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ADVICE TO COUNCIL NO: 04-04

Re: New Directions for the Commission for Environmental Cooperation of North America

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America;

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC), which states that JPAC “may provide advice to Council on any matter within the scope of this agreement [...] and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct”;

HAVING held a plenary session with the public on 27 October 2004 and received input on the three pillars identified in the *Puebla Declaration* setting a new strategic direction for the CEC, namely: Information for decision making, capacity building and trade and environment including the NAAEC Article 10(6);

APPRECIATIVE of the presence of the Alternate Representatives at the opening of the plenary session to explain and situate the planning process;

BENEFITTING from a discussion of the preliminary results from the plenary session with the Alternate Representatives during an in-camera session on 27 October 2004;

NOTING JPAC’s endorsement of a more focused work program guided by a concise strategic plan and taking into account the results of the Ten-year Review and Assessment Committee report;

[JPAC provides the following observations and recommendations](#) for consideration by the Council as development of the Strategic and Operational Plans moves forward:

By way of introduction, it is important to note for the record that despite the fact that the CEC has a mandate for openness, transparency and public participation, by having had only last-minute access to the documents developed by the Parties to draft the Goals, Objectives and Actions, JPAC and for that matter, the public, are operating at a disadvantage in this decisive planning process, limiting our ability for a more fulsome contribution. It was difficult to understand some of the terminology used in the

presentations available during the plenary session without a prior understanding of the intent of the authors. Also, it would have been most helpful for JPAC and the public to understand what criteria were used to identify priorities. An adequate opportunity for public comment must be provided before the strategic and operational plans are finalized with key Secretariat staff in attendance

Information for decision-making

- A balance needs to be found between the need to collect and report on so-called 'hard' science and other important and equally valid sources of information, like the traditional knowledge held by indigenous peoples and local communities. These other sources of knowledge and information will help create a more complete picture of our shared North American environment. It is not just a question of collecting these other sources of information. The CEC has done very well in convening scientists and policy-makers. It should now turn its attention to bringing indigenous peoples and others into the CEC's work.
- The CEC could develop as a centralized environmental information centre allowing us to identify gaps and methods for generating information that is comparable and compatible with information technologies. Academia is both a producer and a user of information. As such, their participation in further developing this Goal should be actively sought.
- Transparency in how information is used and interpreted needs to be increased. The CEC faces the policy challenge of developing civil society's confidence that the information being used by decision makers is not biased or manipulated for political purposes. This will require that more space be made for the public in the operation of the organization, including with regard to the tradition of closed government working groups set up to implement the work program.
- The *Taking Stock* series, based on the pollutant release and transfer information publicly available in each country, is a very useful product for stakeholders and should be maintained. Every effort should be made to close the gap between reporting of the data by governments and production of the annual *Taking Stock* reports. This series, and its special reports, is also a good example of how information can be made accessible and understandable to the non-specialized public to assist people in making decisions in the course of their day-to-day lives. The CEC should do more of this kind of reporting.
- JPAC strongly recommends that Council make every effort to reinvigorate support for the implementation of the *Cooperative Agenda on Children's Health and the Environment*, and to ensure that the environment and health agencies are working closely together, especially in Mexico. There is very strong public support for this program of work that provides key information related to children's environmental health outcomes.

Capacity Building

- JPAC strongly supports capacity building as a primary pillar of the CEC. It should be made very clear in the Goal and subsequent Objectives that efforts will not be limited to building capacity of governments. There was concern expressed by the public that the focus on civil society expressed in the Goal is not followed up in the Proposed Objectives.
- It was suggested that an interdisciplinary group for capacity building from within our three countries be established. The strengths and challenges for each country might be different; however, it should be possible for such a group to devise a set of complementary priorities for each country within a North American framework. In this spirit, Mexico should not be simply the recipient of capacity building –Mexico has much to offer, particularly in the area of biodiversity conservation.
- The border areas are good candidates for focusing efforts. There are currently some very good examples of institutions working together on the Mexican and US border with the common objective of protecting the environment and natural resources. These efforts should be documented and could serve as a template for initiatives in other areas
- CEC can reach out to other organizations engaged in capacity building and build on what others are doing. CEC does not have the financial resources to engage in effective capacity building completely on its own.
- NAFEC was an excellent vehicle for capacity building for local communities and NGOs. If it is not reinstated, an alternative is needed. One suggestion was to organize a core network of community of groups in our three countries to stimulate capacity building. They could then branch out and partner with other stakeholders.
- Along the lines of what the Expert Advisory Board on Children's Health and the Environment has noted, community capacity building efforts that focus on children's health and the environment would be most effective in empowering communities and citizens to protect children from environmental health threats.

Trade and Environment

The observations of both JPAC and the public on this third pillar were more punctual. It was clearly recognized that trade and environment are at the core of the CEC's mandate and that information and capacity building are there to assist the CEC in meeting its core objective.

- It was determined that several important points should be added in the further elaboration of this pillar:
 - There should be clear direction in support of promoting clean energy and fuel production and the role of ecological services.
 - Environment, environmental health, social impacts and labour should be integrated into the Proposed Goal. It was noted that people in

communities suffer double impacts – in the work place and in the communities where they live.

- There should be specific focus on children's environmental health, for example, by advancing the concept of ethical trade particularly with respect to goods, products and services that may expose children and other vulnerable populations to environmental health threats.

- Place an emphasis on effected communities in the Proposed Goal. The wording of this goal is biased in favour of enhanced trade suggesting that only benefits accrue while ignoring possible negative impacts.
- What is meant by "the economy" in the Proposed Goal? There are many different economies and with different results depending on the focus.
- A policy challenge was noted concerning the need to create a public dialogue to discuss and explore the range of issues related to enhanced free trade and the environment. There is no public dialogue mechanism built into the Free Trade Commission. This places additional responsibility for Council to ensure that Article 10(6) of the NAAEC is functioning and includes public participation.
- As planning advances in this area, it will be very important to develop tools that allow us to evaluate effectiveness and measure progress in relation to the overall mandate of the CEC.

Specific Obligations under the NAAEC

JPAC understands that the strategic planning process is intended to focus the work program to improve results, without prejudice to the specific obligations contained in the NAAEC. However, it is important to stress that these obligations, including the citizen submission process and the obligation to conclude an agreement on transboundary environmental impact assessment, must continue to receive full attention and careful implementation.

Finally, JPAC expects to be kept informed of progress and to receive draft documents as they are developed and to have an opportunity to comment, in consultation with the public, on the strategic and operational plans before they are finalized.

Approved by JPAC members

26 November 2004