

Index

Introductory Note

References such as '178–9' indicate (not necessarily continuous) discussion of a topic across a range of pages. Wherever possible in the case of topics with many references, these have either been divided into sub-topics or only the most significant discussions of the topic are listed. Because the entire work is about 'courts' and the 'environment', the use of these terms (and certain others which occur constantly throughout the book) as entry points has been minimised. Information will be found under the corresponding detailed topics.

- Aarhus Convention 7, 14, 57, 173, 266–8, 372, 409, 414
 implementation/non-implementation and quality of environmental litigation 254–61
- aboriginal cultural heritage 214–15, 217, 221, 226
- absolute liability 145, 148
- access
 to environmental justice xvi, 7–9, 11, 172–4, 254–5, 267, 369–70, 372, 375
 to information 182–3, 189
- accountability 34, 91, 178, 182, 289
 environmental 108, 272, 282, 383, 385
 judicial 272, 274, 285–6
- activism, judicial 145, 147, 151–2, 157, 159, 167, 339, 341
- ADB (Asian Development Bank) 19–20, 22, 25–6, 381
- administrative authorities 393–4, 404
- administrative boards 393, 396, 405, 416
- administrative cases 16–17, 393, 395, 402, 409–10, 414, 416, 419
- administrative courts 265–6, 389, 391, 393, 397–9, 407, 414–15, 419
- administrative law petitions 346–7, 367–8
- ADR (alternative dispute resolution) 109–10, 375, 378, 383, 387–8
- Africa 20, 25, 170, 172, 176, 178–80, 183–5, 188
 Sub-Saharan 170, 178, 181, 185
 West 22
- African Charter on Human and Peoples' Rights 171, 174–6, 178, 184
- African Commission on Human and Peoples' Rights 170–89
 and access to justice 172–4
 challenges to civil society
 environmental litigation 178–88
 lack of awareness of continental level remedies 184–6
 lack of enforcement mechanism 186–8
 public interest environment litigation 174–7
- Aguinda* 275–8
- air 13, 17, 60, 182, 198, 299, 305, 335
 ambient 353–4
 pollution 115, 240, 243, 248–9, 349, 351–4, 356–8, 360
 quality 243, 339, 366
- Alien Tort Claims Act 275, 277
- All-China Environmental Federation 240, 244, 248
- alternative dispute resolution, *see* ADR

- Amazon 113–23, 125–7, 129–37, 139–41
 deforestation and climate change 116–19
 Legal 114, 117–19, 122, 125–8, 130, 132–3, 135
 ambient air 353–4
 Angola 22, 183
 animals 16, 117, 122, 218, 262, 266
 Anthropocene 5, 8–10, 32
 apex courts 194, 196, 203–4
 appeal rights 57, 70
 appeals 205–7, 265–7, 318–22, 325, 352, 362–5, 396–7, 409–10
 arbitration courts 257, 288–9
 arbitration tribunals 285
 international 273–4, 288
 Argentina 193, 279–80, 285
 artefacts 211, 223–5
 Asian Development Bank, *see* ADB
 aspirations 3, 31, 142, 212
 and outcomes 35–58
 issues 35–6
 meta-governance gap 55–8
 systems approach to legal effectiveness 36–9
 assets 71, 238, 279–82
 atmosphere 113–15, 118, 122, 136–40, 299, 323–4, 358
 attorney fees 15, 17, 209, 233
 Australia 19–20, 22, 39–42, 44, 55, 57, 211–27, 377–8
 Constitution 213, 219
 Environment Protection and Biodiversity Conservation Act 1999 40–1, 213, 224
 NSW (New South Wales) 18–19, 29–30, 47, 50–2, 213–15, 217–18, 369–70, 377–8
 Land and Environment Court 38, 213, 217, 224, 369–70, 377–8, 386, 388
 Queensland 215–16, 221
 Tasmania 218, 222, 224–5, 227
 Western Australia (WA) 214–15, 218, 222, 225
 authorities 346, 352, 355, 393, 396, 403–4, 406–10, 412
 administrative 393–4, 404
 environmental 198, 200, 264
 local 67, 69–70, 74, 198, 202–3, 205, 242–4, 258
 public 65, 74, 120, 130, 257
 regulatory 164, 273, 288
 supervisory 403, 407
 awareness 18, 184–5, 189, 226, 341
 public 110–11, 184, 188–9
 balance 142, 145–6, 149, 158–60, 332–5, 337–8, 340, 342
 ecological 136, 152, 193
 environmental 32, 113, 152
 balanced environment 140–1
 Bangladesh 19
 basic human rights 34, 63, 101, 103
 Belgium 342
 beliefs 51–2, 66, 163, 165, 215, 222, 226, 258–9
 religious 65, 166
 biodiversity 12, 67, 81, 118, 120, 122, 135, 161
 Bolivia 116
 Brazil 28, 113–14, 116–17, 119–25, 129, 131–2, 139–41, 193; *see also* Amazon
 climate change 114–23
 courts 28–30, 133, 136
 GHG emissions 125, 130
 government 123, 131, 140–1
 judiciary 113–41
 NPCC (National Policy on Climate Change) 113, 123–30
 token nature 131–40
 budgetary constraints 205–6, 209
 building cases 391, 412, 416–17
Bulga 47, 51, 54–5
 burden of proof 16, 73, 235, 248, 380, 404–5, 407
 burning 113, 119, 122, 137, 298–9, 302
 controlled 137–9
 forest 290, 298–9, 302
 sugarcane straw 135, 137, 139
 Bush, President George W. 349, 356–8, 366
 California 31, 236, 366
 Canada 19–20, 24, 369, 374–5
 courts 272, 280–3, 289
 Environmental Review Tribunal 375, 388

