

# Asia Pacific Judicial Colloquium on Climate Change: Using Constitutions to Advance Environmental Rights and Achieve Climate Justice, Session I: Evolution and Innovations in Environmental Constitutionalism: Introduction and Overview

James R. May, Esq.

Distinguished Professor of Law

[jrmay@widener.edu](mailto:jrmay@widener.edu)

Widener University  
Delaware Law School



Widener University

26 Feb. 2018

# A Definition

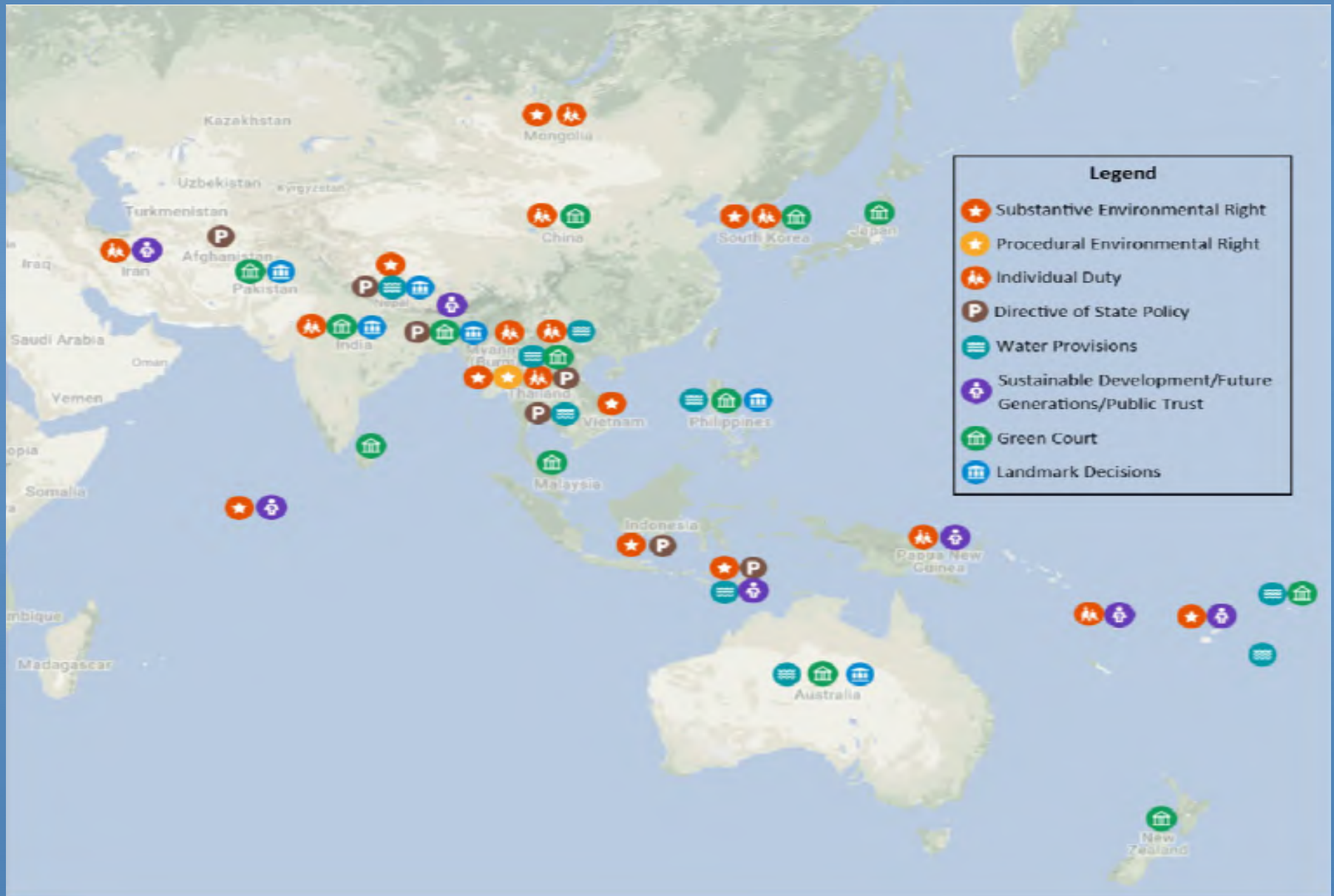
- Global Environmental Constitutionalism is the study and implementation of ways to advance positive environmental outcomes through constitutional means.

