

# The Rights of Nature and Compliance with International Environmental Obligations: The Nazas River, Mexico

Marcial Reyes Cázarez<sup>1</sup>

Received 15 June 2026; Accepted 28 June 2026

## Abstract

*The growing judicialization of environmental conflicts has placed international human rights protection systems in a central position for the defense of ecosystems and the communities that depend on them. The so-called Nazas River case, currently under review by the Inter-American Commission on Human Rights (IACHR), represents a potentially historic precedent for Latin America due to the possibility of recognizing a river as a subject of rights within the Inter-American System. This paper analyzes the state of the art regarding the rights of nature, the international obligations of the Mexican State derived from human rights and environmental treaties, as well as the interaction between international law, the Political Constitution of the United Mexican States, and Inter-American protection mechanisms. It is argued that the potential state omission in responding to the IACHR's requests does not merely constitute a procedural issue, but rather reflects structural tensions between national environmental governance and the international commitments assumed by Mexico.*

**Keywords:** *rights of nature, IACHR, Nazas River, international environmental law, human right to water, environmental constitutionalism.*

## I. Introduction

Over the past few decades, international environmental law has transitioned from a vision focused exclusively on the conservation of natural resources toward approaches that recognize the interdependence between ecosystems and human rights. This process has been driven by international instruments, regional jurisprudence, and constitutional developments that have expanded the concept of environmental protection beyond the patrimonial logic of the State.

It is within this context that the Nazas River case emerges, the relevance of which transcends the national sphere by raising the possibility of recognizing a water body that constitutes a living ecosystem—and which is not merely observable as a superficial water supply and storage stream, a status attributed to it in the legal order—as a subject of rights before the Inter-American Human Rights System. The legal significance of the case lies in the fact that it could become one of the first Inter-American proceedings where an ecosystem features as an autonomous holder of protection, aligning regional practice with experiences previously developed in Ecuador, Colombia, and New Zealand.

<sup>1</sup> Tecnológico Nacional de México campus Pátzcuaro, Profesor Titular “B”, con reconocimiento PRODEP, Miembro del Sistema Nacional de Investigadoras e Investigadores e Investigador del Estado de Michoacán. Correo mreyes@itspa.edu.mx / drmarcialreyescarez@gmail.com

From an international policy perspective, this study acquires particular relevance for Mexico due to the international obligations derived from the American Convention on Human Rights, the Protocol of San Salvador, and the Escazú Agreement, as well as the 2011 constitutional reform concerning human rights.

## Human Rights, Nature, and International Environmental Justice

The evolution of international environmental law has been marked by a series of normative milestones. The 1972 Stockholm Declaration established for the first time that environmental protection constitutes an indispensable condition for the enjoyment of fundamental rights (UN, 1972).

Subsequently, the Rio Declaration on Environment and Development consolidated the principle of sustainable

development and recognized the need to integrate the ecological, social, and economic dimensions of development (UN, 1992).

Authors such as Edith Brown Weiss (1999) argue that current generations possess fiduciary obligations regarding the environmental resources that future generations will inherit. This intergenerational perspective has significantly influenced the construction of contemporary principles within international environmental law.

Furthermore, Boyd (2012) documents how the recognition of the human right to a healthy environment has been progressively incorporated into constitutions and international treaties, becoming one of the most important emerging rights of the 21st century.

Within Latin America, ecological constitutionalism reached a turning point with the 2008 Ecuadorian Constitution, which expressly recognizes the rights of nature. According to Gudynas (2011), this shift represents a paradigmatic transformation by displacing environmental protection from an anthropocentric logic toward an ecocentric vision.

The Colombian experience has also proven to be fundamental. In Judgment T-622 of 2016, the Constitutional Court of Colombia recognized the Atrato River as a subject of rights, establishing that ecosystems can be independent holders of legal protection. This resolution constitutes one of the most influential precedents for the contemporary discussion on the rights of nature.

### **The Inter-American System and Environmental Protection**

Inter-American jurisprudence has evolved notably over the last twenty years. A fundamental precedent is Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights, which recognized the existence of an undeniable relationship between human rights and the environment.

The Court held that:

"The right to a healthy environment constitutes a universal interest" (IACHR Court, 2017, para. 62).

Additionally, it affirmed that certain environmental components may require legal protection independently of their immediate utility to human beings (IACHR Court, 2017).

This interpretation significantly expanded the scope of Articles 4, 5, 11, and 26 of the American Convention on Human Rights.

