

RECENT DEVELOPMENTS

INTERNATIONAL

The following information was provided at the Non Government Organisation's Consultative Forum on International Environmental Issues held in Canberra at Parliament House on 27 November 1995.

Ambassador for the Environment

Penny Wensley finishes her posting as Ambassador for the Environment in January 1996. Ms Wensley's replacement is Mr Howard Bamsey. Mr Bamsey is currently First Assistant Secretary in Department of Foreign Affairs and Trade Economic and Trade Development Division.

Commission on Sustainable Development (CSD)

The fourth meeting of the CSD is to be held from 18 April to 3 May 1996. In the lead-up to this meeting two ad hoc groups have been formed, one on sectoral issues (seas and atmosphere) and one on cross sectoral issues (ie. finance and consumption). These issues will be the focus of discussions at CSD 4.

CSD 3 which focused on forests met during 1994 and established an on-going inter-governmental panel co-chaired by the United Kingdom and India. Its terms of reference were established at CSD 3 and thus far the panel has had only one meeting. It is expected the panel will meet twice in 1996 and again in 1997 before reporting to CSD 5. A key issue to be tackled by the panel is the certification and labelling of forest products to encourage sustainable management. The panel will be meeting in Brisbane in March 1996.

Climate Change

At the first conference of the parties to the Framework Convention on Climate Change (COP 1) in Berlin, 130 nations agreed on a mandate for further negotiations. It was agreed that by 1997 the parties would negotiate a protocol under the convention which established "quantified limitation

and reduction objectives within specified timeframes such as 2005, 2010 and 2020".

Following COP 1 an Ad Hoc Group on the Berlin Mandate (AGBM) was established to begin work on the development of the protocol. The AGBM has already held two rounds of meetings; one at the end of August and one in early November 1995. As reported in the last issue of the AELN the European Union has put forward a possible outline for the structure of a protocol. A key element of the EU proposal is that the protocol should contain 3 annexures containing lists of policies and measures: Annex I would include policies and measures which developed countries agreed to adopt; Annex II would contain policies and measures which it was agreed should be given high priority consideration; Annex III would include policies and measures which are identified as having proven effectiveness or potential and which should be considered.

A key issue during the next 12-18 months will be the way in which a protocol can take into account each party's individual circumstances. In this context the Australian Government remains committed to further work being done on "equitable burden sharing". COP 2 is expected to be held in July 1996.

Ramsar Convention

The Ramsar Convention dealing with the conservation of wetland habitat will have a major meeting of the parties from 19-27 March 1995 in Brisbane. The Australian Nature Conservation Agency is responsible for the organisation of the meeting.

Just prior to the Brisbane meeting Australia will nominate further areas to be added to the list of protected areas under the Convention. At this stage the Commonwealth Government is still negotiating with the States on those areas to be nominated.

Biodiversity Convention

The Second Conference of Parties to the Biodiversity Convention (COP 2) held in Jakarta in 1995 began a negotiation process for a protocol on biosafety. It was noted that these were difficult negotiations which focused particularly on the transboundary movement of genetically modified organisms. It is anticipated the biosafety protocol

will support the Food and Agriculture Organisation's work on plant genetic resources.

At COP 2 it was also agreed that Montreal would be the home of the permanent secretariat to the Biodiversity Convention. Unfortunately, the meeting did not agree to the interim Global Environment Facility becoming a permanent facility. Furthermore no agreement was reached on voting procedures and hence all decisions under the Convention must continue to be made by consensus.

The next conference of the parties to the Biodiversity Convention is to be held in Buenos Aires in November 1996 and will focus on agriculture and biodiversity.

Basel Convention

The Third Conference of the Parties (COP 3) was held in Geneva in the third week of September. The major issue to be considered was the proposal from COP 2 to ban the transfer of hazardous wastes from OECD to non-OECD countries.

At COP 3 a number of changes in the text of the Convention were negotiated. Firstly, important wording was inserted into the preamble directing the technical group to concentrate on finalising the list of wastes to be covered by the Convention. Secondly, consistent with the agreement at COP2, new wording was inserted into the Convention to strengthen the ban on the movement of waste for final disposal from developed to developing countries. There was also discussion about the creation of regional centres of scientific and technical expertise in China and Indonesia. Unfortunately, no funding was provided for this initiative.

Desertification Convention

The Australian Government has recently sought the views of relevant non-government organisations on the ratification by Australia of the Desertification Convention. In this respect a key issue is whether or not Australia will develop a national action plan on desertification. As a developed country Australia is not required under the Convention to develop an action plan and the Australian Government has argued that given the range of initiatives already in place an action plan is not required.

Penny Wensley Australia's Ambassador for the Environment, who attended the consultative meeting noted that the Desertification Convention was often seen as the "poor man's" convention because of its focus on Africa. She nevertheless, urged that desertification should not be forgotten

because of Australia's enormous expertise in this area. Ms Wensley also noted the importance of indigenous involvement in initiatives under the Desertification Convention.

At this stage it is expected that the First Conference of the Parties on the Desertification Convention will be held in late 1997 or early 1998.

Land Based Sources of Marine Pollution

In late 1995 an ad hoc inter-governmental meeting was held to consider land based sources of marine pollution.

The meeting considered a plan of action to deal with a number of pollutants and polluting activities in particular:

- * persistent organic pollutants;
- * radio-active waste;
- * habitat destruction; and
- * sewerage.

Australia's position was that it was prepared to adopt the plan of action if it was not legally binding and focused on measures to be taken at the national level. There was concern at the meeting that there be no duplication of work currently being undertaken by United Nations Environment Program.

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FEDERAL

Federal Court Decision: Implications For The Register Of The National Estate

On 24 November 1995 the Full Federal Court in *The Australian Heritage Commission v Mount Isa Mines Limited* decided questions arising under the *Australian Heritage Commission Act 1975* (the Act) The majority decision of the Court renders a significant degree of uncertainty to the decision making process by which places are listed on the National Estate pursuant to the Act.

On 26 April 1988 the Australian Heritage Commission (the Commission) entered the Sir