



# LAW 569

## International Environmental Law

S2 Day 2016

*Dept of Law*

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#### **Disclaimer**

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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

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or (39cp including ENV267 or LAWS259)

Corequisites

Co-badged status

Unit description

The unit begins with an introduction to International Law and the evolution of international environmental law in the context of the sustainable development debate. The focus is on the response of global and regional legal regimes to changing scientific knowledge and public pressure for urgent cooperative action to address transboundary and global environmental problems. Particular issues explored include: ozone depletion; climate change; loss of biodiversity; trade and environment; access to genetic resources and biotechnology; and human rights 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 functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;

Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence

Critically analyze the application and operation 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 that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation; Produce 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. Propose where international environmental law should develop in the future having regard to the objectives of sustainable development. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment Tasks

Name	Weighting	Due
<u>IEL concepts</u>	10%	22/8/2016
<u>Written essay</u>	30%	21/09/2016
<u>Final Assessment</u>	50%	9/11/2016
<u>Class Participation</u>	10%	Ongoing

### IEL concepts

Due: **22/8/2016**

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 functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international

environmental law, understand their respective roles and the internal and external factors that influence

## Written essay

Due: **21/09/2016**

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. Students must display independent research in accordance with the 500 level statutes of this unit. The answers should be fully referenced according to the Australian Guide to Legal Citation. [Word Length maximum 2500 words, excluding footnotes and bibliography]

**NB: The deadline for this task approximately 2 weeks before external students.**

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Critically analyze the application and operation 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;
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## Final Assessment

Due: **9/11/2016**

Weighting: **50%**

Students are required to complete a Final Assessment. The task will be issued on 7/11/2016, via the online site, and three days will be given for its completion. The task will cover the entire course. The answers should be fully referenced according to the Australian Guide to Legal Citation. [Word Length maximum 2500 words, excluding footnotes]

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- 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 that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce 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. Assessment is based on the following:

- 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 functions and overarching principles

of international environmental law including sustainable development; differentiated responsibility and global cooperation;

- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Critically analyze the application and operation 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 that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce 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.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## **Delivery and Resources**

### **REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS**

#### **Prescribed Textbook**

Pierre-Marie Dupuy and Jorge E. Vinuales, *International Environmental Law - A Modern Introduction* (Cambridge University Press, 2015) ISBN: 9781107673342.

**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.

**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>

NB: All written assessments are to be submitted via turinitin located on the iLearn page.

#### **CLASSES**

There is a **two hour lecture** and **one hour tutorial** each week unless specified in the schedule.

Please note that **classes begin in Week 1 of the semester.**

The tutorials will discuss the topics covered in the lecture from the previous week, e.g. the tutorials in week 2 will cover the topics covered in the lecture from week 1.

All lectures are recorded. Recordings can be uploaded from the iLearn page.

## 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.

## 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 - TBA

## 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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.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/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit <ask.mq.edu.au>.

### Macquarie Law School Assessment Policy

**Word limits in Macquarie Law School assessments are strictly applied. The word limit does not include footnotes or bibliographies where they are required.**

**Unless explicitly indicated otherwise, referencing must comply with the current version of the *Australian Guide to Legal Citation***

**In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and receive a mark of zero.**

**Students are expected to attend all tutorials. A student must attend at least 80% attendance rule to meet the learning outcomes of the unit.**

## 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>) 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>

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

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

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcomes

- Critically analyze the application and operation 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;
- Produce 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.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

#### Assessment task

- Written essay

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcome

- Critically analyze the application and operation 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;

## **Assessment task**

- Class Participation

## **Commitment to Continuous Learning**

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### **Learning outcome**

- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## **Discipline Specific Knowledge and Skills**

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### **Learning outcomes**

- 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 that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce 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

- IEL concepts
- Written essay
- Final Assessment
- Class Participation

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## Learning outcomes

- 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 that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce 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

- Written essay
- Final Assessment
- Class Participation

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

## Learning outcomes

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce 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 task

- Final Assessment

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## Learning outcomes

- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment tasks

- Written essay
- Final Assessment
- Class Participation

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Critically analyze the application and operation 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;
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence

- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## **Assessment task**

- Class Participation