

INTERNATIONAL ENVIRONMENTAL LAW CONFERENCE

Victoria, B.C. March 30, 1996

J. ALAN BEESLEY, O.C. Q.C.

CANADA: LEADER, LAGGARD OR OPPORTUNIST?

INTRODUCTION

Canada has been in the forefront in developing international environmental law since the turn of the century. The 1909 Canada-USA Boundary Waters Treaty not only prescribed that the two countries would not pollute their boundary waters, but established the innovative and imaginative institution of the International Joint Commission to assist in implementing its provisions. The leading case remains the Trail Smelter arbitration, of 1938 and 1941, in which Canada agreed to pay compensation to the US for damage done by fumes crossing the border. The famous 1972 Stockholm Principle 21, often referred to as the "Canadian" principle, was based on the Trail Smelter case, as was much of the 1982 Law of the Sea Convention, and Rio Principle 7. Indeed, most of the international environmental law since the 1972 Stockholm Environment Conference has been based explicitly or implicitly on the Trail Smelter case, always with Canada playing a leading role in the progressive development of the law.

What has been Canada's record in applying, implementing, and living up to the obligations it has helped to develop?

What follows is a brief discussion of the possible applicability of four International Treaties to the Clayquot Sound situation, and Canada's obligations under these Conventions.

2. U.N. CONVENTIONS

There are at least four International Conventions, (Treaties) of possible relevance which will be examined separately and cumulatively, namely:

- (a) The 1982 United Nations Law of the Sea;
- (b) The 1991 United Nations Convention on Biological Diversity
- (c) The 1991 United Nations Convention on Climate Change; and
- (d) The 1972 Unesco United Nations Convention for the Protection of the World Cultural and Natural Heritage.

3. LAW OF TREATIES

The contemporary international "constitutional" basis for the law of treaties, one of the most ancient fields of international law, is embodied in the 1969 Vienna Convention on the Law of Treaties. The Convention both codified customary treaty law and "progressively developed" certain principles and rules, so that

it is now generally regarded as reflecting existing customary and conventional rules of international treaty law. Canada acceded to the Convention in 1970, and it has since come into force.

4. Article 26 of the Vienna Law of Treaties Convention which incorporates the basic legal maxim "PACTA SUNT SERVANDA", provides:

"Every treaty in force is binding on the parties to it and must be performed by them in good faith."

5. It is a common misconception that treaties which have not yet come into force create no legal obligations, unless they incorporate pre-existing rules of international law or constitute "law-making treaties" laying down legal principles which become accepted as "peremptory norms" (fundamental rules of law). Article 18 of the Vienna Convention on the Law of Treaties provides, however, that even between the time of signing and ratifying a treaty (i.e. well before it comes into force for the state in question) a state is obliged to refrain from acts which would defeat the Object and Purpose of the Treaty. Thus, since Canada has signed all four of the Conventions (Treaties) cited in paragraph 2 above and has also ratified three of them, Canada must comply with the following legal obligation laid down in Article 18 of the Vienna Treaties Convention:

"Article 18:

Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) It has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or

(b) It has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed."

6. LAW OF THE SEA CONVENTION

In the case of the 1982 UN Convention on the Law of the Sea, Canada is a signatory but not yet a party.

POLLUTION

Article 192 (the "Canadian article") lays down the fundamental rule that: "States have the legal obligation to protect and preserve the marine environment."

Article 1(4) provides that "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;"

7. The whole of chapter XII (45 articles) deals with the "Protection and Preservation of the Marine Environment", accepted now as reflecting existing customary and conventional international law. The Convention thus treats Protection and Preservation of the Marine Environment as an Object and Purpose of the Convention.

8. FISHERIES

Another major part of the Law of the Sea Convention (Chapter V on the Exclusive Economic Zone) as well as a series of provisions on the High Seas relates to the Conservation of the Living Resources of the Marine Environment, and makes clear, as do many other provisions of the Convention, that the regulation and protection of fisheries are amongst the basic objects and purposes of the Convention. Article 117, for example obligates Parties to take measures for the conservation of the living resources of the high seas.

9. SALMON

Article 66 of the Convention deals with Anadromous species, such as salmon, and provides:

"Article 56

1. States in whose rivers and estuaries anadromous stocks originate shall have the primary interest in and responsibility for such stocks.
2. The state of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone."

