

A CANADA-WIDE ACCORD ON ENVIRONMENTAL HARMONIZATION

VISION

Governments working in partnership to achieve the highest level of environmental quality for all Canadians.

PURPOSE OF THE ACCORD

To provide a framework and mechanisms to achieve the vision and to guide the development of sub-agreements pursuant to the Accord.

THE OBJECTIVES OF HARMONIZATION

The objectives of harmonization are to:

- * enhance environmental protection;
- * promote sustainable development; and
- * achieve greater effectiveness, efficiency, accountability, predictability and clarity of environmental management for issues of Canada-wide interest, by:
 1. using a cooperative approach, to develop and implement consistent environmental measures in all jurisdictions, including policies, standards, objectives, legislation and regulations;
 2. delineating the respective roles and responsibilities of the Federal, Provincial and Territorial governments within an environmental management partnership by ensuring that specific roles and responsibilities will generally be undertaken by one order of government only;
 3. reviewing and adjusting Canada's environmental management regimes to accommodate environmental needs, innovation, expertise and capacities, and addressing gaps and weaknesses in environmental management; and
 4. preventing overlapping activities and inter-jurisdictional disputes.

PRINCIPLES

Governments agree that their environmental management activities will reflect the following:

1. those who generate pollution and waste should bear the cost of prevention, containment, cleanup or abatement (polluter pays principle);

2. where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (precautionary principle);
3. pollution prevention is the preferred approach to environmental protection;
4. environmental measures should be performance-based, results-oriented and science-based;
5. openness, transparency, accountability and the effective participation of stakeholders and the public in environmental decision-making is necessary for an effective environmental management regime;
6. working cooperatively with Aboriginal people and their structures of governance is necessary for an effective environmental management regime;
7. Canada-wide approaches on how to meet the objectives of this Accord will allow for flexible implementation required to reflect variations in ecosystems and local, regional, provincial and territorial conditions;
8. decisions pursuant to the Accord will be consensus-based and driven by the commitment to achieve the highest level of environmental quality within the context of sustainable development;
9. nothing in this Accord alters the legislative or other authority of the governments or the rights of any of them with respect to the exercise of their legislative or other authorities under the Constitution of Canada;
10. legislation, regulations, policies and existing agreements should accommodate the implementation of this Accord;
11. the environmental measures established and implemented in accordance with this Accord will not prevent a government from introducing more stringent environmental measures to reflect specific circumstances or to protect environments or environmental values located within its jurisdiction;
12. this Accord and sub-agreements do not affect aboriginal or treaty rights;
13. all Canadians should be confident that their environment is respected by neighbouring Canadian jurisdictions.

SUB-AGREEMENTS

1. The governments will enter into multi-lateral sub-agreements to implement the commitments set out in this Accord. These sub-agreements will be related to specific

components of environmental management or environmental issues to be addressed on a Canada-wide partnership basis.

2. These sub-agreements or their implementation agreements will delineate specific roles and responsibilities to provide a one-window approach to the implementation of environmental measures; in the case of environmental assessment that means a single assessment and a single review process which may involve more than one jurisdiction.

3. Roles and responsibilities will be undertaken by the order of government best situated to effectively discharge them. In assessing which government is best situated, governments will give consideration to applicable criteria, such as:

- scale, scope and nature of environmental issue
- equipment and infrastructure to support obligations
- physical proximity
- efficiency and effectiveness
- human and financial resources to deliver obligations
- scientific and technical expertise
- ability to address client or local needs
- interprovincial/interterritorial/international considerations

4. Pursuant to this Accord, governments may also enter into regional or bilateral implementation agreements on regional or local issues, for specific ecosystems, for the purposes of providing for necessary variations in the implementation of environmental measures, or for facilitating cooperation in matters not specifically covered under this general multi-lateral Accord.

5. In undertaking a role under a sub-agreement, a government will assume results-oriented and measurable obligations for the discharge of that role, and commit to regular public reporting to demonstrate that its obligations have been met.

6. When a government has accepted obligations and is discharging a role, the other order of government shall not act in that role for the period of time as determined by the relevant sub-agreement.

7. In instances where a government is unable to fulfil its obligations under this Accord, the concerned governments shall develop an alternative plan to ensure that no gaps are created within the environmental management regime. As a general guideline, these plans will be completed within six months.

8. In areas where governments have been unable to reach consensus on a Canada-wide approach, each government is free to act within its existing authority and will advise the other governments accordingly.

9. When a sub-agreement or implementation agreement assigns specific roles or responsibilities to one order of government, the other order of government will review

and seek to amend as necessary their legislation, regulation, policies and existing agreements to provide for the implementation of that sub-agreement.

10. Nothing in this Accord will prevent a government from taking action within its authority to respond to environmental emergencies consistent with existing emergency response agreements.

ADMINISTRATION

1. It is the intention of Ministers to conclude sub-agreements on all areas of environmental management that would benefit from Canada-wide coordinated action.

2. Through the Canadian Council of Ministers of the Environment (CCME), ministers will set priorities and establish workplans for addressing issues of Canada-wide significance pursuant to this Accord. Any government may bring forward issues for consideration by the Council of Ministers.

3. Ministers will review progress under the Accord and will provide regular public reports on meeting obligations under the Accord.

4. The resource implications of any adjustments to government programming resulting from this Accord and its sub-agreements will be examined and addressed

5. This Accord and its sub-agreements may be amended from time to time with the consent of the governments.

6. This Accord comes into force as of January 29, 1998. A government may withdraw from this Accord six months after giving notice.

7. The Council of Ministers in consultation with the public will review this Accord 2 years after the date of its coming into force to evaluate its effectiveness and determine its future.

8. Each government will make the accord and Canada-wide sub-agreements available to the public.