

ineffective. Therefore, in the future, the legal system should be integrated into an eco-compensation or trade system, accomplishing the task of emission reduction through government compensation or allowing the regions or enterprises that have not achieved their emission reduction targets to fund carbon sinks. The law should formulate the procedure for calculating and identifying forest carbon sinks, and link it with the cap-and-trade system.

### Promoting More Environmentally Friendly Construction

A resources-saving and intensive-utilization society considers infrastructure and construction as long-term resources, which make shelter and transportation with higher resource consumption (buildings, infrastructure and so on) long-term resources which can be sustainably used by future generations. This will not only help to improve the level of welfare, but also avoid excessive resource consumption and increasing GHG emissions resulting from the present mode of infrastructure and building construction in China. To promote the transition to a resource-saving and intensive-utilization society, it will be essential to apply stricter evaluation procedures to the demolition and reconstruction of buildings from the point of view of carbon emission reduction so that the vast repeated constructions of recent years can be avoided.

### Conclusion

To sum up, there are two key aspects to the relationship between policy on GHG emission reduction and future legislation. Firstly, it is necessary to confirm and stabilise the successful systems, which include low-carbon transition planning and programming, GHG target control responsibility, carbon emissions standards, subsidies for low-carbon products, tiered pricing, promoting local low-carbon development, and eliminating backward high-carbon production. Secondly, in the current conditions, it is necessary to promote certain systems in legislation, for instance, a monitoring and reporting system for GHG emissions; low-carbon use of coal (carbon capture and

storage technologies); promoting low-carbon consumption; forest carbon sequestration transactions or compensation; a construction strategy for transition to a resource-saving and intensive-utilization society; and the integration of climate impact assessment into the planning, policy and strategy for construction projects. In the end, the need for such systems is urgent, but the specific implementation requires authorisation and administrative regulations formulated by the State Council in due time to realise these systems.

### Acknowledgement

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### Notes

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## REFERENCES TO OTHER TOPICS

### UNCLOS – Ratification by Ecuador

As one of the few remaining States that had not ratified the UN Convention on Law of the Sea, Ecuador's decision to ratify that instrument has a significant potential implication for conservation of a key marine region – the Galapagos Islands. Concerns about jurisdictional matters had formerly created opposition to ratification, leading to long-term negotiations within the country. Swaziland, a landlocked State, has also ratified, bringing the total signatories to 164. Both States also acceded to the Part X (Seabed) Agreement, later adopted under UNCLOS, but neither has acceded to the Fish Stocks Agreement.

### Convention on Migratory Species

#### – Central African Flyway Negotiations

States within the Central Asian Flyway (CAF) held their 3rd meeting, following a seven-year hiatus, in December, 2012 in Abu Dhabi, United Arab Emirates, with the goal of "exploring the possibility of the preparation of a CMS instrument ... concerning

the conservation of [bird species within the designated area] ...using all available synergies". The CAF comprises several important migration routes of waterbirds, most of which extend from the northernmost breeding grounds in Russia (Siberia) to the southernmost non-breeding (wintering) grounds in West and South Asia, the Maldives and the British Indian Ocean Territory. Documents available at [http://www.cms.int/species/CAF/AbuDhabi\\_Mtg/doc\\_05\\_developments\\_e.pdf](http://www.cms.int/species/CAF/AbuDhabi_Mtg/doc_05_developments_e.pdf).

#### – Meeting of Newest MOU

The Signatories to the Memorandum of Understanding concerning the Conservation of Migratory Birds of Prey in Africa and Eurasia under the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held in December 2012 in Abu Dhabi, United Arab Emirates. Information available from IISD Reporting Services (<http://www.iisd.ca/cms/raptors/mos/2012/>) and the CMS Secretariat ([http://www.cms.int/species/raptors/MoS\\_Mtg/mos1\\_2012/documents.htm](http://www.cms.int/species/raptors/MoS_Mtg/mos1_2012/documents.htm)).

