

Curricular Unit Sheet

Degree in Law – 2021/2022

Course

Environmental Law (1st semester)

Responsible Academic staff

Heloísa Oliveira (English class – 2h/week)

Teaching objectives (knowledge, skills and competences to be developed by students)

- developing knowledge on the object, fundamental principles, and specificity of environmental law as a legal field
- understanding the structure of environmental law and the set of legal instruments at hand
- performing a critical analysis of the key implementation problems and areas of uncertainty and normative conflict, with a focus on climate change
- critical reasoning, oral and written expression, collaborative skills

Contents

1. Environmental law: object, origins, and structure
2. Environmental law as a legal field: a common, global, and intergenerational legal object; multilevel and diverse in sources and subjects; multidisciplinary and transversality
3. International environmental law
 - 3.1. Subjects and actors: State, international organizations, NGO, multinational corporations, individuals, epistemic communities, and international lawyers
 - 3.2. The United Nations Environment Programme; the Special Rapporteur on human rights and the environment
 - 3.3. Sources: soft law and decisions by treaty bodies
 - 3.4. A sample of treaties: UN Framework Conventions; Vienna Convention and Montreal Protocol; CITES Convention; Ramsar Convention
4. Constitutional law
 - 4.1. The environment as an object of legal protection by national constitutions
 - 4.2. The environment as a fundamental right
 - 4.3. Fundamental rights and the environment
5. Administrative law: an overview
 - 5.1. Environmental impact assessment
 - 5.2. Ecological damage reparation
 - 5.3. Access to information



FACULDADE DE DIREITO
UNIVERSIDADE DE LISBOA

6. Criminal law
 - 6.1. Ecocide: the proposal for a new international crime
 - 6.2. Environmental crimes in the European Union Law
 - 6.3. Environmental crimes in national law
7. Access to courts: *actio popularis*?
8. A case-study: climate change litigation
 - 8.1. The Bundes-Klimaschutzgesetz case (Germany, 2021)
 - 8.2. The L’Affaire du Siècle case (France, 2021)
 - 8.3. The Climate Ireland case (Ireland, 2020)
 - 8.4. The Heathrow Airport case (UK, 2020)
 - 8.5. The Urgenda case (Netherlands, 2019)
 - 8.6. The Rocky Hills case (Australia, 2019)
 - 8.7. The Asghar Leghari case (Pakistan, 2015)
 - 8.8. The Klimazaak case (Belgium, 2015)

Demonstration of the coherence of the syllabus contents with the objectives of the course

The definition of these contents, within the vast topics encompassed in international, EU and domestic environmental law, aims to provide students with an introductory overview and general knowledge on environmental law, its basic rules and structure, with an incursion into the specific topic of climate change.

Teaching methodologies/Evaluation

Classes will include critical analysis of texts, case-law, and resolution of problems.

Student participation is encouraged. For that purpose, specific readings will be indicated for each class. Discussion and critical analysis of problems will be promoted in small groups of students and then discussed with the entire class. In the final part of the semester, students will choose the case-law they wish to analyse in detail on the topic of climate change.

Evaluation comprises the following features:

- case law comments and solving problems in class;
- individual oral presentation of case-law;
- a written test at the end of semester.

Students who obtain a grade equal to or higher than 10 points are approved. Students who do not obtain such grade are admitted to a written exam.

Demonstration of the coherence of the methods with the learning goals of the course

The teaching method enables students to acquire and consolidate theoretical and practical knowledge about structuring aspects of environmental law.

Collaborative work in problem solving and the oral presentation on case-law create to opportunity to develop relevant

skills.

Main bibliography

- C. AMADO GOMES. *Introdução ao Direito do Ambiente*. 4th ed. Lisboa: AAFDL, 2018.
———. *Direito Internacional do Ambiente – Uma abordagem temática*. AAFDL, 2018.
———. *Textos dispersos de Direito do Ambiente*. Vol. I, II, III, IV. AAFDL, 2005, 2008, 2010, 2015.
- C. AMADO GOMES and H. OLIVEIRA, eds. *Tratado de Direito do Ambiente*. CIDP/ICJP, 2021. Available [here](#).
- C. VOIGT. “The Climate Change Dimension of Human Rights Obligations.” SSRN Scholarly Paper. Rochester, NY: Social Science Research Network, May 3, 2021. Available [here](#).
———. “«Ecocide» as an International Crime: Personal Reflections on Options and Choices.” *EJIL:Talk! Blog of the European Journal of International Law* (blog), March 4, 2021. Available [here](#).
- D. BODANSKY, J. BRUNNÉE, e E. HEY, eds. *The Oxford Handbook of International Environmental Law*. Oxford: Oxford University Press, 2007.
- H. OLIVEIRA. “International Representation of Environmental Interests: Many Actors, Few Subjects?” In M. L. Duarte, R. T. Lanceiro, and F. Duarte, orgs., *Ordem Jurídica Global Do Século XXI - Sujeitos e Atores No Palco Internacional*. AAFDL, 2020. pp. 391–419.
———. “Right to Access to Environmental Information” In *Max Planck Encyclopedia of Comparative Constitutional Law*. Oxford University Press, 2020.
- J. VERSCHUUREN. “The State of the Netherlands v Urgenda Foundation: The Hague Court of Appeal Upholds Judgment Requiring the Netherlands to Further Reduce Its Greenhouse Gas Emissions”. *Review of European, Comparative & International Environmental Law*. Vol. 28 (1), 2019. pp. 94-98.
- L. BURGERS. “Should judges make climate change law?” *Transnational Environmental Law*. Vol. 55 (9), 2020. pp. 37-67.
- L. KRÄMER and E. ORLANDO, eds. *Principles of Environmental Law. Elgar Encyclopedia of Environmental Law*. Chentelham: Edward Elgar Publishing, 2018.
- M. FITZMAURICE, D. M. ONG and P. MERKOURIS, eds. *Research Handbook on International Environmental Law*. Chentelham: Edward Elgar Publishing, 2010.
- M. FITZMAURICE. *Contemporary issues in international environmental law*. Chentelham: Edward Elgar Publishing, 2009.
- M. PEETERS and M. ELIANTONIO, eds. *Research Handbook on EU Environmental Law*. Cheltenham/ Norhampton: Edward Elgar Publishing, 2020.
- M. WEWERINKE-SINGH and A. MCCOACH. “The State of the Netherlands v Urgenda Foundation: distilling best practice and lessons learnt for future rights-based climate litigation” *Review of European, Comparative & International Environmental Law*. 2021. Available [here](#).
- P. SANDS, et al. *Principles of International Environmental law*. 4.^a ed. Cambridge: Cambridge University Press, 2019.
- S. ALAM, MD J. H. BHUIYAN, T. M.R. CHOWDHURY, AND E. J. TECHERA, eds., *Routledge Handbook of International Environmental Law*. London/New York: Routledge, 2013.