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HIGH LEVEL ADVISORY COMMITTEE OF JUDGES REVIEW JUDICIAL TRAINING MATERIALS (GENEVE 2006)

The meeting of the UNEP Ad-hoc Advisory Committee of Judges was held at the International Environment House, Geneva on 31 August and 1 September 2006. The meeting reviewed and finalised the UNEP Judicial Training Modules on the Application of Environmental Law by National Courts and Tribunals. These modules will be used in UNEP's on-going sub-regional and national judicial capacity building activities. UNEP has also developed several legal publications, an electronic information base and other materials. This is in response to requests from judiciaries around the world. At the request of judges, several of these materials are being translated into official UN and other languages to facilitate their wider and more effective use.

Eminent Judges from various parts of the world attended the meeting. They included Hon. Brian Preston, (Chief Judge, Australia), Hon. Luc Lavrysen, (Judge, Belgium), Hon. Adel Omar Shafir, (Deputy Chief Justice, Egypt), Hon. Scott Fulton, (Judge, USA), Hon. Vladimir Passos de Freitas, (Federal Judge, Brazil) and Hon. Donald Kaniaru, (Chairman, National Environment Tribunal, Kenya).

The Deputy Executive Director of UNEP, Mr. Shafqat Kakakhel opened the meeting. He traced the development and implementation of the UNEP Global Judges Programme for implementing the Johannesburg Principles and the UNEP Governing Council decision 22/17. This process has been undertaken in consultation with representatives of the judiciaries around the world, and determines the kind of programmes and training materials to be developed to meet the specific requirements of the judiciaries.

Dr. Iwona Rummel-Bulska, Chief of UNEP's Environmental Law Branch expressed UNEP's deep appreciation to the members of the UNEP Ad-hoc Advisory Committee of Judges for the important contribution that they are making towards ensuring that UNEP's activities in this field were responsive to the specific requirements of judiciaries in the various regions and judicial systems. UNEP also appreciates their continuing advice and guidance on matters relating to the development and implementation of UNEP's programme of activities on training and capacity building of judges and other legal stakeholders in environmental law

The programme of activities in this thematic area will henceforth focus primarily on activities at the sub-regional and national level with the aim of sensitising judges and related legal stakeholders at national level. More importantly, it will also focus on building institutional capacity of national judicial training institutions and national environmental protection agencies.

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This will enable them to include environmental law as part of their continuing legal education programmes.

To achieve genuine institutional capacity, UNEP is developing a comprehensive set of training modules and materials as source books and reference materials. These will guide and assist national judiciaries and related institutions in developing their own national environmental law programmes. These will be based on UNEP's catalytic activities, including workshops and symposia as well as its major environmental law publications and training materials. Examples of such materials include the UNEP Judges Handbook on Environmental Law, the UNEP Judicial Training Modules on the Application of Environmental Law by Courts and Tribunals, the UNEP Compendia of Summaries of Judicial Decisions in Environment-related Cases and the forthcoming publication UNEP Guide to the Application of Environmental Law by Courts and Tribunals. All these are disseminated through the UNEP Environmental Law website.

<http://www.unep.org/DPDL/law/>

The continuing and close consultations with the UNEP Ad-hoc Advisory Committee of Judges will ensure that these programmes and materials

are of high quality and meet the specific judicial requirements. They will also strengthen coherence and consistency among the training programmes that are being undertaken in various countries and sub-regions around the world, while simultaneously addressing the specific needs of different legal systems and traditions, as well as language requirements.

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Kenya National Judicial Colloquium on Environmental Law, held at Nyali Beach hotel-Mombasa 17th-22nd April 2006

ENVIRONMENTAL DIPLOMACY COURSE (GENEVA, JULY – DECEMBER 2006)

UNEP, in partnership with the University of Geneva, UNITAR and the Swiss Government, earlier this year launched a Distance Learning Certificate Course of Advanced Studies in Environmental Diplomacy. The programme intends to teach participants skills necessary for them to participate in global negotiations in environment, sustainable development and related fields. It covers the scientific understanding, political sensitivity and practical negotiation skills and techniques relevant to the development and implementation of legal instruments. Frits Schlingemann of UNEP's Regional Office for Europe gave the welcome address.

Key note speeches were given by Jean Fournet (NATO), Margaret Barker (UK), and Marc Baltes (OSCE). Shafqat Kakakhel, Deputy Executive Director UNEP gave a talk on the Global Environment Agenda - Evolution and Challenges. Other UNEP co-ordinators were Dr. Iwona Rummel-Bulska who lectured on 'Introduction to Principles of Environmental Law and Policies' as well as on the 'Processes of Negotiations of Environmental Conventions at Global and Regional levels'. Elizabeth Mrema lectured on the Implementation of Environmental Conventions' Mechanisms and Policies, while Barbara Ruis covered Sustainable Development: Constraints and Opportunities in Economic, Social and Environmental Diplomacy and on Forests and the Environment.

