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OPTION REPORTS

ENVIRONMENTAL PROVISIONS

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The following report is one of a series produced by the Constitutional Design Group, a group of scholars dedicated to distributing data and analysis useful to those engaged in constitutional design. The primary intent of the reports is to provide current and historical information about design options in written constitutions as well as representative and illustrative text for important constitutional provisions. Most of the information in these reports comes from data from the Comparative Constitutions Project (CCP), a project sponsored by the National Science Foundation. Interested readers are encouraged to visit constitutionmaking.org for further resources for scholars and practitioners of constitutional design.

Note that the dates provided herein for constitutional texts reflect either the year of initial promulgation *or* of a subsequent amendment, depending on the version used for analysis. For example, Brazil 2005 refers to the Brazilian Constitution of 1988, as amended through 2005.

1. INTRODUCTION

We describe below the range of constitutional provisions relating to the environment. In particular, this report examines the issues of environmental protection, the rights and duties of citizens and states vis-à-vis the environment, and resource ownership. This report also catalogs the parts of the environment singled out for constitutional protection and/or the assignation of ownership rights.

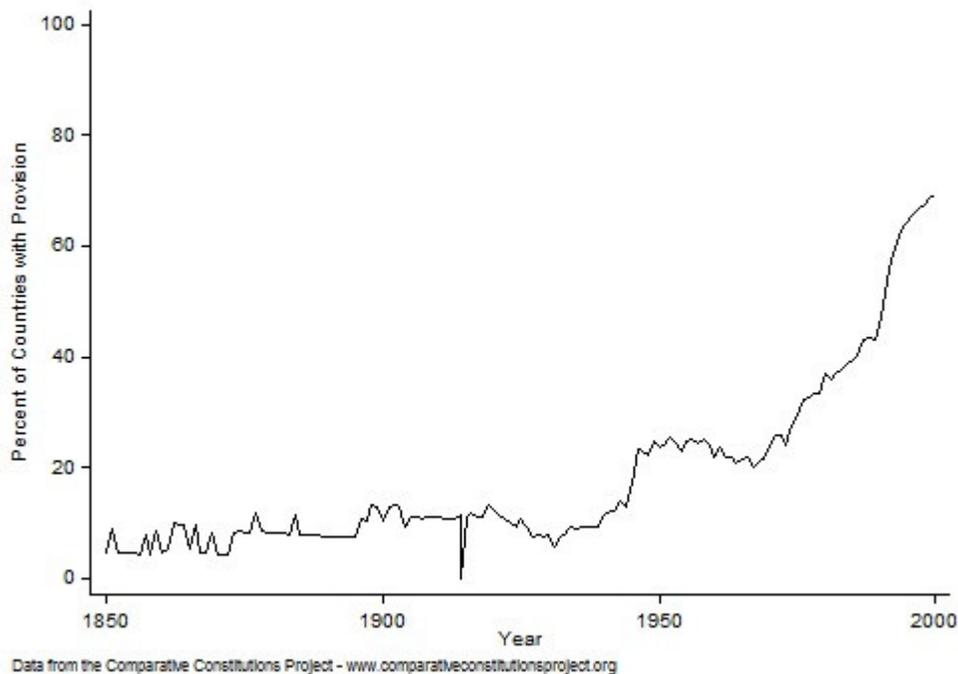
2. DATA SOURCE

The analysis reported below is based on data from the Comparative Constitutions Project (please see the appendix for more information on this resource). As of this writing, the project sample includes 613 of the roughly 800 constitutions put in force since 1789, including more than 90% of constitutions written since World War II.

3. CLASSIFICATION AND HISTORICAL TRENDS

Overall, 37% of constitutions in the sample provide for environmental protection or preservation. As Figure 1 suggests, incorporation of environmental protection in constitutional texts has increased significantly in the latter half of the 20th century following a century of relative continuity in the proportion of texts with such provisions.

Figure 1. Percent of Constitutions That Provide for Environmental Protection by Year (N=550)



By the year 2000, 68% of constitutions in force provided for environmental protection. Figure 2 shows regional variation among these constitutions. The figure indicates that environmental protection is almost universal in Eastern Europe while the proportions in Latin America and Sub-Saharan Africa are each upwards of 75%. The North Africa/Middle East and Oceania regions are the only ones in which a majority of constitutions in force do not encompass some form of environmental protection.

