IUCN Environmental Law Programme

The Year in Review 2012

(1) Introduction

The International Union for the Conservation of Nature (IUCN) is an environmental network made up of over 1000 members including States, government agencies and national and international NGOs and whose headquarters are in Gland, Switzerland. The mission of the IUCN Environmental Law Programme (ELP) is to advance environmental law through the development of legal concepts and instruments, and to facilitate the use of environmental law as a tool to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.

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. ELP activities are carried out by the World Commission on Environmental Law (WCEL) and the Environmental Law Centre (ELC). As one of the IUCN’s six Commissions, WCEL consists of an extensive global volunteer network of over 700 environmental law specialists in more than 111 countries. It is divided into nine Specialist Groups and two Inter-commission Task Forces. The ELC comprises an office of legal officers and information specialists in Bonn, Germany working in collaboration with WCEL members, IUCN staff, lawyers and focal points in IUCN headquarters and regional and country offices worldwide. The ELC also houses an extensive library consisting of environmental law holdings and is the Management Unit for ECOLEX, “The Gateway to Environmental Law” (www.ecolex.org), a web-based information system operated as a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environment Programme (UNEP).

2012 was a year of active and fruitful engagement of the ELP in numerous events concerning international environmental governance, including the United Nations Conference on Sustainable Development (Rio +20), the IUCN World Conservation Congress and the Conference of Parties to the UN conventions on biodiversity and climate change. It was also a year of transition, from completing work planned in the 2009-12 intersessional period to the development and adoption of a new ELP 2013-16 programme plan. As the IUCN global programme focused on laying the strongest possible legal foundation for the conservation of the natural environment, the ELP played a critical role in operationalizing environmental governance at global, regional, national and local levels. The following section illustrates its efforts in 2012 in linking policy and legal issues more closely to an effective and equitable natural resource management on land and at sea.

(II) Thematic Issues

(A) Biodiversity

(i) Access and Benefit Sharing

The fair and equitable sharing of the benefits arising out of the utilization of genetic resources is one of the three objectives of the Convention on Biological Diversity (CBD). The Nagoya Protocol on
Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity adopted by the Conference of the Parties to the CBD in 2010 in Nagoya, Japan created an international framework which provides for concrete measures, rules and procedures to implement the CBD’s third objective. A highlight of the ELP’s work on ABS in 2012 was the successful launch of the IUCN Explanatory Guide to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization to the Convention on Biological Diversity at the 11th meeting of the CBD Conference of the Parties in Hyderabad, India.

The Explanatory Guide was a major knowledge product after one and a half years of extensive work of ABS experts from different regions and international institutions. It aims at providing the parties a tool for understanding and implementing the Nagoya Protocol, operationalizes ABS in practice, and serves as an adaptable tool for future ABS capacity-building and awareness raising initiatives. The English version of the guide has been widely distributed through the IUCN networks and to all ABS and CBD Focal Points of the Parties, as well as the CBD Secretariat, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), ABS Capacity Development Initiative and so on. The Spanish and French versions of the Guide are at the final stage of development and will be published in 2013. In addition, the Chinese translation of the Guide has been undertaken by the Nanjing Institute of Environmental Science, Ministry of Environmental Protection of China.

Parallel to the development of the Explanatory Guide, the ELC has also been active in raising awareness and capacity building on ABS. Targeting the private sector, the ELP made an introduction on the IUCN Explanatory Guide to the Nagoya Protocol during the ABS Business Dialogue organized by GIZ and the Danish International Development Agency (DANIDA) held in June in Copenhagen, Denmark. In August, the ELP was invited by the Global Youth Biodiversity Network and gave an online presentation on “ABS and the Nagoya Protocol in view of CBD Conference of Parties (COP) 11” to prepare the young delegates from different continents to follow the CBD process at the COP 11. In September, a full-day training on “Understanding the Nagoya Protocol on Access and Benefit-sharing” was jointly delivered by the ELP, the IUCN Global Policy Unit, GIZ and Natural Justice at the IUCN World Conservation Congress held in September in Jeju, South Korea.

At the national level, the ELC has been supporting the Saudi Wildlife Conservation Agency, an IUCN member, to draft a National Strategy for ABS. The draft National Strategy for ABS in Saudi Arabia was presented at a stakeholder workshop in Riyadh, Saudi Arabia in February. Based on the feedback received from representatives from different Saudi government ministries and agencies at the workshop, the draft strategy was finalized and submitted to the Saudi Wildlife Conservation Agency.

Linking ABS to other relevant processes and issues was another focus. The ELC has continued to be involved in providing information and drawing attention to the need for ABS provisions covering Marine Areas Beyond National Jurisdiction (MABNJ). It also started working on an ABS-Protected Areas checklist which was presented and discussed at the “Expert Workshop on The Nagoya Protocol: Opportunities and challenges for protected area & forest governance” in November.
(ii) Marine Biodiversity

2012 saw the continuation of the ELC’s work on marine genetic resources in areas beyond national jurisdiction (ABNJ) in developing legal and policy options for governing the high seas and seabed area beyond the limits of national jurisdiction in order to promote conservation and equitable use.

