



COMMISSION FOR ENVIRONMENTAL COOPERATION

JPAC Session 96-04 August 2, 1996

Summary Record

Members of the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) held a regular session on August 2, 1996 in Toronto, Canada. The agenda and list of participants can be found in Annex A and B respectively.

REPORT BY THE JPAC CHAIR

In his report, the Chair briefly reviewed the Council session held the day before, namely on August 1, 1996 in Toronto, and asked the observers present to introduce themselves.

APPROVAL OF THE AGENDA FOR SESSION 96-04 (August 2, 1996)

The item "Term of Office of a JPAC Member" was added to the agenda under the heading of "Other Business".

APPROVAL OF THE RECORD OF SESSION 96-03

The record of regular Session 96-03 held on July 18, 1996 in San Diego was approved as is.

REVIEW OF 1996 PUBLIC SESSIONS

Further to the public sessions held in Montreal, San Diego and Toronto, the Chair noted that the report containing the summary of the public's comments should be completed during September 1996. After being approved by the Committee, the report will be sent to the Council and distributed to the public.

Based on this report, JPAC will draw up a series of recommendations so that the Council can take the public's input into account when developing the CEC's 1997 program. JPAC's recommendations will be divided into three parts as follows:

- Part 1: Review of Projects Underway
- Part 2: Emerging New Projects
- Part 3: Strategic Plan

Action: JPAC

COUNCIL DIRECTIVES FOR JPAC

At a working luncheon with Council members on August 1, 1996 in Toronto, JPAC discussed the public sessions in Montreal and San Diego and Council gave JPAC a mandate to handle specific matters. Accordingly, JPAC members agreed to organize their upcoming activities, public consultations and as appropriate along the lines of the structure adopted for the recommendation and discussion section of the 1996 public consultation report, namely:

Part 1: Review of projects underway

- Review of Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC)
- Review of the guidelines for the North American Environmental Cooperation Fund

Part 2: Emerging new projects which will be subject to public consultation in 1997

- The long-distance transportation of air pollutants in North America
- Voluntary compliance with environmental legislation in North America
- The creation of environmental networks among North American communities

Part 3: Strategic plan

- Arrive at a clear vision of upcoming issues.
- Emphasize the issue of link between the environment and the trade to promote economic ties between the two sectors.
- Establish relations with the CEC's National Advisory Committee in each country.

Moreover, at the working luncheon, Council declared public participation in development of the Commission's program a priority.

Following the discussion, JPAC members agreed to meet during the fall to plan and organize public consultation for 1997 around the above structure.

Action: JPAC

1997 PROGRAM AND BUDGET

Because this fall the Secretariat is required to present Council and JPAC members with a detailed recommendation for the 1997 program and budget, it was agreed to discuss this matter at the next JPAC session.

Action: Secretariat / JPAC

INTRODUCTION OF OBSERVERS

At the invitation of JPAC, Jaime Undurraga and Carlos Piña, representing the *Comision Nacional del Medio Ambiente* (CONAMA), informed those attending the meeting about the latest environmental developments in Chile. Among other things, their presentation raised the following points:

- Since Chile's environmental legislation has not been updated for several decades, a very substantial effort is now underway to improve the situation;
- One of the main objectives is to incorporate environmental laws into the country's commercial legislation;
- The bilateral environmental and trade agreement now being negotiated by Chile and Canada will mark the first international pact signed by Chile in that specific domain. Moreover, parts of the future agreement are expected to be based on certain sections of the North American Agreement on Environmental Cooperation (NAAEC), including Articles 14 and 15;
- Relations between Chile and Mexico warrant special attention given the common issues and proximity of the two countries. Moreover, plans are to emphasize future cooperation between the two countries in the realm of the environment and trade;
- It would be appropriate for Chile to encourage member-countries of the *Mercado Común del Sur* (MECOSUR) to include the environment in their agreement. In this regard, the CONAMA representatives noted that, as an associate member, Chile was not involved in drafting the agreement.

In conclusion, it was stated that the main challenge facing Chile is to update its environmental standards and ensure that they extend to every activity sector in the country.

INITIATIVES TO DEREGULATE ENVIRONMENTAL PROTECTION IN NORTH AMERICA

It was agreed that this matter would be discussed in more detail during the 1997 public consultations under the heading "Voluntary compliance with environmental legislation in North America". The main objectives in this area are to:

- a) Produce concrete results by establishing identical or equivalent indicators in each country;
- b) Ensure that the recommendations resulting from the public consultation are assessed and implemented.

JPAC PUBLIC CONSULTATION GUIDELINES

This document, prepared by Committee member Jacques Gérin, aims to establish guidelines for future JPAC public consultation. Based on the experience of the public sessions held in recent months, Committee members said they wanted to emphasize the following matters:

- Clearly explain JPAC's mandate and objectives;
- Encourage the participation of the general public, especially people from outlying areas such as rural Mexican or Aboriginal groups. In this regard, it was suggested that consideration be given to the possibility of holding public sessions in Mexico and Western Canada, in 1997, or in several cities at the same time through a satellite link and/or broadcasting the sessions on public and community television networks;
- Promote dialog among participants with the aim of not restricting the public's right to speak;
- Ensure that the guidelines are flexible rather than excessively rigid;

- Issue special invitations to experts to get their views and the benefit of their expertise;
- Ensure that public comments and views are effectively conveyed to Council;
- Ensure that the consultations produce concrete results and that the general public is informed about them.

Following discussion, it was agreed to make amendments to the document (by Mr. Gérin in view of the discussion and specific suggestions) and to have it reviewed by a technical reviser before sending a copy to Council.

