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James R. May and Erin Daly  
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## 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.

**Jim May** is a professor of law at Widener University School of Law in Delaware, where he codirects the Environmental Law Center, and adjunct professor of graduate engineering at Widener University in Chester, Pennsylvania. He has served as a delegate to the United Nations and as a consultant to the Hungarian government concerning constitutional reform in environmental matters. He is the editor of, and a contributing author to, *Principles of Constitutional Environmental Law* (2011) and has written or cowritten more than eighty articles and book chapters relating to environmental and constitutional law. He is a former federal litigator, NGO founder and director, and nuclear weapons engineer.

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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*

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*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.”*

Mark Tushnet  
William Nelson Cromwell Professor of Law  
Harvard Law School

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JAMES R. MAY  
and  
ERIN DALY



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Contents

<i>Acknowledgments</i>	<i>page x</i>
<i>Introduction</i>	1
<b>PART I EVOLUTION AND EXISTENCE OF ENVIRONMENTAL CONSTITUTIONALISM</b>	15
1 <b>The nature of environmental constitutionalism</b>	17
The limitations of international law	19
Domesticating environmental rights	31
The value of constitutionalism	36
The legitimacy of environmental constitutionalism	42
The value of environmental constitutionalism	49
2 <b>Textualizing environmental constitutionalism</b>	55
Likelihood of constitutional instantiation of environmental rights	57
Substantive individual environmental rights to a quality environment	64
Other substantive environmental rights	72
Environmental duties and responsibilities	73
State environmental duties and policies	73
Procedural constitutional environmental rights	77
Presumptions about enforcing constitutional environmental rights	78
<b>PART II VINDICATION AND PRACTICES IN ENVIRONMENTAL CONSTITUTIONALISM</b>	85
3 <b>Adjudicating environmental constitutionalism</b>	87
Challenges in adjudicating environmental rights	89
Justiciability in environmental constitutionalism	102

viii	<i>Contents</i>	
4	<b>Enforcing environmental constitutionalism</b>	128
	Standing: who can enforce constitutional environmental rights?	128
	Who is responsible? Identifying the appropriate defendant	140
	Timing: when is the right time to file a claim?	142
	Other unique procedural rules challenges	144
	Defenses and limitations	146
5	<b>Identifying remedies and practices in environmental constitutionalism</b>	149
	State obligations under the international law framework	150
	The range of remedies	152
	Challenges to enforcement	169
	<b>PART III EMERGENCE AND FUTURE OF ENVIRONMENTAL CONSTITUTIONALISM</b>	173
6	<b>Water and environmental constitutionalism</b>	175
	The uniqueness of water	177
	Manifesting constitutional recognition of rights to water	181
	Adjudicating constitutional rights to water	189
	Remedies, implementation, and enforcement	203
7	<b>Subnational environmental constitutionalism</b>	209
	The nature of subnational environmental constitutionalism	210
	Textual subnational environmental constitutionalism	216
	Judicial receptivity to subnational constitutional environmental rights	221
	Establishing standing and identifying parties	229
	Determining remedies	232
	Standards of review	232
8	<b>Procedural environmental constitutionalism</b>	236
	The nature of constitutional procedural environmental rights	238
	Textual procedural environmental rights	243
	Judicial receptivity to procedural environmental rights	249
	Enforcement and remedies	253
9	<b>Emerging environmental constitutionalism</b>	255
	Right of nature	255
	Environmental sustainability	260



Cambridge University Press  
978-1-107-02225-6 - Global Environmental Constitutionalism  
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Frontmatter  
[More information](#)

	<i>Contents</i>	
		ix
	Public trust	267
	Climate change	269
10	<b>Conclusion</b>	273
	<b>Appendices</b>	
	<i>Appendix A</i> Substantive environmental rights	281
	<i>Appendix B</i> Individual environmental duties and responsibilities	293
	<i>Appendix C</i> State environmental duties	304
	<i>Appendix D</i> Environmental policy directives	325
	<i>Appendix E</i> Sustainable development, future generations, and public trust	329
	<i>Appendix F</i> Miscellaneous constitutional environmental provisions	343
	<i>Appendix G</i> Rights to water	352
	<i>Appendix H</i> Representative subnational environmental constitutionalism in Brazil and the United States	358
	<i>Appendix I</i> Procedural environmental rights: provisions regarding information, participation, and access to justice in environmental matters	369
	<i>Bibliography</i>	379
	<i>Index</i>	405

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Frontmatter  
[More information](#)

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xi

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