

# IUCN Environmental Law Programme 2004

## The Year in Review

Prepared by the IUCN Environmental Law Centre, Bonn

### 1. Introduction

The mission of the IUCN Environmental Law Programme (ELP) is to advance environmental law through the development of legal concepts and instruments, and through building the capacity of societies to employ environmental law in furtherance of the IUCN mission. The ELP is an integrated Programme of activities that assists decision makers with information, legal analysis, advisory services, legislative drafting, mentoring and capacity building at national, regional and global levels. The Programme also provides the opportunity and the forum for governments, non-government organizations and others to network and to share information and discuss ideas.

This vast Programme of activities is carried out through the co-operation of the Commission on Environmental Law (CEL), one of six IUCN Commissions, which consists of an extensive global volunteer network of over 975 environmental law specialists in more than 130 countries, the Environmental Law Centre (ELC), an international office established in Bonn, Germany with highly skilled legal, policy and information specialists, and IUCN lawyers based in Regional and Country Offices around the world.

The ELC, an outposted unit of IUCN Headquarters, works in collaboration with CEL members, IUCN staff and focal points in IUCN Headquarters and Regional and Country Offices. The ELC also houses an extensive library consisting mainly of environmental law holdings, and is the Management Unit for the ECOLEX database, a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environmental Programme (UNEP).

For the ELP, the year 2004 was a year of building up towards the IUCN 3<sup>rd</sup> World Conservation Congress (WCC 3), making an effort to ensure that the law made a significant contribution in all major Congress themes. Beyond the Congress, the ELP was particularly engaged in activities aiming at strengthening the links between environmental law and poverty eradication, increasing interest in the role of the judiciary in promoting sustainable development among the ELP's partners, enhancing capacity to implement various global, regional and national environmental policies and instruments, intensifying attention given to the concept of good governance, and promoting a radical shift in current energy systems.

### 2. Thematic Issues

#### *(A) Water Governance*

As in 2003, promoting good water governance was a constant theme in 2004, with a clear focus being given to water governance at both regional and international levels. The ELP was involved in a workshop entitled "Experts Forum on Water Governance in South America," held in Buenos Aires, Argentina from 8 to 11 July 2004, which was attended by environmental law experts from most South American countries. The recommendations

coming from the meeting, as well as an analysis of the current situation of water legislation in each South American country has been published in the IUCN ELP Environmental Policy and Law series (EPLP), under the title: *Gobernabilidad del Agua en América del Sur (Water Governance in South America)*, EPLP No 53.

Under the same series, the ELP published *Water Governance in West Africa: Legal and Institutional Aspects/La gouvernance de l'eau dans l'Afrique de l'Ouest: Aspects juridiques et institutionnels*, EPLP No 50, which contains papers (written in English or French) addressing several issues on water governance such as water, wetlands and international environmental agreements, legal aspects of transboundary water resources and their management at the local level, and equity in national water policies.

*International Water Governance: Conservation of Freshwater Ecosystems Volume I. International Agreements: Compilation and Analysis*, EPLP No 55, provides an analysis of the most relevant provisions on freshwater ecosystems conservation present in international treaties, and bilateral and multilateral agreements relating to rivers and lakes.

Additionally, the IUCN ELP and the IUCN Regional Office for Mesoamerica (ORMA) coordinated a "Dialogue on Governance of Transboundary Watersheds in Mesoamerica" held in Guatemala City, Guatemala from 23 to 24 August 2004 to discuss governance issues related to shared water resources based on existing rules of international freshwater law from a Mesoamerican perspective. The results of the dialogue are being incorporated into a manual on shared water resources governance, which is to be published in 2005.

Copies of these publications can be downloaded from <http://www.iucn.org/themes/law/info04.html#recent>.

#### *(B) Protected Areas*

*International Environmental Governance – An International Regime for Protected Areas*, EPLP No 49, which explores how emerging issues relating to protected areas are being addressed at the international level, was published earlier in the year. A copy may be downloaded from <http://www.iucn.org/themes/law/pdfdocuments/EPLP49EN.pdf>.

