

Are Lough Neagh and the rights of nature the unfinished business of ‘the peace process’?

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Abstract

This article outlines the background to an emergent all-island movement advocating for recognition of the rights of nature – including calls for recognition of Lough Neagh’s right to participate in its community ownership – and proposes that these developments could prefigure a far-reaching transition in our regard for our island home and all its subjects, including the *more-than-human*. Noting the significance of the fact that prominent voices in the Irish rights of nature movement originated in the *borderlands* of Derry and Donegal, the paper proposes that the plight of the iconic Lough Neagh in particular presents an unprecedented opportunity for governments in Dublin, Belfast and London to address a blind spot at the heart of the Anglo–Irish ‘peace process’, that is our regard for the intrinsic rights of the land, the waters, and all the communities of species who constitute our island home to flourish. With Ireland’s celebrated eco-philosopher and mystic, John Moriarty, the emergent movement is behind the call to enfranchise the earth and everything in it.

Keywords: all-island approach, just transition, Lough Neagh, post-colonial, rights of nature.

Why don’t we go further and enfranchise the universe,
enfranchise the whole earth and everything in it.

(John Moriarty in Magan, 2024)

We cannot disentangle the dispossession of land from the dispossession of people and culture. They are inextricably linked. When we begin to heal our relationship to land, to liberate land from ownership, possession, extraction and abuse we begin to heal the trauma that lives in the bodies of those who belong to land. We belong to the land, the land does not belong to us.

(Culture Hack Labs, 2022, p. 37)

Introduction: Two just transitions

Heart, be young; once more it is the ancient joy of earth
Breathes in thee and flings the wild wings sunward to the dome
To the light where all the children of the fire had birth
Though our hearts and footsteps wander far from home.

AE [George W. Russell], *The Joy of Earth*

As Manchán Magan has reminded us in his popular books, podcasts and television programmes, in common with Indigenous Peoples across the world, the inhabitants of Ireland once cherished and practiced a different kind of knowledge, an ecologically informed orientation to the more-than-human. These are insights that are still accessible through our collective memories, myths and language traditions, and even in our own ancient narrative legal traditions such as the Brehon Laws. The recovery of this knowledge and practice must accompany a decolonial turn at the heart of two ongoing *just transitions* on the island of *Ireland*:

1. The just transition that must accompany our response to the climate and related ecological emergencies (including biodiversity loss).
2. The just transition that speaks to the wider ‘peace process’, the transition to new state and socio-legal imaginaries, including an eventual transition to a reimagined ecocentric Irish Constitution with rights enshrined for the entire ‘communion of subjects’ (Berry, 2006) that constitute this shared island.

Developments around the rights of nature movement, including calls for a rights of nature dimension to the resolution of the crisis around Lough Neagh, can be interpreted as an opening to an imaginative response to the lough and its cross-border catchment – informed by

generosity, reconciliation and a radical relational approach, combining rights of nature for the lough with community guardianship and governance. This approach could speak to much more than the urgent reconsideration of sound environmental governance on both sides of the border. A restoration of the lough as a commons and as a rights-bearing subject of our shared history on the island and across these islands will hold deep symbolism – speaking to a need for ecological learning and a new all-inclusive land ethic placed at the heart of our post-conflict society; seeding reconciliation from the ground up.

Such an approach could radically shift our narratives and understandings of what it means to ‘share’ this ‘island’, and our very notion of belonging, and to making peace with the more-than-human. Lough Neagh is much more than a repository of life-sustaining fresh water, biodiversity and sources of livelihoods. It is also a central part of our shared island imaginary, including ecological insights that have been driven to the edges of our popular attention and imaginary. As Tommy Greene (2022) has observed, ‘You can’t tell the cultural history of Ireland without factoring in Lough Neagh’. One of Lough Neagh’s historians, Jim Conway, told Greene that Lough Neagh and its shores are a fundamental part of our ancient mythology. ‘The great palace of the Tuatha Dé Danann is located beneath her waters – the abode of gods and supernatural beings – and is recalled in music, poetry and song.’

Stories in Ireland do not belong to the past. They do not age. They move through time, invoking new openings to possible worlds: or the realm of the ‘Fifth Province’ (Fodhla, the Earth Goddess). Some Indigenous story telling can manifest in ways that are different from how it manifests in the register of modernity. Vanessa Machado de Oliveira, in her exquisite *Hospicing modernity: Facing humanity’s wrongs and the implications for social activism* (2021), explains that stories – recounted in Indigenous traditions – are not just human-made tools of communication that aim to ‘index the world into language, or to word the world’. Rather, Indigenous storytelling summons entities that visit and move things in the world, or to world the world; often breaking down the grip of the powerful on our own individual and collective imaginaries, and opening up our imaginative possibilities. Stories become entities that visit and move things in the world, in nonlinear time. Machado de Oliveira cautions that there is an ongoing process of mistranslation at work in Western practices that results from the epistemic or cognitive closure associated with the

modern tendency to colonise our relationship with language itself, or ‘wording the world’ in pursuit of legibility and assumed transparency. She notes that within modernity/coloniality, *being* is defined by reason and it is the certainty of knowing through description/prescription that anchors the security of being, in the Western mind.

Most critics of modernity overlook the implications of this ontological trait and hubris, resulting in an active *misrepresentation* of alternative world-views – alternative ways of being in the world – as if they are mere *variations* of the process of wording the world of modernity (rendering the One-World-World legible). She holds that this restriction of the pattern of translation makes it impossible to communicate a relationship with language that is not about describing or constructing reality. Moreover, this mistranslation is systematically constituted by a series of disavowals or ‘constitutive denials’, including a denial of the limits of the planet and of the unsustainability of modernity/coloniality and its associated imaginary, including the incompatibility of the earth’s metabolism with exponential economic growth, consumerism, extraction, exploitation and indefinite expropriation (de Oliveira, 2021, pp. 45–6). From this perspective, it follows that the practice of retelling myths and stories might invite more than a passive and nostalgic reception of lost worlds.

