



The Foundations: ECO_CARE

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Abstract This chapter outlines the primary objective of the ECO_CARE project: establishing a cooperative governance framework that legally recognizes water and communities as living entities with inherent rights. The chapter underscores the crucial role of water in sustaining life and argues for an ecologically integrated approach to water sustainability and governance, critically analysing the inadequacies of top-down approaches in meeting global environmental goals. Water-related challenges such as scarcity, contamination, and unequal distribution are identified, leading to environmental stress that adversely impacts community and biodiversity rights. The project proposes a water-centric legal response grounded

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in environmental law, advocating for an integral understanding of water value, interconnectedness, and the necessity of protective actions. The methodological approach of the project relies on legal research and ecological ethics, emphasizing empathy, compassion, and care to foster thoughtful relations within and between ecological communities. The chapter details the project's initial step in remodelling water governance by expanding participatory environmental rights from procedural to substantive positions. This transformative shift aims to amplify the voices of nature defenders and acknowledge nature's intrinsic value, challenging Euro and Western-centric perspectives.

Keywords Project objectives · Water governance · Innovative approaches to environmental rights · Law and emotions

The overarching goal of the ECO_CARE project is to create a cooperative governance framework that recognizes water and communities as living entities under the law, thereby granting them the right to be safeguarded and protected.

Water stands as the fundamental element crucial for life's prosperity in any setting, serving as a potent medium for both living organisms and their habitats. As a result, prioritizing effective participation becomes of utmost importance in ecologically integrated strategies for water sustainability and governance models. Water governance cannot solely rely on a top-down approach from government officials, corporations, and world leaders, as they have failed to meet any of the global environmental goals set in the last decade (i.e., Paris Agreement,¹ Agenda 2030²). This concern forms the basic premise of the project: water governance must ensure that we are responsibly and collectively contributing to a functioning and healthy water system. Yet, we are increasingly faced with water-related challenges that impede such a premise: scarcity, contamination, and inequitable distribution.

¹ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

² UN Resolution, AG, A/Res/70/1 published on the official website: <https://sdgs.un.org/2030agenda>, last access September 2022.

As a result, we observe detrimental environmental stress, which leaves communities and biodiversity in a vulnerable state, hindering their respective rights and reciprocal obligations towards one another. Given the alarming scenario at hand—in addition to how widespread this issue is—the project recognises the importance of re-evaluating the legal response of water governance from a water-centred perspective. This response is rooted in the field of environmental law as a means of conceptualizing and constructing a water-centric system that addresses the challenges through new legal environmental foundations (Philippopoulos-Mihalopoulos, 2011). A water-centric system can be achieved by recognizing the value of water, its interconnectedness to all of life, and the importance of orienting our actions towards its protection (Pope Francis, 2015).

The conceptual framework for the project's methodological approach is predicated on legal research (Friedland & Napoleon, 2015), which provides the grounds for rethinking, reinterpreting, and modelling water governance through the ecological ethics of empathy, compassion, and care (Moriggi, Soini, Franklin, & Roep, 2020). Such an approach establishes thoughtful relations within and between ecological communities—composed of both human and non-human—by empowering them to care for themselves and each other. This goal is achieved by humans developing greater compassion and empathy within the overarching ecological community (Bandes, 2017).

The project's first step toward remodelling water governance through the aforementioned legal approach began with an assessment of the expansion of participatory environmental rights from merely procedural to substantive positions. From conceptualizing participatory rights as a substantive right consequently established a shift, which gave a platform and increased legitimacy to the voices of nature defenders and to nature itself.

The need for new participants in decision-making was first recognised in environmental law, which gradually expanded to administrative law. This expansion was catalysed by the legal recognition of environmental access rights—which is structured into three pillars: the right to access documents, to participate in decision-making processes, and to access justice—and is enshrined in Principle 10 of the Rio Declaration.³

³ 1992 Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I), 31 ILM 874 (1992).

