



Ikechukwu Ugwu

 <https://orcid.org/0000-0002-0271-9364>

University of Silesia in Katowice

Poland

Environmental protection and the religious rights of Indigenous peoples – re-examining areas of complementarity*

Summary

Following Lynn White's thesis that Western Christianity is the root cause of the ecological crisis, scholars have examined the impact of religion on environmental degradation and environmental protection. This article begins by analysing White's argument and identifying one of the causes of the environmental crisis – distinct from White's – namely, the gradual abandonment of religious values in Europe, starting with the ideas of Enlightenment philosophers. The article attempts to appreciate the contributions of various indigenous religions to environmental protection by discussing some environmental values embedded in some religions, especially indigenous religions. It examines some national and international legal instruments that seek to protect the right to religion as a means of protecting the environment, discusses the recent teachings of the Church on environmental protection, and gives a grounded approach to environmental protection through religion. It argues, using analytical and descriptive research methods, that since most Indigenous religions use natural entities as objects of religious worship, more attention and protection should be given to the right to religion as one of the approaches to environmental protection. Finally, the article examines the concepts of environmental personhood and the rights of nature, as well as their role in environmental conservation and preservation.

Key words: environmental protection, right to religion, Indigenous peoples' rights, environmental personhood, rights of nature, global ecological crisis, Enlightenment, eco-theology

* The work was fully financed by the Polish National Science Centre, grant number: UMO-2021/41/N/HS5/01227.

1. Introduction

With the increased awareness of human activities that contribute to environmental degradation, attempts have been made by environmental activists to trace the root cause of what has been described as man's "irresponsible behaviour,"¹ but Lynn White is attributed as the first person to accuse religion, especially the Western Christian religion, as the root cause of our ecological crisis.² White analysed the evolution of science and technology over the last few millennia and identified mediaeval Europe as the source of enormous societal changes that created the framework for our current industrialised society and our frightening ecological problem.

White argued that the Judeo-Christian tradition, with its emphasis on human dominion over nature, provided the ideological basis for the exploitation of nature in the West. He posits that Christianity, especially in its Western form, "is the most anthropocentric religion the world has seen."³ In as much as White was firm in his condemnation of Western Christianity, he favoured ancient paganism, which he understood abhorred the pillaging of the environment for man's benefit. In this article, some of these "ancient paganism," as White called them, would be examined instead as indigenous religions of Indigenous peoples. This is especially so when indigenous religions use natural entities, such as rivers, trees, and mountains, as objects of worship. In recent times, national and international law instruments have attempted to protect Indigenous peoples' religious practices that advance environmental protection as a part of the general protection of the rights of Indigenous peoples.

Some scholars are opposed to White's thesis for oversimplifying the complex historical and cultural factors that contribute to our ecological crisis⁴ and that

¹ P. Sörqvist and L. Langeborg, "Why People Harm the Environment Although They Try to Treat It Well: An Evolutionary-Cognitive Perspective on Climate Compensation," *Frontiers in Psychology*, vol. 348, no. 10, 2019, p. 1, <https://doi.org/10.3389/fpsyg.2019.00348>. See also R. Maminirina Fenitra et al., "Environmentally Responsible Behavior and Knowledge-Belief-Norm in the Tourism Context: The Moderating Role of Types of Destinations," *International Journal of Geoheritage and Parks*, vol. 10, no. 2, 2022, pp. 273–288, <https://doi.org/10.1016/j.ijgeop.2022.05.001>, where the authors discussed this irresponsible behaviour within the context of tourism.

² L. White, Jr., "The Historical Roots of Our Ecologic Crisis," *Science*, vol. 3767, no. 155, 1967, pp. 1203–1207, <https://doi.org/10.1126/science.155.3767.1203>.

³ White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

⁴ D. Worster, *Nature's Economy: A History of Ecological Ideas* Cambridge, Cambridge University Press, 1994, p. 320.

it overlooks the role of politics and power in shaping environmental policy.⁵ Of significant importance among those who have criticised White is Godfrey Onah, who, rather than seeing the ecological crisis as a consequence of Christianity, argues that the removal of Christianity and the gradual abandonment of God in Europe is the root cause of our ecological crisis.⁶ Onah traces the root cause of our ecological crisis to the European Enlightenment philosophers, significantly when attention shifted away from God to man as the fountain of reason. In the face of these counterarguments, one thing is sure: White and his critics agree that for there to be a grounded approach to environmental problems, religious principles and ethics must be incorporated into environmental protection law.⁷ In this article, an attempt is made to analyse White's thesis and criticisms of his work, especially Onah's analysis of the gradual abandonment of religious values in Europe beginning from the thoughts of Enlightenment philosophers like René Descartes and Immanuel Kant. Also, the article examines some of the indigenous religious and Western Christian practices that underlie environmental protection and how, over the years, some of these indigenous religious practices are gradually being protected as part of the general recognition of the rights of Indigenous peoples. In the final discourse, this article argues that since many religious practices, both Western Christianity and indigenous religions, are not mere religious practices but direct acts of environmentalism, they should be accorded more legal recognition. Therefore, this article's significance lies in examining the intersection of environmental justice and religion, that is, the so-called eco-theology or religious environmentalism. This refers to how religious beliefs, values, and practices influence people's attitudes and actions toward the environment, including issues related to environmental justice.⁸

⁵ W. Jenkins, "After Lynn White: Religious Ethics and Environmental Problems," *The Journal of Religious Ethics*, vol. 37, no. 2, 2009, pp. 283, 288, <https://doi.org/10.1111/j.1467-9795.2009.00387.x>.

⁶ G. I. Onah, "Keynote Address at the 2022 Hybrid International Conference," March 30, 2022, YouTube video, https://www.youtube.com/watch?v=Ty02Jai_GBE.

⁷ G. I. Onah, "Keynote Address"; White, "The Historical Roots of Our Ecologic Crisis," p. 1207.

⁸ E. M. Conradie, "The Four Tasks of Christian Ecotheology: Revisiting the Current Debate," *Scriptura*, vol. 119, no. 1, 2020, pp. 1–13, <https://doi.org/10.7833/119-1-1566>; I. Veerbeek and P.-B. Smit, "Apophatic Theology as a Resource for Eco-theology," *International Journal of Philosophy and Theology*, vol. 83, no. 4, 2022, pp. 263–280, <https://doi.org/10.1080/21692327.2022.2146599>.

2. Lynn White and his critics

2.1. Lynn White on the historical root cause of the ecological crisis

In his ground-breaking study, White examined the evolution of science and technology over the centuries, identifying the European Middle Ages as the origin of fundamental societal changes that laid the groundwork for today's industrialised society and the alarming ecological challenges the world faces. An interesting aspect of his analysis is the linking of the development of modern agricultural technology to the current ecological crisis, for according to him, advanced farming technology ushered in commercial farming and the need to expand farming land beyond what a family needed.⁹ In the days of the scratch ploughs, people divided fields into sections large enough to support a single family for subsistence farming. But with the more advanced ploughs, which relied on many oxen and could harvest crops with unbridled efficiency¹⁰ farmers had to pool their oxen to form large plough teams since an individual peasant hardly had enough oxen to power the more advanced ploughs. Consequently, more lands were tilled, and hence, the allocation of land was no longer determined by the necessities of a household but by the capacity of a power machine to till the earth.¹¹ For White, "[m]an's relation to the soil was profoundly changed."¹² Consequently, man, who was part of nature, has become its exploiter, even to the detriment of man. Similar innovations in industries such as architecture, water utilisation, and machinery made life easier but upset the fragile ecological balance in which humans had existed for centuries. White argues that Western society never considered the ecological consequences of its expansion, and the consequences are now being felt more than ever in the modern world.¹³

White traced the reason for this behaviour to the traditional Judeo-Christian values of Europe. He favours paganism and animism (often associated with Indigenous peoples)¹⁴ as offering a better relationship between man and the environment because "the victory of Christianity over paganism was the greatest psychic revolution in the history of our culture."¹⁵ First, he criticises the account

⁹ White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

¹⁰ See M. Turgeon, "Lynn White," Markkula Center for Applied Ethics (web page), February 7, 2018, <https://www.scu.edu/environmental-ethics/environmental-activists-heroes-and-martyrs/lynn-white.html> [accessed: 23.03.2023].

¹¹ White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

¹² White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

¹³ White, "The Historical Roots of Our Ecologic Crisis," p. 1205; Turgeon, "Lynn White."

¹⁴ B. Taylor, *Dark Green Religion: Nature Spirituality and the Planetary Future*, California: University of California Press, 2010, p. 11.

¹⁵ White, "The Historical Roots of Our Ecologic Crisis."

of creation as recorded in the Bible as it imposes on the West the idea of time as nonrepetitive and linear. In this view, time is seen as a fundamental aspect of the universe that moves forward linearly, with each moment occurring only once and never again. This linear progression of time is marked by reference points, such as the present moment or specific events or milestones that serve as markers of time's passage. This understanding of time stands in contrast to the notion of cyclical time, which posits that time is characterised by a repeating pattern of events. Instead, linear time sees each moment as unique and unrepeatable, with the past no longer existing and the future yet to be determined.¹⁶ Second, White faulted the creation of man as the only thing created in the image and likeness of God. God gave Adam the authority to name all created things, giving him dominion over all other natural beings. All other physical creations had no other purpose except for the benefit of man. Genesis 1:28 captures the point of White: "God blessed them, and God said to them: Be fertile and multiply; fill the earth and *subdue it*. Have *dominion over* the fish of the sea, the birds of the air, and all the living things that crawl on the earth."¹⁷

Consequently, White accuses Christianity of being the most "anthropocentric religion [in] the world,"¹⁸ and even while the Genesis 1:28 mandate was given to Adam and Eve, White makes references to Tertullian and Saint Irenaeus of Lyons on Adam being the foreshadowing of the image of the incarnate Christ¹⁹ – a divine being. White accuses the Bible's account of the creation of two errors. First is the cosmology error; rather than seeing the divine as part and parcel of the universe, Christianity removed it and ascribed it only to God. He argues that by removing divinity from the creation, making the creator a transcendent independent being, a rift was created between God and the created order. The second error is the anthropological error of the creation of humans, not any other animals or entities, in the image and likeness of God, thereby ranking humans above all other physical creations.²⁰ As a solution to the situation, he calls for the "reject[ion] [of] the Christian axiom that nature has no reason for

¹⁶ Y. Schulz, "Time Representations in Social Science," *Dialogues in Clinical Neuroscience*, vol. 14, no. 4, 2012, pp. 441–447, <https://doi.org/10.31887/DCNS.2012.14.4/yschulz>.

¹⁷ The Bible, Genesis 1:28. The US Conference of Catholic Bishops has interpreted the verb "subdue" not to be a call for the pillaging of the earth but rather as permission of each nation to take for itself a defined territory. See US Conference of Catholic Bishops, "Genesis Chapter 1: The Story of the Creation," <https://bible.usccb.org/bible/genesis/1> [accessed: 24.03.2023].

¹⁸ White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

¹⁹ White, "The Historical Roots of Our Ecologic Crisis," p. 1205; for the analysis on the nature of Adam – Jesus, see J. Secord, "Tertullian, On the Flesh of Christ – 16 and 24–25," in *The Cambridge Edition of Early Christian Writings*, ed. M. DelCogliano, Cambridge, Cambridge University Press, 2022, pp. 144–172; A. Briggman, "Irenaeus of Lyons, Against Heresies (Selections)," in *The Cambridge Edition of Early Christian Writings*, ed. M. DelCogliano, Cambridge, Cambridge University Press, 2022, pp. 103–134.

²⁰ Onah, "Keynote Address."

existence save to serve man.”²¹ White does not discard the role of religion in remedying our damaged world; instead, he places religion as an approach to environmental protection as he concludes that “[s]ince the roots of our trouble are so largely religious, the remedy must also be essentially religious.”²²

2.2. Criticisms of Lynn White

Although some other writers agree with White that Christianity, especially in its Western form, is the root cause of our ecological crisis,²³ many more have offered their criticisms from different angles. Because of the inherent complexity of environmental crises, pinpointing their root causes is difficult as they are multidimensional²⁴ and limiting it to religion alone may lead to the danger of ignoring other critical similar factors. One of the main limitations of White’s argument is that it overlooks the role of politics and power in shaping environmental policy. Economic interests often influence environmental policies and environmental degradation is often linked to the practices of corporations and governments.²⁵ Critics argue that it is not simply a matter of religious ideology but also involves broader societal structures and practices prioritising economic growth and consumption over environmental protection.²⁶ For Lewis Moncrief, White’s focus on only Western Christianity as the historical root cause of environmental pillaging is “monocausal” and instead advocated for a more holistic and complex understanding of the situation.²⁷ Moncrief argued that various factors, including market capitalism, democratisation, and, in the case of America, the cultural effect of the frontier experience, can be responsible for our ecological

²¹ White, “The Historical Roots of Our Ecologic Crisis,” p. 1207.

²² White, “The Historical Roots of Our Ecologic Crisis,” p. 1207.

²³ M. Marangudakis, “The Medieval Roots of Our Environmental Crisis,” *Environmental Ethics*, vol. 23, no. 2, 2001, pp. 243–260, <https://doi.org/10.5840/enviroethics200123314>. He criticises what he calls Western Christianity’s perception of nature as “a domain of action” and its “trusting [of] ‘reason’ as the primary means to approach God.” See p. 248.

²⁴ M. S. Northcott, *The Environment and Christian Ethics*, Cambridge, Cambridge University Press, 2009, p. 41.

²⁵ U. G. Josiah and C. C. Akpuh, “Multinational Oil Corporations, Policy Violation and Environmental Damage in Rivers State of Nigeria: A Theistic Ethics Approach,” *Humanities and Social Sciences Communications*, vol. 150, no. 9, 2022, pp. 1–9, <https://doi.org/10.1057/s41599-022-01146-z>; E. Giuliani and C. Macchi, “Multinational Corporations’ Economic and Human Rights Impacts on Developing Countries: A Review and Research Agenda,” *Cambridge Journal of Economics*, vol. 38, no. 2, 2014, pp. 479–517, <https://doi.org/10.1093/cje/bet060>.

²⁶ A. Jamison, *The Making of Green Knowledge: Environmental Politics and Cultural Transformation*, Cambridge, Cambridge University Press, 2004; Northcott, *The Environment and Christian Ethics*, p. 41.

²⁷ L. W. Moncrief, “The Cultural Basis for Our Environmental Crisis,” *Science*, vol. 3957, no. 170, 1970, pp. 508, 509, <https://doi.org/10.1126/science.170.3957.508>.

crisis. Even though Christianity influenced some of these dynamics, Moncrief contended that this influence was indirect and that non-Christian cultures' history of environmental abuse provided compelling evidence that other variables were involved in ecological degradation besides the Judeo-Christian tradition.²⁸

Furthermore, another criticism of White's thesis is that it ignores the diversity of Christian thought and practice throughout history. For instance, Manos Marangudakis, while agreeing with White, laboured to create a distinction between the Latin Church and the Greek Church²⁹; meanwhile, White's concern was on Christianity as inherited from Judaism,³⁰ which the Greek Church is a part of. Again, while some Christian traditions may emphasise human dominion over nature, others have emphasised the stewardship of the environment and the importance of protecting God's creation. In addition, Christians and religious organisations have initiated and supported many environmental movements and conservation efforts.³¹ Additionally, while Richard Hoffmann challenged White's characterisation of the Middle Ages as a time of ecological harmony and balance, arguing that medieval society was not as environmentally sustainable as White suggests,³² Ramachandra Guha gave an insight into the environmental history and practices of non-Western cultures³³ which White only mentioned in passing. As already hinted in the Introduction, one of the most exciting criticisms of White was by Godfrey Onah, and the next section is dedicated to Onah's contribution to what is the root cause of our ecological crisis.

2.3. Godfrey Onah's criticism of White

Onah's criticism of White³⁴ is unique as it is interesting because it takes another dimension into the whole argument by looking at the effects of the Enlightenment period and its philosophies on the current human behaviour towards the environment. At the onset, it is essential to state that Onah is a Catholic bishop who spent most of his years before he was appointed a bishop at the Pontifical Urban University, Rome, as a professor of philosophy. So, it is not unexpected

²⁸ For a complete analysis, see B. A. Minteer and R. E. Manning, "An Appraisal of the Critique of Anthropocentrism and Three Lesser Known Themes in Lynn White's 'The Historical Roots of our Ecologic Crisis,'" *Organization and Environment*, vol. 18, no. 2, 2005, pp. 163, 165, <https://doi.org/10.1177/1086026605276196>.

²⁹ Marangudakis, "The Medieval Roots of Our Environmental Crisis," p. 247.

³⁰ White, "The Historical Roots of Our Ecologic Crisis," p. 1205.

³¹ R. Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, Washington, Island Press, 2005, pp. 52–53; Taylor, *Dark Green Religion*, p. 12.

³² R. C. Hoffmann, *An Environmental History of Medieval Europe*, Cambridge, Cambridge University Press, 2014, pp. 91–94.

