

Review Article

Coloniality of Nature, Environmental Refugees and Human Rights: A Fundamental Connection

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Abstract

Climate change has become one of the greatest challenges facing humanity, with increasingly devastating impacts on ecosystems and human life. Among its most severe consequences is the growing phenomenon of environmental refugees — people forcibly displaced due to sudden or gradual environmental changes. This situation reflects an ecological crisis, and a deep historical root linked to the colonial and capitalist structures of the modern world-system, particularly through what scholars define as the coloniality of nature. In this context, it becomes urgent to rethink the relationship between human rights and the rights of nature, and to question the exclusion of environmental causes from international refugee law. Therefore, the main objective of this discussion is to understand how the recognition of the rights of nature as part of human rights might contribute to the situation of environmental refugees, seeking to carry out a critical analysis of the origin of climate change in the modern colonial world-system, with emphasis on the coloniality of nature. In addition, we seek to demonstrate the impacts of climate change in the world, pointing to environmental refugees as one of the main and most devastating consequences. In this sense, the goal is to highlight the need for the decolonization of both nature and human rights, to encompass the rights of nature as a fundamental element in legal systems, as well as dealing with the environmental crisis and the situation of environmental refugees. This study was developed using the deductive method, with qualitative research, a monographic and historical-critical approach, and a bibliographic review.

Keywords

Coloniality, Nature, Environmental Refugees, Human Rights

1. Introduction

The environmental crisis is the greatest problem faced by humanity nowadays because it directly involves the survival of all forms of life on planet Earth. The modern world-system — which is capitalist, hegemonic, and based on the coloniality of nature — has a direct influence on this environmental crisis through the unstoppable domination and exploitation of natural resources in favor of capital and alleged progress.

Thus, the coloniality of nature represents one of the determining factors in the origin of “civilizing progress” in the Eurocentric view. The political-economic model, present in this modern colonial capitalist world-system, is mainly responsible for the relentless destruction of nature, since this “progress” results in ecological domination and destruction. That is, the civilizing process, as it stands, represents a sys-

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tematic advance of environmental domination and destruction, which is now evidenced by the ongoing climate collapse.

In this scenario, one of the biggest consequences is the exponential increase in the number of environmental refugees, i.e., people who, for compelling reasons of sudden or progressive change in the environment — mostly caused by accentuated climate changes in the Anthropocene (such as floods, droughts, desertification, storms, rising sea levels, loss of crops and other extreme weather events) — are forced to leave their homes, temporarily or permanently, and end up having to move within their country or abroad.

Therefore, this research problem arises: in the face of climate change and its direct influence on the situation of environmental refugees, how can the coloniality of nature be overcome in the light of Human Rights? The main objective of this discussion is to understand how the recognition of the rights of nature as part of human rights is fundamental to confronting the situation of environmental refugees.

For the development of this study, methodologically, the deductive method will be used, with qualitative research, a monographic and historical-critical procedure, and investigation technique by bibliographical review, covering books, journals, theses, dissertations, scientific articles, and reports related to the theme under analysis.

2. Modernity Project and the Coloniality of Nature: The Origin of Climate Change

From the Global South's perspective, the development of the modernity project originated with the invasion (and not the discovery) of (Latin) America by Europeans in 1492, when the colonization process — that is, the systematic differentiation between colonizers and the colonized — began. It is also in this period that the historical process of world interconnection (globalization) begins, as well as the capitalist means of production [1].

It was during this project of modernity that, based initially on religious and epistemological biases, Europeans felt entitled to attack, subjugate, and plunder places and peoples that differed from European rationality, seen as a synonym of salvation, progress, and development [2]. This period was marked by the organization of a Eurocentric and rational system of cultural domination, rooted in the superior/inferior duality, with the classification of the world population into a hierarchy imposed by them: the dichotomies North/South, above/below, central/periphery.

