

## IUCN ACADEMY OF ENVIRONMENTAL LAW

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*Yves Le Bouthillier, Director*

### Welcome from Yves Le Bouthillier, Director

The Academy enters the year 2009 with a network comprised of more than 90 institutions from all regions of the world, engaged in teaching and research in environmental law. While there is undoubtedly some truth to the statement that there is strength in numbers, the real potential of a network can only be realized through sustained communications within the network itself. This year, the Secretariat is committed to creating opportunities for exchange amongst members as well as seeking ongoing input from members.

We are off to a good start with this electronic newsletter, which we hope you will find informative. Each member might consider contributing to it in the future. A few days ago you would also have received an

electronic survey on research and scholarship. We strongly encourage you to take the time to complete the survey and look forward to facilitating collaborative research initiatives. The IUCN Academy will also be launching an electronic environmental law journal, proving a forum for exchange on substantive issues.

Towards the end of this calendar year, we are all invited to Wuhan University in China for the Academy's 7<sup>th</sup> annual colloquium. This is the singular event where all members of the Academy meet face to face. It is our hope that this upcoming event will be every bit as successful as our most recent annual colloquium in Mexico City in November.

Throughout the year, the Academy will endeavour to create even more opportunities for exchange and communication. As we continue to work to improve our electronic sharing and the Academy's website, we hope that you will not hesitate to communicate your ideas and suggestions to the Secretariat, either to me at [ylebouth@uottawa.ca](mailto:ylebouth@uottawa.ca) or our manager, Carolyn Farquhar at [Carolyn.Farquhar@uottawa.ca](mailto:Carolyn.Farquhar@uottawa.ca).

### **Governing Board Meeting – Mexico City**

A full day meeting of the Academy's Board was held on November 9, 2008, just prior to the Mexico City Colloquium. The meeting provided an opportunity to review the priorities and progress of the Academy, the work of the Board committees, the work of the Secretariat, financial results and the fundraising efforts being undertaken by the Academy. Many of these items are noted below.

#### ***Governance Committees: Focusing on Operations***

Earlier this year, the Board created several subcommittees to help move forward the work of the Academy. The first, the Website Committee is chaired by Michael Kidd (University of KwaZulu-Natal) and includes Marjan Peeters (Maastricht University) and John Bonine (University of Oregon), Yves Le Bouthillier and Carolyn Farquhar.

The Committee has developed a focused work plan that aims to make corrections and updates to the content and to help ensure that new and relevant content is solicited and obtained from member institutions of the Academy. The Committee will continue to work closely with the Secretariat on building the content as well as determining what aspects of the site should be open access versus members-only.

The second committee, the Membership Committee, is chaired by Gilberto Rincón (Centre for Sustainable Development Studies – Colombia) and includes Irina Krasnova (Moscow State Law Academy), Ben Boer (University of Sydney), Yves Le Bouthillier and Carolyn Farquhar. The Committee has agreed that both recruitment and retention of existing members are important, and that responsibility for these efforts should be shared amongst several individuals, including Board members. It was also strongly urged that key material should be prepared in other languages to promote the Academy. Finally, the Committee has provided recommendations to the Board on creating a new fee structure for membership, namely, 400 Euros, 100 Euros and 50

Euros and the inclusion of academic research institutions as members of the Academy.

The third Committee, the Finance and Fundraising Committee is chaired by Rob Fowler and includes José Juan González (Mexico Autonomous University), David Hodas (Widener University), Dick Ottinger (Pace University), Yves Le Bouthillier and Carolyn Farquhar. The Committee has supported the development of an operational budget for the Secretariat, as well as providing direction on the identification of potential funders and sources of funding. Further, the Committee has provided important input to the creation of communications materials to be used by Academy management, board members, and member institutions in raising the profile of the Academy and helping to develop funding sources.

#### ***Membership of the Academy***

Our membership numbers are nearing 100 institutions, representing close to 450 individual professors of environmental law from all regions of the world. This list is available on the Academy's website and provides a very valuable resource for the advancement of the teaching of environmental law and its conceptual development. As noted above, the work of the Website Committee and the Membership Committee will play an important role in providing services to members of the Academy.

During the Annual General Meeting (the Collegium) on November 12<sup>th</sup>, several changes were made to the Academy's by-laws in the area of membership:

- The definition of "member" was broadened to include academic research institutions
- The criteria for membership were simplified to facilitate applications from institutions in developing countries
- The fee structure was simplified so as to encourage more institutions to join the Academy.

### **Recognizing the Founding Chair and Directors**

The Mexico Colloquium provided an opportunity to recognize the contributions and dedication of the IUCN Academy's two founding directors, Professor Jamie Benidickson and Professor Ben Boer. Over the past five years and three years, respectively, these two gentlemen have worked tirelessly in creating the institution itself, building a highly effective partnership with the University of Ottawa, building Academy membership worldwide and contributing to the success of six annual world-class colloquia on critical issues related to environmental law and governance.

The Academy's former Chair, Nick Robinson and the current Chair, Rob Fowler, noted that the Academy is indebted to the passion and energy of the two co-directors and that they have laid the foundations for continued success and growth. In turn, the tremendous leadership and vision of Nick Robinson and his commitment to the IUCN Academy and environmental law, were enthusiastically applauded by all.



*Yves Le Bouthillier, Ben Boer and Rob Fowler, Mexico City*

### **Sixth Annual Colloquium in Mexico City**

The IUCN Academy's Sixth Annual Colloquium was held November 10-15, 2008 in Mexico City. The event focused on the theme of Poverty Alleviation and Environmental Protection and was organized under the very capable leadership of Dr. José Juan González Marquez of the Universidad Autonoma Metropolitana. More than 200 participants took part in the five-day event with distinguished speakers from academia, the judiciary, political and government

leaders, non-governmental agencies and private sector leaders, providing a range of perspectives and experience on the conference themes. Speaker presentations will be made available in the coming weeks on the Academy's website and a compendium of papers will be published later this year.

