



CEL SPECIALIST GROUPS MEETING
17-18 NOVEMBER 2009
AMERICAN UNIVERSITY – WASHINGTON DC
Minutes of the Meeting

1. Call to Order – Note Quorum

The Chair of the IUCN Commission on Environmental Law (CEL), Ms. Sheila Abed, called the meeting to order at 9:30am November 17th, 2009. She welcomed the participants present at the moment and said that Dr. Ricardo Lorenzetti, Ms. María Amparo Alban and Mr. John Scott sent their apologies for being unable to attend the meeting.

She delivered her opening remarks and mentioned that CEL was in fact the first of the IUCN's six Commissions to organize Specialist Group meetings.

The following SG Chairs and CEL members were present:

Ms. Sheila Abed
Dr. David Hunter
Dr. Nilufer Oral
Dr. Ian Hannam
Dr. Kathryn Kintzele
Dr. Francoise Burhenne
Ms. Claudia De Windt
Dr. Timo Koivurova
Mr. Yves Le Bouthillier
Prof. Richard Ottinger
Mr. Kenneth Markowitz

The CEL Chair then declared the presence of a quorum.

2. Opening Remarks and presentation of meeting's expected outcomes by Ms. Sheila Abed, Chair of CEL

The Chair started by remarking the importance of working in a coordinated and integrated manner in order to achieve and advance the field of environmental law.

She mentioned that this meeting was intended to help Specialist Groups (SGs) improve their performance and was also an excellent opportunity to identify the areas that needed support and promote the achievements accomplished. The Chair expressed her contentment for having Dr. Francoise Burhenne-Guilmin from the IUCN Environmental Law Centre and Mr. Yves Le Bouthillier from the IUCN Academy on Environmental Law. Before moving on to the next issue in the agenda, the Chair thanked Dr. David Hunter and the American University, Washington College of Law for hosting the meeting.

3. Introduction of participants.

The meeting participants briefly introduced themselves.

Dr. Ian Hannam – Associate Professor, Australian Centre for Agriculture and Law, University of New England, Chair of the Sustainable Use of Soil and Desertification SG

Ms. Nilufer Oral – Professor at the Istanbul Bilgi University and co-chair of Oceans, Coastal and Coral Reefs SG

Dr. Timo Koivurova - Director of the Northern Institute for Environmental and Minority Law, Arctic Centre and representative of the Arctic Regime Task Force.

Dr. Francoise Burhenne – Senior Counsel, IUCN Environmental Law Centre

Prof. Richard Ottinger – Co-Director of the Center for Environmental Legal Studies at Pace University and Chair of the Energy Law and Climate Change SG

Dr. Kathryn Kintzele: Director of the North American Global Responsibilities Program, at the Center of Humans and Nature and Deputy Chair of the Ethics SG

Ms. Claudia de Windt – Senior Legal Specialist, Department of Sustainable Development in Organization of the American States and Chair of the Human Rights SG

Dr. David Hunter – Director of the Program on International and Comparative Environmental Law in the American University and member of CEL's Steering Committee. He said he was happy to have everyone in Washington.

Mr. Kenneth Markowitz – Senior Advisor, International Network for Environmental Compliance and Enforcement, President, Earthpace LLC, Adjunct Professor, Washington College of Law, The American University

Prof. Antonio Benjamin – joined the meeting via conference call. He thanked Dr. David Hunter for hosting the meeting and explained he was going to participate in the morning session of the meeting via conference call.

4. Specialist Groups working methods

The Chair briefly explained the working methods SGs must follow. Each SG must present a work plan with activities annually. She explained the importance of presenting this at the beginning of each year, January, since these must be approved, along with the corresponding budgets, at the Steering Committee meeting which is also at the beginning of the year. The Chair reminded the SG Chairs that in order to receive the seed grant (USD 5,000), budgets and work plans must first be approved by the Steering Committee in their annual meetings. She also explained that funds that are not allocated as planned cannot be set aside and must be returned to IUCN therefore any seed grant that is not claimed by the SG in the first trimester will not be available throughout the year.

