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Rights of Nature on the Island of Ireland: Origins, Drivers, and Implications for Future Rights of Nature Movements

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Abstract

Over the course of 2021, several local councils across the island of Ireland introduced motions recognizing the 'Rights of Nature'. To date, little research has been conducted into these nascent Rights of Nature movements, even though they raise important questions about the philosophical, cultural, political, and legal drivers in pursuing such rights. Similarly, much remains unclear as to the implications of such initiatives, both in their domestic context and for Rights of Nature movements around the world. This article contributes to addressing this gap by exploring these themes through an analysis of interviews with key stakeholders conducted across the island of Ireland in June 2022. In particular, it explores the impact of international movements, colonial legacies, cultural heritage, and years of inadequate environmental governance, in motivating local councils to pursue a Rights of Nature strategy.

Keywords: Rights of Nature; Social movements; Island of Ireland; Environmental governance; Ecological jurisprudence; Earth law

1. Introduction

In June 2021, the Derry City and Strabane District Council in Northern Ireland (United Kingdom (UK)) adopted a pioneering motion recognizing the 'Rights of Nature'.¹ Within days, a similar motion was adopted by Fermanagh and Omagh District Council,² followed by Donegal County Council in the Republic of Ireland in

¹ G. Anderson, 'Rights of Nature Backing "Historic" for Derry and Strabane', *Derry Journal*, 30 June 2021, available at: <https://www.derryjournal.com/news/environment/rights-of-nature-backing-historic-for-derry-and-strabane-3291707>. This motion was developed through collaboration between Derry councillors and Friends of the Earth Northern Ireland (NI), with guidance from the Centre for Democratic and Environmental Rights (CDER).

² Fermanagh and Omagh District Council, 'Motion: Rights of Nature', Council Meeting, 5 July 2021, available at: <https://www.fermanaghomagh.com/motion/rights-of-nature>.

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December 2021.³ The motions, which use almost identical language, ‘recognise the need for a rights-based approach to nature’ and express a belief that ‘Rights of Nature can help inspire an innovative rethinking about how to create regenerative, not extractivist, economies while also making human and other living communities safer, stronger and more resilient’.⁴ Although local councils lack the legal power to enforce rights of nature without central governmental approval, the motions request councils to ‘collaborate with civil society to explore what Rights of Nature mean for the people and economies of the region and to investigate how rights of nature could be expressed in community plans, corporate plans, improvement objectives and other strategic frameworks’.⁵ They further request that councils work with local communities to draw up declarations for the Rights of Nature, and that they develop ‘a report, authored in collaboration and with input from the local community ... in relation to embedding “Rights of Nature” as a keystone concept’ into councils’ ‘operational practices, planning processes and long-term decision making’.⁶ Finally, the motions request that other councils also explore the possibility of introducing Rights of Nature into their own work.

As expressly highlighted in the first line of the text of the motions themselves, these initiatives were in part inspired by ‘the legal and social movement globally for the “Rights of Nature” which aims to strengthen protections for people, place and planet’ and which has seen over 400 initiatives pursued around the world over the last 17 years.⁷ However, civil society organizations, activists, artists, and academics across the island of Ireland have also connected Rights of Nature to the island’s history, cultural heritage, politics, and methods of community organizing. As such, the motions are both ‘local’ and ‘global’ in their outlook,⁸ being intimately connected to a particular place and time while also attuned to, and with the ability to influence, conversations and movements happening across the world.

To date, relatively little research has been conducted into the nascent Rights of Nature movements sparking on the island of Ireland;⁹ indeed, very few empirical studies have focused on Europe more generally.¹⁰ Greater academic attention has been paid to

³ Community Environmental Legal Defense Fund (CELDF), ‘Donegal County Council Votes Unanimously to Adopt Rights of Nature’, *CELDF News*, 7 Jan. 2022, available at: <https://celdf.org/2022/01/donegal-county-council>.

⁴ See full text at n. 2 above (the language is almost identical across the three initiatives).

⁵ *Ibid.*

⁶ *Ibid.*

⁷ A. Putzer et al., ‘Putting the Rights of Nature on the Map: A Quantitative Analysis of Rights of Nature Initiatives Across the World’ (2022) 18(1) *Journal of Maps*, pp. 89–96.

⁸ On the globalization and localization of rights more generally see M. Ignatieff, *Human Rights as Politics and Idolatry* (Princeton University Press, 2001), p. 7.

⁹ For an exception see P. Doran & R. Killean, ‘Rights of Nature: Origins, Development and Possibilities for the Island of Ireland’, *Environmental Justice Network Ireland* (EJNI), Briefing Paper, Jan. 2022, available at: <https://ejni.net/wp-content/uploads/2022/07/EJNI-Briefing-Paper-Rights-of-Nature-Jan-21.pdf>.

¹⁰ For research into the possibilities of introducing Rights of Nature in a European context see L. Schimmöller, ‘Paving the Way for Rights of Nature in Germany: Lessons Learnt from Legal Reform in New Zealand and Ecuador’ (2020) 9(3) *Transnational Environmental Law*, pp. 569–92; B. Hoops, ‘What if the Black Forest Owned Itself? A Constitutional Property Law Perspective on Rights of Nature’ (2022) 11(3) *Transnational Environmental Law*, pp. 475–500. For a discussion around whether Rights of Nature can already be found in European Union (EU) law see Y. Epstein & H. Schoukens,

the rise of such movements across Latin America and in settler colonial states such as the United States (US) and New Zealand.¹¹ Yet, the idea is gaining traction across Europe. For example, in 2022 the Spanish parliament recognized the legal personality of the Mar Menor;¹² civil society initiatives are emerging in Germany¹³ and across the UK;¹⁴ the Republic of Ireland's 2022 Citizens' Assembly on Biodiversity Loss has recommended a referendum to enable the Irish Constitution to recognize the rights of nature;¹⁵ and the European Union's (EU) own authorities have started to engage with the concept.¹⁶ This growing interest raises important questions about the motivations and the philosophical, cultural, political, and legal drivers that might be furthering the Rights of Nature concept across Europe, as well as the implications of current and emerging initiatives for relevant discourse and activism around the world. Qualitative empirical research can help us to gain a deeper understanding of what these drivers and implications might be.¹⁷

This article offers an empirical study of the drivers behind the nascent Rights of Nature movements on the island of Ireland. It draws on a series of semi-structured interviews conducted in June 2022 with 15 individuals at the forefront of pursuing

'A Positivist Approach to Rights of Nature in the European Union' (2021) 12(2) *Journal of Human Rights and the Environment*, pp. 205–27.

- ¹¹ See, e.g., S. Borràs, 'New Transitions from Human Rights to the Environment to the Rights of Nature' (2016) 5(1) *Transnational Environmental Law*, pp. 113–43; S. Knauß, 'Conceptualizing Human Stewardship in the Anthropocene: The Rights of Nature in Ecuador, New Zealand and India' (2018) 31 *Journal of Agricultural and Environmental Ethics*, pp. 703–22; C. Kauffman & P. Martin, *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future* (The MIT Press, 2021).
- ¹² T. Giménez & E. Salazar Ortuño, 'Los Derechos de la Naturaleza y la Ciudadanía: El Caso del Mar Menor' (2022) 29 *Revista Murciana de Antropología*, pp. 15–26; L. Krämer, 'Rights of Nature in Europe: The Spanish Lagoon Mar Menor Becomes a Legal Person' (2023) 20(1) *Journal for European Environmental and Planning Law*, pp. 5–23.
- ¹³ E. Ewering & A. Gutmann, 'Gibt Bayern der Natur Rechte?', *Verfassungsblog*, 10 Sept. 2021, available at: <https://verfassungsblog.de/gibt-bayern-der-natur-rechte>.
- ¹⁴ I. Kaminski, 'Laws of Nature: Could UK Rivers Be Given the Same Rights as People', *The Guardian*, 17 July 2021, available at: <https://www.theguardian.com/environment/2021/jul/17/laws-of-nature-could-uk-rivers-be-given-same-rights-as-people-aoe>. Although non-binding, the St Ives Community Charter also recognizes 'a right to life for all species and beings known or reasonably suspected to reside within our territory on the basis of their intrinsic value and contribution to the integrity, stability and beauty of our Assets, upon which the well-being of our present and future generations depend', available at: <https://www.stivesclt.org.uk/wp-content/uploads/2018/09/SHORT-St-Ives-Community-Charter-copy.pdf>.
- ¹⁵ C. O'Doherty, 'Citizens' Assembly Seek Referendum to Give Nature Rights to be Protected', *Irish Independent*, 27 Nov. 2022, available at: <https://www.independent.ie/news/environment/citizens-assembly-seek-referendum-to-give-nature-rights-to-be-protected-42177504.html>. The Assembly's meetings are available at: <https://www.citizensassembly.ie/en/assembly-on-biodiversity-loss/meetings>.
- ¹⁶ In 2020, the European Economic and Social Committee commissioned a study entitled 'Towards an EU Charter of the Fundamental Rights of Nature', which proposed a separate Charter to award nature a higher value in the legal hierarchy of the EU, available at: <https://www.eesc.europa.eu/en/our-work/publications-other-work/publications/towards-eu-charter-fundamental-rights-nature>. See also J. Darpö, *Can Nature Get it Right? A Study on Rights of Nature in the European Context* (EU, 2021), commissioned by the European Parliament's Committee on Legal Affairs, available at: <http://www.europarl.europa.eu/supporting-analyses>.
- ¹⁷ For a qualitative study in the Australian context see C. Pilon-Summons et al., 'From Barriers to Boundary Objects: Rights of Nature in Australia' (2022) 134 *Environmental Science & Policy*, pp. 13–22.

