

## Nature sues:

# The Rhine and Rigi should be allowed to go to court

National councillors want to give the environment a legal claim and amend the Federal Constitution. At the head of the global Mother Earth movement is a woman from the canton of Zug.



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62 comments

62



Doris Ragettli is co-founder of the worldwide Mother Earth movement.

Photo: Tina Sturzenegger

The Spöl, the poisoned mountain stream in the national park in the Engadine, would go to court. The contaminated fish and owls from the area as well. If only they could. [The entire](#)

[ecosystem has been polluted](#) since chemicals entered the water during remediation work on a dam in 2016 and then spread throughout the valley.

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Nature as a plaintiff in a trial: this may seem strange at first. But around the globe, a movement that demands this very revolutionary approach is gaining in influence. Not only people, companies, associations or foundations should be legal entities, but also animals, plants, ecosystems - simply the whole Nature. The advocates see this as the only effective means of protecting the Earth from human destruction.

### **First rivers are already legal entities**

In the meantime, it is no longer only environmentalists and philosophers who are advocating this radical transformation of the legal system. The idea is also gaining popularity with politicians and the general public. The number of countries in which rights are granted to Nature is steadily increasing.

In Canada, a river has recently been recognized as a legal entity. In New Zealand, a river has had this status for a few years. In Colombia, the supreme court has upheld the Amazon region as a legal entity. In the US, the citizens of a Florida district voted for people to have a right to clean drinking water. They also granted rights to rivers and streams. And Pope Francis has already preached that the environment should be given a right.

Ecuador is the world leader. In the South American country, Mother Earth was already enshrined in the Constitution as a legal entity in 2008. Since then, more than two dozen court cases have been heard. After complaints from citizens, a road construction project on a river was halted, the construction of a gold mine was thwarted and people who had transported 6,000 dead sharks aboard a ship were stopped.

### **Politicians from left to right**

Now the movement is really picking up speed in Switzerland as well. Green politicians have already called for glaciers to be recognised as legal entities in the National Council. In Western Switzerland, a group was formed, which wants to declare the River Rhône a legal entity. The first such efforts are also made for the River Rhine.



The banks of the Rhine from Diepoldsau to Lake Constance were closed after heavy rain.  
(archive image)

Photo: Gian Ehrenzeller (Keystone)

But a group of five National Councillors from all political camps is now taking the big step. In parliamentary initiatives, it demands nothing less than an amendment to the Federal Constitution. In the future, it will not only be the right of human beings to a healthy environment that will be enshrined there. At least in part, nature should also be given the status of a legal entity. "Not every single tree has to become a legal entity, but connected ecosystems, for example," says Marionna Schlatter, the Green National Councilor.





These five National Councillors want to amend the Constitution: Jon Pult (SP), Anna Giacometti (FDP), Marionna Schlatter (Greens), Nik Gugger (EPP) and Beat Flach (GLP). Photo: Béatrice Devènes (zvg)

Citizens also support the idea. "Climate change affects not only left-wing and green parties, but all of us," says FDP National Councillor Anna Giacometti. As a former president of the Grisons municipality of Bregaglia, she is particularly sensitive to the issue. She gained national fame in 2017 after the Bondo landslide.

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A driving force of the Swiss movement is the singer-songwriter Linard Bardill. "As a musician, I often perform alone, but we cannot save the world as a soloist," he says. An eco-dictatorship is the wrong way to go. It can only be done together. In the autumn, Bardill is planning a World Ethic Forum in Pontresina, which will focus on the rights of the Earth. However, he does not see himself as a revolutionary. "Revolutions have too much destructive power. This is more about a quantum leap."

### **Swiss woman wants to persuade the UN to change of heart**

Indeed, a Swiss woman is at the forefront of the global Mother-Earth movement: Doris Ragettli. She grew up in a small village in Graubünden, lived in New York for some years and has since settled in the canton of Zug. In 2010, she co-founded Rights of Mother Earth. She has already been able to present her request to the UN. She is now working toward a Declaration of the Rights of Mother Earth to be adopted by the UN. The collection of [signatures for a petition is ongoing.](#)

Ragettli compares the current situation with that of the Second World War, when the UN adopted the Declaration of Human Rights. "Now, however, it is no longer just about people, but about Nature," she says. In the last 40 years, almost 60 percent of biodiversity has been lost. Human rights without the rights of Nature are no longer sufficient for a sustainable future. "That is why we need a UN declaration of Rights of Mother Earth and the recognition of the rights of Nature in the legal system."

### **Today's instruments do not reach far enough**

How useful would it be for Switzerland to join the global movement? Elisabeth Bürgi Bonanomi, Lecturer in Law and Sustainable Development at the University of Bern, says: "The global movement to give rights to Nature is an attempt to involve the judiciary more closely." The third force should therefore be given more weight in the implementation of the SDGs. The expert also acknowledges that there is a need for action in this area: "As experience shows, today's instruments are not sufficient to meet the major environmental challenges."

In Switzerland, there are various ways of dealing with environmental damage. A well-known instrument is the right to appeal to the Association. However, this is limited to individual projects and is only withheld from some associations. This is another reason why Jon Pult, the SP National Councillor who was also involved, says: "With today's constitution, we are not prepared enough for the environmental crisis. That's why we have to perk them up."

### **For the Federal Council this is "Difficult to imagine"**

Whether the Federal Council sees it that way is questionable. He has already rejected the recognition of glaciers. This would "run counter to our understanding of the law," it says in a response to a proposal. In addition, it is "difficult to imagine how a legal personality would actually improve the protection of glaciers". After all, they are already in protected zones.

It is clear to all concerned that there will be great resistance. They are preparing for a tough fight. Linard Bardill refers to the women's suffrage, which also required several attempts. But if it works - the polluted Spöl creek, the owls and fish in the Engadin would certainly be thankful. Because the people are still arguing about the restoration of the health of the creek.