Consider the contemporaneous register of one of our most ancient stories, which tells of two tribes living on the island: the Fomorian people who made war with the Tuatha Dé Danann. A war between darkness and light. A war, according to Jason Kirkey (2009), between two peoples experiencing the world in two opposing ways. The Tuatha Dé Danann, content to live with nature, ruled only through the sovereignty of the land. The Fomorians, not so content, were possessed with Súil Milldagach (that is the ‘destructive eye’ which eradicates anything it looks upon) and intent on ravaging the land. In Moriarty’s interpretation (2005), this is a battle, a moment of utmost importance for Irish mythology. A battle between a people intent on *shaping* nature to suit them and a people who, *surrendering* to it, would let nature shape them to suit it.

Kirkey poses the question:

Might it be said that we are standing at a moment which recapitulates this same mythic motif? Has our culture become Fomorian Súil Milldagach writ large? An examination of our tendencies toward environmental destruction in favour of, and

as a means to, human wealth and progress, seems to suggest this. (2009, p. 53).

For Moriarty, we now resemble Fomorian *seeing* more than Tuatha Dé vision. We have the collective Súil Milldagach: a culture so dominated by the ocular, the grasping eye, that all other senses are now subject to the sovereignty of the gaze, a slave to spectacle.

Greening the post-conflict transition

In this section, the need for a transformation in our understanding of ‘transitional justice’, or the need to green transitional justice on the far side of conflict will be discussed.

Let us begin with an important precedent, one that reaches deep into a collective and cultural memory in order to enable a sustainable future, and one that resonates on the island of Ireland because we share a history of colonisation and conflict that has left deep ecological signatures on our landscapes, language traditions, culture and ways of being. This is also a good moment to remember that the Belfast/Good Friday Agreement is designed to enable pathways to new constitutional possibilities for the island.

There is a precedent for transitional justice in Colombia, a country whose own history is all too familiar to descendants of over 1,000 Irish volunteers who travelled to Colombia 200 years ago to assist Simon Bolivar fight for that country’s independence. Recent legal decisions by the Colombian Special Jurisdiction for Peace (Jurisdicción Especial para la Paz), the justice component of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition created by the Peace Agreements between the Colombian Government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) in 2016, invite the transitional justice and human rights community to fundamentally re- rethink their conceptualisation of living systems. These decisions recognise that human beings are not the only beings who have the possibility to exist, to be damaged and violated and therefore to be recognised as the subject of reparation in the context of transitional justice processes. The Colombian Special Jurisdiction for Peace’s Chamber for Recognition of Truth recognises the territories of the Indigenous Awá and Nasa peoples, respectively, as victims of the armed conflict. It recognises that the territory is ‘a living whole and sustenance of identity and harmony’ and that it

‘suffers damage when it is violated or desecrated by the internal armed conflict’ (Article 45).

These resolutions represent innovative and avant-garde jurisprudence in the international field of transitional justice and human rights more broadly, precisely because they seem to break with the hegemonic legal conceptions rooted in a modern Western colonial system of knowledge. The Colombian precedent underlines a shift towards a new paradigm in transitional justice. In a special section on ‘Transitional justice and nature’ for the *International Journal of Transitional Justice* (Viaene, Doran & Liljeblad, 2023), Viaene, Liljeblad and Doran shared a critical understanding that in dominant Euro-Western legal scholarship, the earth and the realm of the more-than-human are – more often than not – rendered visible and accessible to legal intervention, only when these phenomena have been translated into the language of natural resources or a commodity with associated value systems embedded in markets and pricing systems. Conservation and environmental laws are often weak accommodations with the dominant transactional systems, bearing the footprint of (neo)colonial practices and property relations. Viaene et al. also acknowledged and welcomed the fact that there is a growing critical scholarship in the social sciences that unsettles the dominant modernist dichotomies of culture/nature and human/non-human, and which traces these socially constructed oppositions to Eurocentric, liberal, positivist and legal foundations embedded in colonial and racialised encounters between scholars and activists from the ‘Global North’ and those in the ‘Global South.’ Nicole Graham’s work (2011) has exposed how conventional environmental law (the ‘Landscape’) performs a closure and operates within the boundaries of these legal foundations, to reproduce and foreclose possibilities for an in-depth questioning of the drivers of ecological destruction.

The ecocentric turn in law is driving increasing traction for a move to criminalise mass damage and destruction of ecosystems (‘ecocide’) at the global level, along with growing support for recognising the rights of nature, with potentially disruptive implications for property regimes and the hegemonic grip of a ‘One World’ imaginary created in the image of Western geopolitical and epistemic complexes of power and geoengineering. With Boulot and Sterlin (2022) and Law (2015), the current author believes that conventional environmental legal systems are failing to prevent and remediate ecological degradation despite this being their ostensible purpose. This is apparent at the

global level and on the island of Ireland. Citing Gear (2015, p. 225), Boulot and Sterlin hold that, 'Nature, in environmental law, is abstracted and sheared from social context (both human and more-than-human), becoming passive or non-agentic, and therefore *res nullius*: a resource empty of meaning and purpose and therefore available for human annexation'. Conventional environmental law participates in interpretations and patterns of thought embedded in Western anthropocentric legal thought, namely the ontological assumption of a single objective, objectifiable reality, or a 'One-World-World' (Law, 2015). This tradition is deeply informed by legal positivism and positivist interpretations of environmental realities and is infused by an ontological position that frames the world as operating by absolute and universal laws, which can only be known by reference gained by strictly conceived empirical means. The One-World-World is an exclusionary vision of reality derived from the Euro-American historical experience. For the Colombian anthropologist of the pluriverse, Arturo Escobar (2015), the One-World-World imaginary is founded on the construction of a twofold ontological divide, a particular way of separating humans from nature, and a distinction and boundary that polices the border between those who function within the One-World-World world-view and those who do not.