At the end of the year every SG must report on the following: Expenditures, Activities, Outcomes, Number of members, names and email addresses, Funds received by IUCN, Funds raised, days of volunteer work from all members (this is especially important because IUCN wants to measure the impact volunteers have in the Union's work) and an estimated daily rate of these (this is also a very important because there is a lot of expertise among the members and the Commission wants IUCN to take into account and appreciate this). Chairs were also asked to keep their members updated on what was going on in the Group and in the CEL. The Chair informed the attendees that the next Council meeting would take place in June 2010 and CEL would have to report during this meeting. SG Chairs were asked to acknowledge this and submit a report of activities carried out by their SGs following the Barcelona Mandate.

Prof. Benjamin suggested that Dr. Hannam's report be shared with the rest of the group as an example of what the Commission is requesting SG Chairs to do.

At this time Dr. Kintzele took the opportunity to express her concern that IUCN Secretariat does not always properly acknowledge the work of the Commission and Specialist Group members in projects and publications. She said this is frustrating when you consider that the work is being done by volunteers. Ms. Oral agreed with her and added that members are not acknowledged sometimes. They also mentioned that in most cases the requests came with short notice making it very difficult to have things ready by the due date.

SG Chairs said that reporting their activities based on the Programme Elements was confusing because most of the activities impacted more than a Programme Element. With regard to "raising funds", Dr. Hannam expressed that, as a volunteer group, it was hard to approach potential donors for funds because a SG is a volunteer group without formal standing or financial accountability in its own right. The Chair clarified that the funds raised are most of the time financial contributions coming from affiliations the group or the Commission may have.

Going back to the daily rate requested in SGs' reports, Chairs said they were uncomfortable asking for these. They believed it was not appropriate to approach members and ask about their salary rates since it is something some might consider too private.

The Chair and Mrs. Burhenne said that since rates would vary a lot from one SG to another, the best would be to use certain standards, i.e. UN consultant rates. Ms. de Windt said she would share the OAS guidelines for compensation of professional consultants and Mrs. Burhenne said she was going to check if IUCN had a similar rate chart they could use.

Also regarding the template on which SG chairs must report, Mrs. Burhenne suggested that a column be added to include the "recipients" (IUCN CEL, other units, UNEP, etc) to whom the service/activity was provided.

The Chair also suggested to add in two more columns; one to include the individual amounts donated to the SG for specific purposes, i.e. Translation of Ian's book (IUCN EPL&Ps) and the other one to show whom the partners of the SG are. She

also urged SG Chairs to associate/mention our Commission in events so we can report on those activities as the Commission's contributions to such initiatives.

There was some confusion on the term "volunteer" and what this meant so in order to clarify, the Chair specified that the term refers to: All work that contributes to IUCN but is not directly paid for by IUCN.

Before leaving the conference call, Prof. Benjamin requested to have the presentation on the Judiciary Portal on Wednesday 18th and the quorum agreed.

5. Relationship with the Academy on Environmental Law

Mr. Le Bouthillier started his presentation by saying he was very pleased to be in Washington and participating in the SG meeting. He mentioned the ongoing discussion that exists between the Academy and the Commission and the last meeting Prof. Fowler had in Buenos Aires with CEL's Chair, Ms. Sheila Abed, CEL's Deputy Chair, Prof. Antonio Benjamin, Prof. Ben Boer and Dr. Ian Hannam.

He gave an overall picture of the Academy's activities in order to explore further potential areas of real collaboration between the Academy and CEL. He mentioned the Academy was an emerging International network. A rather young institution growing rapidly but still emerging since it is expected that members and activities will continue to increase.

Mr. Le Bouthillier explained that the IUCN Environmental Law Programme aims to ensure the integration of law into all fields of conservation and to achieve this is not only advancing environmental law through the development of legal concepts and instruments but also seeks to build the capacity of societies to employ environmental law in furtherance of IUCN's vision and mission.

He provided information on the composition of the Academy's Secretariat, the Academy's institutional members, published brochures (in four different languages, English, Spanish, French and Chinese) and the annual conferences. Information was also provided on the Committees created by the Governing Board (e.g. the Research Committee) and explained how these meet constantly via Skype since people from all regions participate in these Committees. He went through the Academy's webpage and showed how this worked and what type of information one could find in there and concluded his presentation by saying that the future directions of the Academy included developing and coordinating research grants in cooperation with ELC and CEL.

6. Specialist Group Reports

Armed Conflict and the Environment: Mr. Carl Bruch joined the meeting via conference call. He started his report by saying that the Specialist Group on Armed Conflict & the Environment has made substantial progress in both of its fields of work: (1) addressing the environmental consequences of war (led by Michael Bothe); and (2) strengthening post-conflict peace-building through natural resource management (led by himself).

