

Oliver C. Ruppel | Christian Roschmann |
Katharina Ruppel-Schlichting

Climate Change: International Law and Global Governance

Volume I: Legal Responses and Global
Responsibility



Nomos

Prof. Dr. Oliver C. Ruppel |
Prof. Dr. Christian Roschmann |
Dr. Katharina Ruppel-Schlichting [Eds]

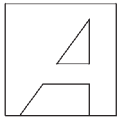
Climate Change: International Law and Global Governance

Volume I: Legal Responses and
Global Responsibility



Nomos

This publication was produced in cooperation with the



Konrad
Adenauer
Stiftung

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the Internet at <http://dnb.d-nb.de>.

ISBN 978-3-8329-7797-9

Language Editing: Julie Streicher & The Word Factory

The content of the articles, including any final errors or omissions that remain, is the sole responsibility of the individual contributors. The editors have made every effort to acknowledge the use of copyright material. Should any infringement of copyright have occurred, please contact the editors, and every effort will be made to rectify omissions or errors, in the event of a reprint or new edition.

1. Edition 2013

© Nomos Verlagsgesellschaft, Baden-Baden 2013. Printed in Germany.

This work is subject to copyright. All rights are reserved, whether the whole or part of the material is concerned, specifically those of translation, reprinting, re-use of illustrations, broadcasting, reproduction by photocopying machine or similar means, and storage in data banks. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to »Verwertungsgesellschaft Wort«, Munich.

Contents

FOREWORD	9
PREFACE	11
ACKNOWLEDGEMENTS	13
THE EDITORS	15
THE CONTRIBUTORS	17

PART I: INTERNATIONAL CLIMATE CHANGE LAW – A NEW LEGAL DISCIPLINE?

1	Intersections of Law and Cooperative Global Climate Governance – Challenges in the Anthropocene <i>Oliver C. Ruppel</i>	29
2	Whose Climate, which Ethics? On the Foundations of Climate Change Law <i>Johan Hattingh</i>	95
3	Legal Strategies to Come to Grips with Climate Change <i>Jaap Spier</i>	121
4	Climate Change Law: Objectives, Instruments and Structures of a New Area of Law <i>Hans-Joachim Koch</i>	153

PART II: CLIMATE CHANGE AND HUMAN RIGHTS

5	Climate Change and Human Rights <i>Christian Roschmann</i>	203
6	Economic, Social and Cultural Rights and Climate Change <i>Ariranga G. Pillay</i>	243

7	Climate Change Adaptation and Human Rights: An Equitable View	261
	<i>Margaux J. Hall & David C. Weiss</i>	
8	Climate Change and Human Rights: What Follows for Corporate Human Rights Responsibility?	299
	<i>Stefanie Ricarda Roos</i>	
9	Climate Change and Gender Justice: International Policy and Legal Responses	323
	<i>Patricia Kameri-Mbote</i>	
10	Climate Change and Children's Rights: An International Law Perspective	349
	<i>Katharina Ruppel-Schlichting, Sonia Human & Oliver C. Ruppel</i>	

PART III: CLIMATE CHANGE, TRADE, INVESTMENT AND REGIONAL INTEGRATION

11	Climate, Trade and Investment Law in the Global Green Economy	381
	<i>Markus W. Gehring & Jarrod Hepburn</i>	
12	Two Stories about EU Climate Change Law and Policy	419
	<i>Navraj Singh Ghaleigh</i>	
13	The Emissions Trading System in the Context of Climate Change: China's Response	463
	<i>Tianbao Qin</i>	
14	Climate Change, Human Security and Regional Integration: The Example of the Southern African Development Community	505
	<i>Oliver C. Ruppel & Katharina Ruppel-Schlichting</i>	

PART IV: CLIMATE CHANGE, THE LAW OF THE SEA AND SEA-LEVEL RISE

15	Climate Change Challenges and the Law of the Sea Responses	549
	<i>Guifang (Julia) Xue</i>	
16	Holding Back the Waves? Sea-level Rise and Maritime Claims	593
	<i>Clive Schofield</i>	

- 17 Disappearing States: Harnessing International Law to Preserve Cultures and Society 615
Gregory E. Wannier & Michael B. Gerrard
- 18 Climate Change and Small Island Claims in the Pacific 657
Yukari Takamura

PART V: JUDICIAL REVIEW AND INTERNATIONAL CLIMATE CHANGE LITIGATION

- 19 Some Perspectives on Global Governance, Judicial Review and Climate Change 687
Hennie A. Strydom
- 20 Climate Change, Global Governance and International Criminal Justice 711
Gerhard Kemp
- 21 Climate Change Litigation: A Global Tendency 741
Noriko Okubo
- 22 International Climate Change Cases 759
Roda Verheyen & Cathrin Zengerling
- 23 Public Interest Litigation and Climate Change – An Example from Kenya 805
Collins Odote
- 24 Injunctions against Climate Change? 831
Ulrich Magnus
- 25 Climate Change and Liability: An Overview of Legal Issues 859
Ina Ebert

