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FROM PROTECTION TO RESTORATION: A NEW LEGAL PARADIGM FOR ENVIRONMENTAL LAW

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Abstract: *Environmental law is currently undergoing a profound paradigmatic transformation, marked by the shift from a normative model centred exclusively on conservation and prohibition towards one oriented towards active reparation and ecological regeneration. This article offers a critical analysis of this conceptual transition, examining how contemporary legal instruments, from European Union regulations to constitutional case law in Latin America and Oceania, are reconfiguring the relationship between humankind and nature. The first part investigates the historical genesis of the protection paradigm, whose structural limitations have become evident as the biodiversity crisis has intensified and purely defensive approaches have relatively failed. The second part analyses the normative architecture of ecological restoration, focusing on the Nature Restoration Regulation adopted at European Union level, as well as on the institutional and economic difficulties that constrain its effective implementation. The third thematic section explores the philosophical and legal foundations of the new paradigm, namely the recognition of the rights of nature, the legal personhood conferred upon certain ecosystems, and the principle of intergenerational equity, which together construct a normative framework that transcends classical anthropocentrism. The conclusions articulate a nuanced position, according to which restoration should not be conceived as a substitute for protection, but rather as a complementary dimension, indispensable to coherent ecological governance. The study contributes to the specialist literature through an interdisciplinary synthesis that brings international environmental law, legal philosophy and recent case law into dialogue, offering useful reference points for researchers and practitioners interested in the contemporary reconfiguration of environmental law.*

Keywords: *ecological restoration; environmental law; rights of nature; ecological legal personhood; intergenerational equity*

Introduction

Over the past six decades, environmental law has been constituted predominantly as a defensive body of norms, intended to limit anthropogenic interventions in ecosystems and to sanction the exceeding of certain pollution or resource-exploitation thresholds. This conceptual architecture, grounded in the logic of prevention and prohibition, has undoubtedly produced notable progress in air quality, waste management and the conservation of emblematic habitats. Nevertheless, the accumulation of scientific evidence regarding the accelerated decline of biodiversity, together with the empirical observation that numerous European ecosystems are in a state of irreversible degradation absent active intervention, has imposed a fundamental reassessment of the premises underpinning environmental regulation.

The international scientific community has repeatedly documented that European freshwater biodiversity has not merely failed to recover but has, over the past decade, entered an alarming stagnation, despite considerable investment allocated to the protection of aquatic habitats (Haase, Bowler, Baker et al., 2023, pp. 582–588). Such a finding reveals the intrinsic limitations of a normative model that relies almost exclusively on maintaining ecological status quo, disregarding the need to repair damage already inflicted. It is, therefore, increasingly evident that protection, however rigorous, cannot substitute for restoration once the natural heritage has already been structurally compromised.

In this context, international legal scholarship has begun to theorise a paradigm transition, from a regime focused exclusively on protection towards one that complementarily integrates the objectives of landscape-scale ecological restoration (Bell-James, 2023, pp. 419–436). This shift is not merely technical or instrumental; rather, it reflects a profound resignification of how legal systems conceive the relationship between society and nature, moving the emphasis from reactive management towards proactive governance oriented towards regenerating lost ecosystem functions. It is necessary to emphasise, even at this early stage of the analysis, that the transition from protection to restoration does not

entail abandoning the classical instruments of environmental law, but rather a functional overlap of two distinct normative logics, which must coexist and mutually reinforce one another. Authors who have rigorously examined this issue have repeatedly shown that restoration and protection do not constitute competing objectives but complementary ones, both being indispensable to a coherent biodiversity conservation strategy (Bell-James, 2023, pp. 419–436). Disregarding this structural complementarity could, in practice, generate the risk of a dangerous instrumentalisation of restorative discourse, liable to be used as a pretext for relaxing already-consolidated protection standards. It should also be noted that the current paradigmatic transformation is not confined to the sphere of environmental law considered in isolation, but is articulated with broader debates concerning the governance of the planetary system as a whole. Recent research on planetary boundaries has demonstrated that exceeding certain critical thresholds could cause an irreversible drift of the entire Earth system towards a radically different equilibrium state, one substantially hostile to known living conditions (Rockström, Gupta, Qin et al., 2024). Such a scientific perspective provides a solid empirical foundation for the legal arguments supporting the need for a fundamental normative reorientation, beyond the incremental adjustments characteristic of traditional environmental regulation.

