



15/16 September 2011
Hamburg, Germany



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WELCOMING ADDRESS PROF. DR. H.-J. KOCH AND PROF. DR. D. KÖNIG

Global Environmental Problems & the Globalisation of Environmental Law

Pivotal global environmental problems such as biodiversity loss, global warming and the many pressures on the seas call for decisive action from the international community. The highly dynamic and indeed creative development of international environmental law in the nearly 40 years since the 1972 UN Conference on the Human Environment in Stockholm has already achieved considerable success. At the same time, international environmental policy faces major additional challenges, notably climate change, along with marine impacts and pollution.

International climate change policy has lost momentum. The international community has not reached binding agreement on quantitative targets, either adopting what is scientifically considered to be the critical limit of 2 °C relative to pre-industrial levels, or in order to secure the necessary cuts in greenhouse gas emissions. We hope that the presentations and discussions in the course of this Conference will produce quantitative targets that can command a consensus and reflect the shared but differentiated responsibilities of the world's countries. There is also a rationale for further diversification of climate policy instruments. Alongside emissions trading, it makes sense to establish additional sectoral policies – first and foremost for the energy sector.

The oceans are exposed to countless pressures and sources of pollution, notably nitrogen and nutrient inputs through direct discharges, discharges into rivers and the atmospheric pathway. To these are added large-scale, intensive, in many cases invasive and consequently habitat-destroying fisheries. A focus of this conference is on the environmental hazards caused by maritime transport. Here, too, we can point to successes achieved under and on the basis of the United Nations Convention on the Law of the Sea and major regional international agreements. There are currently endeavours within both IMO and the EU to incorporate shipping into strategies to cut greenhouse gas emissions. We hope this conference will help clarify and reconcile the various standpoints. International consensus on maritime transport is a valuable aim. So, too, is conserving the ecosystems of the seas on which we depend. There is no time to lose.



WELCOMING ADDRESS J. KUHBIER

The Hamburg International Environmental Law Conference – A Contribution to Global Dialogue

Are there not enough national and international congresses, symposiums, workshops, conferences and get-togethers? Why add an International Environmental Law Conference?

To the initiators and members of our organisation, an event of this kind is overdue. Environmental policy has long ceased to be a solely national domain. Key environmental regulations and directives are adopted by the European Commission and the European Parliament, and by means of international agreements the world community attempts – not always successfully – to address global environmental impacts with global action. Environmental policy, and environmental law as one of its main instruments, is therefore increasingly shaped internationally.

Hamburg is a bastion of international environmental law. The city is home to highly regarded law firms specialising in national and international environmental law, insurers, the International Tribunal for the Law of the Sea, the University of Hamburg Research Centre for Environmental Law, the Verein zur Förderung der umweltrechtlichen Forschung (a private association supporting environmental law research), Bucerius Law School, Verein Rechtsstandort Hamburg (which promotes Hamburg-based legal services), and numerous businesses and institutions with environment-related objectives of their own.

It was therefore natural to incorporate the objectives of the European Green Capital Hamburg 2011 and the Hamburg legal services sector in a major International Environmental Law Conference, whose academic aims consist not only of discussing the status quo of environmental law at international level, but of finding viable solutions for selected issues. To this end, in individual sections addressing such issues, the Conference aims to lay the groundwork for internationally exemplary environmental requirements capable of gaining recognition beyond Germany.

The International Environmental Law Conference does not aim to reduce international environmental law to the lowest common denominator, but to formulate legal arrangements that promote and advance environmental law worldwide.

We look forward to meeting all who take part in the First International Environmental Law Conference in Hamburg on 15 and 16 September 2011.

WELCOMING ADDRESS FIRST MAYOR O. SCHOLZ

Free and Hanseatic City of Hamburg – European Green Capital 2011

The protection of the environment is one of the most urgent issues on the global agenda and will continue to gain importance. Emphasizing this significance is the European Green Capital award newly introduced by the European Commission. For the Year 2011 this title recognizing excellent environmental protection has been awarded to Hamburg.

We want to use this as an opportunity to strengthen our city's role as a driving force in environmental policy. Hamburg's aim is to advance the cross-border discussion, to contribute with its own ideas and to learn from others. Hamburg is one of the world's most important seaports and an economic center in northern Europe. Therefore, environmental policy in Hamburg will always be international environmental policy as well – environmental policy for one of Europe's important industrial bases, for a major port, but as well for our citizens.

