

MORE THAN HUMAN RIGHTS

An Ecology of Law, Thought and
Narrative for Earthly Flourishing

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Making Peace with the Rights of Nature: New Tools for Conflict Transformation in the Anthropocene

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Amid global ecological imbalance and “ecological bankruptcy,”¹ new understandings of the relationship between humans and nature have emerged within Western law.² Through the notion of rights of nature (RoN), we have begun to move away from legal systems

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- 1 *Ecological bankruptcy* is defined as a situation where natural resources are used at a faster rate than the same resources can regenerate. See Anthony Kadoma, “Living in an Era of Ecological Bankruptcy,” *Sustainable Futures in Africa*, October 1, 2020, <https://www.sustainablefuturesinafrica.com/2020/10/01/living-in-an-era-of-ecological-bankruptcy>.
 - 2 Kristina Lyons, “Mejorar los conflictos: derechos de la Amazonía en mundos cosmopolíticos,” *Revista de Antropología y Sociología: Virajes* 23 (2021): 105–39.

that objectify nature as either property or a provider of ecosystem services. Ecosystems have gained legal recognition as subjects with intrinsic value and rights of their own, a new step in environmental constitutionalism.³ Worldwide, RoN exist in at least forty countries, where they are recognized in the form of constitutional provisions, treaty agreements, statutes, local ordinances, or court decisions.⁴ But the very idea of RoN and their theoretical foundation have also received criticism. This chapter looks into some of those critical aspects from an interdisciplinary perspective, combining the fields of Law with Peace and Conflict Studies (PCS). I reflect on possible ways to “make peace” with RoN in two senses: by applying RoN to enable peaceful relations with nature and by addressing some of RoN’s contradictions.

As RoN gain in prominence, some salient critiques have emerged. Some have pointed out that RoN are sometimes recognized before necessary reforms in civil and procedural law. These may include legal changes that would allow natural entities to stand in court or determine who will speak on their behalf, among other considerations.⁵ Further, RoN advocates emphasize the alignment between Indigenous worldviews and their ecocentric approaches, but support for RoN among Indigenous groups varies. Indeed, different groups have highlighted both the value and the problematic

3 Elizabeth Macpherson et al., “Where Ordinary Laws Fall Short: ‘Riverine Rights’ and Constitutionalism,” *Griffith Law Review* 30 (2021): 438–73.

4 Alex Putzer, Tineke Lambooy, Ronald Jeurissen, and Eunsu Kim, “Putting the Rights of Nature on the Map: A Quantitative Analysis of Rights of Nature Initiatives across the World,” *Journal of Maps* 18, no. 1 (June 13, 2022): 1–8, <https://doi.org/10.1080/17445647.2022.2079432>.

5 Alejandra Molano Bustacara and Diana Murcia Riaño, “Nuevos sujetos de derecho: un estudio de las decisiones judiciales más relevantes,” *Revista Colombiana de Bioética* 13 (2018): 82–103, <https://doi.org/10.18270/rcb.v13i1.2218>; Jan Darpö, *Can Nature Get It Right? A Study on Rights of Nature in the European Context* (Brussels: European Parliament), [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2021\)689328](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2021)689328), March 2021.

aspects of Western RoN theory and practice:⁶ the subjectivity of nature and the human duty to respect and protect it are central to Indigenous environmental management, but the notion of *rights* of nature has Western and non-Indigenous origins “and can at times exist in detriment of Indigenous agency and difference.”⁷ For example, nature preservation policies based on a radical understanding of RoN could be used to expel Indigenous and other rural peoples from forests and other protected ecosystems in order to prevent negative environmental impacts—a violation of the hard-earned ethnic and territorial rights of Indigenous peoples.

