

# Moral imagination for the rights of Nature: An Embassy of the Baltic Sea

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“The care of the Earth is our most ancient and most worthy, and after all our most pleasing responsibility. To cherish what remains of it and to foster its renewal is our only hope” – Wendell Berry<sup>1</sup>

## Abstract

International environmental law is miserably failing to protect ecosystems, due to deeply held cultural perceptions of nature as just a resource for humans. In the Baltic Sea this results in severe degradation including collapsing fish stocks. The failure of decision-making bodies at EU-level to follow their own policies is used as an example of how law is not respected when an anthropocentric culture reaches ecological limits. This article argues for rights of nature (RoN) as not just a strategy to legally protect ecosystems, but a powerful lever for a necessary cultural transformation as well as a governance tool for a society in harmony with nature. In a transnational context lacking legal recognition of RoN, establishing an Embassy of the Baltic Sea would enhance representation of more-than-human beings and support acknowledgement of RoN. It would be a space inviting a diversity of voices and knowledge forms, practicing speaking for and with the sea. Such cultural “laboratories of care” are important for emerging Earth jurisprudence. The Embassy of the Baltic Sea would also potentially support a shift in human identity towards belonging, responsibility and care for the living whole we are a part of.

## Introduction

Nordic countries are conspicuously far from anything resembling sustainability, despite their reputation as sustainability leaders. If everyone on the planet had a similar resource consumption, measured as ecological footprint, as the average citizen of Sweden, Denmark, Finland or Norway, the Earth would run out of resources in April, counting from the beginning of the year. The rest of the year we are exceeding the carrying capacity of the Earth, depleting ecosystems or using resources from the future or from other

places.<sup>2</sup> As an example, 70% of fish consumed in Sweden is imported.<sup>3</sup> Our societies seem unable to respond to the signals from ecosystems. The vision “Living in harmony with nature”, expressed in UN policies like the Convention on Biological Diversity, appears distant.

Laws could be viewed as the rules our societies organize from, the DNA of the system.<sup>4</sup>

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<sup>1</sup> Religious Naturalist Association, “Wendell Berry,” <https://religiousnaturalism.org/wendellberry/>, last accessed 14 August 2024.

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<sup>2</sup> Global Footprint Network, “Country Trends,” <https://data.footprintnetwork.org/#/countryTrends?cn=210&type=earth>, last accessed 1 August 2024.

<sup>3</sup> The European Market Observatory for Fisheries and Aquaculture Products, *The EU Fish Market* (Luxembourg: Publications Office of the European Union, 2023). This figure is consistent with other EU countries.

<sup>4</sup> Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice*. Chelsea Green Publishing: White River Junction, VT, 2011.

Environmental law has developed a lot since the early days, but remains “piece-meal and reactive”, especially at the international level.<sup>5</sup> It is not protecting the environment but regulating the use of it. Since law is primarily enacted on domestic level by sovereign states, in practice environmental law is a fragmented governance system for a global system with inherent interdependence.<sup>6</sup> Wood even calls for a legal autopsy of current environmental law as it is “a withering wallflower”; humanity has no more time to waste in efforts that fail to address the systemic causes of environmental damage.<sup>7</sup>

These systemic causes include the understanding of nature as a legal object rather than a subject of rights. When law or policy aims at protecting nature, the motive is generally human benefit. In the sphere of international law, most treaties focus “on the rights of states, international organizations, humans, and sometimes corporations and other ‘stakeholders’”.<sup>8</sup> The way law currently treats nature is a manifestation of a cultural understanding of human separation and supremacy, meaning that nature is usually approached as a resource to be owned and exploited. This is not only reflected in property law and trade agreements, but also in the domain of sustainability, for example the 1992

Rio Declaration: “Human beings are at the centre of concerns for sustainable development”.<sup>9</sup> International environmental law has so far been a part of reinforcing “the false assumption that humanity can exercise dominion over Nature without repercussions”<sup>10</sup> and is “predominantly anthropocentric and exclusively aimed at promoting human interests”.<sup>11</sup> This legal logic intensifies the “underlying conception of nature as a resource”, separate from human society, and reinforces it at a cultural level.<sup>12</sup>

A healthy future culture will have to organise itself from a very different and much more respectful and attentive relationship with the living whole. Acknowledging the Rights of Nature (RoN) is one important way of doing this. From a geographical perspective, organisation around bioregional boundaries will be necessary.<sup>13</sup> In the Nordic countries the Baltic Sea is the bioregion of the largest scale. This article investigates the potential of establishing an Embassy of the Baltic Sea as a manifestation of moral imagination for legal and political representation of nature. In the absence of legal frameworks recognising RoN, the Embassy would act as a space for building awareness, increasing acceptance

<sup>5</sup> United Nations General Assembly, “Gaps in International Environmental Law and Environment-Related Instruments: Towards a Global Pact for the Environment,” 2018, Report A/73/419, 1, <https://digitallibrary.un.org/record/1655544?v=pdf>.

<sup>6</sup> Pella Thiel and Valérie Cabanes, “Ecocide law as a transformative legal leverage point,” in *Rights of Nature in Europe: Encounters and Visions*, ed. Jenny García Ruales et al. (New York: Routledge, 2024), 303–324, here 303.

<sup>7</sup> Mary Christina Wood, “‘You Can’t Negotiate with a Beetle’: Environmental Law for a New Ecological Age,” *Natural Resources Journal* 50, no. 1 (2010): 167–210, here 172, <http://www.jstor.org/stable/24889663>.

<sup>8</sup> Jérémie Gilbert, “Creating Synergies between International Law and Rights of Nature,” *Transnational Environmental Law* 12, no. 3 (2023): 671–769, here 673, doi:10.1017/S2047102523000195.

<sup>9</sup> “Declaration on Environment and Development,” Report of the United Nations Conference on Environment and Development,” A/CONF.151/26 (Vol. I), 1992, 1.

<sup>10</sup> Sam Adelman, “Epistemologies of Mastery,” in *Research Handbook on Human Rights and the Environment*, ed. Anna Grear and Louis Kotzé (Northampton, MA: Edward Elgar, 2015), 9–27, here 9.

<sup>11</sup> Paola Villavicencio-Calzadilla and Louis Kotzé, “Re-imagining Participation in the Anthropocene: The Potential of the Rights of Nature Paradigm,” in *Sustainability through participation? Perspectives from National, European and International Law*, ed. Birgit Peters and Eva Julia Lohse (Leiden, The Netherlands: Koninklijke Brill NV: 2023), 51–72, here 51, [https://doi.org/10.1163/9789004509382\\_004](https://doi.org/10.1163/9789004509382_004).

<sup>12</sup> Gilbert, “Creating Synergies,” 678.

