



COMMISSION FOR ENVIRONMENTAL COOPERATION
Joint Public Advisory Committee Session No. 99-04

16–17 September 1999
Montréal, Québec, Canada

Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session in Montréal, Québec, on 16–17 September 1999, in conjunction with a public consultation to discuss the *Final Analytic Framework (Draft) for Assessing the Environmental Effects of the North American Free Trade Agreement (NAFTA)*. A plenary discussion on the CEC's proposed program plan, the *North American Agenda for Action: 2000–2002*, was also part of the meeting and took place on the afternoon of 16 September.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies action items and responsibilities. (See Annex A for the agenda, Annex B for the list of participants, Annex C for a summary of the plenary discussions, the Annex D for Advice to Council 99-11, Annex E for Advice to Council 99-10 and Annex F for Advice to Council 99-12.)

Previous summary records, advice from JPAC to Council and other JPAC-related documents may be obtained from the JPAC coordinator's office or through the CEC's Internet homepage at <<http://www.cec.org>> under the JPAC header.

Thursday, 16 September

Welcome and Report by the Chair

The Chair of JPAC, Jon Plaut, opened the meeting and welcomed everyone to Montréal. He explained the schedule and organization for the next two days. He noted the absence of Mary Simon and reported that she had recently been appointed as Canada's ambassador to the Kingdom of Denmark, a post she would be taking up in October. Blanca Torres is currently on an assignment in London, England, and was unable to attend due to the prohibitive cost of travelling to Montréal.

He acknowledged that the participants, as well as the JPAC members, had only just received the proposed program plan for the next three years, the *North American Agenda for Action: 2000–2002*. He reminded the participants, however, that the timing of the release was in response to calls from the public and JPAC for early involvement in the review process and, indeed, the Parties themselves had not yet conducted even a preliminary review of the document.

He then presented a commemorative plaque to Jacques Gérin, a founding member of JPAC in 1994. This was Mr. Gérin's last meeting as his term expires on 31 December 1999. The Chair

noted that as JPAC's first chair, Mr. Gérin set the stage for JPAC which, under his leadership, assumed an identity independent of the appointing countries and adopted a consensus approach to decision-making.

In accepting the plaque, Mr. Gérin thanked the Chair and the other members of JPAC for their support over the past five years in helping to keep this fragile institution alive. He noted the innovative nature of JPAC linking government and the public in trade and environment discussions. He offered his view that JPAC's next challenge will be to develop political interest and increased support for the CEC's work and to expand the network of like-minded individuals and groups throughout North America. He expressed his personal disappointment that Canada had not shown the constructive and positive leadership it is capable of. Finally he thanked the Secretariat staff and the JPAC consultant for their hard work.

Approval of the Provisional Agenda

The agenda was approved.

Report by the Executive Director

The Chair introduced Janine Ferretti, Executive Director.

She reported since the Banff meeting, the Secretariat has focused its efforts on producing a proposed program plan for 2000–2002. She noted that the Parties had not yet discussed this proposed program plan and that JPAC and the public were at the front end of the review process. The proposed program plan reflects input from the public and JPAC as well as building on the existing projects. It identifies objectives and goals for each area and proposes initiatives to achieve them. She remarked that the Secretariat would very much appreciate feedback on the goals and objectives. This proposal attempts to present a more defined, integrated and strategic approach. She reported that budget constraints resulting from assuming the risks of currency fluctuations and the schedule of tax reimbursements had effected the planning process. She hopes for approval by the Parties in December.

Highlights of CEC activities in upcoming months include: release of the North American Regional Action Plan (NARAP) on mercury; work to implement the Council's decision to develop good neighbor policies for transboundary environmental impact assessment; focusing on pesticides and the health of children; improving public participation at Council sessions; release of the framework for public participation; publication of the State of the Environment report; devising methods for project evaluation; and a December 1999 working group meeting of trade and environment officials.

Report by National and Governmental Advisory Committee Representatives

Rita Cerutti from Environment Canada spoke on behalf of the Canadian National Advisory Committee (NAC) and reported that the terms for the Canadian NAC members had expired and that new appointments would be made soon. Upcoming work would focus on the three-year plan and providing advice to Minister Anderson and signatory provinces on Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC).

Regina Barba, member of the Mexican National Advisory Committee and also a JPAC member made a report on behalf of the Mexican NAC coordinator. She explained that the Mexican NAC is composed of 20 members, ensuring regional, sectoral and grass roots representation. Recommendations that are sent to the Mexican government, therefore, come from a very broad and diverse base. She reported that presently, the Mexican NAC is focusing on Articles 14 and 15 of NAAEC, genetically modified organisms (GMOs), and standards for environmental laboratories. On the matter of GMOs, she noted the importance to Mexico of work in this area. Finally, she stated that the NAC coordinator should be always in attendance at JPAC sessions, but could not get financial support to come to this meeting. She asked how decisions were made to fund participants to attend to the public consultation to discuss the *Final Analytic Framework (Draft) for Assessing the Environmental Effects of the North American Free Trade Agreement (NAFTA)*.

Mark Joyce, EPA coordinator for the United States National and Governmental Advisory Committees reported on a recent United States NAC/GAC meeting with tribal and First Nations representatives from the Pacific Northwest, held in conjunction with a conference entitled *NAFTA, the Environment and Indigenous Peoples of the Northwest*. Matters related to alternatives to an agreement on transboundary environmental impact assessment (TEIA), how to improve public involvement at Council sessions, cooperation between trade and environment officials, Articles 14 and 15 of NAAEC, children and other sensitive populations, and the strategic use of information were also discussed. Recommendations on these issues will be transmitted to the government in the next few weeks.

Plenary Discussion on the draft *Final Analytic Framework for Assessing the Environment Effects of NAFTA*

Jon Plaut introduced Greg Block, Sarah Richardson and Richard (Dick) Kamp. He stated that JPAC strongly supports this project and was looking forward to an interesting session. He then turned the meeting over to Greg Block who acted as Chair for the plenary discussion.

