

Recommendation 22

The Government of Canada should discuss with its Mexican and American counterparts ways to ensure adequate funding and enforcement powers for the North American Commission for Environmental Cooperation created under the North American Agreement on Environmental Cooperation.

From its inception, the NAAEC was designed to provide for broad based environmental cooperation to strengthen environmental management and promote sustainable development. This focus on cooperation was entrenched with the creation of the North American Commission for Environmental Cooperation (NACEC). The NACEC was established to address regional environmental concerns and help prevent potential trade and environmental conflicts. The cooperative initiatives undertaken by the NACEC help promote compliance and commitments by the three NAFTA partners to effectively enforce their environmental laws. The Commission itself does not have enforcement powers.

The NAAEC contains two mechanisms that are the necessary complements to cooperation and are designed to facilitate and support the Parties' enforcement commitments: Articles 14/15 Citizen Submissions on Enforcement Matters mechanism and the Part V provisions for consultation and resolution of disputes. The former enables the public to play an active role when it believes that a government is failing to effectively enforce its environmental laws, and has been used by citizens in all three countries. The latter could always be triggered should a dispute emerge but Parties have not yet used this provision.

The current \$US 9-million-a-year NACEC budget shared equally among the three NAFTA partners allows the NACEC to undertake meaningful cooperative activities in a number of areas. It is important to emphasize that the budget of the NACEC is not meant to fund programs in the three countries that should actually be supported by the governments themselves. The NACEC's funding facilitates joint work, builds capacity, and achieves results in key areas of interest for the three Parties. The NACEC is beginning a strategic planning exercise with a view to encouraging better planning decisions and more effective use of the Commission's resources, and ensuring a sharper focus to its work.

Recommendation 23

The Government of Canada should initiate discussions with the governments of Mexico and the United States on ways to improve the enforcement of labour laws and standards under the North American Agreement on Labour Cooperation (NAALC). Ensuring

