

ing the latter agreement and more-than-tacitly supporting environmentalist actions such as the illegal boarding, as documented by the fact that Australian Coast Guard vessels removed the activists without taking any action against them.

– Whaling in Australia-claimed Antarctic Waters

On 14 January 2008, the Australian Federal Court, deciding in the case *Human Society International Inc v Kyodo Senpaku Kaisha Ltd* [2008] entered a judgment against the Japanese whaling company Kyodo. The case arose from a claim that Kyodo's whaling activities violated Australian law, because they were conducted in an Antarctic area on which Australia maintains a claim of national jurisdiction (a claim currently recognised by only four countries: New Zealand, France, Norway and the UK). Applying the Australian Environment Protection and Biodiversity Conservation Act of 1999 (EPBC Act), the court enjoined further whaling in the area, noting that the EPBC Act does not contain a "scientific whaling" exemption, which is the general basis on which Japanese whaling companies justify their whaling activities in the rest of the Southern Ocean Whaling Sanctuary. Kyodo did not attend the Court hearing, leading to doubts about the ultimate impact of this action.

The complete judgment is available online at: http://www.austlii.edu.au/au/cases/cth/federal_ct/2008/3.html. (TRY/ATL)

Bavarian Administrative Reform: Increasing GHG Emissions?

There is a running staff joke around the State of Bavaria's environmental agency that to conserve the environment, civil servants must now commute between all three offices. The so-called administrative reform in recent years has led the agency to split its operations between Augsburg, Hof and Munich. The increased commuting is now referred to as "special support for global warming". (WEB)

World's Largest Marine Reserve Created

The island nation of Kiribati (the former Gilbert Islands) has declared that an 164,200-square-mile area of ocean wilderness will now become the Phoenix Islands Protected Area (PIPA). Located about halfway between Hawaii and Fiji, the PIPA includes

pristine reefs and eight coral atolls, including more than 120 species of coral and 520 species of fish, some of which are entirely new to science. With this decision, Kiribati seeks to conserve one of the Earth's last intact oceanic coral archipelago ecosystems.

The official website of PIPA is: <http://www.phoenixislands.org/index.php>. (ATL)

Invasive Toads Threaten Crocodiles

Reports indicate that invasive species problems are increasing on all continents, and one of the most problematic may be in Australia – the spread of Cane toads, which are known to be toxic



Courtesy: Reuters

to crocodilians. The toads apparently prefer habitats that are also preferred by a very rare breed of pygmy crocodiles, and it is feared that the spread of the amphibians is already too far out of control to enable the salvaging of many populations of the pygmy crocodiles. Crocodiles are protected in Australia, but this protection lies heavily on some parts of the human population, who feel that the potential of these animals to injure or kill human beings, and their presence near human settlements, should override conservation concerns.

(All References written by TRY unless otherwise credited.)



SELECTED DOCUMENTS

UNFCCC

Bali Action Plan

The Conference of the Parties,

Resolving to urgently enhance implementation of the Convention in order to achieve its ultimate objective in full accordance with its principles and commitments,

Reaffirming that economic and social development and poverty eradication are global priorities,

Responding to the findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change that warming of the climate system is unequivocal, and that delay in reducing emissions significantly constrains opportunities to achieve lower stabilization levels and increases the risk of more severe climate change impacts,

Recognizing that deep cuts in global emissions will be required to achieve the

ultimate objective of the Convention and emphasizing the urgency to address climate change as indicated in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,

1. **Decides** to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, *inter alia*:

(a) A shared vision for long-term cooperative action, including a long-term global goal for emission reductions, to achieve the ultimate objective of the Convention, in accordance with the provisions and principles of the Convention, in particular the principle of common but differentiated responsibilities and respective capabilities, and taking into account so-

cial and economic conditions and other relevant factors;

(b) Enhanced national/international action on mitigation of climate change, including, *inter alia*, consideration of:

(i) Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, by all developed country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances;

(ii) Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner;

(iii) Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest

* Advance unedited version. Decision -/CP.13. See also page 14.

degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries;

(iv) Cooperative sectoral approaches and sector-specific actions, in order to enhance implementation of Article 4, paragraph 1(c), of the Convention;

(v) Various approaches, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries;

(vi) Economic and social consequences of response measures;

(vii) Ways to strengthen the catalytic role of the Convention in encouraging multilateral bodies, the public and private sectors and civil society, building on synergies among activities and processes, as a means to support mitigation in a coherent and integrated manner;

(c) Enhanced action on adaptation, including, *inter alia*, consideration of:

