
CEL STEERING COMMITTEE MEETING

4-5 APRIL 2006

BONN, GERMANY

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 9:30 a.m.

The following members of the Steering Committee sent their regrets for being unable to attend the meeting:

Prof. Edith Brown-Weiss
Dr. Samuel Nguiffo
Prof. Robyn Stein.

The meeting was also attended by Ms. Marceil Yeater, Chief of the Legislation and Compliance Unit of the CITES Secretariat, Ms. Sue Mainka, IUCN Senior Programme Coordinator as well as the former CEL Chair and Vice Chair Dr. Parvez Hassan. A full list of persons present at the meeting is attached as Appendix II.

The CEL Chair then declared the presence of a quorum.

2. Opening of the Meeting and Welcome to Steering Committee Members by Sheila Abed, Chair of CEL

The Chair welcomed the members of the Steering Committee and guests, and delivered her opening remarks. She thanked Ms. Marceil Yeater and Ms Sue Mainka for attending the meeting and expressed her hope that their attendance will contribute to their closer collaboration with CEL. She also thanked the ELC staff for hosting and the meeting.

3. Welcome by Dr. Alejandro Iza, Head of ELP and ELC.

The Head of the ELP welcomed the Steering Committee to the IUCN Environmental Law Center and to Bonn, informed them of the meeting's organizational details and introduced them to the Center's facilities.

4. Steering Committee Members introductions, in consideration of Members who did not attend the Cape Town meeting.

All members of the Steering Committee and guests present at the meeting introduced themselves upon invitation of the Chair.

5. Adoption of Agenda & Meeting Methodology Issues

Upon motion made and duly seconded, the agenda for the meeting was adopted.

The Chair then made a presentation on the methodology of the meeting, to promote flexibility of the discussions. The rules were agreed to by the members of the Steering Committee

6. Presentation by Alejandro Iza:

- **Accomplishment of the IUCN Intersessional Programme and ELP Component Plan.**
- **ELP/ELC current and projected initiatives.**

The Head of the Environmental Law Programme informed the meeting of the ELP's progress towards the accomplishment of the IUCN Intersessional Programme and ELP Component Plan.

He mentioned that in 2005 the ELP began a research on Invasive Species legislation as well as an evaluation of the Biosafety project. The ELP gave direct support to the national legislative development in the countries of Ghana and Micronesia with regard to new Wildlife Laws, as well as in the countries of China and Bulgaria, with regard to national biosafety legislation. The ELP also produced a Handbook of Environmental Law in Central America, and organized a specialized course on International Environmental Law in South America.

Currently, the ELP is involved in projects regarding the Enhanced Governance of Ecosystem Services, as well as contributing to the legal component of the IUCN Forest Conservation Programme. Other goals and challenges that lie in the near future include the creation of a Water Law Helpdesk to provide technical assistance and capacity building, as well as the contribution to the legal component of the IUCN Poverty Alleviation Initiative. The ELP is also planning on developing legislative guides on desertification and protected areas, as well as a guide to the Ramsar Convention.

Finally, Dr. Iza highlighted the ELP's enhanced collaboration with UNEP, by participating in the Synergies Project and continuing to operate ECOLEX in partnership with UNEP and FAO.

The CEL Chair suggested that the ELP should encourage the translation of important ELP documents and try to raise funds in the regions for this purpose. The meeting decided to contact the IUCN publication division for information regarding the translation copyright.

7. Proposal for appointment of new Steering Committee Members

The meeting agreed to support the following nominations for CEL Steering Committee membership:

Prof. Rafael Gonzalez Ballard from Costa Rica
Dr. M.C. Mehta from India
Prof. Wang Xi from China

The CEL Chair will contact the candidates and send their nominations to IUCN Council for approval.

8. Presentation of the progress made towards the adoption of the ELP Strategic Work plan.

The CEL Chair stressed the importance of adopting a Strategic Plan and presented a first draft for discussion. She made suggestions regarding its structure and objectives and mentioned that the Strategic Plan is an essential road map guiding the efforts of the Commission and should be kept operational and basic, focusing on a few key areas of the broader CEL mandate.

The meeting agreed that it is useful to prepare a 6-year plan (2006-2012) but also agreed to give priority to the planning of the next 2 years leading to the IUCN Congress in 2008 and the adoption of a new intersessional plan.

