



IUCN ACADEMY OF ENVIRONMENTAL LAW

Newsletter No 2 April 2007

1. Brazil Colloquium and Governing Council Meeting

The Academy's Brazil Colloquium is coming up at the end of May. See <http://www.iucnael.org/67> The draft program is being continuously updated.

We have some 70 papers being given at this point.

2. Membership drive

For those of you who have not yet renewed or applied for Academy membership for your institution, may we suggest that you do so in the near future?

Please note that we are only pursuing **institutional** membership and at this stage.

We are attaching for your convenience a copy of our latest version application letter and form for new members, along with the renewal form for those of you from institutions which have not yet renewed their membership. Please fill in the relevant form and send it to Bernadette.Blanchard@uottawa.ca If institutions from developing countries have difficulty in paying the annual fees, please let us know.

Please also pass these along to colleagues in other universities.

As you will understand, having a substantial body of member institutions from around the world makes it much easier to prepare cases for major funding support for academic capacity building in both teaching and research.

Further, ensuring a representative membership from each of the world's regions is becoming increasingly urgent as we prepare for the elections of the Academy's next Governing Board.

3. European meetings

Leuven

We have taken some initiatives for regional member meetings, beginning in Europe. We are attaching minutes for a meeting conducted by Ben Boer with representatives of member institutions and potential member institutions at the Katholieke Universiteit Leuven on February to 2007.

Malta

In addition, the Academy, in collaboration with Dr Simone Borg of the University of Malta and Professor Kurt Deketelaere of the Katholieke Universiteit Leuven, are conducting a seminar at the University of Malta next week, Friday May 4 on the topic : "Towards an Integrated Climate Change and Energy Policy in the European Union: Presidency Conclusions of March 8/9, 2007". I am attaching an invitation letter from Simone Borg.

China

We are planning a meeting of Academy members and potential members at Shanghai Jiao Tong University in mid-June. Further details will be announced in due course.

If you have any queries, please contact Ben Boer at bboer@uottawa.ca.



UNIVERSITY OF MALTA
Faculty of Law
Tal-Qroqq
Msida
MALTA

Re: IUCN Academy of Environmental Law Research Seminar:

“Climate Protection, Clean Energy and Environmental Law”

4 May 2007

On behalf of the Faculty of Law of the University of Malta, and on behalf of the IUCN Academy of Environmental Law, I trust that you will join us for this seminar, which will focus on what is the most topical environmental subject on the International community's agenda at the moment. It is to the Academy's advantage and credit to organize a research seminar that will discuss the effect of the outcome of the EU Spring Summit on the evolution of environmental law not only within the Union but also beyond as the EU's fossil fuel reduction targets and legal commitments in this respect will surely have a global effect.

The agenda is now attached. There is no registration. Your institution does not need to be a member of the Axdo not need to Please let us know as soon as possible if

Travel arrangements

For travelling to Malta, it is perhaps best that you communicate with Simone Borg via email to help you organize your flights. You may wish try to find a direct flight from Europe's major cities and for this we suggest all to browse to www.airmalta.com. There are daily direct flights from London (various airports), Rome, Brussels, Milan, Manchester and on most days from all the European capital and major cities. If a direct flight is not available from the city where you live on the day requested, British Airways, Lufthansa and Alitalia operate daily to Malta.

We suggest you also take a look at these websites:

<http://www.lufthansa.com/online/portal/lh/mt/homepage?l=en&tl=1&cid=1000314> (Lufthansa flights to Malta) and <http://www.britishairways.com/findaflight/europe/flights/to/malta.html> (BA flights to Malta). Also helpful are the websites http://www.touringmalta.com/malta_flights.htm and www.visitmalta.com.

Please find below some practical details about accommodation in Malta:

Phoenicia Le Meridien Valletta 5 star deluxe

190 Euro per night double room

180 Euro per night single room

Corinthia San Gorg St Julian's 4 star +(Sea side)

168 Euros per night double room

150 Euros per night single room

Corinthia Marina San Gorg St Julian's 4 star (Sea Side)

135 Euros per night double room

118 Euro per night single room

Corinthia Palace Hotel 4 star + Attard (Inland and nearest to University)

88 Euros per night (corporate rate for University of Malta)

All prices include buffet breakfast and taxes.

For those who decide to stay at any of the Corinthia hotels at St Julians the website is www.corinthiahotels.com

For those who decide to stay at the Corinthia Palace email contact is reservations_cph@corinthia.com

All hotels are easily accessible, even by public transport. The University is not more than 6 kilometres from any of them. Whoever finds any difficulties can always contact me on simoneborg@onvol.net . I will only be too glad to help.

The weather in May will be fine and warm but not hot. A light jacket for the evenings is recommended temperatures would range from 15 degrees c at night to 24 degrees c during the day.

