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Environmental Law in a time of Recession:

Lessons from the Past, Plans for the Future

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What will be covered today:

Introduction to International & EU Environmental Law

Development of Environmental Concepts

Environmental Protection and Economic Stability

The Environment and Economy in Portugal

Focus on Wildlife

Your Project...

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Environmental Law is not a single area - there are overlaps with many (all) other areas of law:

Property

Health and Safety at Work

Public Health

Tort

Employment

Criminal

The term is usually used to refer to the laws that *protect* the environment in some way

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Seek to control relationship between humans and natural environment

Can be:

- Positive ("you must do...");

- Negative ("you must not do...")

Different sanctions for breaches of both.

Can be:

- Reactive (wait for something to happen);

- Proactive (act in advance of a disaster)

Require assistance of many disciplines, particularly physical sciences – no point in legislating if you don't understand what is going on

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Need to predict future effect of law as well as seek to control present situation

Some solutions cause future problems – landfill tax (good idea) led to fly-tipping, for example (not good)

Integrated approach is required – a particular environmental law cannot be viewed in isolation

Constantly changing, dealing with actions which are:

- Cumulative (i.e. only cause harm after a series of events) or

- Irreversible (i.e. extinction of a species)

Or both! Cumulative events need quick action, irreversible ones need careful planning – inherent conflict.

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What is “environmental law” *for*?

To protect People?



Law

To protect Environment?

Pressures can pull in opposite directions

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Introduction to International Environmental Law

Background

Hard Law

Soft Law

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What is International Environmental Law (IEL)?

A body of law composed of the principle rules of conduct which states feel themselves bound to observe (and therefore do observe) in their relations with each other	The rules of the game. No country is forced to obey them, they just do. It's like being polite to people in everyday life.
Rules relating to the functioning of international institutions or organisations and their relations with each other and their relations with states and individuals	The rules relating to the UN, or IAEA, or similar. Cover their relations with each other, with sovereign states, and with individuals
Rules relating to individuals and non-state entities in so far as their rights or duties are the concern of international community	Rules relating to anyone who isn't a state (NGO, Company, person) "in so far as their rights or duties are the concern..."

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IEL is generally separated into Hard Law and Soft Law. Hard Law is binding, whereas soft law is generally persuasive in nature.

HARD LAW (Binding)

- Treaties

- Case Law

- Custom

- Juristic Works

SOFT LAW (Not binding)

- Declarations and Principles

- Reports and Recommendations

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A Treaty is not always called “Treaty” - also convention, protocol, covenant, pact, act, etc. Some are frameworks, some are umbrellas

Usually states have to ratify their signature of a treaty by approval of their respective parliaments. Often only comes into effect if a certain number of signatories ratify. Only bind those who sign

Often effective – e.g. 1985 Vienna Convention (for the Protection of the Ozone Layer) and its 1987 Montréal Protocol

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Treaties can be global, which protect particular species on a global basis:

1946 International Convention for the Regulation of Whaling

Passed to create an International Whaling Commission to control the global whaling industry and maintain stocks

1973 CITES (Convention on the International Trade in Endangered Species of Flora and Fauna)

Separated endangered species into 3 appendices, and banned global trade in them

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They can also be Regional, and try to protect particular regions – and sometimes their wildlife

1972 London Convention for the Conservation of Antarctic Seals

Specifically limited to areas south of 60°S (i.e. the Antarctic), and 6 species of seal

1991 Salzburg Convention concerning the protection of the Alps

Specific regional protection, signed by 8 Alpine states* (and no-one else)

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There can also be Bilateral agreements between 2 states

1988 US-Canadian Agreement on the Conservation of the Porcupine Caribou Herd

Only signed by, and binding, on the US and Canada

Concerns Porcupine Caribou, 130,000 of which migrate across Alaska, the Yukon and the Northwest Territories

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International Case Law:

The only *permanent* international judicial tribunal is the International Court of Justice (ICJ). Gives many decisions and opinions, and uses past decisions to assist it (although no binding precedent)

Arbitration:

States set up a judicial tribunal to deal with a particular case. May not necessarily concern a breach of international law but the settlement of the terms of an agreement

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New concepts are often not introduced through treaties but through customs generally accepted by states.

Problematic:

When does custom become part of international law?

Writings by respected commentators are referred to by courts and arbitrators when settling disputes

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Declarations and Principles are more of a non-binding “declaration of intent”

Most significant environmental examples:

UNCHE -1972 (Stockholm), and UNCED – 1992 (Rio)

Not international law immediately: - represent an intermediate step towards formulation of legally binding rules and principles

States often reluctant to sign up to a range of measures.

Can be particularly true of developing countries (and the US at Kyoto!). More are happy to agree to a series of intentions

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Reports (such as the WCED/Brundtland Report) and recommendations (such as those found in OECD publications) can form the basis for policy both internationally and nationally

International organisations (UN) can request reports which are intended to form the basis of their decision making

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Introduction to EU Environmental Law