Citing the examples of the enshrinement of the Rights of Mother Earth (Pachamama) in the Ecuadorian Constitution in 2008 and the granting of legal personhood to the Whanganui River in New Zealand, Boulot and Sterlin observe that these developments amount to a 'metaphysical intervention in legal systems' (2022, p. 22) by facilitating a leaking of Indigenous legal and ontological systems into the legislation of a nation state. In this renegotiation of colonial relations – in the cases of both Ecuador and New Zealand – state legal orders have embarked on something that is not fully articulated in the discourse of the rights of nature. Something more profound is happening than what is fully articulated or conceded by advocates of the rights of nature themselves. Confronting questions of law and ontology requires us to fundamentally question the legitimacy of colonial and state power and authority as the source of law. If a bottom-up transformation in law is necessary to enable a future with a future – it must extend to the very ground itself: law and legal thought must undergo a kind of conversion to ecologies, a radically plural opening to alternative ways of being in the world.

Mandate for a debate on the rights of nature, the rights of Ireland

And, again, how quaint it would be to charge that remainder under one or another of the amendments to our constitution.
(Moriarty, 1999, p. 234)

A mandate for a far-reaching public debate on the incorporation of the rights of nature into the Irish Constitution and legislation emerged in 2023 with the recommendations of the Children and Young Persons' Assembly on Biodiversity Loss (2023) followed by the findings of the Citizens Assembly. The youth assembly prioritised a call for a new regard for nature 'as relative', in line with a perspective that is often found in Indigenous world-views. The Citizens' Assembly on Biodiversity Loss (2023) was one of four proposed Citizens' Assemblies contained in the *Programme for government: Our shared future* (Government of Ireland, 2020). In February 2022, following debates in both Houses of the Oireachtas, the Citizens' Assembly on Biodiversity Loss was formally established by way of resolutions of Dáil Éireann and Seanad Éireann. The Citizens' Assembly on Biodiversity Loss was comprised of 100 members, including 99 members of the public, randomly selected from households across Ireland, and an independent Chairperson, Aoibhinn Ní Shúilleabháin, appointed by the then Taoiseach, Leo Varadkar.

At its final meeting on 21 January 2023, after deliberating on how the state can improve its response to the issue of biodiversity loss, the assembly agreed 159 recommendations (Citizens Assembly on Biodiversity Loss, 2023). These 73 high-level recommendations and 86 sectoral-specific recommendations were agreed through a mixture of consensus agreement and ballots.

Specifically, Citizens Assembly Recommendation No. 31 states that:

There should be a referendum of the people to amend the Constitution with a view to protecting biodiversity. The proposal to amend the Constitution should include:

c. Substantive rights of nature, recognising nature as a holder of legal rights, comparable to companies or people e.g. to exist, flourish/perpetuate and be restored if degraded; not to be polluted/harmed/degraded.

d. Procedural rights of nature, e.g. to be a party in administrative decision-making, litigation, etc. where rights are impacted/likely to be impacted.

The subsequent publication of the fourth national biodiversity action plan (Department of Housing, Local Government and Heritage, 2024) commits the National Parks and Wildlife Service to ‘explore the ways in which the rights of nature could be formally recognized, including the potential for constitutional change’ (ibid., Action 1C2). This follows the recommendation from the Joint Oireachtas Committee on Environment and Climate Action with regard to constitutional change and the protection of the environment. In the wake of the government’s recent experience of referenda, a legislative approach to the rights of nature may prove more appealing once the expert group is established. In Northern Ireland, a rights of nature movement has also emerged and, indeed, in some respects both preceded and set the scene for developments in the Republic of Ireland. The North is host to at least two exceptional sites of ecological distress: a 46-hectare illegal landfill on the outskirts of Derry, at Mobuoy, Co. Derry, and the distressed Lough Neagh. Blackwood et al. (2020) have described illegal waste disposal as one of the most pressing issues facing the island, a crime that is both highly profitable and linked in some cases to cross-border paramilitary activity.

As the current Minister of Agriculture, Environment and Rural Affairs, Andrew Muir, has noted, the Lough Neagh crisis is of such totemic importance that its near-death experience may yet prove to be a turning point in public attitudes to landscape and the environment. The rights of nature movement, led by an ad hoc ‘Gathering’ of community-based and life-long environmental activists originally centred around Derry and the north-west cross-border region, has also risen in response to extractivist proposals, including gold-mining plans for the Sperrin Mountains.

Remarkably, the rights of nature campaign has inserted its demands for the recognition of the rights of Lough Neagh to be part of any strategic solution, including any transfer of ownership to the community from the current owner of the lough’s bed, Nick Ashley-Cooper, the twelfth Earl of Shaftesbury. In turn, Ashley-Cooper has taken up the call for a rights of nature dimension to be included in any formal transition in the status of the lough, in response to the pollution crisis. The Shaftesbury stake in the lough’s soil and bed stretches back

to the seventeenth century and has become a matter of some controversy, given the colonial associations with the Shaftesbury family's contested claim on a vital ecological and cultural resource.

Tipping point for a shared island: Lough Neagh is an island and global tipping point

In their recent report on the pressures and drivers affecting nature in Northern Ireland, the Office of Environmental Protection (OEP, 2024), underlined the cosmo-local dimensions of the crisis of Lough Neagh. While the effects have origins in local pollution and failures in environmental governance (a 'system failure'), the phenomena of a dying lough, smothering in blue-green algae as a result of farm run-off (nutrients, phosphorous) and untreated wastewater, amplified by climate-change impacts, is a sign of a global tipping point (Möller et al., 2024). Given the unprecedented risks associated with the Lough Neagh crisis – and their global register – activists behind calls for rights of nature are calling for recognition of the rights of Lough Neagh, including rights to representation in any new ownership and management design. Activists point to the examples of the Mar Menor Lagoon in Spain. Mar Menor is the first ecosystem in Europe to be enshrined with legal rights under a Western system of law. Articles of the innovative law assign legal guardianship and representation for the lagoon to public administration, with support from the local community, scientific committees, and a monitoring commission, in addition to empowering any natural person to enforce the enumerated rights of the lagoon (Eco Jurisprudence Monitor, 2023).

