

IUCN Environmental Law Programme 2006

The Year in Review

Prepared by the IUCN Environmental Law Centre, Bonn

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1. Introduction

The mission of the IUCN Environmental Law Programme (ELP) is to advance environmental law through the development of legal concepts and instruments, and through building the capacity of societies to employ environmental law in furtherance of the IUCN mission. The ELP is an integrated Programme of activities that assists decision makers with information, legal analysis, advisory services, legislative drafting, mentoring and capacity building at national, regional and global levels. The Programme also provides the opportunity and the forum for governments, non-government organizations and others to network and to share information and discuss ideas.

This vast Programme of activities is carried out through the co-operation of the Commission on Environmental Law (CEL), one of six IUCN Commissions, which consists of an extensive global volunteer network of over 350 environmental law specialists in more than 138 countries, the Environmental Law Centre (ELC), an international office established in Bonn, Germany with highly skilled legal, policy and information specialists, and IUCN lawyers based in Regional and Country Offices around the world.

The ELC works in collaboration with CEL members, IUCN staff and focal points in IUCN Headquarters and Regional and Country Offices. The ELC also houses an extensive library consisting mainly of environmental law holdings, and is the Management Unit for the ECOLEX database, a joint initiative of the Food and Agriculture Organization (FAO), IUCN and the United Nations Environmental Programme (UNEP).

In April, the ELC hosted the CEL Steering Committee meeting, which gave the opportunity for ELC staff members to meet the Committee members, provided new guidance to the work of CEL and the ELC towards a more integrated programme, and showed the relevance of maintaining close coordination between the Secretariat and the Commissions for effective delivery of IUCN Programmes. In June 2006, CEL convened a meeting of the Specialists Groups at Iguazú Falls, Brazil. There are currently 14 Specialist Groups working on environmental law issues ranging from ethics to the implementation of the Convention on Biological Diversity (CBD), energy, water, soils and protected areas. There is also a Taskforce on the Arctic Regime and the Joint CEL/WCPA Taskforce on Protected Areas.

2006 was critical in forging the future collaboration between the ELP and the IUCN Academy of Environmental Law. After the establishment of its Secretariat at the University of Ottawa, the Academy organised its Annual Colloquium on Enforcement and Compliance at Pace University, New York. A successful year was concluded with a meeting at the ELC of environmental lawyers and law focal points from the ELC and IUCN Regional and Country Offices. The staff came together for the first time to analyse the opportunities and challenges faced by the IUCN Programme in terms of environmental law and related policies at the local, regional and global levels.

2. Thematic Issues

(A) Biodiversity

(1) Protected Areas:

Following up on previous work on the legal aspects of protected areas, in particular the role of the IUCN management categories, the ELC prepared a project proposal aimed at preparing guidelines for the preparation of protected areas legislation. The proposal, which aims at producing a practical guide to assist the development and improvement of protected areas legislation, was submitted for funding to various potential donors, and it is anticipated that work will start in 2007. In parallel, CEL decided to support the creation of a joint Task Force on protected areas with WCPA, and prepared terms of reference for its work. Last but not least, the IUCN Academy successfully fundraised for a two-year project geared at the development of key aspects of PA legislation through selected case studies. These efforts have set the stage for intensive activities on protected areas in 2007.

The CEL PA Task Force was involved, through its Co-Chairs, in providing advice to IUCN partners in the field. This included the provision of advice on the legal elements of a policy paper on World Heritage sites and Climate Change, at the request of the World Heritage Centre.

(2) Marine Issues

On behalf of the German government, the ELC began preparing a policy paper on the complex legal issues arising from the proposed development of an Implementing Agreement under the United Nations Convention on the Law of the Sea (UNCLOS). This paper will be finalised in 2007.

