

# IUCN Academy of Environmental Law

## ANNUAL REPORT

# 2010-11



IUCN Academy of Environmental Law

University of Ottawa

[www.iucnael.org](http://www.iucnael.org)

# IUCN Academy of Environmental Law

## Annual Report 2010-2011

*Advancing the role of environmental law for a sustainable world*



### Our Mission:

*Environmental law is essential for the achievement of a sustainable world that values and conserves nature under the rule of law and justice.*

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**Our Vision:**

*To build sustained capacity in legal education and advance conceptual understanding and implementation of environmental law, particularly in developing countries*

This report was prepared by the Secretariat of the IUCN Academy of Environmental Law. The Secretariat is hosted by the Faculty of Law at the University of Ottawa in Ottawa, Ontario, Canada

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## Message from the Chair – Rob Fowler

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The past year has seen the Academy grow its membership substantially; conduct a very successful Colloquium in Ghent; extend its research activities, particularly in relation to the regulation of biofuels; and launch its Training the Teachers project with the delivery of the first, advanced TTT course in Wuhan, China. This Annual Report provides further details with respect to each of these particular accomplishments, and numerous others, but it is the nature of such reports that the efforts of the many people who have contributed to each of them go largely unheralded.

The strength of the Academy lies presently in the willingness of scholars within its member institutions to volunteer their time and expertise in support of its activities, and in the capacity of its Secretariat, based at the University of Ottawa, to coordinate and support these voluntary efforts. Our research and capacity-building activities are the very core of our mission, and depend substantially on the inputs provided by scholars from our member institutions. The committees responsible for driving these activities are critical in this respect, and we are most fortunate to have scholars who are willing to devote their time to such pursuits. Similarly, the organisation of our annual Colloquium is a challenging responsibility and, this year, we were most fortunate to have a very professional team led by Professor Frank Maes at the University of Ghent, to undertake this task.

I therefore want to acknowledge all those within the ranks of our membership, and in the Academy Secretariat, who have contributed in various ways to the many activities outlined in this Annual Report. I also wish to pay tribute to the University of Ottawa, in particular its Law School, for the ongoing, unwavering support that has been provided to the Academy, and to the members of the Governing Board of the Academy, for their devotion to its cause. We are indeed fortunate that so many share the conviction that the Academy is a worthwhile cause that deserves their support.

In the last annual report, I called for the Academy to strive to realize its full potential, in particular with respect to influencing the future development and implementation of environmental law. Whilst we can continue to draw on the voluntary inputs of our member scholars, there is also a need for us to raise new, additional funds to help accomplish this mission. It is now five years since the Academy established its home base in Ottawa, and we are moving to the next stage of our development. This means finding the financial capacity to expand our research and capacity-building activities and to begin to take an active role in

international meetings and negotiations. We need to find new sources of funding in order to take this next step, unfortunately at a time when the global economy is quite fragile. The Governing Board and the Secretariat face a serious challenge in this regard.

At the same time, we also must strive to keep our members engaged with the Academy and committed to supporting its cause. This means continuing to provide opportunities for their involvement in Academy activities and providing services of value to our members. I believe that it is now time to explore avenues for the pursuit of activities by the Academy at a regional level, including possibly in relation to fund-raising for specific projects. To quote a familiar expression, the Academy needs to “think globally and act locally”.

So, whilst we may feel some satisfaction with the growing list of accomplishments of the Academy, as reflected in this Annual Report, it is also important to recognise the challenges before us, in terms of pursuing our mission to promote “*the achievement of a sustainable world that values and conserves nature under the rule of law and justice*”.



# Annual Report

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## Governance of the Academy

The Governing Board of the IUCN Academy of Environmental Law consists of elected representatives from ten designated regions and also includes *ex officio* the Chair of the IUCN Commission on Environmental Law, the Director of the Environmental Law Centre and the Academy Director or co-Directors.

