In this article we examine the future of human rights by looking at how ‘authoritarianism’, in its multifaceted forms and manifestations, intersects with existing discourses on climate change, environmental protection, populism and ‘gender deviance’. By adopting an intersectional lens, we interrogate the emergence of the right to a healthy environment and reflect on whether it will help against the double challenge faced by human rights: of climate breakdown and rising authoritarianism. We study the link between authoritarianism and populism, focusing on far-right populism and the creeping authoritarian features that we can associate with far-right groups, both movements and parties. We also consider how certain understandings of nature and the environment are put forward by authoritarian regimes. This leads us to consider so-called ‘ecologism’ and the ways in which far-right movements draw upon green thought on the natural environment to further a gendered agenda based on conceptions of nature as a ‘national treasure’. These conceptions, as we demonstrate, go hand in hand with policies that promote national identity and directly undermine the rights of migrants, ethnic minorities, women and LGBT+ groups.

1. Introduction

At a time of climate breakdown, deepening inequality, and states’ apparent reluctance to embrace swift and meaningful climate action, many scholars have come to question the continued relevance of human rights in tackling the challenges faced by the planet and its inhabitants, challenges which have deep disempowering implications for women and sexual minorities in particular. On 8 October 2021, however, the United Nations
(UN) Human Rights Council explicitly recognised the right to a clean, healthy, and sustainable environment, and established a special rapporteur on the promotion and protection of human rights in the context of climate change. The international community welcomed the move, which aimed at strengthening environmental and rights protection as well as the enforcement of existing environmental laws. Whether this formal recognition will live up to the hopes and expectations that it raises remains to be seen. Meanwhile, human rights also face another, equally daunting if not more insidious, challenge: that of rising authoritarianism.

In this article, we examine this double challenge of climate breakdown and rising authoritarianism to interrogate what the future of human rights might hold. In so doing we look at how authoritarianism, in its multifaceted forms and manifestations, intersects with existing discourses on climate change, environmental protection, populism, and ‘gender deviance’. Like the rest of our work, this contribution employs an intersectional lens which enables an investigation of authoritarianism that recognises its multiple implications for people, depending on their intersectional subjectivities and positionalities. We also recognise multiple expressions of authoritarianism across space and context, including fully fledged authoritarian regimes and the emergence of far-right populism in a range of countries across the world. As we show below, both authoritarianism and far-right populism are inconsistent with broad democratic principles and notions of human rights. Yet, as examined in this article, certain aspects of human rights are increasingly deployed in nativist and ‘identitarian’ rhetorical narratives.

In this interdisciplinary article we interrogate how recent turns towards authoritarianism impact the future of human rights, understood both as individual claims and as a complex legal system. In section two, we commence by providing a brief contextualisation and conceptualisation of democracy and authoritarianism, mainly drawing upon political science literature. In section three we turn to populism, gender, and climate denial, with a focus on far-right populism and the normalisation of authoritarianism associated with far-right groups, both movements and parties. We highlight the pronounced linkage between anti-genderism, misogyny, toxic masculinity, and climate...
change denial\textsuperscript{11} – a co-constitutive relationship that we argue is detrimental to human rights and climate justice. We couple this with an exploration of the ways in which certain understandings of nature and the environment are put forward by far-right populist leaders – more often than not highly masculinised individuals who employ gendered tropes in their denial of climate change, gender justice, and, by extension, human rights.\textsuperscript{12} This leads us to consider so-called ‘ecologism’ and the ways in which far-right movements at times draw upon green thought on the natural environment to further an agenda based on conceptions of nature as a ‘national treasure’ evoking nostalgic notions of the nation and its people. These conceptions, as we demonstrate, go hand in hand with policies that privilege nativist and masculinised conceptions of national identity which directly undermine the rights of migrants, ethnic minorities, women, and LGBT+ groups.

We conclude by returning to the recent international recognition of the right to a clean, healthy, and sustainable environment, examining its significance in the emerging context of ‘climate apartheid’, whereby the richest few are able to escape the consequences of climate breakdown. As noted by UN Special Rapporteur on Extreme Poverty Philip Alston, ‘[p]erverse[ly], while people in poverty are responsible for just a fraction of global emissions, they will bear the brunt of climate change, and have the least capacity to protect themselves’.\textsuperscript{13} More specifically, we reflect on whether invoking the right to a clean, healthy, and sustainable environment (or indeed other human rights) might help us counter the challenges posed globally by climate breakdown, authoritarianism, and indeed gendered and racialized inequalities, and bring us closer to achieving climate justice, informed by intersectional awareness and application.\textsuperscript{14}

2. Democratic Principles and Varieties of Authoritarianism

The classification of political and democratic systems is complex because ‘… most regimes in the world hold de-jure multiparty elections with universal suffrage’.\textsuperscript{15} Democracy, according to Mudde and Kaltwasser, is ‘… a highly contested concept’\textsuperscript{16} and our ambition here is not to bring clarity to the concept itself, but to treat it as an analytical starting point for our analysis of the intersection between authoritarianism, gender, climate change, and human rights. While in everyday speech democracy refers to the election of governments and other legislative authorities through free and fair elections,\textsuperscript{17} such elections are not enough to guarantee a healthy democracy; people need to have the

\textsuperscript{11}C Agius, A Bergman Rosamond and C Kinnvall, ‘Populism, Ontological Insecurity and Gendered Nationalism: Masculinity, Climate Denial and Covid-19’ (2020) 21(4) Politics, Religion & Ideology 432–50. On toxic masculinity, see C Daggett, ‘Petro-Masculinity: Fossil Fuels and Authoritarian Desire’ (2018) 41(1) Millenium 25.

\textsuperscript{12}Agius and others (n 11) 432–50.

\textsuperscript{13}P Alston, ‘World Faces “Climate Apartheid” Risk, 120 More Million in Poverty UN Expert’ (25 June 2019) UN News <https://news.un.org/en/story/2019/06/1041261> accessed 11 January 2022.

\textsuperscript{14}N Tuana, ‘Climate Apartheid: The Forgetting of Race in the Anthropocene’ (2019) 7 Critical Philosophy of Race 1.

\textsuperscript{15}A Luhrmann and others, ‘Regimes in the World (RIW) A Robust Regime Type Measure based on V-Dem’ University of Gothenburg, V-Dem Institute (2017) Working Papers Series 2017: 47, p 1.

\textsuperscript{16}C Mudde and CR Kaltwasser, ‘Populism and (Liberal) Democracy: A Framework for Analysis’ in C Mudde and others (eds), \textit{Populism in Europe and the Americas: Threat or Corrective for Democracy?} (Cambridge University Press 2012) 1.

\textsuperscript{17}Luhrmann and others (n 15) 1.
right to join and organise political parties without interference, as well as being entitled to contest the ruling party. A variety of democratic regimes exist, yet liberal democracy tends to be upheld by the international community and its institutions as the most legitimate and normatively desirable way of organising political life. Indeed, ‘… most day-to-day use of the term democracy actually refers to liberal democracy’. Its key components are free and fair democratic elections as well as ‘… rule of law ensuring civil liberties, and constraints on the executive by the judiciary, as well as by the legislature’. In brief, liberal democracy refers to ‘… a system characterized not only by free and fair elections, popular sovereignty, and majority rule, but also the constitutional protection of minority rights’. While liberal democracy is largely consensual, deliberative democracy rests on the significance of citizens and their political representatives coming together to negotiate solutions to public problems, employing deliberation and reflection in the process. Through such dialogical political processes, participants arrive at common understandings of each other’s interests, values and normative ambitions, and intersectional attributes and positions. Radical democracy, as an ideal type associated with Marxist-inspired political theorists Laclau and Mouffe, is also rooted in the idea of political dialogue, but holds that the consensual character of liberal democracy often suppresses a range of positions and voices. Its theorists hold that dissent and antagonism are central to democratic life, not least in a world defined by multiple intersecting crises, with creeping authoritarianism and climate change among the world’s most pressing global challenges.

