IUCN Environmental Law Programme

The Year in Review 2018

INTRODUCTION

The International Union for Conservation of Nature (IUCN) is a membership Union uniquely composed of both government and civil society organizations. It provides public, private and non-governmental organizations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together.

Created in 1948, IUCN has evolved into the world’s largest and most diverse environmental network. It harnesses the experience, resources and reach of its 1,300 Member organizations and the input of over 10,000 experts. IUCN is the global authority on the status of the natural world and the measures needed to safeguard it. Our experts are organized into six commissions dedicated to species survival, environmental law, protected areas, social and economic policy, ecosystem management, and education and communication.

The IUCN Environmental Law Programme (ELP) comprises the World Commission on Environmental Law (WCEL) and the Environmental Law Centre (ELC), which collaborate in their endeavours with the IUCN Academy of Environmental Law.

The mission of the 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 WCEL is a network of environmental law and policy experts from all regions of the world who volunteer their knowledge and services to IUCN activities, especially to those of the IUCN Environmental Law Programme. As of the end of 2018, WCEL had a steadily growing membership of 850 members, including judges, prosecutors, government attorneys, private attorneys, law professors, and others engaged in the delivery of the Commission’s mission and work.

The ELC is a programme unit of the IUCN secretariat. It coordinates the promotion of environmental law as a tool for sustainable development and resource governance. It acts as the secretariat for the WCEL, and works in collaboration with the whole of IUCN, together with many other partners from around the world. The ELC also houses an extensive library 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 of the United Nations (FAO), IUCN and the United Nations Environment Programme (UN Environment).

(A) Environmental Law Centre (ELC)

Law is fundamental to just and effective governance of natural resources. The IUCN Environmental Law Programme (ELP) aims 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.

Areas of work:

i. **Illegal Wildlife Trade**

In 2018, the ELC continued to expand its work on developing legal resources and capacity to combat wildlife crime. The ELC has started extending WILDLEX, an online database of case law, legislation and information related to wildlife crime, to several countries in Africa and Asia. A technical meeting on judicial case collection and analysis concerning wildlife crime was organized in Nairobi. Among others, local organizations from Kenya, Malawi, Namibia and Zambia were represented at the workshop. [https://www.iucn.org/news/environmental-law/201804/new-elc-initiative-wildlex-expand-partnership-and-joint-efforts-towards-combatting-wildlife-crime.](https://www.iucn.org/news/environmental-law/201804/new-elc-initiative-wildlex-expand-partnership-and-joint-efforts-towards-combatting-wildlife-crime.) In the last quarter of 2018, the ELC met with legal experts from China and Hong Kong and agreed on a plan for collecting and analysing cases from this region, which is a critical actor in the global wildlife trade chain.


An online learning course for Tanzania’s judiciary and prosecutors is currently under development.

The ELC organised a technical meeting of experts in Bonn in July to discuss implementation of IUCN Resolution 70 on Crimes against the Environment. Representatives of WWF, TRAFFIC, CMS, INECE, INTERPOL, OECD, UNICRI, UN Environment and GIZ discussed ongoing activities to combat environmental crime and ways that the different organizations could work together to better achieve their objectives.

The ELC took part in the London Conference on Illegal Wildlife Trade held on 11-12 October 2018. During the course of the London Conference, the ELC showcased WILDLEX and its analysis of judicial cases, connected with partner organizations from Africa and actively engaged with the international community, civil society, and private sector as well as government representatives.

ii. **Protected Areas**

The Incubator for Nature Conservation (INC) was launched in 2017 by the ELC jointly with the IUCN Business and Biodiversity Programme (BBP), the Global Protected Areas Programme (GPAP) and regional offices, began working with 10 selected sites to provide technical expertise, guidance, advice and resources to help sites achieve financial sustainability ([www.conservationincubator.org](http://www.conservationincubator.org)).

Inception meetings were conducted in Africa, Latin America and Europe to discuss ideas and opportunities and identify activities and resources needed to turn ideas into reality. Through the INC, business plans were developed for a jackfruit processing plant that would support local farmers and private and public protected areas in Brazil, and a solar boat tour operation on a lake within a protected area in Greece. Models for sustainable fishing in Mexico, habitat banking in Colombia, and sustainable production of forest products in Peru, *inter alia* were developed. Legal, business and conservation experts will work next year with the sites to develop and implement these models.