Dealing with environmental law is essential for effective environmental protection. What has been missing until now is a forum which takes on the city's different approaches while expanding the view beyond the city's horizon. The "Internationaler Umweltrechtstag Hamburg e.V." has now addressed this important task. A few weeks before COP 17 in Durban, the first Hamburg International Environmental Law Conference gives an opportunity for a trend-setting debate on international climate law. In addition, central issues of maritime protection have been put on the agenda.

As a city well known for its lawyers and for international trade, Hamburg offers the ideal platform for a scientific exchange on environmental law. With its ambitious goals, the Hamburg International Environmental Law Conference is real asset for our city.

Hamburg, one of the world's most beautiful cities, welcomes you.



First Mayor
Olaf Scholz





PROGRAM

Thursday, 15 September 2011: Climate Change

09.00 – 09.30 Welcoming Addresses

1. International Climate Change Policy Before COP 17

09.30–10.00 International Climate Change Policy Before COP 17:
Current Trends
N.N.

10.00–10.30 Instrumental Diversity in Climate Protection
Professor Daniel Bodansky, Arizona State University

Break

2. European and National Initiatives

11.00–11.30 Advancing the Emissions Trading Scheme and Other
Climate Change Instruments in the EU
Jos Delbeke, Deputy Director-General for the Environment

11.30–12.00 Energy Switch in Germany: 100% renewable
Electricity by 2050
*Prof. Dr. Martin Faulstich, Chairman of the German
Advisory Council on the Environment (SRU)*

Lunch

3. Working Groups on Climate Change

13.30–15.00 Working Group: International Climate Policy Before COP 17
*Moderation: Prof. Dr. Sebastian Oberthür, Institute for
European Studies (IES), Vrije Universiteit Brussel*

*Panel: Professor Daniel Bodansky, Arizona State University;
Prof. Dr. Marc Pallemerts, Amsterdam Centre for
Environmental Law and Sustainability (ACELS);
Prof. Dr. Jorge Bermúdez, Pontificia Universidad Católica
de Valparaíso – to be confirmed; Lavanya Rajamani,
Centre for Policy Research, India – to be confirmed*

Break

PROGRAM

15.30–17.00

Working Group: EU and National Initiatives
*Moderation: Professor Dr. Marjan Peeters,
Maastricht University – to be confirmed*

*Panel: Jos Delbeke, Deputy Director-General for the
Environment; Prof. Dr. Martin Faulstich, Chairman of the
German Advisory Council on the Environment (SRU);
Dr. Dörte Fouquet, European Renewable Energies
Federation (EREF); Prof. Dr. Astrid Epiney, Université de
Fribourg; Dr. Jorge Caillaux, Peruvian Society for
Environmental law (SPDA)*

4. Forums

13.30–17.00

Forum 1: Protection of the Marine Environment and
Climate Change
Moderation: N. N.

The Impact of Global Warming on the Oceans
N. N.

Adapting Marine Environment Protection to Cope
with Climate Change
*Professor Catherine Redgwell, University College
London, Faculty of Laws;
Jochen Flasbarth, President of the German
Federal Environment Agency (UBA)*

Discussion

Forum 2: Cities' Contributions to Environmental Protection

End of Thursday's Event

Reception (Town Hall)

PROGRAM

Friday, 16 September 2011: Environmental Hazards Caused by Shipping

1. Reduction of Greenhouse Gases

09.30–10.00

The IMO Options for Reducing Greenhouse Gases
Andreas I. Chrysostomou, Chairman of the Marine Environment Protection Committee, IMO – to be confirmed

10.00–10.30

Integrating Shipping into the EU Emissions Trading Scheme?
Mark Major, GD Climate Action – to be confirmed

Break

2. Prevention of Shipping Accidents

11.00–11.30

A Cooperative Compliance Strategy: The Voluntary IMO Member State Audit Scheme
Lawrence D. Barchue Sr., Senior Deputy Director, Member State Audit and Internal Oversight Services, IMO

11.30–12.00

The Erika III Package:
Progress or Breach of International Law
Prof. Dr. Alexander Proelß, University of Trier

Lunch

3. Working Groups on Environmental Hazards Caused by Shipping

13.30–15.00

Emissions Reduction and Emissions Trading Systems in Shipping
Moderation: Sveinung Oftedal, Senior Advisor, Norwegian Ministry of the Environment

