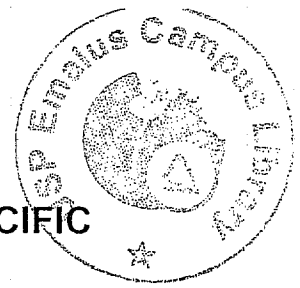


ON RESERVE



THE UNIVERSITY OF THE SOUTH PACIFIC



EXAMINATION PAPER
SEMESTER 2, 2001

COURSE TITLE: LA 321 International Environmental Law	
DURATION OF EXAM:	3 Hours
TOTAL NUMBER OF PAGES:	Four
MARK VALUE:	This examination carries a total of forty (40) marks. Section A carries twenty five (25) marks and section B carries fifteen (15) marks.
NUMBER OF SECTIONS:	Two
NUMBER OF QUESTIONS:	Seven (7)
NUMBER OF QUESTIONS TO BE ANSWERED	Five: Two (2) compulsory questions from section A and three questions (3) from section B.
<u>NOTES TO CANDIDATES</u>	
You are allowed to bring unannotated Readers for LA 321 into the Examination Room.	
You are to do five questions altogether: the <u>two</u> (2) questions in Section A and any <u>three</u> (3) questions in section B.	

SECTION A

The two questions in this section are compulsory. Question One carries ten (15) marks and Question Two carries fifteen (10) marks so that the total number of marks in this section is twenty five (25).

QUESTION ONE

This question is divided in three interrelated parts:

- a) Discuss the extent to which a conflict of laws exist between international trade liberalisation and environmental protection norms.
- b) Characterise the nature of such a conflict by way of practical examples while referring to relevant legal instruments. In your discussion, be exhaustive in detailing the range of issues raised.
- c) Discuss by way of legal reform means of balancing and reconciling international trade liberalisation rules and environmental objectives.

(15 marks)

QUESTION TWO

This question is divided in two interrelated parts:

- a) Discuss the limitations of supervisory techniques currently available for monitoring the implementation of Multilateral Environmental Agreements (be as exhaustive as possible in the techniques surveyed).
- b) Given the limitations that you will have first analysed, discuss possible ways of strengthening existing institutional models of international environmental governance.

(10 marks)

SECTION B

This section contains five (5) optional questions. You are required to answer three (3) questions only from this section. Each question in this section carries five (5) marks so that the total number of marks for this section is fifteen (15).

QUESTION THREE

Explain why the Convention on Biological Diversity has been criticized in its attempt to provide incentives to biological conservation by way of providing a legal framework for facilitating access to and sharing of benefits derived from genetic resources.

(5 marks)

QUESTION FOUR

Explain the current difficulties in implementing the Kyoto Protocol focusing on the controversies generated by:

- the differentiated principle applied in the setting of emission limitations and reduction targets for greenhouse gases;
- the emission trading scheme and the clean development mechanism

(5 marks)

QUESTION FIVE

Explain what potential adverse impacts might Genetically Modified Organisms have on the environment, biodiversity and human health. How does the Biosafety Protocol aim to minimise such impacts?

(5 marks)

QUESTION SIX

Analyse the strength and potential shortcomings of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean focusing on the following elements:

- conservation and management provisions
- decision making structure

(5 marks)

QUESTION SEVEN

Assess the effectiveness of the international regime for controlling the transboundary movement of hazardous wastes focusing on a comparison of the Basel and Waigani Conventions.

(5 marks)

End of Examination