

## Vic Shantora – Comments for JPAC consideration related to future of NAFTA and NAAEC

My apologies for not using the mechanism provided on the CEC's web site in submitting these comments. I am travelling and having trouble using the tools provided.

By way of background, I should let you know that I have worked with the CEC since its inception, first as an Environment Canada employee and then, for a number of years as a Secretariat employee. I am retired now but continue to follow the work of the CEC. I appreciate this opportunity to provide comments on future directions. Because I'm travelling, I will not be able to join the JPAC discussions this week – I trust that, as usual, those discussions will be fruitful!

My comments follow:

Article 13 reports are a useful tool for highlighting environmental issues that transcend North America, for example the last one 'Spent Lead Acid Batteries' identified the trade-flow of these 'wastes' between the 3 countries. There have been no Article 13 reports initiated in the last while, yet there is opportunity to prepare these on a regular basis and JPAC could play a useful role in flagging issues worth examining. The ground rules and procedures around preparing Article 13 reports could be upgraded to include a formal role for expert advisory panels, stakeholder consultation, peer review process, etc. This would help ensure that the reports meet the highest standard of scientific rigour and quality. Adequate funding should be set aside to ensure that the work proceeds without interruption or short-cuts.

I believe the SEM process is unique to the NAAEC and should be continued. The quality of the reports has been excellent, the lawyers assigned to do the work very competent and thorough in their work. Hopefully the parties have been able to take learnings from the reports and upgrade enforcement practices where needed. The process as currently structured is too long and cumbersome and should be streamlined. The parties now seem to be inclined to vote against proceeding with reviews. This is unfortunate because it fuels the belief in the public's mind that environmental laws are not being enforced to the extent that they should be.

While SOE reporting provisions are contained in the NAAEC none have been initiated in a very long time. Perhaps this is because each party has their own domestic process that cannot be synced to coincide with a North America wide look at SOE, or perhaps they have simply fallen out of favour. A new NAFTA/NAAEC structure could reconfigure these to be 'State of Sustainability' reports – to be prepared on a regular basis - that would draw from the efforts of the parties to meet current UNEP sustainability goals. A CEC report would not have to undertake new work but rather summarize the work of the parties in meeting the UN goals and present them in the context of the North American ecosystem.

Regarding future activities, I think it is clear that the targets in the Paris Climate Accord, as modest as they are, are not going to be met. Therefore, focus will need to turn to developing and implementing adaptation strategies. The CEC could play a significant role in identifying those strategies that are most suitable for adoption in a North American context. Future operational plans should address adaptation strategies as an ongoing element of the CEC work program.

My final comment relates to personnel issues. I do not believe the NAAEC adequately addresses the roles and responsibilities of Secretariat staff in handling personnel issues, nor are there specific terms to outline protection of employee rights. It is simply **out of date** on these matters. All Secretariat employees should feel safe in reporting problems with the full knowledge that legitimate complaints will be heard and acted upon. Parties should ensure that a new NAAEC is as protective of Secretariat employees rights and responsibilities as their own domestic laws and policies. Depending on the circumstances surrounding a particular issue, and without subverting the role and responsibilities of the Executive Director, formal resolution mechanisms should offer/require engagement of the parties.

Regards,

Vic Shantora

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