

# CIELAP Newsletter

CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY

## External Engagements put CIELAP in the International Spotlight

from the Executive Director:

CIELAP has been raising its profile at the international level over the past few months. In March, I attended the RIO + 5 Forum in Brazil, in April, the G7 Environmental Futures Forum in Washington and in May, Karen Clark, Research Associate, and I attended a workshop in Peru with our partners on our project, Preserving the Biodiversity of the Americas. Mark Winfield, Director of Research, attended the Biosafety protocol meeting in Montreal and he and Project Officer, Greg Jenish, were in Costa Rica in May, participating in a seminar on waste management, hosted by our partner, Fundación Ambio.

This does not mean CIELAP has been neglecting what is happening in Canada. We were just as disappointed as others that the environment, along with issues such as development assistance, human rights and poverty eradication, did not make it on to the Leaders' election platforms. But you will see elsewhere in this newsletter, that we do have a message for the new government. We continue to work with the Ontario Environmental Protection Working Group (OEPWG) to develop sound environmental (see *International, Rio + 5 and G7* on page 6)

## Biosafety Protocol Working Group Holds Second Meeting in Montreal

The Open-Ended *ad hoc* Working Group on Biosafety, established to develop a Biosafety Protocol under the *United Nations Convention on Biological Diversity* held its second meeting in Montreal from May 12-16. CIELAP's Director of Research, Mark Winfield, who was on the government of Canada delegation to the first meeting in Arhus, Denmark last July, attended the meeting as an NGO observer.

The second meeting was generally regarded as being more focussed than the first, as work began on the identification of the key elements of a protocol. The U.S. and Australian delegations, in particular, took a more constructive approach to the meeting than had been the case in Denmark, where they had sought to block the proposed Protocol, or significantly limit its scope.

A number of contentious issues, particularly the inclusion of socio-economic issues in the protocol, and the establishment of provisions around liability and compensation were deferred at the beginning of the meeting to allow work to proceed on provisions

related to advanced informed agreement (AIA) for transboundary movements of Living Modified Organisms (LMO).

Significant disagreements emerged on the scope of AIA procedures in the proposed Protocol. Many G-77 countries argued for AIA requirements to apply to all transboundary movements of LMOs. Canada, on the other hand, argued that AIA procedures should be limited to *continued on page 8*

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***In this Issue:***

CIELAP presents its views on water works and sewer privatization in the Province of Ontario. See page 2.

Generally, the environment did not fare well in the recent general election. Polls suggest it should have done better. Page 3.

Environmental standards setting by the Canadian Standards Association is reviewed in a recent CIELAP report. See page 4.

Rio + 5 and G-7 Environmental Futures Forum on page 6.

## CIELAP co-hosts Seminar on Solid Waste Management in Costa Rica

On Tuesday May 27, 1997, the Institute's Director of Research Mark Winfield and Project Officer Greg Jenish participated in *Seminario Sobre Desechos Sólidos*, a seminar on solid waste management in San Jose, Costa Rica. The seminar was organized and hosted by Fundación Ambio, CIELAP's partner organization in San Jose.

Mr Winfield delivered a presentation on current waste management practices in the European Union (Waste Diversion Developments in Western Europe, 1994-1997), and Mr Jenish a presentation on recent developments on waste management in Canada (Recent Developments in Waste Management, Diversion and Recycling in Canada). These presentations *continued page 5*

## Control of Access to Genetic Resources Topic as CIELAP Goes to Peru for Biodiversity Workshop

Executive Director Anne Mitchell and Research Associate Karen Clark went to Peru to participate in a workshop with partners in the Preserving the Biodiversity of the Americas project. The workshop was held in Urubamba, Cusco, Peru, from May 7-9, 1997.

Funded in part by the International Development Research Centre, the Preserving (See *Preserving Biodiversity*, page 4)

## Water and Sewer Bill fails to deal with Real Environmental and Public Health Problems facing Province

Public health and the future of the province's water resources were the topics when CIELAP's Executive Director Anne Mitchell and Director of Research Mark Winfield addressed the legislative committee responsible for Bill 107, the *Water and Sewerage Services Improvements Act*. If passed, Bill 107, will download responsibility for the operation of provincial sewer and water systems and the regulation of septic systems onto Ontario municipalities.