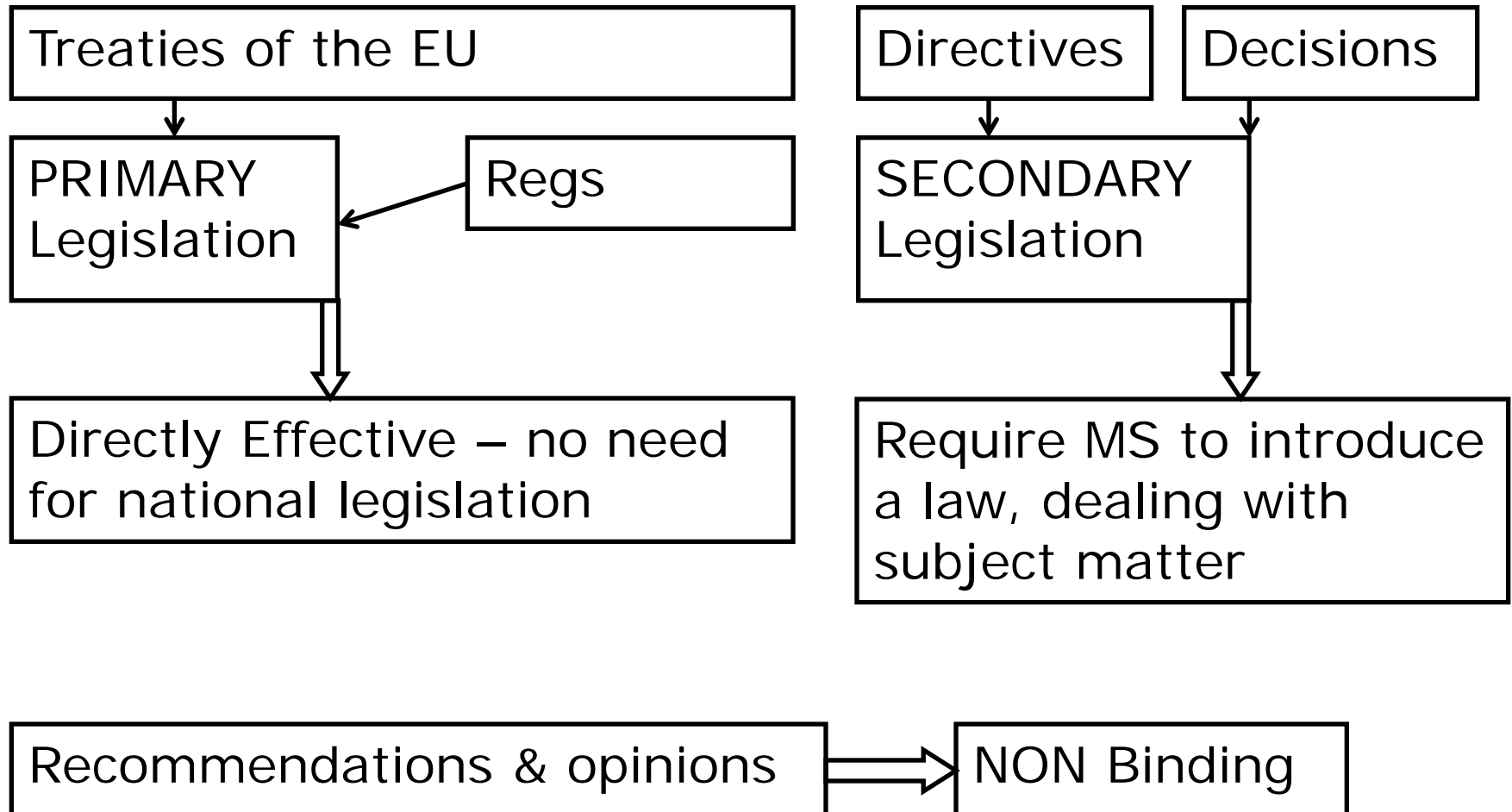
Directives and Regulations

Environmental Action Programmes

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EU Environmental Law



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Initially the EEC did not consider that the Environment was within its competency

1972 UNCHE was followed in the same year by Paris Summit meeting of the EEC Member States where they declared:

Economic expansion is not an end in itself ... As befits the genius of Europe, particular attention will be given to intangible values and to protecting the environment, so that progress may really be put at the service of mankind

UK joined 1973, Portugal in 1986.

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Key features of EU Environmental Law

Improving living / working conditions of EU citizens;

Removing distortions in market operation caused by differing environmental controls and standards; and

Avoiding cross border pollution

Based on three key principles:

- Precautionary;

- Preventative;

- Polluter Pays

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Post-UNCHE the EEC (now EU) set out several Environmental Action Programmes (EAPs), which are outline political statements on legislation

The 1st EAP set out the main principles and the Commission has then over a period of years produced the rest of the series:

1ST 1973-1977

2ND 1977-1982

3RD 1982-1987

4TH 1987-1993

5TH 1993-2000

6TH 2000-2010 – Extended to 2014

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1st EAP principles mark a change from earlier attitude:

Deal with pollution at source

Take environmental issues into account at the earliest stage

Avoid abusive exploitation of natural resources

Promote conservation and improve standard of knowledge

The polluter should pay for the damage they caused

Activities in state shouldn't degrade environment of another

Have regard to developing countries

Should be clear long-term EU environmental policy

Environmental Protection is for everybody

Establish Action Levels for each type of pollution

Harmonisation of Environmental Protection

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6th Environmental Action Programme “Environment 2010: Our Future, Our Choice”

Improve implementation of environmental legislation

Improve integration of the environment into social and economic policies

Improve ownership of environmental protection efforts by stakeholders and citizens

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Single European Act 1986 inserted Environmental Policy in Treaties through Article 130R-T (Post Lisbon Treaty renumbered to Arts 191-193)

Art. 191(1): 4 objectives:

Preserving, protecting, improving environmental quality

Protecting human health

Prudent / rational utilisation of natural resources

Promoting International measures to deal with regional or world-wide environmental problems

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Single European Act 1986 inserted Environmental Policy in Treaties through Article 130R-T (Post Lisbon Treaty renumbered to Arts 191-193)

Art. 191(2): 4 principles:

Preventive;

Precautionary;

Polluter Pays and

Integration with other policies

Art. 193: MS allowed to pass more stringent measures, as long as compatible with Treaty

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Amsterdam Treaty 1997 replaced Art 2 with a new Art 2 saying *inter alia*

The Community shall have as its task... to promote...

A harmonious, balanced and sustainable development of economic activities;

A high level of employment and of social protection...;

Sustainable and non-inflationary growth

A high degree of competitiveness and convergence of economic performance;

A high level of protection and improvement of the quality of the environment

The raising of the standard of living and quality of life, and

Economic and social cohesion and solidarity among Member States.

