

# IUCN Environmental Law Programme 2002

## The Year In Review

Prepared by the IUCN Environmental Law Centre, Bonn

### 1. Introduction

IUCN Environmental Law Programme's mission (the ELP) 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 820 environmental law specialists in 129 countries,
- Environmental Law Centre (ELC), an international office established in Bonn, Germany in 1970 with a staff of 15 including highly skilled legal and information specialists from around the world, and
- IUCN lawyers based in Regional and Country Offices around the world.

The 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 undertakes the lead in projects of its own and also provides a source of expertise for the Environmental Law Centre and other parts of IUCN. CEL's goal is to support the development and improvement of legal and institutional environmental infrastructure.

The ELC is an outpost unit of IUCN Headquarters, 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. 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 establishment of regional "centres of excellence" and institutional partnerships.

The year 2002 was a year of coming together. A large number of conferences of the parties of various MEAs and the World Summit on Sustainable Development in Johannesburg, has enabled much of the environmental legal community to come together to share ideas and visions. ELC staff participated actively in all of the MEAs of principal interest to IUCN and the WSSD. The ELP continued to be active in legal developments relating to the Convention

on Biological Diversity (CBD) and the Biosafety Protocol, the Convention on International Trade in Endangered Species (CITES), the Ramsar Convention on Wetlands and the World Heritage Convention (WHC). In addition, the ELP enhanced its involvement with the Framework Convention on Climate Change (FCCC), the African-Eurasian Waterbirds Agreement (AEWA) and the Convention to Combat Desertification (CCD). It did pioneering work in the areas of soils, while continuously expanding activities relating to regionalization and capacity building.

## **2. Emerging Issues**

### **(A) Trade and Environment**

Recognizing trade as a major challenge to conservation that can no longer be viewed as external to its mandate, IUCN embarked on a biodiversity and trade strategic development process. The ELP, through the ELC and CEL, participated in this process and assisted in the development of a more strategic program of work on the nexus between biological diversity and trade, one of IUCN's priorities for the coming years. Initial areas of work identified included the promotion of synergies between the international environmental regime and the international trade regime to ensure that the goals, means of implementation and enforcement of the multilateral environmental agreements and the World Trade Organization are mutually supportive and contribute effectively to the achievement of sustainable development. The ELP, through the ELC and CEL, is a member of the Steering Group that will continue the process of program and project development.

An action guide entitled "Towards a mutually supportive relationship between the Convention on Biological Diversity and the World Trade Organization" was published. The action guide is the culmination of a four-year IUCN project on the CBD and the international trade regime. It assumes that the successful implementation of the CBD and the WTO regimes are necessary to achieve sustainable development. It focuses on the trade aspects of the CBD and the biodiversity aspects of the WTO regime and provides recommendations that can be implemented within these two, and other relevant fora.

### **(B) Soils**

IUCN Environmental Policy and Law Paper No. 45, "Legal and Institutional Frameworks for Sustainable Soils (A Preliminary Report)" was released in December. The report considers the treatment of soil-related issues in both national and international environmental law, and draws conclusions on needs at both levels. It responds to the call made at the IUCN's 2nd World Conservation Congress to pay particular attention to the ecological needs of soil and their ecological functions for the conservation of biodiversity and the maintenance of human life in the development of material on a global legal instrument for the sustainable use of soils. The book concludes that an innovative approach to the reform of national and international soil legislation is required to give it the capability to meet the ecological and human needs of soil for the 21st century, and suggests several options for adopting such an approach at national, regional and international level. The book was prepared by the Chair of IUCN CEL Specialist Group on the Sustainable Use of Soil together with a Professor from the University of Sydney.

In keeping with the need for on-going development of self-help products for individual States to improve their domestic management of soils, the Specialist Group has now moved into a second stage of major document preparation with the "Guide to Drafting Soil Legislation." 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. The elements set out in the guide take into account the key issues

raised at the World Summit on Sustainable Development in relation to poverty, food security and land degradation. It is hoped that the Guide will be ready by mid-2003.

