

IDST 3103 CIN3: Environmental Law

[Dashboard](#) / [Courses](#) / [IDST 3103 CIN3 Home](#) / [IDST 3103](#) / [Syllabus](#)

Syllabus

Instructor

Welcome to IDST 3103! My name is Peter Mushkat and I will be your instructor for this course. Let me tell you a little about myself.

Since graduating from Dalhousie Law School in 1986, I have been working in the areas of marine and environmental law as a consultant, researcher, and teacher. I teach environmental law at [Dalhousie in the Faculty of Science](#) and through [Open Acadia](#). I also have an appointment with the College of Sustainability at Dalhousie where I am involved with experiential learning courses.

My introduction to the Legal Information Society of Nova Scotia was as principal author and editor of *A Guide to Environmental Law for Nova Scotians*.



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Course Overview

Of all the issues facing the world today, those involving the environment are among the most difficult and perplexing. They are both naturally occurring and manufactured; they cross all boundaries -- temporal and spacial; they are both latent and manifest. Trying to manage environmental hazards through legislation, regulation, and the courts is particularly problematic. While it is often difficult to achieve consensus as to the nature and effect of an existing environmental condition, it is impossible to predict what form an environmental hazard will take and consequently to anticipate what manner of legislation will best minimize the damage.

This course will take a look at how environmental law operates in Canada and in Nova Scotia and illustrate some of the multi-disciplinary aspects which make this area of law part science, part art, and part soothsaying. It will also touch briefly on the international aspect of environmental law for the environment does not recognize geo-political boundaries.

Overall, this course will introduce you to the legal framework that exists through legislation; the common law; and international law. It will explore how the legal concepts of each help us regulate human activity and its affect on the environment. By the end of the course you should be able to recognize when an issue may be amenable to a legal solution and what form that might take.

The course objectives will be achieved through a combination of readings; ten written assignments; and a major paper based on a current environmental issue.

Course Materials

Text

Muldoon, Paul, et al., *An Introduction to Environmental Law and Policy in Canada* (2nd); Emond Montgomery; Toronto; 2015; ISBN: 978-1-55239-620-9;

OR

Muldoon, Paul, et al.; *An Introduction to Environmental Law and Policy in Canada* (3rd); Emond; Toronto; 2020.

[Mushkat, Peter, ed, *A Guide to Environmental Law for Nova Scotians*; Public Legal Education Society of Nova Scotia; Halifax; 2015 \(pdf format\).](#)

If you haven't ordered your textbook, you can do so by contacting the [Campus Store](#).

Cases and legislation can be found (or a link to them) in "Items of Interest".

Evaluation

Grading Scheme

This course is divided into 10 parts: readings and an assignment. The total of the marks you receive for each of the assignments will be your final mark in the course.

Assignments (10 x 7%)	70%
Paper Outline & Annotated Bibliography	10%
Final Paper	20%

Assignments

Short Module Assignments

This course is divided into 10 sections. At the end of each section, you will be asked to compose a brief essay-style response (approximately 1000 words) to a topic relating to the material just covered in the readings.

You are asked to submit one assignment at a time then wait for the instructor's response before submitting the next. Normally, you should receive a response within one week.

I would prefer that you submit assignments using the electronic drop box found at the bottom of each set of assignment instructions.

Final Paper - 2 step process

The final assignment is a major paper (3,000 - 5,000 words); it is an analysis of a hypothetical scenario based upon an actual environmental situation. It covers a number of the different areas of law you have learned about and requires you to identify and comment upon these in relation to the facts of the case. A successful submission will show you understand the legal concepts in context and their significance.

Before you write your paper, you must first submit an annotated bibliography of the materials you will use plus an outline of what you will discuss. This ensures you are on the right track before you are too far down the road!

Course Schedule

Click to download the suggested schedule for this course: [IDST 3103 CIN3 - Suggested Schedule](#)

Print out this schedule and fill in your start date to use the recommended timeline to plan out when you will do readings and assignments. This is a tool to help you plan and time manage this course. If you get off-track, make sure to revisit your schedule and re-evaluate the dates you've set for yourself.

You have 6 months to complete this course. You may set your own schedule, but if you intend to complete the course in less than 3 months, you should let me know. You may not be able to finish the course on such an accelerated pace. Please do not leave all of your course work until a few weeks before your completion date. Although I will make every effort to accommodate your schedule within reason, I need time to grade assignments and return my comments to you.

