Aamjiwnaang First Nation (Canada) 85–95
overview of environmental justice efforts 85, 87
body burden testing of 92–3
bucket brigades strategy 93–4
chronic pollution contamination of 88–92
Health and Environment Committee 91
health impacts 90–92
legal action by members 95
Aanishnaabek peoples see Aamjiwnaang First Nation (Canada)
Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (UN) 27–8, 132, 223
Aboriginal and Torres Strait Islander Commission (ATSIC) (Australia) 70
Aboriginal Australians, climate change impacts on 67–81
overview 67–9
costal communities 72–3
cultural heritage sites 294
data collection and 70–71
development opportunities 80–81
economic impacts 72–3
government carbon pricing policies and 69, 74–81
health impacts 73
housing 73, 76, 79
policy-making input by 70
poverty and 77
remote areas 72, 77–8
aboriginal subsistence whaling (ASW) 100–108, 111–12, 115, 117–18
see also International Whaling Commission (IWC)
ABS General Social Survey (GSS) (Australia) 70–71, 80, 81
Academy of Environmental Law (IUCN) 1–2
access to information rights see Mexico, access to information rights
adaptation apartheid 12
Adaptation Fund (UN) 276
Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights (OAS) 35
administrative law judges (ALJs) 229
Africa
biomass consumption in 275
levels of FDI 273, 276
limitations on sustainable development via CDM 268, 269, 270–275
overcoming barriers to CDM 276–7
see also individual countries
Africa Carbon Forum 271
African-Americans 11, 13, 130
African Charter on Human and Peoples’ Rights 44
African Commission 29, 38
A.K. Filing Station appeal (NET) 257, 259
Alaska (USA)
pro-whaling lobbying by 115
public trust doctrine in constitution 42
Alaskan Inuits, subsistence whaling by 101–7
alternative dispute resolution (ADR) 144, 228, 231–2, 238–40
Amazon Declaration 35
American Declaration on the Rights and Duties of Man, 34–5
American Rule, litigation costs 230
Angkor Archaeological Park (Cambodia) 290
Antigua 108, 109
appeal court ECTs 229
Arabian Oryx Sanctuary (Oman) 300
ASEAN Charter 25–6
Asian financial crisis 1997 324
Athi Kapiti Plains (Kenya) 251–2
Australia
Aboriginal and Torres Strait Islander Commission (ATSIC) 70
aboriginal subsistence whaling 105
Carbon Pollution Reduction Scheme (CPRS) 68–9, 74–81
climate change policies 74–5
cultural heritage sites 294
data collection problems 70–71
development opportunities 80–81
English Rule in 230, 236
Environmental Defense Organization (EDO) 230
environmental regulation of farm sector 180–183
Great Barrier Reef 72, 78
humpback whale issue 121
Kakadu National Park 72
mandatory Regulatory Impact Statements 190
Northern Land Council 80–81
Office of Regulation Review 188
Productivity Commission Report 79
Queensland, legislative principles 188
stakeholder consultation principles 189
use of ECTs 224, 226, 230, 234, 237, 239
water property rights 182–3, 184
West Arnhem Land Fire Abatement Project 80–81
see also Aboriginal Australians, climate change impacts on Australian Bureau of Statistics (ABS) 70–71, 80, 81
Austria 239
authentic public engagement, definition 133, 135
Baird’s beaked whale 116
Bangladesh 235
Barbuda 108, 109
Barrett, D. and V. Jaichand 62
Barrett, Scott 42
Bayon Temple (Cambodia) 290
Beierle, T.C. and J. Cayford 134
Belgium
use of ECTs 224
Benedict XIV, Pope 288
benefit-cost analysis (BCA) 192–3
Benin, aboriginal subsistence whaling 117
benzene 94
Bering-Chukchi-Beaufort Seas region see International Whaling Commission (IWC)
Beth Mugo decision (NET) 256
biomonitoring testing 92–3
Birnie, P. 103, 104, 106
birth sex ratio declines 90–91
board of directors, corporate 309–11, 313–14, 326
body burden testing 92–3
body mapping 91
Boltvinik, J. and R. Estévez 217
Bonn Guidelines on Access and Equitable Benefit-Sharing (CBD) 36
bowhead whales see International Whaling Commission (IWC)
Braithwaite, J. 318, 331
Brazil
environmental justice in 201–2
IACHR cases 34–5
Kyoto fund proposal 266
traveling courtrooms 233, 234
use of ECTs 236, 239
Britain see United Kingdom (UK)
brown agendas 205–6
brownfield sites (USA) 145–8
Bryde’s whales 114
bucket brigades strategy 93–4
Budayeva v. Russia (ECtHR) 31–2
Burns, W.C.G. and G. Wandesforde-Smith 111
business judgment rule (USA) 310, 314
California (USA)
California Environmental Protection Agency (CAL EPA) 141–2
Monterey Bay Plan Development Regulatory Coordination and Streamlining report 188
public engagement techniques 140–142

