

# Ontological and Normative Collisions: Struggles over Nature's Rights

Workshop, Hamburg Institute for Social Research, 27<sup>th</sup> and 28<sup>th</sup> October 2021

Organised by Laura Affolter (Hamburg Institute for Social Research), Martha-Cecilia Dietrich (University of Amsterdam) and Andreas Gutmann (University of Bremen)

In the wake of the current climate crisis, conceptions over recognising nature, or non-human entities as legal subjects, are receiving largescale public support across the globe. Nature's rights advocates base their ideas on Western scientific ideas as much as on indigenous knowledges, understanding nature - its flora fauna, and dynamic landscapes - as living entities. They argue that local, national and transnational justice systems must become viable spaces through which non-human subjects can seek protection. Anthropocentric environmental laws are no longer regarded as enough to fight the ongoing climate and other environmental crises.

The first law recognising nature as having rights of its own was introduced in US-Pennsylvania in 2006, to defend the environment from being poisoned by industrial dredging. In 2008, Ecuador, as the first and so far only country, included the rights of nature in its constitution, stating that 'nature has the right to exist, persist, maintain and regenerate its vital cycles' (Art. 71, Ecuadorian Constitution). In 2010, Bolivia passed the Law of the Rights of Mother Earth. Both countries have since played a pioneering role in the global movement for the rights of nature. Today, laws and policies concerning nature's rights have either been adopted or are in the process of development in at least 35 countries on both municipal and national levels. In many cases, like in Colombia, India and New Zealand for example, it is the courts that are fostering the development of these rights by granting them to specific entities such as rivers, forests, *páramos* (Andean plateaus between the tree line and the permanent snow line), ecosystems, bodies of water, air and glaciers considered worthy of protection. In public debates, these judicial decisions have sparked a politicization of nature's rights often associated with a global ideological divide between progressive and conservative politics.

Transnational networks and worldwide operating non-governmental organisations play a crucial role in advocating for nature's rights and in bringing ontological re-conceptualizations of nature to the courts by referencing cases from elsewhere. In other words, rethinking nature in its capacity to work, know, think, or feel that is informed by specific cultural contexts has opened gateways to judicial re-imaginings of nature.

The rights of nature are a global trend that seems to offer a promising avenue in the fight against environmental destruction and climate crisis. In this interdisciplinary workshop, we want to critically explore this ‘trend’, the different factors contributing to it, its promises, political impacts and social consequences. We are particularly interested in the collisions between ontological rethinking and normative implementation in public debates, its mediatisation and effects on legislative processes and jurisdiction on a regional, national and transnational level. We encourage participants to address several of the following questions in their contributions:

- How are ontological conceptualisations of living beings (or beyond-human entities) interpreted/formulated into law? And/Or, how is law transformed through environmental justice claims?
- How do environmental justice claims relate to questions of citizenship, i.e. good governance, accountability mechanisms and public rapport?
- Who are the agents and actors involved in negotiations about nature’s rights and which actors tend to be excluded from such negotiations and why?
- Who and what channels circulate ideas of nature’s rights on a local and global scale? What role do ‘translators’ play? Who are these ‘translators’ and how do they shape these travelling/vernacularised ideas or rights?
- Which notions of universality or legal plurality are mobilised in conceptualisations of nature’s rights and what is the relationship between such seemingly opposing principles, i.e., what does it mean when such notions of environmental protection or climate justice are constitutionalised, or become matters of international courts?
- To what extent are nature’s rights a form of (de-)colonial practice?
- How can research on nature’s rights challenge epistemological violence and further epistemological disobedience?

The workshop will take place both online and in person on the 27<sup>th</sup> and 28<sup>th</sup> October at the Hamburg Institute for Social Research. If you are interested in participating, please submit an abstract (250 words) and a brief biographical sketch (50 words) by the 22<sup>nd</sup> August 2021 to [laura.affolter@his-online.de](mailto:laura.affolter@his-online.de). You will receive a reply within the first days of September.

The workshop will be held mainly in English. However, we would also like to encourage people who do not feel comfortable giving a presentation in English to submit an abstract. Presentations in Spanish or German will be possible. Please also indicate whether you would be available to attend the workshop in person and which languages you understand.