Another concern is that legal argumentation of RoN based on religious foundations may not translate to the wider context of secular political constitutions. This issue is illustrated by the example of the Ganga and Yamuna rivers in India, where the historical Hindu belief in rivers as goddesses and deities as entities endowed with forms of legal personality constitutes the foundation for RoN. This religious context, while driving environmental protection efforts, has the potential to be weaponized against religious minorities like Indian Muslims, particularly during periods of persecution based on religious difference.⁸

To understand the potential social effects of legal innovations in RoN, we need to gather insight from other academic disciplines. Most interdisciplinary work on RoN in the humanities draws on anthropology and political science. In this chapter I explore findings from the field of PCS and the implications for this emerging framework. While PCS have dealt with the environmental triggers of

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

7 Macpherson et al., “Where Ordinary Laws,” 446. See further O'Donnell et al., “Stop Burying the Lede.”

8 Macpherson et al., “Where Ordinary Laws,” 452ff.

social conflict and the environment's potential for peacemaking,⁹ I ask what potential RoN have to transform our conflicts with nature itself. Is it worth creating new rights for mountains and rivers, or for nature as a whole, as means of conflict transformation? RoN are thus altering fundamental concepts—or ontological categories—and, with them, the dominant way of thinking about essential entities in the modern Western world. RoN treat natural entities as subjects with agency, inherent dignity, and a capacity for being in relationship with others. This understanding may allow us to approach our relationships with nature through the lens of peace and conflict.

Law and PCS are intimately connected. The law is an instrument for conflict resolution and peace-building; its aim is to find just solutions to interpersonal and structural social conflicts, facilitating social peace through institutions and norms.¹⁰ In my research on the

9 Various approaches explore the connection between PCS and the environment. *Environmental security* refers to the link between the scarcity of environmental resources and regional violence (i.e., the environmental triggers of conflict). See Thomas Homer-Dixon and Jessica Blitt, *Ecoviolence: Links among Environment, Population and Security* (Lanham, MD: Rowman & Littlefield, 1998). And international *environmental peacemaking* explores the role of the environment to unite otherwise divided national and international actors around a common cause. See Ken Conca and Geoffrey D. Dabelko, *Environmental Peacemaking* (Washington, DC: Woodrow Wilson Center Press, 2002). And *peace ecology* explores the peace-building potential of the environment beyond environmental problems. See Christos N. Kyrou, "Peace Ecology: An Emerging Paradigm in Peace Studies," *International Journal of Peace Studies* 12 (2007): 73–92.

10 Johan Galtung highlighted the importance of transdisciplinarity in peace studies. He referred to the contributions and limits of law and other disciplines to achieve peace through their own methods only. See Johan Galtung, "Peace Studies and Conflict Resolution: The Need for Transdisciplinarity," *Transcultural Psychiatry* 47 (2010): 20–32, <https://doi.org/10.1177/1363461510362041>. Together with colleagues from the UNESCO chair for peace studies at the University of Innsbruck, I have explored this transdisciplinary approach to law and peace studies. See Catalina Vallejo Piedrahíta, *Plurality of Peaces in Legal Action: Analyzing Constitutional Objections to Military Service in Colombia* (Vienna: LIT Verlag,

rights of rivers in Colombia, India, and New Zealand, I have seen how seemingly similar legal cases have such different contexts that the potential of RoN to transform these conflicts varies. As we explore PCS literature and its implications for RoN, we should examine not only the potential but also the challenges to successful conflict work with attention to the context and specificities of each RoN case. A clear understanding of these possibilities will allow us to imagine better ways to prevent violence in our relationships with nature as we create, recognize, and advance rights for nature around the world.

Peace scholars have offered various critiques of the law as a tool for addressing social conflicts. By its nature, the law divides the world into binary categories—right/wrong, good/bad, legal/illegal, moral/immoral, right/duty, anthropocentric/ecocentric, and human/nature—and then acts to suppress or eliminate conflict in order to secure social peace.¹¹ Behavior considered immoral in a certain time and place becomes legally forbidden and subject to sanction. But embracing these dominant frameworks does not

2012); Florencia Benitez-Schaefer, “Iustitia’s Healing: On the Potential of Synergies between Law and Elicitive Conflict Transformation,” in *Transrational Resonances: Echoes to the Many Peaces*, eds. Josefina Echavarría Alvarez, Daniela Ingruber, Norbert Koppensteiner (Cham: Springer, 2018), 303–24.