From this hierarchical notion, with the invasion of Latin America, it becomes clear that modernity was based on the subjugation of territories, resources, and non-white peoples. A new organization of social, racial, and economic relations begins, with the consequent annihilation of culture, knowledge production and the organizational modes of peoples based on reciprocity and exchange, and the imposition

of the logic of nature's exploitation and the accumulation of unlimited wealth [2]. A system of social exploitation that subjugates all forms of work to the hegemony of capital and profit appears to be confirmed [1].

The systematic exploitation of non-white people and natural resources in America, along with the sense of superiority held by European peoples, made this relationship of domination possible. This resulted, from the 16th century onwards, in various debates, conflicts, and political struggles involving the legitimacy of the invasion and domination of the "new" lands and the self-declared right of Europeans to dominate Others [3].

In the 19th century, the process of Latin American emancipation (independence) began, overcoming the status of colonization/colony. However, despite the end of formal colonialism in Latin America, Quijano explains that aspects of coloniality did not vanish [4]; they remained as the so-called "hidden face of modernity" [5].

It should be noted that colonialism and coloniality are two distinct concepts. Colonialism is the historical process of direct territorial, political, social, and cultural domination by Europeans — marked by the ascendancy of nation-states — over conquered peoples. Coloniality, in the other hand, is the understanding that such domination and subjugation remains an enduring cognitive dimension even after the end of the colonization process [6].

When Quijano [4] states that aspects of coloniality remain even after the end of the colonialism process, it is because contemporary societies continue to live under the same pattern of Eurocentric global domination imposed by the modernity project, with repercussions in all areas of human existence, including nature.

Western Europe emerges as the central seat of control of the world market (of capital, labor, and resources) because of its geographic location (through which the traffic of goods necessarily took place) and its advantage in the control of precious metals and other products extracted from America through the domination of the workforce of Blacks, Indigenous peoples, and mestizos [7]. This same logic of domination and superiority was applied in the relations between humans and Nature, culminating in the coloniality of nature, which can be broadly observed in development processes.

At a global level, it can be said that development is the driving force behind the connection between countries and nations, the consolidation of international organizations, and systems of collaboration, solidarity, the fight against poverty, human suffering, and the promotion of general well-being. At the same time, it also represents a colonial facet of the civilizing project of Western modernity, with a focus on scientific and economic growth and industrialization. Thus, the very concept of development is contradictory, because while it represents progress, evolution, or improvement, it also signifies the consolidation of extractive capitalism, which has been causing a latent planetary environmental tragedy and the disappearance of peripheral traditions and

cultures [8].

In this way, the modern and colonial developmental discourse has provoked the extrapolation of the biophysical limits of planet Earth, and although it can be disguised as “sustainable development,” it is not [9]. This is because the notion of sustainable development requires that economic and ecological values be aligned with the limits of nature and the integrity of its regeneration cycles, which obviously conflicts with the purposes of the capitalist production system. Development does not recognize that unrestricted extractivism and the exploitation of natural and human resources conflict with the fundamental principles of ecology [10].

Global development is, therefore, a latent representation of the coloniality of nature, since it is characterized by anthropocentric, mechanistic, exploitative, individualistic, and capitalist domains, leading communitarian, humanitarian, and ecological structures to complete neglect and distancing from the true conception of sustainable development [11].

Thus, the coloniality of nature is a paradigm imposed by modern colonial civilization on the rest of the world, in which humans and nature are placed in two ontologically unrelated and independent spheres, based on a binary and Cartesian conception of the material world as a machine. The ontological rupture between body and mind, between reason and the world — so present in coloniality (in all its aspects) — changes the understanding of what the planet is: it ceases to be something in tune with the cosmos and becomes a despiritualized mechanism, which can be used according to modern rationality [12].

Cartesian binary logic is a division that completely discards the age-old relationship between human beings, plants, and animals, as well as their connection with the spiritual and ancestral worlds (which are also understood as living beings). It also denies the notion that human beings are part of Earth-nature [12].