The OEP notes that while global environmental crises might appear distant from the daily lives of many, Lough Neagh's chronic deterioration brings into sharp focus the local consequences of long-term neglect of the natural environment. Unsustainable practices in the lough and its cross-border catchment, exacerbated by global environmental change, have led to increased risks to human and animal health, tourism, fisheries and even to supplies of precious drinking water. All of which are over and above the evident harms to the lough's diverse habitats and species.

In the course of responding to the public crisis around the state of Lough Neagh, key stakeholders have engaged with Minister Muir, who has published a Lough Neagh Report and Action Plan (Department of Agriculture, Environment and Rural Affairs, 2024). For the most part, the recommendations are conventional technocratic responses,

seeking to mitigate some of the most serious sources of pollution, including farm run-off and wastewater spills. Key community-based partners, including the Lough Neagh Partnership, are conducting parallel consultations and building on the earlier work of organisations such as the Lough Neagh Development Trust and Development Trusts Northern Ireland. At the heart of the debate for some of these stakeholders and campaigners is the question of ownership: both a transfer to community ownership and the participation of the lough itself in the future ownership/management design. In a Substack post, Ashley-Cooper (2024), whose family trust continues to benefit from licensing sand-dredging activity on a small section of the bed of the lough, wrote:

I have always understood the sensitivities of my ownership in Northern Ireland. Since inheriting in 2005, I have repeatedly stated my willingness to explore different options for ownership as part of ongoing efforts to ensure a secure and sustainable future for Lough Neagh... I would like to transfer the ownership of the Shaftesbury Estate of Lough Neagh Ltd into a charity or community trust model, with rights of nature included, as I think that this could be the best way to support the long-term future of Lough Neagh.

The openness of these consultations has exacerbated calls from community-based campaigners for an inclusive, community-led and deliberative approach. Some have called for a Citizens Assembly or similar mechanism. The deeply contested interests of the Shaftesbury Estate, which is associated with the licensing of sand-dredging on the bed of the lough – have also become a lightning rod for demands that the lough's future be embedded within a narrative of justice, or 'transitional justice' (even reparations). Increasingly, the lough's fate – given its wider cultural significance – is exposing the links between the island's ecological fate and the deeply contested histories of land, ownership and belonging that have framed foundational moments on the island and continue to frame responses to and understandings of the conflict in Northern Ireland and the 'peace process'. It follows that the potential resolution could draw on this difficult history as a narrative or parable of reconciliation and transformation: a narrative arc that stretches back to the enclosures of the plantation and redeems the future in the possibility of disenclosure (a return of the lough to a form of community ownership) as a commons.

In bringing forward a novel set of solutions to the current fragmented and dysfunctional systems of ownership and ‘management’ of the lough, there is an opportunity to ‘re-enchant public imagination’ around the ideas of the commons and consideration of the more-than-human as a wider response to our social and ecological crises (Culture Hack Labs, 2022, p. 3) and post-conflict failure to extend reconciliation and regard to the more-than-human. In a sense, Ireland, our lands, our waters and landscapes are the blind spot, the spectre that speaks to a profound absence at the heart of the Belfast/Good Friday Agreement and our future constitutional journey.

Undoing enclosure: From plantation to a restoration of the commons (commoning)

A fulsome, innovative and biocentric approach to crises such as Lough Neagh presents an opportunity to extend the spirit of the Belfast/Good Friday Agreement to addressing ‘slow violence’ (Nixon, 2013): that incremental and tacit violence that has been placed beneath the radar of the public discourse on peace-making – and peace-building – despite the central place of a healthy, flourishing ecology in sustaining human well-being. The commons offer a compelling paradigm for reframing the ‘peace process’ in ways that extend to our regard for the land. In her classic work, *Governing the commons*, Nobel Prize-winning economist, Elinor Ostrom, set out the results of her meta-survey of the literature on the management of commons (Ostrom, 2015/1990). She demonstrated that negotiated arrangements in local communities – involving neither private nor public (state) ownership – that includes all relevant stakeholders are effective methods of managing the commons and fairly and sustainably sharing common resources. The cultivation of the notion of ‘commoning’ as an integral part of the new Lough Neagh dispensation could make a significant contribution to an enhanced understanding of the challenges of reconciliation in a post-conflict society, where disputes over institutionalised scarcity, competition, fragmentation and pillarisation have become embedded within our public discourse, in politics, community relations and economics at the expense of an ethos of mutuality and care. The commons is associated with a return to the possibility of embedding *relationships* within a regard for nature’s abundance in the context of deep collaboration, care and respect for our own collective human entanglement with the ‘more-than-human’.

Care is a vital aspect of commoning and the pluriverse, functioning as both a relational ethic and a practical framework for community engagement. Commoning refers to collaborative practices through which communities manage shared resources, emphasizing collective ownership and mutual responsibility over individualism and profit motives (Arbell, 2023). This approach fosters environments of interdependence where individuals actively support one another, highlighting the essential role of care in sustaining communal relationships and enhancing resilience in the face of socio-economic and environmental challenges (Smith, 2024). The integration of care within commoning practices reflects a shift from passive participation to active contribution, empowering community members to voice their needs and collaboratively shape their futures. The concept of care also intersects significantly with the pluriverse, a framework that recognises diverse ways of knowing, being, and relating. Care ethics, articulated by scholars like Joan Tronto (1993), underscores the importance of nurturing reciprocal relationships within various contexts, including environmental governance and social justice movements. By framing care as a foundational principle, commoning practices can enhance community resilience and well-being, addressing not only immediate needs but also the broader systemic issues impacting groups and communities experiencing alienation or exclusion from decision-making and responsibility, including responsibility for their landscapes and the conditions of life that support their own livelihoods.

