



# LAW 860

## International Environmental Law

S2 Block 2019

*Macquarie Law School*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	4
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	11
<u>Changes from Previous Offering</u>	15
<u>Changes since First Published</u>	15

#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

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By appointment

Lecturer and tutor

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Lecturer and tutor

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By appointment

Credit points

4

Prerequisites

Admission to MEnv or MEnvLaw or MEnvMgt or MIntEnvLaw or MIntTrdeComLaw or MIntRel or MIntRelMIntTrdeComLaw or MDevCult or LLM or MIntLawGovPP or MSocEntre or GradDipIntRel or MPPP or GradDipPP or MConsBio or MPlan or MTransInterMIntRel or GradDipSusDev or MMarScMgt or MSusDev or GradCertSocEntre or MPPPIntRel or MDevStud or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

### Unit description

This unit provides a broad introduction to the major areas of international environmental law. The unit commences with an examination of the sources and principles of international law in relation to the environment, related non- state actors, the law -making process and issues associated with compliance and enforcement. The unit explores key conventions and soft law instruments relating to climate change, ozone depletion, biodiversity, habitat protection, hazardous waste and pollution, and sustainable development. The unit also considers contemporary debates at the intersection of trade, human rights, Indigenous peoples and the environment.

## 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:

Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;

Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence

Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;

Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;

Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;

Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.

Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## General Assessment Information

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.**

Detailed marking rubrics will be made available on iLearn.

All assessments that receive a FAIL grade are double marked.

All assessments in the Unit are to be submitted electronically. Plagiarism detection software is used in this Unit.

Where there is a word limit no work over the limit will be read by the marker.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Annotated Bibliography</u>	20%	No	8/9/2019
<u>Research paper</u>	60%	No	13/11/2019
<u>Class Participation</u>	20%	No	Ongoing

### Annotated Bibliography

Due: **8/9/2019**

Weighting: **20%**

This task requires students to prepare an annotated bibliography of eight (8) sources that are relevant to the research topic they have chosen for their final paper. Students will be required to identify eight relevant sources, provide a brief description and some analysis of the content of the source and evaluate it in terms of its relevance to the research topic.

The word limit is 2000 words.

This task will build directly on a mandatory but non-assessable one-page outline of the topic chosen, method, and indicative sources. The one-page outline needs to be approved before proceeding further.

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.

## Research paper

Due: **13/11/2019**

Weighting: **60%**

Potential essay questions and instructions will be posted early in the semester. However, students will be encouraged to develop their own question, based on a topic covered by the course. This is to be a thought-provoking exercise to stimulate you to independently explore in depth a topic of genuine interest to you.

By **5pm Sunday 25 August**, each student is required to submit **to Turnitin** in **Word format**.a one-page outline of their chosen research topic, method, and indicative sources for approval.

Research paper length: 4,500 words (excluding footnotes and bibliography). To be submitted through Turnitin in **Word format**.

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;

- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## Class Participation

Due: **Ongoing**

Weighting: **20%**

Assessment for this unit includes class participation. **For external students this is assessed during the compulsory OCS session - please consult the timetable for dates and location.**

### Class Participation

Students should ensure they have completed the required reading for that week before each class, and be prepared to discuss this material in the tutorial session. Students will not be awarded participation marks just for attending class. Assessment is based on the following:

- The level of preparedness for each seminar/on campus session gauged by your responses to questions and answers and opinions offered throughout each class
- The level of analysis you display in class
- Your ability to answer questions put directly to you in class
- Your ability to make an educated and legally feasible argument in class
- The way in which you engage in a constructive way with other students and the convenor/tutor in the class
- The quality NOT quantity of your work in class

Please note that the onus to participate in class is on you not on the convenor/tutor. In other words, it is not the job of the convenor/tutor to engage you in discussion so that you may avail yourself of the class participation assessment.

On successful completion you will be able to:

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors

that influence

- Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Delivery and Resources

### REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

#### Prescribed Textbook

Philippe Sands and Jacqueline Peel (et al) *Principles of International Environmental Law* (Fourth edition) (Cambridge University Press, 2018) ISBN: 978-1-108-43112-5

**Recommended Additional Texts** If you have not done international law before it may be useful to have access to a basic international law text, such as: Dixon, M, Textbook on International Law, London: Blackstone Press Ltd, 6th ed 2007; OR Shaw, M N, International Law, Cambridge University Press, 6th ed 2008; OR Triggs, G., International Law: Contemporary Principles and Practices, LexisNexis Australia, 2nd ed, 2011.