Indeed, narrow definitions of democracy do not account for governments and leaders who have been elected through free and fair elections, but demonstrate authoritarian tendencies once in office, not least by introducing policies that considerably curb citizens’ rights and freedoms, such as the right to life, freedom of expression, or media freedom. Lührmann and Lindberg posit the existence of several kinds of autocracies, with electoral autocracies holding multiparty elections for the chief executive but failing in other regards. For example, they seek to ensure ‘their competitive advantage through subtler tactics such as censoring and harassing the media, restricting civil society and political parties and the undermining the autonomy of election management bodies.’ According to Lührmann and Lindberg, autocratisation ‘… can occur both in democracies and autocracies. Democracies can lose democratic traits to varying degrees without fully [doing so], and long before breaking down’. Central here are the questions

18Ibid.
19Ibid.
20Mudde and Kaltwasser (n 16) 1.
21Lührmann and others (n 15) 1.
22Mudde and Kaltwasser (n 16) 13.
23Ibid. 14.
24See generally A Bächtiger and others, ‘Deliberative Democracy: An Introduction’ in A Bächtiger and others (eds), The Oxford Handbook of Deliberative Democracy (Oxford University Press 2018).
25E Laclau and C Mouffe, Hegemony and Socialist Strategy (Verso 1985). See also C Mouffe, The Democratic Paradox (Verso 2005).
26Laclau and Mouffe (n 25).
27A Bergman Rosamond and others, ‘The Case for Interdisciplinary Crisis Studies’ (2020) Global Discourse (online first) 1.
28S Levitsky and LA Way, ‘Elections without Democracy: The Rise of Competitive Authoritarianism’ (2002) 13(2) Journal of Democracy 51.
29A Lührmann and SI Lindberg, ‘A Third Wave of Autocratization Is Here: What is New About It?’ (2019) 26(7) Democratization 1095.
30Ibid.
posed by political scientists Hadenius and Teorell: ‘... what conditions provide fertile soil for democratic advancement?’ and ‘... are certain authoritarian regimes more likely to break down, and, if so, are certain types more likely to democratize?’ To answer these questions they provide a typology of authoritarian regimes, differentiating ‘... between three different modes of maintaining political power’: hereditary succession, actual or threatened use of military force, and popular election. Authoritarian states, therefore, ‘... are heterogeneous, diverse in both their resiliency and their tendency to democratize’. Less clearly reflected by that typology, perhaps, is the turn towards populism and authoritarianism in countries previously characterised as democratic, as further discussed below.

Here we advance a working definition of the term ‘authoritarianism’ pertinent to our analysis of existing discourses on climate breakdown and on the protection of the planet and its human and non-human inhabitants. It is important to start by recognising the phenomenon’s multiple expressions across space and context, from the rise to power of fully fledged authoritarian regimes to the emergence of far-right populism in a range of countries across the world. Drawing upon intersectional theory, as pioneered by Columbia law professor Kimberlé Williams Crenshaw, we acknowledge intersections between gender, race, geographical location, class, ethnicity, and age in order to capture racialized and gendered oppression as well as people’s locations within a variety of contexts. This enables an investigation of authoritarianism that recognises a multiplicity of its implications for people, depending on their distinct subjectivities and positionalities. As we further discuss in section three, turns towards populism or fully fledged authoritarian-minded regimes pose significant challenges to the rights of individuals and groups, and to the future of the human rights system more broadly.

A narrow definition of authoritarianism does not sufficiently problematise the backlash against democratic values and human rights, including women’s rights, that characterises a growing number of states, impacting people’s ability to exercise their freedoms and rights. What is more, such encroachments on individual human rights, domestically and globally, are often coupled with anti-immigration policies and narrow definitions of the nation and its people. In this context, Lührmann and Lindberg warn of an unfolding ‘... third wave of autocratization’ (the first wave occurring roughly from 1926 to 1942 and the second from 1961 to 1977), pointing to Hungary’s declining ‘democratic qualities’ as an example.

Our analysis thus cannot confine itself to fully fledged authoritarian regimes but needs to include turns to far-right populism, democratic backsliding, and illiberalism to capture the complexity of authoritarianism and the way it impacts human rights and climate justice. Indeed, ‘... a non-authoritarian state can practise everyday acts of authoritarianism’, but we are also witnessing a ‘... new generation of authoritarian populists’, including Filipino

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31 A Hadenius and J Teorell, ‘Pathways from Authoritarianism’ (2007) 18(1) Journal of Democracy 143, 143.
32 Ibid. 146.
33 Ibid. 154.
34 K Yusoff, ‘Geologic Life: Prehistory, Climate, Futures in the Anthropocene’ (2013) 31(5) Environment and Planning D: Society and Space 779.
35 Crenshaw (n 7).
36 Agius and others (n 11).
37 Lührmann and Lindberg (n 29).
38 M Glasius ‘What Authoritarianism is ... And Is Not: A Practice Perspective’ (2018) 94(3) International Affairs 515.
President Rodrigo Duterte, Hungarian Prime Minister Viktor Orbán, and Indian Prime Minister Narendra Modi, leaders displaying pronounced autocratic tendencies that seriously compromise people’s human rights – political, social, and cultural – as well as their integrity. Such leaders are frequently located on the far right and employ gendered stereotyping and masculinist leadership styles to capture the support of electorates. They do not necessarily formally qualify as authoritarian tout court, given that they have been endorsed by their people through free and fair elections. Yet Trump’s near refusal to recognise the electoral success of Joe Biden in the 2020 US presidential election sustains the thesis that liberal democracies are not immune to leaders with authoritarian ambitions. We thus need to recognise the autocratic practices of leaders elected to power in states largely defined as democratic, particularly because their election and their policies are often detrimental to people’s full enjoyment of human rights. Such authoritarian encroachments on rights are often articulated through nativism, xenophobia, and gendered notions of political community, whereby women are assigned reproductive responsibilities and men are viewed as breadwinners. To capture the various human rights implications of autocratic regimes, we therefore fully consider the wide spectrum of autocratic regimes.

As Glasius notes, ‘… we should be able to judge the “authoritarianness” of governments not solely by how they came to power, or by the supposed personality traits of the electorate, but also by what they do once they are in power’. This requires a detailed analysis of ‘authoritarian’ and ‘illiberal practices’, with the latter including ‘… patterns of action that sabotage accountability to people over whom a political actor exerts control, or their representatives, by means of secrecy, disinformation and disabling voice’. Moreover, Glasius finds that ‘… authoritarian practices primarily constitute a threat to democratic processes, while illiberal practices are primarily a human rights problem’. Key here is so-called competitive authoritarianism, which denotes political regimes that are ‘hybrid’, that is to say, that combine democratic governance with some forms of authoritarian rules. The term ‘hybrid’ was used in the 1990s to refer to political regimes considered to be transitioning towards democracy. For many states, however, the expected transition never materialised. ‘Competitive authoritarianism’ differs from full-scale authoritarianism (such as fascist Italy or Nazi Germany in the interwar and World War II periods) and from so-called modern democracies, as described by Levitsky and Way.

