

Second Award Ceremony

On 13 March 2001, practitioners of environmental law and other interested individuals assembled at Pace University School of Law in White Plains, New York, for the award of the Elizabeth Haub Prize for Environmental Diplomacy. This award was first conferred on 11 May 1999 to Razali Ismail of Malaysia and Bo Kjéllen of Sweden (see *Environmental Policy and Law*, Vol. 31 No. 1 (2001), p. 171-177). Unlike the Elizabeth Haub Prize for Environmental Law, established in 1973, which recognises exceptional services to the academic field of international environmental law, this recently created Prize (which is also sponsored by the Elizabeth Haub Foundations for

Environmental Law and Policy Canada and USA) is intended to honour individuals for their contributions to international environmental policy. They will have distinguished themselves in a national diplomatic corps or in the civil service, or an international inter-governmental or non-governmental organisation and will have contributed substantially to the negotiations of international environmental agreements.

Jury Members who select the candidates deserving of the Award are chosen by the International Council of Environmental Law (ICEL) and Pace University School of Law. The two criteria for considering a candidate are: “(1)

a positive contribution to the development and promotion of environmental law and policy in a general way; or (2) a particular instance, a new idea or initiative leading to a new concept in the field of environmental law and policy of one or several countries, and particular initiatives in this field." Although it was originally agreed that this Prize need not be awarded on a yearly basis, but only when there is a truly deserving candidate, one individual from the South and one from the North have been concurrently nominated for successive years of the award.

The Winners of the 2000 award are Tuiloma Neroni Slade of Samoa and Veit Koester of Denmark. Veit Koester has distinguished himself through his long career in the Danish Ministry of Environment and Energy, where he currently heads the Ecological Division of the Forest and Nature Agency. Over the years he has contributed not only to the development of Danish national legislation, which today is regarded worldwide as one of the most modern set of legal rules on the conservation and sustainable use of the natural environment, but also to the development of European Community legislation in this field. He has also rendered invaluable service to international diplomacy, in particular, for extraordinary contributions to the negotiations leading up to the Convention on Biological Diversity and especially its Biosafety Protocol, in addition to other multilateral environmental agreements.

Tuiloma Neroni Slade, after serving as Attorney General for his country, has spent ten years on international legal issues at the Commonwealth Secretariat before becoming the Permanent Representative of the Mission of Samoa to the United Nations. Besides becoming active in legal questions concerning the Law of the Sea and the Rome Treaty, Ambassador Slade has played a significant role in international diplomacy since he became Chairman of the Alliance of Small Island States (AOSIS) in 1997. AOSIS brings together islands from the Caribbean, Mediterranean, Indian, Pacific and Atlantic Oceans, turning widely scattered nations with little individual bargaining power into a negotiating block. It is to his credit that the concerns of small island states have been drawn to the attention of the international community, especially in regard to the dangers they face because of global warming and the associated rise in sea level. He is widely credited, along with a number of senior AOSIS colleagues, with making Small Island Developing States (SIDS) an

important force in the negotiations leading up to the Kyoto Protocol.

Richard L. Ottinger, Emeritus Dean:

"Welcome to the Pace University and its School of Law. We are honoured that you have joined us here today, for the second ceremony awarding the Elizabeth Haub Award for Environmental Diplomacy, which we confer together with the International Council of Environmental Law. ICEL is today represented here by Dr. Wolfgang Burhenne (whom we have honoured with a Doctor of Laws *Honoris Causa* and thus claim also as a Pace alumnus).

Pace and ICEL launched the Elizabeth Haub Award for Environmental Diplomacy last year with an award



In front of the plaque honouring the laureates (from left): Bhagwat-Singh, D. Caputo, Ch. Haub, E. Haub, N. A. Robinson, H. Haub, W. E. Burhenne, V. Koester, T. N. Slade and R.L. Ottinger

Courtesy: Smith-Baer

ceremony in New York City, and this year we bring the Award to our Law School campus. Our inaugural ceremony honoured the 100th anniversary of the birth of Elizabeth Haub.

Elizabeth Haub was a great enthusiast of nature and nature conservation. She wanted to encourage governments to do more to protect the environment, and in this she can be counted as one of the pioneers in promoting conservation internationally. In her name, Pace and ICEL convened the diplomats and scholars who gathered last year near Pace's downtown campus in Manhattan, to honour two great servants of our common mission to advance the institutional capacity for worldwide environmental conservation.

