



CEL SPECIALIST GROUPS MEETING

29-30 JUNE 2007

ISTANBUL, TURKEY

Minutes of the Meeting

1. Call to Order /Note Quorum

The Chair of the Commission on Environmental Law (CEL), Ms. **Sheila Abed**, called the meeting to order at 9:00 a.m.

The Specialist Group (SG) Chairs present at the meeting were: **Melinda Janki** (CEL SC Member also present as Chair of the Protected Areas SG and the CEL/WCPA Protected Areas Task Force) **Ian Hannam** (Sustainable Use of Soils and Desertification), **Nicolás Lucas** (Trade & Environment), **Wang Xi** (Energy Law and Climate Change), **Ricardo Lorenzetti** (Enforcement & Compliance), **Vladimir Passos** (Judiciary), **Nilufer Oral** (Oceans, Coastal and Coral Reefs), **Brendan Mackey** (Ethics) and **Carl Bruch** (Armed Conflict and the Environment).

The Chairs of the following Specialist Groups sent their regrets for being unable to attend the meeting: Human Rights & Environment and Water and Wetlands.

2. Opening of the Meeting and Welcome by Sheila Abed, Chair of CEL

The CEL Chair welcomed the Chairs of the Specialist Groups and guests, and delivered her opening remarks: She expressed her contentment at being able to organize this second meeting of CEL Specialist Groups. Ms. Abed thanked the SG Chairs for attending the meeting, and expressed her appreciation to the Steering Committee Members: Prof. **Antonio Benjamin** and Ms. **Melinda Janki**; the ELP/ELC Director Dr. **Alejandro Iza**, and the special guests **Patti Moore** (Head of IUCN Asia Regional Environmental Law Programme), **Mohammed Shahbaz** (Chair for West Asia Regional Committee), **Pepe Clarke** (Legal Advisor, IUCN Regional Office for Oceania), **Xavier Bustamante** (Chair for South America Regional Committee); for setting apart these dates in their tight agendas to join the SG Chairs at their meeting.

She explained that she took the decision of inviting guests from the different regions to participate in the meeting, as she firmly believes that the Union will greatly benefit from a more active and agile interaction between Regional Committees, Regional Offices and

Commissions, as lack of communication is a problem regularly mentioned at many IUCN meetings, at every level.

Ms. Abed continued by recognizing the time and effort dedicated by Prof. Nilufer Oral, Chair of the Oceans, Coastal & Coral Reefs SG in organizing the meeting, and noted that every detail had been taken care of, in perfect coordination with the CEL Liaison Officer in Asuncion. Prof Oral answered saying that it was a pleasure to host the meeting at her native town, and wished all participants a pleasant stay in Istanbul.

3. Welcome Remarks by Alejandro Iza, Head of IUCN Environmental Law Programme

Dr. Iza welcomed all participants. He noted the special significance of the meeting, in bringing together SG Chairs with Regional Committee Chairs and regional officers, to further the concept of cooperation and to enhance mutual capabilities.

4. Introduction of Participants

The Chair invited each member of the meeting to introduce themselves and brief introductions followed.

5. Presentation of the outcomes sought from the meeting (Sheila Abed)

After the Agenda was adopted, the Chair addressed the participants, reminding them of the two main purposes of the meeting: maintaining collaboration between all SGs and the SC, and to explore ways in which CEL's Steering Committee and Specialists Groups may better articulate their work with the regional committees and regional offices. She went on saying that it was essential for CEL to count with the input of the regions at the time of establishing priorities and identifying major crosscutting themes, to more effectively deliver on the Commission's purpose and vision.

The Chair said that she would be very pleased if by the end of the meeting participants could agree on some kind of protocol that would contemplate an efficient communication mechanism between all parties.

After this short introduction, Ms. Abed provided an overview of the incentives package developed by the SC to promote a more active involvement of CEL membership and to support the work of IUCN's institutional members. The overview covered the following issues:

Helpdesk: The Chair began by explaining that considering the fact that CEL brings together a wide network of environmental law specialists, dedicated to a wide variety of fields, and that among the members' requirements identified by CEL there is a need for technical legal assistance; a programme has been developed to respond to these needs. To this end, members have been invited to express their requests for advice sending a letter to the Chair of CEL, where they specify the subject, urgency, status of the discussions of the subject at national level of the country concerned and relevance for the IUCN programme. She explained that this offer is only open to institutional members, both governments and NGOs in developing countries.

The Chair shared with the participants the fact that it had been very hard to get this offer to the members, given Commission Chairs are not able to communicate directly with the institutional members, but through the membership unit in HQ, which took quite a while to announce the offer.

Ms. Melinda Janki noted that two requests had already been received, and that responses have been sent, including a request for more information.

Dr. Iza suggested that a simple online template should be developed to ease access to the helpdesk.

Antonio Benjamin considered the helpdesk as one of the most important accomplishments of CEL for this intersessional period.

Mr. Shahbaz pointed out that given communication is obviously an issue affecting optimal performance of the Commission; this should be addressed, brainstorming on better ways to communicate.

Dr. Alejandro Iza said that there is a Membership Unit in Headquarters, as well as in every Regional Office. The Chair considered a very good option to directly address the “membership person” in every regional office, requesting the distribution of CEL’s communications, as a more direct channel to address the membership.

