalists. Thus, Williams argues that justification for attributing legal rights to an entity can hinge on the role it plays in maintaining the functioning of an essential system.

The idea that legal-rights claims can be justified, in part, by an entity's key role in the functioning of an important system suggests an argument for giving legal rights to rivers. The argument is not merely that a river is goal-directed living being and therefore possesses interests. More than that, the river's functions are essential to maintaining ecosystems upon which many other beings, including humans, depend. And unlike a machine, the river is irreplaceable. Even a machine that performs some crucial systemic function—a power plant, for example—can be rebuilt or replaced, and indeed ultimately will be when it reaches the end of its lifespan. In other words, not only could the functioning of the Marañón River be irreversibly impaired, the river also performs essential ecosystem functions that could not be replaced within human timescales. The Marañón River also differs from fleas in facing human-generated existential threats. In sum, threats to a natural entity that performs irreplaceable and essential functions can justify granting legal rights to protect its interests.

Our argument that a river can have legal rights parallels the Amazonian philosophy discussed in section 3.2. An etiological account of functions resembles the notion of kutimuy insofar as both draw attention to feedback loops essential for the persistence of complex systems. Ignorantly disrupting those causal cycles, therefore, can generate destructive blowback. Due to the reciprocal relationship between seasonal flooding, forest health, and rainfall, actions that reduce river flow can increase risks of drought and wildfire. In addition, the idea that sumak kawsay, or healthy systemic functioning, is a dynamic rather than static state supports our claim that goal directedness does not entail equilibrium. It also connects to our argument for viewing the Marañón River as a living being worthy of legal protection by rights. The argument for rights depends not only on the interests of the river itself but also on its pivotal role within a wider network of living beings. Our argument also links up with the animist relational view of persons, in which persons are living beings in a network of relationships regulated by norms of respect. From a relational perspective, attributing higher-level cognitive abilities to a river is not necessary for claiming that it is a person. One might believe that the Marañón River is a sentient being, as the Kukama Kukamiria do, but it is possible to agree that the river is a person without sharing that belief.

Intercultural respect involves a willingness to learn from differing worldviews, and that requires thinking about how divergent ideas can be integrated into one's intellectual framework. A secular explanation is useful for this purpose because it is relatively agnostic about culturally specific ontological commitments. Whether or not you believe in a spirit village beneath the whirlpools of the Marañón River, you can grasp interconnections between rivers, forests, and

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rain. And while intercultural respect is motivated by ethical considerations, it also has an important epistemic rationale. Indigenous Peoples have accumulated vast stores of ecological knowledge over the millennia, and learning from rather than dismissing this knowledge may strengthen efforts to address climate change—a suggestion we expand upon in the following section.

4. CONNECTING TO CLIMATE CHANGE

Intercultural respect is helpful for thinking about the relationship between RoN and climate change. Fossil fuels are the most important driver of climate change and their extraction frequently involves gross intercultural disrespect, especially towards Indigenous Peoples. In this section, we explore two connections among intercultural respect, RoN, and climate change. The first is instrumental, in which RoN may be an effective legal strategy to promote climate action while also advancing intercultural respect, as illustrated by the Kukama Kukamiria lawsuit. A second approach views RoN as a shift in thinking that seeks to promote intercultural respect and environmental justice in a renewable energy transition.

Consider the relationship between RoN and climate change from an instrumental perspective. Bestowing legal rights on natural entities has the potential to promote climate change mitigation and adaptation through protecting carbon sinks, like forests. Besides sequestering carbon dioxide, forests provide important climate adaptation effects, including regulating watersheds and regional temperatures (Ontl et al. 2020; Pramova et al. 2012). Granting legal rights to the Los Cedros rainforest in Ecuador (Warner 2024), therefore, illustrates how RoN legislation can support action on climate change. In addition, RoN might promote climate action by internalizing negative externalities. A negative externality is a cost of an economic activity that is borne by society rather than by those involved in the transaction. Negative externalities can be internalized through taxes on the product or by legal requirements to install pollution controls, such as smokestack scrubbers. By providing a legal ground for environmental protections even when scientific uncertainty makes it difficult to establish harm to identifiable humans or when affected humans are dispersed in time and space, RoN can make internalizing negative externalities easier to accomplish (Stone 1972, 474–76).

For example, leakage from Petroperú's northern oil pipeline into the Marañón River is a negative externality of fossil fuel production, as the costs of its health and environmental impacts are not incorporated into prices of the oil. A conventional approach to environmental law might seek to force Petroperú to repair the pipeline—and therefore internalize the negative externality—on the grounds that the leaks harm human health. Yet it may be difficult to prove that poor health outcomes of people living along the Marañón are due to the oil leaks rather than other causes, such as contamination from gold mining (O'Callaghan-Gordo et al. 2018). It is, however, obvious that the leaks pollute the Marañón, so if the river has a right to be free of pollution, then legal grounds exist for requiring Petroperú to properly maintain the pipeline. This example illustrates the connection between intercultural respect and RoN as a legal strategy for addressing climate change. Since fossil fuel extraction is frequently based in practices that show scant respect for Indigenous Peoples, climate action and intercultural respect often coincide.