The ELC also developed a training module on initiating transboundary conservation, in partnership with ECARO (IUCN Eastern Europe, North and Central Asia) and the German Federal Agency for Nature Conservation (BfN). The training module provides a generic introduction to transboundary conservation concepts and skills as well as a set of practical exercises, and was piloted in a workshop
in Montenegro in October 2018.

iii. Water

The ELC continued to provide technical and strategic guidance and support in the promotion of effective water governance and water diplomacy in Mesoamerica, South America, Africa and Southeast Asia. In 2018, the ELC conducted a series of dialogues, workshops and seminars in the BRIDGE (Building River Dialogues and Governance) initiative countries, and was also actively engaged in international fora and conferences related to water governance including the 8th World Water Forum held in Brasilia, Brazil and the 1st Latin American Symposium on Transboundary Waters held in Lima, Peru.

Over 300 partners have benefited from the efforts made by the ELC to create capacities on water governance, international water law and water diplomacy. The promotion of exchanges of lessons and experiences from the management of shared waters has also been a key aspect of the ELC’s work providing legal support in the establishment and implementation of the Peru-Ecuador Integrated Water Resources Management (IWRM) Binational Commission in Lima, Peru and an Exchange of Experiences meeting between the Authority of Lake Titicaca (ALT) and the Commission for the Protection of the Rhine held at the ELC to discuss common challenges and identify opportunities for an enhanced governance of transboundary water resources. At the same time, the ELC has guided and advised States in drafting water agreements (Kenya-Uganda) and strengthening water institutions (Ecuador-Peru) for the protection of transboundary waters.

iv. Coastal and Marine

The ELC continued to engage in the negotiations of a new agreement on biodiversity in the high seas under the UN Convention on the Law. The ELC led the IUCN delegation to the 1st Session of the Intergovernmental Conference (IGC) on an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (ABNJ), held in New York, USA. IUCN provided technical input as well as information tools and resources, including a recommendation paper, wiki of suggestions (www.marinebiodiversitymatrix.org), as well as publications and documents developed by delegation members and partners disseminated through the website www.iucn.org/bbnj. There was significant uptake on IUCN ideas, including those relating to the potential structure and functioning of marine protected areas and area-based management tools, and notification and benefit-sharing processes related to marine genetic resources.

Mangrove conservation and sustainable use: the ELC conducted a global study to assess the effectiveness of legal frameworks in relation to conservation and sustainable use of mangroves. The assessment includes detailed case studies in Asia, Africa and Central America. The findings will be used to inform legal capacity building of policy-makers, government actors, stakeholders and civil society in target countries.

The ELC developed drafts for two new marine protected areas to conserve deep-sea ecosystems in Lebanon. In addition, the ELC began collaboration with the Global Marine Programme to undertake an analysis of legal and policy options for addressing marine plastic ocean pollution originating in Africa and Asia, which will inform development of policy recommendations and action plans.

v. Access and Benefit Sharing

The ELC has been working on ABS issues and supporting the negotiations relating thereto for over ten years.
In 2018, the ELC jointly with the Regional Office for Mexico, Central America and the Caribbean (ORMACC) provided technical support to eight Caribbean countries in implementing the Nagoya Protocol on ABS. The ELC coordinated an analysis of existing legal frameworks, drafted policies, legislative provisions, and regulations, provided input on templates for ABS agreements, and supported development of a regional cooperation mechanism.

vi. Integrated planning for climate change and biodiversity

Built on its study on connectivity conservation, the ELC has ventured into an effort to further understand and strengthen policy and legal mechanisms to integrate biodiversity and climate resilience considerations into land-use and spatial planning. Since 2014, the ELC has been coordinating the “Integrated Planning for Biodiversity Conservation and Climate Change” project which was aimed to support the implementation of the CBD Strategic Plan for Biodiversity 2011-2020 by applying participatory land-use exercises and integrating biodiversity and climate aspects into legal and institutional land-use frameworks at levels local, national and international in four project countries (Vietnam, Tanzania, Zambia and Colombia). In November/December 2018, the ELC hosted the project-closing event with donors, partners and other experts to review the project findings, and exchange thoughts on using planning tools for ecosystem based conservation and adaptation to climate change.