- judicial procedure 280–3
 - Ontario 280–1, 369, 375
- capacity 26–7, 29, 51, 53, 58–9, 75–6, 104–6, 224
 - building 21, 26
 - carrying 154, 156–8, 167
 - financial 178, 180
 - judicial 4, 9, 26–7, 34, 285
 - regulatory 87, 89, 91–2, 170
- carbon dioxide 115, 122, 345, 349, 353, 360, 364, 367; *see also* greenhouse gases
- care
 - duty of 307–8, 313–16, 318–20, 322, 326–7, 329–34, 339
 - reasonable 148
 - standards of 31
- carrying capacity 154, 156–8, 167
- causal links 298–9, 301–2, 308, 326, 328, 330
 - between state omission and damage 328–30
- cemeteries 201–2, 264
- Cerrado 113–17, 119–23, 125, 127–33, 135–41
 - deforestation and climate change 120–3
- Chevron 271–89
- Chile 19, 193
- China 4, 8–9, 12–16, 18, 23, 369, 379–80, 388
 - courts 228–49, 380, 388
 - environmental empowerment of judiciary 12–18
 - Environmental Protection Law 228–49
 - implementation 239–43
 - pioneering cases 243–6
 - environmental public interest litigation 239–46, 248
 - difficulties 247–9
 - lack of effective environmental litigation mechanisms 247
 - NGOs 229, 240, 244
 - Supreme Court 15, 17
- citizen suits 15, 91, 231–2
- civil cases 231, 238–9, 390, 401, 403, 410, 412, 419
- civil courts 249, 314, 318, 403
- civil rights 33, 232, 254
- civil society 132, 143, 170–89, 346
 - access to financial resources 178–9
 - hostile local environment 179–81
 - lack of culture of openness and transparency 181–4
- class actions 192–3, 195, 231, 269, 275, 288
- Clean Air Act (CAA) 231–2, 234–5, 349–50, 352–4, 356–8, 360–3, 366, 368
- clean environment 60, 67, 96, 149, 160, 167, 193, 290–304
 - right to 62–6, 292
- Clean Power Plan 345–6, 362–5, 367–8
- climate change xiii, 132–42, 305, 307–9, 319–20, 322–5, 328–31, 343–4, 355
 - Brazil 114–23
 - dangerous 305, 307–8, 311, 322–3, 326–7, 333
 - effects 123, 132–3, 135, 141, 326
 - hazardous 308, 322–3, 326–7, 333
 - irreversible 324–5, 328
 - science 347, 349–50, 352, 364
 - US adjudication 345–68
- Climate Change Convention 308, 314, 316, 332
- CO₂, *see* carbon dioxide
- coded information 197, 207
- collective litigation
 - Colombia 190–210
 - Latin American context 192–4
 - popular actions and group actions 194–6
- collective rights 193–4, 197, 202
- Colombia 116
 - collective environmental litigation 190–210
 - Constitution 194
 - Constitutional Court 190, 195
 - Council of State 190, 194, 196, 198, 203–5, 208–9
 - data and methods 196–7
 - findings 198–209
 - popular actions and group actions 194–6
- colour blindness 219–26
- comity 275–6, 280
- commentaries 66, 306–7, 315, 332, 339, 371, 374

- commentators 53–4, 70, 76, 78, 312, 322–3, 333–7, 340–1
- common law 13, 37, 70, 75–6, 79–80, 147, 233, 359–60
- communications 46–7, 171–2, 174–5, 178, 184, 186, 188–9, 401
- community of life 5, 12, 16, 27, 29, 32, 34, 163
- companies xii, 104–5, 233, 235, 247, 273–5, 287–8, 291, 293–7; *see also* TNCs
- mining 104, 295, 301
- polluting 244, 247
- state-owned 200, 263, 275
- compensation 209, 244–7, 262–3, 273–4, 330, 390, 403, 405
- for damages 239, 245, 274, 330
- monetary 195–6
- competence 290, 300, 334, 387, 395, 399, 411
- competing interests 65, 73, 159–61, 391
- complaints 64, 98, 178, 184, 187, 236, 244, 267
- compliance 139, 141, 200, 205, 236, 238, 314, 319–20
- conflict resolution, rights-based approaches 59–83
- conservation 26, 77, 81, 120, 141, 158, 172, 176
- environmental 157, 271, 287–8
- constitutional courts 78, 190–1, 195, 257, 261
- constitutional duties 102, 140–1
- constitutional environmental rights 87–8, 90, 94
- constitutional guarantees 60, 76, 86–8, 90
- constitutional interpretation 93, 100–4, 109
- constitutional obligations 72, 89–90
- constitutional protection 86, 165, 212
- constitutional provisions 73, 77, 88–9, 93–4, 101–2, 143, 145, 152
- constitutional reforms 108, 111, 220
- constitutional rights 89, 91–2, 149, 151, 197, 199
- constitutionalism 73, 159
- constitutionality 76, 78, 409
- Constitutions
- Australia 213, 219
- Colombia 194
- Ecuador 72–3, 75
- Ghana 93, 96
- India 146, 381
- Kenya 109
- Netherlands 314–16, 332, 339
- Ukraine 250, 252, 258–9
- constraints, budgetary 205–6, 209
- consultation 21, 25, 57, 162–4, 190, 222, 227
- consumers, rights 193–4
- contextualization of judgments 49
- control 68, 91, 109, 114, 125–6, 128, 131, 140
- effective 243, 327
- mechanisms 296–7, 301
- controlled burning 137–9
- corporate responsibilities 286, 290–304; *see also* TNCs
- corruption 13–14, 27, 170, 267–8
- costs 155, 186, 188, 236, 333–4, 405, 410, 416–17
- litigation 233, 403, 405, 410, 416
- Council of State 190, 194, 196, 198, 203–5, 208–9
- courts
- administrative 265–6, 389, 391, 393, 397–9, 407, 414–15, 419
- apex 194, 196, 203–4
- appeals 261, 264, 355–6, 362–5, 396–7, 400, 405, 412–13
- arbitration 257, 288–9
- Brazil 28–30, 133, 136
- Canada 272, 280–3, 289
- China 228–49, 380, 388
- civil 249, 314, 318, 403
- constitutional 78, 190–1, 195, 257, 261
- district 298–302, 304–6, 323, 325, 327, 331, 394–5, 399
- Ecuador 272, 281, 283, 288
- empowerment for adjudication of humans and nature 9–18
- federal 223, 349, 352–3, 359–60
- fees 403, 405–6, 408, 410
- general 261, 375, 387, 394–5, 399, 414
- Ghana 100, 107

