



**Centre québécois du droit de l'environnement**  
**Quebec Environmental Law Centre**

Montreal, 15 May 2001

Manon Pépin  
JPAC Liaison Officer  
Commission for Environmental Cooperation  
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Madam Pepin,

As per your request for comments of 3 April 2001, please find enclosed our comments on the draft report entitled "Lessons Learned: Citizen Submissions under Articles 14 and 15 of the North American Agreement on Environmental Cooperation."

We would first like to congratulate you on a job well done. We agree with almost all of the draft report's conclusions, most notably conclusion four (4), "Open, Informed and Reasoned Decision-making," requiring Council to provide reasons for its decision on whether or not to develop a factual record.

However, we would like to draw your attention to conclusion five (5) entitled "Factual Record Follow-up," which appears on pages 17 and 18 of the draft report. In this conclusion, you mention that proposals made during the consultation process could lead to major modifications to the text of NAFTA. You then add that in any case, the Article 14 and 15 submission process allows the public and the CEC to ensure that governments remedy any enforcement failures in applying environmental laws.

We disagree with this conclusion. We believe that the submission process set out in Articles 14 and 15 cannot require a government to effectively and properly enforce an environmental law. Indeed, as we mentioned in our comments of 20 September 2000, it is essential that once a factual record is developed, concrete remedial measures or sanctions be taken to compel the concerned Party to enforce its environmental laws. Without such measures, the Article 14 and 15 process is, unfortunately, useless. We would also like to add that it is essential for Council to be required to deliver a factual record as soon as it has been concluded.

If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Me Anne-Renée Touchette