<sup>13</sup> Allen Van Newkirk, “Bioregions: Towards Bioregional Strategy for Human Cultures,” *Environmental Conservation* 2, no. 2 (July 1975): 108, doi:10.1017/S0376892900001004.

and practising representation of more-than-human beings.

### The state of the Baltic Sea and the case of herring

The Baltic Sea is the planet's youngest sea and one of its largest bodies of brackish waters. It is surrounded by nine states: Sweden, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Russia, with parts of Belarus, Czech Republic, Norway, Slovakia, Ukraine in the drainage basin. More than 85 million people live in the Baltic Basin. It is about 1,600 km long, an average of 193 km wide, the surface area is about 349,644 km<sup>2</sup>, and the average depth is 55 metres.<sup>14</sup> Brackish water is a rare and unstable environment and the Baltic Sea has a low biodiversity. It is inhabited by a mix of marine and freshwater species. There is a salinity gradient from south to north, with more species in the saltier south.

The Baltic, being one of the most polluted seas in the world, is as good an example as any of how existing environmental law fails to protect nature. Despite decades of agreements, treaties and plans, the Baltic Sea is dying.<sup>15</sup> Key pressures "include eutrophication, pollution from hazardous substances, land use and overfishing".<sup>16</sup> Around 20% of the bottoms of the Baltic Sea are anoxic areas, devoid of life due to lack of oxygen.<sup>17</sup> The largest so-called "dead zone" in the world is found in the Baltic Sea.<sup>18</sup>

<sup>14</sup> Wikipedia, "Baltic Sea," [https://en.wikipedia.org/wiki/Baltic\\_Sea](https://en.wikipedia.org/wiki/Baltic_Sea), last accessed 3 August 2024.

<sup>15</sup> HELCOM, "State of the Baltic Sea 2023: Third HELCOM holistic assessment 2016-2021," *Baltic Sea Environment Proceedings* 194 (Helsinki Commission: Helsinki, 2023).

<sup>16</sup> HELCOM, "State of the Baltic Sea 2023," 6.

<sup>17</sup> Martin Hansson, Lena Viktorsson & Lars Andersson, "Oxygen Survey in the Baltic Sea 2018 – Extent of Anoxia and Hypoxia, 1960-2018," *SMHI Report Oceanography* 65 (2018), 22.

<sup>18</sup> UNESCO, *The State of the Ocean Report* (Unesco: Paris, 2024).

According to the intergovernmental organisation Baltic Marine Environment Protection Commission (HELCOM), "[t]ransformative changes are needed in all socioeconomic sectors interacting with or affecting the Baltic Sea environment. Actions are needed both to stop current negative trends and to protect and restore ecosystems".<sup>19</sup>

The fisheries in the Baltic Sea are governed by the Common Fisheries Policy (CFP) of the European Union with the aim of reaching Maximum Sustainable Yield, ie., how much the fish resource can be exploited for human use over time.<sup>20</sup> The CFP shall also 'ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies'. Further, the CFP shall apply the precautionary principle and an ecosystem-based approach to minimise negative impacts of fishing activities on the marine ecosystem and ensure Maximum Sustainable Yield.<sup>21</sup> In a pedagogic infographic, the European Council illustrates the logic of fish catch limits and quotas.<sup>22</sup> The headline speaks volumes, literally: "*Keeping the seas stocked*". Four symbols illustrate what EU rules on fishing do: (i) preserve stocks, (ii) share opportunities, (iii) keep the fishing industry competitive and, lastly, (iv) preserve marine

<sup>19</sup> HELCOM, *State of the Baltic Sea: 2023: Third HELCOM holistic assessment 2016-2021*. Baltic Sea Environment Proceedings No. 194 (Helsinki Commission: Helsinki, 2023), 6.

<sup>20</sup> "Regulation (EU) No 1380/2013 of the European Parliament and of the Council," 11 December 2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1380>, art. 6, p. 2.

<sup>21</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council," 11 December 2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1380>, art. 2, p. 1.

<sup>22</sup> European Council, "*Keeping the Seas Stocked*," <https://www.consilium.europa.eu/en/infographics/fishing-opportunities-infographics/>, last accessed 5 August 2024.

ecosystems. Virginijus Sinkevičius, EU Commissioner for Environment, Oceans and Fisheries, further explains the goal of preserving marine ecosystems: “The Baltic Sea is not in good shape. It’s time to save this sea for the people who live around it, for our fishers and for future generations”.<sup>23</sup> The message from both policy and communication is clear: the sea needs saving for the sake of humans.

Despite all the good intentions, legislation and communication, the goal to keep the Baltic Sea stocked is failing miserably. The cod population has collapsed<sup>24</sup> and the herring populations are down 50–80% from the early 1990s.<sup>25</sup> Fish are being harvested by large-scale industrial trawlers; with the 20 largest boats responsible for 95 per cent of the catch in 2021 (mostly herring and sprat). The herring is not even eaten by humans, but is a protein source for salmon, chickens and mink. Of the herring landed in 2021, only 10 per cent went to human consumption.<sup>26</sup> Thus, we are exhausting sea ecosystems to feed animals kept in industrial conditions which increase contamination of sea ecosystems.<sup>27</sup>

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<sup>23</sup> European Commission Directorate-General for Maritime Affairs and Fisheries, “Our Baltic conference: Commissioner Sinkevičius gathers ministers in September to improve the situation of the Baltic Sea, 24 July 2023, [https://oceans-and-fisheries.ec.europa.eu/news/our-baltic-conference-commissioner-sinkevicius-gathers-ministers-september-improve-situation-baltic-2023-07-24\\_en](https://oceans-and-fisheries.ec.europa.eu/news/our-baltic-conference-commissioner-sinkevicius-gathers-ministers-september-improve-situation-baltic-2023-07-24_en), last accessed 14 August 2024.

<sup>24</sup> The Fisheries Secretariat, “New study presented on dramatic decline of cod in the Baltic Sea,” 24 March 2022, <https://www.fishsec.org/2022/03/24/press-release-new-study-presented-on-dramatic-decline-of-cod-in-the-baltic-sea/>.

<sup>25</sup> David Langlet, “Bryter EU:s fiske-ministrar mot lagen?” 2, [https://balticwaters.org/wp-content/uploads/2024/03/Bryter-ministerradet-mot-lagen\\_Baltic-Waters.pdf](https://balticwaters.org/wp-content/uploads/2024/03/Bryter-ministerradet-mot-lagen_Baltic-Waters.pdf), last accessed 5 August 2024.

<sup>26</sup> BalticWaters, “Policy Papers,” 1, <https://balticwaters2030.org/wp-content/uploads/2023/03/Policy-paper-More-profitable-for-Sweden-to-fish-for-human-consumption-2023.pdf>, last accessed 5 August 2024.