(3) Species

The ELC is collaborating in a joint TRAFFIC-IUCN project on behalf of the European Commission to review the European Commission (EC) Wildlife Trade Regulations. In 2006 and continuing into 2007 the ELC has conducted an in-depth analysis of the provisions of the EC Wildlife Trade Regulations, noting whether there are any issues or inconsistencies. In particular, the analysis is reviewing possible inconsistencies within and between the EC Wildlife Trade Regulations as well as with the provisions and Resolutions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), EU Policies and Law (eg the Habitats and Birds Directives) and the EC policy on invasive species. Legislative and non-legislative options for improving the regulations in a cost-effective manner will also be proposed.

As part of this project an ELC Legal Officer was rapporteur at the ‘*Expert Workshop for EU-CITES Authorities on EC Legislation on Wildlife Trade – Experiences, Challenges and Future Perspectives*’ which was held from 14-17 November 2006 on the Isle of Vilm, Germany. The aim of the workshop was to raise awareness of the study amongst staff of the CITES Authorities in Member States and to work through some of the practical issues relating to implementation of the EC Wildlife Trade Regulations.

(4) Invasive Alien Species

In 2006 and continuing in 2007 the ELC has undertaken collaborative work with the World Bank to develop the basis for international assistance in practical implementation of legal issues relating to management of invasive alien species (IAS). A legal analysis and background paper in preparation for the Bank's new programme of legal and technical assistance was published and circulated by the World Bank at the CBD COP-8 in Curitiba, Brazil in 2006. Following on from this a series of technical manuals to assist national legislative and administrative personnel in developing institutional and legal frameworks for addressing IAS issues are also being developed.

(5) Biosafety

With regard to Biosafety, the year 2006 saw the final publication and distribution of *Hårstad, et al., "Evaluation of GEF's Support to the Cartagena Protocol on Biosafety"*; the ELC was one of five authors of this global report. The results of this evaluation were presented at CBD COP-8.

(6) Access and Benefit Sharing

As in previous years, the ELC has supported the international process of developing a coherent regime on access and benefit sharing (ABS) under the CBD through a number of activities. This included provision of technical legal advice to governments, support and presentation of research papers during the 4th Meeting of the Ad Hoc Working Group on ABS (WG-ABS-4, in Granada, Spain) and CBD COP-8 as well as submissions to the CBD Secretariat on ABS related matters in the follow-up from CBD COP-8.

At the request of the CBD Secretariat, the ELC in conjunction with IUCN Canada has published the results of an investigation into claims of misappropriation of genetic resources, attempting to provide some concrete information on the type of international policy decisions that will help to eliminate or remedy these problems. The results were presented in a briefing seminar during the meeting of WG-ABS-4.

Later in the year, the ELC began working on an analysis and information paper specifically addressed to users of genetic resources, which aims to support integration of user groups in the discussion on an international regime on ABS. Furthermore, the ELC is providing technical and legal support on ABS issues in the preparation of the 9th Conference of the Parties to the CBD (COP-9) to be held in Bonn, Germany, in May 2008.

(7) Valuation of Damage to Biodiversity

The question of valuation of biological diversity and, in particular, of damage to biodiversity and restoration, is gaining increasing attention within the framework of the CBD (Article 14 para. 2 requests the Conference of the Parties "*to examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter*"). In response to COP Decision VIII/29 (para. 3) on liability and redress, the ELC coordinated a submission to the CBD Secretariat reflecting recent legal and economic analysis and IUCN's work on the different approaches to valuation and restoration of damage to biological diversity.

