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### European rights of nature initiatives

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# *Alex Putzer & Laura Burgers*

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The world is in the midst of a legal revolution, in which natural entities are increasingly being recognized as the subjects of rights rather than being treated as objects or property. This movement, known under names such as *rights of Nature* or *earth jurisprudence*, is particularly strong in South America. The recognition of the rights of Pachamama (Mother Earth) in the [2008 Ecuadorian Constitution](#) is just one of a multitude of milestone achievements on the continent. Indigenous communities in North America have undertaken similar, more local initiatives. Related achievements in other places include the [2019 Uganda National Environment Act](#), a [2019 Bangladeshi Supreme Court Judgment](#), as well as several initiatives between the indigenous peoples and the government of Aotearoa New Zealand, including two finalized laws regarding a [forest](#) and a [river](#).

Advocates for the rights of Nature have had, thus far, less success in Europe. It may not surprise readers that this continent has been somewhat resistant to this legal trend. After all, Europe is the birthplace of Descartes – who prominently considered animals as ‘machines’. The continent was and is still home to many thinkers and philosophers who contributed to the school of thought in which humans and the rest of the natural world are seen as strictly separate. The rights of Nature oppose this worldview, putting animals, plants, and ecosystems on the same plane as humans. A steadily growing number of European scholars, activists, and politicians follow and explore this idea. The emerging mindset is increasingly influencing the European legal landscape (also known as [lawscape](#)).

In our contribution to this Symposium, we summarize these initiatives, identifying trends in the subject matter, the initiators, and the legal status of European efforts at legal recognition of the rights of Nature. A full list of these initiatives, with hyperlinks to the relevant laws, has been compiled by Alex Putzer in a [Database of European Rights of Nature Initiatives](#). The database currently lists 46 initiatives and continues to be updated.

## **From the Rights of Non-human Animals to the Rights of Nature**

Before the promotion of the rights of Nature came the promotion of the more specific rights of animals. The ‘oldest’ initiative in this list dates to 1988 when German activists argued for the recognition of the rights of seals in the German North Sea. Years later, in 2013, in the United Kingdom, the rights of Nature were almost simultaneously adopted by five communities. The Falkirk Charter, for instance, acknowledges the right to life of beings of every species. In Romania, since 2014, the national parliament has debated the possibility of recognizing the (non-human) legal personality of dolphins. In 2019, in France, a group of legal scholars drafted a declaration on animals’ rights and issued a ‘Charter on the Law of the Living’. Most recently, in February 2022, a referendum took place, on the rights of primates living in the Swiss city of Basel. Even though this last one was rejected by voters, a general increase in awareness is noticeable.

Pope Francis progressed the European rights of Nature movement with his 2015 encyclical. In his Papal letter, the Pope stated that a right *of* the environment does exist – note that this is very different from a right *to* the environment (the latter being a right held by humans). Since then, the rights of Nature movement started growing in Europe, with three new initiatives undertaken in 2016, four in 2017, four in 2018, an impressive thirteen in 2019, seven in 2020, and nine in 2021. Several countries are even considering making changes at a constitutional level. The movement will likely grow further in the coming years, as each new initiative seems to garner a considerable amount of media attention and inspire more people to lobby for recognition of the rights of their immediate natural environment.

## **Constitutional Developments**

Six European countries are considering or have considered recognizing the rights of Nature at a constitutional level: Finland, France, Germany, Italy, Portugal, and Sweden. In Italy, there has been a debate in the national Parliament – even though a recent constitutional amendment concerning environmental protection might have slowed down the current momentum. A Portuguese petition for the adoption of constitutional rights of Nature has, so far, gathered limited support. Despite repeated efforts by rights of Nature proponents and **Green Party proposals** in Sweden, the inclusion of rights of Nature in the constitution has never been successful. French, Finnish, and German constitutional initiatives are ongoing; a **Bavarian initiative** seeks to change art. 101 of the regional constitution, with the idea of changing the national one in a second step, a **Finnish NGO** **has already proposed** elaborate changes to the country's constitution. Despite these promising constitutional developments, it is important to note that almost half of the European initiatives have a more limited range, most often taking place at a municipal level.

### **Heterogeneity in Initiators and Subjects**

Like the global rights of Nature movement, the European movement is vastly heterogeneous. Firstly, a variety of institutions have initiated proposals for change. About a third of the initiatives put forward have been suggestions made by political actors, such as parliaments, political parties, or single politicians. Another third of the initiatives advanced were proposed by NGOs or other private organizations, including artist collectives like the Dutch Embassy of the North Sea. Finally, four initiatives were suggested by religious entities; this includes a statement by the Pope (mentioned above), a 2019 educational policy by the church of Sweden, the final document of the 2019 Amazon Synod (a meeting held in the Vatican by church leaders on the state of the Amazon rainforest), and a 2019 initiative by the World Council of Churches.

Moreover, the initiatives concern a variety of natural entities. The majority of measures refer to Nature in general. For instance, a 2020 European Parliamentary Resolution speaks of 'rights of ecosystems', and the Swedish Sami parliament endorses the Bolivia Declaration on the Rights of Mother Earth. At the same time, some proposals relate to recognizing the rights of specific natural areas – with rivers featuring prominently. Examples

include the Loire in France, the Meuse in the Netherlands, the Rhône in Switzerland, and the Froome and Dart rivers in the United Kingdom. There are also initiatives on behalf of other natural entities, such as Lake Vättern in Sweden, the Mar Menor Laguna in Spain, the Rodden Meadow in the United Kingdom, and the aforementioned primates in Switzerland. In Belgium, a climate case was launched on behalf of *inter alia* 82 trees; the founding papers even citing their addresses ('the corded alder living in the *rue de l'Arbre Benit* in the municipality of Ixelles', for example).

## **Implementation Status and Enforcement**

Lastly, we must note that very few of the initiatives have resulted in binding legislation – in part due to the institutional context of some initiatives. For instance, draft statutes proposed by political parties like the Danish Alternative Party and the Irish Green Party, which include rights of Nature language, are often not initiatives aimed *directly* at legislative change. Additionally, several initiatives are specifically designed to be non-binding declarations – such as the Charters adopted at municipal level in the United Kingdom. We have yet to see the full potential of the only legislative text that is – at least on the face of it – legally binding, the Environmental Code of the French Loyalty Islands.

While these developments are certainly to be welcomed, it remains to be seen whether they will significantly impact the law, Nature, or both.

*Note:* We follow the policy of various scholars and organizations, including the [United Nations Harmony with Nature Programme](#), which write 'Nature' in uppercase to establish it linguistically as a subject (see, for instance, footnote 1 of the [United Nations General Assembly Report A/75/266](#)). This policy is further emphasized by contrast to a lower-case, anthropocentric, object vision of nature.

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