



DIVISION OF LAW

**LAW 519/806/860
INTERNATIONAL
ENVIRONMENTAL LAW**

STUDY GUIDE

2008



**MACQUARIE UNIVERSITY
DIVISION OF LAW
STUDY GUIDE**

Year and Semester:	2008, Semester 2
Unit Code & Unit Name:	LAW 519/806/860 International Environmental Law
Credit points:	Law 519 4 Credit Points Law 806 6 credit points Law 860 4 credit points
Unit convenor:	Professor Michael Jeffery, QC

Students in this unit should read this study guide carefully at the start of semester. It contains important information about the unit. Please contact the Unit Convenor if you require clarification on any aspect of the Unit.

1. ABOUT THIS UNIT

UNIT DESCRIPTION

The unit does not require a pre-requisite of international law but **if you have not done this course you will have to do some background reading from a basic international law text**. The course will begin with an introduction to international environmental law (IEL) and global environmental issues and actors. The focus will be on the response of global and regional legal regimes to changing scientific knowledge and public pressure for urgent co-operative action to address transboundary and global environmental problems such as:

- ozone depletion;
- climate change;
- loss of biodiversity;
- degradation of habitats;
- trade and environment;
- human rights and the environment;
- and more recent issues such as access to genetic resources, biotechnology and energy.

UNIT RATIONALE

The unit takes a practical approach and considers the cross-sectoral issues of international politics (North/South Conflicts), and provides the student with an understanding of the increasingly fine line between international and domestic law that is becoming blurred because of the evolution of international standard setting, often in the form of soft law, and the speed with which some governments implement their international treaty obligations. The course is therefore designed to provide students with the following:

- (a) an understanding of the relationship between international law and international environmental law;
- (b) a knowledge of the basic principles of international environmental law;
- (c) an understanding of the need for international environmental law to be implemented by states at a domestic level;
- (d) an appreciation of the importance of enforcement and compliance with international environmental obligations and how new mechanisms are being developed to deal with this challenge;
- (e) an awareness of how international environmental law has been applied to deal with certain environmental issue areas on a sectoral basis;
- (f) the ability to make some assessment of where international environmental law can be expected to develop in the future having regard to the policy and legal objectives of sustainable development;
- (g) a broad understanding of the relationship between international politics and policy in the development, application and enforcement of international environmental law.

2. TEACHING STAFF

Convenor: Professor Michael Jeffery
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Office W3A 444
Email: michael.jeffery@mq.edu.au

Consultation hours are by appointment.

3. CLASSES AND STUDY TIMES

This unit will be taught as both Internal and Intensive (External) Units. The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/> **ALL INTERNATIONAL STUDENTS SHOULD ENROL AS INTERNAL STUDENTS FOR VISA PURPOSES.**

Internal students: **Internal students** are required to attend eighty-percent (80%) of these classes. If you fail to attend eighty percent of all classes, you will fail the unit.

Internal Postgraduate and Undergraduate

Each student must attend **two 2-hour seminars per week** (enrol in one Tutorial 1 class and one Tutorial 2 class). Seminars will be held on Tuesdays and Thursdays at the following times:

Tutorial 1: Tuesday 9 - 11am (Room X5B 134); 4 - 6pm (Room C5A 232)

Tutorial 2: Thursday 11am - 1pm (Room W6B338); 2 - 4pm (Room E5A 118)

STUDENTS SHOULD ALSO CHECK SEMINAR LOCATIONS ON THE TIMETABLE ACCESSIBLE FROM THE MACQUARIE UNIVERSITY WEBSITE

External (intensive) Students:

Postgraduate and Undergraduate

On-Campus session: Tuesday, 30 September (Room C5A 232), Wednesday, 01 October (Room C5A 232) and Thursday, 02 October 2008 (Room C5A 232)

The On-Campus Session is **COMPULSORY** for **ALL external (intensive)** students; failure to attend the OCS will result in a fail result for the Unit. Please sign attendance register at the Centre for Open Education (X5B) upon arrival.

NOTE: All postgraduate external (intensive) students are required to attend ALL THREE DAYS OF THE OCS. Undergraduate external (intensive) students MUST ATTEND THE FIRST TWO DAYS OF THE OCS.

A detailed program for the 3 day on campus session will be uploaded to the Blackboard site at the beginning of the semester.

There will be no iLectures for this unit.

4. INTERNAL STUDENTS SCHEDULE OF CLASSES

The course will be broken down into three sections but not necessarily taught in the following order. Guest lecturers will fill in for Professor Jeffery from time to time.

Part I - Origins, Creation and Development of International Environmental law

Part II – International Environmental Laws and Protections

Part III – Interaction of International Environmental Law and other legal regimes

NOTE: Additional Required Readings will be posted to Blackboard periodically.

Week/Date	Topic	Readings
Wk 1: 5 August 7 August	Creation and Development of IEL Consumption, technology, economic and population: issues and problems.	<i>Hunter Chapter 1,</i> <i>Hunter Chapter 2, 3</i>
Wk 2: 12 August 14 August	Actors in International Environmental Law. Sources of IEL and law making	<i>Hunter Chapter 5</i> <i>Hunter Chapter 6</i>
Wk 3: 19 August 21 August	Key principles and Concepts A Brief History of IEL	<i>Hunter Chapter 8</i> <i>Hunter Chapter 4</i>
Wk 4: 26 August 28 August	Major Global Issues Climate Change Climate Change	<i>Hunter Chapter 11</i> <i>pp. 630 - 699</i> <i>Hunter Chapter 11</i> <i>pp. 705 - 728</i>
Wk 5: 02 September 04 September	Biodiversity and Wildlife Conservation (Part 1) Biodiversity, CBD, Traditional Knowledge, Trips Agreement CITES, whaling	<i>Hunter Chapter 15</i> <i>pp1002 - 1063</i> <i>Hunter Chapter 15</i> <i>Pp 1074 to end</i>

<p>Wk 6: 09 Sept</p> <p>11 Sept</p>	<p>Hazardous waste and materials Transboundary movement of hazardous waste</p> <p>Chemicals and pesticides</p>	<p><i>Hunter Chapter 14 pp 946 - 971</i></p> <p><i>Hunter Chapter 14 pp 908-945</i></p>
<p>Wk 7: 16 Sept</p> <p>18 Sept</p>	<p>Protection of Habitat Part 1 World Heritage Convention, Ramsar Convention, forests, desertification</p> <p>Water: Freshwater Resources, Australian water Crisis</p>	<p><i>Hunter Chapter 16 pp 1161-1188 1214 - 1226</i></p> <p><i>Hunter Chapter 13</i></p>
<p>MID SEMESTER BREAK</p>	<p>MID SEMESTER BREAK</p>	<p>MID SEMESTER BREAK</p>
<p>Wk 9: 07 Oct</p> <p>09 Oct</p>	<p>Ozone Depletion</p> <p>Transboundary Air Pollution</p>	<p><i>Hunter Chapter 10</i></p> <p><i>Hunter Chapter 9</i></p>
<p>Wk 10: 14 Oct</p> <p>16 Oct</p>	<p>Trade & Environment</p> <p>NAFTA, Financing and Investment</p>	<p><i>Hunter Chapter 17 pp 1233 - 1307</i></p> <p><i>Hunter Chapter 17 pp 1308-1036</i></p>
<p>Wk 11: 21 Oct</p> <p>23 Oct</p>	<p>Liability and compensation, enforcement and dispute resolution</p> <p>Human Rights and environmental law</p>	<p><i>Hunter Chapters 7 and 21</i></p> <p><i>Hunter Chapter 18 pp 13651-1407</i></p>

