

## THE CASE FOR A POSTHUMAN RESPONSIBILITY TO PROTECT: AN ANISHINAABEG POSTHUMAN SECURITY CONVERGENCE

ELLIOT GOODELL UGALDE<sup>1</sup> and GRACE DOBBIE<sup>2\*</sup>

**ABSTRACT.** This paper proposes a posthuman responsibility to protect (PR2P) that fuses Anishinaabeg jurisprudence—especially Chi-Naaknigewin and Leo Baskatawang’s doctrine of kinship across worlds—with the Westphalian R2P norm. Traditional and critical security studies remain trapped in anthropocentrism, the former by its state-centrism and the latter by privileging “human emancipation.” Glen Coultard’s call for Indigenous “refusal” rightly exposes these limits, yet a total epistemic split between biospheric and human knowledge would paralyze collective action on climate change and contravene Anishinaabeg relational law. Thus, the paper advances a pluriversal framework in which non-human entities are agents, Indigenous and earth-system sciences co-govern, and the UN adjudicates through revamped, non-militarized mechanisms. Thirteen guiding principles outline representation for the biosphere, veto authority for ecological delegates, interpretive rules favouring planetary well-being, and a living-document structure that “polishes the silver” through periodic review. By recentring security on posthuman emancipation, the PR2P offers a cosmopolitan path to address the climate emergency while honouring Indigenous legal thought and ecological interdependence.

*Keywords.* Responsibility to Protect, Anishinaabeg Constitutionalism, Chi-Naaknigewin, Pluriversal Security, Kinship Across Worlds (wahkohtowin)

### 1. POSITIONALITY STATEMENTS

**Elliot Goodell Ugalde** (he/him): I am a Mestizo scholar living and working on the traditional lands of the Haudenosaunee, Anishinaabeg, and Huron-Wendat peoples (Kingston, Ontario). My research in Indigenous resurgence, labour politics, and international political economy is shaped by activist commitments to union organizing and treaty-grounded relationships. I recognize that my academic training is rooted in euro-derived epistemologies; therefore, in this project, I take a stance of treaty partnership: learning from, citing, and crediting Anishinaabeg

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\* Corresponding author Elliot Goodell Ugalde

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law keepers while resisting extractive intellectual habits. This positionality compels me to treat Chi-Naaknigewin not as a conceptual add-on but as a co-equal analytical foundation guiding the posthuman responsibility to protect (PR2P)

**Grace Dobbie** (she/her): I am a white settler scholar residing on the territories of the Mississaugas of the Credit, the Haudenosaunee, and the Huron-Wendat (Hamilton, Ontario). My background in environmental humanities informs a deep commitment to posthuman ethics. Recognizing the privilege afforded by colonial structures, I aim to centre Indigenous jurisprudence in collaborative, accountable ways.

## 2. INTRODUCTION

“Theory is always for someone and for some purpose”

(Cox, 2014).

The field of critical security studies (CSS) fundamentally redefines the ambit of security studies, broadening its analytical lens to include not only traditional military concerns but also economic, political, and environmental dimensions that are vital to human well-being. The discipline challenges the perspectives of traditional security scholarship (TSS), particularly those rooted in the doctrines of realism and liberal internationalism, regarding their approach to the pressing climate crisis. For instance, scholars adhering to a critical Marxian framework, invoking the concept of the *metabolic rift*<sup>1</sup>, argue that the planetary boundaries of Earth (Newbold et al., 2016) are in dialectical opposition to the principles of liberal institutionalism, which are themselves deeply entrenched in the capitalist mode of production and its inherent tendency toward perpetual expansion (Saito, 2020). Likewise, scholars associated with the Copenhagen School within CSS argue that the lexicon predominantly employed by realist security paradigms, which focuses almost exclusively on war and conflict, fails to adequately capture the complexities and structural origins of the climate crisis. They assert that the relatively recent rise of *collective action crises*<sup>2</sup> involving non-state, non-rational actors such as terrorist organizations (Booth, 2005), the Covid-19 pandemic (Comfort et al., 2020), and the climate crisis itself (Harris, 2007), underscores the necessity for a paradigm shift away from the state-centric discourse of TSS.

In light of these considerations, CSS aims to contest the normative “problem-solving” assumptions of TSS by reorienting the analysis of the climate crisis towards a referent-point<sup>3</sup> of non-state and non-sovereign actors. However, even

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<sup>1</sup>The *metabolic rift* refers to the disconnection or disruption in the relationship between society and the natural environment, often attributed to the impacts of capitalist agricultural practices and industrialization on ecological cycles and sustainability.

<sup>2</sup>Collective action crises refer to situations where individuals or nation-states fail to work together to achieve or maintain a common good, often due to conflicting interests, a broader lack of cooperation, or challenges in coordinating efforts.

