

Appendix:
Express Substantive Environmental Rights by Country¹
Constitutional Environmental Rights: Draft, May 2021. Please do not
Key:

* = Also member of the African Charter on Peoples' and Human Rights

+ = Also member of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention)

^ = Also member of the United Nations Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)

Included (84)(as of May, 2021)
(Those *not* included follow below.)

Algeria (2020)*

Title II, Ch. I, Art. 67: "Citizens shall have the right to a healthy environment within a framework of sustainable growth."

Angola (2010)*

Part II, Art. 39(1): "Everyone has the right to live in a healthy and unpolluted environment and the duty to defend and preserve it."

Argentina (1853; reinst. 1983; rev. 1994)^

Part I, Ch. II, Art. 41: "All inhabitants enjoy the right to a healthful, balanced environment fit for human development, so that productive activities satisfy current needs without compromising those of future generations, and have the duty to preserve the environment."

Azerbaijan (1995; rev. 2016)+

Part II, Ch. III, Art. 39(1): "Everyone has the right to live in a healthy environment."

¹ This is based on the following inputs: (1) The Constitute Project, <https://constituteproject.org/constitutions?key=env&lang=en>, last visited May 26, 2021; (2) The Environmental Rights Map, <http://enviroightsmap.org/about> [<https://perma.cc/H7QC-THRC>], last visited May 26, 2021; (3) research conducted and collected by the Legal Information Center at Widener University Delaware Law School since 1994 (on file), and (4) the U.N. ENVIRONMENT PROGRAMME, ENVIRONMENTAL RULE OF LAW: FIRST GLOBAL REPORT 159 (2019) (published in conjunction with the Environmental Law Institute). The author thanks Drs. Josh Gellers and Chris Jeffords for their assistance with this list.

Belarus (1994; rev. 2004)+

Constitutional Environmental Rights: Draft, May 2021. Please do not
Section II, Art. 46: “Everyone shall be entitled to a conducive
environment and to compensation for loss or damage caused by
violation of this right.”

Belgium (1831; rev. 2014)+

Title II, Art. 23(4): “Everyone has the right to lead a life worthy of
human dignity . . . [including] the right to enjoy the protection of a
healthy environment.”

Bénin (1990)*

Title II, Art. 27: “Every person has the right to a healthy, satisfying and
lasting environment and has the duty to defend it.”

Bolivia (2009)^

Art. 33: “Everyone has the right to a healthy, protected, and balanced
environment. The exercise of this right must be granted to individuals
and collectives of present and future generations, as well as to other
living things, so they may develop in a normal and permanent way.”

Brazil (1988; rev. 2017)

Title VII, Ch. VI, Art. 225: “Everyone has the right to an ecologically
balanced environment, which is a public good for the people's use and is
essential for a healthy life. The Government and the community have a
duty to defend and to preserve the environment for present and future
generations.”

Bulgaria (1998; rev. 2015)+

Ch. 2, Art. 55: "Everyone shall have the right to a healthy and favorable
environment corresponding to established standards and norms. They
shall protect the environment."

Burkina Faso (1991; rev. 2015)*

Title I, Ch. 4, Art. 29: “The right to a healthy environment is
recognized; the protection, the defense and the promotion of the
environment are a duty for all.”

Cameroon (1972; rev. 2008)*

Preamble: “[E]very person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment”

Part 12, Art. 65: “The Preamble shall be part and parcel of this Constitution.”

Cape Verde (1980; rev. 1992)*

Part II, Title III, Art. 70(1): “Everyone shall have the right to a healthy, ecologically balanced environment, and the duty to defend and conserve it.”

Central African Republic (2016)*

Art. 11(1): “The Republic guarantees to every citizen the right . . . to a healthy environment . . . within the conditions established by the law.”

Chad (2018)*

Title II, Ch. I, Art. 51: “Every person has the right to a healthy environment.”

