



**ADVICE TO COUNCIL NO: 04-01**

**Re: Securing the Long-term Involvement of Indigenous Peoples in the Activities of the Commission for Environmental Cooperation**

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”;

RECALLING that JPAC, at the request of Council, contributed and later endorsed a proposal from the Secretariat for *Capacity Building and Indigenous Peoples’ Involvement in CEC Activities*. This proposal identified four concrete activities from the 2004 Operational Plan to which C\$98,800 would be applied for enhancement of indigenous peoples’ involvement in the CEC’s work.

FURTHER RECALLING that JPAC undertook to develop a plan for strengthening the institutional capacity of the CEC to work with indigenous peoples, building on the September 2003 report *Participation of Indigenous Peoples in the CEC: A Review*.

BELIEVING that indigenous peoples themselves should guide the development of a program for their involvement, the indigenous members on JPAC prepared the attached *Plan for Capacity Building and Securing the Long-Term Involvement of Indigenous Peoples in the Activities of the Commission for Environmental Cooperation*. This plan was discussed and approved by JPAC at its Regular Session 04-02 in Puebla, Mexico.

The plan seeks to accomplish the following:

- Building the capacities of community members (individuals and groups, i.e., traditional knowledge holders, women, youth).
- Building the capacities of indigenous organizations to promote the needs and interests of their constituencies and share experiences.
- Positively influence government agencies so that policies are developed to improve outcomes for indigenous peoples.

Two immediate steps are proposed:

1. The Parties agree to consistently nominate indigenous peoples to the JPAC, National and Governmental Advisory Committees (NACs and GACs). This will create a permanent indigenous presence in the CEC.
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, including, as a priority activity, working with other institutions to identify options and developing a path forward for the establishment of an institute or clearinghouse for collection and research on traditional knowledge.

JPAC enthusiastically recommends that this plan be built into the 2005 work program of the CEC. JPAC also offers to continue contributing support by collaborating with the Secretariat and the new staff member in exploring funding sources for specific activities, identifying opportunities for the CEC to act as a catalyst for generating research, creating networks, and canvassing best practices for collecting, housing and integrating traditional knowledge into decision making and education systems.

Approved by JPAC  
17 September 2004

## **Joint Public Advisory Committee**

*A Plan for Capacity Building and Securing the Long-Term Involvement of Indigenous Peoples in the Activities of Commission for Environmental Cooperation*

**Submitted by Dan Christmas and Mindahi Bastida**

### **Background**

In December 2003, at the request of the Commission for Environmental Cooperation (CEC) Council, the Joint Public Advisory Committee (JPAC) and the Secretariat prepared a proposal for use of a special capacity building funds of CAN \$98,000. In March 2004, JPAC suggested focusing this initiative on the capacity of indigenous peoples and the CEC to better collaborate in addressing environmental issues.

It was agreed that the most appropriate use of the fund in 2004 would be to augment concrete activities in the existing work program involving indigenous peoples. The Secretariat staff identified several such activities. The Indigenous Peoples and Capacity Building JPAC working group assisted the Secretariat in selecting the most appropriate activities to support. Key criteria in the selection process were activities that have a clear capacity building focus and could be easily evaluated to determine what impact the additional funds had on strengthening the capacity of indigenous peoples. Priority for this year was to given to ‘on the ground’ projects.

It was also agreed that efforts to strengthen the capacity of indigenous peoples would benefit from being contained in a clear plan addressing needs, benefits and opportunities.

In 2003 the CEC commissioned the development of a report on the participation of indigenous peoples in the CEC. This report, submitted in September 2003, contains a comprehensive set of recommendations and provides a useful starting point for the identification of appropriate action.

### **Our Working Assumption**

JPAC believes that indigenous peoples themselves should guide the development of a program for their involvement, including in the following years, identifying and leading implementation of specific activities. JPAC strongly supports the objective of increasing the institutional capacity of the CEC for responding to the needs and concerns of indigenous peoples.<sup>1</sup>

Principle 22 of the United Nations Conference on Environment and Development (UNCED) – the Rio Declaration states:

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<sup>1</sup> JPAC Advice to Council 02-011: “Repeatedly, the need for efforts to engage indigenous peoples in the programs and projects of the CEC was raised. This is an issue that has preoccupied JPA from some years and [...] we see few concrete improvements. JPAC strongly urges Council to direct the Secretariat to improve this situation”. Council responded: “We recognize that there is still room for improvement and look forward to working together with the Secretariat the JPAC to explore additional measure that could be taken to engage indigenous people in the work of the CEC”.

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identify, culture and interest and enable their effective participation in the achievement of sustainable development.

It is worth noting that over the past decade other major international organizations, such as the Organization of American States, the World Bank and the World Conservation Union have developed specific policies and directives concerning the involvement of indigenous peoples in their work and in some cases, their governance structures. Common to all such initiatives is recognition that strengthening the *values, knowledge, technologies* and *institutions* of indigenous peoples (and local communities) is an important component of sustainable development.

### **Next Steps**

JPAC has developed a working definition of Capacity Building in the context of this initiative as being:

Helping individuals and organizations to gain the skills and tools to achieve, or successfully engage others to help achieve local and regional goals. This is no 'one size fits all' solution. The key is to create flexibility so that the CEC's programmatic goals begin to reflect the perspectives and needs of indigenous peoples (individuals, collectivities and organizations) and converge in concrete action.

This plan, therefore, seeks to accomplish the following:

- Building the capacities of community members (individuals and groups, i.e., traditional knowledge holders, women, youth).
- Building the capacities of indigenous organizations to promote the needs and interests of their constituencies and share experiences.
- Positively influence government agencies so that policies are developed to improve outcomes for indigenous peoples.

The following immediate steps are proposed:

1. The Parties agree to consistently nominate indigenous peoples to the JPAC, National and Governmental Advisory Committees (NACs and GACs). This will create a permanent indigenous presence in the CEC.
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 institution, generally. The terms of reference for this position would be developed with the assistance of indigenous representatives from the CEC's advisory groups (above). Minimally, the terms of reference would include such responsibilities as:
  - a) Working with the Program Heads and Managers to develop the work program in such a way as to involve, where appropriate, indigenous peoples or organizations.

- b) Development of research protocols and guidelines for ethical research, prior informed consent and respect for intellectual property.
  - c) Identify opportunities for policy relevant activities
  - d) Regularly consult with the JPAC, NACs and GACs.
  - e) Establish contact with and develop a network of indigenous individuals and organizations engaged in CEC related activities. There exist many success stories in our three countries where indigenous peoples have achieved a high level of involvement and influence on decision-making.
  - f) Participate in the development of innovative outreach and communication materials.
3. Assign adequate resources in 2005. The commitment would be for a full time staff person, with sufficient travel resources. The activities themselves would be built in, over time, to the overall work program of the CEC. (approximately CAN \$120,000)

July 2004