(B) Forests

The ELC, in conjunction with IUCN's Regional Environmental Law Programme for Asia, is presently working on the IUCN Forest Governance Project "Strengthening Voices for Better Choices" (SVBC). The aim of this project is to promote the development of improved forest governance arrangements that facilitate sustainable and equitable forest conservation and management in six key tropical countries on three continents. During the course of 2006, legal, institutional and economic obstacles to improved forest governance (including illegal logging) were identified together with national consultants from the project countries. The legal components have also documented customary laws that may govern individual and community activities in certain forests, and regulate local access to and use of forest products at selected sites. The analyses are planned to be used for testing innovative approaches to overcoming the identified obstacles, enhance the capacity of key stakeholders to implement governance reforms and disseminate the lessons learned at national, regional and global levels. The ELC as legal advisor to the SVBC project participated in different meetings to give guidance to the legal country analyses, to evaluate the progress made and to suggest future steps. Meetings were held in Bangkok, Thailand on 28-30 March and 18-20 December, as well as in Swedru, Ghana on 11-15 September.

(C) Soils

At the 3rd World Conservation Congress in Bangkok, the IUCN members adopted Resolution 3.072 which requests the preparation of outlines of the various options for a global legal instrument for the sustainable use of soils. The IUCN Commission on Environmental Law Specialist Group on Sustainable Use of Soils and Desertification (SGSS&D), has made a tremendous effort to implement this resolution. As a result, in 2006 the SGSS&D presented its first draft of a global instrument for the sustainable use of soil which will be used as a basis for further discussions within the ELP and IUCN as a whole.

The SGSS&D also participated in an International Workshop in Beijing on 26-28 August on the reform of the 1991 Water and Soil Conservation Law of the People's Republic of China (PRC). Members of CEL had a major responsibility in the organization of the workshop which was jointly arranged by the ADB and the PRC Ministry of Water Resources (Soil and Water Conservation Monitoring Centre). The main objective of the workshop was to review various aspects of international and national environmental law on soil and water conservation and its relationship to the reform of the current 1991 Water and Soil Conservation Law of China. CEL members have been conducting an investigation into international environmental law and the domestic legal situation and recommendations will be reported to the PRC Ministry and the Asian Development Bank.

(D) Climate Change and Energy

The ELP works on climate change and energy issues through the CEL Specialist Group on Energy Law and Climate Change, the IUCN Academy of Environmental Law and the ELC. The CEL Specialist Group is engaged in policy work *inter alia* by supporting IUCN's participation in the UN Commission on Sustainable Development (CSD). Currently, energy forms part of the CSD's thematic cluster. Within the framework of IUCN Initiatives, the ELP has contributed to the Energy and Biodiversity Leverage Initiative, which gained new momentum in 2006. In this context, the ELC also attended an International Conference on "Sustainable Bioenergy - Challenges and Opportunities" in Bonn, Germany, in October 2006.

(E) Human Rights and Environmental Law

The ELP aims to contribute to the IUCN Conservation and Poverty Reduction Initiative (CPRI) through investigation of legal issues that will positively contribute to both legal empowerment of poor communities and the conservation of natural resources. In 2006 the ELC prepared an IUCN Environmental Law Programme Strategy with supporting project concepts. In 2007 the ELP will continue work on this Strategy and development of legal concepts relating to Human Rights.

(F) Ethics

A highlight of the work of the CEL Ethics Specialist Group in 2006 was a meeting at IUCN Headquarters to discuss the implementation of WCC Resolution 3.020 (Code of Ethics for Biodiversity Conservation). Organized together with the Centre for Humans and Nature (CHN), the meeting brought together some 30 experts from developed and developing countries, and made a number of recommendations regarding the need for, as well as the process and objectives of a Code of Ethics in this field, which will be developed in 2007.

(G) Trade and the Environment

The ELP has been supporting IUCN's Regional Office for Mesoamerica (ORMA) in its efforts to play a positive and constructive role in the upcoming political process surrounding the EU-Central American trade negotiations on an Association Agreement. As a basis for future capacity building activities, the ELC has prepared a comparative study on the environmental laws of the Central American countries and the EU as well as a preliminary analysis of the environmental challenges and opportunities of a future bi-regional free trade area.