In her statement to the Committee on April 16, 1997, CIELAP Executive Director, Anne Mitchell, noted that "the Provincial Auditor, Environmental Commissioner for Ontario, the Commission on Planning and Development Reform, and the Ministry of Environment and Energy itself have identified serious problems with Ontario's sewer and water infrastructure and the operation of septic systems in the province."

CIELAP's statement went on to note that Bill 107 failed to address these real environmental and public health problems presented by province's deteriorating municipal water infrastructure. Other issues highlighted in the Institute's brief are:

- the lack of effective controls on industrial discharges into municipal sewer systems. It is estimated that Ontario industries release between 350,000 and 1 million tonnes of hazardous and liquid industrial wastes into municipal sewer systems each year;
- continuing failures of sewage treatment plants to meet provincial effluent guidelines, largely due to aging facilities;
- increasingly outdated and inadequate standards for drinking water;
- the vulnerability of many water plants to bacterial contamination due to the lack of adequate filtration facilities; and,
- growing problems of bacterial contamination of ground and surface waters due to malfunctioning septic systems.

The Institute concluded its presentation by stating that it was prepared to work with the government to address the real environmental problems and challenges facing the delivery of water and sewer services in the province at it enters the 21<sup>st</sup> Century. For copies of the *Brief to the Standing Committee on Resources Development (97-2)* see page 7 or contact the Institute.

## Defeat Of Environmental De-Regulation Agenda In U.S. Holds Important Lessons For Ontario

Last year's efforts, by the Republican Congress, to repeal or weaken key U.S. federal environmental laws holds important lessons for the current situation in Ontario, concludes a discussion paper, released in April, by the Institute.

The discussion paper, entitled *The Defeat of the Environmental Components of the 'Contract with America' and its Implications for Ontario* reviews the parallels between the environmental agendas of the Republican majority in the 104th U.S. Congress, and the current government on Ontario. The Ontario government

has been described as undertaking a dismantling of environmental laws, policies and institutions that is "without precedent in the history of the province" over the past 18 months.

In its paper, the Institute notes that by the end of the 104th Congress in November 1996, none of the environmental legislation introduced under the Republicans' "Contract with America" platform had been passed. In fact, as early as the fall of 1995, the Republican leadership was seeking to distance itself from the environmental proposals which it had put forward in the fall of 1994.

For more information or copies of *The Defeat of the Environmental Components of the 'Contract with America' and its Implications for Ontario* contact the Institute.

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 Editor: Greg Jenish Regular Contributors: Anne Mitchell, Mark Winfield, Greg Jenish, Jan Rabantek. Guest Contributors: Jack Gibbons, Karen Clark, Ian Attridge, Shannon Bernstein.  
 CIELAP provides leadership in the development of environmental law and policy which promotes the public interest and the principles of sustainability, including the protection of the health and well-being of present and future generations' and the natural environment.  
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### Informative Research : In its Genesis

Some of the projects under way in CIELAP's designated research areas (mining, hazardous and solid waste management, pollution prevention and toxics, biodiversity, sustainable agriculture, energy and climate change and biotechnology) include:

- A map using data from the National Pollutant Release Inventory which has helped CIELAP form a partnership with Canadian Geographic, the University of Toronto and Environment Canada.
  - A project on economic instruments for biodiversity conservation; World Wildlife Fund Canada has contributed \$5000 toward developing this project.
  - On-going work on greenhouse gas emission reductions for the electricity and natural gas sectors in Ontario.
  - CIELAP will be publishing a second year report on environmental protection in Ontario. *Ontario's Environment and the Common Sense Revolution* A Second Year Report should appear within weeks of this newsletter's publication.
  - A project is under way on hazardous waste in Ontario.
- For more details on any of CIELAP's research projects please contact the Institute.

### Federal Government Agrees to Establish National Advisory Commission on Biotechnology

In what may be one of the most important developments regarding biotechnology in Canada in many years, the federal government has partially accepted a recommendation from the House of Commons Standing Committee on Environment and Sustainable Development that an independent national advisory committee on biotechnology be established.

In its April 1997 response to the Standing Committee's November 1996 report on the regulation of biotechnology (cont'd pg 6)

editorial

## THE ENVIRONMENT AND THE ELECTION

editorial

Those concerned with the protection of Canada's environment often found the June federal election a frustrating experience. Despite the enormous environmental challenges facing Canada, and the inability of the federal government to address these questions effectively, what coverage of the environment there was during the election mostly highlighted the lack of attention being paid to environmental issues.

