

Oaxaca, October 13, 1995

COUNCIL RESOLUTION # 95-7

**Transboundary Impact Assessment Overarching Principles**

THE COUNCIL:

HEREBY ENDORSES the above-mentioned principles.

APPROVED BY THE COUNCIL

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## **TRANSBOUNDARY IMPACT ASSESSMENT OVERARCHING PRINCIPLES**

These principles are intended to inform and guide the Council as it develops more specific recommendations and considerations pursuant to Article 10(7) of the *North American Agreement on Environmental Cooperation*.

### **1. POLLUTION DOES NOT RESPECT BORDERS**

- As part of the same environment, States need to work together to achieve national objectives concerning conservation, environmental protection and environmental enhancement.
- Recognizing that environmental effects extend across borders, States should promote communication, cooperation and information sharing on projects and developments within their jurisdictions.
- A State which is likely to be adversely affected by an activity taking place in another State is best equipped to determine which environmental impacts are of concern to itself and its citizens and should make these known to that State.

### **2. GOOD NEIGHBORLINESS**

- Good neighborliness embraces Principle 2 of the *1992 Rio Declaration*.
- Good neighborliness embraces Article 10(7) of the *North American Agreement on Environmental Cooperation*.
- Good neighborliness is a willingness to cooperate with neighboring States to seek to inform a potentially affected State of relevant data and a willingness to take appropriate steps to address the legitimate concerns of those potentially impacted by the activities in another State.
- Good neighborliness provides a potentially affected State with the opportunity to contribute comments and information to the environmental assessment process.

### **3. RESPECT FOR NATIONAL AND SUBNATIONAL PROCESSES**

- Recognizing the unique circumstances giving rise to environmental impact assessment laws and practices, any new procedures or mechanisms proposed should respect the integrity of national and subnational processes and instruments.

### **4. COST EFFECTIVENESS AND EFFICIENCY**

- Any procedure or mechanism developed should be efficient and cost effective, maximizing wherever possible the utilization of existing processes, structures or mechanisms.

### **5. COMPLEMENTARITY**

- Any procedure or mechanism developed should complement or build on successful procedures or mechanisms in place at various levels of government.

### **6. PUBLIC PARTICIPATION**

- Consistent with national and subnational regimes, any mechanism or procedure developed should ensure that the public has adequate information and the opportunity to participate in a meaningful manner in such mechanisms or procedures.