The rights of nature and the commons articulated as a relational practice of commoning appeal to a deeply relational ontology. In the words of Maria Puig de la Casa (2017, pp. 69–70), caring and relating share an ontological resonance. She cites Tronto's (1993, p. 103) understanding of 'care' as 'everything that we do to maintain, continue and repair "our world". ...which we seek to interweave in a complex, life sustaining web'. For Puig de la Casa, this vision of caring presupposes heterogeneity as the ontological ground on which everything humans relate with exists: 'myriad doings – everything we do – and of ontological entities that compose a world – selves, bodies, environment' (2017, pp. 69–70).

Borderland thinking, the more-than-human, and prefigurative peace-building as ecological practice

Local rights of nature initiatives in Derry, Donegal and other parts of Ireland – in concert with global civil society – links to Zapatista

(Chiapas, Mexico), Ecuadorian, Colombian and North American Indigenous advocates for rights of nature – formed the backdrop to successful efforts to have Ireland’s Citizens Assembly on Biodiversity Loss (2023) include the recommendation for a constitutional referendum or legislative approach.

The Citizens’ Assembly received an overview of international examples from law professor Áine Ryall and watched a powerful video statement from Ecuadorian environmental activist Franco Gualinga. A leader of the Kichwa people of the Sarayaku region, Gualinga urged the assembly to ‘cultivate respect for nature’ in the way of their ancient Celtic ancestors. Gualinga’s reference to Celtic ancestry reflected a strong theme that runs through much of the rights of nature advocacy on the island of Ireland. Killeen, Gilbert and Doran (2023) found, in the course of research conducted across the island, that the rights of nature resonate with interview participants’ memory and understandings of their history and cultural heritage. For example, some participants discussed ‘Brehon Law’ or ‘Old Irish Law’ which protected certain trees and recognised their role in Irish spiritual life. Others mentioned folk beliefs and myths, such as those that prohibit cutting down ‘fairy trees’, and the pre-colonisation practice of naming places according to their land-use and kinship networks.

As key sites for the reproduction of colonial knowledge and epistemology, Ireland’s university system, contributed to ‘epistemic violence’. So, for example, at Trinity College Dublin, a sister college of Cambridge and Oxford, Irish-language bearers of local knowledge of Irish ecology, landscapes and fauna were looked down upon. This was part of a larger colonial role in which the college was also a recognised ‘undertaker’ engaged in the expropriation of lands in other parts of the island, including Donegal and Ulster. Ó Cuinneagáin (2022) notes that:

Trinity College’s stolen possessions were framed within a desire to inculcate English civility in Ulster. The theft of the land [in Ulster] was based on totally ignoring the Brehon Laws that existed to demarcate territory between the Gaelic clans and the oral legal epistemologies that surrounded these laws...in this ignoring of the oral testimonies one can locate a construction of a strategic ignorance...which Anglocentric knowledge in Ireland is based on.

This pattern of colonial displacement – involving the taking of land, the disruption of language, and imposition of alien grids of

intelligibility (law) and enforced visions of ‘improvement’ – was rehearsed in Ireland and exported to other parts of the world. The celebrated Indian writer, Amitav Ghosh, has described how over two centuries European colonists tore across the world, viewing nature and land as something inert to be conquered and consumed without limits and the Indigenous People as savages whose knowledge of nature was worthless and who needed to be erased: ‘It was this settler colonial worldview – of just accumulate, accumulate, accumulate, consume, consume, consume – that has got us where we are now’ (2023/2021, p. 445). The mass conversion of nature into dead matter has deep roots in the European Enlightenment tradition, which is associated with the celebration of possessive individualism, calculation, control and the instrumentalisation of nature so that it can be placed at the service of human ends (economics). Andreas Weber (2014), the contemporary biologist and eco-philosopher of enlivenment, attributes the tendency to regard nature as an ‘object’ or dead matter to a deep dualism in that Western thinking, which causes a split within us, between that which is viewed as ‘not nature’ (spirit, humanity, culture) and nature. For Weber, nature is profoundly relational, every subjectivity or individuality (human and more-than-human) is an inter-subjectivity, a co-emergence from our entanglements with others: inviting responses of care and reciprocity.

In the words of Ben Ehrenreich, ‘Only once [they: Europeans] imagined the world as dead [matter] could they dedicate themselves to making it so’ (cited in Ghosh, 2023/2021).

Rights of nature as cosmo-local transition: a place ‘in between’

Inspired by a global rights-based movement, in June 2021, Derry City and Strabane District Council adopted a pioneering motion on the ‘rights of nature’ (2017). In the motion, the council recognises that the rights of nature can act as a catalyst for a new kind of economic thinking, one that is post-extractivist and regenerative. Within days, a similar motion was adopted by Fermanagh and Omagh District Council, followed by Donegal County Council in December 2021. In doing so, councils across the island of Ireland have embarked on a significant challenge to the dominant paradigm of environmental law and, it could be argued, the precepts of the capitalist economic order.

These motions are a sign of our times that has both intensely ‘local’ and ‘global’ significance. That is to say, progressive planetary activism is intimately connected to our sense of place and belonging, while being simultaneously attuned to multiple conversations and transitions taking place across our imperilled planet. The campaigns and council motions also speak to a borderland experience of possibility: an ability to move between the local and global, to see the closures and preoccupations of centres of power and freely embrace thinking otherwise. Borderlands are places where people can entertain ‘two thinks at a time’ (James Joyce, *Finnegan’s wake*), transitional thinking that draws on the generative power of liminality as a pluriversal challenge to sclerotic centres of accumulated power and disinterest. This section examines the importance of borderland thinking, pluriversal understanding, and cites the work of Brian Friel and his colleagues at the Field Day Theatre and literary enterprise as an important cultural expression of this liberatory imaginary.

