

IUCN – The World Conservation Union

IUCN Environmental Law Programme Capacity Building Initiative

January 2003

Name of the Partnership/Initiative:

‘Environmental Law Capacity Building Programme for Sustainable Development’

Expected date of initiation: 2002

Expected date of completion: 2005

(Note: *Phase I of three phases, Phase III to be completed in 2013, see below*)

Partners:

Governments :

IUCN Members (IUCN has 79 State members and 112 government agency members).

Intergovernmental organizations :

IUCN already partners with UNEP and FAO through ECOLEX, ‘the Gateway to Environmental Law’, which forms an integral part of this capacity building initiative and has partnered with UNEP in helping to establish a global network of judges.

Other *potential* intergovernmental partners include: UNDP, GEF, UNITAR (with whom IUCN Environmental Law Programme (ELP) has entered a memorandum of understanding), FAO, The World Bank and regional development banks.

Major groups :

IUCN Members (IUCN has 760 NGO members, including 72 International NGO members, and 42 IUCN regional and country offices).

IUCN ELP regional ‘centres of excellence’ in Brazil, China, Kuwait, Singapore and the Russian Federation, together with the centre to be opened in Lahore, Pakistan in 2003, will be key regional/national partners.

Other organisations with whom the ELP has memoranda of understanding, including the South Pacific Regional Environment Programme (SPREP), the Peruvian Environmental Law Society (SPDA), the Argentinean Foundation for Environment and Natural Resources (FARN), Lawyers for a Green Planet Institute (Brazil) ~~and~~ the Regional Environmental Centre for Central and Eastern Europe (REC), and ENF EnviroLaw Solutions (with which an MOU was signed on 31 January 2003). The MOU with Lawyers for a Green Planet was amended and replaced during WSSD to strengthen ties between the two institutions and reinforce efforts towards capacity building.

Other:

Other potential partners *include*, the Environment Law Institute (ELI), Australian Centre for Environmental Law (ACEL), World Environment Centre (WEC), International Centre for Environmental Law (ICEL), Foundation for International Environmental Law and Development

(FIELD), World Wide Fund for Nature (New Delhi) and Pace University all of whom have a longstanding association with the IUCN ELP.

Leading Partner: (Name of the contact person/focal point)

IUCN Environmental Law Programme

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Main objectives of the Partnership/Initiative

‘For every country to have the capacity to actively participate in the international policy debate, to implement what is agreed through co-ordinated policies, laws and institutions that respect the rule of law and to ensure effective compliance with environmental laws.’

Please also provide a brief description of the relationship of the Partnership/Initiative with the objectives of Agenda 21:

The international community is increasingly calling for the identification and development of more effective ‘links’ and ‘synergies’ between conventions and for better ‘mainstreaming’ of issues. These calls apply equally to capacity building initiatives that often serve to reinforce difference rather than synergy, separation rather than links.

There is an agreed need to further progress the implementation of Agenda 21 but effective implementation will not occur without capacity building and effective governance. There is a need to develop and invest in a major new framework for environmental law capacity building at all levels, one that serves to forge links between existing institutions and processes and facilitates good governance for sustainable development.

To be effective, such a programme requires global coordination, regional and national delivery and effective collaboration through a partnership of leading international, regional and national organizations.

The development of a co-ordinated programme provides a context within which to develop and promote specific projects, including ECOLEX, the web based access to IUCN, UNEP and FAO environmental law and policy information, the IUCN International Academy on Environmental Law, ~~and~~ training projects such as synergies between the Rio Conventions (and links with other MEA’s) and achieving effective compliance at the national level, and judicial symposia on environmental law that foster a rich sharing of comparative judicial experience within and across regions.

Specific references to the need for a co-ordinated approach to capacity building include:

WSSD PrepComs: The PrepComs have identified the importance of focussing greater efforts on implementation, governance and capacity building. There is a clear need to take a programmatic approach to capacity building to better facilitate the effective and co-ordinated implementation of

Agenda 21 and the Rio Conventions.

UNEP led deliberations: The need for a co-ordinated *programme* of capacity building activities has been promoted through the UNEP Open-ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance. Most recently, the UNEP Governing Council adopted a Decision on the follow-up to the Global Judges Symposium focusing on capacity-building in the area of environmental law, calling on the UNEP Executive Director to support the improvement of the capacity of those involved in the process of promoting, implementing, developing and enforcing environmental law at the national and local levels, in partnership with relevant organizations.

GEF initiatives: The GEF's 18 month Capacity Building Initiative recognised the lack of synchronisation between national policy, legal and regulatory frameworks, and the need for more programmatic and regional approaches to capacity building.

Montevideo Programme III: Section two is dedicated to capacity building through many different means including: seminars, workshops, training, publications, teaching and through promoting collaboration and co-ordination. (See also Section eight on the provision of information, including through ECOLEX).

