LAWS8052
Trade and Environment Law
Session 1, Infrequent attendance, North Ryde 2020

Macquarie Law School

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General Information

Unit convenor and teaching staff
Shawkat Alam
shawkat.alam@mq.edu.au

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://students.mq.edu.au/important-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 -

SUPPLEMENTARY TEXT

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.


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

**REQUIRED READING:**

Chapter Four: Handbook

**RECOMMENDED READINGS:**

**CHAPTER ONE: SUSTAINABLE DEVELOPMENT AND FREE TRADE**


[Link to unit guide](https://unitguides.mq.edu.au/unit_offers/124314/unit_guide/print)


**TOPIC 3: INTERNATIONAL ENVIRONMENTAL GOVERNANCE: ORIGINS AND PRINCIPLES**

**REQUIRED READINGS:**

Chapter 2.1-2.2 – Handbook

**RECOMMENDED READINGS:**

https://unitguides.mq.edu.au/unit_offerings/124314/unit_guide/print 7
CHAPTER TWO: SUSTAINABLE DEVELOPMENT AND FREE TRADE.


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


**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**


South Centre, *The Uruguay Round and the South: A Critical Analysis*, South
Unit guide LAWS8052 Trade and Environment Law


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

REQUIRED READING:

Chapter 5: 5.1-5.5 – Handbook

RECOMMENDED READINGS:


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:


TOPIC 7: ENVIRONMENTAL ISSUES IN WTO AGREEMENTS

REQUIRED READING:


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:


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


TOPIC 9: TRADE ENVIRONMENTAL LINKAGE IN MULTILATERAL ENVIRONMENTAL AGREEMENTS

REQUIRED READING:
CHAPTER 2 – HANDBOOK

RECOMMENDED READING:
CHAPTER EIGHT: SUSTAINABLE DEVELOPMENT AND FREE TRADE


Asian Biotechnology and Development Review 75.


Timbur, Margareta, Multilateral Environmental Agreements and the Trade Measures Located in these Agreements (CES Working Paper, 2012)


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


Commission of the European Communities v Denmark [1988] Case 302/86 ECR 4607


On NAFTA:


On APEC:


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:**


González-Garibay, Montserrat, 'The Trade

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


Sustainability Impact Assessment of Proposed WTO Multilateral Trade Negotiations (Portal site). Institute for Development Policy and Management, University of Manchester, U.K.


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

**RECOMMENDED READINGS:**

**CHAPTER NINE: SUSTAINABLE DEVELOPMENT AND FREE TRADE**


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


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
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). 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).

**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 Enquiry Service
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

Equity 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.

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.