Rights of Nature on the island of Ireland.¹⁸ Research participants included local council members in the council areas where motions had been introduced, as well as environmental activists, lawyers, and academics who were actively engaged in Rights of Nature campaigns at the time the research was conducted. Participants were asked to reflect on the meaning of Rights of Nature for them, why they had been drawn to it as a campaign, practical avenues and strategies for its recognition across the island of Ireland, and the relationship between Rights of Nature, competing interests and other approaches to environmental governance.¹⁹ The transcripts and notes from interviews were coded by the authors, using a mix of a template method drawn from existing literature and the additional inductive identification of new codes.²⁰ Quotes for this article were chosen when they were (i) illustrative of a point we were making about the data, (ii) reasonably succinct, and (iii) representative of patterns in the data. Not all participants are quoted directly but all influenced our findings.

This article can be understood as an ‘insider’ study, as it is also informed by the participation of two authors in The Gathering at Rostrevor in Northern Ireland, an event held in June 2022, which brought together environmental activists from across the island to discuss the rights of nature,²¹ as well as the experiences of two authors of submitting information about Rights of Nature to the Irish Citizens’ Assembly on Biodiversity Loss.²² As this is a qualitative small-scale study among individuals with a vested interest in the topic, we do not, of course, claim it to be representative of all views on the Rights of Nature across the island. Rather, our aim is to gain an understanding of the motivations, experiences, and perceptions of a group of individuals close to the Rights of Nature campaigns, and the meanings attached to such campaigns.²³

We begin by providing a short overview of the growth of Rights of Nature movements around the world (Section 2). We then turn to our case study, focusing on the origins and drivers behind the Rights of Nature movements on the island of Ireland (Section 3). We highlight the importance of international movements and advocacy, the relevance of the island of Ireland’s history and culture to the emergence of Rights of Nature campaigns, and how frustration with inadequate environmental governance has spurred on rights of nature and environmental activism more broadly.

¹⁸ This study was approved by the School of Law Ethics Committee of Queen’s University Belfast in June 2022.

¹⁹ Note that this article focuses on the drivers and motivations of participants; subsequent publications will explore other topics covered in interviews, such as barriers to implementation.

²⁰ J. Fereday & E. Muir-Cochrane, ‘Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development’ (2006) 5(1) *International Journal of Qualitative Methods*, pp. 80–93.

²¹ ‘The Gathering at Rostrevor: Rights of Nature’, 11 June 2022, information available at: <https://www.ni-rn.com/event/the-gathering-at-rostrevor-rights-of-nature>. The Gathering, a network of environmental activists, is a significant cross-border development in its own right. It was born out of frustration with local environmental governance. The immediate background to the formation of the network, based out of Derry but also drawing membership from Donegal, is the illegal waste site at Mobuoy, one of the largest illegal sites in Europe (discussed further below).

²² C. Brennan et al., ‘Rights of Nature in Ireland: Towards a Living Island of Rights-Bearing Communities’, *Environmental Justice Network Ireland*, Sept. 2022, available at: <https://ejni.net/wp-content/uploads/2022/09/EJNI-Submission-to-CA-Sept-2022.pdf>.

²³ S. Agius, ‘Qualitative Research: Its Value and Applicability’ (2013) 37(6) *The Psychiatrist*, pp. 204–6.

We offer some remarks on the motions' implications, future directions, and limitations (Section 4), before concluding with some thoughts about the lessons that might be learned for Rights of Nature more broadly (Section 5).

2. The Emergence of Rights of Nature Movements

The recognition of our reciprocal relationship with and responsibilities to nature has been embedded in the governance and community structures of many Indigenous peoples for centuries.²⁴ Conversely, using a system of legal rights to protect nature is a Western concept.²⁵ Chronologies of the contemporary juridical conversation about Rights of Nature often begin with US law professor Christopher Stone's 1972 article 'Should Trees Have Standing? Towards Legal Rights for Natural Objects'.²⁶ This article garnered attention in environmental activist circles after it was cited in a dissenting judgment in the US Supreme Court case *Sierra Club v. Morton*,²⁷ in which Justice William O. Douglas opined that rules of standing should be amended to extend to 'all forms of life'.²⁸ At around the same time, Godofredo Stutzin was developing arguments in favour of Rights of Nature in the context of environmental advocacy in Chile.²⁹ While his Spanish-language work proved to be less influential in the English-dominated legal scholarship, Tănăsescu has highlighted Stutzin's 'potent' influence on Rights of Nature developments in the southern parts of the American continent.³⁰

In academic scholarship, notable developments included the emergence of 'earth jurisprudence',³¹ comprising principles designed to better recognize and respect nature as a subject rather than an object of law, and 'wild law', the term used to describe laws that could be made consistent with earth jurisprudence principles.³² Research on Rights of Nature has proliferated over the last decade and literature can now be found

²⁴ K. Arabena, *Becoming Indigenous to the Universe* (Australian Scholarly Publishing, 2015); V. Watts, 'Indigenous Place-Thought and Agency Amongst Humans and Non Humans (First Woman and Sky Woman Go On a European World Tour!)' (2013) 2(1) *Decolonization*, pp. 20–34; I. Watson, 'Inter-Nation Relationships and the Natural World as Relation', in U. Natarajan & J. Dehm (eds), *Locating Nature: Making and Unmaking International Law* (Cambridge University Press, 2022), pp. 354–74.

²⁵ E. O'Donnell et al., 'Stop Burying the Lede: The Essential Role of Indigenous Law(s) in Creating Rights of Nature' (2020) 9(3) *Transnational Environmental Law*, pp. 403–27.

²⁶ C. Stone, 'Should Trees Have Standing? Towards Legal Rights for Natural Objects' (1972) 45 *Southern California Law Review*, pp. 450–501.

²⁷ *Sierra Club v. Morton*, US Supreme Court, No. 70-34, 19 Apr. 1972, 405 U.S. 727.

²⁸ *Ibid.*, p. 752.

²⁹ G. Stutzin, 'Un Imperativo Ecológico: Reconocer los Derechos de la Naturaleza' (1984) 1(1) *Ambiente y Desarrollo*, pp. 97–114.

³⁰ M. Tănăsescu, *Understanding the Rights of Nature: A Critical Introduction* (New Ecology, 2022), pp. 24–6.

³¹ E.g., T. Berry, *The Great Work: Our Way into the Future* (Crown Publishing Group, 1999); J.E. Koons, 'Earth Jurisprudence: The Moral Value of Nature' (2008) 25(2) *Pace Environmental Law Review*, pp. 263–339; P.D. Burdon, *Earth Jurisprudence: Private Property and the Environment* (Routledge, 2014).

³² E.g., C. Cullinan, *Wild Law* (Siber Ink, 2011); P.D. Burdon (ed.), *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Wakefield Press, 2011).

across, for example, positivist³³ and critical (including feminist and Indigenous) legal theories,³⁴ anthropology,³⁵ human geography,³⁶ Latin American studies,³⁷ development studies,³⁸ and political ecology.³⁹

In practice, the implementation of rights of nature has gained significant momentum since 2006. In a 2022 quantitative study, Putzer and co-authors mapped over 400 legal initiatives across 39 countries.⁴⁰ In his 2020 mapping of Rights of Nature networks and laws, Kauffman observes that most provisions have occurred across Latin America and the US, but that there has been a growth in activity across South Asia, Africa, and Europe.⁴¹ As we explore further in Section 3, while the legal theorization of Rights of Nature has been dominated by Western discourse, the mobilization of Rights of Nature has often been led by Indigenous and global south actors. Even though a ‘rights’ approach may not always align with Indigenous world views, Indigenous groups have strategically adopted Rights of Nature to pursue emancipatory politics that include but are not limited to greater protection for nature.⁴²

The local councils across the island of Ireland are not the first to use council motions to recognize rights of nature; in 2013 Santa Monica city officials worked with lawyers from the Earth Law Center to incorporate Rights of Nature into a Sustainable City Plan,⁴³ and in April 2021, Blue Mountains City Council became the first in Australia

³³ J. Bétaille, ‘Rights of Nature: Why It Might Not Save the Entire World’ (2019) 16(1) *Journal for European Environmental & Planning Law*, pp. 35–64; G. Mauricio & M. Livermore, ‘Where Nature’s Rights Go Wrong’ (2021) 107(7) *Virginia Law Review*, pp. 1347–419; M. Tănăsescu, *Environment, Political Representation and the Challenge of Rights: Speaking for Nature* (Springer, 2016).

³⁴ E.g., E. Fitz-Henry, ‘Multi-Species Justice: A View from the Rights of Nature Movement’ (2022) 31(2) *Environmental Politics*, pp. 338–59; V. Marshall, ‘Removing the Veil from the “Rights of Nature”’: The Dichotomy between First Nations Customary Rights and Environmental Legal Personhood’ (2019) 45(2) *Australian Feminist Law Journal*, pp. 233–48.

³⁵ E.g., A. Salmond, ‘Tears of Rangī: Water, Power, and People in New Zealand’ (2014) 4(3) *Journal of Ethnographic Theory*, pp. 285–309.

³⁶ E.g., A. Rawson & B. Mansfield, ‘Producing Judicial Knowledge: “Rights of Nature” or the Naturalisation of Rights’ (2018) 1(1–2) *Environment and Planning E: Nature and Space*, pp. 99–119.

³⁷ E.g., M.V. Berros, ‘Challenges for the Implementation of the Rights of Nature: Ecuador and Bolivia as the First Instances of an Expanding Movement’ (2021) 48(3) *Latin American Perspectives*, pp. 193–205.

³⁸ E.g., S.G. Laastad, ‘Nature as a Subject of Rights? National Discourses on Ecuador’s Constitutional Rights of Nature’ (2020) 47(3) *Forum for Development Studies*, pp. 401–25.

³⁹ B. Rodríguez-Labajos & J. Martínez-Alier, ‘Political Ecology of Water Conflicts’ (2015) 2(5) *WAIRE’s Water*, pp. 537–58.

⁴⁰ Putzer et al., n. 7 above. See also the Eco Jurisprudence Monitor, available at: <https://ecojurisprudence.org/dashboard>, and the United Nations (UN), Harmony with Nature, ‘Rights of Nature Law and Policy’ monitor, available at: <http://www.harmonywithnatureun.org/rightsOfNature>.

