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# Challenging anthropocentrism in human rights: children's relational approach to the right to a healthy environment

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*As the world faces increasingly interconnected social and ecological challenges, many activists and scholars are turning towards relational approaches to rethink how humans live with and within nature. The law has become increasingly recognized as a vehicle for driving stronger protection for both the environment and humans, and deep systemic change. Yet even legal frameworks often operate within anthropocentric and dualistic structures that position humans as separate from nature – facilitated by modernism, capitalism and Euro-centric ontologies. In this article, it is argued that children and young people are championing a relational approach to climate justice which challenges the underpinning assumptions of the human rights framework. Through child/youth-involved climate cases, young plaintiffs are drawing on their relationships with the natural world to demonstrate how the climate crisis is violating their rights and subsequently giving meaning – through their own lived relational experiences – to the right to a healthy environment. Drawing on child/youth climate cases and research from children's geographies and developmental psychology, this article argues that children and youth are contributing in their own distinct ways to emerging human rights conceptualizations that reimagine the human/nature relationship beyond anthropocentric and dualistic terms.*

**Keywords:** *Children, Youth, Climate justice, The right to a healthy environment, Relationality, anthropocentrism, Climate litigation*

## 1 INTRODUCTION

The way humans have been living with nature – especially in the industrialized, modern world – has led to ecological challenges such as climate change, biodiversity loss and pollution which, in turn, have negative societal consequences for food security, public health and poverty eradication. While scientific advancements and innovative policies offer tools to transition towards more sustainable lifestyles, these alone are insufficient in achieving the systems-level change needed to tackle the triple planetary

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crisis. Typically grounded in traditional Western ideologies,[1] these technologies and policies are often developed within modernist paradigms of separation, control and manipulation which generate binaries between human society and nature.[2] The law has also become increasingly recognized as one of these mechanisms for attempting to achieve stronger protection for both the environment and humans and lasting systemic change. Using the law to address the climate crisis, e.g., via rights-based litigation, acts as a vehicle for placing legal obligations on governments and businesses to hold them accountable for the impact they have on the environment which subsequently affects human and more-than-human communities.[3] Yet, even legal frameworks often operate within anthropocentric and dualistic structures that position humans as separate from nature – facilitated by modernism, capitalism and Euro-centric ontologies.[4] In contrast, what truly challenges this separation are relational approaches which emphasize the interdependence, reciprocity and co-existence between humans and the more-than-human world,[5] as well as the responsibility to care for these relationships.[6] Relational worldviews and ways of being are inherent to Indigenous cultures around the world and offer a different, more holistic perspective on environmental protection. As the world faces increasingly interconnected social and ecological problems, many activists and scholars are turning towards such relational approaches as a way to rethink how humans live with and within nature.[7]

Since the 1970s, the concept of a right to a healthy environment has evolved as a legal mechanism to bridge the gap between humans and the natural world.[8] Around

1 In this context, I use 'Western' to refer to the dominant ideologies and worldviews originating from ancient Greek philosophers to the Age of Enlightenment and Industrialization, which have shaped the understanding of humans and nature as separate. Western thought is grounded in dualist interpretations (e.g., human/nature, mind/body) and centres the human as dominant and superior to all else, especially the natural world and nonhuman beings. For reference, see JM Meyer, 'Interpreting Nature and Politics in the History of Western Thought: The Environmentalist Challenge' (1999) 8 Environmental Politics 1; V Plumwood (ed), *Feminism and the Mastery of Nature* (Routledge 1993).

2 U Natarajan, 'Who Do We Think We Are?: Human Rights in a Time of Ecological Change' in Usha Natarajan and Julia Dehm (eds), *Locating Nature* (Cambridge University Press 2022); A Grear, '"Anthropocene, Capitalocene, Chthulucene": Re-encountering Environmental Law and Its "Subject" with Harawary and New Materialism' in Louis J Kotzé (ed), *Environmental Law and Governance for the Anthropocene* (Bloomsbury 2017).

3 C Martin, 'Drops in the Ocean: The Hidden Power of Rights-Based Climate Change Litigation' (2024) 56 Case Western Reserve Journal of International Law 151.

4 S West and others, 'A Relational Turn for Sustainability Science? Relational Thinking, Leverage Points and Transformations' (2020) 16 Ecosystems and People 304.

5 More-than-human, originally coined by David Abram in *The Spell of the Sensuous: Perception and Language in a More-than-Human World* (Vintage 1996), captures the intricacies of human/nature relations that terms like 'environment' cannot. More-than-human recognizes humankind as embedded within the more-than-human world, which is only one small part nestled within a large system of living and non-living beings on which humans are dependent. I use more-than-human, nature and natural world interchangeably to encapsulate the complexities of life on Earth. I use environment when referring to the legal context where appropriate.

6 S West and others, 'Relational Approaches to Sustainability Transformations: Walking Together in a World of Many Worlds' (2024) 20 Ecosystems and People 1, 2.

7 HN Eyster, T Satterfield and KMA Chan, 'Empirical Examples Demonstrate How Relational Thinking Might Enrich Science and Practice' (2023) 5 People and Nature 455.

8 JT McClymonds, 'The Human Right to a Healthy Environment: An International Legal Perspective' (1992) 37 New York Law School Law Review 583.

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this time, the interdependent relationship between the natural world and human society gained greater attention, particularly as the scientific community warned about the consequences of rising human-induced greenhouse gas (GHG) emissions.[9] This growing environmental consciousness, especially in the West, led to a shift in thinking, reframing the 'environment' from something to be exploited to a resource that must be protected (yet, this protection was for the sake of preserving the environment for continued use by humans and its economic value, rather than recognizing the inherent value of the environment itself).[10] Despite this growing concern for environmental protection, international environmental law and international human rights law have remained largely anthropocentric, embedded in philosophies and institutions that have facilitated a separation between humans and nature.[11] Even though the right to a healthy environment emerged as a means to bridge this gap, it is still a *human* right embedded in a legal system that perceives humans and nature as separate, where nature is simply 'made up of resources to fulfil human desires' to which humans are entitled to manipulate and possess.[12]

The assumption that humans and nature are separate, within the legal system particularly, must be contested and reimagined to address the interconnected social and ecological crises we face today.[13] Implementing a right to a healthy environment without interrogating the underlying assumptions of human rights (e.g., anthropocentrism, individualism) risks reinforcing the human/nature binary that underpins environmental exploitation and degradation. Encouragingly, this binary is already being contested, and there has been a notable shift towards more holistic, ecocentric interpretations of the right to a healthy environment. At both the national and regional levels, e.g., African and Inter-American (particularly Latin American) courts, some constitutions and regional instruments recognize the inextricable relationship between humans and the ecological systems that support life and the rights of nature and other living beings.[14] This ecocentric turn acknowledges the inherent value of nature, increasingly assigning legal rights to non-human beings regardless of their utility to humans.[15] Yet, an ecocentric approach can still leave open the possibility of conceptualizing humans and nature as separate.[16] Rather, focusing on relationships and the understanding that

9 D Shelton, 'Human Rights, Environmental Rights, and the Right to Environment' (1991) 28 Standford Journal of International Law 103.

10 U Natarajan and J Dehm, 'Introduction: Where Is the Environment?: Locating Nature in International Law' in Usha Natarajan and Julia Dehm (eds), *Locating Nature* (Cambridge University Press 2022) 3.

11 LJ Kotzé, 'Human Rights and the Environment in the Anthropocene' (2014) 1 The Anthropocene Review 252; Anthropocentrism refers to the dominant human-centred discourse which sees the natural world as a 'resource', which has greatly shaped human understandings of and behaviours towards the environment (H Dancer, 'Harmony with Nature: Towards a New Deep Legal Pluralism' (2021) 53 The Journal of Legal Pluralism and Unofficial Law 21).

12 Natarajan (n 2) 203.

13 ibid.

14 P Trincado Vera, 'Rights of Nature in the Inter-American Court of Human Rights: Understanding the Ecocentric Approach to the Right to a Healthy Environment' (2024) 33 Review of European, Comparative and International Environmental Law 521.

15 S García Muñoz and IG Perotti Pinciroli, 'The Inter-American Ecocentric Turn of the Right to a Healthy Environment: From Transformative Approaches to Environmental and Climate Justice' (2026) 17 Transnational Legal Theory 24.

16 E Jones, 'Posthuman International Law and the Rights of Nature' (2021) 12 Journal of Human Rights and the Environment 76, 97.

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'no entity pre-exists the relations that constitute it'[17] can help to create a shift in international law, specifically the human rights framework, towards values of reciprocity and oneness, where the right to a healthy environment is not an entitlement but a right to live in harmony with nature and to understand we are all part of the same ecosystem. Embracing a relational approach, especially within legal systems, 'opens up alternative ways of conceptualising nature'[18] and can make 'explicit that humans and the environment are inextricably intertwined'[19] which allows the human rights framework to be reconceptualized as one that sees humans as part of nature.

In recent years, children and youth have become a global force in shaping and further progressing the right to a healthy environment within domestic, regional and international law.[20] As those most affected by the climate crisis, due to their unique physiology, sensitivity to climate exposures and amount of time left on Earth (among many other factors),[21] children and youth are protesting in the streets, running social media campaigns and accessing courts to demand systemic change for more effective environmental protection and climate justice.[22] Using a human rights-based approach and invoking their right to a healthy environment across various jurisdictions, younger generations are utilizing the legal tools available to them to draw attention to the negative consequences that the climate crisis has on the realization of their rights.[23] However, they are not using these tools to simply protect human interests; children and youth are illuminating the interconnectedness between humans and the natural world through a relational approach that challenges the individualistic underpinnings of international human rights law. While the recognition of the right to a healthy environment has evolved over decades in its content and legal interpretations, children and youth are further advancing and shaping this right in ways that depart from its anthropocentric origins: 'they are shifting the human-centric, highly procedural arena of international human rights law towards an approach which better encompasses person-environment connections'.[24]

In the context of the climate justice movement,[25] children and youth are contributing in their own distinct ways to emerging human rights conceptualizations. Through legal interventions and lived relational knowledge, young climate activists are challenging

17 Z Walsh, J Böhme and C Wamsler, 'Towards a Relational Paradigm in Sustainability Research, Practice, and Education' (2021) 50 Ambio 74, 76.

18 RR Holst and R Zegers, 'On Human(Made) Nature: A Socio-legal Conceptual Analysis of Nature Restoration in the North Sea' (2025) 37 Journal of Environmental Law 1, 3.

19 SL Seck, 'Relational Law and the Reimagining of Tools for Environmental and Climate Justice' (2019) 31 Canadian Journal of Women and the Law 151, 177.

20 A Daly, 'Climate Competence: Youth Climate Activism and Its Impact on International Human Rights Law' (2022) 22 Human Rights Law Review 1; E Donger, 'Children and Youth in Strategic Climate Litigation: Advancing Rights through Legal Argument and Legal Mobilization' (2022) 11 Transnational Environmental Law 263.

21 Z Xu and others, 'Climate Change and Children's Health – A Call for Research on What Works to Protect Children' (2012) 9 International Journal of Environmental Research and Public Health 3298, 3299.

22 A Daly and others, 'Climate Action and the UNCRC: A "Postpaternalist" World Where Children Claim Their Own Rights' (2024) 4 Youth 1387.

23 G Gasparri and others, 'Children, Adolescents, and Youth Pioneering a Human Rights-Based Approach to Climate Change' (2021) 23 Health and Human Rights Journal 95.

24 Daly (n 20) 16.

25 The climate justice movement can be defined by the collective actions and approaches taken by individuals and groups globally to address injustices faced by not only human beings

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dominant interpretations of environmental rights. Lived relational knowledge encompasses both the lived experiences and relational knowledge that children/youth are integrating into their legal claims and arguments, which focus on their relationships with and connection to the natural world (e.g., through place, wildlife and plants) and both their negative and positive first-hand experiences within nature that influence their daily lives.[26] Their litigation efforts target governments and fossil fuel companies for failing to act on the climate crisis, arguing that such failures not only harm ecosystems but also violate fundamental human rights, particularly the right to a healthy environment.[27] Crucially, their claims are not solely framed in terms of individual harm or human utility; instead, they articulate a relational view in which human wellbeing is understood as inseparable from the natural world. In doing so, children and youth are contributing to a deeper reimagining of what environmental rights mean and how they should function in law.

This relational perspective, in part, is underpinned by a way of knowing shaped by children's everyday embodied experiences with the natural world – experiences that often differ from adults' way of knowing.[28] One of the themes that has gained traction in literature on young climate activism and sustainability has been the influence of nature connectedness at a young age on pro-ecological behaviours in adulthood. However, there has been a greater focus on how early experiences shape *future* environmental attitudes, rather than on how their *current* relationships with nature are actively contributing to transformational change. Similar to debates around children as 'future citizens',[29] focusing on children's relationships with nature for the purpose of fostering future behavioural changes undermines the contributions they are currently making to society. Through their relationships with and understandings of nature, children and youth are advancing the right to a healthy environment as inseparable from their relationships with the natural world, more-than-human life and community.

