

Rights of Nature: Legal Philosophy Meets Democracy The Swiss Cantonal Reuss-Initiative

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Abstract The Reuss-Initiative, a popular initiative to change the constitution of the Swiss Canton of Lucerne aims to grant public water bodies legal personality and fundamental rights for their existence and ecological integrity. Existing environmental laws are ineffective because the waters lack legal standing to challenge political pressure in court. The call for legal personality and fundamental rights is based not only on legal philosophy but on political grounds. The paper explains why it makes sense from a democratic perspective to give legal personality in a first step to non-sentience water bodies instead of sentient beings.

Keywords Reuss-Initiative. Natural entities. Legal personality. Fundamental rights. Constitution. Colère publique. Democracy. Water bodies. Rights for Nature.

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1 The Cantonal Popular Initiative

The Reuss-Initiative¹ is a cantonal popular initiative on changing the Constitution of the Swiss Canton of Lucerne. It is calling for legal personality and fundamental rights for the river Reuss and all other public waters in the canton of Lucerne in Switzerland. It proposes the following addition to the Constitution of the Canton of Lucerne:

§ 10 part 3 (new)

The fundamental rights and legal personality of non-human nature are guaranteed in accordance with the Cantonal Constitution.²

§ 10bis Fundamental Rights and Legal Personality of the cantonal Waterbodies (new)

1. The public waters of the Canton are granted fundamental rights according to item. 2 and legal personality.
2. The waters have the right to existence and ecological integrity.
3. The law shall regulate the practical implementation. It is to be structured in such a way as to ensure the effective and independent assertion and enforcement of the claims granted.³

The initiative also contains a transitional provision that gives the cantonal legislature three years to complete the practical legal implementation required in § 10bis, if the initiative is accepted by the popular vote.

1 View website of the popular initiative (Reuss-Initiative): <https://www.reuss-initiative.ch>.

2 “§ 10 Abs. 3 (neu) Die Grundrechte und die Rechtspersönlichkeit der nicht-menschlichen Natur sind nach Massgabe der Kantonsverfassung gewährleistet”. Unless otherwise stated, all translations are by the Authors.

3 “§ 10bis Grundrechte und Rechtspersönlichkeit der Gewässer (neu). 1 Die öffentlichen Gewässer des Kantons sind mit Grundrechten gemäss Abs. 2 und Rechtspersönlichkeit ausgestattet. 2 Die Gewässer haben Anspruch auf Existenz und ökologische Unversehrtheit. 3 Das Gesetz regelt die praktische Umsetzung. Es ist so auszugestalten, dass die wirksame und unabhängige Geltendmachung und Durchsetzung der gewährten Ansprüche sichergestellt sind”.

2 Why the Change is Necessary

In Switzerland on the federal level there are currently only two types of entities equipped with the notion of being a legal personality and thus being able to have rights of their own: natural persons (e.g. human beings) and legal persons (e.g. legal entities that are constructed by law such as the stock corporation or the association).⁴ A special category of legal personalities forms the so-called public law corporations (*öffentlich-rechtliche Anstalten*), which can be created by the canton.⁵ This category is important, as will be shown below.

The initiative leaves it up to the legislature to decide how exactly it wants to grant legal personality to water bodies (§ 10 part 3) The initiative only requires that representation must be “effective and independent”. However, the initiative committee has ideas on how this measure can be implemented legally without violating superior law. The committee envisions this to be implemented in the form of an independent public law corporation based on cantonal law. This would give the water bodies of the canton legal personality with the fundamental rights to existence and ecological integrity.

The key difference from the current situation lies in the conceptual distinction between ‘being protected’ and ‘having rights’. While regulations exist that aim to make sure the bodies of water are protected from pollution and other emissions that negatively impact their ecological state,⁶ they are treated only as an object of law and thus cannot claim these provisions as rights of their own. This exclusion has severe consequences on the condition of nature. Several studies conducted in recent years show that many cantons have significant deficits in the implementation of groundwater protection planning.⁷ Some of the water bodies in the canton of Lucerne are in a deplorable state. It is estimated that in Switzerland, on average, approximately one-tenth of the population consumed drinking water that exceeded the maximum level for chlorothalonil metabolites in the years 2019-21.⁸ For 40 years, lakes have been so heavily overfertilised in the canton that they have to be kept alive with oxygen (Läubli 2025). All this even though the Water Protection Act prohibits such practices.

