



**Joint Public Advisory Committee (JPAC) Activities Report
to the Council of the Commission for Environmental Cooperation (CEC)
as of June 2004**

This table is intended to provide Council with an overview of JPAC activities since the June 2004 Regular Session of Council to assist discussions during the annual joint Council/JPAC session in June 2005.

Please note that JPAC activities have been undertaken 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”; and with Article 16(5), which provides that JPAC “may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15. The Secretariat shall forward to the Council copies of any such information.”

Please note the internal Council policy for producing responses to JPAC advice states that a response should be sent out **“within eight weeks of receiving the advice.”**

JPAC Activity and Context	Description	Status or Result
<u>Advice to Council 04-01: Securing the Long-term Involvement of Indigenous Peoples in the Activities of the Commission for Environmental Cooperation (17 September 2004)</u> <i>JPAC has a long- standing interest in improving the involvement of indigenous peoples in the work of the CEC. JPAC prepared a Plan for Capacity Building and Securing the Long-term Involvement of Indigenous Peoples in the Activities of the CEC in July 2004.</i>	The advice call for two immediate steps to implement the Plan developed by JPAC: 1. The Parties agree to consistently nominate indigenous peoples to JPAC, the NACs and GACs; and 2. Create a new permanent position at the Secretariat to be staffed by an indigenous person with responsibility for capacity building, guiding policy relevant work and developing an agenda for indigenous peoples within the CEC. JPAC further recommended that this plan be built into the 2005 work program.	Council replied on 1 March 2005 that the new capacity building initiative will consider creating replicable model projects in Mexico which would strive, through partnerships (including indigenous peoples) to address issues concerning matters of non-compliance with environmental laws; the Parties will consider the recommendation for more consistent nomination of indigenous peoples to JPAC, the NACs and GACs; and Council will consider the recommendation to create a permanent position at the Secretariat.
<u>Advice to Council 04-02: Future Directors for the North American Agreement on Environmental Cooperation (11 August 2004)</u> <i>In 2003, the CEC Council called for the establishment of a Ten Year Review Committee, composed of two representatives from each of the three NAFTA countries, to assess NAAEC’s implementation over its first decade and provide recommendations for the future. The committee produced its report in June 2004. JPAC held a public workshop during the June Council</i>	JPAC built on the report from the Ten-year Review Committee and identified priority recommendations. 1: A Renewed Commitment to the CEC 3: Advancing our Knowledge of Trade and Environment Linkages 4: Building Capacity for Stronger Environmental Partnerships 5: Getting the Relationships Right 9: Ensuring and Leveraging Sustainable Funding 13: Building the CEC Constituency 14: Implementation the Recommendations of the Report JPAC also expressed some reservations about Recommendations 10: Ensuring	Council replied on 1 March 2005 and welcomed JPAC’s further input on Recommendations 5, 9 and 13. Council also stated that no formal reporting on implementation was envisioned. Council also shared JPAC’s reservations concerning recommendations 10 and 11.

<i>meeting to review the recommendations.</i>	Effective Implementation of the Citizen Submission Process, and Recommendation 11: Reaching Agreement on Dispute Resolution under Part Five.	
<u>Advice to Council 04-03:</u> Review of the Operation of Council Resolution 00-09 on Matters Related to Articles 14 and 25 the Agreement (23 August 2004) <i>Council Resolution 00-09 contains a provision for review of its operation in two years. Council conducted a review and provided JPAC with draft documents: View of Council on Resolution 00-09 on matters related to Articles 14 and 15 of the Agreement and Report on the Council Review of the operation of Council Resolution 00-09.</i>	JPAC recommended that (1) when making decisions related to Articles 14 and 15, Council acts within the spirit and intent of Council Resolution 00-09 and continues to coordinate with JPAC to improve public participation, transparency and overall communications; and (2) when making decisions concerning factual records, Council makes every effort to ensure that the independence of the Secretariat is maintained. JPAC also reminded Council that it continues to take the view that supporting this process does not replace JPAC's authority to operate outside of the context of 00-09 should it choose to do so.	Council replied to JPAC's advice on 8 November 2004 taking note of JPAC's recommendations. Ongoing
<u>Advice to Council 04-04:</u> New Directions for the Commission for Environmental Cooperation (26 November 2004) The 2004 <i>Puebla Declaration</i> set a new course for the CEC and identified three broad priorities for the cooperative program over the next five years: Information for decision-making; Capacity building; and Trade and Environment. <i>JPAC held a public workshop on 27 October 2004 to receive input on the three pillars.</i>	Based on the public workshop and JPAC's own deliberations, the advice provided observations and specific recommendations for consideration as development of the Strategic and Operational Plans moves forward and organized these around the three new priorities.	Council replied on 1 June 2005, indicating that they are carefully considering JPAC's suggestions pertaining to each of the priority areas. In summary: Information for decision-making • Agree that traditional knowledge needs to be integrated as the work program is developed under information for decision-making. • Filling information gaps will continue to be an objective. • Will consider involvement of Academia • Will continue to produce reports using Taking Stock as an example of reports responsive to the role of the CEC, in providing public access to important environmental information. • Given that Mexico is currently re-evaluating its participation in the Cooperative Agenda for Children's Health, we are not in a position to continue any work at this time beyond completing the Children's

Advice to Council 04-04: New Directions for the Commission for Environmental Cooperation (26 November 2004) **cont...**

Advice to Council 04-04: New Directions for the Commission for

Health Indicators report by the end of the year.