Panel: Andreas Chrysostomou, Chairman of the Marine Environment Protection Committee, IMO – to be confirmed; Mark Major, GD Climate Action – to be confirmed; Petra Bethge, German Embassy London, First Secretary Transport – to be confirmed; Jos Dings, Director of the European Federation for Transport and Environment; Torben Skaanild, Secretary General, BIMCO

Break

PROGRAM

15.30–17.00

The Prevention of Shipping Accidents

*Moderation: Dr. Henrik Ringbom, Head of Unit,
Marine Environment, Training & Statistics (EMSA)*

*Panel: Lawrence D. Barchue Sr., Senior Deputy Director,
Member State Audit and Internal Oversight Services, IMO –
to be confirmed;*

Prof. Dr. Alexander Proelß, University of Trier;

Professor Aldo Chircop, Dalhousie University;

*Achim Wehrmann, German Federal Ministry of Transport,
Building and Urban Development – to be confirmed;*

4. Foren

13.30–17.00

Forum 1: Offshore Wind Energy

*Moderation: Dr. Ronán Long, National University
of Ireland Galway*

Wind Energy and Marine Environment Protection

Dr. Ursula Prall

Wind Energy and Shipping

N. N.

Discussion

Forum 2: Cities' Contributions to Environmental Protection II

17.00–17.30

Concluding Remarks and Outlook

Prof. Dr. Hans-Joachim Koch, University of Hamburg;

Prof. Dr. Doris König, Bucerius Law School

End of Friday's Event

I. ISSUE CLUSTER

International Climate Change Policy Before COP 17: Current Trends

Addressing climate change is arguably the most urgent task facing international environment policy today. After the non-successful Copenhagen Climate Conference in 2009, international climate policy is gathering momentum after Cancún's COP 16 in December 2010. In Cancún (Mexico) the need to limit global warming to an increase of 2 °C compared with pre-industrial levels pointed out by the IPCC as the essential goal in international climate policy, was agreed on binding on all parties. The Cancún Agreements also include the recognition of the need to consider a limitation of global warming to 1.5 °C. Some of the agreements concerning adaptation, financing and forestry protection are going beyond expectations but still contain a lot of legal difficulties.

After the Copenhagen Accord which caused legal problems before anything else, Cancún set the course for future developments: The industrialized countries will continue negotiations on a follow-up treaty to the Kyoto-Protocol and the developing country parties agreed on the registration and monitoring of their commitments (NAMAs) presented in the post Copenhagen process. However, a binding time-table for further negotiations is still missing in spite of all warnings given by scientists. Hopes are pinned on South Africa's COP 17 now. Besides this, the legal structure of future agreements remains uncertain.

The reduction targets for 2020 committed to by Annex I parties to the Kyoto Protocol – ranging from 13.2 to 17.8 percent relative to the 1990 base year – are not enough to attain the 2 °C target. The same applies for the commitments presented by developed and developing countries after Copenhagen, as the parties themselves have ascertained.

Progress at UN level depends on states being ready and willing to take action. The EU, after its efforts in Cancún, intends to pursue an active outreach programme in this regard and increase its leverage in international negotiations. Commitment can be further encouraged by striking the balance that is still yet to be attained between industrial and developing countries. The policy stance taken by major emitters China and the USA remains a large obstacle. The US president's climate change initiative has failed. As the planned energy and climate legislation will not be passed by the US Senate before COP 17. China made some progress but still refuses to accept legally binding global goals.



I. ISSUE CLUSTER

For the fastest possible results in combating climate change, in addition to the UN progress options for sub-global climate alliances between industrialised and developing countries should be explored independently of the USA and China while work goes on to create an appropriate (international) legal framework. A system lacking higher-level coordination and sanction mechanisms would be unable to counter either carbon leakage (the relocation of emissions to non-cooperating countries) or the collective problem of free riders.

The international dimension of climate change is not only about setting reduction targets, forging global and subglobal alliances for their attainment, and establishing greenhouse gas emissions trading along with the project-based mechanisms under the Kyoto Protocol (the Clean Development Mechanism und Joint Implementation). International climate change policy also involves all countries doing their own share to help avert climate change and adapt to changes already taking place, by applying the necessary range of policy instruments at all political and societal levels. Depending on geographical, environmental and economic circumstances, and on the climate change activities already underway, different countries, regions and communities each face different challenges that require coordinated action at the appropriate level. A major contribution here can come from improvements in the energy performance of buildings. In India, for example, the construction sector is growing at rates of about 30 percent a year, yet there is no national approach to ensure energy-efficient building practices.