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The Treaty also added a new Article 3c

Environmental protection requirements must be integrated into the definition and implementation of Community policies and activities ... in particular with a view to promoting sustainable development

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Development of Environmental Concepts

Preservation of the Biosphere

Sustainable Development

Intergenerational Equity

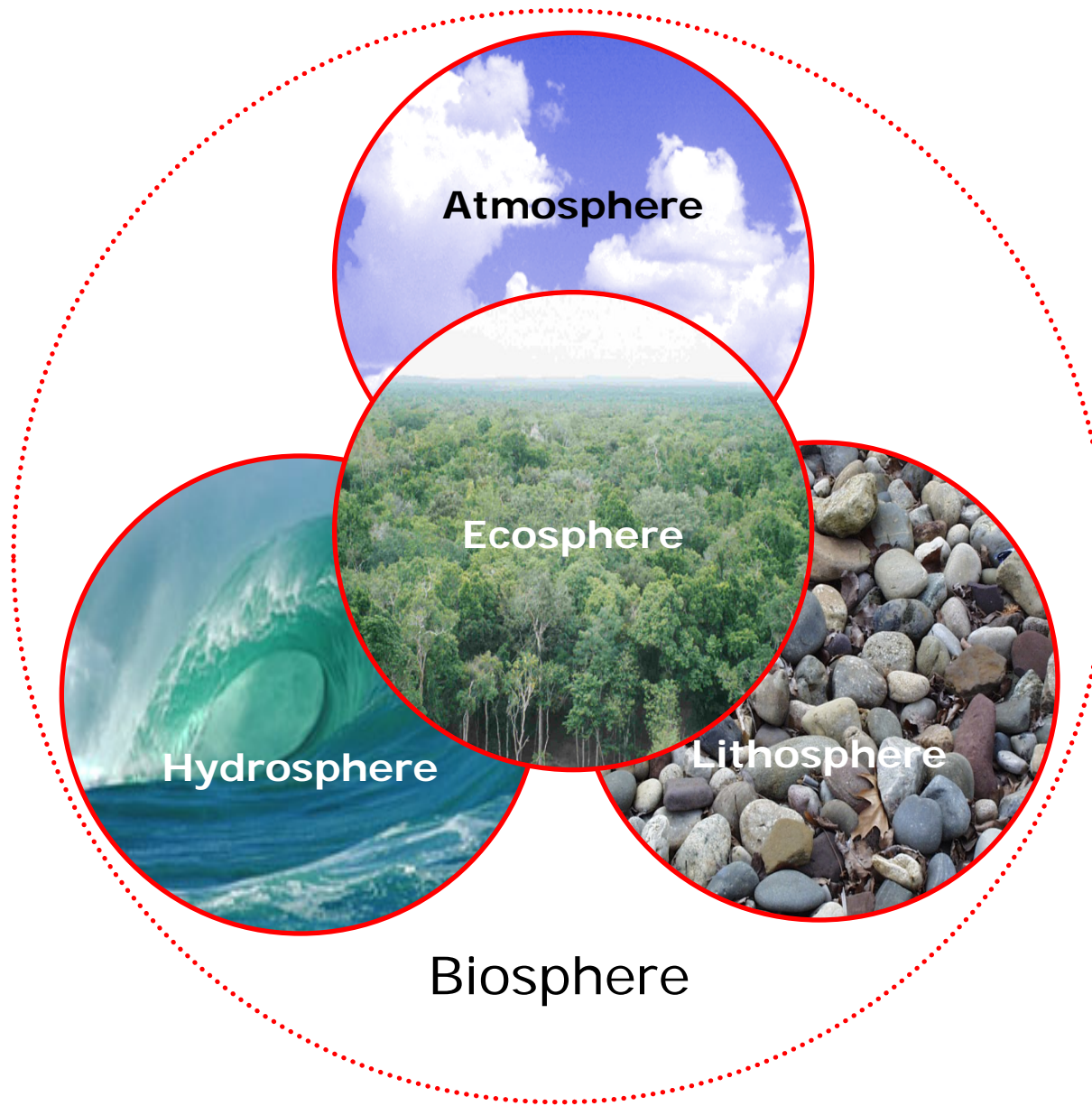
Precautionary Principle

Polluter Pays Principle

Emergence of Environmental Human Rights

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Preservation of the Biosphere is a relatively recent idea - international political acknowledgement originates from the expression of need for maintaining biodiversity at UNCED 1992

Traditionally humans viewed separately from the environment

Immanuel Kant (1724-1804) argued that humans have a *right* to exert power over the natural world in a way other species cannot

General attitudes centred on the subjugation of the natural world by human beings for their benefit. It was believed that humans had a right to exploit Nature as man's larder

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1990s alternative centred on idea that humans are part of natural world, rather than separate entities, with responsibility to care for it for their own long term benefit (Stewardship), or benefit of other organisms, or both

Still a conflict between:

- Intrinsic value (based on simple existence) and

- Utilitarian value (based on usefulness to humans)

Some rationalisation of these positions by the model of the biosphere as interdependent elements of which humans are a part

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Model works if we accept that each element relies upon another for its survival

Complexity of interdependence means one cannot say that any one element is surplus to requirements

In environmental ethics terms, biosphere protection is a concept beyond sustainable development. Has the following legal effects:

- Interdependence needs integrated solutions

- Protection extends past economically useful areas

- Problems require transboundary solutions

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The UN Conference on the Human Environment in Stockholm in 1972 (UNCHE) recognised there was a link between economic development and environmental protection

Wasn't a game-changer though.