However, the 1997 election may yet emerge as an important environmental policy watershed. It was clear that going into the election the government intended to continue with the environmental policy directions which had been established over the past two years - devolution to the provinces through the CCME "harmonization" initiative, the removal of what federal environmental protection requirements might remain in the name of "jobs and growth," and the overall withdrawal of the federal government from any substantive role in the protection of Canada's environment.

The ambiguity of the government's new mandate must now throw this strategy into some doubt. The strengthened presence of the New Democrats and the Progressive Conservatives means that the profile of environmental issues in Parliament is likely to rise. Furthermore, in recent months, some major media outlets seem to have been reflecting heavily on their failure to give adequate coverage to environmental issues, suggesting the possibility of a change in the direction from that quarter as well.

Public opinion surveys continue to show very high, although latent levels, of public support for environmental protection. A poll of Greater Toronto Area residents completed in late May for example, indicated that 75% of respondents wanted the federal government to play a stronger role in the protection of Canada's environment. More broadly, as the issue of the deficit declines, there is the beginning of a debate in Canada about the appropriate positive roles of government in society.

The government will face a number of major environmental

decisions in the first few months of its new mandate. Chief among these is the fate of the CCME harmonization initiative. The "harmonization" agreement and schedules on standard setting, inspections and environmental assessment were to have been signed at the May CCME meeting, which was cancelled due to the election.

The conclusion of the "harmonization" initiative would effectively preclude the possibility of significant federal action on most other major issues. It would also be difficult for the government to proceed with the initiative without the appearance (and indeed the reality) of complicity with the anti-environmental agenda of the government in Ontario, a government whose policy directions, as replicated in the federal PC Party platform, were clearly rejected by Ontario voters.

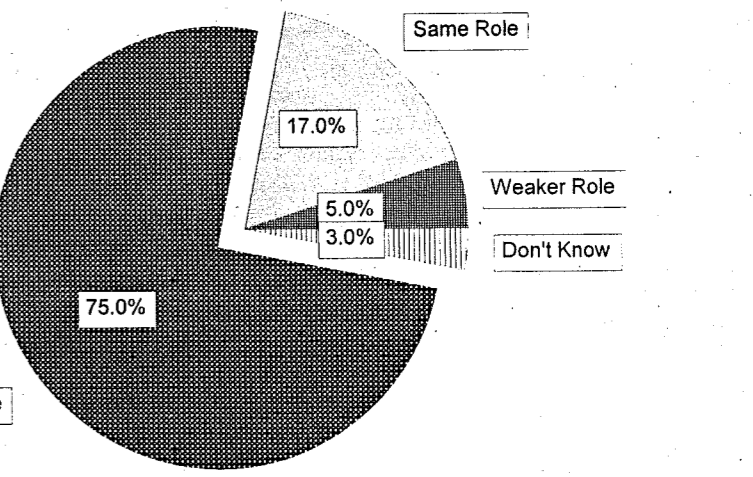
In addition, the federal government will have to develop a position on the issue of global climate change as negotiations on a legally binding protocol under the *United Nations Convention on Climate Change* begin this fall. The fates of Bills C-65, the *Canada Endangered Species Act* and C-74 the new *Canadian Environmental Protection Act* have also to be determined. Both died on the order paper when the election was called, and were in need of major revisions before they would make significant contribution to the protection of Canadians' health and environment.

The re-emergence of acid rain as a major environmental issue will also require a substantial federal response. Finally, we hope that the government's losses in Cape Breton will prompt serious action to deal with what may be North America's worst toxic waste site, the Sydney Tar Ponds.

There is no shortage of environmental issues in need of attention at the federal level. The key question now is whether the government will continue with its pre-election attempts to withdraw from its environmental responsibilities or will it recognize the need for a new, more positive vision for its second mandate.

