

REFERENCES TO OTHER TOPICS

ITLOS:**– Mauritius v. UK: Notification of ITLOS Claim**

In furtherance of the policy planning process described in Peter Sand's article: "The Chagos Archipelago – Footprint of Empire, or World Heritage?" (*EPL* 40/5: 232–242), Mauritius has taken a first step, having served a notification and statement of claim to the United Kingdom that it will seek relief before the UN International Tribunal for the Law of the Sea under UNCLOS Article 287 and Annex VII, Article 1, regarding the legality of the declared Marine Protected Area around the Chagos Archipelago (see <http://chagosrefugeesgroup.net/blog/?p=644>).

– Tribunal President Addresses UNGA

Judge José Luis Jesus presented a review of the Tribunal's work in 2010 to the UN General Assembly. He drew the delegates' attention to three new cases that had been submitted to the Tribunal:

- Case No. 16, the *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal*;
- Case No. 17, a request for an advisory opinion on the *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the area*; and
- Case No. 18, concerning the arrest of the M/V "Louis" (*Saint Vincent and the Grenadines v. Spain*);

and noted the discontinuance of Case No. 6 (*Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean*) at the request of the parties (see www.itlos.org).

Circum-Arctic Monitoring Network

As climate change has an increasing impact on the High Arctic, the EU, along with the Norwegian Research Council, has provided initial funding to establish the Svalbard Integrated Arctic Earth Observing System (SIOS). The archipelago already hosts research infrastructure and the preparatory phase of the project seeks to identify what is lacking in order to establish observation systems for marine, ice, atmospheric and terrestrial systems; alongside establishing frameworks for organisation, administration and funding (see http://www.unis.no/20_RESEARCH/2080_SIAEOS/default.htm).

CSD-19: Preparations

Advance, unedited drafts of the Secretary-General's Background Reports and other documents have been released for the Intergovernmental Preparatory Meeting (IPM) from 28 February to 4 March and CSD-19, 2–13 May 2011 (http://www.un.org/esa/dsd/resources/res_docucsd_19.shtml); a recent UN briefing on preparations for the CSD and Rio+20 is summarised in http://www.un.org/esa/dsd/csd/csd_pdfs/csd-19/Summary-of-CSD-and-IPM-briefing.pdf. (The CSD meeting will be reported in *EPL* 41 (3), preparations for Rio +20 are reported at p. 9).

Aarhus Convention Implementation

A public participation process is currently underway to revise the Implementation Guide of the Aarhus Convention. Following the integration of comments on the draft text, a further round of comments on the polished draft will follow in April. The final text of the revised Implementation Guide will be published in book form following MOP-4, scheduled from 29 June to 1 July 2011 in Chisinau, Moldova. Current draft is available online at: <http://www.unece.org/env/pp/acig.htm>.

Glaciers and Climate Change

A new report compiled by UNEP underlines a general global trend of melting glaciers linked to a warming climate. Amongst the findings, glaciers in Patagonia followed by those in Alaska have been losing overall mass faster and for longer than glaciers in other parts of the world. The third fastest rate of loss is in the northwest US and southwest Canada followed by the Hindu Kush, the Arctic and the Andes. The Report may be downloaded at http://www.grida.no/res/site/file/publications/glacier/himalayareport_screen.pdf.

Falconry: A Living Human Heritage

Decision 5.COM 6.45 of the 5th session of the Intergovernmental Committee of the Convention for the Safeguarding of the Intangible Cultural Heritage officially inscribed falconry on the Representative List of the Intangible Cultural Heritage of Humanity. In satisfying the criteria, falconry is, *inter alia*, "recognized by its community members as part of their cultural heritage, is a social tradition respecting nature and the environment, passed on from generation to generation, and providing them a sense of belonging, continuity and identity". All decisions are available online at: <http://www.unesco.org/culture/ich/doc/src/ITH-10-5.COM-CONF.202-Decisions.doc>.

