

Nature's Right to Restoration in Ecuador and their Equivalents in Chilean Environmental Lawsuits

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Abstract

Under the influence of the Constitution of Ecuador, different proposals call for a recognition of the rights of nature in Chilean law, including the right to its restoration. Despite the novelty that this process has entailed, Chilean law has different techniques that allow observation of its proximity to the solutions applicable in that country. This proximity is not produced by the recognition of the rights of nature, but by the imposition of legal burdens and obligations that positively affect their conservation. This approach allows appreciation of the consecration of a different model, built on the basis of different legal imperatives, which allow a comparative efficiency to be achieved. © 2023 Universidad Externado de Colombia. All rights reserved.

Author keywords

ecological damage; Environmental damage; environmental reparation; restoration of nature; rights of nature