A major policy breakthrough has been made in Vietnam through the adoption of a governmental resolution for using a nature-based adaptation approach to climate change in its national rice production policy and practice. In Tanzania and Zambia, the first climate change adaptation strategies were prepared for selected national parks and national and local planning institutions have actively engaged in related processes. The project supported two sites in Colombia as part of national pilots to integrate biodiversity and climate adaptation issues into land-use planning at both municipal and national levels.

An e-learning introductory course on policy and legal principles and tools and two in-depth modules https://www.iucn.org/theme/environmental-law/our-work/land-use/integrated-planning-climate-change-and-biodiversity/learning-resources on land-use planning law were developed and launched. A final publication entitled “Integrated Planning: Policy and law tools for biodiversity conservation and climate change” based on assessment of 16 national legal frameworks on spatial planning will be published next year.

vii. Ecosystem-based Adaptation to Climate Change

With the adoption of the Paris Agreement in 2015, climate change adaptation law and governance was formally acknowledged by the international community as a key area of work for the future within the context of an international (legally binding) agreement. The instrument entered into force on November 4th 2016, thirty days after the date on which at least 55 Parties to the Convention, accounting in total for at least an estimated 55% of the total global greenhouse gas emissions, deposited their instruments of ratification, acceptance, approval or accession.

Within this context, the ELC has been working on law and governance of climate change in a spectrum of activities that range from local to national and to international level.

In 2018, the ELC continued to support and monitor state level and local level governance processes within the framework of a multi-stakeholder climate change governance. These efforts are supported from a governance perspective by the ELC-led activities geared towards strengthening social cohesion and opportunities for exercising procedural and substantive rights in planning and implementing adaptation strategies that have impacts on the ground.
At the national level, the ELC assisted several Central American countries with the development of their legal frameworks on climate change law and policy, by providing technical input and advice to various instruments that are currently being drafted and negotiated to ensure that ecosystem-based adaptation is taken into account. The ELC by means of AVE (Adaptation – Vulnerability and Ecosystems) is also instrumental in supporting countries to help them understand and implement their Intended Nationally Determined Contributions (INDCs) on water and biodiversity under the Paris Agreement. At the international level, outcomes and lessons learned from this project are being promoted and disseminated directly into the UNFCCC processes. The ELC took part in the UNFCCC COP 24 in Katowice, Poland from 6 to 14 December 2018 [https://unfccc.int/topics/capacity-building/events-meetings/pccb-at-cop-24/pccb-capacity-building-hub-programme/3-ideas-ltd-0].

viii. Synthetic Biology

In response to IUCN Resolution 86 adopted during the WCC in Hawaii in 2016, a cross-programme working group undertook a global assessment of synthetic biology in relation to conservation. The ELC led the governance component of the assessment, which examined existing governance frameworks relevant to synthetic biology and the ways in which new techniques and practices challenge those frameworks.

ix. Capacity building on environmental law

Shared Resources, Joint Solutions (SRJS) is a five-year strategic partnership between the ELC and IUCN Netherlands, WWF Netherlands and the Netherlands Ministry of Foreign Affairs. Together with over 50 NGOs and civil society organizations in 16 low- and middle-income countries and international partners, the initiative aims to safeguard healthy, biodiverse ecosystems in order to protect climate resilience, the water supply and food security. The ELC supports the initiative in raising awareness and enhancing capacity of Civil Society Organizations (CSO) partners on environmental law.

In 2018, in collaboration with IUCN’s Programme on African Protected Areas & Conservation (PAPACO), the ELC developed a Massive Online Open Course (MOOC) module on the introduction to environmental law. Three training courses on environmental law were conducted by legal experts in Burkina Faso, Myanmar and Madagascar and a three-webinar series were also organized for CSO partners.

Knowledge Management

ECOLEX, the Gateway to Environmental Law

ECOLEX is one of the most comprehensive global information platforms on national and international environmental and natural resources law. It includes extensive information on multilateral and bilateral environmental treaties (2,177), treaty decisions (12,663), national legislation (156,297), jurisprudence (2,575) and law and policy literature (39,383) on one common platform. A faceted search approach by period, thematic area, country, geographical area and keywords enables the user to filter results. Access is free of charge and featured in three languages: English, French, and Spanish.