Best regards,

Simone Borg
Faculty of Law
University of Malta





**Towards an Integrated Climate Change and Energy
Policy in the European Union: Presidency
Conclusions of March 8/9, 2007**

Faculty of Law, University of Malta

May 4, 2007

09.30-09.40H : Welcome - Prof Ian Refalo, Dean, Faculty of Law, University of Malta Head of Public Law, Faculty of Laws/ Prof Attard, Vice Chancellor of the University, Head of International Law, Faculty of Laws.(To be confirmed)

09.40-09.50H : Introduction by the chair - Prof Ben Boer, International Co-Director, IUCN Academy of Environmental Law, University of Ottawa and Professor in Environmental Law, Faculty of Law, University of Sydney

09.50-10.30H : EU Climate Change Policy : Past, Present and Future - Prof Kurt Deketelaere, Professor in Environmental and Energy Law, Faculty of Law, University of Leuven

10.30-11.10H : Climate Change as a Common Concern of Humankind 20 years after the Maltese Initiative, International Legal and Political Implications - Dr Simone Borg, Lecturer in International Law and Environmental Law, Faculty of Law, University of Malta

11.10-11.40H : Coffee/tea

11.40-12.10H : Climate Change Policy and Enforcement - Dr Marjan Peeters, Associate Professor in Environmental Law, Faculty of Law, University of Maastricht

12.10-12.30H : Discussion

12.30-14.00H : Lunch

14.00-14.30H : Recent Developments in Climate Change and Clean Energy in Wales - Prof Karen Morrow, Professor in Environmental and Energy Law, School of Law, Swansea University

14.30-15.00H : Climate Change and Clean Energy Policy Interactions in South and Eastern Europe - Drs Leonardo Massai, Researcher in Environmental Law, TMC Asser Institute

15.00-15.30H : Climate Change, Poverty and the Role of International Environmental Law - Dr Angela Williams, Lecturer in Environmental Law, Sussex Law School, University of Sussex

15.30-16.00H : Discussion

16.00-16.30H : Coffee/tea

16.30-18.00H : Discussion of European and global activities of the IUCN-Academy of Environmental Law Report of IUCN Academy of Environmental Law Research Workshop of 21 - 23 April 2007 (see - Prof Ben Boer

19.00-23.00H : Dinner

Saturday morning May 5, 2007: Continuation of IUCN Academy research and teaching discussions for those able to stay. Chair: Prof Ben Boer



IUCN ACADEMY OF ENVIRONMENTAL LAW

Secretariat

University of Ottawa

Faculty of Law

57 Louis Pasteur St.

Ottawa ON K1N 6N5

Tel: 613.562.5800. Ext. 3260

Fax: 613-562-5184

Email: Bernadette.Blanchard@uottawa.ca

Website: <http://www.iucnael.org/>

April 25, 2007

Dear Colleague

Application for Membership of the IUCN Academy of Environmental Law a

The IUCN Academy of Environmental Law comprises a consortium of universities and equivalent institutions with a substantial engagement in the teaching of and research in environmental law.

The program of the Academy encompasses three broad aims:

- a) Collaborative and inter-disciplinary research on the operation and development of environmental law.
- b) Conference and publication activities designed to stimulate the exchange and dissemination of environmental law research.
- c) Capacity-building in teaching and research for academic teachers and researchers on issues of environmental law and policy, with special attention to developing countries and to economies in transition.

The Academy was launched at a major colloquium at Shanghai Jiaotong University in 2003. Since then it has held three other colloquia, in Nairobi (2004), Sydney (2005) and White Plains, New York (2006). The next colloquium will be held in Brazil between May 31 and June 5 2007. The details of the Brazil Colloquium can be found on the Academy's website: <http://www.iucnael.org/67> General information on the Academy can be found at <http://www.iucnael.org>.

The criteria for institutional membership are attached to this letter, together with a copy of the application form. We invite you to examine the attached criteria and to consider applying for membership of the Academy on behalf of your institution.

If you have any queries in relation to membership or about the Academy in general, please do not hesitate to contact us.

We look forward to hearing from you.

With best wishes,



Jamie Benidickson
Co-Director
Phone: 1-613-562-5800, ext. 3287
E-mail: jamie.benidickson@uottawa.ca



Ben Boer
Co-Director
Phone : + 1-613-562-5800, ext. 3653
E-mail: bboer@uottawa.ca



IUCN ACADEMY OF ENVIRONMENTAL LAW

Institutional Membership criteria

Institutional membership can be applied for either by a University environmental law centre or an equivalent group, where established. Where no such centre or group exists, the law school, faculty or department, or which employs the professor(s) teaching in Environmental Law can apply.

The following criteria will be taken into consideration for determining applications for institutional membership:

1. The university shall have one or more professors of law* specialized in the teaching of one or more environmental law subjects, as regularly appointed members of their law department, school, or faculty;
2. The university shall teach, on a regular basis, at least two of the following subjects: Environmental Law of the State where the university is situated, Comparative Environmental Law, International Environmental Law, and an advanced topic in environmental law;
3. The university shall have one or more professors with a record of publishing an environmental law journal or articles and books on environmental law;
4. The university shall commit to supporting participation of one or more of its environmental law professors in collaborative research and the capacity-building work of the Academy.

****Please note that the term “professor of law” is used here in its North American sense, encompassing Lecturers, Senior Lecturers, Assistant Professors, Associate Professors and Full Professors.***



IUCN ACADEMY OF ENVIRONMENTAL LAW

Application for Institutional Membership

for institutions to become Members of the IUCN ACADEMY OF ENVIRONMENTAL LAW

Name, Affiliation of Postal Address and Contact Information of Institutional Applicant:

Environmental Law Centre or group (where established)

Faculty (or equivalent)

University

Name of institutional representative

Street and number

City

State (Province) / Country Postcode

Telephone number or mobile number of institutional representative

Fax number

E-mail of institutional representative

Environmental Law or Faculty Website

Institutional Description

The following information will be used by the Academy's Governing Council for assessing your application.

Please attach additional pages as needed.