The SG has one new member: Paula Knack (Philippines/Germany). The membership has been involved to varying degrees in the two activities.

He noted that the work on addressing environmental consequences of war has benefited from cooperation with the United Nations Environment Programme (UNEP) and the International Committee of the Red Cross (ICRC). The post-conflict NRM work has been undertaken in partnership with the Environmental Law Institute (ELI), UNEP, and the University of Tokyo. A number of other institutions are actively involved in the project, including McGill University, Columbia University, International Peace Research Institute Oslo (PRIO), and the Woodrow Wilson International Center for Scholars, among others. This alliance has been formalized through a project Steering Committee (with the four partner organizations represented), as well as an Advisory Committee.

For the work on the **environmental consequences of war**, Mr. Bruch mentioned that Prof. Bothe developed and carried out a survey on the status of international law protecting the environment during armed conflict, including opportunities for strengthening the law and its implementation and the results of this are currently being synthesized and expected to be completed in early 2010. The Co-chairs and another SG member also participated in a meeting of experts on “The Protection of the Environment during Armed Conflict” convened by UNEP and the ICRC in Nairobi on March 11-12, 2009. The SG Co-Chairs co-authored a chapter on “Armed Conflict and the Environment” for the Handbook of Global Environmental Issues (World Scientific 2010), edited by William C. Burns & Joel Heinen and they are starting to plan a meeting to be held in 2010 that will discuss the results of the survey and follow on the discussions of the 2009 Nairobi meeting. UNEP and ICRC are interested in co-sponsoring the meeting by (perhaps) covering travel costs for some participants, and the SG Co-Chairs are investigating options for additional support for the event. The meeting would likely be held either in Bonn or Geneva.

As for the work on **post-conflict natural resource management**, the SG has worked with ELI, UNEP, and the University of Tokyo to established an international Advisory Committee for the Project, developed and widely disseminated a Call for Abstracts, reviewed the submitted abstracts and selected those abstracts to be further developed, and launched a project website (http://www.eli.org/Program_Areas/PCNRM/).

Currently, the project partners are coordinating the development, editing, and preparing for publication of 6 edited volumes as well as an overarching volume that synthesizes the key lessons learned. These seven books should be launched in late 2010 and early 2011.

This project started as a modest endeavor and has grown dramatically to respond to the need, enthusiasm, and opportunities.

The SG Chair also talked about some concerns the group had. From an administrative perspective, both Mr. Bruch and Prof. Bothe are concerned with the proposed change in operation of the SGs so that there is only one Chair. Mr. Bruch argued that if one of them were to remain as chair of the whole group, one of the two areas of work would probably be removed. He said that although they have persisted operating as Co-Chairs, it is unclear to them whether this is acceptable

with the CEL Chair. In response to this, CEL's Chair said that in the past they have had some trouble dealing with two chairs in a same group but that exceptions could be considered. She also requested that both express why it is important to maintain two chairs and said this would be revised by the SC in their next meeting.

With respect to the meeting on addressing the environmental consequences of war, the SG Co-Chairs prefer to hold the event at and with the Environmental Law Center in Bonn, but they need to discuss this with the Director and see how this will be paid for.

With respect to the post-conflict work, 2010 will see the editing, production, and launch of seven books associated with the project. It is expected to be a global process, and all the partners are contributing substantially to the project (typically in the \$50,000 to more than \$100,000 per partner institution). Some partners have expressed discontent with the level of support from IUCN, even to the point of insisting that unless IUCN shoulders more of the burden that it should not have its logos on the publications. As SG Co-Chair and a member of the Steering Committee, Carl Bruch has noted that IUCN and the CEL have limited financial resources now. In any case, this is an issue that is essential to discuss urgently with the CEL Chair and ELC Director to see what might be possible, financially or otherwise.

Ms. Abed and Dr. Burhenne suggested Mr. Bruch to propose a date and set up a call conference to talk about the next meeting in Bonn.

The attendees requested a copy of Mr. Bruch's report, which the CEL Liaison will share via email.

