UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Pravo in podnebne spremembe**
Course title:	**Law and Climate Change**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 2. stopnje		2	1
Law 2nd Degree		2	1

Vrsta predmeta / Course type:	obvezni modularni/mandatory modular
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
30	0	0	0	120	6

Nosilec predmeta / Lecturer:		izr. prof. dr. Jerneja Penca/ Assoc. Prof. Jerneja Penca, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.

Prerequisites:

At least 80% attendance at lectures and tutorials is required.

Vsebina:

Pravo o podnebnih spremembah se je razvilo kot posebna pravna disciplina, ki zajema več ravni upravljanja in vključuje različne akterje. To novo področje povezuje različna pravna področja, zato morajo študenti razviti razumevanje ali znanje na različnih pravnih področjih. Pravo o podnebnih spremembah obravnava tako strategije za blažitev kot strategije prilagajanja, pri čemer se sooča z izzivi, kot sta internacionalizacija problema toplogrednih plinov in zagotavljanje široke udeležbe pri urejanju. Prepleta se z okoljskim, energetskim, gospodarskim in mednarodnim javnim pravom, hkrati pa odpira vprašanja o vlogi držav in vlad.

Pravo ima pomembno vlogo pri obravnavanju podnebnih sprememb z mednarodnimi sporazumi, nacionalno zakonodajo in strategijami prilagajanja. Mednarodno pravo, ki ga ponazarjata UNFCCC in Pariški sporazum, zagotavlja okvir za sodelovanje držav pri zmanjševanju emisij in podpiranju držav v razvoju. Pravne institucije lahko z urejanjem izpostavljenosti podnebnim nevarnostim, vzpostavljanjem tržnih mehanizmov in zagotavljanjem odgovornosti pri sprejemanju odločitev olajšajo usklajeno ukrepanje za zmanjšanje emisij toplogrednih plinov ali prilagajanje. Dejansko se je v zvezi s podnebnimi spremembami skozi čas razvil zapleten pravni okvir, ki se vsako leto še naprej

Content (Syllabus outline):

Climate change law has emerged as a distinct legal discipline, spanning multiple levels of governance and encompassing various actors. This new field integrates diverse areas of law, requiring its students to develop understanding or proficiency across different legal domains. Climate change law addresses both mitigation and adaptation strategies, presenting challenges such as internationalizing the greenhouse problem and ensuring widespread participation in regulation. It intersects with environmental, energy, business, and public international law, while also raising questions about the roles of states and governments.

Law plays a role in addressing climate change through international agreements, national legislation, and adaptation strategies. International law, exemplified by the UNFCCC and the Paris Agreement, provides a framework for nations to collaborate on reducing emissions and supporting developing countries. Legal institutions can facilitate concerted action towards reducing greenhouse gas emissions or adaptation by regulating exposure to climate hazards, establishing market mechanisms, and ensuring accountability in decision-making.

razvija s sklepi rednih konferenc pogodbenic ter nacionalno in podnacionalno okvirno zakonodajo in sektorskimi zakoni. Poleg tega so se v zadnjih letih razširile mednarodne strategije in odločitve o sodnih postopkih, ki temeljijo na strategiji obveznosti, katere cilj je določiti obveznosti erga omnes za varstvo okolja, in strategija pravic, ki se sklicuje na pravo človekovih pravic za iskanje pravnih sredstev iz naslova obveznosti glede okoljske škode. Te možnosti za podnebne ukrepe posameznikov ali skupin proti posameznim državam ali podjetjem so prinesle mešane rezultate z uspehi in omejitvami pri uveljavljanju zahtevkov v zvezi s podnebnimi ukrepi.

Vendar pa se pravo pri obravnavi podnebnih sprememb sooča s precejšnjimi izzivi, kar odraža splošnejšo naravo prava v kompleksnem in hitro razvijajočem se svetu. Obstoječi pravni okvir o podnebnih spremembah se ni mogel odzvati na nujnost naloge, kot jo je opredelila znanost, učinki podnebnih sprememb pa se še naprej stopnjujejo. Zlasti pravo o podnebnih spremembah ni ustrezno za zaščito biotske raznovrstnosti in ekosistemov ter zmanjševanje neenakosti, kar oboje še poslabšuje večdimenzionalno družbeno-ekološko krizo našega časa.