### Governments' Actions frequently at odds with public opinion on Environmental Protection, Poll reveals

Recently, CIELAP commissioned Oracle Research to conduct a poll of residents in the Metro Toronto and Greater Metro areas. Residents were asked their opinion on what role the federal government should take in protecting the environment. The combined results show that fully three quarters or 75% of residents feel that the federal government should play a stronger role in protecting the environment. When the results are broken down by gender, a split was evident between male and female respondents. Among female respondents, 82% feel that the federal government should play a stronger role in protecting the environment, while among male respondents the figure was slightly lower at 71%. These numbers should send a clear message to the newly elected parliament: that voters want a stronger role in environmental protection from their federal government, not downloading and devolving responsibilities to the provinces.



The Question:  
 Over the past year, proposals have been presented for the federal government to give the provinces more control over the protection of the environment. In your opinion, should the federal government play a stronger role, the same role or a weaker role in protecting the environment?"

## Institute Releases Report On Nongovernmental Organizations Participation In Voluntary Environmental Standards Writing

CIELAP's most recently released report covers a somewhat novel subject matter for the Institute: the participation of nongovernmental organizations in a standards writing process conducted by a private, not-for-profit, industrial service organization. Virtually all of the Institute's commentary to date on process matters relates to publicly organized processes as virtually all environmental standards setting processes in Canada to this point in history have emanated from a public sector body.

The report, prepared by Research Associate, Terry Burrell, is entitled *CSA Environmental Standards Writing: Barriers to Environmental Non-Governmental Organizations Involvement*, and was released on May 12, 1997. It makes special reference to the Canadian Standards Association's process known as ISO 14000 in contrast to the other areas for which the CSA has become well known.

The CSA is well known for its technical standards aimed at ensuring product performance and safety. The CSA label is clearly identified on products from hairdryers to hockey helmets. The association's mandate is to develop consensus standards based upon the participation of individuals representing a "balanced matrix" of interests affected by those standards. Recently, however, the CSA has moved into standards writing in areas well beyond the technical, including environmental management systems (such as ISO 14000) and sustainable forestry management. These areas directly engage social and political values for which technical responses are inappropriate or insufficient. This has challenged the CSA's established approach to developing consensus standards. Presently, the CSA is in the process of reviewing the structure and composition of the committees which direct and discharge its standards writing work in the environmental area.

The CIELAP report, identifies a range of factors and concerns which constrain environmental NGO involvement in the CSA's standards writing activities. All environmental NGOs have financial constraints which limit the time and resources they can devote to CSA standards writing activities. Some NGOs are unwilling or reluctant to participate because they are critical of the environmental standards associated with CSA to date, especially ISO 14000 and sustainable forestry management standards (SFM). Many NGOs are sceptical about the possibility of effective representation of environmental interests under current CSA practices and procedures. They point out that commercial interests dominate CSA's committee structure and composition. They also express concern about specific decision making processes and CSA practices which favour industry/business perspectives.

The report concludes that CSA's current process provides an opportunity for the CSA to make the changes that will increase the possibility of additional NGO participation in the future. To order the report please see page 7 or contact the Institute.

*CIELAP would like to thank the Canadian Standards Association for their support to this project.*

**COMING SOON: "Ontario's Environment and the Common Sense Revolution: A Second Year Report" to order your copy, please contact the Institute**

**PRESERVING BIODIVERSITY -- CONTINUED** the Biodiversity of the Americas project commenced last year. CIELAP Research Associates Karen Clark and Ian Attridge prepared a report describing Canadian laws and policies pertaining to access to genetic resources. The research was based primarily on Article 15 of the Convention on Biological Diversity (CBD) which provides that countries should enact laws and policies that permit the equitable sharing of the benefits arising from the use of genetic resources. The convention understands that these mechanisms can arise from controls on access to genetic resources *in situ* (in place, as in their natural habitat) and *ex situ* (out of place, as in gene banks).

The other partners participating in the project are: Argentina, Colombia, Costa Rica, Ecuador, Paraguay, Peru and the United States. Representatives from most of these countries came to Urubamba.