#### *(C) Marine Issues*

The IUCN ELP participated in the preparation of a legal case study regarding the on-going process of establishment of the International Marine Park of the Mouths of Bonifacio between France and Italy. *The International Marine Park of the Mouths of Bonifacio: Relevant Perspectives in International Law* presents the case study, examining the process of establishment of the marine park from its genesis in 1992 up to the present and further presents some relevant perspectives on the current developments in international law of the sea to support the establishment of the International Marine Park and its effective management. This future park aims at promoting the achievement of effectively managed and ecologically representative networks of marine protected areas within and beyond areas of national jurisdiction by 2012. A copy of the publication is available at: [http://www.iucn.org/places/medoffice/CD2003/conten/pdf/Bonifacio\\_case\\_2004.pdf](http://www.iucn.org/places/medoffice/CD2003/conten/pdf/Bonifacio_case_2004.pdf).

The ELP also prepared a paper, *The Legal Status of the Mediterranean*, which after reviewing the basic principles and rules relating to the establishment of maritime zones as embodied in the United Nations Convention on the Law of the Sea (UNCLOS), examines the legal status of Mediterranean waters.

Drawing on the expertise of the members of the IUCN CEL Ocean Law and Governance Specialist Group, the IUCN ELP co-organised a legal experts' workshop entitled "Towards an Improved Governance of the Mediterranean Beyond Territorial Sea," held in Malaga, Spain from 15 to 16 March 2004. The workshop brought together legal and scientific experts with stakes in sustainable uses and conservation of the marine biodiversity in the Mediterranean. The workshop resulted in a number of practical recommendations for improving governance beyond the territorial sea in the Mediterranean. A CD entitled *Governance of the Mediterranean Sea: A Regional Challenge (Legal Aspects)* was later launched. It includes recommendations by experts, case studies and relevant documents, and describes future challenges. The CD aims to inform the relevant international processes in designing an integrated legal system for the conservation of marine biodiversity and sustainable fishing in the Mediterranean Sea.

The IUCN ELP also worked on the development of a *Guide on Best Practices of Legal Frameworks for Marine Protected Areas within National Jurisdiction*, which will evaluate legal frameworks for marine protected areas (MPAs) in selected countries and address issues such as the fragmented existing legal regime and the administration and modalities for decentralisation of the legal regime in the field of MPAs.

#### *(D) Soils*

Through the IUCN CEL Specialist Group on the Sustainable Use of Soils, the IUCN ELP has been active on investigating the national and international dimensions of the legal protection of soils. In co-operation with the International Water Management Institute, *Drafting Legislation for Sustainable Soils: A Guide*, EPLP No 52 was published. This Guide is intended to be used as a resource document that States can draw on to reform existing legislation to protect and manage soil, to set the direction to the drafting of new national legislation for the sustainable use of soil, and for the establishment or reform of associated institutions. To download a copy of this publication, visit <http://www.iucn.org/themes/law/info04.html#recent>. The Specialist Group is also collaborating with the Asian Development Bank (ADB) and the Ministry of Water Resources of the People's Republic of China on reform of the Chinese Water and Soil Conservation Law of 1991.

#### *(E) Species*

Through the ELC, IUCN ELP was represented for the first time at the 17th biannual Working Meeting of the IUCN Species Survival Commission's Crocodile Specialist Group (CSG) held in Darwin, Australia in June 2004. The meeting addressed a wide range of challenges including legal (compliance with CITES and national wildlife law), socio-legal ("human-wildlife conflict"), financial (sustainable wildlife trade) and sustainability (precaution, developments in the scientific use of crocodile physical characteristics and genetic material) issues, as well as cutting edge questions of crocodilian biology. The ELP's ongoing work on international compliance, national legislation, wildlife trade and access and benefit sharing, are expected to provide the basis for valuable links between the two groups.

#### *(F) Energy Law and Sustainable Development*

The IUCN ELP further intensified its efforts to promote and advance the importance of a sustainable use of energy resources for development and poverty eradication. In May 2004, the IUCN ELC was host to the United Nations Foundation and the United Nations Fund for

International Partnership's "Sustainable Energy Development Practitioners Conference" attended by over 40 energy experts from all over the world.

At the International Conference for Renewable Energy held in Bonn, Germany from 1 to 4 June 2004 (*renewables 2004*), the ELP hosted a side event entitled "International law and the promotion of renewable energy," in co-operation with the Renewable Energy and International Law Project and Adelphi Research. Leading speakers from around the world identified a range of challenges to the promotion of renewable energy resources and recognized the importance of sharing knowledge and information, including on innovative legal approaches. The side event concluded that further studies were necessary to identify international legal principles that encourage the greater utilization of renewable energy and also those provisions that impede its use. The side event presentations are available at: <http://www.iucn.org/themes/law/dev04.html>.

