



Environmental **LAW** Programme

January-April 1999

The Environmental Law Centre in Transition

To many of our friends and readers, the existence of environmental law as a distinct law discipline goes without saying.

But not too long ago the term did not even exist: in 1965, when I came for the first time to Bonn as a student to assist the Chair of the then IUCN Committee on Legislation, it was to make a survey of the existing legislation on nature and natural resources. The results of this survey, carried out with the assistance of a handful of individuals who were convinced that law had an important role to play in supporting conservation action, became the basis of what is now the Environmental Law Information System.

A few years later, IUCN decided to create a permanent commission on policy, law and administration, and shortly thereafter the IUCN Environmental Law Centre in Bonn.

When the Stockholm Conference took place, and environmental law started developing at a pace probably unprecedented in the history of law, IUCN was able to play a significant role in this development.

Financial resources were always insufficient, and the contribution that

IUCN has been able to make was due to a team effort between the small ELC secretariat and the ever-increasing number of Commission members contributing time and expertise on a voluntary basis.

The cradle of these activities was Adenauerallee 214, Bonn, the home of the IUCN Environmental Law Programme for over thirty years.

The old and charming building, which was the host of the programme for so long, will be remembered fondly by those who identified it over the years with environmental law and IUCN.

We have now moved to new, much larger, and state-of-the-art premises in Bonn!

This is the result of four years of negotiations with the German Government, which has provided IUCN with a five-storey building free of rent on a long-term basis. The agreement concluded with the German Government in 1998 also provides for new state-of-the-art furniture and equipment as well as meeting facilities.

As Head of the ELC since its inception, it is with great pleasure and a sense of achievement that I enter our new home every day. The new

premises will – I hope – assist the Law Programme to meet new challenges and move to the next step in its development.

Having moved over 4,500 boxes from Adenauerallee to Godesberger Allee was enough of an event to celebrate. The 'new' Centre was officially inaugurated on March 24, under the joint auspices of the German Federal Ministry of the Environment (BMU) and IUCN. The festive event took place in the Kunst- und Ausstellungshalle der Bundesrepublik Deutschland in Bonn, decorated for the occasion with the Hundertwasser posters created for the fiftieth anniversary of IUCN, and with the text of the Charter for Nature in all available languages.

Maritta R. von Bieberstein Koch-Weser, the newly appointed Director General of IUCN, addressed the

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audience, as well as BMU State Secretary Ms Gila Altmann, and the Lord Mayor of Bonn, Ms Bärbel Dieckmann (see pp. 5, 6, 10)

A message from Klaus Töpfer, Executive Director of UNEP, was conveyed on his behalf by Wolfgang Burhenne – this time in his capacity as Coordinator of the UNEP German Committee (see p. 10).

This was a unique opportunity to demonstrate the recent developments of the IUCN Environmental Law Infor-



5/10/96

mation System. IUCN together with UNEP is now working toward the creation of a Joint Environmental Law Information Service, available via the Internet to both partners and their constituencies (see p. 12).

The new building is not only the home of the Environmental Law Centre, it is also the central nerve of the Commission on Environmental Law of IUCN. The Commission held its first Steering Committee in the new building at the time of the inauguration, and took a number of important decisions for its future (see p. 2 and 4). Its Chair, Nicholas Robinson, welcomed this occasion as the start of a new era in the history of the Programme.

To mark the event, the Commission organised a joint meeting and seminar with the European Environmental Law Association (EELA). The

theme of the joint seminar was "Transportation Infrastructure and Nature Conservation" (see p. 11).

These events mark a particularly significant time in the life of the Centre and the Commission. They were especially important for me personally: I had long ago decided that 'the move' was an appropriate time for me to step down from the post of Head of the ELC.

The new Head of the Programme, Charles Di Leva, was present at the inauguration ceremony, and related events. His background is known to many of you already (see p. 7).

Let me welcome him here, and wish him and the IUCN Environmental Law Programme, which he will head as of 1 July 1999, all the best.

– Françoise Burhenne-Guilmin

Highlights from the CEL Steering Committee

The first meeting in 1999 of the CEL Steering Committee was held in Bonn on 22-25 March. This was the first meeting at the new offices of the IUCN Environmental Law Centre. In fact, the meeting coincided with the celebrations of the opening of the new offices of the Law Centre. Among the highlights of the meeting were the appointment of the new Deputy Chair of CEL; signing of the Memorandum of Understanding between IUCN and UNITAR; the joint Workshop and Seminar between CEL and the European Environmental Law Association; discussion on the creation of "Centres of Excellence"; and presentations by the Chairs of the newly established CEL Specialist Working Groups.

New Deputy Chair of CEL

Prof Ben Boer was introduced and officially appointed as the Deputy Chair of the Steering Committee. Prof Boer is a Professor of Environmental Law at the University of Syd-

ney, and a member of IUCN CEL and WCPA, as well as other professional and related environmental law organisations. He has actively participated in a number of projects of IUCN, including the preparation and drafting of environmental legislation for the legislature in Nepal as a consultant for IUCN-ELC, and the review and evaluation of national and provincial environmental legislation for the Solomon Islands. Prof Boer has published widely in the field of environmental law, especially in the Asia-Pacific region.

Memorandum of Understanding signed between IUCN and UNITAR

IUCN and the United Nations Institute for Training and Research (UNITAR) have concluded an agreement for co-operation in training and capacity building in environmental law which was signed by the Chair of CEL and Mr Dan Navid, Senior Programme Co-ordinator, UNITAR.

UNITAR and CEL have worked together in environmental law training and capacity building activities over the years. UNITAR provides training courses and capacity building activities in developing countries and countries in transition. CEL members have authored a number of the training manuals prepared by UNITAR. UNITAR has also contributed to the APCEL/IUCN/UNEP "Training the Trainers" courses in 1997 and 1998.

The agreement seeks to formalise this co-operation. Both institutions have agreed to co-operate in the following areas: training programmes in environmental law, and special national capacity building efforts.

Joint Workshop and Seminar between CEL and the European Environmental Law Association

CEL and representatives of the European Environmental Law Associa-

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Commission on Environmental Law

Letter from the Chairman

Regional Centres of Environmental Law: New Strength

“Regionalization” increasingly permeates the work of the International Union for the Conservation of Nature and Natural Resources. It has come to mean building the capacity in each region of the Earth toward attaining environmentally sustainable systems. It has come to mean strengthening the process of attaining a global consensus concerning nature and natural resources through encouraging meetings of IUCN’s Member States, Agencies, and NGOs in each region before they assemble internationally at the World Conservation Congress (WCC); in this way a consensus can emerge before IUCN’s Members gather at the WCC, in Amman, Jordan, in October of 2000. It has also come to mean exploring new ways for IUCN’s experts in Environmental Law to respond to regional requests for legal assistance on implementation of multilateral environmental agreements or on compliance with regional and national environmental law.

IUCN’s programme of “Caring for the Earth” and Rio’s **AGENDA 21** will only be made operational if regionalization is made to succeed. As Agenda 21 boldly stated: “No nation can achieve this on its own; but together we can – in a global partnership for sustainable development.”

Over the coming year, IUCN will prepare the objectives for how our Environmental Law Programme can bring renewed strength to this partnership. We shall prepare the environmental law elements for IUCN’s next “Triennial Programme.” The Programme, in turn, will be sent to the entire IUCN Membership next April, 2000, for final adoption at the WCC.

As we design the new Programme, we build on our success in the past. Through the generosity of Germany, the IUCN Environmental Law Centre is equipped with new offices to better serve the growing international demand for our expertise. The Commission has embarked on expansion in its ranks, and has more diverse talent ready to serve in more regions of the Earth than ever before. The growth in the Commission’s membership equips us to serve regionalization better.

Finally, for the first time, our Triennial Programme will add a new dimension to complement the ELC and CEL. New strength comes from regional or national centers of environmental law around the world. IUCN, in partnership with the Faculty of Law of The National University of Singapore, established and now works with the Asia Pacific Centre for Environmental Law (APCEL). IUCN, in partnership with CEL Members in The Russian Federation and with the Russian Committee for UNEP, has established in Moscow the Centre for Ecological Law Eurasia (Ecopravo Eurasia), and begun to work in Russian throughout the Commonwealth of Independent States. IUCN, in partnership with the Faculty of Law of Kuwait University, is now establishing the Arab Centre for Environmental Law, the first such advanced institution to work throughout the Arab world, in the Arabic language, on environmental law. Plans are advancing for similar centres in Meso America, South America and Africa. Preliminary agreements are in place for a partnership with a Chinese Environmental Law Centre, to work on environmental law in China, in Chinese.

The next Triennial Programme will complete the network of regional environmental law centres of excellence, defining projects to link them into an world-wide framework of cooperative endeavors, bringing new strength to the partnership.


Nicholas A. Robinson, Chair, IUCN CEL

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: CEL Members are invited to share with us :
: their ideas about regionalization. Please :
: contact CEL’s Deputy Chairman, Professor :
: Ben Boer (Faculty of Law, Sydney Univer- :
: sity, 173-175 Philip Street, Sydney, NSW :
: 2000, Australia; fax 61-2/9351 0264; email :
: <benboer@law.usyd.edu.au>). :
:

CEL Specialist Working Groups

In 1998, six CEL Specialist Working Groups were established by the Steering Committee (see page 2, ELP Newsletter – October-December 1998). The goal of the Working Groups is to intensify the work on priority areas of the Environmental Law Programme, and to facilitate and increase CEL input into the work of IUCN. The Working Groups are Judiciary, Ethics and Jurisprudence, Environmental Legal Education, Information Technology, Climate Change and Energy, and Indigenous Peoples, Tribals and Traditional Knowledge. The chair of the Working Group presented their workplans at the meeting of the Steering Committee in March.

Working Group on Judicial Implementation of Environmental Law

The Judiciary Working Group is charged with the responsibility for advancing the field of environmental law through the courts, tribunals and other judicial decision-making and dispute resolution organs at both national and international levels. To fulfil its mandate, the Working Group will, *inter alia*,

- compile and disseminate precedent setting judicial decisions in environmental law;
- organise and sponsor regional and global judicial training colloquia and other programmes;
- study and disseminate comparative analysis of environmental litigation and the role of the judiciary in different jurisdictions;
- study and promote alternative dispute resolution, mediation and other settlement methods for environmental disputes.

The Chair of the Working Group, Prof Charles Okidi, informed the Steering Committee that he has produced *A Compendium of Judicial Decisions and Matters Related to the Environment* (1998), under the aegis of the UNEP/UNDP/Dutch Joint Project on Environmental Law and Institutions in Africa. This publication should assist the Working Group in its work.

Working Group on Climate and Energy Law

The mandate of the CEL Working Group on Climate and Energy Law is the study and development of legal instruments to further the efficient use of energy systems, conservation of non-renewable sources of energy, minimisation of greenhouse gas emissions in order to stabilise global climate conditions, and to integrate the biological and marine environmental sciences into all decision-making for sequestration of carbon dioxide and related economic means

such as trading of emission/sequestration units.

The Chair of the Working Group, Prof Adrian Bradbrook, University of Adelaide, stated that the immediate priority should be to focus on energy issues as a means of redressing the climate change problem. The Working Group will focus on developing international and national laws to address this issue.

Working Group on Environmental Law Education

The CEL Working Group on Environmental Law Education is chaired by Prof Lyle Lin Heng, Asia-Pacific Centre of Environmental Law, University of Singapore. The mandate is to develop university courses and degree programmes in teaching environmental law, foster continuing legal education and training, and implement the proposed Academy of Environmental Law.

The concept of the IUCN Academy of Environmental Law arose from the IUCN/APCEL/UNEP "Training the Trainers" courses. The Academy will:

- conduct training programmes for environmental law professors;
- offer advanced degree programmes;
- organise special conferences, symposiums, workshops and seminars on environmental law;
- promote distance learning programmes, for example through the Internet; and
- conduct research and produce publications.

Working Group on Ethics and Jurisprudence

The Working Group on Ethics and Jurisprudence is responsible for, *inter alia*,

- advancing the IUCN *Draft International Covenant on Environment and Development*;

- advising IUCN with respect to the Earth Charter and co-operating with the Earth Council in its development and world-wide acceptance;
- co-operating with human rights organisations in clarifying the basic human right to a sound environment, and the relationship between environmental rights and human rights;
- and providing a forum for the study and clarification of values and ethics regarding conservation of nature and natural resources.

The Chair of the Working Group, Dr Parvez Hassan, stated that the first priority would be to harmonise the Earth Charter and the IUCN Draft Covenant. The first meeting of the Working Group will be held in New York in May to assist in finalising of the Earth Charter. The meeting will be held in co-operation with the Hastings Centre.

Working Group on Information Technology for Environmental Law

The mandate of the Information Technology Working Group is to foster access to and use of the Internet and related means of information technologies to further the knowledge of environmental law and to establish the integrated research system. More specifically, the Working Group will advise the Law Programme on policy, technical and legal issues regarding the Internet, and recommend standards for environmental law knowledge bases on the Internet.

The Chair, Prof Robert Goldstein, Pace University, outlined the immediate priorities of the Working Group: network building, data collection, data management and dissemination of information on environmental law through the Internet.

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Speeches on the Occasion of the Inauguration of the Environmental Law Centre, 24 March 1999

Dr Maritta R. von Bieberstein Koch-Weser

Director General of IUCN (excerpts)

I would like to express IUCN's warm gratitude to the City of Bonn for their hospitality, and to the German Government for its generosity in providing this new building, equipment and financial support. By hosting the Environmental Law Programme, you have provided a home to one of the brightest offspring in the World Conservation Union family.

The conservation movement has evolved considerably during the half century since IUCN was created. Over the years, we have realised that the conservation of natural resources is not just about science but about people. Successful conservation is therefore based upon ethical, economic, social, cultural and political realities and has to be implemented by all stakeholders in order to achieve sustainable development.

Today, we recognise that law, in its many forms, plays a major role in reaching complex conservation goals. Yet, the challenges ahead are ever greater and the Commission on Environmental Law – a network of over 550 volunteer legal experts around the world – is just one element in the conservation armoury. It takes a wide array of approaches – including social policy, resource management, financial and market incentives, awareness and advocacy – to achieve the bottom line of conservation and sustainability.

