

A photograph of a dense forest with sunlight filtering through the trees, creating a dappled light effect on the ground and foliage. The trees are tall and thin, with green leaves. The ground is covered in brown leaves and twigs.

# The Global Emergence of Constitutional Environmental Rights

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# Constitutional Environmental Rights

**John J. Dinan**



## **Constitutional Environmental Rights:**

Constitutional Environmental Rights Tim Hayward, 2005 This book shows why a fundamental right to an adequate environment ought to be provided in the constitution of any modern democratic state It explains why the right to an environment adequate for one's health and well being is a genuine human right and why it ought to be constitutionalised

Principles of Constitutional Environmental Law James R. May, 2011 Constitutional dimensions are at the heart of many environmental and energy law cases and policies This comprehensive provides an authoritative account and analysis of the growing intersection of constitutional and environmental law with chapters featuring a useful practice tip and concluding with a relevant case study Beginning with an introduction to the field of constitutional environmental law chapters examine federal and state authority respecting environmental law and policy judicial review individual and emerging constitutional issues in environmental law

Implementing Environmental Constitutionalism Erin Daly, James R. May, 2018-11-08 Constitutions can play a central role in responding to environmental challenges such as pollution biodiversity loss lack of drinking water and climate change The vast majority of people on earth live under constitutional systems that protect the environment or recognize environmental rights Such environmental constitutionalism however falls short without effective implementation by policymakers advocates and jurists Implementing Environmental Constitutionalism Current Global Challenges explains and explores this implementation gap This collection is both broad and deep While some of the essays analyze crosscutting themes such as climate change and the need for rule of law that affect the implementation of environmental constitutionalism throughout the world others delve deeply into geographically contextual experiences for lessons about how constitutional environmental law might be more effectively implemented This volume informs global conversations about whether and how environmental constitutionalism can be made more effective to protect the natural environment

Constitutional Environmental Law, 2007 Over the past decades and especially since the 1992 Earth Summit many African countries have incorporated environmental provisions into their constitutions This volume updated and expanded from the original 2000 publication analyzes the constitutional environmental law provisions in Africa It also examines cases from Africa and elsewhere around the world that interpret and apply such provisions

**Global Environmental Constitutionalism** James R. May, Erin Daly, 2015 *The Global Emergence of Constitutional Environmental Rights* Joshua C. Gellers, 2017-05-18 Over the past 40 years countries throughout the world have similarly adopted human rights related to environmental governance and protection in national constitutions Interestingly these countries vary widely in terms of geography politics history resources and wealth This raises the question why do some countries have constitutional environmental rights while others do not Bringing together theory from law political science and sociology a global statistical analysis and a comparative study of constitutional design in South Asia Gellers presents a comprehensive response to this important question Moving beyond normative debates and anecdotal developments in case

law as well as efforts to describe and categorize such rights around the world this book provides a systematic analysis of the expansion of environmental rights using social science methods and theory The resulting theoretical framework and empirical evidence offer new insights into how domestic and international factors interact during the constitution drafting process to produce new law that is both locally relevant and globally resonant Scholars practitioners and students of law political science and sociology interested in understanding how institutions cope with complex problems like environmental degradation and human rights violations will find this book to be essential reading The Global Emergence of Constitutional Environmental Rights Joshua C. Gellers, 2017-05-18 Over the past 40 years countries throughout the world have similarly adopted human rights related to environmental governance and protection in national constitutions Interestingly these countries vary widely in terms of geography politics history resources and wealth This raises the question why do some countries have constitutional environmental rights while others do not Bringing together theory from law political science and sociology a global statistical analysis and a comparative study of constitutional design in South Asia Gellers presents a comprehensive response to this important question Moving beyond normative debates and anecdotal developments in case law as well as efforts to describe and categorize such rights around the world this book provides a systematic analysis of the expansion of environmental rights using social science methods and theory The resulting theoretical framework and empirical evidence offer new insights into how domestic and international factors interact during the constitution drafting process to produce new law that is both locally relevant and globally resonant Scholars practitioners and students of law political science and sociology interested in understanding how institutions cope with complex problems like environmental degradation and human rights violations will find this book to be essential reading *Constitutional Environmental Law* Cesar Landa, 2025-02-01 El cuidado y la conservaci n del medioambiente se ha vuelto una preocupaci n central de la humanidad El cambio clim tico ha despertado en las sociedades la inquietud de que el cuidado de la naturaleza ya no es solo un quehacer rom ntico sino un acto de supervivencia El Estado constitucional contempor neo tambi n ha volteado la mirada hacia la cuesti n ambiental y la manera en c mo la depredaci n de la naturaleza incide directamente en la vida de las personas La primera parte de este libro aborda el rol del Estado en el medioambiente desde la evoluci n de los modelos del Estado de derecho y el medioambiente hasta la incorporaci n de la justicia ambiental como un nuevo modelo estatal La segunda parte se centra en la relaci n Constituci n y medioambiente a partir de elementos centrales que identifican los fundamentos naturales de la vida y los procesos de constitucionalizaci n para su protecci n La tercera parte se centra en la relaci n entre los pueblos ind genas y el medioambiente por cuanto estos pueblos originarios tienen un reconocimiento constitucional pero no as su defensa en las tareas de protecci n del medioambiente siendo los principales defensores de la naturaleza y su h bitat lo que beneficia a todos **Routledge Handbook of International Environmental Law** Shawkat Alam, 2013 This handbook is an advanced level reference guide which provides a

comprehensive and contemporary overview of the corpus of international environmental law IEL **Principles of Constitutional Environmental Law** James R. May, 2014 **The Constitution of the Environmental Emergency** Jocelyn Stacey, 2018-04-19 This book argues for a reframing of environmental law. It starts from the premise that all environmental issues confront lawmakers as emergencies. Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict which issues contain the possibility of an emergency and what to do in response to such an unforeseen event. These features undermine the conventional understanding of the rule of law. This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification. This requirement recentres the debates in environmental law around the question of why governance under the rule of law is something worth having in the environmental context. It elaborates what the rule of law requires of decision makers in light of our ever present vulnerability to catastrophic environmental harm. Controversial, compelling and above all timely, this book presents an important new perspective on environmental law. The Environmental Rights Revolution David R. Boyd, 2011-11-29 The right to a healthy environment is the subject of extensive philosophical debates that revolve around a key question: Should rights to clean air, water and soil be entrenched in law? This pioneering book answers this by moving beyond theoretical debate to measure the practical effects of enshrining the right in constitutions. David Boyd analyzes 193 constitutions and the laws and court decisions of more than 100 nations in Europe, Latin America, Asia and Africa. He reveals that nations with constitutional protections have stronger environmental laws, enhanced enforcement, greater government accountability and better access to justice, information and public participation in decision making than nations without such provisions. As a result, they demonstrate superior environmental performance and have smaller ecological footprints. Boyd not only demonstrates that constitutionalizing environmental protection has the power to make sustainability a priority; he tells inspiring stories about the difference the right to a healthy environment is making in people's lives. *The American State Constitutional Tradition* John J. Dinan, 2006 The first comprehensive study of all 114 state constitutional conventions for which there are records from Connecticut's in 1818 to New Hampshire's in 1984. By integrating state constitution makers with the federal constitutional tradition, this path-breaking work yields a superior understanding of how American citizens have chosen to govern themselves. **Environmental Law and Governance for the Anthropocene** Louis Kotzé, 2017-06-15 The era of eco crises signified by the Anthropocene trope is marked by rapidly intensifying levels of complexity and unevenness which collectively present unique regulatory challenges to environmental law and governance. This volume sets out to address the currently under-theorised legal and consequent governance challenges presented by the emergence of the Anthropocene as a possible new geological epoch. While the epoch has yet to be formally confirmed, the trope and discourse of the Anthropocene undoubtedly already confront law and governance scholars with a unique challenge concerning the need to question and ultimately re-imagine environmental law and

governance interventions in the light of a new socio ecological situation the signs of which are increasingly apparent and urgent This volume does not aspire to offer a univocal response to Anthropocene exigencies and phenomena Any such attempt is in any case unlikely to do justice to the multiple implications and characteristics of Anthropocene forebodings What it does is to invite an unrivalled group of leading law and governance scholars to reflect upon the Anthropocene and the implications of its discursive formation in an attempt to trace some initial often radical future facing and imaginative implications for environmental law and governance

**Human Rights and the Environment** Sumudu Atapattu, Andrea Schapper, 2019-03-08 The field of human rights and the environment has grown phenomenally during the last few years and this textbook will be one of the first to encourage students to think critically about how many environmental issues lead to a violation of existing rights Taking a socio legal approach this book will provide a good understanding of both human rights and environmental issues as well as the limitations of each regime and will explore the ways in which human rights law and institutions can be used to obtain relief for the victims of environmental degradation or of adverse effects of environmental policies In addition it will place an emphasis on climate change and climate policies to highlight the pros and cons of using a human rights framework and to underscore its importance in the context of climate change As well as identifying emerging issues and areas for further research each chapter will be rich in pedagogical features including web links to further research and discussion questions for beyond the classroom Combining their specialisms in law and politics Atapattu and Schapper have developed a truly inter disciplinary resource that will be essential for students of human rights environmental studies international law international relations politics and philosophy

Environmental Rights Stephen J. Turner, Dinah L. Shelton, Jona Razzaque, Owen McIntyre, James R. May, 2019-05-23 A comprehensive and systematic guide to environmental rights and their relationship with standards of protection globally nationally and locally

The Right to a Healthy Environment David R. Boyd, 2012-10-03 Canada has abundant natural wealth beautiful landscapes vast forests and thousands of rivers and lakes The land defines Canadians as a people yet the country has one of the worst environmental records in the industrialized world Building on his previous book The Environmental Rights Revolution 2012 David R Boyd one of Canada s leading environmental lawyers describes how recognizing the constitutional right to a healthy environment could have a transformative impact by empowering citizens holding governments and industry accountable and improving Canada s green record The overwhelming majority of the world s nations now recognize environmental rights through laws constitutions treaties or court decisions Boyd explores Canada s history of failed efforts to do the same within this international context and offers three pathways to constitutional recognition of the right to a healthy environment This important and provocative book provides a blueprint for renewed leadership in protecting human health the well being of the planet and the interests of future generations

Global Environmental Constitutionalism in the Anthropocene Louis J Kotzé, 2016-09-22 There is persuasive evidence suggesting we are on the brink of human induced ecological disaster that could change life on Earth as

we know it There is also a general consensus among scientists about the pace and extent of global ecological decay including a realisation that humans are central to causing the global socio ecological crisis This new epoch has been called the Anthropocene Considering the many benefits that constitutional environmental protection holds out in domestic legal orders it is likely that a constitutionalised form of global environmental law and governance would be better able to counter the myriad exigencies of the Anthropocene This book seeks to answer this central question from the perspective of the Anthropocene what is environmental constitutionalism and how could it be extrapolated to formulate a global framework In answering this question this book offers the first systematic conceptual framework for global environmental constitutionalism in the epoch of the Anthropocene

**The South African Journal of Environmental Law and Policy** ,2000

**Constitutional Environmental Rights** Tim Hayward (Rechten.),2005

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