



Survey of Teaching and Capacity Building: A View from the IUCN Academy

November 2008

IUCN Academy of Environmental Law members ask for in-country training of law professors in both content and innovative teaching methodologies in comparative and international environmental law.

We are moving into an era where environmental problems are changing from being a matter of domestic or community concern, such as localized pollution to that of a global crisis, where our geographical and policy interdependence has become starkly evident. The impacts of climate change, deforestation, biodiversity loss, hazardous waste movement, lack of environmental impact assessments, to name just a few, have become mainstream issues and a wide range of community leaders recognize the need to use laws to protect the environment.

Somewhat surprisingly, though, member institutions of the IUCN Academy report that law societies and other professional accreditation bodies from around the world don't always see building capacity in environmental law as a priority. This is changing, as can be seen in the case of China as the Chinese government has recently made Environmental Law a mandatory subject in order to qualify as a lawyer. In several other countries, environmental law is a compulsory course within law school curricula, but there appear to be human, financial and technological barriers to full capacity in the teaching of environmental law. It is clear that if we are going to have effective laws to protect the environment at a global and local level, there is a need to build capacity in law schools, particularly in developing countries.

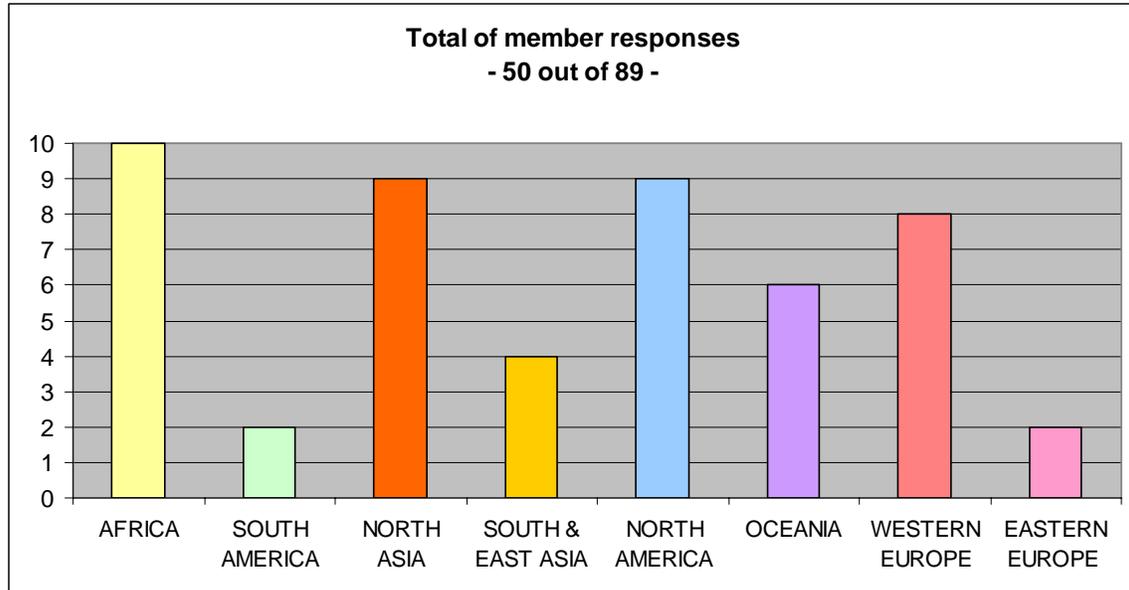
The Objectives of the Survey

To gain a clearer picture of the enablers and barriers to teaching environmental law, the IUCN Academy of Environmental Law conducted a survey of its member institutions early in 2008.

The survey was designed by a team within the Teaching and Capacity Building Committee. The Committee had identified the need to undertake a survey of members institutions to ascertain the needs within regions and across the membership with respect to the promotion of the teaching of environmental law.

The survey was administered in the first part of 2008 among the 89 members of the IUCN Academy. Fifty responses were received: 27 from developing countries and economies in transition, and 23 from developed countries.

The graph below illustrates the number of responses by region. (NB: The regional groupings conform to those of the International Union for Conservation of Nature)



The survey, comprised of open-ended and closed-ended questions, was designed by a small team within the Committee. The survey was divided into three parts:

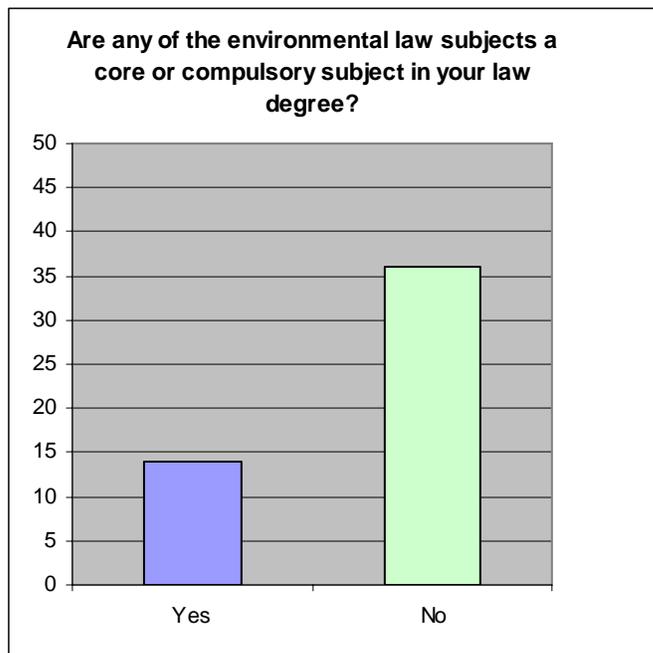
- inquiring whether environmental law was a compulsory subject for the institution
- identifying the capacity needs of member institutions
- explored the perceived value in developing the use of videoconferencing technology to teach environmental law.

(1) Is Environmental Law Core?

The survey probed what courses in environmental law were regularly taught within each institution, at the undergraduate and graduate levels as well as courses on environmental law issues that might be taught in other faculties. Importantly, the survey sought feedback on the number of institutions where environmental law is deemed core or compulsory.

- Fourteen of our members identified environmental law subjects as being a core subject in their undergraduate law degree.
- Countries where environmental law is compulsory include China, Indonesia, Russia, Ethiopia, Finland, and the Czech Republic.
- Land law is a mandatory subject in Nigeria and Russia.
- Environmental law has just been introduced into China as a compulsory subject in the undergraduate law degree. There are 500 law schools in China and approximately 56 trained environmental law professors. As a

consequence, there is a significant challenge for the Academy to build capacity in this region of the world.



Respondents were cognizant of the impact of environmental law being a core subject or not. When asked why their faculty or, more generally, institutions in their country, had not designated environmental law as compulsory, the responses included: other courses are deemed compulsory, environmental law is not currently seen as central, and it is not required by professional bodies. Others pointed to some of the administrative barriers noting that there is a lack of coordination in and amongst faculties and that designating a course (s) core can be a long process.

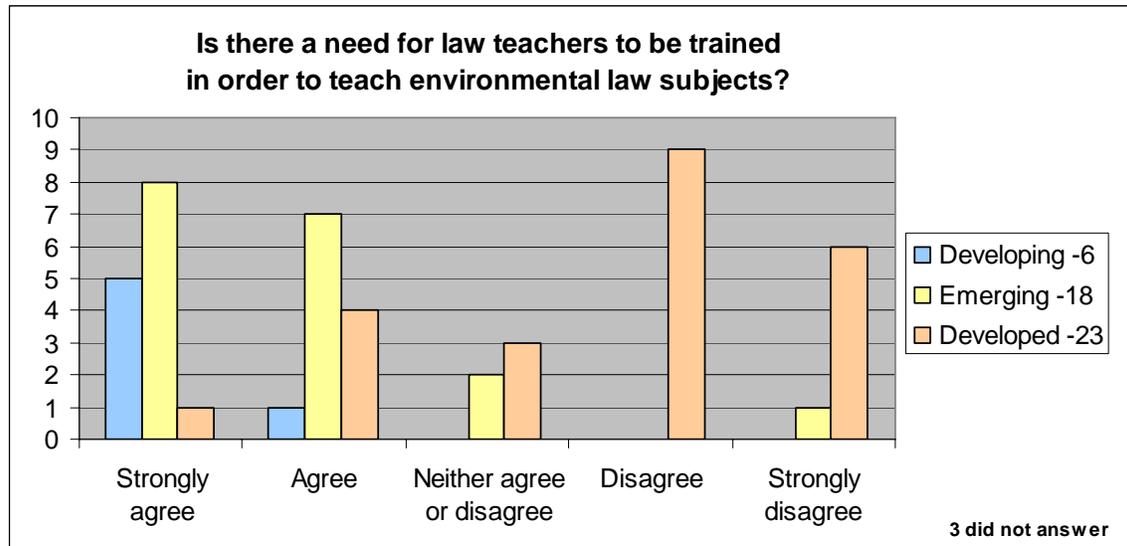
Certainly, the opportunity to build capacity in developing country law schools is enhanced if environmental law is a core subject in the environmental law curriculum of the country.

“I do believe that a teaching workshop will enhance the capacity of environmental law teachers. In addition, such a workshop can contribute to the approval of making environmental law a compulsory subject.” - Professor from Indonesia

(2) What are the Capacity Needs within Institutions?

