



**Ruling on Nature
Animals and the Environment before the Court**

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June 30 - July 2 2022

Campus Condorcet, Bâtiment de Recherche Sud, room 0.033 (ground floor)
5 cours des Humanités
(Take line 12 towards Mairie d'Aubervilliers. Get off at metro station: Front Populaire)

General Schedule

Thursday, June 30

9.30 am: Coffee and welcome

10am-12.30 pm: Monitoring and Punishing

- Vanessa Manceron (CNRS, LESC) & Giovanni Gugg (Rulnat, LAPCOS): *The Vigilantes of the Dawn. Ethnography of Bird Protection Activism in the Naples area, Italy*
- Gaëlle Ronsin (ENS, CAK) & Jérôme Michalon (CNRS, Triangle): *Exceptional or Routinized Judicialization? Registers of Expertise and Mobilization about the Judgment of Mistreatments on Seals*

Discussant: Véronique Bouillier (CNRS, CEIAS)

12.30pm – 2pm : Buffet

2pm- 5pm: The Rights of Nature

- Mihnea Tanasescu (University of Bruxelles): *Understanding the Rights of Nature: A Critical Introduction*
- Claire Duboscq (Rulnat, CERI): *Judicializing Colombia's Nature: Making a Nation through Law?*
- Pierre Brunet (University La Sorbonne): *Rights of Nature: A Multilevel Tool Box*

Discussant: Isacco Turina (University of Bologna)

Friday, July 1

10am-12.30pm: Scientific Expertise and the Court

- Daniela Berti (CNRS,CEH): *Connecting Tigers : Scientific Reports and Wildlife Politics in India*
- Sandrine Revet (CERI, SciencesPo): *Equipping One's Claim. Expertise and Protection of the Rights of Nature and of Local Communities in the Atrato Region of Colombia*

Discussant: Carolina Angel Botero (University of Los Andes, Bogota)

12.30pm – 2pm: Lunch at the Cafeteria

2pm-5pm: Of Categories and Definitions

- Ritwick Dutta (National Green Tribunal, LIFE): *India's Three Pest Campaign: Implications of Categorising Animals as Vermins*
- Mara Benadusi (University of Catania): *Running Amok. Wildness, Domestication and Captivity in Legal Struggles over Proboscideans in Sri Lanka*
- Anthony Good (University of Edinburgh): *Wildcats or Wind Farms? Competing Environmental Priorities in Rural Scotland*

Discussant: Joëlle Smadja (CNRS, CEH)

8pm : Dinner at 'Le Bistro parisien'.

Saturday, July 2

10am-12.30 pm: Activism and the Use of Law

- Pia Bailleul (Rulnat, CEH): *Radioactive Minerals in Greenland: Geological, Legal and Political Fluctuations of Nuclearity (1950-2022)*
- Karine Peschard (Geneva Academy of IHLH): *Seed Activism: Challenging Biotech Patents in the Courts in Brazil and India*

Discussant: Chiara Letizia (University of Montréal)

ABSTRACTS

Vanessa Manceron (CNRS, LESC) & Giovanni Gugg (Rulnat, LAPCOS)

The Vigilantes of the Dawn
Ethnography of Bird Protection Activism in the Naples area, Italy

Guards are a fundamental link in the chain of meaning that leads from the animal to the complaint of abuse, then to the trial and, therefore, to the definition of the law. It is a defined but not unequivocal world, whose legitimacy is often fragile: the distinction between zoophile guards and hunting guards, for example, is fundamental, as is the distinction amongst poachers (sometimes considered pathological or true criminals...). Some nuances are also noticeable in the relationship between police officers and guards who are essential for moving quickly through the vast metropolitan area north of Naples. Through their morning operations, activists dressed as zoophilic guards aim to restore order in the world, to limit or put an end to deviance, convinced that only the law and its strict application guarantee a livable and breathable world. From this point of view, the guards raise the very political question of what a citizen's commitment is that finds its legitimacy in the state authority's failure to occupy the domain usually reserved only for representatives of the law, through subtle games of substitution.

