New Treaty Proposed on Transboundary Aquifers

The International Law Commission has submitted the draft of a new international treaty to safeguard transboundary underground aquifers – resources of enormous international environmental, social, economic and strategic importance. Recent history gives, at best, mixed indications regarding agreements addressing freshwater resources, despite the recognised need to manage them. In many regions, aquifers extend across several national boundaries, so that their sustainable use will depend on multilaterally agreed management mechanisms that will help prevent pollution or over-exploitation. If it enters into force, the draft treaty would require that states not harm existing aquifers and cooperate laterally agreed management mechanisms that will help prevent pollution or over-exploitation. If it enters into force, the draft treaty would require that states not harm existing aquifers and cooperate.

World Map of Transboundary Aquifers Released

Coinciding with the submission of a draft Convention on Transboundary Aquifers to the UN General Assembly, UNESCO has published the first-ever world map of shared aquifers. So far, the inventory comprises 273 shared aquifers, which collectively contain 100 times the volume of fresh water that is to be found on the Earth’s surface. Global as well as continental maps can be downloaded from the internet at: http://www.whymap.org/cln_101/n_1055970/whymap/EN/Downloads/downloads_node_en.html?n_1055970=true

Fifty-one Countries Set to Create a New Inter-governmental Agency for Renewable Energy

The final preparatory conference has been completed for the creation of a new International Renewable Energy Agency (IRENA) – set to be formally founded in Bonn in January 2009. The October prep-com concluded successfully when 51 states led by Germany, Spain and Denmark agreed on the Treaty to be known as the Statute of the IRENA. The parties hope that IRENA will become the main driving force in promoting a rapid transition towards the widespread and sustainable use of renewable energy on a global scale. The countries participating in the process are broadly spread across the globe, including 24 of the EU Member States. For more information on IRENA go to: http://www.irena.org. (TRY/ATL)

Reconstitution of ITLOS Chambers

In early October, Judge José Luis Jesus (Capo Verde), was elected by Tribunal members to serve as President of the International Tribunal for the Law of the Sea for the period 2008–2011. This was followed early this month by the election of Judge Helmut Cott (France) – set to be formally mandated in January 2008 by Tribunal members to serve as President of the International Tribunal for the Law of the Sea for the period 2008–2011.

World Map of Transboundary Aquifers

The International Treaty System (ITS), created in 1950, was the first attempt to bind nations together through shared water resources. A second attempt, the Nuclear Non-Proliferation Treaty (NPT), was signed in 1968. These treaties have been successful in promoting the peaceful use of nuclear energy and preventing the proliferation of nuclear weapons. The former has succeeded in limiting the number of states with nuclear weapons, while the latter has successfully prevented the spread of nuclear weapons since the 1970s. However, these treaties have limitations in scope and failed to address the challenges of international environmental law, such as transboundary water resources.

World Map of Transboundary Aquifers

Aquifers are underground bodies of water that allow the movement of water. Aquifers are important for the supply of freshwater for drinking, industry, and agriculture. Aquifers can be divided into two main types: confined and unconfined. Confined aquifers are under pressure and are bounded by impermeable layers of rock or soil, while unconfined aquifers are not under pressure and are bounded by permeable layers of rock or soil. Confined aquifers are more difficult to manage than unconfined aquifers because they are under pressure, which can cause them to collapse or leak. Unconfined aquifers are easier to manage because they are not under pressure, but they can be affected by pollution from surface sources.

World Map of Transboundary Aquifers

Transboundary aquifers are aquifers that span international boundaries. They are important for regional water management because they can be shared by several countries. Aquifers can be divided into two main types: confined and unconfined. Confined aquifers are under pressure and are bounded by impermeable layers of rock or soil, while unconfined aquifers are not under pressure and are bounded by permeable layers of rock or soil. Confined aquifers are more difficult to manage than unconfined aquifers because they are under pressure, which can cause them to collapse or leak. Unconfined aquifers are easier to manage because they are not under pressure, but they can be affected by pollution from surface sources.