### **Wuhan Colloquium, November 2009**

Plans are already underway for the 7th Annual Colloquium of the IUCN Academy of Environmental Law. This event will take place from November 1 – 6, 2009 at Wuhan University in China (Research Institute of Environmental Law) in collaboration with Chinese member institutions of the IUCN Academy and Environmental and Resources Law Association of the Chinese Law Society.

The Seventh Annual Colloquium of the IUCN Academy of Environmental Law will focus on the *Environmental Governance and Sustainability*. This theme provides an opportunity to examine the issues of international, national, sub-national and local environmental governance in the context of the promotion of environmental, social/cultural and economic sustainability. Proposed sessions include:

- Governmental environmental responsibility:
- Corporate environmental responsibility
- Role of non-government organizations in environmental protection
- Involvement of stakeholders in environmental protection
- Right to a clean and healthy environment
- Public participation and environmental governance
- Access to justice
- Environmental litigation
- The role of courts and tribunals
- Environmental mediation and other forms of dispute resolution
- Evaluation and indicators of environmental governance and sustainability
- The environmental governance of natural areas

The call for papers is now available on the website at [www.iucnael.org](http://www.iucnael.org).

### **Partial Election of the Governing Board**

In late 2008, the Academy conducted an election for four members of the Governing Board. As a result, Robert Fowler (Oceania) and Gilberto Rincón (South America) were both renewed as Board members. Two new Board members, Wang Xi (North Asia) and Bharat Desai (South and West Asia) were elected in newly reconfigured regions. Professor Wang Xi from Shanghai Jiao Tong University, China, and Professor Dr. Bharat Desai of Jawaharlal Nehru University, India, are warmly welcomed.

The partial election was undertaken just one year after the first full Board election, at which time one, two and three year terms were designated so as to ensure continuity within the Board. The two reconfigured regions (noted above) reflect a more rational representation globally.

We are pleased to announce that Rob Fowler has been appointed as Chair and Gilberto Rincón as Vice-Chair. The Board and all members of the Academy wish to extend our sincere appreciation to José Juan González for his very valuable contributions as Vice-Chair.

### ***Conferences from Around the Globe*** **Climate Law in Developing Countries, Ottawa**

The Academy hosted a ground-breaking conference on “Climate Law and Developing Countries Post-2012: North and South Perspectives”. Held at the University of Ottawa September 26-28, 2008, the conference was an enthralling event that brought together 150 participants from 30 countries to hear nearly 60 presentations on a range of legal and policy challenges relating to the development of climate change law.

The culmination of a year of planning and fund raising by the organizing committee, chaired by Professor Benjamin Richardson, the conference will help the IUCN Academy lay the foundations for a research program on climate law in developing countries. This field of research had been identified

by the Academy’s Research Committee as the most pressing and significant environmental law research issue for Academy member institutions

The bilingual conference, with presentations in English and French, featured a series of plenary speeches, panel sessions and a roundtable discussion. It was also preceded by a half-day workshop on Teaching Climate Law, chaired ably by Professor Marjan Peeters. One of the highlights of the conference was the opening keynote presentation by the internationally renowned Professor William Rees, a scientist at the University of British Columbia. The pioneer of the “ecological footprint analysis”, Professor Rees spoke of the grave dangers global warming poses to the biosphere, and thus human civilization, requiring nothing short of a wholesale revolution in our economic and social institutions. The Honourable Charles Gonthier, a former Justice of the Supreme Court of Canada, also spoke at the conference opening about some of the specific legal challenges climate change poses in a Canadian context.

The challenges that their bold messages presented to legal reformers set the tone for an engaging conference that featured a galaxy of leading environmental law scholars from around the globe. Over the following two days, nine plenary session speakers canvassed a range of thematic and country-specific issues. They included the passionate MC Mehta, who spoke about climate law challenges in India, Dr Eric Kwa, who drew attention to the plight of Indigenous people in his own country, Papua New Guinea, and Red Constantino, an environmental journalist and former Greenpeace activist from the Philippines. Other plenary session speakers from developing countries were Yinka Omorogbe (Nigeria) and Lavanya Rajamani (India). Bringing a perspective from the North were the plenary speakers Professor Robert Fowler (Australia), Professor Hans Christian Bugge (Norway), Claire Stockwell (Canada) and Marie-Claire Cordonier Segger (Canada).

Some 45 papers were also presented in 13 panel sessions, on such topics as European Union Climate Policy toward Developing Countries, Financial and Economic Policy Instruments for Climate Change, Climate Refugees, and the Kyoto Protocol's Clean Development Mechanism. A special roundtable chaired by Professor Brad Morse (Canada) discussed Indigenous Peoples and Climate Change. Further, at the conference dinner held at the Museum of Nature, Mary Simon (President of the Inuit Tapiriit Kanatami) spoke of the forbidding climate change challenges for the indigenous people of the Arctic region.

Together, these various sessions and presentations generated a wealth of new understandings of the legal and policy challenges that developing countries face in mitigating and adapting to climate change while meeting their social and economic needs. The conference has helped forge new academic relationships for future collaborative research on climate law. An example is the research project planned by the IUCN Academy on environmental standards for the biofuels industry. A selection of the conference papers will be published in a book with Edward Elgar Publishing, due for release in September 2009.

The success of the conference owes to the efforts and support by many. The financial support of an array of donors is gratefully acknowledged: Canadian International Development Agency, Foreign Affairs and International Trade, International Development Research Centre, Social Sciences and Humanities Research Council of Canada, Ontario Power Generation, Osgoode Hall Law School, the University of Ottawa as well as the law firms Heenan Blaikie, Bennett Jones and McLeod-Dixon.

