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## **Pace Hosts International Conference on Environmental Law Issues**

By Thomas Adcock, New York Law Journal

International delegates from 45 nations and 70 universities gathered this week at Pace Law School's New York State Judicial Institute to discuss global environmental policy during the fourth annual Academy of Environmental Law Colloquium.

This morning, delegates from the week-long symposium were to deliver a statement of concern to Nicolas Michel, the United Nation's under-secretary general for legal affairs. The Law Journal obtained a draft version of the statement, which reads, in part:

The world continues to face serious and growing environmental problems despite decades of national environmental legislation, ratification of dozens of international environmental treaties and almost 15 years of attention to the concept of sustainable development. It is now clear that inadequate compliance and enforcement programs are at the heart of the problems.

The statement went on to cite the most urgent concerns: massive air and water pollution in urban China; dust storms caused by illegal deforestation in Asia and South America; and a growing swath of the Gulf of Mexico so devoid of marine life that it has become known as "the dead zone."

The statement also pledged that the academy would act to increase involvement by individuals and organizations in enforcement processes worldwide, and encourage economic incentives and improved societal values to deal with environmental problems.

The academy, meeting in the United States for the first time this week, operates under the auspices of the Swiss-based International Union for the Conservation of Nature, a non-governmental group founded in 1948, and the International Network for Environmental Compliance and Enforcement (INECE) of Washington, D.C., an organization of government and private environmental practitioners.

Among several achievements cited during the workshop sessions were new and direct links among law schools in developed and developing countries to assist practitioners in stronger compliance and enforcement of environmental law.



Pace Law School professors Lee Paddock, left, and Nicholas A. Robinson

Image: Rick Kopstein / New York Law Journal

On the other hand, Elizabeth Mrema, a senior legal officer in the U.N.'s Division of Environmental Policy Implementation and a former Tanzanian government attorney, spoke to a sense of frustration among many of her colleagues.

In a panel Tuesday morning, she noted, "We've been talking, we've been acting. But still, it's inadequate. If we're not careful, we'll still be talking."

Nicholas A. Robinson, a Pace Law professor who founded his school's environmental curriculum, took a longer and more hopeful view. "We're teaching the next generation of [environmental] lawyers a common approach," he said in an interview Tuesday during a break between workshops. "That's going to stop the talking and start the action."

He added, "You're about to see people come to the fore who know how to implement good environmental policy. Not just lawyers, but engineers and corporations, government officials and the judiciary."

Professor Lee Paddock, director of environmental legal studies at Pace Law, noted that the academy had met at law school campuses only three times previous to this week in White Plains -- first in Shanghai, China, followed by Nairobi, Kenya, and Sydney, Australia -- and that the practical benefits of continued meetings were obvious.

"We bring together a lot of practitioners to work with academics," Mr. Paddock said in an interview. "The practitioners inform academics on real world compliance issues, and on what sort of [legal] research they need from the universities."

### **Bureaucratic Roadblock**

But judging from the abrupt end of a presentation on Tuesday by Maria Socorro Z. Manguiat, the notoriously bureaucratic United Nations could itself be a problem in addressing the academy's concerns.

With reference to 1997 negotiations in Kyoto, Japan, in which the United States was not a party, Ms. Manguiat, a Filipina who holds a law master degree from Harvard Law School, explained her current job as program officer for the U.N.'s Framework Convention on Climate Change.

"My role is to contextualize how everything fits in the Kyoto process," she said.

Delegates turned to one another to ask, What can that mean?

Ms. Manguiat then proceeded to a series of slide projections indicating how her U.N. division handles complaints of excessive greenhouse gas emissions through its two principal branches: "facilitative" and "enforcement."

Each branch was then broken down into a series of organizational boxes and ovals, leading

finally to an enormous overall authority map of dozens of boxes containing print too small to read, even on the 12-foot projection screen.

When this final slide was met with laughter, Ms. Manguiat completed her remarks with, "Well, I won't bother to go into the details."

### **Indonesia's Deforestation**

One of the most complex environmental concerns in the world -- the voracious clear-cutting of Indonesian forests, a largely illegal industry producing brisk revenues for what was described as an international criminal enterprise -- was addressed during a panel featuring Professor Laode M. Syarif of the University of Hasanuddin Faculty of Law in Makassar, Indonesia, and Professor Robert Fowler, chairman of the environmental law program at the University of South Australia.

They cited a Greenpeace estimate of Indonesia's ongoing deforestation -- the equivalent of six football fields of trees removed every minute around the clock, without regard to sustaining timber crops -- and said about 75 percent of the destruction was illegal.

By way of example, Mr. Syarif displayed an aerial photo of an immense flotilla of logs moving toward the sea via a river running through an Indonesian national park on the island of Sumatra, evidently managed, he said, by officials prone to bribery. "It is a problem beyond the capacity of Indonesia to solve by itself," said Mr. Fowler. "You have people who are very wealthy and very powerful involved in an international syndicate to deforest the country."

Mr. Fowler identified the "syndicate" as corrupt Indonesian government officials, illegal brokers in Hong Kong, Malaysian printers of fraudulent documents, Singapore banks and illicit buyers among the burgeoning middle classes of China determined to build more and more private homes requiring ever more timber.

But how may lawyers stem the tide of consumer demand, surely the root cause of deforestation?

Joanne Fox-Przeworski, an American who stepped down this year as founder and director of the Center for Environmental Policy at Bard College in upstate New York, shook her head as this question was posed during the Syarif-Fowler panel.

"They say to us, 'You cut down your forests and now you're telling us we can't cut down ours?' They have a point," said Ms. Fox-Przeworski. "We can't just say, 'Don't use wood.' We have to provide options, we have to educate architects on recycled materials and eco-design."

And if the Chinese fail to quickly develop comprehensive environmental protections, said Mr. Robinson, "it really doesn't matter what the rest of us do."

### **China's Willingness**

But Mr. Robinson said there was ample recent evidence of Chinese willingness to progress environmentally -- demonstrated by the academy's initial session four years ago in Shanghai, and certainly by the high number of Chinese delegates attending in successive years.

Professor Wang Xi of Shanghai Jiao Tong University, deputy secretary of the Chinese Society of Environment and Resources Law, was among China's delegation this year.

Mr. Xi used the example of last year's oil refinery explosion in Zhejiang province, in which 100 tons of benzene pollutants spilled into the Songhua River along the Sino-Russian border, to illustrate how conflicting laws and fundamentally different cultural and political outlooks are better resolved through diplomacy and consultation than litigation.

In the Songhua River case -- "the accident," as Mr. Xi called it -- Russian and Chinese negotiators reached a quick, low-cost settlement that he said preserved peace, saved face, and increased mutual understanding and trust. None of which, he contended, would have been accomplished by an adversarial proceeding before an international tribunal, nor even through conventional arbitration.

### **Conference Funding**

Fellowships for many of the academy delegates were provided by the U.N. Environmental Programme and the Commission for Environmental Cooperation, part of the North American Free Trade Agreement. Financial support for the academy sessions, budgeted at \$250,000, was provided by the U.S. Agency for International Development, the World Bank Institute and the U.S. Environmental Protection Agency.

Further support came from international corporations including Chevron, whose most recent oil spill occurred in February in the Arthur Kill at Perth Amboy, N.J., and General Motors.

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