In a way to contribute to the international negotiation process under the United Nations Convention on the Law of the Sea (UNCLOS), a background paper was developed exploring “Impacts and challenges to marine biodiversity beyond areas of national jurisdiction”. This is one of the topics listed in the terms of reference for the Intersessional Workshop on Marine Genetic Resources in Areas Beyond National Jurisdiction, scheduled as part of the UN General Assembly Working Group on Biodiversity Beyond National Jurisdictions (UN BBNJ) process in the first half of 2013.

The ELC also participated in the international seminar “Marine genetic resources in areas beyond the limits of national jurisdiction: legal, scientific and practical issues” jointly organized by the Governments of New Zealand and Mexico in collaboration with the IUCN Global Marine and Polar Programme. The ELC presented “Options for developing mechanisms for benefit sharing: lessons learned from the CBD Nagoya Protocol on ABS and other instruments.”

At the EU level, the ELP works as a partner in the EU-funded project “Marine Microbial Biodiversity, Bioinformatics and Biotechnology (MicroB3)”. This project aims to develop innovative bioinformatic approaches and a legal framework to make large-scale data on marine viral, bacteria; archaeal and protists genomes and metagenomes accessible for marine ecosystems biology and to define new targets for biotechnological applications.

Together with other partners, the ELC will conduct research on legal frameworks for ABS related to marine genetic resources in order to develop standardized material transfer agreements for pre-competitive and competitive research access. The ELC finalized its input on a background paper comparing the legal regimes for access and benefit-sharing under the UNCLOS and the CBD in particular the Nagoya Protocol. In October, the ELC hosted a meeting of partners collaborating on work package 8 of the EU MICROB3 project to discuss and analyze the draft model ABS agreement elaborated for the “Ocean Sampling Day”, a major event in June 2014 when project partners will sample marine organisms around the world for bio prospecting purposes. Additionally, the ELC also contributed to the planning of the MicroB3 meeting “Towards a Model Agreement on Access and Benefit Sharing for Marine Genetic Resources focusing on marine micro-organisms which is scheduled for February 2013.

Support has also been provided by the ELC to the German Ministry of Environment in delivering technical input to the EU COMAR (Working Party on the Law of the Sea) Taskforce process. This taskforce was set up to discuss and prepare and formulate EU positions for the upcoming UN BBNJ Intersessional Workshops on Marine Genetic Resources and on Conservation and Management Tools, including Area-based Management and Environmental Impact Assessments.

(iii) Ecosystem Services

Prior to the IUCN Academy of Environmental Law’s 2012 colloquium entitled “Environmental Law at a Crossroads”, the ELP and the IUCN Academy of Environmental Law organized a day-long pre-colloquium workshop on ecosystem services and equity at the University
of Maryland in Baltimore, USA. This one day event was divided into four panels—Valuing Ecosystem Services; Payments for Ecosystem Services; Markets for Ecosystem Services; Case Studies and had 9 speakers presenting their papers.

As a follow-up to the ELP and the IUCN Academy of Environmental Law 2011 joint-workshop entitled “Towards the legal recognition and governance of ecosystem services”, the ELC and the co-chairs of the IUCN Academy’s Research Committee started to compile articles and send them to peer-reviewers for a special edition of the Potchefstroom Electronic Law Journal, which will be dedicated to the legal recognition of ecosystem services. Contributions were sent for peer review earlier in the year. In June, the co-editors from the ELC and Academy received some papers which had been revised according to feedback from peer reviewers. The ELC and Academy are currently drafting an editorial note

(iv) Protected Areas

2012 saw the publication of the French and Spanish versions of the *Guidelines for Protected Areas Legislation*, which aims at providing information and guidance on key elements of a modern and effective legal framework, attuned to the present roles and corresponding diversification of protected areas, as well as to the emergence of new scientific understanding about protected areas management and new governance approaches.

As a complement to the Guidelines for Protected Areas Legislation, a paper on the legal aspects of connectivity conservation was initiated in 2011. It focuses on identifying best suited legal measures to operate linkages between protected areas through ecological networks and other forms of connectivity conservation at local, national, and regional levels. The *Concept Paper on the Legal Aspects of Connectivity* including five case studies on the European Union, the Netherlands, Australia, South Africa and Brazil was made available on CDs for distribution at the IUCN World Conservation Congress, in particular at the joint World Commission on Protected Areas (WCPA)/Global Protected Areas Programme (GPAP) workshop on connectivity and at the conservation campus event on Law, Governance and Adaptation.

In November, a workshop on the “Legal Aspects of Connectivity Conservation” was organized in Bonn, Germany. The workshop provided an opportunity for the IUCN group of experts involved in the implementation of the project to meet with German, international, governmental and nongovernmental experts interested in connectivity conservation work, to take stock of emerging results and consider future actions. The final concept paper on the “Legal Aspects of Connectivity Conservation” and the case studies will be available in early 2013.