Cambodia
  Angkor Archaeological Park 290
  Bayon Temple 290
  Temples of Angkor Wat 290
Canada
  Chemical Valley, Sarnia 89, 94
  External Advisory Committee on Smart Regulation 188
  First Nations 85
  Indian and Northern Affairs Department 90
  Inuit Aboriginal peoples 85
  Metis peoples 85
  Ontario Ministry of Environment 95
  pollution regulation 95
  stakeholder consultation principles 189
  use of ECTs 237
  see also Aamjiwnaang First Nation (Canada)
capacity building, in environmental agreements 18–19
cap-and-trade systems 265–6
  Cape-France Enterprises v. Estate of Peed (Montana Supreme Court) (USA) 36–7
carbon capture and storage (CCS) technologies 80
Carbon Pollution Reduction Scheme (CPRS) (Australia) 68–9, 74–81
Cárdenas, Cuauhtémoc 210
Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia) (ICJ) 18
case management, in ECTs 232, 240
Cayford, J. see Beierle, T. C. and J. Cayford
Center of Information of Air Pollution (US-Mexico) 171
Certified Emission Reductions (CER) 265–6, 268–72, 277
chemicals, synergistic effects of 88
Chemical Valley (Sarnia, Canada) 89, 94
Chernobyl disaster 27
Chile
  use of ECTs 224
China
  CER credits in 268
cultural heritage sites 286, 288, 291–2, 293–4
cultural rural landscapes 295
  Kyoto Protocol and 274
  Naxi peoples 293
  Qinghai Tibet Railway 294
  use of ECTs 224
Chukotka peoples, aboriginal subsistence whaling (Russian Federation) 100, 107–8, 111–12, 115, 117–18
Clark, Robert 329
Clean Air Act (USA) 321
Clean Development Mechanism (CDM) 263–78
  overview 263–5
  goals of 265–8
  institutional barriers 272–5
  operational barriers 269–72
  overcoming barriers 276–7
  sustainable development record 268–9
Clean Technology Fund (World Bank) 276
climate change
corporate propaganda against 305–6
developing vs. developed countries 68–9
impact on poor 13–15
  tourism impacts 72, 78
weather events and 12, 69, 72
see also Aboriginal Australians, climate change impacts on;
  Clean Development Mechanism (CDM)
Clinton, William J. 17–18, 130–131, 132
coal-fired power production 75, 80, 93
Coase, R. H. 183–4, 186
collaborative decision making (CDM) 239
Colosseum (Italy) 288
commercial whaling moratorium 100–101
see also Japan
Committee on Economic, Social and Cultural Rights (UNCESCR) 18, 53
common heritage of mankind doctrine 22
community-based whaling 114
community environmental monitoring 93–4
compliance, risk-risk evaluation 193
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (USA) 138, 146

Convention concerning the Protection of the World Cultural and Natural Heritage see World Heritage Convention

Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO) 285, 296

Convention on Biological Diversity (CBD) 19, 35, 36

Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere 35

Convention on the Law of Non-Navigational Uses of International Watercourses (UN) 18

Convention on the Law of the Sea (UN) 26

Convention on the Rights of the Child (UN) 43

Corporate Manslaughter and Corporate Homicide Act 2007 (UK) 315

corporate social responsibility (CSR) 329–30

Corporate 2020 initiative 326–7

corporations apartheid and 24

board of directors 309–11, 313–14, 326

corporate law in USA 307, 320, 327, 329

ethics scandals 325–6, 331

human rights abuses by 305, 325

UN proposal for regulation of transnational corporations 321–2

see also individual corporations; transnational corporations, sustainable

cost-effectiveness analysis (CEA) 192–3

costs of litigation 230, 236, 238–9, 256–7, 259

Council of Europe (COE) 38

Committee of Ministers (COM) 38
court systems see individual courts; University of Denver Environmental Court and Tribunals (ECT) Study

Cray, Charles 326–7
criminal enforcement, in ECTs 233, 239
cultural heritage sites, poverty and loss of 284–99

overview 284–5
cultural rural landscapes 295–8
deliberate destruction of 287–8
effects of poverty 285–90
gentrification 291–4

internal migrants and 293–4

lack of resources for 286–7

management of 286–7

urbanization, impacts on 295–8

World Heritage Convention 288–90

cultural landscapes, and urbanization 295–8

Dall’s porpoise 116

Darwin Liquified Natural Gas Ltd. 80–81
data collection

by Australian government 70–71

by Canadian government 95

cultural activity in 71

by indigenous peoples 87, 91, 93–4

Davidson, J. and N. Mayer 200–201

Day, D. 101

Declaration on the Rights of Indigenous Peoples (UN) 36, 43

Decleris, M. 156

Denmark

aboriginal subsistence whaling 108, 109, 120

humpback whale issue 119, 120–121

Nature Protection Board 224
disease burden 13
dispute resolution bodies 227–8
distributive justice 16, 17–19, 26–7

