UNIVERSIDADE D
COIMBRA

Marcela Carlota Silva Houart

RIGHTS OF NATURE AND THE TRANSFORMATION OF POLITICAL COMMUNITY:

IN SEARCH OF A DIFFERENT MODE OF RELATIONSHIP BETWEEN HUMANITY AND NON-HUMAN NATURE

Dissertação no âmbito do Mestrado em Relações Internacionais – Estudos da Paz, Segurança e Desenvolvimento, orientada pelo Professor Doutor André Filipe Valadas Saramago e apresentada à Faculdade de Economia da Universidade de Coimbra

Julho de 2020

Acknowledgments and Dedication

I wish to express my heartfelt gratitude to all those who helped me achieve this project. First of all, I want to start by acknowledging the invaluable assistance of my tutor, Professor André Saramago, to whom I am deeply grateful for the enthusiasm and constant support with which he welcomed my desire to write a dissertation on a (yet) not so conventional topic, and with which he accompanied me throughout the entire project. I wish to thank my mother for her unconditional and everyday support, as always, which enabled me to complete this milestone in spite of ordinary and not so ordinary challenges. I also want to thank my father, especially for awakening my interest and curiosity in other cultures, peoples and cosmologies from a very young age. I wish to acknowledge the very important support of one of my former professors and of a very dear friend, Sofia José Santos, who – as the coordinator and lead researcher of the project I worked for in parallel with my studies – was always incredibly considerate with my needs regarding this project. Now, although these are not usually addressed in an acknowledgments page of a Master's dissertation, I want to express my deep gratitude to all the non-human beings whom I have had the privilege to meet, engage with and learn from throughout my life, for they are the ones who inspired me to write on this subject and to – hopefully – encourage the idea that we need to develop a very different kind of relationship with *all* of nature. Finally, I want to thank the special friends and family (particularly my godmother, Danièle Dutilieux) who always accepted and supported my ideas and beliefs and my path until now.

This dissertation is dedicated to all those who believe that another world is possible, a world where we see ourselves as members, co-creators and co-participants in a planetary community of beings; where we listen to each others' voices (however different they may be) and learn from each others' experiences and realities; and where we actively work together to build an alternative system that rejects false ideas of hierarchy and separation, and deconstructs structures of oppression that affect both human and non-human nature.

Epigraph

“The destructive Anthropocene is not the only future. We can undergo a paradigm shift. A change in consciousness is already taking place across the world. We can look at the destructive impact our species has had on the planet’s biodiversity, ecosystems and climate systems and prevent it. The ecological shift involves not seeing ourselves as outside the ecological web of life, as masters, conquerors and owners of the Earth’s resources. It means seeing ourselves as members of the Earth’s family, with responsibility to care for other species and life on Earth in all its diversity, from the tiniest microbe to the largest mammal. It creates the imperative to live, produce and consume within ecological limits and within our share of ecological space, without encroaching on the rights of other species and other people. It is a shift that recognizes that science has already made a change in paradigm from separation to non-separability and interconnectedness, from the mechanistic and reductionist to the relational and holistic.”

Vandana Shiva (2014)

Abstract

English: This Master's dissertation discusses the ongoing global environmental crisis, aiming to reflect critically on one of the most central challenges it poses to international society, in general, and to the discipline of International Relations in particular: how the answer to this crisis might entail a radical transformation of humanity's relationship with non-human nature, and how this might potentially reshape and transform modern political communities. We start by examining the current context of climate change through the theoretical currents of eco-Marxism, ecofeminism and IR critical theory. We then turn specifically to the works of Andrew Linklater (1998), Robyn Eckersley (2004) and, to a lesser extent, Andrew Dobson (2010), exploring Linklater's critique of the exclusionary nature of the Westphalian states-system and his call for the enlargement of the moral boundaries of political community in order to include systematically excluded "others"; Eckersley's answer to Linklater's work, through a non-anthropocentric proposal for the establishment of some form of post-Westphalian deliberative green state that includes non-human beings; and Dobson's calls for a reconceptualisation of political practice that recognizes non-human nature's subjecthood, agency and voice. By resorting to critical discourse analysis, we look at the case study of the global Rights of Nature movement in three specific examples on a local, a national and a global level (the Whanganui River case in Aotearoa New Zealand; Ecuador's 2008 Constitution; and the draft for the Universal Declaration of Rights of Mother Earth). We explore these examples in order to answer our research question: to what extent does the Rights of Nature movement represent the emergence of a post-Westphalian narrative as an alternative, and more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis?

Keywords: Rights of Nature; Humanity; Climate Change; State; Post-Westphalia;

Português: Esta dissertação de Mestrado discute a atual crise ambiental global, com o objetivo de refletir criticamente sobre um dos desafios mais centrais que coloca à sociedade internacional, em geral, e à disciplina de Relações Internacionais em particular: como a resposta a esta crise pode implicar uma transformação radical da relação entre a humanidade e a natureza não-humana, e como isso pode potencialmente remodelar e

transformar as comunidades políticas modernas. Começamos por examinar o presente contexto das alterações climáticas através das correntes teóricas do eco-Marxismo, do ecofeminismo e da teoria crítica das RI. Voltamo-nos em seguida especificamente para os trabalhos de Andrew Linklater (1998), Robyn Eckersley (2004) e, em menor medida, Andrew Dobson (2010), explorando a crítica de Linklater ao caráter exclusivo do sistema de estados Vestefaliano e o seu apelo ao alargamento das fronteiras morais da comunidade política de forma a incluir "outros" sistematicamente excluídos; a resposta de Eckersley ao trabalho de Linklater, através de uma proposta não-antropocêntrica para o estabelecimento de alguma forma de Estado pós-Vestefaliano, deliberativo e verde, que inclua os seres não-humanos; e o apelo de Dobson a uma reconceptualização da prática política que reconheça a subjetividade, agência e voz da natureza não-humana. Recorrendo à análise crítica de discurso, olhamos para o estudo de caso do movimento global pelos Direitos da Natureza através de três exemplos a um nível local, nacional e global (o caso do Rio Whanganui em Aotearoa Nova Zelândia; a Constituição de 2008 do Equador; e a proposta de Declaração Universal dos Direitos da Mãe Terra). Exploramos estes exemplos de forma a podermos responder à nossa pergunta de investigação: em que medida é que o movimento pelos Direitos da Natureza representa a emergência de uma narrativa pós-Vestefaliana como um modo de relação alternativo, mais inclusivo e sustentável, com a natureza não-humana, no contexto da crise ambiental global?

Palavras-chave: Direitos da Natureza; Humanidade; Alterações Climáticas; Estado; Pós-Vestefália

Index

Chapter 1 – Introduction ………………………………………………………………… 6

Chapter 2 – Literature Review: Capitalism, Westphalia and Non-Human Nature:

1 – Analyzing humanity's current mode of relationship with non-human nature ……… 15

2 – Westphalia and non-human nature ……………………………………………….. 24

Chapter 3 – Conceptual and Methodological Framework: Post-Westphalia and Non-Human Nature:

1 – The critique of the Westphalian states-system and proposal for its transformation 35

2 – The proposal for a post-Westphalian green state ……………………………………. 45

3 – On methodology: critical discourse analysis ………………………………………… 60

Chapter 4 – Case Study: The global Rights of Nature movement:

1 – Origin, development and purposes of the Rights of Nature movement …………….. 69

2 – The Rights of Nature movement on a local, national, and global level:

a) The Whanganui River case in Aotearoa New Zealand ………………………….. 86
b) Ecuador's 2008 Constitution …………………………………………………… 92
c) The Universal Declaration of Rights of Mother Earth …………………………. 101

Chapter 5 – Conclusion ………………………………………………………………… 112

Bibliography ……………………………………………………………………………. 121

Chapter 1 – Introduction

This Master's dissertation discusses the ongoing global environmental crisis, aiming to reflect critically on one of the most central challenges it poses to international society, in general, and to the discipline of International Relations in particular: how the answer to this crisis might entail a radical transformation of humanity's relationship with non-human nature, and how this might potentially reshape and transform our very own political communities.

The global environmental crisis, most commonly referred to as climate change or the climate emergency, encompasses a wide range of phenomena (e.g. global warming, sea-level rise, extreme weather events, environmental destruction and biodiversity loss) that are caused by human activities and that are taking place across all continents on different scales (Union of Concerned Scientists, 2019). According to scientific research, not only are CO^2 levels higher today than ever before in the last 800.000 years, but the twelve warmest years on record have all occurred since 1988, with the period from 2015 to 2019 having consistently broken temperature records (Union of Concerned Scientists, 2019; World Meteorological Organization, 2019). Experts from the Intergovernmental Panel on Climate Change have warned that humanity only has until 2030 to restrict global temperature rise to 1.5ºC, although current emissions levels are heading toward a possible 3ºC increase or more (IPCC, 2019). Failing to meet the 1.5ºC target means that natural catastrophes, resource scarcity and extreme poverty will become a daily reality for millions of people, especially in the Global South (The Guardian, 2018). Human activities are also causing the worst mass extinction phenomenon since the disappearance of the dinosaurs 65 million years ago, with dozens of species going extinct every day (Center for Biological Diversity, 2019). According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, this mass extinction event threatens life on Earth just as much as climate change (Tollefson, 2019). And finally, the Paris Agreement "unequivocally recognizes that climate change poses an urgent and potentially irreversible threat to human societies and the planet, requiring all countries to address this threat through the widest possible cooperation" (Bodanac, Hyslop, & Valente, 2016).

Nevertheless, as Naomi Klein (2014: 6) states in her book *This Changes Everything: Capitalism vs. The Climate*, "climate change has never received the crisis treatment from

our leaders, despite the fact that it carries the risk of destroying lives on a vastly greater scale than collapsed banks or collapsed buildings". Klein (2014: 18) claims that "we have not done the things that are necessary to lower emissions because those things fundamentally conflict with deregulated capitalism, the reigning ideology for the entire period we have been struggling to find a way out of this crisis". This lack of action is due to the fact that the kind of measures that could prevent the worst effects of climate change "are extremely threatening to an elite minority that has a stranglehold over our economy, our political process, and most of our major media outlets" (Klein, 2014: 18). This is in accordance with other authors and scholars who argue that the collective human activities that are leading to the global environmental crisis are essentially the result of the capitalist system of production and consumption, a system which – as Marx had already observed in the 19th century – holds as its fundamental premise humanity's separation from nature (Foster, 2000). According to Marx, this separation creates a *metabolic rift* in the interaction between human beings and non-human nature, which necessarily generates a worsening ecological and social crisis (Foster, 2000). The myth of endless economic growth on a planet with clear natural boundaries (Strauss, 2010) is increasingly being called into question, encouraging a growing body of critique against the capitalist mode of relationship with non-human nature and its harmful consequences both on human societies and on the whole of nature (Huber, 2019; Burke et al, 2016; Chandler, Cudworth and Hobden, 2017).

Matt Huber (2019: n/p) stresses how the climate movement has for a long time understood that "capitalism is the main barrier to solving the climate crisis", posing the enormous challenge of undergoing "a confrontation with some of the wealthiest and most powerful sectors of capital in history"; but it has so far failed to organize itself appropriately to meet this challenge. As he notes, such confrontation demands the rigorous organisation of a mass-based social movement that can "force capital and the state to bend to the changes needed" (Huber, 2019: n/p).

Huber highlights the role of an entity that cannot be left out of any critical analysis of the global environmental crisis: the state. Indeed, according to some authors, it is not exclusively the capitalist system that is at the origin of the climate emergency, but the international states-system itself that has created the perfect conditions for this crisis to occur, by overlooking humanity's deep embeddedness in the whole of nature and the complex interdependence between humans, ecosystems, and non-human beings

(Eckersley, 2004; Lovelock, 2009; Burke et al., 2016). Such complex interdependence can be illustrated by James Lovelock (2009: 15) when he states that:

> The natural world outside our farms and cities is not there as decoration but serves to regulate the chemistry and climate of the Earth, and the ecosystems are the organs of Gaia that enable her to maintain our habitable planet. (Lovelock, 2009: 15)

According to J. Ann Tickner (1993: 59), the violent process that gave rise to the state and the market was not only violent towards humans; it was violent towards the whole of nature: "The evolution of the European state system and the capitalist world economy share a common history in their exploitative attitude toward the natural environment (…)". Such exploitative attitude arose from a change in perception of nature from that of a living organism to an instrument or machine, a process that Tickner claims began in the 17th century, "coincidentally with the birth of the modern state system and the capitalist world economy" (Tickner, 1993: 60).

Given that an inherent feature of human life is its constant interdependence and interaction with non-human nature, and that the human species is currently facing the worst global environmental crisis caused by human activity in the historic record (Klein, 2019), we might say that it is a particular *mode of humanity's relationship with non-human nature* that is really behind this crisis. In order for us to understand its underlying causes and consequences, and possible paths for overcoming it, it is imperative to look at the different, interrelated dimensions of this mode of relationship with non-human nature – from the Westphalian states-system itself to the capitalist world economy. Mies and Shiva (2014) characterize this mode of relationship by identifying the world system that promotes the continuous destruction of natural ecosystems and multiple life forms as *capitalist patriarchy*. Capitalist patriarchy is understood by them as representing the "old paradigm", one that is "based on a mechanistic world-view, an industrial, capital-centred competitive economy, and a culture of dominance, violence, war and ecological and human irresponsibility" (2014: xviii-xix). According to Mies and Shiva (2014: xix), if humanity's interactions with the planet keep being oriented by this paradigm, "we will witness the rapid unfolding of increasing climate catastrophe, species extinction, economic collapse, and human injustice and inequality". Likewise, Burke et al. (2016) contend that:

> A state-centric world obsessed with bargaining, power and interests, which talks arrogantly of an atmosphere divided into 'carbon space' divided by national borders, and in which the state is the handmaiden of a capitalism which sees

> nature as mere material in wait of profit, is failing the reality of the planet. (Burke et al, 2016: 504)

Looking at how different theoretical currents (from eco-Marxism, to ecofeminism, to IR critical theory) approach the global environmental crisis by focusing on some of its particular but interrelated features, it becomes clear that it is not possible to critically reflect on this crisis without bringing together concepts apparently as varied as nation-state, anthropocentrism, Westphalian sovereignty, capitalism, patriarchy, colonialism, nature, etc. It is, after all, a combination of these concepts and of the systems which they underlie or constitute that forms humanity's current mode of relationship with non-human nature, the same one which stands at the heart of the climate emergency. As argued by Pablo Solón (2018: 8), capitalism, extractivism, patriarchy, anthropocentrism and others are "mutually reinforcing systems" that together contribute to a "deepening of the crisis of the Earth community"; and whose "logics operate at all levels, from politics to personal relationships, from institutions to ethics, from historic memory to visions of the future". Consequently, "to think that we can resolve one without dealing with the others would be a fatal mistake".

However, for the purposes of this dissertation we focus on the Westphalian states-system itself; on some of its central norms and concepts (e.g. Westphalian sovereignty; anthropocentrism; citizenship; territoriality; etc.); and on how these have both historically informed and are continuously shaped by prevailing narratives about the world we live in, the communities of beings that compose this world, and the moral value, subjecthood, agency, voice, and rights of these beings and communities. This choice of focus is based on the fact that (as we demonstrate throughout the following chapters) the Westphalian-states system, as a fundamentally *human-centric* system, was built and organized in a way that collectively infused human political communities around the world with anthropocentric perspectives, narratives and practices, hence developing a mode of relationship that is particularly harmful to non-human beings and life systems.

Present times – particularly due to the transnational nature of the global environmental crisis – only render the growing interdependence among states more obvious, given the fact that they cannot be regarded as "independent, autonomous and impermeable entities", an intrinsically Westphalian characteristic, but that they are instead "interdependent and interconnected actors in the international system, forced to work together on the basis of collective efforts and energies" (Pereira, 2015: 192). Because of this, "the Westphalian

logic of the international system is increasingly questionable" (Pereira, 2015: 192). Climate change and ecological breakdown thus constitute a key issue in International Relations in the 21st century, with an "enormous potential to turn the tide of globalization and the structure and the dynamics of the international system" (Pereira, 2015: 194). The global scope and scale of action of environmental issues means that the future of humankind is significantly dependent on the "ability to create an effective web of multilateral governance"; and that how the international society of states deals with the multitude of environmental challenges presently at hand will determine whether the world will follow a path of global order or of increasing *global disorder* (Pereira, 2015: 192).

We thus discuss how the global environmental crisis is significantly intertwined with the highly exclusive character of the Westphalian states-system, and how it leaves out from its political, economic, and social boundaries all those that it deems as "outsiders", "aliens" or radically different "others", including most of non-human nature (Linklater, 1998; Eckersley, 2004). In connection to this, we explore alternative discourses and narratives that seek to transform political community and expand its moral boundaries to include non-human nature. Turning to particular strands of IR critical theory, namely through the works of Andrew Linklater (1998), Robyn Eckersley (2004) and (to a smaller degree) Andrew Dobson (2010), we try to demonstrate that there are proposals for a restructuring of modern political communities that call into question the dominant Westphalian paradigm, together with its fundamental norms and prevailing narratives around them.

This restructuring can reflect not only higher levels of inclusivity towards historically marginalized human groups (e.g. Indigenous peoples), but also towards non-human nature, hence promoting the transformation of humanity's mode of relationship with non-human beings and natural life systems. This transformation is inspired by a more holistic, inclusive, ecologically and socially sustainable approach that aims to bring non-human nature into the moral boundaries of modern political communities (Linklater, 1998; Eckersley, 2004). One timely and compelling example of the kind of narratives that promote such changes is embodied by the emergent Rights of Nature (RoN) movement, which calls for the recognition of nature's subjecthood and for legal rights for the whole of nature, particular ecosystems and specific species. Spanning across different cultures and geographies, this movement seeks to build bridges between Indigenous cultures, current scientific understandings of the complex interrelationships of the natural world, and particular features of the modern states-system (e.g. international law), suggesting different

ways of relating to the Earth and its beings. This dissertation is therefore oriented by the following research question: *to what extent does the Rights of Nature movement represent the emergence of a post-Westphalian narrative as an alternative, and more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis?*

As Shannon Biggs, Osprey Orielle Lake and Tom Goldtooth (2017: 3) contend, "recognizing Rights of Nature means that human activities and development must not interfere with the ability of ecosystems to absorb their impacts, to regenerate their natural capacities, to thrive and evolve (…)". This entails actively taking non-human nature into account in decision-making processes, contributing towards the development of what Linklater (1998) calls a universal communication community in which the moral boundaries of political communities are enlarged to the point of including previously excluded "outsiders" or "aliens" in more dialogic relations. Such development has been more radically theorized by Eckersley (2004) under a purposefully non-anthropocentric perspective, as part of a transition to a post-Westphalian deliberative green state, in which the needs and interests of non-human beings and future generations are taken into account through new and creative means. Finally, as Dobson (2010) contends, a fundamental aspect of deliberative democracy in this particular context of including non-human nature entails rethinking the concept of political practice (which has mainly focused on the act of speaking, in accordance with the Aristotelian conception of politics), and giving much greater attention to the act of *listening*, particularly in dialogue with those who have the most different kinds of *voice*.

We analyse the RoN movement in line with the conceptual framework provided by Linklater, Eckersley and Dobson in an attempt to understand to what extent this movement evidences discourses and conceptualisations of nature that display features of an emerging post-Westphalian narrative, one that envisions a radical transformation of modern political communities' mode of relationship with non-human nature. Methodologically, we look at three specific examples of the RoN movement: the Whanganui River case in Aotearoa New Zealand; Ecuador's 2008 Constitution; and the draft of the Universal Declaration of Rights of Mother Earth that came out of the World People's Conference on Climate Change and the Rights of Mother Earth in Bolivia, 2010. These three cases were chosen because they are good examples of proposals for the enlargement of the moral boundaries of political community beyond the traditional human-centric states-system on three

different levels: the Whanganui River case on a local level; the Ecuadorian Constitution on a national level; and the UDRME on a global level. The three therefore suggest how the transformation of humanity's relationship with non-human nature might be achieved locally, nationally, and globally; and they provide frameworks on how to potentially address the growing challenges posed by the global environmental crisis. They were examined by resorting to critical discourse analysis when reading the official texts of the three cases (e.g. the Te Awa Tupua Act of 2017; the Ecuadorian Constitution; and the UDRME); as well as academic articles directly related to them. Specifically, we analyzed the way in which particularly relevant concepts such as nature, subjecthood, rights, state, community, representation, agency, or voice are used in ways that suggest and promote a reshaping of the boundaries of political community beyond their traditional, Westphalian, anthropocentric form.

The dissertation is divided in five chapters. Chapter 1 provides the introduction. Chapter 2 carries out a literature review, where we analyse humanity's current mode of relationship with non-human nature, how it was significantly influenced by the structure and prevailing narratives of the Westphalian states-system; and how it is related to the global environmental crisis. Chapter 3 discusses the conceptual and methodological framework that informs our current research, exploring the works of Linklater, Eckersley and Dobson, and the pertinence of resorting to critical discourse analysis for the case study. Chapter 4 analyses the Rights of Nature movement through an overview of its origins, development and purposes; and discussing the three specific examples that were chosen as evidence of the emergence of a post-Westphalian narrative envisioning the transformation of modern political community. Chapter 5 presents the main conclusions of this research.

Through this work of critical analysis, we hope to shed light on how human beings might start to collectively face the fundamental challenge of rethinking traditional, anthropocentric and Westphalian forms of political community and life, and how these imply different means of exclusion of the agency, value and considerability of other-than-human beings that are deeply intertwined with the current crisis faced by the global biosphere.

A final note must be made on two of the most central concepts for this dissertation – those of humanity and nature. For the purposes of this work, humanity is to be perceived as referring to the biological human species, which evolutionary theory reveals as having

originated from apes around two hundred thousand years ago (Darwin, 2009; Kolbert, 2015). Humanity is thus conceived of as a part of nature and of the evolutionary process on Earth. However, it is a part of nature that is distinguishable from the rest of non-human nature by its evolved capacity to transform the latter to a far greater extent than any other species on the planet. This evolved capacity is expressed in the development of technology and of modes of social organisation through which human beings mediate their relationship with non-human nature, transforming it with a view to the satisfaction of their historically developed needs (Foster, 2000). From this perspective, humanity is *not apart from nature*. On the contrary, human beings and their societies are involved in permanent natural interactions with their environment and with other living beings; in what Marx and Engels called the *human metabolism with nature* (Foster, 2000) – that we refer to here as different *modes of relationship with non-human nature*.

The reason for this formulation arises from the recognition that, despite humanity being involved in a constant metabolism with nature as highlighted by Marx and Engels, the ways in which human beings organize this metabolism are culturally and historically changeable. There is no *homogeneous humanity*, but rather a wide diversity of cultures, social groups and ways of life that have characterized and informed human beings' engagement with non-human nature throughout history and across the globe. Consequently, humanity has practiced a wide variety of *modes of relationship with non-human nature* in different historical, social and cultural contexts. This perspective allows us to observe how what constitutes the current, dominant mode of humanity's relationship with non-human nature is not practiced equally by the whole of humanity.

As the climate and environmental justice movement stresses, the predominance of the Westphalian mode of relationship with non-human nature is expressive of the predominance of political communities from the Global North/the West in international society. It is here that this mode of relationship with non-human beings historically developed and from here that it spread to the rest of the globe via colonialism, imperialism and capitalism (Chandler, Cudworth and Hobden, 2017). By focusing on the prevailing narratives of the Westphalian states-system and on the emergence of alternative narratives on how to organize human political communities, we are pointing towards the emergent potential of radically transforming the dominant mode of relationship with non-human nature in a direction that is both more inclusive and sustainable, and better able to address the impacts of the global environmental crisis.

In this dissertation, then, we move past the duality that potentially arises from speaking of humanity and nature separately. Instead, humanity is here understood as an inherent part of nature, pointing to "the reality that we exist as subjects who must rely upon an environment that does not need us as much as we need it" (Burke et al, 2016: 521). Thus, when we refer to "nature" we will be speaking of the whole of nature (including humans); and when we refer to "non-human nature" we will be speaking specifically of the non-human components of this whole. It is, after all, on the character of the interaction between human beings and their non-human counterparts in recent times, how it has led to the global environmental crisis, and how it may be transformed to overcome it, that this dissertation is focused.

Chapter 2 – Literature Review

Capitalism, Westphalia and Non-Human Nature

In this chapter, we carry out a literature review of the theoretical approaches that are particularly adequate to understand humanity's current mode of relationship with non-human nature, and to discuss how it contributes to the global environmental crisis. We briefly approach eco-Marxist and ecofeminist critiques in the first section; and analyse IR theory's prevailing narratives about humanity's relationship with non-human nature in connection with the international society of states in the second section. The chapter concludes that the processes of development of the Westphalian states-system and of the capitalist world economy, through some of their most central norms and conceptualisations, have deeply and continuously influenced the way humanity tends to collectively see, understand, and relate to non-human nature – except for those peoples who have historically nurtured a different way of understanding and engaging with it.

1 – Analyzing humanity's current mode of relationship with non-human nature

The United Nations Framework Convention on Climate Change (UNFCCC, 1992) defines the process as "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods". Climate change encompasses global warming; sea-level rise; extreme weather events such as droughts, floods, hurricanes and wildfires; deforestation and desertification; ocean acidification and resource depletion; and biodiversity loss in the form of species extinction. Recently, dozens of experts wrote a statement in the journal *BioScience*, endorsed by another 11.000 scientists from 153 countries, declaring "clearly and unequivocally that planet Earth is facing a climate emergency", and that we must undergo "major transformations in the ways our global society functions and interacts with natural ecosystems" if we are to secure a sustainable future (Ripple, Wolf, Newsome, Barnard, & Moomaw, 2020). After decades of environmental movements' attempts to bring this issue to the top of political agendas around the world, climate change is now internationally making headlines – be it due to another extreme weather event taking place (McGrath, 2020), or to climate activism from groups such as Extinction Rebellion or Fridays for Future.

Nevertheless, recent and current trends show that the international society of states appears not to be adequately tackling the global environmental crisis and its fast-growing impacts: the USA's withdrawal from the Paris Agreement after Trump's election as president, and his cutbacks on environmental policies (Farand, 2019; Popovich, Albeck-Ripka and Pierre-Louis, 2020); Bolsonaro's government cutbacks on environmental protection, enabling the destruction of key ecosystems like the Amazon rainforest (The Guardian, 2019); the continuous rise in greenhouse gas emissions' levels (The Economist, 2019); and the growing investment in the international oil trade (Hill, 2019). To understand why this is so, we should perhaps start by posing two of the simplest questions surrounding this global challenge: *what is climate change* and *what caused it?*

What we might call the *standard narrative* claims that climate change consists of a continuous rise in temperature levels around the globe, caused by increasing greenhouse gas emissions and leading to the multiplicity of events referred to above (UNFCCC, 1992). The mostly consensual answer to the second question (climate change deniers aside) is that it is human activity that causes it – particularly the fossil fuel industry (IPCC, 2019). Framing the issue in these terms means that most countries and people are urged to reduce their carbon footprints and to focus their policy measures either on lowering CO^2 emissions, or on taking individual actions and changing consumption habits. However, different authors have come to contest this standard narrative, arguing that it is neither accurate nor critical enough (Klein, 2014; Chandler, Cudworth and Hobden, 2017; Eisenstein, 2018). In his book *Climate: A New Story*, Charles Eisenstein (2018) claims that our main focus on fossil fuels is rather superficial and actually diverts attention *away* from the deeper causes of the climate emergency: deforestation; soil degradation; water pollution; and biodiversity loss. The narrow focus of the standard narrative frames the issue as a matter of "simply" decarbonising our economies, or focusing on individual behaviors and consumer choices, instead of questioning the very structures of the system which has allowed for these destructive tendencies to develop. A more critical alternative narrative is therefore needed, in Eisenstein's view, which addresses the more profound dimensions of this crisis.

Naomi Klein (2014: 18) identifies those profound dimensions when she argues that the reason why the actions that are necessary to lower emissions are not being taken is because they "fundamentally conflict with deregulated capitalism, the reigning ideology for the entire period we have been struggling to find a way out of this crisis". Likewise, Chandler,

Cudworth and Hobden (2017: 17) defend the use of the term *Capitalocene* instead of *Anthropocene* when describing the historical period that gave rise to the current global environmental crisis, arguing that "it is not 'the human', that is the cause of the impacts on the rest of nature, but a specific subset of the human, living within a particular form of social organisation". As they further add:

> Our use of the term Capitalocene signals our view of a link between capitalism as a form of social organisation and the ecological, political and economic crisis that we currently confront. (Chandler, Cudworth and Hobden, 2017: 21)

All these authors agree, then, that it is not simply *human activity* that is causing climate change, but a *specific set of human activities* – namely, dominant patterns of production and consumption, and forms of political organisation. According to this perspective, the factors that led to the global environmental crisis should not be defined in terms as broad and unspecific as *human activity*. Rather, a more adequate approach would be to say that it is a particular *mode of humanity's relationship with non-human nature* that lies as the root of the problem, one that has been evolving for many years and of which the capitalist system is a defining feature (although not the only one). For this reason, in this dissertation we depart from the point of view that climate change is not *the* problem that humans need to collectively face, but rather it is the *ultimate manifestation* of a deeper problem, which Eisenstein identifies when claiming that:

> Climate change, therefore, calls us to a greater transformation than a mere change in our energy sources. It calls us to transform the fundamental relationship between self and other, including but not limited to the relation between the collective self of humanity and its 'other', nature. (Eisenstein, 2018: 21)

As will be seen below, scholars and thinkers from different theoretical traditions approach humanity's relationship with non-human nature as one of the essential causes of our worsening environmental crisis. Marx was amongst the 19th century writers who developed an understanding of the potentially ecologically damaging effects of human beings' relationship with non-human nature, by placing it as a central theme of his theory of alienation (Saito, 2017). According to Kohei Saito (2017: 20), Marx's political economy, albeit unfinished, "allows us to understand the ecological crisis as a contradiction of capitalism", since capitalism's unrestrained drive for maximum capital accumulation, at the same time that it has allowed for a radical expansion of humanity's capacity to transform non-human nature, also demands the endless exploitation of material resources that will – at some point – necessarily collide with planetary limits. As such, Marx also

warned that, due to its inherent contradiction, it is actually possible for capitalism to continue ruthlessly extracting natural resources and destroying the environment "to the point that a large part of the earth becomes unsuitable for human occupation" (Saito, 2017: 20).

In *Capital*, Marx employed for the first time the concept of metabolism (*Stoffwechsel*). This concept defined the labor process as "a process between man and nature, a process by which man, through his own actions, mediates, regulates and controls the metabolism between himself and nature" (Marx, 1976 apud Foster, 2000: 141). Nevertheless, capitalist relations of production and the "antagonistic separation of town and country" caused by the development of industry lead to an "irreparable rift" in the metabolic interactions between humans and non-human nature (Foster, 2000: 141). This means that human beings keep taking resources away from the earth at an ever-increasing scale, and not returning them to their original source in order for it to be able to adequately regenerate. Marx subsequently developed what John Bellamy Foster (2000: 155) describes as a "systematic critique of the capitalist 'exploitation' (…) of the soil", highlighting how large-scale industry and large-scale agriculture "combined to impoverish the soil and the worker". In Marx's own words: "[A]ll progress in capitalist agriculture is a progress in the art, not only of robbing the worker, but of robbing the soil"; and "capitalist production, therefore, only develops the technique and the degree of combination of the social process of production by simultaneously undermining the original sources of all wealth – the soil and the worker" (Marx, 1976 apud Foster, 2000: 156).