The presentation opening the climate change section of the conference, *International Climate Change Policy Before COP 17: Current Trends*, will take a look at the status of the climate change debate at international level, taking into account the approaches proposed by the scientific community. The second presentation, *Instrumental Diversity in Climate Protection*, will present the benefits of the polycentric approach in international climate change policy and outline preconditions for the success of decentralised climate change initiatives. Building on these presentations, the Working Group on International Climate Change Policy Before COP 17 will discuss the current status of climate change policy at international level, identify deficits and pick out focus areas for ongoing policy development.

I. ISSUE CLUSTER

European and National Climate Change Initiatives

The European Union continues to regard itself as a pioneer in climate change policy. This is not only reflected in the EU engagement to advance the international negotiations. Numerous strategies and legislative acts with in some cases ambitious goals have been adopted at Community level under what is known as the 20-20-20 target. This refers to a 20 percent cut in greenhouse gas emissions, an increase in renewables to 20 percent of the energy mix and a 20 percent increase in energy efficiency.

The core instrument of EU climate change policy is widely considered to be the **emissions trading scheme**, which is in a state of continuous development. Under Directive 2008/101/EC, flights to and from EU airports will be included in the scheme from 2012. As the International Maritime Organisation has so far failed to agree on how to cut maritime greenhouse gas emissions, the EU is now also thinking of extending the emissions trading scheme to shipping.

The risk that emission cuts secured through the emissions trading scheme could be offset by higher emissions from sectors not covered by it which face international competition is to be addressed by allocating free allowances in the trading period beginning in 2013.

The 2 °C target cannot be achieved through emissions trading alone. The key to simultaneously develop low-emission technologies, boost renewables and improve energy efficiency.

The **Renewable Energy Directive** establishes a common framework for promoting the use of renewable energy. The directive sets overall national targets for energy from renewables as a proportion of gross final consumption in 2020. Member states are required to adopt national action plans to ensure the targets are met. In enacting the **Eco-Design Directive**, the EU aims to improve the energy efficiency and environmental impact of certain products. Originally applicable to "energy-using" products alone, the Directive now also covers products that do not consume energy themselves but do have an impact on energy consumption. The recast **Energy Performance of Buildings Directive** aims to ensure that new as well as existing buildings undergoing major renovation, meet minimum energy performance requirements set by member states.



I. ISSUE CLUSTER

Other key initiatives include the **proposal for a regulation on CO₂ emissions from light commercial vehicles** and the development of an **EU road-map for low-carbon energy technologies**.

The European initiatives require major efforts from member states in the field of energy policy. The need to transform the energy economy is so urgent, however, that member states must also adopt initiatives of their own above and beyond the action taken by the European Union. For Germany, the German Advisory Council on the Environment (SRU) published a statement in 2010 demonstrating the possibility of making the country's electricity supply 100% renewable by 2050.

The first presentation in this topic area, **Further Development of the Emissions Trading Scheme and Other Climate Change Instruments in the EU**, will survey current developments regarding various aspects of European climate change law. The second, **Energy Switch in Germany: 100% renewable Electricity by 2050**, will show, using examples, options for sustainable climate and energy policy at the national level. The subsequent **Working Group: EU and National Initiatives** aims to explore the interplay of and inter-relationships between the various instruments and levels of energy policy in order to draw necessary conclusions as appropriate.



I. ISSUE CLUSTER

Reduction of Greenhouse Gases

Some 80 to 90 percent (by volume) of world trade and 40 to 45 percent of intra-European trade is carried by sea. Compared with the volume of goods carried, the share of global CO₂ emissions accounted for by maritime transport is relatively small, at 2.7 percent. This share is set to grow with world trade, however, creating a need for more effective regulation.

In order to reduce greenhouse gas emissions, a comprehensive and coherent system needs to be developed that combines technical, operational and market-based measures.

Technical measures

Technical measures to cut CO₂ emissions notably include setting technical standards to accelerate the adoption of low-emission and energy-efficient technologies. IMO has developed two indices for the measurement and evaluation of ship energy efficiency: the Energy Efficiency Design Index (EEDI) and the Energy Efficiency Operational Indicator (EEOI). Both of these are to apply for new ships. The EEDI is currently being tested on a voluntary basis.

Operational measures

Operational measures comprise emission reductions through improvements in ship management, logistics, and related measures.