PART VI: INTERNATIONAL CLIMATE CHANGE LAW AND CROSSCUTTING ISSUES

- 26 Limitations of Risk Law 869
Ivo Appel

Contents

27	International Climate Law and Mining Regulation – Perspectives from Developing Countries <i>Yemi Oke</i>	899
28	Legal and Regulatory Aspects of Carbon Capture and Storage: A Developed and Developing Country Perspective <i>Jan Glazewski</i>	933
29	Climate Change Mitigation and Adaptation: What is the Role of Intellectual Property and Traditional Knowledge? <i>Eliamani I. Laltaika & Joy Faida</i>	957
30	Climate Engineering and International Law: Final Exit or the End of Humanity? <i>Gerd Winter</i>	979
	Annex Contents Volume II Climate Change: International Law and Global Governance Volume II: Policy, Diplomacy and Governance in a Changing Environment	1013

FOREWORD

It is with great pleasure and honour that I am writing a foreword for this eminent work, which seeks to promote the international rule of law, contribute to durable global peace, avoid conflict, lead to more effective protection of human rights, as well as sustain economic progress and development.

The two volumes of *Climate Change: International Law and Global Governance* describe important topics in respect to mankind and the future that lies ahead. Perhaps, the most important topics are the regulatory and diplomatic aspects of climate change.

In June 2013, UN Secretary-General Ban Ki-moon said “the scientific community plays a key role in finding new ways to combat climate change.” When looking at this publication I must add that the same issue, most likely, also applies to the legal community! It serves as a valuable tool in harnessing the full strength of the global community, catalysing ambitious action, persuading the reduction of emissions, and strengthening climate resilience.

In 1979, Pope John Paul II named St. Francis of Assisi the patron saint “of those who promote ecology”. Interestingly, the recently elected Pope Francis chose his name in honour of the historic preacher, who similarly conducted and was famous for his rather unconventional way of life. Born into wealth, St. Francis of Assisi eventually renounced all of his belongings, aspiring to live a life of wilful poverty in the quest for increased social justice. With respect to this quest, this publication also addresses the promotion of ecology, (un-) conventionalism, distribution of wealth, alleviation of poverty, and the promotion of global social justice.

In light of the impacts of climate change, international regimes face serious concerns with issues such as human rights, global trade, territorial sovereignty, or migration. Legal responses and global responsibilities, therefore, gain an increased political meaning as they encompass legal and policy responses of climate change (e.g. via liability or jurisdiction, and litigation).

In March 2013, the EU Commissioner for Climate Action, Connie Hedegaard, presented a speech at a Conference at Harvard University where she commented inter alia on the “pattern of more frequent and more severe extreme weather worldwide.” She said: “What we see fits with the scientific community’s projections of what a warming world will be like - except that their projections are actually becoming reality even faster than they themselves expected. As President Obama has said, we can either believe that these events were just a

FOREWORD

coincidence, or we can choose to believe in the overwhelming judgment of science and act before it's too late."

The challenge of strengthening national and international climate change policy, sustainable development, and increasing equity around the world are above the capacity of national governments. Thus, international climate change cooperation and protection efforts are crucial not only in the context of national but also global security.

Only recently German Chancellor Angela Merkel called for an internationally binding climate pact to be completed by 2015. "Waiting is not an option," she said. In addition, German Environmental Minister Peter Altmaier mentioned that 2015 will be an important year in climate negotiations. He said: "The international awareness that we need to reach, as a milestone by 2015, is growing," adding that progress "in many areas is still too slow and not enough."

In light of the aforementioned, I commend the editors of this significant work! This publication is not merely an inventory but, furthermore, one of the first academic attempts to systematically address both international climate change law and global climate change governance from a variety of doctrinal, transdisciplinary and thematic perspectives. As a political foundation the Konrad-Adenauer-Stiftung is committed to fostering democracy and the rule of law, implementing social and market-economic structures, and promoting human rights. In this respect, the protection of the environment, as well as issues of climate change and sustainable development are major concerns to this foundation. It is, thus, a privilege for the Konrad-Adenauer-Stiftung to support this important publication. This is a remarkable reflection of the commitment and expertise displayed by the editors and contributors to whom we are very grateful.

Hans-Gert Poettering was born on 15 September of 1945 in Bersenbrueck (Lower Saxony, Germany). Since 1979 he has been a Member of the European Parliament whose President he was from 2007 to 2009. Since 2010 he is President of the Konrad-Adenauer-Stiftung. Hans-Gert Poettering belongs to the Group of the European People's Party (EPP) and is a member of the Christian Democratic Union (CDU, Germany).



Berlin, 17 June 2013

PREFACE

International climate change law is not only a new and emerging legal discipline. In fact, climate change in many ways permeates public and private law, as well as national and international law, creating intersections of law in its diverse procedural and substantive fields. This two-volume publication on *Climate Change: International Law and Global Governance* deals with international law and the multiple regulatory regimes which presently reflect fragmentation in the absence of a universal climate change regime. International climate change law, global climate governance and diplomacy are interrelated and extremely complex: the publication explores these areas from a variety of doctrinal, transdisciplinary and thematic perspectives.