Since 2011, IUCN has been collaborating with the responsible ministries of Timor-Leste and Dominican Republic in supporting the improvement of their PA legislations and adapt them to the new challenges resulted from climate change. A number of consultation workshops on the Timor-Leste PA draft decree law were organized at provincial and local levels in 2012 to gather comments from relevant ministries, local authorities and NGOs. After the last round of revision and consultation, a final version of the Protected Areas decree law is planned to be presented in February 2013.

In Dominican Republic, the project team in collaboration with the Ministry of Environment and Natural Resources convened 3 workshops and a number of meetings and interviews to conduct gap analysis on legal and institutional PA framework with recommendations for improvement. These recommendations were in particular concerning integrated planning system, adaptive
management, connectivity and governance and to identify actions to strengthen the National System of Protected Areas (SINAP). A final report covered the above mentioned aspects was submitted to the national authority in August.

The ELP contributed to the development of the Mozambique’s draft law on Conservation Areas responding to the request of the Mozambique Ministry of Tourism, particularly on issues concerning illegal hunting in conservation areas, compensation when dealing with exploitation of natural resources, and consistency of some provisions with international requirements.

The ELC also conducted a comparative analysis of Morocco and Tunisia legal and institutional frameworks that enable the development of ecotourism in Protected Areas. The analysis was presented at a workshop on Ecotourism and Protected Areas held in Tunis in November.

**(B) Climate Change**

The ELP has worked jointly with partner organizations and IUCN regional offices on climate change issues, in particular climate change adaptation and REDD+.

The joint-project between the ELC and the IUCN Regional Office for Mesoamerica (ORMA) entitled “Climate Change Governance Capacity: Building regionally and nationally tailored ecosystem-based adaptation in Mesoamerica” entered its third year of implementation in 2012. The goal of the project is to develop climate change governance capacity in the water sector through applied research, awareness-raising and increased public participation. Major progress has been made in the past year on field demonstration of climate change adaptation measures in project countries. Contributed through the project, ecosystem-based adaptation was included as part of the national strategy for adaptation of Costa Rica.

In order to ensure the field and policy linkage, a governance study entitled “Current analysis of the Adaptation Framework to Climate Change in Panama, Costa Rica, El Salvador and Chiapas, Mexico” was conducted. The ELC participated in the expert group to evaluate the governance study in San Jose, Costa Rica in August. The meeting involved all the main governmental institutions on water management, climate change, risk management and related topics in the country.

Further work on the upcoming publication “Governance of Shared Waters: Adaptation to Climate Change” continued. The ELC and the IHP-HELP Centre for Water Law, Policy and Science of the University of Dundee have also been discussing the development of the policy guidelines for the design of successful strategies for water management as part of climate change adaption responses, with a special focus on the Central American context.

In April, the ELC participated on the Third Workshop on Water and Climate Change adaptation in Transboundary Basins organized by the Convention on the Protection and Use of Transboundary Watercourses and International Lakes in Geneva, Switzerland. It offered a platform for exchanging experiences on climate change adaptation strategies, best practices, success factors and lessons learned. The ELC presented experiences of the ecosystem based adaptation measures implemented in Central America.

During the IUCN World Conservation Congress, the ELC, the Regional Office for Mesoamerica (ORMA), the Commission on Ecosystem Management and the regional members: Unidad Ecológica Salvadoreña - UNES (Salvadoran Ecological Unit) and Corredor Biológico
Mesoamerican Biological Corridor Talamanca Caribe organized the workshop “Soluciones al cambio climático: experiencias de adaptación basada en ecosistemas en cuencas transfronterizas de Mesoamérica” (Climate Change Solutions: ecosystem based adaptation experiences from transboundary river basins in Mesoamerica). The event presented different cases where the ecosystem based adaptation approach has been tested, focusing on how local livelihoods have been supported and strengthened. Participants were also invited to share their own experiences, with a view of preparing a small “inventory” of ecosystem based adaptation case studies across IUCN.

Under a project to integrate existing laws on biodiversity and climate change into a framework law for climate change adaptation at national and international levels, the ELC revised and finalized law and policy reports of comparative and international legal experts, most of which have received comments from peer reviewers. National reports were finalized with all the input received from the government. The creation of a climate change adaptation law web portal was implemented. The portal provides a platform to present findings of this project and others relevant resources for access by policy makers, researchers, students and others interested in this field.

The ELC organized, together with the Environmental Law Institute, an all-day conservation campus event on “Law, good governance and climate change adaptation” at the IUCN World Conservation Congress. Co-organizers and partners included the World Resources Institute, the International Development Law Organization, the IUCN Commission on Environmental Law, the IUCN Eastern & Southern Africa Regional Office (ESARO), and the IUCN Academy of Environmental Law. Participants discussed common issues, challenges, and potential solutions related to law and governance for adaptation to climate change in the biodiversity and natural resource sectors and shared relevant experiences from protected areas and water governance.

