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Canada and the World Environment:
Environmental Planning and Canadian Official

RN 27322

CANADA AND THE WORLD ENVIRONMENT:
ENVIRONMENTAL PLANNING AND
CANADIAN OFFICIAL
DEVELOPMENT ASSISTANCE

A project proposal
submitted to The
Gladys and Merrill
Muttart Foundation
by the Canadian
Environmental Law
Research Foundation

May, 1985

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
STATEMENT OF THE PROBLEM	4
(a) The Need for Sustainable Development	4
(b) Environmental Planning of International Development Projects	6
OBJECTIVES	19
WORK PLAN	21
(a) Research	21
i. International Law	21
ii. Domestic Environmental Law	23
iii. Examination of Experience with Specific Development Projects	25
. Brazil	26
. Kenya	27
. Indonesia	29
(b) Dialogue	31
i. Workshop: a forum for detailed discussion of research findings	31
ii. Conference: a forum for broader public discussion	31
(c) Publication	34
TIMELINE	36
BUDGET	37
PROJECT MANAGEMENT	40
ADVISORY COMMITTEE	42
STAFF	43
THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION . .	46
FOOTNOTES	51
APPENDIX - CURRICULA VITAE	

INTRODUCTION

International development projects, such as the construction of hydro-electric dams in developing nations with financing supplied by industrialized nations, have often caused damage to the environment of the nation which they were intended to assist. In recent years there has been a growing recognition of the need to improve the quality of environmental planning in order to guard against such adverse impacts.

The project proposed here is intended to make a contribution to efforts currently underway in this country and others to make such improvements to the environmental planning procedures and mechanisms which form part of the official development assistance process. Although the primary focus is Canadian, it is expected that the project results will be of benefit to all those involved in the field of international development, both from aid-giving and from aid-receiving nations.

The project consists of three distinct phases, as follows:

- . Overview of international and domestic environmental law and case study research

- . Dialogue among development assistance professionals and stimulation of discussion among the broader Canadian public
- . Publication and distribution of the project findings in book form

For the industrialized nations, protection of environmental quality is seen as one of a number of issues competing for priority on the political agenda. For the developing world, however, environmental protection is very often literally a life and death matter. Population pressures, depletion of fuelwood, the only energy source available to millions of third-world citizens, contamination of limited supplies of potable water and the spreading fact of desertification which limits the ability to grow food and fuelwood, pose problems in the developing world of a scale and magnitude beyond anything facing the industrialized nations today.

Development projects financed with assistance from the industrialized nations are intended to improve the quality of life and lead to self-sufficiency of third-world nations. To the extent that development projects cause environmental damage, however, these goals cannot be met. It must be further borne in mind that in today's interdependent world

economy, environmental and economic costs incurred in the developing world will ultimately cause repercussions in Canada as well.

As one of Canada's senior environmental law and policy research organizations, the Canadian Environmental Law Research Foundation is well versed in all aspects of environmental law. More specifically, the Foundation has been extensively involved with environmental assessment legislation and procedures during the past decade. The Foundation now hopes to be given the opportunity to apply this accumulated expertise and experience in carrying to a successful conclusion this important and timely work.

STATEMENT OF THE PROBLEM

(a) The Need for Sustainable Development

Total annual expenditure by the industrialized nations on bilateral and multilateral official development assistance is in the neighbourhood of 40 billion dollars. Each year Canada contributes several billion dollars to development projects throughout the world.¹

Tremendous benefits accrue to the nations in which these development projects take place. To give but a few examples, electrification, increased agricultural productivity, or housing and transportation development all contribute to an improved quality of life. Often, however, there is a price to be paid for such benefits since development undertaken without regard to environmental consequences has in the past at times resulted in wide-spread and significantly harmful environmental degradation.

The most significant and short-term effects of such degradation are felt by those living in the immediate

area. However, there is a growing awareness of associated long-term and global effects. An example is provided by destruction of the tropical rain forests which, it is now believed, contributes to global warming - the "greenhouse effect" associated with carbon dioxide build-up - and results in a loss of genetic diversity which may someday have implications for the future development of genetic technology.²

But development projects in Brazil, funded with official development assistance from a variety of nations, and planned without due regard for their impact upon the Amazonian rain forest, have resulted in "excessive deforestation, use of inappropriate lands for farming and ranching, and destruction of biologically important areas".³

Projects carried out without consideration of their potential environmental consequences have given rise to the current need for expensive investment in rehabilitation. Mr. H.J. Leonard of the Conservation Foundation, Washington, D.C., puts the problem this way: "Throughout the third-world, in countries where

large amounts of development capital poured into the construction of irrigation systems during the first development decades, the World Bank and other donors and lenders are now being called upon to make major new investments to shore-up, preserve or rescue those systems".⁴

It is in recognition of this problem that attempts have been made over the course of the past decade to incorporate environmental factors into the planning process followed by aid-giving agencies. The following two sections document, first, the growing awareness of the need for such planning and, second, the attempts to translate this awareness into practice.

(b) Environmental Planning of International Development Projects

The Principle

Principle 12 of the Declaration on the Human Environment drafted at the 1972 Stockholm Conference on the Human Environment and subsequently adopted by the General Assembly of the United Nations states that:

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.⁵

Immediately following the Stockholm Conference, the Canadian Government responded to the Principles agreed to in the Stockholm Declaration by making the following commitment:

Canada intends to increase development aid and to seek ways in which aid programs might be modified to take account of environmental problems in light of the Stockholm recommendations.⁶

Since that time, officials of the United Nations Environment Program have consistently taken the position that aid-donors have a moral obligation to "open the eyes" of recipient countries to environmental consequences of development.⁷

More recently, the World Industry Conference on Environmental Management, held in Versailles, France, November 14-16, 1984, recommended that:

The establishment of international environmental impact principles and guidelines should be accelerated to allow early international agreement that provides the basis for sound cooperation between countries.⁸

The World Commission on Environment and Development, established in 1984 under the responsibility of the Secretary General of the United Nations has stated the problem this way:

Most developing countries have seen a steady increase in environmental degradation added to historic pressures on resources. Many of the newly industrializing countries have experienced a massive deterioration in their environment, with problems associated with sudden industrialization and explosive urbanization being added to those associated with under-development and poverty.

This has led the Commission to adopt as a basic perspective the "mutually supportive relationship between environment and development, wherein the former is both a prerequisite for development and its end result".⁹

Finally, the declaration of the Bonn Economic Summit, May 4, 1985, stated that:

We welcome the contribution made by the Environment Ministers to closer international cooperation on environmental concerns. We shall focus our cooperation within existing international bodies, especially the OECD [Organization for Economic Co-operation and Development]. We shall work with

developing countries for the avoidance of environmental damage and disasters worldwide.¹⁰

The Practice

Environmental assessment is a planning process now used in virtually all industrialized jurisdictions to ensure that environmental consequences of large-scale development projects are taken into account during the planning process.

Professor Paul Emond, author of Environmental Assessment Law in Canada, has summarized the process this way:

[In its most basic terms,] this process is a means to identify the environmental, social, cultural and economic costs of the development project and to sensitize the proponent of the project to these costs so that they might be minimized.¹¹

Although the specific approaches may vary in different jurisdictions, generally the process consists of preparation of an environmental impact statement by the project proponent. This statement outlines the ways in which the project is expected to affect the

ambient natural and human environment and includes analysis of alternative measures which may lessen adverse effects. Opportunities for public review and discussion are then provided to ensure the statement accurately reflects the potential impacts of the proposed project and all alternatives have been fully explored. The statement is then reviewed by the appropriate government authority and the project is modified to accommodate the concerns brought forth during the assessment.

Although efforts continue to further reduce the financial and time-burdens imposed by this additional planning requirement, the concept of environmental assessment is an accepted practice, seen by most public and private-sector representatives to produce significant benefits.¹²

In light of the problems outlined above, during the past decade development agencies have taken steps to apply this same process to international development projects. Examples include the following:

Multilateral

- . In 1980, nine multilateral agencies signed a declaration drafted by the United Nations Environment Programme indicating their commitment to systematic environmental planning and assessment of their funding activities.¹³

- . Comparable work has been done by the Directorate-General for the Development Commission for European Community and the Organization for Economic Co-operation and Development.¹⁴

- . In June of 1984, the first meeting of the Working Group of Experts on Environmental Law, established by the Governing Council of the United Nations was convened to consider legal aspects of application of environmental assessment to international projects.¹⁵

- . Along the same lines, the World Bank, a major multilateral funder, has established the Environment, Science and Technology Unit in order to screen development projects and recommend

environmental mitigation measures. In addition, the Bank has formulated environmental guidelines for use by its regional offices.¹⁶

The United States

- . In the United States, extensive consideration has been given during the course of the past decade to the ways in which environmental protection afforded by the National Environmental Policy Act can be applied to development projects funded with assistance of the U.S. Agency for International Development. In 1979, President Carter issued Executive Order 12114 which had the effect of applying the NEPA procedures to external activities of federal agencies, including the United States Agency for International Development.¹⁷

- . More recently, the House Banking Subcommittee on International Development Institutions, after holding public hearings, called upon the U.S. Treasury to give greater attention to environmental concerns during the planning stages of foreign lending projects.¹⁸

