

Ed. 8



Winter Semester
2024-2025



UNIVERSITÄT
ZU KÖLN

- WE ARE CELEBRATING -



YEARS
**ENVIRONMENTAL
LAW CENTER**

THE GREEN SHEET

ELC Semester Update



OPENING STATEMENT

THE GREEN SHEET

Although it was only a little over five years ago that we began our Environmental Law Center, the spring of 2019 was a different world. It was pre-COVID and even the IPCC Assessment Report 2018 said that we still had twelve years to limit climate change catastrophe. But that twelve years has quickly melted down to six years. The overturing (the literal meaning from the Greek "catastrophe") is obviously already begun — fires, hurricanes, earthquakes and floods, even in the Sahara desert. We must change.



Accelerated by the psychological pressures of the COVID pandemic experience, research now however recognizes that many people suffer from ecodpression or ecoanxiety. Yet, the response should not— cannot — be that "the world is a bad place, so get used to it" (by changing your expectations). We can still do something to slow climate change, slow the loss of biodiversity, and take control of the future. (See the book by jurist Dr. Roda Verheyen and journalist Alexandra Endres, Wir alle haben ein Recht auf Zukunft: Eine Ermutung).

But "doing something" requires change. The evidence from earth systems science makes clear that our current habits and practices cannot continue. At its simplest level, it is rather absurd to think that we can continue the same habits of technology, economics, natural sciences, social sciences and law to fix the very problems created by those habits.

But change is difficult. Change means to re-direct our efforts away from things in which, based upon our past understanding, we are already invested and for which we have prepared.

The need to change makes us unsettled. Sometimes the demand that we change makes us angry. But if we follow the science, change we must. In that regard, law plays several roles.

First, as changing norms demand new habits, legislation can reflect the newly agreed-upon norms. And when norms are set with regard to the natural environment upon which we depend, they are often educative, especially when they provide prescriptions from natural science's descriptions. That can be regarded as an educative function. But new norms are not automatically implemented. Clearly that is not the case. Then law has an advocacy function. So while we can and should celebrate the important work at the ELC, the proper context in which to see those five years is the IPCC's twelve years to limit climate change catastrophe. In the words of Dr. Verheyen and Endres — we all have a right to a future. You can accept the mess and learn to live with it or change it. Be encouraged to change it.

**Prof. Dr. Kirk W. Junker, Director, Environmental Law Center
Cologne, October 14, 2024**



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5 YEAR ANNIVERSARY SPECIAL

This past summer semester, on April 6, 2024, we reached a remarkable milestone as we celebrated the 5th anniversary of the Environmental Law Center — a journey filled with profound learning, growth, and meaningful contributions in pursuit of environmental justice.

From numerous "How to Become an Environmental Lawyer" sessions and various environmental law lectures to field trips across Germany and India, where we explored environmental challenges firsthand, these experiences have shaped the future of passionate advocates ready to make a difference.

We have also taken insightful excursions within Germany to waste water plants and recycling plants, learning about the vital intersection between waste (water) management and environmental law.

A highlight of our journey was the symposium at the Administrative Court of Cologne on 10 April 2024, where Professor Dr. Kirk W. Junker's opening speech from April 6 2019 still resonates: "The signature of this Environmental Law Center distinguishes it from others and gives it meaning through five features..." His words — about how practice shapes theory, our international reach, the integration of public and private concerns, and the belief that law is a part of culture — have guided us through these years. The principles of interdisciplinarity and cooperation with both the natural and social sciences remind us that environmental law is never isolated but part of a larger ecosystem.

As we look back, we are grateful for the legal opinions and amicus curiae briefs that have allowed us to actively shape practice, the international perspectives our members and guest scholars bring, and the shared commitment to creating a sustainable future. A heartfelt thank you to everyone who has supported us along the way. Together, we'll keep pushing boundaries, driving sustainable change, and working towards a better future for our planet!

As we celebrate our anniversary, let's take a moment to look back on the highlights of the past five years and testimonials from ELC members!



5 YEAR ANNIVERSARY SPECIAL

Environmental Law Certificate: A Summary of My Highlights

by NAOMI DOFFING, Student Assistant at the ELC

When I took Prof. Dr. Kirk W. Junker's course "Environmental Law: Basics and Comparative Studies" in 2020, I had not even yet applied for the Environmental Law Certificate Program. Instead, I just wanted to take the course as part of my CUSL Certificate. Now, four years later, after successfully completing the Environmental Law Certificate, I can look back on a time filled with many highlights and experiences. One of them was the opportunity to publish a paper in "[The Journal of Health, Environment, & Education](#)" after my group partner Millie Anstee (now a graduate of the IMES program) and I had worked on this paper for a course in the Environmental Law Certificate.

In 2021, I visited the "Müllverwertungsanlage" in Bonn and in 2022 I trudged through the Wadden Sea looking for lugworms. Another highlight, perhaps THE highlight was a trip to India in March 2023 as part of the Biodiversity Law Seminar, taught by Prof. Kumar, Director of the Institute of Environment Education and Research, BVIEER, India. Over the course of two weeks, we visited Prof. Kumar's institute in Pune and traveled across India to Kanha National Park with students of the Environmental Law Certificate Program, the IMES program, and environmental science students from the University in Pune.

Overall, the Certificate showed me that environmental law is inextricably intertwined with the natural, mathematical, and social sciences, and that solutions to environmental problems can only be found through interdisciplinary collaboration.

Being part of the program gave me the opportunity to meet many great people, students as well as professors and practitioners from many different fields and backgrounds from all over the world.



5 YEAR ANNIVERSARY SPECIAL

HERE ARE SOME IMPRESSIONS FROM OUR

Field trips to Pune/India



Internship at the ELC – an opportunity not to be missed!

by HALINA JAGIELSKA, Research Fellow 2024

Six months have passed since the conclusion of my internship at the Environmental Law Center and I would like to take this opportunity to reflect on my experience as a research fellow during the summer semester 2024.

Erasmus internship – how and why?

The first matter to be commented on would naturally be the application process for the internship. My collaboration with the Environmental Law Center was based on the Erasmus+ Traineeship scheme. This way of gaining international experience can be especially interesting for university students who already have a certain interest regarding their possible career path because it is important to take the initiative.

The traineeship agreement is to be signed between the home university (which distributes the obligatory financial support to the trainees) and a hosting institution. However, it is the prospective intern who has to facilitate the contact between the institution and take initiative on negotiating the structure of their future tasks.

All this can certainly be a good management and communication exercise for the applying student, even before the traineeship begins. The home university's International Office can provide invaluable help to students during the process.

Research activities at the Environmental Law Center

During my research stay in Cologne, I was fortunate enough to participate in a diverse selection of tasks, starting from the revision of teaching materials, preparation of short articles to be published, up until joining internal research meetings and lectures. The collaboration is still ongoing, as I am currently preparing a chapter on Polish environmental regulations for the joint publication of Comparative Environmental Law Regulation. The ELC staff have warmly welcomed me to the team and were always available to answer any questions coming with the new tasks I was assigned to. Being a part of the bigger structure of the University of Cologne gave me great opportunities to collaborate with other teaching centers, including the Institute of Energy Economics and the Institute of Eastern European and Comparative Law.

City of Cologne – a vibrant Erasmus experience

For me, being able to participate in the city life of Cologne has been a remarkable experience, not only because I was able to refine my German language skills, but also see the Carnival's week and take several trips around Nordrhein-Westfalen. Living in the international environment of Cologne has definitely been an enriching experience which has left me with many long-lasting friendships.