Thus, this break with the way nature was understood — not only in Europe but in all cultures on the planet — reached its peak with colonization, from 1492 onwards. Until then, an organic vision of the world prevailed, in which nature, humans, and knowledge were part of an interrelated complex. However, with the formation of the capitalist world-system and the colonial expansion of Europe, this organic vision began to be subordinated. Gradually, the idea prevailed that nature and humankind are separate spheres, and that the function of knowledge is to exercise rational control over the world and its resources. Thus, the separation between humans and the environment turned the human being into a predator of their own surroundings, assuming the role of owner and lord of the world. This is the notion of the objective and universal character assumed by Eurocentrism, articulated through the domain of science and scientific knowledge and its self-proclaimed superiority over other peoples and cultures [13].

By understanding the constitutive relationship between

colonialism and capitalism, it is possible to recognize the fundamental role that the colonization of nature played in the formation of the modern world and in the global environmental crisis [14]. In this sense, the conception of nature linked to the modern/colonial project — positioning it as a mere resource to be exploited — results in the anthropomorphic pretension of human superiority over it. This separation is reinforced by the idea that human development is only possible when nature is placed at the service of human needs — what Dussel calls an “exploitable object” [16] — directly linked to capitalist profit, regardless of the environmental costs this implies [15].

The old symbiotic relationship between humans and nature has been replaced by an exploitative, predatory, and anthropocentric economic connection, along with a mechanistic worldview that leaves a trail of ecological destruction across the most varied global ecosystems [10].

The domination of nature, together with the domination of labor and capital, represents the core of the modernity project and the origin of “civilizing progress” [8], in the Eurocentric view. Thus, the pattern of power and world domination in modernity is defined as part of colonialist and capitalist forces, consolidated through private ownership and control of the means of production, labor force, and natural resources, all of which are based on the world market and capital [17].

The paradigm of development and power relations, based on coloniality, sustains the perpetuation of an ecological pattern of behavior by industrialized states. Thus, the countries identified as “developed,” in the name of absolute progress, exploited the natural resources of others in an unbridled way (as well as their own territories), plundering peripheral peoples, first through the colonization of these regions already inhabited by other peoples and, in contemporary times, through productive relations established in the context of the world market marked by inequality [8].

These places are, today, those most affected by the environmental imbalance, as they had their ecosystems destroyed through colonization. Soon after, the industrialization process began with the same colonialist logic. As a result, the environment of these territories did not have enough time to recover and adapt [9].

The incessant process of capitalist production and consumption by humanity, in favor of the so-called development, is causing what Alves calls an “ecocide of wildlife” [18]. It is also surpassing all biophysical limits of planet Earth. The influence of human beings on nature is so drastic that it has represented, for the first time in human history, the configuration of a new biogeological phase, currently defined as the Anthropocene.

The term “Anthropocene” was first proposed in 1980 by the biologist Eugene Stoermer and popularized by Paul Crutzen, Nobel Laureate in Chemistry, in 2000, characterizing the current epoch, which began within the last 500 years, as a period marked by the centrality of the *Anthropos* in geothermal transformations and the planet's climate [19].

There is no discussion that Earth has gone through several climate changes throughout its geological history, some of which have even been much greater than what is currently experienced in the world. It turns out that they were all the result of natural causes, such as changes in Earth's orbit around the Sun, changes in solar activity, variations in Earth-Moon orbital dynamics, or the impact of large meteorites. However, in the Anthropocene — a geological period marked by human presence and the development of societies — climate change occurs at an intensity and speed far above the planetary capacity for regeneration, resulting in an unbalanced increase in Earth's temperature [20].

The environmental crisis and, more directly, climate change, show that humanity's destructive relationship with nature puts all forms of life on the planet at risk. Science has already been warning for years about two interconnected phenomena: the imminent risk of collapse of the world's ecosystem due to global warming, which could lead to the extinction of millions of species, including humans [21], and the fact that the world techno-economic frenzy, animated by the insatiable thirst for profit, is the engine of degradation of the biosphere and the anthroposphere [22].

Also, the recent Intergovernmental Panel on Climate Change (IPCC) report, titled “AR6 Climate Change 2021: The Physical Science Basis” [23], confirms that the current situation is on red alert. It states that climate change and the environmental emergency are undoubtedly the results of human actions in the context of the capitalist system. Furthermore, it affirms that many of these changes are already irreversible, especially in the ocean, on ice sheets, and at sea level.