This article sets out to argue that children and youth, through their climate action, are challenging the human/nature binary that exists within international human rights law and beyond. It reflects on research from children's rights, children's geographies and environmental psychology and draws on child/youth-involved climate cases to demonstrate how young climate activists are influenced by their relationship with and understanding of the natural world. It argues that their approach to climate justice frames humans as part of, not separate from, the natural world – refuting the underpinning assumptions of human rights frameworks and, consequently, advancing the

but also the entire planetary ecosystem. Especially since Greta Thunberg's solo protect in 2018, children and youth have become prominent leaders in this space. See Daly and others (n 22).

26 I use the term 'lived relational knowledge' to identify and define the type of knowledge children and youth tend to share when speaking about the climate crisis, which is relational and based on lived experiences. 'Relational knowledge' is most often used in an Indigenous context to acknowledge the relational epistemology that underpins Indigenous ways of knowing (see JS Ullrich and others, 'Storying and Re-storying: Co-creating Indigenous Well-being through Relational Knowledge Exchange' (2022) 52 American Review of Canadian Studies 247).

27 L Parker and others, 'When the Kids Put Climate Change on Trial: Youth-Focused Rights-Based Climate Litigation around the World' (2022) 13 Journal of Human Rights and the Environment 64.

28 It is important to note that the child/adult binary and romantic construction of childhood, especially in relation to nature, is further discussed in section 3.5.

29 K Nishiyama, 'Deliberators, Not Future Citizens: Children in Democracy' (2017) 13 Journal of Deliberative Democracy 1.

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evolving ecological interpretations of the right to a healthy environment. Section 2 unpacks some of the ideological foundations of international human rights law and provides an overview of the right to a healthy environment and its recent developments across different jurisdictions. Then, section 3 turns to children's relationship with nature and how children and young peoples' connection to the natural world reflects a holistic, relational worldview that departs from anthropocentrism and dualistic thinking. This section then situates this relational approach within the legal context, drawing on child/youth climate case law to demonstrate how young climate activists are reframing environmental rights and climate justice in ways that challenge and transform existing legal and social norms around the human/nature relationship. Finally, section 4 will consider the implications of children and young peoples' relational approach to climate justice and what this means for children's rights and the right to a healthy environment.

The overall aim is to contribute to the scholarship that explores alternative approaches to the right to a healthy environment by framing youth climate justice, through children and young peoples' relational and embodied understanding of the world,[30] as a methodological tool that breaks down the binary between humans and nature in law. West and colleagues argue that there has been a 'relational turn' across many disciplines, searching for non-dualistic concepts that see humans and nature as one in order to 'generate novel governance, management and policy approaches towards sustainability'.[31] Yet, children and youth have barely been recognized as being an important part of this 'turn', and this is what I aim to demonstrate throughout this article.[32]

## 2 THE RIGHT TO A HEALTHY ENVIRONMENT

Protecting and conserving the environment has been one of the main focal points of international law since the end of the 20th century, yet environmental degradation, pollution and biodiversity loss have only worsened.[33] In response to the failure of international environmental law (IEL) to adequately protect the environment, a human rights-based approach to environmental protection emerged over the past 50 years. As rising surface temperatures, extreme weather events, ocean acidification and other consequences of environmental harm increasingly threaten public health, force families to migrate and disrupt cultural practices, the relationship between human rights and the environment has come to the forefront of international law.[34]

30 The views of children and youth included in this article come from those involved in research spaces and climate litigation arenas, which cannot be homogenized to the views and feelings of all children and youth. As mentioned in section 3.2, children have many types of experiences with and views of nature, and these are not always relational.

31 West and others (n 4) 306.

32 A note on positionality: as a white woman from the Global North who was fortunate enough to grow up surrounded by nature as a child, it is important to acknowledge that my views of human/nature relationships come from my particular upbringing, educational background and privilege. There are many socio-political and structural issues which influence the types of relationships people have with nature which should be kept in mind.

33 Natarajan and Dehm (n 10) 1.

34 B Lewis, 'Environmental Rights or the Right to the Environment? Exploring the Nexus between Human Rights and Environmental Protection' (2012) 8 Macquarie Journal of International and Comparative Environmental Law 36.

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The transboundary nature of the climate crisis makes an international human right to a healthy environment an attractive approach for ensuring cooperation by the global community to protect the environment.[35] The climate crisis has a myriad of socio-ecological challenges in which environmental law alone cannot address; thus, an approach that concerns both humans and the planet is essential. Theoretically, imposing legal and moral obligations on States to cooperatively act in favour of a healthy environment to protect human rights could ensure an environment of a particular standard for current and future generations. However, despite the well-intentioned use of human rights to advocate for environmental protection, this approach may inadvertently reinforce the same environmental problems it seeks to address, since IEL and international human rights law (IHRL) are both grounded in similar ontological assumptions about the natural world.[36] Many scholars point to the danger in extending human rights into the discourse of environmental protection due to the fact that human rights law is inherently anthropocentric and individualistic, which perpetuates the separation between humans and the environment, while promoting mastery and ownership of the natural world.[37] This ontological separation between humans and the environment is deeply embedded in the modern legal system, shaping both international environmental and human rights law.[38]

The natural world permeates through all disciplines and principles of international law, from sovereignty, property and development to human rights and labour.[39] And it is these very concepts that treat nature as a commodity: a wealth of resources for human beings to control, own, manipulate and exploit. Thus, in order to address social and ecological crises, there is an urgent need to reexamine, rethink and reimagine international law – specifically human rights – and its underlying assumptions about the natural world. The anthropocentrism of human rights has traditionally framed the environment as something human beings are entitled to and something that must be protected for the sake of human well-being and development. Furthermore, this legal anthropocentrism centres the white, European male as the owner and proprietor of the natural world and its resources,[40] and has excluded types of relationships that other human beings have with nature, such as children and Indigenous peoples. The recognition of the right to a healthy environment at the international level reflects the growing acceptance of the interdependent relationship between human rights and the environment, moving away from the traditional siloed approach when dealing with environmental challenges.

35 McClymonds (n 8) 592.

36 Natarajan (n 12).

37 R Mwanza, 'Framing the Normative Role of the Right to a Healthy Environment: Thinking with Internormativity, Embodiment and Emergence' (2022) 13 Journal of Human Rights and the Environment 349; Natarajan (n 12); Jones (n 16).

38 CG Gonzalez, 'Global Justice in the Anthropocene' in Louis Kotzé (ed), *Environmental Law and Governance in the Anthropocene* (Bloomsbury Publishing 2017); V Chapaux, F Mégret and U Natarajan, 'Introduction: The Complexities of Anthropocentrism in International Law' in Vincent Chapaux, Frédéric Mégret and Usha Natarajan (eds), *The Routledge Handbook of International Law and Anthropocentrism* (Routledge 2023).

39 Natarajan and Dehm (n 10) 8.

40 A Grear, 'International Law, Legal Anthropocentrism, and Facing the Planetary', in Vincent Chapaux, Frédéric Mégret and Usha Natarajan (eds), *The Routledge Handbook of International Law and Anthropocentrism* (Routledge 2023) 166.

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Through their climate action, children and youth are actively challenging the anthropocentric framing that is inherent to structures and systems that have enabled and continue to maintain the destruction of the natural environment. Beyond challenging traditional understandings of children's rights through accessing the courts on their own terms,[41] children and youth are influencing the way that the human/nature relationship is defined within the legal system. In recent years, human rights law has become more ecocentric through the Rights to Nature (RoN) movement, for example, yet this approach still runs the risk of perpetuating the human/nature binary since a human legal construct is still being applied to the natural environment.[42] Ecocentrism is seen as the opposite of anthropocentrism in that it acknowledges the inherent value of living and non-living nature in itself, rather than an instrumental value for humans' sake.[43] Taking it a step beyond ecocentrism, relational approaches do not reduce nature to its economic, instrumental or inherent values but recognize the value that lies within the way humans relate to nature and how these relationships sustain life and meaning.[44] A relational approach to law, which I argue children and youth are championing through their climate litigation, 'entails a shift in emphasis away from the universalist, neoliberal idea of rights, towards a focus on institutions and facilitative, inclusive processes of environmental governance and decision-making'.[45]

This section begins by outlining the underlying assumptions of international human rights law and how these assumptions have implications for the way human society perceives the natural world. It will define the anthropocentrism in human rights law and how this must be challenged if we are to see humans and nature as an interconnected ecosystem rather than two separate worlds. Then, it will look at the evolution of the right to a healthy environment and its different conceptualizations, and how recent years have seen exciting developments towards its ecocentric interpretation. This will lead into the next section, which demonstrates how children's/youth's relationship with nature is shaping what it means to have a right to the environment from a more relational understanding through the youth climate justice movement.

### 2.1 The anthropocentrism in international human rights law

The human rights framework is one of the core components of the modern legal system that have shaped much of society's relationship with nature. Human rights emerged as a form of protection and liberation from tyranny and hierarchy and to protect human beings from harm inflicted by other human beings and the State.[46] The 1948 Universal

41 Daly and others (n 22) 1392.

42 Jones (n 16) 89.

43 Ecocentric worldviews, or ecocentrism, are defined by Francesca Ippolito (2023) in *Children's Environmental Rights Under International and EU Law: The Changing Face of Fundamental Rights in Pursuit of Ecocentrism* as stressing 'the importance and inherent value of all living things, including animals, flora and the ecological habitats of all organisms, reminding us that all life is interdependent and that both humans and non-humans are entirely dependent on the ecosystem processes that value nature'. See F Ippolito, *Children's Environmental Rights under International and EU Law: The Changing Face of Fundamental Rights in Pursuit of Ecocentrism* (TMC Asser Press 2023) 312.

44 Holst and Zegers (n 18).

45 ibid, 22.

46 F Mégret, 'The Anthropocentrism of Human Rights' in Vincent Chapaux, Frédéric Mégret and Usha Natarajan (eds), *The Routledge Handbook of International Law and Anthropocentrism* (Routledge 2023) 35–8.

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Declaration of Human Rights (UDHR),[47] which set the foundation for human rights law, focuses on the welfare and dignity of individuals. While the human rights framework is anthropocentric in this way and largely ignores the environment, Hayward reflects that it is not 'the concern with human welfare per se that is the problem', but it is the 'arbitrary privileging of that welfare over the welfare of members of other species'.[48] When exercised fully, many basic human rights themselves enable harmful environmental behaviours and influence values/ideologies such as individualism and domination.[49] For example, the right to own property (Article 17, UDHR) reduces the environment to a commodity that can be owned and exploited, which creates an understanding of the natural world that renders environmental harm invisible.[50]

In the international covenants on civil, political, economic, social and cultural rights that followed the UDHR in the 1960s,[51] human rights law expanded to protect people's 'inherent right' to self-determination and promote human flourishing at the expense of others.[52] These foundational human rights instruments were drafted without any explicit recognition of the environmental dimensions of basic human rights.[53] Although this omission is partly due to the timing of when these key human rights treaties were written (prior to the modern environmental movement),[54] it also reflects a deeper conceptual divide in international human rights law.

Human rights frameworks, and the legal system more generally, 'extracts and isolates the human from its surroundings, characterising the non-human realm as that which exists for human welfare and over which the human is sovereign'.[55] They have contributed to constructing what Val Plumwood refers to as 'mastery of nature'.[56] This paradigm is based on the dualism that Western thought has constructed around the human/nature relationship, where nature is the 'subordinated other' and humans are the superior being who are in denial, or at least are unaware, of the dependency they have on the 'other'.[57] Although human rights are a purely humanist project, human rights cannot exist without the 'other',[58] which has become evident in recent decades as the climate crisis intensifies and violates basic human rights. As will be elaborated in the following sections, the interpretation of human rights law has developed to include ecological considerations as there is increasing awareness for the importance of changing how we, as a society, relate to nature.

47 Universal Declaration of Human Rights (adopted 10 December 1948) A/RES/217(III) ('UDHR').
48 T Hayward, 'Anthropocentrism: A Misunderstood Problem' (1997) 6 Environmental Values 51, 58.
49 W Aiken, 'Human Rights in an Ecological Era' (1992) 1 Environmental Values 191, 192.
50 Mégret (n 46).
51 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 ('ICCPR'); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 ('ICESCR').
52 Aiken (n 49) 193.
53 BM Meier, F Bustreo and LO Gostin, 'Climate Change, Public Health and Human Rights' (2022) 19 International Journal of Environmental Research and Public Health 1, 2.
54 ibid, 2.
55 Natarajan (n 12) 216.
56 V Plumwood, *Feminism and the Mastery of Nature* (Routledge 1993).
57 ibid, 41.
58 Mégret (n 46) 35–60.

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Despite heavy criticisms of the human rights framework for its privileging of 'predominant Western characteristics' (individualism, domination over nature, etc.); it is historical marginalization of Indigenous or non-Western perspectives and voices,[59] and its focus on protecting human dignity through material well-being, a human rights-based approach is increasingly being applied in environmental contexts.[60] As legal tools are being used to address human/environmental challenges, it is necessary to rethink the underlying ideologies human rights subsume to prevent the continued dominance of anthropocentric and individualistic understandings of the environment.[61] The anthropocentric approach inherent to both environmental law and human rights law has shaped how society has dealt with environmental challenges. This is clear in the way the environment has been simply added to 'the list of material conditions to which humans are entitled'.[62] However, as will be elaborated in the following section, the work of UN Special Rapporteurs, the Human Rights Council and various human rights courts is increasingly defining and giving shape to what the right to a healthy environment entails – which is further advanced by young climate activists. Many of these actors recognize that embedding the right to a healthy environment within national constitutions and regional and international treaties – with the same assumptions that the underpinning human rights framework entails – is not enough for the deep systemic change that is needed to address the social, economic and ecological challenges the world is facing. The transformational potential of realizing the right to a healthy environment and its impact on international law and the realization of children's rights more specifically lies in the opportunity to rethink how this right is defined and how the human/nature relationship is conceptualized.

### 2.2 The right to a clean, healthy and sustainable environment

The 1972 UN Conference on the Human Environment marked the earliest conceptualization of the human right to a healthy environment in the 26 principles of the resulting Stockholm Declaration, which recognized the environment as vital to both human well-being and economic development.[63] Although this declaration lacked the specific language of rights, it nonetheless ignited the spark that would lead to the next 50 years of advocacy to recognize a human right to the environment at the international level. At the domestic and regional levels, the adoption of a standalone right to a healthy environment began to occur, with the 1981 African Charter on Human and Peoples' Rights being the first human rights treaty to explicitly recognize that '[a]ll peoples' have a right to a 'satisfactory' environment which supports their development.[64] In the years that followed, other regional instruments – the 1999 San Salvador Protocol, the 2004 Arab Charter on Human Rights and the 2012 ASEAN Human Rights Declaration – also included recognition of some form of a human right to live in a

59 For reference, see J Hendry and ML Tatum, 'Human Rights, Indigenous Peoples, and the Pursuit of Justice' (2016) 34 Yale Law & Policy Review 351; MAR de Mattos Vieira and L Viaene, 'Indigenous Peoples' Rights at the United Nations Human Rights Council: (Mis) Understandings?' (2024) 16 Journal of Human Rights Practice 512.

60 Kotzé (n 11) 254.

61 Natarajan (n 12).

62 ibid, 216.

63 Meier, Bustreo and Gostin (n 53) 2.

64 African Charter of Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 I.L.M. 58 ('ACHPR').

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healthy, clean and sustainable environment.[65] By 2018, at least 110 countries had made constitutional amendments to include a right to environment, which constitutes more than 80% of United Nations (UN) Member States.[66] Despite the resistance at the international level to embedding human rights language within environmental protection and climate change policies, the United Nations General Assembly (UNGA) made a historic move in July 2022 to adopt a resolution recognizing the human right to a clean, healthy and sustainable environment.[67] This was followed by the groundbreaking, long-awaited Advisory Opinion delivered by the International Court of Justice on 23 July 2025, in which the world's highest court affirmed that the right to a clean, healthy and sustainable environment is essential and a precondition for the enjoyment of other human rights.[68] This landmark legal development marks a turning point in international law, solidifying the right to a healthy environment as a legal obligation that States have the duty to protect and fulfil.

### *2.2.1 International level*

While the right to a healthy environment was not formally recognized at the international level until 2022, the work of the Human Rights Council (HRC) (formerly the UN Commission on Human Rights) and the UN Special Rapporteurs (UNSR) on Human Rights and the Environment contributed greatly to the development of the meaning and content behind this human right. In 1994, the UN Commission on Human Rights first formally recognized the relationship between environmental degradation and human rights in the final report of the then UNSR on human rights and the environment, Fatima Ksentini (hereinafter the Ksentini Report). In this report, more than 30 years ago, the Ksentini highlights the importance of setting out a legal framework, components and means of expression of a 'right to a healthy and flourishing environment' to make it possible for its 'harmonious application' in line with the 'universally recognized fundamental principles of human rights'.[69] More so, this report even notes the importance of moving beyond reductionist concepts, such as solely focusing on the human or solely on the environment in the context of international law and human rights.[70] Rather, this early development on the right to a healthy environment recognized the imperative to protect the environment not only for the sake of humans but for the environment itself. In 2009, the Office of the United Nations High Commissioner released an annual report focusing on the relationship between human rights and climate change. In this report, the environment is conceptualized as being essential to the basic necessities of life, such as water, food, housing and health.[71] Around this time,

65 JH Knox, 'Constructing the Human Right to a Healthy Environment' (2020) 16 Annual Review of Law and Social Science 79, 82.

66 Human Rights Council, 'Right to a healthy environment: good practices report by David R. Boyd' (30 December 2019) UN Doc A/HRC/43/53, para 10.

67 UNGA Res 76/300, 'The human right to a clean, healthy and sustainable environment' (28 July 2020).

68 *Obligations of States in respect of Climate Change* (*Advisory Opinion*) (2025) ICJ Rep 1.

69 United Nations Economic and Social Council, 'Human rights and the environment: final report/prepared by Fatma Zohra Ksentini, Special Rapporteur' (6 July 1994) UN Doc E/CN.4/Sub.2/1994/9, para 5.

70 ibid, para 5.

71 Human Rights Council, 'Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General' (15 January 2009) UN Doc A/HRC/10/61.

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the focus on the environment and human rights in international law shifted towards the explicit link between *climate change* and human rights and the serious threats climate change poses to the realization of human rights.

In recent years, the right to a healthy environment has become more clearly defined and understood thanks to the work of subsequent UNSR on human rights and the environment, such as John H Knox (2012–18), David R Boyd (2018–24) and now Astrid Puentes Riaño (2024–present). In 2018, UNSR John H Knox released the Framework Principles report, outlining the 16 principles or main human rights obligations that States must take to ensure a safe, clean, healthy and sustainable environment. In the brief preamble to the 16 principles, paragraph 1 states that 'human beings are part of nature, and our human rights are intertwined with the environment in which we live'.[72] While the rest of the report did not engage more with the idea that 'humans are part of nature', this demonstrates that there has been a shift in the language around the right to a healthy environment that sees the importance of relationships and interconnectedness. During his mandate, Knox also released a report specifically on children's rights and the environment in which he acknowledged that 'no group is more vulnerable to environmental harm than children', with particularly severe effects for those under the age of five.[73] Following this, David R Boyd continued to define the obligations of the right to a healthy environment in a way that departed from its anthropocentric origins by linking it to biodiversity and ecosystems and called for a re-evaluation of humanity's relationship with nature.[74] Then, in 2022, after the UNGA adopted its landmark resolution for the recognition of the human right to a clean, healthy and sustainable environment, the universal substantive elements of this right were clearly set out: a safe climate; clean air; access to safe water and adequate sanitation; healthy and sustainably produced food; a non-toxic environment and healthy ecosystems and biodiversity.[75] The right also includes procedural elements, which have developed through international environmental law over the decades – namely through the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998 Aarhus Convention)[76] – which recognizes the right to access information, the right to participate and the right to access justice.[77] Thus, there has been a significant body of work at the international level to define the content and obligations of the human right to a healthy environment in a way that expands its interpretations beyond a purely human-centric focus.

72 Human Rights Council, 'Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' (24 January 2018) UN Doc A/HRC/37/59, annex, para 1.

73 HRC, 'Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' (24 January 2018) UN Doc A/HRC/37/58, para 15.

74 HRC, 'Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment "Human rights depend on a healthy biosphere"' (15 July 2020) UN Doc A/75/161, para 28.

75 OHCHR, UNEP and UNDP, 'What Is the Right to a Healthy Environment? Information Note' (2023).

76 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (adopted 6 June 1998, entered into force 30 October 2001) 2161 UNTS 447 ('Aarhus Convention').

77 OHCHR, UNEP and UNDP (n 75).

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### 2.2.2 *Regional level*

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR) entered into force in 1986 and became the first human rights treaty to legally enshrine an environmental right.[78] In Article 24, it recognizes that all peoples have the right to a 'satisfactory' environment to ensure that they are able to achieve 'favourable development'. While earlier interpretations of this environmental right were anthropocentric, there has been an ecocentric turn in recent African case law.[79] For example, in the 2023 landmark case *LIDHO and others v Côte d'Ivoire (Abidjan Toxic Waste)*, the African Court adopted an ecocentric approach which focused on environmental harm rather than primarily on the effects on human health while also recognizing the distinct right to a healthy environment.[80] The ecocentric interpretation of the right to a healthy environment at the regional level may be further clarified and strengthened in the highly anticipated outcomes of the African Court's pending advisory opinion on the human right obligations of African states in addressing the climate crisis.[81] The foundation of the ACHPR itself is closely linked to *ubuntu* and goes beyond the individualistic ideology of human rights to recognize the collective rights of peoples. The African philosophical concept of *ubuntu* stems from the Bantu language system in Southern Africa and is relational in that it recognizes the interconnectedness of life and that no one or being exists without their relations.[82] The integration of relational African environmental ethics into human rights is being increasingly explored as an approach to better address environmental challenges.[83]

In the Americas, the right to a healthy environment (Article 11) was introduced through the 1988 San Salvador Protocol, which enshrined social, cultural and economic rights within the American Convention on Human Rights.[84] This protocol ensures that States must 'promote the protection, presentation and improvement of the environment' for the purpose of everyone being able to live in a healthy environment. Although the framing of this right and the environment is anthropocentric, this is not to say that this is how the right has been interpreted. In its 2017 Advisory Opinion, the Inter-American Court of Human Rights (IACtHR) recognized the right to a healthy environment as an autonomous right that does not only protect humans but also nature and the environment as such.[85] Building on this, in its groundbreaking case *La Oroya*

78 Knox (n 65) 79.

79 S Kahl, 'The Rise of the Ecocentric Right to a Healthy Environment before Human Rights Courts in Africa and Latin America' (2026) Review of European, Comparative & International Environmental Law 1, 4.

80 ibid, 5.

81 NO Afogo and others, 'Defining Climate Justice in the African Human Rights System: On the Climate Advisory Opinion Request to the African Court on Human and Peoples' Rights', *VerfBlog*, 2 July 2025, <https://verfassungsblog.de/climate-advisory-opinion-request-to-the-african-court-on-human-and-peoples-rights/> accessed 17 June 2026.

82 B du Plooy, 'Ubuntu and the Recent Phenomenon of the Charter for Compassion' (2014) 45 South African Review of Sociology 83.

83 AC Terblanché-Greeff, 'Ubuntu and Environmental Ethics: The West Can Learn from Africa When Faced with Climate Change' in Munamato Chemhuru (ed), *African Environmental Ethics* (Springer 2019).

84 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (adopted 17 November 1988, entered into force 16 November 1999) OEA/Ser.A/44 No 69 ('Protocol of San Salvador').

85 *The Environment and Human Rights* (Advisory Opinion) (2017) IACtHR OC-23/17.

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*v Peru* (2023), the IACtHR found that the Peruvian government violated the right to a healthy environment, among others, for La Oroya residents who were exposed to toxic levels of lead and other metals. In its judgement, the IACtHR included ecocentric interpretations and found that States are 'obliged to protect nature and the environment not only because of the benefits they provide to humanity, but also because of their importance to the other living organisms with which we share the planet'.[86] A couple years later, on 29 May 2025, the Inter-American Court of Human Rights (IACtHR) made another historic contribution to the interpretation of international human rights norms, extending State obligations beyond protecting the human right to a healthy environment and stable climate to also include the protection of nature itself and future generations.[87] The IACtHR recognized that the right to a healthy environment includes protecting nature, not because of its 'instrumental' value but because of its 'vital interdependence with other living organisms that make life on this planet possible'.[88] It is even acknowledged that humans are just one component of the planet's ecosystems and that 'the relationships that exist between them' should be protected.[89] While the approach to human rights and the environment has been historically anthropocentric, where the value of the environment lies in its ability to ensure and enhance 'the quality of life for humans',[90] there are many recent indications – especially in the regional context – that more ecocentric and relational legal interpretations are being invoked.

### *2.2.3 National level*

At the national level, there is more diversity in the framing of the right to a healthy environment, with some countries (especially in Latin America) incorporating ecocentric and holistic concepts in legislation. Portugal and Spain were among the first countries to legally recognize the right to live in a healthy environment and the responsibilities of the State to protect, preserve and restore the environment. Portugal's constitution (1976) frames the right around an 'ecologically balanced *human* living environment' (emphasis added) and includes that the State has a duty to 'defend nature and the environment'.[91] While Spain's constitutional right to a healthy environment (1978) defines the 'environment' as something that is suitable for personal development, there is a recognition of the 'essential collective solidarity' pointing towards the shared responsibility people have towards the environment.[92] These two examples demonstrate that even though the right to a healthy environment might still centre the human in its wording, it is recognized that the balance of the natural environment must be maintained and that there is a collective dimension to a right that enshrines environmental protection.

Two countries in Latin America, Ecuador and Bolivia, take a more complete balanced approach that recognizes the rights of both humans and other living beings. In

86 *Inhabitants of the Oroya v Peru* (Judgement) (2023) IACtHR Ser C No 511 [118].
87 V Kahl and JD Rodríguez Orúe, 'A Rights Perspective in the Anthropocene: Reflections on the IACtHR Advisory Opinion on the Climate Emergency' (2026) Environmental Policy and Law 1.
88 *Climate Emergency and Human Rights* (Advisory Opinion) (2025) IACtHR AO 32/25 [272].
89 ibid [367].
90 E Buys and B Lewis, 'Environmental Protection through European and African Human Rights Frameworks' (2022) 26 The International Journal of Human Rights 949, 951.
91 Constitution of the Portuguese Republic 1976, s 43, art 66.
92 Constitution of Spain 1978, s 45.