Despite the fact that virtually all development assistance agencies have wrestled with the problem during the course of the past decade, environmental assessment has not yet become an accepted and successful component of international development planning. In April, 1984, a study done by the International Institute for Environment and Development and the International Union for the Conservation of Nature, reviewed the environmental assessment procedures undertaken by development agencies. The study concluded that while many agencies had developed environmental guidelines these were not applied in a rigorous fashion and, furthermore, attention had been devoted to preparation of guidelines rather than comprehensive environmental assessment procedures.²² After reviewing the study, John Horberry of MIT has concluded that, "there is little evidence that environmental degradation and resource productivity in developing countries are improving or being treated".²³

Given the fact that a host of new issues and problems are encountered when environmental assessment is moved from the domestic to the international context, it is hardly surprising that the process leaves considerable

room for improvement. When environmental assessment procedures are applied to official development assistance planning the following factors, among others, must be considered:

- . the rights and obligations of international law must be included in the process
- . environmental assessments done by aid-giving nations must be done in such a manner as to not infringe upon the sovereignty of the aid-receiving nation
- . environmental assessment is a product of the industrialized world; it can only be applied successfully if due regard is given to the very different cultural history and perspective of the nation in which it is to be applied
- . environmental assessments must be consistent with the domestic environmental law of two and, in the case of multilateral projects, a number of participating nations

- . environmental assessment adds yet another level to an already intricate, complex and difficult planning process
- . inevitably, trade-offs will be made between environmental concerns and other priorities of both the aid-giving and aid-receiving nations
- . public participation is an integral part of the environmental assessment process; but in the case of foreign-aid projects which public should be invited to participate? How can the public of one country comment meaningfully upon a process applied in another nation or, conversely, a development project which will be carried out in a different nation? How can the concept be successfully applied in countries which have no meaningful tradition of public participation in government decision-making?

The project proposed here is premised upon the belief that additional research is required both with respect to international and domestic environmental law as it bears upon the environmental planning process. In addition to this legal research, practical and comparative

analysis of policies and procedures used by a number of development assistance agencies in fact-specific situations must be carried out.

In addition to this legal and policy research, opportunities should be provided for dialogue amongst development assistance professionals, both from aid-giving and aid-receiving nations.

Finally, if environmental assessment of development assistance is to be carried out successfully in Canada, it must be based on a firm foundation of public understanding and support. There is a need to bring the issue to the attention of the Canadian public and to invite opportunities for public participation in the continuing improvement and refinement of the process.

It is these perceived needs which have led to formulation of the objectives for the proposed project which follow.

OBJECTIVES

- 1) To carry out legal research sufficient to determine the bearing which international law has on the environmental assessment process.
- 2) To review the domestic environmental law and policy of a limited but representative number of aid-giving and aid-receiving nations to identify potential problems and conflicts when such domestic law and policy is applied to an international environmental assessment process.
- 3) To carry out comprehensive and detailed case-history examinations of three specific development assistance projects, undertaken in the nations studied as part of Objective #2 above, and to draw appropriate lessons from that examination.
- 4) To present and further refine the study findings and conclusions by means of dialogue and a sharing of experience and perspectives among development assistance officials from Canada and other aid-giving and aid-receiving nations.

- 5) To carry out a process to stimulate public awareness of the issue and to provide opportunities for public comment upon the application of environmental assessment procedures to Canadian official development assistance projects.

WORK PLAN

(a) Research

i) International Law

Public international law is the amalgam of principles and rules of conduct recognized by states as obligations and governing relations between them. The principles and rules derive from several sources, summarized in Article 38 of the Statute of the International Court of Justice as:

- . international conventions,
- . international custom,
- . general principles of law recognized by civilized nations [in their domestic law],
- . judicial decisions [even though they have no precedential value], and
- . teachings of the most highly qualified publicists.

The two primary sources are convention and custom. Since official development assistance consists of

interaction between sovereign states, environmental planning which is incorporated into that process must be done in accordance with conventions and customs of international law.

In particular, consideration must be given to two potentially conflicting principles. The first is the now widely accepted duty of each state to ensure that activities within its borders do not cause serious environmental injury to neighbouring states. It is this duty which acts as impetus for states to address such environmental threats as the long-range transport of acidic pollutants across international borders or the toxic contamination of transboundary waters.

A logical extension of this duty to guard against transboundary pollution would be an analogous duty to guard against causing environmental damage in non-contiguous states through the provision of official development funding. Research is required to determine the extent to which international law imposes such a duty.

The other, potentially conflicting principle, is the sovereignty of states which is the foundation for international law. To the extent that aid-giving agencies require that action be taken within the aid-receiving nation to protect that nation's environment, sovereignty is infringed. Again, research is required in this area.

ii) Domestic Environmental Law

Environmental assessments done as part of international development planning must be consistent with the domestic environmental law and policies of all nations involved. It is intended to undertake a comprehensive review of domestic environmental law and policy of a representative number of aid-giving and aid-receiving nations in order to identify potential problems and conflicts in this regard.

Such a review will also allow a comparative analysis of the environmental planning procedures used by non-Canadian agencies. To further that end, an examination will also be made of environ-

mental planning carried out by an international agency such as the World Bank, which is considered to be one of the most progressive agencies with respect to environmental planning.

Because the United States is seen to be in a comparably progressive position, it has been chosen as the other industrialized nation which will be subjected to this review. Since it is Canadian practice which forms the focus of the proposed project, Canadian law and policy will be subjected to a similar review.

Three aid-receiving nations have been selected both for comprehensive law and policy review and for the specific case studies outlined below. Criteria for their selection was as follows:

- . previous experience of members of the project team,
- . a representative range, on a very general level, from less industrialized to more industrialized

- representatives of the developing world,
- . a geographic range,
- . a range of experience from projects with virtually no environmental planning and resulting environmental damage to what might be considered exemplary planning efforts.

The three nations chosen for this review are Brazil, Kenya and Indonesia. It is intended that this comprehensive review will lead directly to the more specific case studies described below.

iii) Examination of Experience with Specific Development Projects

After examination of the international law framework within which official development assistance takes place and a review of domestic environmental law and policy which has bearing upon the process, the next phase of the research component of the project will consist of an examination of three specific projects carried out in Brazil, Kenya and Indonesia. The three case studies selected, using the same criteria as outlined above, are:

BRAZIL - The Polonoroeste Project

The Polonoroeste project in Brazil was intended as a showcase of environmental responsibility. Unfortunately, it is now regarded as the source of a multitude of ecological problems. Thus far, the World Bank has committed \$443 million in loans to Brazil for the project which is intended to settle small farmers in the Amazonian rain forest. The project calls for the construction and paving of a 1,000 mile road into the region, building of feeder roads and provision of services to settlers. When the loan was negotiated in 1981, the World Bank ensured that stringent conditions for the protection of the environment and tribal groups were included. More specifically, it was agreed that several nature reserves would be set aside, to limit farming to soils that could sustain such activity and to demarcate and protect Indian lands.

Unfortunately, although the project has speeded migration in the region, few of the safeguards have been put into effect. Hence, as a result of the violations of the loan stipulations, the project has led to significant ecological, human and economic problems. Some of the problems encountered include: ill-considered highway construction, excessive

disruption of tribal people and deforestation, the use of inappropriate lands for farming and ranching and destruction of biologically important areas.

Some 30 organizations from the U.S., Brazil and other countries are now attempting to ensure that the Bank loan conditions are respected in the future and past harm is remedied to the extent possible.

Kenya - The Tena River Hydroelectric Development ²⁵

The Tena River, one of Kenya's major rivers and best sources of potential hydroelectric power, is the site of a major international development project which consists of a series of dams intended to generate electricity to meet the country's domestic and industrial development needs. Although environmental assessments were originally contemplated as part of the planning process, time constraints did not allow full consideration of potential environmental impacts.

As a result, it was only when the first of the series of dams was completed that adverse environmental consequences became apparent. As a result of deforestation and erosion in the upstream watersheds, the dam reservoirs suffered from severe siltation and filling problems. As a result, dams intended to generate electricity for at least 40 years had their lifespan reduced to half that time. Other environmental problems, such as excessive flooding associated with the dam construction, also became apparent.

INDONESIA - The Solo River Basin Development

The Solo River is the largest river in Indonesia, with more than ten million people living in its watershed. The Indonesians have historically displayed considerable interest in constructing dams and creating reservoirs in the river's upper reaches, mainly for the purposes of irrigation, flood control and better use of its water resources.

As a result of an early 1970's extensive engineering analysis of the whole Solo basin by a Japanese-Indonesian team, the Wonogiri dam and reservoir was built on the upper Solo, with construction completed approximately a decade after planning first began. However, environmental factors were not explicitly taken into consideration during development of the project.

Prior to the completion of the project, though, the Indonesian government had made explicit its policy of improving environmental quality and sustaining the ecosystem. One integral aspect of this policy was preparation of environmental impact assessments as part of every relevant aid project.

With the support of CIDA, a Canadian team, James F. MacLaren Ltd., studied the potential for additional development of water resources and the terms of reference for any subsequent feasibility study. The Canadian consultants were specifically directed to emphasize the issues of the environment and human ecology. It is now felt that these studies and recommendations were successful in making environmental considerations an integral part of the planning process. In fact, these studies proved to be a model for incorporating environmental inputs at minimal extra cost for future water development schemes in Indonesia.

