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Allan R. Brewer Carias

**Constitutional Law in Venezuela** Allan R. Brewer-Carías, 2023-08-20 Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in Venezuela provides essential information on the country's sources of constitutional law, its form of government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in Venezuela will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law.

**Dismantling Democracy in Venezuela** Allan R. Brewer-Carías, 2010-09-20 This book examines the process of dismantling the democratic institutions and protections in Venezuela under the Hugo Chávez regime. The actions of the Chávez government have influenced similar processes and undemocratic manoeuvrings in Ecuador, Bolivia, and Honduras. Since the election of Hugo Chávez as president of Venezuela in 1998, a sinister form of nationalistic authoritarianism has arisen at the expense of long-established democratic standards. During the past decade, the 1999 Venezuelan Constitution has been systematically attacked by all branches of the Chávez government, particularly by the Supreme Tribunal of Justice, which has legitimized the Chávez-ordered constitutional violations. The Chávez regime has purposely defrauded the Constitution and severely restricted representative government, all in the name of a supposedly participatory democracy controlled by a popularly supported central government. This volume illustrates how an authoritarian, nondemocratic government has been established in Venezuela.

**Latin America and the Illusion of Peace** David R. Mares, 2018-01-17 This book explores interstate conflict and its dynamics in the context of Latin America's contemporary conflict management experience. The myth of Latin America as a region of peace means that each time the use of force rises to the level of global attention (e.g., Ecuador-Peru 1995 or Colombia-Ecuador 2008) analysts and the press ask, how could that happen here? Yet the official uses of military force in interstate relations are significantly more prevalent than most analysts within and outside the region understand, and the region is facing new and potentially destabilizing challenges. It is the contention of this book that mitigating the threat raised by militarized interstate relations requires understanding the various ways in which military force can be employed short of war; this in turn requires illuminating the decision making process that produces militarization of a disagreement, considering options for dissuading the decision makers from choosing to militarize and limiting escalations when militarization does occur.

**Estado populista y populismo constitucional** Juan Carlos Cassagne, 2023-11-29 Esta obra recoge el texto de dos libros de dos profesores de derecho administrativo, ambos amigos entre sí desde hace varias décadas, que giran sobre el mismo tema del populismo, escritos cada uno desde su perspectiva y trabajando en los extremos del continente americano. El libro del profesor Cassagne titulado *El Estado Populista y las ideologías*, trata el tema del populismo desde una perspectiva más teórica y comparada, advirtiendo que si bien el populismo no constituye una ideología susceptible de ser englobada en la izquierda ni en la derecha de la política tradicional, ello no implica que las ideologías no estén presentes en los distintos régimen populistas, destacando la aparición de un nuevo modelo proveniente de la llamada izquierda radicalizada – pretendidamente democrático – el cual, por su tipicidad, ha denominado “Estado Populista.” El libro del profesor Brewer-Carías, titulado *El populismo constitucional y el “nuevo constitucionalismo.”* O de cómo se destruye una democracia desde dentro, apunta a estudiar precisamente ese “nuevo modelo” de Estado populista, y de cómo, utilizándose los instrumentos constitucionales, en las últimas dos décadas se ha desarrollado en varios de los países iberoamericanos, en particular en Venezuela, demoliendo desde dentro todos los principios de la democracia, utilizando sus propios instrumentos y la pantalla de una “democracia participativa,” en lo que denomina el populismo constitucional. Ediciones Olejnik ha considerado importante divulgar en conjunto estas dos obras, dada la importancia del tema y dadas la recurrencia de los planteamientos que se abordan en las mismas, en muchos países democráticos de América y Europa. Allan R. Brewer-Carías. Juan Carlos Cassagne.

