**Environmental Rights in Domestic Law**

 **Bibliography of Secondary Sources**

**(Updated August 2015)**

**BOOKS**

David R. Boyd, The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment (2012).

David R. Boyd, The Right to a Healthy Environment- Revitalizing Canada’s Constitution (2014).

Science, Technology, Environment and Human Rights (China Society for Human Rights Studies ed. 2013).

Tim Hayward, Constitutional Environmental Rights (2005).

Human Rights: The Hard Questions (Cindy Holder and David Reidy eds., 2013).

Constitutional Rights to an Ecologically Balanced Environment (Isabelle Larmuseau ed., 2007).

Principles of Constitutional Environmental Law (James May ed., 2011).

Tahnee Prior, Sebastien Duyck, Leena Heinamaki, Timo Koivurova & Adam Stepien, Addressing Climate Vulnerability: Promoting the Participatory Rights of Indigenous Peoples and Women Through Finnish Foreign Policy (2013).

Green Governance and Human Rights (P. K. Rajagopal ed., 2013)

Indian Constitution, Human Rights and Environmental Studies (Vayu Education of India ed., 2013).

Sheila Watt-Cloutier, The Right to Be Cold: One Woman’s Story of Protecting Her Culture, the Arctic and the Whole Planet (Allen Lane ed., 2015).

Human Rights in Natural Resource Development (Donald N. Zillman, Alistair Lucas & George Pring eds., 2002).

**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), *available at* http://davidrichardboyd.com/wp-content/uploads/Implicit-R2HE.pdf.

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

Tesh Dagne, *Protecting Traditional Knowledge in International Intellectual Property Law: Imperatives for Protection and Choice of Modalities*, 14 J. Marshall Rev. Intell. Prop. L. 25 (2014).

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).

Joshua C. Gellers, *Explaining the Emergence of Constitutional Environmental Rights: A Global Quantitative Analysis,* 6 Journal of Human Rights and the Environment 75 (2015), available at <http://www.elgaronline.com/abstract/journals/jhre/6-1/jhre.2015.01.04.xml>.

Joshua C. Gellers, *Greening Constitutions with Environmental Rights: Testing the Isomorphism Thesis,* 29 Review of Policy Research 522 (2012), available at <http://onlinelibrary.wiley.com/resolve/doi?DOI=10.1111%2Fj.1541-1338.2012.00574.x#.Vc5WbGWJEqE.twitter>.

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 Envtl. L. Rev. 359 (2004).

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

James R. May, *Constitutional Directions in Procedural Environmental Rights*, 28 J. Envtl. L. & Litig. 27 (2013).

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

Christopher McCrudden, *A Common Law of Human Rights?: Transnational Judicial Conversations on Constitutional Rights*, 20 Oxford J. Legal Stud. 499 (2000), *available at* [http://ojls.oxfordjournals.org/content/20/4/499.full.pdf+html](http://ojls.oxfordjournals.org/content/20/4/499.full.pdf%2Bhtml).

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> (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> (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*,](http://uir.unisa.ac.za/bitstream/handle/10500/4097/thesis_bindu_k.pdf?sequence=1) 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 Bruch et al., *Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa*, 26 Colum. J. Envtl. L. 131 (2001).

John Cantius Mubangizi, *The Constitutional Protection of Socio-Economic Rights in Selected African Countries: A Comparative Evaluation*, 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).

Olubayo Oluduro, Oil Exploitation and Human Rights Violations in Nigeria’s Oil Producing Communities (1st ed. 2014).

Stefaan Smis, Dorothee Cambou, & Genny Ngende, *The Question of Land Grab in Africa and the Indigenous People’s Right to Traditional Lands, Territories and Resources*, 35 Loy. L.A. Int’l & Comp. L. Rev. 493 (2013).

Jared Wigginton, *Large-Scale Land Investment in Africa: An Issue of Self-Help and Self-Determination*, 20 U.C. Davis J. Int’l L. & Pol’y 105 (2013).