Analiza zakonodaje o podnebnih spremembah, njenih možnosti in omejitev odpira vprašanje reforme, ki je potrebna za obvladovanje sedanjih in prihodnjih pritiskov. Preučevanje prava v kontekstu podnebnih sprememb tako predstavlja objektiv za razmislek o vlogi prava v času kompleksnosti, negotovosti, ranljivosti in dvoumnosti ter v času vse večje potrebe po temeljiti spremembi naših sistemov, struktur, praks in pogledov. Pravo je lahko tako pospeševalec kot zaviralec prehodov v bolj trajnostno in pravično prihodnost. Pravno izobraževanje ima ključno vlogo ne le pri legitimaciji in utemeljevanju obstoječega pravnega sistema, temveč tudi pri spodbujanju etičnega vrednotenja in strateške ozaveščenosti za pravičnejše obravnavanje podnebnih sprememb.

Pri tem predmetu bomo na podlagi zgornjega pristopa kritično preučili obstoječe koncepte in pravne okvire v zvezi s podnebnimi spremembami, ocenili njihovo učinkovitost pri reševanju tega globalnega izziva ter preučili morebitne reforme za povečanje njihove pravičnosti in trajnosti.

Indeed, a complex legal framework has developed over time in relation to climate change, and continues to evolve every year through decisions by regular Conferences by Parties and national and subnational framework legislation and sectoral laws. Additionally, international litigation strategies and decisions have proliferated in recent years, based on the obligations strategy, which aims to establish erga omnes obligations for environmental protection, and the rights strategy, which invokes human rights law to seek remedies for environmental damages obligations. These avenues for climate action by individuals or groups against individual states or businesses have resulted in mixed results with both success and limitations in bringing claims regarding climate measures.

However, the law faces significant challenges in addressing climate change – a feature that reflects a more general nature of law in a complex and rapidly evolving world. The existing legal framework on climate change has not been able to respond to the urgency of the task, as outlined by science, and climate change impacts continue to aggravate. In particular, climate change law is inadequate in protecting biodiversity and ecosystems and reducing inequalities, both of which further aggravate the multi-dimensional socio-ecological crisis of our time.

An analysis of climate change law, its potential and limits opens the question of a reform needed to address the current and future pressures. Studying law in the context of climate change thus presents a lense to reflect on the role of law in times of complexity, uncertainty, vulnerability and ambiguity, and in times of intesifying need for a fundamental change of our systems, structures, practices and views. The law can act as both an accelerator and a brake on the transitions towards more sustainable and just futures. Legal education plays a crucial role not only in legitimising and justifying the existing legal system, but also in fostering ethical evaluations and strategic awareness to address climate change in more equitable ways.

In this course, we will build on the above approach and critically examine the existing concepts and legal frameworks surrounding climate change, assess their effectiveness in addressing this global challenge, and explore potential reforms to enhance their equity and sustainability.

Temeljna literatura in viri / Readings:

Obvezna:

Meguro, M. (2020) Litigating climate change through international law: Obligations strategy and rights strategy. Leiden Journal of International Law. 33(4), str. 933–951.
Soininen, N., et al. (2021) A Brake or an Accelerator? The Role of Law in Sustainability Transitions. Environmental Innovation and Societal Transitions, 41, str. 71–73.
Visseren-Hamakers, I. J., et al. (2021) Transformative governance of biodiversity: insights for sustainable development. Current Opinion in Environmental Sustainability 53, str. 20–28.

Priporočena:

Fisher, E., Lange, B., Scotford, E. (2019). Climate Change Law. V: Environmental Law: Text, Cases & Materials / Fisher, E., Lange, B., Scotford, E. (ur.). Oxfrod:Oxford University Press. URL: https://doi.org/10.1093/he/9780198811077.003.0018.
Coplan et al. (ur.) (2020). Climate Change Law: An Introduction. Edward Elgar (izbrana poglavja).
Hollo, Kulovesi in Mehling (ur.) (2013). Climate Change and the Law. Springer (izbrana poglavja).
Krämer, L., Badger, C. (2024). Krämer's EU Environmental Law. Hart (izbrana poglavja).
Setzer, J., Higham, C. (2023) Global trends in climate change litigation. Grantham Research Institute on Climate Change and the Environment, London, UK.