Prof. Oral mentioned that most people in Turkey do not really understand what the IUCN is about, apart from the strictly scientific aspect, and that a stronger link needs to be created for example, with the institutional members and the other Commission members, in order to raise CEL’s profile. The Chair expressed her agreement with this.

Prof. Alexander Kiss Annual Papers Award: The Chair continued her presentation providing an overview of this incentive, explaining that the paper contest for young professionals started this year, and that the winners have already been selected and announced, being awarded with the 1st place: Louise Camenzuli (Australia), who submitted the paper *“The development of International Law at the Multilateral Environmental Agreement COPs and its validity”*, 2nd place: Tran Thi Huong Trang (Vietnam) who wrote on *“Legislation on Genetic Resources Conservation in Vietnam”*, and 3rd place : Paule Jessie Nanfah (Cameroon), with *“L’evaluation environnementale dans la mise en oeuvre des conventions internationales”*. All the three papers will be published.

Ms. Abed continued explaining that the first two will be awarded with a ten-day internship at the ELC. Their stay in Bonn will also allow them to visit the offices of the MEA’s Secretariats.

The Chair stressed the fact that this incentive program, named in memory of Dr. Alexander Kiss, who passed away earlier this year, aims at encouraging the work of young environmental lawyers. Ms. Abed explained that the evaluation of the papers is done by SC members -native speakers of each language, as the papers may be received in the three official languages of the Union- who rank the papers from 1 to 5. Upon receiving the results from this evaluation committee, the Chair systematizes the results, and communicates the final decision.

She went on explaining that the call for papers will be launched each year, and for the next 2007 call, CEL is planning to recognize the best six papers. All of them will be published and their authors will receive a set of available EPLP publications; while the authors of the two best papers will be awarded with the internship at the ELC.

The Chair requested from the SG Chairs and the guests to the meeting, their strong support of this initiative, giving it wide publicity.

Patti Moore felt that this was an extraordinary motivation for young professionals, and she informed the meeting participants that the IUCN Regional Office for Asia would be holding a reception in honour of Ms. Tran Thi Huong Trang for this important achievement. Pepe Clarke also mentioned that Louise Camenzuli would receive a special recognition from the Oceania Office. The Chair expressed her great satisfaction on this acknowledgment to the contest winners, and requested both Patti Moore and Pepe Clarke to send pictures and a brief newsletter to post on the web.

Prof. Benjamin pointed out that having received 10 papers was a very positive result for the first edition of the Alexandre Kiss Call for Papers.

Xavier Bustamante asked if the call was restricted to CEL members, as he had not received it. On the same line, Prof. Oral asked whether it was possible to contact bar associations to invite them to present papers. The Chair answered that the Call is not limited to CEL members, and requested everyone's support once more in order to promote the Call more broadly. She committed herself to make sure that the 2007 Call reaches the institutional members and regional offices.

Case Studies: Ms. Abed provided a brief overview of the two Case Studies that have been carried out to date, both in the Southern Cone, and both related to the installation of paper mills: The first one was carried out in accomplishment of Bangkok WCC RES 3.053 "*Protection of Chile's first Ramsar site, threatened by a cellulose factory*". This conflict took place around endangered swans, as a consequence of the effects of the paper mill on the Cruces River.

The other Case Study refers to the conflict which arose between Argentina and Uruguay with regards to the installation of two paper mills on the Uruguay River. The Chair informed that the expert in charge of this study was Ricardo Gorosito, and that she is sure that his work is unbiased; but considering he is of Uruguayan nationality, she will send the draft document to CEL Argentinean experts to ensure impartiality.

Carl Bruch noted that it may be necessary for CEL to establish "ground rules" as to how to proceed when asked to advice on matters involving two IUCN member countries, particularly in any kind of disagreement. He mentioned as an example, the case where the Armed Conflict and the Environment Specialist Group was asked to provide input to the Task Force to report on the Lebanon Oil Spill case.

A. Iza stated that there is a Policy Unit at Headquarters, and that this Task Force was established by the DG and the IUCN President. At this point Ms. Abed briefly explained the process related to the preparation of the "Lebanon report".

M. Janki pointed out that here is where the “uniqueness” of CEL lies: To be able to say what is Environmental Law, regardless of what countries are involved. There are always ways in which to structure CEL’s work so that comments or advice are not biased or appear to be biased. Antonio Benjamin agreed with Ms. Janki’s comments, saying that if we are to avoid intervening in problems where members are involved, we wouldn’t be doing our work.

Carl Bruch felt that it is fine to offer neutral advice, but that IUCN needed to be cautious taking sides or appearing to take sides against another members’ position.

Mohammed Shahbaz said that in the conflict between Israel and Lebanon, Jordan requested technical assistance because natural resources were damaged. In cases such as this, regardless of which are the conflicting parties, IUCN is to intervene. He remembered that the whole context was governed by a Resolution taken 40 years before the conflict.

Patti Moore mentioned that in the past there have been CEL Members advising on both sides of conflicting situations. In Asia there are ways in which very creative solutions have been taken, and she pointed out a particular case regarding catfish, where four governments were involved, and it was a SSC resolution which contributed to solving the impasse, against all odds.