Such a recognition facilitated the entry of procedural rights holders and contributed to a shift away from a centralized model in environmental decision-making in which the States involved held significant power. The 1998 Århus Convention (ÅC) (Parola, 2013),⁴ the first international treaty implementing Principle 10, marks the recognition of environmental rights for non-state actors. Widely enforced in the EU—although it was limited in content and regional extent—the ÅC paved the way for the expansion of participatory rights to vulnerable groups, which included Indigenous peoples. This expansion was accomplished by creating space for the approval of the 2018 Escazú Agreement (EA) for Latin America and the Caribbean (Poto & Enyew, 2021).⁵ The EA carried forward the ÅC legacy,⁶ expanding the environmental decision-making to new actors and their views on nature. By doing so, the EA broadened the horizons of rights from merely participatory to substantive. Passing the baton of environmental decision-making to those with nature-centred views, the EA allowed perspectives that encouraged the gradual recognition of the rights of nature at the global level (López-Cubillos et al., 2021).

By replicating the previously mentioned three pillar structure, the EA expands the discourse beyond Eurocentric views, broadening the spectrum of participants to those with nature-centred views. Article 9 clearly qualifies such participants as human rights defenders in environmental matters, “whose safe and enabling environment is to be guaranteed so that they are able to act free from threat, restriction and insecurity.”⁷ Thus, the EA brings forward the discourse on actors involved

⁴ United Nations Economic Commission for Europe (UNECE), *The Århus Convention: An Implementation Guide* (2nd ed. 2014) available at http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf last access May 2023.

⁵ Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 4 March 2020, available at <https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf>, last access August 2023.

For updates on signature and ratification status see: <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>, last access August 2023.

⁶ Moreover, as expressly mentioned in the Foreword of the EA, the year of approval marks the 20th Anniversary of the Declaration of Human Rights Defenders: https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf, last access August 2022.

⁷ See Art. 9 EA: ‘1. Each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters so that they can act free from threat, restriction and insecurity. 2. Each

in environmental decision-making.⁸ Its beneficiaries are the populations of the concerned regions—the most vulnerable groups and communities in particular—recognized as human rights defenders that contribute to strengthening democracy, access rights, and sustainable development. EA gives voice to environmental defenders (Art. 9), whether Indigenous peoples or local communities, whose survival depends on nature and is threatened by large-scale projects of resource extraction, industrialization, and development.⁹ Both the AC and the EA led to international legal recognition of effective participation in the environment, preparing the terrain for the discourse of nature’s substantive rights, which is also applicable to water. They apply to the environment as a whole—including human and non-human beings—and also pave the way for nature and water-centred voices.

Starting from the theoretical framework—and intending to model a collaborative water governance system—ECO_CARE suggests a re-reading of these environmental rights by integrating Indigenous perspectives with the suggestions of students engaged in environmental learning and the creative help of school communities. To achieve this objective, the project team adopts a methodological integrated approach, through (i) critical legal research and (ii) empirical legal and anthropological research.

Party shall take adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights, taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system. 3. Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.’

⁸ Before the EA, several initiatives—not all of them binding, however—have been conducted in Latin America to promote and protect participatory rights for nature and rights of nature. Here we may note the Peoples’ World Conference on Climate Change and the Rights of Mother Earth, hosted by the Plurinational State of Bolivia in Cochabamba, 20–22 April 2010, followed by the Universal Declaration of the Rights of Mother Earth. See UNGA Resolution 73/235, <https://www.un.org/pga/73/wp-content/uploads/sites/53/2019/04/A.RES.73.235.pdf>, last access May 2023.

⁹ See UNDP (2018). What does it mean to leave no one behind? A UNDP discussion paper and framework for implementation, available at https://www.undp.org/content/dam/undp/library/Sustainable%20Development/2030%20Agenda/Discussion_Paper_LNOB_ENIRES.pdf, last access May 2023.

Fig. 1 Logo of the project realized by Valentina Russo, Mucho Amor (Instagram: @mucho__amor), 2021



This second step embraces and adapts principles and techniques of knowledge co-creation, LD and VL, visual communication and illustrated storytelling. This integrated approach is an effective tool for investigating complex systems, such as environmental governance, which simultaneously promotes the advancement of knowledge diversity. The first step was the creation of a visual identity for the team members, through the illustration of the project logo (Fig. 1). This is a representation of the blue planet Earth, embracing continents, waters, persons, and emotions. These emotions are represented by a heart hugged by the planet. These concepts are demonstrated within a continuum. The logo contributed to creating a cohesive visual aesthetic that not only unifies the project team, rationale, and activities in a visual manner but also lays the groundwork for a work environment that encourages creativity and spirited collaboration among the project members.

Co-creation of visual results has been continually pursued and has ultimately resulted in the publication of two comic books for law students and practitioners (Parola & Poto, 2021a, 2021b). This is in addition to a composite learning toolkit composed of an illustrated book, a handbook, and prototypes of a touching book and finger puppets (Porrone et al., 2021a, 2021b).

