

IUCN Environmental Law Programme 2005

The Year in Review

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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 organisations 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 230 environmental law specialists in 62 countries, the Environmental Law Centre (ELC), an outpost unit of IUCN Headquarters located in Bonn, Germany with skilled legal, policy and information specialists, and IUCN lawyers based in Regional and Country Offices around the world.

The ELC 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 of environmental law holdings, and is the Management Unit for the ECOLEX gateway to environmental law, a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environmental Programme (UNEP).

2005 saw the reconstitution of CEL specialist groups to address a number of the priority themes identified at the IUCN 3rd World Congress (WCC3) held in Bangkok last November. Those groups cover the following areas: human rights and the environment, the judiciary, sustainable use of soils, water and wetlands, protected areas, armed conflict and the environment, ethics, energy law and climate change, implementation of the Convention on Biological Diversity, enforcement and compliance, oceans coastal and coral reefs, trade and the environment, environmental governance and indigenous peoples. In addition, taskforces were set up to consider natural disasters and the Arctic.

The ELP has built on a number of the objectives of the inter-sessional programme agreed to at WCC3. First, to strengthen the use of specialist groups. Second, to support collaborating centres and partners and third, to provide technical assistance to IUCN components and partners to develop legislative and policy responses to priority environmental issues. The priority thematic areas engaged in included biodiversity loss (focussing in biosafety, invasive species, access and benefit sharing, forests), climate change and energy, freshwater and wetlands, soil degradation, and cross cutting issues such as compliance and enforcement, governance, indigenous rights and procedural rights. The ELP has also explored the links between human rights and the environment, sought to engage with young people and to explore synergies between key environmental conventions.

2. Thematic Issues

(A) Water Governance

As in 2004, promoting good water governance was a constant theme in 2005, with a clear focus being given to water governance at both regional and international levels. The Chair of CEL and Head of the ELP participated as resource persons in a workshop on water governance held in Amman, Jordan on 18 April 2005 organised by the IUCN Programme for West-Central Asia and Northern Africa (WESCANA). The workshop gathered public officials and policy makers from Syria, Iraq, Kazakhstan and Jordan to discuss how to develop regulatory frameworks for water resources and promote good water governance in West Asia. The workshop also offered a platform for debate to improve coordination and sharing of experience between those countries, which is particularly important to prevent the shortage and conflict over water from becoming a significant threat to security in the Middle East.

The Head of the ELP also led a workshop on the conservation of aquatic landscapes at an international event organized at the Royal Academy of Jurisprudence and Legislation of Madrid by the Erdély Foundation (European Institute for Research, Development and Innovation in Environmental Sciences). The workshop addressed questions including: How to ensure that increasing water usage for human consumption is not detrimental to ecosystems? and whether landscape, as a legal category, could be used for the conservation of a freshwater ecosystem.

Under the ELP Environmental Policy and Law series (EPLP) the ELP published *International Water Governance: Conservation of Freshwater Ecosystems*, EPLP 55. This was the first instalment of a set of references designed to provide a better understanding of the existing governance arrangements for the preservation of freshwater ecosystems and to assist in the ongoing review and evolution of such arrangements. Volume I focused on selected shared river agreements from around the world and other multilateral environmental agreements that might impact on the conservation of freshwater ecosystems. It will be followed in 2006 by a compilation and analysis of selected national legislation, court and tribunal decisions, and soft law instruments.

IUCN's Water and Nature Initiative (WANI) team held its 5th advisory and coordination at Maun, Botswana from 9 to 15 May 2005. In addition to a review of WANI's work from 2001 to 2004 and planning for the future, two days of the meeting focused on community-based work, economics and finance, and institutional coordination and integration issues relating to the Okavango Delta Management Project (ODMP). IUCN is one of the lead agencies for the policy, planning and strategy component of the ODMP, as well as its communication component. The IUCN ELP is the coordinator for WANI's Governance, Law and Institutions component.