<sup>27</sup> A.L.S. Munro, “Salmon farming,” *Fisheries Research* 10, nos. 1-2. (1990): 151–161; HELCOM, “Sources and path-

ways of nutrients to the Baltic Sea,” *Baltic Sea Environment Proceedings* No. 153 (2018), 18.

Despite proposals from the EU Commission to not allow any targeted fishing of herring in the Baltic Sea in 2024 due to low stocks, the decision-making body, the European Council, decided on quotas totalling almost 100 000 tonnes. The NGO BalticWaters commissioned a legal review of this decision titled “*Are EU ministers breaking the law?*”<sup>28</sup> The answer to the question is yes; the decision of the Council on herring fishing quotas is not compatible with EU laws and regulations on fisheries and should be repealed, according to the review. Despite heavy criticism, the Council did not withdraw its decision but instead proposed to take away a regulation aimed at protecting the fish stock from being overfished.<sup>29</sup> Konrad Stralka, director of BalticWaters stated the obvious in an op ed: “Decisions that affect our seas demand not only knowledge in biology but compliance with the laws and rules in place to govern the sea and its resources”.<sup>30</sup>

The herring fishery in the Baltic is a classic tragedy-of-the-commons-problem, where states are over-exploiting a resource with their own national interests in focus, to the detriment of all. Supranational cooperation in the EU would ideally be able to handle this. Instead, the Council conspicuously broke its own policy and allowed fishing quotas that threaten marine ecosystems as well as maximum sustainable yield. How are we to understand this? Anthropocentric legal provisions see ecosystems through a lens of competing interests, values, needs and rights between humans. When the fish in the sea is governed from a perspective of human interest, com-

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ways of nutrients to the Baltic Sea,” *Baltic Sea Environment Proceedings* No. 153 (2018), 18.

<sup>28</sup> Langlet, “Bryter EU:s fiske-ministrar mot lagen?”.

<sup>29</sup> Langlet, “Bryter EU:s fiske-ministrar mot lagen?”.

<sup>30</sup> Konrad Stralka, “Regeringen struntar i fakta – offrar Östersjön,” *Aftonbladet*, 23 April 2024, <https://www.aftonbladet.se/debatt/a/rPpRV3/baltic-waters-regeringen-struntar-i-vetenskap-och-lagar-offrar-ostersjon>, last accessed 5 August 2024.

petition between interests of different groups of humans amount to short-sighted exploitation of what is perceived as (just a) resource.

The time is late for critical deconstruction; if there ever was a time for creative construction, it is right now. The Baltic Sea is not waiting. When we witness the flagrant and repeated failure to respect the living systems we inhabit, a responsibility arises to not just analyse, but also envision how a different way of organising society may look. The analysis of how things are must at some point lead to ideas on how they might be; and imagination is a powerful moral force.<sup>31</sup> When the carrying capacity of the living systems humans depend on is systematically exceeded, we need to develop our caring capacity. How do we collectively shift to a culture of care?

### **Rights of Nature: a moral and legal shift in perception**

The ecological, social, and economic crises we are facing are not separate, but interconnected expressions of one single crisis: a “crisis of perception”, according to physicist Fritjof Capra.<sup>32</sup> The perception of separation from the living whole which western society has maintained for centuries is simply wrong, with fatal results. In the early 21st century it is becoming difficult to believe that environmental problems can be “solved” within the prevailing paradigm. The world does no longer live up to expectations of continuous exploitation. As we move closer to the limits of growth and the hunger of the “Superorganism” of industrial growth society<sup>33</sup>

becomes more pervasive, laws and regulations put in place from an understanding of human separation and supremacy do not hold. There is a deeper logic, where assumptions from an anthropocentric worldview shape collective doing. To paraphrase a saying attributed to Peter Drucker, culture eats law for breakfast.

Rights of nature may be seen as a cultural transformation as well as a legal invention. Perceiving the more-than-human world as having rights to existence, regardless of its utility to humans, is a way to re-envision our collective relationship with nature. This paradigm-shifting perception has been conceptualised by cultural historian Thomas Berry as Earth jurisprudence. Berry argued that there are two types of law that are hierarchically arranged: human law and the Great Law.<sup>34</sup> The Great Law entails the principles of how nature functions as an interconnected whole, where harm to any part reverberates throughout the network of life. This law is primary, as it is the source from where humans as well as our societies and institutions emerge. “Humans are born into an ordered and lawful Universe”, whose laws we need to obey if we are to have a benevolent and lasting presence on Earth. This is also a perspective prevalent in indigenous societies.<sup>35</sup> Human law is, and will always be, subordinate to the Great Law. As another Berry, the poet Wendell, puts it: “Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner

<sup>31</sup> Mark Johnson, *Moral imagination: implications of cognitive science for ethics* (Chicago: University of Chicago Press, 1993), ix.

<sup>32</sup> Fritjof Capra, *The Systems View of Life: A Unifying Vision* (Cambridge: Cambridge University Press, 2014), xi.

<sup>33</sup> N.J. Hagens, “Economics for the future – Beyond the superorganism,” *Ecological Economics* 169 (2020): 1–16, <https://doi.org/10.1016/j.ecolecon.2019.106520>.

<sup>34</sup> Peter D. Burdon, “The Earth Community and Ecological Jurisprudence,” *Oñati Socio-Legal Series* 3, no. 5 (2013): 815–837, here 823.

<sup>35</sup> Mary Evelyn Tucker and John Grim, “Thomas Berry and the Rights of Nature,” *Kosmos: Journal for global transformation* 19, no. 4, [https://www.kosmosjournal.org/kj\\_article/thomas-berry-and-the-rights-of-nature/](https://www.kosmosjournal.org/kj_article/thomas-berry-and-the-rights-of-nature/), last accessed 22 August 2024; Henrik Hallgren and Pella Thiel, *Naturlagen: Om naturens rättigheter och människans möjligheter* (Stockholm: Volante, 2022), 107.

sense of justice than we do".<sup>36</sup> We can ignore the Great Law but at our peril, as faithkeeper Oren Lyons of the North American Onondaga Nation reminds: "You can't negotiate with a beetle. You are now dealing with natural law. And if you don't understand natural law, you will soon".<sup>37</sup> From this perspective, nature and law are deeply intertwined: the landscape is the source of law. Rights of nature is not just a strategy or a more or less helpful approach to protect ecosystems, but a truer reflection of how the world is organised. The primacy of the Great Law implies that for a society to last over time, human laws must align with the ecological context, reflecting a moral obligation for humans to act in a way that sustains and enhances the well-being of the whole community of life.

