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FRESH WATER: ENVIRONMENT OR TRADE?

Introduction - Chios Carmody†

Good afternoon. I am Chios Carmody. I am very pleased to be the moderator of the session entitled “Fresh Water: Environment or Trade?,” particularly in fresh water’s export, because it has been something that has been running through my mind over the last year.

During the fall I had the opportunity to spend several months visiting in the United States, and while I was there as a Canadian, I started to notice that there was an awful lot of Canadian water that was being bought. I was wondering, how does this water come into the United States? What is its legal status, and what does that do to any sort of a prohibition on the export of Canadian fresh water? Well, I started looking at this product a little bit more closely, and I realized it not only comes from the Province of Quebec, it comes from the Province of Quebec in a bottle, and that makes all the difference. So, in discussing these particular issues, we are going to be touching on a wide range of related questions: questions related to how water is actually sold, how it is packaged, and how it is exported.

We have with us today Milos Barutciski, who is a partner with the law firm of Davies Ward Phillips & Vineberg in Toronto. Milos has appeared in anti-dumping, countervailing duty, and government procurement cases. His areas of particular specialty are in international trade and competition law. He has worked on a number of NAFTA, WTO and foreign corrupt practices cases, and he also chairs the International Affairs Committee of the Canadian Chamber of Commerce and is a former vice-chair of the Trade Policy Committee on the Canadian Council for International Business. Mr. Barutciski is also the current chair of the International Law Section of the Canadian Bar Association. He has also served as an adjunct professor at the Faculty of Law of the University of Ottawa, where he has taught in the field of international trade law.

The second presenter of this session will be Professor Sanford Gaines, a professor of law at the University of Houston Law Center, where he teaches courses on environmental law and trade law. He also co-directs the Law

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Center’s Mexican Legal Studies program in Mexico City. From 1996 to 1999, Professor Gaines was a part-time executive director of the North American Institute, and he has previously served as a deputy assistant United States Trade Representative (USTR) for Environment and Natural Resources in the office of the USTR in Washington, D.C.

The speakers tell me that Milos has offered to go first, and then we will hear comments from Sanford. Thank you.