Names of full-time faculty members who teach environmental law:

Names of part-time faculty members who teach environmental law:

Titles of subjects in environmental law taught annually – please indicate whether undergraduate or postgraduate courses:

Titles of other subjects in environmental law taught other than annually, with date last taught:

Titles of any journals in environmental law published by your institution or edited by a faculty member:

IUCN Academy Institutional Membership Dues for March 2007– February 2008:

Required for all Institutional Members of the IUCN Academy of Environmental Law; please indicate the category of your membership.

- High-Income Economies: 400 Euros per year
- Upper-Middle-Income Economies: 300 Euros per year
- Lower-Middle-Income Economies: 200 Euros per year
- Low-Income Economies: 50 Euros per year

***Note:** The annual membership fee for Member institutions is based on the 2006 World Bank's classification of economies. The classification of region applies if your country is not listed individually. If there is any doubt about the classification of your country please consult:

<http://siteresources.worldbank.org/DATASTATISTICS/Resources/CLASS.XLS>

High-Income Economies: Australia, Brunei, Canada, Gulf States, Iceland, Israel, Japan, New Zealand, , Saudi Arabia, Singapore, South Korea, United States of America, Western Europe

Upper-Middle-Income Economies: Costa Rica, Eastern Europe, Iran, Malaysia, Mexico, Philippines, Slovenia, South Africa, Turkey

Lower-Middle-Income Economies: Brazil, China (Please note fees for China: Eastern China 200 Euros, Central China 100 Euros. Western China 50 Euros) Croatia, Indonesia, Iraq, Jordan, Meso America, Mongolia, Nigeria, North Africa, Russian Federation, Serbia, South America, Sri Lanka, Syria, Thailand,

Low-Income Economies: Bangladesh, Bosnia, Cambodia, Caribbean, Central and Southern Africa, India, Laos, Myanmar, Nepal, North Korea, Pakistan, South Pacific, Vietnam

A payment form will be sent when your institution's application is accepted by the IUCN Academy of Environmental Law

Please note that the date that membership commences is when payment of the required fees is received.



IUCN Academy of
Environmental Law

5th WORLDWIDE COLLOQUIUM
OF THE IUCN ACADEMY OF
ENVIRONMENTAL LAW

Rio+15: A Legal Critique of Ecologically
Sustainable Development

Rio de Janeiro/Paraty, Brazil - May 31 - June 5, 2007

PROGRAM

DRAFT 5

*Please note that panel sessions may be
adjusted and topics may be added*

Thursday, May 31

09:00 Collegium Meeting for Representatives of IUCN Academy Member Institutions

12:00 Lunch

14:30 - 16:00 Governing Council Meeting

17:00 Opening Ceremonies: including representatives of the IUCN Commission on Environmental Law, IUCN Environmental Law Centre, United Nations Environment Programme, Brazilian government and Universities

18:00 Opening Reception

Venue: Botanic Gardens, Rio de Janeiro

Friday, June 1

08:00 Departure to Paraty (four-hour bus trip)

12:30 Lunch (Paraty)

14:00 - 16:30 City Tour of Paraty

In addition, there will be a UNEP/IUCN Academy Review Meeting on Compliance and Enforcement Curriculum Project for those participants involved in that initiative.

18:00 Academic Opening

18:30 First IUCN Academy Distinguished Lecture for 2007:
Professor **Nicholas Robinson** (Pace University, USA)
Environmental Law 15 Years after Rio: A Critical Appraisal

Saturday, June 2

08:30 - 10.30 **Plenary Session I** - The concept of ecologically sustainable development: ethical, ecological, social, cultural, economic, and legal dimensions

1. Prue Taylor (New Zealand)	Pathways to Sustainability: Economics, Ethics and the Law
2. Werner Scholtz (South Africa)	Ecological Sustainability and Equity
3. José Juste (Spain)	The Implications of the Principle of Sustainable Development in International Environmental Law
4. John Boyd (Philippines)	Sustainable Development Highlights: from Gro Harlem Brundtland in 1987 to the World Bank in 2007

10:30 Morning Tea

11:00 - 12.30 Three concurrent panels

Panel I - Biodiversity

5. Alexander Paterson (South Africa)	Contracting Public Support for Biodiversity Conservation: the South African Experience
6. Ed Couzens (South Africa)	The Biodiversity of Biodiversity-Related Multilateral Environmental Agreements: A Study of linkages between the International Whaling Commission and the Convention on International Trade in Endangered Species
7. Felicity Heffernan (New Zealand)	International Protection of Endangered Wildlife to ensure their survival.
8. Patricia Kameri-Mbote & Edwin Ngure Kameri (Kenya)	Kenya's Position on GMOS: who's position? Reflections on Kenya's policy making process on GMOS
9. Colin Crawford (USA)	Brazil's Conservation Units Law in Comparative Context

Panel II - Ecological Ethics

10. David Favre (USA)	An Animal Ethical Context v. the Sustainable Use of Wildlife
11. David N. Cassuto (USA)	Industrial Agriculture and the Ecology of Ethics
12. Mekete BekeleTekle (Ethiopia)	Plant Breeders' and Farmers' Rights under Ethiopian Law

Panel III - Role of the Judiciary (A)