10. Preliminary conclusion (1)

It is submitted that in light of the well known damage to streams, rivers and their living resources resulting from certain types of logging, primarily through the heavy silting process thereby commonly created, such negative impacts may be sufficient of themselves to defeat the Object and Purpose of the Law of the Sea Convention to the point where Canada would be in default of its international legal obligations as a signatory to the Convention if such logging activities in Clayoquot Sound were to continue.

11. BIOLOGICAL DIVERSITY CONVENTION

In the case of the U.N. Convention on Biological Diversity, Canada is a party to the Convention, having ratified it in December 1992, and is thus bound to do nothing which would defeat the Object and Purpose of the Convention. Moreover, since the Convention is in force since December 29, 1993, Canada is now bound to all the provisions of this Convention, to which no reservation is permitted.

12. The Object and Purpose of the U.N. Biodiversity Convention are embodied in the Preambles to the Convention, which affirm the "intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values and its components" and that "the conservation of biological diversity is a common concern of mankind". The Preamble also reaffirms that "states are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner".

13. The rich biological diversity within Clayoquot Sound,

quite apart from the rarity of the old growth forest itself, coupled with the expanding scientific knowledge and continuing process of discovery of new or extremely rare species in the area would seem to warrant the conclusion that the Biodiversity Convention is relevant to the Clayoquot Sound situation.

14. NATIONAL PLANS

Article 6 of the Convention requires the Parties to develop national strategies, plans and programmes for the conservation and sustainable use of biological diversity. It is not known if there is any Canadian National Plan or Strategy which is being applied to Clayoquot Sound, but there appears to be no evidence of the existence of any such federal-provincial plan. Whether this omission of itself would defeat the Object and Purpose of the Convention insofar as Canada is concerned is a moot point, but such an omission would seem to prejudice the Conventions' Object and Purpose.

15. IDENTIFICATION MONITORING PROMOTION AND REHABILITATION

Article 7 requires Convention Parties to take certain action to fulfil the basic objects and purposes of conservation and sustainable use of biological diversity, including to:

- (a) identify components of biological diversity important for its conservation and sustainable use having regard for its conservation and sustainable use;
- (b) monitor components of biodiversity identified and focus attention on components requiring urgent conservation and those which offer potential for sustainable use;
- (c) identify processes and categories of activities which have adverse effects on biodiversity and monitor the effects and monitor the effects of these practices; and
- (d) maintain and organise data from identification and monitoring;
- (e) promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, INTER ALIA, through the development and implementation of plans or other management strategies;

16. It seems to be a matter of dispute as to whether all necessary steps set out in Article 15 have been carried out by either the public or private sector, although a number of relevant processes are underway. As with Article 6, however, while default under Article 7 would not of itself seem to defeat the Object and Purpose of the Convention, it would appear to prejudice them.

17. PLANNING REGULATION AND PROTECTION

Article 8 of the Convention would seem to be of most direct relevance to the Clayoquot Sound situation.

Article 8 provides that Convention Parties must:

"(a) establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity;

(b) develop guidelines for the selection establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) regulate or manage biological resources important for the conservation of biodiversity whether within or outside of protected areas with a view to insuring their conservation and sustainable use;

(d) promote the protection of ecosystems, nature habitats; promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;"

18. Articles 8(a) to (d) raise questions of fact and of scientific opinion, which do not appear to have been adjudicated on by any court. If it can be established that no system of special measures, selection guidelines, regulation, management and promotion is in place, then this default might of itself be deemed to defeat the Object and Purpose of the Convention.

19. INDIGENOUS PEOPLES

Article 8(j) raises another whole range of complex issues which do not as yet appear to have been litigated before the courts, namely, the biodiversity rights of indigenous communities with respect to Clayoquot Sound. Article 8(j) provides that each party to the Convention must:

"(j) subject to its national legislation, respect, preserve, and maintain knowledge, innovations and practices of indigenous communities embodying traditional lifestyles relevant for the conservation and sustainable use of practices and encourage the equitable sharing of benefits."