- international 19–20, 264, 271–2, 286, 289
- land and environment 376, 389, 391, 394–9, 401–5, 407, 411–12, 415–17
- local 229, 238, 245, 248
- lower 16, 202, 269, 394, 413
- nature 2–34
- Netherlands 315, 318, 320–1, 331, 342
- ordinary 108, 414
- practice in Russia, Kazakhstan and Ukraine compared 261–6
- property 390–1
- provincial 13, 73, 247
- specialized 34, 111, 261, 372, 377, 382, 384, 395–6
- superior 52, 278, 377
- United States 275–8
- water 389–90, 393–4, 396, 415
- credible evidence rule 235–6
- crimes 16, 34, 238, 262–3, 286–7, 395–6
 - environmental 95, 109–10, 286, 375, 378
- criminal liability 92, 145, 262
- cultural heritage 398
 - and colour blindness 219–26
 - indigenous 211–27
 - protection 211, 219–20, 226
 - reasons for inadequate protection by law 212–18
- cultural rights 60, 64, 72–6, 102, 149, 343
- customary international law 31, 154–5, 308, 314
- damage(s) 221, 223, 262–3, 300–1, 308, 322–3, 325–30, 410
 - compensation for 239, 245, 274, 330
 - environmental, *see* environmental damage
 - irreversible 39–41, 43, 155, 157, 275
 - punitive 16
- dangerous climate change 305, 307–8, 311, 322–3, 326–7, 333
- decision-makers 40, 43, 45, 61–2, 80, 83, 385, 387
- deforestation 113–14, 116, 118–20, 122, 124–5, 127–30, 133–6, 140–1
- Amazon 116–19
- Cerrado 120–3
- and climate change 116–23
- prevention and control 114, 125, 128, 140
- reduction 113, 126, 129
- degradation, environmental 30, 39–40, 111, 116, 119, 155, 176–7, 182
- democracy 93, 95, 268, 338, 342
 - environmental 88, 173
- developers 13, 233, 387, 404–5, 417
- developing countries 85, 87–90, 92, 156, 228, 271, 289
- development
 - economic 13, 31, 91, 148, 153, 161, 238
 - processes 50, 101, 138, 386
 - projects 50, 121, 151, 163–4, 167
 - social 56, 250
- Directive Principles of State Policy, *see* DPSPs
- discretion 232, 241, 322, 326, 332–3, 348, 351, 353
- discretionary powers 315, 332
- dispossession 72, 106, 287
- disputes 255, 257, 325, 336–7, 393–5, 410, 416–17, 419
 - environmental, *see* environmental disputes
 - investment 274, 285
 - legal 51, 335, 372
- district courts 298–302, 304–6, 323, 325, 327, 331, 394–5, 399
- domestic law 145, 154–5, 309, 315–17, 319, 331, 333, 341
- DPSPs (Directive Principles of State Policy) 90, 93–4, 96, 101–3, 143
- due diligence, human rights 303–4
- due process 10–11, 13, 32, 68, 274, 283–5
- duties, mandatory 356–7, 361
- duty of care 307–8, 313–16, 318–27, 329–34, 339
- dynamics
 - political 49, 51
 - system 38, 53
- ECHR (European Convention on Human Rights) 64–5, 257–8, 263–4, 266, 269, 308, 317–19, 343

- ecological balance 136, 152, 193
 ecologically sustainable development,
see ESD
 ecology 153–4, 156, 158–9, 259–61,
 264
 economic crises 267, 272, 334
 economic development 13, 31, 91, 148,
 153, 161, 238
 economic incentives 191, 195,
 208–10
 economic interests 56–7, 272
 economic power 52, 272, 286, 288
 ECTs (environmental courts and
 tribunals) 4–5, 8, 34, 110–11,
 369–95, 403, 411, 413–15
 anticipating comparative law studies
 for 28–32
 characteristics of successful ECTs
 385
 creation 383–4, 386
 D.advantages 383–4
 disadvantages 384–5
 national experiences 373–83
 overview 370–3
 Ecuador 116
 Constitution 72–3, 75
 courts 272, 281, 283, 288
 government 274–6, 278
 judicial procedure 278–80
 judiciary 278–9, 283
 Lago Agrio 271–89
 villagers and indigenous
 communities 272, 275, 280–2,
 287–8
 education 25, 226, 265–6, 269, 338,
 383, 396, 412
 legal 14, 18, 226, 411
 effective implementation 39, 83, 87,
 142, 258
 effective redress 271, 274, 284
 effectiveness 35–6, 51, 55, 57–8, 140–1,
 380, 383, 386
 Egypt 3, 22, 180
 EIA, *see* environmental impact
 assessment
 enforcement 89–90, 97, 100, 149,
 170–1, 217, 228–30, 281–4
 action 232, 236, 279
 effective 182, 271
 mechanisms 186, 281, 286, 288
 powers 189, 377, 379, 381, 388
 selective 229, 249
 environment, *see also* *Introductory Note*
 balancing environment and
 development 146, 152, 154, 167
 clean 60, 62, 65, 67, 149, 193, 290–3,
 297–304
 healthy 62–3, 105–8, 110, 292, 309,
 311, 372–3, 381–2
 legal 180, 188
 safe 105–6, 176, 253
 satisfactory 171–2, 174, 176–7, 188
 Environment Protection and
 Biodiversity Conservation Act
 1999 40–1, 213, 224
 environmental accountability 108, 272,
 282, 383, 385
 environmental adjudication 20, 23–5,
 28, 86, 100, 107–8, 110, 374–5
 environmental authorities 198, 200, 264
 environmental balance 32, 113, 152
 environmental civil public interest
 litigation 231, 234, 249
 environmental codes 252, 254, 389–94,
 396–8, 401, 403–4, 407, 412
 environmental consciousness 143, 268
 environmental conservation 157, 271,
 287–8
 environmental courts and tribunals, *see*
 ECTs
 environmental crimes 95, 109–10, 286,
 375, 378
 environmental damage 43, 159, 189,
 191–2, 271, 278–9, 288, 302–3
 irreversible 40–1, 43, 275
 justice for 271, 273, 275, 277, 279,
 281, 283, 285–7
 mitigation exercises 160
 environmental decision-making, rights
 to participate in 66–7
 environmental degradation 30, 39–40,
 111, 116, 119, 155, 176–7, 182
 environmental democracy 88, 173
 environmental disputes 107, 110,
 254–8, 261–2, 266–7, 269, 290, 292
 resolution 254–6, 258, 266
 environmental governance 55, 57–8,
 85–6, 171–3, 370, 372, 380, 386
 environmental harm 16, 29, 31, 39, 43,
 73, 99

