



# LAW 860

## International Environmental Law

S2 External 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Paul Govind

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Contact via [paul.govind@mq.edu.au](mailto:paul.govind@mq.edu.au)

Credit points

4

Prerequisites

Admission to MEnvLaw or PGDipEnvLaw or PGCertEnvLaw or MEnvMgt or PGCertEnvMgt or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MIntTrdeComLaw or PGDipIntTrdeComLaw or PGCertIntTrdeComLaw or MIntRel or MIntRelMIntTrdeComLaw or MDevCult or PGDipDevCult or PGCertEnvEcon or LLM in International Environmental Law or MSocEntre or PGCertSocEntre or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW units at 800 level)

Corequisites

Co-badged status

This subject is co-taught with LAW 569 International Environmental Law. Whilst lectures and tutorials are the same materials may differ and assessment follows a different schedule.

Unit description

This unit provides a broad introduction to the major areas of international environmental law. The unit commences with an examination of the sources and principles of international law in relation to the environment, related non- state actors, the law -making process and issues associated with compliance and enforcement. The unit explores key conventions and soft law instruments relating to climate change, ozone depletion, biodiversity, habitat protection, hazardous waste and pollution, and sustainable development. The unit also considers contemporary debates at the intersection of trade, human rights, Indigenous peoples and the environment.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;

Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;

Demonstrate a detailed understanding of the range and scope of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;

Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;

Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;

Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;

Critically analyse cross-cutting and emerging interdisciplinary issues in international environmental law such as human rights, Indigenous people, conflict and the environment;

Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>IEL Concepts</u></a>	10%	25/8/2014
<a href="#"><u>Research Essay</u></a>	30%	30/09/2014
<a href="#"><u>Major Essay</u></a>	50%	18/11/2014
<a href="#"><u>Class Participation</u></a>	10%	Ongoing

### IEL Concepts

Due: **25/8/2014**

Weighting: **10%**

Students are to produce brief answers to set questions concerning the recognition of key

institutions and concepts that are fundamental to the operation of modern International Environmental Law.

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;

## Research Essay

Due: **30/09/2014**

Weighting: **30%**

All students must answer a set question utilising the course readings as set out in this Unit Guide and additional independent research. The question will be designed to ensure that students understand and can explain key concepts and the foundation of international environmental law. The questions will be provided via the iLearn page. The answers should be fully referenced according to the Australian Guide to Legal Citation. [Word Length maximum 2500 words, excluding footnotes and bibliography]

2,500 words (excluding footnotes and bibliography)

**NB: The deadline is set a week after internal students.**

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;
- Critically analyse cross-cutting and emerging interdisciplinary issues in international environmental law such as human rights, Indigenous people, conflict and the environment;

## Major Essay

Due: **18/11/2014**

Weighting: **50%**

Students are to select a topic relevant to International Environmental Law and propose a question. The question will then be approved by the Convenor and the student will write an essay in accordance with the question. The primary emphasis should be on a critical evaluation of international environmental law and an analytical approach to the issues being considered.

Students will be assessed on the basis of their understanding and identification of the relevant legal principles, analysis and evaluation of the issues, quality and depth of research, critical and interdisciplinary approach, organisation, structure and proper referencing style. Clarity of expression, presentation of argument, responsiveness to question will also be taken into account.

Students must consult the prescribed reading materials. However, this is a research paper and students are expected to extend research beyond course materials and references prescribed in the Unit Guide.

Essays should be fully referenced according to the Australian Guide to Legal Citation.

[Word Length maximum 3500 words, excluding footnotes and bibliography]

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;
- Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;

## Class Participation

Due: **Ongoing**

Weighting: **10%**

Assessment for this unit includes class participation. Students should ensure they have completed the required reading for that week before each class, and be prepared to discuss this material in the tutorial session. Students will not be awarded participation marks just for attending class. The following non- exhaustive criteria list will be used to assess your class participation:

The level of preparedness for each seminar/on campus session gauged by your responses to questions and answers and opinions offered throughout each class?The level of analysis you

display in class

Your ability to answer questions put directly to you in class?Your ability to make an educated and legally feasible argument in class?The way in which you engage in a constructive way with other students and the Convenor in the class?The quality NOT quantity of your work in class

Please note that the onus to participate in class is on you not on the Convener. In other words, it is not the job of the Convener to engage you in discussion so that you may avail yourself of the class participation assessment.

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Demonstrate a detailed understanding of the range and scope of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## **Delivery and Resources**

### **UNIT WEBPAGE AND TECHNOLOGY USED AND REQUIRED**

This unit is run via iLearn. All administrative updates, assessments etc will be posted on the iLearn page. Announcements are sent directly to students' official mq.edu.au email addresses - it is the student's responsibility to check iLearn regularly. Online units can be accessed at: <http://www.ilearn.mq.edu.au>

### **LEARNING AND TEACHING STRATEGY**

This unit strongly utilises the iLearn platform. iLearn acts as the first port of call in terms of updates and announcements relevant to the unit.

iLearn offers a number of opportunities to include current events and updates relevant to international environmental law as part of weekly discussion. This is something that students are encouraged to initiate and engage in as it can help solidify understanding of key concepts through the course. You must check the iLearn page for updates and announcements.

In order to successfully complete this unit you must ensure that you keep up to date with weekly readings. This unit requires students to complete all readings prior to weekly tutorials. The lecture is designed to provide an overview that augments the

prescribed readings - the lectures are not a substitute for the readings.

Each weekly tutorial discussion will be based upon the listed questions for that week. Students are expected to attend each tutorial having considered their answers and be prepared for discussion.

All assessment tasks are to be completed.

Communication with the teaching staff should take place through iLearn or in the designated consultation times.

### **Electronic Submissions**

This unit will use electronic submission (Turnitin) and grading tools (Grademark) through the iLearn page. All work is to be submitted electronically.

Information about how to submit work online can be accessed through the iLearn unit.

### **Return of marked work**

Marked work is to be accessed by the student via Turnitin and the iLearn page.

### **Word Length**

Word length of assignments should be indicated. Word limits should be adhered to. The word length indicated for the assignments is exclusive of footnotes and Bibliography.

### **Extensions/Late Submission**

Serious Illness or misadventure may be sufficient excuse, preventing submission on time, but complete details must be notified to tutors, in writing, before the due date, and be supported by medical certificate or other appropriate documentation.

Extensions must be requested, in writing, before the due date of assignments.

Pressure of work is generally not an acceptable ground for delay. If, an extension of time is granted by a tutor, then the assignment must be submitted within this time. An excuse is good for one assignment only; there can be no chain effect.

### **Penalties for Late Submission**

Work submitted after the due date that has not received special consideration will receive a mark of zero.

### **REQUIRED READING**

Sands, P., (et al) Principles of International Environmental Law, Cambridge University Press, 3rd ed, 2012.

**Recommended Additional Texts** If you have not done international law before it may be useful to have access to a basic international law text, such as: Dixon, M, Textbook on International Law, London: Blackstone Press Ltd, 6th ed 2007; OR Shaw, M N, International Law, Cambridge

University Press, 6th ed 2008; OR Triggs, G., International Law: Contemporary Principles and Practices, LexisNexis Australia, 2nd ed, 2011.