⁴ Art. 620 ff. OR and Art. 60 ff. ZGB.

⁵ §75 KV Luzern.

⁶ E.g. USG or GSchG.

⁷ GPK Nationalrat. *Grundwasserschutz in der Schweiz, Bericht der Geschäftsprüfungskommission des Nationalrates*. Bern, 28.6.2022, 4.

⁸ Bericht des Bundesrates. *Verunreinigung des Trinkwassers mit Chlorothalonil*. 29.1.2025, 4.

It is prohibited to introduce substances that may pollute water directly or indirectly into water body or to allow them to seep into the ground.⁹

With the new paragraphs in the constitution, the cantonal administration could be obliged by the waters to enforce this law. Under the current situation, political pressure from the agricultural sector on the government is so heavy that the government does not enforce the water-protection law (Bieri 2024).¹⁰ By granting the cantonal bodies of water the status of a legal person it could invoke the fundamental rights granted by the initiative and assert the respective claims in court. Under the current jurisdiction this is not possible. Environmental organisations do not have the possibility to initiate court proceedings. They have the legal personality but are not directly affected by water pollution. On the other hand, waters are affected, but they have no legal personality. To be accepted by the court to deposit a claim, in case a law is breached, one needs both: legal personality and suffer an impact. That is why the improvement of water-protection laws is completely useless if the affected waters themselves are not allowed to enforce these in court, even if they are the only one who suffer an impact.

It is the only way to overcome the current political challenges and the only alternative to strengthening the legal protection for the water bodies. Only if an independent and effective body – as called for by the Reuss-Initiative – is empowered to enforce the strict water protection laws, will the state of the water bodies improve.

Political pressure could, of course, still be exerted. However, this pressure would then have to shift to the legislative process. For interest groups that are working against the interests of the waters, this is far more difficult than exerting pressure on individual administrative bodies responsible for water protection. As an example, we refer to the constitutional referendum on 16 November 2025, when Ecuadorian voters overwhelmingly rejected President Daniel Noboa's proposal to convene a constituent assembly to rewrite the constitution to skip the country's pioneering, legally binding Rights of Nature (Martínez-Moscoso 2025).

This conclusion is obvious, if one refers to the situation of slaves or women, before they got their own legal personality. Without their right to rights even the best protecting laws had less impact than

⁹ Art. 6 Abs. 1 GschG: "Es ist untersagt, Stoffe, die Wasser verunreinigen können, mittelbar oder unmittelbar in ein Gewässer einzubringen oder sie versickern zu lassen".

¹⁰ See also Bauer, K. (2023). *Unser täglich Fleisch. Von Gülle, Jobs und Umweltschäden*. SRF. <https://www.srf.ch/play/tv/dok/video/unser-taeglich-fleisch---von-guelle-jobs-und-umweltschaeden?urn=urn:srf:video:907ef8af-e3f1-4657-bfa5-71ca1bb5ff6c>.

the fact of having an own legal personality. Schärli-Reinhard (2024, 161-5) describes how the right to rights of a non-human nature can be implemented in law.

This said, as Laura Burgers and Jessica Den Outer (2023, 17) write, that granting legal personality to nature not only increases the likelihood of more effective environmental protection, but these rights also have symbolic value; they reflect a holistic worldview. As examples, the authors cite the Whanganui River in New Zealand, whose legal status reflects the relationship with nature of the indigenous Whanganui-Iwi (16), or the understanding of religion in India, which grants deities the status of legal persons and has thus led to sacred rivers such as the Ganges being recognised by the courts as legal persons (67-72). What is less well known is that in 2014, the Te Urewera forest became the first area in New Zealand to be recognised by law as an autonomous legal entity. Just as the Whanganui Iwi regard the river as their kin, the Tuhoe Iwi regard the forest as their kin and ancestor (52-5). In their understanding, these natural entities are not mere objects. Several hundred natural entities have legal rights. Andreas Fischer-Lescano (2018, 205) describes the autonomous rights of nature as a legal and political necessity, given the urgency of the environmental crisis. According to Fischer-Lescano (211), being a legal entity means having a specific set of rights and obligations. This varies depending on the legal system: companies have different obligations under national law than they do under international law. This raises a very interesting question: How will the legal personality be accepted by legislations that do not give waters a legal personality? In theory it is quite clear. A legal personality from another legislation has to be accepted. As an example, an English Trust, even though this legal construction does not exist in Switzerland, has the right to be protected by Swiss law. But will this also apply to rivers? A question that the future will have to answer.