Robert Kibugi and several law student volunteers, acting as rapporteurs, provided an excellent summary of the conference results in the closing session. Finally, the conference organizing committee itself, which oversaw the entire process, deserves great praise. The committee members were:

Benjamin Richardson (chair), Robert Kibugi, Yves Le Bouthillier, Heather McLeod-Kilmurray, Stepan Wood and Carolyn Farquhar, who were supported by an advisory committee comprising Yanti Fristikawati, Emmanuel Kasimbazi, Muhammed Tawfiq Ladan, and Wang Xi.

### **IUCN World Conservation Congress Barcelona, October 2008**

The IUCN held its quadrennial 6<sup>th</sup> World Conservation Congress in Barcelona, Spain from October 4- 14, 2008. More than 7800 participants attended, including a number of representatives from member institutions of the Academy.

The Congress had two main components: the first, the Forum, ran over four days and involved more than 900 events conducted by members or units of the IUCN and the second, the Members' Assembly, which involved four days of intensive discussion concerning the affairs of the IUCN.

The theme of the Forum was "A New Climate for Change". The organizers of the conference created a set of "Journeys" based on particular issues, such as forests, water, energy, marine, climate change and rights and conservation. Françoise Burhenne-Guilmin of the IUCN Environmental Law Centre in Bonn coordinated the "Law & Governance Journey" that identified about 60 events relevant to environmental law including such issues as:

- The role of REDD projects in relation to mitigation of climate change
- Future approaches to the use of biofuels
- Establishment of protected areas on the high seas
- The valuation and payment for ecosystem services
- New legal regimes for the management of fisheries
- The protection of polar regions from resource exploitation and the impacts of climate change
- The development of rights-based approaches to conservation.

During the Members' Assembly, several reports were presented, including those of the Director-General, the Commission Chairs and the Regional Committees. The report of the Environmental Law Commission Chair, Sheila Abed, included a detailed and positive description of the Academy's development since 2003.

The IUCN released two important program plans: *Shaping a Sustainable Future: The IUCN Programme 2009-12* (available at [www.iucn.org/programme](http://www.iucn.org/programme)) which describes the conservation results that IUCN aims to achieve globally between 2009 and 2012 and *Law for Sustainability: The IUCN Environmental Law Programme 2009-12*.

Elections were held for a number of positions. Notably, Ashok Khosla was elected President for the next four years. He is Chairman of the Delhi-based organization, Development Alternatives, and has served as a Director of UNEP. Sheila Abed was re-elected (unopposed) as Chair of the Environmental Law Commission.

A considerable number of draft resolutions and recommendations were passed – 136 in total. It should be noted that considerable negotiation occurred with respect to motions on which there was some contention, in “contact groups” and other fora conducted outside of the main Assembly.

### **The 9<sup>th</sup> Global Conference on Environmental Taxation, Singapore**

The 9<sup>th</sup> Global Conference on Environmental Taxation was held in Singapore from 6-7 November 2008, on the theme “Environmental Taxation and Challenges of the Urban Environment: Exchange of Experiences between Developed and Developing Countries.” It was organized by the Asia-Pacific Centre for Environmental Law (APCEL), Faculty of Law, National University of Singapore, co-hosted by the Singapore Academy of Law, and supported by the Centre on Asia and Globalisation at the Lee Kuan Yew School of Public Policy, NUS; the Association of Chartered Certified Accountants in Singapore

(ACCA); the Inland Revenue Authority of Singapore (IRAS); the IUCN Academy of Environmental Law; the Environmental Tax Policy Institute, Vermont Law School, USA; the Department of Business Law, Macquarie University, Sydney, Australia; the Department of Accounting at Cleveland State University, USA; and the International Tax and Investment Centre (ITIC), Washington, DC, USA

Some 142 delegates from 25 countries attended. They included lawyers, economists, accountants, representatives from NGOs and government officials from the IRAS, the Ministry of Finance and the Ministry of the Environment and Water Resources. For more information, please see <http://law.nus.edu.sg/apcel/conference/gcet/index.html>

The conference themes included: Environmental Taxation and the Urban Environment; Environmental Taxation and the Construction Industry; Environmental Taxation and Water; Carbon Pricing and Emissions Trading; Environmental Taxation and Energy/Fuels; Water, Land and Pollution Management; Trade, Carbon Taxes and New Markets; The Use of Taxation in Transportation Management; and Transportation & Congestion Management. Various case studies were examined from developed as well as developing countries.

Some 55 papers were presented. Keynote presentations were made by Prof. Nicholas Robinson (Pace University School of Law, New York, USA; former Chair, IUCN Academy of Environmental Law and IUCN Commission on Environmental Law), who spoke on “Melting Down Financial ‘Investment’ Markets: Hedges Against Wider Market Collapse”; and Mr Chas Roy-Chowdhury, Head of Taxation, ACCA, UK, who gave a presentation entitled “European Perspectives on Environmental Taxation”. Two other keynote presentations came from Prof Akio Morishima, Special Research Advisor and former

Director, Institute for Global Environmental Strategies (IGES), who spoke on “Japan’s Emission Trading System and Environmental Tax as a Policy Measure to Realize a Low Carbon Society”, and from Mr Liu Hern Kuan, Chief Legal Officer, Inland Revenue Authority, Singapore who (with Ms Sumathi Saad Janjud, Principal Tax Officer, IRAS) presented a paper entitled, “Environmental Taxes and its Role in Singapore’s Approach towards Environmental Sustainable Development”. APCEL’s Deputy Director, Associate Prof Lye Lin Heng presented a paper entitled “Environmental Taxation in the Management of Transportation in Singapore” at Plenary Session II, on The Use of Taxation in Transportation Management. Selected papers will be published in the series Critical Issues in Environmental Taxation by Oxford University Press.

