

Der Ökologische Verfassungsstaat

Research Handbook on Transnational Environmental Law Veerle Heyvaert, Leslie-Anne Duvic-Paoli. 2020-11-27 This illuminating Research Handbook offers a detailed overview and critical discussion of the key themes and perspectives that characterize the burgeoning research area of transnational environmental law. Varied perspectives from leading and emerging scholars are brought together to deliver methodological and conceptual frameworks for future research, whilst providing an original view on this emerging field of law.

Vom Wert der Partizipation Franz Kohout. 2002

European Yearbook of International Economic Law 2022 Jelena Bäumler, Christina Binder, Marc Bungenberg, Markus Krajewski, Giesela Rühl, Christian J. Tams, Jörg Philipp Terhechte, Andreas R. Ziegler. 2023-05-23 Climate change is the defining challenge of our time. While political leadership and scientific expertise are key, law has a major role to play in fashioning responses. Volume 13 of the EYIEL assesses central aspects of the legal regimes governing Climate Change and Liability. Covering traditional trade and investment topics as well EU instruments regulating private actors, contributions reflect the diverse links between international economic law and climate change. Through a mix of foundational inquiries and coverage of current issues (such as climate change litigation), the volume offers a rich and nuanced account of international economic law in an era of Climate Change and Liability.

Phosphorus in Agriculture: 100 % Zero Ewald Schnug, Luit J. De Kok. 2016-06-14 The title 'Phosphorus in Agriculture: 100 % Zero' is synonymous for make-or-break. And it stands up to the promise. This book sends an important message as it delivers background information, intrinsic hypotheses, validation approaches and legal frameworks, all for balanced phosphorus fertilization in agriculture. This implies firstly that the phosphorus requirement of crop is fully satisfied by applying exclusively fertilizers which contain the nutrient in completely available form. Secondly, environmental demands through eutrophication and hazardous contaminants must not be compromised. The book identifies equally knowledge gaps and deficits in the transformation and implementation of research into practice. Bottom line is that research delivers the tools for a sustainable phosphorus management while legal frameworks are insufficient.

Sustainability Felix Ekardt. 2019-07-29 This book proposes a holistic transdisciplinary approach to sustainability as a subject of social sciences. At the same time, this approach shows new ways, as perspectives of philosophy, political science, law, economics, sociology, cultural studies and others are here no longer regarded separately. Instead, integrated perspectives on the key issues are carved out: Perspectives on conditions of transformation to sustainability, on key instruments and the normative questions. This allows for a concise answer to urgent and controversial questions such as the following: Is the EU an environmental pioneer? Is it possible to achieve sustainability by purely technical means? If not: will that mean to end of the growth society? How to deal with the follow-up problems? How will societal change be successful? Are political power and capitalism the main barriers to sustainability? What is the role of emotions and conceptions of normality in the transformation process? To which degree are rebound and shifting effects the reason why sustainability politics fail? How much climate protection can be claimed ethically and legally e.g. on grounds of human rights? And what is freedom? Despite all rhetoric, the weak transition in energy, climate, agriculture and conservation serves as key example in this book. It is shown how the Paris Agreement is weak with regard to details and at the same time overrules the growth society by means of a radical 1,5-1,8 degrees temperature limit. It is shown how emissions trading must - and can - be reformed radically. It is shown why CSR, education, cooperation and happiness research are overrated. And we will see what an integrated politics on climate, biodiversity, nitrogen and soil might look like. This book deals with conditions of transformation, governance instruments, ethics and law of sustainability. The relevance of the humanities to sustainability has never before been demonstrated so vividly and broadly as here. And in every area it opens up some completely new perspectives. (Prof. Dr. Dr. h.c. mult. Ernst Ulrich von Weizsäcker, Club of Rome, Honorary President) Taking a transdisciplinary perspective, the book canvasses the entire spectrum of issues relevant to sustainability. A most valuable and timely contribution to the debate. (Prof. Dr. Klaus Bosselmann, University of Auckland, Author of "The Principle of Sustainability") This book breathes life into the concept of sustainability. Felix Ekardt tears down the barriers between disciplines and builds a holistic fundament for sustainability; fit to guide long-term decision-making on the necessary transformation and societal change. (Prof. Dr. Christina Voigt, Oslo University, Dept. of Public and International Law)

Risk and the Law Gordon Woodman, Diethelm Klippel. 2008-08-22 Natural and man-made risks have long been recognised as vital conditioning factors in the formation of social institutions and the conduct of social life. In this volume internationally recognised experts examine in detail the implications in practice of the modern concept of risk in particular legal fields. The chapters explore the ways in which the law in its many branches can accommodate, manage and reduce the extent of risk in the modern Risk Society, matters of pressing importance for the development of all branches of law in all jurisdictions. The fields of activity affected by the issues discussed include law, medicine, insurance, state security and public health. The collection also contributes to comparative legal studies in respect of risk and the law, presenting a perspective which has largely been neglected outside the works of general theory. Thus the topics considered range from the civil law of injuries in Germany and the food law of the European Union, through sales of goods, including international sales, in English, German and French law, to the English law of torts. Risk and the Law, written by specialists who are authorities in their fields, will be of interest to academics and students who are interested in new developments and ideas regarding the relationship between risk, law and social change in many different fields.