Respondents emphasized the need to build capacity in their law professors as a priority. The needs vary by region and even by country but a number of common themes emerged.

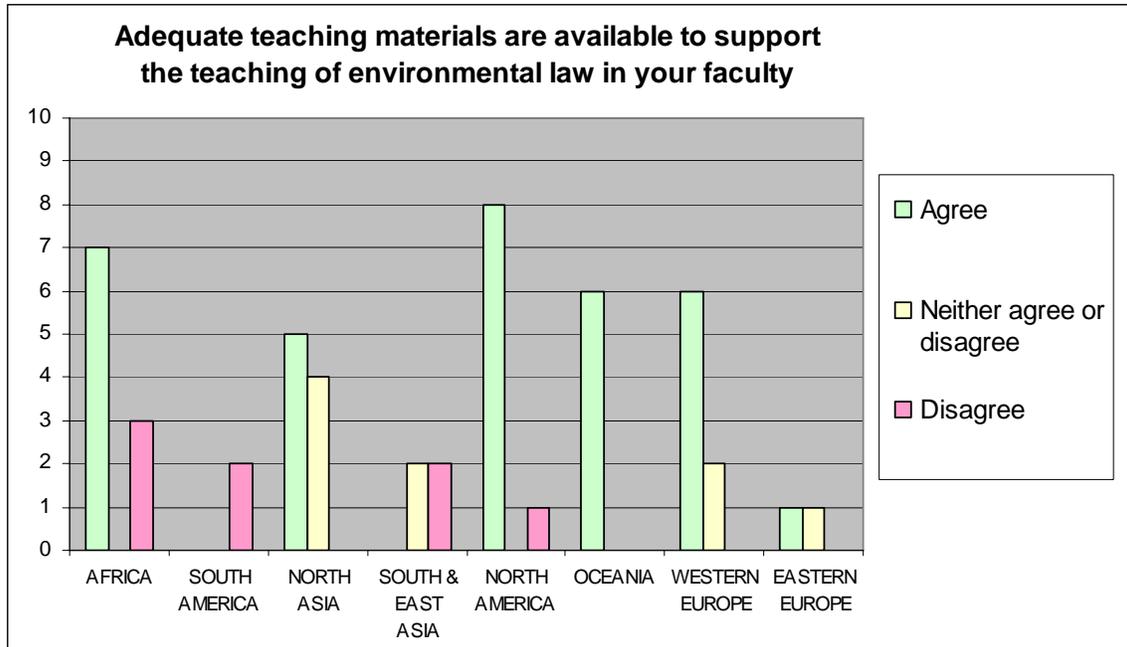
The most significant need for capacity building for in-country training of their law faculty on both content and innovative teaching methodologies is in comparative and international environmental law.



- 30 (60%) members identified the need to train their law professors in teaching environmental law. These responses came from institutions in Nigeria, Ethiopia, Kenya, Colombia, the Czech Republic, Italy, Brazil, Indonesia, China, the United States, Uganda, Russia, South Africa, Singapore, Nepal, Portugal, the Pacific, Pakistan and Finland.
- 16 (32%) identified training in international environmental law
- 22 (44%) identified training in comparative environmental law
- 9 (18%) identified training in their domestic environmental law
- In addition to training in domestic, international and comparative environmental law, respondents specifically identified content areas such as biodiversity, forestry, land degradation, climate law, judicial practice and ownership rights of natural resources as other areas of training needs. In addition, respondents identified teaching methodology and curriculum design as priorities for improved capacity.

Adequate Teaching Materials

The survey asked whether institutions had adequate teaching materials to support the teaching of environmental law within their respective faculties. Although the term ‘adequate’ may be relative, it is worth noting that there are a range of answers within each regional grouping. Survey respondents from Africa, South America, South and East Asia and North America registered some extent of disagreement with having adequate teaching materials.



Eight respondents identified inadequate teaching materials as well as not having materials in the language of instruction.

However, when asked to raise any issues concerning the availability of such materials, respondents made the following comments.

Lack of resources

“There is a scarcity of teaching materials at our Faculty. There are no journals or books on environmental law. The only alternative is use of the internet but it is very slow and not sufficiently available to students” Professor from Ethiopia.