#### (C) Financial Instruments and Conservation Incentives

The ELP's legal and practical analyses of conservation incentives were published by the Secretariat of the CBD at its 6<sup>th</sup> session of the Conference of the Parties as the primary input into the CBD's ongoing work on this issue. The ELC continues to serve on the CBD Liaison Group and other forums addressing these concerns. An ELC article on the use of Environmental Taxes, Levies & Surcharges to finance conservation was published by the German Federal Agency for Environmental Protection (*Das Bundesamt für Naturschutz – BfN*) in May.

#### (D) Marine Protected Areas in the High Seas

In connection with the revitalisation of IUCN's Marine Programme, the ELP has begun to take a focused interest in current issues of marine conservation, with particular emphasis on marine biodiversity outside the limits of national jurisdiction. Working in conjunction with the IUCN Task Force on Marine Biodiversity, of which it is a member, the ELC developed a multi-level analysis of the potential legal mechanisms that may be used in the development of marine protected areas in the high-seas. This work will carry forward in the development of the CBD workplan on marine issues, collaboration with the UN Division for Ocean Affairs the International Seabed Authority, and other key bodies, as well as inputs into the World Parks Congress. In addition, CEL has created a Marine and Coastal Issues Specialist Group, which also proposes to address key legal issues in this realm.

#### (E) Global Invasive Species Programme

The ELC has been a major partner and member of the Executive Committee of the Global Invasive Species Programme (GISP), since it was formed in 1999. In March 2002, the GISP presented its Phase I report, to the 6<sup>th</sup> meeting of the CBD's SBSTTA. During that meeting, a formal process was commenced for the inauguration of a second phase of the GISP (GISP-II), which will address the implementation of the Global Strategy, with primary focus on work at the national and regional levels. With basic strategic documents and guidelines now in place, the work of GISP II will necessarily include rather detailed attention to the practical side of the relevant law – national and regional legislative development.

#### (F) Specialist Group on Indigenous Peoples

A dozen legal experts on indigenous peoples issues met in December at IUCN Headquarters in Gland, Switzerland. The meeting was held to assist the newly reconstituted Commission on Environmental Law's Specialist Group on Indigenous Peoples in mapping out its work for the coming years. The experts decided to form the Steering Committee of the Specialist Group, and appointed three Co-Chairs. The Specialist Group will carry out legal research and provide technical assistance and policy guidance with respect to the recognition of appropriate rights, interests, livelihoods and environments of indigenous peoples and local communities.

### **3. Participation/Support to Development and Implementation of MEAs**

#### (A) CBD

The ELP actively participated in the CBD's 6<sup>th</sup> session of the Conference of the Parties on a variety of levels. Key focal areas for IUCN remained access and benefit sharing, alien invasive species, forests, incentives, liability and protection of traditional knowledge.

The ELC's contribution to the COP included a paper on the use of legislative incentive measures affecting biodiversity objectives, policy briefings on the issues of access and benefit sharing and on the CBD Strategic Plan and outreach to the "Youth Meeting" sponsored by the Dutch Government in conjunction with the CBD. Finally, the ELC actively provided national delegations with legal advice on the intricacies of the CBD.

## (B) Biosafety Protocol

The ELC and the Foundation for International Environmental Law and Development (FIELD) co-hosted the third and final workshop in Bonn, Germany on the development of an “Explanatory Guide to the Cartagena Protocol on Biosafety.” The Guide, which is being produced by a team from the ELC, FIELD and the World Resources Institute (WRI), as well as several other experts, is being developed as a reference tool to assist those who will have responsibility for implementing the Protocol at the national and international levels. Participants from over twenty nations joined the authors in reviewing the current draft to ensure that it answers all of the right questions and is readily understandable. The draft guide was promoted at the 3rd meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP 3) in The Hague at a side event organized by the ELC and FIELD. The development of the guide was generously financed by the Danish Government, the European Commission, the Norwegian Government and the Rockefeller Foundation. This guide will be published in English in June of 2003 and French and Russian versions will follow.

