



Informed by the wisdom of indigenous peoples, Valerie Cabanes, a lawyer in International Law specializing in Human Rights, dreams of a new expression of our world, one that champions a rebirth of the connection between humanity and the living world within our modern societies. Such a struggle would bind us together and move towards healing the toxic relationship between humans and non-humans. The key challenge in this struggle: dismantling the anthropocentric nature of Western law. Her weapons to take it down: a complex set of legal tools deployed across the planet, as well as books, conferences and an upcoming film. Her goal: to defend the rights of nature and to recognize ecocide as the fifth international crime against peace. As ecological disasters become more common, is Western law ready to embrace this wisdom? As it stands, Western law reflects cultural, religious and philosophical values that have severed our relationship to the Earth. However, in certain places, civil yet revolutionary interstices are reconfiguring this legal framework, with the support of an optimistic determination and fertile utopian imagination.

**SB:** Let's review the path that led to your advocacy for the rights of nature... It seems that your research in the environmental field during your thesis in legal anthropology in Canada played a key role...

**VC:** In the 70s and 80s, I was not yet aware of the way we were destroying the Earth's ecosystems. Then I got involved in humanitarian missions for human rights in my 20s, where I began to perceive the neo-colonial relationship of former colonizing states in the way they interfered in the internal affairs of certain countries in exchange for economic contracts. In this way, I witnessed the predation of their internal resources. Then I discovered the geopolitical conflicts around energy issues fueled by the passage of oil and gas pipelines in Afghanistan when I was on mission in Pakistan... This means I became aware of the issues related to energy resources on the ground. However, it is true that my thesis undertaken in 2006, which was not completed, allowed me to grasp what was missing in the law in order to provide justice and ensure respect for the rights of these populations. By chance, in Canada, I

found myself at the heart of a conflict between the Innu people and Hydro-Québec, the Quebec state corporation responsible for the production, transport and distribution of electricity in Quebec, which wanted to build a large dam. This prompted my focus towards advocacy that goes beyond human rights, extending into the rights of nature. The need for this new advocacy became all the more evident in 2011, when I got involved with Cacique Raoni in defense of the Amazon Forest, also in connection with a large dam. It was these large, somewhat pharaonic projects and the way in which the populations were treated by the state and industrialists that led me down the path of ecocide and the rights of nature. At that moment, I realized the absolute dependence of these indigenous societies on their environment in order to survive and maintain their culture, identity and traditions. I also realized that they knew how to cultivate a harmonious and healthy relationship with nature and that there was a symbiotic relationship between these populations and their environment.

# VALÉRIE CABANES

INTERVIEW STÉPHANIE BUI, IMAGES NAOKI TAKIZAWA

**SB:** In what way do French law or Western law, in your opinion, fail to respond to the need to act in favor of the rights of nature?

**VC:** French law, or Western law in general, is anthropocentric. For me, law is not fixed and reflects our level of awareness at a given moment in our history. The difficulty, for example, with lawyers specialized in environmental law, which I am not, lies in their extensive knowledge of all the laws, which makes it difficult to take a step back and see that this anthropocentric law manages relations between humans without considering either the rules needed for humans and non-humans to live together or the individual interest of ecosystems. It is therefore not a question of managing these relationships according to human interests alone. Westerners seem disconnected from this relationship. And they are the ones who wrote the law and imposed it on the whole world.

**SB:** Specifically, where does the main distinction lie between the work of environmental lawyers and your advocacy for the rights of nature?

**VC:** Western law will always protect nature according to what it can offer to humans, and only to humans. Moreover, the law looks at nature in a fragmented way. We often look at how we can protect a forest or a species. However, this is not how living beings function. Living beings function in a systemic way, that is to say that everything is connected and everything is interdependent. Perhaps the pandemic has helped to advance the topics I have been working on for the last ten years, because we have suddenly become aware of the dependence of our own health on the health of global ecosystems. This is not reflected in the law, since a human right to a healthy environment is not yet an internationally recognized right. We are not even at the point where we think that a healthy environment is a necessity for healthy living... I would go even further and say that we cannot guarantee the most fundamental human rights if we do not respect the rights of nature.

**SB:** You argue for the idea of ecosystem rights...

**VC:** By this, I mean that each ecosystem, each living species has an ecological role to play. It is up to us to make this possible so that life can be maintained on

Earth. As it stands, the law reflects cultural, religious and philosophical values that have severed our relationship to the Earth.

