

AGREEMENT ON ENVIRONMENTAL COOPERATION¹
COMMISSION FOR ENVIRONMENTAL COOPERATION
TRADITIONAL ECOLOGICAL KNOWLEDGE EXPERT GROUP
TERMS OF OPERATION

August 2021

Introduction

Article 3(6)(a) of the Agreement on Environmental Cooperation among the Governments of Canada, the United Mexican States, and the United States of America (ECA) provides that the Council of the Commission for Environmental Cooperation (CEC or “the Commission”) may “establish and assign responsibilities to *ad hoc* or standing committees, working groups or expert groups.” Moreover, Council Rule of Procedure 7.1 states that “[T]he Council may establish and assign responsibilities to *ad hoc* or standing committees, working groups or expert groups as it may require to fulfill its mandate,” and that “[t]he Council shall establish the terms of reference and guidelines, for the committees and groups.” and that “[t]he Council may request the Secretariat to assist in carrying out these functions.” The Council also approves the budget for *ad hoc* or standing committees, working groups or expert groups.

Authority

- Pursuant to Article 3(6)(a) of the ECA, the Council hereby decides to continue the operation of the Traditional Ecological Knowledge Expert Group (“Expert Group”) originally established in the Terms of Operation of the Traditional Ecological Knowledge Expert Group dated June 2017. The Expert Group continues to be composed of individuals identified by the Council members as expert advisors on Traditional Ecological Knowledge (TEK). Also, in accordance with Council Rule of Procedure 7.1, the Council hereby establishes the Terms of Operation applicable to the Expert Group and sets forth their intended operating rules.

Functions

- When requested by Council, through the Alternate Representatives or the General Standing Committee, the Expert Group will, individually or as a group, provide advice to the Council on opportunities to apply TEK to the CEC’s operations and policy recommendations. The Expert Group may also provide advice and guidance on the

¹ Agreement on Environmental Cooperation among the Governments of Canada, the United Mexican States, and the United States of America, which entered into force on 1 July 2020, and superseded the North American Agreement on Environmental Cooperation (“NAAEC”).

application of TEK to ongoing CEC work and undertake other activities as the Council may request.

Membership and Structure

- The Expert Group is to be composed of nine individuals, unless the Council decides otherwise, with each Party appointing an equal number of members. Each member shall be appointed to a four-year term, with the possibility of an additional term decided by the Party appointing the member.
- When a Party appoints a member to the Expert Group, it shall notify the Council and the CEC Secretariat and include in the notification the member's contact and biographical information.

Facilitator

- The Expert Group may choose a facilitator from among its members for a one-year term, which may be renewed once. The facilitator role is to rotate consecutively among the appointees from Canada, Mexico, and the United States.
- The facilitator acts as a primary point of contact to the Council, CEC Secretariat, and Joint Public Advisory Committee (JPAC) and guides the activities of the Expert Group.
- The facilitator retains the right to provide individual advice regarding the application of TEK.

Meetings

- Members of the Expert Group may convene at the request of the Council, the Alternate Representatives, or the General Standing Committee. The Expert Group may also convene during meetings of JPAC and at other times consistent with the Expert Group's functions.
- Members of the Expert Group are encouraged to participate in the Group's meetings and other relevant meetings and activities via technological means when practicable.

Languages

- Meeting attendees may participate in any of the official languages of the Commission: English, Spanish, or French.

Advice and Record-keeping

- The Expert Group facilitator or his/her designee shall ensure that a summary of the minutes of each meeting or activity, and advice to the Council or to JPAC, are developed and communicated to the appropriate recipient(s). When taking part in the meeting, the

Secretariat will maintain minutes and records of the meetings. Members of the Expert Group may make corrections to the summary or advice before it is finalized.

Travel & Expenses

- Funding for the Expert Group is to be itemized in the budget of the CEC as determined by the Council.

Standards of Conduct

- Members of the Expert Group are to conduct themselves in a manner befitting the international character of the Commission, adhering to the highest ethical standards and their Council-assigned responsibilities. Members are to exercise discretion, tact, and timeliness in the performance of their duties. Members are not, directly or indirectly, to solicit or accept gifts from any source that could compromise or be perceived to compromise their independence and integrity. Active Expert Group members are expected to refrain from applying to CEC grant announcements, consultant and employment opportunities or from seeking any other personal benefits in connection with their membership.

Confidentiality

- Members of the Expert Group are to safeguard from public disclosure any information received in their official capacity, unless such information is in the public domain, or such disclosure is authorized by the Council through the Alternate Representatives or the General Standing Committee.

Conflict of Interest

- Members of the Expert Group are to recuse themselves from any matter that presents or might be perceived to present a personal conflict of interest and are to inform the Council without delay of any conflict or potential conflict of interest. For example, a direct conflict of interest exists when an Expert Group member is part of a selection or grant committee and is closely related to, or affiliated with, a candidate organization or person.