13. Peter Biscoe (Australia)	Ecologically Sustainable Development: Legislation and cases in New South Wales
14. Robert Kibugi (Kenya)	Enhanced Access to Environmental Justice in Kenya: Assessing the Role of Judicial Institutions
15. Lal Kurukulasuriya (Sri Lanka)	Role of the Judiciary in Promoting Environmental Protection and Sustainable Development through the Rule of Law
16. Rafael B. González (Costa Rica)	Problems for Sustainable Justice in environmental cases in Costa Rica
17. Fernanda Cavedon & Ricardo Vieira (Brazil)	Environmental justice as a new perspective to the environmental law fifteen years after Rio/92: contributions to a law of sustainability
18. Loretta Feris South Africa	Constitutional Environmental Rights: An Under-Utilised Resource

12:30 Lunch

14:00 -16. 00 Two concurrent panels

Panel IV - Role of the Judiciary (B)

19. Albert Mumma (Kenya)	An Assessment of the Contribution of the National Environment Tribunal of Kenya to the Jurisprudence on Sustainable Development
20. Imran Akram (Pakistan)	Environment and the Role of Judiciary: Problems of Developing Economies
21. Louis Kotze (South Africa)	Judicial Intervention in Constitutional Environmental Governance-How is South Africa Doing?
22. Muhammed Tawfiq Ladan (Nigeria)	A Critical Appraisal of Judicial Attitudes Towards Environmental Litigation And Access To Environmental Justice In Nigeria
23. Consuelo Yoshida (Brazil)	The contribution of judges to the effectiveness of environmental protection under Brazilian Law

Panel V – Compliance with and Enforcement of Ecologically Sustainable Development Law

24. Karen Morrow (United Kingdom)	The Public, the Courts and Participation in Environmental Decision-making in the UK
25. Irene Lye Lin Heng (Singapore)	Public Participation in Ecologically Sustainable Development in South-East Asia
26. José Rubens Morato Leite (Brazil)	Brazilian Jurisprudence in a Risk Society: a New Approach?
27. Abdul Haseeb Ansari (Malaysia)	The Malaysian Perspective on Environmental Crimes, Punishment and their Effects
28. Adrián de Garay Sánchez & Miriam Alfie Cohen (Mexico)	A New Environmental Policy: Risk and the Precautionary Principle

16:00 - 18:30 **Meeting on the Development of the Academy's Research Program and discussion of April 19-21 Academy Research Workshop Report (see www.iucnael.org)- all participants are welcome to attend.**

18:30 Adjourn

Sunday, June 3

8:00 Briefing on Field Trips

8:30 - 16:00 **Field trips: choice of Atlantic Forest Park or Parati Bay**

Monday, June 4

8:30 -10.30 **Plenary Session II** Energy & Climate Change (A)

29. Rowena Cantley-Smith & Kurt Deketelaere (Australia)	Demanding Less To Save More: Reducing Greenhouse Gas Emissions By Changing Energy Supply And Use
30. Willemien du Plessis (South Africa)	Environmental Regulation Of Ecologically Sustainable Cross-Border Gas Transfer: Challenges In Southern Africa
31. Yanti Fristikawati (Indonesia)	The use of nuclear energy in Indonesia
32. Melissa Powers (USA)	Beyond Cap-and-Trade: Embracing Technology-Based Standards as a Way to Develop an Effective, Efficient, Equitable, and Enforceable Climate Change Law
33. Rob Fowler (Australia)	Emissions reduction legislation: A global survey
34. Andrew Waite (United Kingdom)	The Climate Change Bill in the United Kingdom

10:30 Morning Tea

11.00 – 12.30

Plenary session III Energy & Climate Change (B)

35. Brendan Mackey & Song Li (Australia)	Solving the Global Warming Problem – What Will It Take?
36. David R. Hodas (USA)	Climate Change and Sustainable Energy
37. Emmanuel Kasimbazi (Uganda)	Legal Approaches to Implementing the Kyoto Protocol: An assessment of critical issues and challenges to combating climate change in Uganda
38. Solange Teles da Silva & Carolina Dutra (Brazil)	The limits and the potentialities of biofuels as an alternative for sustainable development: the Change Climate Convention and Biological Diversity Convention
39. Karen Bubna-Litic (Australia)	A Critique of Ecologically Sustainable Development: case study of Australia's legal responses to climate change since Rio.

12:30 Lunch

14:00 - 16:00 Two concurrent panels

Panel VI – Forests

40. José Augusto Fontoura Costa & Solange Teles da Silva (Brazil)	The Perspectives of Amazonian Treaty as an instrument of harmonization of the environmental legislation in Amazonian Region, CNPq – Brazil.
41. Patryck de Araujo Ayala & Carlos Teodoro Irigaray (Brazil)	Deforestation in the Amazon: The lack of enforcement in the command and control environmental policy and the challenges for environmental governance in Brazil
42. Bambang H. Mulyono (Indonesia)	Multi-Institutional approaches to limiting deforestation
43. Romulo Silveira da Rocha Sampaio (Brazil)	Fifteen Years of Evolving Debates on Forest and Forestry Project Activities Under the Clean Development Mechanism of the Kyoto Protocol: Challenges & Perspectives For Subsequent Commitment Periods
44. Carlos Soria (Peru)	Lessons from the Andean Amazon in the light of IIRSA and extractive industries

Panel VII – Environment, Indigenous Peoples & Human Rights

45. Ben Richardson (Canada)	Protecting Indigenous Peoples through Responsible Financing
46. Dayna Nadine Scott (Canada)	Governing Inuit Adaptation to Climate Change
47. Jacqueline Hand (USA)	Climate Change and Indian Tribes
48. Fernando Antonio de Carvalho Dantas (Brazil)	Research into and juridical protection of traditional knowledge in the State of Amazonia to promote Sustainable Development

