



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPC)

Joint Public Advisory Committee (JPAC)

COMMITTEE SESSION 95-1

January 11-13, 1995

Record of discussion

Members of the Joint Public Advisory Committee (JPAC) met in Montreal, Canada on January 11-13, 1995 for a regular session. The *List of Participants, Agenda and Advices to Council from JPAC members* will be found as Annexes “A”, “B” and “C” respectively.

APPOINTMENT OF THE CHAIRPERSON

Formula: Members formalized their unanimous acceptance of a formula for the appointment of the Committee Chairperson. The chair of the Committee will rotate among the appointees of each Party in accordance with the following formula to be reviewed after one full cycle:

- a) the Chair shall be elected from one of the members (appointed by a specific Party);
- b) a Canadian member will serve the first term, an American member the second, and a Mexican member the third term;
- c) all members will participate in the selection of the Chairperson among the applicable appointees;
- d) terms will be of one year duration;

Initial Term: As a result of the informal consultation conducted by Mr. John Wirth and in conformity with the formula described above, members unanimously ratified the selection of Mr. Jacques Gérin as the Canadian who will serve as Chairperson for the initial term.

REMARKS BY THE CHAIRPERSON

In his remarks the Chairperson:

- indicated that he conceives his role as assisting the Committee in operating efficiently;
- highlighted innovation and credibility as two strategic thrusts for the Committee operation;
- identified the possible danger of undertaking too much or not enough;
- suggested that bringing the public to the Council constitutes a key challenge;
- concluded by explaining the meeting program.

MINUTES OF THE JULY 25-26, 1994 SESSION

The minutes were approved as presented with minor editorial corrections. Members were grateful to the staff of the Host Party (U.S. EPA) for their assistance, diligence and professionalism.

Members discussed the scope and format of minutes to be prepared of future sessions of the Committee. Among the options considered, members decided that minutes in the form of a *Record of Discussion* will be prepared. In practice, for each agenda item the Record of Discussion will provide a summary of the key interventions without attribution and accurately reflect the conclusions or decisions that result.

Action: Secretary

UPDATE BY THE EXECUTIVE DIRECTOR

In his remarks the Executive director:

- reported on the series of planning meetings held in 1994;
- insisted on the importance for concrete outputs in 1995;
- identified "Energy efficiency" as the special topic for the 1995 Annual Report;
- observed on the need for JPAC to concentrate on key substantive issues and arrange its work so as to achieve best influence on the Parties;
- invited the Committee to reflect on the preparation of the next regular session of Council.

JPAC OPERATION

Committee Support: Members discussed the nature of the support that should be provided by the Secretariat for the Committee operation. Having considered that logistical, technical and professional support is required and having also considered the relevant sections of the JPAC Rules of Procedure they accepted the following proposal:

- a) the person designated by the Executive Director as Secretary to Council will also serve as Secretary to JPAC. More specifically, the Secretary will be responsible for the preparation of meeting notes and will assist the Chairperson in the planning and the conduct of the Committee affairs in accordance with rule 8.1.
- b) Secretariat personnel designated by the Head of Corporate Services will provide logistical support to the Chairperson and members.
- c) other forms of support by the Secretariat to the Committee such as specific professional or scientific advice will be provided by a person designated by the Executive Director in response to specific requests by the Chairperson.

Action: Chair; Secretary

Non-member Attendance at Committee Sessions: Members discussed the application of the principle adopted at their first meeting to the effect that the Committee would operate in a transparent manner. They expressed the wish that the Executive Director and/or staff of the Secretariat attend their sessions and that each Party send an observer at their meetings. They

concluded that transparency and openness can best be achieved through different actions to be implemented in a timely manner. They specifically identified the following:

- a) access to meeting schedule and location, agendas and records of discussions;
- b) information to stakeholders on Committee activities provided by individual members;
- c) standing invitation to National Committee Chairs to delegate an observer;
- d) holding of the Committee meetings throughout the territory of the Parties;
- e) staging of "Town Hall" public meetings;
- f) invitation for ideas and views on specific issues;
- g) use of the future Secretariat "Liaison Office" in Mexico;
- h) joint meetings with other related organizations;
- i) use of electronic bulletin boards.