The following Steering Committee members agreed to work with the CEL Chair in drafting the Strategic Plan in June 2006:

Dr. Tatiana R. Zaharchenko
Ms. Melinda Janki
Mr. John Scanlon

Ms. Sue Mainka made a presentation informing the meeting of ways that IUCN and its Regional Offices can tap on the Commissions' expertise and how the Commissions can link to the IUCN Programme. Ms. Mainka also identified possible themes and future areas of work for CEL.

9. CEL 2005-2006 Work Plan analysis and revision.

The meeting reviewed the CEL Work Plan for 2005-2006 and discussed the progress made in all elements of the Plan.

The Steering Committee members reported on the following areas of work:

- Prof. Michel Prieur reported on the Ramsar Convention and the Ramsar Legal Workshop for Africa, which took place in Yaounde, Cameroon in 27-28 March 2006
- Dr. Alejandro Iza and Ms. Melinda Janki reported on customary rights law and the preparation and publishing of case studies from 5 different countries with the collaboration of FAO.
- Dr Iza reported on the final proposal for capacity building in the areas of Middle East and Central America and the donors who will be participating in this project.
- Dr. Iza reported on a project regarding the update of the Guidelines for Protected Areas Management Categories. The meeting agreed to meet with the WCPA in June 2006 and explore areas of collaboration on legislative issues of protected areas. The meeting further decided to strengthen the Commission's Specialist Group on Protected Areas. Prof. Michel Prieur, Ms. Melinda Janki and Dr. Tatiana Zaharchenko volunteered to assist the CEL Chair in this initiative.
- The meeting reported on the legal dimension of Ecosystem Services. The ELP is already involved in a 2-year project on ecosystem services, conducting analysis on a country level. The meeting mentioned that the issue of ecosystem services should be included in the discussions regarding international trade, and important papers related to this issue should be circulated to CEL members.
- The meeting discussed the Natura 2000 project and agreed that it should not be a priority for the Commission. Given the significant involvement of the European academic world on a governmental level, as well as the IUCN European regional office, the Commission would be more effective by contributing its resources on other issues on the CEL Work Plan.
- Ms. Melinda Janki and Ms. Tomme Young reported on Article 8j of the Convention of Biodiversity. The meeting agreed that the best way for IUCN to contribute is by providing a better framework for the relevant discussions.
- The Steering Committee members discussed the protocol on desertification drafted by the CEL Specialist Group on Soils, as well as the WCC resolution on the legal aspects of the sustainable use of soils, which encourages a global instrument on this area. The meeting agreed to encourage the CEL SG's initiative and once the Steering Committee approves the draft protocol, they will circulate it to the CEL members and take it to IUCN for consultation.
- The CEL Chair reported on the activities and current initiatives of the CEL Specialist Group on Energy and Climate Change.
- The meeting discussed the Protocol on Integrated Coastal Management in the Mediterranean, and agreed that the CEL Chair will contact Mr. Jamie Skinner of the IUCN office in Malaga as well as Prof. David VanderZwaag to explore ways of closer collaboration on this issue.

- The meeting discussed the legal aspects of the conservation of coral reefs and agreed to promote the work of Dinah Shelton on this area.
- Prof. Antonio Benjamin reported on the successful capacity building initiative in Africa which comprises a training course in Mozambique, organized by UNEP with a major IUCN input.

Ms. Sheila Abed concluded that the great majority of CEL's goals for the year 2005-2006 were achieved and expressed her thanks to the Steering Committee for a successfully realised Work Plan.

10. Chair's report on outreach and communication initiatives: Newsletter, Bulletins, Synergy with the MEAs.

The Steering Committee discussed the most effective ways of communication between the members of the Steering Committee as well as members of the Specialist Groups and all Commission members.

The meeting reviewed the Commission's newsletter, which was circulated in December 2005, and agreed that such a newsletter should be circulated to CEL members every 3 months, with news on CEL projects and environmental law meetings. The Steering Committee members should send news and articles for the newsletter on their areas of expertise. The contributions can be in any of the three official IUCN languages.

The meeting also agreed that the Chair should contact the Steering Committee once a month for an exchange of information regarding the Chair's and the rest of the Steering Committee's activities. Email contact should also be established with the Specialist Groups at least once every two months in order for the Specialist Groups to report on their projects and activities, and a bulletin should be sent once every four months to the IUCN membership at large.

Finally, the Steering Committee agreed to link with the ELP website and to provide the ELC for this purpose with information regarding the Steering Committee's activities related to IUCN and Environmental Law.

11. CEL Budget Submission for 2006

The CEL Chair informed the meeting that the CEL budget for 2006 will be sent out to the Steering Committee members via email. She mentioned that IUCN Headquarters approved the Commission's last year's expenditures.

