CALL FOR CONTRIBUTIONS

TO THE

POTCHEFSTROOM ELECTRONIC LAW JOURNAL

Collaborative publication by the IUCN Academy of Environmental Law Research Committee, the IUCN Environmental Law Centre, and the IUCN Commission on Environmental Law

Towards the legal recognition and governance of ecosystem services

On Sunday 3 July 2011 a workshop entitled “Towards the legal recognition and governance of ecosystem services” was held in Mpekweni, South Africa. During this workshop, papers were delivered on various aspects of ecosystem services. This also included an introduction to ecosystem services from a legal perspective, by Dr Alejandro Iza and an introduction from a scientific perspective, by Dr Christo Marais. Justice Antonio Benjamin from the High Court of Brazil also gave a presentation on jurisprudential experiences in Brasilia and the importance of the legal recognition of ecosystem services; Prof Alistair Rieu Clarke spoke on “The 1997 UN Watercourses Convention and Ecosystem Services: Can a Combined Reading Ensure that International Watercourses are Utilised in an Equitable and Reasonable Manner?”; Prof Jamie Benidickson presented the new IUCN “Guidelines for Protected Areas Legislation” and Prof David Hodas gave a presentation entitled “Seeing into Law's Blindspot: Ecosystem Energy Services”. The discussions during the workshop enabled participants to realize that there were numerous angles to the topic of ecosystem services and that the discussion had not been fully explored, in particular concerning the human livelihoods aspect and the intricate relationship between ecosystem services and rights. It was therefore decided that there would be an open call for papers for publication on this issue, which would contribute to furthering this important discussion in light of the major world conferences that will take place in 2012.

More on the theme

Ecosystems are vital for human well-being as they provide valuable goods and highly important services. While ecosystem goods, such as food or water, are palpable and their value for human well-being is well known, ecosystem services (e.g. water purification, preventing soil erosion, etc) are less obvious and humans are often not aware of them at all. There is however a strong relationship between human well-being and ecosystem services since healthy ecosystems and the continuing provision of ecosystem services can be perceived as key for realising internationally and domestically guaranteed rights, for the fulfilment of the Millennium Development Goals and as part of any poverty alleviation strategy. In turn, failure to respect, ensure, and fulfil internationally and domestically guaranteed rights can be a trigger for environmental destruction and a threat to the continuous provision of ecosystem services, since people might be forced to unsustainable practices for lack of better options.

Indeed, despite their importance for human well-being, ecosystem services are more and more under pressure and increasingly threatened by human activities. Growing populations and rising standards of living, pollution and natural disasters have led to the overexploitation or destruction of such services. Therefore, ways have to be sought to address this problem in a comprehensive manner, with effective governance being a central part. Effective governance should promote equity and social justice and take a holistic approach to sustainable development, thus also ensuring the respect for rights, participation, accountability, and access to justice.

Law plays an important part in the governance of ecosystem services by directly affecting human behaviour. It formally defines the framework for the recognition and governance of ecosystem services, by granting certain rights to different people and determining their obligations, establishing processes for decision-making, implementation and enforcement, as well as providing mechanisms for avoiding and coping with conflicts between different actors. It thus has not only the objective but also the potential to give stability and certainty to the system in which the management of ecosystem services takes place.

In view of the major conferences planned for 2012 (the UN Conference on Sustainable Development (Rio+20), the 5th World Conservation Congress and the 11th Conference of the Parties of the Convention on Biological Diversity), this publication will focus on analysing what legal tools exist to reconcile human rights and ecosystem services. Contributions may focus on judicial decisions recognising ecosystem services and their importance for human well-being or on existing legal frameworks for the governance of specific ecosystem services, and the extent in which they take into account the rights of all stakeholders, for their continuous provision.

More on the Journal:

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This issue will be edited by guest editors from the IUCN Academy of Environmental Law, the IUCN Environmental Law Centre, and the IUCN Commission on Environmental Law.

We would appreciate it if we could receive your contribution as soon as possible and no later than 16th December 2011.

Please email your contributions to

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