



LAWS8052

Trade and Environment Law

Session 1, Infrequent attendance, North Ryde 2020

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	3
<u>Policies and Procedures</u>	27

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General Information

Unit convenor and teaching staff

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Credit points

10

Prerequisites

(Admission to JD and 80cp in LAWS or LAW units at 6000 level or above) or (admission to LLM or MIntTrdeComLaw)

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:

ULO1: Explain and critique linkages between international environmental law and international trade law through an enquiring, critical and creative approach to the existing debates and tensions surrounding the trade-environment nexus.

ULO2: Critique key institutions and actors through which international environmental law and international trade law interact.

ULO3: 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.

ULO4: 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.

ULO5: 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

Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

Delivery and Resources

Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

This unit is delivered as a block mode. There will be a pre-recorded lecture for each weekly topic and face to face instructions during intensive sessions on campus for two days in April 2020.

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 LINKAGES: THE TRADE AND ENVIRONMENT INTERFACE

TOPIC 3: INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ORIGINS AND PRINCIPLES, MULTILATERAL ENVIRONMENTAL AGREEMENTS WITH TRADE PROVISIONS

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

TOPIC 9: TRADE-ENVIRONMENTAL LINKAGES IN MULTILATERAL ENVIRONMENTAL AGREEMENTS

TOPIC 10: REGIONAL AND BILATERAL TRADE AGREEMENTS

TOPIC 11: CROSS-CUTTING ISSUES

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

TOPIC 1: INTRODUCTION, HISTORICAL AND INSTITUTIONAL CONTEXT

REQUIRED READING:

Chapter One – Handbook

RECOMMENDED READINGS:

CHAPTER TWO: SUSTAINABLE DEVELOPMENT AND FREE TRADE.

Cameron, J, 'The Precautionary Principle' in GP Sampson and B Chambers (eds) *Trade, Environment and the Millennium*, The United Nations University, Tokyo, 1999.

Duncan, French 'Developing States and International Environmental Law: The Importance of Differentiated Responsibility', (2000) 49 *International and Comparative Law Quarterly* 35.

Hunter, D, Salzman, J and Zaelke, D, 'Principles and Concepts in International Environmental Law', in *International Environmental Law and Policy* (Foundation Press, 1998) 319-26, in [Donna Craig, Koh Kheng-Lian and Nicholas Robinson](#), *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources – Volume I* (Asian Development Bank, 2002) 127.

Maggio, Gregory, 'Inter/intra-generational Equity: Current Applications under International Law for Promoting the Sustainable Development of Natural Resources' (1997) 4 *Buffalo Environmental Law Journal* 161.

OECD Work Programme on Trade and Environment, *Environmental Principles and Concepts*, OECD Doc: OCDE/GD(95)124 (Paris, 1995).

Singh, Nagendra, "Right to Environment and Sustainable Development As a principle of International Law", (1987) 7:3 *Journal of the Indian Law Institute*, 289.

Stevens, Candice, 'Interpreting the Polluter Pays Principle in the Trade and Environment Context' (1994) 27:3 *Cornell International Law Journal* 577.

Stevens, Candice 'The OECD Guiding Principle Revisited' (1993) 23:2 *Environmental Law* 607

World Commission on Environment and Development (WCED), “From One Earth to One World — An Overview by the World Commission on Environment and Development,” in WCED, *Our Common Future*, 1987, pp1-23, in [Donna Craig , Koh Kheng-Lian and Nicholas Robinson](#), *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources*

– Volume I. Asian Development Bank, (2002), 90.

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

REQUIRED READING:

Chapter Four: Handbook

RECOMMENDED READINGS:

CHAPTER ONE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

Alam, Shawkat and Islam, M Rafiqul, ‘The Trade-Environment Interface: Issues Lurking Behind the North South Tensions’ (2005) 2 *Macquarie Journal of International and Comparative Environmental Law* 121.

Brundtland, G (et al), *Our Common Future*, WCED, Oxford University Press, London, 1987, at 4.

