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[일반논문]

# Building Sustainable Peace through the ‘Rights of Nature’ in Western Societies

: Case Studies of New Zealand and Northern Ireland\*

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## Abstract

In a time of planetary crisis, human rights discourses have embraced post-anthropocentric perspectives that acknowledge the rights of nature. On the other hand, critical peace discourses that emphasise political, social, and ecological sustainability have gained more attention, which challenge the one-dimensional conception of peace that is espoused with the liberal paradigm of economic development. This journal article explores how the two post-anthropocentric discourses intersect and form a concept of post-anthropocentric sustainable peace. Case studies of New Zealand and Northern Ireland show institution-building and social movements are two pathways of practising sustainable peace that recognise the rights of nature. In conclusion, it is emphasised that in facing with the ecological crisis, human-centric human rights paradigms and peace built upon them are not only fragile but also unjust. Therefore, peace should be formed from the bottom, along with nature.

Keywords: sustainable peace, rights of nature, post-anthropocentrism,  
New Zealand, Northern Ireland

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## I. Introduction

For decades, the Western world, mostly referring to countries in Europe, North America, and Australasia, has been criticised for its liabilities for global environmental changes such as biodiversity loss and climate breakdown. For centuries, the Western worldview that justifies the human domination of nature has been forcibly implanted in non-Western societies through capitalism and colonialism. Yet, Western countries have maintained their power to evade moral and political responsibilities to remediate their past wrongdoings. However, the Western world is not static but changing inside. There are ongoing struggles for transforming the relationship between human and nature into a more sustainable one. For instance, Western environmental campaigns have now departed from the Western interpretation of nature as resources for human development (Barry, 2003). Criticising the West, not the Western worldview and powers, for global environmental unsustainability is wholesale and narrowly sighted, risking failures to understand ‘revolts’ inside the Western world. The question is, then, how to connect ordinary people across the West and the non-Western world in transforming the world in a time of planetary crisis.

It is not only capitalism and human centredness that have proliferated across the world as Western establishments. The original concept of human rights is deeply inspired by Western political thoughts but has gained universal endorsement. Today, Rights-based approaches to conflict resolution are increasingly adopted to prevent the recurrence of violent conflicts and (re)build societies where antagonistic divisions can be resolved in democratic and non-violent manners. In many cases of post-conflict reconstruction, past wrongdoings and human rights violations are punished or addressed by the establishment of special tribunals, truth commissions, and other transitional justice mechanisms. Moreover, international peacebuilding and human rights actors such as the United Nations (UN) and the International Criminal Court (ICC) as well as non-governmental organisations (NGOs) are funding and implementing educational and cultural actions to promote a culture of human rights and peace (Roht-Arriaza, 2010). In these kinds of right-based approaches to peacebuilding, primary contested issues are 'in what ways' 'whose' 'what kind of rights' will be ensured and promoted in a post-conflict society (Parlevliet, 2017). The mainstream peacebuilding strategies coupled with political liberalism prioritise institution-building programmes to protect civil and political rights, while undermining the promotion of socio-economic rights in their mandate (Sriram, 2014).

Owing to world-wide human rights campaigns and struggles from different individuals and groups, the contemporary paradigm of human rights has evolved from the traditional viewpoint that acknowledge civil and political rights as only legitimate to an ever-expanding model open to not only 'negative' rights but also 'positive' rights to realise human freedom. For the latter, socio-economic rights as well as collective rights such as solidarity rights, the right to development,

and indigenous peoples' rights have been advocated. This expansion of human rights is driven by bottom-up processes, which involve society-wide (and often transnational) social struggles, for 'human rights are the only de facto instrument for socially vulnerable individuals and groups to defend themselves from oppression' (Cho, 2015: 261). Although it is yet to be officially recognised as a human right in the international arena, 'the right to peace' (or sometimes the right to peaceful coexistence') is an emerging concept across the world. In South Korea, which is now marking the 70th year of the post-ceasefire division in 2023, local communities and peace activists have demanded the duty of the state to ensure people's right to live in the absence of violence (peace as negative) as well as promote peaceful living conditions for human flourishing (peace as positive) (Lim, 2011). In other countries, similar advocacy campaigns for the right to peace, even if they may frame the right to peace in different ways<sup>1)</sup>, have been *organised and utilised for disseminating discourses* and cultural norms *that highlight the nexus between peace and human rights* and implementing rights-based approaches to conflict resolution (Hayden, 2004).

Cho (2020) argues that in the 21st Century, the whole human rights paradigm should be revisited for it to respond to planetary crises, such as climate breakdown, which ultimately lead to the ontological crisis of human being. His argument resonates with post-anthropocentric<sup>2)</sup>

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1) See Alston (1980) and Hayden (2004).

2) Post-anthropocentrism and posthumanism are sometimes used as synonyms. They share the theoretical root that problematises anthropocentrism which privileges human being as the superior thing. However, the two words may deliver different nuances. At least in this article, post-anthropocentrism specifically refers to the philosophical idea that rejects the hierarchy among

approaches to the ontology of human being and thus human rights. The term *Anthropocene*, popularised by Paul J. Crutzen, refers to a geological epoch where anthropogenic activities bear primary responsibilities for biophysical changes that impact all the ecosystems and life forms on the Earth since the Industrial Revolution. In this era based on humanist thoughts, human has been acknowledged as the only legitimate subject of peace and human rights. This anthropocentric view, however, has been challenged and questioned in many aspects. In addition to scientific studies have found that human being is not the only thing that has the reason (the capacity to think self-consciously), voices are growing that the anthropocentric belief that justifies human domination of the planet is ethically and socially wrong—because it has brought about and accelerated the destruction of our home planet upon which not only human civilisations and also more-than-humans are dependent (Sollund, 2020). Thus, a post-anthropocentric perspective calls for radical transformation in human-centred political, economic, and socio-cultural systems by understanding the sustainability of human civilisations in the context of a sustainable relationship between human and nature (see LeCain, 2021).

