



# **International Environmental Law-making and Diplomacy Review 2005**

Marko Berglund (editor)

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## Foreword

The articles in the present Review are based on lectures given during the second University of Joensuu – UNEP Course on International Environmental Law-making and Diplomacy, which was held from 14 to 26 August 2005 in Joensuu, Finland. The first Course was arranged in Joensuu in 2004. The proceedings of that course were published in the 2004 Review.<sup>1</sup>

The aim of the Course was to convey key tools and experiences in the area of international environmental law-making to present and future negotiators of multilateral environmental agreements. In addition, the Course served as a forum for fostering North-South co-operation and for taking stock of recent developments in the negotiation and implementation of multilateral environmental agreements and diplomatic practices in the field.

The Course is intended to be an annual event designed for experienced government officials engaged in international environmental negotiations. In addition, other stakeholders such as representatives of non-governmental organizations and the private sector may apply and be selected to attend the Course. Researchers and academics in the field are also eligible. Altogether 47 participants from 39 countries, with an equal distribution from the North and South, as well as between genders, participated in the second Course.

We would like to express our gratitude to all of those who contributed to the successful outcome of the second Course. It gives us great pleasure to recognize that the lectures and presentations given during the Course are now recorded in this Review. We are grateful that the authors were willing to take on an extra burden after the Course and transfer their presentations into article form thereby making the Review such a useful resource. In addition, we would like to thank Marko Berglund for skilful editing of the Review and the Editorial Board for providing guidance in the editing process. As we approach the third Course, we welcome the participation of the University of KwaZulu Natal, South Africa, in the project and look forward to the Course being held in South Africa in June/July 2007.

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*Shafqat Kakakhel*  
Officer-in-Charge and Deputy Executive  
Director of UNEP

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<sup>1</sup> For an electronic version of the 2004 Review please see the University of Joensuu – UNEP Course on International Law-making and Diplomacy website, [www.joensuu.fi/unep/envlaw](http://www.joensuu.fi/unep/envlaw).

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## Preface

The current Review seeks to provide practical guidance, professional perspective and historical background to practitioners, stakeholders and researchers working in the area of international environmental law-making and diplomacy. The Review highlights dominating doctrines, approaches and techniques in the field, including international environmental governance, sustainable development, international environmental law-making, environmental education and empowerment, and compliance. Moreover, the second volume focuses on forests as a special theme.

The lectures of the second University of Joensuu – UNEP Course on International Environmental Law-making and Diplomacy, from which the articles in the present Review emanate, were delivered by experienced hands-on diplomats, government officials and members of academia.<sup>1</sup> One of the main purposes of the Course was to take advantage of the practical experiences of experts working in the field of international environmental law-making and diplomacy. Consequently, the articles in this Review and the different approaches taken by the authors reflect the lecturers' and resource persons' diverse professional backgrounds. The editorial board of the Review also wished to give the opportunity for participants to the Course to submit papers. Two such articles are published in this year's Review. Overall, the articles in the Review represent various aspects of the broad and complex field of international environmental law-making and diplomacy.

Marko Berglund edited the Review and checked the style and content of the submissions. He also provided research assistance by checking, adding and editing references and footnotes. All Internet references were valid as of 31 March 2006.

The present Review is divided into four sections. Part I addresses general issues relating to international environmental governance. Donald Kaniaru's article addresses the period leading up to the Stockholm Conference and looks at the process leading to the birth of the United Nations Environment Programme (UNEP). Shafqat Kakakhel's article presents an overview of UNEP's role in international environmental governance from its birth through to the present day. Ahmed Djogh-laf focuses on the Global Environment Facility and its role in financing sustainable development. Looking at smaller-scale projects within international environmental governance, Frits Schlingemann introduces the Environment and Security Initiative.

Part II addresses international environmental law and law-making. By way of introduction, Ed Couzens presents international environmental law from a historic

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<sup>1</sup> Information on the University of Joensuu – UNEP Course on International Environmental Law-making and Diplomacy is available at [www.joensuu.fi/unep/envlaw](http://www.joensuu.fi/unep/envlaw).