Bhagwati, Jagdish, ‘On Thinking Clearly about the Linkage between Trade and the Environment’ (2000) 5:4 *Environment and Development Economics* 485.

Copeland, Brian R and Taylor, M Scott, *Trade and the Environment: Theory and Evidence*, Princeton University Press, 2003, Chapter 1.

Cox, J. Robert, ‘Golden Tropes and Democratic Betrayals: Prospects for the Environment and Environmental Justice in Neoliberal ‘Free Trade’ Agreements’ in Sandler, R and Pezzulo, P.C. (eds) *Environmental Justice and Environmentalism*, MIT Press, 2007, Chapter 8.

Gandhi, Samir R, “Regulating the Use of Voluntary Environmental Standards within the World Trade Organization , Legal Regime: Making a Case for Developing Countries”, (2005) 39(5)

Journal of World Trade 855.

George, Clive and Kirkpatrick, Colin, "Trade and Development: Assessing the Impact of Trade Liberalisation on Sustainable Development", (2004) 38:3 *Journal of World Trade* 441.

McCormack, Rachel, 'A Qualitative Analysis of the WTO's Role on Trade and Environment Issues' (2006) 6(1) *Global Environmental Politics* 102.

Nath, Kamal, 'Trade, Environment and Sustainable Development' in V Jha, G Hewison and M Underhill (eds), *Trade, Environment and Sustainable Development: A South Asian Perspective*, Macmillan, London, 1997.

Shahin, M 'Developing Country Perspective', in D Brack, (ed), *Trade and Environment: Conflict or Compatibility?* Earthscan/Royal Institute of International Affairs, London, 1998.

Shue, Henry, "Global Environment and International Inequality", (1999) 75:3 *International Affairs* 531.

Sneddon, C, Howarth, R and Norgaard, R 'Sustainable development in a post- Brundtland world' (2006) 57:2 *Ecological Economics* 253.

van Bergeijk, PAG, 'International Trade and the Environmental Challenge', (1991) 25: 6 *Journal of World Trade* 105.

TOPIC 3: INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ORIGINS AND PRINCIPLES

REQUIRED READINGS:

Chapter 2.1-2.2 – Handbook

RECOMMENDED READINGS:

CHAPTER TWO: SUSTAINABLE DEVELOPMENT AND FREE TRADE.

Andonova, L B, "From Rio to Rio and Beyond: Innovation in Global Environmental Governance" (2012) 21(1) *Journal of Environment & Development* 57.

Birnie P, 'Environmental Protection and Development' (1995) 20 *Melbourne University Law Review* 66.

Campiglio, Luigi, *The Environment after Rio: International Law and Economics*, M Nijhoff, London, 1994.

Doran, Peter, 'The UN Commission on Sustainable Development' (1996) 5:1 *Environmental Politics* 100.

Elliot, Lorraine, *The Global Politics of the Environment*, Macmillan Press Ltd, London, 1998.

Hunter, David, "International Institutions and Non-State Actors", in *International Environmental Law and Policy*. New York: Foundation Press, (1998), 386.

Imber, Mark, "The Environment and the United Nations", in [John Vogler](#), Mark F Imber, *The Environment and International Relations: Theories and Processes*. Routledge, (1995), 12.

International Committee on International Law on Sustainable Development, 'International Law on Sustainable Development' *International Law Association Conference Reports, 2004, 2006 and 2008* [available: < http://www.ila-hq.org/en/committees/index.cfm/cid/1017>](http://www.ila-hq.org/en/committees/index.cfm/cid/1017).

Ivanova, Maria, 'Designing the United Nations Environment Programme: a story of compromise and confrontation' (2007) 7:4 *International Environmental Agreements* 337.

Khosla, Ashok, 'The Road from Rio to Johannesburg'. The Fifth Millennium Paper, *UNED Forum*, 30 April 2001.

Mensah, Chris K, “The Role of Developing Countries”, *The Environment After Rio*. Library call number GE170.E57/94.