In the 1974 UN Resolution on the *Charter of Economic Rights and Duties of States* ([A/RES/29/3281](#)), for example, little account was made of environmental impact of development

Also, many strategies put forward for environmental protection took no account of development – the 1980 [World Conservation Strategy](#) didn't really mention economics at all

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1987 WCED ("[Our Common Future](#)" or "The Brundtland Report") pointed to need to ensure SD to provide mechanisms to increase international co-operation.

It defined SD (Chapter 2, para 1) as:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

the concept of "needs", in particular the essential needs of the world's poor, to which overriding priority should be given; and

the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.

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Key features of Sustainable Development

Part of the protection of the Biosphere

Anthropocentric (human-centred)

Considers environmental protection with the emphasis on the economic and social development

Pragmatic. If applied fully, it takes into account needs of the undeveloped and developing world, and benefits/problems of technological advances

Favoured by governments post-Rio

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Intergenerational Equity (IGE)

SD can be interpreted as applying in two planes – horizontally and vertically.

Horizontal application meet the first part of the definition
(Development that meets the needs of the present)

Vertical applies to the second (the ability of future generations to meet their own needs)

It is this vertical application that can be referred to as Intergenerational Equity, or IGE.

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Principle was developed by Professor Edith Brown Weiss in the late 1980s, and she set out the 3-part core obligation (1990) as being:

First, each generation should be required to conserve the diversity of the natural and cultural resource base, so that it does not unduly restrict the options available to future generations in solving their problems and satisfying their own values, and should also be entitled to diversity comparable to that enjoyed by previous generations.

This principle is called 'conservation of options.'

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Principle was developed by Professor Edith Brown Weiss in the late 1980s, and she set out the 3-part core obligation (1990) as being:

Second, each generation should be required to maintain the quality of the planet so that it is passed on in no worse condition than that in which it was received, and should also be entitled to planetary quality comparable to that enjoyed by previous generations.

This is the principle of 'conservation of quality.'

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Principle was developed by Professor Edith Brown Weiss in the late 1980s, and she set out the 3-part core obligation (1990) as being:

Third, each generation should provide its members with equitable rights of access to the legacy of past generations and should conserve this access for future generations.

This is the principle of 'conservation of access.

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In the UK, the Committee on Radioactive Waste Management (CoRWM) said of IGE in 2004:

Put most simply, intergenerational equity is the balance between present and future generations based on fairness.

The difficulty with elevating the concept to the status of a principle is that it is so vague; how do we measure fairness, how do we know what future generations will want or need, how far into the future should we look?

It is an ethical rather than a legal principle.

Although it has been incorporated into a number of international legal instruments..., references are aspirational and do not elaborate on how the principle is to be implemented or enforced.

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In terms of policy and control (enforcement), whether at international, regional or local level, this vagueness causes enormous problems.

Williams (2006:1) argues that

“Global climate change represents a classic example of intergenerational inequity” because “the generation of people that emits the greenhouse gases will always precede the generation that has to suffer the climatic changes caused.”

If that is the basis for IGE, then it could be argued that all environmental damage comes under the same category – the generation that used first CFCs is not the generation to feel the impact of a damaged ozone layer, etc.

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The Precautionary Principle (PP) is nothing new as a concept, but in 2000 the Commission Communication [COM/2000/0001/final](#) tried to clarify the PP and points out (Para 3) that

The precautionary principle is not defined in the Treaty, which prescribes it only once - to protect the environment.

But in practice, its scope is much wider, and specifically where preliminary objective scientific evaluation, indicates that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the high level of protection chosen for the Community.

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Environmental assessment should be carried out and mitigating action should be taken to reduce the damage to the environment

It is open to a number of interpretations. Either:

The process or project should be allowed to proceed unless or until it is found to be damaging to the environment

or:

The process or project should not be allowed to proceed unless or until it is found not to be damaging to the environment

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The OECD (Organisation for Economic Co-operation and Development) states that:

The principle to be used for allocating costs of pollution prevention and control measures to encourage rational use of scarce environmental resources and to avoid distortion in international trade is the so-called 'polluter pays principle'.

This means that the polluters should bear the expenses of carrying out remediation measures decided by the public authorities...

First mentioned as a principle in the 1st EU Environmental Action Programme in 1973

Contained in both TEU and SEA

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Under the principle, the polluter should pay the costs incurred through polluting activities, such as:

- Administration of pollution control system (e.g. license fees)

- Monitoring

- Prevention

- External costs – e.g. Landfill (through taxes)

- Clean-up costs (by setting requirements & standards in relation to polluting activity)

