

IUCN Environmental Law Programme 2007

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 a forum for governments, non-governmental 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 530 environmental law specialists in more than 138 countries, and the Environmental Law Centre (ELC) with an office established in Bonn, Germany, staffed with legal and information specialists, and is operated in cooperation with a number of 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 database, a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environmental Programme (UNEP).

The year 2007 was overshadowed by the death of Professor Alexandre Kiss, who passed away in March. Of French and Hungarian nationality, Professor Kiss was born in Budapest and lived in France since 1947. He was one of the pioneers in research on international environmental law. His numerous books and articles in several languages not only have been a source of inspiration for two generations of environmental lawyers, but also have had an undeniable impact on the development of international environmental law. Professor Kiss was frequently consulted by governments, intergovernmental organizations and NGOs. He was Honorary member of IUCN CEL, President of the European Council of Environmental Law, Director of Research Emeritus at the Centre National de la Recherche Scientifique, France, Professor at the Robert Schuman University of Strasbourg, and lecturer at numerous universities throughout the world. The publications of Professor Kiss include books on general international law, human rights law and international environmental law. He has written more than 400 articles on various international law topics, published in twelve languages. Among his distinctions, Professor Kiss holds the Cross of Officer of the Légion d'Honneur (France), the Austrian Distinguished Merit Cross, and he was a Member of the Hungarian Academy of Sciences. He has also been awarded an honorary degree by the University of Leuven. Alexandre Kiss was a member of CEL for almost forty years and has contributed greatly to the work and success of the Commission. He will be greatly missed and always remembered.

2. Thematic Issues

(A) Biodiversity

(1) Protected Areas

Mid-year, the ELC started implementing a three-year project with the aim of developing Guidelines for legislation on protected areas (PAs). Work during the first six months aimed at setting the administration and consultative mechanisms to support the project, and starting substantive activities.

A Steering Group was created, composed of seven individuals from IUCN staff and both CEL and the World Commission on Protected Areas (WCPA). An advisory mechanism was also planned with several layers, the first being constituted by the members of the joint CEL/WCPA Task Force, and the members of the CEL Specialist Group (SG) on PAs.

Barbara Lausche, principal author, in cooperation with the ELC, prepared a detailed outline of the proposed content of the Guidelines, which was reviewed in November by the Steering Group at its first meeting in Bonn. The need for and selection of case studies were also discussed at the meeting. Cooperation from and with a project on PA law carried out by the IUCN Academy of Environmental Law together with the University of Ottawa will permit to obtain a wide range of baseline data for the Guidelines, in particular based on case studies. A workshop at the University of Ottawa, co-sponsored by the IUCN ELC, will continue considering these issues in the spring of 2008.

(2) Marine Issues

In February (6-7), the ELC hosted a meeting of the Co-Chairs of the CEL SG on Oceans, Coasts and Coral Reefs, the Co-Chairs of its High Seas Subgroup, and the Advisor on Fisheries and Maritime Affairs to the Global Marine Programme of IUCN's Mediterranean Office. At the meeting, a wide range of marine governance issues and areas of collaboration were discussed. Topics included options for high seas governance; development of projects in the Mediterranean; possible directions for marine issues in the upcoming four-year plan for the ELP; and brainstorming regarding options for highlighting marine issues at the 2008 IUCN World Conservation Congress.

The ELC, in collaboration with the Global Marine Programme and the CEL Subgroup on High Seas Governance have investigated the issue of a potential Implementation Agreement to UNCLOS, as proposed by the European Union (EU), on the conservation and management of marine biological diversity in areas beyond national jurisdiction, and other issues relating to high seas governance. To further such discussions, the ELC prepared a background paper on the proposed Implementation Agreement to UNCLOS for the *Countdown 2010 for Marine Ecosystems - European Expert Workshop* in Berlin, Germany 18 to 20 April 2007. The High Seas Policy Advisor for the IUCN Global Marine Program and Co-Chair of the Subgroup on High Seas Governance also presented an overview paper on '*High Seas Biodiversity Conservation: Challenges and opportunities for meeting the 2010 and 2012 Targets*' which outlined a wide range of recommendations that could be implemented to further high seas governance. Further information on the workshop can be found at: <http://www.countdown2010.net/marine>