Momtaz, Djamchid, “The United Nations and the Protection of the Environment: from Stockholm to Rio de Janeiro”, (1996) Vol15, No 3/4 *Political Geography* 261

Pallamaerts, M, ‘International Environmental Law from Stockholm to Rio: Back to the future?’ in P Sands (ed) *Greening International Law*, Earthscan Publications, London, 1993.

Prudencio, Rodrigo J, ‘Why UNCED Failed on Trade and Environment’ (1993) 2:2 *Journal of Environment and Development* 104.

Thacher, PS ‘Multilateral Cooperation and Global Change’ (1991) 44:2 *Journal of International Affairs* 433.

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

REQUIRED READINGS:

Chapter 3 – Handbook

RECOMMENDED READINGS:

CHAPTER THREE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

Alam, Shawkat, “Trade, the Environment, and the World Trade Organisation: A Developing Country Perspective on WTO Agreements Concerning Standards, Regulations, and Non-Tariff Barriers to Trade”, (2006) 3 *The New Zealand Year Book of International Law* 1.

Anderson, K and Drake-Brockman, J, ‘The World Trade Organization and the Environment’ in

Boer Fowler and Gunningham (eds), *Environmental Outlook: Law and Policy*, No 2, Federation Press, Sydney, 1996.

Clarke, Charles Arden, 'The General Agreement on Tariffs and Trade, Environmental Protection and Sustainable Development' *A WWF Discussion Paper*, June 1991.

Charnovitz, Steve, 'The WTO's Environmental Progress' (2007) *Journal of International Economic Law* 1.

Elizalde, Carranza, Miguel A, 'MEAs with Trade Measures and the WTO: Aiming Toward Sustainable Development?' (2007) 15(1) *Buffalo Environmental Law Journal* 43.

Mayeda, Graham, "Developing Disharmony? The SPS and the TBT Agreements and the Impact of Harmonising on Developing Countries", (2004) 7:4 *Journal of International Economic Law* 737.

Pavoni, Riaccrdo, 'Mutual Supportiveness as a Principle of Interpretation and Law-Making: A Watershed for the WTO-and-Competing-Regimes Debate?' (2010) 21(3) *European Journal of International Law* 649.

Rege, Vinod, 'GATT Law and Environment-Related Issues Affecting the Trade of Developing Countries' (1994) 28:3 *Journal of World Trade* 95.

Sands, P 'International Trade and Competition' in Sands, P *Principles of International Environmental Law* (Cambridge University Press, 2012) 799-868.

Shahin, Maghda, *From Marrakesh to Singapore: The WTO and Developing Countries*, Third World Network Penang, Malaysia, 1996.

Snape III, William J and Lefkovitz, Naomi B, 'Searching for GATT's Environmental Miranda: Are Process Standards Getting Due Process?' (1994) 27 *Cornell International Law Journal* 777.

South Centre, *The Uruguay Round and the South: A Critical Analysis*, South

Centre, Geneva, 1995.

Thomas, Chantal, "Trade Related Labour and Environment Agreements", (2002)

5:4 *Journal of International Economics Law* 791.

Ward, Halina, "Trade and Environment in the Round - And After", (1994) 6:2

Journal of Environmental Law 263.

Zhang, Zhong Xiang, 'Multilateral Trade Measures in a Post-2012 Climate Change Regime? What can be Taken from the Montreal Protocol and the WTO?' (2012) 37(12) *Energy Policy* 5105.

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

REQUIRED READING:

Chapter 5: 5.1-5.5 – Handbook

RECOMMENDED READINGS:

Atsuko Okubo, "Environmental Labelling Programs and the GATT/WTO Regime" (1999) 11 *Georgetown International Environmental Law Review* 599.

Bonneuil, C, 'How Does the World Trade Organisation Know? The Mobilization and Staging of Scientific Expertise in the GMO Trade Dispute' (2012) 42(1) *Social Studies of Science* 75.

