



The IUCN Academy of Environmental Law

Annual Report 2008

Secretariat
Faculty of Law
University of Ottawa

Ottawa, Canada
www.iucnael.org

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Message from the Chair

I am pleased to present the Annual Report to all members of the IUCN Academy of Environmental Law, to the IUCN, and the IUCN Environmental Law Centre. It provides a summary of our major accomplishments and activities over the past year, as well as providing an overview of our progress since the Academy's establishment in 2003.

I have had the pleasure of being associated with the IUCN and its range of work for many years and the Academy itself since its inception. Most recently, I have taken on the role of Chair of our first elected Governing Board and am looking forward to an exciting set of opportunities and challenges for the Academy.

The past year has been a productive one, in terms of the growth and activities of the Academy. We have launched a number of important initiatives that will carry through the next two to three years. In addition, we have convened and co-hosted major events – conferences and workshops – in several regions of the world. The two principal streams of the Academy – led by our Teaching and Capacity-Building Committee and our Research Committee – have yielded important initiatives in relation to teaching and research.

Institutional membership is the foundation of the Academy's international network. Our efforts to build membership over the past year have allowed us to more than double in size, with close to 80 members as of April 30. To help us achieve our vision of "advancing the role of environmental law for a sustainable world", we will continue to expand our network and membership of law institutions in all regions.

The Academy continues to place a high priority on communicating research findings through publication of the best papers from our annual Colloquia. We are also

striving to enhance the quality and accessibility of the Academy's website and to undertake the production of a regular newsletter.

Much of the success of the Academy thus far is due to the dedication of the first Governing Board, chaired by Professor Nicholas Robinson of Pace University and his fellow Board members, Irina Krasnova (Russia), Jan Jans (The Netherlands), Wang Xi (China), Donna Craig (Australia), Charles Okidi (Kenya), Badria Al-Awadhi (Kuwait), Rafael González-Ballar (Costa Rica), and Eladio Lecey (Brazil) along with *ex officio* members Sheila Abed de Zavala, Alejandro Iza, Jamie Benidickson and Ben Boer.

Nick Robinson and the previous Board members played a very important role in establishing the Academy, installing the Secretariat at the University of Ottawa and raising the profile of the Academy with many of the key players within legal education and relevant national and international government agencies.

We are indebted to the University of Ottawa and, in particular, Professor Bruce Feldthusen, Vice President pro tempore, University Relations and Dean, Common Law, Professor Daniel Gervais, Acting Dean, Common Law and Professor Nathalie Des Rosiers, Dean of Civil Law, who have consistently provided resources and support for the Academy and its Secretariat. Our two Co-Directors, Jamie Benidickson of the University of Ottawa and Ben Boer, seconded from the University of Sydney to his role in Ottawa, have each played a central role in the Academy's progress to date.

Our strategic priorities for the coming year are as follows:

- to continue to develop the Academy's teaching and research programs so as to foster sustainable development and effective environmental stewardship.
- to enhance our valued relationship with IUCN (the International Union for the Conservation of Nature), and the IUCN Environmental Law Programme
- to expand the breadth and extent of Academy funding from governments and the private sector, in Canada and internationally
- to continue to build support and profile for our member institutions by the timely delivery of the Academy's programs through face-to-face and electronic networking.

Robert Fowler
Chair, IUCN Academy of Environmental law



Governing Board, April 2008

Front row: Irina Krasnova, Lye Lin Heng, David Hodas, José Juan González

Middle row: Jamie Benidickson, Rob Fowler, Michael Kidd, Marjan Peeters

Back row: Alejandro Iza, Gilberto Rincon, Ben Boer

Strengthening our Governance

Election of the New Governing Board and First Meeting

The election process for the Academy's first elected Council was completed in January 2008. Nine individuals were elected to the Board, representing the nine regions of the world, as defined by IUCN. (See appendix for details.) Board members met in Ottawa in mid-April to develop strategies for the Academy, and to review fundraising, governance and membership.



Alejandro Iza, Head, IUCN Environmental Law Programme

Collaboration with the IUCN Environmental Law Programme

A number of Academy meetings have taken place with the support and participation of senior officials within the Environmental Law Programme, including its Head, Dr. Alejandro Iza. Most notable was the meeting of the Academy's Teaching and Capacity-Building Committee, which took place over three days in Bonn in September 2007, hosted by Alejandro Iza and his colleagues.

