

Contents

1	Introduction: Climate and the Law	1
1.1	From the Initial Lack of Trust to the Acknowledgement of the Anthropocene	1
1.2	Interdisciplinary Forewords to Climate Change Law	2
1.3	Cautiously Moving Forward: What We Should Expect from the Next Chapters	5
	References	5
2	The International Framework, Policies, and the Law: Towards National Legal Domains for Climate Issues	7
2.1	Introduction: The Epistemological Complexity of Climate/Environmental Principles and Rules	7
2.2	Transnational Concerns and Developments of International Law Addressing Environmental and Climate Issues	11
2.3	The Main Legacy to Climate Change Law from International Environmental Law: An Outline	16
2.4	Monologues for the Paris Agreement’s Dialogues: The Nationally Determined Contribution System	20
2.5	Basic Prospects of Future Actions through NDCs	24
2.6	Are Domestic Legal Systems Adaptive?	27
2.7	Between Climate and the Environment: The “Aurora” of a Legal Consciousness and the Shift from Preservation and Restoration to Resilience and Adaptation	29
	References	34
3	The Ongoing Foundation of the Constitutionalisation of Climate	41
3.1	Introduction: Comparative Public and Constitutional Law	41
3.2	Climate-Related Values and Principles within a Domestic Legal System	43
3.3	Constitutionalism	45
3.4	Constitutionalism(s)	49
	3.4.1 Transformative Constitutionalism	50

3.4.2	Nuevo Constitucionalismo Latinoamericano	52
3.4.3	Global Constitutionalism	55
3.4.4	Environmental Constitutionalism	58
3.5	Constitution Matters: “Climate Provisions”	60
3.5.1	Zambia	61
3.5.2	Ecuador	63
3.5.3	Bolivia	64
3.5.4	Venezuela	66
3.5.5	Vietnam	67
3.5.6	Tunisia	68
3.5.7	Dominican Republic	69
3.5.8	Nepal	70
3.5.9	Sri Lanka	71
3.5.10	Ivory Coast	72
3.5.11	Algeria	73
3.5.12	Thailand	73
3.5.13	Cuba	75
	References	75
4	Applied Climate Justice and Functional Climate Litigation: Overlapping Circles	83
4.1	Introduction: Towards Distributive Justice	83
4.2	Beyond Distributive Justice	86
4.3	Current Trends in Climate Litigation	89
4.3.1	Friends of the Irish Environment v. The Government of Ireland et al.	91
4.3.2	Notre Affaire à Tout and Others v. France	95
4.3.3	D.G. Khan Cement Company v. Government of Punjab	97
	References	99
5	Conclusion: The Climate Constitutionalism Momentum	103
	References	111
	Bibliography	113