Whaling: Wikileaks Reveals US/Japan Contact

A diplomatic cable posted on the Wikileaks website reveals dialogue in 2009 between US and Japanese officials regarding Japan's negotiating position in the "Future of the IWC Process". According to the document, representatives discussed the possibility of revoking the Sea Shepherd Conservation Society's tax-exempt status in the US in exchange for more flexibility in negotiations (see <http://www.wikileaks.ch/cable/2009/11/09TOKYO2588.html>).

IMO: Progress with a View to Climate Change

Following UNFCCC/COP-16, an International Maritime Organization (IMO) press release reports that implementation on its work plan to limit or reduce the emissions of greenhouse gases from international shipping has gained ground (<http://www.imo.org/MediaCentre/PressBriefings/Pages/Climate-Change-Conference.aspx>).

Human Plant Consumption

According to new NASA research, humans are using an increasing amount of the Earth's total land production each year for food, fibre, building and packaging materials and biofuels. From 1995 to 2005, global annual plant consumption rose from 20 percent to 25 percent of all plant production in those years. NASA's results are available online at <http://www.nasa.gov/topics/earth/features/carbon-capacity.html>.

Mediterranean Plastic Soup

Following analysis by a team of French and Belgian marine biologists, it is estimated that some 250 billion microscopic pieces of plastic are floating in the Mediterranean Sea, which extrapolates to roughly 500 tons. Samples were taken by volunteers from Expedition MED (Mediterranean in Danger) in July 2010 off the coast of France, northern Italy and Spain to a depth of 10–15 cm. A recent paper describing this analysis is available online at: <http://archimer.ifremer.fr/doc/2009/publication-6952.pdf>.

Italy: No More Plastic Bags

As of 1 January 2011, Italy is enforcing a law banning shopkeepers from handing out plastic bags at shops and retail points. Retailers will be allowed to use their remaining stocks of plastic bags and then will only be allowed to offer paper, biodegradable plastic or cloth bags. In reaction, the trade body European Plastics Converters (EuPC) has lodged a complaint with the European Commission and pledged to fight Italy's ban saying that it violates existing EU packaging legislation, in particular that of the Packaging and Packaging Waste Directive (1994/62/EC).

EU:**– Review of Brussels I**

The European Commission has proposed to review the Brussels I Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, expecting that review to lead to changes of many elements, including the abolition of *exequatur*, choice of court agreements, *lis pendens*, provisional and protective measures, improved access to justice, reconsideration of the arbitration exception, extension of the regulation's jurisdiction rules to third-State defendants and the relation of the new regime to the Lugano Convention. (TRY) ➔

– Developments in Ecosystem Protection

The European Commission reports expansion of its network of protected areas by over 27,000 km² of land and marine area. In a move it describes as “A good day for salmon, otters and beech forests”, 739 areas have been added to Europe’s list of Natura 2000 sites. Read more online at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/18&format=HTML&language=0&language=EN&guiLanguage=en>. (TRY)

– Environment Council

In its 3061st meeting, the Council approved the following items:

- Linking the EU emissions trading scheme with Switzerland;
- Guide prices and Community producer prices for 2011 for certain fishery products;
- EU-Seychelles partnership agreement – allocation of fishing opportunities;
- Packaging of food – purity criteria for colours used in food.

The Council also adopted conclusions on:

- “Improving environmental policy instruments”; and
- “[CBD]: Outcome of and follow-up to the Nagoya Conference”.

Following debate, Ministers *inter alia* reached a political agreement on revised EU rules concerning biocidal products and requested that the Commission draft the 7th Environmental Action Programme (7EAP). See press release at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/envir/118652.pdf.

– High North Policy Coalescing

In a resolution titled: “A sustainable EU policy for the High North” (P7_TA-PROV(2011)0024), the European Parliament responded to the increasing stake of the EU in the Arctic through its Arctic member States (Denmark, Sweden and Finland), while recognising the on-going work in several other partnerships.



Considering the contribution that the EU and its Member States are making through research and funding, as well as the impact of respective legislation on the environment, climate and fisheries, it is concluded that the EU requires a structure to ensure a coherent, coordinated and integrated policy approach. The text of the decision is available online at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0024+0+DOC+XML+V0//EN&language=EN>.