**SB:** Your commitment led you to co-found the association *Notre Affaire à Tous* ("Our Shared Responsibility"), which in 2018 initiated legal action against the French government in what was called "the Affair of the Century". The accompanying petition addressed the Prime Minister with this message: "The climate is no small matter. It is the Affair of the Century". This year, the French government was found responsible for its failure to take action against global warming...

**VC:** It was a symbolic condemnation, but it had the merit of recognizing the wrongful failure of the government and its ecological damage. Now we are waiting for the second step in the case. The administrative court of Paris grants a few months to the government to demonstrate its efforts, then it will rule on "the measures that must be imposed on the government". For example, the government may face fines unless it can prove that it is taking action to reduce greenhouse gas emissions.

**SB:** The petition was a huge success with more than two million signatures. How was it rolled out?

**VC:** Unlike in the Netherlands, for example, where citizens were able to join forces with the Urgenda Foundation, an environmental protection organization, and win a legal battle against the government, which is now required to reduce the country's CO2 emissions, French law requires environmental complaints to be brought on behalf of associations. Hence the creation of the *Affaire du Siècle* supported by four associations, including *Notre Affaire à Tous*, which have worked on the subject since 2016. Once the case was ready, we presented it to groups and associations known to the media, such as the Nicolas Hulot Foundation for Nature and Man, Oxfam and Greenpeace, so that they might join us. We succeeded in widely publicizing the petition thanks to "YouTubers" whose mobilization, in my opinion, was essential to make the information in the complaint more accessible and to get the message across to young people: by signing this petition, it would symbolically mean that the signatories would be with us, as citizens alone cannot intervene.

Within three days, the petition had gathered one million signatures, and within a month, more than two million. The petition made it possible to demonstrate the extent of civic support, which stunned us... For the government, it was like an earthquake, because it was the most signed petition in the history of France. Climate is becoming a real concern for everyone, and for young people in particular.

**SB:** You are the spokesperson for the international civic movement End Ecocide on Earth, founded in 2012. Can you tell us what constitutes the crime of ecocide, which you are pushing to have recognized as the fifth international crime against peace?

**VC:** The international crime of ecocide (constructed from the prefix "eco-" - for house or habitat [editor's note: oikos in Greek] - and the suffix "-cide" - to kill [editor's note: caedo in Latin] refers to the most serious environmental crimes, whose damage is widespread or long-term or even irreversible, with impacts that stretch cross borders to affect ecosystems, large groups of people or an entire species. As of now, ecocide is a new crime that only exists in about a dozen national laws, such as in Vietnam, Russia and eight countries of the former Soviet bloc. The goal is to recognize it as a serious international crime in order to overcome the impunity enabled by national sovereignty. And this is very important. It is intended to be tried and prosecuted by the International Criminal Court (ICC), which will notably determine the responsibility of political and economic leaders, or anyone in charge, because criminal law normally leads to prison. In addition, it may also concern the notion of complicity, including banks and companies in charge of environmental impact studies that may have lied about the data. Several legal specialists have been working to define ecocide for 50 years, and a definition was just officially presented to the international community by a group of experts, of which I am a member, on behalf of the Stop Ecocide Foundation. It was when I learned about the work of the group's founder, English lawyer and activist Polly Higgins, and met with her in 2012, that I realized it was absolutely necessary to lead this campaign to recognize the crime of ecocide, because the situation is serious and urgent.

**SB:** How does this new legal definition of ecocide change the situation in favor of recognizing this crime?

**VC:** Two main things seem like game changers to me. On the one hand, the fact that the request to define ecocide is coming from a Swedish Parliament order, which is encouraging because it was the Swedish Prime Minister Olof Palme who first used the word "ecocide" at the opening of the first Earth Summit in 1972 to describe and denounce the effects of using Agent Orange in Vietnam... On the other hand, more recently in December 2019, things began to happen when Vanuatu and the Maldives, both directly impacted by rising sea level caused by climate change, requested the member states of the International Criminal Court to recognize the crime of ecocide. This move confronted us directly with the concrete reality faced by these countries. Then, a year later, in December 2020, the first rich and polluting country, in this case Belgium through its Minister of Foreign Affairs, declared its support for the process of recognizing the crime of ecocide. A committee was then set up in a positive context with the expectation of ecocide, at the request of certain countries. The second major point is that it took six months to reach an agreement on every word and comma. We had to find a compromise and balance between legal terms that were already recognized and therefore legitimate within international law on the one hand, and the effectiveness of this definition on the other. That was the key challenge. And to ensure its success, some of us felt that we needed to come up with a more decentralized definition of ecocide, one that was outside the bounds of traditional legal definitions. We presented a definition of the environment based on Earth science, where the environment is seen as the Earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere. Ecocide becomes a crime against nature, by reintegrating humanity into the terrestrial ecosystem, which becomes a legal subject.