The (ontological) crisis of the Anthropocene is a revelation of contradictions in our carbon-intensive political-economic-social-system, which signals that the concepts of human rights and peace shaped

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species which is constructed upon human centredness (that places human beings at the top of the hierarchy). Posthumanism refers to a set of different philosophies that commonly redefine human being as things that possess transcendent properties beyond its body and extend the scope of social relationships towards 'non-human beings' that not only includes ecosystems and non-human beings in the natural world but also 'more-than-human' artificial things such as machines and cyborgs. See Braidotti (2013).

within the anthropocentric paradigm cannot sustain for long. How will we build peace and enjoy human rights on a dead planet? Critical philosophers, theorists, scientists, and activists have devoted themselves to challenging the orthodox paradigm of peace and human rights and thinking a new world order beyond the boundary of human-centredness. For instance, green criminologists and environmental campaigners argue that the climate crisis driven by the carbon-intensive system of social production and consumption is leading the planet towards mass extinction and thus large-scale environmental destruction, particularly committed by nation-states and corporations, should be criminalised as an act of ‘ecocide’ against global peace (White and Kramer, 2015; Walters, 2023). In the Korean academia, sustainable peace and post-anthropocentric thoughts on human rights have received growing attention, but their intersection has been rarely explored. This article provides some knowledge to narrow that research gap by casting light on the (potential) convergence of sustainable peace and the rights of nature (as well as revisited human rights from a post-anthropocentric perspective). It stands as a viable alternative to the human-centric conceptualisation of peace and human rights in the Anthropocene. In this article, campaigns that advocate the rights of nature in New Zealand and Northern Ireland will be analysed for their role in building the concept of socially and ecologically sustainable peace by forging their rights-based approaches to the more-than-human world. The rationale for case selection is provided in the analysis section.

## II. Sustainable Peace and the Rights of Nature

### 1. Sustainable Peace

After the reconfiguration of the Cold War order shaped by the ideological clash between the liberal and the communist blocs, political liberalism has occupied the global politics. Under this condition, peace and security discourses have centred on state-centredness, civil and political rights (so-called the right to freedom), global marketisation, and liberal democracy (Doyle, 2005). The United States (US) and Western Europe have been leading architects and drivers of liberal peacebuilding, which emphasises the stabilisation of conflict-affected societies through 'liberal values': For example, the signing of peace and ceasefire agreements, electoral reforms and institutional building, security sector reforms including police and military, and foreign direct investment and market liberalisation. However, a blueprint for liberal peace has rarely come into reality. Many war-torn societies are still witnessing the legacies and recurrence of violence and deep-rooted discrimination, even if they are deemed 'safe' on the surface. Some argue that the fragility of peace is inherent in top-down, liberal peacebuilding projects (Hameiri, 2014).

Sustainable peace is a concept, which has become a buzzword for almost every peacebuilding actor, which initially emerged as an alternative thought to state-centric security and the liberal understanding peace as the absence of violence (so-called 'negative peace'). Critiques to liberal peacebuilding have developed primarily in three ways. First, the liberal approach to peacebuilding focuses on resolving the conflict with a short-term plan, such as the restoration of

the government, and thus pays less attention to the promotion of ‘shared identity’ and bottom-up reconciliation. In the case of Kosovo, where the Rambouillet Agreement was signed in 1999, even if a power-sharing government mandated with peacebuilding is inaugurated, antagonistic relationships drawn by ethnoreligious differences may remain in every segment of the society (Visoka, 2016). The liberal peacebuilding paradigm also stresses the role of the government in maintaining the stability of the ‘free’ market and promoting economic development through foreign direct investments. Cahill-Ripley (2016) points out that such approach may become blind to socio-economic inequalities, such as poverty, unemployment, and (relative) deprivation, that may worsen antagonism and violence. Land reforms, welfare reforms, and the access to basic needs and services are all important agenda as equally as civil and political rights in building peace. However, the socio-economic restructuring can be confronted by the vested interests and this elite-level resistance is what the Western peacebuilding actors, such as the US and the European Union (EU), try to avoid for the sake of top-down post-conflict reconstruction. Socio-economic rights, therefore, are easily marginalised in peace processes and consequences of such marginalisation are costly. Socio-economic inequalities may fuel violence and conflict to the extent that the post-conflict state becomes destabilised, like the case of civil unrests in Timor-Leste show (Jones, 2010). Finally, the liberal peacebuilding project is criticised for its roots in the Western liberalism which presumes the universality of liberal peace. This is seen as a neo-colonial approach by implanting the Western notion of peace into different socio-cultural contexts (Richmond, 2012).

Adding to these points, the author of this paper argues that the

orthodox paradigm of peace(building) is predominated by anthropocentrism. John Rawls, one of the pioneering political liberals, argues that only human beings is the subject of justice and rights (Rawls, 2001). Although political liberal theorists have sought to understand the intrinsic value of nature and non-human beings, the conceptualisation of universality by political liberalism eliminates different forms of the human - nature relationship in many socio-political contexts beyond 'the West' and subordinates nature and non-human beings to human beings (Berkey, 2015). Also, as Morton (2010) argues, nature has been conceptualised as 'wilderness as the pure form of nature' or 'the environment as the outer space' that is divided from the human world. This binary division is problematic because it may reinforce the human-centric understanding of the civilisation and the (conquerable) rest of the planet. Thus, a post-anthropocentric construction of the human - nature relationship shall endorse a relational perspective. That means, the concept of nature is socially constructed while the world exists intransitively from human's knowledge and perception (Proctor, 1998). Peacebuilding coupled with political liberalism becomes subject to an inquiry on its compatibility with the sustainability of peace when voices are growing for rethinking the meaning of peace and justice in the Anthropocene.