Human Rights: Ms. Claudia de Windt started clarifying that this was a reconstituted group with no members yet but that she wanted to use the opportunity to share some of the ideas on the direction the group should take. She explained that Human Rights and Environment tend to be sensitive issues among governments. However perceptions are changing as debate on these issues is gaining momentum in the context of the climate change agenda. She mentioned that for the group and the commission this presents an opportunity to work from a constructive perspective. She said that the Right Based Approach was definitely something to consider in the area. Ms. de Windt presented ideas regarding a compilation of relevant decisions on the subject matter and also regarding a matrix she had prepared illustrating the links between human rights and the effects of climate change. Ms. de Windt said that she would welcome any suggestions on these ideas and emphasized that the issues of human rights and environment are very closely linked to the agendas of other SGs, hence the importance of working together.

She also expressed her interest for making sure there was a geographical balance in membership and encouraged the SG Chairs to nominate candidates for the group and provide any referrals they considered helpful.

Oceans, Coastal and Coral Reefs: Dr. Oral started her presentation naming the new members in the group and the institutions they have an alliance with. She briefly described some of the projects and activities the group had carried out,

among which she listed the three papers they contributed to S. Hart(ed.), *Shared Resources: Issues of Governance*", IUCN Environmental Law and Policy Paper No.72 (2008) and the Report on Shipping and Biodiversity in the Mediterranean, which was published with the GMP and IUCN Mediterranean Center. Dr. Oral also mentioned that the SG was organizing a workshop on Mediterranean Governance and Seamounts that would be held in Istanbul in 2010 in cooperation with IUCN GMP-TUDAV and the French government. She said the SG was coordinating the Indian Ocean High Seas Seamount project in partnership with GMP-IUCN USA-John Hopkins School of Advanced International Studies which she explained is the first GEF funded project for the high seas (2010). The group is also participating in the Columbia University Center for Energy, Marine Transportation and Public Policy: Maritime Transport 2030 project: for which they will contribute a chapter on the Black Sea in the final book (2010). The SG is also working with the European Commission DG Mare for the Mediterranean and Black Seas. Several members of the Oceans SG are members of the Expert Panel on the Mediterranean Maritime Strategy and they have contributed to the preparation of the recent EC Communication on the Mediterranean Maritime Strategy (15 September 2009) and invited to join it panel of experts. The Oceans SG planning to participate in the Fifth Global Oceans Forum to be held in UNESCO in 2010 for which they are organizing three panels. The SG also assisted with the convening of a panel session on Marine & Coastal Environmental Governance and Sustainability, for the 7th Annual Colloquium of the IUCN Academy of Environmental Law, held in Wuhan, China, from November 1-5 this year. The MPA case study for the ELC project on Guidelines for Protected Area Legislation and the ongoing work of the CBD on the transboundary environmental impact assessment are other contributions the group has made.

Dr. Oral finalized her presentation expressing the need to work in a coordinated way among the commission and the specialist groups. She said that the commission needs to have more joint activities in order to become more visible and a greater impact on the important developments in international environmental law.

Arctic Regime: Dr. Koivurova started by saying that Dr. Wolfgang Burhenne, unfortunately could not make it to the meeting. He explained that improving Arctic governance was one of the major issues for the task force and that in order to achieve this, an "audit", (which most likely would come from outside governments) was needed. Dr. Koivurova briefly talked about the membership and explained that the tasks members had was rather informal. They write extensively on the topic and participate in international conferences.

He spoke about the IUCN WCC-4 Resolution 4.033 "Arctic legal regime for conservation" and explained that some (governments outside the European parliament and civil society organizations) still believe that an Arctic Treaty may ensure concrete results in the best interest of the region's conservation and it was considering this that the ICEL (International Council of Environmental Law) initiated the resolution "Arctic Legal Regime for Conservation". He shared with the group some of the main activities the Task Force was carrying out and explained that although they will be participating in meetings of the Arctic Council and consequently will be increasing IUCN's participation in the Arctic Fora, the TF cannot be responsible for the Union's overall strategy for the Arctic. Among the plans they have for next year, he mentioned they would be participating in a panel

on Arctic Ocean Governance with the Oceans SG during the 5th Global Conference on Oceans, Coasts and Islands policy in France and also said that they are planning an audit which would consist on a small meeting or conference to gather and synthesize fundamental information on the legal and administrative implementation of relevant agreements in the Arctic States.

