

REFERENCES TO OTHER TOPICS

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 multi-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 to prevent and control their pollution. The draft treaty was prepared in conjunction with UNESCO's International Hydrological Programme. At the time of writing, the report had not yet been publicly released, but should be posted at <http://untreaty.un.org/ilc/sessions/60/60docs.htm>. (TRY)

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/nn_1055970/whymap/EN/Downloads/downloads__node__en.html?_nnn=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 Tuerk (Austria) – a Member of the Tribunal since 2005 – as its Vice-President. A few weeks later, it was agreed to reconstitute the five chambers of the Tribunal under the following leadership:

- President of the Seabed Disputes Chamber: Tullio Treves (Italy)
- President, Chamber of Summary Procedure: José Luis Jesus
- President, Chamber for Fisheries Disputes: Hugo Caminos (Argentina)
- President, Chamber for Marine Environment Disputes: Jean-Pierre Cot (France)
- President, Chamber for Maritime Delimitation Disputes: José Luis Jesus (<http://www.itlos.org/>). (TRY/ATL)

WTO: Forum on the Climate-Trade Interface

The WTO's Public Forum 2008 focused on the need for planning, to address in advance the ways in which global trade can ameliorate climate problems and avoid contributing to them. The Forum is an annual event, which provides an opportunity for civil society to present its views to the WTO and suggest ideas that may better enable the global trade regime to incorporate the needs and aspirations of the international community. This year, WTO DG Pascal Lamy participated in a session on mutual supportiveness of trade, climate change and development objectives. More

information is available at http://www.wto.org/english/forums_e/public_forum08_e/programme_e.htm. (TRY)

Biological Researchers Meet to Consider their Role in ABS

In a meeting sponsored by a consortium of private and governmental 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 addressed in the international regime on Access 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)

CMS:

– 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 large multi-country routes in Africa and/or Eurasia (the "Raptors MOU"). Furthering the CMS objective of restoring migratory species to a positive conservation status, the signatories of the new MOU will focus their efforts on reversing or slowing habitat loss due to agriculture, forestry, industry and fisher- ies, collision with power lines, hunting falconry as well as and trapping for poisoning. The new instrument, signed by 28 of the 130 countries which states of one or more species, entered into force on 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=548&ArticleID=5958&I=en>.



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– 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 technologies 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/haog-teo052908.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 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 be 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.iisd.ca/vol15/enb15168e.html>. The Convention's website will officially report on the meeting at <http://www.pic.int/home.php?typ e=b&id=138&sid=27&tid=41>. (TRY)

Open-ended Technical Working Group on SAICM

UNEP's Strategic Approach to International Chemicals Management (SAICM), adopted in 2007 (see *EPL* 36/2 page 62), was addressed in detail by the International Conference on Chemicals 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 ICCM, including unresolved debates on primary matters such as the composition of the ICCM Bureau. Discussions will be continued by the full ICCM at its second meeting next Spring. The detailed concurrent reporting on the meeting is found online at <http://www.iisd.ca/chemical/iccm2/tg/>. (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 or reversing the acidification process, and argued 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 of abstracts and the detailed programme are 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-range planning for the EU, building on *inter alia* 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 last 30 years is estimated at EUR 100 billion". It points to deforestation and unrestrained urban development as addressable factors contributing to growing water scarcity. The text, as adopted, is online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0473+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 (includ-

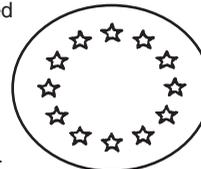
ing lifetime energy and environmental impacts, such as energy consumption, and CO₂, NO_x and other emissions) of any decisions relevant to the acquisition of fleet vehicles. Objection to the mandatory language has led to a compromise under which Member States have a variety of different options to fulfil 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+TA+P6-TA-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+TA+P6-TA-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 Illuissat Declaration by Canada, Denmark, Norway, the Russian Federation and the United States, the resolution attempts to set limits on the UN Convention on the Law of the Sea (UNCLOS) to that (i) the US is (ii) the Convention specific Arctic con- gresses that the Com- prepared to pursue an international treaty for the protection of the Arctic. The resolution does not address conservation of Arctic fisheries nor the responsibility of industrialised and industrialising countries to protect the Arctic against the effects of climate change. The full text of the resolution is available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0474+0+DOC+XML+V0//EN&language=EN>.



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 any 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: Ilisu 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 Ilisu 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.ilisu-wasserkraftwerk.com>.

(All references written by ATL, unless otherwise noted.)