<sup>3</sup>In security studies, a referent point is the specific entity (such as a state, group, or individual) whose security or threat capacity is considered or prioritized in a given context or analysis.

as CSS seeks to move the analytical focus away from states, many of its practitioners continue to exhibit an anthropocentric bias. For example, prominent critical theorist Ken Booth elevates “human emancipation” as the essential focal point for security analysis. Concurrently, the term “Anthropocene,” which foregrounds a human-centric ontology and was popularized by atmospheric chemist Paul Crutzen, has gained substantial traction in critical climate discourse. Nevertheless, the very existence of that term—originally proposed to underscore the explicitly human-induced nature of climate change, signified by the prefix *anthros*—paradoxically reinforces the human centrism in climate security that catalyzed the crisis in the first place.

Therefore, the present study advocates for the development of a posthuman security convergence by integrating Anishinaabeg and European jurisprudences as a form of “border thinking, or border epistemology” (Mignolo, 2000, 735). This framework aims to dismantle security studies’ anthropocentric referent point of analysis by merging the Anishinaabeg knowledge(s) of Chi-Naaknigewin (responsibility to the biosphere) with the existing Westphalian concept of R2P that is central to the dominant, intergovernmental security paradigm. Laying a series of necessary, although not sufficient, guiding principles for a prospective PR2P, this paper seeks to establish a new foundational basis for security studies that transcends its anthropocentric limitations, offering a topical and critical response to the pressing need for a security paradigm that encompasses environmental and ecological concerns in the face of the climate emergency.

### 3. THE POSTHUMAN SECURITY CONVERGENCE; PLURIVERSALISM, REFUSAL, AND HEGEL

“Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth”

(Gen. 1:28, King James Version).

Cameron Harrington and Clifford Shearing identify anthropocentrism as the “first image” of security studies (2017, 40). Critical theory’s task, they contend, is to surface the normative assumptions underpinning TSS (Cox, 1981). Anthropocentrism must therefore be critiqued with the same rigour as state-centrism, especially given the climate crisis dead ends that both have produced. A posthuman security convergence can address these blind spots. Contextualized historically, the Euro-derivative conception of “human” traces to Aristotle’s *Politics* (1905), which distinguishes human ethos through rationality and by extension political eligibility.<sup>4</sup> Post-Enlightenment thought imported this logic wholesale, forcing us to measure all beings by human standards. Anishinaabeg philosophies, by contrast, reject any divide between animate and inanimate, foregrounding relational accountability (Chi-Naaknigewin) rather than dominion.

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<sup>4</sup>Aristotle’s concept of ethos refers to the essence or defining characteristics that constitute the fundamental nature of a being or entity.

Following, in the settler tradition, for Rosi Braidotti, theorizing a posthuman convergence necessitates adopting a Hegelian dialectic schema, whereby humanism—as a thesis and anti- (or non-) humanism as an antithesis—play out their contradictions until posthumanism emerges (Guignion, 2019). Ultimately, this is argued as achieved through the empowerment of peripheralized, non-human epistemologies in the polis to stimulate a form of border thinking, or border epistemology (Mignolo, 735). Yet, in adopting this theorization within a supposed posthuman security convergence, three notable problematizations arise: How can the knowledge(s) of non-human flora, fauna, and biospheres be included within the polis? How can said posthuman knowledge(s) be legally codified within a security treaty? Who should enforce a prospective posthuman security treaty?

Further, it is essential to recognize that contrary to Hegel’s dialectic, later advanced by Nancy Fraser (2014), which suggests that marginalized actors, in this case non-human entities, *ought* to engage in a “struggle for recognition” within pre-existing structures, merely integrating or “recognizing” non-human knowledge(s) into the frameworks of existing anthropocentric security treaties is not sufficient to produce a theoretical posthuman security convergence. Indeed, this holds true in that the mere inclusion of non-human or biospheric knowledge(s) within existing anthropocentric security treaties risks relegating these knowledge(s) to an epistemic periphery, to a secondary tier of knowledge(s) (Castro-Gómez, 2003). This concept, drawn from Indigenous resurgence studies—and the work of Yellowknives Dene scholar Glen Coulthard (2014) specifically—critically engages with the philosophical propositions of Hegel and further elaborations by Fraser on the dialectical struggle of marginalized actors for recognition from the dominant hegemonic structure. Coulthard’s critique centres on the assumption inherent in these theories—that the hegemonic structure possesses an inherent validity—and is thus worthy of asking for recognition. Thus, Coulthard advocates instead for a strategy of “political refusal” by peripheralized forms of knowledge (in this case, those pertaining to the biosphere). He suggests that these marginalized knowledge systems should resist engagement with existing power structures, challenging their presumed legitimacy and authority (2014).

Yet, building on Burke et al.’s (2016) invitation to widen the diplomatic canvas, the present study respectfully parts company with Coulthard’s strategy of refusal—the wholesale withdrawal of Indigenous and Earth-system epistemologies from the realm of international relations—because absolute severance would undermine the collective agency needed to address the climate emergency. Furthermore, in a nod to Leo Baskatawang’s interpretation of Anishinaabeg constitutionalism (2023, 119), where law is lived reciprocally and *wahkohtowin* (kinship across worlds) precludes abandonment of relational obligations, a hard ontological split between biospheric and anthropocentric knowledges would itself violate those principles of kinship. Nor could the biosphere, unlike human actors, meaningfully refuse engagement: its agency is expressed through relentless climatic feedbacks that entwine every polity in a shared vulnerability. Consequently, the present study advances a pluriversal synthesis—oft-conceptualized as a “world in which many worlds fit” (Marcos, 1996)—that treats Anishinaabeg jurisprudence

and Earth-system science as co-constitutive pillars of global security discourse, thus ensuring that ecological knowledges stand at the centre rather than on the periphery.