“My faculty has no adequate library. So far we have no access to *Lexis-Nexis* and *West Law*. The library is managed by the University, so the faculty has no full control of the library collection. The faculty needs to have access to standard textbooks in international environmental law.” Professor from Indonesia

“There are no adequate materials related to domestic environmental law and comparative environmental law of other countries. In international environmental law, our institution has some books. We, however, face problems to buy new editions immediately due to funding constraints.” Professor from Nepal

“Currently available international environmental law books are either too long, obsolete, or otherwise insufficient. Comparative environmental law books are basically non-existent.” Professor from the US

Need for innovative approaches

“Maybe it would be an idea to develop a website with teaching materials, like recent environmental cases all over the world, supported with academic commentaries. However, we should not underestimate the efforts needed for that. A bottom up approach seems best” Professor from the Netherlands

Language

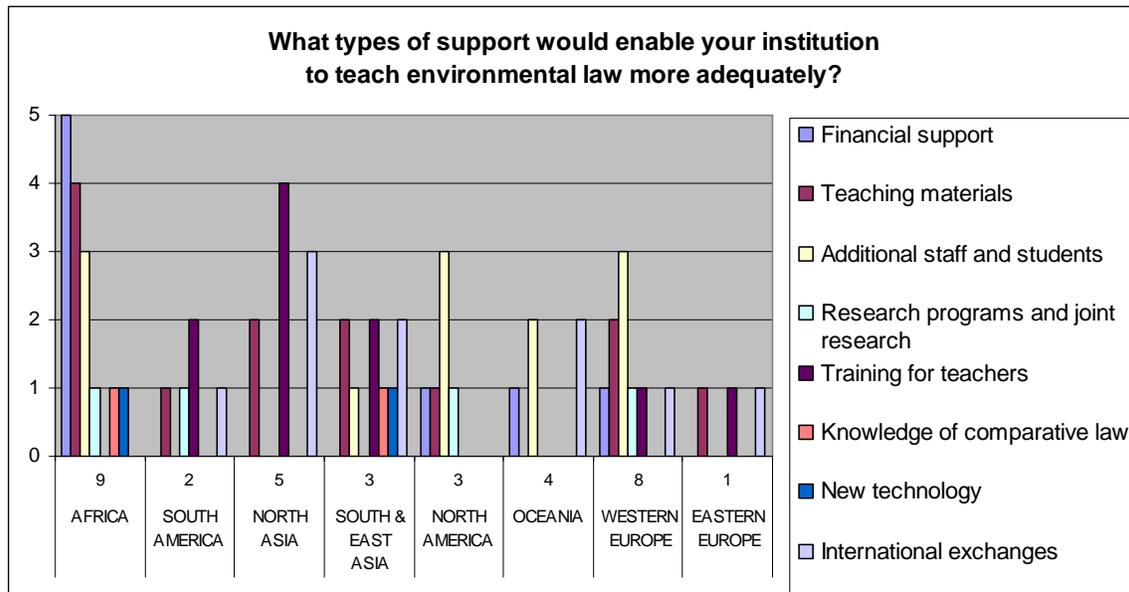
“There are not enough materials available in Spanish on environmental law matters.” Professor from Colombia

“We would like available materials in both English and Chinese versions” Professor from China

“For international environmental law and comparative environmental law, English materials are still not adequately available” Professor from China

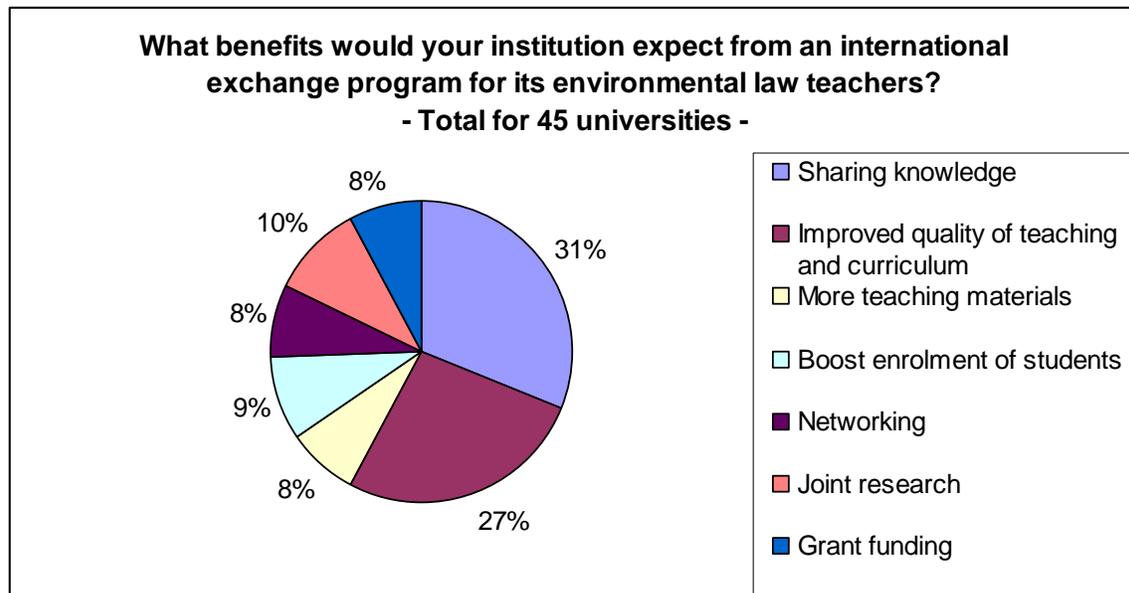
Identifying Types of Support that are Needed

The survey asked respondents to indicate what types of support would be needed to enable their institutions to teach environmental law more effectively. The responses to this open-ended question were grouped and are displayed below by region.



