



“CONSERVATION WITH JUSTICE: A RIGHTS-BASED APPROACH”

WCC IV Alliances Workshop

Event Number 1532

08 October 2008, 09:30 – 11:00

Room 115

Organized by the IUCN Environmental Law Centre (ELC)

Background:

It is being recognized that human rights and environmental protection, including biodiversity and natural resource conservation, are interrelated, fundamental goals of the global community. The linkages between the two subjects are multi-dimensional and reciprocal. Based on this understanding, a rights-based approach (RBA) to conservation is motivated by two main rationales:

- First, awareness that environmental quality is a pre-requisite to ensuring the enjoyment of a host of internationally and domestically guaranteed legal rights; and
- Second, a similar awareness that respect for such rights can lead to better conservation.

The IUCN's vision is a just world that values and conserves nature.

Conservation with justice through a RBA means that all state and non-state actors planning or engaged in policies, projects, programmes and activities with potential impact on nature conservation shall secure to all potentially affected persons the substantive and procedural rights that are guaranteed by national and international law.

A RBA to conservation, properly implemented, should facilitate the achievement of an ecologically-sustainable environment, inter- and intra-generational equity and respect for the intrinsic value of nature. This event will provide an opportunity to examine what the concept of RBA can mean and how it may be applied to develop law and policy in the future.

The WCC IV Alliances Workshop “**Conservation with Justice: A Rights-based Approach**” presents an important part of the Congress stream “**Healthy Environments, Healthy People**” which is one of three streams under the main Congress theme “**A Diverse and Sustainable World**”. Organized by the IUCN Environmental Law Centre (ELC), it is included in several of the 12 thematic Congress journeys, such as the Law and Governance Journey, the Forest Journey, or the Rights and Conservation Journey.

Practical outputs of the event:

The workshop will provide an opportunity to examine what the concept of RBA can mean in theory, and how it may be applied in practice to develop law and policy in the future. The event aims to inform all interested actors (governments, civil society and private sector) about the concept of RBA and its potential contribution to guiding activities that, if unrestrained, may have a detrimental impact on conservation, as well as people's livelihoods.

A previously elaborated step wise approach will be presented which shall inform the audience about how to implement a RBA to conservation. This step wise approach can be considered as a suggestion– made by the IUCN Environmental Law Programme (ELP) – for “best practices” of RBA to conservation. Such “best practices” shall facilitate and promote the achievement of an ecologically-sustainable environment, inter- and intra-generational equity and respect for the intrinsic value of nature.

The step wise approach will be further illustrated through a second presentation which presents the findings of an analysis of the implementation of the suggested RBA under the UNFCCC's Clean Development Mechanism (CDM). The CDM has been chosen as one important issue among many related to climate change and human rights.

The workshop will also reflect the step wise approach in the context of Reducing Emissions from Deforestation and Forest Degradation (REDD). It will provide an opportunity to learn and discuss, if the suggested step wise approach is necessary, useful and practical to shape future REDD policies and projects. Discussing REDD in this workshop shall

- "Add" another topic for which the RBA as a cross-cutting theme can be analyzed after WCC IV; and
- Stimulate an innovative discussion and more concrete feedback on how the suggested step wise approach could be applied as a “rights filter” in future conservation activities.

The further refinement and testing of the step wise approach is part of the ELP's planned activities after WCC IV, for which this workshop builds a milestone.

New products:

The so called “step wise approach” on how to implement the concept of RBA in the context of conservation will be published in an upcoming IUCN publication in the IUCN Environmental Policy and Law Paper series. Based on this publication, as well as the feedback and ideas received through this workshop, it is planned to develop a RBA toolkit.



AGENDA
“Conservation with Justice: A Rights-based Approach”
08 OCTOBER 2008, 09:30-11:00

Event objective: This event will provide an opportunity to examine what the concept of RBA can mean and how it may be applied to develop law and policy in the future, particularly in the context of REDD.

