

Law 287
24th of February 2022

Which recognizes the rights of Nature and the duties of the State in relation to said rights.

**THE NATIONAL ASSEMBLY
DECREES:**

**Chapter 1
General Dispositions**

Article 1. This law has as its object the recognition of Nature as a subject of rights, as well as the obligations the State and all people have, natural or legal, to guarantee the respect and protection of these rights.

The State must ensure through its legal ordering, public politics and programmes, a sustainable use of the environmental benefits from Nature, preventing and controlling those factors which lead to environmental degradation, the imposition of sanctions and restoration for harm caused.

Moreover it must promote participation and responsibility on behalf of businesses and citizens on the matter, as well as access to information and justice relating to environmental concerns.

Article 2. For the effects of application of the present Law, the following terms and concepts should be understood as follows:

1. *Environment.* Collective or system of natural and artificial elements of physical, chemical, biological or sociocultural nature that interacts constantly and is permanently modified by human or natural action, that governs and conditions the existence and development of life in its multiple manifestations.
2. *Regenerative Capacity.* The faculty of Nature to recover itself after suffering alterations and which simultaneously ensures the sustainability of its resources over the course of time.
3. *Vital cycles.* Natural processes that recycle elements into different chemical forms from the environment into organisms and vice versa.
4. *Conservation.* Set of human activities whose goal is to guarantee the sustainable use of the environment, including measures of preservation, maintenance, rehabilitation, management and improvement of natural resources in the surroundings.
5. *Contamination.* Presence in the environment, due to human activity, of any chemical substance, object, particle, microorganism, energy form or component in urban or rural landscapes, at a level or proportion that negatively alters the environment and/or threatens human, animal or vegetable health or ecosystems.

6. *Cosmovision*. Way of understanding and interpreting the relationship between human beings and Nature.
7. *Biological diversity or biodiversity*. Variability of live organisms from any source, including among others terrestrial and marine ecosystems. Found within each species and between species and ecosystems.
8. *Ecosystem*. Dynamic complex of communities of plants, animals, fungi and microorganisms and their inert environment that interact as a functional whole.
9. *Diffuse interest*. That which is disseminated within a collective, corresponding to each of its members and which does not stem from property titles, rights of concrete actions.
10. *Indigenous peoples*. Distinct social and cultural groups that share ancestral links to the land and to the natural resources where they live, on which they depend and that are narrowly linked to their identity, culture and means of subsistence as well as their physical and spiritual wellbeing.
11. *Environmental Risk*. Capacity of any type of action that due to its location, characteristics and effects generates the possibility of causing harm to the surroundings or to the ecosystems.
12. *Sustainability*. Satisfaction of actual needs without compromising the capacity of future generations to satisfy their needs, guaranteeing an equilibrium between economic growth, care of the environment and social wellbeing.

Article 3. The State must respect Nature in its existence integrally, due to its intrinsic value and the enjoyment of present and future generations.

For the effects of this Law, Nature is a collective entity, indivisible and self-regulated, shaped by its elements, biodiversity and interrelated ecosystems.

Article 4. Recognizing the right of every person to a healthy environment in harmony with Nature for its development, health and wellbeing and its close link to the rights of Nature recognized in this law.

Article 5. Every natural or legal person, individually or in legal association has active legitimacy, in virtue of the diffuse interest that Nature represents, to demand the respect and fulfilment of rights and obligations established in this Law in the presence of administrative and legal instances on a national level.

Article 6. Nature must benefit from the protection and respect of the State and its inhabitants must assist the competent authorities when they have the knowledge of possible actions or events that may generate risk or harm to the environment, with the aim of assuring its permanence, restoration and regeneration of its vital cycles, as well as the conservation of its structures and ecological functions.

Article 7. The State will ensure the application of all administrative, legal and/or technical measures, among others, necessary to prevent and restrict the effects of human activities that may contribute to the extinction of species, the destruction of ecosystems or the permanent alteration of natural or climactic cycles, including, but not limited to, the unsustainable extraction of natural resources, unsustainable fishing

and the detriment of threatened species or those at risk of extinction, the emission of greenhouse gases, deforestation and other human activities that affect Nature.