We then honoured Ambassador Razali of Malaysia, for his work on the Earth Summit and establishing the UN Commission on Sustainable Development (CSD), and Ambassador Bo Kjellen of Sweden, for his work in the negotiation of the United Nations Convention to Combat

Desertification (UNCCD) and for establishing the Secretariat for the Desertification Convention, now situated in Bonn, Germany.

We were honoured at that inaugural with the attendance of Dr. Patricia Ewers, the then retiring President of Pace University who joined us briefly because of the importance of the event, despite being then in convalescence recovering from a medical operation. She has since retired, and Pace University is honoured to have Dr. David A. Caputo as its new President. At his installation, which took place near here, at our Pace University campus in Pleasantville, New York, Dr. Caputo stressed the importance of the University's educational role in terms of the international challenges that our students will encounter in a world drawn close by communications, the internet, rapid migrations of peoples (including students), trade and – of course – the problems of our shared global environment. We have “only one earth”, as Dr. Rene Dubois (whose archives are in the Pace Library at Pleasantville) said in 1972 on the eve of the United Nations' Stockholm Conference on the Human Environment.

It gives me, therefore, an especially welcome privilege to present to you the President of Pace University to welcome you to this event.”

David A. Caputo, President:

“Dean Ottinger, distinguished guests, students and faculty:

It is my honour to be with you today, to welcome to our campus the ceremony for the Elizabeth Haub Prize for Environmental Diplomacy. I anticipate many years of such stimulating and important events.

Environmental diplomacy has emerged as a special calling. Its purpose is to build the institutional foundations for the better co-operative management of the earth's environment. As we contemplate the problems of repairing the stratospheric ozone layer or combating the growing dust bowls and deserts resulting from inadequate soil conservation, or the deteriorating conditions of the oceans and their fish resources, we must both appreciate the importance of environmental diplomacy and wish its practitioners well. In this noble calling, we contemplate the well-being of both present and future generations.

In his book entitled, *Global Environmental Diplomacy*, Dr. Mostafa K. Tolba, the former head of the United Nations Environment Programme, observes: “international action to safeguard our environment is taking shape, and a strong consensus has emerged geared to meaningful and realistic action. It recognises the integrity of global environmental justice, whereby common efforts are urgently needed to protect our earth, to assist those most at risk and least responsible for environmental deterioration: the world's poorest. The easing of East West tensions presents a golden opportunity to further the goals of environmental justice” (page 183).

Dr. Tolba ably sums up our purpose here today. We at Pace are pleased that you have come to join us in celebrating the accomplishments of two distinguished diplomats in the cause of global environmental justice. These two individuals have brought honour to their own nations, but perhaps more importantly they are leaders in the first

generation of diplomats who also serve the needs of the earth, and all the earth's people and ecological systems.

Pace University School of Law has earned national and international recognition for its Environmental Law Programme. Our Dyson College, the School of Arts and Sciences within Pace University, will soon announce the launch of its Environmental Studies Institute, to advance study and research into the environment as a subject of science, social science and the humanities. We are pleased to have you here today, to hear your reflections on environmental diplomacy, and to join our efforts in this common cause and endeavour to safeguard the biosphere, today and for tomorrow.”

Richard L. Ottinger (contd.):

“Thank you Dr. Caputo.

Today we at Pace are again proud to unite with ICEL in order to recognise two extraordinary men, who have been selected by an independent jury to be singled out for their contributions to the field of environmental diplomacy.

May I invite my friend, Dr. Wolfgang E. Burhenne, to join me at the podium for the award ceremony, and also invite his Excellency, Ambassador Bhagwat-Singh, to join me at the podium? Ambassador Singh represents two Intergovernmental Organisations with Observer Status with the UN General Assembly: AALCC, or the Asian-African Legal Consultative Committee, and IUCN, which stands for the International Union for the Conservation of Nature and Natural Resources and in which both Pace and ICEL are admitted as Members.

May I invite Veit Koester to join me at the podium?

Ambassador Bhagwat-Singh will read the citation for Mr. Koester.”

