Rights of Nature in the Constitution of Mauritius

Eco-Sud's proposed amendments v1_19 oct 2026, explained

Mauritius is preparing to amend its Constitution, and the government has committed to include the recognition of the rights of Nature into it. Eco-Sud has drafted precise wording to turn that commitment into law. This document shows that wording, line by line, next to the text of the Constitution as it stands today and explains in plain language why each change is needed and which international texts inspired it.

It is a working draft, shared with civil society and citizens so that it can be read, questioned and improved.

How to read this document

Each proposal is shown in a framed box that reproduces the Constitution (2016 consolidated text). Below each box, a short explanation says why the change matters.

HOW TEXT APPEARS IN THE BOXES

The grey text is the Constitution as it is today. It is shown for context and does not change.

Bold and highlighted text is what we propose to add.

~~Strikethrough~~ text indicates the text we propose to delete.

When we add a brand-new section between two existing ones, the box shows the section above and the section below, so you can see exactly where the new one sits.

The proposals at a glance

#	Where	What changes
1	Section 3	Recognise Nature as a community of living beings that holds rights.
2	New section 4A (between section 4 and 5)	Give everyone a right to a healthy environment, give Nature its own enforceable rights, and let anyone defend them.
3	Section 17	Let anyone go to the Supreme Court to defend the environment and Nature, without the risk of costs for genuine cases.
4	Section 96 (the Ombudsman)	Make the Ombudsman guardian of the rights of both humans and other-than-human beings.
5	New section 97A	Create a Deputy Ombudsman for Nature, who investigates and can take cases to court.

A few words used in this document

- **Rights of Nature:** the idea that rivers, forests, reefs, soils, … and the living beings that depend on them are not only property or resources to be used, but have rights of their own, such as the right to exist and to regenerate.
- **Other-than-human beings:** living beings that are not people, such as animals, plants and the ecosystems they live in.
- **Restoration:** repairing damage to Nature for Nature's benefit and within Nature's own paradigm, rather than merely paying compensation to the people harmed.
- **Ombudsman:** an independent public officer to whom anyone can complain when they have suffered injustice because of the way a public authority has acted.

Proposal 1 – Section 3: Nature holds rights

CONSTITUTION OF MAURITIUS – CHAPTER II – TITLE AND SECTION 3, WITH OUR PROPOSED CHANGES

CHAPTER II – PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL **AND OF THE RIGHTS OF NATURE**

3 Fundamental rights and freedoms of the individual **and of right of Nature**

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms, and the right of Nature –

(a) the right of the individual to life, liberty, security of the person and the protection of the law;
(b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; ~~and~~
(c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation~~,~~**; and**
(d) **the rights of Nature, as a subject of the rights recognised by this Constitution and by law, to exist, to be protected and conserved, to regenerate and to be restored, as a whole and in each of its ecosystems and communities of interrelated humans and other-than-human beings, as set out in section 4A,**

and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Why we propose this

Section 3 is the Constitution's opening statement of whose rights are protected. Today it speaks only of human individuals. Nature appears nowhere in it, so in law Nature can only be treated as property or as a resource, never as someone whose existence deserves protection in itself.

Our added sentence changes that starting point. It says that Nature is one connected, self-regulating community in which humans and other living beings are all part of the whole, and that Nature is a "subject of rights": the holder of the rights the Constitution recognises for it. The detailed rights are then set out in the new section 4A (Proposal 2). Without this sentence, those rights would have nothing to rest on.

Where the idea comes from

- **Constitution of Ecuador (2008), Article 10:** "Nature is subject to those rights given by this Constitution and Law." Ecuador was the first country to recognise Nature as a rights-holder in its Constitution.

Proposal 2 – New Section 4A: The rights of Nature and the right to a healthy environment

This is a new section. It would sit between section 4 (protection of the right to life) and section 5 (protection of the right to personal liberty), in the same chapter as the other fundamental rights. The box shows the section above and the section below.

CONSTITUTION OF MAURITIUS – CHAPTER II – SECTIONS 4, NEW 4A, AND 5

Section 4 (unchanged)

4 Protection of right to life

(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable –

(a) for the defence of any person from violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) for the purpose of suppressing a riot, insurrection or mutiny; or

(d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

New section 4A (proposed)

4A Protection of environmental human rights and rights of Nature

(1) Every human being has the right to live in a balanced and healthy environment. Other-than-human beings have the right to a healthy environment that supports their existence and the maintenance and regeneration of their life cycles. Every person shall use his best endeavours to preserve and enhance the quality of life by caring responsibly for the environment.