Another IPCC report, titled “Impacts, Adaptation and Vulnerability” [24], from 2022, demonstrates that social processes generate unequal exposure to risk, which means that the communities and nations that contributed least to this problem — those that are the most vulnerable, the poorest on the planet, and have the lowest capacity for adaptation — are the ones that suffer the most from its consequences.

The aggravation of climate change has its origin in the development of the project of modernity and in human behavior shaped by the pattern of power and global domination, which was later classified as the coloniality of nature.

It highlights the context of an unprecedented global ecological crisis that, despite numerous efforts to reduce risks, continues to affect the lives of billions of people around the world. Data from the United Nations (UN) demonstrates that natural disasters are increasing and exacerbating poverty, hunger, food insecurity, water scarcity, lack of access to natural resources essential for self-sustenance, and even violence, forcing the displacement of millions of people every year [25].

For comparison, it is worth mentioning the recent Coronavirus Disease (COVID-19) pandemic that devastated the planet. This disease revealed how vulnerable human beings are when nature rebels against the damage inflicted on it.

However, the impact of this disease is minimal when compared to climate change. The threat posed by the pandemic is not existential; the threat posed by climate change is [20].

Thus, man's relationship with nature, based on this cognitive dimension of coloniality, results in an environmental crisis and, consequently, in drastic climate changes that are now imminent and globally evident, negatively impacting all forms of life on planet Earth. One of the most severe consequences of this scenario for human beings is the phenomenon of environmental refugees, which affects everything from the most basic and urgent aspects of survival to the complex socioeconomic and legal relations.

3. Devastating Impacts of Climate Change: Environmental Refugees

History is full of cases of migration caused by environmental changes and by the search for better land for agriculture, community settlement, and subsistence. However, the voluntariness of these migrations has always been a predominant factor. In recent decades, research shows that environmental causes — especially disasters driven by climate change — have become the central driver of involuntary human mobility [26].

Currently, forced displacements of populations originate from virulent forest fires, rising sea levels, lack of fresh water, increased salinity of aquifers, floods, the growing recurrence of extreme weather events such as typhoons, cyclones, and hurricanes, and the destruction of crops in many regions of the planet, among other factors [20].

Information presented in the “Ecological Threat Register,” from the Institute for Economics & Peace [27], indicates that, by 2050, about 1.2 billion people will be forced to leave their homes due to climate change.

Climate change affects human mobility in complex ways, which can be observed in two main scenarios: sudden-onset and slow-onset changes. Sudden-onset events (such as cyclones, hurricanes, floods, and forest fires — which tend to recur over time and are increasingly frequent) increase populations' vulnerability and make it more difficult for them to recover and rebuild in the same location. In contrast, slow-onset changes (such as droughts, salinization, soil and water pollution, desertification, coastal erosion, and sea level rise) impact the livelihoods, health, and resilience of populations over the long term, and tend to cause more permanent displacement, given their lasting or potentially irreversible effects on certain regions and entire communities [26, 33]. In both cases, migration motivated by environmental causes is a symptom, not the cure [28].

The urgency of the situation demands emphatic action. Some legal scholars and international organizations, including the United Nations High Commissioner for Refugees (UNHCR) itself — which adopted the term “environmentally displaced persons” — reject the use of the term “environ-

mental or climate refugee,” emphasizing that it lacks legal basis. However, renouncing the term also contributes to the depoliticization of these migrations — a reality this paper seeks to confront.

Although often rejected, the term “environmental refugee” has been used since the 1970s in academic literature and gained prominence with the publication of El- Hinnawi’s article in 1985. In the 1990s, the topic gained visibility with the publication of the IPCC’s First Assessment Report (FAR) in 1990 [29]. Therefore, the term has been in use for nearly half a century, and to this day, the international community has not recognized refugee status for environmental causes.

