



The Global Emergence of Constitutional Environmental Rights

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Constitutional Environmental Rights

Chris Miller



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

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 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

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

Global Environmental Constitutionalism James R. May, Erin Daly, 2015

[The Ecological Constitution](#) Lynda Collins, 2021-05-20 The Ecological Constitution integrates the insights of environmental constitutionalism and ecological law in a concise engaging and accessible manner This book sets out the necessary components of any constitution that could be considered ecological in nature In particular it argues that an ecological constitution is one that codifies the following key principles at a minimum the principle of sustainability intergenerational equity and the public trust doctrine environmental human rights rights of nature the precautionary principle and non regression and rights and obligations relating to a healthy climate In the context of the global environmental crisis that characterises the current Anthropocene era these principles are important tools for changing consciousness and driving pragmatic policy reforms around the world Re imagining constitutions along these lines could play a vital role in the collective project of building a sustainable future for humans animals ecosystems and the biosphere we all share This book will be of great interest to students and scholars of environmental law ecological law environmental constitutionalism sustainability and rights of nature

[The Constitutional Question to Save the Planet](#) Franklin L. Kury, 2021 More than 50 years ago Franklin Kury drafted and championed an Environmental Rights Amendment to the Pennsylvania Constitution which was enacted on Earth Day 1970 and ratified by Pennsylvania s voters a year later In the half century since then climate change has become the overriding threat to the environment of the planet In this book Franklin Kury expands upon the story of Article I Section 27 to demonstrate how its principles can be the basis for addressing climate change in the rest of the world The story concludes with a call for the federal government s leadership to seek a national environmental rights amendment to the U S Constitution and a treaty to expand its reach to the international community

[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

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

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

Constituting Fundamental Environmental Rights Worldwide James R. May, 2009 This article discusses the extent to which nations worldwide have constituted such fundamental environmental rights FERs Constitutions provide a framework for social order They also reflect a paradox While constitutions are usually the product of a convulsive event of majoritarian democracy most contain antimajoritarian features designed to protect so called fundamental rights against the tyranny of the majority Traditional fundamental rights such as those found in the Bill of Rights to the Constitution of the United States include protecting for its citizens free speech religious exercise and voting rights Does a fundamental enforceable individual right to a clean and healthy environment belong in the pantheon of fundamental constitutional rights Of all facets of constitutional environmental protection fundamental environmental rights are the most salient Incorporating fundamental environmental rights into national constitutions holds some hope to address environmental challenges namely the ones that matter most to society s members However although the constitutions of nearly one quarter of the world contain fundamental environmental rights less than a dozen have been held to be self executing and enforceable by affected individuals Thus while the wildfire of constituting FERs continues to burn they will need to mature into enforceable norms to realize their potential and provide warmth and means for national environmental challenges around the globe

Environmental Rights Chris Miller, 2012-11-12 Environmental Rights offers new perspectives on contemporary debates over rights and environmental issues It draws on key theories of contemporary philosophers and jurists and case reports from decisions in English European and US courts It also examines recent developments within environmental law

and policy in the UK and the EU Specific rights of the individual are examined the right to clean air and water access to information the right to participate in environmental decisions as well as the practical obstacles to the exercising of these rights

Do Constitutions Matter? Chris Jeffords, Lanse Minkler, 2014 [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 *Do Constitutions Matter? The Effects of Constitutional Environmental Rights Provisions on Environmental Outcomes* Christopher Jeffords, Alanson Minkler, 2016 We use a novel data set within an instrumental variables framework to test whether the presence and language of constitutional environmental rights influence environmental outcomes The outcome variables include Yale's Environmental Performance Index and its components We employ two stage least squares to account for reverse causality that is the possibility that a country which takes steps to protect the environment might also be more likely to constitutionalize environmental rights Our first stage theory combines constitution norms opposition costs and generation effects Our controls include country income which means that our study is also related to the Environmental Kuznets Curve literature We find that constitutions do indeed matter for positive environmental outcomes which suggests that we should not only pay attention to the incentives confronting polluters and resource users but also to the incentives and constraints confronting those policymakers who initiate monitor and enforce environmental policies [Global Norms and Green Constitutions](#) Joshua Chad Gellers, 2014 Since 1974 countries all over the world have adopted constitutional environmental rights Yet these states exhibit important differences in geography history and resources How can social scientists explain the remarkable degree of similarity in the face of such considerable variation It is this research question which motivates the present dissertation I seek to answer this question by drawing on work from political science sociology and legal studies In particular I examine international relations theory world society theory and constitutional design theory I discuss how studying environmental rights can contribute to central debates within international relations regarding international norms and the state Drawing from these theoretical perspectives I propose a world cultural framework of constitutional environmental rights I argue that normative factors are more central to explaining

the expansion of environmental rights than rationalist materialist factors I conduct an empirical analysis of the expansion of constitutional environmental rights using mixed methods First I conduct survival analysis using a Cox regression model on UN recognized countries over the time period 1983 2010 to test the explanatory value of six independent variables I find that domestic politics and normative considerations are more relevant than rationalist materialist factors in explaining the outcome observed Second I use the results of the quantitative analysis to identify a pair of plausibility probes which fit a most similar systems design Nepal and Sri Lanka Then I engage in qualitative content analyses of interviews conducted in these countries The results from these analyses suggest that the likelihood a country will adopt a constitutional environmental right is associated with its domestic political conditions and the historical period in which its constitution is written I describe how the results offer new insights into major questions in international relations and theories discussed earlier and demonstrate that the world cultural framework of constitutional environmental rights adequately explains the outcomes observed in Nepal and Sri Lanka Third I show how the findings from the comparative study can be integrated into the statistical model to test for generalizability highlight major findings of the study and suggest areas for future research

The Environmental Rights Provisions of U.S. State Constitutions John C. Dernbach, 2023 Nearly every U S state has environmental provisions in its constitution These provisions cover a wide range of issues concerning the manner in which the environment and natural resources are to be governed e g public funding eminent domain public trust access to water legislative responsibility But only six declare a right to a quality environment These are Hawai i Illinois Massachusetts Montana New York and Pennsylvania This chapter provides a detailed examination of the constitutional text and case law in each of these states and analyzes the similarities and differences among them This analysis shows the wide variety of ways in which even similar provisions have been interpreted and applied at the state level It shows that while four of these states treat their right to a certain quality environment as judicially enforceable two Illinois and Massachusetts do not Among the states with a judicially enforceable right Hawai i and Montana have the most well developed bodies of case law This analysis also shows similarities and differences in the ways that these constitutional provisions both guide and constrain state authority under statutes and regulations Perhaps the most basic issue is whether environmental rights should have actual parity with other constitutionally protected rights These states have answered that question in varying ways

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

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