- 11 See Wolfgang Dietrich and Wolfgang Sützl, “A Call for Many Peaces,” in *Key Texts of Peace Studies*, eds. Wolfgang Dietrich, Norbert Koppensteiner, Josefina Echavarría Alvarez (Vienna: Münster, 2006) 435–55; Wolfgang Dietrich, *Interpretations of Peace in History and Culture* (Cham: Springer, 2012). For Galtung, law, international law, and human rights serve peace because they are powerful ways of projecting images of peaceful societies and worlds onto the canvas of the future, raising fundamental questions about basic needs, deep cultures, and structures, and challenging the status quo. But law’s approach can also be reductionistic. Galtung argued that the local protection of human rights is neither necessary nor sufficient for global peace, as states’ protection of rights may come at the cost of asking for extreme human duties, including giving one’s life for the state. Conflict transformation is needed and does not come automatically with the currently dominant understanding of human rights. Galtung, “Peace Studies,” 25–26.

necessarily lead to conflict transformation.¹² Critics argue that the law separates the inseparable, seeing the coin from only one of its sides. Strategic peace-building and conflict transformation, on the other hand, focus on integration rather than separation, on relationships beyond individual actors, and on creatively dealing with opposites, rather than eliminating one of them.¹³

In this chapter I approach rights as tools for conflict transformation in the Anthropocene. Drawing on Wolfgang Dietrich's study of different historical and cultural understandings of peace, I also examine three RoN paradigms that could be unfruitful.¹⁴ These approaches mirror similarly problematic approaches in conflict resolution, namely the moral, modern, and postmodern perspectives.¹⁵ The first problematic use of RoN, then, would be to advance these rights as an expression of *moral* superiority, that is, to use RoN to separate "good-willed" protectors of nature from the "ill will" of others who supposedly threaten an ideal environmental peace. The second is to use them as a *modern* technology to fix nature, like a machine that humans must master. The third is to use RoN as a *postmodern* device to merely "tolerate"—rather than respect—Indigenous and other ethnic peoples' cosmovisions.¹⁶

12 Galtung, "Peace Studies," 26.

13 On strategic peace-building, see John Paul Lederach and R. Scott Appleby, "Strategic Peacebuilding: An Overview," in *Strategies of Peace: Transforming Conflict in a Violent World*, eds. Daniel Philpott and Gerard Powers (Oxford: Oxford University Press, 2010), 19–44.

14 Dietrich and Sützl, "A Call for Many Peaces"; Dietrich, *Interpretations of Peace*. See further Josefina Echavarría Alvarez and Norbert Koppensteiner, "On Resonances: An Introduction to the Transrational Peace Philosophy and Elicitive Conflict Transformation," in *Transrational Resonances* (Cham: Springer, 2018), 1–19.

15 See Dietrich and Sützl, "A Call for Many Peaces."

16 I use Dietrich's differentiation between tolerance and respect, according to which respect contains the insight that recognizing the otherness of others

According to PCS literature, these kinds of approaches to conflict resolution often fail to restore human relationships broken or affected by violence. In this chapter I argue that making peace with the RoN would involve changing how *violence*, *conflict*, and *peace* are understood by legal practitioners. I bring a key insight from PCS scholarship to bear on the sociolegal debate on RoN: conflict is an ever-present part of human life—different from violence—and it has proven more useful to learn from conflicts than to avoid or suppress them. Underlying causes tend to reappear and cause distress if they are not properly seen and transformed. To achieve peace with the natural world, then, we must better understand the inner, interpersonal, and political conflicts that characterize our relationship with nature.

This chapter has two main parts. In the first, I explain why I frame environmental degradation as a conflict and unpack the notions of peace and violence. I contend that RoN are a legal tool for conflict transformation, and therefore that RoN advocates need to pay attention to insights from the field of PCS and avoid contributing to new forms of structural violence. In the second part, I examine different historical and cultural interpretations of peace and how they influence the way rights are used to build peaceful relationships. I argue that approaching RoN through the moral, modern,

is a principle for peace and human dignity. It implies treating “others” like members of one’s own kinship with no intention to adapt them to one’s own standards, nor are they simply tolerated as “the losers in a strange world.” In this way of thinking, respect instead of either tolerance or assimilation is a constituent element of dignity, from where it is possible to derive human rights as one among many possible expressions of this dignity. Conversely, tolerance and assimilation are the first steps toward violent conflict, which can even escalate to “purification,” ethnic “cleansing” and genocide. Tolerance may help to avoid the extermination of the others, but it “includes the prejudice of the superiority of one’s own beliefs over the truths of the others.” Wolfgang Dietrich, “A Structural-Cyclic Model of Developments in Human Rights: An Alternative Chronosophy as Base for the Formal Reconstruction of Human Rights,” in *Human Rights Working Papers* 6 (Denver: University of Denver, 2000), 14.

and postmodern perspectives on peace can lead to violence—to seeking peace by violent means.¹⁷ Lastly, I draw on the PCS concept of “moral imagination”¹⁸ to create a framework for using RoN as a tool for conflict transformation.

