

# | Necessary but Insufficient: The Right of Humans & Nature in an Age of Climate Harms

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This paper analyses the relevance of human rights to the ongoing climate emergency, with focus on the impacts upon human rights from the effects of global heating, and the prospects for climate mitigation. I argue that a human rights-centric analysis is a necessary but insufficient approach to analysing global heating, and must be supplemented and balanced by an understanding of the rights of nature. Since the effects of the climate emergency erode the enjoyment of human rights worldwide, and disproportionately impact Indigenous and developing societies, global heating is necessarily a problem of human rights. However, a human rights-centric approach is insufficient, since it threatens to perpetuate an anthropocentric orientation which has contributed to the climate crisis. Following the work of Boyd and others, I argue that a rights of nature approach is necessary to safeguard the well-being of ecosystems and animals beyond their utility to humans. This paper also performs a critical analysis of various environmental philosophies aimed at mitigating climate change and their impacts on human rights, with focus on the social green and ecomodernist approaches. The most coherent and defensible approach to climate change-mitigation must substantiate and respect the underlying rights of nature.

Ce texte analyse la pertinence des droits humains par rapport à la crise climatique actuelle et porte une attention particulière aux impacts du réchauffement climatique sur les droits humains et les chances d'une atténuation climatique. J'argumente qu'une analyse centrée sur les droits humains est nécessaire. Pourtant, c'est une approche insuffisante

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pour analyser le réchauffement climatique et elle doit être assimilée avec une connaissance des droits de la nature. Puisque les effets de l'urgence climatique érodent la jouissance des droits humains à l'échelle mondiale et qu'elle affecte de manière disproportionnée les sociétés autochtones et les sociétés en développement, le réchauffement climatique est forcément une problématique de droits humains. Toutefois, une approche centrée sur les droits humains est insuffisante, car elle risque de perpétuer l'orientation anthropocentrique qui a contribué à la crise climatique. Suivant les œuvres de Boyd, entre autres, je soutiens qu'une approche des droits de la nature est nécessaire pour sauvegarder le bien-être des écosystèmes et des animaux au-delà de leur utilité pour les humains. Ce texte effectue également une analyse critique d'une multitude de philosophies environnementales qui visent à atténuer le changement climatique et leurs impacts sur les droits humains, surtout les approches sociales vertes (social green) et éco-modernistes. Je conclus mon argumentation en affirmant que l'approche la plus cohérente et défendable pour atténuer le changement climatique doit incorporer et étayer les droits fondamentaux de la nature.

*As a global environmental hazard, climate change affects the enjoyment of human rights as a whole and therefore, it is at the core of the indivisible, interdependent and interrelated nature of each and all human rights as initially emphasized by the Universal Declaration of Human Rights.*

- *The Office of the United Nations High Commissioner for Human Rights, 2018<sup>[1]</sup>*

*The day will come when the failure of our laws to recognize the right of a river to flow, to prohibit acts that destabilize Earth's climate, or to impose a duty to respect the intrinsic value and right to exist of all life will be as reprehensible as allowing people to be bought and sold.*

- *Cormac Cullinan, Wild Law: A Manifesto for Earth Justice*

## Introduction

From flooding to desertification, ours is an age of mounting ecological disasters. With these disasters caused largely by human activity, their cumulative effect is justly described as a climate *crisis*.<sup>2</sup> While this ongoing crisis is plainly an environmental issue, a growing field of legal and environmental scholarship seeks to conceptualize it as a crisis of human rights as well. Not only has the climate crisis drastically harmed the enjoyment of human rights across the world, but efforts to mitigate global heating themselves threaten to undermine the rights of already vulnerable populations. This essay explores these issues, analyzing the climate crisis within the framework of legal rights.

My thesis is twofold. First, I argue that the climate crisis is *necessarily* a problem of human rights, as both global heating and strategies of mitigation present severe problems of human rights. Second, I argue that a human rights-centric approach is *insufficient*, and must be coupled with a nature rights approach which safeguards the rights of ecosystems and nonhuman living beings. My theses are closely related, as the fight to mitigate climate change involves potential violations of human rights (namely the right to self-determination) which I will argue can best be resolved by invoking the underlying rights of nature.

I begin by analyzing the implications of the climate crisis on human rights, with emphasis on the disproportionate degradation of rights incurred by women, developing countries, and Indigenous peoples. Next, I turn to the major rights implications of climate change mitigation. Finally, I analyze the insufficiency of human rights as a framework for conceptualizing climate harms, with an in-depth examination of the rights of nature.

