

IUCN Environmental Law Programme 2003

The Year in Review

Prepared by the IUCN Environmental Law Centre, Bonn

1. Introduction

IUCN Environmental Law Programme's (ELP) mission is *to lay the strongest possible legal foundation at the international, regional and national levels for environmental conservation in the context of sustainable development*. The ELP consists of an integrated programme of activities that assists with information, legal analysis, advisory services, legislative drafting, mentoring, and capacity building while fostering the opportunity and the forum for governments, non-government organizations and others to network, share information, and discuss ideas.

This vast programme of activities is delivered through the collective efforts of the:

- Commission on Environmental Law (CEL), an extensive global volunteer network of over 900 environmental law specialists in 138 countries,
- Environmental Law Centre (ELC), an international office established in Bonn, Germany in 1970 with a staff of 15, including highly skilled international legal and information specialists, and
- IUCN lawyers based in Regional and Country Offices around the world.

IUCN CEL, one of six IUCN Commissions, consists of a global volunteer network of environmental law and policy experts from all regions of the world who contribute their knowledge and services to IUCN activities. CEL takes the lead in projects of its own and also provides a source of expertise for the IUCN ELC and other parts of IUCN.

IUCN ELC is an outposted unit of IUCN Headquarters and is situated in Bonn, Germany. The office works in collaboration with CEL members, IUCN staff and focal points in IUCN Headquarters, Regional and Country Offices and IUCN members and partners around the world. It is made up of 15 dedicated legal and information specialists and support staff, who lead projects that span most fields of environmental concern. The ELC also houses an extensive library consisting mainly of environmental law holdings, which serves as a vital research tool for office staff and visitors and is the Management Unit for ECOLEX, a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environment Programme (UNEP). The ELC reports to the Director General of the IUCN through the Head of the ELP, who is also the Director of the Centre.

Few organizations can reach across the globe to offer such an extensive combination of expertise and experience in the field of environmental law as the ELP. The global network of environmental resources available to the ELP is continuously expanding through the recognition of regional "centres of excellence" and institutional partnerships.

2003 was a year in which IUCN ELP collaborated through numerous partnerships to progress implementation, generate knowledge on emerging issues and enhance the sharing of information and knowledge. The Programme engaged directly with judges, government officials, legal practitioners, academics, students and others to enhance their understanding and capacity to deal with environmental

law issues. Significant steps were also taken to create and empower knowledge networks through recognizing several new “centres of excellence” and launching a new network of academic institutions through the IUCN Academy of Environmental Law. While addressing implementation, critical thinking was also developing on cutting edge issues, such as genetically modified organisms, the clean development mechanism, environmental flows, access and benefit sharing, sustainable energy, and the high seas. There was a particular focus on water and wetlands, it being the International Year of Freshwater, and on protected areas in light of the Vth IUCN World Parks Congress.

IUCN ELP also continued to actively contribute expertise and guidance to processes under priority IUCN conventions, such as the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Migratory Species (CMS), and the Convention to Combat Desertification (CCD), and to facilitate the development of new international conventions, such as the revision and promotion of the 1968 African Convention. The ELP substantially enhanced its capacity to share information and knowledge in 2003 through the re-engineering of ECOLEX, with FAO and UNEP, the development of new Internet portals and the release of a series of publications on diverse topics such as the Biosafety Protocol, energy law and sustainable development and environmental flows.

2. Emerging Issues

(A) Water and Environmental Governance

In 2003 the IUCN ELP further progressed its work in promoting the importance of “good governance” and the rule of law to poverty eradication. This was done through addressing governance in the context of sustainable development, protected areas and water.

Promoting good water governance was a constant theme in this International Year of Freshwater. The ELP involvement in the 3rd World Water Forum included the release of a series of 12 brief papers to introduce to non lawyers the importance of law in the promotion of good water governance, with one of the key messages being the importance of sound and effective legal frameworks to protect the public interest, and the need to build domestic capacity for their implementation – a message also carried to the 7th International Conference on Environmental Law “Water, Law and the Web of Life”, held Saõ Paulo, Brazil, and the 3rd Latin American Congress on River Basin Management held in Arequipa, Peru. To mark World Environment Day, the ELP released a thought-provoking paper on “Water as a Human Right?” which is now included in the reading list of several university curricula.