An important CO₂ reduction option is the use of alternative fuels in place of the usual heavy fuel oil, known as bunker oil. Wind power in the form of “skysails” and solar energy may be used to supplement conventional engine power.

Travelling at lower speeds, known as “slow steaming”, is currently the most efficient CO₂ reduction measure with immediate significant effect. This can reduce fuel consumption by up to 50 percent. Unlimited use of this option is not possible, however, as its implementation is dictated by the demands of the trade.

Alternative energy solutions should also be promoted at ports, as with the use of shore-side electricity. As a first step, this can be achieved by using tax exemptions. Shore-side electricity only delivers benefits, however, if the electricity is renewables-generated.



I. ISSUE CLUSTER

Market-based measures: Inclusion of shipping in emissions trading?

As there has been no progress internationally so far towards an emissions trading scheme for the maritime transport sector, there are proposals at EU level to include shipping in the existing emissions trading scheme (ETS). Applying the ETS to shipping is far more complex than applying it to aviation, however. With shipowners, ship operators, charterers, cargo owners and cargo recipients all potentially having different nationalities, multiple countries may be involved in allocating emission allowances. A European ETS would also have to apply to all vessels calling at EU ports.

An alternative to integrating marine transport into the ETS would be to introduce a levy on ship fuels. This would increase the fuel price and so give an incentive to cut fuel consumption and CO₂ emissions. A levy on bunker fuel or some other form of levy could be just as effective and far simpler to operate than the ETS, especially since much of the infrastructure needed to collect such levies is already in place.

The first presentation on this topic, *The IMO Options for Reducing Greenhouse Gases* will first outline the current status of the international debate. The following presentation, *Integrating Shipping into the EU Emissions Trading Scheme*, will then explore proposals already formulated in concrete terms at EU level. The aim of the Working Group: Emissions Reduction and Emissions Trading Systems in Shipping is to identify interdependencies, links and conflicts between European Union approaches and international law and to contribute in the onward development of legislative measures capable of practical implementation.

I. ISSUE CLUSTER

Prevention of Shipping Accidents

Maritime accidents often do catastrophic harm to the marine environment that takes a very long time to be remedied. Examples from recent years include the sinking of the Erika oil tanker off the coast of Brittany in 1999 and that of the Prestige off the Galician coast in 2002. Growth of the fleet, the entry into service of very large carriers for the transport of both passengers and freight and the exponential growth in shipping operations will significantly add to pressures on maritime safety.

A key element in international maritime safety is the monitoring of compliance with prevailing requirements. The International Maritime Organisation (IMO) has broken new ground in this regard with the IMO Member State Audit Scheme. Since the sinking of the Erika, the EU has adopted a broad package of measures to improve accident prevention.

IMO Member State Audit Scheme

The (so far) voluntary IMO Member State Audit Scheme serves the objective of implementing existing IMO instruments to promote maritime safety and security and protection of the marine environment. It aims to provide audited states with a comprehensive assessment of how effectively they implement the mandatory IMO instruments covered by the scheme. These include obligations under three core international conventions – SOLAS, MARPOL and COLREG – to be complied with by each IMO member state in its capacity as flag state, coastal state or port state.

So far, IMO has only carried out audits under the scheme after receiving and agreeing to requests from member states. The aim is to establish a binding scheme by 2015. Until such a binding scheme is in force, EU member states are required to have their administration audited by IMO once every seven years and to publish the audit outcome subject to compliance with national legislation on confidentiality.

The EU ERIKA III package

With the adoption and subsequent implementation of the Third Maritime Safety Package (ERIKA III), the EU has one of the world's most comprehensive and advanced regulatory frameworks for shipping.



I. ISSUE CLUSTER

A central element of ERIKA III is the Port State Control Directive. This has been recast, supplementing port states' powers of inspection and detention and extending such powers to all waters under their jurisdiction (Article 3). This may raise concerns with reference to the right of innocent passage under UNCLOS Article 17 et seq. Article 19 of the Port State Control Directive gives port states the power to detain ships with deficiencies clearly hazardous to safety, health or the environment. If a ship is found to have serious deficiencies on several occasions, it is refused access – in some cases permanently – to all EU ports.