„Das ELC ist ein einzigartiges Programm, das mir tiefgehende Einblicke in eine Vielzahl von Themen im Bereich Klimaschutz und Nachhaltigkeit gegeben hat. Es hat mein Interesse am Klimaschutzrecht geweckt und mich motiviert, eine Karriere in diesem juristischen Bereich zu verfolgen.“

Marlene Herzig

Wissenschaftliche Mitarbeiterin am ELC

Nach dem Environmental Law Certificate ist vor dem Environmental Law Certificate: Möglichkeiten zur Weiterbildung im Umweltrecht

by MARLENE HERZIG, Research assistant at the ELC

Das Environmental Law Certificate (ELC) bietet eine hervorragende Möglichkeit, erste interdisziplinäre Einblicke in das spannende Rechtsgebiet des Umweltrechts zu erhalten. Doch das Absolvieren von vier Kursen und der Besuch einer ELC-Veranstaltung reichen natürlich längst nicht aus, um das Umweltrecht in all seinen Aspekten zu verstehen. Welche Möglichkeiten gibt es also, um noch tiefere Einblicke in das Umweltrecht zu erhalten und auch praktische Erfahrungen zu sammeln, um sich möglicherweise in Zukunft zu spezialisieren?

Praktikum und juristischer Vorbereitungsdienst (Referendariat):

Freiwillige oder Pflichtpraktika im Studium bieten eine gute Gelegenheit, um das während des Zertifikatsstudiums erworbene theoretische Wissen schon frühzeitig in der praktischen Anwendung zu vertiefen. Viele deutsche, europäische und internationale Behörden, Verbände oder Kanzleien auf dem Gebiet des Umweltrechts bieten Studierenden und Graduierten die Möglichkeit, für einige Wochen oder Monate in den Arbeitsalltag einzutauchen

Auch im juristischen Vorbereitungsdienst (Referendariat) gibt es wieder viele Möglichkeiten, um das Wissen im Bereich des Umweltrechts zu vertiefen und praktische Erfahrungen zu sammeln. Insbesondere die Verwaltungs- oder Wahlstation eröffnet vielen Referendar*innen die Tür zu deutschen Behörden, internationalen Organisationen oder NGOs im Umweltrecht:

- [Vereinte Nationen](#)
- [European Environment Agency](#)
- [Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz](#)
- [Bundesamt für Naturschutz](#)
- [Umweltbundesamt](#)
- NGOs wie [Greenpeace](#), [ClientEarth](#), o.Ä.
- [Ministerium für Umwelt, Naturschutz und Verkehr des Landes Nordrhein-Westfalen](#) sowie der anderen Länder

Die Länder handhaben dies jedoch teils restriktiv; so lassen viele Länder eine Verwaltungsstation bei Behörden außerhalb des eigenen Landesgebiets und der eigenen Jurisdiktion (einschließlich Bundesbehörden) nicht zu.

5 YEAR ANNIVERSARY SPECIAL

Aufbaustudiengänge:

Hat man vom Studieren noch nicht genug, kann man im Wege eines Aufbaustudiums in Form eines LL.M.s oder eines anderen Masterprogramms bestimmte Aspekte im Umweltbereich vertiefen. Die LL.M.-Programme der Universitäten weltweit bieten zunehmend Spezialisierungen im Umweltrecht und Klimarecht an. Erste Einblicke in das vielfältige und weitreichende Angebot lassen sich beispielsweise über die LL.M.-vergleichende Internet-Plattform „[LL.M.-Guide](#)“ gewinnen. Die Website „[LL.M.-Essentials](#)“ bietet systematische Informationen über US-amerikanische LL.M.-Studiengänge, den Bewerbungsprozess, usw. Unser wissenschaftlicher Mitarbeiter Tim Nau hat einen [Bericht zu seinem LL.M.-Studium mit einer Spezialisierung im Energy & Environmental Law in Washington, D.C. verfasst.](#)

Und ich selbst habe gerade mein LL.M.-Studium mit einer [Spezialisierung im Energy and Climate/Environmental Law an den Universitäten Groningen \(Niederlande\) und George Washington University Law School](#) begonnen.

Es gibt auch Masterprogramme außerhalb der Rechtswissenschaften, die sich für Jurist*innen eignen, die sich im Umweltbereich weiterbilden möchten. So bietet die Universität zu Köln beispielsweise den [International Master of Environmental Sciences \(IMES\)](#) an, der auch durch Absolvent*innen der Rechtswissenschaften belegt werden kann. Dabei handelt es sich um ein zweijähriges Masterprogramm, das sowohl natur- als auch sozialwissenschaftliche Inhalte vermittelt. Wem der interdisziplinäre Bezug des ELCs gefallen hat, ist hier also genau richtig.

Promotion:

Eine Promotion ermöglicht die vertiefte Auseinandersetzung mit kniffligen Rechtsfragen des Umweltrechts.

Rechtsprobleme aus der Praxis bieten oftmals den Anlass, sich über mehrere Jahre eingehend mit einer Thematik zu befassen und diese von allen Seiten zu beleuchten. Auch rein theoretische oder akademische Arbeiten sind möglich. Am Environmental Law Center arbeiten derzeit mehrere Promotionsstudierende zu vielfältigen aktuellen Themen mit nationalem, internationalem und/oder rechtsvergleichendem Umwelt- und Klimarechtsbezug. Marvin Jürgens forscht derzeit bspw. rechtsvergleichend zu Klimaschutzgesetzen, die laufend den Gegenstand von Auseinandersetzungen in den Gesetzgebungsorganen, in der Bevölkerung sowie vor Gerichten bilden. Saskia Münster wiederum promoviert über Rechtsschutz im Umweltrecht und den weltweiten Trend hin zu spezialisierten Umweltgerichten.

5 YEAR ANNIVERSARY SPECIAL

Ehrenamtliches Engagement:

Wer nicht nur theoretisch, sondern auch praktisch im Bereich des Umweltrechts tätig werden will, der kann sich ehrenamtlich bei einer der vielen NGOs oder Initiativen engagieren, die sich für den Klima- und Umweltschutz einsetzen. Einzelne Initiativen, bei denen man seine bereits vorhandenen Umweltrechtskenntnisse einsetzen kann, haben bereits mit dem Environmental Law Center zusammengearbeitet.

- [Roots – die Umweltrechtsklinik](#)
- [Lawyers for Future](#)
- [Climate Clinic](#)
- [Stop Ecocide](#)

Abgesehen von den hier benannten Möglichkeiten, sich umweltrechtlich fortzubilden, besteht natürlich weiterhin die Möglichkeit, an den vielfältigen Angeboten des Environmental Law Centers teilzunehmen. Und egal, für welchen Weg man sich auch entscheidet, jede Weiterbildung im Bereich des Umweltrechts ist nicht nur eine persönliche Bereicherung, sondern bringt uns auch ein kleines Stück näher an eine klimagerechtere und umweltbewusstere Welt.

UPCOMING EVENTS IN WINTER SEMESTER 2024/25

“How to become an Environmental Lawyer”

mit Philipp Schiller vom *Umwelt- und Verbraucherschutzamt der Stadt Köln*

6. November, Mittwoch/8:00 bis 9:30 Uhr

Auch in diesem Semester bietet das ELC die Möglichkeit, etwas über den Beruf des/der Umweltjurist:in zu erfahren. Dieses Mal wird **Rechtsanwalt Phillip Schiller vom Umwelt- und Verbraucherschutzamt der Stadt Köln** am ELC zu Gast sein. Der Vortrag findet im Rahmen der Vorlesung “**Umweltrecht im Planungs- und Genehmigungsverfahren**” von Dr. Andreas Hamacher statt.

Zum Aufgabenbereich des Umwelt- und Verbraucherschutzamtes gehören:

- Umweltplanung und -vorsorge
- Landschafts-, Baum- und Artenschutz
- Boden- und Grundwasserschutz
- Immissionsschutz-, Wasser- und Abfallwirtschaft
- Lebensmittelüberwachung
- Veterinärämtliche Aufgaben
- Altdeponiestilllegung und -überwachung

Erfahren Sie gemeinsam mit anderen Teilnehmenden, welche Rolle Umweltjurist*innen in diesem Zusammenhang spielen!

Wir bitten um Anmeldung unter **environmental-law-center@uni-koeln.de**.

Die Teilnahme an der Veranstaltung kann auf das Environmental Law Certificate angerechnet werden.



UPCOMING EVENTS IN WINTER SEMESTER 2024/25



Successful participation in these lectures may be credited towards the Environmental Law Certificate.

Lecture in US Environmental Law – Prof. Dr. Kirk W. Junker

Weekly Zoom lecture in English, Thursdays/10:00 – 11:30 AM

Objectives:

Upon successful completion of this course in US Environmental Law students should:

- Understand the role of law in addressing societal problems in the U.S. related to human exploitation of nature, as presented by natural and social sciences.
- Become familiar with sources of U.S. environmental law, including federal and state constitutions, statutes, administrative regulations, and binding court decisions at both the federal and state levels.
- Gain knowledge of U.S. environmental law institutions, including federal and state legislatures, executive agencies, and scientific institutes.
- Become better lawyers within their own legal system by studying a foreign system, which is the main goal of any comparative legal study.

Vorlesung im Umweltrecht: Umweltrecht im Planungs- und Genehmigungsverfahren - Dr. Andreas Hamacher

Wöchentliche Zoom Vorlesung auf Deutsch, mittwochs/8:00 – 9:30 Uhr

- Im Mittelpunkt der Vorlesung steht weiterhin das deutsche Umweltrecht nun im Kontext eines Planungs- und Genehmigungsverfahrens. Zu diesem Zweck wird das Genehmigungsverfahren einer fiktiven Anlage behandelt.
- Die Vorlesungen werden virtuell abgehalten.



UPCOMING EVENTS IN WINTER SEMESTER 2024/25

Biodiversity Law - Prof. Dr. Shamita Kumar

Weekly Zoom lecture in English, Thursdays/09:00 – 10:30 AM

We are very pleased to announce that we will be able to offer the interdisciplinary **Biodiversity Law Seminar** in the WS24/25 in cooperation with the Bharati Vidyapeeth University, Pune (India).

The seminar is structured as follows:

- The weekly online lectures will be given by Prof. Dr. Shamita Kumar via Zoom.
- An examination will have to be taken in order to have the course credited towards your certificate.
- In addition, a field excursion will be offered.

Successful participation in this lecture may be credited towards either a mandatory law or science lecture of the Certificate program. Prior registration is mandatory:

E-Mail to **environmental-law-center@uni-koeln.de** or via **Klips 2.0**



Environmental Law: Basics and Comparative Studies - Prof. Dr. Kirk W. Junker

Weekly on-site lecture in English, Fridays in H115/10:00 - 11:30 AM

In this course, students will discuss the basic subject matter of environmental law before they can begin the difficult and scientific process of comparison. Environmental law has been a discipline of its own since approximately 1970. Since that time, one can find laws made by the state in India, Germany, the United States and many other countries of the world. Some states developed their own environmental law, while others were prompted by commitments to international conventions before domestic environmental law was developed. In its first generation, environmental law came about as an attempt to provide specific legal tools to conserve natural resources and protect human health and the natural world. In its second generation, through the principle of sustainable development, environmental law now also includes economic and social concerns. And it is also in this second generation of environmental law that we realize that environmental problems are worldwide and may be solved in a variety of ways by different states through law.

UPCOMING EVENTS IN WINTER SEMESTER 2024/25

Vorbereitungsseminar: Klimaschutzrecht im Mehrebenensystem - Marvin Jürgens, Dipl. Jur.

Klimabeschluss, Green Deal, Klimaseniorinnen, Sofortprogramme, Fahrverbote, Jahresemissionsgesamtmengen - 1,5°C-Ziel. Die globale Klimakrise ist nicht nur Gegenstand der Naturwissenschaften, sondern auch ein (oder DAS?) Problem, das rechtlicher Antworten bedarf. Doch wie verhält es sich mit dem Klimavölkerrecht, dem EU und dem deutschen Recht? Wie greifen diese Ebenen ineinander und grenzen sich voneinander ab? All diese Fragen werden in den einschlägigen Fachaufsätzen als "Klimaschutzrecht im Mehrebenensystem" beschrieben. Dieses Vorbereitungsseminar soll sich dem Klima, dem Recht und genau diesem Mehrebenensystem widmen. Studierende sollen am Beispiel des Klimaschutzrechts das wissenschaftliche Arbeiten erlernen und trainieren.

Die Vorbesprechung und Themenausgabe werden am 21.10.2024, 12:00 bis 14:00 Uhr, stattfinden.

Am 4.11.2024, 12:00 bis 13:30 Uhr, wird es ein Seminartraining geben. Das Seminar selbst wird voraussichtlich am 09.12.2024 ab 12:00 Uhr stattfinden.

Vorbereitungsseminar: Feminismus im Umweltrecht - Hannah Runge, Dipl. Jur.

Das Vorbereitungsseminar richtet sich an Studierende der Rechtswissenschaften mit Interesse am Umweltrecht, Geschlechtergerechtigkeit und gesellschaftlichen Machtverhältnissen. Ziel ist es, die Wechselwirkungen zwischen Recht, Geschlecht und Umwelt zu erforschen. Die Teilnehmer*innen sollen die Auswirkungen von Gesetzen auf Geschlechterverhältnisse analysieren und die Bedeutung von Geschlechtergerechtigkeit in der Umweltpolitik verstehen.

Die Einführung und Themenausgabe findet am 18.10.2024 von 12:00 bis 13:30 Uhr in 207/04/4.03 statt.

PAST EVENTS IN SUMMER SEMESTER 2024

ELC excursion: Remondis Recycling Plant

by EMMA SHENSHER, member of the ELC

This summer semester, on April 17, 2024, interested students took part in the excursion to the REMONDIS paper recycling plant in Cologne-Niehl - some as part of the Environmental Law Certificate, some out of pure interest.

Before the actual tour of the plant, the excursion participants were given a presentation on the future of using artificial intelligence to handle paper waste more sustainably.

During that detailed presentation of how modern technologies can be used to pursue sustainability goals in the best possible way, not only technical but also legal aspects were covered.

The students were given an insight into the process starting with the "garbage can at home", through sorting and the associated challenges, to the acceptance of paper mills, which then process the waste paper further.

One highlight of the presentation was the detailed step by step illustration of how artificial intelligence recognises certain materials, how it detects different structures of materials, how it sorts it to make sure that the finished recycled product falls under respective legal regulations. The subsequent tour of the plant visualized the previous impressions and also gave the students the opportunity to clarify further questions about the technical process.



PAST EVENTS IN SUMMER SEMESTER 2024

The Remondis Paper Recycling Plant is a great example for how legal rules are implemented and provides a deeper understanding of the law itself by making it "come to life" and less abstract.

The Environmental Law Center thanks the involved team of Remondis for taking the time to present our students with an interesting and educating experience!



PAST EVENTS IN SUMMER SEMESTER 2024



Second Sustainability Forum at the University of Cologne

by EMMA SHENSHER, member of the ELC

On April 22, 2024, the Second Sustainability Forum took place. It was organized by the UoC's Sustainability Office, headed by Dr. Pamela Kilian, together with the Faculty of Law and is to be understood as a university-wide stakeholder dialogue for sustainability. Under the theme "**Planetary Responsibility: Sustainability as an Ethical Issue Across Disciplines**," Prof. Dr. Kirk W. Junker, Vice Rector for Sustainability, opened the forum and delivered a keynote on planetary boundaries. From the Faculty of Law, Prof. Dr. Joachim Hennrichs, Director of the Institute for Sustainability, Corporate Law, and Reporting, gave a keynote address, while Prof. Dr. Frauke Rostalski presented a lecture on responsibility and climate change. This was followed by an opportunity for participants from various faculties to share information, gain inspiration, and network, fostering collaboration in line with the University of Cologne's sustainability strategy. In September 2024, the UoC's Rectorate approved the implementation plan for the sustainability strategy, which was developed with the involvement of many stakeholders and overseen by the Vice-Rectorate for Sustainability in collaboration with the Sustainability Office. For the ELC Marvin Jürgens and Emma Shensher had the chance to participate in various talks, each of which presented its own perspective and approach on sustainability issues, and to connect with professors, scientists, employees, and students from every faculty during break-out sessions and in the poster exhibition hall. This forum provided the chance to build and/or deepen relationships and connections - both with the goal to contribute to the sustainability strategy of the University of Cologne!