Figure 2. Percent of Constitutions That Provide for Environmental Protection in 2000 by Region (N=182)

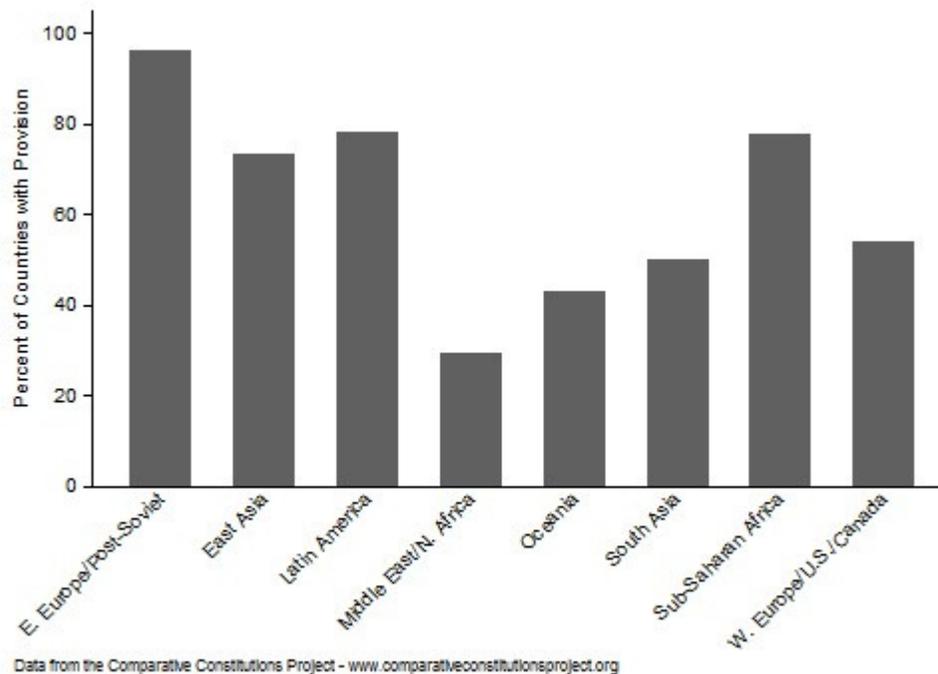


Table 1, below, classifies the references to the environment found in the 227 constitutional documents that provide for environmental protection. The overwhelming majority of texts obligate the state to protect or preserve the environment. A lesser, but still noteworthy, number of texts impose a similar duty on the people and/or enumerate a right of the people to enjoy the environment.

Table 1. References to the Environment (N=227)

Constitutional Provision	Number	Percentage
Duty of the state to protect	164	72%
Duty of the people to protect	89	39%
Right of the people to enjoy	70	31%
General reference	40	18%
Left to law	9	4%
Other	18	8%

Approximately half of the texts reviewed contain a single reference. Sixty-five texts contain two references while forty-five texts contain three references. Colombia 2005 and Cote d’Ivoire 2000 (see Sample Provisions Section 5.2 below) are among the few that contain four references.

The bulk of the texts classified as “other” reflect the fact that the references to the environment occur in the context of exceptions to prohibitions on property expropriation. The language of these provisions is remarkably similar across countries; the excerpt from Zimbabwe 2005 in Section 5.1, below, is representative.

Table 2. Environmental Protections (N=227)

Aspects of the Environment	Number	Percentage
Natural Resources	126	56%
Waters	63	28%
Land	62	27%
Fauna	59	26%
Minerals/Mines	45	20%
Flora	42	19%
Biodiversity or Ecosystem	35	15%
Soil/Sub-soil	34	15%
Air	28	12%
Nature	27	12%
Energy Resources	22	10%
Other	17	7%
Not Specified	45	20%