	Topic	Speakers
Opening	<p>Welcome by Chair</p> <ul style="list-style-type: none"> • Presenting the ELP project “Conservation with Justice: A Rights-based Approach” • Clarifying the linkages between human rights and conservation 	<p>Thomas Greiber IUCN Environmental Law Centre (ELC)</p>
Introduction	<p>Conservation with Justice through a Rights-based Approach</p> <ul style="list-style-type: none"> • Proper implementation of the RBA: Presentation of a step wise approach • How does this step wise approach differ from other approaches? 	<p>Dinah Shelton George Washington University Member of the IUCN Commission on Environmental Law (CEL)</p>
RBA to Climate Change	<p>RBA in the Clean Development Mechanism under the Kyoto Protocol</p> <ul style="list-style-type: none"> • Clarifying the linkages between human rights and climate change • Testing the step wise approach in the context of CDM projects: How is the RBA reflected, and what are the remaining gaps? 	<p>Marcos Orellana Center for International Environmental Law (CIEL) Member of the IUCN CEL</p>
RBA to REDD	<p>Making REDD Work for the People</p> <ul style="list-style-type: none"> • Clarifying the linkages between human rights and REDD • What lessons can we learn, and how useful will the step wise approach be? 	<p>David Huberman IUCN Economics and Environment</p>
Reflections	<p>Challenges to Apply the Step Wise Approach in Practice</p> <ul style="list-style-type: none"> • What might work, and where are the potential problems? • Chances to test the step wise approach in IUCN’s forest related activities in general, and in the context of REDD in particular 	<p>Bob Fisher University of Sydney Member of the IUCN Commission on Environmental, Economic and Social Policy (CEESP)</p>

<p>Floor Discussion</p>	<p>Open Discussion About</p> <ul style="list-style-type: none"> • The proposed step wise approach • Its application in the context of REDD • The remaining questions that need to be answered in order to test the step wise approach in future IUCN activities 	<p>Facilitator: Victor Ricco General Coordinator for International Environmental Affairs Secretary of Environment and Sustainable Development. Argentina Member of the IUCN CEL</p>
<p>Closing</p>	<p>Wrap up by Chair and Facilitator</p>	
<p>TOTAL Time</p>		<p>90 min</p>



“WATER LAW IN A NATIONAL CONTEXT”

WCC IV Water Pavilion

Event Number 7069

07 October 2008, 18:00 – 19:00

Organized by the IUCN Environmental Law Centre (ELC)

Background:

The role of law and policy is crucial for water management. In a reform context of the national water sector focused on the implementation of integrated management, the legal and political frameworks are key areas that must be considered. Therefore, one of the most important elements in order to secure a reform process that delivers on effective water governance is a clear understanding of the policy, legal and institutional dimensions.

Water law and policy varies from State to State and thus, national and local circumstances must be taken into account when addressing such a complex undertaking as the national reform of the water sector. Having in mind this challenge, the upcoming IUCN publication **“*RULE: Tailoring law and policy for effective water governance*”** analyses the importance of water governance capacity, and provides a general recipe for their reforms in particular jurisdictions and realities. RULE is the 6th publication in the IUCN Water for Nature Initiative’s (WANI) toolkit series which builds on practical case studies to show how key principles of sustainable water management are implemented in river basins

Objectives of the event:

The WCC IV Water Pavilion Event *“Water Law in a National Context”* presents an opportunity to learn about the innovative approach towards water governance capacity reform presented in RULE.

The audience is invited to

- A roundtable discussion with water experts from around the world who will share their experiences in water management on the ground, and
- Test the usefulness and applicability of the general recipe for water governance capacity reform illustrated in RULE.



**“Water Law in a National Context”
AGENDA
07 OCTOBER 2008, 18:00-19:00**

Event objective: This event will provide an opportunity for the audience to

- Learn about the upcoming WANI toolkit “*RULE: Tailoring law and policy for good water governance*” and its concept of water governance capacity,
- Participate in a roundtable discussion with international water experts who will share their experiences in water management on the ground, and
- Discuss the usefulness and applicability of the general recipe for water governance capacity reform illustrated in RULE.

	Topic	Speakers
Opening	<p>Welcome by chair</p> <ul style="list-style-type: none"> • Presenting the idea behind RULE • Explaining the concept of water governance capacity • Illustrating a general recipe for water governance capacity reform 	<p align="center">Chair:</p> <p align="center">Alejandro Iza Director, IUCN Environmental Law Centre (ELC)</p>
Roundtable Discussion	<p>Statements by roundtable participants</p> <ul style="list-style-type: none"> • Each participant has 2 minutes for statement which focuses on <ul style="list-style-type: none"> ○ Thoughts on the concept (helpfulness, etc.) ○ Obstacles and chances to implement the concept ○ Experiences from the respective region 	<p align="center">Moderator:</p> <p align="center">Thomas Greiber Legal Officer, IUCN ELC</p> <p align="center">Roundtable participants:</p> <p align="center">Mark Smith Head, IUCN Water Programme</p> <p align="center">Rocio Cordoba Coordinator Water Management Unit, IUCN Regional Office for Meso-America (ORMA)</p> <p align="center">Kwame Odame-Ababio IUCN Project Coordinator for Improving Water Governance in the Volta Basin (PAGEV)</p> <p align="center">Alex Simalabwi IUCN Regional Office for Eastern and Southern Africa (ESARO)</p>
Open Floor Discussion	Reflections by the audience and discussions between audience and roundtable participants	Audience with roundtable participants
Closing	Wrap up by chair and moderator	
TOTAL Time		50 min