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Ecuador, their constitution (2008) enshrines the right to a healthy environment and includes the principle of *sumac kawsay*, which is an Indigenous principle that recognizes the interconnectedness between humans, community and nature.[93] Bolivia's constitution (2009) explicitly recognizes that 'everyone has the right to a healthy, protected and balanced environment' and that this right also applies to 'other living things'.[94] The recognition of community and the importance of protecting 'other living things' highlights the ecological dimension of the right to a healthy environment, which expands into other Latin American jurisdictions as well. In an analysis of the ecological dimensions of the right to a healthy environment in Latin American jurisprudence, Beckhauser finds that this right (generally in this context) implies 'that human beings coexist and take part in the ecosystems of nature' and that the 'essential core [of this right] goes beyond immediate human objectives'.[95] Furthermore, she finds that the approach towards nature within this right to a healthy environment rejects the utilitarian relationship between humans and the environment and suggests a paradigmatic shift away from principles of domination and exploitation which have been historically embedded in human rights frameworks.[96] The concept of 'environment' as not being separate from humans but an integral part of the human condition is being expanded upon within the legal context of Latin America, especially through the application of Indigenous worldviews and knowledges. This demonstrates how the right to a healthy environment can be interpreted and implemented in a way that shifts away from the inherent anthropocentrism of human rights towards a more balanced understanding that sees the inherent value of nature. Climate litigation in Latin America is exemplary of a human rights-based approach to environmental protection and climate justice that does not treat the environment merely as another entitlement of human beings.[97]

### 2.3 Towards a relational right to a healthy environment

While the right to a healthy environment is defined and conceptualized in various ways across different jurisdictions and human rights agreements, constitutions and other environmental instruments, it is notable that there has been a significant shift away from anthropocentric towards ecocentric interpretations. An anthropocentric framing of environmental human rights 'sees the environment as a life-sustaining good or entitlement to be added to all other material conditions of human welfare including housing, food and healthcare'.[98] Whereas an ecocentric formulation 'sees the environment as a condition to life, thus placing limitations on individual freedoms'.[99] However, the perceived limitation on individual and economic freedoms, i.e., the right to development and to exploit natural resources that comes with an ecocentric approach, feeds into the resistance of ecocentric formulations and legal interpretations of the right to a healthy environment. Even the act of defining what it means to have a 'healthy'

93 Constitution of the Republic of Ecuador 2008, s 2, art 14.
94 Constitution of the Plurinational State of Bolivia 2009, s 1, art 33.
95 EF Beckhauser, 'The Synergies between Human Rights and the Rights of Nature: An Ecological Dimension from the Latin American Climate Litigation' (2024) 42 Netherlands Quarterly of Human Rights 12, 24.
96 ibid, 27.
97 MA Tigre, Urzola N and A Goodman A, 'Climate Litigation in Latin America: Is the Region Quietly Leading a Revolution?' (2023) 14 Journal of Human Rights and the Environment 67.
98 Kotzé (n 11) 258.
99 ibid.

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environment – let alone recognizing that nature has inherent value – confronts the capitalist systems and power structures that treat nature as a commodity.[100] This is where one of the greatest tensions lies within international human rights and environmental law: whether the law should protect the environment for humans or as a subject of protection in its own right and what values should justify that protection.

These tensions are not just theoretical. In contexts where ecocentric frameworks have persisted and where people advocate on behalf of nature, violent resistance often entails it. Latin America, particularly Columbia, Brazil, Mexico and Honduras, has become one of the most dangerous regions in the world for environmental and human rights defenders.[101] This violence reflects the power of those with vested economic interests and illustrates how the current political and legal status quo works to silence those pushing for climate justice. In the European context, Kobylarz argues that there are limitations within the current legal frameworks that make it difficult to protect environmental human rights, let alone embed ecocentric interpretations.[102] Within the European Court of Human Rights (ECHR), where an autonomous right to a healthy environment does not exist, remedies are often human-centred and not preventative, focusing on 'restoring' the individual rather than the environment.[103]

In recent years, scholars working in the sphere of nature conservation, such as Chan et al. and Holst and Zegers, have pointed to another type of value system that bridges the gap between anthropocentric and ecocentric approaches: relational values.[104] Opposed to anthropocentric values (which centre the human) or ecocentric values (which centre nature), relational values are not 'intrinsic' to individual entities 'but derivative of relationships and responsibilities to them'.[105] In other words, a relational approach to valuing or defining the environment is based upon the relationships humans have with nature, and vice versa; it denies 'that the nonhuman world has value only because it is necessary for promoting human interests'.[106] The idea of relationships in the context of human rights has been explored by feminist theorist Jennifer Nedelsky, for example, who has developed the theory of relational autonomy.[107] In her work, she recognizes that individuals themselves are greatly shaped by networks of relationships, such as those with their family, the state and the global community beyond their day-to-day encounters.[108] She argues, through a relational view, that an individual's rights and well-being are constituted by their relationships and 'that it is only in the context of those relationships that one can understand how to foster their capacities, define and

100 Kotzé (n 11).
101 Front Line Defenders, 'Global Analysis 2022' (2022) <https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf> accessed 20 October 2025.
102 N Kobylarz, 'A World of Difference: Overcoming Normative Limits of the ECHR Framework through a Legally Binding Recognition of the Human Right to a Healthy Environment' (2025) 37 Journal of Environmental Law 23.
103 ibid, 42.
104 KMA Chan and others, 'Why Protect Nature? Rethinking Values and the Environment' (2016) 113 Proceedings of the National Academy of Sciences of the United States of America 1462; Holst and Zegers (n 18).
105 ibid, 1462.
106 M Hourdequin and DB Wong, 'A Relational Approach to Environmental Ethics' (2005) 32 Journal of Chinese Philosophy 19, 27.
107 J Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford University Press 2012) 31–90.
108 ibid, 20.

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protect their rights, or promote their well-being'.[109] Applying this lens to the right to a healthy environment suggests that how the right is conceptualized and defined can structure the ways individuals relate to the environment itself. In children/youth-involved climate litigation, this becomes visible in the way young plaintiffs structure their arguments: they emphasize the way the climate crisis is disrupting their everyday relationships in and with the natural world and how a right to a healthy environment is necessary to protect these relationships.

Moving forward from the inherent anthropocentrism in human rights law and the shift towards ecocentrism, the following section explores how children and young peoples' relationships with and understanding of nature – formed through embodied, relational and lived experiences – offer a relational reimagining of the right to a healthy environment beyond the binaries and hierarchies of the traditional human rights discourse.

## 3 CHILDREN'S RELATIONSHIP WITH NATURE AND CLIMATE LITIGATION

In recent decades, the relationship between children and the environment has not only been prevalent in environmental human rights research but has also been a significant focus across disciplines such as early childhood education, environmental education, developmental psychology and children's geographies.[110] In response to the negative impacts of human activity on the environment, a substantial body of work has emerged on the importance of instilling ecological values and behaviours in children to cultivate future generations of environmental stewards.[111] There are many interventions being explored to understand how to best engage children and young people with nature to increase the likelihood of future adult citizens committed to caring for and protecting the planet.[112]

A fundamental aspect of engaging in ecological behaviours and developing a sense of stewardship towards the planet is linked to 'nature connectedness', or the perceived closeness between a human being and nature.[113] Otto and Pensini argue that when an individual has a strong sense of nature connectedness, they are less willing to partake

109 ibid, 121.

110 For example, see C Schreiner, EK Henriksen and PJ Kirkeby Hansen, 'Climate Education: Empowering Today's Youth to Meet Tomorrow's Challenges' (2005) 41 Studies in Science Education 3; T Arola and others, 'The Impacts of Nature Connectedness on Children's Well-Being: Systematic Literature Review' (2023) 85 Journal of Environmental Psychology 101913; SR Hordyk, M Dulude and M Shem, 'When Nature Nurtures Children: Nature as a Containing and Holding Space' (2015) 13 Children's Geographies 571.

111 A Barrable and D Booth, 'Increasing Nature Connection in Children: A Mini Review of Interventions' (2020) 11 Frontiers in Psychology 492; E Molinario and others, 'From Childhood Nature Experiences to Adult Pro-environmental Behaviors: An Explanatory Model of Sustainable Food Consumption' (2020) 26 Environmental Education Research 1137.

112 ST Asah and others, 'Mechanisms of Children's Exposure to Nature: Predicting Adulthood Environmental Citizenship and Commitment to Nature-Based Activities' (2018) 50 Environment and Behavior 807.

113 S Otto and P Pensini, 'Nature-Based Environmental Education of Children: Environmental Knowledge and Connectedness to Nature, Together, Are Related to Ecological Behaviour' (2017) 47 Global Environmental Change 88, 89.

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in activities that harm the natural environment.[114] Connectedness to nature has a strong relational component in which an individual sees themself 'in relation' to the natural world both around and through them, rather than a dualist, utilitarian view that understands nature as a separate, objectified entity. While much of this research centres on how early experiences and relationships with nature shape behaviours and attitudes into adulthood[115] (which is still important), it greatly overlooks the ways in which these experiences and relationships children/youth have with nature are influencing their activism and leadership in the present – particularly through their assertion of the right to a healthy environment.

As of 2021, more than a quarter of all plaintiffs in rights-based climate cases were made up of children and youth.[116] Although their participation in climate litigation happens in different capacities, for example, through written submissions or oral hearings, these young voices bring to light the deep connection and relationship many children/youth feel and experience with the natural world. In describing how the climate crisis is impacting their health, education, play, culture, religion, family relationships and futures, young litigants are expressing these rights violations through the lens of their deep relationship with nature rather than a purely human-centred approach. While it may not be an explicit goal of their litigation and activism, the narrative that these young climate activists are articulating is more holistic than the traditional human rights discourse.

As alluded to thus far, there is a need to rethink and reimagine the underpinning assumptions of the human/nature relationship when it comes to the implementation of the human right to a healthy environment. While children and youth are using a human rights-based approach (HRBA) through their climate activism, drawing on the climate injustices of environmental harm and urging States to uphold their obligation to protect human rights, they are advancing a unique approach that moves beyond the typical anthropocentric or ecocentric narratives. Not only are young climate activists advocating on behalf of themselves, future generations and minority groups,[117] but they are also promoting the protection and conservation of the natural environment (e.g., see *Álvarez et al. v Peru*[118]) for the sake of nature itself and the vital relationships that exist between people and nature. Children/youth are demonstrating strong pro-environmental attitudes and behaviours and embedding relational values through their activism. Their relational approach demonstrates a type of ecological thinking that conceptualizes humans (and their rights) as embedded within the complex web of life in which both are intrinsically dependent. This characteristic of the youth climate justice movement (which has seldom been recognized in academic literature to date) points towards an approach to climate justice that moves beyond human/nature binaries and challenges the typical 'intrinsic' versus 'instrumental' debates that often define how nature is valued and understood. Many have been calling for a cultural shift that embeds relational values within laws and institutions,[119] and it is clear that children and

114 ibid, 89.

115 DK Kellstedt, CS Suess and JE Maddock, 'Influences of Outdoor Experiences during Childhood on Time Spent in Nature as an Adult' (2024) 3 AJPM Focus 1.

116 Donger (n 20) 263, 264.

117 Gasparri and others (n 23).

118 *Álvarez et al. v Peru* (Complaint) (2019) Superior Court of Lima.

119 See Jones (n 16); Kotzé (n 11); Holst and Zegers (n 18); L Cano-Pecharroman and E O'Donnell, 'Relational Representation: Speaking with and Not about Nature' (2024) 3 PLOS Water 1.

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youth are a part of this shift. Not simply because children and youth who grow up connected to nature will one day shape adult behaviours and attitudes for the benefit of future generations, but because the way they understand, connect with, and value the natural world *right now* is already making an impact. Of course, it is crucial to highlight that children and youth are not a homogenous group; the experiences and connection they feel towards nature are highly context-dependent and are influenced by, for example, their culture, geographies and upbringing.[120] Yet, Duque and Orsini found that many youths, regardless of their heterogeneous contexts (Global North vs Global South) and profiles (gender), have similar perceptions of climate justice and the symbiotic relationship between humans, nature and their rights.[121]

The following subsections will elaborate on children's relationship with nature and how this is being demonstrated through their climate action, particularly in child/youth-involved climate cases where young litigants are drawing on relational elements in their arguments in case filings and petitions. For this article, 'children and youth' or 'children and young people' capture the wide range of ages of young climate activists who are engaged in climate litigation and activism. While there are no definitive, universally agreed upon boundaries for either term, the United Nations Convention on the Rights of the Child (UNCRC) defines a 'child' as anyone under the age of 18 years old. On the other hand, 'youth' and 'young people' can be considered those between the ages of 15 and 35, depending on the context. The quotes included in section 3 on relationships with nature are only from those young climate activists under the age of 18, yet calling this 'children's' relational approach to climate justice felt too narrow. Many of the quotes also come from US climate litigation because many of these cases include personal statements or stories from the plaintiffs themselves, which is not always the case in other jurisdictions. However, judgements from other jurisdictions, particularly the Global South, are drawn on in section 4 to demonstrate the implications of children's and youth's relational approach.

