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INTRODUCTION

NAFTA’S ENVIRONMENTAL PROVISIONS: ARE THEY WORKING AS INTENDED? ARE THEY ADEQUATE?

Jon Groetzinger, Jr.*

This segment of the conference is on the supplemental agreement on environmental cooperation under NAFTA, and we have three very well-qualified speakers: John Knox who literally was part of the drafting effort, as I understand, on the side agreement; André Beaulieu who has been with the Canadian government and has an outsider’s perspective; and Greg Block, who is actually a Director of the Commission for Environmental Cooperation. So you will get both an insider and outsider view.

The objectives of the side agreement covered not only the protection of the environment, but the promotion of sustainable development, which, as you know, was not in friendly hands on what the 104th Congress recently passed. As a matter of fact, I do not think there has been a more anti-environmentalist Congress in the past twenty-five years. And I do not know whether you heard this morning that Bob Dole is going to make a loan to Newt Gingrich to cover his ethics problems. It must be a hell of a friendship they have.

There was one story about Bob Dole that happened during the last days of the campaign. Apparently he was trying to get support in the valuable State of Florida. He was at a nursing home talking with one of the blue-haired patrons, one of the patients. He came up, and your typical Bob Dole, he said, “Do you know who I am?” The little woman looked up at him and said, “Well, no, but maybe if you ask at the front desk, they can help you.”

We thought we would go in this order.

John Knox will speak first. He will give you an overview of how we got to where we are, why we have the side agreement on environmental cooperation. Then Greg will give you an insider’s perspective on

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how things are going in an attempt to answer the question of whether they are going well and is the side agreement adequate? And then, André, who was with the Canadian government but who is now with a management consulting firm, can give you an outsider’s perspective and a wrap-up.

First, let me introduce John Knox. He is an attorney with the law firm of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel in Austin, Texas. He specializes in international, domestic, and environmental law. He worked with the Department of State in the office of Legal Adviser and participated in the creation of the supplemental agreement on environmental cooperation. He has represented the United States in cases before the International Court of Justice (ICJ) and before the Iran/U.S. Claims Tribunal. He was a law clerk to Judge Sneed on the Ninth Circuit in San Francisco. He is a graduate magna cum laude of Rice and Stanford Law School.

Our second speaker will be Greg Block. He is one of the two directors of the Commission for Environmental Cooperation. The Commission was established by the side agreement on environmental cooperation and consists of a council, a secretariat, and an advisory committee. Greg was Legal Division Head at the Commission from 1994 through July 1995 and prior to that was in San Francisco with Thelen, Marrin, Johnson & Bridges where he did quite a bit of environmental litigation. He has also taught U.S. and comparative environmental law in Mexico City at the Instituto Tecnologico Autonomo de Mexico.

André Beaulieu recently joined Monitored Company in Toronto and prior to that was with the Canadian government as the Executive Assistant to the Deputy Minister of Intergovernmental Affairs in the Privy Council Office. He has been a member of the United Nations team that organized the Earth Summit in Rio in 1992 and was a consultant to the Canadian National Round Table on the Environment and the Economy. He is also an author of a book on the environment and NAFTA. And I think he will give us some concluding comments.