The ELC worked continuously on a project with the global legislators’ organization GLOBE International to prepare the “GLOBE Climate and Forest Legislation Study”, with detailed studies on REDD+ legal frameworks in four key forested developing countries – Brazil, the Democratic Republic of Congo, Indonesia and Mexico, as well as a comparative overview paper. The aim of these studies was to inform legislators from each country as part of the GLOBE Legislators’ Forest Initiative (GLFI). National reports on guidelines for legal framework development were finalized in July. The ELC and GLOBE agreed to refocus the final global comparative report on progress at the sub-national levels in the four case study countries.

The final deliverables were presented at the all-day conservation campus event on “Law and governance for REDD+” at IUCN World Conservation Congress. Co-organizers and partners included ClientEarth, the World Resources Institute, the International Development Law Organization, Conservation International-Peru, the IUCN Commission on Environmental Law, the IUCN Mesoamerica Office (ORMA), and the IUCN Academy of Environmental Law. Experts from around the world shared knowledge and experience related to legal and institutional approaches to REDD+, with a focus on benefit sharing and participation.

(C) Rights-Based Approaches to Conservation

In its second and final year of implementation, the ELC and partners continued to advance the implementation of activities under the project “Applying Rights-Based Approaches: from Theory to Practice” in all three project target regions (Mesoamerica, South America and Asia). The aim of the project is to apply RBAs to conservation in practice and disseminating related information in order to secure the rights of vulnerable communities, improve their livelihoods and
promote conservation of biodiversity and ecosystem services. Work continued in Ecuador on the development of a booklet on rights for the Shuar Arutam people. In addition, a Bio-cultural Community Protocol for the Miskito people in Honduras was drafted. A project team meeting was also coordinated by the ELC to exchange information and to review results of project work undertaken at both the global and national levels.

In September, the ELC organized an all-day conservation campus event on RBA to conservation as part of IUCN World Conservation Congress. For this event, training on the implementation of rights-based approaches to conservation was organized in collaboration with partners, including the IUCN Academy on Environmental Law and the IUCN Commission on Environmental Law.

A background paper defining rights-based approaches (RBAs) to conservation in the context of Rio+20 was drafted by the ELC. The purpose of the paper was to bring more clarity to the concept of RBAs, which was also mentioned in the IUCN’s position paper on the institutional framework for sustainable development.

(D) Inland Water

With the support of the Swiss Development Cooperation, the BRIDGE project (Building River Dialogue and Governance) was officially launched in 2011. This project focuses on water diplomacy and governance in transboundary hotspots and aims to ensure that reforms are coordinated across national boundaries, internally consistent and able to catalyze progress on safe water supply and sanitation. The ELC has been instrumental in the design and implementation of the project at both global level and in target regions (South America, Mesoamerica and Asia).

As a key component of the BRIDGE project, the Water Law and Governance Support Platform (WLGSP) managed by the ELC was officially launched during a side event of the 6th World Water Forum in Marseille, France in March 2012. The Platform is designed to provide legal expertise and support on water governance issues in transboundary contexts. The content of the WLGSP was constantly ameliorated and new resources were added according to user’s requests and needs. New learning materials have been developed for training in Water Governance Capacity in both English and Spanish. The WLGSP was also presented together with other ELC’s web-based information platforms (Adaptation Law, RBA portal and ECOLEX) during an event held at the Just World Pavilion IUCN World Conservation Congress. Further improvement of the technical functionality and synergies with other relevant IUCN web-based information platforms was undertaken in late 2012.

The ELC also provided advising service and technical support to the BRIDGE target regions on the development of regional situation analysis and the conduction of training courses on governance of shared waters.

In July, the ELC participated in the Central America regional workshop entitled “Institutional Issues regarding transboundary river basin management”. Complementary to the regional workshop, another workshop on Governance of Shared Waters was organized in San Jose, Costa Rica. This latter workshop targeted at the different Technical Binational Commissions, created under the 1992 Border Cooperation Agreement between Costa Rica and Panama, and was called exclusively by the highest governance body of the Agreement, the Permanent Binational Commission. Upon the request of the Sixaola Technical Binational River Commission, the ELC also
led the review of the draft Sixaola Commission Operational Statutes.

The ELC together with IUCN regional offices and partner organizations organized a number of awareness raising events and training courses on governance of shared waters in Central America, South America and Asia, including one for the Sixaola Technical Binational River Commission in Bocas del Toro, Panama, the “Training of Trainers” workshop in Lima, Peru, a regional water governance training workshop in Vientiane, Laos. At these events, participants learned the main concepts and principles related to major legal and institutional transboundary water issues, familiarized with the different learning materials developed for water governance capacity trainings and reflected on how to adapt such materials and concepts to the reality of their regions.

In August, the ELC participated in Stockholm’s World Water Week where progress and achievement of the BRIDGE project were presented at different sessions including Bridging Boundaries through Multilevel Water Governance for Climate Adaptation, Benefits of Global Water Instruments – Global to Local Perspectives and UN-Water Seminar “United Nations International Year of Water Cooperation and World Water Day 2013”.