Among the many findings of the workshop was the singularly important issue of the attitudinal differences between northern and southern signatories to the convention regarding controlling access to genetic resources. Canada and the United States both uphold policies supporting open, and for the most part, unrestricted access to genetic resources (Canada has been a signatory to the convention since 1992; the United States has signed, but not ratified the CBD). The serious potential effect of the northern resistance to accept access controls is that it may undermine Southern efforts to force the equitable sharing of the burdens associated with *in situ* conservation. Southern countries, on the other hand, are more concerned with access controls and benefits sharing mechanisms. It was noted at the workshop that Southern governments may hold "unrealistic expectations" regarding the revenue that may be generated by controlling access to genetic resources. Most have also apparently underestimated the cost of enforcing access regimes. The one "surprise" at the workshop is that Peru is currently considering leaving the "Andean Pact" of countries (Venezuela, Colombia, Ecuador, Peru and Bolivia) that had negotiated a regional access regime.

It was also found at the workshop that even countries with access regimes -- notably, Costa Rica -- have developed insufficient mechanisms to link access (and the revenues generated by controlling access) to *in situ* conservation and national capacity building, especially as regards building a country's capacity to "add value" to its own genetic resources.

Another pattern detectable in the South, with the exception of Costa Rica, was that conservation and access regimes exist only on paper. There are laws and policies in place, but few resources have been committed to bringing them into effect.

These and other findings at the workshop indicate a great deal of potential for international cooperation in finding ways to equitably share both the burden of conservation of genetic resources and the benefits arising from their use. Realising this potential relies, however, on more flexible positions being taken by the north and the south than is presently the case.

*CIELAP thanks IDRC for their support to this project.*

**SOLID WASTE SEMINAR CONTINUED** -- highlighted the general trends in northern nations of attempting to maximize waste diversion and to improve standards for disposal facilities.

Additionally, there were presentations by Roxana Salazar, the Executive Director of Fundacion Ambio; Dr. Rosendo Pujol of the National University of Costa Rica; and María Elena Fournier of the group Yiski, a recycling education centre. The Seminar opening address was given by Dr Adrián Rodríguez, Coordinator General de SINADES, effectively the country's Commissioner of Sustainable Development.

There were approximately 100 private and public sector waste management representatives as well as persons from nongovernmental organizations and academia and interested citizens in attendance.

Solid waste management is a very topical issue in Costa Rica at the moment as the waste disposal capacity in the San Jose Metropolitan Area is quickly becoming exhausted. As well, concerns are beginning to arise about the volumes of waste generated and the occurrence of litter and unregulated dumping in the countryside. Finally there are three bills stalled at various stages in the congressional system which could advance waste management for the nation, if they are able to proceed.

Throughout the seminar, similarities and differences between northern waste management trends and those in Costa Rica were illuminated. For example, what to do with the many varieties of plastics and composite material packaging, is a problem faced by both north and south. Recyclers in Costa Rica have begun diverting certain types of plastics into posts, signs and mats.

Key differences include the amount of waste produced per person and how it is diverted to 3Rs. Dr. Rosendo Pujol pointed out that Costa Ricans produce about 0.9 kilograms of waste per day while 'northern' Canadians produce about 2.2 kilograms of waste/recyclables per day. The amount of material that Canadians divert to 3Rs is about 0.5 kg/day on average and the amount that goes to disposal is about 1.7 kg/day. This indicates that even after recycling Canada's waste generation rate is twice that of Costa Rica's which underscores the high level of material usage and consumption in many northern countries versus many southern countries.

Costa Rica claims a material diversion rate of 10-15% which consists mainly of paper, newsprint, cardboard and some metals. These activities are carried out by small private reclaimers and as

CIELAP has been admitted to membership of IUCN, the World Conservation Union. Founded in 1948, The World Conservation Union brings together States, government agencies and a diverse range of non-governmental organizations in a unique world partnership (800 members in 125 countries). As a Union, IUCN seeks to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.

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such are somewhat difficult to tabulate (ie. no cumulative public reporting is undertaken). By contrast, the vast majority of Canada's curbside collection systems and material recovery facilities are owned and operated publicly.

The seminar had a significant profile-raising effect for the issue, so much so that Fundación Ambio mused about holding a follow-up seminar in July. Copies of the CIELAP seminar papers are available in English and Spanish (see page 7).

*CIELAP would like to thank the Canadian International Development Agency for their support to this project.*

## Institute Strategic Planning Session Held in May - Plan on Course, New Task Assigned

On May 3 the board and staff of CIELAP came together for a day of longterm strategizing. We reviewed our strategic objectives as set out in our five year plan:

1) *Financial Stability*: We concluded that overall funding is appropriate and cash flow is positive but we had not met our targets in terms of foundations and corporate fundraising. There was some discussion around the need to review foundation proposal strategies.