Indeed, pluriversalism, unlike Hegel's or Fraser's model of pluralism—which emphasizes mere inclusion within prevailing epistemic frameworks—and Coulthard's concept of refusal, is distinguished by its capacity to decentre existing dominant epistemologies (in this case anthropocentric knowledges) without completely neglecting their contributions (Mignolo, 2000). This process of de-centring the existing anthropocentric, structural core was called *punto cero* (“point zero”) by pluriversalist scholar Santiago Castro-Gómez, without wholly abandoning its contributions underscores the intellectual significance of pluriversalism. Unlike other approaches that seek to integrate or resist established systems of knowledge from within, pluriversalism aims at a fundamental reconfiguration of epistemic grounding, offering a radical departure toward diversifying and decentralizing the production of knowledge(s) (Castro-Gómez, 2003). Following this paradigm, the objective of the present study's prospective posthuman security convergence situated within this pluriversalist tradition is not only to include biospheric knowledge(s) within security discourse(s) but also to ensure that they are not marginalized or relegated to the periphery, thereby redefining the foundational bases of these discourses.

From here, the contemporary phenomena of codifying non-human rights and thus non-human ontologies and epistemologies through legal treaties becomes paramount. On the nation-state level, parallel treaties are observed in the ways in which New Zealand working alongside Whanganui Iwi<sup>5</sup> peoples signed the *Ruruku Whakatupua*, a treaty granting the Whanganui River the status of legal personhood (Hutchinson, 2014). Similarly, the Bolivian state, working alongside the Indigenous peoples of *Abya Yala*,<sup>6</sup> passed the *Ley de Derechos de la Madre Tierra*, codifying the legal rights of nature, or *Pachamama*,<sup>7</sup> in their 2009 constitution, which is self-described as “pluriversal” (Montaño Riveros, 2015). Most recently, the Argentinian government granted personhood status to great apes, an action that aligns with a pluriversalist paradigm, notably through the inclusion of Amerindian knowledge(s) via what Brazilian anthropologist Eduardo Viveiros de Castro describes as Amerindian perspectivism (Fraundorfer, 2018), which, not unlike Anishinaabeg jurisprudence, does not delineate between the human and non-human (De Castro, 2019). Nevertheless, despite these exemplary invocations on an intrastate level, in recognition of the cosmopolitan nature of the climate emergency, the present study aims not to construct a national framework but rather to formulate a preliminary framework for an international, or cosmopolitan, posthuman security treaty.

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<sup>5</sup>The Whanganui Iwi are a Māori iwi (tribe) of New Zealand, centred along the Whanganui River on the North Island.

<sup>6</sup>*Abya Yala* is a term used by some Indigenous peoples in Latin America to refer to the American continent(s).

<sup>7</sup>*Pachamama* is a deity revered by the Indigenous peoples of the Andes, symbolizing mother earth and embodying fertility, nurturing, and the sustenance of life in Andean cosmology.

Internationally, efforts to address the climate crisis through intergovernmental environmental agreements, notably the Kyoto Protocol and the Paris Climate Agreement, have largely been evaluated as unsuccessful. This is attributed to their non-binding status and the absence of enforcement mechanisms (Bassetti, 2022), coupled with their failure to conceptualize the biosphere as a dynamic subject rather than merely an object within security discourse. In resolving these attributions, Burke et al. (2016) posit that non-human biospheres such as the “Amazon basin, the Arctic and Antarctic – should be given the status of nations in the UN General Assembly” (p. 516).

Nonetheless, even with this approach, the problematizations already associated with advancing a posthuman security convergence persist. First, given the existing communication barriers between humans and the biosphere, who should be delegated communicatory ambassador between these competing ontologies or worlds? Second, how can we reconcile the concept of atemporal relationality that exists between humans and the biosphere with the temporally constrained nature of international treaties, as epitomized by documents that are “frozen at the date of signature” (Baskatawang, 2023, p.80)? Lastly, despite Burke et al. positing that intergovernmental organizations (IGOs), particularly the UN, are ideally situated to implement and arbitrate a treaty founded on the principles of a posthuman security convergence (although not explicitly referring to the paradigm as such), this perspective is met with skepticism regarding the ability of IGOs to serve as impartial arbiters under such a regime. Critiques from various CSS scholars, and even realist scholars, challenge the effectiveness of the UN’s mechanisms, accusing the organization of embodying a “bogus neutrality of apolitical and administrative law” (Baskatawang, 2023, p.80) and casting doubt on the UN’s capacity to enforce the proposed framework.

Therefore, to address the unresolved blind spots in Burke et al.’s (2016) methodology, the present study advocates for a pluriversalist epistemic amalgamation that integrates Anishinaabeg posthuman knowledge(s) with the principles underpinning existing intergovernmental treaties. This approach aims to establish a dynamic and relational synthesis of human and non-human ontologies and epistemologies, ensuring a posthuman security convergence framework that is both inclusive and adaptable.