Message from the Co-Directors (Ben Boer and Jamie Benidickson)

The past year has been an important year for the Academy, marked by the completion of several project commitments and the launch of several others, as detailed below. We have also worked to strengthen the membership of the Academy and have enhanced the Secretariat's services to member institutions. A further significant achievement was to establish a viable election process for the nine elected members of the Governing Board.

Conferences and workshops have been core to the Academy's ability to communicate to scholars and experts around the world on vital issues related to environmental law and policy. Over the past year, we have established the two main committees that provide guidance and leadership to the Academy's programs and activities; the Teaching and Capacity Building Committee and the Research Committee. Their accomplishments are detailed below.



Ben Boer and Jamie Benidickson, Pablo Benitez, and Rob Fowler, April 2008 Governing Board Meeting, Ottawa

Conferences

(1) Academy Colloquia

Our fifth colloquium was held in Rio de Janeiro and Parati, Brazil in June 2007, on the theme of “Rio + 15: A Legal Critique of Ecologically Sustainable Development”. This event attracted more than 100 scholars and experts from around the world.



(2) 2008 Climate Law Conference in Ottawa

One of the major initiatives of the Research Committee in the current year, under the leadership of Research Committee Chair, Ben Richardson of Osgoode Hall Law School, is the conference on “Climate Law in Developing Countries post-2012: North and South Perspectives.” This conference will take place at the University of Ottawa on September 26-28, 2008. The conference received a large number of submissions from its call for papers, and with other speakers invited will likely feature over 60 presenters at the conference, from countries around the world. There a number of sponsors for this conference, including the Canadian International Development Agency (CIDA) and the International Development Research Centre, and the University of Ottawa.

The Secretariat is providing administrative support for the conference logistics as well as communication/promotion through our website and other vehicles. We are also grateful to the Faculty of Law at the University of Ottawa for support of this conference.

(3) Sixth Annual Colloquium in Mexico City

Preparations for the Sixth Annual Colloquium in Mexico City are well underway, with the theme of *Poverty Alleviation and Environmental Law*. A major planning meeting was held at the Autonomous Metropolitan University in Mexico City in November 2007. The colloquium will take place between November 10 and 15, 2008. The chair of the planning committee is Professor José Juan González, who is also the Deputy Chair of the Academy's Governing Board. The four overarching themes are:

- The links between poverty and environmental degradation
- Sustainable resource use and poverty alleviation
- Poverty alleviation and environmental protection in an urban context
- Education, participation and environmental justice



José Juan González, Deputy Chair of Academy and Chair, Sixth Annual Colloquium

Research

(1) Climate Law Workshop

In October 2007, the Academy held a one-day session on *Climate Law in Developing Countries*, in conjunction with the University of Ottawa's EDGE (Emerging Dynamic Global Economies) Network. Twelve participants from around the world helped to shape the Academy's research agenda, focusing on how developing countries are addressing the challenges of mitigating greenhouse gas emissions and adapting to global warming while meeting their social and economic needs. Key outcomes of this workshop were a concept paper on climate law research and a major international conference on climate law in Ottawa in the fall of 2008.

(2) Protected Areas Law and Policy Research

The Academy is a partner in a major research project on Protected Areas Law and Policy which began in 2006, and continued into the current year. This project has been funded by the Social Sciences and Humanities Research Council of Canada.

The research is being carried out at the University of Ottawa, in collaboration with a number of Academy members including Dalhousie University (Canada), Shanghai Jiao Tong University (China) and Universitas Hasanuddin (Indonesia), and has been funded by the Social Sciences and Humanities Research Council. This research supports the work of the Joint Taskforce of the IUCN Commission on Environmental Law and the IUCN World Commission on Protected Areas on Protected Areas Law and Policy. It is anticipated that this work will be completed in 2008, with reports to be delivered at the Barcelona Congress in early October 2008 and to the Social Sciences and Humanities Research Council shortly after that.

A workshop was held in November 2007 in Veracruz, Mexico with the collaboration of more than a dozen institutions, including academia, local, federal government agencies and NGOs, to provide input into the University of Ottawa-led project. Senior officials within the Mexican government addressed the workshop participants.