Cilji in kompetence:

Študentje bodo razvili **splošne kompetence**:

- interdisciplinarna analiza, razvita z vključevanjem pravnega znanja s spoznanji na podlagi okoljske znanosti, politike in etike za celovito obravnavo podnebnih sprememb;
- reševanje problemov v kompleksnih scenarijih z razvijanjem pravnih in političnih odzivov na izzive, kot so podnebne spremembe in številne okoljske krize;
- kritično razmišljanje o vlogi prava v času negotovosti in zapletenosti, pri čemer se raziskuje njegova sposobnost omogočanja ali omejevanja transformativnih družbenih sprememb, ocenjevanje konkurenčnih perspektiv in predlaganje z dokazi podprtih rešitev za pravne izzive in izzive upravljanja;
- razvijanje zavezanosti k trajnosti z uporabo pravnega strokovnega znanja za spodbujanje trajnosti in pravičnosti;
- učinkovita komunikacija pri sintetiziranju informacij iz različnih virov ter jasno, jedrnato in prepričljivo pisno in ustno izražanje pravnih argumentov, analiz in predlogov reform;
- vseživljenjsko učenje z razvijanjem sposobnosti samorefleksije in prilagodljivega učenja, da bi bili na tekočem z nenehnim razvojem pravnega, okoljskega in družbenoekonomskega okolja

Objectives and competences:

Students will develop the following **general competences**:

- Interdisciplinary analysis, developed by integrating legal knowledge with insights from the basis of environmental science, policy, and ethics to address climate change comprehensively.
- Problem-solving in complex scenarios, by developing legal and policy responses to address challenges like climate change and multiple environmental crisis.
- Critical reflection on the role of law in times of uncertainty and complexity, exploring its capacity to enable or constrain transformative societal changes, evaluating competing perspectives, and propose evidence-based solutions to legal and governance challenges.
- Developing a commitment to sustainability, by using legal expertise to advance sustainability and justice.
- Effective communication in synthesising information from diverse sources and articulating clear, concise, and persuasive written and oral legal arguments, analyses, and reform proposals.
- Lifelong learning, by developing self-reflection and adaptive learning skills to keep up to date in the face of continuous developments in the legal, environmental, and socio-economic landscapes.

Študentje bodo razvili **predmetno-specifične kompetence**:		Students will develop the following **course-specific competences:**
• razumevanje pravnih okvirov in konceptov na področju podnebnih sprememb, vključno z etiko; • večnivojska pravna analiza in razumevanje interakcij med mednarodnimi, nacionalnimi in podnacionalnimi zakoni, politikami in strukturami upravljanja na področju podnebnih sprememb; • spretnosti za analizo in razlago sodnih odločb in pravnih strategij v podnebnih sporih, vključno s tistimi, ki temeljijo na človekovih pravicah in okoljskih obveznostih, da bi razumeli njihove posledice za razvoj prava in politik; • interdisciplinarno povezovanje; • združevanje pravnega znanja z osnovami okoljske znanosti in javne politike za celostno razmišljanje; • – sposobnost ugotavljanja vrzeli v sedanjih pravnih sistemih in razmišljanja o pravnih ali političnih reformah ali spremembah za reševanje družbeno-ekoloških kriz, kot so neenakost, izguba biotske raznovrstnosti in podnebna pravičnost.		• Understanding climate change legal frameworks and concepts, including ethics. • Multi-level legal analysis and appreciation of interactions between international, national, and subnational climate change laws, policies, and governance structures. • Skills to analyze and interpret judicial rulings and legal strategies in climate litigation, including those based on human rights and environmental obligations, to understand their implications for legal and policy development. • Interdisciplinary Integration. • Combining legal knowledge with the basics of environmental science and public policy, to think holistically. • Capacity to identify gaps in current legal systems and think about legal or policy reforms or transformations to address socio-ecological crises such as inequality, biodiversity loss, and climate justice.