(i) International cooperation to support urgent implementation of adaptation actions, including through vulnerability assessments, prioritization of actions, financial needs assessments, capacity-building and response strategies, integration of adaptation actions into sectoral and national planning, specific projects and programmes, means to incentivize the implementation of adaptation actions, and other ways to enable climate-resilient development and reduce vulnerability of all Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods;

(ii) Risk management and risk reduction strategies, including risk sharing and transfer mechanisms such as insurance;

(iii) Disaster reduction strategies and means to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change;

(iv) Economic diversification to build resilience;

(v) Ways to strengthen the catalytic role of the Convention in encouraging multilateral bodies, the public and private sectors and civil society, building on synergies among activities and processes, as a means to support adaptation in a coherent and integrated manner;

(d) Enhanced action on technology development and transfer to support action on mitigation and adaptation, including, *inter alia*, consideration of:

(i) Effective mechanisms and enhanced means for the removal of obstacles to, and provision of financial and other incentives for, scaling up of the development and transfer of technology to developing country Parties in order to promote access to affordable environmentally sound technologies;

(ii) Ways to accelerate deployment, diffusion and transfer of affordable environmentally sound technologies;

(iii) Cooperation on research and development of current, new and innovative technology, including win-win solutions;

(iv) The effectiveness of mechanisms and tools for technology cooperation in specific sectors;

(e) Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation, including, *inter alia*, consideration of:

(i) Improved access to adequate, predictable and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country Parties;

(ii) Positive incentives for developing country Parties for the enhanced implementation of national mitigation strategies and adaptation action;

(iii) Innovative means of funding to assist developing country Parties that are particularly vulnerable to the adverse impacts of climate change in meeting the cost of adaptation;



(iv) Means to incentivize the implementation of adaptation actions on the basis of sustainable development policies;

(v) Mobilization of public- and private-sector funding and investment, including facilitation of carbon-friendly investment choices;

(vi) Financial and technical support for capacity-building in the assessment of the costs of adaptation in developing countries, in particular the most vulnerable ones, to aid in determining their financial needs;

2. **Decides** that the process shall be conducted under a subsidiary body under the Convention, hereby established and known as the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, that shall complete its work in 2009 and present the outcome of its work to the Conference of the Parties for adoption at its fifteenth session;

3. **Agrees** that the process shall begin without delay, that the sessions of the group will be scheduled as often as is feasible and necessary to complete the work of the group, where possible in conjunction with sessions of other bodies established under the Convention, and that its sessions may be complemented by workshops and other activities, as required;

4. **Decides** that the first session of the group shall be held as soon as is feasible and not later than April 2008;

5. **Decides** that the Chair and Vice-Chair of the group, with one being from a Party included in Annex I to the Convention (Annex I Party) and the other being from a Party not included in Annex I to the Convention (non-Annex I Party), shall alternate annually between an Annex I Party and a non-Annex I Party;

6. **Takes note** of the proposed schedule of meetings contained in the annex;

7. **Instructs** the group to develop its work programme at its first session in a coherent and integrated manner;

8. **Invites** Parties to submit to the secretariat, by 22 February 2008, their views regarding the work programme, taking into account the elements referred to in paragraph 1 above, to be compiled by the secretariat for consideration by the group at its first meeting;

9. **Requests** the group to report to the Conference of the Parties at its fourteenth session on progress made;

10. **Agrees** to take stock of the progress made, at its fourteenth session, on the basis of the report by the group;

11. **Agrees** that the process shall be informed by, *inter alia*, the best available scientific information, experience in implementation of the Convention and its Kyoto Protocol, and processes thereunder, outputs from other relevant intergovernmental processes and insights from the business and research communities and civil society;

12. **Notes** that the organization of work of the group will require a significant amount of additional resources to provide for the participation of delegates from Parties eligible to be funded and to provide conference services and substantive support;

13. **Strongly urges** Parties in a position to do so, in order to facilitate the work of the group, to provide contributions to the Trust Fund for Participation in the UNFCCC Process and the Trust Fund for Supplementary Activities for the purposes referred to in paragraph 12 above and to provide other forms of in kind support such as hosting a session of the group.

Note

1 Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Technical Summary, pages 39 and 90, and Chapter 13, page 776.

ANNEX Indicative timetable for meetings of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention in 2008

Session	Dates
Session 1	March/April 2008
Session 2	June 2008, in conjunction with the twenty-eighth sessions of the subsidiary bodies
Session 3	August/September 2008
Session 4	December 2008, in conjunction with the fourteenth session of the Conference of the Parties