## UN Security Council to Investigate Elephant Poaching

The Secretary-General of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), John E. Scanlon, has announced that the UN Security Council's proposal to investigate smuggling activities by Uganda's infamous



Courtesy: CITES

Lord's Resistance Army (LRA) will address elephant poaching, and "reinforce[] concerns about the links between illicit wildlife trafficking and regional security in Africa". See UN press release at <http://www.un.org/apps/news/story.asp?NewsID=43843&Cr=lra&Cr1=>.

## EU

### – New Plan for Environmental Law

The Committee of the Regions has called for the 7th Environment Action Programme to support local and regional authorities in their role in implementation, in particular by including elements such as greater participation in the process of formulating legislation; effective source-based policies and cost-recovery options; a focus on the urban environment; reasonable timeframes; accessibility of information; enhanced responsiveness; innovative methods of multi-level governance; and a regular forum to address problems and solutions. See Official Journal of the EU (2013/C17/07). EPL will report more fully on the Environmental Action Plan when it is released later this year. (ATL)

### – Post-Nagoya ABS-Patent Resolution

The European Parliament, on its own initiative, has adopted a resolution addressing "development aspects of intellectual property rights on genetic resources" and their potential "impact on poverty reduction in developing countries" (2012/2135(INI)). The document offers basic policy findings regarding its Members' application of the concept of "access and benefit sharing" (ABS) under the Convention on Biological Diversity (CBD), including a number of statements at odds with previously stated positions, including acknowledgement that both the CBD and its 2010 Nagoya Protocol are legal sources for norms relating to ABS implementation. The Resolution is best described as a call for integration of existing legislation on ABS and relevant intellectual property issues, at national and intergovernmental levels.

### – Fishing Quotas Face Opposition

Scientific and conservation groups are reported to be publicly expressing displeasure regarding the EU's fishing quotas, most of which were finalised and accepted by Parliament in December, following two days and nights of negotiations. Although not all quotas have been finally decided, many of those announced in December increase the amount of each type of fish that may be taken from European waters, and all exceed the levels proposed in earlier discussions, but all require that fishermen return fewer discards. Claims have been made that the quotas set exceed the

scientifically derived sustainable yield figures, having given up long-term sustainability objectives in favour of current protection of the livelihoods of those involved in the European fishing industry. EU representatives dispute all such statements. See <http://www.guardian.co.uk/environment/2012/dec/20/eu-fishing-quotas-conservationists?intcmp=122>.

### – Popular Insecticide Found to Pose a Threat to Honeybees

Pesticides in the neonicotinoid family constitute the world's most widely used insecticides. Recently, however, the European Food Safety Authority, in conjunction with experts from across Europe, has formally concluded that the most popular of these pesticides (imidacloprid) should not be used on any crop that is potentially attractive to honeybees. The need to protect bees, which are primary pollinators responsible for key elements of both natural and agricultural ecosystem health, has long been recognised; however this is the first time the neonicotinoids have been officially labelled as harmful to bees. The Bayer corporation, which manufactures imidacloprid, has reportedly claimed that this decision constitutes an "over-interpretation of the precautionary principle". Reported in <http://www.guardian.co.uk/environment/2013/jan/16/insecticide-unacceptable-danger-bees?intcmp=122>.

### SADC: Wild Meat Trade

Member States of the Southern Africa Development Community have drawn up 15 guiding principles for combating illegal and unsustainable use of and trade in wild meat. These principles are the first step to the development of a comprehensive Community strategy. (ATL)

### Jamaica Legislates Plant Genetic Resource Protection

Jamaica reports that it has adopted a new Protection of Plant Genetic Resources for Food and Agriculture Act, implementing its obligations under FAO's International Treaty on Plant Genetic Resources for Food and Agriculture, which Jamaica acceded to in 2006. Since that date, a new protocol addressing genetic resources (the Nagoya Protocol, *supra*) was adopted under the Convention on Biological Diversity, but has as yet been neither signed nor ratified by Jamaica. It is not clear whether the decision to adopt legislation implementing the FAO Treaty at this time, without reference to the Nagoya Protocol, indicates any decision or consensus within Jamaica regarding the latter.