The implementation of international law in Germany and South Africa Mehrdad Payandeh, Silja Vöneky, Dire Tladi, Alexander Proelss, Patrick Vrancken, Leonie Hensgen, Engela Schlemmer, Wolfgang Durner, Lisa Chamberlain, Tumai Murombo, Nicola Wenzel, Lilian Chenwi, Kirsten Schmalenbach, Christopher Gevers, Bonolo Dinokopila, Matthias Herdegen. 2015-07-23 South Africa, the power house of the African continent, as well as Germany, Europe's largest economic power, are faced with an intricate maze of international obligations, whether related to the United Nations, the World Trade Organization, the African Union or the European Union (EU), international human rights law, international humanitarian law, or any other sub-regime of international law. The two countries are in a different position when facing the implementation of this maze of obligations. South Africa is a developing economy that faces various capacity challenges which, at times, also impact the manner and extent to which it implements its international treaty obligations. Germany, on the other hand, benefits from comparatively well-funded institutes of international law and a well-trained academic community, which have contributed to the successful implementation of much of international law. But as the relevant chapters in this volume show, the German case is not without its own complexities. As a result, an exchange of ideas and experiences pertaining to the implementation of international obligations can prove fruitful for both countries. Moreover, such an exchange could also serve as a useful point of departure for other countries in Southern Africa that face similar challenges in relation to implementation. The current book explores suitable techniques of implementation of international law, by comparing South Africa with Germany. After a general overview of the status of international law within Germany and South Africa respectively, it focuses on the implementation of international instruments pertaining to key sub-areas of international law in the two countries. These include the United Nations Charter (peace and security), the international law of the sea, international economic law, international environmental law, international human rights law, international criminal law, regional integration, and the status of international judicial decisions before domestic courts.

Isensee/Depenheuer, Staat und Verfassung Josef Isensee. 2018-01-01

The Safe Operating Space Treaty Klaus Bosselmann, Paulo Magalhães, Will Steffen. 2016-04-26 It is clear that international law is not yet equipped to handle the "ecological goods and services" that exist simultaneously within and outside of all states. The global commons have always been understood as geographical spaces that exist only outside the political borders of states. A vital good such as a stable climate exists both within and outside all states, and shows traditional legal approaches to be ecological nonsense. With the recent possibility of measuring and monitoring the state and functioning of the Earth System through the Planetary Boundaries framework, it is now possible to define a "Safe Operating Space of

Humankind" corresponding to a biogeophysical state of Earth. In this sense, the Common Home of Humanity is not a planet with 510 million square kilometres, but is a specific favourable state of the Earth System. Recent major scientific advances anticipate a legal paradigm shift that could overcome the disconnection between ecological realities and existing legal frameworks. If we recognize this qualitative and non-geographic space as a Common Natural Intangible Heritage of Humankind, all positive and negative "externalities" end up being included within a new maintenance system of the Common Home.

Governing for the Environment B. Gleeson, N. Low. 2001-01-11 Governing for the Environment explores one of the dimensions of the value-knowledge system needed in any movement towards humane governance for the planet: the ecological sustainability and integrity of the Earth's environment. The book begins from the premise that whilst environmental knowledge and values have developed rapidly, their development must not overwhelm consideration of other core 'humane' values: peace, social justice, and human rights. The book's contributors explore a variety of ethical issues that must inform future global regulation of the Earth's environment.