Following on from the workshop, the ELC finalised a more detailed examination of the potential scope of an Implementation Agreement and issues that will need to be considered in developing such an agreement. Based on the recommendations arising from the Berlin workshop, the ELC

facilitated further research in collaboration with the High Seas Governance Group and the Netherlands Institute for the Law of the Sea of the Universiteit Utrecht, to develop three background studies: a gap analysis to identify regulatory and governance gaps; a case study to provide an example of a situation which is not currently covered under existing regulation; and an options paper on the potential scope and content of a possible Implementation Agreement.

In October, an ELC legal officer participated in the workshop *High Seas Governance for the 21st Century*, held in New York from October 17 to 19, 2007. An initiative of the CEL High Seas Subgroup, the workshop was organized with the cooperation and support of IUCN, the University of New South Wales Law School, Pace Law School, the Natural Resources Defense Council (NRDC), Bard Center for Environmental Policy, and Juice Energy Inc. The Experts Informal Workshop brought together over 50 global experts on international marine policy, science, law and economics to address urgent concerns about how to govern the high seas and what global priorities should be established regarding the protection of the marine environment in areas beyond national jurisdiction.

(3) Species

The ELC collaborated in a joint TRAFFIC-IUCN project for of the European Commission to review the European Community (EC) Wildlife Trade Regulations. In January 2007, it contributed an in-depth analysis of the provisions of the Regulations, noting issues and inconsistencies within the EC Regulations as well as with the provisions and resolutions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), EU policies and law, and the EC policy on invasive species. Legislative and non-legislative options for improving the regulations in a cost-effective manner were also considered.

In June, an ELC legal officer participated in and provided legal advice to the Conference of the Parties (CoP) to CITES in The Hague, Netherlands.

(4) Access and Benefit Sharing

In support of the process of elaborating an international regime on access and benefit-sharing (ABS) and as part of the collaboration with the Federal Environment Ministry (BMU) of Germany – host country of the ninth Convention of the Parties to the Convention on Biological Diversity (CBD CoP-9) in May 2008 – the ELC has continuously provided technical legal advice on a broad range of ABS-related issues.

The ELC has contributed to Germany's efforts to engage in a constructive stakeholder dialogue on ABS and in 2007 produced an information brochure on ABS for users of genetic resources. The brochure is available at <http://www.iucn.org/themes/law/info04.html>

At the fifth Meeting of the CBD Working Group on ABS (WG-ABS-5) in October 2007 in Montreal, Canada, the ELC held two side events in relation to ABS and, in collaboration with the Global Policy Unit, produced an IUCN position paper, to inform the WG-ABS Meeting. The ELC launched the first three books of the *ABS Series* – a five-volume sub-series of the ELP's Environmental Policy and Law Papers (EPLP No. 67). The first volume of the Series focuses on the subject of access to genetic resources, while the second book addresses the 'user side' and the main questions surrounding the benefit sharing obligation of Article 15.7 CBD. Book no. 3 of the Series looks at options for tracking and monitoring the international flows of genetic resources. (All books are available online at the ELP's publication website, <http://www.iucn.org/themes/law/info04.html>).

At the other side event at WG-ABS-5, the ELC and the UNEP-IUCN TEMATEA Project Secretariat (which is hosted by the IUCN Countdown 2010) presented and discussed the first draft of a new module on ABS under the TEMATEA Issue-Based Modules Project. The ABS module, which was developed by the ELC, includes an analysis of ABS obligations and commitments (including CoP decisions, recommendations etc.), structured around a core set of thematic sections, from a number of MEAs and international instruments, such as CBD, UNCCD, CMS, ITPGRFA, UNCLOS, CITES, TRIPs, WIPO, WSSD Plan of Implementation, UN Permanent Forum on Indigenous Issues, EU Directive 98/44/EC on the legal protection of biotechnological inventions. All TEMATEA modules (so far six) are available at <http://www.tematea.org>.