Thesaurus on Environmental Law and Conventions

The UNEP-supported Multilateral Environment Agreement Information and Knowledge Management (MEA IKM) Initiative seeks to develop harmonized interoperable information systems for the benefit of Parties and the environment community at large. One of the MEA IKM projects is the implementation of a controlled vocabulary, the Thesaurus on Environmental Law and Conventions or
Law and Environment Ontology (LEO), an initiative funded by the European Union.

The ELC has compiled this thesaurus in a multi-stakeholder approach with affiliated MEAs. In the second phase of this project, the thesaurus has been implemented by pilot MEAs, such as the Basel, Rotterdam and Stockholm Conventions (BRS), the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR). The ELC supported these developments (i.e. mapping of controlled keywords to the thesaurus) and compared available auto-tagging tools in order to process backlog and large bulks of documents and make them retrievable in InforMEA (www.informeа.org), as well as in ECOLEX (www.ecolex.org).

In this context, the MEA Information and Knowledge Management Initiative Steering Committee Meeting, held in Montreux in June, recommended the development of a LEO Tagger, a technology already known as Climate Tagger, built in close cooperation with the Renewable Energy and Energy Efficiency Partnership (REEEP), on the basis of the LEO Thesaurus. The thesaurus is constantly validated and updated at the ELC. The project is based on semantic technology and supports potential linkages of the large data resources of Multilateral Environmental Agreements to analytical research.

Other information tools

Wildlex (www.wildlex.org) is a free database gathering court decisions, relevant legislation, literature and training materials related to wildlife law. The court decision database currently contains cases from Tanzania, and IUCN is working with partners to expand it to other countries in the region and around the globe.

Law for Sustainability (http://www.lawforsustainability.org) is a database with tools and resources for assessing and improving legal aspects of natural resources governance.

Protected Areas Law (http://www.protectedareaslaw.org) provides capacity building materials and resources on legal aspects of area-based conservation, including protected areas and connectivity.

Water Law and Governance (http://www.waterlawandgovernance.org/) is a database to provide legal expertise and support on water law and governance issues in national and transboundary contexts.

Incubator for Nature Conservation (www.conservationincubator.org) is the pilot phase of this new initiative to support on-the-ground solutions for financing protected and conserved areas around the world.

ELC Interns
Seven interns from, France, USA, UK, Vietnam and Zimbabwe worked at the ELC in 2018 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, protected areas, and climate change adaptation.

(B) World Commission on Environmental Law (WCEL)

The IUCN World Commission on Environmental Law (WCEL) organized its work in 2018 around furthering signature initiatives. WCEL renewed focus on recruiting and activating the membership, and further improving communication to promote and strengthen work for the environmental rule of
law at international, regional and national levels.

Listed below are signature initiatives, major events and meetings that WCEL was involved in during 2018 as an organizer, partner or participant:

**World Water Forum**

- Starting in 2017, WCEL began planning for participation in the 8th World Water Forum (WWF) held in March 2018 due to the Commission’s important role as an invited organizer of the three-day series of events “The Conference of Judges and Prosecutors on Water Justice.” During the weeklong Forum held in Brasilia, Brazil, over 10,000 people attended hundreds of inter-disciplinary programs and events. With strong support from the World Water Council and other partners, WCEL’s events brought together over 140 distinguished participants from over 60 countries to engage in high-level discussions on the management, use and protection of freshwater resources. The historic gathering culminated with approval of the "Brasilia Declaration of Judges on Water Justice,” which provides a set of ten principles to guide the legal community worldwide for the protection of water and water ecosystems. The High Court of Bombay at Goma in India has already cited the Declaration in a September 2018 judgment on land use planning.

- The Conference of Judges and Prosecutors, which included several parallel events focused on launching another WCEL initiative, the Global Institute of Prosecutors for the Environment, led by the Attorney General of Brazil, Raquel Dodge, aimed to work toward implementation of Sustainable Development Goals 6 and 16; contribute expertise to strengthen the equitable protection, management and restoration of water resources in fulfillment of Global Result 3 of the IUCN Programme; activate the implementation of the Roadmap produced by the 7th World Water Forum on securing stronger political and legal commitment to ecologically sustainable water management; facilitate a robust dialogue among judges, prosecutors, and other stakeholders involved in the discussion and development of innovative legal mechanisms for ecologically sustainable and socially just management of water resources; present the most recent advances in jurisprudence, legislation, public policy, and academia on water law issues; and host a Multi-stakeholder Dialogue on the Global Pact for the Environment. The sessions closed with an invitation by Justice Mamadou Camara (President of the Supreme Court of Senegal) to WCEL and partners to be a core programme contributor at the next WWF scheduled for March 2021 in Dakar, Senegal.

- During the 8th World Water Forum (WWF), WCEL also hosted the 1st International Water Justice Moot Court. Six law students from Brazil, Kenya, the Netherlands, New Zealand, Pakistan, and the United States wrote briefs and gave oral arguments on the cutting-edge water law problem posed as a request for an Advisory Opinion before the International Court of Justice. The moot court followed an innovative collaborative format, serving as the 3rd Tony Oposa Intergenerational Moot Court, first unveiled by WCEL and partners at the 6th IUCN World Conservation Congress held in 2016 in Hawaii (USA). The WWF Moot Court posed two questions: (1) Under what circumstances does international law recognize the rights of rivers as having legal personality? and (2) Is international water law adequate to respond to the global climate crisis, which causes significant disruption in the hydrological cycle, by providing a framework for preventing and resolving disputes among states over the protection from pollution and sharing of water quantities from transboundary rivers, lakes, and aquifers?
• During 2018, WCEL continued intensive work on the development of the Global Judicial Institute on the Environment. For two days prior to the start of WWF, WCEL hosted the first meeting of the Interim Governing Committee (IGC) of the Global Judicial Institute on the Environment led by the three founding coordinators: Justice Antonio Herman Benjamin, Justice Ragnhild Noer, and Justice Michael Wilson.

• In July, WCEL and GJIE members contributed to a week-long training seminar for over 300 Environmental Judges in China. The seminar, held in Beijing, was co-hosted by The Supreme People’s Court, ClientEarth, WCEL, and GJIE.

• In July, the IGC of the GJIE met with UN Environment leadership and staff in Vienna, Austria to draft plans for the GJIE Judicial Portal, an ambitious project to provide access to environmental jurisprudence from around the world that will enable access to court decisions which are often difficult to locate. Although building a database of this magnitude will happen progressively rather than instantaneously, the GJIE Judicial Portal, which will link to ECOLEX and other IUCN resources, will ultimately provide access to environmental jurisprudence to judges, WCEL members, and the public, opening research across diverse geographic regions and advancing research and application of the environmental rule of law globally. Progress on the Portal continued through 2018 with the direct support of UNE, and GJIE anticipates its launch in 2019.

• In August, the GJIE participated in the 2nd Regional Symposium on Greening the Judiciary in Maputo, Mozambique.

• The GJIE also participated in and co-hosted many of the major events listed below.

Global Pact for the Environment

• In March, in the days preceding the 8th World Water Forum and during the week, WCEL hosted two high-level colloquia on the initiative to reach agreement on a Global Pact for the Environment at the United Nations. Launched in 2017, the Republic of France started the Pact initiative with contributions from judges and scholars from around the world and aims to create a legally binding “umbrella text” to solidify the environmental rule of law around the world and to achieve the 2030 Agenda for Sustainable Development.

• In May, as part of its continuing engagement on the Global Pact for the Environment, WCEL convened a meeting of high-level environmental law experts to discuss next steps with “Towards a Global Pact for the Environment” at the UN Environment Office in New York. The United Nations General Assembly adopted resolution 72/277 of 10 May 2018 entitled “Towards a Global Pact for the Environment,” which established an Ad Hoc Open-ended Working Group (OWG) to consider a technical and evidence-based report to be prepared by the Secretary General (SG).

• In early December, the UN released the “Gap Report” on the Global Pact for the Environment. WCEL Steering Committee Member and UNE Environmental Law Division Director Elizabeth Mrema announced the release and preparations for the Pact negotiations to be hosted by UNE in January 2019 in Nairobi.

