

IUCN Academy of Environmental Law

Annual Report 2011-2012

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.

www.iucnael.org

 The logo of the IUCN Academy of Environmental Law is circular. It features a stylized globe in the center with a bird flying above it. The text "IUCN ACADEMY OF ENVIRONMENTAL LAW" is written around the perimeter of the circle.	<p>IUCN Academy of Environmental Law University of Ottawa 57 Louis Pasteur Street, Room 536 Ottawa, Ontario K1N 6N5 Canada</p> <p>Email: iucnael@uottawa.ca Tel No.: (613) 562-5800 ext.3260</p>
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Message from the Chair – Rob Fowler

The Academy continued to thrive during 2011/12 in terms of its membership growth, the conduct of a most successful Colloquium by a consortium of our South African member Law Schools and the release of a range of new publications - including the second issue of the eJournal, and new volumes from Edward Elgar Publishers. Also, both the Research Committee and the Teaching and Capacity-Building Committee have been very busy pursuing various activities identified by them as part of a broader strategic planning process for the Academy. Details of these, and other, accomplishments of the Academy over the past year are provided in the body of this Annual Report.

I would like to highlight the recognition afforded the Academy for its achievements since it was launched in Shanghai in 2003 through the Award by the Environment and Natural Resources Law Section of the American Bar Association of its 2011 prize for an outstanding contribution to environmental law by an organisation. This unexpected accolade reflects very positively on the efforts of those who have been involved in the creation and development of the Academy, all of whom were acknowledged by our co-Director, Professor Jamie Benidickson, in his acceptance speech at the ABA awards ceremony in Toronto.



It was pleasing also to secure the renewal of our licence agreement with IUCN until the end of 2012, with the prospect of a longer term renewal for a period of 4 years thereafter. This reflects

the developing collaborative relationship with IUCN, in particular with the IUCN Environmental Law Centre in Bonn (as reflected in the joint organisation of a research workshop immediately prior to the South African Colloquium) and also with the IUCN Commission on Environmental Law.

This will be my last report as Chair of the Academy as I have decided to step down from this role at the end of 2012 after having been privileged to serve in this capacity for five years. I believe it is the right time for a change of leadership and I am confident that a new Chair will provide fresh vision and energy to the Academy. I will however continue to serve on the Governing Board for another two years as the elected representative for Oceania and hope to be able to devote more time to promoting the Academy within my own region.

In reflecting on the achievements of the Academy in recent years, I am particularly pleased to note the significant expansion in membership; the continued engagement of scholars from developing countries in its activities – in particular the annual colloquia; the emerging involvement of graduate students; the development of the eJournal; the steadily growing list of publications; and our maturing relationship with IUCN.

But underlying these external manifestations of progress is an infrastructure comprised of Academy members who volunteer their time and expertise to contribute via committees and other means, and a dedicated Secretariat at the University of Ottawa which in turn is assisted by both direct financial and in-kind support from the Law School and the University. To all concerned, I express my deep appreciation for their ongoing support of the Academy.

Finally, I would note that there is no room for complacency or contentment with respect to the future directions of the Academy. There are immediate challenges in terms of funding that have been exacerbated by the impacts of the global financial crisis. It is also important for the Academy to ensure it meets the expectations of its members and retains their engagement in its affairs.

But there are also opportunities for the Academy to broaden its horizons by developing its international profile and pursuing activities on a regional scale. These and other matters will be considered through a process of strategic planning for the future development of the Academy, in consultation with our membership. Through these deliberations, I trust that we can ensure that the Academy continues to thrive and in particular to accomplish its mission of providing “a network of academic institutions pursuing and supporting excellence in teaching and research in environmental law”.

Annual Report

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 Nilufer Oral

Istanbul Bilgi University, Turkey

Professor Lye Lin Heng

National University of Singapore, Singapore

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, Germany (*ex officio*)

Antonio Herman Benjamin

IUCN Commission on Environmental Law, Brazil (*ex officio*)

Professor Jamie Benidickson

Director, IUCN Academy of Environmental Law (*ex officio*)

Professor Yves Le Bouthillier

Director, IUCN Academy of Environmental Law (*ex officio*)

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.

Committees of the Academy

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 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

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 2012, the Academy's membership had grown to 158 institutions from 49 countries around the world.