⁴¹ C. Kauffman, ‘Mapping Transnational Rights of Nature Networks & Laws: New Global Governance Structures for More Sustainable Development’, prepared for the International Studies Association Annual Conference, Toronto (Canada), 29 Mar. 2020, available at: <http://files.harmonywithnatureun.org/uploads/upload924.pdf>. See also C. Kauffman, ‘Rights of Nature: Institutions, Law, and Policy for Sustainable Development’, in J. Sowers, S.D. VanDeveer & E. Weinthal (eds), *The Oxford Handbook of Comparative Environmental Politics* (Oxford University Press, 2021), pp. 499–517.

⁴² M. Tănăsescu, ‘Rights of Nature, Legal Personality, and Indigenous Philosophies’ (2020) 9(3) *Transnational Environmental Law*, pp. 429–53; O’Donnell et al., n. 25 above.

⁴³ Kauffman (2020), n. 41 above.

to integrate Rights of Nature principles into its operations and practices.⁴⁴ In fact, Rights of Nature initiatives are often happening at the local level, although they also encompass court decisions, legislation, declarations, constitutional amendments, international documents, and policy recommendations.⁴⁵ As interest in Rights of Nature measures has grown, so have international and transnational networks of activists and Rights of Nature-oriented organizations. Key organizations include the Global Alliance for the Rights of Nature (GARN),⁴⁶ the United Nations (UN) Harmony with Nature Network,⁴⁷ and the Community Environmental Legal Defense Fund (CELDF).⁴⁸ The importance of these networks is explored further below.

While quantitative studies have clearly demonstrated an increased interest in pursuing Rights of Nature initiatives across the world, the relative lack of empirical studies means less is known about the origins and drivers of specific measures.⁴⁹ In the following section we turn to this topic, discussing our participants' perspectives on the origins and drivers of the Rights of Nature motions across the island of Ireland.

3. Origins and Drivers

3.1. International Movements and 'Lighting the Touchpaper'

[W]henver Mari and Thomas came over ... obviously, they're lawyers and stuff, and I don't have a legal head on me at all [laughter], you know, but I have an environmental injustice head on me ... And I just like that they were saying the only thing that environmental regulations regulate are environmentalists.⁵⁰

At the start of each interview, we asked participants to reflect on where they had first heard about Rights of Nature. For several of our participants, an important moment was hearing from Mari Margil and Thomas Linzey, two lawyers formerly with CELDF who visited Northern Ireland in 2019.⁵¹ The activists who invited Margil

⁴⁴ Blue Mountains City Council, 'Rights of Nature', available at: <https://www.bmcc.nsw.gov.au/rights-of-nature>.

⁴⁵ Putzer et al., n. 7 above.

⁴⁶ Organization details available at: <https://www.garn.org>.

⁴⁷ Organization details available at: <https://www.harmonywithnatureun.org>.

⁴⁸ Organization details available at: <https://celdf.org>.

⁴⁹ Putzer et al., n. 7 above, p. 93. For an exception see K. Alley, 'River Goddesses, Personhood and Rights of Nature: Implications for Spiritual Ecology' (2019) 10(9) *Religions*, pp. 502–19. For an overview of the global priorities seen as driving the movements see J. Gilbert, N.W. Williams & A. Robertson, 'The Future of the Rights of Nature: An Interdisciplinary Scoping Analysis', *Arts and Humanity Research Council*, 2022, available at: <https://pure.roehampton.ac.uk/portal/en/publications/the-future-of-the-rights-of-nature-an-interdisciplinary-scoping-a>.

⁵⁰ Interview 4, Councillor.

⁵¹ CELDF has been engaging with Friends of the Earth in Northern Ireland for almost 10 years; see, e.g., 'Friends of the Earth Northern Ireland: Building a Movement for Rights', 5 June 2015, available at: <https://celdf.org/2015/06/friends-of-the-earth-northern-ireland-building-a-movement-for-rights>. A podcast interview with Margil and Linzey was recorded at the time of the 2019 visit, available at: <https://lawpod.org/podcast/episode-37-rights-of-communities-rights-of-nature>, and Margil's contemporary reflections on the relevance of Rights of Nature for Ireland are available at: <https://communityrights.us/2019/08/11/uniting-behind-the-rights-of-nature-the-rights-of-ireland>. Note that Margil and Linzey are no longer with CELDF, having started a new organization, the Center for

and Linzey made it clear that the intention was not necessarily to focus on Rights of Nature, but rather ‘was more to do with how their work chimed with ours, and how they shifted from an environmental justice litigation firm into developing a grassroots movement that challenged power’.⁵²

However, the visit by the two lawyers appears to have ‘lit the touchpaper for here’⁵³ in several ways. For some activists in the room it was the first time they had heard of the Rights of Nature concept:

The trigger for me was whenever the US lawyers Mari and Thomas were brought over by Friends of the Earth a few years ago – it was the first time I’d ever heard of Rights of Nature, and rights of communities.⁵⁴

Our participants also related to the importance that Margil and Linzey placed on challenging dominant approaches to environmental governance:

So, the Rights of Nature movement that we lit the touchpaper for here was more to do with their power analysis and their analysis of jurisprudence and the fact that we were coming to a point in 2019 that we were in court constantly, and suddenly this law firm in the States had the strength of mind to say, ‘That’s it. We’ve had enough’.⁵⁵

Importantly, given the form the Rights of Nature motions took, the meeting also appears to have sparked a belief that grassroots movements could make meaningful changes to local environmental governance using rights-based and legal language (also discussed further below):

And the other thing I learnt was ... that nobody ever has been given permission to make laws. Somebody has decided they can do that. I thought, ‘Well, that’s really interesting’. I didn’t know that. So why can we not make our own laws, and how would we do that? We’d need to get a council to kind of like, you know, embrace that, or what do we do? ⁵⁶

One thing that the CELDF people had said is that you need to start bottom and work up, as opposed to top and down. So, this can’t be something that you legislate for like Stormont [the Northern Irish Assembly] level or national level. It has to start with that bedrock, that respect for nature in the first place and build up from there.⁵⁷

The role of CELDF in sparking awareness of Rights of Nature on the island of Ireland is reflective of the role that the organization has played in pushing the concept in the US

Democratic and Environmental Rights, but have continued to collaborate with NI organizations in this capacity. They are currently collaborating with organizations on the possibility of constitutional reform in the Republic of Ireland.

⁵² Interview 9, Environmental activist.

⁵³ Interview 9, Environmental activist.

⁵⁴ Interview 1, Environmental activist.

⁵⁵ Interview 9, Environmental activist.

⁵⁶ Interview 1, Environmental activist.

⁵⁷ Interview 7, Lawyer.

and attempting to build an international movement dedicated to pursuing predominantly legal reform.⁵⁸ CELDF takes a bottom-up approach to creating Rights of Nature networks and consists mainly of lawyers who support community activists in their pursuit of legal change.⁵⁹ Margil and Linzey's work with local communities led to the first local ordinance to recognize the rights of nature in the US in 2006,⁶⁰ and they have since worked with partner organizations around the world.⁶¹ As Putzer and co-authors note, initiatives in the US are accumulated in the areas surrounding the CELDF headquarters in Pennsylvania (a trend mirrored in the shared proximity of the councils explored in this article).⁶² In Kauffman's mapping of a Rights of Nature 'network', he identifies CELDF as the third most central node in the network, after GARN and the UN Harmony with Nature Programme.⁶³ The group has been part of some remarkable Rights of Nature initiatives, including Ecuador's constitutional recognition of the rights of nature,⁶⁴ and the proposed National Ganga River Rights Act in India.⁶⁵ It is notable that the initiatives pursued by Margil and Linzey have not always been successful; indeed, many local initiatives to change law at the local level in the US have subsequently been successfully challenged in courts.⁶⁶

Regardless of their successes or failures in practice, the importance placed on Margil and Linzey's visit highlights a theme that emerges in the Rights of Nature literature: that domestic environmental social movements become interested in Rights of Nature through engagement with other countries' movements and with an increasingly transnational network of Rights of Nature organizations.⁶⁷ As Kauffman and Martin outline, the growth of a network seeking to push earth-centred law can be traced to the 1990s.⁶⁸ Over the following decades, Rights of Nature activists have gathered at international conferences, advocated at national and international levels, created people's tribunals for the Rights of Nature, and formed GARN (of which CELDF was a founding member), an alliance that explicitly aims to 'reproduce this concept virally through the world, invading systems of thought and juridical systems'.⁶⁹

⁵⁸ M. Margil, 'Building an International Movement for Rights of Nature', in M. Maloney & P. Burdon (eds), *Wild Law – in Practice* (Routledge, 2014), pp. 149–60.

⁵⁹ On the development of legal reform as a central strand of environmental activism and the role of the US in shaping this approach see C. Coglianese, 'Social Movements, Law and Society: The Institutionalization of the Environmental Movement' (2001) 150(1) *University of Pennsylvania Law Review*, pp. 85–118.

⁶⁰ Tamaqua Borough, Schuylkill County, Pennsylvania, Ordinance No. 612 of 2006, available at: <http://files.harmonywithnatureun.org/uploads/upload666.pdf>.

⁶¹ CELDF, 'Where We Work', available at: <https://celdf.org/where-we-work>.

⁶² Putzer et al., n. 7 above, p. 93.

⁶³ Kauffman (2020), n. 41 above.

⁶⁴ M. Tănăsescu, 'The Rights of Nature in Ecuador: The Making of an Idea' (2013) 70(6) *International Journal of Environmental Studies*, pp. 846–61.

⁶⁵ GARN, 'CELDf Working in India to Recognize Rights of the Ganga River Basin', 24 Mar. 2017, available at: <https://www.garn.org/india-court-personhood-ganga-and-yumana-rivers/#:~:text=With%20the%20Global%20WASH%20Alliance,a%20healthy%2C%20thriving%20river%20ecosystem>.

⁶⁶ See, e.g., E. Fitz-Henry, 'Challenging Corporate "Personhood": Energy Companies and the "Rights" of Non-Humans' (2018) 41(S1) *The Political and Legal Anthropology Review*, pp. 85–102.