The 10<sup>th</sup> annual conference will be held in Lisbon, Portugal, from 23-25 September, 2009, and will focus on Water Management and Climate Change. See <http://www.worlddecotax.org/>

## ***Members Corner***

### **First International Congress on Environmental Law – Bogota, Colombia**

#### **Gilberto Rincón**

The Academy Chair, Rob Fowler, and former co-Director, Ben Boer, participated in the *1<sup>st</sup> International Congress on Environmental Law: Challenges for the New Millenium*, held in Bogota, Colombia on November 18 – 19, 2008. The Congress was organized by the Centre for Studies in Sustainable Development (CEID), whose Director, Gilberto Rincón, is a member of the Academy’s Governing Board. The Academy was recognized as co-sponsor of the Congress, which attracted over 120 participants and also featured the release of the Spanish version of Lester Brown’s book, Plan B 2.0, translated by Gilberto Rincón. The Academy representatives were privileged to participate in a private meeting with the Environment Minister for Colombia, Juan Lozarno, as well as former ministers of the environment. (see photo)



*L to R: Steve Kass, Rob Fowler, Lester Brown, Gilberto Rincón, Manuel Rodriguez, Juan Mayr (both former environment ministers), Ben Boer*

### **MOU with International National Trusts Organization**

#### **Rob Fowler**

The Academy has entered into a Memorandum of Understanding with the International National Trusts Organisation (INTO) under which each organization agrees to promote the other’s activities from time to time and to explore, on a regular basis, opportunities to undertake joint activities in the form of research projects, conferences and seminars. INTO was formally founded in December 2007 and has established its Secretariat within premises provided by the UK National Trust in London. The MOU was signed by the respective Chairs, Professor Rob Fowler and Simon Molesworth AM, QC (see below) in a ceremony held in Melbourne, Australia on 21<sup>st</sup> November, 2008.



## **Imperial College, United Kingdom**

### **Zen Makuch**

Imperial College London was established in 1907 and has, until recently, been a constituent institution of the University of London. According to the 2008 national research assessment exercise, Imperial College London has the highest proportion of world-leading and internationally excellent university research staff in the United Kingdom. The University is proud of its consistent ranking among the world's best universities in international league tables. Imperial College London features a full complement of some 300+ environmental experts from the entire disciplinary range of environmental protection and sustainability. Our postgraduate environmental law programme was formally established in 1977. Taught within an interdisciplinary environmental degree framework we produce approximately 150 graduates per year

Further to this programme, Imperial College (IC) Legal has a ten-year research and teaching pedigree which balances pragmatic environmental law file work with scholarly research. Our new Sustainable Transitions Research Group expands the horizons of our environmental law programme by integrating interdisciplinary expertise towards a sustainable world reflecting the IUCN Academy of Environmental Law's balanced approach to developing and developed country partnerships. Selected activities for the past year in relation to our legal research and practice include:

- Design of a carbon finance strategy for addressing the needs of the poor in The Gambia
- Within a European Union Member State, the creation of national legislation and an implementation framework for environmental permits for SMEs with particular reference to the used of general binding rules for thirteen business sectors
- Within a European Union Member State, we have designed detailed implementation guidance for the national civil service and

for citizens on the exercise of legal rights and remedies pertaining to access to environmental information, public participation and access to environmental justice procedures pursuant to the international Aarhus Convention

- Within a Middle Eastern State, the creation of a Framework Law on Waste Management together with a thoroughgoing Waste Management Implementation Plan
- In the context of a Planning Enquiry, diagnosing, prescribing and obtaining planning approval for an air emissions management strategy utilising world leading emission-filtration technology and plant
- Playing a principle role in creating a report on the reform of the European Community Common Fisheries Policy for the benefit of a major international Non-Government Organisation and the European Commission

Our enthusiasm for the growing network of scholarship fostered by the IUCN Academy of Environmental Law has led to participation in IUCN Colloquia and workshops in Ottawa, Vancouver and Malta.

We here at Imperial College London are also excited to have assisted the Directorship of the Academy in establishing a relationship with Edward Elgar Publishing Ltd on behalf of the IUCN Academy such that Annual Colloquia outputs will be published for worldwide dissemination under the Series Editorship of Zen Makuch, Imperial College London and Kurt Deketelaere, University of Leuven. It is hoped that this Series will showcase the excellent and timely environmental scholarship on offer in connection with our annual conference work at the Academy.

## **Environmental Law at the University of KwaZulu-Natal**

**Michael Kidd**



The University of Natal (UKZN's predecessor) was the first Faculty of Law to offer both an LLB module in environmental law and a coursework masters (LLM) in environmental law, in the early 1990s. Since then, we have been offering both degrees on both the Pietermaritzburg and Howard College (Durban) campuses. Recently, we changed from a parallel system for the LLM (each campus teaching its 'own' students, although offering the same modules) to an integrated approach, where all students are taught together, regardless of their 'home' campus.

Our LLM comprises four modules – Pollution Control, Land Use and Planning, Natural Resources and International Environmental Law, together with a dissertation. We have had students enrolled from many different countries, not only in Africa. Several years ago, an Australian student turned up out of the blue, carrying his backpack, having walked several kilometers from the bus stop on one of the hottest days of the year. He subsequently completed a very good LLM degree, and we have had students from Europe and many different African countries as well.