In collaboration with the FAO, the ELP has prepared three comprehensive studies on customary water rights in Ghana, Gyana and Nigeria. These studies explored the interface between customary and statutory water rights and included an analysis of, amongst other things, the recognition of customary rights in the countries concerned, the statutory mechanisms to reconcile customary with statutory rights, the judicial mechanisms to settle disputes between customary and statutory rights, as well as an identification of the relevant government practices on water resources administration. This project is ongoing and further studies are being planned, with a view to preparing a comparative analysis and a joint FAO/IUCN publication.

The 8th Conference on Environmental Law "Landscape, Water, and Law" was held in São Paulo, Brazil from 31 May to 3 June 2005, organised by Law for a Green Planet Institute, an IUCN member active in the area of environmental law with co-sponsorship from the IUCN ELP. Several ELP experts delivered papers on issues such as global and regional instruments on landscape, threats to landscapes, landscape and seascape protection, and landscapes and river ecosystem. The meeting also provided an appropriate opportunity to pay tribute to Prof. Alexandre Kiss, a long-standing and highly-respected member of the CEL and the occasion for Prof. Kiss to receive the Dr. Wolfgang Burhenne Award from the Chair of the CEL and Head of the ELP. The award was bestowed on Prof. Kiss for his outstanding contribution to environmental law.

(B) Biodiversity

(1) Protected Areas

Following on from the 7th Conference of the Parties (COP) for the *Convention on Biological Diversity* (CBD) the ELP has been actively involved in advising on the implementation of the programme of works on protected areas agreed to at the COP. The overall purpose of the programme of work on protected areas is to support the establishment and maintenance by 2010 for terrestrial and by 2012 for marine areas of comprehensive, effectively managed, and ecologically representative national and regional systems of protected areas.

An ELC legal officer has provided information and assisted in the preparation of documents for the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) of the CBD and attended the SBSTTA-10 meetings to discuss the implementation of the programme of works, in particular the integration of protected areas into broader land- seascapes through policy, legal, planning and other means.

An ELC legal officer has also provided legal advice to the European Union to assist with the preparation of its position for the CBD Ad-hoc Working Group on Protected Areas in Montreal, Canada, in December 2005. The primary issues under discussion were the need for cooperation for the establishment of marine protected areas beyond national jurisdictions, consideration of the need for 'tool kits' for the identification, designation, management, monitoring and evaluation of national and regional systems for protected areas and to consider means for improved implementation of the programme of works.

Finally, members of CEL also provided advice to the IUCN WCPA on the implications of climate change on protected areas.

(2) Marine Issues

The IUCN ELP, through a legal associate, completed its work on Mediterranean Sea governance with the Centre for Mediterranean Cooperation (IUCN-Med) and the IUCN Global Marine Programme. A CD entitled *Governance of the Mediterranean Sea: A Regional Challenge (Legal Aspects)* was launched in 2005. 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.

(3) Species

The ELC on behalf of IUCN participated in the management and presentation of a comprehensive workshop on the relationships between the CBD and CITES, regarding the role of species conservation in the wider realm of the conservation and sustainable use of biological diversity. This workshop's extensive deliberations prepared many national delegates to understand and promote the goals of synergistic collaboration between the two instruments. Its outputs were presented to CITES-COP-13, which adopted many of its provisions and incorporated them into key COP decisions.

ELC legal officers have provided ongoing advice to the CITES Crocodile Specialist Group and have participated in the Group's triennial meetings. In 2005 advice was provided on matters including compliance and incentive mechanisms and the investigation of how national laws can give effect to international priorities.

(4) Alien Invasive Species

A legal officer of the ELC has been involved in the continuing work on alien invasive species, including providing advice to IUCN's delegation (and others) participating in the Ad-hoc Working Group of the SBSTTA on alien invasive species established after CBD COP 7. In support of long accepted CBD and IUCN objectives relating to the need to address invasive species at the national and regional levels, an ELC legal officer has undertaken collaborative work with the World Bank to develop the basis for international assistance in practical implementation of the legal issues of these objectives. A legal analysis and background paper in preparation for the Bank's new programme of legal and technical assistance on "Alien Invasive Species Legislation in Africa" has recently been completed. This report will be published and circulated by the World Bank in the CBD COP-8 in Curitiba, Brazil in 2006.

(5) Biosafety

Following the publication of a CD that included the paper *Genetically Modified Organisms and Biosafety* and the *Explanatory Guide to the Cartagena Protocol on Biosafety* (EPLP 46), an ELC legal officer has been involved in delivering workshop presentations and advising a number of national and international agencies on the implementation of the Cartagena Protocol.

Significantly, a legal officer from the ELC was a member of the team carrying out the international evaluation of the Cartagena Protocol organized by the Global Environment Facility (GEF). This work involved the officer participating in the country compliance and monitoring evaluations in Mexico, Guatemala and the Bahamas. The findings of the project were reported to GEF in December 2005, and in 2006 further presentations of the project findings will be made to participants along with consideration of the way in which capacity and legislative developments can move forward in the future.

(6) Access and Benefit Sharing

The IUCN ELP successfully completed another year of implementation of the BMZ supported project on "The ABS Project – Law Equity and Biodiversity" (ABS project), which will wind up its final activities and publish its remaining outputs in 2006.

The ABS project was initially designed to focus on the legal issues inherent in creating a new, legally recognized property interest in genetic resources and establish national regulatory systems to give effect to those interests. However, due to developments under the CBD, the programme expanded to involve the provision of expert technical advice to the negotiations of the international regime for ABS. During the project's term, the IUCN ELP undertook, among other activities, the provision of expert assistance and information to both national governments and also three key regional areas (South Africa, Central Asia and Europe), in support of the implementation of decisions arising from COP7 and the development of ABS instruments. The ELP has also continued its research for the production of a series of publications on the legal issues that must be addressed as part of the creation of an international regime and for a series of analyses of special legal issues on ABS. In addition, the Project has provided technical and expert assistance through its presentation of international meetings in Moscow and Beijing in support of their national efforts for the development of ABS legislation for Russia and China.

An ELC legal officer has been named to an international expert team on ABS, focusing on the technical development of the ABS concept and the development of expert consensus on the key issues. In this connection she has provided information and briefing documents for a meeting of that group in Capetown, South Africa.

The ELC has also provided expert advice and support through the CBD's Ad-hoc Open-ended Working Group on ABS (AHWG-ABS), now in its 5th year of operations. Currently, the AHWG's mandate focuses on the negotiation of an "international regime on ABS" as called for in the Plan of Implementation adopted by the WSSD in 1992. This Working Group has opted to consider issues such the nature, scope, potential objectives and elements to be considered in developing and implementing a functional international regime on ABS. In this regard, the ELP has been a major participant with an ELC legal officer writing key input documents for and advising at meetings of the working group.

(7) Countdown 2010

The IUCN ELC and CEL participated in the Expert Workshop on Countdown 2010 Country Assessment, which was held from 3 to 4 November, 2005 at the European Environment Agency in Copenhagen, Denmark. The purpose of this workshop was to develop an assessment methodology which will assist national and regional governments and cities to monitor their progress toward achieving the 2010 commitment of halting the loss of biodiversity and to ultimately provide a framework for establishing priority interventions to achieve the target. The spirit of Countdown 2010 is to empower its members and to build on existing data, tools and mechanisms.

(C) Forests

In preparation for accession to the European Union (EU), two countries (Bulgaria and Romania) have sought the ELC's assistance on forest implementation at the community level. An ELC lawyer delivered training on Environmental Regulations as part of a seminar series organised by the European Commission and the Confederation Europeene des Proprietaires (CEPF) on EU Policies relating to Forestry. Workshops were held in conjunction with the Bulgarian Chamber of Forestry in Hissar, Bulgaria and the Romanian Association of Forest Owners in Brassov, Romania during September 2005. The aim of the workshops was to provide information to national forestry member organisations of the CEPF from Central and Eastern European countries about the impacts of the EU forestry related regulations and measures and their impact on private forest holders' and on the sustainable forest management practices used or to be adopted by them.

The ELC is also responsible for the management and implementation of the law component of the IUCN Forests Project "Strengthening Voices for Better Choices" which aims to promote the development of improved forest governance arrangements in six key tropical forest countries in Africa, Asia and South America. The project involves the identification of policy, legal, institutional and economic obstacles to improved forest governance (including illegal logging); testing innovative approaches to overcoming these obstacles, enhancing the capacity of key stakeholders to implement governance reforms and disseminating the lessons learned at national, regional and global levels. The environmental law component of the project involves carrying out detailed assessments of the policy, legal, regulatory and institutional frameworks affecting forest conservation and management in the six focus countries: Brazil, the Democratic Republic of Congo, Ghana, Sri Lanka, Tanzania and Vietnam. In conjunction with IUCN's Regional Environmental Law Program for Asia the legal component will also document customary law that may govern individual and community activities in some forests, and regulate local access to and use of forest products at selected sites. A global synthesis report outlining the findings of the national assessments will be produced reflecting the findings and outcomes of this work.

(D) Soils

Members of the CEL Specialist Group on Sustainable Use of Soil and Desertification (SGSS&D) participated in the International Workshop on Strategies, Science and Law for the Conservation of the World's Soil Resources. This event, which gathered representatives of twenty countries, was organized at Selfoss (Iceland) by the Soil Conservation and Protection in Europe Group of the European Union (SCAPE). Major themes included an overview of the world situation of soil conservation and sustainable land use, integrating soil needs into broader land management issues, law, legal management and solutions, research and case studies, as well as strategies and policies for the sustainable use of soil. A major feature of the workshop was the discussion on the progress made by the SGSS&D towards an international instrument for the conservation and sustainable use of soils.

(E) Glaciers

A group of South American CEL members met in Buenos Aires on 18-19 October to present the results of their research, and analyze the legal and political aspects relating to glaciers conservation. The Forum analyzed the situation in each of the South American countries with glaciers in its territory (Argentina, Bolivia, Colombia, Chile, Ecuador, Peru and Venezuela) and prepared a series of recommendations with regard to the context (geographical, social and economical), legal status, relationship between glaciers and land uses and planning, as well as the impact of climate change, vulnerability and the ecosystem services provided by glaciers.

(F) Energy Law and Sustainable Development

CEL and the ELC celebrated the entry into force of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) on 16 February 2005. In the words of IUCN President Mr. Valli Moosa *“This day will be remembered as the day when the world went to work on emission reductions as well as the start of a new era in international collaboration for the sake of our planet and its people. It also launches the most ambitious attempt to harness economic forces to tackle the most dramatic global environmental challenge”*.

At the request of the German Federal Ministry for Economic Cooperation and Development (BMZ), the ELC provided advice on the process of drafting a regulation under § 13 ProMechG (German Act on the introduction of project-based mechanisms in accordance with the Kyoto Protocol). The aim of the project was to interpret and comment on Article 11 b (6) of the EU Linking Directive and to make recommendations for its implementation. According to the EU Linking Directive, Joint Implementation/Clean Development Mechanism carbon credits from hydropower production projects with a generating capacity over 20 megawatts can only enter the European Trading System (ETS) if these projects respect the relevant international criteria and guidelines, including those developed by the World Commission on Dams and Development.

The ELP has been instrumental in assessing the role the Clean Development Mechanism (CDM) under the Kyoto Protocol, in particular, afforestation and reforestation projects which raise unique and complex legal issues. *Legal Aspects in the Implementation of CDM Forestry Projects*, EPLP 59, was published in October 2005 and seeks to guide policy makers in host countries in designing a CDM framework that promotes the implementation of environmentally and socially sound project activities in the afforestation and reforestation sectors. Many of the observations and conclusions were based in part on four case studies conducted in Argentina, Chile, Ghana and the Philippines.