(B) Forests

The ELC has continued its role as legal advisor in the IUCN project “Strengthening Voices for Better Choices” (SVBC) which started in 2005. Funded largely by the European Commission, SVBC’s main objective is to promote the development of improved forest governance arrangements in six key tropical forest countries: Brazil, Democratic Republic of Congo, Ghana, Tanzania, Sri Lanka, and Vietnam. In addition to this work at the national level, SVBC activities and findings aim at contributing to the ongoing regional and global forest policy processes, in particular the issue of illegal logging and the FLEG(T) processes. The acronym ‘FLEG’ stands for ‘Forest Law Enforcement and Governance’; ‘FLEGT’ for the EC Action Plan ‘Forest Law Enforcement Governance and Trade’.

In this context, the IUCN-SVBC project has assessed the policy, legal, institutional and economic arrangements related to forest governance in the six pilot countries. Currently, a publication based on the national reviews is being prepared, which will be a global comparative analysis identifying key obstacles to forest conservation and sustainable and equitable forest management. Together, the findings of the national assessments as well as the global analysis shall form a cornerstone for IUCN’s subsequent activities and recommendations.

In addition, under SVBC the ELC has supported the IUCN Forest Conservation Programme in commenting on the EU’s consultation process on additional legal measures to prevent importation of illegal timber and wood products.

(C) Soils

Members of the CEL SG on Sustainable Use of Soils as well as the CEL Ethics SG participated in the International Forum on Soil, Society and Global Change, held in Selfoss, Iceland, from 31 August to 4 September 2007. The Forum was organized by the Icelandic Government as part of its celebrations of 100 years of continuous soil conservation in Iceland, under the patronage of the President of Iceland. It brought together around 150 key stakeholders and specialists from around the world, representing a broad spectrum of disciplines and interests. The aim of the Forum was to elaborate on the synergistic roles of soil conservation and land restoration in meeting local, regional and global environmental and social challenges. The important role of soil as a common denominator for the successful implementation of key Multilateral Environmental Agreements (MEAs) received particular attention.

The CEL Ethics SG presented a paper on ‘*Our Covenant with Earth: The Contribution of Soil Ethics to Our Planetary Future*’. Members of the CEL SG on Sustainable Use of Soils elaborated recommendations for legal and policy capacity building in one of the Forum’s working groups. These recommendations were adopted by the Forum Plenary.

(D) Climate Change

The ELC in 2007 undertook further work on the issue-based module on climate change and biodiversity. This module, which was developed by the ELC in 2006, is part of the UNEP-IUCN TEMATEA project (see www.tematea.org). The module content was upgraded according to the outcomes and requests of the second meeting of the Steering Committee (SC) of the TEMATEA project in 2006. It was also continually updated by including the decisions of the relevant Conferences of the Parties (CoPs) over the period of June 2006 to November 2007.

For the first time, the module on climate change and biodiversity was tested by the UNEP-IUCN TEMATEA Project Secretariat at a national workshop on Seychelles (29th May 2007). The workshop, hosted by the Ministry of Environment and Natural Resources (MENR), was attended by a wide array of stakeholders from the 'Environment Management Plan of Seychelles' (EMPS 2000 to 2010) which is the main multi-stakeholder forum on environmental management in the Seychelles comprising of government officials, NGOs, and the private sector. The workshop not only provided an opportunity to present the module, but also to discuss recommendations on how to bring implementation closer to national commitments of different MEAs.

As in 2006, an ELC legal officer participated in the annual SC meeting in Brussels from 21 to 22 June 2007. At this occasion, the development of the module as well as the outcomes of the Seychelles workshop were presented and discussed.

(E) Human Rights and Environmental Law

The ELC has initiated further research and debate about the application of a rights-based approaches to conservation in order to evaluate the potential merit of the concept and enable it to be 'operationalised'. To date, there is no generally accepted definition of such an approach. Multiple interpretations exist which leads to confusion about the term.