- environmental impact assessment (EIA) 14, 30–2, 34, 97–8, 242, 259, 405–6, 408
- environmental information 14, 172–3, 183, 241, 254–5, 258–60, 264–5, 267–8
- environmental interests 29, 246
- environmental justice 4, 8–10, 12–13, 27–8, 30, 32, 34, 374–5
access to 7–9, 11, 172–3, 254–5, 267, 369–70, 372, 375
- environmental NGOs 200, 239, 244–5, 248
- environmental offences 109, 129, 262
- environmental popular actions 191, 196, 198–205, 209–10
- Environmental Protection Agency, *see* EPA
- environmental public interest activities 229, 240, 248–9, 310
- environmental public interest litigation 15–16, 229–31, 239–40
definition 229–31
development 229, 239–46, 248
United States 231–9
- environmental quality 7, 12, 63–4, 66, 77, 83, 252, 262
- environmental regulations 98, 110, 200, 205, 207, 213, 271, 274
- environmental responsibilities 277, 287, 295, 354
- Environmental Review Tribunal 375, 388
- environmental rights xv, 9–10, 12, 59–60, 77–9, 250–3, 257–9, 261–7, 269
collective 253
constitutional 87–8, 90, 94
international 60, 62, 83
procedural 63, 259–60, 267
protection 193, 250, 267, 269
Russia, Kazakhstan and Ukraine 251–4
substantive 64, 268
- environmental rule of law (ERoL) xiv, 4, 7, 26, 32–4, 85–111
meaning 87–92
- environmental rules 88–9, 91–2, 96, 272
- environmental standards 64, 104, 143, 150, 275
- environmental sustainability 63, 85, 89–90, 108, 114
- environmental violations 14, 90–2, 171, 178, 182, 196–200, 202–3, 207–9
- EPA (Environmental Protection Agency) 96–8, 104, 111, 233–5, 239, 345–6, 348–58, 360–8
- EPBC Act, *see* Environment Protection and Biodiversity Conservation Act 1999
- equity 64, 81, 156, 192, 276, 360
- Eritrea 175, 180
- ERoL, *see* environmental rule of law
- ESD (ecologically sustainable development) 35, 40–1, 176
- Ethiopia 180
- European Convention on Human Rights, *see* ECHR
- European Court of Human Rights 7, 64, 67, 83, 257, 317–18, 343
- European Union 314, 316, 321, 375, 415
- evidence 50, 53–4, 199–200, 202–4, 206–9, 223–5, 235–7, 239
scientific 347, 356, 365
- evidence-based approach 79, 83
- ex officio principle 405, 409, 416
- executive branch 27, 34, 332, 339–40
- expansive interpretation 65, 149, 167, 213
- experts 17, 21, 46, 49, 53, 377, 379, 382–3
- family life 64, 257, 317
- fees 178, 196–8, 209, 241, 245, 257, 379
attorney 15, 17, 209, 233
court 403, 405–6, 408, 410
- financial capacity 178, 180
- financial resources 145, 188
access to 178–9
- fires 114, 118–19, 122, 125, 128, 130, 136–7, 139–41; *see also* burning
- first instance cases 238, 401, 403–4, 407
- foreign investors 273–4, 284–9
- Forest Charter 6, 10–12, 32

- forest rights 11, 163–4
- forests 6, 10–12, 16, 118, 158, 162–4, 239, 382
 - burning 290, 298–9, 302
 - management 126, 158
 - royal 6, 10–12
 - tropical 116, 118
- forum *non conveniens* 276–7
- frameworks, legal 80, 86, 107, 215, 291–3, 309, 313, 313–31
- France 20
- freedom 57, 62, 66, 94–5, 101, 180, 183, 258–9
 - of information 183
 - religious 163, 165
- French Guyana 116
- frivolous litigation 201–2, 209
- fuel economy standards 352, 354
- fundamental freedoms 66, 257, 263, 317
- fundamental human rights 95, 102, 161
- fundamental rights 85, 145–7, 149, 161, 182
- funding 36, 48–9, 179–80, 188, 197, 206, 218
- general courts 261, 375, 387, 394–5, 399, 414
- general interest 68, 309–10, 331, 336, 338, 341
 - NGOs 312, 317
- Gerakan Samarinda Menggugat* case 290–1, 298, 300, 302–4
- Germany 21, 284, 321
- Ghana 85–111
 - Constitution 93, 96
 - constitutional interpretation 93, 100–4, 109
 - environmental law
 - in courts 100–7
 - framework 92–100
 - environmental rule of law 85–111
 - lessons from Kenya 107–11
- GHGs, *see* greenhouse gases
- Global Judicial Institute on the Environment (GJIE) 4, 18–28, 34
- governance 26, 54, 87, 164, 167, 337
 - environmental 55, 57–8, 85–6, 171–3, 370, 372, 380, 386
 - good 35, 91, 164
 - inclusive 164, 166
 - meta-governance gap 55–8
 - greenhouse effect 133, 136–7, 139
 - greenhouse gases (GHGs) 113, 136, 319–21, 323–31, 345–6, 348–58, 360–3, 365–8; *see also* carbon dioxide
 - emissions 115, 122, 124, 130, 345, 350, 361, 366–8
 - guarantees 28, 63, 66–8, 76, 88, 95, 149, 161
 - constitutional 60, 76, 86–8, 90
 - guardianship 64, 72, 74–6, 83, 215, 335, 340
- Guyana 116
- harm 30–1, 33, 148, 194–5, 198, 206, 240–1, 246
- health 60, 63, 172, 176, 252–4, 257, 262–3, 367
 - human 262, 354–6
 - public 18, 194, 198–9, 349–51, 353, 356–8, 362
- healthy environment 62–3, 105–8, 110, 292, 309, 311, 372–3, 381–2
- heritage 213–14, 217–19, 222, 225
 - Indigenous 211–15, 219, 222, 225
- host countries 272–4, 281–2, 284–5
- human health 262, 354–6
- human rights xv, 7, 60, 63–4, 66–7, 288–9, 292, 317–19, 343
 - abuses 182, 188
 - basic 34, 63, 101, 103
 - fundamental 95, 102, 161
 - instruments 63, 287
 - international 62, 101, 104, 287, 317
 - provisions 95, 312, 317–19
 - realization 286–8
 - violations 156, 177, 187, 286
- ICC (International Criminal Court) 286–7
- ICEF (International Court of the Environment Foundation) 19–20, 24
- IGAE (Intergovernmental Agreement on the Environment) 40–1
- IIAs (international investment agreements) 284–5