Acknowledging the rights of nature in law is potentially the most powerful and practical way of aligning western law with the Great Law. This paradigm has taken big strides the last decade, with over 400 rights of nature initiatives in 39 jurisdictions all over the world.<sup>38</sup> RoN can be characterised as a leading transnational trend in environmental law.<sup>39</sup> The first mention of rights of nature in international policy was in the Kunming-Montreal Agreement of the Convention on Biological Diversity from 2022: "(t)he framework recognizes and considers these diverse value systems and concepts, including, for those

countries that recognize them, rights of nature and rights of Mother Earth, as being an integral part of its successful implementation".<sup>40</sup> Several initiatives seek to expand this space by calling for general recognition of rights of oceans<sup>41</sup> and rivers.<sup>42</sup> Especially interesting in this sense are the high seas, as no one owns them, and they are beyond state legislation.

Harden-Davies et al identify four defining characteristics of Rights of Nature approaches:

- i. **Rights:** Nature is a rights-bearing entity;
- ii. **Connectivity and the primacy of life:** All elements of nature, including humans, are interconnected; ensuring the ongoing health of life supporting ecosystems is a societal goal;
- iii. **Reciprocity:** Human use of nature entails a concomitant responsibility to respect, restore and regenerate nature by maintaining, for example, environmental quality, ecosystem structure and function, and natural levels of biodiversity;

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<sup>36</sup> *Eco Books*, "The Dying of the Trees: The Pandemic in America's Forests," <https://www.ecobooks.com/books/dying.htm>, last accessed 14 August 2024.

<sup>37</sup> Oren Lyons, quoted in Wood, "You Can't Negotiate with a Beetle," 167.

<sup>38</sup> Alex Putzer, Tineke Lambooy, Ronald Jeurissen, and Eunsu Kim, "Putting the rights of nature on the map: A quantitative analysis of rights of nature initiatives across the world," *Journal of Maps* 18, no. 1 (2022): 89–96, here 90.

<sup>39</sup> Craig M. Kauffman and Pamela L. Martin, "Can Rights of Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail," *World Development* 92 (2017): 130–142, here 130. <https://doi.org/10.1016/j.worlddev.2016.11.017>.

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<sup>40</sup> Kunming-Montreal Global biodiversity framework, "Introduction to the GBF," 18 Dec. 2022, CBD/COP/15/L.25, <https://www.cbd.int/gbf/introduction>, last accessed 6 August 2024.

<sup>41</sup> Harriet Harden-Davies et al., "Rights of Nature: Perspectives for Global Ocean Stewardship," *Marine Policy* 122 (2020): 1–11, <https://doi.org/10.1016/j.marpol.2020.104059>; Earth Law Center, "Rights of Nature: A Catalyst for the implementation of the Sustainable Development Agenda on Water," <https://sdgs.un.org/partnerships/rights-nature-catalyst-implementation-sustainable-development-agenda-water>, last accessed 6 August 2024; French National Research Institute for Sustainable Development (IRD), "The MerMéd Project. To see the Mediterranean Sea Reign Again! The Rights of the Mediterranean Sea as a Legal Entity: A science based feasibility study," <https://sdgs.un.org/partnerships/mermed-project-see-mediterranean-sea-reign-again-rights-mediterranean-sea-legal-entity#progress>, last accessed 6 August 2024; The Ocean Race, "Ocean Rights: Racing towards a Universal Declaration of Ocean Rights," <https://www.theoceanrace.com/en/ocean-rights>, last accessed 6 August 2024.

<sup>42</sup> "Universal Declaration of the rights of rivers," <https://www.rightsofrivers.org/>, last accessed 6 August 2024.

- iv. **Representation and Implementation:** Implementation measures are needed to execute human responsibilities; States should not be the only entity to speak for nature.<sup>43</sup>

In her article in this volume, Refors Legge notes arguments that rights seek to implement “principles of justice and equality”.<sup>44</sup> To acknowledge the rights of nature would mean to respect individuals who are conspicuously *not* equal, but who have inherent dignity and worth anyway. The diverse interests and needs of more-than-human beings demand corresponding diversity of treatment. According to Thomas Berry, all rights are limited and relative: “Trees have tree rights, insects have insect rights, rivers have river rights, mountains have mountain rights. So too with the entire range of beings throughout the universe”.<sup>45</sup>

As Refors Legge<sup>46</sup> and Rönnelid<sup>47</sup> remind, rights of nature are symbolic. Symbolism is an important dimension for humans, as we interpret the world mainly through symbols. After all, the symbolism of human separation and domination over nature is massive, visible in a language replete with words describing nature as environment, resources, ecosystem services, stocks, etcetera. It is the symbol of rights (of nature) that creates duties and obligations (for humans). You cannot have duties toward rightless objects. The symbolic dimension of RoN does not mean, however, that RoN is just “a sym-

bolic gesture lacking necessary legal force and accountability”.<sup>48</sup> On the contrary, the power of RoN is the concrete and practical dimension consisting of access to decision making institutions. It contains a (symbolic) paradigm shift in perception that is possible for legal institutions to recognise and work with, thus harnessing the power of the current system in the transformation towards a new system.

There will always be conflicting interests over land; will RoN be powerful enough to protect landscapes from pressures from perceived societal interests? Rönnelid worries about whether RoN will protect lands of indigenous people which hold minerals that are “imagined to be used for green transition or seen as ideal placements for wind power plants”. There is still a lack of experience of these situations, but there are promising examples in countries which have enshrined rights of nature in law, like Ecuador or Panama, where the legal system has been able to uphold those rights even in difficult cases where the defendant was the state<sup>49</sup> or a big corporation.<sup>50</sup>

Refors Legge and Rönnelid both question if rights are the best tool for protecting nature. But rights are not merely about protection (of nature in the case of RoN) but about respect.<sup>51</sup> Weighing different rights against one another will always be tricky, but that is not an argument against

<sup>43</sup> Harden-Davies et al., “Rights of Nature,” 2.

<sup>44</sup> Maria Refors Legge, “The Symbolic Nature of Legal Rights,” *Nordic Environmental Law Journal* (2024 Special Issue), 77–87 (here 79).

<sup>45</sup> Thomas Berry, *The Great Work: Our Way Into the Future* (New York: Three Rivers Press, 1999), 5.

<sup>46</sup> Refors Legge, “Symbolic Nature.”

<sup>47</sup> Love Rönnelid, “Rights critique and rights of nature – a guide for developing strategic awareness when attempting to protect nature through legal rights,” *Nordic Environmental Law Journal* (Special Issue 2024), 61–76.

<sup>48</sup> Refors Legge, “Symbolic Nature.”

<sup>49</sup> Eco Jurisprudence Monitor, “Ecuador court case on rights of nature violations from mining in the Los Cedros Protected Forest,” <https://ecojurisprudence.org/initiatives/los-cedros/>, last accessed 6 August 2024.