2) *Research Projects and Partnerships*: We confirmed our focus on the following research areas: mining, hazardous and solid waste management; pollution prevention and toxics; biodiversity; sustainable agriculture; energy and climate change; and biotechnology. There was some discussion around the need to focus more and resolve the question "What are CIELAP's most proprietary issues?"

3) *Communications and Marketing*: We need to review our marketing procedures and the profitability of CIELAP's reports and publications. We also identified the need for new computer equipment for our print and electronic marketing.

The board expressed an interest in stretching our horizons to 2020 or 2025. We reviewed some of the opportunities and challenges facing CIELAP and how to take advantage of these; we discussed team building; and we finished by defining our next steps: to establish groupings of staff and board to review the various recommendations. The groupings are: strategic planning; fundraising; human resource development; and communications and marketing. These groups will develop their own terms of reference and report to the next board meeting which is set for October 8.

We also set the date for our 27th Annual General Meeting - Wednesday November 5 1997 at 6 pm. CIELAP donors and supporters are welcome. We are also looking for additional board members. If you would be interested in helping us develop policy from a public interest perspective to protect the environment for the sake of future generations, or if you know someone who would be, please get in touch with us. You will have the satisfaction of knowing that you are helping maintain a crucial function at a crucial time. We also need fundraisers, people to help us with media and communications work; to help us write proposals; to help us sell publications; and to help us around the office. Why not call us or drop by the office?

INTERNATIONAL - CONTINUED policies which will ensure a sustainable economy for the province of Ontario. The OEPWG has met with the government and the Liberal and the NDP parties.

Since the last newsletter, the CIELAP Board and staff have also met to strategize on our future. The need for an independent 'think tank' in the area of environment and sustainability is needed now as much as it ever was before. You will read something of our plans and our dreams elsewhere in this newsletter.

Thank you for reading this and for your interest in CIELAP and its work. We look forward to your continued interest and support. Please do not hesitate to get in touch with me if you have comments or concerns about CIELAP or any of our projects.



**RIO + 5 FORUM**

With the help of the Earth Council, Environment Canada and the Canadian Environmental Network, Anne Mitchell, CIELAP's Executive Director, attended the RIO + 5 Forum in March 1997.

The Forum, convened by the Earth Council, was to assess progress since the Earth Summit in 1992 in meeting the objectives of sustainable development and turning the agreements (Agenda 21) into action. Speaker after speaker referred to the fact that the current market economy is not working and the majority in our world are not better off. There has been little progress on implementing the conventions agreed on in 1992. Less developed countries have become increasingly marginalised. This has been exacerbated by the stagnation and reduction of Official Development Assistance (ODA).

The introductory plenaries identified our task as coming up with mechanisms to reshape our industrial economy. The comment was made that we are a species out of control. The world is at a crossroads. It was agreed that we need to work on the management of resources, the role of financial institutions and the eradication of poverty if we are going to move towards sustainability. We need to launch a world wide civil society movement that will focus on social equity which will be one of the major issues for the 21st century. The market process, left to its own dynamics, excludes the weakest. We need a strong civil society to raise questions of ethics and equity and to change the thinking of those in power. We need to redefine priorities. "Five percent of the military budget would provide a banquet for the poor of the world" and "We are fed up with the 24 hour trading in the global casino" - were two particularly apt statements from presenters.

Each region worked on a framework for a strategy to achieve sustainability. NGOs from North America included a strong statement about 20% of the world's population, mainly in the north consuming 80% of the world's resources, mainly from the south. The North American NGOs called for several actions to be taken in Canada and the United States, including: systematic monitoring and evaluation of media and its continual message of endless consumption; holding transnational corporations accountable for violations of environmental laws and basic human rights; recognizing the importance of food security, self-sufficiency in food production, cultural integrity of food production and consumption; sustainable agriculture; promoting all of the above in national planning and policies; supporting the

United Nations in the implementation of the Programmes of Action from Agenda 21.

CIELAP will continue to monitor Canada's role in moving towards sustainability. CIELAP's Executive Director, on behalf of the Canadian Environmental Network, will be attending the United Nations General Assembly in June, as part of the Canadian delegation, as the world's leaders review progress since the Earth Summit in 1992. A report on that meeting, and Canada's commitments will appear in the next newsletter.

