



## **IUCN ACADEMY OF ENVIRONMENTAL LAW**

### **REPORT OF THE GOVERNING BOARD AND SECRETARIAT TO THE ACADEMY COLLEGIUM,**

**(to be held at 8:30 am on Thursday 5<sup>th</sup> November 2009 at East Lake Hotel, Wuhan, China)**

This report covers the activities of the Academy since the last annual meeting of member institutions conducted in Mexico City on 12<sup>th</sup> November 2008. In summary, during this period the Academy has:

- Significantly improved its financial situation;
- Continued to steadily grow its membership;
- Undertaken a substantial restructure of its web-site;
- Developed several major initiatives with respect to both teaching and research;
- Secured an extension of its licence with IUCN for a term of 2 years until May 2011;  
and
- Finalised contractual arrangements with Edward Elgar publishers for the publication of its Colloquia proceedings and a new Academy Series in Environmental law.

Details of these and other, significant achievements are provided below. It is pleasing to note that many of these initiatives have involved contributions by scholars from the Academy's member institutions who are serving on the various committees that have been established by the Governing Board. The Board has a strong commitment to providing opportunities for members of the Academy to participate actively in its operations and has encouraged this form of involvement in the Academy's affairs.

#### 1. Finances and Fund-raising

Careful management of expenditure and the generation of new sources of income have resulted in the Academy being able to improve its financial position considerably over the last 12 months. The Academy has a secure income of \$404,000 for the 2009-10 financial year, thanks in particular to recent grants from the Law Foundation of Ontario (\$80,000 per year for 3 years); the Law Faculty at

the University of Ottawa ((\$80,000 per year for the next two years, and possibly a third year); and other private donations.

In order to maintain its level of operations in future years, the Academy will need to raise additional funds in the vicinity of \$200,000 per year in a climate where the global economic recession has presented additional challenges. However, there is cause for optimism, particularly if the endowment proposed by the President of the University of Ottawa, Allan Rock, is able to be established shortly. This will provide an excellent "springboard" for other fundraising efforts, on the principle that success breeds success. The ongoing financial and other forms of support provided to the Academy by the University of Ottawa deserve special mention and an acknowledgement by the members of the Academy.

## 2. Membership

The number of member institutions has now grown to 112 and enquiries and applications continue to be received on a regular basis. The Secretariat has provided, through the efforts of Winnie Carruth, excellent service to the Academy in handling applications and providing information to new member institutions and Winnie deserves a special commendation for her efforts in this regard. As yet, no applications have been received from academic research institutions, who were recognised as an additional category of membership in changes to the Academy bylaws adopted last year. The Membership Committee has under review proposals concerning the timing of renewals of membership and "twinning" arrangements to enable support of member institutions by another member.

## 3. Web-site

We hope that members have taken the opportunity to explore the newly designed Academy web-site, which provides a much wider range of services to members in a more readily accessible format. The Secretariat is endeavouring to expand the availability of resources, reference materials and repositories. The Secretariat devoted a considerable effort to launch the new Directory of Scholars, which now contains information on 160 scholars from around the world. In addition, the Secretariat is working on the development of a portal for the new Academy electronic journal. It has also added material on climate change, adding further to what is already a very good collection on this topic.

In addition to contributing ideas with respect to the redesign of the website, the Website Committee has also been requested by the Governing Board to consider the idea of a designated section of the web-site for members only and the level of access to a proposed Board section of the web-site for non-Board members. Funding has been allocated in the 3-year budget for further development of the website.

## 4. Governance of the Academy

As the Academy grows, both in membership and the scale of its operations, there is an increasing need for strong internal governance arrangements. The Governing Board has therefore established a Governance Committee which is to draft guidelines for adoption by the Board on various aspects of the Academy's operations. This Committee has worked initially on a guideline concerning the role

and responsibilities of elected members of the Governing Board and another concerning the structure and appointment of the two “activities-based” Committees of the Academy: the Teaching and Capacity Building Committee and the Research Committee. Each of these committees is due to be reappointed in early 2010 and it is therefore imperative that a sound guideline is in place prior thereto concerning this process.