During the course of the case studies, emphasis will be placed upon examination of the planning process carried out for each of the projects referenced above. It is intended that such an examination of specific case-histories will allow lessons to be drawn respecting potential improvements to the environmental planning process.

(b) Dialogue

i) Workshop for Technical Discussion

Toward the closing stages of the research studies, a one-day workshop will be held to allow discussion of the tentative findings and conclusions among a small group of official development assistant professionals. The purpose of the workshop will be to allow Canadian officials to engage in discussion with their counterparts from other countries and to allow general discussion of the lessons to be learned from the case studies. Such discussion will form an important part of the process of refining and finalizing the findings and conclusions of the research studies.

ii) Public Conference

It is intended to hold a two-day conference, to be attended by representatives of all sectors in Canada and other countries - government, industry, academic and non-government - involved with the official development process. Papers presented will include those research studies carried out

in conjunction with this project and others specifically commissioned for this conference.

Examples of the latter would include:

- . perspectives from aid-recipient countries - possible topics to be considered by representatives from developing countries may encompass the problems of:
 - . implementing environmental assessment procedures;
 - . establishing criteria to decide upon alternative schemes in light of differing governmental priorities;
 - . arriving at a mutual understanding for the terms of reference for studies in light of the socio-economic cultural and social differences;
 - . developing the means and process to monitor and evaluate the progress of the project once completed;

- . perspectives from aid-giving countries - possible topics might include:

- . balancing aid activities with other foreign relations priorities;
- . the problems encountered with multilateral favoured projects, encompassing different assessment criteria;
- . perspectives from non-government organizations (NGO) - possible topics in this realm may include:
 - . the role NGO's play in the environmental assessment process;
 - . how NGO's can have the most effective input and mechanisms to ensure that input will be seriously considered.

The primary purposes of the conference will be to allow an opportunity for dialogue among those in attendance and, just as important, to make the Canadian public more aware of the need for improved environmental planning in this area and the ways in which such improvements might be made.

(c) Publication

The final phase of the project will consist of publication, in book form, of the research studies undertaken by members of the project team and those commissioned for presentation at the conference as well as summary proceedings of both the workshop and conference. Publication and distribution of such a book will allow the project findings to be of benefit both in Canada and other countries for some time after completion of the project. It is expected that such a publication would be of interest to industry and government officials, those in non-government agencies working in both the development and environmental fields and members of the academic community.

If possible, the book would be translated and published in countries outside Canada, although funds for that purpose are not included in the project budget presented here.

Both the Canadian Environmental Law Research Foundation and individual members of the project team have extensive

experience in carrying such publishing initiatives through to a successful conclusion.

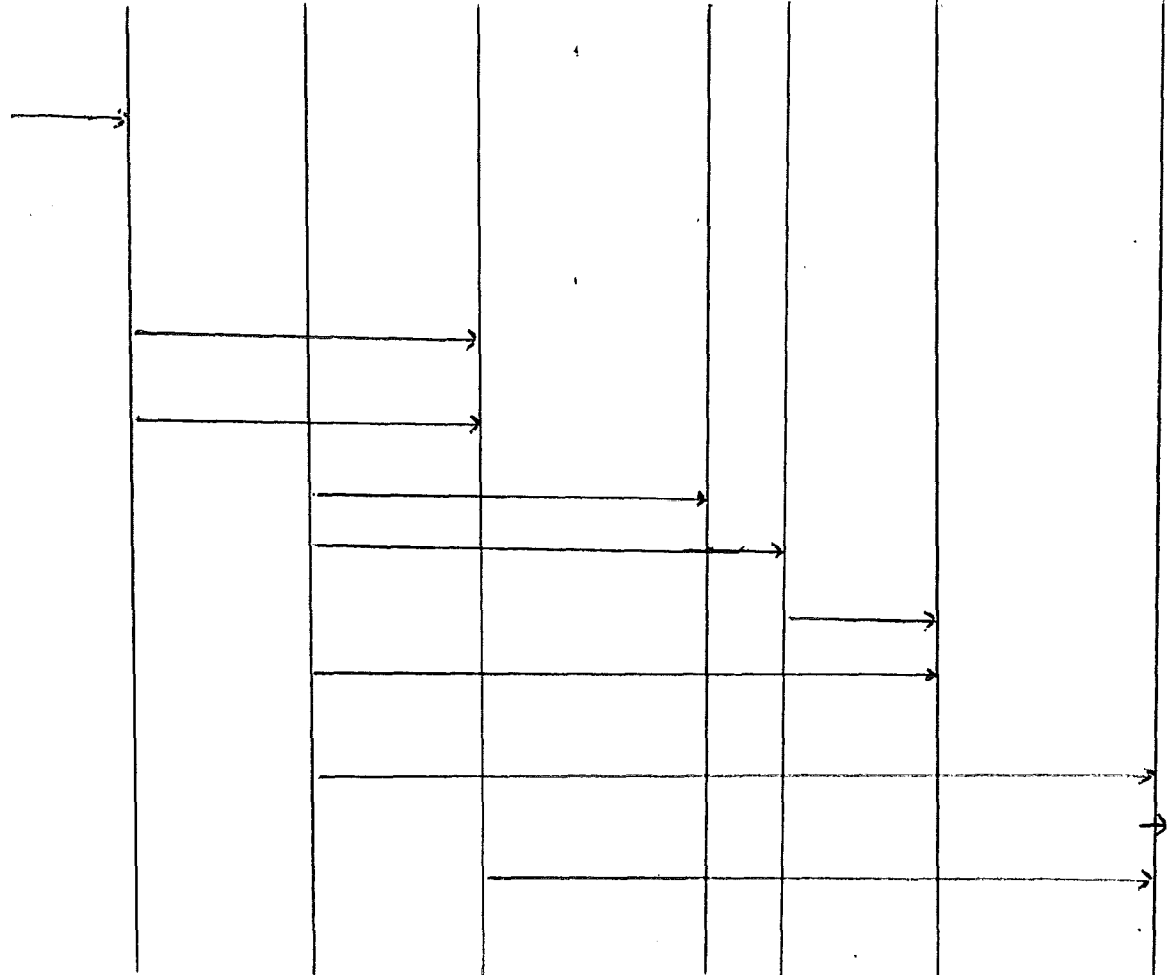
TIMELINE

End of month:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

Task:

- 1) Start-up; detailed planning, with assistance of advisory committee; sub-contracts finalized
- 2) International law research
- 3) Domestic law and policy research
- 4) 3 case studies
- 7) Workshop planning and event
- 8) Studies finalized
- 9) Other papers commissioned and written
- 10) Conference planning
- 11) Conference
- 12) Publication planning; publication intended to coincide with conference



BUDGET

Expenses

1) Research

a) International

Salaries: research	\$ 30,000
secretarial	2,000
Travel	2,000
Other costs (telephone, copying, etc.)	<u>2,000</u>
	\$ 26,000

b) Domestic law and policy

Salaries: research	\$ 20,000
secretarial	2,000
Travel	5,000
Other costs	<u>2,000</u>
	\$ 29,000

c) Three case studies

Salaries: research; \$10,000@	\$ 30,000
secretarial	4,000
Travel	15,000
Other costs	<u>5,000</u>
	\$ 54,000

d) <u>Report production</u>	\$ 5,000
e) <u>Administrative overhead</u>	\$ 25,000
Sub-Total	<u>\$139,000</u>

2) Dialogue

a) Workshop

Salaries: coordinator	\$ 3,000
Travel and accommodation	5,000
Room, luncheon, etc.	<u>1,000</u>
	\$ 9,000

b) Conference

Salaries: coordinator	\$ 8,000
secretarial	1,000
Room, meals, etc.	5,000
Travel and accommodation	10,000
Honouraria for commissioning papers	10,000
Printing	<u>4,000</u>
	\$ 38,000

c) Administrative overhead

	\$ 8,000
Sub-Total	<u>\$ 55,000</u>

3) Publication

Contribution to defray publishing costs	\$ 10,000
Administrative overhead	<u>2,000</u>
	\$ 12,000

<u>TOTAL EXPENSES</u>	<u>\$216,000</u>
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SOURCES OF FUNDING

Social Sciences and Humanities Research Council - Private Scholar Research Grant (committed)	\$ 30,000
McLean Foundation (application submitted)	30,000
Muttart Foundation (application submitted)	75,000
Canadian government sources (applications not yet submitted)	50,000
International sources (applications not yet submitted)	<u>31,000</u>

<u>TOTAL FUNDING</u>	<u>\$216,000</u>
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PROJECT MANAGEMENT

Ultimate responsibility for direction of the project will rest with the Board of Directors of the Canadian Environmental Law Research Foundation. More immediate supervision will be provided by the Management Committee of the Board.

Administration will be under the direction of the Executive Director of the Foundation, Mr. Doug Macdonald. Coordination with the other research activities of the Foundation will be done by Ms. Marcia Valiante, Director of Research.

Project research, both general and case-studies, will be done under the supervision of the Project Director, Mr. Paul Muldoon, Research Associate with the Foundation. Mr. Muldoon will also undertake portions of the international and domestic environmental law research.

Workshop and conference activities will be coordinated by Ms. Janine Ferretti, under the general direction of Mr. Macdonald.

Ms. Susan Fortner, Administrative Assistant, Ms. Carol Rowntree,

bookkeeper for the Foundation, and Mr. Macdonald will be responsible for financial management of the project, reporting to the Treasurer and Management Committee of the Board of Directors.

