

Motion to the Riksdag

2019/20: 3306

by Rebecka Le Moine m. fl. (MP)

The rights of nature

Proposal for a parliamentary resolution

The Riksdag supports what is stated in the motion to include nature's rights in accordance with the proposal for Sweden's constitution and announces this to the government.

Motivation

Environmental legislation is usually about allowing a certain level of environmentally harmful activity, rather than restoring ecosystems or taking preventive measures. In Sweden, the national environmental goals have existed for 20 years, and they have not yet been achieved in the long run. IPBES report and research compilation from May 2019 show that between half a million and one million species of animals and plants are threatened with extinction, and that the number of species is declining at a faster rate than previously thought.

Granting nature and its ecosystems inalienable rights means a point of view and means that society must take responsibility for nature's health in a different way than today, as it is often civil society in the form of local people, local politicians and environmental movements that advocate nature.

In recent years, a large number of decisions in parliaments and courts have recognized the rights of nature.

Ecuador is the first country in the world to have included the concept of natural rights in its constitution. During the years 2007–2008, the constitution was rewritten so that nature's rights fit a separate chapter under a section on “rights”, where it is stated that nature must be respected and managed in a sustainable way, measures must be taken in order to

stop the extinction of species and that individuals, societies and peoples are given the legal responsibility to act for the good of nature (Chapter 7, Articles 71–74). This means, for example, that deforestation can be prosecuted and the forest is represented by a lawyer.

Chapter 7, Article 72, describes the meaning that nature has the right to be restored to its former condition and that individuals and / or local communities that are affected by a particular place shall be compensated for the negative changes that have taken place in nature, e.g. . through exploitation. It is a constitution where nature is granted rights and thus comes into being autonomous legal entity; the constitution stipulates that nature has the right to flourish and develop.

Colombia is another country that has implemented the concept of natural rights in decision-making and legal processes. In April 2018, Colombia's Supreme Court decided to recognize the Amazon as a legal entity with rights after a group of children and young people sued the state as the impact of deforestation on the climate threatens their right to a healthy environment, health, food and water. A stronger legal position for nature increases the conditions for long-term sustainable development.

Another case in Colombia that has attracted a great deal of attention is the case of Atrodo, where the Supreme Administrative Court recognized that Odin has legal rights. The judgment was based on an inverted concept where the earth does not belong to man but man and all other species belong to the earth. Through this view, it is not man who owns the earth's natural resources, which means that man does not have the right to decide on the survival of the planet.

In 2010, the Bolivian Parliament adopted a law on Mother Earth rights (Ley de Derechos de la Madre Tierra) and established a new ministry to appoint an ombudsman for natural rights.

In the United States, some thirty municipalities have adopted local ordinances recognizing the rights of nature; In the city of Pittsburgh, this led in 2010 to the abandonment of plans for ski gas extraction.

In March 2017, a pioneering decision was made when one of New Zealand's largest whales, Whanganui, status ck had legal status. The decision is based on an agreement between the indigenous Maori people and the state and has been codified in a law, the Whanganui River Claims Settlement Bill.

The rights of nature mean a shift in our thinking and a change in the legal system. The earth's ecosystems and life forms are not seen as lawless objects subordinate to man, but as subjects with inherent rights. Such a shift sets completely new ground rules for our actions and is one of the most important steps humanity can take towards creating a sustainable future.

Therefore, it is proposed that Sweden's form of government be supplemented, under ch. Fundamental freedoms and rights, with Article 26: "Protection of nature", according to the legal text below:

Article 26. Nature, including ecosystems and native species, shall be guaranteed the following rights:

1. the right to naturally exist, flourish, regenerate and develop;
2. the right to restoration, recovery and preservation; and
3. the right to perform their natural functions.

The Government shall take all necessary measures to implement, defend and enforce the provisions of this Article. Nature can maintain or defend its rights through legal action with ecosystems or native species as stakeholders.

All Swedish citizens can enforce or defend the rights guaranteed in this article through legal action. In the event of likely infringements of the guaranteed rights in this Article, lack of full scientific certainty shall not be used as a

reasons for denying or suspending the enforcement or defense of the rights guaranteed in this article. The burden of proof to demonstrate the absence of a violation of the rights lies with the person who wants to carry out an activity that may involve a violation of the rights.

Anyone who infringes any right guaranteed in this article shall be liable for damages caused as a result of the infringement. Damage must be measured with the cost of restoring ecosystems or native species to their condition before the violation and must be paid to the government to be used only for the restoration.

Nothing in this bill shall be construed as meaning that nature has any obligations, requirements or responsibility.

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