• In mid-December, in partnership with the International Council of Environmental Law (ICEL) and the International Group of Experts for the Pact, ICEL-WCEL released an expert Note on the United Nations Secretary General’s Report, “Gaps in international environmental law and
environmental-related instruments: towards a global pact for the environment.”

**Other Major Symposia and Conferences**

- In February, WCEL and GJIE members participated in two-day “Asia Pacific Judicial Colloquium on Climate Change: Using Constitutions to Advance Environmental Rights and Achieve Climate Justice” in Lahore, Pakistan. Speakers included many WCEL members: Chair Emeritus Parvez Hassan, co-organizers James May and Erin Daley, UNE Elizabeth Mrema, GJIE members Brian Preston, Robert Carnwath, and Antonio Benjamin (by video), UN Rapporteur on Human Rights and the Environment John Knox, and WCEL Deputy Chair Denise Antolini.

- In May, WCEL Chair Antonio Benjamin spoke at the IUCN Communities, Conservation & Livelihoods Conference in Halifax, Canada, hosted by CEESP Chair Kristen Walker-Painemilla, and also attended by CEC Chair Sean Southey.

- In July, WCEL and GJIE contributed to the 2018 Eco Forum Global, held in Guiyang, China and hosted by IUCN President Xinsheng Zhang. Over 2,400 political and business representatives and experts from over thirty countries attended the event. WCEL Chair and GJIE-IGC Member Justice Antonio Benjamin discussed the importance of the Global Judicial Institute on the Environment. GJIE-IGC Member Justice Mike Wilson presented on the role of the judiciary in combatting climate change.

- In July, WCEL members participated in the 16th IUCN Academy of Environmental Law Colloquium, hosted by the University of Strathclyde in Glasgow, Scotland. Academy Chair Elizabeth Kirk, a lead organizer of the event, also serves a member of the WCEL Steering Committee. The Colloquium brought together over 300 participants from six continents to discuss current international, comparative, national and local environmental law issues and featured over sixty parallel sessions, five plenary sessions and twenty poster presentations. In addition, in the days preceding the Colloquium, the Academy Board of Governors held a two-day meeting (WCEL Deputy Chair Denise Antolini represented Chair Antonio Benjamin in the meetings), and the Academy research committee and teaching committees held popular day-long workshops.

- In August, WCEL and GJIE co-hosted with the Organization of American States (OAS) a major international symposium on “Judiciary and the Environment: Adjudicating our Future” in Washington D.C. Distinguished state supreme court justices from several U.S. States, and international jurists from OAS and UN member States, as well as selected academics, scientists, leading experts, ambassadors and diplomats from across the globe came together to discuss Environmental Justice and the Rule of Law. WCEL also partnered with the Global Judicial Institute on the Environment (GJIE), the General Secretariat of the Organization of American States (OAS), UN Environment, and the Environmental Law Institute (ELI) to host this symposium.

- In September, WCEL joined the Global Judicial Institute on the Environment (GJIE), the Organisation of American States (OAS), Global Witness, Ministério Público Federal, Museu do Amanhã, and Instituto de Desenvolvimento e Gestão in partnership to launch the UN Environment UN Initiative for Environmental Rights, focusing specifically on protecting environmental defenders. Panellists at the event, held at the Museum of Tomorrow in Rio de Janeiro, Brazil, called for States to hold environmental rights to the same standard as human rights.

- In September, Deputy Chair Denise Antolini represented the Commission at the East Europe,
and North and Central Asia two-day members meeting in Prague hosted by the IUCN State Member the Ministry of Environment of Czechia and chaired by IUCN Councillor Michael Hošek, Luc Bas (Director, European Regional Office), and Boris Erg (Director, Eastern Europe and Central Asia Regional Office).

- In October, WCEL participated and co-hosted the “Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication” in Nay Pyi Taw, Myanmar.

- On 23-24 October, WCEL members in Mexico gathered at the First Mexican Forum of the IUCN, with other experts in environmental law gathered to exchange ideas about the challenges and solutions as Mexico confronts an environmental crisis. WCEL Members participated in three days of the event, highlighting WCEL Chair Antonio Benjamin’s emphasis on the Commission as the principal source of technical legal counselling for the Union and the new challenges facing environmental justice.