In disagreement with Foster's treatment of the concept of metabolism (as metabolism between humans/society and nature) is Jason Moore, who argues that the former's reading of Marx's ecology represents an "ambivalent dualism" that he emphatically rejects (Moore, 2015: 89). Indeed, Moore claims that there is no separation between *Nature* and *Society* and that capitalism should be understood as a *world-ecology*, meaning "as already co-produced by manifold species, extending even to our planet's geo-biological shifts, relations, and cycles" (Moore, 2015: 15). Moore (2015) labels this distinction between the two concepts (and the critical interpretations of Marx's ecology that he claims sustain it, including Foster's) as Cartesian dualism. According to him, this Nature/Society binary originated in the 16th century, maintained and imposed itself in ontological, scientific, political, economic and social understandings all the way to the apex of the capitalist system (Moore, 2015). The Cartesian narrative according to which human beings and

human societies have always extracted material resources *from* nature or relied on labor *out* of the earth feeds, according to him, an erroneous idea of human independence from nature (Moore, 2015). He instead champions the concept of the "web of life", his central thesis being that capitalism is "co-produced by human and extra-human natures in the web of life"; not produced exclusively by humans, as a human system that imposes its destructive impacts on a passive non-human nature (Moore, 2015: 24). He argues that the "unilateral model – doing *to* rather than acting *through*" (Moore, 2015: 23), according to which humans in the capitalist system are understood to always do something *to* an external and independent nature is counter-productive, as it keeps feeding into the Cartesian dualism that "has so deeply fragmented our understanding of power, exploitation, work, and liberation" (Moore, 2015: 36).

It is not our purpose here to elaborate on the debate between Foster's and Moore's works. Nevertheless, it is important to stress how these ongoing debates reflect the complexity of discussing concepts such as humanity, culture, society, and nature, particularly when such concepts deeply inform ontological, social, political and economic systems. It must be added that the concept of metabolic rift as employed and explored by Foster closely connects to a critical reflection on the global environmental crisis, as it constitutes "a concrete expression of the human estrangement from the material conditions of life, from nature" (Foster, 2016: n/p). According to Foster:

> Marx broke out of the circle of capitalist logic. For him, the importance of environmental degradation wasn't just that it drove up capitalists' costs and contributed to economic crises. He addressed the degradation of the ecology as a critical issue in its own right. Marx's theory of metabolic rift enables us to understand how capitalism grows by externalizing waste and degradation on the environment, a problem that can only be surmounted by socialism, based on a rational, sustainable, relation to nature. (Foster, 2016: n/p)

Still, it should be added that, according to Marx, "this irrational destruction of the environment and the relevant experience of alienation created by capital" provides the opportunity to build "a new revolutionary subjectivity that consciously demands a radical transformation of the mode of production so as to realize free and sustainable human development" (Saito, 2017: n/p). Saito argues that Marx's theory of metabolism "emphasizes the strategic importance of restraining the reified power of capital and transforming the relationship between humans and nature so as to ensure a more sustainable social metabolism" (Saito, 2017: 21). While, then, the climate emergency is certainly one of the biggest crises humanity has ever faced, possibly even a threat to human

survival, it might also be seen as an opportunity: an opportunity to critically reflect on humans' role on a changing planet; and on how narratives based on "modern conceptions of a humanity separated from nature" must now urgently be called into question (McDonald and Mitchell, 2017: 2).

We may ask: where did such modern conceptions arise from? Here, ecofeminist analyses of the historic evolution of the state and the market can provide us with interesting answers. According to feminist scholar Carolyn Merchant, an ecological crisis was already taking place as early as the 16th century, due to the European ship-building industry that devastated many of the continent's original forests through the search for wood (Merchant, 1980). Similarly, J. Ann Tickner (1993: 59) presents a critique of how the development of the modern states-system and of the capitalist world economy entailed "a common history in their exploitative attitude toward the natural environment". In her view, the violence inherent to the process that gave rise to the state and the market has been well documented when it produced wars and colonial expansion, but less so when it was directed against non-human nature – which was a central part of the process (Tickner, 1993: 59).

Tickner (1993) suggests that (eco)feminist theory can reveal important connections between the evolution of states and markets and the exploitation of nature, women, and non-western peoples. Regarding the exploitation of nature, Tickner (1993: 60) claims that this relied on a change in perception of nature "from living organism to inert machine", a change that began in the 17th century "coincidentally with the birth of the modern state system and the capitalist world economy". A powerful driving force behind this change in perception was Enlightenment philosophy, which "can be linked to the competitive wealth-seeking behavior of an expansionary Eurocentric state system whose colonizing activities caused ecological changes worldwide" (Tickner, 1993: 69). Furthermore, the author states that this change in perception was "interrelated with changing attitudes toward women whose status underwent a relative decline in early modern Europe" (Tickner, 1993: 60).

The instrumental, mechanistic and reductionist view of nature that was fuelled by the scientific developments of the Enlightenment period (and that partly connects with Moore's critique of Cartesian dualism) differed from a previous conceptualisation of nature as a living organism or system, composed of the deep interdependencies between human beings and their natural environment (Merchant, 1980; Tickner, 1993). The ontological transformation of nature into an "inert, lifeless machine" allowed "its

exploitation and use for purposes of human progress", particularly when the scientific community was developing a system of knowledge based on "predictable regularities within a rationally determined system of laws", regularities in which the complex interdependence of natural ecosystems and their living beings did not easily fit (Tickner, 1993: 61). The main connection to women and gender arises from the fact that "the taming of nature was often described in gendered terms which reflected the social order" (Tickner, 1993: 61).

Increasingly, a nature/culture divide developed which meant that, as nature came to be associated with women and the Earth with the female body, culture and rationality came to be associated with men (Tickner, 1993). Such separation accompanied the polarisation of gender that was demanded by early capitalism, placing women in the private domestic sphere and men in the public sphere of the state and the market (Tickner, 1993). As Tickner notes, the Enlightenment period was not progressive in regard to women since, "at such moments of great historical change, usually identified with progress, feminist historians claim that women were left behind both politically and economically" (Tickner, 1993: 61).

During this phase of Enlightenment philosophy and early capitalism, the nature/culture divide consequently led to a certain devaluation of women and Indigenous peoples as producers and carriers of knowledge. Referring to modern science, Vandana Shiva (2014: 22) claims that it is "projected as a universal, value-free system of knowledge which by its methods claims to arrive at objective conclusions about life, the universe and almost everything". And, nevertheless, this mechanical and reductionist paradigm of modern science "is a specific projection of Western man" (Shiva, 2014: 22). Shiva (2014: 22) states that feminist and post-colonialist scholars have started to recognise that this system of knowledge which proclaimed itself as a liberating force was not meant to liberate humanity as a whole, but rather it is "a Western, male-oriented and patriarchal projection which necessarily entailed the subjugation of both nature and women".

According to Tickner, the industrial revolution that accompanied the development of the modern states-system demanded a continuous increase in productivity (already stated in the eco-Marxist critique) that required the exploitation of non-human nature, women, and native peoples in the territories still untouched by industrialisation:

> Feminist scholars, who have written about the origins of these Enlightenment views on nature, claim that the domination of certain men over other human beings, other cultures, and nature, which the process of accumulating wealth and power involved, cannot be fully understood unless gender is taken as a central category of analysis. These feminists believe that seventeenth-century gender metaphors were fundamental to developing attitudes toward nature and women, as well as attitudes toward non-western peoples – attitudes which were racist and which have been consistent with the practices of a capitalist world economy and an expansive Eurocentric state system. (Tickner, 1993: 62)

Indeed, the European expansion that comprised the colonialist project also carried an instrumentalised view of nature *beyond* the borders of Europe, as it entailed a devaluation of non-European peoples who were the original inhabitants of those territories. "Enlightenment beliefs about the transformation of the environment as a measure of human progress were used as a justification for colonialism where native populations were not deemed capable of effecting this transformation for themselves" (Leiss, 1972 apud Tickner, 1993: 62). Spaces outside of Europe where nature was still preserved were depicted as *virgin territories* or *wastelands* in need of management and exploitation. But as Tickner reminds us, the Indigenous peoples who originally inhabited those territories had historically maintained a very different mode of relationship with non-human nature:

> Before European colonization, Native American populations, living in subsistence communities, regarded natural resources as gifts given by nature to take care of human needs: humans and animals lived in interlacing cyclical time and space. (Tickner, 1993: 63)

This is not to say that Indigenous peoples outside of Europe did not transform their natural environments in any way. They simply did not do so in the same destructive scale that European industrialisation and capitalism required. We might say that the mode of relationship that they had with non-human nature was different than the one introduced by the modern states-system and by the capitalist world economy.

Over the period of imperialism and colonialism (mainly since the 15th century), European explorers and colonisers began defining geographical space in very new terms, geometrically, with artificially-defined fixed borders, devising maps that made the Earth look like a set of independent units: what would become known as the Westphalian nation-states (Tickner, 1993). However, the global environmental crisis that this process (entailing both the development of the modern states-system and of the capitalist world economy) produced over the years calls such conceptions of the world into question. Processes such as the ozone layer depletion, acid rains, ocean acidification, sea-level rise, or the destruction of key ecosystems like the Amazon or the Congo rainforests are impervious to national boundaries (Burke et al., 2016).

In Shiva's words: "We are in the midst of an epic contest (…) between the rights of Mother Earth and the rights of corporations and militarized states using obsolete world-views and paradigms to accelerate the war against the planet and people" (Mies and Shiva, 2014: xii). In her perspective, this war against the Earth has started in the mind and, consequently, peace with the Earth must equally start there, "by changing our paradigms and worldviews from those based on war with nature to those that recognize that we are a strand in the web of life" (Shiva, 2010: 6). This point of view is in accordance with Tickner's (1993: 66) statement that "ecologists believe that only with a fundamental change in human relationships with nature can we solve our contemporary dilemmas", namely the climate emergency.

A further note should be made on the fact that, while ecofeminists are often highly critical of the Enlightenment period and the scientific revolution, it was also in this same period that thinkers such as Marx and Engels developed an ecological critique based on a materialist conception of nature that arose out of the scientific discoveries of the time (Foster, 2000). The difference, however, lies in the fact that some of the icons of this period, like Francis Bacon – who was targeted by many feminist authors for his gendered metaphors regarding the taming and domination of nature – went too far down the road, viewing nature not only from a materialist but also from a mechanistic, reductionist and instrumentalist perspective (Tickner, 1993). Moreover, and despite recognising the importance of Marx's contributions for understanding the relationship between society and nature, some authors criticize his materialist interpretation, claiming that it is anthropocentric in the sense that it privileges culture and human agency over the agency and value of non-human beings (Roncancio, 2017: 72). This seems to be in line with Moore's critique of the separation between *nature* and *society* (Moore, 2015).

Ecofeminism can thus provide an interesting analysis of how the constitution of the current capitalist Westphalian states-system, as another stage of development in a project encompassing imperialism, colonialism and industrialisation, arose from and within a patriarchal ideology "which authorizes oppressions such as those based on race, class, gender, sexuality, physical abilities, and species", and simultaneously "sanctions the oppression of nature" (Gaard, 1993: 1). One of the most important contributions of this theoretical current, then, is how it calls for an end to all forms of oppression, claiming that no attempt to free women (or any other social group) will be successful without a

simultaneous, corresponding attempt to free nature from the grips of capitalism and patriarchy.

> By documenting the poor quality of life for women, children, people in the Third World, animals, and the environment, ecofeminists are able to demonstrate that sexism, racism, classism, speciesism, and naturism (the oppression of nature) are mutually reinforcing systems of oppression. Instead of being a 'single-issue' movement, ecofeminism rests on the notion that the liberation of all oppressed groups must be addressed simultaneously. (Gaard, 1993: 5)

Almost all of the previously mentioned authors, regardless of whether they are speaking from an eco-Marxist or an ecofeminist perspective, seem to agree that a fundamental transformation of humanity's relationship with non-human nature is necessary if we are to prevent or mitigate any global environmental crisis (Tickner, 1993; Foster, 2000; Mies and Shiva, 2014; Eisenstein, 2018). Still, it may be particularly relevant to explore how the Westphalian states-system itself, through its organizing of human sociopolitical communities and through some of its central and defining norms, has influenced this mode of relationship, especially through its prevailing narratives and the ways in which they regard and depict non-human communities and beings, and their agency, voice and value. We will then look at how IR theory has tended to explore the interconnections between world politics and non-human nature.

2 – Westphalia and non-human nature

Rafi Youatt (2014: 207-209) stresses that "much of international politics operates by taking humanity as its key point of reference", making anthropocentrism "a key ideology that permits and facilitates the ongoing plunder of nature". Since there is a common assumption that "only humans matter" both morally and politically – an assumption which is based on a claim of "radical human exceptionality" –, non-human nature is "understood only in instrumental terms as a bare resource that is only valuable to the extent that it benefits us" (Youatt, 2014: 207-209). Importantly, "anthropocentrism can also be understood to constitute and compound the species boundary of politics in ways that bear negatively on both human life and nonhuman life" (Youatt, 2014: 208).

Presenting a potential counter-argument, Youatt (2014: 208) asks whether IR's exclusive focus on human politics could not be attributed to a matter of common sense, pointing to the apparently obvious power asymmetries between any nation-state and any animal community as a justificatory example. He asks whether we are not truly dealing with human politics even when approaching problems that involve non-human beings, and

whether anthropocentrism might be unavoidable, considering that we *are* humans (Youatt, 2014: 208). He then goes on to refute these suggestions. Although it is unavoidable that we have a "human perspective that comes from being human", Youatt (2014: 210) claims that this is completely different from the "avoidable content of moral and political frameworks that are expressed through human language"; and he points to the fact that one is not necessarily a white supremacist simply by being white to contend that humans do not have to be anthropocentric simply by being humans. Consequently, "anthropocentrism is entirely escapable, since it is not an escape from human perspective that is sought but a shift in human moral and political frameworks that orient our relations with other species" (Youatt, 2014: 210). Youatt (2014: 210) introduces the term *interspecies relations* as counterpoint to *international relations*, stating that it "is not just a human understanding of the world (…) but is also an effort to map very material and biological human-nonhuman relations under a new term that is not anthropocentric".

The critique of anthropocentrism in the environmental field has started a persistent debate over the connections between one of the most central norms of Westphalia – sovereignty – and ecological politics (Youatt, 2014). Youatt (2014: 210) reminds us that "although state sovereignty may be in relative decline, it remains the dominant organization form of international political life (…)" in the Westphalian states-system; and that, even if there happens to be a certain "greening of sovereignty" that comes from an ecocentric ethic in environmental politics, anthropocentrism continues to be "directly constitutive of the logic of sovereignty in ways that necessarily treat nature as a 'standing reserve'" (Youatt, 2014: 210). This means that rethinking anthropocentrism (a crucial exercise in order to "come to grips with the contemporary environmental crisis") may indeed "require a deeper challenge to state sovereignty" (Youatt, 2014: 210-211).

According to Joana Castro Pereira (2015), the scientific field of IR and its inherent interdisciplinary scope make it the ideal field of study to analyse and better understand the contemporary world and its global and multidimensional issues, perhaps none more so than the global environment and its current state of crisis. The discipline of IR might be better placed than any other to present "local, regional and international stakeholders with a framework to understand global dynamics and its implications for the international community", while simultaneously underlining risks and finding paths for cooperation among those stakeholders (Pereira, 2015: 203). Considering the discipline's "potential to develop new knowledge about the political, economic and social dynamics of the present

world", it is particularly important for IR to focus on that context (the global environmental crisis) that can probably influence these dynamics the most over coming years (Pereira, 2015: 203).

Nevertheless, environmental issues have been and continue to be significantly disregarded in IR (Pereira, 2017). The discipline's "distant attitude" towards the global environment and non-human nature can be traced back to its "conventional disciplinary structures" (namely its traditional definition as a sub-discipline of Political Science) that have prevented it from engaging with these other-than-human realms and with concepts as important as that of the Anthropocene (Pereira, 2017: 2). An overview of the history of the field and its construction of the human condition as being separated from non-human nature (following also the Cartesian dualism that Jason Moore vehemently rejects) leads authors such as Pereira to contend that "IR should abandon the traditional grounds upon which it is based because the current 'international' notion demands not only a holistic conception but also new ontologies, epistemologies, and methodologies" (Pereira, 2017: 5).

For instance, to engage with the concept of Anthropocene requires the acknowledgment that humanity currently lives in a "new geological epoch entirely dominated by human activity" that "makes the destinies of nature and humanity inseparable" (Pereira, 2017: 6). The Anthropocene effectively "transcends the simple idea of human environmental impact and draws attention to the role of humans in the subversion of the global system" (Pereira, 2017: 6). By generating a new dependence among states; a new dependence among societies; new intergenerational dependencies that will be brought about by transformations in the global system over large periods of time; and a new understanding of the deep interdependence between humanity and non-human nature, the Anthropocene and the global environmental crisis that seems to be its most impactful feature are indeed "shaping the future conditions for international relations" (Pereira, 2017: 7). What this means, essentially, is that "IR scholars and policymakers will have to discuss political issues in geological language because the traditional premises of a stable environment are no longer valid"; they will, indeed, have to discuss international politics in a language and through a lens that actively negate the nature/society dualism (Pereira, 2017: 7). Some *core assumptions* of the discipline of IR must therefore be abandoned if it is to preserve its relevance and positive contributions to contemporary debates on security, sustainability

and survival on a global scale (Pereira, 2017). One of such assumptions is precisely its anthropocentric conception of international politics and of human political communities.

Burke, Fishell, Mitchell, Dalby and Levine (2016) are also particularly critical of the IR field due to its inherently human-centric norms and perspectives. The authors contend that IR has failed both in its institutional and disciplinary frameworks because, on the institutional and legal level, it is "organised around a managed anarchy of nation-states, not the collective human interaction with the biosphere"; and because, on an intellectual level, "it is organised sociologically around established paradigms and research programmes likewise focused on states and the forms of international organisation they will tolerate" (Burke et al., 2016: 501). Indeed, they claim that new stories, myths and practices are needed which may help humanity understand its need to transform the Westphalian (anthropocentric) mode of relationship with non-human nature that has been characteristic of the last centuries:

> At its most basic, this means that our fundamental image of the world must be revolutionised. Our existence is neither international nor global, but planetary. Our anthropocentric, state-centric, and capital-centric image of international relations and world politics is fundamentally wrong; it perpetuates the wrong reality, the wrong commitments and purposes, the wrong 'world-picture'. (Burke et al., 2016: 504)

Their compelling critique calls for a "project of reconfiguring the global to respond to the planetary", which demands us to "rethink our institutions, our commitments, our rules, and our understanding of membership, rights and participation beyond the state and indeed the human" (Burke et al., 2016: 506-507). Albeit recognising that the use of this term is not consensual – and, for authors like Chandler, Cudworth and Hobden (2017) not critical enough –, they claim that the Anthropocene fundamentally challenges politics in the sense that it is no longer legitimate to understand politics "as the perennial clash between human preferences and interests, or indeed a bargaining of human interests against those of the ecology" (Burke et al., 2016: 507). On the contrary, "the planet is telling us that there are limits to human freedom; there are freedoms and political choices we can no longer have" (Burke et al., 2016: 507). As such, Burke et al. (2016: 507) contend that "arresting dangerous climate change, stemming species extinctions, decarbonising our economies (…) must be a common political project if life on this planet is to survive".

Finally, they stress how this project will necessarily entail both cooperation and contestation, "through a 'cosmopolitics' that admits (many different) humans, nonhumans

and things, present, absent, living, inorganic, powerful and less powerful, by making politics receptive to the disturbances they create" (Burke et al., 2016: 507). Most importantly for the arguments we seek to present here, "it will involve amplifying marginalised voices and creating new forms of solidarity and governance to confront the dystopian power of big energy, big farming, big finance, and fossil fuel capitalism" (Burke et al., 2016: 507). These marginalised voices include those of multiple non-human beings who are typically rendered as less important than humans in terms both of agency and of value, from the entire planet Earth as a single living organism to specific species and ecosystems like wolves, elephants, whales, bees, forests or coral reefs, to name just a few.

Regarding the preservation of ecosystems and of the biosphere itself, however, non-human beings are arguably *just as important* as humans, a statement which can be corroborated through numerous examples. For instance, Brown and Paxton (2009: 410) highlight the importance of bees as "the major pollinators of wild plants and crops in terrestrial ecosystems", which makes them "essential providers of the ecosystem service of pollination". They also stress how current projections for human population growth and the corresponding increase in the conversion of natural landscapes to agricultural lands means that "the importance of bees to human survival and the maintenance of much of terrestrial biodiversity can only increase over the coming years" – even though bees are at risk of extinction (Brown and Paxton, 2009: 410). Similarly, a recent National Geographic article claims that "the world's largest whales are more than mere evolutionary marvels", due to their significant contribution for carbon sequestration in the oceans, meaning that "they can help humanity fight climate change" (National Geographic, 2019: n/p). The value of forests as carbon sinks, especially old-growth forests, is also widely known, although there are no international treaties to protect them (Luyssaert et al., 2008).

Another phenomenon worth looking into would be that of trophic cascades[1]. Studying the case of wolves, who Youatt identifies as living in strong political communities, a powerful example can be drawn from Yellowstone National Park in the USA (Youatt, 2016). There, after having been absent from the park for seventy years due to hunting, a few wolves were reintroduced in 1995, and what ensued was a process of cyclical regeneration of the entire ecosystem of Yellowstone, including transformations of the park's physical geography.

[1] An ecological process that arises from the addition or removal of top predators and involves reciprocal transformations in the populations of predator/prey through their natural food chain, leading to a chain reaction that can cause profound transformations in ecosystem structure and nutrient cycling (Carpenter, 2020)

Experts claim that this cyclical regeneration is directly related to the reintroduction of the wolves, who are considered key species in ecosystem management (BBC, n/d; Monbiot, 2013; Youatt, 2016).

Indeed, it might be particularly interesting to explore how non-human beings may be seen as political beings with their own communities, polities and agency:

> Here, rather than assuming human beings to be the sole agents and authors of political events – whether as intentional agents, or as the bearers of social structures, social meanings, and discourses – a more careful, non-anthropocentric analysis of political life would reveal those accounts to be fictions that bury many forms of nonhuman agency under ideas like 'unintentional consequences' or 'structural constraint' or, in fact, ignored entirely. (Youatt, 2017: 42)

Considering the fundamental roles that non-human beings play in keeping the balance of natural ecosystems and of the entire biosphere, then, it might be worth rethinking the value we assign to their agency and to their preservation. Nevertheless, it should be made clear that the transformation of humanity's mode of relationship with non-human nature (one that leads to a greater moral consideration of their intrinsic value as living beings and, practically, to respect for their existence) should not be based on an instrumental view of their value *to us*, on their "usefulness" to human beings as ecosystem managers or allies in climate change mitigation. Authors like Eckersley (2004), Youatt (2014) and Burke et al. (2016) argue that a more positive, respectful human relationship with non-human beings is essentially (but not exclusively) a moral and ethical matter. As Youatt (2014: 212) states, the framing of the species boundary of political life and political communities as one that excludes non-human beings is extremely important in the sense that "by thinking about animals solely as biological beings, rather than as political beings, it makes deeper, more direct forms of intervention into their lives morally and politically unproblematic (…)".

Kavalski and Zolkos (2016: 145) also make an interesting analysis of the IR discipline's engagement with non-human nature through the topic of recognition, asking what it might mean for IR theory and practice "to grant nature a recognizable status as an agent in international life". They note how the Westphalian framework of the discipline establishes that "one's participation in the international society of states is simultaneously validated and formally guaranteed in international law" by "the mutual recognition of and by states" (Kavalski and Zolkos, 2016: 145). In this sense, recognition in the Westphalian states-system has been predominantly state-centric (even more than human-centric) and "there

have been few attempts at applying the concept of recognition in IR to provide an inclusive account not just of the human, but also of the nonhuman interactions in global life" (Cudworth and Hobden, 2011 apud Kavalski and Zolkos, 2016: 140). Aiming to remind the disciplinary mainstream of the deep interdependence between human beings' and non-human beings' systems and life forms, they call for the recognition of non-human nature's *actorness* in world politics and in international life. In line with Youatt's (2014: 210) claim that, in order to escape anthropocentrism, what is needed is "a shift in human moral and political frameworks that orient our relations with other species", Kavalski and Zolkos argue that recognition of non-human nature's *actorness* can only be achieved through "the ontological and political reorientation of IR to make itself open and responsive to non-human agency" (Hobden, 2015 apud Kavalski and Zolkos, 2016: 140).

The authors argue that the disciplinary frameworks' basic premise of "belief in human rationality and a fundamentally physical order" (Kavalski, 2009 apud Kavalski and Zolkos, 2016: 144) means that:

> (…) the mainstream ontological purview of IR has been underpinned by the perception that human/sociopolitical systems (such as civil society, states, international organizations, etc.) are simultaneously *detached from* (not only conceptually, but in practice) and *in control of* the 'nonhuman' natural/biophysical systems within which they are embedded. In this respect the mainstream disciplinary conversation has been concerned *only* with 'the human subject' (and especially, with *willed* – that is, intentional – human/sociopolitical phenomena) and its anthropomorphized effects (such as states and their alliances). (Kavalski and Zolkos, 2016: 144)

The global environmental crisis, however, in its plurality of phenomena (e.g. global warming, sea-level rise, extreme weather events, etc.) seems to be making it extremely clear that these human/sociopolitical systems were never truly detached from natural/ biophysical systems. Global warming and sea-level rise eliminate any illusion of security or stability that may have been behind IR's traditional conceptions of the world we live in as human beings, and extreme weather events are certainly unpredictable. Taking this into account, "the recognition of nature gains its significance to the theory and practice of IR", because only when the important roles played by non-human beings and non-human systems are taken into account can there be "hope for ethical adaptation to the challenges of the Anthropocene" (Kavalski and Zolkos, 2016: 145).

Kavalski and Zolkos identify and explore three different but mutually constitutive conceptualisations of nature recognition that are briefly summarized below.

1 – Vulnerability and resilience of human and non-human systems and life forms. The authors stress how the Anthropocene contributes to a vast, symbolic and cultural "*loss of plurality of life modes, their interconnectivity, co-relationality and symbiosis*", which corroborates "the shared individual and collective precarity of human life and nature" in this historical epoch (Kavalski and Zolkos, 2016: 145.). According to them, "the attractiveness of recognition theory for the conceptualization of nature in IR lies precisely in its challenge to think of both human and non-human life in terms of their cross-sectionality, interdependence and mutual vulnerability" (Kavalski and Zolkos, 2016: 145-146). Awareness of this mutual vulnerability and of the loss of both human and non-human systems and life forms can be felt at the affective level, through mourning and grief, and therefore "the recognition of nature understood in terms of this affective response to the human-induced environmental and climatic change is significant insofar as it entails an act of validation of nature as a subject of mourning" (Kavalski and Zolkos, 2016: 146). Recognizing non-human nature as a subject of mourning opens us, as human beings, to multiple "others" (be they animals, plants, minerals, or other humans) and can generate what Kavalski and Zolkos call "the politics of mourning" – something which can lead to international action (Kavalski and Zolkos, 2016: 146).

It is easy to imagine the sadness or grief one can easily feel when confronted with pictures of polar bears standing on tiny blocks of ice in the middle of an endless Arctic ocean, or of elephants dying of thirst and hunger in sub-Saharan Africa. Likewise, the progressive disappearance of iconic ecosystems like the Amazon rainforest or the Great Barrier Reef has the potential to emotionally affect multiple people. As Kavalski and Zolkos note, in the current context of climate change, "recognition of nature inevitably entails recognition of a certain *loss* of nature" (Kavalski and Zolkos, 2016: 147). The point, then, is to rethink the "meaning and practice of [international] justice beyond considerations of state-centred approach to climate change 'solution', and beyond the human rights approach" (Adger et al., 2011 apud Kavalski and Zolkos, 2016: 147). Besides the issue of mutual vulnerability, however, lies also the issue of resilience and adaptability to change, that both human *and* non-human systems and life forms share. This entails recognizing that not only humans, but also non-human beings and ecosystems are resilient and capable of adapting to change, and that this resilience should be valued and harnessed in both cases, to develop more positive, ecologically sustainable, and just solutions to the climate emergency. The roles

played by bees, whales, forests and wolves that were mentioned above are good examples of this.

2 – Recognition as respect. Kavalski and Zolkos (2016) refer to David Schlosberg's work on critical recognition theory to demonstrate how it is possible to develop a vision of the diversity of agency in international life that goes beyond the state-centric and the human-centric domains, combining systemic elements of human and non-human interactions. In the authors' words, "this take on the project of nature recognition pivots on the notions and practices of respect" (Kavalski and Zolkos, 2016: 148). They base this idea of recognition as respect on the central notion of *respect for difference*, asserting that "it is necessary to qualify here that recognition as respect is often (and erroneously) treated as synonymous with recognition as similarity" (Kavalski and Zolkos, 2016: 148). Indeed, "in the context of international politics, the 'similarity approach' implies that the recognition of non-human actors can occur only to the extent that there is some *resemblance* between them and human actors" – which would be a continuation of anthropocentrism (Kavalski and Zolkos, 2016: 148). The criteria of similarity to humans would probably exclude the majority of non-human beings and life systems (revealing itself as ineffectual), and it would again be – as just mentioned – reflective of an anthropocentric perspective. Instead, *recognition as respect for difference* would allow for a significant reorientation of human relations with non-human nature, one that is both non-anthropocentric and potentially much more effective when dealing with the global environmental crisis.

3 – Mutuality in the recognition-relation. Kavalski and Zolkos refer to how critical theories of recognition have their origins in the Hegelian concept of selfhood; "at the heart of the Hegelian tradition is the suggestion that human beings acquire social existence intersubjectively and dialogically" (Fraser and Honneth, 2003 and McQueen, 2011 apud Kavalski and Zolkos, 2016: 150). In the authors' words:

> (…) while the Hegelian imaginary of the subject of recognition is explicitly human-centric (…) this tradition nevertheless helps to suggest that the recognition of non-human actors in international life requires not simply the need to extend the concept of recognition beyond the agency of the state, but rather the requirement for its radical reframing 'beyond-the-human' into a non-anthropocentric conception of international life. (Kavalski and Zolkos, 2016: 150)

Recognition can therefore be revealed as a "relational process", and "the emphasis on mutuality suggests that the basic ontological condition of all international actors – be they human or otherwise – is relational" (Kavalski and Zolkos, 2016: 150). This suggestion is

particularly important when exploring Eckersley's proposals for practices of deliberative democracy that bring non-human beings into the discussion, which will be explored in the next chapter. Kavalski and Zolkos (2016: 150) contend that "by recognizing the mutuality between human and non-human systems in IR, it is possible to begin the encounter with global life in the Anthropocene". In other words, "the attention to mutuality allows for recognizing the simultaneity, agency and subjectivity of both human and non-human actors on the global stage" (Kavalski and Zolkos, 2016: 115).

Being aware of this fact, especially in the present context of the global environmental crisis, not only challenges the IR discipline to theoretically reorient its research questions and critical analyses of world politics and international life, but also challenges us to rethink prevailing narratives about the world we live in and the kind of actors that inhabit it. It challenges us to rethink issues of inclusion, exclusion, membership, rights and agency in a planetary community of beings – following Burke et al.'s (2016) suggestion that our existence is neither international nor global, but planetary. Rethinking these narratives can then help us transform the political, economic and sociocultural systems that have been informing – in very practical ways – humanity's mode of relationship with non-human nature in a way that leads to species extinction, ecosystem destruction and – ultimately – to the climate emergency. The question that imposes itself here is: can this encounter with global life be realized in the Westphalian states-system – or does it require a certain move *beyond Westphalia*?