### Philippines – US Military Vessel Damages World Heritage Site

The 1300-ton minesweeper USS Guardian ran aground on the Tubbataha Reef on 17 January 2013, damaging approximately 1000 square meters of the reef, when ship's personnel failed to coordinate with marine protected area personnel. A preliminary study confirms that the ship's charts mis-located the reef by eight miles. The government confirms that the ship was not authorised to enter the 97,000-hectare sanctuary. The vessel is being unloaded at sea, and will be dismantled in place if necessary. Its hazardous contents, reportedly including diesel fuel, lubricating oil, paints and solvents, are being off-loaded at sea. See <http://www.gmanetwork.com/news/story/291979/scitech/science/uss-guardian-damage-to-tubbataha-worst-on-record>. (ATL)

### Switzerland: Aarhus Convention Delay

Since the Federal Council's 2009 decision to become party to the Aarhus Convention, 15 cantons have adopted the relevant legislation, two have similar language in their legislation and two cantons are still discussing necessary action. All Cantons must take appropriate measures before Switzerland may ratify. (ATL)

### Ukraine – New Draft Legislation

The Ministry of Ecology and Natural Resources ([menr.gov.ua](http://menr.gov.ua)) has released four draft orders for public discussion: the Draft Order "On Approval of Regulation on Providing of State Review of Reports on Results of Geological Exploration of Subsoil and Other Geological Materials"; the Draft Cabinet Decree "On Some Measures for Collection, Removal, Disposal and Recycling of Waste Oils"; the Draft Order "On Approval of a Form for Passport of Artesian Water Well"; and the Draft Decree "On Amendments to Some Decrees of the Cabinet of Ministers of Ukraine". (ATL)

## United States

### – Presidential Inauguration

In his second Inaugural Address, President Obama said, “We will respond to the threat of climate change, knowing that failure to do so would betray our children and future generations...Some may still deny the overwhelming judgment of science, but none can avoid the devastating impact of raging fires, and crippling drought, and more powerful storms”. Official transcript at <http://www.whitehouse.gov/the-press-office/2013/01/21/inaugural-address-president-barack-obama>. (ATL)

### – Keystone XL Pipeline

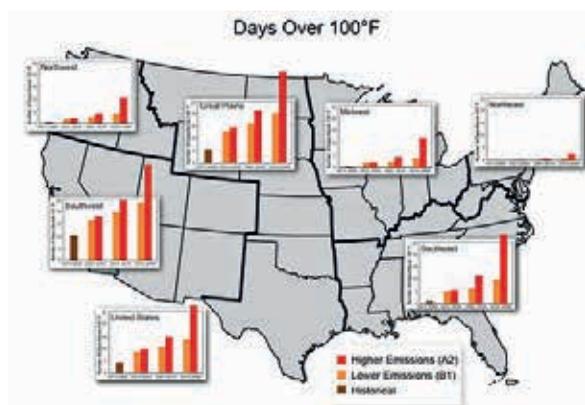
The governor of Nebraska approved a revised route for the pipeline to carry heavy crude oil from tar sand in Alberta (Canada) to the Gulf of Mexico. May Boeve, Executive Director of 350.org was quoted in the New York Times saying, “The decision is now firmly on President Obama’s desk...Approving Keystone XL would make a mockery of the commitment he made at the inauguration to take action on climate change”. (ATL)

### – Kerry speaks on Law of the Sea

On November 2, Senator John Kerry (proposed for appointment as US Secretary of State) lectured on “The Rule of Law in World Affairs”, at the University of Texas. Regarding ratification of UNCLOS, he said, “[b]y joining the [UNCLOS] treaty we could lock in a favorable set of navigational freedoms and maximize US influence in treaty bodies...Law of the Sea is fundamentally a conservative and modest treaty that supports the military and the economic interest of our nation”.(ATL)

### – Climate Change Impact Study

The National Climate Assessment and Development Advisory Committee has unveiled its draft report on the manner and extent to which climate change at various levels would impact the US. (Online at <http://ncadac.globalchange.gov/download/NCAJan11-2013-publicreviewdraft-fulldraft.pdf>). After public comment has been accepted and, if necessary, addressed in the draft, the report



will become final. The draft report is relatively unequivocal on the reality of climate change as a problem that needs to be addressed – a position that has not been recognised by many elements of the US government up to this point, although strongly accepted by most other countries around the world. Presumably, its object is to impress the American people, notorious for focusing their awareness on the area within their borders, with potential negative consequences that climate change could inflict upon them. It opens with the statement that “Climate change is already affecting the American people”, citing weather phenomena in recent years as well as sea-level rise, as examples of this impact. The public has until 12 April 2013 to comment, after which the report will be an official document of the United States government.