Predvideni študijski rezultati:
Znanje in razumevanje:

Intended learning outcomes:
Knowledge and understanding:

Študent bo:	**Students will:**
– razumel ključna načela in koncepte prava o podnebnih spremembah, vključno z interdisciplinarnimi povezavami z znanostjo in politiko. Prepoznavanje in ocenjevanje pomembnih akterjev in institucij ter ravni upravljanja, vključenih v oblikovanje pravnega okvira podnebnih sprememb. – znal razložiti vlogo pravnih okvirov pri obravnavi blaženja podnebnih sprememb in prilagajanja nanje ter njihovo prepletanje s socialno-ekološkimi izzivi, kot so izguba biotske raznovrstnosti, onesnaževanje in pravičnost. – znal uporabiti interdisciplinarne pristope za analizo pravnih primerov ali političnih okvirov, ki obravnavajo podnebne spremembe, in pri tem vključiti spoznanja iz znanosti, ekonomije ali javne politike. – znal kritično preučiti prednosti, slabosti in vrzeli obstoječih pravnih okvirov in sodnih strategij na področju podnebnih sprememb. – znal oceniti učinkovitost zakonov o podnebnih spremembah pri zmanjševanju družbeno-ekološke ranljivosti in neenakosti ter oblikovati inovativne pravne ali politične posege v tej smeri.	– Understand key principles and concepts of climate change law, including its interdisciplinary links to science and policy. Identify and evaluate significant actors and institutions, and governance levels involved in shaping climate change legal framework. – Explain the role of legal frameworks in addressing climate change mitigation and adaptation, and their intersection with socio-ecological challenges like biodiversity loss, pollution and equity. – Apply interdisciplinary approaches to analyze legal cases or policy frameworks addressing climate change, incorporating insights from science, economics, or public policy. – Critically examine the strengths, weaknesses, and gaps in existing climate change legal frameworks and litigation strategies. – Evaluate the effectiveness of climate change laws in reducing socio-ecological vulnerabilities and inequalities, and design innovative legal or policy interventions in those direction

Metode poučevanja in učenja:

Oblike dela:
☒ Frontalna oblika poučevanja ☒ Delo v manjših skupinah oz. individualno ☒ Samostojno delo študentov ☒ študij s pomočjo IKT tehnologije ☐ drugo (vpišite) _____

Learning and teaching methods:

Types of learning/teaching:
☒ Frontal teaching ☒ Work in smaller groups or individual work ☒ Independent students work ☒ studies using ICT technology ☐ other _____

Metode (načini) dela:	Teaching methods:
☒ Razlaga	☒ Explanation
☒ Razgovor/ diskusija/debata	☒ Conversation/discussion/debate
☒ Delo z besedilom	☒ Work with texts
☒ Proučevanje primerov raziskav	☒ Research case studies
☒ Igra vlog	☒ Role-play
☒ Druge vrste nastopov študentov	☒ Different presentation
☒ Reševanje nalog/vaje	☒ Solving exercises/study exercises
☒ Študijski obiski podjetij ipd.)	☒ Field work (e.g. company visits)
☒ Vključevanje gostov iz prakse	☒ Inviting guests from companies
☒ Udeležba na okrogli mizi, na konferenci	☒ Attending round table and conference

Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt)	Teža (v %) / Weight (in %)	Assessment: Type (examination, oral, coursework, project)
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)		Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela	**50**	Public presentation of one's research
Končni ustni izpit		Final examination (oral)
Končni pisni izpit	**50**	Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Jerneja Penca je višja znanstvena sodelavka na Znanstveno-raziskovalnem središču Koper in predstojnica njegovega Mediteranskega inštituta za okoljske študije. Raziskuje vidike upravljanja družbeno-ekoloških sistemov na globalni, regionalni (EU, Sredozemlje) in nacionalni ravni. Njene raziskave zajemajo različne režime, vključno z biotsko raznovrstnostjo, podnebnimi spremembami, energetiko, ribištvom in onesnaževanjem s plastiko. Njena bibliografija je dostopna na https://bib.cobiss.net/biblioweb/biblio/si/slv/cris/38797.

Jerneja Penca is a Senior Research Fellow at the Koper Scientific Research Centre and Head of its Mediterranean Institute for Environmental Studies. Her research focuses on governance aspects of socio-ecological systems at global, regional (EU, Mediterranean) and national levels. Her research covers a variety of regimes including biodiversity, climate change, energy, fisheries and plastic pollution. Her bibliography is available at https://bib.cobiss.net/biblioweb/biblio/si/slv/cris/38797.