⁶⁷ A. Huneus, 'The Legal Struggle for Rights of Nature in the United States' (2022) 1(1) *Wisconsin Law Review*, pp. 133–62.

⁶⁸ Kauffman & Martin, n. 11 above.

⁶⁹ *Ibid.*, p. 35.

These alliances and networks have undoubtedly played an important role in providing communities with new ideas about how to address pressing environmental concerns.⁷⁰ Further evidence of the role of international networks emerged during the Irish Citizens' Assembly on Biodiversity Loss in 2022, when one of the most influential interventions came from an Indigenous leader in the Ecuadorian Amazon. Ecuadorian environmental activist Franco Gualinga, a leader of the Kichwa people of the Sarayaku region, used a video message to urge everyone across the island to 'cultivate respect for nature' in the way of their ancient Celtic ancestors.⁷¹

However, this video message also highlights another theme that emerges from local initiatives around the world. While influenced by international movements, Rights of Nature initiatives are taking on distinct 'localized' forms in different contexts. This is reflective of a process that has been observed by legal anthropologists in the human rights space, termed the 'vernacularization' of transnational rights.⁷² This process of vernacularization involves 'translators' or 'intermediaries', such as civil society actors and activists, reframing rights language in local symbols and terminology, enabling rights to better resonate with cultural traditions and narratives.⁷³ Indeed, the need for a place-based approach to Rights of Nature was flagged by some of our participants, for example:

They spoke about things in a very theoretical, lofty way and related to a lot of examples that happened in the States. And I was sittin' there thinking, 'Well, it's all well and good, but like, you know, "we, the people" doesn't really apply here. We didn't have like that kinda constitutional set-up ...' Now it's many years later. I understand that it was about sowing that seed, and we are to make it – to do it reflective of [Northern Ireland].⁷⁴

Some have raised questions about whether Rights of Nature can be considered a coherent international social movement. For example, Kinkaid argues that it is better referred to as a collection of 'translocal social movements'.⁷⁵ Others consider this disparity to be a normal part of norm construction in an evolving network.⁷⁶ Regardless, approaches to Rights of Nature appear to be consistently shaped by the local political context, the motivations and goals of the relevant advocates, and the specific social and cultural

⁷⁰ Ibid., p. 21.

⁷¹ J. Manley, 'Leader of Indigenous Community in the Amazon Makes Direct Appeal for Ireland to Adopt "Rights of Nature"', *The Irish News*, 12 Dec. 2022, available at: https://www.irishnews.com/news/northernirelandnews/2022/12/12/news/leader_of_indigenous_community_in_the_amazon_makes_direct_appeal_for_ireland_to_adopt_rights_of_nature_-2938506.

⁷² S.E. Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108(1) *American Anthropologist*, pp. 38–51.

⁷³ Ibid., pp. 41–2.

⁷⁴ Interview 7, Lawyer. It is worth noting that the US does not have a constitutional set-up that allows local councils to make law either; the legal reforms pursued by CELDF are usually overturned in the courts; see, e.g., Fitz-Henry, n. 66 above.

⁷⁵ E. Kinkaid, "'Rights of Nature" in Translation: Assemblage Geographies, Boundary Objects, and Translocal Social Movements' (2019) 44(3) *Transactions of the Institute of British Geographers*, pp. 555–70.

⁷⁶ Kauffman & Martin, n. 11 above, p. 21.

context in which the initiative is being pursued.⁷⁷ As explored in the remainder of this section, these themes also emerged in our participants' reflections on the origins and drivers.

3.2. Connection to Place, Colonial Legacies and Cultural Heritage

There's certainly a real sort of love of the place and heritage, you know, which is obviously the natural heritage. And I suppose a real desire to want to protect that within people. So that protection of place is, I suppose, in a way what we see very strong through the local activists. That may be either at a population level or it may come back down into, for example, in particular woods, or the river, or whatever. So, there is certainly that connection to place and to particular ecosystems that is very strong.⁷⁸

As noted in the introduction, while the concept of Rights of Nature resonates with many Indigenous world views, its recent manifestations have been sparked and often led and 'translated' by legal theorists and practitioners of the global north.⁷⁹ In practice, however, the Rights of Nature claims appear to have been most successful where they have been picked up by strong Indigenous social movements,⁸⁰ while its theorization has continued to be influenced by Indigenous customs and practices.⁸¹ The growth of Rights of Nature initiatives in Europe therefore raises questions about whether and, if so, what customs, traditions and histories might inform and advance Rights of Nature here.

In part, the alignment of the Rights of Nature movements in Europe with claims made by Indigenous scholars in regions such as South America reflects calls to decolonize environmental legal discourse across Europe and other parts of the Western world.⁸² In Europe, this move to decolonize approaches to the environment encourages engagement with other ways of relating to the natural world, including those that can be found in Europe's former colonies and outside the European context.⁸³ Drawing from Indigenous cultures and being aware of how colonial histories have

⁷⁷ Ibid.

⁷⁸ Interview 3, Council officer 1. Note that Interview 3 included three people, identified as Council officer 1, Council officer 2, and the Mayor.

⁷⁹ See Marshall, n. 34 above, and Tănăsescu, n. 42 above, for discussions on the tensions that can also arise between Rights of Nature and Indigenous approaches to caring for nature.

⁸⁰ M. Akchurin, 'Constructing the Rights of Nature: Constitutional Reform, Mobilization, and Environmental Protection in Ecuador' (2015) 40(4) *Law & Social Inquiry*, pp. 937–68.

⁸¹ Huneeus, n. 67 above.

⁸² J.I. Fúnez-Flores, A.C. Díaz Beltrán & J. Jupp, 'Decolonial Discourses and Practices: Geopolitical Contexts, Intellectual Genealogies, and Situated Pedagogies' (2022) 58(5–6) *Educational Studies*, pp. 596–619; J. Wilkens & A. Datchoua-Tirvaudey, 'Researching Climate Justice: A Decolonial Approach to Global Climate Governance' (2022) 98(1) *International Affairs*, pp. 125–43; L. Godden, 'A Duty of Care and Decolonising Environmental Law: Re-Imagining Sustainability Practices in Australia' (2021) 14 *Pandora's Box*, pp. 17–27; C.H. Trisos, J. Auerbach & M. Katti, 'Decoloniality and Anti-Oppressive Practices for a More Ethical Ecology' (2021) 5(9) *Nature Ecology & Evolution*, pp. 1205–12.

⁸³ See, e.g., M. Ferdinand, *Decolonial Ecology: Thinking from the Caribbean World* (Wiley, 2021); S. Ramcilovic-Suominen, 'Envisioning Just Transformations in and beyond the EU Bioeconomy: Inspirations from Decolonial Environmental Justice and Degrowth' (2023) 18 *Sustainability Science*, pp. 707–22.

silenced other world views can help to decolonize environmental legal discourse and practices, and promote a better understanding of the wealth of less anthropocentric approaches and ideologies that exist in the world.⁸⁴ However, it can also raise valid concerns about cultural appropriation⁸⁵ and new forms of ‘green orientalism’, whereby Indigenous peoples are framed as ‘noble savages’ whose worldviews can be extracted and simplified as a counter to Western industrialization ideologies.⁸⁶

Informed by this discourse, we asked participants to reflect on whether Rights of Nature had any significant or specific cultural resonance on the island of Ireland. As noted in the quote at the start of this section, many participants expressed a strong sense of connection to place. Moreover, for some, the idea resonated with the mythologies, language, and customs they associated with an ‘Indigenous’ Ireland. For example: ‘I’m very interested in Irish mythology and that Indigenous connection of Irish people and Irish language as well ... I think rights of nature touch that, you know, in a way’.⁸⁷

For one participant, pursuing Rights of Nature at the local community level was in keeping with Old Irish law, known as Brehon Law.⁸⁸

I think there’s an argument from ancient Irish customary law that says if we are not healthy, then the rulers forfeit their right to govern, and to me that’s probably the most interesting principle from lookin’ at what’s called Brehon Law.⁸⁹

The interviewee may be referring to the historic practice of inaugurating new kings by ritually marrying them to the land, the object of which ‘we may reasonably assume, was to make the land fertile’.⁹⁰ If the land did not thrive, the king could be dethroned, representing ‘a simple but radical notion: Not only do people need the land; the land also needs powerful loving humans to care for “her”’.⁹¹

The body of law known as Brehon Law was used until the complete colonial conquest of Ireland by England in the mid-17th century. It contained several forms of environmental protection, including laws protecting trees and recognizing their important role in Irish spiritual life.⁹² Pre-Christian Irish culture understood trees to be sacred

⁸⁴ See, e.g., Trisos, Auerbach & Katti, n. 82 above (who highlight the importance of knowing history and decolonising expertise in the field of ecology).

⁸⁵ T. Fields, ‘Trees in Early Irish Law and Lore: Respect for Other-than-Human Life in Europe’s History’ (2020) 12(2) *Ecopsychology*, pp. 130–8.

⁸⁶ L. Lohmann, ‘Green Orientalism’, *The Corner House*, 1 Nov. 1993, available at: <http://www.thecornerhouse.org.uk/resource/green-orientalism#index-06-00-00-00>; A. Gillespie, *International Environmental Law, Policy, and Ethics* (Oxford University Press, 2014), p. 84. See also D. Haraway, *Primate Visions: Gender, Race, and Nature in the World of Modern Science* (Routledge, 1990); L. Viaene, ‘Can Rights of Nature Save Us from the Anthropocene Catastrophe? Some Critical Reflections from the Field’ (2022) 9(2) *Asian Journal of Law and Society*, pp. 187–206.

⁸⁷ Interview 4, Councillor.

⁸⁸ B. Tobin, *Indigenous Peoples, Customary Law and Human Rights: Why Living Law Matters* (Routledge, 2014), pp. 22–3.

⁸⁹ Interview 4, Councillor.

⁹⁰ G.F. Dalton, ‘The Tradition of Blood Sacrifice to the Goddess Éire’ (1974) 63(4) *Studies: An Irish Quarterly Review*, pp. 343–54.