Action: JPAC / Council

DISTRIBUTION OF CEC SECRETARIAT DOCUMENTS TO JPAC

JPAC members approved a reference document classifying the documents produced by the Commission Secretariat and the procedure for distributing them to JPAC members.

Action: Secretariat

TERM OF OFFICE OF JPAC MEMBERS

The main purpose of this item on the agenda was to determine the term of office for JPAC members. Since no article in the North American Agreement on Environmental Cooperation (NAAEC) or JPAC's Rules of Procedure sets a specific term, it was agreed that there is no time limit on Committee membership and that members may hold office until notified to the contrary. A preference for staggered rotating terms was vowed.

The discussion continued with a reminder that the next Chair of JPAC would be elected at year's end. In keeping with the principle of annual rotation, the next Chair of JPAC will be a Mexican. Accordingly, the Mexican members informed the Committee that they would nominate one of their members as Chair. It was pointed out that the Mexican members are free to stand for the position of Chair and that the Committee members may vote for any person of their choice on the basis of the designated nationality.

Action: JPAC

OTHER BUSINESS

Committee members were informed that the Earth Council in association with other organizations will hold a conference entitled "Rio plus 5" in Costa Rica in March 1997. Bringing together government representatives, environmental non-governmental organizations, academics and scientists among others, the meeting will essentially assess the progress made since the Rio Summit. In this regard, it was emphasized that it would very valuable for the CEC to participate in the meeting and be included in the conference program.

Action: Secretariat

Finally, attention was drawn to the presence of some members of Canada's National Advisory Committee at the meeting and to the importance of establishing permanent ties with that group as well as with its American and Mexican counterparts in order to share points of view and coordinate and harmonize the opinions given to Council. It was agreed to invite the three

National Advisory Committees as observers to regular JPAC sessions as well as the Committee's future public consultations.

Action: JPAC

REVIEW OF THE COUNCIL SESSION

Having attended part of the Council session held in tandem with the JPAC session, the Chair informed members of Council's deliberations.

As the Council session was a closed-door meeting, so was this portion of the JPAC session.

NEXT SESSION

The next regular JPAC session will be held during the fall to discuss the 1997 program and budget as well as the JPAC strategic plan for 1997. Like all other JPAC sessions, it will be open to the public.

ADJOURNMENT

The session adjourned at 12:10 pm on August 2, 1996.

Prepared by Manon Pepin, August 12, 1996

JOINT PUBLIC ADVISORY COMMITTEE SESSION N° 96-04

Friday, August 2, 1996

Crown Plaza Hotel, Ballroom A, 225 Front Street West, Toronto, Ontario, Canada

Phone: (416) 597-1400 Fax: (416) 597-8162

Agenda

- 8:00 a.m. Welcome and Overview by the Chair
- 8:05 a.m. Approval of the Agenda
Approval of the Summary Record of Session N°96-03 (July 18, 1996)
- 8:10 a.m. 1996 Public Meetings: Follow-up
- Draft Summary Report
- 9:30 a.m. Guidance from Council to JPAC
- 10:00 a.m. 1997 Program and Budget of CEC
- JPAC Budget
- 10:30 a.m. Observer Presentations
- Chilean National Commission of the Environment: Leonel Sierralta and Jaime Undurraga
- 11:00 a.m. Other Matters
- Discussion on Deregulation Initiatives of Environmental Protection in North America
 - JPAC Public Consultation Guidelines
 - Distribution of CEC Documents to JPAC
 - JPAC Member Term
 - Next JPAC Sessions
- 12:00 p.m. End of the JPAC Regular Session

JOINT PUBLIC ADVISORY COMMITTEE SESSION N° 96-04

Friday, August 2, 1996 in Toronto

List of Participants

MEMBERS:

Canada

Mike Apsey
Michael Cloghesy
Louise Comeau
Jacques Gérin

Mexico

Guillermo Barroso
Jorge Bustamante
Maria Cristina Castro
Ivan Restrepo

The United States

Peter Berle
Jon Plaut (Chair)
John Wirth

OBSERVERS:

Salvador Aguilar	<i>Movimiento Ciudadano en Defensa del Medio Ambiente</i>
Dennis Baker	Bakair, Inc.
Gary Barrett	Society of American Foresters
Rosa Delia Caudillo	<i>Red Fronteriza de Salud y Ambiente, A.C.</i>
Abby Curkeet	Consultant for JPAC
Joseph DiMento	University of California
Stewart Elgie	Sierra Legal Defence Fund
John Galloway	Consultant, Attorney, Oil and Gas
Adam Greene	U.S. Council for International Business
Robert Hardaker	U.S. Environmental Protection Agency
Emmett Lombard	University of Oakland
Cristina Martin Arrieta	<i>Acción y Desarrollo Ecológico</i>
Anne Mitchell	Canadian Institute for Environmental Law Policy
Leone Pippard	Leone Pippard and Associates
Leonel Sierralta	<i>Comision Nacional del Medio Ambiente</i>
Dan Torrez	Office of Dan Morales
Jaime Undurraga	<i>Comision Nacional del Medio Ambiente</i>
Alejandro Villamar	<i>Red Mexicana de Acción Frente al Libre Comercio</i>
Don Wedge	STOP

MEDIA:

Declan Hill	Canadian Broadcasting Corporation
Michael MacDonald	The Canadian Press
Diana Mendoza García	<i>El Norte Reforma</i>
Paul Weinberg	Inter Press Service

CEC SECRETARIAT STAFF MEMBERS:

María de la Luz García
Manon Pepin