The IUCN ELP is an institutional partner in the Renewable Energy and International Law Project (REILP), which aims at promoting and helping in the development of a coherent international legal framework that supports renewable energy. Project objectives are to be achieved through the creation of an international partnership focusing on these issues and carrying out research and sharing input and through the dissemination of findings through interim papers, experts meetings and a final report. REILP is listed as a voluntary commitment under the International Action Programme of *renewables 2004*.

The ELP Newsletter for 2004 focused on energy for sustainable development, drawing upon the latest thinking on the relevance of energy to conservation and to poverty eradication. It featured extracts from papers delivered at the first IUCN Academy of Environmental Law Colloquium in Shanghai (November 2003) on a range of global and regional energy initiatives. A copy is downloadable from <http://www.iucn.org/themes/law/elp08.html>.

For WCC 3, the ELP organized a futures dialogue entitled "Is the future renewable?" A distinguished panel of energy experts agreed that continuing reliance on fossil fuels was not an option and that there is a need to reach full potential in energy efficiency and to promote the development of renewable sources of energy and technology transfer. These goals can be met through decisive government action, ideally under a legally binding framework, carried out with government leadership and in close partnership with the private sector.

The IUCN ELP also prepared an energy media brief that explored the links between energy and the environment, focusing on how to face the twin challenges of expanding the quality and quantity of energy services and at the same time addressing the environmental impacts resulting from such use. *Energy and Environment* is available at: [http://www.iucn.org/info\\_and\\_news/press/mb\\_energy.pdf](http://www.iucn.org/info_and_news/press/mb_energy.pdf).

At WCC 3 the CEL Climate and Energy Specialist Group hosted a workshop entitled "The Role of Energy in Poverty Reduction and Human Well-Being" which dealt with issues such as sustainable energy as a human right and the contribution of renewable energy to poverty reduction in China.

Furthermore, IUCN CEL and UNEP collaborated in the development of the *UNEP Handbook for Legal Draftsmen on Environmentally Sound Management of Energy Efficiency and Renewable Energy Resources* which describes the key environmental and implementation issues associated with efficiency and renewable energy resources and presents legislative options for dealing with them including sample excerpts from legislation. This guide is to be published in 2005.

*(G) The Arctic*

A meeting of experts on Arctic issues was convened by IUCN ELP and the International Council of Environmental Law (ICEL), an IUCN member, in Ottawa on 24 and 25 March 2004 with financial support of the Elizabeth Haub Foundation (Canada). The meeting considered the conclusions of the publication entitled *Arctic Legal Regime for Environmental Protection*, EPLP No 44, published in 2002. There was agreement on the desirability to strengthen the Arctic legal regime as much as possible and on the need to undertake an issue-oriented analysis to determine in which instances and how this might be achieved.

*(H) Human Rights and Environmental Law*

The IUCN ELP explored the many dimensions of the link between Human Rights and Environmental Law, a theme presently being given renewed attention. To inform WCC 3 of the basic issues involved in these discussions, it produced the flyer *Human Rights and the Environment* which was distributed at the Congress. Human rights experts from CEL engaged members in an exploration of this issue through the workshop, "Linking human rights and the environment – A rights based approach for environmental protection."

The right to food and its links to biodiversity were also explored at WCC 3 in a global synthesis workshop entitled "Mobilizing conservation to end hunger – The Implications of Food Sovereignty, Food Security and the Right to Food for Biodiversity Conservation" participated in by CEL members.

*(I) Indigenous Peoples*

Through its Specialist Group on Indigenous Peoples and Environmental Law, IUCN CEL advanced research in the area of customary law within IUCN and engaged in various projects such as the protection of indigenous knowledge in the context of the Convention on Biological Diversity in Africa, the customary law of indigenous and marginalized people in Southern Africa relevant to sustainable development, the Organization of African Unity's (OAU) Model Law on Access to Biological Resources, types, operations and development of ethical protocols with indigenous peoples as well as traditional knowledge innovations and practices in the Pacific region. The Specialist Group is also working on a project involving collaboration with the Forest Stewardship Council on the application of principles recognizing the rights of Indigenous Peoples in certifications and the development of forestry standards.

*(J) Trade and the Environment*

An Environment and Trade Specialist Group was created within the Commission, with its members actively participating in trade and biodiversity discussions at WCC 3.

An ELC Legal Officer represented IUCN at the "Roundtable on Emerging Issues in the Relationship between the Climate and Trade Regimes (Climate Change, Mitigation Adaptation and the WTO)," held in Geneva on 14 October 2004 and shared ideas on possible links between trade and adaptation.

*(K) Precautionary Principle*

The ELP was also involved in "The Precautionary Principle Project: Sustainable Development, Natural Resource Management and Biodiversity Conservation," a partnership

of IUCN, Fauna & Flora International, TRAFFIC and Resource Africa. The project aims at increasing understanding of the precautionary principle, examining its practical impacts in terms of conservation, livelihoods and development, and elaborating “best-practice” guidance for its implementation in the context of sustainable development.

Besides participating in the preparation of workshops and case studies on themes such as invasive species issues relevant to precaution, the IUCN ELP serves on the advisory body of this project and drafted a situation analysis on uncertainty and precaution in natural resource management and conservation. The project is scheduled to run until late 2005. A publication on this issue entitled *The Precautionary Principle in Biodiversity Conservation and Natural Resource Management, An issues paper for policy-makers, researchers and practitioners* was published in 2004 under the IUCN Policy and Global Change series No 2. More information on the project is available at <http://www.pprinciple.net/>.

#### *(L) Certification*

At WCC 3 the ELP organised two Global Synthesis Workshops on “Certification for Sustainability.” The first one, “Issues and Challenges,” examined certification and eco-labelling as an approach to corporate social responsibility. It explored how certification and related tools can be most effective, and identified the key factors that determine their success or failure. The second one, “The State of the Art,” focused on several on-going initiatives, including certification of forest, agricultural and marine products and enterprises, as well as certification of the social responsibility of civil society organizations.

The ELP also prepared an in-depth analysis of the issue of certification systems entitled *An Examination of the Pros and Cons of IUCN Involvement in Environmental Certification Systems and Standards Development*. This analysis examined the concept of certification and considered the possibility that certification systems be used as tools to promote conservation and sustainable development, considering a variety of different concepts and proposals.

Additionally, the ELP represented IUCN in the multi-NGO coordinated advisory input with regard to the International Organization on Standardization’s (ISO) potential entry into the issue of Corporate Social Responsibility (CSR), addressing the issues of whether ISO should develop standards or other documents on the subject of CSR, what the scope of such work should be, and the kind of deliverables ISO should develop. The ELP has been particularly involved in the issue of civil society participation and the participation of developing countries.

### **3. Development and Implementation of International Instruments**

#### *(A) Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety*

A Spanish version of *An Explanatory Guide to the Cartagena Protocol on Biosafety*, EPLP No 46, which was already available in English, French and Russian, was published. To download a copy of this publication, visit:  
<http://www.iucn.org/themes/law/info04.html#recent>.

The ELP also participated in UNEP/Global Environment Facility (GEF) projects on the implementation of the Cartagena Protocol through the provision of experts to a series of workshops around the world.

Additionally an expert from the ELC participated in the CBD Expert Meeting on Liability and Compensation under the Cartagena Protocol held in Montreal, Canada from 18 to 20 October 2004.

*(B) CBD – Access and Benefit Sharing (ABS)*

The IUCN ELP, in co-operation with the German Federal Ministry for Economic Co-operation and Development (BMZ), successfully concluded the second of three years of implementation of the Project on “Trade Issues Relevant to Access to Genetic Resources within the Framework of the Convention on Biological Diversity” (ABS project). Within this project, the IUCN ELP undertook, among other activities, the provision of expert assistance and information in support of the negotiations on ABS in seventh session of the Conference of the Parties to the CBD (COP-7), held in Kuala Lumpur, Malaysia from 9 to 20 February 2004.

Experts from the ELP also participated in the negotiations of CBD COP-7’s decision VII-19, which addressed ABS and the commencement of negotiation of an international regime. Furthermore, research was initiated for the production of a series of publications on the legal issues that must be addressed as part of the creation and implementation of a functional international regime on ABS and for a series of analyses of special legal issues on ABS. A member of the ELP team also participated as an expert and prepared papers for the Canada/Mexico International Expert Workshop on ABS, held in Cuernavaca, Mexico in October 2004.

