



# LAW 852

## Trade and Environment Law

S1 Day 2018

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff
Credit points 4
Prerequisites Admission to MEnvLaw or MIntEnvLaw or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or LLM or MIntLawGovPP or MSocEntre or GradDipIntRel or MPPP or GradDipPP or GradCertSocEntre or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 24cp in LAW or LAWS units at 800 level)
Corequisites
Co-badged status
Unit description This unit examines the ways in which trade and environment issues are addressed in a variety of international legal instruments, ranging from, the United Nations through to global and regional free trade agreements. It provides an overview of international institutions, policies and instruments such as the UN, GATT, the WTO, NAFTA, the World Bank and the IMF as they relate to environmental issues. It also, where appropriate, compares the achievements of one legal instrument with those of others in the area of trade and the environment. It particularly focuses on the interests and concerns of developing countries on this pressing issue.

## 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 and critique linkages between international environmental law and international trade law

Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries

Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.

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 and making recommendations for policy development and institutional reform

## General Assessment Information

### Late Submission of Assessment

- Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.
- All work is to be submitted via turnitin and students must have access to computer with reliable internet access when using iLearn.

### Rubrics

- Rubrics for each assessment will be made available on iLearn.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Synopsis</u>	10%	No	01 May 2018 5 pm
<u>Assignment</u>	30%	No	15 April 2018 5pm
<u>Research Paper</u>	50%	No	11 June 2018 5 pm
<u>Class Participation</u>	10%	No	Ongoing

### Synopsis

Due: **01 May 2018 5 pm**

Weighting: **10%**

This is a thought provoking exercise intended to stimulate students to work out an appropriate proposal of research that relates to **Trade and Green Economy**. 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 1,000 word (excluding footnotes and bibliography) outline of their research topic, including literature review. Further instructions will be provided on the unit iLearn page.

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

On successful completion you will be able to:

- Explain and critique linkages between international environmental law and international trade law
- Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries

## Assignment

Due: **15 April 2018 5pm**

Weighting: **30%**

This 3,000 word assignment (excluding footnotes and bibliography) will involve answering a set question provided to all students within the first two weeks of the semester. 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 law reform, further research and/or creative application of the existing law where appropriate. The assignment should be fully referenced according to the Australian Guide to Legal Citation.

On successful completion you will be able to:

- Explain and critique linkages between international environmental law and international trade law
- Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries

## Research Paper

Due: **11 June 2018 5 pm**

Weighting: **50%**

Students will be required to prepare a 4,000 word (excluding footnotes and bibliography) research paper that builds on the Synopsis (same topic) submitted earlier in the semester.

On successful completion you will be able to:

- Explain and critique linkages between international environmental law and international trade law
- Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries
- Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.
- 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 and making recommendations for policy development and institutional reform

## Class Participation

Due: **Ongoing**

Weighting: **10%**

Students will be assessed on the quality of their contributions to class discussion during tutorials based on their demonstrated understanding of the readings, and application of their knowledge and principles to the weekly topic. Students are expected to attend at least 80% of tutorials.

On successful completion you will be able to:

- Critique key institutions and actors through which international environmental law and international trade law interact
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- Evaluate the relationship between trade related economic growth and the environmental impacts in the pursuit for sustainable development, especially as related to the interests of developing countries

## Delivery and Resources

### DELIVERY MODE

This unit is delivered as a two hour weekly lecture. The unit will also have a one-hour weekly tutorial following the lecture. Lectures and tutorials will commence in Week 1.

Further information about the course will be available on the unit iLearn page from the start of the semester.

All assessments are to be submitted online using the Turnitin links provided on the unit iLearn page.

### REQUIRED TEXT

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](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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](#).

**Note:** In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](#) and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required.

## 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

### 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 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 and making recommendations for policy development and institutional reform

## **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**

- Explain and critique linkages between international environmental law and international trade law
- Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries
- Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.
- 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 and making recommendations for policy development and institutional reform

## **Assessment tasks**

- Synopsis
- Assignment
- Research Paper
- 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 critique linkages between international environmental law and international trade law
- Critique key institutions and actors through which international environmental law and international trade law interact
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### Assessment tasks

- Assignment
- Research Paper
- 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**

- Evaluate the relationship between trade related economic growth and the environmental impacts in the pursuit for sustainable development, especially as related to the interests of developing countries
- Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.
- 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 and making recommendations for policy development and institutional reform

## **Assessment tasks**

- Synopsis
- Assignment
- Research Paper

## **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**

- Evaluate the relationship between trade related economic growth and the environmental impacts in the pursuit for sustainable development, especially as related to the interests of developing countries
- Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.
- 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 and making recommendations for policy development and institutional reform

## **Assessment tasks**

- Research Paper
- 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

- Critique 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 in the pursuit for sustainable development, especially as related to the interests of developing countries
- Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.
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### Assessment task

- Research Paper

## Changes from Previous Offering

Class participation added as an assessment task.