

COURSE OUTLINE

COURSE TITLE TOPICS IN INTERNATIONAL LAW:THE BLUE, GREEN, YELLOW AND WHITE PLANET - EARTH'S ENVIRONMENTS AND
CURRENT LEGAL CHALLENGES**COURSE FACULTY AND NUMBER:** LAWS 4605**SECTION:** A**TERM:** Fall 2022**PREREQUISITES:** LAWS 2908 or PAPM 3000, LAWS 2601 and fourth-year Honours standing**DAY & TIME:** Tuesdays 14:30 – 17:30**DELIVERY METHOD/LOCATION:** In-person / Tory 217**INSTRUCTOR (CONTRACT):** Tara Ashtakala**CONTACT INFORMATION:** **OFFICE:** Loeb B-442
OFFICE HOURS: By appointment
EMAIL: Tara.Ashtakala@carleton.ca

INSTRUCTOR COURSE DESCRIPTION

The colours seen from space that cover the surface of our planet represent not just a diversity of landscapes, but also the four major ecosystems that life on Earth depends upon. The oceans; the forests; the grasslands/deserts; and the polar regions, each supporting climate, biodiversity, human health and the global economy. Legal regimes, both domestic and international, have evolved to manage human uses of these areas. However, the pressure of human activity on these biomes is accelerating and outpacing their capacity to deliver the climatological, meteorological, chemical, biological and resource services our species demands of them. The law can and is being used to attempt to protect these types of environments, but advocates for (or against) this protection must also understand how these natural systems work, in order to make their legal arguments effective. Thus, this course will 1) introduce the student to the basic science, the applicable national and global rules, as well as the case law from around the world that have shaped the current legal status of the marine, the green, the dry and the ice-covered expanses of planet Earth and 2) enable the student to use this fact, evidence and law, to make reasoned and well-supported cases in favour of preserving, sustaining or exploiting these realms.

REQUIRED TEXTS

There is no textbook for this course. Required readings will be accessible online, with the links indicated in the Pre-lecture slides for each week.

COURSE DELIVERY:

- In-person, on-campus lectures
- Pre-lecture notes will be posted on Brightspace prior to each class, indicating readings to be done ahead of lecture and containing questions that will help the student focus on the most important concepts from each reading.
- Lectures will be delivered in-person, at the time and on the day indicated above for the particular course section. It is during lecture that the answers to the questions in the pre-lecture notes will be discussed.
- Case study exercises, involving groups discussions, will also be conducted during lecture.
- The presentation and research paper components of evaluation in the course will be submitted by students as per the deadlines indicated in the “Evaluation” section below.

EVALUATION

(All components must be completed in order to get a passing grade in the course)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

1. Audio-visual Presentation - 20% of final grade

- Select a current news item, from among those provided, relating to one of the four categories of environment/ecosystem/biome.
- Describe the scientific background to the issue
- Describe the current applicable law –international AND domestic (choose the most relevant country for that case study or environment)
- Analyze the defects in the applicable law that are causing the problem; and
- Propose plausible solutions, based on law and case law.
- Duration: 8-10 minutes
- Format: You are essentially presenting a lecture to your colleagues and to me that summarizes your research and arguments. As such, the use of audio-visual aids, like Power Point, is strongly recommended. You may use a short video clip to reinforce a point, but do not let it speak for you.
- **PRESENTATION DATES:**

If your SURNAME begins with:

your in-person presentation is on:

- | | |
|-----------------|---------------|
| ○ A – C (incl) | 11 OCT |
| ○ D – E1 (incl) | 18 OCT |
| ○ Em – G (incl) | 1 NOV |
| ○ H – I (incl) | 8 NOV |
| ○ J – Q (incl) | 15 NOV |
| ○ R (incl) | 22 NOV |

○ S – Z (incl)

29 NOV

2. Term Research Paper - 35% of final grade

- essay due on 9 December 2022; to be uploaded to Brightspace
- Length: 12-15 pages double-spaced, bibliography extra, proper legal citation required
- Use Canadian Guide to Uniform Legal Citation (McGill Guide) at <https://library.ucalgary.ca/c.php?g=255284&p=1703091>
- The task for your Term Essay is to conduct a more in-depth, scholarly analysis of the legal issue related to the topic you selected for the Presentation.
- The paper must also include at least one section (at least one paragraph) analyzing the relevance to your topic of a selected Canadian literary work (provided) – note: it makes the most sense to locate this section either in the introductory or concluding phase of your paper.

3. Open book final examination - 45% of final grade

- **To be scheduled on a specific day and time during formal exam period: 10-22 Dec. 2022**
- Duration: 3 hours, in a fixed, formally-scheduled time interval
- the goal of the final exam is to apply the course content to 1) solve a legal problem for a fictitious client and to 2) thoroughly discuss a thematic issue
- The final exam will be written online during the fixed time period on the formally-scheduled date accorded to the exam for this specific course and section.
- **Any student who does not write the final exam during the fixed time period on the formally-scheduled date must apply for a deferral:** <https://carleton.ca/registrar/deferral/>
- **The final exam will be E-proctored:** *Please note that tests and examinations in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.*

LATE PENALTIES AND REQUESTS FOR EXTENSIONS:

- Penalties for late submission of assignments will be 1 point/mark per day. This is based on fairness to the class members who turned in the assignment on time.
- For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor **prior** to the assignment due date <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.
- **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are requested, the student will be required to provide

additional information to justify the longer extension.

- **In all cases**, the granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension.

LECTURE TOPIC SCHEDULE

13 Sep Introduction and Overview

THE BLUE PLANET: OCEAN AND FRESHWATER CHALLENGES

20 Sep Offshore oil and gas

27 Sep “Plenty of Fish”

4 Oct The shipping industry

11 Oct Plastic pollution

THE GREEN PLANET: DEFORESTATION

18 Oct Urban sprawl: housing versus trees

25 Oct Reading week, no class

1 Nov The forestry industry

THE YELLOW PLANET: DRY LANDS ARE NOT WASTELANDS

8 Nov Agriculture: food versus grasslands

15 Nov The mining industry

THE WHITE PLANET: POLAR REGIONS AND GLACIERS

22 Nov The Arctic: challenges and opportunities of warming

29 Nov The Antarctic: Geopolitical concerns

6 Dec Disappearing glaciers: freshwater loss, sea-level rise and flooding

12 Dec Review of Course

DIVERSITY AND INCLUSION IN COURSE CONTENT AND EXECUTION:

Lawyers need to be able to read statutes, in order to apply them in the courtroom. It is equally important to the success of a lawyer's case to know what the statute does not say.

The vast majority of readings in this course are cases, from both international and domestic courts. I ask students to read case law so that we can glean from it the basic concepts of the law applicable to the Earth's environments. It is whilst reading a case that students also have the opportunity to think critically about whose concerns are not addressed in those cases and about what impact that omission of voices has on the development of the basic concepts of international environmental law. Note that the questions in the pre-lecture notes for this course will help you to do so. Students should include those insights in their presentation and research paper assignments, as well as express them in the honest, yet respectful, debates that comprise the live case study discussions following each lecture.

COVID-19 PREVENTION MEASURES

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements at short notice, if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses, as soon as they are eligible and to submit their booster dose information to [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend on campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety, which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing that information, you can contact covidinfo@carleton.ca.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term..

Pregnancy Obligation

Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, see [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

DEPARTMENTAL POLICY

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.