Dominica 109

Draft International Covenant on Environment and Development (IUCN) 160

Dreissen, D. M. 189

Dresden Elbe Valley (Germany) 300

drinking water rights 14, 18, 25, 155, 208–9

see also South Africa, right of access to water

Duraiappah, A. K. 159
Earth Charter 1
Eastern North Pacific gray whales 115, 117–18
Ebrard, Marcelo 210–212
economic analysis of regulation 191–3
eco-socialism movement 201
ecosystem approach to pollution 88
ECTs see University of Denver
Environmental Court and
Tribunals (ECT) Study
Ecuador
environmental justice in 201–2
IACHR report 35, 49
Elgon View Estate decision (NET)
249–50
emissions intensive trade exposed
(EITE) activities 75
emission trading systems (ETS) 68, 74, 76, 78–81
endangered species protections 4, 22–3, 101, 104, 121, 171, 228, 230, 322
see also individual species
endocrine disruptors 88, 90–91
England see United Kingdom (UK)
English Rule, litigation costs 230, 236
Environmental Agreements
MZMC use of 212–13
purpose of 206–7, 214
as shaping policy 201–3
environmental commissions 228
see also individual commissions and
countries
environmental courts see University of
Denver Environmental Court and
Tribunals (ECT) Study
environmental impact assessment (EIA)
licences see National Environment
Tribunal (NET) (Kenya)
environmental information, definition
161
environmental justice
contribution of 15–20
definition 86, 131
market mechanisms 23–4
private law 20–22
public participation and 88
public regulation 22–3
rights-based approaches see rights-
based approaches to
environmental justice
Socioeconomic Metabolism and
201–2
see also individual countries,
organizations and initiatives;
University of Denver
Environmental Court and
Tribunals (ECT) Study
Environmental Justice in the Permitting
Process study (NAPA) (USA) 136
Environmental Law Institute (USA) 134
Environmental Management and
Coordination Act 1999 (Kenya)
246–7, 255, 256–7, 258–9
see also National Environment
Tribunal (NET) (Kenya)
environmental NGOs (ENGOs) 235
environmental prosecutors 227–8, 236
Environmental Protection Agency (EPA)
(USA)
Brownfields Demonstration Pilot
Project grants 147–8
on brownfield sites 146
Clean Air Act 321
disproportionate minority exposure to
hazards and 130
Executive Order 12898 131
Expanded Public Participation rule
139
lawsuits against 14, 21
NAPA recommendations for 135, 137
new public engagement techniques
135, 138–40
Office of Environmental Justice 130
Office of Solid Waste and Emergency
Response 138–9
Public Involvement Policy 139–40
public opinion on 134, 138
see also National Environmental
Justice Advisory Council
(NJEAC) (USA)
epidemiology, definition 86–8
equitable utilization 18
Estévez, R. see Boltvinik, J. and R.
Estévez
European Committee of Social Rights 30
European Convention for the Protection
of Human Rights and
Fundamental Freedoms (ECHR)
26–7
European Court of Human Rights (ECtHR) 26–34
enforcement mechanisms 38
environmental harm, three part test 26–7
Parliamentary Assembly Resolution 587 (1975), reference to 27
Recommendation 1225 (1993), reference to 27
reinforcement of procedural rights 30–31
Resolution 1087 (1996), reference to 27
state compliance with domestic law 28–30
see also individual cases
European Court of Justice (ECJ) 235
European Social Charter 30, 39
European Union, Regulation on Rural Development 188
expert evidence 230–231, 237–8
Experts Group on Access to Environmental Justice in the Caribbean (UNEP) 226
ExxonMobil 304, 306, 325, 331
Fadaye v. Russia (ECtHR) 27, 32–3, 38, 48
Fägerskild v. Sweden (ECtHR) 34
farm sector 180–183, 188, 295–7
Federal Transparency and Access to Government Public Information Law (LFTAIPG) (Mexico) 156–7, 161–2, 166–7, 169–70
Fiji
use of ECTs 239–40
fire management 80–81
First National People of Color Environmental Leadership Summit 2001 (USA) 137
First Nations (Canada) 85
see also Aamjiwnaang First Nation (Canada)
Fisheries Jurisdiction Cases (ICJ) 18
fishing and hunting, indigenous 71, 73, 78, 181, 185
see also aboriginal subsistence whaling (ASW); International Whaling Commission (IWC)
foreign direct investment (FDI) 266–7, 273, 276
Forest Act 2005 (Kenya) 258
Franck, Thomas 20
FRG v. Iceland (ICJ) 18
Friedheim, R. L. 115
Friedman, Milton 329
fuel taxes 75, 78
Garnaut, Ross 68, 74
Garnaut report 2008 (Australia) 74, 79–80
gender discrimination 13
General Agreement on Tariffs and Trade 322
General Law of Ecological Balance and Environmental Protection (LGEEPA) (Mexico) 156–9, 161–3, 166, 212–13
Georgia v. Tennessee Copper Company Ducktown Sulphur, Copper and Iron Company, Ltd. (Supreme Court, USA) 21, 42
Germany
Dresden Elbe Valley 300
Gibbs, Lois 202, 216
Gillard, Julia 74
Gleick, P. H. 53
global warming see climate change
Government of the Republic of South Africa v. Grootboom (Constitutional Court of South Africa) 53, 61
grab samplers 93–4
Great Barrier Reef (Australia) 72, 78
Great Wall (China) 288
Greece
ECtHR cases 29, 30
Greek Society for the Protection of the Environment and Cultural Heritage 29
green agendas 206
Green Climate Fund (UNFCCC) 264, 276, 281
greenhouse gas emissions see Clean Development Mechanism (CDM)
greening, definition 223
Greening Justice (Pring and Pring) 223–5
Greenland 119, 120–121
Green Plan (Mexico City) 211–12
Grenadines 108, 109, 110, 117
grey agendas 206

Guerra v. Italy (ECtHR) 30–31
Guidelines for a Successful Public Participation Program (RCRA) (USA) 139

