



Negotiating Group on the Multilateral Agreement on Investment (MAI)

COMMENTS ON CONCLUSIONS ON LABOUR AND ENVIRONMENT

(Contribution from one delegation)

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A. On the Environmental Review:

The Secretariat's task described in point 2b. should be specified as follows:

The purpose is to establish whether, and if so how far, the MAI (on the basis of the current drafts) would affect the current ability of any Contracting Party to follow existing and future Multilateral Environment Agreements and to apply effectively non-discriminatory domestic environmental protection and sustainable development policies. In this respect, the assessment could address the issues raised in Paragraph 5 of one country note of 17 September 1997 (DAFFE/MAI/RD(97)43, in particular questions ii) to vi).

B. On the Text:

The proposal in point 3 to make NAFTA Article 1114(1) the basis of drafting raises some concerns as the approach taken there is inappropriately broad. In particular, its vague language allows a Party to adopt, maintain or enforce any measure "that it considers appropriate to ensure that investment activities in its territory are undertaken in a manner sensitive to environmental concerns".