Category: **Obligation to Provide Access to Legal Remedies; Substantive Obligations**

Sub-Category: **Court Decisions**

Name of Good Practice: ***Mendoza Beatriz Silva v. National Government of Argentina***

Key Words: Jurisprudence, Accountability, Access to Justice, Remedy, Constitutional Right to Environment, Constitutional Court

**Implementing Actors:** Court: Argentina Supreme Court

**Location:** Argentina

**Description:** Section 41 of Argentina’s Constitution states: “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.”

In *Mendoza Beatriz Silva and Others v. National Government of Argentina and Others in regards to damages suffered* (2008), a group of concerned residents of the Matanza-Riachuelo River basin filed a complaint against the national government, the province and city of Buenos Aires as well as private companies, based in part on the constitutional right to a healthy environment, seeking compensation for damages from pollution of the basin, stoppage of contaminating activities, and a remedy for collective environmental damage.

After providing initial rulings in 2006 requiring the government to conduct an environmental assessment and in 2007 ordering the government to establish a comprehensive clean-up and restoration plan for the river, the Court issued a comprehensive final ruling in 2008, in which it identified three main objectives for the clean-up effort and ordered the defendants to undertake a wide range of remedial actions. The objectives set by the Court for the clean-up programme included the improvement of the quality of life for the inhabitants of the basin and the environmental restoration of all the river basin’s components. The Court also ordered the River Basin Authority to carry out the clean-up programme subject to judicial oversight and to include the national government, the province of Buenos Aires and the city of Buenos Aires as members of the Authority. The Court ordered the Authority to assume responsibility for any non-compliance or delays, noting that the failure to comply with any of the established deadlines under the clean programme will result in the imposition of a daily fine on the president of the River Basin Authority.

 **Further Information**: See decisions at: <http://www.escr-net.org/sites/default/files/Sentencia_CSJN_2008_spanish.pdf>; for an English translation of the decision, see: <http://www.escr-net.org/sites/default/files/Sentencia_CSJN_2008_english.pdf>.