Peace, Violence, and Conflicts with Nature

A common definition of peace is the absence of violence. But spotting violence is not always a straightforward affair. Destructive and alienating situations result not only from direct physical hostility, but from structural and cultural factors as well.¹⁹ These factors are especially difficult to acknowledge and resist, even when they cause cycles of direct violence, as they are often normalized by institutions. While direct violence refers to verbal or physical aggression harming the body, mind, or spirit of others or the self, structural violence refers to systems of political repression and economic exploitation that predominantly affect marginalized people. Cultural violence refers to aspects of culture—such as religion, ideology, language, art, and science—that can be used to justify or legitimize direct or structural violence by way of stereotypes, myths, and discriminatory beliefs.²⁰ Examples of cultural violence have been unveiled by Toni Morrison, Chinua Achebe, and Velia Vidal in their critiques of racism in literary works.²¹ It is imperative to ask ourselves how RoN may act as

17 Rather than peace by peaceful means, as famously coined by Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (Oslo: Sage, 1996).

18 John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (Oxford: Oxford University Press, 2005).

19 Johan Galtung, “Cultural Violence,” *Journal of Peace Research* 27 (1990): 291–305.

20 Galtung, “Cultural Violence.”

21 In her 1993 Nobel Prize acceptance speech, Morrison said: “oppressive

concrete limits to direct, structural, and cultural violence and enable peaceful relationships between humans and nature.

But what are we looking for when we think of those peaceful relationships? What do peaceful relationships with nature look like? On the one hand, as I mention above, peace can refer to the *absence* of open direct aggression (negative peace); on the other hand, it may indicate the *presence* of harmonious relationships (positive peace). The pursuit of negative peace involves the suppression of aggressive energy in societies; this may involve threatening people with prison and other forms of sanction and social exclusion. Efforts to achieve negative peace emphasize managing conflict to control, contain, and reduce actual and potential violence.²² Ceasefires are examples of negative peace in armed conflicts. Adding environmental crimes to penal codes and establishing administrative sanctions for pollution are examples of negative peace in environmental conflicts.

Beyond the enforced absence of aggression, peace can also indicate the presence of conditions for a fully expressed human life in dynamic balance. Johan Galtung sees the presence of positive peace in actions or experiences like kindness and goodness to the body, mind, and spirit of the self and others; in freedom of expression, dialogue, integration, participation, and solidarity; and in the legitimation of cultures of peace via religion, law, ideology, language, art, science, and media. The impetus behind positive peace is to open up human potential and capabilities rather than repress them.²³

language does more than represent violence; it is violence.” Toni Morrison, “Nobel Lecture” (speech), December 7, 1993, transcript and audio, <https://www.nobelprize.org/prizes/literature/1993/morrison/lecture>. See also Velia Vidal Romero, “El Racismo en ‘Esta Herida Llena de Peces,’ August 13, 2021, in *Cerosetenta*, podcast, transcript and MP3 audio, 1:11:36, <https://cerosetenta.uniandes.edu.co/el-racismo-en-esta-herida-llena-de-peces>.

22 Galtung, *Peace by Peaceful Means*. Here negative and positive refer to absence or presence and not to value judgment of good and bad.