20. While it would seem, on principle, that the interaction between biological diversity and indigenous peoples is self evident, the Preamble does not refer to the issue. This omission is not necessarily determinative, however, on its relevance to the Convention's Object and Purpose, as appears from the discussion of Article 10 below.

21. Article 10(c) obligates the Parties to the Convention: :

"(c) to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements"

22. It is beyond the scope of this memorandum to examine the complex questions of fact and law raised by this Article. As far as is known, however, no court examination or determination has been made of the range of considerations relevant to this issue. It would be surprising if a court were to find that the preservation of elements of the traditional culture of indigenous people through the conservation of the biological diversity of their habitat is outside the Object and Purpose of the Convention, but the possibility cannot be ruled out. It is also possible, however, that a court might find that, pending the kind of examination and determination on the issue required by the Convention, logging should not proceed in the habitat of native

peoples within Clayoquot Sound.

23. ENVIRONMENTAL IMPACT ASSESSMENT

Article 14 obligates the Parties to:

"(a) introduce appropriate procedures requiring environmental impact assessments for proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing adverse effects and to allow for public participation where appropriate.

(b) introduce arrangements to ensure environmental effects are taken into account.

(c) promote on the basis of reciprocity exchange of information and consultation on activities under their jurisdiction which are likely to effect the biodiversity of other nations or jurisdiction

(d) in the case of imminent or grave danger or damage originating under its jurisdiction or control that will effect other states or jurisdictions notify those jurisdictions and take steps to minimize the effects on those other jurisdictions

(e) promote national arrangement for emergency responses to activities which present imminent danger to biological diversity and encourage international cooperation to supplement national efforts."

24. Article 14 is clearly one of the key provisions of the Convention since it provides for Parties to "introduce procedures for environmental impact assessments" and "arrangements to ensure environmental effects are taken into account."

25. It would appear to be a mixed question of fact and law whether such assessment procedures and arrangements have been introduced "to ensure environmental effects are taken into account." (The language of Article 14 is vague on whether such procedures and arrangements must be implemented by the Parties, and not merely "introduced:)

26. In the absence of such assessment procedures and

protective arrangements a Court might well find that such a serious omission goes to the heart of the Convention, sufficient to constitute a breach of Canada's legal obligation not to take action which would defeat the Object and Purpose of the Convention. Presumably the proponents of logging of some of the old growth forest in Clayoquot Sound would argue that such procedures and arrangements are in effect and have been followed, while their opponents would argue the contrary. There would seem to be no court determination on this issue.

27. While paragraphs (c) to (e) of Article 14 relate primarily to cooperation with other states and international institutions, and might not be deemed to be directly relevant to the Object and Purpose of the Convention, they provide indicative evidence of the position of the international community concerning the importance to every state of the fulfilment of legal obligations under the Biodiversity Convention.

28. Article 15(i), which requires Parties to the Convention to:

"(i) Develop policies to encourage the conservation of biodiversity and the sustainable development of biological and genetic resources on private lands;" provides further evidence of the basic Object and Purpose of the Treaty, as well as laying down a further obligation on Convention Parties applicable to "private lands."

29. Other provisions of Article 15 also lay down legal obligations of a promotional nature (Article 15(j), (l) and (m)) while 15(k) incorporates stringent "procedural" obligations relating to impact assessments, requiring Parties to:

"(k) Introduce appropriate environmental impact assessment procedures for proposed projects likely to have significant impacts upon biological diversity, providing for suitable information to be made widely available and for public participation, where appropriate, and encourage the assessment of the impacts of relevant policies and programmes on biological diversity;"

30. PRELIMINARY CONCLUSION 3

In spite of the mixed questions of fact and law and value judgments entailed in determining whether Canada is in compliance with Articles 14 and 15 of the Biodiversity Convention, it is submitted that Canada has breached its legal obligations not to take action which would defeat the Object and Purpose of the Convention. It is submitted moreover that this issue is one of sufficient importance to be considered by a relevant court with a view to determining whether Canada is fulfilling its obligations under the Convention.

31. CLIMATE CHANGE CONVENTION

In the case of the Convention on Climate Change, Canada is both a signatory and party to the convention, having ratified it in December 1992. Article 2 of the Convention states that the Objective of the Convention is "to achieve ... stabilization of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". Article 3, paragraph (4) obligates the Parties to take precautionary measures and to mitigate adverse effects of climate change. It goes on to provide that:

"Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures ...".