**Judicial review in comparative law** Allan R. Brewer Carias, 2023-11-24 All over the world, in all democratic States, independently of having a legal system based on the common law or on the civil law principles, the courts – special constitutional courts, supreme courts or ordinary courts – have the power to decide and declare the unconstitutionality of legislation or of other State acts when a particular statute violates the text of the Constitution or of its constitutional principles. This power of the courts is the consequence of the consolidation in contemporary constitutionalism of three fundamental principles of law: first, the existence of a written or unwritten constitution or of a fundamental law, conceived as a superior law with clear supremacy over all other statutes; second, the “rigid” character of such constitution or fundamental law, which implies that the amendments or reforms that may be introduced can only be put into practice by means of a particular and special constituent or legislative process, preventing the ordinary legislator from doing so; and third, the establishment in that same written or unwritten and rigid constitution or fundamental law, of the judicial means for guaranteeing its supremacy, over all other state acts, including legislative acts. Accordingly, in democratic systems subjected to such principles, the courts have the power to refuse to enforce a statute when deemed to be contrary to the Constitution, considering it null or void, through what is known as the diffuse system of judicial review; and in many cases, they even have the power to annul the said unconstitutional law, through what is known as the concentrated system of judicial review. The former, is the system created more than two hundred years ago by the Supreme Court of the United States, and that so deeply characterizes the North American Constitutional system. The latter system, has been adopted in constitutional systems in which the judicial power of judicial review has been generally assigned to the Supreme Court or to one special Constitutional Court, as is the case, for example, of many countries in Europe and in Latin America. This concentrated system of judicial review, although established in many Latin American countries since the 19th century, was only effectively developed particularly in the world after World War II following the studies of Hans Kelsen. Of course, during the past thirty years many changes have occurred in the world on these matters of Judicial Review, in particularly in Europe and specifically in the United Kingdom, where these Lectures were delivered. Nonetheless, I have decided to publish them hereto in its integrality, as they were: the written work of a law professor made as a consequence of his research for the preparation of his lectures, not pretending to be anything else, but the academic testimony of the state of the subject of judicial review in the world in 1985-1986. Allan R. Brewer-Carías.

**Actividad administrativa, actividad de gobierno y poder discrecional** Allan R. Brewer Carias, 2023-11-22 La actividad administrativa es una realización de la Administración Pública, lo que exige precisar qué debemos entender por tal concepto, sin duda, de sentido al menos ambivalente. En efecto, la noción de Administración Pública puede referirse tanto a un conjunto de órganos como a una actividad estatal en sí misma; por lo que a los efectos de definir la actividad administrativa debemos, por supuesto, optar por el concepto orgánico, y entender por Administración Pública como un conjunto de órganos de las personas

jurídicas estatales, es decir, de los sujetos de derecho que actualizan la voluntad del Estado. El principio general de que la competencia de todos los órganos del Estado para la realización de sus actividades, tiene que derivar de texto constitucional o legal expreso; en lo que se refiere a la actividad administrativa, la misma básicamente puede y está básicamente en la ley, pues dicha actividad siempre es de carácter sublegal. La actividad administrativa al ser de carácter sublegal está por sobre todo sometida al derecho y controlable jurisdiccionalmente. En efecto, conforme al sistema establecido en la Constitución todos los actos estatales están sometidos al derecho y todos son controlables jurisdiccionalmente por razones de constitucionalidad o de legalidad. Aquí está la esencia del principio de la legalidad y del Estado de Derecho. Allan R. Brewer-Carías.

