

Curricular Unit Sheet

Degree in Law

Curricular Unit

Public International Law II (EN): International environmental and climate change law

Responsible Lecturer and respective workload in the curricular unit

Heloísa Oliveira (Theoretical Class - 2 hours/week)

Other lecturers and their workload in the curricular unit

Joana Gama Gomes (2 Subclasses - 4 hours/week)

Margarida Vidal Sampaio (1 Subclass + 2 Erasmus Subclasses - 6 hours/week)

Learning goals (knowledge, skills and competences to be developed by students)

International law dedicated to environmental protection, which emerged in the 1970s, has undergone significant evolution over the last 50 years, not only as a result of its material expansion, but above all because of its own specificities and dynamics. The current context of climate change is the latest reason to study its uniqueness in greater depth. This being said, the aim is not only to provide a panoramic view of international environmental law and its evolution, highlighting particularities in relation to general public international law, but also to develop in detail the international law of climate change, the principles of international environmental law and the relationship between environmental protection and human rights.

Through the methods to be implemented, students should also develop skills in researching sources of legal information, collaborative work, critical understanding and finding legal solutions in current Law to solve problems, as well as logical-argumentative skills in critical and oral expression.

Programme content

1. International environmental law: origins and evolution
2. The structure and cross-cutting nature of international environmental law: a sampling of international conventions
3. Subjects and actors of international law and environmental protection
 - 3.1. The role of states, international organisations and individuals
 - 3.2. Non-governmental organisations and multinational companies
 - 3.3. Epistemic communities
4. Sources of international law and environmental protection
 - 4.1. Framework conventions and protocols; decisions by international bodies
 - 4.2. The relevance of soft law
 - 4.3. Private standards
5. Principles of international environmental and climate change law
 - 5.1. Sustainable development and intergenerational solidarity



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- 5.2. Common but differentiated responsibility
- 5.3. Co-operation
- 5.4. Prohibition of transboundary harm
- 5.5. Prevention and precaution
- 5.6. Polluter pays
- 5.7. Participation
- 6. International climate change law
 - 6.1. The duty to mitigate climate change
 - 6.2. The duty to adapt to climate change
 - 6.3. Climate finance
- 7. Climate change and human rights: universal and European regional systems
 - 7.1. A human right to the environment?
 - 7.2. Human rights and duties of environmental protection
- 8. Climate litigation: a sample

Demonstration of the consistency of the syllabus with the curricular unit's objectives

The programme content addresses and deepens the topic of international climate change law in its theoretical and practical dimensions, including a preliminary conceptual analysis, the study of the theories of sources and subjects, the principles of environmental law and the legal framework of climate change, using relevant judgements from higher courts on this topic as case studies.

Together with the teaching methods used, collaborative work and discussion based on a mock trial case, with the oral and written presentation of party arguments, will make it possible to develop research and logical-argumentative skills in written and oral expression.

Teaching methods

Theoretical classes will be based on a model of explanation, problematization and discussion of the topics on the syllabus.

Work in practical classes will be dedicated to analysing a single case throughout the semester, which will serve as the basis, at the end of November, for the presentation of oral and written arguments or observations by each group of students representing a party or intervener (plaintiff, defendant, *amicus curiae*). The analysis and discussion is carried out mainly in groups of students and mediated by the lecturer of the practical classes, according to predetermined topics for each practical class.

Evaluation

Evaluation is based on class participation (50% - individual grade) and oral arguments (25% - individual grade) and written arguments (25% - group grade) to be presented at the end of November. There will be no written test.

The passing grade is 10/20.



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Demonstration of the consistency of the teaching methodologies with the learning objectives of the curricular unit

The proposed collaborative work and focused on solving a complex problem is proven to be the best way of building knowledge and developing general skills in understanding issues, problem-solving and critical analysis. Thus, in addition to fostering the construction and consolidation of knowledge in the area of international environmental law, the teaching method is focused on the active development of critical and logical-argumentative reasoning skills, research, collaborative work, written and oral expression.

Reading list

BOOK CHAPTERS

- AMADO GOMES, C./TAVARES LANCEIRO, R./OLIVEIRA, H., “O objeto e a evolução do Direito do Ambiente”, *Tratado de Direito do Ambiente*, Vol. I – *Parte geral* (eds: Carla Amado Gomes/Heloísa Oliveira), 2nd edition, Lisbon: CIDP/ICJP, 2023, pp. 34-79. Available at <https://lisbonpubliclaw.pt/livros/>.
- OLIVEIRA, H., “International representation of environmental interests”, *Ordem Jurídica Global do século XXI - sujeitos e atores no palco internacional* (orgs: Maria Luísa Duarte/Ana Rita Gil/Tiago Fidalgo de Freitas), AAFDL, 2020, pp. 391-419.
 - “Direitos humanos e proteção do ambiente”, *Direitos humanos e Estado de Direito* (orgs: Maria Luísa Duarte/Ana Rita Gil/Tiago Fidalgo de Freitas), AAFDL, 2022, pp. 769-806.
 - “Os princípios de Direito do Ambiente”, *Tratado de Direito do Ambiente*, Vol. I – *Parte geral*, 2nd edition, Lisboa: CIDP/ICJP, 2023 (eds: Carla Amado Gomes/Heloísa Oliveira), pp. 80-126. Available at <https://lisbonpubliclaw.pt/livros/>.
- ROCHA, A., “Alterações Climáticas”, *Tratado de Direito do Ambiente*, Vol. II – *Parte especial* (eds: Carla Amado Gomes/Heloísa Oliveira), 2nd edition, Lisbon Public Law Editions, 2024, pp. 30-113. Available at <https://lisbonpubliclaw.pt/livros/>.
- ROCHA, A./ OLIVEIRA, H., “Human Rights and Fundamental Rights”, *A Treatise on Environmental Law, Vol. III – Environmental law and other legal fields* (eds: Carla Amado Gomes/Heloísa Oliveira/Madalena Perestrelo de Oliveira), Lisbon Public Law Editions, 2024. Available at <https://lisbonpubliclaw.pt/livros/>.

ARTICLES

- BODANSKY, D., “Thirty Years Later: Top Ten Developments in International Environmental Law”, *Yearbook of International Environmental Law*, 2020, pp. 1-19, doi:10.1093/yiel/yvaa072.
- VILCHEZ MORAGUES, P., “Climate litigation, taking stock of an increasingly complex trend of legal actions”, *E-Pública: Revista Electrónica de Direito Público*, nno. 984 (2022), 180-209. Available at: <https://e-publica.pt/article/57633-climate-litigation-taking-stock-of-an-increasingly-complex-trend-of-legal-actions>.

BOOKS

- SANDS, P./PEEL, J., *Principles of international environmental law*, Cambridge University Press, 2018.