The recognition of the role of law in conservation started here in Bonn, in the early sixties, when a group of visionaries created an international network of lawyers active in fields such as water, forest and wildlife legislation. The Environmental Law Centre, created in 1970, had the dual function of servicing the network and developing activities of its own, such as an Environmental Law Information System. The Programme was the first of its kind, initiating the development and drafting of important regional and global treaties – such

as the Washington Convention on International Trade in Endangered Species, the Bonn Convention on Migratory Species, and the Rio Convention on Biological Diversity – which collectively provide a holistic response to the global environmental challenges of our era.

It is fitting to celebrate the thirtieth year of existence of the ELC by inaugurating its new offices in Bonn, today. Put at the disposal of IUCN by the Federal Government, these premises augur well for a continued and productive presence of IUCN in Germany. They provide the Environmental Law Centre and the Commission on Environmental Law with the space and technology they need to reach a new stage in their development. Walking through the doors of the new Centre, you will find the greatest repository of information on environmental law world-wide, have access to the largest international network of environmental law experts, as well as research facilities for fellows from developing and Eastern European countries.

It is important for the ELC to be based in Bonn: the city that hosts the secretariats of the Framework Convention on Climate Change, the Convention on Migratory Species and the Convention to Combat Desertification is becoming a recognised centre for international co-operation in the field of environment and development. IUCN and its Law Centre fit well into this context, and we look forward to continuing co-operation with our German members and partners, in particular BMU, BMZ and GTZ. We also look forward to deepening our partnerships with other environmental organisations and secretariats based here.

Environmental lawyers bring people together. This brokerage, convening and consultative function fits in nicely with IUCN's philosophy of partnership and building bridges. The Envi-

ronmental Law Programme is thus one of the best illustrations of the Union's strengths. IUCN seeks to work in partnership with like-minded people. It is therefore appropriate that this inauguration coincides with a joint meeting and workshop with the European Environmental Law Association, whose purpose is the promotion of environmental law throughout the European Union.

The combined presence of all the members of the Steering Committee of IUCN Commission on Environmental Law and representatives of the European Environmental Law Association gives this event a special aura: it is rare to have such an assembly of leading environmental law experts. We talk a lot about visionaries in the conservation world. Lawyers, too, can be visionary: two of the people who helped start the program, who indeed helped to start the international environmental law movement, are with us here today. I refer, of course, to Wolfgang Burhenne and Françoise Burhenne-Guilmin. All the experts present have expressed their willingness to answer questions about their field of expertise during our lunch. They can do a far better job than I can in explaining why and how environmental law is a prerequisite for sustainable development. I want to take this opportunity and the presence here of eminent representatives of the environmental law community to propose the establishment of an annual "Environmental Law Day", starting next year, that will draw the world's experts to Bonn so they can plan for the future role of environmental law and sustainable development. This possibility will be explored by Mr Charles E. Di Leva, whom I have the pleasure to introduce today: IUCN's newly-appointed General Counsel and Head of IUCN's Environmental Law Programme. Mr. Di Leva has held the post of Senior Counsel in the Environmental and International Law Unit

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Ms Gila Altmann

Parliamentary State Secretary at the German Federal Environment Ministry

Director General, Ms Koch-Weser
Lord Mayor, Ms Dieckmann
Ladies and Gentlemen,

I am delighted that so many of you could come to today's event and I would like to extend a warm welcome to you all.

I am pleased to take this opportunity to congratulate Ms Koch-Weser on her appointment as Director General of the IUCN. It is good to see, for the first time, a German and a woman holding this important position in the IUCN.

In the 50 years of its existence, the IUCN has succeeded in a variety of ways in influencing the development of international policy on nature conservation and carrying out crucial preparatory work for international

nature conservation conventions. I only have to mention the Convention on the International Trade in Endangered Species signed in Washington in 1973, the 1985 ASEAN Agreement on the Conservation of Nature and Natural Resources, or the 1992 Convention on Biological Diversity.

But we should also recall a number of "soft law" instruments, such as the World Charter for Nature, which the United Nations General Assembly adopted in 1982. It was the Law Centre of the IUCN that was so crucial in preparing such instruments.

The Law Centre has played a significant role in the past for the preparation and implementation of international conventions in the field of species protection. An example of this is the Convention on the Conservation

of Migratory Species of Wild Animals, known as the Bonn Convention, which also has its secretariat here in Bonn – in fact, in the UN building.

Allow me to take a brief look at the history of this development. In the mid-seventies, the German Federal Government declared – pursuant to Resolution 32 of the Action Plan drawn up by the UN Conference on the Human Environment held in Stockholm in 1972 – its willingness to draft an international convention on migratory animals and to campaign for the adoption of such a convention. The Law Centre played a central part in the establishment of this convention. Acting on behalf of the Federal Government, the ELC prepared the initial draft of a convention and provided vital assistance right up to the final act of the concluding conference of 10 to 23 June 1979. They assisted by doing the groundwork and giving organisational and substantive support for the key preliminary conference in 1979 as well as arranging many other formal and informal contacts and meetings to determine the wording of the Convention and the content of its annexes.

On this point, I would like to remind you that, on the side of the IUCN and Law Centre, the driving forces behind the framing of this convention were Mr and Mrs Burhenne, who were central in ensuring the successful conclusion of the convention. I therefore want to praise them personally for their great effort.

I know that you, Dr Burhenne, still have in your office the many files from this period covering all those conferences, discussions, meetings and other consultations, and I would particularly like to think of those founding documents of the Bonn Convention being given pride of place in your new offices.

We have lost a very dear friend: Cyrille de Klemm died in Paris early April.

Cyrille was a member of the IUCN Commission on Environmental Law since the mid-sixties, and contributed immensely to the development and implementation of the IUCN Environmental Law Programme.

One of the rare specialists in species and ecosystems conservation law, Cyrille de Klemm has been instrumental in the evolution of international law in this field. He has been closely associated with the work of IUCN CEL and IUCN ELC with international conventions, in particular, CITES,

CMS, the ASEAN Agreement and the CBD. He was also one of the first to work on national biological diversity law, and has continuously helped the ELP in analysing and reviewing legal instruments for the conservation of animal and plant species. His encyclopaedic knowledge of both the scientific and legal aspects of this field made him a worldwide figurehead.

The IUCN ELP has lost a mentor, as well as a friend. The environmental law community has lost one of its finest experts.

– FBG

The Bonn Convention, drawn up with the help of the IUCN, will have an anniversary in a few months' time: on 23 June 1999, twenty years will have passed since the signing of the final act, which also took place here in Godesberg Town Hall. Allow me to take this opportunity to announce a ceremony to be organised by my ministry on 23 June to mark this anniversary, and, of course, I warmly invite the representatives of the IUCN in particular to attend. I personally would take great pleasure at being able to welcome you, Director General, to our event.

The permanent presence of the Law Centre here in Bonn ensures that the international institutions located in this city will continue to enjoy direct access to the legal groundwork performed by the Law Centre, and, in particular, the Secretariat of the Bonn Convention will still be able to benefit from having a Law Centre partner who, being based "just around the corner", can easily be consulted on legal questions. Interestingly, the Bonn Convention Secretariat was, for

one-and-a-half years, housed right next-door to the Law Centre in the building at Adenauerallee 214. This, too, illustrates the close attachment to this convention.

The move by the Law Centre out of the building on Adenauerallee has a direct relevance for the further consolidation of the Federal City of Bonn as a centre for international cooperation. For this building, which the Federal Government transferred to the City of Bonn as part of the Bonn-Berlin compensatory arrangements, is to house the International Paralympic Committee, which will take up its seat there this year.

May I congratulate you, Dr Burhenne, on moving into the building at Godesberger Allee 108. The ELC will – I believe – find here the right technical and spatial facilities to carry out its important work effectively – as promised under the agreement of 7 December concluded between the Federal Government and the IUCN. I hope that the outstanding questions relating to the status of the IUCN, as

an organisation that is internationally recognised but not under international law, will be satisfactorily resolved in the near future. It seems to me that, for Bonn, this is an important signal for attracting other agencies in the political sectors of environmental affairs and international cooperation.

I am absolutely convinced that lively and productive cooperation between the individual conventions, the Federal Government and the ELC will continue into the future. And – with a number of applications already under consideration – I have every confidence that the efforts of the Federal Government to persuade other international organisations to locate to Bonn will be crowned with success. This success will, in turn, create even greater scope for the ELC's activities in Bonn.

I wish you every success for your work in the future and look forward to continuing our excellent cooperation!

New Head at the Environmental Law Centre

IUCN is pleased to announce the appointment of Mr Charles Di Leva as General Counsel to the Director General and Head, Environmental Law Programme based at the IUCN Environmental Law Centre. Mr Di Leva has over 20 years experience specialising in environmental law in the public and private sectors, much of this time at an international level.

Charles Di Leva, an American national, is currently Senior Counsel in the Environmental and International Law Unit at the World Bank, Washington, D.C. He was a trial attorney at the US Department of Justice, Environmental Enforcement Section and the Environmental Defense Section. At the United Nations Environment Programme in Nairobi, he was a Senior Programme Officer with the Environmental Law Unit. He was also an Associate Attorney at Piper & Marbury, Washington, D.C.

A graduate of the University of Rhode Island and the Vermont Law School, Mr Di Leva is currently an Adjunct Professor at both the American University and the George Washington University, and was an Adjunct Professor at the University of Rhode Island. In addition to his work, Mr Di Leva has published extensively on international environmental law.

Mr Di Leva's assignment as General Counsel to the Director General and Head, Environmental Law Programme is under the auspices of the World Bank Staff Exchange Program. He will start his new assignments on 1 July 1999.

Info needed:

The Chair and the ELC would be pleased to hear from CEL members who plan to attend or participate in any of the following meetings.

CALENDAR C

As of 28

28 May – 3 June	Chiang-Mia, Thailand	26th Session of the International Tropical Timber Council (ITTC) Contact: Takeichi Ishikawa, Assistant Director, Management Services, ITTO Secretariat, Yokohama, Japan; tel: (81 45) 223 1110; fax: (81 45) 223 1111; e-mail: itto@mail.itto-unet.ocn.ne.jp; Internet: www.itto.or.jp
31 May- 2 June	Lemnos, Greece	2nd International Conference on Ecosystems and Sustainable Development Contact: Wessex Institute of Technology (WIT), Ashurst, Southampton, SO40 7AA, UK; tel: (44 1703) 293223; fax: (44 1703) 292285; e-mail: wit@wessex.ac.uk; Internet: www.wessex.ac.uk
31 May- 11 June	Bonn, Germany	UNFCCC Subsidiary Bodies Meetings Contact: UNFCCC Secretariat, Haus Carstanjen, Martin-Luther-King-Strasse 8, D-53175 Bonn, Germany; tel: (49 228) 815-1000; fax: (49 228) 815 1999, e-mail: secretariat@unfccc.de; Internet: www.unfccc.de
5 June	Tokyo, Japan	World Environment Day Contact: Tore Brevik, IPA/Nairobi; fax: (254 2) 623 927; e-mail: IPAINfo@unep.org
7-11 June	Kokshetau, Kazakhstan	Workshop on Legal Aspects of Implementing Biodiversity Related Conventions Contact: Mark Berman, United Nations Environment Programme, Regional Office for Europe (UNEP-ROE), 15 Chemin des Anémones, CH-1219 Châtelaine, Geneva, Switzerland; tel: (41 22) 979 9144; fax: (41 22) 917 8024; e-mail: berman@unep.ch
14-15 June	London, United Kingdom	Implementing the Kyoto Protocol Contact: Conference Unit, The Royal Institute of International Affairs, Georgina Wright, Chatham House, 10 St. James's Square, London SW1Y 4LE, UK; tel: (44-171) 957-5700/ 957-5754; fax: (44-171) 321-2045/957-5710; e-mail: gwright@riia.org; Internet: www.riia.org/
14-17 June	Joensuu, Finland	Conference on the Role of National Forest Programs to Ensure Sustainable Forest Management Contact: Ms. Brita Pajari, European Forest Institute; tel: (358 13) 252 0223; fax: (358 13) 124 393; e-mail: Brita.Pajari@efi.fi; Internet: www.efi.fi/events/1999/nfp.html
14-18 June	Vienna, Austria	2nd Session of the Criteria Expert Group on POPs Contact: Jim Willis, UNEP Chemicals, Geneva, Switzerland; tel: (41 22) 979-9111; fax: (41 22) 797-3460; e-mail: jwillis@unep.ch
15-18 June	Geneva, Switzerland	19th Open-ended Working Group of the Parties to the Montreal Protocol Contact: Mr. K. Sarma (Ozone Secretariat, Nairobi); tel: (254-2) 62-1234; fax: (254-2) 62-3601; e-mail: Madhava.Sarma@unep.org; Internet: www.unep.org/ozone/
21-25 June	Geneva, Switzerland	4th Session of the Open-Ended Committee for the Implementation of the Basel Convention Contact: the SBC; tel: (41 22) 917 82 13; e-mail: iwona.rummel-bulska@unep.ch
21-25 June	Montreal, Canada	4th Meeting of the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) for the CBD Contact: Mr. H. Zedan, CBD Secretariat, World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec, Canada H2Y 1N9; tel: (1 514) 288 2220; fax: (1 514) 288 6588; e-mail: chm@biodiv.org; Internet: www.biodiv.org
23 June	Bonn, Germany	20th Anniversary CMS Celebration Contact: UNEP/CMS Secretariat, Martin-Luther-King-Str. 8, 53175 Bonn; tel: (49 228) 815 2401/2; fax: (49 229) 815 2449; e-mail: cms@unep.de; Internet: www.wcmc.org.uk/cms
28-29 June	Alberta, Canada	19th Regular Session of the NAFTA Council for Environmental Cooperation Contact: Julie-Anne Bellefleur; tel: (514) 350-4310; e-mail: jabellef@ccemtl.org; Internet: www.cec.org/new/
29-30 June	Geneva Switzerland	World Trade Organisation Committee on Trade and Environment Contact: Hans-Peter Werner, World Trade Organization (WTO), Rue de Lausanne 154, CH-1211 Geneva 21, Switzerland; tel: (41-22) 739-5286; e-mail: media@wto.org; Internet: www.wto.org/
5-30 July	Geneva Switzerland	UN Economic and Social Council (ECOSOC) meeting Contact: Kate Newell, UN/New York; fax: (1 212) 963 5935; Internet: www.un.org/esa/coordination/ecosoc.htm
12-14 July	Geneva Switzerland	Workshop on Enforcement of and Compliance with Multilateral Environmental Agreements Contact: Fay Goode, United Nations Environment Programme, Regional Office for Europe (UNEP-ROE), 15 Chemin des Anémones, CH-1219 Châtelaine, Geneva, Switzerland; tel: (41 22) 917 82 90; fax: (41 22) 917 80 24; e-mail: fgoode@unep.ch
12-16 July	Rome, Italy	6th Session of the Rotterdam Convention PIC INC meeting Contact: UNEP Chemicals (IRPTC), Geneva, Switzerland; tel: (41 22) 979 9111; fax: (41 22) 797 3460; e-mail: jwillis@unep.ch; Internet: www.irptc.unep.ch/pic/