## (C) Convention on International Trade in Endangered Species

The ELC completed a multi-component project addressing key issues of CITES implementation and providing support to the parties in meeting their obligations under that convention. This work included conducting the research and analysis underlying the CITES Secretariat’s “legislative analyses” under which the Parties’ level of compliance with Convention requirements regarding national legislation are evaluated. In addition, the Programme developed (1) an “online information tool” to assist national officials in development or improvement of their wildlife trade laws, and administrative systems; and (2) a searchable database of key international conventions addressing the conservation of particular species. The information tool and database will be unveiled on the CITES website in 2003.

The ELP’s role of supporting the work of the Union in international forums continued through its work in CITES 12<sup>th</sup> Conference of the Parties, supporting the excellent work of the SSC through numerous specialist groups, through which the COP made many important decisions. In addition, the ELP specifically offered its assistance in addressing critical issues relating to the relationship between CITES and other international agreements (including the CBD, the UN Convention on the Law of the Sea, and various regional agreements), and other activities in the CITES programme of work.

In June, in partnership with TRAFFIC-Europe, the Centre published a CD-ROM addressing CITES and other wildlife trade issues in the EU and accession countries. That publication contains detailed analyses of relevant laws of all 15 EU Member States, compiled and analysed by a team of eminent CEL members.

## (D) Ramsar Convention on Wetlands

In November, Ramsar held its 8<sup>th</sup> Conference of the Parties in Valencia, Spain. ELC was quite involved in assisting parties to achieve consensus on contentious issues, including proposed guidelines on alien invasive species and agriculture. Two ELC Legal Officers provided input for developing a draft resolution on the links between climate change and the Ramsar Convention. IUCN also led a technical presentation on alien invasive species to the Plenary.

#### (E) Draft African Convention

The 9th meeting of the African Ministerial Conference on the Environment (AMCEN) took place in Kampala in July. The IUCN delegation to the meeting included an ELC senior staff member. The agenda item of particular interest to the IUCN Environmental Law Programme was the consideration of the revision of the African Convention on the Conservation of Nature and Natural Resources (Algiers Convention), to which IUCN has contributed its technical and legal expertise, together with UNEP, at the request of the Organisation of African Unity (OAU) – now the African Union (AU).

The meeting recommended that the process of revision be continued, and indicated the steps which it felt were needed to do so. The African Union Council, which met at the same time in Durban, endorsed the draft revision, and recommended its adoption by the Heads of State & Governments of the African Union.

#### (F) World Heritage Convention

In 2002, the ELP has joined a larger multi-disciplinary team of IUCN experts providing in-depth substantive advice to the 12<sup>th</sup> Revision of the Operational Guidelines to the World Heritage Convention (WHC). This process involved the development of substantive comments and legal advice, participating in meetings of the Drafting Subcommittee, and advising the IUCN representatives at the meetings of the World Heritage Committee. As one of the three advisory bodies specifically designated in the text of this Convention, IUCN has a unique role in the work of the WHC.

ELC and CEL contributed many speakers and participants to a workshop in Siena, Italy addressing key issues of implementation of the WHC. Topics addressed included an analysis of the tools for the implementation of the WHC, its relationship to other conventions, enforcement of the WHC (both internationally and domestically), its relationship to the body of international law and opportunities and challenges for the WHC arising from the World Summit on Sustainable Development.

#### (G) Climate Change

The ELP actively participated in the 8th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Delhi, India in October. Two ELC Legal Officers contributed to a paper that was launched at the Conference entitled “Carbon, Forests and People (Towards the integrated management of carbon sequestration, the environment and sustainable livelihoods).” The ELP is especially interested in the clean development mechanism (CDM) of the Kyoto Protocol. An ELC Legal Officer attended and presented a paper on institutions, policies and regulatory frameworks for defining economically viable, environmentally sound and socially equitable afforestation and reforestation projects under the CDM at the “Latin American Forum on Forest and the Clean Development Mechanism,” in Quito, Ecuador in October. The paper was developed with valuable assistance from selected CEL experts. Finally, the ELC participated in the 2<sup>nd</sup> meeting of the IUCN/IISD/SEI-B Task Force on Climate Change, Vulnerable Communities and Adaptation, providing legal support to the members.