Instrumentenverbund als Rechtsproblem am Beispiel effizienter Energienutzung Sven Jesse. 2014-02-11 English summary: In the pursuit of a particular form of regulation a variety of instruments are often used simultaneously. Such a combination of instruments often leads to a loss of effect as well as to additional costs, due to insufficient coordination of the various regulations and unreasonable charges due to a cumulative interference with basic rights. Against this background, Sven Jesse examines the requirements of European and constitutional law in the face of the combined use of such instruments. As a reference he uses the energy efficiency law which is characterized by a wide range of instruments. The practical application of this combination of instruments as well as its history are presented according to subject areas, and the different combinations are assessed on the basis of the existing legal standards. German description: Zur Verfolgung eines bestimmten Regulierungsziels wird oft eine Vielzahl von Instrumenten nebeneinander eingesetzt. In einem solchen Instrumentenverbund drohen Wirkungseinbußen und Zusatzkosten durch eine unzureichende Abstimmung der unterschiedlichen Regelungen sowie unzumutbare Belastungen durch kumulativ wirkende Grundrechtseingriffe. Sven Jesse untersucht vor diesem Hintergrund die europa- und verfassungsrechtlichen Anforderungen an den kombinierten Instrumenteneinsatz. Als Referenzgebiet zieht er dabei das Energieeffizienzrecht heran, das durch ein breit gefächertes Instrumentarium gekennzeichnet ist. Die konkrete Ausgestaltung dieses Instrumentenverbundes sowie seine Entwicklung werden nach Gegenstandsbereichen dargestellt und die verschiedenen Kombinationen anhand der erarbeiteten rechtlichen Maßstäbe gewürdigt.

The Organisation of the Anthropocene Jorge E. Viñuales. 2018-07-03 In The Organisation of the Anthropocene, J. E. Viñuales explores the legal dimensions of the currently advocated new geological epoch called the Anthropocene, in which humans are the defining force.

EU Environmental Principles and Scientific Uncertainty before National Courts Mariolina Eliantonio, Emma Lees, Tiina Paloniitty. 2023-04-20 This comparative book explores the dynamics driving how courts across Europe and beyond understand and analyse scientific information in nature conservation. The Habitats and the Birds Directives—the core of EU nature conservation law—are usually seen as the most 'uniform' parts of EU environmental law. This book analyses the case law from 11 current and former EU Member States' courts and explores the dynamics of how, and crucially why, their understandings of scientific uncertainty on the one hand, and EU environmental principles on the other, vary. The courts' scope and depth of review, access to scientific knowledge, and scientific literacy all influence such decisions—as does their interpretation of norms and principles. How have the courts evaluated scientific evidence, encompassing its essential uncertainties? This book answers this and many more questions pertinent to EU environmental law, comparative environmental law, administrative law, and STS studies. Co-edited by experienced leaders in the field, and with outstanding contributors, this book is an essential guide to the dynamics of nature conservation law.

Politische Theorie des Verfassungsstaates Peter Cornelius Mayer-Tasch. 2009-08-07 Dieses Studienbuch führt in die geistigen und sozialen Grundbedingungen von Staat und Politik ein. Es analysiert die philosophischen und rechtlich-politischen Grundlagen und Entwicklungsbedingungen des Verfassungsstaates.

Verfahren der Folgenabschätzung als Instrument zur rechtlichen Sicherung von Nachhaltigkeit Alexander Windoffer. 2011 English summary: Based on the requirements of constitutional law and administrative sciences as well as an analysis of the current status of applicable law, Alexander Windoffer shows the regulatory elements of a general code of procedure for the governance of legislative and administrative impact assessment whose purpose is the concept of sustainable development. German description: Trotz langjähriger Debatte um das Nachhaltigkeitskonzept ermangelt dieses klarer Konturen; gleichermassen bleiben Verfahren der Folgenabschätzung als Implementationsinstrument unterbelichtet. Vor diesem Hintergrund arbeitet Alexander Windoffer die Wesensmerkmale nachhaltiger Entwicklung heraus. Er fundiert diese Merkmale sowie die Verpflichtung der Staatsgewalten zur Folgenabschätzung im Unions- und Verfassungsrecht. Anschliessend analysiert er den bestehenden gesetzlichen Rahmen einer Vielzahl nachhaltigkeitsrelevanter Folgenabschätzungsverfahren im Bereich von Rechtsetzung und Verwaltung. Ausgehend von verfassungsrechtlichen und verwaltungswissenschaftlichen Determinanten zeigt er weiteren Regelungsbedarf auf und erarbeitet Vorschläge zur Überführung abstraktionsfähiger Regelungselemente in eine allgemeine Verfahrensordnung für nachhaltigkeitsorientierte Folgenabschätzungen der Legislative und Exekutive.

The Welfare State, Globalization, and International Law Eyal Benvenisti, Georg Nolte. 2011-06-27 The book deals with the role of the international level in securing or supplementing national welfare functions. The authors evaluate the role of international labour law, social rights as human rights, the World Trade Organisation, non-governmental organisations and international taxation law, in the effort to maintain and promote welfare rights and the welfare state. The functions of national migration law and of social security law are analysed in case studies.

