



World Commission  
on Environmental Law

Commission Mondiale de  
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## IUCN WORLD COMMISSION ON ENVIRONMENTAL LAW 2017 ANNUAL HIGHLIGHTS AND 2018 PROGRESS



### Introduction

The World Commission on Environmental Law (WCEL) is a volunteer network of experts working together to advance environmental law around the globe by providing specialized knowledge and assistance to strengthen the legal foundations for the conservation of nature and sustainable development. During the period reported, WCEL organized its work around several signature projects, recruiting and activating membership, and improving communication to promote and strengthen the development of the environmental rule of law. This report reflects activities in 2017 and the beginning of 2018. For more details and updates, please see the WCEL webpage: <https://www.iucn.org/commissions/world-commission-environmental-law>.

### SIGNATURE WCEL INITIATIVES

WCEL has focused its limited resources on key initiatives with the highest potential to have a global and lasting impact for the development and implementation of environmental law. They include:

- **GLOBAL JUDICIAL INSTITUTE ON THE ENVIRONMENT (GJIE)**



The [Global Judicial Institute on the Environment](#) is a multi-partner initiative spearheaded by WCEL. The mission of the Institute is to support the role of judges, courts, and tribunals in applying and enforcing environmental laws and in promoting the environmental rule of law and the fair distribution of environmental benefits and burdens.

- [A 2<sup>nd</sup> meeting of Founding Members of the GJIE](#) was held on 19-21 May 2017 in Brasília (Brazil). Participants formalized the GJIE Statutes and appointed three coordinators of the



Interim Governing Committee (Justice Antonio H. Benjamin, Justice Ragnhild Noer, and Justice Michael Wilson).

- In intervening months, the following 12 of 14 Founding Members were nominated to and approved as the [Interim Governing Committee](#) (the remaining two spots are being held for a nominee from China and another from West Africa):
  - Justice Antonio Herman Benjamin, National High Court of Brazil, Chair of WCEL (Brazil)
  - Lord Robert Carnwath, Supreme Court United Kingdom and UN Environment International Advisory Council (UK)
  - Justice Swatanter Kumar, Chairperson National Green Tribunal (India)
  - Justice Luc Lavrysen, Constitutional Court of Belgium and President European Forum of Judges for the Environment (Belgium)
  - Justice Ricardo Lorenzetti, President Supreme Court of Justice of Argentina (Argentina)
  - Justice Syed Mansoor Ali Shah, Supreme Court of Pakistan (Pakistan)
  - Justice Ragnhild Noer, Supreme Court of Norway and Member Steering Committee of WCEL (Norway)
  - Justice Brian Preston, Chief Judge of the Land and Environment Court of New South Wales (Australia)
  - Justice I Gusti Agung Sumanatha, Supreme Court of Indonesia (Indonesia)
  - Justice Dr. Emmanuel Ugirashebuja, President East African Court of Justice (Rwanda)
  - Justice Michelle Weekes, Supreme Court of Judicature of Barbados (Barbados)
  - Justice Michael Wilson, Supreme Court of Hawai'i (USA).
- In parallel with creation of the Interim Governing Committee, the GJIE entered into the final stages of becoming a registered international non-profit association in Switzerland.
- WCEL and UN Environment explored options for establishing the GJIE Interim Secretariat.
- GJIE co-sponsored the following events:
  - The Judicial Colloquium for Latin-America and the Caribbean: “Constitutions, Environment, and Human Rights: Practice and Implementation” (see below)
  - The 2<sup>nd</sup> Inter-American Congress on the Environmental Rule of Law on 4-6 September in Santiago (Chile) (see below)
  - The International Conference on Environment from 3-4 November in New Delhi under the auspices of the National Green Tribunal (see below)
  - High-Level Preparatory Colloquia for the Judges and Prosecutors Subprocess of the 8<sup>th</sup> World Water Forum on 8 December in Rio de Janeiro (see below)



- GJIE planned its first face-to-face meeting of the Interim Governing Committee to meet from 17-18 March 2018 during World Water Forum.
- Preparatory work began for draft Bylaws and Terms of Reference of various GJIE committees including one for education and capacity-building.
- Partners in GJIE events include UN Environment, the Organization of American States, and the Asian Development Bank.

### 2018 Progress

- The [1<sup>st</sup> Meeting of the Interim Governing Committee](#) convened prior to the 8<sup>th</sup> World Water Forum on 17-18 March where decisions included:



- Endorsement to cooperate with UN Environment to establish the GJIE Interim Secretariat
  - Authorization to explore MoUs with global/regional judicial associations
  - Approval to create a “Global Judicial Portal” with UN Environment’s INFORMEA
  - Agreement to prepare a two-year strategic plan
  - Creation of working groups : Strategic Training, Climate Change, and Forests
  - Consent to a GJIE logo pending minor adjustments
  - Tentative scheduling of the 1<sup>st</sup> General Assembly of GJIE Members for the first half of 2020.
- On 21 March, during the 8<sup>th</sup> World Water Forum, UN Environment and GJIE exchanged Letters of Intent to cooperate to establish the Interim Secretariat.



- **JUDICIAL TRAINING: REGIONAL COLLOQUIA**

In 2017, WCEL and GJIE were active partners in promoting a series of a larger Environmental Rights Initiative supported by UN Environment and under the leadership of the UN Special Rapporteur on Human Rights and the Environment to enhance judicial capacity in environmental constitutionalism, identify gaps and opportunities, and support judges worldwide.