The firm of Clarkson, Gordon will provide auditing services. Financial reports will be supplied to project fundors on a regular basis.

ADVISORY COMMITTEE

An Advisory Committee will provide assistance during the course of the project. The Committee will assist in developing the detailed work plan, act as a source of expertise during the course of the project and play a role in fashioning the ultimate recommendations advanced by the project team.

The following people have been or will be approached to serve as members of the Advisory Committee:

Mr. Gordon Davies, Manager, Environmental Studies,
Acres Consulting Services Ltd.

Professor George Francis, Department of Man-Environment
Studies, University of Waterloo

Mr. David Runnalls, International Institute for Environment
Development, Washington, D.C.

Mr. Ralph Torrie, Assistant Coordinator, Energy Research
Group, A project jointly sponsored by the International
Development Research Center (IDRC) and the United
Nations University

Ms. Erna Witoelar, Executive Director, Wahana Lingkungan
Hidup Indonesia (Indonesian Environmental Forum)

STAFF

Mr. Doug Macdonald, Executive Director of the Foundation, has experience in both government and non-profit management and during his tenure with the Research Foundation has taken responsibility for design, implementation and conclusion of a number of environmental law and policy research projects.

Ms. Marcia Valiante, Director of Research, has a background in both science and environmental law. She co-ordinates research activities of the Foundation and is in addition directly responsible for a number of the Foundation's current projects, including the study of transboundary toxic and oxidant air pollution.

Mr. Paul Muldoon, Research Associate, has done thesis work on Canadian and American domestic air pollution legislation, international law and other aspects of the bilateral relationship between the two countries. With Mr. Olson, he is in the closing stages of a major study of cross-border legal action.

Mr. Paul Emond, a professor at Osgoode Hall Law School and author of Environmental Assessment Law in Canada as well as

a number of other works on environmental assessment will undertake portions of both the international law and domestic environmental assessment law research.

Ms. Sharon Williams, who will undertake portions of the international law research, is affiliated with Osgoode Hall Law School and has an extensive background in different aspects of public international law and is co-author of An Introduction to International Law.

Mr. Jim Olson, author of Michigan Environmental Law, has a background in environmental litigation and research. He is in the process of completing American research for the Foundation study of cross-border legal action. Mr. Olson recently returned from a two-month stay in Brazil and will live in that country during the winter of 1985 - 86. Mr. Olson will be responsible for the Polroneste case study.

Mr. Gary Gallon, who will undertake the Kenya case-study, served as Executive Officer, Environmental Liaison Centre, Nairobi, Kenya from 1977 to 1981. Mr. Gallon has an extensive background in international environment and development research.

Dr. Robert Gibson, who will be responsible for the Indonesia case-study, has an extensive background in environmental assessment at both the provincial and federal levels in Canada. He is currently working with Dr. Beth Savan, University of Toronto, to complete the CELRF study of the environmental assessment process in Ontario which was initiated in the spring of 1984.

Ms. Janine Ferretti, who will be responsible for co-ordinating both the workshop and conference, has undertaken comparable work in connection with the International NGO Forum on New and Renewable Sources of Energy, August 11 - 16, 1981 and during her tour of duty with the Environment Liaison Centre, Nairobi, Kenya.

Curricula vitae for all staff connected with the project are included as an Appendix to this proposal.

The Canadian Environmental Law Research Foundation

The Canadian Environmental Law Research Foundation is a registered charitable organization, founded in 1970. The Foundation shares office space and works in close partnership with its sister organization, the Canadian Environmental Law Association.

The primary substantive focus of the Foundation's research activities is toxic chemical contamination of the environment. With respect to procedural matters, attention is centred upon such things as the interface between science and environmental law, the problem posed by political and administrative jurisdictional diversity for integrated, holistic environmental protection and the environmental assessment process. The Foundation carries out research in environmental law and policy areas related to these and other issues and disseminates the products of that research by means of its publishing and conference programs.

The Foundation's best known publication is Environment on Trial (C.E.L.R.F., 1978) a comprehensive guide to Ontario environmental law. Others include Poisons in Public

(Lorimer, 1980), Acid Rain: The North American Forecast (Anansi, 1980), Environmental Rights in Canada (Butterworths, 1981), and, most recently, Canadian Occupational Health and Safety Law Handbook (CCH, 1983). The Foundation is also publisher of the Canadian Environmental Law Reports, the only environmental law reporter in Canada.

In April, 1984, the Foundation published jointly with the Pollution Probe Foundation Breaking the Barriers which is a study of select action which might be taken by governments at all levels to facilitate increased recycling and reduction of industrial waste.

In June of that year the Foundation, working under contract for Environment Canada, completed an analysis of potential elements which might be included in an environmental bill of rights to be introduced at the federal level.

Since April of 1984, the Foundation has carried out a study of legal reforms required to facilitate citizen intervention across the U.S. - Canada border in transboundary pollution cases. The study, carried out with financial assistance from the Joyce Foundation of Chicago, will be completed and published in July of 1985. The Foundation intends to do further work in

the transboundary area by initiating in the fall of 1985 a study of potential application of the concept of uniformity of law in the Great Lakes basin.

In October of 1983, working with the Environmental Law Institute of Washington, D.C., the Foundation initiated a study of legal reforms required to better regulate local and long-range transport of toxic and oxidant air pollutants. That study will be published in the fall of 1985 by CCH Canadian Ltd. and distributed in both Canada and the United States.

Other current research includes:

- . an examination of the environmental assessment process in Ontario
- . a study of news media reporting of toxic contamination cases
- . a study of waste management legislation in Ontario, done under contract to the Ontario Waste Management Corporation

Recent conferences and seminars hosted by the Foundation include:

- . October 9, 1984: a one-day conference on the regulation of biotechnology
- . October 31, 1984: a one-day workshop on toxic and oxidant air pollution
- . February 27, 1985: a roundtable discussion of pesticides law and policy, hosted jointly with the Law Reform Commission of Canada
- . February 28, 1985: a one-day workshop on the Ontario Environmental Assessment Act
- . May 6, 1985: a one-day workshop on jurisdictional barriers to environmental protection in the Great Lakes basin

Two aspects of the previous work done by the Foundation make it well suited to carry out the project proposed here:

- a) The Foundation has done work both with respect to international environmental law and with non-Canadian domestic environmental law

- b) The Foundation has extensive experience with the environmental assessment process as it is applied at both the provincial and federal levels in Canada

In more general terms, the Foundation has undertaken a number of projects which combine research and consultative mechanisms in the manner proposed here. Although official development assistance represents a new field of operations for the Foundation, the methods proposed to be used have been developed and refined in a large number of previous applications.

FOOTNOTES

- 1) See: Canadian International Development Agency,
Canadians in the Third World, CIDA's Year in Review
1982-83, p. 7
- 2) See: Dr. Adrian Forsyth, "Rain Forest Requiem" Equinox,
November-December, 1982, p. 64
- 3) Conservation Foundation Letter, "Critics Fault World Bank
for Ecological Neglect" November-December, 1984, p. 3
- 4) Ibid.
- 5) Declaration on the Human Environment, 21 U.N. Doc. A/Conf.
48/14, reprinted in (1972), 11 International Legal
Material 1416.
- 6) Environment Canada, A Report on Canada's Preparations for
and Participation in United Nations Conference on the
Human Environment, Stockholm, Sweden, June, 1972 (Ottawa,
1972), p. 12

- 7) Claire la Riche, "Environmental Implications of Development Aid to Third World Countries: Principles, Practice and International Cooperation, April, 1985 (Unpublished paper on file with CELRF), p. 21
- 8) World Industry Conference on Environmental Management, Outcome and Reactions, Published by the United Nations Environment Programme, 1984, p. 13
- 9) World Commission on Environment and Development, Mandate, Key Issues and Workplan, October 22, 1984, p. 9
- 10) See: "Test of Declaration at End of 7 Nation Economic Summit" New York Times, May 5, 1985, p. 8
- 11) D.P. Emond, Environmental Assessment Law in Canada (Toronto: Emond - Montgomery Ltd. 1978), p. 6
- 12) See generally: Christopher J. Duerksen, Environmental Regulation of Industrial Plant Siting: How to Make it Work Better, Washington, D.C.: The Conservation Foundation, 1983

- 13) John Horberry, "Establishing Environmental Guidelines for Development Aid Projects: The Institutional Factor" (1983),
4 Environmental Impact Assessment Review 1
- 14) Ibid.
- 15) Working Group of Experts on Environmental Law, "Report of the Working Group on its First Session on Environmental Impact Assessment", September 14, 1984
- 16) These are incorporated in the Bank's Operation Manual Statement No. 2.36
- 17) Exec Order No 12114, 44 Fed Reg 1957 (January 9, 1979)
- 18) la Riche, supra, note 7, at 33
- 19) George Francis, "Eco-development": A New Slogan or a New Direction?" Ontario Society for Environmental Management, vol. 2 (August, 1978, p. 2)
- 20) "Improvements to the Federal Environmental Assessment Process" Discussion Paper. Sponsored by the Minister of the Environment, The Honourable Charles Caccia, April 12, 1984