(Foto: Ludolf Dahmen)



PAST EVENTS IN SUMMER SEMESTER 2024

How to become an Environmental Lawyer with Adam Kyomuhendo

by MILENA ORTAC, Student Assistant at the ELC

On July 15, 2024, the Environmental Law Center had the honor of hosting Adam KYOMUHENDO for the latest installment of its series, "How to become an Environmental Lawyer" on-site and via Zoom.

Mr. Kyomuhendo, a leading expert in "Strategic Climate Litigation" and "Public Interest Litigation," shared his extensive experience working as a lawyer in Ugandan courts, including insights from his notable case, "Adam Kyomuhendo & Others v Attorney General of Uganda East African Court of Justice."

He underscored the pivotal role of environmental lawyers in advocating for climate, nature, and the planet.

During his presentation, Mr. Kyomuhendo provided valuable guidance for aspiring environmental lawyers, advising them to seek mentors, join initiatives such as the Environmental Law Center, and gain practical experience through internships with law firms and NGOs.

The session concluded with a Q&A, where participants engaged in discussions on the differences in environmental litigation between the EU and the East African Community, and Mr. Kyomuhendo's personal journey and motivations as an environmental lawyer.

This event is part of the "How to Become an Environmental Lawyer" series, which contributes to the Environmental Law Certificate program.



Testimonials from the How to become an Environmental Lawyer event:

“

“Mr. Kyomuhendo has sparked an interest in environmental law, showing it's an important and exciting career path for addressing today's challenges.”

Apostolos Kurnianos
Law Student at the
University of Cologne

”

“

“Adam Kyomuhendo gave exciting insights into the work of an environmental lawyer. I was particularly interested in the explanations on the current situation in Africa and the ongoing strategic litigation in environmental law.”

Dr. Nina Kerstensteiner,
Ass. iur.
Academic Research Assistant
University Regensburg

”

“

“Talking with Mr. Kyomuhendo has revealed a diverse and compelling career path for me.”

Raoul Orson Wollscheid
Law Student at the
University of Cologne

”

RECENT EVENTS: REPORTS AND REFLECTIONS

„Die Rolle der Justiz im Klimastreit“

Symposium vom 10. April 2024 im Verwaltungsgericht Köln

Eine Veranstaltung des Arbeitskreises Recht + Politik des Kölner Anwaltverein

Am 10. April 2024 fand im historischen Saal des Verwaltungsgerichts Köln das Symposium des Kölner Anwaltvereins e.V. (KAV) mit dem Titel „Die Rolle der Justiz im Klimastreit“ statt.

Präsidentin Birgit Herkelmann-Mrowka begrüßte die Teilnehmenden zu dieser aktuellen Veranstaltung, die bei den Kölner Jurist*innen auf großes Interesse stieß.

Organisiert wurde das Symposium vom KAV Arbeitskreis Recht + Politik unter der Leitung von Rechtsanwalt Jürgen Sauren. Im Mittelpunkt stand das komplexe Thema der Klimaklagen, das in der Medienberichterstattung oft vernachlässigt wird. Die Referent*innen, darunter Rechtsanwältin Dr. Roda Verheyen aus Hamburg, die per Videokonferenz zugeschaltet war, Professorin Dr. Anja Schiemann sowie Professor Dr. Kirk W. Junker und sein wissenschaftlicher Mitarbeiter Marvin Jürgens, gaben unter der Moderation von Rechtsanwalt Dr. Heinrich Comes einen umfassenden Überblick über die verschiedenen Ansätze zur Einbindung der Justiz in den Klimaschutz.

Die Diskussion um die zivilrechtlichen Klagen gegen Unternehmen, öffentlich-rechtliche Prozesse gegen Staaten sowie individuelle Beschwerden vor Verfassungsgerichten und internationalen Instanzen, wie dem Europäischen Gerichtshof für Menschenrechte, regte im Plenum lebhafte Beiträge an. Diese vielfältigen Bemühungen in den USA, den Niederlanden, Frankreich und anderen Ländern wurden eingehend beleuchtet.

Einen ausführlichen Bericht finden Sie [HIER](#).



RECENT EVENTS: REPORTS AND REFLECTIONS

Abschließend luden Rechtsanwalt Jürgen Sauren als Sprecher des Arbeitskreises und KAV-Vorstandsmitglied Dr. Jörg Luxem alle Teilnehmenden, darunter Ehrengast Dr. Thomas Gutknecht, Präsident der Rechtsanwaltskammer Köln, zu einem geselligen Teil mit Getränken und Canapés im Schwurgerichtssaal des Verwaltungsgerichts ein.

HIER SEHEN SIE EINIGE IMPRESSIONEN DES

Symposium im Verwaltungsgericht Köln



RECENT EVENTS: REPORTS AND REFLECTIONS

Pressekonferenz: "Kohle gegen Kohle"

by MILENA ORTAC, Student Assistant at the ELC

Das Environmental Law Center der Universität zu Köln unterstützt das Projekt „Kohle gegen Kohle“!

Vertreten durch Emma Shensher, General Manager des ELC, durften wir am 3. Mai 2024 die Pressekonferenz der Initiative KOHLE GEGEN KOHLE begleiten.

Das von jungen Studierenden ins Leben gerufene Projekt setzt sich gegen den Abbau von 69 Millionen Tonnen Kohle ein. Die Idee: Dem Konzern RWE eine Fläche von 1.5 Quadratkilometern neben Lützerath abzukaufen. Dabei soll das Projekt durch Crowdfunding finanziert werden. Das Environmental Law Center begrüßt die Projektidee und wird die Initiative auch zukünftig bei aufkommenden umweltrechtlichen Fragestellungen unterstützen.



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“Das Projekt „Kohle gegen Kohle“ ist ein tolles Beispiel zivilgesellschaftlichen Engagements. Wir sind davon beeindruckt, dass junge Studierende lokal Verantwortung für Klimaschutz übernehmen wollen und begrüßen daher die Initiative.

Die Studierenden haben ein innovatives Konzept entwickelt, damit 69 Millionen Tonnen Kohle, was ihrer Schätzung nach 69 Millionen Tonnen CO2 entspricht, im Boden bleiben und wie die Fläche, auf der sonst Braunkohle abgebaut werden würde, einer anderen Nutzung zugeführt werden kann.

*Für dieses innovative Projekt haben die Initiator*innen mit Expert*innen aus verschiedenen Bereichen zusammengearbeitet, um die rechtliche Fundiertheit und Realisierbarkeit sicherzustellen: z.B. mit Volljurist*innen, um das Angebot für den Kaufvertrag zu erarbeiten. Zudem haben sie verschiedene mögliche Optionen ausgearbeitet, um die Zertifikate stillzulegen und so dem Wasserbetteffekt vorzubeugen. Das Environmental Law Center an der Universität zu Köln unterstützt das Projekt sowohl inhaltlich als auch fachlich bei allen aufkommenden umweltrechtlichen Fragestellungen.“*

- Prof. Dr. Kirk W. Junker, Direktor des Environmental Law Center

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RECENT EVENTS: REPORTS AND REFLECTIONS

Environment Week: June 4 to 5, 2024, Berlin, Germany

by XHUSI MASHA, Research Fellow at the ELC

As part of the World Environment Day initiatives, the Environment Week 2024 was organized by Germany's President Frank-Walter Steinmeier and the German Federal Environmental Foundation. It was held on June 4 and 5, attracting approximately 12,000 participants. The event featured engaging discussions, and around 190 exhibitors showcasing their innovative solutions for responsible and sustainable change in the park of Bellevue Palace, the President's domicile.

In line with this year's theme of World Environment Day, which focuses on "Land Restoration, Desertification, and Drought Resilience", the event featured four high-profile panels on hydrogen technology, climate neutrality and energy security, biodiversity and resource protection, and social cohesion.