#### 4. CHALLENGE ONE: OVERCOMING THE COMMUNICATION BARRIER

“Mister! He said with a sawdusty sneeze, I am the Lorax. I speak  
for the trees. I speak for the trees, for the trees have no tongues.  
And I’m asking you, sir, at the top of my lungs”

Dr. Seuss, 1971

The initial problem with the inclusion of biospheric knowledge(s) within the polis and subsequently within a posthuman international security treaty lies not in the legal articulation of said knowledge(s) but in the deciphering of said knowledge(s) in the first place. Despite Burke et al.’s (2016) contention that

“earth system science [or Indigenous knowledge(s)] cannot [unitarily] tell us how to achieve social change” (p.506), it is not difficult to conceptualize how professional litigators and rhetoricians could articulate said knowledge(s) within the parameters of International Law (IL). Indeed, in antiquity,<sup>8</sup> non-rhetorically gifted free men would delegate the responsibility of communicating their concerns in the Athenian polis to professional rhetoricians known as sophists (Poulakos, 1984). Consequently, within the parameters of contemporary criminal law, per Western legal norms, those charged rarely represent themselves *pro se*,<sup>9</sup> with the rhetorical responsibilities unloaded onto the accused’s counsel (Swank, 2004). Following this precedent, one could conceptualize how Indigenous knowledge-keepers and earth system scientists could, in conjunction with professional rhetoricians, articulate their concerns regarding biospheric degradation within an IL-conducive framework; in fact, that has occurred (Ruru, 2004). Nevertheless, the principal issue lies in ensuring that the knowledge-keepers and scientists themselves accurately grasp what is meant by non-human knowledge(s) and ontologies of flora, fauna, and biospheres.

Aside from recent attempts to decipher whale vocalizations (Droesser, 2021) and appropriate mycelium spores’ spatial awareness for infrastructural endeavors (Bi, 2018), dismantling the communication barrier between humans and the biosphere is presently relegated to the realm of science fiction. Indeed, even if we were not facing a time-sensitive climate emergency and thus retained the luxury of waiting for such technologies to develop, we could never adopt the phenomenological consciousness of non-anthropocentric ontologies (Nagel, 1974). Anishinaabeg epistemologies endeavor to circumvent this predicament through a constitutional paradigm referred to as *Chi-Naaknigewin* that prioritizes the articulation of responsibilities rather than rights (Union of Ontario Indians, 2021). This approach reflects a nuanced understanding of the interdependencies present in socio-cultural and environmental contexts, advocating for a balanced coexistence that emphasizes the importance of duties and obligations in sustaining communal and ecological well-being (Union of Ontario Indians, 2021), regarded as “kinship across worlds” (Mills, 2019).

In conceptualizing this idea, it is pertinent to consider IL’s existing commitment to an R2P, endorsed by all UN member states at the 2005 World Summit; it encourages the international community to interfere in the domestic affairs of a given nation-state if doing so would prevent genocide, war crimes, ethnic cleansing, and crimes against humanity (United Nations, 2005). The concept of R2P, not unlike *Chi-Naaknigewin*, is founded on a framework of responsibility rather than rights. It empowers the international community to override the sovereignty of a nation-state if, in good faith,<sup>10</sup> it is determined

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<sup>8</sup>Antiquity refers to the period of ancient history, particularly the civilizations around the Mediterranean and the Near East before the fall of the Western Roman Empire.

<sup>9</sup>*Pro se* is a legal term referring to a person who represents themselves in court without the assistance of a lawyer.

<sup>10</sup>What constitutes good faith remains the principal challenge that this paper seeks to overcome.

that the state has breached its social contract with its constituents; this breach is identified through the state's failure to fulfill its obligation to protect its citizens in return for their fidelity to the state (Hobbes, 2008), ironically identified at the point in which a state begins to consider its constituents as "less than human" (Stanley Center for Peace and Security, 2011)—again employing the anthropocentric biases of existing security paradigms.

Nonetheless, the present study proposes that by hybridizing knowledge(s) of *Chi-Naaknigewin* and R2P into a border epistemology, we can envision a prospective PR2P. This conceptual framework extends the duty of protection beyond the confines of the nation-state, advocating for a collective responsibility among all peoples to safeguard both the human and the non-human. Admittedly, a hypothetical PR2P does not resolve the transhuman communicatory barrier and thus does not adequately incorporate biospheric knowledge(s) into security discourse(s). Yet, until that communication barrier can be transcended, assuming that it can be, it may not be necessary to do so. Consider how R2P, which mandates that the international community should intervene to protect populations from human rights violations persists despite the frequent challenge that the true conditions of these populations may remain obscured from external observers due to the complexities of civil conflict—"uncertainty, disorder, chance, friction, chaos, and complexity"—and deliberate efforts by states committing domestic atrocities to suppress the external communication of the affected populations' concerns and experiences with it noted that (Elward, 2005, p.4). In this sense, there exists an expectation that the international community will safeguard and act in the paramount interests of victimized populations, notwithstanding the challenges these populations face in effectively conveying their lived experiences to the wider global polis.<sup>11</sup> Indeed, the obstacles presented by the fog of war and the intentional efforts of states to silence the domestic populations they victimize diminish the international community's ability to communicate with the affected groups. Still, despite these challenges, the commitment to protect these populations, per R2P, remains unwavering. This steadfast principle is reflected in the present study's proposed PR2P, drawing inspiration from Anishinaabeg principles of *Chi-Naaknigewin*. It posits that, notwithstanding *our* (humans') present incapacity to communicate with the biosphere (non-humans), just as populations experiencing genocide are often unable to communicate with the broader international community, the obligation to preserve the biosphere, including its diverse posthuman ontologies and epistemologies, persists.

