



CONFLICTS CLUB

Daniel Bonilla Maldonado
MPI

“Global Legal Pluralism
and the Rights of Nature”

Tuesday, 16 May 2023, 11:00 a.m. – 12:30 p.m. (CEST)

The lecture will be held on site at the MPI.

If you would like to participate please send us an email to
veranstaltungen@mpipriv.de.



About the topic:

This article aims to contribute to the description, analysis, and comparison of the discursive patterns that convey and underpin the rights of nature. It also aims to analyse these discursive patterns from the perspective of global legal pluralism. To meet these objectives, I divide this article into two parts. In the first part, I describe, analyse, and compare three types of discourse related to the rights of nature: initially, I examine their prototypical models, that is, the models emerging in Bolivia, Ecuador, and New Zealand. Then, I study discourses on the rights of nature that reproduce the conceptual structures of the paradigmatic models, including those emerging in the international human rights system and the legal systems of Colombia and India. Finally, I explore discourses that resist the rights of nature, such as those emerging in the legal systems of much of Western Europe. In the second part of this article, I analyse rights of nature from three perspectives that are central to contemporary comparative law: the political economy of legal knowledge, external legal pluralism, and explanatory theories of legal change. These perspectives revolve around three questions that are of particular interest for a full understanding of rights of nature. The political economy of legal knowledge investigates the discursive and practical patterns that determine where legal knowledge is (and should be) created and who can (and should) create, use, and transfer it. External legal pluralism is concerned with the description and examination of the characteristics and interactions between national legal systems and international law. Explanatory theories of legal change account for the variables and processes that motivate transformations of legal orders. I therefore divide this second part of the article into three sections. In the first section, I explore how rights of nature question the dominant political economy of legal knowledge. Rights of nature are culturally hybrid, as well as epistemologically, politically, and legally heterodox. In the second part, I explore how the legal systems of countries of the Global South, such as Ecuador and Bolivia, or of peripheral countries of the Global North, such as New Zealand, have influenced and partially transformed international law. The rights of nature are not a consequence of the impact of international law on national law. In the third section, I study how national legal systems have included rights of nature within their structures through a process of cross-fertilisation that involves not only North-South processes of knowledge exchange, but also heterodox processes of South-South and South-North exchange.