

obligations?). Finally, sanctions should be seen as only part of the solution. Sanctions alone are unlikely to change State behaviour.

Having recognized the limited utility of sanctions in practice as well as the importance of sanctions as a signal that governments are serious about certain international obligations, there are many options that governments can marshal. Here there is an interesting question. Much of the debate on the enforcement of environmental agreements has focussed on the use of trade sanctions. For example, the U.S. vigorously sought the inclusion of trade sanctions in the recent NAFTA side agreement negotiations to provide the ultimate discipline on Mexican, U.S. and Canadian commitments to effectively enforce domestic environmental and labour law.⁵⁶ The fact that the use of trade sanctions invariably favours the largest, but least trade dependent economy (the U.S. in the NAFTA case) was not lost on the Canadian negotiators.

Yet the menu of possible sanctions is, in fact, quite extensive. A recent study provides a list of diplomatic, political, cultural, financial, commercial and technical assistance-related options covering a full three pages.⁵⁷

In a decision taken in the 1992 Meeting of the Parties of the Montreal Protocol, a useful fleshing out occurred of measures that might be taken (by Parties as a group - not unilaterally) when a country has not been complying with its obligations under the Protocol.⁵⁸ Options identified include positive actions, such as technology transfer, financial assistance, and assistance to facilitate data collection and reporting - all with a view to encouraging non-complying Parties (especially LDCs) to meet the challenges in reducing consumption of ozone depleting substances. On the "disciplinary" side, a Meeting of the Parties could issue formal cautions (presumably with accompanying publicity). In addition, they could suspend specific rights and obligations under the Protocol, including the right to vote, the right to exclude the use of recycled or used substances for the purpose of calculating consumption reductions, the right of a Party to transfer to another Party a portion of its calculated level of production of ozone depleting substances, or the right of an LDC Party to concessional financing to meet compliance adjustment costs under the Protocol's Multilateral Fund.

⁵⁶ See the "North American Agreement on Environmental Cooperation", Final Draft, September 13, 1993.

⁵⁷ Prévost, Pour des sanctions, pp. 36-8.

⁵⁸ See Decisions IV/5 and Annex VII, Handbook, pp. 48-9, 83.