



# LAW 852

## Trade and Environment Law

S1 External 2019

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

Lecturer, Convenor

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Contact via 0425305858

6 First Walk Room 534

Wednesdays 11am-1pm

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

LAWS575

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

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, environment and sustainable development

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

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

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.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Synopsis</u>	10%	Yes	15 April 2019
<u>Assignment</u>	30%	Yes	29 April 2019
<u>Research Paper</u>	50%	Yes	10 June 2019
<u>Class Participation</u>	10%	Yes	Ongoing

### Synopsis

Due: **15 April 2019**

Weighting: **10%**

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

This is a thought provoking exercise intended to stimulate students to work out an appropriate proposal of research that relates to their research paper. 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 1,500 word (excluding footnotes and bibliography) outline of their research topic, including a literature review. Further instructions will be provided on the unit iLearn page.

On successful completion you will be able to:

- Explain and critique linkages between international environmental law and international trade law. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus

## Assignment

Due: **29 April 2019**

Weighting: **30%**

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

This 2500-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 the argument, responsiveness to questions, 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. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- Critique key institutions and actors through which international environmental law and international trade law interact

## Research Paper

Due: **10 June 2019**

Weighting: **50%**

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

### **assessment tasks)**

Students will be required to prepare a 3500 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. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- 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, environment and sustainable development
- 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
- 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%**

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

Students will be assessed on the quality of their contributions to class discussion during intensive sessions based on their demonstrated understanding of the readings, and application of their knowledge and principles to the weekly topic.

On successful completion you will be able to:

- Explain and critique linkages between international environmental law and international trade law. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- 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, environment and sustainable development

- 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
- 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

## Delivery and Resources

This unit is delivered as a block mode. There will be a one hour recorded lecture for each topic and face to face tutorial (23-24 April) during intensive sessions on campus.

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

TOPIC 1: INTRODUCTION, HISTORICAL AND INSTITUTIONAL CONTEXT

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

TOPIC 3: INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ORIGINS AND PRINCIPLES, KEY TRADE RELATED ENVIRONMENTAL AGREEMENTS

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 (SPS and TBT AGREEMENTS)**

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

**TOPIC 9: TRADE-ENVIRONMENTAL LINKAGE IN MULTILATERAL ENVIRONMENTAL AGREEMENTS**

**TOPIC 10: REGIONAL AND BILATERAL TRADE AGREEMENTS AND ENVIRONMENTAL ISSUES**

**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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](mailto:ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

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

## Student Services and Support

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

## Student Enquiries

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

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 outcomes**

- Explain and critically assess how law, politics and the self-interest of nation-states play a critical role in the inter-relationship of trade, environment and sustainable development
- 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
- 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 task**

- Class Participation

## **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. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- Critique key institutions and actors through which international environmental law and international trade law interact
- 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
- 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. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- 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, environment and sustainable development
- 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

### Assessment tasks

- Assignment
- Research Paper

## 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:

### Assessment tasks

- 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

- Explain and critique linkages between international environmental law and international trade law. Construct an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus
- 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, environment and sustainable development
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### Assessment tasks

- Synopsis
- Assignment
- 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 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

## **Assessment task**

- Class Participation