Conclusion

In this chapter we aimed to demonstrate how authors from different critical theoretical currents, namely eco-Marxism, ecofeminism and IR critical theory, agree that there is a need for a deep transformation of humanity's current, dominant mode of relationship with non-human nature if a more adequate engagement with the effects of the global environmental crisis is to occur (Tickner, 1993; Foster, 2000; Klein, 2014; Mies and Shiva, 2014). This mode of relationship is premised on an erroneous assumption of humanity's separation from non-human beings and life systems, an assumption which is both profoundly influenced and simultaneously keeps shaping prevailing narratives about the world (divided in fixed units called states); about the kind of political subjects that populate this world (human beings); and about the interactions between them (*international relations* as opposed to *interspecies relations*) (Youatt, 2014). Indeed,

authors from the critical field of IR stress that some of the central norms of the Westphalian states-system (e.g. sovereignty; territoriality; anthropocentrism) informed and constituted these prevailing narratives, based on ideas of membership, agency, subjecthood, participation and representation that are inherently human-centric and therefore exclusive of almost all non-human nature. That is why Burke et al. (2016) claim that there is a need for new stories, myths and practices which may help human beings transform (or indeed revolutionize) their fundamental image of the world, seeing it neither as an international nor as a global community of states, but rather as a planetary community of living beings, bound together by complex relationships of interdependence, mutual vulnerability and resilience (Lovelock, 2009; Kavalski and Zolkos, 2016). Because such a transformation would deeply challenge some of Westphalia's central norms and the international processes and systems that these norms underlie, it may require a progressive move towards post-Westphalian political communities, as we will explore in the next chapter.

Chapter 3 – Conceptual and Methodological Framework

Post-Westphalia and Non-Human Nature

In this chapter we describe the conceptual and methodological framework that guides this dissertation, focusing on post-Westphalian critical theory, on possibilities for transforming humanity's current mode of relationship with non-human nature, and on the analytical tool that was chosen to explore the case study of the RoN movement. In the first section of the chapter, we look at Andrew Linklater's (1998) critique of the Westphalian states-system and his proposal for its transformation through the establishment of dialogic relations in some form of ideal communication community that would include systematically excluded "others" into its moral and political boundaries. In the second section, we look at Robyn Eckersley's (2004) more radical approach to Linklater's work, as the author takes a deliberately non-anthropocentric stance by including non-human beings into the sphere of excluded "others", and advocates for the creation of a deliberative green state that might positively challenge some of Westphalia's central norms (e.g. sovereignty; citizenship; territoriality) and thus allow for the representation of non-human beings' interests and needs in some kind of post-Westphalian international society. Still in this section, we look at how Andrew Dobson's (2010) ideas about political subjecthood and voice, particularly his argument that democratic practice has predominantly focused on the act of speaking and should be balanced with a much greater and more inclusive attention to the careful practice of active listening, can complement Linklater's and Eckersley's work. Finally, in the third section we discuss critical discourse analysis (CDA) and its pertinence as an analytical tool to examine the case study of the RoN movement.

1 – The critique of the Westphalian states-system and proposal for its transformation

Linklater (1998) calls for the transformation of modern political communities in order to overcome their inherently exclusive character and its associated moral deficits. Linklater (1998: 1) views the Westphalian states-system, born from the Peace of Westphalia in 1648, as one essentially premised on the inclusion of those deemed as "citizens" or "insiders" and the exclusion of those deemed as "aliens" or "outsiders"; and he claims that "the survival of political community owes much to the fact, which Bodin (1967, p. 21) emphasised, that the social bond between citizens and the state does not extend to aliens".

In fact, he contends that the reason why modern political communities have endured is precisely because of their exclusive character and because most of them define their identities by stressing the differences between insiders/citizens and outsiders/aliens.

Linklater (1998: 25-26) describes the Westphalian states-system as the site of a totalising project marked by two central tendencies: first, the "production of estrangement between societies", meaning the estrangement between citizens and aliens; and second, the creation of "internal social hierarchies which developed with state-formation and nation-building". Historically, the totalising project originated from the success that modern states had over competing forms of political organisation (city states and imperial structures), "by striking the appropriate balance between the accumulation of coercive power and the encouragement of capitalist development" (Linklater, 1998: 28). The acquisition of monopoly powers by the sovereign state, along with an increasing capacity for social control brought about by industrialisation, precluded "alternative sites of power and authority which could compete with the state for human loyalty" (Linklater, 1998: 28).

According to Linklater (1998: 28): "From the outset, state-formation and the accumulation of monopoly power generated distinctive patterns of exclusion". The modern state underwent a process of nationalizing political community and marginalizing particular minorities, while simultaneously excluding "aliens" (Linklater, 1998). Indeed, Linklater (1998: 28-29) claims that "not only did the state initiate the totalising project: it mastered the political vocabulary with which to legitimate it". Gradually, a "powerful statist discourse" arose which combined the concepts of sovereignty, territoriality and citizenship, and to which the concept of nationality was later added, based on the belief that "ideally, all citizens should subscribe to one national identity conveyed by a common language and culture" (Linklater, 1998: 29). From the start, then, the Westphalian states-system was one which tried to erase *difference* within and beyond its national boundaries and, for Linklater (1998), the essential problem of modern political community is precisely its *exclusion of difference and otherness* – both between "citizens" and "aliens", and between various social groups within the state.

However, the Westphalian state and its totalising project do not go unchallenged. Linklater (1998: 3) claims that "making the moral case for new forms of political community is an important trend in recent international relations theory", one that is accompanied by the similarly important attempt to establish "that modern states are much more precarious and

far more susceptible to change than neo-realism suggests". In fact, sociological inquiry demonstrates how presently existing structures are neither natural nor permanent; they are, on the contrary, historically contingent and therefore "likely to be succeeded by different arrangements in the future" (Linklater, 1998: 3). Linklater (1998: 26-27) points to a "two-pronged attack on sovereign political communities", originating from morally universalistic claims that call for amplifying the role of authorities above the nation-state; and from the politics of Indigenous groups and minority nations, which call for "reducing the influence which sovereign states exert over local communities and subordinate cultures". Those who challenge traditional Westphalian sovereignty, like feminist political theorists, claim that new political authorities (either sub-state, national or supranational) must be "responsive to an ethic in which care and responsibility for the other displace the logic of social control which has been integral to state-formation and inherent in the totalising project" (Linklater, 1998: 27).

The tendencies of globalisation and fragmentation that have evolved in opposition to and in response to each other in latest decades, along with the social and economic changes they produced, have been having serious impacts on the modern state's capacity to perpetuate the totalising project – something which may potentially spell the end of the Westphalian era (Linklater, 1998). According to Linklater (1998: 31-32), "unprecedented degrees of globalisation and unusual levels of ethnic fragmentation cast doubt on the efficacy and legitimacy of the nation-state as the primary vehicle for successful cooperation in many core regions within the modern world system". The "globalisation of relations of production and exchange", which undermined "the state's traditional power to direct the national economy", has led to numerous inroads into traditional Westphalian sovereignty (Linklater, 1998: 30). Furthermore, an increasing "global interconnectedness" that raises awareness of the common experiences and challenges faced by the human species weakens "the state's capacity to regulate the political identities and loyalties of its citizens" (Linklater, 1998: 30). One important example of these common experiences and challenges is transnational harm, which, in present times, is significantly embodied by climate change. Indeed, the state's role in "securing close cooperation between citizens is reduced as the latter turn to various sub-national and transnational actors to promote, amongst other things, measures to secure environmental protection (Hurrell, 1994, p. 162)" (Linklater, 1998: 30).

By promoting the homogenisation of international society, globalisation actually fuels the politics of identity and community (Linklater, 1998). Where there is no convergence between cultural and political boundaries (for example, in the case of Indigenous peoples living in colonial settler states), there have been increasing pressures to transform "traditional conceptions of community and citizenship which are hostile to the creation of group-specific rights" (Kymlicka, 1989 apud Linklater, 1998: 32). Minority nations, migrant communities and Indigenous peoples therefore promote the "politics of recognition", relying also on "transnational political activity" that is made possible by globalisation, and thus seeking "global support for their project of reconstructing national communities" (Linklater, 1998: 32). The growing prominence of the politics of recognition is, in Linklater's view, a central indicator of movement *beyond* the Westphalian era (Linklater, 1998). Due to these circumstances of gradual change in the international society of states, there is a growing need "to reflect upon new forms of political community which sever the links between sovereignty, territoriality, citizenship and nationalism" (Linklater, 1998: 34).

Linklater's (1998) work is, then, fundamentally concerned with understanding how social bonds uniting and separating individuals and groups are formed. In so doing, he aims to strengthen the cosmopolitan critique of the Westphalian states-system by arguing for the widening of the moral boundaries of political communities, in order to include previously excluded "others", "outsiders", or "aliens". This widening of moral boundaries underlies his proposal for the triple transformation of political community, one which seeks to "secure greater respect for cultural differences, stronger commitments to the reduction of material inequalities and significant advances in universality" (Linklater, 1998: 3). For Linklater (1998: 3), such a transformation can both "resist pressures to contract the boundaries of community" and encourage "societal tendencies which promise to reduce these basic moral deficits" resulting from the Westphalian state's totalising project.

His proposal for the transformation of modern political communities is closely connected to Habermas' conception of discourse ethics and to the normative ideal of a universal communication community which, according to Kant, would be "the defining political aspiration of the post-Westphalian epoch" (Linklater, 1998: 37). Linklater (1998) refers to the dialogic turn in recent social theory, one that "points towards a normative approach to community which supports greater universality coupled with a deeper commitment to the wealth of human differences" (Linklater, 1998: 41).

> Dialogue holds out the promise that agreements will not be reached by ignoring or suppressing marginal and dissident voices. The logic of the argument is that dialogic communities will be sensitive to the needs of the victims of the totalising project: namely, aliens beyond secured borders and a range of internally subordinate groups. (Linklater, 1998: 41)

Linklater (1998) argues that contemporary praxeological analysis can overcome the limitations of Kant's and Marx's conceptions of praxeology, which lacked sufficient attention to the need for measures designed to secure respect for cultural differences. Contemporary praxeological analysis can explore how to institutionalize "visions of a universal communication community" that attribute significantly less importance to shared national identities and assume that "political decisions lack legitimacy if they are taken without considering their likely effects on systematically excluded groups inside and outside the boundaries of existing forms of life" (Linklater, 1998: 43). This is, indeed, one of the nuclear problems of the Westphalian states-system: the fact that traditional notions of citizenship tend to "deny aliens the right to participate in institutions that make decisions affecting their vital interests" (Held, 1995 apud Linklater, 1998: 44). In the present context of the global environmental crisis, it is not uncommon for specific actors (like states) to make decisions regarding activities (e.g. extractivism) that produce negative environmental impacts on other communities and/or beings, without taking those impacts into account in their decision-making.

A solution to this problem might be achieved by following cosmopolitan democracy's proposal for the establishment of "transnational political structures in which citizens and aliens are associated as equal participants in a universal communication community" (Linklater, 1998: 44). Linklater (1998: 44) asserts that contemporary praxeological analysis can contribute to a move beyond "exclusionary sovereign states by imagining modes of citizenship which weave new relations between universality and difference into the structure of contemporary political life". These new relations can be weaved precisely through the use of dialogue because, as Linklater (1998: 48) states, "human subjects cannot perceive the world other than through the distorting lens of language and culture (…)". He follows a thin conception of cosmopolitanism which has "no fixed and final vision of the future" and supports "the development of wider communities of discourse which make new articulations of universality and particularity possible" (Linklater, 1998: 49).

Indeed, for Linklater (1998: 51), the dialogic ideal "envisages post-nationalist communities which are sensitive to the needs of the systematically excluded within and outside

traditional borders", making it "one of the principal ethical foundations of the post-Westphalian era". In these communities, new social bonds may develop which can "unite citizens around the common aim of eradicating unjustifiable exclusion and promoting deep diversity" (Linklater, 1998: 83).

According to him (1998: 84), "transnational harm provides one of the strongest reasons for widening the boundaries of moral and political communities to engage outsiders in dialogue about matters which affect their vital interests". This happens because societies are not self-contained and incapable of harming one another, which means that the boundaries of moral communities cannot truly converge with the boundaries of political communities, and "societies are inevitably drawn into complex dialogues about the principles of international coexistence" (Linklater, 1998: 85). This is particularly important in the context of our dissertation, considering that climate change is one of the strongest examples of transnational harm that illustrates how societies are never truly self-contained. Hence, it may be an ideal context in which to develop these wider communities of discourse which expand the moral boundaries of political community in order to include previously excluded "others".

The important point of departure for establishing dialogic relations (and eventually creating dialogic communities) is that "membership of wider communication communities does not presume that others must have the same cultural orientations or share similar political aspirations" (Linklater, 1998: 85). As we will see below through Eckersley's (2004) work, it might not even presume that others must share the same species. In fact, an openness to difference is fundamental, and "all that has to be assumed is that cultural differences are no barrier to equal rights of participation within a dialogic community" (Linklater, 1998: 85).

Linklater (1998) turns to Habermas' conception of discourse ethics to develop his proposal. In Habermas' view, discourse ethics results from complex processes of moral learning, as "norms cannot be valid unless they can command the consent of everyone whose interests stand to be affected by them" (Habermas, 1989 apud Linklater, 1998: 91). Procedurally, his account of normative validity is based on communicative competence, that is, the ability to take part in rational discourse (Eckersley, 2004).

> It follows that a political community which has a commitment to discourse ethics will be deeply concerned about the damaging effects of its actions on outsiders. One of its central beliefs is that the validity of the principles on which it acts can

> only be determined through a dialogue which is in principle open to all human beings. (Linklater, 1998: 91)

Habermas defines the procedures that are central to authentic dialogue as including "the convention that no person and no moral position can be excluded from dialogue in advance, and the realisation that authentic dialogue requires a particular moral psychology" (Linklater, 1998: 92). This moral psychology is illustrated by the fact that true dialogue "only exists when human beings accept that there is no a priori certainty about who will learn from whom and when all are willing to engage in a process of reciprocal critique as a result" (Habermas, 1990 apud Linklater, 1998: 92). The need for cooperation in dialogue means that every participant must be willing to question his/her convictions and truth claims, while also respecting others' and being open to the possibility of having "all points of departure (…) modified in the course of dialogue" (Linklater, 1998: 92). Indeed, "a commitment to be guided by the unforced force of the better argument is made whenever subjects bring their respective views before the tribunal of open discussion and explore the prospects for an inter-subjective consensus" – with the goal of reaching a common understanding (Linklater, 1998: 119-120).

It is for these reasons that Linklater (1998: 92-93) claims that "discourse ethics takes a critical stance towards all systems of exclusion (…)"; and, indeed, its purpose is to "remove the modes of exclusion which obstruct the goal (…) of global arrangements which rest upon the consent of each and every member of the human race". Dialogue is therefore the means through which the triple transformation of political community that Linklater advocates for can truly happen, because:

> Answerability to universal norms and sensitivity to the specific differences of others require dialogic communities which assume that the legitimacy of social practices depends upon the consent of the traditional victims of unjust exclusion. Dialogue in such communities involves all members equally in a quest for universals which disregards the differences between persons where these are morally irrelevant, but also ensures that the enterprise of creating public norms and institutions is sensitive to salient social differences and committed to reducing debilitating material inequalities. (Linklater, 1998: 94)

According to this, dialogue promotes moral progress, especially when the latter is viewed as a "widening of the circle of those who have rights to participate in dialogue and the commitment that norms cannot be regarded as universally valid unless they have, or could command, the consent of all those who stand to be affected by them" (Linklater, 1998: 96). Although discourse ethics defines some of the necessary preconditions for open dialogue, "dialogic communities can never be confident that all barriers to open discourse have been

removed" (Linklater, 1998: 99). There exists a "permanent danger of failures of comprehension between the members of different cultures or the exponents of radically different perspectives" that cannot be overlooked (Linklater, 1998: 99). Still, the establishment of wider or even universal communities of discourse "which increase the range of permissible disagreements would represent a significant shift beyond the Westphalian era of classical sovereign states and their totalising projects" (Linklater, 1998: 108).

As we have seen so far, Linklater's (1998) approach to the exclusionary character of the Westphalian states-system and its totalising project focuses on human beings. The subjects that he identifies as the systematically excluded "others" or "aliens" include women, refugees or Indigenous peoples. In a sense, then, his work does not go as far as to reject the anthropocentric framework, because he does not approach the exclusion of non-human nature from the moral boundaries of modern political communities. His critique is nevertheless very relevant for our present purposes, because it can be applied to the idea that the Westphalian states-system has historically (through its inherent anthropocentrism) always been exclusive of a significant number of beings (*both* humans like Indigenous peoples, refugees and ethnic minorities; *and* non-human beings) who share this planet with us, placing them outside the circle and viewing them as "aliens".

In the present context, enlarging those moral boundaries to include systematically excluded "others" like non-human nature may propel us towards a triple transformation of political community that is not only more respectful of cultural differences but also of *species* differences; that encourages significant advances in universality, not only by urging us to recognise particular groups of humans who tend to be marginalised, but by challenging human beings to view the world they live in not just as an international society of states, but as a planetary community of beings who are deeply interconnected and interdependent. These relationships of interconnection and interdependence mean that the processes of decision-making in human political communities should – when looking at all those who stand to be affected by those decisions – take into account not just human groups who tend to be excluded from them, but also non-human beings and ecosystems.

Having looked at how the historical development of the Westphalian state, along the axes of sovereignty, territoriality, citizenship and nationality, and always under an anthropocentric perspective, informed "prevailing conceptions of identity and otherness",

it becomes clear that these conceptions "are far from natural or permanent, and they can be unlearned in more dialogic communities" (Linklater, 1998: 4). In effect, Linklater asserts that "political communities embodying higher levels of universality would not attach deep moral significance to differences of class, ethnicity, gender, race and alien status" (Linklater, 1998: 5). These claims are especially relevant regarding humanity's relationship with non-human nature: as we will see when exploring Eckersley's work and our case study, if we succeed in developing more dialogic communities where non-human beings come to be seen as subjects holding moral and legal rights, prevailing conceptions of identity and otherness may be radically transformed in a way that positively impacts how we conceive of and relate to those beings. Hence, we may extend Linklater's point by arguing that political communities which embody higher levels of universality would not attach deep moral significance to differences of class, ethnicity, gender, race *and species*. This would entail a deeper level of respect for difference, in light of what Kavalski and Zolkos (2016) refer to as *recognition as respect*.

For Linklater, then, the critical project of transforming political communities through the widening of their moral boundaries means that:

> To make dialogue central to social life is necessarily to be troubled by the ways in which society discriminates against outsiders unfairly by harming their interests while denying them representation and voice. (Linklater, 1998: 7)

In such context, we could ask: what are the implications of thinking about these "outsiders" beyond the species boundary of the human? In a planet that is currently experiencing a global climate emergency, with unprecedented levels of ecosystem destruction, species extinction and natural catastrophes that affect both human *and* non-human nature, are we not indeed harming *our* interests (of both human and non-human beings) by denying them representation and voice in the course of our decision-making? What would happen if people *were* troubled by the ways in which modern human societies tend to continuously discriminate against the needs and interests of non-human beings – something which may be argued to lie at the centre of the global environmental crisis (Eckersley, 2004)? Linklater's (1998: 6-7) following words are relevant here:

> Creating social relations which are more universalistic, less unequal and more sensitive to cultural differences are the three dimensions of the project of transformation. Engaging the systematically excluded in dialogue about the ways in which social practices and policies harm their interests is a key ethical commitment for any society which embarks on this process of change. (Linklater, 1998: 6-7)

If humans were to regard the world we live in as a planetary community of beings instead of as an international society of states, they would perhaps no longer be able to view non-human beings as "outsiders" or "aliens", but rather as members and co-participants in a planetary community – perhaps, as Eckerley (2004: 124) refers, recognising non-human nature as "co-partner in biosocial evolution rather than the mere background or stage for the unfolding of human actors". If human societies were to truly engage those who are arguably the most systematically excluded "others" or "aliens" (non-human nature) in dialogue about the ways in which their social practices and policies (e.g. extractivism; deforestation; industrial agriculture; overfishing) have harmed their possibilities to survive and thrive, they might develop new ways of living on this planet which can contribute to a more positive mode of relationship with non-human beings, simultaneously helping to address the global environmental crisis.

Insofar as the Westphalian states-system is deeply determined by anthropocentric conceptions of sovereignty, citizenship, territoriality and nationality, then the *encounter with global life* that Kavalski and Zolkos (2016) mention can only be truly achieved by progressively moving towards a post-Westphalian system. In the contemporary international system, non-human beings and nature as a whole are most frequently seen as "outsiders", "aliens" or simply disregarded, since the point of reference in human societies is *human beings and the forms of organisation (e.g. Westphalian nation-states) that they developed*. The argument we can draw from post-Westphalian critical theory is that, if the global environmental crisis demands that humans recognize the importance and intrinsic worth of the "others" with whom they share the global biosphere, then perhaps human political communities must look beyond traditional Westphalian narratives in order to transform the way they relate to these "others".

To make it clear, transitioning to a condition in which the concepts of sovereignty, territoriality, citizenship and nationality no longer converge to define the "nature and purpose of political association" does not necessarily imply that "conventional state structures either will or should disappear, but rather to suggest that states should assume a number of responsibilities which have usually been avoided in the past" (Linklater, 1998: 44). These responsibilities could thus involve the inclusion of non-human nature into political decision-making through unprecedented forms of dialogue, and through the transformation of prevailing notions of membership/citizenship, political subjecthood, agency, voice, rights, representation, and participation. Now, to understand how it might be

possible to engage in these new forms of dialogue, it is crucial to explore Robyn Eckersley's (2004) work, which builds on several of Linklater's arguments but goes further by adding a non-anthropocentric view.

2 – The proposal for a post-Westphalian green state

There are two aspects of Eckersley's (2004) work that are particularly relevant for the purposes of this dissertation: first, her formulation of an ecological democracy that suggests ways of including non-human nature into the circles of deliberation and decision-making in political communities (something which may help transform humanity's relationship with non-human nature); and how this formulation has the potential to gradually lead political communities into a post-Westphalian system.

Eckersley (2004) develops her critical political ecology perspective in order to argue for the creation of a green state, which would essentially be a post-Westphalian democratic state promoting practices of deliberative democracy that aim to include the most systematically excluded "others", namely non-human nature and future generations. The project of building such a state would necessarily depart from a "rethinking of the principles of ecological democracy [which] might ultimately serve to cast the state in a new role: that of ecological steward and facilitator of transboundary democracy (…)" – instead of what Eckersley defines as an egocentric and anthropocentric actor concerned only with its territory and human national citizens (Eckersley, 2004: 3). Such a transformation would entail "a more fundamental normative theory of the proper character and role of the nation-state vis-à-vis its own society and territory, the society of states, global civil society, and the global environment" (Eckersley, 2004: 1). Through her exploration of "new regulatory ideals of the green democratic state, and the practice of what might be called 'ecologically responsible statehood'", Eckersley's goal is to "connect the moral and practical concerns of the green movement with contemporary debates about the state, democracy, law, justice, and difference" (Eckersley, 2004: 2). In the next chapter, we will see how these moral and practical concerns of the green movement may connect with contemporary debates about the state, law, justice and difference through the Rights of Nature movement.

In line with Linklater's proposal for the triple transformation of political community, Eckersley (2004: 2-3) seeks to broadly define "the constitutional structures of a green democratic state" that might lead to a more adequate protection of non-human nature

"while maintaining legitimacy in the face of cultural diversity and increasing transboundary and sometimes global ecological problems". Indeed, her aim of casting the modern state in a new role "poses a fundamental challenge to traditional notions of the nation, of national sovereignty, and the organization of democracy in terms of an enclosed territorial space and polity" (Eckersley, 2004: 3). In this sense, it may be understood as a potential inroad into post-Westphalian communities, requiring a set of "new democratic procedures, new decision rules, new forms of political representation and participation, and a more fluid set of relationships and understandings among states and peoples" (Eckersley, 2004: 3).

Eckersley (2004) makes it clear that she does not wish to reject the state, but rather to think about its possible reinvention – which is in agreement with Linklater's argument that "states should assume a number of responsibilities which have usually been avoided in the past" (Linklater, 1998: 44). Eckersley thus positions herself against a significant number of green political theorists who tend to assume an anti-statist posture. In her own perspective, and despite recognizing what she describes as "the limitations of state-centric analyses of global ecological degradation", Eckersley considers that it is important to critically reflect on the "emancipatory potential of the state", especially "given that one can expect states to persist as major sites of social and political power for at least the foreseeable future" (Eckersley, 2004: 5).

The global environmental crisis and the "new and interlinked ecological discourses" that have arisen in response to it in recent years may, however, present an ideal opportunity for the transformation of modern political community (namely through the creation of the green state) (Eckersley, 2004: 48). This happens because the crisis encourages the development of "an ecologically just world order" which would necessarily comprise a "set of radical reconceptualizations of what amounts to legitimate use and illegitimate abuse of property and territory, and human and nonhuman nature, by human agents and collectivities (including states)" (Eckersley, 2004: 48). Climate change and the ecological discourses that arose in response to it therefore both constitute and lead to "deep changes to the international order", potentially posing a serious challenge to the Westphalian states-system (Eckersley, 2004: 49). One of the most obvious ways in which this challenge is posed is through the "unbundling of territoriality" (Ruggie, 1993 apud Eckersley, 2004: 49) that we are currently experiencing, a process caused by an inherent paradox of

Westphalia's traditional system of rule that the global environmental crisis is only making increasingly clear:

> This paradox arises from the fact that a system of rule that is territorially defined, fixed, and mutually exclusive has no ready means of managing (1) territory or spaces falling outside the territorial jurisdiction of states (e.g. oceans, waterways, and the atmosphere) or (2) problems of common concern that are irreducibly transterritorial in nature (e.g. global warming). (…) from the perspective of critical political ecology, these two examples are paradigmatic of most ecological problems, and they suggest that the ecological crisis has the potential to transform the rationale and structure of exclusive territorial rule, and the identities and interests of states (…). (Eckersley, 2004: 49)

Trying to solve this paradox would involve a reconceptualisation of Westphalia's traditional system of rule – e.g. the principle of sovereignty – to render it less exclusive, which connects with Linklater's critique of the inherently exclusionary character of the Westphalian states-system and the modern state's totalising project. Here, it is useful to remember Linklater's (1998: 84) claim that transnational harm constitutes "one of the strongest reasons for widening the boundaries of moral and political communities to engage outsiders in dialogue about matters which affect their vital interests", particularly considering that societies are not self-contained.

Eckersley's politically challenging proposal for the transformation of modern states is as following: "All those potentially affected by a risk should have some meaningful opportunity to participate *or otherwise be represented* in the making of the policies or decisions that generate the risk" (Eckersley, 2004: 111). This formulation is closely aligned with Linklater's (already mentioned) assertion that dialogue promotes moral progress, especially when one understands this progress as an expansion of the circle of "those who have rights to participate in dialogue and the commitment that norms cannot be regarded as universally valid unless they have, or could command, the consent of all those who stand to be affected by them" (Linklater, 1998: 96). In order to orient political decision-making in a direction that is both "risk averse" and "concerned to avoid the unfair displacement of risk", Eckersley (2004: 111) contends that "representatives who do engage in decision making with risk implications for others [should] proceed as if all those affected were present, well informed, and capable of raising objections (…)".

What makes Eckersley's formulation of democracy both new and ecological, and different from the one explored by Linklater, is that the opportunity for participation or representation in the process of decision-making, particularly regarding risk-generating activities, "should literally be extended to all those potentially affected, regardless of social

class, geographic location, nationality, generation, or species" (Eckersley, 2004: 112). That is why the author claims that an ecological democracy would be a "democracy *for* the affected" rather than a "democracy *of* the affected" (Eckersley, 2004: 112). In this way, the circle of morally considerable beings becomes much more inclusive, embracing also non-human nature. Eckersley's proposal also directly challenges Habermas' procedural account of normative validity, which – as mentioned before – is based on the idea that only those norms should be considered valid that can be approved by all those potentially affected, "*insofar* as the latter participate in rational discourses" (Eckersley, 2004: 112). Eckersley replaces the word "insofar" with "as if", in order not to exclude all the subjects who lack communicative competence from a human point of view:

> Of course, many nonhuman others are not capable of giving approval or consent to proposed norms; however, proceeding *as if* they were is one mechanism that enables human agents to consider the well-being of nonhuman interests in ways that go beyond their service to humans. Unlike Habermas' formulation, the critical ecological formulation acknowledges the very important role of *representation* in the democratic process. (Eckersley, 2004: 112-113)

According to Eckersley, "communicative competence is, after all, arbitrary from a moral point of view" (2004: 125); and, as she points out, if the "first-best solution of letting all nonhuman others and future generations speak for themselves is impossible", then two alternatives remain to "either accept the second-best solution of allowing their interests to be represented by others who can speak, or we resign to the unacceptable situation where their interests remain unrepresented" (Eckersley, 2004: 121). In her perspective, Habermas' discourse ethics constitutes a valuable tool for unveiling unequal power relations and the political actors perpetuating them; for identifying issues and particular groups of individuals that are both excluded from public dialogue; and for distinguishing public interests from vested private interests (Eckersley, 2004). Nevertheless, "no systematic consideration of nonhuman others can ever be expected, least of all guaranteed, by the discourse ethic" (Eckersley, 2004: 166); the only way to ensure that non-human nature can be adequately represented in public dialogue is by incorporating matters of environmental justice into discursive protocols, which would require deliberators to take non-human nature into account.

In Eckersley's transformative formulation of an ecological democracy, the demos is "no longer fixed in terms of people and territory", providing "a challenge to traditional conceptions of democracy that have presupposed some form of fixed enclosure, in terms of territory and/or people" (Eckersley, 2004: 113). Here we can see how it might defy some

of the Westphalian states-system's central norms, since the "relevant moral community" that should be taken into account when making risk-generating decisions is neither ontologically, geographically nor temporally bounded (Eckersley, 2004: 113). Instead, this "community at risk" should be understood as that which is "tied together not by common passports, nationality, blood line, ethnicity, or religion but by the potential to be harmed by the particular proposal" (Eckersley, 2004: 113). Besides, it "would extend almost indefinitely into the future, encompassing countless generations" (Eckersley, 2004: 113).

If we imagine a logging project that would destroy a significant portion of an ancient rainforest, the community at risk might therefore comprise: a) all human villages dependent on the natural resources of the forest for food and medicine; b) all trees and plants composing the rainforest; c) all animal species (including migratory species, therefore not territorially-bounded) that have their temporary or permanent habitats in the forest; d) future generations that would no longer be able to rely on this ecosystem to live and thrive; e) and the broader international community that might suffer from having yet another carbon sink removed from the biosphere, which might indirectly further contribute to global warming. This is in accordance with Eckersley's (2004: 113) claim that "in each case the affected community would typically include both present and future human populations and the ecosystems in which they are embedded"; and that the boundaries of the affected community "would rarely be determinate or fixed but instead have more of the character of spatial-temporal zones with nebulous and/or fading edges". The author (2004) also stresses that this need not mean that all potential risk-generating activities should be absolutely forbidden, but rather that – when risks are involved – deliberators and decision-makers should weigh the potential risks (and the size of the affected community) against the potential gains from those activities.