Mr Shahbaz said that in his opinion, if an “Intervention Protocol” were to be approved, three steps would have to be considered: 1) use available CEL mechanisms of advise and research, such as the helpdesk and the case studies 2) look at the ethics of the issue (involve HQ and the Ethics SG), and 3) consult parties of concern.

Melinda Janki added that experts asked to intervene should excuse themselves from participating if they feel they are unable to be objective and impartial.

After this enriching discussion, the Chair asks Dr. Iza to refer to the posting of papers online:

CEL Papers Online: Alejandro Iza indicated that a call has been made through the ELP webpage, inviting CEL members to send papers that they have written, and which they would want to share through the website. Papers are posted on a special section of the website. He said that this request has had a very positive response, and that regular visitors of the webpage have expressed their satisfaction on the initiative.

E-Courses: The Chair provided a brief overview of the plans being discussed by the CEL Steering Committee with regards to the possibility of implementing E-learning-courses. She mentioned that Spanish, French and Portuguese courses are being evaluated, as the training available at the moment is only undertaken in English; which leaves out a large number of people.

Antonio Benjamin indicated that this is not about “reinventing the wheel”, but instead, taking advantage of everything already in place. He said that the idea is to start very humble and grow slowly.

The Chair pointed out that at first, taped lectures would be available online as well as on DVDs or VHS.

The Chair mentioned that at the last CEL SC meeting, a “*petit comité*” was conformed to develop this idea, and that the SGs will be asked to actively collaborate once the project shapes up.

At the Chair’s request, Alejandro Iza informed that there were plans to develop a South American Environmental Law Manual, following the successful publication on Central America. He also reminded the participants that Specialist Groups’ work is welcome to be published under the EPLP Series.

6 & 7. Specialist Groups Reports

Each SG Chair made a presentation. They described their work plans, activities implemented to date, their vision on their group’s development and prospect activities. A brief summary of the presentations follows:

Energy Law and Climate Change: Wang Xi said that he would base his presentation on the report recently sent to the Chair by Prof. Dick Ottinger (for the recent CEL Steering Committee meeting). In this respect, he informed that Prof. Ottinger had participated with Andrea Athanas in some of the sessions of CSD-14 focusing on energy and climate change; and that he was disappointed and frustrated on not having received authorization from IUCN to conduct further briefings of UN delegations after the very successful briefing with Mohamed El-Ashry in May of 2005. No progress was made by IUCN in adopting a position on these issues in its Energy Initiative. Accordingly, neither IUCN nor the Specialist Group made any significant contributions.

Wang Xi also mentioned that the Specialist Group had not been involved in the planning of the side event organized at CSD-15 by Andrea Athanas on “*Biofuels: A tool for conservation,*” .

The Specialist Group Co Chair indicated that a new Gland staff member, Earl Saxon, recently has been appointed as Climate Change & Ecosystems Programme Officer. He sent a message to Prof. Ottinger saying that he is trying to determine how IUCN expertise can be used to effectively influence climate change policy. Andrea sent a similar message re IUCN energy policy. Nevertheless, Prof. Ottinger feels that, while he is on the Energy Initiative Executive Committee, participation by the Specialist Group does not seem much valued. He was asked to comment on the work being done in Gland, and he has done so, but has gotten little or no feedback. The Specialist Group has some 60 experts from around the world that could have contributed valuably but were not called upon.

This SG Co-Chairs indicate that they would welcome advice from the CEL Steering Committee on how to advance with their work, as they are unclear on how far the SG work can go with the SG without the support of IUCN HQ.

Prof. Wang Xi also informed that Prof. Dick Ottinger and Specialist Group member Durwood Zaelke participated representing CEL at the University of Oslo in the first partner meeting 11-12 September, 2006, on “*Meeting the climate challenge: New legal*

instruments and issues in national and international energy and climate law.” This is a large project funded by the Government of Norway, which is focused on two main issues: 1) development of sustainable energy markets to reduce GHG emissions, dealing with financing of green energy, subsidies, "green certificates" markets and "white certificates" markets; and 2) safeguarding the environmental integrity of the present and future climate regime using the example of the CDM, focusing on ensuring market integrity and legal safeguards.

Prof. Wang Xi continued his report informing that he was requested by the municipal government of the city of Shanghai to assist in drafting a renewable energy law for the City going beyond the requirements of the national law recently adopted by the China PRC. The SG supplied background materials to assist in this project.

Specialist Group member Professor Adrian Bradbrook from Adelaide University, Australia, is engaged in writing a major paper on energy as a human right. Prof. Bradbrook has advised that the study will conclude at the end of this year. He delivered a paper *"International Initiatives to Promote Renewable Energy"* for a REN21 workshop held at Paris last December to consider the agenda for a possible new international congress on renewable energy. He has also prepared a new major research project entitled *"The Development of an International Legal Management Regime to Achieve a Sustainable Energy Future,"* and has applied for funding for the project from the Australian Research Council.

The *Natural Resources Forum- A United Nations Sustainable Development Journal*, in its special issue on Climate Change and Sustainable Development (4 November, 2006), published Prof. Ottinger's commentary, *Energy efficiency: The best immediate option for a secure, clean, healthy future.*

Prof. Ottinger represented the Specialist Group at the Council's Sixth National Conference on Science, Policy and the Environment on the subject, *Energy for a Sustainable and Secure Future.*

Starting in 2006, but not to be completed until later this year, Professors Ottinger and Bradbrook are writing chapters on renewable energy in a project being organized by Professor Donald Zillman of the University of Maine, to culminate in a book accepted for publication by Oxford University Press, entitled *Beyond the Carbon Economy.*

Pace University Law School and the Pontificia Universidade Catolica Do Rio de Janeiro (PUC) are conducting a conference in Rio August 16-19 on Biofuels using the Brazil Biofuels Programme as the centrepiece.

