

Index

- absolute liability 283
- Aceh
 - autonomy 64–5
 - Exxon Mobil and human rights violations 56–7, 60–74, 75–6, 77, 466
 - separatism 63–5
 - solar cooker project 220–221
- ‘act of God’ defence 310–329, 339, 349, 350, 470
- causation, the burden of proof and apportionment 323–7
- gravity 312–14
- negligence rule and strict liability 327–9
- ruled out by negligence 320–323
- unforeseeability and unpreventability 314–20
- Walhi v. Lapindo et al.* seen from the US courts’ perspective 333–9
- activism, and the need to break new ground in the realm of climate change 8, 227–39, 468–9
- ad hoc government compensation 254, 258, 259–60
- Ad Hoc Working Group on the Durban Platform for Enhanced Action 91
- adaptation 236–7
- adaptive approach 373–4
- adat* law communities 426–9, 440, 443–6
 - see also* customary law; customary villages; indigenous peoples
- Adelin Lis* case 153–4
- administrative costs 248
- administrative law 4–5, 169
- administrative villages 429
- advancement funds 345
- adverse effects of the precautionary principle 366, 368
- Advisory Group on the Food Chain and Animal Health (EU) 50
- affordability of insurance 263, 266, 269–70
- afforestation and reforestation (A/R) projects 121, 122–4, 142, 214
 - see also* Clean Development Mechanism (CDM)
- Africa 228, 229, 238, 476
- Agrarian and Natural Resources Management Reform Decision of 2001 172
- agriculture
 - sector 107, 108, 110
 - sustainable agriculture on peat land 111
- Alien Tort Claims Act (ATCA) 68–77, 466
- Allott, A. 433
- Alvarado, L.X.R. 128–9, 130
- Alvarez-Machain, H. 71
- Ambon and Lease Islands 445–6, 449
- Analisis Mengenai Dampak Lingkungan (AMDAL)* *see* Environmental Impact Assessment (EIA)
- Analisis Risiko Lingkungan Hidup (ARLH)* (Environmental Risk Analysis) 393
- Angelsen, A. 126–7, 128, 129–30
- anti-corruption strategies 135–6, 181
- Apex Oil Company, Inc. v. USA* 310–311, 315
- Application Form for National Approval of a CDM Project 211–13
- apportionment of liability 323–7
- Argentina v. Uruguay* (Pulp Mills case) 229–30, 360–361
- artha danda* 431
- Arun natural gas project 60–62

- Asia 228, 229, 238, 476
 economic crisis 192
 nuclear revival 388–9
- Association of Southeast Asian Nations (ASEAN) 65
- atmospheric protection 103
- Atoms for Peace programme 401
- Austria 256, 259
- autonomous compensation funds 344
- Awang, S. 199
- awig-awig* (customary village rules) 429–30, 431–2
- backwards incentives 214, 215
- Badan Pemeriksa Keuangan* (BPK) (Indonesian Supreme Audit Board) 294–6
- Badan Penanggulangan Lumpur Sidoarjo* (BPLS) 298
- Badan Pengawas Tenaga Nuklir* (BAPETEN) (Nuclear Regulatory Agency) 285, 394–5, 406–7
- Badan Perencanaan Pembangunan Nasional* (BAPPENAS) (National Development Planning Agency) 296–7, 386
- Badan Tenaga Atom Nasional* (BATAN) 383, 386, 394, 401, 402, 407
- Badua, T. 131–2
- balance 414, 416
 sanctions and the imbalance caused by violating customary village rules 432–3
- Balai Raja wildlife conservation area 222
- Bali 215–16, 463
 bombings 32
 customary villages *see* customary villages
 Gianyar waste recovery project 221, 222
Tri Hita Karana 26–7, 414, 420–421, 425, 429–30
- Bali Action Plan 97, 125, 129
- Bali Road Map 87
- Bali Siki case 433
- Bangladesh 270
- banks 238
- BAPETEN 285, 394–5, 406–7
- BAPPENAS 296–7, 386
- Barr, C. 199
- baselines in REDD
 corruption in setting 135
 proposed 128–30
- BATAN 383, 386, 394, 401, 402, 407
- Bavaria 256
- Bavishi, R. 83
- Beck, U. 45
- Bedugul geothermal project, Bali 27
- beef export ban 44
- behavioural biases 379–80
- Belgium 253, 259, 267
- benefit sharing 131–3, 138–9
- Benitez-Ponce, P.C. 187
- Benvenisti, E. 74
- Besuki 299
- Bhopal disaster 253
- bia-lola* (top shell) 451, 453, 454
- bio-fuel 115, 116
- biomass condensing steam turbine project 221–2
- bird flu 28–9
- blowout, undersurface 295–6, 331–2, 335–6, 337
- borders/limits 450
- botanical forests 418
- botanical gardens 418
- bounded rationality 380
- bounded self-interest 380
- bounded will-power 380
- Boyd, W. 137
- BP Migas 295
- Bradley, R. 88
- Brazil 128, 188, 190, 191, 228
- British beef export ban 44
- Brown, M.L. 134–6
- Brundtland Report 210
- BSE crisis 43–5, 47, 50, 52, 465
- buka sasi* 448–9, 452, 454
- Burdell Curtis et al. v. E. Lee Dewey et al.* 321
- burden of proof 323–7
- burden sharing 91–8
- Burma 57
- Burns, D. 419
- but-for test 323
- Caisse Centrale de Réassurance (CCR) 268

- Calabresi, G. 249
- Canada 229
- Cancun Agreement 91, 125, 132–3, 179
- capacity, and insurance 262, 264–6
- capture, regulatory 381–2
- carbon absorption capacity 105–6
- carbon colonialism 127
- Carlson et al. v. Corrugated Box Corp.* 312
- ‘cash and carry’ compensation 303
- Cassin, R. 56
- causation
- ‘act of God’ defence and the burden of proof 323–7
 - climate change liability 231–2
 - Sidoarjo mudflow 295–6
 - court’s ruling 308–10, 329–30
 - scientific debates 309–10, 331–3
 - US courts’ perspective 333–9
- cause in fact 323
- Central Kalimantan 177–8, 181–2
- Central Maluku 449–57
- region 449–52
 - sasi* and its enforcement 452–6
 - transfer of exploitation rights 456–7
- Centre for International Sustainable Development Law (CISDL) 127
- CERs pricing 214, 216
- Chand, H. 431
- charity, by government 254–61, 270, 345–6
- charity hazard 256, 470
- Charvoz v. Bonneville Dist.* 325
- China 57, 188–9, 190, 191, 388
- Christopher L. Phillips v. USA* 316
- cigarette manufacturers 387
- city forest 413–37, 472–3
- customary village and sustainability of 419–34, 472–3
 - function in maintaining the environment 415–19
- civil society 223–4, 384, 387–8
- see also* non-governmental organizations (NGOs)
- Clean Development Mechanism (CDM) 104, 119–24, 467–8, 476
- DNA 104, 119, 141, 211–13, 214
 - role of public consultation 8, 207–26, 468
- clear ownership and use regimes 136
- climate change 1, 8, 81–163, 164, 186, 463, 466–9, 476
- CDM *see* Clean Development Mechanism (CDM)
- comments on Indonesia’s existing laws 141–58
- improvement and opportunities 154–8
 - sectoral implementation and enforcement 145–54
- Copenhagen Accord 81–2, 82–91, 125, 158–9
- importance of forest 186–7
- Indonesian government policy 103–13, 165–7
- Indonesia’s legal responses to 98–140, 467
- environmental law 98–103, 170–173
 - general policies on climate change 103–13
 - sectoral regulations 113–19
- local elections and deforestation 8, 186–206, 467
- more equitable burden sharing 91–8 and natural disasters 246
- need to break new ground 8, 227–39, 468–9
- REDD *see* Reducing Emissions from Deforestation and Forest Degradation (REDD); REDD+
- climate change law 5
- climate change liability 231–2, 252, 468–9
- climate-friendly legal framework 172–3
- clumped form city forest 417
- coal 115, 145
- coastal and marine natural resources *see* marine and coastal natural resources
- Coate, S. 266
- Cockle Fishery case 370
- coconut 453
- Codex Alimentarius 47
- COICA (Coordinator of Indigenous Organizations of the Amazon River Basin) 428
- comitology committees 44, 45, 51
- common but differentiated responsibilities principle 24