Conclusion: The Chair concluded the discussion by reminding members that as each member is personally appointed by a Party, no substitute can participate in Committee activities on behalf of a member or represent a member. As a consequence, financial assistance would be available only to members of the Committee. He noted the consensus to:

- a) invite the Executive Director and each Party to attend Committee sessions;
- b) to invite the Chair of National Committees related to the Agreement to send an observer at Committee sessions;
- c) implement in a timely manner the various suggestions to apply the transparency principle;
- d) communicate to Council in the form of advice, the commitment of the Committee to operate in a transparent and open manner (see Annex "C").

Action: Chair

1995 PROGRAM AND BUDGET

This agenda item allowed the Executive Director to present and explain the key elements of the most recent version of the 1995 Program and Budget. In his remarks, the Executive Director indicated that:

- a) the Program and Budget submission had reached the final approval stage by Council;
- b) the two principal objectives of the program are:
 - to enhance environmental cooperation between the Governments and NGOs
 - through cooperation, to prevent environmental controversies that could arise from trade activities.
- c) the program can be viewed as focusing on five areas:
 - North American air quality;
 - Water and great waters;
 - Transboundary issues;
 - Biodiversity;
 - Tools for better environmental decision
- d) short-term achievements are required to establish credibility

He concluded by inviting the Committee to identify those elements of the program where it can make most contribution.

After the presentation by the Executive Director the following points were raised:

- the elements of the program that relate to trade and the environmental impacts of trade;
- the elements of the program that relate to environmental information;
- the linkage between energy efficiency and environmental prevention & enhancement;
- the need to communicate who in the Secretariat will be responsible for a specific element of the program;
- the need to demonstrate results;
- the possible expansion of NAFTA;
- the flexibility to undertake ad hoc projects;
- the professional resources available to the Secretariat to undertake the program;

KEY ISSUES FOR JPAC

This agenda item was meant to allow the members to share views on those significant issues for the Committee as it develops its work program. The Chair had invited Dr. Pierre-Marc Johnson as a resource person to facilitate this discussion.

In the course of the discussion the following themes emerged:

- the evolution of the trade-environment linkage;
- the likelihood of other countries acceding to NAFTA;
- the evolution from a North American to an hemispheric perspective;
- the political dynamics and the need to demonstrate the value-added of Agreement and JPAC;
- JPAC: a conduit to the public for the Commission;
- priority setting for JPAC is inevitable to gain credibility and demonstrate value added
- JPAC: component of the Commission that can provide advice to Council without imposed constraints.

Members discussed at length the theme of accession to NAFTA and its implications for the Agreement on Environmental Cooperation. Considering the Miami declaration, the likelihood of discussions on the accession of Chile starting soon and the role of Council under Section 49 of the Agreement, members concluded on the need for immediate advice to Council as expressed in Annex "C". Members also concluded that the Government of Chile should be invited to send an observer for the next JPAC meetings.

Action: Chair

Members also participated in an exercise to identify those priorities which should influence their work plan. The priorities were grouped under the following broad headings:

- Natural resources issues;
- Decision-making by public authorities;
- International cooperation amongst the Parties.

Members agreed to continue the discussion of priorities at the next session

Action: Members; Chair

ANNUAL REPORT

This agenda item allowed the Executive Director to explain the approach taken to develop the first annual report. Reference was made to the obligations under Section 12 of the Agreement. The coverage of the report is prescribed in Section 12:2 and includes a section on the actions taken by each Party to comply with the obligations under the Agreement. In addition the first special topic selected for the annual report would highlight current initiatives and opportunities for cooperation in the area of energy efficiency.

Members exchanged views on the contribution the Committee could make to the preparation of annual report and on the preferred approach to report on JPAC. The identification and presentation of illustrative case studies and the means of dissemination of the report were also discussed. Members are requested to submit a brief description of potential case studies for which the Secretariat will develop review criteria and prepare a brief evaluation of the proposals for the Committee.

Action: Members, Executive Director

Members agreed to create a work group (J. Bustamante, L. Comeau, M. Cloghesy, I. Restrepo, J. Wirth) which would;

- by March 31, determine how the JPAC could best be presented in the report portion of the annual report (for instance, as part of the presentations and to propose the content of that presentation);
- by March 31, propose a review mechanism of the annual report by the JPAC;
- advise members on the use of case studies;
- identify best means to input in the Energy Efficiency special topic report.