**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).

PD Okonmah, *The Right to a Clean Environment: A Story of Oil Pollution in the Nigerian Delta* (unpublished Ph.D. Thesis, Aberystwyth University) (2012), *available at* http://cadair.aber.ac.uk/dspace/handle/2160/7872.

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).

Cyril Uchenna Gwam, *Human Rights Implications of Illicit Toxic Waste Dumping from Developing Countries Including the U.S.A., Especially Texas to Africa, in Particular, Nigeria*, 38 T. Marshall L. Rev. 241 (2013).

Scott P. Stedjan, *Land Is Not the New Oil: What the Nigerian Oil Experience Can Teach South Sudan About Balancing the Risks and Benefits of Large Scale Land Acquisition*, 3 Penn St. J.L. & Int'l Aff. 168 (2015).

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:**

Eric C. Christiansen, *Empowerment, Fairness, Integration: South African Answers to the Question of Constitutional Environmental Rights*, 32 Stan. Envtl. L.J. 215 (2013).

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)

**Zimbabwe:**

Innocent Chirisa & Archimedes Muzenda. *Environmental Rights as a Substantive Area of the Zimbabwean Constitutional Debate: Implications for Policy and Action*,2 Southern Peace Review J. 104-121 (2013), *available at* http://www.researchgate.net/publication/258299172\_Environmental\_Rights\_and\_the\_Zimbabwean\_Constitutional\_Debate\_Implications\_for\_Policy\_and\_Action/file/9c96052946e1d37dd0.pdf

**ASIA**

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

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

**China:**

Miao He & An Cliquet, *Sustainable Development Through a Rights-Based Approach to Conserve Protected Areas in China*, China-EU Law J. (2013).

Heather R. Croshaw, *The “Right to Health” and “Right to Life”: Positive Obligations for Controlling Air Pollution in Hong Kong in Clean Air Foundation v. Hksar*, 15 Vt. J. Envtl. L. 450 (2014).

**Georgia:**

Tamari Bulia, *Eco-Migration and Vulnerability: Linkages Between Human Rights Protection and Environmental Governance in Georgia*, 9 Fla. A & M U. L. Rev. 393 (2014).

**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/%3Apf_printable)

Michael R. Anderson, *Individual Rights to Environmental Protection in India*, in Human Rights Approaches to Environmental Protection 199 (A. E. Boyle & 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 Envtl 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. Envtl 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).

**Israel:**

Itzchak E. Kornfeld, *Dignity and the Right to Water in Comparative Constitutional Law: Israel’s Supreme Court Extends the Human Right to Water*, 28 J. Envtl. L. & Litig. 1 (2013).

Daniel Mishori, *Reclaiming Commons Rights: Resources, Public Ownership and the Rights of Future Generations*, 8 Law & Ethics Hum. Rts. 335 (2014).

**Nepal:**

Joshua C. Gellers, *Environmental Constitutionalism in South Asia: Analyzing the Experiences of Nepal and Sri Lanka*, Transnational Environmental Law (2015). Available at: <http://journals.cambridge.org/action/displayAbstract?aid=9690526>.

**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 Envtl. L. Rev. 457, (2002-2003).

**Sri Lanka:**

Joshua C. Gellers, *Environmental Constitutionalism in South Asia: Analyzing the Experiences of Nepal and Sri Lanka*, Transnational Environmental Law (2015). Available at: <http://journals.cambridge.org/action/displayAbstract?aid=9690526>.

**Tibet:**

Chris Fletcher, *Corporate Social Responsibility: A Legal Framework for Socioeconomic Development in Tibet*, 17 Yale Hum. Rts. & Dev. L.J. 120 (2014).

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”*,* inEurope 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. Envtl. L.J. 633 (1996-1997).