- community ownership 450, 456–7
- comparative approach 6
- compensated reduction 128
- compensation 8, 243–76, 463–4, 469–70
 - by government 254–61, 270, 345–6, 470
 - ideal compensation system 339–48
 - insurance *see* insurance
 - liability rules *see* liability rules
 - mechanisms in Indonesia 278–94, 346–8
 - conflicting provisions concerning liability rules 289–92
 - General Environmental Management Acts 279–83
 - liability in other statutes 284–9
 - over-reliance on government regulation 293–4
 - poorly developed insurance 292–3
 - problems with the Indonesian system 348–9
 - recommendations to improve 349–51
 - principles of 247–9
 - Sidoarjo mudflow *see* Sidoarjo mudflow
 - the wrong track 233–4
- compensation funds 254, 259, 347, 348–9, 349–50
 - ideal compensation system 340, 343–6
- competition 19
- complementary compensation funds 344
- ‘Comprehensive Assessment of Different Energy Sources for Electricity Generation in Indonesia’ (CADES) 401
- comprehensive insurance 246, 266–8
- Conference of Parties of the UNFCCC
 - Cancun 178–9
 - COP 11 in Montreal 125
 - COP 13 in Bali 87–8, 125
 - COP 15 in Copenhagen 81, 82, 178, 216
- congestion charging 111–12, 113
- conservation forest (*Hutan Konservasi*) 117, 195, 196, 198–9
- Constitution of the Republic of Indonesia 419, 424–5, 439–40, 442–3
- Constitutional Court 427–8
- contested governance 40–41
- contraction and convergence path 93
- Contreras-Hermosilla, A. 126, 133–4
- control measures 101–2
- Convention on Biological Diversity 211, 359
- Convention on Civil Liability for Oil Pollution Damage 345
- Convention on the Conservation of Migratory Species 359
- Convention on International Trade in Endangered Species (CITES) 358–9
- conversion forest 195, 196
- Copenhagen Accord 81–2, 82–91, 125, 158–9
 - commitments 85–7
 - legal status 82–4
 - shared visions on long-term emissions reduction 84–5
- Copenhagen Conference 81, 82, 178, 216
- Corfee-Morlot, J. 93
- Cornwell, L. 158
- corporate liability for human rights violations 7, 56–78, 466
 - Exxon Mobil human rights violations in Aceh 56–7, 60–74, 75–6, 77, 466
 - naming and shaming 56–7
 - normative challenge 60
 - remedy vacuum 76–7
 - Ruggie Framework 57–9, 76–7
 - sueing globally 74–7
- Corporate Social Responsibility (CSR) 58, 466, 477
- corruption 167, 168, 169, 385, 475
 - forestry sector 25, 180–181, 183–4, 467
 - deforestation, REDD and 133–6, 140
 - illegal logging 152–3, 198–9
 - local elections 198–200
- Corruption Eradication Commission (KPK) 181, 182, 183–4
- cost-effective measures 363–4

- Costa Rica 125, 128
 Costanza, R. 157–8
 criminal justice system 167, 168
 criminal sanctions 99–100
 forest fires
 enforcement 147–51
 inconsistency 142–5
 crop insurance 256
 cultural globalization 20
 customary law 5–6, 7, 9, 472–4
 complementary to national law
 433–4, 474
 marine and coastal natural resources
 see marine and coastal natural
 resources
 precautionary principle and 360–361
 customary law community 425–9
 customary village meetings 431
 customary villages 9, 413–37
 and sustainability of city forests
 419–34, 472–3
 Denpasar 429–34, 473
 legal basis 422–5
 philosophical basis 420–422
 sociological basis 425–9
- danda sangaskara* 431
 Darmansyah 443
 Davies, R.J. 331–2, 333, 334–5, 337–8
 Dayak Meratus tribe 209
 De Boer, Y. 83
 decentralization 190, 192–200, 443,
 446, 477
 forest decentralization 194–200
 legal and policy framework 194–7
 negative impacts 197–200
 regime in Indonesia 192–4
 decision-making processes 8–9,
 470–472, 475
 democratic decision-making 376–7,
 378–82, 403–5
 nuclear power *see* nuclear power
 technocratic decision-making 376–7,
 378–82
 wildlife law 9, 357–75, 471
 deforestation 8, 23, 25–6, 465, 467,
 476
 local elections and 8, 186–206, 467
 rates 188, 189
 REDD and corruption 133–6, 140
 see also Reducing Emissions from
 Deforestation and Forest
 Degradation (REDD); REDD+
 DeFries, R.S. 188, 189
 demand for disaster insurance 262,
 263–4
 democracy 191
 democratic decision-making 376–7,
 378–82
 internationalization of 403–5
 demonstration activities 173–4, 175
 demonstrations 302
 Denpasar city forest 429–34, 473
 Depoorter, B. 257
desa model of village administration
 441
 Designated National Authority (DNA)
 for the CDM 104, 119, 141,
 211–13, 214
 developed countries 21, 22
 need to focus on their obligations
 with respect to GHGs emissions
 228
 necessary extent of emissions
 reduction 232–3
 developing countries 1, 21, 22, 89,
 187–8
 and the precautionary principle
 372–3
 Development Adjustment Factor
 (DAF) 128, 129–30
Dewan Energi Nasional (DEN)
 (National Energy Council)
 395
 Di Tiro, C. 63
 Di Tiro, H. 63
 Directorate General on Consumer
 Policy and Consumer Health
 Protection (DG SANCO) 46
 Directorate General of Renewable
 Energy and Energy Conservation
 (DG REEC) 396
 Disaster Management Act of 2007
 285–8, 347
 disaster management fund 286–7
 disasters 1, 463–4
 climate-related 164
 compensation *see* compensation
 man-made 243–4, 251, 252–3
 natural *see* natural disasters

