

Environmental Rights

On 15 December 1970 the voters of the state of Illinois adopted a new constitution. The following statements concerning the environment are incorporated in that constitution:

"The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy."

"Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law."

Statements identical or equivalent to these ought to be incorporated into the new constitution now being prepared by the North Dakota Constitutional Convention. It should be the responsibility of the State to encourage the wise use and the proper preservation of natural resources thereby enabling man and nature to enjoy a harmonious relationship. Surely now we recognize that such a relationship is beneficial to man's physical, emotional, spiritual and economic well-being and also makes possible a productive and creative society for present and future generations.

The citizens of North Dakota have a fundamental right to live in such an environment and to benefit from the proper development and protection of its natural resources. They also have a right to expect, both now and in the future, that population changes and economic developments will not further diminish the State's priceless scenic and natural endowment. Unplanned population growth and unwise economic development disrupt the natural environment and threaten the stability of the life-giving ecological balance upon which man and his world depend. What shall we profit if we achieve technological development at the price of hazy skies, fouled waters, urbanized landscape and decimated wildlife?

While we should have a right to a decent environment, merely incorporating the requisite words in the State Constitution will not assure any such environment. The Constitution must also give to citizens the right to sue in the public interest to rectify environmental degradation. North Dakota law does not now permit this because, if everyone suffers equally, none is entitled to sue. Thus, a statement in the Constitution endorsing the citizen's right to sue to remove a condition endangering or adversely affecting his or her life, health or welfare is essential in order to fulfill the right to a decent environment.

Our present Constitution is loaded with references to specific interests including several concerning the environment, but there is no general statement on environmental protection. This stems from the pioneers' lack of concern for protection of a natural environment that was still abundant. Today, with nature almost totally replaced by agricultural and urban developments, the need for continual awareness of environmental protection is urgent. We would be well advised to emulate Illinois.

—Paul B. Kannowski