23 Galtung, *Peace by Peaceful Means*, 32.

Many people worldwide work hard to develop more harmonious relationships, as in the field of human (and more-than-human) rights. It is no secret that we find ourselves in conflicts all the time—conflict with our inner selves, with our family members, friends, and colleagues, and in the realm of politics. An imagined state of perfection with no conflict of any kind is likely unattainable, and thus the modern idea of peace may only lead to frustration.²⁴ Peace scholar Francisco Muñoz asserted that modernism, in its pursuit of states of purity, necessarily resorts to violent means to achieve its idea of peace. Thus, he proposed a “conflictive” or “unfinished” understanding of peace—*paz imperfecta*—one in permanent construction, a continuous process beyond the antagonistic dualism of pacifist/violent, good/evil. Muñoz’s concept of peace embraces the fertility of the many situations that lie between those dual categories.²⁵ In this line of thought, conflict and violence need to be differentiated. While conflict is ever present in the life of all living beings—both as an unavoidable fate and, at its best, as a creative energy for life and transformation—violence is but one of the possible forms conflict might take.²⁶ Galtung famously argued that peace is “what we have when creative conflict transformation takes place nonviolently.”²⁷

In essence, RoN stand as a catalyst for a comprehensive and holistic approach to peace—one that traverses both negative and positive realms. As legal practitioners explore the integration of RoN into legal systems and society at large, they embark on a journey

24 Francisco A. Muñoz, “La paz imperfecta [Imperfect Peace],” unpublished, updated manuscript version of “La paz imperfecta en un universo en conflicto [An Imperfect Peace in a Universe in Conflict],” in *La paz imperfecta*, ed. Francisco A. Muñoz (Granada, Spain: University of Granada), 21–66, <https://www.ugr.es/~fmunoz/documentos/pimunozespa%C3%B1ol.pdf>.

25 Muñoz, “La paz imperfecta.”

26 Galtung, *Peace by Peaceful Means*.

27 Galtung, *Peace by Peaceful Means*, 265.

that not only establishes limits to violence against nature—through environmental crimes, administrative sanctions, and other prohibitions—but also nurtures a deeper understanding of humanity’s intricate relationship with nature.²⁸ Through this exploration, the potential for a transformative and sustainable response to the challenges of our time comes into view, ultimately positioning RoN as crucial to shaping the trajectory toward more harmonious relations between humans and the environment.

Table 1. Galtung’s dimensions of positive peace

Direct positive peace	Structural positive peace	Cultural positive peace
Verbal and physical kindness, good to the body, mind, and spirit of Self and Other; addressed to all basic needs, survival, well-being, freedom, and identity. Love is the epitome: a union of bodies, minds, and spirits.	Substitutes freedom for repression and equity for exploitation and then reinforces this with dialogue instead of imposition, integration instead of segmentation, solidarity instead of fragmentation, and participation instead of marginalization. This also holds for inner peace: the task is to bring about the harmony of body, mind, and spirit. Key: outer and inner dialogue with oneself.	Substitutes legitimation of peace for the legitimation of violence; in religion, law, and ideology; in language; in art and science; in schools, universities, and the media; building a positive peace culture. In the inner space of the Self, this means to open for several human inclinations and capabilities, not repressing.

Source: Adapted by the author from Galtung, *Peace by Peaceful Means*, 32.

28 Elizabeth Macpherson, “Can Western Water Law Become More ‘Relational’? A Survey of Comparative Laws Affecting Water across Australasia and the Americas,” *Journal of the Royal Society of New Zealand* 53, no. 3 (November 2022), <https://doi.org/10.1080/03036758.2022.2143383>.

Transrational Peace Research and RoN: Fostering Harmonious Relationships in an Evolving Academic Landscape

International PCS as an academic discipline emerged from the painful violence of World War I. At the Paris Peace Conference of 1919, the British and US American delegations decided to establish an academic research institute on international relations with the aim of rectifying world violence. But what followed was World War II and its aftermath, as well as the “shocking insight that this century did not bring a system of one/universal peace, but an escalation of violence and destruction unprecedented in human history.”²⁹ The realization that achieving an ideal peace had become one more justification for violence led to critical PCS, focusing not only on violence but on understanding peace as experience and social phenomenon.³⁰

In contrast to Galtung’s structuralist approach in Europe, US schools of PCS have proposed a system theory approach. The founding authors of this approach were trained in different scientific disciplines. Ludwig von Bertalanffy, a biologist, founder of the general system theory,³¹ and of PCS in the US, was a key contributor. Von Bertalanffy collaborated with another biologist, Anatol Rapoport, and with economist Kenneth Boulding, who wrote the essay “The Economics of the Coming Spaceship Earth” in 1966.³²

29 Dietrich and Sützl, “A Call for Many Peaces,” 292.

30 Francisco Muñoz argues for the need to bring more attention to the peace in peace studies. See Muñoz, “La paz imperfecta.”

31 Ludwig von Bertalanffy, “An Outline of General System Theory,” *British Journal for the Philosophy of Science* 1 (1950): 134–65, <https://doi.org/10.1093/bjps/I.2.134>.

32 Kenneth E. Boulding, “The Economics of the Coming Spaceship Earth,” in *Environmental Quality in a Growing Economy: Essays from the Sixth*

Other notable proponents of the systems approach include figures in the field of ecology and environmental science. Zoologist Gregory Bateson, recognized for his pioneering work in cybernetics and the study of communication within systems, contributed to the lineage of thought that underpins the systems approach within PCS. Furthermore, the work of Lynn Margulis and James Lovelock has left an indelible mark on our understanding of the interconnectedness of Earth's ecosystems. Their seminal project, Gaia, first introduced in 1974, presented a groundbreaking hypothesis that the Earth functions as a self-regulating and self-sustaining entity.³³ Margulis, a distinguished biologist known for her significant contributions to the endosymbiotic theory, and Lovelock, a renowned atmospheric chemist, together proposed a conceptual framework that aligns with the systems approach in PCS. The work of these authors on systems theory was crucial in opening the door for postmodern and transrational peace research.

Through the influence of Adam Curle,³⁴ the systemic approach in PCS reached John Paul Lederach,³⁵ whose contributions significantly enriched and further shaped the idea of imperfect peace,³⁶ *filosofía para hacer las paces* (peace philosophy),³⁷ and transrational

RFF Forum, ed. Henry Jarrett (Baltimore: John Hopkins University Press, 1966), 3–14.

- 33 James E. Lovelock and Lynn Margulis, "Atmospheric Homeostasis by and for the Biosphere: The Gaia Hypothesis," *Tellus* 26 (1974): 2–10.
- 34 On the work of Curle, see Tom Woodhouse, "Adam Curle: Radical Peacemaker and Pioneer of Peace Studies," *Journal of Conflictology* 1, no. 1 (2010): 1–7.
- 35 See for example Lederach, *The Moral Imagination*; John Paul Lederach, *Preparing for Peace: Conflict Transformation across Cultures* (Syracuse: Syracuse University Press, 1995).
- 36 Muñoz, "La paz imperfecta."
- 37 Vicent Guzmán Martínez, *Filosofía para hacer las paces* (Barcelona: Icaria, 2009).

peace research in Europe.³⁸ The growing systems approach in legal scholarship also stems from these system theory and peace scholars' work.³⁹ Imperfect and transrational peace research developed in the early 2000s in Spain and Austria. Scandinavian and British scholars had been involved in a similar task.⁴⁰ From this intent came an inquiry into different historical and cultural perceptions and interpretations of peace.⁴¹ Based on his research, Dietrich categorized four interpretations of peace, which he called the energetic, the moral, the modern, and the postmodern peace families.

Each of the peace families or types circulates around a specific key value: (1) *Energetic* peace emphasizes harmony and engaging with opposite forces in life. It is present prominently but not exclusively in Indigenous and Native cultures and traditions. (2) *Moral* interpretations of peace emphasize justice; this family of peace involves separating opposite forces, as expressed, for instance, in monotheistic religions: "Peace on Earth for those of *good* will." Its beauty lies in a sense of sacredness and pursuit of benevolence, and its risk in its proximity to an idea of superiority over "otherness." (3) *Modern* understandings call for security; they center on the rational capability of humans to fix problems, as seen, for instance, in the nation-state as institution or in the more positivist aspects of science. Their potential has to do with organization and creating the foundations for safety and welfare. Their risk lies in confusing reason with mere calculation and in overshadowing the human

38 Wolfgang Dietrich, "A Brief Introduction to Transrational Peace Research and Elicitive Conflict Transformation," *Journal of Conflictology* 5, no. 2 (2014): 6.

39 See, for example, Fridjof Capra and Hugo Mattei, *The Ecology of Law: Toward a Legal System in Tune with Nature and Community* (Oakland, CA: Berrett-Koehler Publishers, 2015).