- Sidoarjo mudflow *see* Sidoarjo mudflow
see also terrorism
- diseases 28–30, 38–9
- distributional problems 247–8, 257, 465
- District Court of Columbia 56, 72–4
- district forest office 195–7
- district officials 198–9
- district splitting 193–4
- Doe v. Unocal* 69
- Donald McFeeters et al. v. M.W. Renollet and Renollet Homes, Inc.* 312
- drill casing 306, 309, 337
- drugs 28
 smuggling 32
- due diligence 59
- Durban Platform 91–2
- dynamic stress changes 334–5
- earthquakes 64–5, 244–5
 ‘act of God’ defence 318–20
 preventive measures 245
 Yogyakarta earthquake *see* Yogyakarta earthquake
- e-coli 29
- economic analysis 7
- economic crisis 23
- economic development 463
 and application of the precautionary principle 372–3
 globalization and 21–2
- economic instruments 154–8
- economic interdependence 17–18
- economic sustainability 211–13
- ecosystem approach 357
- Eksponen 66 dkk v. APHI dkk* 147–8
- ElBaradei, M. 390
- elections 191
 local elections and deforestation 8, 186–206, 467
- electronic waste 30–31
- emissions *see* GHGs emissions;
 reduction of emissions
- Energy Act of 2007 171
- energy audits 112
- energy conservation 112, 115, 145–6
- energy savings 116, 146–7
- energy sector 104
 CDM 214
- GHGs emissions 107, 113–14
- inconsistency 145
- reduction of emissions 108, 111, 166
- regulation implementation and enforcement 145–7
- sectoral regulations 113–16
- energy security 385–6
- enforcement 477
- customary law in Central Maluku 452–6
- sectoral regulations related to climate change 147–54
 weak 32, 167–70, 182–3, 475–6
- Enschede fireworks explosion 260
- environmental audit 394
- environmental certified judges 183
- environmental damage insurance 343
- environmental degradation 463–4
 controlled by customary law in marine areas 449
- criteria 102–3
- deforestation *see* deforestation
- REDD *see* Reducing Emissions from Deforestation and Forest Degradation (REDD); REDD+
- environmental funds 281–2
- Environmental Impact Assessment (EIA) 306, 307, 393
- environmental insurance 282, 292–3
- environmental inventory 172
- Environmental Investigation Agency 26, 152
- environmental law principles 4–5
- Environmental Management Acts
 Act of 1997 (1997 EMA) 98–100, 143–4, 219, 280–281, 392
 Act of 2009 (2009 EMA) 2, 98, 100–103, 141, 144–5, 170–171, 172, 219, 292, 361
 absence of implementing regulations 293–4, 346
 compensation under 281–3, 291
 and nuclear power decision-making 392–4
 strategic environmental assessment 102, 171, 172, 219, 392
 compensation under 279–83, 346
 nuclear safety 390–394

- environmental protection and management 22–3
 city forest for 416–17
 environmental protection and management plan (EPMP) (RPPLH) 101, 102, 170, 172
 Environmental Risk Analysis (ARLH) 393
 environmental sustainability 211–13
 environmental taxes 155–7
 Epstein, R.A. 257
 equal per capita emissions 92–5
 equitable burden sharing 91–8
 Europe 227, 228, 229, 238
 European Commission (EC) 44, 45–6, 50, 51, 52
 European Court of Justice (ECJ) 362, 370
 European Food Safety Authority (EFSA) 46, 47, 49–50, 51–2, 52–3
 European Medicines Agency 53
 European Parliament 53
 European Union (EU) 65
 food safety regulation 40–41, 43–53, 54, 465
 General Food Law 46–50, 52
 lessons from the BSE crisis 44–5
 lingering difficulties 50–53
 reform 45–6
 Green Paper on Remedying Environmental Damage 339–40
 Habitats Directive 369–72, 373
 three-pillar model of sustainability 211
 wildlife law and the precautionary principle 358–65
 exploitation of natural resources 23
 exploitation rights holders 456–7
 Exxon Mobil 56–7, 60–74, 75–6, 77, 466
 alleged human rights violations in Aceh 66–8
 lawsuit 56–7, 68–74, 75–6, 77
 ATCA as legal background 69–72
 ten years' judicial episode 72–4
 presence in Indonesia 60–62
Fairbury Brick Co. v. Chicago, R.I.&P. RY. Co. 315
Fairmont Creamery Co. v. Thompson 317
 Farris, M. 132
 Faure, M. 341, 343
 Federal Emergency Management Agency (FEMA) (US) 258, 259
Filartiga v. Pena-Irala 69, 71
 financial assistance 86–7, 89
 Financial Balance Between the Central and Local Government Act of 1999 193
 financial guarantees 341
 financial mechanisms in REDD+ 127–8
 financial waste 258
 fines 455
 first party insurance 245–6, 261–70, 270–271, 343
 fishing *see* marine and coastal natural resources
 Flatt, W.D. 319–20
 floodings 26, 244–5, 255–6
 Food and Agriculture Organization of the UN (FAO) 39, 40, 41, 43, 53, 189
 Committee on World Food Security 39
 Global Forest Resource Assessment 188
 food-borne diseases 29, 38–9
 food business operators 48–9
 Food Control Network 43
 Food Intelligence Network 43
 Food Promotion Network 43
 food regulatory agencies 40
 food safety 5, 7, 38–55, 465
 EU food safety regulation 40–41, 43–53, 54, 465
 law in Indonesia 42–3
 right to access safe and nutritious foods 41–2
 food security 39, 41–2
 Food and Veterinary Office 46
 Foreign Direct Investment (FDI) 20
 foreign law 74–6
 foreseeability 314–20, 322–3, 335–6
 reasonable foreseeability test 324
 forest, city *see* city forest
 Forest Estates (*Kawasan Hutan*) 194–5

- forest fires 118–19, 142–5
 - enforcement of criminal provisions 147–51
- forest protection 118
- Forestry Act of 1999 117, 142, 143–5, 171–2
- forestry sector 104, 105–6, 109, 110–111, 113, 166
 - CDM 120, 121, 122–4, 142, 214
 - decentralization 194–200
 - deforestation *see* deforestation
 - GHGs emissions 107, 188–9, 190, 191
 - illegal logging *see* illegal logging
 - inconsistency in regulation 141–5
 - REDD *see* Reducing Emissions from Deforestation and Forest Degradation (REDD); REDD+
 - reduction of emissions 87, 105
 - reforestation fund 154–5
 - regulation implementation and enforcement 147–54
 - sectoral regulations 116–19
- Forests Indonesia Conference of 2011 207
- four-pillar model of sustainable development 211–13
- France 263, 266–7, 268
- Free Aceh Movement (*Gerakan Aceh Merdeka*) (GAM) 63–5
- Friends of the Earth 387
- Fukushima nuclear accident 378–9