16:00 - 18:30 **Meeting on the Development of the Academy's Teaching and Capacity-Building Program – all participants are welcome to attend.**

18:30 Adjourn

Tuesday, June 5

8.30 Two concurrent panels

08:30 - 10.00 **Panel VIII** – Civil Liability for Environmental Damage

49. José Juan González (Mexico)	Towards a new theory of Environmental Liability without Proof of Damage: the case of Latin America
50. Branca Martins da Cruz (Portugal)	Environmental Responsibility Under The 2004/35/Ce Directive In European Law
51. Arlindo Daibert (Brazil)	The Assessment of Diffuse Damages in Environmental Torts as an imperative to ensure Sustainability.
52. Gabriel Luis Bonora Vidrih Ferreira (Brazil)	Civil environmental liability and mining in Brazil

Panel IX – Water & Sanitation

52. Yves Le Bouthillier (Canada)	The Human Right to Water
53. Koh Kheng Lian (Singapore)	Protection of the Quality and Supply of Freshwater Resources - Integrated Approaches to Management of Water Resources and the Singapore Model
54. Flavia Loures and Joseph Dellapenna (USA)	A Critical Analysis of the International Law Commission's Draft Articles on the Law of Transboundary Aquifers and Aquifer Systems in light of the Rio Declaration and Agenda 21
55. Joaquim Shiraishi Neto (Brazil)	The Hydric Resources Act: "New" Forms of Privatization of Water
56. Jonathan Verschuuren (The Netherlands)	Legal Pluralism, Co-operative Governance, and International Law. The Case of Transboundary Wetlands under the Ramsar Convention: Keep the Lawyers out!
57. Owen McIntyre (Ireland)	Sustainable Development and the Utilisation and Environmental Protection of Shared International Freshwater Resources – The Role of Equity

10:00 Morning Tea

10:30 Two concurrent panels

Panel X – Marine & Coastal Environment

58. Laode M. Syarif (Indonesia)	Managing the Last Remains of Indonesian Fish
59. Paul Musili Wambua (Kenya)	Governance of the "Forgotten Province": a critical appraisal of the policy, legal and institutional frameworks for the control and management of marine resources within Kenya's maritime zones
60. Marcelo Nogueira Camargos & Solange Teles da Silva (Brazil)	An Analysis of Mangrove Swamp Legal Protection In Brazil in the light of Ecologically Sustainable Development
61. Ann Powers (United States)	The environmental impacts of mariculture

Panel XI – Trade & Environment

62. Navamin Chatarayamontri (USA)	The General Agreement on Trades in Services (GATS) Since Rio: Sustainable Development in Trade in Service
63. Nicola Lugaresi (Italy)	Principle 16 of the Rio Declaration on Environment and Development affirmed the role of the market in the protection of the environment
64. Pavel Chakraborty (India)	Liberalization of trade in Environmental Goods: Some conceptual & practical issues- A case study of India
65. Vladimir Garcia Magalhães (Brazil)	Implementing Disclosure of Origin Requirements in Intellectual Property Applications on the Intellectual Property Law System
66. José Marcos Domingues (Brazil)	Global warming and environmental taxation on fuel and vehicles Green budget discipline. The case of Brazil.

12:30 Lunch

14:00 - 16:00 **Plenary Session VI** - The Generation of Ecologically Sustainable Development Law

67. Anél Du Plessis (South Africa)	Local Agenda 21+ 15: A Rights-Based Approach to Sustainable Communities in the North and South
68. Ivett Montelongo Buenavista (Mexico)	Sustainability through new environmental law in Megacities: Mexico City's case
69. Pio E Manoa (Fiji)	Pacific SIDS and their implementation of Ecological Sustainable Development
70. Carl Bruch (USA) Ben Boer (Australia/Canada) and colleagues	Toward the Next Generation of Environmental Law

16:00 Second IUCN Academy Distinguished Lecture for 2007
Professor Nicholas Robinson (Pace University, USA)
Achieving Ecologically Sustainable Development through Environmental Law: The Challenge of the Next Decade

Venue: Museum of Sacred Art

17:00 Closing of the 2007 Colloquium and Invitation to Mexico City Colloquium, October 2008

INFORMATION

kelen.meregali@gmail.com

www.iucnael.org - www.planetaverde.org



**IUCN ACADEMY OF ENVIRONMENTAL LAW
MEETING
TIENSESTRAAT 41, B-3000, LEUVEN**

20 FEBRUARY 2007

Hosted by

**INSTITUTE FOR ENERGY AND ENVIRONMENTAL LAW
KATHOLIEKE UNIVERSITEIT LEUVEN, BELGIUM**

**Co-Chair and host: Prof. Dr. Kurt Deketelaere, Director, Institute of
Environmental and Energy Law, Faculty of Law, University of Leuven**

**Co-Chair: Professor Ben Boer, Co-Director, IUCN Academy of
Environmental Law Faculty of Law, University of Ottawa**

MEETING NOTES

Present:

1. An Cliquet, Professor of Law, University of Gent
2. Wybe Douma T.M.C. Asser Instituut , The Hague,
3. Ray Purdy, Deputy Director, Center for Law and the Environment,
University College London,
4. Simone Borg, Professor of Law, University of Malta
5. Anna Cajchanova, Faculty of Law, Charles University, Prague
6. Rowena Cantley-Smith, Ph.D student , KUL (Monash University,
Australia)
7. Di Bowman, researcher, KUL, (Monash University Australia)
8. Ben Boer, IUCN Academy of Environmental Law, University of Ottawa
9. Kurt Deketelaere, KUL
10. Geert van Calster, KUL

Professor Hans Van Houtte, Vice Dean of the Faculty of Law, Katholieke Universiteit Leuven, responsible for international affairs, attended the meeting for a short time in order to welcome the participants on behalf of the Faculty of Law.