Energy Law and Climate Change: Prof. Ottinger started his presentation by sharing with the group that he would be joining the IUCN delegation for Copenhagen. He then spoke about the white papers the group had written and expressed his frustration with IUCN's reply on the matter. Hq. IUCN told him that the specific subjects of the white papers, e.g. building and appliance efficiency, combined heat and power, vehicle efficiency, and the specific renewable energy measures discussed were not part of the IUCN program and this was why the publication of these under IUCN would not be possible – even though energy efficiency and renewable energy were specified in the Barcelona energy resolution and these are the essence of energy efficiency and renewables. Some of the other SG Chairs agreed that the obstacle of bureaucracy and a lack of knowledge that was behind the rejection was frustrating and to the disadvantage of IUCN. Prof. Ottinger explained that a summary compilation of the eight papers was finally approved for publication, but stated that this approval did not come in time to educate the UN General Assembly members for its special meeting on climate change and was too abbreviated to serve the purpose the papers were intended to serve. Taking this event into consideration, it was proposed that next time the papers come under CEL and not under IUCN. The Chair said she would share with the other SG Chairs the white papers developed by this group. She also took this opportunity to mention that it is very important to be proactive in this sense; by informing in advance what our deliverables will be and avoid short notice rejections. Dr. Burhenne suggested that it would be helpful to know which topics interest IUCN before preparing the work plans and formulate the deliverables based on these.

Wang Xi, former Co Chair of the SG, was asked by the Chinese government to prepare an analysis of US Environmental Law, what worked and what did not, and what was applicable for China. Prof. Ottinger said that the analysis was developed and he would be happy to share this with those who were interested in having it. He also mentioned that China has done a lot more than we have in with respect to energy efficiency and renewable energy.

Enforcement and Compliance: Kenneth Markowitz joined the meeting at 2pm and introduced himself and presented ideas for integrating the experience of INECE (International Network for Environmental and Compliance) with the activities of CEL to strengthen this group. On areas for potential collaboration between INECE and CEL include capacity building and network building for prosecutors and judges on issues of compliance and enforcement. The collaboration will seek to apply its efforts on areas of synergy between biodiversity and climate change such as compliance with laws to protect forests, wetlands and other critical habitats. The initiative will draw participants from governments, international organizations, and NGOs. The Enforcement and Compliance group will work with other specialist

groups including efforts led by Judge Antonio Herman Benjamin and the climate change group chaired by Richard Ottinger.

Ethics: Dr. Kintzele started by saying that Brendan Mackey stepped down as Co-Chair of this SG because he was elected to the IUCN Council as the Regional Councillor for Oceania at the 4th IUCN World Conservation Congress in October 2008. Dr. Klaus Bosselmann then became the Chair of the SG and Dr. Kathryn Kintzele became the Deputy Chair. She talked about membership and said they currently have 51 members from 17 countries.

She shared some main points on the BEI (Biosphere Ethics Initiative) and mentioned that since 2005, the BEI has held four formal Relatos and several workshops. Dr. Kintzele explained that Relatos were mutual learning experiences between members of the BEI and a particular local, regional, national or global initiative. The four Relatos included: the Chicago Wilderness Relato (2007); the South African National Parks Relato (2008); Brazil's Local Agendas 21 Relato (2009) and the Yunnan Province of China Relato (2009). In September 2009, the BEI was the focus of the 5th Annual Symposium of the Center for Humans and Nature, which was co-sponsored by the ESG and the Center for U.S.-China Arts Exchange. ESG members and experts from around the world met to continue drafting and development. After Paris, the BEI hopes to present its work at the Earth Charter Council meeting in the spring of 2010. In June, the updated work will be presented at the annual meeting of the Global Ecological Integrity Group, alongside the comparative constitutional law research that informs it. In September 2010, the project will return to the U.S. for the 5th Annual Keeping Nature Alive Symposium, "Implementing the BEI in the Indiana Dunes Region" (Center for Humans and Nature). The BEI will then be presented at the 10th Conference of the Parties of the Convention on Biological Diversity (CBD) in October 2010. The Center for Humans and Nature will be hosting a workshop at the CBD, and we also hope for government support to take the document to the Parties for adoption.

Dr. Kintzele also talked about the "Earth Democracy" project which will cover all the issues identified in Bosselmann, Taylor and Engel's *Governance for Sustainability: Issues, Challenges, Successes* report and at the same time include the economic dimensions as they have emerged over the last 1-2 years. She also said that ESG set up a working group on Corporate Governance which is lead by Prof. Ben Richardson, from Osgoode Law School, and Prof. Prue Taylor from the University of Auckland and that several books related to this project were being developed

She finalized her presentation by highlighting some of the group's concerns, including proper acknowledgment by IUCN of work done by members and the difficult task of keeping the membership updated. She thinks that the new CEL website will help immensely with this last point. The chair took the opportunity and requested the other SG Chairs to get more involved with ESG because this is a cross cutting topic.