(2) Nature, as a whole and in each of its ecosystems and ecological communities, has the right to full respect for its existence, as well as to the maintenance and regeneration of its life cycles, structure, functions, and evolutionary processes. As such, it benefits from rights of protection, conservation, maintenance, and, where applicable, restoration, which are enforceable against all private and public entities

(3) Nature has the right to full restoration in the event of ecological harm. Ecological harm means harm to Nature, including its local ecosystems and communities of interrelated beings, that impairs their existence, life cycles, structure, functions or evolutionary processes in violation of their rights recognized by this Constitution.

This restoration is independent of any obligation of natural or legal persons or the State to compensate individuals and communities for harm they suffer as a result of damage to natural systems. In cases of severe or permanent environmental harm, including harm caused by the exploitation of non-renewable natural resources, the State shall establish the most effective mechanisms for restoration and adopt appropriate measures to eliminate or mitigate the harmful environmental consequences.

(4) **The State shall apply preventive, precautionary and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems, the permanent alteration of natural cycles or any other activities violating the rights of Nature. The introduction of organisms and organic and inorganic material that might definitively alter the nation's genetic assets is forbidden.**

(5) **Any person or entity may bring proceedings before the competent courts or seek action from the competent administrative authorities to enforce the rights of Nature, without having to demonstrate a personal interest or harm to themselves. The State shall give incentives to natural persons and legal entities and to communities to protect Nature and to promote respect for all the individuals composing an ecosystem.**

(6) **Everyone has the right, under the conditions and within the limits defined by law, to access environmental information held by public authorities and to participate in the development of public decisions that have an impact on the environment.**

Section 5 (unchanged; only its opening is reproduced here, the rest of section 5 is not affected)

5 Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law –

[…]

Why we propose this

Section 3 states the principle. Section 4A turns it into concrete rights that people can rely on. We place it directly after the right to life because a healthy environment and a living planet are the conditions of life itself. Here is what each paragraph does:

(1) A healthy environment for everyone. Every individual has the right to live in a balanced and healthy environment, and everyone must do their best to care for it. Today the Constitution says nothing on this. The duty to care for the environment already exists in ordinary law (Environment Act 2024, section 4); we propose to give it constitutional weight alongside the right.

(2) Nature's right to exist and regenerate. Nature has the right to be respected, to keep its life cycles and functions going, and to be protected, conserved and, where needed, restored. These rights can be enforced against both public bodies and private companies, so they are not only a promise addressed to the State.

(3) Nature's right to be restored. When Nature is damaged, paying compensation to affected people is not enough: the damage itself must be repaired. After severe or lasting harm, including from mining and extraction of non-renewable resources, the State must set up effective ways of restoring Nature and reducing the harm.

(4) Prevention. The State must act before irreversible harm happens, by restricting activities that could cause the extinction of species, destroy ecosystems or permanently disrupt natural cycles. Bringing in organisms or materials that could permanently alter the country's genetic heritage is forbidden.

(5) Anyone can act for Nature. Nature cannot go to a public office or a court by itself. This paragraph lets any person, community, district council, village, town or organisation demand that Nature's rights be respected before public bodies. This is what makes the rights usable in practice.

(6) Information and participation. Everyone may access the environmental information held by public authorities and take part in public decisions that affect the environment, within limits set by law. People cannot defend Nature if they cannot see what is planned or have a say.

Where the ideas come from

- **Constitution of Ecuador (2008), section 71:** Nature "has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution", and every person, people, community or nationality can demand that these rights be recognised before public bodies. Paragraphs (2) and (5) follow it.
- **Constitution of Ecuador (2008), section 72:** Nature has the right to restoration, independent of any compensation owed to people. Paragraph (3) follows it closely.
- **Constitution of Ecuador (2008), section 73:** the State applies precaution and restriction to activities that could lead to extinction of species or the destruction of ecosystems. Paragraph (4) follows it closely.
- **Constitution of Ecuador (2008), section 74:** people have the right to benefit from the environment and natural wealth that enable them to live well. This supports the human environmental right in paragraph (1).
- **Charter for the Environment (France), section 1:** "Everyone has the right to live in a balanced and healthy environment." Paragraph (1) takes its wording from it.
- **Environment Act 2024 (Mauritius), section 4, Environmental stewardship:** "every person shall use his best endeavours to preserve and enhance the quality of life by caring responsibly for the environment." This is the second sentence of paragraph (1), moved up into the Constitution.

Proposal 3 – Section 17: Anyone can go to court for Nature

CONSTITUTION OF MAURITIUS – CHAPTER II – SECTION 17, WITH OUR PROPOSED CHANGES

17 Enforcement of protective provisions

(1) Where any person alleges that any of sections 3 to 16**, excluding section 4A,** has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.