However, the effects of RoN depends on the context. For example, RoN is unlikely to generate positive effects when governments are unable or unwilling to implement the newly granted legal rights. In 2016, the Constitutional Court of Colombia granted rights to the Atrato River Basin, which was threatened by pollution from mining (Richardson and Bustos 2022). Government security forces subsequently cleared some illegal mining operations, but after they departed, armed actors associated with the miners returned to seek retribution by assassinating

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community leaders. Clearly, without rule of law, official proclamations of rights—whether for humans or nature—are unlikely to generate significant benefits on the ground. Commenting on the Atrato River Basin case, Whitney Richardson and Camila Bustos write that "due to low levels of compliance and no disciplinary actions on record, the [RoN] approach continues to live more on paper than in practice" (2023, 247).

But not all examples of RoN legislation are so disappointing. The *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* in New Zealand provides a good illustration of this point. This Act has already begun to reform regulatory processes so that Whanganui Iwi representatives take a leading role, advancing the well-being of the river itself is a starting premise agreed to by decision-makers, and concerns of stakeholders are addressed in a proactive, consensus-driven manner (Cribb et al. 2024). The planning process for redeveloping a derelict port at the mouth of the Whanganui River took place under the auspices of the new regulatory system. The planning process was successful, and its proactive involvement of stakeholders helped avoid delays from lawsuits that are typical under the conventional environmental regulatory regime in New Zealand (Cribb et al. 2024). This example shows that RoN need not be a barrier to development, including projects needed to address climate change. Instead, it can promote an approach to development in which promoting the health of the designated natural entity is a commitment accepted by decision-makers from the start. As discussed in section 3.3, a healthy river can enhance carbon sinks like forests.

Some authors have proposed conditions that support the successful implementation of RoN. Erin O'Donnell and Julia Talbot-Jones suggest that effectively implementing RoN requires: (1) representatives of the natural entity who can act independently, (2) capacity of these representatives to represent the interests of the natural entity in court, and (3) real-world power to take action (O'Donnell and Talbot-Jones 2018). For example, the Te Awa Tupua Act appointed guardians to promote the health of the Whanganui River, and required the creation of advisory committees with dedicated funding to support their activities (O'Donnell and Talbot-Jones 2018). The new regulatory structure is also integrated into the existing framework of environmental law in New Zealand, enabling it to work through established channels to take concrete actions (O'Donnell and Talbot-Jones 2018). The Atrato River Basin case, by contrast, exhibits an absence of real-world power to implement legal decrees. The success of RoN as an instrument from promoting action on climate change, therefore, is not automatic, but depends on things like the rule of law and effective regulatory frameworks (Tănăsescu 2022).

However, RoN should not be viewed merely as an instrument for climate action, but also as a reaction to environmental injustice. Environmental injustices involve a combination of disproportionate exposure to environmental risks among marginalized groups, lack of recognition of diverse experiences, and barriers to political participation (Schlosberg 2004; Shrader-Frechette 2002). Climate change and fossil fuels are often associated with environmental injustices. Adverse effects of climate change, such as deaths from extreme heat, tend to be very inequitably distributed (Parsons et al. 2025). Similarly, the culture, livelihoods, and health of the Kukama Kukamiria, for example, are directly impacted by oil spills while Petroperú's profits flow to others. Environmental injustices are often tied to inequalities in wealth and power between and within countries (Givens et al. 2019). Those with greater power and wealth, unsurprisingly, often seek to enjoy the benefits of economic production while avoiding its negative environmental impacts. Climate change mitigation, then, should aim to avoid creating new environmental injustices.

Environmental injustices often display an absence of intercultural respect. Recall that intercultural respect includes both a recognition (care for the well-being of cultural others) and appraisal component (curiosity about others' views that entails a willingness to learn). Environmental injustices frequently involve extreme recognitional *disrespect* by treating the health and culture of

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certain groups as expendable for the sake of increased wealth of more advantaged people. They can also involve an unjustified lack of appraisal respect, for instance, of Indigenous ecological knowledge. As Paul Bloomfield puts it, "Proper respect and injustice are mutually exclusive" (Bloomfield 2024). In his seminal article, Stone (1972) drew an analogy between rights of nature and struggles to secure legal recognition for the rights of historically marginalized human groups. Indigenous-led RoN initiatives suggest that this is more than an analogy. As the case of the Kukama Kukamiria lawsuit to establish the Marañón River as a legal person illustrates, RoN can be a vehicle for defending the rights of Indigenous Peoples. Thus, we agree with Mihnea Tănăsescu (2022) that politics and imbalances of power are essential to RoN.

But the ideas themselves still matter. Intercultural respect for Indigenous Peoples is one reason to seriously consider the idea that a river can be a living being. Thus, our analysis of connections between Amazonian and Western environmental and moral philosophies was motived by a desire to avoid an unjustified deficit of appraisal respect. This approach has both an ethical and epistemic rationale. Philosophers should not duplicate the injustices of colonialism in the minutia of their research articles, and intercultural respect has the potential to generate valuable insights about environmental ethics and the climate crisis.

