

Sample Provisions from National Constitutions

Substantive Environmental Rights

Angola

Part II, Article 24(1): "All citizens shall have the right to live in a healthy and unpolluted environment."

Argentina

Part I, Chapter 2, Article 41: "All residents enjoy the right to a healthy, balanced environment which is fit for human development and by which productive activities satisfy current necessities without compromising those of future generations .. ."

Belarus

Section 2, Article 46: "Everyone is entitled to a wholesome environment and to compensation for loss or damage caused by violation of this right."

Belgium

Title II, Article 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."

Bolivia

Article 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."

Cameroon

Preamble: "[E]very person shall have a right to a healthy environment."

Part 12, Article 65: "The Preamble shall be part and parcel of this Constitution."

Chile

Chapter 3, Article 19(8): "All have 'The right to live in an environment free from contamination.'"

Congo-Brazzaville

Title II, Article 35: "Each citizen shall have the right to a healthy, satisfactory, and sustainable environment and the duty to defend it. The State shall strive for the protection and the conservation of the environment."

East Timor

Part II, Title III, Article 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."

Egypt

Article 69: "All individuals have the right to a healthy environment."

Indonesia

Section 10A, Article 28H(1): "Each person has a right to a life of well-being in body and mind, to a place to dwell, to enjoy a good and healthy environment, and to receive medical care."

Kenya

Chapter 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 Article 69; and (b) to have obligations relating to the environment

fulfilled under Article 70” (allowing any person to apply to a court for redress of damage to the environment).

Mali

Title I, Article 15: “Every person has the right to a healthy environment.”

Morocco

Article 31: “The State, the public establishments and the territorial collectivities work for the mobilization of all the means available to facilitate the equal access of the [citizens] to conditions that permit their enjoyment of the right ... to the access to water and to a healthy environment.”

Mozambique

Part II, Chapter 1, Article 72: “All citizens shall have the right to live in ... a balanced natural environment.”

Norway

Section E, Article 110b: “Every person has a right to an environment that is conducive to health and to natural surroundings whose productivity and diversity are preserved.”

Paraguay

Part I, Title II, Chapter 1, Section 2, Article 7: “Everyone has the right to live in a healthy, ecologically balanced environment.”

Russian Federation

Chapter 2, Article 42: “Everyone shall have the right to a favorable environment, reliable information about its condition, and to compensation for the damage caused to his or her health or property by ecological violations.”

Rwanda

Article 49: “Every person has a right to a clean and healthy environment.”

Senegal

Title II, Article 8: “The government of Senegal guarantees to all citizens the fundamental individual liberties, economic and social rights, as well as collective rights. These liberties and rights include ... the right to a healthy environment.”

Seychelles

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

South Africa

Section 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 Sudan

Article 41(1): “Every person or community shall have the right to a clean and healthy environment.”

Article 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

Title I, Chapter 3, Article 45(1): “Everyone has the right to enjoy an environment suitable for the development of

the person .. .”

Sudan

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

Ukraine

Chapter 2, Article 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

Title III, Chapter 9, Article 127: “Every person has a right to individually and collectively enjoy a life and a safe, healthy and ecologically balanced environment.”

Procedural Environmental Rights Access to Information, Right of Participation, and Access to Justice

Eritrea

Chapter 2, Article 8(2): “The State shall work to bring about a balanced and sustainable development throughout the country, and shall use all available means to enable all citizens to improve their livelihood in a sustainable manner, through their participation.”

Ethiopia

Chapter 10, Article 92(3): “People have the right to full consultation and to the expression of views in the planning and implementations of environmental policies and projects that affect them directly.”

Finland

Chapter 2, Section 20: “The public authorities shall endeavor to guarantee ... for everyone the possibility to influence the decisions that concern their own living environment.”

France

Charter of the Environment, Article 7: “Everyone has the right, subject to the conditions and within the limits defined by the law, to have access to the information relating to the environment held by the public authorities.”

Georgia

Chapter 2, Article 37(5): “A person shall have the right to receive complete, objective and timely information on the state of his or her working and living environment.”

