

USA

Richard L. Ottinger Receives 2009 US EPA Award

Member of the International Council of Environmental Law and the International Union for Conservation of Nature Commission on Environmental Law, Richard L. Ottinger was awarded the 2009 Environmental Quality Award in recognition of his many notable contributions to the environment. Elected in 1965, he served 16 years as a member of the US House of Representatives where he authored a substantial body of environmental laws. Later, as chairman of the Energy Conservation and Power Subcommittee, Energy and Commerce Committee, he was instrumental in adopting key energy and environmental legislation. Upon retirement from Congress in 1984, he became professor and later Dean at Pace University Law School where he also co-directed the Centre for Environmental Legal Studies and started the Energy and Climate Centre.



REFERENCES TO OTHER TOPICS

UNCCD COP Meets in Buenos Aires

As this issue goes to press, the UN Convention to Combat Desertification is holding its 9th COP. Its agenda focuses on strategic planning, especially the 10-year strategic plan and framework to enhance the implementation of the Convention (2008–2018), adopted at COP-8, with particular attention to the relevant elements of the recent report of the UN Joint Inspection Unit (*EPL*, 39/3, p. 130). It will also consider matters relative to funding and resource mobilisation. A report on its outcomes and decisions will be included in *EPL*, 39/6.

Beyond the 2010 Targets

As the 2010 deadline set by the World Summit on Sustainable Development (WSSD) looms, many organisations and countries are focusing on evaluation of progress, a daunting task given the delay experienced in identifying indicators to support such evaluation. The UNEP-World Conservation Monitoring Centre, in conjunction with the Convention on Biological Diversity, has already moved beyond the current evaluation questions, holding a meeting "to review the use and effectiveness of the 2010 biodiversity indicators and to consider the implications for the development of post-2010 targets and indicators". Sponsored by the UK government, the meeting documents are available online at <http://www.cbd.int/doc/?meeting=EMIND-02>.

UNDESA/UNDOALOS Address Ocean Acidification

In September, a combined effort by the UN Department of Economic and Social Affairs (UNDESA), the UN Division for Ocean Affairs and the Law of the Sea (UNDOALOS) and the UN Foundation, brought together an Expert Panel on Ocean Acidification. The meeting focused on awareness raising and identifying options to avoid the adverse impacts of ocean acidification on marine life and ecosystems. Its process and outcomes are reviewable online at <http://www.iisd.ca/ymb/oceans/epoa/>.

Report Now Available from the Commission on the Measurement of Economic Performance and Social Progress

Created on the initiative of the French Government, this international commission began its work in 2008, with the mandate to identify the limits of GDP as an indicator of economic performance and social progress; to consider additional information required for the production of a more relevant picture; to discuss how to present this information in the most appropriate way; and to check the feasibility of measurement tools proposed by the Commission. The Commission was chaired by Joseph Stiglitz, Amartya Sen and Jean-Paul Fitoussi. Its report, available online at <http://www.stiglitz-sen-fitoussi.fr/en/index.htm>, offers many very useful insights and statistics, including significant recommendations on the development and application of indicators of environmental sustainability.

UNFF Consultations on SFM

Following similar efforts in UNFF-8, the United Nations Forum on Forests (UNFF) held a series of informal consultations on sustainable forest management (SFM) this September. The discussions were facilitated by Chairs Hans Hoogeveen (the Netherlands) and Boen Purnama (Indonesia). The discussions focused on a draft negotiating text that is available online at http://www.un.org/esa/forests/pdf/session_documents/CoFacilitators_negotiating%20text%20on%20MOI-SFM%20informal%20consultations.pdf.