This article aims to critically analyse this paradigmatic transition, structuring its analytical approach into three distinct thematic sections. The first section examines the conceptual evolution of environmental law, from the protection paradigm towards that of restoration, highlighting the limitations of the classical model and the theoretical premises of the new normative orientation. The second section analyses the concrete legal framework of ecological restoration, with particular reference to the instruments adopted at European Union level and the practical difficulties of their implementation. The third section investigates the broader philosophical and legal foundations of this transformation, namely the recognition of the rights of nature and the principle of intergenerational equity, as normative vectors complementary to ecological restoration. The article concludes with a series of findings that synthesise the principal

contributions of the analysis and outline possible directions for future legal research and practice.

Methodologically, the analysis relies on qualitative, doctrinal research grounded in the examination of specialist legal literature, relevant normative acts, and domestic and international case law significant to the issue investigated. This methodological choice is justified by the eminently conceptual nature of the research object, which requires a critical analysis of normative discourse rather than an empirical assessment of quantitative data on ecosystem status.

1. From the Protection Paradigm to the Restoration Paradigm: The Conceptual Evolution of Environmental Law

The roots of contemporary environmental law can be traced to the period following the 1972 Stockholm Declaration, the moment at which the international community first recognised, on a global scale, the need for systematic regulation of the relationship between economic activity and the environment. The normative model configured during that period was founded on an essentially conservationist logic, oriented towards delimiting protected areas, restricting polluting emissions and establishing environmental impact assessment mechanisms. This approach, although necessary, proved over time insufficient to counter the accelerated pace of ecosystem degradation, since it implicitly presupposed the existence of a relatively intact natural stock, upon which it was sufficient merely to impose restrictions.

The specialist literature has highlighted that international environmental law remains, to a considerable extent, beholden to a reductionist and linear mindset, incapable of grasping the complex behaviour of ecological systems and their interdependencies (Kim, 2021, pp. 191–204). Such a critical observation reveals a structural discrepancy between current scientific knowledge, which operates with concepts such as resilience, irreversibility thresholds and planetary boundaries, and the traditional legal apparatus, built upon static categories and a rigid delimitation of jurisdictional competences. This discrepancy explains, to a significant degree, the incapacity of classical environmental law to

respond adequately to the challenges of the Anthropocene. It is worth noting that certain authors have proposed reconceptualising the entire normative edifice through a paradigm of 'ecological law', which ought to recognise humankind as an integral part of the Earth's life-support systems and to grant ecological limits absolute primacy over social and economic regimes (Garver, 2013, pp. 316–337). Such a proposal, radical in appearance, merely draws the logical conclusions of an increasingly widely accepted finding: namely, that maintaining a minimum threshold of ecological integrity constitutes the precondition for any form of sustainable development, rather than a secondary objective subordinated to economic imperatives.

Alongside these theoretical debates, the practice of ecological restoration has, for its part, gained increasing normative visibility. Researchers who have analysed the evolution of international environmental law have emphasised the need to consolidate a distinct legal principle dedicated to ecological restoration, one that would complement the already-established principles of precaution and prevention (Cliquet, Telesetsky, & Akhtar-Khavari, 2022). This normative proposal reflects a growing awareness that mere abstention from harm can no longer constitute the sole standard of diligence imposed on public and private actors, given that a significant portion of natural heritage is already in a state of degradation requiring active intervention.

A complementary, though equally relevant, argument concerns the historical dimension of the legal relationship to nature (Corsei, 2025, 521). Analyses devoted to this issue have observed that environmental law, at global level, remains oriented predominantly towards the future, disregarding the historical condition of ecosystems prior to intensive anthropogenic intervention, which leads to a gradual normalisation of degradation, experienced as an ordinary state by successive generations (Richardson, 2018). This phenomenon, which the cited author associates with a form of collective 'ecological amnesia', partly explains institutional reluctance towards ambitious restoration standards, since the historical reference point of healthy ecosystems progressively fades from collective memory and, implicitly, from the perception of legal normality. Nor

should the contribution of theories concerning Earth system governance be overlooked in this discussion; such theories propose a radical resignification of the purpose of environmental law, moving beyond the piecemeal management of sectoral problems towards a transformative function capable of facilitating institutional adaptation to a planet in permanent flux (Kotzé, Kim, Desai, 2021). Such a perspective supports the central thesis of this article, according to which the transition from protection to restoration does not constitute a mere technical adjustment of existing normative instruments, but a genuine process of resignifying the purposes of environmental law as a discipline.

Finally, it should be observed that recent research confirms the need for complementarity, rather than substitution, between protection and restoration, emphasising that both objectives remain indispensable to a coherent strategy for conserving biodiversity and providing ecosystem services (Bell-James, 2023, pp. 419–436). Restoration cannot, therefore, serve as a pretext for relaxing protection standards for still-intact natural areas, since the ecological benefits of restoration projects often materialise with considerable delay relative to the moment of intervention, which requires the parallel maintenance of a robust protective regime.

An observation is also warranted concerning the older philosophical roots of this paradigmatic transition. The idea that law ought to recognise absolute ecological limits, opposable to any form of social or economic organisation, is not a recent innovation, but derives, to a certain extent, from the tradition of radical ecological thought of the closing decades of the last century. What differs in the present context is the degree of institutionalisation of these ideas, which have migrated from the margins of academic discourse towards the centre of official normative debate, being taken up, with varying degrees of fidelity, even in legislative texts adopted by interstate organisations such as the European Union. It should further be observed that the transition under analysis does not occur uniformly across different national legal systems, but proceeds at an uneven pace, conditioned by economic, cultural and institutional factors specific to each context. States endowed with more substantial institutional resources and a stronger administrative tradition centred on long-term planning tend to adopt the normative instruments of restoration more

rapidly, whereas other jurisdictions remain anchored, often for purely budgetary reasons, in a strictly conservationist logic. This implementational heterogeneity constitutes, in turn, a legitimate object of research for comparative environmental law, beyond the purely conceptual analysis undertaken in the present section.

A frequently neglected dimension of this debate concerns the relationship between the restoration paradigm and the concept of sustainable development, established since the 1987 Brundtland Report. Although sustainable development has, for more than three decades, been the principal organising concept of international environmental law, its critics have repeatedly highlighted its structural ambiguity, which permits a predominantly economic interpretation liable to subordinate ecological imperatives to short-term economic growth considerations. The restoration paradigm, through its explicit emphasis on the active repair of damage already inflicted, offers a necessary corrective to this ambiguity, imposing far more rigorous ecological performance standards than those often vaguely derived from the general principle of sustainable development. This critical observation should not be understood as a rejection of the concept of sustainable development, but rather as a call for its clarification and more rigorous operationalisation, through the integration of quantifiable ecological-restoration indicators within national and regional development strategies. Such an approach would enable the overcoming of a frequently invoked criticism of international environmental law, namely that numerous normative instruments remain excessively general and programmatic, lacking effective mechanisms of constraint and verification of actual compliance.

A final aspect worth mentioning concerns the relationship between the new restoration paradigm and the precautionary principle, already established as a foundation of environmental law at European and international level. Far from being contradicted by the emphasis placed on restoration, the precautionary principle acquires, within the new normative context, an additional dimension, since scientific uncertainty regarding the full reversibility of certain degradation processes requires a prudent approach both to the authorisation of new anthropogenic interventions and

to the realistic assessment of the prospects of success of restoration projects. The harmonious coexistence of these two principles, precaution and active restoration, forms, in our view, the normative core of the new legal paradigm of environmental law. Synthesising the foregoing observations, it may be affirmed that the conceptual evolution analysed in this section does not represent a mere passing intellectual fashion, but responds to an objective necessity, confirmed both by scientific data on the state of ecosystems and by the empirically demonstrated limitations of the classical normative model. The following section will examine how this conceptual evolution has concretely materialised in positive legal instruments, with particular emphasis on the European experience, currently regarded as one of the most advanced globally in institutionalising the restoration paradigm.