As discussed above, liberal democracy is usually defined by the presence of free and fair elections, respect for human rights, well-functioning political institutions, a just legal system, and good governance. Although these defining characteristics enjoy wide global support, they are not uncontroversial and should not be taken for granted. Many international financial institutions, for instance, draw upon narrow definitions of liberal democracy when imposing criteria for membership or for loan distribution,
thus running the risk of excluding states in the Global South from fully participating in the international community. This has led to continued dispossession and extractivism well after the formal end of colonialism. \(^{45}\) In competitive authoritarian regimes elections are regularly held, which makes contest for executive power possible. Yet incumbents routinely abuse state resources, deny the opposition adequate media coverage, harass opposition candidates and their supporters, and in some cases manipulate electoral results. Journalists, opposition politicians, and other government critics may be spied on, threatened, harassed or arrested. Members of the opposition may be jailed, exiled, or – less frequently – even assaulted or murdered. \(^{46}\)

In 2010, the government led by Orbán and his Fidesz party introduced several restrictions to Hungary’s national media legislation which curtailed citizens’ press freedom. A new media supervisory authority has since been established in the country. Of particular note for the purposes of our analysis, Hungarian state media are not allowed to report on the eco-activism of Greta Thunberg, for example, or on other relevant human rights issues. In 2020, Orbán further curbed media freedom, and by extension freedom of expression, by silencing critical journalists on the pretext of the Covid-19 crisis. Restrictions on media freedom have also been introduced in Brazil and Poland, signifying the ‘first steps of autocratization’ which ‘… involve eliminating media freedom and curtailing civil society’. \(^{47}\) Social media are often used as platforms for the conduct of post-truth politics, whereby ‘… political speech is increasingly detached from the factual infrastructure. Consequently, our ability to react to political events and to engage in a democratic process of opinion-formation is compromised.’ \(^{48}\)

Creeping authoritarian features place incumbent governments ‘… at a significant advantage vis-à-vis their opponents, making changes of government through (peaceful) democratic processes increasingly hard, if not impossible’. \(^{49}\) By focusing on competitive authoritarianism, we can look at the ways in which political regimes act to undermine effective opposition in subtle ways, for example by appropriating notions of the welfare state, gender equality, and ‘ecologism’ to appeal to the concerns of broader audiences, as we demonstrate in sections 3 and 4 below. Key in this context is an intentional resorting to populism, particularly on the far-right spectrum.

### 3. Far-right Populism, Anti-genderism, and Climate Change Denial

Identity-based, nativist, and nationalistic populism is largely associated with the radical right. \(^{50}\) Such populists typically adopt xenophobic language and governing styles that

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\(^{45}\) See LJ Kotzé, ‘Editorial: Coloniality, Neoliberalism and the Anthropocene’ (2019) 10 Journal of Human Rights and the Environment 1. On good governance, see M Sattorova, *The Impact of Investment Treaty Law on Host States: Enabling Good Governance?* (Hart 2018) chs 3 and 6; see also C Tan, *Governance Through Development: Poverty Reduction Strategies, International Law and the Disciplining of Third World States* (Routledge 2011) ch 6. On the standard of civilization in international law, see N Tzouvala, *Capitalism as Civilization: A History of International Law* (Cambridge University Press 2020) ch 6.

\(^{46}\) Levitsky and Way (n 28).

\(^{47}\) SF Maerz and others, ‘State of the World 2019: Autocratization Surges – Resistance Grows’ (2020) 27(6) Democratizations 916.

\(^{48}\) AE Hyvönen, ‘Defining Post-Truth: Structures, Agents and Styles’ (2018) E-International Relations. https://www.eir.info/2018/10/22/defining-post-truth-structures-agents-and-styles/

\(^{49}\) A Müller, ‘The European Court of Human Rights and the Rise of Authoritarianism in Russia’ in J Vidmar (ed), *European Populism and Human Rights* (Brill 2020) 215–55, 215.

\(^{50}\) Agius and others (n 11); and Mudde and Kaltwasser (n 22). See also, generally, JW Müller, *What is Populism?* (University of Pennsylvania Press 2016).
challenge the authority and expertise of traditional political elites, civil servants, and global judicial institutions. Populism itself is not confined to radical right regimes, however; contemporary Venezuela is often taken as an instructive example of populism on the left. Some scholars have referred to ‘Chavista populism’ to describe ‘... an ambivalent and transitory process in response to the gradual closure of liberal (post-)democracy ... which entails both promises and dangers for democracy’. Mouffe in particular identifies an emancipatory logic in the ‘left populist strategy’ which enables the articulation of ‘... manifold struggles against oppression’ and rallies ‘... around a Green Democratic Transformation with a view to obtaining a democratic rupture with the neoliberal order’.

While recognising the significance of such scholarly interventions, in this article we focus our analysis on far-right populism and its relationship with anti-genderism and climate change denial. We do this because the discursive interventions of the far right are rooted in nostalgic and mythical understandings of the nation and of who is a rightful recipient of its protection and welfare. Underpinning such discourse is ‘welfare chauvinism’, which rests on a narrow definition of the people; the nation becomes a site of exclusion, limiting welfare provisions to those who share the ethnicity of the majority population. Migrants are frequently depicted as ‘welfare scroungers’ who drain the domestic welfare system and the state’s finances, with supposedly detrimental effects on the welfare of the majority population. This notion of protection often acquires racialized connotations whereby the security, bodily integrity, and rights of women perceived as belonging to the political community are seen as threatened by the ‘... brown, uncivilized male newcomer’, portrayed as callously insensitive to gender equality and justice. Radical far-right populist parties thus employ a ‘politics of fear’ that enables them to reconstitute their xenophobic ideas within the language of gendered protection and the defence of the welfare state and its women from exogenous threats. They rearticulate ‘... xenophobia as care and love for the family and (native) community, otherwise known as “care-racism”’. 

Recent empirical studies on the intersection of political ideology, race, and gender vis-à-vis the propensity to deny the existence of climate change have found strong evidence that conservative white males in the US, for instance, are ‘... more likely

51Agius and others (n 11).
52R Sanders, ‘Norm Spoiling: Undermining the International Women’s Rights Agenda’ (2018) 94(2) International Affairs 271.
53Y Stavarakakis and others, ‘Contemporary Left-wing Populism in Latin America: Leadership, Horizontalism, and Post-democracy in Chávez’s Venezuela’ (2018) 58(3) Latin American Politics and Society 51, 51.
54C Mouffe, ‘Why a Populist Left Should Rally Around a Green Democratic Transformation’ (2020) Open Democracy. https://www.opendemocracy.net/en/rethinking-populism/left-populiststrategy-post-covid-19/
55Agius and others (n 11).
56N Yuval Davis, Gender and Nation (Sage 1997).
57Agius and others (n 11).
58R Wodak (ed), The Politics of Fear: What Right-wing Populist Discourses Mean (Sage 2015).
59C Norocel and K Pettersson, ‘Imbrications of Gender and Religion in Nordic Radical Right Populism’ (2020) Identities: Global Studies in Culture and Power <www.tandfonline.com/doi/full/10.1080/1070289X.2021.1990542>. M Sager and D Mulinari, ‘Safety for Whom? Exploring Femonationalism and Care-Racism in Sweden’ (2018) 68 Women’s Studies International Forum 149.
than other adults to espouse climate change denial'. Similar results of what some authors call the ‘cool-dude effect’ have also emerged in Norway and in other European countries. According to these empirical studies, the ‘cool-dude effect’ manifests itself as a way of ‘… protecting group identity and justifying a societal system that provides desired benefits’, such as for instance a continued reliance on a fossil-fuelled elitist system. The Norwegian study, in particular, has posited that climate change denial is only one aspect of a more general resistance related to various societal issues, from globalisation to relationships with other social groups, that are perceived as challenges to the dominant elites to which these conservative white men belong.