Charnovitz, Steve, 'Solving the Production and Processing Methods (PPMs) Puzzle' in Kevin Gallagher and Jacob Werksman (eds), *International Trade and Sustainable Development*, London, Earthscan Publications, 2002.

Charnovitz, Steve, 2002. "The Law of Environmental "PPMs" in the WTO: Debunking the Myth of Illegality." *Yale Journal of International Law*, Vol. 27 (1): 59-110.

Cosbey, Aaron, 2001. "The WTO and PPMs: Time to Drop a Taboo." *Bridges (ICTSD)*. Vol. 5 (1–3). <http://www.iisd.org/pdf/trade_bridges_1.pdf>.

Cosbey, Aaron, 2004. *Lessons Learned on Trade and Sustainable Development: Distilling Six Years of Research from the Trade Knowledge Network*, Chapter 3. Winnipeg: IISD. <<http://www.tradeknowledgenetwork.net/publication.aspx?id=631>>.

Daughberg, Carsten and Botterill, Linda 'Ethical Food Standard Schemes and Global Trade: Paralleling the WTO?' (2012) 31(4) *Policy and Society* 307.

Frieder Roessler, 'Environmental Protection and the Global Trade Order' in Richard Revesz *et al* (eds), *Environmental Law, the Economy and Sustainable Development*, Cambridge, Cambridge University Press, 2000.

Jia, H, 'Entangled Relationship between Article 2.1 of the TBT Agreement and Certain Other WTO Provisions' (2013) 12(4) *Chinese Journal of International Law*

Joshi, Manoj, 'Are Eco-labels consistent with World Trade Organisation Agreements?' (2004) 38:1 *Journal of World Trade* 69.

Khatun, F, 'Trade in Environmental Goods by Least Developed Countries: Issues for Negotiators' (2012) 13(2) *South Asia Economic Journal* 157.

Mann, Howard and Stephen Porter, 2003. *The State of Trade and Environment Law 2003: Implications for Doha and Beyond*, Chapter 5. Winnipeg: IISD. <<http://www.iisd.org/publications/publication.asp?pno=570>>.

Mulatu, Abay, Raymond J.G.M. Florax and Cees A.A.M. Withagen, 2001. "Environmental Regulation and Competitiveness." Tinbergen Institute Discussion Paper. Amsterdam: Tinbergen Institute.
<<http://www.tinbergen.nl/discussionpapers/01039.pdf>>.

OECD, 1997. *Process and Production Methods: Conceptual Framework and Considerations on Use of PPM-based Trade Measures* (OCDE/GD(97)137). Paris: OECD. <<http://www.oalis.oecd.org/oalis/1997doc.nsf/linkto/>>

ocde-gd(97)137>.

Porter, Michael E. and Claas van der Linde, 2000. "Towards a New Conception of the Environment-Competitiveness Relationship." In Stavins, Robert N. (ed.). *Economics of the Environment: Selected Readings*. Fourth Edition. New York: Norton Press.

Rotherham, Tom, 2003. "Implementing Environmental, Health and Safety (EH&S) Standards, and Technical Regulations: The Developing Country Experience." Trade Knowledge Network research paper. Winnipeg; IISD.

<http://www.tradeknowledgenetwork.net/publication.aspx?id=531>>.

Tickner, Joel (ed.), 2002. *Precaution, Environmental Science, and Preventive Public Policy*. Washington, D.C.: Island Press.

UNEP (ed.), 2002. *Precaution from Rio to Johannesburg: Proceedings of a Geneva Environment Network Roundtable*. (see esp. Gabrielle Marceau: "The Precautionary Principle under WTO Law"). Geneva: UNEP.

<http://www.environmenthouse.ch/Roundtables/pp%20report/pp%20report%20e.pdf>>.

UNEP, 2005. *The Trade and Environmental Effects of Ecolabels: Assessment and Response*. Paris: UNEP. <http://www.unep.ch/etb/publications/Ecolabelpap141005f.pdf>>.