³³ R. Guha, *Environmentalism: A Global History*, Longman, 2000.

³⁴ Onah, "Keynote Address."

that his criticism would be philosophical and involve the teachings of the Catholic Church. For him, the Bible's understanding of human beings as unique, even though it influences the relationship between human beings and the rest of the created universe, is incorrect to blame this understanding for the ecological crisis. He raises two questions:

1. The teaching that human was created in the image of God and to him was given the power to control and dominate the rest of the universe had been part of the Jewish scripture for hundreds of years before Christianity; why did the teaching not produce the revolutionary attitude towards nature as we have now?³⁵
2. Many other people outside Europe and America read and are still reading the same scripture and are being formed by the same teaching; why did the same Bible passage not produce the same effect in African and Asian Christians as White claimed it produced in European and American Christians?³⁶

He links the New Testament of the Bible to the Old Testament and points to Jesus as the greatest champion of the Bible. During Jesus's fasting, and even though he was starving, the devil tempted him with the possibility of manipulating the environment to satisfy his immediate need for food, and he rebuffed the devil. The encounter went thus:

Then the tempter approached him and said, "If you are the Son of God, command these stones to be transformed into loaves of bread." Jesus answered, "As it is written: 'Man does not live by bread alone, but by every word that comes forth from the mouth of God'."³⁷

Jesus did not accept turning stone into bread because that would be unnatural. Onah is correct because if the Genesis mandate could produce what White alleged as the historical cause of our ecological crisis, then Jesus's response to the tempter should equally serve as a greater guide on how well not to manipulate the environment just for food.

Onah then identified the root cause of our ecological crisis as the abandonment of the Christian understanding of creation. For him, a proper interpretation of Genesis reveals that when God gave human beings power over the created universe, he did so on the understanding that the human being created in God's image and likeness would take the same care of the universe as God takes in his creation.³⁸ According to Onah, this abandonment began with novel European

³⁵ Onah, "Keynote Address."

³⁶ Onah, "Keynote Address."

³⁷ New Catholic Bible, "Matthew 4:3-4," <https://www.biblegateway.com/passage/?search=Matthew%204:2-4&version=NCB> [accessed: 25.03.2023].

³⁸ Onah, "Keynote Address."

philosophies that removed God from human relationships and positioned man as his own god. Some of these philosophies – and the philosophers behind them – are examined below.

2.3.1. René Descartes's reason as the ultimate

Descartes's new method of philosophical research is to accept nothing as true that is not recognised by reason as clear and distinct. For Descartes, reason was the ultimate authority because it was a clear and distinct method of thinking that could be applied universally.³⁹ He believed that the use of reason could lead to the discovery of certain truths that were indubitable or beyond doubt. These truths were self-evident and could be known with certainty. One of Descartes's most famous statements is *Cogito, ergo sum*, which translates to 'I think, therefore I am'. This statement reflects his belief that using reason to reflect on one's own existence was the most fundamental truth that could be known with certainty.⁴⁰ Descartes's emphasis on reason as the ultimate authority was a departure from traditional ways of thinking that relied on authority, tradition, or faith.⁴¹ He believed that knowledge gained through reason could be verified, which was the most reliable way of gaining knowledge.

Here, attention was shifted from God and realities outside human beings to the human being himself as the point of departure for every inquiry.⁴² Thus, Descartes, from a metaphysical standpoint, confines the identity of the human person to rationality alone, regarded as fundamentally opposed to, and superior to, the physical universe, the *res extensa*.⁴³ For Joshtrom Isaac Kureethadam, "[m]odern anthropocentrism thus begins with Descartes, with direct and evident ecological consequences."⁴⁴

³⁹ M. A. Badía Cabrera, "'A Necessary Preparative to the Study of Philosophy': A Positive Appraisal of Descartes' Universal Doubt," *The European Legacy*, vol. 27, nos. 3–4, 2022, pp. 239–250, <https://doi.org/10.1080/10848770.2021.2023980>.

⁴⁰ B. Duignan, "Cogito, ergo sum," *Encyclopedia Britannica* (web page), February 28, 2023, <https://www.britannica.com/topic/cogito-ergo-sum> [accessed: 25.03.2023].

⁴¹ B. Brockbank, "Descartes and Scholasticism: An Analysis," *Aporia*, vol. 29, no. 1, 2019, pp. 1–7.

⁴² Onah, "Keynote Address."

⁴³ G. Dicker, *Descartes: An Analytic and Historical Introduction*, 2nd edn., Oxford, Oxford University Press, 2013, p. 39; J. I. Kureethadam, *The Philosophical Roots of the Ecological Crisis: Descartes and the Modern Worldview*, Cambridge, Cambridge Scholars Publishing, 2017, p. 5.

⁴⁴ Kureethadam, *The Philosophical Roots of the Ecological Crisis*, p. 5.

2.3.2. Immanuel Kant's "What is Enlightenment" (1784)

Immanuel Kant is regarded as the father of the Enlightenment for his work in his essay, "An Answer to the Question: What is Enlightenment?"⁴⁵ For Kant, Enlightenment is man's emergence from his self-imposed immaturity, and immaturity is the inability to use one's understanding without guidance from another.⁴⁶ He contends that people are often too lazy or fearful to think for themselves, so they rely on others to tell them what to think and how to act. According to Kant, this is a kind of slavery in which people depend on others for their intellectual and moral guidance. Kant argues that the key to Enlightenment is the use of reason. In other words, he believes that people must have the courage to use their own reason and to question authority.⁴⁷ He states, "Enlightenment is man's release from his self-incurred tutelage. Tutelage is man's inability to make use of his understanding without direction from another. Self-incurred is this tutelage when its cause lies not in lack of reason but in lack of resolution and courage to use it without direction from another."⁴⁸

Moving further, Kant also emphasises the importance of freedom of thought and expression in the Enlightenment. He argues that people must be free to express their ideas and opinions, even if they are controversial or unpopular. He states, "If we are not free to express our ideas, we are not truly enlightened. We must be free to think and speak for ourselves, even if our ideas are not popular or approved by those in power."⁴⁹ Kant's concept of Enlightenment, which emphasises the importance of individual autonomy, reason, and freedom of thought and expression, leaves little room for responsibility toward nonhuman entities.⁵⁰ Either a person's will is another rational being, in which case it should be treated with respect, or it is a natural thing that can help people reach their goals. Only people can be ends in themselves; everything else in nature has no value in and of itself.⁵¹

⁴⁵ I. Kant, "An Answer to the Question: What Is Enlightenment? (1784)," in *Practical Philosophy*, ed. M. J. Gregor, Cambridge, Cambridge University Press, 1996.

⁴⁶ Onah, "Keynote Address."

⁴⁷ *Sapere aude*, a Latin expression that translates to 'dare to know', was first used by the ancient Roman poet Horace and subsequently adopted by Kant as the motto of the Enlightenment. See P. Croskerry, "Sapere Aude in the Diagnostic Process," *Diagnosis*, vol. 7, no. 3, 2020, pp. 165, 165, <https://doi.org/10.1515/dx-2020-0079>.

⁴⁸ Kant, "What is Enlightenment," p. 17.

⁴⁹ Kant, "What is Enlightenment," p. 17.

⁵⁰ C. Hoff, "Kant's Invidious Humanism," *Environmental Ethics*, vol. 5, no. 1, 1983, pp. 63–69, <https://doi.org/10.5840/enviroethics19835137>.

⁵¹ L. P. Hinchman and S. K. Hinchman, "Should Environmentalists Reject the Enlightenment?," *The Review of Politics*, vol. 63, no. 4, 2001, pp. 663, 681, <https://doi.org/10.1017/S0034670500032125>.

Furthermore, even in his advocacy for better treatment of animals like dogs, Kant was most anthropocentric as he assigned intrinsic value to human beings alone. For instance, he says that mistreatment towards a dog could lead to the development of a character in a human being desensitised to cruelty meted out against humans. So, for him, the mistreatment of a nonhuman being is instrumentally wrong, and not intrinsically, since it might lead to such mistreatment of a human being.⁵² Onah links Kantian moral philosophy to the root cause of the ecological crisis, which eventually began a movement that gradually moved human beings away from God and any form of moral authority until it resided exclusively in the human being.⁵³

2.3.3. Ludwig Feuerbach's dethronement of God

Ludwig Feuerbach was a German philosopher best known for his work "The Essence of Christianity," in which he famously declared, "Man is the measure of all things." Feuerbach's central argument was that the concept of God was merely a projection of human ideals and aspirations onto a divine being. Therefore, to understand God, one needs to study humanity truly. On the nature of God, Feuerbach opined that "[t]he divine being is nothing else than the human being, or rather, the human nature purified, made objective ... All the attributes of the divine nature are, therefore, attributes of the human nature."⁵⁴ Feuerbach had theoretically dethroned God and, at his place, enthroned the human being as lord of everything. According to Onah, Feuerbach caricatured religion while promoting idolatry in the form of man's worship of himself, and in the place of theology, he established only anthropology.⁵⁵ Feuerbach's critique of religion and his call for the dethronement of God have had a significant impact on modern thought, including in the area of ecology. His focus on human values and desires has led to an anthropocentric perspective that has contributed to the exploitation and destruction of natural resources and ecosystems.⁵⁶

Onah concluded his analysis by pointing out that the root cause of the ecological crisis is the mentality of dominating nature and other human beings that

⁵² A. Brennan, "Environmental Ethics," *Stanford Encyclopedia of Philosophy* (web page), December 3, 2021, <https://plato.stanford.edu/entries/ethics-environmental/> [accessed: 26.03.2023].

⁵³ Onah, "Keynote Address."

⁵⁴ L. Feuerbach, *The Essence of Christianity*, trans. M. Evans (aka George Eliot), New York, Harper & Brothers, 1957, p. 14; P. Naudé, "Can we overcome the Anthropocentrism bias in Sustainability Discourse?," *African Journal of Business Ethics*, vol. 11, no. 2, 2018, pp. 56, 57, <https://doi.org/10.15249/11-2-189>.

⁵⁵ Naudé, "Can we overcome the Anthropocentrism bias?"

⁵⁶ H. A. El Jurdi, W. Batat, and A. Jafari, "Harnessing the Power of Religion: Broadening Sustainability Research and Practice in the Advancement of Ecology," *Journal of Macromarketing*, vol. 37, no. 1, 2017, pp. 7, 24, <https://doi.org/10.1177/0276146716672>.

have flourished in Europe through various anthropocentric philosophers. He disagrees with White and instead offers a solution in the form of an interdisciplinary approach with religious morality, especially Christian morality, at the centre.⁵⁷ The following section examines indigenous religions to appreciate their positive impacts on environmentalism.

3. Indigenous peoples and Indigenous religions

Indigenous peoples⁵⁸ have diverse religious and spiritual practices that vary from region to region. These practices are often closely tied to the natural environment and reflect each group's unique cultural heritage and history. Indigenous peoples are often marginalised and may have faced a history of colonisation, forced displacement, and discrimination. They may face challenges in preserving their cultural heritage and practices and protecting their rights to their lands and resources.⁵⁹ One unique attribute of Indigenous peoples is their attachment to their lands, which have religious and cultural values. Depending on their lo-

⁵⁷ Onah, "Keynote Address."

⁵⁸ There have been controversies on which group of people qualify as Indigenous peoples and, conversely, on which groups require protection under the Indigenous peoples' rights regime. Michaela Pelican describes these controversies and debates as the "complexities of indigeneity and autochthony" surrounding the situation of Indigenous peoples. See M. Pelican, "Complexities of Indigeneity and Autochthony: An African Example," *American Ethnologist*, vol. 36, no. 1, 2009, p. 52, <https://doi.org/10.1111/j.1548-1425.2008.01109.x>. It would seem that this debate started with the inclusion of two elements of "pre-invasion" or "pre-colonial" experience in the definition of the term. For instance, the United Nations Special Rapporteur Cobo defines Indigenous peoples as "communities, peoples and nations [...] which, having a historical continuity with *pre-invasion* and *pre-colonial* societies that developed on their territories consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them." See J. M. Cobo, "Study of the Problem of Discrimination Against Indigenous Populations," UN Doc E/CN.4/Sub.2/1983/21/add.8 (1983). For Gilbert, this definition is "overly Western" and excludes the possibilities of recognising Indigenous peoples in Africa who might not be currently co-habiting with the European invaders. See J. Gilbert, "Indigenous Peoples' Human Rights in Africa: The Pragmatic Revolution of the African Commission on Human and Peoples' Rights," *International and Comparative Law Quarterly*, vol. 50, no. 1, 2011, pp. 245, 250, <https://doi.org/10.1017/S0020589310000746>. However, it is out of the scope of this paper to attempt a definition of the term.

⁵⁹ See S. Wiessner, "The Cultural Rights of Indigenous Peoples: Achievements and Continuing Challenges," *European Journal of International Law*, vol. 22, no. 1, 2011, pp. 121–140, <https://doi.org/10.1093/ejil/chr007>, where the author examines the challenges indigenous peoples face regarding their communal rights to culture, self-determination, and land within the context of the United Nations Declaration on the Rights of Indigenous Peoples (GA Res. 61/295, 13 September 2007). See also J. D. Ford et al., "The Resilience of Indigenous Peoples to Environmental Change," *One Earth*, vol. 6, no. 2, 2020, pp. 532–543, <https://doi.org/10.1016/j.oneear.2020.05.014>,

cation and history, indigenous religious practices may vary. Still, some common themes found in many indigenous religions include animism (the belief that all things, including plants, animals, and inanimate objects, have a spiritual essence),⁶⁰ ancestor veneration (the honouring of ancestors and their spirits), and a strong connection to the land and environment.

For Graham Harvey, the underscoring element of animism is that “the world is full of persons, only some of whom are human, and that life is always lived in relationship to others.”⁶¹ Moreover, for Indigenous peoples, environmental entities like land, rivers, trees, and animals form part of religious worship. These entities are part of the divine,⁶² and abuse of any of these entities violates the Indigenous peoples’ rights to a clean environment and breaches their right to religion.⁶³ Onah, while discussing White’s thesis, looked at two Indigenous peoples – the traditional Igbo religion and the indigenous religion of the Island of Samoa. In the next section, this article looks at other indigenous practices, including those identified by Onah, and how these religions promote environmental conservation and preservation.

3.1. The Igbo traditional religion

The Igbo people are an indigenous group currently located in Nigeria, with a deep sense of attachment to their Omenala religion despite the growth of Christianity among them. The Igbo have a dualistic conception of the world, distinguishing between the visible and the invisible realms. While the Supreme God and the ancestors inhabit the invisible realm, the visible realm is inhabited by an earth goddess, human beings, and minor/nature deities.⁶⁴ The earth/land (*ala*) is considered the earth goddess, and it is the goddess responsible for a bountiful harvest. This belief practice among the Igbos gave rise to normative ideals that encourage environmentally conscious behaviour through taboos and the avoidance of pol-

where the authors examine the resilience and vulnerability of Indigenous peoples to environmental challenges.

⁶⁰ G. Harvey, *Animism: Respecting the Living World*, New York, Columbia University Press, 2006, p. 55.

⁶¹ Harvey, *Animism*, p. xi.

⁶² A. Perdibon, *Mountains and Trees, Rivers and Springs: Animistic Beliefs and Practices in Ancient Mesopotamian Religion*, Wiesbaden, Harrassowitz Verlag, 2019, p. 86.

⁶³ S. R. Butzier and S. M. Stevenson, “Indigenous Peoples’ Rights to Sacred Sites and Traditional Cultural Properties and the Role of Consultation and Free, Prior and Informed Consent,” *Journal of Energy and Natural Resources Law*, vol. 32, no. 3, 2014, pp. 297, 300, <https://doi.org/10.1080/02646811.2014.11435364>.

⁶⁴ C. Lilian Nkama, K. Nwannennaya Okoro, and E. Egbule, “Eco-Preservation through the Lens of Igbo Beliefs and Practices: A Re-Imagination,” *Religions*, vol. 1066, no. 13, 2022, pp. 1, 3, <https://doi.org/10.3390/rel13111066>.

lution or harm to the land. As a result, it is the responsibility of the Igbo people to safeguard the earth from natural and human threats.⁶⁵ Other natural entities or bodies considered deities include Amadioha (god of thunder), Anyanwu (the sun god/god of light), Úgwú (mountains/hills),⁶⁶ mmiri (water goddess)⁶⁷ and others.

According to Onah, the Igbo traditional religion had at its core the relationship of harmony between humans and the rest of nature. Because the natural universe was often perceived as revealing the majesty of the sacredness of God, it was not normal for the traditional religionists to violate the natural order because they believed that would have moral and religious consequences.⁶⁸ If any violations were committed against any of those nature deities, efforts were made to appease them. Such violations are taboo and sacrilegious.⁶⁹ In this structure, Onah said, farming, hunting, and fishing were limited to satisfying the immediate basic needs of the human being.⁷⁰ Some other Igbo religious practices related to ecosystem preservation include the prohibition of cutting some sacred trees and fishing in some sacred rivers, the designation of some forests as sacred forests, and having a strong bond with animals as part of the totemic practice.⁷¹

3.2. The Island of Samoa's religion

The indigenous religion of Samoa is called Fa'a Samoa or "the Samoan way." It is a traditional religion that the Samoan people have practised for thousands of years, which combines elements of ancient animism, ancestor worship, and, recently few Christian principles.⁷² Samoan indigenous philosophy holds that humans are not separate from the rest of the universe but are part of the cos-

⁶⁵ I. B. Nkemdirim and O. E. Uche, "The Role of Traditional Beliefs Systems in Environmental Management: A Case of Igbo Society," *European Academic Research*, vol. VIII, no. 6, 2020, pp. 3146, 3149.