About five years ago, the University hosted several students from several Southern African Development Community (SADC) countries, sponsored by the Dutch government as part of a programme run by the

IUCN Regional Office for Southern Africa. After hosting ten students over two years, the funding came to an end, and the programme was stopped. From these students, one has subsequently completed a PhD through our University, some others are engaged in PhD studies at various other universities, and several are now teaching environmental law in countries in the region. Our programme, although focused primarily on South Africa and its laws, is geared to being sufficiently comparative in outlook so as to be beneficial to non-South African students, and we continue to attract numbers of such students, particularly from Tanzania.

The Institute of Environmental Law also publishes the *South African Journal of Environmental Law and Policy*, and has been doing so since 1994. Many of our contributors are South Africans but this has also attracted authors from all over the world, and we welcome submissions from anywhere, although preference will be given to contributions that are relevant to southern Africa.

We can be contacted through the two main academic players in the Institute, Michael Kidd at [kidd@ukzn.ac.za](mailto:kidd@ukzn.ac.za) or Ed Couzens at [couzense@ukzn.ac.za](mailto:couzense@ukzn.ac.za)

## **Atma Jaya Catholic University Law School, Indonesia**

**Yanti Fristakawati**

Our university aims to be a leading law School with national and international academic and professional excellence, consistently reflecting the merging of Christian faith, science-technology, and Indonesian culture in an effort to educate the nation.

Founded on July 3<sup>rd</sup>, 1965, Atma Jaya Catholic University Law School was one part of the birth of Indonesia's New Order Regime in 1966. Since then our students have been actively involved in the youth movement in Indonesia, including the Reformation Movement of 1998.

With around 90 academics serving 1500 law students, Atma Jaya has become one of the 50 leading universities in Indonesia according to Directorate General Higher Education – Department of National Education. Moreover, Atma Jaya Law School consistently ranks as one of the most favorite law schools in the Capital.

Atma Jaya Law School offers 5 major disciplines: Civil Law, Criminal Law, International Law, Business Law and Constitutional Law.

The law school is actively involved in several activities relating to environmental issues, such as International Seminar on Human Security – in collaboration with Radboud University Nijmegen (Netherlands), and Discussion on Indonesian New Waste Act. In dealing with the increased demand for environmental law expertise, we are in the process of establishing a post graduate Programme with its major in Environmental and Natural Resources Law. Environmental Law is a compulsory subject for law students, and International Environmental law has become an elective subject.

However, the global financial crisis is impacting the focus on environmental concerns in Indonesia. Therefore, as academics, we are trying to be actively involved in the development of the Indonesian Environmental Legal System through teaching, research, workshop or any other activities. We see this as an important way of contributing positively to society.



### **Oregon's Special Approach to Environmental Law John Bonine**

This year starts the fifth decade of teaching environmental law at the University of Oregon.

Oregon's upcoming 27th Annual Public Interest Environmental Law Conference (PIELC) in February 2009 ([www.pielc.org](http://www.pielc.org)) illustrates both Oregon's traditions and its reputation as a place where new ideas are generated. As has been the situation for nearly three decades, the PIELC is organized entirely by volunteer law students. That tradition of "student ownership" of the conference brings a distinctive energy and freshness each year. The 100 student volunteers are critical to putting together a conference that annually features more than 200 speakers and about 3,000 participants. Professor John Bonine serves as a faculty advisor to the conference.

This year, the PIELC will be combined with the annual conference of the National Association of Environmental Law Societies, and will follow the annual meeting of the Environmental Law Alliance Worldwide ([www.elaw.org](http://www.elaw.org)) in the same location. As a result, lawyers from 30 countries as well as students from 50 law schools are expected to participate.

Oregon has a long history of innovation, establishing the world's first Environmental Law Clinic more than 30 years ago. Its new program for an LL.M. in Environmental and Natural Resources Law ([www.llm.uoregon.edu](http://www.llm.uoregon.edu)) is an example. The Director of the LL.M. program, Svitlana Kravchenko, came to Oregon after teaching for 25 years in Ukraine. A unique aspect of Oregon's LL.M. program is its program of field trips, in which the students visit the sites of various environmental controversies and meet lawyers and other representatives of various interest groups involved in the issues. The small size of the class and such activities lead to an almost-tutorial level of interaction between students and professors.

Bonine and Kravchenko work at Oregon alongside several other professors working on environmental law issues: Mary Wood (public trust and climate change); Adell Amos (water and climate change); Dick Hildreth (coastal law and publishing a casebook on climate change); Roberta Mann and Nancy Shurtz (environmental taxes); Rob Illig and Judd Snierston (sustainable business); and others.

**University of British Columbia**  
**Natasha Affolder**



economic factors connected with environmental and natural resource issues. The Centre delivers an approach to legal education that is interdisciplinary, international and attentive to indigenous issues.

Negotiation skills and problem-based case studies are key elements of the Centre's approach to environmental law learning. On November 14, 2008, forty-two participants competed in the fifth annual **Environmental Law Negotiation Competition**, hosted by the Environmental Law Group at the law school. The event involves neighbouring law schools in a series of competitive negotiations over a hypothetical multi-dimensional natural resource problem, judged by members of the bench, bar and legal academy. Law schools interested in the next competition, planned for the fall of 2009, may contact Natasha Affolder ([affolder@law.ubc.ca](mailto:affolder@law.ubc.ca)).

Another recent initiative at the Centre is a research project examining **Contracts as Tools of Biodiversity Conservation**. This research rejects the limited, binary view of environmental law as restricted to a choice between command and control instruments, and voluntary mechanisms. The project thus seeks to highlight the neglected potential of contract law as a tool of environmental protection. A first paper to emerge from this research, *Environmental Contracts in Mining Projects: Rescuing Contract Law from Corporate Social Responsibility*, was presented by the Principal Investigator, Natasha Affolder, at the IUCN Academy of Environmental Law Colloquium in Mexico City.

