

1.41 Environmental Law Programme

RECOGNIZING that law and science are partners in fulfilling the mission of IUCN – The World Conservation Union;

ACKNOWLEDGING that scientific and technical input is indispensable for developing a sound international and national legal and regulatory framework supporting conservation and equitable and ecologically sustainable development, and that this legal framework in turn is the foundation on which scientific and technical progress continues to be built;

REAFFIRMING that the goal of the IUCN Environmental Law Programme (ELP) is to influence, encourage and assist societies throughout the world in strengthening the framework and implementation of environmental law for conserving the integrity and diversity of nature, world heritage, climate and ensuring that any use of natural resources is equitable and ecologically sustainable;

AWARE that achieving the goal of the ELP requires maintaining rigorous professional and technical standards and a dynamic programme in the conceptual development of law, technical legal assistance and environmental law information;

APPRECIATING the joint efforts of the IUCN Commission on Environmental Law and the IUCN Environmental Law Centre in carrying out the ELP;

APPRECIATING also the positive conclusions and the recommendations of the 1994 external review of the ELP;

RECALLING the ELP's past contributions to the development of international and national environmental law;

AWARE that IUCN's 50th Anniversary and the conclusion of the UN Decade of International Law provide the ELP with an opportunity to highlight the role of multilateral environmental agreements as a core part of world order;

WELCOMING the completion, dissemination and use of contents of the Draft International Covenant on Environment and Development and encouraging its use as a possible model for legal instruments on sustainable development and environmental conservation;

WELCOMING also the launching of the Asia Pacific Centre for Environmental Law and its training programme in environmental law, and believing that the development of similar programmes in other regions is desirable;

NOTING ELP's active role in facilitating the implementation of the Convention on Biological Diversity and other biodiversity-related international legal instruments at the national and international levels;

NOTING also the increasing number of requests from IUCN members and Regional and Country Offices and from convention secretariats for assistance in the fields of conceptual development of law, technical legal assistance, capacity-building and environmental law information, particularly in support of national biodiversity planning processes and the implementation of biodiversity-related international legal instruments;

The World Conservation Congress at its 1st Session in Montreal, Canada, 14–23 October 1996:

1. RESOLVES to promote the partnership of law and science in carrying out the mission of IUCN;
2. REQUESTS the IUCN Environmental Law Programme (ELP) in the 1997–1999 triennium to:
 - a) continue to provide conceptual and technical input into the development or strengthening of international environmental legal instruments, including:
 - i) contributing to achievement of synergy between related instruments;
 - ii) contributing to strengthening a mutually supportive relationship between the international trade and environmental regimes;
 - iii) providing legal advice on the development of national and global law and policy on forests;

- iv) contributing to establishing the strongest possible legal foundation for the implementation of the World Heritage Convention;
 - v) providing legal input into the development of national environmental funds and other innovative mechanisms for financing conservation;
 - vi) developing conceptually the legal and institutional aspects of selected strategic issues in biodiversity conservation and sustainable use;
 - vii) developing and publishing explanatory materials which make issues and instruments in international environmental law accessible to the non-lawyer;
 - viii) formalizing agreements with selected convention secretariats for providing technical assistance and other advisory services;
 - ix) providing legal analysis on the development of energy law and policy, especially for encouraging expanded use of energy efficiency instruments and renewable sources of energy;
- b) continue to provide technical legal assistance to developing countries and countries with economies in transition, including:
- i) collaborating with IUCN Regional and Country Offices, IUCN members, other IUCN technical programmes and donors to develop and execute Environmental Law Service (ELS) projects for technical assistance with national environmental legislation which: involve emerging issues in environmental law, particularly the legal regime for biodiversity conservation; implement international environmental agreements; and include a follow-through component such as to support implementation of the legislation developed;
 - ii) producing explanatory materials and guidelines for developing national environmental legislation, particularly biodiversity-related legislation and environmental framework laws;
 - iii) coordinating closely with other international entities providing legal technical assistance to avoid duplication of effort and encourage collaboration;
 - iv) supporting national biodiversity planning processes by organizing, supporting and advising national initiatives to undertake national biodiversity legal and institutional profiles;
 - v) developing new initiatives to support effective implementation and enforcement of, and compliance with, existing environmental law, including mechanisms for dispute resolution, and contribute to any such initiatives undertaken by IUCN members and partners;
 - vi) seeking external funding to re-establish the programme of research fellowships for developing-country lawyers at the Environmental Law Centre (ELC);
- c) continue to pursue initiatives to establish regional centres or programmes for training in environmental law, including:
- i) engaging the resources of the ELP to develop and continuously update regionally-appropriate curricula;
 - ii) developing appropriate training materials;
 - iii) providing resource persons for training courses;
- d) maintain the IUCN Environmental Law Information System (ELIS) as a unique resource and make it more widely accessible, including:
- i) participating in the development and implementation of the Biodiversity Conservation Information System (BCIS);
 - ii) arranging for data in the ELIS to be available in electronic form to a wide range of potential partners;

- iii) pursuing with potential partners the establishment of a global consortium for environmental law information with ELIS as the core resource;
 - iv) using ELIS as the basis for analyzing new issues and emerging trends in international and national environmental law and distributing the analyses among IUCN members, Regional and Country Offices, and partners;
 - v) establishing and maintaining a World Wide Web site to provide electronic access to innovative examples of biodiversity-related legislation.
3. CALLS UPON States to sign or ratify as appropriate, and to implement fully, including where needed through legislation, the multinational environmental agreements (MEAs) and requests the ELP to provide appropriate information to IUCN members about how MEAs may be effectively implemented;
4. REQUESTS the Chair of CEL to:
- a) coordinate efforts of the Steering Committee and CEL membership to provide substantive input into the process of developing and completing the strategic plan for the ELP during the 1997–1999 triennium;
 - b) report to the 2nd Session of the World Conservation Congress on the development and implementation of the strategic plan;
 - c) encourage the Vice Chairs of CEL to work closely within the ELP in collaborating with IUCN Regional and Country Offices to consolidate the CEL network and integrate its expertise into the IUCN Programme in their respective regions;
 - d) work with the Chairs of the other Commissions to increase cooperation between Commissions;
5. REQUESTS the Director General, within available resources, to:
- a) ensure effective integration of the law/science partnership into all elements of the IUCN Programme;
 - b) provide increased support, proportionate to the increased demand from IUCN members for ELP services, to continuing to develop the potential of the CEL, particularly to allow CEL members to collaborate fully with IUCN members and Regional and Country Offices;
 - c) ensure that IUCN's fund-raising activities seek to secure the resources necessary to permit the ELP to respond effectively to the demands placed on it by IUCN members, partners and Regional and Country Offices.