Volume I: *Legal Responses and Global Responsibility* attempts to assess the most pressing impacts of climate change on various international law regimes and their responses thereto. In doing so, the volume inter alia reflects on international climate change law as a new international law discipline; climate change and human rights; climate change, international trade and investment law; the law of the sea and sea-level rise; judicial review and international climate change litigation; and multiple crosscutting issues such as mitigation regulation, natural resource management and climate-engineering.

As a point of departure, **Volume II: *Policy, Diplomacy and Governance in a Changing Environment*** reflects on the United Nations Convention on Climate Change (UNFCCC) and the most pressing impacts of climate change on international diplomacy and global governance. This is highlighted from various transdisciplinary and geopolitical perspectives with a special focus on the challenges of strengthening national and international climate change policy, promoting sustainable development and increasing equity around the world, which go beyond the capacity of national governments. Various international climate change cooperation and protection efforts are analysed, also in the context of global security, climate-induced migration movements, adaptation, and the loss and damage debate.

The effectiveness of the international response to climate change depends upon the legal tools available and the political will to ensure effective implementation. An enabling legal environment, underpinned by good governance and respect for the rule of law, is a prerequisite for greater international

PREFACE

climate change equity. In this spirit, it is hoped that this publication can make a humble contribution towards ensuring more global justice, human security and international peace.

The Editors

Oliver C. Ruppel Christian Roschmann Katharina Ruppel-Schlichting

ACKNOWLEDGEMENTS

A multi-authored publication such as this is an enormous team effort. With so many contributors from all continents of the world, our thanks go first and foremost to all the distinguished authors.

Moreover, we are very grateful to the Konrad-Adenauer-Stiftung which generously supported this enormous project in its various phases including the publication itself. In September 2012 the Konrad-Adenauer-Stiftung Rule of Law Program for Sub-Saharan Africa in collaboration with the Faculty of Law of the University of Stellenbosch, South Africa, held two consecutive conferences, one on *Climate Change and Governance* and another on *Climate Change, Legal Responses and Global Responsibility* in Stellenbosch, South Africa. The conferences deliberated on the effects and the legal aspects of climate change on governance and other pertinent issues. The participants – many of them also represented in this publication – comprised international experts drawn from around the world.

Our special thanks go to Professor Dr. Hans-Gert Poettering (Member of the European Parliament and President of the Konrad-Adenauer-Stiftung); Dr. Gerhard Wahlers (Deputy Secretary-General of the Konrad-Adenauer-Stiftung); and Dr. Christian Hübner (Coordinator for Environmental, Climate and Energy Affairs of the Konrad-Adenauer-Stiftung) for their continuous support.

We also thank NOMOS Publishers Baden-Baden and particularly Professor Dr. Johannes Rux and Dr. Phillipp Küsgens for their professional support.

The Editors

Oliver C. Ruppel Christian Roschmann Katharina Ruppel-Schlichting

THE EDITORS

Prof. Dr. Oliver C. Ruppel is Professor of Public and International Law at the Faculty of Law of the University of Stellenbosch, South Africa; Professor Extraordinaire at several universities around the world and Fellow of the Ciucci Centre for Law and Social Development, an initiative of the Stonehage Charitable Trust. Until 2010 he held one of the worldwide 14 academic chairs of the World Trade Organisation (WTO), Geneva, Switzerland, which he established at the University of Namibia, Windhoek, where he had previously also served as the Director of the national Human Rights and Documentation Centre. He currently serves as Coordinating Lead Author for the Chapter on Africa in the United Nations Intergovernmental Panel on Climate Change (IPCC), Working Group II. He is an international arbitrator with the Association of Arbitrators of Southern Africa, member of the South African and Swiss Branches of the International Law Association, and member of various editorial boards, including the *NIALS Journal of Environmental Law*, and the legal series *Law and Constitution in Africa*, Nomos Publishers, Germany. His latest publications include: Ruppel, Oliver C. & Katharina Ruppel-Schlichting (Eds), 2013, *Environmental Law and Policy in Namibia. Towards Making Africa the Tree of Life*, Windhoek/Essen, Orumbode Press/Welwitschia Verlag Dr. A. Eckl; Ruppel, Oliver C. & Gerd Winter (Eds), 2011, *Justice from Within: Legal Pluralism in Africa and beyond*, Hamburg, Kovač.

Prof. Dr. Christian Roschmann is the Director of the Rule-of-Law-Programme for Sub-Saharan Africa of the Konrad-Adenauer-Foundation, based in Nairobi, Kenya. He is Professor at the Hochschule Harz, University of Applied Sciences, in Saxony-Anhalt, Germany and was visiting Professor at Strathmore Law School, Nairobi, Kenya in 2012 -2013. He was previously Director of the Legal and Human Rights Department of the Ministry of Foreign Affairs of Timor Leste. His latest publication is: Roschmann, Christian et al., *Kenya's Constitutional Review. Experience and Lessons to be Learned for the Constitution-making Process in Tanzania*, to be published in the near future in: Series 3, Tanzanian-German Centre for East African Legal Studies, Dar-es-Salaam.