Hawaii (USA)
- public trust doctrine in constitution 22
- sustainable corporate charters 328
- health risks/impacts in African biomass consumption 275
- among Aamjiwnaang First Nation 90–92
- among Aboriginal Australians 73
- in developing countries 154–5
- endocrine disruptors 88, 90–91
- heritage protection law 288
- heritage sites see cultural heritage sites, poverty and loss of
- High Court (Kenya) 255–6, 257, 258, 259
- Hogarth, William 116
- housing impacts 73, 76, 79, 210, 245, 246–50
- human rights, environment and poverty linkages
- environmental justice 15–20
- market mechanisms and 23–4
- poverty and environmental harm linkages 13–15
- private law and 20–22
- public regulation and 22–3
- rights-based approaches 24–36
- using law and equity 11–40
- see also South Africa, right of access to water
- human rights abuses, corporate 305, 325
- humpback whale issue 119, 120–121
- Hurricane Katrina (2005) 11–12, 129
- hybrid agencies 213
- hybrid economy, of indigenous peoples 71, 73, 78, 81

Iceland
- aboriginal subsistence whaling 117
- ICJ cases 18

India
- aboriginal subsistence whaling 117
- CER credits in 268

Kyoto Protocol and 274
- legal standing, in ECTs 235
- use of ECTs 224

indigenous peoples, impacts on
- cultural rural landscapes and 295–8
- employment impacts 79–80
- household types and 78–9
- hybrid economies of 71, 73, 78, 81
- language diversity in Mexico 165
- poverty and 77
- remoteness and 77–8
- see also aboriginal subsistence whaling (ASW); individual groups

industrialization
- corrective justice and 19
- ecological impacts 198–9
- grey agendas 206
- limitations on developing countries 263, 274
- infant mortality 13
- information technology (IT)
- in ECTs 232–3, 240
- transfer of 18–19, 171

Intangible Cultural Heritage Convention
- see Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO)

Inter-American Commission on Human Rights (IACHR) 34–6, 38, 40

Intergovernmental Panel on Climate Change report (IPPC) 14, 69

International City/County Manager’s Association, Model Plan for Environmental Justice in Brownfields Redevelopment 147

International Convention for the Prevention of Pollution from Ships (MARPOL) 26

International Convention for the Regulation of Whaling (ICRW) 100, 122

International Council on Monuments and Sites (ICOMOS) 290

International Court of Justice (ICJ) 18

International Covenant on Civil and Political Rights (ICCPR) 35

International Covenant on Economic, Social and Cultural Rights (ICESCR) 35, 43, 53
International Criminal Court (ICC) 321
International Labor Organization (ILO) 36, 39

ternational mechanisms, to address poverty and environmental degradation see Clean Development Mechanism (CDM); cultural heritage sites, poverty and loss of; transnational corporations, sustainable

International Monetary Fund (IMF) 304, 324

international/multinational ECTs 241–2

International Union for the Conservation of Nature (IUCN) Academy of Environmental Law 1–2

Draft International Covenant on Environment and Development 160

public engagement, definition 131

International Whaling Commission (IWC) 100–123

aboriginal subsistence whaling, overview 100–101

bowhead whale issue, 1970s 100–104

bowhead whale issue, 1980s 105–6

bowhead whale issue, 1990s 106–7

bowhead whale issue, 2000s 107–18

recent meetings and issues 119–21

International Whaling Convention on Importation/Exportation of Threatened and Endangered Species (CITES) 332

internet access 136, 145, 157, 158, 165–6, 167, 168

Inuit Aboriginal peoples (Canada) 85

Inuits see Alaskan Inuits, subsistence whaling by; Inuit Aboriginal peoples (Canada)

Ireland

use of ECTs 227

Italy

Colosseum, preservation of 288

ECtHR cases 30–31

Jaichund, V. see Barrett, D. and V. Jaichand

Jamii Bora Charitable Trust (Kenya) 250

Jamii Bora decision (NET) 246, 250–252, 258

Japan

aboriginal subsistence whaling 110–111, 112, 114–15, 117

costal whaling issues 100–101, 103, 108–10, 112–16, 118

at IWC 60 119

Japanese Small Type Coastal Whaling (JSTCW) 104–5, 119, 121–2

Johannesburg (South Africa) 56–63

Johannesburg Water (Pty) Ltd 56

jus cogens (peremptory norms) 16

Kakadu National Park (Australia) 72

Kaputiei New Town project (Kenya) 250–251, 252

Kelly, M. and A. White 326

Kenya

Athi Kapiti Plains 251–2

climate change and 14

Constitution 258

Environmental Management and Coordination Act 246–7, 255, 256–7, 258–9

Forest Act 258

Kaputiei New Town project 250–251, 252

Local Government Act 248

Maasai peoples 251

Nairobi National Park 251

National Environment Management Authority (NEMA) 247–8, 250, 252–3, 254–7

National Housing Policy 245

Physical Planning Act 246–8, 258

Physical Planning Liaison Committee 247–8

population trends 244

use of ECTs 224, 239

Wildlife Service 251

see also National Environment Tribunal (NET) (Kenya)

Kiribati 40

Komatsu, M. 110

Komatsu, M. and S. Misaki 100–101, 104–5

Kyoto Protocol 30, 263–4, 274

see also Clean Development Mechanism (CDM)

Kyrtatos v. Greece (ECtHR) 29
**Index**

**Lavington Residents Association**  
decisions (NET) 256–7
Leach, M. and R. Mearns 200–201
least developed countries (LDCs) 264–5
*see also* Clean Development Mechanism (CDM)

