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INTRODUCTION TO TOPIC "TOWARDS THE LEGAL RECOGNITION AND GOVERNANCE OF ECOSYSTEM SERVICES"

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On behalf of the IUCN Environmental Law Centre, the IUCN Academy of Environmental Law and the IUCN Commission on Environmental Law, I would like to introduce you to the topic of this Journal "Towards the legal recognition and governance of ecosystem services." First of all, I would like to thank the Co-Chairs of the Academy's Research Committee and the Deputy Chair of the IUCN Commission on Environmental Law for this initiative and I am most happy to see that, throughout its organisation, collaboration between the three organisations has continued to grow. We organised our first joint-workshop in 2011 in Ghent, Belgium, just before the IUCN Academy's 8th annual colloquium. The feeling that we all had as the successful event came to an end, was that this collaboration should be repeated on an annual basis. The 2011 Mpekweni Workshop revolved around legal frameworks for the recognition and governance of ecosystem services. Maintaining healthy ecosystems and the continuing provision of services such as water supply or climate regulation is key to ensuring present and future human livelihoods, the fulfillment of the Millennium Development Goals and for any form of poverty alleviation strategy.

The question of the recognition and governance of such services arises since growing populations and rising standards of living, pollution and natural disasters are leading to the overexploitation or destruction of such services rendering effective governance central to their preservation. However, there is no uniform pattern for their regulation and the use of instruments for their governance varies enormously.

The workshop at Mpekweni focused first of all on the question of the recognition of ecosystem services, since some countries not recognising such services in law. While ecosystem goods, such as food, water or timber are palpable and their value for

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human well-being is well known, ecosystem services, such as water purification or the prevention of soil erosion, are less obvious and people are often not aware of them at all. Giving value to ecosystem services raises a series of questions, such services being intangible.

In 2012 major conferences focused on this theme (the UN Conference on Sustainable Development (Rio+20), the IUCN 5th World Conservation Congress and the 11th Conference of the Parties of the Convention on Biological Diversity) but did not reach consensus as how to deal with ecosystem services.

The governance of ecosystem services also raises complex questions which relate to the fact that the specific services which an ecosystem provides vary broadly from ecosystem to ecosystem. Ecosystems can produce goods like food, fiber, timber or fuel; they can regulate weather patterns and the climate as a whole at regional and global scales; and they can build a framework for cultural and recreational activities. Ecosystems can also support these provisioning, regulating and also cultural processes through soil formation or pollination for the production of food for example. It is also crucial to understand the relative value of different ecosystem services to different groups in society in order to be able to design appropriate governance mechanisms.

In addition to this, there is a wide range of governance strategies and instruments which exist for the regulation of ecosystem services. Instruments range from top-down regulations which leave no room for individual discretion, to more flexible market instruments where individuals are free to make their own decisions within a given framework.

As an example of a market-based instrument, the IUCN-Environmental Law Centre has been working on the issue of payments for ecosystem services (PES) for a number of years. In 2009, the Law Centre and the Katoomba Group worked on a joint-initiative to analyse the legal and institutional frameworks of water-related PES schemes and projects in four Andean countries, namely Brazil, Bolivia, Colombia and

Peru. A publication was released at the end of the year 2009 entitled "Payments for Ecosystem Services – Legal and institutional frameworks".¹

The diversity of approaches and experiences linked to the recognition and governance of ecosystem services is reflected in the variety of topics that is reflected in this publication. It is hoped that comparative examples will help illustrate the extent to which we are moving towards the recognition and governance of ecosystem services.

¹ See Greiber and Schiele *Governance of Ecosystem Services*; Greiber *Payment for Ecosystem Services*.

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ABBREVIATIONS

IUCN	International Union for Conservation of Nature
PES	Payment for Ecosystem Services
UN	United Nations