



LUND
UNIVERSITY

Faculty of Law

JAMR39, Human Rights Law, the Environment and Climate Change, 7.5 credits

*Human Rights Law, the Environment and Climate Change, 7,5
högskolepoäng*

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2020-02-05 and was last revised on 2022-09-07. . The revised syllabus applied from 2022-09-07. , spring semester 2023.

General Information

The course is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and to international students participating in exchange programmes with the Faculty of Law..

Language of instruction: English

Main field of studies

Human Rights

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass the examination the student shall be able to explain core principles concerning human rights in the context of environmental degradation, disasters and climate change, as reflected in international human rights law instruments and other authoritative documents, as well as academic and more practically-oriented texts.

Competence and skills

To pass the examination the student shall be able to

- critically analyse claims regarding the application of international human rights law in the context of environmental degradation, disasters and climate change
- apply core principles concerning human rights in the context of environmental degradation, disasters and climate change to specific scenarios
- plan and implement focused research on a specific topic
- communicate in scholarly writing and in oral presentations
- collaborate with other students in classroom discussions and seminar exercises.

Judgement and approach

To pass the examination the student shall be able to

- distinguish between established legal principles and statements of legal opinion in relation to human rights in the context of environmental degradation, disasters and climate change
- independently reflect upon the role of human rights law in addressing challenges presented by environmental degradation, disasters and climate change.

Course content

This course considers the role of the international system for the protection of human rights in addressing the interconnected issues of environmental degradation and climate change. It is structured in three parts.

The first part focuses on the historical development of the right to a healthy environment. Using early case law and international declarations, this part traces the development of the right to a healthy environment as an increasingly established substantive human right, reflected amongst others in the Framework Principles on Human Rights and the Environment prepared by the UN Special Rapporteur on Human Rights and the Environment, and judgments from regional human rights courts.

The second part considers how international human rights law applies in the context of disasters. Recognising that human rights law can clearly constrain actors who would engage in conduct that directly damages the environment, how effectively can it compel states to take positive action to protect people from harm arising from hazards that are present within the environment, such as cyclones, floods and earthquakes? What steps must states take to address foreseeable hazards that can trigger disasters, and in what kind of circumstances might a state be considered to be in breach of its human rights obligations when disasters unfold? Together with a critical exploration of the legal limits of international human rights law to address the challenges presented by (climate-related) disasters, this part will also consider the role of human rights as part of a set of practical tools that frontline actors as well as national authorities can draw upon in devising responses to concrete challenges.

Finally, the third part looks at the present and towards the medium-term future, asking whether catastrophic climate change imperils the continuity of the human rights paradigm. Issues relating to responsibility for reducing greenhouse gas emissions, climate justice, and cross-border displacement ('climate refugees') are in focus.

Course design

Students will obtain the knowledge and competences discussed above through active engagement with the material and participation in the various components of the course. The course consists of a mix of interactive lectures, classroom discussion, and

problem-based simulations drawn from contemporary examples. The interactive lectures will use Power Points, short video or audio clips, and focused group discussions.

Assessment

The students are assessed on the basis of two elements:

- 1) A take home exam, (80% of the grade). The take-home exam will have a word limit and must be a reflection of individual effort, not a result of any collaboration with someone on the course or outside of it.
- 2) Classroom presentation (20% of the grade). The classroom presentation grade should reflect substantive knowledge of the assigned readings.

Students unable to participate in the classroom presentation can compensate with a written task. Students must pass both the take home exam and the classroom presentation to pass the course.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

B – Pass

In order to pass, the student must demonstrate basic achievement of the intended learning outcomes. By way of example, 'basic achievement' means that, in general, the student can point to relevant legal materials and take steps towards explaining core concepts. The student will attempt to apply these core concepts in relevant contexts, even if certain elements may be missing. Students who pass with a B will attempt to express critical, independent thought, even if the result is not compelling or persuasive. Their command of the material may be limited in certain points. The student will endeavour to answer the question(s) set for the take home exam, but the submission may reflect weaknesses in structure, logic, command of reading material and/or argumentation. Classroom presentation may reflect basic achievement of the intended learning outcomes.

BA – Pass with credit

In order to achieve BA, the student must, in addition to what is required to achieve the grade of B, demonstrate good or very good achievement of the intended learning outcomes. Submissions in fulfilment of the take home examination will reflect a good or very good command of core legal principles together with a good or very good ability to apply that knowledge in specific contexts. There will be good or very good evidence of critical and independent thinking, combined with strong research and written communication skills, including as regards structure, logic, command of reading material and argumentation. Classroom presentation will reflect the student's good or very good command of the material, independence of thought and overall communication skills.

AB – Pass with distinction

To achieve the highest grade, the student must, in addition to the general knowledge and skill in the overall subject of human rights, the environment and climate change required for the grade of B and BA, be able to demonstrate in-depth knowledge of and critical engagement with the subject matter of the course. The student's command of the topic should demonstrate an excellent ability to explain core concepts and apply them in specific contexts, whilst also discerning the current limits of the law in this context. Students who achieve the mark of AB will demonstrate a strongly independent and critical engagement with the course material, drawing on assigned material but also engaging in self-directed research. Written communication will be clear and well-argued, and classroom presentation will demonstrate excellent achievement of the intended learning outcomes.

Entry requirements

Passed examination in courses corresponding to the first term of the Master's programme equivalent to 30 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Exchange students must have passed at least two and a half years of law studies at university level including basic knowledge of public international law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAMR39, Human Rights Law, the Environment and Climate Change

Applies from V20

2001 Human Rights Law, the Environment and Climate Change, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction