



Advice to Council No: 16-01

Re: JPAC Advice and Recommendation Regarding the Meaningful Engagement of the Traditional Ecological Knowledge Roster of Experts in the work of the CEC

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 functions as the Council may direct;”

RECALLING that the JPAC has on many occasions urged that the CEC take steps to bring the perspectives of Indigenous Peoples into its work, including as early as 1995, when Advice to Council 95-08 recommended that participation of local communities and Indigenous organizations be “integrated in the planning and implementation of every project where appropriate;”

RECOGNIZING that the Council of the Commission for Environmental Cooperation created the Roster of Experts on Traditional Ecological Knowledge (“TEK Roster of Experts”) in April 2015 pursuant to Article 9(5)(a) of the North American Agreement on Environmental Cooperation (NAAEC) and Council Rule of Procedure 7.1;

RELYING ON several consultations and interactions with the TEK Roster of Experts, including an initial meeting among JPAC members and TEK Roster members at the time of the July 2015 Council Session at Boston, a conference call among JPAC members and TEK Roster members in November 2015, and a two-day meeting of TEK Roster members and JPAC members serving as a liaison group to engage the TEK Roster of Experts, along with representatives of the Council and relevant staff from the CEC Secretariat, on 14-15 March in Mexico City; and

COMMITTED to assuring the meaningful engagement of TEK Roster of Experts in the work of the CEC,

SUBMITS the following report and recommendations on a path forward for meaningfully engaging the TEK Roster of Experts in the work of the CEC, **which has been prepared in collaboration with, and with the participation of the TEK Roster members:**

Principles

1. The following principles emerged from the insights offered by TEK Roster of Expert participants in the Mexico meeting as principles that should guide the work of the CEC, and in particular should guide the CEC’s relationship with and engagement of the TEK Roster of Experts:
 - Respect for the traditional knowledge of Indigenous Peoples and the cultural laws and frameworks that inform receipt of such knowledge

- Support for collaborative atmosphere and mutual understanding
- Recognition that Indigenous knowledge has relevance for all CEC activities, and incorporate that knowledge in CEC programs and activities
- Respect for each nation's autonomy, protocols, processes and peoples, with regard to accessing traditional knowledge
- Prior, free and informed consent of affected Indigenous Peoples and local communities
- Commitment to build on successes in the three countries of North America
- Recognition of indigenous worldviews and way of knowing of Indigenous Peoples, as well as ways of transmitting knowledge, and respect for the views that all life exists within the sacred circle of Earth (four main elements: water, air, fire and earth)
- Respect for the sacred spaces and values held by Indigenous Peoples
- Awareness of the existing international and national human rights frameworks regarding Indigenous rights, and respect for the rights of Indigenous Peoples.

Guidance on TEK Roster of Experts Engagement and Communications

2. Participants in the Mexico meeting agreed that there should be a principled institutional approach to engaging Indigenous Peoples' knowledge in the work of the CEC, and this should include opportunities for consultation of TEK Roster members in relation to:
 - Projects undertaken under the Operational Plan that relate to areas where TEK may be relevant, or would constitute the primary focus of a project
 - Projects undertaken under the North American Partnership for Environmental Community Action (NAPECA) grant mechanism that relate to TEK
 - Strategic priorities identified through the five-year Strategic Planning process
3. In order to engage TEK Roster members in a meaningful and efficient manner, the Secretariat should maintain a list of TEK Roster members who identify themselves as having expertise or interest in specific CEC projects or project areas, so that the Secretariat's program staff can reach out to these TEK Roster members as liaisons to solicit insights regarding projects as they are being formulated and unfold, and seek the participation of TEK Roster members or other TEK experts where relevant.
4. The JPAC has formed and will sustain a Liaison Group on TEK as a means to engage the TEK Roster of Experts on an ongoing basis. JPAC will also inform TEK Roster members in advance of JPAC public meetings, and seek their input on planning and participation. For example, the next JPAC meeting will take place in Chiapas, Mexico, and will deal with issues of Biodiversity, and TEK Roster members with an interest and expertise in the subject will be consulted as the agenda is developed.

North American TEK Inventory/Atlas

5. The CEC should consider undertaking (as part of a future Operational Plan or a future stand-alone initiative) a project that would begin to identify and map the breadth of Traditional Ecological Knowledge that exists in North America in a manner that would celebrate and highlight the rich diversity of knowledge that Indigenous Peoples in the region possess while respecting the source

and ownership of that knowledge and protecting the rights of Indigenous Peoples and communities to possess, preserve, and use that knowledge. The goal of such a project would not be to catalogue or detail practices or instances of TEK, but rather to recognize TEK expertise, and to offer opportunities to engage experts consistent with principles of prior free and informed consent.

Other Matters

6. The Mexico meeting was the first opportunity for TEK Roster members to sit down together along with JPAC members, Council representatives, the Secretariat Executive Director, and staff, to discuss how to engage with the CEC and JPAC (Please refer to Annex A for List of Participants). A number of other ideas were discussed as part of a rich dialogue in Mexico City, and this short consensus report can only present a small part of the relevant outcomes. JPAC is collecting the notes of participants, and will incorporate them as part of the record of the meeting so that they can be consulted as these issues are addressed in the future.

**Approved by JPAC members and TEK experts
24 May 2016**