Capacity Building

- As we continue to discuss potential projects, we are considering the engagement of a wide variety of participants.
- Beyond Mexico, also carefully considering the strengths and needs of our three countries in order to maximize the benefits of the work done by the CEC.
- Agree there is a need to consider partnering with other and/or leveraging resources from other sources.
- Agree to continue supporting local-level capacity building and to continue broadening the CEC's constituency base – this is the approach we are taking.

Trade and Environment

- Pleased to report that the 10(6) working group has been making significant progress towards the work to be undertaken in 2005.
- Have forwarded JPAC's suggestion to support clean energy and fuel production and the role of ecological services to the 10(6) working group.
- The 10(6) working group has formulated a focused goal and objectives which is broad enough to cover the topics suggested in JPAC's advice.
- Using the term "economy" helps to keep the goal broad enough to maintain the flexibility to incorporate a wide range of topics.
- Regarding transparency and public participation, Council will continue consultations with JPAC and domestic stakeholders as the 10(6) group further elaborates the strategic plan.

Evaluation and measurement

- Noted JPAC's concerns and

Environmental Cooperation (26 November 2004) <i>cont...</i>		appropriate tools will be built into the strategic and operational plans. Specific Obligations under the NAAEC • New direction will not alter the general obligations and commitment continues. Ongoing
<u>Advice to Council 04-05: Building the Renewable Energy Market in North America (29 November 2004)</u> <i>The CEC organized a workshop on the renewable energy market in North America. JPAC participated in this symposium.</i>	JPAC organized the advice around the three new priorities and provided some very concrete and substantive recommendations for each in the area of renewable energy.	<i>No response to date</i>
<u>JPAC at Ten Report by Eric Dannenmaier – (12 April 2005)</u> JPAC commissioned this independent report, which is based on the report of the Ten-year Review and Assessment Committee	Once the CEC Ten Year Review was completed, JPAC decided it wanted to expand their self evaluation and commissioned Mr. Dannenmaier to prepare a more comprehensive report. This publication is comprised of parts that deal with the CEC Advisory Committees in the original report, supplemented by more recent research on JPAC's work on the citizen submission provisions of the NAAEC. This report was also prepared at JPAC's request, as a means to create a public record of the advice provided to the TRAC as part of the CEC Ten Year Review.	The report was posted on the CEC Website on 12 April and during the JPAC Regular Session in San Diego California, the members agreed to have the document published. Ongoing
Letter to the Council Chair, Minister Stéphane Dion requesting appointments of three Canadian members to JPAC	As of 31 December 2004, there are three vacancies in the Canadian appointments.	During the GSC Conference call on 31 May 2005, Canada announced officially, that the three Canadian members had confirmed their appointments to JPAC. Joining for a second term will be Merrell Ann-Phare from Manitoba, along with Jean-Guy Dépôt and Irene Henriques, representing Quebec and Ontario accordingly.
First biannual in-camera meeting with the Alternate Representatives held on 26 October 2004 in Montreal, Canada.	Discussion focused on: 1. How communications between the Council/Alternate Representatives and JPAC may be strengthened.	1. The maize report was publicly released in November 2004. 2. JPAC has decided not to formally pursue the matter of conflict of interest – rather will

<i>At the meeting organized in the context of the 1998 Council Session in Mérida, the Council decided to hold three joint sessions with the JPAC per year (one at the ministerial level and two at the Alternate Representative level).</i>	2. Informing Council that JPAC would be conducting a public review on the matter of perceived conflict of interest using a report prepared by a consultant as the basis for the review. A courtesy copy of the report was given to the Alternate Representatives. 3. Urging that the maize report be made public as soon as possible. 4. Urging action on JPAC Advice to Council 04-01 regarding indigenous peoples in the context of planning for 2005.	continue to advocate for transparency and accountability in decision-making. 3. Referring to JPAC Advice 04-01, they noted that this was an important topic and undertook to respond. (note: response was received in March 2005).
JPAC Regular Session 05-01 held on 14 April 2005 and a public workshop on the CEC Strategic Plan for 2005-2009	Given the evolving nature of the strategic plan, it was decided premature to issue an Advice to Council. Rather a summary of the results of the workshop were shared with the Secretariat and the Alternate Representatives to assist in their continuing work. A JPAC working group was formed as a result to oversee progress and participate when necessary.	On going
The JPAC Chair for 2005 participated in the March meeting of the Alternative Representatives in Los Cabos, Mexico and has met several times, on an informal basis, with the Executive Director to discuss common priorities such as how to better engage the private sector.	Considering that JPAC Members are very supportive of increased private sector involvement in CEC activities, it was decided during the Regular JPAC Session that took place in San Diego, California, JPAC would hold a workshop on “Needs and Opportunities for Capacity Building among Private and Non Profit Sectors” during the June Council session. The objective of the workshop will be to showcase successful collaboration between both sectors.	On going