The Specialist Group has been asked by the UN Department of Economic and Social Affairs to assist in conducting a forum on energy for sustainable development for members of parliament from China, India, Indonesia and Thailand later this year, similar to the very successful parliamentarians forum for members of parliament from Africa in which we assisted in Cape Town, South Africa in 2005.

Pace is conducting with Fordham University Law School in October 2007 a forum on *Climate Change, North and South*, exploring the interstices of meeting climate change

challenges in developed and developing countries. The Specialist Group has been included as a co-sponsor.

Armed Conflict and the Environment: Carl Bruch started by mentioning that the SG is presently working on the selection of case studies on post-conflict analysis: particularly on how to build peace, and what is the role of natural resources in its promotion. He remembered the case of transboundary peace parks as a positive experience, and drew attention to the high connection existing between natural resources exploitation and conflicts such as with timber in Liberia and Cambodia, and diamonds in Sierra Leone. Another important topic to be covered by the case studies is how to manage –in the context of natural resources- the demobilization of troops.

Mr. Bruch indicated that the SG is planning to meet around August-September to define the issues mentioned above. Their wish is to showcase this work at the next WCC in Barcelona, where it would be disseminated to obtain feedback.

The Group is also planning to organize a global dialogue. At present, they are investigating potential partners (ELI / University of Tokyo / UNEP), and they would want to engage CEL members and non-lawyers in this endeavor. They need to decide whether the experts to be involved would better be selected directly or through an open call. The Chair intervened, saying that CEL SC would enthusiastically endorse this project, as it is a matter raised at the last Union Council meeting.

Nicolás Lucas asked Carl Bruch whether the Group had contacted the peace missions of the UN, and Mr. Bruch answered that they had, and that they had sounded receptive, but not convinced. Accordingly, the SG is looking forward to raise their awareness with a number of case studies.

Ian Hannam pointed out that many civil wars often result in substantial land degradation and loss of biodiversity; and he mentioned the particular case of Tajikistan where many people had been forced to use land resources more intensively.

Patti Moore indicated that environmental security has a clear impact on human security, and Melinda Janki said that there is nothing more destructive for nature than war.

Mohammed Shahbaz said that post-conflict is very important, but that if actually the principle of “offender pays” were to be put into practice, this would be a strong deterrent. Carl Bruch concluded his presentation saying that he agreed with Mr. Shahbaz, but that the post-conflict analysis appears to be more fundable and more likely to yield positive developments in the current international political climate. Nevertheless, the AC & E Co-Chairs agree that the SG could and should undertake activities regarding how the conduct of war affects the environment.

Enforcement & Compliance: Being the first time that Justice Lorenzetti was present at a SG meeting, the Chair briefly provided an overview of the plans of the SG to build a bridge with INECE -of which Justice Antonio Benjamin is Vice-Chair- trying to reinforce the work of both organizations.

The Chair also mentioned the fact that at the Marrakech INECE Conference, Lee Paddock mentioned his intention to remain as Co Chair of this SG only until after the

Academy of Environmental Law Colloquium which took place at Pace University in 2006. Taking this in consideration, and also that CEL is trying to tighten bonds with INECE, the Chair indicated her intention to ask Ken Markowitz, INECE Chief Operating Officer, to join Justice Lorenzetti in this endeavor.

Justice Benjamin said that INECE is eager to work together with CEL.

Oceans, Coastal and Coral Reefs: Nilufer Oral Prof. Oral started by indicating that Subgroups have been created, in the understanding that this would allow the SG to work better. The Sub-Groups are: Mediterranean; Co-chairs Maria Gavouneli (Greece) and Davod Vidas (Croatia); Shipping; Co-chairs Moira McDonnell (Canada) and Charlotte Breide (U.K.); High Seas; Co-chairs Kristina Gjerde (Poland) and Rosemary Rayfuse (Australia); Caribbean and South America; Co-chairs Barbara Lausche (USA) and Maria Helen Fonseca de Souza Rolim (Brazil); Land-based: Chair Anne Powers (USA), and Black Sea SG; Chair Nilufer Oral (Turkey). Nilufer also mentioned the recent establishment of a South Pacific Sub-Group, Chairs still to be defined..

She said that the Oceans, Coastal and Coral Reefs SG is consolidating, finding its way. They have started by strengthening links with other IUCN bodies, such as the ELC, Global Marine Programme and the Academy. Among the main activities, she mentioned:

In October 2006 Prof. Oral met with Harlan Cohen from the US Global Marine Programme to develop collaboration between the Oceans SG and GMP, especially regarding participation of the Oceans SG at the UN Informal Consultative Process. In February 2007 she visited the ELC, and had meetings with Alejandro Iza and Sheila Abed to discuss how Oceans SG could collaborate with and contribute to activities of ELC, with Sharelle Hart, the ELC contact person for the Oceans Group; with François Simard from the Global Marine Programme and the Malaga Mediterranean Center, to identify different projects for collaboration; and with Kristina Gjerde and Rosemary Rayfuse, the co-chairs of the High Seas SG, to discuss a future project in this area.

Among the relevant activities carried out or being planned by the SG, Nilufer mentioned the following:

Project with the International Journal of Coastal and Marine Law: She met with Editor-in-Chief David Freestone who agreed to devote a special issue of the Journal to the Oceans Specialist Group. The theme of the Special Issue will be on Governance, in parallel with the CEL theme. The objective is to have the special issue for the 2008 Barcelona Congress.

The Mediterranean Sub Group is working with the IUCN Malaga Center on a workshop entitled "Shipping and Biodiversity" planned for 21-25 September 2007. The project is funded by the Italian Government. It will bring together experts in shipping, representatives from governments responsible for shipping and the environment of Mediterranean shipping countries. Specific outcome expected include concrete recommendations/ action plans to be submitted to the IMO, the UN and the MAP.

The High Seas Sub Group is organizing an experts' workshop on a proposal for an implementation agreement to the 1982 LOSC on the protection of the high seas. The workshop will be held in New York in October 2007.

The Black Sea SG will be working with the Black Sea Commission on the following issues: a) Developing a compliance mechanism. This will be a joint project with the Enforcement SG; b) Working with the SC in its plans to revise the existing Bucharest Convention and Protocols; c) Collaborating with the SC and the ICEF for the second Mediterranean-Black Sea Ecosystem conference. This first was recently held in Venice in May 2007.

The Shipping Sub Group, together with the Global Marine Programme and the ELC are jointly developing an international conference on biodiversity and straits used in international navigation. This SubGroup is also contributing to the EPLP publication on transboundary resource management.

Finally, Prof Oral said that the area identified for further development is strengthening membership participation.

Nilufer Oral brought up the possibility of the Oceans, Coastal and Coral Reefs SG coordinating work with the Protected Areas SG. Melinda Janki agreed that there are many opportunities for cooperative work and that she would be happy for the Oceans SG to take a lead on this with the SG Protected Areas supporting..

The Chair intervened to remind all the participants to acknowledge CEL in the initiatives they take part of, such as presentations and publications. Prof. Benjamin said that this is a good point that applies to all the groups.

Judiciary: Justice Vladimir Passos said that the Judiciary Specialist Group is still in the process of consolidation. He mentioned that to accomplish this, they need to establish contact with Judges from every region. He went on saying that he would try to obtain these contacts from INECE, UNEP and the International Union of Judges.

Sheila Abed points out that she had been discussing with Vladimir the need to revitalize the Judiciary Portal in the ELP website. She said that this portal should become the most complete database of judicial decisions related to environmental matters; constituting an exceptionally useful tool of comparative law.

The Chair stressed the fact that this would be a completely different tool from ECOLEX. This is reaffirmed by Antonio Benjamin, who briefly explained how ECOLEX evolved, and what kind of materials may be found in it.

Justice Lorenzetti offered his support in providing material to build a good database of judicial decisions.

Justice Passos thanked the support of the participants, and drew attention to the fact that the Group would also need support in translating the decisions to English.

Patti Moore pointed out that a good idea would be to translate abstracts, and not entire decisions.

Indigenous Peoples, Protected Areas and Protected Areas Inter-Commission Task Force: Melinda Janki provided an overview of the activities of the Specialist Group on

Indigenous Peoples. She said that this SG was restarted after the CEL SC meeting in Bonn in April 2006. In that occasion Sheila Abed had asked Melinda Janki, CEL Steering Committee Member, to chair the Specialist Group, to contact potential members and develop the terms of reference. The SG has expanded quickly with 20 members covering most regions of the world and is co-chaired by Dr Laura Westra. At present, Melinda Janki is in the process of identifying potential candidates to collaborate as Co-Chair, preferably someone who is himself or herself an indigenous person and knowledgeable about these issues.

The SG has been established to examine how conservation practices and knowledge of indigenous peoples can be integrated into environmental law in a way that respects their rights. The SG will examine how environmental law can be used to identify, clarify and reflect the legal and customary rights and duties of indigenous peoples in relation to conservation. It will also look at how spiritual relationships with the land can be taken into account.

A key issue in identifying rights is to identify its holder. The SG will examine how indigenous peoples are identified under international law, under national laws and in the policies of selected international organisations. This will be primarily through an email discussion group. The SG is also working on a template which can be used to obtain information in a consistent manner. Researchers will cover the various regions and one writer will be responsible for putting the material together. The final report will contain an analysis of the legal principles and guidance in applying the law.

Members of the SG have just attended a conference in Dalhousie University, invited by the Global Ecological Integrity Group. Dr Westra, the SG co-chair was also co-chair of the conference.

Regarding the Protected Areas SG, Melinda Janki explained that last month, at the SC meeting in Brazil, A Co-Chair was appointed, the Brazilian lawyer Rodrigo Agostinho.

The SG on Protected Areas will develop terms of reference and membership. One proposed activity is to check ECOLEX and provide copies of updated legislation. Following a meeting with Barbara Lausche and Françoise Burhenne-Guilmin, it is expected that the SG on Protected Areas will also provide support and advice to the ELC project regarding the guidelines for drafting protected areas legislation.

Ms. Janki said there is a project to develop a series of case studies with the University of Ottawa, and that when this work is finished, it will be offered to the ELC for publication under the EPLP series.

She also reported that the Inter-Commission Task Force on Protected Areas (CEL/WCPA) has finalised its terms of reference. Although there has been some delay, the Task Force will soon begin its work. Ms. Janki has met the other co-chair to agree a work plan and implementation.

Trade & Environment: Nicolás Lucas started his presentation by indicating that the SG has defined its role as “Helping IUCN identify the next wave of trade and environment issues, whether by articulating new issues or proposing fresh perspectives

on old ones, and provide a clear sense of direction for the trade and environment community represented by IUCN” .

Nicolás said that the SG membership is of 13 experts in total, including 6 from Latin America, 4 from North America, 1 from Europe and 2 from Asia. Regarding the sectors they represent: 4 belong to the academia, 5 represent NGOs, 2 governmental agencies and 2 the private sector. He said that this has remained unchanged since the last meeting, and that here has been no effort to increase members yet, while expressions of interest received have been put on hold.

Activities so far have included the recruitment of members and the elaboration of a broad proposed plan, which has been circulated to members. The group also produced a paper on trade and ecosystem services for the Hong Kong WTO Ministerial of 2005, and its co-chairs attended the ministerial.

Activities during 2006 focused on designing, establishing partnerships and raising funds for the implementation of the workshops planned for 2007. During this year, SGET established working links with the Organization of American States (with whom a regional seminar is being discussed), the Centre for International Sustainable Development Law and with Natural Resources Canada (to whom a project proposal has been submitted). It also began contact with the trade and environment program of WWF-UK. Co-chairs also participated actively in two international conferences: Conference on Biodiversity in European Development Cooperation in Paris in September (where chair was rapporteur of the Workshop on Trade and Economic Cooperation), and the First Inter American Meeting of Environment Ministers and High Authorities, where Nicolás Lucas was a speaker on trade and ecosystem services at the seminar “*Fortaleciendo el derecho ambiental y su cumplimiento*”.

By the end of the period, SGET had developed a project proposal that was being considered for funding by Natural Resources Canada and was on track to establish cooperation with OAS for the first regional seminar of the 2006-08 action plan. As of March 30, 2007, SGET had secured funding from Natural Resources Canada to prepare the two papers and work had begun, with two draft papers ready. Contact with OAS continued and agreement had been reached to jointly organize the first regional workshop during 2007. Discussion on time and location are ongoing. During April 2007, as soon as the tentative date and location of the workshop is defined, SGET chairs will communicate with the rest of the group to convene them to this event. It is expected that the workshop will provide impetus to SGET, which, despite all the activity, still needs to coalesce as a group.

The Co-chairs have submitted to the group for the period 2006-2008, a plan which proposes setting the next World Conservation Congress as the target to deliver a proposal and a debate to the IUCN membership. The proposal would lay out the direction in which IUCN should drive the trade and environment agenda. For this, the SG proposes to organize up to three regional workshops in the first half of 2007 on a set of issues, related to the following two broad areas, to which the SG should start paying closer attention: a) Ecosystem services and socioecological resilience: the scientific community has identified a major, global environmental issue that needs urgent attention: ecosystem degradation and socioecological resilience. Trade is one powerful driver of ecosystem change globally, and there is one particularly important aspect:

States are trading ecosystem services at massive scales and making large tradeoffs among ecosystem services (especially in poorer regions), with significant implications for socioecological resilience. It is important to look at these flows of benefits and liabilities and assess trade rules accordingly; and

b) The normative environment of success. There are already enough experiences in sustainable production, consumption, livelihoods out there and in many of them trade plays a central role. These experiences are treated as particular or idiosyncratic projects with little national projection and hence are politically fragile. Why aren't these processes a matter of state policy? One should look at these cases and determine which normative environments support them and which undermine them, and then assess trade rules accordingly.

Sustainable Use of Soils and Desertification: Ian Hannam acknowledged the support of Sheila Abed, Alejandro Iza and Antonio Benjamin, as well as all the ELC team, for the SG to accomplish its work.

Prof. Hannam indicated that the Specialist Group was originally formed in 1999 and the requirements of the Amman Resolution on “Legal Aspects of the Sustainable Use of Soils” in 2000 had determined the main functions and directions of the Group. Further, the 2004 WCC Supplementary Resolution on Soils defined even more specifically the activities of the SG. He also referred to the recent report of Specialist Group activities submitted to the Steering Committee which contained a comprehensive outline of the SGs progress.

Since the Steering Committee meeting in Cape Town, the first of the present intersessional period, the addition of the “Desertification” denomination has been beneficial to the practical operations of the SG.

The Group has 9 members, 4 of whom are very active. Prof. Hannam wishes to call attention to the fact that a very significant aspect of the way the SG works is its close cooperation with a team of soil scientists with whom they work very closely. He feels it is absolutely critical that scientists are involved, otherwise legislation is substantially weakened.

The SG Chair informed the participants that during the last few years the group has been able to produce two extremely useful papers, which were very well received, and parts of which have been translated into Chinese. The papers investigated the national and international legal and institutional perspectives of soils and have led to the development of the Draft Protocol for the Protection and Sustainable Use of Soils.

