



Capacity Building in Environmental Law: *The Challenge*

Recent International Agreements

The World Summit on Sustainable Development (WSSD) Plan of Implementation, Doha Declaration (trade) and Monterrey Consensus (financing) all stress the critical importance of capacity building. It is the most prevalent recurring theme, with an emphasis being placed upon capacity building *programmes*. This is linked directly to ‘good governance’ as building the capacity of institutions and people, in particular at the national level, is necessary for ‘good governance’, which in turn is critical to achieving sustainable development.

Many other recent international initiatives and agreements could be referred to in the context of capacity building. These include:

Agenda 21: A number of different Chapters could be referred to as capacity building is a theme that cuts across most issues. Chapters 8.19 – 20 call for establishing a co-operative training network for sustainable development law and support, working together to develop integrated compliance strategies, and co-ordination through providing legal information services with legal expert advice.

UN Millennium Declaration: The Declaration reaffirms support for the principles of sustainable development, including those set out in Agenda 21 and declares that no effort will be spared “to promote democracy and strengthen the rule of law”. It also calls for the strengthening of capacity of all countries to implement the principles and practices of democracy.

UNEP’s Montevideo Programme III: Section two is dedicated to capacity building through many different means including: seminars, workshops, training, publications, teaching and through promoting collaboration and co-ordination. (See also Section eight on the provision of information, including through ECOLEX).

The Challenge Ahead

The international community is increasingly calling for the identification and development of more effective ‘links’ and ‘synergies’ between conventions and for better ‘mainstreaming’ of issues. These calls apply equally to capacity building initiatives that often serve to reinforce difference rather than synergy, separation rather than links.

There is an agreed need to further progress the implementation of Agenda 21 but effective implementation will not occur without capacity building and ‘good governance’. There is a need to develop and invest in a major new framework for environmental law capacity building at all levels, one that serves to forge links between existing institutions and processes and facilitates ‘good governance’ for sustainable development.

Co-ordinated programmes of action that forge genuine partnerships across all sectors, achieve maximum leverage and get resources on to the ground as effectively and efficiently as possible are needed.

The IUCN Environmental Law Programme Response

In the lead up to the WSSD the IUCN ELP developed a Capacity Building Initiative titled the, *'Environmental Law Capacity Building Programme for Sustainable Development'* to respond to the challenge ahead. The stated objective of the Initiative was for:

'For every country to have the capacity to actively participate in the international policy debate, to implement what is agreed through co-ordinated policies, laws and institutions that respect the rule of law and to ensure effective compliance with environmental laws.'

This Initiative seeks to bring together, through genuine partnerships, the network of existing environmental law institutions and individuals in order to maximize leverage and get resources on to the ground as quickly and efficiently as possible.

The first draft of the Initiative was developed by the IUCN Environmental Law Centre (ELC) and was then discussed and endorsed by the Commission on Environmental Law Steering Committee at its January 2002 meeting. The draft was subsequently refined through input from Dr Parvez Hassan and then released to the international community at the WSSD Bali PrepCom, in May.

The Initiative includes a co-ordinated programme of activities, including: Academic education, practical training, expert forums, international experience, publications, technical assistance and information and has been submitted to the United Nations as a Type 2 Partnership Initiative. It will guide the ongoing capacity building endeavours of the IUCN ELP, which can be traced back to the 1960's.

The development of a co-ordinated programme provides a context within which to develop and promote specific projects, including ECOLEX, the web based access to IUCN, UNEP and FAO environmental law and policy information, the IUCN Academy on Environmental Law, and training projects for achieving effective compliance at the national level.

This comprehensive and integrated Initiative of the IUCN ELP was developed both to guide its own collaborative endeavours and to stimulate discussion and debate on what is needed across the world to build the necessary capacity to develop, implement and ensure effective compliance with, and enforcement of, environmental law. Full details can be found on the IUCN ELP Website: www.iucn.org/themes/law

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