**Professor Robert Fowler (Chair)**

University of South Australia, Australia

**Professor Michael Kidd (Deputy Chair)**

University of Kwazulu-Natal, South Africa

**Professor Bharat H. Desai**

Jawaharlal Nehru University of India, India

**Professor José Juan González**

Metropolitan Autonomous University-Azcapotzalco, Mexico

**Professor Irina O. Krasnova** (until January 2011)

Russian Academy of Justice, Russia

**Professor Lye Lin Heng**

National University of Singapore, Singapore

**Professor Nilufer Oral**

Istanbul Bilgi University, Turkey (starting February 2011)

**Professor Marjan Peeters**

Maastricht University, The Netherlands

**Professor Benjamin Richardson**

Osgoode Hall Law School, York University, Canada

**Professor Gilberto Rincon**

Centre for Studies in Sustainable Development, Colombia

**Professor Wang Xi**

Shanghai Jiao Tong University, China

**Dr. Alejandro Iza**

Head, IUCN Environmental Law Programme

Director, IUCN Environmental Law Centre (*ex officio*) Germany

**Dr. Sheila Abed de Zavala**

Chair, IUCN Commission on Environmental Law (*ex officio*) Paraguay

**Professor Yves Le Bouthillier**

Director, IUCN Academy of Environmental Law (*ex officio – until December 2010*)

**Professor Heather McLeod-Kilmurray**

Director, IUCN Academy of Environmental Law (*ex officio – starting January 2011*)

The Academy is incorporated in Canada as a non-profit corporation and operates on the basis of a license agreement with the International Union for the Conservation of Nature (IUCN).



## Committees of the Academy

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### ❖ Research

The Research Committee of the Academy provides guidance and direction in relation to institutional research initiatives. The Research Committee conducts business on the basis of meetings generally held in conjunction with the Annual Colloquium and on the basis of electronic communications. The Research Committee has been instrumental in identifying priority research themes, in sponsoring workshops and symposia and in enhancing recognition for environmental law scholarship.

### ❖ Teaching and Capacity Building

The Teaching and Capacity Building Committee provides guidance and direction for Academy initiatives in relation to teaching and curriculum matters in the field of environmental law. The Training the Teachers initiative, (more fully described below) is an offshoot of the work of the TCB.

### ❖ Administrative Committees

In addition to programmatic committees on Research and Teaching and Capacity-Building, the Governing Board has constituted administrative committees with responsibilities for Governance, IT, Finance, and Membership. These committees meet as required to address matters of interest as they arise. In addition the Governing Board established an ad hoc committee on Training the Teachers to assist in the development of that project.

# Academy Membership

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Membership in the Academy is open to University law departments, law faculties and law schools, as well as academic research institutions, located throughout the world, that have made teaching and research about environmental law a significant component of their academic program.

At April 30 2011, the Academy's membership had grown to 147 institutions from 46 countries around the world.

The new institutional members for the period from May 1, 2010 to April 30, 2011 (in their order of joining) included:

- University College London, United Kingdom
- University of Queensland, Australia
- University of Tasmania, Australia
- International Islamic University, Malaysia
- University of Adelaide, Australia
- University of New South Wales, Australia
- Prykarpatsky National University after Stefanyk, Ukraine
- Universidad de San Carlos de Guatemala, Guatemala
- Université d'Abomey-Calavi, La République du Bénin
- Seconda Università degli Studi di Napoli, Italy
- University of Stellenbosch, South Africa
- Georg-August-University Göttingen, Germany
- Brawijaya University, Indonesia
- Helmholtz Centre for Environmental Research, Germany
- Law School, College of Arts and Social Sciences, Eritrea
- Lund University, Sweden
- Universitas Indonesia, Indonesia
- Centre for European Studies, Cambridge University, United Kingdom
- University of Otago, New Zealand
- Pontificia Universidade Católica do Paraná, Brazil

In November 2010, an IUCN Academy Membership Fund was established to support the participation of member institutions from developing countries. An initial appeal for donations from individuals within the Academy's institutional membership resulted in total contributions of \$1,453.97 applied to membership fees for 14 universities from developing countries.

