



DISTRIBUTION: General
J/PROC/Rev. 9/Final
ORIGINAL: English

JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15

Background

On 12 June 2000, the Council of the Commission for Environmental Cooperation (CEC) established a public review process for issues concerning the implementation and further elaboration of Articles 14 and 15 of the North American Agreement for Environmental Cooperation (NAAEC). Council Resolution 00-09 designates the Joint Public Advisory Committee (JPAC) as the entity that will conduct the public review and provide advice to Council on how the issues might be addressed. Following is a description of the public review process and a list of the steps JPAC will follow in undertaking a public review.

To assist Council and JPAC in fulfilling their responsibilities, Council Resolution 00-09 also assigns JPAC the task of reviewing the public history of submissions made under Articles 14 and 15, including all actions taken to implement those articles, and compiling a report identifying lessons learned.

The purpose of Council Resolution 00-09 is to ensure that any discussions concerning the implementation of Articles 14 and 15 of the NAAEC include a process for public involvement.

Public Review Process

See the attached diagram of the public review process.

Definition

For the purposes of this document, the phrase “implementation and further elaboration” means: carry into effect, as determined through a review of the policies and practices of the Council, Secretariat and JPAC. This phrase does not mean amendment of the NAAEC.

JPAC's Responsibilities

JPAC's responsibilities under Council Resolution 00-09 in respect to issues concerning the implementation and further elaboration of NAAEC Articles 14 and 15 are:

1. Receive issues raised by the public;
2. Transmit these issues to Council;
3. Transmit to Council issues raised by JPAC;
4. Conduct a public review of any issues Council proposes to address and refers to JPAC; and
5. Provide advice, including reasoned argumentation, to Council as to how those issues might be addressed.

Council's Responsibilities

Council's responsibilities under Resolution 00-09, in respect to issues concerning the implementation and further elaboration of NAAEC Articles 14 and 15, are:

1. Receive issues raised by any Party, the Secretariat and JPAC;
2. Receive issues from the public transmitted to Council by JPAC;
3. Refer any such issues it proposes to address to JPAC;
4. Consider JPAC's advice in making decisions relating to Articles 14 and 15 of the Agreement;
5. Explain in writing any decisions taken following advice received from JPAC and make those explanations public; and
6. In two years, review the operation of the Resolution (June 2002).

Steps in JPAC Review

In meeting its responsibilities under Council Resolution 00-09, JPAC will pursue a review process that is transparent, fair and expeditious. JPAC's responsibility is twofold:

1. It is responsible for receiving issues from the public and transmitting them to Council, and
2. it is responsible for providing advice to Council on all issues referred to it by Council no matter what the source (Party, Secretariat, public or JPAC itself).

Specifically, JPAC offers the following plan for effecting its role under Council Resolution 00-09.

How JPAC receives and transmits issues from the public

1. Any member of the public wishing to raise an issue with the Council concerning the implementation and further elaboration of Articles 14 and 15 of the North American Agreement on Environmental Cooperation should provide a written statement of the issue to JPAC through the JPAC Liaison Officer at <mpepin@ccemtl.org>, by fax at (514) 350-4314, or by mail at the address listed below.

Any written statement provided by a member of the public to JPAC should describe the issue raised concerning the implementation and further elaboration of Articles 14 and 15. The written statement should not exceed three pages and may be submitted to the JPAC in any of three official languages of the CEC.

2. If JPAC determines that the written statement does not raise an issue concerning the implementation and further elaboration of Articles 14 and 15, JPAC will forward the statement to Council accompanied by a written explanation why it considers that the issue is not within the scope of Resolution 00-09 through the JPAC Liaison Officer. JPAC will make its determination within 60 days of having received the written statement or seven (7) working days after the next JPAC meeting, whichever is later.

This written explanation will be sent through the JPAC Liaison Officer to the person or organization that raised the issue and also be posted on the CEC web site at <<http://www.cec.org>> within seven (7) working days.

3. When JPAC determines that an issue from a member of the public concerns the implementation and further elaboration of Articles 14 and 15, JPAC will have it transmitted, in writing, to Council with an explanation as to why it considers the statement to be within the scope of Council Resolution 00-09 for its consideration through the JPAC Liaison Officer. JPAC will make its determination within 60 days of having received the written statement or seven (7) working days after the next JPAC meeting, whichever is later.

JPAC's determination will be sent through the JPAC Liaison Officer to the person or organization that raised the issue and will also be posted on the CEC web site within seven (7) working days.

4. When JPAC receives the decision of Council to address or not to address the issue raised by a member of the public, it will be sent in writing through the JPAC Liaison Officer to the person or organization who raised the issue and will be posted on the CEC web site within seven (7) working days.

How JPAC reviews issues referred to it by Council

1. Upon receipt of an issue from Council, JPAC will hold a public review in such a form as it determines is necessary to give its advice to Council. The format of the public review will be posted on the CEC web site.

As appropriate, JPAC will group like issues to further the efficiency of the process.

Examples of the form of JPAC public review are the following:

- a) Written comments—for straightforward issues of broad public interest
- b) Public meeting/workshop—for complex issues of broad public interest
- c) Meeting of JPAC members—for technical issues of limited public interest

Irrespective of the process selected, the member or members of the public who provided the written statement which is the subject of the public review and representative(s) of the Council and Secretariat will have the opportunity to participate in the public review.

2. Following its review, JPAC will provide written advice, including reasoned argumentation, to Council. This written advice will be sent through the JPAC Liaison Officer to the person or organization that raised the issue and will be posted on the CEC web site within seven (7) working days.

Implementation and Further Elaboration of Articles 14 & 15

Diagram of the Public Review Process