### – Expansion of Western Marine Sanctuaries

The Obama Administration has announced plans to increase the size of two marine sanctuaries in waters off northern California, adding nearly 1 million hectares of protected marine area. The move responds to strong pressure from the Democratic Party,

having been attempted in 2008, but been rejected by Republican Party opposition. The most recent plans are described online at <http://www.reuters.com/article/2012/12/21/us-usa-california-coast-idUSBRE8BK03A20121221>.

### – NY Times Eliminates “Environment Desk”

In a recent announcement, the New York Times (which bills itself as “the world’s premier news site” with a daily circulation of nearly 1 million for hard-copies in the US alone, but with international services, including the International Herald Tribune, and online services as well) informed the public that it was formally dismantling its Environment Desk (the nine-person team formerly dedicated to coverage of environmental issues). Although described by Times management as “purely a structural matter”, the decision’s impacts may be indicated in later events. Within two days following that announcement, the draft report on the effects of climate change on the US (*supra*) was released and neither that fact nor any analysis of the contents of that report appeared in the Times that day, nor the following Sunday, waiting instead for the paper’s weekly Science section that appeared on the following Tuesday. Times management has not announced any decision on the fate of the Green Blog (<http://green.blogs.nytimes.com/>), the online site for the Times’ daily coverage of energy and environment news.

### OECD – Fossil Fuel Subsidies

A joint IEA, OPEC, OECD and World Bank report on fossil-fuel and other energy subsidies concludes that the total amount of estimated support (subsidies) for fossil fuel production has been reduced in 2011, in keeping with the G-20 commitment to “rationalize and phase out ... inefficient fossil fuel subsidies that encourage wasteful consumption”, while recognising “the importance of providing those in need with essential energy services, including through the use of targeted cash transfers and other appropriate mechanisms”. Report available at <http://www.oecd.org/site/tadffs/49006998.pdf>.

### Study Lauds Legislation as a Vehicle for Climate Progress

A recent study of national climate and energy legislation, undertaken by GLOBE International and Grantham Research Institute, has concluded that 32 of the 33 major economies studied are making significant progress at local, district/state and national levels. The study included several countries, including China, South Korea and the US, whose climate-related efforts have been denigrated as insufficient and/or ineffective. The only country studied that was found to be moving in the opposite direction was Canada. Study available at <http://www.globeinternational.org/index.php/legislation-policy/studies/climate>.

### WWF Debuts a New Protected Area Tracking System

Recognising that “the struggle to safeguard wild lands and species doesn’t end when a park or protected area is created”, the Worldwide Fund for Nature (WWF) has created a new online system for tracking “protected area degradation, downsizing and degazettement” – a phenomenon that the WWF has dubbed PADDD. The tracking system, known as PADDDtracker, takes advantage of international interest and involvement, utilising modern “crowdsourcing” practices to collect, map and share data. Find the beta version of PADDDtracker at <http://www.PADDDtracker.org>.

### Study Confirms Fears of Long-term Damage to Amazonia

A recent international study, led by NASA’s Jet Propulsion Laboratory, has used satellite microwave radar data collected between 2000 and 2009 to determine that more than 270,000 square miles of pristine, old-growth forest in south-western Amazonia experienced extensive damage in a severe drought in summer 2005, and that those damaging effects continued up until the 2010 drought. These results suggest that the rain forests are reflecting the beginnings of the permanent global change of which climate experts have long given warning. See [http://www.upi.com/Science\\_News/2013/01/17/Amazon-rainforest-drought-effects-persist/UPI-19401358463206/#ixzz2JhW1b4wV](http://www.upi.com/Science_News/2013/01/17/Amazon-rainforest-drought-effects-persist/UPI-19401358463206/#ixzz2JhW1b4wV).

(All References by TRY unless marked.)