Plenary Discussion

The NAFTA Effects Advisory Group kept a separate record of the discussion, comments and recommendations which will be taken into consideration as the *Framework* is finalized, the *Call for Papers* issued, and plans for the Symposium are developed.

The discussions were also meant to inform JPAC in its development of Advice to Council. The following comments were made by JPAC members:

- Will resources be available to assist in the development of papers? If so, then funds should be provided to those who could not otherwise participate.
- How will sectors be selected?
- What are the next steps if the methodology is successful? If a threat is demonstrated, what mechanisms exist for responding?
- Is the CEC coordinating this work with the World Trade Organization?
- Trade in used products should be considered as a theme. Where poverty dictates the use of second-hand goods, there can be an environmental effect. A good example is the importation of used refrigerators containing freon (CFC) from the United States to Mexico.

- Poverty is the single greatest factor in environmental degradation (recognized by the Rio Summit, etc.) The effect of investment and movement of capital should be considered in all sectors.
- Consideration should be given to how government support can be developed so that the results of this work can produce changes in policy.
- Governments should be urged to collect the data necessary to apply the methodology.
- There is a need to develop a rapid response mechanism to deal with emergency issues, for example the transboundary dumping of used tires from the United States in Mexico.

Plenary Discussion on Future CEC Program Initiatives

The Chair opened the plenary discussion. Secretariat staff provided overviews of the CEC program areas. The Chair encouraged the JPAC members and the program managers to interact with the public. (See Annex C for the Report to Council summarizing the plenary discussion.)

Friday, 17 September

Update on the Status of Submissions on Enforcement Matters

A chart was circulated to JPAC and the public providing an overview on the status of submissions.

David Markell introduced the staff of the Submissions on Enforcement Matters (SEM) Unit. Carla Sbert reminded the meeting that the texts of submissions, Parties' responses and Secretariat documents are available on the CEC web site and upon request to the SEM Unit. She further explained that the backlog was now being processed and briefly referred to the status of each pending submission. In response to a question from a JPAC member about human resources limitations, David Markell explained that the SEM staff will be in a position to assess this once decisions are made concerning the new submissions.

The Chair thanked the presenters and stated that JPAC would continue to pay close attention to this area.

Action: JPAC

Discussion of Monitoring the Guidelines for Submissions on Enforcement Matters

The Chair reminded members that JPAC had indicated to Council its interest in monitoring the process in order to assess the effect of the amended guidelines, particularly with respect to public access and the independence of the Secretariat. Members agreed that this had to be approached with caution and that JPAC could not appear to be interfering in the process. It was agreed that JPAC would keep itself informed.

Action: JPAC

On a related matter, the Chair agreed to pursue JPAC's request to the Alternate Representatives that the reasons for Council's decision to amend the guidelines be included in their published

minutes. The Chair reminded members that a memorandum on this matter had already been sent to the Alternate Representatives but no decision has yet been made.

Action: JPAC Chair

Discussion of the Advice to Council on the proposed CEC Program Plan 2000–2002 and NAFTA Environmental Effects

It was agreed that since JPAC has not yet done a detailed analysis of the proposed Program Plan for 2000–2002, the Chair would work with JPAC's consultant to develop a text for review by the members based on JPAC's comments and presentations during the 16 September plenary session. (See Annex D for Advice to Council 99-11 on this matter.)

Action: JPAC Chair

Discussion and Approval of the JPAC Program and Budget for 2000

JPAC approved the Program and Budget proposal for 2000.

Action: Council

Discussion on Promoting the Involvement of Indigenous Peoples in the CEC Program Plan and Activities

The Chair informed the Committee that the working group had met and developed a new draft of Advice to Council 99-10 for review by JPAC. On behalf of the working group, Regina Barba explained the rationale for the changes. The working group wanted to ensure that the wording reflected the common view that the legal and jurisdictional differences in the three NAFTA countries not become barriers to working with Indigenous peoples. The working group proposed a further amendment to make this point clear and the text was then approved, as amended. (See Annex E for Advice to Council 99-10 on this matter.)

Action: Council

Discussion on Strategic Directions for the Conservation of Biodiversity

It was noted that this is part of JPAC's proposed work plan for 2000 and that once dates and plans are finalized for the workshop in March, it will be arranged for JPAC's working group to attend.

Action: Secretariat/JPAC Working Group

Discussion on Methods for Project Evaluation

The Chair noted this item has been on the JPAC agenda for over a year. The Secretariat has recently informed JPAC that a draft document would be available for review September or October. As soon as it is received, it will be taken up by JPAC's working group.

Action: Secretariat/JPAC Working Group

Discussion on Methods to Improve the Public Portion of the Council Session

At the 1999 Council Session JPAC was asked to provide advice on how to improve the public portion of Council meetings. The Chair reported that this issue was also discussed at the recent United States National and Governmental Advisory Committees meeting in Seattle where various ideas were presented.

This raised the matter of the status of the draft CEC Framework for Public Participation. It was reported that the Parties had approved the document in principle, subject to a linguistic review to be conducted by the Parties. JPAC reinforced the importance of issuing this document as soon as possible.

Action: Council

Many suggestions for improvement were made and discussed. (See Annex F for Advice to Council 99-12 on this matter)

Action: Council

The Secretariat was asked to prepare and maintain a database on the NGOs and participants in all the public sessions to assist people in networking. It was agreed that the Secretariat would do this.

Action: Secretariat

Update on Various Issues

NAAEC Article 10(6): NAFTA Chapter 11

Greg Block informed the meeting that the governmental working group is now discussing sub-issues to avoid trade and environment disputes. The next meeting is scheduled for December 1999, where presentations made by experts will be followed by a meeting of the working group. JAPC will continue to follow this and attend the meetings.

Action: Council/JPAC

NAAEC Article 28: Rules of Procedure

There are no new developments to report. There is still no text from Council to review.

Action: Council/JPAC

CEC Draft Framework for Public Participation

This topic was discussed above.

Environmental Cooperation in the NAFTA Transportation Corridors Project

As the December JPAC meeting in Santa Fe has been cancelled, it was decided that John Wirth would keep JPAC informed if the transportation corridors project/North American Institute meeting will take place and, if funds could be found, the JPAC working group would attend.