<sup>50</sup> Juan Carlos Villarreal A., Nelva B. Villareal, and Luis. F. De León “Panama says no to more mining – a win for environmentalists,” *Nature* 625 no. 7993 (2 January 2024), 30, doi: <https://doi.org/10.1038/d41586-023-04165-1>.

<sup>51</sup> Pella Larsdotter Thiel and Henrik Hallgren, “Rights of Nature as a Prerequisite for Sustainability,” in *Strongly Sustainable Societies: Organizing Human Activities on a Hot and Full Earth*, ed. Karl Johan Bonnedahl K J. and Pasi Heikkurinen (New York: Routledge, 2019).

RoN. It is easy to perceive the massive disrespect for the more-than-human world in a culture that perceives it mostly as rightless. “Perhaps the rights-approach misses more potent political ways of collective organization?” Rönnelid asks<sup>52</sup>, while Refors Legge states that “it is essential to ...consider alternative approaches that prioritise the collective welfare of society and nature”<sup>53</sup>. Perhaps. I haven’t seen any more potent alternative approaches though. Acknowledging the rights of nature is not just a legal technicality for better protection, but also a collective shift in perception and thus relationship.

Rights are thus not the goal but a tool, and a powerful tool in a society that has come to place a lot of weight onto rights. Western society is hardwired around human rights, not just as a legal tool but as a dominant emancipatory language, even an existential force.<sup>54</sup> Indeed a powerful symbol! The Universal Declaration of Human Rights has been called “the ‘sacred text’ of a ‘world-wide secular religion’” by Elie Wiesel<sup>55</sup> and the “yardstick for measuring the degree of progress of societies” by UN Secretary General Kofi Annan.<sup>56</sup> Building on this cultural reverence for rights, the RoN movement challenges the core of the western worldview in a way that is conceivable to its core institutions. In that sense, it has a transformational power that other environmental movements lack. The aim

of the movement for RoN is generally not legal rights per se, but a society which listens to, respects and perceives itself as part of the living world. Law helps to fashion “a world of meaningful relations”.<sup>57</sup> Maybe the most important aspect of RoN is this potential to support a cultural shift in responsibility and care toward nature, to paraphrase Dworkin: the moral imperative that reflects the inherent dignity and worth of every being.

### **Being a voice of nature – on representation**

Following the acknowledgement of RoN in various jurisdictions is a variety of arrangements for representation of nature in human contexts. There are initiatives towards general Earth trusteeship; a duty of humankind to act with care towards nature (the Earth Charter being one of the most widespread), but there are yet no frameworks or mechanisms for Nature to be heard as a subject in international fora.

As Jérémie Gilbert has pointed out, “the Aarhus Convention is one of the few binding treaties that encourages all actors to accept their custodial stewardship duties in order to benefit present and future generations”.<sup>58</sup> The parties of the 2023 Treaty of the High Seas (known as the BBNJ) concerning biological diversity in areas beyond national jurisdiction, express the “desire ... to act as stewards of the ocean in areas beyond national jurisdiction”.<sup>59</sup> In the light of the Anthropocene and ecological crisis at global

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<sup>52</sup> Rönnelid, “Rights Critique,” 71.

<sup>53</sup> Refors Legge, “Symbolic Nature,” 87.

<sup>54</sup> Rönnelid, “Rights Critique.”

<sup>55</sup> Henri Féron, “Human rights and faith: a ‘world-wide secular religion’?” *Ethics & Global Politics* 7, no. 4 (2014): 181–200, here 182, <https://www.tandfonline.com/doi/full/10.3402/egp.v7.26262>.

<sup>56</sup> United Nations, “Statement by Mr. Kofi Annan, Secretary-General of the United Nations to the opening of the fifty-fourth session of the Commission on Human Rights,” 16 March 1998, <https://www.ohchr.org/en/statements/2009/10/statement-mr-kofi-annan-secretary-general-united-nations-opening-fifty-fourth>, last accessed 14 August 2024.

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<sup>57</sup> Kathleen Birrell and Daniel Matthews “Re-storying laws for the anthropocene: Rights, obligations and an ethics of encounter. *Law and Critique* 31, no. 3 (2020): 275–292, here 277, cited in Seth Epstein, “Rights of nature, human species identity, and political thought in the anthropocene,” *The Anthropocene Review* 10, no. 2 (2023): 415–433, here 420.

<sup>58</sup> Gilbert, “Creating Synergies,” 686.

<sup>59</sup> United Nations, “Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction,” UN Doc. A/



scale, it is easy to understand the idea that humans must become better stewards. Strategies for global stewardship or “earth system governance” are being proposed.<sup>60</sup> The fact of human dominance should not, however, be a prompt to extend the human ambition of governance over other beings, but instead to extend our skills in governing *ourselves* in relationship with the living whole that we are a part of. We can assume that “nature” has no interest in human concepts like rights and representation. Nature does not need rights; it is humans who need nature to have rights in order to govern ourselves in relation to the Great Law. To organize ourselves in modes that facilitate the understanding of living entities and speak for/with them will shift our priorities and how we collectively act as a society. The all-affected principle, as described by Hultin Rosenberg in this volume, could be a basis of practising such governance.<sup>61</sup> According to Villavicencio & Kotzé, the Anthropocene urges an “opening up of the anthropocentrically embedded notion of participation in law and governance processes to also include more-than-humans, if law and governance is to more fully respond to the differentially distributed vulnerabilities of the *entire* living order, including non-human vulnerability”.<sup>62</sup> Ehrnström-Fuentes et al. describe this as “multispecies organizing”.<sup>63</sup>

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CONF.232/2023/L.3, 2, available at: <https://www.un.org/bbnjagreement/en>, last accessed 6 August 2023.

<sup>60</sup> Frank Biermann, “‘Earth system governance’ as a crosscutting theme of global change research,” *Global Environmental Change* 17, nos. 3–4 (2007): 326–337, <https://www.sciencedirect.com/science/article/abs/pii/S0959378006000987>.

<sup>61</sup> Jonas Hultin Rosenberg, “The Democratic Inclusion of Nature. Exploring the Categorical Extension of the All-Affected Principle,” *Nordic Environmental Law Journal* (this issue).

<sup>62</sup> Villavicencio-Calzadilla and Kotzé, “Re-imagining Participation in the Anthropocene,” 51.

<sup>63</sup> Maria Ehrnström-Fuentes, Steffen Böhm, Linda Anala Tesfaye, and Sophia Hagolani-Albov, “Managing Relationally in the Ecology-in Place: Multispecies Or-

This form of governance, reflecting the reality of participating in a living system, is vastly more complex than what is possible from an anthropocentric worldview.

