

LAURA LO COCO &  
FABIAN SCHUPPERT

# Attachment, Sustainability, and Control over Natural Resources

**Abstract:** In this paper, we discuss Armstrong's account of attachment-based claims to natural resources, the kind of rights that follow from attachment-based claims, and the limits we should impose on such claims. *We hope to clarify how and why attachment matters in the discourse on resource rights* by presenting three challenges to Armstrong's theory. First, we question the normative basis for certain attachment claims, by trying to distinguish more clearly between different kinds of attachment and other kinds of claims. Second, we highlight the need to supplement Armstrong's account with a theory of how to weigh different attachment claims so as to establish the normative standing that different kinds of attachment claims should have. Third, we propose that sustainability must be a necessary requirement for making attachment claims to natural resources legitimate. Based on these three challenges and the solutions we propose, we argue that attachment claims are on the one hand narrower than Armstrong suggests, while on the other hand they can justify more far-reaching rights to control than Armstrong initially considers, because of the particular weight that certain attachment claims have.

**Keywords:** attachment; sustainability; special rights; natural resources; life plans.

## Introduction

Within the literature on territorial rights and resource rights, it is widely accepted that at least some attachment-based claims can ground rights to control particular resources. In his book *Justice & Natural Resources*, Chris Armstrong (2017: ch.5) offers a particular variant of this argument, which aims to show that certain attachment-based claims can be accommodated within a global welfare-egalitarian framework. Armstrong argues that (some) attachment-based claims deserve special respect and attention when it comes to deciding who should control which natural resources (2017: 124). In this paper, we hope to clarify how and why attachment matters in the discourse on resource rights by presenting three challenges to Armstrong's account. First, we question the normative basis for certain attachment claims, by trying to distinguish more clearly between different kinds of attachment and other kinds of claims. Second, we highlight the need to supplement Armstrong's account with a theory of how to weigh different attachment claims so as to establish the normative standing that different kinds of attachment claims should have. Third, we propose that sustainability must be a necessary requirement for making attachment claims to natural resources legitimate. Based on these three challenges and the solutions

we propose, we argue that attachment claims are on the one hand narrower than Armstrong suggests while on the other hand attachment-based claims can justify more far-reaching rights to control than Armstrong initially considers, because of the particular weight that certain attachment claims have.

The paper is divided into six sections. Section One briefly introduces the idea of resource rights and explains how the idea of normatively relevant attachment claims entered the debate. While the precise role of attachment claims is controversial, the very idea that attachment is (at least sometimes) morally important is not. Section Two will introduce Armstrong's (2017) account of resource rights and explain how it aims to accommodate attachment-based to control over natural resources. As will become clear, Armstrong's account is marked by an internal tension, as Armstrong is worried about unduly giving weight to attachments that stem from the status quo that may very well be unjust or stand to protect mere preferences. This tension leads Armstrong to adopt an overly vague and possibly dangerous position with regard to the normative weight we assign to different forms of attachments. Section Three will present our first challenge to Armstrong's argument by investigating what exactly we mean by attachment and how we can distinguish it from mere preferences. Based on the definition of attachment we propose, Section Four will provide an argument for why attachment theorists need to carefully develop a theory of how to weigh different attachment claims, so as to establish the kind of normative standing that different kinds of attachment claims should have. Without such a theory, Armstrong's account runs into a serious problem, especially if Armstrong were to stick to his original account of attachment. Section Five will deal with our third and final challenge to Armstrong's view, namely, that Armstrong's theory overlooks one important value for assessing the legitimacy of attachment claims: sustainability. As we will argue sustainability should be considered a necessary aspect of all legitimate attachment-based claims to control over natural resources. Overall, we aim to offer a friendly, yet important, critique of Armstrong's account. If our arguments are correct, Armstrong needs to reconsider his definition of attachment, address the issue of normative hierarchies of attachment claims, and incorporate sustainability into his theory of how attachment generates rights, in order to make it as convincing as possible.

### **ONE: Resource Rights and the Importance of Attachment Claims**

The recent normative literature on rights to natural resources developed – at least in part – out of the literature on territorial rights (Kolers, 2012; Moore, 2015; Nine, 2013). In fact, within the literature, it is widely accepted that resource rights and territorial rights partially overlap (Nine, 2016). As we will explain below, the idea of attachment as grounding relevant normative claims also comes from the literature on territorial rights.

According to the existing literature, resource rights can be held by a variety of agents and on the basis of a range of justifications. Moore (2015), for instance, argues that based on the value of collective self-determination peoples can claim not just a right to territorial control, but also the right to control the natural resources found in that territory. Nine (2012), meanwhile, argues that justice-promoting collectives can justify control over natural resources via a collective account of Lockean property rights. On top of that, there are individualist Lockean arguments (Simmons, 2001), Kantian (Stilz, 2009; Ypi, 2012), and nationalist (Miller, 2012) accounts of who can claim under which circumstances rights over particular natural resources.

