



**Nederlands Juristen Comité voor de Mensenrechten**  
**Dutch section of the International Commission of Jurists**

**2011 OHCHR study**  
**Human Rights and Environment**

## **ANNEX II**

**List of constitutional provisions on environmental rights and duties**

(integral part of the 'stakeholder input' submitted earlier by the NJCM to the OHCHR,  
on 30 June 2011, available from: [http://www.njcm.nl/site/english/english\\_reports](http://www.njcm.nl/site/english/english_reports))

**This annex gives an overview of (individual) environmental rights and duties as presently found in national constitutions around the world. The annex is part of the June 2011 ‘position paper’ on the links between human rights and environment submitted earlier by the NJCM to the OHCHR.<sup>1</sup>**

**This annex demonstrates that:**

- Currently over 75 constitutions explicitly recognize a ‘right to environment’ for individuals, groups, or communities in some form or other (see Part One below);<sup>2</sup>
- Alternatively, 60 constitutions affirm that individuals have a ‘duty’ to protect the environment;<sup>3</sup>
- Of which 27 constitutions explicitly recognize this duty as related to a ‘right to environment’;<sup>4</sup>
- Additionally, 22 constitutions recognize rights or duties of environmental protection towards future generations;<sup>5</sup>
- Of which 10 constitutions explicitly link such rights or duties to a constitutional ‘right to environment’.<sup>6</sup>

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<sup>1</sup> ‘Stakeholder input by the Dutch Section of the International Commission of Jurists (NJCM) in response to the 2011 OHCHR study on Human Rights and Environment, report drafted by M.M.E. Hesselman and J.I.van de Venis, June 2011’, available from: [http://www.njcm.nl/site/english/english\\_reports](http://www.njcm.nl/site/english/english_reports). The annex entails an enumeration of environmental rights and duties explicitly formulated as such in national constitutions. Constitutions which for example ‘only’ mention environmental protection as a state objective, but do not formulate any specific right or duty of environmental protection for individuals, groups or communities, are not included here. The purpose of this Annex is to provide an overview of the development of individual rights and duties of environmental protection, especially in relation to the development of an explicit ‘right to environment’.

<sup>2</sup> See for the meaning of ‘right to environment’: NJCM Stakeholder input, *supra* note 1, p. 11-13.

<sup>3</sup> Angola (article 39(4)), Argentina (article 41), Armenia (article 33(2)), Azerbaijan (article 78), Belarus (article 53), Bénin (article 27), Bhutan (article 5 and article 8), Bulgaria (article 55), Burkina Faso (article 29), Czech Republic (article 35 Charter of Fundamental Rights and Freedoms), Cameroon (preamble, article 65), Cape Verde (article 73), Chad (article 52), Comores (preamble), Congo (article 53), Côte d’Ivoire (article 21), Croatia (article 70), Cuba (article 27), Ecuador (article 71), Finland (section 20), France (article 2 Charter for the environment), Gambia (article 220), Georgia (article 37(3)), Guatemala (article 97), Guyana (article 25), Haiti (article 51-I), India (article 51A), Kenya (article 69(2)), Kyrgyzstan (article 40), Macedonia (article 43), Mali (article 4), Moldova (article 37), Mongolia (article 17(2)), Montenegro (article 23), Mozambique (article 45 and 90(1)), Niger (article 35), Papua New Guinea, Paraguay (article 38), Poland (article 86), Portugal (article 66), Republic of Korea (article 35), Romania (article 35), Russian Federation (article 58), Rwanda (article 49), Saint Vincent and Grenadines (article 14), São Tomé & Príncipe (article 49), Serbia (article 47), Seychelles (article 40), Slovakia (article 49), Southern Sudan (article 46), Spain (article 45), Sudan (article 11), Swaziland (article 63), Turkey (article 56), Uganda (article 17), Uruguay (article 47), Vanuatu (Article 7), Venezuela (article 127), Vietnam (article 29), Yemen (article 35).

<sup>4</sup> Angola (article 39), Argentina (article 41), Armenia (article 33(2)), Bénin (article 27), Burkina Faso (article 29), Cape Verde (article 73), Comores (preamble), Croatia (article 70), France (article 1 and 2 Charter for the Environment), Georgia (article 37(3)), Kyrgyzstan (article 40), Macedonia (article 43), Mali (article 4), Montenegro (article 23), Mozambique (article 90(1)), Niger (article 35), Portugal (article 66), Republic of Korea (article 35), Romania (article 35), Rwanda (article 49), São Tomé & Príncipe (article 49), Serbia (article 47), Slovakia (article 49), Spain (article 45), Sudan (article 11), Turkey (article 56), Venezuela (article 127).

<sup>5</sup> See NJCM Stakeholder input, *supra* note 1, p. 8-9; See constitutional provisions of Albania (article 59(1)), Angola (article 41), Argentina (article 41), Bhutan (article 5(1)), Bolivia (article 33), Brazil (article 225), Costa Rica (article 65), Cuba (article 27), Georgia (article 37), Guyana (article 149J), Iran (article 50), Kenya (article 42), Maldives (article 22), Niger (article 35), Norway (article 110b), Papua New Guinea, Poland (article 179), South Africa (article 24), Southern Sudan (article 41), Timor-Leste (article 61), Vanuatu (article 7), Venezuela (article 127).

<sup>6</sup> Angola (article 39), Argentina (article 41), Bolivia (article 33), Brazil (article 225), Kenya (article 42), Norway (article 110b), Poland (article 179), South Africa (article 24), Timor-Leste (article 61), Venezuela (article 127).

## **PART ONE: Overview of constitutional provisions explicitly recognizing a 'right to environment'**

**Albania** Part Two, Chapter IV, Article 56: "Everyone has the right to be informed for the status of the environment and its protection.";

Chapter V, Article 59(1): "The state, within its constitutional powers and the means at its disposal, aims to supplement private initiative and responsibility with: ....e) a healthy and ecologically adequate environment for the present and future generations;"<sup>7</sup>

**Angola** Chapter II, Article 39: "(1) Everyone has the right to live in a healthy and unpolluted environment and the duty to defend and preserve it. (2) The state shall take the requisite measures to protect the environment and species of flora and fauna throughout national territory, maintain the ecological balance, ensure the correct location of economic activities and the rational development and use of all natural resources, within the context of sustainable development, respect for the rights of future generations and the preservation of species. (3) Acts that endanger or damage conservation of the environment shall be punishable by law."<sup>8</sup>

**Argentina** First Part, Chapter II, Article 41: " All inhabitants are entitled to the right to a healthy and balanced environment fit for human development in order that productive activities shall meet present needs without endangering those of future generations; and shall have the duty to preserve it. As a first priority, environmental damage shall bring about the obligation to repair it according to law. The authorities shall provide for the protection of this right, the rational use of natural resources, the preservation of the natural and cultural heritage and of the biological diversity, and shall also provide for environmental information and education. The Nation shall regulate the minimum protection standards, and the provinces those necessary to reinforce them, without altering their local jurisdictions. The entry into the national territory of present or potential dangerous wastes, and of radioactive ones, is forbidden."<sup>9</sup>

**Armenia** Chapter II, Article 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. The public officials shall be held responsible for hiding information on environmental issues and denying access to it."<sup>10</sup>

**Azerbaijan** Second Part, Chapter III, Article 39: "I. Everyone has the right to live in a healthy environment. II. Everyone has the right to obtain information about the real condition of the environment and to receive compensation for the health or property damage caused by the violation of ecological law. III. No one may cause threat or damage to the environment and natural resources beyond the limits set by law. IV. The state guarantees the preservation of ecological balance and protection of the species of wild plants and animals determined by law."

Chapter IV, Article 78: "Every citizen is responsible for protection of environment."<sup>11</sup>

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<sup>7</sup> Albanian Constitution (1998), available from: <http://www.president.al/english/pub/kushtetuta.asp>

<sup>8</sup> Angolan Constitution (2010), available from: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=196467](http://www.wipo.int/wipolex/en/text.jsp?file_id=196467).