⁹¹ Fields, n. 85 above, p. 135.

⁹² *Ibid.*

temples, the home of spirits and demons, and possessors of souls.⁹³ This respect was codified into law, with the harming of a sacred tree (such as those associated with sites of royal inauguration, as mentioned above) carrying a higher penalty than harm to an ‘ordinary’ tree.⁹⁴ This reflected the seriousness of the offence: ‘cutting down a sacred tree might result in the release of harmful spirits ... which would be manifested in poor crops, sickness and general misfortune’.⁹⁵ While the influence of this mythology has weakened over the centuries, participants drew attention to their enduring respect for sacred trees, and the connection between this worldview and Rights of Nature:

We believe in all of the – um, well, with a small ‘b’ I suppose, about the fairy tree, cutting it down. If there was one on my land, definitely I would not be cutting it down.⁹⁶

We know about fairy trees and holy wells ... those of us who live in the country anyway, haven’t completely lost that connection.⁹⁷

These references demonstrate the survival of an Irish form of traditional ecological knowledge, defined as ‘an ethic of reciprocal respect and obligations between humans and the nonhuman world’ which can arise ‘wherever people are materially and spiritually integrated with their landscape’.⁹⁸ Fields argues that the grounding of Brehon Law in a white European context (even one that has also experienced colonization), offers lessons which ‘could help disenfranchised members of the current industrial growth society to, in essence, begin belonging to our home places and acting more responsibly towards them’.⁹⁹ At a minimum, the language of fairies and folklore continues to offer a ‘cultural shorthand’ for expressing ‘that which has been lost to colonization and industrialization’ and in encouraging a healthy respect for nature.¹⁰⁰

Some participants also drew connections between these mythologies, Rights of Nature and the Irish language. For example:

[T]he thing that struck me a lot – ‘cause I got some Gaelic and I love translating townland names, you know, and that whole sense of how our townland names are directly related to nature, and to where we live in nature, it just transforms how you view your environment.¹⁰¹

You can’t talk about rights of nature in the North without talking about the coal mining campaign, and the gold mining campaign in the Sperrins, I think they – that campaign connected most with the rights of nature in a way. If you look at where that community is, it’s in

⁹³ N. Pennick, *Celtic Sacred Landscapes* (Thames and Hudson, 1996).

⁹⁴ F. Kelly, *Early Irish Farming: A Study Based on the Law-Texts of the 7th and 8th Centuries AD* (Dublin Institute for Advanced Studies, 2000).

⁹⁵ Pennick, n. 93 above (cited in Fields, n. 85 above, p. 133).

⁹⁶ Interview 5, Councillor.

⁹⁷ Interview 1, Environmental activist.

⁹⁸ R.W. Kimmerer, ‘Weaving Traditional Ecological Knowledge into Biological Education: A Call to Action’ (2002) 52(5) *BioScience*, pp. 432–8 (cited in Fields, n. 85 above, p. 135).

⁹⁹ Fields, n. 85 above, p. 136.

¹⁰⁰ D.L. Potts, *Contemporary Irish Writing and Environmentalism* (Springer, 2018), pp. 89–90.

¹⁰¹ Interview 1, Environmental activist.

this heart of the Sperrins. It's in the last Gaeltacht [Gaelic speaking] area in the North as well. Like when we're looking at Indigenous rights and language, it's a very, very special place.¹⁰²

As the first quote highlights, pre-colonized Irish land was 'understood and mapped in the oral tradition according to land-use potential, webs of kinship and forms of animism'.¹⁰³ As such, names were a means of sharing information about the local mythology, society, and history of a place. However, as Nash argues, place naming across the island of Ireland has been 'profoundly complicated by a colonial relation, the rapid decline of the Irish language, partition of the island and Southern independence'.¹⁰⁴ For some of our participants the shift away from Irish traditional ways of place naming could be understood as part of the colonial process of rupturing relationships between communities, their cultural identity and language, and their natural environments.¹⁰⁵ This link to the Gaelic language and 'countermapping' (re-instating Gaelic names) is reflective of the belief that to lose Gaelic is to lose 'a "natural connection" to the land that could only be experienced through the native tongue'.¹⁰⁶

For some participants campaigning for Rights of Nature was considered a continuation of the island's history of civil rights movements and the struggle against colonial dominance.¹⁰⁷ This echoes literature from other contexts which links Rights of Nature movements with Indigenous rights,¹⁰⁸ as well as literature highlighting the connections between environmental movements and other rights movements on the island of Ireland.¹⁰⁹

¹⁰² Interview 4, Councillor.

¹⁰³ V. Cirefice, S. Mercier & A. O'Dochartaigh, 'Resistance to Mining and Pathways to a Sustainable Rural Environment', in A. Attorp, S. Heron & R. McAreavey (eds), *Rural Governance in the UK: Towards a Sustainable and Equitable Society* (Routledge, 2023), pp. 99–119. See also W.J. Smyth, *Map-Making, Landscapes and Memory: A Geography of Colonial and Early Modern Ireland c.1530–1750* (Cork University Press and Field Day, 2006).

¹⁰⁴ C. Nash, 'Irish Placenames: Post-Colonial Locations' (1999) 24(4) *Transactions of the Institute of British Geographers*, pp. 457–80, at 457.

¹⁰⁵ *Ibid.*, p. 460. See also A. Smith, 'Landscape Representation: Place and Identity in Nineteenth-Century Ordnance Survey Maps of Ireland', in P. Stewart & A. Strathern (eds), *Landscape, Memory, and History: Anthropological Perspectives* (Pluto Press, 2003), pp. 71–88.

¹⁰⁶ Nash, n. 104 above, p. 461. See also R. Hannan, 'An Ball Uaigneach Seo: Attachment to Place in Gaelic Literature' (1991) 53 *Eire-Ireland*, pp. 19–31; P. Duffy, 'Unwritten Landscapes: Reflections on Minor Place-names and Sense of Place in the Irish Countryside', in H.B. Clarke, J. Prunty & M. Hennessy (eds), *Surveying Ireland's Past: Multidisciplinary Essays in Honour of Annagret Simms* (Geography Publications, 2004) pp. 689–711; Michael Cronin, *Irish and Ecology: An Ghaeilge agus an Éiceolaíocht* (Foilseacháin Ábhair Spioradálta, 2019).

¹⁰⁷ On Ireland's colonial history see, e.g., B. Rolston, 'The Training Ground: Ireland, Colonisation and Decolonisation' (1993) 13(4) *Race & Class*, pp. 13–24.

¹⁰⁸ J.J. Guzmán, 'Decolonizing Law and Expanding Human Rights: Indigenous Conceptions and the Rights of Nature in Ecuador' (2019) 4 *Deusto Journal of Human Rights*, pp. 59–86; M.N. Healy, 'Fluid Standing: Incorporating the Indigenous Rights of Nature Concept into Collaborative Management of the Colorado River Ecosystem' (2019) 30(2) *Colorado Natural Resources, Energy and Environmental Law Review*, pp. 328–60.

¹⁰⁹ L. Leonard, P. Doran & H. Fagan, 'A Burning Issue? Governance and Anti-Incinerator Campaigns in Ireland, North and South' (2009) 18(6) *Environmental Politics*, pp. 896–916.

I think particularly for rights of nature, I think it was significant that it came from, you know, a place that has maybe experienced a lot of Indigenous struggle as well.¹¹⁰

It really came down to the – this, kind of, love or we’d say in Irish, ‘the graft for your native land’. And it’s engrained particularly in the area that we come from through the likes of the Irish language and the old traditions ... that, kind of, subjugation and oppression is something that people have had to resist ... in our campaign, which is against gold-mining in the Sperrins, a designated area rich in natural beauty and an area of special scientific interest ... It’s one of the places that is under attack. And we said the funny thing was that history, kind of, drove the people into the mountains of the Sperrins because that wasn’t the good land ... now they want to drive us back out of the mountains again.¹¹¹

In this way, the latter participant situates the present-day fight to protect their natural resources within historical legacies of land clearances, dispossession, population displacement, and resistance.¹¹² Struggles around access to land and nature have been part of Ireland’s history since its initial colonialization,¹¹³ intensifying through violent policies of land seizure and deforestation, and continuing until the war of independence in the 1900s.¹¹⁴ As Rolston and Ní Aoláin note, ‘land ownership, displacement, access and imagery remain a vital part of the historical memory in Ireland and underpin many of the historical grievances’ now subject to adjudication and debate across the island.¹¹⁵ This framing was not shared by all participants, and others understood rights of nature as being connected to place without any affiliation to a particular community or history:

I don’t think there’s anything, you know, uniquely Irish about the concept, uniquely Celtic about the concept, you know, uniquely British about the concept or anything like that ... Uh, we all have, um, problems, but then we all like to sort of think of our community as being, you know, unique and particularly receptive to good ideas.¹¹⁶

Grounding Rights of Nature in the politics of (post) colonialism, and framing its advocates in the language of Indigeneity, is of course neither straightforward nor uncontentious on the island of Ireland.¹¹⁷ Ireland’s history as a white colony in Europe, the Northern Ireland conflict (1968–1998), and the ongoing debates around cultural symbols (such as flags, bonfires, language) all make it difficult to explore

¹¹⁰ Interview 4, Councillor.

¹¹¹ Interview 6, Councillor.

¹¹² On the handing over of land to settlers see J. Connolly, *The Reconquest of Ireland* (New Books, 1968), pp. 1–9.

¹¹³ G. D’Arcy, ‘Glenconkeyne: How Ireland’s Largest Native Woodland Became the Timber Yard of the Plantation of Ulster’ (2021) 25(2) *New Hibernia Review*, pp. 89–107.

¹¹⁴ B. Rolston & F. Ní Aoláin, ‘Colonialism, Redress and Transitional Justice: Ireland and Beyond’ (2018) 7(2) *State Crime Journal*, pp. 329–48, at 336–9.

¹¹⁵ *Ibid.*, pp. 341–2.

¹¹⁶ Interview 2, Council legal officer.