32. COMMITMENTS UNDER THE CONVENTION

Article 4 of the Convention lays down a series of "Commitments" and refers directly in paragraphs (c) and (d) to the relevance of forestry and forests to climate change. Paragraph (c) requires parties "to promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases ... in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors".

33. Paragraph (d) of Article 4 of the Convention requires the

Parties to:

"(d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and various ecosystems."

34. It is not disputed that old growth forests such as those found in Clayoquot Sound constitute a substantial biomass and as such may play a significant role in capturing global warming gases. In laymen's terms, such forests form an important part of the "lungs of the earth." It seems unlikely that it would be technologically feasible to quantify the impact of logging such forests upon the process of climate change. What seems undeniable, however, on the basis of known scientific evidence, is that the eradication or diminution of such forests, wherever they may be, will lessen the ability of the world's biomass to contain and ameliorate the deleterious effects of greenhouse gases, and that the "conservation and enhancement" of such forests would have an opposite, positive impact.

38. PRELIMINARY CONCLUSION (3)

It is submitted that while the Conservation on Climate Change has relevance to the Clayoquot Sound situation, the decision to permit logging of parts of Clayoquot Sound would not, of itself, constitute a breach of Canada's obligation not to take action which would defeat the Object and Purpose of the Convention.

39. CONVENTION ON CULTURAL AND NATURAL HERITAGE

In the case of the Convention on the World Cultural and Natural Heritage, Canada has both signed and ratified the Convention, which is now in force.

40. The Object and Purpose of the Convention as set out in its Preamble and repeated elsewhere in the Convention, are to preserve the global and national cultural heritage and natural heritage of outstanding universal value from deterioration or

disappearance through measures to assure their conservation and protection.

41. The definition of "cultural heritage" contained in Article 1 of the Convention includes the following"

"sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view."

It would seem arguable, on principle, that any "ethnological or anthropological" or archaeological sites of importance to Canada's native people would be included within this definition. (It may be that certain outstanding examples of old growth forests would be deemed to qualify under this definition, irrespective of ethnological or anthropological considerations.)

42. The definition of " natural heritage" contained in Article 1 of the Convention includes:

"geological or physiographical formations of precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation"; and "natural sites or precisely delineated areas of outstanding universal value from the point of view of science, conservation or natural beauty."

43. It is submitted that while mixed questions of fact and law and value judgments are involved in determining the relevance of the Cultural and Natural Heritage Convention to the Clayoquot Sound situation, the definitions of cultural and natural heritage are sufficiently broad so as to permit the application of the Convention to the area. Thus the Convention would seem of relevance.

44. Article 3 of the Convention provides that "It is for each state Party to the Convention to identify and delineate the different properties situated on its territory...".

45. Under Article 4 of the Convention each Party recognizes

its duty to ensure the "identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Article 1."

The same article goes^{on} to obligate each state party to "do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain."

46. Article 4 specifies that the duty it imposes " belongs to that state", and the ensuing provisions make clear that any protection of a site pursuant to the Convention is the result of a voluntary act of the state in question.

47. Article 5 obliges State Parties to the Convention "to ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory", and to this end "shall endeavour "to adopt a series of measures to develop a general policy, set up necessary services, develop scientific and technical studies and research "as will make the state capable of counteracting to dangers that threaten its cultural or natural heritage." The same article obligates Parties to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage."

48. Article 6(1) provides that " Whilst fully respecting the sovereignty of states on whose territory the cultural and natural heritage.... is situated," the Parties "recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate, "

49. Article 11 provides that the Parties shall, in so far as possible, submit to the World Heritage Committee (established pursuant to the Convention)"an inventory of property forming part of the cultural and natural heritage, situated on its territory."

50. PRELIMINARY CONCLUSIONS (4)

It is submitted that while the Cultural and Natural Heritage Convention may be deemed to be of relevance to the Clayquot Sound situation, there does not seem to be a sufficient basis for concluding that Canada is in breach of its obligations under the Convention. While it may be arguable that as a Party to the Convention Canada ought to designate Clayquot Sound as a cultural or natural heritage and submit it to the protection of the Convention, Canada has no legal obligation to do so.