In international law, there is a solid differentiation between refugees and migrants [30], as established in Article 1 of the 1951 Convention, which defines only a few causes that characterize refugee status, such as race, religion, nationality, membership in a particular social group, or political opinion. Other causes — not described in the law — characterize only migration.

This differentiation demonstrates that the question of nomenclature is not a mere detail; the term chosen to describe people who move for climatic reasons should not be neutral, because refugees — i.e., people who are forced to move — have more legal protection than migrants — i.e., people who move voluntarily [31]. This research argues that people displaced by the consequences of environmental degradation and climate change are not moving voluntarily, but rather under forced and coercive conditions.

The word *refugiare*, from Latin, means “to seek shelter,” indicating that a refugee is an individual who seeks shelter from something that threatens their life. Although the 1951 Convention and its 1967 Protocol limit legal protection to specific groups of people, this does not mean that the word “refugee” cannot be used in other contexts [32].

The use of the expression “environmental refugees” is both legal and political, as well. The aim of using this expression is to assert a stronger guarantee that the millions of human beings subjected to forced migration will receive the care and assistance from the international community, to safeguard their most basic interests, such as housing, food, health, education, security, and, above all, respect for the refugee’s human dignity [35].

Thus, when referring to environmental refugees, it is irrelevant whether there is any degree of voluntariness; the term encompasses people who cross borders and those who move internally, whether temporarily or permanently, as well as those who simultaneously face other forms of vulnerability [36].

However, since environmental reasons are not included in the legal definition of persecution under Article 1 of the 1951 Refugee Convention [30], the victims of such situations cannot be recognized as refugees, which prevents government institutions from ensuring their effective protection.

The international legal instrument that could address the situation of environmental refugees is the International Hu-

man Rights Law. However, the broad and generic rights provided in these international documents are not enough to guarantee protection for people who move for environmental reasons — whether due to the absence of specific migration policies or to the fact that their implementation is not mandatory and lacks binding enforcement mechanisms, which increases the chances of human rights violations [34]. In addition, it is emphasized that climate change itself challenges and directly affects internationally recognized “universal” human rights, whose already fragile effectiveness is further undermined.

Thus, the restricted definition of the refugee category at the international level and the lack of recognition of environmental causes as a triggering factor within the international refugee regime directly affect the situation of environmental refugees, since the granting of refugee status is not automatic and requires a formal application procedure before the government of each country. If the country in question does not have a legal instrument that expands the definition of refugees, it will apply the international standard in a restrictive manner, and individuals seeking cross-border protection will face additional obstacles due to the absence of legal recognition for the condition of environmental refugees [37].

At least since 2007, the International Organization for Migration (IOM) has been working to draw attention to the urgency of recognizing the legal status and rights of environmental refugees, with a view to preventing forced migration in the context of environmental and climate change, and to helping protect vulnerable populations and reduce their exposure [38]. However, these individuals continue to be generically identified as “environmental or climate migrants,” which perpetuates the legal gap in their protection — mainly because the climate factor alone is still not accepted by international mechanisms as a valid reason for granting refugee protection or any other legal form of protection or admission [38].

It is worth noting that there are some international initiatives that address climate or environmental migrations, including the Cancun Adaptation Framework (2010), the Nansen Protection Agenda (2015), the Division of Migration, Environment and Climate Change of the International Organization for Migration, the Paris Agreement (2015) — albeit superficially —, and the New York Declaration (2018) [38].

However, the international discussion tends to focus on three main points: the lack of recognition of environmental issues as a human rights matter; the absence of specific protection for environmental refugees; and the premise that States adopt environmental policies voluntarily and consensually, without coercive mechanisms in international law to ensure the effectiveness of national programs or to require stronger commitments from State Parties [39].

The main legal obstacle lies in the fact that, despite the urgency of the issue, protection measures remain generic and

ineffective in practice. There is a lack of specific legal instruments for environmental refugees, and global governance remains centered on capitalist interests and the coloniality of nature.