Action: JPAC

State of the Environment Report

Greg Block provided an update. Comments on the draft are now being received and, depending on their nature and scope, it is expected that the report will be released early next year.

Appointments to JPAC Working Groups

A Communications Working Group was created, composed of members Daniel Basurto, Liette Vasseur and John Wirth. They were asked to organize a meeting with the new communications director at the Secretariat as soon as possible.

Action: JPAC Working Group

JPAC Member Appointments and Rotation

The Chair informed the meeting that nominations have been made for the two vacant United States positions, but no schedule is known for the appointments. Concerning the Mexican vacancy, Regina Barba reported that the Mexican NAC will meet this week and ask the northern councils to propose six individuals. The NAC will choose three from this list and propose them to government, which will make the final selection. In this way, an individual from northern Mexico will be appointed to re-establish regional balance.

Action: United States and Mexican Governments

Election of the JPAC Chair for 2000

The Chair described the process for the election of the Chair for 2000, who will be selected from among the Mexican members. The election will take place in November and the results announced in early December.

Action: Secretariat

Next JPAC Meeting

The next meeting will be held in conjunction with the project on the Strategic Directions for the Conservation of Biodiversity and a meeting with the Mexican National Advisory Committee. Dates are to be confirmed and the location will be decided with the new Chair.

Action: JPAC Chair

Observers' Comments

Jenna Mackay-Alie, from Environment Canada (Canadian government), commented on the importance of JPAC's discussion on the proposed Program Plan and how it would be brought into the government's own discussions.

Israel Núñez, from Semarnap (Mexican government), informed JPAC that the Mexican government had a particular interest in the discussions on Indigenous peoples. In Mexico, he

explained, there was also a need to extend the concern to all remote and rural peoples, not just Indigenous peoples.

Lorry Frigerio, from the US Environmental Protection Agency (United States government), simply noted that the United States was looking forward to hosting the CEC Regular Session of Council for the year 2000.

Gaston Hervieux, from the *Comité de recherche et d' intervention environnementale (CRIE)*, raised the issue of the right of access to information as a fundamental element of public participation. This has to be integrated into the work of the CEC as well as recognition that the individual is the primary manager of the environment. He provided a written proposal, entitled *Accès sans restriction à l'information à jour et Définition de la participation active du public*.

Andrea Abel, from the National Wildlife Federation, recommended that JPAC try to coordinate its meetings with the Border Environment Cooperation Commission (BECC) so there would be no conflict. She then remarked that the public portion of the Council sessions is the only opportunity for the public to directly address the Ministers. More time is required for each presenter. She suggested that a workshop be held in advance of the public portion of the Council session to assist in the development of presentations. She then asked if there were other opportunities besides yesterday's plenary discussion to comment on the proposed Program Plan.

On the last point, the Chair replied that written comments would be welcome and could be sent either to JPAC or the Secretariat.

Christine Elwell, from the Sierra Club of Canada, made several points. First, she thought that the idea of interviewing persons involved in Article 14 and 15 submissions was a good one. These 'exit interviews' would be a way of getting feedback on the process and could be very helpful to JPAC in its monitoring role. She also agreed with the suggestion that forests be a topic receiving emphasis in the Program Plan for 2000–2002 and mentioned the Pope and Talbot submission as an example highlighting that need. She expressed hesitancy at the suggestion of grouping presenters at the public portion of the Council Session according to topic. She then noted that the Article 10(6) working group of trade and environment officials should not be formed only of 'experts' at the upcoming meeting in December, but should be opened up to the public. Finally, she suggested that there should be improved coordination between the environment and labor side agreements—particularly in relation to the health of workers.

Luc Lefebvre, *Communauté Urbaine de Montréal*, expressed concern over the budget restrictions under which the CEC is now operating.

Bruce Walker, from STOP, informed the meeting that Montréal introduced full sewage treatment only four years ago and only recently passed a regulation introducing a 4-minute idling rule for motor vehicles. He then made a plea for improving pollutant release and transfer register (PRTR) information flow from governments to the public, noting that the CEC was the best mechanism for 'raising the bar' for a true trilateral PRTR.

Ana Karina González, from the *Centro Mexicana de Derecho Ambiental*, commented on item 5.6 of the amended *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC*. She expressed concern that inappropriate criteria could affect submissions. On the

matter of the North American Symposium on Understanding the Linkages between Trade and Environment, she expressed skepticism that, despite the project's obvious importance, enough information actually exists to support the priorities suggested for the Call for Papers. She also asked why this list was not made public and cautioned that such a list should not limit the possibility of other topics being introduced.

Don Wedge, from STOP, also expressed concern over the budget issue. He regrets that JPAC will now be meeting only four times a year and that this is happening at a time when public interest is increasing. Regarding public presentations at the Council sessions, he agrees that two minutes is too short. However, whatever the rules are, they should be known ahead of time and not changed at the last minute. He felt the seminar idea was interesting, but space would have to be left for issues that arise during the Council session. He noted his ongoing concern that the Alternate Representatives were not getting any closer to public accountability. He suggested that they be invited to attend a JPAC meeting so the public could meet them. Finally he thanked Jon Plaut for his hard work over the year as Chair, recognizing that much work goes on between the regular sessions.

Mauricio Maldonado, from the *Asociación Jalisciense de Apoyo a Grupos Indigenas A.C.*, thanked JPAC for the opportunity to be at the meeting. He is very pleased that the Advice to Council on Indigenous Peoples was approved, noting that Indigenous representatives were very worried after the discussions at the Banff meeting. He suggested that the approach should also be opened to include rural and remote groups in all three countries, as these people often have the same concerns as Indigenous peoples. He also agrees with other speakers that two minutes is too short for individual presentations at the Council sessions. Further, he suggested that a mechanism for follow-up and feedback on the public interventions is required. He expressed concern that focusing efforts to involve the public only at official meetings was too limited, commenting that we "always see the same faces." The challenge is to provide information and provide possibilities for networking and interaction on a day-to-day basis.