Dr. Hannam mentioned "WOCAT" (World Overview of Conservation Approaches and Technologies), a program run from the Centre for Development and Environment of the University of Berne, Switzerland, which has been collecting information on approaches and technologies. He mentioned they have many case

studies giving insights on the social issues, a lot of ethics built in and specifically aimed at developing countries.

Sustainable Use of Soils and Desertification: Dr. Hannam started by saying that the group bases its work on the three soil resolutions adopted by the IUCN World Conservation Congress: Amman, Jordan 2000; Bangkok, Thailand 2004; and Barcelona, Spain 2008. Regarding the group's membership he said that SG members come from 11 different countries but there is also a Soil Scientist Reference Group which participates actively in the implementation of the CEL SG Soil Program. He named some of the organizations with which alliances have been established and described the main priority areas of the group are: Investigation of international instrument for soil; National soil legislation reform; Legal studies and publications; Communication and promotion and recent participation.

Dr. Hannam said that in the area of Investigation of international instrument, a Draft Soil Protocol had been prepared in 2005 following and International Soil Forum in Iceland, but another version, "Draft Protocol for Security and Sustainable Use of Soil" had been prepared specifically for discussion at UNCCD COP9 in September 2009. Since COP9, SGSS&D members have continued discussion on how to promote the Draft Protocol. In the area of National soil legislation reform, the "Guide for Drafting Legislation for Sustainable Use of Soils" is being promoted among regions of the world where soil degradation is most severe and an agreement was signed on September 28th, 2009 between CEL, IUCN Academy of Environmental Law and University of Buenos Aires, Argentina to collaborate on teaching of soil legislation. With regards to the area on Legal studies and publications, a number of publications were developed as part of the implementation of the Amman Resolution. He explained that the objective in the area of Communication and promotion is to maintain a steady flow of information on the role and benefits of improved legal instruments for sustainable use of soil and on implementation of WCC Soil Resolutions. Last, Dr. Hannam reported that SGSS&D members have participated in a number of international soil science and environmental law events (China, Budapest, Serbia, Tajikistan, and Argentina among others) and national events during the last two years (2008-2009).

7. George Washington University Reception

The attendees participated in a panel with students from the George Washington University where they introduced their particular SG activities and talked about the work they were doing in these fields. Students got a chance to ask questions and they shared drinks and food at a reception afterward.

Day 2

8. Specialist Group on Forestry

The Chair started by talking about the SG on Forestry and explained that a Chair had not been appointed for this SG as yet. She urged the SG Chairs to propose candidates. She then briefly described FLEGT (Forest Law Enforcement Governance and Trade) and talked about its importance for IUCN. She explained that the idea was to strengthen the group and appoint those who would lead it.

- 9. The need of creating other Specialist Groups such as Biodiversity:** The Chair told the group that this SG was discontinued because it was dormant. However, considering the several requests on legal advice for biodiversity received by CEL from other Commissions of IUCN it was agreed that a working group, at least, be formed, with specialists in this field. The Chair asked the attendees to nominate possible candidates for this group and added that we would also make a call through CEL's distribution list.

During the meeting the need to document areas of expertise of CEL members was also discussed. Dr. Burhenne suggested developing a list of areas of expertise to distribute among all existing CEL members for information. Dr. Kintzele said she could check with the BEI mailing list if there were members interested in becoming part of this working group on Biodiversity. Dr. Hannam mentioned a PhD student of his (and CEL member) working on Biodiversity and Transboundary law (Michelle Lim, Centre for Agriculture and Law, University of New England).

All agreed that Biodiversity is a very broad area which would have to be narrowed down by defining specific areas in which CEL could work. Dr. Oral suggested the Chair to contact Ms. Kristina Gjerde and Prof. David Freestone on Governance of high seas.