- garden and yard 418
- gas drilling 370–371
- genealogical rights 445
- general compensation systems 345–6
- General Environmental Law (GEL) 170–171
 - compensation under 279–83
 - see also* Environmental Management Acts
- General Food Law (EU) 46–50, 52
- General Provisions for Environmental Management Act of 1982 279–80
- genetically modified organisms (GMOs) 53
- geothermal project 27
- Gerakan Aceh Merdeka* (GAM) (Free Aceh Movement) 63–5
- Germany 253, 260, 267
- germplasm conservation 416
- Gerrett, Th.A. 258
- GHGs emissions 164–5
 - biggest emitters by sector 188–90, 191
 - energy sector 107, 113–14
 - forestry sector 107, 188–9, 190, 191
 - historical 95–7
 - Indonesia's 164–5
 - NAP-GHGs 109–13, 159, 165, 166, 176, 178, 467
 - National Communications to the UNFCCC 106–9, 164–5
 - need to focus on the obligations of developed countries 228
 - reduction of *see* reduction of emissions
- Gianyar waste recovery project, Bali 221, 222
- global historical deforestation 128, 129
- global knowledge network on nuclear safety 404–5
- global nuclear revival 388–90
- global temperature increase 84–5, 88, 89
- globalization 2–3, 7, 15–37, 463, 464–6, 476
 - benefits of 18–21
 - consequences for human health 28–31, 465
 - corporate liability for human rights violations *see* corporate liability for human rights violations
 - defining 16–18
 - environmental consequences for Indonesia 22–7
 - food safety *see* food safety
 - position of 21–2
 - threats to national safety and security 31–2
- Goldberg, D.M. 131–2
- governance
 - contested 40–41
 - decentralization 190, 192–200
 - regulatory governance perspective and public consultation 217–23
 - safeguards in REDD+ 178–82

- government
 compensation by 254–61, 270, 345–6, 470
 Sidoarjo mudflow 299–300
 failure 134
 liability 251
 reinsurance by 264–6, 268–9
 government policy
 on climate change *see* climate change
 forest decentralization 194–7
 management of marine and coastal natural resources 442–7
 policy framework concerning REDD+ 124–40, 173–8
 graveyards 418
 gravity of natural disasters 312–14, 333–5
Green v. General Petroleum 335–6
 green lane 417–18
 Greenpeace 387–8
 Gron, A. 264
 Gross Domestic Product (GDP)
 growth 33
 growth cap 128, 129–30
 guarantee funds 344
Guidelines on Strengthening National Food Control Systems of 2003 (WHO–FAO) 40, 41–2, 43, 53
 ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’ (Ruggie Framework) 57–9, 76–7
 Habitats Directive (EU) 369–72, 373
 Habibie, B.J. 384
hak ulayat (collective rights of a community over a certain area) 473–4
see also petuanan darat (land tenure); *petuanan laut* (sea tenure)
 Hambleton, R. 419
 Hansen, C.M. 188
 Haruku 442, 447–8, 450, 451–2, 453–7
 Hatta, M. 443
 hazardous waste 30–31
 health consequences of globalization 28–31, 465
 health services 31
 Helsinki Memorandum of Understanding (MoU) 65
 Hilgartner, S. 51
 Hinduism 26–7, 414, 420–421
 Hirschleifer, J. 259
 historical deforestation
 global 128, 129
 national 128–9
 historical emission debt (HED) 96–7
 historical emissions 95–7
 Hoggett, P. 419
 Höhne, N. 93
 Hooijer, A. 116
 House of Representatives (*Dewan Perwakilan Rakyat*) (DPR) 386, 396–7, 406–7
 human intervention 336–8
see also man-made disasters
 human resources 18–19
 human rights 419
 violations
 breaking new ground in the realm of climate change 228–9, 230
 corporate liability for 7, 56–78, 466
 Human Rights Act of 1999 419–20
 human trafficking 31–2
 Hunter, D. 85, 89–90
 Hurricane Katrina 251
 ideal compensation system 339–48
 illegal logging 23, 24–6, 118, 134, 169, 432
 law enforcement against 151–4
 local elections and 195–7, 198–9, 467
 ‘Illegal Logging Operations’ 151
 illegal occupation 433
 illegal workers 31–2
 implementation, lack of 475–6
 imports 23
 electronic waste and hazardous waste from 30–31
 incentive mechanisms 106
 backwards incentives 214, 215
 inconsistency
 conflicting provisions concerning liability rules 289–92
 laws relating to climate change 141–5
 independence
 nuclear regulatory bodies 405–7

- scientific advice on food safety 50–51, 52–3
- India 190, 191, 224, 253, 388
- indigenous law *see* customary law
- indigenous peoples 425–7, 440
 - rights and REDD 131–3, 138–9, 179
 - see also* customary law community; community villages
- Indonesia Legal Aid Institute 305
- Indonesian Civil Code 290
- Indonesian Constitution 419, 424–5, 439–40, 442–3
- Indonesian Supreme Audit Board (*Badan Pemeriksa Keuangan*) (BPK) 294–6
- industrial areas, city forest in 416
- industry sector 108, 112, 166
- infectious diseases 28–30
- information and communications technology 16, 17–18, 19
- infrastructure 254, 255–6
 - sharing nuclear infrastructure 398
- injunctions 234–5
- Inquiry Committee on BSE 44–5, 52
- insolvency 250–251, 340, 341
- institutions
 - development 475, 477
 - institutional problem and climate change 141
 - transplanting 477
- insurance 282
 - comprehensive 246, 266–8
 - environmental insurance 282, 292–3
 - first party 245–6, 261–70, 270–271, 343
 - government compensation as incentive against 256
 - ideal compensation system 340–342, 343
 - liability insurance 340–342, 348, 349, 470
 - mandatory disaster insurance 263–4, 266–8, 470
 - mandatory environmental insurance 292–3
 - micro insurance 269–70, 470
 - poorly developed in Indonesia 292–3
 - reinsurance by government 264–6, 268–9
 - sovereign natural disaster insurance 258
 - insurers 238
- Integrated Food Safety System (IFSS) 43
- Integrated Nuclear Infrastructure Review (INIR) 400–401, 402–3
- intergenerational equity 18
- Intergovernmental Panel on Climate Change (IPCC) 85, 227
- International Atomic Energy Agency (IAEA) 376, 377–8, 388–90, 472
 - Indonesia's nuclear power decision-making 401–3
 - involvement in nuclear power decision-making 398–407
- International Centre for Settlement of Investment Disputes (ICSID) 76
- International Covenant on Civil and Political Rights 423
- International Covenant on Economic, Social and Cultural Rights 423–4
- International Court of Justice (ICJ) 229–30
- international courts 76
- International Labor Rights Fund (ILRF) 56, 72
- international law 74–6, 229–30
 - legal obstacles to reducing emissions 235
 - nuclear energy 390, 391
 - supporting customary law 422–4
 - wildlife law and the precautionary principle 358–65
- International Monetary Fund (IMF) 385
- international organizations involved in nuclear safety 405
- international trade 15, 29
- internationalization of decision-making 377, 398–407
- irreversible damage 363
- Italy 260, 267
- Ius Commune Research School 7
- Izin Pemanfaatan Kayu* (IPK) (Wood Utilization Permits) 195
- Izin Usaha Pemanfaatan Hasil Hutan Kayu* (IUPHHK) 123–4, 142
- Izin Usaha Pemanfaatan Jasa Lingkungan* (IUPJL) 122–3, 142

