

# **Environmental Rights in Domestic Law Bibliography of Secondary Sources (Fall 2012)**

---

---

## **BOOKS**

David R. Boyd, *THE ENVIRONMENTAL RIGHTS REVOLUTION: A GLOBAL STUDY OF CONSTITUTIONS, HUMAN RIGHTS, AND THE ENVIRONMENT* (2012).

*HUMAN RIGHTS IN NATURAL RESOURCE DEVELOPMENT* (Donald N. Zillman, Alistair Lucas & George Pring eds., 2002).

Tim Hayward, *CONSTITUTIONAL ENVIRONMENTAL RIGHTS* (2005).

*CONSTITUTIONAL RIGHTS TO AN ECOLOGICALLY BALANCED ENVIRONMENT* (Isabelle Larmuseau ed., 2007).

*PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW* (James May ed., 2011).

## **ARTICLES AND CHAPTERS - GENERAL**

David R. Boyd, *The Implicit Constitutional Right to Live in a Healthy Environment*, 20 *Review of European Community & International Environmental Law* 171 (2011).

Ernst Brandl & Hartwin Bungert, *Constitutional Entrenchment of Environmental Protection: A Comparative Analysis of Experiences Abroad*, 16 *Harvard Env'tl. L. Rev.* 1 (1992).

Janelle P. Eurick, *The Constitutional Right to a Healthy Environment: Enforcing Environmental Protection through State and Federal Constitutions*, 11 *Int'l Legal Persp.* 187 (1999-2001).

Tim Hayward, *Constitutional Environmental Rights: A Case for Political Analysis*, 48 *Political Studies* 558 (2000).

Barry E. Hill, Steve Wolfson, & Nicholas Targ, *Human Rights and the Environment: A Synopsis and Some Predictions*, 16 *Geo. Int'l Env'tl. L. Rev.* 359 (2004).

Oliver A. Houck, *A Case of Sustainable Development: The River God and the Forest at the End of the World*, 44 *Tulsa L. Rev.* 275 (2008).

James R. May, *Constituting Fundamental Environmental Rights Worldwide*, 23 *Pace Env'tl. L. Rev.* 113 (2006).

James R. May & Erin Daly, *Vindicating Fundamental Environmental Rights Worldwide*, 11 *Or. Rev. Int'l L.* 365 (2009).

Dejo Olowu, *Human Rights and the Avoidance of Domestic Implementation: The Phenomenon of Non-Justiciable Constitutional Guarantees*, 69 Sask. L. Rev. 39 (2006).

Joseph L. Sax, *The Search for Environmental Rights*, 6 J. Land Use & Envtl. L. 93 (1990)

Binod Prasad Sharma, *Constitutional Provisions Related to Environmental Conservation: A Study*, International Union for the Conservation of Nature (IUCN) Policy Brief, [http://cmsdata.iucn.org/downloads/constitutional\\_provisions\\_related\\_to\\_environment\\_conservation\\_final.pdf](http://cmsdata.iucn.org/downloads/constitutional_provisions_related_to_environment_conservation_final.pdf) (September 2010).

The International Human Rights Clinic at Harvard Law School Human Rights Program, *An Environmental Right for Future Generations: Model State Constitutional Provisions and Model Statute*, [http://www.sehn.org/pdf/Model\\_Provisions\\_Mod1E7275.pdf](http://www.sehn.org/pdf/Model_Provisions_Mod1E7275.pdf) (2008).

## **ARTICLES AND CHAPTERS – BY REGION AND COUNTRY**

### **AFRICA**

Kihangi Bindu, [\*Environmental and Developmental Rights in the Southern African Development Community With Specific Reference to the Democratic Republic of Congo and the Republic of South Africa\*](#), submitted in accordance with the requirements for the degree of Doctor of Laws at the University of South Africa, (February 2010).

Carl Bruch, Wole Coker, & Chris Van Arsdale, *Breathing Life into Fundamental Principles: Implementing Constitutional Environmental Protections in Africa*, World Resources Institute Working Paper Series: Environmental Governance in Africa.

Carl Burch et al., *Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa*, 26 Colum. J. Envtl. L. 131 (2001).

