



UNSW

UNSW Course Outline

LAWS8256 Transforming Environmental Law: Exploring Legal Rights of Nature - 2024

Published on the 28 Aug 2024

General Course Information

Course Code : LAWS8256

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Law, Society and Criminology

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course provides an introduction to and critical overview of the emerging legal doctrine of

the rights of nature. Against the larger context of Environmental Law, Earth Law, and the Anthropocene this course explores the philosophical origins and development of the doctrine, and examines a range of legal instruments giving effect to the radical but increasingly, widely supported, idea of legal subjecthood for nature. It explores rights of nature laws as a response to environmental law's failure to halt, prevent or manage environmental degradation at local, national, and international levels. It examines the structure and core mechanisms of rights of nature laws, encouraging students to critically analyse their differences, strengths and weaknesses. It presents case studies in context, discussing the socio-legal context in which these laws have taken hold in individual jurisdictions. It provides students with the opportunity to delve into a real-world example and the intricacies of arguments in favour of and against recognising rights of nature, through a mock tribunal hearing held in the second half of the course. Students will also have the opportunity to develop their ideas and perspectives on rights of nature through a research essay as the final assessment for the course.

Course Aims

Rights of nature laws are emerging around the world, from Ecuador to India, from the USA to Aotearoa New Zealand. These laws are gathering momentum in response to planetary ecological degradation, and a growing call to accord nature greater significance and respect under the law. This new area of study offers students an opportunity to engage with the dynamic qualities of an emerging legal doctrine, as well as to consider some of the most fundamental questions in environmental law: what is nature in law?; what are the implications of considering nature to be property or an object under the law?; what are some ways environmental law could change to better prevent, halt and repair harm to the environment?; how are environmental interests balanced against other interests in law?; what are the structural problems of environmental law (including fragmentation, inability to deal with cumulative impacts, the challenges of managing scientific uncertainty, etc) and how can a new doctrine address these issues?

Relationship to Other Courses

Transforming Environmental Law: Exploring Legal Rights of Nature is closely connected to all other Environmental Law courses, to Legal Theory, Law and Social Theory, Law and Theories of Justice, and to the fields of Environmental Humanities, Political Philosophy and Philosophy in general. It also connects to courses on climate science and environmental studies.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate understanding of the origins and philosophical and ethical underpinnings of the rights of nature doctrine (PLO 1)
CLO2 : Demonstrate awareness of the diverse forms and substantive provisions of rights of nature laws around the world, including Constitutional, statutory, local and jurisprudential (PLO 1)
CLO3 : Engage in critical analysis of the concept and application of legal personhood for nature, including the implications of guardianship arrangements (PLO 2)
CLO4 : Demonstrate awareness of the socio-legal context for the enactment of rights of nature laws, including Indigenous movements, constitutional reform processes, community advocacy and resistance/response to environmental threats, critical engagement with environmental law principles, and international collaboration and exchange (PLOs 1, 2)
CLO5 : Engage in critical analysis of environmental law's efficacy, the actual and potential impact of rights of nature laws, and opportunities for reform, within the context of contemporary national and international environmental challenges (PLO 2)
CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4)
CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 3)
CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 3)
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 1, 3, 4)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate understanding of the origins and philosophical and ethical underpinnings of the rights of nature doctrine (PLO 1)	<ul style="list-style-type: none"> • Research Essay • Class Participation
CLO2 : Demonstrate awareness of the diverse forms and substantive provisions of rights of nature laws around the world, including Constitutional, statutory, local and jurisprudential (PLO 1)	<ul style="list-style-type: none"> • Research Essay • Class Participation
CLO3 : Engage in critical analysis of the concept and application of legal personhood for nature, including the implications of guardianship arrangements (PLO 2)	<ul style="list-style-type: none"> • Research Synopsis • Research Essay • Class Participation
CLO4 : Demonstrate awareness of the socio-legal context for the enactment of rights of nature laws, including Indigenous movements, constitutional reform processes, community advocacy and resistance/response to environmental threats, critical engagement with environmental law principles, and international collaboration and exchange (PLOs 1, 2)	<ul style="list-style-type: none"> • Research Synopsis • Research Essay • Class Participation
CLO5 : Engage in critical analysis of environmental law's efficacy, the actual and potential impact of rights of nature laws, and opportunities for reform, within the context of contemporary national and international environmental challenges (PLO 2)	<ul style="list-style-type: none"> • Research Synopsis • Research Essay • Class Participation
CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4)	<ul style="list-style-type: none"> • Research Synopsis • Class Participation
CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 3)	<ul style="list-style-type: none"> • Research Synopsis • Class Participation
CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 3)	<ul style="list-style-type: none"> • Research Essay • Research Synopsis
CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 1, 3, 4)	<ul style="list-style-type: none"> • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

Details on Moodle

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Research Essay Assessment Format: Individual	55%	
Class Participation Assessment Format: Individual	25%	
Research Synopsis Assessment Format: Individual	20%	