### UNIT WEBPAGE AND TECHNOLOGY USED AND REQUIRED

The unit will be taught as both an External unit and as an Internal unit. Attendance at the On Campus Session (OCS) is **compulsory**. **If you cannot attend the OCS then you are advised to not enrol in the course. If you refer to the assessment section you will see that class participation is assessed during the OCS.**

#### Workload

The workload in a 3cp undergraduate unit and a 4cp postgraduate unit is equivalent to 150 hours. A student should devote ten hours of study per week to the unit (inclusive of listening to lectures, required reading, tutorials and assessment preparation.) However, this is a guide only and each student should assess the hours required based on his/her own specific needs. Note

that students are expected to work on private study, assignments completion, etc, in the two-week mid-semester break.

## **Delivery**

This unit heavily utilizes iLearn for all communication purposes. Announcements, lecture recordings, assessments etc. all operate upon the iLearn platform.

It is therefore vital that students familiarize themselves with the iLearn platform and its operations if they haven't done so previously.

Students should regularly check the unit web page on iLearn to keep up with information for students entered by the Unit Convenor. There may be information placed on the web page at short notice concerning attendance, cancelled or postponed classes and relevant assessment items and dates. Attending on the right dates is your responsibility and mistakes with attendance may result in your failing of the unit.

Further, iLearn is utilised for the purposes of discussion forums, both teacher led and those that are exclusively for the use of students. It is highly recommended that students keep up to date with forum discussion as it features topical news items relevant to the course etc.

## **CLASSES**

If you are doing LAW 860 (Block or External), you just need to attend the 2-day On Campus Session as follows:

### **LAW 860 – External/Block**

Thursday 19 Sept                      9 Wally's Walk TR 116

Friday 20 Sept                        9 Wally's Walk TR 116

The topics we will be covering over those two days are set out (provisionally) in the Schedule to the study guide. You do not need to attend other tutorials on a weekly basis.

Lectures for the whole course will be recorded and you should listen to those which are available before the On Campus Session. Recordings can be uploaded from the iLearn page.

## **Unit Schedule**

Provisional Schedule 2019	
Day 1	Topic
	Introduction
	Institutions & key concepts



	Principles
	Atmospheric protection
	Climate change
<b>Day 2</b>	<b>Topic</b>
6	Biodiversity conservation
9	Marine protection
10	Freshwater and watercourses
11	Compliance and enforcement
13	Future developments

## 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](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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

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.

## 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](http://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

- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

#### Assessment tasks

- Research paper
- 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

- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence

- Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;
- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.

## **Assessment tasks**

- Annotated Bibliography
- 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**

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international

environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;

- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.

## **Assessment tasks**

- 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**

- Recognise and recall the key institutions and actors involved in international environmental law, understand their respective roles and the internal and external factors that influence
- Critically analyze the application and operation of international environmental law in key areas relating to biodiversity and wildlife, air and atmosphere, water and marine environmental law, waste and pollution, cultural and natural heritage and habitats;
- Appraise the benefits and challenges of the treaty based approach to international environmental law and the role of customary law, jus cogens and erga omnes;
- Construct and evaluate arguments that survey the effectiveness of international environmental law having regard to the purpose of enforcement and compliance and consideration given to the issue of fragmentation;

## **Assessment task**

- 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**

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

### **Assessment tasks**

- Annotated Bibliography
- 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**

- Demonstrate a thorough understanding of the basic functions and overarching principles of international environmental law including sustainable development; differentiated responsibility and global cooperation;
- Produce recommendations for law reform and/or further research needed to address cross cutting issues taking into account the perspectives of various actors including ethical considerations.
- Propose where international environmental law should develop in the future having regard to the objectives of sustainable development.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

### **Assessment tasks**

- Research paper
- Class Participation

## Changes from Previous Offering

The assessment scheme has changed through the deletion of online participation forums as detailed under the Assessment Tasks Tab.

## Changes since First Published

Date	Description
06/08/ 2019	Changes under delivery and resources to remove an ambiguity as to the way classes will be run.