- Jaminan Tuai Risiko Gempu Bumi Indonesia* (Cash Programme for Earthquake Risk in Indonesia) 268–9
- Japan
Fukushima nuclear accident 378–9
Ministry of Economy, Trade and Industry (METI) 382
- Jatirejo 300
- jiwa danda* 431
- John Doe et al. v. Exxon Mobil Corporation* cases 56–7, 66–8, 72–4, 75–6, 77
- joint enforcement team 183
- Joint Preparatory Committee for Nuclear Power Construction 401
- Joseph Resnick Co., Inc. v. Nippon Yusen Kaisha et al.* 311, 319
- judiciary 167–70
- Kadic v. Karadzic* 69
- Kajian Lingkungan Hidup Strategis* (KLHS) (Strategic Environmental Assessment) 102, 171, 172, 219, 392
- Kalimantan 177–8, 181–2, 465, 474
- Kartu Gempa* 269
- Katrina, Hurricane 251
- Kedungcangkring 299
- Kellogg Brown & Root (KBR)* case 69, 70
- Kennedy et al. v. Union Electric Co. of Missouri* 315, 324–5
- Kertalangu Cultural Village 430
- Kesiman customary village 429–34
- kewang* 441–2, 446
Central Maluku 453, 454–6, 473
role in the sustainability of marine and coastal natural resources 447–9
- Khulumani v. Barclays National Bank* 69
- Kilb, D. 335
- Kimble v. Mackintosh Hemphill Co.* 322
- Kiobel v. Shell* 70, 71, 75
- Kliner, W.R. 319–20
- knowledge levels 19
- Koesnadi Hardjasoemantri 3, 11
- Kommas MPB* (National Committee for the Clean Development Mechanism, NCCDM) 104, 119–22, 124, 141
- Korea 386
- Korean Hydro and Nuclear Power (KHNP) 387
- krama desa* (members of the customary village) 432
- Kraton* 387
- Kunreuther, H. 265–6
- Kuran, T. 379
- Kuta 474
- Kyoto Protocol 5, 87, 90, 91, 100, 141, 165, 223, 230
Indonesia's proposed amendments 97
Pardy's criticism of 92
sustainable development 211
uncertainty caused by the Copenhagen Accord 81, 90
- labuan* 450
- labuan sasi* 451–2
- land records 301
- land use, land use change and forestry (LULUCF) sector 104, 105–6, 108, 187, 189
sectoral regulations 116–19
see also forestry sector
- land use-related activities 187
- landslides 26
- Landung, General Suyitnot 152
- Lapindo 277, 294–6, 297, 305, 347–8, 349
compensation by 300–304
government response to the mudflow 298–300
see also Sidoarjo mudflow; *Walhi v. Lapindo et al.*
- Latin America 238, 476
- law enforcement *see* enforcement
- Laws on Formation of Laws 2004 218
2011 218–19
- Lee v. Mobil Oil Corp. et al.* 317
- legal interdisciplinary approach 4–6
- Lembaga Tenaga Atom* (LTA) (Institute of Atomic Energy) 383
- Letter of Intent (LoI) with Norway 137–8, 139, 167, 173–4, 183
- Levin, K. 88

- Levmore, S. 265
- liability 5, 231
 absolute 283
 apportionment of in commingling
 of 'act of God' and negligence
 323–7
 climate change liability 231–2, 252,
 468–9
 corporate liability for human rights
 violations *see* corporate liability
 for human rights violations
- liability insurance 340–342, 348, 349,
 470
- liability rules 5, 249–53, 270, 469–70
 compensation system in Indonesia
 279–89, 294, 346–7, 348
 conflicting provisions concerning
 289–92
 ideal compensation system 339–41
see also negligence; strict liability
- licences for activities in forest areas
 117–18
 moratorium on issuance 140,
 176–7
- licensing, operational (nuclear
 regulation) 390–392
- limitation funds 345
- liquefied natural gas (LNG) 60–62
see also Exxon Mobil
- lobbying 220
- local elections
 decentralization regime 192–4
 and deforestation 8, 186–206,
 467
- local government
 and nuclear power decisions 397
 role and city forests 415–16
- Local Government Act of 1999 193
- local wisdom 7, 9, 472–4
 exclusion from sustainability criteria
 214, 215–16
 public consultation and sustainable
 development through CDM 8,
 207–26, 468
see also customary law; customary
 villages
- Löfgren, K.G. 157
- Logue, K.D. 265
- lompa* fish 451–2, 454
- London School of Economics 198
- Maastricht European Institute for
 Transnational Legal Research
 (METRO) 3–4
- Malaysia 228
- Maluku Province 9, 440–441, 442, 473
 implementation of customary rights
 in Central Maluku 449–57
kewang and sustainability of marine
 and coastal natural resources
 447–9
- man-made disasters 243–4, 251, 252–3
- mandatory disaster insurance 263–4,
 266–8, 470
- mandatory environmental insurance
 292–3
- Manga, M. 334
- mangrove forest 433
- marine and coastal natural resources 9,
 438–59, 473
 government policies in managing
 442–7
 implementation of customary rights
 in Central Maluku 449–57
 role of *kewang* in sustainability
 447–9
- market
 failure 133–4
 solutions for natural disasters 248–9
- marketable permits 127–8, 158
- Marrakech Accords 215
- Marthen Renouw* case 153
- Masyarakat Anti Nuklir Indonesia*
 (MANI) (Indonesia Anti-Nuclear
 Society) 384, 387–8
- Masyarakat Reksa Bumi* (Marem) 387
- Mazzini, A. 332–3, 334, 338
- McCarthy, E. 367–8
- measurement, reporting and
 verification (MRV) 86
- Medco 387
- Megawati Soekarnoputri, President 64
- Memoranda of Understanding (MoU)
 government and Free Aceh
 Movement 65
- Indonesia and Korea 386
- REDD+ and Central Kalimantan
 177–8, 181–2
- Menuju Indonesia Hijau* (Towards a
 Green Indonesia) programme 106
- Michel-Kerjan, E. 265–6