### The human rights implications of climate

The primary dimension of relevancy between legal rights and climate change is the degradation of human rights by what political scientist Jonathan Symons terms “climate harms” (2019). Climate harms are caused by a broad range of destructive phenomena driven by anthropogenic global heating, including extreme weather events such as hurricanes and floods,

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<sup>2</sup> A note on terminology: throughout this paper, I will use the term “global heating” as opposed to “global warming”. Where applicable, I will use the term “climate crisis” over “climate change”. In doing so, I am following a change in style implemented widely throughout both journalism and academia, which aims to better reflect the gravity and seriousness of the ongoing ecological crisis caused predominately by human civilisation. For an explanation of the style-change by British newspaper The Guardian, see: <https://www.theguardian.com/environment/2019/may/17/why-the-guardian-is-changing-the-language-it-uses-about-the-environment>.

rising sea levels, increased pollution, infectious diseases, forced environmental migration, and the degradation of ecosystems upon which humans depend for sustenance and income.<sup>3</sup>

Climate harms constitute a definite threat to the enjoyment of basic human rights, including the rights to food, water, health, adequate standards of living, and ultimately, to life. The human right to adequate food, substantiated in 1966's International Covenant on Economic, Social and Cultural Rights (ICESCR), is under particular threat from climate change. By 2050, the United Nations Environment Programme (UNEP) estimates that nearly half the world's population will be at risk of undernourishment due to population increase and the effects of climate change (International Federation for Human Rights, 2015). A heating climate will similarly undermine the human right to water (ICESCR, General Comment 15), as climate change will inevitably "exacerbate the problems of scarcity and equitable access" to safe water that threaten to impact up to 3.5 billion people by 2025 (International Covenant on Economic, Social, and Cultural Rights 2010, General Comment no. 15 & Mukheibir 2010, 1027-1028).

For millions of people, climate harms threaten to undermine even the most basic human right to life. Environmental scholar Rob Nixon argues that climate harms inflict nothing less than "slow violence" upon affected populations. Defined as "a violence of delayed destruction that is dispersed across time and space," the slow violence of climate change is "incremental and accretive," yet no-less destructive to human well-being (Nixon 2011, 2). Slow violence is inflicted in the ongoing desertification of the Sahel, the lung disease-inducing air pollution of Beijing, and the melting of pack-ice in Inuit territory. By rendering human habitats unlivable, the slow violence of global heating threatens the enjoyment of human rights at the most basic level.

Climate harms, however, are not felt equally across human society as exposure to climate harms is mitigated by wealth and geography.<sup>4</sup> The victims worst affected by environmental degradation are often residents of developing nations that lack access to economic resources, social services, and technology necessary to mitigate against environmental crises. As Symons notes wryly, "Wealth insulates, literally, against climate harms" (2019, 46) Regions like sub-Saharan Africa which are already vulnerable to resource scarcity are poised to endure the harshest blows of an unstable climate, with the UN estimating that wheat production in the region will fall by 36 percent by 2050 (UN Women). Thus the world's poorest are thus doubly harmed: deprived of the economic and technological benefits of globalization

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<sup>3</sup> These disasters also present a gendered dimension to human rights degradation as a result of climate change, with the United Nations Development Programme stating that women and children are 14 times more likely than men to die in a natural disaster. Source: International Federation for Human Rights, "Global warming, a challenge to human rights."

<sup>4</sup> At a simple geographical level, countries of the Global South are located closer to the equator, and therefore face increased exposure to the Sun, exacerbating the effects of global heating.

(and often harmed precisely by those processes), the poor nevertheless suffer the worst depredations of the climate harms wrought by the activity of richer nations.

Climate change also disproportionately harms the rights of Indigenous peoples, as their territories and ways of being are eroded by environmental destruction and rising temperatures. Indigenous activists such as Sheila Watt-Cloutier have been at the forefront of efforts to recognize climate harms as issues of human rights, with Watt-Cloutier arguing that the melting of Arctic sea-ice poses an infringement of the economic and cultural rights of Inuit peoples (2018). Climate-induced habitat degradation directly challenges many of the rights enshrined in UNDRIP, which asserts that Indigenous peoples have “the right to conservation and protection of the environment and the productive capacity of their lands” - a right undermined by ecological devastation from Brazil’s rainforests to the increasingly plastic-ridden shores of Polynesian islands (UNDRIP 2007, Article 29.1). Extractive industries such as mining and logging further erode the Indigenous right to freedom from the “disposal of hazardous materials” upon their territory, even as these industries fuel global heating through industry-related emissions (UNDRIP 2007, Article 29.2).