Chile (1980; rev. 2015)

Ch. 3, Art. 19(8): “The Constitution guarantees all persons . . . [t]he right to live in an environment free of contamination. It is the duty of the State to ensure that this right is not jeopardized and to promote the preservation of nature”

Colombia (1991; rev. 2015)

Title II, Ch. III, Art. 79: “Every individual has the right to enjoy a healthy environment.”

Comoros (2018)*

Art. 43: “All citizens have the right to a healthy and ecologically stable environment, as well as having a duty to protect and conserve it.”

Congo, Democratic Republic of (2005; rev. 2011)*

Art. 53: “All persons have the right to a healthy environment and propitious for their integral development.”

Congo, Republic of (2015)*

Title II, Art. 41: “Every citizen has the right to a healthy, satisfying and durable environment and has the duty of defending it.”
Constitutional Environmental Rights: Draft, May 2021. Please do not

Costa Rica (1949; reformed 1994; rev. 2015)

Title V, Art. 50: “All persons have the right to a healthy and ecologically balanced environment. For that, they are legitimated to denounce the acts that infringe this right and to claim reparation for the damage caused.”

Côte d’Ivoire (2016)*

Title I, Ch. I, Art. 27: “It is recognized that everyone throughout the national territory has the right to a healthy environment.”

Cuba (2019)

Art. 75: “All persons have the right to enjoy a natural environment that is healthy and stable.”

Czech Republic (1993; rev. 2013)+

Art. 35(1): “Everybody has the right to a favourable environment.”

Dominican Republic (2015)

Ch. 1, Sec. 4, Art. 67(1): “All people have the right, both individually and collectively, to the use and sustainable enjoyment of natural resources; to live in an environment that is healthy, ecologically balanced, and adequate for the development and preservation of the different forms of life, scenery and nature.”

Ecuador (2015)^

Section 2, Art. 14: “The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognized.”

Egypt (2014, Rev. 2019)*

Art. 46: “Every individual has the right to live in a healthy, sound and balanced environment.”

El Salvador (2014)

Title II, Ch. II, First Section, Art. 34: “Every child has the right to live in familial and environmental conditions that permit his integral development, for which he shall have the protection of the State.”
Constitutional Environmental Rights: Draft, May 2021. Please, do not

Ethiopia (1994)*

Ch. 3, Part II, Art. 44(1): “All persons have the right to a clean and healthy environment.”

Fiji (2013)

Art. 40(1): “Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures.”

France (1958; rev. 2008)+

Charter of the Environment of 2004, Art. 1: “Each person has the right to live in a balanced environment which shows due respect for health.”

Georgia (1995; rev. 2018)+

Ch. 2, Art. 29: “Everyone has the right to live in a healthy environment and enjoy the natural environment and public space.”

Greece (1975; rev. 2008)+

Part 2, Art. 24(1): “The protection of the natural and cultural environment constitutes a duty of the State and a right of every person.”

Guinea (2010)*

Art. 16: “Every person has the right to a healthy and lasting environment and the duty to defend it. The State sees to the protection of the environment.”

Guyana (1980; rev. 2016)^

Chapter XII, Part 2, Title 1, Art. 149(J)(1): “Everyone has the right to an environment that is not harmful to his or her health or well-being.”

Hungary (2011; rev. 2016)+

Art. 21: “Hungary shall recognise and give effect to the right of every person to a healthy environment.”

Indonesia (2002)

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Section 10A, Art. 28H(1): “Every person shall have the right to live in
physical and spiritual prosperity, to have a home and to enjoy a good
and healthy environment”

Iraq (2005)

Art. 33(1): “Every individual has the right to live in safe environmental
conditions.”

Jamaica (1962; rev. 2015)

Ch. 3 (I), Art. 13(3)(I): [Citizens have] “the right to enjoy a healthy and
productive environment free from the threat of injury or damage from
environmental abuse and degradation of the ecological heritage.”

Kenya (2010)*

Ch. 42: “Every person has the right to a clean and healthy environment,
which includes the right—(a) to have the environment protected for the
benefit of present and future generations through legislative and other
measures, particularly those contemplated in Art. 69; and (b) to have
obligations relating to the environment fulfilled under Art. 70”
(allowing any person to apply to a court for redress of damage to the
environment).