⁶⁶ P. O. Agbo, C. Opat, and M. Okwueze, "Environmental Determinant of Religious Names: A Study of Úgwú and Naming among the Nsukka-Igbo People of Nigeria," *HTS Theologisches Studien/Theological Studies*, vol. 77, no. 4, 2021, pp. 1–10, <https://doi.org/10.4102/hts.v78i3.6977>.

⁶⁷ C. Carwile, "Sabine Jell-Bahlsen. The Water Goddess in Igbo Cosmology: Ogbuide of Oguta Lake. Trenton, N.J.: Africa World Press, 2008. Xiv 433 Pp. Photographs. Illustrations. Glossary. Bibliography. Index. \$34.95. Paper," *African Studies Review*, vol. 51, no. 3, 2008, p. 172, <https://doi.org/10.1353/arw.0.0121>.

⁶⁸ Onah, "Keynote Address."

⁶⁹ Igboke and Omeire, "The Role of Traditional Beliefs Systems," p. 3150; Nkama, Okoro, and Egbule, "Eco-Preservation through the Lens of Igbo Beliefs and Practices," p. 5.

⁷⁰ Onah, "Keynote Address."

⁷¹ Nkama, Okoro, and Egbule, "Eco-Preservation through the Lens of Igbo Beliefs and Practices," p. 5.

⁷² K. Persson, K. Zampoukos, and I. Ljunggren, "No (Wo)man is an Island – Socio-cultural Context and Women's Empowerment in Samoa," *Gender, Place and Culture*, vol. 29, no. 4, 2022, pp. 482, 484, <https://doi.org/10.1080/0966369X.2021.1873744>.

mos, which includes the earth, sea, or sky.⁷³ One of the critical elements of Fa'a Samoa is the belief in Aitu, which are spiritual beings associated with different aspects of the natural world, such as the ocean, the land, and the forests. *Aitus* are believed to have the power to influence people's lives and are often venerated through various rituals and offerings.⁷⁴ To this end, it was of the utmost importance that a *fa'alanu*, also known as a prayer chant, be done before any tree was felled. The chant beseeched the god of the forest to forgive them for taking the tree's life or any of its parts in any way.⁷⁵

Among Samoan fishermen, a practice was developed where commemorative songs and invitations were offered to fish⁷⁶ as kings and queens to participate in the interconnectedness of the natural world, and if any fish was mistakenly killed, prayers, excuses, and reparations were offered for having destroyed life.⁷⁷ This practice is an important cultural tradition that helps maintain a connection between Samoan communities and their marine environment which is rooted in beliefs about the interconnectedness of all living things and the need for respectful interaction with the natural world.

3.3. The Odisha Indigenous religion in India

Odisha comprises about sixty-two tribes with distinctive religious practices combining animism, animalism, and nature worship.⁷⁸ The Indigenous people of Odisha have a deep connection with their natural surroundings, and their religious beliefs and practices often revolve around the conservation and protection of forests. For instance, sacred groves, which are small areas of forest set aside for gods and ancestral spirits, are great examples of community-based natural resource management of the Odisha people.⁷⁹ The sacred groves also

⁷³ G. Wildermuth, " 'Heaven and Earth' Samoan Indigenous Religion, Christianity, and the Relationship Between the Samoan People and the Environment," *Independent Study Project (ISP) Collection*, vol. 1488, 2012, pp. 1, 7, https://digitalcollections.sit.edu/isp_collection/1488.

⁷⁴ R. A. Goodman, "Some Aitu Beliefs of Modern Samoans," *The Journal of the Polynesian Society*, vol. 80, no. 4, 1979, pp. 463–479.

⁷⁵ Wildermuth, "Heaven and Earth."

⁷⁶ D. Herdrich, "Historic Fishing Methods in American Samoa," a final report submitted to Arielle Levine, *Social Research Project Manager Pacific Islands Fisheries Science Center National Oceanic and Atmospheric Administration Honolulu*, Hawaii, June 2, 2008, p. 31, <http://www.botany.hawaii.edu/basch/uhnpcesu/pdfs/Herdrich08AS.pdf> [accessed: 30.03.2023].

⁷⁷ Onah, "Keynote Address."

⁷⁸ R. Behera, "The Tribal Religion of Odisha: Its Change and Continuity," *Odisha Review*, 2017, p. 71.

⁷⁹ S. Rath and A. A. Ormsby, "Conservation through Traditional Knowledge: A Review of Research on the Sacred Groves of Odisha, India," *Human Ecology*, vol. 48, no. 4, 2020, p. 1, <https://doi.org/10.1007/s10745-020-00173-1>.

were developed and maintained based on other religious practices like Hinduism. Consequently, according to Hindu belief, there are three kinds of *van/ban*, otherwise called forests: *Tapovan*, *Mahavan*, and *Sreevan*. Saints and rishis live in the forests known as *Tapovan*, which are connected to penance (*Tapas*). *Mahavan* relates to the expansive, natural forests. *Tapovan* and *Mahavan* are called “Raksha” (sanctuaries) for flora and fauna because regular humans are prohibited from entering these forests according to tradition. Finally, *Sreevan*, meaning “forests of prosperity,” comprises lush forests and groves.⁸⁰

The Dongria Kondhs, a prominent indigenous community in Odisha, believe that the Niyamgiri hills are sacred and must be protected from exploitation of any kind. The impact of this religious belief on the conservation of the environment was felt in 2013 when the Dongria Kondhs resisted bauxite mining from the hills,⁸¹ which subsequently gave rise to the Supreme Court of India’s decision in *Vedanta Resources PLC v Union of India*.⁸² The Supreme Court of India ultimately ruled in favour of the Dongria Kondh tribe, holding that the project could not proceed without obtaining their free, prior and informed consent.⁸³ The case is significant for its recognition of the rights of Indigenous peoples and the role of the Indian Constitution in protecting those rights.

4. Religion and the movement for the rights of nature and environmental personhood

Both rights of nature and environmental personhood represent two distinct yet interrelated frameworks within environmental law and ethics. They aim to enhance the legal status of natural entities, but they do so through different philosophical and legal lenses. As a concept, rights of nature refers to the legal recognition that ecosystems and natural entities possess inherent rights inde-

⁸⁰ S. Mohanty, P. K. Das, and S. Kumar, “Role of Sacred Groves in the Conservation of Traditional Values of Odisha,” *Advances in Plants and Agriculture Research*, vol. 3, no. 3, 2016, p. 56, <https://medcraveonline.com/APAR/APAR-03-00094.php>.

⁸¹ S. Basak, “Development at Cost of Human Lives? Revisiting Adivasi Resistance in Mali Parbat, Niyamgiri Hills,” *Outlook India* (web page), January 19, 2023, <https://www.outlookindia.com/national/development-at-cost-of-human-lives-revisiting-ativasi-resistance-in-mali-parbat-niyamgiri-hills-news-254767> [accessed: 4.04.2023].

⁸² *Vedanta Resources PLC v Union of India*, (2013) 6 SCC 142.

⁸³ For further insight on free, prior, and informed, see J. Anaya, “Indigenous Peoples’ Participatory Rights in Relation to Decisions about Natural Resource Extraction: The More Fundamental Issue of What Rights Indigenous Peoples Have in Lands and Resources,” *Arizona Journal of International and Comparative Law*, vol. 22, no. 1, 2005, pp. 7–17, <https://scholar.law.colorado.edu/faculty-articles/841>.

pendent of human interests. While rooted in indigenous cosmologies and holistic views of life, it challenges the anthropocentric dualism prevalent in Western thought. Proponents argue that by granting rights to nature, we can combat the commodification of life and foster a more sustainable relationship between humans and the environment.⁸⁴ In recent times, there has been an increase in recognition of the rights of natural entities as though they were humans capable of possessing rights and privileges. This recognition is spurred by Indigenous peoples' great attachment to these natural entities as sacred objects of worship.

In simple terms, environmental personhood is a legal and philosophical concept that recognises certain non-human entities, such as rivers, forests, and mountains, as subjects of rights and duties similar to those of human beings. It specifically refers to the legal designation of natural entities as "persons" within the legal system, akin to corporations or individuals. This designation allows these entities to hold rights and responsibilities, enabling them to participate in legal processes.⁸⁵ The idea is to extend legal protection to nature, recognise its intrinsic value and agency, and promote a more sustainable and respectful relationship between humans and the natural world. It basically seeks to shift the focus of environmental protection from a human-centred perspective to a more holistic view that recognises the intrinsic value of non-human entities and the interdependence between humans and nature.⁸⁶ The status of a legal person affords a subject or entity the right to enter into contracts, own property, and sue and be sued.⁸⁷

By way of distinction, while rights of nature stem from a more holistic and often indigenous perspective that sees nature as a community of life with

⁸⁴ J. Bétaille, "Rights of Nature: Why it Might Not Save the Entire World," *Journal for European Environmental and Planning Law*, vol. 16, no. 1, 2019, pp. 35–64, <https://doi.org/10.1163/18760104-01601004>; A. J. Rawson and B. Mansfield, "Producing Juridical Knowledge: "Rights of Nature" or the Naturalization of Rights?," *Environment and Planning E: Nature and Space*, vol. 1, nos. 1–2, 2018, pp. 99–119, <https://doi.org/10.1177/2514848618763807>.

⁸⁵ D. Ward, "The Art of Environmental Personhood and the Possibility of Environmental Statehood," *Artnodes*, vol. 32, 2023, pp. 1, 2, <http://dx.doi.org/10.35099/aurora-589>.

⁸⁶ See G. J. Gordon, "Environmental Personhood," *Columbia Journal of Environmental Law*, vol. 43, no. 1, 2018, pp. 49–91, <https://doi.org/10.7916/cjel.v43i1.3742>; B. B. Arnold, "Signs of Invisibility: Nonrecognition of Natural Environments as Persons in International and Domestic Law," *International Journal for the Semiotics of Law*, vol. 36, 2023, pp. 457–475, <https://doi.org/10.1007/s11196-022-09920-7>; N. Pain and R. Pepper, "Can Personhood Protect the Environment? Affording Legal Rights to Nature," *Fordham International Law Journal*, vol. 45, no. 2, 2021, pp. 315–378, <https://ir.lawnet.fordham.edu/ilj/vol45/iss2/2>; A. Arstein-Kerslake et al., "Relational Personhood: A Conception of Legal Personhood with insights from Disability Rights and Environmental Law," *Griffith Law Review*, vol. 30, no. 3, 2021, pp. 530–555, <https://doi.org/10.1080/10383441.2021.2003744>.

⁸⁷ I. Garosi, "Environmental Personhood: Should Natural Elements have Legal Stance?," *Istituto Analisi Relazioni Internazionali* (web page), November 9, 2020, <https://iari.site/2020/11/09/environmental-personhood-should-natural-elements-have-legal-stance/> [accessed: 7.04.2023].

intrinsic value, environmental personhood is a legal construct that seeks to integrate nature into existing legal systems. Furthermore, rights of nature often emphasise collective rights and the interconnectedness of ecosystems, whereas environmental personhood focuses on the individual rights of specific natural entities.

In recent times, the recognition of natural entities as legal persons and the concept of rights of nature have often been driven by Indigenous peoples' calls for such status, based on religious and cultural beliefs. While analysing animism as a form of religion, Arianne Conty observed that "animism entails four interrelated ideas: *personhood*, relationality, location and ontological boundary crossing."⁸⁸ This underscores that personhood is not exclusively the possession of only human beings when constructed in terms of relationality and that natural entities have "consciousness and soul."⁸⁹ In this regard, a close relationship exists between Indigenous peoples' religious practices and environmental personhood. Indigenous belief systems often recognise the interconnectedness of all living things and the need for humans to live in harmony with nature, just like environmental personhood seeks to recognise the inherent value and rights of natural entities and the need for humans to respect and protect them. Many indigenous communities have been at the forefront of the environmental personhood movement, advocating for the recognition of natural entities as legal persons with rights and responsibilities. This approach resonates with Indigenous peoples' religions, which have long recognised natural entities' spiritual and cultural significance and sought to protect them from harm.⁹⁰ The examples below show the relationship between indigenous belief systems and environmental personhood.

4.1. The Te Urewera forest and Whanganui River

Te Urewera is the largest rainforest of New Zealand's North Island,⁹¹ which the Māori people view as a sacred gift from their gods. In traditional Māori culture, the land is viewed as a living entity. The Te Urewera forest is considered sacred and home to their ancestors' spirits and the natural world. There is

⁸⁸ A. Conty, "Animism in the Anthropocene," *Theory, Culture and Society*, vol. 39, no. 5, 2022, pp. 127, 133, <https://doi.org/10.1177/02632764211039283>.

⁸⁹ Conty, "Animism in the Anthropocene," pp. 127, 133.

⁹⁰ M. Tănăsescu, "Rights of Nature, Legal Personality, and Indigenous Philosophies," *Transnational Environmental Law*, vol. 9, no. 3, 2020, pp. 429–453, <https://doi.org/10.1017/S2047102520000217>.

⁹¹ J. Gibson, "The Māori Tribe Protecting New Zealand's Sacred Rainforest," *BBC*, June 9, 2020, <https://www.bbc.com/travel/article/20200608-the-mori-tribe-protecting-new-zealands-sacred-rainforest> [accessed: 10.04.2023].

a belief among the people that they have a responsibility to care for the forest and protect it from harm to ensure that it remains healthy and sustainable for future generations. This cultural and religious practice of protecting the forest is called *kaitiakitanga*,⁹² translated to “guardianship,”⁹³ and has over the years been metamorphosed into resource management or the “principle and practices of intergenerational sustainability.”⁹⁴ Similarly, the Māori people of New Zealand have long viewed the Whanganui River as a living ancestor and have developed a complex system of beliefs, practices, and ceremonies that recognise the spiritual and cultural significance of the river. In a 1999 report on the rights of the Māori people to the Whanganui River, the river was described as “their source of food, their single highway, their *spiritual* mentor.”⁹⁵ A belief in *tupuna* (ancestors) is essential to Māori culture and spirituality. The spiritual presence of the *tupuna* is particularly strong in natural places such as mountains, rivers, and forests, which are considered dwelling places of the *tupuna*, and the Whanganui River is considered a dwelling place of the ancestors.

These two natural entities, the Te Urewera forest and the Whanganui River, have been recognised as legal entities with their own rights and responsibilities. In 2014, the New Zealand government passed the Te Urewera Act,⁹⁶ which recognised the Te Urewera forest as “a legal entity” with “all the rights, powers, duties, and liabilities of a legal person.”⁹⁷ It established the Te Urewera Board⁹⁸ with the responsibility of acting “on behalf of, and in the name of, Te Urewera.”⁹⁹ When making decisions that are considered to be in the forest’s best interest, the Board must always consider people’s culture and traditions,¹⁰⁰ and these decisions must reflect customary values.¹⁰¹ These values, linked to the spiritual

⁹² Gibson, “The Māori Tribe Protecting New Zealand’s Sacred Rainforest.”

⁹³ M. Kawharu, “Kaitiakitanga: A Maori Anthropological Perspective of the Maori Socio-environmental Ethic of Resource Management,” *The Polynesian Society*, vol. 109, no. 4, 2000, pp. 349, 350.

⁹⁴ T. McAllister, D. Hikuroa, and C. Macinnis-Ng, “Connecting Science to Indigenous Knowledge: Kaitiakitanga, Conservation, and Resource Management,” *New Zealand Journal of Ecology*, vol. 47, no. 1, 2023, p. 1, <https://doi.org/10.20417/nzjecol.47.3521>.

⁹⁵ A Waitangi Tribunal Report, *Waitangi Tribunal Report 1999*, GP Publications 1999, p. XIII, <https://ngatangatatiaki.co.nz/assets/Uploads/Important-Documents/Whanganui-River-Report-1999.pdf> [accessed: 7.04.2023].

⁹⁶ Te Urewera Act 2014 (version as of 28 October 2021) Public Act No 15 (New Zealand), <https://www.legislation.govt.nz/act/public/2014/0051/latest/DLM6183601.html> [accessed: 10.04.2023]. For an analysis of this Act, see J. Ruru, “Tūhoe-Crown settlement – Te Urewera Act 2014,” *Māori Law Review*, 2014, <https://maorilawreview.co.nz/2014/10/tuhoe-crown-settlement-te-urewera-act-2014/>.

⁹⁷ Te Urewera Act 2014, section 11(1).