Biological Researchers Meet to Consider their Role in ABS

In a meeting sponsored by a consortium of private and government research organisations, more than 50 participants from the research, regulatory and economics communities met to consider the manner in which non-commercial research should be identified and measured in the international regime for Access to遗传 Resources and Benefit Sharing (ABS) now being negotiated inter-governmentally under the Convention on Biological Diversity (CBD). The group identified a range of benefits to countries and the world from non-commercial biological research, and proposed an approach to streamlining the processes by which these researchers obtain access to genetic resources and biological materials in countries. Further information will be available online via the Consortium on the Barcode of Life www.barcoding.si.edu. (TRY)

CNS:

– MOU Addressing Migratory Birds of Prey

Following 12 months of negotiation, 28 parties signed a Memorandum of Understanding to work through the UNEP Convention on Migratory Species (CMS) to protect more than 70 species of birds of prey whose migratory patterns traverse traditional routes in Africa and/or Eurasia (the “Raptors MOU”). Furthering the CNS objective of restoring positive conservation status, the signatories focus their efforts on habitat protection and species recovery, including industry and fisher power lines, hunting falconry as well as instrument, signed countries which states of one or more enters into force 1 November, 2008. Abu Dhabi (UAE) has offered to host a coordinating unit, comprising a staff of six people, who will also assist in oversight of work under CMS-family MOUs on Dugong (2007) and marine turtles of the Indian Ocean (IOSEA, 2001) with regard to the countries “in the Indian Ocean and beyond”. Text of the Raptors MOU will be available at: http://www.cms.int/species/raptors/index.htm. The CMS press release can be found online at: http://unep.org/Documents.Multilingual/Default.asp?DocumentID=5484&ArticleID=5958&l=en.

– Single Species Action Plan Unites Eurasian Conservation Efforts

The African-Eurasian Waterbird Agreement (AEWA) under the CMS system has taken another step toward increasing the “network” element of CMS, by adopting a new “International Single Species Action Plan for the Conservation of the Lesser White-fronted Goose (Western Palaearctic Population)”. The document sets the stage for strengthened cooperative conservation action between 22 Eurasian range States, 13 of which are party to AEWA. Text of the Action Plan is available online at http://www.unep-aewa.org/activities/working_groups/lwfg/lwfg_ssap_131108_for_upload.pdf. (TRY)

UNEP Increases Energy Focus

A new UNEP initiative – the “Global Green New Deal” – has been announced, which is expected to “mobilize and re-focus the global economy towards investment in clean energy and ‘natural’ infrastructure such as forests and soils”. Supported by close to US$4 million from the European Commission, Germany and Norway, the initiative grew out of the 2007 G8+5 meeting, which called for a study on The Economics of Ecosystems and Biodiversity (TEEB). That study (available at http://www.eurekalert.org/pub_releases/2008-05/haag-tecb052908.php) was presented this year at the CBD’s ninth COP. Following its orientation, the new initiative focuses on three pillars – valuing and mainstreaming nature’s services into national and international accounts; employment generation through green jobs and the laying out of...
of policies; instruments and market signals able to accelerate a transition to a Green Economy. It will draw on the existing body of work within the UN system to ensure that a post-financial and food crisis economy delivers real growth, combats climate change and triggers an employment boom in the 21st century. A comprehensive assessment and tool kit for governments to make the necessary transition is expected in 18–24 months.

**Rotterdam COP 4 Develops its Programme of Work**

In its fourth Conference of the Parties, the Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade, adopted 13 decisions, including additions to Annex III (the list of chemicals to addressed by the PIC procedure). The meeting continued the ongoing discussions of increasing cooperation and coordination among the three chemicals conventions (Basel, Rotterdam and Stockholm Conventions). A number of key legal issues, including ongoing work on compliance and effective implementation, could not be completed or resolved, and were forwarded to COP 5. A detailed report of the meeting is available online at http://www.chemcon.org.is188e.html. The Convention’s website will officially report on the meeting at http://www.pic.int/home.php?typ=bid&sid=1388&tid=278&tid=41. (TRY)

**Open-ended Technical Working Group on SAICM**

UNEPE’s Strategic Approach to International Chemicals Management (SAICM) adopted in 2001 (EPL 36/2 page 24) was addressed in detail by the International Conference on Chemical Management’s Open-ended Legal and Technical Working Group. Most directly, the Working Group focused on issues relevant to the creation of Rules of Procedure for the ICMC, including unresolved debates on primary matters such as the composition of the ICMC Bureau. Discussions will be continued by the full ICMC at its second meeting next Spring. The detailed concurrent reporting on the meeting is found online at http://www.iisd.ca/chemical/iccm2/ltg/. (TRY)

**Acidification of World’s Oceans**

The Second International Symposium on the Ocean in a High CO2 World held in Monaco attended by 250 marine scientists from 32 countries concluded that the unprecedented absorption of huge volumes of carbon dioxide by the world’s oceans threatens marine ecosystems and the livelihoods of tens of millions of people. While agreeing that more research is needed, the participants insisted that reducing carbon emissions would be the only effective way of stabilising and reversing the acidification process, and agreed that this was both achievable and affordable. One participant added that the cost of achieving zero carbon emissions over the next century could be less than 1.5 percent of global Gross Domestic Product. A book containing the detailed programme is available online at: https://www.confmanager.com/communities/c975/files/hidden/ Monaco.Meeting.Book.doc.