On the 3rd and 4th of December, 2007, the Environmental Law Centre organized a workshop on rights-based approaches and the environment at the George Washington University Law School in Washington, DC, USA. The meeting, which brought together ELC staff and a number of CEL members, provided an opportunity to discuss the general legal framework of the rights-based approach concept as well as its specific application in the context of protected areas, forests and climate change. As a short-term goal, the ELC together with CEL experts will develop a publication on '*Conservation with Justice: A Rights-Based Approach*' which will be launched in the first half of 2008. This publication will examine how rights-based approaches could be utilized to enhance the effectiveness and efficiency of conservation measures.

(F) Ecosystem Services

During the year 2007, the ELC continued its work in the area of governance of ecosystem services. Four country studies (on China, Cameroon, Ecuador and Costa Rica) were finalized, which will be published in the first half of 2008.

In addition, on the 12th and 13th of December, 2007, a start-up workshop for a new ELC project on Payments for Environmental Services (PES) was held at the ELC. PES are increasingly being proposed as a promising conservation instrument. However, so far very little material exists on the concrete legal and institutional implications of PES schemes. The ELC has thus started this project with the goal of developing guidelines for the legal and institutional structures required to support water-related PES schemes and their implementation.

Also, in December 2007, the ELC in cooperation with the IUCN Regional Office for Europe and the Confederation of European Forest Owners, has started a 6-month study on groundwater related PES in European forests. The objective of this study, which is funded by the European Commission, is to increase the understanding of the economic value of groundwater in European forests, in order to refine the future policy response of the European Commission.

(G) Water Governance

The ELC continues its successful involvement in the IUCN Water and Nature Initiative (WANI) which works towards an integrated and equitable management of the world's water resources for the benefit of future generations. In 2007, the ELC managed and/or contributed to the development of the latest toolkits, RULE, SHARE and NEGOTIATE, which are in their final stage of preparation. All publications are targeted at people interested in designing, leading or participating in processes to enhance water resources management and resolve water conflicts.

RULE analyses the international state-of-the-art in designing and implementing legal, policy and institutional mechanisms that contribute to effective water governance. SHARE will provide an overview of the world's shared water resources, and drawing from case studies around the world, describe and analyse the legal frameworks, institutions, joint management interventions, and financing and partnership strategies that have been developed and used to support the joint management of transboundary waters. NEGOTIATE will assist people to negotiate workable agreements on how to best use water. It will attempt to de-mystify or 'unpack' the various concepts and approaches to negotiation and will contain practical tools, steps and examples to assist all stakeholders engaged in water resources management, be they from government, financing agencies, NGOs or local communities.

In July 2007, the ELC participated in an expertise building activity in Central America for a number of representatives from local governments, NGOs, civil society, and IUCN partners with a focus on legal and institutional aspects relating to shared waters in Mesoamerica. The training programme, organised by IUCN Mesoamerica and the IUCN ELC, was conducted in the following border areas: Mexico-Guatemala (Suchiate and Coatán Rivers); Guatemala-El Salvador (Paz River); and Costa Rica-Panamá (Sixaola River), all areas in which IUCN Mesoamerica is working through its Water Management Unit (Suchiate and Coatán Rivers through the Tacaná Project) and through the Alianzas Programme (through the Guatemala-El Salvador consortium of Rio Paz, and the Costa Rica-Panamá Consortium of Talamanca-Bocas del Toro).

The programme consisted of three parts, including the presentation of a new EPLP publication entitled *Gobernanza de Aguas Compartidas: Aspectos Jurídicos e Institucionales* (Shared Water Governance: Legal and Institutional Aspects, EPLP No. 58), followed by a training session with different modules, and finishing with a debate and roundtable discussions to analyse ways to improve existing water and other resources' governance arrangements in the aforementioned areas. The EPLP publication used in the training session was specifically developed for Central America, a region which has approximately 40 % of its territory within shared basins, and with a view to responding to some of the critical questions relating to institutions, principles and agreements governing these resources.