2. The Normative Framework of Ecological Restoration: European and International Instruments

The institutional consolidation of the restoration paradigm has occurred, at European level, through a lengthy legislative process, culminating in the adoption of Regulation (EU) 2024/1991 on nature restoration, a normative act conceived as a central element of the European Green Deal and the 2030 Biodiversity Strategy. This legal instrument transforms into binding obligations targets that had previously held a predominantly programmatic status, imposing on Member States the obligation to restore at least twenty per cent of the Union's terrestrial and marine areas by 2030, and subsequently the entirety of ecosystems identified as degraded by 2050. Recent legal analyses emphasise that the correct interpretation of this regulation will decisively determine the actual quality of the restoration process across the successive implementation periods, namely 2027, 2030, 2040 and 2050 (Aragão, van de Braak, 2026). This observation reveals a frequently underestimated dimension of normative reform: namely, that the mere adoption of an ambitious legislative act does not in itself guarantee its practical effectiveness, since the outcomes depend essentially on how national authorities interpret and transpose the normative concepts into the restoration plans required by the

regulation. From an institutional perspective, the Nature Restoration Regulation is articulated with pre-existing instruments of the Community acquis, namely the Habitats Directive, the Birds Directive and the Water Framework Directive, without replacing them, but rather supplementing them with an additional standard of ecological performance. Researchers who have analysed the local implementation of these obligations have nevertheless highlighted significant institutional coordination difficulties, given that existing spatial-planning frameworks were not initially designed to integrate landscape-scale restoration objectives, but rather site-specific conservation objectives for designated sites (Chloë Anthony, Nature Restoration and Collaboration: Integration and Participation in England's Local Nature Recovery Strategy Framework, Journal of Environmental Law, volume 37, Issue 2, 2025, pp. 203–228).

A structural problem, consistently identified in the specialist literature, concerns the tension between dominant economic logic and the imperatives of ecological restoration. Studies devoted to the restoration hierarchy have shown that a significant influence of the decoupling paradigm persists, according to which environmental damage is treated as a mere externality of economic activity, to be reduced without substantially compromising profit-generating activities (Soininen et al., 2025). Such an epistemic configuration partly explains the reluctance of public decision-makers to prioritise restoration relative to other economic objectives, even where cost-benefit analyses demonstrate, in the long term, the superiority of ecological investment. The international dimension of this normative transformation cannot be ignored. Analyses devoted to international environmental law have proposed the adoption of a protocol dedicated to ecological restoration, to be annexed to the Convention on Biological Diversity, so that the obligations of States Parties might acquire a more precise and substantial character, beyond current programmatic commitments (Cliquet, Telesetsky, & Akhtar-Khavari, 2022). Such a proposal reflects a growing consensus among specialists that the United Nations Decade on Ecosystem Restoration constitutes a historic opportunity for the consolidation of a coherent international legal

framework, capable of transcending the current fragmentation of sectoral regulation.

Comparative analysis of various jurisdictions also reveals the emergence of innovative institutional mechanisms designed to facilitate collaboration among the public and private actors involved in restoration processes (Ungureanu, & Terec-Vlad, 2025, pp. 149-162). The study devoted to local nature-recovery strategies in England has shown that the success of such mechanisms depends essentially on the capacity of institutions to articulate the participation of local communities with national biodiversity objectives, without reproducing a centralised and rigid approach (Anthony, 2025, pp. 203–228). This finding confirms the idea that the new legal paradigm of restoration is not confined to establishing quantitative targets, but equally entails a reconfiguration of ecological governance models, oriented towards subsidiarity and institutional collaboration.

Lastly, one must note the emergence of legal frameworks dedicated to international restorative ecology, which propose a systematic mapping of the soft-law foundations existing since the Stockholm Declaration, with a view to identifying the normative bases upon which a more robust international restoration regime might be constructed (Nsoh, & Muzan, in Brears, & Lindley (coord.), 2025). This research offers a valuable analytical instrument for understanding the historical genesis of international restoration obligations, demonstrating that, although the current framework remains fragmentary, it already possesses a sufficiently solid conceptual architecture to support its progressive consolidation.

An essential aspect of the European normative architecture concerns the alarming condition of the Natura 2000 ecological network, which constituted, moreover, the decisive empirical argument in favour of adopting the Nature Restoration Regulation. Institutional reports of the European Environment Agency have revealed that the overwhelming majority of sites included within this protection network are in an unfavourable conservation status, demonstrating, beyond any reasonable doubt, the insufficiency of a legal regime confined to the mere designation of protected areas, absent adjacent mechanisms for the active repair of degraded habitats. This empirical finding substantially fuelled the

argument in favour of far-reaching normative reform, capable of transforming the programmatic objectives of previous biodiversity strategies into legal obligations genuinely opposable to Member States.