However, one thing that is certain to change fundamentally if the Reuss-Initiative is passed and rivers and lakes will be granted legal personality is the fact as Malte Gruber (2007, 1556) writes that environmental protection, which has been understood in anthropocentric terms, must now be guided by ecocentric objectives. This is not merely a matter of legal philosophy, but a fact with practical implications, as demonstrated by the example of the Mar Menor in Spain, which was granted legal personality in 2022 (Vasquez Montesinos 2026, 84). The lagoon is currently asserting its rights in

court, represented by lawyers from various citizens' initiatives and environmental organisations.¹¹

Whilst environmental organisations have so far mostly been able to act only as 'public plaintiffs', the Mar Menor now is a legal entity that has suffered direct harm. As a result, the lagune benefits from procedural rights that were previously denied to environmental organisations, such as the right to object to deals between the prosecution and the accused or to insist on the restoration of the ecosystem (Ax 2026).

3 Changing the Constitution in a Democracy

The Swiss democratic system offers citizens the opportunity to add or change some legal provisions. A popular initiative can be launched at federal or cantonal level in Switzerland.

At the federal level, 100,000 signatures are required,¹² while at cantonal level, depending on the canton, a few thousand are sufficient. In the canton of Lucerne, where the Reuss-Initiative has been launched, 5,000 signatures are required for a constitutional initiative¹³ While it would be desirable to have a popular initiative on the federal level, the sheer number of signatures required makes it a much more challenging and resource-intensive endeavor. Thus, as a first, more reachable goal, the cantonal initiative was chosen to bring the matter into the political discussion. Generally, this process is divided into several phases:

1. Preliminary Examination: The form with the text of the initiative and the members of the committee is submitted to Department of Justice and Security The check ensures the formal correctness of the form, which serves to collect the signatures.
2. Collection of Signatures: To initiate a partial revision of the Constitution, 5,000 valid signatures from eligible voters must be collected within one year. Every signature has to be handwritten and is being checked by the administration
3. Coming into being: The forms with the signatures are delivered to the Department of Justice and Security, which confirms that the necessary signatures have been collected.

11 The landmark court case concerning the Mar Menor lagoon in Spain was adjourned shortly after it began on 20 May 2026. The reason was the absence, due to illness, of a key expert. A new hearing date was set for 23 September 2027.

12 Art. 139 BV.

13 §20 KV Luzern.

4. Government Report & Parliamentary Recommendation: The Government issues a detailed report. It declares whether it considers the initiative valid and whether it recommends its acceptance or rejection
5. Validation by Parliament: The Cantonal Parliament formally declares the initiative valid. It can be declared invalid if it violates superior law (Federal or International Law).¹⁴ The Parliament then decides whether to recommend the initiative for adoption or rejection.
6. Counter-Proposal: The parliament has the right to submit its own version (a counter-proposal) to the voters alongside the original initiative.
7. Popular Vote: The final decision is made by the electorate. Since it is a cantonal matter, a simple majority of the voters is sufficient for the amendment to take effect.

By the time of submission of this article [Summer 2026], the initiative is at the end of its second phase, meaning the necessary signatures have been collected and the government is elaborating its report to the parliament.

4 The Learnings from the Rights for Primates-Initiative in Basel-Stadt

The Reuss-Initiative is not the first popular initiative in Switzerland, aiming to give fundamental rights to non-human nature. However, as seen above, launching an initiative at the cantonal level means that if it is not to run the risk of being declared invalid, it must be compatible with federal legislation. That is why the learnings from the primates-initiative, which sought to protect the fundamental interests of non-human primates in life and physical integrity (Fasel et al. 2016, 3), are fundamental and valuable for the Reuss-Initiative.