Additionally, a specialist stage program and 70 forums covered a wide range of topics, encouraging discussions on energy, climate protection, nature conservation, and agriculture. Two forums specifically caught my attention:

1. Citizen Engagement in the Energy Transition: Community energy concepts in Central and Eastern Europe

Citizen energy concepts, such as cooperatives and renewable energy communities, have gained attraction recently. These initiatives promote decentralized energy production, involving citizens as active "prosumers." The panel of this forum discussed projects in Central and Eastern Europe, addressing various challenges in spreading citizen energy concepts. These projects offered insights into developing solutions suitable for different social, cultural, regulatory, and economic environments.

2. EU Climate Transition Investing: How two ideas raised hundreds of billions to achieve the Paris Agreement

This forum gathered experts from academia, finance, government, and activism to discuss transforming the economy to meet the Net Zero 2050 goal. The discussion focused on the EU Climate Benchmarks and the importance of investing to achieve the Paris Key topics included assessing corporate transitions and the role of EU Taxonomy-aligned Capital Expenditure (CapEx).



RECENT EVENTS: REPORTS AND REFLECTIONS

Sharm El Sheikh Dialogue: June 12 to 13, 2024 in Bonn, Germany

by XHUSI MASHA, Research Fellow at the ELC

The United Nations Framework Convention on Climate Change (the Convention or UNFCCC), Kyoto Protocol, and Paris Agreement created three governing bodies: Conference of Parties (COP) for the Convention, Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) and Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA). These bodies are supported by the Bureau through the provision of advice and guidance regarding the ongoing work under the Convention, the Kyoto Protocol, and the Paris Agreement and the organization of their sessions. The Bureau consists of a President, seven Vice-Presidents, the chairs of the subsidiary bodies, and a rapporteur, all elected from the representatives of the Parties attending the sessions. The UNFCCC Secretariat offers organizational and technical assistance.

Additionally, two permanent subsidiary bodies, Subsidiary Body for Scientific and Technological Advice (SBSTA) and Subsidiary Body for Implementation (SBI), assist the governing bodies.

The UN Subsidiary Bodies Meetings (SB 60) were held in Bonn, Germany, on June 3-13, 2024. These bodies convene biannually, once in June and again in November/December, alongside the Conference of Parties (COP).

During the SB 60 Meetings this June in Bonn, the Sharm El Sheikh Dialogue took place on a two day workshop, specifically on June 12 and 13. This dialogue was launched by the decision 1/CMA.4 para. 68, during COP 27 in Sharm El Sheikh Egypt, to help exchange views on and enhance understanding of the scope of Article 2, paragraph 1(c), of the Paris Agreement and its complementarity with Article 9 of the Paris Agreement.

Article 2.1(c) calls on governments to make financial flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

Article 9 of the Paris Agreement stipulates that developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.



RECENT EVENTS: REPORTS AND REFLECTIONS

During this meeting, participants in the Mitigation Ambition and Implementation Work Programme (MWP) were unable to reach an agreement on draft conclusions due to a disagreement over whether to prioritize a procedural or substantive outcome. The MWP, which was launched at COP 27 in Sharm El Sheikh, is set to continue until 2026, at which point its extension will be reviewed.



RECENT EVENTS: REPORTS AND REFLECTIONS

„International Conference on the Environment: Climate Change, Natural Resources and Territory“

by SASKIA MÜNSTER, Doctoral Candidate and Research Assistant at the ELC

Professor Dr. Kirk W. Junker was invited to give two online-presentations during the „International Conference on the Environment: Climate Change, Natural Resources and Territory“ which was organized by the Academic Department of Law and the Law Faculty at the Pontifical Catholic University of Peru (PUCP) on September 5 and 6 2024. The first presentation was about „Climate Change and the main legal challenges posed by the Paris Agreement for the States“ with a focus on the legal issues surrounding the implementation and effectiveness of the Paris Agreement. Professor Junker addressed the legal limitations of the Paris Agreement, the challenges of ensuring accountability and mitigation, and the potential impacts of failing to meet climate targets. In order to make the connection to Peru he mentioned the case Luciano Lliuya v. RWE AG, in which a Peruvian farmer sued RWE for its contribution to climate change and the danger of glacier melt it poses on the mountain village Huaraz where Lliuya lives.

The second presentation was about the content of Professor Junker’s book “Environmental Law Across Cultures” (2020) and basics of comparative (environmental) law and its methods. Professor Junker’s presentation was then followed by a comment on the book by Patricia Itúrrégui, an environmental negotiator of the United Nations Framework Convention on Climate Change from Peru currently working in Bern, Switzerland. According to her there are many ideas presented in the book which she could imagine being transformed into Peruvian law which hits the basic motivation and purpose of the book: To be a guide for legal practitioners.

Besides Professor Junker’s two presentations topics such as „Circular economy and sustainable exploitation of forest resources“, Climate change and clean energy“ and the „Impact of mining on climate litigation“ were discussed. Interestingly, the audience was interdisciplinary so not only law students but also students of different areas of science were present.

The partnership between the PUCP and the Environmental Law Center goes way back as the Editorial Fund of the PUCP is the publisher of the Spanish version of the book „Derecho ambiental a través de las culturas“ (2023). Furthermore in April 2023, a group of Peruvian law students from PUCP visited the ELC together with their law professor Mr. Zegarra Valdivia in order to learn more about energy law and the legal framework for renewable energies. The Environmental Law Center is very much looking forward to continue this fruitful partnership in the future.



RECENT EVENTS: REPORTS AND REFLECTIONS

Represented at the United Nations: Delegation from the ELC & Chair for US American Law attends conference on climate change and energy transition

by TIM NAU, LL.M., Research Assistant at the ELC

A delegation from the ELC/Chair for US American Law was invited to join the conference on “The Cooperation between Italy and Germany: A valuable Asset in the Fight against Climate Change and for Global Energy Transition” on September 28, 2024. Upon invitation by the Italian Embassy in Germany, the Italian Ministry of Foreign Affairs and International Cooperation, the German Federal Foreign Office, and the German Federal Ministry for Economic Affairs and Climate Action, industry experts and political leaders convened at the United Nations campus in Bonn for a conversation on some of the most pressing issues of our times in three panel discussions.

The first panel gave an overview on the accomplishments and challenges in implementing the Paris Agreement in both countries. Whereas we have already come far, neither Germany nor Italy is currently on the trajectory of limiting global warming to 2.0°C, let alone 1.5°C, as the Paris Agreement stipulates.

The panelists, including the Deputy Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC), Noura Hamladji, and the Deputy Special Envoy for International Climate Action at the Federal Foreign Office, Norbert Gorissen, promised further action and underlined their ambition to comply with the Paris Agreement.

Other panelists, including the Director of UN University, Prof. Dr. Shen Xiaomeng, and the Vice President of Ludwig-Maximilian University Munich, Prof. Dr. Francesca Biagini, reminded the audience that further research in different areas of climate science is necessary. The panelists unanimously rejected the notion of “vulnerable countries” when speaking of so-called developing countries (Global South).

Instead, these countries offer unique opportunities for sustainable economic growth and should be seen as an asset rather than merely vulnerable entities. Interestingly, none of the countries mentioned was represented during the conference.

The second panel delved deep into the German-Italian economic and technological cooperation in expanding the production of green hydrogen and its transportation infrastructure.

Panelists demanded much more investment into this emerging sector. In agreement with the previous panel, they promoted the involvement of North African countries as stakeholders and partners in the generation of renewable energy to produce green hydrogen.



RECENT EVENTS: REPORTS AND REFLECTIONS

Lastly, the third panel focused on green electricity. Here again, leaders of German and Italian energy companies and the Chief Sustainability Officer of the German Development Bank (KfW), Jürgen Kern, demanded further investments. In combating climate change, producing electricity without emitting greenhouse gases is crucial.

All three panels were diligently moderated by Giovanna Pancheri, journalist, anchor and host at Sky TG 24.

