

IUCN Environmental Law Programme Strategic Plan 2002-2003

Overview

The success of the IUCN Environmental Law Programme (the ELP) relies upon collaboration and team effort from everyone who is involved across the Union.

The purpose of this Strategic Plan is not to provide a detailed work plan. It is to set broad strategic direction to guide the development of the various work plans that will be prepared at global, regional and national level. The Plan has been prepared following a long process of consultation with staff and volunteers from across the world and it reflects the thoughts that have emerged from this process.

The Plan was adopted by the Chair of the Commission on Environmental Law and the Head of the Environmental Law Programme in Pietermaritzburg, South Africa on 21 August 2002.

The IUCN Programme

A just world that values and conserves nature – the IUCN Vision

To influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and ensure that any use of natural resources is equitable and ecologically sustainable – the IUCN Mission

The Strategic Plan for the ELP must be integrated with the IUCN Programme adopted by the World Conservation Congress (WCC) in Amman in October 2000 and the 2002 Annual Workplan approved by the IUCN Council in October 2001. The programme adopted at Amman was published in May 2001 under the title 'Stepping Into The New Millennium'.

The WCC in Amman also adopted 68 Resolutions and 30 Recommendations, and determined the mandate for each IUCN Commission, including the Commission on Environmental Law (CEL). The IUCN Council Programme and Policy Committee has since ranked the Highest Priority Resolutions from Amman.

The IUCN Programme identifies trends and issues, responses to these trends and issues, the IUCN vision, mission and conservation goals, its contribution to conservation and the IUCN strategy to addressing global conservation issues. The trends and issues identified in the IUCN Programme include biodiversity loss, water, climate change and biotechnology.

The IUCN's core business is described as "generating, integrating, managing and disseminating knowledge for conservation." IUCN seeks to use this knowledge to "build capacity, responsibility and willingness of people and institutions to plan, manage, conserve and use nature and natural resources in a sustainable manner", following which "the most important steps can be taken", namely the "systematic improvement of laws, policies and institutions for the conservation and sustainable and equitable use of nature and natural resources." The IUCN Programme also highlights the need for "effective management, information, finance, human resources and communications systems" to provide the

foundations to deliver on its core business.

The IUCN Programme identifies seven key result areas (KRAs) that form “the basis for integration of the Programme; and for building teams comprising both Commissions and programme units within the Secretariat, at national, regional and global levels”. They are:

KRA 1: Effective management and restoration of ecosystems

KRA 2: Institutions, agreements, processes and policies

KRA 3: Incentives, including finance for conservation of biodiversity and sustainable use of natural resources

KRA 4: Equitable sharing of the costs and benefits

KRA 5: Assessment of biodiversity and of related social and economic factors

KRA 6: Information management and communications systems

KRA 7: Effective, efficient, and accountable management and leadership of the Union

The IUCN Programme and the ELP

The KRAs include 59 results that are to be achieved before the next WCC. The seven KRAs and the 59 result areas of the IUCN Programme include a key role for the ELP in relation to biodiversity, soil, water and wetlands, biosafety, access and benefit sharing, invasive species, protected areas (including World Heritage Areas), forests, trade in wildlife, EIA, information management (including ECOLEX), capacity building, regionalisation, synergies between conventions, working with Commissions and core operational improvement.

The IUCN Programme states that “all of the work of the programme units, and at least 90% of that of Commissions and regional programmes will be devoted to delivering key results, with the exception of time spent identifying and responding to new and emerging issues” and that the Union will “stop almost all of its work that does not contribute directly” to the seven KRAs.

The Commissions are the IUCN’s “networks of expert volunteers entrusted to develop and advance the institutional knowledge and experience and objectives of IUCN” and the role of CEL in “identifying and responding to new and emerging issues” is reflected in its Mandate for 2001-2004, which includes the Objective to:

Innovate and promote new or reformed legal concepts and instruments that conserve nature and natural resources and reform patterns of unsustainable development

Consistent with the governance arrangements of the Union this Strategic Plan now seeks to further integrate the ELP into the IUCN Programme, including programmes developed at the regional level.

Ongoing Review

This is the first Strategic Plan that has been prepared since the WCC in Amman in October

2000. It has been prepared to take into account the outcomes of the WCC and developments in environmental law that have occurred since this time.

This Strategic Plan will now be refined through an ongoing process of review to ensure it becomes a dynamic tool in managing the strategic direction of the world's leading environmental law programme, with the first review to commence in mid 2003.

John Scanlon
Head
IUCN-Environmental Law Programme

Professor Nicholas Robinson
Chair
IUCN-Commission on Environmental Law

The IUCN Environmental Law Programme

To lay the strongest possible legal foundation at the international, regional and national levels for environmental conservation in the context of sustainable development – the ELP Mission

To advance environmental law, both through the development of new legal concepts and instruments and through building the capacity of societies to employ environmental law, in furtherance of the IUCN Mission – CEL Mandate 2001-2004

The ELP is an integrated programme of activities delivered through the collective efforts of the:

- Commission on Environmental Law, an extensive global volunteer network of over 800 environmental law specialists in more than 120 countries,
- Environmental Law Centre, a professional international office established in Bonn, Germany in 1970 with over 15 highly skilled legal and information specialists, and
- IUCN lawyers based in Regional and Country Offices around the world.

