

How do human rights and the rights of nature converge?

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The legal and jurisprudential recognition of the rights of nature and ecological justice (EJ) that has been taking place since the beginning of the 21st century opens up a whole new field of research and practice. In parallel, there is a whole body of previous legislation, with at least eight decades of existence, dedicated to the development of human rights theory and practice. I am referring to a process started with the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948. This body of legislation has been expanded over time to address new priority issues. In this sense, the eco-social crisis could not be left out of this expansion.

But do human rights and the rights of nature converge at any point? And if so, how and where? These questions were part of the research I conducted during my stay in July 2024 at the Rachel Carson Centre, one of the hubs of the Speak4Nature project. To this end, I initially narrowed down the scope of my study to examine the role of the United Nations Special Rapporteurs working most closely on the environment, specifically the Special

Rapporteur on the human right to a clean, healthy and sustainable environment, to which was later added the Special Rapporteur on the promotion and protection of human rights in the context of climate change. The aim was to assess whether, through their resolutions and reports, there was acknowledgment of the rights of nature and of EJ, and to what extent.

The position of Special Rapporteur on the human right to a clean, healthy and sustainable environment was created in 2012 under the title of Special Rapporteur on human rights and the environment. The position was taken up by John Knox (2012-2018), who paved the way for the EJ with the adoption by the UN Human Rights Council in early 2018 of the Framework Principles on Human Rights and the Environment. These sixteen principles not only call on polluting states and companies to set limits to protect the natural world, but also promote healthier conditions for the environment.

During the term of the next Special Rapporteur, David Boyd (2018-2024), the right to a clean, healthy and sustainable environment was historically recognised by the UN Human Rights Council (2021), the General Assembly (2022) and the Committee on the Rights of the Child (2023).

The resolution on this right was adopted by the UN Human Rights Council (2021), the General Assembly (2022), with 161 countries voting in favour, and the Committee on the Rights of the Child (2023), and more than 130 countries have committed to protecting the right to a healthy environment through their constitutions, regional treaties, national laws, judiciaries or ratification of international instruments. This is a universal right that belongs to all people, everywhere. The text is accompanied by a compilation of more than 100 good practices.

This resolution marks a *vital* turning point in the evolution of human rights and converges directly with the rights of nature, establishing a link between both sets of rights. This point is set out in a report by the Special Rapporteur *on human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment* addressed to the UN General Assembly (A/77/284, 10 August 2022) and to the Human Rights Council (A/HRC/43/53, 30 December 2019).

For their part, the relationship between human rights and the climate crisis has been addressed by special rapporteurs in various reports, which review both the obligations of states and the responsibilities of companies. In these reports, they make recommendations to address society's addiction to fossil fuels and identify mitigation, adaptation, financing, and compensation measures for loss and damage.

Based on the fact that these issues are addressed from a human rights perspective, there is a notable concern for justice in the context of climate change, which is described as 'atmospheric colonisation'. This concern is particularly evident in relation to justice for future generations and (in)justice towards the most vulnerable, whether they be the poor, indigenous peoples or land defenders (A/77/226).

Although the human rights approach to the rights of nature is based on an anthropocentric view, it is worth noting the progress made in the reports over the last decade or so. This evolution can be seen both in the diagnosis of the problem and in the proposals. In response to criticism of human rights as a possible starting point for contributing to the definition of the rights of nature and advancing EJ, the reports of the special rapporteurs reveal a structural understanding of the problem that is in line with the most recent critical scientific

research. They speak of planetary boundaries, of the urgent need to rethink business and economic paradigms, of the dead end of fossil fuels, and they recognise the eco-dependence of human beings, demonstrating an understanding that goes beyond merely anthropocentric views.

This awareness has persisted throughout the mandate and with successive special rapporteurs. In a report by David Boyd and Stephanie Keene on biodiversity, we read: “[The] failure [of the conservationist approach] reflects a dangerous but persistent misconception: namely, that human beings, and by extension human rights, are separate and independent from nature. Applying a truly transformative approach to conservation requires refuting this false notion and accepting that nature is not a commodity created for human exploitation, but an extraordinarily diverse community to which we all belong” (*Human Rights-Based Approaches to Conserving Biodiversity*, policy brief 1, executive summary, August 2021, p. 3).

In conclusion, it should be noted that although the rights of nature are not explicitly affirmed in the texts of the selected rapporteurs, there are clear references to this point and promising openings.

The advancement of human rights in relation to the environment has converged with that of the rights of nature. Both sets of rights are interconnected in the right to a healthy environment and enter into dialogue through the language of human rights. This right acts as a bridge not only to protect human groups but also to advance the rights of nature, albeit indirectly, by promoting greater control and responsibility for human activities and shaping how we relate to the natural world.

Further Reading and Resources:

Berros, V. (2024). Entramados jurídicos de protección de la naturaleza: diálogos y tensiones, in Papeles de relaciones ecosociales y [cambio global](#), 167, pp. 21-29.

Boyd, D.R. (2022). The human right to a clean, healthy and sustainable environment: a catalyst for accelerated action to achieve the Sustainable Development Goals, UN General Assembly, A/77/284 (<https://www.ohchr.org/en/documents/thematic-reports/a77284-human-right-clean-healthy-and-sustainable-environment-catalyst>)

Knox, J. (2018). Principios Marco sobre Derechos Humanos y Medio Ambiente, in Papeles de relaciones ecosociales y [cambio global](#), 142, pp. 83-89.

UN Human Rights Council (2021). Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/48/L.23/Rev.1 (<https://docs.un.org/en/a/hrc/48/l.23/rev.1>)