- micro insurance 269–70, 470
- migration 19–20
- Millennium Declaration 230
- Minarak Lapindo Jaya (MLJ) 300–301
- Mindi 300
- Mining Act of 2009 290
- Ministry of Energy and Mineral Resources (MEMR) 141, 213–14, 396, 406
- Ministry of Environment (MoE) 98–9, 141, 394, 396
- Ministry of Forestry (MoF) 141, 182, 194–5
- Ministry of Research and Technology (MRT) 396
- mitigation
 - measures 108–9, 110–111
 - potential of forestry sector 187–8
- mixed energy consumption target 115, 145–6
- moratorium on the issuance of timber licences 140, 176–7
- mud volcano 296, 308, 309–10, 331–3, 336
- mudflow *see* Sidoarjo mudflow
- Muhtada, D. 297
- multidisciplinary approach 6–7
- multinational corporations 21, 465–6, 477
 - Corporate Social Responsibility (CSR) 58, 466, 477
 - liability for human rights violations 7, 56–78, 466
- Muria nuclear pilot project 383, 384, 386–8
- Murini Samsam biomass condensing steam turbine project 221–2
- mussels, seeding of 372–3
- mutual learning 477
- Nababan, A. 215
- Nahdlatul Ulama* (NU) 384, 387
- Nasution, A. 296
- National Action Plan on Climate Change of 2007 (NAP-CC) 103–6, 154, 467
- National Action Plan on GHGs Emissions Reduction of 2011 (NAP-GHGs) 109–13, 159, 165, 166, 176, 178, 467
- National Agency for Drug and Food Control (BPOM) 42
- National Committee for the Clean Development Mechanism (NCCDM) (*Komnas MPB*) 104, 119–22, 124, 141
- National Communications to the UNFCCC 106–9
 - First Communication 106–7
 - Second Communication 108–9, 164–5
- National Council on Climate Change (DNPI) 165–7
- National Development Planning Agency (BAPPENAS) 296–7, 386
- National Energy Council (*Dewan Energi Nasional*) (DEN) 395
- National Energy Policy 395
- National Executive Board of the *Komnas MPB* 119, 120
- national historical deforestation 128–9
 - national law 230
 - complementing customary law 433–4, 474
 - legal system and practice 167–70
 - national safety 31–2
 - national security 31–2
 - national scale approach to REDD 130, 136
- National Strategy on REDD+ 173, 175, 176, 182
- Nationally Appropriate Mitigation Actions (NAMAs) 83, 86
- natural disasters
 - ‘act of God’ defence *see* ‘act of God’ defence
 - compensation for victims of 8, 243–76, 469, 470
 - Lapindo mudflow case as 308–10, 329–30
 - seen from the US courts’ perspective 333–9
 - tsunami of 2004 1, 64–5, 244
 - see also* earthquakes; Yogyakarta earthquake
- negative distributional effects 247–8, 257, 465
- negligence 99, 250, 280
 - and the ‘act of God’ defence 320–327

- 'act of God', strict liability and 327–9
- Indonesian compensation system 280, 288–9, 290–291
- Lapindo mudflow case 306, 308–10
 - seen from the US courts' perspective 336–8
- nested approach to REDD 131
- Netherlands, the 227, 253, 260, 343, 344, 345
 - applications of the precautionary principle 370–372
- Neumayer, E. 96
- New Order regime 376, 383–5, 391–2, 441
- new variant Creutzfeldt-Jacob disease 44
- Ngurah Rai mangrove forest 433
- Nigeria 57, 466
- Nike 57
- Nolloth 449, 450, 451, 453–7
- non-forestry activities in forest areas 117, 142
- non-governmental organizations (NGOs) 350, 387–8
 - Sidoarjo mudflow 304–5
 - see also* civil society
- North America 227, 228, 229
 - see also* Canada; United States (US)
- North–South collaboration 476–7
- Norway, Letter of Intent with 137–8, 139, 167, 173–4, 183
- nuclear accidents 378–9
- Nuclear Energy Act of 1997 284–5, 290, 291, 384, 390, 391–2, 397
- nuclear power 9, 376–410, 471–2
 - global revival 388–90
 - Indonesia 376–7, 382–97, 407–8
 - history of nuclear power 383–8
 - IAEA involvement 401–3
 - minimization of external influence 405–7
 - regulatory and institutional framework 390–397
- internationalization of decision-making 377, 398–407
 - technocratic vs democratic decision-making 378–82
- Nuclear Regulatory Agency (BAPETEN) 285, 394–5, 406–7
- nuclear safety regime 390–397
 - Nyepi Day* 27
- oil 115, 385
 - drilling and the Sidoarjo mudflow 277, 294–6, 306–7, 309, 331–2, 335–8
- Oil and Gas Act of 2001 292
- Oklahoma Ry. Co. v. Boyd* 320–321
- Old Order regime 376, 383
- Operasi Hutan Lestari* (OHP II) 152
- operational licensing 390–392
- out-of-court settlements 297–304, 347–8, 349
- ownership 136, 449–51
- oxygen 416
- oysters, seeding of 371–2
- Pagar Rekontrak* group 303
- Paguyuban* group 303
- palemahan* (managing the relationship between man and the environment) 420–421, 425, 430
- Papua New Guinea 125, 128
- parahyangan* (managing the relationship with God) 420–421
- Pardy, B. 92
- participation, public *see* public participation
- Participatory Governance Assessment (PGA) for REDD+ 180, 181
- path-shaped city forest 417–18
- Paul Butts et al. v. City of South Fulton* 319, 321
- pawongan* (managing the relationship between man and man) 420–421
- peat land 111, 116, 166
- pecalang* (traditional guards) 430–431
- Pejarakan 299
- pension funds 238
- per capita emissions 92–5
- performance bonds 154–5, 157–8, 341
- Perrings, C. 157–8
- Pertamina 385
- petuanan darat* (land tenure) 449–50, 456
- petuanan laut* (sea tenure) 445–6, 450, 456–7
- pilot provinces for REDD+ 177–8, 181–2

- pledge-and-review model of climate governance 89–90
- polluter pays principle 4–5, 346
- population size 94
- Posner, E. 93–4
- post-market food safety control 42
- precautionary principle 4–5, 158
 - food safety in the EU 46, 48
 - nuclear power decision-making 407, 471–2
 - in wildlife law 9, 357–75, 471
 - application in practice 368–73
 - codifications 358–65
 - core of the principle 359–60
 - disputes and problems 366–8
 - vagueness 366–7
 - variations 363–5
- pre-market food safety control 42
- prescriptive jurisdiction thesis 76
- Presidential Regulations 348, 349
 - No. 14 of 2007 298–9, 300–303, 304
 - judicial review 303
 - No. 48 of 2008 299
 - No. 40 of 2009 299–300
- prevention of catastrophes 236–7, 244–5
 - and compensation by government 254–6
- prevention principle 4–5
- preventive expenses 236–7
- Priest, G. 261
- primary cause 325
- Prime, R. 428
- principal-agent problem 135
- prior informed consent of communities 132, 209, 215–16
- private interests 381–2
- production forest (*Hutan Produksi*) 117, 195, 196
- Program Tanaman Bumi Banten* (plants used to make an offerings programme) 430
- Project Design Document (PDD) 121, 124, 208–9
 - public consultation 220–223
- proportionality principle 360, 361–2, 364–5, 373–4
- ‘Protect, Respect and Remedy’ framework 57–9
- protected forest (*Hutan Lindung*) 117, 195, 196–7, 198–9
 - city forests 418
- Protection and Indemnity (P&I) Clubs 342
- proximate cause 323–4
- proxy variables 156
- PT Adei Plantation and Industry* case 147–50
- PT Arun LNG Co. 60–61
- public authorities, liability of 251
- public choice theory 257, 381
- public consultation 50, 475
 - and CDM 8, 207–26, 468
 - importance of communities’ opinions 210–217
 - lessons from experiences and best practices 223–4
 - regulatory governance perspective and 217–23
- public participation 5, 179, 475
 - EU food safety regulation 49–50, 51–2
 - internationalization and nuclear power decision-making 403–5
- Pulp Mills on the River Uruguay* case 229–30, 360–361
- rainforests 23, 25–6
 - deforestation *see* deforestation
- Ramsar Wetlands Convention 358–9
- Ramsbotham, O. 199
- Ramsey, M.D. 76
- Rangkuti, S.S. 419
- Rawa Tripa* case 170
- reasonable care 317, 328
- reasonable foreseeability test 324
- recreation 416
- REDD+ 8, 164–85, 467, 476
 - deforestation and corruption 133–6, 140
 - governance safeguards 178–82
 - laws related to in Indonesia 137–40
 - policy framework 124–40, 173–8
 - proposals related to implementation 126–33
 - trends and development 182–4
- REDD+ Task Force 139, 140, 141, 167, 169–70, 174–6, 182
- redistribution of wealth 94