Members of the CEL Specialist Group on Energy and Climate Change (SGECC) also provided a briefing to a delegation of Southern African parliamentarians on energy and sustainable development. The SGECC is implementing a works programme that focuses on the development of policies that address energy for sustainable development and climate change, in particular the development of policies and laws that will support the use of renewable sources of energy.

A Legal Officer from the ELC made a presentation on public participation at the New Energy Externalities Developments for Sustainability (NEEDS) Forum held at the Belgian Parliament on 24 May 2005 as part of the workshop on disseminating information on externalities in energy production and consumption to policy-makers and the public. The NEEDS project, carried out by a multi-stakeholder consortium, seeks to evaluate the full costs and benefits of energy policies and of future energy systems, both at the level of individual countries and for the enlarged EU as a whole.

2005 also saw the translation of *Energy Law and Sustainable Development*, EPLP 47, into Chinese and published by Law Press China. The launch of the Chinese version came just before the official announcement by the Chinese Government that it will host the Beijing International Renewable Energy Conference 2005 from 7 to 8 November 2005 as part of the follow-up process to the renewables 2004 conference hosted by the German government in Bonn in June 2004.

Furthermore, the ELP 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 2006.

The ELC also commented upon the European Bank for Reconstruction and Development's Energy Policy and attended workshop meetings to discuss the Policy in London in January 2005.

(G) Human Rights and Environmental Law

The ELC, in collaboration with Durham University in the UK, has carried out a significant amount of research to develop an academic and practical compilation of literature and resources relating to human rights and the environment. Discussion and academic papers have been prepared on genetic resources and traditional knowledge and how these relate to indigenous self determination.

(H) Precautionary Principle

The *Precautionary Principle Project: Sustainable Development, Natural Resource Management and Biodiversity Conservation*, a partnership of Fauna & Flora International, IUCN, TRAFFIC and Resource Africa was finalised during 2005. The project increased understanding of the precautionary principle, examined its practical impacts in terms of conservation, livelihoods and development, and provided "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 ELP served on the advisory body of this project and drafted a situation analysis on uncertainty and precaution in natural resource management and conservation.

Guidelines for Applying the Precautionary Principle to Biodiversity Conservation and Natural Resource Management (NRM) were published during 2005 (see: www.ppproject.net). These Guidelines represent the first set of guidance for implementation of the precautionary principle in biodiversity conservation and NRM. They aim to inform and assist decision-makers, policy-makers and managers in interpreting and applying the precautionary principle across a wide range of contexts. They now form part of the book *Biodiversity and the Precautionary Principle: Risk and Uncertainty in Conservation and Sustainable Use*, published by Earthscan, London, and will be presented at meetings at the Ramsar COP, CBD SBSTTA, and elsewhere in 2006.

(I) Procedural Rights

The IUCN is a partner organisation in the Partnership for Principle 10 (PP10). PP10 is an initiative developed by the World Resources Institute (WRI) fostering the cooperation of government agencies, civil society groups, and international organisations working together to implement practical solutions that provide the public with access to information, participation, and justice for environmentally sustainable decisions. The partners are committed to promoting accelerated implementation of Principle 10 of the Rio Declaration. The work of PP10 builds on and supports the independent assessment activities in individual countries undertaken by the WRI Access Initiative. ELC Senior Counsel attended the third meeting of the Partnership for Principle 10 Committee of the Whole in London in October.

(J) Ethics

The Ethics Specialist Group of CEL convened a consultation workshop in Chicago entitled “*Implementing the Third IUCN World Conservation Congress Ethics Resolutions*” from 27 to 30 August 2005. The workshop was the Group’s first meeting in the 2005-2008 intersessional period following WCC 3. Outcomes of the meeting, which discussed possible ways of advancing WCC Resolutions 3.020 (Drafting a code of ethics for biodiversity conservation) and 3.022 (Endorsement of the Earth Charter) include preparing a draft Code of Ethics for Biodiversity, collaboration with the Commission on Education and Communication and the Earth Charter Initiative to develop the World Conservation Learning Network, and agreement to conduct a feasibility study for the establishment of an Ethics Resource Centre to serve the IUCN community and others.

