

## LAWS70386 Environmental Rights

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>With policy and law-makers under pressure to subordinate environmental concerns to short-term economic imperatives, environmental advocates are increasingly looking to human rights as a means of reinforcing the importance of environmental protection to human welfare. This subject will give students an overview of the relationship between human rights law and environmental protection at national and international levels. It will provide insight into strategic aspects of human rights advocacy for the environment, using case studies to explore the roles of different players (including the State, international organisations, business, non-governmental organisations, Indigenous Peoples and individuals) in environmental protection. Alice Palmer and guest lecturers will bring a practical perspective to this cutting-edge area of law.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The relationship between human rights and the environment in theory and practice</li> <li># Human rights that protect the environment, including substantive rights such as the rights to privacy or health and procedural rights such as the rights to information or participation, and the right to a clean and healthy environment</li> <li># Sustainable development and its relevance to human rights and the environment</li> </ul>

	<ul style="list-style-type: none"> <li># The implications of human rights law for Indigenous peoples and environmental protection and for people displaced by environmental damage</li> <li># National, regional and international governance of human rights in relation to the environment</li> <li># The roles and responsibilities of international organisations and non-state actors in relation to 'environmental rights', including environmental advocates and businesses</li> <li># The topics will be illustrated by cases and case studies relating to: <ul style="list-style-type: none"> <li># Claims in domestic courts, such as those under the <i>Alien Tort Claims Act</i> (USA) and national constitutions</li> <li># Supervision by international and regional human rights bodies, such as the United Nations (UN) Human Rights Committee, the Inter-American Commission for Human Rights and the European Court of Human Rights</li> <li># Accountability of international trade and finance institutions, such as the World Bank Inspection Panel.</li> </ul> </li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have thorough knowledge of the principal instruments that protect human rights and 'environmental rights' and their governance structures, including their enforcement mechanisms, at national, regional and international levels</li> <li># Be able to critically examine, analyse, interpret and assess the theoretical and practical bases for engaging human right to protect the environment</li> <li># Have an advanced understanding of 'environmental rights' and the relationship between human rights law and environmental protection, including recent developments at national, regional and international levels</li> <li># Be an engaged participant in debate regarding contemporary issues in areas such as the rights of Indigenous Peoples with respect to environmental protection and people displaced by environmental damage, as well as the roles and responsibilities of actors other than states, such as businesses, in environmental matters that impact human rights</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to the use of human rights to protect the environment</li> <li># Have the technical and communication skills to describe cases in which environmental rights have been applied and critically evaluate the decisions from theoretical perspectives to reach independent conclusions on the efficacy of a human rights approach to environmental protection.</li> </ul>
<b>Assessment:</b>	Class participation (10%) 1,500 word critical case summary (25%) (23 September) 7,000 word research paper (75%) (2 December) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70386/2014">www.law.unimelb.edu.au/subject/LAWS70386/2014</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	Graduate Diploma in Environmental Law Graduate Diploma in Government Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Environmental Law Master of Laws Master of Public and International Law
<b>Related Majors/Minors/Specialisations:</b>	Tailored Specialisation Tailored Specialisation