Of course, such a proposal carries significant and complex challenges on moral, epistemological, political and institutional levels. Epistemologically, it is challenging because it asks deliberators "to search for meaningful, practical, and parsimonious ways of representing the interests of others who may, in varying degrees, not be fully *knowable* and cannot represent themselves" (Eckersley, 2004: 114). It consequently "seeks to add a new layer to the already vexing question of political representation by adding the concept of political trusteeship: persons and groups within the polity speaking on behalf of those living outside (…)" (Eckersley, 2004: 114). We will see in the next chapter how this concept of political trusteeship closely connects with our case study of the RoN movement.

Essentially, however, what this means is that risk generators (e.g. corporations; private property holders; or even states) would have to justify their projects and activities in a way that can be "acceptable to potential risk recipients" – including, of course, non-human nature (Eckersley, 2004: 114).

On a political level, Eckerley's proposal is challenging because it demands "actors responsible for risk-generating activities" to "literally and/or metaphorically face and answer potential victims, or risk recipients, in an open and critical communicative setting" – something which must be achieved precisely through the establishment of dialogic relations (Eckersley, 2004: 114). Indeed, "the failure to provide an acceptable justification to victims and/or their representatives should mean that the ecological risk-generating activity ought not to be undertaken as a matter of environmental justice" (Eckersley, 2004: 114).

Finally, her proposal is institutionally challenging – especially to the Westphalian states-system – because "it does not regard the boundaries of the nation-state as necessarily coterminous with the community of morally considerable beings" (Eckersley, 2004: 114). This point connects with Linklater's (1998) observation that cultural and political boundaries do not always converge (for instance, in the case of Indigenous peoples living in colonial settler states), and that this lack of convergence significantly defies traditional, Westphalian conceptions of community and citizenship that have so far been based on tying together the concepts of sovereignty, territoriality, citizenship and nationality. For Eckersley (2004: 115), the primary appeal of her proposal for an ecologically-oriented deliberative democracy rests on the fact that "public spirited political deliberation is the process by which we learn of our dependence on others (and the environment) (…) and learn to recognize and respect differently situated others (including nonhuman others and future generations)". Here, again, we can see a connection with Kavalski and Zolkos' (2016) call for *recognition as respect for difference*.

Eckersley then refers to three mutually constitutive features of deliberative democracy that help understand why this model is particularly interesting for those concerned both with avoiding ecological risks (therefore, answering the global environmental crisis) and with widening the moral boundaries of political communities:

1 – Unconstrained dialogue. This would necessarily include those groups which tend to be silenced by the modern state and its decision-makers, comprised both of historically

marginalised humans (e.g. refugees; Indigenous peoples) and non-human beings. Listening to these groups' interests and needs in a form of dialogue which would be subject to rational arguments and not to the hidden economic and political interests of the elites – something which would correspond to Habermas' and Linklater's conception of an ideal communication community – would give a greater chance to those groups of seeing their needs and interests met (Eckersley, 2004). Indeed, "the requirement that dialogue be unconstrained or free is a requirement that only justified arguments should be allowed to sway the participants in the dialogue" (Eckersley, 2004: 116). Hence, as already mentioned in the previous section, the "implicit goal of discourse – mutual understanding – can thereby be reached on the basis of the 'unforced force of the better argument'" (Eckersley, 2004: 116).

2 – Inclusiveness. This feature points to an "other-regarding orientation" that every participant in deliberative dialogue should have, a form of what Eckersley (2004: 116) identifies as "enlarged thinking" and that would entail "the imaginative representation to ourselves of the perspectives and situations of other in the course of formulating, defending, or contesting proposed collective norms". Deliberators are therefore encouraged to imagine themselves in the place of others who are affected by the decisions and actions of states, corporations and other actors, which could possibly create bigger empathy towards those others. In other words, if an agreement is to be reached, then deliberators should argue for their proposed norms in terms that can be acceptable to every participant (Eckersley, 2004).

3 – Social learning. Finally, the "social learning dimension of deliberative democracy flows from the requirement that participants be open and flexible in their thinking", entering a dialogue while being prepared to "have their preferences transformed through reasoned argument" (Eckersley, 2004: 117). Again, this feature is connected with "the notion of 'communicative action' [that] lies at the heart of Habermas' analysis of social learning" (Linklater, 1998: 119). Including frequently silenced human groups and non-human beings into discussions about public and political decisions necessarily requires flexibility and open-mindedness, especially considering that humans have seldom been willing to accept the possible needs and interests of those who they view as "outsiders" or "aliens" in their political communities. The extra advantage of this feature is that it "also highlights what is typically defended as one of the great strengths of deliberative democracy, that is, its educative and social learning potential" (Eckersley, 2004: 117).

Indeed, if deliberators were to position themselves in the place of radically different others, like non-human nature, they might perhaps be in a better place to rethink and challenge prevailing narratives about the world we live in and how to relate to the non-human members of this world.

Through the previously mentioned features, dialogue and public deliberation might help avoid risk-generating activities in the environmental field by exposing and subjecting to scrutiny "the assumptions, interests, and worldviews of technocratic policy professionals, politicians, and corporate leaders" (Eckersley, 2004: 118). Besides, "because it does not confine its moral horizons to the citizens and territory of a particular polity, it may be understood as a transnational form of democracy that is able to cope with fluid boundaries" – again challenging some of the central norms of the Westphalian states-system (e.g. citizenship and territoriality) (Eckersley, 2004: 119).

Naturally, deliberative democracy does not come without challenges, a central one being the question of how to represent and speak on behalf of non-human nature. Who would represent non-human beings, and how would they know what the interests and needs of those beings actually might be? The challenge of *speaking on behalf of* non-human nature is indeed intricately connected to the debate on how we "know" non-human nature: "The project of incorporating nature into the moral community presupposes not only a preparedness on the part of (at least some) humans to take on a trusteeship role but also that these trustees actually know enough about nature to protect it" (Eckersley, 2004: 121). The concept is, after all, "burdened with multiple and ambiguous meanings, and these meanings are variable across different cultures and over different historical periods" (Eckersley, 2004: 121). However, this does not need to be an unsolvable problem: as we will see in the next chapter through our case study, there are particular social groups (e.g. Indigenous peoples) who can play a relevant role here.

Although some critics mentioned by Eckersley suggest that it is in fact not possible to imagine what a "tree" or a "lake" would have to say, if it were able to speak according to human standards, others would contest this claim – as we will see in the next chapter. Eckersley (2004: 132) recognizes that "there are many reasons why political representatives may find it difficult or impossible to understand or imagine the perspectives of *all* differently situated others", including "because of lack of personal experience of the other, lack of information, or misinformation, or scientific uncertainty".

However, lack of personal experience of and information about non-human nature may be foreclosed if we turn to representatives who possess direct knowledge of it.

Eckersley (2004: 122-123) states that "naïve realist understandings of nature are therefore inconsistent with a critical political ecology understanding of the production of knowledge, not the least because they tend to be dismissive of cultural difference". Such cultural difference entails distinct worldviews and cosmologies of non-human nature and non-human beings; hence the importance of turning to peoples and cultures who have for a long time had a closer relationship with non-human nature (as already mentioned by Tickner in the literature review chapter), and who might therefore have a better knowledge of what non-human beings' interests and needs might be. Indeed, as Eckersley (2004: 123) adds, "naïve realism is blind to the way in which scientism denies the validity of local, vernacular forms of knowledge based on experience". She thus claims that "scientific understandings of environmental impact would also need to be placed alongside vernacular understandings of environmental problems based on firsthand field experience by local people (farmers, indigenous peoples) (…)" (Eckersley, 2004: 126). This would ensure that "the different purposes of knowledge generation for different ecosystems can be laid bare for public scrutiny, testing, and evaluation" (Eckersley, 2004: 126).

In order to overcome the exclusionary anthropocentric character of modern political communities, then, Eckersley argues that the fundamental requirement is to make representation as *diverse* and *inclusive* as possible:

> (…) as a matter of environmental justice, special procedural measures or due process for disadvantaged minorities, nonhuman others, and future generations are necessary to counteract the systematic biases against the interests of this neglected constituency by those existing political actors who might otherwise pursue more short-term, self-regarding economic interests at the expense of these more diffuse and unrepresented interests. (Eckersley, 2004: 126)

Here we can again see an alignment with Linklater's proposal for the triple transformation of Westphalian political communities, one which aims to "secure greater respect for cultural differences, stronger commitments to the reduction of material inequalities and significant advances in universality" (Linklater, 1998: 3) – although, of course, Eckersley's approach goes significantly further by being non-anthropocentric.

> In particular, risk-generating and risk-displacing decisions are less likely to survive policy-making communities and legislative chambers that are inclusive in terms of class, gender, race, region, and so on, and especially so when the deliberators are *obliged* to consider the effects of their decisions on social and ecological communities both within *and beyond* the formal demos. Such

> procedures would, in effect, serve to redraw the boundaries of the demos to accommodate the relevant affected community in every potentially risk generating decision. (Eckersley, 2004: 133)

This redrawing of the boundaries of community would then pose a challenge to Westphalian conceptions of citizenship that are both anthropocentric and nationalistic. Its challenge to the exclusive character of the modern states-system and its totalising project is also reflected in the fact that diversity in representation allows for the confrontation, displacement and ultimate stretching of the representatives' political imagination, "thereby going some way toward correcting the exclusionary implications of the knowledge and motivational deficits associated with all forms of political representation" (Eckersley, 2004: 133). In this way, a diverse and inclusive representation in an ecologically-oriented deliberative democracy might help contribute to a move beyond "exclusionary sovereign states by imagining modes of citizenship which weave new relations between universality and difference into the structure of contemporary political life" (Linklater, 1998: 44).

In those cases of "value pluralism, conflict, and scientific complexity and uncertainty" that make it particularly hard to make decisions, Eckersley claims that the green democratic state "cannot be neutral" (Eckersley, 2004: 134). Indeed, in her perspective, environmental justice in an ecological democracy necessarily requires "rights and decision rules that positively favour the disadvantaged and communicatively incompetent over well-resourced and strategically oriented economic actors" (Eckersley, 2004: 135). One way to achieve this would be through the establishment of green democratic constitutions, which might recognize, protect and reward "ecologically responsible social, economic and political interactions among individuals, firms and communities" (Eckersley, 2004: 140). We will see that initiatives such as these were already taken, for example in the case of Ecuador's 2008 Constitution, which institutionalized Rights of Nature, even though there are significant challenges regarding implementation of these new protective rights.

Still, Eckersley contends that "the green democratic state cannot be relied upon alone to uphold these processes and in any event must always be understood as part of a broader, state-society complex" (Eckersley, 2004: 140). The public sphere is that which connects states and societies, "comprising those communication networks or social spaces in which public opinions are produced" (Eckersley, 2004: 140). In Eckersley's perspective, "one of the aims of green constitutional design should be to facilitate a robust 'green public sphere' by providing fulsome environmental information and the mechanisms for contestation, participation, and access to environmental justice" (Eckersley, 2004: 140). As we will see

in the next chapter, the RoN movement may potentially encourage the development of such a green public sphere. As Eckersley states:

> All public spheres, and perhaps especially green ones, "are fluid, wide-ranging, and not confined to the discursive spaces of parliament, the state or even the civic nation but rather stretch to encompass discourses of local, regional, international, and global common ecological and social concerns. (Eckersley, 2004: 171)

Furthermore, insofar as the global environmental crisis is impervious to national boundaries (Burke et al., 2016) and effectively demonstrates that societies are not self-contained, Eckersley suggests that the green democratic state might actually "emerge as a legitimate 'transnational state', that is, one that enjoys the confidence of its own citizens *as well as* other communities that it may serve or assume responsibilities toward" (Eckersley, 2004: 171). Eckersley (2004: 175) argues that the principle of membership (or the concept of citizenship) could be extended in ways that allow for states, "understood in this context as legal steering systems, to serve not only the national community but also other kinds and layers of communities in circumstances where a significant ecological nexus can be found". After all, "national communities are only one kind of community and they are under increasing strain from the processes of globalization" (Eckersley, 2004: 185) – as was already mentioned in Linklater's overview of the challenges to the state's totalising project, created by the double tendencies of globalisation and fragmentation in recent decades (Linklater, 1998).

> If nations are imaginary communities based on abstract rather than embodied social bonds, then there seems to be no good reason for denying the significance of other kinds of imaginary communities that come into being in response to common problems that transcend national boundaries or simply in response to human suffering or ecological degradation wherever it may occur in the world. (Eckersley, 2004: 185)

Such an observation is encouraging to those searching for potential indicators of movement beyond the Westphalian states-system. As Eckersley (2004: 198) contends, "more than any other contemporary political problem, the ecological crisis invites a critical rethinking of the exclusive relationship of citizens and states to their territories (…)". Moreover, such a questioning of the traditional principles surrounding territorial rule (e.g. sovereignty) would represent a significant blow to the state's relationship with its territory, which is a fundamental part of its identity, of its very *raison d'être* (Eckersley, 2004). Mostly, Eckersley reminds us that the project of building the green deliberative state is one that will never be concluded, as it "must be understood as an ongoing process of finding ways of extending recognition, representation, and participation" to promote an enhanced mode

of relationship between humanity and non-human nature (Eckersley, 2004: 169). Whether the development of this state represents a progressive move towards post-Westphalian political communities "is a function of the histories and shared understandings of states" – and the way these histories and understandings can be affected by other actors, like civil society, transnational advocacy networks, or the green public sphere (Eckersley, 2004: 201).

At this point, and to close this section, it is also particularly relevant to bring into our reflection Andrew Dobson's work on the issues of representation, political subjecthood, speaking and listening, which are all connected to the nature of democracy in environmental politics (Dobson, 2010).

In "Democracy and Nature: Speaking and Listening", Dobson (2010: 752) begins by claiming that politics has been associated with speaking, or with *the act of speech*, ever since Aristotle first "attempted to define the nature of the political animal" – something which has made it particularly difficult for the green movement (at least in its more radical versions) to extend political subjecthood to non-human nature. According to Aristotle's words in Book 1 of *Politics*, nature has endowed humans alone "with the power of reasoned speech"; and "speech is something different from voice" (which other animals also have and use) because it "serves to indicate what is useful and what is harmful, and so also what is right and what is wrong" (Aristotle, 1962 apud Dobson, 2010: 752-753). Therefore, speech – which, "unlike voice, enables us to communicate judgments" – becomes the ability that differentiates humans from non-human beings (Dobson, 2010: 753). The capacity to produce and communicate judgments constitutes "a precondition for the political life because according to Aristotle the 'sharing of a common view' in matters of good and evil, right and wrong, just and unjust, is what makes a city – the *polis* itself" (Dobson, 2010: 753). Speech is consequently central to an Aristotelian conception of politics, which Dobson claims necessarily makes politics discriminatory; not particular forms of politics but its very nature, "because at its heart lies a capacity that is given only to some beings" (Dobson, 2010: 753).

This means that "politics itself is defined by inclusion/exclusion, and the mark of those who are included is the right and/or capacity to speak, and the mark of the excluded is the derogation of either their right or their capacity – and often both – to speak" (Dobson, 2010: 753). As Dobson claims, "from this perspective progressive politics can be read as

the struggle for the right and the capacity to speak" (Dobson, 2010: 753). He refers to the civil rights, gay rights and feminist rights movements, which can be said to take on this very struggle. However, the challenge is considerably greater for non-human nature which, following Aristotle's conception, may possess *voice* but not the ability to *speak* (Dobson, 2010). The Aristotelian link between politics and speech thus represents a significant obstacle to those who argue for the recognition of political subjecthood to non-human beings. Insofar as this conception is perpetuated, claiming that political subjecthood is necessarily dependent on the ability to produce speech, it will always be challenging to recognize non-human beings as political subjects, making it considerably harder to uphold their interests and needs on the decision-making stage.

Here we could go back to Kavalski and Zolkos' (2016) idea of recognition as respect, which is based on the central notion of *respect for difference*. As the authors highlight, "recognition as respect is often (and erroneously) treated as synonymous with recognition as similarity" (Kavalski and Zolkos, 2016: 148). Indeed, "in the context of international politics, the 'similarity approach' implies that the recognition of non-human actors can only occur to the extent that there is some *resemblance*" between non-human beings and humans (Kavalski and Zolkos, 2016: 148). The similarity here, and according to an Aristotelian conception of politics, would have to be the common capacity to produce reasoned speech. However, if non-human nature does not share such capacity, then it is not recognized, because the standards of recognition – and consequent rights for participation in political life – are anthropocentric and exclusive.

We can also see parallels between the exclusionary nature of the Westphalian states-system as explored by Linklater (1998), who argues that modern political communities are systems of inclusion and exclusion based on particular criteria (e.g. nationality; citizenship) that separate citizens from aliens and insiders from outsiders; and the exclusionary nature of politics itself as explored by Dobson (2010), who argues that the classic, Aristotelian conception of politics also resorts to particular criteria (e.g. the ability to produce reasoned speech) to separate political subjects from non-subjects. In this way, the definition of politics that has informed the political practices of the modern state so far can be seen as one of the tools that the state could use to perpetuate its totalising project, by denying the right of political participation to specific human groups (e.g. black and Indigenous people; women; the LGBTQIA+ community) and even more so to non-human nature. Although the struggle for these groups' rights to political participation was long

and hard, the struggle to recognize non-human beings as political subjects is even more challenging.

Dobson (2010) then explores Bruno Latour's approach to the question of political subjecthood in his *Politics of Nature* (2004), which we cannot examine in detail here. Suffice it to state that Latour argues for the politicization of nature, carefully building on the argument that speaking is not an exclusive human capacity (Dobson, 2010). Rejecting what he sees as a false dichotomy between *nature* and *society* – in line with Jason Moore's (2015) contention – Latour aims to build a new set of collectives that bring together both human and non-human beings, something which he does by "'exchanging properties' between humans and non-humans, with a view to exposing characteristics that they have in common" (Dobson, 2010: 758). These are not biological but rather political characteristics and, according to Dobson, the most important of them is the fact that "we do not hear from either things or humans in an unmediated way" (Dobson, 2010: 758). In both cases, there are "spokespersons" or representatives of humans (who speak for them in a political sense) and representatives of non-human nature (who speak for it in an epistemological sense) (Dobson, 2010: 758). In other words, "Latour is suggesting that listening to human claims and to those of nature is not such a different exercise – they both involve interpretation" (Dobson, 2010: 759). The consequence of this is that, for Latour, it is wrong to assume that only humans can speak and participate in discussions and arguments. Indeed, scientists have "invented *speech prostheses that allow nonhumans to participate in the discussions of humans* (…)" (Latour, 2004 apud Dobson, 2010: 759). For Latour, then, science has given non-humans "the power to speak" in the sense that, when scientists observe, study and interpret specific components of non-human nature, they are in a way allowing non-human nature to speak through them (Dobson, 2010: 759). Following this line of thought, an example regarding melting ice in the Arctic would go like this: by studying the icy landscapes of the Arctic and the rate and scale at which they are melting, scientists could communicate this worrying reality of climate change to policymakers and the general public, and thus allow the Arctic *to speak through them*.

It should be noted here that Latour's remarks about the role of science in giving non-human nature *the power to speak* can be interpreted in a Western, patriarchal way in the sense that it does not recognize the close relationships – and perhaps the better suited firsthand knowledge experience mentioned by Eckersley above (2004) – between Indigenous peoples, local communities and non-human nature. But it is still interesting to

see how, as a result of his reasoning, Latour believes that non-human beings are not "matters of fact", because *getting to know them* (through observation, examination, interaction) is a *subjective* exercise; it is always subject to interpretation (Dobson, 2010: 760). Getting to "know" non-human nature nevertheless requires "attentiveness on *our* part"; it requires receptivity to engage with the other-than-human world (Dobson, 2010: 760). This is how Dobson builds the bridge with the issue of listening – which is, according to him, one of the fundamental receptive capacities that allows us to get to know non-human nature and to potentially better understand its interests and needs (Dobson, 2010). It is through listening that non-human beings can become "matters of concern" instead of "matters of fact" (Dobson, 2010: 760). Dobson has no doubts, indeed, of "the importance of listening for effective deliberation" (Dobson, 2010: 762). His focus on this exercise as a key tool for *getting to know* non-human nature suggests a possible answer to what Eckersley (2004) pointed as the common difficulties in representing non-human beings – namely the lack of experience, information and personal knowledge of those beings.

Despite the importance of listening as a powerful way to *get to know* non-human nature, Dobson (2010: 760) argues that "very little attention has been paid to listening – as opposed to speaking – in democratic political theory". Actually, even in those areas "where the most strenuous efforts have been made, such as in theories and practices of deliberative democracy, and in theorising more inclusive forms of democratic theory and practice, the practice of listening receives relatively little attention" (Dobson, 2010: 761). This is, then, not only one of the consequences of following an exclusionary definition of politics as something necessarily dependent on the act of speech, but it is also significantly problematic, especially in an "arena where the plaintiff's voice is very quiet indeed, and thus requires very careful attention – the arena of nature" (Dobson, 2010: 764).

Dobson (2010) notes how this lack of attention to the practice of listening may actually contribute to democratic deficits and to the exclusive character of political representation and participation just as much as a potential lack of voice. He notes how *to listen* is more than just *to hear*, as it requires the cultivation of a particular disposition, one which encourages greater receptivity on the part of the listener, instead of only responsiveness on the part of the speaker (Dobson, 2010). This idea is interesting, because it shifts the focus of the discussion away from a lack of voice (or a lack of the ability to produce reasoned speech – which is often indicated as the reason why non-human beings cannot truly be

considered political subjects) to a lack of sufficient attention or receptivity on the part of deliberators and decision-makers.

Considering that non-human beings are those most likely to be affected by a conception of politics and practices of democracy that focus primarily on the act of speaking, it is not surprising that "it is indeed those with a foot in both the environmental and democratic camps who seem most likely to take listening seriously" (Dobson, 2010: 761). In fact, Dobson (2010: 764) concludes that "'giving voice to nature' is less a matter of finding ways of literally making nature speak, and more a question of listening harder to what it already has to say". This is particularly relevant when cultivating the open-mindedness and flexibility included in the social learning dimension of deliberative democracy as described by Eckersley (2004), in order to bring non-human beings into the circles of political subjecthood and participation through representation.

Indeed, as the global environmental crisis demands a concerted and collaborative response to phenomena like species extinction, ecosystem destruction and global warming, it seems particularly important to start *listening* to the specific needs of the species under risk of extinction and of the ecosystems being destroyed, because taking them into account might actually prevent human societies from taking the kind of actions that are leading to these events in the first place. Cultivating the practice of active listening as suggested by Dobson can therefore have the effect of: 1) rendering political life in modern communities more inclusive, by extending political subjecthood to non-human beings and nature; 2) and by allowing non-human nature's participation in political life, effectively challenge some of the central norms of the Westphalian states-system, including its anthropocentrism and the interlinked concepts of sovereignty, territoriality, citizenship and nationality. It may therefore promote a significant transformation of humanity's current mode of relationship with non-human nature, which can represent a potential response to the global environmental crisis and a way to promote movement of political communities in a post-Westphalian direction.

3 – On methodology: critical discourse analysis

In the previous section we have explored Linklater's (1998), Eckersley's (2004) and Dobson's (2010) critical analyses of the exclusive character of the Westphalian states-system; of the possibilities for including non-human nature into the circles of political participation through representation, which can potentially encourage modern political

communities to move in a post-Westphalian, deliberative, green direction; and of the importance of transforming prevailing narratives around the concepts of political subjecthood, agency, and voice. To close this chapter, it is now important to turn to the methodological tool that was used in this dissertation to analyse the case study of the Rights of Nature movement, and to understand to what extent this movement may represent the emergence of a post-Westphalian narrative as an alternative, more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis. This tool is critical discourse analysis.

CDA is a specific research program that consists of studying discourse – both textual and oral – through an explicitly critical approach or position that seeks to understand power relations in society (van Dijk, 1995). This analytical current sees the use of language as a specific form of social practice and, by recognizing that all social practices are linked to particular historical, social and political contexts, and that prevailing social relations are either (re)produced or contested by such practices, aims to understand how the use of discourse influences power, ideology, institutions, social identities, and other elements of society (Janks, 1997; Fairclough, 2013). Here it is useful to remember how Linklater identified the use of dialogue as key to the establishment of new relations and modes of citizenship that can contribute to a move beyond exclusionary Westphalian states, given that "human subjects cannot perceive the world other than through the distorting lens of language and culture (…)" (Linklater, 1998: 48). Language can thus be seen as a fundamental social practice for the construction but also the deconstruction and transformation of particular social realities. Indeed, according to Fairclough (2013), CDA is both normative and explanatory, in the sense that it does not limit itself to describing reality as it is, but simultaneously seeks to explain and assess it according to the values and principles it follows, and how these may contribute to the achievement of fair, equal societies.

As part of critical social analysis, CDA departs from the understanding that "social realities have a reflexive character, i.e., how people see, represent, interpret and conceptualize them is a part of these realities" (Fairclough, 2013: 178). Its objects of study are therefore both material and semiotic, and the dialectical relations established between them are what constitutes discourse (Fairclough, 2013). Discourse is thus "understood as one system mutually constituting and being constituted by other systems operating by different logics, in a dialectic relationship" (Laastad, 2019: 6). In the specific context of the global

environmental crisis, studying prevailing and alternative narratives about climate change, about non-human nature, and about humanity's relationship with non-human nature is essential if we are to understand how this crisis originated and how it might be overcome. The usefulness of resorting to CDA in this dissertation can be explained by its concern with an "oppositional study of the structures and strategies of elite discourse and their cognitive and social conditions and consequences, as well as with the discourses of resistance against such domination" (van Dijk, 1995: 19). The Rights of Nature movement – as we will explore in the next chapter – can be an example of such discourses of resistance that try to encourage a different mode of relationship between humans and non-humans.

Most of the concepts approached so far in the previous chapters (e.g. community; citizenship; anthropocentrism; sovereignty; political subjecthood…) were born and used within particular, prevailing narratives and worldviews promoted by the political and economic elites of a modern, Westphalian system that is currently facing the dangers of meeting its own limits. Movements of resistance such as RoN that are now arising across different cultures and geographies call such discourses and narratives into question by proposing a different, non-anthropocentric and perhaps post-Westphalian and dialogical mode of relationship with non-human nature – one that may set human political communities on a very different course. They do this by contributing to different understandings of concepts such as political community, subjecthood, agency, voice, participation, rights, and the very roles and identities of states in current times.

Indeed, as Laastad (2019: 5) notes, "discourses try to fix meaning, this way defining which constructions of the social world can be taken for common truths (…)". However, they are constantly being articulated and rearticulated and can consequently "never be totally closed or complete", since "their exterior limits are created by other discourses that are also inherently open-ended" (Laastad, 2019: 5). The point is that, given that "meaning is transitory, and therefore changeable depending on culturally and historically specific social interactions, it must be possible to deconstruct representations of reality" that are, after all, based on "subjectively constructed foundations" (Laastad, 2019: 5). Here we can be reminded of Linklater's (1998: 3) argument that "modern states are much more precarious and far more susceptible to change than neo-realism suggests", given that sociological inquiry demonstrates how presently existent structures are neither natural nor permanent but rather historically contingent and "therefore likely to be succeeded by different

arrangements in the future". Likewise, Eckersley (2004: 185) points out that "nations are imaginary communities based on abstract rather than embodied social bonds", and that how political communities are formed and can evolve is always "a function of the histories and shared understandings of states" – and, we would add, other actors like civil society, international organisations, NGOs, etc. What this means is that discourses and narratives that form shared understandings have developed the modern, Westphalian states-system as a particular reality of the social world – but, if and when these shared understandings are transformed by alternative discourses and narratives, such representations of reality can be deconstructed and reshaped. As we will try to demonstrate, this is what the RoN movement does: several of the narratives it proposes (different as they may be, but all agreeing on the fact that non-human nature should be recognized rights and political subjecthood in some form) aim to deconstruct prevailing representations of reality and thus consequently transform humanity's relationship with non-human beings in practice.

According to Espinosa (2014: 394), "by illustrating how discourse is intimately intertwined with power and knowledge" – an assumption that can be traced back to Foucault – it is possible to conduct "an analysis of language in use linked with broader sociohistorical contexts and political processes". In fact:

> This means that discourses influence people's engagement with each other and with the environment, legitimize or ridicule certain systems of knowledge, encourage or belittle different political actions, and appraise or degrade specific social identities. (Espinosa, 2014: 394)

As such, "politics can be thought of as a continual struggle among different discourses to attain hegemony" and, in this struggle, particular coalitions are formed among actors/agents (Espinosa, 2014: 394). In Espinosa's words, "the concept of discourse coalitions echoes that of transnational advocacy, bringing to the analytical forefront the intersubjective processes of meaning creation underpinning transnational advocacy (…)" (Espinosa, 2014: 394). As we will see in the next chapter, the RoN movement can perhaps be regarded as a discourse coalition and also as a form of transnational advocacy, where – despite being composed of different understandings about the whole of nature, and the relationships between human beings and the natural world of which they are a part – these different understandings propose new narratives that share a common purpose: enhancing humanity's mode of relationship with non-human nature. By calling for a reconceptualisation of political subjecthood, citizenship, community, agency, voice, rights and participation – all of which have attained hegemony in our current international order

under an anthropocentric perspective –, the RoN movement can therefore help challenge some of Westphalia's central norms and hence encourage movement of modern political communities in a post-Westphalian direction.

Dryzek (2005: 5) claims that "the way we think about basic concepts concerning the environment can change quite dramatically over time, and this has consequences for the politics and policies that occur in regard to environmental issues". In the environmental area no less than in any other, "language matters, (…) the way we construct, interpret, discuss, and analyze environmental problems has all kinds of consequences" (Dryzek, 2005: 9). Indeed, the importance of discourse is that it "conditions the way we define, interpret, and address environmental affairs" (Dryzek, 2005: 10).

Any analysis of discourse therefore needs to be aware that "discourses enable stories to be told" (Dryzek, 2005: 15) – but what stories? Dryzek (2005) identifies the following elements comprising any given story that can be told through the use of discourse: 1) basic entities; 2) assumptions about natural relationships between those entities; 3) actors/agents and their motives; and 4) metaphors and other rhetorical devices. The first element refers to a discourse's ontology, which means that "different discourses see different things in the world" (Dryzek, 2005: 16). It is therefore radically different to see the Earth as a planet composed of dead matter that can be used for the sake of endless economic growth; or to see it as a complex living organism composed of the deep interrelationships between all its living beings, whose limits and natural systems must be respected if it is to keep its balance. Another example would be to see human beings as the only subjects with agency and voice in the planetary biosphere; or to see this biosphere as constituted by a myriad of beings and ecosystems that, they too, possess agency and some form of voice (Dobson, 2010).

The second element regards the fact that "all discourses embody notions of what is natural in the relationships between different entities" (Dryzek, 2005: 16). As Dryzek (2005: 16) highlights, "hierarchies based on gender, expertise, political power, species, ecological sensibility, intellect, legal status, race, and wealth are variously assumed in different discourses (…)" – with very concrete consequences for those who are on the lower end of the hierarchy. In this sense, humanity's current, dominant mode of relationship with non-human nature may be said to be the result of a specific and hegemonic discourse that assumes humans ought to relate to non-human nature in a subject *versus* object

perspective. Likewise, a hegemonic discourse about political practice has assumed that what is natural in the relationship between political subjects is their shared ability to produce reasoned speech, as Dobson (2010) highlighted. As a consequence of this, all those beings who do not possess this ability are excluded from political subjecthood and practice.

