



ADVICE TO COUNCIL: NO. 99-11

Re: North American Agenda for Action: 2000–2002 Proposed Program Plan for the North American Commission for Environmental Cooperation

The Joint Public Advisory Committee (JPAC) of the Commission on Environmental Cooperation (CEC);

IN ACCORDANCE with its mandate to provide advice to Council;

PROVIDES Council with the following views on the proposed program plan for 2000–2002.

Introduction

The Joint Public Advisory Committee received the proposed program plan just prior to its regular session 99-04, held 16–17 September 1999 in Montréal. The public participants at this regular session received a copy the day of the plenary session set up to discuss the proposal. JPAC and the public appreciate the opportunity to be at the front end of the review process. At the same time, however, it must be understood that neither JPAC nor the public has had an opportunity to analyze this important document in detail. The plenary session and the JPAC regular session, therefore, were used to identify key issues and topics that JPAC members and the public felt needed to be addressed in the program plan. Representatives of the Parties and program managers from the Secretariat were present at the session.

It is JPAC's intention to continue to follow the development of the proposed program plan and JPAC has encouraged the public to do the same and submit further comments, in writing, to JPAC. The JPAC Chair will transmit these comments to the representatives of the Parties and to the Secretariat program managers.

The Proposed Program Plan 2000–2002

The following is presented as an overview of the key issues and topics raised during the 16–17 September plenary discussion and JPAC regular session on the proposed program plan. They are not presented in any order of priority, nor do they necessarily represent a consensus among the JPAC members or the public participants.

General

- The proposed program plan reflects a more focused and strategic approach than last year's document. It was felt, however, that more effort is required to identify partners and activities that could be supported by other organizations. Mechanisms are required to evaluate whether

concrete results are being realized, whether public policy is being adjusted in consequence and what lessons are being learned.

- Understanding that the issue is very complex and that the legal context within the three NAFTA countries varies, the Council should consider and advise how the CEC will address Genetically Modified Organisms (GMOs). An appropriate niche for the CEC is required. It is not clear whether the topic is best addressed as a trade issue under the current Environment, Economy and Trade program area or as a biodiversity and human health issue under the Conservation of Biodiversity program area.
- Water conservation and forestry issues are areas where increased focus and effort are required.
- Work is needed to develop new techniques and methods for wider dissemination of information generated by CEC activities and projects to the North American public. Particular attention needs to be paid to individuals and groups who do not have access through electronic communication, i.e., remote communities and many Indigenous peoples. This could be part of a commitment to environmental education as an enabling activity. Otherwise the CEC 'family' will be too narrow and redundant. The Council should complete work on the draft Framework for Public Participation in CEC Activities, which includes important guidance on financial support for public participation.

Environment, Economy and Trade

- Regarding the Call for Papers for the first North American Symposium on Understanding the Linkages between Trade and Environment the Parties should consider identifying a list of priority issues to help focus the work. The Experts Group has produced a working version of such a list and it is recommended that the Secretariat work with JPAC in further developing it. Papers should be encouraged to recognize the legal and jurisdictional differences existing in the three NAFTA countries.

Conservation of Biodiversity

- The protection of transboundary species and working on common border issues should be a key focus of the CEC's work. This is precisely the mandate and *raison d'être* of the CEC. Such species include the monarch butterfly and the Pacific gray whale.

Pollutants and Health

- The pollutant release transfer register (PRTR) is considered to be an extremely important and potentially effective tool to assist industry, governments and the public in the development of methods to reduce pollutants. Every effort should be made for the three national PRTR programs to become fully comparative trinationally and to encourage production of data from small and medium-size businesses and industries. It is also important to recognize that the pace at which PRTR programs can be developed varies between the three NAFTA countries.

Law and Policy

- In the event of environmental problems or emergencies arising from trade-related activities that are not a result of failure to enforce environmental laws, the CEC needs to be in a position to respond quickly. An example of such a circumstance is the flow from the United States to Mexico of used refrigerators containing chlorofluorocarbons (e.g., freon). Council may wish to consider developing a rapid response mechanism to deal with these situations.

Other Initiatives

- JPAC and the public both urge urgency and continuing efforts by Council to develop the institutional cooperation between the Free Trade Commission and the CEC contemplated in Article 10(6) of NAAEC. Such cooperation would assist in the development of related agreements such as methodologies for transboundary environmental impact assessment.
- Finally, JPAC and the public are concerned about the effect of budget restrictions on the program plan. The proposal to reduce the North American Fund for Environmental Cooperation (NAFEC), for example, was not well received. As a further example, budget restrictions have caused JPAC to restrict its activities. Budgets for the CEC should be restored to the levels contemplated at the first Council Session in 1994.

APPROVED BY JPAC MEMBERS

11 October 1999