#### (H) AEWA

In 2002, the ELP has rekindled its relationship with the African-Eurasian Waterbirds Agreement (AEWA), providing advice and support in three projects designed to enhance the remarkable growth and effectiveness of that Agreement. In an ELC-led process, the ELP developed a “Draft Conservation Guideline on National Legislation for Protection of

Migratory Waterbirds and their Habitats.” This work was entirely completed in 2002, was presented to the Second Meeting of the parties to AEWA and was adopted on an interim basis. In addition, the ELC is managing two additional projects – one focusing on the practical issues of rehabilitating waterbird habitats damaged by alien species, and the other creating a series of case studies on the utilization of traditional knowledge for waterbird management in Southern Africa.

#### (I) CCD

The ELP and the UN Secretariat to the Convention to Combat Desertification have agreed on a collaborative project, which the ELC will be responsible for executing, aimed at helping countries develop a toolbox for the design and implementation of national legal frameworks for the management and control of desertification.

The First Session of the Committee for the Review of the Implementation of the UN Convention to Combat Desertification (CRIC) was held in Rome, Italy in November. The Chair of the CEL Soils Specialist Group represented the IUCN Environmental Law Programme at the first days of the CRIC.

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

#### (A) WSSD

As part of its overall contribution, IUCN, in partnership with the World Business Council for Sustainable Development, the World Bank Institute, LEAD International, Deutsche Bank and the Roundtable for Sustainable Development convened a workshop of 40 development experts from business, NGOs, development and financial institutions, and government entitled, "Better Local Governance for Sustainable Development - creating an enabling environment for sustainable development." The Workshop considered the role that development agencies, the private sector and civil society can play in creating the policy skills and framework required to attract and then turn capital flows into local sustainable development. The ELP developed the IUCN Position Paper on Governance for Sustainable Development for the WSSD, which was a central input into this workshop.

The week before the WSSD in Johannesburg became known as “Law Week,” with three major international conferences being held, namely the United Nations Environment Programme Global Judges Symposium on Sustainable Development and the Role of Law; World Summit 2002: Environmental Law Foundations for Sustainable Development (sponsored by IUCN Commission on Environmental Law (CEL)); and Law and Governance for a Sustainable World (sponsored by EnviroLaw Solutions). The ELP was either convenor or co-sponsor of each event and the outcomes of each conference were addressed at the IUCN Environment Centre during the “Futures Dialogue” session titled: “Sustainable Development: What's Law Got To Do With It?” The consensus from this session was that there was a clear need to focus our collective efforts on implementation and on the need for a major commitment to, and investment in, capacity building. The outcomes of each of the conferences can be found on the ELP website ([www.iucn.org/themes/law](http://www.iucn.org/themes/law)).

The IUCN Commission on Environmental Law’s “World Summit 2002: Environmental Law Foundations for Sustainable Development” conference attracted participants from over 20 nations. The Conference was held at the University of Natal, Pietermaritzburg, South Africa, and addressed key environmental issues to be addresses at WSSD, including: water, soil (and natural resource management more generally), biodiversity, energy, armed conflict and the environment, synergies amongst conventions, ethics, public participation, implementation, compliance and enforcement of environmental law, creating markets in ecosystem services, and capacity building. The Conference was co-sponsored by the University of Natal and

UNEP, in co-operation with seven organizations, including the South African Journal of Environmental Law and Policy and the ELC.

The ELP network has actively promoted the need to implement, enforce and further develop legislation for clean air and water to the world's parliamentarians. IUCN CEL members and the Head of ELP each addressed the WSSD Parliamentarians for Global Action "Parliamentary Workshop on Clean Air and Water" on ways to effectively use the law to tackle the challenge of protecting air and water quality. The ELP also participated in the high level panel on "Making Water Governance Effective" at the WSSD Water Dome, organized by the Global Water Partnership.

#### (B) Preparations for the Vth IUCN World Parks Congress in 2003

Experts from across the region met in Barcelona, Spain in November to identify and analyze governance of protected areas. Governance of protected areas in the Mediterranean region has come under close analysis in the lead up to the World Parks Congress (WPC) to be held in Durban in 2003. The meeting was organized by the IUCN Centre for Mediterranean Co-operation, with support from the Province of Barcelona, the results of which will be fed into a follow up event to be held in Murcia, Spain and then into the WPC. Head of the IUCN Environmental Law Programme was invited to present to the workshop on recent international "governance" developments, including the outcomes of the World Summit on Sustainable Development.