The CEL, one of six IUCN Commissions, is a global volunteer network that is organised according to the IUCN's eight regions. The 11-member CEL Steering Committee comprises a Chair, who is elected by the IUCN membership through the World Conservation Congress, a Deputy Chair, Regional Vice Chairs appointed by the Chair, the former Chairs of CEL and the Head of the ELP who serves in an *ex officio* capacity. The CEL presents reports to the WCC and the IUCN Council through the Chair.

The ELC is an outposted unit of IUCN Headquarters and it works in collaboration with CEL members, IUCN staff and focal points in IUCN Headquarters and Regional and Country Offices around the world. The ELC reports to the Director General of the IUCN through the Head of the ELP.

The IUCN has an extensive network of regional and country offices. Environmental lawyers, or legal officer focal points now exist in IUCN offices around the world, with the Asia Region currently having dedicated environmental lawyers based in Pakistan, Nepal and Sri Lanka. Regional and Country Office staff report to their respective offices, which in turn report to the Director General.

An Expanding Environmental Law Network

No other organization can reach across the globe to offer such an extensive combination of expertise and experience as the ELP - The World's Environmental Law Network. The global network of environmental resources available to the ELP has been expanded to enhance our ability to deliver on the Programme through the establishment of regional centres of excellence and institutional partnerships.

Centres of Excellence

The ELP's access to a global network of environmental resources has recently been expanded to include links to new 'Centres of Excellence'. With the strong support of the ELP, in particular through the CEL, independent Centres have now been established in:

- Singapore – through the Asia Pacific Centre for Environmental Law (APCEL) at the Faculty of Law, University of Singapore;
- China – through the Research Institute for Environmental Law of Wuhan University;
- The Russian Federation – through EURASIA;
- Kuwait – through the Arab Regional Centre for Environmental Law (ARCEL) at the Faculty of Law, University of Kuwait; and
- Brazil – through the Law for a Green Planet Institute.

Memoranda of Understanding for future collaboration have been signed between the ELP and each Centre. The nature of the relationship between centres of excellence and the ELP will be further defined during 2002-2003, including through drawing upon experience gained from working together over this time.

Institutional Partners

Similar Memoranda of Understanding have also been signed with two environmental law organizations in South America, namely:

- The Peruvian Environmental Law Society (SPDA), and
- The Argentinean Foundation for Environment and Natural Resources (FARN).

Both of these organizations have a long history of collaboration with the ELP as do a number of other organizations, including the Australian Centre for Environmental Law, the Environmental Law Institute in Washington DC, Pace University in New York and the World Wide Fund for Nature in New Delhi.

The IUCN has also entered into a Memorandum of Understanding with UNEP and FAO in relation to the operation and expansion of ECOLEX.

Priority IUCN Treaties

The IUCN has a long history of involvement with the negotiation and implementation of international treaties, in particular through state members.

The following treaties are regarded as 'priority IUCN treaties', the:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention);
- World Heritage Convention (WHC);

- Convention on Migratory Species (CMS); and
- Convention on Biological Diversity (CBD).

It is essential that relationships be maintained with the Secretariats of these conventions and the ELP must ensure that it continues to be seen as the principal body of legal expertise in relation to these treaties (and the protocols developed under them) and that it links their implementation to other conventions, events and processes.

Many other treaties are also of key significance to the IUCN. They include the:

- Convention to Combat Desertification (CCD);
- Framework Convention on Climate Change (FCCC); and
- United Nations Convention on the Law of the Sea (Pt 12 and related instruments) (UNCLOS).

The CCD and FCCC are of particular relevance given the donor communities interest in the three Rio Conventions and the World Summit on Sustainable Development (Rio + 10). While the ELP's interest lies principally in the biodiversity, water and soil related aspects of these treaties, it is also important to monitor overall progress, identify synergies and to develop relationships with the Secretariats of these conventions.

It is becoming increasingly important to identify and address cross cutting issues. Hence emphasis is placed on environment impact assessment (EIA), strategic impact assessment (SIA) and on taking an active role in engaging with social and economic issues. Other cross cutting issues such as compliance and enforcement, liability and procedural rights (ie access to information and participation in decision making. See Rio Principle 10 and the Aarhus Convention) directly relate to all aspects of the ELP.

There remain many more environmental treaties (over 500 in fact) and other significant treaties will be monitored as resources permit and through utilizing the vast network of CEL Members.

The ELP will also continue to monitor the ongoing implementation of the UNEP Montevideo III Programme, in particular in relation to ELP priority areas, and will contribute to the revision of the African Convention on the Conservation of Nature and Natural Resources.

ELP – General Approach

The ELP has for many years sought to achieve its mission through four general approaches to advancing environmental law, namely:

- the generation of knowledge and the dissemination of information;
- capacity building;
- the conceptual development of the law; and
- technical 'on-ground' legal assistance.

The ELP will continue to be guided by these approaches.