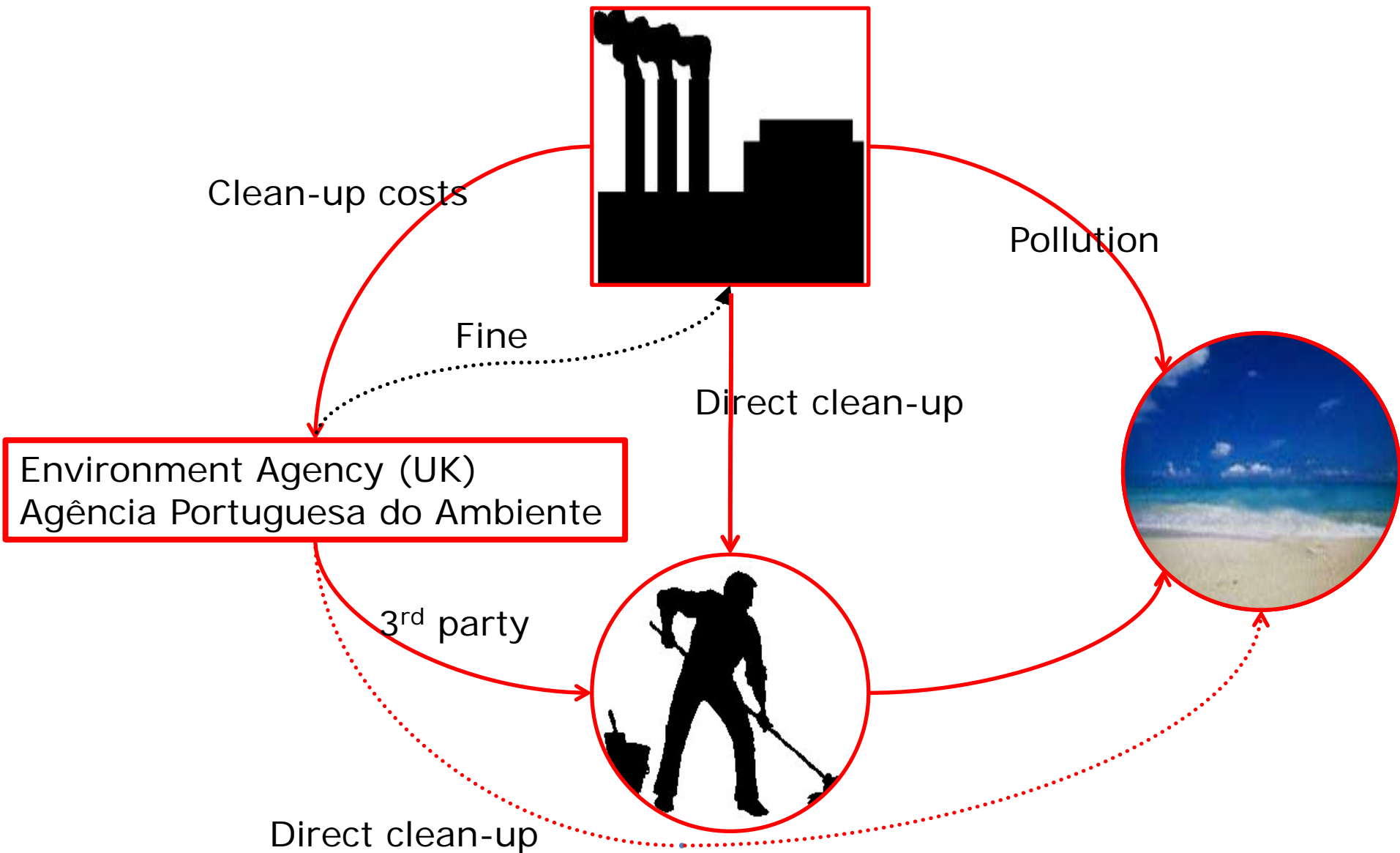
Problems:

- Does the corporate polluter ever really pay, or are the costs ultimately recovered from the consumer?

- Does this matter, as the consumer is effectively causing the corporation to pollute anyway?

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Emergent Environmental Human Rights

There is no “human right to the environment” as such, either in the Universal Declaration of Human Rights (UDHR), or the 1950 European Convention on Human Rights (ECHR), the European Court of Human Rights (ECtHR) has recognised that such a right might have an impact in some cases.

It is important to bear in mind that even though the action in relation to the ECHR may have failed, there may still be domestic remedies that were not exhausted.

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Emergent Environmental Human Rights

Argument in favour of having it:

Certain aspects of the environment are so strongly connected with human rights that to damage the environment is to be in breach of a human right

Film from Earth Day 2009 exploring the links



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Argument against having it:

Sole focus on humans could be detrimental to rest of environment – it gets us right back to the old days of nature serving humanity

Are humans entitled to greater consideration than the rest of the environment?

Are humans a part of environment or is it *"everything that is not me"* (Albert Einstein)

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Noise Cases:

Powell and Rayner v. UK (9310/81) 21.02.1990

Applicants, who lived near Heathrow airport, and argued the authorised noise level there unacceptable and government measures to minimise the noise to be insufficient.

Held: Not a violation of Art 8 (right to private and family life)

Hatton v. UK (36022/97) Grand Chamber judgment
08.07.2003

Applicants lived near Heathrow and claimed 1993 policy on night-flying had increased noise

Held: Not a violation of Art 8

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Noise Cases:

Moreno Gomez v. Spain (4143/02) 16.11.2004

Applicant complained of persistent noise at night caused by nightclubs near her home and of it having disturbed seriously her sleep on a prolonged basis.

The Court held that the applicant's right to respect for her home had been seriously infringed as a result of the authorities' failure to deal with the night-time disturbances. In view of the magnitude of the noise - at night and beyond permitted levels - and that it had continued over a number of years, the Court found a breach of Article 8.

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Pollution Cases:

**Öneryildiz v. Turkey (48939/99) Grand Chamber
judgment 30.11.2004**

Slum built on rubbish tip exploded and 9 relatives of applicant died in resulting fire.

Held: Violation of Art 2 (right to life). The Government had not provided the slum inhabitants with information about the risks they ran by living there ; even if it had, it remained responsible as it had not taken the necessary practical measures to avoid the risks to people's lives. The regulatory framework had proved defective as the tip had been allowed to open and operate without a coherent supervisory system. The town planning policy had likewise been inadequate and had undoubtedly played a part in the sequence of events leading to the accident

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Pollution Cases:

López Ostra v Spain (16798/90) 09.12.1994

Applicant complained about pollution caused by a plant treating leather industrial waste, which released gas fumes, smells and contamination thus causing health problems to people living nearby. In particular, the applicant's daughter suffered from nausea, vomiting and anorexia which, according to the paediatrician, was the result of the pollution.

The Court found a violation of Article 8 in that Spain had not succeeded in striking a fair balance between the interest of the town's economic well-being - that of having a waste treatment plant - and the applicant's effective enjoyment of her right to respect for her home and her private and family life.

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Other potentially emerging principles

Conservation:

- Maintaining essential ecological processes and systems, which support life

- Preserving genetic diversity

- Achieving sustainable use of species/ecosystems

Amelioration:

- Improving the environment

Are they actually new, or are they just the underpinning ideas of all the other principles?