Wk 12: 28 Oct	Oceans and Seas	<i>Hunter Chapter 12 pp 735-787</i>
30 October	Antarctica and the Arctic Region	<i>Chapter 16 pp 1123-1160</i>
Wk 13: 4 Nov	Biodiversity (Part 2) Biotechnology, biological resources and Intellectual property rights.	<i>Hunter Chapter 15 pp1032-1041; 1059-1062</i>
6 Nov	Renewable and nuclear Energy	<i>Hunter Chapter 11 pp 521-523 and pp 663-665 and 670-672</i>

5. EXTERNAL STUDENTS SCHEDULE

All students participating in the on-campus session must sign in between 8:30-8:50am with the Centre for Open Education (COE) in Building X5B first thing on 30th September 2008 and ALL students should check with COE for the room location for the on-campus session. Attendance at these sessions is compulsory. Attendance and participation at both morning and afternoon sessions of both days is worth 10% of assessment.

EXTERNAL STUDENTS ON-CAMPUS SCHOOL PROGRAMME

DATES: 30th September, 01 October (for all students) and 02 October (for postgraduate students).

The course will be broken down into three sections

- Part I - Origins, Creation and Development of International Environmental law
- Part II – International Environmental Laws and Protections
- Part III – Interaction of International Environmental Law and other legal regimes

For readings, see the internal schedule above.

Tuesday 30 September

9.00-10.30 **1. *Global Environmental Problems and Actors***

2. *History of International Environmental Law and Key Concepts*

10:30 - 11:00 MORNING TEA

The course will be broken down into three sections

Part I - Origins, Creation and Development of International Environmental law

Part II – International Environmental Laws and Protections

Part III – Interaction of International Environmental Law and other legal regimes

For readings, see the internal schedule above.

Tuesday 30 September

9.00-10.30 **1. *Global Environmental Problems and Actors***

2. *History of International Environmental Law and Key Concepts*

10:30 - 11:00 MORNING TEA

11:00 - 1.00 **1. *Air and Atmosphere (Climate Change)***

2. *Marine and Freshwater resources*

1.00 - 2.00 LUNCH

2.00 - 3.30 ***Wildlife & Habitat***

3.30 - 4.00 AFTERNOON TEA

4:00 - 5.00 ***Hazardous Waste***

Wednesday 01 October

9.00 - 10.00 ***Trade & Environment***

10.00 -11.00 ***Financing IEL***

11.00 -11.30 MORNING TEA

11.00 -1.00 ***Implementation, Enforcement and Compliance***

1.00 - 2.00 LUNCH

2.00 - 3.00 ***Human Rights and Conflict***

3.30 - 4.00 AFTERNOON TEA

4.00 - 5.00 ***Emerging Issues: Technology and Energy***

Thursday, 02 October

Compulsory attendance on this day for Postgraduate students ONLY.

9:00am – 12:30pm Individual student presentations on assigned topics (This will represent 10% of your assessment). Topics will be posted on Blackboard at the beginning of semester. You must confirm your topic with Professor Jeffery prior to the on campus session. 10% for general class participation in OCS.

12:30 – 5:00pm – Individual student meetings for supervision of second assignment (research paper).

4. REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed Textbook

Hunter, David et al, *International Environmental Law and Policy*, 3rd ed, New York : Foundation Press, 2007.

Recommended Books

Sands, P., *Principles of International Environmental Law*, Cambridge University Press, 2nd Edition, 2003.

Donna Craig, Nicholas Robinson and Koh Kheng Lian (eds), *Capacity Building for Environmental Law in the Asian and Pacific Region Approaches and Resources*, Asian Development Bank, Manilla, (Second Edition) (Volume two) 2003. ISBN 971-561-504-Y .This work is in two volumes and it is available in CD ROM format and hard cover directly from the ADB.

Introductory Readings

Internal students should commence with the readings prescribed in the Schedule of Classes included in this Guide. External Students should refer to the Readings list in section 4 above.

