



LAW 860

International Environmental Law

S2 Day 2017

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

Credit points

4

Prerequisites

Admission to MEnv or MEnvLaw or MEnvMgt or MIntEnvLaw or MIntTrdeComLaw or MIntRel or MIntRelMIntTrdeComLaw or MDevCult or LLM or MIntLawGovPP or MSocEntre or GradDipIntRel or MPPP or GradDipPP or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS 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	Hurdle	Due
<u>Fundamentals Short Answer Test</u>	10%	No	16/8/2017
<u>Research Essay</u>	30%	No	25/9/2017
<u>Independent Research Report</u>	50%	No	9/11/2017
<u>Class Participation</u>	10%	No	Ongoing

Fundamentals Short Answer Test

Due: **16/8/2017**

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: **25/9/2017**

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. **Failure to adequately do this will result in a request for resubmission. Continual failure to comply will result in a FAIL grade.**

[Word Length maximum 2500 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;
- 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;

Independent Research Report

Due: **9/11/2017**

Weighting: **50%**

The Research Report is based upon a hypothetical scenario provided by the Convenor involving a potential legal dispute in International Environmental Law.

The hypothetical scenario will require the student to research the discrete and relevant areas of International Environmental Law and draft a response. The relevant areas of International Environmental Law will be drawn from the modules covered through the entire unit.

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 based assessment and students are expected to extend research beyond course materials and references prescribed in the Unit Guide.

All responses **MUST** be fully referenced according to the Australian Guide to Legal Citation. **Failure to adequately do this will result in a request for resubmission. Continual failure to comply will result in a FAIL grade.**

[Word Length maximum 3,000 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. Assessment is based upon 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 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

Applications for an extension are only granted in cases of serious and unavoidable disruption in accordance with the University policy on Disruption to Studies. All applications for Disruption to Study are made online via Ask.mq.edu.au and must be accompanied by the appropriate professional authority form.

Penalties for Late Submission

Work submitted after the due date that has not received an extension in accordance with the Disruption to Studies policy will receive a mark of zero.

REQUIRED READING

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.

RECOMMENDED READING

Alam, S., (et al) The Routledge Handbook of International Environmental Law, Routledge, 1st 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 - IEL and environmental justice

Tutorial - Global environmental problems and the IEL response

Week 3

Lecture - International Actors in IEL and Law-making

Tutorial - IEL and environmental justice

Week 4

Lecture - IEL principles and making IEL work

Tutorial - International Actors in IEL and Law-making

Week 5

Lecture - Air and Atmosphere

Tutorial - IEL principles and making IEL work

Week 6

Lecture - Biodiversity and wildlife/Habitat Protection

Tutorial - Air and Atmosphere

Week 7

Lecture - Marine Environmental Law: UNCLOS

Tutorial - Biodiversity and wildlife/Habitat Protection

Week 8

Lecture - International Freshwater and Watercourse Law

Tutorial - Marine Environmental Law: UNCLOS

Week 9

Lecture - International regulation of waste and chemicals

Tutorial - International Freshwater and Watercourse Law

Week 10

Lecture – Compliance and Dispute Resolution in IEL

Tutorial - International regulation of waste and chemicals

Week 11

Lecture - Human rights and collective Indigenous rights

Tutorial - Compliance and Dispute Resolution in IEL

Week 12

Lecture - Cross cutting issues/Revision

Tutorial - Human rights and collective Indigenous rights/ Cross cutting issues/Revision

Week 13

Submission of final assessment

Lecture – Optional

Tutorial – Optional

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

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.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

Disruption to Studies Policy (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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/

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](#).

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) 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/.

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

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

- Independent Research Report

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

- Fundamentals Short Answer Test
- Research Essay
- Independent Research Report
- 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
- Independent Research Report
- 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

- Independent Research Report