Moving swiftly from the policy debate to practical implementation is one of the most challenging aspects of the ELP’s work in the area of water governance. In response to requests from IUCN offices and members, the ELP provided technical expertise in many forms such as organising workshops for discussing the establishment of a basin authority, or for the implementation of environmental flows (Sri Lanka and Vietnam). The ELP contributed to major IUCN initiatives such as the IUCN Water and Nature Initiative (WANI), providing technical support to the establishment of demonstration sites (El Imposible-Barra de Santiago system in El Salvador, and the Tacaná Basin System between Guatemala and Mexico) and provided support to IUCN members in the management of complex ecosystems, such as the Paraguay-Paraná River wetlands, one of the biggest of its type.

A major practical contribution to water governance has been the preparation and release of the first guide on environmental flows, in partnership with IUCN WANI. The provision of environmental flows for healthy river systems is one of the water management challenges of the decade, and this guide provides the basic tools for implementing the concept in a manner that works for people as much as for nature. A copy of the publication is available through the following link: <http://www.iucn.org/themes/law/pdfdocuments/FLOW.pdf>

Practical training and academic teaching was given particular attention in Latin America and in Africa, through the recognition of a water law “centre of excellence”, a joint initiative of IUCN CEL and the University of Witwatersrand, Johannesburg, to provide high standard of training, research and education in the field of water law in Southern Africa.

(B) High Seas

Beginning early in 2003, the IUCN ELP was again able to return to its work of promoting key legal developments for the conservation and sustainable use of marine areas beyond national jurisdiction. These resources are of enormous value and are largely unstudied. Particular ecosystems such as seamounts, cold seeps, and hydrothermal vents are thought to have an extraordinarily high level of endemism, with each seamount or vent being thought to house many species not found anywhere else. Other resources, such as deep-water coral reefs are not given the level of protection and study that has been accorded their tropical cousins. High seas pelagic species are difficult to study due to their sometimes extraordinary ranges, but also difficult to protect, in light of their relationship to a primary human livelihood (fishing) and the realm often thought of as the last “truly free” place on the planet. In all cases, these resources are astoundingly unprotected. As existing instruments and delegations wrangle over jurisdiction, stocks are collapsing and unique and extraordinarily rare species are going extinct without ever having been studied.

Working in close conjunction with the IUCN Marine Programme, IUCN ELP undertook the preparation of a basic legal study analysing the gaps in the overall regime of legal instruments addressing these issues, as an input to a major expert conference on the high seas, held in January 2003. That document proposed elements for the development of a strategy aimed at promoting sustainability of all actions involving the biodiversity of the high seas, enabling the ELC to participate in the development of an overall multi-organisation strategy.

This work carried on through the year, through the ELP’s assistance to the Marine Programme’s new Mediterranean marine lawyer (based in the IUCN’s Málaga office), participation in the Marine Governance workshop at the Vth IUCN World Parks Congress, membership in the IUCN High Seas Task Force, and support to key forums, including the CBD Subsidiary Body on Technical and Technological Advice, when it deliberated on key issues relating to the biodiversity of oceans and the high seas. This work continues as the Programme undertakes research on key issues of access and benefit sharing (ABS) relating to marine resources, and provides advice and assistance to members and colleagues developing options and proposals relating to high-seas natural resource management. Several key issues of international law relating to the high-seas have been targeted for immediate attention by the newly formed Oceans Law and Governance Specialist Group of the Commission on Environmental Law.

(C) Energy Law and Sustainable Development

Last year saw the IUCN ELP capitalize on the longstanding work of the IUCN CEL to promote and advance the critical importance of energy law for achieving sustainable development.

The seminal work entitled “Energy Law and Sustainable Development”, edited by Professors Adrian J. Bradbrook and Richard L. Ottinger, was released early in the year and was described by Joke Waller-Hunter, Executive Director of the UN Framework Convention on Climate Change, as an “extremely insightful handbook” that “squarely addresses the nexus among development, energy security and climate change”.