12. Inter-commission work proposals

The meeting agreed to explore ways of collaboration with other IUCN commissions, as was discussed between CEL and WCPA in March 2006, during the CBD expert workshop on protected areas in Curitiba, Brazil. The Steering Committee decided to hold another meeting later in 2006 in a protected area, inviting WCPA and other IUCN

commissions. Dr. Wolfgang Burhenne suggested that the meeting be held in Tirol, Austria, where there is an ongoing research project on the protection of the Alpine environment. The meeting agreed that the CEL Chair will decide which members of the Steering Committee will be funded to attend this meeting.

The Steering Committee also agreed to launch a project on Governance of specific areas of the environment, such as forests, protected areas, water and access to justice. This project is meant to be CEL's legacy for IUCN and should have the form of guidelines with key instruments and basic general principles that can be adapted and implemented at a national and local level. The CEL Chair agreed to invite the CEL members' ideas and input in order to construct a first draft, and suggested that the Draft Covenant as well as the Earth Charter can be used as primary sources.

Furthermore, the meeting discussed the possibility of developing an Internet course on environmental law. Possible partners in this initiative can be the IUCN Commission on Education, UNITAR as well as the University of Limoge who have already experimented with long-distance environmental courses. Dr. Alejandro Iza agreed to contact Ms. Mary Sancy in order to explore ways of collaboration with UNITAR.

Finally, the Steering Committee decided to contact the IUCN regional office in Africa to add the law component on their programme regarding capacity building in Lusophone countries.

Ms. Marceil Yeater, Chief of the Legislation and Compliance Unit of the CITES Secretariat made a Power Point presentation on the strategic planning of CITES and identified areas with legislative issues on which CEL and CITES could collaborate.

13. Presentation on the World Bank Inspection Panel, By SC member Edith Brown-Weiss

This item was not discussed, as Prof. Edith Brown-Weiss was unable to attend the meeting.

14. Chair's report on follow-up of WCC Resolutions and 2005-2008 CEL Mandate. Case studies.

The CEL Chair made a presentation on the WCC Resolutions and the meeting agreed that the Commission should be active on the following resolutions:

- RES 3.072 – Legal Aspects of the Sustainable Use of Soils
- RES 3.053 – Protection of Chile's first Ramsar site, threatened by a cellulose factory
- RES 3.048 – IUCN Guidelines for protected area management categories
- RES 3.037 – Arctic Legal Regime for Environmental Protection
- RES 3.021 – International Covenant on Environment and Development
- RES 3.020 – Draftin a Code of Ethics for Biodiversity Conservation
- RES 3.015 – Conserving nature and reducing poverty by linking human rights and the environment
- RES 3.012 – Governance of Natural Resources for conservation and sustainable development

- RES 3.029 – Capacity building of young professionals
- RES 3.022 – Endorsement of the Earth Charter
- RES 3.019 – Horizontal evaluation of international conventions, treaties and agreements
- RES 3.075 – Applying the precautionary principle in environmental decision-making and management
- RES 3.081 – Implementation of Principle 10 by building comprehensive good governance systems
- RES 3.006 – Protecting the Earth’s waters for public and ecological benefits
- RES 3.051 – Freshwater protected areas

Dr. Wolfgang Burhenne suggested that CEL should also be active on the resolutions regarding Armed Conflict and the Environment, and the African Convention, and agreed to report to the CEL Chair on ways that the Commission’s Specialist Groups can be engaged in these areas.

15. Chair’s report on Specialist Groups:

- **Advances made**
- **Specialist Groups’ meeting in June 2006**
- **Strategy to be implemented for optimization of the Groups’ work**

A. Report of activities of Specialist Groups

The meeting reported on the activities of the Commission’s Specialist Groups and noted that during the past year significant progress was made by the following groups:

Energy Law and Climate Change
 Ethics
 Enforcement and Compliance
 Trade and Environment
 Sustainable Use of Soils and Desertification

The meeting also decided to pay homage to the Chair of the Ethics Specialist Group, Mr. Ron Engel, at the upcoming CEL meeting in Iguaçu, for his outstanding work on Environmental Ethics and his contribution to CEL and IUCN.