GENERAL CONCLUSIONS

1. It cannot be determined with certainty, given the mixed questions of fact and law and value judgements involved, that Canada is in clear breach of its legal obligations under any of the four UN Conventions to which Canada is a signatory or a party. However, each of the four Conventions have some degree of application to the Clayquot Sound decision. Taken together, they raise a range of important legal issues which do not seem to have been subject to judicial determination. It is submitted that the cumulative effect of Canada's obligations under the four UN Conventions is such as to raise doubts as to whether Canada is in compliance with its international legal obligations, and that this issue should be raised before the appropriate court.

2. Canada has not been rigorous in implementing the provisions of the four treaties considered; having played a leadership role in their negotiation, Canada is not in the forefront of those living up to their obligations. While some of these obligations may seem onerous, others appear merely to entail complicated or cumbersome administrative arrangements. Some requirements do not seem to have been implemented, or even contemplated. Thus Canada's position might be perceived as dilatory or even indolent, while not cynical or opportunistic.

3. In the case of the 1982 Law of the Sea Convention, Canada, widely regarded as the state which gained most from the negotiations, has not yet ratified it, nearly 15 years after its conclusion, in spite of repeated promises to ratify. Such action or non-action enables Canada to claim most of the benefits of the Convention, while picking and choosing which obligations it is prepared to accept, a position Canada condemned throughout the negotiations. This policy of postponement, procrastination and paraleipsis may now be motivated by the desire to evade the compulsory third party settlement provisions of the Convention, which Canada strongly supported during the negotiations. Such a policy may be perceived by other states as deliberate opportunism.

4. In the case of the 1995 United Nations Agreement on Straddling Stocks, (not discussed here), which had its origins in a Canadian initiative, Canada seems to be following the same policy as on the 1982 Convention. It seems logical to assume that eventually Canada's allies in negotiations of importance to Canada will begin to question Canada's good faith.

CLOSING COMMENT

In a statement to the Oceans Management Workshop at UBC on March 18, 1988, I called for Canada, as one of the major beneficiaries of the Law of the Sea Convention, to "take the lead, in cooperation with states representing different regions and socio-economic systems, to begin the process of actually ratifying the Convention." No such action was taken by Canada. The Convention has since come into force, in 1994. Canada remains a non-party.

In a statement delivered to a Colloquium on the Oceans in St. John's on November 17, 1995, I asked "whether Canada should continue to assert the rights accorded by the 1982 Convention, while not becoming a party." Later, I asked whether Canada's fisheries disputes of the past decade would have dragged on so long "if the Law of the Sea Convention had been in force, and the binding dispute mechanism had been utilized". No participant at the Colloquium chose to address those issues. I hope we will have better luck at this conference.

Saturday 7:30pm

Evening Event

Party—Reception—Films

1590 York Place (off Oak Bay Ave. opposite St. Patrick St., near Beach Dr.)

Sunday March 31, 1996

Excursion to the Walbran Valley

7am departure. Cost: \$40.

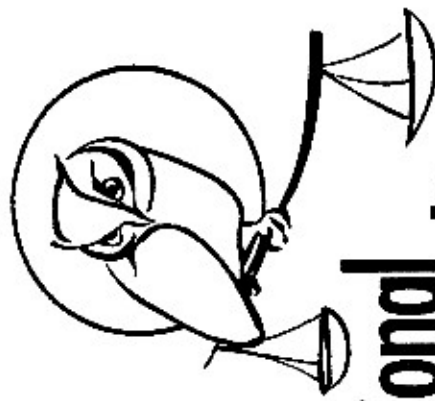
Contact Syd Haskell, 604 381-1141

Reserve in advance, please.

