



World Commission on Environmental Law (WCEL)

Draft Mandate 2021–2024

1. Mission

The mission of the WCEL is to assure through the environmental rule of law, the proper valuation, conservation, restoration and sustainable use of nature through transformative change across legal, political, technological, social, financial and economic sectors. Fundamental, system-wide and cross-sectoral changes, including paradigms, goals and values, are necessary for achieving global and national sustainability goals, such as those expressed in the Sustainable Development Goals and the 2030 Agenda for Sustainable Development, the 2050 Vision for Biodiversity, and in the Paris Agreement.

Environmental law is a crucial lever in generating transformative change. WCEL will work to enhance the development and strengthen the implementation of environmental law and policy, including through best practices and inter-sectoral strategies for effective compliance and enforcement. WCEL will promote the environmental rule of law globally, particularly in countries that seek to improve their law and governance systems. WCEL aims to strengthen the capacity of governments, the judiciary, prosecutors, law schools and other stakeholders as they develop and implement environmental law.

2. Vision

The vision of the World Commission on Environmental Law (WCEL) is a just society living in harmony with nature. In such society, nature is valued, conserved, restored and wisely used, while maintaining ecosystems and their services, and sustaining a healthy planet delivering benefits essential for all people. This vision is achieved through *inter alia* the environmental rule of law, with vital environmental stewardship systems at all levels of governance, including indigenous peoples and local communities, civil society, and businesses, and working toward ecological sustainability.

In the urgent global, regional and national transformation towards living in harmony with nature, WCEL is the *world's leading network* for the exchange of knowledge, expertise and best practices. WCEL supports global collaboration on furthering international and national environmental law and the environmental rule of law, involving all regions and levels of government.

3. Goals

The goal of WCEL is to influence, encourage and assist societies throughout the world to employ the environmental rule of law for preventing harm to, conserving, restoring and recovering sustaining nature, and assuring that uses of natural resources are equitable and ecologically sustainable, through:

- a. advancing local, national, regional and international laws, administrative instruments and customary norms that support the environmental rule of law, are grounded in environmental ethics and foster ecological sustainability through:
 - (1) ~~mainstreaming of nature values across issues across sectors and jurisdictions;~~ reforming and developing incentives and widespread capacity for environmental responsibility by eliminating perverse incentives and creating positive incentives;
 - (2) reforming sectoral and segmented decision- and law-making to promote integration and mainstreaming of nature values across issues and across

sectors and jurisdictions;

- (3) taking a pro-active, pre-emptive and precautionary approach to regulatory and management institutions and businesses to promote nature-based solutions, monitor their outcomes, and to avoid, mitigate and remedy the deterioration of nature, and the promotion of Nature-based Solutions;
 - (4) managing for resilient social and ecological systems in the face of uncertainty and complexity to deliver decisions that are environmentally robust in a wide range of scenarios; and
 - (5) develop legal instruments and strategies, such as rights-based approaches, to promote the appropriate recognition of gender equality, women's empowerment, youth, gender-responsive approaches and the full and effective participation of indigenous peoples and local communities, as well as addressing global inequalities and recognizing the principle of intergenerational equity.
- b. conducting and promoting education and research to strengthen the environmental rule of law and undertaking capacity building to enable governments and stakeholders to actively participate in effective environmental governance at all levels;
 - c. supporting the effective implementation of environmental laws through institutions that respect the environmental rule of law and ensure effective compliance and enforcement;
 - d. providing a central world forum for the development and integration of environmental law into all aspects and levels of governance; and
 - e. creating and promoting partnerships to support development, implementation and enforcement of environmental rule of law and extending professional and expert networks dedicated to the environmental rule of law.