**Estudios en derecho público** Araújo Oñate, Rocio,2020-06-30 La obra que el lector tiene en sus manos expresa el afecto, el respeto y la admiración de jueces, abogados y académicos a uno de los maestros del derecho público colombiano. Ello explica su naturaleza como liber amicorum y la existencia de un capítulo que destaca los aportes que ha hecho el doctor Carlos Betancur Jaramillo al derecho público y al derecho privado. Las contribuciones de los autores desarrollan una amplia gama de temáticas y presentan con profundidad y rigor diversas perspectivas, reflexiones y conclusiones sobre el control judicial en el Estado social de derecho, así como la entronización de los derechos constitucional y administrativo en el contexto general de la Ley 1437 de 2011, en el procedimiento administrativo sancionador y desde la perspectiva de la concurrencia de funciones jurisdiccionales y administrativas. Esta publicación expone debates vigentes sobre la aplicación de instituciones jurídicas en la contratación estatal, como el enriquecimiento sin causa, el concepto de interés público, las facultades unilaterales de la Administración y el seguro de cumplimiento, y de institutos procesales como la nulidad y sus efectos, las medidas cautelares y el recurso de casación en la jurisdicción contencioso administrativa; también visibiliza y analiza asuntos de trascendencia y actualidad, como la protección ambiental, los Acuerdos de paz, la pérdida de investidura y la responsabilidad estatal en contextos de guerra y paz, así como las dificultades y los retos que estos conllevan para la sociedad, el derecho y los jueces. En suma, se trata de una obra de homenaje a un maestro de maestros, cuyo contenido refleja el legado del doctor Carlos Betancur Jaramillo y la cuidadosa selección de cuestiones jurídicas relevantes y actuales cuya discusión, investigación y análisis resulta de gran utilidad para toda la comunidad judicial, académica y jurídica.

**El nuevo constitucionalismo latinoamericano y la destrucción del Estado democrático por el juez constitucional** Allan R. Brewer Carias,2023-11-24 El Juez Constitucional, sea que se trate de un Tribunal Constitucional especializado o de la Sala Constitucional de la Corte Suprema de un país, tiene como misión esencial el garantizar la vigencia de la Constitución, y con ello, la vigencia del Estado democrático de derecho; asegurar el derecho del pueblo a ser gobernado por sus representantes electos mediante sufragio; preservar el funcionamiento del Estado bajo el principio de la separación de poderes, y velar porque todos los órganos del Estado acaten la Constitución. Bajo ese ángulo, por tanto, es inconcebible que un Juez Constitucional pueda tener como misión la de demoler el Estado de derecho y, con ello, destruir las bases del sistema democrático representativo y participativo. Sin embargo, eso fue precisamente lo que ocurrió en Venezuela a partir de 1999, y durante los últimos 20 años (1999-2018), cuando el Juez Constitucional se convirtió en el más importante y perverso instrumento utilizado por el régimen autoritario que asaltó el poder en 1999, mal utilizando métodos democráticos, para demoler los principios de la democracia. Este libro del profesor Allan R. Brewer-Carías analiza ese proceso, de cómo, siguiendo las propuestas formuladas bajo el mote de un “nuevo constitucionalismo” que un grupo de profesores españoles lograron introducir en América Latina de la mano de Presidentes autoritarios, primero en Venezuela, con Hugo Chávez, y luego en Ecuador y Bolivia, con Rafael Correa y Evo Morales; se fueron demoliendo progresivamente los principios de la democracia representativa bajo el espejismo de sustituirla por una falaz “democracia participativa,” cuyos principios, aparte de quedar algunos plasmados en el texto de las Constituciones, no llegaron a implementarse, y resultaron ser una gran mentira. Todo ese proceso destructivo se basó en la propuesta inicial de la convocatoria de Asambleas Constituyente “populares” no reguladas ni previstas en los textos constitucionales, las cuales abrieron la puerta para que las Constituciones perdieran todo principio de rigidez y supremacía. El resultado –y es el caso de Venezuela que se estudia en este libro– fue un catastrófico desmantelamiento de los principios democráticos y de la separación de poderes, lamentablemente ejecutado desde dentro del propio Estado, utilizándose para ello al propio Juez Constitucional, el cual, como instrumento malévolos, fue dictando sentencias tras sentencias, “a la carta” o a la medida, tal como le fue requerido por el Poder Ejecutivo conforme avanzaba la entronización del régimen autoritario. El objeto central de este libro es el estudio de todas esas sentencias.