Theorists of post-liberal and sustainable peace—for example, Johan Galtung, Oliver P. Richmond, Roger Mac Ginty, and Kristoffer Lidén—have considered programmes to ensure socio-economic rights such as welfare and economic reforms and land redistribution, and equality rights as equally crucial as the right to freedom in peacebuilding projects. Interestingly, however, even within the literature on sustainable peace that emphasises emancipation from all forms of structural oppression and violence, the human domination and

exploitation of nature and non-human beings is rarely considered as an issue of peace. A post-anthropocentric perspective on peace, which is presented in this paper, will further extend the meaning of sustainable peace in the Anthropocene. Thus, sustainable peace requires thinking peace and reconciliation in political, socio-economic as well as socio-ecological ways.

Global socio-environmental challenges, such as climate change, the depletion of natural resources, and gender inequality, aggravate the causes of violence and antagonism. Peace without environmental sustainability, thus, is like a house of cards as it becomes vulnerable to complex societal crises. Recently, environmental cooperation between adversaries has been promoted as a new practice of peacebuilding. This way is named ‘environmental peacebuilding’ that presumes common environmental insecurities may motivate antagonistic groups to find a resolution for their common safety (Ide, 2017). Different environmental peacebuilding projects are being implemented in many post-conflict societies: For example, ‘eco-peace parks’ and the establishment of common management system of natural resources (water, land, or energy). However, even environmental peacebuilding projects are rooted in the anthropocentric understanding of peace, given that their purpose is to use the environment for human flourishing, not to rectify the unequal relationship between human and nature (Hwang, 2022). Thus, even if environmental peacebuilding is an over-arching paradigm of peacebuilding that considers political, socio-economic, and environmental elements of peace, it is still limited. To incorporate post-anthropocentric discourses on peace and the human - nature relationship in peacebuilding projects, the rights of nature is discussed in the following section.

## 2. The Rights of Nature

The rights of nature is an emerging idea that challenges the belief that only human beings as legitimate holders of rights and legal personhood. Advocates of the rights of nature argue that as long as human beings have intrinsic value and non-infringeable rights, nature and non-human beings should be treated in the same way. One way to do this is to transform the human-centric legal system to respect and protect the environment in its own right. David R. Boyd, the Special Rapporteur on Human Rights and the Environment, is a leading figure in theorising the rights of nature. He points out that 'all human rights ultimately depend on a healthy biosphere' (Boyd, 2020), as human rights to life, health, food, a clean environment, and the enjoyment of decent livelihoods and culture are threatened by systematic environmental destruction and biodiversity loss. Thus, human bears responsibility to protect the planet because our very existence depends on it and granting a right to nature is one viable way that he sees.

The nexus between human rights and the environment has been partially recognised only as a human right to the environment. In 1972, the UN Conference on the Human Environment was held in Stockholm with an official declaration that acknowledges a right to the clean environment (or environmental rights). Environmental rights and the rights of nature, though they are not mutually exclusive, are based on different ontological and epistemological positions on the human - nature relationship. Simply to say, the former considers (the superiority of) human interests in relation to the environment (Bruckerhoff, 2008), while the latter is to deconstruct the belief that human beings are 'the rightful masters of the planet' (Boyd, 2018).

However, some cast doubts on the effectiveness of the rights of nature as an alternative discourse to anthropocentric environmentalism. For instance, Eckersley (1995: 193) rightfully points out that the logics of human rights can be extended to ‘captive and domesticated species’ but not to the rest of the natural world. She argues that:

The attempt to ascribe rights not only creates unfathomable problems of boundary definition; it also demands a degree of precision that cannot be delivered on the basis of our limited understanding of essentially open-ended and highly contingent biological and ecological processes. Accordingly, the human obligation to ensure ecological sustainability, which the human community owes to itself and to the broader biotic community, would be best discharged through the systematic application of the precautionary principle and more general sustainability planning.

Some argue that the ramification of the natural world as rightsholders is rather a superficial solution to systematic inequalities mediated by unequal power relations between human and nature. Epstein, Dahlén, Enkvist and Boyer (2022) find that the rights of nature is at odds: Either it can be used as a buzzword in making ‘more humane’ neoliberal environmental policies (while leaving structural factors that drive environmental destruction unaddressed) or it provides an alternative model for human development like in the case of Ecuador’s 2008 constitution. As Benton (1998) claims, the rights of nature cannot be a panacea to all the environmental problems that human civilisations encounter but the concept may lay a cornerstone for ending the human violence against and domination of nature and non-human beings. In other words, the rights of nature

can be defended as a key to open a new horizon of thoughts on the human - nature relationship.

In the modern (Western) legal system, only human beings that have a reason possess legal personhood and devalues nature and non-human beings as (controllable) 'things' (Gear, 2015). The rights of nature aims to deconstruct this anthropocentric system and recognise ecosystems and non-human entities as holders of legal personhood. One of the pioneering cases that support this concept is a lawsuit that trees stood as plaintiffs. Stone (1972: 452) writes that 'Nor it is only in human form that has come to be recognized as the possessor of rights'. In modern legal systems, different social organisations such as corporations, limited companies, trusts, and nation-states are acknowledged as rightsholders that have legal personhood. He then stretches the idea to question should not trees be also treated as entities with legal standing. The Global Alliance for the Rights of Nature (GARN) was established in 2010 as a global civil society network to urge states to adopt a legal system that sees nature as a living community, not as property. One of the GARN's activities is to organise a "people's tribunal" movement called the International Rights of Nature Tribunal across the continents<sup>3</sup>). This campaign cannot exercise jurisdiction or legally binding decisions over any environmental issues but is a vehicle for raising public awareness of the rights of nature and ecological awakening across the world. In some countries such as Ecuador and Bolivia, where indigenous peoples' movements are strong, the rights of nature is legislated at different levels (from constitutions to laws). In South Korea, although their legal personhood was denied by the judiciary, salamanders and long-tailed gorals were represented by environmental campaigners who

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<sup>3</sup>) See <https://www.rightsofnaturetribunal.org/> for more information.

were to protect ecosystems which the formers' lives were dependent upon.