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### **Judicial Colloquium for Latin-America and the Caribbean: “Constitutions, Environment, and Human Rights: Practice and Implementation”**

- This [groundbreaking meeting convened](#) 22-23 May 2017 at the Federal Senate of Brazil, Brasília, bringing together over seventy judges, academics, and experts from over twenty countries to engage in interactive sessions held in formal sessions of the Environment Committee and the Joint Senate and House Permanent Committee on Climate Change of the Federal Senate of Brazil, with nine sessions chaired by senators.
- IUCN President Zhang joined prominent speakers to discuss issues of environmental governance and constitutionalism, to deepen debate on the judicial role in protecting human rights and the environment at global, regional, and national levels.
- Outcomes include [full video](#) and a current draft of the Colloquium proceedings to be published in 2018.
- The event was organized under the auspices of the Federal Senate of Brazil and the Global Judicial Institute on the Environment and co-sponsored by UN Environment, the UN Special Rapporteur on Human Rights and the Environment, the Brazilian Association of Judges (AMB), the Brazilian Association of Federal Judges (AJUFE), the Brazilian Bar Association (OAB - Conselho Federal), the Organization of American States (OAS), the IUCN World Commission on Environmental Law (WCEL), Widener University Delaware Law School (USA), and North-West University (South Africa).



### **2018 Progress**

#### **Asia Pacific Judicial Colloquium on Climate Change: Using Constitutions to Advance Environmental Rights and Achieve Climate Justice**



- Hosted by the Lahore High Court of Pakistan, over 100 participants [joined at the Colloquium](#) in plenary sessions, targeted workshops,

roundtable discussions, and working groups to assist in increasing capacity of judges in Asia Pacific to apply environmental constitutionalism toward achievement of climate justice and advancing human dignity.

- The event was co-sponsored by and organized in partnership with the Punjab Judicial Academy (PJA), UN Environment, the Asian Development Bank (ADB), the Asian Judges Network on Environment (AJNE), the Raoul Wallenberg Institute (RWI), the UN Special Rapporteur on Human Rights and the Environment, and Widener University Delaware Law School (USA).

- **GLOBAL PACT FOR THE ENVIRONMENT**

WCEL is playing a major role in the initiative launched in June 2017 toward a [Global Pact for the Environment](#) prepared by a group of more than 150 experts from fifty-four countries across five continents under the leadership of Laurent Fabius (President of the French Constitutional Council and formerly the President of UNFCCC/COP-21). The draft aims to bring together and expand upon twenty-six fundamental principles of environmental law and reach agreement on a legally binding and generalized treaty under the auspices of the General Assembly of the United Nations. Since the Pact was launched in Paris in June 2017, a number of major developments took place involving WCEL:

**23-24 June: Paris**

- Fifteen WCEL Members participated in the high-level [drafting committee meeting and official launch](#) of the Global Pact for the Environment on 23-24 June 2017 in Paris:

- Antonio H. Benjamin (WCEL Chair)
- Nicholas Robinson (WCEL Chair Emeritus)
- Parvez Hassan (WCEL Chair Emeritus)
- Nilufer Oral (WCEL Steering Committee)
- Christina Voigt (Chair, WCEL Climate Change Specialist Group)
- Alejandro Iza (Director, Environmental Law Centre)
- Donald W. Kaniaru
- Eckard Rehbinder
- Sébastien Mabille
- Jan Glazewski
- Laurence Boisson de Chazournes.





- WCEL Chair Antonio Herman Benjamin and Chair Emeritus Nicholas A. Robinson were named by Laurent Fabius as Vice-Chairs of the negotiating and drafting committee.

- At WCEL's invitation, IUCN President Zhang Xinsheng represented IUCN at the Paris meeting, which was led by Laurent Fabius and French President Emmanuel Macron who committed to lay the foundations for the Pact's adoption by the UN General Assembly.

- Other members of the Interim Governing Committee of the Global Judicial Institute on the Environment (GJIE) also participated: Lord Robert Carnwath, Luc Lavrysen, and Swatanter Kumar.

#### 19 September: New York City

- The Permanent Mission of France to the UN organized the [“Summit to Launch the Global Pact for the Environment”](#) on the margins of the 72nd session of the UN General Assembly. French President Emmanuel Macron hosted high-level delegates from UN Member States, and UN Secretary-General António Guterres urged global support for the initiative.

#### 20 September: New York City

- [A one-day conference](#) on the blueprint for the Global Pact was convened at Columbia University (New York) by Columbia University's Center on Sustainable Development and the UN Sustainable Development Solutions Network. President Zhang Xinsheng represented IUCN speaking on the panel “Building support of the Global Pact” and was joined by a number of IUCN WCEL Members including Laurence Boisson de Chazournes (University of Geneva), Maxine Burkett (University of Hawai'i Law School) and Marcos Orellana (Human Rights Watch).

#### 21 November: IUCN Headquarters (Gland)

- On 21 November 2017, [the 93<sup>rd</sup> IUCN Council Meeting adopted a decision](#) as follows:  
“The Council, On the recommendation of the Programme and Policy Committee:





**Welcomes** the initiative of the Global Pact for the Environment, which recognizes and builds on the leadership of IUCN in promoting the environmental rule of law, including the World Charter for Nature (1982), which celebrated its 35th anniversary on 28 October 2017,

**Requests** WCEL to continue its work to contribute to the drafting and development of the Global Pact, and

**Asks** the Director General to use IUCN's convening power to provide a platform in order to facilitate discussion."

- WCEL is grateful to IUCN President Zhang Xinsheng for his personal engagement at formative meetings for the development of the Global Pact. Furthermore, the leadership of IUCN Councilor Jan Olov Westerberg (Chair of the Programme and Policy Committee) and IUCN Director General Inger Andersen are greatly appreciated in facilitating IUCN's providing expertise and facilitating engagement toward a Global Pact for the Environment.

#### **5 December: Nairobi**

- Pact-related discussions took place during the 3<sup>rd</sup> UN Environment Assembly (UNEA-3) in Nairobi from 4-6 December.
- WCEL was represented by Donald W. Kaniaru in a panel discussion for civil society, and IUCN Director General Inger Andersen spoke in support of the Pact.