The Environmental Diplomacy course runs from July till December 2006 and is divided into three segments. The main part comprises of a distance E-Learning segment. An Intensive Course based on 10 Modules was held in Geneva from 27 August to 10 September 2006. Thereafter participants focus their learning process on a thesis project to be completed by 31 December 2006, after which a final assessment will be done to determine their qualification to obtain an Advanced Studies Certificate.

During the Distance E-Learning, participants have been reading on their own the required readings given by the various resource persons and coordinators of each of the 10 modules. The readings should result into accomplishing various assignments in the form of essays, questions, multiple choices and participation to the forum discussion for all the modules. All these assignments fed into the two weeks Intensive Course. In total, 30 participants participated.

The programme is aimed at present or future diplomats, negotiators, policy and decision makers in governments, regional intergovernmental bodies, local authorities, the private sector, NGOs and UN bodies. It is meant for participants from all regions, though the initial emphasis is on wider Europe, including countries with economies in transition in the Balkans and the Eastern Europe, Caucasus and Central Asia regions.

The 10 modules were covering the following issues:

1. Sustainable Development: Constraints and Opportunities in Economic, Social and Environmental Diplomacy: Overview of the current debate on sustainable development, its economic, social and environmental dimensions, with emphasis on policy implications, cost-benefit analysis and participatory approaches.
2. Ethics, Religion and Science in Environmental Diplomacy: Review of the importance of scientific evidence, ethical principles, cultures, belief systems, values and unconscious assumptions in negotiations.
3. International Environmental Policy and Law – The Interface between Policy and Law in Environmental Management: Introduction to the international legal system, principles of international environmental law in selected conventions, and the negotiating process.
4. Climate Change and the Post-Kyoto Debate: Analysis of the scientific assessment and political negotiating processes, the Kyoto Protocol mechanisms, and the coming challenges.
5. Role and Place of Biodiversity in Sustainable Development: Review of the contributions of biodiversity to human welfare, relevant international agreements, the challenges facing biodiversity and steps being taken to integrate biodiversity into sustainable development.
6. Trade and the Environment: Consideration of political, legal and economic issues around trade and environment, the role of the World Trade Organization, concerns of civil society and developing countries, and issues of international economic law and governance.
7. Human Health, Environmental Protection and the Chemical-Waste Nexus: Introduction to the threats of chemical and waste poisoning, analysis of trends and opportunities for improvement, and the political, technical, legal and institutional dimensions of the international effort to protect human health and the environment.
8. Forests and the Environment: Focus on forest issues in environmental diplomacy, recent developments in forest negotiations, and the need for innovative solutions.
9. Environment and Security: Analysis of the relationship between environmental security and peace, the security implications of environmental changes, environmental stress and conflict, and the need for micro- and meso-diplomacy in areas such as Central Asia and international river basins.
10. Environmental Governance : An examination of the development and evolution of global environmental governance and the role and performance of international environmental organizations, looking at challenges and possible solutions.

PROGRESS MADE ON ENVIRONMENTAL DISPUTE SETTLEMENT (THE HAGUE, NOVEMBER 2006)

In partnership with the Permanent Court of Arbitration, UNEP held a High Level Advisory meeting on Environmental Dispute Avoidance and Settlement. The meeting took place at the Peace Palace in The Hague, on 2-3 November 2006.

The following Advisors were present. Dr Muhammed Tawfiq Ladan, (Nigeria), Professor Johan G. Lammers (The Netherlands), Prof. Qun Du (China), Justice Antonio Herman Benjamin (Brazil), Prof Gerhard Loibl, (Austria), Dr. Daniel Magraw Jr (CIEL), Hon. Thomas A Mensah, (Ghana), Dr Phoebe Okowa (Kenya), Prof Nico Schrijver (The Netherlands), Mr. Joseph Siegel (USA), Judge Bruno Simma (Germany), Tjaco van den Hout (Permanent Court of Arbitration). Iwona Rummel-Bulska of UNEP co-chaired the meeting while Barbara Ruis served as co-rapporteur

Based on earlier work undertaken on this subject, UNEP now want to focus on recent developments. During the last years, a large number of new developments have taken place in environmental dispute avoidance and settlement, at the international, regional and national levels. Environmental disputes are growing in quantity, and an abundance of environmental-related subjects is being considered by various judiciary and arbitration bodies. UNEP considers it important to review these developments that have taken place, and wishes to solicit views of a prominent group of experts on how the international community can be engaged to develop a more comprehensive view of the current compartmentalized developments. Among the noteworthy developments that have taken place over the last few years are such events as:

- the Lebanon oil spills, demonstrating the link between environmental disputes and environmental security;
- the Argentina/Uruguay Pulp Mills Case, being the first dispute of a predominantly environmental character before the International Court of Justice;
- the environmental and natural resources related disputes before the WTO Dispute Settlement Body;
- the environmental and natural resources disputes before PCA administered tribunals, including the first ever maritime delimitation cases submitted to UN Convention on the Law of the Sea Annex VII Tribunals;
- compliance procedures and dispute settlement under the UNFCCC and the Kyoto Protocol; access to justice for individuals

and environmental liability dispute settlement;

- lack of recourse to dispute settlement procedures in MEAs;
- the increase in cases involving environmental measures and recourse to arbitration under bilateral investment treaties;
- elements of the “common but differentiated responsibilities”-debate and the view of environmental dispute settlement in developing countries;
- the increased establishment of specific national environmental courts; and
- the multiplication of the amount of cases containing environmental concerns before national and regional courts and/or other judicial bodies.

The twelve distinguished experts listed above derive from the judiciary, universities, ministries, NGOs governmental agencies as well as international organisations with the aim of reviewing recent developments in Environmental Dispute Avoidance and Settlement. The experts formed an Advisory Group and concluded, among others, that environmental problems arise at national, regional and global levels and that dispute avoidance and settlement procedures must also be considered at these levels. They recommended UNEP to concentrate work in this area on several specific issues they identified, and included an appeal to UNEP that it should take the lead in developing guidelines, through the convening of government and other experts, on the following three subjects:

- Access to justice on environmental matters, including public interest lawsuits to apply and implement environmental laws
- Use of preliminary remedies in environmental disputes, and,
- Use of environmental expertise in dispute settlement concerning environmental issues.

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THE PARTNERSHIP FOR THE DEVELOPMENT OF ENVIRONMENTAL LAW AND INSTITUTIONS IN AFRICA (PADELIA): A MAJOR SUCCESS STORY

The Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA) is a project of the United Nations Environment Programme (UNEP) being implemented by its Environmental Law Branch. The objective of the project is to enhance the capacities of African countries to review, develop and enforce adequate and effective environmental laws and at the same time strengthen national, sub-regional and regional institutions for sustainable development and poverty reduction. Under the PADELIA project, UNEP has rendered technical assistance to a number of African countries by enhancing their capacity to reverse negative environmental trends they are facing through adequate and effective legal regimes and functional institutions with competent and sustained expertise.

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The PADELIA project has been implemented in two phases. Phase I of the Project which started in 1994 and

completed in 2000 was implemented in 7 countries and was wholly funded by the Dutch Government. Phase II of the Project is from 2001 to December 2006 and is being implemented in 13 countries, including the 7 countries of Phase I, namely: Botswana, Swaziland, Malawi, Lesotho, Burkina Faso, Mali, Niger, Senegal, Tanzania, Uganda, Kenya, Mozambique, and Sao Tome & Principe. The Project activities are implemented both at national, sub-regional and regional levels in Africa. PADELIA Phase II is funded by the Governments of Belgium, Germany, Luxembourg, Netherlands, Norway and Switzerland.

Among the unique features of the PADELIA project is the fact that it is country-driven, demand-driven and highly participatory in nature whereby beneficiary countries identify their own environmental problems, determine their needs and priorities, build national consensus, build their own capacity, and implement project activities using national expertise thus ensuring national ownership.

All the activities are undertaken with the backstopping and guidance from the Environmental Law Branch at UNEP in partnership with UNDP, FAO, World Bank and IUCN. A Steering Committee made up of the donors, UNDP, FAO, World Bank, IUCN and UNEP oversees and gives overall policy directives to the Project.

Some of the achievements of the project include:

- the creation and development of wide range of legal expertise in environmental law in Africa;



Participants at the 7th Global Training Programme (GTP7) on Environmental Law and policy

- development of over 60 national environmental laws and regulations; over 200 training courses were held in environmental law and policy and on other specific topics such as EIA, access to environmental justice, legal protection of biodiversity, international environmental Law, among others;
- creation of comparative experiences for specific countries with the same legal system or background such as, the Lusophone countries; the Francophone countries or the Anglophone countries, and target groups such as industrialists; environmental law lecturers, government officers through training workshops and seminars;
- development and harmonization of laws at sub-regional levels relating to wildlife, forestry, EIA, environmental crimes, biosafety, hazardous wastes, chemicals and waste management, etc; over 30 publications prepared on environmental law and policy and have been and are continuing to be distributed widely in Africa and all regions. These include the Compendia of Environmental Laws (10 volumes) and of Judicial Decisions related to Environment (4 volumes), the Handbook on implementation of Environmental Conventions; the Guidelines for Compliance by Industries, to mention but a few.

The project has made substantial contributions to UNEP's implementation of the Bali Strategic Plan for Technology Support and Capacity Building. The capacity building programmes under the project have had multiplying effects whereby those trained have been training others in their respective countries. Some others due to the newly acquired skills have moved on to very senior positions in their governments.