In September, the ELC, in collaboration with the Water Programme, World Wildlife Fund, Sociedad de Historia Natural del Soconusco (SHNS), and the Ministry of Water and Environment of Uganda, organized and implemented the Conservation Campus at IUCN World Conservation Congress entitled “Implementing the Ecosystem Approach to Water Resources Management: learning from scenarios for transboundary river basins.” Using the training materials developed by the BRIDGE project, the aim of the event was to see how the governance of transboundary waters has improved through the implementation of Integrated Water Resources Management (IWRM) principles with an emphasis on the ecosystem approach.

At the IUCN World Conservation Congress, the ELC also participated in the Knowledge Café “Issues in International Water Law - Identifying Progressive Solutions from Best Practice” organized by the IUCN-WCEL Specialist Group on Water and Wetland. The main objective was to discuss international best practice regarding the three key issues currently arising in the practice of International Water Law, such as the role of international water law in climate change adaptation; legal and institutional arrangements for sustainable transboundary water cooperation; human rights-based approaches to international water governance.

The ELC was also part in two other events as part of its work on transboundary water governance, the 3rd Annual International Law and Transboundary Freshwaters Workshop 2012 held at the University of Dundee, Scotland in June and the International Conference on Hydro-diplomacy in Chiang Rai, Thailand in October. The first workshop provided an opportunity to discuss and share experiences with the specialized water law community met at the IHP-HELP Centre for Water Law, Policy and Science, a long standing partner of the ELC. The ELC also attended the panel discussion on Governance Instrument and Process at the International Conference on Hydro-diplomacy in Chiang Rai, Thailand. Discussion was focused on the need of strengthening international cooperation in transboundary basins through the development of appropriate normative, institutional and political frameworks.

In March, the ELC was actively involved in the preparation process of the 6th World Water Forum as coordinator of the Target and Solutions Group (TSG) 1.5.1: Increase the political acceptance and implementation of the principles of existing international, regional and local water law in the international community. The aforementioned TSG was part of the Priority for Action 1.5: Contribute to Cooperation and Peace through Water. Besides, the ELC also participated in other
formal sessions, including CS 1 Target 4 “IWRM through the lens of water security, adaptive water management and international legal instruments for good governance” and Target 1.5.8 “Training in the cooperation of water can avoid water conflicts”. At the Forum, the ELC co-organized together with WWF, Green Cross International and Dundee University a side event called “Strengthening Dialogues and Cooperation in Transboundary Basins”. The publication “Governance of Shared Waters: Legal and Institutional Issues” was also launched.

The ELC, the Regional Office for Mesoamerica and the UNESCO International Hydrological Programme finalized the details to start the implementation of a joint project on groundwater resources governance in transboundary aquifers.

In collaboration with the Nile Basin Discourse (NDB) the ELC has been leading the process of mainstreaming civil society views into the Nile Basin Cooperation Framework Agreement. A multi-stakeholder mapping and survey for all the basin countries was conducted. In November, the ELC participated in a technical meeting of national and regional consultants in Entebbe, Uganda. At the meeting, the ELC presented to the Nile Basin Discourse the results of the survey on stakeholder’s visions of the Nile and a set of key recommendations to enhance public participation and equitable share of waters in the Nile. The final report “Stakeholder’s Visions on the Cooperative Framework Agreement” has been making smooth progress.

The ELC started a process to strengthen collaboration with the Secretariat of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of the United Nations’ Economic Commission for Europe (UNECE) and participated in two high level events during the UNECE Meeting of the Parties held in Rome in November.

(E) Cross-cutting issues in environmental law

(i) Intergovernmental platform on Biodiversity and Ecosystems Services (IPBES)

The ELC contributed to the development of the IUCN position on IPBES rules of procedures and mechanism for Civil Society engagement. The documents were presented at the second session of the Plenary held in April in Panama.

The ELC also drafted a paper including comments and proposals relating to Policy and Procedures for admission of observers to the plenary. The paper was circulated to IUCN Members for comments and the consolidated version was submitted to UNEP in September.

(ii) Greening the World Economy

The ELC started the development of Guidelines for Policy and Legislation on integration of biodiversity aspects in extractive industry activities in 2011. The project team continued to advance the work in 2012 with two drafts and a number of working sessions, peer reviews and consultations.

During the CBD COP11 in October, the ELC co-organized a side-event on "Private Sector Engagement and Best Practices for Enhancing Biodiversity Management". The purpose of this event was to bring policymakers, experts, and companies together to share knowledge and lessons learned, promote best practices for biodiversity conservation by private companies and define principles that create an enabling environment for biodiversity management.
World Commission on Environmental Law (WCEL) – Activities in 2012

In September 2012, at the World Conservation Congress, Justice Antonio Herman Benjamin of Brazil was elected as the new chair of the newly renamed World Commission on Environmental Law (WCEL). Since the Congress, WCEL has participated in and helped organize several events on environmental governance.