Agenda 21: A number of different Chapters could be referred to as capacity building is a theme that cuts across most issues. Chapters 8.19 – 20 call for establishing a co-operative training network for sustainable development law and support, working together to develop integrated compliance strategies, and co-ordination through providing legal information services with legal expert advice.

UN Millennium Declaration: The Declaration reaffirms support for the principles of sustainable development, including those set out in Agenda 21 and declares that no effort will be spared “to promote democracy and strengthen the rule of law”. It also calls for the strengthening of capacity of all countries to implement the principles and practices of democracy.

Expected results:

Making real progress towards each country having the capacity to actively participate in the international policy debate, to implement what is agreed through co-ordinated policies, laws and institutions that respect the rule of law and to ensure effective compliance with environmental laws, achieved through a co-ordinated programme of activities, including: Academic education, Practical training, Expert forums, International experience, Publications, Technical assistance and Information (see IUCN ELP Website capacity building initiative matrix: www.iucn.org/themes/law)

Specific targets of the Partnership/Initiative and timeframe for their achievement:

Developing countries and countries with economies in transition.

Phase I: 2002-2005, Phase II: 2006-2009, Phase III: 2010-2013.

Coordination and Implementation mechanism

The IUCN (global) Environmental Law Centre (ELC) will *facilitate* co-operation, co-ordination and regional and national delivery.

IUCN's Environmental Law Programme (ELP), established in 1958, is the world's environmental

law network. It has the ability to mobilise and co-ordinate the efforts of the best environmental lawyers and organisations from countries all over the world. The ELP includes the Commission on Environmental Law, a volunteer network of over 75800 of the world's leading environmental lawyers from over 120 countries around the world. -IUCN ELP has a long and successful track record of working in partnership with others to develop and deliver major capacity building projects and it is ideally placed to take the lead in the development of such a programme and related projects. Later this year, IUCN will launch an International Academy on Environmental Law. This academy is a consortium of the leading environmental law programs in university law schools and law faculties around the world.

IUCN is a membership based organisation, with 79 State members, 112 government and 735 national and international NGO members (together with 42 regional and country offices, and a volunteer network of over 10,000 experts in six commissions), and can facilitate self assessment of capacity building needs from both a government and civil society perspective.

Arrangements for capacity building and technology transfer

See the IUCN ELP Website capacity building initiative matrix: www.iucn.org/themes/law

Links of Partnership/Initiative with on-going sustainable development activities at the international and/or regional level (if any)

The establishment of five regional 'centres of excellence', the most recent being the Arab Regional Centre for Environmental Law (ARCEL), with the Kuwait University (the first such centre in the Arabic speaking world), ~~with a~~ The sixth, the Dr Parvez Hassan Environmental Law Centre at the Punjab University Law College in Lahore, Pakistan to will soon be established ~~in~~ 2003;

The highly successful ADB funded 'Train the Trainers' course held at the Asia Pacific Centre for Environmental Law (APCEL), University of Singapore (the first regional 'centre of excellence' to be established) to promote the development of environmental law skills in Asia and the Pacific and the publication of "Capacity Building for Environmental Law in the Asia and Pacific Region: Approached and Resources";

The co-sponsorship by IUCN of the UNEP Global Judges Symposium on the Role of Law and Sustainable Development held in Johannesburg from 8 to 20 August 2002, the conduct of a Judicial Symposium on Environmental Law in London on 10 to 11 October 2002, the first Conference on the Role of the Judiciary in the Development of Environmental Law in the Arab Region in Kuwait from 26 to 28 October 2002, and another symposium for judges in Central and Eastern Europe being planned for May 2003.

Successfully hosting fellows, interns, researchers and delegations at the IUCN ELC from all over the world;

Assisting national delegations to international meetings with clear, objective and timely policy briefings and assistance;

The development of the much sought after Guide to the Convention on Biological Diversity and the soon to be completed Explanatory Guide to the Cartagena Protocol on Biosafety; and

Technical Assistance to developing countries upon request ranging from review, diagnosis and preparation of inventories of existing legislation, to identifying measures for strengthening

national legislation, and assisting in drafting new legal instruments. Examples of countries receiving various levels and types of technical assistance include India, Saudi Arabia, Oman, Gambia, Kenya, Sudan, Uganda, Swaziland, Indonesia, Vietnam, the Solomon Islands, Argentina, Ecuador, Chile, Brazil, the Philippines, Eritrea and Ethiopia, to cite but a few.

Other relevant information:

A matrix for this capacity building initiative together with details of IUCN ELP's extensive involvement with capacity building initiatives since its inception in 1958 can be found on the IUCN ELP Website: www.iucn.org/themes/law

Web-site (if available): www.iucn.org/themes/law

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