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**Environmental Protection
and
Economic Stability**

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Animated film by WWF Brazil, which illustrates their view of the impact of economic development on the environment



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“Environmental Values” is a phrase that occurs many times in Environmental Law, with different meanings.

- 1) Economic / Financial Value.
- 2) Intrinsic Value

Economic Value is conceptually easy – the price of something – but is tricky when applied to some environmental issues. Consider the price of an unspoiled view, or the value of the existence of the giant panda.

Some economists have tried to calculate the value of the environment

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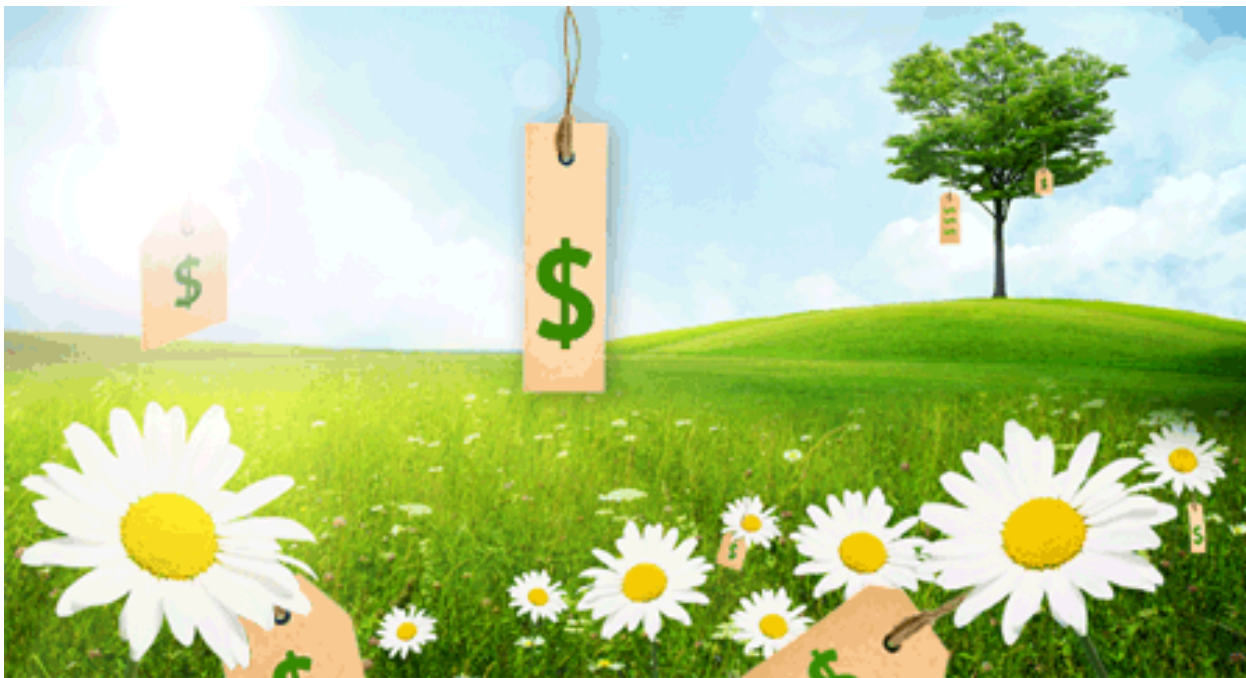
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Intrinsic Value is conceptually much harder.

How much value do we place respectively on humans and animals?

Is countryside *better* than town?

Are species *worth* protecting?



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A crucial part of sustainable development is the aspect of development.

The global financial crisis which started in 2008 has wiped trillions of dollars off stock markets worldwide, and triggered “austerity” measures in many countries.

In 2008, [Scientific American](#) magazine asked

A bear market might seem like a boon for the environment: less overall economic activity, like manufacturing and driving, means less overall pollution. Right?

It then goes on to suggest the opposite is true, and that lack of money leads to environmental degradation

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The [NY Times](#) reported in October 2008 that the EU was trying to “soften” the impact of carbon reduction targets because of the increasing bite of recession.

2009 reports from the New Economics Foundation and Environment Agency suggested that:

In spite of one of the biggest global recessions for a century – the trend towards ever greater overconsumption has been hardly altered ([NEF](#), p2)

and

The majority of businesses plan to cut back investment in energy and water efficiency measures to save money during the recession ([EA](#))

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In 2010, Principles for Responsible Investment, a body funded by the UN Environment Programme Finance Initiative released a [report](#) which estimated the global costs related to “global human activity”

2008 US\$6.6 trillion, 11% of global GDP

2050 (Projected) US\$28.6 trillion, 18% of global GDP

PRI approach environmental protection from a costs perspective, and argue that

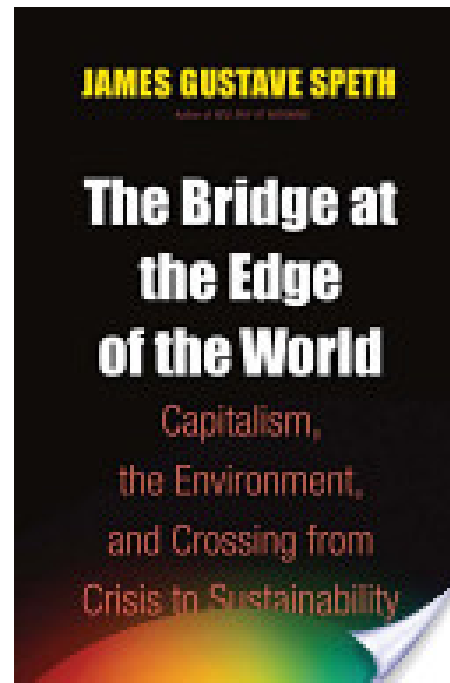
The costs of addressing environmental damage after it has occurred are usually higher than the costs of preventing pollution or using natural resources in a more sustainable way (p3)

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The problem with the global economic downturn is that it is these very measures that are being scaled down by companies and governments undergoing economic strains.

