

LAWS6104: Human Rights and Climate Change-Induced Human Displacement

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description Climate change is today one of the top agendas in both domestic and international politics. The broad range of actors and systems that it impacts, such as humans and life, the earth, the oceans, the atmosphere and all in between, has prompted an unprecedented attention on the issue. There is also an acute focus on the great concern it poses for human rights protection. However, though the science of climate change has been established for a while now, the political, economic and social context within which we deal with climate change has meant that responses are slow. The existence of a wide array of actors and interests represented in the climate change debate continues to affect mitigation and adaptation strategies. Greenhouse gas emissions continue unabated. This hurdle relates both to dealing with climate change and its impacts. A recognition of the direct impact of climate change on current and future generations and the urgency with which the international community needs to act has therefore given rise to an advocacy strategy that puts human rights at the centre of policy debates.

This course will focus on issues at the intersection of climate change and human rights as they relate to a particular impact of climate change: the forced displacement of people from their abodes. It explores the institutions and actors as well as the international legal frameworks on climate change, human rights and forcibly displaced persons. Students will gain specialised knowledge of the impacts of climate change and the debates around approaches to dealing with them. The course further involves case studies that highlight the themes and considers special issues related to climate change. The course is primarily concerned with international law; however, students will have several opportunities to explore the interaction between international and domestic human rights protections.

The course is offered in a blended learning format to enable active learning and encourage student engagement with topical issues.

Skills Focus This course will focus on assisting students to develop the following skills:

- International awareness
- Policy analysis and law reform
- Critical thinking
- Writing

COURSE OUTLINE

Requisites	This course is only available to students who are enrolled in the Bachelor of Laws (Hons) or Juris Doctor/Graduate Diploma in Legal Practice or Master of Laws programs.
Assumed Knowledge	LAWS1010, LAWS1011, LAWS1020, LAWS1021, LAWS2030, LAWS3040, LAWS3041, and LAWS4001 OR LAWS6000, LAWS6001, LAWS6120, LAWS6121, LAWS6130, LAWS6140, and LAWS6141 OR be active in the Master of Laws program.
Contact Hours	Newcastle City Precinct Online Activity Self-directed 1 Hour per Week for Full Term Blended learning: Online learning module due for completion before class in the relevant week. Seminar Face to Face On Campus 2 hours per Week for Full Term
Unit Weighting	10
Workload	Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

CONTACTS

Course	Dr Samuel Berhanu Woldemariam
Coordinator & Lecturer	Email: Samuel.Woldemariam@newcastle.edu.au Consultation: Please email me to make an appointment. I am happy to meet with students in person, via zoom or by phone.
School Office	Newcastle Law School 5th Floor, NuSpace 409 Hunter Street Newcastle Law-School@newcastle.edu.au

SYLLABUS

Course Content	The topics in this course include the following: <ol style="list-style-type: none">1 Introduction to climate change, human rights and forced human displacement2 Understanding the scope of climate change-induced displacement3 Climate change and a human rights-based approach: Meaning, purpose and challenges
-----------------------	--

-
- 4 The Impact of Climate Change: Human Rights in Perspective
 - 5 Small Island Developing States (SIDS): Human Rights and Climate Risk
 - 6 Sub-Saharan Africa and Low-Lying States: Human Rights and Climate Risk
 - 7 Climate change-induced displacement and the United Nations
 - 8 Migration as adaptation
 - 9 Climate change and the State: Special issues
 - 10 Protection of “climate refugees” through law: Alternatives and solutions
 - 11 Climate change and Australia

**Course
Learning
Outcomes**

On successful completion of this course, students will be able to:

1. Demonstrate advanced understanding and knowledge of the key international principles and rules on human rights law with a focus on climate change-induced human displacement.
2. Demonstrate specialised understanding of existing human rights mechanisms and the gaps for addressing climate displacement.
3. Evaluate and critically analyse the role of key actors in human rights, climate change and climate-induced displacement.
4. Make professional contributions to the future development of law and policy.
5. Conduct high-level legal research, exploring primary and secondary materials, in order to generate and justify theoretical and practical legal propositions.
6. Prepare and present cogent arguments, orally and in writing, that are persuasive for a legal audience.