Erica Serranos, from the *Instituto de Derecho Ambiental*, suggested that legal instruments, not just agreements, are required for environmental cooperation. This would create obligations and the ability to enforce. She suggested that national laws should be analyzed from the perspective of determining gaps or omissions. Regarding Indigenous peoples, they should be recognized primary protectors of forests and involved in all forestry projects. The CEC should also consider other vulnerable groups such as the poor of industrialized and urban areas. She also strongly supported work on GMOs within the Conservation of Biodiversity program area.

Andrea Morrison, from the Canadian Institute for Conflict Resolution, asked if the Secretariat had made contact with the Biodiversity Convention office in Montréal concerning working with Indigenous peoples, as that office is also trying to develop an appropriate working relationship. She pointed out that without having the draft texts of Advice to Council available to the public it is hard to follow discussions, such as today's on Indigenous Peoples. At least the draft could be read out so that people could follow. She then commented that she had never had any feedback from the CEC on her recommendations, which have been made verbally and in writing. This lack of feedback discourages public participation. She also suggested that more informal opportunities for contact with JPAC members would be very useful. She encouraged JPAC to become familiar with current thinking on techniques for building cooperation and recommended several recent books on the subject.

Sophie Therrien, from *Université de Sherbrooke*, expressed support and enthusiasm for JPAC's work.

Elaine Kennedy, from the Cornwall and District Environment Committee, spoke on the topic of public participation at the Council sessions and suggested using people with practical experience on specific issues to assist at round tables or breakout groups. She also felt that introducing a theme would be problematic as people would not stick to it and that would put the Chair in a very tight spot. She agreed with previous speakers that it is very important for people to have an opportunity to address the Ministers.

Diane Campeau, from the *Fondation les oiseleurs du Québec*, commented that there are not enough opportunities to interact informally around the JPAC meetings. People come all the way to meetings and there is no ability to interact. She suggested this should be more an exercise in partnership-building.

Arturo Limón Dominguez, from the *Movimiento Ecologista Mexicano Cortés de Monroy*, expressed his pleasure in seeing progress on the matter of Indigenous peoples. He commented that while there are differences in our countries, we have to be united and also respect the differences. Indigenous peoples are excellent teachers about environmental realities if people are humble enough to learn. He expressed the view that we are at a turning point globally and we should work toward integrating western and indigenous models of approaching environmental issues.

Shelley Kath, from the Sierra Club, supported the idea of creating a database of participants and further suggested that their area of interest be indicated. That would greatly assist networking. She urged that water be added as a priority in the Call for Papers in the NAFTA Environmental Effects project, including its export, conservation and quality. If there is to be a priority list, it should not be restrictive and leave open the possibility for other topics to be analyzed.

Don Wedge, from STOP, recommended that the Ministers continue the Banff format at all Council sessions where there was a time allocated for them to respond directly to the public.

José Maria Fernández, from the *Consejo Nacional de Industriales Ecologistas, A.C.*, suggested that JPAC could conduct its internal business in private and then leave more time for meeting and interacting directly with the public.

The Chair thanked the members, the staff, the interpreters and the participants for their comments, then adjourned the session.

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS

11 October 1999



Commission for Environmental Cooperation
Joint Public Advisory Committee Session 99-04
Montreal 16 and 17 September 1999

Agenda

Chair: Jon Plaut

Thursday, 16 September 1999

- 8:30–9:00 Welcome and Overview by the Chair
a) Approval of the Provisional Agenda
b) Report by the Executive Director
c) Report by National and Governmental Advisory Committee Representatives
- 9:00–10:30 Plenary Discussion on the draft *Final Analytical Framework for Assessing the Environmental Effects of NAFTA*
a) Introduction by the NAFTA Effects Advisory Group Representatives
b) Plenary Discussion
- 10:30–10:45 Break
- 10:45–12:00 Plenary Discussion on the draft *Final Analytical Framework for Assessing the Environmental Effects of NAFTA* (cont'd)
b) Plenary Discussion (cont'd)
c) Final Remarks by the NAFTA Effects Advisory Group Representatives
- 12:00–13:00 Lunch
- 13:00–15:30 Plenary Discussion on Future CEC Program Initiatives
a) Environment, Trade and Economy Program Area
Presentation by Sarah Richardson
b) Conservation of Biodiversity Program Area
Presentation by Hans Herrmann, Martha Rosas and Marcos Silva
- 15:30–15:45 Break
- 15:45–18:00 Plenary Discussion Future CEC Program Initiatives (cont'd)
c) Pollutants and Health Program Area
Presentation by Andrew Hamilton and Nick Nikkila
d) Law and Policy Program Area
Presentation by Darlene Pearson
e) Other Initiatives
- 18:00 Adjournment



Commission for Environmental Cooperation
Joint Public Advisory Committee Session 99-04
Montreal 16 and 17 September 1999

Agenda

Chair: Jon Plaut

Friday, 17 September 1999 *

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| 8:00–8:30 | Update on the Status of the Guidelines for Submissions on Enforcement Matters under Article 14 & 15 of the NAAEC by David Markell and Carla Sbert |
| 8:30–9:00 | Discussion of Monitoring the Guidelines for Submissions on Enforcement Matters under Articles 14 & 15 of the NAAEC |
| 9:00–10:00 | Discussion of the Advice to Council on the draft CEC Program Plan 2000–2002 and NAFTA Environmental Effects |
| 10:00–10:30 | Discussion and Preparation of the JPAC Program for 2000 |
| 10:30–11:00 | Break / Hotel Check-out |
| 11:00–12:00 | Discussion on Promoting the Involvement of Indigenous Peoples in the CEC Program Plan and Activities |
| 12:00–12:20 | Discussion on Strategic Directions for the Conservation of Biodiversity |
| 12:20–12:40 | Discussion on Methods for Project Evaluation |
| 12:40–13:00 | Discussion on Methods to Improve the Public Portion of the Council Session |
| 13:00–13:30 | Update on Various Issues <ul style="list-style-type: none">a) NAAEC Article 10(6): NAFTA Chapter 11b) NAAEC Article 28: Rules of Procedurec) CEC Draft Framework for Public Participationd) NAFTA Transportation Corridors Projecte) State of the Environment Reportf) Appointments to JPAC Working Groupsg) JPAC Member Appointments and Rotationh) Election of the JPAC Chair for 2000i) Next JPAC Meeting |
| 13:30–14:00 | Observers' Comments |
| 14:00 | End of the Session |

* Session opened to the public as observers.



