



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

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**Rights of nature and naturalist ontology:
do we need indigenous people to defend the rights of nature?**



Crédit photo : Paule Pastré

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CERI-Sciences Po
28 rue des Saints Pères 75007 Paris,
Room S1

While the increasing number of cases of natural entities being granted legal personality that have been taking effect for more than a decade can be seen as a global movement, it is essential to locate the focus within non-European nations and territories.

Whether it be constitutional (Ecuador, Panama), jurisprudential (Ganges and Yamuna rivers in India, Atrato in Colombia) or legislative (Bolivia, Whanganui river in New Zealand) recognition, the emergence of pioneering initiatives in terms of rights of nature is part of post-colonial socio-historical contexts, marked by the coexistence of plural naturalist ontologies. These recognitions draw their technical and philosophical tools from local legal epistemologies.



As a result of normative hybridisations (Geslin, 2020), these emerging solutions constitute an innovative toolbox, on which many proposals are now based in Europe: the Rhône, Loire, Taignanu and Têt rivers in France, the Wadden Sea and the Maas River in the Netherlands, the Minor Sea in Spain (not to mention other political initiatives underway in the United Kingdom, Ireland and Italy).

Beyond the transposition issues, the emergence of this European wave raises questions about the applicability of the rights of nature in the absence of local legal pluralism. What happens to key figures such as the guardian, the community, the indigenous person, the riparian? From which epistemological repertoires are the solutions drawn? Do we need indigenous people to defend the rights of nature?

This session will explore the circulation of legal innovations linked to the rights of nature movement, and will propose a dialogue based on two concrete European experiences: the Loire Parliament and the Popular Legislation Initiative (ILP), which obtained recognition by the Spanish Congress of the Minor Sea as a subject of law in 2022.

Panelists

Paule Pastré (Phd student, anthropology - Institute of Social Anthropology- Bern University)

"I am the Loire, the Loire is me"

When promoting the Loire as a legal person means becoming indigenous

Since autumn 2019, the Loire Parliament (Parlement de Loire) project has been looking into the feasibility of giving the Loire a legal personality and ensuring the defense of the river's interests through cross-species representation. Although this question could have been of a purely technical legal matter, following the lead given a few decades earlier by Christopher Stone, the Loire Parliament adopts a "cultural approach" to the rights of nature. It aims to improve and strengthen the links and attachments to the river, to the point of working towards the emergence of a "Loire river culture", or even a "Loire people"; a preliminary step deemed necessary for the recognition of the river as a legal person. As the Loire Parliament takes inspiration from the cases of the Whanganui in New Zealand as well as the Atrato in Colombia, it questions the circulation of concepts and ideas that cross this growing field of the rights of nature, as well as their reinterpretation in a European context. Starting from the way in which the project seeks to bring about the emergence of a "Loire people", this presentation will attempt to shed light on the links that seem to bring together the rights of nature and indigeneity today.

Paule Pastré is a doctoral student in Anthropology at the University of Bern, and part of the project « Arbitrating Extraction (Arbitrex): Arbitral Reasoning in the Legal Topographies of Global Extraction ». She graduated in Anthropology from the EHESS (Paris) where she studied various cases relating to the movement for the rights of nature, with a particular focus on issues intersecting law, human-non human relations, identity and cultural dynamics, and colonial history. Before that she got a Bachelor's degree in Art History and a Maitrise's degree in Law.



Teresa Vicente Gimenez (professor of philosophy of law and director of the chair of human rights and rights of Nature at the University of Murcia)

Ecological justice and the rights of Nature.

About the process of the ILP (popular legislative initiative) that has led to the recognition of the Mar Menor and its basin as the first ecosystem in Europe, subject to rights.

Teresa Vicente Gimenez : Her teaching and research profile as a professor of Philosophy of Law is Theory of Justice and Human Rights. In this area she has specifically researched the new paradigm of Ecological Justice and the rights of Nature, social justice and social rights, children's rights and legal feminism. In this context, she has participated in international and national congresses, conferences and seminars, and has been invited to international meetings and is the author of numerous publications. Since 2019 she has been the promoter of the Popular Legislative Initiative (ILP) in Murcia that seeks to give legal personality to the Mar Menor lagoon and its basin.

Discussant

Sophie Gosselin. Doctor of philosophy. Teaches in the Master of Environmental Studies at the EHESS (Paris). Her research work addresses the philosophical consequences of the ecological crisis and of the ontological turn in anthropology. Member of the editorial board of the journal online Terrestres.org. She has published many articles in different journals addressing an ecological perspective the modifications in our sensitive relation to the world, the reconfigurations of art practices and of political institutions. In the book published in 2019 entitled *Le toucher du monde, techniques du naturer* (Dehors editions), co-written with David gé Bartoli, they approach the issue of technique in a non anthropocentric perspective and propose a new philosophy of nature. In the book published in October 2022, entitled *La condition terrestre, habiter la Terre en communs* (Seuil editions), co-written with David gé Bartoli, they approach the cosmopolitical turn at stake in different current political situations throughout the world and the transformations of political institutions in relation to the ecological crisis.

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