Global Constitutionalism from European and East Asian Perspectives Takao Suami, Anne Peters, Dimitri Vanoverbeke, Mattias Kumm. 2018-11-29 Global Constitutionalism argues that parts of international law can be understood as being grounded in the rule of law and human rights, and insists that international law can and should be interpreted and progressively developed in the direction of greater respect for and realization of those principles. Global Constitutionalism has been discussed primarily by European scholars. Yet without the engagement of scholars from other parts of the world, the universalist claims underlying Global Constitutionalism ring hollow. This is particularly true with regard to East Asia, where nearly half the world's population and a growing share of global economic and military capacities are located. Are East Asian perspectives on Global Constitutionalism similar to European perspectives? Against the background of current power shifts in international law, this book constitutes the first cross-cultural work on various facets of Global Constitutionalism and elaborates a more nuanced concept that fits our times.

Digital Project Practice for New Work and Industry 4.0 Tobias Endress. 2023-03-01 New Work and Industry 4.0 have matured and this book takes a practical, experience-based approach to project management in these areas. It introduces methods and covers the practical aspects. It critically examines existing approaches and practices and shows their limitations. The book covers appropriate methods as well as human and social aspects. It contributes to the ongoing discussion of business practices and methods. It also aims to stimulate dialogue in the professional community. Digital Project Practice for New Work and Industry 4.0 begins by introducing basic concepts in the context of Industry 4.0 and discussing how they might influence organizational communication and impact the work environment. After examining the possibilities and challenges of remote work and collaboration in distributed teams all over the world, the book looks at a company's fundamental changes related to New Work from a practical business perspective as well as legal and ethical perspectives. It reviews the case of the VW emission scandal and recommends ways to improve corporate culture. Legal issues include New Work and hybrid forms of collaboration as well as liability for automated decisions (i.e., the potential need for an 'electronic person'). Other implications for the workplace include how: Industry 4.0 might influence the potential demand for Digital Unions Industry 4.0, and lean production, and their applications can change industrial practices Open Banking presents new approaches and new business models Work structures and systems can empower employees' work self-management This book also looks at how New Work effects individual workers. It addresses digital stress, introduces strategies for coping with it, and discusses related topics. It also explores the benefits of meditation and the economics of mind, body, and spirit. In essence, this book covers appropriate methods along with human and social factors. It also covers practice, different perspectives, and various experiences from all around the globe. Contributing to the ongoing discussion on business

practices and methods, this book will nourish and stimulate dialogue in the professional community.

The Principle of Sustainability Professor Klaus Bosselmann.2013-02-28 This book investigates how sustainability informs the universal principles used in domestic and international law. It calls for the acceptance of sustainability as a recognized legal principle which could be applied to the entire legal system rather than just environmental law and regardless of its international or domestic levels. To this end, the book makes a contribution to a theory of global law by discussing whether, as a universally shared concern, environmental protection and the principle of sustainability should contribute to the 'greening' of the fundamental principles of law and governance. The book will be a valuable resource for students, researchers and policy makers working in the areas of environmental law and governance.

Verfassung und ökologische Krise Achim Hurrelmann.2000

Das Ombudswesen als institutionelle Gestaltungsoption des Umwelt- und Planungsrechts Jakob Zywitz.2022-02-04 Die Integration ombudsrechtlicher Kontrollelemente wurde als Alternative zum Verbandsklagewesen umfassend diskutiert, in der umwelt- und planungsrechtlichen Rechtspraxis aber bisher kaum umgesetzt. Lediglich einzelne Institutionen wie das Nationale Begleitgremium im Standortauswahlgesetz oder die landesrechtlichen Naturschutzbeiräte und Naturschutzbeauftragten weisen ombudsrechtliche Bezugspunkte auf. Jakob Zywitz analysiert den Bedarf für eine Ausweitung ombudsrechtlicher Kontrolle im Rahmen der Infrastrukturplanung unter Berücksichtigung ausländischer Ausgestaltungsvarianten wie etwa der österreichischen Umweltschutzbehörden. Auf der Grundlage einer institutionellen Neuverortung entwickelt er einen gesetzlichen Umsetzungsvorschlag, der die ausserprozessuale Gewährleistung neutraler Kontrolle und die vermittelnde Konfliktlösung in den Vordergrund stellt.

Verwaltung zwischen Unparteilichkeit und Gestaltungsaufgabe Michael Fehling.2001 Originally presented as the author's Habilitationsschrift--Universität Freiburg im Breisgau, 2000.