Joint Public Advisory Committee Session no. 99-04

16-17 September 1999

List of Participants

JPAC Members

Canada

Jacques Gérin (16 September)
Jonathan Scarth
Donna Tingley
Liette Vasseur

México

Regina Barba
Daniel Basurto
Raúl Tornel

United States

Peter Berle
Jonathan Plaut (Chair)
John Wirth

Participants/Observers

Andrea Abel	National Wildlife Federation
Léonard Ayoub	Individual
David Berman	U.S. Environmental Protection Agency
Brian Bronfman	Resolution Alliance
Diane Campeau	<i>Fondation Les oiseleurs du Québec Inc.</i>
Arthur Campeau	Consultants International Group
Rita Cerutti	Environment Canada
Claude Chomski	<i>Consultant en Environnement</i>
Michael Cloghesy	<i>Centre patronal de l'environnement du Québec</i>
Jacques Cordeau	<i>SCFP</i>
John Dillon	Business Council on National Issues
Jean-François Dionne	<i>Environnement Canada</i>
Anne Drost	Quebec Labrador Foundation/Atlantic Center for the Environment
Christine Elwell	Sierra Club of Canada
José María Fernández	Consejo Nacional de Industriales Ecologistas, A.C.

Florence Fitoussi	<i>Université du Québec à Montréal</i>
Lorry Frigerio	U.S. Environmental Protection Agency
Kevin Gallagher	Tufts University
Shannon Glenn	LSE
Luis Ernesto González	<i>Embajada de México en Canada</i>
Ana Karina González	<i>Centro Mexicano de Derecho Ambiental,(CEMDA) A.C.</i>
Daniel Green	<i>Société pour vaincre la pollution</i>
Steve Hart	Environment Canada
Irene Henriques	York University
Gaston Hervieux	<i>Comité de recherche et d' intervention environnementale (CRIE)</i>
John Hull	Quebec Labrador Foundation/Atlantic Center for the Environment
Michael Inskip	Health Canada
Mark Joyce	U.S. Environmental Protection Agency
Richard Kamp	Border Ecology Project
Shelley Kath	Sierra Club of Canada
Elaine Kennedy	Cornwall & District Environment Committee
Mario Labonté	<i>Fondation Les oiseleurs du Québec Inc.</i>
Caroline Lacoentre	<i>Instituto de Derecho Ambiental A.C.</i>
Nicole Lavigne	<i>Biosphère</i>
Philippe Le Pestre	<i>Université du Québec à Montréal</i>
Rachel Léger	<i>Biodôme de Montréal</i>
Arturo Limón	<i>Movimiento Ecologista Mexicano</i>
Jenna Mackay-Alie	Environment Canada
Mauricio Maldonado	<i>Asociación Jalisciense de Apoyo a Grupos Indigenas A. C.</i>
Karel Mayrand	<i>Revue environnement et sécurité</i>
Moira McConnell	Dalhousie University
Malcolm Mercer	IUCN - World Conservation Union
Andrea Morrison	Canadian Institute for Conflict Resolution
Frank Müller	Concordia University
Israel Núñez Birrueta	Secretaría de Medio Ambiente, Recursos Naturales y Pesca
Snirley Orichefsky	<i>Fondation Les oiseleurs du Québec Inc.</i>
Michel-Yves Peissik	<i>Organisation de l'Aviation Civile Internationale</i>
Philip Raphals	<i>Centre Hélios</i>
Brien Roberts	Department of Indian Affairs and Northern Development
Claude Roy	Canadian Pulp and Paper Association
Samuel Salinas Alvarez	<i>Asociación Mexicana de Cultura Popular</i>
Erica Serrano Farías	<i>Instituto de Derecho Ambiental A.C. (IDEA)</i>
Priscilla Stephan	World Wildlife Fund-US
Roy Taylor	Center for World Indigenous Studies
Sophie Therrien	<i>Consultants International Group</i>
Christian Van Houtte	<i>Association de l'industrie de l'aluminium du Québec</i>
Bruce Walker	Stop Environment Group
Don Wedge	Stop Environment Group

CEC Staff

Leonor Alvarado
Greg Block
Charles Dickson
Janine Ferretti
Andy Hamilton
David Markell
Richard Nikkila
Darlene Pearson
Manon Pepin
Sarah Richardson
Martha Rosas
Carla Sbert
Marcos Silva



REPORT TO COUNCIL: NO: 99-04

RE: Summary of Plenary Discussion on Future Initiatives for the Commission for Environmental Cooperation's (CEC's) Program for 2000–2002

Introduction

JPAC is pleased to present this report to the Council members of the Commission for Environmental Cooperation (CEC). It has been prepared following presentations and discussions among the JPAC members, CEC program managers and the public during a plenary discussion on future initiatives for the CEC's program plan. The session was held on 16 September 1999, immediately following a public meeting on the Draft Final Analytical Framework for Assessing the Environmental Effects of NAFTA, and was attended by approximately 60 members of the public and representatives from the three governments.

The JPAC Chair for 1999, Jon Plaut, welcomed all the participants to Montréal. He acknowledged that the participants, as well as the JPAC members, had just received the document entitled *North American Agenda for Action: 2000–2002, Proposed Program Plan for the North American Commission for Environmental Cooperation*. He reminded the participants, however, that the timing of release was in response to calls from the public and JPAC for involvement early in the review process and, indeed, the Parties themselves had not yet conducted even a preliminary review of the document.

Greg Block, Director of the CEC, provided a brief overview of the proposed program plan. He explained how the individual projects have been designed to respond to the CEC's role, as convenor, catalyst, research and policy analyst, and information hub. He went on to describe the design criteria for the projects: they must fall within the scope of NAAEC, have regional environmental importance, add value; maintain regional balance, and provide concrete results. Finally he noted that development of the program for the coming year had been challenged by budget constraints.

