



# **HRSP Webinar**

**on**

# **Rethinking Rights and Justice For Non-Humans**

**10 May, 2022 (10.15 am- 4.30 pm)**

**Human Rights Studies Programme  
School of International Studies  
Jawaharlal Nehru University, Delhi**

## **About HRSP**

**The Human Rights Studies Programme (HRSP)** is engaged in teaching and research in human rights with the objective of identifying the newer claims /conflicts in the sphere of human rights, and the determination of new rationalities/approaches to sustaining a peaceful co-existence of all life forms. Through its Ph.D. Programme, the HRSP promotes critical and interdisciplinary research on human rights topics of domestic, regional, and international importance. It offers introductory and advanced level courses to students under the Ph.D., M.A., and B.A. Programmes. These include Theory and Practice of Human Rights, Disability Human Rights Law and Policy, Globalization of Human Rights, Foundation Course on Human Rights, Cross-cutting Themes and Concepts in Human Rights, and International Human Rights Law and Vulnerable Groups.

HRSP also organizes an Annual Human Rights Day Seminar/Webinar for young scholars engaged in research on human rights and related agendas. Previously held seminars were on ‘The Intersections of Human Rights and Criminal Law’ (2021), ‘Human Rights: The Old and The New Challenges’ (2020), and ‘Assertion of Human Rights in National and International Contexts’ (2018).

### **Programme Head:**

Prof. Sharad K Soni, Director

### **Faculty:**

Dr. Deepa Kansra, Assistant Professor, Webinar Co-ordinator

## **About the Webinar**

The webinar is an outcome of the lectures and discussions on ‘Cross-cutting Themes and Concepts in Human Rights’, offered as a Seminar Course to the students of the MA Programme, School of International Studies, Jawaharlal Nehru University (Winter Semester 2022).

The Webinar theme on ‘Rethinking Rights and Justice for Non-Humans’ speaks of the most compelling arguments advanced for the meaningful representation of non-human entities in international law, politics, and governance. At the webinar, the participants will explore and navigate the terrain of relevant concepts, emerging norms, and moral justifications that underline the case of non-human entities. The webinar sessions are;

- The Limits of Animal Rights: Exploring the Case for Multispecies Justice
- Humanist Dimensions of Machines
- Representing Nature: Rights, Crimes, and Diplomacy

## **PROGRAMME DETAILS - 10.5.2022**

Introduction to Webinar- Dr. Deepa Kansra, HRSP (10.15 am)  
Opening Remarks- Prof. Sharad K Soni, Director, HRSP

### **Session I: The Limits of Animal Rights: Exploring the Case for Multispecies Justice (10.30-12.30 pm)**

Chair: Prof. Anuragdeep, The Indian Law Institute, Delhi

#### Presentations

- 'Examining Cultural Perspectives On Animals and Related Issues- Madhurima KVS, MA/PISM Programme, SIS, JNU
- 'Understanding the Existing Legal Framework for Animal Welfare and Rights'- Sravya V, MA/PISM Programme, SIS, JNU
- 'Thinking Other-Than-Rights for the Other-Than-Human'- Meghna Chakravorty, MA/PISM Programme, SIS, JNU

#### Expert Comments and Discussion

### **Session II: Humanist Dimensions of Machines (12.45- 1.45 pm)**

Chair: Dr. Sanjivini Raina, Assistant Professor,  
Faculty of Law, University of Delhi

#### Presentations

- 'A Case for Rights for Machines'- Ishan Chaturvedi, MA/PISM Programme, SIS, JNU
- 'Deconstructing Legal Personhood for Machines'- Shailja Arya, MA/PISM Programme, SIS, JNU

#### Expert Comments and Discussion

### **Session III: Representing Nature: Rights, Crimes, and Diplomacy (2.30- 4.30 pm)**

Chair: Dr. Nupur Chowdhury, Assistant Professor,  
Centre for the Study of Law and Governance, JNU

#### Presentations

- 'Rights of Nature: Theoretical and Practical Articulations' - Lenoru Abigail Epao, MA/PISM Programme, SIS.
- 'Beyond Legislations: Understanding Rights of Nature in the context of indigenous communities'- Ishita Chakma, MA/IRAS Programme, SIS.
- 'Feasibility and Relevance of Criminalizing Ecocide'- Rupal Rupali, MA/PISM Programme, SIS.
- 'Contextualizing the Genocide-Ecocide Nexus in International Criminal Law'- Jasroop Singh Walia, MA/PISM Programme, SIS.
- 'Green Diplomacy: Representing Nature in Global Politics'- Aditya Ranjan, Research Scholar, CRCAS, SIS, JNU