Each *location* of a rights-of-nature campaign inflects the broad sweep of the movement according to its own formative experiences of power, especially histories of colonialism and empire and resistance that is increasingly turning to the restoration of cultural, mythic and ecological memory and practices that are cosmo-local, or rooted in place but linked to cosmologies that share insights across the world – especially in Indigenous world-views. The emergence of the rights of nature across the world is linked to a democratic moment, notably in Latin America, where Indigenous voices and insights have been enfranchised after years of anti-colonial struggles.

The developments in local councils in the north-west of Ireland, on both sides of the colonially mapped border straddling Northern Ireland and the Republic of Ireland, are also – essentially – a democratic moment in terms of community environmental activism and confrontations with systemic failures in Northern Ireland’s governance. The developments in the North are all the more significant because they have emerged in the face of a generation of regulatory failure and capture in the field of environmental protection. The environment and nature have – until recently – been zones of silence in the narratives of transitional justice. The post-conflict narrative is, however, littered with scandals, prompting a deep re-examination of the ecological implications of a ‘peace’ that leaves out a new relationship to the land, the rivers, the loughs and many communities of species who are also subjects of our ‘shared island’, a ‘peace’ that

has seemed incapable of registering the presence of ‘slow violence’ (Nixon, 2013).

The notion of the pluriverse inverts the seductive formula of a One-World-World (constructed in the image of the Western hegemonic project that has captured imaginations and institutions since the twentieth century). In an increasingly multipolar world, hegemonic or dominant ways of being (ontologies) and understanding (epistemologies) are now ceding power to a radical pluralisation of ways of being and knowing, or ‘the pluriverse’. The pluriverse refers to the idea of multiple worlds but also to the idea of ‘life as limitless flow’. If this is the case, all attempts at fragmenting and classifying an undecidable world are bound to be partial at best, and to reproduce dichotomous, dualist thinking in damaging ways. It is no surprise that Derry and the border lands are to the fore in resisting this futile ‘false arrest’ imposed on life itself. Escobar believes that the world is anything but a static, inanimate, or inert container. On the contrary, he holds that the world is a web formed of interwoven lines and threads, always in motion. We humans are, like all other living creatures, immersed in this web.

The pluriverse is not a template nor a decisive or pre-determined outcome but an orientation, inspired by the epistemologies of the Global South, and informed by an acceptance that ‘We are facing modern problems for which there are no longer modern solutions.’ Ontologically speaking, Escobar (2020, p. 69) continues, one might say that the crisis is the crisis of a particular world or set of world-making practices and narratives, the world that we usually refer to as the dominant form of Euro-modernity.

Ireland occupies a special role in these movements. Holding a peculiar place in the European imaginary, as the only Western European country that has had both an early and a late colonial experience (Deane, 1990). Culturally, politically, and ecologically Ireland straddles histories of colonialism and European modernity: a place ‘in between’ (*idir dhá chultúr*).

The philosopher Richard Kearney and artist Sheila Gallagher (2017) explain that the Irish have always been most creative when following a logic of ‘both/and’ – acknowledging a mix of double fidelities: religious, national, psychological and cultural. ‘Doublings that call for new mediations.’ Today we might add ecology.

Seamus Heaney, who grew up beside the border in Northern Ireland, put it well in his poem, *Terminus* (1984):

Two buckets were easier carried than one.

I grew up in between.

For Heaney, this positionality, this *in between* summons what he called a 'symbolic reordering of Ireland' open to new possibilities of 'Irishness, Britishness, Europeaness, planitariness, creatureliness, whatever' (Kearney & Gallagher, 2017, p. 15). And for Kearney and Gallagher, it was precisely this philosophy, this ethos or calling of 'twinsome minds' that seeks to turn polar opposites into fertile openings, a way of thinking that deeply informed the Belfast/Good Friday Agreement of 1998, the platform for the Anglo-Irish peace process that continues in the style of a 'promissory note' – and however erratically – to unfold towards new constitutional possibilities of being and acting today. Kearney concludes, genuine catharsis comes from a crossing of narratives, transforming binaries into multiple belongings. He has also noted that one of the formative visions of Irish culture at the birth of the state, that of AE (George W. Russell), stressed a plurality of voices. Russell called for a living culture that advocates a plurality of voices, encouraging us always to think and imagine otherwise (Kearney, 2006, p. 13). In other words – given our particular historical positioning and colonial experience, the Irish mind is predisposed to the pluriverse, and to the solidarities that go with the ways of knowing and being to be found in other precolonial experiences (among Indigenous Peoples across the world).

In common with many transitional justice processes across the world, the promissory note of the Belfast/Good Friday Agreement contained a great silence however: the land or ecology of Ireland, *the island in itself*, in its being. The production of silences, forgetting and even ignorance are the marks of colonialism embedded in language. Disrupting these silences and acts of forgetting installed at the heart of language was the self-conscious project of the Field Day Company, led by figures such as Heaney, Seamus Deane, Brian Friel and Stephen Rea. Field Day was a disruptive project of theatre, writing and dialogue based in Derry in the 1980s and 1990s; perhaps an example of 'border thinking'. Border thinking comes from decolonial theory and is a concept first used by Chicana author Gloria Anzaldúa (2012) to point to the early life of theory and episteme that must have a lived dimension, an existence that sits at the borders of a colonial matrix of power. In this early life, theories and epistemologies must have a lived dimension to them, lived in the sense of the experiences of those who have been excluded from the production of knowledge by modernity.

Borderland thinking has emerged as a significant framework for analysing the political and societal complexities of postcolonial Ireland, addressing the legacies of colonialism and the unique identities shaped by border dynamics. This theoretical approach, rooted in the works of decolonial theorist Walter D. Mignolo and Gloria E. Anzaldúa, emphasizes the experiences of marginalised communities and advocates for alternative epistemologies that challenge dominant narratives of knowledge production.