In the first year of the project, another multistep collaborative project was developed. This entailed co-created storytelling, illustrations, and

other visual communication techniques that were integrated as the result of the cooperation between the Indigenous communities of the Chiquitano people living near the Tarumã River and the Sámi people of the Tana River. The project comprised three steps. Step 1 was dedicated to the preparation of a collaborative questionnaire for the two target audiences (i.e., the two Indigenous communities living along the mentioned rivers) in Portuguese and English. The use of this questionnaire was intended to build trust with the Chiquitano teachers involved in the project in Mato Grosso and to gain an understanding of the relationship between the Sámi people and the Tana River, respectively. In Step 2, surveys and semi-structured interviews were conducted with representatives of the two groups, who gave voice to their struggles and built a comparative understanding of the challenges faced by water-centric communities. Step 3 involved the students from the course of LD and VL at UNIRIO (2021); based on the studies and research conducted on the two rivers, Matheus Goulart, a law student, designed the project's cover. This cover details the two rivers and their elements engaging in an imaginary conversation (Fig. 2).

The visual representation of this conversation prompted important cooperation between Indigenous and non-Indigenous researchers, students, and Indigenous co-researchers, holding great promise for Indigenous and water knowledge promotion in academia and other communities. The many aforementioned steps contributed to improving the team spirit and reinforced the international team members' conviction of the potential of co-creation. Ultimately, these team members were able to understand how co-creation can lead to meaningful contributions to research processes, and how relevant knowledge is built and reusable, both within and outside the research itself and local communities. In line with ECO_CARE's vision of increasing the research capacity of community members, and ensuring that they are co-researchers in every project, the project's results that have been co-created so far were shared with the communities involved, and book launch events have been organized and planned.¹⁰

¹⁰ For a report on an activity of restitution, see the ECO_CARE blog post: https://en.uit.no/project/ecocare/blogg/innlegg?sub_id=795326, last visited August 2023 as well as Sect. 6, Chapter 3.

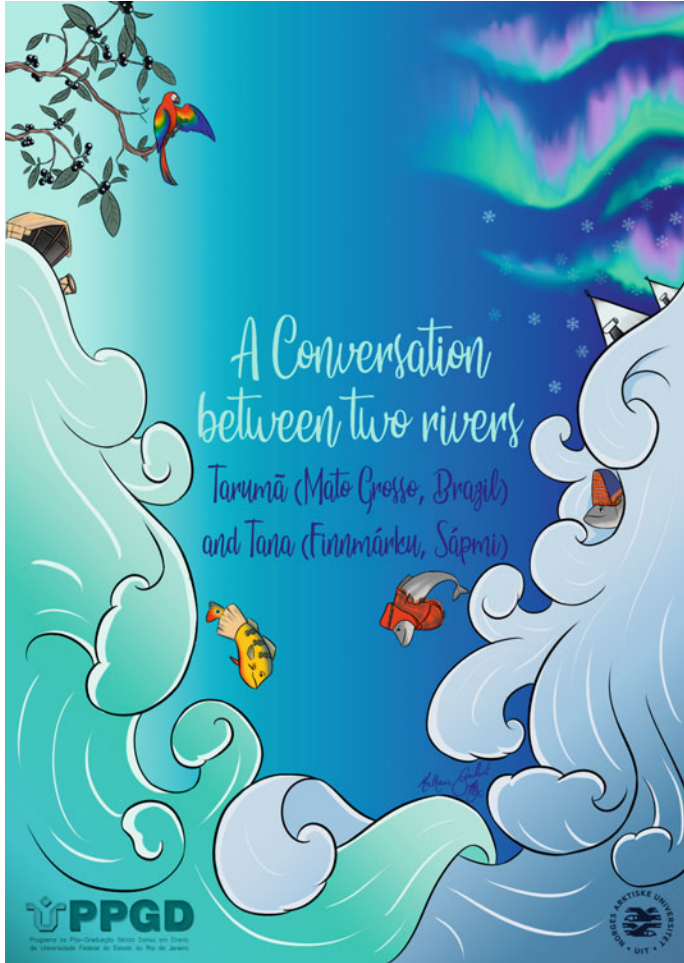


Fig. 2 Project cover created by Matheus Goulart (2021)

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