Procedurally, the Nature Restoration Regulation requires Member States to draw up national restoration plans, which must identify, in detail, degraded ecosystems, quantifiable restoration targets and mechanisms for monitoring progress achieved. This obligation of detailed planning represents, in itself, a significant normative innovation, since it shifts the centre of gravity of regulation away from general and abstract prohibitions towards concrete, verifiable commitments subject to rigorous institutional oversight, exercised both at national level and at the level of the competent European institutions.

Nor can the financial dimension of the restoration process be omitted in this context, a dimension often underestimated in legal debate yet essential to the practical success of the normative reform analysed (Terec-Vlad, Ungureanu, & Rusu, 2026). Studies devoted to methodologies for the economic evaluation of aquatic-ecosystem restoration projects have demonstrated that, although the initial costs of intervention may appear considerable, the long-term benefits, expressed in terms of the ecosystem services provided, often substantially exceed the initial investment, provided that the cost-benefit analysis is conducted at an appropriate geographical scale, rather than artificially confined to a single, discrete project (Soininen et al., 2025). The absence of such an integrated, landscape-scale perspective remains, according to the same research, one of the principal structural barriers currently impeding the efficient allocation of financial resources available for restoration.

It must further be emphasised that the practical success of the new normative architecture depends, to a considerable extent, on the capacity of national administrative institutions to move beyond the traditional sectoral approach characteristic of classical environmental law, in favour of an integrated perspective capable of articulating restoration policies with those concerning spatial planning, agriculture, water-resource management and energy-infrastructure development. Institutional fragmentation remains, in many Member States, a significant obstacle to

the coherent implementation of the obligations assumed under the regulation, which is why the specialist literature insists on the need for strengthened inter-ministerial coordination mechanisms.

A further aspect, relevant to a realistic assessment of the impact of this normative reform, concerns the monitoring and reporting mechanisms established by the regulation, which require Member States periodically to transmit progress reports to the European Commission, accompanied by verifiable data on areas actually restored and the conservation status of the habitats concerned. The existence of such institutional transparency mechanisms represents, in our view, a necessary, though not sufficient, condition for ensuring the practical effectiveness of the obligations assumed, since they enable the early identification of any delays or implementational deficiencies and facilitate, where necessary, the initiation of infringement proceedings, in accordance with the institutional law of the European Union.

It should also be observed that the practical success of the regulation will depend significantly on the capacity of national courts and the Court of Justice of the European Union to interpret uniformly the normative concepts employed, such as 'favourable conservation status' or 'degraded ecosystem', the contours of which remain, for the time being, insufficiently precise in the administrative practice of Member States. Interpretative divergences in this respect could, in the medium term, generate an uneven application of restoration standards across different national jurisdictions, thereby undermining the harmonisation objective pursued through the adoption of a directly applicable legal instrument such as the regulation.

Finally, comparison with other international normative experiences reveals that the European Union is not the sole entity to have adopted legal instruments dedicated to ecosystem restoration, but forms part of a broader global trend, also reflected in the United Nations' proclamation of the decade dedicated to ecosystem restoration. This international convergence suggests that the restoration paradigm, far from constituting a peculiarity of European environmental law, represents a global normative trend whose implications extend beyond the boundaries of any single national or regional legal system considered in isolation.

3. The Rights of Nature and Intergenerational Justice: Foundations of the New Legal Paradigm

Beyond the strictly regulatory dimension of ecological restoration, the paradigmatic transformation of environmental law rests upon a broader philosophical and legal resignification, one that calls into question the anthropocentric premises of contemporary legal systems. The intellectual and jurisprudential movement dedicated to recognising the rights of nature proposes, in this respect, a normative alternative to the classical instrumental model, which regards natural resources exclusively through the lens of their utility to humankind.

The debate concerning the legal personhood of natural entities has gained considerable visibility following the adoption, in New Zealand, of legislative acts conferring legal-person status upon the Whanganui River and the Te Urewera forest, as well as following the judicial decisions in Colombia concerning the Atrato River. Analyses devoted to this issue have shown that the central argument invoked against attributing legal personhood to natural entities, namely their lack of sentience, can be contested by recourse to indigenous cosmologies that recognise rivers and forests as possessing their own capacity for agency and an active function within the ecological community (Edirisinghe, 2024, pp. 224–235). This argumentation reveals that, beyond its strictly technical appearance, the debate concerning the legal personhood of nature in fact reflects a deeper confrontation between differing epistemological paradigms regarding the relationship between humankind and the natural environment.