Apologies:

1. Ari Ekroos, Professor, Helsinki University of Technology, Finland
2. Annika Nilsson, Faculty of Law, Lund University
3. Michiel Heldeweg Associate professor, University of Twente
4. Jukka Similä, Finnish Environment Institute
5. Helle Tegner Anker, Professor of Law, Faculty of Life Sciences, Copenhagen University
6. Brigitte Egelund Olsen
7. Prof. dr. Jonathan Verschuuren, Tilburg University (Academy institutional member)
8. Eckard Rehbinder, University of Frankfurt
9. Hans Christian Bugge, Professor of Environmental Law, University of Oslo
10. Francesco Francioni, Chair of International Law and Human Rights European University Institute
11. Zen Makuch, Reader in Law, Imperial College
12. Michael Faure, Professor of Law, Maastricht University Metro/ Department of Public Law (Academy institutional member)
13. Prof Marjan Peeters, Associate professor Maastricht University Metro/ Department of Public Law (Academy institutional member)
14. Prof. Dr. Luc Lavrysen, Centre for Environmental Law, University of Gent
15. Massimiliano Montini, Siena
16. Jans Jans, Faculty of Law, University of Groningen (Academy institutional member)
17. Elizabeth Kirk, University of Dundee (Academy institutional member)
18. Karen Morrow, Professor of Law, Swansea
19. Maria Luisa Faro Magalhães, Professor of Law, Brazil (could not attend at last minute)

1. Introduction

Kurt Deketelaere welcomed the guests, who were asked to introduce themselves and the areas of interest. Apologies were noted, and it was indicated that many invitees had emailed to indicate that although they were unable to attend, they were very interested in learning of the outcomes of the meeting.

A detailed introduction to the Academy was given, including its history, evolution, current activities and its future plans. The relationship between the Academy and the IUCN Environmental Law Program was explained, including the fact that the Academy is a distinct legal entity incorporated under Canadian law which operates under a license agreement from the IUCN,¹ and that the Academy's research and funding are coordinated with the IUCN's Environmental Law Program.

2. 2010 IUCN Academy Colloquium in Europe

After an introduction to past colloquia and their themes, the establishment of a European Committee for the 2010 Colloquium was discussed, with the suggestion that there be a small core committee, together with a broader advisory committee representing various regions of Europe. It was explained that a detailed memorandum of agreement is drawn up between the Academy and each of the organizers of the successive annual colloquia. It was suggested that a short memorandum be prepared to indicate what the responsibilities were of universities who would be on the organizing committee of the 2010 Colloquium. This was seen to be useful in terms of convincing universities and their representatives to be involved in the committee. Participants requested a copy of the latest memorandum. Contents of the memorandum were briefly discussed, including financial underwriting, profits, conference publications, and travel funds.

The possible themes of the 2010 meeting were then discussed in the light of the themes canvassed by the four previous colloquia from 2003 to 2005 and the planned colloquia in 2007 and 2008 (the theme of the Wuhan Conference in 2009 has not yet been finalized). The themes between 2003 and 2008 were noted as being:

1. *The Law of Energy for Sustainable Development* Shanghai 2003
2. *Land Use and Environmental Law*, Nairobi, 2004

¹ Licence Agreement http://www.iucnael.org/downloads/cel07a_licenseagreement.pdf

3. *Biodiversity Conservation, Law + Livelihoods: Bridging the North - South Divide*, Sydney 2005
4. *Compliance and Enforcement: Toward More Effective Implementation of Environmental Law* New York (2006)
5. *Rio + 15: A Legal Critique of Sustainable Development*, Brazil 2007
6. *Urbanization and Environmental Law*: Mexico 2008

Some broad themes suggested for the 2010 Colloquium were as follows:

1. Environment, energy and human rights
2. Market-based incentives and environmental law
3. Better regulation
4. The future of environmental law in Europe and lessons for other regions

3. Membership

The categories and criteria for membership were discussed. The current drive for institutional membership was explained. Ideas were called for regarding the expansion of the Academy's institutional membership in Europe, and participants volunteered a range of strategies. There was also discussion about membership from lower income countries. The idea of individuals and institutions sponsoring members from lower income countries was canvassed. The advantages of such sponsorships were noted as including the making of new institutional links between higher income and lower income countries. Some participants are asked for a list of the benefits attaching to membership of the Academy. It was explained that the benefits included the following (as noted on the Academy's brochure and on its web site²):

1. Becoming part of a global environmental legal education network
2. Invitations to participate in the annual academy colloquium and in regional conferences and seminars
3. Sending a voting representative to the Academy Collegium
4. Opportunities to engage with the IUCN Environmental Law Programme
5. Opportunities to participate in the research initiatives of Academy members
6. Opportunities to participate in the Academy's teaching, exchange and capacity-building programs in environmental law.
7. Quarterly Academy newsletter

² See <http://www.iucnael.org/>

8.