<sup>9</sup> Constitution of the Argentine Nation (1994), available from:

[http://www.argentina.gov.ar/argentina/portal/documentos/constitucion\\_ingles.pdf](http://www.argentina.gov.ar/argentina/portal/documentos/constitucion_ingles.pdf)

<sup>10</sup> Armenian Constitution (1995), available from:

<http://www.president.am/library/constitution/eng/?chapter=2&pn=4>

<sup>11</sup> Constitution of Azerbaijan (2009), available from:

[http://www.constcourt.gov.az/en/download/legislation/constitution\\_final\\_2009.pdf](http://www.constcourt.gov.az/en/download/legislation/constitution_final_2009.pdf)

- Belarus** Section II, Article 34.: “Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information of the activities of state bodies and public associations, on political, economic, cultural and international life, and on the state of the environment.  
Article 46: “Everyone shall be entitled to a conducive environment and to compensation for loss or damage caused by the violation of this right. The State shall supervise the rational utilization of natural resources to protect and improve living conditions, and to preserve and restore the environment.”  
Article 55: “It shall be the duty of everyone to protect the environment.”<sup>12</sup>
- Belgium** Title II, Article 23(4): “Everyone has the right to lead a life in keeping with human dignity. ... [including] the right to the protection of a healthy environment.”<sup>13</sup>
- Bénin** Title II, Article 27: “Every person has the right to a healthy, satisfying and lasting environment and has the duty to defend it.”<sup>14</sup>
- Bolivia** Chapter 15, Section 1, Article 33: “Las personas tienen derecho a un medio ambiente saludable, protegido y equilibrado. El ejercicio de este derecho debe permitir a los individuos y colectividades de las presentes y futuras generaciones, además de otros seres vivos, desarrollarse de manera normal y permanente.”  
Article 34: “Cualquier persona, a título individual o en representación de una colectividad, está facultada para ejercitar las acciones legales en defensa del derecho al medio ambiente, sin perjuicio de la obligación de las instituciones públicas de actuar de oficio frente a los atentados contra el medio ambiente.”<sup>15</sup>
- Brazil** Title II, Chapter I, Article 5, Paragraph LXXIII: “qualquer cidadão é parte legítima para propor ação popular que vise a anular ato lesivo ao patrimônio público ou de entidade de que o Estado participe, à moralidade administrativa, ao meio ambiente e ao patrimônio histórico e cultural, ficando o autor, salvo comprovada má-fé, isento de custas judiciais e do ônus da sucumbência”  
Title VII, Chapter VI, Article 225: “Todos têm direito ao meio ambiente ecologicamente equilibrado, bem de uso comum do povo e essencial à sadia qualidade de vida, impondo-se ao Poder Público e à coletividade o dever de defendê-lo e preservá-lo para as presentes e futuras gerações. § 1º - Para assegurar a efetividade desse direito, incumbe ao Poder Público: I - preservar e restaurar os processos ecológicos essenciais e prover o manejo ecológico das espécies e ecossistemas; II - preservar a diversidade e a integridade do patrimônio genético do País e fiscalizar as entidades dedicadas à pesquisa e manipulação de material genético; III - definir, em todas as unidades da Federação, espaços territoriais e seus componentes a serem especialmente protegidos, sendo a alteração e a supressão permitidas somente através de lei, vedada qualquer utilização que comprometa a integridade dos atributos que justifiquem sua proteção; IV - exigir, na forma da lei, para instalação de obra ou atividade potencialmente causadora de significativa degradação do meio ambiente, estudo prévio de impacto ambiental, a que se dará publicidade; V - controlar a produção, a comercialização e o emprego de técnicas, métodos e substâncias que comportem risco para a vida, a qualidade de vida e o meio ambiente; VI - promover a educação ambiental em todos os níveis de ensino e a conscientização pública para a preservação do meio ambiente; VII - proteger a fauna e a flora, vedadas, na forma da lei, as

<sup>12</sup> Constitution of the Republic of Belarus (2004), available from: [http://aceproject.org/ero-en/regions/europe/BY/Constitution\\_Belarus.pdf/view](http://aceproject.org/ero-en/regions/europe/BY/Constitution_Belarus.pdf/view)

<sup>13</sup> Belgian Constitution (as last amended in 2008), available from: [http://www.dekamer.be/kvvcr/pdf\\_sections/publications/constitution/grondwetEN.pdf](http://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/grondwetEN.pdf)

<sup>14</sup> Constitution of Bénin (1990), available from: <http://aceproject.org/ero-en/regions/africa/BJ/Benin%20Constitution%201990.doc/view>

<sup>15</sup> Bolivian Constitution (2009), available from: <http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia09.html>

práticas que coloquem em risco sua função ecológica, provoquem a extinção de espécies ou submetam os animais a crueldade. § 2º - Aquele que explorar recursos minerais fica obrigado a recuperar o meio ambiente degradado, de acordo com solução técnica exigida pelo órgão público competente, na forma da lei. § 3º - As condutas e atividades consideradas lesivas ao meio ambiente sujeitarão os infratores, pessoas físicas ou jurídicas, a sanções penais e administrativas, independentemente da obrigação de reparar os danos causados. § 4º - A Floresta Amazônica brasileira, a Mata Atlântica, a Serra do Mar, o Pantanal Mato-Grossense e a Zona Costeira são patrimônio nacional, e sua utilização far-se-á, na forma da lei, dentro de condições que assegurem a preservação do meio ambiente, inclusive quanto ao uso dos recursos naturais. § 5º - São indisponíveis as terras devolutas ou arrecadadas pelos Estados, por ações discriminatórias, necessárias à proteção dos ecossistemas naturais. § 6º - As usinas que operem com reator nuclear deverão ter sua localização definida em lei federal, sem o que não poderão ser instaladas.”<sup>16</sup>

#### **Bulgaria**

Chapter Two, Article 55: “Citizens shall have the right to a healthy and favourable environment in accordance with the established standards and norms. They shall be obligated to protect the environment.”<sup>17</sup>

#### **Burkina Faso**

Title I, Chapter IV, Article 29: “Le droit à un environnement sain est reconnu; la protection, la défense et la promotion de l’environnement sont un devoir pour tous..”

Title I, Chapter IV, Article 30: “Tout citoyen a le droit d’initier une action ou d’adhérer à une action collective sous forme de pétition contre des actes: .... - portant atteinte à l’environnement ou au patrimoine culturel.”<sup>18</sup>

#### **Cameroon**

Preamble: “Every 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 I, Article 24: “All people shall have the right to a general satisfactory environment favourable to their development.”

Part XII, Article 65: “The Preamble shall be part and parcel of this Constitution.”<sup>19</sup>

#### **Cape Verde**

Chapter II, Title I, Article 22(2): “A todos é conferido, pessoalmente ou através de associações de defesa dos interesses em causa, o direito de promover a prevenção, a cessação ou a perseguição judicial das infracções contra a saúde, o ambiente, a qualidade de vida e o património cultural.”

Article 73: “Todos têm direito a um ambiente sadio e ecologicamente equilibrado e o dever de o defender e valorizar.”

Article 85: “Todo o cidadão tem o dever de ... i) Defender e promover a saúde, o ambiente e o património cultural.”<sup>20</sup>

#### **Chad**

Title II, Chapter I, Article 47: “Toute personne a droit à un environnement sain.”