Energy was also the focus of the First Colloquium of the IUCN Academy of Environmental Law, which was hosted by the Shanghai Jiao Tong University in Shanghai, China. This event featured leading experts from across the globe who addressed the institutional, legal and policy challenges facing the world in improving access to reliable and affordable energy services, and included a detailed national and regional

focus. Of particular interest was the session on the energy needs of China and how it is taking steps to meet those needs in a sustainable manner. The Annals of the Colloquium will be published in 2004.

In 2003 IUCN ELP agreed to partner with the Renewable Energy and International Law Project (REILP), with a particular goal of making a major contribution to the International Conference for Renewable Energies, to be hosted by the German Government in Bonn in June 2004. This partnership will involve the collaborative efforts of the CEL Energy Law and Climate Change Specialist Group and the IUCN ELC.

The efforts of the ELP are making a valuable contribution towards giving meaning to the Johannesburg Plan of Implementation objective of working together at all levels to take actions to “improve access to reliable, affordable, economically viable, socially acceptable and environmentally sound energy services and resources”.

3. Participation/Support to Development and Implementation of MEAs

(A) The African Convention

The year 2003 saw the culmination of the IUCN ELP’s efforts to assist in achieving the revision of the 1969 Algiers African Convention on the Conservation of Nature and Natural Resources (the African Convention). The revision, a process carried out in partnership with UNEP, for and with the Organization of African Unity (OAU) – now the African Union (AU) – was adopted by the Heads of State and Government at the AU second Assembly in Maputo in July 2003.

The new text succeeds in making the African Convention the first to deal with an array of sustainable development matters. It covers a wide spectrum of issues, including land and soil, water, and biological diversity conservation and sustainable use. It also addresses processes and activities which affect the environment and natural resources, as well as the relationships between natural resources and sustainable development. In addition, it provides for procedural rights (to information, participation and access to justice, echoing Principle 10 of the Rio Declaration). Finally, it also requires cooperation whenever needed to implement the Convention, and whenever transfrontier effects are likely to occur, and provides mechanisms to assist in its implementation, including an independent secretariat.

The future of the revision now depends on signature and ratification by the AU member States, which IUCN and its partners will help facilitate.

The text of the revision is available in Arabic, English, French, and Portuguese, which are the official languages of the AU. The French and English versions are available at <http://iucn.org/themes/law>.

(B) The Cartagena Protocol on Biosafety – An Explanatory Guide

The Cartagena Protocol on Biosafety entered into force in September 2003. The IUCN ELP and its partners, the Foundation for International Environmental Law (FIELD) and the World Resources Institute (WRI) – both IUCN Members – working in anticipation of the entry into force, finalized and published the English version of the Guide during the year. Adopted in January 2000, the Protocol sets out the first comprehensive global regulatory system of genetically modified organisms (GMOs).

The Explanatory Guide is a 300-page document which aims at making the complex text of the Protocol more readily accessible to the non-specialist, while also providing a reference work for all those who will be involved or interested in its implementation – civil servants, NGOs, and the private sector. A capacity building tool if there was ever one, the Guide intends to provide long lasting assistance to its users around the world.

In April, the 3rd meeting of the Intergovernmental Committee for the Cartagena Protocol (ICCP) took place in The Hague, where the pre-final version of the Guide was presented. Final consultations and drafting ensued, followed by a final editorial process and publication of the English version. The French version, funded by France, Switzerland and Canada, followed soon. A Russian version supported by Danish Co-operation for Environment in Eastern Europe (DANCEE) was available at the end of the year. The Guide, which will be available also in Spanish in early 2004, is the product of a partnership and consultation process which took place over three years.

The success of the Guide can be measured in various ways. An important one is its being used by the UNEP GEF projects on National Biosafety Frameworks and on Implementation for all of their capacity-building and training workshops.

(C) CBD – Access and Benefit Sharing

In 2003, the IUCN ELP began a long-planned project aimed at assisting the Convention on Biological Diversity to move beyond the stalemates that have plagued it for 12 years, preventing forward progress on achievement of its “equity” objective. Since the Convention was adopted, it has attempted time and again to implement an effective system for “access to genetic resources, and equitable sharing of the benefits arising from their use”. Throughout those years, the same economic and political factors have been recognised to be stymieing progress, in conjunction many hidden legal issues that have not been addressed.

Starting in April 2003, with funding from the Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (the German Federal Ministry for Economic Cooperation and Development, or BMZ), the ELP undertook the first year of a three-year project designed to provide hard factual data, technical advice, and legal tools to assist the parties in the development of a regime on ABS that is functional legally, and operates in a consistent and enforceable manner.

The first year of the project focused on the development of concrete legal information and key evidence for decision-makers, in preparation for two key international meetings – the second meeting of CBD’s Ad-hoc Open-ended Working Group on Access and Benefit-sharing (December 2003) and the 7th Conference of the Parties to the CBD (coming in February 2004). This work has included workshop and research in three regions, canvassing over 50 countries’ laws and experiences, and addressing important current issues regarding legal action at regional levels.

One of the key activities within the ABS project has been its work to co-ordinate the work of five other international projects on ABS legal issues. Over the year, the ABS project has developed partnerships and proposed work with four of them, and hopes to increase inter-project collaboration and synergy further in the coming year, as well as reaching out to other international processes and institutions that are working on the issue.

(D) CCD – Convention to Combat Desertification

The Sixth Conference of the Parties to the United Nations Convention to Combat Desertification (UNCCD) was held in 2003 in La Habana, Cuba.

As a contribution to the conference, IUCN convened for the second time a Global Biodiversity Forum (GBF) in conjunction with the UNCCD COP and launched two IUCN publications in order to further promote the application of the ecosystem approach. This meeting provided a platform for discussing issues under the title of “The Ecosystem Approach to Dryland Management: Integrating Biodiversity Conservation and Livelihood Security”. The outcomes of the GBF provide a framework for action on sustainable financing, including additional and innovative approaches. The recommendations of the GBF also encourage Parties to consider lifting of disincentives and removing barriers to support dryland

management in a socially equitable manner, encompassing gender, traditional knowledge, legal and regulatory regimes. IUCN ELC provided technical legal support to the IUCN delegation, and highlighted the necessity to adopt new or strengthen existing legal frameworks in areas such as water resources, soil degradation and land uses. IUCN renewed its intention to continue working as a strategic partner in the implementation of the UNCCD.

4. Participation in Congresses and Summits

(A) WPC

The Vth IUCN World Parks Congress, held in Durban, South Africa from 8 to 17 September covered the topic “Benefits Beyond Boundaries”. The event addressed protected areas and biodiversity conservation in the context of the Millennium Development Goals, the outcomes of the World Summit on Sustainable Development (WSSD), and sustainable development more generally. IUCN ELC was designated to take the lead for the IUCN Secretariat in the organisation of the Governance Workshop Stream, which follows on from the lead role played by the IUCN ELC with governance issues at the Johannesburg WSSD and the Kyoto 3rd World Water Forum. IUCN ELP prepared an insightful paper on “International Environmental Governance” addressing questions such as the existence and content of an international legal regime for protected areas, and how emerging issues such as management effectiveness and standards, certification, new financial mechanisms, and new ways of creating and supporting partnerships, are being addressed at the international level.

IUCN ELP organized three particular sessions: 1. A session held during the Governance Workshop on “Globalisation and Decentralisation and the Role of Legal Frameworks”. This interactive session focused on the trends and tensions surrounding globalisation and decentralisation and how this manifests itself in the context of protected areas; 2. A side meeting on “Recent Innovations with Protected Areas Law: A Comparative Analysis”, which focused on recent innovations in the field of protected areas law; and 3. A side event to announce the launch of the new South African Water Law Centre of Excellence at the University of Witwatersrand, which has been recognized by IUCN CEL as a regional “centre of excellence”.