Implementing Environmental Constitutionalism Erin Daly,James R. May.2018-05-31 Constitutions can play a central role in responding to environmental challenges, such as pollution, biodiversity loss, lack of drinking water, and climate change. The vast majority of people on earth live under constitutional systems that protect the environment or recognize environmental rights. Such environmental constitutionalism, however, falls short without effective implementation by policymakers, advocates and jurists. *Implementing Environmental Constitutionalism: Current Global Challenges* explains and explores this 'implementation gap'. This collection is both broad and deep. While some of the essays analyze crosscutting themes, such as climate change and the need for rule of law that affect the implementation of environmental constitutionalism throughout the world, others delve deeply into geographically contextual experiences for lessons about how constitutional environmental law might be more effectively implemented. This volume informs global conversations about whether and how environmental constitutionalism can be made more effective to protect the natural environment.

The Earth Charter, Ecological Integrity and Social Movements Laura Westra,Mirian Vilela.2014-06-20 The Earth Charter is a declaration of fundamental ethical principles for building a just, sustainable and peaceful global society, with ecological integrity as a major theme. This book provides a series of analyses of ecological integrity as it relates to the Earth Charter, social movements and international law for human rights. It is shown how the Earth Charter project began as a United Nations initiative, but it was carried forward and completed by a global civil society initiative. The drafting of the Earth Charter involved the most inclusive and participatory process of its time ever associated with the creation of an international declaration. This process is the primary source of its legitimacy as a guiding ethical framework. The Earth Charter was finalized and then launched in 2000 and its legitimacy has been further enhanced by its endorsement by over 6,500 organizations, including many governments and international organizations. In the light of this legitimacy, an increasing number of international lawyers recognize that the Earth Charter is acquiring the status of a soft law document. The book also shows the strong connection between ecological integrity and social justice, particularly in the defence of indigenous people, and includes contributions from both the North and the global South, specifically from Central and South America.

Human/Animal Relationships in Transformation Augusto Vitale,Simone Pollo.2022-02-11 The ethics of human/animal relationships is a growing field of academic research and a topic for public discussion and regulatory interventions from law-makers, governments and private institutions. Human/animal relationships are in transformation and understanding the nature of this process is crucial for all those who believe that the enlargement of moral and legal recognition to nonhuman animals is part of contemporary moral and political progress. Understanding the nature of this process means analysing and critically discussing the philosophical, scientific and legal concepts and arguments embedded in it. This book contributes to the discussion by bringing together the ideas and reflections of leading experts from different disciplinary backgrounds and with a range of scientific perspectives. This book both provides an up-to-date examination of the transformation of human/animal relationships and presents ideas to foster this process.

Demokratie und Verfassung an den Grenzen des Wachstums Christine Steinhoff.2013-07-02 So wie Odysseus im Mythos sich an den Mast seines Schiffes fesseln läßt und sich im Wissen um die eigene Willensschwäche durch freiwillige Selbstbindung schützt vor der Verführung der Sirenen, so verabreden die Bürger eine kollektive Selbstbindung: die Verfassung. Aber auch die beste aller möglichen politischen Verfassungsordnungen, der demokratische Verfassungsstaat, kann die Zerstörung der natürlichen Lebensgrundlagen nicht aufhalten; im Gegenteil: seine institutionellen Arrangements bieten den bedenkenlosen Umweltnutzern mehr Nischen und Vorteile als den Umweltschützern. Heute verheißt der Gesang der Sirenen von immerwährendem Luxus einen Genuß ohne Reue. Aber dieser kann zu einem Genuß mit katastrophalem Ausgang werden, wenn die Bürger nicht mit adäquaten Formen kollektiver Selbstbindung auf diese Herausforderung antworten und neue, besser geeignete politische Institutionen verabreden. Die Bedingungen der Freiheit in anderer Form zu verfassen - das wird die neue Aufgabe sein, vor der die Bürger der Berliner Republik stehen.

Rule of Law for Nature Christina Voigt.2013-11-21 'Human laws must be reformulated to keep human activities in harmony with the unchanging and universal laws of nature.' This 1987 statement by the World Commission on Environment and Development has never been more relevant and urgent than it is today. Despite the many legal responses to various environmental problems, more greenhouse gases than ever before are being released into the atmosphere, biological diversity is rapidly declining and fish stocks in the oceans are dwindling. This book challenges the doctrinal construction of environmental law and presents an innovative legal approach to ecological sustainability: a rule of law for nature which guides and transcends ordinary written laws and extends fundamental principles of respect, integrity and legal security to the non-human world.