**The Adventures of the Constituent Power** Andrew Arato,2017-11-30 This book explores the democratic methods by which political communities make their basic law, and the dangers associated with constitution-making.

**General Reports of the XVIIIth Congress of the International Academy of Comparative Law/Rapports Généraux du XVIIIème Congrès de l'Académie Internationale de Droit Comparé** Karen B. Brown,David V. Snyder,2011-12-30 This title presents twenty-nine topics, prepared by leading scholars in more than 20 countries, providing a comparative analysis of cutting-edge legal topics of the 21st century. Considering topics of vital moment to contemporary legal scholars, the title includes pieces on Surrogate Motherhood, The Balance of Copyright in Comparative Perspective, International Law in Domestic Systems, Constitutional Courts as Positive Legislators, Same-sex Marriage, Climate Change and the Law, The Regulation of Private Equity, Hedge Funds, and State Funds, and Regulation of Corporate Tax Evasion. Each chapter surveys legal developments in the U.S. and Canada, Europe, Asia, Latin and South America, Africa, and the Middle East in a format that permits the reader easy access to similarities and differences in the approaches of the selected national regimes. This comprehensive volume tells the story of parallel trends in the evolution of legal doctrine despite jurisdictional, cultural, and political barriers. While each of the covered countries stands alone as a sovereign, in a technologically advanced world their disparate systems nonetheless have converged to adopt comparable strategies in dealing with complex legal issues. The volume is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law.

**Racial Subordination in Latin America** Tanya Katerí Hernández,2013 There are approximately 150 million people of African descent in Latin America yet Afro-descendants have been consistently marginalized as undesirable elements of the society. Latin America has nevertheless long prided itself on its absence of U.S.-styled state-mandated Jim Crow racial segregation laws. This book disrupts the traditional narrative of Latin America's legally benign racial past by comprehensively examining the existence of customary laws of racial regulation and the historic complicity of Latin American states in erecting and sustaining racial hierarchies. Tanya Katerí Hernández is the first author to consider the salience of the customary law of race regulation for the contemporary development of racial equality laws across the region. Therefore, the book has a particular relevance for the contemporary U.S. racial context in which Jim Crow laws have long been abolished and a post-racial rhetoric undermines the commitment to racial equality laws and policies amidst a backdrop of continued inequality.

**Crónica constitucional sobre una Venezuela en las tinieblas** Allan R. Brewer Carias,2023-11-22 Este libro recoge algunos de los estudios que he escrito entre 2018 y 2019, donde he venido analizado, a manera de crónica constitucional sobre una Venezuela en las tinieblas, desde algunas ejecutorias de la tenebrosa Asamblea Constituyente electa en 2017, pasando por la lobreguez de un régimen tiránico colapsado, que en su proceso de extinción provocó el mayor “apagón” eléctrico (blackout) que haya ocurrido en el mundo, sumiendo a todo el país, a comienzos de marzo de 2019, en la oscuridad total por varios días; hasta el único asomo de esperanza democrática que el país tiene por delante, que es la lámpara encendida de la Asamblea Nacional. Los trabajos fueron escritos aisladamente, en diferentes tiempos y con propósitos y motivaciones diversas, desde cuando ya se apreciaba el inicio del total y vertiginoso colapso del régimen autoritario que se

instaló en el país desde 1999, cuando un grupo de exmilitares y sus servidores, entonces asaltaron el poder con una constitucional Asamblea Constituyente; colapso que fue acelerado, también, precisamente, con el comienzo del funcionamiento de otra fantasmagórica Asamblea Constituyente en 2017, igualmente convocada en forma constitucional y fraudulenta, repitiéndose así como tragedia, lo que veinte años atrás fue una farsa. Allan R. Brewer-Carías.