⁹⁸ Te Urewera Act 2014, section 16.

⁹⁹ Te Urewera Act 2014, section 17(a).

¹⁰⁰ Te Urewera Act 2014, section 20.

¹⁰¹ Te Urewera Act 2014, section 18(2).

belief system of the people, include concepts like: 1) “*mana me mauri*, which conveys a sense of the sensitive perception of a living and spiritual force in a place,” 2) “*rāhui* conveys the sense of the prohibition or limitation of a use for an appropriate reason,” 3) “*tapu* means a state or condition that requires certain respectful human conduct, including raising awareness or knowledge of the spiritual qualities requiring respect,” 4) “*tapu me noa* conveys, in tapu, the concept of sanctity, a state that requires respectful human behaviour in a place,” and 5) “*tohu* connotes the metaphysical or symbolic depiction of things.”¹⁰²

Regarding the Whanganui River, the Te Awa Tupua Act¹⁰³ recognises the Whanganui River as a legal person with “all the rights, powers, duties, and liabilities of a legal person.”¹⁰⁴ This recognition flows from the Act’s acknowledgement of the spiritual and cultural significance of the Whanganui River to Whanganui iwi and other local communities. The Act acknowledges that the river has a “spiritual and cultural dimension” inseparable from its physical and ecological attributes.¹⁰⁵ The Act establishes two trustees for the river to act as its human face, uphold its stewardship,¹⁰⁶ and act as the legal representative of the river. It also creates the position of Te Pou Tupua to carry out duties similar to those of a trustee, with the primary obligation to preserve the river’s status, ensure health and safety, and act as a landowner with respect to any property owned by the river.¹⁰⁷ As a legal person, the river is vested with rights such as the right to “be protected from pollution, degradation, and damage.”¹⁰⁸ Furthermore, it recognises the river’s right to “whakapapa, or trace its genealogy, to its source.”¹⁰⁹

4.2. Environmental personhood in India

India is a leading country regarding the recognition of the rights of nature due to the special status indigenous religions and Hinduism confer on natural entities. In the case of *A. Periyakaruppan v The Principal Secretary to Govern-*

¹⁰² See generally Environment Foundation, “Environment Guide: Te Urewera Act,” *Environment Foundation* (web page), November 17, 2017), <https://www.environmentguide.org.nz/regional/te-urewera-act/> [accessed: 10.04.2023].

¹⁰³ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, Public Act 2017 No 7 (New Zealand).

¹⁰⁴ Te Awa Tupua, section 14(1).

¹⁰⁵ Te Awa Tupua, section 13.

¹⁰⁶ Te Awa Tupua, section 20(2).

¹⁰⁷ Te Awa Tupua, section 19.

¹⁰⁸ Te Awa Tupua, section 15.

¹⁰⁹ Te Awa Tupua, section 16.

ment,¹¹⁰ the Madras State High Court recognised the personhood of Mother Earth. In an overarching pronouncement, the court held that Mother Earth is a “‘Living Being’ having [a] legal entity/ legal person/ juristic person/ juridical person/ moral person/ artificial person having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve them.”¹¹¹ While directing the State Government of Madras and the Central Government of India to act as guardians of Mother Earth under the *parens patriae* jurisdiction,¹¹² the court accorded rights to Mother Earth akin to fundamental rights.¹¹³ This decision followed and referred to earlier cases of *Mohammed Salim v State of Uttarakhand*¹¹⁴ and *Lalit Miglani v State of Uttarakhand*.¹¹⁵ In *Salim v Uttarakhand*, the court, while recognising the vital role of rivers Ganga and Yamuna in the spiritual well-being of Hindus in India, observed that “rivers Ganges and Yamuna are worshipped by Hindus”¹¹⁶ and that “the rivers have provided both physical and spiritual sustenance”¹¹⁷ of the Hindus. An exciting aspect of this decision is that it added a new element to environmental personhood: the vesting of “duties and liabilities” to the rivers.¹¹⁸

A similar decision was reached in the case of *Miglani v Uttarakhand*, where the court did not just recognise the rights of Mother Earth but expanded the natural entities that enjoy legal personhood, such as “the Glaciers including Gangotri [and] Yamunotri, rivers, streams, rivulets, lakes, air, meadows, dales,

¹¹⁰ *A. Periyakaruppan v The Principal Secretary to Government and Another* WP(MD) Nos 18636 of 2013 and 3070 of 2020 (2022) (India), https://www.livelaw.in/pdf_upload/mother-nature-416320.pdf [accessed: 12.04.2023].

¹¹¹ *A. Periyakaruppan v The Principal Secretary to Government and Another*, para. 23.

¹¹² This is the public policy power of the state to act on behalf and as parents of vulnerable people, especially children who otherwise cannot defend themselves against harm. See G. Clarkson and D. DeKorte, “Unguarded Indians: The Complete Failure of the Postoliphant Guardian and the Dual-Edged Nature of Parens Patriae,” *University of Illinois Law Review*, vol. 4, 2010, pp. 101, 107; M. Hall, “The Vulnerability Jurisdiction: Equity, Parens Patriae, and the Inherent Jurisdiction of the Court,” *Canadian Journal of Comparative and Contemporary Law*, vol. 2, no. 1, 2016, pp. 185–225, <https://www.canlii.org/en/commentary/doc/2016CanLIIDocs46>. Recently, this doctrine has been invoked a couple of times by the Indian courts on cases of the protection of natural entities as vulnerable beings. See S. Jolly and K. S. Roshan Menon, “Of Ebbs and Flows: Understanding the Legal Consequences of Granting Personhood to Natural Entities in India,” *Transnational Environmental Law*, vol. 10, no. 3, 2021, pp. 467–492, <https://doi.org/10.1017/S2047102520000424>.

¹¹³ *A. Periyakaruppan v The Principal Secretary to Government*, para. 23.

¹¹⁴ *Mohammed Salim v State of Uttarakhand*, Writ Petition (PIL) No 126 of 2014 (5 December 2016 and 20 March 2017, the High Court of Uttarakhand) (India).

¹¹⁵ *Lalit Miglani v State of Uttarakhand and Others*, Writ Petition (PIL) No 140 (30 March 2015, the High Court of Uttarakhand) (India).

¹¹⁶ *Salim v Uttarakhand*, para. 11.

¹¹⁷ *Salim v Uttarakhand*, para. 17.

¹¹⁸ *Salim v Uttarakhand*, para. 18.

jungles, forests wetlands, grasslands, springs and waterfalls.”¹¹⁹ Consequently, the court vested them with “duties and liabilities” just like “a living person.”¹²⁰ Just like in *Salim v Uttarakhand*, the court acknowledges that the recognition of the rights of nature could be a product of religious piety as such recognition will serve the faith of the society or as a result of “socio-political-scientific development.”¹²¹

As progressive as these decisions may be, the granting of duties may present challenges regarding their enforcement. The consequences of the existence of duties and liabilities are that the person to whom those duties and liabilities are granted is commanded or forbidden from doing an act.¹²² In the case of these rivers in India, their duties included not drowning people and avoiding flooding and other natural disasters. The implication is that these obligations and liabilities give people the right to sue the rivers in the event of flooding or other natural disasters, which could pose difficult questions regarding who would be responsible for covering any losses.¹²³ This was the concern raised on appeal to the Indian Supreme Court, which consequently overturned the decisions in *Salim v Uttarakhand* and *Miglani v Uttarakhand* based on legal and administrative challenges with their enforcement.¹²⁴ Nevertheless, the decision of the Supreme Court notwithstanding, some state courts in India have gone ahead to recognise the right of nature.¹²⁵ These cases are a long list of decisions in India where the courts have adopted an eco-centric approach to environmental protection based on the intrinsic spiritual values of natural entities as sacred objects.

¹¹⁹ *Miglani v State of Uttarakhand*, para. 66.

¹²⁰ *Miglani v State of Uttarakhand*, para. 66.

¹²¹ *Miglani v State of Uttarakhand*, para. 66.

¹²² H. T. Terry, “Legal Duties and Rights,” *The Yale Law Journal*, vol. 12, no. 4, 1903, pp. 185, 186, <https://doi.org/10.2307/781938>.

¹²³ K. Surma, “Indian Court Rules That Nature Has Legal Status on Par With Humans – and That Humans Are Required to Protect It,” *Inside Climate News*, May 4, 2022, <https://insideclimatenews.org/news/04052022/india-rights-of-nature/> [accessed: 14.04.2023].

¹²⁴ *State of Uttarakhand and Others v Mohammed Salim and Others*, Special Leave to Appeal (C) No 016879/2017, Order dated 7 July 2017 (where the ruling in *Salim* case was stayed); *Union of India v Lalit Miglani*, Special Leave Petition (Civil) Diary No 34250/2017; Riverine Rights, “The Ganges and Yamuna Rivers,” *Riverine Rights* (web page), <https://uni.oslomet.no/riverrights/india/> [accessed: 14.04.2023].

¹²⁵ In *Narayan Dutt Bhatt v Union of India*, Writ Petition (PIL) No 43 of 2014 (4 July 2018, the High Court of Uttarkhand) (India), the Uttarakhand High Court declared that Uttarakhand’s whole animal kingdom – from avian to aquatic – would be deemed legal persons and that its citizens will act as the animals’ *in loco parentis*, obligated to care and safeguard them. Similarly, in *Karnail Singh and Others v State of Haryana*, the Haryana High Court declared that all animals in Haryana are legal persons with rights, duties and liabilities.

4.3. Rights of Nature in Uganda

In 2019, Uganda became the first African country to recognise the rights of nature after years of struggle by the Bagungu people who live on the shores of Lake Albert, where many sacred natural sites are located.¹²⁶ Therefore, in Uganda, “[n]ature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.”¹²⁷ The law gives any person the right to enforce the rights of nature whenever there is an infringement.¹²⁸ This is a broad approach to locus standi, thereby giving anybody, indigenous communities, and environmental advocates interested in enforcing the rights of nature to do so.

Even though the recognition of the rights of nature provided an avenue for the indigenous Bagungu communities with their local government to enact laws that protect sacred natural sites,¹²⁹ it is unfortunate that the government has continued to drill on sacred lands.¹³⁰ This is principally so because the Ugandan government prioritises national economic development over ecological concerns.¹³¹

4.4. Pachamama among the Andean peoples

The Andean people are the aboriginal inhabitants of South American countries like Ecuador, Bolivia, Peru, and others¹³² with a unique belief in the efficacy of

¹²⁶ J. Josh, “Uganda joins the Rights-of-nature Movement but won’t stop oil Drilling,” *National Geographic*, June 2, 2021, <https://www.nationalgeographic.com/environment/article/uganda-joins-the-rights-of-nature-movement-but-wont-stop-oil-drilling> [accessed: 15.04.2023]; D. Tabaro, “Custodians of Life: How the Bagungu People are reviving Sacred Custodianship,” *ICCA Consortium* (web page), December 14, 2021, <https://www.iccaconsortium.org/2021/12/14/bagungu-people-custodians-life-uganda/> [accessed: 15.04.2023].

¹²⁷ National Environment Act, 2019 (Act No 5/2019) (Uganda), section 4(1), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/111164/138460/F-1865473437/UGD111164.pdf> [accessed: 15.04.2023].

¹²⁸ National Environment Act, 2019, 4(2).

¹²⁹ National Association of Professional Environmentalists, “NAPE makes a Breakthrough as Buliisa District Council recognises Customary Laws of Bagungu Indigenous Communities,” *National Association of Professional Environmentalists* (web page), December 2, 2019, <https://www.nape.or.ug/news-events/latest-news/202-nape-makes-a-breakthrough-as-buliisa-district-council-recognizes-customary-laws-of-bagungu-indigenous-communities> [accessed: 15.04.2023]; The Gaia Foundation, “Uganda Recognises Rights of Nature, Customary Laws, Sacred Natural Sites,” *The Gaia Foundation*, March 29, 2021, <https://gaiafoundation.org/uganda-recognises-rights-of-nature-customary-laws-sacred-natural-sites/> [accessed: 15.04.2023].

¹³⁰ Josh, “Uganda joins the Rights-of-nature Movement.”

¹³¹ Pain and Pepper, “Can Personhood Protect the Environment.”

¹³² J. V. Murra, “Andean Peoples,” *Encyclopaedia Britannica*, March 30, 2023, accessed April 17, 2023, <https://www.britannica.com/topic/Andean-peoples> [accessed: 17.04.2023].

Mother Earth, otherwise called Pachamama, as the goddess of the earth, nature, fertility, and agriculture.¹³³ Pachamama is so central to the Andean Indigenous peoples' religion that it has been conferred with competing rights to those of a human person.¹³⁴

In Bolivia, the moral principle guiding the relationship between the people and the environment is the concept of "living well" in harmony with Mother Earth, or *Madre Tierra*, and in equilibrium with other forms of life.¹³⁵ This principle, also known as *Vivir Bien*, seeks to move away from a purely economic development model and promote social and environmental justice instead. To this end, *Madre Tierra* or Pachamama has rights like the right to life, the right to the diversity of life, the right to water, and the right to clean air. Other rights of Mother Earth include the right to equilibrium, the right to restoration, and the right to pollution-free living.¹³⁶ Both the government and the people are obligated to see that these rights are not violated and, in the case of a violation, that Mother Earth is restored to its former state.¹³⁷

Also, Ecuador changed its constitution in 2008 to reflect, among other things, the rights of Pachamama. It recognises that "Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes."¹³⁸ Pachamama has the right to be restored¹³⁹ and any person or group of persons can call on the government to enforce the rights of Pachamama.¹⁴⁰ These constitutional provisions were equally given judicial backing in the case involving the Vilcabamba River,¹⁴¹ where two private indi-

¹³³ M. Tola, "Between Pachamama and Mother Earth: Gender, Political Ontology and the Rights of Nature in Contemporary Bolivia," *The Feminist Review Collective*, vol. 118, no. 1, 2018, pp. 25–40, <https://doi.org/10.1057/s41305-018-0100-4>; S. Sarapura-Escobar and E. T. Hodydy, "Safeguarding the Land to Secure Food in the Highlands of Peru: The Case of Andean Peasant Producers," *Frontiers in Sustainable Food Systems*, vol. 6, 2022, pp. 1, 3, <https://doi.org/10.3389/fsufs.2022.787600>.

¹³⁴ Pain and Pepper, "Can Personhood Protect the Environment," p. 337.

¹³⁵ See Law of the Rights of Mother Earth/Ley de Derechos de la Madre Tierra (No 071) (December 7, 2010), <https://www.documentcloud.org/documents/7220552-Law-of-the-Rights-of-Mother-Earth-Law-071-of-the#document/p2/a583533> [accessed: 17.04.2023]; P. Villavicencio Calzadilla and L. J. Kotzé, "Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia," *Transnational Environmental Law*, vol. 7, no. 3, 2018, pp. 397, 399, <https://doi.org/10.1017/S2047102518000201>.

¹³⁶ Law of the Rights of Mother Earth, Article 7 (1–8).

¹³⁷ Law of the Rights of Mother Earth, Articles 8 and 9.

¹³⁸ Republic of Ecuador Constitution of 2008 (revised in 2021), Article 71, https://www.constituteproject.org/constitution/Ecuador_2021?lang=en [accessed: 17.04.2023].

¹³⁹ Republic of Ecuador Constitution of 2008, Article 72.

¹⁴⁰ Republic of Ecuador Constitution of 2008, Article 71.

¹⁴¹ *Richard Frederick Wheeler y Eleanor Geer Huddle c/ Gobierno Provincial de Loja*, juicio 11121-2011-0010 (30 March 2011) (Ecuador), cited in Pain and Pepper, "Can Personhood

viduals brought action on behalf of the river following the pollution caused by debris from the Loja Provincial Government. The Provincial Court ruled that the plaintiffs have the *locus standi* to institute an action on behalf of the river. It subsequently ordered the restoration of the river and that further damage should not be inflicted on the river.¹⁴²

The above instances support the view that indigenous religions often view the natural world as possessing spiritual and moral qualities. As such, environmental personhood is deeply intertwined with these beliefs. Ultimately, environmental personhood is a crucial component of many indigenous religions. It is gaining recognition as a means to protect natural entities from harm and give them legal rights equivalent to those of humans. In the next section, this article explores recent Catholic Church and Muslim teachings on environmental protection and how these religions could influence eco-centrism.

5. The Catholic Church and Islam on Environmental Protection

Contrary to White's postulation, the Catholic Church, over the years, has taught the need to protect the environment based on the Bible principles. Similarly, Islam has corresponding teachings on environmental conservationism.

5.1. The Catholic Church

The Catholic Church's teachings on environmentalism find their roots in Paul VI's and John Paul II's papacies,¹⁴³ although also prior popes made some remarks on responsible behaviour towards the natural environment.¹⁴⁴ Paul VI's 1971 Apostolic Letter *Octogesima Adveniens*¹⁴⁵ focused on many issues that affected the rapidly changing world in the early 1970s, including the issue of

Protect the Environment," p. 353.

¹⁴² Pain and Pepper, "Can Personhood Protect the Environment," p. 353.