The third element concerns the fact that “story lines require actors, or agents. These actors can be individuals or collectivities. They are mostly human, but can be nonhuman” (Dryzek, 2005: 16). In prevailing discourses that depict non-human nature as a set of natural resources or objects to be used and exploited, non-human beings are not seen as actors. But an alternative discourse might recognize ecosystems as collectivities of actors and agents, and particular animal and plant species (e.g. wolves; bees; pine trees) as individual actors and agents. This may, indirectly, open the door for new conceptions of agency, voice, political subjecthood and participation.

Finally, the fourth element refers to the fact that “most story lines (…) depend crucially on metaphor” (Dryzek, 2005: 17). Dryzek names several examples of typical metaphors in environmental discourse, like that which views nature as a “machine that can be reassembled to better meet human needs”; or the metaphor of organism, according to which “nature is a complex organism that grows and develops” (Dryzek, 2005: 17). Metaphors are rhetorical devices that have the purpose of convincing “listeners or readers by putting a situation in particular light” (Dryzek, 2005: 17). For example, Dryzek (2005: 17) states that “the rights of species, animals, or natural objects can be justified through reference to the long-established array of individual human rights in liberal societies” – something that, as we will see, is very present in the RoN movement.

We have thus seen that discourses play important roles in shaping our understandings of the world and, indeed, our social realities; and that they can tell very different stories about the world we live in, the kind of beings or subjects (or actors and agents) that compose this world, and the kind of *natural relationships* between them. An important factor to take into account (and of particular interest here) is that “the impact of a discourse can often be felt in the policies of governments or intergovernmental bodies, and in institutional structure” (Dryzek, 2005: 18). As we have already seen in the literature review, prevailing narratives about an international system of states instead of a planetary community of beings (with all the implications that this has for human and non-human nature), have deep structural and

institutional effects on our contemporary, Westphalian states-system (Burke et al., 2016; Youatt, 2014).

This is in agreement with Dryzek's (2005:19) claim that "beyond affecting institutions, discourses can become embodied in institutions". And "when this happens, discourses constitute the informal understandings that provide the context for social interaction, on a par with formal institutional rules" (Dryzek, 2005: 19). We might, in a way, see this as sort of a vicious circle: certain prevailing understandings of humanity, non-human nature and the relationship between them have deeply informed and shaped the way the international system of states and its institutions developed, and in turn the formal rules of the system and its institutions. Nevertheless, once they have become integrated and embodied in the former, they further feed into the kind of structures and behaviors that constitute *social practices* and *social realities*. The fact that a given discourse becomes embedded in a certain system (especially if we are referring to a global level, like the Westphalian states-system) makes it particularly powerful. Dryzek recognizes this, while also cautioning that "discourses are powerful, but they are not impenetrable" (Dryzek, 2005: 20).

> Foucault and his followers also often portray discourses in hegemonic terms, meaning that one single discourse is typically dominant in any time and place, conditioning not just agreement but also the terms of dispute. In contrast, I believe that variety is as likely as hegemony. The environmental arena reveals that for long the discourse of industrialism was indeed hegemonic, to the extent that 'the environment' was hardly conceptualized prior to the 1960s. However, this hegemony eventually began to disintegrate, yielding the range of environmental discourses now observable. (Dryzek, 2005: 20)

The Rights of Nature movement and the kind of narratives that it brings forth may be an example of the new range of environmental discourses now observable on a global scale; discourses that can potentially help disintegrate prevailing narratives about humanity's mode of relationship with non-human nature. As we have just seen, discourse is essential to storytelling, and it is precisely on these new stories, myths and practices (Burke et al., 2016) created by the RoN movement that we are going to focus on in the next chapter. In order to do so, we will begin by briefly covering the origin, development and purposes of the movement, and we will then analyse specific discourses within RoN, through the three examples that were mentioned earlier.

We searched for academic articles on the "Rights of Nature" in order to cover the general evolution of the movement, and then for academic articles focused specifically on the cases of Aotearoa New Zealand's Whanganui River; Ecuador's 2008 Constitution; and the

Universal Declaration of Rights of Mother Earth. We also gathered information from official websites, like that of the Global Alliance for the Rights of Nature; and collected the official documents from each case (the Ecuadorian Constitution; the Te Awa Tupua Act; and the UDRME). In each case, keywords that we looked for mainly (but not exclusively) include: *discourse*; *language*; *(political) subjecthood*; *being; agency*; *voice*; *rights*; *participation*; *representation*; *state*; *community*. Our research had two main purposes. Firstly, to understand how these concepts are interpreted in, and how they can influence, the debates surrounding the specific cases of RoN in Aotearoa New Zealand, in Ecuador, and hypothetically on a global level. Secondly, how the transformations that have already happened or that can potentially happen by adhering to RoN in these three different contexts connect to Linklater's (1998), Eckersley's (2004) and Dobson's (2010) critiques and proposals. We thus sought to understand to what extent the RoN movement in these cases encourages the transformation of political communities in a deliberative green direction, representing an emergent post-Westphalian narrative as an alternative, more inclusive and sustainable mode of relationship with non-human nature in the context of the global environmental crisis.

Conclusion

In this chapter we described the conceptual and methodological framework that guides our dissertation. We started by looking at Linklater's (1998) critique of the exclusionary character of the Westphalian states-system; and his proposal for its transformation through the establishment of dialogic relations in some form of communication community that would include systematically excluded "others" into its moral boundaries. This would effectively encourage the triple transformation of political community that can halt the totalising project of the modern Westphalian state. We then turned to Eckersley's (2004) more radical approach, which builds on several of Linklater's arguments (namely the need for establishing dialogic relations that seek to avoid the unfair exclusion of multiple groups within and beyond the state) but that takes a deliberately non-anthropocentric stance by placing non-human nature in the sphere of systematically excluded "others". Eckersley suggests the creation of a deliberative green state that might positively challenge some of Westphalia's central norms and principles (e.g. sovereignty; territoriality; citizenship; community) and thus enable the representation of non-human beings' interests and needs in a more inclusive kind of international society (one that would likewise be better equipped to address the global environmental crisis). Furthermore, we looked at Dobson's

(2010) critique of the Aristotelian conception of politics that identifies the ability to produce reasoned speech as a precondition for political participation, and his call for a reconceptualisation of political subjecthood and practice that gives greater attention to the act of listening and to the recognition of different *subjects* and *voices*, including those that are most radically different (e.g. non-human nature).

Finally, we discussed the importance of language and discourse as social practices that can build competing representations of reality; influence shared understandings and social relations; and transform prevailing conceptions of power, ideology, institutions, social identities, and other elements of society (Janks, 1997; Fairclough, 2013). Critical discourse analysis was therefore chosen as a particularly useful tool to study the Rights of Nature movement and the main concepts and debates that it uses and informs. In the next chapter we will demonstrate to what extent the RoN movement – in three specific cases – can reflect the changes called for by Linklater, Eckersley and Dobson through the promotion of alternative narratives and discourses about humanity's relationship with non-human nature.

Chapter 4 – Case Study

The global Rights of Nature movement

In this chapter we conduct the analysis of our case study, allowing us to answer the question: to what extent does the Rights of Nature movement represent the emergence of a post-Westphalian narrative as an alternative, more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis? In the first section of the chapter we cover the origin, development and purposes of the global RoN movement and show how these purposes align with the critiques and proposals for transformation of modern political communities in a post-Westphalian deliberative green direction, developed in one way or another by Linklater (1998), Eckersley (2004) and Dobson (2010). In the second section we explore three specific examples of how RoN is already shaping and/or can shape narratives and practices on a local, a national and a global level by looking at Aotearoa New Zealand's Whanganui River case; Ecuador's 2008 Constitution; and the draft for the Universal Declaration of Rights of Mother Earth. Each of these is approached in its own sub-section.

This chapter concludes that the RoN movement can indeed promote different ways of transforming modern political communities, by establishing new frameworks for the political participation and representation of non-human nature as a subject or collective of subjects with inherent agency, voice, and rights. By widening the moral and political boundaries of community, and by reshaping concepts of citizenship, territoriality, sovereignty, agency, voice, rights, participation and representation, this movement can encourage the development of some form of post-Westphalian deliberative green states, although we conclude that it might be easier to achieve this by starting on a local and/or national level, and that the complexity of the challenge increases the more we move to a wider scale. Still, the discursive potential of the RoN movement effectively proposes an alternative mode of relationship with non-human nature that might gradually pave the way for a different (post-Westphalian) kind of international society that may be more prepared to respond to the global environmental crisis in a way that includes both marginalized human communities (such as Indigenous peoples) and non-human beings and life systems.

1 – Origin, development and purposes of the Rights of Nature movement:

As we will see throughout this chapter, despite the fact that the RoN movement is centrally focused on the issue of law and legal rights, it has a much broader scope with significant implications on most levels of politics and society. For Osprey Orielle Lake (2017: 21), "Rights of Nature is a revolutionary and evolutionary concept, at the heart of which lies a key to addressing our horrifically dysfunctional economic system and the legal, social and political frameworks that are destroying people and planet".

Youatt (2017: 9) claims that "the personhood of nature has a long history", since multiple cultures and religions have traditionally understood it either as a living entity or as a collective of living entities (e.g. as a universal whole, or as particular parts of non-human nature, such as rivers, forests, mountains, or animal and plant species) imbued with agency and often also with personality. Contemporary interpretations of non-human nature similar to these can be found, for example, in Gaia theory (Lovelock, 2009). Regardless of the differences in stories and ontologies, and just as we saw in the second chapter, non-human nature has been "existing uneasily alongside political personifications, such as the state" and its collective entities have either been treated "at best, as relics of a bygone era or, at worst, as superstitious traditionalism that global processes of modernization will eventually dispense with" (Youatt, 2017: 9). Such uneasy coexistence is therefore the result of the historical processes of development of the state and the market through colonialist, patriarchal and capitalist projects (Tickner, 1993), and of the practice of international politics according to anthropocentric conceptions of the world (Youatt, 2014).

In spite of such uneasy coexistence, in the last twenty to thirty years "there has been a proliferation of discourse advocating for greater protection for the Earth", partly as a result of humanity's prevailing mode of relationship with non-human nature (Rodrigues, 2014: 170). Indeed, while proposals for an ethical and legal protection of non-human nature have a long history, "(…) the recent proliferation of concern for the rights of nature emerges in part from the now widespread recognition of the reality of climate change" (Rodrigues, 2014: 170). Albeit recognizing the success of some environmental protection laws over the last decades, the RoN framework was born out of the "understanding that (…) our modern legal systems have failed to prevent the increasingly grave threats of climate change, ecosystem degradation, and the growing displacement of humans and other species" (Lake, 2017: 21). As a result of this failure, and to prevent the gravest impacts of the climate emergency, "we must challenge the idea that Earth's living systems are property

and change the very DNA of our legal frameworks to adhere to the natural laws of the Earth" (Lake, 2017: 21).

The RoN movement can thus be considered a broad umbrella term (Barcan, 2019) for a globally evolving set of projects and campaigns, led mostly by non-state actors but having also – in some contexts – been accepted by state actors (as we will see below), who have been arguing for and attempting to grant legal rights or legal personhood status to non-human nature – both as a single universal entity, and as particular ecosystems and species. These attempts to recognize non-human nature's personhood and subjecthood in one form or another, and to allow for the representation of its interests and needs within the decision-making circles of modern political communities, encourage – to different degrees and according to specific contexts – the development of the modern states-system in a post-Westphalian deliberative green direction.

According to Lake (2017: 21), the "Rights of Nature framework also provides a path through which people can re-learn respect for Mother Earth, as Indigenous peoples of the world have been demonstrating for thousands of years". As expressed in the report "Rights of Nature & Mother Earth: Rights-based law for systemic change" (2017):

> The terms Rights of Nature or Rights of Mother Earth are interchangeable, though Indigenous preference for the use of Mother Earth better describes our connection and relationship. Rights of Nature or Rights of Mother Earth seek to define equal legal rights for ecosystems to "exist, flourish, and regenerate their natural capacities". Recognizing these rights places obligations on humans to live within, not above, the natural world, of which we are only one part, and to protect and replenish the ecosystems upon which our mutual wellbeing depends. In essence, it is necessary to transform our human relationship with nature from property-based to a legal rights-bearing entity. (Movement Rights, Women's Earth & Climate Action Network, Indigenous Environmental Network, 2017: 6-7)

By suggesting a fundamental redrawing of the moral boundaries of our communities, the RoN movement promotes the development of a more inclusive and representative society (Linklater, 1998; Eckersley, 2004), where humans can recognize their existence as neither international nor global, but planetary (Burke et al., 2016: 504). In this way, it can be seen as a "project for reconfiguring the global to respond to the planetary", demanding human political communities to rethink their institutions, commitments, rules and shared understandings of rights, membership and participation within but also *beyond* the Westphalian state and the human species (Burke et al., 2016: 506-507).

An overview of the development of the RoN movement can demonstrate how it has been gaining ground over recent decades. Already in the 1970s, Christopher Stone published what is considered to be a groundbreaking work for the movement – "Should trees have legal standing?" (Stone, 1972) – that will be explored below. In the following years, more works were published that presented similar ideas (Nash, 1989; Cullinan, 2003; Berry, 2011) and the movement quickly evolved from theory to practice:

1. In 2006 and in a historic first, the small community of Tamaqua Borough in Pennsylvania (USA) managed to draft a Rights of Nature law with the help of CELDF (the Community Environmental Legal Defense Fund), seeking to ban the dumping of toxic sewage sludge in the community (GARN, 2020).
2. In 2008, Ecuador passed a new National Constitution which officially recognizes the Rights of Mother Earth and Pacha Mama (Espinosa, 2019).
3. In 2010, Bolivia held the World People's Conference on Climate Change and the Rights of Mother Earth, which led to the drafting of the Universal Declaration of Rights of Mother Earth, supported by the close to 35.000 people who were present at the time (Council of Canadians, Fundación Pachamama and Global Exchange, 2010). The country also passed the *Ley de los Derechos de la Madre Tierra* through its Plurinational Legislative Assembly. The Global Alliance for the Rights of Nature (GARN), an international network composed of advocates of the RoN movement, was created in Ecuador also in 2010, with founding members from Latin America, North America, Africa, Europe and Australia (GARN, 2020).
4. In 2011, the first RoN lawsuits were decided in Ecuador, in favor of the plaintiff, the Vilcabamba River, heard by the Provincial Court of Justice of Loja (GARN, 2020);
5. In 2012, the Plurinational Legislative Assembly of Bolivia adopted a revised version of the earlier law, called *La Ley Marco de la Madre Tierra y Desarollo Integral para Vivir Bien*, which recognizes Rights of Nature in statutory law (GARN, 2020). In the same year, the national government of Aotearoa New Zealand reached an agreement with the Maori people of the Whanganui River to recognize legal personhood status for the river (Youatt, 2017).
6. In 2014, GARN held the world's first International Rights of Nature Tribunal in Quito, Ecuador, presided by Vandana Shiva. Also in 2014, the national government of Aotearoa New Zealand passed the Te Urewera Act, a settlement between the

government and the Tuhoe Indigenous people, claiming the Te Urewera national park to have legal recognition in its own right (GARN, 2020). The second International Rights of Nature Tribunal was also held that year, in Lima, Peru (GARN, 2020).

7. In 2015, the third International Rights of Nature Tribunal was held in Paris during COP21 (GARN, 2020).
8. In 2017, the Aotearoa New Zealand parliament finalized the Te Awa Tupua Act, granting legal personhood status to the Whanganui River. Also in 2017, the fourth International Rights of Nature tribunal was held in Bonn during COP23. In that same year, and partly inspired by the example of the Whanganui River case, India recognized legal personhood rights for the rivers Ganges and Yamuna (later overturned through an appeal) and for particular glaciers and ecosystems (GARN, 2020).
9. In 2018, the Supreme Court of Justice of Colombia issued a historic ruling granting rights to Rio Atrato and the Colombian Amazon Region (Lynes, 2019).

Although more developments took place during this period of time and a few others since, the aforementioned ones are illustrative of the apparently quick evolution of the RoN movement on an international/global level. [2] This evolution is significantly energized by the idea that "we therefore must initiate a process of re-educating societies, dispelling the dominant anthropocentric belief that the earth belongs to humans" (Movement Rights, Women's Earth & Climate Action Network, Indigenous Environmental Network, 2017: 7). To this end, "social movements must create the space for the shift that is necessary to protect against the tide of corporate-led globalization", a process through which "prevailing law and world-views express and confirm human authority over all of nature and do not provide the natural world with any legal standing in a court of law" (Movement Rights, Women's Earth & Climate Action Network, Indigenous Environmental Network, 2017: 6-7).

In this sense, then, the RoN movement can be seen as an example of Eckersley's observation that a recent positive development in the international system, which can potentially help transform its negative dynamics, has been "the emergence of environmental advocacy within civil society" (Eckersley, 2004: 5). This environmental

[2] More national examples can be accessed via the United Nations' *Harmony with Nature* page: www.harmonywithnatureun.org/rightsOfNature accessed 5 August 2018.

advocacy by proponents of the RoN movement can deepen “the democratic accountability and responsiveness of states to their citizens’ environmental concerns”; and it might simultaneously extend “democratic accountability to the environmental concerns of transnational civil society, intergovernmental organizations and the society of states in general” (Eckersley, 2004: 14-15). By deepening states’ democratic accountability and responsiveness not only to their *own* citizens but also to transnational civil society and to the international society of states, the RoN movement can likewise be a way to render the international states-system less exclusionary, and to halt the totalising project of the modern state that is based on separating insiders/citizens from outsiders/aliens (Linklater, 1998).

Still, in order to understand how such a movement developed, it is important to go back to one of the first works that promoted its ideas. In “Should trees have legal standing?” (1972), Christopher Stone begins by listing a number of subjects who were historically denied rights until strong movements appeared arguing for them: children, prisoners, aliens, women, black people, the insane, Native Americans, Chinese living in the USA, etc. He also stresses how non-human entities too have historically come to be seen as possessors of rights: “trusts, corporations, joint ventures, municipalities, Subchapter R partnerships, and nation-states, to mention just a few” (Stone, 1972: 452). Stone (1972) claims that medieval legal scholars had already spent “hundreds of years struggling with the notion of the legal nature of those great public ‘corporate bodies’, the Church and the State”. Thus, “throughout legal history, each successive extension of rights to some new entity has been, theretofore, a bit unthinkable” (Stone, 1972: 452). We could establish a parallel here between Stone’s analysis of the historic extension of legal rights to subjects previously excluded from them, and Linklater’s (1998) analysis of the extension of the moral boundaries of political communities to include previously excluded subjects who were left out of the categories of insiders/citizens.

According to Stone’s argument, every new movement’s attempt to grant rights onto a new subject “is bound to sound odd or frightening or laughable. This is partly because, until the rightless thing receives its rights, we cannot see it as anything but a thing for the use of ‘us’ – those who are holding rights at the time” (Stone, 1972: 452). Hence, we find ourselves in a kind of vicious circle: “there will be resistance to giving the thing ‘rights’ until it can be seen and valued for itself; yet, it is hard to see it and value it for itself until we can bring ourselves to give it ‘rights’” (Stone, 1972: 456). Attempts to confer rights on those who

have historically not had them (or, at least, not have them recognized) is always "going to sound inconceivable to a large group of people", perhaps especially to those who have a particular interest in continuing to use and exploit them (Stone, 1972: 456). Stone (1972) presents this line of reasoning in order to argue for the granting of legal rights to what he calls "natural objects" – meaning rivers, forests, oceans and, indeed, the entirety of the natural environment.

After making his proposal known, he clarifies that "to say that the natural environment should have rights is not to say anything as silly as that no one should be allowed to cut down a tree" (Stone, 1972: 457). Defending the attribution of legal rights to non-human nature does not mean that non-human nature (or any particular ecosystem/being) should have exactly the same rights as humans, or that every being that is part of the natural whole should have the same rights as all others (Stone, 1972). This is in accordance with Thomas Berry's words when he presents his case for Earth Jurisprudence, claiming that: "[E]very being has rights to be recognized and revered. Trees have tree rights, insects have insect rights, rivers have river rights, mountains have mountain rights" (Berry, 2011 apud Barcan, 2019: 6). Berry also notes that, because we exist on a universal community of beings, the fact that all living beings have rights also implies that nobody's rights should be absolute or unlimited – even when talking about humans: "We have human rights. We have rights to the nourishment and shelter we need. We have rights to habitat. But we have no right to deprive other species of their proper habitat" (Berry, 2011 apud Barcan, 2019: 6). Such notion echoes Burke et al.'s (2016: 597) observation that "the planet is telling us that there are limits to human freedom; there are freedoms and political choices we can no longer have".

Stone (1972) goes on to build a carefully laid, robust argument for how legal personality should be granted to "natural objects" and why and how they should be protected by law. He argues that the natural environment should be able to have legal standing on its own, and now more than ever, because the speed and scale at which humans have been destroying it puts all life at risk (Stone, 1972). Because of this, he contends that "the strongest case can be made from the perspective of human advantage for conferring rights on the environment", although human advantage is not the main reason why he promotes RoN (Stone, 1972: 492). In his view, this "radical new conception of man's relationship to the rest of nature would not only be a step towards solving the material planetary problems

(…)", but it also involves a transformation of human consciousness that has the potential of "making us far better humans" (Stone, 1972: 495).

He therefore proposes a system where, "when a friend of a natural object perceives it to be endangered, he can apply to a court for the creation of a guardianship", in which the guardian will represent the being's best interests, seeking the prevention of harms or compensation for harms already caused (Stone, 1972: 495). This is an example of what Eckersley (2004: 121) refers to when claiming that the project of including non-human nature into the new, enlarged boundaries of political community requires us to be prepared to take on a "trusteeship role" – which Stone refers to as guardianship. In fact, Eckersley's (2004: 114) proposal "adds a new layer to the already vexing question of political representation by adding the concept of political trusteeship: persons and groups within the polity speaking on behalf of the interests of those living outside (…)". Here, the friends of "natural objects" that Stone speaks of might then take on the role of political trustees representing the formers' interests and needs. We would add, however, a comment on Stone's use of the term "natural object", which might be seen as counter-productive if we are arguing for the recognition of non-human nature's *subjecthood*.

Stone's (1972: 492) contention that "the strongest case can be made from the perspective of human advantage for conferring rights on the environment" can help answering Jens Kersten's question: "Who needs Rights of Nature?" (Kersten, 2017: 9). In a way, it might be said that everybody needs RoN. Such statement would be in agreement with Lake's view that "as more and more activists are acknowledging, we are not just protecting nature, we are nature (…)" (Lake, 2017: 21). This idea is profoundly significant in the sense that "it is the belief that we are separate from the Earth that resides at the root of and furthers a destructive relationship to the natural world" (Lake, 2017: 21). The role that law can play here is made clear by Kersten when he notes that "Law is the body of norms that regulates the relationships between persons or between persons and things" (Kersten, 2017: 9). As we have already seen, "in the traditional legal understanding, nature is a thing or – even more technically – all parts of nature except humans are things" (Kersten, 2017: 9). Things, or objects, possess no rights; instead, they are considered as goods that can be used, exploited, preserved or destroyed (Kersten, 2017). "The legal system of a country (…) can apply the concept of legal personhood to Nature and thus give Nature subjective rights in order to solve ecological conflicts" (Kersten, 2017: 9). The fact that non-human nature is traditionally/legally understood as an object or a thing logically deprives it of

subjecthood, including political subjecthood. Law then, in its traditional conventions, is as exclusionary as the classic definition of politics that Dobson highlighted (Dobson, 2010).

In general, proponents of RoN justify the need for such a movement on the perception, "both popular and scholarly, that existing governance provisions are not sufficient (…)" to guarantee the survival of ecosystems and species, considering competing interests from particular actors (e.g. industries; corporations; states), and even more so in the present context of the climate emergency (Barcan, 2019: 3). Writing about the (so far unsuccessful) campaign to grant legal personality to the Great Barrier Reef, which is precisely one of the most famous natural wonders that has been quickly disappearing due to global warming (The New York Times, 2018), Barcan notes how RoN initiatives such as this campaign have the "potential to act as a serious piece of practical imagining" (Barcan, 2019: 3). In his view, they "can act as a popular and scholarly thought experiment – a public staging of alternative futures – at a time when experimental legal tactics and concepts are energizing law around the world" (Barcan, 2019: 4). This staging of alternative futures can potentially lead us to rethink some of the central norms of the contemporary Westphalian states-system, something which is in accordance with Roncancio's argument that the "constitutional innovation" of RoN "has successfully challenged long-standing principles of Western law, and some of the main tenets of modernity itself" (Roncancio, 2017: 77). He refers particularly to "the radical separation between nature and culture, and the exclusive social agency of humans" (Roncancio, 2017: 77). As highlighted in the second chapter, anthropocentrism – meaning the radical separation between human and non-human nature – "can also be understood to constitute and compound the species boundary of politics in ways that bear negatively on both human life and nonhuman life" (Youatt, 2014: 208).

Considering the growing perception that "the state can no longer be regarded as an effective instrument of public environmental purpose" (Vogler, 2005 apud Barcan, 2019: 5); and that environmental protection has consequently been seriously lacking (especially at a time when the global environmental crisis demands serious and urgent action), Barcan argues that "environmental law has become a fertile site for creative experiments", be it by resorting to "existing legal institutions and processes", or by experimentally creating "new institutions and instruments on ecocentric foundations" (Barcan, 2019: 5). Such an argument echoes Linklater's (1998) observation that there have been numerous inroads into traditional Westphalian sovereignty in latest decades, and that one of the contexts

where this is particularly clear is regarding environmental protection. This happens because citizens increasingly turn to both sub-national and transnational actors to seek measures for ensuring environmental protection, instead of turning to the state (Linklater, 1998).

The RoN movement can thus be seen, in a way, as a bridge-building project pointing towards some form of post-Westphalian deliberative green state or political community, "a current site of conceptual and practical experimentation" that can simultaneously promote "concrete legal tools while also exploring and advocating a much more fundamental paradigmatic transformation from anthropocentric to ecocentric law" (Barcan, 2019: 5). A good example of this would be environmental lawyer Polly Higgins' attempt to inscribe ecocide as a fifth category alongside the four crimes against peace that are part of the Rome Statute (Higgins, Short, & South, 2013). This initiative illustrates how environmental protection might be put in the hands of transnational actors (like international law institutions) and taken *away* from the state, which has traditionally held the sovereign prerogative for conservation and management of "its" natural resources (Youatt, 2014).

According to Youatt, "from a distance, the unique feature of these rights [rights of nature] seems to be that they name new, collective, legal and political subjects that are mostly nonhuman" (Youatt, 2017: 2). This can constitute "the latest round of an outward expansion of rights to the previously marginalized, building on the recognition of rights along the axes of race, class, gender, and species" (Youatt, 2017: 2). Here we can again find a correlation with Linklater's proposal for the enlargement of the moral boundaries of political communities in order to include systematically excluded "outsiders" or "aliens" (Linklater, 1998). By naming "new, collective, legal and political subjects that are mostly nonhuman" (Youatt, 2017: 2), and therefore potentially promoting the development of new institutional frameworks and processes that help uphold these subjects' rights (for example, concerning international law), RoN might also encourage the transformation of existing state responsibilities and structures, in line with Eckersley's (2004) ideas. It would also lend recognition and some form of voice to non-human nature, in line with Dobson's (2010) call for a more inclusive, non-anthropocentric form of democracy. The naming of new political subjects that are radically different from traditional political subjects (e.g. humans) also helps the RoN movement to implement the practice of *recognition as respect for difference*, as argued for by Kavalski and Zolkos (2016).

Indeed, and as we have seen in the second chapter, while international politics almost always takes humanity as a key point of reference and frequently dismisses the implications of decisions and actions on non-human beings, these implications (particularly during the climate emergency) are becoming clear enough for international politics to have to turn to “complexity-driven approaches (…) in which human agency is significantly decentred” (Youatt, 2014: 208). Consequently, through initiatives like RoN, non-human life can be increasingly “figured as a political subject in international life” (Youatt, 2014: 208). Granting legal personhood status or recognizing legal rights for non-human beings can therefore be a way of “amplifying marginalised voices and creating new forms of solidarity and governance”, as suggested by Burke et al. (2016: 507) and in line with Linklater’s (1998) call for the enlargement of the moral boundaries of community; with Eckersley’s (2004) further step to include non-human nature in these boundaries; and with Dobson’s (2010) call for the practice of *listening* to voices that human political communities traditionally silence.

Now, we would argue that the naming of new, collective, legal and political subjects who are part of non-human nature is not the only “unique feature” of RoN, but that another important characteristic of this movement is the fact that it has been significantly (although not exclusively) spearheaded by Indigenous peoples and representatives of native communities. Again, this characteristic of the movement also represents a post-Westphalian transformation of political community in light of Linklater’s (1998) critique, and quite in line with the “politics of recognition”, to the extent that these traditionally excluded peoples and communities can be given a growing presence and voice in their own representation and by acting as representatives for non-human nature. The fact that some of the best known successes of the RoN framework (e.g. Ecuador’s 2008 Constitution; Bolivia’s *Ley de los Derechos de la Madre Tierra*; or the Te Awa Tupua Act in Aotearoa New Zealand) have been strongly advanced and supported by Indigenous peoples attests to this claim (GARN, 2020). This connects our discussion to the earlier issue of representation – who is to represent non-human nature’s interests and needs? As mentioned in the third chapter, Indigenous peoples may be particularly well positioned to take on this role, something which Eckersley recognizes when she states that “scientific understandings of environmental impact would also need to be placed alongside vernacular understandings (…) based on firsthand field experience by local people (farmers, Indigenous peoples)

(…)", to ensure that enough personal knowledge and information is collected for deliberation and decision-making concerning ecological problems (Eckersley, 2004: 126).

In a recent interview, Atossa Soltani, founder and executive director of the international NGO Amazon Watch, said: "It is clear that indigenous cultures have survived for tens of thousands of years precisely because one of their principal values is honoring the earth" (Council of Canadians, Fundación Pachamama and Global Exchange, 2010: 5). The seven generation principle, based on Iroquois philosophy and claiming "that the current generation must consider the implications of their actions on seven future generations", is a good example of an ecological principle that demands that people take into account environmental sustainability in a way that has not been in accordance with the capitalist world economy and Western societies in general (Council of Canadians, Fundación Pachamama and Global Exchange, 2010: 5). It is also a good example of a way to enlarge the moral boundaries of our political communities in order for them to include future generations, following Eckersley's (2004) arguments; and in line with her claim that the new boundaries of community would "rarely be determinate or fixed but instead have more of the character of spatial-temporal zones with nebulous and/or fading edges" (Eckersley, 2004: 113). As Soltani adds: "Shifting to the indigenous paradigm of honoring the Earth and becoming better ancestors may hold the key to our own survival" (Council of Canadians, Fundación Pachamama and Global Exchange, 2010: 5). This Indigenous paradigm is purposefully non-anthropocentric and therefore runs against that which has been a prevailing conception of the world, of its political communities and of its political subjects in the Westphalian states-system.

According to National Geographic, despite comprising less than 5% of the world's population, Indigenous peoples protect and watch over more than 80% of the planet's remaining biodiversity (Raygorodetsky, 2018). This is due not only to the fact that Indigenous livelihoods are directly threatened by the capitalist system's encroachment into their ancestral homelands, which is demonstrated by movements such as the Standing Rock resistance in the USA against the DAPL project in 2016; but also to the fact that Indigenous communities have for a long time nurtured a different mode of relationship with the Earth (a *reciprocal* instead of *extractive* mode of relationship) (Steinman, 2019; Tickner, 1993). As Naomi Klein argues, these struggles have in part contributed to the fact that "non-Indigenous progressive movements are being exposed to worldviews based on

relationships of reciprocity and interconnection with the natural world (…)" that are very different from the prevailing narratives of Western culture (2014: 182).