The value of the rights of nature is more than giving ecosystems and non-human entities legal personhood. In addition to bringing about post-anthropocentric changes in the modern legal system, the rights of nature are understood as a conceptual framework that questions the state of peace between human and nature. That being said, nature is no more property for human—more specifically some powerful groups in human societies—peace between human and nature can be achieved when the social world and the natural world can coexist (Foster, 2009; Fremaux, 2019). If human rights entitle individual human beings and collectives to claim their dignity and fair treatment, the rights of nature protect ecosystems and non-human beings and make them represented in decision-making processes (led by humans). Here, proxy representation is a key to promote the rights of nature as a political right because ecosystems and non-human beings require human who will speak on behalf of their interests (White, 2013). Thus, positioning human as agents and ecosystems and non-human beings as holders of rights can be a beginning point of peacebuilding between human and nature. The following case studies of New Zealand and Northern Ireland show how the rights of nature can function as a vehicle for post-anthropocentric peacebuilding in different pathways.

### 3. Connecting the Dots: The Nexus between the Environment–Peace–Rights beyond the Anthropocene

To date, sustainable peace discussed from a human-centred perspective has rarely intersected with discussions on peace with

nature. Some theorists of 'peace ecology', such as Kyrou (2007) and Amster (2014), explore theoretical frameworks to build and sustain peace with nature. They commonly argue that the beginning of peacebuilding with nature is the decolonialisation of the natural world by human. This view calls for deconstructing the West-centric notion of the human - nature relationship. However, the question remains, to what extent Western establishments should be de- or re- constructed. In this context, this article tried to build an integrative framework of sustainable peace that intersects with human rights as well as post-anthropocentric approaches to peace and rights.

This nexus between the environment - peace - rights is useful in creating a momentum for rethinking sustainable peace beyond the Anthropocene. From an environmental perspective, values like sustainability and peace are no more legitimate only for human. They should be pursued in the context of common prosperity between the social world and the natural world. It also sets certain boundaries on socially acceptable human activities and conditions. For instance, human activities that breach the ecological capacity of the planet may be rightfully restricted. Built upon this insight, peace means more than the absence of violence (so called 'negative peace') or the elimination of structural inequalities (so called 'positive peace') within the human world. As previously mentioned, there can be no peace on a burning planet. Thus, sustainable peace encapsulates two dimensions—one is peace between divided human communities and the other is co-existence between human and nature. Finally, human rights discourses can be realigned and reconstructed by this nexus-oriented thinking. This, however, does not mean negate the universality and the legitimacy of human rights.

Rather than the total deconstruction of human rights, a

post-anthropocentric perspective that is utilised in this nexus calls for a revisionist approach to human rights. That is, human rights may still live up to the reality as long as it can be balanced with the rights and interests of the natural world and non-human entities. One of the advantages of a right-based approach to the human - nature relationship, such as the rights of nature, is the universality of the concept. By declaring nature has a universal right, protectors of the environment can defend their actions for sustainability and call for duty bearers, such as the government, to take care of the planet. This universality also compliments post-anthropocentric approaches to peace and sustainability, which tend to emphasise localised and specific contexts to pursue such values. Localised contexts are indeed important, but universal standards for human flourishing and the survival of the planet should be also in place. Otherwise, we may risk de-contextualise and romanticising particular forms of the human - nature relationship. Such errors have been committed by both liberal theorists of human rights and peacebuilding (who are inclined to the Western perspective) as well as post-liberal scholars to non-Western practices (Richmond, 2011).

### III. Sustainable Peacebuilding through Protecting the Rights of Nature

In this section, case analyses of New Zealand and Northern Ireland will demonstrate how the rights of nature movements have contributed to decolonialising the human - nature relationship in Western societies. These cases make an interesting comparison: The former shows the legal endorsement of the rights of nature in the context of

post-colonialism while the latter suggests the rights of nature can promote a shared identity between divided communities as well as the decolonialisation of nature by human. The comparison of the two cases also shows that there can be two approaches to the rights of nature. One is a minimalist approach that grants the rights of nature to particular ecosystems. The other is a maximalist approach, which is based on the universality of the concept and identify harms that are caused to each ecosystem.

### 1. Institutionalisation of the Rights of Nature in New Zealand

The land now called New Zealand is the place where the Māori tribes have established the life tradition based on the belief that human beings are part of and partners with the planet, not as superior things to nature and non-human beings. They believe all things possess 'mauri (vitality)' and they are all interconnected. In this worldview, even static mountains and rocks have a spirit, and the Māori tribes consider themselves as guardians of the land 'Aotearoa' (Watene, 2016). The Māori people have a principle called 'tangata-whenua', which means they can exercise authority over particular places. However, this principle is not equal to exclusive property rights, but rather the acknowledgement of the Māori's guardianship of the land (Magallanes, 2011).