- implementation 41–2, 125, 140, 186–7,
200–1, 251–5, 267–8, 273
effective 39, 83, 87, 142, 258
- incentives 197–8, 204, 207–9, 235, 324
economic 191, 195, 208–10
millionaire 208
monetary 191, 195, 197–8, 202,
204–5, 207–9
- inclusive governance 164, 166
- inconstancy of law 268
- independence 33, 146, 268, 276, 278,
373, 385, 388
- India 19–21, 29, 90, 329, 369, 375,
381–2
Constitution 146–7, 149–50, 381
development of environmental
jurisprudence 146–52
judiciary 142–68
NGT (National Green Tribunal) 21,
29, 369, 375, 381–2
right to life 149, 152–67
Supreme Court 29, 143, 146, 162,
167, 381
Vedanta 161–2, 166–7
- indigenous communities/peoples 164,
212–13, 216–20, 223, 225, 227,
272, 275
- Indigenous heritage 211–15, 219, 222,
225; *see also* cultural heritage
- indigenous rights 83, 163, 213
- individual rights 88, 191, 199–200, 253
- Indonesia 27, 290–304
case study 298–303
Gerakan Samarinda Menggugat
290–1, 298, 300, 302–4
government 292–3, 296–7, 302–3
legal framework 292–7
meaning of corporate/corporation
293–4
Palembang City 298–9, 302
PT Bumi Mekar Hijau 290–1,
298–9, 302–4
Samarinda 290, 300–2
- industry stakeholders 46–7, 49–50,
53–4
- information 45–8, 76–7, 79, 182–3,
197, 241–2, 264–5, 402
coded 197, 207
environmental 14, 172–3, 183, 241,
254–5, 258–60, 264–5, 267–8
- freedom of 183
public 184, 259, 386
- infrastructure 119, 160, 199, 274
- innovations 17, 131, 142–68, 172, 231,
241, 246, 307
judicial 29, 163
substantive 142, 149
- interest groups 336
public 229–30, 310, 348, 368
- interests
competing 65, 73, 159–61, 391
economic 56–7, 272
general 68, 309–10, 331, 336, 338,
341
personal 99, 103, 232, 309
private 171, 410
public, *see* public interest
- Intergovernmental Panel on Climate
Change, *see* IPCC
- international arbitration tribunals
273–4, 288
- international community 4, 123, 131,
277, 288, 309–10, 312, 331
- International Court of the
Environment Foundation, *see*
ICEF
- international courts 19–20, 264, 271–2,
286, 289
- International Criminal Court, *see* ICC
- international environmental law 61,
76–7, 142, 148, 154, 167, 277, 318
and Netherlands 316
- international environmental rights 60,
62–7, 83
- international human rights
instruments/law 62, 101, 104, 287,
317–19
- international investment agreements,
see IIAs
- international investment arbitration
271–4
- international law 23, 35, 67, 155,
163–4, 277, 283–4, 314–16
customary 31, 154–5, 308, 314
- International Union for the
Conservation of Nature and
Natural Resources, *see* IUCN
- interpretation 28–9, 51, 53, 90, 92,
101, 150, 316–17
constitutional 93, 100, 109

- expansive 65, 149, 167, 213
- restrictive 137, 161
- statutory 33, 78, 278
- investment protection mechanisms 272–4, 288
- investments 48, 53, 272–3, 288, 336
- investors 273–4
 - foreign 273–4, 284–9
- IPCC (Intergovernmental Panel on Climate Change) 114–16, 122, 324–5
- irreversible climate change 324–5, 328
- irreversible damage 39–41, 43, 155, 157, 275
- Italy 20, 192, 321
- IUCN (International Union for the Conservation of Nature and Natural Resources) 2, 25–6, 40
 - and Global Judicial Institute for the Environment 4, 18–27
- Jordan 22
- judicial accountability 272, 274, 285–6
- judicial activism 145, 147, 151–2, 157, 159, 167, 339, 341
- judicial capacity 4, 9, 26–7, 34, 285
- judicial innovations 29, 163
- judicial practice 11, 15, 20, 28, 257, 268–9
- judicial procedure 18, 23, 372, 394, 403
 - Canada 280–3
 - Ecuador 278–80
 - Permanent Court of Arbitration 283–4
 - United States 275–8
- judicial review 67, 75, 146, 346, 348, 365, 372, 397
 - United States 350–5
- judiciary 45–6, 56, 58, 132–3, 145–50, 334–5, 373–5, 387–8
 - Brazil 113–15, 117, 119, 121, 123, 125, 127, 131–5
- jurisdiction 257, 261–2, 276–7, 280–2, 352–4, 374–5, 385–8, 394–5
- justice 2–13, 27–34, 151, 172–3, 254–5, 267, 283–9, 374–5
 - for environmental damage 271, 273, 275, 277, 279, 281, 283, 285–7
 - natural 283
- justiciability 63, 102–3, 174
 - right to a satisfactory environment 176–7
- kaitiakitanga* 60, 72, 74–6, 83
- Kazakhstan 250–7, 259, 261–3, 265, 267, 269
- Kenya 19–20, 26, 86, 109–10, 185, 188–9, 369, 373–4
 - Constitution 109
 - ELC (Environment and Land Court) 107–9, 374
 - lessons from 107–11
 - NET (National Environmental Tribunal) 108–10, 374
- Korea 22, 25
- Kyoto Protocol 308, 314, 316
- Lago Agrio* 271–89
- land 68–9, 130, 154, 212–13, 287, 388, 390, 405
- Land and Environment Court of Appeal 396–7, 400, 412–13, 416
- landscapes 212, 223–5, 234
- law clerks 399, 401, 409, 411–12
- lawyers 52–4, 215, 219, 343, 383, 385, 402, 410
- Lebanon 22
- Legal Amazon 114, 117–19, 122, 125–8, 130, 132–3, 135
 - deforestation 125, 127
- legal education 14, 18, 226, 411
- legal effectiveness, systems approach 36–9
- legal environment 180, 188
- legal frameworks 80, 86, 107, 215, 291–3, 309, 313, 313–31
- legal personality 71–2, 74, 83, 280–1
- legal protection 12, 130, 193, 211, 227, 269, 329, 335–6
- legal reforms 109, 211, 264
- legal rights 30, 37, 53, 86, 185–6, 409
- legal standing, *see* standing
- legal systems 3, 5, 8, 27–8, 35–7, 46, 237, 250–1
- legislation 43–5, 213–16, 218–19, 222–3, 255–6, 258–9, 390–4, 396–8
 - national 76, 104, 253, 255–6, 266–7
- legislative branch 8, 34, 193, 309, 331, 333, 335