Mark N. Salvo, *Constitutional Law and Sustainable Development in Central Europe: Are We There Yet?,* 5 S.C. Envtl. 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. Envtl. 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 Envtl. 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).

**Greece:**

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).

**Greenland:**

Rutherford Hubbard, *Risk, Rights and Responsibility: Navigating Corporate Responsibility and Indigenous Rights in Greenlandic Extractive Industry Development*, 22 Mich. St. Int’l. L. Rev. 101 (2013).

**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 Envtl. L. Rev. 155 (2003-2004).

**Brazil:**

Antonio Carlos de Toledo Negrão & Fabio de Almeida Braga, *The Role of Financial Institutions in Protecting Delicate Brazilian Ecosystems*, 33 No. 1 ACC Docket 38 (2015).

Danielle C. Davis, *Land in the Second Decade: The Evolution of Indigenous Property Rights and the Energy Industry in the United States and Brazil*, 34 Energy L.J. 667 (2013).

**Chile:**

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

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).

**Colombia:**

Paolo Solano, *Colombia’s Herbicide Spraying in the Crucible Between Indigenous Rights, Environmental Law and State Security*, 9 Intercultural Hum. Rts. L. Rev. 271 (2014).

**Mexico:**

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

**Panama:**

Gregory M. Karch, *Panama’s Pando and Monte Lirio Dams: Proactive Engagement in Environmental Human Rights Through Project Due Diligence Leads to Improved Risk Management and Costs Controls*, 9 Fla. A & M U. L. Rev. 503 (2014).

**NORTH AMERICA**

**Canada:**

David R. Boyd, The Right to a Healthy Environment: Revitalizing Canada’s Constitution (2012).

**United States:**

Josephine M. Balzac, *Public Engagement “Reach In, Reach Out”: Pursuing Environmental Justice by Empowering Communities to Meaningfully Participate in the Decision-Making Processes of Brownfields Redevelopment and Superfund Cleanups*, 9 Fla. A & M U.L. Rev. 347 (2014).

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).

Devra R. Cohen, *Forever Evergreen: Amending the Washington State Constitution for a Healthy Environment*, 90 Wash. L. Rev. 349 (2015).

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

Danielle C. Davis, *Land in the Second Decade: The Evolution of Indigenous Property Rights and the Energy Industry in the United States and Brazil*, 34 Energy L.J. 667 (2013).

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).

David Fisher, *The U.S. Mexico Border Wall and the Case for “Environmental Rights”*, 50 Tex. Int’l L.J. 145 (2015).

Carole Gallagher, *The Movement to Create an Environmental Bill of Rights: From Earth Day 1970 to the Present*, 9 Fordham Envtl 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).

Derrick Howard, *Hydraulic Fracturing in the Appalachian Basin: Incorporating Environmental Justice to Regulate Natural Resource Exploration*, 7 Appalachian Nat. Resources L.J. 113 (2011-2013).

Steve Krejci, *Is the Human Right to Water in Pennsylvania Fracked? An Analysis of the Pennsylvanian Right to Water in the Hydraulic Fracturing Context and a Proposal for Reform Based on French and Ontario Environmental Rights Statues*, 8 Appalachian Nat. Resources L.J. 175 (2013-2014).

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. Envtl. L.J. 338, 344-47 (1996).

Keith W. Rizzardi, *Rising Seas, Receding Ethics? Why Real Estate Professionals Should Seek the Moral High Ground*, 6 Wash. & Lee J. Energy, Climate, & Env’t 402 (2015).

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).

Dean B. Suagee, *A Human Rights-Based Environmental Remedy for the Legacy of the Allotment Era in Indian Country*, 29-SUM Nat. Resources & Env’t 3 (2014).

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

Rebecca Tsosie, *Indigenous Peoples and the Ethics of Remediation: Redressing the Legacy of Radioactive Contamination for Native Peoples and Native Lands*, 13 Santa Clara J. Int’l L. 203 (2015).

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