In October, in a side meeting to the COP of the Convention on Biological Diversity (CBD) in Hyderabad, India, WCEL co-organized the Judicial Colloquium on Biodiversity with the CBD Secretariat and Asian Development Bank. The Colloquium brought together senior judges from India, Nepal, Indonesia, Malaysia, Bangladesh, and Brazil to highlight the importance of law and law enforcement in biodiversity conservation and the unique role that judges play in enforcing environmental laws. The meeting is part of an ongoing effort by WCEL and others to foster collaboration among judges on environmental issues and maintain a presence in the COPs of the most important MEAs.

Also in October, WCEL worked with the Organization of American States (OAS) and the International Network for Environmental Compliance and Enforcement (INECE) to organize a Colloquium on Prospects for Environmental Adjudication and Effective Enforcement, hosted by the OAS in Washington, DC. The Colloquium included discussion on the Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability, as well as conversations on the role of the judiciary in environmental governance and trends in effective implementation of environmental law.

In December, WCEL participated in the first meeting of the International Advisory Council for the Advancement of Justice, Governance and Law for Environmental Sustainability – recently renamed the “UNEP Advisory Committee on Environmental Justice” – hosted by UNEP and the OAS in Washington, DC. Justice Benjamin, the WCEL Chair, serves as Secretary-General of the Committee, which is made up of nine environmental law experts and authorities from around the world.

(i) WCEL Soil Specialist Group Highlights

WCEL Soil Specialist Group members contributed to developments at the international and national levels concerning law for soil during 2012.

International level

WCEL Soil Specialist Group members contributed to the development of the UNCCD Secretariat publication Policy Brief on Zero Net Land Degradation: A Sustainable Development Goal for Rio+20. One of the key recommendations from the Policy Brief is for a new legal instrument (such as a Protocol on Zero Net Land Degradation) to the UNCCD, as a global monitoring framework. To help promote the process, WCEL Soil Specialist Group drafted a protocol and detailed commentary for discussions purposes; the Group also conducted a workshop at the IUCN WORLD Conservation Congress on the proposal for a global soil convention.

In November 2012, WCEL Specialist Group Members participated in the Global Soil Policy session of Global Soil Week (promoted by Institute of Advanced Sustainability Studies Berlin) and presented an outline for a possible international instrument for soil, including a Protocol on Zero Net Land Degradation. A working group was formed to consider various options for a global soil instrument and report back to the 2013 Global Soil Week next November. This working group will
work cooperatively with the WCEL Soil Specialist Group.

National level
WCEL Specialist Group Members analyzed the legal and policy framework to manage soil carbon sequestration in the grassland regions of China and Mongolia. This work was undertaken under an Asian Development Bank program. Recommendations were made to improve the existing legal systems of these countries to manage soils. A WCEL Specialist Group Member has been assisting the IUCN Business and Biodiversity Program in a legal definition for land degradation to include in the European Union Renewable Energy Directive (RED).

WCEL Soil Specialist Group members published a range of articles and publications during 2012 on various international and national legal aspects of soils.

(ii) WCEL Energy Law & Climate Change Specialist Group Highlights

The Energy Law & Climate Specialist Group’s most significant accomplishment in 2012 was adoption of hydrofracking and energy resolutions at the IUCN World Conservation. The hydrofracking resolution adds to Motion 118 a direction that hydrofracking be prohibited unless a series of environmental protections are first adopted. The energy resolution, as redrafted by a Contact Group, places an obligation on the SG, business, and NGOs to promote energy efficiency and renewable energy and to eliminate fossil fuel subsidies.

Specialist Group Chair Richard Ottinger has also written a book analyzing renewable energy initiatives in developing countries with graduate student research assistants, almost all from the countries they researched, doing the research and first drafts. The book will be published in October 2013 by Edward Elgar in the U.K. Professor Ottinger has also participated actively in the Roundtable on Sustainable Biofuels, which has developed a certification system with sustainability standards for biofuel production. In addition, he was part of the IUCN delegation to the UNFCCC COP conference in Durban, South Africa, and attended and reported on the proceedings and outcomes, including participation by the BASIC countries and a preliminary agreement on verification.

The Energy Law & Climate Change group is now working on a paper led by SG member Wang Xi, Vice Dean and Director of the Environment Law Center at Shanghai Jiao Tong University, on environmental governance and highlighting the roles played by governments at all levels, NGOs, the private sector and the courts in achieving or inhibiting progress on environmental protection, for the U.S. using actions for protection of the Hudson River as a case study.

(iii) WCEL Armed Conflict & the Environment Specialist Group Highlights

In 2012, the WCEL Specialist Group on Armed Conflict and the Environment continued its work on (1) legal protection of the environment in times of armed conflict, and (2) the role of natural resources in post-conflict peacebuilding.