Key Strategic Directions for the ELP for 2002-2003

The key strategic directions for the ELP for 2002-2003 are addressed as key themes to guide the planning processes at global, regional and national level. Each theme forms an integral part of the IUCN Programme and addresses substantive, capacity building and institutional issues together with major events for the ELP.

It is becoming increasingly important to identify and address cross cutting issues and each key theme will also be influenced by the need to address the interface between environmental law and the social and economic perspectives of our work. Further, while it is not mentioned specifically, cross cutting issues such as compliance and enforcement, liability and procedural rights (ie access to information and participation in decision making) directly relate to each thematic area.

The intention of this Strategic Plan is to set broad strategic direction. Subsequent strategic planning processes and more detailed work plans will address how these themes are further prioritised.

Key Substantive Themes

The work of the ELP for 2002-2003 will be focussed on the following key substantive themes:

- Biodiversity, with a focus on biosafety, invasive species, access and benefit sharing, forests, trade in species and marine biodiversity issues

- Protected areas (including World Heritage)

- Water and wetlands

- Soil

- Climate change and energy

- Environmental Impact Assessment

- Implementation of the priority IUCN treaties

- Synergies between priority IUCN treaties, other conventions, events and processes

- Mainstreaming the Draft International Covenant on Environment and Development and supporting the Earth Charter

Key Knowledge and Capacity Building Themes

The work of the ELP for 2002-2003 will be focussed on the following key knowledge and capacity building themes:

- The effective regionalisation of the ELP

- Capacity building at the global, regional and national levels, including:

Developing a major ELP capacity building initiative and programme

Enhanced capacity and user access to information on environmental law through ECOLEX including enhanced access to national legislation (consistent with the partnership agreement with UNEP and FAO and other memoranda of understanding)

Providing a greater focus on fellows, interns and the training of IUCN staff, members and others through the ELC and 'centres of excellence'

Promotion of the International Academy of Environmental Law

Key Institutional Strengthening Themes

The work of the ELP for 2002-2003 will be focussed on the following key institutional strengthening themes:

Develop and keep under review an ELP Strategic Plan

Maximise the opportunities presented by United Nations Observer Status

Strengthen criteria for CEL membership, broaden its membership base, review and expand the use of working groups and enhance the ability for members to participate in the work of the Programme

Improve basic institutional systems of operational and management support in the ELC, to provide a strong global foundation for the ELP

Vastly improve ELP Communications and Publicity, with a particular emphasis on the ELP website

Strengthen relations with donors

Improve working relationships between CEL, ELC and RCOs

Further define and develop relationships with 'centres of excellence' and institutional partners, with the immediate focus on the existing centres in Kuwait, China and Brazil

Establish new centres of excellence, with the immediate focus on establishing a new centre at the Punjab University Environmental Law Centre in Lahore, Pakistan

Facilitate the development of regional programmes

Develop joint ELP projects and, where appropriate with centres of excellence and other partners with whom the ELP has memoranda of understanding, to demonstrate successful working relationships, using the Promoting Environmental Law in China project as a case study

Continue to develop key strategic relationships and partnerships with other institutions and organisations

Major International Events for the ELP

The work of the ELP for 2002-2003 will be focussed on the following major international events:

CEL Steering Committee - Bonn, January 2002

CEL pre WSSD Event with University of Natal - Pietermaritzburg, August 2002
CEL Steering Committee - Pietermaritzburg, August 2002
WSSD (Rio + 10) - Johannesburg, September 2002
CEL Steering Committee – Lahore, Pakistan, February 2003
CEL Steering Committee – Gland, May 2003
IUCN World Parks Congress – Durban, September 2003
WCC for 2004 (preparatory work)

Other major events include various sessions of Conferences of the Parties of major multilateral environmental agreements and other meetings to be held through 2002-2003, for which ELP participation will be prioritised through global and other work plans. At the regional level, the importance placed upon further engaging Oceania in the IUCN Programme through a high priority resolution from the WCC in Amman, gives the 7th Pacific Islands Conference (SPREP) to be held in the Cook Islands in July 2002 greater significance. The APCEL Regional Conference on International Property Rights and Biodiversity is also planned for 2003/04.

Global, Regional and National Co-ordination of the ELP

The ELP operates at three levels – global, regional and national. It also involves an interaction between volunteers, staff and other partners operating at each of these levels, most of whom have different reporting lines. The great value of the diversity and breadth of the ELP network also presents one of its management challenges.

This Strategic Plan seeks to guide rather than direct as it is through working constructively together, and through developing agreed programmes and projects, that we will achieve the IUCN Vision and IUCN and ELP Missions and gain the experience to guide future strategic planning efforts.

While the guiding principle for co-ordination is the subsidiary principle, namely that work and funding should be allocated to the most appropriate operational level, the application of the principle will need to evolve over time as capacity in the regions and countries continues to grow, and the Strategic Plan recognizes this.

The ELP will draw upon actual experience gained over the next 12-24 months and the outcomes of the IUCN Regionalisation Review in developing further guidance and direction on the most effective way for global, regional and national staff and volunteers to coordinate their efforts.

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For more information visit: www.iucn.org/themes/law