



SCHOOL OF LAW

COURSE NAME: INTERNATIONAL ENVIRONMENTAL LAW

COURSE NO: LA321

EXAM AVAILABLE: 10:00 AM WEDNESDAY 24TH OCTOBER 2004

DUE DATE: 4:00PM FRIDAY 27TH OCTOBER 2004

TIME ALLOWED: STUDENT CHOICE FOR TIME ALLOCATION

NUMBER OF QUESTIONS ON PAPER: 6 ESSAY QUESTIONS

NUMBER OF QUESTIONS TO BE ANSWERED: 3

STUDENTS HAVE A CHOICE OF ANY OF THE 6 QUESTIONS BUT SHOULD ONLY ANSWER A TOTAL OF 3 QUESTIONS

MARK ALLOCATED FOR EACH QUESTION: EACH QUESTION IS WORTH EQUAL MARKS ̄ 20 MARKS

TOTAL MARKS: 60 MARKS
60% OF TOTAL COURSE MARK

MATERIALS PERMITTED IN EXAMINATION ROOM:

NONE

SPECIAL INSTRUCTIONS

THERE ARE NO SECTIONS IN THIS EXAM PAPER.

YOU ARE ONLY REQUIRED TO ANSWER 3 OF THE 6 ESSAY QUESTIONS IN THE PAPER. YOU MAY CHOOSE ANY 3 QUESTIONS OUT OF THE 6

THE WORD LIMIT FOR EACH ESSAY QUESTION IS 1200 WORDS. TOTAL WORD LIMIT FOR THE 3 QUESTIONS IS 3,600 WORDS

THE EXAM IS WORTH 60% OF YOUR MARKS AND EACH QUESTION IS WORTH 20%

- Please note that your answer paper will not be returned to you. Final grades may also be scaled.
- This Take Home Exam is available for collection at the USP Law School Office and is also available electronically on the LA321 website at the above time and date.

Please do not turn over any page until you are told to do so.

- All Take Home Exams must be returned no later than 10:00 (**** INSERT DATE). Please provide your answers to this exam in hard copy to the USP Law School Office.
- The USP penalty and late policy DOES NOT apply to this Take Home Exam and all papers must be handed in before the due time and date. Any papers received after that deadline will not be accepted.
- Please make sure to put your name and student ID number on your answer paper; number your answer pages and be sure to firmly affix all pages together.
- YOU MUST CLEARLY IDENTIFY WHAT QUESTION YOU ARE ANSWERING ON EACH OF YOUR ESSAYS
- You may either produce typed (12 point or 14 point only acceptable) or tidy handwritten answers for this exam.
- The Take Home Examination is worth 60% of the final course mark and will be marked out of 60. Papers that exceed the stipulated word length will be penalized.
- LA321 is a broad interdisciplinary course. In most cases there will not be one clear correct answer. Answers will be evaluated according to your understanding and use of the Course Materials and how well you apply them in the analysis of the question.
- Where laws are applicable, or can be used as an example to illustrate your argument, it is suggested that this will improve your answer.
- You may undertake research outside the Course Materials but this is not an essential requirement.
- Where applicable, you should follow the USP citation guide for referencing within your answers. A bibliography is not required.
- If you have any inquires during the examination period, please contact Professor Donna Craig or Professor Michael Jeffery. Their details are as follows:
Professor Michael Jeffery, QC
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YOUR EXAM PAPER MUST BE YOUR OWN ORIGINAL WORK. GROUP WORK AND CONSULTATION ABOUT THE QUESTIONS AND YOUR ANSWERS ARE NOT ALLOWED DURING THE EXAM PERIOD.

QUESTION 1

Discuss the lessons learnt for future global environmental treaties from the regulatory controls on ozone depleting substances, market mechanisms, trade sanctions, compliance and enforcement strategies in the Vienna Convention for the Protection of the Ozone Layer (1985) and the Montreal Protocol (1987 - as amended).

QUESTION 2

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 quote using any one (or more) of the environmental treaties that you have covered in your course on International Environmental Law.

QUESTION 3

(a) The GATT provisions, cannot be reconciled with sustainable development or even a more limited concept of environmental protection."

Discuss this having regard to the use of trade provisions/sanctions in environmental conventions. Provide examples in your answer.

QUESTION 4

Climate change is one of the most significant environmental problems confronting the world. The South Pacific has demonstrated deep concern and responsibility in the negotiation of the Framework Convention on Climate Change (FCCC - 1992) and the Kyoto Protocol (1998). Discuss the key legal and economic mechanisms in the FCCC and the Kyoto Protocol.

QUESTION 5

The Convention on Biological Diversity (1992) expanded earlier international law attempts to protect species, habitats and areas of high conservation value (eg protected areas, wetlands, World Heritage Areas) by attempting to conserve biodiversity inside and outside the former "islands " of protection. Discuss the definition of biodiversity in the Convention and the strengths and weakness of the provisions relation to sustainable use, access to genetic resources and benefit sharing.

QUESTION 6

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

END OF EXAM