Zarsky, Lyuba, 1997. "Stuck in the Mud? Nation States, Globalization and the Environment," Globalization and Economics Study, OECD Economics Division. http://www.nautilus.org/archives/papers/enviro/zarsky_mud.html>

Precautionary Principle Project. (Joint project of IUCN, Traffic, Fauna and

[Flora International, Resource Africa.](http://www.pprinciple.net)) <http://www.pprinciple.net>>.

Trade Knowledge Network country studies on standards and market access. <http://www.tradeknowledgenetwork.net/research/standards.asp>

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

REQUIRED READING:

3.8 - Handbook

CHAPTER THREE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

RECOMMENDED READINGS:

Archibald, Catherine Jean 'Forbidden by the WTO - Discrimination against a Product When Its Creation Causes Harm to the Environment or Animal Welfare' (2008) 48 *Natural Resources Journal* 15.

Bernasconi-Osterwalder, Nathalie et al, *Environment and Trade: A Guide to WTO Jurisprudence*, The Centre for International Environmental Law, 2006.

Black, DJ 'International Trade v Environmental Protection: The Case of the US Embargo on Mexican Tuna', (1992) 24:1 *Law and Policy in International Business* 123.

Kingsbury, Benedict, "The Tuna-Dolphin Controversy, The World Trade Organisation, and the Liberal Project to Reconceptualise International Law", (1994) Vol 5. *Yearbook of International Environmental Law* 1

Klabbers, Jan, "Jurisprudence in International Trade Law – Article XX of GATT", (1992) 26:2 *Journal of World Trade* 63.

Knox, John H, "The Judicial Resolution of Conflicts between Trade and the Environment", (2004) 28 *Harvard Environmental Law Review* 1.

Petersmann EU, 'International Trade and International Environmental Law – Prevention and Settlement of International Environmental Disputes in GATT' (1993) 27:1 *Journal of World Trade* 43.

Tanaka, Maki, "Bridging the Gap between Northern NGOs and Southern Sovereigns in the Trade-Environment Debate: The Pursuit of Democratic Dispute Settlements in the WTO under the Rio Principles", (2003) 30 *Ecology Law Quarterly* 113.

Wofford, Carrie, "A Greener Future at the WTO: The Refinement of WTO Jurisprudence on Environmental Exceptions to GATT", (2000) 24 *Harvard Environmental Law Review* 563.

Australia - Measures Affecting the Importation of Apples from New Zealand, Report from the Panel, WT/DS367/R (9 August 2010).

Brazil - Measures Affecting Imports of Retreaded Tyres, WT/DS332/R, (12 June 2007).

EC - Measures Affecting the Approval and Marketing of Biotech Products, Report of the Panel, WTO Doc WT/DS291/R (29 September 2006).

United States - Restrictions on Imports of Tuna: Report of the Panel, GATT BISD 39th Supp 155 (1993).

United States – Restrictions on Imports of Tuna (II): Report of the Panel, GATT Doc. DS29/R (May 20, 1994), 33 *ILM* 839 (1994).

United States – Prohibition of Shrimps and Certain Shrimp Products, WTO Doc. WT/DS58/AB/R (98-000) (12 October 1998).

United States – Standards for Reformulated and Conventional Gasoline, WTO Doc. WT/DSS/AB/R (20 May 1996), 35 *ILM* 603 (1996).

TOPIC 7: ENVIRONMENTAL ISSUES IN WTO AGREEMENTS

REQUIRED READING:

Chapter 3.5.2 and 3.5.3 – Handbook

CHAPTER THREE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

RECOMMENDED READINGS:

Burnett, Kim and Murphy, Sophie, 'What Place for International Trade in Food Sovereignty?' (2014) *Journal of Peasant Studies* 1.

Laxman, Lekha, 'GMOs, Safety Concerns and International Trade: Developing Countries' Perspective' (2011) 10(3) *Journal of International Law & Policy* 281.