**SB:** The topic of defending nature leads to some heated debates... Dialogue can be difficult at times. Different types of commitments have been expressed, including the approach of radical environmentalists...

**VC:** Radical environmentalists tend to think that protecting and regenerating nature requires that nature no longer be accessible to humans, so to speak. Some researchers and philosophers defend this so-called conservationist movement. I find that, once again, this demonstrates a biased management of the ecological crisis based on humanity's disconnected relationship to nature, because it amounts to saying that humanity is separated from nature, that humanity is the problem and that humanity must therefore be excluded, even though we belong to nature. On the contrary, we must learn to live in harmony with non-humans, because we are a living species like any other. We are nature looking at itself. This is the subject of my book *Homo Natura: In Harmony with the Living World*. The real problem is our perception of ourselves as beings that are disconnected from nature. This disconnection persists even in the solutions we propose to protect nature today. But this cannot be the solution, unless we as a civilization decide to leave the Earth and live on Mars...

**SB:** On the notion of progress through the use of technology, a tradition of thinkers who are critical of modernity, such as Ivan Illich in particular, have raised the question of the limits ignored by technical progress. According to Olivier Rey, postmodernism has ended up accelerating the self-construction of humanity, as we are eager to shape ourselves and move beyond our limits. We can now do things like manage human reproduction, observe the functioning of the brain, etc. How should we think about the relationship between humans and non-humans today, considering that our postmodern societies are engaged in a quest to master nature?

**VC:** The transhumanist current surely dreams of what is called "the augmented human". It is a very arrogant way to conceive of ourselves, since we are part of nature and nature has never been immutable. Nature has always shaped itself according to the conditions in which it was able to develop, including a wide range of climate conditions. Every animal and every plant adapts to its environment and shapes it. I see the development of humanity as an extreme example of this fact. And if I push my reasoning to the logical conclusion, I might say that

the technology created by humanity is a part of nature... It is a part of history and evolution... The question pertains to the limits that we impose on ourselves at a given time, meaning the question of how we want to continue to live on this planet Earth as it has allowed us to develop, because that is really what it is all about. If humanity has gone from a few hundred thousand humans at the end of the last ice age 12,000 years ago to more than 7 billion today, it is because we have benefited from living conditions that are extremely favorable to our development, including a temperate climate, a flourishing biodiversity and more. It is still astounding to me that humans dare to think they were the only ones responsible for their own development! On the other hand, humanity is the only one responsible for our own losses. Today, we have become a geological force through our industrial activity. We have managed to shift into a new era, from the Holocene to the Anthropocene, which we are actively shaping through our activity. This brings us face to face with our own choices: whether or not we want to live within the ecological limits that we are in the process of exceeding one after another. Are we ready to accept the loss of three quarters of humanity in order to maintain the comfort of a few? Because, in my opinion, we have also become an endangered species. Within fifty years, countries and coasts will be uninhabitable, including fifteen megacities with twenty million residents. The dream of the augmented human has a cost with regard to our own species: that of potentially losing a part of our humanity. It is a choice of what kind of civilization we want to live in. But the problem is that this choice is made by powerful, rich men who decide the fate of humanity as a whole. Ask a Malagasy man who is eating cactus leaves because of the current famine that is directly linked to climate change if he shares Elon Musk's dream...





**SB:** Multinationals exist because of their consumers, too. We always come back to the age-old question of consumption patterns and their impacts...