The Governance Committee will continue to develop guidelines on other important aspects of the Academy’s operations, such as the appointment of Fellows and the conduct of Academy research projects through member institutions. All guidelines adopted by the Board will be published on the Academy web-site.

#### 5. Teaching and Capacity-Building

Financial considerations precluded the holding of a face-to-face meeting of the Teaching and Capacity-Building Committee during the past 12 months (other than the meeting held this time last year, as part of the Mexico City Colloquium). However, provision has now been made in the 3-year budget for such a meeting each year henceforth. Following the completion of the extensive survey of teaching in 2008, the focus has been on three specific projects during the past year:

- The “training the teachers” project, which now has been approved by the Governing Board and hopefully will proceed to be piloted in several countries during 2010;
- The UNEP-funded MEA Compliance and Enforcement project, which now comprises a finalized set of teaching materials that hopefully will also be piloted by member institutions during 2010, following further discussions with UNEP concerning copyright and distribution; and
- A climate law teaching project, which thus far has involved the collection of course curricula for display on the Academy web-site but which is intended to generate an Academy-supported course eventually.

With the re-appointment of this Committee early in 2010, and an early meeting of its members, the teaching and capacity-building agenda of the Academy should gain fresh impetus.

#### 6. Research

The Research Committee, like the T & CB Committee, has not been able to meet face-to-face over the past 12 months, although following the committee meeting at Mexico City last year, there was a Skype teleconference held to advance various projects. The committee will also be reappointed early in 2010 and resourced for a meeting later in the year. Meanwhile, there has been considerable activity in this area over the past year, leading to several new initiatives for the Academy. In particular, the Secretariat worked with the Research Committee to design and administer a detailed survey of research expertise and interests within member institutions that is now available on the Academy web-site, as noted above. Other research-related initiatives include:

- The establishment of new Academy awards for scholarship in environmental law, to be presented for the first time during the Wuhan Colloquium; and
- The detailed design of the Academy’s new electronic journal, which it is expected will have its first issue in mid-2010;

Considerable effort has also been devoted to the development of a research project on biofuels law, leading to the workshop conducted alongside the Wuhan Colloquium on this topic. Within the Research Committee, discussions have also continued by email concerning other possible research project topics.

At a more 'strategic' level, the Governing Board is considering different models for the undertaking of research by, or on behalf of, the Academy – in particular, how best to approach the design, fund-raising, implementation and financial management of projects that will be likely to involve several member institutions in most instances. Efforts are also being made to conduct discussions with the IUCN concerning possible contributions by the Academy to the IUCN Environmental Law Programme 2009-12.

#### 7. Academy Colloquia, Conferences and Publications

Following the well-attended and very successful Colloquium in Mexico City last year, it is pleasing to see that the 2009 Colloquium in Wuhan, China has attracted enormous interest and a huge number of papers. The Research Institute for Environmental Law (RIEL) has collaborated admirably with the Academy Secretariat in relation to the organisation of the Colloquium programme on the theme of good environmental governance and sustainable development. The Academy was particularly pleased to have the financial support of UNEP once more to assist the participation in the Colloquium of a number of scholars from developing countries, thereby allowing these scholars a rare opportunity to network with environmental law colleagues from around the world and ensuring that the programme is enriched by their presentations and particular perspective. The Secretariat is working to finalize commitments for the conduct of the 2010 Colloquium in Europe, to be followed by meetings in South Africa (2011) and Maryland, USA (2012).

We also look forward to the publication shortly by our new publishers, Edward Elgar, of the proceedings of the 2006 Pace Colloquium, after a substantial and unfortunate delay arising from the change in publishers. We expect the proceedings of the 2007 Colloquium in Paraty, Brazil to follow in the first half of next year, together with the proceedings of the 2008 Mexico City Colloquium – thereby bringing about a complete "catch-up" in the publication of the Colloquia proceedings. Under the publishing agreement between the Academy and Edward Elgar, significant concessions on the purchase price of these books will be provided to scholars from member institutions, with even greater discounts for those who are situated in developing countries, thus giving much greater access to these important publications. The publication by Edward Elgar of the proceedings of the Academy's conference on climate change law and developing countries, held in Ottawa in September 2008, is also expected to occur before the end of 2009.