A highlight were the concluding remarks given by the President of the Federal Republic of Germany, Frank-Walter Steinmeier, and the President of the Italian Republic, Sergio Mattarella, at the end of the conference. Both heads of state emphasized the importance of international and, more specifically, the German-Italian cooperation in combating the climate crisis and mitigating the consequences of this existential threat to our prosperity and lives.



Besides Professor Dr. Kirk W. Junker, ELC research assistants Hannah Runge, Marvin Jürgens, and Tim Nau participated in the conference.

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Professor Dr. Kirk W. Junker, Director of the ELC and Chair for US American Law at the University of Cologne, commented: *“The presentation of the 2020 hydrogen strategy demonstrated the plan to take hydrogen from Africa by pipeline through Italy as a substitute fuel economics plan. The plan does not display any efforts to reduce energy demand. Rather than being an acknowledgement of a climate crisis that requires change, it is an expression of the wish that we can continue growing energy demands just as we have been doing.”*

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ACADEMIC RESEARCH PROJECTS

Pacific Islands push for Ecocide to be recognized as an International Crime

by MILENA ORTAC, Student Assistant at the ELC

On September 9, 2024, Pacific Island nations Vanuatu, Samoa, and Fiji formally submitted a joint proposal to amend the Rome Statute of the International Criminal Court (ICC) to include ecocide as a crime.

‘Ecocide’, as proposed by Vanuatu, Fiji and Samoa, is defined as “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts”.

The definition the states refer to was developed in 2021 by an independent panel of high-ranking lawyers from around the world, convened by the Stop Ecocide Foundation. The aim was to create a legal concept that recognizes the destruction of the environment and its ecosystems as a prosecutable crime. This initiative seeks to hold governments and corporations accountable and promote sustainable practices to combat climate change and environmental destruction. If the proposal is accepted, it would add ecocide to the list of core crimes under the ICC’s jurisdiction, alongside genocide, crimes against humanity, war crimes, and crimes of aggression.

Previously on Ecocide

The push for ecocide reflects growing global concern over the climate crisis and environmental destruction. The term “ecocide” is however anything but a novelty. It was first used in the 1970s in the context of the destruction of ecosystems by the U.S. military during the Vietnam War. At that time, the U.S. military specifically used the chemical defoliant Agent Orange. To this day, this poison can still be found in the food chain.

It is worth mentioning, that the Pacific Island nations have been at the forefront of climate advocacy, as they are particularly vulnerable to climate change. Therefore, seeking stronger international legal mechanisms to protect their fragile ecosystems and livelihoods is essential.

In 2019, Vanuatu became the first country to request that the International Criminal Court (ICC) recognize ecocide as an international crime.



ACADEMIC RESEARCH PROJECTS

Since then, significant developments have also taken place in Europe. In early 2024, the European Union introduced a qualified criminal offense in its newly revised directive on environmental crime to combat "acts comparable to ecocide." It is notable, that Germany chose to abstain from the vote.

Jurisdiction of the ICC under the Rome Statute

The ICC was established in 2002 pursuant to the Rome Statute, an international treaty that governs the ICC's jurisdiction over the four core crimes mentioned above. As such, the ICC the only international tribunal that can prosecute individuals criminally. As a result, individuals in positions of superior responsibility who have carried out actions leading to significant environmental damage, such as oil or chemical spills, could be held accountable.

The decisions of the ICC are legally binding for all states that have ratified the Rome Statute. Some of the biggest polluters and environmental destructors – China, Russia, and the US – have not ratified the Rome Statute and are therefore not generally subject to the ICC's jurisdiction. However, the UN Security Council can refer cases to the ICC, including for countries that are not members. This has little effect, given that China, Russia, and the US each hold the power to veto any such resolution.

Current (legal) challenges and outlook

Recently, the Working Group on Amendments (of the ICC Assembly) received the Pacific Island states' proposal to amend the Rome Statute to include the crime of ecocide. After discussing the proposal in the working group, the proposed amendment to the Rome Statute will be discussed and voted on at a conference of the States Parties. A qualified majority of the States Parties is required to adopt the amendment.

The process takes time and is influenced by various political factors and the willingness of the international community, particularly the member states of the ICC, to adopt and implement such changes.

The proposal to amend the Rome Statute comes at a difficult time as the ICC and its jurisdiction are heavily criticized by countries like the US, who is threatening the ICC with sanctions for issuing arrest warrants against Netanyahu and Gallant over alleged war crimes and crimes against humanity in the Gaza Strip.

ACADEMIC RESEARCH PROJECTS

It is therefore to be expected that the process of adding ecocide to the Rome Statute will be slow and accompanied by criticism, given the legal, political, and diplomatic complexities involved. Amending international treaties, especially one as significant as the Rome Statute, requires consensus among member states, many of whom have divergent views on environmental issues, state sovereignty, and international legal obligations.

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"There is a manifest gap in the Statute of the ICC, and Ecocide is now firmly on the agenda, a vital and necessary moment for an effective international law. This development reflects a growing recognition that severe environmental destruction deserves the same legal accountability as other grave international crimes that focus on the human."

Professor Philippe Sands KC, Professor of Law at University College London and Co-chair of the Independent Expert Panel for the Legal Definition of Ecocide

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ENVIRONMENTAL LAW ALL OVER THE WORLD

The Growing Importance of Citizen-Generated Scientific Data in Environmental Litigation

by GABRIEL ROJAS, IMES student

One of the greatest obstacles to obtaining a favorable judgment in environmental damage cases is the ability of the parties to scientifically prove the existence of a causal link between a given action and the resultant damage. This issue becomes even more complicated when the matter involves technical or scientific aspects to which only a privileged party has access—either because it is the only one in possession of the necessary information or because there is simply no legal remedy facilitating access to such information.

In this tension between evidence, access to information, and justice, grassroots initiatives have coordinated various actors and created data sets that enable proving what affected communities often experience firsthand but cannot present in court due to a lack of economic resources or access to information. Civic Environmental Monitoring (CEM), a research method in which members of the lay public participate in one or more stages of a scientific project, has recently been employed for legal purposes. This approach enables grassroots communities to engage with scientific bodies and lawyers, facilitating their involvement in the legislative and judicial processes.

A good example is the landmark court decision *San Antonio Bay Estuarine Waterkeeper v. Formosa Plastics Corp.*, No. 6:17-CV-0047 (S.D. Tex. Jun. 27, 2019) where the waterkeeper community fought against illegal dumping of toxic plastic waste. Through the 'citizen suit authority' established in Section 505 of the Clean Water Act, the community secured a favorable ruling by the court, which acknowledged the company's non-compliance with plastic disposal regulations. Although this case was among the first rulings to recognize the value of citizen-generated data in proving non-compliance, it is noteworthy that the movement has had the most significant impact in regions of the Global South.

For example, the 2021 ruling of the Nueva Loja Court in Ecuador banned gas flaring in the Ecuadorian Amazon.



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This was achieved thanks to the coordination of grassroots initiatives, academics, and lawyers, using Article 58 'Community Participatory Monitoring' of Law N° 245 "Organic Law for the Integral Planning of the Special Territorial Circumscription of the Special Territorial District of Amazonas".

The CEM initiative played a crucial role by producing new spatial information through participatory mapping methods, which demonstrated the presence of gas flares that the government had not officially disclosed. It is noteworthy that following a legislative discussion, the outcome of the Ecuadorian case, i.e. the prohibition of gas flaring in the Amazon, was incorporated into statutory law earlier this year.

In Southeast Asia, the NGO Earth-Thailand has highlighted the importance of citizen-generated data for providing reliable evidence to mobilize campaigns, strengthen bargaining power, and testify in court. These citizen science initiatives have developed new quality standards for Volatile Organic Compounds (VOCs) in Map Ta Phut, improved landfill management in Krabi, won a court victory for remediation and compensation for a gold mine expansion and arsenic pollution in Khao Luang, and supported forest monitoring in Cambodia.

In Congo, citizen science data has enabled the community to monitor their resources, report illegal logging, and seek redress for violations of their rights to land and natural resources. This includes compelling logging companies to comply with EU standards and using the Independent Forest Monitoring - Law Enforcement and Governance approach for addressing illegal logging.