**VC:** Yes, that's why, for the past ten years, beyond just advocating for a legal goal, I've been speaking at conferences and writing books. We cannot change the system if we do not change our global consciousness. On the one hand, it is absolutely necessary to create awareness, and unfortunately, sometimes it is disasters that help us question our own share of responsibility in what happens. Changing human consciousness is a very long-term undertaking that goes hand in hand with education. At the same time, the history of legal advances shows us that laws have been adopted without a demand from the majority, as in the case of the end of slavery and the abolition of the death penalty in France. I think that government has a responsibility to protect its population. In this sense, in this regalian vision of government, if it authorizes destructive modes of consumption and production, it is the responsibility of government before that of the consumer. Yes, I think that things should be prohibited. It is the responsibility of government to legislate as it has done, for example, on banning smoking in public places, or speed limits, etc. In response to arguments about infringing on the freedom of enterprise, I would say that, at a given moment, collective interests must take precedence over individual interests.

**SB:** Continuing on the role of government and politics, what can you say about interactions with China on recognizing the rights of nature?

**VC:** With this steamrolling regime, we must indeed take a pragmatic approach. China is not a signatory to the Rome Statute of the International Criminal Court, but its leaders can potentially be indicted by the ICC. The ICC has universal jurisdiction, which allows any national judge of a signatory country to take up a case of a crime linked to its territory. Anyone who commits a crime on the territory of a signatory country can logically be the subject of an arrest warrant in the country that is the victim. This is just a hypothetical. I can't imagine that any African dictator would want to issue an arrest

warrant for a Chinese industrial leader who is monopolizing, for example, the forests of Benin... It is very complex. But what is important to understand is that by defining the most serious international crimes, there is an underlying idea of drawing new moral lines. China is aware of the harmful effect of its treatment of the Uyghurs, for example, as well as the reference to the notion of genocide, and of the bad press in the face of crimes that are no longer tolerated and that have never benefited the business world. If we start from the principle that the large-scale destruction of an ecosystem is no longer acceptable from an international point of view, this has a diplomatic impact on the way China behaves. The action then takes place at the diplomatic level and becomes a diplomatic weapon. And then you have to remember that China was one of the first countries to invest in renewable energies, which is a booming market. We must look at this in economic terms: if the crime of "ecocide" is recognized, the Chinese will be the first to invest in technologies that will be acceptable in order to win markets. However, we are not safe from a Chinese economic colonialism that could spread across the Earth...

**SB:** When it comes to renewable energies and technological innovation, the term "ecological transition" raises questions. On the one hand, it awakens the possibility of a new world in search of inspiring narratives. On the other, it becomes problematic in relation to reality, namely the ecological impact of the production of so-called green technologies, which is the main point of Guillaume Pitron's work. You both participated in The Night of Ideas in Brussels in 2018 on the theme of ecological emergencies...

**VC:** If we want to be sincere and effective, we must talk about "degrowth". And that makes everyone start to scream and panic. We really need to change our way of life in order to drastically reduce the predation of resources and energy consumption. If we want to respect the planetary limits while respecting a social floor for everyone, meaning that everyone lives in dignity, we are required to take a path of sharing and degrowth.

This is obvious. In this sense, the objective of sustainable development is an oxymoron.

**SB:** Which initiative in favor of the rights of nature, in France, do you find particularly inspiring?

**VC:** At the moment, the most concrete advances concern initiatives to grant legal personhood to ecosystems, particularly rivers, such as the Rhone [Editor's note: the Rhone appeal carried out by the ID-Eau association], but also the creation of inter-species parliaments, such as that of the Loire. A parliament including a non-human entity, in this case the Loire, is unique in France. This was made possible through public hearings and collective research bringing together philologists, anthropologists, ecologists, biologists, lawyers and users of the river. A book reporting on these hearings is currently being published by Les liens qui libèrent: *Le Fleuve qui voulait écrire* [The River that Wanted to Write]. It is about imagining the potential institution of a river ecosystem with its fauna, flora, sandbanks, water bodies and all the components of the Loire. With Notre Affaire à Tous, I brought my point of view as an international lawyer and specialist in the rights of nature and participated in reflecting on the creation of this parliament, led by lawyer and writer Camille de Toledo, and supported by POLAU (Arts and Urbanism Cluster, subsidized by the Ministry of Culture and the Centre-Val de Loire region). Volunteers from Notre Affaire à Tous also took part in discussions with other speakers on the means and modalities of representing the Loire. This project is now becoming a reality.