(K) Trade and the Environment

Consideration of trade issues has been a central aspect of a number of the ELC’s substantive projects on wildlife trade, access and benefit sharing, forests, invasive species and incentives - which are reported on separately.

3. Development and Implementation of International Instruments

(A) Convention on Biological Diversity (CBD)

As noted above, ELC officers have been actively involved with work relating to the Cartagena Protocol to the CBD, new negotiations relating to the CBD’s ABS provisions (Article 15) and advising the CBD Secretariat on ABS issues. As it has done for the entire 15 years of the CBD’s existence and throughout the process of negotiating and adopting that Convention, an ELC legal officer has participated as a legal advisor at a variety of CBD meetings and generally supported the entire framework process under the CBD. In 2006, these activities included attending the

SBSTTA-10 meeting in Bangkok, Thailand, the AHWG-ABS-3 meeting (described above) and participating as an expert, whether in person or by remote processes, in subsidiary meetings addressing protected areas, compliance, incentives and alien species.

(B) United Nations Framework Convention on Climate Change and the Kyoto Protocol

The ELC led the IUCN delegation to the 11th Session of the Conference of the Parties (COP 11) to the United Nations Framework Convention on Climate Change (UNFCCC) and the First Session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol held in Montreal, Canada from 28 November to 9 December 2005.

The delegation focused on issues of adaptation, options for reducing emissions for deforestation in developing countries, and processes for enhancing implementation of the UNFCCC and commitments of Annex I parties beyond 2012. IUCN Environmental Policy and Law Paper No. 59, "Legal Aspects in the Implementation of CDM Forestry Projects" was released at COP 11. In addition, a side event on "Biodiversity and Climate Change - Multiple Interlinkages" was organized by the ELC in cooperation with UNEP to showcase the initial results of the biodiversity and climate change module of UNEP's issue-based modules for coherent implementation of biodiversity conventions.

(C) Synergies Project

The IUCN ELC produced the first draft of the biodiversity and climate change module for the UNEP project, "Issue based modules for coherent implementation of biodiversity conventions." This draft output was presented at side events at the seventh session of the COP to the United Nations Convention to Combat Desertification (CCD), the 11th meeting of the SBSTTA to the CBD and the 11th session of the COP to the UNFCCC/first session of the COP serving as the meeting of the Parties to the Kyoto Protocol (KP). The ELC examined the provisions of the UNFCCC, KP, CBD, CCD, the Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), and the Convention on International Trade on Endangered Species (CITES) as well as the decisions, resolutions and recommendations of the respective decision making bodies of these multilateral environmental agreements relating to the theme of biodiversity and climate change. The module then structures these "obligations" in an orderly fashion to facilitate implementation at national level. The modules will be finalized in 2006 and tested at the project's pilot countries.

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

Following the entry into force of this treaty, and in support of its parties, the ELC has published an *Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture*, ELP 57, was published in September 2005. The Guide seeks to enable national legislative draftsmen, implementing agencies, NGOs, and others to understand and apply the new Treaty and bring it into force and effect in practical situations.

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

A legal officer from the ELC and other IUCN Commission members have continued to participate 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 continue to be negotiated and revised and will be published in 2006.

(F) Draft International Covenant on Environment and Development

2005 saw the translation of the latest version of the *Draft International Covenant on Environment and Development* (published in English in EPLP 31 revision 2) into German and Italian at the initiative of CEL members.

4. Capacity Building and Outreach

In addition to work described above under the headings of Forests, Access and Benefit-sharing, Invasive Species, and other topics, the ELC has been involved in a range of capacity development processes around the world.