- Reducing Emissions from
 Deforestation and Forest
 Degradation (REDD) 8, 105,
 125–6, 165, 207
 deforestation, corruption and 133–6,
 140
 REDD+ *see* REDD+
 scale 130–131, 135, 136, 138
 reducing impact logging (RIL) 121
 reduction of emissions
 Copenhagen Accord 88–9, 90–91
 commitments 85–7
 shared visions on long-term
 reduction 84–5
 forestry sector 87, 105
 REDD *see* Reducing Emissions
 from Deforestation and
 Forest Degradation (REDD);
 REDD+
 Indonesia's voluntary pledge 24, 81,
 83–4, 98, 158–9, 174, 183
 lack of correlation between
 sustainability and 214, 216–17
 more equitable burden sharing 91–8
 NAP-GHGs 109–13, 159, 165, 166,
 176, 178, 467
 need to break new ground in the
 realm of climate change
 emphasis on reduction 234–5
 legal obstacles 235
 urgency and developed countries'
 efforts 232–3
 reforestation fund 154–5
Reformasi era 376, 377–8, 385–8
 regional autonomy 64–5, 195, 443, 446
 Regional Government Act of 1999 443,
 444
 Regulation of the Minister of Forestry
 of 2009 138–9
 regulatory capture 381–2
 regulatory governance perspective
 217–23
 religious ceremonies 431, 432
 relocation as a united community 303
 remedies
 CDM public consultation and
 recourse to 224
 for corporate violations of human
 rights 59
 remedy vacuum 76–7
- Rencana Perlindungan dan Pengelolaan
 Lingkungan Hidup* (RPLH)
 (environmental protection and
 management plan) 101, 102, 170,
 172
 renewable energy 111, 115–16
 Renon customary village 429–34
 resource curse thesis 191–2
 Restatement (Second) of Torts (US)
 328, 329
- Riau
 biomass condensing steam turbine
 project 221–2
 forest fires 147–50
 rights forest (*Hutan Hak*) 117
 Rio Declaration on Environment and
 Development 210–211, 359, 360,
 363
 risk analysis 43, 47, 393
 risk assessment 43, 47, 380–381
 risk communication 43, 47
 risk-dependent premiums 266
 risk differentiation 247–8, 261
 risk diversification 265–6
 risk management 43, 47
 risk regulation, nuclear 378–82
 risk sharing agreements 342
Rix et al. v. Town of Alamogordo 324
 road pricing 112, 113
 Rubiandini, R. 337
 Ruggie Framework 57–9, 76–7
 Rule of Law Index (RoLI) 167, 168
 Rundall, M.T. 317, 326
 Russia 190, 191
- Sabine Touring & Transp. Co., Inc. v.
 USA* 312–13
- Sad Kertih* 421
 safety
 city forest for 417
 food *see* food safety
 national 31–2
 sanctions
 criminal 99–100, 142–5, 147–51
 in customary law 431–3
 violations of *sasi* in Central
 Maluku 454–6
sasi 446, 447, 448–9, 473
 Central Maluku 451–6, 473
 implementation 454

- labuan sasi* 451–2
- organization 453
- supervision and sanctions 454–6
- sasi gereja* (church) 453
- Sawolo, N. 333, 335, 336
- scale of REDD programmes 130–131, 135, 136, 138
- Schiller, J. 302, 303
- Schumpeter, J. 191
- science
 - independence of scientific advice 50–51, 52–3
 - political influence on 44–5, 46, 51
 - precautionary principle and scientific evidence 366, 367–8
 - scientific certainty/uncertainty 48, 364
 - scientific debates on the trigger for the Sidoarjo mudflow 309–10, 331–3
- scientific advisory committees 44, 45–6, 52
- sea tenure 445–6, 450, 456–7
- Sectoral Environmental Law (SEL) 170, 171–3
- sectoral regulations 113–19, 444
 - energy sector 113–16, 145–7
 - forestry sector 116–19, 147–54
 - implementation and enforcement 145–54
 - LULUCF 116–19
- security
 - energy 385–6
 - food 39, 41–2
 - national 31–2
- seeding of mussels and oysters 372–3
- sell and purchase scheme 297, 298, 299, 301–3
- separatism 63–5
- Serangan island 423
- Serawai, Bengkulu 209
- serious and/or irreversible damage 363
- seriousness of a natural disaster 312–14, 333–5
- settlement areas, city forest in 416
- Severe Acute Respiratory Syndrome (SARS) 28–9
- Shea-S&M Ball v. Massman-Kiewit-Early et al.* 318
- Shell 57, 466
- Sidoarjo mudflow 8, 277–8, 294–351, 469–70
 - compensation by Lapindo 300–304
 - court case *see Walhi v. Lapindo et al.*
 - government responses 297–300
 - lessons from and an ideal compensation system 339–48
 - lessons from US practices 310–329
 - recommendations for the Indonesian compensation system 349–51
 - recommended actions 350–351
 - uncoordinated responses 304–5
- Sienkiewicz v. Greif* 231–2
- Sinar Resmi* Declaration 131
- Siring Barat 300
- Sky Aviation Corp. v. William F. Colt* 314, 325–6
- Slater v. South Carolina Ry. Co.* 318
- Sobel, R.S. 258
- social sustainability 211–13
- socio-economic trends 33
- sole cause 324–6
- Solid Waste Management Act of 2008 170, 171, 288–9, 291–2
- Sosa v. Alvarez-Machain* 71
- Southern Pac. Co. v. City of Los Angeles* 313, 316
- sovereign natural disaster insurance 258
- Spatial Planning Act of 2007 170, 171
- spreading form city forest 417
- Stakeholder Platform (EU) 50
- standard sustainability criteria, lack of 214, 215
- State et al. v. Malone* 314
- state forest (*Hut Negara*) 117
- Stern Report 233
- Strategic Environmental Assessment (KLHS) 102, 171, 172, 219, 392
- strict liability 99, 250, 346–7
 - ‘act of God’, negligence rule and 327–9
 - Indonesian compensation mechanisms 279–83, 289, 290–291
 - Lapindo mudflow case 306–7, 336–8
- structural compensation funds 254, 259
- subnational approach to REDD 130–131
- subsidiary principle 360