Kaniye Ebeku, *The Right to a Satisfactory Environment and the African Commission*, 3 Afr. Hum. Rts. L.J. 150 (2003).

John Cantius Mubangizi, *The Constitutional Protection of Socio-Economic Rights in Selected African Countries: A Comparative Evaluation*, *African Journal of Legal Studies*, 2 African Journal of Legal Studies 1 (2006).

Moses Mulumba, David Kabanda, & Viola Nassuna, *Constitutional Provisions for the Right to Health in East and Southern Africa*, Center for Health, Human Rights, and Development (CEHURD) in the Regional Network for Equity in East and Southern Africa (EQUINET)—EQUINET Discussion Paper 81, <http://www.cehurd.org/wp-content/uploads/2011/01/Report-on-the-Right-to-Health-in-ESA-Country-Constitution.pdf> (April 2010).

## **Nigeria:**

Kaniye S.A. Ebeku, *Constitutional Right to a Healthy Environment and Human Rights Approaches to Environmental Protection in Nigeria: Gbemre v. Shell Revisited*, 16 *Review of European Community and International Environmental Law* 312 (2008).

Rhuks Temitope, *The Judicial Recognition and Enforcement of the Right to Environment: Differing Perspectives from Nigeria and India*, 3 *N.U.J.S. L. Rev.* 423, 440 (2010).

Brown E. Umukoro, *Gas Flaring, Environmental Corporate Responsibility and the Right to a Healthy Environment: The Case of the Niger Delta, Law and Petroleum Industry in Nigeria: Current Challenges* 49, 55.

## **South Africa:**

Louis J. Kotze, *The Judiciary, the Environmental Right and the Quest for Sustainability in South Africa: A Critical Reflection*, 16 *Review of European Community and International Environmental Law* 298 (2007).

Louis J. Kotzé & Anél du Plessis, *Some Brief Observations on Fifteen Years of Environmental Rights Jurisprudence in South Africa*, 3 *JOURNAL OF COURT INNOVATION* 157 (2010)

## **Uganda:**

B. K. Twinomugisha, *Some Reflections on Judicial Protection of the Right to a Clean and Healthy Environment in Uganda*, 3 *Law, Environment, and Development Journal* 244 (2007)

## **ASIA**

Parvez Hassan and Azim Azfar, *Securing Environmental Rights Through Public Interest Litigation in South Asia*, 22 *Va. Env'tl. L.J.* 215 (2003-2004).

Jona Razzaque, *Linking Human Rights, Development, and Environment: Experiences from Litigation in South Asia*, 18 *Fordham Env'tl. L. Rev.* 587 (2006-07).

## **India:**

K.D. Alley & D. Meadows, *Workers' Rights and Pollution Control in Delhi*, *Human Rights Dialogue*, Spring 2004: 15.

[http://www.carnegiecouncil.org/resources/publications/dialogue/2\\_11/section\\_2/4451.html/:pf\\_printable](http://www.carnegiecouncil.org/resources/publications/dialogue/2_11/section_2/4451.html/:pf_printable)

Michael R. Anderson, *Individual Rights to Environmental Protection in India*, in *Human Rights Approaches to Environmental Protection* 199 (A. E. Boyle and M. R. Anderson eds., 1998).

J. Mijin Cha, *A Critical Examination of the Environmental Jurisprudence of the Courts of India*, 10 Albany Law Environmental Outlook Journal 219 (2005).

Shubhankar Dam & Vivek Tewary, *Polluting Environment, Polluting Constitution: Is a 'Polluted' Constitution Worse than a Polluting Environment?*, 17 J. Env'tl. Law 386 (2005).

Sanghamitra Padhy, *Greening Law: A Socio-Legal Analysis of Environmental Human Rights in India*, A Dissertation Presented to the Faculty of the Graduate School University of Southern California (May 2008). <http://digitallibrary.usc.edu/assetserver/controller/item/etd-Padhy-20080227.pdf>

A. Rosencranz, *The Godavarman Case: The Indian Supreme Court's Breach of Constitutional Boundaries in Managing India's Forests*. 37 Environmental law reporter 10032 (2007).

A. Rosencranz & M. Jackson, *The Delhi Pollution Case: The Supreme Court of India and the Limits of Judicial Power*, 28 Colum. J. Env'tl. L. 223 (2003).