Title II, Chapter II, Article 52: “Tout citoyen a le devoir de respecter et de protéger l’environnement.”<sup>21</sup>

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<sup>16</sup> Brazilian Constitution (as last amended in 2010), available from: [http://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm)

<sup>17</sup> Bulgarian Constitution (as last amended in 2003), available from: [http://www.vks.bg/english/vksen\\_p04\\_01.htm#Chapter\\_Two\\_\\_](http://www.vks.bg/english/vksen_p04_01.htm#Chapter_Two__)

<sup>18</sup> Constitution of Burkina Faso (as last amended in 2002), available from: <http://presidence.bf/constitution.php?page=3&sid=22>

<sup>19</sup> Constitution of Cameroon (1996), available from: <http://confinder.richmond.edu/admin/docs/Cameroon.pdf>

<sup>20</sup> Constitution of Cape Verde (2010), available from: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=181070](http://www.wipo.int/wipolex/en/text.jsp?file_id=181070)

<sup>21</sup> Constitution of Chad (as last amended in 2005), available from: [http://www.eueom.eu/files/dmfile/tchad\\_constitution\\_15\\_juillet\\_2005\\_fr1.pdf](http://www.eueom.eu/files/dmfile/tchad_constitution_15_juillet_2005_fr1.pdf)

- Czech Republic** Article 35 Charter of Fundamental Rights and Freedoms: “(1) Everyone has the right to a favorable environment. (2) Everyone has the right to timely and complete information about the state of the environment and natural resources. (3) No one may, in exercising her rights, endanger or cause damage to the environment, natural resources, the wealth of natural species, or cultural monuments beyond the extent set by a law.”<sup>22</sup>
- Chile** Chapter III, Article 19(8): “La Constitución asegura a todas las personas: El derecho a vivir en un medio ambiente libre de contaminación. Es deber del Estado velar para que este derecho no sea afectado y tutelar la preservación de la naturaleza.  
Article 20 : “...Procederá, también, el recurso de protección en el caso del N°8° del artículo 19, cuando el derecho a vivir en un medio ambiente libre de contaminación sea afectado por un acto u omisión ilegal imputable a una autoridad o persona determinada.”<sup>23</sup>
- Colombia** Title II, Chapter III, Article 79: “Todas las personas tienen derecho a gozar de un ambiente sano. La ley garantizará la participación de la comunidad en las decisiones que puedan afectarlo. Es deber del Estado proteger la diversidad e integridad del ambiente, conservar las áreas de especial importancia ecológica y fomentar la educación para el logro de estos fines.”<sup>24</sup>
- Comores** Preamble: “Le peuple comorien, affirme solennellement sa volonté de :[...] le droit à un environnement sain et le devoir de tous à sauvegarder cet environnement. Ce préambule fait partie intégrante de la Constitution.”<sup>25</sup>
- Congo** Title II, Article 53: “All persons have the right to a healthy environment that is favorable to their development. They have the duty to defend it. The State ensures the protection of the environment and the health of the population.”<sup>26</sup>
- Costa Rica** Title V, Article 50: “Every person has the right to a healthy and ecologically balanced environment, being therefore entitled to denounce any acts that may infringe said right and claim redress for the damage caused.”<sup>27</sup>
- Cote d’Ivoire** Chapter 1, Article 19: “The right to a healthy environment is recognized to all..”  
Chapter 2, Article 28: “The protection of the environment and the promotion of the quality of life are a duty for the community and for each physical or moral person.”<sup>28</sup>
- Croatia** Chapter III, Section 3, Article 70: “Everyone shall have the right to a healthy life. The state shall ensure conditions for a healthy environment. Everyone shall, within the scope of their powers and activities, accord particular attention to the protection of human health, nature and the human environment.”<sup>29</sup>

<sup>22</sup> Charter of Fundamental Rights and Freedoms of the Czech Republic (1993), available from: [http://www.concourt.cz/view/czech\\_charter](http://www.concourt.cz/view/czech_charter)

<sup>23</sup> Constitution of Chile (as last amended in 2011), available from: <http://www.tribunalconstitucional.cl/index.php/normas/normas>

<sup>24</sup> Constitution of Colombia (2005), available from: <http://pdba.georgetown.edu/Constitutions/Colombia/vigente.html>

<sup>25</sup> Constitution of the Comores (2001), available from: <http://www.unhcr.org/refworld/docid/4c5829df2.html>

<sup>26</sup> Constitution of the Republic of the Congo (2006), available in French from: <http://www.presidentrdc.cd/constitution.pdf>. Translation available from: <http://www.constitutionnet.org/files/DRC%20-%20Congo%20Constitution.pdf>

<sup>27</sup> Constitution of Costa Rica (1994), available from: [http://www.costaricalaw.com/constitutional\\_law/constitution\\_en\\_05.php](http://www.costaricalaw.com/constitutional_law/constitution_en_05.php)

<sup>28</sup> Constitution of Cote d’Ivoire (2000), available in French from: [http://www.acpuf.org/images/pdf/cm/cotedivoire/031-tf-txt\\_const.pdf](http://www.acpuf.org/images/pdf/cm/cotedivoire/031-tf-txt_const.pdf). Translation available from: <http://www.constitutionnet.org/files/Cote%20D%27Ivoire%20Constitution.pdf>

**Domenican Republic**

Section IV, Article 66: “El Estado reconoce los derechos e intereses colectivos y difusos, los cuales se ejercen en las condiciones y limitaciones establecidas en la ley. En consecuencia protege:1) La conservación del equilibrio ecológico, de la fauna y la flora; 2) La protección del medio ambiente;3) La preservación del patrimonio cultural, histórico, urbanístico, artístico, arquitectónico y arqueológico.”

Article 67: “Constituyen deberes del Estado prevenir la contaminación, proteger y mantener el medio ambiente en provecho de las presentes y futuras generaciones. En consecuencia: 1) Toda persona tiene derecho, tanto de modo individual como colectivo, al uso y goce sostenible de los recursos naturales; a habitar en un ambiente sano, ecológicamente equilibrado y adecuado para el desarrollo y preservación de las distintas formas de vida, del paisaje y de la naturaleza [...]”<sup>30</sup>

**Ecuador**

Chapter II, Section 2, Article 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. Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country’s genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest.”

Chapter VI, Article 66: “The following rights of persons are recognized and guaranteed: ...27. The right to live in a healthy environment that is ecologically balanced, pollution-free and in harmony with nature.”

Chapter VII (rights of nature), Article 71: “Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate. The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.”<sup>31</sup>

**El Salvador**

Title II, Chapter II, First Section, Article 34: “Todo menor tiene derecho a vivir en condiciones familiares y ambientales que le permitan su desarrollo integral, para lo cual tendrá la protección del Estado.”<sup>32</sup>

**Ethiopia**

Chapter III, Part II, Article 44(1): “1. All persons have the right to a clean and healthy environment.”<sup>33</sup>

**Finland**

Section 20: “(1) Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone.(2) The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.”<sup>34</sup>

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<sup>29</sup> Constitution of Croatia (as last amended in 2010), available from: <http://www.sabor.hr/fgs.axd?id=17074>

<sup>30</sup> Constitution of the Dominican Republic (2010), available from: <http://pdba.georgetown.edu/Constitutions/DomRep/vigente.html>

<sup>31</sup> Constitution of Ecuador (2008), available from: <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>

<sup>32</sup> Constitution of El Salvador (as last amended in 2003), available from: <http://pdba.georgetown.edu/Constitutions/ElSal/constitucion2003.pdf>

<sup>33</sup> Constitution of Ethiopia (1995), available from: <http://www.ethiobar.net/type/English/genifo/conchp32.htm>

<sup>34</sup> Constitution of Finland (as last amended in 2007), available from: <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>

- France** Charter of the Environment of 2005, Article 1: "Each person has the right to live in a balanced environment which shows due respect for health."  
 Article 2: "Each person has a duty to participate in preserving and enhancing the environment."  
 Article 3: "Each person shall, in the conditions provided for by law, foresee and avoid the occurrence of any damage which he or she may cause to the environment or, failing that, limit the consequences of such damage."  
 Article 4: "Each person shall be required, in the conditions provided for by law, to contribute to the making good of any damage he or she may have caused to the environment."<sup>35</sup>
- Gabon** Title I, Article 1: "La République gabonaise reconnaît et garantit les droits inviolables et imprescriptibles de l'Homme, qui lient obligatoirement les pouvoirs publics:.... (8) L'Etat, selon ses possibilités, garantit à tous, notamment à l'enfant, à la mère, aux handicapés, aux vieux travailleurs et aux personnes âgées, la protection de la santé, la sécurité sociale, un environnement naturel préservé, le repos et les loisirs."<sup>36</sup>
- Georgia** Chapter II, Article 37: "(3)Everyone shall have the right to live in healthy environment and enjoy natural and cultural surroundings. Everyone shall be obliged to care for natural and cultural environment. (4) With the view of ensuring safe environment, in accordance with ecological and economic interests of society, with due regard to the interests of the current and future generations the state shall guarantee the protection of environment and the rational use of nature. (5) A person shall have the right to receive a complete, objective and timely information as to a state of his/her working and living environment."<sup>37</sup>
- Guinea** Title II, Article 19: "Le peuple de Guinée détermine librement et souverainement ses institutions et l'organisation économique et sociale de la Nation. Il a un droit imprescriptible sur ses richesses. Celles-ci doivent profiter de manière équitable à tous les Guinéens. Il a droit à la préservation de son patrimoine, de sa culture et de son environnement. Il a le droit de résister à l'oppression."<sup>38</sup>
- Guyana** Part I, Chapter IV, Article 25: "Every citizen has a duty to participate in activities designed to improve the environment and protect the health of the nation."  
 Part II, Title I, Article 149J: "(1) Everyone has the right to an environment that is not harmful to his or her health or wellbeing. (2) The State shall protect the environment, for the benefit of present and future generations, through reasonable legislative and other measures designed to (a) prevent pollution and ecological degradation; (b) promote conservation; and (c) secure sustainable development and use of natural resources while promoting justifiable economic and social development (3) It shall not be an infringement of a person's rights under paragraph (1) if, by reason only of an allergic condition or other peculiarity the environment is harmful to that person's health or wellbeing."<sup>39</sup>
- Hungary** Chapter I, Article 18: "The Republic of Hungary recognizes and shall implement the individual's right to a healthy environment."

<sup>35</sup> Constitution of France with integrated Charter for the Environment (2005), available from: <http://www.assemblee-nationale.fr/english/8ab.asp#Charter>

<sup>36</sup> Constitution of Gabon (as last amended in 2000), available from: [http://www.assemblee.ga/article.php3?id\\_article=16](http://www.assemblee.ga/article.php3?id_article=16)

<sup>37</sup> Constitution of Georgia (as last amended in 2006), available from: [http://www.parliament.ge/files/68\\_1944\\_951190\\_CONSTIT\\_27\\_12.06.pdf](http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf)

<sup>38</sup> Constitution of Guinea (1994), available from: <http://unpan1.un.org/intradoc/groups/public/documents/unpan/unpan002994.pdf>

<sup>39</sup> Constitution of Guyana (1980), available from: <http://www.parliament.gov.gy/constitution/constitutionindex.php>

Chapter VII. Article 70/D: “(1) Everyone living in the territory of the Republic of Hungary shall have the right to the highest possible level of physical and mental health. (2) The Republic of Hungary shall implement this right through the organization of labor safety, health care institutions, medical care, through securing the opportunities for regular physical activity, as well as through the protection of the built and natural environment.”<sup>40</sup>

**Indonesia**

Chapter XA, Article 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, and shall have the right to obtain medical care”<sup>41</sup>.

**Iraq**

Section Two, Chapter One, Part Two, Article 33: “(1) Every individual has the right to live in safe environmental conditions. (2) The State shall undertake the protection and preservation of the environment and its biological diversity.”<sup>42</sup>

**Kenya**

Chapter Four, Part One, Article 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.”

Chapter Five, Part Two, Article 69: “(1) The State shall— (a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; (b) work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;(c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities; (d) encourage public participation in the management, protection and conservation of the environment; (e) protect genetic resources and biological diversity; (f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment; (g) eliminate processes and activities that are likely to endanger the environment; and (h) utilise the environment and natural resources for the benefit of the people of Kenya. (2) Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.”

Article 70: “(1) If a person alleges that a right to a clean and healthy environment recognised and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter. (2) On application under clause (1), the court may make any order, or give any directions, it considers appropriate— (a) to prevent, stop or discontinue any act or omission that is harmful to the environment; (b) to compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or (c) to provide compensation for any victim of a violation of the right to a clean and healthy environment. (3) For the purposes of this Article, an applicant does not have to demonstrate that any person has incurred loss or suffered injury.”<sup>43</sup>

**Kyrgyzstan**

Article 48: “(1) Everyone shall have the right to environment favorable for life and health. (2) Everyone shall have the right to compensation of damage to health or property resulting

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<sup>40</sup> Constitution of Hungary (as of January 2011), available from: <http://www.mkab.hu/index.php?id=constitution>

<sup>41</sup> Constitution of Indonesia (last amended in 2002), available from: <http://www.embassyofindonesia.org/about/pdf/IndonesianConstitution.pdf>;

<sup>42</sup> Constitution of Iraq (2005), available from: [http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf)

<sup>43</sup> Constitution of Kenya (last amended in 2010), available from: [http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution\\_of\\_Kenya\\_\\_2010.pdf](http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution_of_Kenya__2010.pdf)

from actions in the area of nature management. (3) Everyone should care for the environment, flora and fauna.”<sup>44</sup>

- Latvia** Chapter VIII, Article 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.”<sup>45</sup>
- Macedonia** Chapter II, Part 2, Article 43: “Everyone has the right to a healthy environment to live in. Everyone is obliged to promote and protect the environment. The Republic provides conditions for the exercise of the right of citizens to a healthy environment.”<sup>46</sup>
- Maldives** Chapter II, Article 22: The State has a fundamental duty to protect and preserve the natural environment, biodiversity, resources and beauty of the country for the benefit of present and future generations. The State shall undertake and promote desirable economic and social goals through ecologically balanced sustainable development and shall take measures necessary to foster conservation, prevent pollution, the extinction of any species and ecological degradation from any such goals.  
Article 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.”<sup>47</sup>
- Mali** Title I, Article 15: “Toute personne a droit à un environnement sain. La protection, la défense de l'environnement et la promotion de la qualité de la vie sont un devoir pour tous et pour l'Etat.”<sup>48</sup>
- Mexico** Title I, Chapter I, Article 4: “Toda persona tiene derecho a un medio ambiente adecuado para su desarrollo y bienestar.”<sup>49</sup>
- Moldova** Title II, Chapter II, Article 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. (2) The State shall guarantee to anyone the right of free access and dissemination of the truthful information related to the environment state, living and working conditions, and the quality of food products and household appliances. (3) Concealment or forgery of the information regarding the factors detrimental to human health shall be prohibited by law. (4) Natural and legal entities shall be held liable for the damages caused to a person's health and property due to ecological trespasses.”  
Title II, Chapter II, Article 59: “The protection of environment and the preservation of historical and cultural monuments shall represent a duty ascribed to each citizen.”  
Title IV Article 126(2): “The state must ensure “(f) the restoration and protection of the environment, as well as the maintenance of ecological balance.”<sup>50</sup>

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<sup>44</sup> Constitution of Kyrgyzstan, Original Russian version as adopted in 2010, available from: <http://24.kg/konstitucija2010/74533-v-kyrgyzstane-podgotovlen-okonchatelnyj-proekt.html>. Translation of Article 48 available from: <http://www.venice.coe.int/docs/2010/CDL%282010%29058-e.pdf>.