Action: Work group; Executive Director

GUIDELINES FOR SUBMISSIONS ON ENFORCEMENT MATTERS

This agenda item allowed the Secretariat (Mr. Greg Block) to inform the Committee on the status of the development of guidelines on submissions related to enforcement matters (Sections 14 and 15 of the Agreement). The role of JPAC as expressed in Section 15 and in a more general sense was discussed.

Members concluded that the Committee should be kept apprised of the development of the guidelines and provided with the opportunity to comment. They also requested that a specific reference to the role of JPAC be made in the guidelines. Ms. Jean Richardson will be the contact for JPAC.

Action: J. Richardson; Executive Director

FINANCIAL REPORT

The Executive Director provided information to members on the financial situation of the Commission and on the payment of contributions by the Parties.

Members concluded on the need to reaffirm to Council the views expressed at the July 1994 session for timely and regular payment of contributions by the Parties. The text of the advice to Council is given in Annex "C". Members also agreed to monitor the situation and take action as needed.

Action: Chair

INTERVENTIONS BY OBSERVERS

This agenda item allowed three of the observers to make brief statements. Mr. G. Cook observed on the need for the Committee to meet with the public and signaled transboundary issues as a priority topic. Ms. J. Galbreath spoke about need for harmonization of air quality standards. Mr. A. Manson informed the participants on the status of National Committees in Canada.

NEXT REGULAR SESSION OF COUNCIL

This agenda item allowed the Executive Director to inform Members of the preparatory process envisioned for the next regular session of Council. The role of JPAC in the preparatory process was discussed. The need to carefully plan the private and public portion of the session was acknowledged. The public portion of the session was recognized as the area where JPAC 's advice could be most valued.

In order to actively contribute in the planning of the session of Council the Committee wishes to delegate a representative to the preparatory meetings being scheduled. The Chair will seek approval of Council for observer status at preparatory meetings. Ms. J. Richardson was designated as the Committee representative.

Action: Chair; J. Richardson

NEXT SESSIONS

Members agreed on the following meeting schedule:

April 27-28

July (at time of Council's regular session)

July 27-28 if Council does not meet

September 21-22

December 7-8

Members will gather informally the evening before the session starts.

Public Meetings: Members also agreed that at the time of the April 27-28 session a public meeting in Montreal will be organized on the special issue theme of the annual report: Energy efficiency. Another public meeting could take place in the Fall on the theme of transboundary issues.

Action: Chair

Economic Instrument Workshop: Members agreed to consider a proposal to be developed for a workshop on economic instruments as an initial activity under the *Environmental Policy Instruments, including Economic Instruments* program of the 1995 Work Program. The

workshop would be held in the Fall in Mexico. The proposal will be developed by L. Comeau and F. Barnes and reviewed at the April session. If the Committee concludes to proceed the proposal will be referred to the Council program working group for possible consideration for funding.

Action: L. Comeau; F. Barnes; Executive Director

CONCLUSION

In his concluding comments the Chair observed that much had been achieved over the two days and members again had demonstrated their ability to quickly work together. He added that the Committee had begun to establish an harmonious yet independent relationship with Council and the Secretariat.

The meeting adjourned at 1:00 p.m. January 13, 1995

Prepared by Gilles Lamoureux
January 27, 1995
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Annex A

J.P.A.C. MEETING - January 11, 12, 13, 1995

List of participants

Canada

Michael Cloghesy

Louise Anne-M. Comeau

Jacques Gérin

México

Dr. Francisco Barnes

Dr. Jorge Bustamante

Lic. María Cristina Castro Sariñana

Dr. Ivan Restrepo

United States

Peter Berle

Jonathan Plaut

Jean Richardson

John D. Wirth

Observers

Andy Bowcott (Environment Canada)

Greg Cooke (National Advisory Committee, USA)

Jan Gilbreath (Program for US-Mexican Policy Studies, University of Texas)

Adam Greene (United States Council for International Business)

Alex Manson (Environment Canada)

Eric Palola (National Wildlife Federation, Vermont)

John Robertson (Student of Dr. Richardson)

Todd Rogow (Student of Dr. Richardson)

John Taylor (Student of Dr. Richardson)

13-01-95

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Annex B

COMMITTEE SESSION

Montreal, January 11-13, 1995

PROVISIONAL AGENDA

(revised 01-13-95)