**SB:** Regarding the rights of nature, how does the question of animal rights come into play?

**VC:** It's another field of action. When we talk about the rights of nature, we are talking about the ecological role of every species and every ecological system on Earth. In other words, when we talk about the rights of the wolf, we are not talking about a wolf or an individual, but about the species, namely its role in the system of life. The movement for the rights of nature is not a vegan movement per se, especially since it has been greatly inspired by the cosmogony of indigenous peoples who still tra-

ditionally live by hunting, fishing, etc., while maintaining a relationship of respect and sharing with other non-human species. This means avoiding excessive killing and stockpiling, eating only what is needed, sharing with the group, and giving thanks to the beast that has been killed. If we realize that a species will run out of resources, we will preserve that resource for the species, not just for humans. This is another way of relating to living things, and ultimately of looking at life as energy circulating between beings. The animal rights movement refers to another complementary approach that I have not fully committed to, because I would be hypocritical as a non-vegetarian. It is an approach where each non-human individual is considered a legal subject. In France since 2015, domestic animals are recognized as sentient beings. It is prohibited to mistreat or torture these animals, even though they still fall under property law. This movement aims to extend this protection to all animals, whether in laboratory or in the wild, and especially to recognize them as legal subjects, no longer as objects or property.

**SB:** What do you think of the animal rights movement, which can be very divisive and sometimes even violent?

**VC:** What bothers me a lot is the idea that a new level of civilization will be achieved when humans no longer eat meat, and the idea that vegans are superior to others. Having lived with traditional societies that will die if they do not have goats to drink milk in the middle of the desert, or if they cannot hunt or fish, it makes me very angry when I hear rich Westerners promote the idea of universal veganism. They can afford not to eat meat. They can buy soya and other products, which are also packaged in plastic and are not necessarily organic, because the soya production may have destroyed forests... This is what I also call a form of neo-colonialism of thought, which asserts the superiority of its evolution over others, and therefore over all traditional societies that cannot live otherwise than by depending on the surrounding natural resources. Are they primitive societies? No! If we continue to foster this type of discourse, we will never get anywhere.

**SB:** In fashion, the radicalism of activists committed to protecting animals raises questions within companies that subcontract leather for fashion and luxury brands...

**VC:** There is indeed sometimes a totalitarian, radical, aggressive discourse that is expressed in vegan spaces. This violence resides in a desire to impose this way of seeing the world, which I mentioned earlier, on everyone, on all the populations of the world. However, this is not possible, we are obliged to go step by step according to the economic level of each country. Western companies must try to move towards a virtuous production chain, including local and healthy production. This involves managing the social and economic consequences if they have to close down relocated production lines or keep jobs but train people to work new jobs, use new materials or switch to plant leather. On the other hand, all this must be done, I would say, in connection with an awareness that cannot, in my opinion, be legally imposed on the whole world.

**SB:** The fact remains that it is rather difficult to approach the subject of animal advocacy in a nuanced way, as you do...

**VC:** The nuances come from my knowledge of populations elsewhere and my empathy. I cannot function according to a solely European, Western-centric vision. I get the impression that many debates are biased because the reality on the ground elsewhere is not taken into consideration.

**SB:** You are now using your interest in other places to document the legal progress of the rights of nature by making a film...

**VC:** This project in collaboration with Corto Fajal, a director whose work I appreciate very much, will keep me busy for the next three years. This film on the rights of nature is centered on Europe where more and more initiatives have emerged over the last two or three years. They have not yet succeeded, but they are inspired by what has succeeded elsewhere. Soon, in February 2022, there will be an exhibition that we have designed for the Museum of the Resistance and Deportation of Isère at the Human Rights House in Grenoble. It will document those

places that have requested the recognition of legal personhood for the local ecosystem, which will take us to Sweden, the Netherlands, Serbia, Corsica, the Loire and Rhone River basins and more. We are making a film on initiatives in Europe to help Europeans more easily identify what is already happening and where they can get involved. This will keep audiences from dismissing the topic by saying: "Oh well, talking about the rights of nature is silly, since it's only for indigenous peoples!"

A SELECTION OF VALÉRIE CABANES'S BOOKS

"HOMO NATURA"  
EN HARMONIE AVEC LE VIVANT  
["HOMO NATURA. IN HARMONY WITH THE LIVING  
WORLD"], BUCHET CHASTEL, 2017

"UN NOUVEAU DROIT POUR LA TERRE. POUR EN FINIR  
AVEC L'ÉCOCIDÉ" ["A NEW LAW FOR THE EARTH TO PUT  
AN END TO ÉCOCIDÉ"], SEUIL, 2016