One could list the ways that climate change impacts the enjoyment of human rights at tedious length. It is hardly controversial to conclude, as did UNEP, that climate change “will have a profound [negative] effect on the enjoyment of human rights” worldwide (2015) However, human rights also face the prospect of erosion in the process of combating climate change. As the international community commits to greater emission reductions, these dimensions will become increasingly relevant.

### Infringements upon human rights presented by climate change solutions

A second major relevancy between human rights and climate change involves the degradation of human rights in policies and efforts aimed at mitigating climate harms. While the UN Human Rights Office states that climate change “should be addressed in a way that is fair and just,” this aspiration often remains unfulfilled in practice. This section assesses the implications for human rights in the fight against climate change, beginning with a brief overview of the relevant proposed solutions.

While proposed solutions to the climate crisis vary widely, for the purposes of this paper they may be broadly sorted into two categories. The first, espoused by social green and environmentalist theorists, involve dramatically curtailing economic production and consumption in efforts to curb the release of hydrocarbons and ecological destruction wrought by industrial activity. A second, opposing category of proposed solutions, espoused by market liberals and ecomodernist thinkers, argues that greater energy use, agricultural intensification, and technological innovation are needed to “decouple” human civilization from dependence on the natural world (Asafu-Adjaye et al. 2015, 2). This typology of environmental philosophies is

articulated at greater length by political scientists Peter Dauvergne and Jennifer Clapp in their “*Paths to a Green World*”.<sup>5</sup>

I argue that a rights-centric approach is crucial to a fair and reasoned evaluation of these options, as both present critical implications for the enjoyment of human rights.<sup>6</sup> First, the social green strategy of “de-growth,” potentially undermines a number of human political and economic rights, thereby complicating any straightforward mitigation of climate change (Martinez Alier 2009, 1099). Notable efforts to *curb* fossil fuel-usage have indirectly undermined human rights; the search for renewable energy sources, for instance, prompted a “rush into biofuels” which, according to Oxfam, has rendered 60 million Indigenous people at risk of displacement worldwide (Oxfam International 2008, 16). Mitigation policies such as the World Bank’s ban on financing for oil and gas developments in the Global South threaten to erode developing states’ ability to pursue economic growth and provide the standard-of-life necessary to withstand climate harms (Symons 2019, 138). In doing so, these policies may encroach upon the right to self-determination established in the 1941 Atlantic Charter, and thereafter enshrined as a core tenet of the anti-colonial movements of the mid-twentieth century (Ibhawoh 2014, 843).

Several leading ecomodernist thinkers have decried policies of de-growth on human rights grounds, arguing that their effectiveness is predicated on “extreme constraints on human freedom” (Symons 2019, 110-111). The critique of political scientists such as Jonathan Symons argues that attempts to reduce emissions by lowering population growth and economic activity in developing countries are inherently unjust. In areas where industry is dependent on unsustainable or extractive practices - as in oil and mining sectors - efforts to combat climate change by banning pollutive industries will contravene the right of peoples to “freely dispose of their natural wealth and resources” enshrined in ICESCR 1.2 (International Covenant on Economic, Social, and Cultural Rights 1966, Article 1.2). Since many developing countries rely heavily upon these industries, their eradication would further undermine the economic rights of already-vulnerable populations.

However, the ecomodernist approach itself presents unique and potentially-graver human rights concerns. Ecomodernist approaches aim for an *acceleration* of existing trends of modernity, including agricultural intensification and urbanization, to reduce the dependence of

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<sup>5</sup> Throughout this essay, my categorisation of environmental philosophies will be based on the typology articulated by political scientists Peter Dauvergne and Jennifer Clapp. Source: Jennifer Clapp and Peter Dauvergne, “Peril or Prosperity? Mapping Worldviews of Global Environmental Change,” in *Paths to a Green World: The Global Political Economy of the Environment* (MIT Press, 2011): 3-14, <https://tinyurl.com/y8xu4vfw>.

