

enough parties to enter into force. The EU position at CITES conferences is therefore represented by the Member States (acting jointly from a position established by the Council).

10 Forest reproductive material is for example seeds, seedlings, transplants and other forms of regenerative material that are intended for the establishment of new forest stands (Section 7, para. 3).

11 Further information about the requirements regarding plant passports are found in SJVFS 2010:13, Section 7 and Appendix 7.

12 With the exception of the word *invasive*; the former provision in the ordinance referred to the species as *foreign*, but the government decided that the term *invasive* better reflected the aim of the provision.

13 Provisions in the Forestry Act, or regulations with support of the Act, may however (explicitly) not be at odds with the rules on biotope protection in the Environmental Code, or regulations issued with support of Chapter 7 or 8 in the Code (Chapter 4, the Forestry Act).

14 Given that authorities today cannot within existing means distribute resources to work on invasive species, the strategy includes three suggestions for action: a lowest level (18.5 million SEK/year); a recommended medium level that includes monitoring, preventative measures, and control and extermination of established species (113.5 million SEK/year); and a highest level based on the highest cost estimate for monitoring, prevention and extermination of ten established species (747 million SEK/year) (EPA 2008).

15 Risk analysis is typically defined as a process consisting of risk or hazard

identification, risk and probability evaluation including data collection, and finally risk management to prevent or limit risks. Risk analysis is supported by monitoring and follow-up as well as risk communication throughout the process (CBM 2004, EPA 2008). Risk analysis procedures exist for instance with regard to living animals in international trade through the IUCN/SSC Invasive Species Specialist Group (EPA 2008).

16 Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

17 Commission Decision of 13 February 2006 requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (the Pine wood nematode).

18 See e.g., Commission Decision 2009/993/EU according to which Portugal must make sure that the conditions for handling susceptible material are met, and apply a maximum feasible level of official control when susceptible materials leave the demarcated areas. Portugal must also submit reports on the results to the Commission on a weekly basis.

19 For wind turbine installations, legal standards are sometimes set for attributes such as the size of the turbines, permissible noise level, distance to nearest buildings and roads etc. Since most of the environmental impacts of land-based wind power are known, predictable and limited to the immediate area surrounding the installation it is often considered sufficient to have in place legal standards (see e.g., Pettersson 2008).



## Erratum

**Kenya: Participatory Natural Resource Management – Policy and Institutional Framework – (Parts I and II)**  
by Matiku Paul Museng'ya, Mileri Caleb and Ogol Calestus  
[EPL 41(4–5) 2011, pp. 232–239] and [EPL 41(6) 2011, pp. 292–298]

The names of Matiku Paul Museng'ya, Mileri Caleb and Ogol Calestus were incorrect. The correct authors' names are: Paul Museng'ya Matiku, Caleb Mireri, and Callistus Ogol.

## REFERENCES TO OTHER TOPICS

### UN: Year of Energy for All

UN Secretary-General Ban Ki-Moon reports that 2012 has been dubbed the UN's International Year of Energy for All, in keeping with Ban's Sustainable Energy for All Initiative, toward achievement of three objectives (universal access to modern energy services to all the people around the world; doubling the rate in improvement of energy efficiency; and doubling the share of renewable energy in the global energy mix) by 2030. See UN Press Release "UN urges achieving sustainable energy for all as International Year kicks off" online at: <http://www.un.org/apps/news/story.asp?NewsID=40951&Cr=energy&Cr1=>. (TRY)

### UN/DOALOS Calls for Support

In a letter dated 3 January, Sergei Tarassenko, Director, United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS), urged addressees to consider contributing to the Voluntary Trust Fund for the purpose of supporting the operations of the first five-year cycle of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects. See UN Res. 66/231, reported in this issue at p. 2.

### UNEP Ecosystem Management Programme

The United Nations Environment Programme (UNEP) and the Chinese Academy of Sciences (CAS) have launched a joint programme seeking to present a synthesis of all elements of the science of ecosystem management for government decision makers. Recent papers: <http://www.unep.org/ecosystemmanagement/IEMP/Policypapers/tabid/55732/Default.aspx>.

