



Canadian Council for
International Business
Conseil canadien pour le
Commerce international

THE CANADIAN CHAMBER OF COMMERCE
LA CHAMBRE DE COMMERCE DU CANADA



September 22, 2000

Issues Concerning the Implementation and Further Elaboration of Articles 14 & 15

The CEC Citizen Submissions Process

The following constitute comments on the JPAC Public Review of issues regarding the implementation and further elaboration of Articles 14 and 15 of the NAEEC from the Canadian Chamber of Commerce and the Canadian Council for International Business.

Guidelines for Citizen Submissions to the CEC

Guidelines put in place to review citizen submissions made to the CEC have to be fair and balanced for all parties. Furthermore, it is expected the CEC will review citizen submissions in a credible and transparent manner, based on sound scientific evidence, and with due regard for the three elements of sustainable development, i.e. social, environmental and economic considerations. Confidence in the review process, in the CEC and in the ability of the three NAFTA governments to objectively review and respond to submissions, are of prime importance for fostering support and acceptance of this mechanism.

The Implementation and Further Elaboration of Articles 14 and 15

We consider that Articles 14 and 15 of the NAEEC are acceptable in their current form and allow for sufficient input from the public on North American environmental issues. At the same time, in order for these articles to work as effectively as possible, the NAFTA governments must be clear about how they will respond to legitimate claims and concerns. If the JPAC is to play a greater role in this process, it will be important for this body to remain balanced and credible, including having appropriate representation from business.

The function of the CEC citizen submissions process is to “promote the effective enforcement of environmental law” in the three NAFTA countries. At the same time, it is not the CEC’s role to set policies or mandate environmental practices – this is the proper domain of the NAFTA governments. In carrying out its responsibilities, the CEC must remain mindful of the sustainable development policies of the respective governments and not exceed their bounds. The Canadian government, for example, has clearly stated that: “We must ensure that trade policies support sustainable development and do not restrict legitimate actions to protect the environment and, at the same time, make certain that environmental policies do not unnecessarily limit economic opportunities” (DFAIT Trade and Environment Discussion Paper, May 1999). The citizen submissions process, and indeed any CEC initiative undertaken to advance the objectives of the NAEEC, must respect government policies that have been forged around consensus and established domestic law-making practices.

The CCIB and the Canadian Chamber remain ready to assist the CEC and the Canadian government in ensuring effective and balanced processes that will benefit Canada and the environment.

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