The Centre for Global Environmental and Natural Resource Law at the University of British Columbia (UBC) has developed around a foundational belief that lawyers are far more than repositories of legal knowledge and advice. As advocates and advisers, lawyers must appreciate the ecological, social and

**Teaching Environmental Law at the Faculty of  
Makerere University, Kampala, Uganda  
Emmanuel Kasimbazi**



Makerere University is one of the oldest universities in Africa. It grew out of a Technical College in 1921 and in 1963 became part of the University of East Africa as one of the colleges and the headquarters. This arrangement lasted until 1970, when Makerere became an autonomous university. The Faculty of Law of Makerere University was established in 1970 and since that time, the Faculty has grown to four departments: Law and Jurisprudence, Commercial Law, Human Rights Peace Center and Public and Comparative Law under which Environmental Law and policy is administered. The Faculty of Law has more than 40 teaching staff offering basic and specialized courses in law including environmental law. Currently, the Faculty offers courses leading to the Degrees of Bachelor of Laws, Master of Laws and a Doctorate of Law.

The teaching of Environmental law and research started in 1990's with the government's initiative aimed at modernizing natural resources and environmental legislation. This resulted in the enactment of various modern pieces of legislation. Since then, several cases dealing with concepts of environmental law such as Environmental Impact Assessment, Public Trust doctrine and the right to clean and healthy environment have been filed in court. There is a proposal to establish a Makerere University Environmental Law Center (MUELC) at the Faculty of Law, as a unique specialized centre of environmental law to provide an avenue to meet the training and research needs. As a centre of excellence

in environmental law, it is proposed to introduce a wider coverage of courses in legal aspects of Environment and Natural resources law that will address the emerging needs of contemporary environmental issues. There is an existing capacity to teach Environmental Law at the Faculty spearheaded by Emmanuel Kasimbazi which has been further strengthened by his 5 months Fulbright scholarship spent at the University of Maryland School of Law, Baltimore developing environmental law related courses and curricula. He is working with Professor Robert Percival, the Director of the University of Maryland School of Law Environmental Law Program and a recognized expert in environmental law in the United States of America

***An Update from the Secretariat***

**Natural Resources Law and Governance  
Knowledge Network**

A key priority for Natural Resources Canada is the implementation of their strategy for sustainable development of Canada's natural resources. The IUCN Academy has undertaken a major project with Natural Resources Canada to establish and manage a knowledge network on natural resources. This network was launched in March 2008 and brought together seven leading law schools and research institutes in Canada. The Network provides a focal point for dialogue and exchange on issues related to environmental law, policy and governance, with the intention of assisting Natural Resources Canada in the development of law and policy mechanisms concerned with the governance of natural resources.

The Secretariat of the Academy, under the direction of then co-director Jamie Benidickson and its manager, Carolyn Farquhar, has put together this network which included the orchestration of two inaugural network meetings, the production of a major report of key results and the establishment of a web-based repository of research on natural resources law and governance issues. This project was completed in September and was carried out in association with the IUCN Environmental Law Programme in Bonn.

The network offers access to leading edge research and insights on issues related to natural resources law, policy and governance to parties with a direct stake in natural resources in Canada. Over time, this network has the potential to include electronic and face-to-face interaction and learning amongst law schools and institutes around the globe, on a range of issues related to natural resources law and policy.

### **University of Ottawa Endowment Offer**

In mid 2008, the President and Vice-Chancellor of the University agreed to offer to provide matching funds, up to \$1 million (Cdn), to establish an endowment fund for the Academy. With the arrival of the new president, Allan Rock, in late 2008, this offer has been renewed and extended until September 2009. The offer has helped to focus the efforts of the Governing Board in developing a fund-raising strategy, to be executed in tandem with the Secretariat.



*President and Vice-Chancellor Allan Rock, a lawyer by profession, has served as federal minister of the justice, health and industry portfolios and, most recently, was Canada's Ambassador to the United Nations.*

President Rock has noted: "I am keenly aware of the significant role that the Academy can continue to play in preparing the next generation of students and scholars, locally and internationally, in positively influencing the future development and implementation of improved environmental law and policy across the globe."

In addition, the Secretariat has produced a professional quality kit, brochure and set of project proposals to be used in communications and fundraising. The intention is that these materials will be available in all four languages of the IUCN, English, French, Spanish and Chinese. Copies of this material are available in hard copy and electronically (by request).

### **IUCN Environmental Law Programme Plan**

As noted above, the Environmental Law Programme tabled its plan for 2009-12 at the Barcelona Congress, developed on the basis of IUCN global principles and strategies. The Plan notes that the Environmental Law Programme will continue to focus on:

- The conceptual development of environmental law
- The generation of knowledge and the dissemination of information
- Capacity building and training
- technical 'on-ground' legal assistance

The Programme will also continue its long involvement in the negotiation and implementation of international treaties, with particular reference to biodiversity, water, soil and sustainable energy. The Programme identifies five priority areas:

- Conserving the diversity of life
- Changing the climate forecast
- Naturally energizing the future
- Managing ecosystems for human well being
- Greening the world economy

## **Research Committee Activities and Plans**

Co-chaired by Professors Benjamin Richardson and Willemien du Plessis, the Research Committee concluded 2008 with the groundwork laid for a series of significant new initiatives during 2009. For much of the year, Benjamin Richardson was busy chairing the organising committee for the international conference on “Climate Law and Developing Countries”, held in Ottawa over September 26-28 (details of this event are provided elsewhere in this newsletter).

