

# articles

## Climate Change Law – Special Edition

In this edition of the Review, all three articles focus on climate change associated issues. In light of this it is appropriate to provide a brief update on the Bonn Agreement, which was reached as an 11th hour compromise between the parties, principally the European union (EU) and the Umbrella group (Australia, Russia, Japan, Canada)

The Agreement was made possible when the EU withdrew its objections in relation to carbon sinks. From one point of view, the Agreement is a win on all fronts for Australia. Conversely, environmentalists and conservationists say this win was at the expense of the global environment.

Firstly Australia's negotiators 'won' on the definition of what constitutes a carbon sink, and secured agreement on the inclusion of revegetation such as saltbush and mallee. These plants can now be legitimately used to offset carbon emissions from industry or vehicles. A report in *The Australian* (Wednesday 25 July 2001, p 6) quotes Professor Shea as stating "the concessions have an enormous upside for Australia – providing badly needed investment for land restoration projects across rural Australia."

The other 'win' for Australia was the agreement to allow carbon sinks to be used in calculating emission targets. However, individual country quotas have been set to provide maximum amounts that may be claimed as part of that country's emission reductions.

Australia also scored a 'win' with respect to the binding nature of penalties for non-compliance. However, the mechanism whereby non-compliance in the first accounting period (2001-2012) will have to be 'repaid' in the second period by 130%, remains.

Whilst industry might hail these achievements as wins for the Australian economy, Mr Don Henry, the Executive Director of the Australian Conservation Foundation, has stated, "I think it is unfortunate that Australia was the last to agree to this package and played such a leading role in the weakening of the protocol." (*The Australian*, Wednesday 25 July 2001, p 6)

More talks on implementation are set for October 2001 in Marrakech. It is expected the issue will be taken up again at the *Rio plus ten* Conference in Johannesburg in September 2002.

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