Global Environmental Constitutionalism in the Anthropocene Louis J Kotzé.2016-09-22 There is persuasive evidence suggesting we are on the brink of human-induced ecological disaster that could change life on Earth as we know it. There is also a general consensus among scientists about the pace and extent of global ecological decay, including a realisation that humans are central to causing the global socio-ecological crisis. This new epoch has been called the Anthropocene. Considering the many benefits that constitutional environmental protection holds out in domestic legal orders, it is likely that a constitutionalised form of global environmental law and governance would be better able to counter the myriad exigencies of the Anthropocene. This book seeks to answer this central question: from the perspective of the Anthropocene, what is environmental constitutionalism and how could it be extrapolated to formulate a global framework? In answering this question, this book offers the first systematic conceptual framework for global environmental constitutionalism in the epoch of the Anthropocene.

Wissenschaftsgeschichte in Rezensionen Gerd Roellecke.2013 Zwischen 1992 und 2008 erschienen in der Frankfurter Allgemeinen Zeitung 133 Buchbesprechungen aus der Feder von Gerd Roellecke, der 2011 verstarb. Die in diesem Band nachgedruckte Auswahl bietet ein Panorama wissenschaftlicher Erkenntnisse, philosophischer Gedanken und politischer Standpunkte im Spiegel der pointierten Urteile Roelleckes. Den zeithistorischen Hintergrund bildet die Neuorientierung Deutschlands und Europas in den Jahren zwischen Wiedervereinigung und globaler Finanzkrise. Der Mannheimer Staatsrechtslehrer prüft Bücher aus allen Fachern, die sich im weitesten Sinne mit der Verfassung des sozialen Lebens beschäftigen, von der Rechtsphilosophie bis zur Geschichtswissenschaft. Den roten Faden bildet in Anknüpfung an Niklas Luhmann ein gesellschaftstheoretisches Interesse an den Überlebensbedingungen der modernen Zivilisation. Kuriose Zeitzeugnisse sind für den Kritiker nicht weniger aufschlussreich als epochemachende Standardwerke. Durch die Kunst der witzigen Zuspitzung ladet Roellecke zum Widerspruch ein - damit

die Aufklärung weitergeht.

Der Verfassungsbegriff des Grundgesetzes Peter Unruh.2002 English summary: It has often been pointed out that constitutional dogmatics can only be based on a self-reflection through the constitutional concept. In this study, Peter Unruh proposes a solution to this problem in constitutional law, about which many complaints have been heard, by describing the constitutional concept of the Basic Law as an evolutionary category whose roots can be traced back to the French and the American Revolutions. The author demonstrates that it is possible to describe the constitutional concept of the Basic Law with the help of a number of conceptual elements. The basis of the concept is the general idea of human autonomy. German description: Auf den Umstand, dass Verfassungsdogmatik nur auf der Grundlage einer Selbstvergewisserung über den Verfassungsbegriff möglich ist, wurde schon vielfach hingewiesen. Für dieses häufig beklagte Problem der Staatsrechtslehre bietet die vorliegende Untersuchung einen Lösungsvorschlag: Peter Unruh beschreibt den Verfassungsbegriff des Grundgesetzes als eine evolutionäre Kategorie, deren Wurzeln sich bis zur Amerikanischen und Französischen Revolution zurückverfolgen lassen. Der Autor zeigt, dass es möglich ist, den Verfassungsbegriff des Grundgesetzes mit Hilfe einer Reihe von Begriffselementen adäquat zu umschreiben. Die ideengeschichtliche und verfassungstheoretische Grundlage dieses Verfassungsbegriffs ist die allgemeine Vorstellung von der menschlichen Autonomie. Aus dem Gedanken der Selbstbestimmung der Freien und Gleichen leiten sich die einzelnen Verfassungsbegriffselemente ab, die sich aus heuristischen Gründen in zwei funktionell ausdifferenzierte Gruppen unterteilen lassen: die Strukturelemente, die den Geltungsgrund, die Geltungsweise und die Form der Verfassung betreffen, sowie die materiellen Begriffselemente, die konkrete inhaltliche Festsetzungen enthalten. Neben verfassungstheoretischen und methodologischen Fragen steht vor allem die Geschichte des Verfassungsbegriffs im Vordergrund des Bandes. Aus dieser evolutionär-verfassungstheoretischen Grundlegung werden Folgerungen für die aktuelle Verfassungsdogmatik abgeleitet.

The Principle of Sustainability, 2nd Edition Klaus Bosselmann.2016-12-08 This book investigates how sustainability informs key principles and concepts of domestic and international law. It calls for the recognition of ecological sustainability as a fundamental principle to guide the entire legal system rather than just environmental legislation. To this end, the book makes a contribution to global environmental constitutionalism, a rapidly growing area within comparative and international environmental law and constitutional law. This 2nd edition has been fully revised and updated to take account of recent developments and new case law. The book will be a valuable resource for students, researchers and policy makers working in the areas of environmental law and governance.