In Peru, citizen science initiatives have led to compensation and mitigation measures that improved oil extraction standards.

Understanding how the narratives driving the recognition of information coming from CEM initiatives are resisted or embraced within the institutional framework is crucial. The case of Ecuador, where grassroots initiatives penetrated various levels of discussion—from community organization to triumph in the courts and legislative recognition—serves as a research example for other countries.

What will it take for citizen-generated data to be persuasive enough to be accepted as scientific evidence by the courts? How will the spirit of environmental justice, sometimes embodied and limited by laws, be interpreted by decision-makers?

Hydrogen Wholesale Market: A Thought Experiment for the Near Future

by VINCENZO PAREJA GRIPPA, Law Student from Pontificia Universidad Católica, Lima, Peru and 2023 visiting student at the ELC

The EU hydrogen and gas decarbonization package adopted in May 2024, which consists of Directive (EU) 2024/1788 and Regulation (EU) 2024/1789, introduces a new regulatory framework regarding hydrogen infrastructure and general rules for internal hydrogen markets. Therefore, the discussion on how internal hydrogen markets should be organized is more present than ever.

Within the alternatives of market designs lies the Wholesale Market used by some electricity markets worldwide. The basic structure of said alternative is as follows: Producers compete between themselves to offer their energy to industrial or large consumers via purchase agreements, therefore pricing for these kinds of consumers is formed in the free market. Transmission is a separate entity in charge of long-distance transport of energy, and distribution and retailing are bundled together in what are called Distribution Companies (DisCo) who purchase the energy from producers and sell to domestic users at a regulated price set by the respective administrative agency.

Concerning the case of hydrogen, said model can be replicated with the appropriate revisions to suit the characteristics of the industry. Producers would follow the same structure as the electricity sector, tending directly to consumers via hydrogen purchase agreements (HPAs). Free market pricing is guaranteed by articles 3 (a) and 4.1 of the Regulations and the Directive respectively. In addition to the regulations, the fact that large-scale demand in industrial applications such as feedstock, ammonia and steel exists, incentivizes the signing of HPAs and the formation of pricing in the free market making the regulations coincide with what happens in the real market.

However, differences arise when observing the transportation for domestic users. Some studies have concluded that hydrogen use for domestic purposes is limited at best, therefore retailing for domestic uses currently, and in the near future, does not generate enough market demand for it to be taken upon by a firm as an unbundled activity.

While the Directive in article 12 sets the possibility for this to exist, equating it to natural gas supply, having the same free market approach will not yield the same results due to the nonexistence of demand. Therefore, the proposal hereby seeks to bundle general hydrogen distribution and retailing for domestic consumers in a DisCo allowing them to leverage economies of scale.

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Transportation networks have long been identified as natural monopolies, where it is far more cost-effective for one firm to supply the product than having several do it. Hydrogen is no exception to that rule especially when considering the incipient demand in domestic, micro or small enterprise consumers. Therefore, there are no direct economic incentives to retail or construct the necessary infrastructure for this type of consumer, yet high demand for hydrogen distribution in the aforementioned industries has been identified.

Via the proposed kind of market arrangement, price formation would not be done by supply and demand for small scale or domestic consumers, but rather by tariffs using the Weighted Average Costs of Capital approach, which is currently used for other regulated network tariffs, guarantying the necessary income for the development of the network and recognizing the necessary costs for business growth. In accordance with the recognized costs in the tariff, the DisCo takes upon itself to develop and operate the necessary physical distribution network for both kinds of consumers as well as retailing to the small-scale or domestic consumers at a regulated price.

Consequently, a reliable revenue stream is established by the regulated tariff which is supported also by the income from the distribution costs in HPAs of large-scale consumers. This benefits small scale and domestic consumers since they will use the network while not paying the upfront costs of it, as well as paying tariffs. Therefore it diminishes the entry point for use by reducing the asymmetry in information when contracting as the free market pricing information becomes less relevant for home users. Of course this is just a small thought experiment and proposal to be fine-tuned and studied upon as internal hydrogen markets begin to emerge, regulation needs to take a look into alternatives beyond equating hydrogen and natural gas even if their physical forms are similar, due to the market characteristics and real-world applications differ vastly from one another.

ENVIRONMENTAL LAW IN GERMANY

Das KlimaSeniorinnen Urteil und seine rechtlichen Auswirkungen auf Deutschland

by HANNAH RUNGE, Doctoral Candidate and Research Assistant at the ELC

Am 09.04.2024 hat der Europäische Gerichtshof für Menschenrechte (EGMR) ein historisches Urteil gegen die Schweiz gesprochen.

Dieses Urteil etabliert nunmehr das Menschenrecht auf Klimaschutz. Der bisherige Ansatz im Klimaschutz galt allem voran der Reduktion des CO₂ Ausstoßes und damit vor allem der Prävention von weiteren Schäden.

Der EGMR hat in seiner Entscheidung für die KlimaSeniorinnen aus der Schweiz ganz eindeutig ein Recht auf Klimaschutz für bestehende Generationen begründet, insbesondere vor den aktuellen Folgen des Klimawandels. Laut dem Urteil müssen die EMRK-Vertragsstaaten, zu denen auch Deutschland gehört, vor den Folgen des Klimawandels wirksam und insbesondere erfolgsbezogen und tatsächlich schützen. Inkludiert darin ist auch ein wirksamer Naturschutz, der unter anderem vor Hitzewellen schützen kann. Gerade Baumbestand und auch Grünflächen können in Innenstädten Extremtemperaturen entgegenwirken.

Vor dem EGMR Urteil gab es bereits im Rahmen der vom EU-Parlament angenommenen EU-Renaturierungsverordnung genau solche Maßnahmen, die die EU-Staaten hätten treffen müssen. In der Fassung wurden Festlegungen über die Verpflichtung der EU-Staaten zur gestuften Wiederherstellung der Lebensräume, die sich in schlechtem Zustand befinden, getroffen. Bis 2030 sollen laut der Verordnung mindestens 30%, bis 2040 mindestens 60% und bis 2050 90% wiederhergestellt werden. Diese Pflicht, sanierungsbedürftige Ökosysteme wiederherzustellen, soll dazu beitragen, die Klima- und Artenschutzziele der EU zu verwirklichen.

Die Abstimmung im EU-Umweltrat wurde am 25.03.2024 jedoch zunächst von der Tagesordnung genommen, da einige Staaten signalisiert hatten, nicht zuzustimmen und damit eine Mehrheit nicht mehr gesichert war.

Das EGMR-Urteil, das insbesondere die Problematik der Hitzewellen für ältere Menschen anerkennt, galt jedoch als möglicher Anstoß die Renaturierungsverordnung doch noch zu verabschieden.



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Das Urteil ist gemäß Art. 46 EMRK in erster Linie nur verbindlich für die beklagte Schweiz. Allerdings verpflichtet Art. 1 EMRK die Vertragsstaaten niedergelegte Rechte ebenfalls zu gewährleisten, wobei die Reichweite dieser Rechte gemäß Art. 32 EMRK hier vom EGMR bestimmt wird. Mit seinem Urteil im Fall der KlimaSeniorinnen hat der EGMR die Rechte aus Art. 8 EMRK maßgeblich konkretisiert.

Deutschland ist als Staat EMRK Vertragspartei, sodass die Rechte auf Klimaschutz, die durch das aktuelle Urteil konkretisiert wurden, nun auch von Deutschland zu gewährleisten sind. Dem sah sich die Österreichische Umweltministerin trotz Widerstands der Koalition auch verpflichtet, sodass die Renaturierungsverordnung am 17.06.2024 durch eine knappe Mehrheit von den EU-Umweltminister*innen final doch noch verabschiedet wurde.

Deutschland ist somit sowohl durch die EU-Verordnung zur Renaturierung, als auch durch das EGMR Urteil im Fall der KlimaSeniorinnen verpflichtet, den Klimaschutz für bestehende Generationen erfolgsbezogen und tatsächlich zu gewährleisten.