Kazakhstan

Section II, Article 31(2): “Officials are held accountable ... for the concealment of facts and circumstances endangering the life and health of the people.”

Montenegro

Article 23: “Everyone shall have the right to a sound environment. Everyone shall have the right to receive timely and full information about the status of the environment, to influence the decision-making regarding the issues of importance for the environment, and to legal protection of these rights.”

Mozambique

Article 81: “1. All citizens shall have the right to popular action in accordance with the law, either personally or through associations for defending the interests in question. 2. The right of popular action shall consist of: (a) the right to claim for the injured party or parties such compensation as they are entitled to; (b) The right to advocate the prevention, termination or judicial prosecution of offences against the public health, consumer rights, environmental conservation and cultural heritage.”

Paraguay

Part I, Title II, Chapter 1, Section 2, Article 8: “A law will define and establish sanctions for ecological crimes. Any damage to the environment will entail an obligation to restore and to pay for damages.”

Zambia

Section 302: “(o) the people shall have access to environmental information to enable them to preserve, protect and conserve the environment.”

OTHER PROVISIONS

Bolivia

Title II, Chapter 1, Article 342: “It is the duty of the State and the population to conserve, protect and use natural resources and the **biodiversity** in a **sustainable** manner, as well as to maintain the equilibrium of the environment.”

Article 346: “The natural assets are of public importance and of strategic character for the sustainable development of the country.”

Brazil

Chapter 6, Article 225: “Everyone has a 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 preserve the environment for **present and future generations**.”

Dominican Republic

Chapter 4, Article 17; Chapter 6, Article

67; Title IX, Chapter 1, Article 194: “The formulation and execution, through the law, of a plan of territorial ordering that assures the efficient and sustainable use of the natural resources or the Nation, in accordance with the need of adaption to **climate change**, is [a] priority of the State.”

Ecuador

Article 71 and Articles 72–4: “**Nature**, or Pachamama, where life is reproduced and created, **has the right to integral respect for her existence**, her maintenance, and for the regeneration of her vital cycles, structure, functions, and evolutionary processes.”

Eritrea

Chapter 2, Article 8(2): “The State shall work to bring about a **balanced and sustainable** development throughout the country, and shall use all available means to enable all citizens to improve their livelihood in a sustainable manner, through their participation.”

Chapter 2, Article 8(3): “[T]he State shall be responsible for managing all land, water, air and natural resources and for ensuring their management in a balanced and sustainable manner.”

Ghana

Chapter 21, Article 211(1): “All public lands in Ghana shall be vested in the President, on behalf of, and **in trust for**, the people of Ghana.”

Article 213: “Every **mineral** in its natural state in, under or upon any land in Ghana, **rivers, streams, watercourses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf** is the property of the Republic of Ghana and shall be vested in the President, on behalf of, and **in trust for**, the people of Ghana.”

Luxembourg

Article 11.2: “The State guarantees the protection of the **human and natural environment**, working to establish a sustainable balance between nature conservation, especially its capacity for renewal, and satisfying the needs of present and future generations ... It promotes the protection and welfare of **animals**.”

Namibia

Chapter 11, Article 95(1): “The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at ... maintenance of **ecosystems, essential ecological processes and biological diversity** of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future.

Nepal

Part IV, Section 35(5): “Provision shall be made for the protection of the **forest, vegetation and biodiversity**, its **sustainable** use and for equitable distribution of the benefit derived from it.”

Niger

Section 2, Article 149: “The exploitation and the administration of the **natural resources and of the subsoil** must be done with **transparency** and taking into account the protection of the environment, [and] the **cultural heritage** as well as the preservation of the interests of present and future generations.”

Nigeria

Part II, Article 20: “The State shall protect and improve the environment and safeguard the **water, air and land, forest and wild life** of Nigeria.”

Switzerland

Section 4, Article 73: “Sustainable Development. The Confederation and the Cantons shall endeavor to achieve a balanced and sustainable relationship **between nature and its capacity to renew itself and the demands placed on it by the population.**”