- In collaboration with PluriCourts – the Centre of Excellence for the Study of the Legitimacy of the International Judiciary at the University of Oslo, the William S. Richardson School of Law at the University of Hawaii at Manoa, the Environmental Law Program at the University of Hawaii and the University of Hawaii Law Review, WCEL and the WCEL Climate Change Specialist Group organized a two-day international symposium on the “Role of International Courts in Protecting Environmental Commons”. During the symposium participants inquired into the role(s) of international courts and tribunals (ICs) in dealing with issues related to environmental commons, most prominently among them a safe global climate.

- On 24-25 November, WCEL hosted the preparatory meeting of the WCEL Expert Group in charge of drafting the Model Flora Act in Brasília, Brazil. The meeting was co-organized by WCEL Forests Specialist Group Chair Raul Telles do Valle and brought together high-level experts on forest law and resulted in plans for drafting the act.

- In December 2018, WCEL Deputy Chair Denise Antolini attended the UN Framework Convention on Climate Change 24th Conference of the Parties (UNFCCC COP 24) in Katowice, Poland with the IUCN Delegation. WCEL Climate Change Specialist Group Chair Christina Voigt attended the UNFCCC COP 24 as lead negotiator on compliance and enforcement under the Paris Agreement for Norway.

Additional notable activities during 2018 included:

- WCEL held Steering Committee meetings in March (informal at the World Water Forum), June (video link) and August 2018 (in person, Washington, D.C.), and continued to work in particular on: (1) rebuilding membership to nearly 1000 members; (2) preparations for the 2nd World Environmental Law Congress to be held in the first half of 2020; (3) redesign and activation of its website with over 85 postings in 2018, including 11 “International, Regional, and National Reports” written by WCEL members.

- In April, WCEL Chair Justice Antonio Herman Benjamin visited United Nations Headquarters to sign a MoU between WCEL and the Secretariat of the United Nations Forum on Forests (UNFF).
• In April, WCEL Members were featured speakers in ECOSOC during the 8th Interactive Dialogue on *Harmony with Nature* on 23 April 2018 during the 72nd session of the United Nations General Assembly, Commemorating International Mother Earth Day (22 April).

• In April, WCEL launched the *Environmental Law Video Library* with an inaugural posting in a series of 16 lectures. Professor Michel Prieur, (University of Limoges; President, International Centre of Comparative Environmental Law – CIDCE), delivered the first lecture on “Reviewing progress and effectiveness of international and national environmental law.”

• In May 2018, WCEL co-hosted the annual dinner, with the International Council of Environmental Law, in New York City, led by Nick Robinson, WCEL Chair Emeritus, to celebrate the 70th Anniversary of the International Law Commission of the United Nations and its contributions to the field of environmental law.

• In June, to better engage membership, WCEL launched a new feature on its website entitled “International, Regional and National Reports.” The Commission invited its members to submit short reports on environmental law issues in their region, and it posted over 11 reports in 2018.

• In June, WCEL co-hosted the 4th Tony Oposa Intergenerational Moot Court as a side event at the inaugural World Peace Forum in Caen (France). The moot court brought together students, scholars, and jurists in a collaborative, transparent, and real-world exercise before a mock panel of eminent scholars acting as the International Court of Justice (ICJ).

• In September, WCEL Oceans Specialist Group Chair Cymie Payne and former Chair Nilufer Oral participated in the Biodiversity Beyond National Jurisdictions Conference at the UN headquarters in New York in September. Lydia Slobodian, Senior Legal Officer of the IUCN Environmental Law Centre and head of delegation, delivered the IUCN statement.

Specialist Groups

WCEL’s thematic Specialist Groups, Joint Specialist Groups, and select Task Forces are essential to the work of the Commission at large. Many WCEL members participate in one or more Specialist Groups that work to promote, develop, and implement their areas of environmental law for conservation and sustainable development at national, regional, and international levels. Focus during the year was on reconstituting leadership and activities of the groups. Here follow summaries and reports submitted for the year 2018:

i. Climate Change Specialist Group

The Climate Change Specialist Group (CCSG), Chaired by Professor Christina Voigt, was involved in various projects and activities related to the negotiations and implementation of the Paris Agreement. CCSG directed focus to issues of compliance, inclusion of forests and the land sector and nature-based solutions in the Paris Agreement’s Rulebook as well as the role of courts in addressing climate change. The list below can only capture some of the involvements of the CCSG but does not claim to be an exhaustive account of all activities.