UNEP, 2005. *Handbook on Integrated Assessment of Trade Related Measures: The Agriculture Sector*. Geneva: UNEP. <<http://www.unep.ch/etu/etp/TradeLiberRiceStu/HanBookAgriSector.pdf>>.

UNEP, 2005. *Integrated Assessment of the Impact of Trade Liberalization on the Rice Sector: UNEP Country Projects Round III (A Synthesis Report)*. Geneva: UNEP. <<http://www.unep.ch/etb/publications/intAssessment/RapSynRice.pdf>>.

Vitalis, Vangelis, 2004. "Trade, Agriculture, The Environment And Development: Reaping The Benefits Of Win-Win-Win?" IIED/ICTSD. <<http://www.ictsd.org/dlogue/2004-07-14/Vangelis.pdf>>.

Werth, Alex, 2003. "Agri-Environment and Rural Development in the Doha Round." Trade Knowledge Network Research paper. Winnipeg: IISD. <http://www.tradeknowledgenetwork.net/pdf/tkn_ruraldev_doha.pdf>.

Wise, Timothy, 2005. "Understanding the Farm Problem: Six Common Errors in Presenting Farm Statistics." Global Development and Environment Institute Working Paper No. 05-02. Medford, MA: Tufts University. <<http://www.ase.tufts.edu/gdae/Pubs/wp/05-02TWiseFarmStatistics.pdf>>.

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

REQUIRED READINGS:

5.10 - HANDBOOK

5.6 –5.6.2- HANDBOOK

CHAPTER THREE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

CHAPTER 7 and CHAPTER 9 OF Shawkat Alam et al., *Globalisation and the Quest for Social and Environmental Justice : The Relevance of International Law in an Evolving World Order*.

RECOMMENDED READINGS:

Alam, Shawkat, Mukhophadhaya, Pundarik and Randle, David, 'The WTO Agreement on Trade in Services, Water Services, and Human Rights from the Perspective of Developing Countries' (2011) 58(1) *Netherlands International Law Review*, 43-75.

Bendell, Jem and Font, Xavier, 'Which Tourism Rules?: Green Standards and GATS' (2004) 31(1) *Annals of Tourism Research* 139.

Carrizosa, Santiago, Stephen B Brush, Brian D Wright, and Patrick E McGuire (eds) 2004. *Accessing Biodiversity and Sharing the Benefits: Lessons from Implementation of the Convention on Biological Diversity*. IUCN, Gland, Switzerland and Cambridge, UK. xiv, 316 pp.

Cottier, Thomas, and Panizzon, Marion, "Legal Perspectives on Traditional Knowledge: The Case for Intellectual Property Protection". (2004) 7:2 *Journal of International Economic Law*, 371.

Di Chiro, Giovanna, 'Indigenous People and Biocolonialism: Defining the "Science of

Environmental Justice” in the Century of the Gene’ in Sandler, R and Pezzulo, P.C. (eds) *Environmental Justice and Environmentalism*, MIT Press, 2007, Chapter 9.

Hoekman, Bernard, *The WTO and Trade in Services* (Edward Elgar Publishing, 2012).

Lakshmikumaran, Malathi & Phillips, Prashant, “Patenting of Biotechnological Innovations”, (2005) 7:2 *Asian Biotechnology and Development Review* 25, available < <http://www.aseanbiotechnology.info/Abstract/21021802.pdf>>.

Manly, Rhys, ‘Developmental Perspectives on the TRIPs and Traditional Knowledge Debate’ (2006) 3 *Macquarie Journal of International & Comparative Environmental Law* 113.

Primo Braga, Carlos A & Fink Carsten, “Reforming Intellectual Property Rights Regimes: Challenges for Developing Countries”, (1998) 1:4 *Journal of International Economic Law* 537.

Ruiz, Manuel, “The International Debate on Traditional Knowledge as Prior Art in the Patent System: Issues and Options for Developing Countries”. Centre for International Environmental Law (CIEL), (2002).

Scott, James, Harman, Sophie, 'Beyond TRIPS: Why the WTO's Doha Round is Unhealthy' (2013) 34(8) *Third World Quarterly* 1361.