OF MEETINGS

May 1999

Info needed:
Please inform us of important meetings on environmental law and policy that are not reflected in this list.

25-27 July	São Paulo, Brazil	Regional Latin America Conference of the International Law Association Contact: Susana Camargo Vieira, Av. São Francisco de Assis, 218, CEP 12.900-000, Bragança Paulista/SP; tel: (55 11) 7844 8370; fax: (55 11) 7844 1825; e-mail: susana@usf.com.br
3-4 Sept	Cambridge, Mass., U.S.A.	International Conference on Biotechnology in the Global Technology: Contact: The Centre for International Development, Harvard Univ., Calestous Juma, Harvard University, Cambridge, Massachusetts, USA; tel: (1 617) 496-0433; e-mail: Calestous_Juma@Harvard.Edu
4-6 Sept	Chartreuse Ittingen, Switzerland	6th Annual Conference of the European Forest Institute Contact: Andreas Zingg, WSL, CH-8903 Birmensdorf ZH, Switzerland; tel: (41 1) 739 2335; fax (41 1) 739 2215; e-mail andreas.zingg@wsl.ch; Internet: www.efi.fi/events/1999/6th_Annual_Conference/
6-11 Sept	Geneva Switzerland	3rd Session of the POPs Intergovernmental Negotiating Committee (INC) Contact: Jim Willis, UNEP Chemicals, Geneva, Switzerland; tel: (41 22) 979 9111; fax: (41 22) 797 3460; e-mail: jwillis@unep.ch
27 Sept – 6 Oct	Oranjestad, Aruba	Conference of Plenipotentiaries and Meeting of the Contracting Parties for the Protocol on Land-Based Sources of Marine Pollution (LBSMP) Contact: UNEP – Caribbean Environment Programme; tel: (1 876) 922 9267; fax: (1 876) 922 9292; e-mail: unepcruja@cwjamaica.com; Internet: www.cep.unep.org/
28 Sep – 1 Oct	Salzau, Germany	Conference on Sustainable Land Use Management – The Challenge of Ecosystem Protection Contact: Uta Schauerte, Ecology Center, Schauenburgerstrasse 112, D-24118 Kiel; tel: (49 431) 880 4022; fax: (49 431) 880 4083; e-mail: Utas@pz-oekosys.uni-kiel.de; Internet: www.ecology.uni-kiel.de/slm99
4-8 Oct	Venue to be determined	CBD Expert Panel on Access and Benefit-Sharing Contact: CBD Secretariat; World Trade Center, 393 St. Jacques Street, Suite 300, Montreal, Quebec, Canada H2Y 1N9; tel: (1-514) 288-2220; fax: (1-514) 288-6588; e-mail: chm@biodiv.org; Internet: www.biodiv.org.
12-13 Oct	Geneva Switzerland	World Trade Organisation Committee on Trade and Environment Contact: Hans-Peter Werner, World Trade Organization (WTO), Rue de Lausanne 154, CH-1211 Geneva 21, Switzerland; tel: (41-22) 739-5286; e-mail: media@wto.org; Internet: www.wto.org/wto/environ/environm.htm
24 Oct – 5 Nov	Bonn, Germany	5th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) Contact: UNFCCC Secretariat, Haus Carstanjen, Martin-Luther-King-Strasse 8, D-53175 Bonn, Germany; tel: (49 228) 815-1000; fax: (49 228) 815 1999; e-mail: secretariat@unfccc.de; Internet: www.unfccc.de
27-30 Oct	Malta	Meeting of the Contracting Parties to the Mediterranean Action Plan Contact: L. Chabason, UNEP/MEDU; fax: (301) 725 3196-7; e-mail: unepmedu@complink.gr
4-6 Nov	Cape Town, South Africa	9th Meeting of the Scientific Council to the CMS Contact: UNEP/CMS Secretariat, Martin-Luther-King-Str. 8, 53175 Bonn; tel: (49 228) 815 2401/2; fax: (49 229) 815 2449; e-mail: cms@unep.de; Internet: www.wcmc.org.uk/cms
7-9 Nov	Cape Town, South Africa	1st Session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) Contact: UNEP/CMS Secretariat, Martin-Luther-King-Str. 8, 53175 Bonn; tel: (49 228) 815 2401/2; fax: (49 229) 815 2449; e-mail: cms@unep.de; Internet: www.wcmc.org.uk/cms
10-16 Nov	Cape Town, South Africa	6th Meeting of the Conference of the Parties to the Convention on Migratory Species Contact: UNEP/CMS Secretariat, Martin-Luther-King-Str. 8, 53175 Bonn; tel: (49 228) 815 2401/2; fax: (49 229) 815 2449; e-mail: cms@unep.de; Internet: www.wcmc.org.uk/cms
15-26 Nov	Recife, Brazil	3rd Session of the Conference of the Parties to the United Nations Convention to Combat Desertification Contact: CCD Secretariat, Haus Carstanjen, Martin-Luther-King-Strasse 8, D-53175 Bonn, Germany; tel: (49 228) 815-2800, fax: (49 228) 815 2899; e-mail: secretariat@unccd.de; Internet: www.unccd.de
19 Nov – 3 Dec	Beijing, China	11th Meeting of the Parties to the Montreal Protocol Contact: the Secretariat; tel: (254-2) 62-1234; fax: (254-2) 62-3601; e-mail: ozoneinfo@unep.org; Internet: www.unep.org/ozone/

Prof Klaus Töpfer Executive Director of UNEP

I am pleased that the German Federal Government has provided IUCN Environmental Law Centre facilities which will enable it to grow, and with it the IUCN Law Programme as a whole.

For UNEP, the work of the IUCN Law Centre and the IUCN Commission on Environmental Law is important: UNEP and IUCN have concluded some time ago a Memorandum of Understanding which provides, *inter alia*, for cooperation in the field of environmental law; and this cooperation has concretised in an increasing number of cases. Prominent examples are the Joint Environmental Law Information Service, which is demonstrated here today, and the implementation of the joint UNEP-UNDP Project on Environmental Legislation and Institutions in Africa (in this connection I should also mention APCEL), in which IUCN is a partner.

There are and will be other synergies between the work of UNEP and IUCN Environmental Law Programmes: the Governing Council of UNEP, in February, decided to revisit UNEP environmental law activities, and produce a new programme to be adopted in the year 2000.

IUCN already contributed to the development and implementation of the first UNEP programmatic effort in the field of law – the so-called Montevideo programme. I am confident that IUCN will contribute again, not only in advising on the shape of this next step, but also in devising its own environmental law programme to support and complement the efforts of UNEP.

We look forward to continuing and expanding fruitful exchanges, debates and common work, whether in the field of evolving principles of environmen-

tal law (such as those contained in the IUCN/ICEL Covenant), of legal technical assistance, or of information. (By the way, I have seen that copies of the Covenant are available here).

This may soon – I hope – be facilitated by improved communications facilities provided by the MERCURE satellite, including voice communication between Nairobi and other important places in the world – such as Bonn!

Let me close by congratulating again IUCN, the Environmental Law Centre and the Commission on Environmental Law of the Union, the German Federal Government and the City of Bonn, for having achieved what you are here to celebrate today.



United Nations Environment Programme

Ms Bärbel Dieckmann, Lord Mayor of the City of Bonn

Ms Koch-Weser,
State Secretary Ms Altmann,
Dr Burhenne-Guilmin,
Ladies and Gentlemen,

it is tradition to play Beethoven's music here in Bonn. However, recently we have had several occasions to play Händel's *Halleluja*. Today there is once again such an occasion.

The Environmental Law Centre (ELC) of the World Conservation Union (IUCN) has moved into its new offices in Bonn.

This is an important step for Bonn. However, the fact that the ELC has chosen Bonn as its permanent location is also of significance for Germany as a UN location. The largest data bank worldwide for environmental legislation and environmental policy, as well as the largest collection of relevant legislative texts have

thus moved to Bonn. This means that there is now an institution in our city that makes essential contributions towards preparing international environmental agreements and, above all, advises developing countries in questions of environmental legislation. In the context of various international obligations we have repeatedly learned of the high degree of respect and recognition the ELC is given, and of the excellent reputation the ELC has acquired for its work.

Even relocating offices within one city is not always an easy task to manage. It requires a great deal of negotiations and brings about some inconvenience.

Let me express particular thanks to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, here above all to State Secretary Ms Altmann and her effi-

cient staff. They have made every effort to ensure that relocation could still be completed on time. My heartfelt gratitude also goes to the Federal Foreign Office.

Finally I would also like to thank you, Dr Burhenne-Guilmin, for your appreciation that – although it was an exhausting effort – there was no way round this relocation. Now you can enjoy a new and pleasant office building.

Above all, I would like to express my sincere gratitude since the offices in the building on Adenauerallee 214, which were used by the ELC, can now be made available to the International Paralympic Committee (IPC). In the course of 1999, this international sport organisation will be fully represented in the Federal City of Bonn. This is a

continued next page ...

further sign of Bonn's rapid development into an international centre.

I should now like to wish the ELC continued success with its work. I hope that all its staff feel happy in the new offices and that many possibilities for a common platform among the UN organisations represented here in Bonn may arise.

We all swiftly became aware of the following: the ELC is important for Bonn as a German UN location, and Bonn will do its utmost to ensure that the ELC will feel happy here.

... from page 5

in the World Bank, Washington, D.C. An American national with a Juris Doctor degree in law, with twenty years experience specialising in environmental law – much of it at an international level – Mr Di Leva has worked in the public and private sectors and has been associated with the George Washington University as Adjunct Professor of International Environmental Law.

On behalf of IUCN, I would like to reiterate my deep thanks to the Ger-

man Federal Government for their generous support and my gratefulness to the City of Bonn for assisting us in the move. The new ELC premises are a tremendous encouragement to the Union. We look forward to the next step, and trust that a legal status for IUCN in Germany will soon follow.

Thank you.



Nature Conservation and Transportation Infrastructure: Legal Rules to Accommodate Conflicting Demands

Joint Seminar by CEL and the European Environmental Law Association

The competition between the desire for nature protection, the ideal to reserve spaces free from human activity, and the need to establish the transportation infrastructure necessary for economic development is felt by many countries around the world. The high environmental, social and economic impacts of noise and air pollution, energy consumption and carbon dioxide emissions, traffic congestion and space consumption not only reduces our quality of life but also has a severe influence on the development of entire nations. At the same time, increasing populations and technology mandate increasingly sophisticated traffic infrastructure. While the choice between conflicting demands is essentially a political decision, the processes in which these decisions are taken are regulated as well as restricted by law.

Such was the context of a recent seminar between the IUCN Commission on Environmental Law and the European Environmental Law Association. On 24-25 March, a workshop was held to analyze nations' diverse rules in a comparative perspective to determine which legal ways and means are best suited to ensure that the requirements of both nature conservation and human development

are fulfilled. Participants came from an extraordinary diversity of national settings, with renowned environmental scholars in attendance from Pakistan, Kenya, Singapore, Germany, Great Britain, etc. It was clear from the beginning of the workshop that the legal rules that have developed in each country are reflections of the geographical, political, economic and social contexts of each specific region. It thus became rapidly evident there are not clear legal rights or wrongs unless one considers them in light of these contexts; what may be appropriate in one setting may be harmful in another.

However, as each participant outlined the key factors and rules mandating traffic infrastructure in their own country, it became apparent that many legal commonalities have developed among nations in addressing the problems of competing interests. For instance, most nations of the world have developed procedural mechanisms to ensure that actions taken to alter a natural setting are first assessed publicly to determine the action's environmental costs. Additionally, many countries have special legal rules to address conflicts between traffic infrastructure and areas of sensitive environmental or cultural

significance such as a national park. Finally, most nations have agreed to certain minimum standards for control of noxious transportation emissions.

Rather than suggesting quick answers to the problems of competing interests in developing traffic infrastructure that adequately provides for environmental protection, the workshop dealt with considerations and factors that must be examined in order to make sound planning decisions. It addressed not only the legal rules that are used in making such decisions but also the procedures in which these decisions are taken. It also addressed the multitude of environmental considerations that are implicated in traffic infrastructure. The goal of the workshop was not to elaborate on technical solutions; rather it was to discuss the applicable considerations and policies. The proceedings from the Seminar will be published in 1999.

– Catherine L. Hazelwood
Editor-In-Chief

Pace Environmental Law Review
Pace University School of Law
Preston Hall 212, 78 N. Broadway,
White Plains, NY 10603
USA

Global Access to Environmental Law Information – The UNEP/IUCN Joint Environmental Law Information Service

The Internet has revolutionised the way we communicate. It has become the fastest and most accessible means of obtaining information from all parts of the world – about anything and everything. Naturally, this includes information on the environment. The breadth and depth of information on environment available on the Internet is simply astounding. Environmental laws of many, if not most other jurisdictions, are now widely available with just a click of a button.

IUCN and UNEP are taking advantage of the Internet format information on environmental law more accessible. The UNEP/IUCN Joint Environmental Law Information Service is a project designed to provide global access to information on environmental law. The project is a joint effort of the United Nations Environment Programme and IUCN. The Government of the Netherlands is providing funding for the first phase of the project.

