

**ENVIRONMENTAL
LAW CENTER
AT THE UNIVERSITY OF COLOGNE**

**WS 2020/2021
SS 2021**



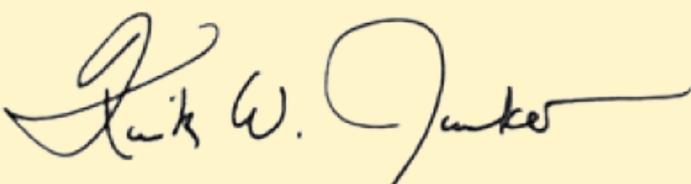
THE GREEN SHEET

ELC Semester Update

WELCOME

Welcome to the first Green Sheet of the Environmental Law Center at the University of Cologne's Faculty of Law! The Environmental Law Center opened its virtual doors on April 6, 2019, with the live and in person conference (remember those?) "Globalization of Environmental Law and the Role of Developing Countries Towards Sustainable Development," at the University of Cologne's Neuer Senatsaal. More than one hundred persons attended that conference. Selected papers from the conference, plus more, will soon be published as a book by Routledge under the title, *Globalization, Environmental Law, and Sustainable Development in the Global South: Challenges for Implementation*. Since then, we have had substantive environmental law seminars, begun a series from practicing environmental lawyers called "How to Be an Environmental Lawyer," published another book, *Environmental Law Across Cultures* (which will soon be available in Spanish), held book launches, hired a Research Fellow, begun an interdisciplinary Environmental Law Certificate Program and will soon be hosting our second conference.

The "signature" of our Environmental Law Center that distinguishes it from others, and gives it usefulness and meaning, can be summarized in these five features: First, practice informs theory and theory informs practice. Although our home is the University, we have members from legal practice and we have contributed, and continue to contribute expert opinions and amicus curiae briefs in legal practice. Second, we are international: we have lawyers from at least two countries each from every continent as members of our Center, and nearly that many on our advisory board. Third, we invite insight from public and private concerns of environmental law. Fourth, we maintain that law is a part of culture and is to be practiced and studied as a part of culture, including the citizens whom law serves, not as a set of practices separate from culture. Fifth and final, our Environmental Law Center is open to insight from all disciplines. On this last feature, we are building from the insights and successes of the University of Cologne's interdisciplinary International Master of Environmental Science (IMES) Program, which is now in its eighteenth year of welcoming students. With a little reflection, most people would come quickly to the realization that an informed study and practice of environmental law without association with the natural sciences is not possible, but we equally make that association with the social sciences and the liberal arts. The Green Sheet will be telling readers all about what we have done and what we have planned. If you like what you read, send us a message and we will put you on our announcements list. Thank you for reading and welcome to the Environmental Law Center at the University of Cologne!



Prof. Dr. Kirk W. Junker, Director, Environmental Law Center

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UPCOMING EVENTS IN SUMMER SEMESTER 2021

MAKING THE RHEINENERGIE CO2 NEUTRAL BY 2030

Online event on April 29, 2021 at 7 p.m. (presentation in German; questions can be asked in English)

Politics seem to be inactive when it comes to take effective measures to stop the global heating and an individual's contribution appears to be insignificantly small. Really? **Klimawende Köln** is a citizens' initiative that wants to oblige the city to take measures to make the local energy company Rheinenergie CO2 neutral by 2030. The activists base their demand on the modeling of the NewClimate Institute for Germany to comply with the Paris Agreement. The initiative chose the legal instrument called "Bürgerbegehren" (a citizens' petition) to achieve this goal. How does this work? How did the initiative come about? What are the challenges and next steps? Tim Petzoldt and Anna Prieß from Klimawende Köln will answer these and more questions in an **online event on April 29 at 7 p.m.** If you are interested to learn more about climate change measures, legal instruments of public participation, and/or citizens' initiatives, **please register for the event by sending an e-mail to environmental-law-center@uni-koeln.de.**

If you want to find out more or support the Klimawende Köln with your vote as a Cologne citizen you can do so here: <https://klimawende.koeln/unterschreiben/>.

1ST AFRICAN ENVIRONMENTAL LAW CONFERENCE

Online event on May 28, 2021

The Environmental Law Center (ELC) in the Faculty of Law of the University of Cologne invites you to the 1st African Environmental Law Conference on the topic "**Environmental Justice Systems in Africa: Exploring Cultural and Economic Factors**". The conference will be held virtually on May 28, 2021 and will connect African environmental law teachers and researchers from universities within and outside Africa. **Selected academics will be presenting papers** on areas that demonstrate the strengths or weaknesses of the environmental justice system in their respective indigenous countries or systems of interest.