The organisation Sentience learned this the hard way in the canton of Basel-Stadt, where it called for fundamental rights for primates

14 In addition to this first compliance-check, there is a second one on the federal level: If the cantonal initiative is accepted by popular vote, the proposed changes to the cantonal constitutions are implemented. Because of the federal organisation of Switzerland, these changes need to be 'guaranteed' by the Federal Assembly (Art. 51 and 172 BV). If this guarantee is given, the rights granted by the cantonal Constitution are protected by the Federation and their infringement can be challenged before the Federal Supreme Court (Art. 95 of the Federal Act on the Federal Supreme Court [Bundesgerichtsgesetz]).

in its initiative.¹⁵ It had to fight all the way to the Federal Court to ensure that the vote could take place.¹⁶ The reason for this is that animal welfare is regulated at federal level (TschG). And contrary to the name ‘animal welfare’, the law does not primarily protect the welfare of animals, but rather the behaviour of animal owners, by setting out in law the limits within which animals may be used.

The obvious legal dilemma was that if primates in the canton had been granted a fundamental right to physical integrity, the industry would no longer have been protected by the Animal Welfare Act for its animal experiments. However, as federal law takes precedence over cantonal law, this would have resulted in legal incompatibility.

The Federal Court resolved the dilemma by ruling that the referendum must be held, but that if the initiative were accepted, only primates owned by the canton would benefit, while primates owned by private individuals, in particular the chemical industry and the zoo, would not benefit and would therefore not have fundamental rights to physical integrity.¹⁷ Nevertheless, the initiative was rejected by a large majority.

The Reuss-Initiative took an important learning from this first attempt to give legal rights to nature. The piece of nature had to be ‘something’ that falls within the competence of the canton of Lucerne in order to precisely avoid the Bâle effect.

Therefore, it made sense to give legal personality to water bodies as the federal Water Protection Act explicitly leaves the protection of water bodies to the cantons, and it is up to each canton to decide how it wants to implement the provisions of the federal law. It is not sure, if this opinion is shared by the parliament of the canton, why it is still possible, that the Reuss-Initiative will have to fight in court to make sure the people will be able to vote on this important question.

5 Political Considerations When Launching a Popular Initiative

To succeed, popular initiatives need not only to be consistent with existing law, they need also to be accepted by popular vote. Ideas that should succeed in a democracy should therefore not be too progressive.

The assignment of legal subjectivity and fundamental rights to nature is such a fundamental change to the legal system that

15 View website of the popular initiative (Primaten-Initiative): <https://www.primaten.ch/de/>.

16 Bundesgericht, Urteil 1C_105/2019, 16.09.2020.

17 BGE 147 I 183 E. 9.3.

it is rather unlikely to happen from a systems theory perspective. According to Niklas Luhmann (2019, 179), such changes in established systems are rather exceptions.

It is still possible to shift boundaries, expand or restrict the scope of what is reasonable; but once the system has a history, this can only be done selectively, only for certain issues, only in exceptional cases.¹⁸

This theoretical insight is reflected in the democratic reality of Switzerland, where popular initiatives are very rarely accepted by the people. Of the 235 popular initiatives on the national level that were put to the vote, only 26 were accepted by the people and the cantons.¹⁹

This should not be interpreted as an argument for maintaining the status quo. But initiating these changes is not easy. According to Christopher D. Stone (1972, 455),

each time there is a movement to confer rights onto some new “entity”, the proposal is bound to sound odd or frightening or laughable. This is partly because until the rightless thing receives its rights, we cannot see it as anything but a thing for the use of “us” – those who are holding rights at the time.

Societies change from the margins. According to Luhmann (2016, 249), the most likely scenario is that a scandal could create a previously unformulated norm.

Those who react with outrage in such cases and express counterfactual expectations need not expect dissent – almost as if the sense of normality were covered by sacred powers. The genesis of norms follows the Durkheim model, making use of *colère publique*.²⁰

However, according to Durkheim (1893, 110), this anger would have to be shared by the whole of society. For the feelings at stake

18 “Man kann die Grenzen immer noch verschieben, den Zumutbarkeitsbereich ausweiten oder einschränken; aber dies, nachdem das System einmal eine Geschichte hat, nur noch punktuell, nur noch für bestimmte Themen, nur noch ausnahmsweise”.