Gaëlle Ronsin (ENS, CAK) & Jérôme Michalon (CNRS, Triangle):

Exceptional or Routinized Judicialization?
Registers of Expertise and Mobilization about the Judgment of Mistreatment of Seals

Since 2018, several cases of 'mistreatment' of seals on French coasts (Brittany, North of France) have been reported in the press. Some of them have led to court cases when the culprit has been identified. Seals are protected by conservation measures in France and any attack on their integrity can be sanctioned. But their presence, which is on the rise, is also a source of tension and conflict with different users of the sea (such as fishermen) in a context of the greening of maritime policies.

In 2019, in Concarneau, the corpses of seals were found with no heads. An offer of a reward, a very uncommon practice in France, was used to find those responsible for what has been described as a "beheading". A unique trial then took place in October 2020 in Quimper, aimed at tracing the involvement of the actors and at qualifying the offences made against wild animals. Many NGOs and associations, animal rights activists and biodiversity conservationists have joined the civil action. This case is particularly high-profile because of the politicisation of the subject, which is taking place through various mobilizations. Firstly, the damage caused by seals and the costs incurred by Breton fishermen have seemingly been denounced. But this has not been verified in the judicial arena. Secondly, the civil parties, led by the NGO Sea Shepherd, have become the main actors by judicializing their action and defence.

While looking back at media coverage of this case, our observations of court proceedings and interviews, we propose to show how the mobilization of actors and registers converged, as well as the way in which expert opinions are constructed to judge (in a moral and judicial manner) the suffering of human and non-human actors.

Mihnea Tanasescu (University of Bruxelles)

Understanding the Rights of Nature: A Critical Introduction

Rivers, landscapes, whole territories: these are the latest entities environmental activists have fought hard to include in the relentless expansion of *rights* in our world. But what does it mean for a landscape to have rights? Why would anyone want to create such rights, and to what end? Is it a good idea, and does it come with risks? I present the logic behind giving nature rights and discuss the most important cases in which this has happened, ranging from constitutional rights of nature in Ecuador to rights for rivers in New Zealand, Colombia, and India.

I focus on a critical appraisal of this practice, questioning its basic assumptions and trying to understand its relationship with legal pluralism and other radical projects that question dominant legal paradigms. The cases discussed are a good starting point for exploring the various typologies of rights of nature so far, and especially their political implications.

Claire Duboscq (Sciences Po, CERI)

Judicializing Colombia's Nature: Making Nation through Law?

Following the initial Atrato decision to give rights to a river in Colombia, this paper focuses on the wave of judicialisation which, since 2016, has awarded juridical personalities to twenty-three other natural entities in Colombia. A first six-month period of fieldwork based on an ethnographic method across several regions of Colombia gave us the opportunity to situate this jurisprudential flowering in a juridical and ecological socio-history of the country. After meeting and following various actors (judges, activists, politicians, experts) involved in the making of the rights of nature, we sought to catch the representations and strategies underlying their implication in this epistemological revolution of the human relationships with nature, despite the violence of the national environmental scene. We wish to qualify the emergence of this new juridical and symbolical grammar: what do these decisions produce, and what do they try to produce? From a semiology of the new Colombian currency to an observation of the current electoral campaign and the politicisation of this subject through a sociology of the actors involved in this phenomenon, we put forward the idea that this implementation of the applicability of the “ecological” 1991 constitution, participates in the construction of the idea of nation in Colombia. Special attention will be paid to the latent functions of the law and to the power relations which condition this “praetorian factory”. The ethnography of several cases will allow us to incarnate these analyses using, among other things, visual anthropology work.

Pierre Brunet (University La Sorbonne)

Rights of Nature: A Multilevel Tool Box

Despite appearances, the expression "rights of nature" covers very different discourses, realities and purposes. Their understanding implies the mobilization of legal analysis by placing it in a sociological and political perspective. Depending on the actors and the contexts, the rights of nature constitute an argumentative resource in favor of ecological policies, ethics and an extension of political rights. They can also be used to challenge capitalism. This is what makes it possible to understand that the rights of nature can be seen in opposition to human rights or as a complement to the latter.