- 21) Environmental Assessment and Review Process Guidelines Order, SOR/84-467, June 22, 1984
- 22) *supra*, note 13
- 23) Ibid.
- 24) See: Conservation Foundation, "Critics Fault World Bank for Ecological Neglect", *supra*, note 3, pp. 3 and 5; Erik Eckholm, "World Bank Urged to Halt Aid to Brazil for Amazon Development", New York Times, October 17, 1984 Jacques-Yves Cousteau, The Cousteau Almanac: An Inventory of Life on our Water Planet (New York: Doubleday, 1984), pp. 274-78
- 25) Personal Communication with Gary Gallon, May 14, 1985
- 26) See: Roger Ehrhardt, et al., Canadian Aid and the Environment (Ottawa and Halifax: The North-South Institute and the Institute for Resource and Environmental Studies, Dalhousie University, 1981), pp. 79-81, and sources cited therein

APPENDIX: CURRICULA VITAE

Mr. Doug Macdonald,

Ms. Marcia Valiante

Mr. Paul Muldoon

Mr. Paul Emond

Ms. Sharon Williams

Mr. James Olson

Mr. Gary Gallon

Dr. Robert Gibson

Ms. Janine Ferretti

DOUGLAS CHARLES MACDONALD

Born: June 23, 1947
Office: 366-9717
Home: 465-1231

100 Bain Ave.,
#8 The Lindens,
Toronto, Ontario

WORK EXPERIENCE

Oct. 1982 - present: Executive Director
Canadian Environmental Law Research
Foundation

Sept. 1980 - Oct. 1982: Special Assistant to Mayor Lastman
Mayor of the City of North York

Oct. 1978 - Oct. 1980: Secretary
The Agora Foundation

July 1976 - July 1977: Executive Assistant to Mayor Lastman

May 1974 - June 1976: Research Assistant to Mayor Lastman

EDUCATION

M.A., Canadian History, University of Toronto

Completed first year of Phd. program, Canadian History, U. of T.

VOLUNTEER EXPERIENCE

- . three terms a member of the Board of Directors of the Bain Apartments Co-operative, a 260 unit housing co-operative
- . member of the Bain Co-op Refinancing Committee
- . member Board of Directors and Board of Governors, Canadian Coalition on Acid Rain
- . Secretary, Board of Directors, Canadian Environmental Law Association

PUBLICATIONS

- . AGORA, the newsletter of the Agora Foundation: No. 1, Vols. I - IV
- . "Shutdowns"; Perception Magazine, periodical of the Canadian Council on Social Development, Jan./Feb., 1981
(discussion of the impact of plant closures in Ontario)
- . "Where Does the Buck Stop?" Policy Options, periodical of the Institute for Research on Public Policy, Nov./Dec., 1981
(examination of hazardous waste disposal in Ontario)
- . "Out from Under"; Quest Magazine, November, 1982
(proposal for reforming local government in Metropolitan Toronto)
- . Radio program on quality of Toronto drinking water; to be broadcast by CJRT-FM, fall, 1984
- . Managing Editor, Canadian Environmental Law Reports

Curriculum Vitae

MARCIA ANNE VALIANTE

Address: Apartment 101, 665 Roselawn Avenue
Toronto, Ontario M5N 1L1

Telephone: (416) 787-5858

Status: Canadian Landed Immigrant
United States Citizen

EXPERIENCE

October 1983 to date CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION,
Toronto. Director of Research

Primary responsibilities include scientific and legal research and writing for the project entitled "Transboundary Toxic and Oxidant Air Pollution", done jointly with the Environmental Law Institute, Washington, D.C.; supervision of a number of other research initiatives of the Foundation.

August 1982 to
August 1983

CANADIAN ENVIRONMENTAL LAW ASSOCIATION,
Toronto. Articling Student. Duties included legal research, preparation of legal memoranda, preparation for and attendance at administrative hearings.

EDUCATION

September 1979
to June 1982

OSGOODE HALL LAW SCHOOL, Toronto, Ontario

Degree: LL.B.

Honours: Kenneth Gibson Morden Memorial Prize

February 1973 to
December 1977

UNIVERSITY OF NEW HAMPSHIRE, Durham,
New Hampshire.

Degrees: B.S.C. (Environmental Conservation)
B.A. (Political Science)

Honours: Magna Cum Laude
Member, National Social Science
Honour Society; Member, National
Political Science Honour Society; Dean's
List (every semester)

PUBLICATIONS

- . Editor, Canadian Environmental Law Reports
- . "Energy in Canadian-American Relations" and
- . "Of Oil and Gas: A Primer on the Role of Oil and Gas in Canadian-American Relations"
both in Journal of Natural Resource Management and Interdisciplinary Studies (University of Manitoba) Vol. III, No. 1 (March, 1978).
- . Brief submitted on behalf of the Canadian Environmental Law Research Foundation and Canadian Environmental Law Association to the Royal Commission on the Economic Union and Development Prospects for Canada
- . Brief, entitled "Nitrogen Oxides Emissions from Motor Vehicles as a contributor of Oxidant Air Pollution", submitted to the Sub-committee on Acid Rain of the House of Commons Standing Committee on Fisheries and Forestry on behalf of the Canadian Environmental Law Research Foundation.

CURRICULUM VITAE

NAME: Paul Robert M. Muldoon, Hons. B.A., LL.B., M.A. LL.M.
(of the Ontario Bar)

ADDRESS: 28 Regal Road, Toronto, Ontario, M6H 2J7

DATE OF BIRTH: May, 1956

MARITAL STATUS: Single

EDUCATION:

Bar Admission Course
Law Society of Upper Canada (Ottawa) 1983 - 1984
Called to the Bar of Ontario on April 10, 1984

McGill University (Institute of Comparative Law)
LL.M. (Masters of Law) - 1984
Specializations: Environmental and International Law

McMaster University
M.A. (Political Science) - 1983
Specializations: International and U.S.-Canada Relations

University of Ottawa 1978 - 1981

LL.B., Faculty of Law

1979 - 1981:

- Member of the University of Ottawa Student Legal Aid Society
- Co-Editor of the Law School newspaper, Caveat

February, 1979:

- Selected to represent the University of Ottawa Faculty of Law in the Jessup Cup Moot Court Competition in Fredericton, New Brunswick

Wilfrid Laurier University 1974 - 1978

Honours B.A. (Political Science)

Awards:

- Wilfrid Laurier University "Gold Medal" for Academic Achievement
- Wilfrid Laurier University Proficiency Scholarship 1974 - 1977

Member, Academic Policy Committee, 1977-78.

Member, Research Advisory Committee, 1979-80.

Member, Senate Academic Policy & Planning Committee,
1979-80.

Faculty Advisor, Osgoode Hall Law Journal, 1978-79.

Member, Priorities and Finance Committee, 1982-83, 84.

Chairman, Student Awards Committee, 1982-83.

Co-Chairman, Academic Standing Committee, 1983-84.

Chairman, Research Advisory Committee, 1984-85.

Search Committee for Academe, Vice President (academic).

PUBLICATIONS

1. Teaching Material

Co-edited with Darby, Property I: Cases and Materials
(Dalhousie Faculty of Law, 1974) approximately 600 pp.

Co-edited with Bucknall, Cases and Materials on Property
Law (Dalhousie Faculty of Law and Osgoode Hall Law
School, 1975) approximately 1200 pp.

Co-edited with Mossman, Property Law: Cases, Notes and
Material (Osgoode Hall Law School, 1978) approximately
1200 pp.

Edited, Cases and Materials on Environmental Protection
Law (Osgoode Hall Law School, 1977) approximately 600
pp. revised 1979, 81 & 83.

Edited, Cases and Materials on Native Rights Law (Osgoode
Hall Law School, 1980) approximately 600 pp.

Edited, Materials on the Administrative Process (Osgoode
Hall Law School, 1980) approximately 600 pp.

Edited, Materials on Resource Development Law (Osgoode
Hall Law School, 1982) approximately 1400 pp. revised
1983.

2. Major Articles and Notes

- "The Case for a Stronger Federal Role in Environmental Protection", Vol. 10, No. 3, Osgoode Hall Law Journal (1972).
- "Environmental Law in a Modern Context" published by the Canadian Institute of Public Health Inspectors (1973).
- "Administrative Law Remedies--An Introduction" published in Janisch (ed.) Administrative Law Remedies (1974).
- "New Directions in Environmental Protection Law" published in Savage (ed.) New Directions in Legal Rights (1975).
- "A Critical Evaluation of the Nova Scotia Environmental Protection Act", Vol. 24, U.N.B. Law Journal (1975) 69.
- "Environmental Protection Law in Atlantic Canada" published in Elder (ed.) Environmental Management and Public Participation (C.E.L.A., Toronto, 1975).
- "Emerging Issues in Land Use Planning" published in Janisch (ed.) Government Regulation and the Law (1976).
- "Participation and the Environment: A Strategy for Democratising Canada's Environmental Protection Laws", Vol. 13, Osgoode Hall Law Journal (1976) 783.
- Comment, "The Royal Commission on Metropolitan Toronto", Planning and Municipal Law Reports (1977).
- Comment, "The Karn and Grey County Cases", Canadian Environmental Law Report (1979).
- "Solving Ontario's Crisis in Decision-Making", Plan Canada (1980).
- "Water Problems in the 80's--Can the Law Cope: A Canadian Perspective" published by Dalhousie Institute of Resources and Environmental Studies (1979).
- Co-authored, "Environmental Impact Assessment" in Swaigen (ed.) Environmental Rights in Canada (Butterworths, 1981).
- "Accountability and the Environmental Decision-Making Process: Some Suggestions for Reform" in Swaigen (ed.) Environmental Rights in Canada (Butterworths, 1981).