Article 8. This Law will be governed by the following principles:

1. The superior interest of Nature: the special protection of fundamental rights of Nature, rooted in its intrinsic value, due to its vulnerability facing human activities that may alter its ecological and vital cycles.
2. *In dubio pro natura*: with the aim of protecting Nature when it is in a vulnerable situation in any conflict or controversy, that interpretation must prevail which applies the widest and most favourable sense of safeguarding and guaranteeing the rights of Nature as well as the preservation of the environment. In case of any doubt, legal vacuum or contradiction in the tribunal process, administrative part or in other institutions with decisive power, they must be resolved giving preference to the alternatives that are least damaging to Nature.
3. *In dubio pro aqua*: In congruence with the principle of *In dubio pro natura*, in case of uncertainty, the environmental and hydric controversies presented afore jurisdictional and administrative parts must be settled, and the applicable laws interpreted in the manner which protects and preserves to the highest degree the hydric resources and related ecosystems.
4. Prevention: faced with imminent danger or risk, necessary measures of prevention, evaluation, follow-up and control will be taken to avoid the affectation of the rights of Nature. If as a result of the evaluation on behalf of the authorities it is determined that there will be a significant affectation to the rights of Nature, these may be protected through the principle of precaution in those corresponding cases.
5. Precaution: When the danger of loss, harm or significant affectation to Nature, albeit without plain evidence or scientific certainty, this may not be used as a reason to postpone the adoption of certain effective and opportune protective measures for the defence of the rights of Nature.
6. Restoration: the State will guarantee that the Nature which has been affected can be restored integrally with the purpose of rehabilitating its functionality, recovering its evolutive processes, its structure and functions in an integral manner. The aforementioned takes place with no prejudice to the right of repetition of the State against those responsible for the harm caused. The cosmovision and the ancestral knowledge of the indigenous people of the country must be an integral part of the interpretation and application of the rights of Nature.

Article 9. The State will destine the financial resources necessary to guarantee the full implementation and fulfilment of rights and obligations contained in this Law, recognizing that the correct inversion of these financial resources will generate direct and indirect benefits to the health and wellbeing of the population.

Chapter II

Rights of Nature

Article 10. The State recognizes the following minimum rights of Nature, that extend to all living beings, elements and ecosystems of which it is composed:

1. The right to exist, persist and regenerate their vital cycles.
2. The right to diversity of life of the beings, elements and ecosystems of which it is composed.
3. The right to preservation of functionality of the cycles of water, an existence in quantity and quality necessary for the sustenance of life systems.
4. The right to the preservation of the quality and composition of the air for the sustenance of life cycles and their protection against contamination.
5. The right to opportune and effective restoration of the life systems affected directly or indirectly by human activities.
6. The right to exist free from contamination of any of its components, as well as toxic and radioactive residues generated by human activities. Nature has the right to live, exist and persist under its own framework of

balanced development where each part of the interconnected process that keeps it alive, be it the biological diversity or its components, may fulfil their function within it.

Article 11. Nature has the right to regenerate its vital cycles bearing in mind its capacities of preservation and regeneration, in such a way that it will not lead to an imbalance of the development and integral maintenance of its natural cycles nor evolution of ecosystems.

Article 12. Nature has the right to preserve its biodiversity. Its living beings must be protected by law, independently from their utilitarian value to human beings.

Article 13. The sustainable use of the elements that make up Nature will be authorized by the State, within the framework of sustainability and respect for the rights contemplated in the binding legal order.

The State will ensure that these principles and environmental norms regarding the granting of permits and licenses will be obeyed.

Article 14. Nature has the right to be restored after it has been directly or indirectly affected by any human activity. This right must be guaranteed by the State, independently from what may be repeated in posterity against the natural or legal person who has caused the harm.

Article 15. The matters relative to the regulation of biotechnology and genetic modifications will be governed by that set out in the Agreement on Biological Diversity, the Protocol of Cartagena on the Security of Biotechnology of the Agreement on Biological Diversity, and the Protocol of Nagoya over Access to Genetic Resources and Just and Equitable Participation in the Benefits derived from their Utilization to the Agreement on Biological Diversity, approved by Panama through Law 2 of 1995, Law 72 of 2001 and Law 57 of 2012 respectively.

Article 16. The State, through all its institutions, has the following obligations derived from the rights recognized in this Law:

1. To assure that all its plans, politics and programmes are in accord with the rights and obligations recognized in this Law.
2. To promote the full application and fulfilment of the rights and obligations recognized in this Law.
3. To ensure the participation of the population, with special attention on groups in a vulnerable situation with the objective of guaranteeing the respect of the rights of Nature.
4. To develop balanced forms of production and patterns of consumption to the satisfaction of the needs of the population, safeguarding the capacity of regeneration, the integrity of the cycles, processes and vital balance of Nature.
5. To develop energy politics to ensure in the long-term, rising efficiency and the incorporation of alternative, clean and renewable sources within the energetic headquarters.
6. To incorporate the teaching of the rights of Nature in programmes of environmental education.
7. To promote the recognition and defence of the rights of Nature in the multilateral, regional and bilateral realm of international relations.

Chapter III

Final Dispositions

Article 17. The present Law will be regulated by the Executive Organ.

Article 18. This Law will begin to rule a year after its promulgation.

COMMUNICATE AND FULFIL IT.

Project 471 of 2020 approved in the third debate in the Palacio Justo Arosemena, city of Panama, the twenty-fifth day of the month of October in the year twenty twenty-one.

The President,

Crispiano Adames Navarro

The Secretary General,

Quibian T. Panay G.