### **RECOMMENDED READING**

Alam, S., (et al) The Routledge Handbook of International Environmental Law, Routledge, 1<sup>st</sup> ed, 2012. [Please note – purchasing this book is not compulsory]

## **Unit Schedule**

Week 1	Lecture - Global environmental problems and the IEL response Tutorial - Introduction/Overview of course
Week 2	Lecture - International Actors in IEL and Law-making Tutorial - Global environmental problems and the IEL response
Week 3	Lecture - IEL principles and making IEL work Tutorial - International Actors in IEL and Law-making
Week 4	Lecture - Air and Atmosphere Tutorial - IEL principles and making IEL work
Week 5	Lecture - Biodiversity and wildlife Tutorial - Air and Atmosphere
Week 6	Lecture - Marine Environmental Law: UNCLOS Tutorial - Biodiversity and wildlife
Week 7	Lecture - International Freshwater and Watercourse Law Tutorial - Marine Environmental Law: UNCLOS
Week 8	Lecture - Habitat Protection Tutorial - International Freshwater and Watercourse Law
Week 9	Lecture - International regulation of Waste & Chemicals Tutorial - Habitat Protection
Week 10	Lecture - Human rights and collective Indigenous rights Tutorial - International regulation of Waste & Chemicals



Week 11	Lecture - Trade, Finance & Investment Tutorial - Human rights and collective Indigenous rights
Week 12	Lecture - IEL and environmental justice Tutorial - Trade, Finance & Investment
Week 13	Lecture - Cross cutting issues/Revision Tutorial - IEL and environmental justice

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Citations/Footnotes/Bibliography

All assignments must be footnoted (including pinpoint referencing) and have a comprehensive Bibliography. Students should use a proper legal citation method in all their written work. Footnotes, bibliography and other referencing must be consistent with the Australian Guide to Legal Citation, which can be downloaded at <http://www.law.unimelb.edu.au/mulr>. Hard copies may be purchased from the Co-op Bookshop.

All academic writing must be adequately and appropriately referenced. This is

important because, first, it is required as a matter of style and, secondly, referencing supports your argument.

Rozenberg P, Australian Guide to Uniform Legal Citation (Sydney: Lawbook Co, 2nd ed, 2003), p 20, provides the following as a guide to when footnotes are required and what needs to be in a footnote:

**You must reference everything that is sourced or taken from another work. Whether or not you actually quote from it, you must still reference any ideas that appear in some other work. If you do not, you are under referencing and are passing off as your ideas the work and ideas of others.**

You will always need to provide the most specific references you can. This includes identifying the specific pages you are referring to: this is called a 'pinpoint reference'. The ability to reference appropriately also means that you can instantly understand and easily locate material that another person has referred to in their work.

### Citation Style

You should note that different disciplines have different approaches to citation. Legal writing generally uses footnotes for citation of sources. You should use footnotes for citation in your essays.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

### Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Demonstrate a detailed understanding of the range and scope of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;

#### Assessment tasks

- IEL Concepts
- Research Essay
- Major Essay
- Class Participation

### PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

#### Learning outcomes

- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;

- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;
- Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;
- Critically analyse cross-cutting and emerging interdisciplinary issues in international environmental law such as human rights, Indigenous people, conflict and the environment;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## **Assessment tasks**

- Research Essay
- Major Essay
- Class Participation

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## **Learning outcomes**

- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;
- Critically analyse cross-cutting and emerging interdisciplinary issues in international environmental law such as human rights, Indigenous people, conflict and the environment;

## **Assessment task**

- Research Essay

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;
- Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;
- Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

### Assessment tasks

- Research Essay
- Class Participation

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

### Learning outcomes

- Demonstrate a detailed understanding of the range and scope of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;

- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Critically analyse cross-cutting and emerging interdisciplinary issues in international environmental law such as human rights, Indigenous people, conflict and the environment;

## **Assessment task**

- Major Essay

## **PG - Capable of Professional and Personal Judgment and Initiative**

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

## **Learning outcomes**

- Demonstrate a thorough understanding of the basic principles and key institutions of international environmental law and how they may be used to achieve international environmental goals;
- Explain and critically assess how law, politics, and the self interest of nation states play a critical role in dealing with global environmental problems;
- Demonstrate a detailed understanding of the range and scope of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Construct and evaluate arguments about the effectiveness of international environmental law having regard to the challenges of enforcement and compliance;
- Make recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## **Assessment task**

- Major Essay