Sharmin Jahan Tania and Shawkat Alam 'Liberalisation of Sewerage and Waste Management Services and the GATS: Implications and Challenges for Developing Countries' (2011) 12(4) *Journal of World Investment & Trade*, pp 519-550.

Su, E ‘The Winners and the Losers: The Agreement on Trade Related Aspects of Intellectual Property Rights and its Effects on Developing Countries’ (Fall 2000) 23 *Houston Journal of International Law* 169.

TOPIC 9: TRADE-ENVIRONMENTAL LINKAGE IN MULTILATERAL ENVIRONMENTAL AGREEMENTS

REQUIRED READING:

CHAPTER 2 – HANDBOOK

RECOMMENDED READING:

CHAPTER EIGHT: SUSTAINABLE DEVELOPMENT AND FREE TRADE

Barrett, Scott, "The Credibility of Trade Sanctions in International Environmental Agreements", in Fredricksson, G (ed), *Trade, Global Policy, and the Environment*. World Bank Discussion Paper No 402, World Bank, Washington DC, (1999), 161.

Beckman R, "The Basel Convention," Summary of Outline presented at *IUCN/APCEL/ UNEP Training the Trainers Course on Capacity Building for Environmental Legal Education*, Singapore, 1997, in [Donna Craig, Koh Kheng-](#)

[Lian and Nicholas Robinson](#), *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources – Volume I*. Asian Development Bank, (2002), 451-455.

Carlame, C, "The Kyoto Protocol and the WTO: Reconciling Tensions Between Free Trade and Environmental Objectives' (2005-2006) 17 *Colorado Journal of International Environmental Law & Policy* 45.

Cusack, M, 'International Law and the Transboundary Shipment of Hazardous Waste to the Third World: Will the Basel Convention Make a Difference? (1990) 5 *American University Journal of International & Policy*, 393, 420-422.

Hobbs, A. L. Hobbs, J. E. Kerr, W. A. 'The Biosafety Protocol Multilateral Agreement on Protecting the Environment or Protectionist Club?' (2005) 39:2

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Kobayashi M, "The Enforcement of CITES," in Nomura Y and Sakumoto N (eds), *Environmental Law and Policy in Asia: Issues of Enforcement*, Institute of Developing Economies, Japan, 1997, in [Donna Craig, Koh Kheng-Lian and Nicholas Robinson](#), *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources – Volume I*. Asian Development Bank, (2002), 519.

Lin, Sun and Bullen, Sally, "Trade Provisions in Multilateral Environmental Agreements". Kurukulasuriya, Lal (ed), *UNEP's New Way Forward: Environmental Law and Sustainable Development*. UNEP, (1995) p. 35.

Neff, Robyn A. 'The Cartagena Protocol and the WTO: Will the EU Biotech Products Case Leave Room for the Protocol' (2004-2005) 16 *Fordham Env'tl. L. Rev.* 261.

OECD, *Trade Measures in Multilateral Environmental Agreements: Synthesis Report of Three Case Studies* COM/ENV/TD (98)127/FINAL, OECD, 1999. Website <<http://appli1.oecd.org/olis/1998doc.nsf/LinkTo/com-env-td%2898%29127-final>>.

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TOPIC 10: REGIONAL AGREEMENTS

REQUIRED READING:

Chapter 6 – HANDBOOK

CHAPTER FIVE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

CHAPTER SIX: SUSTAINABLE DEVELOPMENT AND FREE TRADE

CHAPTER SEVEN: SUSTAINABLE DEVELOPMENT AND FREE TRADE

RECOMMENDED READINGS:

ON EU:

Bartels, L, 'The WTO Legality of the Application of the EU's Emission Trading Scheme to Aviation' (2012) 23(2) *European Journal of International Law* 429

Geradin, Damien, 'Trade and Environment: Some Lessons from (Australia) and (European Community)' (1995) 44(1) *International and Comparative Law Quarterly* 41.