- subsidies 157
- Soeharto, President 60, 192, 383–4, 385
- Soeharto family 60
- Sukarno, President 63, 383
- Sumarwoto, O. 415
- Sunstein, C. 93–4, 368, 379
- supernatural powers 456
- sustainability
 - criteria 214–17
 - customary village and city forest 419–34, 472–3
 - role of *kewang* in sustainability of marine and coastal natural resources 447–9
- sustainable agriculture in peat land 111
- sustainable development 208–10
 - environmental law and 219
 - four-pillar model 211–13
 - importance of communities' opinions 210–217
 - three-pillar model 211
- Sweden 253
- Switzerland 256
- Syarif, L.M. 144, 147–51
- Sykes, A.O. 264

- Takacs, D. 132
- targets for mixed energy consumption 115, 145–6
- taxes, environmental 155–7
- technocratic decision-making 376–7, 378–82
- technological disasters 243–4, 251, 252–3
- technological sustainability 211–13
- telajakan* (part of housing garden) 430
- Telapak 26, 152
- Temporary Committee of Inquiry into BSE (EU) 44–5, 52
- tension of authority 397
- Tentara Nasional Indonesia* (TNI) Unit 113 62, 66–8
- tenurial rights 445–6, 449–50, 456–7, 473–4
- terrorism 32, 243, 244, 254–5
 - insurance 266
- Texaco* case 69–70
- theatre metaphor 51–2
- three-pillar model of sustainability 211
- Tim 16* group 303
- Tim Ekspedisi Pesisir Jakarta* (Jakarta expedition team) 438–9
- Tim Nasional Penanggulangan Semburan Lumpur di Sidoarjo* (*Timnas PLS*) 297–8
- top-down model of climate governance 89
- top shell (*bia-lola*) 451, 453, 454
- Torture Victim Protection Act (TVPA) (US) 68, 72, 73
- Total 57
- tourism 23–4, 28–9, 463, 477–8
- toxic materials 30–31
- tradable permits 127–8, 158
- trade, international 15, 29
- traditional knowledge 211
 - see also* customary law; customary villages; local wisdom
- transfer of exploitation rights 456–7
- transparency 49–50, 51–2
- Transparency of Public Information Law of 2008 218
- transparent and effective national forest governance 179
- transportation sector 111–12, 112–13, 166
- Treaty on European Union (TEU) 362
- Tri Danda* (three penalties) 431
- Tri Hita Karana* (three causes of happiness) 26–7, 414, 420–421, 425, 429–30
- triggering act 291–2
 - of the Sidoarjo mudflow 308–10, 329–30
 - scientific debates 309–10, 331–3
 - see also* causation
- Trines, E. 188
- Tripa Peat Swamps 170
- tsunami of 2004 1, 64–5, 244
- Turkey 267–8
- tutup sasi* 448–9, 452, 454

- Udayana University conference on environmental, health and safety risks 3–4
- uncertain risks 39, 43
- undersurface blowout 295–6, 331–2, 335–6, 337
- unforeseeability 314–20, 322–3

- United Nations (UN)
 Global Compact 58
 Poverty and Development Division
 17
 Ruggie Framework 57–9, 76–7
 Secretary General's Special
 Representative (SRSG) on
 Business and Human Rights
 57–8
- United Nations Convention on
 Biological Diversity 211, 359
- United Nations Declaration on the
 Rights of Indigenous Peoples
 (UNDRIP) 179, 216, 425–6
- United Nations Development
 Programme (UNDP) 180–181
- United Nations Framework
 Convention on Climate Change
 (UNFCCC) 5, 81, 92, 100, 141,
 165, 173
 Article 2 84
 COP *see* Conference of Parties of
 the UNFCCC
 National Communications to 106–9,
 164–5
- United States (US) 227, 228, 229,
 238
 'act of God' defence 310–329, 339,
 349, 350, 470
 Lapindo mudflow case seen from
 the US courts' perspective
 333–9
- Alien Tort Claims Act (ATCA)
 68–77, 466
 controversy over its use to sue
 multinational corporations
 74–6
- FEMA 258, 259
 food-borne disease 29
 Food Safety Modernization Act of
 2010 29
 government compensation 258,
 259
- GHGs emissions 188–9, 190, 191
 Nuclear Regulatory Commission
 (NRC) 382
 Restatement (Second) of Torts 328,
 329
 Torture Victim Protection Act
 (TVPA) 68, 72, 73
- US Department of State 2003 Exxon
 Mobil Case Statement of Interest*
 72–3, 75
- Universal Declaration of Human
 Rights 422–3
 unpreventability 314–20
USA v. Tex-Tow, Inc. 323–4, 327–8
*USA v. West England Ship Owner's
 P&I et al.* 324, 325, 327
USA et al. v. J. B. Stringfellow, Jr 313
- vagueness 366–7
 Van der Heuvel, G. 3
 village administration 441
 Viscusi, W.K. 264
Viwa v. Royal Dutch Shell 69, 70
 volcanoes 244
 Volendam café fire 260
- Wadden Sea
 gas drilling 370–371
 zeppelin flights 371
*Wahana Lingkungan Hidup Indonesia
 (Walhi)* 387–8
see also Walhi v. Lapindo et al.
- Wahid, A. 384, 401
Walhi v. Lapindo et al. 305, 306–10,
 329–39, 349
 court's ruling 308–10
 scientific debates on the trigger
 309–10, 331–3
 seen from the US courts' perspective
 333–9
- Walhi v. Pakerin dkk* 148
- waste
 electronic and hazardous 30–31
 management 107, 109, 112, 166
 Waste Management Act of 2008 170,
 171, 288–9, 291–2
 water-borne disease 38–9
 Watts, D. 133
 Wertz-Kanounnikoff, S. 128–9, 130
 Wigley, Richels and Edmonds
 Stabilization Profiles 85
 wildlife law 9, 357–75, 471
*Winchester Water Works Co. v.
 Holliday* 321–2
 Witoelar, Mr 83
 working group on the issue of
 human rights and transnational

- corporations and other business enterprises 57
- World Bank 76, 258
- World Food Summit of 1996 41
- World Health Organization (WHO) 17, 40, 41, 43, 47, 53, 465
- World Heritage Convention 358–9
- World Resource Institute 89, 413
- World Trade Organization 17
- worst-case scenario approach 364–5
- wrongfulness 231
- Yogyakarta earthquake 295, 296, 307–8, 309–10, 329–30, 332–5, 338
- Yudhoyono, Susilo Bambang 25, 151, 174, 175, 177, 302, 385
- zeppelin flights 371
- zoos 418