Kyrgyzstan (2010; rev. 2016)+

Ch. 2, Sec. 1, Art. 48(1): “Everyone shall have a right to an
environment favourable for life and health.”

Latvia (2016)+

Ch. VIII, Art. 115: “The state shall protect the right of everyone to live
in a benevolent environment by providing information about
environmental conditions and by promoting the preservation and
improvement of the environment.”

Macedonia, Republic of North (2011)

Ch. 2, Part 2, Art. 43: “Everyone has the right to a healthy environment
to live in.”

Maldives (2008)

Ch. 2, Art. 23(d): “Every citizen [has] the following rights pursuant to this Constitution, and the State undertakes to achieve the progressive realisation of these rights by reasonable measures within its ability and resources: . . . (d) a healthy and ecologically balanced environment.”

Mali (1992)*

Title I, Art. 15: “Every person has the right to a healthy environment. The protection, defense and promotion of the environment shall be obligations for all and for the State.”

Mauritania (1991; rev. 2012)*

Art. 19: “The citizens enjoy the same rights and the same duties vis-à-vis the Nation. They participate equally in the construction [edification] of the Fatherland and have right, under the same conditions, to sustainable development and to an environment balanced and respectful of health.”

Mexico (1917; rev. 2015)^

Ch. 1, Art. 4: “Any person has the right to a healthy environment for his/her own development and well-being. The State will guarantee the respect to such right. Environmental damage and deterioration will generate a liability for whoever provokes them in terms of the provisions by the law.”

Moldova (1994; rev. 2016)+

Title II, Ch. II, Art. 37(1): “Every human being shall have the right to live in an ecologically safe and healthy environment, to consume healthy food products and to use harmless household appliances.”

Mongolia (1992; rev. 2001)

Ch. II, Art. 16(2): “The citizens of Mongolia shall be guaranteed to exercise . . . the right to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.”

Montenegro (2007; rev. 2013)+

Part 2, Art. 23: “Everyone shall have the right to a sound environment.”

Morocco (2011)

Art. 31: “The State, the public establishments and the territorial collectivities work for the mobilization of all the means available

[disponibles] to facilitate the equal access of the citizens [feminine] and citizens [masculine] to conditions that permit their enjoyment of the Constitutional Environmental Rights: Draft, May 2021. Please do not right . . . to the access to water and to a healthy environment.

Mozambique (2004; rev. 2007)*

Part II, Ch. I, Art. 90: “All citizens shall have the right to live in a balanced natural environment and shall have the duty to defend it.”

Nepal (2016)

Ch. 30(1): “Each person shall have the right to live in a healthy and clean environment.”

Nicaragua (1987; rev. 2014)^

Title IV, Ch. III, Art. 60: “Nicaraguans have the right to live in a healthy environment, as well as the obligation to maintain and preserve it.”

Niger (2010; rev. 2017)*

Title II, Art. 35: “Any person has the right to a healthy environment. The State has the obligation to protect the environment in the interest of present and future generations.”

Norway (1814; rev. 2016)+

Section E, Art. 112: “Every person has a right to an environment that is conducive to health and to natural surroundings whose productivity and diversity are preserved.”

Paraguay (1992; rev. 2011)

Part I, Title II, Ch. I, Section II, Art. 7: “Everyone has the right to live in a healthy and ecologically balanced [equilibrado] environment.”

Peru (1993; rev. 2009)

Title III, Ch. 2, Art. 2(22): “Every person has the right. . . to a balanced and appropriate environment for the development of his life.”

Philippines (1987)

Art. 2, Section 16: “The state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”

Portugal (1976; rev. 2005)+
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Part I, Section III, Ch. II, Art. 66(1): “Everyone shall possess the right
to a healthy and ecologically balanced human environment and the duty
to defend it.”

Romania (1991; rev. 2003)+

Art. 35(1): “The State recognizes the right of every person to a healthy,
well-preserved and ecologically balanced environment.”

Russia (1993; rev. 2014)

Ch. II, Art. 42: “Everyone shall have the right to a favourable
environment, reliable information on the state of the environment and
compensation for damage caused to his (her) health and property by
violations of environmental laws.”

Rwanda (2003; rev. 2015)*

Ch. IV, Sec. 1, Art. 22: "Everyone has the right to to live in a clean and
healthy environment."

Sao Tomé & Príncipe (2003)*

Part II, Title III, Art. 49(1): “All have the right to housing and to an
environment of human life . . .”

Senegal (2001; rev. 2016)*

Title II, Art. 8: “The Republic of Senegal guarantees to all citizens the
fundamental individual freedoms, the economic and social rights as well
as the collective rights. These freedoms and rights are notably . . . the
right to a healthy environment.”

Serbia (2006)+

Art. 74: “Everyone shall have the right to healthy environment and the
right to timely and full information about the state of environment.”

Seychelles (1993; rev. 2017)*

Ch. 3, Part I, Art. 38: “The State recognises the right of every person to
live in and enjoy a clean, healthy and ecologically balanced
environment . . .”

Slovakia (1992; rev. 2017)+

Constitutional Environmental Rights: Draft, May 2021. Please do not
Part Two, Ch. 6, Art. 44(1): “Every person has the right to a favorable
environment.”

Slovenia (1991; rev. 2016)+

Section III, Art. 72: “Everyone has the right in accordance with the law
to a healthy living environment.”

Somalia (2012)*

Art. 25: “Every person has the right to an environment that is not
harmful to their health and well-being, and to be protected from
pollution and harmful materials.”

South Africa (1996; 2012)

Ch. 2, Art. 24: “Everyone has the right (a) to an environment that is not
harmful to their health or well-being; and (b) to have the environment
protected, for the benefit of present and future generations, through
reasonable legislative and other measures that—
(i) prevent pollution and ecological degradation,
(ii) promote conservation; and
(iii) secure ecologically sustainable development and use of natural
resources while promoting justifiable economic and social development.

South Korea (1948; rev. 1987)

Ch. 2, Art. 35(1): “All citizens have the right to a healthy and pleasant
environment.”

South Sudan (2011; rev. 2013)*

Part III, Ch. 1, Art. 41(1): “Every person or community shall have the
right to a clean and healthy environment.”

Art. 41(3): “Every person shall have the right to have the environment
protected for the benefit of present and future generations, through
appropriate legislative action and other measures that: (a) prevent
pollution and ecological degradation; (b) promote conservation; and (c)
secure ecologically sustainable development and use of natural
resources while promoting rational economic and social development so
as to protect genetic stability and bio-diversity.”

Spain (1978; rev. 2011)+

Title I, Ch. 3, Art. 45(1): “Everyone has the right to enjoy an environment suitable for the development of the person as well as the duty to preserve it.”
Constitutional Environmental Rights: Draft, May 2021. Please do not

Timor – Leste (2002)

Part II, Title III, Art. 61(1): “All have the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations.”

Togo (1992; rev. 2007)*

Title II, Subsection I, Art. 41: “Every person has the right to a healthy environment. The State sees to the protection of the environment.”

Tunisia (2014)*

Art. 45: “The state guarantees the right to a healthy and balanced environment and the right to participate in the protection of the climate.”

Turkey (1982; rev. 2017)

Part II, Ch. Three, Section VIII, Part A, Art. 56: “Everyone has the right to live in a healthy and balanced environment.”

Turkmenistan (2008; rev. 2016)+

Art. 53: “Everyone shall have the right to enabling environment for life and health, credible information on its state, [and] compensation of damage caused to health and property as a result of violation of environmental law or natural disasters. . . . Everyone shall be obliged to protect nature, take good care of the environment and natural wealth.”

Uganda (1995; rev. 2017)*

Art. 39: “Every Ugandan has a right to a clean and healthy environment.”

Ukraine (1996; rev. 2016)+

Ch. II, Art. 50: “Everyone has the right to an environment that is safe for life and health, and to compensation for damages inflicted through the violation of this right.”