It is expected that the general conference topic will give African scholars the opportunity to brainstorm and share comparative perspectives on the process of seeking and enforcing environmental justice in Africa.

For inquiries, please contact Dr. Dennis Agelebe, environmental-law-center@uni-koeln.de.

"HOW TO BECOME AN ENVIRONMENTAL LAWYER"

Online event on June 16, 2021

On June 16, 2021, another part of the series "How to become an environmental lawyer" will take place. This time with Ms. Ida Oswalt, who works as a lawyer at GGSC, a law firm in Berlin that specializes in environmental law. She will report on her career path from studying law in Cologne to working life and specifically her work as a lawyer. She will also give a brief insight into the legal field of waste law.

For inquiries, please send an e-mail to environmental-law-center@uni-koeln.de.

PAST EVENTS IN WINTER SEMESTER 2020/2021

NEW COURSE OFFERED: U.S. ENVIRONMENTAL LAW

In winter semester 2020/21, Professor Junker held a course in U.S. Environmental Law. Students of the Université Paris 1 Panthéon-Sorbonne as well as interested students of the University of Cologne could participate. Professor Junker treated U.S. Environmental Law as foreign law and emphasized the importance of comparative law, explained Cooperative Federalism and the history of environmental law in the U.S. as well as the current procedural law. At the end, there were **two case studies on Monsanto and the Volkswagen emissions scandal.**

Given the occasion, Professor Junker also delved into the U.S. electoral system with the students. In addition, Michael J. Heilman from the Pennsylvania Department of Environmental Protection enriched the course with a guest lecture.

WEBINAR COMMENTS TO THE BOOK: ENVIRONMENTAL LAW ACROSS CULTURES

On October 6, 2020, the Environmental Law Center organized a webinar together with legal experts from Peru and the authors of the book *Environmental Law Across Cultures*, in which Peruvian colleagues presented their reviews of the book. The audience consisted of students from Paris and Cologne and research scholars from Peru and Kenya.

VIRTUAL BOOK LAUNCH: ENVIRONMENTAL LAW ACROSS CULTURES

Together with the Global South Studies Center of the University of Cologne the Environmental Law Center presented the book *Environmental Law Across Cultures* on December 3, 2020. The two co-authors Dr. Dennis Agelebe and Mrinalini Shinde, B.A., LL.B. (Hons.), M. Sc. each gave a short presentation on their chapters and then answered questions from the students. The event was moderated by Prof. Dr. Kirk W. Junker.

14TH WINTER MEETING ON HEALTH, ENVIRONMENT AND EDUCATION

On December 4 and 5, 2020, the Center for Environmental Research and Education and the Duquesne University together with the ELC organized the 14th Winter Meeting for the first time digitally due to the pandemic. This format allowed for participants from the U.S., India and Europe which has been unprecedented in the conference's history. Corona and climate change were at the center of the conference with the title "Health, Environment and Education in Challenging Times" and Prof. Dr. Harald Lesch opened the meeting of academics and students with a presentation on climate disruption, underlining its urgency. Also, the IMES students had the chance to contribute prerecorded presentations to the conference.

You can find the abstract booklet and program on: <https://hee-journal.uni-koeln.de/winter-meeting>

CURRENT PROJECTS AND INITIATIVES

GREEN OFFICE INITIATIVE

The Environmental Law Center works together with the Green Office Initiative at the University of Cologne in order to give the topic of sustainability more attention. The Green Office Initiative is a student initiative that **aims to establish a sustainability office based on the Green Office model** (<https://www.greenofficemovement.org>) that is anchored in the structure of the University of Cologne and informs, connects and supports students and staff to act on sustainability. Unlike volunteer-led initiatives, the Green Office should ideally be funded and approved by university management, and is jointly led by students and staff. This guarantees continuous work. Existing student initiatives are to be supported and connected with one another. The Green Office is also intended to provide a contact platform for sustainability inquiries from students, professors and employees.

The student initiative meets **every 3rd Wednesday of the month at 5 p.m. on Zoom** and is always looking for motivated students who would like to work for more sustainability at the University of Cologne. **If you are interested, please send an email to green-office@uni-koeln.de. The next meeting is going to take place on Wednesday, April 21 at 5 p.m.**

You can find more information on: <https://www.facebook.com/greenoffice.uzk> or <https://www.instagram.com/greenoffice.uzk/>.

CITIZENS' ACTION TO MAKE GERMANY CO2 NEUTRAL

Another initiative fighting for more political action in climate matters is **GermanZero that wants Germany to become CO2 neutral by 2035**. On a nationwide level, the initiative launched a process to elaborate a collection of laws to achieve this goal. Locally GermanZero supports citizens to make their cities and communities CO2 neutral (a so-called "Klimaentscheid" or decision for the climate). A first meeting for Cologne took place on February 12. If you are generally interested in the topic, you can follow this link: <https://www.germanzero.de/english-summary>. In case you would like to contact GermanZero or even participate locally in Cologne, please send a message to: klimaentscheid@germanzero.de.

