



ADVICE TO COUNCIL: NO. 02-03

Re: Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15

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

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC), that JPAC “may provide advice to the Council on any matter within the scope of this agreement (...) and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct”;

BEING IN RECEIPT of Council’s reply, of 11 February 2002, to JPAC’s Advice to Council 01-09, requesting that Council authorize a public review of two issues pursuant to the *JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15*;

TAKING INTO ACCOUNT the detailed concerns raised in the letters to Council from the Sierra Legal Defence Fund of 6 March 2002, regarding the BC Logging Citizen Submission (SEM-00-004) and the BC Mining Citizen Submission (SEM-98-004);

RECOGNIZING that Council has an obligation to make its decisions, and the reasons therefore, public;

RECOMMENDS that Council reverse its decision to postpone any public review of the matter of limiting the scope of factual records until the relevant factual records (SEM-97-006, SEM-98-004, SEM-99-002, and SEM-00-004) have been completed, for the following reasons:

- This postponement defeats the spirit and purpose of Council Resolution 00-09 by effectively eliminating an opportunity for public input into this very important issue; and
- Allowing the development of the factual records to proceed in this restricted manner, particularly absent any public input and review of the implications and consequences for what will be at least one year and a half, is considered by JPAC as a *de facto* change to the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC*.

FURTHERMORE, while cognizant of its mandate under Article 16(4) of the NAAEC to seek public input on any issue, JPAC would prefer to engage in public review of the issue of limiting the scope of factual records through the review process established to implement Council Resolution 00-09.

APPROVED ON 8 MARCH 2002