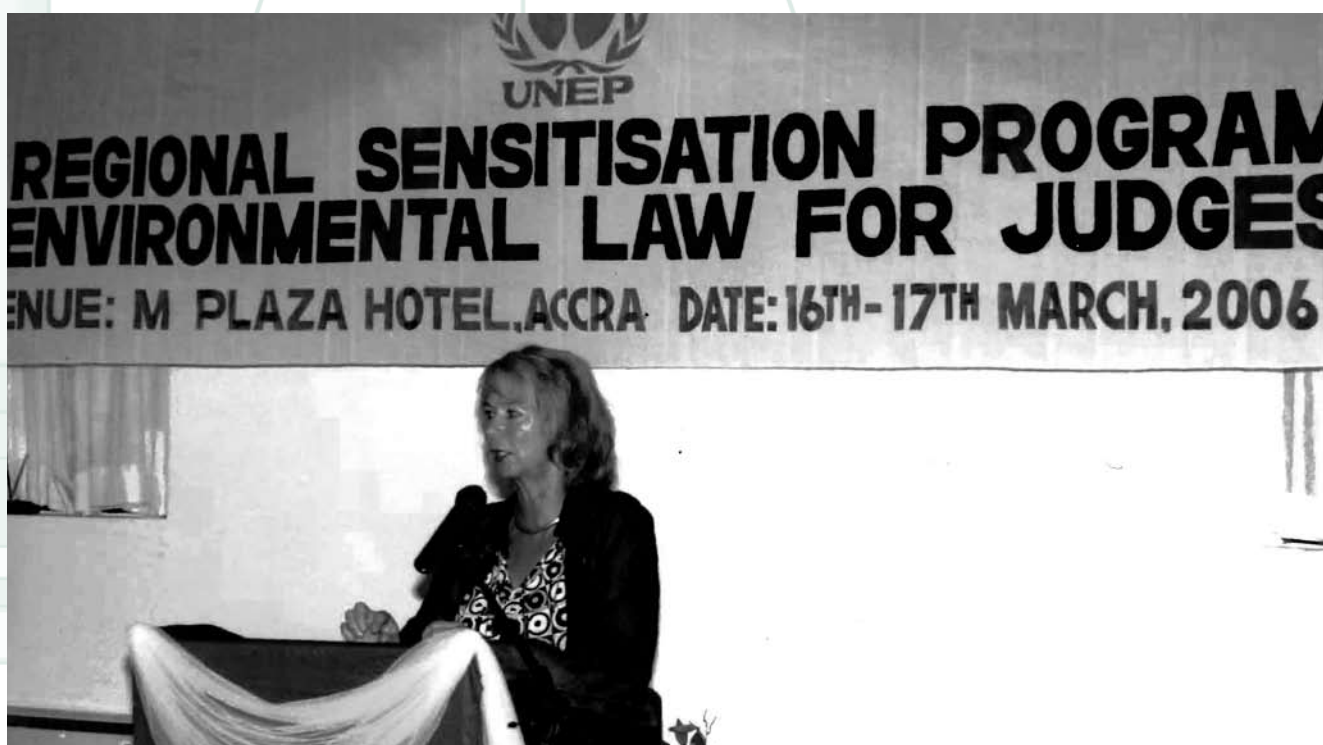
The project has been independently evaluated three times and each evaluation has rated it successful. The last evaluation of Phase II recommended that the project should proceed into Phase III and expand its scope to cover more countries and involve more donors and partners. The PADELIA Steering Committee met in Nairobi on 7 and 8 September 2006 and approved this recommendation. Therefore, UNEP has been undertaking the processes for preparation of the project document; country needs assessments and mobilisation of funds for phase III of the project.

The PADELIA Phase III will focus more on capacity building for environmental law compliance and enforcement towards sustainable development and poverty reduction.

The activities of PADELIA Phase III will be implemented within the context of UNEP's programme of work incorporating the Bali Strategic Plan, the MDGs, NEPAD Environment Initiative and the AMCEN programme of work. Focus will also be on sub-regional activities and assistance to post-conflict countries.

In order to ensure sustainability of the results and outputs of the project, a number of manuals, guidebooks, curricula and training manuals and modules will be produced for use even beyond the lifecycle of the project.

Given the fact that PADELIA project has recorded tremendous achievements in the African region, UNEP is making arrangements to replicate the concept, approach and successes of the project in other regions. Ultimately, the PADELIA activities will be transformed into UNEP regular programmes for the benefit of all regions.



Dr Iwona Rummel-Bulska addresses, participants at the Regional Sensitization Programme on Environmental law for Judges

CAPACITY BUILDING THROUGH ECOLEX (IUCN/UNEP/FAO)

ECOLEX is an internet based database on environmental law operated jointly by UNEP, IUCN and FAO.

