

## Rights of nature against whom?

### Obstacles and Problems with the Implementation of the Rights of Nature

#### Workshop in the context of the research project "Nature as a legal entity" 17.07.2024 - 19.07.2024 in Kassel

In 2006, a statute passed by Tamaqua Borough in the US state of Pennsylvania became the first legal act to recognize independent rights of an ecosystem. Originally, the company had planned to dispose toxic sewage sludge into the environment. To counteract this environmentally damaging action, the municipality of Tamaqua Borough passed a statute, in which ecosystems were recognized as legal entities in order to enforce their own subjective rights. Ultimately, this created a foundation for the ecosystem to defend itself.

The Statute was a direct reaction to a local conflict over environmentally harmful actions, conducted by a company. Nowadays, many other people in vulnerable situations, civil society organizations and other actors are using rights of nature to defend themselves or nature against injustices resulting from the overexploitation of planet Earth. Thereby, it should not be overlooked that nature is in a constant state of contradiction: This growth paradigm is also not questioned by the prevailing sustainability discourse. The desired "green growth" is leading to considerable social and ecological upheaval, particularly in countries of the global South, which play an important role as suppliers of raw materials for the resource-intensive energy transition. The loss of habitats, the extinction of species and many other environmental damages have their origin to a large extent in industrial agriculture, extractivism and other excesses of globalization. Through the exploitation of nature, local people often lose their land, their homes and in the end their entire livelihood. Human rights violations and encroachments on the rights of nature, therefore, often go hand in hand.

This year's event takes a closer look at the counterpart. Who are the actors addressing in their fight for rights of nature? How do they react or counteract? What difficulties do they typically encounter during proceedings?

Based on these key questions, the event will take a closer look at the tensions and conflicts that arise in the enforcement of nature's rights. In most cases, the actors are fighting against global economic interests, which are often rooted in Western needs and dependencies. This also creates the need to act in a global context and interrelation, even though the most problems are regional. Given this background, problems and difficulties arise, which will be addressed during the workshop. There will also be room to discuss solutions and approaches to deal with these problems.

Contributions from all disciplines - especially not only from the legal field - are welcome. Insights into activist and legal practice are also appreciated. Contributions may for example - but not exclusively - deal with the following

questions:

- What difficulties and obstacles face actors advocating rights of nature or helping to enforce them?
- Who has the power of expression in a process based on rights of nature and what risks arise from this? To what extent is there equality of arms between the parties?
- Are rights of nature a tool in the fight against global and state economic interests or merely a fig leaf within the existing system?
- To what extent does a legal system that weighs up the different legal positions of the opposing legal subjects do justice to the concept of rights of nature? Or do rights of nature call into question the concept of balancing as such?
- The ecological crisis, but also the law that is supposed to contribute to overcoming it, is characterized by coloniality. Can rights of nature counteract this or are colonial structures reproduced in the processes and disputes?
- Are rights of nature compatible with a capitalist, growth-oriented economic system? Or do they require fundamental modifications to the economic system and a democratization of legal relationships with nature?

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

If you are interested, please send a short abstract (approx. 250 words) of the planned presentation to [andreas.gutmann@uni-kassel.de](mailto:andreas.gutmann@uni-kassel.de) by 1st March 2024. A response will be sent by 22nd March 2024.

Participation without a presentation is also possible, but limited places are available to ensure a workshop atmosphere. We therefore also ask you to register by 1st May 2024.

A subsidy for travel costs may be granted in individual cases. Childcare is also available. Please let us know if either one is required.