

Enforcement of International Obligations: Environment, Labour, Human Rights, Cultural Diversity - Issues and Approaches

Background

In June 2001, the Standing Committee on Foreign Affairs and International Trade (SCFAIT) produced and tabled a study called "Balance, Transparency and Engagement after the Quebec Summit." The Committee began its research and hearings prior to the April 2001, Quebec City Summit of the Americas (the Summit) and continued to collect the opinions of witnesses until after the Summit had taken place. This report represents the Government of Canada's response to the following Recommendation, which was contained in the June 2001 study:

"Given the importance of the question of the enforceability of obligations in the fields of human rights, labour standards, the environment and the protection of cultural diversity, and the lack of agreement as to whether they may best be enforced through inclusion in trade agreements or by other means, the Committee recommends that the Government of Canada study the question of how these obligations may best be enforced, and table its findings with the Committee by April 2002."

As the SCFAIT Report intimates, the Recommendation reflects concerns voiced by some witnesses, and more generally by Canadians and media commentary around the time of the Summit. In particular, these concerns focused on the ongoing debate over whether international labour, environmental, human rights and cultural obligations should be enforced through trade agreements, such as the Free Trade Area Americas (FTAA), or by other means.

In agreeing to study the enforcement question, the Department of Foreign Affairs and International Trade (DFAIT) commissioned leading experts in each field as consultants to carry out a roundtable with experts and prepare discussion papers in the areas of the environment, labour and human rights. The roundtables on human rights and labour standards were conducted in Montreal and Toronto on March 22, 2002. The roundtable on the environment was held in Ottawa on March 26, 2002. The independent consultants submitted final discussion papers to DFAIT at the end of March, 2002.

In the absence of an international framework or instrument covering the protection of cultural diversity, the Government chose to pursue a different process. The Government has already conducted extensive consultations with experts, Parliamentarians, and the public, leading to the adoption in October, 1999 of a new policy to develop a New International Instrument on Cultural Diversity. This instrument is intended to set out clear ground rules to enable Canada and other countries to maintain policies promoting their culture, while respecting the rules of the international trading system and ensuring markets for cultural exports. Given these developments, a report was prepared by government officials, taking into account the work of experts and the consultations that went into the development of the new policy, as well as a report on international discussions held in a variety of fora since the adoption of the policy.