Ambassador Bhagwat-Singh:

“In high appreciation of distinguished accomplishments in furthering environmental protection, conserving natural resources, and advancing sustainable development through extraordinary service to international diplomacy, in particular, for extraordinary contributions to negotiation of the Convention on Biological Diversity and other multilateral environmental agreements.”

Richard L. Ottinger (contd.):

“May I invite Dr. Burhenne to confer the gold medal of the Elizabeth Haub Award on Koester?”

(Wolfgang E. Burhenne puts medal around Koester's neck)

“May I now invite His Excellency Tuiloma Neroni Slade to join me at the podium?

Ambassador Bhagwat-Singh, please read the citation.”

Ambassador Bhagwat-Singh:

“In high appreciation of distinguished accomplishments in furthering environmental protection, conserving natural resources, and advancing sustainable development through extraordinary service to international diplomacy, in particular, for leadership of Earth's Small Island States, ensuring consideration of sea level rise and climate change for Coastal regions.”

(Wolfgang E. Burhenne puts gold medal around neck of Ambassador Slade)

Richard L. Ottinger (contd.):

“My warmest congratulations to both Koester and

Ambassador Slade. It is my privilege to hand the podium over to Dr. Burhenne for congratulatory remarks on behalf of the International Council of Environmental Law.”
Wolfgang E. Burhenne, Executive Governor

“Before I begin, I wish to extend congratulations to the two laureates on behalf of the UNEP Executive Director, Dr. Klaus Töpfer. He feels very sorry that he cannot be present at this auspicious occasion because of other obligations of his.

This is only the second time that this Prize is awarded.

In 1999, the first award coincided with the 100th anniversary of the birth of Elizabeth Haub, the person whose vision inspired the creation of the German Fund which preceded the US and Canadian Elizabeth Haub foundations.

The Founder was, therefore, together with the Awardees, the focus of attention then, and not much was said about the Prize itself and its much older counterpart in Brussels.

Let me say a few words about this today.

The Elizabeth Haub Prize for Environmental Law has been awarded since 1973 by the University of Brussels together with the International Council for Environmental Law (ICEL). The Prize is awarded for exceptional accomplishments in the field of environmental law, and to date, 34 environmental law experts have received it.

An Elizabeth Haub Colloquium was held in 1997 in Wiesbaden, to provide all Prizewinners with an opportunity to meet and review the situation of international environmental law.

This was a great success, not only because of the Prizewinners’ gathering, but also because of the talent of Helga Haub to make such a gathering an exceptional encounter!

The Colloquium took place in conjunction with the awarding ceremony of the 1997 Prize to Tommy Koh (Singapore) – a law professor and a diplomat if there ever was one!

This combination of events confirmed the feeling of the sponsors that achievements in environmental law were of a different nature; and that indeed progress in environmental law was achieved not only through the practice of law, its interpretation and promotion, but also through diplomacy. And that, indeed, the second preceded the first: law-making at the international level, as at the national level is, to a large extent, in the hands of those negotiating an output – and this output to a large extent dependent on the skills of these negotiators to craft a consensus on objectives to be achieved in common. Tommy Koh is indeed a typical example of this kind of expertise.

This led Helga Haub to announce, at the end of this Wiesbaden meeting, that the E. Haub Foundation was about to create, in co-operation with ICEL, an environment diplomacy prize, and to that effect conclude an agreement with Pace University.

Hence we have today two Elizabeth Haub Prizes, which both honour achievements in environmental law, but of a different nature. And that is, and will continue to be, sometimes a problem: potential laureates will sometimes qualify for both... but, according to the rules, may only receive one of them...

The two Prize juries, in their wisdom, will, in the end, decide!

There are also procedural differences between the two Prizes: in particular the Pace Prize is only to be awarded for merit when it arises, and is meant to be for one individual at a time. But practice has shown, for the second time in a row, that merit was found concurrently in the South and in the North for considerable and comparable achievements. The exception proves the rule, as everyone learns early on!

You have heard the ‘laudatio’ for both Prizewinners. What can I add to this, except a few personal thoughts?

Ambassador Slade – I am of course not the only one admiring your patience and your passion. A combination of both is no doubt the necessary elixir of success for difficult negotiations. I know that the results of your elixir were highly praised. We want here to praise the producer, rather than the product, and the cause, rather than the results!