(H) Armed Conflict and the Environment

On September 17 to 18, the CEL SG on Armed Conflict and the Environment co-convened an international meeting on *"Managing Natural Resources in Post-Conflict Societies: Lessons in Making the Transition to Peace"*. Approximately 35 people participated in the meeting, which was held in Geneva in partnership with the UNEP Post-Conflict and Disaster Management Branch.

The meeting identified a range of post-conflict countries in which natural resources played an important role in peacebuilding and recovery. The participants shared observations regarding lessons learned and considered a range of follow-up actions to improve post-conflict management of natural resources, particularly as it relates to peacebuilding. The discussions from the meeting will frame the analysis that the SG is undertaking on post-conflict natural resources management.

3. Capacity Building and Outreach

(A) Environmental Law Information Services

The Steering Committee (SC) of ECOLEX met at the ELC in Bonn on December 12 to 13. Present were representatives of FAO, IUCN, and UNEP. This was an important meeting, taking place at a time when the new ECOLEX interface was being finalized. The SC expressed its satisfaction at the work accomplished since its last meeting, which included a migration of the IUCN information system, ELIS, to a new platform, as well as the development of the new ECOLEX interface between ELIS and FAOLEX. It also took major decisions regarding the future work of the partners, with a view to establishing ECOLEX as the global hub of information in the field of environmental and natural resources law. The SC stressed the necessity for the three organisations to increase their support and to fundraise to achieve this goal.

(B) Collaboration with UNITAR

The ELC prepared a new edition of the sixth course book of UNITAR's Distance-Learning Course on International Environmental Law, on the topic of biological diversity. It provides a comprehensive overview of existing instruments and mechanisms for the protection and sustainable use of biodiversity.

Currently, the ELC is preparing a new edition of the second course book of the same series, which is on International Environmental Governance.

(C) Alexandre Kiss Environmental Law Papers Award

In 2006 the Commission on Environmental Law (CEL) launched a Call for Papers, aiming at encouraging research work of young environmental lawyers. During the last CEL Steering Committee meeting, it was decided that the award was to be named after Professor Alexandre Kiss, who passed away earlier this year. Professor Kiss was one of the pioneers in research on international environmental law, and an Honorary CEL Member. The authors of the two best papers have been awarded a ten-day internship at the ELC in Bonn, with coverage of their travel and accommodation costs, while the three best papers will be published.

(D) Interns

Five interns and fellows from Latin America and Europe worked at the ELC in 2007. Coming from Mexico, Paraguay, Peru, France and Germany, they contributed to activities and projects of the ELC while also researching subjects of their own interest. Their work focused on topics such as water governance, environmental law in Central America, sustainable use, global and regional biodiversity-related environmental agreements, access and benefit-sharing, customary law and indigenous people, forest governance, and energy and rights. The contribution of interns and fellows to the work of the ELC has become an important feature of the Centre.

In November, the ELC hosted one of the CEL *Alexandre Kiss Environmental Law Papers Award* winners, Tran Thi Huong Trang from Vietnam. As winner of the second prize for her paper '*Legislation on Genetic Resources Conservation in Vietnam*' (http://cmsdata.iucn.org/downloads/cel10_trang.pdf), she had been awarded a ten-day internship at the ELC. There, she had the opportunity to meet with the legal officers and discuss a broad range of issues relating to biodiversity conservation, climate change and energy, sustainable use of natural resources, invasive alien species, the marine area, trade and environment, species conservation and CITES.

(E) ELP Newsletter

The 2007 ELP Newsletter was released in December (http://www.iucn.org/themes/law/pdfdocuments/Newsletter_2007_en.pdf). The issue included the winning article submitted for the *Alexander Kiss Environmental Law Papers Award (The Development of International Environmental Law at the Multilateral Environmental Agreements' Conference of the Parties and its Validity*, by Louise Kathleen Camenzuli). Furthermore, it featured a number of articles from CEL members and ELC staff on a range of topics relevant to the ELP's mandate, including biodiversity, species protection, climate change, soils, and international water law. In addition, it informed on activities of the ELP.