In the Prevention of Shipping Accidents section of the conference with its two presentations – A Cooperative Compliance Strategy: The Voluntary IMO Member State Audit Scheme and The Erika III Package: Progress or Breach of International Law? – the focus is on maritime safety with special consideration of implementation and monitoring aspects. The Working Group: Prevention of Shipping Accidents will take an in-depth look at the interplay between the various regulatory levels. Issues to be addressed include what regulatory scope remains for the EU under international law and how it can make use of that scope to further promote international maritime safety.



II. FORUMS

Protection of the Marine Environment and Climate Change

Global warming brings about a wide range of physical, chemical and biological changes in the oceans. The warming of the seas causes shifts in temperature zones and the geographical ranges of species. Thermal expansion of sea water and the melting of glaciers are already causing sea levels to rise by 3 mm a year. Combined with changes in the storm climate, this poses an existential threat to coastal regions. Excessive quantities of CO₂ dissolved in surface waters make the oceans increasingly acidic. Climate-driven pressures also alter the sensitivity of marine ecosystems to other – anthropogenic – pressures such as pollution.

Adaptation

Efforts to mitigate climate change must be supplemented with specific efforts to adapt. In particular, climate-related pressures must generally be taken into account in marine conservation.

The protection of the marine environment affects many different polluter groups, sectors and policy areas. Regarding not only this, but also the global nature of the causal relationships involved and the fact that the oceans transcend national borders, protecting the marine environment is truly an international issue. Global agreements such as the United Nations Convention on the Law of the Sea are supplemented by longstanding regional-level international agreements for various marine areas. Some such agreements have yet to deliver adequate results due to shortcomings in enforcement and control. Aiming to establish a community framework for more effective protection of the marine environment, the EU Commission presented a proposal for a marine strategy framework directive in 2005. The directive has since entered into force. The EU's primary goal is to achieve or maintain good environmental status in the marine environment by 2020. Detailed targets and management measures to achieve good environmental status within each marine region are to be set at member state level. For those regions under German jurisdiction, the Marine Strategy Framework Directive is supplemented and given more concrete form by the National Strategy for the Sustainable Use and Protection of the Seas, adopted in October 2008.

II. FORUMS

Designating marine protected areas

Ecological communities are especially hard hit by global warming. Biogeochemical cycles, distribution ranges and reproduction rates change. Ecosystems are increasingly invaded by non-native species. Established food chains among species are destroyed. Setting up sufficiently large, well-managed protected areas is an important way of improving the survival chances of species that suffer under climate-related stress factors by at least shielding them from additional anthropogenic pressures in the areas concerned .

Coastal protection

Most existing national coastal protection strategies do not extend beyond 2020. Much remains to be done regarding coastal adaptation for the long term. The OSPAR Commission stresses the need for cooperation and burden sharing between contracting parties for research and planning in coastal adaptation, particularly where stretches of coast extend across national borders. Adaptive measures must primarily be implemented under the framework of integrated coastal zone management (ICZM). Its cross-cutting, strategic approach makes this instrument particularly well suited for achieving the coordination needed between the various aspects of coastal adaptation.

The Forum: Protection of the Marine Environment and Climate Change aims to ensure that implications of climate change specific to the marine environment are given greater consideration in the international debate on greenhouse gas reduction. Marine conservation should be accorded greater weight overall in this regard. Marine-specific conservation activities need to be discussed and further developed.

II. FORUMS

Offshore Wind Energy

The largest share of electricity from renewable energy sources is provided by wind power. There is huge potential in wind-generated electricity, and especially in offshore wind energy. For Europe as a whole, existing and planned offshore wind energy projects could, if fully implemented, supply 10 percent of the continent's electricity while avoiding over 200 million tonnes of CO₂ emissions a year. In the USA, too, the potential of (offshore) wind power is recognised and there are plans to increase its use.

Marine nature conservation

Nature conservation and species conservation objectives must be taken into account from the very beginning when planning wind farms, starting with the choice of location. One notable way of guiding this choice is by designating sensitive parts of the marine environment as marine protected areas. These can be created for a range of purposes under various international agreements. In the European Union, marine protected areas can be established under the Habitats Directive and the Birds Directive.

The noise of pile-driving during construction of a wind farm is one of the main sources of threat, especially to harbour porpoises. Construction work in this connection must be assessed with reference to Articles 12 and 16 of the Habitats Directive. In practice, harbour porpoises are kept out of harm's reach by measures to scare them away, although such measures also raise conservation concerns in their own right.

According to research so far, the probability of migrating birds striking wind turbines heavily depends on weather and lighting conditions. Collisions with migrating birds across a broad front can be avoided by planning and erecting wind farms in line with rather than at right angles to primary migration corridors. Turbines should be stopped when migrations are at their peak.