It is the largest available information resource on environmental law globally, with over hundred thousand references to relevant documents already being available on the web. The database puts this information at the disposal of users around the world, in an easily accessible service, employing modern technology.

The ECOLEX database includes global information on multilateral and bilateral treaties, judicial decisions, national legislation, European Union legal instruments, International soft law and other non-binding policy and technical guidance documents as well as law and policy literature.

www.ecolex.org

Access to information on environmental matters is critical for legal practitioners and other stakeholders especially in developing countries. Over the past years, ECOLEX has considerably assisted in building capacity in the field of environmental law.

Legislators need information to develop and strengthen legislation. The availability of existing treaties, judicial decisions, laws and literature in the ECOLEX database allows countries to distil the best environmental law information worldwide. Countries seeking to formulate or amend their legislation do not need to reinvent the wheel; they can profit from existing legislation established by countries that have faced similar challenges.

The judiciary needs information for reference when adjudicating upon cases. ECOLEX provides the opportunity to the judiciary to relate the questions arising from their cases to similar questions and problems analyzed in other cases in order to find fair and equitable decisions.

The academia and legal researchers in developing countries often lack access to legal research facilities. Access to information through ECOLEX considerably assists persons in these countries in researching, applying and teaching environmental law, and in building personal capacity. The Project is bridging the digital divide by enabling institutions in developing countries to easily access environmental law information.

Finally, ECOLEX strengthens the capacity and the knowledge of decision-makers in the Executive arm of the Government as well as legal practitioners and raises awareness in the public at large.

Progress in the implementation of the project

Over the last years, the project partners continuously maintained, refined and developed all sections of the database. In the near future, the ECOLEX database will hold more than 250 court decisions

from different countries around the world including decisions from international courts/tribunals. The majority of these court decisions were located, collated, summarized and categorized according to thematic areas by UNEP.

The Judicial Portal was developed to progress the efforts of UNEP and IUCN to help create a global network of judges. It contributes to the court decisions section of ECOLEX. It currently holds 80 court decisions from 15 different countries and 2 international courts/tribunals. Another 200 court decisions were recently located, collated, summarized and categorized according to thematic areas by UNEP. They will be uploaded into the database in the near future.

Until the end of 2006 the ECOLEX partners will move away from the current technical platform, the in-house databases of IUCN (ELIS). The whole database will appear in a new design and a revised and more dynamic interface, which will make ECOLEX even more user-friendly.

On 8-9 March 2006 the 13th meeting of the ECOLEX Steering Committee took place in the IUCN Environmental Law Centre, Bonn, Germany. The partners discussed the planned moving away from the current technical platform, and the new ECOLEX interface which would be implemented after the migration. Both the migration and the new interface had been recommended by the last ECOLEX Technical Group meeting in October 2005. IUCN presented a work-plan for 2006 with activities for the ECOLEX Management Unit to maintain the ECOLEX database before and after the new interface was developed. The partners also discussed the report of the management unit and the feedback on the work of the partners. Further presentations included a report of UNEP on the UN Development Account project for the development of national databases in twenty African countries which will provide further credible sources of information for ECOLEX. Regarding promotion and outreach the partners agreed on the development and dissemination of promotion materials such as brochures, posters and flyers in three languages. The partners also agreed on a budget for 2006.

INTERNATIONAL CONFERENCE OF CENTRAL ASIA JUDGES: CHALLENGES OF ENVIRONMENTAL LEGISLATION IMPLEMENTATION (KAZAKHSTAN, 8-9 SEPTEMBER)

The Conference was organized in cooperation with the Supreme Court and the Minister of Environmental Protection of the Republic of Kazakhstan. It aimed to enhance the capacity of judges and other stakeholders of the judiciary in the Central Asia sub-region in the compliance and enforcement of environmental law. It was attended by 65 senior judges from the Supreme Courts of the Republic of Kazakhstan (including Honourable Chairman) and the Supreme Courts of the Kyrgyz Republic and the Republic of Uzbekistan, senior judges from regional and city courts of Kazakhstan, and senior officials from the General Prosecutor Office, the Ministry of Justice as well as the Ministry of Environmental Protection of the Republic of Kazakhstan.

Topics discussed at the conference include: recent trends and basic principles of environmental law; issues and challenges for improvement of environmental legislation; codification of environmental laws/regulations in Kazakhstan, issues and challenges for compliance and enforcement of environmental law including MEAs; the role of judiciary in enforcing environmental law; trends in compliance and enforcement of environmental law in Kyrgyzstan; legislation on responsibility for environmental crimes and judicial practices in Uzbekistan; and implementation of Aarhus Convention. Participants stressed the importance of the role of the judiciary in the region for the effective implementation, development and enforcement of environmental law at all levels, and discussed the challenges and opportunities for the development and the implementation of environmental legislation in Kazakhstan, Kyrgyzstan and Uzbekistan. They particularly pointed out that the timing for convening such a conference was very important as Kazakhstan is developing its Environmental Code, and they could use the results of the conference in the improvement of the Environmental Code.