(B) 3rd World Water Forum

As part of its overall contribution at the 3rd World Water Forum held in 16 to 23 March in Kyoto, IUCN ELP convened an international panel to discuss the importance of environmental flows to healthy river systems, the relationship of environmental flows to integrated water resources management, and to review the IUCN Guide on making provision for environmental flows: “Environmental Flows - The Essentials”. Additionally, IUCN ELP released the “IUCN Water Law Series” to coincide with the Forum. These brief issue papers introduce the non-lawyer to the importance of the role of the law in integrated water resource management. They address issues include basin management, devolution of authority, adapting to climate change, trading in water, defining property rights, human rights and water, and effective water pollution legislation.

(C) 7th International Conference on Environmental Law

IUCN ELP co-sponsored the Law for a Green Planet Institute’s 7th International Conference on Environmental Law held in São Paulo from 2 to 5 June 2003. This year’s event theme was “Water and the Web of Life”. The conference featured an international panel of experts who addressed issues ranging from governance to ethics and explored regional approaches to water management from across the globe, including the critical issue of effective enforcement. IUCN ELP presented a landmark paper, “Water as a Human Right?” which comprises a comprehensive review of the current situation at global, regional and national levels and poses the question of whether a human right to water may help to achieve the UN Millennium Development Goals for water and sanitation.

5. Technical Legal Assistance

(A) River Basin Organizations in Viet Nam

IUCN wasted no time in moving from the lofty debates on water policy at the 3rd World Water Forum in Kyoto to putting policy into practice in the Thua Thien Hue Province, Vietnam. In March 2003 a workshop was held on River Basin Organisations (RBOs) in Hue as a part of the IUCN VN WANI Huong Basin Integrated Management Project. The workshop was held to discuss options for the establishment of an RBO for the Huong River Basin. A follow up workshop was convened in August.

Following a week of meetings with local officials and experts, a detailed presentation on RBOs was made by the Head of the IUCN ELP to facilitate consideration of possible options for the Huong River Basin. This presentation included an overview of RBOs that have been established in over 10 countries, both sub-national and trans-national.

There is no “model” RBO, but there are some good principles. These principles can be identified but need to be applied locally, drawing upon the benefit of comparative experience as necessary and appropriate.

Five key criteria for successful RBOs were identified by IUCN ELP during the workshop. Not surprisingly, the first criterion was that successful RBOs are created in the context of the reality of existing conditions, namely it is important not to try to comprehensively apply someone else's model. The other key criteria identified were the importance of a stable institutional and legal framework, a strong knowledge base, integration across all natural resource issues and strong community awareness and participation.

Drawing upon agreed international principles and experiences from other parts of the world helped contribute to the ongoing consideration of what is the best result for the Huong River Basin and its people in the context of local laws and conditions.

(B) New Protected Areas – Compensating to Local Communities

In 2003, as part of its mandate to assist in the development of new legal concepts, the IUCN ELP undertook a project in conjunction with the Government of Tanzania to assist them in the legal implementation of their innovative concrete solution to the perennial question of how to compensate the communities surrounding a new protected area for their losses (of intangible usage, as well as tangible rights) within the area.

In many developing countries, even where lands are not specifically inhabited, owned or farmed, they are used in many ways by surrounding communities. This means that the creation of a protected area without resettlement may still drastically and negatively affect the lives of people and communities surrounding that area.

Tanzania has taken a major step to address this problem with a new law including within its compensation provisions, the reimbursement of villagers whose non-ownership rights are altered by the declaration of a new protected area. The first trial of that law related to a forested area – the “Derema Ecological Corridor” – uniting two critical protected areas which have been described by UNEP as among the world’s 12 most important “biodiversity hot-spots”.

Application of the new law hit a number of snags that threatened to prevent the declaration of the Corridor and would have limited the country’s ability to apply its new compensation law in any conservation context in future. These snags were caused by a variety of factors including limited funding,

the need for capacity development, and especially the need for assistance with the application of this new law's appraisal and compensation provisions. The IUCN ELP, as part of a team including the Tanzanian Lands Ministry, the Tanzanian Ministry of Agriculture and Forests, the Government of Finland, and the IUCN Forest Conservation Programme, was able to develop a coordinated and consistent response to address the various problems with the functioning and implementation of the new law, and also to find means by which this functioning could be enhanced to better serve the community needs to address conservation and rural livelihoods issues as a single coherent package.