During the year, the Academy collaborated in the presentation of several other conferences and seminars, including:

- A one-day seminar in May 2009 on comparisons between EU and other countries' negotiating positions for the Copenhagen climate change COP (organised by Board member, Marjan Peters, and held at the Faculty of Law, Maastricht University, alongside a meeting of the Governing Board);

- A conference on climate change law held in Bogota, Colombia in October, 2009 (organised by Board member, Gilberto Rincon, through the Centre for Studies in Sustainable Development (CEID) and two Colombian Universities);

#### 8. Governing Board Elections and Meetings

Following amendments to the By-laws of the Academy last year to create an additional position on the Governing Board for the North Asia region, elections were conducted for four regions at the end of 2008, resulting in the election of the following Board members for 3-year terms: Wang Xi (North Asia); Bharat Desai (West and South Asia); Gilberto Rincon (South America); and Rob Fowler (Oceania). The Board subsequently elected Rob Fowler as its Chair and Gilberto Rincon as Deputy Chair, each for a period of one year, as provided for under the Bylaws. Elections are to be held at the end of 2009 for representatives of the North America, Africa and Western Europe regions.

The Board met over two days in May 2009 in Maastricht. A measure of the output of this meeting is that an action list of 43 items was generated. The Board also held a one-day meeting immediately prior to the commencement of the Wuhan Colloquium. Its next meeting is scheduled to be held in May 2010 in South Africa.

#### 9. Relationship with IUCN

Following extensive discussions with IUCN, its Director-General, Julia Marton Lefevre, decided in February 2009 to extend the licence agreement between IUCN and the Academy to May 31<sup>st</sup> 2011. A side-agreement concerning fundraising is to be developed alongside the extended licence.

Very positive discussions have been held in recent months by the Chair and the Secretariat with the Co-Chairs of the IUCN Commission on Environmental Law, Ms. Sheila Abed and Justice Antonio Benjamin, concerning collaborative activities. The Chair participated in a side-event organised by CEL at the UNCCD COP in Buenos Aires in September 2009 and undertook a short visit subsequently to Brazil at the invitation of Justice Benjamin to further these discussions.

The Academy intends to re-apply shortly for admission as a member of IUCN, having now been in existence formally for the period of three years required under IUCN's rules on membership.

In conclusion, it is pleasing to report to members of the Academy that there is good reason for optimism about the future of the Academy. It is extremely fortunate to have the generous and extensive support of its host, the University of Ottawa, through which a dedicated and highly committed Secretariat provides excellent support to the Academy. Increasingly, there are also significant contributions being made to the Academy by scholars from within the ranks of its member institutions who are involved with various projects or committees. The twin goals for the next 12 months will be to further strengthen the financial position of the Academy and to engage even more members in its activities, in particular by enhancing the opportunities for networking and collaboration between member institutions in relation to teaching and research.

Rob Fowler,  
Chair, Governing Board,  
IUCN Academy of Environmental Law

Yves Le Bouthillier,  
Director,  
IUCN Academy of Environmental Law

## APPENDIX 1: Membership of Academy Committees

### Governing Board - 2009

Rob Fowler, University of South Australia, Australia (Chair)  
 Gilberto Rincon, Centre for Studies in Sustainable Development, Colombia (Deputy Chair)  
 Bharat H. Desai Jawaharlal Nehru University of India, India  
 José Juan González, Universidad Autonoma Metropolitana, Mexico  
 David Hodas, Widener University, USA  
 Michael Kidd, University of KwaZulu-Natal, South Africa  
 Irina O. Krasnova, Russian Academy of Justice, Russia  
 Lye Lin Heng, National University of Singapore, Singapore  
 Marjan Peeters, Maastricht University, The Netherlands  
 Wang Xi, Shanghai Jiao Tong University, China  
 Alejandro Iza, Head, IUCN Environmental Law Programme and Director, IUCN Environmental Law Centre, Germany *ex officio*  
 Sheila Abed, Chair, IUCN Commission on Environmental Law, Paraguay *ex officio*  
 Yves Le Bouthillier, Director, IUCN Academy of Environmental Law, University of Ottawa, Canada *ex officio*