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On NAFTA:

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Charnovitz S, "The North American Free Trade Agreement: Green Law or Green Spin", (1994) 26:1 *Law and Policy in International Business* 1.

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http://www.nautilus.org/archives/papers/enviro/hunter_apec.html

Jha, R, 'Alleviating Environmental Degradation in the Asia-Pacific Region: International Co-operation and the Role of Issue-linkage' February 2005, available: < [http:// ssrn.com/abstract_id=677881](http://ssrn.com/abstract_id=677881)>

Lawrence, P 'APEC Promises a Roar and Delivers a Whimper: The Sydney Declaration on Climate and Energy' (2008) 11 *Asia Pacific Journal of Environmental Law* 29.

McDonald J, 'APEC and ESD: Turning Sustained Economic Growth into Ecologically Sustainable Development' in P Leadbeter, N Gunningham and B Boer (eds) *Environmental Outlook No 3, Law and Policy* (2000) p91.

Spalding, MJ, 'Lessons of NAFTA for APEC' (1997) 6:3 *Journal of Environment and Development* 253.

Zarsky, L and Hunter, J., *Environmental Co-operation at APEC: The First Five Years*, available

<http://www.nautilus.org/archives/papers/enviro/TEPP/zarsky_hunterTEPP.html>

TOPIC 11: CROSS-CUTTING ISSUES

REQUIRED READINGS:

CHAPTER 7 – HANDBOOK

CHAPTER 4 - SUSTAINABLE DEVELOPMENT AND FREE TRADE

RECOMMENDED READINGS:

de Souza, Raquel R, 'Can New Legislation in Importing Countries Represent New Barriers to the Development of an International Ethanol Market?' (2011) 39(6) *Energy Policy* 3154.

Gathii, James, 'Food Sovereignty for Poor Countries in the Global Trading System' (2011) 57(3) *Loyola Law Review* 509.

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Green, Andrew 'Climate Change, Regulatory Policy and the WTO: How Constraining are Trade Rules?' (2005) 8 *Journal of International Economic Law* 143.

Farah, P D, 'Energy Trade and the WTO: Implications for Renewable Energy and the OPEC Cartel' (2013) 16(3) *Journal of International Economic Law* 707.

Hillman, J, *Changing Climate for Carbon Taxes: Who's Afraid of the WTO?* (German Marshall Fund of the US, Washington DC, 2013).

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Miles, Kate, 'International Investment Law and Climate Change: Issues in the Transition to a Low Carbon World' (2008) Society of International Economic Law Working Paper, SSRN, <http://www.ssrn.com/link/SIEL-Inaugural-Conference.html>.

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<http://www.unep.ch/etb/publications/intAssessment/RapSynRice.pdf>.

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

RECOMMENDED READINGS:

CHAPTER NINE: SUSTAINABLE DEVELOPMENT AND FREE TRADE

Dagne, Teshager Worku, 'The Debate on Environmentally Motivated Unilateral Trade Measures in the World Trade Organization: The Way Forward' (2010) 9 *Washington University Global Studies Law Review* 427.

Esty, Daniel C, 'Bridging the Trade-Environment Divide' (2001) 15:3 *Journal of Economic Perspectives* 113.

Fatoumata Jawara and Aileen Kwa, *Behind the Scenes at the WTO: the Real*

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Gantz, David, *World Trade Law after Doha: Multilateral, Regional and National Approaches* (2011) 40(1) *Denver Journal of International Law and Policy* 321.

Green, Andrew and Epps, Tracy, 'The WTO, Science and the Environment: Moving Towards Consistency' (2007) 10:2 *Journal of International Economic Law* 285.

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Subedi, Surya P, "The Road From Doha: The Issues in the Development Round of the WTO and the Future of International Trade", (April 2003) 52 *International and Comparative Law Quarterly* 425.

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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-centr](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-centr)

al). 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.*)

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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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 or if you are a Global MBA student contact 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) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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

If you are a Global MBA student contact 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/.

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.