If you have not done international law before please carefully read the Introduction to International Law (in the Hunter text) and have access to a basic international law text, such as: Starke, J.G. "Starkes International Law", 1994, 11th Edition or later; Blay, Sam, Piotrowicz, Ryszard, and Tsamenyi Martin (eds), Public International Law: An Australian Perspective, 2nd ed. South Melbourne: Oxford University Press, 2005. And/or Dixon, Martin, MA, Textbook on International Law, 5th ed Oxford, UK; New York : Oxford University Press, 2005

Further Readings on International Environmental Law and Policy held by Macquarie University library.

- Kaniaru, D and Kurokulasuriya, L, “Capacity Building in Environmental Law”, *UNEP’s New Way Forward: Environmental Law and Sustainable Development*, UNEP Publications, 1995, Nairobi.

- Durwood Zaelke (ed), *Making Law Work : Environmental Compliance & Sustainable Development*, London : Cameron May, 2005.

- Victor, D et al, *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice*, MIT Press, Cambridge, Massachusetts, 1998.

- Cameron, J, Werksman, J and Roderick, P (eds) *Improving Compliance with International Environmental Law*, London: Earthscan, 1996

- Brack, D, *Trade and Environment: Conflict or Compatibility*, Earthscan, London, 1998.

Sands, P (ed) *Greening International Law*, London: Earthscan Publications Ltd, 1993

- Kiss, A, Shelton, D, *International Environmental Law*, Graham & Trotman, London, (revised edition).

- Boer, Ben, *International Environmental Law in the Asia Pacific* London; Boston : Kluwer Law International, 1998.

- Nanda, Ved P., *International Environmental Law and Policy For The 21st Century* Ardsley, N.Y.: Transnational Publishers, 2003.

- Shine,C and de Klemm, *Wetlands, Water and the Law*, IUCN, Gland, Switzerland,1999.

- Anand, Ruchi, *International Environmental Justice : A North-South Dimension* Aldershot, Hampshire, England ; Burlington, VT : Ashgate, c2004.

- Mats Rolén, Helen Sjöberg, and Uno Svedin (eds), *International Governance on Environmental Issues*, Dordrecht ; Boston : Kluwer Academic Publishers, c1997.

- G Brundtland (et al), *Our Common Future*, WCED, Oxford University Press, London, 1987. Call number: HD75.6 .O97/1990.

- Birnie, P and Boyle, A, *International Law and the Environment*, second edition, Oxford University press, Oxford, 2002

- Tay, Simon, Esty Daniel C., *Asian Dragons and Green Trade: Environment, Economics and International Law*, Singapore: Times Academic Press, 1996.

- Hofrichter, Richard, *Toxic Struggles : The Theory and Practice of Environmental Justice*, Salt Lake City : University of Utah Press, c2002.

- Miles Edward L *et al*, *Environmental Regime Effectiveness: Confronting Theory with Evidence*, Cambridge, Mass.: MIT Press, 2002.

- Dovers, Stephen, *Environment and Sustainability Policy : Creation, Implementation, Evaluation*, Annandale, N.S.W. : Federation Press, 2005.

- Vig, Norman J, and Axelrod, Regina S. (eds), *The Global Environment Institutions, Law, and Policy*, Washington: Congressional Quarterly Inc, 1999.

- Swanson, Timothy M, and Johnston, Sam, *Global Environmental Problems and International Environmental Agreements : The Economics of International Institution Building*, Northampton, Mass.: E. Elgar Pub., 1999.

- Brown Weiss, Edith, and Jacobson, Harold K, *Engaging Countries : Strengthening Compliance With International Environmental Accords*, Cambridge, Mass. : MIT Press, 2000.

- Werksman, Jacob (eds), *Greening International Institutions*, London: Earthscan Publications Ltd 1996.

- Yamin, Farhana, and Depledge, Joanna, *The International Climate Change Regime-A Guide to the Rules, Institutions and Procedures*, Cambridge, United Kingdom: Cambridge University Press, 2004.