Daniela Berti (CNRS-CEH)

Connecting Tigers: Scientific Reports and Wildlife Politics in India

Preserving endangered species has been a major focus of Indian policy in recent decades. Iconic species in particular, such as tigers or Asiatic lions, have received special attention in terms of scientific research, public funding and management, not only to create natural reserves where these animals can live in the wild, but also to protect the corridors that allow them to move between different reserves. In my paper, I first examine how the assessment of these wildlife corridors is addressed at a scientific level. Based on preliminary research conducted at the Wildlife Indian Institute of Dehradun, India, I examine how the animal movements are investigated and monitored in the field by wildlife biologists using different techniques (camera traps, radio telemetry, DNA, drones, etc.). The data collected is evaluated in the laboratory using dedicated software in order to assess and predict the connectivity of animal populations in terms of genetic exchange or habitat suitability.

The issue of wildlife connectivity also involves political and economic stakes, as these wildlife corridors are often located in residential areas, or can connect places through which people commute. Many conflicts are brought to court by various actors - NGOs, citizens, environmental lawyers – who oppose development projects (roads, highways, tourist infrastructure, etc.) on the grounds that they cross a wildlife corridor and would prevent animals from moving. In the second part of the paper, I look at a case that has been brought to the court to oppose the construction of a road within an area concerning the Corbett Tiger reserve in Uttarakhand and which has been largely covered by the media. I show, on the one hand, how the argument of wildlife connectivity is used in court as a counter-narrative to the state or state-approved development agenda; on the other hand, how the production of scientific knowledge becomes entangled in dynamics of power and political stakes.

Sandrine Revet (Sciences Po, CERI)

*Equipping One's Claim
Expertise and Protection of the Rights of Nature and of Local Communities
in the Atrato Region of Colombia*

Mechanized gold mining has been growing at an uncontrollable pace for many years in Colombia, particularly in the department of Chocó, on the Atrato River. In order to contain the damage produced by this type of mining, which affects humans and all living things that are linked by the river, the inhabitants of several local communities, accompanied by lawyers, presented a claim in 2015 for the violation of their fundamental rights. After being referred to the Constitutional Court, this complaint led to the declaration of the Atrato river as a subject of rights in 2016. During this type of procedure, different types of scientific knowledge are mobilized as evidence of the situation. Once the decision is pronounced, new expertise becomes necessary to monitor its compliance. Based on ethnographic fieldwork conducted since 2018 in the region and on the study of the legal and expert documents that make up the claim as well as the decision, this paper focuses on the use the law makes of the expert knowledge that accompanies this procedure.

There are at least two types of use for this knowledge.

The first use leads to establishing a link between the local populations and the river, to associating them, to assembling them in order to produce an entity that can be apprehended by the law. This is what the notion of biocultural rights does, by mobilizing a type of expertise linked to both ecology and the social sciences, particularly anthropology. It combines humans, practices and natural elements.

The second use for scientific knowledge appears more specifically in the Court's decision and aims to find ways to repair the damage produced by decades of exploitation of the Atrato basin's resources, mobilizing knowledge mainly in toxicology, hydrology, biology and other sciences, in order to bring the Atrato River back to life.

Here I try to think of these two directions together as a same operation, namely the mobilization by the law of different types of knowledge likely to support such a decision, in order to question the way in which this knowledge contributes to shaping representations of nature and the river.

Ritwick Dutta (National Green Tribunal, LIFE)

India's Three Pest Campaign: Implications of Categorising Animals as Vermin

India's wildlife law aims at comprehensive protection of wild animals irrespective of where they are found. The law prohibits hunting wild animals except under exceptional circumstances. However, the law allows hunting of species that are termed 'vermin'. Vermin enjoys no legal protection and therefore the number of species categorized as vermin is limited. However, of late, many species have been included in this category. However, an assessment of the process of classing animals as vermin reveals that rather than scientific and ecological criteria, it is political factors unrelated to science that leads animals to be categorised as vermin. The paper analyses the process the government follows in declaring a species vermin. It examines the legal implication of such a declaration and how the same is in consonance with both Constitutional and statutory provisions, as well as general principles of environmental law which recognises a species in terms of its inherent worth, not from just an anthropocentric approach.