This leads to a second way to approach the link between intercultural respect, RoN, and climate change, namely, as a shift in thinking that aims to prevent environmental injustices in a renewable energy transition. A transition from fossil fuels to renewables is widely recognized as essential for effective climate change mitigation (IPCC 2023). Furthermore, scholarship suggests that energy transitions are not simply a matter of swapping out one technology for another while keeping everything else the same (Geels 2002). Important technologies occur within a technological regime involving co-technologies, economic coordination, political coalitions, regulations, laws, and social norms. So, a transition from fossil fuels to renewables would be expected to entail many other societal changes, thereby creating opportunities for new ideas and legal approaches to fight for prominence. That is an important part of the backdrop to RoN and its motivating idea that humans, nonhuman species, and important geographical features, like rivers, are interconnected members of a shared moral community.

An important motivation for RoN in the midst of an energy transition is to avoid creating new environmental injustices with renewable technologies. Although operating solar panels and wind turbines does not generate greenhouse gas emissions, renewable energy and associated technologies have been argued by some to generate environmental injustices of their own, for example, from lithium mining (Jerez et al. 2021). More generally, while specific technologies are prone to particular environmental problems, the conditions that yield environmental injustices are embedded in social inequalities, regulatory frameworks, and pervasive modes of thinking about how humans connect to the nonhuman world. As a result, one should not expect technological change alone to be sufficient for addressing environmental injustices. It is, therefore, wise to explore new approaches to environmental law and philosophy, like RoN, that could contribute to better solutions. Intercultural engagement of perspectives that may seem incommensurable on their face can be a fruitful source of novel ideas in this arena.

5. CONCLUSIONS

Our central message is that intercultural respect is closely bound up with RoN, climate change, and environmental justice more generally. Intercultural respect demands recognition of the personhood of cultural others and encourages serious engagement with their knowledge. Climate change, meanwhile, is driven mainly by fossil fuels, which are often extracted in ways that are starkly at odds with these moral imperatives. The Kukama Kukamiria lawsuit illustrates how RoN has become a means by which some Indigenous Peoples have pushed back against these injustices. Intercultural respect and RoN are also promising approaches to thinking about how

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a renewable energy transition can avoid replicating injustices of the fossil fuel era with new technologies.

Intercultural respect is also relevant to the practice of philosophy. Our emphasis on intercultural respect prompted us to take Indigenous perspectives on the personhood of rivers seriously and build conceptual bridges between fundamentally divergent ontologies. That resulted in an argument that the Marañón River is a living being with interests of its own, as the Kukama Kukamiria assert. While our argument does not assume the Kukama Kukamiria's ontology, it parallels the Amazonian moral concepts of kutimuy and sumak kawsay and illustrates the animist relational view of personhood. In our view, proceeding in a more interculturally respectful manner can generate ideas that advance environmental philosophy and its engagement with climate change.

Lastly, we would like to note limitations of our work and future lines of research. There are important aspects of Amazonian philosophies relevant to RoN that we have not explored, such as the idea that a river can be sentient. Furthermore, we have only touched upon the complex array of issues related to effective implementation of RoN. And there is, of course, much more to be said about how RoN might connect to intercultural respect and just transition away from fossil fuels. These limitations also correspond to possibly fruitful future lines of research.[2]

NOTES

1. See article 17 (*Décimo Séptimo*) of the decision.
2. We would like to express our heartfelt gratitude to Stephanie Boyd and Mari Luz Canaquiri Murayari for their generous collaboration throughout the elaboration of this article. Between 2024 and 2025, we engaged in multiple conversations—over Zoom, by phone, in writing, and in person, which significantly informed our understanding of the Rights of Nature in the Peruvian Amazon. Stephanie's longstanding commitment to Indigenous environmental justice, and Mari Luz's leadership with Huaynakana Kamatahuara Kana, provided essential grounding for this work. We are especially honored to acknowledge Mari Luz's recent recognition with the Goldman Environmental Prize—known globally as the "Green Nobel"—which affirms her vital leadership and her commitment to fostering intercultural respect for Indigenous relational paradigms. Our collaboration took place during a time of escalating political repression in Peru, when land and human rights defenders, independent filmmakers, and Indigenous organizations have come under growing threat. Despite these challenges, both Stephanie and Mari Luz continued to offer time, insight, and critical reflection. Their contributions were invaluable to shaping the ethical and political lens of this article. We stand in solidarity with their efforts to resist silencing and uphold the rights of communities and ecosystems alike. This paper is deeply indebted to their voices, and we acknowledge their collaboration in every sense.Thanks to the guest editors and reviewers for their time and constructive feedback. We also wish to acknowledge the IReL consortium of Irish libraries that helped cover the costs to make this article open access. This work was supported by The Social Sciences and Humanities Research Council of Canada (SSHRC) under the SSHRC Insight Grant Program (Award Number: AWD-021159 SSHRC 2021).

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