

# Contents

|  |                |
|--|----------------|
| <i>Author Biographies</i>  | <i>page</i> ix |
| <i>Acknowledgments</i>   | xix            |
| <i>Foreword</i>  | xxi            |
| Judge Christopher Weeramantry  |                |
| <b>1 The North–South Divide in International Environmental Law: Framing the Issues</b>                                       | <b>1</b>       |
| Sumudu Atapattu and Carmen G. Gonzalez   |                |
| <b>PART I HISTORY OF THE NORTH–SOUTH DIVIDE AND GLOBAL ENVIRONMENTAL GOVERNANCE</b>  |                |
| <b>2 History of the North–South Divide in International Law: Colonial Discourses, Sovereignty, and Self-Determination</b>    | <b>23</b>      |
| M. Rafiqul Islam   |                |
| <b>3 Unsustainable Development</b>   | <b>50</b>      |
| Ruth Gordon  |                |
| <b>4 The Significance of International Environmental Law Principles in Reinforcing or Dismantling the North–South Divide</b> | <b>74</b>      |
| Sumudu Atapattu  |                |
| <b>5 The Stockholm Conference and the Creation of the South–North Divide in International Environmental Law and Policy</b>   | <b>109</b>     |
| Karin Mickelson  |                |

|  |  |     |
|--|--|-----|
| 6  | <b>Global Environmental Governance and the South</b><br>Ved P. Nanda   | 130 |
| 7  | <b>Quest for International Environmental Institutions:<br/>Transition from CSD to HLPF</b><br>Bharat H. Desai and Balraj K. Sidhu  | 152 |
| <b>PART II SELECTED INTERNATIONAL ENVIRONMENTAL LAW<br/>EXAMPLES</b> |  |     |
| 8  | <b>Human Rights, the Environment, and the Global South</b><br>Louis J. Kotzé   | 171 |
| 9  | <b>Access and Benefit-Sharing: North–South Challenges in<br/>Implementing the Convention on Biological Diversity and<br/>Its Nagoya Protocol</b><br>Jorge Cabrera Medaglia | 192 |
| 10   | <b>Emerging Powerful Southern Voices: Role of BASIC<br/>Nations in Shaping Climate Change Mitigation<br/>Commitments</b><br>Rowena Maguire and Xiaoyi Jiang                | 214 |
| 11   | <b>Sustainable Development in the Era of Bioenergy and<br/>Agricultural Land Grab</b><br>Chidi Oguamanam   | 237 |
| 12   | <b>Trade in Hazardous Waste</b><br>Zada Lipman   | 256 |
| 13   | <b>The Right to Water: Constitutional Perspectives from the<br/>Global South</b><br>Carlos Bernal  | 277 |
| <b>PART III TRADE, INVESTMENT, AND SUSTAINABLE<br/>DEVELOPMENT</b>   |  |     |
| 14   | <b>Trade and the Environment: Perspectives from the<br/>Global South</b><br>Shawkat Alam   | 297 |
| 15   | <b>From a Divided Heritage to a Common Future?<br/>International Investment Law, Human Rights, and<br/>Sustainable Development</b><br>Shyami Puvimanasinghe                | 317 |

|  |   |     |
|--|---|-----|
| 16   | <b>Project Finance and Sustainable Development in the Global South</b><br>Shalanda H. Baker   | 338 |
| 17   | <b>International Environmental Law and Sovereign Wealth Funds</b><br>Benjamin J. Richardson   | 356 |
| 18   | <b>Transnational Corporations and Extractive Industries</b><br>Sara L. Seck   | 380 |
| <b>PART IV ENVIRONMENTAL JUSTICE AND VULNERABLE GROUPS</b> |   |     |
| 19   | <b>Food Justice: An Environmental Justice Critique of the Global Food System</b><br>Carmen G. Gonzalez  | 401 |
| 20   | <b>A Justice Paradox: Climate Change, Small Island Developing States, and the Absence of International Legal Remedy</b><br>Maxine Burkett       | 435 |
| 21   | <b>South of South: Examining the International Climate Regime from an Indigenous Perspective</b><br>Elizabeth Ann Kronk Warner                  | 451 |
| 22   | <b>Water Wars: Anti-Privatization Struggles in the Global South</b><br>Jackie Dugard and Elisabeth Koek   | 469 |
| 23   | <b>Natural Disaster and Climate Change</b><br>Paul J. Govind and Robert R. M. Verchick  | 491 |
| 24   | <b>International Law, Cultural Diversity, and the Environment: The Case of the General Forestry Law in Colombia</b><br>Daniel Bonilla Maldonado | 508 |
| 25   | <b>The Contours of Energy Justice</b><br>Lakshman Guruswamy   | 529 |
| <b>PART V CHALLENGES AND OPTIONS</b>                       |   |     |
| 26   | <b>South–South Cooperation: Foundations for Sustainable Development</b><br>Koh Kheng-Lian and Nicholas A. Robinson                              | 553 |

|    |   |     |
|----|---|-----|
| 27 | <b>Public Participation in International Negotiation and Compliance</b><br>Lalanath de Silva            | 572 |
| 28 | <b>Access to Remedies in Environmental Matters and the North–South Divide</b><br>Jona Razzaque          | 588 |
| 29 | <b>Sustainable Development versus Green Economy: The Way Forward?</b><br>Shawkat Alam and Jona Razzaque | 609 |
|    | <i>Index</i>  | 625 |