Governance in "Cyberspace": Access and Public Interest in Global Communications Klaus Grewlich.1999-11-09 'Cyberspace' is the emerging invisible, intangible world of electronic information and processes stored at multiple interconnected sites. The digital revolution leads to 'convergence' (of telecommunications, computer/Internet and broadcasting) and to dynamic multimedia value chains. Deregulation and competition are major driving forces in the new interactive electronic environment. This volume contains normative proposals for 'cyber'-regulation, including self-regulation, grounded on developments in the EU, US and the Far East, in international organisations (WTO, OECD, WIPO, ITU), in business fora, in NGOs, in the 'Internet community' and in academic research. The multi-actor (government, business, civil society) and multi-level analysis (subsidiarity) pertains e.g. to ex-ante and ex-post access-regulation, competition, network economics (external effects, essential facilities), public interest principles (human dignity, free speech, privacy, security), development and culture, consumer protection, cryptography, domain names and copyright. Lawyers, regulators, business executives, investment bankers, diplomats, and civil society representatives need shared essentials of plurilateral 'governance' to safeguard both competition and public interest objectives, at a scale congruent to 'cyberspace', in the transition to an 'international law of cooperation'.

The Search for Environmental Justice Paul Martin, Sadeq Z. Bigdeli, Trevor Daya-Winterbottom, Willemien du Plessis, Amanda Kennedy.2015-07-31 This thoughtful book provides an overview of the major developments in the theory and practice of environmental justice. It illustrates the direction of the evolution of rights of nature and exposes the diverse meanings and practical uses of the concept.

Low Dose Exposures in the Environment C. Streffer, H. Bolt, D. Follesdal, P. Hall, J.G. Hengstler, P. Jacob, D. Oughton, K. Prieß, E. Rehbinder, E. Swaton.2013-11-11 The ever-increasing release of harmful agents due to human activities have led in some areas of the world to heavy pollution. In order to protect human health and the environment, environmental standards that shall limit the release and the concentration of those toxic agents in the environment and hence the exposure to it have to be established. The related assessment and decision-making procedures have to be based on solid scientific data about the effects and mechanisms of these agents as well as on ethical, social and economic aspects. For risk evaluation, the knowledge of the dose response curve is an essential prerequisite. Dose responses without a threshold dose are most critical in this connection. Such dose responses are assumed for mutagenic and carcinogenic effects, which, therefore, dominate also the discussion in this book. In the environmentally important low dose range, risk estimation can only be achieved by extrapolation from higher doses with measurable effects. The extrapolation is accompanied with uncertainties which makes risk evaluation as well as risk communication frequently problematic. In order to ensure rational efficient and fair decisions beyond a sound scientific assessment the dialogue between disciplines, with the affected people and with the general public is necessary. In this book, the whole range of relevant and essential aspects of risk evaluation and standard setting is addressed. Starting with the ethical foundations, the sound analysis of recent scientific findings sets the frame for further reflections by theory of cognition, psychosocial sciences, and jurisprudence. The authors end up with concluding recommendations for coping with the recent problems of standard setting in the field of environmentally relevant low doses. The book is designed to a readership of scientists, legislators, administrators, and the interested public.

Oxford Handbook of Comparative Environmental Law Emma Lees, Jorge E. Viñuales.2019-04 This Handbook is the first comprehensive account of comparative environmental law. It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries from four vantage points: country studies from all continents, responses to common problems (including air pollution, water management, nature conservation, genetically modified organisms, climate change and energy, chemicals, waste), foundational components of environmental law systems (including principles, property rights, administrative and judicial organisation, command-and-control regulation, market mechanisms, informational techniques and liability mechanisms), and common interactions of environmental protection with the broader public, private, and criminal law contexts. The volume brings together the foremost authorities in this field from around the world to provide a concise, self-contained, and technically rigorous account of environmental law as a single overall system.

Linking EU and National Governance Beate Kohler-Koch.2003 European governance ranks high on the present research agenda on Europe. Based on new empirical research, this book presents a broad-ranging view of the multi-faceted interdependence of EU and national governance.

Der ökologische Verfassungsstaat Rudolf Steinberg.1998

Architectures of Earth System Governance Frank Biermann, Rakhyun E. Kim.2020-05-07 An authoritative analysis of [a decade of] research on institutional architectures in earth system governance, covering key elements, structures and policy options.