The responsibility of dominant countries is neither sufficiently acknowledged nor adequately addressed, and the recovery of rationalities and cultures excluded and silenced by modernity still lacks the space and influence it should have in international legal discourses. It is only possible to face climate change if humanity first confronts the capitalist and colonial rationality that has systematically driven the destruction of life on the Planet — as only by doing so can legal alternatives for the prevention, protection, and reception of environmental refugees gain strength.

Furthermore, people affected by environmental catastrophes or having to deal with the extreme consequences of climate change, in addition to being in an extreme legal vulnerability, are also deprived of the basic right to have a standard of living capable of ensuring their own and their family's health, well-being, food, water, clothing, housing, and medical care, thereby violating their rights to life and physical integrity [40].

As previously discussed, the International Human Rights Law, in addition to being generic and of limited applicability, was established on Eurocentric and colonial rationality, thereby excluding other ways of thinking and understanding human dignity from a document that is claimed to be universal [41].

Therefore, there is a need to create international legal instruments that provide effective protection to those who migrate under vulnerable conditions, especially environmental refugees, as well as to promote greater recognition of nature as a bearer of rights.

There is no doubt about the fragility of migrants and refugees in general. However, the vulnerability of environmental refugees stands out — not only due to the displacement experience itself but also because of the socioeconomic and environmental conditions that forced them to migrate. The causes behind these displacements are often destructive and irreversible, making it impossible for many to return to their places of origin. Additionally, the widespread instability generated by environmental destruction and climate change affects all regions of the world. The absence of adequate legal, economic, and social support leads to significant psychological distress.

This extreme vulnerability, combined with the loss of their most basic rights, leaves environmental refugees in a liminal condition between territories (i.e., between States), and the recovery of these rights depends directly on their territorial and, consequently, legal reintegration within a framework of state governance and public policy [42]. The starting point must be an ethical one, grounded in the idea of co-belonging — the idea that citizenship, above all, means living in the same place and recognizing the environment as an integral part of human existence, in a relationship that is both intrinsic

and necessary.

4. Decolonization and Environmental Refugees: The Need to Cover the Rights of Nature as Part of Human Rights

According to classical theory, the human rights established in the 1948 Universal Declaration of Human Rights (UDHR) are presented as a list of guarantees and rights supposedly “inherent” to human beings, considered essential for a dignified life [41].

However, the construction of this document — as well as the very concepts of the individual and of dignity — is based in Western European, bourgeois, liberal, Eurocentric, and colonial rationality. As a result, other ways of thinking and understanding human dignity are not included in this supposedly universal text [43]. Historically, human rights have been framed as the outcome of North American and European struggles, revolutions, and demands, and they continued to be sustained by a Eurocentric worldview [41].

The problem lies at the very core of the proposal for the universalization of human rights provided for in the UDHR, which is committed to a Eurocentric epistemic-ontological framework. It is a product of modernity, in intimate and essential connection with coloniality [44], which has been present since the foundation of the very concepts of humanity, dignity, individual rights, the state, equality, and freedom [45].

The worldviews of peripheral peoples, their processes of (re)production of life, and their integrated relationship with nature were also disregarded, in such a way that the denial of their humanity contributed, throughout history, to justify the disassociation of nature as an essential element of human rights. It is necessary to adopt a critical stance based on the understanding that humanity is composed of historical beings constituted through *praxis* — that is, they create their own history, as it should be: through the very *praxis* of the liberation of the oppressed [46] — which implies the need for a decolonization of human rights.

This perspective provides a framework for understanding human rights as a site of struggle and resistance against the various forms of colonization of the lifeworld promoted by capitalist development. The decolonization of human rights from the liberal-individualist tradition represents a process that transcends the universalist modernity — with its epistemic inconsistencies and its practices of violent and oppressive domination through the so-called “civilizational process” — as a way of overcoming the belief that models produced in the Global North are universal and suitable for societies around the world [47].

The current global scenario of climate change, along with its numerous and severe consequences — especially regarding the impact on the lives of millions of people — demon-

strates that the solutions grounded in the ideas of Western capitalist and colonial modernity will continue to fail until a shift in perspective and paradigm occurs [3].