¹⁴³ P. Booth, "The Environment, Catholic Social Teaching and Public Policy," *Catholic Social Thought* (web page), https://catholicsocialthought.org.uk/course_unit/the-environment-catholic-social-teaching-and-public-policy/ [accessed: 5.04.2023].

¹⁴⁴ See, for instance, T. Lai and C. Tortajada, "The Holy See and the Global Environmental Movements," *Frontiers in Communication*, vol. 6, 715900, 2021, pp. 1–13, <https://doi.org/10.3389/fcomm.2021.715900>, where the authors discussed the contributions made by previous popes before Paul VI.

¹⁴⁵ Paul VI, "Octogesima Adveniens. Apostolic Letter," *The Holy See* (web page), May 14, 1971, https://www.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens.html [accessed: 5.04.2023].

environmental protection. For Paul VI, man is suddenly realising that by misusing nature, he risks ruining it and becoming the victim of its destruction. He further observed that in addition to the physical environment remaining under constant threat due to pollution, waste, new diseases, and total destructive power, the human framework is no longer within man's control, perhaps resulting in an intolerable environment in the future. This is a significant social issue that affects all members of the human family.¹⁴⁶

John Paul II was more direct in condemning consumption for its own sake. In his encyclical letter of March 1979, *Redemptor Hominis*,¹⁴⁷ John Paul II observed that a threat to man's natural environment is frequently brought about by the exploitation of the earth, both for industrial and military purposes and by the unchecked development of technology outside the bounds of a long-term, authentically humanistic plan.¹⁴⁸ These activities also distance man from nature and alienate him from it. He further laments that man appears to see little significance in his natural environment beyond that which meets his immediate needs. Nonetheless, God intended for man to interact with nature as an intellectual and noble "master" and "guardian" and not as a careless "exploiter" and "destroyer."¹⁴⁹ In his subsequent encyclical, *Sollicitudo Rei Socialis*,¹⁵⁰ John Paul II, while enunciating the characters of good development, alluded to the Greek concept of "cosmos" to underscore the interconnectedness of all beings constituting the natural world.¹⁵¹ For him, three essential considerations regarding development must always be remembered. First is the understanding that one must treat all forms of life, whether animals, plants, or natural elements, with respect and dignity and not exploit them for one's own material gain. Instead, one must consider how everything in the cosmos is connected and how its parts work together.¹⁵² Second, a constant reminder that natural resources are limited; some are, unfortunately, not renewable. Using them as if they will never run out and having complete control over them seriously threatens their availability not only for this generation but especially for future generations.¹⁵³ The third

¹⁴⁶ Ibidem, para. 21.

¹⁴⁷ John Paul II, "Redemptor Hominis. Encyclical Letter," *The Holy See* (web page), March 4, 1979, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html [accessed: 5.04.2023].

¹⁴⁸ John Paul II, "Redemptor Hominis," para. 15.

¹⁴⁹ John Paul II, "Redemptor Hominis," para. 15.

¹⁵⁰ John Paul II, "Sollicitudo Rei Socialis," *The Holy See* (web page), December 30, 1987, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html [accessed: 5.04.2023].

¹⁵¹ John Paul II, "Sollicitudo Rei Socialis," para. 34.

¹⁵² John Paul II, "Sollicitudo Rei Socialis," para. 34.

¹⁵³ John Paul II, "Sollicitudo Rei Socialis," para. 34.

consideration is the direct and indirect consequences of industrialisation: environmental pollution.¹⁵⁴

Benedict XVI made a similar admonition regarding environmental stewardship by linking natural resources and humans to God's creative work.¹⁵⁵ For him, the way humanity treats the environment is a reflection of how humanity treats itself since every violation done to the natural environment upsets relations in society.¹⁵⁶ In other words, it highlights the moral imperative of protecting the environment and calls on individuals, businesses, and governments to work together to achieve this goal. It recognises that environmental protection is necessary for the planet's well-being and the well-being of humanity as a whole. While emphasising the importance of responsible stewardship of the earth and its resources, Benedict XVI stated that "the environment is God's gift to everyone, and in our use of it, we have a responsibility towards the poor, towards future generations and towards humanity as a whole."¹⁵⁷ He further argued that the current model of economic development, which prioritises profit over environmental concerns, is unsustainable and needs to be reformed as it is "prone to hedonism and consumerism, regardless of their harmful consequences."¹⁵⁸

Pope Francis has made a tremendous impact on the relationship between religion, man, and the environment more than his predecessors, not just because of his extensive writing on the subject matter but also for his recognition of the contribution of indigenous religious and traditional practices in environmental protection. In his encyclical, *Laudato Si'*,¹⁵⁹ Francis gave a reinterpretation of the "dominion over the earth" mandate in Genesis, which White traced as the root cause of our ecological problems, to be that man should not be domineering and destructive of the earth, but that man should till the earth.¹⁶⁰ The encyclical states that "the earth, our home, is beginning to look more and more like an immense pile of filth."¹⁶¹ It argues that human activity is the primary cause of climate change and environmental degradation and that urgent action is needed to address these issues: "We need a conversation which includes everyone, since

¹⁵⁴ John Paul II, "Sollicitudo Rei Socialis," para. 34.

¹⁵⁵ Benedict XVI, "Caritas in Veritate," *The Holy See* (web page), June 29, 2009, accessed April 5, 2023, https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html [accessed: 5.04.2023]. See also Booth, "The Environment, Catholic Social Teaching."

¹⁵⁶ Benedict XVI, "Caritas in Veritate," para. 51.

¹⁵⁷ Benedict XVI, "Caritas in Veritate," para. 48.

¹⁵⁸ Benedict XVI, "Caritas in Veritate," para. 51.

¹⁵⁹ Francis, "Laudato Si'," *The Holy See* (web page), May 24, 2015, accessed April 5, 2023, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html [accessed: 5.04.2023].

¹⁶⁰ Booth, "The Environment, Catholic Social Teaching."

¹⁶¹ Francis, "Laudato Si'," para. 21.

the environmental challenge we are undergoing, and its human roots, concern and affect us all.”¹⁶²

The encyclical recognises that the impact of environmental degradation is felt most severely by the poor and marginalised, who are often the least responsible for causing it. It states that “we are faced not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental.”¹⁶³ It calls for a new global political authority to oversee environmental protection efforts: “Enforceable international agreements are urgently needed since local authorities are not always capable of effective intervention.”¹⁶⁴ The encyclical also promotes the use of renewable energy sources and calls for a transition to a low-carbon economy when it recognises that “there is an urgent need to develop policies so that, in the next few years, the emission of carbon dioxide and other highly polluting gases can be drastically reduced.”¹⁶⁵ It urges individuals to adopt more sustainable lifestyles. It calls on businesses to take responsibility for their environmental impact since “it is no longer enough to speak only of the integrity of ecosystems. We have to dare to speak of the integrity of human life, of the need to promote and unify all the great values.”¹⁶⁶

As part of the solution to the present ecological crisis, Francis argues that in light of the complexity of the ecological crisis and its numerous origins, we must recognise that the answers will not result from a single interpretation and transformation of reality. Respect must also be shown for the diverse cultural treasures of other peoples, including their art and poetry, inner life, and spirituality.¹⁶⁷ Going further in his subsequent encyclical, *Fratelli Tutti*,¹⁶⁸ Francis reiterated that the right of enterprises to engage in business should not supersede the rights of nations and peoples and the need to respect the natural environment.¹⁶⁹ Peoples, as used by Francis, should be understood as Indigenous peoples or tribal peoples because he advocates for “peoples to cherish their roots and their ancestral cultures”¹⁷⁰ and that “intolerance and lack of respect for indigenous popular cultures is a form of violence grounded in a cold and judgmental way of viewing them.”¹⁷¹

¹⁶² Francis, “*Laudato Si*,” para. 14.

¹⁶³ Francis, “*Laudato Si*,” para. 139.

¹⁶⁴ Francis, “*Laudato Si*,” para. 179.

¹⁶⁵ Francis, “*Laudato Si*,” para. 26.

¹⁶⁶ Francis, “*Laudato Si*,” para. 117.

¹⁶⁷ Francis, “*Laudato Si*,” para. 63.

¹⁶⁸ Francis, “*Fratelli Tutti*,” *The Holy See* (web page), October 3, 2020, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html#_ftn99 [accessed: 5.04.2023].

¹⁶⁹ Francis, “*Fratelli Tutti*,” para. 122.

¹⁷⁰ Francis, “*Fratelli Tutti*,” para. 148.

¹⁷¹ Francis, “*Fratelli Tutti*,” para. 220.

As examined above, the Catholic Church's teachings on environmental protection reflect a deep concern for the well-being of future generations and a belief in our shared responsibility to care for our common home. They provide a compelling moral framework for addressing the pressing environmental challenges of our time and offer a vision for a more just and sustainable world. A significant difference between them and indigenous religious beliefs is that while the teachings of the Church are exhortations of how people should behave towards the environment, the indigenous religious beliefs are positive acts and behaviours of the people towards the environment.

5.2. Islam

Just like Christianity, Islam has roots in Judaism and has a similar account of God's creation, thereby equally placing a great emphasis on environmental protection and preservation. Consequently, the Quran contains many verses that call for the protection of the environment and the conservation of natural resources. One of the verses often cited supporting the conservation of natural resources and against unbridled consumerism is Quran 7:31, where Muslims are enjoined to "eat and drink but do not waste. Surely, He does not like the wasteful." According to Labeeb Bsoul and others, this verse highlights the Islamic perspective on environmental preservation, which is centred on promoting the principles of moderation in consumption, rationalisation of resources, and sustainable actions.¹⁷²

The interconnectedness of the universe and the partnership of man with the natural environment is recognised in Islam because "there is no creature on the earth or a bird that flies with its wings except that they are nations like you."¹⁷³ To this end, man can "eat and drink from the provision of Allah, and do not commit abuse on the earth, spreading *corruption*."¹⁷⁴ Corruption, as used in this verse, has been interpreted to mean "damage and abuse of natural resources,"¹⁷⁵ and this is correct, especially when examined within the context of other verses where the same word was used concerning other natural entities. For instance, while stipulating that there will be consequences for corruption, the Quran provides that "corruption has appeared throughout the *land and sea* by [reason of] what the hands of people have earned so He [...] may let them

¹⁷² L. Bsoul et al., "Islam's Perspective on Environmental Sustainability: A Conceptual Analysis," *Social Sciences*, vol. 11, no. 6, 2022, pp. 1, 3, <https://doi.org/10.3390/socsci11060228>.

¹⁷³ Quran 6:38, Saheeh International translation.

¹⁷⁴ Quran 2:60.

¹⁷⁵ Islamweb, "Abusing the Environment an Islamic Perspective," *Islamweb* (web page), November 17, 2016, <https://www.islamweb.net/en/article/122912/abusing-the-environment-an-islamic-perspective> [accessed: 6.04.2023].

taste part of [the consequence of] what they have done that perhaps they will return [to righteousness].”¹⁷⁶

The above verses reveal the three fundamental Islamic principles towards the environment: 1) “unity of all creatures under the one God (*Tawheed*),” 2) “humankind’s role as vice-regency (*Khalifa*),” and 3) “humankind’s pursuit of public good (*maslahah*).”¹⁷⁷ Claudia Willms, while omitting *maslahah*, instead recognises “accountability (*akhirah*)” as the third pillar of Islamic environmental ethics.¹⁷⁸ Overall, the Quran and the teachings of the Prophet Muhammad emphasise the importance of environmental protection, conservation of natural resources, and responsible use of the earth’s resources. Muslims are encouraged to take care of the environment and to act as stewards (*Khalifa*) of the earth. However, just like in Christianity and unlike what is obtained with Indigenous peoples and their attitude towards natural entities, Islamic teachings on environmental protection are exhortations on how Muslims should behave towards the environment.

6. Legal framework for the protection of religious rights and environmental protection

In addition to legal instruments that recognise the rights of nature and environmental personhood, some laws also protect natural entities by acknowledging their sacred status in Indigenous religious practices. This protection exists on national, regional, and international instruments, as examined in the subsections that follow.

6.1. National laws on the protection of sacred natural sites

As earlier analysed, countries like New Zealand, India, Uganda, Bolivia, and Ecuador recognise the religious importance of natural resources and the need for these natural entities to be vested with some legal rights. A similar situation obtains in other countries, although with some degrees of flexibility or

¹⁷⁶ Quran 30:41.

¹⁷⁷ D. M. Abdelzaher, A. Kotb, and A. Helfaya, “Eco-Islam: Beyond the Principles of Why and What, and Into the Principles of How,” *Journal of Business Ethics*, vol. 155, 2017, pp. 623, 626, <https://doi.org/10.1007/s10551-017-3518-2>.

¹⁷⁸ C. Willms, “A Cultural Analysis of Eco-Islam: How Young German Muslims live Religion through Environmental Activism,” *HTS Teologiese Studies/Theological Studies*, vol. 77, no. 2, 2021, pp. 1, 2, <https://doi.org/10.4102/hts.v77i2.6734>.

limitation on the rights. In some situations, such rights were a result of judicial pronouncements. For instance, in 2020, the Bangladesh Supreme Court upheld a previous High Court decision which held that the “Turag River and all other rivers in the country are ‘living entities’ with rights as ‘legal persons’.”¹⁷⁹ The sacred sites of the indigenous Altai people in Russia enjoy executive protection from destructive activities that could harm the topsoil or activities that pose any danger to the natural habitats of plant and animal species.¹⁸⁰ Recognising the importance of protecting sacred natural entities as a means to protect the environment without vesting those natural entities with personhood also obtains in the Philippines. The Indigenous Peoples’ Rights Act of 1997¹⁸¹ recognises the sacredness of ancestral domains and the cultural practices of Indigenous peoples related to their territories. The law also requires the government to protect and conserve these sacred territories and ensure they are not used for activities that could harm their ecological balance.¹⁸²

Nigeria practices state ownership of mineral and crude oil, and all the land belong to the government.¹⁸³ The government is empowered to expropriate any land or give licenses for petroleum prospecting on land with oil deposits,¹⁸⁴ except for where an “area [is] held to be sacred.”¹⁸⁵ The Minerals and Mining Act makes this exception even more pronounced when it prohibits oil operations “in or under any area held to be sacred” and prohibits “injury or destruction of any tree or other thing which is the object of veneration.”¹⁸⁶ Violating any sacred place or cutting down trees that are objects of veneration attracts the payment of “fair and adequate compensation to the persons or communities affected by injury or damage.”¹⁸⁷ Various states in the United States have also provided protection for sacred natural objects. For instance, in 2018, the White Earth Band of Ojibwe in Minnesota officially recognised the inherent rights of wild

¹⁷⁹ M. Margil, “Bangladesh Supreme Court Upholds Rights of Rivers,” *Centre for Democratic and Environmental Rights* (web page), August 24, 2020, <https://mari-margil.medium.com/bangladesh-supreme-court-upholds-rights-of-rivers-e4e78568d8aa> [accessed: 18.04.2023].

¹⁸⁰ Cultural Survival, “Good News – Russia: Sacred Sites are Protected by Local Executive Power,” *Cultural Survival* (web page), July 3, 2012, <https://www.culturalsurvival.org/news/good-news-russia-sacred-sites-are-protected-local-executive-power> [accessed: 18.04.2023].

¹⁸¹ The Indigenous Peoples’ Rights Act of 1997 (Republic Act No 8371) (the Philippines), <https://faolex.fao.org/docs/pdf/phi13930.pdf>.

¹⁸² The Indigenous Peoples’ Rights Act of 1997, section 33.

¹⁸³ See, for instance, section 44 of the Federal Republic of Nigeria Constitution, Cap C23 Laws of the Federation of Nigeria 2004; section 1 of the Petroleum Industry Act 2021 (Nigeria).

¹⁸⁴ The Minerals and Mining Act (MMA) No 20, 2007 (passed into law on 16 March 2007), section 2(1).

¹⁸⁵ The Petroleum Industry Act, section 101(1) a.

¹⁸⁶ The Minerals and Mining Act, section 98(1).