The appropriate CEC program managers made brief introductions in advance of each designated discussion period. The Chair encouraged the JPAC members and the program managers to interact with the public. Program managers are being given a copy of this summary to assure communication.

Issues which received considerable emphasis included:

- Genetically modified organisms (GMOs)
- Protecting transboundary species
- Trilateral attention to the pollutant release and transfer register
- Increased attention to water conservation

- Institution of a rapid response mechanism
- Budget reductions
- Progress on cooperation under NAAEC Article 10(6)

Environment, Economy and Trade Program Area **CEC Program Manager: Sarah Richardson**

The following comments and recommendations emerged during the presentations and discussions on the Environment, Economy and Trade program area:

- A participant recommended that within the Green Goods and Services program initiative a project on green power might be developed to assist in elaborating standards for certification. At present, consumers are confused by differing standards, such as Environment Canada's *EcoLogo* and *Green Seal* in the United States. Convening a meeting of stakeholders to discuss these issues could be a starting point.

Greg Block replied that inconsistent criteria on what is 'green' is an important issue and is the subject of a recent Article 13 initiative.

- A JPAC member commented, within the Assessing Environment and Trade Relationships project, on the importance of moving beyond testing to affecting policy. She also acknowledged the enormity of the task and the costs associated with analyzing each of the priority areas. Given limited financial resources, she recommended that assistance be allocated to those who most need it. She also urged that the framework for public participation, now before Council, should be approved.
- Another JPAC member noted the importance, within this same project, of creating partnerships with NGOs in order to avoid duplication. She recommended that the Secretariat link people from the three countries who are proposing similar analyses.
- Another JPAC member reminded the session that the issue of genetically modified organisms (GMOs) had been repeatedly raised in past sessions within this program area and that the program plan should include work directed to achieving a better understanding of this complex issue. He suggested that as an initial step a workshop could be convened to assist in identifying an appropriate niche for the CEC.
- Data and information generated for CEC's reports, such as *Taking Stock*, would provide an interesting source for analysis within *the Assessing Environment and Trade Relationships* project. This could produce integration and synergy within CEC projects.
- A JPAC member suggested that a mechanism for immediate evaluation of projects in relation to meeting their stated goals and objectives be developed. She went on to support an earlier suggestion concerning the need for the CEC to focus efforts on GMOs, noting the importance of labeling and certainty for both consumers and producers. She used as an example the uncertainties surrounding the effects of genetically modified corn from the United States on Mexican produce.

Conservation of Biodiversity Program Area

CEC Program Managers: Martha Rosas and Marcos Silva

The following comments and recommendations emerged during the presentations and discussions on the Conservation of Biodiversity program area:

- It was noted that in the universities of the NAFTA countries there are many students working on biodiversity issues. It was suggested that the Secretariat link into this network. This may be one way to reduce costs.
- Martha Rosas and Marcos Silva replied that within their respective programs links already exist with academia and special efforts are made to work with people in the regions or fields of inquiry to avoid duplication. Examples given were the work on Gulf of Maine, the Bight of the Californias and the North American Biodiversity Information Network.
- Another participant commented on the affects of poverty on biodiversity and expressed concern that not enough attention was being paid to this area. He strongly endorsed the need to work on GMOs not only within the Environment, Economy and Trade program area, but also from the perspective of conservation of biodiversity. Finally, noting the importance of protecting transboundary species, he asked for information on what, if any, progress had been made to slow the destruction of the habitat for monarch butterflies.
- Martha Rosas responded by explaining that measures proposed at a 1997 trilateral meeting, are now being implemented and that Mexico is working hard to protect and improve this critical habitat.
- Greg Block commented that this was a very good example of the CEC acting as both a convenor and catalyst. He also noted that the North American Bird Conservation Initiative was another important example.
- A JPAC member expressed the wish that all transboundary species might one day be as well protected and scrutinized as the monarch butterfly. She went on to add that while this single species has attracted wide media attention, Mexico has the fifth largest concentration of biodiversity in the world. She expressed the view that the protection of biodiversity must go hand-in-hand with social issues, such as the impacts of poverty. If ecosystem protection is the objective, this can only be achieved by promoting sustainable development, including human development.
- There is a need to decimate information to the grass roots level in all three countries. Environmental education will enable people to become more aware and involved in protecting and conserving biodiversity. There should be efforts to work with the schools and other local organizations.
- The next speaker supported the importance of environmental education as the basis for informed action. A caution was raised concerning the difficulties in conducting marine and coastal projects in Mexico as no controls are currently being applied. The need for the CEC to involve itself in the issue GMOs was also strongly supported, citing impacts on trade, biodiversity and intellectual property rights.

- A JPAC member noted the importance of extending the ‘lessons learned’ during the important work in the Gulf of Maine and Bight of the Californias to other regions such as the Gulf of Mexico and Puget Sound.

Pollutants and Health Program Area

CEC Program Managers: Andrew Hamilton and Nick Nikkila

The following comments and recommendations emerged during the presentations and discussions on pollutants and health. Andrew Hamilton made a special point of noting the importance of the joint JPAC/SMOC meeting with Indigenous peoples in Anchorage in May 1999 in the development of this program area.

- A question was raised whether there was coordination between the CEC and intergovernmental negotiations, such as those currently underway with United Nations Economic Commission for Europe to conclude a POP’s protocol to the *1979 Convention on Long-range Transboundary Air Pollution*.

Andrew Hamilton explained that the CEC is represented in various ways. For example the past chair of the SMOC working group was one of Canada’s representatives at these negotiations. Whenever possible, appropriate Secretariat staff members also attend these sessions.