The Group has also been working on all sorts of varied legislation recognizing Soils as an ecological resource in China, Iceland and the Balkans. As a matter of fact, the SG has set priority areas: 1) Drafting of international documents for Sustainable Use of Soils; 2) Implementation of Guidelines for drafting national legislation on Sustainable Use of Soils; 3) Legal studies and publications. At the international level, the main priority is continuing discussion on the Draft Protocol and determining an appropriate option for an international Soils instrument.

Mr. Hannam mentioned finances –working with limited resources- presents a substantial limitation to what they are able to accomplish.

With reference to the Draft Soils Protocol, Mr. Hannam mentioned that he met with people from the UNCCD to discuss the concept of the international document, but also looking at the role of the protocol in linking soils science and implementation.

He finished by saying that the members of the Group would like to “keep their eyes open to detect new opportunities” as the one they had during the past 12 months in China, where a number of SG members had the opportunity to contribute to update and revision of the China legal framework on water and soil conservation by providing an international perspective, and looking into the relationship between several levels of laws and regulations from an ecological perspective.

Justice Antonio Benjamin pointed out that it is important to recognize this SG for being so active, in one of the topics less contemplated in legal frameworks. He called attention to two particular achievements: the broad abstract recognition of soils from an environmental law perspective, as an ecological component of nature; and having developed this Protocol, which is ready to be formally discussed. The Chair agreed and commended Ian for his hard work.

Ethics: Brendan Mackey started by explaining to the participants the process that led to the approval at the last IUCN Council meeting of the redrafting of the “Guidelines for Applying the Precautionary Principle to Biodiversity Conservation and Natural Resource Management”. He explained that the original version of this document (2005) was developed over a number of years by the Precautionary Principle Project, a joint initiative of IUCN, Traffic and two NGOs.

The revision which produced the approved document is the result of consultation within CEL. Mr. Mackey acknowledged the work done by the following people: Francoise Burhenne, Ben Boer, Ron Engel, Holly Dublin, Antonio Benjamin, Klaus Bosselmann and Eckhard Rehbinder. He indicated that important lessons were learnt from that process.

Mr. Mackey also informed that a program on Climate Change and Ethics was registered with the UNFCCC; and that together with Melinda Janki, there are plans to develop a Code of Ethics for protection of traditional knowledge.

He mentioned several important meetings at which Ethics SG members were present, such as the symposium on Environmental Ethics organized by ISESCO (The Islamic Educational, Scientific and Cultural Organization), conjointly with the ALECSO (Arab League Educational, Cultural and Scientific Organization) and UNESCO, in Tripoli, capital city of Libya, on 19-21 June 2007; where an important declaration was issued.

Antonio Benjamin intervened to draw attention to the fact that the Ethics SG is the only SG in which other IUCN Commissions must look at CEL, as nobody else is working on this matter. He continued saying that this Group has a very rich composition of lawyers and scientists. The Chair said that she has found constant support in this Group, composed by wonderful people.

8 & 9. Regional Committees / Regional Offices Presentations

Patti Moore (Head of IUCN Asia Regional Environmental Law Programme), gave her presentation listing issues in Asia on which CEL SGs could be most helpful. In this regard, she mentioned the following: specialized technical support; marine protected areas; wetlands conservation; fisheries; Making the case for coordination among all sectors to achieve conservation and sustainable development; sensitizing lower judiciary on wildlife trade issues and laws; Action research on legal regimes in developing countries governing processes leading to climate change; comparative experience, particularly in the context of implementing MEAs; help enforce IUCN WCC GMO moratorium; support for legal reform processes; provide information to use in building awareness of MEAs and international obligations; Provide information to use to justify development of secondary legal instruments/regulations; Provide information to use to justify harmonization of legal instruments at national level. She also showed a chart she had developed to systematize the issues of particular importance for individual countries in Asia, calling attention to the fact that she had not received enough answers to consider the chart a diagnosis.

Prof. Wang Xi said that the University of Shanghai would be interested in translating papers into Chinese.

Melinda Janki brought up the fact that it is important to recognize the work of volunteer experts, and to bear in mind that there is a limit in what one can ask volunteers to do.

Sheila Abed said that it is clear that CEL cannot address every single issue. This exercise will be useful to better apply efforts. Antonio Benjamin added that volunteers are really cherished, and that of course one cannot expect from them as much time as from someone we are paying.

Nicolás Lucas pointed out that he didn't understand SGs as a service to members. In other words, he does not feel that SGs should adjust their agendas to the members' needs, but instead, to stand in the borders of what is happening and provoke.

Ian Hannam mentioned that as far as his Group is concerned, they all have very busy people, but they don't really see themselves as volunteers, but as a group of concerned professionals who work together towards a common goal and fitting their SG work within their general professional responsibilities.

Mohammed Shahbaz (Chair for West Asia Regional Committee), stressed the need to get the identity of the region and interact more in the future. He committed himself to help increase the membership in the WESCANA Region.

During his presentation, Mr. Shahbaz identified the following challenges for the region: The need for a larger involvement and participation of local communities in the definition of policies; the need to strengthen local capacities through training carried out in the region; the need to count with regionally sound guidelines and tools in regard to topics such as Protected Areas; the absence of Arabic language materials; the underutilization of existing international knowledge networks such as of IUCN, and the weak law enforcement tools and mechanisms and their link to low levels of knowledge and skills related to the subject.