Assessment Details

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : Demonstrate understanding of the origins and philosophical and ethical underpinnings of the rights of nature doctrine (PLO 1)
- CLO2 : Demonstrate awareness of the diverse forms and substantive provisions of rights of nature laws around the world, including Constitutional, statutory, local and jurisprudential (PLO 1)
- CLO3 : Engage in critical analysis of the concept and application of legal personhood for nature, including the implications of guardianship arrangements (PLO 2)
- CLO4 : Demonstrate awareness of the socio-legal context for the enactment of rights of nature laws, including Indigenous movements, constitutional reform processes, community advocacy and resistance/response to environmental threats, critical engagement with environmental law principles, and international collaboration and exchange (PLOs 1, 2)
- CLO5 : Engage in critical analysis of environmental law's efficacy, the actual and potential impact of rights of nature laws, and opportunities for reform, within the context of contemporary national and international environmental challenges (PLO 2)
- CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 3)
- CLO9 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communication with appropriate referencing (PLOs 1, 3, 4)

Detailed Assessment Description

This assignment consist of a 3500 word (excl biblio and footnotes) research essay based on class readings and your own substantive research and analysis. Please find more details on the Moodle website.

Assessment Length

3500 words

Assessment information

See Moodle

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

AI generated essays receive 0 marks.

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Demonstrate understanding of the origins and philosophical and ethical underpinnings of the rights of nature doctrine (PLO 1)
- CLO2 : Demonstrate awareness of the diverse forms and substantive provisions of rights of

- nature laws around the world, including Constitutional, statutory, local and jurisprudential (PLO 1)
- CLO3 : Engage in critical analysis of the concept and application of legal personhood for nature, including the implications of guardianship arrangements (PLO 2)
 - CLO4 : Demonstrate awareness of the socio-legal context for the enactment of rights of nature laws, including Indigenous movements, constitutional reform processes, community advocacy and resistance/response to environmental threats, critical engagement with environmental law principles, and international collaboration and exchange (PLOs 1, 2)
 - CLO5 : Engage in critical analysis of environmental law's efficacy, the actual and potential impact of rights of nature laws, and opportunities for reform, within the context of contemporary national and international environmental challenges (PLO 2)
 - CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4)
 - CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 3)

Detailed Assessment Description

Class participation consist of several elements - in-class participation, reading engagement, reflective notes, presentation - which will be marked holistically.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

AI generated reflection notes receive 0 marks.

Research Synopsis

Assessment Overview

This assessment requires you to write a research synopsis which will inform your Research Essay.

Course Learning Outcomes

- CLO3 : Engage in critical analysis of the concept and application of legal personhood for nature, including the implications of guardianship arrangements (PLO 2)
- CLO4 : Demonstrate awareness of the socio-legal context for the enactment of rights of nature laws, including Indigenous movements, constitutional reform processes, community advocacy and resistance/response to environmental threats, critical engagement with environmental law principles, and international collaboration and exchange (PLOs 1, 2)
- CLO5 : Engage in critical analysis of environmental law's efficacy, the actual and potential impact of rights of nature laws, and opportunities for reform, within the context of contemporary national and international environmental challenges (PLO 2)
- CLO6 : Navigate and apply key environmental legal texts, both statutory and judicial, to hypothetical fact scenarios (PLOs 1, 4)
- CLO7 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLO 3)
- CLO8 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 3)

Detailed Assessment Description

1000 word Research Synopsis (working title/ short intro into chosen topic/ main research question and/ or argument/ one page literature review/ overview of different sections of the essay).

Assessment Length

1000 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other

media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Requirements to pass course

Requirement to pass the course is 80% attendance, active engagement in class, and totality of received marks above '50'.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	Session 1: Introduction: Course Requirements Context: philosophical origins of rights of nature
Week 2 : 16 September - 22 September	Seminar	Session 2: Indigenous Thinking & Nature 1) Indigenous cosmologies and a relational view of nature 2) Ecological ethics
Week 3 : 23 September - 29 September	Seminar	Session 3: Anthropocene & Nature 1. Law in the Anthropocene 2. Earth Law and earth jurisprudence
Week 4 : 30 September - 6 October	Seminar	Session 4: Rights 1. Which substantive rights and for whom 2. Which duties and responsibilities flow from rights 3. Recognizing Legal Personhood 4. The Nature of Legal Personhood 5. The Aotearoa New Zealand Model
Week 5 : 7 October - 13 October	Seminar	Session 5: Standing 1. Nature's Legal Standing 2. Guardianship 3. Recognizing rights through the courts 4. Implementing and enforcing rights of nature in court 5. The International Tribunal for the Rights of Nature
Week 6 : 14 October - 20 October	Other	Reading week - no classes
Week 7 : 21 October - 27 October	Seminar	Session 6 (week 7): Praxis 1. Nature rights as local laws: US case studies 2. Rights of nature in Australia
Week 8 : 28 October - 3 November	Seminar	Session 7 (week 8): Outlook 1. Enforceability 2. A right to restoration?
Week 9 : 4 November - 10 November	Seminar	Session 8 (week 9): 1. Rights of Nature in the Anthropocene 2. Human rights and rights of nature
Week 10 : 11 November - 17 November	Seminar	Session 9 (week 10): Revision and review

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

All on Moodle

Recommended Resources

All resources are provided on the course Moodle page.

Additional Costs

NA

Course Evaluation and Development

During the course and at the end of Term via MyExperience survey feedback on course will be collected and implemented.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Marc De Leeuw		Law Building Room 330		on appointment via email	Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class

Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written

assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.