#### **2018 Progress**

##### **1 March: Bogotá**

- WCEL Members participated in the Symposium held on 1 March with the support of the Office of the Procuraduría General de la Nación of Colombia to present and discuss the Pact in partnership with the Columbia Center on Sustainable Investment (CCSI) and the UN Sustainable Development Solutions Network (SDSN) and under the guidance of Prof. Jeffrey Sachs, Special Advisor to the UN Secretary-General on the SDGs.

##### **18 March: Brasília**

- **Session during the 1st Meeting of the Interim Governing Committee of the Global Judicial Institute on the Environment**

On 18 March 2018, an inclusive session of the [Interim Governing Committee of the Global Judicial Institute on the Environment](#) invited senior judges, diplomats and experts to engage in broader discussions on the need to, and process for, codifying a set of agreed environmental law principles under the United Nations. The IGC session was chaired by Ambassador Michel Miraillet (Ambassador of France to Brazil) and special guests included Ambassador Xavier Sticker (Ambassador for the Environment, France) and Yann Aguila (President, Environment Commission of the Club des Juristes, France).



### 21 March: Brasília

- **Session during the Conference of Judges and Prosecutors on Water Justice:**

A special session of the 8<sup>th</sup> World Water Forum was held on 21 March as a multi-stakeholder dialogue on the Global Pact. The session was chaired by Brazilian diplomat, Minister Reinaldo Salgado (Coordinator, 8th World



Water Forum Political Process and Director, Department for Environmental Sustainability, Ministry of Foreign Affairs, Brazil). Speakers included Yann Aguila, Minister Izabella Teixeira (Former Minister of the Environment of Brazil, 2010-2016) Ambassador Xavier Sticker, Scott Fulton (President, Environmental Law Institute, USA), Ricardo Piquet (President, Museum of Tomorrow, Brazil), and Jorge Viñuales (Professor, Cambridge University, UK).

### 4 May: Dakar

- The International Symposium to introduce the Global Pact to French-speaking countries in Africa issued the “Dakar Call to Action for the Adoption of a Global Pact for the Environment” on 4 May in Dakar (Senegal).

### 10 May: UN Headquarters (New York City)

- UN General Assembly Resolution 72/277 “Towards a Global Pact for the Environment” was adopted on 10 May 2018 opening negotiations towards a Global Pact for the Environment. The votes were recorded 143 in favour to 6 against (Iran, Philippines, Russian Federation, Syria, Turkey, United States), with 6 abstentions (Belarus, Malaysia, Nicaragua, Nigeria, Saudi Arabia, Tajikistan). The [meeting report](#) is published and the resolution is available on the [GA’s resolutions website](#). With adoption, a special ad hoc Open-ended Working Group, including NGO participation, is established to consider a report of the Secretary-General and to discuss options to address possible gaps in international environmental law and environment-related instruments. WCEL applauds this success and looks forward to mobilizing resources and partners to actively contribute to the process in the coming months.

- **8<sup>th</sup> WORLD WATER FORUM**

WCEL Chair Antonio Herman Benjamin was appointed by the World Water Council as the Coordinator for a first-ever “Judges & Prosecutors Sub-Process” of the Political Process during the 8<sup>th</sup> World Water Forum held 19-23 March 2018 in Brasília. This is the first time that a specific high-level segment on the role of judges and prosecutors would be included in the Forum. More than 10,000 participants were anticipated to attend the WWF.





## High-level Preparatory Meetings

- WCEL and partners convened [two high-level events on 8 December in Rio de Janeiro](#), Brazil in preparation for what resulted in the Conference of Judges and Prosecutors on Water Justice. The invitation-only International Colloquium “Sharing Water”



was held in the morning at the spectacular waterfront Museum of the Future to begin drafting the Brasilia Declaration of Judges on Water Justice. The afternoon public session titled “International Colloquium on Water Law” took place in the grand ceremonial courtroom of the Supreme Court of the State of Rio de Janeiro with a series of keynote speakers and distinguished panelists.

- IUCN Participants included Members of the WCEL Steering Committee, WCEL Specialist Group Chairs, as well as Angela Andrade (Chair of the IUCN Commission on Ecosystem Management (CEM) and Ayman Rabi (IUCN Councilor and Chair of the IUCN Council Finance and Audit Committee).
- WCEL partners included: Ministério das Relações Exteriores (Ministry of Foreign Affairs of Brazil), Ministério do Meio Ambiente (Ministry of Environment of Brazil), World Water Council, Tribunal de Justiça do Rio de Janeiro (Supreme Court of the State of Rio de Janeiro), Associação de Magistrados do Estado do Rio de Janeiro - AMAERJ (Association of State Judges of Rio de Janeiro), UN Environment, the Organization of American States, Global Judicial Institute for the Environment, Instituto “O Direito por Um Planeta Verde” (Law for a Green Planet Institute), Associação Brasileira dos Membros do Ministério Público de Meio Ambiente – ABRAMPA (Brazilian Association of Environmental Public Prosecutors), Instituto Brasileiro de Advocacia Pública – IBAP (Brazilian Institute of Public Attorneys), Associação dos Professores de Direito Ambiental do Brasil – APRODAB (Brazilian Association of Environmental Law Professors), Museu do Amanhã (Museum of Tomorrow), and Getulio Vargas Foundation – FGV.
- Outcomes included:
  - Advancing the Draft “Brasília Declaration of Judges on Water Justice” (below)
  - Engaging over 100 people and 15 institutions around the globe in the preparations for the 8<sup>th</sup> World Water Forum
  - Refining planning for WCEL-related events and programs for the Forum, including the 1<sup>st</sup> WCEL International Water Justice Moot Court (see below).



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- Promoting the roles played by judges from the Global Judicial Institute on the Environment
- Launching a new initiative to establish the “Global Institute of Prosecutors for the Environment” (see below)
- Showcasing leading academic, diplomatic, judicial, and legislative perspectives on the challenges of “Sharing Water”.