(A) IUCN Academy of Environmental Law

From 10 to 15 of July 2005, more than 120 environmental experts from 27 nations representing universities from each continent gathered to participate in the 3rd Colloquium of the IUCN Academy of Environmental Law, hosted by Macquarie University (MU) in Sydney, Australia. They considered issues related to *Biodiversity Conservation, Law and Livelihoods: Bridging the North - South Divide* and how environmental law can bring about the policy, institutional and behavioural changes needed to deal with the root causes of biodiversity loss.

A large number of CEL members from many countries attended the Colloquium and ELC Senior Counsel delivered the colloquium's keynote speech. Another highlight of the gathering was the Academy Distinguished Lectures delivered by Joseph Sax, Professor Emeritus of the University of California (at Berkeley). Edited papers from the Colloquium will be published in the "Annals of the Academy" in 2006.

The 4th Annual Colloquium on "Implementing Environmental Legislation: The Critical Role of Enforcement and Compliance" will be hosted by Pace University School of Law, New York, and will take place from 16-20 October 2006. More information may be obtained from lpaddock@law.pace.edu.

(B) The Judiciary

CEL members participated in a specialised expertise building project on Environmental Law Enforcement in Australia for Judges, prosecutors and law enforcement officers from Indonesia. The training was delivered by a consortium including the International Development Law Organisation (IDLO) through its Asia Pacific Training Centre in Sydney, and the University of South Australia in Adelaide.

(C) IUCN Secretariats

Officers from the ELC have been working closely with the Canadian office of IUCN to provide advice on issues relating to access and benefit sharing under the CBD. A legal officer spent time in the office training and exchanging information with local officers.

Similar work involving legal capacity building of national and regional offices has taken place in Russia, China, Bulgaria and Romania.

The ELC also provided information to the legal officer of IUCN Senegal about the services of the centre and advised on legal aspects of forest ecosystem management, desertification and water management.

(D) The Clean Development Mechanism (CDM)

In collaboration with IUCN-UNEP-FAO the 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 UNFCCC subsidiary bodies and its COP. As a result of this 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.

(E) Training the Trainers

The Instituto de Derecho y Economía Ambiental (IDEA), the IUCN CEL and, and the IUCN ELC conducted a specialised course on International Environmental Law from 19 to 22 September in the Headquarters of the MERCOSUR (Southern Cone Common Market) Permanent Tribunal. This course was supported by the French Cooperation Agency, the Catholic University of Asuncion, and the Paraguayan Ministry of Foreign Affairs. The course main objective was to promote a thorough understanding of the critical environmental legal issues for the Southern Cone region.

As part of its capacity building activities, the IUCN ELP delivered a series of lectures on an introduction to environmental law at Anglophone and Francophone Lebanese universities and the Beirut Bar Association. Following on from the lecture series, two training courses for government officials and decision-makers on drafting and implementation of environmental legislation were conducted in June 2005. These lectures form part of an ongoing cooperation agreement between the ELP, the Lebanese Ministry for the Environment, and other Lebanese partners under the SELDAS project.

Five participants of the ELP's "Environmental Law Training Course for University Professors in the Philippines" have now formed an environmental law group called "KALIKUPAN" based in Cebu, Philippines. The focus of the group will be on education and ensuring compliance with the law. Their first project, an environmental law lecture series, was launched on 18 June 2005. Each lecture is followed by a field activity related to the subject matter. In addition, the University of Cebu has agreed to set up an Environmental Centre, with which KALIKUPAN will be associated. The Environmental Centre's primary purpose will be to build the capacity of local government officials and civil society at the grassroots level.

(F) Central America

IUCN Office for Mesoamerica (ORMA) released a Handbook on Environmental Law in Central America. The publication entitled *Manual de Derecho Ambiental en Centroamérica*, is a joint effort of the IUCN ELP and ORMA. The handbook deals with a variety of issues ranging from general concepts and their practical application to specific environmental issues affecting the Central American region, such as environmental vulnerability, natural disasters, public participation and the trade dimension of environmental law.