Dr. Katharina Ruppel-Schlichting is the Director of the Legal Research and Development Trust for Africa, Windhoek, Namibia and Stellenbosch, South Africa. She is an international legal consultant and author of a variety of legal academic writings. Her latest publications include the following: Ruppel, Oliver C. & Katharina Ruppel-Schlichting (Eds), 2013, *Environmental Law and Policy in Namibia. Towards Making Africa the Tree of Life*, Windhoek/Essen, Orumbode Press/Welwitschia Verlag Dr. A. Eckl; Ruppel, Oliver C. & Katharina Ruppel-Schlichting, 2012, Climate Change and Human Security: Relevant for Regional Integration in SADC?, in: Hartzenberg, Trudi, Gerhard Erasmus & Andre Du Pisani (Eds), *Monitoring Regional Integration in Southern Africa – 2011 Yearbook for Regional Integration*, Stellenbosch, tralac, 32–71.

THE CONTRIBUTORS

Prof. Dr. Ivo Appel is Professor of Constitutional Law, Administrative Law, Environmental Law and Philosophy of Law at the Faculty of Law of the University of Hamburg, Germany. He is also the Managing Director of the Research Centre for Environmental Law at the University of Hamburg. His latest publications include: Appel, Ivo, 2012, Staat und Bürger in Umweltverwaltungsverfahren, *Neue Zeitschrift für Verwaltungsrecht*, 1361; Appel, Ivo, Georg Hermes & Christoph Schönberger (Eds), 2011, *Öffentliches Recht im offenen Staat*, Berlin, Duncker & Humblot.

Prof. Dr. Ina Ebert is a Leading Expert for Liability and Insurance Law at Munich Re, Munich, Germany. She is adjunct Professor for Private Law and Legal History at Kiel University Law School, Germany, and Member of the Working Group of the Geneva Association *Climate Risk and Insurance*. One of her recent publications is: Ebert, Ina, 2012, Who is Liable in Cyberspace?, *Cyberrisks*, Munich, Munich Re, 29–39.

Joy Faida is Lecturer of Law at Tumaini University, Iringa University College, Iringa, Tanzania. She served as Assistant Lecturer from December 2007 to August 2012 and was appointed to the position of Associate Dean, Faculty of Law in November 2010. One of her recent publications is: Faida, Joy & Eliamani Laltaika, 2010, Reducing Emissions from Deforestation and Forest Degradation (REDD) Legal and Policy Challenges for Tanzania, in: Mwiturubani, Donald Anthony & Jo-Ansie van Wyk (Eds), *Climate Change and Natural Resources Conflicts in Africa*, Institute for Security Studies (ISS) Monographs 170, Pretoria, ISS.

Dr. Markus W. Gehring is the Deputy Director of the Centre of European Legal Studies, Faculty of Law, University of Cambridge, United Kingdom. He is Fellow in Law, Hughes Hall, holds an Ad Personam Jean Monnet Chair in Sustainable Development Law; Associate Professor, University of Ottawa, Canada; Lead Counsel, Sustainable Trade, Investment and Financial Law at the Centre for International Sustainable Development Law. His recent publications include: Gehring, Markus W., Marie-Claire Cordonier Segger & Jarrod Hepburn, 2012, Climate Change and International Trade and Investment Law, in: Rayfuse, Rosemary & Shirley Scott (Eds), 2012,

International Law in the Era of Climate Change, Cheltenham, Edward Elgar Publishing, 84–117; Gehring, Markus W., Marie-Claire Cordonier Segger & Andrew Newcombe (Eds), 2011, *Sustainable Development in World Investment Law*, The Hague, Kluwer Law International.

Prof. Dr. Michael B. Gerrard is Andrew Sabin Professor of Professional Practice and Director, Center for Climate Change Law, Columbia Law School, United States of America; Associate Chair of the Faculty, the Earth Institute of Columbia University; Senior Counsel, Arnold & Porter LLP. His recent publications include: Gerrard, Michael B. & Gregory E. Wannier (Eds), 2013, *Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate*, Cambridge, Cambridge University Press; Gerrard, Michael B. & Katrina F. Kuh (Eds), 2012, *The Law of Adaptation to Climate Change: U.S. and International Aspects*, Chicago, American Bar Association.

Navraj Singh Ghaleigh is Lecturer in Public Law at the University of Edinburgh, Scotland. Previously, he was a barrister in London and Lecturer at King's College London, United Kingdom. One of his latest publications is: Maurkussen, Nils, Florian Kern, Jim Watson, Stathis Arapostathis, Hannah Chalmers, Navraj Singh Ghaleigh, Philip Heptonstall, Peter Pearson, David Rossati & Stewart Russell, 2012, A Socio-technical Framework for Assessing the Viability of Carbon Capture and Storage Technology, *Technological Forecasting and Social Change* 79 (5), 903–918.