By situating the analysis of Ireland's political landscape within a broader framework of coloniality and resistance, borderland thinking highlights the interplay of culture, identity, and agency across historical and contemporary contexts. The significance of borderland thinking in Ireland can be traced back to the colonial past and the enduring effects of partition in 1921, which created a distinct post-colonial identity in Northern Ireland. The concept critiques traditional views of borders as merely divisive barriers, positing instead that they can act as sites of convergence, negotiation, and resistance. This perspective is particularly relevant in the context of the socio-political tensions and lends itself to a new democratic understanding of the emergence of contemporary environmental forms of resistance, including the emergence of the rights of nature movement.

For over a generation, activists and communities in Derry and its environs have confronted environmental injustices, including repeated campaigns of opposition to attempts to impose municipal incineration, even where these proposals were championed by local political champions of the peace process. Issues of environmental (in)justice have weaved, in complex ways, through the communities' experience of the conflict for many years. Mignolo and Tlostanova (2006) note that border thinking does not happen irrespective of modernity but in response to it, as part of real-life struggles against the oppressive apparatus of the colonial matrix of power. It is the epistemology of the exteriority, and the border is defined by epistemic difference and geographical distance.

Field Day worked hard to remind us of the influence of the significance of the literary and cultural transition as the original *mise-en-scène* for revolutionary change in Irish history in the nineteenth century. They reminded us at a pivotal moment in the creation of a new discursive and cultural clearing to enable fresh thinking for the 'peace process', predicated on an insight that the colonial imperative is to destroy all memory of what went before, for the new colonial

order is always founded on amnesia. And central to the project that begins with the taking of land is the attempt at the foreclosure of memory through efforts to erase language.

Michael Cronin picks up where Field Day left off. In his wonderful *Irish and ecology* (2019), Cronin reconnects questions of colonialism, forced amnesia and political ecology. He notes that language situates people in their environment in terms of both description and narration – telling you where you are and what is around you and where you come from – so the project of removing the Irish language from public life has – as one long-term consequence – been the alienation of people from their own surroundings (Cronin, 2019, p. 12). Cronin cites Brian Friel's play, *Translations*, which explores the experience of a displacement and exile when agents of colonialism impose English translations of Irish place names.

The play's school master cautions 'that words are signals, counters. They are not immortal. And it can happen – to use an image you'll understand – it can happen that a civilization can be imprisoned in a linguistic contour which no longer matches the landscape...of fact' (Friel, 1981, cited in Cronin, 2019, p. 43). Cronin adds that it can also happen that a people can find themselves imprisoned in a linguistic contour which no longer matches the landscape *tout court*:

The population shifts to a language which bears no relationship to the environment in which they find themselves. The ecological consequences are profound in that the connection to place and history – a sense of which is central to the creation of a sustainable and resilient localities – is seriously fractured.

(2019, p. 9)

The importance of the Irish language and the contemporary return to mythic tropes should not be underestimated. As a recent workshop convened by the Burren College of Art concluded (Chapman & Hawkes, 2023) on the theme of 'Earth-based Cosmology/Cosmeolaíocht Cré-bhunaithe':

Irish inhabits an earth-based cosmology that puts humans in their proper place while respecting the feminine. Everything is connected in this inherently systemic understanding of the world. This inner knowing is where the treasure resides and it is time to recognize and protect it. Language, tradition, music, biodiversity and the environment are all inextricably intertwined and share a common experience of loss.

In light of Cronin's work and Chapman and Hawkes' findings, Sinéad Mercier and Michael Holly's reading of Brian Friel's *Translations* (Mercier & Holly, 2022) is all the more poignant and we come to understand the scope of that experience of 'exile', experienced as a result of communities' linguistic and psychic displacement from their sense of belonging to the Donegal landscape. Their account describes Friel's play as a parable of how high modernist ideology disrupts local metis and knowing. *Translations* is based on the colonial mapping of the island in the early nineteenth century – the first such exercise in a British colony – in what Mercier and Holly describe not only as an ecosystem and scientific campaign, but as 'lawscapeing' on an imperial scale. Mercier and Holly describe how the process of translation, as captured in Friel's play, achieves the three essential features of modernity: rationalising and categorising all phenomena, optimising knowledge to instrumentalist ends; reducing pre-Enlightenment beliefs to mere superstition; and partitioning nature from humans in order to better mould and instrumentalise it for the separatist ends of humans in power. Mercier and Holly observe how systems of knowledge, such as the law, codify these processes of modernity – in the form of capitalist social relations.

Conclusion: The legal and constitutional turn for a new way of belonging to a shared island

The emergence of a rights of nature coalition – with origins in the borderlands of Derry and Donegal in the north-west of Ireland, the location of Brian Friel's fictional account told in his *Translations*, should come as no surprise. Working on the margins of their respective jurisdictions, the activists in Derry and Donegal and their allies have been acquainted with multiple forms of exclusion, including what Eoin Ó Cuinneagáin has described as a form of 'epistemic violence' or exclusion. Derry was the seat of early civil rights demonstrations in the late 1960s and early 1970s, and was deeply influenced by events unfolding in Europe (1968) and the protest movements in the United States. The leadership of civil rights activist and journalist, Eamon McCann, in the contemporary environmental network, The Gathering, provides a direct connection between the activism that stretches back to the formative days of civil rights demands in the North and the key role of The Gathering in advancing demands for wholesale transformation of democratic and socio-ecological governance. Arguably, it is from this point of exteriority and

environmental justice (Kotakis, 2011, p. 193) that border thinking opens up to radicalised theory and epistemology, reaching out today to new global allies, including a recent solidarity visit from representatives of the Zapatista movement in Chiapas, Mexico, and the Indigenous communities ('water protectors') of Dakota engaged in pipeline protests at Standing Rock.

From a position of exteriority, activist communities prompted by a neo-extractivist gold rush on both sides of the border, have confronted a systemic failure of environmental governance in post-conflict Northern Ireland and in the cross-border territories, by re-occupying that generative place 'in between'. They are, arguably, critically inflecting contradictory histories of colonialism and European modernity, reaching – potentially – for what Escobar (2018) describes as a pluriversal transition: an ontological politics from the perspective of radical interdependence. At the time of writing, for example, discussions are under way between academics and activists from Derry and the Irish Embassy in Colombia with a view to bringing 'water protectors' from Colombia to Ireland to meet, share experiences, and work with their counterparts along the Foyle River and Lough Neagh.