(H) Ecosystem Services

The ELC with the support of the IUCN Regional Office for South America (SUR), organized a start-up workshop for the ELC project on "*Effective Governance for the Provision of Ecosystem Services as a Means of Poverty Reduction*". This workshop, which took place in Quito, Ecuador, from 7-10 May 2006, brought together representatives of the ELC and members of CEL from the project countries Ecuador, Costa Rica, China and Cameroon. During the three-day meeting, the participants engaged in highly productive discussions on different legal instruments to govern ecosystem services as well as their countries' experiences with these approaches. The outcome of the workshop was an in-depth review of command and control regimes, different schemes of payments for environmental services, as well as particular problems under the legal frameworks of the four countries. This analysis helped the involved CEL members to develop a common strategy for ongoing studies in their countries which will lead to a new ELC publication in 2007.

(I) Water Governance

In the framework of a project on customary law, local practices and good water governance, the ELC organised a meeting in the city of Antigua Guatemala (18-20 September). At the meeting the findings of four case studies from Colombia, Guatemala, Ecuador and Paraguay were discussed. The studies analyzed in detail the traditional practices in water conservation and their relationship with public policies and regulations. The participants in the workshop discussed the gaps and deficiencies in regulations and public policies with regard to the

implementation of traditional practices in the use of water by local and indigenous communities. In addition, a series of proposals on the development of mechanisms that promote the implementation of such practices in the legislative framework were prepared. It is expected that the cases studies and the outcomes of the workshop will be published in 2007.

3. Development and Implementation of International Instruments

(A) Convention on Biological Diversity (CBD)

During the CBD COP-8, in Curitiba, Brazil the ELC provided technical advice to governments and research papers, including the report “*Evaluation of GEF’s Support to the Cartagena Protocol on Biosafety*” (of which the ELC was a contributing author), were presented. The ELC also participated in a formal presentation (side event) on “*The ABS Project: Promoting Equitable, Efficient and Enforceable Implementation of the ABS Regime.*”

Submissions to the CBD Secretariat on ABS-related matters were also made in the follow-up of the CBD COP 8.

(B) United Nations Framework Convention on Climate Change and the Kyoto Protocol

With the assistance of the Belgian government, the ELC has developed the climate change module, one of four different modules in the UNEP project “*Issue-Based Modules for Coherent Implementation of MEAs*”. The ELC has analyzed the provisions of different MEAs in order to identify issues of common concern and to show the relationship between conservation and sustainable use of biodiversity and climate change.

The aim is to enable an enhanced approach for the implementation of different Conventions, by providing national focal points and other actors involved in implementation of MEAs, with more structured information regarding commitments taken on issues of common concern. To provide easy access to a large amount of information and to facilitate the distribution and use of the modules, the four modules, as well as the text of the articles, decisions, recommendations and resolutions referred to in the modules, have been made available on a website (www.svs-uneplibmdb.net). The website provides users with some background information on the reviewed agreements to increase mutual understanding among experts of the different agreements and is the text is available in French, English and Russian.

In 2006, the ELC participated in workshops and meetings in order to identify needs for improvements of the climate change module, to introduce it to a wider audience, and to show its use and limitations from the perspective of different national and international actors. At two meetings of the Project Coordination Group in Brussels, Belgium on 19-20 January, and in Cambridge, UK on 25-26 May, the regional input to the four modules as well as the comments of the second peer review were considered among the authors of the issue-based modules. Back-to-back with the 11th regular session of the African Ministerial Conference on Environment in Brazzaville, Republic of Congo on 19-20 May, the ELC discussed the content, approach and further development of the module with environmental experts, comprising of government officials from eight African countries as well as representatives from UNDP and WWF International. The progress achieved since the first peer review of the modules in 2005 and the comments of the second peer review were the subject of the second

meeting of the Steering Committee in Geneva, Switzerland on 31 May – 2 June. Members of the Steering Committee are the Secretariats of the five global biodiversity-related conventions (Ramsar Convention, World Heritage Convention, CITES, CMS and the CBD) as well as pilot countries in Africa and Europe which ensures that end-users are closely involved in the development process of the project. At a workshop organized by the German Federal Agency for Nature Conservation in Vilm, Germany on 24-27 September, the ELC presented its work to a group of German experts on Biodiversity and Climate Change from the scientific, political, administrative and NGO field.