Charu Sharma, *Human Rights and Environmental Wrongs: Integrating the Right to Environment and Developmental Justice in the Indian Constitution*, in Human Rights Justice and Constitutional Empowerment 310-34 (C.R. Kumar and K. Chockalingham eds., 2007).

Rhuks Temitope, *The Judicial Recognition and Enforcement of the Right to Environment: Differing Perspectives from Nigeria and India*, 3 N.U.J.S. L. Rev. 423, 440 (2010).

### **Indonesia:**

Aalt Willem Heringa, *Human Rights and General Principles and Their Importance as a Legislative Technique. Do They Matter In Legislation? An Analysis with Specific Reference to Environmental Protection*, In Environmental Law in Development: Lessons from the Indonesian Experience 9-23 (M. Faure & N. Niessen eds., 2006).

### **Pakistan:**

Parvez Hassan, *Environmental Rights as Part of Fundamental Human Rights: The Leadership of the Judiciary in Pakistan*, Paper presented at the Global Judges Symposium on Sustainable Development and the Role of Law at Johannesburg, South Africa, 18-20 August 2002.

### **Philippines:**

Dante B. Gatmaytan, *The Illusion of Intergenerational Equity: Oposa v. Factoran as Pyrrhic Victory*, 15 Geo. Int'l Env'tl. L. Rev. 457, (2002-2003).

### **Tibet:**

Laura S. Ziemer, *Application in Tibet of the Principles on Human Rights and the Environment*, 14 Harv. Hum. Rts. J. 233 (2001).

## **EUROPE**

E. Brown, *In Defense of Environmental Rights in East European Constitutions*, 1 Univ. of Chicago Law School Roundtable 191 (1993).

Birgit Dette, "Access to Justice in Environmental Matters: A Fundamental Democratic Right", in *Europe and the Environment: Essays in Honour of Ludwig Kramer* (M. Onida ed., 2004).

Ryan K. Gravelle, *Enforcing the Elusive: Environmental Rights in East European Constitutions*, 16 Va. Env'tl. L.J. 633 (1996-1997).

Mark N. Salvo, *Constitutional Law and Sustainable Development in Central Europe: Are We There Yet?*, 5 S.C. Env'tl. L. J. 141 (1996-1997).

Stephen Stec, *Aarhus Environmental Rights in Eastern Europe*, in 5 Yearbook of European Environmental Law 1 (2005).

Stephen Stec, *Ecological Rights Advancing the Rule of Law in Eastern Europe*, 13 J. Env'tl. L. & Litig. 275 (1998).

Stephen Stec, *Environmental Justice Through Courts in Countries in Economic Transition*, in *Environmental Law and Justice in Context* 158-75 (J. Ebbesson & P. Okowa eds., 2009).

### **Belgium:**

Marc Martens, *Constitutional Right to a Healthy Environment in Belgium*, 16 Review of European Community & International Environmental Law 287 (2007).

### **Estonia:**

T.K. Andersson, *The Role of Basic Rights in Environmental Protection: Basic Right to Environment de lege ferenda in the Estonian Constitution*, 8 Juridica International 147 (2003).

### **Finland:**

Stephanie Davis, *In Name or Nature? Implementing International Environmental Procedural Rights in the Post-Aarhus Environment: A Finnish Example*, 9 Env'tl. L. Rev. 190 (2007).

### **France:**

D. Bourg & K.H. Whiteside, *France's Charter for the Environment: Of Presidents, Principles, and Environmental Protection*, 15 Modern and Contemporary France 117 (2007).  
<http://www.tandfonline.com/doi/pdf/10.1080/09639480701299921>

David Marrani, *The Second Anniversary of the Constitutionalisation of the French Charter for the Environment: Constitutional and Environmental Implications*, 10 Env. L. Rev. 9 (2008).

**Hungary:**

G. Bandi, *The Right to Environment in Theory and Practice: The Hungarian Experience*, 8 Conn. J. Int'l L. 439 (1993).

**Netherlands:**

J. M. Verschuuren, *The Constitutional Right to Protection of the Environment in the Netherlands*, 46 Austrian Journal for Public and International Law 67 (1994).

**Portugal:**

Branca Martins da Cruz, *The Constitutional Right to an Ecologically Balanced Environment in Portugal* in *Constitutional Rights to an Ecologically Balanced Environment* (2007).

**Romania:**

Mircea Dutu, *Constitutionalizing the Right to a Healthy Environment and its Implications in Romanian Legislation*, 1 RRDM 5 (2004).

**Ukraine:**

Y. Shemshuchenko, *Human Rights in the Field of Environmental Protection in the Draft of the New Constitution of Ukraine* in ENVIRONMENTAL RIGHTS: LAW, LITIGATION, AND ACCESS TO JUSTICE 33-40 (S. Deimann & B. Dyssli eds. 1995).

**United Kingdom:**

Karen Morrow, *Worth the Paper That They Are Written On? Human rights and the environment in the law of England and Wales*, 1 Journal of Human Rights and the Environment 66 (2010).

**LATIN AMERICA AND THE CARIBBEAN**

A.F. Aguilar, *Enforcing the Right to a Healthy Environment in Latin America*, 3 Review of European Community and International Law 215 (1994).

**Argentina:**

Daniel A. Sabsay, *Constitution and Environment in Relation to Sustainable Development*, 21 Pace Env'tl. L. Rev. 155 (2003-2004).

**Chile:**

R. Asenjo, *Innovative Environmental Litigation in Chile: the Case of Chanaral*, 2 Georgetown Int'l Env'tl L Rev 99 (1989).

## **Mexico:**

Ramon Ojeda-Mestre, *Environmental Justice in Mexico: Hopes and Disappointments*, 37 *Environmental Policy and Law* 142 (2007).

## **NORTH AMERICA**

### **Canada:**

David R. Boyd, *THE RIGHT TO A HEALTHY ENVIRONMENT: REVITALIZING CANADA'S CONSTITUTION* (2012).

### **United States:**

J.A. Chiappinelli, *The Right to a Clean and Safe Environment: A Case for a Constitutional Amendment Recognizing Public Rights in Common Resources*, 40 *Buff. L. Rev.* 567 (1992).

Mary Ellen Cusack, Comment, *Judicial Interpretation of State Constitutional Rights to a Healthful Environment*, 20 *B.C. Env'tl. Aff. L. Rev.* 173, 174 (1993).

Janelle P. Eurick, *The Constitutional Right to A Healthy Environment: Enforcing Environmental Protection Through State and Federal Constitutions*, 11 *Int'l Legal Persp.* 185, 186 (2001).

Carole Gallagher, *The Movement to Create an Environmental Bill of Rights: From Earth Day 1970 to the Present*, 9 *Fordham Env'tl L J* 107 (1997).

John L. Horwich, *Montana's Constitutional Environmental Quality Provisions: Self-Execution or Self-Delusion?*, 57 *Mont. L. Rev.* 323, 373 (1996).

Bruce Ledewitz, *Establishing a Federal Constitutional Right to a Healthy Environment in Us and in Our Posterity*, 68 *Miss. L.J.* 565 (1998-1999).

Michelle Bryan Mudd, *A "Constant and Difficult Task": Making Local Land Use Decisions in States with A Constitutional Right to A Healthful Environment*, 38 *Ecology L.Q.* 1, 21 (2011).

Robert Percival, "Greening" the Constitution: *Harmonizing Environmental and Constitutional Values*, 32 *Environmental Law* (2002).

Neil A.F. Popovic, *Pursuing Environmental Justice with International Human Rights and State Constitutions*, 15 *Stan. Env'tl. L.J.* 338, 344-47 (1996).

J.B. Ruhl, *An Environmental Rights Amendment: Good Message, Bad Idea*, 11 *Nat. Resources & Env't.* 46 (1996-1997).

J.B. Ruhl, *The Metrics of Constitutional Amendments: And Why Proposed Constitutional Amendments Don't Add Up*, 74 *Notre Dame L. Rev.* 245 (1999).

B. Thompson, *Constitutionalizing the Environment: The History and Future of Montana's Environmental Provisions*, 64 Mont. L. Rev. 157 (2003)

John C. Tucker, *Constitutional Codification of an Environmental Ethic*, 52 Fla. L. Rev. 299 (2000).