



Digno Montalván Zambrano

University Carlos III de Madrid

THE RIGHTS OF NATURE AND THE RIGHT TO TERRITORY OF INDIGENOUS PEOPLES:

From universal intrinsic value to epistemic and ontological plurality

The Rights of Nature constitute the emerging framework through which the new claims of the ecological movement are being translated into law. The reasons driving this new legal construction are diverse throughout the specialized literature. However, one of the most common points is the identification of Nature as something that possesses a universal intrinsic value. This perspective, for example, is part of the proposal for the adoption of a Universal Declaration for the Rights of Nature. On the other hand, the right to territory of indigenous peoples seems to renounce the idea of universality. This right, although incorrectly reduced by the courts to a component of the right to indigenous lands, actually seeks to protect indigenous peoples' construction of meaning. Here, we define the territory as a relational space in constant transformation; it is a fabric in permanent constitution where is express with greater clarity and forcefulness the holistic vision of indigenous peoples. These characteristics make the right to territory not only distinct, but also contrary to the idea of a Nature whose meaning has been standardized and universalized by a theory of intrinsic value. This tension is even greater if we take into account that the ecological scientific discourse and Western philosophical thought are the main sources of the intrinsic value theories. In contrast, the relationship that indigenous peoples have with their territory often expresses an immeasurable ontological plurality. Despite the above, the Rights of Nature and the Rights of Indigenous Peoples are often seen as natural allies. In this presentation, I will try to show that this association is not as natural or as harmonious as it is thought. Despite the civilizing potential that the discourse of the rights of Nature has, if its strategy is to define Nature as something other than local and human, this new framework can become a new tool of domination. Giving intrinsic value to a Nature that is defined in laboratories can be a tool to hide, under the "scientific discourse", underlying problems of domination and coloniality and, with it, the true causes of the ecological crisis we face. In contrast, this presentation propose to see the Rights of nature just as a tool to make visible the epistemic pluralism in the governance of ecological systems. In this framework, the Rights of Nature, rather than a closed catalog of universal intrinsic values, constitute an instrument for ecological, local and adaptive governance.

(Speaker's abstract)

ERCC TALKS

Organized by Dirk Hanschel & Mario G. Aguilera

Max Planck Fellow Group Environmental Rights in Cultural Context – ERCC) <https://www.eth.mpg.de/ercc>

3 February 2022

15:00–16:30

Venue: Online

<https://mpi-eth.webex.com/mpi-eth/j.php?MTID=m253928b824472bdac217fb8b412bc27e>