(F) Lectures on International Environmental Law

As in previous years, ELC legal officers in January taught a course on International Environmental Law at the University of Applied Sciences in Cologne, Germany. The course is part of an international masters program on Resource Management in the Tropics and Subtropics. The ELC legal officers provided a general introduction to International Environmental Law as well as to the legal aspects of issues such as Biodiversity, Climate Change, International Freshwater, Endangered Species, and explained the basic considerations of the implementation of International Environmental Law.

(G) Chinese legislation on Protected Areas

From April 22 to 28, the ELC hosted a Chinese delegation, following the participation in an International Symposium on China's Protected Areas Law held in Beijing in 2006. A new Nature Reserve Law is currently under development by the Environmental Protection and Resources Conservation Committee (EPRCC) of the National People's Congress in China. After completion of a first draft, the EPRCC organized a series of consultations with relevant government agencies.

The Chinese delegation visited the ELC in order to further the drafting process. During a kick-off workshop as well as several meetings and fieldtrips, a fruitful information exchange took place between members of the Legislative Department of EPRCC and the Economic Law Department of the Legislative Affairs Commission, ELC staff members and German protected areas experts.

(H) Development and implementation of environmental law

Within the framework of the UNEP Programme for Environmental Citizenship, members of the Parlatino's (Latin American Parliament) Environmental Commission met in Buenos Aires, Argentina, in May 2007, to discuss the feasibility of establishing a regional environmental court in Latin America to resolve cases of non-compliance with environmental legislation. The Head of the IUCN ELP participated in the meeting and highlighted to the challenges of compliance and

enforcement of Environmental Law in Latin America. IUCN is a strategic partner of UNEP in providing technical assistance to the Parlantino in furthering equitable and sustainable development of its members.

Furthermore, the ELC, together with CEL members, contributed to the drafting process of two crucial environmental laws in the Democratic Republic of Congo, namely the country's Nature Conservation Law and Environmental Framework Law. Both draft laws were reviewed and comments for further improvement were provided.

4. Meetings

(A) IUCN Academy of Environmental Law

A need for further developing the academic teaching agenda on Environmental Law was the basis of a meeting in Bonn, in February, between one of the Co-Directors of the IUCN Academy of Environmental Law and the IUCN ELP. The ELP was represented by the CEL Chair and the Director of the ELC. The ELP and the Academy considered the structure of the Academy teaching and research programme and discussed membership issues, as well as the Academy's niche in the achievement of the IUCN mission.

On September 13 to 14, the IUCN Academy of Environmental Law held the first meeting of its Teaching and Academic Capacity-Building Committee at the ELC in Bonn. The aim was to identify strategies for promoting the teaching of Environmental Law in regions where there is a need for both qualified teachers and new courses. The Committee developed a detailed work plan for recommendation to the Governing Council of the Academy, which includes proposals to: include on the Academy's web-site details of courses and expertise within the Academy's member institutions; the development of a 'teaching the teachers' course by the Academy to assist in increasing capacity to teach environmental law; investigation of the needs and capacities of member institutions with respect to the use of internet technologies for cooperative teaching.

(B) CEL Steering Committee

In May, the IUCN-CEL Steering Committee (SC) held its annual meeting in the Parque Estadual Intervales in the State of Sao Paulo, Brazil. In an inspiring setting, the Steering Committee met for three days to discuss the implementation of and give new directions to the CEL programme. Within the context of important achievements, such as the revision of the Precautionary Principle Guidelines, the participation in the IUCN Lebanon Task Force, and the further development of the Code on Ethics in Biodiversity, the SC discussed the current status of the CEL Specialists Groups and their upcoming meeting in Istanbul in June; as well as the CEL incentives package (including the E-Helpdesk, the CEL Award, and the CEL on-line papers), the ELP new intersessional plan, and the next IUCN World Conservation Congress, to be held in Barcelona in 2008. The CEL SC members planted a tree as a tribute to Professor Alexander Kiss, a long standing member of CEL.