The ELC and South Africa National Parks (SAN Parks) along with the IUCN-World Commission on Protected Areas (WCPA) Task Force on TBPA (transboundary protected areas) and the German Agency for International Development sponsored a meeting of 34 officials and experts to discuss the creation and implementation of transboundary national parks in Southern and Eastern Africa. The meeting was held in South Africa's Golden Gate Highland National Park in order to develop an initial outline of key recommendations. These recommendations will be addressed to a variety of forums (especially the Southern African Development Community (SADC), the East African Community (EAC), the New Partnership for Africa's Development (NEPAD) and national governments) through IUCN's Fifth decennial World Parks Congress. The intensive work of this dedicated expert group was facilitated and guided by a team of African and European experts in TBPA law and policy, including a member of IUCN-WCPA and a Senior Legal Officer of the ELC.

### **5. Technical Legal Assistance**

#### (A) Developing National Legislation & Policy

More than 40 participants, water experts from Benin, Burkina Faso, Chad, Finland, France, Germany, Ghana, Guinea, Mali, Niger, Nigeria, and Senegal met in Ouagadougou in September to share thoughts and experiences about water governance in West Africa. The workshop was organised by the IUCN Regional Office for West Africa (BRAO) and the IUCN Environmental Law Centre, Bonn. The workshop responded to a need to better define and put in place appropriate institutional frameworks for the management of water in the region.

The 1st International Workshop on Continental Fisheries and Wetlands Legislation took place at the House of Representatives of the Santa Fé Province (Argentina). This workshop, organized by Fundación Proteger (an IUCN member) and hosted by the IUCN Environmental Law Centre and the Ramsar Convention, aimed at discussing and analyzing the most relevant legal issues relating to the conservation and sustainable use of the Middle Paraná River resources.

## (B) Forestry Sector Protocol to the SADC Treaty

The ELC concluded a three-year project through which it fostered the development of a Forestry Protocol for the Southern African Development Community (SADC). The Draft Protocol has been adopted by the SADC Council and now awaits the necessary ratifications prior to entry into force. The ELC's work on this project was significantly aided by the assistance of IUCN's Regional Office for Southern Africa, which aided in the production of the final expert workshops (in November 2001 and April 2002) in which the Protocol was completed.

## (C) Tools for Access and Benefit Sharing

As the year drew to a close, the ELC received word that long-awaited funding for the development of legislative and administrative systems and other tools for ABS had been approved. Development of a project of global scope is ongoing.

## (D) Technical support to Central American Commission on Environment and Development (CCAD)

The IUCN Environmental Law Programme and the IUCN Regional Office for Mesoamerica have signed a MoU with the Central American Commission on Environment and Development (CCAD), an organ of the Central American Integration System, to support the activities of the CCAD in the field of environmental law. IUCN will provide technical support to the CCAD's Technical Committees in relation to the following international treaties: the CBD, the Ramsar Convention, the CCD, CITES, and other MEAs. The ultimate goal of this collaboration process is to strengthen the participation of the CCAD member countries in the processes of these international treaties.

The ELP provided significant technical support to the CCAD for the development of the "Central American Policy on the Conservation and Wise Use of Wetlands," the world's first ever regional policy on this issue. The official launch, held at the Ramsar COP 8 meeting, was made by the Minister for the Environment from Panama, and was attended by the Head of the ELP.