What virtually all existing theories of resource rights have in common is that they see resource rights as a bundle of rights, and hold the view that even if a party has a right to control certain natural resources, that control must not always be absolute. In fact, many existing accounts critically challenge the doctrine of ‘permanent sovereignty’ over natural resources, which is enshrined in international law (Armstrong, 2015; Mancilla, 2015; Schuppert, 2014).<sup>1</sup> One reason for doing so is that to give full control over all the natural resources found in a particular territory to group X might conflict with the demands of global and social justice (Armstrong, 2015). Therefore, before one can allocate control over resources to particular groups, one first needs to be clear about the kinds of rights that make up the bundle of resource rights. As Armstrong (2017: 22-23), building on Ostrom (2000), observes, resource rights include at least four first-order rights as well as four further second-order rights. These are: access, withdrawal, alienation, and to derive income, as first order rights, as well as exclusion, management, regulation of alienation, and regulation of income, as second order rights. Again, not all rights of the rights bundle need to be held by the same agent. In fact, it is fairly common for certain agents to have only one or two of the associated rights, whether that is shareholders (who only have the right to derive income and to attend shareholder meetings), swimmers in a public lake (who only have the right to access and to derive a non-rival benefit), or trustees (who have the right to manage and exclude). The problem is that quite often several agents will have competing and overlapping claims to certain natural resources. Allocating resource rights thus requires disentangling these various claims, assessing their validity, and seeing how they relate to the demands of justice.

It is this disentanglement of resource rights and the assessment of resource claims with regard to the demands of justice to which Armstrong’s book

---

1 For an alternative interpretation of sovereignty over natural resources, based on decolonisation and self-determination, see Gumplova (2020).

makes an important contribution, to wit, by advancing an individualist, global welfare egalitarianism that forces us to re-think the distribution of resources and resource rights above and below the territorial state. However, because Armstrong's theory primarily cares about the equal access to well-being of individuals globally, there is a worry that his theory might not be able to accommodate the particular claims of individuals and communities to particular resources. The idea that so-called attachment-based claims play a key role in explaining why particular agents should control a particular territory, or why an agent might have special claims with regard to a particular resource, has been a cornerstone of the debate on territorial rights and resource rights (Kolers, 2012; Nine, 2013; Moore, 2014). As Cara Nine (2018: 1) points out, attachment can serve different functions. One is that it can offer an explanation as to why agent X should control resource Y (i.e., the particularity question), by pointing at the physical attachment of X to Y. As we will see, this reading of attachment is incompatible with Armstrong's normative account of attachment, and it is one of the issues that pushes Armstrong into making some controversial assumptions. Alternatively, attachment can be used to 'ground rights over resources on the close relationship which some agents have formed with specific resources' (Armstrong, 2017: 113), that is, because a resource is central to an agent's life plan or an agent's identity or some other normatively significant feature of the agent's wellbeing. It is this kind of attachment claim that generates resource rights based on a relationship between agent and resource that Armstrong is interested in. So we will now turn our attention to the arguments Armstrong's presents in his book.<sup>2</sup>

## **TWO: Armstrong on Attachment**

Armstrong defends a cosmopolitan theory of distributive justice in which resources are 'tremendously important but nothing special' (2017: 81) for achieving human wellbeing. Resources must, therefore, be distributed globally in so far as this promotes the equalisation of wellbeing globally. However, this does not mean that all resources are simply divided into equal piles for each and every individual. While this would simply be impossible with some resources, it would also ignore the fact that some particular natural resources are of special importance to some particular agents. This is where attachment comes in. In some circumstances, Armstrong (2017: 116) suggests, according control over some resources by taking them away from the pool of resources to be distributed globally achieves the goal of equal wellbeing more effectively and fairly. The basis for doing so are attachment claims. So what exactly does this mean?

<sup>2</sup> Chapter 5 in Armstrong's book draws heavily on Armstrong's (2014) earlier article on 'Justice and Attachment to Natural Resources.' While there are some minor differences between both accounts, we will focus on Armstrong's explanations in his more recent book as we take this to be his more considered view.