The Service will use the IUCN-Environmental Law Information Service, (IUCN-ELIS) as its core archival system, and link these data to full text information available with UNEP and other partners. This easy-to-use service enables researchers to find information on references to environmental law and obtain full text of documents. Users can search using subject areas, keyword, country, date, or free-text. The subject areas covered include among others: climate/atmosphere, freshwater, marine environment, soils, forests, biodiversity, energy, protected areas, hazardous substances.

An Internet prototype has been developed showcasing multilateral treaty information. This prototype was demonstrated at the UNEP Governing Council Meeting in February 1999. The prototype was also demonstrated during the inauguration of

the new offices of the Environmental Law Centre in March. The Service can currently be accessed on the Internet at:

<http://www.djl.co.uk/IUCN>

It currently contains references on the status of more than 480 treaties from IUCN ELIS, with links to full text of over 150 treaties from UNEP's Computerised Environmental Law Information Base (CELIB).

Pilot projects are being prepared for three countries – Burkina Faso, Costa Rica, and the Philippines. The country profiles will feature for each country all the multilateral and bilateral agreements that the country is a party to, national environmental legislation, and secondary literature materials on the environment for that country. The country profiles are

being prepared in partnership with regional institutions, such as UNEP/ROLAC. The pilots will be completed in June 1999. Based on the results from the 18-month first phase, a second phase will be started to gradually enlarge the Service to include a broad consortium of partner institutions.

In addition to the Internet, CD-ROM and other publications will be produced. The Service is designed to provide users with two levels of Internet access (generalised and specialised). Access is provided to a locator mechanism, a distributed system of specialised environmental law information databases, as well as products such as CD-ROMs, disk-based information and paper publications.

– NWI



The service so far provides information on more than 480 multilateral treaties relating to environmental conservation. In this context, the term multilateral treaty refers to treaties that are open to three or more States.

The user has access to information from the IUCN Environmental Law Information System (ELIS), together with links to the corresponding full text of selected treaties held by UNEP within their Computerised Environmental Law Information Base (CELIB)

It is possible to search for multilateral treaties in a number of ways.

<u>Subject</u>	Browse for treaties by specific subject area(s).
<u>Keyword</u>	Browse for treaties by assigned descriptive key words.
<u>Title/Comment</u>	Browse for treaties containing particular words or phrases within the title or comment
<u>State</u>	Browse for treaties of relevance to a given State.
<u>Place of adoption</u>	Browse for treaties adopted at a given place.
<u>Date of adoption</u>	Browse for treaties adopted during a given year.
<u>Field of application</u>	Browse for treaties relevant to a given field of application (geographic, or as the case may be, institutional). This may be groups of States, Regions or institutions (e.g. ASEAN).
<u>Depository</u>	Browse for treaties according to their depository.

... **CEL Steering Committee**

tion (EELA) held a joint workshop and seminar on 23-24 March. The theme of the joint workshop was "The Tasks of Organisations promoting Environmental Law: Where do we want to go together?" The discussion examined regional environmental law developments, and how regional environmental law specialists can be included in the progressive development of international environmental law. The seminar also examined reforms in environmental law necessary for the next decade.

"Nature Protection and Transportation Infrastructure – Legal Rules to Deal with Conflicting Demands" was the theme of the Joint Seminar. CEL

and EELA members presented papers on the impact of the transportation infrastructure on the environment. The papers and presentation from the seminar will be published later this year (see page 11 for a report on the seminar).

Centres of Excellence

The Steering Committee discussed developments in the creation of regional "Centres of Excellence" in environmental law. Based on the model for APCEL, these Centres are designed to promote capacity-building and information in environmental law and policy. In addition to APCEL, a centre was established in 1998 in Moscow – Ecopravo Eurasia. Centres of Excellence are also being planned for China, Latin America, Malaysia, as well as others.

CEL Specialist Working Group

The Chairs of the CEL Specialist Working Groups presented workplans and activities planned for 1999 to the Steering Committee. The CEL Working Groups, formed in 1998, are Ethics and Jurisprudence; Environmental Law Education; Climate and Energy; Judiciary; Information Technology; and Indigenous Peoples, Tribals and Local Communities. For a full report on the Working Groups, see page 4.

Other Business

There have been 45 new members admitted to CEL.

The next Steering Committee meeting will be held in Bonn in early November 1999.

– NWI

Regional

ELP Environmental Law Service

Africa

After holding a seminar in Addis Ababa, **Ethiopia**, in late December 1998 to discuss the latest version of the Framework Environmental Law, the Environmental Protection Authority (EPA) and IUCN-ELC decided to establish a peer review group for commenting on this final version of the Law. The six-person group, coordinated jointly by the Environmental Law Institute (ELI) and IUCN-ELC, will present their comments to the EPA and a final workshop will be held in Addis Ababa in August. A translated version of the draft law is also being prepared and will be distributed to key government officials and members of the civil society.

In April, the Executive Secretariat for the Environment of the Environment Ministry and IUCN-ELC held two training courses on **Cape Verde's** main provisions for the protection of the environment. The first course took place in the island of Boavista and the second in Tarrafal, island of

Santiago. They were both supervised by a team of two lawyers, one from Cape Verde and the other from Portugal. In total, more than 60 participants – representatives of the judiciary, various ministries, local authorities and civil society – were able to take part. The training material will be used for future activities in the Portuguese speaking world.

IUCN-ELC and IUCN Regional Office for Southern Africa (IUCN-ROSA) have worked together with the Forest Sector Technical Coordination Unit of the **Southern Africa Development Community** (SADC-FSTCU) in the organisation of the 18th Technical Committee on Forestry, held in the Seychelles on 26-30 April. A regional position paper was presented and adopted for the IFF 3 meeting, which took place in Geneva, 3-14 May. Five SADC delegates from the SADC region (Botswana, Lesotho, Malawi, Mozambique and South Africa) attended the meeting and were able to present their regional perspective. This is the

first step towards a more comprehensive SADC participation in the International Forest Forum, which will culminate with IFF 4 in New York, in February 2000.

East Asia/ South America

The Research Institute of Wuhan University in **China**, and the institute "Lawyers for a Green Planet" in **Brazil** have started talks with IUCN-ELC, respective IUCN Regional Offices and local CEL members to develop National Environmental Law Programmes. National meetings to further the discussions have been scheduled for May in Brazil and September in China. These activities are part of a broader process aiming at regionalising IUCN's Environmental Law Programme, and providing environmental law services at the regional and national levels. This topic will be covered in more detail in the next ELP Newsletter.

– MAC

An International Court for the Environment?

"There is an urgent need for the immediate establishment of an International Environment Court to resolve transnational and international environmental disputes in environmental matters ... until an International Court of the Environment is established with mandatory jurisdiction, the Permanent Court of Arbitration (The Hague) should be the competent judicial institution for the settlements of disputes ... according to its set rules of procedures"

This was the resolution adopted at a conference on the International Resolution of Environmental Disputes, held at The George Washington University, 17 April 1999. The conference concluded that existing international, regional and national courts and tribunals do not adequately address international and transnational environmental disputes, and therefore an international court on the environment was necessary.

