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Foreword

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Foreword

On December 6-8, 2004, the International Union for the Conservation of Nature and Natural Resources (IUCN), the United Nations Environment Programme, the New York State Judicial Institute, Pace University School of Law, and the Commission for Environmental Cooperation brought together members of the judiciary from around the world to discuss the evolving role of the judiciary in several important areas of environmental law. The *North American Symposium on the Judiciary and Environmental Law* welcomed judges and environmental law experts from Canada, Mexico, the United States, the Caribbean, Australia, Belgium, Egypt, and England. Topic areas included Constitutions and the Public Trust Doctrine; Standards of Proof, Scientific Uncertainty, and the Precautionary Principle; Trade, the Environment, and the Courts; the Use of International Norms in Domestic Decisions; and New Frontiers. The Symposium was co-sponsored by the National Judicial Institute of Canada and the American Bar Association's Section on Environment, Resources, and Energy.

This issue of the *Pace Environmental Law Review* features the work of several of the Symposium's participants, as well as works that highlight the themes the Symposium sought to explore. In his lecture *Irreversible and Catastrophic* Professor Cass Sunstein proposes a construct for application of the precautionary principle; Professor Robert Percival offers a distinctly different view on how and when the precautionary principle should apply. Professor James May surveys the profusion of constitutional provisions around the world that grant fundamental environmental rights, while Professor Alan Khee-Jin Tan explains how the Philippine's Supreme Court grappled with balancing constitutionally grounded environmental concerns with economic necessity in one of that nation's recent landmark cases. Professor Gregory Mandel explores how courts in the United States and around the world have dealt—and should deal—with biotechnology litigation. And in his book review, Dean Emeritus Joseph Tomain advocates for an energy policy that will meet domestic needs while respecting international concerns.

As environmental issues become more complex, like biotechnology and energy production; as the question of precaution becomes more central to decision-making; and as constitutions increasingly address the role of the environment, courts will play an ever-more more central role in environmental protection worldwide. This collection explores some of these key intersections between environmental law and the judiciary.

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