On 29 to 30 June, the Chairs of the twelve Specialist Groups of IUCN CEL met in Istanbul to discuss how to coordinate their work, to ensure that the Specialist Groups complement each others' efforts and contribute to the work of IUCN. The CEL Chair, Sheila Abed, invited representatives from each IUCN Region to the meeting. For the first time, the Chairs of the Specialist Groups were able to discuss the ways in which CEL may more effectively meet the needs of IUCN Members and the IUCN Secretariat.

5. Publications in 2007

Introduction to the African Convention (IUCN EPLP No. 56 Rev.)

The ***Introduction to the African Convention*** (bilingual version), sponsored by the African Union, UNEP and IUCN, was published early in the year. A large number of copies were made available to UNEP, in time for distribution at the UNEP Governing Council which took place in February. All IUCN regional offices in Africa received copies for distribution. The Introduction provides information and an analysis of the revised African Convention, adopted by the African Union at Maputo in 2003.

Shared waters governance (IUCN EPLP No. 58)

The book ***Gobernanza de aguas compartidas: aspectos jurídicos e institucionales (Governance of shared waters: legal and institutional aspects)***, was elaborated by Grethel Aguilar and Alejandro Iza. It uses international law as a starting point and explains how its provisions and principles can be used as a mechanism for a good management of shared basins and the promotion of good water governance at the transboundary level. The aim of this book is to help to strengthen the capacities of decision-makers and water stakeholders, promote the cooperation between States that share water resources, and contribute to further regional integration within the context of a political border that must be understood as a space to test and to forge cooperation and in which water has a fundamental role to play. The book provides the most important legal and institutional features of water management at the global level but with special emphasis on Central America.

Aspectos Jurídicos de la Conservación de los Glaciares (IUCN EPLP No. 61)

During the 2nd Latin American Congress of National Parks and other Protected Areas, held in Bariloche, Argentina, from 30 September to 6 October 2007, ELC launched the book ***Aspectos Jurídicos de la Conservación de los Glaciares (Legal Aspects of the Conservation of Glaciers)***, edited by Alejandro Iza and Marta Brunilda Rovere, a joint effort of the ELC and CEL. The publication analyzes the legal situation of glaciers in Argentina, Chile, Bolivia, Colombia, Perú, Ecuador and Venezuela, and makes a series of recommendations for improving their legal status and conservation. This publication, the first of its kind, aims at raising awareness regarding the importance of glaciers for the preservation of mountain ecosystems, their role as environmental services providers and their importance for the livelihoods of local populations.

Evaluación de Impacto Ambiental Transfronteriza en Centroamérica: Lineamientos Generales (IUCN EPLP No. 62)

Evaluación de Impacto Ambiental Transfronteriza en Centroamérica: Lineamientos Generales (Transboundary Environmental Impact Assessment in Central America: General Guidelines), by Grethel Aguilar, Alejandro Iza, and Marianela Cedeño, analyzes the relevant initiatives on transboundary EIA in the world, and advances the basic elements of a regional agreement on EIA in a transboundary context for Central America, a region that shares ecosystems, river basins, and protected areas. The development of projects, plans or activities likely to produce transboundary impacts need to be appropriately considered, and an EIA process established and anchored in regional policies and legislation.

Evaluación de impacto ambiental y diversidad biológica (IUCN EPLP No.64)

The publication ***Evaluación de impacto ambiental y diversidad biológica (Environmental impact assessment and biological diversity)***, by Alejandro Iza, Eduardo Astorga Jorquera, and Lorenzo Soto Oyarzún is a comparative study of the regulatory frameworks of Environmental

Impact Assessment (EIA) of selected South American countries (Argentina, Bolivia, Brazil, Chile, Ecuador and Peru). Taking into consideration the different legal situation of each country, this book analyzes the extent to which these regulatory frameworks integrate the biological diversity factor. Taking as a starting point the environmental policy of each of these countries, the publication offers an in-depth analysis of the sectoral legislation of the selected countries and the manner in which the concept of biological diversity has been incorporated into the EIA by these countries. The publication also includes an analysis of some relevant cases and an annex with the resolutions of the Convention of Biological Diversity which are most important in the EIA context.