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perspective, looking at the role individuals and disasters have played in developing international environmental law. Tuomas Kuokkanen picks the principle of permanent sovereignty over natural resources and maps its evolution in the context of the law of natural resources and international environmental law. Addressing the theme of international environmental law-making more specifically, Ivana Zovko looks at regime effectiveness. Elizabeth Maruma Mrema also addresses the issue of effectiveness by looking at various ways to increase states' compliance with environmental regimes. Tim Cadman identifies the role of non-governmental organizations within international environmental law-making. To maximize the capacity of individuals and organizations to participate in environmental law-making, Akpezi Ogbuigwe focuses on the key role of education and introduces the UN Decade of Education for Sustainable Development.

Part III is dedicated to the special theme of the second University of Joensuu – UNEP Course: forests. Michael Kidd takes a regional approach and introduces forest issues from an African perspective. Tiina Vähänen continues by looking at the role forests can play in achieving the Millennium Development Goals. Pekka Patosaari then presents the current state of forest negotiations with an overview of the United Nations Forum on Forests. The focus again turns to Africa in Barbara Ruis' article in which she outlines African countries' position within the UNFF process. Marc Pallemmaerts and Katia Bodard look at the illegal trade in tropical timber and identify possible avenues to explore in curbing it. Moving to the national level, Anders Portin introduces forest legislation and governance in Finland.

Part IV of the Review reflects the interactive nature of the Course. During the Course two negotiation simulation exercises were organized to introduce the participants to the real-life challenges facing negotiators of international environmental agreements. Participants were given individual instructions and a hypothetical country-specific negotiating mandate and were guided in the two simulation exercises. Excerpts of the exercises are reprinted in this Review. The comprehensive set of negotiating documents from both exercises is available on the Course website.

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## Abbreviations

ABS	Access and Benefit-sharing
ACTS	African Centre for Technology Studies
ADB	Asian Development Bank
AFLEG	African Ministerial Processes for Forest Law Enforcement and Governance
AFWC	African Forestry and Wildlife Commission
AMCEN	African Ministerial Conference on the Environment
ATO	African Timber Organization
CARPE	Central African Regional Program for the Environment
CBD	Convention on Biological Diversity
CBFP	Congo Basin Forest Partnership
CDM	Clean Development Mechanism
CEFDHAC	Conference on the Central African Moist Forest Ecosystems
CEIT	Countries with economies in transition
CILSS	Interstate Committee to Fight Drought in the Sahel
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
COMESA	Common Market for Eastern and Southern Africa
COMIFAC	Central African Forests Commission
COP	Conference of the Parties
CPF	Collaborative Partnership on Forests
CSD	Commission on Sustainable Development
EBRD	European Bank for Reconstruction and Development
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
EU	European Union
FAO	Food and Agriculture Organization
FLEG	Forest Law Enforcement and Governance
FSC	Forest Stewardship Council
GATT	General Agreements on Tariffs and Trade
GC/GMEF	Governing Council/Global Ministerial Environment Forum
GEF	Global Environment Facility
IADB	Inter-American Development Bank
ICJ	International Court of Justice
IFF	Intergovernmental Forum on Forests
IGO	Intergovernmental organization
ILO	International Labour Organization
IMO	International Maritime Organization
INECE	International Network on Environmental Compliance and Enforcement
IPF	Intergovernmental Panel on Forests



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ITTA	International Tropical Timber Agreement
ITTO	International Tropical Timber Organization
IUCN	World Conservation Union
MDG	Millennium Development Goal
MEA	Multilateral environmental agreement
MOP	Meeting of the Parties
MOU	Memorandum of Understanding
NEPAD	New Partnership for Africa's Development
NFP	National Forest Programme
NGO	Non-governmental organization
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
PCIJ	Permanent Court of International Justice
PIC	Prior Informed Consent
POP	Persistent Organic Pollutant
PPA	Programme on Protected Areas
SADC	Southern African Development Community
SFM	Sustainable Forest Management
STAP	Scientific and Technical Advisory Panel
UNCED	United Nations Conference on Environment and Development
UNCHE	United Nations Conference on the Human Environment
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNEP/ROE	United Nations Environment Programme/ Regional Office for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UNGA	United Nations General Assembly
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
WCED	World Commission on Environment and Development
WCMC	World Conservation and Monitoring Centre
WCPA	World Commission on Protected Areas
WRI	World Resources Institute
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization

