



ADVICE TO COUNCIL NO: 09-02

Re: The 2010 CEC Operational Plan, the CEC 2010–2015 Strategic Plan and CEC Governance

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) which states that JPAC "may provide advice to 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";

HAVING met with the Secretariat Program Staff in September 2009, in Montreal, Canada, to discuss the preliminary draft project proposals for the 2010 CEC Operational Plan;

HAVING reviewed the 2009 Project Analysis, distributed on 23 October and a first draft of the Operational Plan, distributed on 20 November, which was discussed during a JPAC working meeting in Los Cabos, Mexico, on 2 December;

RECOGNIZING THAT the CEC is currently facing a transition period that requires the implementation of measures to create the foundation for the establishment of the 2010–2015 Strategic Plan.

SUBMITS the following observations and comments for Council's consideration:

JPAC recommends that Council and the Secretariat adopt an "Emergent Transitional Plan" to address the following issues:

Governance and Efficiency of Operations:

- We recommend that the three main bodies of the CEC work together to establish an effectiveness evaluation process, of the functional, operative and thematic structure of the Commission.
- JPAC is in the process of examining its own effectiveness and plans to adjust the way it operates and reaches out to stakeholders across North America. This initiative

involves our public meetings, JPAC-led consultations and outreach, among other aspects. The results will be presented to the parties before the 2010 Council meeting.

- Until a new executive director is appointed to the CEC, we recommend that no staffing changes be made at the director, program manager and key staff level, particularly personnel whose contracts will expire during the transition period. In order to ensure a smooth continuity of operations, we suggest that these be extended, on a temporary basis, until the newly appointed executive director has the opportunity to evaluate these individuals' professional capacities and the ongoing strategic programs are completed. This will also give the new executive director the opportunity to appoint new staff, where the executive director determines, in accordance with the new management vision.

CEC 2010 Operational Plan and 2010–2015 Strategic Plan:

- We acknowledge the Secretariat's efforts to put together the draft project proposals for the 2010 Operational Plan for Council's consideration. We understand that many of these resulted from reviewing all projects and tasks under the current 2009 program that focused on concluding existing work, and that no new projects were tabled. - JPAC fully supports this approach.
- On that same note, JPAC believes that new project proposals should be postponed until the 2010–2015 Strategic Plan has been defined by the Council. Once this has been clearly established, we encourage the CEC to work towards creating a set of impact criteria to evaluate the results of the projects and actions supported by the Commission, using as the guiding principle, the link with trade-related issues. This impact criterion should include clear deliverables and target end-dates.
- In order to ensure timely approval and distribution of CEC Operational Plans, JPAC encourages the Council to adopt a multi-year budgeting.
- JPAC fully supports the Secretariat's Community Grants proposal. We believe that this initiative will enhance multi stakeholder participation in the activities of the CEC, and will serve to strengthen the mechanisms of trade integration and the environment. We recommend however, that the program have a span of at least five years, in order to ensure its success. We feel that any timeframe under five years would only create false expectations. We also recommend that this important initiative be incorporated in the Strategic Plan.

Submission on Enforcement Matters (SEM):

- JPAC believes that an in-depth analysis of the Submission on Enforcement Matters (SEM) process should be conducted, aimed at strengthening the Secretariat's structure and capacities, to reduce submission turnaround time, promote transparency in the integration of information process, and reduce conflicts of interests among the parties involved.

Communications Strategy:

We encourage the CEC to conduct a study on the Commission's public positioning in the three countries, to determine the extent of awareness of the CEC's existence and functions. This will assist the CEC in establishing a much-needed Communications Strategy that will potentially enhance stakeholder involvement in our activities.

**Approved by JPAC Members
10 December 2009**