Prof. Dr. Jan Glazewski is Professor in the Institute of Marine and Environmental Law at the University of Cape Town, South Africa, where has been teaching and publishing in the area of marine and environmental law since 1986. He was Special Advisor to the former Minister of Environmental Affairs & Tourism, Mohammed Valli Moosa in 2003/4 and was involved in the inclusion of an environmental right in both the South African and Namibian constitutions. During 2013 he is assisting Minister Trevor Manuel in the Office of the Presidency in the Minister's capacity as Co-Chair of the Global Oceans Commission. One of his latest publications is: Glazewski, Jan & Louise du Toit (Eds), 2013, *Environmental Law in South Africa*, Durban, LexisNexis, Loose-leaf edition (Issue 1).

Dr. Margaux J. Hall is Fellow at the Center for Reproductive Rights, Columbia Law School, United States of America. Most recently, she spent more than one year as a Consultant with the Justice Reform Group of the World Bank Legal Vice Presidency and she was a Fulbright Fellow in South

Africa in 2009, affiliated with the University of Cape Town, South Africa. One of her recent publications is: Hall, Margaux J. & David C. Weiss, 2012, *Adaptation Apartheid: Climate Change Adaptation and Human Rights Law*, *Yale Journal of International Law* 37 (2), 309–366.

Prof. Dr. Johan P. Hattingh is the Dean of the Faculty of Arts and Social Sciences of the University of Stellenbosch, South Africa. He is Professor of Philosophy in the same faculty. Until 2011, he served as a member of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) of UNESCO, serving from 2005 as Rapporteur. Until 2012, he was President of the Business Ethics Network of Africa (BEN-Africa). One of his latest publications is: Hattingh, Johan P., 2013, *Protection of the Environment, the Biosphere, and Biodiversity*, in: ten Have, Henk & Bert Gordijn (Eds), *Global Bioethics Atlas*, Amsterdam, SpringerReference.

Jarrold Hepburn is Candidate for the DPhil in Law, Balliol College, University of Oxford, United Kingdom. One of his latest publications is: Gehring, Markus W., Marie-Claire Cordonier Segger & Jarrold Hepburn, 2012, *Climate Change and International Trade and Investment Law*, in: Rayfuse, Rosemary & Shirley Scott (Eds), 2012, *International Law in the Era of Climate Change*, Cheltenham, Edward Elgar Publishing, 84–117.

Prof. Dr. Sonia Human is the Dean of the Faculty of Law of the University of Stellenbosch, South Africa. Her main area of interest is Family Law and the Law of Persons, with a special focus on Children's Rights. She is a co-author of four textbooks on Family Law and the Law of Persons and author of four chapters in publications on Children's Rights.

Dr. Eliamani Laltaika teaches Intellectual Property and Environmental Law at the Nelson Mandela African Institute of Science and Technology (NM-AIST), Arusha, Tanzania. He is a former WIPO Indigenous IP Law Fellow (2009) and the current coordinator of the Tanzania Intellectual Property Rights Network (TIP-Net), a non-governmental organisation dedicated to sensitising Tanzanians on issues related to IP and technology transfer. One of his latest publications is: Laltaika, Eliamani & Joy Faida, 2010, *Reducing Emissions from Deforestation and Forest Degradation (REDD) Legal and Policy Challenges for Tanzania*, in: Mwiturubani, Donald Anthony & Jo-Ansie van Wyk (Eds), *Climate Change and Natural Resources Conflicts in Africa*, Institute for Security Studies (ISS) Monographs 170, Pretoria, ISS.

Prof. Dr. Patricia Kameri-Mbote is the Dean at the School of Law of the University of Nairobi, Kenya, where she is a Professor of Law. The Senior Counsel Rank was conferred to her by the President of Kenya in 2012 upon recommendation of the Law Society of Kenya. She is the Chair of the Advisory Board of Strathmore Law School, Nairobi and Board Member of the International Development Law Organization and Global Council Member of the Water and Sanitation Programme. One of her latest publications is: Kameri-Mbote, Patricia, Collins Odote, Celestine Musembi & Murigi Kamande, 2013, *Ours By Right: Law, Politics and Realities for Community Property in Kenya*, Nairobi, Strathmore University Legal Press.

Prof. Dr. Gerhard Kemp is Professor of Criminal Law and International Criminal Law at the Faculty of Law of the University of Stellenbosch, South Africa. He is a Visiting Professor in International Criminal Law at the Nelson Mandela Metropolitan University, Port Elizabeth, South Africa and Advocate of the High Court of South Africa. He is author of books, chapters in books and articles in scientific journals on the subjects of Criminal Justice, International Criminal Law and Transitional Justice. He serves on the editorial boards of the African Yearbook on International Humanitarian Law and the Law & Justice Review. Furthermore, he serves as a member of the board and executive committee of the Institute for Justice and Reconciliation, Cape Town, South Africa. One of his latest publications is: Kemp, Gerhard, Shelley Walker, Robin Palmer, Dumile Baqwa, Chris Gevers, Brian Leslie & Anton Steinberg, 2012, *Criminal Law in South Africa*, Cape Town, Oxford University Press.