Staatliche Zukunfts- und Entwicklungsvorsorge Ivo Appel.2005 English summary: Ivo Appel determines the legal status of sustainable development in international law, European law and German law. He specifies the objectives of sustainable development, describes the prerequisites and consequences of adequate decision-making and demonstrates the problems involved in the indispensable instrumentalization process. Pointing out the state responsibility for future generations and the environment, he develops the legal content, the capacity and the limits of the concept of sustainability as a model of legal regulation. German description: Während zukunftsfähiges politisches Handeln das Konzept der nachhaltigen Entwicklung als Leitlinie für das 21. Jahrhundert entdeckt hat, besteht in der Rechtswissenschaft ein beträchtliches Maß an Skepsis. Die große inhaltliche Weite, der betont internationale Ansatz und die intergenerationelle Ausrichtung begründen den hohen Anspruch des Konzepts, stehen aber zugleich für die spezifischen Schwierigkeiten einer Verwirklichung mit Mitteln des Rechts. Ivo Appel greift die unübersichtlich gewordene Diskussion auf und stellt sie in den größeren Zusammenhang der staatlichen Verantwortung für Zukunft und Entwicklung. Konkrete Ausformungen des Nachhaltigkeitskonzepts werden am Beispiel des Umwelt- und Planungsrechts untersucht. Dabei erweist sich das Konzept als Exempel und

Anwendungsfall für grundsätzlichere Entwicklungen im öffentlichen Recht, die sich aus einer neu gewichteten Staatsaufgabe Zukunfts- und Entwicklungsvorsorge ergeben. Die Anforderungen des Konzepts stellen die Prozesse der Rechtsentstehung und Rechtskonkretisierung in den weiteren Kontext eines europäischen und internationalen Mehr-Ebenen-Systems, wobei der Kategorie des 'rechtssetzungsorientierten Rechts' und der (Wieder)Entdeckung der Ziele als einer Handlungsform Scharnierfunktionen zukommen. Vor diesem Hintergrund versteht sich der Band auch als Pladoyer, dem Nachhaltigkeitskonzept konstruktiv zu begegnen und die rechtlichen Möglichkeiten, die in der Aufstellung von Leitbildern und Zielen liegen können, systemprägend zu nutzen.

Das Konzept der zukunftsfähigen Entwicklung im Recht Guy Beaucamp. 2002 English summary: Guy Beaucamp examines the relationship between the concept of sustainable development and the legal system. He questions the extent to which the concept has already been made into law and looks into the possibilities which are available de lege ferenda to incorporate this concept into the legal system. He concludes his study with a comparison of the German Federal Regional Planning Law and the New Zealand Resource Management Act, showing how it is possible to put more elements of the concept of sustainable development in the future into a planning law. German description: Guy Beaucamp untersucht das Verhältnis des Konzepts des sustainable development zur Rechtsordnung. Dabei geht er zum einen der Frage nach, inwieweit das Konzept der zukunftsfähigen Entwicklung bereits verrechtlicht ist. Zum anderen untersucht er, welche Möglichkeiten de lege ferenda zur Verfügung stehen, um das Konzept in die Rechtsordnung einzubauen. Während das Völkerrecht noch am Anfang einer Verrechtlichung steht, hat der Amsterdamer Vertrag das Zukunftsfähigkeitskonzept an vielen Stellen in das Europarecht aufgenommen. Wichtige Teilaussagen des Konzepts lassen sich auch im deutschen Verfassungsrecht wiederfinden, wobei die institutionelle Absicherung der langfristigen Orientierung sowie die Integration sozialer, ökonomischer und ökologischer Belange verbessert werden musste. Das deutsche Verwaltungsrecht bietet ein uneinheitliches Bild. Während das Raumordnungsgesetz und das Bundeswaldgesetz vielversprechende Ansätze enthalten, erweisen sich zahlreiche andere Gesetze (Bundesnaturschutzgesetz, Bundesjagdgesetz, Wasserhaushaltsgesetz) als wenig erfolgreich, wenn es um die Umsetzung einer zukunftsfähigen Entwicklung geht. Ein unter der Bezeichnung Stoffstromrecht diskutiertes Reformmodell für das Verhältnis von Wirtschaft und Umwelt hat ebenfalls nur ein sehr geringes Echo in den relevanten Verwaltungsgesetzen (Bundes-Immissionsschutzgesetz, Chemikaliengesetz, Kreislaufwirtschafts- und Abfallgesetz) gefunden.

Unveiling the Magic of Words: A Review of "**Der Ökologische Verfassungsstaat**"

In some sort of defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is truly awe-inspiring. Enter the realm of "**Der Ökologische Verfassungsstaat**," a mesmerizing literary masterpiece penned with a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve to the book's central themes, examine its distinctive writing style, and assess its profound impact on the souls of its readers.

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