The harmonious relationship between the Māori people and the planet got damaged by colonial settlers coming from England. Since 1769 when those Western settlers inspired by white supremacy first came to the Māori's land, bloody conflicts over the ownership of the land continued. In 1840, the Treaty of Waitangi was signed to balance the Māori's land ownership and the British government's

sovereignty over New Zealand Aotearoa. In spite of this ‘one-state, two-nations’ agreement, assaults against the Māori intensified and this led to the total war between the Māori and the settlers which continued for almost 30 years. This war is called the New Zealand Wars from 1845 to 1872. Most of the Māori tribes lost their right to their ancestors’ land as they were defeated, and they and the natural world that they respected were subordinated to the colonial system established upon Eurocentrism and anthropocentrism.

In 1975, the New Zealand government initiated the Waitangi Tribunal to investigate the past human rights violations including massacre against the local tribes and reconciliation programmes with the Māori tribes. However, the long history of land grabbing and various crimes and violence against the Māori are yet to be fully acknowledged and remediated. In particular, as Mutu (2019) argues, reconciliation and peace between the Māori tribes and the settlers would come only when the Māori’s spiritual relationship with their land, in other words the principle of ‘tangata-whenua’ is officially recognised. This is why the Māori people claim the rights of nature as integral part of indigenous peoples’ rights, which resonates with not only environmental sustainability, but also post-colonialism and transitional justice towards post-anthropocentric peace.

New Zealand is not a country that has a constitution or legislation to officially recognise the rights of nature. However, some of the Māori tribes have made achievements in granting legal personhood through individual legislations to particular ecosystems that they care as sacred entities. Those ecosystems that have the rights are described in Table 1 below.

&lt;Table 1&gt; Legislations of the Rights of Nature in New Zealand

Rights Holders	Year of Recognition	Legislation	Details
The Te Urewera National Park	2014	The Te Urewera Act	The national government concedes the ownership of the Te Urewera National Park and lets the local Māori governs the land
The Whanganui River and its Streams	2017	The Whanganui River Settlement Act	The legal personhood of the Whanganui River is recognised, and the national government officially apologises for the past human rights violations against the Māori tribes
Mount Taranaki	2023	Te Anga Pūtakerongo & Treaty of Waitangi settlement for Taranaki Maunga	The joint guardianship of the national government and the Māori tribes to govern Mt. Taranaki

Although partially recognised, the legislation of the rights of nature in New Zealand suggests the convergence between postcolonialism, indigenous peoples’ rights, peacebuilding, and the rights of nature. Each legislation shows that not only ecosystems are granted legal personhood but also human rights of the Māori tribes, as spokespersons for nature, are comprehensively promoted. The Te Urewera Act passed by the New Zealand Parliament (Pāremata Aotearoa in Māori) states that Te Urewera ‘ceases to be vested in the Crown, ceases to be Crown land, and ceases to be a national park’ and thus becomes ‘freehold land’. This divulges from the idea of ‘national park (or state-owned park)’ which is rooted in the Anthropocentric and Western paradigm of statehood and property ownership. Te Urewera is now governed by the Te Urewera Board, which is comprised of three members appointed by the New Zealand

government and six who represent the Māori people. This suggests that the government and the Māori took one step further to address the legacies of colonialism and promote the Māori's socio-political representativeness by acknowledging the integrity of ecological systems that human being is embedded in.

Te Awa Tupua (Whanganui River Claims Settlement) Act was adopted in 2017 to grant a river and its streams legal personhood. It is known that the recognition of a river as a living entity—more specifically, ‘indivisible and living whole’—is the first case in the world. Since the 1870s, the Māori tribes have continued their recognition struggles for their inalienable relationship with the river. Almost after 150 years of their rising, the New Zealand government, like Te Urewera, acknowledged the river as Māori's freehold land and provided its ‘the acknowledgement and apology given by the Crown’ to the local tribes in 2017. Accordingly, the national government pledged to compensate ‘\$30 million to restore its health and \$80 million in financial redress to its tribes’ (Ministry of Māori Development, 2016). However, this case also shows some limits on recognising the rights of nature by institutional mechanisms. Although the river is granted legal personhood, private property rights over the riverbed are not constrained (Hutchison, 2014). This is why institutionalising the rights of nature should be understood as a process of transforming the human - nature relationship, not as an end goal. The Māori's struggles for their rights and the rights of nature to eventually preserve harmony between human and nature are not finished. Built upon the law that protects the river in its own right, post-anthropocentric peace and sustainability discourses are being disseminated by not only the indigenous peoples but also environmentalists who firmly believe in coexistence with the planet

over conquest of the planet.

The Māori tribes believe Mountain Taranaki, which means 'shining peak', is a sacred place and an ancestor and part of their family. On the other hand, this mountain was named as Mountain Egmont by the national government. The latter was to commemorate John Perceval the Earl of Egmont, who was one of the early settlers. On 20 December 2017, the New Zealand government and the Māori people signed a record of understanding called *Te Anga Pūtakerongo* to define terms for the negotiations to finally grant the mountain legal personhood. Finally in March 2023 after several talks, the Treaty of Waitangi settlement for Taranaki Maunga was installed with provisions to recognise the mountain's rights and an official apology with financial redress to the Māori people. Accordingly, the name Mountain Egmont, which is a symbol of settler colonialism in the country, is used no more and the Taranaki national park was renamed as Te Papakura o Taranaki that means 'Taranaki' highly regarded and treasured lands'. A new establishment for co-governing the mountain, called Te Tōpuni Kōkōrangī, will be run by representatives appointed by the government and the Māori tribes.

Although only a handful of ecosystems have been granted the rights of nature in New Zealand, the institutionalisation of the rights of nature protects rights of different human groups as well. For the Māori people's, such legal changes are symbols of transitional justice and social reconciliation for legitimatising their caring relationship with the planet. This rights of nature movement would continue to influence environmental politics and post-colonial movements in New Zealand (Crimmel and Coeckeritz, 2020). Cases institutionalising the rights of nature in New Zealand tell that the rights of nature can intersect with postcolonialism and peacebuilding, so that indigenous'

rights and environmental movements evolve into a dual process of peacebuilding—one between divided human communities, and the other between the social world and the natural world. This conceptualisation of peacebuilding challenges the Western, anthropocentric notion of peace and pluralise meanings of sustainability/durability of peace. However, as long as the rights of nature is granted to particular ecosystems that the local tribe considers important, this approach may be understood as a minimalist approach to the rights of nature.