Feedback from these events will help the ELC in the further improvement and development of the climate change module in the next phase of upgrading and updating the module until the end of 2007. In order to ensure and organize the further development of the issue-based modules, IUCN and UNEP have created a joint Secretariat leading the future implementation of the project.

(C) *Convention on Migratory Species of Wild Animals (CMS)*

An ELC Legal Officer attended the meeting ‘*Priorities in Implementing the Programme of Work 2007-2008*’ on 27 September 2006 at the UN Campus in Bonn. The meeting highlighted the range of activities and future directions for the Convention Secretariat and those of the related agreements and potential areas for collaboration between the ELC and the Secretariat.

(D) *African-Eurasian Waterbird Agreement (AEWA)*

The ELC met with staff of the AEWA Secretariat in November to discuss past projects and revision of a project report for publishing and release. Potential for future collaboration on projects in the future was also discussed.

(E) *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*

An ELC Legal Officer was a member of the IUCN delegation that attended the 54th CITES Standing Committee meeting on 2-6 October 2006 in Geneva, Switzerland. Support was provided in particular on issues relating to implementation of the Convention and as the IUCN representative on the Personal and Household Effects Working Group. The Working Group met during the meeting to discuss potential amendments to the process, used by Parties to propose additional specimens for consideration, for listing as Personal and Household Effects under the Convention. The outcomes of the Working Group meeting will be presented in a proposal to Parties at COP14 which will be held in The Hague, Netherlands, 3-15 June 2007.

4. Capacity Building and Outreach

(A) *IUCN Academy of Environmental Law*

2006 saw some major developments in the progress of the IUCN Academy of Environmental Law. Initial Secretariat support was provided by the ELC and as a result of a meeting in May 2006, the Secretariat for the Academy and its co-directors are now based at the University of Ottawa, Canada.

In September 2006, the Academy was officially incorporated under Canadian law. The Academy's by-laws include details of membership, election of the Academy's Governing Council and office holders and meetings of members. The Academy Secretariat has now embarked on a major membership drive to encourage environmental law teaching institutions from around the world to become Academy members.

The 4th IUCN Academy of Environmental Law Colloquium was held in White Plains, New York and focused on environmental compliance and enforcement issues. Over 240 participants attended from more than 40 countries including a large number of CEL members from many countries and the Head of the IUCN Environmental Law Programme. Attendees were provided with information about CEL and the Specialist Group on Enforcement and Compliance in an effort to engage further members.

(B) *Environmental Law Information Services*

The Steering Committee of ECOLEX, the environmental law information gateway created by IUCN, FAO and UNEP, met at the ELC in March in order to plan activities for the year, and to support the migration of the IUCN information system ELIS to a new platform, which will facilitate the interface with FAOLEX. By the end of 2006, most of the migration had been completed. A new ECOLEX interface will be designed in 2007, setting the stage for a new phase in the ECOLEX partnership.

The UNEP Division of Early Warning and Assessment also contracted IUCN, as the Management Unit of ECOLEX, to undertake with FAO and UNEP the preparation of CD ROMs to provide integrated information about developing countries' participation in MEAS, national legislation and policy instruments. The product will be available in 2007.

(C) *Interns*

Five interns and fellows from various parts of the world spent three months each at the ELC in 2006. Coming from Australia (2), France, the United Kingdom, and Peru, they contributed to activities and projects of the ELC while also researching subjects of their own interest. Their work focused on topics such as legal frameworks for terrestrial and marine protected areas, regional governance in the Arctic, national policies to promote renewable energy, and the preparation of a Volume 2 of the *Manual de Derecho Ambiental para Centroamérica*. The contribution of interns and fellows to the work of the ELC has become an important feature of the Centre.

