

Looking to the future

Strategic Plan of the Commission for Environmental Cooperation 2005-2010

Our mission

To facilitate cooperation and public participation to foster conservation, protection and enhancement of the North American environment for the benefit of present and future generations, in the context of increasing economic, trade and social links among Canada, Mexico and the United States.

17 June 2005



Commission for Environmental Cooperation

393, rue St-Jacques Ouest, bureau 200

Montreal (Quebec) Canada H2Y 1N9

info@cec.org

<http://www.cec.org>

Contents

- 1. NAAEC/context**
- 2. Who we are**
- 3. Our first decade**
- 4. A vision for the future**
- 5. Priorities for the cooperation program**
 - 5.1 Information for decision making
 - 5.2 Capacity building
 - 5.3 Trade and the environment
 - 5.4 Other projects
- 6. Evaluating progress**
- 7. Citizen submission process**
- 8. Public participation**

Appendices

- NAAEC objectives (*Article 1*)
- Puebla declaration

The North American Agreement on Environmental Cooperation

In North America, more than 425 million people share a rich environmental heritage, ranging from tropical rain forests to arctic tundra and including deserts and wetlands, oceans and rivers, prairies and mountains. Together, these natural resources form a complex network of ecosystems that support a unique biodiversity as well as sustain our well-being and livelihoods. Since 1994, Canada, Mexico and the United States have collaborated in protecting North America's environment through the North American Agreement on Environmental Cooperation (NAAEC).

The NAAEC came into force at the same time as the North American Free Trade Agreement (NAFTA). In the same manner that NAFTA sought to dismantle barriers to trade and investment, the NAAEC seeks to build bridges among the three countries to promote environmental collaboration. Together, the environmental provisions of both agreements mark the determination of our three countries that economic growth and liberalization of trade would be accompanied by cooperation and continuous improvement in the environmental performance of each country.

More specifically, the NAAEC is intended to address potential trade-related environmental concerns, promote environmental cooperation in the region and support the effective enforcement of environmental law. The NAAEC was the first international agreement to link environmental cooperation with trade relations and the first to embed public engagement at the heart of its operations.

In addition to reinforcing the national obligations of each country to protect its own environment, the NAAEC establishes the Commission for Environmental Cooperation (CEC) to facilitate effective cooperation on the conservation, protection, and enhancement of the North American environment. The CEC partnership is unique. Through the CEC, the governments of Canada, Mexico and the United States and North American civil society work together to pursue what none of the three countries could achieve on its own.

The NAAEC describes in broad terms a number of areas of work for the CEC, including:

- a program of cooperative activities on a wide range of environmental issues (Article 10);
- the processing of submissions on enforcement of environmental laws, including factual records when warranted (Articles 14 and 15);
- reports on environmental issues of regional importance (Article 13), and periodic assessment of the state of the North American environment (Article 2); and
- the analysis of NAFTA's environmental effects and the resolution of environmental trade disputes (Article 10(6)).

Who we are

The CEC accomplishes its work through the combined efforts of its three principal institutions:

- The *Council*, composed of cabinet-level environment officials from the three countries, is the CEC's governing body. The Council meets once a year and is responsible for setting the CEC's overall direction, including its budget, and monitoring the progress of its projects against their objectives;
- The executive director of the *Secretariat*, in accordance with direction from the Council, submits for approval of the Council the annual program and budget of the Commission, including provision for proposed cooperative activities and for the Secretariat to respond to contingencies. The Secretariat provides administrative, technical and operational support to the Council, and other support as the Council may direct. It also has special responsibilities in the Submissions on Enforcement Matters (SEM) Process and the preparation of reports under Article 13; and
- The *Joint Public Advisory Committee (JPAC)*, composed of fifteen citizens (five from each country), advises the Council on any matter within the NAAEC's scope and serves as a source of information for the Secretariat. JPAC's vision is to promote continental cooperation in ecosystem protection and sustainable economic development, and to ensure active public participation and transparency in the actions of the Commission.

