Hamburg International Environmental Law Conference
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On 15 and 16 September 2011, over 200 lawyers, scientists, students, executive officers and other practitioners from over 30 nations assembled at Bucerius Law School in Hamburg to discuss two of the most urgent environmental problems the globalized world is facing today: Climate change and environmental hazards caused by shipping.

1. Opening Session
The conference was organized by the private association “Internationaler Umweltrechtstag Hamburg e. V.” under the scientific leadership of Prof. Dr. Hans-Joachim Koch, Hamburg University and Prof. Dr. Doris König, Bucerius Law School, Hamburg.
Facing UNFCCC’s COP 17 in Durban in December 2011, Hamburg International Environmental Law Conference should, as Koch pointed out in his opening speech, present elements of solutions for the main problems in international climate policy, especially regarding the fairness of burden sharing among the industrial states as well as between industrial states, emerging countries and developing countries.
2. The First Conference Day: Climate Protection

2.1. After Koch’s opening speech and welcoming addresses held by Prof. Dr. Karsten Schmidt, Bucerius Law School, and Jörg Kuhbier, chairman of Internationaler Umweltrechtstag Hamburg e. V., the floor was given to Prof. Dr. Dirk Messner, Director of the German Advisory Council on Global Change (WBGU), who introduced the audience to the first conference day’s topic. He gave an overview of the state of international climate policy and pointed out its different layers. He sees climate policy closely related for example to various economic, security, innovation and foreign matters and therefore as a part of all those policies. As the world is running out of a legally binding emissions reduction scheme in 2012, a “Plan B Package” is needed. This has to include a Green Climate Fund, technology transfer, adaptation and REDD. Simply extending Kyoto will, in his opinion, not be a solution. The WBGU has previously proposed the budget approach, based on equal per capita emissions around the world. Messner described this approach as transparent, fair and efficiency-orientated. He then focused on geopolitical drives which are a major factor when talking about future climate policy. The world today is not only completely different from the Kyoto-world but also facing a global governance leadership crisis. Following a bottom up process and building climate pioneer alliances will become even more important. In order for the world to succeed with the great transformation towards a global low carbon economy, green development concepts and success cases are needed.

2.2. In the first day’s second presentation, Daniel Bodansky, Lincoln Professor of Law, Ethics and Sustainability, Sandra Day O’Connor College of Law, Arizona State University, conveyed his idea of instrumental diversity to the audience. The Kyoto Protocol fit into an established regime structure: legally binding, prescriptive, precise and mandatory. But it has not gone unchallenged. Other types of instruments have advantages as well. It is unlikely that the post 2012 regime is going to be a Kyoto extension. Instead, different types of instruments should be combined, in Bodansky’s opinion, in a single meta-instrument that incorporates sub-agreements of different types, like a “docking station” approach. Countries willing to achieve binding emissions reduction targets will follow those, countries preferring to set their own national reduction targets will do so, countries willing to set up national reduction strategies without a strict emissions reduction targets will do that and so on. The big advantage of such a docking station model is that it offers a perfect fit for every country. Political, economic and social circumstances are not the same