Venezuela (1999; rev. 2009)

Title III, Ch. 9, Art. 127: “Everyone has the right, individually and collectively, to enjoy a safe, healthful and ecologically balanced life and environment.”
Constitutional Environmental Rights: Draft, May 2021. Please do not

Viet Nam (2013)

Ch. 2, Art. 43: “Every one has the right to live in a fresh environment and has the duty to protect the environment.”

Zimbabwe (2013; rev. 2017)*

Ch. 4, Part 2, Art. 73(1): “Every person has the right: (a) to an environment that is not harmful to their health or well-being. . . .”

Included on Some Lists, But not Here (13):

Afghanistan (2004)

Preamble, Paragraph 10: The government shall “ensure[] a prosperous life and a sound environment for all those residing in this land”

Reason: Policy statement (not a right).

Armenia+

Art. 33.2: “Everyone shall have the right to live in an environment favorable to his/her health and well-being and shall be obliged to protect and improve it in person or jointly with others.”

Reason: Repealed 2005.

Chechnya

Section I, Ch. 2, Art. 39: “Everyone has the right to favorable environmental surroundings, reliable information about its condition and to compensation for damage caused to his/her health or property through ecological violations of the law.”

Reason: No longer a UN-recognized country.

Croatia (2013)+

Art. 70(1): “The state shall ensure conditions for a healthy environment.”

Reason: Policy statement (not a right).

Finland (2011)+

Ch. 2, Section 20: “The public authorities shall endeavor to guarantee
Constitutional Environmental Rights; Draft, May 2021. Please do not
for everyone the right to a healthy environment...”

Reason: Policy statement (not a right).

Gabon (2011)*

Art. I(8): The Gabonese Republic recognizes and guarantees the inalienable and imprescriptible human rights, which are necessarily tied to the public powers: The State, according to its means, guarantees to all, notably to children, mothers, the handicapped, aged workers and the elderly the protection of health, social security, a preserved natural environment, rest and leisure;

Reason: Policy statement (not a right).

Honduras (2013)

Title III, Chapter VII, Article 145: “The State shall maintain a satisfactory environment for the protection of the community’s health.”

Reason: Policy statement (not a right).

Iran (1989)

Principle 50: “The preservation of the environment in which the present as well as the future generations have a right to a social existence is regarded as a public duty.”

Reason: Policy statement (not a right).

Lesotho (2018)*

Art. 36: “Lesotho shall adopt policies designed to protect and enhance the natural and cultural environment of Lesotho for the benefit of both present and future generations and shall endeavour to assure to all citizens a sound and safe environment adequate for their health and well-being.”

Reason: Policy statement (not a right).

Lithuania (2019)+

Art. 54: “the state shall take care of the protection of the natural environment, wildlife, and plants ...”

Reason: Not an environmental right.

Madagascar (1992)
Constitutional Environmental Rights: Draft, May 2021. Please do not

Title II, Sub-title II, Art. 35: “The Fokonolona can take the appropriate measures tending to oppose acts susceptible to destroy their environment, dispossess them of their land, claim the traditional spaces allocated to their herds of cattle or claim their ceremonial heritage, unless these measures may undermine the general interest or public order.”

Reason: Not an environmental right. Also, replaced in 2010 with Title II, Art. 37: “The State guarantees the freedom of enterprise within the limit of the respect for the general interest, the public order, morality and the environment,” also not an environmental rights.

Palestine (2005)

Art. 33: “The enjoyment of a balanced and clean environment is a human right. The preservation and protection of the Palestinian environment from pollution for the sake of present and future generations is a national duty.”

Reason: Not a UN-recognized country.

Sudan (2010)*

Ch. 11 (1): “The people of the Sudan shall have the right to a clean and diverse environment.”

Reason: Replaced in 2019 with: Ch. 2, Art. 8, Sec. 14. “Play an active role in social welfare and achieve social development by striving to provide healthcare, education, housing and social security, and work on maintaining a clean natural environment and biodiversity in the country and protecting and developing it in a manner that guarantees the future of generations.” (Since suspended.)

[End]