- It was noted that within the Pollutant Release and Transfer Register project, important data from small businesses is missing, i.e., dry cleaning operations and construction sites. It was also noted that there is an inherent limitation in voluntary reporting systems. Compliance mechanisms and incentives for companies to provide data also need to be developed.
- JPAC member commented that Mexico still does not have a registry and that many companies do not track chemical use and emissions unless they are very large or foreign-owned. He expressed a concern that until Mexico participates in the registry, it will be deficient. He noted the importance of supporting the development, implementation and outreach of the *Mexican Registro de Emisiones y Transferencia de Contaminantes* (RETC).
- Nick Nikkila noted that three cities had just undergone an emission mapping exercise. One of the cities is in Mexico. That data will be used to educate Mexican citizens about the value and power of the information that a facility-based emissions reporting system can provide. The purpose of using the emission mapping project as an educational tool is to help to build grass roots support for development and implementation of the Mexican RETC.
- Another JPAC member supported this view and raised the air issues related to carbon flow and power plants along the Texas/Mexican border as an example of the need for Mexican involvement.
- A JPAC member explained that Mexico is making efforts to motivate industry to provide the relevant information. Given the different legal contexts in the NAFTA countries, developing integrated and voluntary reporting systems that may ultimately lead to voluntary compliance, takes place at a differing pace.

- The next speaker asked for information on plans to address the issue of mobile sources (other than the initiative on trade and transportation corridors), health impacts and indicators for air quality that are amenable to measurement.

On the first point, Nick Nikkila replied that mobile source emissions would most likely be a subject of discussion at the upcoming meeting of North American air pollution management officials. However, he did not envision that mobile source emissions would be specifically addressed within the other initiatives. Concerning health impacts, Andrew Hamilton explained that, in fact, health is a criterion for selection of NARAP candidate substances. Furthermore, at the June Council session, the Ministers specified that CEC projects should respond to pre- and post-natal children's health.

- It was suggested that the mercury NARAP be 'fast-tracked' in order to inform other processes also underway in North America.
- It was noted that issues related to water conservation should receive a high priority in the program plan.

Greg Block replied that this issue has attracted consistent attention. The CEC has yet to identify a niche for itself in this area—a niche in which it could add value to an issue not being dealt with by other fora in North America. He noted though that, as a beginning, water was targeted in the emerging trends project.

- There was a recommendation for work on identification of health risks associated with farm workers' exposure to pesticides. It was explained, for example, that NAFTA has caused realignment in the tobacco industry. Labor standards, however, have not improved and workers continue to be exposed to pesticides. Currently, efforts to promote capacity building are too limited and monitoring is inadequate.

Law and Policy Program Area

CEC Program Manager: Darlene Pearson

The following comments and recommendations emerged during the presentations and discussions on law and policy.

- A speaker asked if the database on comparative law would be continued.

Greg Block informed the session that this database, plus a compendium of binational and trilateral agreements, is in the process of being transferred to a partner organization. It was necessary to do this as the database is very expensive to maintain. Among the conditions for the transfer are that the database remain free to the public and be regularly updated.

- Another speaker asked if the CEC model will be expanded to include other countries of the western hemisphere. This point elicited support from other speakers.

Darlene Pearson replied that the CEC is already part of the worldwide International Network on Environmental Compliance and Enforcement (INECE) and is exploring cooperation with a new enforcement group being set up by the Organization of American States (OAS). JPAC members

further explained the efforts thus far to create a JPAC and Secretariat structure with Chile, noting a current lack of political will in the United States to conclude further trade and environment agreements. The JPAC chair reminded participants that JPAC sent Advice 95-01 to Council on this matter in 1995, making specific reference to Chile.

- It was recommended that the CEC consider ways and means to institute explicit, consistent standards and processes for dispute resolution that could apply to all its activities.
- The program plan should include promotion for minimum standards for environmental audits.

Darlene Pearson agreed and replied that the Environmental Management Working Group has been struggling with exactly this challenge. A JPAC member expressed the view that work on cooperation between environmental laboratories will contribute to this task by identifying appropriate standards for certification. He further suggested that one such “standard” could be the basic need for information—without which monitoring cannot take place.

- A JPAC member recommended that the CEC develop a rapid-response mechanism to handle emergencies arising from trade-related activities that are not necessarily the result of a failure to enforce environmental laws.
- Another JPAC member recommended that a process be developed, perhaps built in the existing CEC project, by which small and medium-size industries and business can gain access to the environmental management systems (EMS) accreditation process. The ISO 14000 process is not readily accessible to them and other options are required.
- A JPAC member noted, with satisfaction, progress toward integrating the Law and Policy program area with the other CEC programs and encouraged this be continued.

Other Initiatives of the CEC

Greg Block provided an overview of this section of the proposed Program Plan. He highlighted with regret the proposed reduction of US\$500,000 to the North American Fund for Environmental Cooperation (NAFEC).

- Concern was expressed, in general, about budget reductions and restrictions. It was recommended that budgets be restored to the US\$15 million contemplated at the first Council session in 1994.
- It was recommended that JPAC encourage governments to keep their web sites current.
- A JPAC member expressed concern over the proposed reduction to NAFEC. He felt that the applications are getting stronger and more directly related to the CEC Program, providing leverage for citizen participation. Another JPAC member commented that if NAFEC falters, it will be very disappointing.
- Another member noted the importance of communication and need to expand the ‘family’ so that more people can become active in the work of the CEC. In Mexico, for example, a very

small percentage of the population has access to the CEC. Alternatives to electronic information are required in order to reach remote communities. Newsletters and other written materials, prepared in plain language, are required.

- It was suggested that JPAC members use their personal contacts to try and develop a more robust funding base for NAFEC.
- It was recommended that JPAC members be remunerated.
- Regarding cooperation with the NAFTA Free Trade Commission as specified by Article 10(6), JPAC and the Secretariat were reminded of a letter concerning Methanex, signed by 15 NGOs, that was transmitted to Council at the Banff meeting. The CEC was asked to develop a process for public access to these cases. No reply has yet been received. JPAC was asked to continue pursuing cooperation on Article 10(6).

Jon Plaut, JPAC Chair replied that JPAC had pressed very hard both publicly and privately at Banff on the matter of Article 10(6) and the need to develop this institutional cooperation. Greg Block informed the speaker that there is agreement on a mechanism for responding and the letter is on the agenda for the next meeting of the Alternate Representatives in October.

- A question was raised on methods for active, public participation and how these will be achieved. The speaker noted the importance of providing the public with timely and unrestricted access to information.

