

Canadian International Model United Nations Conference  
1993 NAFTA Negotiations Committee  
Resolution 1.3

Sponsors: Greenpeace

Signatories: Jaime Serra Puche, Maude Barlow, Carla A. Hills

**RECONFIRMING** the importance of the environmental goals and objectives of NAFTA, including enhanced levels of environmental protection;

**CONVINCED** of the importance of the conservation, protection and enhancement of the environment in their territories and the essential role of cooperation in achieving sustainable development for the well-being of present and future generations;

**REAFFIRMING** the sovereign right of States to exploit their own resources pursuant to their own environmental policies;

**RECALLING** our States' tradition of environmental cooperation;

**NOTING** that ensuring better protection for our environment is a long-term process;

**REAFFIRMING** the *Stockholm Declaration on the Human Environment* of 1972 and the *Rio Declaration on Environment and Development* of 1992;

1. Establish **environmental standards and best practices** developed on an on-going basis by the States that need to be met to access to the agreement's trade benefits.

1.1 These standards and best practices should be based on the following objectives:

- a) promote sustainable development based on cooperation and mutually supportive environmental and economic policies;
- b) avoid creating trade distortions or new trade barriers
- c) strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices;
- d) enhance compliance with, and enforcement of, environmental laws and regulations;
- e) promote transparency and public participation in the development of environmental laws, regulations and policies;
- f) promote economically efficient and effective environmental measures; and,
- g) promote pollution prevention policies and practices.

2. Provide **clean-up funds** to be allocated from NAFTA countries participating in tri-national trade to prevent a further deterioration in already precarious environmental conditions and remedy to environmental disasters.
  - 2.1 Funds come by targeting violator companies
  - 2.2 Administration of the clean-up funds will be achieved jointly in a cooperative fashion, and following the best interests of the North American society.
  - 2.3 Extreme circumstances can only use clean-up funds if:
    - a) equal partnership (1/3, 1/3, 1/3) vote be taken by the three (3) nations:
      - i) votes will be taken by 1 voting member, a main representative designated by the government,
      - ii) this representative can be advised by a panel of three (3) specialists and experts that contain at least 1 person from the following domains:
        - A) Environment
        - B) Finance
        - C) Governmentbut the decision is solely in the hands of the main representative.
      - iii) the vote should be unanimous and constructed in a comprehensive, simple and direct manner.
3. Encourage **national governments to develop environmental protection laws** that will not be overturned, ignored or superceded by NAFTA, notably laws related to the protection of natural resources.
  - 3.1 Recognizing the right of each State to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations;
  - 3.2 Protect past and existing legislation from being assimilated to trade barriers.
4. Strengthen **sanctions** in the proposed North American Side-Agreement on the Environmental Cooperation to fairly reprimand environmental violation.
  - 4.1 Identify corporations that present a persistent pattern of failure and aim to effectively enforce environmental law at the national level.

- 4.2 Take into consideration the nature and gravity of the violation, any economic benefit derived from the violation by the parties involved, the condition of the violator, and other relevant factors.
- 4.3 Implement a transparent procedural framework to assign sanctions:
- a) build a framework which is open to the public participation;
  - b) the States to the proceedings are able to support or defend their respective positions and to present information or evidence; and
  - c) each State shall ensure that tribunals that conduct or review such proceedings are impartial and do not have any substantial interest in the outcome of the matter.
- 4.4 Permit the following sanctions:
- a) economic sanctions (as described in 4.5), emergency closures or orders to mitigate the consequences of violations of its environmental laws and regulations;
  - b) formal requests to the competent authorities to take appropriate action to enforce that party's environmental laws and regulations in order to protect the environment or to avoid environmental harm;
- 4.5 Economic sanctions should take the form of suspension of benefits. Violators of environmental protection laws should be taxed (suspension or reduction of tariff benefits) for the amount of the damages caused.
- 4.6 Promote fair enforcement rather than measures aimed to harassing industry.
5. Commit to **updating and future-proofing** the proposed North American Side-Agreement on Environmental Cooperation to take into account future environmental law developments.
- 5.1 Ensure proper and timely dissemination of information, notably laws, regulations and procedure, to ensure environmental protection and compliance. This entails taking part in the following activities:
- a) publicly release non-compliance information; and
  - b) require record keeping and reporting.
- 5.2 Make sure future environmental legislation is incorporated into the North American Side-Agreement on Environmental Cooperation on a timely basis.

6. Transfer the following powers to existing National Commissions, with no additional monetary contributions from the countries, in order to facilitate:
  - a) promoting pollution prevention techniques and strategies;
  - b) recommending common indicators for reporting on the state of the environment;
  - c) conducting scientific research and technology development in respect of environmental matters;
  - d) analyzing environmental matters as they relate to economic development;
  - e) promoting the exchange of information on criteria and methodologies used in establishing domestic environmental standards;
  - f) establishing a process for developing recommendations on greater compatibility of environmental technical regulations, standards in a manner consistent with the NAFTA; and
  - g) when required, developing action plans to remedy problem situations.