REMARKS ON THE EUROPEAN GREEN DEAL

"The European Green Deal is our plan to make the EU's economy sustainable," states the European Commission on their website.[1] This includes efficient use of resources, a circular economy, less pollution and a restored biodiversity. Anyone might ask the Commission: How to achieve these goals? The European Commission has to find the way and in this enormous challenge the Franco-German Parliamentary Assembly (DFPV) established a working group to accompany the EU in this process, especially in the field of environmental and climate protection and access to environmental law.

On June 4, 2020, French Deputy Cécile Untermaier held a conference of the Green Deal working group with renowned environmental lawyers. Professor Dr. Kirk W. Junker prepared a written statement[2] and assisted the conference and made remarks to improve the application and access to environmental law in the Union's member states. He emphasized the importance of transparency in the access to environmental justice, suggested the creation of constitutionally-established courts rather than tribunals and recommended a comprehensive study of the UN Environmental Program on this matter.[3] Moreover, he elaborated on the examples of Austria where an introduction of environmental tribunals failed and Sweden. The director of the Environmental Law Center Professor Dr. Junker didn't miss pointing at the recent trend of private litigation against states like in the famous cases of Urgenda in the Netherlands and Paul François in France and he could imagine similar actions regarding the failed realization of the National Determined Contributions (NDCs) of the Paris Agreement. We are facing a climate crisis and the Corona pandemic at the same time and Professor Dr. Junker concludes: "It is a moment to use the sense of crisis to achieve climate action."

Surprisingly, so far the working group didn't focus on environmental law in implementing the Green Deal. We are eagerly following further developments and you can also do so on:

<https://www.bundestag.de/dfpv>

<https://us-recht.jura.uni-koeln.de/en/environmental-law-center/news>

[1] https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en (last retrieved 02/19/21).

[2] [https://us-recht.jura.uni-koeln.de/sites/usrecht/user_upload/Statement to FGPA 3 June 2020.pdf](https://us-recht.jura.uni-koeln.de/sites/usrecht/user_upload/Statement_to_FGPA_3_June_2020.pdf).

[3] <https://wedocs.unep.org/bitstream/handle/20.500.11822/10001/environmentalcourts-tribunals.pdf?sequence=1> (last retrieved 02/19/21).

OPPORTUNITIES SECTION

CALL FOR ABSTRACTS

The Environmental Law Center (ELC) at the Faculty of Law of the University of Cologne **invites the submission of abstracts for the 1st African Environmental Law Conference on the topic “Environmental Justice Systems in Africa: Exploring Cultural and Economic Factors”.**

Instructions for the Submission of Abstracts

Abstracts and papers must be written in English, complete with title, author(s)’s name(s), and institutional affiliation.

Abstracts should contain the aim of the paper, main points and a brief conclusion (300 words, maximum). Abstracts should not contain tables, graphs, drawings, etc.

Abstracts should be addressed to **Dr. Dennis Agelebe, ELC and sent to environmental-law-center@uni-koeln.de.**

The subject of the email should be “Abstract – 2021 AELC”.

Abstracts should be submitted by April 15 2021.

THE JOURNAL OF HEALTH, ENVIRONMENT AND EDUCATION

The Journal of Health, Environment, & Education **publishes interdisciplinary manuscripts** related to environmental, health, and educational issues from the fields of Natural and Social Science, Economics, and Law.

The Journal is a peer reviewed, open access journal and published by the Institute for Biology Education as well as the Chair of US-American Law at the Faculty of Law of the University of Cologne.

If you want to **submit a manuscript** for *The Journal of Health, Environment, & Education*, **please send it to Dr. Meike Mohneke: m.mohneke@uni-koeln.de.**

Please ensure that you have read the guidelines for authors with the submission form guidelines (especially figures and tables), as well as the publication terms on: **<https://hee-journal.uni-koeln.de>**

ENVIRONMENTAL LAW GRADUATE FELLOW

Pace University's Elisabeth Haub School of Law is pleased to announce that it will **hire an Environmental Law Graduate Fellow for the 2021-22 academic year.**

The Environmental Law Graduate Fellow works with environmental faculty and staff undertaking research, including supporting the National Environmental Law Moot Court Competition, developing and implementing new projects, and other duties as assigned. Fellows **earn an LL.M. in Environmental Law** while working part time within the Pace Environmental Law Program. They receive a **full tuition waiver** as well as a modest stipend to help cover living costs.