As part of the project, the IUCN ELP also sponsored and co-presented a regional workshop on “Legal Issues of Access and Benefit-sharing in Central Asia and Mongolia,” in collaboration with the IUCN Office for Central Asia and UN University, participated in various international meetings on genetic resources and collaborated with the CBD Secretariat and EU programmes for the development of ABS on global and European Clearing House Mechanisms.

At WCC 3, the IUCN ELP sponsored a knowledge marketplace roundtable on “Access and Benefit Sharing: Critical Legal and Political Issues for the Negotiation of an International Regime.” Furthermore, *Assessing Biodiversity and Sharing Benefits: Lessons Learned by Implementing the Convention on Biological Diversity*, EPLP No 54, a comparative analysis of laws and policies in the 41 Pacific Rim countries that signed the CBD, was released at WCC 3. A copy can be downloaded from <http://www.iucn.org/themes/law/pdfdocuments/EPLP54EN.pdf>.

*(C) International Treaty on Plant Genetic Resources for Food and Agriculture*

The IUCN ELP, through its EPLP series, in partnership with FAO and the International Plant Genetic Resources Institute finalized an *Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture*. The Guide, which will be published in 2005, is designed to provide assistance to country parties in implementing their obligations under this treaty that only entered into force on 29 June 2004.

Additionally, *Genetically Modified Organisms and Biosafety: A background paper for decision-makers and others to assist in consideration of GMO issues* was published by IUCN Policy and Programme Group. A copy of this publication can be downloaded at: <http://www.iucn.org/themes/law/info04.html#OtherELP>.

*(D) CITES*

At the request of the CITES Secretariat, the ELP served as advisor to the Government of Kazakhstan in creating CITES legislation and provided other advice to the governments of Cambodia and the Philippines. It worked closely with experts on sturgeon, ungulates, seahorses and crocodilians, regarding the legal protection of these species in trade.

*(E) The Africa-Eurasia Waterbird Agreement (AEWA)*

The ELP co-ordinated two projects for the Africa-Eurasia Waterbird Agreement, one examining the impact of invasive weeds on migratory birds habitats in two African subregions and the other analysing traditional knowledge relating to sustainable use of migratory waterbirds in Southern Africa.

*(F) Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*

In addition to participating in the Compliance Committee, IUCN ELP also participated in the work of the Task Force on Access to Justice, contributing not only to its general work but providing information and guidance on the Task Force's recommendations regarding work with the judiciary.

*(G) African Convention on the Conservation of Nature and Natural Resources*

The ELP prepared *An Introduction to the African Convention on the Conservation of Nature and Natural Resources*, EPLP No 56. This publication benefited from the wisdom of an experienced editorial team consisting of long-time CEL members Ali Mekouar, and Charles Odidi Okidi, together with ELC Senior Legal Counsel, Françoise Burhenne-Guilmin. A copy can be downloaded from <http://www.iucn.org/themes/law/pdfdocuments/EPLP56EN.pdf>.

*(H) WHO Guidelines on the Conservation and Utilisation of Medicinal Plants*

Members of the ELP participated in the international advisory panel for the revision of the World Health Organisation's Guidelines on the Conservation and Utilisation of Medicinal Plants. The revised guidelines have yet to be published.

*(I) Draft International Covenant on Environment and Development*

The ELP published the third edition of the *Draft International Covenant on Environment and Development*. The Draft Covenant is a blueprint for an international framework agreement consolidating and developing existing legal principles related to environment and development. This revised edition takes account of important developments in the field of international environmental law since the publication of the second edition in 2000, such as changes following a review of important new treaties and soft law documents, including the Johannesburg Declaration and Plan of Implementation. This publication is meant to serve as an authoritative reference and checklist for legislators, civil servants and other stakeholders worldwide when drafting new or updating existing policies and law. To download a copy of this publication, please see the IUCN ELP website at: <http://www.iucn.org/themes/law/info04.html#recent>.

