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Towards global public trust doctrines: an analysis of the transnationalisation of state stewardship duties

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Description / Abstract

Public trust doctrines (PTDs) provide that natural resources, like air, trees and water, are common, shared property among citizens and therefore nation states should perpetually steward them. This article contributes a new conceptual framework for analysing and applying PTDs against global environmental issues. First, based on a review and synthesis of public trust scholarship, laws and judgments, an overview of PTDs across sub-national, national and international levels is provided. Second, three internationalisation processes of PTDs are defined and analysed, including states: spreading PTDs into other national and international legal systems; applying related international principles; and ratifying treaties with public trust regimes. Third, three transnationalisation processes of PTDs are defined and analysed, including states: stewarding natural resources beyond their territories; stewarding natural resources for all Earth's inhabitants; and jointly stewarding natural resources with other states and organisations. This article concludes that global PTDs are emerging from recent legislation, litigation and treaties.

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