

REFERENCES TO OTHER TOPICS

ITLOS: Proceedings Concerning Conservation of Swordfish Stocks

The International Tribunal on the Law of the Sea's special chamber has granted a one-year extension (till 1 January, 2010) for the submission of preliminary objections and written pleadings in the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*, Case No. 7 on the Tribunal's current docket. The initial documents of the case allege that the European Community has not complied with UNCLOS requirements in connection with its vessels in the swordfish fishery near Chile. (See *EPL* 38/1–2, p. 108).

CLCS: New Applications for OCS Delimitation

Indonesia, Japan, Suriname and Myanmar have applied to the Commission on the Limits of the Continental Shelf seeking delimitation of the outer boundaries of their national jurisdiction over the seabed. The Republic of Mauritius and the Republic of Seychelles have also applied in a joint submission. The CLCS will begin consideration of these submissions at its twenty-third session in New York in March. http://www.un.org/depts/los/clcs_new/clcs_home.htm. (ATL)

UNEP: Development of Biofuels Standards

UNEP is in the process of obtaining global stakeholder consultation over the first draft of a global sustainability standard for biofuels. Having received preliminary approval from UNEP's Roundtable on Sustainable Biofuels, the proposed standard will be addressed through, *inter alia*, feedback sessions around the world. <http://www.un.org/apps/news/story.asp?NewsID=27690&Cr=biofuel&Cr1>.

UN Human Rights Council: Climate Change

The UN HRC has released a Report on "Human Rights and Climate Change", following last year's adoption of Resolution 7/23 on this subject. A Maldives-led initiative produced this report, which outlines the ways in which climate imbalances can affect the various components of human lifestyles: rights to food, health, housing, water, work and other economic, social and cultural rights.

Norway: Fisheries Directorate Realigns Whaling Quotas

The Norwegian Fisheries Directorate has launched a new whaling management programme, through which it has lowered its whaling quota by 16% below the quota set in 2006, and adopted a rule that unused quotas can no longer be transferred from one year to another. This adjustment may have been based on lower catch statistics in the last few years. Whalers subject to the quota attribute this drop to a variety of factors. http://www.fisheries.no/marine_stocks/mammals/whales/marine_stocks_mammals_whaling.htm. (ATL)

Impact of Eco-Taxes

A recent study by the Center for International Climate and Environmental Research – Oslo (CICERO) examines the nature and functioning of taxes adopted to promote environmental objectives. While concluding that eco-taxes are valuable, if not essential, to the achievement of climate targets, the study's primary conclusion focuses on the need to broaden public understanding of how these taxes work. More information at steffen.kalbekken@cicero.uio.no.

Bolivian President: Climate Change linked to Capitalism

An letter (in English) attributed to Bolivia's firebrand president, Evo Morales Ayma, entitled: "Climate Change: Save the Planet from Capitalism" has been circulating over the internet, unofficially posted on many blogs (see, e.g., <http://www.commoner.org.uk/N13/03-Morales.pdf>). Although its provenance is not established, this letter is similar in tone to President Ayma's recent comments on this topic in UN sessions (<http://www.un.org/ga/63/general-debate/bolivia.shtml>). Claiming that capitalism is incapable of regulating either the global financial system or greenhouse gas

emissions, he recommends attacking the structural causes of climate change through alternative financial measures, such as: (i) creating an Integrated Financial Mechanism to address ecological debt, (ii) placing relevant innovations in the public domain, (iii) promoting greater public participation, and (iv) subjecting financial organisations to oversight by a World Environment and Climate Change Organisation.

FAO:

– New Negotiations to Combat Illegal Fishing

Informal talks have laid the "groundwork for negotiation of a binding agreement to combat illegal fishing". Current discussions of an agreement on "port state measures" aim to "close ports to ships involved in illegal, unreported and unregulated (IUU) fishing". If this Instrument is adopted, fishing vessels that wish to land will be required to request permission from specially designated ports ahead of time, transmitting information on their activities and the fish they have on board, giving port authorities an opportunity to assess and detect possible problems prior to docking. The date to finalise this agreement has not yet been set. <http://www.fao.org/news/story/en/item/9998/icode/>.