Prepared by Lorraine Brooke

APPROVED BY THE JPAC MEMBERS

11 October 1999



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



ADVICE TO COUNCIL: NO. 99-10

Re: Promoting the Involvement of Indigenous Peoples in the Work of the Commission for Environmental Cooperation

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

IN ACCORDANCE with its mandate to provide advice to Council;

BEARING IN MIND the following background points:

The *Shared Agenda for Action*, adopted by the Council of Ministers at their Regular Session in June 1998, reinforces the promotion of sustainable development as one of the important mandates of the Commission for Environmental Cooperation (CEC). In selecting a niche for the CEC, the Ministers in that document attached great importance to the delivery of projects “on the ground” as a way to build local capacity for environmental management.

In its 1998 report to Ministers, the Joint Public Advisory Committee (JPAC) highlighted the need for the CEC to better involve Indigenous peoples in its program of work and undertook to provide advice on this matter. In May, JPAC held a joint meeting with the Sound Management of Chemicals Working Group (SMOC) in Anchorage, Alaska, which Indigenous representatives from Canada, Mexico and the United States attended. This venue was selected because environmental contaminants and associated impacts for human health are of common concern to Indigenous peoples in our three countries.

Very interestingly, the specific issue of environmental contaminants and the broad themes contained in the *Shared Agenda for Action* converged during these meetings. Ambassador Mary Simon, a JPAC member from Canada, summarized the Joint Session with SMOC at the May 1999 JPAC meeting.

The representatives present from Indigenous groups called for two clear actions. First, they felt their involvement in the work of SMOC could contribute in very tangible ways to a broader understanding of the nature and effects of contaminants on both humans and ecosystems. Second, involvement of Indigenous peoples should not be limited to SMOC—ways and means should be found to broaden their involvement in the work program of the CEC and in the national advisory committees.

In its Advice to Council 99-05, which emerged from the meeting in Anchorage, Alaska, JPAC signaled that it would prepare an Advice to Council on this subject for consideration at the 1999 Regular Session.

RECALLING as rationale:

Over the last decade, the need to reconcile the rights and interests of Indigenous peoples with environmental management and development has emerged as an important undertaking within the guidelines of several international instruments. *Agenda 21*, the *Convention on Biological Diversity*, the *Rio Declaration on Environment and Development*, the *International Labour Organization Convention No. 169* and *Caring for the Earth*, for example, speak to the value of working with and empowering Indigenous peoples who have much to contribute to the pursuit of sustainable development.

As well, over the past decade, major international development and conservation organizations, such as the Organization of American States, the World Bank and the World Conservation Union have developed policies and directives for the involvement of Indigenous peoples in their programs of work.

The improved involvement of Indigenous peoples in the work of the CEC has been a regular topic of discussion in many of the public meetings of the CEC since its inception.

The CEC, in 1997, commissioned a report, entitled *North American Aboriginal Peoples and the Environment*, which compiled examples of sustainable development projects with Indigenous participation, which provides some very useful, concrete examples of how Indigenous peoples are contributing to environmental management.

MINDFUL of the complexities inherent in this issue:

The legal and political context varies among our three countries. It is not JPAC's role to comment on those aspects. It is JPAC's view, however, that Indigenous peoples are crucial actors in conservation and that promoting their involvement in the work program of the CEC is necessary.

JPAC, THEREFORE, RECOMMENDS THAT:

- Council acknowledge the value and importance of involving Indigenous peoples in the work of the CEC on the basis that working with Indigenous peoples of the North American region and their communities is an important step in building local capacity for the conservation and protection of biodiversity. This could be accomplished by instructing the CEC Secretariat to build into the three-year program plan(s) practical and culturally sensitive ways and means for the direct involvement of Indigenous peoples in project planning and implementation with particular attention to developing new methods for facilitating communication among Indigenous peoples in our three countries.

APPROVED BY THE JPAC MEMBERS

17 September 1999



ADVICE TO COUNCIL: NO. 99-12

Re: Methods to Improve the Public Portion of the Council Session

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

IN ACCORDANCE with its mandate to provide advice to Council;

RECALLING Council's request to provide advice on this matter;

HAVING had an opportunity to receive views from the public and to further discuss the matter at JPAC's Regular Session 99-04, held in Montreal, 16–17 September 1999;

JPAC presents the following for Council's consideration:

After listening to the public and participating in discussions with the JPAC members, National Advisory Committees and the United States Governmental Advisory Committee it is clear that the public wants increased interaction with the Ministers. Despite some frustrations with the meetings to date, the public does not want to give up its chance to speak directly to the Ministers on matters it feels are important. This is a highly valued part of the Regular Session of Council.

It is understood that the time that Ministers can dedicate to Regular Sessions of Council is limited and it may not be realistic to call for increasing the time allocated for the public portion of them. The challenge, therefore, is to make maximum use of the time for the benefit both of the public and the Ministers.

JPAC has listened carefully to the public's comments. In summary, the deficiencies of the methods used thus far are that the speaking time is too short, there are too many speakers and topics, and there is minimal exchange and no feedback.

After having considered various possible options, the following outline is recommended:

- The draft *Framework for Public Participation in the CEC's Activities* will be of assistance and should be released and implemented as soon as possible.
- The Parties will select a theme or themes for the Regular Session of Council. The public meeting with Council at the Regular Session could be divided into two portions. On Day 1, workshop(s) would be organized to assist the participants in preparing for the public meeting with Council where they would present their views. This first, public portion of the Council

Session would then follow later the same day, allowing the Ministers to hear contributions from the attendees, first on the selected theme(s), then from individual speakers on any matter within the scope of the North American Agreement on Environmental Cooperation (NAAEC). On Day 2, in the second public portion of the Regular Session, Council would respond to the most important topics or contributions, leaving time for an exchange of views. The public should be informed of the rules in advance of the Regular Session and then the process and timing should not be changed subsequently.

JPAC further recommends that the Parties begin their planning very soon for the next Regular Session of Council, to be hosted by the United States in June 2000.

APPROVED BY THE JPAC MEMBERS

20 October 1999