"Environmental Law at the Limits of Incremental Development", in Environmental Law in the 1980's: A New Beginning (Canadian Institute of Resources Law, 1982).

"Fairness, Efficiency and The Federal Environmental Assessment Review Process" in Fairness and Environmental and Social Impact Assessment Processes (Canadian Institute of Resources Law, 1984).

"Public Participation and Resource Disposition Decisions" in Resource Disposition and Management (Canadian Institute of Resources Law, 1984).

"The Legal Framework of Environmental Assessment in Canada and the Application of the Legislation" to be published in Environmental Impact Assessment: Current Approaches in the Canadian Context (Institute of Environmental Studies, U. of Toronto, 1984).

"Common Law Defences and Remedies to Environmental Actions" Canadian Bar Association, Ontario Section, Conference Proceedings, February 1984.

"Alternative Dispute Resolution Mechanisms for Comprehensive Native Claims" Canadian Bar Association, Ontario Section, Conference Proceedings, May 1984.

"The Public Trust Doctrine in Canada", Annual Planning Conference of North Eastern Ontario Planners, 1984.

"Environmental Impairment, Liability & Compensation: Expanding Industry's Burden" Environmental Law Committee Meeting, International Bar Association, April 1985.

3. Book Reviews

Roberts, The Reform of Planning Law, Vol. 14, Osgoode Hall Law Journal (1976) 513.

Ackerman, Property Law and The Constitution (1977) Queens Quarterly, (Spring 1979).

Clark (ed.) Environmental Assessment in Australia and Canada (1981) Canadian Environmental Law Reports (1983).

6. Research in Progress

Decision-Making in Northern Canada as it relates to Resource Disposition and Management, a major study to be published as a monograph in 1-2 years. This research is supported by a grant from the Social Sciences and Humanities Research Council.

Second edition of Environmental Assessment Law in Canada
Expected publication date, 1985.

Land Use Planning in Northern Canada. An article for the Laurentian University Review.

7. Other

- opinion work for numerous law firms and private and public organizations.
- advocacy for private and public organizations.
- fund raising.
- member of executive for various groups and organizations.

8. Speaking and Interviews

- speaking and lecturing to university classes, service and public interest organizations on such topics as
 - comprehensive native claim negotiations;
 - northern resource development;
 - planning and environmental advocacy
 - Real Estate Law
- radio interviews
 - Morningside
 - As It Happens
 - Radio Noon
 - CFRB

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Member, Canadian Association of Law Teachers

Member, Canadian Bar Association

Member, Executive Committee, Environmental Section,
Ontario, Canadian Bar Association

Member, International Council of Environmental Law

Honorary Member, Board of Directors, Canadian
Environmental Law Association

Member, Ontario Bar

Member, Yukon Bar

PERSONAL INTERESTS

hiking, skiing, canoeing, sailing, travelling, coaching,
children's hockey, soccer, baseball.

CURRICULUM VITAE

NAME: Sharon Anne Williams

CITIZENSHIP: Canadian

BORN: March 14th, 1951, Wales, United Kingdom.

MARITAL STATUS: Married to Robert W. Cosman

ADDRESS: Osgoode Hall Law School
York University
4700 Keele Street
Downsview, Ontario M3J 2R5
Telephone (416) 667-3110

HOME: 26 Rose Park Crescent
Toronto, Ontario
M4T 1P9
Telephone: (416) 485-6534

EDUCATION:

1973: LL.B (Hons), University of Exeter.

1974: LL.M., Osgoode Hall Law School.

1976: D.Jur., Osgoode Hall Law School

SCHOLARSHIPS - FELLOWSHIPS - GRANTS

Osgoode Hall Law School 1973-74 and 1974-75.

Social Sciences and Humanities Research Council Leave Fellowship 1983-84.

Social Sciences and Humanities Travel Grants for presentations of Conference papers, May and September 1984.

POSITIONS AND TEACHING EXPERIENCE:

Occasional legal advisor to law firms, museums and the Canadian Government on international law questions.

Member of the Ontario Bar, 1979.

Assistant Editor, Canadian Bar Review 1974 - 1983 -

Part-time Lecturer, Osgoode Hall Law School, International Criminal Law, 1975-76.

Assistant Professor, Faculty of Law, McGill University, Montreal, 1976-77, Torts, International Criminal Law.

Assistant Professor, Osgoode Hall Law School, Toronto, 1977-1980, Torts, International Organizations, Public International Law, International Criminal Law.

Associate Professor, Osgoode Hall Law School, Toronto, 1980 - , Torts, International Organizations, Public International Law, International Criminal Law.

Visiting Lecturer, Faculty of Law, University of Toronto, 1979-80, International

MOOTS:

Judge at Jessup International Moot Court Competition, University of Windsor, 1982; Dalhousie University, 1984; University of Alberta, 1985.

Judge at Niagara International Moot Court Competition, University of Toronto, 1978; final at Cleveland-Marshall Law School, Cleveland, 1979, University of Western Ontario, 1982; Queen's University, 1984.

Judge at First Year Criminal Law Moot, Osgoode v. University of Toronto, 1978.

Judge at First Year Compulsory Moots, Osgoode Hall Law School, 1978, 1979, 1980, 1981, 1984, 1985.

Judge at Gale Cup Moot, Osgoode Hall Law School, 1979.

Faculty Advisor to Jessup and Niagara Mooting teams 1978 - .

PUBLICATIONS:

Casebooks: International Criminal Law, Cases, Notes and Materials (3rd rev. ed., 1978), reviewed in (1976), 54 Can. Bar Rev. 191, (1975), 13 Can. Yearbook of Int. L. 444; (4th rev. ed., 1984).

International Organizations (1979), (1984), (1985).

International Law: Cases, Notes and Materials (1981); rev'd edition (1984).

Books: Assisted G.V. Forest in the preparation of Extradition to and from Canada (2nd ed., 1977), reviewed in (1978), 56 Can. Bar Rev. 359.

The International and National Protection of Movable Cultural Property, with a foreword by R.R. Baxter, of Harvard Law School, Oceana Publishers Inc. (1978), reviewed in (1978), 56 Can. Bar Rev. 361, (1978), 10 Connecticut L. Rev. 737; Dec. 1978, Art Glass 55; 1978 Archaeology; Dec. 1978, Directions; Feb. 1979, Antiques 376.

With A.L.C. de Mestral, McGill University, An Introduction to International Law, Chiefly as Interpreted and Applied in Canada, Butterworths (1979) reviewed in (1980), 50 Can. Bar Rev. 706; (1971), 75 Am. J. Int. L. 399; (1980), 5. Queen's L.J. 183; (1979), Quill and Quire.

With A.L.C. de Mestral, Introduction au Droit International Public, Butterworths, (1982).

With J.G. Castel, Canadian Criminal Law: International and Transnational Aspects, Butterworths (1981).

Articles:

The Protection of the Canadian Cultural Heritage: The Cultural Property Export and Import Act (1976), 14 Can. Yearbook of Int. L. 292.

The Polish Art Treasures in Canada, 1940-1960 (1977), 15 Can. Yearbook of Int. L. 146.

The Liability of the Builder and Vendor of Houses - Protection offered by the Law of Tort and Contract, in Canada (1977), 12 Revue Juridique Themis 441.

Prepared a paper for the Law Reform Commission on Canadian Criminal Law: Extraterritorial Aspects (1980).

Protection of Cultural Property: The Canadian Approach (1980), 22 Arizona Law Review 737.

Recent Developments in Restitution and Return of Cultural Property (1984), 3 International Journal of Museum Management and Curatorship 117.

Public International Law and Transboundary Pollution (1984) June International Business Lawyer 243.

Comment:

Criminal Law - Jurisdiction - Illegal Arrest - Due Process - Violation of International Law (1975), 53 Canadian Bar Review 404.

Book Reviews:

- in English: La nouvelle profession d'avocat (1974), 52 Can. Bar Rev. 338; Le Droit humanitaire (1975), 13 Can. Yearbook of Int. Law 447; Crimes against Internationally Protected Persons: Prevention and Punishment (1976), 54 Can. Bar Rev. 197; Motion Pictures and the Arts in Canada (1976), 54 Can. Bar Rev. 687; Introduction to the Law and Institutions of the European Communities (2nd ed.,) (1977), 55 Can. Bar Rev. 778; Encyclopaedia of European Community Law, Vols A, B and C (1977), 55 Can. Bar Rev. 778; Human Rights Criminal Procedure: A Comparative Study (1984), 78 Am. J. Int. L. .
- in French: Redefinir de droit de propriété, in (1976), 36 La Revue du Barreau de la Province de Quebec 144.

Digests:

Digest of public and private international law cases (1975), 13 Can. Yearbook of Int. Law 396; (1976), 14 Can. Yearbook of Int. Law 371, (1977), 15 Can. Yearbook of Int. L. 373; (1978), Can. Yearbook of Int. L. 406; (1979), 17 Can. Yearbook of Int. L. 396.