Lebanon
West Bank, cultural heritage sites 292
Legislative Standards Act 1992  
(Queensland, Australia) 188

Lehmann Bros. 305

**Ley Federal de Transparencia y Acceso a la Información Pública**  
Gubernamental *see* Federal Transparency and Access to  
Government Public Information Law (LFTAIPG) (Mexico)

**Ley General del Equilibrio Ecológico y la Protección al Ambiente**  
*see* General Law of Ecological Balance and Environmental Protection (LGEEPA) (Mexico)

**List of World Heritage in Danger**  
288–90, 300
Local Government Act (Kenya) 248
Lockridge, Ada 95
López Obrador, Andrés Manuel 210, 218
Lorsch, J. W. and E. A. MacIver 326
Lugano Convention on Hazardous Activities 27
LULUS (locally unwanted land uses)  
principle 216

Maasai Group Ranches 252
Masaai peoples (Kenya) 251
MacIver, E. A. *see* Lorsch, J. W. and E. A. MacIver
Magnuson-Stevens Fishery Conservation and Management Act (USA) 322, 323
Makah peoples, aboriginal subsistence whaling (USA) 117–18

**Malindi Green Town Residents Association**  
decision (High Court, Kenya) 255
malnutrition 154–5
Maori (New Zealand) 70
Maquieira, Cristian 120

Margolis, J. D. et al. 330
market instruments  
allocation of tradable entitlements to disadvantaged groups and 186
cap-and-trade system 265–6
compensation of adversely affected groups and 186
environmental justice and 23–4
equity and 183–6
*sui generis* rules for disadvantaged groups 185
transaction costs 183–4
Marshall, John 324
Martens Clause 16
Martínez-Allier, J. 200–201
*Massachusetts v. EPA* (Supreme Court, USA) 14, 21
Mayer, N. *see* Davidson, J. and N. Mayer

**Mazibuko v. Johannesburg** (South Africa Courts) 52–3, 56–63
Mearns, R. *see* Leach, M. and R. Mearns
mediation 231, 232, 237, 238–9
Metis peoples (Canada) 85

**Metropolitan Zone of Mexico City** (MZMC) 198–214
Environmental Agreements 212–13
Environmental Office and Territorial Organization 211
environmental risks in 207–9
General Law of Ecological Balance and Environmental Protection (LGEEPA) 212–13
governmental policies in 209–12
Green Plan 211–12
Institute of Housing 210
Integral Program against Atmospheric Contamination 211
Integral Territorial Program for Social Development 210
Law of Solid Residues 211
legal discrimination against poor in 217
Neighborhood Improving Program 211
population growth in 207, 216
poverty levels in 208, 217
PRD (Party of the Democratic Revolution) 209–10
real estate market in 216–17
Social Development Secretariat (SDS) 210
urban planning and 203–7
Mexico
access to information rights 156–69
aboriginal subsistence whaling 110
access to decision making 158–9
Agriculture, Livestock, Rural development, Fisheries and Food Supply Ministry (SAGARPA) 162
Border 2012 Program 171
Clean Beaches Integral Program 165
environment, definition 162
Federal Commission for the Prevention of Sanitary Risks (COFEPRIS) 165
Federal Institute of Transparency and Access to Information (IFAI) 161, 166
Federal Transparency and Access to Government Public Information Law (LFTAIPG) 156–7, 161–2, 166–7, 169–70
General Law of Ecological Balance and Environmental Protection (LGEEPA) 156–9, 161–3, 166, 213
language diversity among indigenous peoples 165
Metropolitan Air Quality Index (IMCA) 165
Mexican Federal Environmental Agency (SEMARNAT) 156, 157, 158, 162–5
Millennium Development Goals 159–60
National Commission for the Knowledge and Use of Biodiversity (SNIB) 163, 172
National Commission of Natural Protected Areas (CONANP) 163
National Emissions Inventory (INEM) 165
National Environmental Indicators System (SIDIA) 164
National Information System of Water Quality in Mexican Beaches 165
National Institute for Statistics, Geography and Computing (INEGI) 165–6
National Inventory of Greenhouse Gas Emissions 165, 173
National Register for Emissions and Pollutant Transfer (RETC) 163, 165, 172
national security, definition 174
National System of Environmental Information (SNIARN) 163–8
National System of Municipal Information (SNIM) 164
National System of Protected Areas (SINAP) 171
poverty levels and 165–6
privacy protections 162
Public Environmental Order implementation 156–9
Secretary of Energy (SENER) 162, 167
state disclosure requirements 157, 161
Mexico City see Metropolitan Zone of Mexico City (MZMC)
Millenium Declaration 159
Millennium Development Goals (MDGs) 15, 159–60, 224, 245, 263–4, 274
Minister of Health v. Treatment Action Campaign (Constitutional Court of South Africa) 53, 61
minke whales 105, 109, 110, 112–14
minority groups
disease burden on 13
study on disproportionate exposure for minorities (1987) 130
urbanization and 297
Misaki, S. see Komatsu, M. and S. Misaki
Model Plan for Public Participation (NEJAC) (USA) 137, 138, 147, 150
Mongolia 108, 109
Montréal Protocol on Substances that Deplete the Ozone Layer 18–19, 276, 321
moral reciprocity 17–18
Morishita, Joji 118
Morocco
aboriginal subsistence whaling 117
Index