(D) *ELP Newsletter*

A 2005/06 edition of the ELP Newsletter was released in April. The issue covered activities arising from 2005 including the World Conservation Congress held in Bangkok, Thailand. As well as news on activities of the ELP, the newsletter featured a number of articles from CEL members and ELC staff on a range of topics relevant to the ELP's mandate, including human rights, certification, transboundary conservation, and synergies. A copy is downloadable from http://www.iucn.org/themes/law/pdfdocuments/Newsletter_0506_en.pdf

The ELP Newsletter for 2006 was released in December and focused on new developments and concepts relating to compliance and enforcement of environmental law both at the national and international levels, and featured articles relating to climate change, ecosystem services, mining, and penalty infringement notices. The Newsletter also includes a section on

news from the regions, an update of some of the projects undertaken by the ELC and the most recent publications from the ELP. A copy is downloadable from http://www.iucn.org/themes/law/pdfdocuments/Newsletter_2006_en.pdf

(E) *Lectures on International Environmental Law*

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

5. Meetings at the ELC

(A) *First meeting of IUCN lawyers at the ELC*

Environmental lawyers and law focal points from the ELC and IUCN Regional and Country Offices came together for the first time at the ELC to analyse the challenges faced by the IUCN Programme in terms of environmental law and related policies at the local, regional and global levels. The group had the opportunity to discuss ELP priorities, ways to strengthen the role of environmental law and related policies for the next IUCN Intersessional Plan, and how to improve the collaboration between the global and the regional programmes. The face-to-face meeting provided a valuable opportunity for exchanging ideas, identifying potential opportunities for further cooperation, and enhancing communications.

(B) *CEL Steering Committee meeting*

The second CEL Steering Committee meeting was held at the IUCN Environmental Law Centre in Bonn, Germany on 4-5 April and was attended by Steering Committee Members, Chief of the Legislation and Compliance Unit of the CITES Secretariat, IUCN Senior Programme Coordinator and ELC staff. The Commission dealt with a very full agenda, which included: analysis and revision of the CEL Work Plan and ELP current and projected initiatives, a rich discussion on the coordination of the CEL Specialist Groups and the role of the CEL Vice Chairs in facilitating their work, a report on the outreach and communication initiatives of the Commission and a presentation of the new draft ELP Website and Newsletter. On the recommendation of the Steering Committee, the Chair admitted 64 new CEL members from 31 countries, including three new Honorary CEL members and agreed to expand the Steering Committee to include new members from China, India and Central America.

6. Participation in Congresses and Summits

ELC legal officers have been involved in the following international meetings:

Latin American Parliament and water law reform (Sept 2006)

The ELC participated in an event organised by the Latinamerican Parliament (Parlamento Latinoamericano – Parlatino) together with Com + Alliance and IUCN Mesoamerica to discuss developments in water law reform processes in Latin America. The Director of the ELC

emphasized the role of law in achieving good water governance, the need for participation of civil society in the reform processes, and the need to consider all water users along with environmental requirements in water allocation systems. After the meeting, a declaration was adopted, calling upon IUCN and other agencies to continue supporting the legislative processes towards the adoption of modern water laws.

Workshop “Biodiversity and Climate – Linking the Actors in Germany, part III” (Sept 2006)

The ELC participated in the third of a series of workshops on the Isle of Vilm organized by the German Federal Agency for Nature Conservation (*Bundesamt für Naturschutz – BfN*). This workshop aimed to link different actors who work on the cross-cutting theme of climate change and biodiversity in Germany. The ELC presented its work on the UNEP project “*Issue-Based Modules for Coherent Implementation of MEAs*” and contributed to the preparation of the final workshop report. The event showed the strong interest of practitioners in the modules who considered them to be highly useful. The importance of securing the future of the project as well as continued updating was emphasised.