Video clip from 2008 by Gus Speth, Dean of Yale School of Forestry



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In the UK, the budget of the Environment Agency (the enforcing body for England and Wales) was cut by 12% between 2007-8 and 2011-12, not taking into account inflation.

2007-8 £1.25bn

2011-12 £1.1bn

To put the £150m cut into perspective, it represents the cost to the UK taxpayer of all illegal waste dumping in 2011-12

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The Environment and Economy in Portugal

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The [OECD Environmental Performance Review: Portugal 2011](#) said :

The Portuguese economy was badly hit by the economic and financial crisis. GDP fell 2.5% in 2009, and the economy is projected to remain very weak in the following years.

In 2009 Portugal adopted fiscal measures to stimulate the economy equivalent to 0.8% of GDP.

Some 18% of the stimulus was environment related, equivalent to 0.8% GDP (p10)

The OECD Review also says that some of Portugal's implementation of EU Environmental measures have

Followed the letter rather than the spirit of the law (p12)

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In terms of biodiversity targets, Portugal's 4th Report to the Convention on Biological Diversity Secretariat in 2010 admits that:

Despite all conservation efforts in last years the overall conservation status of natural and semi-natural habitats types in Portugal there is still a lot of work to do in order to achieve an adequate conservation status for many of them, mainly in habitat types more sensitive to impacts, those subjected to greater human pressure (such the coastal ones), and those who require a higher degree of ecological evolution to be in a good condition.

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In terms of the economy, it was announced on 14 February 2013 that Portugal's economy had contracted for the 9th quarter in a row, and that 2013 was likely to be another year of net recession.

This is combined with the impact of repaying a €78bn aid package from the EU and IMF.

The impact of January's tax rises are also expected to lead to an even sharper drop in spending in the early part of 2013

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[Greenpeace Portugal](#) (which has no actual office in the country) identify their first campaign in 2008, and the major environmental concern in Portugal, as being overfishing.

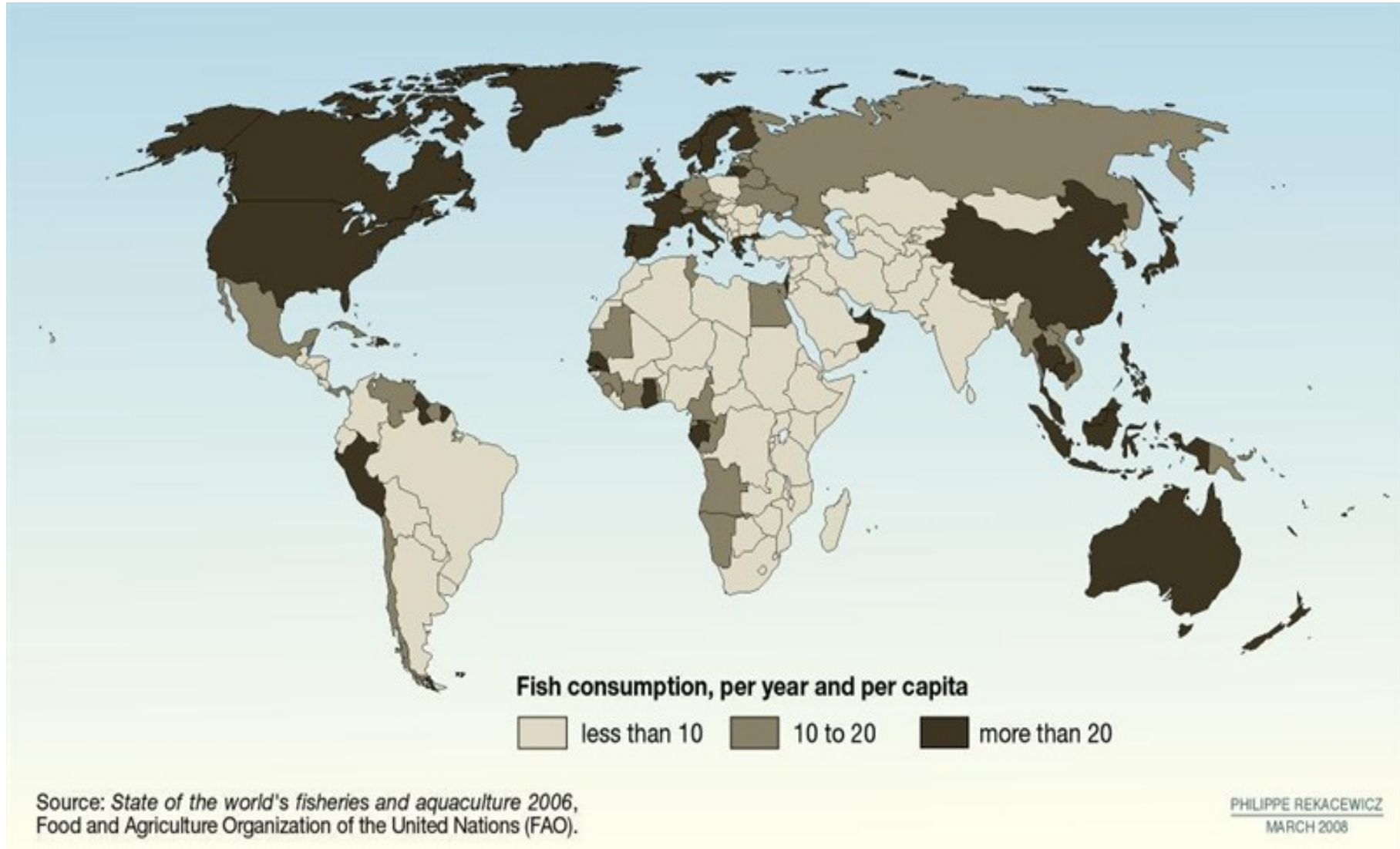
Portugal has the highest per-capita fish consumption in the EU at 57kg per person per year, and is one of the highest in the world

