



## COMMISSION FOR ENVIRONMENTAL COOPERATION

### Joint Public Advisory Commission Session No. 98-01

22-23 January, 1998

#### Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session in Montreal, Canada on 22-23 January, 1998.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies follow-up responsibilities. See Annex A for the agenda, Annex B for the list of participants, and Annex C and Annex D for the Advice to Council Nos. 98-01 and 98-02, complete with supporting documents.

The full records of the discussions, advice from JPAC to Council and other documents pertaining to the Committee may be obtained from the JPAC Coordinator's office or through the CEC's Internet homepage at <<http://www.cec.org>> under the JPAC heading.

#### WELCOME AND OVERVIEW BY THE CHAIR

Mary Simon welcomed the members and first noted that this Session was organized and held immediately following a major ice storm in Montreal. She indicated her appreciation for the extra efforts made by the CEC Secretariat to ensure the success of this Session.

In her first Session as Chair for 1998, she expressed her commitment to produce concrete and substantive advice for Council on priority matters. To this end, she and the Secretariat organized materials for this Session in order to facilitate the work.

She also urged members to consider devising creative ways to maximize and broaden public input and ensure transparency. She made special mention of her concerns that small, local communities and indigenous peoples be more involved.

She reported receiving a letter of resignation from Exequiel Ezcurra Real De Azúa as well as e-mail from Guillermo Barroso, María Cristina Castro, Ivan Restrepo and John Wirth explained that they would be absent from this session. Jacques Gérin would be joining the Session later in the first day.

#### APPROVAL OF THE PROVISIONAL AGENDA

The agenda was adopted as proposed.

**APPROVAL OF SUMMARY RECORD OF THE JPAC SESSION No. 97-05**

It was agreed to amend the Summary Record to indicate, on an individual basis, the reason for members' absence from the Session.

It was further agreed, in the context of this discussion, that unless a letter or e-mail is sent to the Chair, in advance of a Session, with a copy to the Secretariat, clearly stating the reason for not attending, future Summary Records would be silent on the matter, indicating that no legitimate reason had been given by the member.

It was noted that Council had not yet ratified JPAC Rules of Procedure (JPAC Advice to Council 97-04), therefore, it was agreed that the Chair would use its discretion when evaluating the legitimacy of individual situations.

**ACTION: JPAC Chair / Secretariat**

**PROPOSED CEC ANNUAL PROGRAM AND BUDGET 1998**

Víctor Lichtinger, Executive Director, welcomed the new Chair and assured the full support of the Secretariat. He then presented an overview of the Annual Program and Budget.

In his introductory remarks he noted that a new cycle for the Commission is beginning where issues can be consolidated and substantive work undertaken. The 1998 Annual Program and Budget, as proposed, reflects this effort. However, with regard to the complex theme of Environment, Economy and Trade, the Secretariat is waiting for a decision from the Ministers before the Program can be finalized.

He then provided an update on each of the projects being proposed for 1998. His overview was followed by presentations from the Director or Program Managers providing an opportunity for the members to interact with CEC staff involved in project delivery. It was noted that this was of great assistance to the members in the elaboration of their Advice to Council.

JPAC advice to Council 98-01 reflects the decisions taken by the Committee concerning priorities for the 1998 Program and Budget. (See Annex C attached.)

**JPAC PRIORITIES****a) Action Plan**

A draft document, entitled 1998 JPAC Priorities was discussed and approved. The members expressed support for the proposed approach of using the various meetings organized around individual CEC projects as a technique for more effectively consulting on substantive matters. The following are identified as key areas where Advice to Council will be necessary in 1998:

1. Environment, Economy and Trade

2. Kyoto Conference on climate Change
3. Guidelines for Submission on Enforcement Matters under Articles 14 and 15 of NAAEC
4. Equity Criteria
5. CEC Program and Budget for 1999-2000
6. Mercury Related Studies
7. CEC Proposed Program and Budget for 1999 from the Secretariat
8. Continental Pollutant Pathways
9. Transportation

The JPAC also established new working groups on Environment, Economy and Trade, Human Health, Kyoto Conference on Climate Change, Mercury Related Studies, Continental Pollutant Pathways, and Transportation to facilitate the implementation of its priorities. (See Annex C attached.)

Concern was expressed about changing meeting dates. The schedule was reviewed and the following dates established. However, date and location should be confirmed following the approval of the 1998 Program and Budget.

- 6-8 May, 1998, El Paso/Juárez
- 24-26 June, Mérida, Yucatán (in conjunction of the Council Annual Session)
- 24-25 September, Yellowknife, North West Territories
- 2-3 December, Washington, DC

Considering that JPACs Action Plan is so closely tied with the delivery of CECs 1998 Program, it was agreed that the Chair would meet with the Program Managers to firm up dates to the extent possible.

Finally, concern was raised about the low profile of JPAC in the CEC Annual Report and this should be kept in mind when preparing the JPAC Advice to Council 98-03 on the CEC Annual Report for 1997.

**ACTION: Parties / JPAC Chair / Secretariat**

#### **b) Budget**

It was agreed that the JPAC Advice to Council reflect the decision to increase the Operations Budget to US\$140,000 and to decrease the Public Meetings Budget to US\$90,000 given that the major expenses for the public meeting will be included in the budgets of the specific projects. (See Annex C attached.)

#### **EVALUATION OF THE NORTH AMERICAN FUND FOR ENVIRONMENTAL COOPERATION (NAFEC)**

The NAFEC staff made a presentation. The members expressed strong support for the work to date.

A document entitled "Interim Evaluation of the North American Fund for Environmental Cooperation (NAFEC)" was discussed and it was agreed that the recommendations be accepted.

An animated discussion took place on the issue of technical assistance to both potential and successful applicants. It was agreed that the NAFEC staff would provide additional information to assist the JPAC in reaching a conclusion.

JPAC advice to Council 98-02 reflects the decisions taken by the Committee concerning the evaluation of the North American Fund for Environmental Cooperation (NAFEC). (See Annex D attached.)