## Relationship with the IUCN

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The IUCN Academy of Environmental Law is highly appreciative of its relationship with other elements of the IUCN organization, and in particular with the Commission for Environmental Law and the Environmental Law Centre. The Research Committee, represented by Melissa Powers [Lewis and Clark , USA] and Willemien DuPlessis [North-West University, South Africa], met with the ELC and CEL in Bonn in 2011 to further cement and clarify directions for future co-operation. As well, Board member Jose Juan Gonzalez [Metropolitan Autonomous University- Azcapotzalco, Mexico] attended the CEL Steering Committee meeting on Paraguay in March 2011 as the special representative of the Academy, with the financial support of his own home university and of CEL itself. In addition, planning for the South Africa Colloquium will once again include a pre-conference Workshop organized with ELC and CEL on the theme of Ecosystem Services.

The ongoing relationship between Academy researchers, the ELC and the World Commission on Protected Areas contributed in 2011 to the publication of *Guidelines for Protected Areas Legislation*, prepared by Barbara Lausche in collaboration with Project Director Francoise Burhenne. This volume, IUCN Environmental Law and Policy Paper No. 81, is accompanied by several national and sub-national case studies originally developed for the Academy's Protected Areas Law and Policy Conference in 2008.

### **The 8<sup>th</sup> Annual Colloquium: Ghent, Belgium**

Under the leadership of Frank Maes, Ghent University, Belgium , the Chair 8<sup>th</sup> IUCN Academy Colloquium, and his colleagues, the Ghent Colloquium on “Linkages Between Biodiversity and Climate Change” was held from September 14 to 16 Over one hundred papers were presented in plenaries and panel sessions, supplemented by policy sessions and other discussion forums. Dr. Charles Okidi, Director of the Centre for Advanced Studies in Environmental Law and Policy at the University of Nairobi, gave the distinguished scholar's address.

Other meetings and special events included meetings of the Governing Board, the Collegium or annual general meeting of the Academy, the Teaching and Capacity Building Committee, the Research Committee, and the Graduate Students Forum.



# Research and Capacity-Building Activities

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## Biofuels

With the support of the Law Foundation of Ontario, the IUCN Academy hosted a workshop on Biofuels: Legal and Policy Dimensions in Toronto on June 17-18, 2010. The workshop brought together more than 40 Canadian scholars, officials in federal and provincial governments and non-governmental organizations, as well as several legal practitioners and private sector leaders and law students to examine issues related to biofuels regulation and policy directions. Presentations also addressed the potential and challenges concerning the biofuels industry in Canada. Several Academy members from outside Canada took part in the workshop, providing perspectives on the regulatory regimes for biofuels in the USA, Australia, Brazil, the Southern African Development Community and the EU.



Presentations from the Academy's Biofuels programme may be found at:

<http://www.iucnael.org/en/online-resources/meas.html>

## Human Rights and the Environment

The Academy Research Committee collaborated with the IUCN Environmental Law Centre to organize a workshop on Human Rights and the Environment, (Ghent, Belgium, 13 September 2010). The workshop was attended by more than 40 participants. This was second consecutive year that the Academy held a workshop on the eve of its annual colloquium. It is expected that this will become a permanent activity of the Academy. *Training the Teachers*

## Training the Teachers

The TTT project has as its aim to expand the teaching of environmental law, particularly in developing countries. It includes both a “basic” course (TTT1) for legal scholars with little or no previous experience in teaching environmental law, and an “advanced” course (TTT2) designed to train scholars who already are experienced in teaching environmental law in their country to contribute, in turn, to the delivery of the basic course to their academic colleagues.