To find the right words to praise Veit Koester is a rather difficult task – considering that his chief merit for me is to have been a friend for many, many years. But I realise that this is not a qualification for this Prize, and so I will have to address his less important merits. There are many, as you have heard. To me, his contribution towards the development and adoption of the Aarhus Convention is the source of my greatest admiration. Aarhus is judged by many to be a revolutionary international instrument on access to information, public participation in the decision-making process and access to justice in environmental matters.

I could continue to discuss past achievements and hope for future ones – but I think I had better stop here: let us listen to, rather than speak about, the awardees!”

Richard L. Ottinger (contd.):

“It is now a special moment. We are privileged to have each of the laureates share with us their reflections on environmental diplomacy.

May I first invite Koester to address us, followed by Ambassador Slade?”

Veit Koester:

“I am very happy, proud and deeply honoured. But I must also thank my friends and colleagues in the international environmental law community for what I have learned from them, for their always solid advice whenever I needed it, and furthermore my wife Winnie for her enormous support and encouragement and for having always listened to – or at least pretended to do so – my endless and probably rather boring negotiation anecdotes.

I am not a diplomat by profession. I very often did not behave as a professional diplomat and I was very rarely assumed to be one. However, I realise that the Award is not for being a diplomat, but for diplomacy which is defined by the *Oxford English Dictionary, inter alia* “as a skill in the conduct of international negotiations” – a definition which adds to my delight. But I must confess that I also came across another definition in the *Diplomatic Dictionary* by Mr. Freeman, namely “the art of saying ‘nice doggie’ till you can find a rock”; a definition I prefer to ignore today.

Not being a professional diplomat, it was more or less by accident that I came into the business of conducting international negotiations. It happened twenty-two years ago, due to Wolfgang Burhenne. He persuaded me to accept an offer to be Vice-Chair of the Conference of Plenipotentiaries to negotiate and conclude the Convention on Migratory Species (CMS). Wolfgang used the argument that it would be a very easy task because the designated Chair was an experienced, bright and very clever professional diplomat and that he as the Chair would take care of everything. So, I said yes. But what Wolfgang and in any case I had not envisaged was that the Chair, on the second day of the Conference, had to leave for personal reasons and never returned. So much to my surprise, I was suddenly in charge. Well, it went reasonably well. The Bonn Convention was concluded and adopted.

I have been very privileged because most of my professional career has spanned the very same decades where the global biodiversity-related conventions were negotiated and concluded, where they developed, found their working methods and matured, i.e. during the 1970s, 1980s and 1990s.

I have been privileged because I was given opportunities to participate in one way or another in all of these conventions, including by having been entrusted with various chairing functions in all but one of them.”

(Veit Koester continued on the status of five global biodiversity-related conventions which is reprinted in a separate article on page 151).

Ambassador Tuiloma Neroni Slade:

“This is a moment of special privilege and honour for my wife, and me, and for our country. With pride, and in humility, I accept the Elizabeth Haub Award for Environmental Diplomacy.

It is a double honour for me to do so, for the work that is recognised in this award is undertaken with and on behalf of the small island States of the world. In their name, allow me to express appreciation and gratitude to the Elizabeth Haub Foundation, to Dr. Burhenne and the International Council for Environmental Law (ICEL), members of the Jury for the Award and the authorities of Pace University.

The institution of this Award is the mark of our collective tribute to the vision of Elizabeth Haub, and her pioneering work and contribution to the development of environmental law and policy. It also allows us, as on this occasion, to give acknowledgment to the important role being played, by governments and individuals alike, in a range of negotiating fora, for the design and development of global systems for the protection of the earth’s environment.

May I say in this connection how particularly honoured I am to share the occasion with my very distinguished colleague, Dr. Veit Koester.

...

On behalf of the membership of AOSIS, may I say that we see in this award an acknowledgment of our work, and I am deeply honoured to accept it also as your declaration of support and encouragement.”

(Tuiloma Neroni Slade’s presentation on the work and accomplishments of AOSIS appears on page 157).

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In closing, Richard Ottinger thanked Veit Koester and Ambassador Slade and invited Helga Haub and Prof. Nicholas Robinson to unveil a special, permanent plaque in recognition of those laureates honoured with the Elizabeth Haub Award for Environmental Diplomacy. (MAB)