As cited earlier, for Armstrong (2017: 113) attachment is about ‘the close relationship which some agents have formed with specific resources.’ According to Armstrong (2017: 113) attachment claims are special claims that ‘seek to ground rights over resources.’ However, Armstrong is extremely vague on whether all special claims ground rights to resources, or just some, or whether other conditions need to be fulfilled in order to turn a special claim into a right. Armstrong (2017: 124) simply states that ‘rights claims’ are ‘implicit in many special claims,’ which contributes to the ambiguity of his account. In both his journal article from 2014 and in his book, Armstrong clearly does not see the need to further explain the move from claims to resources based on attachment to rights over resources, presumably because he thinks this transition is rather seamless. As he (2017: 119) puts it, his aim is to put forth an attachment-based account that produces ‘direct claims over natural resources,’ with direct claims being specified as ‘a claim which states that a specific agent has a prima facie claim to control, securely access, or constrain others’ access to a specified resource simply because of some feature of her relationship with that resource’ (2017: 118). What attachment claims ground then may be some or all of the rights found in the large bundle of resource rights described above. For Armstrong (2017: 117), attachment claims are about the promotion of wellbeing through particular goods and resources, and they are normatively relevant for the establishment of special claims when either a resource is needed by the individual for the pursuit of her life-goals (2017: 18), or more generally a special relationship exists between an agent and a specific resource. So, what exactly qualifies as a special relationship?

In order to understand Armstrong’s account of attachment, one first needs to understand which issues Armstrong wants to avoid. First, Armstrong is keen to present a theory that does not suffer from status quo bias, understood as giving preference to those agents which currently control specific resources, since this state of affairs might well be morally unjustifiable. Therefore, Armstrong argues that the scope of attachment is not restricted to resources an agent already controls. Second, Armstrong is worried about theories, such as Avery Kolers’ (2012) account, which use attachment claims to irreversibly close off resources. Hence, Armstrong thinks that the fact that an agent’s identity is entwined with a particular resource is not enough to give absolute control over that resource to this agent. Third, Armstrong is worried about having an intellectual bias in favour of plan-based attachment in his account (2017: 118) Thus, attachment is not restricted to cases in which an agent has built life-plans around a particular resource, but also non-plan-based attachments can ground normatively relevant claims. In other words, all three of these worries drive Armstrong to



adopt a wide theory of attachment, which ultimately leads to problems as we will discuss in section three.

While attachment claims come for Armstrong in a myriad of different forms, it is interesting that the key examples in his book chapter are cases of deeply held attachments, whether it is the Hindu who lives his life with the expectation that his ashes will be scattered on the Ganges, or a member of the Saami whose way of life relies on the availability of herding grounds to continue pursuing the reindeer herding tradition of her people. When access to a particular resource contributes to the individual's wellbeing, attachment can establish rights to undisturbed access to, for example, herding grounds or to scattering ashes on a river. This way, the Hindu and the Saami will be able to preserve their interest against the demands of global redistribution.

In the Saami case, Armstrong suggests that, where the protection of the practice requires substantive involvement of the agent in the management of the resource, the Saami may acquire a share in management, allowing them to participate in the decision-making process regarding the use and exploitation of the herding grounds (Armstrong, 2017: 136-138). The representatives of the Saami people will thus have a right to sit with other governing bodies at the negotiating table when decisions about protecting and managing access to herding grounds are being made. They will also have a right that the interest of the people they represent are taken into consideration, and possibly that the outcome of the collective decision promotes the sustainability of the herding grounds. However, Armstrong (2017: 135) is quick to stress that attachment claims normally cannot accord to one agent exclusive control over a resource, since most attachment claims simply require that either a resource is preserved or continuous access with non-subtractive benefits granted.

While most of the examples which Armstrong discusses focus on resources integral to people's life-plans, his account of legitimate attachment claims is much wider than it initially appears. By recognising that non-plan based attachment can also give rise to normatively relevant attachment claims, Armstrong opens the door to a wide variety of attachment based special rights. Armstrong (2017: 117) first observes that a person 'might derive considerable satisfaction from visiting a forest,' which, according to Armstrong, is enough to ground a morally relevant special claim, as long as the resource in question is 'specifically valuable' and not 'substitutable.' However, Armstrong goes even further, claiming that even the person who simply knows of the existence of a particular resource but who has no plan to ever travel to see the resource (such as a beautiful mountain on another continent) may have a normatively significant demand, as long as their well-being would be gravely affected by

the loss or destruction of this resource. As Armstrong (2017: 118) suggests, ‘these facts [i.e., that a person feels passionately about the existence of a far away resource] ought to be reckoned with whenever decisions are made about whether a particular resource is used (or indeed destroyed).’

What does it mean that the fact of non-plan based attachment ought to be reckoned with? What kind of claim and corresponding right does a person who likes a far away resource have? Armstrong is vague in this regard. He writes: ‘There seems to be no principled reason for focusing on plan-related manifestations of attachment alone, to the exclusion of non-plan-related versions. [...] Both facts [i.e., plan based and non-plan based attachment], it seems to me, can be normatively significant’ (2017: 118). What is worth remembering though is that Armstrong discusses cases of a person simply deriving ‘satisfaction from knowing that it [the specific resource that a person claims attachment to] exists’ with no plan to ever travel there, on the very same page on which he unequivocally states that his account is about establishing *direct* claims to natural resources. We should, therefore, take Armstrong’s expansion of the scope of attachment seriously.