The Specialist Group convened and participated in a series of events to share findings developed through research and dialogue over the previous three years, foster dialogue, and identify next steps. The key event in 2012 was an official WCEL-sanctioned workshop on “The Environment and Natural Resources During and After Armed Conflict: Lessons and Way Forward,” held at the IUCN World Conservation Congress in September. Members of the SG also participated in a Workshop on Protection of the Environment in Relation to Armed Conflict organized by Lund University on
February 16-17, 2012; a Workshop on Exploring the Legal Framework for Toxic Remnants of War, convened by Freie Universitität Berlin on June 22, 2012; and a consultation on the same topic held in Washington, DC, the following month. SG members also participated in a series of events to celebrate the ongoing launch of a series books on post-conflict peacebuilding and natural resource management, including in New York, Washington, DC, Tokyo, and Rio de Janeiro. SG members shared findings from the research on the two themes with Marie Jacobsson, who is leading the work of the International Law Commission on protection of the environment in relation to armed conflict. Several SG members are planning new events on the subject for 2013.

The Specialist Group continued to work with the Environmental Law Institute, the United Nations Environment Program, the University of Tokyo, and McGill University on producing a series of six edited books examining experiences in post-conflict natural resource management and peacebuilding. In 2012, Earthscan published the second in the series: Assessing and Restoring Natural Resources in Post-Conflict Peacebuilding, edited by David Jensen and Steve Lonergan. Substantial progress was made on the other four edited books (covering Land, Water, Livelihoods, and Governance), as well as on a seventh book (published by Cambridge University Press). A new website was launched (www.environmentalpeacebuilding.org) that includes the case studies from the first book, and will eventually include case studies from all six edited books. With the books being finalized, the SG also started to consider ways to use the books in training courses and university curricula.

(iv) WCEL Oceans Specialist Group Highlights

The WCEL Oceans Specialist Group has been working with scientific, policy, and legal experts on issues involving marine genetic resources in areas beyond national jurisdiction. Members of the Specialist Group participated in a recent seminar at the IUCN Environmental Law Centre. The seminar was held in preparation for upcoming intersessional workshops of the UN BBNJ Working Group, which will be held in New York in May 2013.

(v) WCEL Water and Wetlands Specialist Group Highlights

At the IUCN World Conservation Congress, the Specialist Group on Water and Wetlands (SGWW) organized and hosted a “Knowledge Café” session on Key Issues in International Water Law - Identifying Progressive Solutions from Best Practice, while several members of the SGWW also participated in a range of other events, including two Conservation Campus events: The Implementation of Rights-Based Approaches to Conservation and Law, Good Governance and Climate Change Adaptation. The SGWW also provided comments on the draft motion Human Right to Water presented to the Congress.

Several members of the SGWW, including the Chair, Dr. Owen McIntyre, organized and participated in specialist thematic sessions at the 6th World Water Forum. SGWW members have also actively participated in a range of international conferences and events on current water-related legal topics, including, for example, a workshop on transboundary freshwaters and a conference on the 1997 UN Watercourses Convention.

Where requested, the SGWW has provided comments on a number of discussion papers developed by other groups working with IUCN. Examples include a Rio+20 position paper on Natural Infrastructure and Nature-Based Solutions. In addition, the Chair discussed with the ELC the
possibility of having some SGWW members participate in providing legal advice to communities under the auspices of the ELC’s WLGSP.

(vi) WCEL Ethics Specialist Group Highlights

The Ethics Specialist Group (ESG) of the IUCN World Commission on Environmental Law had a busy year working on its first major publication and preparing for the IUCN World Conservation Congress. The two main projects of the ESG are the Biosphere Ethics Initiative (BEI) and Earth Democracy. The BEI seeks to highlight and implement ethical principles in action through its local-global meetings called *Relatos*. Earth Democracy seeks governance structures that will best allow for biodiversity conservation.

In 2012, work began on the IUCN publication, *Reasons for Hope: The Ethical Promise of the World Conservation Movement*, co-edited by ESG Deputy Chair, Dr. Kathryn Gwiazdon, along with Dr. J. Ronald Engel (IUCN Ethics Working Group co-founder and WCEL Friend of the Chair). The book will discuss the importance of ethics in global conservation efforts and offer a practical methodology, the *Relato Methodology*, which integrates ethical discourse and action into planning and decision-making, as seen through six formal *Relatos* held 2007-2012.

Dr. Gwiazdon represented the ESG at the 6th World Water Forum. She worked with the International Task Force on the Cultural and Spiritual Values of Water. The final Commitment of the Forum was to begin drafting *The Marseille Water Ethic: toward a cultural and spiritual approach to water*, to be presented at the 7th World Water Forum in 2015.

ESG Chair Dr. Klaus Bosselmann attended the Rio+20 Summit and presented a White Paper on behalf of ESG at several official side events. Entitled “Earth Democracy: Institutions of Governance for Sustainability”, the White Paper calls for developing trusteeship functions for international organizations to safeguard the global commons. The trusteeship approach is being followed through within the IUCN to influence the current UN process of institutional reform. A book will be published in late 2013.

ESG leadership and several members met at the University of La Rochelle Law School in La Rochelle, France for the annual gathering of the Global Ecological Integrity Group. The topic was “Confronting Collapse: What Agencies, Institutions and Strategies Are Needed for a Better World? How to Achieve Environmental Justice?”