In addition, both Canada and the United States have created National Advisory Committees and the United States has also established a Governmental Advisory Committee. These committees provide general and specific advice to their governments on NAAEC's implementation and the CEC's operations. In Canada, decisions regarding CEC matters are coordinated through a Governmental Committee headed by the federal environment minister and the environment ministers of those provinces who have signed the Canadian Intergovernmental Agreement (CIA), an agreement that was negotiated with the provinces and territories to create a mechanism to provide for their participation in the NAAEC. Signatory provinces include Alberta, Manitoba and Quebec. These provinces assume the obligations set out in the NAAEC, in accordance with their respective jurisdictions, and have a key role in Canada's ongoing management and implementation of the Agreement.

The Council will continue to rely on advice and guidance of government officials, any Council-established groups or committees, and others to advance the priorities described in this Strategic Plan.

The Council recognizes that the existing working groups¹ continue to contribute significantly to the CEC work and it is clear their assistance will be needed in this transition period in which the Council should define the future of these working groups in order to have compliance with the Strategic Plan.

The CEC Council operates on the basis of consensus, with the exception of specific instances where majority votes are called for, such as in connection with citizen submissions or Article 13 reports.

The CEC's institutions rely on the following principles in guiding their partnership:

- Flexibility and mutual support
- Openness and transparency
- Accountability

The CEC budget is US\$9 million a year, contributed equally by the three Parties. This sum is complemented with staff time and expertise contributed by each of the Parties as well as resources contributed by the CEC's partners in the completion of specific projects.

1. As of June 2005, the Council-established working groups which have been created prior to this Strategic Plan are: the North American Working Group on the Sound Management of Chemicals; the Biodiversity Conservation Working Group; the North American Working Group on Environmental Enforcement and Compliance Cooperation; the North American Air Working Group; and the Environment and Trade Officials Working Group.

Our first decade

The CEC celebrated its tenth anniversary in 2004. An independent ten-year review emphasized the valuable contribution that the CEC had made and pointed to several notable achievements. It found that, over its first decade, the CEC has:

- helped create a North American environmental community that provides the moral and scientific authority for the three governments to address issues of continental importance.
- achieved substantial results on key North American issues such as chemicals management and set the basis for progress on the conservation of continental biodiversity.
- built substantial environmental capacities, largely in Mexico but also in the United States and Canada.
- advanced our understanding of trade-environment linkages and has provided useful information on the North American environment to a range of audiences.
- successfully promoted citizen engagement on environmental issues and increased government accountability regarding the enforcement of environmental laws.

We have learned a great deal from our work over the course of our first decade. The CEC's efforts in assembling and analyzing environmental information on a North American scale continues to bring new attention and understanding to critical issues facing all three countries. Our successful collaboration on protecting biodiversity and managing toxic chemicals demonstrates that common approaches are effective in addressing shared problems. We also know that the CEC, working with partners, needs to invest more systematically in strengthening North American environmental management capacities. We have determined that freer trade and a healthy environment can be mutually supporting, provided countries establish and enforce appropriate environmental laws and policy. Civil society's contribution to our work reaffirms the imperative of public participation in environmental management.

We have also learned that stronger results will come from more focused and concerted action. The CEC has thus narrowed its priorities and streamlined its work program to address those critical matters on which the CEC can make a real difference. This strategic plan presents what the CEC wants to achieve over the course of the next five years and how it plans to do so. It also clarifies the roles of the CEC's bodies regarding that program.

A vision for the future

In June 2004, Canada, the United States and Mexico signed the *Puebla Declaration*, which sets out the Parties' vision for the CEC for the next decade, a vision of:

... an organization that is a catalyst for action by the Parties and others to ensure our air is cleaner, our water purer, and our plant and animal species better conserved and protected, as our countries' economic relationship grows. We also see the organization as a forum through which we can discuss and facilitate regional action on our common global commitments. Over the next ten years, we want the CEC to be known for concrete results and for quality information and analysis, which have policy-relevance to the three countries

The Puebla Declaration emphasizes several important attributes that the CEC will pursue over the course of the next decade:

- *The CEC as a catalyst:* as a small organization with a broad mandate, the CEC needs to work in partnership with various levels of government and stakeholders. Its role is to encourage and facilitate action by the Parties and by stakeholders through its work.
- *The CEC as a forum to facilitate regional action:* the CEC focuses on issues that are regional in scope and a high priority for each Party. Canada, Mexico and the United States face many common environmental issues and, in some cases, have made the same international commitments. The CEC can help the three countries coordinate their national approaches to these issues, leading to more effective action.
- *The CEC as a producer of concrete results:* the CEC will provide timely and policy-relevant recommendations to achieve concrete results in the areas that the Council defines.
- *The CEC as a provider of scientifically rigorous information:* the CEC will foster the greater comparability, compatibility and accessibility of high-quality information at a North American scale to support environmentally suitable decisions based on sound science.