## 2018 Progress

### Conference of Judges and Prosecutors on Water Justice

#### [The Conference of Judges and Prosecutors on Water Justice](#)

during the 8<sup>th</sup> World Water Forum was featured as a new high-level segment under the Political Process devoted to underlining the role of judges and prosecutors in the conservation of freshwater resources. It is the first time that the World Commission on Environmental Law is involved at a



formative level of the Forum. Major contributions to the 8<sup>th</sup> World Water Forum included:

#### ○ **Brasília Declaration of Judges on Water Justice**

The [Brasília Declaration of Judges on Water Justice](#) was initiated by WCEL in 2017 through a process of videoconference discussions, vigorous e-mail correspondence, in-person drafting sessions by an expert scientific drafting committee at the high-level preparatory meetings in December 2017, and additional drafting sessions at the beginning of 2018 with leading representatives of the GJIE. The Declaration approved at the conference on 21 March 2018 provides as a set of guiding principles for the utilization, management, and protection of all forms of fresh water resources. The ten principles are:

*Principle 1 – Water as a Public Interest Good*

*Principle 2 – Water Justice, Land Use, and the Ecological Function of Property*

*Principle 3 – Water Justice and Indigenous and Tribal Peoples and Mountain and Other Peoples in Watersheds*

*Principle 4 – Water Justice and Prevention*

*Principle 5 – Water Justice and Precaution*

*Principle 6 – In Dubio Pro Aqua*

*Principle 7 – Polluter Pays, User Pays and Internalisation of External Environmental Costs*

*Principle 8 - Water Justice and Good Water Governance*

*Principle 9 – Water Justice and Environmental Integration*

*Principle 10 – Procedural Water Justice.*

- **1<sup>st</sup> WCEL International Water Justice Moot Court**

Planning began in 2017 and the event took place on 21 March at the close of the Conference. The 1<sup>st</sup> WCEL International Water Justice Moot Court featured written submissions and live oral arguments by law students from around the world. Representing a variety of regional organizations, they argued questions of the potential legal personality of rivers and the impact of the climate crises on water law disputes before a mock panel of the International Court of Justice consisting of active sitting judges, and followed by insightful commentary from technical and legal experts. WCEL Deputy Chair Denise Antolini took the lead on organizing this innovative moot court.

- **LAUNCH OF THE GLOBAL INSTITUTE OF PROSECUTORS FOR THE ENVIRONMENT**

During high-level preparatory meetings in December 2017, WCEL Chair Antonio Herman Benjamin announced preparations for the launch of the “Global Institute of Prosecutors for the Environment” starting under the leadership of Brazil’s Attorney General Raquel Dodge – the first woman ever appointed to this high post. [She announced her strong support and personal commitment](#) to lead the WCEL initiative on 12 December 2017.



### 2018 Progress



Justice Benjamin and Attorney General Dodge continued intensive planning for a broader launch of the new global institute during the Conference of Judges and Prosecutors on Water Justice. A meeting of prosecutors from around the world was held on the margins of the 8th World Water Forum to consider the Institute Charter and to approve the Brasília Declaration of Prosecutors on Water Justice.

- **FOREST INITIATIVES**

During the 2017 WCEL Steering Committee meetings in Brasilia and Rio de Janeiro, the WCEL Forests Specialist Group was formally established and attorney Raul Telles do Valle (Brazil) was appointed as Chair. To jumpstart the group’s work, the WCEL Steering Committee decided that a Memorandum of Understanding would be signed in 2018 between the Commission and the Secretariat of the UN Forum on Forests.

### 2018 Progress

The MoU was signed in April 2018 at UN Headquarters to promote cooperation and collaboration particularly in the interest of strengthening legal aspects of the protection of



global forests, including investigation, preparation, and dissemination of forest best-practice legal systems, such as a “Model Forest Act” in order to inform the drafting and updating of forest legislation globally.

- **WCEL ENVIRONMENTAL LAW VIDEO LIBRARY**

In 2017, WCEL began exploring opportunities for partnerships to create a series of “WCEL Environmental Law Video Lectures” and eventually build an “Environmental Law Video Library.” The Library would be anchored within the WCEL website.



### **2018 Progress**

A partnership for the Video Library was formed with the Catholic University of Brazil in early 2018 and 19 lectures recorded during the 8<sup>th</sup> World Water Forum in March. The first lecture by Michel Prieur (renowned environmental law expert from France) was released on the WCEL website in April 2018. Future series are planned for the Video Library depending on the availability of funding.

- **PREPARATION FOR THE 2<sup>nd</sup> WORLD ENVIRONMENTAL LAW CONGRESS (2020)** The WCEL Steering Committee began preparations for the 2<sup>nd</sup> World Environmental Law Congress to be held in the first half 2020. Congress objectives include:
  - Showcasing the work and strengths of WCEL Members and Specialist Groups
  - Convening judges, legislators, prosecutors, government agencies, intergovernmental organizations, multilateral financial institutions, public interest organizations, and the private sector
  - Applying IUCN’s expertise to promote the environmental rule of law.

### **WCEL GLOBAL OUTREACH**

In addition to the Chair and Deputy Chair attending the two IUCN Council Meetings and four IUCN Bureau Meetings, a number of missions were undertaken during the period reported.