– Emission Trading

On 19 January, following discovery that a computer hacker had stolen Czech emission certificates, the European Community decided to completely halt all trading of climate-related emission certificates. Later, on the 24th, new criteria were adopted, which have already been instituted by five countries (Germany, France, Netherlands, Slovakia and Great Britain), which have been authorised to restart their emission-trading systems as of 5 February 2011. (TRY)

OECD on Chemicals

The eChemPortal of the OECD, offering comprehensive information on chemical substances, has been updated to provide better access to a wider range of data. In addition to allowing users to base data searches on chemical identity, it also provides

for new searches based on certain properties or effects, such as physical chemical properties, environmental fate and behaviour, ecotoxicity and toxicity (http://www.echemportal.org/echemportal/index?pageID=0&request_locale=en).

UNEP/GEF Portfolio

In a letter dated 25 January 2011 (<http://www.unep.org/dgef/>), UNEP Executive Director Achim Steiner announced a new model for its delivery of GEF financed projects. Integrating the function of UNEP’s Division of Global Environment Facility (responsible for UNEP’s Implementing Agency functions under the GEF) across UNEP. Furthermore, UNEP’s GEF Coordination Office will be attached to the Executive Office to ensure oversight, coherence and coordination.

Germany:

– Environmental Awareness

The President of the Federal Environment Agency recently released the results of a March/April 2010 survey showing that environmental awareness throughout the country is quite high, but also noting that 62 percent of all respondents answered that the government was not doing enough to combat climate change, 89 percent thought that industry was not doing enough, 85 percent believed that a shift to renewable energy was necessary and 71 percent believed that the health of their children and grandchildren would be burdened by environmental problems (<http://www.uba.de/uba-info-medien/4045.html>).

– Patents on Living Organisms

All five party groups of the German Federal Parliament have issued a common statement that they are against the patenting of animals and plants, including through breeding. Necessary measures will now be taken to codify this precisely in existing law. (WEB)

USA:

– Support to UN/DRIP

During the 2nd Annual White House Tribal Nations Conference, President Obama announced that the US would support the United Nations Declaration on the Rights of Indigenous Peoples (UN/DRIP). The statement is contained in Section III. 2 of a recent US State Department announcement entitled: “Protection of Native American Lands and the Environment, and Redress” (<http://www.state.gov/s/srgia/154553.htm>).

– Wilderness Management Guidance Reinstated

The Secretary of the Interior has restored the Bureau of Land Management’s (BLM) national wilderness policy. The wilderness management guidance in the agency’s handbook was revoked in 2003 as part of a controversial out-of-court settlement between the then-Secretary of the Interior, the State of Utah, and other parties. Secretarial Order 3310 directs the BLM, based on input of the public and local communities through its existing land management planning process, to designate appropriate areas with wilderness characteristics under its jurisdiction as “Wild Lands” and to manage them to protect their wilderness values (http://www.blm.gov/wo/st/en/info/newsroom/2010/december/NR_12_23_2010.html).

– Polar Bears and Oil Development

A non-profit organisation known as the Center for Biological Diversity (<http://www.biologicaldiversity.org/>) formally submitted the mandatory “60-days Notice of Intent to Sue” under the US Endangered Species Act, stating that it intends to sue the Department of the Interior (DOI) for violating its own final ruling designating 187,157 square miles of Alaska’s North Slope as critical polar bear habitat. The notification asserts that DOI continues to authorise offshore oil and gas leasing, exploration and development activities, even after that rule became effective on January 6. The full notice is posted online at <http://thehill.com/images/stories/blogs/energy/polarlawsuit.pdf>. In a separate notice seeking entirely different and possibly inconsistent relief, a coalition of Alaska native groups led by the Arctic Slope Regional Corporation submitted a notice opposing the original designation, contending that the DOI ignored their concerns when it made the decision to protect the area.

(All References ATL, unless noted otherwise)