The recommendations put forward by the Conference included:

1. Further improvement of environmental legislation;
2. Strengthen and enhance access to justice by supporting the establishment of a environmental court/green bench in the higher judicial system;

3. Enhance access to environmental information by citizens and organizations and public participation in environmental decision-making;
4. Strengthen sub-regional cooperation of the courts and other stakeholders in Central Asia; and
5. Request UNEP to continue its support to capacity building activities at national and sub-regional levels in Central Asia, in particular, to organize, in cooperation with UNEP's Regional Office for Europe, a judiciary seminar for all newly independent states (NIS) in Russian language.

Mr. K. Mami, Chairman of the Supreme Court of Kazakhstan expressed the interest of the Republic of Kazakhstan to host a second Global Judges Symposium on Sustainable Development and the Rule of Law in Kazakhstan. This seems to be a very good proposal. UNEP may consider holding a second Global Judges Symposium in 2007, the fifth anniversary of the first Global Judges Symposium.

Recommendations from the meeting include:

1. Following up on the recommendations of the Conference
2. Continuing to work with the Supreme Courts of Kazakhstan, Kyrgyzstan and Uzbekistan in providing assistance in the development and enforcement of environmental law including MEAs.

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UNEP HANDBOOK FOR DRAFTING LAWS ON ENERGY EFFICIENCY AND RENEWABLE ENERGY RESOURCES

The UNEP Handbook for Legal Draftsmen on Environmentally Sound Management of Energy Efficiency and Renewable Energy Resources (the Handbook) has been finalised. It is written in response to needs expressed by developing country energy law draftsmen to UNEP for assistance in drafting legislative provisions for promotion of energy efficiency and renewable energy, and particularly their environmental dimensions.

The Handbook is designed to be a user-friendly guide rather than a technical compendium or comprehensive collection of relevant legislation. The focus is on national legislation, but encompasses national constitutional provisions, regulations and state and local laws where they are the key determinants of the promotion of efficiency and renewable resources. Emphasis is placed on adaptation to local country needs and conditions.

The Handbook describes the key environmental and implementation issues associated with efficiency and renewable energy resources and presents legislative options from both developed and developing countries for dealing with them, including sample excerpts from legislation. Reference to the full text of legislation is provided.

The Handbook is not judgmental as to what is good or bad legislation, but rather identifies for each issue legislative options that frequently have been used to address the issue, leaving the draftsman to evaluate the usefulness and effectiveness of the presented options for his or her venue or situation. There often is an indication of how provisions worked in the jurisdictions where adopted.

The Handbook is divided into five sections. Section One sets forth the framework for energy resource management, placing energy efficiency and renewable energy in context among other available energy resources. This section also describes the materials covered in the Handbook. Section Two contains legislative information on issues of general application, pertinent to both efficiency and renewables. Section Three deals with energy efficiency laws in the various sectors of the economy. Section Four addresses legislation for each type of renewable energy. And Section Five deals with the special legal needs for bringing useful energy to rural areas in developing countries. The reader interested primarily in any of these topics can look them up in the Table of Contents and go to these materials in the Handbook.

It is the premise of the Handbook that the prime goal of most developing countries is to provide for their people adequate food supplies, housing, health care, clothing, education and jobs to foster economic development and that affordable, clean energy supplies are essential to accomplishing these goals.

ENTEBBE DECLARATION ON A STRATEGY FOR TEACHING OF AND RESEARCH IN ENVIRONMENTAL LAW AND POLICY IN AFRICA

The 2nd Symposium of Environmental Law Lecturers from African Universities met from 25th to 28th September 2006 in Entebbe, Uganda and adopted the Entebbe Declaration, reproduced below in full. This is the Constitutive Instrument for the Association of Environmental Law Lecturers of African Universities (ASELLAU) and acts as the main instrument for fostering cooperation among lecturers and researchers in environmental law and policy on the African continent.

PREAMBLE

We, the Environmental Law Lecturers from several African Universities as listed in the annex hereto, having met at the 2nd Symposium of Environmental Law Lecturers in Africa from the 25th to 28th September 2006 in Entebbe, Uganda, adopt the following Declaration.