Unberührt bleibt davon das EU-Klimapaket "Fit for 55", in dem viele Maßnahmen, die sich auf Erneuerbare Energien, Emissionen, sowie Verkehr und Gebäude richten, verankert sind.

GOOD TO KNOW

MODEL EU BRUSSELS: Shaping Climate Policy in the core of the EU decision-making

From 27 to 29 November, the Eastwest European Institute is organizing a Model EU in Brussels covering the topic of Climate Policy. This experience offers young professionals to step into the shoes of a Member of the European Parliament. While debating, drafting proposals and voting on legislation to achieve climate neutrality bei 2050, participants will be able to prepare for a career in international relations, law, politics or environmental policy.



CALL FOR PAPERS: Klima und Recht

Die Fachzeitschrift Klima und Recht ist eine der führenden Zeitschriften im Bereich des Klimarechts und erscheint monatlich im Verlag C.H. Beck. Eingereicht werden können Beiträge für folgende Kategorien:



- Juristische Aufsätze: Vertiefte Analysen, rechtliche Untersuchungen und aktuelle Entwicklungen im Bereich des Klimarechts.
- Meinungsbasierte oder interdisziplinäre Forumsbeiträge: Erörterungen, Debatten und kritische Reflexionen über Schnittstellen zwischen verschiedenen Disziplinen und Praktiken im Kontext des Klimawandels.
- Technikfokussierte Fachbeiträge aus der Praxis: Praktische Einblicke, Fallstudien und innovative Lösungsansätze im Bereich der Energiewende und nachhaltigen Technologien.
- Rechtsprechungsanmerkungen: Analysen und Kommentare zu aktuellen gerichtlichen Entscheidungen und ihrer Bedeutung für das Klimarecht.

Beiträge sind als Mail an klimr@ikem.de zu richten.

Ringvorlesung: Resilienz & Active Hope: Zum Umgang mit der Klimakrise

Eine Studie aus 2023 zeigt: Radikale Protestformen gegen den Klimawandel stoßen trotz wachsendem Bewusstsein und Veränderungsdruck in Deutschland auf zunehmenden Widerstand.

Die Humboldt-Ringvorlesung im Wintersemester 2024/25 erforscht daher, wie verschiedene gesellschaftliche Gruppen auf die Klimakrise reagieren, wobei Emotionen, Protestformen und Lösungskonzepte aus rechtlicher, psychologischer und kommunikativer Perspektive beleuchtet werden.

Die Veranstaltung findet überwiegend online statt, mit zwei hybriden Präsenzterminen in Wuppertal und Münster, bei denen praktische Einblicke in Forschungsprojekte, Bürgerbewegungen und Mediationspraktiken gegeben werden. Die Workshops vor Ort sind nur in Präsenz. Eine vorherige Anmeldung ist erforderlich.



LCOY: 7. Deutsche Klimakonferenz für junge Menschen

Vom 25. bis 27. Oktober 2024 findet erneut die LCOY statt. Die 7. Deutsche Klimakonferenz für junge Menschen wird dieses Jahr in Berlin ausgerichtet. Die Teilnehmenden haben die Möglichkeit, gemeinsam mit Politiker*innen sowie Vertreterinnen aus Wirtschaft, Wissenschaft und Gesellschaft über Lösungen für die Klimakrise zu diskutieren.



Public Climate School

Die nächste bundesweit koordinierte Public Climate School inklusive Schulprogramm findet vom 4. bis 8. November 2024 unter dem Motto Klima, Bildung, Demokratie statt.



EUniWell: LIVE COP29- BIP TOWARDS A EUNIWELL DELEGATION AT THE COP on CLIMATE CHANGE

EUniWell's Thematic Arena on Environmental Change and Well-Being invites Master and PhD-students to a Blended Intensive Programme "Live COP29". The project aims to create a EUniWell student delegation to follow the COP29 negotiations, with the objective of producing policy briefs to be presented by the students at a final conference at the end of February 2025 in Florence. Participants will receive funding support via Erasmus+ short-term funds for the mobility to Florence.



Junges Forum Umweltrecht e.V.

Das „Junge Forum Umweltrecht e.V.“ (JFU) ist ein Netzwerk junger Umweltjurist*innen, das die Vernetzung und Unterstützung von Promovierenden im Umweltrecht fördert. Es bietet eine Plattform für wissenschaftlichen Austausch durch Veranstaltungen und digitale Treffen, um verschiedene umweltrechtliche Themen zu diskutieren. Das Netzwerk organisiert sich in Arbeitsgruppen und lädt Interessierte ein, sich zu beteiligen und Kontakte zu knüpfen. Ein monatlicher Newsletter informiert über aktuelle Themen und Veranstaltungen.



From Immigration to Flooding: What Can We Afford

Prof. Dr. Kirk W. Junker's lecture from last summer semester on "From Immigration to Flooding: What Can We Afford" as part of the lecture series "Umdenken, Verändern, Bewahren - Ökologisches Bewusstsein für eine nachhaltige Gesellschaft", hosted by the ProfessionalCenter at the University of Cologne, is now online on YouTube.



Webinar Series: *Criminalizing Ecocide*

If Ecocide is a topic you would like to learn more about, you can still find the "Criminalizing Ecocide" webinar series from a former collaboration between Stop Ecocide Deutschland, World Lawyer's Pledge on Climate Action and the Environmental Law Center on YouTube. Some of the topics include:

- **"EXPLORING LEGAL IMAGINARIES OF COLONIAL ECOCIDE"** with Mrinalini Shinde

This talk explores the historical foundations of corporate ecocide by examining the environmental impact of the East India Company's actions in colonial India, and how these actions could be viewed through the modern legal framework of ecocide.



- **"MENSCHEN UND UMWELTRECHTE (GREENING OF HUMAN RIGHTS)"** with Marvin Jürgens

Umwelt- und Menschenrechte sind eng miteinander verbunden. Bürgerinnen spielen weiterhin eine entscheidende Rolle im Umweltschutz, indem sie sich vor Gericht auf bestehende Menschenrechte stützen, da es bisher kein rechtsverbindliches Recht auf eine gesunde Umwelt gibt.



- **ECOCIDE IN ISLAMIC LAW** with Hiba Ali and Tim Nau

This webinar explores how Ecocide can be integrated into Islamic Law, examining the perception of international criminal law from an Islamic perspective, the challenges of achieving consistent recognition of Ecocide across Islamic Law countries, and the adjustments needed for widespread acceptance and support.



RECOMMENDATIONS

Interested in Environmental Law and Climate change?
Then you might want to consider checking out these books
and movies:

Book title: Wir alle haben ein Recht
auf Zukunft

Author: Dr. Roda Verheyen and
Alexandra Endres

Topics: Klimaschutzpolitik
Generationengerechtigkeit
Ökologische Nachhaltigkeit
Soziale Ungleichheit
Zukunftsfähigkeit

Book title: Der Buchatlas

Author: Luisa Neubauer and
Christian Endt

Topics: Klimaschutzstrategien
Politische Verantwortung
Wirtschaftstransformation
Soziale Gerechtigkeit
Aktivistische Lösungsansätze

Book title: The Book of Hope - A
Survival Guide for Trying Times

Author: Jane Goodall and Douglas
Abrams with Gail Hudson

Topics: Resilience
Optimism
Coping Strategies
Empowerment
Community Support

Book title: Nachhaltigkeit und Recht

Author: Rupprecht Podszun und
Tristan Rohner

Topics: Umweltgesetzgebung
Nachhaltige Entwicklung
Ressourcenschutz
Klimagerechtigkeit

Movie title: Women of Impact:
Changing the World

Filmmaker: Lisa Feit

Topics: Empowerment
Diversity
Social Change

Movie title: A Life on Our Planet -
My Witness Statement and a Vision
for the Future

Filmmaker: David Attenborough

Topics: Environmental Crisis
Personal Reflection
Conservation Solutions
Biodiversity



HOW TO REACH US



Thank You!

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