### **THREE: Understanding Attachment: Forms of Attachments and Distinguishing Attachment from Mere Preferences**

Claims from attachment play an important role in the literature on territorial rights and resource rights. However, there exist a variety of competing conceptions of what it means and what kind of conditions must hold for agents to be able to claim an attachment to a particular territory or resource based on their close relationship to the resource. Stilz (2011: 334) for instance suggests that individuals acquire occupancy rights on a particular territory when this is of ‘central importance for an individual’s life-plans and projects.’ Simmons (2001: 312) on the other hand bases territorial and resource rights on a Lockean account of property that accords rights to individuals that put these resources at the centre of their self-preservation and self-government. Kolers (2009: 67) instead proposes that groups displaying shared conception of land and resources coupled with distinctive, dense, and pervasive land-use practices collectively establish a morally significant attachment to the territory. In this section, we will try to define more closely what attachment is and how we can distinguish it from other, similar-looking claims, such as voicing a preference for one state of affairs over another and having one’s wellbeing affected if that preference is frustrated by others. Doing so, will allow us to see the flaws in Armstrong’s wide conception of attachment with its exclusive focus on individual wellbeing. In section four, we will raise the issue of attachment hierarchies and assessing the moral forcefulness of different attachment claims.

In addition, we will suggest that not all attachment claims are valid, as there are certain conditions which an attachment relationship must fulfil in order to be legitimate. In section five, we will make the case that sustainability is one of these conditions.

Let us start by tackling Armstrong's controversial claim that attachment does not need to depend on any of the following: control, centrality to life-plans, or being identity-forming. As you might recall, Armstrong (2017: 118) held that the mere fact that an agent deeply appreciates the existence of a resource and that they would be saddened if the resource were to be destroyed or irreparably changed is enough to generate an attachment claim. However, appreciation and attachment are not the same.

Take the following example: imagine a person P who derives satisfaction from knowing that the mountain Annapurna I in Nepal exists, and that P, who appreciates the beautiful south face of Annapurna I, would be deeply saddened if they learned that Annapurna I had been destroyed because the local population had decided to engage in some kind of drilling. If this fact is enough to give P a normatively relevant claim in what happens to Annapurna I, it would look quite different from the kind of attachment claims the literature normally considers. Compare P's case with the case of N, a local living in the foothills of Annapurna I, who has actually seen Annapurna I, who knows that Annapurna is named after the Hindu goddess of food and nourishment and who – as so many people in the Annapurna region – feels deeply connected to the Annapurna and worships it for its supply of fresh, clean water, even though N does not actually believe that the goddess lives on Annapurna I.

There are at least two ways of looking at this example: one could maintain that both P and N are in normatively relevant ways attached to Annapurna I and that all we have to do is to find a way to assess and compare their respective claims. This will be discussed in section four. The second option is to state that there is a clear qualitative difference between P's and N's claims. While N seems to have a proper attachment to Annapurna I, P simply has an appreciation for Annapurna I, which leads P to have strong preferences with regard to how Annapurna I should be managed. Following Reibold (2019), we would argue that attachment proper needs to fulfil one of three functions in order to be considered the source of normatively weighty claims: it either needs to be identify-defining, purpose- or meaning-giving, or connected to a feeling of belonging and thus life-structuring.<sup>3</sup> Defining attachment in this way maps

---

3 Reibold (2019) uses slightly different labels, namely, cultural, activity-based and social attachments, but she mentions the same kind of considerations. Reibold distinguishes these three normatively relevant forms of attachment from economic attachment, the nature of which is purely instrumental in that a resource might be a means to secure one's income, but in this regard more easily substitutable than the other three benefits that stem from attachment.



onto the existing attachment debates in the literature, and it is also the kind of attachment that Armstrong himself uses in his more detailed discussions.

The problem with extending the scope of attachment in the way that Armstrong does, is that it loses normative force. If we allow any appreciative preference to count as an attachment, the very claim that one has an attachment to a particular resource becomes normatively uninteresting, which is the opposite of what Armstrong wants. To put it differently, to treat all likes and preferences to be in principle comparable with deeply held and over a long period of time cultivated connections with resources that play a crucial role in an agent's way of life seems to trivialise attachment proper.<sup>4</sup> What we have here is not just a difference in degree, but also a difference in quality.

