



COMMISSION FOR ENVIRONMENTAL COOPERATION

Session No. 97-04 of the Joint Public Advisory Committee

October 23, 1997

Summary Record

The members of the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held their fourth regular meeting on 23 October 1997 in Montreal, Quebec, Canada.

This condensed version of the minutes summarizes the content of the discussions and reports, as well as the decisions adopted unanimously by the members of the Committee. The reports on discussions, JPAC recommendations to the Council, and other documents related to the Committee are available from JPAC coordinator or may be found on JPAC page at the Commission's web site, <<http://www.cec.org>>.

1. Opening of the session and welcome speech delivered by the President of JPAC

The President of JPAC thanked the members present for attending the meeting, expressed her approval of the fact that the meeting was being held at the headquarters of the Commission, and offered an overview of the agenda. She also made a public apology for the absence of Guillermo Barroso and Exequiel Ezcurra, who were forced to cancel their trip in order to provide technical support to the aid and support strategy adopted to help the people affected by hurricane Pauline on the Mexican coasts of Guerrero and Oaxaca.

2. Approval of the provisional agenda

The agenda was approved as submitted, with the addition to item 5 (Report from the Executive Director of the Secretariat of the CEC) of a new topic called "CEC Annual Report."

3. Report from the President regarding the activities of JPAC carried out after the last meeting

The President of JPAC submitted a report on the latest activities carried out by JPAC in three areas:

a) Approved documents:

The President announced the approval by the members of JPAC of the following documents: the summarized minutes of JPAC session 97-3, the Executive Report of the public consultation meetings held during 1997 (sent to the Council on 12 September), and Recommendation 97-1 sent by JPAC to the Council.

b) Documents to be approved:

- Recommendation 97-2 to the Council, regarding the process of public consultations, and
- Recommendation 97-3 to the Council, regarding the process of evaluation of the AAEC

c) Other reports:

The President mentioned the main agreements reached by the Alternative Representatives at their 97-6 meeting, and underscored the participation of JPAC at the meeting between the Council and the representatives of the "NAAEC Review Independent Committee" (experts group from the three countries directed by Maurice Strong). The two representatives of this group were the Canadian Pierre Marc Johnson and the Mexican Alberto Székely.

She also reported on the meetings held in Mexico City on 25 September and 1 August on the performance and operation of the CEC, and on the process of integration of the Mexican National Advisory Committee under the provisions of Article 17 of the Agreement.

Finally, she made observations concerning two documents received by the JPAC working group on the evaluation of the NAAEC: "Study on the Operation and Effect of the North American Free Trade Agreement" and "The Failed Experiment: NAFTA at three years." Copies of these documents were distributed during the meeting.

4. JPAC schedule for the second half of 1997

This item addressed two concerns:

a) Revision of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC

JPAC agreed to wait for the results of the extraordinary session of the Council, as regards the decision to release the factual submission on the passenger port terminal at Cozumel. JPAC is still waiting for the draft of the Guidelines, to be submitted by the parties for the Committee's consideration.

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

The President of JPAC mentioned that the Committee, as the body responsible for the evaluation of the performance of NAFEC during the first two years of operation, had established a working group at the 97-1 meeting composed of Jorge Bustamante, Jonathan Plaut, and Mary Simon. The objective of the group is to gather the necessary information to generate an internal report in late 1997 and to establish the basis of a more thorough evaluation. The group is working with the NAFEC Coordinator, Janice Astbury, toward developing an evaluation plan.

Subsequently, Ms. Astbury submitted to JPAC an NAFEC evaluation plan. The Coordinator stated that the possibility of hiring a consultant (Sheila Leahy) is being considered; the consultant

would have experience in evaluating foundations and would be familiar with the NAFEC. She proposed conducting a provisional internal evaluation on the basis of specific questions involving JPAC, the Council, the NAFEC Selection Committee and the personnel, in order to generate a report. The evaluation would be divided into three categories: 1) applications and process of selection, 2) subsidies, and 3) office administration.

JPAC put forth various proposals regarding this process of evaluation:

- examine the instruments used by the NAFEC to create awareness and to promote the Fund;
- focus on local communities and on small groups that have limited resources but are nevertheless relevant participants, since for obvious reasons it is the larger and better organized bodies that may obtain greater benefits;
- continue searching for external sources of financing in order not to undermine the global CEC budget;
- attain a better distribution of funds, given the asymmetry of the NAAEC signatory members, in order that small communities may have a greater participation in the projects to be financed. To this effect, the creation of a Technical Assistance Fund is proposed to support the less-developed communities and organizations in the proper presentation of their proposals and projects;
- revise the criteria and the approach of the Project Selection Committee, with an examination of the objectives reached in light of experience; and
- broaden contacts with other similar foundations.

The parties present agreed on many of the items addressed in the comments:

- It is important that JPAC increase the level of contact with the beneficiaries of the Fund, inviting them to share their experiences with this advisory body.
- In evaluating NAFEC, it is important to take into account the views of persons not selected as well as those of the beneficiaries of the Fund.
- JPAC agreed on the need to conduct an independent evaluation.
- Alternative sources of financing must be sought; these should not affect the budget intended to implement CEC programs and projects.
- Three specific factors must be taken into account in this process of evaluation:
 1. the native issue (support these communities);
 2. the risk factor (must be prepared to face risks); and
 3. the asymmetry factor (greater equity in the distribution of funds).

The JPAC working group on the evaluation of NAFEC and the Coordinator offered the following conclusions:

- 1) The evaluation of NAFEC must include an independent component, as proposed by the coordinator.

- 2) A budget for the evaluation has not been assigned. If an evaluation is deemed important, so should an appropriate budget.
- 3) The evaluation should examine the potential inequalities and deficiencies regarding the access afforded to the various communities.
- 4) The action that has been taken so far in terms of technical assistance must be evaluated and systematized; other potential actions should be examined.
- 5) The new initiative described by the NAFEC Coordinator to document and publicize successful experiences with the projects financed by the Fund, in order to promote better communication and reach greater consensus, is supported and encouraged.
- 6) The NAFEC Coordinator must continue to take advantage of this opportunity to learn from the experience of other organizations such as the Arctic Council, BECC, and NADBank.

JPAC working group on NAFEC Evaluation submitted a report to the Committee on the evaluation process of the Fund (See annex I).

These views will be incorporated into the evaluation plan. A final report will be submitted to JPAC before the end of 1997 and it may be discussed at the next JPAC meeting (97-5).

5. Report from the Executive Director of the CEC Secretariat

Greg Block, a Director of the Secretariat appearing on behalf of the Executive Director, commented on the latest CEC publications: the report titled, *Continental Pollutants Pathways*, with reference to Article 13 of the NAAEC; the report on emissions and transfer of pollutants in North America (*Taking Stock*); and the 1996 CEC *Annual Report*. He indicated that a study of NAFTA institutions and on the Agreement's impact on the environment is currently under way. Finally, he presented an overview of the CEC schedule for the coming months.

The Coordinator of the Secretariat's "NAFTA Environmental Effects" project, Sarah Richardson, submitted a study on agriculture and another on energy; both the result of consultations with experts, presided by Pierre Marc Johnson, conducted in Montreal on 16-17 October 16 1997.

To that effect, JPAC members made the following comments:

- It was suggested that at least one JPAC member participate in the process of revision of the CEC annual reports since, to date, the Advisory Committee has never taken part in the process.
- The results of these reports must be more broadly publicized since it is important to increase the level of communication between the CEC and the public.
- Issues related to water are very important. We must not forget about the social and economic conditions of the population and the repercussions on public health. The views of the producers must be taken into consideration, and not only those of the specialists.
- Greater attention should be focused on arctic environmental issues and the effects of pesticides on the health of these communities.
- The water issue at the US-Mexico border is extremely sensitive since there is strong competition regarding the utilization of this resource. It was proposed that a meeting involving the participation of JPAC be held at the border area of El Paso, Texas—Ciudad Juárez, Chihuahua, in order to address the problem. Two fundamental issues would be

addressed: the water pollution generated by the *maquiladoras* (US-operated Mexican assembly plants) and the utilization of water for agriculture.

- Public awareness about the CEC and the availability of information were deemed very important topics. It is important to raise the level of priority as regards awareness of the work carried out by the CEC; awareness campaigns must be frequent and the strategy employed must promote a new perception; the task must be undertaken by specialists. Information must be updated and published on the Internet in order to encourage feedback from the public.
- It was suggested that there should be more joint efforts made by political parties, people's representatives, and parliamentarians.

Regarding the awareness and information issues, Greg Block stated that the CEC Secretariat is looking for qualified candidates who may be suitable for a full-time position as CEC Publications Coordinator.

6. Meeting with the Council: Preliminaries

The President indicated that Recommendation 97-1 would be submitted at the meeting between JPAC and the Council; the meeting would involve the participation of all JPAC members presently attending.

JPAC agreed that, notwithstanding the comments that each member may wish to put forth before the Council, some of the subjects to be addressed are: long-term institutional outlook and priorities (J. Wirth), environment and trade (J. Plaut), public awareness and the press (I. Restrepo), health and the environment (M. Simon), and budget (M.C. Castro).

The draft of Recommendation 97-2 from JPAC to the Council was discussed during the session. This recommendation addresses the organization of public consultation meetings conducted by JPAC. Members are of the opinion that the link between the Committee and the public is of utmost importance and should be strengthened. Also, the responsibilities of JPAC should not be limited to the organization of public consultation meetings since, under the provisions of the NAAEC, the advisory capacity of the Committee in relation to the Council and the Secretariat is equally important. It was proposed that the content of this recommendation should be broadened, following suggestions that will be referred to Jacques Gérin. Mr Gérin will incorporate them no later than 9 December.

With reference to Recommendation 97-3 from JPAC to the Council, John Wirth, the person responsible, suggested incorporating the recommendations made by the public during the seminar on the CEC carried out in Mexico City on 25 September 1997.

JPAC agreed on adding to Recommendation 97-3 a subsection on the modification of JPAC Rules of Procedure. It was also agreed that suggestions regarding this recommendation should be made and incorporated no later than 9 December.

7. Report by Jon Plaut on the Project to Control Pollution in Mexico

Jonathan Plaut, US member of JPAC, submitted a report on the meeting conducted in Mexico City on September 26th with the participation of the Executive Director of the Secretariat, Mr Victor

Lichtinger. The session focused on the Fund for Pollution Prevention Projects, which promotes measures to prevent pollution generated by small and medium-size companies. He mentioned similar actions carried out bilaterally such as the emergency plan for environmental protection at the border between the US and Mexico (border towns of Brownsville, Texas, US and Matamoros, Tamaulipas, Mexico). Finally, he underscored the relevance of this type of action in terms of North American environmental protection cooperation.

8. JPAC Membership

The President announced recent changes to the membership of JPAC. Accepted were the credentials of Exequiel Ezcurra as new Mexican member of the advisory body and the resignation of Louise Comeau, Canadian member of the Committee. The president submitted to the members of JPAC a proposal to write a letter acknowledging Louise Comeau's work within the Committee. The proposal was accepted and the letter will be sent by the Secretariat.

Also discussed was the election in 1998 of the next JPAC president, who will this time be a Canadian member, as established by article 3.1 of JPAC Rules of Procedures. The President asked Marc Paquin, Secretary of the Council, if re-election of a JPAC president is provided for in the internal regulations of the Advisory Committee and the CEC. Mr Paquin answered that there are no problems regarding the re-election of a former president.

JPAC agreed that ballots will be cast through ballot forms that will be sent on 24 November; ballots should be returned no later than 5 December in order that the name of the new JPAC president may be announced during the 97-5 meeting to be held in December.

9. New Issues

Under this item, various issues were examined:

- a) *JPAC Rules of Procedure*: The modification of these Rules should be incumbent on the Council. Amongst other subjects, the points that should be considered for inclusion in the Rules of Procedure are: the term in office of members of JPAC, the organization of public consultation meetings (this item is only mentioned in the mission statement of JPAC), and the Committee technical support assigned to the incumbent President of JPAC.
- b) *Environment and trade*: This report was submitted by Sarah Richardson, head of the NAFTA effects program. She indicated that the CEC is currently working in five fundamental areas: 1) understanding the relationship between economic decisions and environmental protection (including the sustainable utilization of natural resources), 2) understanding the environmental effects of trade deregulation and investment, 3) preventing and, if necessary, resolving environmental and trade disputes, 4) promoting the development and marketing of "green" products and services, and 5) establishing processes to encourage greater compatibility and high levels of environmental protection in key economic areas.

- c) *Report from the Secretariat in relation to Article 13, as regards long distance transport of air pollutants*: This report was submitted by Andy Hamilton, head of the Secretariat's scientific division.
- d) *Cooperation for the protection of birds in North America*: This report was submitted by Janine Ferretti, Director of the Secretariat, and by Irene Pisanty, head of the ecosystem protection program.
- e) *1997 CEC budget*: Marc Paquin, Secretary of the Council, submitted this report. The current balance of JPAC budget, as of the 97-4 meeting in Montreal, is the following:

ITEM	Assigned Budget	Expenditures as of October 16, 1997	Current Balance
Public Consultation Meetings	US\$200,000	US\$155,179	US\$44,821
JPAC Operating Costs	US\$100,000	US\$76,192	US\$23,808

Regarding the global CEC budget, JPAC expressed concern about the decrease, over the years, of the funds assigned to the implementation of the Commission's programs and projects. To that effect, Marc Paquin provided the budgetary figures assigned to developing programs and to meeting specific obligations derived from NAAEC commitments, from 1996 to date:

Budget for Programs and Specific Obligations Derived from the NAAEC			
Year	Programs	Specific Obligations	Total
1996	US\$4,300,000	US\$700,000	US\$5,000,000
1997	US\$2,800,000	US\$300,000	US\$3,100,000
1998	US\$1,700,000	US\$600,000	US\$2,300,000

10. JPAC activities planned for 1998

This subject will be addressed during the coming JPAC session in December, in the context of strategic planning for 1998.

11. Other Items

It was decided that the location and specific date of the 97-5 meeting of JPAC, to be held in December, would be submitted to a vote. The proposals considered by the members of JPAC were the following:

- a) Tucson, Arizona, USA, on 11 or 13 December
- b) Montreal, Canada, on 11 or 12 December.

12. Comments made by the observers

The observers were given the opportunity of voicing their opinions regarding the various issues addressed. The following suggestions are worthy of note:

- Public involvement in CEC activities should be strengthened; JPAC is a very important body as regards meeting this objective.
- CEC programs and projects should be publicized to a greater extent.
- The participation of representatives from the sectors involved in the economy and in trade at this type of meeting is of great importance to ensure a better understanding of North American environmental issues.
- NAFEC should publish a list of alternative sources of financing for the projects that were not selected. Also, there should be more symmetry when assigning resources.

The five observers who participated were:

- a) Werner Braun (The Dow Chemical Co., USA)
- b) Don Wedge (Stop Environment Group, Canada)
- c) Luis E. González (Embassy of Mexico in Canada, Mexico)
- d) Jürgen Hoth (Embassy of Mexico in Canada, Mexico)
- e) Dan Torrez (Office of the Attorney General, Texas, USA)

13. Closing of the session

The session was declared adjourned at 6:00 p.m. on 23 October 1997.

PROVISIONAL AGENDA

(Morning session from 8:30 am to 1:00 pm)

1. Opening of the Session and Welcome by the Chair.
2. Approval of the Agenda.
3. Chair's report on JPAC activities since the last session.
 - a) Approved documents
 1. JPAC Summary Record for the Session 97-3.
 2. Report to Council on the 1997 Public Consultations.
 3. JPAC Advice to Council 97-1.
 - b) Documents to be approved in October
 1. JPAC Advice to Council 97-2.
 2. JPAC Advice to Council 97-3.
 - c) Other information
 1. Alternate Representatives Session No. 97-6.
 2. Information Meeting on the CEC held on 1 August 1997 in Mexico City with Víctor Lichtinger's participation .
 3. NAAEC and CEC Seminar held in Mexico City on 25 September.
 4. Documents received - "*Study on the Operation and Effect of the North American Free Trade Agreement*" and "*The Failed Experiment: NAFTA at Three Years.*"
4. JPAC Calendar of activities for the second half of 1997.
 - a) Revision of the Guidelines for submissions on effective enforcement of environmental law under Articles 14 and 15 of the NAAEC.
 - b) Evaluation of the North American Fund For Environmental Cooperation (NAFEC).
5. CEC Executive Director's Report.
6. Preparation for the meeting with the Council.
 - a) Agenda for the Special Session of Council.
 - b) Meeting with JPAC.
 - c) JPAC Members participation.
 - d) Presentation to Council of JPAC Advices Nos. 97-1, 97-2 and 97-3.
7. Jon Plaut's Report on Pollution Control Project in Mexico.
8. Composition of JPAC
 - a) Louise Comeau
 - b) Exequiel Ezcurra
 - c) Election of JPAC Chair for 1998.

Lunch (*from 1:00 pm to 2:00 pm*)

(*Afternoon session from 2:00 pm to 4:00 pm*)

9. New items.
 - a) JPAC Rules of Procedure.
 - b) Discussion on the CEC 1998 work program and budget.
 1. Environment and Trade.
 2. Secretariat Article 13 on the Long Range Transport of Air Pollutants in North America.
 3. Cooperation for the conservation of birds in North America.
 4. 1998 JPAC Budget.
10. 1998 JPAC Activities Plan.
 - a) Calendar of Sessions.
 - b) Agenda items.
11. Other Items.
12. Observers comments.
13. Final observations and closure of the session.

List of Participants

Members:

Canada

Michael Cloghesy
Jacques Gérin
Mary Simon

Mexico

Jorge Bustamante
María Cristina Castro (Chair)
Ivan Restrepo

United States

Peter Berle
Jonatan Plaut
Jon Wirth

Observers

Werner Braun	The Dow Chemical Co.
Thomas (Tom) Burnett	Inco Limited
Nilda González Anaya (<i>SEDUEP</i>)	<i>Secretaría de Desarrollo Urbano y Ecológico, Estado de Puebla</i>
José Luis Funes	Consultant
Luis Ernesto González	Embassy of México in Ottawa
Wanda Hoskin	Natural Resources Canada
Jürgen Hoth Von	Embassy of México in Ottawa
Nadia López	<i>Secretaría de Desarrollo Urbano y Ecológico, Estado de Puebla (SEDUEP)</i>
Dan Torrez	Office of the Attorney General, State of Texas
Don Wedge	Stop Environment Group

CEC Secretariat Staff Members:

Janice Astbury
Greg Block
Janine Ferretti
María de la Luz García
Víctor Lichtinger
Marc Paquin
Manon Pepin
Irene Pisanti
Lisa Nichols
Rachel Vincent

NAFEC Evaluation - Summary of discussion of October 23, 1997

JPAC sub-committee (composed of Jorge Bustamante, Jon Plaut and Mary Simon) responsible for the evaluation of NAFEC and the NAFEC Coordinator (Janice Astbury) prepared this summary following discussion of this item during JPAC's meeting and during a lunch time meeting of the sub-committee.

JPAC is evaluating the NAFEC experience, with the assistance of the NAFEC Coordinator, and is encouraged by the 1997 grants and the progress of the administration of the fund, with the following interim comments:

- (1) The evaluation underway should include an independent assessment component, as is proposed by the Coordinator.
- (2) There is no budget for the evaluation. If the evaluation is considered important, a budget for it should be equally important.
- (3) Potential inequalities and deficiencies in communication with/allowing access by diverse populations should be addressed in the evaluation.
- (4) The actions now being taken in the nature of technical assistance should be evaluated and systematized, and other potential actions reviewed.
- (5) The new initiative described by the NAFEC coordinator to document and disseminate NAFEC project success stories, in order to foster better communication and build a constituency, is supported and encouraged.
- (6) The NAFEC Coordinator should continue to take advantage of the opportunity to learn from the experiences of other organizations (in evaluation, providing technical assistance, etc.) e.g. BECC-NADBank, Arctic Council.

In conclusion, the sub-committee has provided feedback to the NAFEC Coordinator which will be incorporated into the evaluation plan. The evaluation will now proceed and the sub-committee will review a draft evaluation report in early December. A final report will be submitted to JPAC prior to the end of 1997 and could be discussed at the next JPAC meeting.