Class Supplements:

Torts Supplement for 1977-78, 1978-79, 1979-80, 1980-81, 1981-82.

In Preparation:

The second edition of An Introduction to International Law, Chiefly as Interpreted and Applied in Canada with A.L.C. de Mestral.

AREAS OF INTEREST:

International Law, International Criminal Law, International Organizations, Common Market Law, the International Protection of Human Rights, Torts.

COMMITTEES:

Examination Board, Faculty of Law, McGill University, 1976-77.

Faculty Seminar Committee, Osgoode Hall Law School, 1977-78.

Graduate Studies Committee, Osgoode Hall Law School, 1978-79, 1970-80, 1980-81, 1981-82, 1983-84.

Admissions Committee, Osgoode Hall Law School, 1980-81, 1981-82; 1983-84.

Tenure and Promotion Committee, Osgoode Hall Law School, 1979-80, 1981-82, 1983-84.

Search Committee for the Dean of Graduate Studies, York University, 1981.

Council of the Faculty of Graduate Studies, York University, 1978 -

Chaired the Academic Standing Committee, Osgoode Hall Law School, 1982 - 1983.

Awards Committee, American Society of International Law, 1980 - 1981.

Finance Committee, Faculty of Graduate Studies, 1979 - 1980.

Senate Committee on Research 1979 - 1982.

Senate Committee on Non-Degree Studies, 1979 - 1980.

Member of the Executive of the C.A.L.T. 1982-83.

Co-Chairman Annual C.A.L.T. Conference, 1983.

Chaired the Admissions Committee, Osgoode Hall Law School, 1984-85.

MEMBERSHIP IN ASSOCIATIONS:

Alliance Française
 American Society of International Law
 Canadian Association of Law Teachers
 Canadian Bar Association
 Canadian Branch, International Law Association
 Canadian Council on International Law
 Canadian Institute of International Affairs
 European Federalists
 International Council of Museums

International Law Association
Osgoode Hall Law School Faculty Association

LANGUAGES:

English, French

MISCELLANEOUS:

Between 1960 and 1970 took various examinations in speech and drama culminating in a Gold Medal from the London Academy of Music and Dramatic Art.

In 1965 and 1966 was awarded first prize and in 1969 second prize in a documentary essay competition organized by the "Manchester Guardian" newspaper.

Received International Colours from Great Britain when fencing for Great Britain under 20's against West Germany, Belgium, Holland and France and from Wales in a match against the Netherlands in Amsterdam and in four Home Internationals.

JAMES M. OLSON, J.D., LL.M.

Addresses: Office: P.O. Box 561, Traverse City, MI 49684
Residence: 600 W. Front Street, Traverse City, MI 49684

Family: 38 years old; 3 daughters, ages 11, 9 and 6; health of all very good; hobbies are skiing, sailing, writing (poetry, fiction, essays), reading and music.

Education: B.A. Business, Michigan State University (1969);
J.D. Cum Laude, Detroit College of Law (1971);
LL.M. University of Michigan Law School (1977).

Legal Experience: Judicial Assistant, Criminal Trial Court, City of Detroit (1971); Law Clerk, Honorable Thomas F Brennan, Michigan Supreme Court (1971-72); Private Practice, Olson, Dettmer, Bowerman & Phillips, Traverse City, Michigan (1972-1977); Sole Private Practice, Traverse City, Michigan (1977-1983).

Areas of Specialization: General Practice (1972-1977); real estate, zoning, environmental, land, labor law, administrative law, litigation and appellate (state and federal courts), civil rights and constitutional law. Specialization (1977-1983) environmental, water and public lands litigation and consulting.

Awards: Honor Roll, 1969-1971; Scholarship Pin; Detroit College of Law Alumni Award; Detroit College of Law Class of 1928 Scholarship; American Jurisprudence and Corpus Secundum Constitutional Law Book Awards; Cook Fellowship, University of Michigan Law School, 1974; Research Scholar, University of Michigan Law School, 1976.

Publications: Olson, Michigan Environmental Law, 344 pp. (Neahtawanta Press, 1981); legal articles on land use, zoning, and environmental law in following journals: 3 Urb Lawyer 440 (1971); 50 J. Urb L. 209 (1972); 1 Detroit Col. of L. Rev 1 (1975); 1979 Det. Col. L. Rev. 371 (1979); 56 J. Urb L. 739 (1979) (a book-length article on public lands and natural resources); articles in magazines on public policy and philosophy related to ecology.

Organizations and Activities: Vice-Chairman, ABA, General Section, Environmental Law Committee; Chairman, State Bar of Michigan and Institute of Continuing Legal Education program of Michigan Environmental Law (1979); Lectures, American Trial Lawyers, Aspen Law Center, Canadian and U.S. Universities and Colleges, World Future Society; Environmental Conferences; Teaching, Environmental Awareness Course, Northwestern Michigan College, Community Education, Traverse City, Michigan.

CURRICULUM VITAE

GARY THOMAS GALLON

ADDRESS: 25 Beech Avenue
Toronto, Ontario
Canada M4C 1L0

PHONE: (416) 691-2687 (h)
965-3976 (w)

NATIONALITY: Canadian; naturalized 1973

BORN: October 1, 1945; California

DEGREE: Bachelor of Arts 1968 (Sociology)
Northridge University, California

EMPLOYMENT

March 1, 1983 to present:

Environment Policy Analyst, Leader of the Opposition (Liberal Party of Ontario), Legislative Building, Toronto. Advise on environment and energy policies. Help develop party positions and strategies. Have developed special knowledge on Great Lakes pollution, acid rain, nuclear power and electric utilities, and toxic wastes management. Work closely with Canada's major environmental groups in coordinating efforts on issues of concern.

August 1, 1982 to February 28, 1983:

Co-coordinator, International Program, Energy Probe Research Foundation, 100 College Street, Toronto. Expanded communications and information-sharing program with developing country organizations. Established consultative status with the Canadian International Development Agency (CIDA). Raised an initial \$15,000 from CIDA for Third World work. Lobbied CIDA and Environment Canada for incorporating environmental concerns in CIDA's programs. Co-hosted the "Energy for Development" seminar for CIDA officials and NGO representatives.

June 1 to October 31, 1981:

Coordinator, International NGO Forum on New and Renewable Sources of Energy, held August 9-16, 1981, Nairobi, Kenya. The Forum, co-sponsored by the Environment Liaison Centre, was held in conjunction with the United Nations Conference on New and Renewable Sources of Energy held in Nairobi at the same time. Developed program, arranged facilities for the 700 who attended and raised \$250,000 from major government donors including Sweden, Norway, Canada, the United States and France. Managed conference staff of 45. Undertook diplomatic efforts at the highest level with government and United Nations officials.

September 1, 1977 to October 31, 1981:

Executive Officer, Environment Liaison Centre, Nairobi, Kenya. The Centre operates in conjunction with the United Nations Environment Program (UNEP), and assists non-governmental organizations in developing countries. The Centre provides a liaison for its 60-odd member organizations with UNEP and the U.N. Centre for Human Settlements, both located in Nairobi.

Raised an average of \$240,000 per year. Doubled the Centre's income from \$130,000 in 1976 to over \$300,000 in 1981. Managed accounts and coordinated an international staff of eleven.

Coordinated information program in three languages; French, English and Spanish, including World Environment Day (June 5th) and North-South dialogues. Coordinated research on environment and energy policies in Asia, Africa and Latin America. Presented findings at a number of U.N. meetings. Worked closely with Kenya Government officials and community leaders.

Editor of the Environment Liaison Centre's journal, ECOFORUM (1977-1980). Published in three languages with an international distribution of 6,000; printed quarterly. Wrote numerous articles for Third World and international media and publications, including the Nairobi Daily Nation, Tanzania Daily News, the UNDP Development Forum, and UNEP's Uniterra.

Initiated and organized Kenya's first National Workshop on Tree-Planting and Renewable Energy, June, 1981, Nairobi.

Initiated and helped create KENGO, a coalition of 30 groups in Kenya working on renewable energy and re-forestation. Produced first directory of Kenya groups working in the field of renewable energy.

Coordinated NGO input into UNEP's Annual Governing Councils. Lobbied government representatives, presented position papers before a number of U.N. committees.

February 1, 1973 to September 1, 1977:

Executive Director of the Society for the Promotion of Environmental Conservation (SPEC), Vancouver, British Columbia. Coordinated campaigns on environmental issues. Created the Kitimat Oil Coalition of some 23 groups representing 60,000 people in British Columbia to oppose the establishment of a supertanker oil port on Canada's West Coast. Developed campaign to protect the Fraser delta river and farmland from excessive development. Developed fund-raising program; raised an average of \$180,000. Managed a staff of paid and

volunteer persons ranging in number from six to eighteen. Involved in the initial stages of creating Friends of the Earth Canada. Involved in the creation of CUSEC, the Canadian-U.S. Environmental Council, established to coordinate efforts on environmental issues of mutual concern.

Member of the 4-person Citizens' Advisory Committee to the federal Minister of the Environment on the Proposed Expansion of the Vancouver International Airport.

Recipient of the Canadian National (White Owl) Award for the Environmentalist of the Year in 1976.

Involved in nation-wide effort to protect the MacKenzie Valley River delta in the Northwest Territories from oil and gas developments. Caused the creation of the Berger Inquiry and participated in its hearing process (1974-77).