<sup>6</sup> As a necessary caveat, I must note that I will not here evaluate the *feasibility* of either of these approaches to combat climate change, but rather simply their ramifications for human rights. Both approaches present possible critiques of their feasibility and political viability, which require extensive evaluation in their own right.

humanity on land and natural resources (Asafu-Adjaye et al. 2015, 7). Yet, unless some technological magic bullet is conceived which can render global industry nigh-instantly sustainable, the acceleration and intensification of modernization processes will risk compounding the inequalities caused by the imperatives of unrestrained capitalism. Critical social theorists argue that by “propelling the same old patterns into the future,” ecomodernist solutions will perpetuate the human rights abuses extant in the current international system, including those wrought by dramatic inequality, expanding urban slums, increasing worker disposability wrought by technological development in richer countries, and the simple exploitation of many millions of workers subsumed in the processes of economic modernization (Collard et al. 2016, 232). Modernity - as defined by the ecomodernists as the acceleration of industrial intensification, technological development, and urbanization (Asafu-Adjaye et al. 2015) - has not been experienced as uniformly benign, and the processes which have improved the well-being of billions have caused acute suffering for billions of others.

A concrete example of the degradation of human rights incurred by ecomodernist environmental policies may be seen in China. The Chinese state has defined its official environmental strategy as “ecological modernization” for nearly two decades, implementing a broad set of ecomodernist reforms aiming at poverty alleviation and agricultural intensification throughout its borders (Research Group for China Modernization Strategies, 2007).<sup>7</sup> As the pastoral and nomadic practices of ethnic groups such as Tibetans and Hui Muslims stand in the way of these goals, the state has utilized large-scale ecological resettlement programs (called *shengtai yimin*) to end pastoral agriculture by sedentarising nomadic populations in China’s peripheral regions.<sup>8</sup> Not incidentally, the cultural and political autonomy of resettled communities is greatly diminished as communities centred on grassland herding are forced to take up farming in state-built settlements.<sup>9</sup>

While the impacts of China’s ecological resettlement policy is by no means a *necessary* product of *shengtai yimin*’s underlying ecomodernist framework, it demonstrates how seamlessly ecomodernist goals of decoupling and agricultural intensification can co-exist with authoritarian goals of centralised control and state security. If anything, China’s pursuit of “ecological modernisation” demonstrates that accelerating modernization in the name of

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<sup>7</sup> Billions of dollars have also been spent in the past two decades in major ecomodernist-style projects of forest planting and protection, land retirement, and de-desertification. Source: Emily Yeh, “Greening Western China: A Critical View,” *Geoforum* 40, no. 5 (2009): 886.

<sup>8</sup> Jarmila Ptackova, “Orchestrated Environmental Migration in Western China,” 224.

<sup>9</sup> Edward Wong, “Resettling China’s Economic Migrants.” For a more in-depth analysis of this subject, see my paper *Ecomodernist Authoritarianism: The Costs and Motivations of Ecological Resettlement in China*, published in the University of British Columbia’s Journal of Political Studies, 23rd Edition: <https://www.ubcjps.com/the-23rd-editionn>.

climate change-mitigation - the central goal of the ecomodernists - may be just as destructive to human rights as the curtailment of modernized industry espoused by social green theorists.

Furthermore, approaches which seek to prioritize human economic rights over climate change-mitigation in the *present* risk harming human rights at a far more serious level in the future. If preserving the human rights to self-determination and resource use results in hydrocarbon production reaching a tipping-point of runaway warming, the resulting exacerbation of global heating may ultimately threaten the right to life itself - the "prerequisite for the enjoyment of all other human rights" (UN Human Rights Committee 2016, General Comment no. 36, Article 6). An estimate by the WHO predicts that, by 2050, current climate trends are expected to cause 250,000 additional deaths annually due to malnutrition, disease, and heat stress alone.<sup>10</sup> If dangerous warming is not prevented, deaths as a result of habitat collapse, rising sea levels, and extreme weather events could reach cataclysmic proportions.

Thus, any solution to climate change must attain a balance between rights infringements incurred as a result of climate mitigation, and the looming risk of far-broader rights infringements produced as a result of inaction. Since the enjoyment of basic human rights will be challenged in either case the more basic human rights to life and security must take primacy over economic rights, until dangerous climate change is averted.

This point leads directly to this paper's final section. I argue that a broadening of rights-vocabulary is crucial to combating global warming, as a focus limited to human rights will neglect the well-being of critical ecosystems. The protection of the rights of nature, therefore, constitutes the critical point of orientation against which infringements on human rights through climate mitigation must be weighed.

### Insufficiencies of the human rights approach

I have hitherto argued that both the deleterious impacts of global heating upon the enjoyment of human rights and the rights-implications of various approaches to climate change mitigation render human rights integral to the problem of climate change. In the remainder of this essay, I argue that any approach to the climate crisis that is limited to questions of human rights is insufficient. By only critiquing the effects of human activity - whether in causing or alleviating climate change - *on the rights of humans*, one ignores the dimension of rights embodied in nonhuman, natural entities. I begin by analyzing the limitations of a human rights-

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<sup>10</sup> While this number does seem rather low, one must keep in mind that the annual deaths from these diseases already rank in the millions (air pollution, for instance, already causes some 4.3 million deaths a year). Source: The WHO, "Climate change and health," *The World Health Organisation*, February 1, 2018, <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>.



centric approach, before analyzing the case for a vocabulary of the rights of nature and its relevance to combating global heating.

The first limitation to a human rights-centric approach to combating climate change is the “individualistic and anthropocentric focus” inherent to much of human rights discourse (Albers 2018, 120). Defining anthropocentrism as the belief that humanity is “separate from, and superior to” the natural world, environmental scholar David Boyd argues that the substantiation of anthropocentrism in the international legal canon has led to broadly-harmful outcomes (2017, xxiii). By reducing the primary bearer of rights to the *homo sapiens* species, a human rights-limited approach to climate change neglects to safeguard the nonhuman organisms which suffer as a result of human activity, as well as the underlying ecological systems which sustain life itself.

This anthropocentric approach is embodied in many articulations of the human ‘right to environment.’<sup>11</sup> Despite the host of qualifiers which have been prefixed to ‘environment’ (including, as Julie Albers notes, “healthy, clean, safe, secure, adequate, decent, viable, or satisfactory”<sup>[36]</sup>) the right to environment nonetheless assumes the primacy of the human *over* a nature which is conceived of as “merely a collection of things intended for human use.”<sup>[37]</sup> If human rights are the only metric by which climate harms are tallied, there is little incentive to safeguard natural ecosystems beyond the level that humans deem necessary to preserve their *own* imminent well-being.

Furthermore, if human rights are the primary framework by which climate harms are *prosecuted*, many cases will present nigh-intractable legal difficulties that threaten to stall any meaningful action against climate change. Bridget Lewis notes that climate harms adhere “neither [to] territorial boundaries nor jurisdictional limits” - crucial elements within the current paradigm of legal prosecution - and that the systemic nature of climate change often prevents the identification of specific actors in derogation of legal duty.<sup>12</sup> Daniel Bodansky provides a still-harsher assessment, arguing that while climate change might erode the *enjoyment* of human rights, it no more *violates* rights “than does a hurricane, [or] earthquake” (Lewis 2018, 173). The mostly stifled efforts of activists like the aforementioned Watt-Cloutier to treat climate

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<sup>11</sup> Anthropocentric language is also found in major international human rights treaties. Article 3 of the United Nations Framework Convention on Climate Change states that countries “should protect the climate system for the benefit of present and future generations of humankind,” rather than out of respect for any inherent worth of the beings and ecosystems which constitute the “climate system.” The Rio Declaration on Environment and Development, is even more explicit, asserting that “Human beings are at the centre of concerns for sustainable development.” Source: UN General Assembly, *United Nations Framework Convention on Climate Change*, 20 January 1994, <https://www.refworld.org/docid/3b00f2770.html>; David R. Boyd, *The Rights of Nature*, xxv.

<sup>12</sup> The notable exception would be in cases where an identifiable entity, such as a corporation, is responsible for the environmental harms under consideration in a specific area. Source: Bridget Lewis, *Environmental Human Rights and Climate Change: Current Status and Future Prospects*, (Singapore: Springer Singapore, 2018), 173-174.

change as a problem of human rights illustrates the inadequacies of the current legal rights paradigm in addressing issues of deteriorating ecosystems.

While the difficulties of prosecuting global warming as a human rights violation are surely not wholly intractable, I argue that a broadening of rights-vocabulary is necessary to fully combat global warming. I next examine the host of nations, Indigenous peoples, and scholars who are affecting a “rights revolution” by attributing legal rights to nature itself (Boyd, 2017).

### A necessary extension: the rights of nature and ecosystems

According to David Boyd, over 100 countries have signed treaties or laws substantiating the idea that nature “has intrinsic value, regardless of its utility for humans,” in opposition to the dominant legal paradigms which define the status of nature only insofar as it relates to human consumption, and thereby commodify natural systems (2017, 99). This section will analyze the relevancy of this counter view of rights to the climate crisis.

