



LAWS575

Advanced Topics in Environmental Law

S1 External 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Lecturer and Convenor

Shawkat Alam

shawkat.alam@mq.edu.au

Contact via 0425305858

6 First Walk Room 534

Wednesdays 11am-1pm

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including ENV267)

Corequisites

Co-badged status

LAW 852

Unit description

This unit examines specialised topics in environmental law, rotating on a yearly basis. Some of the topics covered include biodiversity and biotechnology law, environmental litigation and mediation, Indigenous peoples and resource management, and water and marine biodiversity law. Students will be advised as to the content of the unit each year.

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 linkages between international environmental law and international trade law

Describe the 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 on the pursuit for sustainable development, especially as related to the interests of developing countries

Identify shortcomings of institutions dealing with trade and environment and make

recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations

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

Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

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 1</u>	30%	No	22 April 2019
<u>Research Paper</u>	40%	Yes	10 June 2019
<u>Class participation</u>	20%	No	Ongoing

Synopsis

Due: **15 April 2019**

Weighting: **10%**

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

Students are expected to choose their respective research topic for the research proposal. This is a thought-provoking exercise intended to stimulate students to work out an appropriate proposal of research. 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 research proposal with a research question, literature review, and key issues examined in the research paper in 500 word excluding footnotes and bibliography.

On successful completion you will be able to:

- Explain linkages between international environmental law and international trade law
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Assignment 1

Due: **22 April 2019**

Weighting: **30%**

The first assignment will be a written assessment answering a set question provided to all students. This question will be provided to students within the first three weeks of the semester. The paper should be no more than 1500 words excluding footnotes and bibliography. 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 an argument, responsiveness to the question, 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 new law, law reform, further research and/or creative application of the existing law where appropriate. The essay should be fully referenced according to the Australian Guide to Legal Citation.

On successful completion you will be able to:

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Research Paper

Due: **10 June 2019**

Weighting: **40%**

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

Students will be required to prepare a 2500-word research paper excluding bibliography and references that builds on the Synopsis (same topic) submitted earlier. Please refer to instructions under the Synopsis above.

On successful completion you will be able to:

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- 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
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Class participation

Due: **Ongoing**

Weighting: **20%**

Students will be assessed on the quality of their contributions to class discussion during on-campus 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:

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Delivery and Resources

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 2019.

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

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 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 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

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.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Assessment tasks

- Research Paper
- Class participation

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Explain linkages between international environmental law and international trade law
- 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
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Assessment task

- Class participation

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcome

- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Assessment task

- Class participation

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific

knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

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Assessment tasks

- Synopsis
- Assignment 1
- Research Paper
- Class participation

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Explain linkages between international environmental law and international trade law
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Assessment tasks

- Synopsis
- Assignment 1
- Research Paper
- Class participation

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Identify shortcomings of institutions dealing with trade and environment and make recommendations for law reform and/or further research, taking into account the perspectives of various actors including ethical considerations
- 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

Assessment tasks

- Assignment 1
- Research Paper

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Explain linkages between international environmental law and international trade law
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Assessment tasks

- Synopsis
- Assignment 1
- Research Paper
- Class participation

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Explain linkages between international environmental law and international trade law
- Describe the key institutions and actors through which international environmental law and international trade law interact
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- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Assessment task

- Class participation

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Evaluate the relationship between trade-related economic growth and the environmental impacts on the pursuit for sustainable development, especially as related to the interests of developing countries
- Explain and critically assess how law, politics and the self-interest of nation states play a critical role in the inter-relationship of trade and environmental protection

Assessment task

- Class participation

Changes since First Published

Date	Description
20/04/2019	Corrections made to the assessment due dates