

International Environmental Law

Professor Gonzalez

Dear students,

Welcome to International Environmental Law! The course meets on Monday and Wednesday from 2:00 to 4:00 pm CST in room 1404. In preparation for the start of classes, please read the syllabus for this course, which appears in the Syllabus section of the course website on Sakai. In addition, please fill out the personal questionnaire (available in the same location) and **bring a hard copy to first class.**

Mask Policy

Although the University does not currently require masking, out of respect for the health of those around us, **in this class you must wear masks over your nose and mouth at all times.** Failure to do so may negatively affect your grade and result in referral to the Law School administration for disciplinary action.

The assignment for the first class is set forth below -- along with questions you should answer as you do the readings. Please note that there are three required books for this course. Make sure that you obtain all three books prior to the first day of class.

Required Texts

1. Pierre-Marie Dupuy & Jorge E. Viñuales, International Environmental Law (Cambridge University Press, 2018). ISBN: 9781108438117 (paperback)

(hereinafter, Dupuy & Viñuales) NOTE: Please purchase the 2018 edition, not the earlier 2015 edition.

2. Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, and Jona Razzaque, eds.

International Environmental Law and the Global South (Cambridge University Press, 2016). ISBN: 9781316621042 (paperback) **(hereinafter, Alam et al)**

3. Jason Hickel, The Divide: A Brief Guide to Global Inequality and its Solutions (Windmill Books/Penguin Random House: 2017). ISBN: 9781786090034 (paperback). **(hereinafter, Hickel)**

First Reading Assignment

For Wednesday, August 17, 2022

Alam et al: 1-14 (Sumudu Atapattu and Carmen G. Gonzalez, *The North-South Divide in International Environmental Law: Framing the Issues*); also available online at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2647022

Antony Anghie, *The Evolution of International Law: Colonial and Postcolonial Realities*, 27 *Third World Quarterly* 739 (2006) (available in the Resources section of the course website on Sakai – in Week 1 folder). Also available at this link: https://collections.lib.utah.edu/dl_files/fb/5e/fb5ecb0217f1089ce9d43ca244de1c422bb752cb.pdf

Hickel, 1-32 (available in the Resources section of the course website – in Week 1 folder for the benefit of those who do not already have the book).

Amy Wilentz, *How America and the Rest of the World Ruined Haiti*, available at: <https://www.alternet.org/2015/03/how-america-and-rest-world-ruined-haiti/>

Questions to consider:

1. Please define South and North? To what groups of countries do these terms refer? What do the countries of the Global South have in common?
2. While the course will focus on North-South conflicts in international environmental law and policy, it is important to be aware of North-North and South-South conflicts? Please cite some examples.
3. The Atapattu & Gonzalez chapter explains that the North-South divide is rooted in colonialism. Please explain. Why is this history relevant to the post-World War II period? Please use the article on Haiti (authored by Amy Wilentz – see questions below) as a concrete example.
4. What is the Washington Consensus? How did it reinforce the North-South divide?
5. How have North-South conflicts in international economic law carried over into international environmental law? What are some areas of North-South conflict in international environmental law?
6. What is the thesis of Antony Anghie's article?
7. Please explain his thesis as it applies to the following historical periods and the legal philosophy that correspond to each period:
 - a) the early colonial period and natural law
 - b) the 19th century and legal positivism
 - c) the 20th century and legal pragmatism

d) the war on terror

8. According to Hickel, what are the origins of the concept of development?

9. Why was the concept of development so popular in the Global North?

10. Hickel describes his growing awareness that the global economic system made “development” virtually impossible. Please explain. Why did AIDS patients continue to die? Why were farmers unable to make a living? Why were governments unable to provide basic social services?

11. Hickel argues that, contrary to the reports of the development industry, poverty has gotten worse rather than better since 1990. Please explain.

12. How did colonialism enrich the Global North? What was its impact on the colonized territories? (Please respond based on the assigned readings in Hickel, but I invite you to read Hickel, pages 65-106 if you would like more information).

13. Who was Walt Whitman Rostow and how did his work contribute to debates over development?

14. How did the Global South prosper between the 1950s and 1970s? Why and how did Northern states undermine the South’s “development”? (Please respond based on the assigned readings in Hickel, but I invite you to read Hickel pages 107-148 if you would like more information).

15. Affluent countries provide billions of dollars of aid to poor countries each year. According to Hickel, why hasn’t this solved the problem of poverty? (Please respond based on the assigned readings in Hickel, but you are welcome to read Hickel pages 149-183 if you would like additional information on how sovereign debt drives poverty).

16. According to Wilentz, how is the Haitian state a globalized entity?

17. The topic of reparations for slavery is the subject of contemporary debate in the United States. How was this handled in Haiti? Who paid reparations to whom? What impact did these reparations have on the Haitian state? When did Haiti pay off the debt incurred to make these reparations? For more information on this topic, please read or listen to this New York Times (May 2022) article: <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>

18. According to Wilentz, what are the reasons for the failure of the Haitian state?

19. We will discuss the topic of food security later in the semester. How did U.S. policy affect the ability of Haiti to feed its own people?

20. How did these policies influence rural-to-urban migration? Why did this migration increase the death toll in the 2010 earthquake?

21. How is this Haitian case study relevant to international environmental law?

Best regards,

Prof. Gonzalez