



LAWS8052

Trade and Environment Law

Session 1, Online-scheduled-weekday 2023

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 LLM or MIntTrdeComLaw or (Admission to JD and LAWS600 or LAWS8001)
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.

General Assessment Information

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted.** No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	10%	No	Ongoing
<u>Synopsis</u>	10%	No	11:55pm 10/04/2023
<u>Research Assignment</u>	30%	No	11:55pm 25/04/2023
<u>Research Paper</u>	50%	No	11:55pm 12/06/2023

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 12 hours

Due: **Ongoing**

Weighting: **10%**

Students will be required to contribute to discussions, debates and other class activities.

On successful completion you will be able to:

- 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.
- 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.

Synopsis

Assessment Type ¹: Literature review

Indicative Time on Task ²: 15 hours

Due: **11:55pm 10/04/2023**

Weighting: **10%**

Students will outline their research topic, including literature review.

On successful completion you will be able to:

- 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.

Research Assignment

Assessment Type ¹: Case study/analysis

Indicative Time on Task ²: 25 hours

Due: **11:55pm 25/04/2023**

Weighting: **30%**

Students will provide a written response to a set question designed to stimulate inquiry into conceptual linkages underpinning the unit.

On successful completion you will be able to:

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

Research Paper

Assessment Type ¹: Essay

Indicative Time on Task ²: 50 hours

Due: **11:55pm 12/06/2023**

Weighting: **50%**

Research paper on topic identified in the Synopsis.

On successful completion you will be able to:

- 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.
- 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.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Teaching is by means of 12 lectures (pre-recorded) and 6 live tutorials (via zoom). See provisional schedule below and also the Unit's iLearn page.

The two key textbooks for this course are:

- *Environment & Trade: A Handbook* (International Institute for Sustainable Development 2005) Available here: <https://www.iisd.org/system/files/publications/envirotrade_handbook_2005.pdf>
- Shawkat Alam, *Sustainable Development and Free Trade Institutional Approaches* (Routledge 2008). Available through the library catalogue.

Unit Schedule

Date	Lecture (Pre-recorded)	Tutorial (Live Zoom)	Assessment
Session 1: 27/02/2023	Lecture 1: Welcome & Introduction to Trade & Environment Law		
Session 2: 06/03/2023	Lecture 2: Establishing the Linkage: The Trade & Environment Interface	Tutorial 1: 07 March 19:00-21:00	
Session 3: 13/03/2023	Lecture 3: International Environmental Governance: Origins & Principles		
Session 4: 20/03/2023	Lecture 4: GATT/WTO Approaches to Trade, Environment and Sustainable Development	Tutorial 2: 21 March 19:00-21:00	Synopsis due: 21/03/2023

Session 5: 27/03/2023	Lecture 5: Process and Production Methods (PPMs), Eco-Labeling and Environmental Standards		
Session 6: 03/04/2023	Lecture 6: GATT/WTO Dispute Settlement Body	Tutorial 3: 04 April 19:00-21:00	
	MID-SEMESTER BREAK		Research Assignment due: 16/ 04/2023
Session 7: 24/04/2023	Lecture 7: Environmental Issues in WTO Agreements		
Session 8: 01/05/2023	Lecture 8: General Agreement on Trade in Services (GATS) & Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	Tutorial 4: 02 May 19:00-21:00	
Session 9: 08/05/2023	Lecture 9: Trade-Environmental Linkage in Multilateral Environmental Agreements		
Session 10: 15/05/2023	Lecture 10: North American Free Trade Agreement (NAFTA) & Asia Pacific Economic Cooperation (APEC)	Tutorial 5: 16 May 19:00-21:00	
Session 11: 22/05/2023	Lecture 11: Cross-Cutting Issues		
Session 12: 29/05/2023	Lecture 12: Trade, Environment & Sustainable Development: The Way(s) Forward	Tutorial 6: 30 May 19:00-21:00	
	EXAM WEEK		Research Paper due: 12/06/2023

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/su\)](https://students.mq.edu.au/su)

[pport/study/policies](#)). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central](#) (<https://policies.mq.edu.au>) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.

Changes since First Published

Date	Description
27/03/2023	Assignment due date is changed from 16 April to 25 April.
03/03/2023	Synopsis due date changed from 21 March to 10 April.
21/02/2023	Amendments to unit schedule.

Unit information based on version 2023.01R of the [Handbook](#)