



Federalism and the Environment: Environmental Policymaking in Australia, Canada, and the United States (Contributions in Political Science)

Brian Galligan, Kenneth M. Holland, F. Morton

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This edited volume is a comprehensive examination of the legal framework in which environmental policy is fashioned in the major English-speaking federations—the United States, Canada, and Australia. The need for national solutions to environmental problems emerged long after the largest share of governmental power was allotted to states or provinces. This volume attempts to solve the paradox of how a country can have effective laws protecting the environment, vigorously enforced, when legislative and administrative powers are divided between two tiers of government.

The contributors analyze environmental lawmaking along three dimensions. Part I describes the formal constitutional allocation of powers between states or provinces and the federal government, concluding that on paper environmental protection is essentially a local responsibility, although the reality is far different. In Part II the contributors explore the extent to which governments resort to informal negotiations among themselves to resolve environmental disputes. Part III is a thorough canvassing of the judiciary's role in making environmental policy and resolving disputes between levels and branches of government. In Australia and Canada, the courts play a relatively less important role in formulating policy than in the United States. In conclusion, the work shows that the level of environmental protection is relatively high in these three federations. Environmental politics, the work suggests, may be less divisive in federations than in unitary systems with comparable levels of development.

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