They campaigned for sustainable fishing and the movement has had some success with retailers

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2006 global per capita fish consumption (FAO)



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Focus on Wildlife

International

EU

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Conservation has become a major issue

Estimated that in the last 200 years 128 known species of birds and 95 known species of mammals have become extinct

Also, 99.99% of all species that have ever existed on Earth are now extinct

“Wildlife and Nature” clearly has links with air and water quality, but we will be looking at it just in terms of land use

The rationale for this is that the vast majority of flora and fauna require some sort of land-based habitat in order to thrive and survive

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Originally, “conservation” was perceived both nationally and internationally as a way of obtaining the optimum sustainable resource yield to secure maximum supply of food and other products

The idea of conserving species for their own value, not simply as resources is comparatively recent

In 1948, the International Union for Conservancy of Nature (IUCN) was set up, and produced a “Red List” of endangered species, which was the basis of CITES in 1973

In 1996, the IUCN changed its name to the World Conservation Union (but kept IUCN as initials)

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International moves relating to conservation are generally regarded as being sandwiched between two UN Conferences, UNCHE (1972) and UNCED (1992)

UNCHE Set out the principles concerning wildlife conservation in relation to international law

Principle 2:

Safeguard natural resources (fauna, air, water and land) for the benefit of present and future generations

Principle 4:

Identifies man's special responsibility to safeguard the heritage of wildlife and habitat

Set up Earthwatch* and UN Environment Programme (UNEP) and Environment Fund

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The principles put forward by the UNCHE (and UNEP) were developed by three conservation strategies:

1980 World Conservation Strategy (WCS)

Emphasises that conservation and development are two sides of the same coin

Defined “conservation” as:

“managing the use of the environment and natural resources to ensure the maximum sustainable benefits for present and succeeding generations”

Clearly see links to of “sustainable development”

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1982 World Charter for Nature (WCN)

Proclaimed principles of conservation by which all human conduct affecting nature should be guided and judged

Article 1:

Nature shall be respected and its essential processes shall not be impaired

Article 2:

Calls for the conservation of habitat, as "the genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival"

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1987 World Commission on Environmental Development (WCED)

Also known as the Brundtland Commission, after its chair, the Norwegian PM Gro Harlem Brundtland (Director-General of the WHO since 1998)

Produced the Brundtland Report “Our Common Future” in 1987

Outlined the concept of Sustainable Development from earlier

One of the triggers behind the UNCED in 1992

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1992 UN Conference on Environment & Development

Main Components:

- Agenda 21 (Sustainable Development)

- UN Framework Convention on Climate Change

- UN Convention on Biological Diversity (Biodiversity)

- Rio Declaration on Environment and Development

- The Statement of Principles of Global Consensus

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EU involved in conservation both as signatory to international treaties and as international lawmaking organisation

The laws made under the EU Action Programmes may be divided into three main groups:

- Protection of Specimens & Species of Flora and Fauna

- Protection of Habitat and Ecosystems

- Comprehensive and Integrated Protection

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Directive 79/409/EEC on Conservation of Wild Birds

Includes all species of wild birds living on the territory of member states as well as nests, eggs and habitats

All necessary measures must be taken to maintain scientific and cultural requirements, taking in to consideration economic and recreational factors

General protective regime includes the same measures as international conventions (e.g. the 1971 Ramsar Convention (on Wetlands of International Importance))

A sufficient diversity and area of habitats must be provided through establishment of protective areas

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Annexe 1

175 species listed (also applies to regularly migrating birds), which have their habitats classified as specially protected areas and then notified to the Commission

MS must protect wetlands of international importance

The sale of live or dead birds and any readily recognisable derivatives or parts is prohibited

Annexe 2

24 species that can be hunted in area to which the Directive applies (Pt 1)

77 species that may be hunted only in specifically mentioned states. Hunting must comply with “wise use and ecologically balanced” control of species of birds concerned (Pt 2)

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Annexe 3

Species permitted for sale, transport and holding provided they have been legally killed or captured

Authorises certain exceptions supervised by the Commission.
No exceptions can be granted regarding the provision of habitats or maintenance of bird populations at required levels

Directive has been amended many times since 1979, the last time in 2009 (Directive 2009/147/EC), which was a codification document

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Directive 92/43/EEC Conservation of Natural Habitats and of Wild Flora and Fauna

Specifically aims to protect biodiversity by conserving natural habitats

Calls for coherent European ecological network of special conservation areas called Natura 2000

Each MS has to contribute in proportion to the representation within its territory of natural habitat types and the habitats of species potentially threatened by habitat loss listed in annexes

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In June 2010, Portugal was warned by the Commission that two developments close to Comporta, 450km south of here, were going to disrupt the network of Natura 2000 sites between Lisbon and the Algarve.

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Increasingly, efforts to protect wild fauna and flora are using a comprehensive approach in protection of biotopes (flowing bodies of water, wetlands, dry and fertilised grasslands) under the heading of “integrated protection of nature”, e.g.:

1979 Bern Convention on the Conservation of
European Wildlife and Natural Habitats

1991 Salzburg Convention on the Protection of the
Alps (touched on earlier)

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Your Project...

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In groups of three or four prepare for a 25 minute presentation (and 5 minutes of questions) on the future of environmental protection in Portugal, in the EU and internationally.

This can be factual (what the future *will* be...) and aspirational (what the future *could/should* be...)

Your group should pick one aspect of environmental protection – air pollution, climate change, habitat protection, sustainability and so on

You should also demonstrate your knowledge of the potential costs and economic limitations of what you think