40 Muñoz, "La paz imperfecta."

41 Dietrich, *Interpretations of Peace*.

capacities for empathy, reverence, and imagination. (4) *Postmodern* approaches to peace deal with the question of truth(s). They arise from a feeling of disillusionment with the modern project and its reduced version of a truth that runs counter to the experience of the marginalized and oppressed. These approaches may take the form of decolonial activism and truth commissions in transitional justice contexts. Their potential has to do with their deep respect for diversity beyond mere tolerance. Their risk lies in the difficulty, or perhaps impossibility, of uniting or integrating what is diverse.

None of the former values appears isolated in social life; they are four aspects of a larger concept of peace that varies across contexts.⁴² Dietrich called this larger concept of peace “transrational” because it appreciates and applies the rationality of modern science, human rights charters, and much needed institutions, while at the same time transgressing the limits of rationality and embracing holistically all aspects of human nature. Along with rationality, this concept of peace embraces empathy and the capacity to be *with* others—to be individuals *and* community at the same time. To be more than human, as we relate to—and are—nature.

This multidimensional understanding of peace integrated Lederach’s “elicitive conflict transformation”⁴³ and his notion of “strategic peace building.”⁴⁴ Lederach notes that all actors in a conflicting system interact across social strata, from the grassroots to the middle range of regional experts and leaders to heads of state, and that they all are relevant to the process of transformation following

42 Wolfgang Dietrich, “Imperfect and Transrational Interpretations of Peace(s),” *Prospectiva* no. 26, (July–December 2018): 195–210, <https://doi.org/10.25100/prts.v0i26.6623>.

43 Lederach, *Preparing for Peace*.

44 Lederach, *Preparing for Peace*; John Paul Lederach, *Little Book of Conflict Transformation: Clear Articulation of the Guiding Principles by a Pioneer in the Field* (New York: Simon and Schuster, 2015); Lederach and Appleby, “Strategic Peacebuilding.”

experiences of violence. Therefore, in peace-building processes all actors must be included and addressed in a way that honors their own context. Lederach's systemic approach shifted the attention in PCS from the individual or the group to the *relation* as the key factor of conflict work.⁴⁵

RoN would allow us to start conceiving ecosystems and nature as actors in conflicting systems where legal rights are used for conflict work. The law, however, tends not to embrace systemic thinking. Legal norms and methods focus primarily on the individual or group, not on the relation. The law's structurally imposed reductionist bias—there is a plaintiff and a defendant—removes the case from the systemic web of relations. Further, there are instances where the law can co-opt relationships by excessively formalizing them and institutionalizing them in the frame of the nation-state. RoN, if implemented, should thus return the focus to relationships.⁴⁶

Some interpretations of RoN would be futile as peacemaking tools. Interpretations that seek to preserve nature in pristine conditions at the cost of cutting its relationships with humans (assuming that humans are separate from nature) are problematic. So are interpretations of RoN that do not come from the culture of the human communities that exist in relation to a landscape or ecosystem, or that are imposed on them through law. For example, are RoN equally useful when applied to modern urban communities who do not perceive a river or forest as living entities or as subjects? If our aim is an imperfect peace that consists not just in eliminating physical harm to the “other,” in this case nature, but also in enabling inclusion, participation, and the flourishing of potential for more-than-human harmonious relationships, then these approaches are problematic at best. To protect nature from human-made

45 Dietrich, “Imperfect and Transrational Interpretations.”

46 See, for example, Macpherson, “Can Western Water Law Become More ‘Relational’?”

destruction, creating RoN with power beyond limiting harm would be ideal, as “positive peace is the best protection against violence.”⁴⁷ RoN would need to help strengthen the rights to self-determination, other ethnic and territorial rights, and the collective right to a healthy environment instead of competing with these rights or working as a separate category.

The coin flips, and we are alive and dynamic rather than static: nature’s rights need humans, and human rights need nature. Anthropocentric and ecocentric rights are but two sides of the same coin.⁴⁸ Rights are only possible in relationship. According to Galtung, “Violence and war, conflict and peace, all have one thing in common: they are relational.”⁴⁹ Peace, then, can only be achieved through conflictive relationships that move continuously toward a dynamic balance by nonviolent means. When we pursue exclusion, elimination, and suppression of the “other” in the hope of achieving a supposedly perfect future peace, we cultivate more forms of violence. Peace, from this point of view, is only possible when the needs of all parties in relationship are met, at least to some extent.