*El derecho constitucional a la desobediencia civil* Allan R. Brewer Carias, 2023-11-24 Los estudios que conforman este libro, por ello, tienen su origen remoto en 2002, cuando las violaciones a los principios democráticos y a la Constitución ya comenzaban a mostrar las fauces del régimen autoritario que, estructurado inicialmente bajo la presidencia de Hugo Chávez, continuó con la de Nicolás Maduro, en veinte años arrasó definitivamente con la democracia, utilizando los propios instrumentos de la misma, acabando igualmente con todo vestigio de garantías de los derechos humanos. Desde entonces, el tema de la desobediencia civil, como mecanismo de protección de la democracia, siempre fue recurrente, sobre lo cual escribimos en diversas oportunidades, particularmente en documentos que, en su momento, en la mayoría de los casos no llegaron a ser publicados en físico, aun cuando si circularon por internet al ser colgados en mi página web; todos los cuales se recogen ahora en este libro. Allan R. Brewer-Carías.

Justicia constitucional. Allan R. Brewer Carias, 2023-11-22 La justicia constitucional, es decir, la posibilidad de control judicial de la constitucionalidad de las leyes y demás actos estatales, deriva de la idea misma de la Constitución como norma fundamental y suprema, que debe prevalecer sobre toda otra norma o acto estatal. La justicia constitucional, por tanto, como lo visualizó Hans Kelsen hace más de cien años, es la garantía del principio de la supremacía constitucional, de donde emana el poder de los jueces o de ciertos órganos constitucionales en ejercicio de funciones jurisdiccionales de controlar la constitucionalidad de los actos estatales, incluidas las leyes, pudiendo incluso declararlos nulos cuando sean contrarios a la Constitución. Ello fue, en realidad, uno de los grandes aportes de la Revolución Norteamericana al constitucionalismo moderno, y su desarrollo progresivo ha sido el fundamento de los sistemas de justicia constitucional en el mundo contemporáneo, bajo la premisa de que el sometimiento de todos los órganos del Estado a la Constitución se refiere no solo a lo dispuesto expresamente en las normas de su texto que son de obligatoria y directa aplicación, sino de todos los principios y valores fundamentales que están a su base, y que, al mismo tiempo, pueden inferirse de dichas normas. Por ello, precisamente, uno de los roles fundamentales del juez constitucional es la identificación y aplicación de los dichos principios y valores, en su contexto histórico y en su adaptación a través de los tiempos. Sobre el tema de la justicia constitucional me he ocupado extensamente en muchas obras y durante muchos años, estando conformada mi obra en la materia por varios miles de páginas, de las cuales he seleccionado aquí algunos estudios con el objeto de dar un panorama breve del tema. Allan R. Brewer-Carías.

**La vacancia presidencial** Domingo García Belaunde, 2023-12-06 En los últimos veinte años o más, en la América Latina ha asomado en forma cada vez más recurrente, el fenómeno del cuestionamiento de los jefes de Estado –o simplemente presidentes de la República– por aspectos de los más diversos. Y que en la práctica llevan a su destitución y eventualmente su procesamiento judicial por los más diversos motivos, que no necesariamente tienen aspectos penales. Esto derivado, en términos generales, del impeachment que nuestros países heredaron de los Estados Unidos en el siglo XIX y cuyo campo de aplicación puede ser muy amplio y también muy subjetivo. Y todo lo cual podríamos traducirlo libremente como «juicio político» y así lo han hecho distinguidos tratadistas desde el siglo XIX. Y que como tal figuran en las constituciones del área bajo el nombre de «acusaciones constitucionales». En el Perú tuvimos el caso muy reciente del presidente Pedro Pablo Kuczynski que fue objeto de una moción de vacancia en diciembre de 2017 y que se repitió en marzo de 2018. Fue a raíz de este suceso que decidimos hacer una obra colectiva sobre este hecho –vacancia y también renuncia presidencial– en la cual participaron congresistas y colegas universitarios para enfocar el caso desde diversos ángulos. Pero para darle una mayor amplitud, decidimos pedir colaboración a colegas extranjeros para dar así una mayor cobertura al fenómeno político estudiado. Domingo García Belaunde. Johny Tupayachi Sotomayor.