#### Expert Comments and Discussion

## **PAPER ABSTRACT/S**

### **Session I: The Limits of Animal Rights: Exploring the Case for Multispecies Justice**

Presenters:

Madhurima KVS- 'Examining Cultural Perspectives On Animals and Related Issues'

Sravya V- 'Understanding the Existing Legal Framework for Animal Welfare and Rights'

Meghna Chakravorty- 'Thinking Other-Than-Rights for the Other-Than-Human'

#### **Abstract**

The discourse of animal rights has been gaining currency within the rights canon as a result of sustained advocacy, activism and scholarship. Emerging from a commitment to justice for animals, the exponents view animal rights as a corollary of human rights based on the presumption of the extendibility of legal entitlements under the liberal institution of rights to non-humans. Nevertheless, the legal architecture mostly continues to reflect an animal welfare understanding that only condemns human excesses, gross violations or cruelty while continuing to consider animals as having instrumental value to human well-being, health and prosperity. This paper proceeds to offer insights into the status of animal rights, the limits of the framework and the possibility of alternative approaches to the cause of justice. For the purpose of analysis, relevant legal provisions as well as religious, cultural, and social articulations of the human-animal relationship primarily in India and a few neighbouring countries have been examined. The paper observes that the language and theoretical framework of laws and court judgements are limited in scope, poorly legislated and enforced, and ultimately fail to do justice to the animal question. It argues that while the rights framework is an improvement over the ideals of animal welfare, it is insufficient for the holistic realisation of animals' interests, especially in light of the catastrophic dangers posed to all species on account of the climate crisis. Additionally, it recognises the potential of cultural perspectives in influencing the understanding of animals and their interests and in creating an alternate approach and apparatus for pursuing animal justice. Therefore, the paper argues that under the conditions brought about by the climate crisis, justice implies an ethical responsibility towards the 'more-than-human' that transcends the liberal rights framework, which is situated in claims based on the legal personhood of the 'individual'. It suggests that multispecies justice as a constitutional principle can be incorporated within all human intervention; as the evolving idea of 'One Health' affirms; and an ecological balance can be maintained without placing a disproportionate burden on marginalised human groups.

## **Session II: Humanist Dimensions of Machines**

Presenters:

Ishan Chaturvedi- 'A Case for Rights for Machines'

Shailja Arya- 'Deconstructing Legal Personhood for Machines'

### **Abstract**

Artificial Intelligence (AI) is an emerging and fascinating field of robotics defined by McCarthy as “the science and engineering of making intelligent machines”. The expanding scope of “artificially intelligent” machines and robots into possible systems with the ability to make cognitive choices equates them to almost human-like entities. This paper describes the distinction between machines, robots and AI in their current state of order. Furthermore, ‘machine learning’ as the basis of increased algorithmic performance over time has been built on to elucidate the practical and theoretical possibilities of AI and AGI (Artificial General Intelligence). Constructive arguments on the basis of performance and resemblance to human beings have been considered to make a case for machines as sovereign right-owning entities within the current legal framework. The scientific dimensions of consciousness have been tested through a logical-psychoanalytical approach employing Sigmund Freud, Roger Penrose and Kurt Godel’s theoretical framework to demonstrate that despite machine learning advancements, the nature and origin of human consciousness is fundamentally distinct from machine and robot entities. Therefore, despite the advancements they remain non-equitable entities in the current state of affairs.

## **Session III: Representing Nature: Rights, Crimes, and Diplomacy**

**Presenters:**

Lenoru Abigail Epao- 'Rights of Nature: Theoretical and Practical Articulations'

Ishita Chakma- 'Beyond Legislations: Understanding Rights of Nature in the context of indigenous communities'

### **Abstract**

The concept of 'rights of nature' is not alien to the twenty-first century world. Even in the pre-modern world, communities held 'nature' to be sacrosanct. In the present-time discourses on climate change and global warming, it has become important to become aware about the rights of nature, including the complex/intricate processes that underline their implementation and realization. On the above themes, this paper reflects on the practices of countries which have managed to discuss nature as a legal person and incorporated rights within their Constitutions. Drawing references from countries like India, Latin America and New Zealand, it explores the interrelation between rights of nature and human rights, including the concept of 'rights of nature' and the indigenous communities. The paper also argues for the need for alternative approaches to view nature as a subject-matter beyond rights and legislation. Presenter:

**Presenter:**

Rupal Rupali- 'Feasibility and Relevance of Criminalizing Ecocide'

**Abstract**

It has been more than fifty years since the term 'Ecocide' was first used in the 1970s to characterize the massive ecological damage and destruction caused by the use of Agent Orange in the Vietnam War. However it's only in the last decade or so that we see the steady emergence of an 'ecocide movement', of which, a major call is to make 'ecocide' a crime against the International Criminal Court, designating it as the 'fifth crime' against peace, alongside genocide, crimes against humanity, war crimes and the crime of aggression. With the worsening health of the environment and perils of climate change becoming starker each coming day, the issue of the environment, albeit slowly, is steadily moving to mainstream international politics, and so is this demand for criminalizing ecocide.

In 2021, an independent expert panel convened by the Stop Ecocide Foundation formulated and launched a module containing a detailed legal definition of ecocide, capable of being adopted as a workable crime in the ICC's mandate. Hence, it is in this context that this paper attempts to analyze different aspects of the criminalization of ecocide while addressing the many debates and controversies related to its relevance, utility and feasibility. The objectives of this paper are two-fold. In the light of the definition proposed by the Independent expert panel, this paper first highlights the challenges and limitations implicit in the inclusion of ecocide as the 'fifth crime' against peace in the Rome Statute. Secondly, it raises a few questions about the possible implications of this process of reforms for criminalization on the discourses on 'rights of non-humans' and 'environmental justice'.

**Presenter:**

Jasroop Singh Walia- 'Contextualizing the Genocide-Ecocide Nexus in International Criminal Law'

**Abstract**

Since the 1970s, there has been a growing movement to recognize the crime of ecocide and criminalize it along the lines of genocide in international criminal law. Significantly, the Rome Statute of the International Criminal Court presently recognizes only four Crimes against Peace, namely: genocide, crimes against humanity, war crimes and the crime of aggression. Ecocide's absence from this list has been notably described as "the missing fifth Crime against Peace". To address this issue, scholars, jurists, and activists have actively debated on a comprehensive definition of ecocide while recognizing the challenges associated with its international criminalization. Within this broader debate, the interlinkages between the concepts of ecocide and genocide warrant a deeper analysis. This paper will focus on one such aspect known as the Genocide-Ecocide Nexus, given by Martin Cook and Damien Short. This nexus builds further on the theory of cultural genocide as had been formulated by the Polish jurist, Raphael Lemkin. The role of natural resource extraction in solidifying this nexus needs to be understood further. Scholars have discussed about the centrality of capitalism in this nexus across a temporal scale, be it the period of colonialism or the neo-liberal market economy. This paper illustrates this centrality through well-documented case studies of ecocide in Amazon rainforests and Nigeria. The paper also analyzes the contemporary push towards a

‘Green Economy’, which has seemingly transformed the Genocide-Ecocide Nexus in distinct ways. This approach will help us evaluate and contextualize the nexus in the broader debate around the criminalization of ecocide in international criminal law.

**Presenter:**

Aditya Ranjan- ‘Green Diplomacy: Representing Nature in Global Politics’

**Abstract**

The mainstream meta-narratives and problem-solving theories dominate the discourses in the discipline of International Relations. The realist discourse in International relations mainly revolves around anarchy, states, traditional security, strategic alliances, power politics, defense engagement, arms race, etc. The liberal tradition concerns cooperation, trade, and mutual benefits among the nation-states. Marxists view the relations between the nation-states through the prism of economic ties between the core and periphery. These so-called problem-solving theories fail to understand humanity's fundamental problem and thus fail to acknowledge nature in its discourse on global politics. Traditionally, diplomacy is considered a tool for managing relations between countries to maintain world peace and stability. However, it functions under the realist framework and its understanding of global politics. The growing humanitarian catastrophe in the 21<sup>st</sup> century demands a radical change and a new approach to global politics, which must be inclusive. The rising sea level caused by climate change raises concern for the state and puts a question mark on the state's very existence. The crisis in the Anthropocene is not limited to any state or confined to any fixed boundaries; instead, it is an alarming concern for all living and non-living species. Thus, there is a need to represent nature in the discourse of global politics. Unlike diplomacy in its traditional form, green diplomacy is one such tool.

In this context, the paper gives an overview of the existing discourses on global politics, which are exclusionary. It also tries to locate the missing due share of nature. Further, the paper advances green diplomacy as a potential game-changer in global politics, representing nature in the study of International relations.

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