



FACULTY
of LAW
UNIVERSITY of the
WESTERN CAPE



GLOBAL
ENVIRONMENTAL
LAW CENTRE



Students are invited to register for this pioneering and brand-new module included in the Environmental Law LLM at the University of the Western Cape's Global Environmental Law Centre (GELC).

Introducing Constitutional Law and Nature

The world has entered a new geological epoch whereby Earth's ecological and planetary systems are dominated and altered by human activity. This era, described as the 'Anthropocene' is characterised by socio-economic converging crises including climate change, Earth system degradation and decay, irreversible impacts on planetary integrity, pandemics, unprecedented habitat and biodiversity loss, ocean acidification and mass animal and species extinction, among others. The current regulatory frameworks are justifiably often criticised for being wholly inadequate and antiquated - failing to properly account for the current situation facing our planet - rather sanctioning its destruction.

The Anthropocene signals the tipping point of the relationship between the human and non-human world and signifies an urgent need for radical regulatory reforms, particularly in the context of governance and the articulation and protection of rights, beyond the Homo sapiens species.

In an effort to rethink and reconfigure governance to address the crises of the Anthropocene, there have been dedicated movements and efforts towards a more 'Nature', 'ecocentric' or 'Earth' centred approaches to law and rights. This can be seen through the emergence of discourse and efforts relating to human / anthropocentrically framed environmental rights (in constitutions and otherwise) as well as the explicit recognition that Nature (or Earth) should be acknowledged itself, as a holder of rights - a legal subject for protection in constitutional or legal texts, and for vindication by constitutional and other courts. This paradigm shift is often linked to 'environmental constitutionalism', 'Earth jurisprudence' and 'rights of Nature'.

In parallel, is a growing global movement for the legal protection of nonhuman animals through the 'animal rights' and 'animal welfare' movements and more recently, the field of 'animal law'. While certain aspects of this can fall under the rights of Nature approach (as animals can be considered as a component or part of Nature), the animal protection movement diverges from the rights of Nature approach in various ways including acknowledging the need to protect not only species, and protecting animal interests for the sake of humans (animal welfare), to also recognising their sentience and intrinsic worth as individuals with rights of their own (animal rights). This pioneering new module at the University of the Western Cape's (UWC) Global Environmental Law Centre (GELC), aims to challenge current planetary governance systems and to question their appropriateness to deal with the current realities facing Earth. Furthermore, it will interrogate concepts of justice and who or what is deemed worthy of protection in legal systems around the world. Through bringing together fundamental concepts and topics in the converging fields of environmental law, constitutional law, human rights, rights of Nature, animal law and international law and space law, it will explore and interrogate some of the most critical and difficult legal questions of our current time. The module aims to equip students with the necessary critical thinking skills and knowledge to analyse and debate the value and legitimacy of constitutionalism and its potential for both harming and strengthening the recognition and protection of Nature (and all of its components - both human and nonhuman). Over the semester, this module will examine the philosophical and jurisprudential bases for the current status of stakeholders including Nature and non-human animals in contemporary legal systems and will discuss the history of, and future trends, regarding that status. Against the background of realities and the new constitutional dispensation in South Africa, students will critically engage with the various scientific, ethical and public policy considerations which are implicated in balancing the interests of human beings, Nature as well as non-human animals. Some of the topics covered in this module include: legal personhood and rights of Nature, animal rights and animal welfare, sustainability, development, transformative environmental constitutionalism, Earth jurisprudence, social justice, intrinsic worth, standing, adjudication and enforcement mechanisms; the role of specific stakeholders including government and corporations; and future forward approaches to governance beyond planet Earth.

This module forms part of the LLM in Environmental Law.

For a full description of the LLM and its module offerings click the button below:

LLM IN ENVIRONMENTAL LAW

This module is developed and lectured by:



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