Preparatory work was done in the current year for several meetings in June 2008 on Protected Areas Law and Policy. These meetings include a workshop related to our international work on Protected Areas management, which will bring together researchers and associated respondents to provide comparative case studies of regulatory and policy frameworks. Meetings of the IUCN Joint Taskforce on Protected Areas and Policy and of the Steering Group of the IUCN Law Centre Project on Protected Areas Legislative Guidelines will take place in conjunction with the workshop

(3) Natural Resources Governance Knowledge Network

In early 2008, the IUCN Academy established a Natural Resources Governance Knowledge Network in association with Natural Resources Canada. The network will bring together researchers and experts from university law schools and research centres, across Canada, focused on issues of environmental law, policy and governance.

(4) IUCN Academy of Environmental Law Research Studies

The latest volume in this series was published in January 2008 by Cambridge University Press, adding to a series of six compendia, to date. This book is comprised of edited papers from the third Colloquium held in 2005 in Sydney, and is entitled *Biodiversity Conservation, Law and Livelihoods: Bridging the North-South Divide*. The volume was edited by Michael I. Jeffery (Macquarie University), Jeremy Firestone (University of Delaware) and Karen Bubna-Litic (University of Technology, Sydney.)



Lye Lin Heng, Co-Chair, Teaching and Capacity Building Committee and Governing Board Member

Committees of the Academy

Teaching and Capacity Building Committee

The Academy's Teaching and Capacity-Building Committee was established by the Governing Board at its Brazil meeting in June 2007, and chaired by Rob Fowler of the University of South Australia and Lye Lin Heng of the National University of Singapore. With Rob Fowler elected as the chair of the Governing Board, Karen Bubna-Litic of the University of Technology, Sydney has become the co-chair. The Committee has initiated a number of major projects, as part of the priorities identified at the September 2007 meeting of the Committee in Bonn. Two priority areas identified by the Committee are:

- (1) *Teaching the Teachers Course* – This project is intended to result in a flexible template for courses to assist in training professors of environmental law in various regions of the world. Both shorter and longer courses are contemplated, focusing on both the substance and methodology of environmental law teaching. Discussions are currently underway to initiate the first programme of teaching the teachers courses in China, focusing, in particular, on universities located in the central and western parts of China.

- (2) *Member Institutions Survey* - This survey was undertaken in early 2008, to provide a profile of members' teaching capacity, with the objective of identifying capacity-building needs and relevant programs for the Academy. An analytical report is expected to be published in mid-2008, containing a range of recommendations concerning capacity building, the use and development of the Academy's website, the setting up of collaborative research project between institutions, and the needs of institutions in developing countries for both training and materials.



Gilberto Rincon, David Hodas and José Juan González, April 2008 Governing Board meeting in Ottawa

Research Committee

The Research Committee was also established by the Governing Board in June 2007. The chairs of the committee were Ben Richardson of Osgoode Hall Law School, York University and Simone Borg of the Faculty of Law, University of Malta.

The Committee has been active in conceptualizing and launching a number of research efforts, including:

- (1) Preparation of proposals to establish a new environmental journal and a system of academic environmental law prizes. Comments were sought from members and those received have been helpful in shaping these initiatives.
- (2) Preparation of a comprehensive concept paper for the Academy's research plan on climate law, focusing in particular on developing countries.

Academy Membership

Membership in the Academy currently stands at some 80 institutions. Major efforts were undertaken in the current year to build the membership in a number of regions, particularly those that are under-represented. At the April 2008 Governing Board meeting, a Membership Committee was appointed, including Gilberto Rincon, Irina Krasnova, Ben Boer and Carolyn Farquhar, to assist the Secretariat in working closely with members of the Governing Board in each of the nine regions to build membership.

Secretariat and Administrative Arrangements

The Secretariat has completed the annual cycle of financial administration and reporting for our funding agreements with Canadian government agencies and international agencies, including core funding, the UNEP Curriculum Project on Compliance and Enforcement of MEAs and the research project on Protected Areas Law. The Secretariat also plays a major role in the planning and administration of conference and workshop events.