Prof. Antonio Benjamin circulated the following documents, produced by the Ethics Specialist Group:

1. Work plan for project “Code of Ethics for Biodiversity Conservation: Implementing Bangkok Resolution 3.020”
2. Draft proposal “Toward a Code of Ethics for Biodiversity Conservation”
3. The Contributions of IUCN to the Ethics of World Conservation

The meeting discussed the SG’s suggestions on the implementation of WCC resolution 3.020 and agreed by majority to support the group’s proposal to amend the guidelines for applying the precautionary principle for biodiversity conservation and natural resource management. The Steering Committee members are to send to the CEL Chair their written comments on the group’s proposal before the proposal is submitted to Council.

Furthermore, the Steering Committee decided to rename the Specialist Group on “Implementation of the Convention of Biological Diversity” to Specialist Group on “Biodiversity” in order to embrace a broader mandate and plan including all aspects of biodiversity, and at the same time, the group can continue their work on the biodiversity convention. The CEL Chair is to inform the Specialist Group of this development.

B. Specialist Groups Meeting in June 2006

The Chair informed the Steering Committee that a meeting will be held in June 2006 in Iguacu, Brazil for all Specialist Groups in order to promote co-operation between all Specialist Groups, discuss their work plans and the CEL Strategic Plan, and explore sources of funding their work.

C. Ways to optimize the work of the Specialist Groups

The meeting discussed ways of effective communication and co-ordination within the Specialist groups, and stressed the importance of the role of the Specialist Groups’ Chairs and Co-Chairs as leaders and working partners for an active and successful group. It was suggested that effort should be made for geographical balance in the membership of the Specialist Groups.

The meeting also agreed to encourage the work of the Specialist Groups that made significant progress, by promoting their work on the ELP website and newsletters. The Chair mentioned that CEL will provide a funding of 5000 USD to each Specialist Group to help them get started.

Furthermore, the meeting stressed the importance of promoting transversal work among the Specialist Groups and agreed to identify major crosscutting themes in order to develop a project where more Specialist Groups can be involved. Mr. John Scanlon agreed to assist the Chair on this issue.

16. Brief report of Steering Committee Members acting as links to the Specialist Groups.

The meeting decided that the Steering Committee should have a direct link to the Specialist Groups instead of linking to them through the ELC. Steering Committee members should be appointed as focal points for each Specialist Group and will serve as liaisons of these Specialist Groups to the Steering Committee.

The CEL Chair agreed to copy the respective liaison of the Steering Committee in her email communication with each Specialist Group and communicate to the ELC all information regarding the Specialist Groups’ activities and progress. The Chair will also inform the Specialist Groups who their liaison at the Steering Committee is. Mr. John Scanlon agreed to assist the CEL Chair in co-ordinating the work of the Specialist Groups.

The meeting clarified that the role of the Steering Committee members as liaisons is not to control or supervise the Specialist Groups but to facilitate their work, link it to the CEL mandate and the implementation of the WCC resolutions, and assist in areas where the Specialist Groups encounter problems. They should establish direct communication

with the Specialist Groups and be informed of their activities. They should help them identify potential members, activities and projects on which they can play an important role, as well as funding sources. They should encourage the Specialist Groups to promote their work on the ELP website and to have a meeting at least once a year.

Finally, the CEL Chair asked the Steering Committee members to confirm that the Specialist Groups they are willing to serve as liaison for, are the ones that were decided at the previous Steering Committee meeting. Mr. John Scanlon agreed to be the liaison for the Specialist Group on Energy Law and Climate Change.

17. Chair's report on the re-admission process conducted for CEL Membership, and formal admission of new members by the SC.

The Steering Committee discussed the submitted nominations for CEL membership and decided the admission of 64 new CEL members from 31 countries.

The CEL Chair reported that she sent a letter to all previous CEL members informing them that they are no longer members according to the IUCN statutes and that they should re-apply if they are interested in continuing their membership. Since then, approximately 400 professionals applied for membership and their application was approved.

The CEL Chair informed the meeting that the procedure of appointing new members is no longer limited to twice a year or to when the Steering Committee meets, but is ongoing during the whole year. Membership applications can be submitted and discussed via email.

Finally, the meeting unanimously agreed to appoint the following distinguished professionals as honorary CEL members:

Mr. Bob Debus from Australia
Mr. Jorge Caillaux from Peru
Mr. Amedeo Postiglione from Italy

18. Alejandro Iza's presentation on Communication and Visual Identity:

- **Presentation of the new IUCN visual identity guidelines, as they relate to CEL;**
- **Introduction to the IUCN Commission Registration System (CoReg);**
- **CEL List;**
- **Presentation of the draft ELP Website.**

Ms. Andrea Lesemman and Ms. Anni Lukacs, Documentation and Information officers of the ELC, presented the new IUCN visual identity guidelines as they relate to CEL, as well as the rules of using the IUCN logo. They explained that the visual identity guidelines are meant to create a stronger and more consistent external image for the Union, and circulated a paper with the basic rules and images.