Meeting of the Parties to the United Nations Economic Commission for Europe (UNECE) Water Convention (Nov 2006)

ELC Legal Officers attended the 4th meeting of the Parties to the UNECE Water Convention in Bonn, 20-22 November 2006 (the tenth anniversary of the entry into force of the Convention). The meeting provided a great opportunity to take stock of the progress achieved and the lessons learned in these ten years.

7. Publications for 2006

Water Governance in South America (Gobernanza del agua en América del Sur: dimensión ambiental) (EPLP 53)

The ELC published the book *Gobernanza del Agua en América del Sur: Dimensión Ambiental /Water Governance in South America: Environmental Dimension*, in the EPLP Series (No 53). This publication contains a detailed analysis of the legal and institutional frameworks for water resources in South American countries. Each country analysis contains a description of the institutional set up, the water rights system, and the level of decentralisation of the management system. In addition, it considers other matters such as the conservation of wetlands within the context of river basins, the provision of environmental flows, and the regulation of invasive alien species.

Judiciary Day papers (EPLP 60)

The ELC published EPLP No. 60 “*Judges and the Rule of Law – Creating the Links: Environment, Human Rights and Poverty*”. This publication is a collection of distinguished papers and speeches arising from ‘Judiciary Day’, a two-day major event jointly organized by the CEL and the ELC at the 3rd IUCN World Conservation Congress. EPLP No. 60 aims to raise awareness regarding the crucial role of the judiciary to implement environmental law and thus conserve the environment.

The linkages between sustainable and equitable economic development and the existence of a functioning legal and judicial system; the role of the judiciary as the guardian of the rule of law, as a decision-maker and an opinion-former, the need for appropriate training of judges and the importance of Public Interest Litigation are some of the many cutting-edge themes discussed in this publication.

Droit des Conventions Locales au Sénégal (EPLP 65)

In Senegal, local conventions for natural resources and environmental management are increasingly being used. They are contractual tools negotiated between local groups (such as farmers, community-based organizations), the administration (such as Water and Forest Department, National Parks authorities), as well as local governments and any other public or private entities having a stake in the management of a particular area, or of specific natural resources. They can address, for instance, the management of a forest, or deal with a larger ecosystem, such as a river delta. Their aim is to jointly define management rules, and implement them in a concerted manner. Their origin is the relatively new trend and rules to decentralize responsibilities for management, as well as pilot projects in multidisciplinary efforts in this field, but also the rediscovery of decision-making processes attuned to customary traditions. While their principle is anchored in the relevant legislation, they do not benefit from a solid legal infrastructure. This study describes their origin, functioning, and characteristics. It also takes stock of their legal basis, looks at their coherence within the national legal system, and considers their future perspectives. Comparable instruments are now in use elsewhere in Africa, for instance in Mali, Burkina Faso and Niger. It therefore looks as if they constitute a new trend in African environmental law. Annexed to the study is the text of one local convention, developed with the support of the IUCN office in Senegal, and a selected bibliography. The aim of the publication is to raise awareness about some interesting and innovative instruments of contemporary African environmental law.

PAY – Establishing payments for watershed services

The ELC has drafted one of the chapters of the latest publication produced by the IUCN Water and Nature Initiative. “*Pay – Establishing payments for watershed services*” is part of a toolkit series on cutting-edge water governance themes that address practitioners as their key audience. In this chapter, the ELC identified the legal and institutional issues to consider when setting up water-related Payment for Environmental Services schemes.

Transboundary management of natural resources

In 2006 the ELC began development of a publication on transboundary management of natural resources. The aim of the publication is to compare the different approaches (e.g. processes, legal instruments and organizations) that have been developed to manage transboundary natural resources. Therefore a range of examples relating to a transboundary activity or a transboundary shared resource (at the landscape or species level) will be presented. The publication is expected to be released in 2007.