

## BOOK REVIEW

HUMAN RIGHTS AND THE ENVIRONMENT: LEGALITY, DIGNITY AND GEOGRAPHY by James R May and Erin Daly (Editors), Edward Elgar Publishing, Cheltenham, 2019, 585pp, recommended retail price US\$330.

*Human Rights and the Environment: Legality, Dignity and Geography* edited by James R May and Erin Daly from the Delaware Law School at Widener University is a tour de force. It surveys environmental law from the human rights perspective through a distinctive analytical lens focused on the legal foundations for protecting human rights and the environment, recognising that such rights are indivisible and require holistic application and interpretation, acknowledging human dignity as the objective underpinning these rights, and celebrating the geographic differences in approach between jurisdictions and global regions that enrich both our understanding of the relationship between human rights and the environment and provide a dynamic catalyst for developing the law.

The book brings together a stellar cast of 59 global academics who develop these themes beautifully through 44 chapters. The quality of the work and its contribution to knowledge is clear and was underpinned by a rigorous peer review process by the Editorial Advisory Board populated by the megastars of international environmental law including (inter alia) John E Bonnie, Carmen G Gonzales, Louis J Kotze, Michel Prieur, and Dinah Shelton.

Part 1 of the book articulates the importance of the rule of law as the basis for human rights. It views legal rights as a bundle of principles and substantive and procedural rules. The development of a human right to a healthy environment is essayed by John Knox and critically examined by Michel Prieur from an implementation perspective in terms of the need for a third international covenant regarding the environment to sit alongside the UN Covenants on Civil and Political Rights and Economic and Social Rights. Rosemary Mwanza and others examine the role of constitutional provisions and constitutionalism in giving practical effect to the right to a healthy environment. This part of the book concludes with the critical analysis of Paul Martin who exposes the implementation gap between rhetoric and practice, Sam Adelman who addresses the tension between sovereignty and protecting the global commons, and a review of the importance procedural rights (e.g. freedom of information, public participation, and access to justice) in giving effect to human rights.

Part 2 of the book argues that human rights are based on the indivisible amalgam of dignity, life, liberty, health, education, family, and wellbeing. This conceptual approach to human rights and the environment is then explored through the context of climate change, food security, human displacement, gender, and the limits imposed on the exercise of property rights by moral society. This part of the book concludes neatly by turning the property rights dialogue into a discourse about nature and legal personality.

Part 3 of the book focuses on human dignity by examining the interactions between humans and the world around them, including, water and landscape. Other chapters then focus on the rights of children and indigenous peoples exploring vulnerability in terms of children without directly enforceable rights and the fragile ecosystems valued by indigenous peoples. These chapters draw insightful connections between guardianship, the environment, and sustainability. This part of the book then concludes with a critical discussion about environmental litigation and the barriers that can sometimes frustrate effective environmental protection.

Finally, Part 4 of the book explores the geographically distinctive approaches to protecting the human right to a healthy environment currently articulated across jurisdictions and regions that provide a wealth of practical experience based on pragmatic experimentation. It concludes with a further analysis of the rights of nature and how giving legal personality to natural objects (e.g. mountains and rivers) can assist in advancing the human right to a healthy environment.

Overall, this book demonstrates the rapidly changing nature of law and the environment in the new millennium and the dynamic capacity for moulding and reshaping legal concepts to enhance environmental protection. It provides an authoritative collection of scholarship that offers new perspectives on human rights and the environment, and is worthy of the critical acclaim that it has received to date. This book is quite simply a work that postgraduate students, seasoned academics, judges and jurists will return to as a source of information and imagination.

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