National judiciary has the responsibility to mold emerging environmental law principles – such as the polluter-pays-principle, the precautionary principle – with a view to giving these a sense of coherence and direction. Yet, national judicial proceedings are still mostly ineffective regarding the application of international environmental law due to a lack of the requisite power, knowledge and expertise. This was emphasised at the symposium on *"The Role of the Judiciary in Promoting the Rule of Law in the Area of Sustainable Development,"* UNEP and the SACEP held in Colombo, Sri Lanka, 4-6 July 1997.

Meagre attention is paid to the aspects of protecting the global commons; while problems of "locus standi", and "forum non conveniens" need to be resolved. The result is that international environmental law aspects are insufficiently considered and implemented by national courts. This is the conclusion of a workshop on *"International Environmental Law in Domestic Courts"* by the American Society of International Law, 9 April 1997.

At the international level, various forums are available to adjudicate international environmental matters. The International Court of Justice

has established an *ad hoc* chamber for environmental matters, but it is open only to states, and jurisdiction is not mandatory. The International Tribunal for the Law of the Sea is concerned with only the marine environment, and only state parties to the Law of the Sea Convention can submit disputes to the Tribunal. Entities other than states can present disputes concerning particular seabed activities against the International Sea-Bed Authority to a special Sea-Bed Disputes Chambers. (Art. 20 of the Tribunal's Statute). Private persons and interest groups, which are not parties to a contract or prospective contractors, can bring a conflict to the Chamber, but only with the consent of a State. (Arts. 187 (c) 153). The recently established International Criminal Court will not decide on "crimes against the environment".

The Court of Justice of the European Communities (ECJ) is open to NGOs and individuals to address implementation and application of European Union regulations and directives. Its restrictive regional field of application of European law means that its jurisdiction does not extend directly to global environmental protection. The Council for Environmental Cooperation (CEC) established under the North American Agreement of Environmental Cooperation (NAAEC) is a dispute avoidance device. Private Parties and NGOs may submit complaints to the CEE of a State-Party's failure to enforce NAAEC environmental obligations in domestic law. Like the ECJ, the CEC has only a regional focus. For more details see: A. Rest, 1998, *"The Indispensability of an International Court for the Environment"* in Review of European Community & International Environmental Law (RECIEL), vol. 7, issue 1, pp. 64-68.

The establishment of an international environmental court or tribunal would help to avoid the proliferation of fora to resolve and adjudicate international environmental matters. The court or tribunal would have competence to adjudicate international and transnational (transboundary) environmental matters. Standing should be open to State and non-State actors, such as NGOs, IGOS, private parties and businesses. The Parties can agree to bring the case directly to this international court or tribunal, without exhaustion of local remedies.

The resolution recommended that the Permanent Court of Arbitration (PCA) could provide such a forum for the settlement of international environmental matters. The PCA offers flexible mechanisms of fact finding/inquiry, commissions, mediation, conciliation and arbitration to resolve disputes – dispute settlements procedures contained in nearly all multilateral environmental agreements. These various mechanisms adopted for the wider purpose of implementation and compliance of multilateral environmental agreements can contribute significantly to maintaining a co-operative spirit between countries. Affected persons and institutions should also have the opportunity to protect their interests in environmental matters in an effective way, and therefore these procedures should not be limited to inter-state disputes but would also include disputes concerning private parties.

The conference resolution will be presented during the centennial anniversary of the Permanent Court of Arbitration at The Hague in May. It will be interesting to hear the reactions on the expanded role of the Permanent Court of Arbitration in the field of international environmental law.

– NWI

...CEL Specialist Working Groups

Working Group on Indigenous Peoples, Tribals and Local Communities

The Co-Chairs of the CEL Working Group are Prof M.K. Ramesh, National Law School of India, and Prof Donna Craig, Vice Chair of CEL. Its mandate is to:

- co-operate with traditional systems of customary environmental law;
- educate and interpret such customary law to societies around the world; and
- develop the legal institutions to enhance respect for and understanding of how customary law serves sustainability.

As a first priority, the Working Group will focus on assembling information and knowledge about customary environmental law. It will also co-ordinate studies on customary law and environmental sustainability and co-operate with other IUCN programmes and members to foster better understanding of and respect for customary law and its role. A proposal to develop co-operative environmental law programmes on the special situation of tribals with the Greenland Home Rule Government and the National Law School of India University was outlined.

The Steering Committee will continue to work with the Chairs of the

Working Groups to finalise their Terms of Reference to ensure that their work fits into the IUCN Programme. Guidelines will also be developed for the selection and inclusion of other CEL members into the Working Groups.

– NWI



SiöD 6/96

New Parties to Major International Environmental Treaties

Ratification Status* as of 1 April 1999

Convention Concerning the Protection of the World Cultural and Natural Heritage, 16.11.1972:

Grenada - 13.08.1998
Botswana - 23.11.1998

Total number of Parties: 156

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 03.03.1973:

Azerbaijan - 21.02.1999

Total number of Parties: 145

Convention on the Conservation of Migratory Species of Wild Animals, 23.06.1979

Paraguay - 12.10.1998
Slovenia - 12.1998
Kenya - 02.1999

Total number of Parties: 58

United Nations Convention on the Law of the Sea, 10.12.1982:

Nepal - 02.11.1998
Belgium - 13.11.1998
Poland - 13.11.1998

Total number of Parties: 130

Convention on Biological Diversity, 05.06.1992:

Palau - 06.01.1999

Total number of Parties: 175

International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, 14.10.1994:

United Kingdom - 21.10.1998
Rwanda - 22.10.1998
Sri Lanka - 09.12.1998
Uruguay - 17.02.1999
Monaco - 05.03.1999
Moldova - 10.03.1999
Qatar - 15.03.1999

Total number of Parties: 149

* Dates shown are dates of deposit of instruments of consent to be bound

– CVC

ELC Staff News

Tülin Emircan, Documentation Assistant in the Legislation Library, left the ELC at the end of February. She now works for the "Bundespresseamt" (Federal Press Office). We wish her all the best!

Birgitta Simon, a law student at Bonn University, has replaced Tülin Emircan, Documentation Assistant, Legislation Library. Welcome aboard!

IUCN's Environmental Law Programme is carried out jointly by the Commission on Environmental Law (CEL) and the Environmental Law Centre (ELC), an outposted unit of IUCN headquarters located in Bonn, Germany. CEL is a network of more than 580 international and environmental law specialists in over 108 countries. The ELC administers all Law Programme activities, develops and manages projects, and serves as the Secretariat for CEL.

The IUCN Environmental Law Programme's Newsletter wel-

comes short articles and news items on international, regional, and national developments in environmental law. We are particularly interested in activities of IUCN members working in the field. Contributions should be no longer than 300-500 words and may be submitted in English, French or Spanish. All contributions will be edited. Please send material to: Newsletter Editor, IUCN Environmental Law Centre, Godesberger Allee 108-112, 53175 Bonn, Germany; tel: (49-228) 2692-231; fax: (49-228) 2692-250; e-mail: secretariat@elc.iucn.org.

Managing Editor:

Ann DeVoy

ELC Staff Contributors:

FBG - Françoise

Burhenne-Guilmin

CVC - Carola von Conrad

MAC - Mauricio Cysne

NWI - Nattley Williams

Typesetting and Layout:

Barbara Weiner

IUCN-ELC
Godesberger Allee 108-112
53175 Bonn
Germany