Thanks to:

Jim Cooperman, BCEV Report
Delores Broten, Waterhead Sentinel
Guy Dauncey, EcoNews
Steve Lawson & Suzanne Hare
Patricia Walters & Dr. James Piercey
Ted & Emily McWhinney
Helena Kuprowsky
David White
Paul George
Misty McDuffee
Joan Russow
Rae Billaeh
Dale Bertrand
Alan Dolan
Della Burford
Derrick & Gwen Mallard
Alan Beesley
Diana Lindley
Murray Rankin
Saul Arbess
Bill & Julie Pearce
Peter McAllister
Bernadette Mertens
Lisa McBain

Simon Coley
Joan & Mike Fleming
Craig Delahunt
Rob Lowrie,
Martin Olsen & Akiko, Shaw Cable TV
Kirk Mason, Q FM
Peter Ronald, Impulse Communications
Colleen McCrory, The Valhalla Society
Dr. Charles King
Norm Abby
David White
Ron Molsaac
Tom Martino
Pam Williams, Anodos Studios
Catering Contributors:
Lifestyle Markets
Nature's Fare
Silver Hills Bakery
Thrifty Foods
Mount Royal Bagels
Robin's Donuts (Bay St.)
Tim Horton Donuts
Sunflower Catering
Canadian Springs Water Company



International Environmental Law

EVOLUTION & ENFORCEMENT

Conference
March 29 and 30, 1996

Hosted by

Environmental Law Centre
Faculty of Law, University of Victoria

Conference Sponsors:

Victoria Branch:

World Federalists of Canada
International Law Education Foundation

Earth Island Institute

Pacific Environment & Resources Centre

BC Environmental Network Education Foundation

Canadian EarthCare Foundation

Skies Above Foundation

Raincoast Conservation Society

Carmanah Forestry Society

Friday March 29, 1996

Evening presentations: 7:30pm

Begbie Building, #159, University of Victoria Law School

- 1** Judge Ulf Panzer, Judges' Blockade, Hamburg, Germany
- 2** Delta Burford: *Wishes By & For the Children*
Peter McAllister: Slideshow
Joan Russow: Global Compliance Project

The Evening Session, followed by a reception and the World Premiere of Peter McAllister's films, *Legacy and Raincoast*, will be open to the public by donation.

Saturday March 30, 1996

Begbie Building, #159

Morning Sessions

8:30 Coffee/ muffins/ registration. *Please bring your own cup.*

8:45 Welcome/ opening prayer

9:00-9:30 Professor Ted McWhinney, MP
Opening—Overview of International Law

9:30-10:30 1st Panel

Setting the Stage.—Law of the Sea, Climate Convention, Biodiversity Treaty, Forests

Alan Beesley, Former Ambassador to Law of the Sea Conference

Bruce Torrie, Skies Above Foundation

Paul George, Founder WC

Misty MacDuffee, WC

Moderator: Ron McIsaac

10:30-10:50 Refreshments

10:50-12 noon 2nd Panel

Responsibility of Federal, Provincial & First Nations Governments to Enforce International Environmental Law

Karen Kraft Sloan, Parliamentary Sec. to Minister of Environment

National Chief Ovide Mercredi, Assembly of First Nations

Paul Kibel, Counsel, Pacific Environment & Resources Centre

Moderator: Margaret Eriksson

12-1pm Lunch

Afternoon Workshops 1-2:45pm



a Nuclear Weapons & The Law

Judge Ulf Panzer, Hamburg, Germany

Professor Ted McWhinney, MP

Dorothy Jean O'Donnell, Lawyers for Social Responsibility
facilitator, Bill Pearce

b Enforcement—First Nations' Role

National Chief Ovide Mercredi

Lavina White, Haida Nation

Steve Lawson, First Nations Environmental Network

facilitator, Greg McDade

c International Environmental Law & World Trade Law

Paul Kibel, Counsel, PERC

Alan Young, Environmental Mining Council of BC

Margaret Eriksson, Barrister/Solicitor

Michael M'Gonigle, Professor, International Environmental Law, UVic.
facilitator, Ted McDorman

2:45-3:15 Break

Afternoon Workshops 3:15-5pm

d Climate Change & Biodiversity.—Implications for Forest Policy

Derrick Mallard, Citizens' Association to Save the Environment

Misty MacDuffee, WC

Bruce Torrie, Skies Above Foundation

Chris Genovall, Pacific Environment & Resources Centre

facilitator, Saul Arbess

e Law of the Sea.—Habitat protection

Alan Beesley, former Ambassador

Valerie Langer, Friends of Claycoquot Sound

Peter McAllister, Raincoast Conservation Society

Steve Lawson, First Nations Environmental Network

facilitator, Kelly Acker