**El procedimiento administrativo global ante la Interpol** Allan R. Brewer Carias, 2023-11-24 La Organización Internacional de Policía Criminal, conocida como INTERPOL, es una organización estructurada en el marco de la Organización de las Naciones Unidas, que agrupa a 194 países, con el objeto de “conseguir y desarrollar la más amplia asistencia recíproca de las autoridades de policía criminal de los Estados,” y “establecer y desarrollar instituciones que puedan contribuir a la prevención y a la represión de las infracciones de derecho común” en el mundo. Esas previsiones estatutarias explican, por sí solas, el objeto de este libro, que no es otro que estudiar los procedimientos administrativos globales desarrollados ante INTERPOL, incluso a iniciativa de los ciudadanos de los 194 Estados Miembros, que son propios de un derecho administrativo global que rige a una Administración global como es la INTERPOL, tendiente a garantizar, por una parte, que la utilización por los Estados miembros y la INTERPOL de los mecanismos de cooperación policial internacional y con la data acumulada en sus ficheros, se realice efectivamente, en un todo, dentro del marco de la legalidad, en este caso, de las leyes vigentes en los diversos países, de las normas que rigen la Organización y del respeto a la Declaración Universal de Derechos Humanos; y por la otra, garantizarle a los ciudadanos, igualmente, la debida protección ante las pretensiones que pudieran tener las autoridades de los Estados miembros, para utilizar dicha Organización y dicha data para perseguirlos internacionalmente por delitos que no sean de derecho común, en particular, por delitos políticos, militares, religiosos y raciales que están fuera de la esfera de su competencia de la misma. Allan R. Brewer-Carías.

**The Practice and Procedure of the Inter-American Court of Human Rights** Jo M. Pasqualucci, 2013 A thoroughly revised second edition that incorporates the major changes made in the procedures and practice of the Inter-American Court. Jo M. Pasqualucci analyzes all aspects of the Court's advisory jurisdiction, contentious jurisdiction and provisional measures orders through 2011. She also compares the practice and procedure of the Inter-American Court with that of the European Court of Human Rights, the Permanent Court of Justice and the United Nations Human Rights Committee. She evaluates changes in the Rules of Procedure of the Inter-American Court that entered into force on January 1, 2010, and which substantially change the role of the Inter-American Commission in contentious cases before the Court. She also evaluates the challenges and means of State compliance with the Court's innovative reparations orders. Featuring revisions to every chapter to address the major changes, this book will provide an important and updated resource for scholars, practitioners and students of international human rights law.

*Los jueces constitucionales, controlando al poder o controlados por el poder* Allan R. Brewer Carias, 2023-11-24 En este libro, el profesor Allan R. Brewer-Carías estudia el funcionamiento de la Justicia Constitucional en el mundo contemporáneo a través del análisis de catorce casos significativos que han sido decididos recientemente por sendos tribunales constitucionales en los Estados Unidos, el Reino Unido, Honduras, Venezuela, República Dominicana, Nicaragua, Paraguay, El Salvador, y Suráfrica, en los que se ha manifestado la particular relación que existe entre el Juez Constitucional y el Poder. La Justicia Constitucional, como pieza esencial del Estado democrático de derecho, es el instrumento por excelencia para asegurar la supremacía de la Constitución, garantizar los derechos fundamentales y controlar las violaciones a la Constitución que puedan cometer los órganos de los Poderes del Estado. Por tanto, esencialmente, la Justicia Constitucional tiene por objeto el control del Poder para asegurar en nombre del pueblo la vigencia de su Constitución. Es, por tanto, hasta cierto punto, el sustituto de la revolución, en el sentido de que, si no existiese un sistema de Justicia Constitucional en los Estados democráticos, ante un gobierno ilegítimo o que viole la Constitución el único camino que tendría el pueblo sería el derecho a la rebelión. Para que la Justicia Constitucional pueda, por tanto, enfrentarse al Poder y someterlo a la Constitución en nombre del pueblo, la condición más esencial es que tiene que estar a cargo de un órgano autónomo e independiente. Solo así puede controlar al Poder; de lo contrario, se torna en un órgano controlado por el Poder y, por tanto, en el más vil instrumento de éste para violar impunemente la Constitución. Los casos judiciales analizados en este libro muestran precisamente la oscilación que existe entre Jueces