## 2. Transformative Environmental Movement in Post-Conflict Northern Ireland

Northern Ireland is a country in the island of Ireland, which remained as a part of the United Kingdom after the Partition in 1920. Without a consent from the population in the region, the London government divided Northern Ireland and the Irish Free State (now the Republic of Ireland). Thus, the constitutionality of Northern Ireland has been contested over a century. Those who identify themselves as Irish, Catholic, Nationalist or Republican fought for their civil rights as they felt they were unfairly treated than those from protestant, unionist and/or loyalist backgrounds in the Northern Ireland society. Indeed, in many aspects of everyday life, such as employment, education, housing, and policing, Irish communities have been suffering from systematic discrimination and its legacies. For instance, the political landscape is still divided by sectarian ideologies and past human rights violations are yet unaddressed or whitewashed by the UK and Northern Ireland governments. After the UK referendum to leave the European Union, the constitutional status of

Northern Ireland is fiercely contested again (Guelke, 2017; Hayward and Murphy, 2018; Murphy, 2021). In 1972, the British soldiers shot non-armed civilians who joined a civil rights march in Derry and this 'Bloody Sunday' incident fuelled a bloody conflict between the divided communities. The Irish Republican Army (IRA), which demanded the Irish unity through armed struggles, intensified their terrorist attacks against its 'enemies' including the British security forces and loyalist paramilitaries. In response, the British Army, the Royal Ulster Constabulary (RUC) and loyalist paramilitaries countered the armed Irish groups violently. Unlawful terrorist attacks, torture, and extrajudicial killings were committed against each other and sometimes inside their communities to punish 'betrayers'. During this conflict, which is named *the Troubles*, not only security and combatants, but also many civilians were killed or injured. To date, it is known that the Troubles caused 3,600 deaths and 40,000 injuries while leaving traumatic memories to bereaved families and the wider society (Manktelow, 2007).

A turning point in the history of the Irish division and the Northern Ireland conflict was the signing of the Good Friday Agreement in 1998. To strike a peace deal, the British government conceded that it would negotiate with Sinn Féin, a political wing of the IRA and in return, the IRA would cease their military campaign against the British state. After years of the peace talk, it was agreed that Northern Ireland remains as a British territory but institutional arrangements to recognise the 'special' relationship between Northern Ireland and the Republic of Ireland would be supported by the United Kingdom. As part of the post-conflict reconstruction in Northern Ireland, a devolved government within a power-sharing system was inaugurated in 1999, followed by legislations to ensure human rights

and peace funding for intercommunity programmes and infrastructure projects. In 2005, finally, the IRA was officially disbanded, signalling that the official ending of the Troubles. Yet, the post-Agreement system in Northern Ireland has been criticised for its limitations in addressing socio-economic inequalities. As the Good Friday Agreement was designed to resolve the ethno-religious aspect of the Northern Ireland conflict, human rights other than civil and political rights were marginalised in the post-conflict politics. For instance, chronic poverty and unemployment in Northern Ireland are worse than other parts of the UK and these socio-economic predicaments feed into the country's suicide rate that records highest in the UK (Tomlinson, 2012; O'Neil and O'Connor, 2020).

Under this political landscape in the post-Agreement Northern Ireland, citizens' environmental rights have been systematically violated by environmental contamination and environmental inequality. Northern Ireland's economy is highly dependent upon industrialised farming and dairy industries, as almost 75% of Northern Ireland's land is developed for agriculture (McEvoy, 2021). The Democratic Unionist Party (DUP), which was the first party in the Northern Ireland Assembly until 2022, has responded to the political support from owners of large-scale farming businesses by resisting environmental regulations on carbon emissions, the use of fertilisers and pesticides, and agricultural waste (Brennan, 2017; Gladkova, 2020). The party nominated its politician Sammy Wilson who criticised climate change as a "socialist slogan" as the Environment Minister and also has opposed to the creation of an independent environment protection agency for more than two decades. While the DUP is leading an anti-sustainability government, other political parties have remained more or less silent or passive on environmental

protection. Thus, sustainability agenda has been largely marginalised in the post-conflict politics in Northern Ireland. For the sake of economic growth, foreign direct investment (FDI) and infrastructure construction projects are prioritised before environmental concerns, while the environment and economic growth have been thought as two non-conciliatory values (Barry, 2009; Hwang, 2022). Furthermore, the focal point of the post-Agreement politics in Northern Ireland has been about the fair distribution of economic benefits and social resources to the concerned communities, mainly British and Irish communities as the protagonists of the Troubles. In this political setting, environmental sustainability has been viewed as an obstacle to social development and easily sacrificed for the interests of both communities. This political logic is built upon the neoliberal philosophy of peace and economy, which, simply to say, emphasises that peace is a social order where individualistic well-being is promoted through the trickle-down effect (Richmond, 2015).

However, such 'ecologically blind' economic growth rather destroys basic frameworks for peace by deteriorating socio-economic inequalities and environmental unsustainability that intensify or cause (the recurrence of) violent conflict. It is an unjust process of production and consumption, which excludes socially vulnerable groups from making decisions that affect their everyday life and thus violates their dignity and rights. Environmentalists in Northern Ireland have warned for the environmental costs of the Troubles and (neoliberal) economic growth in the post-Agreement period. However, they could not find political opportunities to expand their sphere of influence especially during the Troubles (Yearly, 1995).