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<sup>11</sup>The global polis refers to the concept of a worldwide political community or system where governance, policies, and civic engagement transcend national boundaries to address global issues collectively.



## 5. CHALLENGE TWO: ADJUDICATING A POSTHUMAN RESPONSIBILITY TO PROTECT

All over the world, it's the Indigenous communities . . . those who we call 'primitive' [who] are trying to save those of us who we call 'enlightened' from total disaster"

(Noam Chomsky, quoted in Rosenmann, 2016).

As highlighted above, the possibility of the UN or any other IGO adjudicating a prospective PR2P akin to R2P has been compromised by the UN's fallacious invocation of apolitical positivism (Cunliffe, 2020). Furthermore, a prospective PR2P cannot embrace the militarized and state-centric approach that is typical of R2P, insofar as Marxian and Third Worldist scholars of international relations routinely criticize R2P for serving as a veneer that legitimizes the intervention of powerful states into the sovereign affairs of their less dominant peers (Cunliffe, 2020), often under economic pretexts rather than good faith humanitarian concerns (Davenport, 2018). Consequently, it is plausible to envisage scenarios where a powerful state might justify military aggression against a developing state under the guise of a prospective PR2P. Consider a hypothetical situation in which the United States in 2008, frustrated by Bolivia's nationalization of lithium—a move that hindered the ability of the United States to extract capital from the region (Obaya, 2021)—could have contemplated invasion under the pretext of PR2P, arguing that lithium extraction poses a severe threat to the biosphere (Vera et al., 2023). Taking this into account, the viability of a proposed PR2P cannot realistically hinge on the expectation that either nation-states or IGOs will act altruistically as principal guardians of the posthuman biosphere. This skepticism about IGOs' tendency to engage in apolitical positivism follows both the Marxian and Third Worldist premise that states and IGOs frequently operate at the behest of capital (Lenin, 2015) and the realist perspective, which contends that IGOs typically act in accordance with powerful states' immediate and rational self-interests (Hough et al., 2015).

Additionally, it is important to clarify that criticisms concerning the impartiality of IGOs are not directed at their intention to fulfill their mandates of global cooperation. Instead, they reflect the underlying logics that influence IGO behavior. For instance, realists argue that IGOs often yield to the interests of nation-states, in accordance with the anarchic nature of the international arena (Hough et al., 2015). Alternatively, Marxian and Third-Worldist scholars contend that IGOs' adherence to IL is problematic, as they perceive European jurisprudence primarily as a tool for accumulating capital (Ugalde, 2023). This viewpoint is encapsulated in Stephen Gill and Claire Cutler's (2014) concept of new constitutionalism, which suggests that Western jurisprudence has shifted from protecting the interests of the global populace, or global constituents, to preserving the mechanisms of capital accumulation. Indeed, the tendency of Euro-derived jurisprudence to favor the interests of capital is also apparent at the nation-state level. A notable example is the U.S. Supreme Court case *Citizens United v. Federal Election Commission*, which recognized corporations

as entities capable of being granted personhood. This decision implies that even Western legal systems are prepared to broaden the definition of what constitutes a “human,” extending it to include inanimate entities like corporations, as long as that expansion aligns with the interests of capital accumulation.

In light of this, it is clear that IGOs such as the UN are not intuitively unable to adjudicate a prospective PR2P. However, for this to be effective, any document outlining such a framework must include robust safeguards. These measures are necessary to prevent IGOs from devolving into instruments manipulated by transnational corporations and/or nation-states, a trend already observable in the dynamics of existing Western jurisprudence. This approach aims to ensure that the governance and enforcement mechanisms of IGOs remain aligned with the principles of global preservation and fairness, rather than being subverted by the prevailing logics of capital and state interest.

It is also important to recognize that Anishinaabeg jurisprudence offers an additional challenge to the issues arising from the inclination of Western jurisprudence to yield to the interests of nation-states and capital accumulation. This challenge lies in the Anishinaabeg legal framework’s holistic rejection of the concept of sovereignty articulated in the idea that Anishinaabeg laws were not enforced but lived (Kelly, 2002). This perspective would encompass a rejection of the UN’s ability to function as a quasi-sovereign entity in adjudicating a prospective PR2P, especially considering that conferring sovereign status on any particular actor inherently diminishes other actors to the role of subjects (Hobbes, 2018). In this sense, a UN-adjudicated PR2P is in direct conflict with Anishinaabeg posthuman principles, which advocate for the conceptualization of all actors, including the biosphere, as mutually entangled (Mills, 2019).