Series on Access and Benefit-Sharing (IUCN EPLP No. 67)

In one of IUCN's three side events organized during the fifth Meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WG-ABS) in Montreal, Canada, the ELC launched the first three books of the **ABS Series** – a five-volume sub-series of the ELP's Environmental Policy and Law Papers (EPLP). The Series provides intensively researched expert analysis on key issues of access to genetic resources and benefit-sharing under the CBD.

Publication no. 1 within the *ABS Series* is entitled ***Addressing the Problems of Access: Protecting Sources, While Giving Users Certainty***, by Jorge Cabrera Medaglia and Christian López Silva (IUCN EPLP 67/1): It provides a systematic analysis of the requirements of access law, both the CBD requirements and the basic requirements of enforceable legislation, which are often not considered in analysis of ABS legislative issues. Often key legal issues that have a significant impact on enforceability of ABS agreements are not addressed in national legislation, therefore, this book addresses these issues with the aim to recognize and understand the nature of the legal impediments that must be addressed for the drafting of functional ABS legislation. Although the book is premised on the issues of access, it inevitably makes reference to corresponding issues of benefit sharing that are relevant for articulating the legal principles that inform a functional ABS system. In addition, this publication provides information regarding the kinds of issues and solutions that can function legally to enable ABS implementation. Its conclusions look at particular legal concepts that, if accepted, could form the basis for functional ABS systems that respond to the identified concerns.

The second book of the *ABS Series*, ***Beyond Access – Exploring Implementation of the Fair and Equitable Sharing Commitment in the CBD***, by Morten Walløe Tvedt and Tomme Roseanne Young (IUCN EPLP 67/2), addresses the issue of the implementation of the CBD's ABS regulations. Realizing that in the twelve years since the adoption of the CBD, its provisions for ABS remain the least implemented of any of the commitments in the convention, the book analyses the laws of particular user countries which have either declared that their ABS obligations are satisfied by existing national law, or begun legislative development, the requirements, weaknesses and gaps in achieving benefit-sharing objectives, as well as the ways in which new or existing legal tools can be applied to these requirements.

The third of the *ABS Series* publications, ***A Moving Target: Genetic Resources and Options for Tracking and Monitoring their International Flows***, by Manuel Ruiz Muller and Isabel Lapeña (IUCN EPLP 67/3) provides insights into options and components for the development of a national/international system for the tracking and monitoring of genetic resources to ensure compliance with the ABS provisions of the CBD. It includes discussions addressing the practical options for such a system, its costs and economic impacts, and its possible role in the ABS framework. In discussions of the 'Certificate of Origin, Source or Legal Provenance', attention is given to the legal and practical implications associated with tracking the flow of genetic resources. Knowing what is where, how it got there, and whether conditions and restrictions were complied with is a critical aspect of an ABS regime if it is to be implemented effectively.

Capacity Building for Environmental Law in the South Pacific

Capacity Building for Environmental Law in the South Pacific by Pepe Clarke, Ilona Millar, and Kaspar Sollberger provides a concise overview of the following topics: environmental issues in the South Pacific, environmental law and policy in the South Pacific key institutions and existing capacity-building programs and proposed capacity-building strategies and activities. Detailed consideration of international and regional environmental law in the South Pacific, and reviews of selected national environmental laws in a series of country profiles are provided. Profiles of relevant institutions and strategies for building the capacity of key stakeholders, including government agencies, civil society organisations, academic institutions and the judiciary are presented. A range of proposed activities intended to build environmental law capacity in the region, including: outreach and consultation; communication and networking; technical assistance; professional and academic exchanges; training programs; community education; conferences, seminars and meetings; and, the establishment of environmental law programs and centres throughout the region are reviewed.