Recent research devoted to Latin American case law has, moreover, highlighted a close connection between the recognition of the rights of nature and the right to a healthy environment of local communities, showing that constitutional courts have repeatedly confirmed that the degradation of aquatic ecosystems directly affects the fundamental rights of riverine populations (Kanyama et al., 2025). This jurisprudential convergence suggests that ecological restoration cannot be dissociated from social justice, since the degradation of the environment and the vulnerability of the affected human communities stand in a relationship of

structural interdependence rather than a purely incidental one (Corsei, Zisu, & Țoncu, 2023, pp. 52-60).

Another conceptual pillar of the new legal paradigm is the principle of intergenerational equity, which has, in recent years, acquired unprecedented jurisprudential visibility. The International Court of Justice recognised, as early as its advisory opinion on the legality of the threat or use of nuclear weapons, that the environment does not constitute an abstraction but represents the living space, the quality of life and the health of human beings, including generations yet unborn. This jurisprudential orientation was subsequently reinforced by the same Court's recent advisory opinion on States' obligations concerning the protection of the climate system, which devoted a distinct section to the principles of equity and intergenerational equity.

The specialist literature has emphasised that the international recognition of the right to a clean, healthy and sustainable environment, through a 2022 resolution of the United Nations General Assembly, could generate a paradigm shift throughout the entire human rights system, facilitating a reconceptualisation capable of integrating principles specific to environmental law, such as precaution and intergenerational equity, into the very normative structure of fundamental rights (Cima, 2022). Such a development would allow the overcoming of a structural limitation of classical human rights law, which tends to protect exclusively identifiable individual interests, disregarding the diffuse, delayed harms characteristic of ecological degradation.

Recent analyses have also demonstrated that arguments grounded in intergenerational equity carry overwhelming weight within climate litigation initiated by children and young people, a fact that reveals a significant shift in the argumentative strategies employed before the courts Daly, 2023). This observation suggests that younger generations are increasingly internalising the idea that their future rights are conditioned by the ecological decisions taken in the present, thereby conferring upon the principle of intergenerational equity a practical, rather than merely theoretical, dimension within contemporary environmental litigation.

It is worth emphasising, in this context, that the legal-personhood model, initially developed in New Zealand case law and legislation,

presents a conceptual peculiarity deserving of attention: unlike the Ecuadorian example, where the 2008 Constitution recognises nature, referred to as Pachamama, as possessing intrinsic rights of its own, independent of any analogy with the legal status of the human person, the New Zealand normative acts confer upon the natural entities concerned rights assimilated to those of a legal person, accompanied by the establishment of 'guardian'-type structures responsible for representing the ecosystem's interests in legal relations (Edirisinghe, 2024, pp. 224–235). This conceptual distinction, apparently technical, carries significant practical consequences for how courts interpret the scope and limits of the rights thus recognised, as well as for the mechanisms of access to justice available for defending the interests of the natural entity in question.

The Spanish example of the Mar Menor lagoon, upon which the legislature conferred, in 2022, the status of a distinct legal subject, accompanied by an institutional representation mechanism, confirms that the normative movement for the rights of nature does not remain confined to marginal or exotic jurisdictions, but is progressively penetrating continental European legal systems, traditionally more reticent towards such conceptual innovations. The extension of this model beyond the specific context of customary law or indigenous legal traditions suggests an institutional maturation of the rights-of-nature paradigm, which can no longer be treated as a marginal doctrinal curiosity, but must be analysed as a legitimate component of the contemporary debate on environmental law reform.

Another important tier of the analysis concerns the case law of the European Court of Human Rights which, although it does not explicitly recognise an autonomous right to a healthy environment within the European Convention on Human Rights, has developed, through a series of significant judgments, indirect protection of environmental interests via Article 8, concerning the right to respect for private and family life. This case law, recently reinforced by the judgment on States' positive obligations regarding climate change, illustrates an interpretative dynamic convergent with the trends analysed in this article, namely the progressive extension of legal protection beyond the strict limits of immediate

individual interest, towards an increasingly explicit recognition of the interdependence between ecosystemic integrity and human dignity.

From the perspective of intergenerational equity, it should be observed that the recent advisory opinion of the International Court of Justice on States' obligations concerning the protection of the climate system marked a landmark moment, since the Court devoted a distinct section to the principles of equity, placing them alongside other fundamental principles of international environmental law. This jurisprudential development confirms the progressive maturation of intergenerational equity, which is moving from the status of a mere programmatic principle, invoked predominantly in the preambles of international treaties, towards that of an effective legal criterion for interpreting State obligations, capable of being invoked directly before national and international courts.