Priorities for the cooperative program

The CEC's cooperative program directly engages the three countries in a united effort to contribute to protecting the North American environment. This program promotes and facilitates cooperation among the Parties and provides the tools and information to allow citizens, governments and industry alike to protect our common environment better as our continental economy grows. The Parties have chosen three broad priorities for the CEC's cooperative program over the next five years. These are:

1. *Information for decision-making*
2. *Capacity building*
3. *Trade and the environment*

To advance our three priorities, Canada, Mexico and the United States have embraced specific five-year goals and objectives, and formulated long-term cooperative initiatives to meet them. Building on the CEC's experience to date, these initiatives comprise a focused, integrated and coherent effort to produce visible and concrete results. While individual projects in the CEC's cooperative program may change from year to year, the objectives will remain the same for the life of this strategic plan. Underpinning our agenda is a quality assurance framework that supports the credibility of CEC information products and services and the integrity of its processes.

We intend to pursue these mutually supporting priorities as a comprehensive effort. Capacity building is a built-in feature in projects under all three priorities; information projects will also contribute to the achievement of the trade and the environment objectives. We will design and manage the various projects under the priorities so as to strengthen these relationships.

“We want the CEC to be an organization recognized for its credible, balanced and timely information on the North American environment, and want to ensure that this information is available and accessible to all interested parties.”

Puebla Declaration

5.1 *Information for decision-making*

To resolve environmental problems that are North American in scope, decision-makers at all levels in all three countries need the best information in order to set objectives, implement solutions and monitor the effectiveness of their choices.

To help manage cross-boundary issues, the CEC will work to increase the comparability, reliability and compatibility of national and subregional information. The CEC has already begun to develop and link multinational databases and information networks in such areas as pollutant releases, ecological integrity, and trade-environment relationships. The CEC will continue this work and will also develop common standards and methodologies to integrate various information-related activities and reporting mechanisms being used in North America. The CEC will continue to ensure that its science and information products are of high quality. As well, the CEC will build on national efforts by focusing on trans-border issues that the Council has identified as priority concerns.

The CEC's long-term **goal** for this priority is to support better decision-making by providing information on the key environmental challenges and opportunities facing North America.

Specifically, over the next five years, the CEC's information **objectives** are to:

1. Strengthen the capacity of North American decision-makers to understand continental environmental issues of common concern.
2. Establish an environmental information and knowledge framework for North America.
3. Develop the information needed to describe the state of the North American environment and to identify emerging trends and issues.
4. Make environmental information more widely available to facilitate local, national and regional action.

The CEC will pursue these objectives through several mutually-reinforcing **initiatives**:

- the development of an information systems strategy including the development and application of a quality assurance framework;
- the development over time of an online North American environmental atlas depicting environmental protection, conservation, biodiversity and other information on a continental scale;
- the continued synthesis of North American air emissions and monitoring information;
- the annual publication of *Taking Stock*, the CEC's well-known report on North American pollutant releases and transfers, including more thorough integration and comparison of Mexican information;
- the improvement of monitoring information on persistent toxic substances in the North American environment; and

“We recognize the different capacities of the Parties and the continuing, urgent need to focus on institutional capacity building in order to ... gradually strengthen the capacity for sound environmental management across North America.”

Puebla Declaration

- the periodic publication of state of the environment reports and indicators, based in large part on the preceding work.

The CEC will focus initially on the theme of air quality, building from the momentum of recent and current work. Over time, these initiatives, taken together, will enable the Parties and others to make increasingly better-informed decisions on a variety of other North American environmental concerns, including invasive species, toxic substances and wildlife conservation.

5.2 Capacity building

Since its early days, the CEC has played an important role in strengthening the capacity of government, industry and civil society for sound environmental decision-making across North America. It has done this through initiatives whose primary purpose has been to foster progress in shared concerns such as the sound management of chemicals, pollution prevention, conservation of biodiversity, and the coordination of pollutant release and transfer registries.