Constitucionales impartiendo justicia, controlando al Poder y, con toda autonomía e independencia, defendiendo la Constitución; y Jueces Constitucionales controlados por el Poder, sin autonomía alguna, despreciando la Constitución. En todos los casos analizados se resolvieron cuestiones constitucionales de variada naturaleza, pero de particular importancia en los respectivos países, que pusieron a prueba la independencia y autonomía de los Jueces Constitucionales, que en definitiva es el signo esencial para que realmente exista un Estado de derecho y un régimen democrático.

**Direito Constitucional Ambiental Ibero-American** Juan Carlos Cassagne (Argentina),Fernando Horacio Payá (Argentina) ,Juan Lixmar Zoto Alvarado (Bolívia),Pedro Curvello Saavedra Avzaradel (Brasil),Ángela María Amaya Arias (Colômbia) ,María Del Pilar García Pachón (Colômbia),Mario Peña Chacón (Costa Rica),Pedro Brufao Curiel (Espanha) ,Miguel Ángel Cancino Aguilar (México),Leticia Quiñones Valadez (México) ,Karlos Navarro (Nigarágua),Anabelle Padilla Lozano (Panamá) ,Eduardo José Mitre Guerra (Panamá),Fernando Dos Reis Condesso (Portugal) ,Allan R. Brewer-Carías (Venezuela),2016-11-30 O Direito ambiental, passou a ser visto como disciplina jurídica autônoma a partir da contribuição da Ecologia, por volta dos anos cinquenta do século passado. Hoje, em pleno século XXI, vivencia-se um mundo interconectado, com relações instantâneas e que a cada dia exige uma visão jurídica comparada, até porque, quando diante de assuntos afetos ao ambiente, o produzido por uma determinada localidade pode afetar outra a quilômetros de distância. Sendo assim, idealizou-se uma obra sob a perspectiva ibero-americana onde cada autor se comprometeu a estudar os principais aspectos e institutos do Direito ambiental de seu país, seguindo um norte traçado pelos diretores e coordenadores desta obra. O objetivo foi propiciar ao leitor a possibilidade de diferenciar e estabelecer as semelhanças entre este ramo do direito em diferentes países. Espera-se que essa obra permita que seu leitor consiga comparar os diferentes regimes jurídicos por elas disciplinados.

**Judicial Law-Making in European Constitutional Courts** Monika Florczak-Wątor,2020-05-07 This book analyses the specificity of the law-making activity of European constitutional courts. The main hypothesis is that currently constitutional courts are positive legislators whose position in the system of State organs needs to be redefined. The book covers the analysis of the law-making activity of four constitutional courts in Western countries: Germany, Italy, Spain, and France; and six constitutional courts in Central–East European countries: Poland, Hungary, the Czech Republic, Slovak Republic, Latvia, and Bulgaria; as well as two international courts: the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). The work thus identifies the mutual interactions between national constitutional courts and international tribunals in terms of their law-making activity. The chosen countries include constitutional courts which have been recently captured by populist governments and subordinated to political powers. Therefore, one of the purposes of the book is to identify the change in the law-making activity of those courts and to compare it with the activity of constitutional courts from countries in which democracy is not viewed as being under threat. Written by national experts, each chapter addresses a series of set questions allowing accessible and meaningful comparison. The book will be a valuable resource for students, academics, and policy-makers working in the areas of constitutional law and politics.

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