

UCLA

Electronic Green Journal

Title

Review: The Environmental Rights Revolution: Constitutions, Human Rights and the Environment

Permalink

<https://escholarship.org/uc/item/30w4k436>

Journal

Electronic Green Journal, 1(35)

Author

Laberge, Yves

Publication Date

2013

DOI

10.5070/G313516329

Copyright Information

Copyright 2013 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

Review: The Environmental Rights Revolution: Constitutions, Human Rights and the Environment

By David R. Boyd

Reviewed by Yves Laberge

Québec, Canada G1V 0A6

Boyd, David R., *The Environmental Rights Revolution: Constitutions, Human Rights, and the Environment*. Vancouver: UBC Press, (Law and Society Series). 2012. xiii, 443 pp. ISBN 9780774821612, paper.

The Environmental Rights Revolution has not yet happened; it is an ongoing process, as David R. Boyd realizes because “no nation has yet achieved the holy grail of ecological sustainability” (p. 3). The author, an environmental lawyer, optimistically argues that legal tools such as “constitutional protection of the environment can be a powerful and potentially transformative step toward that elusive goal” (p. 3). Firstly, the author examines, comments, and revisits many constitutions, old and newer ones, in order to highlight the references related to the right to a healthy environment (Chapter 2). After “framing the issues”, he compares various legal texts in international law (Chapter 4).

The case studies portion on Environmental Rights (in the central part of the book) is the most valuable because it compares constitutions in different countries, from Latin America to Europe, Africa, and Asia. In many cases, their environmental rights situation is surprising and often unexpectedly innovative since many of these countries do not have “old constitutions” from many centuries ago, but rather recent legal texts that were written after the 1970s, often “in a period of transition from authoritarian regimes to democracy” (p. 124). Therefore, these new constitutions are more environmentally aware than many others written in previous centuries in everlasting democracies. As an example, a very useful map shows that the countries *without* environmental protection provisions in their constitutions are, surprisingly, very few Third World governments: USA, Canada, England and UK, Australia, Algeria, Japan, and a few others (p. 48). In fact, the good news is 147 out of 193 nations “have incorporated environmental protection provisions into their constitutions” (p. 253). But the bad news is: there is still work to be done in terms of enforcement and environmental justice (p. 237).

David Boyd writes with passion although the topic can be like a labyrinth. *The Environmental Rights Revolution* is not austere and is not like a complex legal text; to the contrary, it is surprisingly easy to read and does not require any prerequisite knowledge of law. Many tables and graphs help provide a clear picture (see p. 61). It is apparent the author went through many legal texts and data in order to get this comparative synthesis. Among the outcomes of this work aptly linking human rights with the environment, the author acknowledges that there are now laws promoting environmental education in countries such as “the Philippines, Armenia, South Korea, and Brazil”, and in some cases, it was even courts in countries like India, Argentina, and the Philippines that have ignited a social change and “have ordered governments to develop and implement environmental education programs” (p. 244).

Another strong point of this book is that it addresses each of the main objections often used by opponents who seek to discredit environmental protection in legislation (“increased accountability”, “undemocratic”, “anthropocentric”; see p. 240). Other objections and counterarguments are discussed in the last chapter. We understand that environmental awareness in laws and constitutions help populations (and especially younger ones) to care more about ecology.

Because of its strong interdisciplinary spectrum, the rich, sometimes hard-to-find data that are analyzed here, and the quality of the research, *The Environmental Rights Revolution* is mandatory for university libraries and should be considered a reference in its field. Furthermore, I would add that apart from its obvious, “natural readers” in environmental law and Human Rights Studies, this excellent book would be of interest for graduate students in sociology of the environment since it includes a vast array of useful data and presents as well (in appendices) the methodological dimension used.

Yves Laberge, Ph.D., <yves.laberge.1@ulaval.ca>, Centre de recherche en éducation et formation relatives à l'environnement et à l'écocitoyenneté – Centr'ÉRE, Québec, Canada G1V 0A6

Electronic Green Journal, Issue 35, Earth Day 2013, ISSN: 1076-7975