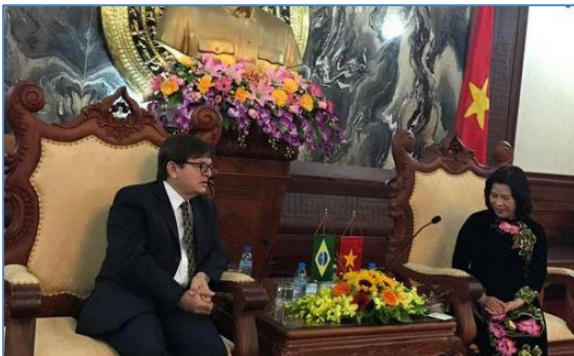
- **January 2017: India**

WCEL Chair Antonio Herman Benjamin made a [visit to India](#) to meet with leading judicial and environmental institutes, and individuals in three cities: Mumbai, New Delhi, and Chennai. In Mumbai, he met with Chief Justice Dr. Manjula



Chellur High Court of Bombay and members of the court, and was hosted for lunch by the Chief Justice and colleagues. He was later hosted by Principal Dr. Ajay Nathani at the Mumbai Government Law School to engage with students. A key visit to New Delhi included meetings with Chief Justice Swatanter Kumar and colleagues at the National Green Tribunal, as well as joining with more than 20 lawyers practicing before the court. In Chennai, he was hosted by Prof. Dr. D. Gopal, Head of Environmental Law at Tamil Nadu Dr Ambedkar Law University and spoke to hundreds of students and colleagues of the University. At the Chennai Bench of the National Green Tribunal, he joined the President, Justice Dr. P. Jyothimani speaking to participants from all southern states comprising the jurisdiction. The final night in India was capped by a meeting with Chief Justice Sanjay Kishan Kaul and senior colleagues at the Madras State High Court.

- **January 2017: Vietnam**



Antonio Herman Benjamin became the [first WCEL Chair to ever visit Vietnam](#). He met with IUCN staff and WCEL Members at the IUCN Vietnam Country Office in Hanoi to discuss opportunities for increasing cooperation. Meetings with officials included: Deputy Chief Justice Nguyen Thuy Hien of the Supreme People's Court; Deputy Minister Nguyen Linh Ngoc of the Ministry of Natural

Resources and Environment, Cao Duc Phat, Minister of Agriculture and Rural Development; and discussions at the Institute for State and Law. Over the course of a week, the Chair was able to increase visibility of IUCN in the country, identified potential new WCEL Members, identified legal needs and opportunities for collaboration, and engaged the judiciary in the operationalization of the Global Judicial Institute for the Environment.

- **July 2017: Kenya**

WCEL Chair Antonio Herman Benjamin and Steering Committee Member Justice Ragnhild Noer (Supreme Court of Norway) [travelled to Nairobi Kenya on 4-6 July 2017](#). They met with the IUCN Regional Office to discuss coordination, including prioritizing work in Angola. They were invited as guest speakers to the UN



Environment series "Planet unplugged," and discussed ongoing collaboration, such as

arrangements for operating the Global Judicial Institute on the Environment. A formal meeting was held with Executive Director Erik Solheim, Deputy Executive Director Ibrahim Thiaw, Elizabeth Mrema, and Arnold Kreilhuber, and concluded with a dinner hosted by UN Environment. A visit to the Ministry of Environment allowed for interaction with senior staff and heads of legal departments to exchange information and encourage future work together.

- **July 2017: Zambia**



[The Chair travelled to Lusaka](#), the capital of Zambia, where he met with The Honorable Lady Justice Irene Chirwa Mambilima, Chief Justice of the Supreme Court of the Republic of Zambia, who was accompanied by Justice M.S. Mwanamwambwa, Deputy Chief Justice. Additional meetings were held with representatives of the Supreme Court, Environment Ministry, and the Department of National Parks &

Wildlife. This visit constituted the WCEL's first entry in this country that has rich biodiversity.

- **September 2017: China**

The IUCN Environmental Law Programme, represented by WCEL Chair Antonio Herman Benjamin and Ning Li, Programme Officer of the Environmental Law Centre, participated in the [International Symposium on Judicial Protection on Biodiversity in Nanjing](#), China on 14-15 September co-organized by the Supreme People's Court of China and the Asian Development Bank. In remarks to the meeting, the Chair reviewed and interpreted forest-related provisions in the Environmental Protection Law and Forest Law of China highlighting unique provisions and features as viewed from a global perspective, as well as introducing emerging legal principles related to the theme.



- **September 2017: Chile**



On 2 September, the Chair joined the [Environmental Justice Committee of the Ibero-American Judicial Summit](#) hosted by Justice Sergio Muñoz of the Supreme Court of Chile, to discuss and present the Committee's work on two main topics: preparation of a set of "Judicial Guidelines on the

Environment," to be presented to Chief Justices in the region at the Ibero-American Judicial Summit's next meeting in April 2018 in Quito, Ecuador, and support for the Global Judicial Institute on the Environment. On September 4-6, WCEL was honored to co-sponsor the [2nd Inter-American Congress on the Environmental Rule of Law](#) convened with the Organization of American States (OAS), UN Environment, the Supreme Court of Chile, and the Global Judicial Institute on the Environment. The Congress brought together judges, legislators, politicians, representatives from international agencies, and NGOs to discuss key issues to further contribute to achieving IUCN-WCEL goals related to the progressive development of legal and policy regimes built on the core principles of the environmental rule of law.

- **October 2017: Bhutan**

[The Chair visited Thimpu](#), the capital of Bhutan, where he lectured for an audience of judges at the Supreme Court of Bhutan, and also to the first class of students at the recently



established Jigme Singye Wangchuck School of Law. Additional discussions at the Supreme Court focused on cooperation through the Global Judicial Institute on the Environment, and the possibility of organizing a three-day event in the country in 2018. Happily, the Chair was also able to recruit four of the five Supreme Court justices to join WCEL.

- **November 2017: India**



WCEL and GJIE co-sponsored, and the Chair attended, the [2<sup>nd</sup> International Conference on the Environment](#) convened by Justice Swatanter Kumar from 3-4 November in New Delhi. The Chair delivered a presentation on the “Legal Protection of Forests and Justice Michael Wilson spoke to “The Role of the Judiciary in Climate Change.”