### 3.1 Challenging the human/nature relationship through lived relational knowledge

Rather than viewing the world through a pre-constructed set of ideas and thought patterns that have been refined throughout one's lifetime, children come to understand the world around them through direct, sensory and embodied experiences.[122] These forms of knowing are deeply relational and emerge through touch, play, movement, interaction and emotions.[123] Relational ways of knowing and embodied knowledge are

120 M Giusti, 'Human-Nature Relationships in Context. Experiential, Psychological, and Contextual Dimensions That Shape Children's Desire to Protect Nature' (2019) 14 PLOS ONE 1; E Ahmetoglu, 'The Contributions of Familial and Environmental Factors to Children's Connection with Nature and Outdoor Activities' (2019) 189 Early Child Development and Care 233.

121 JF Duque and A Orsini, 'Environmental Justice Seen by Youth. The Case of Youth Representatives in the International Negotiations on Climate Change, Biodiversity and Sustainable Development' (2026) Journal of Youth Studies 1, 22.

122 R Sebba, 'The Landscapes of Childhood: The Reflection of Childhood's Environment in Adult Memories and in Children's Attitudes' (1991) 23 Environment and Behavior 395, 404–405.

123 Giusti (n 120) 15.

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heavily explored and written about especially in the context of Indigenous cultures.[124] As summarized by West and colleagues, relational ways of knowing include worldviews or approaches that reject the idea that humans and nature are separate; focus on interconnectedness and reciprocity; and emphasize the ethical responsibility to care for these relationships.[125] This is ontologically and epistemologically different from current dominant understandings of the Western world.

In Western contexts, dominant epistemologies often privilege rational, objective and dualist ways of knowing and being – which tend to marginalize experiential and affective forms of knowledge.[126] This dominant way of knowing has been questioned by many, including feminist and Indigenous scholars, who have increasingly drawn attention to epistemic injustices present in today's society. Epistemic injustice occurs when mainstream forms of knowledge production lead to the silencing and diminishing of other forms of knowledge, which is often experienced by women, people with disabilities, minority communities and Indigenous populations.[127] For example, Townsend and Townsend have demonstrated that although the Inter-American Court and Inter-American Commission on Human Rights are progressive in their protection of Indigenous peoples and their land, the mechanisms through which Indigenous peoples must use to articulate their claims continue to foster epistemic injustice.[128] The claims that Indigenous peoples make about the environment are often viewed by the court as knowledge about their culture and lacking credibility, and the way Indigenous property rights are conceptualized is still inherently linked to colonial history and Western ideologies.[129] In this light, the human rights framework can be viewed as a system that perpetuates epistemic injustice and one that historically has centred the white, heterosexual, European male as its primary beneficiary.[130]

While critiques from feminist, postcolonial and posthuman studies have highlighted how human rights can exclude people based on gender, race, culture and class, age is rarely considered as a point of marginalization.[131] As John Wall argues, 'the notion that rights may involve a child-adult binary remains largely unthought'.[132] Children have historically been positioned as lacking competency and authority and, therefore, excluded from decision making in matters directly affecting them.[133] Even with frameworks like the UNCRC affirming their right to be heard and participate, children's voices are often treated as less important than adults. As Hutton and Capellini argue,

124 P Dudgeon and A Bray, 'Indigenous Relationality: Women, Kinship and the Law' (2019) 3 Genealogy 23; L Tynan, 'What Is Relationality? Indigenous Knowledges, Practices and Responsibilities with Kin' (2021) 28 Cultural Geographies 597.
125 West and others (n 6) 2.
126 M Hutton and B Cappellini, 'Epistemic in/Justice: Towards "Other" Ways of Knowing' (2022) 22 Marketing Theory 155.
127 ibid.
128 DL Townsend and L Townsend, 'Epistemic Injustice and Indigenous Peoples in the Inter-American Human Rights System' (2021) 35 Social Epistemology 147, 149.
129 ibid, 152.
130 E Jones, 'Introduction: Posthuman Feminism and International Law' in *Feminist Theory and International Law: Posthuman Perspectives* (Routledge 2023) 24.
131 J Wall, 'Children's Rights from a Childist Perspective' in Valeria Llobet and others (eds), *Critical Children's Rights Studies* (Routledge 2025).
132 ibid, 84.
133 A Prout and C Hallett, 'Introduction' in *Hearing the Voices of Children: Social Policy for a New Century* (Taylor & Francis Group 2003).

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'[h]ierarchies, therefore, in what counts as being known, can lead some people to be regarded as less credible precisely, because of what they know (Heldke, 2006), how they communicate and what they speak about'.[134] The voices and concerns of children and youth – often expressed through relational and embodied knowledge – have been systemically silenced in decision-making spaces and policymaking due to their perceived immaturity or incapacity.[135] Several scholars have argued that children experience a specific type of epistemic injustice called 'testimonial injustice' where they are not considered adequate 'knowers' and their knowledge is given less credit because of their age.[136] This form of epistemic injustice is reinforced by adult-centric institutions that silence or dismiss 'other' types of knowledge. Yet, in the context of the climate crisis, the way many children and young people come to know ecological destruction and its impacts is through their 'lived realities', it is 'written onto their bodies, minds, and spirts'.[137] The experiential knowledge children hold is typically set aside and can lead to children being stereotyped as being immature or unreliable 'knowers'.[138] However, in the context of the climate justice movement, children and youth are challenging these dominant structures of knowing by asserting their knowledge and experience, which is grounded in interdependence, relationality and ecological care, through legal processes.

### 3.2 Children and youth's affective relationship with nature

As alluded to in the onset of this section, one of the common measures of the human/nature relationship is called Human Nature Connection (HNC), which has psychological, experiential and contextual factors.[139] The study of HNC has especially been a focal point within sustainability sciences and environmental education, where scholars have recognized the importance of the human/nature relationships and rethinking these relations as an important step in the sustainability transition.[140] In studies that examine children's HNC specifically, it was found that the meaning children assign to nature is composed of a system of meaningful relationships with the physical environment, emotions, play and culture. For many children, nature is not an abstract or universal concept but is contextually based.[141] Giusti found that children's relationship with nature is based on embodied, systemic and relational properties, and that the connection they feel to the natural world is 'a meaningful agglomeration of everyday activities, social contexts, and emotions'.[142] Opposed to the impersonal and universal way the

134 Hutton and Cappellini (n 126) 156.
135 Wall (n 131).
136 PP Elicor and B Bussmann, 'Testimonial Injustice in the Treatment of Children's Testimonies: Inconsiderate and Unjust Cases' (2025) 8 Journal for Ethics and Moral Philosophy 431, 432.
137 JA Mercer, 'What Children Know: Children, Climate Change, and Epistemic Injustice' (2025) 74 Pastoral Psychology 49, 51.
138 ibid, 53.
139 CD Ives and others, 'Human–Nature Connection: A Multidisciplinary Review' (2017) 26–27 Current Opinion in Environmental Sustainability 106.
140 M Richardson, 'Modelling Nature Connectedness within Environmental Systems: Human-Nature Relationships from 1800 to 2020 and Beyond' (2025) 6 Earth 82; Ives and others (n 139); Giusti (n 120).
141 Giusti (n 120) 15.
142 ibid.

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environment or nature is typically described within legal systems, children demonstrate what nature means through 'emotions (fun, peace, love), actions (playing), and culture (freedom)'.[143] Emotions, actions and culture are central elements to many young plaintiffs who often share how the climate crisis is negatively impacting their cultural practices or their ability to access natural spaces to 'play' whether through organized sports or a walk in the forest. For example, in *Held and others v Montana*, plaintiffs Jeffery and Nate talk about how they must stay indoors due to the wildfire smoke, and this prevents them from activities they enjoy like hiking, camping and other outdoor activities which are 'essential to their lifestyle, family, and overall well-being'.[144] In *Genesis v US*, plaintiff Neela expresses her relationship through emotions by stating that she has a 'deep love for animals and nature' and 'worries' about the impact of climate change on the activities her family partakes in, such as gardening, and the 'local flora and fauna'.[145] This emotion is expressed in many cases, for example, also by Maryn in *Layla v Commonwealth of Virgina* who claims she is 'very concerned for the plants and wildlife she loves and their ability to survive a rapidly changing environment'.[146]

In the majority of child/youth climate cases, young litigants draw on their everyday activities and emotions to demonstrate how intertwined their lives are with nature and the negative impacts the climate crisis has on the natural world and the ways it disrupts the relationships, routines and places that matter most to them. Whether this manifests through heat waves or reduced snowfall that impacts their ability to participate in extracurricular activities and cultural practices, or coastal erosion that prevents them from spending time at their favourite beaches – children/youth clearly show through these cases that their lives are inextricably entwined with nature.

In another study on children's relationship with nature, Kalvaitis and Monhardt also found that children have a relational understanding of nature (opposed to objective) and a 'strong attraction and positive relationship' with nature.[147] The relationship children have with nature is often directly linked to their lived experiences; expressed through themes such as love, place, activities, play and freedom and further fosters relationships with friends and family.[148] In the stories that children/youth plaintiffs share, nature is often spoken about as a connection to and facilitator of the spaces they play, the bonds they create and feelings of peace, freedom and love. Connections with nature are often expressed emotionally, which could be because children and younger people have been found to be 'innately wired for this attachment'.[149] The emotional connection and values children/youth affiliate with nature could be attributed to the fact that these relational values 'develop earlier than their abstract, logical and rational perspectives'.[150] In *Genesis v US*, one of the youngest plaintiffs expresses that they

143 ibid.

144 *Held and others v Montana* (Petition) (2024) MT 312, Supreme Court of Montana [63].

145 *Genesis v US Environmental Protection Agency* (Complaint) (2023) Case No 2:23-cv-10345, United States District Court, Central District of California [81].

146 *Layla and others v Commonwealth of Virginia and others* (Complaint) (2022) Case No CL22000632-00, Virginia Supreme Court [66].

147 D Kalvaitis and R Monhardt, 'Children Voice Biophilia; the Phenomenology of Being In Love with Nature' (2015) 9 Journal of Sustainability Education 1, 14.

148 ibid, 7–9.

149 ibid, 15.

150 Kellert 2002 in R White, 'Young Children's Relationship with Nature: It's Importance to Children's Development and the Earth's Future' (2006) 16 The Coalition for Education in Outdoors 12, 14.

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feel 'a strong connection to animals and experiences anxiety about climate change's harm to animals and their habitat'; they also talk about how orange skies from wildfire smoke make them feel 'scared'.[151] In another case, *Sagoonick v State of Alaska II*, Cecily and Lila share that they 'derive solace from and feel a deep sense of connection with the landscapes, waters, and wildlife in which they live and on which they rely to sustain their health and safety'.[152] It is through experiences that children/youth have in the natural world around them which foster their understanding of and relationship with nature. In another case, *Ali v Federation of Pakistan*, the complaint refers to the way excessive pollution means the seven-year-old petitioner is unable to 'freely walk and play with flowers, butterflies, dragons and to follow the lightning-bug in her blooming age even at her nearby park'.[153] Lived experiences expressed through emotions and connection inform and shape the knowledge and information children/youth bring to the court, which challenges the type of 'expert knowledge' often included in legal arguments and claims.

The centrality of nature in nurturing and sustaining relationships with friends and family is also clear in the claims young plaintiffs make through their written statements. For example, in *Juliana v US*, several plaintiffs, including Avery and Sahara, describe the many activities and pastimes they partake in with their loved ones, such as swimming, mushroom hunting and snowshoeing.[154] Yet, these children and youth are unable to spend this time with their family and friends due to algal blooms, forest fires, heatwaves and other consequences of climate change. In *Navahine v Hawai'i*, one of the plaintiffs speaks about the way climate change is hindering her ability to access 'Hawai'i's beautiful natural environment for activities such as surfing, swimming and snorkeling' which are important, as these activities are 'one way that they [her family] bond and share time together'.[155] Thus, young plaintiffs are showing that the natural places being negatively affected by the climate crisis have a compounding impact on the relationships they have with their family and friends. A right to a healthy environment for children/youth is not only about the relationships they have with nature but also the relationship and bonds they create while being in and with nature.

The two studies mentioned here, along with many others[156] focus on the value of understanding children's relationships with nature as a predictor of ecological behaviour in adulthood and/or for the purpose of developing effective sustainability and environmental education programmes. While it is important to understand children's relationship with nature for these purposes, child/youth climate action (specifically through their climate litigation) is demonstrating the relational elements of

151 *Genesis v U.S. Environmental Protection Agency* (n 145) [45].

152 *Sagoonick and others v State of Alaska II* (Complaint) (2024) Case No 3AN-24-06508CI, Alaska Superior Court [44].

153 *Ali v Federation of Pakistan* (Complaint) (2016) Constitution Petition No/1 of 2016, Lahore High Court [2].

154 *Juliana v United States* (Complaint) (2025) US 24-645, US Supreme Court.

155 *Navahine v Hawai'i Department of Transportation* (Complaint) (2022) 1CCV-22-0000631, Hawaii Circuit Court [37].

