

International and European Biodiversity Law (B001579)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0

Study time 120 h

Course offerings and teaching methods in academic year 2023-2024

A (semester 2)

English

Gent

excursion

lecture

independent work

Lecturers in academic year 2023-2024

Cliquet, An

RE22

lecturer-in-charge

Offered in the following programmes in 2023-2024

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

offering

4

A

Master of Laws in Laws

4

A

Master of Laws in International and European Law(main subject European Union Law)

4

A

Master of Laws in International and European Law(main subject International and Human Rights Law)

4

A

Master of Laws in International and European Law(main subject International and National Legal Orders)

4

A

Master of Laws in European Union Law

4

A

Master of Laws in International and European Law

4

A

Master of Science in Maritime Science

3

A

Exchange Programme in Law

4

A

Teaching languages

English

Keywords

Biodiversity, nature conservation, sustainable management of natural resources, international biodiversity law, European biodiversity law

Position of the course

Nature and biodiversity (variation of life on Earth) are of fundamental importance for humans. Biodiversity loss is, next to climate change, the most serious environmental problem humans are facing. This course aims at giving students knowledge and insight in international and European biodiversity law. Attention is given to the importance of biodiversity, the problem of biodiversity loss, the causes and consequences of biodiversity loss for humans and possible solutions in international and European policy and law. Next to more conventional approaches (protection of threatened species and nature areas), new evolutions in policy and law will be introduced (e.g. protection of 'ecosystem services'; ecological restoration). Biodiversity policy and law is set in a broader context (relation between economy and nature, economic valuation of ecosystems, sustainable development, integration with other policy domains). Biodiversity law has an impact on various other aspects of law and policy and is crucial for building a more sustainable society, both local and global.

Contents

This course consists of five parts. A first part is an introduction on biodiversity and includes the ecological background (the role and loss of biodiversity, consequences of biodiversity loss) and the ethical and social background. A second part is a general introduction to biodiversity law (international and regional actors and

sources of biodiversity law; the legal regime of natural resources; measures for biodiversity conservation). A third part describes and evaluates the main international (global) instruments on biodiversity (including the Biodiversity convention, World Heritage Convention). A fourth part deals with conventions on the protection of specific ecosystems and specific species. A fifth part deals with EU policy and law on biodiversity (EU directives, relation with other policy domains). Specific attention is given to case law of the European Court of Justice relating to biodiversity and the impact thereof on economic activities.

Specific topics are dealt with by guest speakers (e.g. regulation of genetic modified organisms).

Students are asked to submit a short written contribution on a national court case on biodiversity law. Master students can write their paper in Dutch.

Throughout the classes, there will be several discussion moments. One specific theme (chosen by students) will be discussed thoroughly in a discussion class.

One or more field visits will be made to Flemish nature areas, in order to look at the application of European biodiversity law in practice.

Initial competences

- A general and basic knowledge on international law (sources of international law, treaty law, etc.) is recommended. No previous knowledge of international and European biodiversity law is required.
- The capacity to consult literature on international and European biodiversity law.
- To be willing to develop a critical, scientific and interdisciplinary attitude.

Final competences

- 1 To know general aspects of international and European biodiversity law (principles, main global and regional conventions, EU-Directives, international and European case law).
- 2 To have an insight in international and European biodiversity law.
- 3 The capacity to analyse legal and other sources of international and European biodiversity law.
- 4 To have attention for actualities relating to international and European biodiversity law.
- 5 The capacity for critical thinking on international and European biodiversity law.
- 6 To write a note about a legal case on biodiversity law.
- 7 To be open minded for concepts of other legal systems and other disciplines (ecology, environmental ethics and social sciences).
- 8 To be aware of the role of biodiversity law in achieving sustainability goals.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Excursion, Lecture, Independent work

Extra information on the teaching methods

Lectures: during the lectures an overview is given of international and European biodiversity law. Throughout the course questions are asked to the students in order to let students think along and increase their participation. One theme, chosen by students, is discussed in class

Independent work: each student writes a short note on a national court case about biodiversity law (for master students the note can be in Dutch).

Excursion: visit to one or more protected areas, guided by an expert.

For the students of the MSc in maritime sciences the excursions are not part of their programme.

Learning materials and price

- Cliquet A, International and European biodiversity law, Ghent University, 2022 (available on Ufora, free of charge).
- Cliquet A, International and European biodiversity law, powerpoint presentations, 2024 (available on Ufora, free of charge).
- Handouts of presentations of guest speakers (available on Ufora, free of charge).

Participation excursion: 10 euro.

References

- Bowman M, Davies P & Redgwell C, Lyster's International Wildlife Law, 2nd edition, Cambridge University Press, 2010.
- Gillespie A, Conservation, Biodiversity and International Law, Edward Elgar, 2011.
- Morgera E & Razzaque J (eds.), Biodiversity and Nature Protection Law, Encyclopedia of Environmental Law, Edward Elgar Publishing, 2017.
- Born, C.-H., Cliquet, A., Schoukens, H., Misonne, D. & Van Hoorick, G. (eds.), The Habitats Directive in its EU Environmental Law Context: European Nature's Best Hope?, Routledge, 2015, 510 p.

Course content-related study coaching

- Ufora
- Individual guidance (by email or on appointment)

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Written assessment with open-ended questions

Examination methods in case of periodic assessment during the second examination period

Written assessment with open-ended questions

Examination methods in case of permanent assessment

Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

Exam: general knowledge-focused questions, application-focused questions. Master students can answer the questions in Dutch.

Evaluation of the note on case law. For master students the note can be in Dutch.

Participation (during classes, workshop and excursion).

Calculation of the examination mark

- Periodic exam 60%
- Written paper 25%
- Participation 15%

Retake assignment: reworking the case-note (or submit an assignment if this had not been done)

Students who do not participate in all evaluations will be declared as unsuccessful for this course. In concrete terms, this means that if the final score is nevertheless a figure of ten or more out of twenty, the final score will be reduced to a figure of 7/20.

Facilities for Working Students

Work students are not obliged to attend the group discussion and excursion.

Evaluation is: exam 60%; paper 40%.