Murphy, J. E. see Sigler, J. A. and J. E. Murphy

Nairobi, Kenya see National Environment Tribunal (NET) (Kenya)

Nairobi Framework 271

Nairobi National Park (Kenya) 251

Nakumatt decision (NET) 249

Namibia
damage to prehistoric rock paintings 286

National Aboriginal and Torres Strait Islander Social Survey (NATSISS) (Australia) 70–71, 77, 80, 81

National Academy of Public Administration (NAPA) (USA) Environmental Justice in the Permitting Process study 136–7
on local planning and zoning 145–8
on state initiatives 140–141

National Environmental Justice Advisory Council (NEJAC) (USA) establishment of 130
Model Plan for Public Participation 137, 138, 147, 150
see also Environmental Protection Agency (EPA) (USA)

National Environment Tribunal (NET) (Kenya) 244–49
overview 244–6
awarding of costs 256–7, 259
environmental impact assessment (EIA) licences 247–51, 253–6, 258
impact on poverty alleviation 250–254
jurisdiction over housing development disputes 246–50
legal standing rules 255–6
timeframe of appeals 256
National Housing Policy (Kenya) 245
National Inventory of Greenhouse Gas Emissions (Mexico) 165, 173

Natural Law Journal, on enforcement disparities in USA 130
natural disasters 12, 30–31, 40, 157, 160, 162, 166–8
nature, objectification of 214

Nau, Inc. 309, 328
Naxi peoples (China) 293
Net for Technology Transfer 171

Netherlands on IWC policies 108
Netherlands’ Table of Eleven (T11) 190
use of ECTs 238

New York (USA)
New York City, use of ECTs 234
New York State, public engagement techniques 143–4

New Zealand
aboriginal subsistence whaling 108, 109
Maori involvement in policy-making 70
use of ECTs 224, 226

Nexus of contracts theory 329

NIABY (not in anybody’s backyard) principle 216

Nigeria
ECtHR cases 29

NIMBY (not in my back yard) principle 13, 216

Norway 105
nuisance doctrine 20–21

Oakland Firestorm (California) 11

Occupational Health Clinic for Ontario Workers 90

Official Development Assistance (ODA) 266

oil industry 49, 162, 171, 306, 324
Onkoy v. Turkey (ECtHR) 28–9, 32

Oman
Arabian Oryx Sanctuary 300

on IWC policies 108
ombudsmen 228, 231, 239

Oneryildiz v. Turkey (ECtHR) 27, 31

opportunity costs, risk-risk evaluation 193

Oregon, corporate charter law (USA)
business judgment rule 310, 314
corporate charter laws 306–11, 329
House Bill 2826 308–9
limitations of Oregon model 311–14
see also transnational corporations, sustainable

Oregon Natural Step Network 308

Yves Le Bouthillier, Miriam Alfie Cohen, Jose Juan Gonzalez Marquez, Albert Mumma and Susan Smith - 9781781003299
Downloaded from Elgar Online at 08/25/2019 10:02:17PM via free access
Organisation for Economic Co-operation and Development (OECD) 14, 188, 190
orthodox vs. heterodox theories, on poverty and environment 199–203
Our Common Future (World Commission on Environment and Development) 199
PCB disposal facility, 1982 protests against (USA) 130
Pennsylvania (USA)
constitutional amendment 24
public engagement techniques 144–5, 147
peremptory norms 16
Peru
environmental justice in 201–2
use of ECTs 224
WHO standards and 34
Pharmaceutical Factory decision (NET) 256
Phenom decision (NET) 254
Philippines
Rice Terraces of the Philippine Cordilleras, preservation of 296–7
use of ECTs 234
Physical Planning Act 1996 (Kenya) 246–8, 258
Plain, Ron 95
pollution
Aamijwnaang First Nation, impacts on 88–92
Australian Carbon Pollution Reduction Scheme 68–9, 74–81
Center of Information of Air Pollution (US-Mexico) 171
chronic pollution and epidemiology 86–8
ecosystem approach to 88
limitations of regulatory regimes 95
transboundary pollution 20–21, 34
poor, as rights-bearing agents of change 14
popular epidemiology, definition 87
positive law 16–19
poverty alleviation
cultural heritage sites see cultural heritage sites, poverty and loss of health risks, in development countries 154–5
human rights and see human rights, environment and poverty linkages
Millennium Development Goals 15, 159–60
orthodox vs. heterodox theories 199–203
poor, as rights-bearing agents of change 14
Poverty-Environment Nexus, definition 284
relationships between poverty and environment 199–203
UNDP 1997 report 215–16
World Bank on poverty levels 13, 215
see also individual conventions, treaties, countries and global initiatives
Poverty-Environment Nexus, definition 284
Powell & Raynor v. United Kingdom (ECtHR) 46
precautionary principle 237–8
Principle 10 see Rio Declaration on Environment and Development private law, environmental justice and 20–22
public hearings 133–4
Public Involvement Policy (EPA) 139–40
public participation, and environmental justice (USA)
overview 131, 133, 135, 155
California, initiatives in 140–142
Florida, initiatives in 140–141
Illinois, initiatives in 142
Indiana, initiatives in 140–141
Massachusetts, initiatives in 142–3
Minnesota, initiatives in 147
New Jersey, initiatives in 140–141
New Mexico, initiatives in 144
New York, initiatives in 143–4
Pennsylvania, initiatives in 144–5, 147
see also Environmental Protection Agency (EPA) (USA)

public participation, importance of 88
see also Mexico, access to information rights

public regulation
efficiency of 191
environmental justice and 22–3
see also social justice and regulatory regimes

public trust doctrine 21–2, 42

Quadri de la Torre, G. 156

Rackemann, Michael 237
Red Cross (ICRC) 14
regulation see individual legislation; public regulation; social justice and regulatory regimes

Regulation on Rural Development (EU) 188

Regulatory Impact Assessment (RIA) 189–90
Regulatory Impact Statement (RIS) 190
Reinhardt, F. et al. 329–30

Resource Conservation and Recovery Act (RCRA) (USA) 138, 139
resource scarcity 179–83
restorative justice (RJ) 231, 239
Revised Arab Charter on Human Rights 2004 25–6, 44
rights-based approaches to environmental justice 24–36
accountability and 25–6
African Commission 29, 38
court enforcement and 24–5
distributive justice 26–7
European Social Charter 30
Inter-American Commission on Human Rights 34–6, 38, 40
natural disasters and 31–2
state governments 24–5
WHO standards and 33–4
see also European Court of Human Rights (ECHR); individual treaties, courts, cases and organizations

Rio Declaration on Environment and Development
ECTs and 223
Principle 10 provisions 25, 28, 131, 154, 155, 158
state compliance with 35
risk-risk evaluation 193
Rodríguez, P. 166
Routes to Better Regulation guide (UK) 187
Roy, Dick 308
Rudd, Kevin 74
Russian Federation
aboriginal subsistence whaling 107, 108–9, 111–12, 114–15
ECTHR cases 31–3, 38, 48
grey whales 117
minke whales 110
R v. National Environment Tribunal ex parte Ol Keju Ronkai Ltd. (High Court) (Kenya) 255–6
Saramaka People v. Suriname (IACHR) 36
Sarbanes-Oxley Act 2002 (USA) 325
Senegal, aboriginal subsistence whaling 117
SARAC v. Nigeria (ECtHR) 29
shareholder primacy argument 329
Sigler, J. A. and J. E. Murphy 318, 332
simplified rules of procedure, in ECTs 233
Schroeder, Christopher 23
Scotland
Rural Development Regulation 188
Senegal, aboriginal subsistence whaling 117
scale and space, urbanization 205, 212
scarcity see resource scarcity
scheduling hearings, in ECTs 233
Sax, Joe 21
economic analysis 191–3
embedding of social justice principles 187–9
market instruments and equity 183–6
re-framing regulatory efficiency 191
regulation and fairness 186–7
scarcity and vulnerability 179–83
social justice assessment 189–90
see also individual countries
Socioeconomic Metabolism concept 198, 201, 214–15
Solomon Islands 108
South Africa
on aboriginal subsistence whaling
108
corporate complicity in apartheid 24
use of ECTs 224
South Africa, right of access to water
52–63
colera outbreak 62
Constitution on 53–5, 63
international law 53
Mazibuko case 52–3, 56–63
Water Services Act 55–6, 60, 61
specialized courts 225, 226–7
specialized green chambers 227
stakeholder consultation principles 189
Steingraber, S. 89
Stephan, Alberta 116
St Lucia 108
Stockholm Conference on the Human Environment 1972 25
Stockholm Declaration 35
Strasbourg Convention on Protection of the Environment through Criminal Law 27
Strategic Climate Fund (World Bank) 276
structural adjustment packages (SAPs) 324
St Vincent
aboriginal subsistence whaling 108, 109, 117
humpback whale issue 110
substitution, risk-risk evaluation 193
Supervision program (EPA) 138
Supreme Court (USA) 21
see also individual cases
sustainability, components of 156, 199–200
sustainable development, definition 270, 280
see also Clean Development

Mechanism (CDM); transnational corporations, sustainable
Sustainable Investment Institute (USA) 308
Sweden
ECtHR cases 33–4
legal standing rules 235
‘Taco riots,’ resource over-consumption 180
Taskin v. Turkey (ECtHR) 27–8, 32
Temples of Angkor Wat (Cambodia) 290
Tibet
Lhasa, Han Chinese migrant impact on 294
Tony Mzee decision (NET) 252–3, 255
tourism industry
climate change impacts on 72, 78
impact on cultural rural landscapes 296–7
sea water monitoring 165
use of ECTs and 239–40
trade sanctions 322, 332
Trail Smelter arbitration 20, 21
transaction costs
market instruments and 183–4
regulation and 192–3
transfer of technology 18–19, 171
transnational corporations, sustainable
304–23
chartering requirements analysis 314–20
dominance of 316
enforcement mechanisms 319
guided corporate judgment approach 317–18
historical challenges of 304–7
international structure for chartering 319–22, 331–2
limitations of Oregon model 311–14
Oregon model 306–14, 329
tribunals, definition 227
see also National Environment Tribunal (NET) (Kenya);
University of Denver Environmental Court and Tribunals (ECT) Study

Turkey
- ECtHR cases 27–9, 32
- Turkish Supreme Administrative Court 27–8
- Tutu, Desmond 12

UK v. Iceland (ICJ) 18
- UNESCO, and heritage site preservation 285, 290, 293, 296

United Church of Christ
- Principles of Environmental Justice 137
- study on disproportionate exposure for minorities (1987) 130

United Kingdom (UK)
- aboriginal subsistence whaling 109–10
- Better Regulation Commission 187, 188
- Corporate Manslaughter and Corporate Homicide Act 315
- ECtHR cases 46
- ICJ cases 18
- Routes to Better Regulation guide 187
- use of ECTs 224
- Water Industry Act 62

United Nations
- proposal for regulation of transnational corporations 321–2
- see also individual divisions, conventions, and declarations

United Nations Development Programme (UNDP) 215–16, 292
- United Nations Environment Programme (UNEP) 226
- United Nations Framework Convention on Climate Change (UNFCCC)
- 19, 265–6, 273, 274, 281
- see also Green Climate Fund (UNFCCC)
- United Nations Human Rights Committee 36
- United Nations Human Rights Council (UNHRC) 25
- United Nations Population Fund (UNFPA) 301

United States of America (USA)
- aboriginal subsistence whaling 100–118, 120
- Administrative Procedures Act 134–5
- African-Americans 11, 13, 130
- Alien Torts Claim Act 325
- Border 2012 Program 171
- brownfield sites 145–8
- business judgment rule 310, 314
- Center for Health, Environment and Justice (CHEJ) 216
- Clean Air Act 321
- Clinton administration initiatives 17–18, 130–131, 132
- Commerce Department 322
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 138, 146
- corporate law 306–14, 320, 327–9
- Council on Sustainable Communities 132
- environmental justice in 201–2
- Guidelines for a Successful Public Participation Program (RCRA) 139
- Hispanic Americans 130
- Kyoto Protocol and 274
- Magnuson-Stevens Fishery Conservation and Management Act 322, 332
- Makah peoples, aboriginal subsistence whaling 117–18
- mortality rates in 13
- National Academy of Public Administration (NAPA) 136–7, 140–141, 145–8
- National Environmental Policy Commission 137–8
- NEJAC principles 130, 137, 138, 147, 150
- Northwest Earth Institute 308
- Oregon Lawyers for a Sustainable Future 308
- public engagement, historical limitations of 133–8
- public engagement, new techniques see public participation, and environmental justice (USA)
public engagement and environmental justice, overview 129–33
public engagement recommendations 148–50
Resource Conservation and Recovery Act (RCRA) 138, 139
state constitutional provisions for environmental justice 22, 24–5, 42
Supreme Court 21; see also individual cases
Sustainable Investment Institute 308
trade sanctions 322, 332
use of ECTs 239–40
water property rights 182
see also Environmental Protection Agency (EPA) (USA), individual states
Universal Declaration of Human Rights (UDHR) 1, 332
University of Denver Environmental Court and Tribunals (ECT) Study 223–41
overview 223–6
alternative dispute resolution 228, 231–2, 238–40
case volume 229
costs 230, 236, 238–9
court level and appeals 228–9
enforcement tools 233
expert evidence 230–231, 237–8
forums of 226–8
geographic coverage 229, 234
international/multinational ECTs 234–5
judicial competence 232
legal jurisdiction 228
legal standing rules 229–30, 234–5
low-income access to 234–40
operational tools 232–3, 240
University of Ottawa 90
unregulated free markets 310, 329
urbanization

cultural heritage sites, impacts on 295–8
cultural landscapes, impacts on 295–8
definition 301
economic growth and 205, 212
urban planning see Metropolitan Zone of Mexico City (MZMC)
urban revitalization 146–7, 162
USSR (former) 103
see also Russian Federation
Vermont (USA)
use of ECTs 234, 238–9
video-conferencing of ETC hearings 232–3, 234
Vienna Convention on the Law of Treaties 46
Vietnam
World Heritage List, impact on Hoi An 293–4
Vogel, D. 330
Voices of the Poor (World Bank) 14
Wal-Mart 304, 306, 331
Walton, Michael 215
Wandesforde-Smith, G. see Burns, W.C.G. and G. Wandesforde-Smith
water, access to see drinking water rights; South Africa, right of access to water
Water Industry Act 1999 (UK) 62
water property rights (Australia) 182–3, 184
Water Services Act 1998 (South Africa) 55–6, 60, 61
WE CAN DO IT and Kyuna & Shanzu Residents Association decision (NET) 253–4
Weissbrodt, David 316, 331
West Arnhem Land Fire Abatement Project (Australia) 80–81
whaling see aboriginal subsistence whaling (ASW); International Whaling Commission (IWC)
White, A. see Kelly, M. and A. White
Wolfstone, Jeffrey 309
World Bank
Clean Technology Fund 276
on extreme poverty levels 13
policies of 36, 304
on poverty levels in 1990s 215
Strategic Climate Fund 276
structural adjustment packages 324
Voices of the Poor 14
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Charter for Nature 35</td>
</tr>
<tr>
<td>World Commission on Environment and Development</td>
</tr>
<tr>
<td>Our Common Future principles 199</td>
</tr>
<tr>
<td>World Health Organization (WHO) 33–4</td>
</tr>
<tr>
<td>World Heritage Convention 285, 288–91, 295, 297</td>
</tr>
<tr>
<td>World Heritage List 288–90, 293, 296, 300</td>
</tr>
<tr>
<td>Yanomami v. Brazil (IACHR) 34–5</td>
</tr>
<tr>
<td>Zander v. Sweden (ECtHR) 33–4</td>
</tr>
</tbody>
</table>