Similarly, the case of *Indigenous Communities Members of the Lhaka Honhat Association v. Argentina* consolidated the recognition of environmental, territorial, cultural, and food rights as autonomous rights protected by the regional system (IACHR Court, 2020).

Jurisprudential development demonstrates that the Inter-American System is transitioning toward a comprehensive conception of environmental protection based on the principles of interdependence, indivisibility, and progressivity of human rights.

### **The Mexican Constitutional Framework and International Obligations**

The 2011 Mexican constitutional reform profoundly transformed the relationship between domestic and international law. Article 1 of the Constitution establishes that all persons shall enjoy the human rights recognized by both the Constitution and the international treaties to which Mexico is a party.

According to Carbonell and Salazar (2012), this reform introduced a genuine block of constitutionality that obliges all authorities to interpret legal norms in accordance with the *pro persona* principle.

The *pro persona* principle is a criterion of legal interpretation that compels authorities to apply the norm or interpretation that grants the broadest possible protection to the human rights of individuals. In the realm of international environmental law, this principle favors the most extensive tutelage of the human right to a healthy environment, prioritizing the most favorable protection standards contained within the Constitution, international treaties, and applicable jurisprudence (Political Constitution of the United Mexican States, 2025; Inter-American Court of Human Rights, 2017).

Additionally, Article 4 of the Constitution expressly recognizes that:

"Every person has the right to a healthy environment for their development and well-being" (Political Constitution of the United Mexican States, Art. 4).

This constitutional mandate generates positive obligations for the State regarding the prevention, protection, and reparation of environmental damage.

From an international perspective, Mexico has ratified fundamental instruments such as:

*Table 1. International Instruments to which Mexico has committed compliance*

International Instrument	Adoption (year and location)	Signature and ratification by Mexico	Publication in the DOF (Official Journal of the Federation)
<b>American Convention on Human Rights (Pact of San José)</b>	November 22, 1969, San José, Costa Rica	Accession by Mexico: March 24, 1981	<b>May 7, 1981, Promulgation Decree published in the DOF.</b>
<b>Protocol of San Salvador</b>	November 17, 1988, San Salvador, El Salvador	Signature: November 17, 1988. Ratification: April 16, 1996	<b>September 1, 1998, Promulgatory Decree published in the DOF.</b>
<b>ILO Convention 169 on Indigenous and Tribal Peoples</b>	June 27, 1989, Geneva, Switzerland	Ratification: September 5, 1990	<b>January 24, 1991, Promulgatory Decree published in the DOF.</b>
<b>Convention on Biological Diversity (CBD)</b>	June 5, 1992, Rio de Janeiro, Brazil	Signature: June 13, 1992. Ratification: March 11, 1993	<b>May 7, 1993, Promulgatory Decree published in the DOF. The convention entered into force internationally on December 29, 1993.</b>
<b>Paris Agreement</b>	December 12, 2015, Paris, France	Signature: April 22, 2016. Ratification: September 21, 2016	<b>November 4, 2016, Promulgatory Decree published in the DOF.</b>
<b>Escazú Agreement</b>	March 4, 2018, Escazú, Costa Rica	Signature: September 27, 2018. Ratification: January 22, 2021	<b>April 22, 2021, Promulgatory Decree published in the DOF.</b>

*Source: Authors' elaboration with publication data from the Official Journal of the Federation*

The ratification of these instruments implies binding obligations in accordance with the pacta sunt servanda principle stipulated in Article 26 of the Vienna Convention on the Law of Treaties.

The pacta sunt servanda principle constitutes one of the fundamental pillars of international law and establishes that every treaty in force is binding upon the parties to it and must be performed by them in good faith. Pursuant to Article 26 of the Vienna Convention on the Law of Treaties, States may not invoke the provisions of their internal law as justification for their failure to perform validly assumed international obligations.

**The Nazas River Case and Emerging Challenges in the Rights of Nature**

The controversy associated with the Nazas River arises within a regional context characterized by conflicts related to water availability, aquifer overexploitation, pollution, and the pressures derived from climate change.

The eventual admission and analysis of the case by the IACHR represents an opportunity to examine whether ecosystems can be considered autonomous legal subjects within the Inter-American framework.

