

## Interventions from floor

Jeff Hurler with WTO, Geneva

Q: To Wang — re: facilitative/enforce branch and COP/MOP — did not indicate how those serving on various bodies are appointed — who are they and what is appointment process

A: Appointments contentious. Legal negot almost collapsed because of this issue. 10 members on each branch. From 5 regional group, 2 dev countries, 2 developing countries, 1 from islands. Appointed by COP/MOP. Under CBD oblig are general in nature- no compliance procedures per se, but do have reporting system, frequently parties report for cbd secretary in term of what they have done to implement the convention.

Climate Change commission — developed countries must take lead to combat climate change. Developing countries, since not original polluters, undertake only general obligations. Gradually developing what of formula to have of sharing where developing countries will undertake more obligations.\

Lionel Hurst — Antigua Bermuda, Ambassador

Q: Coming up against powerful state- UK, France and Japan, on matter vital to continued existence. Question of slavery, most difficult moral question with implication for material wellbeing of Europe. Matter of alt. energy sources, and continued reliance on dangerous source of energy Carib countries in position from which can't extricate themselves because facing against very powerful countries. Prob of small versus powerful countries.

A: Carmichael — when nuclear energy developed, developers were subject to variety of geopolitical consid, so irony is those with largest amt of nuclear energy used for peaceful means also recognize dangers inherent in transpo and misuse. Has been lots of naivety in early years. Also see this in Japan case. In that era everyone thought you can do certain things covertly. Horrific events of sept 11 have highlighted to main users and producers that there is an additional prob. Will not be easily solved, but must keep this in our minds. Must be consistently examining alt. energy sources and working on them with consistency and energy, at same time we do this there will be less dependence on nuclear energy. Long prob -not our generation, goes back to inter-generational thesis.

Michael Kerr, Aus. Counsel and Foundation

Q: Are they steps to improve compl mech of convention (biodiversity). Aus makes mockery of convention —last year cleared 670000 hectares of vegetation. Aus is signatory to convention but nothing he can do about non-compliance.

Michelle Jaquard, Envir. Legal Services

Q: to Bankobeza re: she deals with trade and envir for Envir Canada Legal Services. Knowing that DS mech in MEAS not really be used so far. What's up with remark re: having better use of DS mech in MEAs to deal with trade related disputes, based on MEA provisions, rather than

going to WTO. So far, these DS mech in MEAs have not been used. What are the reasons for this and what is potential for improving their use.

A: Bankobeza — trade provisions in MEAs are not necessarily discriminative in conventional way and trade rules. Conv. Trade rules like MFN, subsidies etc, trade provisions in MEAs based on the \_\_\_\_ which makes exception to issues with potential to affect \_\_\_\_\_. Someone who wants to take issue trade related under these provisions has to make sure actually has a case which will succeed. Parties to MEAs, when adopted trade related provisions, were there not to affect trade matters, might be difficult for a case brought under MEAs to succeed. Hasn't happened so far because of this exception — art20 of GATT rules.

Stephen Demitriov, University, England

Q: How would judge a European convention such as rhine convention, or riparian states fund and cure damages - Burden sharing, receiving more efficiency. Can you imagine this as a model for your conventions?

Caroline Dunham, Geneva

Q: since Doha ministerial in Nov there has been large amount of funding avail for technical assist with regard to wto — for most part directed to encourage compliance with wto rules. These rules don't nec. Promote sust. Deve. How can we ensure sus deve law in enviro generally to ensure wto trade rules are implemented in sust. Deve. Way.

A: Bankobeza — could trade assist to promote compliance for wto rules be implemented in sust way. Process is on-going. WTO together with MEAs are conducting regional seminars, one in January, seminars to see how WTO can work together with MEAs to promote mutual compliance. Unless both trade and deve are promoted together, may be difficult to comply with one set of rules against the other. Processes are underway to ensure tech assist at wto used to promote compliance with wto rules and complementary protection within countries itself.