(G) Fellows and Interns

In 2005, the IUCN ELC attracted five interns and fellows from France, Germany, Sri Lanka and Mexico. Their work focused on topics such as the conceptual links between human rights and environmental law, the relationship between biodiversity and climate change, access and benefit sharing and trade and the environment.

As part of their extracurricular activities, a group of master students from different countries visited the ELC to learn about its work. Senior Counsel provided an overview of IUCN and the Centre. Other legal officers also interacted with the students and participated in discussions on the state of the environment, problems of enforcement, political will, the Kyoto Protocol, sharing of water resources and protected areas.

The students are undertaking an international masters programme on Resource Management in the Tropics and Subtropics at the University of Applied Sciences in Cologne. The environmental law component of this programme, which is taught by ELC legal staff, focuses on natural resource, freshwater, biological diversity, climate change, desertification and soils.

(H) High level visits

In 2005 the ELC was visited by a number of eminent delegations and academics from Western and Southern African countries.

A delegation from the Republic of Cameroon visited as part of a preparatory mission for the second Conference on the Involvement of Parliamentarians in the Management of Central African Forest Ecosystems.

A high level West African delegation visited the ELC as part of a European tour to present Phase II of the REDUSO (renforcement de la durabilité sociale de la lutte contre la désertification or reinforcing social sustainability in the combat against desertification) project to their European partners. The delegation consisted of representatives of the IUCN Regional Director for West Africa, the Executive Secretary for the Permanent Interstate Committee for Drought Control in the Sahel, the Commissioner in charge of Agriculture, Rural Development and Environment for the West African Economic and Monetary Union, and the Director of Environment for the West African Economic and Monetary Union.

5. Information

(A) Environmental Law Information Services

The ELC has continued maintaining its information 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 information service ECOLEX, operated in partnership with FAO and UNEP. ECOLEX (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. IUCN ELC is the Management Unit of ECOLEX.

In 2005, the Technical Group of ECOLEX met twice in Bonn at the ELC. It reviewed a number of technical issues related to the management and functioning of this 'gateway to environmental law'. The meeting identified a series of steps necessary to improve the efficiency of ECOLEX, and agreed on a calendar for implementation.

(B) International Directory of Institutions Active in Environmental Law

The ELP and CEL continued to maintain an international directory of institutions active in environmental law that is available on the ELP website, 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 organisations active in the area.

(see: <http://www.iucn.org/themes/law/indi01.html>),

6. Participation in Congresses and Summits

As reported above, members of the ELP and staff of the ELC have participated in a number of conferences of the parties to international conventions and working group meetings. Those include:

- UNFCCC 11
- CBD – SBSTTA-10
- CBD Ad hoc Working Group on ABS
- CBD Ad hoc Working Group on Protected Areas

In addition, ELC legal officers have been involved in the following international meetings:

(A) 6th International Symposium on Environmental Law

The integration of environmental policies in different sectors was the topic of this symposium organized by the Ilustre Colegio de Abogados de Madrid - ICAM (Madrid Bar Association). Many topics, such as policies regarding human settlements in protected areas, water, tourism and

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fiscal issues were analyzed and discussed in depth. As every year, this event brought together experts on environmental law from Spain, Portugal and Latin America. This year, the ICAM Latin American Programme of Environmental Law also celebrated its 10th anniversary. The IUCN ELP, as a collaborating entity of the Latin America Programme and Symposium, was represented by the ELC Head, who discussed water law and policy.

(B) Organisation of American States Workshops on International Law

Members of CEL participated in workshops dealing with international environmental law and indigenous rights at the Organisation of American States (OAS) Workshops on International Law convened by the Secretariat of the OAS in October 2005. The workshops are part of the mandates required by the Declaration of Panama on the Inter-American Contribution to the Development and Codification of International Law and the Inter-American Programme for the Development of International Law.