## 2018 Progress

- **January 2018: France**

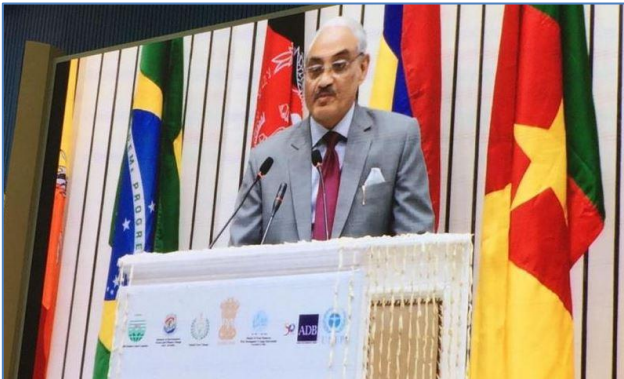
Justice Antonio Benjamin [met with key organizations and individuals](#) to promote collaboration across France. He began in Marseille with a visit to the World Water Council as the first WCEL Chair to visit the organization. In Nice, he met with faculty and students at La Faculté de Droit et Sciences Politique (Nice Law School) and agreed to organize training for judges of the Mediterranean region. He went on to Paris to discuss recruitment of WCEL Members in France, organization of celebrations for the 70<sup>th</sup> Anniversary of IUCN, and promotion of the Global Pact for the Environment, as well as holding meetings with members of the Conseil d’État and Cour de Cassation.

## ADDITIONAL WCEL EVENTS AND ACTIVITIES

- **22 March 2017:** [WCEL presented oral arguments at a public hearing](#) following joint submission with the Organization of American States to the Inter-American Court on Human Rights, addressing environmental implications and ramifications in respect to the request by the Republic of Colombia for an advisory opinion concerning the interpretation of Article 1(1), 4(1), and 5(1) of the American Convention on Human Rights. The Commission thanks the expert group consisting of Claudia de Windt (WCEL Steering Committee Member), Prof. Donald K. Anton, Dr. Maria L. Banda, Prof. Charles Di Leva, Dr. Luis Fernando Macias, and Prof. Nilufer Oral who prepared the opinion on behalf of WCEL.







videoconference, and Deputy Chair Denise Antolini, Steering Committee Member Elizabeth Mrema, and GJIE's Justice Michael Wilson participated.

- **25-26 March 2017:** India's National Green Tribunal convened the [World Environment Congress](#) in New Delhi where judges, lawyers, scientists, and civil society joined to advance dialogue on environmental challenges and the legal community's capacity to tackle them. Justice Swatanter Kumar was the chief organizer, WCEL Chair Antonio Herman Benjamin joined by videoconference, and Deputy Chair Denise Antolini, Steering Committee Member Elizabeth Mrema, and GJIE's Justice Michael Wilson participated.
- **11-12 April 2017:** Judges, practitioners, and academics gathered in Auckland (New Zealand) for the [International Symposium on Environmental Adjudication in the 21<sup>st</sup> Century](#). The meeting was organized by Judge Laurie Newhook with Deputy Chair Denise Antolini participating, as well as Justice Michael Wilson joining by videoconference from Hawai'i.
- **18-20 July 2017:** [The Hawai'i Conservation Conference](#) brought together scientists, policymakers, practitioners, educators, students, and the community in Honolulu (USA) to continue momentum for conservation across Hawai'i and the Pacific. WCEL Deputy Chair Denise Antolini was a panelist in a discussion on the Hawai'i Commitments adopted by the 2016 IUCN Conservation Congress and was awarded the Hawai'i Conservation Alliance Distinguished Service Award for her role promoting the protection of the environment in the state and around the world.
- **5-6 September 2017:** WCEL Steering Committee members Elizabeth Mrema (UN Environment, Kenya) and Deputy Chair Denise Antolini (University of Hawaii, US) keynoted the [Law and Environment in Small States Conference](#) at Queen Mary University of London (QMUL). WCEL member Catherine Iorns (Victoria University of





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Wellington, NZ) was the lead program organizer for this conference hosted by the QMUL Centre for Small States.

- **7-9 September 2017:** Some 500 members of the European Society of International Law (ESIL) attended [this year's conference in Naples](#) (Italy) under the theme “Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law.” WCEL Members in attendance included Nilufer Oral (Member, WCEL Steering Committee), Christina Voigt (Chair, WCEL Climate Change Specialist Group), and Maria Banda.




- **21-23 September 2017:**

Members of WCEL and the Global Judicial Institute on the Environment (GJIE) Interim Governing Committee, including Justice Luc Lavrysen of the Belgian Constitutional Court, Justice Ragnhild Noer of the Supreme Court of Norway, and Justice Michael D. Wilson of the Supreme

Court of Hawai'i, attended the [Annual Meeting of the European Union Forum of Judges for the Environment](#) (EUFJE) at Oxford University, Merton College (UK). Justice Lavrysen, President of the EUFJE, was a primary organizer of the conference focused on “Climate Change and the Judiciary.”

- **21 November 2017:** WCEL Member Justice Michael Wilson participated by video in the meeting of the IUCN Council Climate Change Task Force as a representative of the GJIE. Christina Voigt (Chair, WCEL Climate Change Specialist Group) is also a member of the Task Force.
- **4-6 December 2017:** WCEL closely followed developments during the [3<sup>rd</sup> UN Environment Assembly](#) (UNEA-3) in Nairobi (Kenya). WCEL Members Elizabeth Mrema and Arnold Kreilhuber joined in their professional capacity approximately 160 UN Member States and more than 2,000 delegates to adopt nine resolutions related to combatting pollution and three decisions on governance issues. WCEL contributed to the 2.5 million pledges made to the “Beat Pollution” campaign, committing to catalyze the environmental law community to combat pollution. Chair Antonio Benjamin spoke to the role of judges in nature conservation in a short film presented at UNEA-3 titled [“Defending our Environmental Right to Pollution-free Planet.”](#)