**EU:**

- **Parliament Addresses Water Scarcity and Droughts**

An own-initiative report from MEPs of the EU has been formally adopted (594 to 45, with 12 abstentions) by the European Parliament, which thereby called on the Member States and authorities concerned to pay heed to water-related considerations in their land-use planning. The report addressed the critical importance of water scarcity issues, both as a present concern and as a key element of long-term planning for CO2. The report, building on the premise that “water scarcity and drought represent a major challenge with relevant socio-economic and environmental impacts in the EU; [and that] the total economic impact of drought at EU level over the next 30 years is estimated at EUR 100 billion.” It points to deforestation and unrestrained urban development asadressable factors contributing to growing water scarcity. The text, as adopted, is online at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+A+P6-2008-0474+0+DOC+XML+V0//EN&language=EN.

- **Proposal on “Clean Road Transport Vehicles”**

A proposal has been placed before the European Council, which seeks to promote clean and energy-efficient road transport through mandatory measures requiring public authorities and certain operators to consider the environmental impact (including lifetime energy and environmental impacts, such as energy consumption, and CO2, NOx and other emissions) of any decisions relevant to the acquisition of fleet vehicles. Objection to the mandatory language has led to a compromise under which Member States have a variety of different options to fulfill the requirement. The revised proposal had its first reading on 22 October. It is available in its current form at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+A+P6-2008-0509+0+DOC+XML+V0//EN&language=EN.

**– Parliament Calls for Further Action on Tropical Forests**

Although welcoming the conclusion of the 2006 International Tropical Timber Agreement in its recent resolution, the European Parliament has called for action well beyond those required in that document. In particular, it calls for the Commission and Member States to increase the financial resources made available for conservation and ecologically responsible use of tropical forests. It further calls on Members, when entering into trade agreements with south-east Asian countries, to meaningfully address sustainable development, including both forest preservation and combating illegal and unsustainable logging. For the full text of the resolution go to: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+A+P6-2008-0454+0+DOC+XML+V0//EN&language=EN.

**Arctic Governance**

A new European Parliament resolution has been adopted, which lays out the rationale for EU/EC involvement in Arctic policy, highlighting environmental interests, and Arctic energy resources. While acknowledging the recent Illisiat Declaration by Canada, Denmark, Norway, the Russian Federation and the United States, the resolution on the relevance of the Law of the Arctic issues, noting that the US is (i) the Convention specific Arctic con- (ii) the Convention specific Arctic con- (ii) the Convention specific Arctic con- (ii) the Convention specific Arctic con-

**Chilean Whale Protection Becomes Controversial**

Earlier this year, in a formal statement, Chilean President Michelle Bachelet indicated that his government would declare a 35–51,000 square km Marine Protected Area (MPA) in the Gulf of Corcovado – an area which is described as “a relatively new home for close to 200 migrating Blue whales” (see EPL 38/5, p. 278). In spite of this strong indication of governmental sanction, the National Commission of Coastal Use, chaired by the country’s Minister of Defence, recently voted to delay the establishment of the MPA, and to establish “a public board of representatives from each affected entity”... [including] members from CONAPACH [the artisanal fishing industry], environmental groups, and the regional government”. The protected area is controversial, with many conservation groups opposing it as disguised privatisation of public marine areas, rather than an attempt to help whales, particularly since more than 60% of the transitory whale population winters outside the designated area. Chile has halted all whaling by its legal and regulated ships and fishermen, since the 1970s. (TRY)

**Turkey: Ilısu Dam May Lose Funds**

The international press reports that Germany, Austria and Switzerland have stated their firm intent to require that Turkey fulfil the 153 international environmental, social and cultural standards named in their export risk guarantee of the Ilısu hydro-electric power project. With construction underway, Turkey has reportedly not satisfied these standards, and was served with an Environmental Failure Notice giving it 60 days to rectify the situation or face withdrawal of the guarantee. For further information on the project go to: http://www.ılısu-wasserwerkwerk.com.