Prof. Dr. Hans-Joachim Koch is Professor of Law at the Faculty of Law of the University of Hamburg, Germany. He is founder of the Research Center for Environmental Law at the University of Hamburg. From 2002 to 2008 he was Chairperson of the German Advisory Council on the Environment (SRU) and, since 2005 he has been Chairperson of the Association for Environmental Law (Gesellschaft für Umweltrecht e.V.). His latest publications include: Koch, Hans-Joachim (Ed.), forthcoming 2013, *Umweltrecht* (Fourth Edition), München, Vahlen; Koch, Hans-Joachim, Doris König, Joachim Sanden & Roda Verheyen (Eds), 2013, *Climate Change and Environmental Hazards Related to Shipping*, Leiden, Martinus Nijhoff Publishers.

Prof. Dr. Ulrich Magnus is Professor of Law (Emeritus) at the Faculty of Law of the University of Hamburg, Germany. He is a retired Judge of the

Hamburg Court of Appeal; Executive Vice-Director of the European Center of Tort and Insurance Law in Vienna, Austria; Director of the Max-Planck Research School for Maritime Affairs in Hamburg; and Germany's National Correspondent at UNCITRAL. One of his latest publications is: Magnus, Ulrich (Ed.), 2012, *CISG vs. Regional Sales Law Unification*, Munich, Sellier European Law Publishers.

Dr. Collins Odote is Senior Lecturer for Environmental Law, Centre for Advanced Studies in Environmental Law and Policy (CASELAP), University of Nairobi, Kenya. He is the Chairperson of the Board of Trustees, Institute for Law and Environmental Governance, a not-for profit organisation focussing on sustainable development. One of his latest publications is: Kameri-Mbote, Patricia, Collins Odote, Celestine Musembi & Muriigi Kamande, 2013, *Ours By Right: Law, Politics and Realities for Community Property in Kenya*, Nairobi, Strathmore University Legal Press.

Dr. Yemi Oke is Senior Lecturer at the Faculty of Law of the University of Lagos, Nigeria. He has served as Counsel for several leading law firms in Nigeria and taught at York and Ryerson Universities, Canada. One of his latest publications is: Oke, Yemi, 2013, *Nigerian Electricity Law and Regulation*, Abuja, LawLords.

Prof. Dr. Noriko Okubo is Professor of Law at the Graduate School of Law and Politics, Osaka University, Japan. She is a Member of the Board of Directors of the Japanese Association of Environmental Law and Policy; Commissioner of the Review Board of Public Information Disclosure and Personal Information Protection; and Commissioner of the Pollution Review Council of the Osaka Prefecture. One of her latest publications is: Okubo, Noriko, 2012, *The Development of Environmental Administrative Litigation in Europe: With a Focus on the Guarantee of Access to Justice*, Takagi and others, *New Perspective in Administrative Law and Regulatory Policy* [Gyoseihougaku no Mirai ni Mukete], 459–475.

Justice Ariranga G. Pillay is the former Chairperson and current Member of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). He is the former President of the Tribunal of the Southern African Development Community (SADC), Windhoek, Namibia; the former Chief Justice of the Republic of Mauritius, and International Legal Consultant. One of his latest publications is: Pillay, Ariranga G., 2013, *Reflecting on the SADC Tribunal: A Missed Opportunity?* South African Foreign Policy Initiative (SAFPI), Policy Brief No. 29, March 2013.

Prof. Dr. Tianbao Qin is the Associate Dean and Professor of Law at the School of Law, Wuhan University, China. He is a Senior Research Fellow at the University of Göttingen, Germany; Legislative Expert for China's Ministry of Environmental Protection and Ministry of Agriculture; Advisor of the Chinese Delegation for the negotiations on biodiversity and climate change issues. He is the Secretary-General of the Chinese Society of Environment and Resources Law (CSERL); Member of the Board of Directors of the Chinese Association of European Law; Member of the Chinese Association of WTO Law; Member of the Commission on Environmental Law; and Member of the Committee on the Legal Principles Relating to Climate Change of the International Law Association. His latest publications include: Qin, Tianbao, 2013, *Laws and Practices on Biodiversity Conservation*, Beijing, Higher Education Press; Qin, Tianbao (Ed.), 2013, *Environmental Law: Systems, Theories, and Cases*, Wuhan, Wuhan University Press.