19 View statistics on national popular initiatives: https://www.bk.admin.ch/ch/d/pore/vi/vis_2_2_5_9.html.

20 “Wer in solchen Fällen empört reagiert und kontrafaktische Erwartungen zum Ausdruck bringt, muss nicht mit Dissens rechnen – fast so, wie wenn der Normsinn durch sakrale Mächte gedeckt wäre. Die Normgenese folgt dem Durkheim-Modell, sie bedient sich der *colère publique*”.

draw all their strength from the fact that they are common to everyone; they are energetic because they are uncontested. What makes them the object of particular respect is that they are universally respected.²¹

Now, it is by no means the case that granting rights to nature is generally accepted. For many, this is a very unfamiliar idea. In the past, it has been shown that progressive ideas are initially supported only by a minority. That is not enough in a democracy. Change requires a majority. In our case, this means that the majority of those who have rights (humans) must grant rights to those who do not (non-humans).

This is quite difficult, following the analysis of Karl Marx and Friedrich Engels (2013, 14): “Political violence, in the true sense of the word, is the organised violence of one class aimed at the oppression of another”.²² In our case, this refers to the political violence of human nature against non-human nature.

Rudolf von Jhering (2003, 5) already saw the goal of law as peace, with struggle as the means to achieve it. “All law in the world has been fought for; every important legal principle had to be wrested from those who opposed it”.²³

Without a struggle for the fundamental rights of nature, nothing will change. According to Luhmann, this struggle for power must take place within the political system. This means that the existing scandalisation as the anger of the minority must become the anger of the majority. To get there, the minority must fight for. Then, according to Jhering (2003, 11), it is a truly romantic idea “that the law forms itself painlessly, effortlessly, passively, like a plant in the field; harsh reality teaches us the opposite”.²⁴

And this is the second key reason for making this flagship project for the rights of nature, with a focus on water bodies. As explained above, *colère publique* (public outrage) is needed to achieve majorities for constitutional change in a democracy.

In our context, this can be illustrated by the example of the Mar Menor in Spain. The Mar Menor was granted legal personality because, at the time of the relevant decision, an unspeakable fish kill shook people up (Osusky 2023).

21 “En effet, les sentiments qui sont en jeu tirent toute leur force de ce fait qu’ils sont communs à tout le monde; ils sont énergiques parce qu’ils sont incontestés. Ce qui fait le respect particulier dont ils sont l’objet, c’est qu’ils sont universellement respectés”.

22 “Die politische Gewalt im eigentlichen Sinn ist die organisierte Gewalt einer Klasse zur Unterdrückung einer andern”.

23 “Alles Recht in der Welt ist erstritten worden, jeder wichtige Rechtssatz hat erst denen, die sich ihm widersetzen, abgerungen werden müssen”.

24 “dass das Recht sich schmerzlos, mühelos, tatenlos bilde gleich der Pflanze des Feldes; die raue Wirklichkeit lehrt uns das Gegenteil”.

Even though thousands of fish continue to die in overfertilised streams in the canton of Lucerne, the disappearance of the fish is less spectacular. The extinction of fish species has been a slow process; the fact that whitefish eggs in overfertilised lakes can no longer find oxygen and die is not visible, not to mention the pesticides and fungicides. Chemicals are increasingly found in drinking water. Groundwater resources can no longer be used without restriction. This has shaken at least part of the population into action.

This is the reason why the Reuss-Initiative calls for fundamental rights and legal personality for water bodies. From a legal philosophy perspective, it would make much more sense to give legal personality and fundamental rights to sentient beings like swine, chicken or cow.

But such an endeavour, which would give these beings a right to exist, would not find majority support in Switzerland's democratic system today. There is a lack of the necessary *colère publique*. Therefore, any campaign that wants to achieve a democratic majority must focus on elements of nature as its basis, that can ignite public outrage. And these elements of nature are water bodies.