## (G) Transboundary Protected Areas

In the years since the ELP concluded its work in the development of the IUCN toolkit for Transboundary Protected Areas (TBPA), the ELC has paid close attention to the manner in which TBPAs are created and implemented around the world. In the wake of new international attention to TBPAs as conservation tools, the ELC's advice and participation continues to be sought with regard to negotiations, regional support, and other TBPA developments. In 2002, the ELC collaborated with the German Agency for International Development (DSE and its successor INWENT) as well as South Africa National Parks (SAN Parks) and the IUCN-WCPA Task Force on TBPAs to examine the role of regional and sub-regional action and the needs of national governments with regard to the creation and implementation of transboundary national parks in Southern and Eastern Africa. The first workshop on this topic was held in late 2002, building on a long jointly sponsored IUCN-DSE process focused on capacity-building among government officials with regard to protected areas and their management and administration. Three additional meetings will be held in 2003, leading to the development of regional and other documents, and a series of multi-nationally supported recommendations to be presented at IUCN's Fifth decennial World Parks Congress.

## 6. Capacity Building

### (A) External

#### i. Regional Environmental Law “Centres”

SPDA (Sociedad Peruana de Derecho Ambiental/Peruvian Society for Environmental Law) and Universidad Católica del Perú signed in October a cooperation agreement to pave the way for the establishment of a new Commission on Environmental Law (CEL) Centre of Excellence in Lima, Perú. Following the precedents of the Asia Pacific Centre for Environmental Law in Singapore, Research Institute for Environmental Law in Wuhan University in China and the Arab Regional Centre for Environmental Law in Kuwait, this proposed new Centre is now developing a programme for teaching environmental law and policies in Perú. Its first concrete activity will be the organisation of a joint IUCN Environmental Law Programme-SPDA-Universidad Católica Diploma on Liability and Conflict Resolution for Environmental Damage. This proposed Centre is part of the continuous effort of the CEL and the ELC towards implementing the principles contained in Chapter 18 of Agenda 21 and building a network of institutions in charge of building capacity for environmental law around the world.

#### ii. Regionalization Programme

The Regionalization project endeavors to help the IUCN Regional Country Offices to streamline environmental law into their programmatic activities and, according to their needs, develop their own environmental law programmes within the framework of the global Environmental Law Programme. This includes integrating regional CEL members and other partners into regional programmes.

In August, lawyers from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan met in Almaty with a Legal Officer from ELC and the Regional Director of IUCN West/Central Asia and North Africa (WESCANA) Programme, to discuss the medium and long-term priorities for the development of a regional environmental law programme for that sub-region. Following this meeting, over 20 delegates from the region visited the ELC in September, during which time they were provided with a background briefing on the work of the IUCN, and the Environmental Law Programme in particular, together with substantive presentations from ELC staff on water and wetlands, soil and desertification issues.

An ELC Legal Officer traveled to Kuwait in September to attend the 4<sup>th</sup> IUCN WESCANA Regional Conservation Forum, entitled “Partnership in Action: Capitalizing Lessons Learnt from WSSD,” and attend an Environmental Law meeting, which took place right before the forum. The objectives of the forum included a review the activities of Regional and Sub-regional Committees, namely, North Africa, West Asia, and Central Asia, to review the WESCANA Strategy and programme priorities (e.g. environmental law) as well as future initiatives, to report on the WESCANA strategic planning process and inform on the regionalisation/decentralisation process and establishment of a WESCANA office in the region. The forum was a logical continuation to the environmental law meeting held prior to it where attendants defined the elements of an evolving regional environmental law programme for North Africa & West Asia. The programme, which will primarily focus on three areas (biodiversity, protected areas and water resources), aims at further advancing and strengthening environmental law in the region and is to be developed by the WESCANA programme in coordination with the ELP.

#### iii. Partnerships and Outreach

IUCN Environmental Law Programme and Law for a Green Planet Institute (Brazil) have used the occasion of the WSSD to agree to collaborate in the implementation of the outcomes of the WSSD in South America and to work closely in relation to the Law for a Green Planet Institute 7th International Environmental Law Conference in Sao Paulo, Brazil in June 2003, "Water and the Web of Life." They revised a previous Memorandum of Understanding (MoU) which now formally recognizes Law for a Green Planet Institute as a CEL Centre of Excellence.

IUCN and the South Pacific Regional Environment Programme (SPREP) have used the occasion of the 7th Pacific Islands Conference on Nature Conservation and Protected Areas to reinvigorate their longstanding relationship through the signing of a new MoU. The MoU includes sets out the desire of both organizations to renew their close collaboration in strengthening environmental law in the region. There are 45 CEL members from Oceania who, in conjunction with the ELC will be able to provide regionally and nationally tailored assistance and services in the region. A diverse range of areas has been identified for collaboration including, alien invasive species, World Heritage, customary law, climate change and coastal and marine conservation.