156 For example, see Barrable and Booth (n 111); T Beery, K Jönsson and J Elmberg, 'From Environmental Connectedness to Sustainable Futures: Topophilia and Human Affiliation with Nature' (2015) 7 Sustainability 8837; GW Evans and others, 'Young Children's Environmental Attitudes and Behaviors' (2007) 39 Environment and Behavior 635.

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children's/youth's understanding of the natural world and how this is playing out in the present.

### 3.3 Interdependence and interconnectedness with the natural world

Another aspect of children's relational understanding of nature is their perception of being part of or one with nature. A sense of oneness is one of the indicators of children's nature connectedness, along with a sense of responsibility towards other living beings.[157] Some have argued that this reasoning lies in the fact that children and young people have 'not entered into the human/nature duality mindset'; in other words, they do not yet distinguish between themselves (as humans) and nature.[158] This understanding of the human/nature relationship could be understood as what Eisen and others describe as a rejection of 'liberal legalism', which is founded on the idea that the human is a disembodied, abstracted, self-constituting individual.[159] The rejection of the human as an autonomous, liberated being has been articulated by scholars across many disciplines as a necessary step towards recognizing that human beings, as rights bearers, are entirely dependent upon and embedded within networks of living and non-living beings, rather than independent and separable.[160] Through children and young peoples' interconnected understanding of the human/nature relationship, their climate action – specifically through litigation – can be part of this shift towards the narrative that the right to a healthy environment, and human rights in general, are intricately connected to nature.

In research from children's geographies and sustainability education, it is evident that many children and young people do not perceive themselves as being separate from the natural world.[161] Rather than viewing nature as an 'inanimate object' and something outside oneself, nature is often viewed as a friend or family to which they have an emotional attachment or bond. In a recent study on young people's relationship with nature, they found young participants 'spoke about having an innate bond to the natural world from young age and the reciprocal relationship between humans and nature'.[162] Some young people reported that the connection with nature is something that is there from the beginning and that nature 'is a part of us'.[163] Participants described their awareness of the interconnectedness of everything, how humans are part of and dependent on nature and that humans have a duty of care towards nature.[164] In the study by Kalvaitis and Monhardt, one child expressed, '[m]y relationship with nature is very important to me because if we did not have trees we would suffocate, or something like that. Because they make air for us. And I

157 JC-H Cheng and MC Monroe, 'Connection to Nature: Children's Affective Attitude toward Nature' (2012) 44 Environment and Behavior 31, 43.
158 Kalvaitis and Monhardt (n 147) 14.
159 J Eisen, R Mykitiuk and DN Scott, 'Constituting Bodies into the Future: Toward a Relational Theory of Intergenerational Justice' (2018) 51 UBC Law Review 1, 26.
160 Eyster, Satterfield and Chan (n 7).
161 Hordyk, Dulude and Shem (n 110); Kalvaitis and Monhardt (n 147).
162 T Shrestha and others, 'The Natural World around Me; a Qualitative Exploration of Young People's Relationship to Nature and How It Relates to Their Wellbeing and Feelings of Pro-environmental Behaviour' (2025) 103 Journal of Environmental Psychology 1, 5.
163 ibid, 6.
164 Shrestha and others (n 162).

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think it is just a beautiful thing. I guess we would not be here if we did not have any nature'.[165]

This interdependence and interconnectedness with the natural world are clearly articulated in many of the child/youth-involved climate cases. In nearly every case, young plaintiffs provide examples of how the climate crisis is negatively impacting their physical and mental health, highlighting how they strongly depend on the natural world to live healthy, happy lives. In *Sagoonick v State of Alaska II*, young plaintiff Bay explains how his 'identity and family traditions are deeply rooted in connection to and reliance on the landscapes and natural resources of Southeast Alaska, which he depends on to sustain his life and health'.[166] His fellow young plaintiffs Cecily and Lila also express how they depend on nature to sustain their health and safety, which is being 'endangered by climate pollution'.[167] In many other cases, such as *Held v Montana* and *Juliana v US*, every plaintiff makes the connection between their health and the health of the natural world. Furthermore, this connection is often expressed in a way that recognizes the climate harms affecting other living beings and the subsequent consequences for all life on the planet – not only for humans. In a recent analysis of child/youth climate litigation, Daly and Muller found that the right to health is the most relevant to all youth climate cases, whether it is invoked directly or indirectly through their claims.[168] Considering the health and development of children/youth are most affected by the climate crisis, it is predictable that health is central to all of the plaintiffs' experiences. Yet, rather than speaking about their health in isolation, children/youth demonstrate how their health is intertwined with nature in a way that reflects the reciprocal, interconnected relationship between humans and the natural world.

The theme of reciprocity is essential to many of the young plaintiff's understanding of nature, which aligns with current research on children's relationship with nature. Recent studies find that children and young people have a symbiotic understanding of the human/nature relationship and that this relationship is one that cannot exist without the other; viewing the world through a reciprocal or interconnected lens has been suggested as a key component of systemic change.[169] In *Lighthiser v Trump*, plaintiffs 'J.H. and I.H. feel a deep sense of interconnectedness with Montana's natural environment and spend time every summer camping and hiking with their family'.[170] In the same case, Haana 'believes that her Haida language, culture and mythology is deeply interconnected with the animals, plants, waters, natural resources, climate and ecology of Haida Gwaii'.[171] Along with recognizing interconnectedness, the responsibility to care for and protect nature is also evident throughout the young plaintiff's claims. In *Future Generations v The Ministry of the Environment* (hereinafter *Future Generations*),[172] a key feature is 'solidarity', where

165 Kalvaitis and Monhardt (n 147) 7.
166 *Sagoonick and others v State of Alaska II* (n 152) [72].
167 *Sagoonick and others v State of Alaska and others* (n 152) [39].
168 A Daly and L Muller, 'Child/Youth Climate Litigation: Tracking Children's Rights and Children's Impact' (2025) 82 Washington & Lee Law Review 1049, 1058.
169 Shrestha and others (n 162) 6.
170 *Lighthiser v Trump* (Complaint) (2025) Case No 2:25-cv-00054, District Court of Montana [22].
171 ibid [160].
172 *Future Generations v The Ministry of the Environment* (2018) 11001 22 03 000 2018 00319 00, Supreme Court of Justice of Colombia.

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the plaintiffs recognize everyone's responsibility not only to current and future generations but also towards other living beings.[173]

### 3.4 Centrality of place-based connections

Place-based connection is another common element of relational thinking and approaches, which young climate activists are demonstrating through their climate litigation. The centrality of place is characteristic of Indigenous approaches and worldviews, as articulated by many Indigenous scholars such as Kealiikanakaoleohaililani and Giardina, as quoted in West et al., who say that 'only when people are in relationship with place and with resources can there be deepened connections between beings (plant, animal, physical, spiritual)'.[174] It is a sense of connection and attachment to place that fosters a feeling of responsibility and stewardship, which has been found to be an important component of young climate activists' narratives. Larocque argues that place-based connections are 'at the heart of youth eco-activists' aspirations' and that this is indicative of a shift towards relational approaches in climate actions.[175] Attachment to place fosters a sense of belonging and shapes identities, which is especially important for children and young people as they develop their sense of self and purpose in the world.[176] Thus, it is unsurprising that young litigants draw on the relationships they have with beaches and forests, since the climate crisis is threatening the very places that bring meaning into their lives.

Young climate plaintiffs talk about their favourite places which they feel a close attachment to and the impact this has on their well-being. In both *Sacchi v Argentina et al.*[177] and *Held v Montana*, the complaint argues that children are likely to experience a phenomenon called 'solastalgia', which is the 'gripping sense of existential loss when treasured places are irreparably damaged or destroyed'.[178] One of the cases, plaintiffs in *Held v Montana*, Badge, is strongly connected to a particular area that was destroyed by wildfires, which causes him distress and a 'profound emotional impact'.[179] In *Genesis v US*, Noah talks about his favourite place in California, called Sebastopol, to which he 'feels a sense of connection and belonging' and has good childhood memories.[180] In a Canadian case, *La Rose v Her Majesty the Queen*, one of the young plaintiffs, Haana, 'feels a deep connection to and spends a lot of her spare time hiking and exploring the rainforests of Haida Gwaii'.[181]

173 A Daly, F Paz Landeira and L Muller, *The Rights of Children and Youth in the Climate Crisis – Action and Litigation* (Routledge 2026) 201.
174 West and others (n 6) 7.
175 E Larocque, 'Co-envisioning the Social-Ecological Transition through Youth Eco-activists' Narratives: Toward a Relational Approach to Ecological Justice' (2023) 31 Journal of Community Practice 127, 148.
176 G Jack, 'Place Matters: The Significance of Place Attachments for Children's Well-Being' (2010) 40 The British Journal of Social Work 755, 766.
177 *Sacchi et al. v Argentina et al.* (Petition) (2019) Submitted under Article 5 of the Third Optional Protocol to the United Nations Convention on the Rights of the Child [94].
178 *Held and others v Montana* (n 144) [128].
179 ibid [25].
180 *Genesis v US Environmental Protection Agency* (n 145) [50].
181 *La Rose and others v Her Majesty the Queen* (Complaint) (2020) Court File No T-1750-19, Federal Court of Canada [164].

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The importance of place is central to many claims made by young litigants in climate cases, which further points towards the close relationship that many children/youth have with the natural world. This perceived closeness is contributing to a relational approach to climate justice, where children/youth are drawing on their relationships to demonstrate how environmental harm impacts their daily lives and, in turn, their rights.

### 3.5 The 'children closer to nature' debate

In framing children and young peoples' approach to climate justice as 'relational' and motivated by their closeness with nature, there is a risk of falling into the 'innocent' and 'pure' views of childhood, which are paternalistic. Children's rights and childhood studies have come a long way from welfare and protectionist approaches that neglect to recognize children's agency, which especially changed after the UNCRC was adopted at the end of the 20th century. Yet, the romantic construction of childhood that sees children as a more natural, naive state of the human condition (shaped by adults) has persisted in the child/nature relationship narrative.[182] For example, children's literature often depicts childhood as being closer to animals and the natural world.[183] And, as modern society has become more urbanized and digital, there have been increasing calls to reconnect children with nature to 'save them' from what Richard Louv calls the 'nature-deficit disorder'.[184] These conceptualizations of the child/nature relationship romanticize the past and universalize the experience of being in nature as a child and oversimplify what the human/nature relationship really entails.[185] Part of Louv's argument is that past generations of children were closer to nature and that it is a more recent phenomenon that younger generations are becoming disconnected and alienated from nature.[186] However, scholars such as Dickinson[187] and Malone[188] point to the human/nature binaries that are perpetuated by the modern-day 'child in nature' movement, which still positions the human as exceptional and outside of nature. Simply putting children back in nature glosses over the 'complex cultural issues that contribute to the problem in the first place'.[189] For example, environmental education programmes tend to frame nature as existing 'solely as a restorative "resource" for unnatured, disconnected children', rather than instilling the understanding that humans are

182 O Jones, 'Naturally Not! Childhood, the Urban and Romanticism' (2002) 9 Human Ecology Review 17.
183 ibid, 21.
184 R Louv, *Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder* (Atlantic Books 2013) 36.
185 K Malone, 'Theorizing a Child–Dog Encounter in the Slums of La Paz using Posthumanistic Approaches in Order to Disrupt Universalisms in Current "Child in Nature" Debates' (2016) 14 Children's Geographies 390; E Dickinson, 'The Misdiagnosis: Rethinking "Nature-Deficit Disorder"' (2013) 7 Environmental Communication 315.
186 Louv (n 184) 31–6.
187 Dickinson (n 185).
188 K Malone, 'Posthumanist Approaches to Theorising Children's Human-Nature Relations' in Karen Nairn, Peter Kraftl and Tracey Skelton (eds), *Space, Place and Environment* (Springer 2015).
189 Dickinson (n 185) 318.

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just one, small part of the whole and that they are in constant relation with the more-than-human world.[190]

The idea that children are 'innately' attracted to nature, as supported by Wilson's biophilia hypothesis[191] and other early research[192] exploring children in nature, has been part of the idealized framings of the child/nature relationship. However, the biophilia hypothesis suggests that human beings in general (children and adults) are innately drawn to the living world, and it has been argued that the experience and learning of nature itself are required to fully 'optimize biophilic tendencies'.[193] The way humans interact and connect with the natural world plays an important part in shaping identity and 'impacts the core of our wellbeing'.[194] It is widely known across cultures that being in nature and spending time outdoors improves physical and mental well-being and leads to feelings of mindfulness and relaxation[195] – even living in neighbourhoods with more green spaces improves overall health.[196] Through the youth climate justice movement, children and young people *themselves* are demonstrating how central the natural world is to their well-being and sense of identity, and giving meaning to these relationships through their own words and actions. They are highlighting how enmeshed and entangled their lives are with the flora and fauna, forests, beaches and mountains and that for many of them, the connection is and always has been there; however, this connection is being threatened by the climate crisis. While the 'child in nature' movement has been largely adult-led and positions children/youth as passive beneficiaries and 'becomings' in the context of their relationship with nature, young climate activists are increasingly showing that they are active rights holders whose relationships with nature are influencing their activism and desire to protect the environment.

