

Table of Contents

<i>Acknowledgements</i>	<i>vii</i>
Introduction	1
1. The Philosophical Scope of the Aarhus Convention	5
I. Introduction	5
II. Constructing the Convention	8
A. The Three Pillars	10
B. Unveiling the Foundations.....	12
III. Understanding the Aarhus Convention.....	15
A. Methodological Approach	16
B. Containing Complexity and Contestability	17
IV. Conclusion.....	20
2. The Three Purposes	21
I. Introduction	21
II. A Purpose-Driven Approach	22
III. The Ambition of Environmental Democracy	26
IV. The Ambiguity of Environmental Rights.....	29
V. The Air of Environmental Stewardship	33
VI. Conclusion.....	37
3. Environmental Democracy	39
I. Introduction	39
II. The Narrative of Democracy	41
A. Scrambling through the Thicket	42
B. Boundary Markers of Democracy	46
III. The Complexities of Environmental Decision-Making	50
IV. The Dimensions of Environmental Democracy	55
A. The Normative Dimensions of Environmental Democracy	56
B. The Structural Arrangements of Environmental Democracy	62
V. Conclusion.....	72
4. Environmental Rights	74
I. Introduction	74
II. Rights Territory	77
A. The Character of Rights	78

x *Table of Contents*

B.	The Special Character of Human Rights	81
C.	Conclusions.....	84
III.	Environmental Ground	84
A.	Environmental Rights as Substantive Human Rights.....	85
i.	Historical Foundations.....	86
ii.	Moral Framing	89
iii.	Legal Development	93
iv.	Conclusions.....	98
B.	Procedural Environmental Rights.....	99
C.	Rights of Future Generations.....	103
IV.	Conclusion	105
5.	Environmental Stewardship	107
I.	Introduction.....	107
II.	Environmental Stewardship, An Artist's Impression.....	110
III.	Elements of Stewardship.....	114
A.	Object of the Stewardship Duty	117
B.	Beneficiaries of the Stewardship Duty.....	120
C.	Holder of the Stewardship Duty.....	123
D.	Nature of the Duty: Relationships and Values	127
i.	Custodial Stewardship	128
ii.	Managerial Stewardship.....	130
iii.	Proprietorial Stewardship.....	133
iv.	Spiritual Stewardship	135
IV.	Conclusion	138
6.	Interpretive Possibilities	140
I.	Introduction.....	140
II.	The Purposive Approach.....	141
III.	Environmental Democracy in the Context of the Aarhus Convention.....	143
A.	The Environmental Democracy Purpose of the Aarhus Convention.....	145
B.	Interpretive Consequences of the Environmental Democracy Purpose.....	151
C.	Conclusions.....	153
IV.	Environmental Rights in the Context of the Aarhus Convention.....	154
A.	The Environmental Rights Purpose of the Convention.....	154
i.	Solution I: The Moral Right.....	155
ii.	Solution II: The Emerging Legal Right.....	159
B.	Interpretive Consequences of the Rights Purpose.....	160
C.	Conclusions.....	162

V.	Environmental Stewardship in the Context of the Aarhus Convention.....	162
A.	The Environmental Stewardship Purpose of the Aarhus Convention.....	164
B.	Interpretive Consequences of the Stewardship Purpose	168
C.	Conclusions.....	170
VI.	Conclusion.....	170
7.	Conclusion	172
I.	Introduction.....	172
II.	Negative Capability	173
III.	An Affair to Remember	174
	<i>Index</i>	177