New subsection (1A) (proposed)

(1A) Where any person or body alleges that section 4A has been, is being or is likely to be contravened, that person or body may, without having to show that the contravention relates to him or to it or that he or it has suffered any loss or injury, apply to the Supreme Court for redress; and no order for costs shall be made against such an applicant, save where the Supreme Court finds that the application is frivolous or vexatious.

(2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) **or (1A)**, and may make such orders, issue such writs and give such directions, **including orders for the prevention of ecological harm and for restoration,** as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of sections 3 to 16 to the protection of which the person concerned is entitled:

Provided that the Supreme Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

[…] (subsections (3) and (4) are not affected)

Why we propose this

Today, section 17 only lets a person go to the Supreme Court if a right has been breached "in relation to him". Nature cannot go to court itself, and a damaged reef rarely affects one person more than another. Without this change, a promise that "anyone can defend Nature" would be blocked by section 17 itself.

The new subsection (1A) lets any person, association, village council or other body bring a case to defend sections 4A. In Mauritius the losing party normally pays the other side's legal costs, which would deter most citizens and associations, so genuine applicants are protected from paying costs. Frivolous or vexatious cases are not.

The change to subsection (2) makes clear that the Court can make orders to prevent harm and to restore damaged nature.

Where the ideas come from

- **Constitution of Kenya (2010), Article 70(3):** an applicant "does not have to demonstrate that any person has incurred loss or suffered injury". This is a Commonwealth, common-law system close to ours.
- **Constitution of Ecuador (2008), Article 71:** every person, community, people or nationality may demand that public authorities enforce the rights of Nature.

Proposal 4 – Section 96: The Ombudsman as guardian of rights

A right is only as strong as the body that can enforce it. We propose two linked changes to Chapter IX. This first change, to section 96, gives the Ombudsman a new mission as guardian of the rights recognised in the Constitution, including the rights of Nature. The second (Proposal 5, new section 97A) creates a specialised Deputy Ombudsman for Nature to carry out that mission in practice. We add a new subsection between the present subsections (1) and (2), so the box shows both.

CONSTITUTION OF MAURITIUS – CHAPTER IX – Section 96, WITH OUR PROPOSED NEW PARAGRAPH

96 Office of Ombudsman

(1) There shall be an Ombudsman, whose office shall be a public office.

New paragraph (proposed)

(1A) The Ombudsman shall have as its duties the protection and guardianship of fundamental human rights and the rights of Nature recognised by this Constitution and by law, including those guaranteed to Nature as a whole and to local ecosystems and communities of interrelated beings, and shall, for that purpose, have the following functions –

(a) To initiate or support, by virtue of its office or at the request of a party, the actions of protection, access to public information, noncompliance, citizen action and complaints for poor quality or improper provision of public or private services.

(b) To issue measures of mandatory and immediate compliance for the protection of rights and to request trial and punishment from the competent authority for their violations.

(c) To investigate and rule, in the framework of its attributions, on the deeds or omissions of natural persons or legal entities that provide public services.

(d) To exercise and promote surveillance of due process of law and to immediately prevent and stop all forms of cruel, inhumane and degrading treatment.

Existing paragraph (2)

(2) The Ombudsman shall be appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, acting in his own deliberate judgment, to be leaders of parties in the Assembly.

[…] (the remaining paragraphs of section 96, renumbered accordingly, are not otherwise affected)

Why we propose this

Today, the Ombudsman's job, as set out in the Constitution, is narrow. Section 97 lets the office investigate cases where a member of the public has suffered injustice because of maladministration by a public officer or authority. The Ombudsman has no role in protecting the environment, or in defending rights that belong to Nature.

Our new paragraph widens the Ombudsman's mission to protecting and guarding fundamental rights, both human rights and the rights of Nature. It also gives the office practical tools. It can start or support court proceedings, including for access to public information. It can ask the Supreme Court for urgent

protective orders and ask the competent authority to prosecute violations. And it can investigate failures by anyone providing public services, including private companies acting in that role.

Two choices keep this within the rest of the Constitution. Urgent orders are made by the Supreme Court on the Ombudsman's application, not by the Ombudsman directly: section 101(1) says no court may review the Ombudsman's proceedings, so binding orders issued by the Ombudsman alone would escape all judicial control. And the procedures named are those that exist in Mauritian law, rather than the specific actions of Ecuadorian law.

Section 96(1A) sets the mission; Proposal 8 provides the procedure. Section 97 continues to govern ordinary complaints of maladministration. For the rights of Nature, the new section 97A sets out who may complain, whom the Ombudsman's office may investigate, and how a case reaches the Supreme Court.

In practice, this means that if a river is polluted or a wetland is threatened, there is a permanent, independent public office that can act, rather than leaving the entire burden on citizens and associations.