(C) Alien Invasive Species

In 2003, the IUCN ELP has continued to apply its legal skills and experience to assist the Global Invasive Species Programme (GISP) in developing options for establishing GISP as an independent legal entity. This is part of an ongoing endeavour which started in 2001 and aims to progress the legal elements of the Global Invasive Species Strategy, adopted by the GISP in 2000. In this connection, the ELP has provided technical advice and assistance to five government members of IUCN, and one regional integration body relating to invasive species, and has continued to work with key multilateral agreements relating to the issue.

Direct, long-term work on this issue has primarily focused on implementation of GISP developed principles in Africa, through a project funded by the African-Eurasian Waterbirds Agreement, and undertaken in co-operation with IUCN Regional Office for Southern Africa (ROSA) and IUCN Eastern Africa Regional Office (EARO).

In addition, as part of its overall mandate to work in international forums, IUCN ELP has assisted in negotiations in the CBD, the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and the Ramsar Convention, to try to ensure that work on invasive species issues is not unduly delayed by a series of procedural issues arising out of CBD COP-6.

6. Capacity Building

(A) The Kyoto Protocol Clean Development Mechanism

IUCN, working in partnership with UNEP and FAO, has been promoting environmentally sound and socially equitable carbon sequestration through providing technical, including legal, assistance and publications, and convening informal discussions among negotiators and forestry experts from Latin America, Africa, and Asia. This has involved many IUCN programmes, including the IUCN ELP for legal input.

This support facilitated the preparation of submissions on modalities and procedures for afforestation and reforestation activities under the Clean Development Mechanism of the Kyoto Protocol (CDM), and the eventual adoption of a decision on this matter at the ninth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change held in Milan, Italy from 1 to 12 December 2003.

Months of working together has developed a level of trust and a spirit of collaboration among the countries involved and the three partner institutions. Efforts are now underway to bring this partnership into the next level by assisting countries in designing afforestation and reforestation projects that promote the conservation of nature and the livelihoods of local communities, and in establishing institutions and processes that nurture these types of projects.

(B) Judiciary

The IUCN ELP continued to support a more active role for the judiciary in promoting sustainable development. It reached out to new regions of the world, while furthering efforts in regions where it had previously been involved. Through the IUCN CEL and the IUCN ELC, the ELP provided financial, “in kind” and substantive input to these meetings.

The work with judges and experts from various countries in Europe and from across the globe continued to gain momentum with the Rome Judges Symposium held from 9 to 10 May 2003, sponsored by the International Council of the Environment Foundation, IUCN, UNEP and others. The Rome Symposium had a strong substantive focus, in particular on human rights and environment. The first meeting of the European Judges Forum and the IUCN CEL Judiciary Specialist Group were held in conjunction with this symposium.

From 16 to 17 May 2003, 15 Chief Justices and other senior judges from Supreme and Constitutional Courts from 11 countries of Central/Eastern Europe, Caucasus and Central Asia, together with other judges and experts from across the globe, met in Lviv, Ukraine. The Symposium was sponsored by IUCN, UNEP and Ecopravo Lviv, with the support of the State Judicial Administration of Ukraine and the Judicial Academy of Ukraine, the first meeting of its kind. Various issues were considered at the meeting, including regional and comparative case studies, issues relating to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), human rights and environment, constitutional environmental rights, and the potential role of specialist environment courts.

Recognizing the ELP’s significant role in mobilizing the judiciary toward sustainable development, IUCN now finds itself involved in judicial symposiums worldwide. As a member of the Advisory Group of the Programme on Implementation and Compliance on Environmental Legislation, the ELP participated in a symposium for judges and prosecutors from Latin America and the United States held Buenos Aires on October 2003. The symposium focused on improving the implementation and compliance with environmental legislation in Latin America.