Newsletter

We are now producing the Academy newsletter three times a year. The 2008 Governing Board meeting approved a new title of the newsletter "*Legal Earth*" (in Spanish it will be *Tierra Legal* and in French it will be *La Terre Légale*.) The newsletter is sent electronically with all members, with a small number of printed copies for our public meetings and to share with partners. The purpose of the newsletter is to keep all member institutions and their scholars up to date on the activities of the Academy and to support networking and exchange amongst members. It also provides a useful reference on current and upcoming conferences on environmental law and policy and on the latest developments in published research.

Website

The website is administered by the Secretariat, with the support and contribution of all member institutions. In the past year, good progress has been made in raising the profile of the Academy and its affiliations, including the activities of member institutions. As well, some Academy documents have been made available in several languages. The Secretariat has launched its effort to significantly improve the design and look of the site, the currency of its content and the breadth and depth of the information available. At the April 2008 Governing Board meeting, a Website Committee was established, including Michael Kidd, Marjan Peeters, Ben Boer and Carolyn Farquhar.

Visitors to the Academy

The Secretariat continued its Academy Visitors program over the past year, to encourage the sharing of expertise with Environmental Law faculty at the University of Ottawa as

well as gaining greater profile for the Academy amongst scholars around the world. In the coming year, this program will continue, recognizing that scholars and other experts in environmental law may wish to visit the Academy Secretariat for periods of different length, to give seminars and lectures, and contribute their time to Academy projects or concluding a substantive piece of research work relevant to the Academy's mission.

In the past year, we welcomed Professor Nicolas de Sadeleer, Professor of Environmental Law at the Faculté Universitaire Saint-Louis, Brussels, in July 2007 He spoke about his landmark work in the area of precautionary, prevention and polluter pays principles. In the fall of 2007, we welcomed Professor Hans Christian Bugge, Professor of Environmental Law at the University of Oslo. He provided a legal update on climate change and energy policy in Norway. The law school at the University of Oslo has recently joined the Academy.

In November, Professor M.K. Srivastava, Vice Chancellor of the Hidayatullah National law University in Raipur, India visited the Academy and discussed the possibilities for interaction with both the Academy and the Faculty of Law.

In April, Dr. Pablo Benitez of Carleton University in Ottawa and the Government of British Columbia led a seminar on forests management and climate change as a global policy mechanism.



Nicholas Robinson (Past Chair), Ben Boer and Stephen Woodley (Parks Canada) at IUCN Academy seminar, April 2008, Ottawa

Financial Arrangements

No consolidated financial statement is included for the reason that most of the funding to the Academy takes the form of grants or contributions that require separate and individual administration and reporting. Thus, at this stage of our operations and with the funding sources, a formal and audited financial report is not required.

Financial support for the administrative operations of the IUCN Academy Secretariat and for project activities comes from a range of sources including government grants, research agencies, and international organizations, as well as corporate and individual donations.

The Academy wishes to acknowledge, in particular, financial contributions from Environment Canada, Health Canada, and Natural Resources Canada. Specific projects and activities have been supported by International Development Centre (IDRC), Canadian International Development Agency (CIDA), the United Nations Environment Programme and the Commission for Environmental Co-operation. A multi-year donation from Hydro Quebec has been of significant assistance to the development of the Academy's core operations. The IUCN Environmental Law Centre in Bonn, Germany, has also generously provided logistical support and meeting facilities for a meeting of the Academy Teaching and Capacity-Building Committee.

The University of Ottawa and the Faculty of Law, both Civil Law and Common Law have continued to significantly support the Academy in a range of ways: providing office space and conference facilities, equipment, financial administration and communication services as well as a range of the services of faculty members and staff within the law school for fund-raising, workshop organization, editorial assistance and translation support.

During the 2007-2008 financial year, a number of projects were in process or concluded:

- Curriculum Development for Compliance and Enforcement of Multilateral Environmental Agreements (UNEP \$95,000)
- Protected Areas Law and Policy (SSHRC \$150,000)
- International Environmental Law Research Workshop (IDRC and Hydro Quebec \$45,000)

Annual conferences (Colloquia) and workshops hosted by Academy members take place in different regions of the world and are supported on a regional basis and with the assistance of member institutions and local sponsors from the public and private sectors. In 2007 the annual conference took place in Rio de Janeiro, Brazil, with support and collaboration from UNEP, IUCN, the IUCN Commission on Environmental Law, Law for a Green Planet and Escola Superior do Ministerio de Sao Paulo.