# Environmental Constitutionalism Around the Globe

About 167 nations have constitutionalized environment objectives:

- Around 85 expressly provide for right to a quality environment
- About 15 recognize environmental rights as incorporated into other constitutional rights, such as right to life
- More than 100 impose duties to protect the environment
- More than 30 afford special procedural rights in environmental matters
- More than 40 incorporate sustainability, public trust or the rights of future generations
- Dozens address specific resources (e.g. water, minerals)

# Environmental Constitutionalism in Asia Pacific





# Constitutional Environmental Rights: National & Subnational Examples

- French Charter:  
“Each one has the right to live in a balanced and respectful environment of health”
- Pennsylvania’s Constitution: “The people have a right to clean air, pure water, and to the preservation of ... the environment.  
Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.”

## Countries with environmental provisions in their national constitutions (2017)



Countries with the constitutionally protected right to a healthy environment



Countries with other environmental provisions in their constitutions



Countries with no constitutional provision or right to a healthy environment

Source: UN Environment and ELI, *Environmental Rule of Law (Forthcoming 2018)*

# Global Judicial Handbook on Environmental Constitutionalism

- Chapter 1: Role of the Judiciary
- Chapter 2: A Taxonomy of Environmental Constitutionalism
- Chapter 3: Justiciability
- Chapter 4: Adjudication
- Chapter 5: Remedies
- Chapter 6: Dignity Rights
- Chapter 7: Climate Justice
- Conclusion: Judicial Engagement

# Companion to Global Judicial Handbook on Environmental Constitutionalism

- Case Summaries (Also in Background Note)
- Appendix I: Judicial Opinions from Around the Globe
- Appendix II: Reports
- Appendix III: Sample Provisions
- Appendix IV: Bibliography
- Appendix V: Maps





# **GLOBAL ENVIRONMENTAL CONSTITUTIONALISM**

**JIM MAY AND ERIN DALY**

**CAMBRIDGE**



# Widener Law

## Global Environmental Constitutionalism



*This symposium has been approved for a total of six (6) substantive CLE credits in Delaware and Pennsylvania. New Jersey attorneys can self-report with Widener Law's Certificate of Attendance.*

The symposium is hosted by the *Widener Law Review* and co-sponsored by the Environmental Law Center at Widener University.

**Friday, April 11, 2014**

**8:00 am – 5:00 pm**

(Continental breakfast from 8:00–8:30 am)

**Widener University School of Law  
Delaware Campus**

**Symposium Chair:** James R. May, Professor of Law and  
Co-Director of the Environmental Law Center  
**Widener Law Review Editor-in-Chief:** Nicolette M. Vasconez

Most people live under constitutions that protect environmental rights in some fashion, including by committing to environmental stewardship, recognizing a basic right to a quality environment, guaranteeing a right to water or natural resources, and ensuring public participation in environmental decision making.

This symposium will examine whether and the extent to which to adopt constitutional protections of substantive or procedural rights to a quality environment in national and/or subnational instruments.

Everyone is welcome to attend.

**Payment Information:**

CLE Registration: \$125

Widener Law Alumni: \$100

Students (no lunch/materials): Free

**Participants:**

Klaus Bosselmann (New Zealand)  
Donald Anton (Australia)  
Emma A. Imperato (Italy)  
Blake Hudson (Louisiana)  
Lisa Benjamin and Michael Stevenson (Bahamas)  
Catherine J. Ions Magallanes (New Zealand)  
Daniel Bonilla (Colombia)  
Badrinath Rao (Michigan)  
Nicholas S. Bryner (Washington, DC)  
Joah Gellers (California)  
Elizabeth F. Brown (Georgia)  
Louis J. Kotzé (South Africa)  
Dante R. Garmaytan (Philippines)  
Abhin Akhtarkhavan (Australia)  
Hugo Echeverría (Ecuador)  
Itzhak E. Kornfeld (Israel)  
Scott O. McKenzie (France)  
Ngozi E. Stewart (United Kingdom)  
Jack Tuholake (Vermont)  
Robert Pavlov (Maryland)  
John E. Basine (Oregon)  
John Dornbach (Widener)  
Erin Daly (Widener)  
James R. May (Widener)

**For More Information:**

Contact: Rosemary E. Callahan

Phone: 302-477-2014

E-mail: [recallahan@widener.edu](mailto:recallahan@widener.edu)



World Council

# Constitutional Environmental Rights

5.31.2012

WORKSHOP



# A Law School Practicum

- A collaborative practicum course that has students assist with operationalizing constitutional environmental rights around the globe
- Students are paired with a practicum partner and produce a paper or other substantial legal work



Thank you.