#### **4. Capacity Building**

##### *(A) The Clean Development Mechanism (CDM)*

IUCN ELC extended legal expertise on small-scale afforestation and reforestation (AR) projects under the CDM to negotiators from Latin America, Africa and Asia at meetings held before the sessions of the United Nation's Framework Convention on Climate Change's (UNFCCC) subsidiary bodies and its COP. As a result of this IUCN-UNEP-FAO partnership, communication among key forestry negotiators was eased, facilitating the adoption of UNFCCC COP decision 14/CP.10 on simplified modalities and procedures for small-scale CDM AR project activities and measures to facilitate their implementation.

A side event providing preliminary findings of the IUCN-GTZ (*die Deutsche Gesellschaft für Technische Zusammenarbeit* or, the German Development Agency for Technical Cooperation)-UNEP project "Legal Aspects in the Implementation of CDM Forestry Projects" was held at the UNFCCC COP 10 in Buenos Aires, Argentina that took place in December 2004. The project aims to assist countries intending to host CDM project activities in thinking about the legal issues that they need to consider in designing their CDM operational framework. Case studies have been conducted in Argentina, Chile, Ghana and the Philippines and a synthesis paper will be produced based on the case studies, research and consultations. Final project outputs will be released in 2005.

##### *(B) The Judiciary*

The IUCN ELP organized and participated in several meetings relating to the judiciary, cooperating with organizations such as UNEP and the World Bank Institute to increase appreciation for the crucial role of the judiciary in achieving sustainable development. These meetings included Judiciary Day held in Bangkok from 16 to 17 November 2004 and the first Judicial Symposium on the Judiciary & Environmental Law held in New York from 6 to 8 December 2004. The latter included a comparison of judicial practice in Canada, the United States, Mexico, and in other selected countries.

##### *(C) IUCN Academy of Environmental Law*

At the 2<sup>nd</sup> Colloquium of the IUCN Academy of Environmental Law on "Land Use and Environmental Law," hosted by the University of Nairobi from 4 to 7 October 2004 the importance of land use for sustainable development was addressed by leading academics from around the world. Speakers from the Government of Kenya, the City of Nairobi, the University of Nairobi, UNEP, FAO, UN-HABITAT, and IUCN, were joined by academics representing 45 universities from 35 countries.

In cooperation with the University of Nairobi's Centre for Advanced Studies in Environmental Law and Policy (CASELAP), the IUCN Academy held a one-day multidisciplinary workshop for 30 African and international legal specialists and environmental scientists, to examine proposals for inter-regional, joint research through the law schools associated with the Academy. The workshop examined specific topics that required analysis in the areas of ecosystem management, ocean governance, atmospheric brown cloud/acid precipitation, and the nitrogen cycle.

Representatives from 29 law schools (representing more than 120 colleagues at their home institutions) met for one day as the Academy's Collegium, its governing body, discussing

proposals for collaborative teaching, assistance to law schools in regions of civil unrest, and establishment of a secretariat for the Academy. The Collegium agreed to study joint teaching of environmental law between law faculties in different regions via the Internet.

Edited papers from the Colloquium will be published by Cambridge University Press in 2005 in the second edition of the Environmental Law Research Studies series. The first edition, entitled *The Law of Energy for Sustainable Development* and its companion volume, the *Compendium of Sustainable Energy Laws* will be published in 2005.

The 3<sup>rd</sup> Annual Colloquium on “Biodiversity Conservation, Law & Livelihoods: Bridging the North-South Divide” will be hosted by Macquarie University in Sydney, Australia and will take place from 10 to 15 July 2005. More information may be found at: <http://www.law.mq.edu.au/MUCEL/IUCN/>.

*(D) “Partner Centres”*

All over the world the IUCN ELP is working with the CEL’s “partner centres,” IUCN members and CEL volunteers to develop courses and programs to strengthen environmental law studies in these countries. These courses and programs draw from an international roster of resource persons with a wealth of experience and skills. Such courses and programs currently exist in the Pontifical Catholic University of Peru, where the ELC assisted in the development of a diploma course on environmental law, the University of Costa Rica Law School, and the Mandela Institute at the School of Law of the University of Witwatersrand in South Africa.

*(E) Training the Trainers*

An environmental law training course involving 30 professors from all over the Philippines and three Thai professors was held in Subic Bay, Philippines 9 to 13 November 2004 to build capacity for teaching environmental law in Philippine and Thai universities. The course, organized by the IUCN ELP and the University of the Philippines Law Centre, covered national, regional and international environmental law issues, as well as particular challenges relating to the teaching of environmental law within the Philippine context.