This discussion finds support in global trends observed in:

*Table 2. Cases of ecosystems that have been considered autonomous legal subjects*

Case	Jurisprudence, instruments, and relevant legal foundations
<b>New Zealand (Whanganui)</b>	<i>Te Awa Tupua (Whanganui River Claims Settlement) Act 2017</i> , through which the river was recognized as a legal entity with its own legal personality. The case is founded on the 1840 Treaty of Waitangi and the

<b>River)</b>	recognition of the Māori worldview ( <i>Ko au te awa, ko te awa ko au</i> ). Although it does not directly derive from an international ruling, it has been considered a global precedent regarding the rights of nature and biocultural governance.
<b>Colombia (Atrato River)</b>	<b>Judgment T-622 of 2016 of the Constitutional Court of Colombia, which recognized the Atrato River as a subject of rights to protection, conservation, maintenance, and restoration. The Court based its decision on the biocultural rights of Afro-descendant and indigenous communities, as well as on principles developed by the Inter-American Court of Human Rights (IACHR Court) related to indigenous peoples, territory, and the environment, particularly in the cases <i>Mayagna (Sumo) Awas Tingni Community v. Nicaragua (2001)</i> and <i>Saramaka People v. Suriname (2007)</i>.</b>
<b>Colombia (Cauca River)</b>	Various Colombian judicial decisions have extended protection to the Cauca River under the subject of rights approach, highlighting the <i>Ruling of the Superior Tribunal of Medellín (2019)</i> and subsequent pronouncements related to the protection of the watershed. The foundations revisit the constitutional doctrine developed in <i>Judgment T-622/16</i> , as well as the Inter-American Court's standards on environmental rights and the protection of collective territories.
<b>Ecuador (2008 Constitution)</b>	The <i>Constitution of the Republic of Ecuador (Arts. 71-74)</i> constitutes the first constitutional instrument in the world that expressly recognizes the rights of nature ( <i>Pachamama</i> ). Among the most relevant judicial precedents stand the <i>Vilcabamba River Case (2011)</i> and <i>Judgment No. 1149-19-JP/21 (Los Cedros Protective Forest, 2021)</i> of the Constitutional Court of Ecuador. These decisions have consolidated an ecocentric interpretation of environmental law.

Case	Jurisprudence, instruments, and relevant legal foundations
<b>India (Ganges and Yamuna Rivers)</b>	The <i>High Court of Uttarakhand</i> , in the case <i>Mohd. Salim v. State of Uttarakhand (2017)</i> , initially recognized the Ganges and Yamuna rivers as living entities with legal personality. The decision was inspired by international precedents such as the recognition of the Whanganui River in New Zealand and by constitutional environmental principles of India. However, the <i>Supreme Court of India</i> subsequently suspended the practical effects of said decision, meaning the recognition did not reach the legal consolidation observed in other countries.

Source: Authors' elaboration

Desde la perspectiva doctrinal, Stone (1972) planteó tempranamente la pregunta acerca de si From a doctrinal perspective, Stone (1972) raised an early question regarding whether trees should have legal standing. Although the proposal seemed radical at the time, it currently constitutes one of the most influential theoretical foundations for the recognition of the rights of nature.

The situation of the Nazas River also involves the protection of human rights associated with water, health, food, culture, and territory. Specialized literature on territorial governance and biocultural heritage in Mexico has documented that water conflicts simultaneously affect ecological, economic, and cultural dimensions, particularly in rural and indigenous communities (Boege, 2008; Toledo and Barrera-Bassols, 2008).

Research developed in indigenous regions of Michoacán has equally demonstrated that territorial defense processes are closely linked to the conservation of ecosystems and the protection of environmental commons, configuring forms of community governance that strengthen socio-ecological resilience (Reyes-Cázar, 2023a; Reyes-Cázar, 2023b).

### **State Silence Before the IACHR: Legal Implications**

The lack of state response to requests from international bodies does not automatically imply international responsibility; however, it can generate significant procedural consequences.

The IACHR has repeatedly held that the absence of state observations does not halt the proceedings nor limit its analytical faculties.

From the perspective of international law, non-compliance with duties of cooperation contradicts the principle of good faith that governs the execution of international treaties (Vienna Convention on the Law of Treaties, 1969).

Furthermore, it can be interpreted as a manifestation of institutional weakness concerning environmental governance, particularly when addressing controversies related to fundamental rights.

The Escazú Agreement precisely emphasizes the state's obligation to guarantee access to information, public participation, and environmental justice, which are indispensable pillars for the democratic legitimacy of environmental decisions.

### **Future Perspectives for Mexico and the Inter-American System**

The Nazas River case could mark a new stage in the evolution of Latin American environmental law. If the IACHR and eventually the Inter-American Court advance toward recognizing the rights of nature, a precedent with profound implications for national legal systems would be established.