February 1970 to January 31, 1973:

SPEC Program Coordinator, Vancouver, B.C. Analyzed energy developments including the marine transportation of crude oil on the West Coast, the construction of hydro-electric dams, and the development of coal mines. Co-authored the book, "The Crude Crisis" about super tanker oil spills.

Coordinated program which produced British Columbia's first school book on environmental education.

REFERENCES

Dr. Ray Dasmann
Environmental Studies
University of California
Santa Cruz, California
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Dr. David Brooks
MARBEK Consultants Ltd.
202 Flora Street
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Blair Seaborn
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International Joint
Commission
150 Slater Street
Ottawa, Ontario

Geoffrey Bruce
Vice-President, Policy
Canadian International
Development Agency
200 Promenade du Portage
Hull, Quebec

Robert B. Gibson

April, 1985

Education

B.A. (Honours) Political Science and Philosophy, 1972, Glendon College, York University, Toronto

M.A. Political Science, 1973, University of Toronto

Ph.D. Political Science, 1982, Department of Political Economy, University of Toronto

Specialties: Political Theory, Canadian Government and Policy

Thesis: An Examination of the Fundamental Basis for Valuing Participation

Employment

Present Assistant Professor, Department of Man-Environment Studies, University of Waterloo, Waterloo, Ontario
Teaching undergraduate courses on environmental issues and research, supervising individual student thesis work, and co-directing the departmental programme of studies in social and environmental impact assessment (began teaching at the University of Waterloo January 1981)

Tutor, Innis College, Environmental Studies Programme, University of Toronto

Teaching graduate and undergraduate courses on environmental thought, Canadian environmental issues and politics of the environment (began teaching at the University of Toronto, September, 1981)

1982 Consultant to Wildlands League, Toronto, Ontario regarding provisions for public participation in project evaluation under the Ontario Environmental Assessment Act;
Parks for Tomorrow, Thunder Bay, Ontario regarding land use planning and the Ontario Royal Commission on the Northern Environment;
Beaufort Sea Alliance, Ottawa, Ontario/Whitehorse, Yukon regarding the influence of values in the deliberations of the Beaufort Sea Environmental Assessment Panel

1981-82 Researcher for the Canadian Environmental Law Research Foundation, Toronto, Ontario preparing report on the use of control orders for industrial pollution abatement in Ontario

- 1979-80 Researcher for Brian E. Felske and Associates Ltd., Toronto preparing report on benefits of environmental regulation of sulphur dioxide emissions from non-ferrous smelters
- 1976, 79 Researcher/Consultant to Labrador Inuit Association, Nain, Labrador regarding environmental assessment of a proposed uranium mining project.
- 1979 Researcher/Consultant/Editor for Legislature of Ontario, Standing Committee on Resources Development, Toronto, Ontario regarding pollution control in the smelting and pulp and paper industries
- 1978-79 Pollution Probe Foundation, Toronto, Ontario founding editor of the Probe Post, a periodical of energy and environment news and analyses, bimonthly
- 1974-77 Researcher for the Science Council of Canada, Ottawa, Ontario preparing report on the federal decision to support the Nanisivik mining project
- 1975-76 Policy analyst for Environment Canada, Environmental Management Service, Hull, Quebec contributing to design of internal policy and programme development and assessment procedures
- 1973 Research assistant for the Science Council of Canada, Ottawa, contributing to study of national goals and science policy

Major Publications

- 1984 "Environmental Assessment in Canada", with Grace Patterson, Environmental Information and Education 3(3) Canadian Special Issue Fall 1984. pp. 230-252.
- 1983 Control Orders and Industrial Pollution Abatement in Ontario (Toronto: Canadian Environmental Law Research Foundation, 1983), 170 pp. plus appendices
- "Out of Control and Beyond Understanding: Acid Rain as a Political Dilemma" Alternatives 11(2) Winter 1983, pp. 3-8
- 1982 Values, Interests and Preferences: Non-factual Considerations in the Work of the Beaufort Sea Environmental Assessment Panel (Ottawa: Beaufort Sea Alliance, August, 1982), 51 pp.

- 1981 Sulphur Dioxide Regulation and the Canadian Non-Ferrous Metals Industry, with Brian E. Felske (Ottawa: Economic Council of Canada, January, 1981) 221 pp.
- 1978 The Strathcona Sound Mining Project: A Case Study of Decision Making (Ottawa: Science Council of Canada, February, 1978), 270 pp.
- 1976 "Nanisivik", with William MacLeod, Northern Perspectives 5(4) 1976 (Ottawa: Canadian Arctic Resources Committee), pp. 1-6
- 1975 "Strathcona Sound--A New Approach?" Northern Perspectives 3(2) 1975 (Ottawa: Canadian Arctic Resources Committee), pp. 1-3
- "The Value of Participation" in P.S. Elder, editor, Environmental Management and Public Participation (Toronto: Canadian Environmental Law Association, 1975), pp. 7-39
- 1974 A Case for Delaying the Mackenzie Valley Natural Gas Pipeline, with F. Bregha, M. Randall and R. Touw (Toronto: York University Faculty of Environmental Studies, June, 1974), 117 pp.

Submissions to Royal Commissions, etc.

- 1984 "Design and Implementation of Concept State Assessments", a submission to Federal Environmental Assessment Review Office Beaufort Sea Assessment Evaluation Project, on behalf of the Beaufort Sea Alliance. Ottawa, May, 1984.
- 1983 "Testimony" presented to the Beaufort Sea Environmental Assessment Panel on behalf of the Beaufort Sea Alliance, Inuvik, November, 1983
- 1983 "Environmental Assessment", Chapter 5 of Wildlands League, Public Participation in Public Land Decisions, a submission to the Ontario Royal Commission on the Northern Environment, February, 1983, pp. 44-66
- 1981 "Review of Beaufort Sea Environmental Assessment Panel, Draft Guidelines for the Preparation of an Environmental Impact Statement and other documents" a submission to the Beaufort Sea Environmental Assessment Panel on behalf of the Canadian Environmental Law Association, November, 1981

1979 Submission to the Environmental Assessment Panel on the Kitts-Michelin Uranium Mine Project (with B.F. Feslske, C.R. Phillips and R. Hesslein) and Review of Public Hearings and Consultation, submissions prepared for and submitted by the Labrador Inuit Association to the Newfoundland and Labrador Environmental Assessment Panel on the Kitts-Michelin Uranium Mining Project, December, 1979

1977 "Public Participation and the Decision Process", a submission to the Ontario Royal Commission on Electric Power Planning on behalf of the Workgroup on Canadian Energy Policy, October, 1977

Other Positions and Activities

1979-
Present Director, Wildlands League

1980-
Present Director, Canadian Environmental Law Association

1983-
Present Director, Pollution Probe Foundation

Project Co-Director, Canadian Environmental Law Research Foundation Study of Environmental Assessment in Ontario

Staff Member, Canadian Environmental Law Research Foundation and Federation of Ontario Naturalists Project on Environmental Issues Radio Programmes

Co-editor, Alternatives: Perspectives and Society, Technology and Environment and editor, Conserver Society Notes.

1984-
Present Member, Advisory Board, Centre for Society, Technology and Values, University of Waterloo.

CURRICULUM VITAE

NAME: Janine Helene Ferretti
ADDRESS: 25 Beech Ave., Toronto, Ontario
EDUCATION: B.A. - Environmental Studies
University of California, Santa Cruz

WORK EXPERIENCE:

May 1984 - Present Researcher - Pollution Probe, Toronto

Developed an International Project; including a communication and information exchange program with 30 NGO's in the Third World, monitoring environmental impacts of Canadian Aid and a skills exchange program with Indonesian environment NGO's.

January 1982 - Completion of degree in Ecodevelopment.
May 1984

October 1981 - African study tour.
January 1982

Examined environmental problems in Kenya, Sudan and Egypt. Spoke with environmental organizations and experts.

August 11 - 16 1981 Assistant Coordinator of the International NGO Forum on New and Renewable Sources of Energy.

October 1979 - Researcher - Environment Liaison Centre, Nairobi
August 1981

Researched issues on environment and development. Prepared brief to U.N. Conference Committee on New and Renewable Sources of Energy; coordinated Kenya Renewable Energy Workshop, helped establish the Kenya Energy NGO Association; and prepared for the NGO Forum on New and Renewable Sources of Energy.

WORK EXPERIENCE CON'T....

September 1978 -
June 1979

Student, University of California

June 1977 -
July 1978

Researcher - International Union for the
Conservation of Nature and Natural Resources

Assisted in preparing a synopsis on environmental
laws from several countries dealing with the protection
of flora and fauna.

OTHER ACTIVITIES:

Member of the Board of Directors of the Fate
of the Earth Conference, Ottawa, 1986

PUBLICATIONS:

- ° The Great Lakes Primer, Toronto, 1985
- ° The Global Meeting on Environment and Development:
A Canadian Perspective, Toronto, 1985
- ° The Indonesia - Canada Environment Conference:
An NGO Perspective, Halifax, 1984
- ° Wildlife Conservation in Kenya: Preservation or
Survival, Santa Cruz, California, 1984
- ° World Directory of NGO's working in The Field
of Renewable Energy, Nairobi, 1981
- ° Directory of Kenyan NGO's working on Energy
Issues, Nairobi, 1980

LANGUAGES:

English, Spanish and German