RECOGNISING that the African continent possesses rich and varied natural resources which are an integral and irreplaceable part of its heritage;

CONCERNED at the high levels of poverty and environmental degradation across the African continent;

AWARE that sound management of the natural resources and the environment contributes to poverty reduction and sustainable development;

CONSIDERING Africa's human resource potential and the willingness of her people to use this potential to manage her natural resources and the environment;

RECALLING the Declaration adopted at the 1st Symposium of Environmental Law Lecturers from African Universities held in September 2004 in Nakuru, Kenya on the need to form an association of environmental law academics;

CONSCIOUS of the need and determined to seek African solutions to African environmental problems and challenges;

RECOGNISING the crucial role academics play in influencing decision-makers in the development and implementation of law and policy;

FURTHER RECOGNISING the ever changing scientific and policy realities affecting environmental management and which **THEREFORE**, calls upon Environmental Law lecturers in African universities to take greater responsibility in developing new and innovative methodologies of teaching and disseminating knowledge on environmental law through teaching and research thereby motivating the next generation of African environmental law graduates and policy-makers;

CONSCIOUS of the need to continue building capacities of African Universities and other institutions so as to ensure both intra and inter-generational equity;

FURTHER CONSCIOUS of the need for continuous professional training and production of learning materials to support innovation and creativity in mainstreaming environment and sustainability into law curriculum and other disciplines in African universities;

RECOGNISING that environmental law and policy are among the most appropriate and effective tools for managing the environment and achieving sustainable development;

NOTING that Africa has limited capacity for facilitating intellectual discourse on the advancement of environmental law and policy and thereby the need to establish a journal on the subject-matter;

AWARE that capacity building in the teaching and research of environmental law and policy can be advanced further where information can easily be collected, collated, processed, retrieved and disseminated and therefore the need to create a database for that purpose;

APPRECIATING the crucial role of the United Nations Environment Programme (UNEP) especially its Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA) in building capacity relating to development and implementation of environmental law and policy across Africa.

WE HEREBY:

1. **ADOPT** the Constitutive Instrument for the Association of Environmental Law Lecturers of African Universities (ASELLAU) as the main instrument for fostering cooperation among lecturers and researchers in environmental law and policy on the African continent.
2. **DECLARE** that the establishment of ASELLAU will tremendously contribute to building of capacities of African Universities and other institutions, and will enhance the crucial role which academics will play in developing and implementing environmental law and policy.
3. **DECLARE** the establishment of the African Database of Environmental Law as the forum for accessing and exchanging information on environmental law and policy in Africa.
4. **DECLARE** the launching of the African Journal of Environmental Law and Policy as the forum for generating and sharing academic knowledge and research findings on environmental law and policy in Africa.
5. **DECLARE** the intention to prepare and adopt a Research Agenda on Environmental Law and Policy for Africa as a necessary tool in identifying, prioritising areas, outlining partnership modalities and funding of research on environmental law

and policy contributing to poverty reduction and sustainable development.

6. **URGE** all Environmental Law Lecturers in African Universities and institutions in their usual work of teaching and research to promote public awareness as a means of creating the linkage between the academia and the public.
7. **CALL** upon all Environmental Law Lecturers in African universities and institutions to join and promote ASELLAU.
8. **APPRECIATE** the efforts of the UNEP and in particular it's Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA) in working towards the development and implementation of Environmental Law in Africa and for successfully organizing Symposia for Environmental Law Lecturers in African Universities.
9. **DESIGNATE** the Centre for Advanced Studies in Environmental Law and Policy (CASELAP) at the University of Nairobi, Kenya, to be the Secretariat of the ASELLAU AND REQUEST CASELAP to nominate the focal point and facilitate the registration and operationalisation of the Association.
10. **REQUEST** the Executive Director of UNEP to:
 - (a) Bring to the attention of the Governing Council of UNEP, Regional Office of Africa of UNEP and the African Ministerial Conference on Environment the creation of ASELLAU;
 - (b) Foster greater South to South cooperation between the different regions especially Asia and Latin America and North and South partnerships in the further advancement of teaching and research in environmental law;
 - (c) Assist in the setting-up of ASELLAU by facilitating the establishment of the Secretariat of the Association at CASELAP, University of Nairobi, Kenya;
 - (d) Continue to support building of capacity in teaching and research in environmental law including the holding of the 2nd Scientific Conference and the 3rd Symposium for Environmental Law Lecturers in Africa in 2008;
 - (e) Assist in the creation of the African Database of Environmental Law and the publishing of the African Journal of Environmental Law and Policy; and
 - (f) Assist in the preparation and publication of a book on Trends in Teaching of Environmental Law in African Universities, curricula for teaching Environmental Law as well as an African Reader on Environmental Law and Policy so as to promote awareness of the importance of subject to sustainable development and poverty reduction.
11. **FURTHER** request UNEP and other relevant national, regional

and international organizations and institutions to work in partnership with ASSELLAU to further its objectives and aspirations, as well as to promote the views included in this Declaration.

12. THANK the people and the Government of the Republic of Uganda and in particular the National Environment Management Authority (NEMA) and Makerere University, Kampala for successfully hosting and facilitating the 2nd Symposium for Environmental Law Lecturers from African Universities and 1st Scientific Conference of ASSELLAU.