The dignity of the human person, the core of human rights, cannot be separated from the right to an ecologically healthy environment, one that ensures well-being, health, and subsistence. Therefore, when addressing climate change, it is impossible not to refer to the increasingly urgent risk of harmful effects on the most basic rights of human beings, directly tied to survival, and which put global stability at risk in an astonishing short time. Ecological balance is closely related to the guarantee of human dignity, especially in contexts of poverty or social vulnerability [48].

There is no way to disassociate capitalism from the colonial construction of human rights and the impact of economy systems on the effectiveness of rights. The economy functions to preserve the social and power relations initially established by colonialism and imperialism, sustaining a single way of seeing, understanding, and acting in the world. This process translates into an economy disconnected from the social, characterized by individualistic subjects, in which greed is the rule of action, and the economy is reduced to the competitive struggle among these individuals [41].

The “rationality of resistance” [44], capable of triggering actions in defense of human dignity, is proposed as an insurgent thought from the South to confront hegemonic rationality. It is necessary to recognize the ambiguous nature of human rights: on the one hand, they are associated with the colonialist cultural production of the West; and, on the other hand, they embody a critical dimension in opposition to capitalist globalization and the expansion of its oppressive and exclusionary consequences [49]. A conceptualization of human rights must be adopted from a critical and complex view, incorporating the multiple dimensions of reality and the different forms of production and reproduction of life that necessarily integrate (or should integrate) the definition of human rights [43].

Rethinking human rights from a decolonizing perspective opens the way for the recognition of the rights of nature as a facet of human rights conceived beyond the logic of capital. It is necessary to build a civil society capable of defending the continuity of human life on Earth [50]. Re-establishing and rebuilding the connection between nature and people is an act of decolonization and a pathway to liberation for society as a whole [6].

It is necessary to recognize nature as a subject and, thus, as capable of holding rights. The rights of nature, therefore, belong to nature itself — to rocks, rivers, their fauna, and flora — regardless of the value assessments made by human beings. These rights should therefore be considered as part of human rights, as they are not opposed to one another but are, instead, interdependent [51].

To highlight this, the new Latin American constitutionalism can be cited as a practical example of decolonization, as it recognizes nature as a subject entitled to rights. For in-

stance, the Ecuadorian Constitution of 2008 includes a historically transcendental recognition of the rights of nature, which considers Mother Earth, or *Pachamama*, as a living being — with intelligence, feelings, and spirituality — and with humans considered elements of it [6, 52]. That is, Ecuador’s Constitution preserves human rights related to environmental quality while also recognizing that nature possesses its own rights, independent of human evaluations, including the right to environmental recovery [51].

In that legal system, ancestral knowledge is inserted as an epistemically relevant element, promoting cultural plurality and contributing to the process of epistemic decolonization [52].

Like Ecuador, other South American countries have adopted similar positions, though in a milder form. In the 1980s and 1990s, environmental protection was incorporated as a constitutional right in almost all Latin American constitutions. The only exception is Uruguay, which, although it does not enshrine environmental protection as a right, considers it to be of general interest.

The Colombian Constitution of 1991, for instance, has an intercultural character and recognizes indigenous communities, providing them with important jurisdictional guarantees; the Venezuelan Constitution of 1999 is marked by its independence, pluralism, and anti-colonial content. The 2009 Bolivian Constitution is also noteworthy. Although it was not initially successful in introducing the innovative ideas of *buen vivir* and the rights of nature, it was later satisfactorily complemented by two laws dedicated to Mother Earth, such as Ley n. 300 - *Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien*, (Framework Law of Mother Earth and Integral Development for Living Well), enacted on October 15, 2012 [51].

In any case, the new constitutionalism, and the effective realization of the principles of the decolonization of nature start with the necessary recognition of *Pachamama* as a subject of rights and *buen vivir* (or *sumak kawsay*) as an elementary principle [6]. This restores the possibility of embracing and accepting other truths and rationalities capable of facing the ongoing social and environmental destruction. By interweaving human beings and nature, and seeking to (re)build a harmonious and diverse relationship, it supports the prevention of environmental disasters [52].

