

The Protocol amending the Canada–United States Migratory Birds Convention is an example of significant change to a long-standing agreement with environmental objectives. The Convention, dating from 1916, did not permit accommodation of the traditional harvesting practices and evolving treaty rights of Aboriginal people in Canada. This limitation was one of the main reasons why the Protocol was negotiated. The participation of Aboriginal representatives on the Canadian delegation contributed to the successful conclusion of these negotiations.

The Arctic Environmental Protection Strategy is another example of an integrated approach to international environmental and economic issues. Circumpolar countries have agreed to work together for the protection, enhancement, and restoration of the Arctic environment while seeking to ensure the sustainable utilization of its natural resources by Arctic people. A significant aspect of the Strategy is recognition of the cultural needs, values, and practices of indigenous people.

The North American Agreement on Environmental Cooperation (NAAEC) is a trilateral initiative that has integrated development and environment concerns. This agreement between Canada, the United States, and Mexico came into force on 1 January 1994 as a companion agreement to the North American Free Trade Agreement (NAFTA). It was discussed in the previous Canadian reports to the CSD.

The NAAEC calls for cooperation between the partner states. It also requires cooperation within states. The Canadian Intergovernmental Agreement for the implementation of the NAAEC in Canada, to which Alberta is the first provincial signatory, recognizes that the federal, provincial, and territorial governments have distinct and complementary roles to play in achieving the goals of the NAAEC and the environmental goals of NAFTA. Another significant step forward is the NAAEC mechanism allowing individuals and organizations to make submissions alleging that a party has failed to enforce its environmental laws effectively.

Canada has a strong interest in reconciling trade and environment concerns in international legal instruments. It is participating actively in processes such as the Organisation for Economic Co-operation and Development Joint Session of Trade and Environment Experts and the World Trade Organization Committee on Trade and Environment.

Challenges and Next Steps

The distribution of responsibility for sustainable development issues within Canada is complex. This is a source of constant challenge when Canada prepares for and participates in the negotiation of international legal instruments and in the subsequent implementation of those instruments.

While the federal government conducts international treaty negotiations on behalf of Canada, responsibility for environment and sustainable development issues falls within the legislative jurisdiction of both the federal and provincial levels of government. This