In her work on reconceptualizing the 'nature' of childhood, Affrica Taylor examines the post-Enlightenment dualistic thinking that contributed to the child/adult and nature/culture divide and how the separation between nature and society has been perpetuated by the childhood/nature conceptualizations dating back to the 18th century.[197] The author articulates many aspects of the 'child in nature' movement, like nostalgia, the purity of both childhood and nature and the influence of modern Western culture representations of childhood, e.g., in Disney movies. Of particular relevance, Taylor draws attention to the way many human geographers have begun to 'promote a (non-dualistic) relational understanding of nature and culture' that recognizes the 'interdependencies of the human and the more-than-human worlds' and collective nature of all living and non-living beings.[198] Taylor proposes that such relational per-

190 Malone (n 185) 404.
191 E Wilson, *Biophilia* (Harvard University Press 1984).
192 PH Kahn and SR Kellert (eds), *Children and Nature: Psychological, Sociocultural, and Evolutionary Investigations* (MIT Press 2002).
193 J Hinds and P Sparks, 'The Affective Quality of Human-Natural Environment Relationships' (2011) 9 Evolutionary Psychology 451, 453.
194 R Russell and others, 'Humans and Nature: How Knowing and Experiencing Nature Affect Well-Being' (2013) 38 Annual Review of Environment and Resources 473, 476.
195 A Olszewska-Guizzo and others, 'Features of Urban Green Spaces Associated with Positive Emotions, Mindfulness and Relaxation' (2022) 12 Scientific Reports 1.
196 MP White and others, 'Spending At Least 120 Minutes a Week in Nature Is Associated with Good Health and Wellbeing' (2019) 9 Scientific Reports 1.
197 A Taylor, 'Reconceptualizing the "Nature" of Childhood' (2011) 18 Childhood 420.
198 ibid, 425.

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spectives can offer a path forward for childhood scholars to reimagine childhood in a way that moves beyond the human/nature separation. Through the stories they share in climate litigation, children/youth are portraying their daily lives and rights as being intricately dependent on their human and more-than-human relationships. Traditional conceptualizations of childhood and nature are being challenged by younger generations themselves, which signals what Daly and others propose as a 'postpaternalist' era for children's rights.[199]

## 4 TOWARDS A RELATIONAL APPROACH TO CLIMATE JUSTICE

While many disciplines have begun to embrace theoretical and methodological approaches grounded in relational theory, engagement within the legal field has remained limited. Given law's foundational role in structuring society and influencing values, relationships and responsibilities,[200] its limited engagement with relational approaches raises important questions about how legal systems can respond to the interconnected challenges we face today. As the human rights framework – a core component of the legal system – is increasingly used to address environmental harms and the impacts of such harms on both human and more-than-human beings, there is a need to challenge the centrality of humans in the human/nature relationship and to reconstruct the ideals and values that underpin human rights themselves. In this context, relationality offers an alternative approach to reimagine law to reflect relationships, reciprocity and interconnectedness, rather than the anthropocentric approach that human rights have traditionally taken. Human rights play a key role in efforts that seek climate justice and to move away from harmful extractive practices and policies[201] – which is being championed by young climate activists through their litigation efforts for the right to a healthy environment. This section synthesizes how child and youth climate activists' relational practices reveal what it can look like to take a relational approach to climate justice and what this means for rethinking rights frameworks.

### 4.1 A relational approach to climate justice

Although relational thinking is relatively new to the legal sphere and other disciplines, Indigenous peoples and their worldviews have embodied relationality since time immemorial, rejecting the separation of the human and more-than-human world. Globally, Indigenous peoples have been very active in advocating on behalf of the climate and fighting for the protection and respect of the natural world, as it is deeply tied to their languages, cultures and identity.[202] Even though they only make up around 5% of the global population, Indigenous peoples protect nearly 80% of Earth's biodiversity and have been recognized as key actors in climate mitigation and adaptation practices.[203] The traditional knowledge and worldviews that they hold are often grounded in values

199 Daly and others (n 22) 1388.
200 Kotzé (n 11) 253.
201 Seck (n 19) 153.
202 N Redvers, P Aubrey, Y Celidwen and K Hill, 'Indigenous Peoples: Traditional Knowledges, Climate Change and Health' (2023) 3 PLOS Global Public Health 1.
203 MA Kaleb and others, 'Climate Justice within the UNFCCC Negotiations: The Case of the Rights of Indigenous Peoples from Copenhagen Accord to Paris Agreement' (2020) 5 International Journal of Natural Resource Ecology and Management 160.

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such as reciprocity, trust and relationality, which shape their practices to protect biodiversity and ecosystem integrity.[204]

While the complexities of Indigenous governance and legal structures are beyond the scope of this article – because of the 5000 different Indigenous cultures found across the globe[205] – it is important to note that relational approaches to law and climate justice are inherent to Indigenous communities worldwide.[206] Despite cultural and linguistic differences, Indigenous peoples generally understand the world through situated realities and believe that decisions should always consider the relationships humans have with each other, with the natural world and with institutions.[207] A relational reality operates in a different onto-epistemological understanding of the world in that knowledge is relational (not held by or owned by one person) and that an 'object or thing is not as important as one's relationship to it'.[208] This relational worldview does not always translate well when working in spaces that have a more categorical and hierarchal way of understanding the world (i.e., Western thought); however, there have been increasing efforts to implement relational practices in order to live in closer harmony with the natural world.

Indigenous peoples are bringing this relationality and traditional ways of knowing to modern decision-making spaces, such as the UNFCCC Conference of the Parties (COP) and other biodiversity and climate negotiations.[209] Their approach to climate justice is inherently relational, as it seeks justice for not only humans but also the more-than-human world and the relationships that sustain life, which in turn better protects the human rights of Indigenous peoples and the rest of humanity. The climate crisis further exacerbates human rights violations faced by Indigenous peoples because of pre-existing socioeconomic inequities and the intimate relationship they have with the land;[210] thus, a relational approach to climate justice is not simply about protecting the human but also the relationships and other beings that shape what it means to be human.

Within international human rights law, Indigenous peoples have played an important role in challenging the human/nature binary within the legal system, especially through instruments like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[211] The UNDRIP has a collective dimension and recognizes the rights of Indigenous peoples to, for example, maintain the relationship they have with the land. In doing so, it reaffirms that human rights and ecological integrity

204 ibid, 161.

205 United Nations, 'Background – International Day of the World's Indigenous Peoples', *United Nations* <https://www.un.org/en/observances/indigenous-day/background> accessed 16 June 2026.

206 Dudgeon and Bray (n 124).

207 M Wildcat and D Voth, 'Indigenous Relationality: Definitions and Methods' (2023) 19 AlterNative: An International Journal of Indigenous Peoples 475, 476.

208 S Wilson, *Research Is Ceremony: Indigenous Research Methods* (2008 Fernwood Publishing) 73 as cited in NRA Romm, 'An Indigenous Relational Approach to Systemic Thinking and Being: Focus on Participatory Onto-epistemology' (2024) 37 Systemic Practice and Action Research 811, 820.

209 Kaleb and others (n 203).

210 IWGIA, *Recognising the Contributions of Indigenous Peoples in Global Climate Action? An Analysis of the IPCC Report on Impacts, Adaptation and Vulnerability* (IWGIA 2022).

211 LA Miranda, 'Indigenous Peoples as International Lawmakers' (2010) 32 University of Pennsylvania Journal of International Law 203, 251.

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are interdependent; however, scholars have pointed out that Indigenous peoples' rights as outlined by UNDRIP 'operates within a system that was not designed to be relational' which illuminates the tensions between dominant, individualistic legal frameworks and Indigenous epistemologies that are relational, collective and ecological.[212] While tensions do exist, Muller suggests that non-Western philosophies (including relational approaches) can better address the complex, multifaceted legal challenges that arise when dealing with the climate crisis, as such frameworks better account for the interconnectedness of humans and the natural environment.[213]

Using the human rights framework as a mechanism to achieve climate justice has been explored in recent years outside the UNDRIP, especially since the increase in frequency of rights-based climate litigation after the Paris Agreement was adopted in 2015.[214] However, according to some, the 'full potential of this framework is yet to be realized'.[215] The Rights of Nature (RoN) movement – recognizing the legal rights and interests of living and non-living natural beings (other than humans) – has been a main proponent of bridging human rights and nature within law with the hope to shift towards an ecocentric system that values nature beyond its economic and instrumental values.[216] While it has been argued that extending legal rights to the nonhuman is still 'premised on the subject-object grammar of modern law' and that this can hinder their potential impact of challenging 'dominant legal understanding of rights',[217] there have been promising developments where RoN decisions move beyond human/nature binaries. In the *Atrato River Case*, the Constitutional Court of Colombia recognized the interconnectedness between humans and other sentient beings and the importance of moving beyond 'normative categories of domination' in a decision to recognize a river as a subject of rights.[218] When RoN decisions go beyond attributing intrinsic value to nature to also acknowledge relationality and the interconnectedness of ecosystems and all their constituents, it becomes possible to shift towards a systemic transformation in the way the human/nature relationship is articulated and understood within law.[219] An ecocentric approach through the RoN movement is an important step for expanding the human rights framework to care for nature, but a relational approach goes further by conceptualizing humans and nature as part of the same interconnected ecosystem where rights are not necessarily entitlements but responsibilities to protect each other.

The human right to a healthy environment is another component of the human rights framework which seeks to regulate the legal relationship between humans and nature.[220] Applying a relational lens to this right has more recently been described as

212 M Pugin, 'Indigenous Australian Diplomacy and the United Nations Declaration on the Rights of Indigenous Peoples' (2023) 77 Australian Journal of International Affairs 625, 628.
213 L Muller, 'Children at the Lekgotla: African Child-Led Litigation for Remedies in the Climate Crisis' (2025) 2 African Journal of Climate Law and Justice 59, 86–7.
214 A Savaresi and J Setzer, 'Rights-Based Litigation in the Climate Emergency: Mapping the Landscape and New Knowledge Frontiers' (2022) 13 Journal of Human Rights and the Environment 7.
215 P Waiter, 'Bridging Human Rights and Nature Protection: Exploring the Potential of the Anthropocentric Approach' (2025) 47 Human Rights Quarterly 477, 477.
216 J Gilbert and others, 'Understanding the Rights of Nature: Working Together across and beyond Disciplines' (2023) 51 Human Ecology 363.
217 Jones (n 16) 95.
218 *Atrato River Case* (Decision) (2016) T-622/16, Constitutional Court of Colombia [5.10].
219 Jones (n 16) 98.
220 Mwanza (n 37).

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an opportunity to move away from the human/nature binary and embed the realities of human existence – as being inseparable from the natural world – into its normative framing. Mwanza brings together examples from this scholarship to demonstrate how it is possible to develop and institutionalize the right to a healthy environment in a way that draws on relational thinking to better reflect the 'peoples' experiences of existing and emerging forms of environmental injustices and harms' through concepts such as embodiment.[221] In her work on environmental and gender justice, Seck argues that legal tools can be reconstructed through a relational lens in order to disregard the 'bounded autonomous individual' and highlight the interconnectedness and relationships between humans and the natural world.[222] This approach sees that an individual's rights and well-being are intertwined with, and shaped by, their relationships. It is notable that the rejection of the human as an autonomous, liberated being as a relational approach has been articulated by many legal scholars in the context of intergenerational justice,[223] nature conservation,[224] disability rights[225] and even children's rights.[226] Yet the practical application of relationality in law, specifically in the context of youth climate justice and the human/nature relationship, has very seldomly been explored. Bessant and others have argued that applying a relational lens to intergenerational justice can help to better demonstrate the many intersecting injustices children and young people face in the climate crisis and how recognizing relational dimensions can ensure more equitable climate justice.[227] In another recent study examining arts pedagogy for climate justice, Derr and others found that children and young people are taking a more embodied, relational approach to activism which disrupts human/nature and child/adult hierarchies and binaries.[228] While the disruptive impact of youth climate activism is increasingly recognized[229] (including relational elements), the relational approach to climate justice and human rights that children and youth are championing has not.

### 4.2 Deepening a relational approach through child/youth climate litigation

Following the examples provided in section 3, which examine the relational themes and characteristics of child/youth-involved climate cases, this part of the analysis turns towards the impact of these cases on deepening relational approaches to law.

221 ibid, 352.
222 Seck (n 19) 153.
223 Eisen, Mykitiuk and Scott (n 159).
224 JM Foggin, D Brombal and A Razmkhah, 'Thinking Like a Mountain: Exploring the Potential of Relational Approaches for Transformative Nature Conservation' (2021) 13 Sustainability 1.
225 A Arstein-Kerslake and others, 'Relational Personhood: A Conception of Legal Personhood with Insights from Disability Rights and Environmental Law' (2021) 30 Griffith Law Review 530.
226 P Laufer-Ukeles, 'The Relational Rights of Children' (2016) 48 Connecticut Law Review 741.
227 J Bessant, A Prost and R Watts, 'Intergenerational Climate Justice: Applying Theory to Policy in the Anthropocene' (2025) Journal of Applied Youth Studies 1, 6.
228 V Derr and others, 'Youth Arts Pedagogy for Climate Justice: Radical Relationality and Interspecies Poiesis in a Yet-to-Be-Known World' (2025) 23 Children's Geographies 141.
229 T Firinci Orman, 'Rethinking Utopias through Hannah Arendt: Youth Climate Activism and the Politics of Possibility' (2025) Philosophy & Social Criticism 1.

