

## BRIEF 11

## THE ENVIRONMENT (Art 225)

Everyone has the right to a well balanced environment, which is a public good essential to maintaining the quality of life. It is a concurrent responsibility of all three levels of government and the collective duty of society to defend and preserve the environment for current and future generations. To realize this right, it is the responsibility of government to:

- Preserve and restore essential ecological processes;
- Provide for the ecological management of species and ecosystems;
- Preserve the genetic patrimony of the nation and supervise entities dedicated to the research and use of genetic material;
- Define throughout the country areas for special environmental protection, which may only be altered in ways permitted by law;
- Protect by law endangered species;
- Require by law that prior environmental impact studies be carried out and publicized of any activity that could potentially cause significant environmental damage.
- Control production, sale and use of hazardous substances;
- Promote at all levels environmental education;

Public land (terra devoluta) that is necessary for the protection of natural eco-systems may be not be transferred to private hands.

Individuals and companies found guilty of damaging the environment shall be subject to administrative and penal sanctions, independent of reparations for the damage they have caused. Individuals and companies that exploit mineral resources shall be obliged by law to recuperate the damage to the environment they have caused.

Any citizen may propose a civil suit which seeks to annul an act damaging to the environment. The author of an action, unless proved to be acting in bad faith, shall be exempt from judicial costs and shall be awarded legal fees (Art 5). The Public Ministry (a body of public prosecutors that function as society's advocates against the state) are empowered to promote civil investigations and civil suits to protect the environment and other collective interests.  
(Art 129)