4. Objectives

WCEL will pursue its objectives in coordination with the integrated programme of activities adopted by the World Conservation Congress in the IUCN Programme 2021–2024, and in cooperation with IUCN Members and components of the Union, through the Commission members and specialist groups, and in partnership with relevant international entities, particularly the United Nations Environment Programme (UNEP), and other expert environmental law organisations, law schools, associations of judges and environmental prosecutors, as well as judicial institutes, academies, and schools, in order to:

- a. promote the 2016 World Declaration on Environmental Rule of Law, the 2018 Brasilia Declaration of Judges on Water Justice, and other ethical and innovative legal instruments, legislation, and judicial decisions useful to promote the environmental rule of law, to fight environmental crimes including wildlife trafficking and ecocide, to prevent damages to biodiversity, to conserve and restore nature, and to achieve environmental sustainability;
- b. build knowledge and apply legal, scientific, technical and other capacity in all regions and at all levels to enable governments and decision-makers to draft, enact, implement and enforce environmental law in an effective manner;
- c. work closely with the Secretariats of relevant conventions and agreements that protect and conserve nature to support the further complementary development, implementation and enforcement of those conventions and agreements;
- d. build capacity and educate governmental officials, including judges and public prosecutors, legislators, and stakeholders at all levels on furthering the environmental rule of law, by applying environmental law and policy, improving access to information and justice, and facilitating public participation in environmental decision-making to ensure that natural resources are managed

equitably and sustainably;

- e. engage with Members, National/Regional Membership Committees, and WCEL members to create expert environmental law networks;
- f. collaborate with all five IUCN Commissions on relevant issue of environmental law; and
- g. collaborate with other components of the Union and Secretariat, especially the IUCN Environmental Law Centre and the IUCN Academy of Environmental Law, and partner institutions, including UNEP, the International Network for Environmental Compliance and Enforcement (INECE), the Global Judicial Institute on the Environment, the Global Institute of Prosecutors for the Environment, and UNITAR, to provide education, information and knowledge on law and governance necessary to achieve ecological sustainability.

5. Priorities

WCEL will implement its objectives through its priorities that further the IUCN Programme 2021–2024. WCEL's objectives will be implemented in an integrated way through its work and strategic plans, expert membership, specialist groups, its network of collaborating centres of environmental law, the IUCN Environmental Law Centre, the IUCN Academy of Environmental Law, the Union's Regional and National Committees and Offices, and other professional partnerships, as well as with UN institutions pursuant to the Union's UN observer status. Other partners include the Organization of American States, GLOBE International, INECE, the International Association of Judges, the European Union Forum of Judges for the Environment, the Global Judicial Institute on the Environment, the Global Institute of Prosecutors for the Environment, the International Association for Water Law, the International Law Association, and regional societies of international and environmental law. WCEL will address the following priorities, contingent on the availability of financial resources and through the voluntary contributions of expertise by its members and partners, in order to:

- a. Strengthen WCEL specialist groups – WCEL will enhance the effectiveness of its specialist Groups with particular emphasis on:
 - (1) priority legal themes corresponding to the IUCN Programme 2021–2024 areas, including addressing biodiversity loss; natural and cultural heritage conservation; ecosystem protection; agriculture; soils; freshwater and wetlands; desertification; coastal and marine degradation; global wildlife exploitation, trade, and trafficking; ocean biodiversity; climate change, renewable energy and biofuels; equitable governance of natural resource management; pandemics and emerging infectious diseases of animal origin; and
 - (2) cross-cutting themes such as environmental ethics, environmental human rights, indigenous peoples, protected areas, Arctic and Antarctic polar governance, compliance and enforcement of environmental laws, sound environmental adjudication, access to justice in environmental matters, protection of whistleblowers and environmental defenders, environmental justice, and national and international financial institutions, and requests made by the World Conservation Congress.
- b. Promote the IUCN Academy of Environmental Law – WCEL will promote and collaborate closely with the Academy as the world's leading network of academic institutions, universities and professors engaged in the research and teaching of environmental law.
- c. Collaborate with centres of environmental law – WCEL will continue to recognise,

promote and collaborate with centres, institutes of environmental law and other partners in building coordinated information, research, learning and capacity-building programmes on the legal aspects of biodiversity.