**Course
Materials**

There is **NO** set textbook that students are required to purchase for this course. Readings for the course will be set from articles, reports, treaties, or other sources each week and included in the weekly online learning module. It is essential that students complete their set readings and review materials provided in the course site prior to each week's seminar. The seminar classes are meant to be interactive and this will be compromised if students are not prepared. Set readings will be kept to a minimum to ensure that they can be completed on time each week.

When conducting research in this course, students should consult a range of texts, with particular emphasis on primary international legal materials and high-quality academic books and journal articles. Some helpful textbooks and materials, available in or accessible through the library or online, can provide early insights into particular topic areas. These include:

Books:

- McAdam, J. (2010). *Climate Change and Displacement: Multidisciplinary Perspectives*, Bloomsbury Publishing.
- McAdam, J. (2012). *Climate Change, Forced Migration, and International Law*, OUP Oxford.

- Sumudu Atapattu (2016). *Human Rights Approaches to Climate Change: Challenges and Opportunities*, Routledge.
- Gates, Bill, *How to Avoid a Climate Disaster: The Solutions We Have and the Breakthroughs We Need* (Penguin Books Limited, 2021)

Book Chapters and Journal Articles:

- Thornton, F. (2012). "Climate Change, Displacement and International Law: Between Crisis and Ambiguity." *Australian Year Book of International Law* 30: 147.
- Maguire, Amy and Jeffrey McGee, 'A Universal Human Right to Shape Responses to a Global Problem? The Role of Self-Determination in Guiding the International Legal Response to Climate Change' (2017) 26(1) *Review of European, Comparative & International Environmental Law* 54-68.
- Maguire, A. (2020). *Research Handbook on Climate Change, Oceans and Coasts. Climate change-related displacement of coastal and island peoples: human rights implications*, Edward Elgar Publishing: 152-173.
- Wong, D. (2013). "Sovereignty Sunk? The Position of 'Sinking States' at International Law." *Melbourne Journal of International Law* 14: 1-46.
- Philip, T. (2018). "Climate Change Displacement and Migration: An Analysis of the Current International Legal Regime's Deficiency, Proposed Solutions and a Way Forward for Australia Climate Change Displacement and Migration." *Melbourne Journal of International Law* 19: 1-27.
- Sinden, A. (2007). "Climate Change and Human Rights." *Journal of Land, Resources, Environmental Law* 27(2), 255.
- Limon, Marc, 'Human Rights and Climate Change: Constructing a Case for Political Action' (2009) 33(2) *Harvard Environmental Law Review* 439-476.
- McCarney, Rosemary and Jonathan Kent, 'Forced displacement and climate change: Time for global governance' (2020) 75(4) *International Journal* 652-661.

Research reports and data:

- IPCC, 2023: Summary for Policymakers. In: *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001
https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf
- Internal Displacement Monitoring Centre/Norwegian Refugee Council (IDMC/NRC), *GRID2023: Internal Displacement and food security*, Global Report on Internal Displacement 2023. (https://www.internal-displacement.org/sites/default/files/publications/documents/IDMC_GRID_2023_Global_Report_on_Internal_Displacement_LR.pdf)
- Climate Change and Migration: Improving Methodologies to Estimate Flows, IOM Migration Research Series, No. 33.
(Available at <https://publications.iom.int/system/files/pdf/mrs-33.pdf>)

TIMETABLE

There is one seminar scheduled for this course and all students should be enrolled in this class:

- Wednesday, 4pm-6pm, X-401

SCHEDULE

Week	Seminar Date	Seminar Topic	Content	Assessment Due
1	28 Feb	Introduction to climate change, human rights and forced human displacement: Part 1	<ul style="list-style-type: none"> • The science of climate change; • The international legal frameworks on climate change; • Institutions and actors. 	
2	6 Mar	Introduction to climate change, human rights and forced human displacement: Part 2	<ul style="list-style-type: none"> • What does human rights have to do with climate change? • Climate risk as a function of exposure and vulnerability; • The international legal framework governing forced human displacement. 	
3	13 Mar	Understanding the scope of climate change-induced displacement	<ul style="list-style-type: none"> • How big a problem is it? • Current and projected displacements; • Challenges and gaps to understanding the climate-displacement nexus. 	MCQ in Learning Module
4	20 Mar	Climate change and a human rights-based approach: Meaning, purpose and challenges	<ul style="list-style-type: none"> • What is a human rights-based approach? • What are its advantages? • What are the challenges? • Comparative approaches. 	
5	27 Mar	The Impact of Climate Change: Human Rights in Perspective	<ul style="list-style-type: none"> • How does climate change impact specific rights? • What are the specific rights impacted by climate change? • Climate change impacts and vulnerable groups. 	MCQ in Learning Module
6	3 Apr	Case study 1: Small Island Developing States (SIDS): Human Rights and Climate Risk	<ul style="list-style-type: none"> • What are SIDS? • What climate risks do they face? • Their exposure and vulnerability to climate change impacts; • The risk of forced human displacement. 	
7	10 Apr	Case study 2: Sub-Saharan Africa and Low-Lying States: Human Rights and Climate Risk	<ul style="list-style-type: none"> • What climate risks do these states face? • Their exposure and vulnerability to climate change impacts; • The risk of forced human displacement. 	MCQ in Learning Module
Semester 1 Recess (15-26 April)				
8	1 May	Climate change-induced displacement and the United Nations	<ul style="list-style-type: none"> • The UN General Assembly: Resolutions and declarations; • UN Office of the High Commissioner for Human Rights: Resolutions, studies and 	

			<p>comments;</p> <ul style="list-style-type: none"> • The UN Human Rights Committee and individual complaints. 	
9	8 May	Migration as adaptation	<ul style="list-style-type: none"> • The concepts of adaptation and mitigation; • Migration as adaptation; • Existing laws and mechanisms • Challenges. 	MCQ in Learning Module
10	15 May	Climate change and the State: Special issues	<ul style="list-style-type: none"> • Statehood and disappearing territories; • State without a population? 	
11	22 May	Protection of “climate refugees” through law: Alternatives and solutions	<ul style="list-style-type: none"> • Explore alternatives to protection of “climate refugees”; • Challenges to protection • Unique solutions? 	MCQ in Learning Module
12	29 May	Climate change and Australia	<ul style="list-style-type: none"> • Australia and climate change risk: Exposure and vulnerability; • Response to climate change; • Indigenous people and climate change risk. 	
13	5 June	No seminar in Week 13	Research essay due through Turnitin by 11.59pm on Friday 7 June	

ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name*	Due Date	Involvement	Weighting	Learning Outcomes
1	Online quizzes	Five x Five question multiple choice quizzes to be taken in online learning modules in Weeks 3, 5, 7, 9 and 11	Individual	20%	1, 2, 3
2	Discussion paper and group presentations in a seminar format	Topics and dates to be allocated in Week 1 class with presentations commencing either in Week 5 or 6.	Group	40%	1, 2, 3, 4, 5, 6
3	Research Essay	Friday 7 June at 11.59pm	Individual	40%	1, 2, 3, 4, 5, 6

* Students are advised that all assignments in the course are to be entirely their own work, with of course appropriate citation of any sources directly quoted or paraphrased. Use of Chat GPT or similar programs to generate answers to these questions may constitute academic misconduct. The AI detector software in Turnitin may be used to evaluate assessments.

To ensure that grades are fair both within and between courses and cohorts, Newcastle Law School has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews

all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

Late Submissions The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Assessment 1 – Online quizzes

Assessment Type Online Quizzes

Description Students will be required to complete an online learning module in this course each week. In five of those weeks, the online learning module will conclude with a five question multiple-choice quiz, which will be answered and marked within Canvas. Students should undertake the quizzes after completing the elements of the online learning modules which will include set readings, audio-visual materials and relevant news articles. The questions will be drawn from these contents and the class lecture. Students will receive their results through Canvas once the quiz has closed and correct answers will be discussed in seminars.

Weighting 20% (twenty five questions in total, with each worth 0.8 mark)

Due Date By **11.59pm Friday** in Weeks 3, 5, 7, 9 and 11. Students will have 20 minutes to complete the MCQ (5 questions in the relevant week) and the questions should be completed in one go. They **cannot** be saved and retrieved later.

Submission Method Through Canvas. The quizzes will be available in the ‘Assignments’ tab in the course Canvas site.