**ACTION: Parties / NAFEC Staff / JPAC Members**

### **CEC PUBLIC CONSULTATION GUIDELINES**

Mr. Stephen Hazell, the consultant responsible for developing these guidelines made a presentation outlining the objectives, methodology and schedule of the work. It was explained that the Secretariat had commissioned this work in response to a statement by Ministers, made at their October 1997 meeting, to improve public consultations.

The members expressed some concern that the effort may be redundant with the mandate of the JPAC, and that given the level of funding the scope would be very limited. Members also cautioned that guidelines must be very flexible.

The members will each receive the draft interview protocol for comment. It was also agreed that the JPAC will be given an opportunity to comment on the final draft.

**ACTION: Secretariat / JPAC Members**

### **GUIDELINES FOR SUBMISSIONS ON ENFORCEMENT MATTERS UNDER ARTICLES 14 AND 15 OF THE NAAEC**

The JPAC is still awaiting Council's response. The Working Group on Articles 14 and 15 will convene as soon as the document is received.

Concern was expressed that the JPAC may have limited impact on the document once it reaches this stage. It was agreed, therefore, that the Chair make a request to Council for a member of the JPAC working group to attend the negotiations.

**ACTION: JPAC Chair / JPAC**

The members were informed by a representative from Environment Canada, that a decision on the new Canadian member should be taken by 30 January, 1998.

Mike Apsey informed the Committee that he will advise the Minister that he will be retiring shortly from the Council of Forest Industries.

The resignation of Exequiel Ezcurra Real De Azúa was again noted.

**ACTION: Canada / Mexico**

### **OBSERVERS' COMMENTS**

The following comments were made:

- support for an initiative on vehicle emissions/three country standards
- concerning environmental education, efforts should be made to involve later school years
- JPAC members should receive remuneration
- process of soliciting participation in sessions is not "observer friendly" and once invited to a session, there should be more opportunity for interaction with the members
- urging Canada to fill its vacancy on the Committee
- supporting a flexible and open approach to public consultation, using as many methods as necessary
- JPAC should increase its public profile but using press releases and the CEC Web Site to announce its important decision
- the Canadian NAC will comment shortly on the Proposed CEC Annual Program and Budget and the decisions taken by the JPAC at this Session will assist in the review. An initial position will be presented at the 9-10 February, 1998 Alternative Representative meeting.

A discussion resulted on the matter of when the Summary Record should be made public. It was decided that once the draft Summary Record is translated it should be put on the CEC Web Site with a rider indicating it has not yet been approved by the members. Advice to Council should not be attached until approved.

**ACTION: Secretariat**

### **ADJOURNMENT**

The members complimented the new Chair on the success of the Session.

As there were no other matters to discuss, the Session was adjourned at 4:00 p.m. 23 January, 1998.

Prepared by Lorraine Brooke



**Commission for Environmental Cooperation  
Joint Public Advisory Committee Session N° 98-01**

**22-23 January 1998  
CEC Secretariat  
393 St-Jacques West, Suite 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4300 • Fax: 350-4314**

**AGENDA**

**Thursday, 22 January 1998**

9:00 – 12:00 am Welcome and Overview by the Chair

Approval of the provisional agenda

Approval of the Summary Record of the JPAC Session N° 97-05

Proposed CEC Annual Program and Budget 1998

- a) Overview Annual Program and Budget by Victor Lichtinger
- b) Environment, Economy and Trade Program by Sarah Richardson
- c) Biodiversity and Ecosystems Program by Janine Ferretti
- d) Capacity Building Program by Janine Ferretti
- e) Environmental Education Program by Janine Ferretti
- f) Cooperation on Long Range Transport Program by Janine Ferretti
- g) Technology Clearinghouse and NA-PRTR Program by Lisa Nichols
- h) Sound Management of Chemicals Program by Andrew Hamilton
- i) Protection of Marine and Coastal Area Ecosystems Program by Martha Rosas
- j) Enforcement Cooperation and Law Program by Linda Duncan
- k) Specific Obligations Program by Greg Block
- l) Public Outreach by Rachel Vincent

12:00 – 1:30 pm Lunch with CEC Program Managers – CEC Atrium

1:30 – 5:00 pm Proposed 1998 Annual Program and Budget (cont'd)

- a) Preparation of the JPAC Advice to Council

Evaluation of the North American Fund for Environmental Cooperation (NAFEC)

- a) Preparation of the JPAC Advice to Council

5:00 – 5:30 pm Observers' Comments

5:30 pm Adjournment



**Commission for Environmental Cooperation  
Joint Public Advisory Committee Session N° 98-01**

**22-23 January 1998  
CEC Secretariat  
393 St-Jacques West, Suite 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4300 • Fax: 350-4314**

**Agenda**

Friday, 23 January 1998

- 9:00 – 12:00 am Approval of the JPAC Advice to Council
- a) Proposed CEC Annual Program and Budget 1998
  - b) Evaluation of the North American Fund for Environmental Cooperation (NAFEC)
- JPAC Priorities
- a) Action Plan
  - b) 1998 Budget
- 12:00 – 1:30 pm Lunch – CEC Atrium
- 1:30 – 3:30 pm CEC Public Consultations Guidelines
- a) Brainstorming with Stephen Hazell, Consultant
- Follow-up on JPAC Issues
- a) Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC
  - b) New JPAC members
- Others Issues
- 3:30 – 4:00 pm Observers' Comments
- 4:00 pm End of the Session



**Commission for Environmental Cooperation  
Joint Public Advisory Committee Session N° 98-01  
List of Participants**

**Members:**

**Canada**

Mike Apsey  
Michael Cloghesy  
Jacques Gérin  
Mary Simon (Chair)

**Mexico**

Jorge Bustamante

**United States**

Peter Berle  
Jonatan Plaut  
Jean Richardson

**Observers**

Alain Aubertin	<i>Université de Montréal</i>
Alain-Michel Barcelo	<i>Université de Montréal</i>
Michèle Bertrand	Montreal International
Lorraine Brooke	Consultant
Thomas (Tom) Burnett	Inco Limited
Rita Cerutti	Environment Canada
Lucie Desforges	<i>Association canadienne des pâtes et papiers</i>
Luis Ernesto González	Mexican Embassy in Ottawa
Steven Hazell	Marbek Resource Consultants
Harold Pickering	Legwork International
Chris M. Rosene	Consultant
Dana Silk	Canadian Environmental Network
Don Wedge	Stop Environment Group
Ray Rivers	Environment Canada

**CEC Secretariat Staff Members:**

Janice Astbury  
Greg Block  
Michael E. Cloghesy  
Rosa María Dueñas  
Linda Duncan  
María de la Luz García  
Andrew Hamilton

Víctor Lichtinger  
Lisa Nichols  
Manon Pepin  
Sarah Richardson  
Martha Rosas  
Marcos Silva  
Rachel Vincent





**ADVICE TO COUNCIL: No. 98-01**

Re Proposed Annual Program and Budget for 1998 of the Commission for Environmental Cooperation (CEC)

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

IN ACCORDANCE with the request of Council, has reviewed the CEC's Proposed Annual Program and Budget for 1998 at its meeting of 22–23 January 1998; and,

NOTING the Secretariat's efforts to (1) advance individual projects based on concrete results, (2) focus on the mandate of the CEC and (3) link projects as results emerge;

HEREBY RESOLVES that the JPAC's advice to Council on the CEC's Proposed Annual Program and Budget for 1998 is as follows:

**The JPAC**

Notes with satisfaction progress toward a more focused and results-oriented program and recommends that:

- projects be bilateral or trilateral in character and visible to stakeholders, both in their conduct and outputs;
- the CEC highlight impacts on human health, with an emphasis on indigenous peoples when implementing the 1998 Program;
- the CEC should act on the resolutions of the Kyoto Conference of Climate Change; and
- the Parties should commit themselves to achieve the level of funding initially agreed upon (US\$5 million/year from each party, including the NAFEC).

**With regard to 1998 priorities, JPAC further recommends:**

- that funding be assured for undertaking one Article 13 Report, the initial review of all Article 14 submissions and full review to factual record of two Article 14 submissions;
- that priority projects which are on-going (e.g., transboundary water and air, joint implementation), be clearly referenced in the Introduction of the Annual Program and be listed in the “Annual Program at a Glance” section;
- that strong support be given for Transboundary Environmental Impact Assessment (TEIA) negotiations between the Parties and that transparency and wide participation of stakeholders in both assessment and dispute resolution be assured;
- that the Environment, Economy and Trade program be given priority by supporting phase III of the project 98.01.01, “NAFTA Environmental Effects” and by launching a multi-year group of high priority projects to implement the program, focused on:
  - a) an activity to facilitate Joint Implementation as a follow-up to the Kyoto Conference on Climate Change,
  - b) the development of cooperation and information exchange on vehicle emission programs,
  - c) contributing to the pursuit of ‘state-of -the-art; sustainable, organic agriculture’;
- that within Project 98.03.01, “Sound Management of Chemicals,” the existing North American Regional Action Plans (NARAPs) be implemented, and further recommends that advice from NGOs continue to be considered in the selection of new candidate substances;
- that Project 98.03.03, “North American Pollutant Release and Transfer Register (NA-PRTR),” keep non-point data and resulting inventories separate from point source data and inventories. Further, efforts should be made to better report progress and change from year-to-year;
- that strong support be given for environmental education. (However with regard to project 98.04.03, “Environmental Education” every effort should be made to identify existing initiatives with similar objectives, develop linkages with those initiatives in order to avoid overlap and duplication of efforts, particularly in curriculum development. Further, consideration should be given to developing a broad, inclusive definition of sustainable development, one that is sensitive to cultural diversity particularly with regards to indigenous peoples and small communities);
- that in view of minimum funding levels, Enforcement Cooperation and Law projects (98.05.01 to 98.05.05) should be encouraged to focus on areas of bilateral or trilateral impact or cooperation;

- that the methods and speed of compilation and distribution of the detailed annual report of Enforcement Obligations be made with clear regard to consultation and transparency; and
- that support for initiatives to facilitate the effective and environmentally appropriate management of hazardous wastes (98.05.03) continue to be supported.

**With regard to the budget, JPAC recommends:**

- that the funding for Description Budget no. 3.5, “JPAC Operations Budget,” be increased to US\$140,000 in order to implement the 1998 priorities (see Attached) and
- that the funding for Description Budget no. 3.6, “Public Meetings,” be reduced to US\$90,000, an amount the JPAC considers adequate to implement the plan for public consultation.

APPROVED BY THE JPAC MEMBERS:

23 January 1998

Enclosed: 1998 JPAC Priorities and Budget

### 1998 JPAC PRIORITIES

DATE/LOCATION	PRIORITIES IDENTIFIED IN DECEMBER 1997	ACTIONS PROPOSED
22-23 January Montreal, Quebec	<ul style="list-style-type: none"> <li>• CEC Proposed Program and Budget for 1998 ⇒ JPAC Working Group: M. C. Castro, M. Simon, J. Wirth</li> <li>• NAFEC Evaluation ⇒ JPAC Working Group: P. Berle, J. Bustamante, M. Simon</li> </ul>	<ul style="list-style-type: none"> <li>• JPAC Regular Session 98-01 ⇒ Advice 98-01: 1998 CEC Program and Budget ⇒ Advice 98-02: NAFEC Evaluation</li> </ul>
March 1998 Via e-mail	<ul style="list-style-type: none"> <li>• CEC 1997 Annual Report ⇒ JPAC Working Group: M. Apsey, J. Bustamante, J. Wirth</li> </ul>	<ul style="list-style-type: none"> <li>• JPAC Advice 98-03: CEC Draft Annual Report for 1997</li> </ul>
[6-7-8 May 1998 El Paso/Juarez] (*)	<ul style="list-style-type: none"> <li>• Environment and Trade ⇒ JPAC Working Group: M. C. Castro, M. Cloghesy, J. Plaut</li> <li>• Human Health ⇒ JPAC Working Group: I. Restrepo, J. Richardson, M. Simon ⇒ Advice to Council to ensure that human health aspects are taken into account in all CEC Program Areas. J. Richardson, an American and a Canadian</li> <li>• Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC ⇒ JPAC Working Group: P. Berle, M. C. Castro, M. Cloghesy</li> <li>• Kyoto Conference on Climatic Change ⇒ JPAC Working Group: P. Berle, J. Bustamante, J. Gérin ⇒ Advice to Council on how to assure compliance with decisions during the Kyoto Conference on Climatic Change held in December 1997.</li> <li>• Equity Criteria ⇒ Advice to Council</li> </ul>	<ul style="list-style-type: none"> <li>• JPAC participation in public meeting organized in the context of the NAFTA Effect Project (*)</li> <li>• JPAC Regular Session 98-02 ⇒ Advice 98-04: Environment, Economy and Trade ⇒ Advice 98-05: Kyoto Conference on Climatic Change ⇒ Advice 98-06: Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC ⇒ Advice 98-07: Equity Criteria</li> </ul>

## 1998 JPAC PRIORITIES

DATE/LOCATION	PRIORITIES IDENTIFIED IN DECEMBER 1997	ACTIONS PROPOSED
<p>[24-25-26] June 1998 Mérida, Yucatán Council Annual Session</p>	<ul style="list-style-type: none"> <li>• CEC Program and Budget for 1999-2000 ⇒ JPAC Working Group: M. C. Castro, J. Gérin, J. Plaut</li> </ul> <p>Note: The CEC will offer financial assistance for travel to qualifying participants registered to attend this public meeting. This financial assistance will help to ensure that a broad cross-section of North American interests are represented at this session. Special attention should be addressed to grass roots organisations and local communities with an emphasis on indigenous communities. (*)</p>	<ul style="list-style-type: none"> <li>• JPAC participation in public meeting including workshops on the five CEC program areas: (*)               <ul style="list-style-type: none"> <li>I- Environment, Economy and Trade</li> <li>II- Biodiversity and Ecosystems</li> <li>III- Pollutants and Health</li> <li>IV- Capacity Building and Education</li> <li>V- Enforcement Cooperation and Law</li> </ul> </li> <li>• Meeting with the Council members and JPAC members ⇒ Report on workshops outcome on the CEC programs ⇒ Report on JPAC current actions and activities</li> <li>• JPAC Regular Session 98-03 ⇒ Advice 98-08: CEC Program and Budget for 1999-2000</li> </ul>
<p>[24-25 September 1998 Yellowknife, North West Territories] (*)</p>	<ul style="list-style-type: none"> <li>• Mercury Related Studies ⇒ JPAC Working Group: J. Richardson, an American member and a Canadian member</li> <li>• JPAC 1999-2000 Strategic Action Plan ⇒ JPAC Working Group: To be identified</li> </ul>	<ul style="list-style-type: none"> <li>• JPAC participation in context of the workshop organized by the Mercury Task Force under the Sound Management of Chemical Project (*)</li> <li>• JPAC Regular Session 98-04 ⇒ Advice 98-09: Mercury related Studies ⇒ Advice 98-10: CEC Proposed Program and Budget for 1999 from the Secretariat ⇒ Preparation of JPAC 1999-2000 Strategic Action Plan</li> </ul>
<p>[2-3 December 1998 Washington, DC] (*)</p>	<ul style="list-style-type: none"> <li>• Continental Pollutant Pathways ⇒ JPAC Working Group: J. Richardson, an American member and a Canadian member</li> <li>• Transportation ⇒ JPAC Working Group: M. Cloghesy, J. Wirth, a Mexican member</li> </ul>	<ul style="list-style-type: none"> <li>• JPAC participation on the Trinational Workshop on air issues, including the production of formal proceedings. Under the Cooperation on Long Range Transport of Air Pollution in North America Project (*)</li> <li>• JPAC Regular Session 98-05 ⇒ Advice 98-11: Continental Pollutant Pathways ⇒ Advice 98-12: Transportation</li> </ul>

### 1998 JPAC PRIORITIES

DATE/LOCATION	PRIORITIES IDENTIFIED IN DECEMBER 1997	ACTIONS PROPOSED
JPAC Internal Work For 1998	<ul style="list-style-type: none"> <li>• Public Participation</li> </ul> <p>Note: Special attention should be addressed to grass roots organisations and local communities with an emphasis on indigenous communities.</p>	<ul style="list-style-type: none"> <li>• Public Meetings related to the CEC Projects</li> <li>• Council Annual Session of June</li> <li>• Five JPAC Regular Sessions</li> </ul>
	<ul style="list-style-type: none"> <li>• Information Dissemination</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination to the North American Community the JPAC Advice, Summary Records</li> <li>• Linkages with the NACs/GACs. Send them the information about JPAC actions and invite them as guests to the JPAC Regular Sessions</li> <li>• Invitation the North American Community to JPAC Regular Sessions. Focus on grass roots organisations and local communities with an emphasis on indigenous communities.</li> </ul>

\* Project should be confirmed in function of the 1998 Proposed Program and Budget

## 1998 JPAC Operations Budget Proposal

These budget forecasts exclude the expenses which could be incurred following a decision of the Council to entrust specific mandates to JPAC.

Description	Proposed for 1998 US\$
<b>Travel &amp; Accommodation / Translator Services (Including Meals and Per diem Allocation)</b>	<b>89 000</b>
Regular Session 98-01: 22-23 January, Montreal, Quebec	10 000
Regular Session 98-02: [6-8 May, El Paso/Juárez] (*)	20 000
Regular Session 98-03: [24-26] June, Mérida, Yucatán	20 000
Regular Session 98-04: [24-25 September, Yellowknife, North West Territories] (*)	20 000
Regular Session 98-05: [2-3 December, Washington, DC] (*)	17 000
Chairperson: Various Meetings	2 000
<b>Interpretation &amp; Equipment / General Translator Services</b>	<b>24 000</b>
Five Regular Sessions (excluding the JPAC Session in conjunction of the Council Annual Meeting)	20 000
Translator Services	4 000
<b>Professional Services</b>	<b>24 000</b>
Consultant	0
Technical Support to the Chair	24 000
<b>Parcel Service / Office Supplies</b>	<b>1 500</b>
Parcel Services	1 000
Office Supplies	500
<b>Hospitality</b>	<b>500</b>
<b>Various</b>	<b>1 000</b>
<b>TOTAL</b>	<b>140 000</b>

NOTE: JPAC Operations Budget approved by the Council in 1997 was US\$ 100 000.

\* Date and location should be confirmed in function of the 1998 Proposed Program and Budget



**ADVICE TO COUNCIL: No. 98-02**

**Re The North American Fund for Environmental Cooperation (NAFEC)**

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

ACKNOWLEDGES the important role of the North American Fund for Environmental Cooperation (NAFEC) in creating a public constituency for issues central to the CEC mission;

COMMENDS the excellent work of the NAFEC staff in the stewardship of the fund;

INTENDS to have a continuing oversight function with regards to the evolution and development of NAFEC and is considering the re-establishment of a Working Group for this purpose; and,

HAVING reviewed the Interim Evaluation of the North American Fund for Environmental Cooperation and agreed with the recommendations and conclusions,

HEREBY RESOLVES that the JPAC's advice to Council is to accept the evaluation report and the recommendations contained therein and requests that particular attention be paid to:

- a) the issue of repeat funding;
- b) the term and rotation of Selection Committee members;
- c) providing technical assistance to applicants and recipients; and
- d) engaging the NAFEC staff as CEC employees.

APPROVED BY THE JPAC MEMBERS:

23 January 1998

Enclosed: Interim Evaluation of the North American Fund for Environmental Cooperation



SAL Consulting

Sheila A. Leahy, Director  
508 Ravine Avenue  
Lake Bluff, Illinois 60044  
U.S.A.

Phone: (847) 735-1616  
Fax: (847) 735-1681  
E-mail Address: [leahy@cedar.cic.net](mailto:leahy@cedar.cic.net)

**Interim Evaluation of the  
North American Fund for Environmental Cooperation  
(NAFEC)**

Prepared By:

SAL Consulting

**Principal Investigators**

Jasmin Aguilar (Mexico based) and  
Sheila Leahy (US based)

**December 15, 1997**

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**Report Contents**

Introduction

Executive Summary

Research Methodology

Conclusion

## **Introduction**

In September, 1997, the North American Fund for Environmental Cooperation (NAFEC) was asked to help conduct an interim evaluation of its work that would:

- give the NAFEC staff, the NAFEC Selection Committee, the Commission for Environmental Cooperation (CEC) officials and Joint Public Action Committee (JPAC) members a sense of the NAFECs impact and its functioning;
- outline how the NAFEC might improve its impact and functioning based on evaluation findings and;
- lay the groundwork for a more comprehensive evaluation of the NAFEC in the future, if required.

The NAFEC staff were asked to present the results of an interim report at the end of December, 1997.

SAL Consulting was contracted to assist with a part of the evaluation that involved gathering observations and ideas of key NAFEC stakeholders, such as the NAFEC Selection Committee, members of the JPAC, CEC and NAFEC staff and NAFEC applicants. SAL Consulting, through staff based in the Mexico and the United States, gathered valuable information about the NAFEC via telephone interviews and the Internet from 15 applicants, 3 members of the JPAC, 2 CEC staff , 1 NAFEC staff person and all 6 of members of the NAFEC Selection Committee. The results of these interviews have been captured in the Executive Summary section of this report.

## **Executive Summary: Findings and Recommendations**

This section summarizes information gathered from interviews with the CEC and NAFEC staff, members of the JPAC and the NAFEC Selection Committee and applicants and presents recommendations for improving the NAFEC's operations and impact that were gleaned from the interviews. The recommendations also include ideas for a more comprehensive evaluation of the NAFEC in the future, should one be needed.

Part I summarizes the opinions of the CEC and NAFEC staff and members of the JPAC and the NAFECs Selection Committee. Part II summarizes applicants thoughts regarding the NAFEC and the application process.

## **PART I**

*(views of JPAC, CEC staff, NAFEC staff and Selection Committee)*

### **NAFEC Staff**

#### Findings

- staff received very high marks from all interviewed
- desired characteristics (e.g. tri-lingual, leadership, good grantmaking skills) of staff important part of success
- two staff positions are adequate given current size of budget and tasks required
- general agreement that networking with other funders and providing technical assistance to applicants is appropriate and has strong payoff, however...
- if staff is asked to spend more time networking or assisting applicants current staff would be spread thin and quality would suffer; additional staff should be considered at that time

#### Recommendations

- exemplary qualities for staff should be included in job description for staff positions
- staff size should remain the same under current work conditions, unless current staff is required to perform additional duties

### **Selection Committee**

#### Findings

- Selection Committee members are pleased with their committee experience and have enjoyed the collegial atmosphere, being exposed to a broad array of interesting projects and being a part of an effort to improve conditions at the local level
- terms of service not clear; there should be formal term limits to "refresh" committee
- current composition of committee is appropriate, no less than two years, nor more than three; stagger rotation from each country to maintain some consistency, opinion regarding re-appointments is split; Selection Committee members think it is important to have a representative of the JPAC on the Committee
- the CEC and NAFEC staff, and members of the JPAC and the Selection Committee articulated a set of ideal qualifications for a Selection Committee member, which includes: general familiarity with the non-governmental (NGO) community and environmental matters, appreciation of continental issues, understanding of the North American Free Trade Agreement (NAFTA)
- importance of an independent review and selection process was emphasized by most people interviewed, there was general agreement that the CEC and JPAC should provide general guidelines

#### Recommendations

- formalize terms of service: no less than two years, nor more than three, stagger rotation of members to maintain consistency, issue of re-appointments should be resolved

- capture ideal qualifications for Selection Committee members and incorporate into Terms of Reference for service on the Committee to help advise Ministers appointments; this should include the recommendation that one member of JPAC serve on the Committee

### ***Solicitation, Application and Selection Process***

#### Findings

##### *Solicitation*

- most agreed that it is difficult to judge how well the Request for Proposal (RFP) is distributed, but it is assumed that distribution is fairly good given the large and diverse number of proposals received
- while there was a consensus of opinion that there could be some strategic solicitation in areas (both geographic and issue) from which few proposals are received, there was nearly full agreement that no more proposals should be encouraged given the high number of applications that are currently declined
- all interviewed believed that the RFP was fairly clear and well defined

##### *Application*

- with the exception of the first grantmaking round, the time given to prepare a pre-proposal and a full proposal is seen as appropriate
- the two stage process (pre and full proposal) is liked and is seen as very useful

##### *Selection*

- for the most part the process of reviewing proposals is seen as sound, NAFEC staff provides Selection Committee with good materials, but some members do not usually have time to digest it all (especially at the pre-proposal stage)
- there exists a "healthy deferral" among members of the Selection Committee regarding national judgment on proposals from their country
- members of the Selection Committee usually reach consensus after robust debate often focused on issues related to the capacity of applicants or whether a proposal is truly community-based
- some members of the Selection Committee believe that the selection of Urgent Request Funds lacks discipline and should be tightened up

#### Recommendations

##### *Solicitation*

- NAFEC should closely examine any obvious gaps regarding the number of proposals received by geography and issue area to determine whether any targeted solicitation is needed and/or appropriate

##### *Selection*

- given the busy schedule of Selection Committee members NAFEC might examine ways to present members with just enough information on applicants to encourage thoughtful review of each proposal
- NAFEC should include the examination of the consistency and policy for selecting Urgent Request Funds in a comprehensive review conducted in the future

## ***NAFEC/JPAC/CEC Relationship***

### Findings

- many NAFEC applicants know nothing or very little about the CEC, many believe that the NAFEC should promote the CEC and the CEC should promote the NAFEC
- there is a general consensus that the NAFEC is a powerful vehicle for reaching the general public and building a constituency for important issues related to trade and the environment and is the "public face of the CEC" -- yet it is believed that the NAFECs power to reach and educate the public is not being utilized by the CEC
- some believe that the NAFEC has a natural affinity with the JPAC because they both interact with the public, but some believe that the NAFEC reaches the general public and real grassroots level better than the JPAC (e.g. JPAC attracts many of the same people to its public forums, while the NAFEC continues to interact with larger and larger audiences)
- there is general consensus that underlying tensions exist between the CEC and NAFEC brought on, in part, by the fact that the NAFECs budget was taken from CEC's annual operating budget causing the CEC to cut back on its programming
- many people believe that the NAFEC is kept in a tenuous position as indicated by the fact that yearly allocations are always in question and it needs to justify its existence on a regular basis
- several people argued that the NAFEC should be funded by some other means (e.g. by the ministers directly) but they are quick to note that these alternative funding strategies are unlikely
- there are wide differences of opinion regarding the NAFEC's lines of accountability, however, nearly everyone is comfortable with a loose understanding in that it provides broad flexibility clear consensus that nothing should be done that might compromise the independence of the Selection Committee
- the NAFEC staff are working cooperatively with the CEC program staff to deepen exchanges of information, but it has been difficult for the CEC staff to find the necessary time to maximize this relationship; the NAFEC staff have received good computer and accounting support from the CEC while having mixed experiences with other forms of administrative support
- there is a general consensus that a consistent and deeper flow of information and expertise between the NAFEC and CEC staff would be mutually beneficial

### Recommendations

- the NAFEC interim evaluation should be used to open a frank dialogue with the CEC regarding real or perceived tensions in an attempt to improve the flow of information and mutual support
- a thoughtful review of the independent and joint public outreach capabilities of the NAFEC should be conducted to allow the CEC to effectively utilize its public outreach opportunities
- the contract arrangements of the NAFEC staff should be reviewed to determine if it would be better for them to be paid staff of the CEC rather than a contractor

- the NAFEC should consider having the CEC staff and/or alternates attend site visits to see the work of grantees first hand

### ***NAFEC's Grantmaking Priorities, Policies and Evaluation***

#### Findings

##### *Grantmaking Priorities and Policies*

- there is a hearty group that believe that the NAFECs funding priorities should be closely related to the CECs, while another equally hearty group believe the NAFECs resources should not be used to fund the CEC priorities either way, there was agreement that the NAFEC should not be too ambitious given its limited resources
- the issue of repeat funding for the same project was raised as an unresolved issue
- nearly everyone felt that a great deal of time and effort has been invested in creating the current set of guidelines and that any change, if needed, should be modest
- the CEC and NAFEC staff and members of the JPAC and the Selection Committee identified types of proposals that they would like to fund in the future and emphasized the importance of sustainable development, community-base, involvement of indigenous people, bi- or tri- national, innovation, trade and environment and the promotion of organic/green products; also the dissemination of good ideas should be a NAFEC priority
- some people noted that a formal timetable for evaluating the NAFEC should be developed, noting that the NAFEC needs to prove its worth/impact on a regular basis

##### *Evaluation/Indicators*

- most people suggested talking with other funders (e.g. Mott, Pew, Bronfman) to help the NAFEC gather information regarding indicators of success
- others suggested that the NAFEC talk with government entities and NGOs (e.g. Sustainable Seattle and IDRC) who have developed success indicators
- it was noted that a great many studies and maps on North Americas environmental conditions have been created by the CEC and others (e.g. The Nature Conservancy, National Wildlife Federation)and that the NAFEC should bring this material together to help form a baseline of current data on North America

#### Recommendations

- with the consideration of views expressed by applicants (see Part II), the NAFEC should confirm and establish a policy regarding repeat funding and make its position known in any future publications
- in a more comprehensive review the NAFEC should review suggestions regarding its grantmaking priorities with the understanding that most people are fairly content with the current guidelines (see Part II for applicant opinions on this subject)
- a more comprehensive review should propose a formal evaluation cycle for the NAFEC, along with the required budget
- a more comprehensive review should investigate the suggested sources of information regarding indicators and evaluation techniques (refer to applicants ideas in Part II)

## **PART II**

*(views of applicants)*

### **NAFEC Staff**

#### Findings

- nearly everyone who interacted with the NAFEC staff found them very helpful
- several Mexican groups noted that it was somewhat difficult for them to make contact with staff because of time zones and limited telephone service in certain parts of Mexico
- the smaller groups with no fundraising history needed and received help and reassurance from the NAFEC staff, the applicants encouraged the NAFEC to maintain this tradition
- applicants found staff to be very patient and understanding of the challenges faced with putting together a bi- or tri-national initiative
- many applicants had only modest or no verbal interaction with staff, this includes applicants who received grants; verbal interaction is primarily directed to those who seek it or those who need it; there is considerable written communication with applicants and grantees via letters, e-mail and progress reports

#### Recommendations

- A more comprehensive review should examine the staffs provision of technical assistance to applicants to determine an appropriate level of assistance that will still meet applicants needs but not compromise staffs ability to accomplish their overall tasks
- on a related note, the comprehensive review should examine staff/grantee interaction to help determine a desired level of interaction to maintain proper oversight

### ***Solicitation, Application and Selection/Decline Process***

#### Findings

##### *Solicitation*

- word-of-mouth appears to be one of the most effective means of circulating the RFP; universities and governmental or quasi-governmental organizations have been particularly effective transmitters of the RFP to community-based groups

##### *Application*

- most people thought the RFP was fairly clear and more straight forward than most application forms, with the notable exception of many of the small Mexican based organizations who had trouble understanding the application
- with the exception of the first grantmaking round, most felt that they are given enough time to prepare both the pre and full proposal
- applicants like the two stage process (e.g. pre and full proposal)

##### *Selection/Decline*

- with the exception of some of the Mexican groups, most applicants said the rationale for declines provided by NAFEC staff was understandable and well explained
- some of the Mexican groups did not agree with the rationale provided for a decline and thought that the decision was not well reasoned
- nearly every applicant that was declined has already or intends to reapply

#### Recommendations

- a comprehensive review should examine the Mexican applicants problems with interpreting the RFP and guidelines and understanding the rationale for declines to help minimize feelings of being unfairly evaluated

#### **NAFEC Grantmaking Priorities and Policies**

##### Findings

##### *Guidelines*

- most applicants did not have an exact handle on the NAFEC guidelines but had a general notion that the NAFEC was interested in funding community-based initiatives that involved two or more North American countries
- applicants provided a series of ideas regarding the NAFECs current and future funding priorities, which included funding multi-national education and advocacy projects, public health and land water and air
- for many applicants the NAFECs guideline regarding multi-national collaboration encouraged them to partner up with groups in other North American countries before submitting an application

##### *Policies*

- all but two applicants who received a grant said that the reporting requirements are reasonable, moreover they say that the NAFEC staff are open to renegotiating the reporting schedule to coincide with the preparation of similar reports for other funders (those who felt reporting excessive encouraged the use of oral reporting to encourage more interaction with the NAFEC staff, and just two written reports)
- several applicants who received grants noted that holding on to parts of the grant dollars until completion is a real incentive to finish in a timely fashion, however, a Mexican group noted that it would like to get money for supplies up-front because the devaluation of the peso makes prices go up thereby making it difficult to buy all the supplies as originally planned
- applicants complimented the NAFEC staff for being flexible regarding non-profit status and the use of fiscal agents, this flexibility is important when working with small local groups
- several groups who received funding were unclear as to the NAFECs policy regarding renewal grants, groups in Mexico in particular encourage the NAFEC to consider repeat funding to sustain long term projects
- most groups noted that the NAFECs resources should be significantly increased to effectively impact North America
- many applicants encouraged the NAFEC to promote networking among its grantees to share North American strategies and technology, possibly through the Internet



### *Leverage*

- applicants who received grants had mixed experiences regarding success at leveraging additional dollars, in-kind support was the most common type of dollar leveraged
- one group admitted that it was a little worried about taking money from NAFEC because it did not support the passage of NAFTA, while they were quick to add that people are feeling more comfortable about the NAFEC because the CEC has produced some progressive reports that challenge the status quo
- many applicants noted that continental funding is not well understood or popular among other funders and, as a result, they recommend that the NAFEC and CEC aggressively educate and encourage others funders as a means of leveraging more resources for organizations working on the NAFEC/CEC priorities; many noted the NAFECs very unique funding niche

### *Evaluation/Indicators*

- one applicant suggested that the NAFEC should have grantees evaluate each other
- indicators of success offered by applicants included, the existence of more collaborative efforts across North America, the avoidance of national conflicts and, according to several Mexican groups, increased NGO capacity at the community level

### Recommendations

- the NAFEC is encouraged to do more networking with funders to promote more North American funding and to gather information on other sources of funding for applicants
- a comprehensive review of the NAFEC should examine ways to facilitate networking among grantees, recognizing the impact on NAFEC staff time

### ***NAFEC/CEC Relationship***

### Findings

- most applicants know little or nothing about the CEC, with the exception of some of the larger organizations on the borders
- the few applicants that are familiar with the CEC are unclear about the NAFEC's connection with the CEC

### Recommendations

- a comprehensive review of the NAFEC should examine how the CEC and NAFEC could effectively utilize its public outreach opportunities

### **Research Methodology**

SAL Consulting was contracted to assist with this evaluation by conducting an independent analysis of the NAFEC by interviewing key stakeholders, such as the NAFEC Selection Committee, members of the JPAC, CEC and NAFEC staff and NAFEC applicants.

SAL Consulting had approximately 5 weeks in which to prepare the interview questions and conduct the interviews. In that time a total of 27 people were interviewed, including 6

members of the Selection Committee, 3 members of the JPAC, 2 CEC staff members, 15 NAFEC applicants (including those who were funded and those who were not), and 1 NAFEC staff member.

From the interviews the investigative team gathered opinions regarding the NAFEC staff and the process of soliciting, reviewing, selecting and declining proposals. The team sought answers to the following questions:

1. DOES THE EVALUATION PROCESS FUNCTION WELL IN TERMS OF:
  - SPEED OF DECISION-MAKING
  - THOUGHTFULNESS OF DECISION-MAKING
  - INTERACTION OF STAFF AND SELECTION COMMITTEE
  - INTERACTION OF STAFF AND APPLICANT
2. IS THE STAFFING OF NAFEC ADEQUATE FOR THE JOB? WHAT ARE THE STAFFING STRENGTHS AND WEAKNESSES?
3. TO WHOM IS THE NAFEC ACCOUNTABLE? DOES A CLEAR AND FORMAL DECISION-MAKING STRUCTURE EXIST? IF SO, HOW WELL DOES IT FUNCTION? IF NOT, DOES THIS CAUSE OPERATIONAL PROBLEMS?
4. HOW DOES THE NAFEC RELATE TO THE JPAC AND OTHER CEC PROGRAMS AND RESOURCES? IS THIS RELATIONSHIP ADEQUATE?
5. WHAT INDICATORS CAN BE USED TO MEASURE THE IMPACT OF THE NAFEC GRANTEES, INDIVIDUALLY AND COLLECTIVELY?
6. WHAT ARE SOME OF THE NAFECs MOST EFFECTIVE GRANTS AND WHAT MAKES THEM SO EFFECTIVE? WHICH NAFEC PRIORITIES HAVE NOT BEEN WELL ADDRESSED THROUGH THE GRANTS?
7. HAS NETWORKING WITH OTHER FUNDERS AND NGOs BENEFITED THE SOLICITATION AND/OR REVIEW PROCESS?

To find answers to these questions SAL Consulting interviewed NAFEC staff, CEC staff and members of NAFECs Selection Committee and JPAC. The issues explored in the interviews are as follows:

- NAFEC Staff/Selection Committee: Are you satisfied with the pre-proposal and full proposal evaluation process? What can be done to improve it?
  - are you provided enough/too much information
  - is it provided in a timely manner
  - are your comments taken into consideration
  - is there thoughtful discussion and debate
  - how are disagreements negotiated

--is the current membership structure of the Selection Committee adequate, if not, how should it be changed

- NAFEC applicants and grantees: How would you evaluate the proposal solicitation and review process?
  - how did you find out about the NAFEC RFP
  - were you given adequate time to prepare a pre-proposal and/or proposal
  - were the guidelines and application process clear
  - did you feel comfortable to contact the NAFEC staff if you had a question, were they readily available, did you contact members of the NAFEC Advisory Committee
  - did you feel that your proposal was fairly reviewed
  - if declined, was there a clear explanation why
  - did you raise concerns regarding your decline with the NAFEC staff, how were your concerns responded to by the NAFEC staff, would you reapply
  - if approved for a grant, do you think the reporting process is cumbersome and were you able to leverage the NAFEC grant
  - do you have a sense of NAFECs indicators for success, what are your indicators for success
  - what, if anything, do you know about the CEC
- NAFEC Staff/Selection Committee/CEC staff/ JPAC: Is the NAFEC staffing adequate (strengths/weaknesses)?
  - are staff readily accessible
  - are they responsive to your requests and concerns
  - do they have a good grasp of the issues
  - do they provide quality information in a timely fashion
- NAFEC Staff/Selection Committee/CEC staff/JPAC: To whom is the NAFEC accountable?
  - the NAFEC Selection Committee, JPAC, CEC, Some combination/ Other
  - is the line of accountability well understood by all concerned
- NAFEC Staff/Selection Committee/CEC Staff/JPAC: How does NAFEC relate to other CEC programs? Is it adequate?
  - is NAFEC effectively drawing resources from the CEC staff/JPAC and programs (which programs/services)
  - is the relationship between the NAFEC and CEC/JPAC too close or intrusive to the proposal review or selection process
- NAFEC Staff/Selection Committee/CEC Staff: Of the projects funded by the NAFEC which ones have had the greatest impact?
  - which projects do you enjoy telling others about
  - what makes these projects so impressive, what are indications of success
  - which grantmaking priorities do you get the best proposals
  - which grantmaking priorities do you get few proposals or weak proposals

--do you think NAFEC should refine its grantmaking focus, If yes, how so  
--do you think each country has been well served by the NAFEC grants; has North America been well served

- NAFEC Staff/Selection Committee/CEC Staff/JPAC: What are indicators of success for NAFEC
  - for its grants solicitation and review process
  - for its grantees
  - what have other organizations used as indicators of success
- NAFEC Staff/Selection Committee/CEC Staff: Has networking with others (e.g. funders, NGOs governments) benefited the solicitation and/or review process?
  - how has it benefited and should other networking opportunities be sought out
  - how has it detracted

## **Conclusion**

This interim evaluation brought forward interesting and helpful findings on the NAFEC operations and staff. To begin, this investigation shows that the CEC has staffed the NAFEC with people with strong grantmaking and interpersonal skills. Care should be taken however not to overload existing staff with additional duties that may compromise their current quality of work. The Ministers have appointed people to the NAFEC's Selection Committee who work well together and have a general environmental background that allows them to make thoughtful decisions.

For the most part, the investigation shows that the NAFEC applicants believe that the application process is appropriate and proposals are fairly reviewed. Members of the Selection Committee would, however, like to carefully examine the process of granting Urgent Request Funds. Nearly everyone interviewed shared the opinion that the current edition of the NAFEC guidelines are sound and that no or little additional adjustments should be made at this time.

A final key conclusion that can be drawn from this investigation relates to the widely held belief that the NAFEC is creating a public constituency for issues central to the CEC mission. The CEC and NAFEC are encouraged to work cooperatively to fully capitalize on the NAFECs outreach capacity which, in the end, will enhance both initiatives.

In closing, it should be noted that the evaluation raises a number of issues that warrant closer examination. Toward that end, the development of a formal comprehensive evaluation process is encouraged.