Nonetheless, despite Anishinaabeg jurisprudence’s holistic dismissal of the concept of sovereignty (Kelly, 2022), asserting that Anishinaabeg laws are inherently followed without the need for enforcement, the complete renunciation of sovereignty is not realistic in the current development of a PR2P framework. The impracticality of discarding sovereignty and a UN-led framework in PR2P’s formulation has four aspects. First, the global climate emergency demands a cosmopolitan response, surpassing the immediate contexts of settler colonialism on Turtle Island. Second, it has previously been highlighted that a fundamental criticism of existing intergovernmental climate treaties lies in their inadequate enforcement mechanisms. A complete dismissal of sovereignty and a consequent total renunciation of enforcement would only exacerbate this issue. Third, in the absence of robust global legal frameworks for addressing this crisis, the UN, with its extensive mechanisms, emerges as the best-equipped body to operationalize a PR2P. Lastly, the present study, with its pluriversal perspective, does not entirely dismiss Euro-derived knowledge(s), including concepts such as sovereignty. Instead, it aims to integrate these ideas through Anishinaabeg knowledge(s) by employing border thinking. Therefore, within the framework of this paper, it would be inconsistent to dismiss all aspects of Euro-derived conceptualizations of sovereignty in their entirety. This stance

permits the UN to adjudicate a prospective PR2P initiative, provided that adequate safeguards are implemented.

Those safeguards must be designed to ensure that the application of a prospective PR2P initiative is consistently aimed at serving the interests of the biosphere, with posthuman emancipation as its core analytical focus. This aligns with Ken Booth's (2005) paradigm that posits human emancipation as the fundamental concern of security studies. Moreover, a PR2P initiative should avoid the military-centric approach characteristic of TSS that defines R2P by instead establishing a framework that navigates away from such perspectives. Furthermore, it explicitly clarifies that the adjudication of a prospective PR2P does not constitute an act of sovereignty that delineates a clear boundary between sovereignty and the implementation of R2P principles per Anishinaabeg epistemologies.

## 6. CHALLENGE THREE: MAINTAINING DISCOURSE WITH THE BIOSPHERE

"You cannot step in the same river twice. Even rocks were subject to the changes of the environment over time"

(Heraclitus, quoted in Kirk, 1951).

Lastly, in codifying a legal treatise that endows the global polis with the responsibility to protect both the human and the posthuman, the tension between the temporally fixed nature of Western legal treatise frozen at the date of signature (Baskatawang, 2023) against the need for an ever-shifting discourse between non-human and human constituents arises. Indeed, politics, even for Aristotle (1905), is characterized by a dynamic interplay among various actors. It represents an ongoing dialectical process that requires inclusion and by its nature cannot be rigidly confined within the temporal bounds of law or policy (Ingram, 2017). This fluidity underscores the necessity for adaptable and inclusive approaches to governance and policymaking, recognizing the evolving nature of political relations and the need for continuous dialogue. Numerous scholars have highlighted the inherent contradiction between the static nature of policy and the essential fluidity necessary for political discourse, challenging the positivist belief in political objectivity (Frazer, 2008). Further, in establishing a hypothetical PR2P, the need to develop a framework devoid of temporal fixity is paramount.

In the same vein, the Anishinaabeg approach to the dissemination of knowledge(s) is also keenly attuned to the discursive dynamics inherent in political processes and thus serves as a foundational epistemological element for the construction of knowledge(s). This mirrors the epistemology of Hegelian idealism, which suggests that knowledge evolves through a dialectical process whereby an initial idea (thesis) is confronted by an opposing idea (antithesis), with their synthesis leading to a more refined form of knowledge(s) (Hegel, 2018). Similarly, Anishinaabeg epistemologies promote ongoing dialogue to elevate understanding. Grand Chief Emeritus of the Anishinaabe Nation Fred

Kelly exemplifies this approach in his interactions with younger generations. When faced with challenges to his perspectives, he refrains from dismissing these viewpoints as incorrect. Instead, he enriches the dialogue by introducing an alternative perspective (Kelly, 2022), effectively embodying what might be described in Hegelian terms as the introduction of an antithesis, not unlike the dialectical process found in the Socratic dialogues (Knezic et al., 2010).

Further, just as the ethos of politics embodies a commitment to continuous discourse and relationality, evident in both Euro-derivative and Anishinaabeg epistemologies—although noting that the former often diverge from this ethos due to the fixed nature of their policies and treaties (Frazer, 2008)—so too does this principle of fluidity and interconnectedness permeate the biosphere, where nothing remains static. Entropy transitions ice to water, and natural selection both generates and eradicates species; in the biosphere, change is the only constant (Plato, 1997). Indigenous populations have historically viewed the static legal delineation of territories as both unusual and illogical. This perspective clashes with the foundational principles of settler colonialism, which necessitates the commodification of land for what Marxians describe as primitive accumulation (Coulthard, 2014). The division of the biosphere, an inherently connected system, presents a logical paradox. This aligns with political economist Karl Polanyi’s (1944) concept of land as a fictitious commodity. The inherent challenge of this commodification became apparent to Europeans during the colonization of the Americas. For instance, the Mississippi River, under French and Spanish colonial dominion, epitomized a significant territorial boundary. Following the Treaty of Paris in 1763, lands west of the Mississippi were transferred to Spain, and those to the east to Britain, underscoring the river’s role as a divider (Fabel, 1993). However, rivers are dynamic entities that resist static definitions through legal constraints. In this regard, the Mississippi embodies the hubris of settler and capitalist ambitions, almost as if willfully asserting its agency, defying its use as an instrument of state-building and colonialism. Consequently, when envisioning a future PR2P that transcends temporal limitations and maintains an ongoing discourse between all parties, including the biosphere, it becomes prudent once more to seek guidance from Anishinaabeg knowledge(s).