At the IUCN World Conservation Congress, the ESG held two formal events and led two major motions, Motion 004: Establishment of the Ethics Mechanism, and Motion 181: Protection of the People, Nature, Culture and Heritage of Gangjeong Village. Motion 004 was adopted and resolves to put the *Relato Methodology* in effect throughout IUCN. The other motion and two events were related to the building of a naval installation at Gangjeong, a small indigenous village located close to the Congress site. The events included a Knowledge Café on the ethical tensions that arise with partnerships and financiers of conservation organizations, and a workshop: *The Relato of Gangjeong Village*.

(vii) WCEL Compliance and Enforcement Specialist Group Highlights

In 2012, the WCEL Specialist Group on Environmental Compliance and Enforcement focused its activities on building new partnerships for environmental compliance and enforcement and on outreach to other IUCN commissions. The Specialist Group actively participated in the Rio+20
World Congress on Justice, Governance and Law for Environmental Sustainability, including providing strategic counseling and drafting of the outcomes document. The results of the World Congress directly advance the objectives of the Specialist Group by emphasizing capacity building to facilitate improved compliance promotion and enforcement of national environmental laws and support capacity building of among judges, prosecutors, legal experts, and other stakeholders. See http://www.unep.org/delc/worldcongress/

A major focus of the C&E Specialist Group in 2012 was advancing the activities of the Global Environmental Prosecutors Network, in cooperation with INECE and other partners. During the IUCN World Conservation Congress, the C&E Group Chair, Ken Markowitz, and others organized a well-attended workshop on Collaborative Responses to Environmental Crime through a Global Network of Environmental Prosecutors. The Specialist Group is also coordinating with INECE and the Organization of American States on a strategy for the implementation of capacity building programs for prosecutors in Latin America. The Specialist Group assisted with the creation of the Network of European Environmental Prosecutors and continues to provide counsel as that Network advances its activities.

In December 2012, during the Next Generation Environmental Compliance: Improving Compliance with Regulations Through Regulation Structure and Advanced Technology workshop in Washington, D.C., the C&E Group worked with the IUCN Academy of Environmental Law to forge new partnerships with academics, including social scientists, economists, and forensic scientists, and practitioners from regulatory authorities. The participants identified the best ideas and practices for innovative “next generation” compliance and enforcement strategies.

(IV) Outreach and Capacity Building

(A) Outreach

(i) Interns

Twelve interns from Australia, Bolivia, Brazil, Germany, Mexico, New Zealand, United Kingdom, United States and Russia worked at the ELC in 2012 for periods of three to six months. They contributed to activities and projects on diverse topics including: access and benefit sharing; water governance; rights-based approaches to conservation; guidelines for protected area legislation; and climate change adaptation.

(B) Capacity Building

(i) Environmental Law Information Services – ECOLEX

The ELC acts as the management unit of ECOLEX - the gateway to environmental law - an Internet-based information service on environmental law, operated jointly by FAO, IUCN and UNEP. It is the most comprehensive global source of information on national and international environmental and natural resources law. To date, the portal includes extensive information on 2,145 multilateral and bilateral environmental treaties, 101,154 national legal instruments, 1,567 court decisions and 34,660 bibliographic references to law and policy literature.

A major software upgrade of FAOLEX, the FAO database - affecting ECOLEX - was completed in 2011 and required corresponding adaptation of IUCN’s internal database ELIS in 2012.
Migration to the new software was implemented and test completed in October. The re-engineering to an updated ECOLEX version is scheduled for early 2013.

The proposal to link ECOLEX to InforMEA, an information and knowledge management Initiative developed by and for Multilateral Environmental Agreements (MEAs) (www.informea.org) was implemented in a trial version of InforMEA to which linkages to ECOLEX national legislation, court decisions and literature were made. This version was presented at the meeting of the Steering Committee of InforMEA in Montreux, Switzerland in May. The partners have discussed and planned further developments such as a common environmental thesaurus after completion of the ECOLEX migration.

(V) Publications in 2012

- Directrices para la legislación relativa a áreas protegidas
  Lausche, Barbara J. - IUCN, Environmental Law Centre; IUCN World Commission on Protected Areas; IUCN Commission on Environmental Law - Gland: IUCN, 2012.

- An explanatory guide to the Nagoya Protocol on access and benefit-sharing
  Greiber, Thomas; Pena Moreno, Sonia; Ahrén, Mattias; Nieto Carrasco, Jimena; Kamau, Evanson C.; Cabrera Medaglia, Jorge; Oliva, Maria Julia; Perron-Welch, Frederic; Ali, Natasha; Williams, China - IUCN, Environmental Law Centre; Germany, Ministry of the Environment, Nature Conservation and Nuclear Safety; Denmark, Ministry of Foreign Affairs - Gland: IUCN, 2012.

- Lignes directrices pour la législation des aires protégées
  Lausche, Barbara J. - IUCN, Environmental Law Centre; IUCN World Commission on Protected Areas; IUCN Commission on Environmental Law - Gland: IUCN, 2012.

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