In March 2011, the first TTT2 course was delivered at the Research Institute for Environmental Law in Wuhan, China, under the direction of Ben Boer (University of Sydney), Rob Fowler (University of South Australia) and Mark Latham (Vermont Law School). Twenty-three Chinese environmental law scholars from twenty law schools participated. The programme was enriched by the involvement of several senior Chinese legal scholars: Professors Wang Shuyi and Qin Tianbao (Wuhan University), Prof Zhou Ke (Renmin University of China) and Professor Li Zhiping (Sun Yat-Sen University.) Financial support was provided through Vermont Law School, in connection with a USAID-funded China-USA environmental law programme.



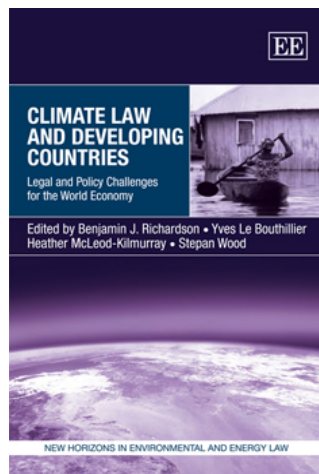
# Publications of the Academy

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The Academy is pleased to announce the publication of *Compliance and Enforcement in Environmental Law: Toward More Effective Implementation*. This volume, based upon the proceedings of the Academy's 4<sup>th</sup> annual colloquium at Pace University in New York, was edited by LeRoy Paddock, Du Qun, Louis J. Kotzé, David L. Markell, Kenneth J. Markowitz and Durwood Zaelke.



In addition, *Climate Law and Developing Countries* edited by Benjamin J. Richardson, Yves Le Bouthillier, Heather McLeod-Kilmurray and Stepan Wood has been published in paperback.



Academy publications are available from Edward Elgar Publishing which offers special discount for the scholars who are teaching in member institutions of the Academy. (<http://www.e-elgar.co.uk/>)

Under the direction of co-editors Alexander Paterson [University of Cape Town, South Africa] and Elizabeth A. Kirk [University of Dundee, UK] the eJournal publishes peer-reviewed contributions and country reports concerning recent developments in environmental law.

Course materials on *Compliance with and Enforcement of Multilateral Environmental Agreements* were completed for publication and distribution. A Lecturer's Manual, accompanied by an electronic curriculum including slides and reference materials, were jointly released by UNEP and the Academy in December 2010. Since the release of these documents the Secretariat has answered a number of questions and requests with regard to them.

## Communications and Member Services

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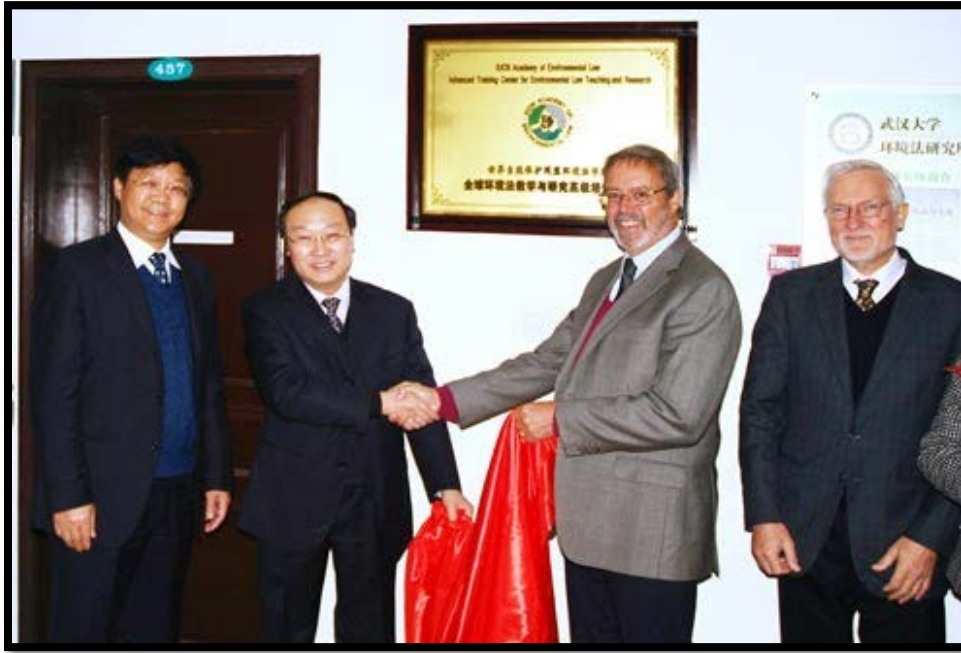
Several significant additions were made to the Academy Website ([www.iucnael.org](http://www.iucnael.org)) during the year. Materials developed through the Multilateral Environmental Agreement project are now available on the site (<http://www.iucnael.org/en/online-resources/meas.html>)