## 2018

- **5-9 February 2018:** The Commission was proud to be a partner in the international symposium in Yaoundé, Cameroon, on the theme: ["Effectiveness and Judicial Education of Environmental Law in Francophone Africa."](#) Overall achievements included:
    - Developing a process to evaluate and measure the effectiveness of environmental law at national and international level through legal indicators;
    - Validating a methodological guide for the evaluation of the effectiveness of environmental law by means of legal indicators;
    - Validating a training manual on environmental law in French for judicial schools in French-speaking Africa; and
    - Drawing up an action plan and a study program on the training of judges and magistrates in environmental law.
- 
- **27-28 February 2018:** Members contributed to [the 11th meeting of the Task Force on Access to Justice](#) under the Aarhus Convention to assess progress made by the parties to implement the access to justice provisions ("the third pillar") of the Convention in relation to requests for access to environmental information ("the first pillar"). Delegates took note of best practices in this field, considered how to overcome remaining barriers, considered enhanced pan-European judicial co-operation in environmental matters, and agreed on the topic for the next meeting in February 2019.
  - **19 April 2018:** WCEL Chair Justice Antonio Herman Benjamin addressed the [Ibero-American Group of the International Association of Judges](#) during its meeting in Brazil from 15-19 April. He addressed over 50 judges from 15 countries highlighting the important role of the GJIE to strengthen training and to support judges around the world to better understand environmental issues before their courts.
  - **23 April 2018:** WCEL Deputy Chair Denise Antolini, WCEL Ethics Specialist Group Representative Kathryn Gwiazdon, and WCEL Member Laura Movilla Pateiro were speakers at the [8th Dialogue of the UN General Assembly on Harmony with Nature](#). The focus of the Dialogue was the implementation of SDG 12: Ensure sustainable consumption and production patterns.



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- **12 May 2018:** Justice Antonio Herman Benjamin was a featured panelist during Princeton University's "[Witnessing Professionals Climate Change Workshop](#)" speaking on the role of law in the expanding bounds of professional ethics in response to the challenges of climate change.

## **STEERING COMMITTEE MEETINGS**

The Steering Committee conducted numerous informal videoconference meetings in the reporting period, as well as the following five formal meetings:

- [10-13 February \(Brasília\): In-person](#)
- 18 May (Brasília): In-person
- 7 August: Videoconference
- 22 September: Videoconference
- [9-11 December \(Rio de Janeiro\): In-person with Chairs of Specialist Groups, Chairs of Commissions and IUCN Councilors.](#)

## **SPECIALIST GROUP RECONSTITUTION AND LEADERSHIP**

WCEL members conduct substantial work through the thematic Specialist Groups, Joint Specialist Groups, and select Task Forces. Nilufer Oral has been appointed by the Steering Committee to act as the WCEL Specialist Group Coordinator. The Steering Committee decided in December 2017 to limit the terms of Specialist Group Chairs to be analogous to the two-term limit of the Commission Chair. Due to limited funding and administrative constraints, operationalization of all Specialist Groups is proceeding at a slower pace than desired. Nonetheless, WCEL continues the process of updating and reappointing its SG leadership.

- **Climate Change (Chair, Christina Voigt)**



[A session on the WCEL Climate Change Specialist Group](#) was held during "Law Day" at UNFCCC/CoP-23 on 12 November in Bonn (Germany). Facilitated by the SG Chair Christina Voigt, the panel featured participants discussing how WCEL can play a key role in

the development and implementation of a framework for mitigating and adapting to climate change at the national and international levels in the coming years. The goal was to further build upon collaboration with the Environmental Law Centre, the IUCN Forest and Climate Change Programme, and other partners to actively assist in achieving the Paris Agreement.



- **Compliance and Enforcement (Chair, Jean-Philippe Rivaud)**

This Specialist Group is supporting establishment of the Global Judicial Institute on the Environment and the Global Institute of Prosecutors for the Environment.

- **Early Career Group (Co-Chairs, Michelle Lim and Nicholas Bryner)**

- In August, the Early Career Group hosted the webinar [The Future of Ecology and Civilisation – What Role for Law?](#) Speakers included WCEL members Ana Paula Rengel Gonçalves, Taimur Khan, Rosa María Pineda Yupanqui and Michelle Lim
- Michelle Lim chaired the Fellows of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) webinar that included a presentation from ECG Member Maylis Drousseau on IPBES, Soils and the Law
- The ECG and partners organized and facilitated the Graduate and Law Students Forum 'Charting New Paths in Environmental Law' during the Annual Colloquium of the IUCN Academy of Environmental Law in Cebu (Philippines) from 29 May – June 2.
- ECG member Marina Venâncio represented the ECG at the sessions of "Law Day" organized by the IUCN Environmental Law Centre during UNFCCC/CoP-23 on 12 November.
- ECG Co-Chair Michelle Lim signed a contract with Springer to deliver the edited book "Charting Environmental Law Futures in the Anthropocene." The authors of the edited collection predominantly consist of the 'lawyers of the Anthropocene' i.e. emerging environmental law scholars of the IUCN World Commission on Environmental Law's Early Career Group.