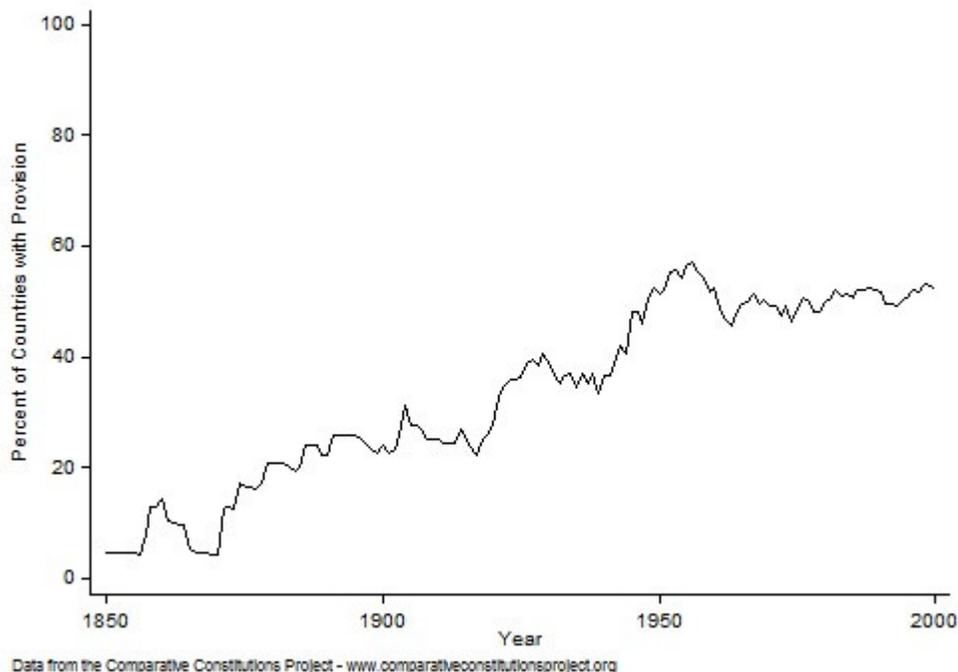
Table 2 lists the specific parts of the environment referred to in the 227 texts providing environmental protection. The “Waters” category includes references to the continental shelf and coastal areas. The “Land” category encompasses references to agricultural, grazing, pastoral and undeveloped land. References to fisheries, hunting, endangered species and rare wildlife are included in “Fauna”. In terms of energy resources, thirteen texts mention hydrocarbons, four cite hydroelectric power and

three refer to nuclear energy. Cambodia 1999 provides the sole instance of a constitutional reference to wind power.

Specific references to toxic or nuclear waste, as opposed to simple pollution, account for 2/3 of the “other” codings. References to the ozone layer and climate in the Venezuelan constitution of 1999 are also included in this category as is the mention of desertification in Burkina Faso 1988. General references to the natural environment, a healthy environment, or habitat were classified as “Not Specified” in the absence of any other references to the environment. The environmental provisions of the current Brazilian constitution are among the most extensive in identifying aspects of the environment subject to protection and are reproduced in their entirety in Section 5.2, below.

Constitutional language pertaining to resource ownership or possession has been steadily increasing since the mid-19th century as Figure 3, below, shows. There are noticeable jumps following the two world wars of the 20th century but the trend line is remarkably consistent.

Figure 3. Percent of Constitutions That Provide for Resource Ownership, by Year (N=550)



Overall, approximately 45% of the reviewed texts contain such provisions. The comparable percentage for in-force constitutions in the year 2000 is 52%. Figure 4, below, shows the regional distribution of these provisions. The Middle East/North Africa and East Asia regions have the highest proportion of constitutions with resource ownership provisions. With only 1/3 of its constitutions containing such provisions, the West European region lags all others.

Figure 4. Percent of Constitutions That Provide for Resource Ownership in 2000, by Region (N=182)