One of the areas of particular interest for the IUCN Academy is the opportunity for International exchange programs. These programs are consistently seen as being helpful in building capacity, particularly in developing country law schools. Nevertheless, the positive views of exchange programs were not limited to developing countries.

- Only 20 out of 50 member institutions (40%) were able to support their academic in an international exchange program.
- However, 44 (88%) thought an international exchange program would bring enormous advantages.



Academy members saw enormous advantages in the prospect of this exchange program. Selected comments from respondents are provided below:

Sharing knowledge

“International exchange will allow exposure to new colleagues and their ideas as well as improving comparative expertise.” Professor from South Africa

“The teachers will have an access to complete and abundance reading materials. It will also give them the chance to see and experience the teaching of environmental law in other universities. Exchange program will enrich the capacity of our teachers to design proper environmental law curriculum. At the same time our teachers can learn to develop research proposal from other universities.” Professor from Indonesia

“Exchange different ideas to broaden one’s horizon, promote the university and build a relationship with other schools.” Professor from China

To keep up with new developments as the subject is very dynamic; exchange ideas; improve pedagogy, and to do joint research.” Professor from Singapore

“The benefits of an international exchange program are clear We live in a global context—and like natural systems, the law is an interconnected web. The current challenges we face are global challenges and require lawyers to be trained in an international context. An international exchange program would allow us to further internationalize the study of

environmental law and enhance the comparative law aspects of our curriculum. We would also expect to benefit from the mutually beneficial learning opportunities (sharing ideas about teaching and policy) that inevitably arise in bringing together people from different cultures.” Professor from the US

Improved teaching

“Much needed capacity in teaching and postgraduate supervision and joint research”
Professor from Kenya

“Improve the teaching capacity, access to knowledge and new developments.” Professor from Colombia

“Improved capacity of teaching in terms of teaching content, methodology, research cooperation” Professor from China

“Development of expertise, new approaches to teaching, comparative knowledge of environmental law, building-up of contacts.” Professor from the Pacific region

“To improve the quality of teaching, better knowledge of all legal aspects of global and transnational problems, better insight into possible legal approaches” Professor from the Netherlands

“Contacts, exposure to new teaching contents and teaching methods; potential to establish contact to foreign postgraduate students and stimulate exchange/mobility of students”
Professor from Finland

Adding value to the institution

“Value added to the course currently taught at the faculty and wider dissemination of information i.e., through seminars given by visiting professor to staff and research students.” Professor from South Africa

“It will improve the quality of teaching and strengthen the international influence of our institution.” Professor from China

“In Portugal, Environmental Law is not yet seen as a fundamental law subject by our law and academic communities. We still need to work hard to implement it in our Law Faculties as a mandatory subject, but the times are bad. Portugal has recently adopted the Bologna process, transforming their law graduation degrees from a five years course to a four or even three years ones. ... This change increases the difficulties to introduce new subjects like environmental Law in the Law degrees study programs. In fact, international pressure on Portuguese Authorities would be a help; but also the contact with other academic experiences provided by the exchange programs could also be of great assistance.” Professor from Portugal

“It would be vital for the capacity building of the University. It would certainly help to promote public awareness about the subject through formal and informal teaching by those faculty members.” Professor from Pakistan

“It would provide opportunities to strengthen our understanding of comparative environmental law, both in terms of faculty professors going abroad and receiving visitors. Exchanges could also lead to new research collaboration with scholars in other faculties. Further, it might boost flow-on recruitment to our graduate studies from students in the exchange program.” Professor from Canada

Improving language

“Better understanding of environmental law; better English capability; better teaching methodology” Professor from China

“We expect the teachers who participate in international exchange programs can improve their foreign language skills and become familiar with the legal system of environmental law in other countries” Professor from China