Among its various other activities, the Committee is preparing to launch a new magazine-style environmental law journal. The establishment of this periodical was approved by the Academy’s Governing Board in November 2008. It will be an open-access online publication, covering news and reporting of legal and policy developments worldwide, rather than featuring full-length scholarly articles. An editorial committee will be recruited with the aim of releasing the journal in mid-2009. Its format and scope reflects a lengthy consultation process undertaken by the Research Committee, and the journal promises to be a key focal point of Academy members.

Another new initiative of the Committee is the annual scholarship prize competition, which will be implemented for the first time in 2009. Its aim is to recognise and reward outstanding scholarly achievements, such as authoring books and articles, editing journals, and organising conferences. Each year, two prizes will be awarded, in a senior and junior scholar category, based on a nomination process and a judging panel to be established under the auspices of the Research Committee. The first prize winners in this prestigious competition will be announced at the Academy’s colloquium in Wuhan, China. Keep a watch for the call for nominations that will be issued in early 2009.

The Research Committee has also been advising the Academy’s Secretariat on new research proposals to present to potential donors. Building on the success

of the Academy’s recent Climate Law and Developing Countries conference, the Research Committee has drafted a proposal for a research program to develop international certification and model legislation for the biofuels industry. The aim will be to ensure that the burgeoning biofuels sector, which is increasingly mired in controversy, is conducted with environmental integrity while providing social and economic benefits to host communities. A workshop in a developing country in 2009 is hopefully planned to launch this initiative.

In early 2009 the Research Committee designed a research survey which Academy members are invited to complete. It will serve to create a database of research expertise in the Academy. The database will help to connect scholars seeking research partners as well as provide a means for graduate students to access relevant expertise in conducting their research.

The Research Committee presently comprises:

- Benjamin Richardson (co-chair, Canada)
- Willemien du Plessis (co-chair, South Africa)
- Imran Akram (Pakistan)
- Caroline Foster (New Zealand)
- Markus Gehring (Canada)
- Louis Koetze (South Africa)
- Zen Makuch (UK)
- Melissa Powers (USA)
- Solange Teles da Silva (Brazil)
- Wang Xi (China)

## **IUCN Academy’s New Publisher**

The Academy is working on an agreement with Edward Elgar Publishing to publish a series of volumes based on the Academy’s annual Colloquia. Edward Elgar is a leading international academic publisher in economics, management, law, environment, and public and social policy. The first volume to be published in the spring of 2009 will be the results of the Academy’s Colloquium on environmental compliance and enforcement held at Pace University. It will be titled *Compliance and Enforcement in Environmental Law: Toward More Effective Implementation*. As noted above, the Ottawa Climate Law conference proceedings will also be published by Edward Elgar.

## **Teaching and Capacity-Building Committee Activities and Plans**

The Committee has been working actively for close to eighteen months, having been appointed in mid-2007 by the then-Governing Board. The Committee is chaired by Lye Lin Heng of Singapore and Karen Bubna-Litic of Australia. The Committee has recently renewed its membership for the next two years, and along with the two co-chairs, includes:

José Juan González (Mexico)  
Rob Fowler (Australia)  
Gilberto Rincón (Colombia)  
Wil Burns (USA)  
Mohammed Ladan (Nigeria)  
Qin Tianbao (China)  
Marjan Peeters (The Netherlands)  
Laode Syarif (Indonesia)  
Brad Morse (Canada) *ex-officio*

The Committee's work has included the survey of member institutions (see below) which has been circulated to all members through the Academy website. It was proposed at the Mexico meeting that new members should complete the survey as they join and that the survey should be updated every six months. A significant amount of work has been undertaken to develop a template for a course for training professors on the teaching of environmental law. Three pilots have been suggested – China, Indonesia and Colombia - with Qin Tianbao, Laode Syarif and Gilberto Rincón, respectively, to lead these efforts.

During the Climate Law in Developing Countries Conference, Marjan Peeters led a workshop on "Teaching Climate Law and the Role of the Academy", along with several other colleagues. The development of a Climate Law course is now being led by Albert Mumma of the University of Nairobi.

In addition, work on the UNEP Multilateral Environmental Agreements Curriculum project is close to completion, with plans for 10 -12 pilot projects to incorporate this course in universities. It

was also proposed that the material be translated into Spanish.

The members of the Committee have been actively engaged in exploring partnerships, including the University Consortium of Small Island Developing States and the University of the South Pacific's newly created Centre for Environmental Governance.

In the coming months, the Committee's work plan includes:

- further development of the Training Environmental Law Professors project, including funding and implementation of pilot projects
- development of collaboration amongst members, in areas such as the supervision and examination of students, research, fellowships, and training courses for law teachers
- the virtual classroom project
- completion of an academic journal article on the utility of incorporating environmental law as a compulsory course in all law schools

### **Key Findings from the Teaching Survey**

The survey of Teaching and Capacity Building, conducted amongst Academy member institutions in the early part of 2008, has been prepared in a summary report and posted on the Academy website at [www.iucnael.org](http://www.iucnael.org). Karen Bubna-Litic and Gilberto Rincon were assisted by the Secretariat in preparing the report. Fifty responses were received, 27 from developing countries and economies in transition and 23 from developed countries.

The survey explores three areas: whether environmental law is a compulsory subject for the institution, the extent of capacity needs of member institutions, and the perceived value in developing the use of video-conferencing technology to teach environmental law.

Six actions were identified for the future as a result of the Survey responses: (1) continue the work on the training of Environmental Law professors, (2) identify

areas of shared research based on the 2008 Climate Law in Developing Countries conference, to be incorporated into teaching workshops, (3) capitalize on the work done on the Enforcement of Multilateral Environmental Agreements course, (4) establish the infrastructure to support an international exchange program, (5) assess the feasibility of including a teaching workshop as part of the annual colloquia, beginning with Wuhan, China in 2009 and (6) continue to update the reporting on capacity needs of member institutions within the Academy.

