

# REFERENCES TO OTHER TOPICS

## UNEP

### Warning on Non-Sustainable System

The Global Environment Outlook 2000 report by the United Nations Environment Programme (UNEP) warns that the world is facing several full-scale emergencies as a result of environmental degradation, and that “the present course in unsustainable and postponing action is no longer an option.”

The report, which was based on contributions from UN agencies, 850 individuals and 30 environment bodies, calls for greater environmental awareness on the part of institutions such as treasuries, central banks, planning departments and trade bodies. These frequently ignore sustainability questions in favour of short-term economic options, it says. It notes that “integration of environmental thinking into the mainstream of decision-making relating to agriculture, trade, investment, research and development, infrastructure and finance is now the best chance for effective action.”

Climate change topped the list of environmental problems cited by 200 scientists surveyed for the report. Other critical areas include water scarcity, water pollution, land degradation, tropical forest destruction, extinction of plant species, over-exploitation of fisheries, destruction of coral reefs and urban air pollution.

The report also draws attention to the increased frequency and severity of natural disasters. For example, losses from natural disasters over the decade 1986–1995 were eight times higher than in the 1960s. □

## UN

### Report on Global Finance

In a 297-page report criticising profit-driven private financial institutions that take excessive risks, Kofi Annan, UN Secretary-General

says, “public oversight is needed to make financial systems fair as well as effective.”

The UN is especially sensitive to developing countries’ problems, which are increasing especially in the areas of health, environment, education and urbanisation, and the report’s authors say it is “positively dangerous to expose under-developed domestic financial structures to the ebbs and flows of global finance”

The report, which is an early preparation for a UN financial summit in two years, contends that only limited benefits have come out of the rush by developing countries eager for “national prestige” to create their own stock exchanges. □

### Alternative Approaches to Debt Relief

The Meeting on Alternative Approaches to Debt Relief took place from 24–25 September 1999, in Washington. Organised jointly by the Global Coalition for Africa (GCA) and the Centre for International Development, Harvard University, it attracted approximately 60 participants, including government ministers and other senior officials from highly indebted poor countries (HIPCs), together with representatives of non-governmental organisations and international organisations, such as the African Development Bank and the United Nations Development Programme (UNDP).

The aim of the meeting was to bring together key stakeholders to promote debt forgiveness and a transparent debt relief programme. Participants considered HIPCs debt repayment experiences, the recent Cologne initiative of the Group of Seven countries (G-7), alternative approaches to debt relief and the role of NGOs and HIPCs in achieving debt relief.

The meeting’s main outcome was agreement on a set of principles on achieving debt cancellation. The principles are intended to generate support for redesigning and strengthening debt relief programmes at the highest levels, particularly among bilateral and multi-lateral donors. □

## UNDP

### – Africa's Urban Crisis

At a three-day conference in June to discuss poverty in Africa, officials from 35 African cities discussed ways to increase cooperation to provide basic social services to the fast-growing urban populations. The meeting was held in preparation for the upcoming Organisation of African Unity (OAU) Heads of State Summit.

African cities are grappling with the most fundamental problems, including primary education, health and sanitation. The urban population in Africa increases 6 per cent annually. Compared to 15 per cent of the continent's population in 1980, Africa's urban population is expected to climb to 35 per cent by the end of 2000.

The meeting noted that such a drastic increase in urbanisation "brings a concurrent increase in urban poor." Urban slums and makeshift housing settlements expose the urban poor to unsanitary conditions, pollution, crime and instability. "One of the worst outcomes of this situation," is the children left to dwell on the streets, one half of who are homeless and three-quarters of who do not attend school, according to a UNDP release.

The HIV/AIDS epidemic also poses a serious threat to African cities. On a continent where the urban rate of unemployment more than doubled between 1975 and 1995, HIV/AIDS will further "slow economic growth by preventing a large portion of the most productive age groups from working, across all income levels."

The Algiers conference sought to build "creative new partnerships" for poverty alleviation. Raymond Barre, mayor of Lyon in France, stated that cooperation between European and African cities was the focus of the conference and explained that while the problems and needs of the developing world were very different from those of industrialised countries, the mechanisms to resolve them may be very similar. □

## IT/LOS

### Southern Bluefin Tuna Dispute

On 30 July, Australia and New Zealand filed with the Registrar of the International Tribunal for the Law of the Sea requests for the prescription of provisional measures (interim injunction) in a case against Japan. The dispute concerns the conservation of the population of Southern Bluefin Tuna. The species is, according to the applicants, significantly overfished and is below commonly accepted thresholds for biologically safe parental biomass.

### – History of the Dispute

Significant commercial harvesting of the Southern Bluefin Tuna began in the early 1950s. Australia, Japan and New Zealand agreed to a global total allowable catch (TAC) in 1985. Despite the catch limits, the parental stock continued to decline.