The new institutional members for the period from May 1, 2011 to April 30, 2012 (in their order of joining) included:

1. University of Eastern Finland, Finland
2. Yerevan State University, Republic of Armenia

3. University of Deusto, Spain
4. Johannes Kepler University of Linz, Austria
5. Noida International University, India
6. Georgetown Law, Georgetown University, USA
7. Seoul National University, Korea
8. National Law University Delhi, India
9. Université Laval, Canada

Payment of membership fees remains a challenge for the Academy Secretariat. This year's economic downturn has made payment of membership fees an even greater challenge for many members, including members from developed countries. In an effort to simplify membership payment methods, the Academy introduced an on-line payment option as of November 2011. This method of payment is well received by some members and the Academy encourages members to pay on-line.

Relationship with the IUCN

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. The South Africa Colloquium included a valuable pre-conference Workshop organized with ELC and CEL on the theme "Legal Recognition and Governance of Ecosystem Services". Planning for a further examination of this theme at the 10th colloquium continued through the year.

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 Françoise 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 9th Annual Colloquium: South Africa

Under the co-operative leadership of a consortium of South African universities including North-West University, the University of KwaZulu-Natal and the University of Cape Town, the colloquium addressed “Water and the Law: Towards Sustainability.” Papers were presented in plenaries and panel sessions, supplemented by policy sessions and other discussion forums. Dr. Pat Wouters, Director of UNESCO Water Centre at the University of Dundee, Scotland, 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

Biofuels

With the support of the Law Foundation of Ontario, the IUCN Academy hosted a workshop on “Designing Law and Policy for the Transition to Sustainable Energy: The Case of Biofuels” in Ottawa, June 8-10, 2011. The workshop brought together more than 40 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. 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>

Legal Recognition and Governance of Ecosystem Services

The Academy Research Committee, in collaboration with the IUCN Environmental Law Centre, arranged a pre-colloquium workshop on ecosystem services attended by approximately 50 participants. Presentations addressed legal dimensions of ecosystem services with particular reference to payment mechanisms, biodiversity valuation and protected areas.

Local Climate Change Law

Under the direction of Professor Ben Richardson of the Faculty of Law, University of British Columbia, a workshop took place in Vancouver, 22-23 October 2011. Twenty specialized law and policy researchers drawn from the ranks of nine Academy member institutions, as well as from local government and the NGO community, examined local climate law from a variety of perspectives. Political, policy and governance challenges were debated in order to better understand opportunities for and obstacles to improved local climate action. A second part of the workshop analyzed selected foreign examples to consider lessons for Canada and to highlight valuable precedents. Drawing on insights from South Africa, Australia, China, the European Union and the United States, participants sought to identify best practices, assess the choice and mix of policy tools for local climate action, and consider the relationship between climate law and broader policy goals to build environmentally sustainable communities.



Publications of the Academy

The Academy is pleased to announce the publication of:

Jamie Benidickson , Ben Boer , Antonio H. Benjamin , Karen Morrow, *Environmental Law and Sustainability After Rio* , Edward Elgar Publishing, 2011

Paul Martin, Li Zhiping, Qin Tianbao, Anel Du Plessis, Yves Le Bouthillier, Angela Williams, *Environmental Governance and Sustainability*, Edward Elgar Publishing, 2012.

These volumes enrich the expanding series of volumes that now also includes:

Compliance and Enforcement in Environmental Law: Toward More Effective Implementation. 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.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. The current issue is found at:

<http://www.iucnael.org/en/e-journal/current-issue-.html>

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, are available from UNEP and the Academy. Since the release of these documents, the Secretariat has answered a number of questions and requests with regard to them. For course materials see:

<http://www.iucnael.org/en/our-activities/teaching-a-capacity-building/153-compliance-and-enforcement-of-multilateral-environmental-agreements.html>

Communications and Member Services

Several significant additions were made to the Academy Website www.iucnael.org during the year.

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. French and Spanish materials are being added as they become available.

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. Arrangements for updating the Directory on an ongoing basis are now underway.

Legal Earth, the Academy newsletter continues to appear on a regular basis.

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



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. In January 2012 the Secretariat welcomed Professor Louis Kotzé as the first IUCN Academy January Scholar to teach a course on Global Environmental Governance.

The Academy Secretariat was comprised of Yves Le Bouthillier and Jamie Benidickson (Directors) and Membership Manager Winnie Carruth who provides administrative services in connection with a range of Academy initiatives.

Financial

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

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

Thanks must be extended to Edward Elgar Publishing for continuing 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 contributed 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.

The Academy is also grateful to GreenField Ethanol for sponsoring the field trip to visit their Johnstown plant for the participants of the Conference on "Designing Law and Policy for the Transition to Sustainable Energy: The Case of Biofuels".

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.