- **Ethics (Chair, Klaus Bosselmann)**

The WCEL Ethics Specialist Group [convened an in-person meeting](#) and [launched the Ecological Law and Governance Association](#) (ELGA) on 12-13 October at the University of Siena (Italy). The founding document for the ELGA is the Oslo Manifesto, created at a 2016 workshop of the Specialist Group. Further activities of the Ethics Specialist Group included:



- Establishing the Biosphere Ethics Initiative (BEI) and introducing the Relato Methodology (RM) into IUCN's component programmes and commissions,
- Continuing projects "Climate Ethics" and "Earth Democracy"



- Continuing the “Planetary Integrity Project” between universities, NGOs, and professional organizations
- Beginning collaboration to work on a rights of nature initiative as a focal point in IUCN’s decision-making and to inform a large global audience to inform about the UN Harmony with Nature Initiative, jurisprudence on “rights of nature,” and to create a “Universal Declaration of River Rights” through publications and e-learning courses with background and objective legal analysis.
- **Forests (Chair, Raul Telles do Valle)**  
The new Specialist Group is jumpstarting its work through a Memorandum of Understanding between the Commission and the Secretariat of the UN Forum on Forests to include investigation, preparation, and dissemination of forest best-practice legal systems, such as a “Model Forest Act.”
- **Indigenous Peoples and Environmental Law (WCEL/CEESP) (Chair Kanyinke Sena)**  
The Steering Committee welcomed Kanyinke Sena, a member of both WCEL and CEESP, an indigenous lawyer from Kenya, to its meeting in December 2018 in Rio de Janeiro and approved his appointment as Chair of this new Joint Specialist Group.
- **Law and the IUCN Red Lists JSG (WCEL/CEM/SSC) (Chair not yet appointed)**  
The Steering Committee decided to establish a Joint Task Force under this rubric and proposed to use the Amazon as a test case for reviewing concepts applied in the Red List on Ecosystems.
- **Oceans, Coasts and Coral Reefs (Co-Chairs, Nilufer Oral and David Vanderzwaag)**  
The Specialist Group was especially active on three main fronts:
  - [Specialist Group members participated on IUCN delegations to the two 2017 UN Preparatory Committee meetings](#) to develop an internationally legally binding instrument under the UN Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.
  - The Specialist Group co-chairs and a number of Specialist Group members joined the IUCN delegation and participated in side-events at the UN Conference to Support the Implementation of Sustainable Development Goal 14 on Conserving and Sustainably Using the Oceans, UN Headquarters, June 5-9, 2017.
  - The Specialist Group co-chairs launched a book project inviting Specialist Group members to contribute chapters to a book proposal by Edward Elgar, tentatively titled “Ocean Acidity Post-Paris: Gauging Ocean Law and Policy Responses.”



- **Soil, Desertification and Sustainable Agriculture (Chair Ian Hannam and Deputy Chair, Irene Heuser)**

The Specialist Group was active during 2017 as follows:

- Investigating and discussing options for an international instrument for soil
- Reviewing and assisting with drafting of national soil law
- Discussing the legal aspects of land degradation neutrality (LDN) with the UNCCD Secretariat, international environmental law groups, and soil science groups.
- Members representing the Specialist Group at a number of global events during 2017
- Members contributing to the IUCN Technical Brief on Land Degradation Neutrality (with the IUCN Dryland Initiative)
- Editorial and advisory board responsibilities to the production of the 2017 [International Yearbook on Soil Law and Policy](#) (Springer)
- Members contributing to and preparing several publications.
- Beginning organization of topics under its newly acquired “Sustainable Agriculture” responsibility.

- **Water and Wetlands (Chair, Owen McIntyre)**

The Specialist Group has been pursuing broad research goals while promoting the work of WCEL at key international meetings and fora, and through numerous publications. The main focus in 2017 was preparation of events related to the 8<sup>th</sup> World Water Forum.

- **Polar Law Task Force (Chair, Timo Koivurova)**

The Task Force has been recently approved by the Steering Committee.

- **Armed Conflict and the Environment**

This Specialist Group is currently being reorganized.

- **Environmental Rule of Law and the SDGs**

This Specialist Group is currently pending activation.

- **Financial Institutions and Environmental Law**

This Specialist Group is currently pending activation.

- **Protected Areas and Law JSG (WCEL/WCPA)**

This Specialist Group is currently pending activation.

- **Access and Benefit Sharing**

The Steering Committee decided to no longer operate this Specialist Group, but instead to embed access and benefit sharing as a cross-cutting topic.



## **PROMOTION OF THE IUCN WORLD DECLARATION ON THE ENVIRONMENTAL RULE OF LAW**

[The IUCN World Declaration on the Environmental Rule of Law](#) outlines 13 principles to serve as the legal foundation for developing and implementing solutions for ecologically sustainable development. It was drafted by a team of WCEL Members at the 1st IUCN World Environmental Law Congress in April 2016 in Rio de Janeiro, Brazil, on the basis of a wide range of consultations prior to and during the Congress. Adoption was by consensus in the final stages of the Congress, and it was later finalized by the WCEL Steering Committee. Actions in 2017 included:

- Wide distribution through the WCEL website, the WCEL Listserv, and multiple partner networks.
- Translations were completed in Chinese, English, French, Russian and Spanish.
- A multilingual annotated version with expert commentary planned to further understanding and application of the principles worldwide.

## **SELECT 2018 PRIORITIES**

- Establishing GJIE operations and the Interim Secretariat
- Planning and conducting the Conference of Judges and Prosecutors on Water Justice during the 8<sup>th</sup> World Water Forum
- Beginning implementation of the MoU between WCEL and the UN Forum on Forests with focus on a Model Forest Act
- Reforming and Revitalizing the Specialist Groups
- Formation of the Global Institute of Prosecutors for the Environment
- Activation of the Roadmap for promoting the Global Pact for the Environment

## **INTERNAL ORGANIZATIONAL PRIORITIES**

The membership renewal process has progressed, although intensive work was invested in understanding and improving the new system and considerable work remains to contact all remaining members as of 2016 that have not yet renewed. Hawai'i law student Miranda Steed served an intern for WCEL in autumn 2017, working with Aaron Laur to focus on this membership renewal task.

The WCEL website is undergoing a process of renewal to become the channel for a continuous flow of information and driving the Commission's work.

## **STAFFING**

Under the direction of Chair Antonio Benjamin and Deputy Chair Denise Antolini, the Commission's work is managed by Executive Officer Aaron Laur, who serves under contract as a private consultant.





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[WCEL Website](#)

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