The rights of nature approach aims to ground legal protection for ecosystems and animals in the interrelatedness of all living systems. Nature rights-systems reorient humans from an anthropocentric position of separateness from and superiority over nature into a position of relationship *within* nature. This relationship, writes environmental advocate Cameron LaFollette, is essentially defined by mutual reciprocity, wherein all “the physical elements and the biological components” that constitute an ecosystem sustain and are sustained by each other (LaFollette and Maser 2017, 367). This interrelatedness, states the Universal Declaration of the Rights of Mother Earth (UDRME) - one of the premier political statements on the rights of nature - confers upon all living beings “a common destiny,” thus eroding the arbitrary distinction between the well-being of humans and that of the natural systems which sustain them. (2010, Preamble)

A nature rights approach seeks to sustain this “common destiny” by attributing to nature many of the rights previously considered intrinsic to humans. The UDRME thus recognizes natural systems’ rights to life, clean air and water, unique identity, and “integral health” (2010, Article 2). In landmark cases in Colombia and New Zealand, courts have recognized the inherent rights of certain rivers to “protection, conservation, and restoration” (Boyd 2017, 226). In countries like Bolivia and Ecuador, the rights of nature have been framed to reflect Indigenous spiritual principles, recognizing ecosystems not merely as rights-possessing entities but systems of sacred worth (Boyd 2017, 199). Other countries have used religious justifications to safeguard nature rights, with Indonesia’s official Islamic clerical organization issuing a *fatwa* banning wildlife trafficking (Boyd, 2017).

Certainly, implementing and defending the rights of nature through legally-binding international treaties raises major difficulties - several of which I have mentioned above. It

remains difficult, for instance, to imagine what entity would defend a river or mountain's rights in a physical court. Yet these problems are by no means insuperable, and concerted efforts to tackle them may aid massively in the conceptualization of human rights in an age when climate change-mitigation strategies are sorely needed.

Nature rights present the crucial point of orientation from which human rights must be considered. Since the natural world ultimately sustains *all* life, the right of nature to flourish takes primacy over rights implicated only at advanced stages of human development. The corollary for the protection of the rights of nature, as Boyd states, "requires eliminating or modifying" any human activities which undermine the well-being of nature (2017, 230). While efforts at climate change-mitigation may infringe upon the human right to economic self-determination, the underlying capacity for humans to have laws at all depends itself on the ability of the global ecosystem to sustain life. "[P]lacing Nature's Rights first," concludes Cameron LaFollette, "is the *only way* that human life can thrive sustainably" (LaFollette and Maser 2017, 367). By recognizing the necessity of the well-being of ecosystems for the well-being of humankind, the incorporation of the rights of nature into the legal discourse of climate change may thus, however tentatively, coherently allow for mitigation strategies which curb certain human economic or social rights in the short term in order to prevention of drastic degradation of those rights in the medium and long term.

## Conclusion

Human rights present a necessary but insufficient dimension to any assessment of the harms of, and solutions to, the climate crisis. Yet human rights must be supplemented by the recognition of the inherent rights of nature if either is to survive at all.

However, human rights and the rights of nature are not mutually opposed. Indeed, only in tandem can *either* be fully realized. The rights of humanity will not guard against the harmful imperatives of anthropocentrism unless balanced against the inherent worth of natural systems. Conversely, the rights of nature are incoherent unless situated in relation to the vocabulary of freedoms and obligations which define human rights.<sup>13</sup> By extending the vocabulary of human rights to nature in order to safeguard biodiversity and ecological well-being, the rights of nature can embody the highest principles of human rights.

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<sup>13</sup> As Stephen Humphreys notes, human rights "have come to provide a primary language for the expression and contestation of justice claims." It is no surprise, then, that the rights of nature are necessarily articulated in much of the same language and contextual framework as are human rights. Source: "Competing Claims: Human Rights and Climate Harms," In *Human Rights and Climate Change*, edited by Stephen Humphreys, (Cambridge: Cambridge University Press, 2009), 39, <https://tinyurl.com/yhrb3fr8>.

Our current paradigm of internationally-recognised rights was created in the mid-twentieth century not to function as a set of abstract legal mechanisms, but to protect individuals from the crimes of state power, following an age of massive political persecution and genocide. In our era, it is not only individuals but ecosystems which the international system must seek to protect, and the threat of global heating is surely no less existential a crisis than the wars and genocides of the past century. If the language of rights is to remain humanity's highest defense against abuses of power and loss of life - indeed, if it is to remain of any real relevance at all in an age of climate harms - it must be expanded and reworked to counter the most serious ongoing crises of the well-being of living systems, both human and nonhuman.

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