January 10:
(Evening)

INFORMAL GATHERING

January 11:

09:00

APPOINTMENT OF THE CHAIRPERSON (RATIFICATION)

09:15

REMARKS BY CHAIRPERSON

09:30

APPROVAL OF AGENDA

09:35

REVIEW OF THE NOTES OF THE JULY 25-26 SESSION

09:50

UPDATE BY EXECUTIVE DIRECTOR

10:45

JPAC OPERATION (In camera)

11:15

KEY ISSUES FOR JPAC

13:00

LUNCH

15:00

KEY ISSUES FOR JPAC (Continuation of discussion)

17:00

INTERVENTIONS BY OBSERVERS

18:00

ADJOURNMENT

January 12:

- 09:00 1995 PROGRAM AND BUDGET
- Presentation by Executive Director
- 10:00 ANNUAL REPORT: PRIORITY ISSUE
- Presentation by Executive Director
- 11:00 GUIDELINES FOR SUBMISSIONS ON ENFORCEMENT MATTERS
- Presentation by Executive Director
- 12:30 LUNCH WITH PERSONNEL AT THE SECRETARIAT
- 15:00 JPAC WORK PROGRAM AND ACTIVITIES
- 17:30 ADJOURNMENT
- 17:45 RECEPTION HOSTED BY LE CENTRE PATRONAL DE
L'ENVIRONNEMENT DU QUÉBEC

January 13:

- 09:00 FINANCIAL REPORT
- 09:30 REVIEW OF DECISIONS:
- Chile
- Openness
- Factual submissions
- Annual report
- Case studies
- Priorisation
- 10:30 PLANNING NEXT SESSION OF COUNCIL
- 11:30 OTHER ISSUES
- 12:30 NEXT MEETINGS:
- April
- July
- September
- December
- 13:00 ADJOURNMENT
- LUNCH (will be served at the Secretariat)



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Annex C

ADVICE TO COUNCIL: No. 95-1

Expansion of NATFA

Following on the Summit of the Americas in Miami, the Joint Public Advisory Committee (JPAC) affirms to the Council that we welcome the expansion of NAFTA to include other countries in our hemisphere and we strongly believe that Chile, and other countries wishing to join NAFTA, must commit to the same comprehensive process that led to NAFTA. More specifically, we believe that any country seeking accession to NAFTA must be required to concurrently seek accession to the North American Agreement on Environmental Cooperation (the Side Agreement) in the manner prescribed in Article 49 of the Agreement.

The Side Agreement is based on a recognition that free trade by itself will not assure protection of the environment and that standards and safeguards are necessary to ensure the mutually supporting goals of economic development and environment protection. JPAC affirms this principle as an essential part of the NAFTA process. With this in mind, JPAC will invite the Government of Chile to send an observer to its next session and recommends that Council consider doing the same.

January 23, 1995

ADVICE TO COUNCIL: No. 95-2

Observers at JPAC meetings

The members of the Joint Public Advisory Committee (JPAC) are unanimous in reaffirming their commitment to operate in a transparent and open manner so as to achieve effective communications and share views with key stakeholders that have an interest in the North American Agreement on Environmental Cooperation and NAFTA. In this context, the members conclude that it would be mutually advantageous if the three Parties were to ensure the presence of a delegate to each of the meetings of JPAC. In addition, a standing invitation will be made to the Chairperson of each National and Governmental Advisory Committee to send an observer to meetings of the Committee. Each Party is requested to consider favorably requests for financial assistance from those bodies so as to permit their participation.

January 23, 1995

ADVICE TO COUNCIL: No. 95-3

Financial contribution of the parties

At its meeting of July 25, 1994, the JPAC made a number of recommendations to Council on the matter of financial contributions. In particular, the JPAC recommendations to Council included the following:

- “we strongly recommend that each Party contribute annually to the Commission the maximum allowed by their respective laws”
- “we strongly recommend that within budgetary limits, the Secretariat be given the maximum flexibility to determine program spending”

Having requested and received from the Executive Director a report on the financial situation of the Commission, the JPAC renewed with emphasis the recommendation it had made in July and expressed the strong hope that each party will contribute, in a timely and regular manner, the full amount of its contribution

January 23, 1995

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