Certainly, the distinct nature of human-nature relationships varies greatly based on the particular ecosystem, landscape, and human communities at play. It becomes imperative for rights-based environmental governance to be intricately attuned to the specific needs and dynamics of the actor(s) involved, whether it be a degraded river, a mountain, or a sea, all striving to regain a harmonious equilibrium. However, a risk emerges when we contemplate the creation of abstract rights—particularly when such rights are

47 Galtung, *Peace by Peaceful Means*, 32.

48 Mihnea Tănăsescu, “The Rights of Nature as Politics,” in *Rights of Nature: A Re-Examination*, eds. Daniel P. Corrigan, Markku Oksanen (London: Routledge, 2021), 69–84; Mihnea Tănăsescu, *Understanding the Rights of Nature: A Critical Introduction* (Bielefeld, Germany: Transcript Verlag, 2022).

49 Galtung, “Peace Studies,” 21.

formulated in a generalized manner, devoid of a thorough consideration of the intricate requirements of nature and the entities that influence its functioning. The potential pitfall lies in the assumption that these abstract rights can be universally applied to all of nature,⁵⁰ or to rivers in general, without accounting for the nuanced societal perspectives and interpretations that must arise from direct interactions with these ecosystems. Peace scholars have identified how the pursuit of peace ideals, when rooted in a notion of general perfection or purity, can inadvertently propagate structural and cultural violence. In the context of environmental and nature rights, a similar dynamic can emerge if we adopt an abstract, one-size-fits-all approach without a genuine engagement with the complexities of each unique socioecological context. Thus, as we venture forward with the use of RoN as instruments for constructing positive peace in the Anthropocene, it is crucial to heed this caveat and ensure that our efforts are firmly grounded in the nuanced and dynamic realities of the ecosystems we seek to protect and nurture.

Concluding Thoughts: RoN as Tools for Conflict Transformation in the Anthropocene

As we face the destruction of the natural environment—and with it our own—creating or recognizing RoN as means to transform our more-than-human conflicts is an encouraging idea. Through insights from PCS, we see that using RoN to transform conflicts with nature presents both opportunities and risks. Among the opportunities is the possibility of including ecosystems as actors in conflicting systems where legal rights are used. In this way nature gains a voice in legally oriented conversations and can be included

50 See further Tănăsescu, *Understanding the Rights*.

in conflict mapping and strategic peace-building work. Among the risks is the use of RoN as an expression of shadow aspects of the *moral*, *modern*, and *postmodern* interpretations of peace.

A shadow aspect of moral peace approaches would be to advance RoN with a sense of moral superiority, for example, in the form of charity toward the rights-bearers. A shadow aspect of the modern approaches would be to engineer our way out of conflicts with nature, using solely technocratic approaches and conceiving them as problems of calculation only, with no ethical and political implications. The postmodern approaches to peace might involve using RoN as a tool for the superficial inclusion of “others,” to empty “tolerate” the cosmovisions of communities who have a closer relationship with nature and a sense of reverence toward it.

These interpretations focus on division and separation rather than on integration. They are based on a single ideal of peace that can supposedly be achieved when problematic aspects or actors are eliminated. Although RoN give recognition to new actors within conflictive systems—a crucial aim in the Anthropocene—they risk doing so with a focus on individuality that fails to restore or create harmonious relationships with other members of a system. A greater emphasis on the *ecocentric* and on *rights* could make it difficult to see the other side of the RoN coin: the *anthropos* and *duties* toward both nature and humans. Harms to nature come with inevitable harms to humans and all hard-won human rights.

Finally, another perspective arises—the reminder that every coin has two sides. Within the context of this exploration, I cautiously conclude that RoN hold potential for conflict transformation. They push us beyond radical nature preservation, encouraging us to view RoN as a catalyst for positive peace on the direct, structural, and cultural levels. To embed RoN with meaning, we embark on a quest to understand nature’s essence, its needs, and the factors shaping its definition in every single case. RoN emerge as a tool shaping human-nature relationships free from exploitation

and domination, a bridge amplifying voices in environmental governance, and a tapestry woven with norms fostering harmonious co-existence. In their final role, RoN become guardians, bolstering the self-determination of peoples in environmental governance while preserving the integrity of our interconnected existence.