Pollutant Release Protocol Concluded

The treaty, which has been developed over the past two years under the auspices of the United Nations Economic Commission for Europe (UN/ECE), in the form of a legally binding Protocol to the Aarhus Convention,1 was concluded on 30 January 2003.2

Under the new Protocol, companies will be required to report annually on their releases (into the environment) and transfers (to other companies) of certain pollutants. The information will then be placed on a public register, known as a pollutant release and transfer register, or PRTR.

The following are included in the features of the new PRTR Protocol:

• Each Party to the Protocol will be required to establish a publicly accessible and user-friendly PRTR, which is based on a mandatory scheme of annual reporting.
• The Register will cover information on 86 pollutants considered to pose the most significant threats to environment or health, including greenhouse gases, acid rain pollutants, heavy metals and cancer-causing chemicals such as dioxins.
• Reporting will be required for a wide range of activities, including refineries, thermal power stations, chemical and mining industries, waste incinerators, wood and paper production and processing, and intensive agriculture and aquaculture, among others, where these activities are carried out on a significant scale. While the primary focus of the Protocol is on large point sources of pollution, it also provides a framework for reporting on pollution from diffuse sources such as traffic, agriculture and small and medium-sized enterprises.
• Some of the reported information may be kept confidential, for example, where disclosure could affect commercial confidentiality, national defence or public security, but such exemptions should be interpreted in a restrictive way, taking into account the public interest served by disclosure.
• Information should be provided and made available on the Register on a facility-specific basis. This means that a member of the public will be able to find out about the annual pollution output of a given factory in his or her neighbourhood when it is covered by the Protocol. The Register should be accessible through the Internet.

While it does not regulate pollution directly, but rather information on pollution, the Protocol is still expected to exert a significant pressure to decrease levels of pollution, since no company will wish to be identified as being among the biggest polluters.

Although the Protocol has been developed under the auspices of the UN/ECE, it will be open to accession by any Member State of the United Nations. In this way, it is expected to establish a new global benchmark in this area.

The Protocol will be formally adopted and signed at the forthcoming Fifth Ministerial “Environment for Europe” Conference, scheduled to take place in Kiev, Ukraine, from 21–23 May 2003. More than 30 States have taken part in the negotiations and might be expected to sign the Protocol there. (MJ)

Notes
1 The UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted in Aarhus, Denmark, in June 1998 and entered into force in October 2001. It has 40 Signatories, including the European Community, and 23 Parties.
2 The draft Protocol is available at www.unece.org.

UN/11th CSD

Officers Elected

The Commission on Sustainable Development (CSD) elected by acclamation Valli Moosa, Minister of Environmental Affairs and Tourism of South Africa, as Chairman for its eleventh session, which will take place from 28 April to 9 May. The Commission further elected, also by acclamation, four vice-chairmen: Hossein Moeini Meybodi (Iran) from the Asian States; Irena Zubcevic (Croatia) from the Eastern European States; Bruno Stagno (Costa Rica) from the Latin American and Caribbean States; and Nadine Gouzeen (Belgium) from the Western European and Other States.

Valli Moosa said the challenge for the Commission’s eleventh session would be to translate the outcomes of the 2002 World Summit on Sustainable Development (WSSD) into practical modalities for its next decade of work, which should be guided by the active participation at the highest political levels and ensure the full involvement of technical experts.
There was a need, he said, to consider whether the focus of the various sessions should not be on the evaluation of progress in implementation of goals and targets set in Johannesburg. The participation of stakeholders in the Commission’s work should also be enhanced, building on the experiences of the Summit. He stressed that the task faced by the eleventh session was a formidable one, requiring the time and expertise of all governments and other stakeholders committed to the implementation of sustainable development.

Jo Anne Disano, Director for Sustainable Development, Department of Economic and Social Affairs (DESA), who served as temporary Chairperson, noted that the Commission would have major challenges ahead of it, as it would be the first session meeting after Johannesburg. The meeting would have major political implications and it must be organised in a way that kept the momentum of Johannesburg going and laid the foundation for future work.

First Judges Elected

The Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) completed its work by electing the Court’s first 18 judges, who will be sworn in during a ceremony on 11 March 2003 at The Hague, Netherlands. The role of the judges, and that of the Prosecutor, who is expected to be elected at the Assembly’s next session in April, are key to shaping the Court and making it an independent, fair and effective institution to deal with crimes of the most grievous nature committed by individuals.

The treaty establishing the Court, which entered into force on 1 July 2002, has thus far been ratified by 88 States. It took 33 rounds of voting by the 85 eligible States over four days before all 18 judges were elected. In the first four rounds of balloting, 11 judges, including six women, were elected. According to the rules of procedure, having failed to elect the 18 judges required, the Assembly then discontinued the complex voting procedure it had used in the first four rounds.

That procedure took into account the need for representation of the principal legal systems of the world; equitable geographical distribution; and fair representation of female and male judges. Representatives were required to vote for at least three candidates from the group of African States, and three from Western European and Other States. Representatives were further required to vote for at least six male and at least six female candidates.

The ballot contained two lists of candidates. List A candidates had established competence in criminal law, while List B candidates had competence in relevant areas of international law. At least nine candidates had to be elected from List A and at least five judges from List B. However, no more than 13 candidates from List A and no more than nine candidates from List B would be considered for election.

In the end, ten candidates were elected from List A and eight from List B. Three judges came from the Group of African States, three from the Group of Asian States, one from the Group of Eastern European States, four from the Group of Latin American and Caribbean States, and seven from the Group of Western European and Other States.

After the election meeting was adjourned the Assembly’s President called a new meeting during which lots were drawn to determine the term of office of the judges – that is, which six judges would serve a full term of nine years, which six a term of six years, and which six a term of three years.

The elected included the Presidents of both UN Tribunals – Judge Navenethem Pillay (South Africa) of the International Tribunal for Rwanda, and Judge Claude Jorda (France) of the former Yugoslav.

Asked about the overlap in jurisdiction between this court and other international criminal courts, the Spokesman said that up to now cases had only been dealt with by ad hoc courts with specific mandates, while this new court would be able to take on any cases after its creation.

The judges are Ms Elizabeth Odio Benito (Costa Rica); Mr Rene Blattmann (Bolivia); Ms Maureen Harding Clark (Ireland); Ms Fatoumata Dembele Diarra (Mali); Mr Adrian Fulford (UK); Mr Karl Hudson-Phillips (Trinidad and Tobago); Mr Claude Jorda (France); Mr Hans-Peter Karl (Germany); Mr Philippe Kirsch (Canada); Mr Erkki Kourula (Finland); Ms Akua Kuenyehia (Ghana); Mr Georgios Pikis (Cyprus); Ms Navanethem Pillay (South Africa); Mr Mauro Politi (Italy); Mr Tuiloma Neroni Slade (Samoa); Mr Sanghyun Song (Republic of Korea); and Ms Anita Usacka (Latvia). (MJ)