¹⁸⁷ The Minerals and Mining Act, section 98(3). A similar provision regarding payment of fair and adequate compensation when a sacred object is damaged is also covered in s 101 (2–5) of the Petroleum Industry Act.

rice, a culturally important cereal to the Anishinaabe people of Minnesota.¹⁸⁸ In addition, the Yurok Tribe of Northern California recognised the Klamath River's rights in May 2019.¹⁸⁹ In Colombia, the rights of nature, even though not expressly provided for, have been espoused as an aspect of biocultural rights where biodiversity and cultural practices of the Indigenous peoples are utilised for environmental protection. This was the decision of the Constitutional Court of Colombia, where the rights of the Atrato River were recognised.¹⁹⁰

6.2. Regional approaches to the protection of rights of nature

Some legal instruments exist for either the recognition of the rights of nature or the protection of sacred natural entities at the regional level. For instance, the American Declaration on the Rights of Indigenous Peoples¹⁹¹ makes elaborate provisions for the protection of sacred sites and lands belonging to Indigenous peoples. It grants peoples “the right to preserve, protect, and access their sacred sites, [...] to use and control their sacred objects and relics.”¹⁹² By extension, they retain the right to assemble on their sacred sites and freely use these sacred objects.¹⁹³ The Declaration mandates that States ensure that Indigenous peoples’ “right to maintain their cultural and spiritual identity, religious traditions, cosmovision, and values” and “the protection of their sacred sites and places of worship” are fully enjoyed.¹⁹⁴ Even though the Declaration does not use “sacred natural sites or entities,” it should be understood that sacred natural sites are included because sacred sites encompass an avalanche of objects, both natural and artificial, provided they are a link between an indigenous community and their spiritual life.¹⁹⁵

¹⁸⁸ D. Zartner, “Watching Whanganui & the Lessons of Lake Erie: Effective Realization of Rights of Nature Laws,” *Vermont Journal of Environmental Law*, vol. 22, no. 1, 2021, pp. 1, 25, <https://www.jstor.org/stable/27008957>.

¹⁸⁹ Zartner, “Watching Whanganui & the Lessons of Lake Erie,” pp. 1, 25.

¹⁹⁰ *Centro de Estudios para la Justicia Social ‘Tierra Digna’ v President of the Republic*, No T-5.016.242, Corte Constitucional, Sala Sexta de Revision [Constitutional Court, Sixth Chamber], 10 November 2016. This is cited in Tănăsescu, “Rights of Nature, Legal Personality,” p. 2.

¹⁹¹ The Organisation of American States General Assembly, *The American Declaration on the Rights of Indigenous Peoples* AG/RES 2888 (XLVI-O/16), (adopted on 15 June 2016).

¹⁹² *The American Declaration on the Rights of Indigenous Peoples*, Article XVI (3).

¹⁹³ *The American Declaration on the Rights of Indigenous Peoples*, Article XX (2).

¹⁹⁴ *The American Declaration on the Rights of Indigenous Peoples*, Article XXXI (1).

¹⁹⁵ See Q. Yellow Cloud and N. Redvers, “Honoring Indigenous Sacred Places and Spirit in Environmental Health,” *Environmental Health Insights*, vol. 17, 2023, p. 1, <https://doi.org/10.1177/11786302231157507>, where the authors opine that “indigenous Sacred Places themselves are connections to ancestors, to all beings on the planet, and to different planes of existence”; K. Mulvaney, “Sacred Sites in Indigenous Archaeology,” in *Encyclopedia of*

Within the framework of the African Union, such rights and protections are explicitly accorded to sacred natural sites. In this regard, the African Commission on Human and Peoples' Rights Resolution on the Protection of Sacred Natural Sites and Territories¹⁹⁶ is noteworthy. The Resolution started by acknowledging that sacred natural sites are one of the earliest forms of culture-based conservation, defined as areas of land or water with special spiritual significance to Indigenous peoples and communities, and frequently harbouring rich biodiversity that contributes to the connectivity, resilience, and adaptability of valuable landscapes and ecosystems.¹⁹⁷ The document contains three resolutions: 1) States Parties are to recognise sacred natural sites and territories, as well as their traditional governance systems, as contributing to the preservation of human and Indigenous peoples' rights;¹⁹⁸ 2) States Parties are to uphold their obligations and commitments under regional and international law concerning sacred natural sites and territories, their customary governance systems, and the rights of custodian communities;¹⁹⁹ 3) States Parties, civil society, corporations, and other stakeholders to recognise and respect the inherent value of sacred natural sites and territories.²⁰⁰

The African Commission views a denial of access to sacred natural sites as a violation of the right to religion. This decision was reached in the *Endorois Welfare v Kenya*,²⁰¹ where the African Commission concluded that the displacement of the Endorois people from their traditionally occupied land around Lake Bogoria, a sacred river, was a direct violation of the right to religion under Article 8 and the right to practice culture under Article 7(2) of the African Charter.²⁰² A similar decision was reached in *AFCHPR v Kenya* (Ogiek case),²⁰³ where the African Commission held that the eviction of the Indigenous people of Ogiek from the Mau forest constituted a breach of their right to religion

Global Archaeology, ed. S. Claire, New York, Springer, 2014, p. 6414, here the author argues that "sacred sites, although spiritually derived, have a physical manifestation, being natural features like rock outcrops, trees, water holes, or coral reefs or culturally marked places like stone arrangements and rock art."

¹⁹⁶ African Commission on Human and Peoples' Rights, *Resolution on the Protection of Sacred Natural Sites and Territories* – ACHPR/Res 372 (LX) 2017 (adopted at its meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger).

¹⁹⁷ *Resolution on the Protection of Sacred Natural Sites and Territories*, Preamble.

¹⁹⁸ *Resolution on the Protection of Sacred Natural Sites and Territories*, para. 1.

¹⁹⁹ *Resolution on the Protection of Sacred Natural Sites and Territories*, para. 2.

²⁰⁰ *Resolution on the Protection of Sacred Natural Sites and Territories*, para. 3.

²⁰¹ African Commission on Human and Peoples' Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* (Communication no 276/2003 (Endorois judgment)).

²⁰² African Union, *African Charter on Human and Peoples' Rights* ("Banjul Charter"), June 27, 1981, CAB/LEG/67/3 rev 5, 21 ILM 58 (1982).

²⁰³ *African Commission on Human and Peoples' Rights v Kenya* (006/2012) [2017] AFCHPR 28; (26 May 2017).

as guaranteed in Article 8 of the African Charter, as the Mau forest contains sacred caves, hills, and specific trees that are important to the religious life of the Ogiek people.

6.3. International instruments

At the international level, people's right to religion has always been recognised, starting with the Universal Declaration of Human Rights,²⁰⁴ the International Covenant on Civil and Political Rights,²⁰⁵ and the International Covenant on Economic, Social and Cultural Rights.²⁰⁶ The Indigenous and Tribal Peoples Convention (C169)²⁰⁷ enjoins States to take into account "the social, cultural, religious and spiritual values and practices" of indigenous and tribal peoples while applying the provisions of the Convention.²⁰⁸ Interestingly, some of the provisions for which Indigenous peoples' cultural and religious practices must be considered include the "rights of the peoples concerned to the natural resources pertaining to their lands" and "to participate in the use, management and conservation of these resources."²⁰⁹ Furthermore, governments must always respect the unique significance of the cultures and spiritual values of people's relationship with their lands or territories.²¹⁰

The Convention on Biological Diversity²¹¹ encourages the sustainable use of components of biological diversity and obligates States to protect and promote the traditional use of biological resources in accordance with cultural norms.²¹² Additionally, States must "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional

²⁰⁴ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Articles 2 and 18 on the prohibition of discrimination on grounds of religion, etc. and the recognition of the freedom to practice one's religion respectively. Article 27 guarantees the freedom to participate in the cultural life of one's community.

²⁰⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171, Articles 2 and 4 prohibit discrimination based on religion; Article 18 recognises the right to religion; Article 27 guarantees minority groups the freedom to "enjoy their own culture, to profess and practise their own religion."

²⁰⁶ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3, art 2(2) prohibits discrimination based on religion; Article 15 recognises the right of everyone to take in cultural life.

²⁰⁷ International Labour Organisation (ILO), *Indigenous and Tribal Peoples Convention*, C169, 27 June 1989, C169.

²⁰⁸ *Indigenous and Tribal Peoples Convention*, Article 5(a).

²⁰⁹ *Indigenous and Tribal Peoples Convention*, Article 15(1).

²¹⁰ *Indigenous and Tribal Peoples Convention*, Article 13(1).

²¹¹ United Nations General Assembly, *Convention on Biological Diversity*, 29 December 1993, 1760 UNTS 79.

²¹² *Convention on Biological Diversity*, Article 10(c).

lifestyles relevant for the conservation and sustainable use of biological diversity.”²¹³ In his support of these provisions as a good framework for the protection of sacred natural sites, Kevin Bakulumpagi argues that the traditional use of biological resources is a significant factor that encourages the application of traditional mechanisms for the protection of the environment, which are capable of addressing environmental degradation in a manner that is both effective and more realistic.²¹⁴

A landmark achievement regarding the protection of the rights of Indigenous peoples was the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)²¹⁵ in 2007 by the United Nations General Assembly. It makes elaborate provisions for the recognition of the religious rights of Indigenous peoples and the protection of their sacred objects as a conservatory mechanism. Article 12 provides that Indigenous peoples have the right to manifest, practise, develop, and teach their spiritual and religious traditions, customs, and ceremonies. They also have the right to preserve, protect, and have private access to their religious and cultural sites and the right to use and control their ceremonial objects.²¹⁶ Article 25 of UNDRIP states that Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their lands, territories, waters, and other resources and to uphold their responsibilities to future generations. The said article recognises the important role that Indigenous peoples play as stewards of the environment and the need to respect their traditional ecological knowledge and practices. Although the UNDRIP is a legally non-binding instrument, it is hortatory. It is widely recognised as an authoritative and influential statement of the collective rights of Indigenous peoples and provides an essential framework for promoting and protecting their human rights.²¹⁷

Finally, an argument could be made on the usefulness of the Rome Statute of the International Criminal Court (Rome Statute)²¹⁸ in protecting religious rights and the environment. While defining what constitutes war crimes, the Rome

²¹³ *Convention on Biological Diversity*, Article 8(j).

²¹⁴ K. Bakulumpagi, “Resolution of the African Commission on Human and Peoples’ Rights on the Protection of Sacred Natural Sites and Territories: A Critical Overview,” *African Human Rights Yearbook*, vol. 5, no. 1, 2021, pp. 305, 314, <https://doi.org/10.29053/2523-1367/2021/v5a14>.

²¹⁵ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, resolution/adopted by the General Assembly, 2 October 2007, A/RES/61/295.

²¹⁶ *United Nations Declaration on the Rights of Indigenous Peoples*, Article 12.

²¹⁷ P. Joffe, “‘UN Declaration on the Rights of Indigenous Peoples’: Canadian Government Positions Incompatible with Genuine Reconciliation,” *National Journal of Constitutional Law*, vol. 26, 2010, pp. 121, 225; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People*, S. James Anaya, 11 August 2008, A/HRC/9/9, para. 85.

²¹⁸ United Nations General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), 17 July 1998.

Statute provides that “war crimes means [...] [i]ntentionally directing attacks against buildings dedicated to religion [...] [and] historic monuments.”²¹⁹ This article could cover the intentional destruction of indigenous religious objects by a wide interpretation.²²⁰ Furthermore, the Rome Statute includes the “[i]ntentionally launching an attack in the knowledge that such attack will cause [...] severe damage to the natural environment”²²¹ as what constitutes war crimes. Scholars have argued that this provision is enough to bring environmental violations under the jurisdiction of the International Criminal Court (ICC) and will go a long way toward solving the intentional destruction of the ecosystem.²²² Unfortunately, this provision is restrictive as it applies only within the context of armed conflict and does not cover the various instances where natural sacred entities are violated as a result of business operations. Recently, the Independent Expert Panel for the Legal Definition of Ecocide²²³ came up with two proposals on the definition of ecocide and the recommendation that the crime should be included as one of the core crimes under the Rome Statute. The document defines ecocide as the “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”²²⁴ An interpretation

²¹⁹ *Rome Statute of the International Criminal Court*, Article 8 (2)(b) IX.

²²⁰ For instance, in *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, charge brought by the Prosecution against Ahmad Al Faqi Al Mahdi, 17 December 2015 (ICC-01/12-01/15). Ahmad Al Faqi Al Mahdi was charged with destroying religious buildings and places of sacred character in Timbuktu, Mali. Later on, his charges were confirmed by the Pre-Trial Chamber on 24 March 2016: *Situation In The Republic Of Mali in the case of The Prosecutor v. Ahmad Al Faqi Al Mahdi*, 24 March 2016 (ICC-01/12-01/15). For a proper examination of this case, see P. Gacka, “Attacks against Cultural Objects and the Concept of Victimhood in International Criminal Law. A Critical Analysis,” *Zeszyt Studencki Kół Naukowych Wydziału Prawa i Administracji UAM*, vol. 8, 2018, pp. 25, 33.

²²¹ The Rome Statute, Article 8 (2)(b) IV.

²²² J. Durney, “Crafting a Standard: Environmental Crimes as Crimes Against Humanity Under the International Criminal Court,” *Hastings Environmental Law Journal*, vol. 24, no. 2, 2018, pp. 413–430, https://repository.uchastings.edu/hastings_environmental_law_journal/vol24/iss2/13. Here, the author argues that the prosecution of environmental crime can better be done under crimes against humanity. See also A. Bustami and M.-C. Hecken, “Perspectives for a New International Crime Against the Environment: International Criminal Responsibility for Environmental Degradation under the Rome Statute,” *Goettingen Journal of International Law*, vol. 11, no. 1, 2021, pp. 145–189, <https://doi.org/10.3249/1868-1581-bustami-hecken>, where the authors suggest the amendment of the Rome Statute to add ecocide as a new core crime; M. Nyka, “Crime Against the Natural Environment – Ecocide – from the Perspective of International Law,” *Eastern European Journal of Transnational Relations*, vol. 6, no. 2, 2022, pp. 9–16 <http://dx.doi.org/10.15290/eejtr.2022.06.02.01>.

²²³ Stop Ecocide Foundation, “Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text,” *Stop Ecocide Foundation* (web page), June 2021, <https://www.stopecocide.earth/expert-drafting-panel> [accessed: 23.04.2023].

²²⁴ Stop Ecocide Foundation, “Independent Expert Panel for the Legal Definition of Ecocide.”

of this definition, especially regarding sacred natural entities, is that the destruction of sacred natural entities, which form part of the general environment, qualifies for ecocide provided all the elements of the crime are met.

7. Conclusions

Religion, whether Christianity, Islam, Buddhism, or indigenous religions, have positively influenced environmental justice. The article explored the intersection of environmental justice and religion, often called “eco-theology” or “religious environmentalism,” by analysing how religious beliefs, values, and practices influence people’s attitudes and actions toward the environment, including issues related to environmental justice. While Lynn White accuses the Western Christian religions as the root cause of our ecological crisis, this article instead looked at the teaching of Christianity and other practices of other religions regarding environmental protection with the view to discovering the contributions of these religions towards environmentalism. To properly harness the positives of religions towards environmentalism, more protection should be given to Indigenous peoples’ right to religion and access to their sacred natural entities like mountains, rivers, forests, and animals. Since the concept of the rights of nature originates in Indigenous peoples’ cosmologies and religious beliefs, its increased legal recognition and enforcement will also strengthen the protection of Indigenous peoples’ religious rights. Even though such protection may not immediately clean the environment, it will nonetheless advance the preservation and conservation of these natural entities from further degradation.

Bibliography

- Abdelzaher, D. M., Kotb, A., and Helfaya, A., “Eco-Islam: Beyond the Principles of Why and What, and Into the Principles of How,” *Journal of Business Ethics*, vol. 155, 2017, pp. 623–643, <https://doi.org/10.1007/s10551-017-3518-2>.
- Agbo, P. O., Opata, C., and Okwueze, M., “Environmental Determinant of Religious Names: A Study of Úgwú and Naming among the Nsukka-Igbo People of Nigeria,” *HTS Teologiese Studies/Theological Studies*, vol. 77, no. 4, 2021, pp. 1–10, <https://doi.org/10.4102/hts.v78i3.6977>.
- Anaya, J., “Indigenous Peoples’ Participatory Rights in Relation to Decisions about Natural Resource Extraction: The More Fundamental Issue of what Rights Indigenous Peoples Have

- in Lands and Resources,” *Arizona Journal of International and Comparative Law*, vol. 22, no. 1, 2005, pp. 7–17, <https://scholar.law.colorado.edu/faculty-articles/841>.
- Arnold, B. B., “Signs of Invisibility: Nonrecognition of Natural Environments as Persons in International and Domestic Law,” *International Journal for the Semiotics of Law*, vol. 36, 2023, pp. 457–475, <https://doi.org/10.1007/s11196-022-09920-7>.
- Arstein-Kerslake, A. et al., “Relational Personhood: A Conception of Legal Personhood with insights from Disability Rights and Environmental Law,” *Griffith Law Review*, vol. 30, no. 3, 2021, pp. 530–555, <https://doi.org/10.1080/10383441.2021.2003744>.
- Badía Cabrera, M. A., “A Necessary Preparative to the Study of Philosophy”: A Positive Appraisal of Descartes’ Universal Doubt,” *The European Legacy*, vol. 27, nos. 3–4, 2022, pp. 239–250, <https://doi.org/10.1080/10848770.2021.2023980>.
- Bakulumpagi, K., “Resolution of the African Commission on Human and Peoples’ Rights on the Protection of Sacred Natural Sites and Territories: A Critical Overview,” *African Human Rights Yearbook*, vol. 5, no. 1, 2021, pp. 305–327, <https://doi.org/10.29053/2523-1367/2021/v5a14>.
- Behera, R., “The Tribal Religion of Odisha: Its Change and Continuity,” *Odisha Review*, 2017, pp. 71–73.
- Bétaille, J., “Rights of Nature: Why it Might Not Save the Entire World,” *Journal for European Environmental and Planning Law*, vol. 16, no. 1, 2019, pp. 35–64, <https://doi.org/10.1163/18760104-01601004>.
- Briggman, A., “Irenaeus of Lyons, Against Heresies (Selections),” in *The Cambridge Edition of Early Christian Writings*, ed. Mark DelCogliano, Cambridge, Cambridge University Press, 2022, pp. 103–136.
- Brockbank, B., “Descartes and Scholasticism: An Analysis,” *Aporia*, vol. 29, no. 1, 2019, 1.
- Bsoul, L. et al., “Islam’s Perspective on Environmental Sustainability: A Conceptual Analysis,” *Social Sciences*, vol. 11, no. 6, 2022, pp. 1–11, <https://doi.org/10.3390/socsci11060228>.
- Bustami, A., and Hecken, M.-C., “Perspectives for a New International Crime Against the Environment: International Criminal Responsibility for Environmental Degradation under the Rome Statute,” *Goettingen Journal of International Law*, vol. 11, no. 1, 2021, pp. 145–189, <https://doi.org/10.3249/1868-1581-bustami-hecken>.
- Butzier, S. R., and Stevenson, S. M., “Indigenous Peoples’ Rights to Sacred Sites and Traditional Cultural Properties and the Role of Consultation and Free, Prior and Informed Consent,” *Journal of Energy and Natural Resources Law*, vol. 32, no. 3, 2014, pp. 297–334, <https://doi.org/10.1080/02646811.2014.11435364>.
- Calzadilla, P. V. and Kotzé, L. J., “Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia,” *Transnational Environmental Law*, vol. 7, no. 3, 2018, pp. 397–424, <https://doi.org/10.1017/S2047102518000201>.
- Carwile, C., “Sabine Jell-Bahlsen. The Water Goddess in Igbo Cosmology: Ogbuide of Oguta Lake. Trenton, N.J.: Africa World Press, 2008. Xiv 433 Pp. Photographs. Illustrations. Glossary. Bibliography. Index. \$34.95. Paper,” *African Studies Review*, vol. 51, no. 3, 2008, pp. 172–173, <https://doi.org/10.1353/arw.0.0121>.
- Clarkson, G., and DeKorte, D., “Unguarded Indians: The Complete Failure of the Postoliphant Guardian and the Dual-Edged Nature of Parens Patriae,” *University of Illinois Law Review*, vol. 4, 2010, pp. 1119–1168.
- Cobo, J. M., “Study of the Problem of Discrimination Against Indigenous Populations,” UN Doc E/CN.4/Sub.2/1983/21/add.8 (1983).
- Conradie, E. M., “The Four Tasks of Christian Ecotheology: Revisiting the Current Debate,” *Scriptura*, vol. 119, no. 1, 2020, pp. 1–13, <https://doi.org/10.7833/119-1-1566>.

- Conty, A., "Animism in the Anthropocene," *Theory, Culture and Society*, vol. 39, no. 5, 2022, pp. 127–153, <https://doi.org/10.1177/02632764211039283>.
- Croskerry, P., "Sapere aude in the Diagnostic Process," *Diagnosis*, vol. 7, no. 3, 2020, pp. 165–168, <https://doi.org/10.1515/dx-2020-0079>.
- Dicker, G., *Descartes: An Analytic and Historical Introduction*, 2nd edn., Oxford, Oxford University Press, 2013.
- Durney, J., "Crafting a Standard: Environmental Crimes as Crimes Against Humanity Under the International Criminal Court," *Hastings Environmental Law Journal*, vol. 24, no. 2, 2018, pp. 413–430, https://repository.uchastings.edu/hastings_environmental_law_journal/vol24/iss2/13.
- El Jurdi, H. A., Batat, W., and Jafari, A., "Harnessing the Power of Religion: Broadening Sustainability Research and Practice in the Advancement of Ecology," *Journal of Macromarketing*, vol. 37, no. 1, 2017, pp. 7–24, <https://doi.org/10.1177/0276146716672>.
- Fenitra, R. M. et al., "Environmentally Responsible Behavior and Knowledge-Belief-Norm in the Tourism Context: The Moderating role of types of Destinations," *International Journal of Geoheritage and Parks*, vol. 10, no. 2, 2022, pp. 273–288, <https://doi.org/10.1016/j.ij-geop.2022.05.001>.
- Feuerbach, L., *The Essence of Christianity*, trans. Marian Evans (aka George Eliot), New York, Harper & Brothers, 1957.
- Ford, J. D. et al., "The Resilience of Indigenous Peoples to Environmental Change," *One Earth*, vol. 6, no. 2, 2020, pp. 532–543, <https://doi.org/10.1016/j.oneear.2020.05.014>.
- Gacka, P., "Attacks against Cultural Objects and the Concept of Victimhood in International Criminal Law. A Critical Analysis," *Zeszyt Studencki Kół Naukowych Wydziału Prawa i Administracji UAM*, vol. 8, 2018, pp. 25–41.
- Gilbert, J., "Indigenous Peoples' Human Rights in Africa: The Pragmatic Revolution of the African Commission on Human and Peoples' Rights," *International and Comparative Law Quarterly*, vol. 50, no. 1, 2011, pp. 245–270, <https://doi.org/10.1017/S0020589310000746>.
- Giuliani, E. and Macchi, C., "Multinational Corporations' Economic and Human Rights Impacts on Developing Countries: A Review and Research Agenda," *Cambridge Journal of Economics*, vol. 38, no. 2, 2014, pp. 479–517, <https://doi.org/10.1093/cje/bet060>.
- Goodman, R. A., "Some Aitu Beliefs of Modern Samoans," *The Journal of the Polynesian Society*, vol. 80, no. 4, 1979, pp. 463–479.
- Gordon, G. J., "Environmental Personhood," *Columbia Journal of Environmental Law*, vol. 43, no. 1, 2018, pp. 49–91, <https://doi.org/10.7916/cjel.v43i1.3742>.
- Gottlieb, R., *Forcing the Spring: The Transformation of the American Environmental Movement*, Washington, Island Press, 2005.
- Guha, R., *Environmentalism: A Global History*, Longman, 2000.
- Hall, M., "The Vulnerability Jurisdiction: Equity, Parens Patriae, and the Inherent Jurisdiction of the Court," *Canadian Journal of Comparative and Contemporary Law*, vol. 2, no. 1, 2016, pp. 185–225, <https://www.canlii.org/en/commentary/doc/2016CanLIIDocs46>.
- Harvey, G., *Animism: Respecting the Living World*, New York, Columbia University Press, 2006.
- Hinchman, L. P. and Hinchman, S. K., "Should Environmentalists Reject the Enlightenment?," *The Review of Politics*, vol. 63, no. 4, 2001, pp. 663, 681, <https://doi.org/10.1017/S0034670500032125>.
- Hoff, C., "Kant's Invidious Humanism," *Environmental Ethics*, vol. 5, no. 1, 1983, pp. 63–69, <https://doi.org/10.5840/enviroethics19835137>.
- Hoffmann, R. C., *An Environmental History of Medieval Europe*, Cambridge, Cambridge University Press, 2014.

- Igbokwe, B. N., and Omeire, E. U., "The Role of Traditional Beliefs Systems in Environmental Management: A Case of Igbo Society," *European Academic Research*, vol. VIII, no. 6, 2020, pp. 3146–3159.
- Jamison, A., *The Making of Green Knowledge: Environmental Politics and Cultural Transformation*, Cambridge, Cambridge University Press, 2004.
- Jenkins, W., "After Lynn White: Religious Ethics and Environmental Problems," *The Journal of Religious Ethics*, vol. 37, no. 2, 2009, pp. 283–309, <https://doi.org/10.1111/j.1467-9795.2009.00387.x>.
- Joffe, P., "UN Declaration on the Rights of Indigenous Peoples": Canadian Government Positions Incompatible with Genuine Reconciliation," *National Journal of Constitutional Law*, vol. 26, 2010, pp. 121–129.
- Jolly, S., and Roshan Menon, K. S., "Of Ebbs and Flows: Understanding the Legal Consequences of Granting Personhood to Natural Entities in India," *Transnational Environmental Law*, vol. 10, no. 3, 2021, pp. 467–492, <https://doi.org/10.1017/S2047102520000424>.
- Kant, I., "An Answer to the Question: What Is Enlightenment? (1784)." In *Practical Philosophy*, trans. A. W. Wood, ed. M. J. Gregor, Cambridge, Cambridge University Press, 1996.
- Kawharu, M., "Kaitiakitanga: A Maori Anthropological Perspective of the Maori Socio-environmental Ethic of Resource Management," *The Polynesian Society*, vol. 109, no. 4, 2000, pp. 349–370.
- Kureethadam, J. I., *The Philosophical Roots of the Ecological Crisis: Descartes and the Modern Worldview*, Cambridge, Cambridge Scholars Publishing, 2017.
- Lai, T., and Tortajada, C., "The Holy See and the Global Environmental Movements," *Frontiers in Communication*, vol. 6, 715900, 2021, pp. 1–13, <https://doi.org/10.3389/fcomm.2021.715900>.
- Marangudakis, M., "The Medieval Roots of Our Environmental Crisis," *Environmental Ethics*, vol. 23, no. 2, 2001, pp. 243–260, <https://doi.org/10.5840/enviroethics200123314>.
- McAllister, T., Hikuroa, D., and Macinnis-Ng, C., "Connecting Science to Indigenous Knowledge: kaitiakitanga, Conservation, and Resource Management," *New Zealand Journal of Ecology*, vol. 47, no. 1, 2023, pp. 1–13, <https://doi.org/10.20417/nzj ecol.47.3521>.
- Minteer, B. A., and Manning, R. E., "An Appraisal of the Critique of Anthropocentrism and Three Lesser Known Themes in Lynn White's 'The Historical Roots of our Ecologic Crisis'," *Organization and Environment*, vol. 18, no. 2, 2005, pp. 163–176, <https://doi.org/10.1177/1086026605276196>.
- Mohanty, S., Das, P. K., and Kumar, S., "Role of Sacred Groves in the Conservation of Traditional Values of Odisha," *Advances in Plants and Agriculture Research*, vol. 3, no. 3, 2016, pp. 56–58, <https://medcraveonline.com/APAR/APAR-03-00094.php>.
- Moncrief, L. W., "The Cultural Basis for Our Environmental Crisis," *Science*, vol. 170, no. 3957, 1970, pp. 508–512, <https://doi.org/10.1126/science.170.3957.508>.
- Mulvaney, K., "Sacred Sites in Indigenous Archaeology," in *Encyclopedia of Global Archaeology*, ed. S. Claire, New York, Springer, 2014, pp. 6414–6416.
- Naudé, P., "Can We Overcome the Anthropocentrism Bias in Sustainability Discourse?," *African Journal of Business Ethics*, vol. 11, no. 2, 2018, pp. 56–67, <https://doi.org/10.15249/11-2-189>.
- Nkama, C. L., Okoro, K. N., and Egbule, E., "Eco-Preservation through the Lens of Igbo Beliefs and Practices: A Re-Imagination," *Religions*, 13, 1066, 2022, pp. 1–15, <https://doi.org/10.3390/rel13111066>.
- Northcott, M. S., *The Environment and Christian Ethics*, Cambridge, Cambridge University Press, 2009.
- Nyka, M., "Crime Against the Natural Environment – Ecocide – from the Perspective of International Law," *Eastern European Journal of Transnational Relations*, vol. 6, no. 1, 2022, pp. 9–16, <http://dx.doi.org/10.15290/eejtr.2022.06.02.01>.

- Pain, N., and Pepper, R., "Can Personhood Protect the Environment? Affording Legal Rights to Nature," *Fordham International Law Journal*, vol. 45, no. 2, 2021, pp. 315–378, <https://ir.lawnet.fordham.edu/ilj/vol45/iss2/2>.
- Pelican, M., "Complexities of Indigeneity and Autochthony: An African Example," *American Ethnologist*, vol. 36, no. 1, 2009, pp. 52–65, <https://doi.org/10.1111/j.1548-1425.2008.01109.x>.
- Perdibon, A., *Mountains and Trees, Rivers and Springs: Animistic Beliefs and Practices in Ancient Mesopotamian Religion*, Wiesbaden, Harrassowitz Verlag, 2019.
- Persson, K., Zampoukos, K., and Ljunggren, I., "No (wo)man is an Island – Socio-cultural Context and Women's Empowerment in Samoa," *Gender, Place and Culture*, vol. 29, no. 4, 2022, pp. 482–501, <https://doi.org/10.1080/0966369X.2021.1873744>.
- Rawson, A. J., and Mansfield, B., "Producing Juridical Knowledge: "Rights of Nature" or the Naturalization of Rights?," *Environment and Planning E: Nature and Space*, vol. 1, nos. 1–2, 2018, pp. 99–119, <https://doi.org/10.1177/2514848618763807>.
- Sarapura-Escobar, S., and Hoddy, E. T., "Safeguarding the Land to Secure Food in the Highlands of Peru: The Case of Andean Peasant Producers," *Frontiers in Sustainable Food Systems* 6 (2022): 1, <https://doi.org/10.3389/fsufs.2022.787600>.
- Schulz, Y., "Time Representations in Social Science," *Dialogues in Clinical Neuroscience* 14, 4 (2012): 441–447, <https://doi.org/10.31887/DCNS.2012.14.4/yschulz>.
- Secord, J., "Tertullian, On the Flesh of Christ – 16 and 24–25," in *The Cambridge Edition of Early Christian Writings*, ed. M. DelCogliano, Cambridge, Cambridge University Press, 2022, pp. 144–172.
- Sörqvist, P., and Langeborg, L., "Why People Harm the Environment Although They Try to Treat It Well: An Evolutionary-Cognitive Perspective on Climate Compensation," *Frontiers in Psychology*, vol. 348, no. 10, 2019, pp. 1–5, <https://doi.org/10.3389/fpsyg.2019.00348>.
- Subhani, R., and Ormsby, A. A., "Conservation through Traditional Knowledge: A Review of Research on the Sacred Groves of Odisha, India," *Human Ecology*, vol. 48, no. 4, 2020, pp. 455–463, <https://doi.org/10.1007/s10745-020-00173-1>.
- Tănăsescu, M., "Rights of Nature, Legal Personality, and Indigenous Philosophies," *Transnational Environmental Law*, vol. 9, no. 3, 2020, pp. 429–453, <https://doi.org/10.1017/S2047102520000217>.
- Taylor, B., *Dark Green Religion: Nature Spirituality and the Planetary Future*, California, University of California Press, 2010.
- Terry, H. T., "Legal Duties and Rights," *The Yale Law Journal*, vol. 12, no. 4, 1903, pp. 185–212, <https://doi.org/10.2307/781938>.
- Tola, M., "Between Pachamama and Mother Earth: Gender, Political Ontology and the Rights of Nature in Contemporary Bolivia," *The Feminist Review Collective*, vol. 118, no. 1, 2018, pp. 25–40, <https://doi.org/10.1057/s41305-018-0100-4>.
- Ucheawaji, G. J., and Akpuh, C. C., "Multinational Oil Corporations, Policy Violation and Environmental Damage in Rivers State of Nigeria: A Theistic Ethics Approach," *Humanities and Social Sciences Communications*, vol. 150, no. 9, 2022, pp. 1–9, <https://doi.org/10.1057/s41599-022-01146-z>.
- Veerbeek, I., and Smit, P.-B., "Apophatic Theology as a Resource for Eco-theology," *International Journal of Philosophy and Theology*, vol. 83, no. 4, 2022, pp. 263–280, <https://doi.org/10.1080/21692327.2022.2146599>.
- Ward, D., "The Art of Environmental Personhood and the Possibility of Environmental Statehood," *Artnodes*, vol. 32, 2023, pp. 1–11, <http://dx.doi.org/10.35099/aurora-589>.
- White, L., Jr., "The Historical Roots of Our Ecologic Crisis," *Science*, vol. 155, no. 3767, 1967, pp. 1203–1207, <https://doi.org/10.1126/science.155.3767.1203>.

- Wiessner, S., "The Cultural Rights of Indigenous Peoples: Achievements and Continuing Challenges," *European Journal of International Law*, vol. 22, no. 1, 2011, pp. 121–140, <https://doi.org/10.1093/ejil/chr007>.
- Wildermuth, G., " 'Heaven and Earth' Samoan Indigenous Religion, Christianity, and the Relationship Between the Samoan People and the Environment," *Independent Study Project (ISP) Collection*, vol. 1488, 2012, pp. 1–37, https://digitalcollections.sit.edu/isp_collection/1488.
- Willms, C., "A Cultural Analysis of Eco-Islam: How Young German Muslims live Religion through Environmental Activism," *HTS Teologiese Studies/Theological Studies*, vol. 77, no. 2, 2021, pp. 1–11 <https://doi.org/10.4102/hts.v77i2.6734>.
- Worster, D., *Nature's Economy: A History of Ecological Ideas*, Cambridge, Cambridge University Press, 1994.
- Yellow Cloud, Q., and Redvers, N., "Honoring Indigenous Sacred Places and Spirit in Environmental Health," *Environmental Health Insights*, vol. 17, 2023, p. 1, <https://doi.org/10.1177/11786302231157507>.
- Zartner, D., "Watching Whanganui & the Lessons of Lake Erie: Effective Realization of Rights of Nature Laws," *Vermont Journal of Environmental Law*, vol. 22, no. 1, 2021, pp. 1–39, <https://www.jstor.org/stable/27008957>.