World Energy Forum

Global awareness of energy as a key driver of climate change and other environmental challenges has been aired at the recent World Energy Forum, held at UN Headquarters from 31 August–1 September 2009. The meeting recognised the very different situations of countries regarding energy for everyday functions, noting that while some countries are still focused on universal

access to electrical power, others are already in the position of revising technologies to enable them to move away from excessive use of such power. Other key energy issues include energy policy, environmental industry, land-use and transportation policy, legislative issues, R&D strategy, and agricultural and maritime policy, again representing highly varied conditions around the globe. Information about the conference is available online at http://www.un.org/esa/dsd/dsd_aofw_ene/ene_pdfs/TheChallengeofEnergyAccessWorldEnergyConference09.pdf.

Mercury Preparations

UNEP is in the process of converting its Open-Ended Working Group on Mercury (OEWG) into a forerunner of or support for the intergovernmental negotiating committee (INC) on mercury scheduled to convene from 19–23 October 2009, in Bangkok, Thailand. It has prepared a number of documents relevant to that conversion, which can be found online at <http://www.chem.unep.ch/MERCURY/WGprep.1/Documents.htm>.

Economies and Development

In a report prepared for the upcoming G-20 meeting, the World Bank reports that 43 low-income developing countries are still suffering the consequences of the global recession, leaving 89 million more people in extreme poverty – living on less than US\$ 1.25 a day – by the end of 2010. The global recession has also put at risk US\$ 11.6 billion of core social and environmental spending in the most vulnerable countries (see the World Bank paper at <http://siteresources.worldbank.org/NEWS/Resources/WorldBankG20PaperonLICsSept2009.pdf>).

Staff Changes at UNDOALOS

In June, Serguei Tarassenko was appointed to the post of Director, Division for Ocean Affairs and the Law of the Sea. S. Tarassenko has served in the Legal Division and was recently Secretary to the UN Committee on Relations with the Host Country.

Ramsar Convention: New Sites Designated

The Ramsar Convention reports that four of its members have designated new “Wetlands of International Importance”. Chile has listed two high-altitude areas centred on saline lakes that are important for Western Hemisphere migratory birds and also support populations of mammals. Kazakhstan named two arid steppe lake systems in the Kostanay Oblast. The United Kingdom has designated two large marine areas in its Overseas Territory – St Helena, Tristan da Cunha, centring on Gough Island and Inaccessible Island respectively. China designated Hangzhou Xixi Wetlands, an important site for nine threatened species of birds (see http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-26_4000_0_).

IRENA: Intergovernmental Prep-Com 2

In its 2nd session, the Preparatory Commission working for the practical implementation of the International Renewable Energy Agency (see *EPL*, 39/1, p. 61), agreed to the earlier proposal of Abu Dhabi (UAE) as its headquarters, recognised other contributing offices in Bonn (Germany) and Vienna (Austria), and announced the selection of H el ene Pelosse, currently Deputy Head of Staff in the Private Office of the French Minister for Ecology, Energy, Sustainable Development, and Town and Country Planning as its first Interim-Director General. The international instrument creating IRENA will formally enter into force when 25 countries (it has 136 signatories) have ratified or acceded to the instrument. In the interim, in addition to the work of its Preparatory Commission, IRENA will be moving ahead with its work programme, for which it has already obtained substantial funding (see www.irena.org).

MSP-19: Allocation of Seats

The 19th Meeting of States Parties to the Convention on the Law of the Sea has finally resolved long-standing discussions over the allocation of the 21 seats on each of the International Tribunal and the Commission on the Limits of the Continental Shelf. Fixed allocation of 20 of the seats shall be: African Group: five members; Asian Group: five members; Latin America/Caribbean Group: four members; Eastern European Group: three members; Western Europe and other States: three members. The 21st member shall come from one of the following groups: African States, Asian and the Group of Western European and other States. (ATL)

Assessing the Success of WCD

As new sustainability draft criteria and guidelines are being developed by the International Hydropower Association, a paper entitled *Lessons learned from the World Commission on Dams* has been published, evaluating the level of impact that the WCD guidelines have had over the decade since their completion. The paper can be found online at: <http://ideas.repec.org/a/spr/ieap/v9y2009i2p173-190.html>. (ATL)