Anishinaabeg epistemologies address the challenge of incorporating the variability of political discourses and the dynamic nature of the biosphere into legal frameworks through their oral transmission of law and the morphosyntactic features of the Anishinaabemowin language. Anishinaabemowin employs verb-based semantics to convey complex ideas, meaning that words are often non-static and action-oriented (Baskatawang, 2023). This language structure, along with a foundation in oral legal traditions, shapes Anishinaabeg people’s understanding of treaties as living agreements that require ongoing commitment from all involved, rather than contracts fixed at the time of ratification (Baskatawang, 2023).

In his development of Anishinaabeg education law (Kinamaadiwin inaakonegiwin), Baskatawang (2023) uses a border epistemology that merges Anishinaabeg and settler-derived jurisprudences to articulate this idea of temporal fluidity within a settler legal context. Baskatawang (2023) argues that the concept of atemporality, a key aspect of this blended approach, can be effectively integrated into existing European-derived legal systems without necessitating the direct adoption of Anishinaabemowin morphosyntax or the complete transition to an oral legal framework; rather, he suggests ongoing legal renegotiation. Baskatawang describes this process as “polishing the silver” (p. 120) emphasizing the importance of continuous dialogue and adjustment. This approach highlights the Anishinaabeg value of kinship across worlds, which includes the European-derived legal world (Mills, 2018), suggesting a model for legal adaptation that values flexibility, relational understanding, and the maintenance of connections across different legal and cultural systems (Baskatawang, 2023). In this context, a hypothetical PR2P could address the need for adaptability in political and ecological realms by requiring regular reassessment of the relevant document, ensuring that it stays relevant and responsive to changing conditions.

Moreover, to interpret a future PR2P, including the rationale behind its invocation in specific scenarios, the approach taken by Supreme Court Justice McLachlin in her dissent in the *R. v. Sioui* case,<sup>12</sup> combined with insights from Anishinaabeg knowledge-keepers, could provide a foundational framework. This would guide the development of PR2P, ensuring that the document’s principles are enduring and not limited by temporal constraints. Furthermore, it would establish a set of ethical guidelines that allowed for an appropriate judicial mechanism to assess whether the PR2P has been invoked in good faith; which includes “which includes both honesty in fact and reasonable commercial standards of fair dealing” (Moses, 2002, p. 47).

## 7. GUIDING PRINCIPLES: ESTABLISHING THE PR2P

“For the Anishinaabe, the concept of animate and inanimate does not exist, all is alive”

(Kelly, 2022).

Assuming, as Burke et al. (2016) suggest, and as the present study cautiously agrees, that the UN is currently the only global entity capable of effectively responding to a climate emergency requiring a cosmopolitan approach, this paper, pluriversally hybridizing the established principles of the R2P, Kinamaadiwin inaakonegiwin, *Chi-Naaknigewin*, and Justice McLachlin’s dissent, has laid out the necessary—albeit not sufficient—principles for a proposed PR2P. These principles aim to address the complexities involved in creating the legal framework discussed throughout this text, including safeguards for malinvocation, a commitment to atemporality, a shift beyond

<sup>12</sup>*R. v. Marshall*, 1999 CanLII 665 (SCC) at para 78 (citing *R v Sioui*, 1990 CanLII 103 (SCC) at pp. 1068-69).

military-centric security paradigms, and a firm responsibility, rather than a mere right, to protect the posthuman, encompassing both human and non-human entities. Recognizing that there may be additional complexities requiring further principles, legal scholars are invited to engage critically with the paper's content, drawing from their own epistemological backgrounds to advance the discourse initiated by this text and the foundational ideas presented by Burke et al. (2016) in their manifesto, per the logics of establishing a kinship across worlds (Mills, 2021).

