



LAWS575

Advanced Topics in Environmental Law

S1 Block 2017

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Policies and Procedures</u>	7
<u>Graduate Capabilities</u>	9

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Shawkat Alam

shawkat.alam@mq.edu.au

Contact via shawkat.alam@mq.edu.au

W3A 440

Wed 12-1pm (weeks 2-7, 8-13)

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including ENV267)

Corequisites

Co-badged status

Co-Taught with LAW852

Unit description

This unit examines specialised topics in environmental law, rotating on a yearly basis. Some of the topics covered include biodiversity and biotechnology law, environmental litigation and mediation, Indigenous peoples and resource management, and water and marine biodiversity law. Students will be advised as to the content of the unit each year.

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:

Explain linkages between international environmental law and international trade law

Describe the key institutions and actors through which international environmental law and international trade law interact

Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests

of developing countries

Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations

Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assessment Tasks

Name	Weighting	Hurdle	Due
Participation	10%	No	Ongoing
Synopsis	10%	Yes	23 March 2017 10am
Assignment 1	30%	No	13 April 2017 10am
Research Paper	50%	No	11 June 2017 10pm

Participation

Due: **Ongoing**

Weighting: **10%**

Class Participation

All students are required to attend at least 80% of classes.

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 Convenor. In other words, it is not the job of the Convenor to engage you in discussion so that you may avail yourself of the class participation assessment.

Online Participation The Convenor or Tutor will also assess participation on discussion forums

for this unit to elicit evidence of students' understanding of the course materials. In order to receive marks from online participation, students are required to provide a critical response of a peer's research synopsis through iLearn. This is a short response which provides students an opportunity to receive critical and constructive feedback for their final essay ideas. In providing responses, students should identify both weak and strong points of their peer's essay ideas. Provide at least 1 short response on each topic of the course. Each week a thread will be posted where students must contribute a critical evaluation based on the topic's reading material. As aforementioned, marks will be based on the quality of material posted, not the length and quantity of responses. Responses are due one week from when the thread is started.

On successful completion you will be able to:

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Synopsis

Due: **23 March 2017 10am**

Weighting: **10%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Students are expected to choose their respective research topic from the topics suggested below. This is a thought provoking exercise intended to stimulate students to work out an appropriate proposal of research. However, students who are unable to select a topic of research and to formulate a research proposal may be assisted. They are advised to approach the Convenor after exhausting their own sincere efforts. Each student is required to submit a one page outline of your research topic for approval by no later than end of Week 3 of the semester. Feedback will be provided on the viability of the proposed research with a view to support the skills for independent research at an early stage. This will be marked on a Pass/Fail basis.

(Students who do not submit a Synopsis for their Research Paper will receive a Fail Grade of zero for the unit).

Topic List:

1. Sustainable Forest Management
2. Trade and Investment Treaties and Sustainable Natural Resource Management

On successful completion you will be able to:

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assignment 1

Due: **13 April 2017 10am**

Weighting: **30%**

The first assignment will be a written assessment answering a set question provided to all students. This question will be provided to students within the first two weeks of the semester. The paper should be no more than 2000 words (for which there is no 10% leeway). Students will be assessed on their understanding and explanation of the legal issues presented, the depth of their research as well as their critical evaluation of the relevant issues. Research should extend beyond the prescribed books and course materials (the recommended books and journals provide a starting point for further research). Clarity of expression, presentation of argument, responsiveness to question, and correct and consistent reference style will also be taken into account. The paper should be well structured including sub-headings where appropriate. The introduction should set out the scope of the paper. Students need to include sufficient detail of the specific legal principles or regime and analysis/application of that law. Be sure to answer the question asked. The conclusion should include recommendations for new law, law reform, further research and/or creative application of the existing law where appropriate. The essay should be fully referenced according to the Australian Guide to Legal

Citation.

On successful completion you will be able to:

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries

Research Paper

Due: **11 June 2017 10pm**

Weighting: **50%**

Students will be required to prepare a 3,000 word research paper on one of the listed topics. Please refer to instructions under the Synopsis above.

On successful completion you will be able to:

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Delivery and Resources

REQUIREDTEXT

The required text for this course is the IISD and UNEP, *Environment and Trade: A Handbook -*

Second Edition. It is available online at <http://www.iisd.org/publications/pub.aspx?pno=754>

SUPPLEMENTARY TEXT

Shawkat Alam, *Sustainable Development and Free Trade* (Routledge,2008). Call number [HF 1713 .A436 2008](#), Macquarie Library

Unit Schedule

This unit will cover the following topics:

TOPIC 1: INTRODUCTION, HISTORICAL AND INSTITUTIONAL CONTEXT

TOPIC 2: ESTABLISHING THE LINKAGE: THE TRADE AND ENVIRONMENT INTERFACE

TOPIC 3: INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ORIGINS AND PRINCIPLES

TOPIC 4: GATT/WTO APPROACHES TO TRADE, THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

TOPIC 5: PROCESS AND PRODUCTION METHODS, ECO- LABELING, ENVIRONMENTAL STANDARDS

TOPIC 6: THE GATT/WTO DISPUTE SETTLEMENT MECHANISM AND THE ENVIRONMENT

TOPIC 7: ENVIRONMENTAL ISSUES IN WTO AGREEMENTS

TOPIC 8: GENERAL AGREEMENT ON SERVICES (GATS) and WTO AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)

TOPIC 9: TRADE-ENVIRONMENTAL LINKAGE IN MULTILATERAL ENVIRONMENTAL AGREEMENTS

TOPIC 10: REGIONAL AGREEMENTS

TOPIC 11: CROSS-CUTTING ISSUES

TOPIC 12: TRADE, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: THE WAY(S) FORWARD

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.

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

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

- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

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

- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries

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

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assessment tasks

- Participation
- Synopsis
- Assignment 1
- Research Paper

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

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection
- Evaluate the relationship between trade related economic growth and the environmental

impacts on the pursuit for sustainable development, especially as related to the interests of developing countries

- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assessment tasks

- Participation
- Assignment 1
- Research Paper

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

- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assessment tasks

- Participation
- Synopsis
- Assignment 1
- Research Paper

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 outcome

- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Assessment task

- 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 outcome

- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially 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

- Describe the key institutions and actors through which international environmental law and international trade law interact
- Explain and critically assess how law, politics and the self-interest of nation states play a

critical role in the inter-relationship of trade and environmental protection

- Evaluate the relationship between trade related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- Assess where the relationship between international environmental law and international trade law can be expected to develop in the future, especially having regard to the objectives of sustainable development

Assessment tasks

- Assignment 1
- Research Paper