This perspective breaks with the anthropocentric logic of capitalism as the dominant civilization [50]. It embraces nature (*Pachamama*) as a subject with rights, opposing the exploitative and mercantilist economic perspective of development based on environmental destruction [46]. This is the so-called “care paradigm” [53], which has two approaches: ecosystemic and intercultural.

The ecosystemic approach presupposes applying the principles of ecology within the legal system; the legal framework must be aligned with the principles of ecological sciences. It is assumed that all laws, in some way, impact the environment and therefore must be drafted with proper atten-

tion to ecological concerns — including, for example, the recognition of a stable climate as a human right.

The intercultural approach, in turn, focuses on the relationship among human beings, which implies, from a legal perspective, an application of principles such as fraternity, empathy, and compassion in interpreting and applying the law. These two approaches must be incorporated into the constitutional scope as guiding principles to define a new form of State.

Recognizing the rights of nature must be seen as an urgent moral obligation, not a mere political option [54]. It is necessary to change the worldview and paradigms, to stop considering the world as a machine and return to seeing it as a network, in which nature plays a central and primordial role, even regarding the safeguarding of human rights. The right to life is related to the mode of production of goods and the way a community organizes itself and relates to the ecosystems on which it depends and with which it interrelates, so that the defense of the human right to life also implies the defense of nature and its vital environment [49].

Although the incorporation of the rights of nature into the constitutional scope of several Latin American countries has significantly contributed to the environmental, legal, and governmental transformation in these States, there is still no legally binding global instrument that recognizes the rights of nature as fundamental [54].

The decolonization of human rights necessarily implies the recognition of the human right to a healthy environment, in connection with the rights of nature itself to have its existence and regeneration respected, which must also be recognized as a matter of human rights [39].

It is essential to rethink the structure of the world system and societies, in addition to classic human rights instruments, aiming to ensure effective protective measures for the multitude of people who will be seriously affected by climate change and its extreme events [39]. The current reality of the global environmental emergency and the international community's growing awareness of the necessary connection between climate change and human rights should impel States to act: to protect the environment and nature, to mitigate climate change, and to reduce the negative impacts resulting from the current inadequacy of human rights protections.

5. Conclusions

The effects of climate change, especially in the phenomenon of environmental refugees resulting from the multidimensional ecosystem crisis of global impact — which has promoted the ecological destruction of life and the environmental destabilization of the planet — are unequivocal indications that the current modern world-system, as it stands — characterized by being capitalist, hegemonic, and based on the coloniality of nature (that is, on the Cartesian binary logic that identifies nature as a mere object of exploitation) — cannot continue.

Based on the studies carried out in this research, it was possible to address the proposed research problem by pointing out that, in order to overcome the coloniality of nature in the light of Human Rights, it is necessary to strengthen decolonization processes — both of nature and of human rights — and to recognize that the elements of a new paradigm, based on the recognition of the rights of Nature as a primordial part of Human Rights, can address the challenges of the climate crisis and environmental refugees, serving as a legal-political-ecological strategy.

It is believed that this lack of recognition of the rights of nature (also as part of human rights) directly influences the absence of environmental causes as a component of the refugee framework. This is because, from the moment nature is recognized as a subject of rights, the defense of the environment and the guarantee of the rights of nature attain a higher status and gain greater prominence at the international level, which can contribute to addressing the situation of environmental refugees and to their recognition under international law.

In addition, such recognition can contribute to the decolonization of nature and to the improvement of the global environmental situation, consequently reducing the trajectory of global warming and climate change, which will directly impact the frequency of environmental disasters and, therefore, the lives and rights of millions of people.

Abbreviations

IPCC	Intergovernmental Panel on Climate Change
AR6	Sixth Assessment Report
UN	United Nations
COVID-19	Coronavirus Disease 2019
UNHCR	United Nations High Commissioner for Refugees
FAR	First Assessment Report
IOM	International Organization for Migration
UDHR	Universal Declaration of Human Rights

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Conflicts of Interest

The authors declare no conflicts of interest.

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