CMS: Change in Leadership

Robert Hepworth has left the position of Executive Secretary of CMS and Elizabeth Mrema, Principal Legal Officer of UNEP has taken up the task of Acting Officer-in-Charge until a replacement is found. Additionally, Lahcen El-Kabiri has left the position of Deputy Executive Secretary of CMS to take up a new function as Head of the Secretariat of the new Agreements on birds of prey and dugongs in Abu Dhabi (UAE). Bert Lenten, Executive Secretary of the African-Eurasian Migratory Waterbird Agreement (AEWA) Secretariat will serve as Acting Deputy ES for the present. (ATL)

EU:

– Former Polish Prime Minister Elected President of Parliament

The European Parliament has elected Jerzy Buzek, former Prime Minister and Member of the Polish Parliament from 1997–2001 as its President. This is the first time the president has come from among the Central and Eastern European Member States that were added to the EU in the 2004 enlargement. Buzek is also co-founder of the Polish-German Science Network for Energy and Environment Protection and founder of the Consortium for Atmospheric Protection in Silesia. In a brief address, he said “There is now no ‘you’ and ‘us’: we live in a shared Europe”. (ATL)



Courtesy: EU

– Strategy on Avian Influenza

This September, the EU unveiled five “working documents” which together form a strategy to aid Member States in responding to avian influenza, as Europe enters its autumn flu season. A partnership between the Commission and the European pharmaceutical industry is actively focused on increasing research and development of medicines for this and other infectious diseases. The five key documents, addressing vaccines, vaccinations, procurement, communication and foreign assistance are available online at: http://ec.europa.eu/health/ph_threats/com/Influenza/docs/.

– Development Assistance Regarding Climate Change

A new European Commission blueprint has been released addressing the possible need to “scale up international finance to help developing countries combat climate change”. One stated goal of this document will be “to maximize the chances of concluding an ambitious global climate change agreement at the December UN Climate Conference in Copenhagen”. It notes that “developing countries are likely to face annual costs of around € 100 billion (€ 1 = US\$ 1.45) to mitigate their greenhouse gas emissions and to adapt to the impacts of climate change”, and proposes that industrialised nations and economically more advanced developing countries should provide this public financing in line

with their responsibility for emissions and ability to pay, noting the possibility that the EU contribution could be in the range of € 2–15 billion per year by 2020, if “an ambitious agreement” is reached in Copenhagen. The Commission Document (Stepping up international climate finance: A European blueprint for the Copenhagen deal) is available online at http://www.eu-un.europa.eu/documents/en/090910_COMM_Blueprint_Clim_Chg.pdf.

– Commission gives Provisional Support to Ban on Bluefin Fishing

The European Commission has recently indicated its support for a proposal by Monaco to list the bluefin tuna under CITES Appendix 1, essentially creating a worldwide ban on bluefin fishing. The species has become endangered by overfishing, and is now extremely expensive (“a single fish can fetch up to US\$ 100,000”). The move will not be final until the Commission has concluded intensive consultations with its 27 Member States. See page 205.



Courtesy: Greenpeace

Germany:

– Costs of Lignite Mine Remediation

The German Federal Government recently confirmed that € 8.6 billion had been spent on remediation of surface lignite mines in the Lausitzer and middle-German lignite coal-mining districts prior to 2008. An additional € 780 million will be needed by 2012 to complete the remediation in those areas. The Government estimates that lignite remediation efforts in the states of Brandenburg, Sachsen, Sachsen-Anhalt and Thüringen could cost an additional € 1 billion. (ATL)

– No Revision of German Forest Law

The end of the legislative period before federal elections resulted in the failure of the coalition to move forward with its agreement to amend the German Forest Law. Parties voted against undertaking a revision in the Federal Parliament. (ATL)