“INTERNATIONAL WATER MANAGEMENT: WATER LAW IN A TRANSBOUNDARY SETTING”

WCC IV Water Pavilion

Event Number 7077

08 October 2008, 12:00 – 13:00

Organized by the IUCN Environmental Law Centre (ELC)

Background:

Integrated water resources management requires a legal framework to provide clear rules and procedures. The role of law is important at all stages of planning, design and implementation of water management systems. A number of concrete legal issues must be addressed, such as water ownership, shared responsibilities, possible injuries for actions and uses by one state, mechanisms for cooperation among riparian states, allocations and restrictions for different uses, and methods for dispute settlement. Applying an appropriate legal framework promotes efficient management and helps to avoid conflicts between competing water users and their interests.

This legal challenge which is already difficult within one State becomes even more complex when water resources cross international boundaries. In such a case, a successful management system cannot solely be set up by the rules of a single State, but must be developed jointly by the States concerned. Furthermore, these legal frameworks for trans-boundary water resources have to be adapted to different situations and influencing factors.

Objectives of the event:

The WCC IV Water Pavilion Event “*International Water Management: Water Law In A Transboundary Setting*” presents a unique opportunity to learn more about “**Share: Managing waters across boundaries**”, the latest publication in the IUCN Water for Nature Initiative’s (WANI) toolkit series. This book presents practical tools for conceptualizing and implementing cooperative, participatory management of shared water resources.

Furthermore, the audience is invited to participate in a round table discussion with water experts from IUCN regional offices, as well as IUCN partners who will reflect on the importance and the role of transboundary institutional and regulatory frameworks as the backbone of cooperative water management systems. The purpose of the round table discussion is to share experiences from the field that show the needs for the further

- Development of appropriate transboundary legal regimes for shared water resources, and
- Translation of these regimes into concrete rights and obligations for individuals and institutions within states.



**“International Water Management: Water Law in a Transboundary Setting”
AGENDA
08 OCTOBER 2008, 12:00-13:00**

Event objective:

This event will provide an opportunity for the audience to

- Learn about the latest WANI toolkit “*SHARE: Managing waters accross boundaries*”
- Participate in a roundtable discussion with international water experts on the need for
 - Appropriate transboundary legal regimes for shared water resources, and
 - Translation of these regimes into concrete rights and obligations for individuals and institutions within states.

	Topic	Speakers
Opening	<p>Welcome by chair</p> <ul style="list-style-type: none"> • Presenting SHARE • Explaining the importance of <ul style="list-style-type: none"> ○ Water law as the backbone of a transboundary water management system ○ Applying water law at all levels ○ Flexible negotiation strategies, including bottom up approaches to pave the way for future cooperation 	<p>Chair:</p> <p>Alejandro Iza Director, IUCN Environmental Law Centre (ELC)</p>
Roundtable Discussion	<p>Statements by roundtable participants</p> <ul style="list-style-type: none"> • Each participant has 2 minutes for statement which focuses on <ul style="list-style-type: none"> ○ Thoughts on the concepts (helpfulness, etc.) ○ Obstacles and chances to implement the concepts ○ Experiences from the respective region 	<p>Moderator:</p> <p>Thomas Greiber Legal Officer, IUCN ELC</p> <p>Roundtable participants:</p> <p>Ger Bergkamp Director General of the World Water Council</p> <p>Kwame Odame-Ababio IUCN Project Coordinator for Improving Water Governance in the Volta Basin</p> <p>Ganesh Pangare Coordinator, Regional Water and Wetlands Programme IUCN Regional office for Asia</p> <p>Mario Aguirre Water Programme Officer, IUCN Regional Office for South-America</p> <p>Charles Di Leva World Bank (to be confirmed)</p>

Open Floor Discussion	Reflections by the audience and discussions between audience and roundtable participants	Audience with roundtable participants
Closing	Wrap up by chair and moderator	
TOTAL Time		50 min