GLOBAL ENVIRONMENTAL CONSTITUTIONALISM

Reflecting a global trend, scores of countries have affirmed that their citizens are entitled to healthy air, water, and land, and that their constitutions should guarantee certain environmental rights. This book examines the increasing recognition that the environment is a proper subject for protection in constitutional texts and for vindication by constitutional courts. This phenomenon, which the authors call environmental constitutionalism, represents the confluence of constitutional law, international law, human rights, and environmental law. National apex and constitutional courts are exhibiting a growing interest in environmental rights, and, as courts become more aware of what their peers are doing, this momentum is likely to increase. This book explains why such provisions came into being, how they are expressed, and the extent to which they have been, and might be, enforced judicially. It is a singular resource for evaluating the content of, and hope for, constitutional environmental rights.

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Reviews

“In their new book, May and Daly rigorously and comprehensively analyze one of the most remarkable developments in constitutional and environmental law in the last fifty years: the explosion of constitutional environmental rights. They clarify every aspect of this sea change in the law, and provide an indispensable resource for anyone interested in constitutional law or environmental law.”

John H. Knox
UN Independent Expert on Human Rights and the Environment
Henry C. Lauerman Professor of International Law
Wake Forest University School of Law

“The constitutionalization of environmental norms witnessed in the last two decades represents a significant but not very well-understood trend. This important new book by May and Daly offers an impressive and considered yet critical examination of the usefulness of constitutional environmental provisions. It ought to be essential reading for anyone with an interest in environmental rights.”

Ole W. Pedersen
Senior Instructor
Newcastle Law School

“James May and Erin Daly provide a superb global tour d’horizon of environmental constitutional rights. Their comparative legal analysis is insightful and makes clear the congruent emergence of a rights-based environmental constitutionalism across most regions of the Earth. Their research is an essential complement to studies of both national and international environmental laws, which are incomplete until read together with this innovative book.”

Nicholas A. Robinson
Kerlin Professor Emeritus of Environmental Law
Pace University School of Law

“Global Environmental Constitutionalism fills an important space in the literature on human rights and environmental protection, addressing the increasing inclusion of environmental rights in constitutions around the world. Over the last four decades nearly three-quarters of the world’s countries have adopted constitutional provisions that address environmental matters in some way. This book expertly examines the legal issues and practice surrounding such provisions, which may address substantive rights, procedural rights, directive policies, reciprocal duties, or a combination of them. As the book notes, environmental constitutionalism is growing at the subnational level too, filling gaps..."
in federal systems. The enforcement of these widely varying provisions through litigation is itself a major subject well-examined in the volume. This will be an indispensable volume for those interested in a rights-based approach to environmental protection.”

Dinah Shelton
Manatt/Ahn Professor of Law (emeritus)
The George Washington University Law School

“May and Daly provide a sophisticated survey of the jurisprudence of ‘third generation’ constitutional rights in the environment. Their discussions of the conceptual foundations of such rights and of the issues of standing, procedure, remedies, and enforcement (and much more) will be of great interest to students of comparative constitutional law as third generation rights become an important part of domestic constitutional law worldwide.”

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