#### iv. Teaching materials in the field of environmental law

Answering a call made at the 1992 Earth Summit in Rio for improved training in environmental and developmental law, IUCN CEL, in collaboration with the Asian Development Bank (ADB), UNEP and Asia-Pacific Centre for Environmental Law (APCEL) launched "Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources." The long awaited book was received enthusiastically by an international audience in Washington DC in April. This pioneering work is aimed at providing universities, governments, the private sector and NGOs with the necessary tools and expertise to address environmental problems and develop laws to support sustainable development in this region. By recognizing the unique nature of the region's environment, the book's 24 chapters detail the innovative approaches - national, sectoral and international - to the teaching of environmental law, drawn from the success of the original training courses and seminars.

Over 200 organisations and individuals have been involved, and added to the book's already acknowledged place in the area of environmental law. The book has been edited by three distinguished academics, all prominent members of the IUCN-CEL and benefited from the financial support from the ADB, and the National University of Singapore.

Following the success of the launch in Washington DC, other launches were held around the world. In Tokyo the launch was coupled with a day-long symposium on important environmental law issues (see below) and for which a member of CEL has published a national counterpart to the ADB books for Japan. Further launches were held in Singapore, Lahore, Pakistan and Bonn, Germany.

A former Carl Duisberg Gesellschaft research fellow at the IUCN Environmental Law Centre and current IUCN CEL member coordinated a team effort for the publication of the Chinese translation of the UNEP Training Manual on Environmental Law.

#### iv. Expertise Building Initiatives

The ELP has completed a successful mission, led by the Chair of CEL and an ELC Legal Officer, to Tokyo, Japan to strengthen ties with key players in Japanese and international environmental law, and to promote the development and teaching of environmental law in Japanese universities. The highlight was a day-long symposium entitled "The 'Second

Generation' of Environmental Laws." IUCN, the Institute for Global Environment Strategies and the ADB sponsored the symposium.

IUCN Environmental Law Programme collaborated with the Arab Regional Centre for Environmental Law and UNEP to organize the first Conference on the Role of the Judiciary in the Development of Environmental Law in the Arab Region. More than 50 Judges from Egypt, Kuwait, Jordan, Morocco, Tunisia, Lebanon, Qatar, Bahrain, Oman, and Yemen (together with a judge from Australia) met in Kuwait in October. The event was hosted by the State of Kuwait, represented by the Ministry of Justice (Kuwait Institute for Judicial and Legal Studies). Issues addressed during the conference included the need for specialized environment courts and the importance of environmental education for law students and for the judiciary.

An ELC Legal Officer gave a presentation on biological diversity and national legislation at the 2<sup>nd</sup> Biodiversity Planning Support Programme for the Arab States. He also co-ordinated a session on legal issues related to the National Biodiversity Strategies and Action Plans.

The ELP sponsored a two-day Judicial Symposium for European Judges in October, hosted by London based law firm, Berwin Leighton Paisner. Judges from across Europe met with judges and scholars from across the globe to take initial steps in advancing the implementation of the World Summit on Sustainable Development Johannesburg Plan of Implementation, insofar as it relates to the role of the judiciary in achieving sustainable development. The topics addressed by the Symposium included the ability of citizens to obtain access to the courts, the pros and cons of establishing specialist environment courts, the principal features of environmental rights and liabilities in Europe, and the role of judges in developing the law.

The 3rd International Symposium on Environmental Law took place in Madrid, Spain, in October. This event, organized by the Ilustre Colegio de Abogados de Madrid (Madrid Bar Association) within the framework of its Iberoamerican Programme on Environmental Law, focused this year on environmental liability. Various presentations were done in the areas of genetic resources, water resources, civil liability, criminal liability, state responsibility. The ELP was represented by a Legal Officer from the ELC, and many CEL members.