- d. Knowledge, capacity building, and technical assistance – WCEL will collaborate with all components of the Union, especially its Members, its Commissions, Regional Offices, the Environmental Law Centre, the Academy of Environmental Law, and other partners, including UNEP, Convention Secretariats, INECE, the Global Judicial Institute on the Environment, and the Global Institute of Prosecutors for the Environment to develop international agreements and national legislation, and implementation programmes, particularly in less-developed countries and regions affected by conflicts.
- e. Promote ‘good governance’ and the environmental rule of law – WCEL will work with IUCN Members, its Commissions, UN institutions, governments and other stakeholders to encourage and promote ‘good governance’ and institutions to respect the environmental rule of law, with special focus on effective compliance with and enforcement of international and local legislation for the protection of biodiversity.
- f. Support the Judiciary – WCEL will continue to work with the judiciary and other relevant judicial institutions, both international and national, including judicial institutes and associations of judges, to strengthen the Global Judicial Institute on the Environment, to build capacity in the judiciary to provide access to justice, to effectively adjudicate environmental issues, to apply and enforce environmental law, to provide legal reference services and information databanks - including ECOLEX, the Judicial Environmental Portal and INFORMEA, and to promote the development and study of environmental jurisprudence.
- g. Promote programmatic synergies among MEAs – WCEL will work with the Secretariats of multilateral environmental agreements in support of more coherent implementation, especially at the national level, governments and stakeholders, and with other conventions, agreements and processes to identify and promote synergies among them and IUCN’s mission and Programme.
- h. Strengthen the legal foundations of conventions – WCEL will study and undertake efforts to most effectively enhance the implementation and elaboration of multilateral environmental agreements and conventions related to natural resources and environmental concerns, and provide expertise and capacity building for strengthening of national focal points, national implementation laws, including, for example, efforts to implement climate change-related commitments under the Paris Agreement.
- i. Study and advance the conceptual development of environmental law – WCEL will research the application of new or emerging international and national legal and governance instruments and principles, including the Draft International Covenant on Environment and Development, the Earth Charter, the World Declaration on Environmental Rule of Law, the principle of non-regression and progression, and the principle of resilience.
- j. Sustainable Development Goals – WCEL will study and undertake efforts with key partners to promote the implementation and strengthen the legal aspects of the Sustainable Development Goals and the 2030 Agenda for Sustainable Development.

6. Expected Results

WCEL's mission, objectives and priorities will contribute to achieving the IUCN Programme 2021–2024. Some of the results will be of an intangible nature, difficult to measure in quantifiable terms. However, WCEL expects that by 2024, it will have measurably contributed to:

- a. the integration of environmental law knowledge with the scientific and policy expertise of the other Commissions;
- b. enhanced collaboration with the Secretariats of multilateral environmental agreements in support of strengthened implementation of the different and relevant multilateral environmental agreements;
- c. the development and dissemination of environmental law expertise and networks worldwide;
- d. the development of knowledge and expertise of environmental courts and tribunals through new and strengthened institutions, including the Global Judicial Institute for the Environment and the Global Institute of Prosecutors for the Environment;
- e. the strengthening of national and subnational environmental law capacity in countries and areas that are biodiversity hot spots and/or have high levels of endemic species;
- f. the continued growth of the Early Career Group;
- g. the annual colloquia and other programmes of the IUCN Academy of Environmental Law;
- h. the 3rd World Environmental Law Congress;
- i. mainstreaming the Union's effective use of environmental law in its Programme;
- j. increase in diversity and levels of membership, particularly in countries or regions with few or no members; and
- k. the development of a communication and networking strategy, especially designed for and targeted to the legal profession.

7. Structure

The Commission is led by the Commission Chair, elected by the IUCN membership, and a Deputy Chair, appointed by the IUCN Council on the recommendation of the Chair. The Steering Committee is also appointed by the IUCN Council on the recommendation of the Chair in accordance with the IUCN Statutes and Regulations. The Steering Committee assists the Chair and Deputy Chair in setting the strategic direction and providing oversight of the activities of the Commission. The Commission will work on different topics and aspects through its Specialist groups. In the composition of its Steering Committee and Specialist Group Chairs, the Commission will ensure regional and country diversity, as well as gender balance and opportunities for engagement of early career members.

8. Membership

Membership of WCEL is a fundamental part of its organisation. WCEL members have a demonstrated commitment to, and strong interest or practice in, environmental law, ethics, and the legal protection of nature. Currently, the membership is global, with a significant number of members coming from less developed countries. In the expansion of membership, equitable participation in terms of nationality, gender, and age as well as professional background will be considered.