Still, there is need to develop stronger institutions and to share environmental knowledge with a wider range of stakeholders in society. In this vein, the Parties aim to:

- develop model approaches that can be adapted to other settings;

- focus on improving compliance with existing environmental laws;
- emphasize institutions rather than individuals;
- address both environmental conservation and protection issues;
- work with the private sector and communities, as well as with government; and
- identify practical, short-term, targets but in the context of a long-term perspective.

Specifically, the CEC’s **goal** is to strengthen the capacities of the three countries to manage environmental issues of common concern. Its **objectives** over the next five years—focusing on Mexico—are to cooperate to:

1. Strengthen capacities, where needed, to improve compliance with wildlife laws.
2. Improve private sector environmental performance through model environmental compliance approaches.
3. Strengthen capacities to conserve species and habitat of common concern by, among others, creating capacity building for planning, monitoring and management, with the participation of all relevant stakeholders.
4. Strengthen the Parties’ abilities to assess and manage chemicals of concern.

As a first step, Mexico will formulate an assessment of its environmental management capacity needs, priorities, and opportunities for cooperation in North America.

“We want to build on the CEC’s recognized expertise on trade and the environmental linkages, and to address specific trade and environmental issues more effectively.”

Puebla Declaration

For its part, the CEC will pursue the objectives through three multi-year **initiatives** in Mexico:

- training for wildlife enforcement officers and other stakeholders, as appropriate;
- the promotion of better environmental management in selected industries and regions; and
- the development of processes to secure ecological integrity and promote ecosystem and species management.

While these initiatives focus mostly on Mexico, they will benefit all three countries: more effective Mexican enforcement of its wildlife laws, for example, will help protect migratory species that the three countries share; for their part, Mexican pollution prevention projects will reduce the risk that toxic substances pose to all three countries. The CEC’s Clean Electronics Pollution Prevention Partnership will involve and benefit all three countries.

5.3 Trade and the environment

Promoting a better understanding of trade and environment relationships is one of the main reasons the CEC was established. Since its creation, the CEC has developed methodologies to analyze these relationships and has acquired expertise in this area. The CEC has also helped to build positive links between environmental goals and trade. For example, the CEC’s assistance to coffee growers in establishing a North American market for shade-grown coffee—a practice that conserves critical

species habitat—is an example of harnessing the power of markets to facilitate sustainable development and trade.

As the North American economy becomes increasingly integrated, there continues to be a need to anticipate and address environmental concerns associated with increased trade, such as the spread of harmful exotic species, and to decouple economic growth from negative environmental impacts.

The CEC’s **goal** is to promote policies and actions that provide mutual benefits for the environment, trade, and the economy. Its **objectives** are to:

- Enhance North American trade in green products and services, with a view to improving environmental protection, promoting sustainable use of biodiversity, removing trade barriers and utilizing market-based approaches.
- Increase the capacity of the three countries to identify and address trade-related environmental concerns to achieve mutual benefits for trade and the environment and improve collaboration among the three countries in these areas.
- Broaden understanding of trade and environment linkages and thereby promote policy coherence, both at the domestic and regional levels in North America.
- Improve regional and national coordination, including coordination between the CEC and NAFTA Free Trade Commission through ongoing collaboration of trade and environment officials.

To meet these objectives, the CEC will undertake the following **initiatives** over the next five years. It will:

- Continue documenting the environmental effects of trade liberalization in North America; improve the capacity of the CEC and the Parties to analyze and understand NAFTA's environmental effects; and support informal exchanges between Canada and the United States and with Mexico as appropriate, on methodologies for conducting environmental reviews of trade agreements, with a view to using such methodologies to better assess the environmental effects of NAFTA.
- Promote the North American renewable energy market.
- Promote North American markets for green products and services.
- Promote and facilitate training, compliance assistance and enforcement to expedite and facilitate the movement of legal materials while stopping shipments of illegal materials that could present threats to human health or the environment.
- Reduce the environmental and economic harm caused by Invasive Alien Species (IAS) through the development of guidelines for the three countries to use when conducting risk assessments of both pathways for IAS and high-risk species and through other cooperation aimed at the prevention, detection, and eradication of IAS.
- Promote better use of market-based approaches to support environmental protection, conservation, and the sustainable use of biodiversity.

5.4 *Other projects*

In addition to the initiatives described above, the CEC will continue its highly successful collaboration on the sound management of chemicals, focusing on the control of specific toxic chemicals and the strengthening of North American capacity for environmental monitoring.

The CEC will complete a number of existing projects in 2005. These include various biodiversity-related activities, work on disclosure of environmental information, and work on children's health and the environment.

Efforts to forge partnerships with other institutions are producing results. For example, the CEC is collaborating with the World Bank to assist Mexico in implementing the Stockholm Convention on Persistent Organic Pollutants (POPs). As well, the World Bank and the Parties are providing financial support to the CEC's monitoring of POPs and heavy metals in maternal cord blood.

6

Evaluating progress

The CEC's monitoring, evaluation and reporting framework provides specific and timely information to measure progress in each of the priorities outlined above. The CEC Council will continue to meet annually to review progress and take corrective action, if required. The results of the work accomplished will be tracked on the basis of project indicators and regular project evaluations. Such tracking will be facilitated by CEC initiatives meeting the test of being SMART: Specific, Measurable, Achievable, Realistic and Time-bound. These characteristics not only make measuring progress easier, but also support better-informed decisions regarding priorities, program management and budget allocation.

7

Citizen submission process

Under Articles 14 and 15 of the NAAEC, the Submissions on Enforcement Matters (SEM) process allows any person or nongovernmental organization (NGO) residing in North America to make a submission to the CEC asserting that a partner country is failing to effectively enforce its environmental laws. A submission can trigger an investigation by the CEC Secretariat, with Council's approval, and the publication of a factual record. This process contributes in important ways to greater transparency, accountability and environmental protection. The CEC will continue to process citizen submissions in an objective, rigorous and transparent manner and will prepare factual records where warranted. As stated in the Puebla Declaration, the CEC Council commits "to exploring ways for each Party to communicate how matters raised in factual records may be addressed over time."

Public participation

Public participation is one of the keys to the CEC's success. More so than any other trade-related international organization, the CEC encourages the public to be involved in its activities. Over the next five years, the CEC will seek to increase the involvement of the constituencies engaged in its work by engaging a broad and balanced spectrum of other levels of government, environmental groups, academics, the private sector, indigenous and local communities, civil society and others.

The Joint Public Advisory Committee will continue to play a key role in promoting active public participation and greater transparency in the actions of the Commission.

Appendix 1

NAAEC Objectives

Article 1: Objectives

The objectives of this Agreement are to:

- (a) foster the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations;
- (b) promote sustainable development based on cooperation and mutually supportive environmental and economic policies;
- (c) increase cooperation between the Parties to better conserve, protect, and enhance the environment, including wild flora and fauna;
- (d) support the environmental goals and objectives of the NAFTA;
- (e) avoid creating trade distortions or new trade barriers;
- (f) strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices;
- (g) enhance compliance with, and enforcement of, environmental laws and regulations;
- (h) promote transparency and public participation in the development of environmental laws, regulations and policies;
- (i) promote economically efficient and effective environmental measures; and
- (j) promote pollution prevention policies and practices.

Appendix 2

Puebla Declaration: Eleventh Regular Session of the CEC Council

Puebla, Mexico, 23 June 2004—We, the environment ministers of Canada, Mexico and the United States, members of the Council of the Commission for Environmental Cooperation (CEC or “the Commission”), met for our annual regular session on 22 and 23 June 2004.

The year 2004 marks the tenth anniversary of the North American Agreement on Environmental Cooperation (NAAEC) and the North American Free Trade Agreement and is an occasion to assess our work. We see this as an opportunity to review our progress, re-affirm our commitment to the CEC, and set directions for the future. The report of the independent Ten-year Review and Assessment Committee has provided an important basis for our deliberations.

Looking forward, our vision of the CEC is of an organization that is a catalyst for action by the Parties and others to ensure our air is cleaner, our water purer, and our plant and animal species better conserved and protected, as our countries’ economic relationship grows. We also see the organization as a forum through which we can discuss and facilitate regional action on our common global commitments. Over the next ten years we want the CEC to be known for concrete results and for quality information and analysis, which have policy relevance to the three countries.