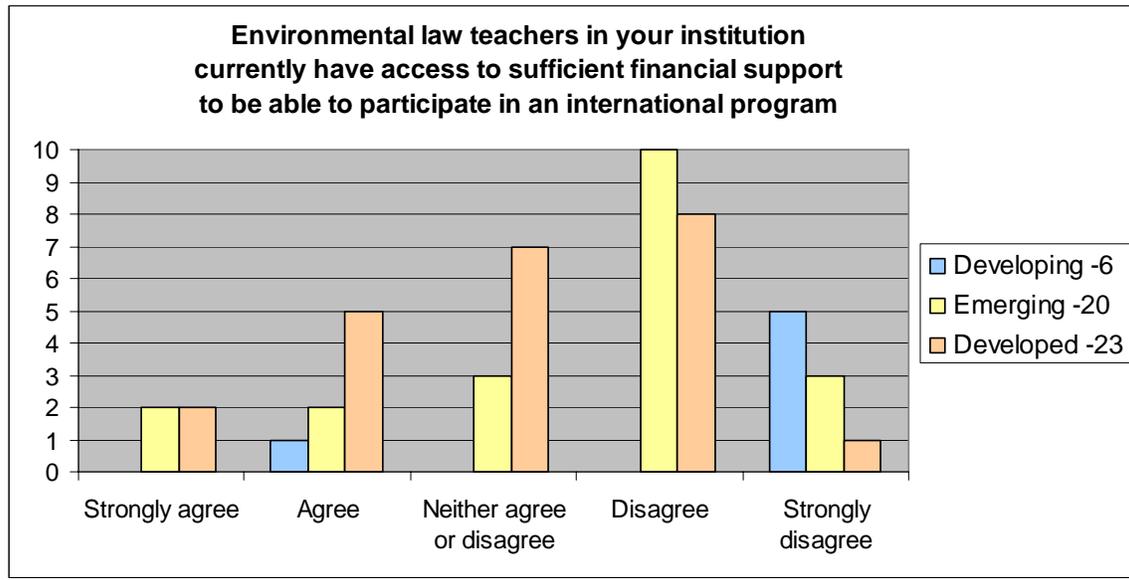
Gaining knowledge

“To gain the latest information concerning environmental law. To obtain mature practice and experience in environmental law and education.” Professor from China

“A better understanding of the functioning of environmental law in other countries, and, as a consequence, a sharper insight into the core problems/issues of environmental law in general as well as in our own country.” Professor from the Netherlands

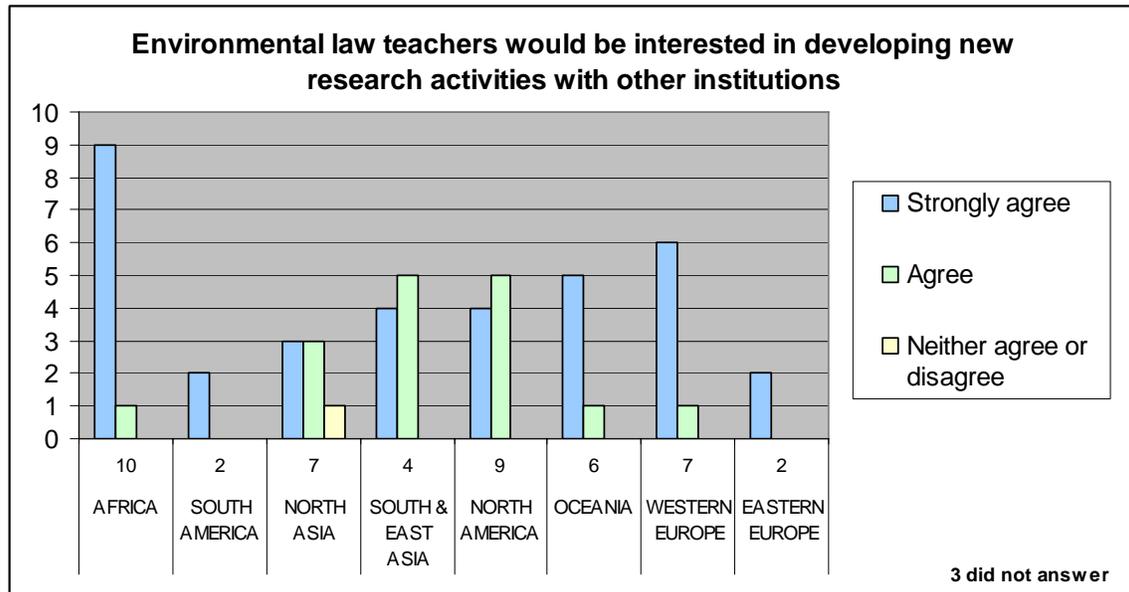
Access to Financial Support

The survey asked respondents to indicate their assessment of the access to financial support for participation in an international program. The response indicates that this access presents a challenge to more than half of the respondents (27 of 49 institutions noting that they would disagree or strongly disagree).



Interest in Shared Research

The survey asked whether responding institutions would be interested in developing new research activities with other institutions. In addition to generating a broad range of themes, it may be that there is potential for matching research interests across regions. This would be particularly valuable for comparative research.