Week	Assignment	Readings
1-2	Assignment 1: Overview	- Muldoon: Introduction & Environmental Law and Its Evolution in Canada (C 1)
3-4	Assignment 2: Canada's Legal System	- Muldoon: Canadian Legal Framework (C 2) - The Courts of Nova Scotia - An Introduction to Canadian Legal Information & Lawyers' Websites
5-6	Assignment 3: Courts, Tribunals, ADR and the Environment	- Muldoon 2 nd ed: Courts, Tribunals, and Dispute Settlement (C 4) & Using Courts to Protect the Environment (C 13) <u>OR</u> - Muldoon 3 rd ed: Using Courts to Protect the Environment (C 5.I; 5.II + C 10) - Mushkat: Chapter 5 ~ Guide to Environmental Law
7-8	Assignment 4: Regulation through Command & Control	- Muldoon 2 nd ed: Basic Structure of Environmental Protection Regimes (C 7) & Environmental Protection: Command and Control (C 8) <u>OR</u> - Muldoon 3 rd ed: Basic Structure of Environment Protection Regimes (C 6) & Environmental Protections: Command and Control (C 5.III -V)
9-10	Assignment 5: Environmental Law at the Federal Level	- Mushkat: Chapter 2 ~ Guide to Environmental Law
11-12	Assignment 6: Provincial / Municipal Environmental Law	- Mushkat: Chapter 3 ~ Guide to Environmental Law - Saxe: When can municipalities regulate environmental impacts?
13-14	Assignment 7: Aboriginal Environmental Law	- Muldoon 2 nd ed: Aboriginal and Environmental Law (C 5) <u>OR</u> - Muldoon 3 rd ed: Aboriginal and Environmental Law (C 3)
15-16	Assignment 8: Canada and the World	- Muldoon 2 nd ed: International Law and the Environment (C 6) <u>OR</u> - Muldoon 3 rd ed: International Law and the Environment (C 4)
17-18	Assignment 9: Environmental Assessment	- Muldoon 2 nd ed: Environmental Assessment (C 10; Canadian Environmental Assessment Act) <u>OR</u> - Muldoon 3 rd ed: Environmental Assessment (C 7)
19-20	Assignment 10: Achieving Compliance	- Muldoon 2 nd ed: Achieving Compliance (C 12: Corporations and Economics) & Achieving Compliance (C 14: Administrative Decision-making) <u>OR</u> - Muldoon 3 rd ed: Achieving Compliance (C 9: Corporations and Economics) & Achieving Compliance (C 11: Administrative Decision-Making) - R v. Keno Hill Mines Ltd

Student Handbook

You are responsible for becoming familiar with the contents of the Student Handbook. It contains important information about scheduling examinations (if applicable), applying for extensions, withdrawing from your course, ordering books, and computer and library services

available to you. If you have questions about the policies outlined in the handbook (<https://courseware.acadiau.ca/openacadia/studenthandbook.html>), contact:

Open Acadia

- 21 University Avenue (Rhodes Hall)
- Wolfville, NS B4P 2R6
- Phone: 1-800-565-6568
- Fax: 1-902-585-1068
- Email: openacadia@acadiau.ca

Academic Integrity

Academic integrity demands responsible use of the work of other scholars. It is compromised by academic dishonesty such as cheating and plagiarism. A student who is uncertain whether or not a course of action might constitute cheating or plagiarism should seek in advance the advice of the instructor involved.

- Cheating is copying or the use of unauthorized aids or the intentional falsification or invention of information in any academic exercise
- Plagiarism is the act of presenting the ideas or words of another as one's own. Students are required to acknowledge and document the sources of ideas that they use in their written work.
- Self plagiarism is also a form of plagiarism. It is the presentation of the same work in more than one course without the permission of the instructors involved.
- A student who knowingly helps another to commit an act of academic dishonesty is equally guilty.
- Penalties are levied in relation to the degree of the relevant infraction. They range from requiring the student to re-do the piece of work, through failure on that piece of work, to failure in the course, and to dismissal from the university.

[Click here to return to the Module](#)

Last modified: Wednesday, 4 August 2021, 11:53 AM

◀ [Course Introduction Video \(hidden\)](#)

Jump to...

[Suggested Schedule for IDST 2103 CIN3](#) ▶

 [Moodle Docs for this page](#)

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IDST 3103 CIN3 Home

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