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The solidarity approach[230] taken by children and young people in *Future Generations* and *Álvarez et al. v Peru* intertwines the rights of the children themselves and the rights of nature. While it is previously mentioned that the RoN movement can still foster a divide between humans and nature, children and youth are claiming their right to a healthy environment in relation to the imperative that nature must also be legally protected. In *Álvarez et al. v Peru*, the complaint refers to concepts like 'deep ecology'[231] and details how the rights of nature and the right to a healthy environment are inextricably linked.[232] In the judgement for *Future Generations*, the Colombian court found that 'the protection of fundamental rights not only involves the individual but implies the "other" which includes both neighbour, including those in the future, and nature'.[233] These examples, and future child/youth climate cases that continue to draw on the interconnectedness of humans and nature through rights language, contribute to the broadening of the scope of the right to a healthy environment beyond traditional anthropocentric frameworks towards more relational interpretations.

Another way child/youth climate litigation is shaping the legal landscape is using lived experience as a form of evidence which young plaintiffs are bringing into complaints, hearings and social media press surrounding the cases. As seen in many child/youth-involved cases, the effects of climate change are not only articulated in facts and numbers. The young plaintiffs craft a narrative of climate change that is vivid and real, drawing on lived experiences of devastating forest fires and droughts and the emotional toll of losing places in nature that are central to their identity and well-being.[234] While it is necessary to include institutional scientific evidence, such as data from Intergovernmental Panel on Climate Change (IPCC) reports, this type of knowledge does not capture how the climate crisis is experienced on the ground and can create a 'worrying gap' between those affected by climate change and those litigating and shaping policy.[235] It has been observed that personal narratives are a growing and transformative trend in climate litigation, with many case analyses focusing on child/youth climate cases[236] – despite not making the explicit link that young climate plaintiffs are among those particularly advancing this strategy. Wewerinke-Singh and Ramsay argue that using relational stories and narratives in litigation can highlight the 'complex entanglements between humans and nature' and 'foster an expansive understanding of self as interconnected with the living world across time and space, emphasizing continuity and reciprocity between ancestors, current generations, and descendants'.[237] They find that storytelling, especially when relational, can shape human rights law

230 Daly, Paz Landeira and Muller (n 173) 201.

231 A Naess, 'The Deep Ecology Movement: Some Philosophical Aspects' in Alan Drengson (ed), *The Selected Works of Arne Naess* (Springer 2005).

232 *Álvarez et al. v Peru* (n 118) [2.1].

233 *Future Generations* (n 172) [5.2] (Decision, unofficial translation).

234 G Nosek, 'Climate Change Litigation and Narrative: How to Use Litigation to Tell Compelling Climate Stories' (2018) 42 William & Mary Environmental Law & Policy Review 733.

235 A Berti Suman and A Burnette, 'A Place for People's Knowledge in Climate Evidence: Exploring Civic Evidence in Climate Litigation' (2024) 33 Review of European, Comparative & International Environmental Law 383, 384.

236 ibid.

237 M Wewerinke-Singh and AS alo F Ramsay, 'Echoes through Time: Transforming Climate Litigation Narratives on Future Generations' (2024) 13 Transnational Environmental Law 547, 549.

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to 'better accommodate intergenerational justice concerns', and that Indigenous leadership and agency have been influential in climate litigation outcomes.[238] As shown throughout this article, it is evident that children and youth are also employing relational storytelling, and this will continue to impact climate litigation outcomes which acknowledge and address the close relationship between humans and nature.

When human rights are conceptualized relationally, it can influence how the law responds to the climate crisis. A relational approach to human rights can reshape our understanding of the human/nature relationship as one sustained by reciprocity and care, rather than one of domination and control. Thus, a potential entry point for embedding relationality in modern legal thinking lies in the way children/youth relate to and understand the natural world. The following will demonstrate examples of how this relationality has positive implications for both children's rights and human rights more broadly.

### 4.3 Implications for children's rights and the right to a healthy environment

In a recent report, *The Right to a Healthy Environment in Practice: A Decade Before the Courts*, the UN Environmental Programme (UNEP) recognizes four key trends in the developments of the right to a healthy environment, with the impact on children and young people being one of them.[239] UNEP finds that the use of the right to a healthy environment has 'expanded beyond traditional actors to include children and youth' and that younger generations are increasingly employing 'human rights frameworks to accelerate climate and other environmental action'.[240] It is clear that the actions of young people, especially at the international level, are framing children, youth and future generations as holders of the right to a healthy environment and that their participation has been central to illuminating the intergenerational and disproportionate impacts that they face in relation to environmental degradation. This has important implications for children's rights, which can be understood through the framework of postpaternalism.[241] Children and young people are shaping and giving meaning to the right to a healthy environment through their own actions, which go beyond protecting their own rights but also those of future generations and the more-than-human world.[242] Although children/youth do not always use rights language when advocating for stronger climate action, and climate cases might not fall within RoN jurisprudence, their relational approach extends to protecting nature by framing their rights as entangled with the more-than-human world. Thus, children/youth are not only contributing to the right to a healthy environment as non-traditional actors but also using a HRBA that moves beyond a traditional way of employing human rights as individual, dominion-based claims.

The recognition of the interdependence between humans and nature in child/youth climate cases also has implications for breaking down child/adult and human/nature binaries that exist and how children (or anyone considered an 'other') can be perceived

238 ibid, 550.
239 United Nations Environment Programme, 'The right to a healthy environment in practice: a decade before the courts (2015–2025)' (2025) <https://wedocs.unep.org/items/6e2ecf9e-6d13-425c-b245-3923e2d78dfd> accessed 15 October 2025.
240 ibid 21.
241 Daly and others (n 22).
242 Daly, Paz Landeira and Muller (n 173).

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as 'irrational, dependent, and lacking capacities for responsibility'.[243] Wall points to the vulnerability and collective claims that young climate activists make and how the human rights framework 'tends to construct rights as assertions of independent individuals'.[244] Children's/youth's relational approach to climate justice moves beyond the binaries that exist within human rights, and through recognizing 'humanity's deep interdependence' it then becomes possible for the 'human' of human rights to be reimagined as not an individual but as a 'deeply interdependent' being.[245] Acknowledging the vulnerability and interdependence that characterizes the human/nature relationship, as children/youth are doing through their engagement with legal processes, reframes the right to a healthy environment as a right that protects the dynamic and reciprocal relationship that exists between humans and nature (rather than a right that protects individual well-being).

As mentioned previously, the right to a healthy environment has developed substantially in recent years, and many jurisdictions have seen a shift towards ecocentric interpretations. Children/youth have played an important role and are giving their own meaning to the right to a healthy environment by demonstrating that a healthy environment protects the relationships they have with their friends, family and the more-than-human world. A healthy environment is not simply about having access to the 'services' that different ecosystems provide, such as clean air and water; rather, it is about snowshoeing with friends and cultivating connection to wildlife and landscapes. The lived relational knowledge that young people rely on to shape their claims about human rights violations in the climate crisis makes it evident that through the lens of youth climate justice and children's rights, the right to a healthy environment is about protecting the relationships and connections that shape what it means to be human. Referring to Seck's work on reimagining law through a relational lens, she says that 'we must accept that international human rights law is not (just) what States say it is but, rather, what those who claim their rights know to be true'.[246] In this postpaternalist era of children's rights, children/youth across the world are claiming their right to a healthy environment and what it means by drawing on their lived experiences and knowledge. They are making explicit the interconnectedness between humans and nature, which is needed in order to reimagine the field of international human rights law to better account for injustices faced by both humans and the planet.[247] While there is increasing recognition for alternative approaches to environmental protection and climate justice, it is important to recognize the relational approach that children/youth are taking and how this contributes to conceptualizing children/youth as agents of change. In the scholarship that synthesizes the importance of relational thinking and the different groups of people and disciplines contributing to its potential,[248] children/youth and their climate action have received minimal recognition for advancing these approaches.

Another implication of children's/youth's relational approach to the right to a healthy environment and children's rights is the way their relational approach emphasizes responsibility. In many of the climate cases mentioned in the previous section,

243 Wall (n 131) 86.
244 ibid, 87.
245 ibid.
246 Seck (n 19) 177.
247 Seck (n 19).
248 Eyster, Satterfield and Chan (n 7).

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young plaintiffs speak about the responsibility they feel that they have towards protecting wildlife, rivers and ponds and how this responsibility fosters their connection to nature and vice versa.[249] Not only do children/youth speak about responsibility through their HRBA to climate justice, but filing climate cases is an act of responsibility in itself where children/youth are taking control of their right to participate and to act on the behalf of other children, future generations and the more-than-human community. In the context of the climate crisis, where children/youth are typically framed as being vulnerable and in need of protection, the 'responsibility' element of their relational approach disrupts global norms. Children/youth are assuming responsibility for nature in spaces where they are not traditionally expected to be, e.g., court rooms and international fora. Children/youth are showing that the right to a healthy environment is connected to responsibilities, and not just between children, parents and the state – but between humanity and nature. In Herring's work on relational approaches to human rights, he says that 'it is the performance of our relational responsibilities that should be key, not the maintenance of our freedoms'.[250] Through children's/youth's relational approach to climate justice, it is clear that their right to a healthy environment is not solely about personal freedoms and entitlements but the ability to build and maintain meaningful relationships with the more-than-human world.

Finally, the act of drawing on lived relational knowledge and making claims based on the interconnectedness between their lives and the more-than-human world challenges the very conceptual foundations of human rights. The hierarchy of human rights is shaken up when rights do not only centre on the human but also other living and non-living beings, as argued by César Rodríguez-Garavito and others in their work on more-than-human rights.[251] In the child/youth-involved cases highlighted throughout this article, it is clear that young plaintiffs are not taking a stance where their human rights should be protected at the cost of the more-than-human world. Rather, they argue that their health and well-being are connected to the health and well-being of the more-than-human world. And, although many child/youth climate cases are still pending outcomes or never reach trial, it has been found that these cases are still having an impact on reshaping the foundational principles of the legal system.[252]

## 5 CONCLUSION

Through the lens of their relational way of understanding of the natural world, this article has argued that the approach that children and young people are taking to seek climate justice is challenging the foundational assumptions of the human rights framework. Specifically, through examining child/youth-involved climate cases and the claims made by young plaintiffs, it is clear that the climate crisis is negatively impacting children and young peoples' daily lives and violating their rights, which is demonstrated through the connections and relationships they have with the natural world. Their activism reflects a fundamentally different approach which rejects the divide

249 For example, see *Juliana v United States* (n 154) and *Navahine v Hawai'i Department of Transportation* (n 155).
250 J Herring, 'Forging a Relational Approach: Best Interests or Human Rights?' (2013) 13 Medical Law International 32, 37.
251 CA Rodríguez-Garavito (ed), *More than Human Rights: An Ecology of Law, Thought and Narrative for Earthly Flourishing* (NYU Moth Project 2024).
252 Daly and Muller (n 168) 1071.

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between humans and nature, focusing on relationships. Even if it is not an explicit goal of their climate action, children and youth are reshaping the understanding of the human/nature relationship in law by working within existing systems while embracing their own worldviews and relationality.

Relational approaches offer an alternative to anthropocentric and ecocentric value-based approaches where, rather than recognizing the value in a particular entity, the value is found in the relationship between different entities. In the context of human rights, a relational lens sees humans as being constituted by the relationships they have with other humans, institutions and the natural world, which departs from the foundational understanding of rights holders as abstracted, self-constituting individuals.[253] Relational approaches also embody reciprocity and interconnectedness – values that are increasingly being recognized as essential to addressing the root causes of ecological destruction and social injustice. Arguably, implementing and upholding the right to a healthy environment can play a dual role by ensuring both humans (and their rights) and the natural world are protected from harm. Yet, as argued throughout this article, human rights themselves are built upon the idea that humans are superior to nature. Thus, if the evolving framework of the right to a healthy environment is going to reach its potential, it has been suggested that embedding relational thinking into its normative framing can better account for the realities of human existence.[254]

As research and the previously mentioned case law show, children and young people often have a deeply relational understanding of nature, one that recognizes interdependence, reciprocity, care and place-based connections. Through analysing child/youth climate cases, it becomes apparent that children and youth are demonstrating these values in practice, using the language of human rights and relationships to articulate an approach that transcends the anthropocentric limits of the typical human rights framework. Their actions are not only giving meaning to the right to a healthy environment but also demonstrating a 'postpaternalist' time for children's rights where children/youth are participating as active rights holders whose connection with nature is influencing their actions.

In sum, by focusing on relationships and not only entitlements, young climate litigants are advancing climate justice and challenging the normative assumptions of human rights. Their relational approach encourages us to rethink what the right to a healthy environment protects – not just human rights, but the intimately connected web of relations that make life on Earth possible.

253 Eisen, Mykitiuk and Scott (n 159).
254 Mwanza (n 220).

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