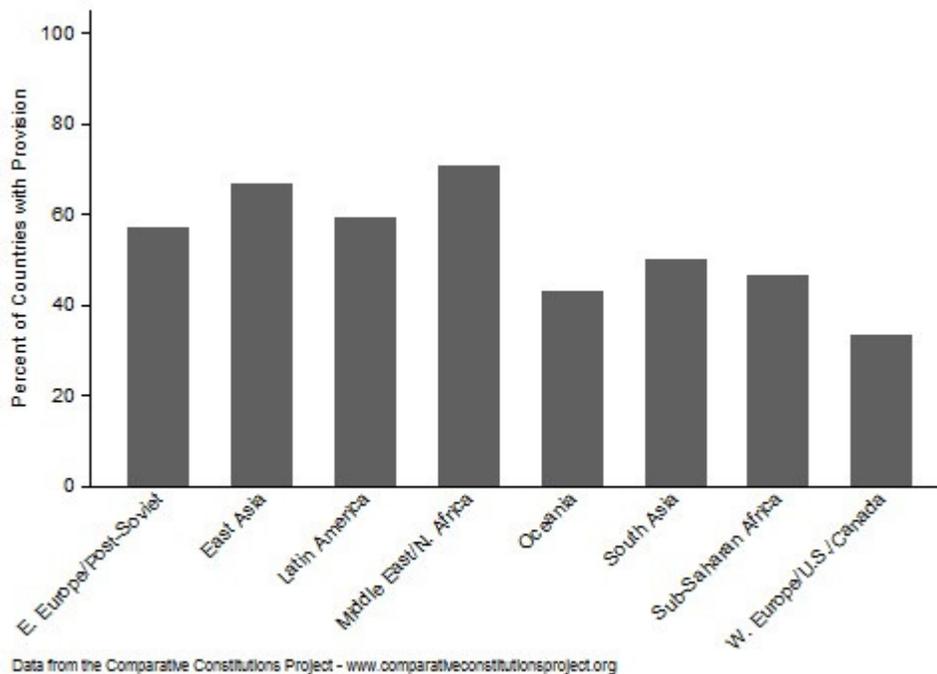


Table 3, below, details the types of resources identified in constitutions with ownership or possession provisions. Not surprisingly, energy and mineral resources were the most common types of resources singled out by these provisions. Waters and waterways, particularly the continental shelf and territorial waters, also feature prominently in texts.

Table 3. Ownership or Possession of Resources (N=282)

Aspects of the Environment	Number	Percentage
Minerals/Mines	191	68%
Energy Resources	147	52%
Water/Waterways	134	48%
Forests	76	27%
Land	67	24%
Air/Airways	36	13%
Natural Resources	29	10%
Fauna	15	5%
Other	11	4%
Flora	8	3%
Left to Law	7	2%

4. NOTES ON ATYPICAL CASES

Two cases, Philippines 1984 and Tibet 1991 (see Sample Provisions, Section 5.1 below), defy neat classification with regard to environmental protection and so received a coding of “other”. The Philippines constitution identifies environmental considerations as a development constraint but does not explicitly provide protection. Neither does the Tibetan constitution, which instead commits the state to educating the public on environmental issues.

Some constitutions frame the issue as a people’s right to environmental protection, while others refer to the right of the people to enjoy the environment. Belgium 2005 and Colombia 2005 (see Sample Provisions, Section 5.2 below) illustrate each of these interpretations. We consider these approaches as equivalent in our analysis.

An additional consideration in sorting and classifying cases was how to treat state regulatory power over the environment. With regard to environmental protection, the power to regulate was deemed sufficient for an affirmative coding (see Mauritania 2006 in Sample Provisions, Section 5.1 below). With regard to ownership of resources, however, a

different determination was made. The power of the state to regulate or manage resources was not considered equivalent to ownership but was included in the “other” category (see Austria 1932 and Uzbekistan 1992 in Sample Provisions, Section 5.3 below).

Article 34 of the French constitution makes environmental preservation a matter of ordinary law with no other details provided. However, the Charter for the Environment of 2004 is explicitly incorporated into the constitutional order by the Preamble. The Charter was not examined as part of this review.

The aforementioned Zimbabwean constitution of 2005, in addition to exemplifying classic expropriation language, also possesses the distinction of being the only reviewed text to vest energy, mineral and water resources in the person of the president rather than to the state or people at large (see Sample Provisions, Section 5.1 below).

5. SAMPLE CONSTITUTIONAL PROVISIONS

(Note: dates provided reflect the version of the constitution used to obtain sample provisions, and represent either initial year of promulgation or year through which subsequent amendments are included.)