We recognize the value of the CEC’s work on environment, economy and trade; biodiversity conservation; pollutants and health; and law and policy. Looking forward, we commit to grounding the CEC’s work program, starting in 2005, in results-oriented strategic plans for three priorities: information for decision-making, capacity building, and trade and environment. These are priorities that the CEC is uniquely positioned to help the three countries address together—and separately—for the benefit of North America.

We want the CEC to be an organization recognized for its credible, balanced and timely information on the North American environment, and want to ensure that this information is available and accessible to all interested parties in order to provide governments, the private sector, and citizens alike with information to address the key environmental challenges and opportunities facing the region. We support strengthening the CEC’s information-gathering activities, databases, and communications, and making linkages with other information systems, such as the Global Earth Observation System of Systems.

In developing the strategic plan for information, we will build a knowledge base related to contaminants, the integrity of our ecosystems, and our ability to ensure environmental security at our borders. We will focus on information that is key to providing answers regarding the state of our North American environment, and will develop and use information technologies that will help us access and share this information.

We recognize the different capacities of the Parties and

the continuing, urgent need to focus on institutional capacity building in order to sustain targeted results. We acknowledge that this is especially important for Mexico, and want the CEC to assist those concerned in the three countries—governments, the private sector, environmental organizations, academia, indigenous and local communities, and others—in gradually strengthening the capacity for sound environmental management across North America.

In developing a capacity-building strategic plan, we will focus on priorities such as our abilities to assess and manage chemicals of concern, undertake pollution prevention, participate in biodiversity conservation, and improve our enforcement efforts.

We want to build on the CEC's recognized expertise on trade and environmental linkages, and to address specific trade and environmental issues more effectively. We will enhance the positive working relationship that has been developed with our trade counterparts to ensure trade and environment policies are mutually supportive. We will continue our work with the NAFTA Free Trade Commission, under the Article 10(6) Working Group, to develop a strategic plan on trade and environment.

As we work to develop the plan, we will consider, among other priorities, areas which could include: establishing key elements to enhance markets for renewable energy; addressing issues related to trade pathways for invasive species; trade and enforcement of environmental laws, including enforcement of domestic laws that address transboundary trade in environmentally sensitive goods and materials; environmental procurement practices; market-based approaches to connect North American ecoregions; and sharing, as appropriate, information on methodologies for conducting environmental reviews of trade agreements with a view to better assessing the environmental effects of NAFTA.

The NAAEC and the CEC have been a bold ten-year initiative in building a continental framework for trilateral environmental cooperation within the context of increasing trade and economic ties amongst our three countries. We recognize the significant progress accomplished and the invaluable contribution of the Secretariat and the Joint Public Advisory Committee (JPAC), as well as the efforts of the CEC's working groups. We know it is critical to streamline the work of the CEC and to focus our work on generating concrete, measurable results that will make a difference to the environment in North America. We recognize that there will be a transition period as we adjust the work program and apply new approaches to achieve our goals.

While we are focusing on the CEC's work around three main themes, it is also important to identify and keep abreast of emerging issues, particularly those which have special relevance for North America. We continue to support the CEC's Article 13 work to identify emerging issues, and to provide recommendations to the Parties for addressing these issues.

We continue to be supportive of the process for submissions on enforcement matters, and commit to exploring ways for each Party to communicate how matters raised in factual records may be addressed over time.

As we move to the next ten years in the life of the CEC, we look to a skilled Secretariat to help us achieve our vision for the organization. We are committed to strengthening the relationship amongst all parts of the CEC—the Council, the Secretariat and JPAC. We seek to grow the constituencies engaged in the work of the CEC by including a broad and balanced spectrum of other levels of government, including local governments, environmental groups, academics, the private sector, indigenous and local communities, civil society, and others. We envision a strong role for the CEC in promoting partnerships across this spectrum. We will continue to place great value on advice from JPAC, which reflects the diversity and innovative views of its members.

We have important work ahead, and we are confident that our strong commitment to the CEC will contribute to a cleaner, healthier, and more sustainable North American environment for future generations.



Commission for Environmental Cooperation

393, rue St-Jacques Ouest, bureau 200
Montreal (Quebec) Canada H2Y 1N9
info@cec.org
<http://www.cec.org>