Pepe Clarke (Legal Advisor, IUCN Regional Office for Oceania): He started by saying that environmental law capacity building and technical assistance in the Pacific islands is a core priority for the IUCN Regional Office for Oceania, as capacity of Pacific island governments to develop and implement legal and institutional frameworks for biodiversity conservation is limited.

Mr. Clarke explained that for centuries, customary land tenure and traditional resource management systems have successfully regulated individual and communal resource use. Custom has been the basis of conservation by resource owners, helping communities to avoid resource depletion and scarcity. However, rapid population growth and economic development are placing considerable pressure on both natural ecosystems and traditional cultures.

He went on drawing attention to the main environmental challenges in the South Pacific: Terrestrial ecosystems: clearing for agriculture, tourism development, urban development, commercial logging and mineral development; Marine ecosystems: destruction of coastal habitat, over-fishing (coastal, off-shore) and marine pollution (coastal); Species protection: trade in endangered species and hunting of native fauna; Freshwater resources: catchment degradation, freshwater pollution and over-extraction; Waste management; and finally Climate change impacts: coral bleaching, rising sea levels, coastal erosion, salt water aquifer intrusion, altered rainfall patterns, extreme weather events.

Mr. Clarke identified areas of potential involvement of CEL SGs: Protected Areas: NBSAP implementation, PA legislation, MPA, LMMA; Indigenous Peoples: community conservation areas, resource rights; Oceans, Coasts and Reefs: fisheries management, mangroves, coral reefs; Climate Change: planning and assessment for adaptation; Water and Wetlands: : regional IWRM project, WANI II; Sustainable Use of Soils: integrated catchment management; Enforcement and Compliance: government training, community-based enforcement; Judiciary: regional judicial development program; Human Rights: resource rights, access to justice.

He shared with the participants the long-term goals of the program: to develop systems of national environmental laws in the South Pacific that are realistic reflections of their countries' needs and capacities; to develop a pool of in-country expertise in the South Pacific, trained and experienced in developing and implementing environmental law; to develop progressive legal responses to emerging issues in environmental conservation in the South Pacific.

To finalize, Mr. Clarke said that he will work on the expansion of the CEL membership in the Pacific Islands, particularly junior members.

Xavier Bustamante (Chair for South America Regional Committee): Mr. Bustamante raised a number of issues affecting South America's environmental management: external debt; poverty; unstable politics; environmental institutional weakness and lack of enforcement of environmental legislation.

He also mentioned that specific needs identified by the South American membership were: a stronger environmental institutional framework; a better implementation of

international agreements; participation of the civil society in the decision-making process; education and comprehensive social policies aimed at achieving better wealth distribution.

Mr. Bustamante said that a matter of serious concern for the South American membership (both NGOs and governmental offices) is the need to urgently revise the Union membership fees. The fee established for governments is too high and most governmental offices have stopped paying. Many NGOs have trouble paying their fees. The proposal is to revise the amounts, and to evaluate settling the payment of accumulated debts.

He identified certain fields in which SGs could carry out collaborative work with the Regional Offices: Development of projects which involve member organizations with SGs, and the establishment of discussion groups on specific issues.

Mr. Bustamante also referred to the need of avoiding conflicts between member organizations and IUCN regional offices, due to competition in projects implementation and fundraising; and stressed on the urgency of enhancing and improving communication at all levels of the Union.

10. Discussion on ways in which SGs can increase their communication and interrelation, on how to achieve larger involvement in the groups and how to increase the recruitment of members.

CEL Liaison Officer, Adina Tomassi gave a presentation on the available tools for increasing and improving communications among SG members. She offered her support in getting acquainted with these informatics tools.

The Chair brought up the need to make use of these tools, whose development implied an important investment of funds for the Commission. At the same time she requested the participants of the meeting, and particularly the guests from the regions to help her to recruit members for the Commission. She said that she would welcome recommendations to incorporate new committed experts, particularly of the regions where the membership is scarce, and she made a specific emphasis on the need to recruit more members of the WESCANA region.

11. Discussion on how to integrate Regional Offices with Specialist Groups

The Chair indicated that based on this meeting's discussions and suggestions, she would work on a draft CEL Communications Protocol that will contain bullet points towards an improved communication scheme. Hopefully, the implementation of this protocol will optimize communication between CEL Steering Committee, CEL Specialists Groups, Headquarters, IUCN Regional Offices and institutional membership. She requested Dr. Iza's support in this endeavor.

12. The Road to Barcelona – Introduction, Workshops,

The Chair explained to the participants that there is the need to define how CEL will use the six slots available for each Commission at the forthcoming Barcelona WCC. She

asked the SG Chairs to send her as soon as possible proposed topics around which the workshops could be organized.

Ms. Abed said that funding would be available for the panellists of the selected workshops, as well as two night's accommodation at a hotel selected and directly paid for by CEL.

13. Presence of CEL in MEA's COPs

Sheila Abed said that there is a WCC Recommendation on strengthening the linkages with COPs Secretariats. She asked the SG Chairs to identify ways in which this could be done, and that she would evaluate their suggestions. One of the possibilities is having a more active presence at the COPs

14. Meeting Adjournment

The CEL Chair warmly thanked all those present for attending this meeting and for their support, and adjourned the meeting at 17.00 hours, June 30th.