IUCN was also invited to participate in the UNEP Chief Justices Meeting of East and West African Countries held from 10 to 11 October 2003 in Nairobi and continues to have an active role in developing the UNEP Judges Handbook, which will draw heavily on the ELP’s expertise.

Moreover, IUCN ELC designed the Judicial Portal with the assistance of the Chair of the CEL Judiciary Specialist Group as part of a joint initiative with UNEP. The Portal was launched during the UNEP Global Judges Symposium held last year and it is the world’s first Internet based means for judges from around the world to communicate with one another and to share environmental law judgements and information. The IUCN UNEP Judicial Portal received support as a means of facilitating a lively exchange amongst judges via the Internet.

(C) IUCN Academy of Environmental Law

November 2003 saw the formal inauguration of the IUCN Academy of Environmental Law take place in Shanghai, China, launching a new global knowledge network and forum for universities to achieve higher standards in environmental legal education and research worldwide. The launch was welcomed by the United Nations Secretary General, Kofi Annan, who commended the IUCN CEL for both this initiative and its contribution to the implementation of Agenda 21.

The IUCN Academy’s first annual Colloquium on “The Law of Energy Sustainable Development” followed the launch. It was hosted by the Shanghai Jiao Tong University (recognized by CEL as a “centre of excellence”) and was co-sponsored by the United Nations Development Programme (UNDP), UNEP, the United Nations Institute for Training and Research (UNITAR), Pace University and IUCN ELC.

The Academy launch achieved the first step in the collaboration, cooperation and participation of universities in all regions of the world in this new endeavour to expand inter-regional legal research on the shared challenges that require environmental law solutions, and on capacity building to strengthen environmental legal education.

The IUCN Academy plans to convene annual colloquia, promote research on cutting-edge environmental issues and facilitate cooperation among participating universities. The Academy co-operates with the IUCN ELP but will eventually become an autonomous entity with its own juridical personality. It will have an annual conference on a specific topic of environmental law as well as an annual publication of the conference proceedings. The Academy's research and other programmes will be directed by the Academy Collegium, which had its first meeting in Shanghai, right after the Colloquium. The Collegium consists of representatives of each university member of the Academy. The members of the Collegium elect the Bureau of the Collegium, which functions as its executive committee. The Collegium agreed on having wide admission criteria and to hold workshops on capacity building on environmental law in developing countries. Provisional By-Laws for the regulation of the Academy's affairs and membership were circulated to all prospective universities interested in membership and will be confirmed at the Collegium's next meeting in 2004, in Nairobi.

To date, the initiative has been formally supported by 50 Universities from 45 countries. Plans for the Second Colloquium commenced in December 2003, the topic being "Environmental Law and Land Use", with the event to be hosted by the University of Nairobi in October 2004.

(D) Centres of Excellence

The IUCN ELP's access to a global network of environmental resources was expanded during 2003 to include more regional and thematic "centres of excellence", with centres being recognized in Botswana (University of Botswana), China (Shanghai Jiao Tong University), Costa Rica (University of Costa Rica), Peru (Catholic University of Peru), South Africa (Mandela Institute, University of Witwatersrand and University of Natal), and the Ukraine (Ecopravo Lviv).

A particular highlight was the recognition of a water law "centre of excellence" at the University of Witwatersrand, Johannesburg, to provide high standard training, research and education in the field of water law in Southern Africa. This centre was announced at a reception held during the Vth IUCN World Parks Congress in Durban.

The recognition of "centres of excellence" has helped promote not only Agenda 21 but also IUCN's statutory objective to build alliances and expert networks for conservation. The collaboration between the ELP and the regional "centres of excellence" has built a network of institutions and experts on environmental law for the promotion of environmental law and sustainable development, in particular, in the region of the centre.

Memoranda of Understanding for future collaboration have been signed between the IUCN CEL and each centre. The nature of the relationship between each of the "centres of excellence" and the ELP is being further developed through experience gained from progressing joint initiatives, such as the hosting of a judicial symposium for Central/Eastern Europe, Caucasus and Central Asia Judges with Ecopravo Lviv, in May 2003 and the Shanghai Jiao Tong University hosting of the First Colloquium for the IUCN Academy of Environmental Law in November 2003.