Following the ratification of the 1993 Convention for the Conservation of Southern Bluefin Tuna, to which Australia, Japan and New Zealand are all parties, the Commission for the Conservation of Southern Bluefin Tuna, was established. The Commission, of which all three parties are members, decides, with the assistance of a Scientific Committee, a TAC and its distribution among the member States.

Starting in 1995, Japan proposed an increase in the TAC, but no agreement was reached. Since 1998, the Commission has agreed no change of the TAC. In 1998, Japan undertook what it describes as experimental fishing. In their requests, Australia and New Zealand claim this to be essentially for Japanese commercial purposes, with minimal scientific gain, thereby increasing the risk to the Southern Bluefin Tuna stock.

Australia and New Zealand formally notified Japan of the existence of a dispute by Diplomatic Note delivered on 31 August 1998, which was followed by negotiations. Japan proposed to have the dispute settled by mediation; however Japan could not agree on the conditions placed by Australia and New Zealand on submitting the dispute to mediation. Subsequently, Japan notified the applicants that it was ready to have the dispute resolved by arbitration pursuant to the 1993 Convention. The applicants did not accept the Japanese proposal and instead commenced compulsory dispute resolution proceedings under Section 2 of Part XV of the United Nations Convention on the Law of the Sea.

Australia and New Zealand claim that Japan's action amounts to a failure to conserve and to cooperate in the conservation of Southern Bluefin Tuna stock. The applicants claim that Japan, by initiating a unilateral experimental fishing programme for Southern Bluefin Tuna in 1998 and 1999, threaten serious or irreversible damage to that population. The request is for an interim injunction against Japan to cease immediately the unilateral experimental fishing of the Southern Bluefin Tuna, which commenced at the beginning of June 1999.

According to the requests, Southern Bluefin Tuna (*Thunnus maccoyii*) is a highly migratory fish species, which traverses the exclusive economic zone and territorial sea of several countries and the high seas, including the Southern Ocean.

In the absence of agreement between the parties for the settlement of the merits (substance) of the dispute between them, the Governments of Australia and New Zealand decided to submit their dispute with Japan to an arbitration procedure under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS). Pending the constitution of such an arbitral tribunal, the Governments of Australia and New Zealand have requested the International Tribunal for the Law of the Sea to prescribe provisional measures, pursuant to paragraph 5 of Article 290 of the Convention.

Japan has been notified by the Registrar of the filing of the requests. The President of the Tribunal will consult with the parties concerning the procedure for dealing with the requests.

UNCLOS, to which Australia, Japan and New Zealand are all parties, requires States to settle their disputes arising under the Convention by peaceful means. For this purpose, they can choose the International Tribunal for the Law of the Sea, the International Court of Justice, an arbitral tribunal or a special arbitral tribunal. This choice may be exercised in a declaration when signing, ratifying or acceding to the Convention or at any time thereafter, even on an *ad hoc* basis for a particular case.

### – Requested Provisional Measures

Australia and New Zealand request the Tribunal to prescribe that:

- Japan immediately cease its unilateral experimental fishing for the Southern Bluefin Tuna;
- Japan restrict its catch to its national quatum as last agreed, reduced by the amount taken in the course of its unilateral experimental fishing;
- the parties act consistently with the precautionary principle (caution and vigilance) in fishing for the Southern Bluefin Tuna pending final settlement of the dispute;
- the parties ensure that no action is taken to aggravate, extend or render more difficult the solution of the dispute; and
- the parties ensure that no action is taken which might prejudice their respective rights pending final decision of the case.

### – Provisional Measures

Provisional Measures are a kind of interim injunction; an order prohibiting certain behaviour pending final decision on the merits of a case. The Tribunal may prescribe provisional measures when it "considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment" (Article 290 of UNCLOS). The Convention specifies that the International Tribunal for the Law of the Sea may prescribe provisional measures, if it considers requirements have been met, namely that *prima facie* the arbitral tribunal which is to be constituted would have jurisdiction and the urgency of the situation so requires.

More information is available from the Registry of the Tribunal, Fax: (49) 40-35607-245/275 or United Nations DC-1, suite 1140, Fax: (1) 212-963-0908. □

## ECO-Audits

Environmental reporting is now mandatory in several countries; and European Union Member States will soon be required to register emission data from large companies and report it to the EU Commission, on the basis of Article 15 of the Integrated Pollution Prevention and Control (IPPC) Directive.

This means that national governments will have to adapt existing, or adopt new national regulations to establish a national emission registration and reporting system in order to comply with the Directive.

A recently published international study,\* described as the most comprehensive survey of environmental reports ever conducted, has shown that nearly half of the world's top 250 firms in the non-financial sector have opted to publish environmental reports. The number of companies with an environmental or Health, Safety and Environment (HSE) report, increased from 13 per cent in 1993 to 24 per cent in 1999. Companies in Germany published most reports (36 per cent), followed by Sweden (34 per cent). Four countries published fewer reports than the average of 24 per cent (Belgium, Finland, Australia and France), but these, apart from France, are catching up fast. □

\*KPMG Environmental Consulting, in collaboration with the University of Amsterdam.