- 10. Specific Issues on International Waters group:** The Chair explained that this group used to have Co-Chairs, one from Argentina and one from Australia. In the meantime a group of people lead by Mr. Owen McIntyre decided they wanted to work in international waters and transboundary regime. The CEL Steering Committee decided to revitalize the SG on Water and have subgroups. Mr. McIntyre proposed three subgroups:

1. Legal and Institutional Arrangements for Transboundary Water Cooperation
2. Human Rights of Access to Water and Sanitation
3. Climate Change – Adaptation and Mitigation

The Chair reiterated that she would like SG Chairs to propose names soon because they needed an outcome from the Chair's meeting. She will ask Alejandro Iza who he recommends for the Water group. She also asked the Quorum if they thought this should be a SG or a Working Group. They all agreed it should be a Working Group. This recommendation will be presented to CEL's Steering Committee during their next meeting for approval. They will also make the final decision on giving the group the green light to begin working.

11. Judiciary Portal

Following the discussion on International Waters, Prof Antonio Benjamin from the Supreme Court of Justice of Brazil and Deputy Chair of the IUCN Commission of Environmental Law joined the meeting via conference call to discuss the Judiciary Portal. He explained the portal would be available in four languages (Spanish, English, French and Portuguese). Prof. Benjamin also laid out the fact that the portal was an interesting tool that could be used to give relevance to the work of judges around the world. More than that, it is an important vehicle to promote the coordinated work of the judiciary group and it will allow IUCN to work more closely with this group. The Judiciary Group is currently chaired by CEL's Chair,

Ms. Sheila Abed and Chief Justice Adel Sherif, Justice Ricardo Lorenzetti and Justice Antonio Benjamin serve as advisors to the group.

The Chair went on to show how the portal worked and explained that there was an abstract for each case. Both Prof. Benjamin and the Chair clarified that the people sending the case also send the abstract and Alma Poletti, who is in charge of updating the Portal, verifies that these two coincide. She also said that the abstracts would be translated into the four different languages but the original decisions would not, these would remain in their original language. Prof. Benjamin added that unfortunately the Commission must rely on volunteers to translate the abstracts because there are no funds available for this.

Mr. Le Bouthillier mentioned they are exploring at the University of Ottawa if someone can help translate. It was also suggested during this session, to include an invitation/link to the Judiciary Portal in the Academy's and the ELC webpage.

Prof. Benjamin explained that while the cases would be available for everyone the portal intends to have a section which only judges will be able to access. He also mentioned that next month an MOU will be signed in Brasilia between the STJ and IUCN

Prof. Ottinger suggested that maybe we could sign some kind of understanding with Westlaw, Lexis or BNA and ask them to contribute cases to our portal. In exchange we would give these, recognition in our site.

During this session Mrs. Burhenne also indicated that this Portal was not only a tool for judges, but could also feed Ecolex with data on court decisions (in Ecolex the responsibility of UNEP) which for the time being are still limited. Prof. Benjamin invited Mrs. Burhenne to participate in the next SC meeting in order to synchronize work between Ecolex and the Judiciary Portal and avoid any duplication of the work.

The Chair shared the iucn-cel.net webpage and mentioned this was done with great effort from people working for CEL and paid exclusively with the Commission's operational funds. She explained that the users would be able to access the Portal through this website.

The Chair also stated that the portal would be launched as soon as HQ finish its restructuring of their interface and Prof. Benjamin said it was very important to mention that it was going to be launched in a primitive state because the Commission had to start from scratch. The Chair agreed and said this would be launched with a letter explaining it is an ongoing effort and it is not completely done yet.

Mrs. Burhenne suggested that before the portal is launched, a letter is sent to UNEP so that they know about the portal and its benefits for Ecolex.

12. Introduction to the IUCN and ELP Programme process and Relationship between the CEL Specialist Groups and the ELC

Mrs. Burhenne began her presentation giving an overview of IUCN's structure, members, commissions and secretariat. She recalled that the ELP's mission is to assist in laying the strongest possible legal foundation for conservation and environmental protection, from the international to the local level. She went on talking about the functions of ELP and explained that conceptual development of environmental law, technical legal assistance in drafting and implementing, expertise and capacity building and information dissemination were functions shared by the ELC and CEL.

Next she described briefly the ELP components: The Commission on Environmental Law and the Environmental Law Centre explaining these had joint but differentiated responsibilities. Dr. Burhenne explained in general terms the IUCN Programme structure and cycle: the Global Framework Programme, the Component Programmes (which she differentiated as a more concrete component since this is structured according to the four selected programme areas biodiversity, climate, etc) and the Programme monitoring plan. She also explained the Network Approach and Programme funding and implementation. She mentioned that it was difficult to make long term plans since the funding is scarce and uncertain most of the time.