(E) Interns and Fellows

The IUCN ELP has continued to attract interns and fellows around the world. The Centre has been collaborating with a number of organizations such as InWent (Internationale Weiterbildung und Entwicklung gemeinnützige GmbH), or Capacity Building International, Germany, the former Carl

Duisburg Society), the Humboldt Foundation, the Fulbright Programme of the United States government, and the Institute for Global Environmental Strategies (IGES) in order to fund research fellows to come to the ELC and enable legal specialists, especially from developing countries, to access and conduct research on environmental law and policy and interact with the Centre's highly-experienced environmental specialists.

In 2003, the ELC hosted eight fellows and secondees from South America (Costa Rica and Peru), Africa (Morocco and Tunisia), Asia (Japan and the Philippines), the United States and Australia. Their work focused on topics such as emissions trading under the Kyoto Protocol, the CDM, legal mechanisms for the protection of the natural environment on private lands, mining and protected areas, land use, and the IUCN protected areas categories.

7. Information

(A) ECOLEX

The year 2003 was a most important one in the life of ECOLEX, the tripartite partnership (FAO, IUCN and UNEP) which produces and maintains a common "gateway to environmental law" at www.ECOLEX.org and is a registered WSSD Type II Partnership.

The purpose of ECOLEX is to provide current information on treaties, national legislation, court decisions and policy and law literature in the field of environmental and natural resources conservation and management. The data is provided by the IUCN ELC (treaties, policy and law literature), and FAO (national legislation), from their respective information systems (ELIS and FAOLEX). UNEP provides the full text of treaties, and intends to enhance the court decisions data base.

The partners share responsibility for the site, according to a partnership agreement signed in 2001, which, *inter alia*, creates a Steering Committee for the governance of ECOLEX, assisted by IUCN ELC as the ECOLEX Management Unit.

The new ECOLEX was launched in Rome in December, during the General Conference of FAO. The resulting service, the largest of its own in the field, provides an excellent capacity building tool for all those interested in environmental and natural resources law, but is of special interest to decision makers, lawyers and other users in developing countries, who need these data in developing policy and legal instruments for sustainable development. The "new" ECOLEX allows users to undertake a common search of all of the data bases of IUCN (ELIS), FAO (FAOLEX) and UNEP. Through a single search users will now be able to access bibliographic and analytical information on multilateral legal instruments, national legislation, soft law, judicial decisions, law and policy literature and more for selected subject areas and key words.

(B) IUCN CEL Members Portal

The CEL Members Portal has been developed by the ELC to assist the more than 900 CEL members to update their own contact and other details directly via the Internet. The Portal is accessible by all CEL members by password and will be used as the "master" copy of CEL members contact and other details. It will be for each CEL member to keep their details up to date. Through the Portal CEL members will now be able to search for fellow members by region, country, CEL Specialist Group or nominated area of expertise. Passwords have been sent to all CEL members with their copy of the updated CEL Directory, and support will be provided by the ELC to those members who do not have ready access to the Internet. The Portal is accessible via the IUCN ELP website, www.iucn.org/themes/law.

(C) EPLP Guide

Following closely on the success of IUCN's new Guide to the Cartagena Protocol on Biosafety, the IUCN Environmental Law Centre announced the next "Guide" in the series. Work has already commenced on the Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture, which will be developed in collaboration with FAO and the International Plant Genetic Resources Institute (IPGRI). The International Treaty constitutes the first and one of the most important concrete steps in the development of the "international regime on access and benefit-sharing" required under the WSSD Plan of Implementation.

2003 was also the year that the IUCN ELP published the proceedings of the IUCN/IGES/ADB Symposium which was held the year before in Tokyo. This pioneering work focuses on environmental law in the Asian and Pacific region and captures the provoking thoughts raised during the symposium on how to achieve the improvement of the already existing laws and their effective implementation and open the way to the second generation of environmental laws.

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