### CBD:

#### – Nagoya Protocol: First Ratification

Jordan has become the first State to ratify the CBD's Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization. Thereafter, Gabon deposited its instrument of acceptance, and

will become the second Party to the Protocol, should it enter into force. As of 27 January, the Protocol has received 81 signatures since its October 2010 adoption. It opened for signature on 11 February, 2011 and will enter into force 90 days after the UN receives deposit of its 50<sup>th</sup> ratification. (TRY)

#### – Nagoya: Kuala Lumpur Supplementary Protocol on Liability and Redress

The CBD reports that its new Sub-protocol (on liability and redress) to the Cartagena Protocol on Biosafety has received its first ratification (Latvia). Also adopted in October 2010, the Sub-protocol has garnered 41 signatures up to 27 January, but will not enter into force until the 90<sup>th</sup> day following deposit of its 40<sup>th</sup> ratification. (TRY)

#### Kyoto Protocol: Canadian Withdrawal

Canada, after numerous publicly stated claims that the Kyoto Protocol is unworkable, became the first state to formally withdraw from the Protocol on 15 December, 2011 and becoming effective on 15 December, 2012 (see UN Document: C.N.796.2011.TREATIES-1). Renegotiation of a new Protocol which will succeed the Kyoto Protocol upon its extended expiration in 2017 is currently being discussed (see page 15, this issue). (TRY)

#### International Court of Justice: *Nicaragua v. Costa Rica*

Nicaragua has formally instituted proceedings against Costa Rica with regard to alleged "violations of Nicaraguan sovereignty and major environmental damages to its territory", in the form of major construction works which allegedly "threaten to destroy the San Juan de Nicaragua River and its fragile ecosystem, including the adjacent biosphere reserves and internationally protected wetlands that depend upon the clean and uninterrupted flow of the River". The case is joined, factually and legally, to the on-going case filed in 2010, *Costa Rica v. Nicaragua*, reported in EPL 41(2), at page 66 and 41(3), pages 150–151. (TRY) ➔

**WTO:****– Tuna-Dolphin Panel Report**

The WTO has set the date and agenda for the next meeting of its Dispute Settlement Body (DSB), and its agenda includes consideration of the Panel Report on Mexico's case against the US, regarding "Measures concerning the importation, marketing



*Tursiops truncatus*

Courtesy: Ulrike Kirsch

and sale of tuna and tuna products". The case is important in light of its analysis of the US's purported conservation measure ("dolphin-safe tuna") as constituting a "technical barrier to trade". DSB agenda: [http://www.wto.org/english/news\\_e/news12\\_e/dsb\\_agenda\\_20jan12\\_e.doc](http://www.wto.org/english/news_e/news12_e/dsb_agenda_20jan12_e.doc). For a summary of the tuna case, see: [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds381\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm). (TRY)

**– Renewable Energy Generation Panel**

The first meeting of the WTO Panel addressing the dispute "Canada – Certain Measures Affecting the Renewable Energy Generation Sector" (complaint filed by Japan) will be opened to a limited number of members of the public, via closed circuit television broadcast, viewable only in Geneva, "at the request of parties to the dispute". The case alleges that Canadian regulations on sources from which it purchases energy have an undue impact on Japan's ability to sell alternative energy generation technologies in Canada. Summary of the case: [http://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds412\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds412_e.htm). For press release regarding public sessions, see: [http://www.wto.org/english/news\\_e/news12\\_e/hear\\_ds412\\_16jan12\\_e.htm](http://www.wto.org/english/news_e/news12_e/hear_ds412_16jan12_e.htm). (TRY)

**IMO Assembly: Marine Safety**

The 27<sup>th</sup> IMO Assembly adopted a new strategic plan and a number of other more direct action plans to address a wide range of marine safety issues, including the impact of global shipping activities on the environment, the need to reduce atmospheric pollution and the need to address climate change. Documents on these matters are available to members, and listed for non-members, on the organisation's website at: <http://www.imo.org/MediaCentre/PressBriefings/Pages/62-A27-ends.aspx>. (TRY)

**ASEAN: The Judiciary and Environment**

At its recent roundtable meeting in Jakarta, Indonesia, Chief Justices and senior judiciary from the Association of Southeast Asian Nations (ASEAN) reached agreement on a common vision on the role of the judiciary in tackling regional environmental challenges, such as deforestation and illegal logging, the illicit trade in wildlife, pollution and the destruction of coral reefs. Press release, see: <http://beta.adb.org/news/asean-justices-reach-common-vision-environment>.

