

## REFERENCES TO OTHER TOPICS

### ITLOS: New Headquarters

The new headquarters of the International Tribunal for the Law of the Sea (ITLOS) were opened on 3 July 2000 in Hamburg, Germany, in the presence of United Nations Secretary General Kofi Annan.

He described the joint body as a cornerstone of international law and emphasised that since its creation four years ago, the Tribunal has gained a reputation among international legal experts as a modern tribunal capable of rapid action.

The Secretary General noted that during its first years, more cases have been referred before the International Tribunal for the Law of the Sea than to any other international tribunal. "It is the keystone of the United Nations Law of the Sea Convention, and ...like the International Court of Justice, it is central to the regime of international peace and security that has evolved since the United Nations Charter was adopted," he said. He added that the record already shows that the Tribunal's decisions, once given, are put into effect. States, and other parties, recognise its authority and accept the objectivity of its interpretations and decisions, which are coming to form the core of international jurisprudence in the Law of the Sea.

The Secretary General welcomed the recommendation of the Meeting of States Parties to the Convention, that a voluntary Trust Fund be established to assist States which have difficulty in meeting the costs of bringing a case before the Tribunal. It is indeed vital, he said, that the Tribunal be fully accessible to all.

### WTO Environment Committee Meeting

World Trade Organisation members met from 5-6 July 2000 at the Committee on Trade and Environment (CTE), to focus on the linkages between the multilateral environment and trade agendas. To this end an Information Session with four Secretariats of multilateral environmental agreements (MEAs) was held, followed by a discussion on the relationship between the WTO and MEAs.

Delegates also raised the issues of export of domestically prohibited goods (DPGs): protection of biodiversity and traditional knowledge; and the relationship between the Convention on Biological Diversity and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). In addition, discussions were held on the precautionary principle, integrated assessment of trade-related policies, fisheries subsidies and energy subsidies.

Switzerland presented a paper advocating an interpretative decision to prevent unnecessary conflicts between the WTO and trade-related measures in MEAs, which was the subject of a lengthy debate. Several delegations including Canada, the EC, Hungary, Iceland, Japan and Norway, supported the Swiss proposal. Others, notably Australia, New Zealand and the US, were of the opinion that WTO agreements are already sufficiently flexible to accommodate MEAs.

A significant event at the meeting concerned a presentation by Bangladesh on domestically prohibited goods. According to a WTO official, all Members supported Bangladesh's recommendations (chiefly that Members notify DPG exports in the area of consumer products where there exists a gap in the coverage of other international instruments), and have asked the WTO Secretariat to prepare a study based on Bangladesh's recommendations.

The EU presented a submission on the precautionary principle, which met with little support from other Members. It argued for clarification of this principle in the WTO in order to ensure that it is not used in an arbitrary way or as a form of protectionism.

The US presented a paper calling for reform of environmentally harmful and trade-distorting subsidies in the fisheries sector. The paper sets out a framework of categories for identifying perverse subsidies in the fisheries sector. Several countries supported the US proposal to establish a "win-win" situation for the environment and trade by eliminating fisheries subsidies. Japan, Korea and the EU argued that discussions in the CTE should await the results of relevant work in organisations such as the FAO and OECD.

The next CTE is scheduled for 24-25 October 2000.

### OSPAR Countries: New Protection Measures

The fifteen member countries of the OSPAR Commission on the Protection of the Marine Environment in the Northeast Atlantic, met from 26-30 June 2000 to adopt new measures to protect

the area from pollution and intensive fishing.

The most significant measure was the adoption by 12 of the 15 member countries of a decision calling on the competent national authorities to amend the permits for dumping radioactive waste from nuclear reprocessing plants. The aim being to implement non-processing options such as storing spent nuclear fuel on appropriate land sites.

The decision will come into force in 200 days time (16 January 2001). France and the UK opposed the decision and now have until 16 January 2001 to abide (or not) by what has been decided.

The Commission countries unanimously adopted various recommendations for monitoring sources of chemical pollution on land and along the coast and the use of pesticides in agriculture and elsewhere.

The representatives also adopted the "Health Check 2000" for the Northeast Atlantic from the Straits of Gibraltar to the Arctic Ocean. This revealed that progress has been made. The experts noted that measures must now be taken to protect biodiversity and marine ecosystems against human activities (such as indiscriminate fishing) and respond to public concern about the impact of radioactive waste.

### EU

#### - Eco-Label Approved

At their 29 June meeting, the EU's Council of Ministers formally approved all the amendments to the draft Regulation concerning the Community award scheme for an Eco-label, which the European Parliament had voted in on second reading. This means that the amended Common Position has now been formally adopted.

The Community award scheme for the Eco-label aims to promote products which have a less damaging impact on the environment and therefore contribute to efficient resource use, providing a high level of environmental protection. The scheme is voluntary and applies to products for which the Commission has laid down environmental criteria.

#### - Aid Guidelines Extended

At its recent Council meeting, the Commission extended the validity of the Community guidelines on state aid for environmental protection until 31 December 2000. The current guidelines expired on 30 June 2000.

Commission departments are drafting a new set of guidelines, which will take more effective account of the methods of granting aid to be employed by the Member States in future.

The guidelines on aid for environmental protection fall under the so-called horizontal guidelines used by the Commission to set out its position on special kinds of aid aimed at resolving problems that may arise in any sector or region. Similar guidelines exist to cover aid to SMEs (Small and Medium Enterprises), research and development, training and the rescue and restructuring of companies in difficulty.

During the expert discussions at the Council, several Member States called for the new Code to be more flexible for aid in terms of tax cuts or tax exemptions (in order to avoid impacting on companies' competitive standing) concentrating on the exemptions for large energy consumers.

#### - Environment and Criminal Law

A Danish proposal based on the 9 September 1998 Council of Europe Convention on the Protection of the Environment through Criminal Law is under consideration by the Council of Ministers. The proposal lays down the limits of competence for Member States, which shall have jurisdiction in respect of serious environmental crime committed in whole or in part on its territory, including on vessels registered in that Member State. Or, by a natural person who is a national of or permanently resident in that Member State; and by a legal person based on its territory.

Where the criminal offence has been committed on the territory of another Member State, the national authorities' jurisdiction may be conditional upon the matter also constituting a criminal offence under the legislation applicable in that other State. Member States have jurisdiction for offences committed outside their territory but seriously affecting their territory and also when the alleged criminal is present on a Member State's territory but cannot be extradited under the legislation of that Member State.