At this point, one can see similarities in the fundamental approaches to mobilising the electorate. Teresa Vicente and Eduardo Salazar (2024, 88) describe four factors that drive mobilisation:

The reasons that have led Spanish citizens to propose a popular legislative initiative (ILP) to recognise the legal personhood to the Mar Menor lagoon and its basin, in order to provide this valuable ecosystem with its own rights, are: a) the serious ecological damage it has suffered, b) the ineffectiveness of the current legal regulations that have sought to protect it, c) the inactivity of the public authorities and d) the need to empower civil society to make participation in environmental matters effective.

This reflects the situation in the canton of Lucerne, where water protection laws are also not being observed and not being enforced by the authorities. However, regarding the ecological damage in Lucerne, the banks of rivers and lakes are not yet littered with dead fish, as was the case on the shores of Mar Menor, which sparked widespread public outrage. The greater the environmental damage, the greater the support for fundamental legal reform.

Even voters who have hardly dealt with the concept of the rights of nature can see that this legal approach can improve a fundamental problem, namely the protection of drinking water, which is in danger and of huge importance.

However, this is an important lesson to be learnt from the Mar Menor case: simply granting legal personality and fundamental rights to bodies of water is not enough to bring about a sustainable improvement in their biodiversity and protection. Paula Vasquez

Montesinos (2026, 87) identifies the following three challenges that threaten the sustainability of the Mar Menor case.

First, the river ecosystem has been given private legal status without assets. The new entity lacks initial funding, relying solely on subsidies and donations. This raises doubts about its long term operational capacity. Second, is the complex governance structure. With 56 members and multiple committees, decision-making is slow and cumbersome. The power of the civil society groups, which led the effort to get legal personhood recognition, has been diluted with industry and governmental representatives [...] Finally, government itself has limited responsibility.

The Reuss-Initiative has an answer to all three challenges: First, the waters will have a public legal status instead of a private legal status; the committee of the initiative proposes a public law corporation, which must be created by the canton to represent the waters. Second, the initiative requests efficient and independent governance. Therefore, the appointment of industry or governmental representatives would not be possible. Finally, the government will remain responsible for ensuring compliance with and enforcement of the legislation. The key difference to the actual situation will be that, should the government fail to fulfil this duty, the water bodies will be able to take legal action against the government.

This is also a learning from the Ecuadorian Case. In 2008, Ecuador became the first country in the world to enshrine the rights of nature in its constitution. Madera and Pasquel (2026, 56) write, that despite this comprehensive protection, organisations such as the Colectivo Rescate Río San Pedro (San Pedro River Rescue Collective) must campaign on a voluntary basis to ensure that these rights are actually upheld.

Belen Parco Fuentes (2026, 74) sees this as one of the key problems in implementation. The constitution just serves as a basis for activists campaigning to protect the biodiversity of rivers, as despite a respective legal framework, “water quality is severely compromised, due to the pollution that affects major Ecuadorian rivers”. The responsibility lies with the government – as is the case in Switzerland at both national and regional level – and if it fails to act, activists have to organise themselves and campaign for the rights of nature. That is why the Reuss-Initiative calls not only for the rights of water bodies to be enshrined in the Constitution, but also for effective and competent representation. Only a small, efficient, expert body with legal and financial safeguards can ensure that the constitutional article does not remain a dead letter.

In her analysis of the rights of nature in Ecuador, Tina Rametsteiner (2025, 162) also points out that the academic literature

takes a critical view of the idea that any individual can act as a representative of nature. The rights of nature are therefore often used merely to bolster legal claims that are intended to protect human rights. Originally, the Defensoria del Ambiente y la Naturaleza (Public Defender's Office for the Environment and Nature) had been envisaged, but this was never established. Instead, the Defensor del Pueblo (Public Defender of Human Rights) was granted the right to demand compliance with the rights of nature (164). Although Ecuador's Rights of Nature have only slowly found their way into legal practice, the Constitutional Court has ordered numerous remedial measures. For example, it has ordered that mining operations in a threatened cloud forest must not continue and that infrastructure already in place must be removed (170).