Dr. Stefanie Ricarda Roos is Lecturer in the International Master Program *International Human Rights and Humanitarian Law* at the Faculty of Law of the European University Viadrina, Frankfurt (Oder), Germany. She is a consultant and author in the field of business and human rights, globalisation and human rights, and the rule of law. Until 2010 she was the Director of one of the worldwide five regional Rule of Law Programmes of the Konrad-Adenauer-Foundation, which she established in Bucharest, Romania for the region of South East Europe. One of her latest publications is: Roos, Stefanie Ricarda, 2013, UN Guiding Principles on Business and Human Rights, in: Idowu, Samuel O., Nicholas Capaldi, Liangrong Zu & Ananda Das Gupta (Eds), *Encyclopedia of Corporate Social Responsibility*, Berlin, Springer, 2592–2601.

Prof. Dr. Christian Roschmann is the Director of the Rule-of-Law-Programme for Sub-Saharan Africa of the Konrad-Adenauer-Foundation, based in Nairobi, Kenya. He is Professor at the Hochschule Harz, University of Applied Sciences, in Saxony-Anhalt, Germany and was visiting Professor at Strathmore Law School, Nairobi, Kenya in 2012 -2013. He was previously Director of the Legal and Human Rights Department of the Ministry of Foreign Affairs of Timor Leste. His latest publication is: Roschmann, Christian et al., *Kenya's Constitutional Review. Experience and Lessons to be Learned for the Constitution-making Process in Tanzania*, to be published in the near future in: Series 3, Tanzanian-German Centre for East African Legal Studies, Dar-es-Salaam.

Prof. Dr. Oliver C. Ruppel is Professor of Public and International Law at the Faculty of Law of the University of Stellenbosch, South Africa; Professor Extraordinaire at several universities around the world and Fellow of the Ciucci Centre for Law and Social Development, an initiative of the Stonehage Charitable Trust. Until 2010 he held one of the worldwide 14 academic chairs of the World Trade Organisation (WTO), Geneva, Switzerland, which he established at the University of Namibia, Windhoek, where he had previously also served as the Director of the national Human Rights and Documentation Centre. He currently serves as Coordinating Lead Author for the Chapter on Africa in the United Nations Intergovernmental Panel on Climate Change (IPCC), Working Group II. He is an international arbitrator with the Association of Arbitrators of Southern Africa, member of the South African and Swiss Branches of the International Law Association, and member of various editorial boards, including the *NIALS Journal of Environmental Law*, and the legal series *Law and Constitution in Africa*, Nomos Publishers, Germany. His latest publications include: Ruppel, Oliver C. & Katharina Ruppel-Schlichting (Eds), 2013, *Environmental Law and Policy in Namibia. Towards Making Africa the Tree of Life*, Windhoek/Essen, Orumbode Press/Welwitschia Verlag Dr. A. Eckl; Ruppel, Oliver C. & Gerd Winter (Eds), 2011, *Justice from Within: Legal Pluralism in Africa and beyond*, Hamburg, Kovač.

Dr. Katharina Ruppel-Schlichting is the Director of the Legal Research and Development Trust for Africa, Windhoek, Namibia and Stellenbosch, South Africa. She is an international legal consultant and author of a variety of legal academic writings. Her latest publications include the following: Ruppel, Oliver C. & Katharina Ruppel-Schlichting (Eds), 2013, *Environmental Law and Policy in Namibia. Towards Making Africa the Tree of Life*, Windhoek/Essen, Orumbode Press/Welwitschia Verlag Dr. A. Eckl; Ruppel, Oliver C. & Katharina Ruppel-Schlichting, 2012, Climate Change and Human Security: Relevant for Regional Integration in SADC?, in: Hartszenberg, Trudi, Gerhard Erasmus & Andre Du Pisani (Eds), *Monitoring Regional Integration in Southern Africa – 2011 Yearbook for Regional Integration*, Stellenbosch, tralac, 32–71.

Prof. Dr. Clive Schofield is Professor and Director of Research at the Australian Centre for Ocean Resource and Security (ANCORS), University of Wollongong, Australia. Prior to this appointment he was Director of Research at the International Boundaries Research Unit (IBRU), University of Durham, United Kingdom. He is a contributor to the International Hydro-

graphic Organization's (IHO) Technical Aspects on the Law of the Sea (TALOS) Manual (Fifth Edition). His latest publications include: Victor Prescott & Clive Schofield, 2005, *The Maritime Political Boundaries of the World* (Second Edition), Leiden, Martinus Nijhoff Publishers; Schofield, Clive & Robin Warner (Eds), 2012, *Climate Change and the Oceans: Gauging the Legal and Policy Currents in the Asia Pacific Region*, Cheltenham, Edward Elgar Publishers.

Prof. Dr. Jaap Spier is Advocate-General in the Supreme Court of the Netherlands. He is honorary Professor of Comparative Insurance Law at the University of Maastricht, the Netherlands; Member and honorary President of the European Group on Tort Law. One of his latest publications is: Spier, Jaap, 2012, *Shaping the Law for Global Crises*, Legal Perspectives on Global Challenges Series, Den Haag, Eleven Publishing.