- legislative initiatives 143, 256, 397
 legitimation, popular 337
 liability
 absolute 145, 148
 criminal 92, 145, 262
 strict 147, 275, 291, 302, 304
 tortious 147, 380
 Libya 22
 life
 community of 5, 12, 16, 27, 29, 32, 34, 163
 of dignity and well-being 62, 369
 family 64, 257, 317
 right to 149, 152–67
 light trucks 345, 348, 366, 368
 links 63, 153, 214, 328
 causal 298–9, 301–2, 308, 326, 328, 330
 litigants 55, 191–2, 197–8, 201, 205, 208–9, 238, 382
 litigation 15–17, 78, 178–9, 188–91, 207, 209, 238–9, 280
 collective 190–4, 200
 environmental 171–2, 174, 177–8, 190–1, 229–30, 249, 302–4, 380–1
 frivolous 201–2, 209
 popular actions 190–1, 197, 204
 strategic 340–4
 local authorities 67, 69–70, 74, 198, 202–3, 205, 242–4, 258
 location 118, 224, 298–9, 402
locus standi 20, 27, 374
 losses 15, 18, 47, 177, 246, 283, 299, 405
 lower courts 16, 202, 269, 394, 413

Magna Carta 10–12, 32
 management
 forests 126, 158
 sustainable 61–2, 67, 71–2, 76, 78, 81–2
 waste 64, 85, 199, 257, 295, 393
 mandatory duties 356–7, 361
 Maori 71–2, 74–6
 Massachusetts 233, 353, 360
 media 51, 54, 184, 208, 231, 259–60, 413–15
 meta-governance gap 55–8
 millionaire incentives 208

 mining 48, 51, 54, 104, 152, 162, 165, 214
 companies 104, 295, 301
 operations/activities 30, 152–3, 165, 273
 mitigation 123–4, 132, 140, 156, 159, 325–6, 328, 333
 monetary compensation 195–6
 monetary incentives 191, 195, 197–8, 202, 204–5, 207–9
 monitoring 126–8, 130, 149, 241, 262–3, 392
 motor vehicles 345–6, 349–53, 356–7, 360–1, 363, 368
 new 349, 354, 356, 358, 362, 366
 multinational corporations, *see* TNCs

 NAAQS (National Ambient Air Quality Standard) 356–7, 363
 National Ambient Air Quality Standard (NAAQS) 356–7, 363
 National Environmental Tribunal, *see* NET
 National Green Tribunal, *see* NGT
 national legislation 76, 104, 253, 255–6, 266–7
 National Policy on Climate Change, *see* NPCC
 natural resources xiii, 70, 172, 199, 239, 259, 262, 295, 311
 exploitation 89–90, 134
 nature of courts 2–34
 NET (National Environmental Tribunal) 108–10, 374
 Netherlands
 Constitution 314–16, 332, 339
 courts 315, 318, 320–1, 331, 342
 duty of care 307–8, 313–16, 318–27, 329–34, 339
 and international environmental law 316
 and international human rights law 317–19
 legal framework 313–31
 omissions 308, 322, 325–7
 politicians 334–5, 338–40
 response from scholars 332–8
 standing 309–13
 tortious responsibility 313–31
 Urgenda 305–43

- New South Wales, *see* NSW
- New Zealand 29, 59–83, 342
 Bill of Rights Act 1990 (NZBORA) 65–8, 78–9
 common laws of the environment 79–82
 constitutionality and constitutional statutes 76–9
 Maori 71–2, 74–6
 RMA (Resource Management Act) 59, 61–2, 66, 69–70, 74, 76–8, 81–2
- NGOs (non-governmental organizations) 14–15, 170–5, 177–81, 188–9, 232–3, 245–9, 317–18, 409–10
 China 229, 240, 244
 environmental 200, 239, 244–5, 248
 general interest 312, 317
 standing 174–6
- NGT (National Green Tribunal) 21, 29, 369, 375, 381–2
- Nigeria 176–7, 187–8, 268
 Ogoniland 176–8, 187–8
- non-governmental organizations, *see* NGOs
- non-implementation 187, 254
- NPCC (National Policy on Climate Change) 113, 123–5, 127–36, 139–41
- NSW (New South Wales) 18–19, 29–30, 47, 50–2, 213–15, 217–18, 369–70, 377–8
 Land and Environment Court 38, 213, 217, 224, 369–70, 377–8, 386, 388
- nuisance 67, 99, 359–60
 private 275
 public 7, 233, 359–60
- NZBORA, *see* New Zealand, Bill of Rights Act 1990
- OAS (Organization of American States) 19, 25–6
- Obama, President Barak 345–6, 356, 358–60, 365–8
- obligations 85–6, 90–1, 94, 250, 259–60, 295–7, 312–13, 316
 constitutional 72, 89–90
 national 293, 318, 339
 positive 64–5
 statutory 354–5
- offences 216–17, 221, 223, 396
 environmental 109, 129, 262
- Ogoniland 176–8, 187–8
- omissions 85, 185, 255, 258, 372
 Netherlands 308, 322, 325–7
- Ontario 280–1, 369, 375
- Organization of American States, *see* OAS
- outcomes 35, 37, 39, 41, 43, 45–7, 51–3, 413–14
 and aspiration 35–58
- ownership 63, 69–70, 158, 164, 239
- Pakistan 8, 20, 29, 284, 342
- Palembang City 298–9, 302
- Palestine 22
- Paris Agreement 314, 319, 321–2, 327, 340, 364
- Parliamentary Commissioner for the Environment (PCE) 74
- PCA, *see* Permanent Court of Arbitration
- PCC (Public Complaints Committee) 108, 110, 374
- PCE (Parliamentary Commissioner for the Environment) 74
- penalties 51, 97, 126, 216–17, 221–2, 235, 239, 245
 civil 235
- Permanent Court of Arbitration (PCA) 251, 274, 283–4
 permit cases 405, 408, 412
- personal interests 99, 103, 232, 309
- personality, legal 71–2, 74, 83, 280–1
- persuasive authority 77, 342
- persuasive power 319, 321
- Peru 116, 193
- petitioners 182, 349, 352–3
- petitions 12, 151, 153, 202
 for rulemaking 345–68
 writ 151–3, 156
- Philippines 19–20, 30, 90, 370, 382, 388
- physical resources 61–2, 67, 71–2
- PIL, *see* public interest, litigation
- plaintiffs 101–6, 195–203, 205–9, 231–3, 245–8, 275–7, 280–2, 298–301
- potential 236, 243