There is also a need to define materiality thresholds for impacts on marine habitats and species. Finally, thought must be given to whether and how impact mitigation might be made to work in a marine context.



II. FORUMS

Shipping

Wind turbines are artificial obstacles to shipping. Collision risks must be averted and reduced by lowering the probability of collisions and by minimising damage when collisions do take place. A key part in reducing the likelihood of collisions is played by maritime traffic control, which is responsible for detecting and identifying vessels on collision course with or drifting towards wind farms, and for giving out warnings and navigation instructions. At EU level, a monitoring system was introduced after the loss of the oil tanker Erika off the French coast in order to prevent similar incidents in future.

Notable ways of minimising damage in the event of collision include design features on wind turbines such as “collision-friendly” foundation design and safety features on vessels such as the introduction of double-hull tankers. Compliance with safety standards must be secured by law, and to a certain extent this can only be effectively achieved at international level, for example through activities of the International Maritime Organisation (IMO).

The Forum: Offshore Wind Energy aims to foster intensive exchange on legal issues relating to marine nature conservation and the reduction and avoidance of collision risk with shipping. Both topics will be introduced with an approximately 30-minute presentation.



II. FORUMS

Cities' Contributions to Environmental Protection

The topics in the main focus of the Hamburg International Environmental Law Conference – climate change and the environmental hazards caused by shipping – are not only highly important issues at international, European and national level. They equally create the need for regional and local initiatives. Cities and communities share in the responsibility for climate policy to a major degree, for example in promoting improvements in building energy performance and in climate change adaptation on the local planning level. Having the capacity to do much more than smaller communities, large cities should lead by example in this regard. The environmental hazards caused by maritime transport constitute an issue that is already being addressed by many ports. An important option here is the use of shore-side electricity to cut carbon emissions along with other forms of pollution. Under international agreements and European law, ports have special responsibility for ensuring the inspection of visiting ships.

In the Forum: Cities' Contributions to Environmental Protection, a number of cities from around the world receive an opportunity to present outstanding examples of their contribution to mitigating climate change or minimising environmental hazards caused by maritime transport. Alongside the presentations in the Forum: Cities' Contributions to Environmental Protection held on both conference days, projects are exhibited for the entire duration of the conference on panels and in showcases erected in the foyer of the venue. This also means conference participants can still learn about these projects if they take part in the afternoon working groups or either of the parallel Forum: Protection of the Marine Environment and Climate Change or Forum: Offshore Wind Energy.

Interested cities are asked to contribute to the First International Environmental Law Conference with a substantial project presentation. The project concerned should be one that aims to mitigate climate change or environmental impacts of shipping and should at least partly include regulatory actions.

The following cities are expected to present their contributions: Osaka, Shanghai, Nashik (India), St. Petersburg, Daressalam, Stockholm and Auckland.





III. INTERNATIONALER UMWELTRECHTSTAG HAMBURG E.V.

In February 2010, more than fifty legal experts – judiciary, academics, practising lawyers, public servants and policy makers – launched **Internationaler Umweltrechtstag Hamburg e.V.**, a private association established to support the International Environmental Law Conference. The association's members united around the aim of promoting common understanding at international level concerning the objectives and capabilities of environmental law and of pushing ahead the development of internationally accepted legal standards in environmental law. The primary means to this end is the exchange of ideas between experts, first and foremost in the framework of International Environmental Law Conferences to be held regularly every two years. The association also provides members with a forum for professional exchange on environmental law at smaller-scale events.

The association's by-laws are so framed as to ensure that the Hamburg International Environmental Law Conferences cannot be used as a platform for individual interests. Neither policy makers nor business nor industry associations will have notable influence on the substance of the conferences. The association is funded out of members' dues.

The association's board is composed as follows: Senator (retired) Jörg Kuhbier (lawyer), Dr. Roda Verheyen (lawyer; Director, Climate Justice Program), Kersten Wagner-Cardenal (lawyer), Apl. Prof. Dr. Dr. Joachim Sanden (Head of Department, Department of Soil Protection and Contamination, Hamburg State Ministry of Urban Development and Environment; Ausserplanmässiger Professor, Leuphana University, Lüneburg), and Martin Huber (Director, Legal Affairs Office, Hamburg State Ministry of Urban Development and Environment). The academic board of the First International Environmental Law Conference 2011 consists of Prof. Dr. Hans-Joachim Koch (University of Hamburg) and Prof. Dr. Doris König (Bucerius Law School, Hamburg).