Membership Fees and Royalties

This component includes the membership fees for institutions. These fees have been prorated for the year ending 30 April 2007. Royalties from publication sales of Colloquium proceedings by the Cambridge University Press have also contributed a small amount to the Academy's financial resources.

Acknowledgements and Conclusion

In the past financial year, the Academy has emerged from a start-up position to a more fully fledged international network. The Faculty of Law at the University of Ottawa has continued to provide generous infrastructure support for the Secretariat of the Academy. The IUCN, through its headquarters as well as through its Environmental Law Centre, has continued to assist with the Academy's work in a range of ways. We are particularly grateful for the support for the Academy shown by the Director General of the IUCN, Julia Marton-Lefèvre.

As in past Annual Reports, we would like to express our sincere thanks for the generous support and encouragement of a wide range of sponsors, partners and well-wishers. As we continue to expand the Academy's network, we intend to forge stronger links with major international partners in order to further the Academy's mission. We are hopeful that, within the next reporting year, the Academy will become more financially secure, and be in a position to deliver a more comprehensive range of services to its member institutions, and the professors associated with them.

Appendix (Committee Members and IUCN Academy Staff)

Governing Council 2005-07

- Nicholas Robinson (USA)
- Irina Krasnova (Russia)
- Jan Jans (The Netherlands)
- Wang Xi (China)
- Donna Craig (Australia)
- Charles Okidi (Kenya)
- Badria Al-Awadhi (Kuwait)
- Rafael González-Ballar (Costa Rica)
- Eladio Lecey (Brazil)

ex officio

- Sheila Abed de Zavala, IUCN Commission on Environmental Law (Paraguay)
- Alejandro Iza, IUCN Environmental Law Programme (Germany)
- Jamie Benidickson, IUCN Academy Co-Director
- Ben Boer, IUCN Academy Co-Director

Governing Board 2008

- Rob Fowler (Australia)
- José Juan González (Mexico)
- David Hodas (USA)
- Michael Kidd (South Africa)
- Irina Krasnova (Russia)
- Lye Lin Heng (Singapore)
- Marjan Peeters (The Netherlands)
- Gilberto Rincon (Colombia)
- Nada Al_Duwaij (Kuwait)

ex officio

- Sheila Abed de Zavala, IUCN Commission on Environmental Law, Paraguay
- Alejandro Iza, IUCN Environmental Law Programme
- Jamie Benidickson, IUCN Academy
- Ben Boer, IUCN Academy

Teaching and Capacity Building Committee List

- Rob Fowler, Co-Chair, University of South Australia
- Lye Lin Heng, Co-Chair, National University of Singapore
- Marjan Peeters, Maastricht University, The Netherlands
- Karen Bubna-Litic, University of Technology, Australia
- José Juan González, Metropolitan Autonomous University, Mexico

- Nicholas Robinson, Pace University, USA
- Muhammed Tawfiq Ladan, Ahmadu Bello University, Nigeria
- Loretta Feris, University of Pretoria, South Africa
- Qin Tianbao, Wuhan University, China
- Gilberto Rincon, Centre for Sustainable Development Studies, Colombia
- Brad Morse, representing the Secretariat of the IUCN Academy
- Thomas Greiber, representing the IUCN Environmental Law Programme

Research Committee List

- Ben Richardson, Co-Chair, Osgoode Hall Law School, Canada
- Simone Borg, Co-Chair, University of Malta, Malta
- Patricia Kameri-Mbote, University of Nairobi, Kenya
- David Hodas, Widener University, United States
- Jan Jans, Groningen University, The Netherlands
- Kurt Deketelaere, Katholieke Universiteit Leuven, Belgium
- Koh Kheng Lian, National University of Singapore, Singapore
- Louis Kotze, North Western University, South Africa
- Wang Xi, Shanghai Jiao Tong University China
- Yves Le Bouthillier, Academy Secretariat, Faculty of Law, University of Ottawa, Canada
- Irina Krasnova, Moscow State Law Academy, Russia
- Representative of IUCN Environmental Law Programme

Secretariat Staff

- Ben Boer, Co-Director (University of Sydney)
- Jamie Benidickson, Co-Director (University of Ottawa)
- Carolyn Farquhar, Manager
- Bernadette Blanchard, Administrator

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