Professor Voigt is also a member of the IUCN Climate Change Task Force, which is the IUCN governance mechanism for overseeing the development of IUCN's climate change policies and engagement considering the implementation of the Paris Agreement, experiences gained from
programmatic work, Intergovernmental Panel on Climate Change (IPCC) science updates, and the work of relevant agencies including the Green Climate Fund. The Task Force is therefore the principal governance mechanism providing advice to the IUCN Council on actions needed to implement IUCN’s general policy on climate change as articulated in, among other things, Congress resolutions.

The Task Force’s objective is to provide strategic oversight and advice to ensure that the IUCN climate change portfolio is coherent, comprehensive, and contributes positively towards the implementation of the Paris Agreement, the Convention on Biological Diversity, and the Sustainable Development Goals, as well as other related international agreements and IUCN’s overall mission and vision, as appropriate, drawing on its core areas of expertise.

The chair of the CCSG participated at the UN climate negotiations throughout 2018 (Bonn, Germany in June 2018; Bangkok, Thailand in September 2018 and at COP24 in Katowice, Poland in December 2018) as a member of the Norwegian delegation and as co-facilitator for the procedures of the compliance committee, established under Article 15 of the Paris Agreement. In the margins of those meetings, the CCSG was present at side events, including the “Global Law and Governance Day” in Bonn (5 June 2018) and Katowice (7 December 2018).

The CCSG through its chair participated in the drafting of the UN Secretary-General’s report “Gaps in International environmental law and environment-related instruments – towards a Global Pact for the Environment”. The Secretary-General released the report in December 2018.

ii. Ethics Specialist Group

Klaus Bosselmann is the Chair of this Specialist Group, which participated in the UN Harmony with Nature dialogue at the United Nations in April. Member Kathryn Gwiazdon spoke on “How Earth ethics can inform local and global law and governance to create sustainable consumption and production patterns.” The Specialist Group also participated in the 16th Academy of Environmental Law Colloquium in Glasgow, Scotland. Furthermore, their 2018 Specialist Group Update articulated questions about climate justice to ask leaders.

iii. Forests Specialist Group

Raul Silva Telles do Valle chairs this Specialist Group, which is currently involved in drafting the Model Flora Act. The Forest Specialist Group participated in the 13th Session of the UN Forest Forum as an observer.

iv. Indigenous Peoples and Environmental Law Joint Specialist Group

This Specialist Group constitutes a partnership with the Commission on Environmental, Economic and Social Policy (CEESP). Kanyinke Sena is the chair for WCEL and works with co-chairs Pasang Dolma Sherpa and Yeshing Juliana Upun Yos from CEESP.

v. Oceans, Coasts and Coral Reefs Specialist Group

Co-Chairs Nilufer Oral and David VanderZwaag completed their service, and the Steering Committee approved Cymie Payne as Chair in May 2018.

The October 2018 Update highlighted the Specialist Group’s focus on the current treaty negotiation for conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (BBNJ); the International Seabed Authority’s new regulations for deep seabed mining; fisheries; and the sustainable development goals. Contributions of the Specialist Group in 2018
include:

• Participation of OSG members in the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (General Assembly resolution 72/249);

• Participation in the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea - Nineteenth meeting: "Anthropogenic underwater noise" 18 to 22 June 2018 (United Nations Headquarters) and the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects;


• Participation in International Seabed Authority (ISA) workshops on environmental assessment and management of deep seabed mining and the promulgation of ISA mining regulations, and comments by OSG members on the draft mining code;


vi. Water and Wetlands Specialist Group

The Specialist Group, under former Chair Owen McIntyre and new Chair Stefano Burchi, has been pursuing broad research goals while promoting the work of WCEL at key international meetings and fora. The focus in 2018 was the 8th World Water Forum (Brasília), and the preparation, discussion and adoption of the Brasília Declaration of Judges on Water Justice, and its subsequent promotion and dissemination.

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