<sup>45</sup> Constitution of Latvia, available from: <http://www.satv.tiesa.gov.lv/?lang=2&mid=8>

<sup>46</sup> Constitution of Macedonia (1991), available from: <http://www.sobranie.mk/en/default-en.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>

<sup>47</sup> Constitution of the Maldives (2008), available from: <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

<sup>48</sup> Constitution of Mali, available from: <http://unpan1.un.org/intrdoc/groups/public/documents/cafrad/unpan002746.pdf>

<sup>49</sup> Constitution of Mexico, available from: <http://www.diputados.gob.mx/LeyesBiblio/pdf/1.pdf>

<sup>50</sup> Constitution of Moldova: available from: <http://www.president.md/const.php?page=8200&lang=eng>

- Mongolia** Chapter II, Article 16(2): “The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms: ... Right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.”  
Article 17(2): “It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment.”<sup>51</sup>
- Montenegro** Preamble: “The conviction that the state is responsible for the preservation of nature, sound environment, sustainable development, balanced development of all its regions and the establishment of social justice”  
Part 2, 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. Everyone, the state in particular, shall be bound to preserve and improve the environment.”<sup>52</sup>
- Mozambique** Republic of, Title III, Chapter I, Article 45: “Every individual shall have the duty to: f) protect and conserve the environment.”  
Title III, Chapter IV, 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: ... b) The right to advocate the prevention, termination or judicial prosecution of offences against the public health, consumer rights, environmental conservation and cultural heritage.”  
Title III, Chapter V, Article 90(1): “All citizens shall have the right live in a balanced environment and shall have the duty to defend it.”<sup>53</sup>
- Nepal** Part 3, Article 16(1): “Every person has the right to live in clean environment.”<sup>54</sup>
- Nicaragua** Title IV, Chapter III, Article 60: “Los nicaragüenses tienen derecho de habitar en un ambiente saludable. Es obligación del Estado la preservación, conservación y rescate del medio ambiente y de los recursos naturales.”<sup>55</sup>
- Niger** Title II, Article 35: “Toute personne a droit à un environnement sain. L’Etat a l’obligation de protéger l’environnement dans l’intérêt des générations présentes et futures. Chacun est tenu de contribuer à la sauvegarde et à l’amélioration de l’environnement dans lequel il vit. L’acquisition, le stockage, la manipulation et l’évacuation des déchets toxiques ou polluants provenant des usines et autres unités industrielles ou artisanales installées sur le territoire national sont réglementés par la loi. Le transit, l’importation, le stockage, l’enfouissement, le déversement sur le territoire national de déchets toxiques ou polluants étrangers, ainsi que tout accord y relatif constituent un crime contre la nation, puni par la loi. L’Etat veille à l’évaluation et au contrôle des impacts de tout projet et programme de développement sur l’environnement”  
Article 36: “L’Etat et les autres collectivités publiques veillent à la lutte contre la désertification.”  
Article 37: “Les entreprises nationales et internationales ont l’obligation de respecter la législation en vigueur en matière environnementale. Elles sont tenues de protéger la santé humaine et de contribuer à la sauvegarde ainsi qu’à l’amélioration de l’environnement.”  
Title VII, Section Two, Article 149: “L’État exerce sa souveraineté sur les ressources naturelles et du sous-sol. L’exploitation et la gestion des ressources naturelles et du sous sol doit se faire dans la transparence et

<sup>51</sup> Constitution of Mongolia, available from: [http://www.mfat.gov.mn/index.php?option=com\\_content&view=category&id=34&Itemid=53&lang=en](http://www.mfat.gov.mn/index.php?option=com_content&view=category&id=34&Itemid=53&lang=en)

<sup>52</sup> Constitution of Montenegro, available from: [http://www.dri.co.me/english/index.php?option=com\\_content&task=view&id=81&Itemid=159](http://www.dri.co.me/english/index.php?option=com_content&task=view&id=81&Itemid=159)

<sup>53</sup> Constitution of Mozambique, available from: <http://www.unhcr.org/refworld/docid/4a1e597b2.html>

<sup>54</sup> Interim Constitution of Nepal, available from: <http://www.nic.gov.np/download/interim-constitution.pdf>

<sup>55</sup> Constitution of Nicaragua (as last amended in 2010), available from: <http://www.asamblea.gob.ni/opciones/constituciones/ConstitucionPolitica.pdf>

prendre en compte la protection de l'environnement, du patrimoine culturel ainsi que la préservation des intérêts des générations présentes et futures."<sup>56</sup>

## Norway

Section E, Article 110 b: "Every person has a right to an environment that is conducive to health and to a natural environment whose productivity and diversity are maintained. Natural resources should be managed on the basis of comprehensive long-term considerations whereby this right will be safeguarded for future generations as well. In order to safeguard their right in accordance with the foregoing paragraph, citizens are entitled to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out. The authorities of the State shall issue specific provisions for the implementation of these principles."<sup>57</sup>

## Paraguay

Part I, Title II, Chapter I, Section II, Article 7: "Toda persona tiene derecho a habitar en un ambiente saludable y ecológicamente equilibrado. Constituyen objetivos prioritarios de interés social la preservación, la conservación, la recomposición y el mejoramiento del ambiente, así como su conciliación con el desarrollo humano integral. Estos propósitos orientarán la legislación y la política gubernamental pertinente."

Article 8: "Las actividades susceptibles de producir alteración ambiental serán reguladas por la ley. Asimismo, ésta podrá restringir o prohibir aquellas que califique peligrosas. Se prohíbe la fabricación, el montaje, la importación, la comercialización, la posesión o el uso de armas nucleares, químicas y biológicas, así como la introducción al país de residuos tóxicos. La ley podrá extender ésta prohibición a otros elementos peligrosos; asimismo, regulará el tráfico de recursos genéticos y de su tecnología, precautelando los intereses nacionales. El delito ecológico será definido y sancionado por la ley. Todo daño al ambiente importará la obligación de recomponer e indemnizar."

Part I, Title II, Chapter II, Article 38: "Toda persona tiene derecho, individual o colectivamente, a reclamar a las autoridades públicas medidas para la defensa del ambiente, de la integridad del hábitat, de la salubridad pública, del acervo cultural nacional, de los intereses del consumidor y de otros que, por su naturaleza jurídica, pertenezcan a la comunidad y hagan relación con la calidad de vida y con el patrimonio colectivo."<sup>58</sup>

## Peru

Title I, Chapter I, Article 2(22): "Every person has the right: ... to peace, tranquility, enjoyment of leisure time and to rest, as well as to a balanced and appropriate environment for the development of his life."<sup>59</sup>

## Poland

Chapter II, Article 68: "(1) Everyone shall have the right to have his health protected. ....(4) Public authorities shall combat epidemic illnesses and prevent the negative health consequences of degradation of the environment."

Article 74: "(1) Public authorities shall pursue policies ensuring the ecological safety of current and future generations. (2) The protection of the environment is the duty of public authorities. (3) Everyone has the right to be informed of the condition and protection of the environment. (4) Public authorities shall support the activities of citizens to protect and improve the quality of the environment."

Article 86: "Everyone shall care for the quality of the environment and shall be held responsible for causing its degradation. The principles of such responsibility shall be specified by statute."<sup>60</sup>

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<sup>56</sup> Constitution of Niger (as last amended in 2010), available from: [http://www.gouv.ne/styles/images/doc\\_pdf/ConstitutionValidee.pdf](http://www.gouv.ne/styles/images/doc_pdf/ConstitutionValidee.pdf)

<sup>57</sup> Constitution of Norway (as last amended in 2007), available from: <http://www.stortinget.no/en/In-English/About-the-Storting/The-Constitution/The-Constitution/>

<sup>58</sup> Constitution of Paraguay (1992), available from: <http://www.redparaguay.com/constitucion/articulos1a100.asp>

<sup>59</sup> Constitution of Peru (as last amended in 2008), available from: [http://www.congreso.gob.pe/\\_ingles/CONSTITUTION\\_29\\_08\\_08.pdf](http://www.congreso.gob.pe/_ingles/CONSTITUTION_29_08_08.pdf)

<sup>60</sup> Constitution of Poland (1997), available from: <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

## **Portugal**

Article 9: “The fundamental tasks of the state shall be: d) To promote the people’s well-being and quality of life and real equality between the Portuguese, as well as the effective implementation of economic, social, cultural and environmental rights by means of the transformation and modernisation of economic and social structures;”

Part I, Title II, Article 52(3): “Everyone shall be granted the right of *actio popularis*, to include the right to apply for the appropriate compensation for an aggrieved party or parties, in such cases and under such terms as the law may determine, either personally or via associations that purport to defend the interests in question. The said right shall particularly be exercised in order to: a) Promote the prevention, cessation or judicial prosecution of offences against public health, consumer rights, the quality of life or the preservation of the environment and the cultural heritage...”