It was suggested that a one page information sheet be prepared, setting out more particularly the benefits of membership, so that universities and their administrators could more clearly appreciate the scope and significance of the Academy's work.

Several participants offered ideas on how to expand the Academy's membership in Europe. Ray Purdy offered to send a list of people in the UK who should be contacted. The Avosetta network³ was also mentioned as a source of new applicants, as well as a partner for collaborative activities. It was indicated that a report of this meeting be sent to all the potential European member institutions, including those who had been contacted in relation to this meeting

4. IUCN Academy Seminars and Other Activities in Europe

Participants discussed the possibilities of setting up a series of seminars and perhaps a regional European conference on a regular basis in various parts of Europe under the auspices of the Academy.

It was reported that discussion has already begun by email regarding the possibility of a regional seminar in September at the University of Groningen on "*The Future of European Environmental Law*", to be organized in collaboration with Professor Jan Jans and his colleagues to mark the publication of the 3rd edition of *European Environmental Law* by Prof. Dr. Jan H. Jans & Dr. Hans H.B. Vedder. The aim of the conference would be to explore and discuss new trends in European Environmental Law. It was suggested that this would be a one day conference beginning on Friday at 1300 and ending at Saturday at lunch time, with a conference dinner on the Friday evening.

The possibility of making joint applications for funding for seminars by member institutions together with the Academy was also canvassed. It was reported that Professor Helle Tegner Anker of the Faculty of Life Sciences, University of Copenhagen had suggested by email that that the Academy could, in cooperation with Nordic member institutions, apply for funds to NordForsk⁴ for a series of seminars, which could be conducted in collaboration with the Academy over a period of years.

³ "The Avosetta Group is a small informal group of lawyers whose main purpose is to further the development of environmental law in the European Union and Member States." See <http://www.avosetta.org/>

⁴ www.nordforsk.org. English version at <http://www.nordforsk.org/index.cfm?&lid=3> Professor Anker had indicated in an email that "NordForsk funding is primarily dedicated to research training purposes within the Nordic (Finland, Norway, Sweden, Iceland and Denmark) and "near-Nordic" countries (in particular the Baltic countries and NW Russia) - accordingly NordForsk funding primarily may cover costs of young researchers/Ph.D -students from those countries, but also invited speakers etc. from other countries."

In the course of discussion, it was also suggested that there be a regional environmental seminar on Climate Change and Kyoto, in light of the report of the Intergovernmental Panel on Climate Change earlier in February 2007. Possibilities for such a seminar will be followed up.

5. The Academy's Research Agenda

An outline was given of the progress so far with the development of the Academy's research agenda. The idea for the establishment of joint research programs between member institutions was introduced. It was indicated that the constitutive documents for the Academy included the role of the "*further conceptual development of environmental law, with the objective of ascertaining how law can best advance a just society that values and conserves nature*"⁵. It was explained that the Academy's research agenda is shaped in part by the research needs identified by the IUCN and its Environmental Law Program, together with identified needs of the Specialist Groups set up by the IUCN Commission on Environmental Law. The scope of a small international workshop to be conducted in April in Ottawa was explained.

A discussion then took place on the identification of broad research themes that could be pursued in the environmental area. The following topics were mentioned:

- The interaction between national and international environmental regimes
- Regional and global environmental governance
- Climate change and biodiversity
- Corporate social responsibility
- Public support and awareness of environmental regulation, also characterized as a "sound environmental citizenship"
- The role of the European Commission in compliance and enforcement of environmental law
- Environmental Law in Eastern European states
- Environmental discrimination and environmental justice
- Water resources and climate change
- New technologies and environmental regulation (including nanotechnology)
- Trade and environment
- Health and environment

⁵ Licence agreement between IUCN – the World Conservation Union and the IUCN Academy of Environmental Law, September 2006; see http://www.iucnael.org/downloads/cel07a_licenseagreement.pdf

- Standard setting for environmental regulation, including pollution standards and product standards
- The integration of environmental institutions
- The integration of environmental regimes (for example environmental law relating to climate change, terrestrial and marine natural sources)
- Oceans and climate change

It was also suggested that the Environment Action Programme of the European Commission be looked at in terms of the need for the further conceptual development of environmental law.⁶

The participants also discussed avenues for publishing research arising from the collaboration between Academy member institutions. These included outlets such as special issues of environmental law journals and more formal publications through, for example, Cambridge University Press, which published the Academy's annual edited colloquium proceedings.

Further, it was suggested that a database be set up concerning the research projects being conducted by member institutions and associated individuals. It was further suggested that an internship program might be arranged in order to establish and maintain this database. It was mentioned that a research and teaching information form had been distributed at the 2006 Pace Colloquium, and that this could be used as the beginning of such a database. It was suggested that a list of keywords be drawn up for the next iteration of the form so that this information could be more systematically collected and then posted on the Academy's website as part of the database. A database of research projects conducted by member institutions was also envisaged to be published on the Academy's website.

In addition to such listings, the group discussed the possibility of holding annual project days, where representatives of institutions would meet on a regional basis to give short presentations and comment on each other's work.

6. Teaching and capacity-building programs in Environmental Law in Europe and elsewhere

It was explained that one of the Academy's thrusts is the enhancement of environmental law teaching in universities on a global basis, including

⁶ Sixth Environment Action Programme of the European Community 2002-2012 <http://ec.europa.eu/environment/newprog/index.htm>. The four identified environmental areas for priority action in this Action Program are: Climate Change, Nature and Biodiversity, Environment and Health and Quality of Life, Natural Resources and Waste.

curriculum development, the preparation of appropriate materials and capacity-building for environmental law professors.