- Elliott, Lorraine M, *The Global Politics of The Environment*, Second Edition, Houndmills, Basingstoke, Hampshire: Macmillan, 1998.

- Numerous publications under the *International Environmental Law and Policy Series*, Kluwer Law International. Available in the Macquarie University Library Catalogue. For example:
 - Catherine Redgwell, Michael Bowman (eds) *International Law and the Conservation of Biological Diversity*, London ; Boston: Kluwer Law International, 1996. Call number: [K3488.Z9 .I58/1996](#)

Internet

There is an enormous amount of international environmental law on the internet. International organisations each have their own website. Treaties (conventions) can be updated (with recent amendments) by accessing the sites for Treaty Secretariats (e.g. Biodiversity Convention). You should search for the most recent Conference of Parties (COP), amendments and Protocols. Below are just some of the materials available:

- *International Environmental Law and Policy: A Comprehensive Reference Source*. The website is designed to be used in conjunction with Hunter, David. *International Environmental Law and Policy*. Available at: <http://www.wcl.american.edu/environment/iel/index.cfm>

- International Institute for Sustainable Development. Available at: <http://www.iisd.org/>

- United Nations Conference on Trade and Development. Available at: <http://www.unctad.org>.

- International Centre for Trade and Sustainable Development. Available at: <http://www.ictsd.com/>

- The Centre for International Environmental Law. Available at: <http://www.ciel.org/>

- The World Conservation Union (IUCN) Environmental Law Programme. Available at: <http://www.iucn.org/themes/law/>

- United Nations Environment Programme. Available at: <http://www.unep.org/>
- Convention on Biological Diversity Handbook, 3rd edition. Available at: <http://www.biodiv.org/handbook/default.asp>
- Convention on Biological Diversity, Cartagena Protocol -available from <http://www.biodiv.org/default.aspx>
- Convention on Wetlands of International Importance especially as Waterfowl Habitats (Ramsar Convention) - <http://www.ramsar.org/>
- RAMSAR Handbooks. Available at: <http://www.geic.or.jp/jerry/RAMSAR/English.htm>.
- Convention for the Protection of World Cultural and Natural Heritage (World Heritage Convention) –<http://whc.unesco.org/nwhc/pages/doc/main.htm>

Journals

- *Review of European Community and International Environmental Law*
- *Environmental Policy and Law* (good for recent developments – see unbound journal section in library)
- *Yale Journal of International Law*
- *Asia Pacific Journal of Environmental Law*
- *Georgetown International Environmental Law Journal*
- *Macquarie Journal of International and Comparative Environmental Law*
- *American Journal of International Law*
- *Pace Environmental Law Review*
- *Pace International Law Review*

Environmental Law journals can be accessed online through databases on the library website. The library databases can be accessed externally with a student username and password. The databases include:

- Hein Online
- LexisNexis
- EBSCOhost
- ExpandedAcademic ASAP
- Wiley Interscience
- FirstSearch
- Web of science

5. UNIT WEB PAGE

- Study Guides and information on this unit can be found at : <http://www.law.mq.edu.au/html.postgraduate/studyguides.htm>
- There is also a BLACKBOARD CE6 (formerly WebCT) site for this Unit. This also contains the Study Guide but will also provide access to additional materials such as

PowerPoint slides, tutorial questions, quizzes, web links and further readings. This is accessible at <http://learn.mq.edu.au>. When students enrol in this Unit they are automatically granted access to the web site. If you have technical problems please follow the instructions on the web site. But if you cannot log into the site within 5 days of enrolling, then please contact the Unit Convener immediately. Students should access the site at least once a week.

6. LEARNING OBJECTIVES

At the end of the course, students should have developed an understanding of:

- Basic principles of international environmental law and the influence of the political and economic factors in implementing and enforcing those principles domestically and internationally;
- The key institutions and actors involved in international environmental law regime building;
- How law, politics, self interest of nation states play a critical role in dealing with global environmental problems;
- Role and influence of international trade and financial institutions in shaping the future of international environmental law;
- Cross-cutting and emerging issues of international environmental law such as human rights, indigenous people, war and the environment and the perspectives of various actors in evolving those issues.

