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## Canada-Chile Agreement on Environmental Cooperation

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### CANADA SIGNS ENVIRONMENT AND LABOUR AGREEMENTS WITH CHILE

**Ottawa - February 6, 1997** - Environmental and Labour side agreements to the Canada-Chile Free Trade Agreement signed today will ensure that respect for environment and labour laws is a vital component of the economic prosperity that comes with trade liberalization.

In a ceremony this morning on Parliament Hill, Environment Minister Sergio Marchi signed the Canada-Chile Agreement on Environmental Cooperation. At the same time, Minister of Labour and Deputy Leader of the Government in the House of Commons Alfonso Gagliano signed the Canada-Chile Agreement on Labour Cooperation. The Chilean Ambassador to Canada, His Excellency Mr. Rodrigo Díaz, signed both agreements on behalf of the Chilean government.

The Canada-Chile Agreement on Environmental Cooperation includes commitments by the two countries to enhance environmental cooperation and to effectively enforce modern environmental laws, such as those governing water, air, toxic substances and wildlife. The goal of the agreement is to ensure that environmental laws and regulations in both countries provide for high levels of environmental protection.

"Environmental protection goes hand-in-hand with economic growth," said Minister Marchi. "We look forward to working co-operatively with Chile to implement this agreement so that we can reap the economic and environmental benefits that it is designed to bring to both our countries," said Minister Marchi.

[The Canada-Chile Agreement on Labour Cooperation](#) reflects the will of both countries to improve working conditions and living standards and to protect, enhance and enforce basic workers' rights, in the areas of freedom of association and the right to organize, employment standards and occupational safety and health standards.

"I am pleased to be signing this agreement which commits Canada and Chile to work together in the best interests of our workers and economies. High labour standards are an integral part of international competitiveness and high productivity. By promoting the highest respect for labour laws and standards, and their enforcement, we are focusing on the need to keep improving the workplace as we move toward the next century," said Minister Gagliano.

"It is my wish that once these important agreements come into effect, the respective bilateral commissions established to administer and implement them will undertake their tasks with imagination, dynamism and perseverance. It is our hope that they will ensure that these agreements, in both the environmental and labour areas, will lead to results that will without doubt help our citizens face the challenges of a new century, in better circumstances and

with greater expectations," said Ambassador Díaz.

These Environment and Labour agreements, the second of their kind for Canada after NAFTA, will come into force on June 2, 1997 at the same time as the Canada-Chile Free Trade Agreement. They are modelled on the North American Agreement on Environmental Cooperation (NAAEC) and the North American Agreement on Labour Cooperation (NAALC) and are intended as bridges to Chilean accession to the North American Agreements and the NAFTA.

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## Backgrounder

### The Canada-Chile Agreement on Environmental Cooperation

(également disponible en français)

#### Key Features

- ✍ The Canada-Chile Agreement on Environmental Cooperation is closely patterned on the North American Agreement on Environmental Cooperation.
- ✍ Through this agreement Canada and Chile commit to effectively enforce their environmental laws and to cooperate on environmental matters.
- ✍ The Canada-Chile Commission for Environmental Cooperation will undertake an annual program of work.
- ✍ Citizens and non-governmental organizations will be able to make submissions should they believe governments have failed to effectively enforce environmental laws. These submissions will be evaluated by an independent panel, the Joint Submissions Committee, and a factual record may be prepared.
- ✍ Governments will have access to consultation and dispute resolution mechanisms to address cases where there has been a persistent pattern of failure to enforce environmental laws.
- ✍ Monetary enforcement assessments, or fines, will be levied if Canada or Chile fail to implement an action plan called for by a dispute resolution panel. The level of these fines shall be no greater than \$10 million (U.S.). This level, which is lower than the NAFTA level of \$20 million (U.S.), is consistent with the smaller volume of trade between Canada and Chile than among the NAFTA countries.

#### Canada-Chile Commission for Environmental Cooperation

- ✍ The Canada-Chile Agreement on Environmental Cooperation establishes the Canada-Chile Commission for Environmental Cooperation which is similar to the NAFTA Environment Commission. It has the following elements:
  - ✍ The Council, consisting of Canada's Minister of the Environment and the head of Chile's National Environmental Commission (CONAMA), will oversee the Commission.
  - ✍ Since the bilateral agreement is interim, it does not establish an independent secretariat. Small National Secretariats in the governments of each country will provide support to the commission.
  - ✍ The agreement establishes a Joint Submissions Committee to manage the process through which citizens can make submissions asserting a party is failing to effectively enforce its environmental law. This committee, consisting of two independent experts in environmental law

and its enforcement, one from each country, will evaluate citizens' submissions on enforcement matters and make recommendations to the council.

- ✦ A Joint Public Advisory Committee, consisting of three representatives from each country, will provide advice to the council.

### **Phased in Application to Chilean Laws**

Chile has a considerable number of obsolete laws which need to be repealed. More importantly, they have not yet put enforcement mechanisms in place for many of their environmental laws. In recognition of Chile's need for a transition period (time to get their house in order) the application of the enforcement provisions of the agreement to Chilean laws will be phased in over a period of two years.

The agreement lists roughly 160 laws, including all of the modern environmental laws, which will be immediately covered. Upon the agreement's entry into force, citizens and NGOs will be able to make submissions asserting failure to effectively enforce these laws and the consultation and dispute resolution provisions will be available to Canada with respect to these laws.

No later than six months after the entry into force of the agreement, Chile will present Canada with a schedule indicating when the agreement will apply to the remaining laws. All laws must be covered within a period of two years following entry into force of the agreement.

**For further information, please contact:**

#### ***Environment***

Andy Bowcott  
Environment  
Canada  
(819) 994-7669

#### ***Labour***

May Morpaw  
Human Resources  
Development Canada  
(819) 994-6231

[Canada-Chile Agreement on Labour Cooperation Backgrounder](#)

[Agreement on Environmental Cooperation between the Government of Canada and the Government of the Republic of Chile](#)

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