Armstrong himself uses much more forceful language when explaining to his reader why attachment matters, and it is only when dealing with the three aforementioned worries that he extends the scope of attachment too far. Armstrong (2017) speaks of the 'profound connection between an individual's identity and her ability to securely interact with a specific natural resource' (121) or of resources being 'hugely significant to particular people's sense of agency' (122). Describing attachment in this way nicely fits with our account that resources one is attached to either need to be identity-defining, purpose- or meaning-giving, or connected to a feeling of belonging and thus life-structuring. Moreover, Armstrong can more effectively address the issue of status-quo bias by drawing on Reibold's (2019) excellent work on supersession, in which she convincingly argues that current control in and of itself neither suffices to ground, nor is a necessary condition for attachment. For some people, in fact, a resource can still be meaning-giving, even if they lost control over it, which is something that has happened repeatedly to indigenous groups especially in the context of colonialism and European imperialism.<sup>5</sup> Similarly, in order to avoid intellectual bias in one's theory of attachment, one does not need to throw the baby out with the bathwater: instead of including all satisfaction-giving preferences, one should simply highlight that feelings of belonging can be a kind of attachment, too. One does not need to have a *plan* to have a morally relevant attachment,

4 The concept of attachment would lose normative force in the same way the concept of harm would if it was defined as a setback of interests, and interests were defined as any kind of morally non objectionable preferences, desires and hopes (Feinberg, 1983; Raz, 1986). If harm is any setback of interests, Annie harms Bob by not sitting next to him in cafeteria, simply because Bob wanted Annie to sit next to him. If this is the case, the notion of harm becomes normatively irrelevant: nothing normatively significant follows from the fact that Annie harmed Bob.

5 Our claim here is that attachment requires a proper connection to the resource in question, but that this connection might have been threatened, altered, or even severed in recent times, so that attachment cannot be the privilege of those who control and own resources. Two caveats apply to this last observation: first, the change in the connection cannot have been too long ago, since otherwise the old connection will have been superseded; and second, the change in connection cannot have occurred entirely voluntary. In fact, in most cases it seems that some form of injustice must have occurred in changing this deep and longstanding connection between humans and resources, in order to get a successful attachment claim off the ground.

but it is also not good enough to simply derive satisfaction from something in order to be able to claim a right to access a resource, or some other right to it. In short, Armstrong does not need to stretch his account of attachment so thinly to avoid the status quo and intellectual bias. On the contrary, a wide account of attachment results in the obscuration of the difference between normatively important attachment and mere preferences.

Having challenged Armstrong's extension of attachment, let us now turn to the second issue raised above, namely that even if P's connection to Annapurna I did count as relevant attachment, and not as a mere preference, how could we assess and compare it with N's attachment to Annapurna I?

#### **FOUR: Assessing the Moral Urgency of Attachment Claims**

One key omission in Armstrong's entire account is that it lacks a theory of how to weigh different attachment claims. One reason for this surprising gap might be that Armstrong implicitly assumes that many attachment claims are compatible with each other. Armstrong, for instance, sees no problem with his extension of attachment to mere appreciation cases, because in cases of appreciation 'attachment is likely to be best respected simply by allowing the resource in question to continue to exist' (2017: 124). If we apply this to the Annapurna case, this solution indeed works nicely as P's attachment claim can be translated into a duty to conserve Annapurna I, which is something N also wants, because of N's attachment to Annapurna I. However, it is fairly clear that not all attachment claims might be compatible, so the question is what happens when two competing attachment claims meet, in particular if both are cases of attachment proper.<sup>6</sup>

There are two ways in which we could interpret the normative significance of different kinds of attachment. The first is that all attachment claims carry the same normative weight. The second option is that different attachment claims may generate stronger or weaker rights to natural resources.

The first option of valuing all attachment claims equally runs into obvious problems. Take the example of an Amazonian tribe A that holds a particular waterfall sacred, but makes no plan to use it. Imagine, that the particular waterfall is only one of many sacred sites in A's home territory and that tribe A shares the waterfall with the neighbouring tribe B, which also attaches great value to the waterfall. The people of tribe B see the waterfall and its upper and lower waterway as the tribe's lifeblood, which provides them with fresh water and food sources, and the constant sound of falling water is a common theme

<sup>6</sup> Having explained why we think appreciation is not the same as attachment proper we will – for the remainder of the paper – take it for granted that all cases of attachment we discuss are cases of attachment proper, that is, they need to be identify-defining, purpose- or meaning-giving, or connected to a feeling of belonging and thus life-structuring.

in tribe B's stories and songs. Tribe B lives closer to the waterfall than tribe A, and the waterfall certainly plays in B's culture and identity a more central role than in A's.

One day tribe A and B meet to discuss the future of the waterfall, since A wishes to build a dam on the river and waterfall to generate hydroelectric power, seeing the energy produced by the waterfall also as a gift from god that would support A's agricultural activities. Tribe B, meanwhile, is not interested in using any hydroelectric power from the river and waterfall because they reject modern electricity. Which tribe's claim takes precedence?

In this example, it seems that the two attachment based claims can be reconciled only if A does not want to build a dam. A's use of the waterfall as a site of worship is perfectly compatible with B's close connection to the waterfall and using it as a source of food and water. However, as A proposes to support its members' life-plans with the introduction of hydroelectric power, the claims seem incompatible. So what can be done?

If one simply holds that A's and B's claims are equally valuable the attachment claims theory fails to deliver a clear verdict on who should control which rights with regard to the waterfall. However, if we take our bearings from Armstrong and if we supplement his overly vague account with a theory of how to weigh different attachment claims, the situation looks quite different. A's claim to the waterfall is certainly morally relevant, but the initial claim that the waterfall is a sacred site does only seem to generate fairly limited rights, such as a right to access the waterfall and to worship there. B's claims are slightly more extensive: there is also a claim to a right to access, but also to a right to use water and fish, as well as possibly even a right that the waterfall is kept in such a state that its constant rumbling will continue to form the musical background to B's cultural and social life. B seems to have in this case more extensive claims than A. But does this mean that A's claims are normatively less important than B's?

That depends on how one weighs the different attachment claims. Considering that Armstrong defends a welfare egalitarian view, one option would be to look at which group derives greater wellbeing from the resource. However, Armstrong (2017: 85) has good reasons to reject those kinds of calculations with regard to wellbeing, or to the efficiency with which different groups and individuals 'convert' a resource into wellbeing. If we assess the moral weight of attachment claims purely on the basis of who receives how much wellbeing from a resource we would unduly (dis)advantage those with expensive tastes. Moreover, this approach may lead to a particular conception of efficient wellbeing maximisation trumping deeply held attachments, which would run

counter to the very idea behind Armstrong's claim that attachment plays an important role in an egalitarian theory centred on individuals' wellbeing.

A better option is to look at the relationship between the attachment in question and the morally relevant interests that are protected and/or met through respecting said attachment, as well as the ensuing welfare. This way of weighing attachment claims highlights the fact that attachment claims are based on value statements, such as the importance of having a sense of home, or the value of being able to direct one's life. These values can be traced back to morally important interests, or what is called in the literature fundamental interests (Schuppert, 2013; Dworkin, 1978; Raz, 1986). One can then use these fundamental interests and the values they protect, as well as the centrality of the attachment claim under consideration for realising those interests, as the appropriate normative yardstick for assessing the relative merits of different attachment claims (Reibold, 2020).

In other words, in a first step an agent's claim is checked whether it is a proper attachment claim or just a case of appreciation. This question is answered by looking at the three core kinds of attachment mentioned earlier, including whether something is identity-defining, purpose- or meaning-giving, or life-structuring. If X does have an attachment to Y, we have a pro tanto reason to grant X certain privileges vis-à-vis Y.<sup>7</sup> The same is done with the claims of agent Z vis-à-vis Y. If both X and Z have proper attachment claims, we look at the kind of interest(s) and value(s) that the attachment relates to, as well as how central the attachment in question is to X's and Z's overall welfare. Doing so allows us to weigh different claims. In the Amazonian waterfall example, tribe B has a more central and more interests affecting claim than A, because A has access to many equally important sacred sites, and because A's plan to build a dam is essentially an economic concern, and thus in principle substitutable. In this example, B's attachment claim should outweigh A's if the two become incompatible (since in the original situation they actually were compatible, both attachments could be satisfied).

### **FIVE: Sustainability as a Condition of Justified Attachment Claims**

The aim of the previous sections was to push Armstrong's account to a more coherent account of attachment. To achieve this, however, apart from the question of which attachment claim is morally weightier if the cases of conflict, we must also deal with the question of whether there are certain limits to non-conflictual attachment claims. Armstrong already clarifies that attachment claims must be appropriately limited: the recognition of attachment claims and

<sup>7</sup> We thank an anonymous reviewer for pushing us to make this point clearer and to structure it in the way we do here.

corresponding rights must not deprive others of natural resources essential to the satisfaction of their basic human rights, and they should be constrained by a 'broad egalitarian proviso' according to which individuals may be allowed to appropriate more than others on the basis of their attachment to a resource, as long as this offsets inequalities that they are subject to in other areas (2017: 124-125). These conditions ensure that no special claim based on attachment results in unequal opportunities for wellbeing, but they do not go far enough.