It should further be noted that the recognition of the rights of nature raises a series of practical questions of considerable difficulty, concerning the identification of the persons or institutions empowered to act on behalf of the natural entity granted legal personhood, as well as the evidentiary standards applicable in the resulting litigation. The absence of extensive, consolidated case law in this area means that many answers to these questions remain, for the time being, at the stage of doctrinal proposal rather than practical solution validated by lengthy judicial experience. This does not, however, diminish the conceptual relevance of the model analysed, but rather calls for a prudent attitude towards its premature generalisation, absent careful adaptation to the particularities of each national legal system.

The convergence of these jurisprudential and doctrinal developments reveals, in our view, a broader tendency towards the resignification of the legal subject in environmental matters, which can no longer be reduced exclusively to the natural or legal person holding individual rights, but must include, in one form or another, ecological entities and future generations, whose interests, although lacking direct representation in current decision-making processes, are acquiring increasingly pronounced normative visibility through the legal mechanisms analysed in this section.

Finally, the contribution of theories concerning Earth system governance deserves emphasis; such theories propose integrating planetary boundaries as a fundamental norm of the international legal order, with a view to ensuring coherence between scientific knowledge of ecosystemic resilience and the normative instruments available (Kotzé, Kim, & Desai, 2021). The convergence of these philosophical and legal foundations, namely the rights of nature, intergenerational equity and Earth system governance, together shapes the conceptual architecture of the new restoration paradigm, which is not confined to a mere legal technique but proposes a profound resignification of the relationship between law, society and nature.

Conclusions

The analysis undertaken in this article demonstrates that contemporary environmental law is undergoing a genuine paradigmatic transformation, rather than a mere technical adjustment of existing normative instruments. The shift from protection to restoration reflects a profound resignification of the purposes of environmental law, determined by the empirical finding of the structural limitations of the classical conservationist model and by the accumulation of scientific evidence regarding the irreversible degradation of numerous ecosystems.

The research has shown, in the first thematic section, that the protection paradigm, although necessary, has proved insufficient to counter the accelerated decline of biodiversity, since it implicitly presupposes the existence of a relatively intact ecological stock. The second section analysed the European normative architecture of ecological restoration, highlighting both the significant progress brought about by the Nature Restoration Regulation and the institutional and economic difficulties that continue to constrain its effective implementation. The third section demonstrated that the paradigmatic transformation under analysis is not confined to the regulatory dimension, but rests upon broader philosophical and legal foundations, namely the recognition of the rights of nature and the principle of intergenerational equity.

From the perspective of the theoretical contribution of this endeavour, it may be affirmed that ecological restoration should not be conceived as a substitute for environmental protection, but as a complementary dimension, indispensable to coherent ecological governance. Maintaining a robust protective regime remains a necessary condition, since the benefits of restoration projects often materialise with considerable delay, and the prevention of further damage continues to constitute the most effective strategy for conserving natural heritage.

Future research might, on the one hand, further explore the concrete means by which the principles of intergenerational equity and the rights of nature can be integrated into the domestic legal framework of European Union Member States, and, on the other, the institutional mechanisms capable of ensuring adequate and sustainable financing for large-scale restoration projects. The consolidation of an international protocol dedicated to ecological restoration, annexed to the Convention on Biological Diversity, could represent, in this respect, a decisive step towards more coherent and effective global ecological governance, capable of adequately addressing the structural challenges of the Anthropocene.

Likewise, we consider it useful for future legal scholarship to devote greater attention to the comparative dimension of this paradigmatic transformation, since the uneven pace of adoption of restoration's normative instruments, noted in the first thematic section, remains insufficiently documented in jurisdictions outside the European and North American space. Such an expansion of research would allow a fuller understanding of the institutional, cultural and economic factors conditioning the reception of the new legal paradigm at global scale, as well as the identification of good practices transferable between different legal systems.

Overall, this article maintains that environmental law stands at a historic turning point, comparable in scale to the founding moment of the Stockholm Declaration. How contemporary legal systems manage this transition, harmoniously articulating protection, restoration, the rights of nature and intergenerational equity, will largely determine the capacity of

human societies to maintain a sustainable relationship with the ecological systems upon which their own survival ultimately depends.

