

# Legal Mobilization and Non-Human vs. Human Rights Claims

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## Background

The goal of this thesis was to examine how the process of legal mobilization (the translation of a grievance to a rights claim<sup>1</sup>) looks different in a social movement surrounding a human right versus a social movement around a non-human right (or a right for some element of nature).

## Methods

This thesis undertook an inductive process-tracing approach to compare the processes surrounding the movements around the United Nations Declaration on the Rights of Indigenous Peoples (a human rights claim) and the Universal Declaration on the Rights of Mother Earth (a non-human rights claim). Since the timeline and power dynamics of these two declarations were similar besides the rights claims, they were a good comparison. The processes were organized with McCann's<sup>2</sup> social movement stages.

## Key Findings

	Stage 1: Movement Building	Stage 2: Official Policy Creation	Stage 3: Policy Development and Implementation	Stage 4: Transformative Legacy
<b>UNDRIP – Indigenous Rights Movement</b>	<ul style="list-style-type: none"> <li>Framing and articulation</li> <li>Led by indigenous individuals/groups</li> <li>Success on international scale first, failure at national level</li> <li>Use of already established international law</li> </ul>	<ul style="list-style-type: none"> <li>Transnational advocacy</li> <li>Leadership of broad indigenous coalitions</li> <li>UN recognizes the need for inclusion</li> <li>Use of already established international law</li> </ul>	<ul style="list-style-type: none"> <li>Transnational activism/lobbying</li> <li>Framing and articulation</li> <li>Works through established UN channels</li> </ul>	<ul style="list-style-type: none"> <li>Too soon to know</li> <li>UNDRIP successful accepted by UN</li> <li>Movement continues to work through UN channels</li> </ul>
<b>UDRME – Rights of Mother Earth/ Nature Movement</b>	<ul style="list-style-type: none"> <li>Framing and articulation</li> <li>Led by indigenous individuals/groups</li> <li>Success with domestic policies first</li> </ul>	<ul style="list-style-type: none"> <li>Transnational advocacy</li> <li>Leadership of Bolivia, then broad activist coalitions</li> <li>Works outside of established channels</li> <li>Use of established national policy</li> </ul>	<ul style="list-style-type: none"> <li>Transnational activism/lobbying</li> <li>Framing and articulation</li> <li>Works in and out of established UN channels</li> </ul>	<ul style="list-style-type: none"> <li>Too soon to know</li> <li>UDRME not yet successful</li> <li>Focus on other than proper channels</li> </ul>

Figure 1. Key processes involved in the social movements surrounding the UNDRIP and the UDRME

The movements were similar in that they involved a framing phase and then gained support with transnational advocacy. However, there were a few notable differences. The indigenous rights movement achieved success first in the international sphere whereas the rights of nature movement achieved initial success with domestic policies. Second, the rights of nature had a clear state leader whereas the indigenous rights movement did not. Finally, the indigenous rights movement worked by mobilizing around previous laws that related to their movement and worked through the established UN channels. The rights of nature movement moved towards working outside established UN channels.

These findings begin to fill a gap in the literature and yield important insights for nature's rights movements in the future.



## Sources and Acknowledgements

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<sup>1</sup>Zemans, Frances Kahn. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *The American Political Science Review* 77(3): 690–703.

<sup>2</sup>McCann, Michal W. 1997. *Rights at Work: Pay Equity Reform and The Politics of Legal Mobilization*. Chicago: University of Chicago Press.