¹¹⁷ L. Kennedy, ‘Modern Ireland: Post-Colonial Society or Post-Colonial Pretensions?’ (1992–93) 13 (Winter) *The Irish Review*, pp. 107–21.

the implications of naming Ireland's history as of a colonial nature.¹¹⁸ At the same time, the island's status as a romantic and historic 'place of pre-modern primitivism',¹¹⁹ combined with the idealized rural, Gaelic-speaking community, can risk reducing those outside this 'imagined community'¹²⁰ to a colonizer or colonial puppet. In Northern Ireland, in particular, a Rights of Nature campaign grounded in 'Indigenous' understandings will face traditional Republican associations and the possibility that Rights of Nature will be seen as exclusionary. Although framed by a different context, such challenges mirror those that have emerged around the politicization of 'rights' language more generally: in Northern Ireland, in particular, 'metaconflicts' about the island's violent past have been exemplified by the caution of Unionist political parties and institutions in 'embracing international human rights law and language compared to their Republican or Nationalist counterparts'.¹²¹

Political framings of Rights of Nature did emerge in our interviews. While the first council motions were proposed by socialists and independents rather than a Unionist or Republican party, some participants explicitly linked Rights of Nature campaigns to Irish Republicanism:

Politically, my fundamental Republican thinking is all about the land as well and that, you know, we should be sovereign ... The rights of Ireland and the wealth of Ireland should be used for us here.¹²²

However, other councillors resisted that politicized framing, pointing to the potential for Rights of Nature to be something that transcends historic political and religious divisions across the island:

When I think about people in the environmental movement, I don't think about what religion they are, you know, because climate change goes beyond creed, you know... I suppose bringing it as a socialist rather than like a nationalist party or a unionist party, I think helps to challenge that misconception.¹²³

But the rights of nature and, you know, the air we breathe, and the water we drink, the land that we farm, that affects everyone.¹²⁴

¹¹⁸ Rolston & Ní Aoláin, n. 114 above, p. 343.

¹¹⁹ Nash, n. 104 above, p. 459. See also S. Howe, 'Questioning the (Bad) Question: "Was Ireland a Colony" (2008) 36(142) *Irish Historical Studies*, pp. 138–52.

¹²⁰ B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Duke University Press, 1983).

¹²¹ L. Mallinder, 'Metaconflict and International Human Rights Law in Dealing with Northern Ireland's Past' (2019) 8(1) *Cambridge International Law Journal*, pp. 5–38.

¹²² Interview 5, Councillor. While this participant was speaking from the perspective of being a member of an Irish Republican political party, it should be noted that 'green republicanism' can be understood in broader terms than the specific meaning given to 'republicanism' on the island of Ireland; see, e.g., J. Barry, 'Green Republicanism and a "Just Transitional" from the Tyranny of Economic Growth' (2021) 24(5) *Critical Review of International Social and Political Philosophy*, pp. 725–42; A. Fremaux, *After the Anthropocene: Green Republicanism in a Post-Capitalist World* (Springer, 2019).

¹²³ Interview 4, Councillor.

¹²⁴ Interview 6, Councillor.

It is also important to note that, for several participants, Rights of Nature was not, or was not only, about a connection with cultural history or a particular political affiliation. Rather, it offered a new and more hopeful aspect to long-term activism in the face of political mismanagement, inadequate environmental governance, and environmental harm. We explore this in the following section.

3.3. *Inadequate Governance, Environmental Harm and ‘Changing the System’*

So that’s how the rights of nature movement started here – an analysis of the systemic failures within environmental jurisprudence and environmental governance ... communities don’t really have a right to say no here.¹²⁵

A key driver for our Northern Irish participants was the belief that existing environmental governance was failing them. Substantial evidence supports these critiques. Despite numerous proposals for reform, environmental governance in Northern Ireland is characterized by:

delayed modernisation of environmental legislation and policy, failure to implement environmental law and policy in practice, failure to take meaningful enforcement action in the face of serious non-compliance with environmental law, the post-hoc granting of permissions for ongoing illegal activities, a lack of transparency and accountability and an unaddressed risk of political interference in environmental decision-making.¹²⁶

Communities have little power to challenge planning decisions, and legal accountability, either for environmental crime or through the judicial review of public bodies, is extremely limited.¹²⁷

While both the Republic of Ireland and Northern Ireland (via the UK government) have ratified the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention),¹²⁸ there have been considerable problems with implementing the Convention across both jurisdictions. These have included the inaccessibility of the environmental legal frameworks, lack of access to information and public information, limited legal aid, high costs, and the lack of equal rights of appeal in planning decisions.¹²⁹ This has left

¹²⁵ Interview 9, Environmental activist.

¹²⁶ C. Brennan, M. Dobbs & V. Gravey, ‘Out of the Frying Pan, into the Fire? Environmental Governance Vulnerabilities in Post-Brexit Northern Ireland’ (2019) 2(2) *Environmental Law Review*, pp. 84–110, at 85. See also C. Brennan, R. Purdy & P. Hjerp, ‘Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform’ (2017) 68(2) *Northern Ireland Legal Quarterly*, pp. 123–57.

¹²⁷ R. McAlister, ‘Putting the “Community” into Community Planning: Assessing Community Inclusion in Northern Ireland’ (2010) 34(3) *International Journal of Urban and Regional Research*, pp. 544–8; E. Gladkova, ‘Farming Intensification and Environmental Justice in Northern Ireland’ (2020) 28(3) *Critical Criminology*, pp. 445–61.

¹²⁸ Aarhus, Denmark, 25 June 1998, in force 30 Oct. 2001, available at: <http://www.unece.org/env/pp/treatytext.html>.

¹²⁹ See, e.g., the ‘Finding Common Ground’ project, which tracked implementation of the Convention across the island, including its all-island report: A. Hough, ‘Synthesis Report: All-Island Implementation of the

members of the public without access to their rights under the Convention, limiting its impact on governance across the island. As expressed by our participants:

I don't think that the kind of environmental protection that we have at the moment is particularly appealing. It is, um, [sigh] it's box-ticking largely.¹³⁰

If, for example, environmental legislation both was designed and worked the way it should and was enforced the way it should, we probably wouldn't even need to have the conversation possibly ... perhaps some of the reason why this has come about is because people clearly fear for ecosystems. They fear for individual species, they fear for environments. Really the environmental legislation either should be in place or should be put into place to ensure that that doesn't happen. And clearly, that's not working.¹³¹

Participants also spoke about losing faith in the government's ability to protect the environment. Again, there is plenty of evidence to support such a conclusion. Recent high-profile scandals have included the manipulation of green energy subsidies for private profit,¹³² the discovery of one of Europe's largest illegal dumps outside Derry,¹³³ and the retrospective granting of permission for illegal sand and gravel extraction from one of the state's most significant nature conservation sites at Lough Neagh.¹³⁴ While environmental activist communities have long had reasons to be 'wary of remote government decision-making',¹³⁵ these repeated scandals have cemented the belief that rather than preventing environmental harm, those in power are facilitating harmful practices:

But again, in our work and from conversations with people who have been fighting a similar battle against fracking and against petroleum drilling up in Antrim, it's the facilitation of these external companies and these corporate companies that the governments and the different departments – who you're led to believe are there to protect your air and your water and your environment – they're the very same people that are coming and inviting

Aarhus Convention', *Finding Common Ground*, 2022, available at: <https://www.findingcommonground.ie/all-island>.

¹³⁰ Interview 2, Council legal officer.

¹³¹ Interview 3, Council officer 2.

¹³² *The Report of the Independent Public Inquiry into the Non-Domestic Renewable Heat Incentive Scheme*, Vols 1–3, Mar. 2020, available at: https://cain.ulster.ac.uk/issues/politics/docs/rhi/2020-03-13_RHI-Inquiry_Report-V1.pdf; T. Muinzer, 'Incendiary Developments: Northern Ireland's Renewable Heat Incentive and the Collapse of the Devolved Government' (2017) 99 *UK Environmental Law Association: E-Law*, pp. 18–21.

¹³³ Brought into the spotlight by the BBC Sounds podcast 'Buried', Jan.–Feb. 2023, available at: <https://www.bbc.co.uk/sounds/brand/m001hf1w>; D.D. Wray, 'You Should Gaze at Your Bins in Horror: The Massive Crime Scandal Behind the UK's Rubbish', *The Guardian*, 23 Jan. 2023, available at: <https://www.theguardian.com/tv-and-radio/2023/jan/23/buried-bbc-podcast-exposing-waste-rubbish-crime-scandal>.

¹³⁴ T. Greene, 'Lough Neagh: New Research Reveals Scarring Caused by Sand Dredging', *The Detail*, 20 Dec. 2022, available at: <https://www.thedetail.tv/articles/lough-neagh-new-research-reveals-deep-cavities-caused-by-sand-dredging>.

¹³⁵ Leonard, Doran & Fagan, n. 109 above, p. 907.

it. They not only invite them in but – facilitating 'em through their paperwork, through their documentation.¹³⁶

Participants also expressed feelings of burnout from becoming 'embroiled' in a system in which it was difficult to bring about meaningful change.¹³⁷ This frustration has been echoed by activists and academics alike across the island of Ireland.¹³⁸ Leonard and co-authors have argued that the Northern Irish Assembly 'was developed to accommodate the sectarian political divide rather than environmental or other "social" concerns', while in the South growth has been prioritized over community concerns.¹³⁹ Thus, as Barry notes, it increasingly seems that 'the system is not broken: it was made that way'.¹⁴⁰ Despite consistent pressure from environmental pressure groups and multiple highly critical reports, Brennan and co-authors critique the devolved government for being 'unwilling or unable to change the trajectory of problematic environmental decision-making' and for their 'antipathy (and at times hostility) towards prioritizing environmental concerns'.¹⁴¹

Various political factors have exacerbated the situation. These include Brexit, which creates incredible complexity as a result of the largely devolved nature of environmental law, the questions that arise around managing the environment across a border in the absence of a shared EU framework, and the loss of EU environmental standards.¹⁴² As one participant noted, it 'doesn't make things like this easier'.¹⁴³

It is worth noting that, for others, Brexit offered a moment of opportunity to envision a different way of doing things:

And we have this political opportunity where post-Brexit, we can – we have a certain level of autonomy and special place ... Like, we need to just start making inroads, and don't let, you know, perfection be the goal. It's just getting it started.¹⁴⁴

Certainly, crises can offer opportunities, and Brexit could in theory have offered a moment to renegotiate the 'rules of the game' and pursue new ideas, practices and possibilities, had there been an environmentally conscious government in place.¹⁴⁵ However, the decision to pursue local council-level motions rather than legislative

¹³⁶ Interview 6, Councillor.