Mexico faces the challenge of harmonizing its regulatory framework with the emerging trends of ecological constitutionalism and strengthening the institutional mechanisms that allow it to effectively fulfill its international obligations.

Contemporary environmental protection demands overcoming sectoral approaches and adopting comprehensive governance models based on sustainability, environmental justice, and community participation.

The potential evolution of the Nazas River case before the Inter-American System can also be analyzed from the perspective of socio-environmental conflicts associated with organized crime. In this regard, the work *Drug Trafficking and Protected Areas in Mexico: A Green Criminological Perspective on Organized Crime, Environment, and Public Security* demonstrates that strategic ecosystems and natural protected areas in Mexico have been affected by illicit activities that transcend the dimension of public security and become a direct threat to ecological integrity, biodiversity, and the rights of local communities. The authors assert that environmental conservation requires comprehensive governance approaches capable of simultaneously addressing ecological, social, and security dimensions, which coincides with contemporary trends in international environmental law oriented toward the reinforced protection of ecosystems as legal assets of collective interest.

From this perspective, recognizing the rights of nature in the Nazas River case could constitute an innovative legal response to the multiple pressures faced by Mexican ecosystems, including those derived from illicit economies and systematic environmental degradation processes. The research developed in that work evidences that the effective protection of ecologically relevant territories demands robust institutions, community participation mechanisms, and effective coordination between conservation policies and international commitments concerning human rights and the environment. Consequently, a potential decision by the Inter-American Commission or Court in favor of reinforced tutelage for the Nazas River could consolidate a regional paradigm in which environmental justice, sustainability, and ecological governance are conceived as inseparable elements for guaranteeing the comprehensive protection of ecosystems.

## **II. Conclusions**

The Nazas River case constitutes one of the most relevant legal debates in contemporary Latin American environmental law. Its importance does not solely lie in the possible protection of a specific ecosystem, but in the opportunity to redefine the relationships among nature, human rights, and state responsibility.

The evolution of the Inter-American System demonstrates a clear trend toward the expansion of environmental protection mechanisms. Advisory Opinion OC-23/17 and recent jurisprudence from the Inter-American Court evidence that environmental protection can no longer be considered a peripheral issue within the catalog of human rights.

Para México, la situación plantea desafíos constitucionales e internacionales de gran magnitud. La reforma de 2011, el reconocimiento del derecho humano a un medio ambiente sano y la ratificación de múltiples instrumentos internacionales generan obligaciones jurídicas concretas que trascienden el ámbito declarativo.

For Mexico, the situation poses constitutional and international challenges of great magnitude. The 2011 reform, the recognition of the human right to a healthy environment, and the ratification of multiple international instruments generate concrete legal obligations that transcend the declaratory realm.

Likewise, the accumulated experience from research on biocultural heritage, territorial governance, and community defense of natural resources in various Mexican regions demonstrates that ecosystem protection is

closely linked to the guarantee of collective, cultural, and environmental rights. In this sense, the Nazas River case could become a transformative precedent for Latin America, propelling a new phase of ecological constitutionalism and strengthening the consolidation of the rights of nature within the Inter-American Human Rights System.