This document suggests that any prospective PR2P adjudicated by the UN is required to adhere to the following principles, which are by no means exhaustive:

- (1) *Duty of the cosmopolitan community.* The cosmopolitan community shall bear the inviolable duty to protect and safeguard the interests and well-being of both human and non-human entities. This duty extends beyond mere advocacy, requiring active support and cooperation among cosmopolitan members to uphold the principles of posthuman security.
- (2) *Non-military intervention measures.* The cosmopolitan community is authorized to employ non-military interventions, including cultural and diplomatic sanctions, and legal actions through international courts, to protect the posthuman entity, inclusive of the biosphere, from significant distress or outright threats. These measures, sanctioned by the UN General Assembly, shall be premised on advancing a cosmopolitan posthuman security convergence dedicated to collective protection and mutual aid.
- (3) *Representation of the biosphere.* Representation within the UN General Assembly pertaining to the biosphere shall be primarily by Indigenous peoples and earth system scientists, who shall prioritize local biospheric contexts over national affiliations. Representatives must not have significant commercial interests that could conflict with their duties under the PR2P, ensuring that interventions are motivated by genuine concern for environmental integrity rather than personal, national, or corporate interests.
- (4) *Executive authority of biospheric delegates.* Biospheric delegates in the General Assembly shall possess executive authority and veto power superior to that of any permanent or temporary members of the UN Security Council. This authority embodies a commitment to posthuman responsibility and is not to be interpreted as a sovereign right but as a duty to act in the best interests of the biosphere.
- (5) *Interpretive principle favoring the biosphere.* In cases of ambiguity or uncertainty, the interpretation of the PR2P shall always favor the protection and well-being of the biosphere. This principle acknowledges the biosphere not as a passive victim but as an active participant with inherent rights to self-determination and preservation.

- (6) *Epistemological and phenomenological sensitivity.* Acknowledging the current limitations of human capacity to fully understand non-human perspectives, the PR2P mandates a commitment to interpretive flexibility. This includes recognizing and respecting the unique phenomenologies and epistemologies of non-human entities, thereby ensuring that decisions are informed by a broad spectrum of biospheric insights.
- (7) *Dynamic nature of the PR2P document.* The PR2P is to be regarded as a living document, subject to annual review and amendment by an appointed international committee. This process shall ensure that the PR2P remains responsive to evolving environmental challenges and reflects contemporary scientific understanding and ethical considerations. Amendments must be ratified by a qualified majority of the UN General Assembly, ensuring that the PR2P adapts over time while maintaining its foundational principles of posthuman security.
- (8) *Independent oversight body establishment.* There shall be an independent oversight body in accordance with the principles of transparency and accountability as outlined in the PR2P that is responsible for the monitoring and enforcement of compliance. This body will conduct investigations, issue reports, and recommend actions to ensure adherence to the PR2P mandates, reflecting a commitment to environmental preservation and human rights.
- (9) *Harmonization with existing legal instruments.* The PR2P shall be pluriversally harmonized with existing international legal frameworks, ensuring that its principles complement and enhance global environmental and human rights obligations. In instances of overlap or conflict, the PR2P and related treaties shall be interpreted cohesively, prioritizing the protection of the biosphere and the promotion of posthuman security objectives.
- (10) *Global capacity building and educational initiatives.* In alignment with the PR2P's commitment to fostering a universal culture of biospheric responsibility, there will be comprehensive capacity building and educational programs. These initiatives aim to inform and engage member states, the international community, and key sectors, enhancing the understanding of the PR2P's principles and facilitating widespread implementation.
- (11) *Creation of a dedicated support fund.* A dedicated fund will be established to finance the activities essential to the PR2P's implementation, including the operations of the independent oversight body, capacity-building efforts, and sanctioned interventions. Contributions to this fund will be solicited from diverse sources, ensuring equitable support for the PR2P while adhering to principles of financial transparency and accountability.

- (12) *Institution of a periodic global review process.* There will be a quinquennial global review process to evaluate the effectiveness of the PR2P in achieving its intended outcomes. This process will involve detailed reporting by all stakeholders, facilitated by the independent oversight body, culminating in a conference to discuss progress, share best practices, and address areas for improvement.
- (13) *Legal status for significant natural entities.* Significant natural entities, such as ecosystems, species, and landscapes, shall be accorded legal recognition and rights under international law, reinforcing their intrinsic value and entitlement to protection. This legal acknowledgment serves as a foundation for the PR2P's broader objectives, ensuring that non-human entities are safeguarded within the international legal system.

## 8. CONCLUSION

In sum, the present study has argued for a paradigm shift in security studies toward a posthuman security convergence, integrating Anishinaabeg knowledge(s) with the concept of R2P to specifically address the urgent climate crisis. It critiques the anthropocentric biases inherent in both traditional and critical security studies, laying the groundwork for a more inclusive, ecologically sensitive framework that recognizes the connectedness of human, non-human, and environmental entities. This approach not only broadens the analytical lens beyond human-centred narratives but also challenges and expands the disciplinary boundaries of security studies. Importantly, the implementation of this approach is contingent on the UN serving as the principal adjudicator of PR2P, as explored by Burke et al. (2016). This contingency, despite this document's contention with the efficacy of the UN, is rooted in the current absence of any other political entity with the capacity to address the climate crisis on a global scale. The principles outlined for establishing PR2P are presented as necessary yet not exhaustive, with the document emphasizing the need for further investigation and discourse.

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<sup>1</sup> DEPARTMENT OF POLITICAL STUDIES, QUEENS UNIVERSITY, CANADA.

Email address: [rgb]0.00,0.00,0.84elliot.goodellugalde@queensu.ca

<sup>2</sup> LIBRARIES, MCMASTER UNIVERSITY, CANADA

*Email address:* [rgb]0.00,0.00,0.84dobbieg@mcmaster.ca