Developing countries and economies in transition identified the following areas for future collaborative research:

- Climate change (11)
- Air and water pollution (9)
- Biodiversity (9)
- Land use and planning (8)
- Energy (6)
- Maritime and coastal management (6)
- Enforcement and liability issues (6)
- Natural resources (4)
- Forestry (2)
- Polar regions (2)
- Economic instruments (2)
- Sustainable development and poverty (2)
- New governance arrangements (2)
- Mining (2)
- Water law (2)
- Role of the judiciary (1)
- Protected areas (1)
- Trade (1)
- Public participation (1)

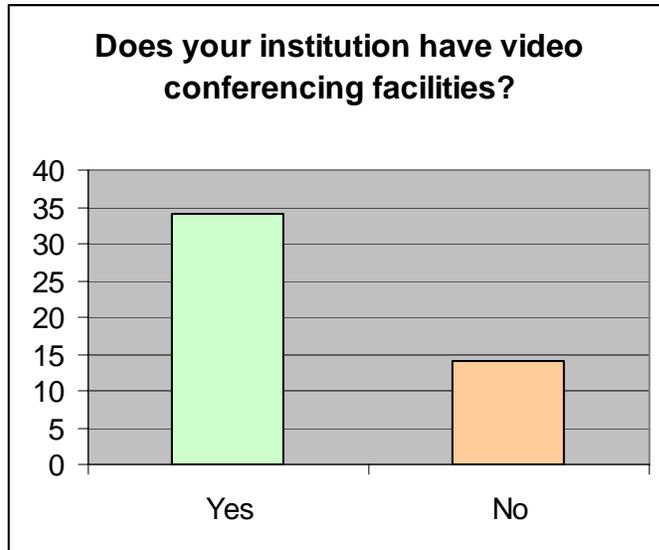
In addition to these, developed countries sought to do collaborative research in the following areas:

- Desertification (1)
- CSR (2)

	Developing countries/ Economies in transition	Developed countries
Climate change	11	14
Air and water pollution	9	2
Biodiversity	9	4
Land use and planning	8	0
Enforcement and liability issues	7	4
Energy	6	2
Maritime and coastal management	4	2
Natural Resources management	5	2
Forestry	2	2
Polar regions	2	1
Economic instruments	2	7
Sustainable development and poverty	2	2
New governance	2	2
Mining	3	0
Water law	2	1
Role of the judiciary	1	0
Protected areas	1	0
Trade	1	3
Public participation	2	2
Desertification	0	1
CSR	0	2

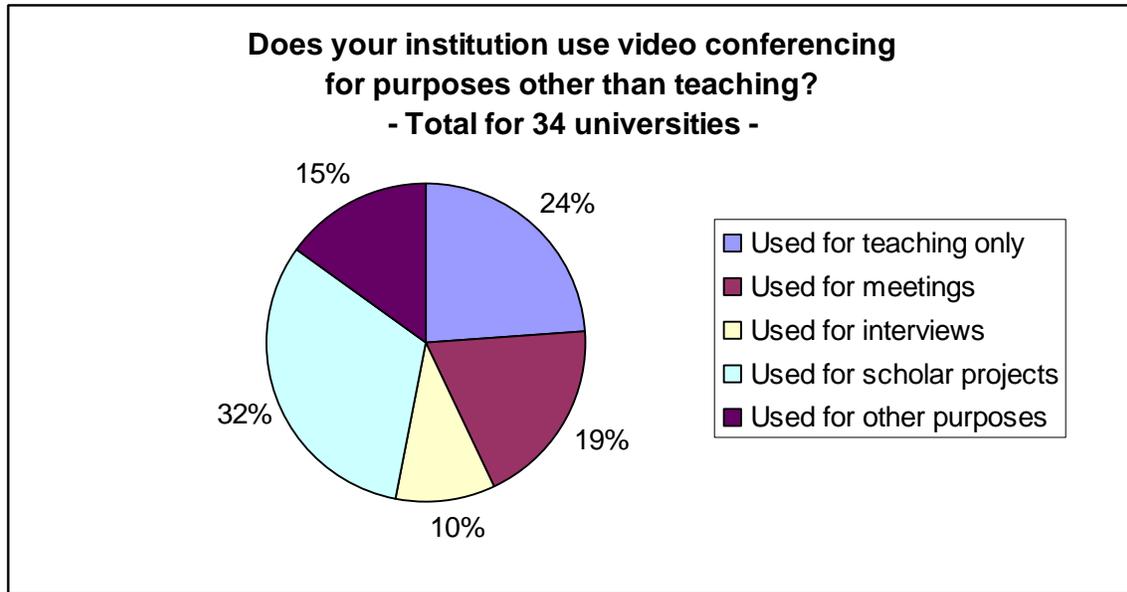
(3) The Use of Videoconferencing Technology

Respondents saw technology development, through videoconferencing, as a way of continued capacity building, once the initial in-country training had taken place.