The representation of nature, building on rights, is an emergent space worldwide with novel arrangements for guardianship and custodianship. These can range from individuals speaking for the whole of nature in court, as in Ecuador, to designated guardians or institutions acting as representatives of ecosystems with legal personhood, as in New Zealand, Colombia, or Spain.<sup>64</sup> There are also a growing number of companies appointing a representative of nature on the board.<sup>65</sup> The lack of recognized models for representation of nature may be perceived as a problem but can also be seen as an important and necessary stage of deliberation and experimentation. Also, there are reasons to be cautious about models that aim for universal application. There will never be a one-size-fits all model of representation. Gilbert et al caution against following RoN approaches “in a way that reproduces problematic, homogenising aspects of international law” with states as sovereign actors, and call for a centering of “human relationality with nature in place” inspired by Indigenous peoples.<sup>66</sup> In a Nordic context, Sami understand-

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ganizing in Ecological Restoration,” *Academy of Management Proceedings* 1 (2023), <https://doi.org/10.5465/AMPROC.2023.119bp>.

<sup>64</sup> Craig M. Kauffman and Pamela L. Martin, “Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand,” *Global Environmental Politics* (2018) 18, no. 44 (2018): 43–62, here 45.

<sup>65</sup> Faith in Nature, “Nature on the board: an open source guide,” [https://ecojurisprudence.org/wp-content/uploads/2022/11/Faith-In-Nature\\_NOTB\\_GUIDE.pdf](https://ecojurisprudence.org/wp-content/uploads/2022/11/Faith-In-Nature_NOTB_GUIDE.pdf), last accessed 6 August 2024.

<sup>66</sup> Jérémie Gilbert, Elizabeth Macpherson, Emily Jones, and Julia Dehm, “The Rights of Nature as a Legal Response to the Global Environmental Crisis? A Critical Review of International Law’s ‘Greening’ Agenda,” in *Netherlands Yearbook of International Law* 52 (2021), ed. Daniëlla Dam-de Jong and Fabian Amttenbrink, (The

ings of “reciprocal, caring relationships between humans and nature” are a source of knowledge.<sup>67</sup>

One critique of human representation of nature in law and other institutions is that we cannot fully know what “nature”/the being(s) in question would want or say.<sup>68</sup> This obvious limitation in representing more-than-human beings perfectly is not a reason to abstain from doing the best we can to engage with their needs and interests. After all, the problem today is that we disregard that nature even has interests and needs that merit respect. Also, we do have substantial knowledge about the health of ecosystems, which is systematically disregarded as in the Baltic herring case. A lot of resources are spent on scientific research; recognising the interests of nature as a subject in decision-making would assert a greater importance to such knowledge.<sup>69</sup>

However, the RoN paradigm contains a greater shift. As Epstein notes, while RoN may facilitate a focus on relations between humans and other entities, an approach that recapitulates the perceptions of humans as existing outside of nature by seeking to rectify harm which humans do nature “out there” will not be enough.<sup>70</sup> Pecharroman and O’Donnell have studied four cases of representation of waterways: the Mar Menor salt water lagoon (Spain), the Whan-

ganui river (New Zealand), the Birrarung/Yarra river (Australia) and the Atrato river (Colombia). Building on Tănăsescu’s model of relational representation, they identify a “spectrum of representation of natural entities”: speaking *about*; speaking *for*; and speaking *with*.<sup>71</sup> Speaking *about* is the dominant model of nature as object. Speaking *for* is the immediate translation of representation of nature as an other with rights that can be represented in human institutions. Speaking *with* acknowledges the relationship between represented and representative as primary, with the assumption that we can never precisely know the interests and needs of another, or how it would want to be represented. Speaking *with* a water ecosystem is open, relational, intimate, and placed based: “(n)one of the cases are contingent on establishing the ‘objective facts’ relating to the waterway and its health in order to enable effective representation. Instead, they prioritise the multiple relationships and ways of knowing the waterway, supporting dialogues between knowledges, between people, and with the waterway”.<sup>72</sup> Speaking *with* also implies *listening to*. Kauffman and Martin, who studied the guardianship of the indigenous Tūhoe in relation to the forest Te Urewera in New Zealand, argue that the focus of their approach is to create a system designed to listen to what Te Urewera is ‘saying’ and using this information to manage human impacts. What is being protected is “the relationship between people and Nature”.<sup>73</sup>

RoN approaches broaden conventional notions of who can speak for nature. Accord-

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Hague: T.M.C. Asser Press, 2023), 47–74, here 68, [https://doi.org/10.1007/978-94-6265-587-4\\_3](https://doi.org/10.1007/978-94-6265-587-4_3).

<sup>67</sup> Gilbert et al. “‘Caring for Nature’: Exploring the concepts of stewardship in European philosophies, spiritual traditions, and laws,” in *Rights of Nature in Europe: Encounters and Visions*, ed. Jenny García Ruales et al. (New York: Routledge, 2024), 45–62, here 54.

<sup>68</sup> Seth Epstein, “Rights of nature, human species identity, and political thought in the anthropocene,” *The Anthropocene Review*, 10, no. 2 (2023): 415–433.

<sup>69</sup> Yaffa Epstein et al., “Science and the legal rights of nature,” *Science* 380, no. 6646 (May 19, 2023), DOI: 10.1126/science.adf4155.

<sup>70</sup> S. Epstein, “Rights of Nature, human species identity,” 5.

<sup>71</sup> Lidia Cano Pecharroman and Erin O’Donnell, “Relational representation: speaking with and not about Nature,” preprint (2024), 1–40, here 3, <https://eartharxiv.org/repository/view/6878/>, last accessed 14 August 2024.

<sup>72</sup> Pecharroman and O’Donnell, “Relational representation,” 27.

<sup>73</sup> Craig M. Kauffman and Pamela L. Martin, *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future* (Cambridge, MA: MIT Press, 2021), 153.

ing to Harden-Davies et al, *all* humans have an obligation to protect the environment and a right to protect nature from harm. This “perspective presents a direct challenge to the legitimacy of state control of the environment and are particularly thought-provoking when considering ocean ABNJ” (areas beyond national jurisdiction).<sup>74</sup> Through *speaking with waterways*, representatives enable dialogue between the waterway and many participants, who may then form their own relationship with it: “(t)he representative seeks not only to help the waterway communicate its will and preference to others, but also to draw others into conversation, and relationship, with the waterway”<sup>75</sup>, thus increasing participation, connectivity and complexity through a multiplicity of relationships between people and the waterway. One practice which has been tried by the UK Government for the River Roding is the Interspecies Council. The participants, “including stakeholders with a professional or community interest in the local area”, were invited to “imagine and empathise with the needs of some of the species living in and around the river”. Questions such as: what concerns does the bee or the reed warbler have? were asked, and the effects was substantial: “we saw an appetite for people to keep engaging, both with each other and the river Roding, weeks after the Council had taken place. ... a legacy effect of more-than-human empathy has developed for some; almost all participants reported a noticeable, lasting change within their perception or feelings towards nature, the world or themselves in the week after the Council”.<sup>76</sup> In

<sup>74</sup> Harden-Davies et al., “Rights of Nature,” 5.