Ms. Lesemman and Ms. Lukacs also presented a draft of the new ELP website, designed in compliance with the new IUCN website, and circulated an ELP flyer in 3 languages

and an ELP newsletter for 2005-2006, meant to serve as tools for increasing the visibility of the programme, along with the ELP website and publications. The Steering Committee commended the ELC staff on their excellent work, and suggested that the starting page of the website should not be static.

Finally, Ms. Leseman and Ms Lukacs presented the CEL List, a listserv for all CEL members, which took the place of the previous CEL forum, and the IUCN CoReg system, a database of all commission members. The CoReg system is similar to the previous CEL Portal with the new element that it includes information on members of all commissions.

The Steering Committee agreed that the CEL Chair will contact IUCN Headquarters with positive feedback and thank them for this initiative.

19. Presentation of a package of incentives for the CEL Membership.

The Steering Committee agreed to organize an annual contest of papers for CEL members. The goal of this contest is to involve the broader CEL membership, give incentives for the CEL members' engagement and recognize their effort. A call for papers will be sent to all members, and a jury will select 15 papers. As an award, the authors of the best 5 papers will spend 10 days at the Environmental Law Center in Bonn to do the editorial work with their basic expenses (such as airfare, hotel and meals) funded by the Commission. The 5 best papers will be published under the umbrella of IUCN and disseminated to all CEL members. The next 10 papers will be publicized on the ELP website.

The CEL Chair proposed as a possible topic for this year's contest the "Internalization of International Environmental Law in National Legislation and Policy".

Ms. Françoise Burhenne, Prof. Michel Prieur, Dr. Tony La Viña and Dr. Alejandro Iza will co-ordinate this initiative and draft the Terms of Reference. The meeting unanimously agreed to name this contest and premium after Dr. Parvez Hassan

20. IUCN Academy of Environmental Law (organization of the Colloquium, etc).

The meeting briefly discussed the next Colloquium of the IUCN Academy of Environmental Law, which will be held in Pace University School of Law in White Plains, New York, from October 16-20, 2006. The Colloquium's topic will be "Compliance and Enforcement", and a preparatory meeting will be held in May 2006 in Ottawa. The CEL Chair and the Head of the ELP will attend both meetings as ex officio voting members of the Academy Collegium and the Academy Bureau.

21. Brief report of Giuseppe Zaccagnini and Alejandro Iza on the state of the "IUCN label" discussions.

The Steering Committee expressed its support of the IUCN Academy of Environmental Law as was approved by council in 2002, but since the Academy has expanded beyond the IUCN scope and resolution, the meeting agreed that the IUCN Academy should

have a license if it wishes to continue using the IUCN logo. The Steering Committee extended its thanks to Dr. Alejandro Iza and Mr. Giuseppe Zaccagnini for drafting the license and resolved that this issue should be finalized and signed by the end of May 2006.

The CEL Chair agreed to write to the IUCN Director General and the Directors of the Academy regarding the issue of licence and the Academy's relationship to the ELP.

Mr. John Scanlon agreed to send a report via email to the Steering Committee members regarding the nature of the Academy as a legal entity, as well as its relationship with the IUCN Environmental Law Programme.

Mr. Zaccagnini also requested at this point that the members of the CEL Steering Committee give some thought and provide input into issues arising out of contractual relationships sought to be established by IUCN on the one hand (e.g. a Regional Office) and an IUCN Commission Specialist Group or an IUCN Commission member on the other. Since Specialist Groups are not legal entities with the requisite legal personality for entering into a legally binding agreement, and to the extent that they may be deemed to act on behalf of a Commission (and consequently IUCN), the purported agreement would end up being an agreement between IUCN and itself. The Steering Committee supported Mr Zaccagnini's suggestion that on similar instances such an agreement could be made workable for IUCN by considering it an informal arrangement internal to IUCN.

Meeting adjournment

The CEL Chair thanked all those present for their support. Mr. John Scanlon also acknowledged Ms. Maria Socorro Z. Manguiat, former legal officer of the ELC, for her contribution to the ELP and CEL. Prof. Michel Prieur, Vice Chair of the Commission, adjourned the meeting at 18.00.