Dr. Oral asked how can SGs fortify the relationship with the ELC and a brief discussion followed, pointing out the need for the SG to keep in touch with their ELC focal points The Chair said that all the resolutions from the Barcelona Congress that have a call upon the Commission will be resent to the SGs.

Before finalizing her presentation Mrs. Burhenne shared examples of ELP Results and expressed the importance of maintaining active communication and cooperation between CEL and ELC.

13. Discussion: Strategies on how SGs can help advance the achievement of the CEL Mandate

A question on the process to follow for publications arose and the group was told that publications must go through the ELC. Members must be aware that funds are scarce and sometimes this can limit and be an obstacle for publications. The Chair asked Mrs. Burhenne if there was a way to know the availability of funds per year in order to plan ahead but the answer is that unfortunately there was no budgetary flexibility for publications outside ELC funded projects. Members would have to consult on a case by case basis with Alejandro Iza.

Dr. Oral suggested, and everybody agreed, that having an annual or biannual publication on cross-cutting issues from the SGs would help advance CEL's mandate and give the Commission more visibility.

Before moving on to the session on BRICs the Chair asked SG Chairs to provide inputs (via email) on ways to improve communication between SGs and CEL. She said one way could be for instance Skype conferences and email updates.

15. IUCN-CEL BRICs Dialogue on Climate Change and Biodiversity.

Prof. Benjamin presented this very important initiative and explained that this has no funding, and relies solely on institutions. He mentioned that the idea came up in Barcelona and that the two areas selected were; Climate Change and Biodiversity this last one, considering that IUCN is a biodiversity oriented organization.

Prof. Benjamin also commented on the visit to India and Russia he and the CEL Chair made and the Chair added that having the support of Itamaraty, Brazilian Ministry of Foreign Affairs opened many doors for the Commission and IUCN. He said that the first conference on Climate Change Law and Governance in South Asia was scheduled originally for January but they were now analyzing the possibility of having this back to back with Russia seminar in late June and that this initiative would place IUCN in the center of negotiations.

16. Deliverables for 2010

The Chair shared some of the deliverables she would like to see for 2010 and asked the SG chairs to propose others. Among the ones the Chair listed we find: being part of IUCN delegations at events, side events, becoming more visible and increasing the membership.

17. CEL Membership

The Chair briefly spoke about CEL's membership saying that at the moment we have approximately 680 members and she also talked about the Group of Young Professionals. She explained this was a response to resolution 4098 "Intergenerational partnerships: fostering ethical leadership for a just, sustainable and peaceful world" and mentioned that the group's Chair, Bruno Monteferri was a very active young man who started a blog for the group. The SG chairs were presented this blog and encouraged to nominate any young professionals who they thought would be interested in forming part of this group.

19. Knowledge Forum

The Chair also spoke about Knowledge Forums and explained that these are groups of people who gather to discuss issues of interest to them. She said that creating Knowledge Forums was one of the proposals that came out of the first Steering Committee Meeting in Porto de Galinhas, Brazil. The idea behind these was to increase knowledge and building capacity in the field of environmental law, by generating small groups for discussion. The two Knowledge Forums created since then are:

- 1. Environmental Services:** led by **Ezequiel Santagada**
- 2. Legal Clinics:** led by **Maria Eugenia Di Paola**

20. Working Groups

The Chair also talked about the Working Groups and differentiated these from Specialist Groups and Knowledge Forums. She explained that Working Groups respond to one deliverable unlike Specialists Groups that respond to more than one deliverable. Knowledge Forums on the other hand, are groups of people who gather to discuss issues of interest to them.

21. Discussion: Fundraising

Funds are scarce and fundraising is necessary, this can be achieved through partnerships and/or alliances. The Chair said that the interests of agencies have shifted and we must bear this in mind when we are setting alliances and or partnerships.

Meeting adjournment

The CEL Chair thanked all those present for their support and particularly Dr. David Hunter for sponsoring the meeting and Mrs. Francoise Burhenne and Mr. Yves Le Bouthillier for joining us since they play a key role in our efforts to work in a coordinated manner both with the Academy and the ELC. She said this had been a very productive meeting and expressed her gratitude to everyone. The meeting adjourned at 3:30pm.