Five Carl Duisberg Gesellschaft (CDG) fellows joined the ELC in Bonn for a period of three months of research, writing and experience-based training. Their geographic backgrounds were as diverse as their areas of research.

#### v. IUCN Academy on Environmental Law

IUCN's 2nd World Conservation Congress held in Amman Jordan in 2000, endorsed a proposal from the Union's Commission on Environmental Law to establish a new, world-wide Academy of Environmental Law. After extensive study, the Steering Committee of the Commission recommended that the Council of IUCN approve and authorize the establishment of the "IUCN Academy of Environmental Law" as an autonomous entity, associated with the Union's Environmental Law Programme. The Commission will formally establish the Academy at the end of 2003, at the Academy's first annual Colloquium.

#### (B) Internal

The ELC hosted a number of interns, fellows and secondees who took advantage of the opportunity to interact with staff attorneys and participated in ELC activities and related events.

#### i. Internships

Five interns from diverse educational and geographical backgrounds joined the ELC in 2002. They assisted ELC Legal Officers in a variety of projects and diligently contributed their emerging skills to the Centre's focus areas, including: modalities for afforestation and reforestation projects under the clean development mechanism, bilateral water agreements, high seas marine protected areas, alien invasive species and environmental flows. The ELC's internship program is constantly being refined by staff who are highly appreciative of the interns' contributions and are committed to making their experience at the ELC a positive one.

## ii. Fellowships & Secondments

A Professor from the Faculty of Law, University of Buenos Aires completed her research at the ELC under a Alexander von Humboldt Fellowship. Her work involved the study of "Juridical diagnosis and prognosis of freshwater conservation in South America: From the legal weakness to real efficacy."

The ELC also had the privilege of welcoming once again the Chair of IUCN CEL Specialist Group on the Sustainable Use of Soil, on secondment from the Department of Land and Water Conservation in Sydney, Australia. During his stay, he authored the IUCN Environmental Policy and Law Paper No. 45, "Legal and Institutional Frameworks for Sustainable Soils (A Preliminary Report)." Also, a Scientific Officer with National Parks and Wildlife (South Australia) was seconded for six months from the Department for Environment and Heritage. She produced a working paper on the extent to which international and national legal frameworks have adopted or been influenced by IUCN protected area management categories.

## 7. Information

### (A) ELIS

The Environmental Law Information System (ELIS) of the ELC was maintained and updated throughout the year by our librarians. ELIS is a multilingual, structured database in the field of international treaties, soft law, and law and policy literature.

### (B) ECOLEX

ECOLEX is a comprehensive, internet-based information service on environmental law and policy

(including natural resource management) operated jointly by UNEP, IUCN and FAO. It combines the environmental law information holdings of the partner organizations including multilateral and bilateral treaties, national legislation and European Union instruments, judicial decisions, internationally non-binding policy instruments, soft law and law and policy literature. The ELC contributes to ECOLEX by providing it with data maintained in ELIS, and is also the ECOLEX Manager, under the guidance of the ECOLEX Steering Committee. Steps were taken to set the stage for the integration of FAOLEX within a new ECOLEX gateway and for the ECOLEX server to be relocated to the ELC.

### (C) Judicial Portal on Environmental Law

The ELC developed the joint IUCN-UNEP Judicial Portal, the world's first Internet-based closed forum through which judges from around the world to communicate with one another and to share environmental law judgements and information. The portal was launched at the UNEP Global Judges Symposium in Johannesburg.

(D) IUCN ELP Webpage

IUCN's Environmental Law Programme has recently updated the design of its webpage. Its user-friendly design offers an in depth description of ELP activities and structure. It enables its members to stay connected with the ELC and serves as an entry point for the judicial portal and ECOLEX. You may browse through the site at: <http://www.iucn.org/themes/law/>.

(E) IUCN ELP Newsletter

The ELP recently launched its first "new look" newsletter through a combined effort of everyone at the ELC. In addition to announcing ELP activities and major upcoming events, it contained enriching articles by ELC Legal Officers and CEL members on many aspects of international environmental law. It also contained up to date information on recent signatories to major multilateral environmental agreements as well as news on activities in regional and country offices.

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