Regarding the case of the Whanganui River in Aotearoa New Zealand (which will be further explored below), Barcan stresses how conferring legal rights on non-human entities like this river was regarded by Maori scholars "as more fundamentally compatible with the holistic understandings that characterise Indigenous cosmologies and epistemologies"; and how, in that sense, "a less anthropocentric framing" of ecosystems "could potentially open the way for a governance structure that gave greater scope for Indigenous representation" (Barcan, 2019: 13). Again, this is an example of how the extension of the moral (and legal) boundaries of political communities to include systematically marginalized "others" might work positively on two fronts: 1) by bringing frequently marginalized groups of humans, like Indigenous peoples, farmers, climate refugees and other frontline communities, to the circles of political deliberation, namely by electing them as representatives; 2) and by bringing non-human nature into the same circles, recognizing their political subjecthood and their rights to have their interests and needs upheld, by actively listening to these interests and needs as argued for by Dobson (2010). This might help promote the triple transformation of political community that seeks "to secure greater respect for cultural differences, stronger commitments to the reduction of material inequalities and significant advances in universality" (Linklater, 1998: 3) and therefore may encourage modern political communities to move in a post-Westphalian deliberative green direction.

In her article focusing on First Nations' struggles in Canada to have their treaties respected and to have the natural environment protected from economic exploitation, Laura Lynes wonders whether RoN could become "a form of reconciliation" between First Nations peoples and the Canadian government; "a way to honour the worldview held by First Nations while at the same time honouring treaty rights and the perceptions of those rights" (Lynes, 2019: 360). She adds that: "In the context of climate change, weaving the cultural, spiritual and ecological relevance of nature into personhood could bring common law into a new era (…)" (Lynes, 2019: 360). In Roncancio's words:

> In this context, indigenous movements and social scholars alike discuss the possibility of a post-extractivist era in the face of global environmental problems, and its ensuing socio-economic inequalities. In fact, the juridicisation of Amerindian principles of relationality and interdependency casts natural beings as repositories (and producers) of value-in-itself (i.e. the 'bio-centric' turn), as it is represented in folk stories, knowledge systems, material culture,

> and local ecologies. In other words, the intrinsic value of nature is an opportunity to 'slow down capitalism' (…). (Roncancio, 2017: 77)

According to Youatt, RoN allows "the movement of indigenous cosmologies into circuits of state and governance", where nature is traditionally depicted either as "an object of resource extraction and ecological management" or as an "object of political contestation among stakeholders, but never an actor in itself" (Youatt, 2017: 12). Through this movement of Indigenous cosmologies into circuits of state and governance, RoN promotes the development of new institutions and mechanisms for the inclusion and representation of systematically excluded "outsiders" and "aliens", hence promoting the transformation of political community that can lead to some form of post-Westphalian deliberative green states.

In 2018, the Kichwa people of Sarayaku, Ecuador, created a Living Forest Declaration (*Kawsak Sacha*), claiming for the recognition and legal protection of the Ecuadorian Amazon rainforest as a complex living entity that has an inherent right to exist and prosper with all its living beings – human *and* non-human – and the interrelationships between them (Lynes, 2019). This proposal was not created with the sole purpose of protecting the future livelihoods of the Kichwa people who live in the forest, but rather it was based on a radically different worldview that understands the well-being of both human and non-human beings as deeply interdependent. The Living Forest Declaration states that:

> Kawsak Sacha is a living being, with consciousness, constituted by all the beings of the Jungle, from the most infinitesimal to the greatest and supreme. It includes the beings of the animal, vegetable, mineral, spiritual and cosmic worlds, in intercommunication with human beings (…) The Kawsak Sacha transmits the knowledge to the yachak (wise elders) so that they can interact in the world of the Protective Beings of the jungle, in order to maintain the balance of the Pachamama, heal people and society. (Kichwa Native People of Sarayaku, 2018: n/p)

This interpretation of non-human nature as a living, conscious being who is constantly involved in a reciprocal act of communication with the human inhabitants of the forest points to conceptions of subjecthood, agency and voice that are radically different from current Western, anthropocentric ones. They can consequently help transform "prevailing conceptions of identity and otherness", which Linklater actually identified as being "far from natural or permanent" and susceptible to un-learning "in more dialogic communities" (Linklater, 1998: 4). In this case, in fact, the very *nature of the community* of beings inhabiting this forest (*Kawsak Sacha*) denies the species boundary of the human in a radically challenging way to conceptions of community, membership and citizenship that

prevail in the Westphalian states-system. Here, in this jungle, according to the Kichwa people's understanding, there are no "aliens" and no "others", as all the beings that inhabit it are part of the same whole – of the same community.

Bringing Indigenous cosmologies and ontologies such as this into dominant discourses of IR and international politics can help recognize non-human nature as a political *actor* with voice and with the ability to communicate, an actor that can have its needs and interests listened to on the international political stage, namely by representatives (the Kichwa people) who are the *human part* of that whole. The fact that the Kichwa people of Sarayaku understand the beings of the forest (animal, vegetable, mineral, spiritual and cosmic) to be in constant intercommunication with the humans not only directly challenges Habermas' procedural account of normative validity that rests on communicative competence, supporting Eckersley's (2004) argument against this account; but also lend credence to Dobson's (2010) claim that it is indeed possible to communicate with non-human nature – and therefore potentially transform political communities in a way that recognizes this interspecies dialogue and actively promotes it. This would effectively be a way of encouraging interspecies relations instead of international relations, in line with Youatt's arguments (Youatt, 2014).

As with almost any innovative proposal that seeks to potentially transform international politics and the international system in general, the RoN movement is not free from criticism. Our purpose here is not to list arguments against and in favor of the movement. Instead, it is to show how RoN can encourage the emergence of a post-Westphalian narrative that may help promote a transformation of humanity's mode of relationship with non-human nature, particularly in the present context of the global environmental crisis; and how this emergent post-Westphalian narrative might help promote a transformation of modern political communities. Nevertheless, it is relevant here to briefly look at that which is one of the most common arguments raised against RoN: the language objection. How can human beings uphold the interests and needs of natural ecosystems or animal and plant species who do not communicate through rational speech? Eckersley's (2004) and Dobson's (2010) ideas on electing representatives and the practice of listening provide an answer to this question, but it might also be interesting to add a response from *within* the RoN movement – namely from one of its earliest proponents.

According to Stone (1972), the argument that it is impossible to adequately represent the interests of a being who does not communicate through the same language as humans is easily rebutted. In his own words: "It is no answer to say that streams and forests cannot have standing. (…) Corporations cannot speak either; nor can states, estates, infants, incompetents, municipalities or universities" (Stone, 1972: 464). It is precisely for this reason, he says, that a guardianship system must be in place. Appointed guardians (or trustees) belonging to Indigenous peoples, environmental movements, international organisations or environmental scientists generally possess enough knowledge about ecosystems and species, and it is – in principle – in their best interest to use this knowledge to uphold the needs and interests of those beings. Moreover, Stone claims that "natural objects *can* communicate their wants (needs) to us, and in ways that are not terribly ambiguous" (Stone, 1972: 471). By giving the example of his own lawn, which will tell him that it needs water by becoming dry and yellowish, Stone asserts that he is able to better judge "whether and when my lawn wants (needs) water than the Attorney General can judge whether and when the United States wants (needs) to take an appeal from an adverse judgment by a lower court" (Stone, 1972: 471). Although this might seem like an overly-simplistic example, it is in line with the arguments of all the authors who were already referred to (Youatt, 2014; Eckersley, 2004; Dobson, 2010) and who claim that interspecies dialogue is both possible and necessary in order to make political communities more inclusive, diverse, and better equipped to deal with ecological problems.

As Youatt observes, determining who has the opportunity to speak or "who has the language that can be heard in and across political communities is not just a technical question (…) but, rather, a political one" (Youatt, 2014: 212). In fact, even particular groups of humans are frequently denied the right to speak or to be heard when it is in the interest of certain political and economic actors to disregard their claims – as we've seen when Dobson stressed the struggle for political recognition and right to participation by the civil rights, gay rights and feminist rights movements (Dobson, 2010). Therefore, Youatt contends that one way to avert the language objection is "to shift the discussion about political standing from a thick claim based on capacities like language to emphasising moral considerability regardless of capacities" (Youatt, 2014: 216). This is, of course, in line with Eckersley's arguments, especially when she argues that communicative competence is a rather arbitrary criteria from a moral point of view and that, since the ideal option of allowing non-human others to speak for themselves in public is not possible, two

options remain to: "either accept the second-best solution of allowing their interests to be represented by others who can speak, or we resign to the unacceptable situation where their interests remain unrepresented" (Eckersley, 2004: 121). Of course, if we take into account radically different ontologies such as that of the Kichwa people of Sarayaku (or of the Whanganui tribe in New Zealand, as we will see in the next section), who believe to be part of the same whole comprising non-human nature, then these people can become the vessels through which non-human beings *can effectively speak* (Dobson, 2010).

The RoN movement can thus be understood as a movement that seeks to transform not only the representative structures but also the very nature of political communities in ways that enable the interests of non-human beings to be heard and taken into account in the universe of law and politics. Simultaneously, it is a movement that seeks to widen the moral boundaries of political communities to bring frequently silenced human groups, such as Indigenous communities, climate refugees, etc., onto the table to participate in the discussion concerning rights and the preservation of our common future, in line with Linklater's (1998) and Eckersley's (2004) proposals for the transformation of the Westphalian states-system. If RoN is championed by non-state actors and by transnational civil society, exerting pressure on governments and states who have the power to inscribe these rights into national and international law, then perhaps an increasingly stronger discourse coalition can be formed which might enlarge the international discursive arena and transform those states where the RoN movement gains ground in the direction of some form of post-Westphalian deliberative green state that includes both humans *and* non-human beings in its moral and political boundaries.

The transformative potential of the movement can thus promote alternative, non-anthropocentric and ecocentric narratives that successfully challenge prevailing conceptions of subjecthood, agency, sovereignty, territoriality, etc. As Youatt argues, "international politics needs to move towards different vocabularies of sovereignty, ones that emphasise a more porous sensibility when it comes to territorial claims" (Youatt, 2014: 221). Moving towards these different vocabularies can entail "emphasising new directions for conservation – traditionally a sovereign prerogative – that simultaneously challenge Westphalian sovereignty and promote possibilities for ongoing engagement with nonhuman polities" (Youatt, 2014: 221). We would refer here to a speech delivered by Indigenous representative Casey Camp Horinek of the Ponca Nation (USA), who claims that:

> (…) you must recognize and understand that there is no separation between humans and Earth and all that are relatives of Earth and the cosmos, because you live in relationship with her as a result of being one with her (…). This inseparable relationship must be respected through rights-based instruments for the sake of our future generations and for the well-being of the Earth herself, for all people, for all life. (Movement Rights, Women Environment & Action Climate Network, Indigenous Environmental Network, 2017: 12-13)

Having briefly covered the origin, development and purposes of the RoN movement, we will now turn to the three specific examples that were chosen to illustrate to what extent this movement – on a local, a national and a global level – can potentially encourage the transformation of modern political communities in a post-Westphalian deliberative green direction, in line with Linklater's (1998), Eckersley's (2004) and Dobson's (2010) critiques and proposals. In each case we will see how different discourses, tools or mechanisms were created and implemented (more or less successfully) to try to ensure recognition of non-human beings as political subjects, and the representation of their interests and needs on the decision-making stage.

2 – The Rights of Nature movement on a local, national, and global level:

a) The Whanganui River case in Aotearoa New Zealand

In 2017, the Te Awa Tupua Act in Aotearoa New Zealand constituted the world's first piece of legislation to declare a river to be a legal person (Collins and Esterling, 2019). It also put an end to "the longest-running litigation over Maori land claims in New Zealand history", resolving "historical claims to restitution for alleged breaches by the Crown of the principles enshrined in the Treaty of Waitangi, by which the territory of New Zealand was annexed to the British Crown in 1840" (Rodgers, 2017: 266-267).

After the arrival of European colonisers, the Treaty of Waitangi established that ownership of the Whanganui River – the country's longest navigable course of water (Rodgers, 2017) – no longer belonged to the Whanganui iwi[3], despite the fact that the tribe "never relinquished their rights to the River and have asserted their claim to it since 1873" (Collins and Esterling, 2019: 3). The attribution of legal personhood status to this body of water represents the latest legal tool being used for the protection and management of rivers (O'Donnell and Macpherson, 2019). It also fundamentally constitutes "a political settlement" acknowledging Maori customary law (*tikanga*), which recognizes the Whanganui River and its tributaries in a broad, holistic perspective (O'Donnell and

[3] Iwi means tribes, so Whanganui iwi are Whanganui tribes

Macpherson, 2019: 37). Legal personality status can provide "opportunities to secure new or different outcomes in environmental law and regulation in situations where the river needs its own voice in order to compete for outcomes with other river interests or users" (O'Donnell and Macpherson, 2019: 35). The Act thus represents a move away from an anthropocentric and property-based view of ecosystems that corresponds to "western, liberal conceptions of natural resources as divisible subjects for propertisation and regulation" into one that regards ecosystems as rights-bearing entities (O'Donnell and Macpherso, 2019: 37). Importantly, it also represents a potentially radical new step being taken by a state.

From the point of view of the discursive and narrative potential of this settlement, the Te Awa Tupua Act is extremely interesting and points to what Lake meant when she referred to Rights of Nature as a "revolutionary and evolutionary concept" (Lake, 2017: 21). The following images include excerpts from the Act that are particularly relevant:

Te Awa Tupua and Tupua te Kawa

12 Te Awa Tupua recognition

Te Awa Tupua is an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements.

13 Tupua te Kawa

Tupua te Kawa comprises the intrinsic values that represent the essence of Te Awa Tupua, namely—

Ko Te Kawa Tuatahi

(a) *Ko te Awa te mātāpuna o te ora*: the River is the source of spiritual and physical sustenance:

Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi, hapū, and other communities of the River.

Ko Te Kawa Tuarua

(b) *E rere kau mai i te Awa nui mai i te Kahui Maunga ki Tangaroa*: the great River flows from the mountains to the sea:

Te Awa Tupua is an indivisible and living whole from the mountains to the sea, incorporating the Whanganui River and all of its physical and metaphysical elements.

Ko Te Kawa Tuatoru

(c) *Ko au te Awa, ko te Awa ko au*: I am the River and the River is me:

The iwi and hapū of the Whanganui River have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being.

Ko Te Kawa Tuawhā

(d) *Ngā manga iti, ngā manga nui e honohono kau ana, ka tupu hei Awa Tupua*: the small and large streams that flow into one another form one River:

Te Awa Tupua is a singular entity comprised of many elements and communities, working collaboratively for the common purpose of the health and well-being of Te Awa Tupua.

(Te Awa Tupua Act, 2017: 14-15)

The document reflects a Maori ontology by identifying *Te Awa Tupua* (the whole of the river) as including both the river and the people (the Whanganui iwi) "as a single unit, not just as a matter of recognition but also as a matter of governance" (Youatt, 2017: 11). This understanding is actually similar to the one already mentioned in the previous section of the Kichwa people of Sarayaku, Ecuador, and the forest that they inhabit.

This conception of Te Awa Tupua as *an indivisible and living whole* reflects not only a radically different understanding of the unity between human beings and non-human nature (reflected by the fact that both are understood to be a part, not only of the same *community*, but indeed of the same *being*); but it also represents an attempt to dismantle systems of governance built by colonial powers which used language and discourse to govern people and territory according to their anthropocentric and colonialist worldviews (Youatt, 2017). The inscription of Maori language, understandings and customary law into an official piece of legislation issued by the state of Aotearoa New Zealand illustrates an example of the "politics of recognition" that try to make political boundaries converge with moral and cultural boundaries (namely in the case of Indigenous peoples living in colonial settler states), as stated by Linklater (1998).

After defining Te Awa Tupua as the whole that comprises the Whanganui River and all its physical and metaphysical elements, the Act describes the intrinsic values representing the essence of Te Awa Tupua, values which are referred to as Tupua Te Kawa (Te Awa Tupua Act, 2017: 14). Paragraphs (a) to (d) above that describe these values reflect the deep interdependence between the ecosystem (the Whanganui River) and both the human and

non-human communities living within and around the river. This is illustrated by phrases like: "Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi, hapū, and other communities of the River" (Te Awa Tupua Act, 2017: 14-15).

Again, this Indigenous understanding of the ecosystem as a whole supports Eckersley's proposal for an ecological democracy in which the boundaries of the demos are redrawn to include a much larger moral constituency that transcends the species boundary of the human and that challenges the Westphalian nation-state's idea of territorial sovereignty (Eckersley, 2004). In this case, the Whanganui River – although being geographically contained within the state of Aotearoa New Zealand – belongs not to the state, but to *itself*, which includes the Maori tribes living in interdependence with the river *and* also the non-human beings that are part of this ecosystem. Ownership, however, would in this case better be understood as *stewardship* or *guardianship*. As noted by Rodgers (2017: 270), "traditional Maori concepts of stewardship reflect a different relationship (…) to that in most Western legal systems". The difference lies in the Maori concept of *kaitiakitanga*, a concept of guardianship whose main premise is "the understanding that people live in a symbiotic relationship with the earth and all living organisms and have a responsibility to enhance and protect its ecosystems" (Rodgers, 2017: 270). An example of this symbiosis is clearly demonstrated by the Whanganui iwi's view that they and the river constitute the same *subject*, as attested by the phrase "I am the river and the river is me" (Te Awa Tupua Act, 2017: 15). Regarding the issue of guardianship/stewardship, and the recognition of legal personality of Te Awa Tupua, the Act establishes that:

Legal status of Te Awa Tupua

14 Te Awa Tupua declared to be legal person

(1) Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person.

(2) The rights, powers, and duties of Te Awa Tupua must be exercised or performed, and responsibility for its liabilities must be taken, by Te Pou Tupua on behalf of, and in the name of, Te Awa Tupua, in the manner provided for in this Part and in Ruruku Whakatupua—Te Mana o Te Awa Tupua.

Establishment, purpose, functions, and powers

18 Establishment, purpose, and powers of Te Pou Tupua

(1) The office of Te Pou Tupua is established.

(2) The purpose of Te Pou Tupua is to be the human face of Te Awa Tupua and act in the name of Te Awa Tupua.

(3) Te Pou Tupua has full capacity and all the powers reasonably necessary to achieve its purpose and perform and exercise its functions, powers, and duties in accordance with this Act.

19 Functions of Te Pou Tupua

(1) The functions of Te Pou Tupua are—

- (a) to act and speak for and on behalf of Te Awa Tupua; and
- (b) to uphold—
  - (i) the Te Awa Tupua status; and
  - (ii) Tupua te Kawa; and
- (c) to promote and protect the health and well-being of Te Awa Tupua; and
- (d) to perform, for and on behalf of Te Awa Tupua, landowner functions for—

(Te Awa Tupua Act, 2017: 15-17)

As can be seen in the images above, Te Pou Tupua are the appointed guardians of Te Awa Tupua – in line with Eckersley's (2004) idea of the "trusteeship role" and with Stone's (1972) suggestion of a "guardianship system" to ensure that the interests and needs of non-human nature are represented and defended. The appointed guardians of the Whanganui River are to be the "human face of Te Awa Tupua and act in the name of Te Awa Tupua" (Te Awa Tupua Act, 2017: 17). Even more so, they are to speak for and act on its behalf (Te Awa Tupua Act, 2017). This system of guardianship consists of appointing one member of the Whanganui iwi and one member of the Crown to play the role of guardians/trustees/spokespersons, and to uphold the intrinsic values (Tupua Te Kawa) representing the essence of the whole of the river (Te Awa Tupua Act, 2017). By electing both one non-Indigenous and one Indigenous New Zealander as representatives of the interests and needs of the Whanganui River, the Act may be understood to want to acknowledge and value Indigenous voices in decision-making.

It also effectively broadens the scope of representation in the political community that is the state of Aotearoa New Zealand (in regard to this local ecosystem) by including both 1) previously marginalized human communities (the Maori) and 2) non-human nature. This expansion of the moral and political boundaries of the community is in line with both

Linklater's (1998) and Eckersley's (2004) calls for the transformation of the Westphalian states-system in order to render it less exclusive and to promote an alternative, more inclusive and sustainable mode of relationship between humanity and non-human nature. The representatives' responsibility to be the river's *human face* and to *act and speak on its behalf* are also in agreement with Dobson's (2010) call for new political practices – namely in deliberative democracy – that effectively *listen* to what non-human nature has to say and recognize it some form of voice.

Ultimately, the Te Awa Tupua Act represents an "imaginative"; "far-sighted and innovatory"; "holistic and value-centred approach to environmental protection (…)" (Rodgers, 2017: 269-278). The conception of humanity's relationship with non-human nature that underlies the Act is radically different from the one that constitutes prevailing narratives in the Westphalian states-system, by recognizing in a very non-anthropocentric way legal and political subjecthood to a river; by claiming that the physical and spiritual entity that constitutes Te Awa Tupua is formed both of human and non-human beings, representing an entity that crosses the territorial and ontological borders of the river; by establishing that Te Awa Tupua (composed of the Whanganui River and all its physical and metaphysical elements) is *its own sovereign*; and by recognizing that the well-being of both its human and non-human counterparts is intrinsically intertwined. In this way, it moves towards a different vocabulary of sovereignty, reflecting a new direction for conservation that is no longer a sovereign prerogative, and thus challenging the norm of Westphalian sovereignty (Youatt, 2014).

Moreover, the transformative aspect of this conception of the Whanganui River is that it is now recognized on an official document of the state of Aotearoa New Zealand and embedded in its institutions – regardless of potential challenges to its implementation, which are anyway beyond the purposes of this dissertation. As O'Donnell and Macpherson highlight (2019: 40-41), the Act establishes "an advanced collaborative governance approach, in which the interests of the river are emphasised in its regulation by the government, Māori and other community and business interests". Here it is interesting to look back at Dryzek's thoughts on the power of discourse, on the fact that "beyond affecting institutions", discourses and narratives can actually become embodied in them; and that, "when this happens, discourses constitute the informal understandings that provide the context for social interaction, on a par with formal institutional rules" (Dryzek, 2005: 19). By setting a precedent for a new way of conceiving of and relating to non-

human nature (even if only on a local level), through the very *language* used in the Te Awa Tupua Act, the Whanganui River case does indeed represent a new form of discourse and practice (e.g. a new system of governance) that pushes the state in the direction of a post-Westphalian deliberative green transformation.

Although this transformation is obviously ongoing and no predictions can be made regarding its future success, we can still ask: how might this state's political practice be influenced by an alternative, radically different understanding of the nature, subjecthood, agency, voice, rights, participation and representation of an ecosystem such as that of the Whanganui River, which calls for a different mode of relationship between humans and non-human beings? To what extent can this alternative narrative further promote the transformation of this particular political community? Finally, the Act is ultimately meant to protect the river from harm, following an agenda of environmental protection that is crucial if we are to overcome any global environmental crisis. As stated by María Valeria Berros in the recently released documentary *The Rights of Nature: a Global Movement*, we are "starting to see in the recognition of the rights of nature an open door that can show the diversity of ways to deal with the ecological crisis around the world, a way that has so often been overlooked" (Goeckeritz, Crimmel and Berros, 2020).

b) Ecuador's 2008 Constitution

We now turn to another – perhaps the most famous – example of the RoN movement, on a national level. In 2008, Ecuador became the first country in the world to officially enshrine Rights of Nature into its national Constitution, recognizing nature in its whole as a rights-bearing entity. In fact, it may be argued that this is "the hitherto most radical constitution of the world" in what concerns RoN (Lalander, 2016: 624). Articles 71 to 74 describe the concept of RoN and its legal and political implications.

CHAPTER 7: Rights of nature

Article 71

Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate.

The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

Article 72

Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

(Constitution of Ecuador, 2008: 35)

There are several aspects of this unprecedented constitutional chapter that deserve closer attention, particularly regarding: 1) the definition of nature and broad conception of its inherent rights; 2) the state's responsibility in upholding these rights; 3) the selected system of political trusteeship (Eckersley, 2004) or guardianship (Stone, 1972); 4) and humanity's mode of relationship with non-human nature that is encouraged by the constitutional text. First of all, the Constitution defines *nature as a whole* (not regarding a specific ecosystem), "where life is reproduced and occurs" (Constitution of Ecuador, 2008: 35). As such, it recognizes no separation between human and non-human nature, defining it as a universal entity that has "the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes" (Constitution of Ecuador, 2008: 35). Through these words in the first paragraph of Article 71, we can see recognition of nature's legal and political subjecthood as a living entity with rights. The 2008 Constitution can therefore be understood as an example of Eckersley's *green democratic constitutions* that might recognize, protect and reward "ecologically responsible social, economic and political interactions among individuals, firms and communities" in a context where, to achieve environmental justice through the

protection of the whole of nature, the democratic state cannot (in theory at least) be neutral (Eckersley, 2004: 140).

Secondly, the inscription of Rights of Nature into the national Constitution might also be seen as an example of Linklater's claim that transitioning to a system where new forms of political community are formed does not necessarily imply the disappearance of conventional state structures, but rather the fact that "states should assume a number of responsibilities which have usually been avoided in the past" (Linklater, 1998: 4). While environmental conservation has traditionally been a sovereign prerogative of the Westphalian nation-state (Youatt, 2014), the state's responsibility is necessarily different here, given that non-human nature (as part of the whole of nature, or *Pacha Mama*) is interpreted as a *subject of rights* that cannot – in principle – be freely exploited or destroyed. One of these responsibilities, evidenced in Article 72, is that the state must ensure nature's right to be restored, especially in "those cases of severe or permanent environmental impact" where it must establish proper mechanisms to "achieve the restoration" and to "eliminate or mitigate harmful environmental consequences" (Constitution of Ecuador, 2008: 35). Furthermore, Article 73 (in the image below) explicitly holds the state accountable for applying "preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles" (Constitution of Ecuador, 2998: 35).

Article 73

The State shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles.

The introduction of organisms and organic and inorganic material that might definitively alter the nation's genetic assets is forbidden.

Article 74

Persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living.

Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the State.

(Constitution of Ecuador, 2008: 35)

By making it clear that the state is responsible for enforcing Rights of Nature, the 2008 Constitution casts the state in the new role of "ecological steward", encouraging what Eckersley referred to as the practice of "ecologically responsible statehood" (Eckersley, 2004: 2-3). Of course, whether or not the state acts accordingly is another matter, but the narrative that underlies Articles 71 to 74 describes this new role and this new framework for state practice in a way that can feed into "contemporary debates about the state, democracy, law, justice, and difference" (Eckersley, 2004: 2). Still concerning the state and how it is affected by this ecological discourse, it is important to say that the Constitution also defines an enlargement of Ecuador's political community, expanding its moral, legal and political boundaries to include non-human actors who have become repositories of rights that must be ensured by the state – and thus represents a post-Westphalian (non-anthropocentric) transformation in line with Linklater's (1998) and Eckersley's (2004) works.

Thirdly, and concerning the selected system of trusteeship or guardianship, Article 71 establishes that "all persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature" – meaning that, in a sense, anybody can take on the "trusteeship role" that Eckersley mentions (Eckersley, 2004: 121); and speak on behalf of non-human nature to make sure that its rights are upheld (Dobson, 2010). To use Christopher Stone's expression, anybody can be *friends of nature* (Stone, 1972). This provision also effectively broadens the potential scope of representation of non-human nature, naming as its potential representatives not only individual but also collective actors (e.g. persons; peoples; communities; and nations) that are part of a rather indeterminate overall community, one that is "no longer fixed in terms of people and territory" (Eckersley, 2004: 113).

Furthermore, the Constitution not only has this more *representative dimension* – which Eckersley (2004) described as fundamental for any deliberative green state – regarding non-human nature, but also regarding Indigenous peoples, who are part of the marginalized communities that Linklater (1998) refers to when calling for an enlargement of the moral boundaries of political community. This is evidenced in the preamble (in the image below) and corroborated by Youatt's remark that "the rise of indigenous political forces in Ecuador (…) clearly shaped the particular language in these articles, especially the use of Pachamama and sumak kawsay" (Youatt, 2017: 10).

Preamble

We women and men, the sovereign people of Ecuador

RECOGNIZING our age-old roots, wrought by women and men from various peoples,

CELEBRATING nature, the Pacha Mama (Mother Earth), of which we are a part and which is vital to our existence,

INVOKING the name of God and recognizing our diverse forms of religion and spirituality,

CALLING UPON the wisdom of all the cultures that enrich us as a society,

AS HEIRS to social liberation struggles against all forms of domination and colonialism

AND with a profound commitment to the present and to the future,

Hereby decide to build

A new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the sumak kawsay;

(Constitution of Ecuador, 2008: 8)

The Constitution's preamble refers to *Pacha Mama*, the Quechua word for Mother Earth, and to the sovereign people of Ecuador's commitment to building "a new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the sumak kawsay" (Constitution of Ecuador, 2008: 8). *Sumak Kawsay*, which can be translated as *buen vivir* or *the good way of living*, is a philosophical, ethical and spiritual concept of the Quechua peoples of the Andes that refers to the ideal of a good life, of living well, in a way that directly defies modern ideas of material consumption and economic growth (Youatt, 2917; Lalander, 2016). This means that "*Sumak Kawsay* arises as an alternative to the idea of development questioning its mere essence (…)"; and that "traditional notions of development should be compared with a life in harmony with the environment and other human beings, without the burden of global capitalism" (Lalander, 2016: 627). These ideas of living in harmony with nature, as mentioned in the Constitution, are closely connected to the use of the word *Pacha Mama* (both in the preamble and in Article 71), a word that reflects a worldview based on ideas of respect, interrelationship and interdependence between humans and non-human beings (Youatt, 2017). This alternative conceptualisation of nature, in both its human and non-human dimensions, intrinsically suggests an alternative, more inclusive and sustainable mode of relationship between humanity and non-human beings, thus challenging prevailing Westphalian narratives that define concepts such as politics, community, political subjecthood, agency, voice and rights under an anthropocentric perspective. It therefore outlines a different form

and system of governance that can potentially encourage the transformation of this state in a post-Westphalian deliberative green direction.

Finally, regarding this mode of relationship between humans and non-human nature that the constitutional text encourages, Article 74 states that "persons, communities, peoples, and nations shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living" (Constitution of Ecuador, 2008: 35). The Constitution explicitly indicates that human beings can and should enjoy the natural wealth and resources of the Ecuadorian environment, but frames this right to enjoy them in a new context that follows the principles of *Buen Vivir* (Gudynas, 2011). It imposes conditions on this human right (evidenced in Articles 71 to 73) and hence adopts what Gudynas describes as a *biocentric posture*, where both human and non-human life has value in itself (Gudynas, 2011). It thus rejects an instrumentalist and anthropocentric mode of relationship with non-human nature.

Still, "while a Western environmentalist reading of these rights might see them as the beginning of a healing of a generalized rift between humans and nature, these provisions emerged out of a particular political and environmental context" (Youatt, 2017: 10), having been approved in "the aftermath of a period of profound political turmoil" (Espinosa, 2019: 608). What this means is that discourses and narratives are always context-specific, depending on particular social, cultural, political, historical and temporal circumstances. The context of the Ecuadorian "state-society complex" (Eckersley, 2004: 140) at the time was unique and enabled the RoN framework to be institutionalized in the country. For this reason, it is pertinent to take a brief look at the historical context of the time and how it brought the 2008 Constitution into existence.