The nostalgic, gendered narration of a bounded political community, by ‘cool dudes’ as well as other climate deniers on the political right, is also imbued with ‘toxic masculinity’, which is associated with male sexism and violence, ‘aggression and self-entitlement’, and notions of a strong male leader who can defend the nation against migration, migrants’ integration, globalisation, and the universal imposition of human rights regimes. For example, former US President Donald Trump was committed to ‘making America great again’ by conducting protectionist economic policies and constructing China as the main threat to ‘honest working American men’ who had lost their jobs in the face of Chinese competition. By fostering an anxiety and ontological insecurity (an insecurity relating to one’s sense of being in the world) among parts of the US electorate, Trump managed to get himself elected despite his lack of political experience, domestically and globally, and his autocratic, gendered leadership style. He projected a hypermasculine version of himself that appealed to male voters in particular, not least those located in the so-called Rust Belt who had lost their jobs in heavy industry.

Meanwhile, feminist activists and scholars, as well as LGBT+ groups, are treated with suspicion and disdain because of their opposition to this authoritarian and populist turn. Populist governments in several countries are emphasising social policies steeped in conservative ideology and traditional notions of family and gender roles, with restrictions on abortion and reproductive rights having been introduced in Poland and parts of the US. While an increasing number of states adhere to the broad UN agenda on women’s human rights, most notably the Committee on the Elimination of Discrimination against Women (CEDAW) and UN Resolution 1325 on Women Peace and Security,

60AM McCright and RE Dunlap, ‘Cool Dudes: The Denial of Climate Change among Conservative White Males in the United States’ (2011) 21 Global Environmental Change 1163, 1171.
61See respectively, O Krange and others, ‘Cool Dudes in Norway: Climate Change Denial among Conservative Norwegian Men’ (2019) 5 Environmental Sociology 1, 1–11; and T Pederby, ‘Cool Dudes in Europe: Climate Change Denial amongst Conservative “White” Men’ thesis, Lund University, 2019) <https://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=8975790&fileOId=8975794> accessed 11 January 2022.
62Krange and others (n 61) 9.
63C Harrington, ‘What is Toxic Masculinity and Why Does It Matter?’ (2020) 24 Men and Masculinities 345.
64‘Toxic masculinity’ has been distinguished by commentators from “healthy” masculinity. See e.g. M Salter, ‘The Problem with the Fight Against Toxic Masculinity’ The Atlantic (Sydney, 27 February 2019) 1 <www.theatlantic.com/health/archive/2019/02/toxic-masculinity-history/583411/> accessed 11 January 2022.
65R Sanders (n 52).
66Agius and others (n 11).
67Ibid.
68A Elomäki and J Kantola, ‘Theorizing Feminist Struggles in the Triangle of Neoliberalism, Conservatism, and Nationalism’ (2018) 25(3) Social Politics 337. https://doi.org/10.1093/sp/jqy013
there has also been a backlash against gender equality norms. According to Sanders, this ‘norm spoiling’ leads to the challenging of gender equality norms worldwide, with anti-gender governments and movements often co-opting anti-colonial messages of the universality of women’s rights to reconstitute notions of such rights in line with their anti-feminist agenda. Furthermore, Sanders demonstrates that while ‘… the global right wing has long been highly suspicious of … the UN’, far-right activists increasingly recognise its importance for ‘… for generating – and spoiling – norms’, in favour of traditional gender norms centred around the traditional family as a primary and sole nucleus of society. They co-opt feminist discourses and practices, replacing ‘… individual rights with rights of the family as a basic societal unit’ and depicting ‘… religious conservatives as an embattled minority’.

This discursive process is rooted in a mistrust of feminist theory, of what is perceived as ‘gender ideology’, and of feminist justice movements in Poland, Hungary, and elsewhere. A defining feature of far-right populist governments is their opposition to ‘genderism’, which they view as a form of ideological totalitarianism imposed on them. Gender-informed issues such as access to abortion or the rights of LGBT+ people are ultimately treated as threats to the future of the nation and its people. In Hungary, an EU member state with presumed democratic and rights-based credentials, the government subscribes to such anti-gender norms, having for example passed laws that prohibit discussion of LGBT+ in schools and on children’s television. In Poland, women’s rights to abortion services have been seriously curtailed through controversial legislation resulting in far-reaching infringements on women’s rights. In January 2017, Trump signed the reinstatement of the Mexico City Policy, often referred to as a ‘global gag rule’, to block US federal funding of non-governmental organisations (NGOs) that enable abortion counselling or medical referrals, advocate for the decriminalisation of abortion, or work to make abortion services more readily available.

It is apparent that populist far-right governments evoke fear and ontological insecurity among the public and employ anti-gender norms in doing so. This anti-gender practice is often paired with climate change denialism and a refusal to recognise the destructive effects of fossil fuel dependence. In many ways, ‘… climate change has become politicised in several countries, with politically right-leaning individuals expressing more climate change denial and opposition to climate policies than individuals that lean

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69 Sanders (n 52); Agius and others (n 11); K Aggestam, A Bergman Rosamond and E Hedling, ‘Feminist Digital Diplomacy and Foreign Policy Change in Sweden’ (2021) 17 Place Branding and Public Policy <https://link.springer.com/article/10.1057/s41254-021-00225-3> accessed 20 October 2021.
70 Ibid.
71 Korolczuk and Graff (n 10).
72 A Graff, ‘Report from the Gender Trenches: War against ‘Genderism’ in Poland’ (2014) 2(14) European Journal of Women Studies 431. See also A Graff ‘Gender Ideology: Weak Concepts, Powerful Politics’ (2017) 6(2) Religion and Gender 268; Korolczuk and Graff (n 10).
73 Korolczuk and Graff (n 10).
74 J Rankin, ‘Hungary Passes Law Banning LGBT Content in Schools and Kids’ TV’ The Guardian (London, 15 June 2021).
75 I Kwai, M Pronczuk and A Magdziarz, ‘Near-Total Abortion Ban Takes Effect in Poland, and Thousands Protest’ New York Times (27 January 2021).
76 President Ronald Reagan was the first president to enact the global gag rule in 1984. Since then every US president has had to take an executive decision on whether to enact or revoke the policy.
77 Agius and others (n 11).
78 Ibid.
toward the left’. Anti-climate sentiments are often cloaked in misogyny and appeals to return to ‘more traditional’ notions of society, with climate change deniers rejecting the science that surrounds it, viewing it as a threat to orthodox and privileged forms of masculinity. Cara Daggett has shown that ‘… as the planet warms, new authoritarian movements in the West are embracing a toxic combination of climate denial, racism and misogyny’. She calls this ‘petro-masculinity’, referring to ‘… the historical role of fossil fuel systems in buttressing white patriarchal rule’ and hypermasculine identities, all of which provide fertile ground for authoritarian parties and movements. Daggett examines the links between climate denial and fossil-fuelled capitalist interests and lifestyles gravitating around overconsumption, as well as the way in which ‘… fossil fuels also secure cultural meaning and political subjectivities’ by providing ‘… the metaphorical, material, and sociotechnical basis of Western petrocultures that extend across the planet’. Daggett contends that Trump’s motto of ‘making America great again’ can be seen as a kind of ‘petro-nostalgia’, since ‘the supply of cheap fossil fuels’ is presented as intimately linked to the success of the US economy and central to the lifestyle of US nuclear families, ensuring jobs and car ownership. Daggett’s work also examines the dominant myth of fuel expansion sustained by fossil fuel systems, characterised by a focus on false solutions based on technological fixes said to be capable of fulfilling never-ending human desire for more energy. This techno-centred narrative, she argues, is deployed to neutralise any critique of exploitation and injustice, which are then ‘… mostly understood as externalities: ungainly appendages to the human drive for fuel that can be repaired by further technological innovation.’ The fossil fuel myth has a central role in ‘stabilizing hierarchical relations of power’ and in both perpetrating and depoliticising the role of political domination in ‘… the forward march of energy intensity over human history’. Returning to anti-gender practice, these petro-cultural authoritarian movements seek to control women, their productive and reproductive autonomy, and rely on continued forms of gendered and racialized exploitation and extraction, while continuing to deny the effects of climate change. Feminist scholarship has also demonstrated that women in the Global South are considerably more likely to be harmed by climate change-induced disasters and crises, the roots of which are produced by carbon emissions and hyper-industrialism in the Global North. It is however important to emphasise that ‘… women and girls are not passive victims in times of disaster … yet, societal

79 K Jylhä, P Strimling and J Rydgren, ‘Climate Change Denial among Radical Right-Wing Supporters’ (2020) 12 Sustainability 1 <www.mdpi.com/2071-1050/12/23/10226> accessed 20 October 2021.
80 Agius and others (n 11). Daggett, ‘Petro-Masculinity’ (n 11); J Anshelm and M Hultman, ‘A Green Fatwa? Climate Change as a Threat to the Masculinity of Industrial Modernity’ (2014) 9(2) Norma: International Journal of Masculinity Studies 84.
81 Daggett, ‘Petro-Masculinity’ (n 11) 25–26.
82 Ibid. 27, where Daggett also refers to the emerging field of energy humanities and to relevant contributions by S Wilson, A Carlson and I Szeman (eds), Petrocultures: Oil, Politics, Culture (McGill-Queen’s University Press 2017); S LeMe adviser, Living Oil: Petroleum Culture in the American Century (Oxford University Press 2016).
83 Daggett, ‘Petro-Masculinity’ (n 11) 32.
84 C Daggett, ‘Energy and Domination: Contesting the Fossil Myth of Fuel Expansion’ (2021) 30 Environmental Politics 644.
85 Ibid. 645.
86 Ibid.
87 Ibid. 654. See also, more generally, C Daggett, The Birth of Energy: Fossil Fuels, Thermodynamics and the Politics of Work (Duke University Press 2019), esp Part II: Energy, Race and Empire, 107–86.
88 C Kinnvall and H Rydström (eds), Climate Hazards, Disasters, and Gender Ramifications (Routledge 2019).
inequalities make them disproportionately susceptible to various kinds of harm prior to, during and after a climate catastrophe.\textsuperscript{89}

Male climate change deniers have found an outlet for their scepticism and discontent in populist and far-right parties: as mentioned above, both President Jair Bolsonaro of Brazil and Trump have openly rejected climate change. As US president, Trump also withdrew from the Paris Agreement and self-identified as the male protector of the US economy against any foreign threat, while Bolsonaro rejected environmental concerns pertaining to the deforestation of the Amazon and the implications deforestation policies have for Indigenous groups and their human rights as well as for the Earth system. Here we posit that the co-constitutive relationship between anti-feminism and anti-gender values, toxic masculinity steeped in authoritarian tropes, and climate change denial is detrimental to human rights. It also significantly undermines and fragments the UN human rights system, insinuating anti-democratic sentiments and values, and therefore hollowing out human rights’ potential for radical change.

Combining anti-genderism, toxic masculinity, and climate change denialism is not the only approach of far-right populists to global environmental challenges. In what follows we discuss the emergence of far-right ecologism, which does not deny climate change but rather capitalises on it in a quest for nativist and nostalgic conceptions of the nation as a national treasure worth preserving against migration.

4. Far-right Ecologism: Examining Authoritarian Understandings of Nature and the Environment

In this section we examine the phenomenon of ‘far-right ecologism’, as put forth by Lubarda,\textsuperscript{90} to understand how it compounds the dual challenge of authoritarianism and climate breakdown illustrated so far in this article. The term ‘far-right ecologism’, we argue, is preferred to the term ‘ecofascism’\textsuperscript{91} since it better captures the ways in which far-right movements draw upon green thought on the natural environment to further their political quests, often expressed in anti-immigration sentiments and initiatives. Far-right ecologism is characterised by romanticist, conservative, and often nativist and romanticised tropes and gendered notions of the nation. The broader concept of ecologism ‘... refers to an attempt to address the fundamental causes of environmental change through holistic, ideological or value-based underpinnings’. These normative goals are not inherently populist, but when combined with understandings of nature as a ‘national treasure’, exclusively belonging to the members of a bounded nation, they can easily be coupled with anti-immigration and misogynous policies and sentiments, and with narrow notions of national identity and human rights. The logic is based on three fundamental concepts:\textsuperscript{92} spirituality, organicism, and naturalism, conceptually linked to the notion of Blut und Boden (blood and soil), namely a ‘rootedness’ of

\textsuperscript{89}Ibid. 6.
\textsuperscript{90}B Lubarda, ‘Beyond Ecofascism? Far-Right Ecologism (FRE) as a Framework for Future Inquiries’ (2000) 29 Environmental Values 713, 726.
\textsuperscript{91}See e.g. M Phelan, ‘The Menace of Eco-Fascism’ The New York Review (New York, 22 October 2018) <www.nybooks.com/daily/2018/10/22/the-menace-of-eco-fascism/> accessed 11 January 2022.
\textsuperscript{92}Lubarda (n 90) 720. See also, more generally, A Bramwell, Blood and Soil: Richard Walther Darré and Hitler’s ‘Green Party’ (Kensal Press 1985).
certain ‘beings’ who have an indivisible bond to the landscape in which they dwell.93 These concepts presume that these ‘rooted beings’ are best placed to protect the natural environment to which they are bound. The exclusion of immigrants and ethnic and gender minorities, perceived as unable to understand this indivisible imaginary bond, is also presumed and justified as necessary to preserve the harmony of local communities with their surroundings, in exclusionary and, at least in part, authoritarian ways. This approach, in turn, is linked to the concept of naturalism and notions of a ‘national ecosystem’.94

Another feature of the imaginary of far-right ecologism is autarky, a specific understanding of virtuous self-sufficiency in a nostalgic and pristine rural world defined by orthodox gender relations.95 ‘Commonly associated with the moral superiority of peasant production’, Lubarda writes, ‘autarky is envisaged as the pathway to the revitalization of both the economy and the national pride’.96 Natural beauty and national cultural heritage are linked to a specific ‘ethnoscape’,97 entangled with the idea of stewardship of the environment and with concepts of responsibility whereby the people ‘rooted’ in the place in which they live are its legitimate protectors, in effect nurturing their own homes.98 Lubarda observes that the notion of autarky is also embraced by conservative political parties and right-wing populists, enabling their co-existence and collaboration on environmental matters. The appropriation of environmental protection narratives by conservatives and far-right populists (see, for example, Italian Lega Nord leader Matteo Salvini’s call to ‘… defend our seas, our mountains, our lakes’ when he was Italian minister of interior in 2018) challenges the idea that populist parties are necessarily climate change deniers opposed to environmental protection. The landscape is used as ‘… an imaginative site for contested identities and nostalgia, but also for insider/outsider tropes’.99

For the purposes of this article, it is interesting to note that environmental nationalism is consistent with some human rights claims for climate action, since it evokes intergenerational justice and an ethical responsibility to consider future generations. As discussed by Lubarda, the Freedom Party of Austria invoked this responsibility in its 2011 political manifesto, mixing it with appeals to national identity, understood as the homeland, and calls for self-sufficiency (autarky) and pristine nature.100 Such calls for responsibility towards future generations prevail in international law, especially in environmental and human rights law, and do indeed rest on the concept of intergenerational equity. The latter has been invoked in recent litigation to challenge states’ climate change inaction at both regional and national level,101 and have informed the work of

93Some elements of far-right ecologism also feature at times in the ‘cool-dude effect’ examined earlier in the article: see esp McCright and Dunlap (n 60) and Krange and others (n 61).
94B Forchtner, ‘Far Right Articulations of the Natural Environment: An Introduction’ in B Forchtner (ed), The Far Right and the Environment: Politics, Discourse, Communication (Routledge 2019). See also B Forchtner, ‘Nation, Nature, Purity: Extreme-Right Biodiversity’ (2019) 53 Patterns of Prejudice 11.
95See e.g. the seminal work by M Kimmel and AL Ferber, “White Men are This Nation”: Right-Wing Militias and the Restoration of Rural American Masculinity (2000) 65 Rural Sociology 582.
96Lubarda (n 90) 719.
97A Smith, Ethno-Symbolism and Nationalism: A Cultural Approach (Routledge 2009) ch 2.
98Lubarda (n 90) 715.
99Ibid.
100Ibid.
101See e.g. at the national level: Judgment of the French Conseil d’Etat of 1 July 2021 in Case No 427301 Commune de Grande-Synthe v France; Judgment of the German Constitutional Court of 29 April 2021 in Neubauer et al v Germany; Judgment of The Hague District Court of 26 May 2021 in Case C/09/571932 Milieudefensie et al v Royal Dutch Shell plc;
United Nations Treaty Bodies and Special Procedures. This appropriation by far-right ecologism of language familiar to environmental activists and human rights defenders creates fertile ground for normalising radical far-right ideologies and employing anti-immigrant and gendered tropes and nationalist nostalgia to further populist, and at times, creeping authoritarian sentiments among leaders and their electorates.

Far-right ecologism is not a homogeneous phenomenon, but changes and adapts to the specific context in which it develops. Its features may vary, although those discussed so far tend to surface in the various manifestations of far-right ecologism found in the literature. Entirely absent from far-right ecologism is critical engagement with the dominant role of the Global North as the only valid site of knowledge production on climate change and how to deal with it. Equally absent is an understanding of historical responsibility, of the Global North being the primary producer of carbon emissions, and of the need for a reparatory approach as discussed in existing scholarship and policymaking contexts. Nor does far-right ecologism recognise the gendered dynamics of climate change in a meaningful way. Unsurprisingly, it dismisses the knowledge of the Global South but also the claims of Indigenous groups, women, and other intersectional communities. This provides a fragmented understanding of humanity and of the human rights system, while sedimenting prevalent power structures in the global system.

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102 See e.g. UN Committee on the Rights of the Child, Chiara Sacchi et al v Argentina et al (8 October 2021) UN Doc CRC/C/88/D/106/2019 in relation to Communication No 106/2019. See also the pending petition of Torres Strait Islanders to the UN Human Rights Committee alleging violations stemming from Australia’s inaction on Climate Change: see <http://climatecasechart.com/non-us-case/petition-of-torres-strait-islanders-to-the-united-nations-human-rights-committee-alleging-violations-stemming-from-australias-inaction-on-climate-change/> accessed 13 March 2022; and see the UN Special Procedures’ ‘Communication to the United States’ government’ of 15 September 2020 in relation to a complaint submitted by five US Indian tribes for failing to address climate displacement <http://climatecasechart.com/climate-change-litigation/non-us-case/rights-of-indigenous-people-in-addressing-climate-forced-displacement/> accessed 13 March 2022. For relevant literature, see e.g. F Ekardt, ‘Freedom, Human Rights, Paris Agreement, and Climate Change: The German Landmark Ruling on Climate Litigation’ (2022) 64 Environment: Science and Policy for Sustainable Development 4. See also I Leijten, ‘Human Rights v Insufficient Climate Action: The Urgenda Case’ (2019) 37 Netherlands Quarterly of Human Rights 112.

103 Important to re-consider the need for a reparatory approach as discussed in existing scholarship and policy-making contexts.”
5. Authoritarianism and the Future of Human Rights

In this section we reflect on the main human rights implications of the recent turns to different forms of authoritarianism, including far-right populism. As noted above, we understand human rights as both a multilateral legal system and, most crucially, as the rights of individuals and groups who are dispossessed and exposed to the impacts of climate breakdown as well as to rising authoritarianism and far-right gendered populism. With regards to the implications for human rights as a multilateral legal system, we find it too simplistic to think of authoritarianism in a pre-defined and delimited way; as evidenced throughout this article, it is necessary to think of it within specific contexts and consider the varied intersectional implications that it might have on people’s sense of dignity and freedom. More than considering the gendered effects of authoritarianism, employing an intersectional lens requires taking account of contexts and intersectional categories. Yet some widely recognised features of authoritarianism and far-right populism, as discussed earlier in this article, enable us to challenge the assumption that civil and political rights necessarily safeguard democratic governance and ward off authoritarian inclinations. In relation to this, political theorist Ross Mittiga has put forth the controversial idea of ‘authoritarian environmentalism’, asking whether authoritarian governance may be better able to realise desired environmental outcomes and, if so, why and to what extent.105 While retaining that ‘authoritarianism is in general lamentable’, he notes that certain ‘… constitutional limits on power could be advantageous’ and even legitimate ‘… when it comes to implementing urgently needed climate action’.106 Nonetheless, he admits that a turn towards authoritarianism to deal with climate change would be ‘deeply problematic’ from a moral perspective, and notes that his theoretical intervention aims to shed light on the need to ‘avoid legitimating authoritarian politics’ by seeking ‘… to prevent emergencies from arising that can only be solved with such means’.107

As we have argued above, the perception of free and fair elections is not sufficient to ensure people’s full enjoyment and realisation of their rights. Human rights are therefore better understood as claims for justice and equality, embracing gender and other intersectional categories such as age, geographic location, class, and religion. As we argue in the last section, genuinely pursuing the realisation of a clean, healthy, and sustainable environment for all demands inclusive, equitable, and effective climate action policies and sensitivity to the suffering of the most vulnerable people in the global economy. To meet this ethical call for justice, the existing international human rights legal framework needs to be reimagined through a process of identifying its limitations and creating space for different articulations. As Jessica Whyte’s work convincingly demonstrates,108 international human rights law has been a consistent companion to the neoliberal capitalist system as it rose and consolidated, a system that has prioritised the protection of corporate actors and their property at the expense of those at the periphery of power, along racialised, class, and gendered lines of ongoing dispossession and profound inequality. Neoliberal logic does not prioritise environmental justice quests but corporate

