

Struggling for rights of nature

Social movements, subjective rights and the emancipatory potential of law

Workshop in the context of the research project Nature as a legal entity 20.-22.07.2022, Bremen

Rights of nature and social movements have an ambivalent relationship. On the one hand, the civil society plays an important role in the creation and enforcement of such rights. This is shown, for example, by the constitutional process in the run-up to Ecuador's new constitution of 2008, which currently serves as a role model for civil society initiatives worldwide. On the other hand, the reception of rights of nature in the legal system harbors the danger that state institutions or institutionalized NGOs occupy the role of nature's representatives and in turn shape the character of those rights.

Thus, the rights of nature are cited - not without good reason - as an example of the struggles for a new "right from below". In this struggle social, indigenous and environmental movements can articulate their demands in the transnational space in a way, that they can be taken up by the law. At the same time, social movements must not - and cannot - be satisfied with the recognition of nature's own rights in their emancipative struggle for law. The experiences regarding the inclusion of the rights of nature in the Ecuadorian constitution also show that the course of social negotiation processes is only now beginning. This process of negotiation around the character of the law – which of course can as well be observed in the discussions on the scale of human rights – specifically culminates in the issue of the rights of nature, which can be seen as an ongoing provocation of "western", anthropocentric law.

The workshop aims to explore the negotiations, translations, and misunderstandings that shape the discourse of rights of nature. It asks why social movements place their hopes precisely in the institute of subjective rights, to what extent these hopes are well-founded, or whether the overcoming of the anthropocentric legal system has to be accompanied by the overcoming of its liberal, individual-centered manifestation. Existing power asymmetries also manifest themselves in the national and transnational debates about rights of nature. This unequal distribution of the power of expression is not only shown by the fact that the debate is strongly influenced by individual (Western socialized) actors, but also by the extremely selective reception of legal developments from the global South in the global North.

Contributions from all disciplines - explicitly not only from law - are welcome. Insights into activist and legal practice are also very welcome. Contributions may address, for example - but not exclusively - the following questions:

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- Is the widespread hope of social movements in subjective rights - as it is also shown in the context of the demand for rights of nature - justified and how does it shape these movements?
- In what ways can social movements claim an active role in the enforcement and interpretation of rights of nature, and what legal instruments have to be established and provided to enable them?
- What is the relationship of the rights of nature movement to human rights discourses? Do conflicts of interest exist between human rights and rights of nature and how can they be mediated?
- What efforts do subaltern actors undertake to fill the rights of nature with life, and what obstacles do they encounter?
- What role do social movements play in the creation of law and what is the relationship between "law from below" and the (state) legal system?
- What concept of law underlies rights of nature? Is it really about subjective rights or rather a reorganization of the legal system?

The workshop will be held mainly in English. Individual contributions in Spanish or German are also possible.

If you are interested, please send us a short abstract (approx. 250 words) of your planned presentation by 01.05.2022 to andreas.gutmann@uni-bremen.de. A feedback will be made by 07.05.2022

Participation without a presentation is also possible, but there are limited places available to ensure a workshop atmosphere. We therefore also ask you to register by 01.05.2022.

A subsidy for travel expenses may be granted in individual cases. We ask for notification if such a subsidy is needed. Childcare can be provided.