Legal instruments

- African Commission on Human and Peoples' Rights, *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* (Communication no 276/2003 (Endorois judgment)).
- African Commission on Human and Peoples' Rights, *Resolution on the Protection of Sacred Natural Sites and Territories* – ACHPR/Res 372 (LX) 2017 (adopted at its meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger).
- African Union, *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev 5, 21 ILM 58 (1982).
- International Labour Organisation (ILO), *Indigenous and Tribal Peoples Convention*, C169, 27 June 1989, C169.
- Law of the Rights of Mother Earth/Ley de Derechos de la Madre Tierra (No 071) (December 7, 2010), <https://www.documentcloud.org/documents/7220552-Law-of-the-Rights-of-Mother-Earth-Law-071-of-the#document/p2/a583533> [accessed: 17.04.2023].
- National Environment Act, 2019 (Act No 5/2019) (Uganda) s 4(1), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/111164/138460/F-1865473437/UGD111164.pdf> [accessed: 15.04.2023].
- Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, Public Act 2017 No 7 (New Zealand).
- Te Urewera Act 2014 (version as of 28 October 2021) Public Act No 15 (New Zealand), <https://www.legislation.govt.nz/act/public/2014/0051/latest/DLM6183601.html> [accessed: 10.04.2023].
- The Federal Republic of Nigeria Constitution, Cap C23 Laws of the Federation of Nigeria 2004.
- The Indigenous Peoples' Rights Act of 1997 (Republic Act No 8371) (the Philippines), <https://faolex.fao.org/docs/pdf/phi13930.pdf> [accessed: 18.04.2023].
- The Minerals and Mining Act (MMA) No 20, 2007 (passed into law on 16 March 2007).
- The Organisation of American States General Assembly, *The American Declaration on the Rights of Indigenous Peoples* AG/RES 2888 (XLVI-O/16), (adopted on 15 June 2016).
- The Petroleum Industry Act 2021 (Nigeria).
- Republic of Ecuador Constitution of 2008 (revised in 2021) Article 71, https://www.constitute-project.org/constitution/Ecuador_2021?lang=en [accessed: 17.04.2023].
- UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171.

- UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3.
- UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, resolution/adopted by the General Assembly, 2 October 2007, A/RES/61/295.
- UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).
- UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, S. James Anaya*, 11 August 2008, A/HRC/9/9.
- United Nations General Assembly, *Convention on Biological Diversity*, 29 December 1993, 1760 UNTS 79.
- United Nations General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), 17 July 1998.

Case law

- A. Periyakaruppan v The Principal Secretary to Government and Another* WP(MD)Nos 18636 of 2013 and 3070 of 2020 (2022) (India), https://www.livelaw.in/pdf_upload/mother-nature-416320.pdf [accessed: 12.04.2023].
- African Commission on Human and Peoples Rights v Kenya* (006/2012) [2017] AFCHPR 28; (26 May 2017).
- Centro de Estudios para la Justicia Social 'Tierra Digna' v President of the Republic*, No T-5.016.242, Corte Constitucional, Sala Sexta de Revision [Constitutional Court, Sixth Chamber], 10 November 2016.
- Lalit Miglani v State of Uttarakhand and Others*, Writ Petition (PIL) No 140 (30 March 2015, the High Court of Uttarakhand) (India).
- Mohammed Salim v State of Uttarakhand*, Writ Petition (PIL) No 126 of 2014 (5 December 2016 and 20 March 2017, the High Court of Uttarakhand) (India).
- Narayan Dutt Bhatt v Union of India*, Writ Petition (PIL) No 43 of 2014 (04 July 2018, the High Court of Uttarakhand) (India).
- Richard Frederick Wheeler y Eleanor Geer Huddle c/ Gobierno Provincial de Loja*, juicio 11121-2011-0010 (30 March 2011) (Ecuador).
- Situation In The Republic Of Mali in the case of The Prosecutor v. Ahmad Al Faqi Al Mahdi*, 24 March 2016 (ICC-01/12-01/15).
- State of Uttarakhand and Others v Mohammed Salim and Others*, Special Leave to Appeal (C) No 016879/2017, Order dated 7 July 2017.
- The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Charge brought by the Prosecution against Ahmad Al Faqi Al Mahdi, 17 December 2015 (ICC-01/12-01/15).
- Union of India v Lalit Miglani*, Special Leave Petition (Civil) Diary No 34250/2017.
- Vedanta Resources PLC v Union of India*, (2013) 6 SCC 142.

Internet sources

- A Waitangi Tribunal Report, *Waitangi Tribunal Report 1999*, GP Publications 1999, p. XIII, <https://ngatangatatiaki.co.nz/assets/Uploads/Important-Documents/Whanganui-River-Report-1999.pdf> [accessed: 7.04.2023].
- Basak, S., "Development at Cost of Human Lives? Revisiting Adivasi Resistance in Mali Parbat, Niyamgiri Hills," *Outlook India* (web page), January 19, 2023, <https://www.outlookindia.com/national/development-at-cost-of-human-lives-revisiting-ativasi-resistance-in-mali-parbat-niyamgiri-hills-news-254767> [accessed: 4.04.2023].

- Benedict XVI, "Caritas in Veritate," *The Holy See* (web page), June 29, 2009, https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html [accessed: 5.04.2023].
- Booth, P., "The Environment, Catholic Social Teaching and Public Policy," *Catholic Social Thought* (web page), https://catholicsocialthought.org.uk/course_unit/the-environment-catholic-social-teaching-and-public-policy/ [accessed: 5.04.2023].
- Brennan, A., "Environmental Ethics," *Stanford Encyclopedia of Philosophy* (web page), December 3, 2021, <https://plato.stanford.edu/entries/ethics-environmental/> [accessed: 26.03.2023].
- Cultural Survival, "Good News – Russia: Sacred Sites are Protected by Local Executive Power," *Cultural Survival* (web page), July 3, 2012, <https://www.culturalsurvival.org/news/good-news-russia-sacred-sites-are-protected-local-executive-power> [accessed: 18.04.2023].
- Duignan, B., "Cogito, ergo sum," *Encyclopedia Britannica* (web page), February 28, 2023, <https://www.britannica.com/topic/cogito-ergo-sum> [accessed: 25.03.2023].
- Environment Foundation, "Environment Guide: Te Urewera Act," *Environment Foundation* (web page), November 17, 2017, <https://www.environmentguide.org.nz/regional/te-urewera-act/> [accessed: 10.04.2023].
- Francis, "Fratelli Tutti," *The Holy See* (web page), October 3, 2020, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html#_ftn99 [accessed: 5.04.2023].
- Francis, "Laudato Si'," *The Holy See* (web page), May 24, 2015, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html [accessed: 5.04.2023].
- Garosi, I., "Environmental Personhood: Should Natural Elements have Legal Stance?," *Istituto Analisi Relazioni Internazionali* (web page), November 9, 2020, <https://iari.site/2020/11/09/environmental-personhood-should-natural-elements-have-legal-stance/> [accessed: 7.04.2023].
- Gibson, J., "The Māori Tribe Protecting New Zealand's Sacred Rainforest," *BBC*, June 9, 2020, <https://www.bbc.com/travel/article/20200608-the-mori-tribe-protecting-new-zealands-sacred-rainforest> [accessed: 10.04.2023].
- Herdrich, D., "Historic Fishing Methods in American Samoa," a final report submitted to Arielle Levine, *Social Research Project Manager Pacific Islands Fisheries Science Center National Oceanic and Atmospheric Administration Honolulu, Hawaii*, June 2, 2008, 1–75 <http://www.botany.hawaii.edu/basch/uhnpscesu/pdfs/Herdrich08AS.pdf> [accessed: 30.03.2023].
- Islamweb, "Abusing the Environment an Islamic Perspective," *Islamweb* (web page), November 17, 2016, <https://www.islamweb.net/en/article/122912/abusing-the-environment-an-islamic-perspective> [accessed: 6.04.2023].
- John Paul II, "Redemptor Hominis. Encyclical Letter," *The Holy See* (web page), March 4, 1979, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html [accessed: 5.04.2023].
- John Paul II, "Sollicitudo Rei Socialis," *The Holy See* (web page), December 30, 1987, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html [accessed: 5.04.2023].
- Josh, J., "Uganda joins the Rights-of-nature Movement but won't stop oil Drilling," *National Geographic* June 2, 2021, <https://www.nationalgeographic.com/environment/article/uganda-joins-the-rights-of-nature-movement-but-wont-stop-oil-drilling> [accessed: 15.04.2023].
- Margil, M., "Bangladesh Supreme Court Upholds Rights of Rivers," *Centre for Democratic and Environmental Rights* (web page), August 24, 2020, <https://mari-margil.medium.com/bangladesh-supreme-court-upholds-rights-of-rivers-edc78568d8aa> [accessed: 18.04.2023].
- Murra, J. V., "Andean Peoples," *Encyclopaedia Britannica* March 30, 2023, <https://www.britannica.com/topic/Andean-peoples> [accessed: 17.04.2023].

- National Association of Professional Environmentalists, "NAPE makes a Breakthrough as Buliisa District Council recognises Customary Laws of Bagungu Indigenous Communities," *National Association of Professional Environmentalists* (web page), December 2, 2019, <https://www.nape.or.ug/news-events/latest-news/202-nape-makes-a-breakthrough-as-buliisa-district-council-recognizes-customary-laws-of-bagungu-indigenous-communities> [accessed: 15.04.2023].
- Onah, G. I., "Keynote Address at the 2022 Hybrid International Conference," March 30, 2022, YouTube video, https://www.youtube.com/watch?v=Ty02Jai_GBE.
- Paul VI, "Octogesima adveniens. Apostolic Letter," *The Holy See* (web page), May 14, 1971, https://www.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens.html [accessed: 5.04.2023].
- Riverine Rights, "The Ganges and Yamuna Rivers," *Riverine Rights* (web page), <https://uni.oslomet.no/riverrights/india/> [accessed: 14.04.2023].
- Ruru, J., "Tūhoe-Crown settlement – Te Urewera Act 2014," *Māori Law Review* (2014), <https://maorilawreview.co.nz/2014/10/tuhoe-crown-settlement-te-urewera-act-2014/>
- Stop Ecocide Foundation, "Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text," *Stop Ecocide Foundation* (web page), June 2021, <https://www.stopecocide.earth/expert-drafting-panel> [accessed: 23.04.2023].
- Surma, K., "Indian Court Rules That Nature Has Legal Status on Par With Humans – and That Humans Are Required to Protect It," *Inside Climate News*, May 4, 2022, <https://insideclimatenews.org/news/04052022/india-rights-of-nature/> [accessed: 14.04.2023].
- Tabaro, D., "Custodians of Life: How the Bagungu People are reviving Sacred Custodian-ship," *ICCA Consortium* (web page), December 14, 2021, <https://www.iccaconsortium.org/2021/12/14/bagungu-people-custodians-life-uganda/> [accessed: 15.04.2023].
- The Gaia Foundation, "Uganda Recognises Rights of Nature, Customary Laws, Sacred Natural Sites," *The Gaia Foundation*, March 29, 2021, <https://gaiafoundation.org/uganda-recognises-rights-of-nature-customary-laws-sacred-natural-sites/> [accessed: 15.04.2023].
- Turgeon, M., "Lynn White," Markkula Center for Applied Ethics (web page), February 7, 2018, <https://www.scu.edu/environmental-ethics/environmental-activists-heroes-and-martyrs/lynn-white.html> [accessed 23.03.2023].

Ikechukwu Ugwu

Ochrona środowiska a prawa religijne ludności rdzennej – rewizja obszarów komplementarności

Streszczenie

Gdy Lynn White ogłosił tezę, że zachodnie chrześcijaństwo jest przyczyną kryzysu ekologicznego, naukowcy zbadali wpływ religii na niszczenie środowiska naturalnego i jego ochronę. Niniejszy artykuł rozpoczyna się od analizy argumentacji White'a i wskazania innej spośród fundamentalnych przyczyn wspomnianego kryzysu, mianowicie stopniowego porzucania wartości religijnych przez mieszkańców Europy począwszy od czasów myślicieli epoki oświecenia. Autor tekstu próbuje oszacować wkład różnych religii rdzennych w ochronę środowiska i w tym celu przedstawia pewne wartości ekologiczne ugruntowane w niektórych religiach, zwłaszcza

rdzennych. Rozpatruje przykłady krajowych i międzynarodowych instrumentów prawnych, które gwarantują prawo do religii jako środka ochrony środowiska. Omawia także najnowszą naukę Kościoła katolickiego dotyczącą ochrony środowiska i prezentuje obszernie uzasadnienie takiej ochrony poprzez religię. Wykorzystując analityczne i opisowe metody badawcze, dowodzi, że skoro większość religii rdzennych otacza kultem byty naturalne, prawo do religii jako jedno ze źródeł ochrony środowiska powinno stać się częstszym przedmiotem badań i refleksji. Na koniec analizuje koncepcję nadawania osobowości prawnej składnikom przyrody i koncepcję praw natury oraz rolę tych idei w procesie ochrony środowiska naturalnego.

Słowa kluczowe: ochrona środowiska, prawo do religii, prawa ludności rdzennej, osobowość prawna przyrody, prawa natury, globalny kryzys ekologiczny, oświecenie, ekoteologia

Икечукву Угву

Защита окружающей среды и религиозные права коренного населения – переосмысление областей комплементарности

Резюме

Когда Линн Уайт выдвинул свой тезис о том, что западное христианство стало причиной экологического кризиса, ученые изучили влияние религии на уничтожение и сохранение окружающей среды. В начале статьи анализируется аргументация Уайта и указывается другая фундаментальная причина кризиса, а именно постепенный отказ европейцев от религиозных ценностей со времен мыслителей эпохи Просвещения. Автор пытается оценить вклад различных этнических религий в охрану окружающей среды и с этой целью демонстрирует экологические ценности, закрепленные в некоторых религиях, прежде всего этнических. Он рассматривает примеры национальных и международных правовых инструментов, гарантирующих право на религию как средство защиты окружающей среды. Автор также обсуждает новейшее учение Католической Церкви относительно защиты окружающей среды и дает всестороннее обоснование такой защиты посредством религии. Используя аналитические и описательные методы исследования, автор доказывает, что, поскольку в большинстве этнических религий имеется культ природных существ, право на религию как один из источников защиты окружающей среды должно стать более частым предметом исследований и размышлений. В конце статьи рассматривается концепция предоставления правосубъектности компонентам природной среды и концепция законов природы, а также роль этих идей в процессе охраны окружающей среды.

Ключевые слова: охрана окружающей среды, право на религию, права коренных народов, правосубъектность природы, законы природы, глобальный экологический кризис, просвещение, экологическое богословие

Ikechukwu Ugwu

Protezione dell'ambiente e diritti religiosi delle popolazioni indigene: una revisione delle aree di complementarità

Sommario

Quando Lynn White ha annunciato la tesi secondo cui il cristianesimo occidentale è la causa della crisi ecologica, gli studiosi hanno esaminato l'impatto della religione sulla distruzione dell'ambiente naturale e sulla sua protezione. Il presente articolo inizia con un'analisi dell'argomentazione di White e l'indicazione di un'altra delle cause fondamentali della crisi citata, ovvero il graduale abbandono dei valori religiosi da parte degli abitanti dell'Europa a partire dall'epoca dei pensatori dell'Illuminismo. L'autore del testo cerca di valutare il contributo delle diverse religioni indigene alla protezione dell'ambiente e, a tal fine, presenta alcuni valori ecologici radicati in alcune religioni, in particolare quelle indigene. Esamina esempi di strumenti giuridici nazionali e internazionali che garantiscono il diritto alla religione come mezzo di protezione dell'ambiente. Discute anche la più recente dottrina della Chiesa cattolica in materia di protezione dell'ambiente e presenta un'ampia giustificazione di tale protezione attraverso la religione. Utilizzando metodi di ricerca analitici e descrittivi, dimostra che, poiché la maggior parte delle religioni indigene venera gli esseri naturali, il diritto alla religione come una delle fonti di protezione dell'ambiente dovrebbe diventare oggetto di studio e riflessione più frequente. Infine, analizza il concetto di attribuzione della personalità giuridica agli elementi della natura e il concetto dei diritti della natura, nonché il ruolo di tali idee nel processo di tutela dell'ambiente naturale.

Parole chiave: protezione dell'ambiente, diritto alla religione, diritti dei popoli indigeni, personalità giuridica della natura, diritti della natura, crisi ambientale globale, illuminismo, eco-teologia