Full details on the position, and information on **how to apply**, can be found here: https://law.pace.edu/sites/default/files/environmental/Enviro_LLM_Grad_Fellow_Descripti_on_AY21-22.pdf

Note that applicants must apply concurrently to the Environmental LL.M. program at the Elisabeth Haub School of Law to be considered for a fellowship. **Applications are due by April 30, 2021.**

INTERNATIONAL DOCTORAL PROGRAM: "RETHINKING ENVIRONMENT"

The Augsburg-Munich International Doctorate Program "Rethinking Environment: The Environmental Humanities and the Ecological Transformation of Society," funded by the Elite Network of Bavaria, is based at the Environmental Science Center WZU (Augsburg) and the Rachel Carson Center (Munich). **It starts on October 1, 2021.**

The program **invites graduate students** from a broad range of fields from all over the world. It offers a **unique opportunity to pursue a PhD degree** examining the ecological transformation of society from an interdisciplinary perspective within an intellectually inspiring environment that brings together the international and regional expertise of its many partners and networks.

The program is supported by international guest professors, experienced practitioners, and creative artists/writers whose work focuses on environmental topics. Proficiency in either English or German is required to participate in the program.

For questions, please contact PD Dr. Kirsten Twelbeck (twelbeck.idk@wzu.uni-augsburg.de) or Dr. Hanna Straß-Senol (hanna.strass-senol@rcc.lmu.de).

BOOK, MOVIE AND PODCAST RECOMMENDATIONS

BOOK: ENVIRONMENTAL LAW ACROSS CULTURES

The book by Prof. Dr. Kirk W. Junker provides a practical, functional comparison among various institutions, tools, implementation practices and norms in environmental law across legal cultures:

<https://www.routledge.com/Environmental-Law-Across-Cultures-Comparisons-for-Legal-Practice/Junker/p/book/9780367028268>

MOVIE: "ÖKOZID"

The consequences of the climate catastrophe will be dramatic in 2034. Drought and floods destroy the livelihoods of millions of people. After the third storm surge in a row, the seat of the International Court of Justice in The Hague was vacated. In a temporary interim building in Berlin, the climate catastrophe becomes the subject of legal proceedings. Two lawyers represent 31 countries in the Global South that are doomed to end without the support of the world community.

PODCASTS

Here are two podcast recommendations in German addressing global heating. Klima update keeps you posted on the latest news related to climate change while Luisa Neubauer invites different persons to speak with them about different topics of climate change in 1,5 Grad.

- **klima update°- der Nachrichtenpodcast von klimareporter°**
- **1,5 Grad- der Klima-Podcast mit Luisa Neubauer**

ENVIRONMENTAL LAW ALL OVER THE WORLD

COLOMBIA - ENVIRONMENTAL PROTECTION OF AN ECOLOGICAL PARADISE ON EARTH

Colombia hosts five different natural regions, 311 distinct types of ecosystems, natural forests cover 53 % of its territory and more than 54 000 species live on the country's territory.[1] These facts make Colombia one of the most biodiverse countries on the planet and an ecological paradise.

This natural diversity needs protection. But how is this done? The Colombian Constitution sets a clearly environment-conscious frame and provides an "obligation of the State and of individuals to protect the cultural and natural assets of the nation" (article 8, see also article 79 and article 95 no.8) and the right of every individual "to enjoy a healthy environment".

Also, the highest judges of the Constitutional Court decided in favor of environmental protection and declared nature a legal subject in November 2016.[2]

Besides the legal framework, Colombia established a broad National System of Protected Areas (SINAP).

However, the Latin-American country faces several environmental challengers like deforestation, insufficient funding of the protected areas, the degradation of the important paramo-ecosystems[3] and the killings and threats of social leaders to name only a few.[4] In consequence the Court decisions have been only symbolic for now affirms the renowned Colombian environmental lawyer Rodrigo Negrete.

In his article of January 2021 René Mora sheds a light on the deforestation in the Catatumbo region:

<https://news.mongabay.com/2021/01/cocaine-production-driving-deforestation-into-colombian-national-park/>.

by Moritz Röhrs, LL.B., Research Assistant, Chair of US American Law, Member of the Environmental Law Center

[1] <http://www.humboldt.org.co/es/biodiversidad/que-es-la-biodiversidad>; <https://www.gbif.org/>.

[2] And later other entities like the Amazon (2018), two national parks and several rivers in 2019.

[3] Alpine tundra ecosystems that are crucial for the water supply.

[4] Paz Cardona, A.J., Los desafíos ambientales de Colombia en el 2020, January 31, 2020, Mongabay.com : <https://es.mongabay.com/2020/01/desafios-ambientales-colombia-2020-deforestacion-defensores-paramos/>.

HOW TO REACH US

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