

## PRITYI, MAREK: HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION. ROUTLEDGE, 2024

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## 1. INTRODUCTION

Marek Prityi's *Human Rights and Environmental Protection: Environmental Procedural Rights in the EU, India and China* is an ambitious and timely contribution to the growing body of scholarship at the intersection of environmental law and human rights. Situated within Routledge's Transnational Law and Governance series, the book not only seeks to clarify the conceptual and normative links between environmental protection and human rights, but also examines how procedural rights function in practice in three markedly different legal and political contexts. The author's choice of jurisdictions (the European Union, India and China) is not incidental. In contrast, it allows for a nuanced exploration of environmental procedural rights in settings that range from supranational governance structures to federal democratic systems and authoritarian frameworks.

Prityi's academic trajectory, combining doctrinal expertise with comparative methodology and field insights, is evident throughout. The book's declared aim is to "give voice" to those applying environmental procedural rights daily, be they judges, lawyers, policymakers, or civil society actors, and to ground the analysis in real-world challenges and experiences. In this regard, it succeeds admirably, offering both theoretical depth and empirical texture.

## 2. CONTENT OVERVIEW

The opening chapter, Connecting the Dots, provides the conceptual foundation by tracing the historical evolution and philosophical underpinnings of environmental human rights. Prityi critically engages with competing paradigms, anthropocentric, ecocentric, and rights-of-nature approaches, and situates the "right to a healthy environment" within broader human rights discourse. The discussion reflects awareness of the global legal pluralism that shapes environmental rights claims, acknowledging the

influence of international law, regional jurisprudence, and domestic constitutional traditions.

**Chapter 2, The Research Approach**, sets out the methodological framework. Here, the author blends functional comparative law with hermeneutic interpretation, enriched by socio-legal and cultural perspectives. The approach is not purely doctrinal, empirical elements are drawn from interviews, case analyses, and institutional observations, providing a multi-layered understanding of how procedural rights are enacted (or obstructed) in practice.

**Chapter 3, Greening Existing Rights**, examines the "environmentalisation" of established human rights such as the right to life, privacy, property, fair trial, and the rights of indigenous peoples. Through an impressive survey of case law, ranging from the European Court of Human Rights to the Indian Supreme Court and domestic Chinese courts, Prityi shows how judicial bodies have progressively integrated environmental concerns into traditional rights frameworks. The comparative dimension is particularly effective here, revealing convergences (e.g., recognition of environmental harm as a breach of the right to life) alongside stark divergences in judicial activism and enforcement.

The subsequent chapters form the empirical and comparative heart of the book. Environmental Procedural Rights in the European Union maps the transposition and implementation of the Aarhus Convention within the EU legal order, highlighting both supranational instruments and the practice in selected Member States. The treatment of access to information, public participation, and access to justice is meticulous, with due attention given to CJEU jurisprudence and Commission enforcement actions.

In India and China, the analysis is tailored to the distinct legal, cultural, and political realities of each country. The Indian section explores the constitutional right to a healthy environment as interpreted by an activist judiciary, the institutional role of the National Green Tribunal, and the practical barriers posed by administrative inertia and resource constraints. In the Chinese section, Prityi addresses the evolving statutory framework, the role of public interest litigation, and the complex interplay between central directives and local enforcement. Particularly noteworthy is the discussion of how civil society organisations operate under restrictive political conditions, shedding light on the limits of procedural rights in non-democratic contexts.

The book culminates in a comparative Case Study that juxtaposes the three jurisdictions' approaches to environmental procedural rights. This synthesis distils cross-cutting themes (such as the importance of judicial independence, the impact of administrative capacity, and the role of legal culture) and identifies transferable lessons. The final chapter articulates "lessons learned" and policy recommendations, underscoring that procedural rights are not self-executing and require robust institutional, legal, and cultural support to deliver meaningful environmental protection.

### 3. ANALYTICAL ASSESSMENT

The book's strengths are manifold. First, its comparative breadth is exceptional. By selecting jurisdictions that differ not only in legal traditions but also in political systems and socio-economic conditions, Prityi offers insights that transcend purely regional debates. The comparative framework is well-structured, avoiding the common pitfall of parallel monologues; instead, the jurisdictions are continually placed in conversation with one another.

Second, the integration of theory and practice is exemplary. The author navigates seamlessly from conceptual debates about environmental human rights to granular

discussions of statutory provisions, institutional arrangements, and case law. This dual focus ensures the book's relevance to both academic and practitioner audiences.

Third, the methodological transparency is commendable. By explicitly outlining the research approach and its limitations, Prityi enables readers to appreciate the interpretative choices made and to assess the validity of the comparative conclusions.

That said, there are areas where the analysis could be extended. While procedural rights are examined in great detail, the substantive dimensions of the right to a healthy environment receive relatively less attention. This is, of course, a deliberate choice aligned with the book's focus, but it leaves open questions about how procedural guarantees interact with substantive environmental standards in practice. Additionally, while the role of emerging technologies and digital participation tools is touched upon, a fuller exploration of their potential to transform access to information and public engagement would have enriched the discussion.

From a structural perspective, the chapters are logically ordered and internally coherent, but the density of the legal analysis in certain sections – particularly in the EU part – may challenge readers less familiar with the specific legislative instruments. Occasional summarising tables or visual aids could have enhanced accessibility without compromising analytical rigour.

#### 4. CONCLUSION

*Human Rights and Environmental Protection: Environmental Procedural Rights in the EU, India and China* is a significant scholarly achievement that advances the understanding of environmental human rights through a rigorous and nuanced comparative lens. By situating procedural rights at the centre of its analysis and examining them across three markedly different legal and political contexts, the book delivers insights that are both academically robust and practically relevant. Its capacity to bridge theoretical discourse with lived realities of legal actors in diverse jurisdictions makes it a valuable resource not only for academic circles but also for practitioners engaged in cross-border environmental litigation and governance. The careful balance between theoretical framing and practical case analysis, combined with methodological transparency and the breadth of comparative perspective, ensures that it will remain a valuable reference for years to come.

That said, certain elements could be developed further in the next edition. While the focus on procedural rights is clear and consistent, integrating a more substantive discussion of the right to a healthy environment (and, e.g. examining more explicitly how procedural guarantees influence substantive outcomes) would enrich the conceptual framework. In addition, a fuller exploration of the role of technological innovation in enabling access to information and public participation could give the book an even greater contemporary relevance, especially in the context of digitalisation of environmental governance. Structurally, the inclusion of comparative tables or visual aids in the more dense legislative sections, particularly within the EU analysis, could also improve accessibility for readers less familiar with the specific instruments.

Overall, it is an impressive, timely, and well-executed contribution that will be of interest to scholars, practitioners, and policymakers alike. It also sets a benchmark for future comparative studies in this area, demonstrating how procedural rights can be analysed with both conceptual sophistication and empirical grounding. With the modest enhancements suggested, a second edition would be well placed to not only consolidate the book's strengths but also expand its influence in the evolving field of environmental human rights.