¹³⁷ Interview 5, Councillor.

¹³⁸ Leonard, Doran & Fagan, n. 109 above, p. 900.

¹³⁹ *Ibid.*, p. 912.

¹⁴⁰ J. Barry, 'The Planetary Crisis, Brexit and the Pandemic' (2020) 15 *The Journal of Cross Border Studies in Ireland*, pp. 97–109, at 105.

¹⁴¹ Brennan, Dobbs & Gravey, n. 126 above, pp. 86, 93.

¹⁴² See, e.g., C. Reid, 'Mapping Post-Brexit Environmental Law' (2021) 21(4) *ERA Forum*, pp. 655–65; V. Gravey et al., 'Northern Ireland: Challenges and Opportunities for Post-Brexit Environmental Governance', *Economic and Social Research Council*, Oct. 2018, available at: https://irep.ntu.ac.uk/id/eprint/34977/1/Eckersley_12344.pdf; A. Hough, 'The Potential of the Good Friday Agreement to Enhance Post-Brexit Environmental Governance on the Island of Ireland' (2019) 2 *Irish Planning and Environmental Law*, pp. 55–65.

¹⁴³ Interview 2, Council legal officer.

¹⁴⁴ Interview 7, Lawyer.

¹⁴⁵ Barry, n. 140 above, p. 105.

change can be linked to both the ineffectiveness of the main parties to engage meaningfully with environmental challenges, and the repeated collapse of the devolved government since 2017. This has resulted in environmental decision-making processes grinding to a halt.¹⁴⁶ As noted by one participant, this lack of a functioning government has made it difficult for campaigners to know how and where to direct their advocacy for change at the national level:

Even at last night's meeting here, you know, different councillors who are aligned to parties, 'Now, we need to write to the minister and write to –'; I'm like, 'What minister are we bloody well talking about?' They're not even working ... and the really unfortunate thing is we are now viewed as so accepting of – this is what happens here in Northern Ireland. They get elected and then they fall out about something else and something else and they get paid and all these other decisions are made back door. Have they a role to play and should the law be involved? You see, I think it's everybody's responsibility.¹⁴⁷

For our interviewees, Rights of Nature presented a new and more hopeful environmental campaign, which could 'change the system' and 'fundamentally alter the approach' taken towards environmental law and governance:

You get embroiled within that whole horrible system, and not only you get embroiled, you get really run down a bit. Um, and it's not, you know, it's not nourishin' for you. It's 'cause obviously, as someone who wants to protect the environment, you don't wanna be spendin' your whole time fightin' to prevent the destruction of it. So, I just love that you know, about, you know, changing the system by which we fight for protecting nature.¹⁴⁸

I think that there is the potential if a rights of nature approach was adopted, whether it's on a Northern Ireland basis, whether it's an all-Ireland basis, or whether it's a UK basis or whatever. Um, there is the approach there to fundamentally alter the approach that you take to the interaction between planning and the environment.¹⁴⁹

This desire to disrupt 'business as usual' is reflective of the motivations that first sparked earth jurisprudence.¹⁵⁰ The belief that Rights of Nature can challenge fundamental principles enshrined in systems of law and governance and start new conversations can be found behind various movements around the world, and has persisted despite the limited legal success of these movements.¹⁵¹ It is also

¹⁴⁶ J. McCormack, 'Stormont Crisis: NI Secretary Invites Parties To Hold Deadlock Talks', *BBC News*, 4 Jan. 2023, available at: <https://www.bbc.com/news/uk-northern-ireland-64166307>; A. Mohdin, 'Timeline of Northern Ireland's Power-Sharing Crisis', *The Guardian*, 26 Apr. 2019, available at: <https://www.theguardian.com/politics/2019/apr/26/northern-ireland-power-sharing-stormont-crisis-timeline>.

¹⁴⁷ Interview 5, Councillor.

¹⁴⁸ *Ibid.*

¹⁴⁹ Interview 2, Council legal officer.

¹⁵⁰ P. Burdon, 'Earth Jurisprudence and the Project of Earth Democracy', in Maloney & Burdon, n. 58 above, pp. 19–30, at 19.

¹⁵¹ Pilon-Summons et al., n. 17 above; Huneus, n. 67 above.

reflected in scholarship by locally based legal academics on the island of Ireland. For example, Brennan and co-authors argue in favour of an Environmental Charter for Northern Ireland to guide and direct the region's environmental governance, 'going beyond the core objectives and principles to also encompass rights and duties', including the possibility of rights of nature and/or the right to a healthy environment.¹⁵²

Some participants also linked the Rights of Nature movements to the strong environmental advocacy on this island. In particular, they expressed the belief that the lack of leadership from the Northern Irish Executive and the country's fraught history had bred local and community-led creativity, and that the local council initiatives could be seen in that light. The importance of 'small-p politics' to environmental issues across the island of Ireland has been highlighted by Barry, who notes the 'rise and importance of non-state actors and action, issues and forms of cooperation (existing [rights of nature] and potential) across these islands organized around responding to the planetary crisis at local and global scales'.¹⁵³ As expressed by participants:

I think Northern Ireland can be an incubator for new ideas, you know, and I think the environmental movement here is a lot more sophisticated than elsewhere within these islands, because it does recognize that power comes from below.¹⁵⁴

I love the thought of us being – leading on something maybe because of the ways that we've had to do things because of our conflict, because of our government.¹⁵⁵

Thus, the push for Rights of Nature across the local councils was perceived as both a chance for Northern Ireland to be a 'leader' in pursuing local-level initiatives and a reflection of the necessity of community organizing in the face of failures at policy level. In some instances, the local council motions were triggered by pre-existing environmental campaigns. In Derry City and Strabane, for example, the push for the Rights of Nature motion came on the back of a long campaign against the creation of a large-scale incinerator.¹⁵⁶ This is reflective of research that demonstrates that environmental movements will build on pre-existing community consciousness, with community responses to the post-conflict context of Northern Ireland being a key factor in shaping environmental activism on the island.¹⁵⁷ However, the potential for the island to be a leader in this area has to be understood against the backdrop of the limitations on what a local council can do. This is

¹⁵² Brennan, Dobbs & Gravey, n. 126 above, p. 99. See also Brennan et al., n. 22 above; Friends of the Earth, 'An Introduction to the Rights of Nature and Opportunities for Councils in Northern Ireland, Sept. 2021, available at: <https://ejni.net/wp-content/uploads/2021/09/FOE-NI-Briefing-Rights-of-Nature-and-Councils-sept-2021.pdf>.

¹⁵³ Barry, n. 140 above, p. 97.

¹⁵⁴ Interview 9, Environmental activist.

¹⁵⁵ Interview 7, Lawyer.

¹⁵⁶ Leonard, Doran & Fagan, n. 109 above.

¹⁵⁷ *Ibid.*, p. 897.

explored in the following section, which turns to consider the future directions and implications of the motions.

4. Future Directions, Implications and Challenges

Legally speaking, the motions adopted across the local councils have no binding effect. As noted by a Donegal councillor, the focus was on passing ‘motions’, or declarations of intent, ‘not a legal construct’ with binding legal authority.¹⁵⁸ Rather, they are designed to instigate a process whereby councils will reflect on how they might integrate Rights of Nature into their work. The motions themselves contain little detail as to how this might be done, but outline the process as follows:

[T]he Council will collaborate with civic society to explore what rights of nature mean for the people and economies of the region and to investigate how Rights of Nature could be expressed in community plans, corporate plans, improvement objectives and other strategic frameworks. In particular, the Council will, in the next twelve months, hold community workshops and work with the local community and stakeholders to draw up a Declaration for the Rights of Nature for the City/Council area [depending on the motion], to be brought back before the Council for adoption.

It is also requested that a report, authored in collaboration and with input from the local community be brought to the Council in relation to embedding ‘Rights of Nature’ as a keystone concept into the Council’s operational practices, planning processes and long-term decision making.¹⁵⁹

In Derry and Strabane, for example, two public workshops were held, focusing on how Rights of Nature might be integrated into the Council policy and Community Plan. The Council highlighted that the ‘Community Plan process has a clear framework for inclusion, participation, governance, resources and budgets, to assist with the development and implementation of Rights of Nature’.¹⁶⁰ Discussing the relevant benefits of the Community Plan and a subsequent Declaration, a council officer explained:

[T]he community plan is the overarching strategy for the place ... So really, I suppose it is a map for us. The declaration, we have got to be very careful of the wording of that so that it can be incorporated. And, again, because you’re wanting to bring people on a journey, you have got to be able to use language that formally they can buy it, and then recognizing that it is a journey.¹⁶¹

¹⁵⁸ CELDF, n. 3 above (quoting Sinn Féin councillor Albert Doherty).

¹⁵⁹ Taken from the Belfast Council Motion, available at: <https://minutes.belfastcity.gov.uk/mgConvert2PDF.aspx?ID=93309>. Note the same language is mirrored across the motions.

¹⁶⁰ Derry City and Strabane District Council, ‘Rights of Nature Event Report’, Mar. 2022, p. 8 (on file with the authors).

¹⁶¹ Interview 3, Council officer 1.

The emphasis on the implementation of Rights of Nature being a ‘journey’ appeared to be in part a reflection on the limitations operating on the councils. In this context it is worth noting how previous attempts to introduce initiatives at the local level have fared in the UK.¹⁶² In 2018, Frome Town Council proposed a Rights of Nature bylaw designed to protect Rodden Meadow and the River Frome.¹⁶³ The motion was rejected by the UK Ministry of Housing, Communities and Local Government on the grounds that it would duplicate existing environmental protection.¹⁶⁴ This halted the process; while local authorities can propose bylaws, these must receive government approval. While the devolved legislatures enjoy some autonomy from the UK parliament, it is notable that similar restrictions apply to local council powers in Northern Ireland¹⁶⁵ and, in some instances, the Republic of Ireland too.¹⁶⁶ There is therefore a contradiction at the heart of the local treatment of Rights of Nature as a drive for ‘system change’ when, in fact, even local initiatives will require change at the centre. Some research has been undertaken by the Environmental Justice Network of Ireland to see if local authorities have the authority to progress Rights of Nature alone, but this has not yielded much. As noted by our interviewees:

I think if you’re going to make bigger changes, then it is legislative that you need to be doing, so it is. It is the [Northern Ireland] Executive, it is the Irish government, or the UK government – or even the EU government in terms of making those big changes that are going to, probably have the biggest impact because ... we have to work with the planning legislation ... if you go against a planning policy, you will end up in a judicial review.¹⁶⁷

[A]t the moment we have to deal with the legal structure that is in front of us. That means we are looking primarily at the European legislation, where most of our environmental law in relation to planning is stemming from Europe. So, we’re looking at the environmental impact regulations over the years ... So, in day-to-day work, you know, that has not changed, and it won’t change until the law changes, because that’s the way, and we have to deal with it.¹⁶⁸

While the local motions are therefore limited in what they can achieve alone, our participants nonetheless considered them an important step.

¹⁶² Doran & Killeen, n. 9 above.

¹⁶³ Frome Town Council, Appendix 6.2 ‘Draft Byelaw for Rodden Meadow and River Frome Community Ecological Governance’, available at: <https://www.frometowncouncil.gov.uk/wp-content/uploads/2018/11/Appendix-6.2-Draft-Rodden-Meadow-and-River-Frome-Community-Ecological-Governance-Byelaw.pdf>; and Appendix 6.3 ‘Report to DCLG Establishing a Nature Rights Bye-law for the River Frome’, available at: <https://www.frometowncouncil.gov.uk/wp-content/uploads/2018/11/Appendix-6.3-Report-to-DCLG.pdf>.

¹⁶⁴ I. Kaminski, ‘Laws of Nature: Could UK Rivers be Given the Same Rights as People’, *The Guardian*, 17 July 2021, available at: <https://www.theguardian.com/environment/2021/jul/17/laws-of-nature-could-uk-rivers-be-given-same-rights-as-people-aoe>.

¹⁶⁵ Local Government Act (Northern Ireland) 1972, ss. 90–94.

¹⁶⁶ Local Government Act 1994, s. 39.

¹⁶⁷ Interview 3, Mayor.

¹⁶⁸ Interview 2, Council legal officer.

Furthermore, subsequent developments on the island have re-ignited interest in where Rights of Nature might go next. The 2022 recommendations from the Citizens' Assembly on Biodiversity Loss – for a constitutional referendum to incorporate the protection of biodiversity and nature in the Irish Constitution – may mean that the early moves by local authorities will receive new attention in anticipation of possible constitutional innovation. This will almost certainly be the case for initiatives taken at the local level in the Republic, including Donegal County Council. There are already plans to disseminate proposals for Rights of Nature initiatives through the Republic's Public Participation Networks, which serve as platforms for citizen-led input into local development plans. More broadly, as expressed by our interviewees, the motions might be considered as providing:

nature protectors or environmentalists or whatever, you know, ordinary citizens – the tools to fight for nature's rights to exist, to thrive, to regenerate in a way that is like much more preventative.¹⁶⁹

a new way of looking at how we do our business, how we embrace the environment and protect it.¹⁷⁰

Examples of environmental activists using Rights of Nature ideas in their activism have continued to emerge. For example, activists campaigning against the illegal dump outside Derry have drafted a Victim Impact Statement on behalf of the Foyle River system, making a direct connection between the dump scandal and the emergence of a Rights of Nature campaign in the area.¹⁷¹ Thus, while the practical implications may take longer to manifest, the motions can be understood as providing a new way to discuss the pressing environmental challenges across the island. As summarized by one activist:

I think we thought – it [the council motion] has been valuable in the sense it's raised the profile of rights of nature, you know? It has made people connect with us who heard about it and thought, 'Right,' and they've got involved ... so we're raising awareness in that way.¹⁷²

These findings reflect similar observations made in other contexts. It seems that even in cases where Rights of Nature reforms face a range of implementation challenges, they may nonetheless offer a 'useful gateway of communication'¹⁷³ for conversations about our political and legal structures, and how 'deeply vested neoliberal economic, political and social interests that threaten Earth system integrity' might best be challenged.¹⁷⁴

¹⁶⁹ Interview 4, Councillor.

¹⁷⁰ Interview 3, Mayor.

¹⁷¹ Referenced in BBC Sounds, n. 133 above.

¹⁷² Interview 1, Environmental activist.

¹⁷³ A. Putzer et al., 'The Rights of Nature as a Bridge between Land-Ownership Regimes: The Potential of Institutionalized Interplay in Post-Colonial Societies' (2022) 11(3) *Transnational Environmental Law*, pp. 501–23.

¹⁷⁴ P. Villavicencio Calzadilla & L.J. Kotzé, 'Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia' (2018) 7(3) *Transnational Environmental Law*, pp. 397–424.

5. Conclusions

This article has sought to explore some of the origins and drivers for Rights of Nature movements on the island of Ireland, and to consider their implications for environmental governance across the island and beyond. In doing so, we wish to contribute to the relatively limited literature on the relevance of Rights of Nature in European contexts, and to highlight the value of qualitative research as a means of understanding the drivers behind such movements. We found that for our participants, drivers included the advocacy of international Rights of Nature activists, a sense that Rights of Nature resonated with participants' cultural identity and history (in some cases), and a belief that pushing for Rights of Nature offered a more hopeful way of addressing long-standing inadequacies in environmental governance.

Our findings suggest that on the island of Ireland, rights of nature are understood as 'global' in the sense of being connected to networks of environmental activism and Rights of Nature advocates, demonstrating a process of transnational 'vernacularization' across different jurisdictions. At the same time, the campaigns to have rights of nature recognized are 'local' in the sense of being deeply grounded in the history, activism and concerns of communities and – in some instances – their cultural identity. Taken together, these findings emphasize that the push for Rights of Nature across the world should be understood as both deeply connected to a sense of place and attuned to multiple conversations taking place across our imperilled planet.

These findings offer interesting lessons for future Rights of Nature initiatives across the world. For example, they highlight the importance of transnational networks for spreading new ideas about how to protect the natural world and demonstrate how activists can turn to 'different sources of life-sustaining legalities' in their attempt to challenge failing environmental protection in their own context.¹⁷⁵ Furthermore, the connections drawn between Rights of Nature and Ireland's historic cultural heritage demonstrate how the concept can be connected to 'Indigenous' ideas beyond the more frequently researched contexts of Latin America,¹⁷⁶ settler colonial states,¹⁷⁷ and South Asia.¹⁷⁸ This may be of value for those seeking to pursue Rights of Nature across Europe, encouraging deeper engagement with world views that were suppressed across Europe as modern notions of development and extractivism rose to dominance.¹⁷⁹ In addition to encouraging a place-based approach, such engagement

¹⁷⁵ E. Boulot & J. Sterlin, 'Steps Towards a Legal Ontological Turn: Proposals for Law's Place beyond the Human' (2022) 11(1) *Transnational Environmental Law*, pp. 13–38.

¹⁷⁶ E.g., E. MacPherson, J.T. Ventura & F.C. Ospina, 'Constitutional Law, Ecosystems and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects' (2020) 9(3) *Transnational Environmental Law*, pp. 521–40; Guzmán, n. 108 above.

¹⁷⁷ E.g., T. Collins & S. Esterling, 'Fluid Personality: Indigenous Rights and the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 in Aotearoa New Zealand' (2019) 20(1) *Melbourne Journal of International Law*, pp. 197–220; O'Donnell et al., n. 25 above.

¹⁷⁸ E.g., E. O'Donnell, 'At the Intersection of the Sacred and the Legal: Rights for Nature in Uttarakhand, India' (2018) 30(1) *Journal of Environmental Law*, pp. 135–44; S. Jolly & G.D. Naik, 'Rivers as Legal Personalities in India and Bangladesh from an Eco-Centric Perspective' (2022) 6(2) *Chinese Journal of Environmental Law*, pp. 253–74.

¹⁷⁹ Brennan et al., n. 22 above.

offers a counter to the temptations of ‘green orientalism’,¹⁸⁰ whereby the ‘ecological native’ is romanticized and Indigenous forms of governance are extracted, simplified and codified to benefit communities in the global north.¹⁸¹

In terms of future directions, it remains to be seen whether Rights of Nature can be ‘successful’ in protecting the environment across the island of Ireland. As noted in the previous section, the legal systems across the two jurisdictions place limits on what local initiatives can achieve: local council motions lack legal force and will require subsequent measures to make rights of nature enforceable. Nevertheless, the motions have sparked conversations and consultations that may see greater levels of environmental protection pursued at the local council level. Furthermore, the motions are connected to a growing awareness across the island about the necessity of exploring new ways to protect the environment, as evidenced by the subsequent recommendations made by the Irish Citizens’ Assembly on Biodiversity Loss. The value of the motions must therefore be understood not only in relation to the changes they bring about within local councils, but in the light of their intersections with other initiatives for environmental protection and their usefulness as a tool for sparking conversation and greater environmental awareness within and across communities. Thus, we argue that the Irish case study offers key insights into why certain movements emerge in particular places at particular times, how rights of nature are being pursued across different jurisdictions, and both the limits and the potential benefits of pursuing initiatives at the local level.

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¹⁸⁰ Lohmann, n. 86 above.

¹⁸¹ Viaene, n. 86 above.

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