



**ADVICE TO COUNCIL: NO. 01-06**

**Re: 2002–2004 Proposed Program Plan and Budget of the North American Commission for Environmental Cooperation**

The Joint Public Advisory Committee (JPAC) of the North American Commission for Environmental Cooperation (CEC);

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

HAVING provided a prior Advice to Council 01-05 on the 2002–2004 Work Program Outline of the CEC;

ACKNOWLEDGING that some of the matters raised in this Advice were included in the 2002–2004 Proposed Program Plan and Budget;

REITERATING that JPAC continues to place a high priority of the matters raised in Advice to Council 01-05;

UNDERSTANDING that the CEC is now pursuing the new direction established by Council at their June 2001 Session while efficiently completing the existing work plan;

OFFERS the following comments and recommendations on the 2002–2004 Proposed Program Plan and Budget of the CEC:

**General Comments**

- The matters raised in Advice to Council 01-05 were generated from substantive public discussions during the 2001 Council Session. Those not already incorporated into the Proposed Program Plan and Budget remain priorities for inclusion;
- At its June 2001 Session, Council identified several priorities for future work. All of these should be fully incorporated into the Proposed Program Plan and Budget;
- In support of the new direction established by Council, further work is required to clearly articulate how each program area is designed to contribute to or influence policy development and further, how each project assists in achieving that goal;
- A rationale should be provided for how each project and topics for study within projects were selected in relation to the stated goals and objectives of the program area;

- Each project should clearly describe how public participation will be achieved. In addition, ways and means for improving access to information should be built into each project, understanding that this is two-way process – from government to public and from the public to government;
- Efforts should be made to provide greater opportunities for the public to participate in the working groups and meetings of the CEC, for example the Sound Management of Chemicals Working Group;
- The matter of water raises a complex array of issues, some of which are identified as Council priorities. While JPAC sees value in the Secretariat's proposal to conduct a scoping exercise, this should not replace the urgent need for action in targeted areas of study and cooperation; and
- JPAC notes its support for the Secretariat's initiative to develop outreach materials to better inform the public and other interested groups about the work of the CEC.

### **Environment, Economy and Trade Program**

- JPAC remains concerned that there is no opportunity for public comment on the options for consideration by Council in Project 1.2.1 (Action 2: Activity 3) and Project 1.2.2 (Action 1: Activity 2). The resources assigned to these activities (C\$200,000 in total) should be reallocated in such a way that the public participates in the development and review of these options before a final Council decision; and
- JPAC Advice to Council 01-05 called for a Secretariat initiative to facilitate the development of market mechanisms to reduce greenhouse gas emissions. Although JPAC believes a shorter-term project is needed to stimulate policies for greenhouse gas reductions, it supports the project described in the Proposed Program Plan and Budget.

### **Conservation of Biodiversity Program**

- The North American Biodiversity Information Network (NABIN) has been a very successful activity for the CEC. Considering its maturity, along with its accumulating costs, JPAC considers this an opportune time pass to it on to another group to maintain and manage and recommends that the Secretariat explore this possibility; and
- Funds freed up by this move could be used to develop and finance projects engaging local peoples in biodiversity conservation, possibly through the North American Fund for Environmental Cooperation (NAFEC).

### **Law and Policy Program**

- The program should explicitly state as one of its goals, the continuous improvement of enforcement and compliance of the environmental laws of the three countries;
- Project 4.2.3 – Enforcement Compliance Reporting lacks any information on Actions for the years 2003 and 2004. Details should be provided before considering approval of Actions for 2002;

- There should be clearly defined opportunities for public involvement in the projects on regional enforcement, compliance and capacity building, particularly involvement in the development of priorities and enforcement and compliance promotion topics;
- The lack of hazardous waste disposal infrastructure in Mexico has to be taken into account in the Comparative Report on Environmental Standards; and
- Clarification is required on the term "Policy" in the title of this program and the policy objectives of the Proposed Program Plan and Budget as a whole.

### **Specific Obligations under the Agreement**

- Related to NAAEC Article 10(6), JPAC reiterates its request for trade and environment officials to meet in a public forum;
- The specific actions of the Article 10(6) Working Group should be, in the name of transparency, explicit in the Program Plan and Budget; and
- NAFEC should be continued, even with its diminished funding for all the reasons JPAC has articulated in the past. In order to maximize its effectiveness, it should continue to focus on a limited number of subjects, tied to the Program Plan and Budget.

APPROVED ON 23 OCTOBER 2001