

ENVIRONMENTAL LAW

The most significant developments in the field of international environmental law occurred in Rio de Janeiro in June of 1992 when the Convention on Biological Diversity and the Convention on Climate Change were signed at the United Nations Conference on Environment and Development (UNCED). UNCED also adopted Forest Principles; a non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests. Although the Earth Charter developed by Canada was not adopted at UNCED, negotiations led to the acceptance of an agreement entitled the Declaration on Environment and Development (the Rio Declaration).

Within the United Nations Economic Commission for Europe, Canada has been active on a number of issues. Under the Long Range Transboundary Air Pollution Convention, Canada is involved in negotiations with respect to a Second Protocol on Sulphur Dioxide Emissions. The Convention on the Transboundary Effects of Industrial Accidents was signed by Canada in Helsinki in March of 1992. However, Canada chose not to sign the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, signed by a number of European nations in 1992, as the bilateral arrangements already in place with the United States provide a more suitable framework for the protection of Canada's water resources.

With the proliferation of international environmental agreements, Canada together with many other countries is increasingly focusing on the interaction between international trade law and international environmental law. Two key international fora discussing the issue are the Trade and Environment Committee of the OECD and the reactivated GATT Group on Environmental Measures and International Trade.

The North American Free Trade Agreement (NAFTA) is the most environmentally-sensitive trade agreement ever negotiated. In addition to its general commitment to sustainable development and environmental conservation and protection, there are a number of innovative and precedent-setting provisions. Further to the NAFTA, the Ministers responsible for the environment of Canada, Mexico and the United States met on September 17, 1992 in Washington to sign a Trilateral Memorandum of Understanding on Environmental Education and announce an agreement in principle to the creation of a North American commission on environmental cooperation.

Canada's Instrument of Ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was deposited with the Secretary General of the United Nations on August 28, 1992. Accordingly, the Convention will enter into force for Canada on the ninetieth day following such deposit, i.e. on November 26, 1992. The first meeting of the Contracting Parties will be held in November of this year. In addition, Canada confirmed its acceptance of the OECD Council Decision concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations" adopted in Paris on March 30, 1992.