- Poland 265, 321
 police 52, 91, 200, 238
 political dynamics 49, 51
 political powers 146, 335
 political processes 35, 46, 55–6, 340
 political rights 60, 63–5
 politicians 46–9, 53, 209
 Netherlands 334–5, 338–40
 pollutants 14, 239, 242–3, 351, 353–4,
 356–7, 361–3, 365
 polluters 14–15, 20, 147–8, 150, 153–5,
 238–9, 243–8, 320
 pollution 6, 9, 238–9, 241, 244–5, 247,
 263, 380–2
 air 115, 240, 243, 248–9, 349, 351–4,
 356–8, 360
 visual 199, 207
 water 13, 99, 275
 popular actions 190–1, 194–7, 200–1,
 203–4, 208–10
 environmental 191, 196, 198, 201–3,
 209–10
 litigation 190–1, 197, 204
 popular legitimation 337
 Portugal 343–4
 positive obligations 64–5
 poverty 143, 166–7, 185
 power plants 345–6, 360, 363, 368
 powers 50–2, 55, 69–70, 146–7, 156–7,
 213, 332–3, 419
 discretionary 315, 332
 enforcement 189, 377, 379, 381,
 388
 legislative 146–7
 persuasive 319, 321
 political 146, 335
 statutory 360, 368
 precautionary measures 43–4, 308,
 322, 326, 403
 precautionary principle 36, 38–56, 58,
 81, 150, 154, 157, 332–4
 role of courts 42–5
 system context for judicial action
 45–55
 privacy 66, 258, 317
 personal 66
 private interests 171, 410
 private nuisance 275
 private parties 195, 205, 284, 322, 336,
 419
 private persons 91, 316–17, 336, 397,
 403–5, 410, 416, 418
 private property 33, 92, 283
 procedural environmental rights 63,
 259–60, 267
 procedural innovations 151–2
 procedural rights 34, 63, 67, 76, 81, 83,
 88
 procedural rules 145, 175, 178, 187,
 402, 407, 411–12, 416
 property 66, 68–72, 79, 391–2, 396,
 399, 410, 412
 private 33, 92, 283
 rights 28, 60–1, 65–72, 83
 property courts 390–1
 proportionality 44, 68, 81, 83, 157–61,
 164, 167, 333
 protection
 constitutional 86, 165, 212
 of cultural heritage 211, 219–20, 226
 of environmental rights 193, 250,
 267, 269
 of Indigenous heritage 215, 219
 legal 12, 130, 193, 211, 227, 269,
 329, 335–6
 PT Bumi Mekar Hijau 290–1, 298–9,
 302–4
 public authorities 65, 74, 120, 130, 257
 public awareness 110–11, 184, 188–9
 Public Complaints Committee (PCC)
 108, 110, 374
 public health 18, 194, 198–9, 349–51,
 353, 356–8, 362
 public information 184, 259, 386
 public interest 68, 99–100, 103–6, 177,
 194–5, 217–18, 246–7, 249
 groups 229–30, 348, 368
 litigation 15, 17, 82–3, 145, 147,
 151, 229–30, 309
 China 228–49
 environmental, *see* environmental
 public interest litigation
 public nuisance 7, 233, 359–60
 public safety 92, 199–200, 338
 public welfare 358, 362–3
 quality
 air 299
 environmental 7, 12, 63–4, 66, 77,
 83, 252, 262

- of life 176
- water 182
- Queensland 215–16, 221
- quiet enjoyment 60, 67–72
- reasonable care 148
- redress 90, 95–6, 98, 107–8, 110, 163, 271, 275
 - effective 271, 274, 284
- reduction targets 114, 127–8, 131, 140
- referendums 219–20, 253
- reforms 11, 13, 219, 221–2, 227, 389, 391, 393
 - constitutional 108, 111, 220
 - judicial 18, 247
 - legal 109, 211, 264
- regulatory capacity 87, 89, 91–2, 170
- religion 2, 6, 163, 165–6, 233
- religious beliefs 65, 166
- religious freedom 163, 165
- research 121, 123, 132, 136, 191, 201, 209–10, 370
- Resource Management Act, *see* RMA
- resources 45, 47–8, 51, 53–5, 57, 171, 178, 180
 - natural, *see* natural resources
 - physical 61–2, 67, 71–2
- responsibilities 14, 16, 70, 258–60, 262, 282–3, 291, 321–2
 - corporate 286, 290–3, 295, 297, 299, 301, 303
 - division of 393, 395
 - environmental 277, 287, 295, 354
 - social 291–3, 295
 - tortious 313
- restrictive interpretation 137, 161
- review 50–1, 92, 301, 351, 353, 362, 364, 416–17
 - judicial 75, 146, 346, 348, 350–1, 365, 372, 397
 - substantive 44
- rights 10–12, 62–3, 66–8, 73–4, 102–4, 191–3, 252–3, 409–10
 - appeal 57, 70
 - civil 33, 232, 254
 - to a clean environment 62–6, 292–3
 - collective 193–4, 197, 202
 - constitutional 89, 91–2, 149, 151, 197, 199
 - consumers 193–4
 - cultural 60, 64, 72, 102, 149, 343
 - forest 11, 163–4
 - fundamental 85, 145–7, 149, 161, 182
 - human 7, 60, 63–4, 66–7, 288–9, 292, 317–19, 343
 - indigenous 83, 163, 213
 - individual 88, 191, 199–200, 253
 - international environmental 62–7
 - legal 30, 37, 53, 86, 185–6, 409
 - to life 149, 152–67
 - of nature 72–4, 88
 - to participate in environmental decision-making 66–7
 - political 60, 63–5
 - procedural 34, 63, 67, 76, 81, 83, 88
 - property 28, 60–1, 65–72, 83
 - to a satisfactory environment 176–7
 - social 57, 63–5
 - substantive 63, 83, 88
 - water 8, 288
- rights-based approaches to conflict resolution 59–83
- common laws of the environment 79–82
- constitutionality and constitutional statutes 76–9
- cultural rights 72–6
- international environmental rights 62–7
- property rights 67–72
- Rio Declaration on Environment and Development 7, 12, 31, 39, 162–3, 172, 277, 372
- rivers 71–3, 75, 83, 122, 198, 205, 239, 330
- RMA (Resource Management Act) 59, 61–2, 66, 69–70, 74, 76–8, 81–2
- royal forests 6, 10–12
- rule of law
 - environmental, *see* environmental rule of law
 - for nature 72–4
- Russia 250–4, 256–8, 261–2, 266–7
- safe environment 105–6, 176, 253
- safeguards 16, 35, 56–7, 68, 88, 93, 105, 284
- safety 52, 148, 153, 176, 356
 - public 92, 199–200, 338