- 34 (68%) of respondents have videoconferencing facilities. These respondents represent all nine regions.
- The member institutions who have videoconferencing facilities and do use them are Kunming, Pretoria, National University of Singapore, Pace University, Auckland, Witwatersrand, East China University of Science and Technology, University of Ghent, University of Maryland, Cape Town, Shanghai Jiao Tong, North-West University, University of Oregon, University of New England, University of the South Pacific, University of the Punjab, University of South Australia.

However, it is worth noting that, of the 34 members that do have videoconferencing facilities, 15 do not use it for teaching purposes and 3 members use it for teaching only occasionally.



Survey respondents raised several issues and benefits to using video-conferencing:

Infrastructure support needed

“Videoconferencing is difficult due to unstable electricity supply and the high cost of using generator engine sets.” Professor from Nigeria

Sharing teaching capability

“The benefits of videoconferencing include, sharing teaching capability with institutions worldwide, harmonization of teaching standards globally and involvement in a scholarly organization worldwide.” Professor from Kenya

Expanding resources

“It would expand the pool of resources which the school of law could offer its students by drawing in guest lecturers, who are the experts in their field, from all over the world. We are very keen to use it for this purpose.” Professor from South Africa

“It will enhance the capacity of the faculty to invite guest lecturers from other countries.” Professor from Indonesia

“Access to the leading environmental law scholars of the world and enhance teaching capacity and teaching quality” Professor from China

Valuable for remote teaching

“Using video conferencing would be more convenient for the students to learn Environmental Law in schools or in other places far away from school. Besides, using video conferencing for purposes other than teaching can make communication with other institutions or organizations around the world more easily.” Professor from China

Saves time and money and reduces carbon footprint

“To bring additional perspectives and expertise into the classroom at a much lower cost relative to having a foreign teacher physically visit. Also, to promote cross-cultural interaction, and to raise the profile of the law faculty internationally.” Professor from Canada

“Videoconferencing provides instantaneous contact with experts in other jurisdictions. Removes transport costs and impacts” Professor from South Africa

Member institutions were also asked whether they would be willing to participate in a Teaching Workshop. Members responded that they were prepared to participate in a teaching workshop if it were attached to the annual colloquium. Forty of the 50 responses (80%) saw value in participating in a teaching workshop attached to the Mexico colloquium in November 2008. The time members could allocate to this workshop varied from between 1 day to 3 weeks

This positive response indicates the needs of the members and the willingness to spend the time to be trained.

Responding to the Need: Future Actions from the Survey

(1) "Train environmental law professors" course

For the past 6 months, the committee has been working on a template for this course and we plan to finalize this template at the Mexico colloquium. This template will then be used in a series of pilots in China, Indonesia and Colombia in a process that works with Professors from member institutions in these jurisdictions to tailor the template to their needs.

In 2009, we will be fundraising for these pilots and running them.

(2) Identify areas of shared research, drawing on the Climate Law in Developing Countries conference, which could be incorporated into a series of teaching workshops for a consortia of Academy member institutions.

(3) Capitalize on the work done on the Enforcement of MEAs course.

(4) Establish the infrastructure to support an international exchange program

(5) Look at the feasibility of attaching a teaching workshop to the annual colloquia, in which professors from different regions can participate in a 'mini' comparative law course, beginning with Wuhan in November 2009.

(6) Continue to update the capacity needs of member institutions as the Academy grows.

The IUCN Academy of Environmental Law was established in 2003 with the aims of

- *developing and delivering programs in developing countries aimed at building law professors' teaching capacity in environmental law;*
- *generating global research programs through a partnership model between network members and major partners to feed into national and international environmental law and policy agendas;*
- *Build individual talent and institutional capacity in environmental law and policy to help ensure effective international environmental governance;*
- *Advance understanding of some of the most pressing environmental law and governance issues and propose strategies to address these issues from a legal perspective and*
- *Fill gaps in the availability and quality of university-level environmental law teaching material.*

For more information about the IUCN Academy of Environmental Law and a complete list of member institutions, please access www.iucnael.org

This report was written by Karen Bubna-Litic of the University of Technology Sydney, with consultation from Gilberto Rincon of Centre for Sustainable Development Studies, representing the University of the Amazon and Rosario University and Carolyn Farquhar of the IUCN Academy of Environmental Law. Data analysis was undertaken by Émilie Champagne, Sam Sonshine and Azin Samani, Common Law students at the University of Ottawa Faculty.