

Bionotes:

Ms. Sheila Abed has been a member of the IUCN Commission on Environmental Law since the year 2000, and has served as Chair of the Commission since 2004. Sheila Abed is the Founder, and Executive President of IDEA (Instituto de Derecho y Economía Ambiental), the Paraguayan Environmental Law and Economics Institute, an NGO in Asuncion, Paraguay since 1996. IDEA has become an important organization in the region focusing on trade and environment issues, training the negotiators, promoting national adoption of MEAs, training judges, and working with legislators. Under her direction, IDEA has implemented avant-garde programmes, such as Sustainability Impact Assessments, Legal Tools for Private Lands' Conservation, and Economic Valuation of Natural Resources.

Ms. Abed has a law degree from Universidad Nacional de Asunción (1986) and completed an LL.M. through a joint program of the Universidad Católica de Asunción (Asunción, Paraguay) and the Université Limoges (Limoges, France) at the University of Limoges. Ms. Abed is currently completing a PhD Program at the University of Buenos Aires. She is a member of the South American coalition of NGOs and individual members known as the "Grupo Zapallar" on Trade and Environment. She used to serve as General Coordinator of the Regional Alliance for Conservation Policies in Latin America and the Caribbean (ARCA – Alianza Regional para Políticas de Conservación en América Latina y el Caribe). On several occasions she has represented the Paraguayan Government at the UNFCCC, and has represented civil society in the Biodiversity and Ramsar Conventions.

She has also trained diplomatic personnel, other public agencies' personnel, and people from private institutions in how to negotiate Multilateral Agreements. She also explored and negotiated the possibilities of Paraguay qualifying under the nature/debt swap programs, with very important results, under an UNDP contract. Ms. Abed has helped draft several bills of law and presidential decrees.

Further, Ms. Abed is an invited Professor at the Universidad de Buenos Aires (Buenos Aires, Argentina) and the Universidad del Litoral (Santa Fe, Argentina). She has been Director of a Program on Compliance and Enforcement, "Training the Trainees," which is supported by the USEPA. This program resulted in the establishment of a cooperative initiative among prosecutors from Argentina, Brazil, and Paraguay for the Investigation of Transboundary Environmental Cases. Additionally, she has contributed to the creation and publication of indicators for investigating environmental crimes.

Ms. Abed is co-author of six publications and fluent in Spanish, English, Portuguese, and the indigenous tongue, Guaraní.

Arbovitae Interview

1. Thanks for speaking with us today, Sheila. In recent years you have been particularly involved with transboundary forest law. Can you tell us a bit about the work you have been doing in that area?

This work began with the discovery of a network of wood trafficking from Paraguay to Brazil. Once we began to look more into this trafficking network, we found out that the wood trafficking was also taking place from Bolivia to Brazil. When we investigated the underlying causes and related problems, we discovered that it was due to a leakage issue. Brazil had begun to apply heavy fines and to control the traffic of wood more strictly, particularly the wood that serves to supply the steel industry, so the problem was simply transported to the neighboring countries, whose enforcement of and compliance with environmental legislation is much weaker.

We received a formal complaint at the organization for which I work, and since we are supporting the work of environmental prosecutors in the region, we decided that it was a good opportunity to involve the judiciary, as well as the administrative offices of the three countries involved so as to create a transboundary case that analyzes the problem from the beginning to the end. We then took action and contacted all of the aforementioned institutions, organized meetings in all three countries and agreed on a workplan with specific activities for each sector. We also drafted an MOU among all of the involved institutions.

2. What are the main challenges in working with and applying transboundary forest law?

One of the main challenges involves matching all of the different legal regimes, since each one of the countries involved has its own set of rules that are very different from the others. Another challenge is that this sort of offence cannot be dealt with merely from an environmental law standpoint, but it must also incorporate customs law, tax law, and the study of norms of the countries' different governmental levels. In addition, one must address the institutional weakness and corruption existing in these countries.

3. The innovative work you have been doing in transboundary forest law in Latin America has been an overall success – will the lessons and approach from that particular experience now be applied in other countries?

Our work is simply the beginning of a process, but we cannot consider it to be a success just yet. The achievements we have attained up to now are due to the fact that, at least in the region, environmental prosecutors are beginning to work together and there is some cooperation among environmental administrative offices. Civil society organizations have also begun to cooperate across borders in relation to these issues.

4. How does working with forest legal matters relate with the work of other environmental lawyers in your experience? Is there overlap or does it create another kind of conflict in achieving your specific objectives?

Working with Forest Legal Matters is a challenge to environmental lawyers because for forestry cases you have to take into account the production side. This can present a conflict when it comes to finding all of the answers for a topic like the forestry case, since environmental lawyers are very focused on conservation and tend to want to ignore the production side. This is a challenge that is also observed in other fields.

5. Does your transboundary work set a model/provide lessons for global/international/regional forest law, conventions, etc? How?

It is really nothing new. It is a lesson known by everyone, but one must have the courage to implement it. We must step outside the box of a very strict sovereignty scheme, try to work cooperatively, exchange information, and government offices and civil society organizations must work together.

6. What would be your main points of advice to a young lawyer looking to work in forest law today?

One must get involved mainly in trade agreements, customs law, tax law, etc. It is impossible to look at forestry issues merely from an Environmental Law perspective. A young lawyer's training must be very comprehensive and must take all of these subjects into account.

7. How has the forest legal work changed since you started your career? Where/how do you see the future of forest legal work?

The forest legal work has changed a great deal. Particularly because as a more educated, informed, and aware market develops, the work must take into account all of the related opportunities, such as forest certification, REDD, etc. A lawyer today must be informed and remain updated so that they can continually explore new opportunities and incentives, etc.