7. GENERIC SKILLS

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop students' generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

- *Communication skills;*
- *Critical analysis skills;*
- *Problem-solving skills;*
- *Creative thinking skills;*
- *Interdisciplinary skills*

8. TEACHING AND LEARNING STRATEGY

The internal tutorials will be taught on an interactive basis using a variety of techniques including lectures setting the context, class discussion and small group work. The On-Campus Session will also be taught on this basis as interactive seminars over the three day period similar to the internal tutorials. The on-campus session is designed to present the opportunity for extensive discussion of the issues covered and will provide the

student with an understanding and appreciation of the issues involved in environmental litigation and mediation. Small group work may be used throughout the tutorials and the on campus sessions including case studies, hypothetical problems, role plays and quizzes.

9. ASSESSMENT

LAW 510:

Class participation	10%	
Assignment 1	40% (3,000 words)	Due 5pm Friday, 3 October
Assignment 2	50% (3,000 words)	Due 5pm Tuesday, 18 November

LAW 806: (LLM)

Class participation	20%	
Assignment 1	30% (3,000 words)	Due 5pm Friday, 3 October
Assignment 2	50% (6,500 words)	Due 5pm Tuesday, 18 November,

20082008

LAW 860 (Masters Students)

Class Participation	20%	
Assignment 1	30% (3,000 words)	Due 5pm Friday, 3 October
Assignment 2	50% (4,000 words)	Due 5pm Tuesday, 18 November

Class Participation

Assessment for this unit also includes class participation at both the internal classes and the On Campus Session. Students should ensure they have completed the required reading for that week before each class, and be prepared to discuss this material in class. Students will not be awarded class participation just for attending class. The following non-exhaustive criteria list will be used to assess your class participation:

- 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 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. In other words, it is not the job of the Convenor to engage you in discussion so that you may avail yourself of the class participation assessment.

Submission of Assignments

Students should ensure that their tutor's name and their tutorial group is provided on the first (cover) page of every assignment. Assignments should be typed – **double spaced and in point 12 font**. All pages must be firmly stapled or pinned together. The cover

sheet attached to the rear of this study guide should be completed and attached to the front of your assignment.

External assignments sent by email, Australia Post, or by courier must be dispatched by the due date. The cover of the assignment should be date stamped by the post office before dispatch by mail.

Internal students should post their papers in the Postgraduate box outside W3A 341. **Do not** push assignments under the Convener's or tutor's door or post them in your tutor's pigeon hole in the Law Division's staff room. These methods of delivery are not secure.

Students are required to email an additional copy of assignments to the Course Convener. This overcomes any issues in relation to submission date and time and also operates as a back copy of students' work. Students should always make and retain a backup copy of all pieces of work submitted. It is University policy to place upon the students the onus of producing a copy of work which goes astray.

Word Length

Word length of assignments should be indicated. Word limits should be adhered to. The word length indicated for the assignments is exclusive of footnotes and Bibliography. The word limit should not be exceeded by more than 10%. Excessively long assignments will be penalised.

Citations/Footnotes/Bibliography

All assignments must be footnoted and have a comprehensive Bibliography. **Students should use a proper legal citation method in all their written work. Citation of footnotes and references should follow the format set out in the Australian Guide to Legal Citation.** Copies of this guide can be downloaded from the University of Melbourne Web site <http://mulr.law.unimelb.edu.au/aglc.asp> or can be purchased from the Co-op Bookshop.

For a model look at any issue of the *Macquarie Journal of International and Comparative Environmental Law* which is available in the library and online at <http://www.law.mq.edu.au/html/MqJICEL/about.htm>.