Under this situation, people across the sectarian divide have found environmental campaigns to promote sustainability in their local

communities. Such actions have brought to the emergence of another form of peace that exists in parallel to the elite-driven peace. This peace is pursued at the localised context and augmented by the rights of nature. One example is The Gathering, which began as a grassroots organisation in Derry. Derry is one of the most contested places in Northern Ireland. It is where the Bloody Sunday took place and the city is still divided in many aspects, such as housing, schooling, marriage, and so on. Intergroup contact has increased superficially but an image of an integrated community remains elusive (Selim, 2015). In this city, The Gathering was organised by citizens who have different ethno-religious backgrounds but a common concern on the discovery of the Mobuoy illegal dump. In 2012, the Northern Ireland Environment Agency discovered one of the largest illegal dumps in Europe. The estimated amount of the illegally deposited wastes in the dump is currently 1.7 million tonnes. This waste crime scene awakened citizens in Derry not just because of its scale but also the government's systematic failures to enforce the environmental law. As Brennan (2016) finds, the Northern Ireland government has misunderstood the gravity of organised waste crime in the country. This is not a coincidence, but a consequence of ecological blindness embedded in the political establishment after the Good Friday Agreement (Hwang, 2022).

Although their ethno-religious backgrounds are different (i.e. Irish-Catholics, British-Protestants or even those from communities of colour), members of the Gathering share one holistic vision: That we are living in one planet that should be protected in harmony with the human world. This vision functions as a shared identity that motivates people to feel 'safe' when encountering 'others'. To date, because not only Derry but also Northern Ireland is deeply divided. For instance,

Irish-Catholic communities tend to go against the UK withdrawal from the European Union ('Brexit') while their counterparts are often portrayed as pro-Brexiters (Murphy, 2021). Together, members of The Gathering organise activities that can be distinguished by four. First is citizen-led environmental monitoring, which aims to hold the government accountable for its duties in environmental protection. By doing this, citizens can co-produce common security and prosperity. Second is advocacy campaigning that emphasises community empowerment for sustainability in Northern Ireland. Third is small gatherings that motivate people to organise discussion groups based on their interests. The Gathering began with three members and now has become an umbrella group of grassroots organisations across Northern Ireland and the Irish border. The Gathering's final activity is networking and partnerships with other environmental groups and local communities.

One interesting point is that all these activities are done under the name of 'one planet'. Since last year, The Gathering has raised the rights of nature for the first time in Northern Ireland. Its vision statement emphasises care for others, which includes not only different human groups but also ecosystems and non-human beings. The rights of nature is situated in this context. Unlike the case of New Zealand, The Gathering does not specify any ecosystem or non-human entity to be a rightful holder of rights. Rather than that, they try to represent nature as a whole and identify harms that are caused to each ecosystem. This can be seen as a maximalist approach to the rights of nature. The Gathering see human as integral part of the planet, which effectively rejects the traditional Western notion of the human - nature relationship. Given that most members of the Gathering are white Westerners, this case tells that post-Anthropocentrism

can also emerge in harmony with Western identities and establishments. By contrast, as the neoliberal political system in Northern Ireland is confined to environmental unsustainability, the Western system may not be commensurate with post-Anthropocentric approaches to peace and rights. However, this kind of environmental movements will also face a challenge, especially when it comes to the official recognition of the rights of nature.

#### IV. Discussion and Conclusion

The rights of nature is an alternative paradigm to the modern human - nature relationship, which views anthropocentric environmental rights and environmental law are incapable of resolving the contemporary socio-ecological challenges and problematic for its misrecognition of the intrinsic value of nature. Last year was the 50th anniversary of the 1972 UN Conference on the Human Environment, where access to a clean environment was internationally acknowledged as human rights. However, the situation appears to be exacerbating. The global temperature is gradually increasing, while biodiversity loss and ‘natural’ disasters—like drought, flood, and abnormal climate events—are heading towards to the worst level. Despite voices that warn the planetary breakdown in a near future, radical and transformative actions have not been taken by those in power—states and corporations, especially—to redress (potential) victims of global ecological crises. Ecosystems and flora and fauna are one of the most vulnerable and marginalised actors in this tragedy, because they cannot speak human language and their agency is denied by the human-centred law and governance.

This article argued that peace and development under the liberal

international order have been embraced human-centredness without self-reflection and thus become vulnerable to post-anthropocentric critiques. Alternative paradigms of sustainable peace have enriched academic and practice-oriented discussions on reconstructing caring relationships between not only divided individuals/groups/societies in the social world but also between human and nature and non-human entities. For instance, countries across different continents are legislating the rights of nature or social campaigns are organised to demand the recognition of ecosystems and non-human beings as partners for human, not exploitable things. The case studies of New Zealand and Northern Ireland presented in this article illustrated that peace discourses such as postcolonialism and post-sectarianism and a post-anthropocentric paradigm of rights, as the rights of nature represents, may converge and motivate bottom-up processes of post-anthropocentric peacebuilding.

In the aforementioned two countries, the rights of nature provided a conceptual framework that lays a cornerstone for institutionalising peace from a post-anthropocentric (and post-colonial) perspective (particularly in New Zealand) or for producing a shared identity across divided communities through environmental activism (particularly in Northern Ireland). Provided that the collision of different worldviews is a driving force of the longstanding social conflict between the Maori tribe and the central government, the (partial) recognition of the rights of nature was a watershed moment in conflict resolution. Advocates of the rights of nature in Northern Ireland are taking a slightly different path from this. Challenging the ethno-religious division shaped before, during and after the Troubles, the rights of nature appears to be working as a catalyst for a shared identity that ties traditionally divided communities. As this 'green'

identity permeates the society, people, who otherwise will not have close interpersonal and intergroup contact, can reshape their everyday life and caring attitudes towards 'others'. This social change also contributes to reshaping the political landscape in Northern Ireland by making sustainability agenda more visible in the mainstream politics which has been dominated by sectarian issues like the Irish unity (an independent united Ireland).