Leftist president Rafael Correa had been elected one year earlier, in 2007, with promises of fundamental changes for the country, following widespread feelings of discontent with the status quo, concerning political corruption and the un-representativeness of political parties (Espinosa, 2004). Moreover, "a class action lawsuit drew public ire towards multinational companies", when Chevron Texaco was accused of "dumping billions of gallons of crude oil and toxic wastewater into the Amazon rainforest over two decades" (Kimmerling, 2006 apud Espinosa, 2019: 608). Rafael Correa belonged to the recently-formed political coalition Alianza PAIS, which loosely brought together people from the academic sphere, nongovernmental organisations (NGOs), social movements activists, etc. (Espinosa, 2019).

It was Alianza PAIS, led by Correa, that proposed the establishment of a Constitutional Assembly to work on a new Constitution; for this purpose, the Assembly took in feedback from multiple sources belonging to civil society, which included movements for Indigenous rights and environmental movements (Espinosa, 2019). It was in such a "critical juncture" that people linked to the NGO Fundación Pachamama started a campaign for the Rights of Nature, with the help of CELDF (the Community Environmental Legal Defense Fund), an American NGO providing legal services for the protection of natural environments (Espinosa, 2019: 611). These actors calling for the institutionalisation of RoN eventually found allies both in the Indigenous rights movement and in the environmental movement, due to what Espinosa defines as *interpretive affinities* (Espinosa, 2019). Such "interpretive affinities or resemblances among the interpretive repertoires of rights of nature advocates and indigenous and environmental movements shaped and enabled the advocacy for rights of nature" (Espinosa, 2019: 608); and they might actually constitute an example of the early development of a green public sphere as mentioned by Eckersley (2004).

These interpretive repertoires brought together Indigenous calls for a post-colonialist and post-capitalist development model, and proposals "to deepen and institutionalize individual and collective environmental rights" through participatory forms of democracy that gave more power to local communities and Indigenous peoples (Espinosa, 2019: 615). The advocacy of social and environmental movements like CONAIE[4] and ANA[5] had significant weight on the drafting of the new Constitution (Espinosa, 2019). Thus, and in accordance with Eckersley (2004: 5), the "emergence of environmental advocacy within civil society" can deepen "the democratic accountability and responsiveness of states to their citizens' environmental concerns" (Eckersley, 2004: 14-15). Although neither the Indigenous movement represented by CONAIE neither the environmental movement represented by ANA had thought specifically about RoN, and the language of RoN was not absolutely consensual among all members of these movements, the people who thought of this proposal managed to harness affinities or resemblances among the discourses, concerns and agendas of these movements in a way that eventually allowed them to support RoN and effectively inscribe it into the new 2008 Constitution (Espinosa, 2019).

[4] Confederación de Nacionalidades Indígenas del Ecuador
[5] Asamblea Nacional Ambiental

It consequently becomes clear that there were very specific circumstances that allowed for the inscription of Rights of Nature into the new Constitution, leading to the fact that Correa's government "from 2007 onwards has been portrayed as one of the most radical defenders of the rights of the environment/Mother Earth and as an option in the face of climate crisis and global capitalism" (Lalander, 2016: 642). Nevertheless, an analysis of the implementation of RoN in the country shows that these rights have not, in fact, become common practice since the establishment of the 2008 Constitution (Lalander, 2016; Laastad, 2019). Moreover, there are contradictions *within* the Constitution itself, namely on what concerns the state's responsibility for the country's economy, highly dependent on extractive industries and the exploitation of non-renewable resources (Lalander, 2016).

These contradictions within the constitutional text find a parallel in the state's practice, since there are profound tensions in Ecuador between continued practices of resource extraction (given that the country's economy extensively relies on the exportation of natural resources like oil) and calls for the protection of nature. Taking into account that Ecuador is one of the South American countries with highest poverty rates, the state appears to be trapped between the need to rely on resource extraction for social welfare and the need to protect nature (Lalander, 2016). This apparent dilemma means that "in practice, strategic economic and political interests of the State clash with indigenous and environmental rights" (Lalander, 2016: 625). Laastad (2019: 5) claims that the limited success of this new framework can also be explained by the fact that "due to their novelty, their vague definition and limited application, actors can fill the rights of nature with meaning according to their worldview and agenda", which allows for the production of "new and hybrid discourses" resulting, in turn, in sometimes competing sets of subjective meanings and understandings.

It might be argued that, because the actual implementation of RoN in Ecuador is far from what was envisaged with the inscription of these rights into the 2008 Constitution, the relevance or success of inscribing them there in the first place is questionable. Nonetheless, what is particularly interesting for us here is to note how the language used – and its conceptualisation of nature's subjecthood and rights – point at least to the *possibility* of transforming Ecuador's political community in a post-Westphalian deliberative green direction. Besides, there are signs that including Rights of Nature in the national Constitution has promoted a growing ecological conscience on the part of civil society (Laastad, 2019), potentially encouraging an alternative mode of relationship between

humans and non-human nature. As is stated in the documentary *The Rights of Nature: a Global Movement*, "the rights of nature are thus represented as less of a legislative tool than an instrument to change how people act and think" (Goeckeritz, Crimmell and Berros, 2020).

More attention should indeed be given to the fact that the contradictions within the Ecuadorian Constitution and the corresponding tension in the state's practice (between its strategic economic and political agendas *versus* its responsibility to uphold Rights of Nature) might signal how the contemporary international states-system is not built in a way that truly allows for the protection of non-human nature and for a more inclusive and less anthropocentric conception of its subjecthood and rights. This becomes clear if we take into account that the Westphalian norm of sovereignty traditionally defines the state as the primary responsible for the conservation of "its" natural resources (Youatt, 2014), but the state is simultaneously required to follow the rules of a globalized capitalist economy that is necessarily dependent on the continuous exploitation of those resources and of non-human beings. According to the current "rules of the game", states are thus placed in the apparently impossible situation where they must simultaneously guarantee that non-human nature is protected and preserved (to some extent); and pursue an economic agenda that demands its continuous exploitation and destruction.

This echoes Burke et al.'s critique of the international society of states and their call for a "project of reconfiguring the global to respond to the planetary", something that demands us "to rethink our institutions, our commitments, our rules, and our understanding of membership, rights and participation beyond the state and indeed the human" (Burke et al., 2016: 506-507). Likewise, such a project will necessarily imply "amplifying marginalised voices and creating new forms of solidarity and governance to confront the dystopian power of big energy, big farming, big finance, and fossil fuel capitalism" (Burke et al., 2016: 507). Enshrining RoN in the 2008 Constitution signals an attempt to enable the state of Ecuador to arrest the environmentally destructive impacts of a globalized capitalist economy, to detain the power of fossil fuel industries, precisely by enlarging the moral boundaries of the political community and by amplifying the voices of those who are most frequently marginalised (both non-human nature and the Indigenous peoples of the country).

So far, Ecuador's case clearly illustrates how upholding Rights of Nature while at the same time adhering to the norms, principles and prevailing narratives of the Westphalian states-system leads to a stalemate. This observation can in part remind us of Eckersley's (2004) comments on the inherent paradox of Westphalia's traditional system of rule, in result of which states are incapable of addressing particular ecological problems that transcend their national borders and yet can have significant negative impacts within their territories or on their communities (e.g. global warming; sea-level rise). We would again point here to Youatt's claim that "international politics needs to move towards different vocabularies of sovereignty", a process which might require "new directions for conservation – traditionally a sovereign prerogative – that simultaneously challenge Westphalian sovereignty and promote possibilities for ongoing engagement with nonhuman polities" (Youatt, 2014: 221). Indeed, if the implementation of RoN is only truly possible in a post-capitalist society, and if capitalism is so deeply embedded in the heart of the Westphalian states-system as a result of the process of development of the state and the market (Tickner, 1993), then perhaps pursuing the environmental justice agenda set forth by the global RoN movement must necessarily push states towards the development of increasingly post-capitalist and post-Westphalian, deliberative, green communities. To the extent that it recognizes non-human nature's political and legal subjecthood and inherent rights to survive and thrive; that it appoints a broad scope of representatives to speak on behalf of and uphold non-human nature's interests; and that it holds the state accountable for ensuring that Rights of Nature are respected; Ecuador is an example of an emergent post-Westphalian narrative as an alternative, more inclusive and sustainable, mode of relationship with non-human nature – a narrative that is increasingly relevant in the present context of the global environmental crisis.

c) The Universal Declaration of Rights of Mother Earth

After having looked at examples from the RoN movement on a local and on a national level, we now turn to a third example that is considerably different, both because it concerns the global level and because it is a tool that has never actually been adopted or implemented.

The World People's Conference on Climate Change and the Rights of Mother Earth that took place in Cochabamba, Bolivia, in 2010 and gathered around 35.000 participants resulted in the drafting of a Universal Declaration of Rights of Mother Earth that can

possibly be considered "the most far-reaching proposal for the protection of nature itself" (Barlow, 2010: 10). Following the conference, Bolivia's president Evo Morales submitted the draft to the UN General-Assembly, with the purpose of turning the UDRME into a "companion document" to the Universal Declaration of Human Rights of 1948 (Barlow, 2010: 10). Discussion of the draft at the UN was controversial, since "through their proposal to adopt an environmental peremptory norm and to seek the recognition of nature as a new legal subject with its own rights", proponents of this declaration were "pursuing a previously inconceivable cause" (Espinosa, 2014: 392). If they were to succeed, it might constitute a new "international normative framework" similar to the UDHR (Espinosa, 2014: 393). Still, despite the fact that success was not yet reached, it is interesting to examine the draft and consider its transformative potential and how it might connect to Linklater's (1998) critique of the exclusionary nature of the Westphalian states-system; to Eckersley's (2004) proposal for its transformation through the creation of some form of post-Westphalian deliberative green states; and to Dobson's (2010) calls for a different kind of politics that recognizes non-human nature's subjecthood, agency and voice.

Right in the first line of the preamble it is stated that "we, the peoples and nations of the Earth: considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny (…)" (UDRME, 2010: n/p). Here we see again a definition of the *whole of nature*, assuming no separation between human and non-human beings. Indeed, Article 4 defines the concept of "being" as including "ecosystems, natural communities, species and all other natural entities which exist as part of Mother Earth" (UDRME, 2010: n/p). Further ahead in the preamble it is added that "convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth (…)" (UDRME, 2010: n/p). These sentences express the idea that the ontological, legal and political community referred to here is actually a *planetary community*, therefore not bounded by national borders, "no longer fixed in terms of people and territory", and consequently providing "a challenge to traditional conceptions of democracy that have presupposed some form of fixed enclosure, in terms of territory and/or people" (Eckersley, 2004: 113). Such a global conception of community – that is, furthermore, considered to be *indivisible* and constituted by *interrelated and interdependent beings* – surely obliterates (at least discursively or narratively) any principle of Westphalian sovereignty based on

tying together the concepts of territoriality, citizenship and nationality (Linklater, 1998) that are fundamentally anthropocentric. Still in the preamble, it is stated that:

> (…) every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in this world. (UDRME, 2010: n/p)

Here we see calls for a vast *representative dimension* to ensure respect for non-human nature's interests and needs, translated in "every individual and institution" (UDRME, 2010: n/p). Likewise, we can see calls for the emergence of the kind of transnational green public sphere that Eckersley (2004) refers to, and that she describes as being "fluid, wide-ranging", not restricted to the "discursive spaces of parliament, the state or even the civic nation" but instead stretching "to encompass discourses of local, regional, international, and global common ecological and social concerns" (Eckersley, 2004: 171). As a normative and discursive tool, the UDRME might then best be seen as a narrative document that seeks to change how people think of the world and its beings, and how to relate to them.

The UDRME is not a long declaration; it only has the preamble and four articles, the last of which briefly regards definitions. Point number 5 of Article 1 states that Mother Earth and all beings that are part of her are entitled to all the inherent rights described in the Declaration "without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings or any other status" (UDRME, 2010: n/p). Point number 6 states that "just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist"; and point number 7 states that "the rights of each being are limited by the rights of other beings (…)" (UDRME, 2010: n/p). These principles clearly reject an anthropocentric mode of relationship between humanity and non-human nature, and they might actually pose a threat to the Westphalian principle of sovereignty. Let us consider the following example: traditionally, states are the sovereigns that decide what happens with the natural ecosystems and species that inhabit or exist within their national borders (Youatt, 2014). In a hypothetical context where the UDRME had indeed become an international legislative tool and normative framework, anybody with environmental concerns might speak on behalf of ecosystems like the Amazon rainforest, or the African savannas, or the Arctic

glaciers, or on behalf of bees, elephants, wolves, etc., in order to stop states (or corporations; or particular groups of individuals) from carrying on activities that promote the destruction of these ecosystems or the potential extinction of these species. The state would no longer have the sovereign prerogative of deciding how to manage "its" natural resources (Youatt, 2014), because these resources – which are here considered as living beings – would possess their own sovereignty, and the inherent rights to be respected, to live and to thrive.

Article 2 of the Declaration establishes the inherent rights of Mother Earth (therefore, of all living beings that compose her). The multiple principles stated within this article might effectively put a halt on destructive and exploitative industries like the fossil fuel industry ("the right to generate its bio-capacity and to continue its vital cycles and processes free from human disruption"); on corporations that sell genetically modified organisms ("the right to not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning"); and others ("the right to be free from contamination, pollution and toxic or radioactive waste") (UDRME, 2010: n/p). On par with more "basic" principles such as "the right to water as a source of life" or "the right to clean air", all these provisions that constitute Article 2 would represent a powerful tool against climate change and the global environmental crisis, as they would – and this might also be the greatest challenge for its adoption and implementation – significantly condition environmentally un-friendly behavior and economic systems.

Article 3 describes the obligations that human beings have towards Mother Earth and all living beings. From the point of view of accountability, it is interesting to note how point number 2 states that "human beings, all States, and all public and private institutions must (a) act in accordance with the rights and obligations recognized in this Declaration (…)" (UDRME, 2010: n/p). This clearly defines states no longer as the sole sovereigns and detainers of the power to decide on how to relate with non-human nature, ecosystems, species, and natural resources. Humans, states, public and private institutions' duty to "establish and apply effective norms and laws for the defence, protection and conservation of the rights of Mother Earth" would also centrally challenge traditional anthropocentric and Westphalian norms and laws of the international society of states (UDRME, 2010: n/p). The system of guardianship (Stone, 1972) or of political trusteeship (Eckersley, 2004) is also considerably widened by the fact that humans, states, public and private institutions have the duty to "empower human beings and institutions to defend the rights of Mother

Earth and of all beings" (UDRME, 2010: n/p). Finally, the fact that another one of their duties is to "promote economic systems that are in harmony with Mother Earth and in accordance with the rights recognized in this Declaration" constitutes a direct challenge to the capitalist system of production and consumption, calling for a systemic alternative to capitalism (UDRME, 2010: n/p).

It is clear that "the Declaration articulates, in the legal language of the international community, an entirely different world view from that which informs almost all contemporary governance systems" (Cullinan, 2010: 1). This worldview is based on the idea of a planetary community of beings where humans have very specific responsibilities towards that community and all the beings within it, and that simultaneously coincides with Indigenous cosmologies from around the world and with contemporary scientific understandings about the interrelated nature of the world's natural systems and beings (Cullinan, 2010). It therefore can "guide the development of very different forms of governance and of human society" (Cullinan, 2010: 1). This Declaration indeed constitutes a normative and legislative tool of global scope that seeks to transform humanity's relationship with non-human nature in the very dangerous context of climate change, where contemporary systems of governance are failing to prevent a growing number of destructive phenomena such as ecosystem destruction, species extinction, global warming, extreme weather events, etc. – all leading to the progressive deterioration of Earth's life systems. One of the determining reasons why current governance systems are failing is because they are based on false premises and narratives, such as that of humanity's separation from non-human nature (an anthropocentric conception of the world), that disregard interdependence, mutual vulnerability and resilience (Cullinan, 2010; Kavalski and Zolkos, 2016). However, considering that these prevailing narratives and the systems, norms and rules that they underlie are promoting an increasingly unbalanced and unsustainable mode of relationship with non-human nature, "legal, political and institutional structures of society must be restructured" to promote social, political and economic systems that are as beneficial as possible to all members of the planetary community of beings (Cullinan, 2010: 2).

Such a transformation of existing structures as that called for by the UDRME can indeed lead to a triple transformation of political community in line with Linklater's (1998) arguments. Right in the preamble it is stated that "to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth and all beings in her and that there are

existing cultures, practices and laws that do so" (UDRME, 2010: n/p). This sentence points to cultures, namely those of Indigenous peoples, which have for a long time nurtured a different mode of relationship with non-human nature (Tickner, 1993). The UDRME therefore seeks to achieve an extension of rights that corresponds to the widening of moral boundaries in order to include systematically excluded others (e.g. Indigenous peoples) by securing "greater respect for cultural differences" (Linklater, 1998: 3). By calling for the transformation of economic systems that are prejudicial not only to non-human nature but also to these marginalized human communities and groups, it also promotes "stronger commitments to the reduction of material inequalities and significant advances in universality" (Linklater, 1998: 3). It does this, in fact, in a double sense, as by trying to halt the systems that are driving climate change, it also offers a way to avoid the *growth* of socio-economic inequalities that will inevitably result from a worsening global environmental crisis and consequent resource scarcity, loss of habitats and homes, etc. Besides, the narrative underlying the UDRME also calls for the development of new governance systems that allow for the creation of some form of universal communication community, encouraging a continuous dialogue between human political communities and non-human nature that can push states in the direction of post-Westphalian, deliberative and green democracies (Eckersley, 2004). The establishment of these dialogic relations also requires the development of ways of communication, listening to and representing the interests and needs of non-human nature on the decision-making stage (Dobson, 2010) that allow for an alternative, more inclusive and sustainable mode of relationship between humans and non-human beings.

To the extent that it suggests a radically different conception of the world we live in, the kind of beings and subjects that inhabit this world, and the natural and desired relationships between them, the UDRME does indeed represent the emergence of an alternative narrative that challenges prevailing conceptions of community, sovereignty, territoriality, citizenship, subjecthood, agency, voice, rights, etc.

Nevertheless, the Declaration also contains a number of problems and challenges. First of all, the fact that it tries to constitute a global framework forces it to adopt the idea of the smallest common denominator, which means that several of the principles it establishes are either too broad and too ambitious or too vague and abstract. A few examples include: "human beings, all States, and all public and private institutions must (…) guarantee peace and eliminate nuclear, chemical and biological weapons"; or "Mother Earth (…) has the

right to maintain its identity and integrity as a distinct, self-regulating and interrelated being"; or still "The rights of each being are limited by the rights of other beings and any conflict between their rights must be resolved in a way that maintains the integrity, balance and health of Mother Earth") (UDRME, 2010: n/p). In each of these cases, it is not clear how such goals could and should be attained.

Although all the principles contained within this Declaration genuinely try to promote a very different mode of relationship with non-human nature, it is not at all surprising that the draft was not adopted by the UN General-Assembly and never implemented so far. The adoption of such a normative, discursive and legislative tool would in effect demand a profound and radical transformation (or indeed revolution) of most (or all) human political, economic and cultural systems that follow anthropocentric, Western and Westphalian conceptions of the world and its beings. As such, we can also conclude that, in what concerns the global Rights of Nature movement, the discussion surrounding RoN probably becomes more complex, challenging, abstract and harder to implement in practice as we move from a local to a national to a global level – meaning, the wider the scale we are referring to. In the Whanganui River case, questions remain as to how to effectively deal with an ecosystem's legal personality status and how to practically solve any potential conflicts between human and non-human interests regarding the river. In the case of Ecuador's 2008 Constitution, the difficulties of practically implementing an alternative mode of relationship with non-human nature are clearly illustrated by the ongoing tensions between the state's responsibility to uphold RoN and its economic agenda. However, these are two instances in which frameworks for Rights of Nature *were indeed* officially adopted by public authorities and civil society in these two countries, and in which they are to some extent already being implemented – even if there are certain tensions and practical challenges. Concerning a global framework like the UDRME, the challenge is profoundly greater as it would require acceptance and implementation by a much larger, wider and more diverse set of actors.

On the other hand, it can be argued that the fact that such a Declaration might not acquire enforceability powers does not deprive it of all its value or emancipatory potential, given that it still has power as a tool for social and moral learning. Following this perspective, the promotion of the UDRME at the fourth UN Conference on Sustainable Development in Rio de Janeiro, 2012, and in similar events, with the goal of mobilizing support for the declaration, "matches what scholars describe as transnational advocacy" (Espinosa, 2014:

393). Transnational advocacy "alludes to activities of nongovernmental actors across national borders" and it therefore reflects a process of balancing civil society with the state in an increasingly globalized system (Espinosa, 2014: 393-394). This form of collective action stirs up a different number of reactions: "enthusiasts proclaim the democratization of world politics and thus the end of the state-centric Westphalian order, while skeptics voice criticisms regarding nonrepresentativeness and complicity in established power relations" (Espinosa, 2014: 394). The concept is nevertheless particularly useful by making civil society's role in international politics clear – much in line with what Eckersley (2004) stresses as the importance of green public spheres, since "the green democratic state cannot be relied upon alone to uphold these processes [of environmental justice] and in any event must always be understood as part of a broader, state-society complex" (Eckersley, 2004: 140).The green public sphere thus plays the central role of connecting states and societies, "comprising those communication networks or social spaces in which public opinions are produced" (Eckersley, 2004: 140). The UDRME might therefore not constitute a powerful legislative tool insofar as it is not adopted by states, but it might contribute to the transformation of public opinions and to the education of civil society in a more ecologically just and sustainable way. It might also be seen as a first exercise to attempt to develop a global RoN framework.

The transnational advocacy raised around the RoN movement in general, and including particular initiatives such as the UDRME, contributes to the process of altering prevailing narratives about the world, the kind of subjects with agency, voice and rights that constitute this world, and humanity's relationship with these non-human subjects. It may again be an example of Eckersley's remarks about the "emergence of environmental advocacy within civil society (…)" that might help transform the negative dynamics of the international states-system and the very *nature* of political communities themselves (Eckersley, 2004: 15), by representing – as mentioned above – greater universality, greater respect for difference and a much more balanced (re)distribution of resources along principles of environmental and social justice.

If a tool like the UDRME calls the state to play the role of "ecological steward and facilitator of transboundary democracy" that Eckersley mentions, and if contemporary Westphalian states are necessarily constrained by norms (e.g. Westphalian sovereignty; territoriality; nationality; citizenship, under an anthropocentric perspective) that make them incapable of dealing with the challenges posed by climate change, then the adoption of

such a tool might progressively push the international system in a new direction (that of post-Westphalian deliberative green communities) where it may become capable of dealing with such challenges (Eckersley, 2004: 3). In this sense, then, and to make our point clear, the UDRME is indeed an example of the kind of normative and discursive tools that can promote the development of new and alternative narratives, narratives that cast states in a new role and that progressively push the international states-system in a post-Westphalian direction – encouraging the development of an alternative, more inclusive and sustainable mode of relationship between humanity and non-human nature.

Conclusion

In this chapter we sought to answer the research question: to what extent does the Rights of Nature movement represent the emergence of a post-Westphalian narrative as an alternative, and more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis? The general overview of the origins, development and purposes of the movement, and the analysis of three specific examples on different scales and contexts, led us to three particularly important conclusions that should be noted here.

The first important point is that the movement in general paves the way for a radically different mode of relationship with non-human nature, by challenging prevailing conceptions of the world; of the kind of beings with agency, voice and rights that constitute this world; and of the ways in which human political communities should engage with these beings – particularly if they want to halt the growing impacts of the global environmental crisis. By challenging these prevailing conceptions, the RoN movement promotes an alternative narrative that makes it clear that, if human societies want to avoid the worsening effects of climate change and to develop more inclusive and sustainable ways of living, they must fundamentally reshape and transform the anthropocentric norms of community; citizenship; sovereignty; territoriality; subjecthood and political participation that have always stood at the heart of the Westphalian states-system. The RoN movement demonstrates that it is not possible to achieve these desired outcomes without gradually moving towards a post-Westphalian system of communities that unclench these concepts from their exclusionary, anthropocentric, totalising dimensions; and where states – forced to assume new responsibilities which were usually avoided in the

past – are encouraged to incorporate deliberative and green dimensions into their structures and practices.

The second important point is that the RoN movement promotes this alternative narrative in different ways according to the context and scale we are referring to. Indeed, the challenge of transforming prevailing conceptions of community, citizenship, subjecthood and the corresponding practices of political participation and representation regarding non-human beings and life systems becomes bigger, more complex, potentially more abstract, and harder to implement in practice as we move to a larger scale – from a local to a national to a global level. In the Whanganui River case in Aotearoa New Zealand, we observed how (despite ongoing challenges to implement this in practice) the project of recognising legal personhood status to an ecosystem achieved success and was officially established in a legislative and political framework, having created mechanisms to ensure that the Whanganui River is respected as a living being with inherent rights and can have its interests and needs represented by both an Indigenous and a non-Indigenous guardian. Regarding Ecuador's 2008 Constitution, considerable tensions remain between the state's economic agenda and calls for the protection of the whole of nature; but the Rights of Nature framework was indeed adopted and integrated in the national Constitution of the country, which represents an unprecedented step taken by a state. It is also an example of Eckersley's (2004) call for green democratic constitutions that are necessary for the development of any ecological democracy. On the other hand, the attempt to establish a RoN framework on a global level, through the writing of a draft for the Universal Declaration of Rights of Mother Earth, was so far unsuccessful and poses significantly greater challenges. That which is probably the greatest challenge of all is the fact that adopting such a global normative framework would indeed demand a revolutionary transformation of the international society of states in a post-Westphalian direction, requiring the re-conceptualisation of traditional principles and norms of sovereignty, territoriality, community, citizenship, nationality, that currently constitute our shared understandings of the world. This would indeed represent the most far-reaching attempt of realizing the "project of reconfiguring the global to respond to the planetary" (Burke et al., 2016: 506-507) but, precisely because it is the most far-reaching and ambitious, it is also the hardest to attain.

A third important point is that the contexts where RoN had more success so far are in the Global South and in regions where Indigenous peoples are very present, even if their

voices are not heard as often and as much as they should. Particular circumstances enabled the cosmologies and ontologies of the Maori and of the Indigenous peoples of Ecuador to be incorporated into circuits of state and governance in these two contexts, particularly attempts to settle struggles for Indigenous rights in colonial settler states (in Aotearoa New Zealand), and a very specific political conjuncture that opened more room for the participation of Indigenous voices and movements (in Ecuador). This nevertheless suggests that in those spaces where the moral boundaries of political community are expanded to the extent that they allow for the inclusion and participation of traditionally marginalized human communities, one can expect to more easily see a corresponding expansion of those boundaries to include systematically excluded non-human nature. The RoN movement does facilitates the triple transformation of political community, as called for by Linklater (1998), that seeks to achieve greater respect for difference, greater universality, and a more balanced (re)distribution of resources according to principles of social and ecological justice. This transformation builds a bridge between the inclusion of typically marginalised human communities, like Indigenous peoples, and of systematically excluded "others" and "aliens", like non-human beings and life systems. It does so by encouraging more dialogic relations that can gradually push states in a post-Westphalian deliberative green direction, and that consequently informs an alternative, more inclusive and sustainable, mode of relationship between humanity and non-human nature in the context of the global environmental crisis.

Chapter 5 – Conclusion

We started this dissertation by looking at the present context of the global environmental crisis, a crisis that increasingly threatens the sustainability of life on Earth and that poses serious challenges to the international system, in general, and to the discipline of International Relations in particular. Most commonly referred to as climate change, it includes a vast range of events (from global warming to sea-level rise; storms, hurricanes and wildfires to ecosystem destruction and species extinction) that result directly or indirectly from human activities (UNFCCC, 1992; Union of Concerned Scientists, 2019). These events have demanded increasing international attention over the last few decades and urged experts to proclaim a global climate emergency that can potentially lead to permanent and irreparable damage on the planet, unless human societies undergo fundamental changes (Ripple et al, 2020).

The human activities that have been leading to climate change are generally believed to be the result of the capitalist system of production and consumption, one that relies on the continuous exploitation of natural resources based on what some view as the myth of endless economic growth (Klein, 2014). More than applying the concept of *Anthropocene* to define present times, then, some authors and scholars who call for a more critical interpretation of this global crisis prefer to use the term *Capitalocene*, arguing against a homogeneous view of humanity and claiming that a specific system of social and economic organisation is behind the climate emergency (Chandler, Cudworth and Hobden, 2017). Eco-Marxist critiques can help us understand how the continuous extraction of natural resources demanded by industrialisation (without their necessary restitution, or respect for the need and capacity of ecosystems to regenerate themselves) caused a profound metabolic rift in the interactions between human and non-human nature (Foster, 2000). According to Marx, capitalism's unrestrained drive for maximum capital accumulation thus not only allowed for a radical expansion of humanity's capacity to transform non-human nature, but simultaneously demanded (and continues to demand) an endless exploitation of resources and beings that will, at some point, necessarily collide with planetary limits (Saito, 2017).

Nevertheless, a closer look at the global environmental crisis and at the processes that stand behind it demonstrates that it is not possible to fully grasp it in all its complexity,

neither to understand ways for adequately addressing it, by focusing exclusively on the capitalist system. Indeed, capitalism, extractivism, colonialism, anthropocentrism, patriarchy and others can be seen as mutually reinforcing systems whose logics operate together and intersect each other to exacerbate and aggravate both social and ecological crises (Solón, 2018). Understanding that climate change and ecological breakdown are in fact the result of a much more complex process of relating to the Earth and to its beings – a process with ramifications on all levels of human society, from its ontologies and worldviews to its very concrete economic and political systems – consequently requires an alternative narrative. This alternative narrative must look at how the different systems of colonialism, patriarchy, capitalism and anthropocentrism historically interacted with each other to constitute what is humanity's current, dominant mode of relationship with non-human nature. Since it can be argued that it is this *mode of relationship* that stands at the heart of the present crisis, understanding and transforming the ways in which human societies have tended to conceive of and relate to non-human beings and life systems is one of those fundamental changes that they must undergo if they are to ensure any sustainable future – perhaps, the most fundamental change of all (Eisenstein, 2018).

Ecofeminist analyses of the development of the state and the market all the way to the emergence of the modern states-system and of the capitalist world economy help explain this. The expansionary projects of imperialism and colonialism that originated on the European continent and stretched towards all corners of the world both followed and encouraged a changing perception of nature from that of a living organism to a lifeless machine (Tickner, 1993). Such perception was fuelled by scientific and philosophical debates that arose during the Enlightenment period, which progressively re-conceptualized nature under an instrumental and reductionist lens with the double effect of a) justifying its use for purposes of "human progress" (Tickner, 1993: 61); b) and giving birth to the nature/culture dualism, separating humanity from non-human nature – first in the minds, and later in practice (Shiva, 2014). The rising system of states required the continuous exploitation of non-human beings and ecosystems in order to meet its ever-increasing needs for material production and consumption that eventually resulted in the capitalist world economy. Furthermore, it also required the exploitation of those peoples who lived in territories previously untouched by industrialisation, and who had historically nurtured a different mode of relationship with non-human nature, in light of Indigenous cosmologies

and ontologies that viewed it in all its interrelationships and interdependence (Tickner, 1993).