Where the idea comes from

- **Constitution of Ecuador (2008), sections 214 to 216:** the Office of the Human Rights Ombudsman (Defensoría del Pueblo) is an independent public body with national reach whose duties are "the protection and guardianship of the rights of the inhabitants of Ecuador". Its list of attributions is the model for the four attributions above, adapted for Mauritius. Ecuador also requires that the Ombudsman have wide-ranging experience in defending human rights (section 216).

Proposal 5 – New section 97A: A Deputy Ombudsman for Nature

This is a new section in Chapter IX (The Ombudsman). It sits after section 97 (Investigations by Ombudsman) and before section 98 (Procedure in respect of investigations). It turns the mission given to the Ombudsman by section 96(1A) into a working procedure for the protection of Nature.

CONSTITUTION OF MAURITIUS – CHAPTER IX – SECTION 97, NEW SECTION 97A AND SECTION 98

Section 97 (unchanged; only its last subsection is reproduced here)

97 Investigations by Ombudsman

[…]

(10) In this section, "action" includes failure to act.

New section 97A (proposed)

97A Deputy Ombudsman for Nature

(1) There shall be, in the Office of the Ombudsman, a Deputy Ombudsman for Nature, having recognised experience in environmental law, ecology or the protection of the environment, and sections 92 and 96(3) shall apply to that office as they apply to the office of Ombudsman.

(2) The Deputy Ombudsman for Nature shall protect and promote the rights recognised in sections 4A and may, on a complaint or of his own motion, investigate any act or omission of any officer or authority to which section 97 applies, or of any other person or body, whether public or private, that has contravened, is contravening or is likely to contravene section 4A.

(3) A complaint under this section may be made by any person or body, whether or not that person or body has suffered any injustice or has any personal interest in the matter, and section 97(1), (3), (4), (5) and (8)(c) shall not apply to such a complaint.

(4) Sections 98, 99, 100 and 101 shall apply, with such modifications as may be necessary, to an investigation under this section as they apply to an investigation under section 97.

(5) Where, after an investigation, the Deputy Ombudsman for Nature is of the opinion that section 4A has been, is being or is likely to be contravened, he may, in addition to making a report and recommendations, apply to the Supreme Court under section 17(1A) for redress, including interim orders to prevent or stop ecological harm, and may refer the matter to the Director of Public Prosecutions or to any other competent authority.

(6) The Deputy Ombudsman for Nature shall make an annual report to the President on the discharge of his functions and on the state of Nature, which shall be laid before the Assembly.

Section 98 (unchanged; only its heading is reproduced here)

98 Procedure in respect of investigations

[…]

Why we propose this

Section 96(1A) gives the Ombudsman the mission of protecting the rights of Nature. But the rest of Chapter IX was written for individuals complaining about the public administration. Left unchanged, it would block that mission in practice:

- the Ombudsman can only investigate maladministration by public bodies, not private companies (section 97(1) and (2));
- only “the person aggrieved” can complain, so complaints on behalf of Nature would be refused (section 97(4) and (8)(c));
- public bodies, such as a district council worried about a wetland, cannot complain at all (section 97(3));
- after an investigation, the Ombudsman can only report and recommend (section 100).

Section 97A removes these obstacles for Nature only, without changing how the Ombudsman handles ordinary complaints:

- **(1) A specialist.** The Deputy must have recognised experience in environmental law, ecology or environmental protection, and has the same independence and security of tenure as the Ombudsman.
- **(2) Public and private actors.** The Deputy can investigate any person or body, public or private, that harms or threatens the environment or Nature.
- **(3) Anyone can complain.** No personal interest or injury needs to be shown, and public bodies may complain too.
- **(4) Full investigative powers.** The Deputy can call witnesses and require documents, as the Ombudsman already can.
- **(5) Access to the courts.** Where the rights are breached, the Deputy can go to the Supreme Court, including for urgent orders to stop harm, and can refer the matter for prosecution. The courts keep the final word, as the separation of powers requires.
- **(6) Accountability.** Each year, the Deputy reports to Parliament on the state of Nature.

Placing the Deputy inside the existing Office of the Ombudsman means that no new institution needs to be built from scratch.

In practice, this means that if a river is polluted or a wetland is threatened, there is a permanent, independent public officer who can investigate and, if needed, take the case to court.

Where the ideas come from

- **Fundamental Law of Hungary, Article 30:** the Commissioner for Fundamental Rights has a deputy dedicated to the interests of future generations and the environment.
- **Constitution of Ecuador (2008), Articles 214 to 216:** the Ombudsman (Defensoría del Pueblo) protects the rights of Nature as well as human rights.
- **Constitution of Kenya (2010), Article 70:** environmental rights are enforced through the courts, which may make orders to prevent, stop or remedy harm.