The association relies on the assistance of non-members in the attainment of its objectives. Public institutions, non-governmental organisations and business enterprises can provide the association with lasting support in recruiting participants and speakers, in public relations activities, and above all in securing funding for the Conference.



IV. ACADEMIC BOARD

Prof. Dr. Hans-Joachim Koch

1978 Habilitation in Public Law and Philosophy of Law, Department of Law, University of Frankfurt am Main.

1978 Professor of Public Law, University of Hamburg (retired since 2009).

1981-1997 Judge, Hamburg Higher Administrative Court
2002-2008 Chairman, German Advisory Council on the Environment (SRU).

Since 2005 Chairman, Gesellschaft für Umweltrecht e. V.



Prof. Dr. Doris König

1998 Habilitation in Public Law, General Administrative Law, International and European Law, University of Kiel.

Chair of Public Law, General Administrative Law, International and European Law, Bucerius Law School, Hamburg.
1989-1992 Judge, Hamburg Regional Court.

Since 2004 Member of the German Foreign Office Advisory Council on International Law.

Since 2004 Chairman, International Foundation for the Law of the Sea (IFLOS).



Academic Assistant:

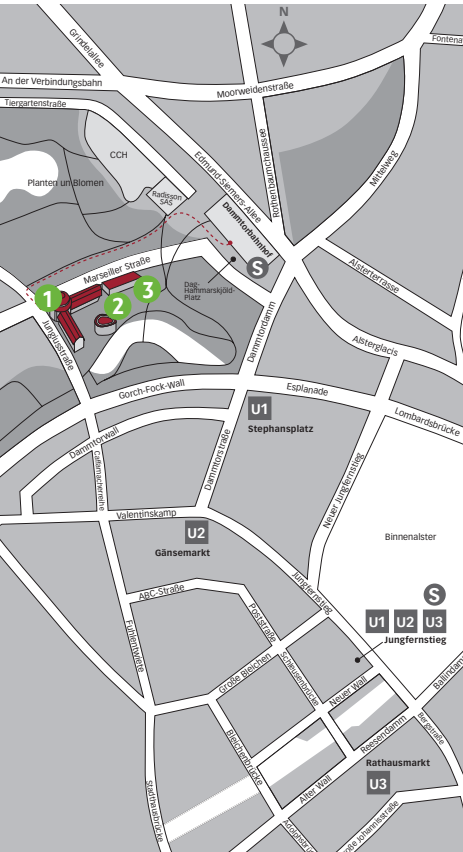
Kerstin Gröhn

Since 2010 Research assistant, University of Hamburg Research Centre for Environmental Law (FORUM).

2009 First state law examinations.

V. DIRECTIONS

How to find us



- 1) Main entrance
- 2) Auditorium maximum
- 3) Deutsche Bank Hall

Within Hamburg

By car, bus or subway line U1 (train and bus schedules are available at www.hvv.de), head for Stephansplatz. Follow Gorch-Fock-Wall to the first intersection. Then turn right onto Jungiusstrasse. The main entrance is on the corner of Jungiusstrasse and Mar-seiller Strasse. There is a parking garage located beneath the CCH (Congress Centrum Hamburg). To access this, continue down Marseiller Strasse to Dammtordamm.

By Train

Get off at Dammtorbahnhof and exit at the doors marked Dag-Hammarskjöld-Platz / CCH / Messe. Head toward the right and take the stairs on the left before the Hotel Radisson SAS. Follow the path through "Planten un Blomen" park until you arrive at the intersection of Marseiller Strasse and Jungiusstrasse. Here you will find the main entrance to Bucerius Law School.

By Air

From the airport, take the "S-bahn" line S1 all the way to the Haupt-bahnhof (central station). From there, cross the platform and take lines S11, S21 or S31 to Dammtorbahnhof. Alternatively, you can take the S1 to the Ohlsdorfer Friedhof stop. Get out there and change to the U1 which you will stay on until Stephansplatz. Both take an average of 40 minutes. A taxi from the airport to Bucerius Law School will take roughly 30 minutes and will cost about 20 Euros.

VI. CONTACT

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VII. SUPPORTERS
OUR THANKS GO TO:



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FRESHFIELDS BRUCKHAUS DERINGER

Rechtsanwälte Günther
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