### **New and Forthcoming Books**

*(as recommended by the Research Committee)*

Klaus Bosselmann, *The Principle of Sustainability: Transforming Law and Governance* (Ashgate, 2008).

Ulrich Brand, *Global Environmental Regulation: Contested Terrains and the Internationalisation of the State* (Routledge, 2008).

Kathleen Brickley, *Environmental Crime: Law, Policy, Prosecution* (Aspen Publishing, 2008)

Hans Christina Bugge and Christian Voigt, *Sustainable Development in International and National Law* (Europa Publishing, 2008).

Edward Christie, *Finding Solutions For Environmental Conflicts: Power and Negotiation* (Edward Elgar Publishing, 2008).

John Dernbach, *Agenda for a Sustainable America* (Environmental Law Institute, 2008)

Michael Faure and Marjan Peeters, *Climate Change and European Emissions Trading: Lessons for Theory and Practice* (Edward Elgar Publishing, 2009)

Eric Freyfogle and Dale Goble, *Wildlife Law: A Primer* (Island Press, 2009).

Nancy Gillis, Paolo Galizzi and Alena Herklotz (eds), *The Role of the Environment in Poverty Alleviation* (Fordham University Press, 2008).

Roger Guesnerie and Henry Tulkens (eds), *The Design of Climate Policy* (MIT Press, 2009).

Monika Hinteregger, *Environmental Liability and Ecological Damage in European Law* (Cambridge University Press, 2008)

Manfred O. Hinz and Oliver C. Ruppel (eds) , *Biodiversity and the Ancestors: Challenges to Customary and Environmental Law: Case Studies from Namibia* (Namibia Scientific Society, 2008)

Richard Hiskes, *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice* (Cambridge University Press; 2008).

Andrew Jordan and Andrea Lenschow, *Innovation in Environmental Policy?: Integrating the Environment for Sustainability* (Edward Elgar Publishing, 2009).

Svitlana Kravchenko and John Bonine, *Human Rights and the Environment: Cases, Law, and Policy* (Carolina Academic Press, 2008)

Barbara J. Lausche, *Weaving a Web of Environmental Law* (Schmidt Erich, 2008)

Maria Lee, *EU Regulation of GMO's: Law and Decision Making for New Technology* (Edward Elgar Publishing, 2008)

Benjamin J. Richardson, *Socially Responsible Investment Law: Regulating the Unseen Polluters* (Oxford University Press, 2008).

Michael Schmidt, Gilberto Bandeira de Melo, and Katrina Fischer Kuh, *Response to Climate Change: The Kyoto Mechanism and Adaptation Strategies* (Springer, 2008).

Nico Schrijver, *The Evolution of Sustainable Development in International Law* (Martinus Nijhoff, 2008).

Richard Sharp, Gary Marchant and Jamie Grodsky (eds), *Genomic and Environmental Regulation: Science, Ethics and Law* (Johns Hopkins University Press, 2008).

Gunnar Sjostedt, *Climate Change Negotiations: A Guide to Resolving Disputes and Facilitating Multilateral Cooperation* (Earthscan, 2008).

Chris Tollefson, Fred Gale and David Haley, *Setting the Standard: Certification, Governance, and the Forest Stewardship Council* (UBC Press, 2008).

Gillian Triggs, *The Antarctic Treaty Regime: Law, Environment and Resources* (Cambridge University Press, 2009)

William Wilson, *Making Environmental Laws Work: Law and Policy in the UK and USA* (Hart Publishing, 2008).

David Woolley, et al (eds), *Environmental Law* Oxford University Press; 2<sup>nd</sup> ed. 2009).

## **Forthcoming Conferences and Workshops**

38<sup>th</sup> Annual Conference on Environmental Law, American Bar Association's Section on Environment, Energy and Resources, Keystone, Colorado, March 12-15, 2009  
<http://www.abanet.org/environ/programs/keystone/2009/home.shtml>

11<sup>th</sup> International Wildlife Law Conference, Stetson University College of Law, Gulfport, Florida, March 26-27, 2009.  
<http://justice.law.stetson.edu/conferences/IWLC/index..asp>

Queensland Environmental Law Association, Annual Conference, Gold Coast, May 27-29, 2009.  
[http://www.qela.com.au/01\\_cms/details.asp?ID=3](http://www.qela.com.au/01_cms/details.asp?ID=3)

*Property Rights and Sustainability: The Evolution of Property Rights to Meet Ecological Challenges*, New Zealand Centre for Environmental Law, Auckland, April 16-19, 2009.  
[www.nzcel-conf.auckland.ac.nz](http://www.nzcel-conf.auckland.ac.nz)

Public Interest Environmental Law Conference, University of Oregon School of Law, Eugene, February 26 – March 1, 2009.  
<http://www.pielc.org/>

Resource Management Law Association, Annual Conference, October 1-3 2009, Wellington, New Zealand  
<http://www.rmla.org.nz/events.asp>

Society for Environmental Law and Economics, workshop, University of British Columbia Faculty of Law, Vancouver, March 27-28, 2009.  
<http://www.ssrn.com/update/lsn/lsnann/ann211.html>

UK Environmental Law Association, Annual Conference, July 2009, Durham.  
<http://www.ukela.org/rte.asp?id=12&task=View&itemid=60>

Earth Charter Day Academic Conference 2009, July 2-5, 2009, Eindhoven, The Netherlands  
<http://mail.elsevier-alerts.com/go.asp?bESJ001/qQER6Y8/x5GVXY8>

*This newsletter was edited by Carolyn Farquhar and features contributions from Yves Le Bouthillier, Rob Fowler, Lye Lin Heng and Benjamin Richardson as well as each of the individuals who contributed to the Members Corner. Our thanks go to all.*