**G 7 ENVIRONMENTAL FUTURES FORUM**

The G7 Environmental Futures Forum was held in Washington in April. CIELAP's Anne Mitchell was part of the Canadian delegation. The purpose of the forum was to have an informal dialogue on future environmental challenges and problems and identify emerging scientific and policy issues. There were a number of presentations from different perspectives: science; population trends; business; human settlements and social trends. A number of key trends or issues in the future were identified: biotechnology and genetic resources; new viruses; toxics; exceptional climatic events; political tensions and conflicts over resources; manipulation of information/disinformation; weakening of political governance; global pollution of the oceans; preserving biodiversity.

In workshop discussions, topics ranged from the need to integrate research - eg. energy/biodiversity/land use to the need to understand the impact of the goods we buy and how do we change the balance of power between companies and people. Global policy issues to address include megacities; the integration of the global economy and implications on traditional and local economies; economic, social and environmental conflicts; equity issues and the elimination of poverty.

The workshop came to the following conclusions: there are ethical issues to be considered - the well-being of all versus the well-being of some; the need for more longterm monitoring of data; the need for new management structures; the need to protect local knowledge systems; the need to build healthy communities and healthy people.

CIELAP is interested in developing this discussion in Canada. We as a country need to address these issues and build from the local community with actions for sustainability so that our children and grandchildren can inherit a healthy environment and economy.

**BIOTECHNOLOGY - CONTINUED** - in Canada, the government stated that it "agrees with the Standing Committee on the need for a more broadly-based body to provide advice to a group of ministers on the ethical, social and regulatory aspects as well as the economic, scientific, environmental and health aspects related to biotechnology consistent with the principles of sustainable development."

The government has committed itself to considering options with respect to the chair, terms of reference, membership and supporting structure of the body as part of its current review of the National Biotechnology Strategy. The government's response also states that while it will identify its priorities to the advisory body for consideration, the government (continued on page 8)

**PUBLICATIONS AND PRODUCTS FROM CIELAP**

**New and Recent Books, Policy Reports and Briefs:**

- CSA Environmental Standards Writing: Barriers to Environmental Non-Governmental Organizations Involvement** A range of factors which constrain environmental NGO involvement in the CSA's standards writing activities are documented in this report such as the composition and structure of CSA committees dealing with sustainable forestry management and ISO 14000. 1997. 95 pages. \$19.99
- Financial Assurance Requirements for the Aggregate, Waste Management and Recycling Industries in Canada** A detailed description of provincial, territorial and federal regulatory requirements for environmental restoration in the aggregates, recycling and waste disposal industries, particularly, the role of financial assurances against environmental liability. 1997. 85 pages. \$15.00.
- Biodiversity Law and Policy in Canada: Review and Recommendations** This report provides the most current and comprehensive review of biodiversity law and policy in Canada. Includes chapters on a regional biodiversity basis. 1996. 500 pages. \$29.99
- A CO<sub>2</sub> Strategy for Ontario: A Discussion Paper** This report outlines a strategy which could simultaneously reduce Ontario's CO<sub>2</sub> emissions by 20% and reduce the energy costs of Ontario's residential, commercial and industrial consumers. 1996. 110 pg. \$19.99
- Ontario's Environment and the "Common Sense Revolution": A First Year Report** The sweeping changes brought to Ontario's environmental protection regime by way of the "Common Sense Revolution" are detailed. 1996. 90 pages. \$19.99
- Toxic Time Bombs: The Regulation of Canada's Leaking Underground Storage Tanks.** 1996. 199 pages. Soft cover. \$32.00.
- The Citizen's Guide to Biotechnology** A thought provoking exploration of biotechnology. 1995. 73 pages. \$19.99.

