Is BULK WATER sales covered by the NAFTA Free Trade Agreement?

Bulk water is <u>not</u> included in the NAFTA agreement unless it is traded as a good or commodified as is bottled water. The following excerpts, with links provided, detail some history on the subject of NAFTA and the ban on bulk water exports.

> **"On 10 February 1999, the federal government announced a [strategy](#) to protect the integrity of Canada's water resources by prohibiting the bulk removal of water – whether for domestic purposes or for export – from Canadian watersheds. Bulk removal includes the removal of water by man-made diversions, tanker ships and pipelines but does not include small-scale removal, such as bottled water."**

<u>Background</u>
> **"The federal government's strategy reaffirms its long-standing position opposing bulk water removal. The strategy recognizes that under the Canadian Constitution, water management is a shared responsibility; the provinces have primary responsibility for water management, but the federal government has responsibilities for boundary waters to the extent specified in the _[Boundary Waters Treaty](#)_. Hence, joint participation is essential to develop and implement a permanent Canada-wide solution to bulk water removal. The federal government was asked why it is taking the approach of prohibiting bulk removal of water, including for export, rather than placing an outright ban on the export of water, as it was called on to do by a House of Commons [motion](#) of 9 February 1999, and was urged to do by the [Council of Canadians](#)."**
>
> **Link: http://www.parl.gc.ca/Content/LOP/ResearchPublications/tips/tip20-e.htm**

There has since been much political discussion on the subject of NAFTA and banning bulk water exports.

The federal government in 2007 stated:
> **"It is already Canadian law and it is built into the NAFTA that water in its natural state is not covered by the NAFTA, full**

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stop," said then-trade minister David Emerson on May 1, 2007. "It is not covered."

Link: http://meteopolitique.com/fiches/eau/exporta-tion/presse/2009-2008/19/a019.htm

Ottawa tightens ban on bulk water exports

Canada's abundant fresh water supply is off limits, warns Foreign Affairs Minister Lawrence Cannon.

Living up to a 2008 promise, the Conservative government introduced the Transboundary Waters Protection Act, which strengthens prohibitions on bulk removal of Canada's water outside the country.

Link to article: http://www.thestar.com/news/cana-da/2010/05/13/ottawa_tightens_ban_on_bulk_water_ex-ports.html

In a document entitled, "Our Water and NAFTA" under the Conclusion section, the authors clearly state:

"...we conclude that the market-based instruments and measures that the province of Alberta is exploring—the "pricing" of water and the "regulated trading" of water allocations or water licenses—do not obligate the province, or any other province in Canada, to begin bulk water exports under NAFTA."

Link: http://cwf.ca/pdf-docs/publications/Our_Water_and_NAF-TA_July_2011.pdf

Of course with all things political involving government & trade agree-ments there is need to pay constant attention. There are many water-re-lated groups throughout Canada working to expand upon, improve and protect invaluable life-sustaining water. If anyone wants to follow along, the Council of Canadians under Maude Barlow, tops the list.

Link: http://canadians.org/water

I would encourage those asking questions to also refer to an article enti-tled, "An environmental law professor's take on B.C.'s pricing of ground-water",

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at: http://www.theglobeandmail.com/news/british-columbia/an-environmental-professors-take-on-bcs-pricing-of-groundwater/article25543370/

Also a most recent article from West Coast Environmental Law entitled, "Pricing the priceless: Why BC's new water prices don't violate NAFTA"

at: http://wcel.org/resources/environmental-law-alert/pricing-priceless-why-bcs-new-water-prices-dont-violate-nafta

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