Progressive causes rarely find support among more than a third of the population. If you want to win a majority at the ballot box, you need allies. In this case, these are, on the one hand, those who are concerned about the quality of their drinking water. Another important group are those who are concerned about the biodiversity of our waters. These include many fishermen, as was evident when signatories were being collected. This is not surprising, given that many fish species have become extinct in Switzerland; between other salmon, sea trout, allis shad and river lamprey. These were fish that migrated from the North Sea via the Rhine, Aare and Reuss rivers to Lake Lucerne. Today, these river migration routes are so obstructed that fish cannot pass through. In addition to river engineering, chemicals are a major cause of the disappearance of fish and fish species, according to Armin Peter (2007, 209). In general, fish are no longer as abundant in most watercourses as they used to be. Intensive use, deterioration in water quality and human-induced changes to water bodies have reduced fish stocks.

Until now, this has mainly affected fishermen, with little awareness among the public. However, drastic measures are beginning to change this. Since November 2025, for example, perch and pike from Lake Zug may no longer be sold because they are contaminated with per- and polyfluoroalkyl substances (PFAS) to a degree that is harmful to health (Hess 2025, 23). The Business Audit Committee of the National Council considers it extremely problematic that groundwater protection law is still not being systematically applied, even 50 years after it came into force and 25 years after its last revision.

Several studies conducted in recent years show that many cantons have significant deficits in the implementation of groundwater

protection planning.²⁵

The question is whether these findings will trigger the aforementioned public outrage, leading to a rethink and helping nature to assert its rights. On the one hand, this information is being disseminated by environmental protection organisations such as the Rechtsperson Reuss association. On the other hand, stakeholders from agriculture and industry are attempting to counteract this public outrage in a counter-movement. For example, Johanna Gapany, member of the Council of States, has proposed that pesticide residues in waterways be measured less frequently.²⁶ Leo Müller, member of the National Council, wants to make it more difficult for the Federal Council to ban plant protection products with his motion.²⁷ In addition, no limit value is to be introduced for the highly toxic pesticide deltamethrin, due to pressure from the Swiss Farmers' Union (Klee, Ramser 2025). All this serves to conceal the poor condition of our water bodies, withhold information about the situation from the population and thus nip any public outrage in the bud.

6 Final Thoughts

While the outcome of the described initiative is unsure, the public debate has been launched. Assuming that the initiative is affirmed as compatible with superior law by the cantonal parliament, the initiative raises fundamental questions about the relationship between humans and their environment. The previous conception of nature as an object that solely serves the interests of humans (and in political reality, specifically certain interest groups) is being put to the test. Fundamentally, it is a matter of the heart: Do we regard nature as a lifeless commodity that must be categorically subordinated to human interests, or do we recognise it as a counterpart with interests, needs, and – in the spirit of the initiative – its own rights? For us, the answer is clear: Nature deserves the legal status it already holds in social and emotional reality. As our habitat and our basis of life, it does not constitute a mere object of law, but a cooperative partner in the pursuit of sustainable prosperity.

25 "Mehrere Studien aus den letzten Jahren zeigen, dass in vielen Kantonen erhebliche Defizite beim Vollzug des planerischen Grundwasserschutzes bestehen". GPK Nationalrat. *Grundwasserschutz in der Schweiz*. Bericht der Geschäftsprüfungskommission des Nationalrates. Bern, 28.6.2022, 4.

26 View motion from Johanna Gapany: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20253154>.

27 View motion from Leo Müller: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20244589>.

Abbreviations

BGE = Bundesgerichtsentscheid (Decision of the Federal Court)
BV = Bundesverfassung (Federal Constitution)
GPK = Geschäftsprüfungskommission (Business Audit Commission)
GschG = Gewässerschutzgesetz SR 814.20, 24.01.1991 (Water Protection Act)
KV = Kantonsverfassung (Constitution of the Canton)
OR = Obligationenrecht, SR 220, 30.3.1911 (Swiss Code of Obligations)
PFAS = Per- and polyfluoroalkyl substances
SR = Systematische Rechtssammlung (Classified Compilation of Federal Law)
TSchG = Tierschutzgesetz SR 455 16.12.2005 (Animal Welfare Act)
USG = Umweltschutzgesetz, SR 814.01, 7.10.1983 (Environment Protection Act)
ZGB = Zivilgesetzbuch SR 210, 10.12.1907 (Swiss Civil Code)

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