Assessment Criteria Each test includes five questions, each of which is worth 0.8 mark. Four multiple-choice options will be given for each question posed. One of these will be the best/correct answer. **Students are advised that these quizzes should be taken independently. Collusion in completing this assessment task would constitute academic misconduct.** It is important that students complete these quizzes alone to accurately assess their own progress in the course.

Feedback provided Marks available once the quiz has closed and answers will be discussed in the subsequent seminar.

Assessment 2 – Discussion Paper and Seminar Presentation

Assessment Type In seminar presentation of discussion paper

Description Students are to develop a presentation that addresses the question(s) posed for the relevant week. Presentations will last for 10 minutes each. Students can, **but are not required to**, use PowerPoint, Prezi or a similar program to develop a visual presentation tool. As part of the presentation, students are required to make a written submission of a position paper of between 1,500-2,000 words on the presentation topic. More extensive guidelines will be provided in class.

Weighting	40%
Due Date	Dates and topics to be assigned in Week 1 – presentations to commence either in Week 5 or 6
Submission Method	10 minute in-class presentation and a written submission of between 1,500-2,000 words.
Assessment Criteria	<p>I. Quality of oral presentation, including:</p> <ul style="list-style-type: none">a) A sound structure that is easy to followb) Confident voice and engagement with class through eye contactc) Good organisational skills and adherence to the time allocated <p>II. Content of presentation and written submission, including:</p> <ul style="list-style-type: none">a) Clear explanation of the relevant legal and policy issuesb) Sound knowledge of the field and understanding of the context of the issuesc) Demonstration of high-level research and the use of a range of relevant primary and secondary sourcesd) Capacity for critical evaluation, analysis and sustained argument <p>III. Quality and content of written submission</p> <ul style="list-style-type: none">a) Capacity to locate and use primary and secondary sources on the topic effectively and efficiently. High quality submissions will evidence a systematic study of appropriate academic sources.b) Capacity to develop and sustain sophisticated arguments in response to the set topic. High quality essays will include analysis of the relevant sources, alongside independent critique.c) Developing capacity to contribute to the maintenance and reform of the legal system, by critically engaging with the current state of the law and the potential for law reform in the relevant area.d) Quality of written expression. High quality submissions will be clearly written and structured, concise, and persuasive.
Feedback provided	Mark and feedback provided on rubric within three weeks following presentation.

Assessment 3 – Research Essay

Assessment Type	Essay
Description	Students will be required to answer one of a selection of research essay topics. This is the major assessment in this course. It provides students with an opportunity to demonstrate that they have developed high-level critical and analytical skills in the areas studied in the course. The research essay topics will be on issues at the intersection of human rights, climate change and forced displacement. The word limit for this assessment is a maximum of 1,700 words. The word limit includes headings, footnotes (as long as these are restricted to referencing) or the bibliography. (N.B. This assessment requires a bibliography).
Weighting	40%
Due Date	11.59pm on Friday 7 June
Submission Method	Through the Turnitin portal on the course Canvas site (no hard copy required)

- Assessment Criteria**
- I. Capacity to locate and use primary and secondary sources on the topic effectively and efficiently. High quality essays will evidence a systematic study of appropriate academic sources.
 - II. Capacity to develop and sustain sophisticated arguments in response to the set topic. High quality essays will include analysis of the relevant sources, alongside independent critique.
 - II. Developing capacity to contribute to the maintenance and reform of the existing legal and institutional frameworks, by critically engaging with the current state of the law and the potential for law reform in the relevant area.
 - V. Quality of written expression. High quality essays will be clearly written and structured, concise, and persuasive.

Feedback provided Mark and comments will be provided on the Canvas course site.

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include: Canvas, email and in-person communication in seminars.

Course Evaluation	Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.
Academic Misconduct	All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to https://policies.newcastle.edu.au/document/view-current.php?id=35
Adverse Circumstances	You are entitled to apply for special consideration because adverse circumstances have had an impact on your performance in an assessment item. This includes applying for an extension of time to complete an assessment item. Prior to applying you must refer to the Adverse Circumstances Affecting Assessment Items Procedure, available at https://policies.newcastle.edu.au/document/view-current.php?id=236 . All applications for Adverse Circumstances must be lodged via the online Adverse Circumstances system, along with supporting documentation.
Important Policy Information	The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.