The set of sample provisions is divided into sections on:

1. Environmental Protection
2. Rights and Duties Pertaining to the Environment
3. Resource Ownership or Possession

5.1. Environmental Protection

The Parliament legislates in the domains *[domaines]* attributed to it by the Constitution as well as the following fields *[domaines]*: ...

19. General rules relating to the environment and the standard of life and land management;

20. General rules relating to the protection of the fauna and flora;

22. The general system of forests and pasture lands;

23. The general water system;

24. The general system of mines and hydrocarbons;

- *Algeria 2002, Article 122.19–122.24*

...The state ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or individual by whatever means is prohibited.

- *China 2004, Article 9*

The state protects and improves the living environment and the ecological environment, and prevents and controls pollution and other public hazards. The state organizes and encourages forestation and the protection of forests.

- *China 2004, Article 26*

The law determines the fundamental principles of...the preservation of the environment;

- *France 2005, Article 34*

Mindful also of its responsibility toward future generations, the State protects also the natural bases of life and the animals within the framework of the constitutional order by legislation, and in accordance with law and justice, by executive and judicial power.

- *Germany 2002, Article 20a*

The Republic...safeguards the natural landscape and the historical and artistic heritage of the Nation.

- *Italy 2003, Article 9*

The following shall be the domain of the law...general regulation of water, mines and hydro-carbons, fishing and the merchant marine, fauna, flora and the environment;

- *Mauritania 2006, Article 57*

The Congress has the power (*facultad*)...To enact laws that establish the concurrence of the Federal, State, and Municipal governments, within their the limits of their respective competences, on matters concerning the protection of the environment and the preservation and restoration of ecological balance;

- *Mexico 2003, Article 73.XXIX-G*

The Batasang Pambansa, taking into account conservation, ecological, and developmental requirements of the natural resources, shall determine by law the size of lands of the public domain which may be developed, held or acquired by, or leased to, any qualified individual, corporation, or association, and the conditions therefore.

- *Philippines 1984, Article 14.11*

The joint jurisdiction of the Russian Federation and subjects of the Russian Federation includes...the management of natural resources, the protection of the environment and ecological safety; specially protected natural reserves;

- *Russia 1993, Article 72.1.e*

The public authorities shall concern themselves with the rational use of all natural resources for the purpose of protecting and improving the quality of life and protecting and restoring the environment, supporting themselves on an indispensable collective solidarity.

- *Spain 1992, Article 45.2*

A person shall enjoy the liberties to engage in an enterprise or an occupation and to undertake a fair and free competition.

The restriction on such liberties under Paragraph One shall not be imposed except by virtue of the law specifically enacted for...preserving natural resources or the environment...

- *Thailand 1997, Section 50*

The right of a person to share with the State and communities in the 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 protected, as provided by law.

Any project or activity which may seriously affect the quality of the environment shall not be permitted, unless its impacts on the quality of the environment have been studied and evaluated and opinions of an independent organization, consisting of representatives from private environmental organizations and from higher education institutions providing studies in the environmental field, have been obtained prior to the operation of such project or activity, as provided by law.

The right of a person to sue a Government agency, State agency, State enterprise, local administration or other State organization to perform the duties as provided by law under Paragraph One and Paragraph Two shall be protected.

- *Thailand 1997, Section 56*

The Tibetan Administration shall...educate people on environmental issues.

- *Tibet 1991, Article 18.1*

Subject to section sixteen A, no property of any description or interest or right therein shall be compulsorily acquired except under the authority of a law that—

(a) requires—

(i) in the case of land or any interest or right therein, that the acquisition is reasonably necessary for the utilization of that or any other land—

A. for settlement for agricultural or other purposes; or

B. for purposes of land reorganization, forestry, environmental conservation or the utilization of wild life or other natural resources;

- *Zimbabwe 2005, Article 16.1.a.i*

Nothing contained in or done under the authority of any law shall be held to be in contravention of subsection (1) [see above] to the extent that the law in question makes provision for the acquisition of any property or any interest or right therein in any of the following cases—

(f) by reason of the property in question being in a dangerous state or prejudicial to the health or safety of human, animal or vegetable life or having been constructed or grown on any land in contravention of any law relating to the occupation or use of that land;...

