

# recent developments

## INTERNATIONAL

*Penny Cresswell*

### **China bans ozone-depleting substances ahead of schedule**

In early July 2007 China, previously the world's largest producer of ozone depleting chemicals chlorofluorocarbons (CFCs) and halon, shut down its six remaining facilities and banned the production and import of the chemicals. This puts China two years ahead of the 2010 deadline for phase-out set by the Montreal Protocol on Substances that Deplete the Ozone Layer. The Montreal Protocol is an international treaty that came into force in 1989 and has been widely adopted and implemented – and is hailed by some as a great success story of international agreements. The phasing out of the substances has been assisted by the Montreal Protocol's Multilateral Fund. The World Bank is one of the Fund's implementing agencies and has developed technological conversion programs, with refrigeration, mobile airconditioning, foams, aerosols, solvents and fire control being the targeted sectors.

China became the world's largest producer of ozone depleting substances in 1996 when CFCs, halon and other ozone chemicals were phased-out in developed countries. The ban on these substances in developing countries comes into force in 2010. India and South Korea have now taken the lead as producers of ozone depleting chemicals in the Asia Pacific.

### **Climate Change – some developments**

- **China has acknowledged that it needs to be accountable** for its greenhouse gas emissions and combat climate change urgently. It has a goal of improving energy efficiency in 2010 by 20% over 2005's levels. It will not agree to any form of binding target, but has not ruled out binding targets for the future. While the US has been the world's leading emitter of CO<sub>2</sub>, and Netherlands Environmental Assessment Agency reported in June 2007 that China's emissions overtook those of the US in 2006.
- **The June 2007 G8 Summit in Germany ended with a pledge from the United States** to 'seriously consider' reductions to man-made greenhouse gas emissions by 2050. However German Chancellor Angela Merkel's hopes for mandatory limits were not realised. For the US, bringing China, India, Brazil and other fast growing countries into the negotiations, to be part of the solution, is fundamental.
- More recently the **UN Chief Ban Ki-Moon has urged the United States to take a lead** role in combating climate change. He has made climate change a priority since taking office in January this year. He has invited key players, including the US, to a high-level meeting on climate change on 24 September 2007 ahead of the negotiations under the UN Framework Convention on Climate Change (UNFCCC) (to start discussing a successor to the Kyoto Protocol) planned for two weeks in December 2007 in Bali. The goal is for agreement to be reached on a **Kyoto replacement** by 2009 and for it to be in force by 2013 following Kyoto's expiration. Meanwhile US President Bush has invited representatives of major industrialised and developing countries (including India and China) to a separate climate change summit on 27-28 September to discuss "life after Kyoto". The US's UN Ambassador told the General Assembly at the August 2007 meeting on climate change that the US was committed to the UNFCCC and its objective of stabilizing concentration of greenhouse gases. He has also stated that at the Bali conference the US will work to 'accelerate progress on key issues' including promotion of sustainable forestry and agriculture, adapting to climate change impacts and improving access to clean and efficient technologies.
- As reported in earlier editions of NELR, in 2006 Australia and the US, together with China, India, Japan and the Republic of Korea formed the **Asia-Pacific Partnership on Clean Development and Climate (AP6)** – an 'alternative' Kyoto, aimed at reducing greenhouse gas emissions. As at mid-June 2007 only 2% of the \$100 million set aside by Australia for 5 years has been spent and a meeting proposed for earlier this year has been postponed with

no new date set. According to Prime Minister Howard, climate change will be a focus of the **Asia-Pacific Economic Co-operation Forum (APEC)** meeting of its 21 members (including the US and China), proposed for this September in Sydney, will be used to get more regional agreements on greenhouse gas reductions. It is unclear what might happen to the AP6 partnership if APEC results in agreements regarding climate change.

### **International Wildlife Trade – agreement on further ivory sales**

In June 2007 in the Hague a conference on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) debated how CITES can advance the broader biodiversity and sustainable development agenda. Issues on the agenda included the need to protect the livelihoods of poor communities reliant on wildlife trade and the growth of trade via the internet.

One key area of change was African ivory trade. International commercial trade in ivory was banned by CITES in 1989. In 1997 one-off sales were permitted from stocks considered healthy and well managed. Further one-off sales were agreed in principle in 2002 subject to a monitoring program compiling comprehensive data. A compromise was reached at the June meeting allowing four southern Africa countries to make a further single sale using registered government-owned stocks, followed by a nine year 'rest' period.

## **COMMONWEALTH AND NATIONAL**

*Simon Batten*

### **Review of the *Great Barrier Reef Marine Park Act 1975***

A report with the above title was released in October 2006, together with the Australian Government's response to the review. Key review recommendations related to governance, accountability and transparency in the management of the Great Barrier Reef were implemented by the *Great Barrier Reef Marine Park Amendment Act 2007* which commenced on 1 July 2007.

In particular, it provides for:

- A five-yearly, peer-reviewed 'Outlook Report' to be tabled in Parliament and published, documenting the overall condition of the Marine Park, effectiveness of management, and risks and pressures on the ecosystem;
- An enhanced process and requirements for engaging stakeholders in the development of zoning plans for the Marine Park;
- Zoning plans to be 'locked down' for a minimum of seven years from the date they come into force to provide stability for business, communities and biological systems;
- The Great Barrier Reef Marine Park Authority (the Authority) to be subject to the financial management framework of the *Financial Management and Accountability Act 1997* instead of the *Commonwealth Authorities and Companies Act 1997*; and
- The Great Barrier Reef Consultative Committee to be replaced by a non-statutory Advisory Board, reporting directly to the Minister for the Environment and Water Resources.

The review of the Act recommended that 'Statements of Expectation and Intent' be used in relation to the Authority, in order to provide structure, clarity and transparency in the setting of government expectations and the oversight of the performance of the Authority.

A second amendment Act is under development to implement all remaining Review recommendations, which could come into effect in mid-late 2008. These changes will relate primarily to the regulatory environment applying to the Great Barrier Reef and are intended to reduce 'regulatory red tape', enhance consistency in Australian Government environmental regulation and improve the capacity of governments to effectively enforce laws applying in the Great Barrier Reef. In particular, the changes will provide for:

- The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to be the primary basis for environmental impact assessment;
- A new permitting part of the *Great Barrier Reef Marine Park Regulations 1983*, consolidating existing provisions and providing for regulatory streamlining;