## References

- [1]. Boege, E. (2008). El patrimonio biocultural de los pueblos indígenas de México. Instituto Nacional de Antropología e Historia.
- [2]. Boyd, D. R. (2012). The environmental rights revolution: A global study of constitutions, human rights, and the environment. UBC Press.
- [3]. Brown Weiss, E. (1999). In fairness to future generations: International law, common patrimony, and intergenerational equity. United Nations University Press.
- [4]. Carbonell, M., & Salazar, P. (Coords.). (2012). La reforma constitucional de derechos humanos: Un nuevo paradigma. Universidad Nacional Autónoma de México.
- [5]. Carpio-Domínguez, J. L., Castro-Salazar, J. I., & Hernández-Mier, C. (2026). Drug trafficking and protected areas in Mexico: A green criminological perspective on organized crime, environment, and public security. Springer Nature Switzerland. <https://doi.org/10.1007/978-3-032-18218-0>
- [6]. Comisión Económica para América Latina y el Caribe. (2018). Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú). CEPAL.
- [7]. Constitución Política de los Estados Unidos Mexicanos. (2025). Cámara de Diputados del H. Congreso de la Unión. <https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>
- [8]. Convención Americana sobre Derechos Humanos. (1969). Organización de los Estados Americanos. San José, Costa Rica.
- [9]. Convención de Viena sobre el Derecho de los Tratados. (1969). Organización de las Naciones Unidas. United Nations Treaty Series, 1155, 331.
- [10]. Corte Constitucional de Colombia. (2016). Sentencia T-622/16. Bogotá, Colombia.
- [11]. Corte Constitucional del Ecuador. (2021). Sentencia No. 1149-19-JP/21 (Caso Bosque Protector Los Cedros). Quito, Ecuador.
- [12]. Corte Interamericana de Derechos Humanos. (2001). Caso de la Comunidad Mayagna (Sumo) Awá Tingni vs. Nicaragua. Sentencia de 31 de agosto de 2001 (Fondo, Reparaciones y Costas).
- [13]. Corte Interamericana de Derechos Humanos. (2007). Caso del Pueblo Saramaka vs. Surinam. Sentencia de 28 de noviembre de 2007 (Excepciones Preliminares, Fondo, Reparaciones y Costas).
- [14]. Corte Interamericana de Derechos Humanos. (2017). Opinión Consultiva OC-23/17. Medio ambiente y derechos humanos. [https://www.corteidh.or.cr/docs/opiniones/seriea\\_23\\_esp.pdf](https://www.corteidh.or.cr/docs/opiniones/seriea_23_esp.pdf)
- [15]. Corte Interamericana de Derechos Humanos. (2020). Caso Comunidades Indígenas Miembros de la Asociación Lhaka Honhat vs. Argentina. Sentencia de 6 de febrero de 2020.
- [16]. Diario Oficial de la Federación. (1981–2021). Decretos promulgatorios de tratados internacionales suscritos por los Estados Unidos Mexicanos. Gobierno de México.
- [17]. Gudynas, E. (2011). Desarrollo, derechos de la naturaleza y buen vivir después de Montecristi. Debates sobre Cooperación y Modelos de Desarrollo, 1(1), 83–102.
- [18]. High Court of Uttarakhand. (2017). Mohd. Salim v. State of Uttarakhand & Others, Writ Petition (PIL) No. 126 of 2014. Nainital, India.
- [19]. Organización de las Naciones Unidas. (1972). Declaración de Estocolmo sobre el Medio Humano. Naciones Unidas.
- [20]. Organización de las Naciones Unidas. (1992). Declaración de Río sobre Medio Ambiente y Desarrollo. Naciones Unidas.
- [21]. Organización de los Estados Americanos. (1988). Protocolo Adicional a la Convención Americana sobre Derechos Humanos en materia de Derechos Económicos, Sociales y Culturales (Protocolo de San Salvador). San Salvador, El Salvador.
- [22]. Organización Internacional del Trabajo. (1989). Convenio sobre pueblos indígenas y tribales, 1989 (núm. 169). OIT.
- [23]. Programa de las Naciones Unidas para el Medio Ambiente. (1992). Convenio sobre la Diversidad Biológica. Río de Janeiro, Brasil.
- [24]. República del Ecuador. (2008). Constitución de la República del Ecuador. Registro Oficial No. 449.
- [25]. Reyes-Cázares, M. (2023a). La complejidad ambiental sistemática y asociativa.
- [26]. ResearchGate. [https://www.researchgate.net/publication/374349806\\_LA\\_COMPLEJIDAD\\_AMBIENTAL\\_SISTEMATICA\\_Y\\_ASOCIATIVA](https://www.researchgate.net/publication/374349806_LA_COMPLEJIDAD_AMBIENTAL_SISTEMATICA_Y_ASOCIATIVA)
- [27]. Reyes-Cázares, M. (2023b). La pedagogía ambiental: Una visión actual del siglo XX hasta el metaverso. Research Gate. [https://www.researchgate.net/publication/373579787\\_LA\\_PEDAGOGIA\\_AMBIENTAL\\_UNA\\_VISION\\_ACTUAL\\_DEL\\_SIGLO\\_XX\\_HASTA\\_EL\\_METAVERSO](https://www.researchgate.net/publication/373579787_LA_PEDAGOGIA_AMBIENTAL_UNA_VISION_ACTUAL_DEL_SIGLO_XX_HASTA_EL_METAVERSO)
- [28]. Stone, C. D. (1972). Should trees have standing? Toward legal rights for natural objects.
- [29]. Southern California Law Review, 45(2), 450–501.
- [30]. Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, Public Act 2017 No. 7 (Nueva Zelanda).
- [31]. Toledo, V. M., & Barrera-Bassols, N. (2008). La memoria biocultural: La importancia ecológica de las sabidurías tradicionales. Icaria Editorial.
- [32]. United Nations Framework Convention on Climate Change. (2015). Paris Agreement. United Nations.