



# International Union for Conservation of Nature Academy of Environmental Law

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**Professor Jamie Benidickson**, Director of the IUCN Academy of Environmental Law, details the complexities of implementing environmental legislation and how the innovative approaches that the organisation has adopted to help improve conservation standards

## To begin, could you provide a broad summary of the International Union for the Conservation of Nature (IUCN) Academy of Environmental Law and the principles upon which it was founded?

The IUCN is organised around a number of Commissions, including a Commission on Environmental Law (CEL), consisting of hundreds of individual members. Nick Robinson, a former Chair of CEL, recognised that significant effort was still required to promote environmental law teaching and research within universities. Environmental law is a comparatively new field of research, and as a result practitioners and scholars are often quite isolated and lacking support for their work.

The Academy network was conceived to bridge this gap. Its member institutions are law faculties, typically with a small contingent of environmental law teachers. The Academy provides links for these scholars to share knowledge and experience, to engage in comparative research on common problems, to collaborate in larger projects in such fields as climate law, biodiversity protection, or human rights and the environment.

## What are the aims and activities of the Academy? In what ways are you striving to achieve these goals and ensure the quality of the service that you provide?

The IUCN Academy's mission statement emphasises that environmental law is essential for the achievement of a sustainable world that values and conserves nature under the rule of law and justice.

The Academy undertakes research and capacity-building activities centred on evolving themes or priorities. These might be derived from internal deliberations or from participation in wider research and policy initiatives. One focus within climate law was identified through a research symposium (organised by Yves LeBouthillier of the University of Ottawa) that brought several dozen environmental law scholars together to ask where are the gaps and where can we contribute.

In terms of quality control, standard peer-review processes are highly relevant along with opportunities for feedback from policy makers, members of the judiciary and representatives of key agencies and governmental organisations.

## Who are the primary clients and partners of the Academy? What efforts are made to foster such relationships?

The Academy works closely with its partner organisation the Environmental Law Centre (ELC) in Germany. There has been extensive collaboration, for example, with Françoise Burhenne of the ELC in a project aimed at identifying best practices in protected areas law and policy from around the world, and in formulating these in a way that will be accessible to legislative drafters in different jurisdictions.

Moreover, the Academy has carried out capacity building projects for the United Nations Environment Programme (UNEP), headquartered in Nairobi, and it has collaborated with other research and policy organisations such as the International Network for Environmental Compliance and Enforcement (INECE) to mount a major conference and publications. The Academy was recently approached by Edward Elgar to assist in the development of a global encyclopaedia of environmental law for the benefit of scholars and practitioners and policy makers around the world.

## What influence does the Academy have on the development of laws concerned with climate change? How are you supporting the development and enforcement of climate law in developing countries?

Benjamin Richardson of the Academy Research committee organised a number of international meetings on climate change law and policy, several of which have focused on developing countries. These events have not only brought together academic researchers, but also some practitioners and policy makers. Some for these events have resulted in books that offer insights into the challenges and opportunities for law reform on climate change concerns. The Academy has also promoted

best practices for teaching climate change law, such as by facilitating the sharing of model syllabi. Given the nature of the Academy's mandate and work, which is essentially the promotion of environmental law scholarship and education in universities, it is difficult to assess or quantify its impact on law reform by legislators, courts or other legal actors. The Academy helps to promote and disseminate knowledge of these issues, and their ultimate impact on law reform can take many years to manifest.

## The Academy has created a curriculum and instructional materials on the implementation of Multilateral Environmental Agreements. Could you offer an overview of these? By what means did you ensure that these would be relevant globally?

In 2006 the IUCN Academy of Environmental Law, in collaboration with UNEP, initiated a project to develop a university course on Enforcement of Multilateral Environmental Agreements (MEAs) to be taught at universities and law schools around the world. The overall aim of the project was to assist in the promotion of compliance and enforcement of MEAs. Drawing on the expertise of Academy members, Carl Bruch of the Environmental Law Institute in Washington developed a course syllabus, curriculum content (including sample PowerPoint presentations) with supporting reference materials and a manual for lecturers, instructors and professors.

The course, which is designed to complement courses on international and domestic environmental law, addresses negotiation, implementation and enforcement mechanisms of MEAs at both international and national levels. The preparation of these materials involved a rigorous process during which draft materials were reviewed by a group of experts, who advised on how to make the curriculum and materials as useful as possible in a wide range of cultural, regional, and academic settings.

## Can you outline some of the Academy's work on developing legislation for protected areas?

Protected areas law and policy development is an enormously complex area involving scientific objectives for biodiversity, highly variable forms of land ownership, enormous cultural differences around the world and numerous challenges relating to social and community expectations for sustainable land uses. Ben Boer, former Academy Director, convened an international gathering of legal specialists and protected areas managers in 2008. Presentations from that symposium formed the basis of numerous case studies that were later used by specialists associated with the Environmental Law Centre to elaborate and explain key principles of protected areas law or best practices. For example, how should the concept of precaution be incorporated into management decision-making for protected areas? Or, what guidance can be given through the legal framework of protected areas to promote policy goals such as ecological integrity in protected areas?

## How do you define the success of your work to date? Are there any achievements that particularly stand out?

Incorporated as a Canadian non-profit organisation in 2006 and headquartered at the Faculty of Law, University of Ottawa, the IUCN Academy of Environmental Law has already attracted members from 50 countries. That level of engagement seems to affirm the need for such a network of teachers and researchers in a field of fundamental importance to the international community. Academy members were honoured to receive from the American Bar Association the 2011 award for distinguished institutional contribution to environmental law and policy. As our Chair Rob Fowler from the University of South Australia noted, the challenges ahead are vast, but the vote of confidence is energising.

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