**B R I E F S**

- The Defeat of the Environmental Components of the 'Contract with America' and its Implications for Ontario, 1997.** 22pg - \$10.00
- Waste Diversion Developments in Western Europe, 1994-1997,** 1997. 38 pages - \$10.00
- Recent Developments in Waste Management, Diversion and Recycling in Canada,** 1997. 29 pages - \$10.00
- Brief...on Bill 107: The Water and Sewerage Services Improvement Act,** 1997, 10 pages - \$5.00
- Comments Regarding Responsive Environmental Protection : A Consultation Paper** 40 pages, 1996 - \$10.00
- Electricity and Environmental Protection - A brief to the NDP Taskforce on Ontario Hydro.** 7 pages, 1996 - \$10.00
- Brief to Stdg Comm on Bill 76 - The Environmental Assessment Consultation and Improvement Act -** 16 pg - \$10.00
- It's Still About Our Health! A Submission on the CEPA Review - Renewed CEPA - A Proposal 1996.** 120+400 pgs - \$40.00
- Brief to the House of Commons Standing Comm on Natural Resources Reg'g Mining & Canada's Env , 1996.** 18 pages. \$10.00.
- The Environmental Management Framework Agreement - A Model for Dysfunctional Federalism? 1996.** 89 pg - \$10.00

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**BIOSAFETY PROTOCOL CONTINUED** -- situations where LMOs are being introduced into "centres of origin and diversity," are known to be infective, invasive or pathogenic, or there was insufficient information available to make an assessment of the organism's likely effects. Canada also proposed that LMOs intended for "contained" uses be exempted from AIA requirements.

Canada's position was disappointing in that it was the most restrictive proposal presented at the meeting, with the possible exception of that of the U.S., inconsistent with the current requirements of Canadian domestic law, and in complete contradiction to the recommendations made by Canadian NGOs on the government of Canada's advisory committee on the Protocol.

The question of whether "express" or "implied" consent should be required for each import of an LMO also emerged as a major issue. Many G-77 countries argued for requirements for explicit consent from the government of the receiving country for each import of an LMO. Other countries argued for "implied" consent where consent would be assumed to have been given if the receiving country did not respond to a notification of an intent to import within a set timeframe.

Strong support was expressed for the inclusion provisions requiring public participation in decision-making around LMOs by many southern countries, the European Union, Norway and New Zealand. Other issues discussed at the meeting included the designation of competent authorities/focal points, information sharing and a clearinghouse mechanism, capacity building, risk assessment and management, unintentional transboundary movements, and monitoring and compliance. "Elements" papers were developed by the Chair outlining all of the positions presented by delegations on these issues.

The Canadian government, reportedly as a result of pressures from the biotechnology industry, also proposed a study be conducted regarding the potential extent of transboundary movements of LMOs which may become commodities. There was widespread concern that this was intended to generate data which would demonstrate the impracticality of the application of AIA procedures to LMOs which are commodities. However, in the face of significant behind-the-scenes opposition Canada proposed that it host a "roundtable" discussion at, or before, the next meeting of the

of the working group (BSWG-3) scheduled for October, instead. A proposal by Canada for a study on criteria for the protection of confidential business information was also withdrawn.

With respect to socio-economic issues, a G-77 request for studies on the socio-economic and other impacts of modern biotechnology was withdrawn and replaced by a proposal for a roundtable discussion on these issues at the BSWG-3 meeting. A request for a study on existing international, UNEP, UNIDO and OECD information sharing systems from Central and Eastern European states was agreed to.

At the close of the meeting, governments were invited to submit legal texts on the issues addressed in the Chair's elements papers by August 1, 1997. The Secretariat is to develop draft articles on financial issues, institutional frameworks, the relationship with other international agreements, and the settlement of disputes. Work is also to begin on a list of terms requiring definitions for the purposes of the Protocol.

Canada's role at the meeting is a major concern. Not only did Canada take very restrictive positions on a number of key issues, but it also emerged as the primary spokesperson for the views of both the U.S. and the biotechnology industry. In this sense it played a role reminiscent of that of Australia in Aarhus.

### **CIELAP ANNUAL GENERAL MEETING:**

Wednesday, November 5, 1997

6:00-9:00 pm

Please contact the Institute for details.

**BIOTECHNOLOGY - CONTINUED** will not "restrict the advisory body in its deliberations."

The government's response to the Standing Committee's report also reaffirms its commitment to the principle of CEPA "equivalency" for biotechnology products regulated under other acts of parliament, and highlights the retention of the provisions of section(3)(a) in Bill C-74, the new CEPA, which died on the order paper when the election was called. However, CIELAP had raised serious concerns that other provisions of the Bill significantly weakened the existing "equivalency" provisions of CEPA for both biotechnology products and new chemicals.

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