Part I, Title III, Article 66: “(1) Everyone shall possess the right to a healthy and ecologically balanced human living environment and the duty to defend it. (2) In order to ensure enjoyment of the right to the environment within an overall framework of sustainable development, acting via appropriate bodies and with the involvement and participation of citizens, the state shall be charged with: a) Preventing and controlling pollution and its effects and the harmful forms of erosion; b) Conducting and promoting town and country planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape; c) Creating and developing natural and recreational reserves and parks and classifying and protecting landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets that are of historic or artistic interest; d) Promoting the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity; e) Acting in cooperation with local authorities, promoting the environmental quality of rural settlements and urban life, particularly on the architectural level and as regards the protection of historic zones; f) Promoting the integration of environmental objectives into the various policies of a sectoral nature; g) Promoting environmental education and respect for environmental values; h) Ensuring that fiscal policy renders development compatible with the protection of the environment and the quality of life.”<sup>61</sup>

## **Republic of Korea**

Chapter II, Article 35: “(1) All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment.(2) The substance of the environmental right shall be determined by Act.”<sup>62</sup>

## **Romania**

Chapter II, Article 35: “(1) The State shall acknowledge the right of every person to a healthy, well preserved and balanced environment. (2) The State shall provide the legislative framework for the exercise of such right.(3) Natural and legal entities shall be bound to protect and improve the environment.”<sup>63</sup>

## **Russian Federation**

Chapter II, Article 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.”

Article 58: “Everyone shall have a duty to preserve nature and the environment and to treat natural resources with care.”<sup>64</sup>

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<sup>61</sup> Constitution of Poland (as last amended in 2005), available from:

[http://app.parlamento.pt/site\\_antigo/ingles/cons\\_leg/Constitution\\_VII\\_revisao\\_definitive.pdf](http://app.parlamento.pt/site_antigo/ingles/cons_leg/Constitution_VII_revisao_definitive.pdf)

<sup>62</sup> Constitution of the Republic of Korea (as last amended in 1987), available from:

[http://www.court.go.kr/home/att\\_file/download/Constitution\\_of\\_the\\_Republic\\_of\\_Korea.pdf](http://www.court.go.kr/home/att_file/download/Constitution_of_the_Republic_of_Korea.pdf)

<sup>63</sup> Constitution of Romania (as last amended in 2003), available from:

<http://www.cdep.ro/pls/dic/site.page?id=371aw>

<sup>64</sup> Constitution of the Russian Federation (as last amended in 2001), available from:

<http://www.government.ru/eng/gov/base/54.html>.

- Rwanda** Chapter II, Article 49: “Every citizen is entitled to a healthy and satisfying environment. Every person has the duty to protect, safeguard and promote the environment. The State shall protect the environment. The law determines the modalities for protecting, safeguarding and promoting the environment.”<sup>65</sup>
- SãoTomé & Príncipe** Part II, Title III, Article 49: “(1) Todos têm direito à habitação e a um ambiente de vida humana e o dever de o defender. (2) Incumbe ao Estado programar e executar uma política de habitação inserida em planos de ordenamento do território.”<sup>66</sup>
- Senegal** Title II, Article 8: “La République du Sénégal garantit à tous les citoyens les libertés individuelles fondamentales, les droits économiques et sociaux ainsi que les droits collectifs. Ces libertés et droits sont notamment: .... le droit à un environnement sain.”<sup>67</sup>
- Serbia** Chapter II, Article 74: “Everyone shall have the right to healthy environment and the right to timely and full information about the state of environment. Everyone, especially the Republic of Serbia and autonomous provinces, shall be accountable for the protection of environment. Everyone shall be obliged to preserve and improve the environment.”<sup>68</sup>
- Seychelles Republic of** Chapter III, Part I, Article 38: “The State recognises the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment and with a view to ensuring the effective realization of this right the State undertakes - a. to take measures to promote the protection, preservation and improvement of the environment; b. to ensure a sustainable socio-economic development of Seychelles by a judicious use and management of the resources of Seychelles; c. to promote public awareness of the need to protect, preserve and improve the environment.”  
Chapter III, Part II, Article 40: “It shall be the duty of every citizen of Seychelles ....e. to protect, preserve and improve the environment...”<sup>69</sup>
- Slovakia** Part Two, Section Six, Article 44: “(1) Everyone shall have the right to favourable environment. (2) Everyone shall have a duty to protect and improve the environment and to foster cultural heritage. (3) No one shall imperil or damage the environment, natural resources and cultural heritage beyond the limits laid down by a law. (4) The State shall care for economical exploitation of natural resources, for ecological balance and on effective environmental policy, and shall secure protection of determined sorts of wild plants and wild animals.”. (5) Details on the rights and duties according to paragraphs 1 to 4 shall be laid down by a law.”  
Article 45: “Everyone shall have the right to full and timely information about the environmental situation and about the reasons and consequences thereof.”<sup>70</sup>
- Slovenia** Section III, Article 72: “Everyone has the right in accordance with the law to a healthy living environment. The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law. The law shall establish under which conditions and to what extent a

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<sup>65</sup> Constitution of Rwanda (as last amended in 2005), available from:

<http://www.mod.gov.rw/?Constitution-of-the-Republic-of>

<sup>66</sup> Constitution of the Democratic Republic of São Tomé and Príncipe (as last amended in 2003), available from: [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=180006](http://www.wipo.int/wipolex/en/text.jsp?file_id=180006)

<sup>67</sup> Constitution of Senegal (as amended in 2001), available from: <http://www.gouv.sn/spip.php?article794>

<sup>68</sup> Constitution of Serbia (2006), available from:

[http://www.srbija.gov.rs/cinjenice\\_o\\_srbiji/ustav\\_odredbe.php?id=218](http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav_odredbe.php?id=218)

<sup>69</sup> Constitution of the Republic of the Seychelles (as last amended in 2000), available from:

[http://www.ecs.sc/resources/Constitution\\_.pdf](http://www.ecs.sc/resources/Constitution_.pdf)

<sup>70</sup> Constitution of the Slovak Republic (as last amended in 2004), available from:

[www.vop.gov.sk/en/legal\\_basis/constitution.html](http://www.vop.gov.sk/en/legal_basis/constitution.html)

person who has damaged the living environment is obliged to provide compensation. The protection of animals from cruelty shall be regulated by law.”

Article 73: “Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities, and cultural monuments. The state and local communities shall promote the preservation of the natural and cultural heritage.”<sup>71</sup>

#### **South Africa**

Chapter 2, Article 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.”<sup>72</sup>

#### **Southern Sudan**

Chapter I, Article 41: (1) Every person or community shall have the right to a clean and healthy environment. (2) Every person shall have the obligation to protect the environment for the benefit of present and future generations. (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. (4) All levels of government shall promote energy policies that will ensure that the basic needs of the people are met while protecting and preserving the environment.”

Chapter II, Article 46: “Every citizen shall in particular: ...(h) protect the environment and conserve natural resources.”<sup>73</sup>

#### **Spain**

Title I, Chapter III, Article 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. (2) The public authorities shall watch over a rational use of all natural resources with a view to protecting and improving the quality of life and preserving and restoring the environment, by relying on an indispensable collective solidarity.(3) For those who break the provisions contained in the foregoing paragraph, criminal or, where applicable, administrative sanctions shall be imposed, under the terms established by the law, and they shall be obliged to repair the damage caused.”<sup>74</sup>

#### **Sudan, Republic of the**

Chapter II, Article 11: “(1)The people of the Sudan shall have the right to a clean and diverse environment; the State and the citizens have the duty to preserve and promote the country’s biodiversity. (2) The State shall not pursue any policy, or take or permit any action, which may adversely affect the existence of any species of animal or vegetative life, their natural or adopted habitat. (3) The State shall promote, through legislation, sustainable utilization of natural resources and best practices with respect to their management.”<sup>75</sup>

#### **Thailand**

Chapter III, Part 10, Section 57: “A person shall have the right to receive information, explanation, and reason from government agencies, State agencies, State enterprises, or local government before the approval or implementation of a project or activities which might