<sup>75</sup> Pecharroman and O’Donnell, “Relational representation,” 9.

<sup>76</sup> “Using experimental methods to reimagine decision-making for the freshwater system,” *Policy Lab*, post 2043, <https://openpolicy.blog.gov.uk/2024/02/07/using-experimental-methods-to-reimagine-decision-making-for-the->

the Baltic Sea bioregion, an embassy would be a way to extend this conversation between people and nature, even in the absence of legal rights for the Baltic Sea. The Embassy of the Baltic Sea would be a space for representation of the sea with its more-than-human inhabitants in relation to all states in the Baltic Sea basin.

### **An embassy of the Baltic Sea**

The transformation of human societies to align with the Great Law will require a shift in perceptions and values. It will be messy and have many manifestations. There is a need for moral imagination. Namely, to respond ethically to challenges we must first conceive of all the possibilities presented by the particular set of circumstances.<sup>77</sup> Creating an Embassy of the Baltic Sea (EBS) is an example of such imagination, building on the understanding that the sea and its inhabitants have rights to life, wellbeing and sovereignty, regardless of their value as resources for humans. As Epstein notes, there is a lack of “vision of what it means to act as one among many species”, partly due to the absence of responsible institutions.<sup>78</sup> This is probably a feature of cultural transformations; institutions will not lead the way. Responsible leadership will have to emerge outside of institutions. The EBS could also be a space for the further unleashing of moral imagination: when we listen to what the herring wants and needs, what then do we do differently?

On the international arena, states represent themselves by means of embassies: bodies of diplomatic representation from one state to another. Some basic functions of an embassy are to represent and safeguard the interests of the

freshwater-system-post-2043/, last accessed 14 August 2024.

<sup>77</sup> Johnson, *Moral Imagination*, x.

<sup>78</sup> S. Epstein, “Rights of Nature, human species identity,” 10.

home state and its citizens, negotiate with the government of the receiving state, and promote friendly relations between the states.<sup>79</sup> The idea of establishing an embassy for representation of more-than-human interests is not new. The Embassy of the North Sea is maybe the most developed example, founded in 2018 on the principle that the North Sea owns itself, with the Embassy being a space “to listen to, speak with and negotiate on behalf of the sea and all the life that it encapsulates”.<sup>80</sup> It aims at contributing to a policy vision for the sea by the Dutch government by encouraging as many voices, ideas and insights as possible. There is also an Embassy of Species (Arternas ambassad) in Sweden inviting people to give other species a voice by appointing ambassadors of other species, and Arternes Aarhus/City of Species is a similar initiative in Denmark.<sup>81</sup> EBS would possibly be the first embassy for more-than-human representation in a transnational context.

Most of the Baltic Sea, like most of all seas, is beyond national jurisdiction. Still, it is states that negotiate the use of marine resources in international treaties from their interests, excluding the interests of more-than-human beings. The UN Convention on the Law of the Sea (UNCLOS) provides that “[s]tates have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment”.<sup>82</sup> Gilbert argues that

this state sovereignty and the overriding goal of “development” are the main obstacles to the understanding that nature has rights.<sup>83</sup> Currently, the main governance concern in international settings is “defining the nationality of nature”; since nature is viewed as a resource, the main legal issue that arises is to define which states own, and therefore can exploit, what.<sup>84</sup> The Embassy of the Baltic Sea uses a concept (the embassy) tightly associated with nation states, aiming to confer a voice to all parties affected by state decisions. The moral imperative of sovereignty of all beings would challenge and loosen the legitimacy of state power over resources, allowing for imagining other forms of organisation.

Building on the Great Law, EBS places humans in the bioregion with relationships and care in the centre, thereby transcending state borders as well as human-nature dichotomy. It creates a space for people to speak for and with nature from a shared ethic of care for the Baltic Sea watershed and its inhabitants. A key competence of an embassy is to establish, strengthen, protect and, if necessary, recover relationships. Embassies are skilled in communication and meetings that promote the best in people, aiming for maintaining peace and connection. EBS would be a space for deliberation and knowledge co-production from the mutual viewpoint of fulfilling human (including state) obligations and responsibility to the sea, free from vested interests and entrenched positions. It would be a space to practise the all-affected principle, inviting more voices into speaking for, as well as with the sea. If all humans have obligations to protect the environment, as Harden-Davies et al claim,<sup>85</sup> and act in a way that sustains and enhances the well-being of the whole community

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<sup>79</sup> United Nations Conference on Diplomatic Intercourse and Immunities, “Vienna Convention on Diplomatic Relations”, April 18, 1961, 2–3.

<sup>80</sup> Embassy of the North Sea, <https://www.embassyofthenorthsea.com/over/>, last accessed 12 August 2024.

<sup>81</sup> “City of Species,” *Rod*, <http://rodnet.org/city-of-the-species/>, last accessed 12 August 2024.

<sup>82</sup> United Nations Division for Ocean Affairs and the Law of the Sea, United Nations Convention on the Law of the Sea, art. 193 (10 December 1982), 100, [http://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm), last accessed 12 August 2024.

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<sup>83</sup> Gilbert, “Creating Synergies,” 674.

<sup>84</sup> Gilbert, “Creating Synergies,” 675.

<sup>85</sup> Harden-Davies et al., “Rights of Nature,” 4.

of life, as Berry argues, this requires radical participation and engagement from people. Representation must be shared and dispersed. As long as decisions influencing the health of ecosystem are taken far away in large institutions (like the EU), it is difficult to feel that one is an important part of caretaking, thus remaining care-free and, in practice, irresponsible. EBS would be a space to support and develop a shared responsibility and agency. Examples of human representation of waterways have showed how new relationships and co-production of knowledge in these processes also affected the people involved in them; “new forms of horizontal dialogue and collaboration amongst communities who have traditionally worked in silos” emerged.<sup>86</sup> Representation of more-than-humans in human institutions requires humans with different perspectives, experiences, and knowledge to be engaged. Participation will be a central aspect. People must understand the context and desire to become involved. People in general have an idea of what an embassy is and does. An Embassy of the Baltic Sea has a cultural potential in that it is a “sticky idea”,<sup>87</sup> graspable and memorable, standing out from the noise of information conveying a complex understanding in a short form.<sup>88</sup> The Embassy would have to invite all forms of knowledge – the rigorous research of scientists, the imaginative capacity of artists, the balanced view of diplomats, the engaged pas-

sion of activists and the idealistic energy of children – from an awareness of bioregional limits rather than national borders.