DONE AND ADOPTED at Entebbe, Uganda on the 28th September 2006.

LIST OF ENVIRONMENTAL LAW BRANCH PUBLICATIONS 2006

National Framework Environmental Laws: Guidelines for Practice in Africa. (70pages). This publication presents guidelines aimed at the making and streamlining of framework environmental laws in African countries and is the result of intensive discussions about the very opportunity and suitability of guidelines for environmental law making practice in African countries.

Guide to the Practice of Environmental Law in Uganda: A Handbook. (210pages). This handbook is a guide on how to practice environmental law from both an educative and practical manner. It narrates the international guiding principles in the development of legal frameworks for environmental management, and evolution and current practice of environmental law in Uganda. This Handbook is meant to facilitate legal practitioners and judicial officers who are or may be involved in the legal matters of environmental law.

Rules of procedure for an Environmental Tribunal in Kenya. (150pages). This publication provides a study in the systematic description and analysis of the National Environmental Tribunal of Kenya and provides a general framework and components of the rules of procedure of an environmental tribunal.

Legislative Drafting of Environmental Law: Training Manual. (50pages). This Manual is designed to provide the draftspersons in the government ministries or departments that are concerned with environmental management and legislative enactments, the tools that facilitate a focused and effective legislative response to those environmental concerns.

Teaching Environmental Law in African Universities (550 pages). This is a collection of scholarly publications on environmental law, from national universities in Africa . It contains papers on the status of environmental law, including the curriculum, in over 15 African countries, with special focus on the teaching curriculum.

Compendium of Environmental Laws of African Countries, Vol. 1: Framework Laws and EIA Regulations - 2004 Supplement to Volume 1, 1996 Edition

Compendium of Environmental Laws of African Countries, Vol. 11: Sectoral Environmental Laws and Regulations.

For a complete list of publications please visit http://www.unep.org/dpdl/law/Publications_multimedia/index.asp

MEETINGS ORGANISED BY ENVIRONMENTAL LAW BRANCH

The third Annual University of Joensuu - UNEP Course on International Environmental Law Making and Diplomacy, South Africa,
26-June to Friday, 7 July

Regional Seminar on the Implementation and Enforcement of Environmental laws in Francophone Africa,
Gabon, July 24 to 28

UNEP Environmental Law and Policy Workshop
Indonesia, 24-28 July

Meeting of the UNEP Ad Hoc Judicial Advisory Committee,
Switzerland, 28-29 August 2006

Geneva Meeting in Environmental Diplomacy;
organized by UNEP/UNITAR/University of Geneva, 27 Switzerland,
Aug.-6 Sept. 2006,

19th Steering Committee Meeting of PADELIA, Kenya,
September 7 to 8,

Sub-regional meeting of Permanent Secretaries and Directors responsible for Environment on the development and harmonization of environmental law on selected topics for SADC Sub-region involving Botswana, Lesotho, Malawi and Swaziland held in Swaziland,
September 13 to 14

Seminar on Environment Law and Policy for Judges and Magistrates in the Republic of Congo, Congo,
September 13 to 15,

Forum of Judges for the Environment, Finland,
September 15-16,

Steering Committee of the Association of African Environmental Law Lecturers, and the Second Symposium for Environmental Law Lecturers from African Universities Uganda,
September 23-28,

Third meeting of the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,
Switzerland, Oct 9-13

Symposium on the Role of Parliaments in Advancing Environmental Law for Eastern and Southern Africa Sub-Region Lesotho,
Oct 17-19

4th Colloquium of the IUCN Academy of Environmental Law, USA,
Oct 16-20

Decision-makers Capacity Building Programme on Environmental Law Ethiopia, Oct 30-31

Expert Workshop on the Avoidance and Settlement of International Environmental Disputes, Netherlands, Nov 2-3

Second meeting of the Persistent Organic Pollutants Review Committee, Switzerland Nov 6-10

Training Workshop on Environmental Law for Magistrates in Zambia Nov 13-15

Capacity Building Workshop on MEAs, Yemen, Nov 14-16

Sensitization Programme for the Judiciary, Nov 17-18 (Ethiopia)

Sensitization Programme for the Judiciary, Nov 23-25 (Zimbabwe)

Workshop for decision-makers in Government, Zimbabwe,
Nov 29-30

UPCOMING MEETINGS

First Meeting of Conference of the Parties to the Carpathian Convention Dec 10-13

Ad Hoc Expert Group Meeting on the non-Legally Binding instrument on Forests, USA, Dec 11-15

Asian-African Strategic Partnership - UNEP Workshop on Environmental Law and Policy Indonesia, Dec 12-16

Regional Training Programme for Lusophone African countries Angola, (dates to be announced) Liability and Compensation Meeting, Switzerland,
Jan-16-17

National Sensitisation Programmes for Judges and Magistrates Namibia, Feb 19-20

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