With the assistance of Wuhan University, translation into Chinese has continued. Access to the Chinese language on our website has generated a lot of interest among Chinese environmental law scholars. Arrangements for the inclusion of Spanish materials are underway.

The Directory of Scholars, developed on the basis of a comprehensive survey conducted in previous years is now fully automated. The new arrangement enables the Secretariat to survey new (and existing) scholars and have the Directory reflect their areas of research and contribution.

At the request of the IT Committee, the Associate Director surveyed Academy members in relation to their use of LinkedIn and Facebook and their views of the comparative advantages of each for use by the Academy as a communication tool.

Legal Earth, the Academy newsletter continues to appear on a regular basis. The 8<sup>th</sup> issue featured institutional profiles of seven member institutions. The 9<sup>th</sup> Newsletter of the Academy was distributed to members and placed on the website in May 2011. This issue featured a report from the Governing Board, a report on the "Training The Teachers" project in China, on the Ghent Colloquium, and the 2010 Scholarship Prize Recipients. It also continued to provide updates on the activities and projects of the Academy, information on upcoming events and conferences, and new books and papers on environmental law. It also featured several institutional member profiles.



By means of the website, the Newsletter, the Academy's e-mail lists, and collaboration with other environmental law networks information on the activities of member institutions is widely circulated.

## Secretariat Operations

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The Secretariat of the IUCN Academy of Environmental Law supports the strategic, operational and substantive development of the Academy. The Secretariat is hosted at the Faculty of Law, University of Ottawa.

The Academy Secretariat was comprised of Yves LeBouthillier (Director, May –December 2010), Heather McLeod-Kilmurray (Director, starting in January 2011), Associate Director Carolyn Farquhar and Membership Manager Winnie Carruth.

## Financial

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Financial support for the operations of the IUCN Academy comes from a range of sources, including annual membership fees, grants from government agencies and departments, research bodies and international organizations. In addition, funds have also been provided by corporate and individual donors and from the University of Ottawa. Financial reporting services provided by the University of Ottawa allows the Academy to report annually or as required to project sponsors in a manner that is consistent with their expectations and requirements.

# Acknowledgements

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The Academy specifically wishes to acknowledge the Law Foundation of Ontario for support of its biofuels research initiative, both within Canada and internationally.



The Academy is very appreciative of the assistance provided by the United Nations Environment Programme (UNEP), in providing financial support to scholars from the developing world to attend the 2010 Colloquium in Ghent, Belgium.



Thanks must also be extended to Edward Elgar Publishing for support and assistance that greatly facilitates the Academy's work in the dissemination of environmental law scholarship.



The Academy is grateful for the continued support provided by the Faculty of Law and the University of Ottawa. Deans Bruce Feldthusen (Common Law) and Stéphane Grammond (Civil Law) and a wide range of university personnel have repeatedly provided direct financial assistance and in-kind support, including office space, conference and meeting facilities, financial and human resources administration. The University's communications and donor development departments continue to provide valuable benefits in support of the organization.



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Significant contributions of time and energy are made daily by individual Academy members serving in positions of responsibility regarding publications, conference administration and management, capacity-building programmes and committee work. Their dedication and commitment to the success of the IUCN Academy of Environmental Law merits thanks and recognition.



Secretariat



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