Mara Benadusi (University of Catania)
*Running Amok. Wildness, Domestication and Captivity
in Legal Struggles over Proboscideans in Sri Lanka*

This paper builds on the ethnographic fieldwork I have been doing in Sri Lanka working with animal rights advocates, elephant owners and their keepers (*mahouts*), and lawyers, as well as farmers, wildlife trackers, zoological professionals and other local and international experts promoting compassionate elephant-care and biodiversity conservation. Elephants in Sri Lanka live in captivity with ultra-rich and high caste families and politicians, in zoos, animal orphanages, and temples, and they are employed to do many kinds of tasks, including providing rides for tourists and parading in military troupes and religious processions. So-called free-roaming populations of forest-dwelling elephants inhabit grazing territories threatened by the rampant growth of unplanned development, intensive agriculture and the tourist industry; in the last decade, these forces have heightened the problems caused by the human-elephant conflict in the country. Proboscideans are thus experiencing a drastic change in their habits, socio-ecological relations and lifestyles.

My paper focuses on the effects of these changes at the judicial level and the different idioms – cultural, political, religious, scientific – used in disputes inside and outside the courtroom over the rights of pachyderms. I will show how ongoing controversies concerning pachyderms in Sri Lanka open a field of performative resignification that is deeply modifying the historical roles and semantic-pragmatic values attributed to the ideas of wildness, domestication and captivity in the country. Indeed, the demands for judicial recognition of elephants’ rights challenge the very heart of a tripartite conflictual relationship: on one side, the strong defence of a Sinhala-Buddhist vision of proboscideans’ sacredness reinforced by chains and swathed in majestic drapes; on the other side, the long-lasting relations of human vs non-human partitioning of natural resources in the jungle; and finally, the imaginary of an authentic “wilderness without humans” that is the object of recurrent judicial litigation and re-wielding efforts.

Anthony Good (University of Edinburgh)
*Wildcats or Wind Farms?
Competing Environmental Priorities in Rural Scotland*

The Scottish wildcat is a critically endangered species, and there may be as few as 30 still living in the wild. The greatest risk today comes from interbreeding with feral domestic cats. There are disagreements among conservationists over the best strategies for enabling the survival of this iconic animal, reflecting the more general rift between *in situ* and *ex situ* conservation (here in the form of a focus on habitat preservation, versus a zoo-based breeding programme, respectively). This paper focuses on a hearing held by the Scottish Government’s Directorate of Planning and Environmental Appeals in early 2022, in which one conservation group from the *in situ* faction, Wildcat Haven, objected to the construction of a windfarm in the Clashindarroch, a commercial forest known to contain wildcats.

Pia Bailleul (Rulnat, CEH)

Radioactive Minerals in Greenland

Geological, Legal and Political Fluctuations of Nuclearity (1950–2022)

In December 2021, the Greenlandic Parliament passed a law limiting uranium mining. This text puts an end to ten years of social and political protests over a uranium, rare earth and zinc mine project, which can no longer be opened. The "anti-uranium" government coalition behind this measure is thus making a major legal and political shift, as it puts an end to twelve years of pro-uranium policies pursued by the former government since 2009. The government back then was breaking with the previous legislation, which prohibited uranium mining following a Danish law established in 1985. Based on a documentary analysis and a historiography of the laws governing uranium from the 1950s to the present day, my presentation draws on Hecht's concept of nuclearity – the social and technopolitical surroundings of uranium – to examine the evolution of the legal and political framework of Greenlandic uranium.

Karine Peschard (Geneva Academy of IHLH)

Seed Activism

Challenging Biotech Patents in the Courts in Brazil and India

The expansion of corporate intellectual property (IP) following the introduction of biotech crops in the mid 1990s has significantly eroded farmers' rights over the seeds they grow. The unprecedented level of corporate concentration in such a vital sector as seeds raises concerns over the erosion of agricultural biodiversity, farmers' rights and livelihoods, food security, and, ultimately, the merits of extending IP rights to higher life forms such as plants.

Over the past decade, legal challenges have arisen in the Global South over patents and royalties on genetically modified crops. In this legal ethnography, I show how litigants question the legality of the private royalty collection systems implemented by Monsanto for Roundup Ready soybean in Brazil, and for Bt cotton and Bt eggplant in India. I explore the effects of these disputes on people's lives, while uncovering the role of power—material, institutional, and discursive—in shaping laws and legal systems. I show that these private IP systems have rendered moot domestic legislation on plant variety protection and farmers' rights. Most importantly, I argue that these legal cases hint at the emergence of a new legal common sense concerning both the patentability of plant-related inventions, and the balance among IP, farmers' rights, and the public interest.