References

Anthony, C. (2025). Nature Restoration and Collaboration: Integration and Participation in England's Local Nature Recovery Strategy Framework. *Journal of Environmental Law*, volume 37, Issue 2.

Aragão, A., and van de Braak, K. (2026). Karin Interpretation of the EU Nature Restoration Law: From Pieces of a Puzzle to a Complete Picture. *Restoration Ecology*.

Bell-James, J. (2023). From the Silo to the Landscape: The Role of Law in Landscape-Scale Restoration of Coastal and Marine Ecosystems. *Journal of Environmental Law*, volume 35, Issue 3.

Cliquet, A., Telesetsky, A., and Akhtar-Khavari, A. (2022). Upscaling Ecological Restoration: Toward a New Legal Principle and Protocol on Ecological Restoration in International Law. *Restoration Ecology*, volume 30, Issue 4.

Cima, E. (2022). The Right to a Healthy Environment: Reconceptualizing Human Rights in the Face of Climate Change. *Review of European, Comparative & International Environmental Law*.

Convention on Biological Diversity, adopted at Rio de Janeiro, 5 June 1992.

Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive).

Corsei, A., Zisu, M.A., and Țoncu S. (2023). The European Union and fundamental human rights. *AGIR Bulletin*, Issue 4.

Corsei, A. (2025). Law and ethics in the context of current global challenges. *Valahia University Law Study*, 521.

Daly, A. (2023). Intergenerational Rights Are Children's Rights: Upholding the Right to a Healthy Environment Through the UNCRC. *Netherlands Quarterly of Human Rights*.

Edirisinghe, D. (2024). Nature as a Sentient Being: Can Rivers Be Legal Persons?, Review of European. *Comparative & International Environmental Law*, volume 33, Issue 2.

European Convention on Human Rights, Art. 8, Right to Respect for Private and Family Life.

Garver, G. (2013). The Rule of Ecological Law: The Legal Complement to Degrowth Economics. *Sustainability*, volume 5, Issue 1.

Kanyama, C.W. et al. (2025). Ecological Restoration in Rights-of-Nature Laws and Restoration as a Substantive Right of Nature: Challenges and Opportunities. *Restoration Ecology*.

Kim, R.E. (2021). Planetary Boundaries at the Intersection of Earth System Law, Science and Governance: A State-of-the-Art Review. *Review of European, Comparative & International Environmental Law*, volume 30, Issue 2.

Kotzé, L. J., Kim, R. E., and Desai, B. H. (2021). Exploring the Analytical, Normative and Transformative Dimensions of Earth System Law. *Environmental Policy and Law*.

Nsoh, W., and Muzan, M. A. (2025). *The Emerging Legal Framework for Ecological Restoration Under International Environmental Law*, in Brears, Robert C., & Lindley, Jade (eds.). The Palgrave Handbook of Environmental Policy and Law, Palgrave Macmillan.

Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on Nature Restoration and Amending Regulation (EU) 2022/869.

Richardson, B. J. (2018). Ecological Restoration and the Law: Recovering Nature's Past for the Future. *Griffith Law Review*.

Rockström, J., Gupta, J., Qin, D. et al. (2024). The Planetary Commons: A New Paradigm for Safeguarding Earth-Regulating Systems in the Anthropocene. *Proceedings of the National Academy of Sciences*, volume 121, Issue 5.

Ruse, C. (2018). *Criminalitatea informatică. Dreptul penal al tehnologiei informației și comunicațiilor.* C.H. Beck.

Soininen, N. et al. (2025). Ecological Restoration Hierarchy as a Lens to Reveal the Foundational Economic and Legal Structures Impeding Restoration. *Restoration Ecology*.

Terec-Vlad, L., Ungureanu, C.G., and Rusu, A. (2026). Dreptul la un mediu sănătos ca dimensiune emergentă a protecției drepturilor omului în cadrul dreptului internațional contemporan. *Universul Juridic* Issue 1.

Ungureanu, C., and Terec-Vlad, L. (2025). Regional Conflicts and Their Consequences on the Environment-Legal, Ecological, Socio-economic, and Ethical Perspectives. *European Journal of Law and Public Administration*, volume 12, Issue 2.

United Nations General Assembly, Resolution 76/300 on the Right to a Clean, Healthy and Sustainable Environment, 2022.