Late Submission

Illness or serious misadventure may be sufficient excuse, preventing submission on time, but complete details must be notified to tutors, **in writing, before the due date**, and be supported by medical certificate or other appropriate documentation. Pressure of work is generally **not** an acceptable ground for delay. If an extension of time is granted by a tutor, then the assignment must be submitted within this time. An excuse is good for one assignment only, there can be no chain effect.

It is possible to fail the course on penalties.

Note: *The current Divisional policy on penalties for lateness is 10% up to 7 days; 20% up to 14 days; work submitted later than 14 days need not be accepted.*

Failure to Submit Work or Attend Classes

It should be noted that University regulations require that all classes, assignments and compulsory On-Campus sessions be satisfactorily attended and completed. Non-completion of any piece of work or non-attendance at a compulsory On-Campus Session without sufficient excuse will result in an F grade.

10. RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OBJECTIVES

The first assignment provides students with the opportunity to demonstrate an understanding of and critically discuss key theoretical concepts related to the Unit.

In the second assignment, the research essay will provide students with the opportunity to research further in a specific topic area. In particular it will allow students to demonstrate their ability to think critically about the relevant theoretical and policy issues and critique legal frameworks. The problem based question will allow students to demonstrate their understanding of the legal framework, clear issue identification, ability to apply the law to a variety of factual situations and analytical and critical skills.

11. PLAGIARISM

The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's policies and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

Macquarie University holds a licence to the plagiarism detection software, turnitin®. This software may be used at the discretion of the Convenor, and electronically compares your work to that of your classmates, previous students from Macquarie and other universities, material available on the Internet, and both freely available and subscription-based electronic journals. You can read more about turnitin® at www.copyright.mq.edu.au/plag.html

12. UNIVERSITY POLICY ON GRADING

The University requires all Divisions to adhere to a policy relating to the distribution of grades across high distinction, distinction, credit and pass grades. This means that on

occasion a student's raw mark for a unit (ie, the total of their marks for each assessment item) may not be the same as that which they receive on their transcript. This is because the total raw mark may be scaled up or down so that the grades of all students in each unit sit within the distribution bands set down by the University. The policy does not require that any number of students are to be failed in any unit.

ASSIGNMENT 1 (All Students)

Students are to answer the following question. You are required to be familiar with and refer to the study materials but may, and are encouraged, to use sources outside of the prescribed reading. Bot of your papers in this unit must be structured, follow the legal method of citations and footnoting and must contain a full bibliography.

International Environmental Law has been seeking new ways of regulating and improving the global commons (such as the sea and atmosphere) and protecting the common heritage and concern of humankind (such as biodiversity and world heritage values).

Discuss this statement using any one (or more) of the environmental treaties that you have covered in your course on International Environmental Law including issues relating to compliance and enforcement.

Due Date: Friday, 3 October 2008

Maximum Word Length: **3000 words**

Weight: **Law 519 - 40%;**
Law 806/860 – 30%

ASSIGNMENT 2 (all students)

Due Date: Tuesday, 18 November 2008

Maximum Word Length: **Law 519 – 3000 words**
Law 806 – 6500 words
Law 860 – 4000 words

Weight: **50%**

RESEARCH QUESTION

Choose **any** topic relevant to LAW 519/806/860 International Environmental Law. **Discuss the issues and relevant legal framework.** Make it clear what jurisdiction(s) and

environmental laws, theories, principles and policies that you will be discussing. Major emphasis should be placed on a critique of this framework. This is your opportunity to put forward your own views on an area of specific interest to you in the context of this course.

Alternatively students may answer **one** of the following questions:

1. Climate change is one of the most significant environmental problems confronting the world. Discuss the key legal and economic mechanisms proposed to deal with this problem in the post Kyoto period (beyond 2012). Your paper should take into account proposals other than only those presently being considered by Australian Commonwealth government.
2. Discuss the relationship between international human rights law (including the rights of Indigenous peoples) and international environmental law. How can international and national recognition of human rights contribute to sustainable development. Provide examples to illustrate your argument.