### Committees of the Board

#### Finance and Fundraising Committee

Rob Fowler, University of South Australia, Australia  
 David Hodas, Widener University, USA  
 José Juan González, Universidad Autonoma Metropolitana, Mexico  
 Richard Ottinger, Pace University, USA  
 Yves Le Bouthillier, IUCN Academy of Environmental Law  
 Carolyn Farquhar, IUCN Academy of Environmental Law

#### Website Committee

Michael Kidd, University of KwaZulu-Natal, South Africa  
 Marjan Peeters, Maastricht University, The Netherlands  
 John Bonine, University of Oregon, USA  
 Yves Le Bouthillier, IUCN Academy of Environmental Law  
 Carolyn Farquhar, IUCN Academy of Environmental Law

#### Membership Committee

Gilberto Rincon, Centre for Studies in Sustainable Development, Colombia  
 Irina Krasnova, Russian Academy of Justice, Russia  
 Ben Boer, University of Sydney, Australia  
 Yves Le Bouthillier, IUCN Academy of Environmental Law  
 Carolyn Farquhar, IUCN Academy of Environmental Law

### **Governance Committee**

Rob Fowler, University of South Australia, Australia  
 Robert Percival, University of Maryland, USA  
 Anél du Plessis, North-West University, South Africa  
 Yves Le Bouthillier, IUCN Academy of Environmental Law

### **Teaching and Capacity-Building Committee - 2009**

Karen Bubna-Litic, University of Technology Sydney, Australia (Co-Chair)  
 Lye Lin Heng, National University of Singapore, Singapore (Co-Chair)  
 José Juan González, Mexico Autonomous University, Mexico  
 Rob Fowler, University of South Australia, Australia  
 Gilberto Rincon, Centre for Studies in Sustainable Development, Colombia  
 Loretta Feris, University of Pretoria, South Africa  
 Mohammed Ladan, Ahmadu Bello University, Nigeria  
 Qin Tianbao, Wuhan University, China  
 Marjan Peeters, Maastricht University, The Netherlands  
 Laode Syarif, Hasanuddin University, Indonesia  
 Brad Morse, University of Ottawa, Canada

### **Research Committee – 2009**

Benjamin Richardson, Osgoode Hall, York University, Canada (Co-Chair)  
 Willemien du Plessis, North-West University, South Africa (Co-Chair)  
 Imran Akram, University Law College Punjab, Pakistan  
 Caroline Foster, University of Auckland, New Zealand  
 Markus Gehring, University of Ottawa, Canada  
 Louis Kotze, North-West University, South Africa  
 Zen Makuch, Imperial College, UK  
 Melissa Powers, Lewis & Clark University, USA  
 Solange Teles da Silva, UNISANTOS, Amazon State University, Brazil  
 Wang Xi, Shanghai Jiao Tong University, China

### **Editorial Committee of the Electronic Journal of the IUCN Academy - 2009**

Karen Morrow, University of Swansea, UK (Co-Chair)  
 Alexander (Sandy) Paterson, University of Cape Town, South Africa (Co-Chair)  
 Jacqueline McNamara, University of Maryland, USA  
 Francesco Sindico, University of Surrey, UK  
 Paul Martin, University of New England, Australia  
 Tianbao Qin, Wuhan University, China

## **Scholarship Prize Committee – 2009**

Willemien du Plessis, North-West University, South Africa (Chair)

Melissa Powers, Lewis & Clark University, USA

Angela Williams, Sussex University, UK

Wang Xi, Shanghai Jiao Tong University, China

Luis Fernando Macias, Centre for Studies in Sustainable Development, Colombia

Carolyn Farquhar, IUCN Academy of Environmental Law *ex officio*

## **Secretariat, IUCN Academy of Environmental Law**

Yves Le Bouthillier, Director

Carolyn Farquhar, Manager, Secretariat07

Winnie Carruth, Administration Manager