Throughout the 15th, 16th and 17th centuries, then, the European quest for power and hegemony led to a definition of geographical and ecological space across all continents through geometrically and artificially-defined fixed borders that made the Earth look like a set of independent units. This political organisation of human communities eventually became known as the Westphalian system of nation-states, the privileged site of a totalising project that relied – from the start – on distinctions between "insiders" and "outsiders" (or "citizens" and "aliens") that excluded both specific groups of humans (e.g. Indigenous peoples; ethnic minorities; refugees) (Linklater, 1998) and non-human nature (Eckersley, 2004).

The Westphalian states-system was therefore informed by anthropocentric conceptions of the world and its communities of beings *since its inception*, leading critics to believe that the very *image of the world* that humans have must be revolutionised, because its human-centric, capital-centric and – especially – state-centric focus is inherently wrong (Burke et al., 2016). An image of the world that has taken humanity as its key point of reference for several centuries has deeply influenced the norms and practice of international politics and community (Youatt, 2014). However, the need to reconfigure the global to respond to the planetary, to change shared understandings of the world from an international society of states to a planetary community of living beings, is only given renewed importance by the global environmental crisis, taking into account the international system's failure to adequately address this crisis so far (Burke et al., 2016; Pereira, 2015).

This critique extends not only to the organisation of the modern system of states and to the practice of international politics, but also to the discipline of International Relations and its mainstream ontological premise, according to which human/sociopolitical systems such as states, civil society, international organisations and others are both separated from (conceptually and practically) *and* in control of natural/biophysical systems of which they are a part (Kavalski and Zolkos, 2016). Climate change – particularly through phenomena such as global warming, sea-level rise, or extreme weather events – not only clearly demonstrates that these human/sociopolitical systems were never truly separated from and in control of the natural/biophysical systems; but also directly challenges some of Westphalia's central norms and principles (e.g. sovereignty; territoriality) by crossing

national borders and by demonstrating how actions taken on specific locations (e.g. through the fossil fuel industry; deforestation; overfishing) can have far-reaching impacts across the globe (Kavalski and Zolkos, 2016).

The literature review that we conducted in the second chapter, going over eco-Marxist, ecofeminist and IR critical theory analyses of the current context of the global environmental crisis and its origins, and how they intrinsically connect with the international society of states, thus formed our point of departure. Having understood that the current, dominant *mode of relationship* between humanity and non-human nature, the same one that is causing this crisis, was fundamentally informed by the very *essence* of modern political communities and their stages of development, in the third chapter we turned to our conceptual framework – namely through the works of Andrew Linklater (1998); Robyn Eckersley (2004) and (to a lesser extent) Andrew Dobson (2010). We did this to focus more closely on the Westphalian states-system and to search for proposals for its transformation that might promote an alternative, more inclusive and sustainable, mode of relationship with non-human nature, particularly in the present context.

We began with Linklater's (1998) critique of the exclusionary character of the Westphalian states-system, which he explores through the binaries of inclusion/exclusion, insiders/outsiders and citizens/aliens, and through the tying together of the concepts of sovereignty, territoriality, citizenship and nationality in a way that systematically excludes particular human groups (e.g. women; refugees; Indigenous peoples) within and beyond the borders of the state. By stressing the fact that the Westphalian states-system was built, and gradually became more powerful, precisely through its exclusion of difference and otherness, Linklater analyzes the totalising project of the modern state and argues that it is not possible to develop more inclusive, representative, and less unequal and unfair communities without moving in some way *beyond* Westphalia (Linklater, 1998). He also observes how the relatively recent processes of globalisation and ethnic fragmentation, which have evolved in tandem and in response to each other over the last decades, seriously challenge the Westphalian state and its totalising project, encouraging the development of alternative forms of political community (Linklater, 1998).

Linklater therefore calls for the widening of the moral boundaries of community in order to include systematically excluded "others", something that can be attained through the triple transformation of political community, seeking to achieve greater respect for cultural

difference, a greater commitment to the reduction of socio-economic inequalities, and a greater universality (Linklater, 1998). This transformation entails the development of more dialogic relations that might be enacted in some form of ideal communication community, meaning by engaging in dialogue with the systematically excluded "others" about the ways in which society tends to deny them representation and voice, and social practices and policies harm their interests and perpetuate their exclusion (Linklater, 1998). Although Linklater's work does not focus on non-human nature and can, as such, be seen as remaining within the anthropocentric cage of most of mainstream critical theory, it is still considerably relevant for the purposes of our dissertation in the sense that none are more systematically left out of the moral boundaries of Westphalian political communities than non-human beings.

This fact is embraced and problematised by Eckersley (2004), who builds on several of Linklater's arguments but goes further by extending the call for more inclusive and representative political communities to non-human nature and future generations. To this end, Eckersley suggests the creation of some form of deliberative green state that, through its direct challenge to some of Westphalia's central norms and principles (e.g. sovereignty; territoriality; citizenship; community) may progressively push states towards a post-Westphalian system (Eckersley, 2004). Seeking to reinvent the traditional roles and responsibilities of states in order to promote forms of ecologically responsible statehood and stewardship, Eckersley develops a politically challenging formulation of ecological democracy according to which "all those potentially affected by a risk should have some meaningful opportunity to participate *or otherwise be represented* in the making of the policies or decisions that generate the risk" (Eckersley, 2004: 111).

This formulation would pave the way both for a much larger conception of community that involves non-human nature (and that is not bounded in terms of people and territory, hence challenging some of Westphalia's prevailing norms and principles), but also for a framework of deliberation and decision-making that might better prevent the kind of actions that are leading to the global environmental crisis. Indeed, Eckersley's formulation is both new and ecological (and goes a significant step further than Linklater's) because she argues that the opportunity to participate or be represented in the decision-making process should effectively be extended to all those who might be affected by any particular decision, including non-human beings and life systems (Eckersley, 2004). Eckersley views the notion of communicative competence as an arbitrary moral criterion through which to

judge who should be allowed to participate in deliberative dialogue, and calls for a system of political trusteeship that might enable non-human nature's interests and needs to be represented by specific groups or individuals (e.g. Indigenous peoples; local communities; environmental organisations) who can uphold its rights in order to secure environmental justice and protection (Eckersley, 2004). Her proposal for the transformation of Westphalian political communities therefore constitutes a concrete example of how to reconfigure the global in order to respond to the planetary, dismantling anthropocentric conceptions of community, citizenship, political participation and representation, in a way that both encourages an alternative, more inclusive mode of relationship with non-human nature, and that can promote more ecologically responsible and sustainable practices on the part of human societies.

We then looked at Dobson's (2010) critique of the Aristotelian conception of politics, which identifies the ability to produce reasoned speech as a precondition for political practice, because it is not enough to bring non-human beings and life systems into the circles of political participation (or representation) as long as the very concept of politics remains exclusionary. This is the case, especially when the focus of political practice is yet centred on the act of speaking (e.g. linguistic agency), which allows for the participation of humans but not of other beings (Dobson, 2010). Insofar as reasoned speech is the defining criterion, the recognition of non-human nature as political *subject* will remain significantly challenging (Dobson, 2010). Dobson thus calls for a re-conceptualisation of political subjecthood that is not anthropocentric, that recognises other forms of agency and voice beyond the species boundary of the human, and that gives greater attention to the careful practice of active listening, particularly when it concerns those who are most radically different from humans (Dobson, 2010).

Finally, we turned to the methodological framework of our dissertation, discussing the importance of language and discourse as social practices that can (de)construct prevailing and competing representations of reality; that can influence shared understandings and social relations; and that can transform prevailing conceptions of power, ideology, institutions, social identities and other aspects of society (Janks, 1997; Fairclough, 2013). If it is true that humans cannot truly understand the world they live in, the kind of beings that populate this world, and the kind of natural relationships between them, other than through the use of language and discourse and of the stories that they make it possible to tell (Linklater, 1998; Dryzek, 2005), then it becomes clear that the attempt to transform

humanity's current, dominant mode of relationship with non-human nature must necessarily involve the transformative power of narrative and discourse. It is for this reason that critical discourse analysis was chosen as a particularly useful tool to explore our case study, the global Rights of Nature movement, and the main concepts that it resorts to and debates that it promotes.

It was in the fourth chapter that we answered our research question: to what extent does the Rights of Nature movement represent the emergence of a post-Westphalian narrative as an alternative, and more inclusive and sustainable, mode of relationship with non-human nature in the context of the global environmental crisis? Our analysis of the origins, development and purposes of the movement, and of three specific examples on a local, a national, and a global level (e.g. the Whanganui River case in Aotearoa New Zealand; Ecuador's 2008 Constitution; and the draft for the Universal Declaration of Rights of Mother Earth), led us to conclude that the movement does indeed open the door for a radically different mode of relationship with non-human nature. Spanning across different cultures and geographies, the RoN movement – which calls for a recognition of non-human nature's subjecthood and inherent rights, either as a single universal entity or as a collective of living entities – challenges prevailing narratives of the world; of the kind of beings with agency, voice and rights that constitute this world; and of the ways in which human societies should engage with these beings – especially if they want to halt the worsening impacts of climate change and ecological breakdown.

By challenging these prevailing narratives, the movement not only encourages an alternative mode of relationship with non-human nature, but simultaneously promotes the transformation of modern political communities in a post-Westphalian deliberative green direction. This happens because, through its radical inclusion of non-human beings and life systems, the Rights of Nature framework fundamentally questions and reshapes the anthropocentric conceptions of community; citizenship; territoriality; sovereignty; subjecthood; agency; voice; rights; and political participation that have always stood at the heart of the Westphalian states-system. The RoN movement demonstrates that it is not possible for human societies to achieve the desirable (and increasingly urgent) outcome of a more sustainable life on Earth without progressively moving towards a different (post-Westphalian) system of political communities that unclench these concepts from their exclusionary, anthropocentric, and totalising dimensions; and where states – forced to assume new responsibilities that they traditionally avoided in the past – are encouraged to

incorporate deliberative, green dimensions into both their structures/institutions and practices.

We also realised that the RoN movement promotes this alternative narrative – and subsequent practices – in different ways according to the context and scale we are referring to. The challenge of transforming prevailing conceptions of community, citizenship, territoriality, sovereignty, subjecthood, agency, voice, rights, and the corresponding practices of political participation and representation regarding non-human beings and life systems appears to become bigger, more complex, potentially more abstract, and harder to implement in practice the more we move to a larger scale (from a local, to a national, to a global level). This realisation allows us to suggest that perhaps the movement can attain greater success by focusing on localised transformations of political community, potentially creating a growing network of cases where Rights of Nature frameworks are implemented (consequently changing the way human communities conceive of and engage with non-human nature) that can gradually transform dominant narratives that are central to the Westphalian states-system.

Another fundamental point concerns the way in which the RoN movement represents a bridge-building project that brings together Indigenous cosmologies and ontologies; contemporary scientific understandings of the complexity and interdependence of Earth's life systems and beings (Lovelock, 2009); and tools and mechanisms that are part of current circuits of state and governance (namely in deliberative and legal circles). It is extremely important to note how the contexts where RoN has had more success so far are in the Global South and precisely in regions where Indigenous peoples are very present, even if their voices are not heard as often or as much as they should. Some of the cases where RoN frameworks seem to have been more innovatively introduced until now (namely in Aotearoa New Zealand and in Ecuador) involved very particular circumstances that enabled Indigenous voices to be heard and their cosmologies, ontologies and language to be incorporated into circuits of state and governance (in the Te Awa Tupua Act of 2017 and in Ecuador's 2008 Constitution, respectively). What this suggests is that in those spaces where the moral boundaries of political community are expanded to the extent that they allow for a greater inclusion and participation of traditionally marginalised human communities, particularly Indigenous peoples, one can expect to more easily see a corresponding expansion of those boundaries to include systematically silenced and excluded non-human nature. The RoN movement thus facilitates the triple transformation

of political community, as called for by Linklater (1998), that seeks to achieve greater respect for difference; greater universality; and a more balanced (re)distribution of resources according to principles of social and ecological justice. It also proposes concrete ways to cast states in the new role of ecological stewards and facilitators of transboundary ecological democracy, in line with Eckersley's (2004) work; and it actively promotes movement from a property-based perspective of non-human beings and systems to a conception of them as rights-bearing entities – something that helps see them as political subjects with different forms of agency and voice, in accordance with Dobson's (2010) call.

Through this work of critical analysis, we wanted to shed light on the need to rethink prevailing, anthropocentric and Western worldviews that have allowed for the current international system to develop – a system deeply based on Westphalian norms and the narratives they inform, excluding the agency, intrinsic value and moral standing of other-than-human beings, and that brought the community of beings inhabiting planet Earth to the present crisis. At this point in time, human societies are having such a profound effect on the planetary biosphere that the sustainability of life on Earth for future human and non-human generations is under serious threat. In fact, many beings (both human *and* non-human) have already been fatally affected by the global environmental crisis, and many unique ecosystems have already been destroyed or damaged beyond repair. These are natural systems and life forms that have been evolving for thousands or millions of years, slowly and gradually accompanying the evolution of a planetary community – the Earth system – that is both incredibly complex and relies on the deep interdependence and careful balance of all living beings. Although this task of rethinking and challenging concepts as central to the international society of states and to prevailing understandings of the world may seem ambitious in the very least, and perhaps even utopian, Buckminster Fuller's words that "the world is now too dangerous for anything less than utopia" might be relevant here. We hope to have effectively demonstrated that it is possible to imagine and create alternative political communities (aside from those peoples and communities who never lost this original understanding) that foster a very different mode of relationship between humanity and non-human nature – one that might not only recognise non-human beings' intrinsic rights to live and thrive, but that might also help us overcome the climate emergency.

Bibliography

Barcan, R. (2019). The campaign for legal personhood for the Great Barrier Reef: Finding political and pedagogical value in a spectacular failure of care. *Environment and Planning E: Nature and Space*, 0(0), 1-23. https://doi.org/10.1177/2514848619886975

Barlow, M. (2010). Building the Case for the Universal Declaration of The Rights of Mother Earth *in* Council of Canadians, Fundación Pachamama and Global Exchange, *Does Nature Have Rights? Transforming Grassroots Organizing to Protect People and the Planet*. Retrieved on 10 October 2019 from https://www.movementrights.org/resources/RON%20REPORT.pdf

BBC (n/d). How reintroducing wolves helped save a famous park. Retrieved on 15 February 2020 from https://www.bbc.com/future/article/20140128-how-wolves-saved-a-famous-park

BBC (14 January 2020). Climate change: Australia fires will be 'normal' in warmer world. Retrieved on 15 February 2020 from https://www.bbc.com/news/science-environment-51094919

Berry, T. (2011). *The Great Work: Our Way into the Future*. New York: Crown Archetype.

Biggs, S., Lake, O. & Goldtooth, T. (2017). The Challenge is Upon Us: Climate Chaos or Communities of Cooperation? *in* Movement Rights, Indigenous Environmental Network and Women Environment and Climate Action Network, *Rights of Nature & Mother Earth: Rights-Based Law For Systemic Change* (3)

Bodanac, N., Hyslop, D., & Valente, R. (2016). Understanding the climate-conflict nexus from a humanitarian perspective: a new quantitative approach. *OCHA Policy and Studies*

Series, 17(May), 1–32. Retrieved from https://docs.unocha.org/sites/dms/Documents/OCHA_OP17_climate change_online.pdf

Brown, M. J. F., & Paxton, R. J. (2009). The conservation of bees: A global perspective. *Apidologie*, 40(3), 410–416. https://doi.org/10.1051/apido/2009019

Burke, A., Fishel, S., Mitchell, A., Dalby, S., & Levine, D. J. (2016). Planet Politics: A Manifesto from the End of IR. *Millennium: Journal of International Studies*, 44(3), 499–523. https://doi.org/10.1177/0305829816636674

Carpenter, S. (2020). Trophic cascade. *Encyclopedia Britannica*. Retrieved on 10 July 2020 from https://www.britannica.com/science/trophic-cascade

Center for Biological Diversity (2019). Extinction Crisis. Retrieved on 13 October 2019 from www.biologicaldiversity.org/programs/biodiversity/elements_of_biodiversity/extinction_crisis/index.html

Chandler, D., Cudworth, E., & Hobden, S. (2017). Anthropocene, capitalocene and liberal cosmopolitan IR: A response to burke et al.'s 'Planet Politics.' *Millennium: Journal of International Studies*, 46(2), 190–208. https://doi.org/10.1177/0305829817715247

Climate Home News (4 November 2019). Trump begins formal US withdrawal from Paris Agreement. Retrieved on 15 February 2020 from https://www.climatechangenews.com/2019/11/04/trump-begins-formal-us-withdrawal-paris-agreement/

Collins, T., & Esterling, S. (2017). Fluid Personality: Indigenous Rights and the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 in Aotearoa New Zealand. *Melbourne Journal of International Law*, 20(August), 1–24.

Constitution of Ecuador (2008). Retrieved on 20 February 2020 from https://www.constituteproject.org/constitution/Ecuador_2008.pdf

Council of Canadians, Fundación Pachamama and Global Exchange (2010). *Does Nature Have Rights? Transforming Grassroots Organizing to Protect People and the Planet*. Retrieved on 10 October 2019 from https://www.movementrights.org/resources/RON%20REPORT.pdf

Cullinan, C. (2003). *Wild Law: A Manifesto for Earth Justice*. Siber Ink & Green Books.

Cullinan, C. (2010). The Legal Case for the Universal Declaration of the Rights of Mother Earth, 1–6. Retrieved on 8 July 2020 from: https://therightsofnature.org/wp-content/uploads/pdfs/Legal-Case-for-Universal-Declaration-Cormac-Cullinan.pdf

Darwin, C. (2009). *A Origem das Espécies*. (Joaquim Dá Mesquita Paul), Lello Editores

Dobson, A. (2010). Democracy and nature: Speaking and listening. *Political Studies*, 58(4), 752–768. https://doi.org/10.1111/j.1467-9248.2010.00843.x

Dryzek, J. (2005). "Chapter 1 – Making Sense of Earth's Politics: A Discourse Approach" *in The Politics of the Earth: Environmental Discourses* (Dryzek, J.) 2nd edition. Oxford: Oxford University Press. (4-19)

Eckersley, R. (2004). *The Green State: Rethinking Democracy and Sovereignty*. London: The MIT Press.

Eisenstein, C. (2018). *Climate: A New Story*. Berkeley: North Atlantic Books

Espinosa, C. (2014). The Advocacy of the Previously Inconceivable: A Discourse Analysis of the Universal Declaration of the Rights of Mother Earth at Rio+20. *Journal of Environment and Development*, 23(4), 391–416. https://doi.org/10.1177/1070496514536049

Espinosa, C. (2019). Interpretive Affinities: The Constitutionalization of Rights of Nature,

Pacha Mama, in Ecuador. *Journal of Environmental Policy and Planning*, 21(5), 608–622. https://doi.org/10.1080/1523908X.2015.1116379

Fairclough, N. (2013). Critical discourse analysis and critical policy studies. *Critical Policy Studies*, 7(2), 177–197. https://doi.org/10.1080/19460171.2013.798239

Foster, J. B. (2000). *Marx's Ecology: Materialism and Nature*. New York: Monthly Review Press

Foster, J.B. (2016). In Defense of Ecological Marxism: John Bellamy Foster responds to a critic. *Climate & Capitalism*. Retrieved on 8 July 2020 from: https://climateandcapitalism.com/2016/06/06/in-defense-of-ecological-marxism-john-bellamy-foster-responds-to-a-critic/

Gaard, G. (1993). *Ecofeminism: Women, Animals, Nature*. Philadelphia: Temple University Press.

Global Alliance for the Rights of Nature (2020). Retrieved on https://therightsofnature.org/

Goeckeritz, I., Crimmel, H. & Berros, M. V. (2020). *The Rights of Nature: A Global Movement* (documentary). Retrieved on 20 April 2020 from https://www.youtube.com/watch?v=kuFNmH7lVTA

Gudynas, E. (2011). Debates sobre cooperación y modelos de desarollo. Perspectivas desde la sociedad civil en el Ecuador. *Centro de Investigaciones CIUDAD y Observatorio de la Cooperación al Desarollo*, Quito, 83-102

Harari, Y. N. (2014). *Sapiens: História Breve da Humanidade*. (Rita Carvalho e Guerra) Amadora: Elsinore

Higgins, P., Short, D., & South, N. (2013). Protecting the planet: A proposal for a law of ecocide. *Crime, Law and Social Change*, *59*(3), 251–266. https://doi.org/10.1007/s10611-013-9413-6

Hillebrecht, A. (2017). Disrobing Rights: The Privilege of Being Human in the Rights of

Nature Discourse in Tabios, A. L., María, H., & Berros, V. (2017). Can nature Have rights? Legal and Political insights. *Transformations in Environment and Society*, 6, 1–56. https://doi.org/10.5282/rcc/8164issues

Hill, J. (2019). Banks Funneled $1.9 Trillion Into Fossil Fuels Since Paris Agreement. Retrieved from https://cleantechnica.com/2019/03/22/banks-funneled-1-9-trillion-into-fossil-fuels-since-paris-agreement/

Huber, M. (2019). Ecological Politics for the Working Class. *Catalyst*, 3(1). Retrieved on 10 October 2019 from https://catalyst-journal.com/vol3/no1/ecological-politics-for-the-working-class

Intergovernmental Panel on Climate Change (2019). Global warming of 1.5ºC. Retrieved on 15 February 2020 from https://www.ipcc.ch/sr15/

Janks, H. (1997). Critical discourse analysis as a research tool. *Discourse*, 18(3), 329–342. https://doi.org/10.1080/0159630970180302

Kavalski, E., & Zolkos, M. (2016). The Recognition of Nature in International Relations. *Recognition and Global Politics*, 139–156. https://doi.org/10.7228/manchester/9781784993337.003.0008

Kersten, J. (2017). Who Needs Rights of Nature? in Tabios, A. L., María, H., & Berros, V. (2017). Can nature Have rights? Legal and Political insights. *Transformations in Environment and Society*, 6, 1–56. https://doi.org/10.5282/rcc/8164issues

Kichwa Native People (2018). *Kawsak Sacha, Sarayaku, Living Forest Declaration*. Retrieved on 15 February 2020 from https://kawsaksacha.org/

Klein, N. (2014). *This Changes Everything: Capitalism vs. The Climate*. New York: Simon & Schuster

Klein, N. (2019). *On Fire: The (Burning) Case for a Green New Deal*. London: Allen Lane.

Kolbert, E. (2015). *The Sixth Extinction: An Unnatural History*. London: Bloomsbury

Laastad, S. G. (2019). Nature as a Subject of Rights? National Discourses on Ecuador's Constitutional Rights of Nature. *Forum for Development Studies*, 0(0), 1–25. https://doi.org/10.1080/08039410.2019.1654544

Lake, O. O. (2017). Recognizing the Rights of Nature and the Living Forest *in* Movement Rights, Indigenous Environmental Network and Women Environment and Climate Action Network, *Rights of Nature & Mother Earth: Rights-Based Law For Systemic Change* (20-23)

Lalander, R. (2016). The Ecuadorian Resource Dilemma: Sumak Kawsay or Development? *Critical Sociology*, 42(4–5), 623–642. https://doi.org/10.1177/0896920514557959

Linklater, A. (1998). *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*. Cambridge: Polity Press.

Lovelock, J. (2009). *The Vanishing Face of Gaia: a Final Warning*. New York: Basic Books.

Luyssaert, S., Schulze, E. D., Börner, A., Knohl, A., Hessenmöller, D., Law, B. E., … Grace, J. (2008). Old-growth forests as global carbon sinks. *Nature*, 455(7210), 213–215. https://doi.org/10.1038/nature07276

Lynes, L. S. (2019). The rights of nature and the duty to consult in Canada. *Journal of Energy and Natural Resources Law*, 37(3), 353–362. https://doi.org/10.1080/02646811.2018.1556975

McDonald, M. & Mitchell, A. (2017). Introduction: Posthuman International Relations *in* Eroukhmanoff, C. & Harker, M., *Reflections on the Posthuman in International Relations: The Anthropocene, Security and Ecology* (1-8)

Merchant, C. (1980). *The Death of Nature: Women, Ecology and the Scientific Revolution*. San Francisco: Harper & Row Publishers

Mies, M. & Shiva, V. (1993). *Ecofeminism* (2014th ed.). New York: Zed Books.

Monbiot, G. (2013). For more wonder, rewild the world. *TEDGlobal*. Retrieved on 15 October 2020 from https://www.ted.com/talks/george_monbiot_for_more_wonder_rewild_the_world?language=en

Moore, J. (2015). *Capitalism in the Web of Life: Ecology and the Accumulation of Capital*. London/New York: Verso.

Movement Rights, Indigenous Environmental Network and Women Environment and Climate Action Network (2017). *Rights of Nature & Mother Earth: Rights-Based Law For Systemic Change*. Retrieved on 10 October 2019 from https://www.ienearth.org/wp-content/uploads/2017/11/RONME-RightsBasedLaw-final-1.pdf

Nash, R. (1989). *The Rights of Nature: A History of Environmental Ethics*. Madison, Wisconsin: University of Wisconsin Press.

National Geographic (24 September 2019). “How much is a whale worth? The benefits provided by great whales, including capturing carbon, make a powerful case for protecting them, according to economists”. Retrieved on 10 October 2020 from https://www.nationalgeographic.com/environment/2019/09/how-much-is-a-whale-worth/

O’Donnell, E. & Macpherson, E. (2019). Voice, power and legitimacy: the role of the legal person in river management in New Zealand, Chile and Australia. *Australian Journal of Water Resources*, 23(1), 35–44. https://doi.org/10.1080/13241583.2018.1552545

Pereira, J. C. (2015). Environmental issues and international relations, a new global (dis)order – the role of International Relations in promoting a concerted international system. *Revista Brasileira de Política Internacional*, 58 (1): 191-209. http://dx.doi.org/10.1590/0034-7329201500110

Pereira, J. C. (2017). The limitations of IR theory regarding the environment: lessons from the Anthropocene. *Revista Brasileira de Política Internacional*, 60(1): e018, 2017. https://doi.org/10.1590/0034-73292017001019

Rainforest Information Center (n/d). "The Council of All Beings by Joanna Macy". Retrieved on 15 October 2020 from https://www.rainforestinfo.org.au/deep-eco/Joanna%20Macy.htm

Raygorodetsky, G. (2018). Indigenous peoples defend Earth's biodiversity—but they're in danger. Retrieved on 20 February 2020 from https://www.nationalgeographic.com/environment/2018/11/can-indigenous-land-stewardship-protect-biodiversity-/

Ripple, W. J., Wolf, C., Newsome, T. M., Barnard, P., & Moomaw, W. R. (2020). Corrigendum: World Scientists' Warning of a Climate Emergency. *BioScience*, 70(1), 100–100. https://doi.org/10.1093/biosci/biz152

Rodgers, C. (2017). A new approach to protecting ecosystems. *Environmental Law Review*, 19(4), 266–279. https://doi.org/10.1177/1461452917744909

Rodrigues, S. (2014). Localising 'the rights of nature': a critical discourse analysis. *Green Letters*, 18(2), 170–184. https://doi.org/10.1080/14688417.2014.901895

Roncancio, I. D. V. (2017). Plants and the Law: Vegetal Ontologies and the Rights of Nature. a Perspective from Latin America. *Australian Feminist Law Journal*, 43(1), 67–87. https://doi.org/10.1080/13200968.2017.1317698

Saito, K. (2017). *Karl Marx's Ecosocialism: Capital, Nature, and the Unfinished Critique of Political Economy*. Monthly Review Press

Scientists, U. of C. (2019). Climate Science. Retrieved on 17 January 2020 from https://www.ucsusa.org/climate/science

Shiva, V. (2010). Making Peace with the Earth. Retrieved on 13 November 2019 from

http://sydneypeacefoundation.org.au/wp-content/uploads/2012/02/2010-SPP_Vandana-Shiva1.pdf

Solón, P. (2018). Vivir Bien: Old Cosmovisions and New Paradigms. *Great Transition Initiative*, retrieved on 9 July 2020 from http://greattransition.org/publication/vivir-bien

Steinman, E. (2019). Why was Standing Rock and the #NoDAPL campaign so historic? Factors affecting American Indian participation in social movement collaborations and coalitions. *Ethnic and Racial Studies*, 42(7), 1070–1090. https://doi.org/10.1080/01419870.2018.1471215

Stone, C. (1972). Should Trees Have Standing ? - Towards Legal Rights for Natural Objects. *Southern California Law Review*, 45, 450–501.

Strauss, W. (2010). *The Myth of Endless Growth: Exposing Capitalism's Insustainability*. Raleigh, North Carolina: Lulu Press.

Tabios, A. L., María, H., & Berros, V. (2017). Can nature Have rights? Legal and Political insights. *Transformations in Environment and Society*, 6, 1–56. https://doi.org/10.5282/rcc/8164issues

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. Retrieved on 20 February 2020 from http://www.legislation.govt.nz/act/public/2017/0007/latest/whole.html

The Economist (9 February 2019). The truth about big oil and climate change. Retrieved on 18 October 2019 from https://www.economist.com/leaders/2019/02/09/the-truth-about-big-oil-and-climate-change

The Guardian (8 October 2018). We have 12 years to limit climate change catastrophe, warns UN. Retrieved on 23 October 2019 from

https://www.theguardian.com/environment/2018/oct/08/global-warming-must-not-exceed-15c-warns-landmark-un-report

The Guardian (26 August 2019). Fires are devouring the Amazon. And Jair Bolsonaro is to blame. Retrieved on 10 October 2020 from https://www.theguardian.com/commentisfree/2019/aug/26/fires-are-devouring-the-amazon-and-jair-bolsonaro-is-to-blame

The New York Times (19 April 2018). Damage to Great Barrier Reef From Global Warming Is Irreversible, Scientists Say. Retrieved on 15 February 2020 https://www.nytimes.com/2018/04/19/world/australia/australia-barrier-reef.html, consulted on 15th February 2020

The New York Times (6 May 2020). “The Trump Administration Is Reversing Nearly 100 Environmental Rules. Here’s the Full List.” Retrieved on 10 May 2020 from https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html

Tickner, J. A. (1993a). States and Markets: An Ecofeminist Perspective on International Political Economy. *International Political Science Review*, 14(1), 59–69. https://doi.org/10.1177/019251219301400104

Tollefson, J. (2019). Humans are driving one million species to extinction. Retrieved on 13 November 2019 from https://www.nature.com/articles/d41586-019-01448-4

United Nations Framework Convention on Climate Change, 1992. Retrieved on 13 May 2020 from https://unfccc.int/resource/docs/convkp/conveng.pdf

Universal Declaration of Rights of Mother Earth (2010). Retrieved on 15 March 2020 from https://therightsofnature.org/wp-content/uploads/pdfs/FINAL-UNIVERSAL-DECLARATION-OF-THE-RIGHTS-OF-MOTHER-EARTH-APRIL-22-2010.pdf

van Dijk, T. A. (1995). Aims of Critical Discourse Analysis. *Japanese Discourse*. 1, 17-27

World Meteorological Organization (01-09-19). “July matched, and maybe broke, the record for the hottest month since analysis began”. Retrieved on 15 February 2020 from

https://public.wmo.int/en/media/news/july-matched-and-maybe-broke-record-hottest-month-analysis-began

Youatt, R. (2014). Interspecies Relations, International Relations: Rethinking Anthropocentric Politics. *Millennium: Journal of International Studies*, 43(1), 207–223. https://doi.org/10.1177/0305829814536946

Youatt, R. (2016). *Sovereignty and the Wolves of Isle Royale*. Retrieved from https://www.researchgate.net/publication/304674421

Youatt, R. (2017). Personhood and the rights of nature: The new subjects of contemporary earth politics. *International Political Sociology*, 11(1), 39–54. https://doi.org/10.1093/ips/olw032