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**27 SEPTEMBER 2009**

**BUENOS AIRES, ARGENTINA**

**Minutes of the CEL - Academy Meeting**

The Meeting started at 5:00pm at the Hotel Etoile in Buenos Aires, Argentina. The following persons participated in the meeting:

1. Professor Sheila Abed –CEL’s Chair
2. Professor Antonio Benjamin –CEL’s Deputy Chair
3. Dr. Ian Hannam –Chair of the SG on Sustainable Use of Soil and Desertification
4. Professor Ben Boer –Member of the SG on Sustainable Use of Soil and Desertification and former co-director, IUCN Academy of Environmental Law
5. Professor Rob Fowler – Chair, IUCN Academy of Environmental Law and Member of the SG on Sustainable Use of Soil and Desertification
6. Professor Yves Le Bouthillier, the Director of the IUCN Academy of Environmental Law (by Skype call near the end of the meeting)

1. Cooperation and Collaboration.

The meeting began with a discussion on the importance of collaboration and coordination between the Commission on Environmental Law and its Specialist Groups, the Environmental Law Centre and the Academy of Environmental law. The CEL Chair, Professor Sheila Abed and Deputy Chair, Professor Antonio Benjamin, spoke about the importance of maintaining a fluent communication between the Environmental Law Programme (ELP), the Commission on Environmental Law (CEL), the Specialist Groups, the Environmental Law Centre (ELC) and the Academy of Environmental Law and encouraged low-cost meetings (such as this one) for this purpose. The Chair of the Academy (Rob Fowler) expressed his strong support for this approach.

Professor Sheila Abed and Professor Antonio Benjamin outlined the recent initiatives of the Commission, explaining each in some detail. They emphasized the Judiciary Portal; the work being done by judges belonging to the Judicial SG and how this would now be chaired by CEL’s Chair to ensure that it remains active; and the BRICS initiative.

They also talked about the importance of becoming more visible and influential as a Commission. They explained that a way of achieving this was by taking advantage of international events relevant to the Commission’s role and organizing side events to those meetings.

2. Soil Legislation and Policy

*Final Minutes  
CEL- Academy Meeting  
27 September 2009*

Regarding the SG on Sustainable Use of Soil and Desertification, it was agreed that there is a great opportunity to develop a comprehensive program on this topic. This was particularly seen to be the case in South American countries like Argentina, Brazil, Uruguay and Paraguay, where there is a great need for legal and policy development due to existing threats such as monoculture, and the poor use of water resources and soil. The importance of developing a proposal that would include capacity building and follow-up activities to develop local legislation was identified. It was agreed that two main things were needed for the proposed program:

1. A core curriculum for the teaching of soil law, either as a separate course or within an environmental law course
2. Guidelines on what is necessary at the national level in terms of the promotion of policies.

The meeting was informed that Chief Justice Lorenzetti from Argentina had expressed his willingness to provide funds to translate the Guidelines on Drafting Soil Legislation into Spanish and Professor Antonio Benjamin indicated that he could find someone to translate them into Portuguese.

Professor Sheila Abed advised the meeting that a possible joint effort to develop the proposed capacity-building program on soils in South America could involve the Commission, the University of Buenos Aires through its Law Faculty and the Academy. Dr. Ian Hannam asked if the draft Program should include governmental input as a fourth party and CEL's Chair, Professor Sheila Abed and Deputy Chair, Professor Antonio Benjamin replied that this was not a problem. In the case of Brazil, the governmental party should include the Ministry of Environment and the Ministry of Agriculture.

Dr. Ian Hannam mentioned that there was no financial stability for the SG on Sustainable Use of Soils and Desertification and that it operates by taking advantage of opportunities through indirect funding, but this makes it hard to have long term plans. Nonetheless, it is important to say that the opportunistic model has been reasonably effective when it comes to enabling other SG members to participate more actively through the preparation of special papers and in workshops.

CEL's Chair mentioned that the Organization of American States would like to host a discussion on Soil Legislation and a good opportunity to do this would be during the SG meeting in Washington, which will be held in November. She will be in charge of following up.

It was decided that the draft Protocol on Security and Sustainable Use of Soils would be presented at the Soils Event the next day as a document endorsed by the CEL Chair and Deputy Chair.

Professor Yves Le Bouthillier, the Director of the IUCN Academy of Environmental Law joined the meeting via conference call at 6:45pm.

### 3. CEL Activities

CEL's Deputy Chair spoke about the importance of working on judicial training. He mentioned that a first training program with French Judges will take place in Foz do Iguazu, Brazil in August or September 2010. Professor Antonio Benjamin also talked about the Judicial Portal and how important it is to keep it active and updated through CEL's network. Information on upcoming CEL meetings in BRICs countries was also provided to the Academy representatives

and the importance of having a member from the Academy present at each BRIC event was mentioned. It was noted that no funding is available through the Commission to support such participation in the BRIC's events by the Academy.

In response, the Academy Director and Chair each indicated the willingness of the Academy to lend support to these initiatives of the Commission. The Chair also urged that any involvement by the Academy in judicial training should occur at the design stage to ensure effective input.

#### 4. Academy's Wuhan Colloquium

Professor Ben Boer spoke about the Academy's Wuhan Colloquium Program on Governance and Sustainability. The Chair and Deputy Chair of the ELC each expressed their regrets at being unable to attend this meeting, and the Deputy Chair offered to use the video-conference facilities at his Court to send a message to the Colloquium participants.

Before the meeting ended, CEL's Chair announced that on the next day, after the Soil event, the University of Buenos Aires, School of Law was willing to sign, a Memorandum of Understanding with IUCN's Commission on Environmental Law and IUCN's Academy of Environmental Law to promote continuing education by developing capacity and knowledge. Professor Boer agreed to provide a draft MOU for consideration by the parties.

The meeting adjourned at 7:30pm.