105R Mittiga ‘Political Legitimacy, Authoritarianism and Climate Change’ (2021) American Political Science Review (First View)
1 <www.cambridge.org/core/journals/american-political-science-review/article/political-legitimacy-authoritarianism-and-climate-change/E7391723A7E02FA6DS6AC16B8377D2DE>.
106Ibid.
107Ibid.
108J Whyte, The Morals of the Market: Human Rights and the Rise of Neoliberalism (Verso 2019) ch 5.
and financial business interests. International human rights law, with its continued reliance on Westphalian notions of justice and a state-centred system, remains an imperfect tool to respond to violations by states and non-state actors, such as corporations and international organisations, especially when such abuses take place transnationally. Legal debates on jurisdiction and the extraterritorial reach of international human rights law continue to be framed along the limited imaginary\(^{109}\) of a legal system detached from the unprecedented challenges humanity and the planet are faced with, including climate breakdown accelerated by gendered nationalism and authoritarian sentiments and policies. Furthermore, the human rights system is increasingly challenged from within, undermined by the everyday practices of democratic states in the Global North – not least their continuous reliance on fossil-fuel-based economic policies, adoption of migration policies aimed at containment and externalisation, disrespect for the rights of Indigenous peoples, and inaction against gendered climate injustice. Meanwhile autocratic regimes in the Global North continue to employ policies that actively curb their citizens’ human rights, with varying intersectional effects. These limitations are exacerbated by far-right ecologists’ appropriation of human rights narratives and commitments to intergenerational justice, alongside their use of anti-migrant, nationalist, and misogynistic tropes in calls for environmental protection. This hollows out human rights as legal entitlements and as a governance system, depriving them of legitimacy and accountability.

As we see it, a solution would be to treat human rights as part of a global call for justice and equality, taking account of the everyday lives of the individuals living under authoritarian or semi-authoritarian regimes. This is particularly important if we are to address and challenge the ongoing encroachments on human rights by authoritarian leaders and governments around the world, not the least in their refusal to recognise the already devastating effects of climate change in the Global South. To reiterate our key position developed above, authoritarianism manifests in various ways, and its implications for justice and equality are context-dependent and mitigated through intersectional positionality. Those most targeted by authoritarian regimes are those perceived as exogenous to the idealised nativist, often masculinist imaginary of the nation, such as women, LGBT+ groups, Indigenous peoples, refugees and migrants, and racialized ‘others’ more generally. These individuals and groups are viewed as non-conforming to a pre-determined idea of what is ‘rooted’ and belonging to the nation and its culture and/or religion. One example is women who refuse to conform to traditional gender roles, including heteronormative notions of women’s role in society and the privileging of the rights of the family over those of individuals. Another example is LGBT+ people and groups who challenge traditional gender roles and ideas about the nuclear family. Indigenous people and anyone else who challenges the regime from the periphery will be further marginalised or targeted, as we have seen with increasing attacks against Indigenous groups actively opposing the construction of oil and gas pipelines around the world.\(^{110}\) The ideas we put forward here then can constitute a productive platform for

\(^{109}\) For a compelling historical analysis of the institution of ‘extraterritoriality’, see M Pal, *Jurisdictional Accumulation: An Early Modern History of Law, Empires, and Capital* (Cambridge University Press 2021) esp chs 6 and 7. See also E Blanco and A Grear, ‘Personhood, Jurisdiction and Injustice: Law, Colonialities and the Global Order’ (2019) 10 Journal of Human Rights and the Environment 86.

\(^{110}\) See Indigenous Environmental Network and OilChange International, ‘Indigenous Resistance against Carbon’ (<www.ienearth.org/indigenous-resistance-against-carbon/> accessed 20 October 2021.
rethinking human rights and ensuring sensitivity to contextual and intersectional variations in their realisation. As we demonstrate in the next section, this rethinking is crucial if we want human rights to be meaningful tools for ensuring swift climate action and a just transition away from a fossil fuel economy, which requires climate reparations and acknowledgement of historical harms.111

5.1 The right to a healthy environment: shining a light on climate apartheid

If authoritarianism threatens the full realisation of human rights for all and increases the risk of discrimination, xenophobia, and gender-based exclusion, the current climate emergency also exposes the limitations of human rights as an effective tool for articulating redistributive claims for social and environmental justice. The continued multi-layered significance of inequality can be exemplified through a closer look at the right to a healthy environment, which is emblematic of the promises and hopes borne by human rights, and of their potential for environmental and gender justice. The right to a healthy environment is already enshrined in the domestic law of more than 150 states and continues to be formally invoked in domestic and international courts and tribunals in conjunction with other interrelated rights, such as the right to life, health, food, water, and shelter.112 Undoubtedly, this formal recognition that the right to a healthy environment deserves universal protection will provide strengthened arguments to pursue judicial remedies against states lagging behind with implementation.113

The relationship between measures aimed at climate action and the enjoyment of human rights, however, remains complex, as such measures often threaten the rights of those already marginalised and dispossessed. On the one hand, human rights can and have been used to call for decision-making processes and policies for climate action which are ‘inclusive, equitable and effective’.114 On the other hand, high-emitting countries continue to ignore these calls and to rely on carbon trading115 and sequestration mechanisms116 which encourage carbon accounting without effectively reducing greenhouse gas emissions, which by extension will have detrimental effects on individual human beings’ right to a healthy environment. Thus, it is difficult to imagine that the right to a healthy environment will be a tool strong enough to challenge what Daniela

111Mason-Case and Dehm (n 104) 170: Global North states ‘… fossil fuel-driven pursuit of colonial industry, and continuing dominance in the finance and trade regimes, have left marginalized peoples and states with limited avenues to pursue sustainable modes of production and consumption that would foster their wellbeing. These practices, and more, effect racial and regional subjugation, at once and indivisibly, through the global political economy and the climate system, and they demand repair.’

112Human Rights Council, ‘Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H Knox’ (30 December 2013) UN Doc A/HRC/25/53.

113P de Vilchez Moragues and A Savaresi, ‘The Right to a Healthy Environment and Climate Litigation: A Mutually Supportive Relation?’ (ssrn.com, 2021) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3829114> accessed 20 October 2021.

114See S Jodoin and others, ‘Rights-based Approaches to Climate Decision-Making’ (2021) 52 Current Opinion in Environmental Sustainability 45, 49, where they argue that ‘… a rights-based approach offers a compelling normative framework and methodology for ensuring that climate decisions are inclusive, equitable and effective and ultimately result in a just transition towards a carbon neutral world’.

115CIEL, ‘Rights, Carbon, Caution: Upholding Human Rights under Article 6 of the Paris Agreement’ (February 2021) <www.ciel.org/wp-content/uploads/2021/02/Rights-Carbon-Caution.pdf> accessed 20 October 2021.

116For a compelling examination of carbon trading mechanisms, see J Dehm, Reconsidering REDD+: Authority, Power and Law in the Green Economy (Cambridge University Press 2021) esp chs 2 and 7.
Gabor refers to as ‘the Wall Street consensus’, that is to say the attempt to reorient ‘… the institutional mechanisms of the state towards protecting the political order of financial capitalism against climate justice movements and Green New Deal initiatives.’ This reorientation is transforming environmental concerns in sustainable investment opportunities and aspirations for a just transition towards a sustainable future in investible assets. Financial markets and institutions are not the best sites for challenging rising inequalities or authoritarian and populist leaders’ continuous attempts to reduce the rights of individual citizens. This is in part because financial institutions have been historically opposed to acknowledging that they hold any substantial responsibility to respect human rights, and in part because human rights treaty bodies and scholars of international human rights law have been equally reluctant to directly address issues of economic redistribution and power, both of which are key to a sustainable and just future for all.

Although important voices have of course challenged the limitations of the existing paradigm and demanded that issues of wealth redistribution, economic growth, inequitable fiscal policies, class, and elite capture of economic gains are brought back to the human rights table, many still perceive fundamental questions of political economy as not directly pertaining to human rights and of only marginal relevance to the scope of international law. This has enabled a limited framing of global justice claims as questions that are not centred on matters of political economy, which ignores the centrality of structural economic frameworks and the injustices imbued in global capitalist relations as obstacles to the realisation of human rights. Such framing sidesteps central claims for environmental, gender and Indigenous justice, and intersectional awareness to focus instead on an incremental understanding of change within the existing economic parameters, which foregrounds false solutions to the unfolding global climate

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117D Gabor, ‘The Wall Street Consensus’ (2021) 52 Development and Change 429.
118Ibid. 431.
119Y Dafermos and others, ‘The Wall Street Consensus in Pandemic Times: What Does it Mean for Climate-Aligned Development?’ (2021) 42 Revue Canadienne d’études du développement 1.
120For an analysis of the discussion paper issued by the Thun Group of Banks on the matter, see D de Felice, ‘Banks and Human Rights Due Diligence: A Critical Analysis of the Thun Group’s Discussion Paper on the UN Guiding Principles on Business and Human Rights’ (2015) 19 The International Journal of Human Rights 319.
121J Britton Purdy and others, ‘Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis’ (2020) 129 Yale Law Journal 1784.
122See e.g. BS Chimni, International Law and World Order: A Critique of Contemporary Approaches (2nd ed, Cambridge University Press 2017) 507–9. See also Kotzé, ‘The Anthropocene’ (n 2); F Sultana, ‘Critical Climate Justice’ (2022) 188 The Geographical Journal 118; J Dehm, ‘Righting Inequality: Human Rights Responses to Economic Inequality in the United Nations’ (2019) 10 Humanity 443. For the view of UN Special Procedures, see e.g. Joint Statement of the United Nations Special Procedures Mandate Holders on the Occasion of the 24th Conference of the Parties to the UNFCCC (6 December 2018) <www.ohchr.org/en/statements/2018/12/joint-statement-united-nations-special-procedures-mandate-holders-occasion-24th?LangID=E&NewsID=23982> accessed 13 March 2022. See also 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, John H Knox’ (19 January 2017) UN Doc A/HRC/34/49; P Alston, ‘The Parlous State of Poverty Eradication, Report of the Special Rapporteur on extreme poverty and human rights’ (2 July 2020) UN Doc A/HRC/44/40. For the UN Human Rights Treaty Bodies, see e.g. ‘Joint Statement on Human Rights and Climate Change’ (16 September 2019) <www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and-Climate-Change?LangID=E&NewsID=24998> accessed 13 March 2022.
123Britton Purdy and others (n 121) 1807.
124BS Chimni, ‘The Struggle for Climate Justice and Digital Justice: A Preliminary Analysis of the Role and Limits of Human Rights’, keynote speech at the Pufendorf IAS symposium ‘Human Rights in Transition’ (25–26 October 2021) organised by the Research Theme on the Future of Human Rights.
125See The Red Nation, The Red Deal: Indigenous Action to Save our Earth (Common Notions 2021) 8–38.
emergency. The climate emergency is already presenting a constellation of human rights violations that are set to increase as the planet keeps warming up, leading to conditions that Philip Alston has referred to as ‘climate apartheid’. Global responses to climate change mitigation and adaptation, however, continue to rely on market-based solutions which substantively ignore the problem of inequality and the multifaceted and intersectional ways in which such responses will compound suffering, deprivation, and abuse. As cogently argued by Md Saidul Islam and Edson Kieu, we will not be able to address the climate emergency until we address the profound ‘… inequality in suffering, with the poor and vulnerable populations suffering more yet still unable to wield enough bargaining power to influence change. We argue that the privileging of economic growth and market logics – often derived from masculinist and nativist conceptions of the economy and its might – over environmental and other forms of justice, is unlikely to produce a system of human rights that is beneficial to all, irrespective of intersectional subjectivities and locations.

6. Conclusion

In this contribution, adopting the lens of intersectionality, we have reflected on the future of human rights by considering two of the most significant challenges of the present time: climate breakdown and rising authoritarianism. We have examined the way in which authoritarianism, in its multiple expressions across time and context, can overlap with populist approaches to influence existing narratives on environmental protection and gender, for instance through climate change denial, anti-genderism, and far-right ecologism. In section 3 we showed how the specific (mis)use of green thought on the natural environment and conceptions of nature as a ‘national treasure’ have been used to evoke nostalgic notions of the nation and its people. These conceptions have in turn privileged nativist and masculinist conceptions of national identity, at the detriment of those perceived as ‘deviating’ from preconceived and gendered stereotypes of belonging, namely migrants, ethnic minorities, women, and LGBT+ groups. Our interrogation of the future of human rights concludes with a set of reflections on the official recognition of the right to a healthy environment, to reflect on the reasons why the language of human rights can sometimes be insufficient to pursue fundamental claims for environmental, gender, and Indigenous justice. Thus, while the right to a healthy environment will certainly open up additional avenues for redress in judicial fora across the world, especially in those jurisdictions where that right is already enshrined in national constitutions, it remains to be seen whether it will be an efficient tool to resist further reliance on carbon trading and sequestration mechanisms which have done little to reduce greenhouse gas emissions, and have instead reinforced deep inequalities and the dominance of financial actors and populist leaders. While the 26th Climate Change Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC

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126 Stoddard and others, ‘Three Decades of Climate Mitigation: Why Haven’t We Bent the Global Emissions Curve?’ (2021) 46 Annual Review of Environment and Resources 653.
127 Human Rights Council, ‘Climate Change and Poverty, Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston’ (17 July 2019) UN Doc A/HRC/41/39, para 51. See also A Lustgarten, ‘Where Will Everyone Go?’ ProPublica and The New York Times Magazine (23 July 2020) <https://features.propublica.org/climate-migration/model-how-climate-refugees-move-across-continents/> accessed 20 October 2021.
128 Md Saidul Islam and Edson Kieu, ‘Sociological Perspectives on Climate Change and Society: A Review’ (2021) 9 Climate 7.
COP 26) of November 2021 is considered a climate diplomacy success, it was a clear failure in terms of preventing temperature rises beyond 1.5 degrees Celsius and bringing an end to climate injustice and fossil fuels subsidies. It has thus left us with an increasing sense of urgency and a need to shake the human rights community to its core. We must refrain from complacency and be prepared to acknowledge the strengths but also the limitations of the human rights system and international law. Most importantly, this involves listening to the peoples located at the global margins, who are the most affected by environmental disasters and emissions – not least Indigenous communities and women in the Global South as well as young people who have forcefully mobilised to protect the planet and all its inhabitants regardless of their intersectional identities, geographical locations, and human or non-human nature. As we have discussed in this article, this demands intersectional sensitivity to the varying wants and needs of all inhabitants of the world.

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