Current research initiatives being conducted under the auspices of the Academy were briefly mentioned. This included the Academy's work with the United Nations Environment Programme; that project, involving several member institutions, is focused on curriculum development concerning enforcement and compliance in environmental Law.

It was mentioned that one possible aspect of the teaching side of the Academy was the accreditation of Masters Programs in member institutions. This suggestion did not win wide support from participants, given the difficulties of standard setting and the burden on limited resources which might be better expended elsewhere at this stage of the Academy's development. The possibility of a European joint Master's program, with exchanges of staff and students was discussed, but was not seen as particularly attractive, partly because of the competitive nature of the postgraduate market in Europe.

The idea of having European universities being involved in initiatives to introduce Masters Programs in environmental law in lower income countries on a partnership basis was also canvassed. A current initiative to introduce such programs in Indonesia was discussed.

One participant suggested that the Erasmus Mundus program and with a view to arranging Master's programs under its auspices.⁷ The possibility of the Academy conducting short courses or summer schools in Europe (possibly with certificates/diplomas) was also briefly discussed, and was seen to be less controversial than the introduction of joint Master's programmes.

7. Building a European section of the Academy's website

The Academy's website was briefly discussed. It was explained that the website is still in the initial stage of its development. It was proposed that institutions in particular regions, such as Europe, will use the Academy's website to post regional environmental law information, including teaching initiatives, the advertising of seminars and conferences and the exploration of collaborative research and joint funding applications.

⁷ "The Erasmus Mundus programme is a co-operation and mobility programme in the field of higher education which promotes the European Union as a centre of excellence in learning around the world. It supports European top-quality Masters Courses and enhances the visibility and attractiveness of European higher education in third countries. It also provides EU-funded scholarships for third country nationals participating in these Masters Courses, as well as scholarships for EU-nationals studying at Partner universities throughout the world." See http://ec.europa.eu/education/programmes/mundus/index_en.html

It was suggested, in particular for European environmental law, that links should be made to and cooperation sought with the creators of particular web sites, such as that of the TMC Asser Institute, which is regularly updated in terms European Union directives, legislation and case law, national environmental law and advertising of seminars and conferences.⁸

Finally, participants also discussed the idea of introducing a web-based journal run by the Academy, where, with the permission of the authors, editors and publishers, the best articles from major law journals and law reviews would be published on the Academy's website, as a way of showcasing the very best environmental law research on a global basis.

8. Financial and in-kind support for the Academy's work in Europe

The financial outlook for the Academy was canvassed. Participants discussed the possibilities for funding applications, income generation and support by member institutions within Europe, particularly concerning funding from the European Union for the Academy's initiatives. The suggestions by Professor Anker regarding Nordforsk (see above) were again referred to. Participants also referred to the Seventh Research Framework Program of the European Union.⁹

It was also suggested that national governments could be approached for funding for smaller initiatives. Further, the idea was put forward of having some link between the IUCN Academy of Environmental Law to the city of The Hague (characterized by some as the 'Legal Capital of the World'¹⁰) would generate financial and other possibilities, as The Hague and other stakeholders in that city have already expressed their willingness to invest in securing the presence of more organizations dealing with international environmental law.

It was also suggested that scholarship funds could be generated from the private sector.

⁸ European Environmental Law website run by the TMC Asser Institute <http://www.eel.nl/>

⁹ Seventh Research Framework Programme (7FP) "The specific programme on 'Cooperation' supports all types of research activities carried out by different research bodies in trans-national cooperation and aims to gain or consolidate leadership in key scientific and technology areas. FP7 allocates EUR 32 413 million to the Cooperation programme. The budget will be devoted to supporting cooperation between universities, industry, research centres and public authorities throughout the EU and beyond. The Cooperation programme is sub-divided into ten distinct themes. Each theme is operationally autonomous but aims to maintain coherence within the Cooperation Programme and allowing for joint activities cutting across different themes, through, for example, joint calls. The ten identified themes reflect the most important fields of knowledge and technology where research excellence is particularly important to improve Europe's ability to address its social, economic, public health, environmental and industrial challenges of the future. Their continued relevance will be guaranteed by relying on a number of sources from the research sector, including the European Technology Platforms (ETP). Important themes identified in the Strategic Research Agendas (SRAs) developed by the ETPs are therefore covered by the Cooperation programme. http://cordis.europa.eu/fp7/home_en.html

¹⁰ See for example <http://www.cambridge.org/uk/catalogue/catalogue.asp?isbn=9067041858>

9. Any other business

Ben Boer, on behalf of the Academy and the participants at the meeting, thanked the Faculty of University of Leuven, and in particular Kurt Deketelaere and Geert van Calster, for hosting the meeting and making all the necessary arrangements.

Dinner was arranged for some of the participants in the evening.

*Ben Boer and Kurt Deketelaere
Leuven
February 2007*



IUCN ACADEMY OF ENVIRONMENTAL LAW

Renewal of Institutional Membership for 2007

Name and Affiliation of Institutional Member:

Institution

Faculty (or equivalent)

Name of person representing the institution in this application

Postal Address and Contact Information of Member Institution:

Street and number City State (Province) / Country Postcode

Telephone number or mobile number Fax number

E-mail Website