*(F) Fellows and Interns*

In 2004, the IUCN ELC attracted seven interns and fellows from around the world, coming from Costa Rica, Kazakhstan, Bangladesh, Cameroon, Germany, Italy and Sweden. Their work focused on topics such as a framework convention for the protection of the marine environment of the Caspian Sea, an evaluation of CITES non-compliance mechanisms, community forest management in Cameroon and the role of women, EIA in Central America in a trans-boundary context and a comparative study on protected areas in selected countries. Selected papers are contained in *Environmental Law in Developing Countries Selected Issues Vol. II*, EPLP No. 43, a copy of which can be downloaded from <http://www.iucn.org/themes/law/info04.html>.

## **5. Information**

### *(A) Environmental Law Information Services*

The ELC has continued maintaining its library services in the field of international treaties and environmental law and policy literature as an infrastructure for its activities and those of visitors and users throughout the world.

The IUCN Environmental Law Information System (ELIS) continues to be the internal organizational backbone of these services, while its data presently flow into the web-based service ECOLEX, operated in partnership with FAO and UNEP. ECOLEX, a gateway to environmental law ([www.ECOLEX.org](http://www.ECOLEX.org)), contains information on treaties and law and policy literature provided by IUCN, national legislation provided by FAO, and soon, court decisions provided by UNEP. These data are grouped in four data bases, searchable separately or in combination. In 2004, the ECOLEX server moved to IUCN ELC, which is the Management Unit of ECOLEX.

### *(B) International Directory of Institutions Active in Environmental Law*

The ELP and ICEL developed an international directory of institutions active in environmental law that is available on the ELP website (<http://www.iucn.org/themes/law/indi01.html>), further enhancing the website's use as a means of linking people together. This directory aims at facilitating communication and cooperation amongst non-governmental and research institutions active in environmental law and also includes details of intergovernmental organizations active in the area.

### *(C) Publications*

Maximum access to the ELP's publications produced between 2001 and 2004 has been achieved through the release of a CD entitled *IUCN Environmental Law Programme Publications 2001-2004* that contains the last 17 publications under the EPLP series, other major law-related publications produced in partnership with the IUCN ELP or by IUCN Regional and Country Offices, publications donated to the IUCN ELC library, the ELP Newsletters and information on and reports by members of the CEL Steering Committee.

## **6. Participation in Congresses and Summits**

### *(A) IUCN 3<sup>rd</sup> World Conservation Congress (WCC 3)*

The IUCN ELP took part in the 3<sup>rd</sup> IUCN World Conservation Congress held from 17 to 25 November 2004 in Bangkok, Thailand in various ways. It organized, co-sponsored and participated in workshops, roundtables and discussions on issues such as the relationship between trade and biodiversity, compliance and enforcement indicators for conservation, institutional arrangements driving the poverty environment dynamic, the law and practice with regard to compulsory acquisition of land lost for protected areas and the nexus between certification and sustainability.

Furthermore the ELP, primarily through CEL and its partners, was involved in several motions on environmental law and policy issues, leading to resolutions or recommendations adopted at the WCC that focused on the following themes:

- the conservation of nature and the reduction of poverty by linking human rights and the environment;
- IUCN's energy related work vis-à-vis biodiversity conservation;
- the Earth Charter; and
- governance of natural resources for conservation and sustainable development.

For more information on the resolutions and recommendations adopted at the WCC 3 visit:  
[http://www.iucn.org/congress/members/submitted\\_motions.htm#](http://www.iucn.org/congress/members/submitted_motions.htm#)

*(B) 8<sup>th</sup> International Conference on Environmental Law "Wildlife Protection: Policy and Legal Instruments"*

The conference, held from 1 to 3 June 2004 in São Paulo, Brazil, heard presentations from several IUCN CEL and ELC experts on issues such as water, environmental flows and wildlife conservation, procedural and efficiency problems related to criminal responsibility of legal entities, and the protection of Danube Delta wildlife using international and national law.

*(C) 12<sup>th</sup> Session of the Commission on Sustainable Development (CSD-12)*

On behalf of the Union, the ELP also participated in CSD-12 held at the United Nations Headquarters, New York from 19 to 30 April 2004. Discussions focused on the compatibility between developing international trade and investment rules and the ability of countries to adopt strong domestic laws and policies for resource management, environmental protection and equitable access to water and sanitation.