- Samarinda 290, 300–2
- satisfactory environment 171–2, 174, 176–7, 188
- scientific evidence 347, 356, 365
- scientific uncertainty 43–4, 334, 355
- self-monitoring 234, 242
- Senegal 22, 175
- Singapore 27, 299
- social development 56, 250
- social responsibilities 291–3, 295
- social rights 57, 63–5
- socio-economic rights 176–7
- South Africa 20–1, 77–9, 185, 273
- Soviet Union 27, 237, 250, 261
- Spain 378
- specialized courts 34, 111, 261, 372, 377, 382, 384, 395–6
- specialized environmental courts, *see* ECTs
- Sri Lanka 19
- stakeholders 22, 51, 253, 259, 268, 312, 367, 375
- industry 46–7, 49–50, 53–4
- standards 138, 140–1, 242–3, 252, 348–9, 356, 367, 372
- of care 31
- environmental 64, 104, 143, 150, 275
- fuel economy 352, 354
- standing 75–6, 82, 103–6, 243–6, 317–18, 352–3, 377–9, 382–3
- Netherlands 309–13
- NGOs (non-governmental organizations) 174–6
- state governments 47–8, 155, 222, 233, 239
- state-owned companies 200, 263, 275
- statutory authority/ies 155, 350, 353–4, 360, 368
- statutory interpretation 33, 78, 278
- statutory obligations 354–5
- statutory powers 360, 368
- Stockholm Declaration 62, 143, 277, 369–70
- strategic litigation 340–4
- strict liability 147, 275, 291, 302, 304
- Sub-Saharan Africa 170, 178, 181, 185
- subsidiaries 195, 279–82
- substantive environmental rights 64, 268
- substantive law 234, 395–6, 411, 414, 416, 418
- substantive review 44
- substantive rights 63, 83, 88
- Sudan 22, 180
- sustainability 5, 28, 30, 40, 311
- environmental 63, 85, 89–90, 108, 114
- sustainable development 6, 8, 21–3, 40, 150, 153–7, 159–65, 167–8
- principle 33, 154–5, 159–60, 166–7, 292, 332
- sustainable management 61–2, 67, 71–2, 76, 78, 81–2
- sustainable society 310–12, 325
- Sweden 175, 288, 369, 375–6, 388–419
- historical background 389–92
- Land and Environment Court of Appeal 396–7, 400, 412–13, 416
- Land and Environment Courts 398–414
- structure of environmental courts and administrative authorities 393–8
- system actors 46
- system dynamics 38, 53
- systems approach to legal effectiveness 36–9
- systems thinking 36–8
- Tanzania 20, 172, 180
- Tasmania 218, 222, 224–5, 227
- technical judges 399–402, 412–13, 419
- temperatures 122, 319, 324, 328, 330
- Texaco 271–89
- TNCs (Transnational Corporations) 271–89, 294, 299, 301
- further development of judicial accountability 285–8
- international investment arbitration and environmental accountability 272–4
- judicial accountability barriers 274–88
- tort 144, 301–2, 304, 308, 313, 326
- tortious liability 147, 380
- tortious responsibility 313–31
- traditional owners 211, 213, 215, 226
- Transnational Corporations, *see* TNCs

- transparency 34, 181–2, 239, 241–3, 249, 274, 284–5, 378
- tropical forest 116, 118
- tupuna* 72, 76
- Uganda 183, 268
- Ukraine 22, 250–5, 257–69
 Constitution 250, 252, 258–9
 Ministry of Ecology 259–60, 264
- uncertainty 40, 42–3, 51, 66, 157, 166, 282, 355
 scientific 43–4, 334, 355
- UNEP (UN Environment Programme) 19–26, 371, 384
- UNFCCC (United Nations Framework Convention on Climate Change) 123, 140, 325
- UNGPs (United Nations Guiding Principles) 297, 303–4
- Union of Soviet Socialist Republics (USSR) 250, 261
- United Nations 7, 62, 173, 181
 Environment Programme, *see* UNEP
 Framework Convention on Climate Change, *see* UNFCCC
 Guiding Principles, *see* UNGPs
- United States 19, 24, 276–9, 342, 345, 359, 364, 367–8
 administrative law of petitions for rulemaking 347–8
 Alien Tort Claims Act 275, 277
 Clean Air Act (CAA) 231–2, 234–5, 349–50, 352–4, 356–8, 360–3, 366, 368
 climate change adjudication 345–68
 climate change policy 366–7
 Court of Appeals 352, 363, 367
 courts 275–8
 environmental public interest litigation 231–9
 EPA (Environmental Protection Agency) 96–8, 104, 111, 233–5, 239, 345–6, 348–58, 360–8
 judicial procedure 275–8
 judicial review 350–5
 lessons for Chinese courts 228–49
 National Ambient Air Quality Standard (NAAQS) 356–7, 363
 petitions for rulemaking 345–68
 Supreme Court 30, 32, 277–8, 353, 355–6, 359–60, 362, 364
Urgenda 305–43
 Uruguay 193
- USSR (Union of Soviet Socialist Republics), *see* Soviet Union
- Växjö* 399, 401, 403, 411
- Vedanta* 161–2, 166–7
- vegetation 116, 118, 120, 122, 130, 137, 225
- Verderers of England 9–12
- victims 174–5, 177, 180, 286, 288, 308, 317–18, 329–30
- visual pollution 199, 207
- WA, *see* Western Australia
- waste 105, 125, 233, 247, 262, 280, 330
 management 64, 85, 199, 257, 295, 393
- water 16, 198–200, 212–15, 219, 221, 252, 328, 331
 pollution 13, 99, 275
 quality 182
 rights 8, 288
- waterbed effect 320–1
- WCEL, *see* World Commission on Environmental Law
- welfare 349–51, 353–8, 367
 public 358, 362–3
- West Africa 22
- Western Australia (WA) 214–15, 218, 222, 225
- Whata, C. 59, 61, 72, 76
- World Commission on Environmental Law (WCEL) 19, 22–3, 25–6
- writ petitions 151–3, 156
- Zaire 175
- Zimbabwe 180, 186