Prof. Dr. Hennie A. Strydom is Professor of Public International Law at the University of Johannesburg, South Africa. He holds the South African Research Chair (SARCh) in International Law, funded by the Department of Science and Technology and administered by the National Research Foundation (NRF) of South Africa. He is currently the President of the South African Branch of the International Law Association. One of his recent publications is: Strydom, Hennie A., 2013, Human Security within the Context of International Humanitarian Law and International Criminal Law, in: Lautensach, Alexander K. & Sabina W. Lautensach (Eds), *Human Security in World Affairs*, Vienna, CeasarPress, 85–112.

Prof. Dr. Yukari Takamura is Professor of International Law at the Graduate School of Environmental Studies, Department of Social and Human Environment, Nagoya University, Japan. She is an Associate Member of the Science Council of Japan, Member of the IUCN Commission on Environmental Law; Member of the International Committee on Legal Principles Relating to Climate Change, International Law Association (ILA); Member of the Japanese Governmental Advisory Bodies for Environmental Policy, among others the Central Council of Environment, the Council of Science and Technology, the Council of Transport Policy, and the Industrial Structure Council. Her latest publications include: Takamura, Yukari, 2011, Japan, in: Lord, Richard, Silke Goldberg, Lavanya Rajamani & Jutta Brunnée (Eds), *Climate Change Liability: Transnational Law and Practice*, Cambridge, Cambridge University Press; Takamura, Yukari, 2011, Do Markets Matter? The Role of Markets in the Post-2012 International Climate

Regime, in: Sawa, Takamitsu, Susumu Iai & Seiji Ikkatai (Eds), *Achieving Global Sustainability*, Tokyo, United Nations University Press.

Dr. Roda Verheyen is an environmental lawyer with many years of experience in International Environmental Law and policy and climate change campaigning in Europe. She has written her PhD on climate change damage in International Law and now works in a law firm specialised in environmental and planning law in Hamburg, Germany. She was previously a Director of the Climate Justice Programme, which she founded in 2002 with Peter Roderick. Before registering as an attorney, she was an independent consultant for (inter alia) the GTZ (today GIZ), the Federal Environment Ministry, Friends of the Earth, Greenpeace and Germanwatch e.V., as well as a member of the German delegation to the Climate Change Convention. She is also a Board Member of the Hamburg International Environmental Law Conference (HIELC), and regularly publishes on International and National Environmental Law topics. One of her latest publications is: Verheyen, Roda, Hans-Joachim Koch & Michael Lührs, 2011, Germany, in: Lord, Richard, Silke Goldberg, Lavanya Rajamani & Jutta Brunnée (Eds), *Climate Change Liability: Transnational Law and Practice*, Cambridge, Cambridge University Press.

Dr. Gregory E. Wannier is Judicial Clerk for the Hon. S. James Otero, United States District Court for the Central District of California, United States of America. He is the former Deputy Director of the Center for Climate Change Law, Columbia Law School. One of his latest publications is: Gerrard, Michael B. & Gregory E. Wannier (Eds), 2013, *Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate*, Cambridge, Cambridge University Press.

Dr. David C. Weiss is Associate Counsel of the National Basketball Association, New York, United States of America. He is an Associate in the Antitrust and Competition Group, Skadden, Arps, Slate, Meagher & Flom LLP and holds a Bates Fellowship, South African Human Rights Commission. One of his latest publications is: Hall, Margaux J. & David C. Weiss, 2012, *Adaptation Apartheid: Climate Change Adaptation and Human Rights Law*, *Yale Journal of International Law* 37, 309–366.

Prof. Dr. Gerd Winter is Professor of Law at the Faculty of Law of the University of Bremen, Germany. He is a Director of the Research Centre for European Environmental Law (FEU), University of Bremen. One of his lat-

est publications is: Kamau, Evanson Chege & Gerd Winter (Eds), 2013, *Common Pools of Genetic Resources*, London, Earthscan.

Prof. Dr. Guifang (Julia) Xue is Professor of Law at the Koguan Law School, Shanghai Jiaotong University, China. Prior to this appointment, she was the Director of the Institute for the Law of the Sea, Ocean University of China, Qingdao, China. One of her latest publications is: Xue, Guifang (Julia), 2012, Deep Danger: Intensified Competition in the South China Sea and Implications for China, *Ocean and Coastal Law Journal* 17, 307–321.

Dr. Cathrin Zengerling is an environmental lawyer specialised in (International) Environmental Law and Energy Law. She works as an Attorney at the law firm Rechtsanwälte Günther in Hamburg, Germany and as a lecturer at the Master Program REAP (Resource Efficiency in Architecture and Planning) of the HafenCity University Hamburg. Her PhD thesis *Greening Jurisprudence – Environmental NGOs before International Courts, Tribunals, and Compliance Committees* focused on access of environmental NGOs to and environmental case law of international judicial and quasi-judicial bodies. One of her latest publications is: Zengerling, Cathrin, forthcoming 2013, *Greening International Jurisprudence – Environmental NGOs before International Courts, Tribunals, and Compliance Committees*, Leiden, Martinus Nijhoff Publishers.