These two case studies commonly suggest that Western societies are being shifted from the anthropocentric system towards a more post-anthropocentric one. The rights of nature movements play a crucial role in such systematic transformation. Yet, the comparison of the two cases shows that the rights of nature is not a non-Western concept but can gain the universality across countries. Thus, the division between the Western world for being ecologically unsustainable and the non-Western world for a romanticised world may be fallible. The rights of nature movements in both cases show that it brings a potential that may open a path to decolonialise the natural world but also promote a shared identity across violently divided groups.

Yet, there are critiques to the rights of nature that need careful consideration into rethinking post-anthropocentric paradigms of peace and rights. Those warrant further scrutiny. First, if the individualistic approach to human rights is stretched to the rights of nature, as Eckersley (1995) warns, it can rather reinforces the liberal conceptualisation of rights and thus self-autonomy of rightsholders is defined in a way that is blind to 'the embeddedness of our-selfconceptions, the fundamentally relational nature of our motivations, and the overall social character of our being' (Christman, 2004: 143). Moreover, what is questionable in relation to the rights of

nature is who and on what grounds particular ecosystems among many others shall be granted legal personhood. Inevitably, the rights of nature is the extension of human-led law and governance. This means that (contested) human perceptions of different ecosystems and species are projected in making particular ecosystems or non-human entities legal things. This may fall prey to a 'humane' type of speciesism, which recreates the hierarchy among different species (while human still stands at the top). Moreover, Morton (2010) argues that 'finding out that what we're helping does have rights would be highly dubious—if the environment as such doesn't exist, wouldn't it be a waste of time to find out whether it has rights or not?' This critical question legitimately points out that temporality embedded in the logics of human rights, which hypothesise that human rights can be protected only after one has such rights, may eclipse the urgency of environmental catastrophes.

These dilemmas of the rights of nature require more careful approaches to the human - nature relationship and critical research on empirical cases of the rights of nature movements: What kinds of perceptions, norms, and values are embedded in claims, discourses, and policies on the rights of nature. In this regard, peace movements that mobilise post-anthropocentric discourses on sustainability will contribute to designing a post-liberal and post-anthropocentric (and post-Western) approach to peace and sustainability, given that they emphasise post-coloniality, relational equality, and collective responsibility in challenging the orthodox paradigm of human rights. Here, the rights of nature can be utilised as an 'assistant' to build a peaceful and sustainable relationship between divided societies as well as between the social world and the natural world. Being post-anthropocentric does not render the meaning of anti-

anthropocentrism. Rather, such perspective calls for shifting the meaning of being human in the context of sustainability. As previously discussed, the rights of nature ultimately requires proxy representation for the interests of the natural world. Thus, the concept may be seen as a mere extension of the human-centredness. It is partially true, but as the empirical study shows, the idea still conveys a potential in promote sustainable peace and the decolonialisation of nature.

Yet, it is undeniable that the rights of nature is one of the transformative movements that are borne out of social struggles for addressing existential risks in our contemporary world. It is not only an environmental campaign but also a process of building peace broadly defined. Here, peace means a dual process of emancipation: One is conflict resolution between human groups, and the other is ending the human-centric exploitation and domination of nature and non-human entities. In the introductory part of this article, the author pointed out that one of the critical issues of peace negotiations is to ensure ‘what kinds of’ rights will be ensured ‘for whom’ ‘in what ways’. Many peace agreements have taken only human as the subject of peace and rights for granted. The rights of nature movements intersecting with the concept of sustainable peace demonstrate different ways of building peace are possible and moreover, desirable for the sake of social and environmental sustainability. This new paradigm of rights is being discussed in South Korea as well, though it is seriously underdeveloped in the Korean context. Currently, different projects are ongoing to explore ways to grant different animals and ecosystems - such as dolphins in Jeju and the Baekdudaegan in the Korean Peninsula, a right or legal personhood. To advance our understanding and discussions on realising the rights

of nature in South Korea, the Korean Peninsula or even East Asia, it should converge with peace discourses to bring about socio-ecological transformation(s) in the Korean society pressurised under the post-Cold War system.

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<국문요약>

‘자연의 권리’로 재구성하는 탈인간중심적 평화 패러다임  
: 뉴질랜드와 북아일랜드 사례를 중심으로

황 준 서\*

전 지구적 생태위기 시대 확장된 인권 담론은 인간중심적 관점을 탈피하여 ‘자연의 권리’를 인정하고자 하는 흐름으로 발전하고 있다. 한편 일차원적인 경제발전 중심의 자유주의 평화 담론에 대항하여 정치적·사회적·생태적 지속가능성을 강조하는 비판적 평화 담론도 성장하고 있다. 본 논문은 인간중심주의에 비판적인 두 흐름이 만나 어떻게 탈인간중심적 지속가능한 평화 담론을 구성하고 있는지 살펴 보았다. 뉴질랜드와 북아일랜드 사례를 중심으로 실제로 ‘자연의 권리’ 담론과 결합한 평화 담론이 실천되는 방식을 제도구축과 사회운동 두 가지로 나누어 분석했다. 결론에서는 생태위기 시대 인간중심적 인권 패러다임과 그 위에서 구축된 평화는 불안정할 뿐만 아니라 정당하지 못하며, 지속가능성의 관점에서 재구성되어야 한다고 강조 한다.

주제어: 지속가능한 평화, 자연의 권리, 탈인간중심주의, 뉴질랜드, 북아일랜드

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