There are two important issues which need to be addressed here. First, even though most people in the literature use the term resources, which has an instrumental ring to it, we should be mindful that trees, plants, non-human animals and soil are not just piles of stuff waiting to be consumed by human projects and ideas. Second; within an account of natural resource justice like Armstrong's, the environmental basis for what humans can do and be is the very first thing that needs to be secured, since without it humans cannot achieve any wellbeing at all. This is where the idea of sustainability comes in. Sustainability acts as an important constraint on the rights and claims of different agents, whether it is states,<sup>8</sup> indigenous or community groups, or individuals.<sup>9</sup> Sustainability as a legitimacy condition for attachment claims (and possibly most resource claims in general) does two things: it highlights the fact that only if most resources are handled sustainably will future human wellbeing be possible, and it serves as a reminder that there are hardly any isolated resources which do not also perform some kind of either ecosystemic or climate-systemic functioning. To look at resources as individual goods outside their ecosystemic context would be catastrophic for a theory of resource justice.

Thus, any attachment claim to control a particular resource ought to be conditional on the agent in question performing their ecological duties. These include a duty to manage the resources sustainably and not to violate the basic rights of others, including their right to a healthy enough environment that provides them with the benefits of life-sustaining ecosystem services. The idea of each and every individual having a basic right to a healthy environment, or to a green future (Hiskes, 2009), or to the benefits of life-sustaining ecosystem services (Schuppert, 2012) has gained prominence over recent years, and with good reason. In the current context of anthropogenic climate change, massive environmental degeneration and unprecedented levels of biodiversity loss, any account of justice ought to be concerned with the very basic environmental conditions needed to sustain lives worth living on this planet. Hence, no

---

8 On the idea that state sovereignty comes with a duty of environmental protection and sustainability see Odenthal (1998).

9 There exists a vast literature on the ideas of individual stewardship duties, duties of environmental citizenship and duties of environmental protection for individuals, e.g., Cranor (1985), Melo-Escrihuela (2008), Welchman (2012).



attachment claim, and possibly even no resource right in general can be considered legitimate unless it can be shown that granting the right would not foreseeably contribute to the avoidable violation of people's basic environmental rights. Therefore, sustainability ought to be a basic legitimacy criterion for any attachment claim.

How does the sustainability constraint operate if, for example, the transformation of a forest, or the mining of a mountain is vital to the life-plans of a community? Perhaps we are thinking of the Apuan Alps in Carrara, Tuscany, where the industry of mining white and grey marble is a source of identity for the locals since the renaissance times. A halt to those activities would result in the loss of a rich and long-lasting narrative from which those who pride themselves in producing traditional quality Italian marble derive wellbeing. Alternatively, imagine the deforestation of a particular area is central to the life plans of an increasingly prosperous section of the Brazilian population that is emerging from poverty. In this case, it is harder to reconcile the two interests and ensure that both kinds of attachment are respected.

The sustainability constraint would require that the marble extraction continues, only if it does not dramatically destroy the landscape or the integrity of the mountain range, and that deforestation happens only if replanting and eco-forestry are possible. If this is not possible, however, the attachment-based claims to control over natural resources would have to be rejected, since again – all things considered – while the attachment in question is a proper attachment, the right to control over natural resources that could follow from it is not morally justifiable, since unsustainable resource use should not be protected under a theory of global resource justice.

The sustainability constraint therefore allows us to give proper weight to any given attachment claim, while at the same time it allows us to identify when special rights, properly limited by basic human rights, the egalitarian proviso, and sustainability, can be granted.

## **Conclusion**

If the arguments made above are correct, there are three key implications for theorists of attachment: first, attachment claims need to be narrower and limited to attachment that is identify-defining, purpose- or meaning-giving, or connected to a feeling of belonging and thus life-structuring, in order to be morally important enough to generate right to particular natural resources. Mere appreciation is not enough. Second, even if we recognize that attachment claims might only generate certain rights of the wider resource rights bundle, there will be cases where attachment claims conflict. In these cases, we should not look at

the amount of wellbeing the granting of an attachment claim generates, but we should consider the moral weightiness of the underlying interest. Third, in order to be legitimate, attachment claims need to fulfil a range of conditions, including the satisfaction of sustainability requirements. Sustainability, in conjunction with basic need satisfaction and compatibility with the requirements of justice, is a core requirement for any kind of attachment claim to be considered legitimate. We hope that these three insights help to further clarify how and why attachment matters in discourses over rights to natural resources.<sup>10</sup>

---

*Laura Lo Coco*  
*Senior Lecturer in Law*  
*University of Hertfordshire*  
*email: l.lo-coco@herts.ac.uk*

---

*Fabian Schuppert*  
*Professor for Political Theory*  
*University of Potsdam*  
*email: schuppert@uni-potsdam.de*



---

<sup>10</sup> An earlier version of this paper was presented at the workshop 'Resource Rights Within Planetary Boundaries' held at the Mercator Research Institute on Global Commons and Climate Change, Berlin, in November 2018. For their helpful comments we are grateful to all the participants at the workshop, Kerstin Reibold, Hilkje Hänel, and two anonymous reviewers.