– New Guidelines on Seabird Protection

At a recent expert consultation in Bergen, Norway, the FAO adopted new guidelines for implementation of the International Plan of Action (IPOA) on reducing seabird mortality. http://www.fao.org/fi/oldsite/eims_search/1_dett.asp?calling=simple_s_result&lang=en&pub_id=251169.

TEEB Continues

The second phase of "The Economics of Ecosystems and Biodiversity (TEEB)" initiative began with the establishment of a co-ordinating Secretariat on the UN Campus in Bonn. The Secretariat will be directed by Pavan Sukhdev, who will work together with participating institutions including Harvard, Liverpool and Bombay Universities, the London School of Economics, the European Environment Agency and OECD. It will continue the development of an international study on the economic aspects of biological diversity. See an outline of TEEB-2 objectives: http://www.bmu.de/files/pdfs/allgemein/application/pdf/teeb_phase2_hg_en.pdf. (ATL)

EU:

– Pesticide Legislation

Following submission of the general update on EU law (page 68), the European Parliament approved new pesticides legislation that will increase the number of pesticides that may be sold in EU Member States, while controlling the ingredients and additives that may be included in these products. EU sources also indicate that additional measures will be introduced this session to promote safer use of pesticides by consumers (adopted 13 January 2009).

– Resolution on Arctic Governance

The European Parliament has adopted a new resolution on Arctic governance. It emphasises environmental and social questions, citing concerns about climate change, the importance of polar ecosystems, and the importance of maintaining the area as an "area of low tension", but also links the EU's Northern Dimension policy, while calling for a stand-alone Arctic Policy and raises the spectre of security concerns that may arise through competition for Arctic natural resources. More specifically, it calls on the IMO to give special attention to the application of "international safety rules" to Arctic areas.

UK: 'Mega-MPA' Proposed for Indian Ocean Territory

The Royal Society in London has unveiled an ambitious plan to preserve the ocean habitats of the Chagos Archipelago in the Indian Ocean. The plan proposes the creation of a marine reserve on the scale of the Great Barrier Reef or the Galapagos. The Archipelago has been a topic of controversy since the 1960s and 70s, when the British government forcibly evicted all of the islands' inhabitants at the request of the US Military, in connection with the establishment of a strategic military base on Diego Garcia Island.

Four decades of practically no human habitation has enhanced the archipelago's marine biodiversity, which is currently described as "pristine coral atolls, unpolluted waters, rare bird colonies and burgeoning turtle populations". The plan is supported by the Chagos Conservation Trust, the RSPB, the Zoological Society and the Pew Environmental Group. Continuing legal challenges to the resettlement pose a potential challenge to the plan, given their proposals to allow the resettled islanders to return to the islands, construct a small airport and promote environmentally sustainable tourism. The case may ultimately be heard by the European Court of Human Rights.

NATO Seminar on the High North

In addition to recent developments in the US, EU and Russia regarding the Arctic; NATO and the Government of Iceland organized a joint seminar at the end of January titled: "Security Prospects in the High North". Acknowledging that changes in the region will have a broad impact on international affairs, the seminar included sessions on current strategic challenges, a look into the future, and options for closer cooperation. Addressing the seminar, NATO Secretary General, Japp de Hoop Scheffer said: "we are here today, not in response to a specific threat, but in response to a change, and with a view to developing a better understanding of that change". A Press release, as well as the seminar Programme have been posted online at: <http://www.nato.int/docu/update/2009/01-january/e0128a.html>. (ATL)

US:

– Global Warming Lawsuit Settled

A federal lawsuit filed in 2003 by Friends of the Earth, Greenpeace and the city of Boulder, Colorado against the USA's Export-Import Bank and its Overseas Private Investment Corporation has been settled, by a court-recognised agreement under which the federal institutions will (i) take carbon dioxide emissions into account in choosing aid projects, (ii) establish policies and strategies for reduction of greenhouse gas emissions associated with projects and (iii) commit to increasing financing for renewable energy. The original lawsuit (*See Friends of the Earth, Inc., et al. v. Spinelli, et al.*, filed in Colorado) in 2002, alleged that the two agencies had illegally provided more than US\$32 billion in financing and insurance to fossil fuel projects without assessing the projects' impact on global warming as required under the National Environmental Policy Act (NEPA). It claimed that these projects' cumulative emissions amounted to nearly eight percent of the world's annual carbon dioxide emissions.

– California Increases Efforts to Banish Invasive Species

California officials in the state's Department of Food and Agriculture have recognised invasive species control as a governmental priority, noting that "One of the greatest challenges to human health, to our environment and to our food supply comes from invasive species. As our borders open up to more inter-national trade, we have to be on top alert". The state recognises that alien insects and plants have caused at least US\$138 billion in losses nationwide each year to agriculture, power and water delivery systems and forests. The CDFA will increase coordination with the California Department of Fish & Game,



Gypsy moth (*Lymantria dispar*), female (left) and male (right)

Courtesy: DNR, US

to maximise coverage of protection against both terrestrial and aquatic invasives. More details available from CDFA's website: http://www.cdca.ca.gov/invasives/files/EstablishInvasiveSpecies-Council_02.09.09.pdf.

Russia: Northern Sea Route

Recent reports suggest that Russia is poised to release a new law governing the use and protection of the Northern Sea



Courtesy: Wikipedia

Route (NSR). In meeting the policy objectives of opening the NSR, the following points are expected to be covered: i) defining the route and its boundaries, ii) setting basic requirements for the use of the route, *i.e.*, navigation, pollution/environmental protection, iii) inspection and enforcement authority regarding pollution control, iv) defining the authority to charge for maintenance of the route. A short newspaper report from the Barents Observer is online at: <http://www.barentsobserver.com/?id=4557561&language=en>. (ATL)

India: Traditional-knowledge Registry

The government of India has created the world's first functioning registry of traditional knowledge, called the Traditional Knowledge Digital Library (TKDL). This database will be broadly available, including to the Patent Examiners at the European Patent Office (EPO). Paradoxically, the establishment of this database is designed to protect traditional knowledge from patent "piracy" – the use of traditional knowledge in commercial products, without payment of any benefits to the original holders of such knowledge, who have preserved their traditions through the centuries. Such patents have sometimes prevented the traditional knowledge holder from commercialising the knowledge themselves. The database is supposed to prove that the traditional knowledge is "prior art" – pre-existing at the time that future patents are sought. In EU patent law, no patent may be granted on "prior art". Globally, the traditional-knowledge issue is closely linked to the development of the international regime on Access to Genetic Resources and Benefit Sharing. See <http://www.tkdil.res.in/tkdil/langdefault/common/home.asp?GL=Eng>.

Australia: Continued Opposition to Whaling?

Responding to recent media reports that Canberra worked together with other IWC contracting parties to reach a compromise allowing Japan to continue whaling under certain conditions; Australia's Minister for the Environment, Peter Garret, further reiterated the country's strong opposition to commercial and 'scientific whaling' as previously stated during the International Whaling Commission's 60th Annual Meeting (see report on the meeting in *EPL* 38/5 p. 251). The Sydney Morning Herald reported that a drafting group reached agreement on a text to potentially allow Japan to continue to catch a certain number of minke whale within its EEZ, as well as in the North Pacific. In return, Japan would be obligated to abstain from whaling for scientific purposes in the Southern Ocean or accept whaling quotas in the South Pacific. The text is expected to be debated publicly in March at a meeting in Rome. A vote on the provision of the agreement could take place at the 61st Annual Meeting in Madeira. The news story can be accessed from the AP at: <http://www.theage.com.au/national/secret-japan-deal-to-trade-whale-kills-20090126-7q09.html>. (ATL)

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