The primary point of learning – about the nature of the 'peace process' and the Belfast/Good Friday Agreement, and the institutions that have reproduced the *Landscape* (Graham, 2011) of capital and neoliberalism – is that the process has an ontological dimension that has gone unchallenged. Concealed within the Belfast/Good Friday Agreement are unspoken neoliberal narratives of development and improvement that reproduce the continuities of a colonial and neocolonial ordering, or landscape, that paves over possibilities for an opening to thinking otherwise. Overcoming the closures and exclusions of the 'peace process' – in terms of radical ecological thinking – has been a deeply dialogical and transnational experience for activists in Ireland.

For Escobar, within relational worlds (ontologies), the defence of territory, life, and the commons is the same. The adoption of a rights of nature campaign invokes and prefigures a democratic and ecological moment and a commitment to the view that what is done onto communities is done unto nature reimagined. To this extent, the perseverance of communities, commons, and the struggles for their defence and reconstitution – particularly, but not only, those that incorporate ethno-territorial dimensions – involves resistance and the defence and affirmation of territories that, at their best and most radical, can be described as ontological.

As Field Day anticipated, these are also deeply cultural moments. Field Day excavated these moments and anticipated or prefigured a pluriversal turn in the ecological struggles of the island. Escobar argues that ‘such struggles are crucial for making ecological and cultural transitions to the pluriverse. They are at the cutting edge in the search for alternative models of life, economics, and society’ (2018, p. 39). As Mercier and Holly reveal, and as Field Day (Brian Friel and others) have glimpsed through their inflection of the Irish experience of coloniality, what occupies territories is a particular ontology, that of the universal world of individuals and markets that attempts to transform all other worlds into one single world. By interrupting the neoliberal globalising world project a struggle is undertaken to maintain multiple worlds, a struggle embodied in the Zapatista dictum: ‘a world where many worlds fit’. Such an orientation – a radical opening to multiple ways of knowing and being in the world – might have origins in an ecological struggle but, in the context of transitional justice, carries a much wider political promise for the island’s politics.

As an integral part of this approach, this paper proposes that the intrinsic rights of Lough Neagh to flourish (the rights of the lough, the rights of nature), to good health and life itself can be embedded within new community-led arrangements as outlined by the Development Trusts Northern Ireland and now under active consideration by the Lough Neagh Partnership and other stakeholders. This novel approach would amount to a hybrid development trust, a biocentric community development trust model, incorporating a guardianship mechanism with representatives of the voice and intrinsic interests of the lough sitting alongside other stakeholders in the trust.

In the context of a community development trust arrangement, the incorporation of the rights of nature would depend on the design of a guardianship mechanism. This would ensure that – alongside stakeholders constituted as a development trust – there would be an authoritative body of people entrusted with articulating the intrinsic rights and needs of the Lough Neagh catchment system. These representatives could be drawn from local constituencies of storytellers (who have never forgotten that the lough is the home of alternative ontologies and narratives of the island’s origins), citizen scientists, and biocentric ethics advocates. A climate commission convened by Derry City and Strabane District Council has already taken a step in this direction with the appointment of academic, Dr Liam Campbell, to represent the Foyle River catchment in all relevant deliberations.

Craig Kauffman (2021, p. 2) adds that guardians are often embedded in newly created governance institutions charged with managing the ecosystem in a way that ensures the health and well-being of the ecosystem. 'These arrangements are intended to give the ecosystem a voice in decision-making processes regarding the management of the ecosystem, allowing rights of nature to be considered and protected proactively.'

A community-led and biocentric development trust could represent a return to a commons-based approach to the guardianship of the lough. The dynamic and multilayered dynamics of 'enclosure' have been fundamental to the deep story of modernity and capitalism, as described by Karl Polanyi's work on *The great transformation* (1944). Ireland's early colonisation served as a template for a socio- and ecological transformation that would go on to be replicated in many other parts of the world. It is a history strongly associated with the transformation to a dominant understanding of land-as-commodity, as 'something for the taking' and with the displacement of Ireland's native language that was integral to communities' sense of 'exile' from their sense of belonging and identification with the Irish landscape.

Polanyi recalls that land – broadly defined, to include rivers and lakes – was once regarded as a gift from nature. He describes how land was later constructed as a fictional commodity. For Polanyi, land – like labour and monetary policy – should not be subjected to unregulated 'free markets' because it results in treating people and ecosystems as objects subject to the whim of the markets, rather than as living entities with their own intrinsic needs. 'Before modernity, land as commons was the norm. The view of land as a commodity to be exploited rather than part of the public commons is still relatively recent', according to Culture Hack Labs (2022, p. 12).

Activists on the borderlands of Ireland have a certain vantage point in relation to their critical positionality on the edge of the experience of European modernity (and its legacy as a dominant but regional Landscape). The activists from Derry and Donegal's border lands have a particular and troubling insight into the dominant form of Euro-modernity (capitalist, rationalist, liberal, secular, heteropatriarchal, and white), a dominant form that has been largely reproduced in the course of the 'peace process': a process that held no brief for making peace with the land, the trees and the waters of this island. A process that has yet to enable innovative ways of reimagining our ways of belonging to this island in an era of transitional justice that will be defined by the Anthropocene.

Provoked by neoextractivism, Irish activists have perhaps stumbled on a radical oversight about the nature of conventional postconflict transitions: their deep ontological commitment to the reproduction of capital and Euro-modernity together with their legislative index. The rights of nature movement speaks to the island's longstanding positionality as a place in-between worlds, navigating a critical relationship to the European project while remaining open to solidarities and learning from other colonial spaces, where nature or the 'more-than-human' has always been regarded as an integral, sovereign subject of our shared history...

Mise Éire. Mise Éire.

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