Pecharroman & O’Donnell urge us to liberate ourselves “from pre-existing assumptions of what representation is, and how it should look”. We should, rather, explore the possibilities presented by this “ever-evolving concept”.<sup>89</sup> While national embassies rely heavily on a fixed legitimacy as representatives of states, the legitimacy of an Embassy of the Baltic Sea would be much more blurry. At least from the outset it would be relying on its ethos more than institutional support and political legitimacy. The representation of the Baltic Sea could be imagined at various, maybe complementary levels: like in Ecuador, any person living in the Baltic watershed could represent the sea, or like the cases with specific ecosystems being appointed legal persons, specific guardians could be appointed as ambassadors with corresponding duties to speak for the sea or some aspect of it. From a relational perspective, in some sense everyone in the Baltic Sea basin needs to be an ambassador, a radical participation enabling a particularity of context and knowledges. In any case an embassy has to begin as an explorative project, building a shared understanding of human interdependency with the Baltic Sea. Mirroring the fractal nature of the landscapes involved, the embassy would have to enable representation on different scales, from local watersheds to the whole catchment area of the Baltic Sea. The scope of its moral imagination could stretch from supranational agreements on the rights of the Baltic Sea to local engagement in regenerative practices, like interspecies councils on landscape scale, fostering caring capacity on all levels.

<sup>86</sup> Pecharroman and O’Donnell, “Relational representation,” 24.

<sup>87</sup> Chip Heath and Dan Heath, *Made to stick: Why some ideas survive and others die* (New York: Random House, 2007), 14.

<sup>88</sup> Both the foundation BalticWaters and Rotary are already educating “Baltic Sea ambassadors,” a sign of the palatability of the concept. For information on the former, see <https://balticwaters.org/utlysning/trainee-program-for-ostersjoambassadorer/>, last accessed 12 August 2024. For information on Rotary, see <https://rotary.fi/d1420/en/blog/news/ryla-baltic-sea-will-take-place-in-finland-in-august-2024/>, last accessed 12 August 2024.

<sup>89</sup> Pecharroman and O’Donnell, “Relational representation,” 31.

### **Conclusion: a shift towards a caring culture needs cultural and institutional support**

The RoN paradigm can be viewed as less about protecting nature than about how we understand and organize ourselves as humans, aligning our laws with the Great Law. From this perspective we perceive ourselves not as separate from a “nature” that needs protection, but as participants in a living whole. The aim of governing ourselves in relationship with all other beings may dissolve the tension of humans inevitably being humans, and emancipate us to use human language and perspective as unique gifts in the striving to listen to, speak for and with nature; becoming more attuned and attentive to needs, interests, and languages of more-than-human beings. Such a participatory representation is needed for our societies and governance systems to become ecologically literate.

Ehrnström-Fuentes et al. present a framework for such multispecies organising for a caring culture, consisting of three interrelated dimensions: the *affective states of being* that shape the multispecies relations in the web of life, the *vital doings* that entangle multiple species, and the *ethico-political obligation* that define what is being cared for in and beyond the ecology-in-place.<sup>90</sup> Acknowledging the rights of the Baltic Sea through opening a space for representation – an embassy – could be seen as the ethico-political basis for engaging and emancipating affective states of being, laying the groundwork for formal legal recognition. This would unleash and direct societal investments and policy towards vital doings regarding the health of the whole ecosystem. Epstein illustrates this potential with the Los Cedros forest court case in Ecuador, where the Constitutional Court ordered the offending ministry to create a participatory man-

agement plan, meant to encourage “economic activities for the surrounding communities that are in harmony with the rights of nature”.<sup>91</sup>

In several cases in Sweden, ecosystems have been protected as a result of engagement from civil society. People are voluntarily surveying forests to protect endangered species or paying lawyers to work on court cases to protect valuable landscapes, regardless of how society at large acts (or fails to act) to protect ecosystems. People in general value and care deeply about nature, but this sense of respect and interconnection is continuously betrayed by a culture which treat it as a rightless resource. Research on values show that a majority of people prioritise compassionate values like helpfulness or care for nature, but that they greatly underestimate the extent to which others hold such values. This inaccurate belief about other people’s values systematically suppresses values of care towards other people and nature.<sup>92</sup> In other words, people have great caring capacity, but there is a lack of institutional support to validate and recognise this capacity. When RoN are institutionally acknowledged, it would be a responsibility of society as a whole, not just civil society, to respect and protect ecosystems. For this institutional support to emerge, spaces where these practices can take place, “laboratories of care” are needed. EBS would be such a laboratory where care for the Baltic Sea would be perceived as valid and important, where the moral imagination of an embassy would make space for ethical deliberation as well as visions of a caring culture.

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<sup>90</sup> Ehrnström-Fuentes et al., “Managing Relationally.”

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<sup>91</sup> Constitutional Court of Ecuador, *El Pleno De La Corte Constitucional Del Ecuador En Ejercicio De Sus Atribuciones Constitucionales Y Legales, Expide La Siguiente*, sentencia, caso No. 1149-19-JP/20 (10 November 2021), 80, cited in S. Epstein, “Rights of nature, human species identity,” 425–426.

<sup>92</sup> Common Cause Foundation, *Perceptions Matter: The Common Cause UK Values Survey* (London: Common Cause Foundation, 2016), 1.

Growing into the understanding that the “natural world is the larger sacred community to which we belong” is to also embrace our humanity, as “to be alienated from this community is to become destitute in all that makes us human. To damage this community is to diminish our own existence,” in the words of Thomas Berry.<sup>93</sup> Maybe it is not until we realise the severity of the ecological crisis – when the sea that unites us is dying – that we can face the difficult questions of human identity, and maybe it is not until we face those questions that we can transform our culture towards living in harmony with nature. A human identity in line with the Great Law in

the context of the Baltic Sea, would be as a bio-regional citizen belonging to a watershed. This participation can help to enliven a human species identity through a “form of freedom embedded within and through the interconnections that animate an ecosystem”<sup>94</sup> where the unique human capacities of imagination, compassion and creativity can be directed towards the health of the whole living system. Somewhat paradoxically, this shift away from human-centeredness has “human self-perception and self-understanding...at the centre”<sup>95</sup> and helps us step into our full humanity.

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<sup>93</sup> Religious Naturalist Association, “Thomas Berry,” <https://religiousnaturalism.org/thomasberry/>, last accessed 12 August 2024.

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<sup>94</sup> S. Epstein, “Rights of nature, human species identity,” 428.

<sup>95</sup> Mihnea Tănăsescu, *Environment, Political Representation, and the Challenge of Rights* (London: Palgrave Macmillan, 2016), 24, cited in Pecharroman and O'Donnell, “Relational representation,” 9.