**EU: Danish Presidency Priorities**

In the interest of adopting a much more ambitious approach to green growth during its presidency, Denmark has chosen "A green Europe" as the third of its four priorities. Among its law-related initiatives, it will undertake to secure funding for the LIFE+ initiative for the period 2014–2020, propose regulations on the removal of shipwrecks, revise current rules governing the sulphur content of marine fuel, revise current rules governing release of genetically modified organisms (GMOs), and propose the structure and content of the EU's next Environmental Action Programme.

**European Forest Database**

The UN has launched a new web-based tool, based on the report *State of Europe's Forests 2011*, to provide an up-to-

date description of the status and trends of forests and forest management. See: <http://w3.unece.org/pxweb/>.

**Impact of Biofuel Production**

In a report entitled "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project", the international Land Commission has determined that in the first decade of this century, more than 40 million hectares of land in developing countries has been the subject of large land acquisition for biofuel production. This amounted to more than 20 percent of lands in all such transactions. It has been claimed that the diversion of agricultural land to biofuel production is one cause of the recent food shortages and the rise of food insecurity in developing countries. For synthesis and links to full report, see: <http://www.landcoalition.org/cpl/CPL-synthesis-report>. (TRY)

**Tiger Conservation**

InterPol, in conjunction with the World Bank and other partners, has launched *Project Predator*, an initiative to protect and save the world's last surviving wild tigers by uniting the efforts of police, customs and wildlife officials in the 13 States in Asia with wild tigers. For more information see: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-PREDATOR>.

**IUCN: Red List Publications**

IUCN has announced the completion of three new European Red Lists – which include (as at least threatened with extinction) 44 percent of all freshwater molluscs, 20 percent of the terrestrial molluscs assessed, 37 percent of all freshwater fishes, and more than 460 vascular plant species. Individual assessments are available at: <http://www.iucnredlist.org/initiatives/europe/publications>.

**Ecuador: Chevron Ruling**

Further to the 14 February 2011 decision, finding Chevron Texaco guilty of deliberately dumping 18.5 billion gallons of toxic waste in the Amazon, the Ecuadorian Court has added to its original award of US\$8.6 billion in punitive damages, increasing the penalty to US\$18 billion owing to the company's failure to publicly apologise as required in the judgment (*Maria Aguinda and others v. ChevronTexaco Corporation*). Chevron is reportedly considering further action in the Permanent Court of Arbitration in The Hague. For more information, see: <http://www.chevron.com/ecuador/> and <http://chevrontoxico.com/>.

**Germany:****– Fulfilling Kyoto Commitment**

According to the "National Inventory Report 2012" (*Nationaler Inventarbericht 2012*) from the Federal Environment Agency, Germany reduced its greenhouse gas emissions (GHGs) in 2010 by 25 percent as compared to 1990 levels equating to reductions of more than 295 million tons of carbon dioxide per year. This is nearly two-thirds of the way to meeting the commitment to reduce GHG emissions by 40 percent by 2020. The report is available at: [http://cdr.eionet.europa.eu/de/eu/ghgmm/envtw7blw/2012\\_01\\_12\\_NIR\\_2012\\_EU-Submission\\_deutsch.pdf](http://cdr.eionet.europa.eu/de/eu/ghgmm/envtw7blw/2012_01_12_NIR_2012_EU-Submission_deutsch.pdf).

**– Arctic Motion Dropped**

A motion in the Committee for Environment, Nature Conservation and Nuclear Safety calling for immediate negotiation of a Treaty for the Conservation of the Arctic similar to the Antarctic Treaty was recently declined (Drucksache 17/7987). The motion would have sought acknowledgement by the Federal Government that conservation of the Arctic was a higher priority than economic profits; recommended engagement in new and implementation of existing multilateral conservation initiatives; participation in the development of an ambitious "Polar Code" within the framework of the International Maritime Organization (IMO); and to provide additional guidance to the Arctic Council.

**Kenya: Community Displacement Alleged**

National and international news media report that the Samburu community has appealed to the Centre for International Human Rights Law and Advocacy (CIHRA) to address their allegation that the African Wildlife Foundation, The Nature Conservancy, and the Kenya Wildlife Service among others have evicted approximately 3000 families from their towns in Laikipia East District for the purposes of creating a 17,000-acre national park.

Unless otherwise marked, all references by ATL