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<sup>71</sup> Constitution of Slovenia (as last amended in 2006), available from: <http://www.dz-rs.si/index.php?id=351&docid=25&showdoc=1#2>

<sup>72</sup> Constitution of South Africa (as last amended in 2009), available from: <http://www.info.gov.za/documents/constitution/1996/96cons2.htm>

<sup>73</sup> Transitional Constitution of the Republic of Southern Sudan, adopted in 2011, available from: [http://www.sudantribune.com/IMG/pdf/The\\_Draft\\_Transitional\\_Constitution\\_of\\_the\\_ROSS2-2.pdf](http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf)

<sup>74</sup> Constitution of Spain (1978), available from: [http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist\\_Normas/Norm/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf)

<sup>75</sup> The interim national constitution of the Republic of the Sudan as adopted in 2005, available from: [http://www.sudan-embassy.de/c\\_Sudan.pdf](http://www.sudan-embassy.de/c_Sudan.pdf)

have a serious impact on the environment, health, sanitary conditions, quality of life, or other important interests of his or her own or of the community, and shall also have the right to voice his or her own opinion to the responsible agency to be used as input appraising said project or activities. In making a plan for social, economic, political and cultural development, or in expropriation of private property by eminent domain, or in town planning, zoning, or in issuing regulations with an important impact on the benefits of the people, the State must organize comprehensive public hearings before implementation.”

Chapter III, Part 12, Section 66: “Persons so assembling to be a community, local community, or traditional community shall have the right to conserve or restore their customs, local knowledge, arts or good culture of their community and of the nation and participate in the management, maintenance, preservation, and exploitation of natural resources, environment, and biological diversity in a balanced fashion and persistently.”

Chapter III, Part 12, Section 67: “The rights of a person to give to the State and communities participation in the conservation, preservation and exploitation of natural resources and biological diversity and in the protection, promotion and preservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his or her health and sanitary condition, welfare or quality of life shall be appropriately protected. Any project which may seriously affect the community in quality of the environment, natural resources, and health shall not be permitted, unless its impacts on the quality of the environment and health conditions of people in the community have been studied and evaluated; and procedures on public hearing from the people and those affected, including from an independent organization, consisting of representatives from private environmental and health organizations and from higher education institutions providing studies in the environmental, natural resources, and health field, have been obtained prior to the operation of such project or activity. The rights of a community to sue a government agency, State agency, State enterprises, local government, or other State agencies which are juristic persons, to perform the duties as provided by this provision shall be protected. [sic]”<sup>76</sup>

**Timor-Leste**

Part II, Title III, Section 61: “(1) Everyone has 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. (2) The State shall recognise the need to preserve and rationalise natural resources. (3) The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy.”<sup>77</sup>

**Togo**

Title II, Subsection I, Article 41: “Toute personne a droit à un environnement sain. L'Etat veille à la protection de l'environnement.”<sup>78</sup>

**Turkey**

Part II, Chapter Three, Section VIII, Part A, Article 56: “Everyone has the right to live in a healthy, balanced environment. It is the duty of the state and citizens to improve the natural environment, and to prevent environmental pollution....”<sup>79</sup>

**Turkmenistan**

Section II, Article 36: “Everyone has the right to favourable environment. The State supervises the management of natural resources in order to protect and improve living conditions, as well as environmental protection and regeneration.”<sup>80</sup>

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<sup>76</sup> Constitution of Thailand (2007), available from:

<http://www.constitutionalcourt.or.th/dmdocuments/Constitution2007byIFES.pdf>

<sup>77</sup> Constitution of Timor-Leste (2001), available from: <http://www.gov.east-timor.org/constitution/constitution-Timor-Leste.pdf>

<sup>78</sup> Constitution of Togo (as last amended in 2002), available from:

<http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,TGO,456d621e2,48ef43c72,0.html>

<sup>79</sup> Constitution of Turkey (as last amended in 2001), available from:

[http://www.anayasa.gov.tr/images/loaded/pdf\\_dosyalari/THE\\_CONSTITUTION\\_OF\\_THE\\_REPUBLIC\\_OF\\_TURKEY.pdf](http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf)

**Uganda**

Chapter Three, Article 17: "(1) The duties of a citizen are— .... (j) to create and protect a clean and healthy environment."

Chapter Four, Article 39: "Every Ugandan has a right to a clean and healthy environment."<sup>81</sup>

**Ukraine**

Chapter II, Article 50: "Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right. Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret."<sup>82</sup>

**Venezuela,  
Bolivarian  
Republic of**

Title III, Chapter IX, Article 127: "Es un derecho y un deber de cada generación proteger y mantener el ambiente en beneficio de sí misma y del mundo futuro. Toda persona tiene derecho individual y colectivamente a disfrutar de una vida y de un ambiente seguro, sano y ecológicamente equilibrado. El Estado protegerá el ambiente, la diversidad biológica, genética, los procesos ecológicos, los parques nacionales y monumentos naturales y demás áreas de especial importancia ecológica. El genoma de los seres vivos no podrá ser patentado, y la ley que se refiera a los principios bioéticos regulará la materia. Es una obligación fundamental del Estado, con la activa participación de la sociedad, garantizar que la población se desenvuelva en un ambiente libre de contaminación, en donde el aire, el agua, los suelos, las costas, el clima, la capa de ozono, las especies vivas, sean especialmente protegidos, de conformidad con la ley."

Article 128: "El Estado desarrollará una política de ordenación del territorio atendiendo a las realidades ecológicas, geográficas, poblacionales, sociales, culturales, económicas, políticas, de acuerdo con las premisas del desarrollo sustentable, que incluya la información, consulta y participación ciudadana. Una ley orgánica desarrollará los principios y criterios para este ordenamiento."

Article 129: "Todas las actividades susceptibles de generar daños a los ecosistemas deben ser previamente acompañadas de estudios de impacto ambiental y socio cultural. El Estado impedirá la entrada al país de desechos tóxicos y peligrosos, así como la fabricación y uso de armas nucleares, químicas y biológicas. Una ley especial regulará el uso, manejo, transporte y almacenamiento de las sustancias tóxicas y peligrosas. En los contratos que la República celebre con personas naturales o jurídicas, nacionales o extranjeras, o en los permisos que se otorguen, que involucren los recursos naturales, se considerará incluida aun cuando no estuviera expresa, la obligación de conservar el equilibrio ecológico, de permitir el acceso a la tecnología y la transferencia de la misma en condiciones mutuamente convenientes y de restablecer el ambiente a su estado natural si éste resultara alterado, en los términos que fije la ley."<sup>83</sup>

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<sup>80</sup> Constitution of Turkmenistan (2008), available from:  
<http://www.legislationline.org/documents/section/constitutions>

<sup>81</sup> Constitution of Uganda (2006), available from:  
[http://www.parliament.go.ug/images/abridged\\_constitution\\_2006.pdf](http://www.parliament.go.ug/images/abridged_constitution_2006.pdf)

<sup>82</sup> Constitution of Ukraine (1996), available from:  
[http://www.kmu.gov.ua/document/110977042/Constitution\\_eng.doc](http://www.kmu.gov.ua/document/110977042/Constitution_eng.doc)

<sup>83</sup> Constitution of the Bolivarian Republic of Venezuela (as last amended in 2003), available from:  
<http://www.gobiernoenlinea.ve/legislacion-view/sharedfiles/ConstitucionRBV1999.pdf>

## **PART TWO: Overview of constitutional provisions not recognizing a ‘right to environment’, but explicitly recognizing a ‘duty’ to protect the environment**

- Bhutan** Article 5: “(1) Every Bhutanese is a trustee of the Kingdom’s natural resources and environment for the benefit of the present and future generations and it is the fundamental duty of every citizen to contribute to the protection of the natural environment, conservation of the rich biodiversity of Bhutan and prevention of all forms of ecological degradation including noise, visual and physical pollution through the adoption and support of environment friendly practices and policies. (2) The Royal Government shall: (a) Protect, conserve and improve the pristine environment and safeguard the biodiversity of the country; (b) Prevent pollution and ecological degradation; (c) Secure ecologically balanced sustainable development while promoting justifiable economic and social development; and (d) Ensure a safe and healthy environment.  
Article 8(2): “A Bhutanese citizen shall have the duty to preserve, protect and respect the environment, culture and heritage of the nation.”<sup>84</sup>
- Cuba** Chapter I, Article 27: “The State protects the environment and natural resources of the country. It recognizes their close link with the sustainable economic and social development for making human life more sensible, and for ensuring the survival, welfare, and security of present and future generations. It corresponds to the competent organs to implement this policy. It is the duty of the citizens to contribute to the protection of the water and the atmosphere, and to the conservation of the soil, flora, fauna, and all the rich potential of nature.”<sup>85</sup>
- Gambia** Chapter XX, Article 220 (1): “The exercise and enjoyment of rights and freedoms are inseparable from the performance of duties and obligations, and accordingly, every citizen shall; .....(j) protect and conserve the environment of The Gambia.”<sup>86</sup>
- Guatemala** Chapter II, Section Seven, Article 97: “Medio ambiente y equilibrio ecológico. El Estado, las municipalidades y los habitantes del territorio nacional están obligados a propiciar el desarrollo social, económico y tecnológico que prevenga la contaminación del ambiente y mantenga el equilibrio ecológico. Se dictarán todas las normas necesarias para garantizar que la utilización y el aprovechamiento de la fauna, de la flora, de la tierra y del agua, se realicen racionalmente, evitando su depredación.”<sup>87</sup>
- Haiti** Chapter III, Article 51-I: “Duties of the Citizen. Civic duties are the citizen's moral, political, social and economic obligations as a whole to the State and the country. These obligations are: ....(h) To respect and protect the environment.”<sup>88</sup>

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<sup>84</sup> Constitution of the Kingdom of Bhutan (2008), available from: <http://www.constitution.bt/TsaThrim%20Eng%20%28A5%29.pdf>

<sup>85</sup> Constitution of Cuba (2002), available from:

<http://www.constitutionnet.org/files/Cuba%20Constitution.pdf>

<sup>86</sup> Constitution of the Gambia (as reprinted in 2002), available from:

<http://www.ncce.gm/files/constitution.pdf>

<sup>87</sup> Constitution of Guatemala (1993), available from:

<http://www.cc.gob.gt/DocumentosCC/ConstitucionGuatemala.pdf>

<sup>88</sup> Constitution of Haiti (1987), available from:

<http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.html>

<b>India</b>	Part IVA, Article 51A. It shall be the duty of every citizen of India: ... (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.” <sup>89</sup>
<b>Iran</b>	Chapter IV, Article 50 : “The preservation of the environment, in which the present as well as the future generations have a right to flourishing social existence, is regarded as a public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden.” <sup>90</sup>
<b>Kazakhstan</b>	Section II, Article 38: “Citizens of the Republic of Kazakhstan must preserve nature and protect natural resources.” <sup>91</sup>
<b>Lao People’s Democratic Republic</b>	Chapter Two, Article 19. “All organisations and citizens must protect the environment and natural resources: land surfaces, underground [resources,] forests, animals, water sources and the atmosphere.” <sup>92</sup>
<b>Lithuania</b>	Chapter IV, Article 53: “... The State and each person must protect the environment from harmful influences.” <sup>93</sup>
<b>Myanmar</b>	Chapter VIII, Article 390: “Every citizen has the duty to assist the Union in carrying out the following matters :... (b) environmental conservation;...” <sup>94</sup>
<b>Papua New Guinea</b>	Basic Social Obligations: “WE HEREBY DECLARE that all persons in our country have the following basic obligations to themselves and their descendants, to each other, and to the Nation:— ... (d) to protect Papua New Guinea and to safeguard the national wealth, resources and environment in the interests not only of the present generation but also of future generations...” <sup>95</sup>
<b>Saint Vincent and Grenadines</b>	Article 14: “This Constitution enjoins the organs of the State, other public authorities and the people to protect and enhance the environment.” <sup>96</sup>
<b>Swaziland</b>	Chapter V, Article 63: “The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, and accordingly, it shall be the duty of every citizen to - ... (i) protect and preserve the environment.” <sup>97</sup>
<b>Uruguay</b>	Section II, Chapter II, Article 47: “La protección del medio ambiente es de interés general. Las personas deberán abstenerse de cualquier acto que cause depredación,

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<sup>89</sup> Constitution of India (1949), available from:

[http://india.gov.in/govt/documents/english/coi\\_part\\_full.pdf](http://india.gov.in/govt/documents/english/coi_part_full.pdf)

<sup>90</sup> Constitution of Iran (as last amended in 1989), available from:

[http://www.iranchamber.com/government/laws/constitution\\_ch04.php](http://www.iranchamber.com/government/laws/constitution_ch04.php)

<sup>91</sup> Constitution of Kazakhstan (as last amended in 2011), available from:

<http://www.constcouncil.kz/eng/norpb/constrk/>

<sup>92</sup> Constitution of Lao Democratic People’s Republic (as last amended in 2003), available from:

<http://www.undplao.org/whatwedo/bgresource/demogov/Lao%20Constitution.pdf>

<sup>93</sup> Constitution of Lithuania (1992), available from: [http://www.lrkt.lt/Documents2\\_e.html](http://www.lrkt.lt/Documents2_e.html)

<sup>94</sup> Constitution of Myanmar (2008), available from: [http://aceproject.org/ero-en/regions/asia/MM/Myanmar-Constitution-2010/at\\_download/file](http://aceproject.org/ero-en/regions/asia/MM/Myanmar-Constitution-2010/at_download/file)

<sup>95</sup> Constitution of Papua New Guinea (as amended up until the 22<sup>nd</sup> amendment), available from:

<http://www.igr.gov.pg/constitution.pdf>

<sup>96</sup> Constitution of Saint Vincent and Grenadines (2009), available from:

<http://www.hsph.harvard.edu/population/womenrights/stvincent.constitution.09.pdf>

<sup>97</sup> Constitution of Swaziland (2005), available from/1 <http://aceproject.org/ero-en/regions/africa/SZ/CONSTITUTION%20OF%20THE%20KINGDOM%20OF%20SWAZILAND%202005.pdf>

destrucción o contaminación graves al medio ambiente. La ley reglamentará esta disposición y podrá prever sanciones para los transgresores.”<sup>98</sup>

- Uzbekistan** Part II, Chapter 11, Article 50: “All citizens shall protect the environment.”<sup>99</sup>
- Vanuatu** Chapter II, Part Two, Article 7: “Every person has the following fundamental duties to himself and his descendants and to others- ... (d) to protect the Republic of Vanuatu and to safeguard the national wealth, resources and environment in the interests of the present generation and of future generations.”<sup>100</sup>
- Vietnam** Chapter III, Article 29: “(1) State organs, units of the armed forces, economic and social bodies, and all individuals must abide by State regulations on the rational use of natural wealth and on environmental protection. (2) All acts likely to bring about exhaustion of natural wealth and to cause damage to the environment are strictly forbidden.”<sup>101</sup>
- Yemen** Chapter III, Article 35: “Environmental protection is the collective responsibility of the state and the community at large. Each individual shall have a religious and national duty to protect the environment.”<sup>102</sup>

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<sup>98</sup> Constitution of Uruguay (as last amended in 2004), available from:  
<http://www.parlamento.gub.uy/constituciones/const004.htm>

<sup>99</sup> Constitution of Uzbekistan (as last amended in 2003), available from: <http://www.gov.uz/en/constitution/>

<sup>100</sup> Constitution of Vanuatu (1993), available from: <http://www.parliament.gov.vu/constitution.html>

<sup>101</sup> Constitution of Vietnam (as last amended in 2001), available from:  
[http://www.servat.unibe.ch/icl/vm00000\\_.html](http://www.servat.unibe.ch/icl/vm00000_.html)

<sup>102</sup> Constitution of Yemen (2001), available from:  
<http://www.unhcr.org/refworld/category,LEGAL,,,YEM,3fc4c1e94,0.html>