(l) in the case of land, for so long only as may be necessary for the purpose of the carrying out thereon of—

(i) work for the purpose of the conservation of natural resources of any description; or

(ii) agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable or lawful excuse refused or failed, to carry out;...

(n) for the purposes of, or in connection with, the prospecting for or exploitation of minerals, mineral oils, natural gases, precious metals or precious stones which are vested in the President on terms which provide for the respective interests of the persons affected;

(o) for the purposes of, or in connection with, the exploitation of underground water or public water which is vested in the President on terms which provide for the respective interests of the persons affected;...

- *Zimbabwe 2005, Article 16.7*

5.2. Rights and Duties Pertaining to the Environment

Everyone has the right to lead a life worthy of a human being...These rights in particular include: ...The right to the protection of a sound environment.

- *Belgium 2005, Article 23.4*

Everyone has the right to an ecologically balanced environment, which is a public good for the people's use and is essential for a healthy life. The Government and the community have a duty to defend and to preserve the environment for present and future generations.

§ 1°. To assure the effectiveness of this right, it is the responsibility of the Government to:

- I – preserve and restore essential ecological processes and provide for ecological management of species and ecosystems;
- II – preserve the diversity and integrity of the Country's genetic patrimony and to supervise entities dedicated to research and manipulation of genetic material;
- III – define, in all units of the Federation, territorial spaces and their components that are to be specially protected, with any change or suppression permitted only through law, prohibiting any use that compromises the integrity of the characteristics that justify their protection;
- IV – require, as provided by law, a prior environmental impact study, which shall be made public, for installation of works or activities that may cause significant degradation of the environment;
- V – control production, commercialization and employment of techniques, methods and substances that carry a risk to life, the quality of life and the environment;
- VI – promote environmental education at all levels of teaching and public awareness of the need to preserve the environment;

VII – protect the fauna and the flora, prohibiting, as provided by law, all practices that jeopardize their ecological functions, cause extinction of species or subject animals to cruelty.

§ 2°. Those who exploit mineral resources are obligated to restore any environmental degradation, in accordance with technical solutions required by the proper governmental agencies, as provided by law.

§ 3°. Conduct and activities considered harmful to the environment shall subject the infractors, be they individuals or legal entities, to criminal and administrative sanctions, irrespective of the obligation to repair the damages caused.

§ 4°. The Brazilian Amazonian Forest, the Atlantic Forest, the Serra do Mar, the Pantanal of Mato Grosso, and the Coastal Zone are part of the national patrimony, and they shall be utilized, as provided by law, under conditions assuring preservation of the environment, including use of natural resources.

§ 5°. Lands necessary to protect natural ecosystems, which are vacant or which have reverted to the States through discriminatory actions, are inalienable.

§ 6°. Power plants with nuclear reactors shall be located as defined in federal law and may not be installed otherwise.

- *Brazil 2005, Article 225*

Public health and environmental protection are public services for which the State is responsible...

- *Colombia 2005, Article 49*

Every individual has the right to enjoy a healthy environment. The law will guarantee the community's participation in the decisions that may affect it.

It is the duty of the State to protect the diversity and integrity of the environment, to conserve the areas of special ecological importance, and to foster education for the achievement of these ends.

- *Colombia 2005, Article 79*

The following are duties of the individual and of the citizen...To protect the country's cultural and natural resources and to keep watch that a healthy environment is being preserved;

- *Colombia 2005, Article 95.8*

The right to a healthy environment is recognized to all.

- *Cote d'Ivoire 2000, Article 19*

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.

- *Cote d'Ivoire 2000, Article 28*

The State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country.

- *India 2006, Article 48a*

The State has exclusive legislative power with respect to the following matters: ...the protection of the environment, the ecosystem...

- *Italy 2003, Article 117.s*

Everyone is obligated to preserve nature and the environment, and care for natural wealth.

- *Russia 1993, Article 58*

We declare our fourth goal to be for Papua New Guinea's natural resources and environment to be conserved and used for the collective benefit of us all and be replenished for the benefit of future generations.
WE ACCORDINGLY CALL FOR—

(1) wise use to be made of our natural resources and the environment in and on the land or seabed, in the sea, under the land, and in the air, in the interests of our development and in trust for future generations; and
(2) the conservation and replenishment, for the benefit of ourselves and posterity, of the environment and its sacred, scenic, and historical qualities; and
(3) all necessary steps to be taken to give adequate protection to our valued birds, animals, fish, insects, plants and trees..