Australia: Carbon Emission Trading Scheme Blocked

The Senate recently voted 42 to 30 to stop a bill that would have forced polluters to buy carbon dioxide permits. The measure was expected to cover 75 percent of national emissions, in an attempt to cut the country’s overall greenhouse gas emissions by 5–25 percent below 2000 levels by 2020. Opposed by both environmentalists who thought the measure weak and conservatives who found it oppressive for industry, the measure is expected to be re-submitted later this year. Further information is available online at <http://www.climatechange.gov.au/emissionstrading/index.html>. (ATL)

USA:

– Appellate Court Authorises Greenhouse Gas Lawsuits

The US Court of Appeals (second highest level of federal courts) has issued a decision allowing lawsuits to be brought against the government seeking abatement of activities causing global warming. (*State of Connecticut et al. v. American Electric Power Company Inc. et al.*, 2nd Circuit, decided 21 September

2009). The decision also authorises claims that address both “present and future damages”.

– Court Calls for Biosafety Evaluations

A US Federal District Court Judge has recently issued a ruling rescinding a US Agriculture Department decision to allow the introduction of genetically engineered trait beets and related crops, requiring first an environmental impact statement (US version of an EIA) that assesses the consequences of the spread of the genetically engineered trait to other crops. Two years ago, a similar decision held that the Agriculture Department could not allow the planting of genetically modified alfalfa until it complied with the EIA requirement. As of this date, no EIA has been conducted. The decision, entitled *Centre for Food Safety v. Connor* (N.D. California) is posted online at http://www.earthjustice.org/library/legal_docs/9-21-09-order.pdf.

– Treaty Ratification Proposals

The US State Department has posted the Obama Administration’s “priority list” of treaties which the administration proposes to ratify, including the Law of the Sea and the Emergency/Liability Annex to the Environmental Protocol of the Antarctic Treaty. See www.oceanlaw.org/downloads/2009TreatyPriorityList.pdf. Conspicuously omitted from that list is the Convention on Biological Diversity, signed by President Clinton in 1993. (ATL/TRY)

Iraq Accedes to the CBD

The CBD Secretariat reports that Iraq has become the Convention’s 192nd party, declaring that its decision arises out of its major efforts to restore the Iraqi Marshlands around the confluence of the Tigris and Euphrates rivers – the largest wetland ecosystem in the Middle East, with major environmental, biological and socio-cultural significance (see CBD Press Release at <http://www.cbd.int/doc/press/2009/pr-2009-08-13-iraq-en.pdf>). Few international agreements have achieved or surpassed the level of participation represented by the CBD’s 192-party status, a particular achievement given that the US is not among the CBD’s parties.

National “Cash for Clunkers” Programmes Seeing Some Success

The promotion of national consumerism as an environmental tool (the “green economy”) has begun to see some results, as several countries have developed national “cash for clunkers” programmes of buying old cars, as an encouragement to consumers to purchase newer, less climate-harming vehicles. While the US’s Car Allowance Rebate System (CARS) has been controversial, it has undeniably had a wide impact, resulting in the exchange of nearly 700,000 automobiles, before its limited financing was used up. The Government estimates that each driver saw improvement in his individual fuel economy by an average of 59 percent. Germany has reported its Federal “cash for clunkers programme” to have been a success. It estimates that the exchange of two million automobiles resulted in a 6.9 percent overall decrease in the country’s total CO₂ emissions. (ATL/TRY)

Creation of a New Eastern European Transboundary Biosphere Reserve

In September, Croatia and Hungary formally agreed to establish a Transboundary UNESCO Biosphere Reserve that will protect an important biodiversity area along the Mura, Drava and



Courtesy: UNESCO

Danube rivers. WWF reports that this agreement “paves the way to create Europe’s largest river protection area”. WWF urged Austria, Slovenia and Serbia to join the proposed Biosphere Reserve “to complete this green belt protecting the heart of Europe”.

[All references by TRY unless marked otherwise.]