## References

- Armstrong, C (2014) Justice and Attachment to Natural Resources. *Journal of Political Philosophy* 22(1): 48-65.
- Armstrong, C (2015) Against 'permanent sovereignty' over natural resources. *Politics, Philosophy & Economics* 14(2): 129-151.
- Armstrong C (2017) *Justice and Natural Resources*. Oxford: Oxford University Press.
- Buchanan A (2004) *Justice, Legitimacy, and Self-determination*. Oxford: Oxford University Press.
- Catala A (2017) Entry on Territorial Rights. *Routledge Encyclopedia of Philosophy*.
- Carnor C (1985) Collective and Individual Duties to Protect the Environment. *Journal of Applied Philosophy* 2: 243-259.
- Dworkin, R. (1978) *Taking Rights Seriously*. London: Duckworth.
- Feinberg, J (1984) *Harm to others*. Oxford: Oxford University Press.
- Gümplová, P (2020) Sovereignty over natural resources – A normative reinterpretation. *Global Constitutionalism* 9(1): 7-37.
- Heinämäki L (2009) Protecting the Rights of Indigenous Peoples – Promoting the Sustainability of the Global Environment. *International Community Law Review* 11: 3-68.
- Hiskes R (2009) *The Human Right to a Green Future*. Cambridge: Cambridge University Press.
- Kokers A (2009) *Land, Conflict, and Justice*. Cambridge: Cambridge University Press.
- Kolers A (2012) Justice, Territory and Natural Resources. *Political Studies* 60(2): 269-286.
- Mancilla, A (2015) The Volcanic Asymmetry or the Question of Permanent Sovereignty over Natural Disasters. *Journal of Political Philosophy* 23(2): 192-212.
- Melo-Escrihuela C (2008) Promoting ecological citizenship: rights, duties and political agency. *ACME: An International E-Journal for Critical Geographies* 7: 113-134.
- Miller D (2012) Territorial Rights: Concept and Justification. *Political Studies* 60: 252-268.
- Moore M (2014) Which people and what land? Territorial right-holders and attachment to territory. *International Theory* 6: 121-140.
- Moore M (2015) *A Political Theory of Territory*. Oxford: Oxford University Press.
- Moore M (2019) *Who Should Own Natural Resources?* Cambridge: Polity Press.
- Nine, C (2013) Resource rights. *Political Studies*, 61(2): 232-249.
- Nine, C (2016) Resource rights and territory. *Philosophy Compass* 11(6): 327-337.
- Nine, C (2018) 'Attachment' in *Territorial Rights Theory*. Unpublished manuscript.
- Odenthal K (1998) *Die Umweltpflichtigkeit der Souveränität*. Berlin: Duncker & Humblot.

Ostrom E (2000) Private and Common Property Rights. In: Bouckaert B and De Geest G (eds) *Encyclopedia of Law and Economics, vol. II. Civil Law and Economics*. Cheltenham: Edward Elgar, 332-79.

Raz, J (1986) *The morality of freedom*. Oxford: Clarendon Press.

Reibold, K (2019) Why indigenous land rights have not been superseded—a critical application of Waldron’s theory of supersession. *Critical Review of International Social and Political Philosophy*, online first: 1-16.

Reibold, K (2020) Indigenous rights, supersession, and moral status equality. PhD thesis, submitted to The Arctic University of Norway.

Schuppert F (2012) Reconsidering Resource Rights: The Case for a Basic Right to the Benefits of Life-Sustaining Ecosystem Services. *Journal of Global Ethics* 8(2/3): 215-225.

Schuppert, F (2013) Distinguishing basic needs and fundamental interests. *Critical Review of International Social and Political Philosophy*, 16(1): 24-44.

Schuppert F (2014) Beyond the National Resource Privilege: towards an International Court of the Environment, *International Theory* 6: 68-97.

Simmons AJ (2001) On the Territorial Rights of States. *Philosophical Issues* 11(2): 300-326.

Simmons AJ (2012) States’ Resource Rights: Locating the Limits. Unpublished manuscript available at: <http://territorynetwork.wordpress.com> (accessed 10 February 2021).

Stilz A (2009) Why Do States Have Territorial Rights? *International Theory* 1(2): 185-213.

Stilz A (2011) Nations, States, and Territory. *Ethics* 121(3): 572-601.

Welchman J (2012) A defence of environmental stewardship. *Environmental Values* 21: 297-316.

Ypi L (2012) A Permissive Theory of Territorial Rights. *European Journal of Philosophy* 22(2): 288-312.