- *Papua New Guinea 2006, Article 4*

Everyone has the right—

(a) to an environment that is not harmful to their health or well-being;
(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 Africa 2003, Article 24*

Everyone has the right to enjoy an environment suitable for the development of the person as well as the duty to preserve it.

- *Spain 1992, Article 45.1*

Every person shall have a duty to...conserve natural resources and the environment, as provided by law.

- *Thailand 1997, Section 69*

The State shall promote and encourage public participation in the preservation, maintenance and balanced exploitation of natural resources and biological diversity and in the promotion, maintenance and protection of the quality of the environment in accordance with the persistent development principle as well as the control and elimination of

pollution affecting public health, sanitary conditions, welfare and quality of life.

- *Thailand 1997, Section 79*

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.

Everyone is guaranteed the right of free access to information about the environmental situation, the quality of food and consumer goods, and also the right to disseminate such information. No one shall make such information secret.

- *Ukraine 2004, Article 50*

It is a right and a duty of each generation to protect and maintain the environment for its own benefit and for the future world. Every person has a right to individually and collectively enjoy a life and a safe, healthy and ecologically balanced environment. The State will protect the environment, the biological [diversity], genetic diversity, ecological processes, national parks and natural monuments and other areas of special ecological importance. The genome of living beings may not be patented, and the law which refers to the bio-ethical principles will regulate the matter.

It is a fundamental obligation of the State, with the active participation of society, to guarantee that the population develops in an environment free of contamination, where the air, the water, the coasts, the climate, the ozone layer, [and] the living species are especially protected, in conformity with the law.

- *Venezuela 1999, Article 127*

5.3. Resource Ownership of Possession

(1) Mines, underground resources are properties of the state.

(2) Protection, use, management, and mode of utilization of the public properties shall be regulated by law.

- *Afghanistan 2004, Article 9*

Public property is an asset of the national collectivity. It encompasses the subsoil, the mines and quarries, the sources of natural energy, the mineral, natural and living resources of the different zones, the national maritime zone, the waters and the forests.

- *Algeria 2002, Article 17*

(1) The Federal State shall have powers of legislation and execution in respect to the following matters: ...Mining; forestry including rafting; water rights; regulation and maintenance of waterways serving for diversion of high floods or for navigation and rafting; regulation of torrents;

- *Austria 1932, Article 10.1.j*

Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land and beaches that are owned by collectives in accordance with the law...

- *China 2004, Article 9*

The Parliament must make provision granting to the owners of land or of registered customary fishing rights an equitable share of royalties or other moneys paid to the State in respect of the grant by the State of rights to extract minerals from the land or the seabed.

- *Fiji 1998, Article 186.3*

Land, natural resources, and means of production may be transferred for the purpose of socialization to public ownership or other forms of public enterprise by a law that determines the nature and extent of compensation.

- *Germany 2002, Article 15*

The Federation is the owner of the former Reich waterways.

- *Germany 2002, Article 89.1*

Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union

(1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

- *India 2006, Article 297*

This Constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination and, as a result, their autonomy to...Enjoy, with respect to the forms and categories of property and land usage established in this Constitution and the laws regarding these as well as to any rights acquired by third parties or by members of the community, the preferential use of natural resources in the territories that these communities occupy and in which they live, except for those that correspond to strategic areas as determined by this Constitution. Communities may associate with others for these purposes consistent with the terms of the law.

- *Mexico 2003, Article 2.A.VI*

Ownership of the lands and waters within the boundaries of the national territory is vested originally in the Nation, which has had, and continues to have, the right to transmit title thereof to private persons, thereby constituting private property...

The Nation has direct ownership of all natural resources of the continental shelf and the submarine shelf of the islands; all minerals or

substances that are in veins, layers, or masses; beds of ore that constitute deposits naturally distinct from the components of the earth itself, such as the minerals from which industrial metals and metalloids are derived; deposits of precious stones; rock salt, and the salt deposits formed by sea water; products derived from the decomposition of rocks when subterranean works are required for their extraction; mineral or organic deposits of materials susceptible of utilization as fertilizers; solid mineral fuels; petroleum and all solid, liquid and gaseous hydrocarbons; and the space above the national territory, to the extent and within the terms established by international law...

In the cases referred to in the preceding two paragraphs, ownership by the Nation is inalienable and imprescriptible, and the exploitation, use, or appropriation of these resources, by private individuals or by companies organized according to Mexican laws, may not be undertaken except through concessions granted by the Federal Executive in accordance with the rules and conditions established by law.

- *Mexico 2003, Article 27*

The joint jurisdiction of the Russian Federation and subjects of the Russian Federation includes...issues concerning the possession, use and management of the land, mineral resources, water and other natural resources;

- *Russia 1993, Article 72.1.c*

Persons so assembling as to be a traditional community shall have the right to...participate in the management, maintenance, preservation and exploitation of natural resources and the environment in a balanced fashion and persistently as provided by law.

- *Thailand 1997, Section 46*

The land, its minerals, fauna and flora, as well as other natural resources shall constitute the national wealth, and shall be rationally used and protected by the state.

- *Uzbekistan 1992, Article 55*

Mining and hydrocarbon sites, whatever their nature may be, existing in the national territory, under the bed of the territorial sea, in the exclusive economic zone and in the continental shelf, belong to the Republic, are assets of the public domain and, therefore, are inalienable and imprescriptible. The maritime coasts are assets of the public domain.

- *Venezuela 1999, Article 12*

All the waters are assets of the public property of the Nation, irreplaceable for life and development. The law will establish the provisions necessary in order to guarantee their protection, use and recuperation, respecting the phases of the hydrologic cycle and the criteria of planning of the territory.

- *Venezuela 1999, Article 304*

6. APPENDIX

This report is based on the following question(s) from the Comparative Constitution Project's "survey instrument":

[ENV] Does the constitution refer to protection or preservation of the environment?

1. Yes
2. No
96. other, please specify in the comments section
97. Unable to determine

[ENVREF] How does the constitution refer to the environment?

1. Duty of the State to Protect
2. Duty of the People to Protect
3. Right of the People to Enjoy
4. General Reference
90. left explicitly to non constitutional law
96. other, please specify in the comments section

- 97. Unable to determine
- 98. Not Specified

[ENVPART] Which specific parts of the environment does the constitution refer?

- 1. explicit reference to natural resources
- 2. nature
- 3. air
- 4. mountains
- 5. forests
- 6. waters
- 7. soil
- 8. fauna
- 9. flora
- 10. land
- 11. biodiversity or ecosystem
- 12. minerals or mines
- 13. energy resources
- 90. left explicitly to non constitutional law
- 96. other, please specify in the comments section
- 97. Unable to determine
- 98. Not Specified

Instructions: A general reference to the environment or natural environment should be ignored or coded Not Specified if there is no other reference to the environment in the text. References to coasts, seashores or the continental shelf should be coded Waters with a comment. Code references to hunting, fishing or fisheries as Fauna and comment. Comment all qualifiers such as sub soil, undeveloped land, type of energy resource mentioned etc.

[RESRCE] Does the constitution refer to ownership or possession of natural resources (such as minerals, oil, etc)?

- 1. Yes
- 2. No
- 96. other, please specify in the comments section

97. Unable to determine

[RESRCES] Which specific natural resources does the constitution refer to?

1. energy resources
2. mineral resources
3. land
4. waterways
5. forests
6. fauna
7. flora
8. air/airways
9. explicit reference to natural resources
10. soil
90. left explicitly to non constitutional law
96. other, please specify in the comments section
97. Unable to determine
98. Not Specified

Instructions: References to coasts, seashores or the continental shelf should be coded Waters with a comment. Code references to wildlife or fisheries as Fauna and comment. Comment all qualifiers such as sub soil, undeveloped land, type of energy resource mentioned etc.

For additional documentation on the Comparative Constitutions Project, (including the full codebook, the sample, the sources of constitutional texts and translation issues related to those texts, coding procedures, publicly available data, etc.) please visit the project website at www.comparativeconstitutionsproject.org.