



ADVICE TO COUNCIL: NO. 98-05

Re: North American Agenda for Action: 1999-2001 — A Three-Year Program Plan for the Commission for Environmental Cooperation

The Joint Public Advisory Committee (JPAC) of the Commission on Environmental Cooperation (CEC),

IN ITS ROLE as one of the constituent bodies that comprise the CEC,

IN ACCORDANCE with its mandate to provide advice to Council,

TAKING INTO ACCOUNT the constructive and detailed recommendations received by JPAC at the Public Workshop on Priorities for North American Cooperation for 1999-2001 and its meetings with the Council members during the Fifth Regular Session in Mérida in June 1998 and with the Alternate Representatives and the Secretariat on 3-4 September 1998;

The JPAC:

Commends the Secretariat for producing a solid and informative draft Program Plan based on *A Shared Agenda for Action* agreed to by Council members at the Fifth Regular Session and makes the following general comments:

- While the Three-Year Program Plan is meant to be a strategic plan and is focused on priorities, it suffers from the lack of a clear vision, overall objective and methodology to achieve them. Scoping in itself is not an objective.
- Sustainability, stewardship and cooperation should be the centerpiece of the CEC's vision.
- The Program should not be a collection of projects. Each project should have clearly stated, concrete objectives and measurable results leading to the overall goal of protecting and restoring the environment and improving the quality of life for North American citizens.

- There must be clearly identified opportunities for public input during the development and delivery of the Program. A good place to start would be to better incorporate and highlight where recommendations from the public have been incorporated. The legitimacy of a three-year planning process is compromised without opportunity for public feedback. Public acceptance should be considered as a positive product for the CEC.
- Each program area should link science, policy and law in order to achieve upward harmonization.
- Resources should not be dedicated to activities undertaken by other institutions and better linkages should be established through, for example, the North American Biodiversity Information Network.
- The CEC is unique in its trilateral character. Projects should emphasize cooperative action in pursuit of policy and legislative solutions.
- Each project should contain an activity directed towards capacity building as instructed by Council members.
- The Criteria for Program Selection developed in the *Final Report of the Independent Review Committee* should be employed.
- There should be close coordination and links with NAFEC projects to incorporate "lessons learned" and as a source of practical and relevant experience.

With regard to the specific programs and projects, JPAC provides the following comments and recommendations:

Theme 1: Pursuing Environmental Sustainability in Open Markets

1. Promoting Trade in Environmentally Friendly Goods and Services

This program area, as currently developed, appears to reflect an uneasiness with linking trade and environment and JPAC hopes that the following comments will assist in remedying this uneasiness.

The block of projects under this program area must be linked to emerging trends in order to produce an adequate assessment of potential negative implications.

Sustainable Agriculture

- Who will participate in the scoping exercise? How will the scoping exercise be planned?

- The project needs a better focus. It should be more clearly directed toward ecosystem protection and should also assess the relationship to poverty alleviation, e.g. organic production cannot necessarily be assumed as sustainable without looking at all of the component parts and impacts, both social and environmental.
- Primary production should not be ignored. The project should be broadened to include ranching, fishing farming, forestry, etc.
- The project should address the question: What can the CEC contribute to assist producers to get access to broader markets?

Conservation and Utilization of Biodiversity

- There is a need to consult more broadly than is planned.
- The project needs a better focus. It should be more clearly directed toward ecosystem protection and should also assess the relationship to poverty alleviation.
- Particularly, the role of indigenous peoples in conserving biodiversity needs to be better acknowledged and understood, along with the impacts on them from illegal trade. This is an area where CEC could contribute. There were very strong recommendations on this subject from the Public Workshop.
- Any project should encourage *in situ* preservation.
- Before such a project is launched, guidelines and policy considerations should be developed to minimize the negative impacts. There should be no encouragement of market forces without ethical restraints.

Sustainable Tourism in Natural Areas

- The project requires better focus.
- Both the protection and promotion of ecotourism are conditioned by a very complex set of environmental and social factors. Any project in this area must give due consideration to the need for raising the living standards in local communities (especially in remote areas) while at the same time addressing environmental protection and enhancement issues.
- Resources directed to capacity-building of local people in areas with natural resources with tourism potential should be included in any project.

Shared Approaches to By-Product Synergy

- This project is more focused and has identified partners. It is strongly supported by JPAC.
- Work should also focus on encouraging industries to have better integrated systems to use the waste themselves.
- In some cases, before companies can be "matched," legislation will have to be coordinated regarding the definition of waste and hazardous waste.

2. Exploring Linkages between Environment, Economy and Trade

NAFTA Environmental Effects

- JPAC continues to strongly support this project.

3. Environmental Standards, Enforcement, Compliance and Performance

North American Regional Enforcement Forum Indicators of Effective Environmental Enforcement and Compliance Capacity Building

- The theme is supported; however, the group of projects is too generally expressed. They require sharper goals and measurable deliverables.
- The effort to have governments develop agreement on common indicators is an acknowledged goal and JPAC will address this matter specifically in the near future.
- The National Advisory Committees and the Government Advisory Committee should be more directly involved in these projects, as these are more legitimately government activities.
- If enforcement is the real goal, perhaps more resources should be put to giving the public access to the submission process.
- A role should be incorporated for NGOs and industry.
- The commitment of the CEC to better involve the public in the development and review of alternative indicators and methodologies is applauded.

4. Regional Action on Global Issues

Greenhouse Gases Emission Trading

- This project is strongly supported but more focus and clarity are required.
- The CEC's role should be value-added.
- This project provides a unique opportunity for the three governments to work together to develop a positive model.

Theme 2: Stewardship of the North American Environment

1. Identifying Emerging Trends

Activities in this program area should be coordinated with those conducted in the Promoting Trade in Environmentally Friendly Goods and Services Program for the reasons stated above under that program area.

Emerging Trends in North America

- There is strong support for this activity. It provides an opportunity for a broad, long-range view.
- Monitoring attention should also be focused now on trends which we know will intensify, such as genetic engineering and water shortages.
- However, in order to avoid duplication and maximize use of the CEC's human and financial resources, partnerships should be developed with universities and other institutions such as the World Resources Institute (WRI) and UNEP.

2. Protecting Human and Ecosystem Health

There is a glaring absence of attention to water issues. Freshwater, marine and coastal environments (including the Global Programme of Action in the Bight of the Californias and the Gulf of Maine) were a matter of focused attention and specific recommendations at the Public Workshop. The relationship to the greenhouse effect and global warming and consequences for resources, productivity, human health require attention.

Cooperation on North American Air Quality Issues

- There is strong support for this project.
- There is a need to include water issues.

- Clarification on how the 1999 budget is to be spent is required. The budget of US \$117,600 seems a large amount to review and complete a final draft of *The Status of Air Quality Management in North America Report*.
- Clarification is also required disengagement from support for the San Diego-Tijuana Air Basin Initiative and as to what the CEC can contribute that the Border Environment Cooperation Commission (BECC) cannot.

Sound Management of Chemicals

- There is very strong support for this project and recognition of the good work done to date.
- There should be an effort to increase both the number of candidate substances identified and also the approval rate of new North American Regional Action Plans (NARAPs) to more than two per year.

Pollutant Release and Transfer Registry

- There is general support for this project. Industry, however, has to be better represented and involved.

Capacity Building in Pollution Prevention

- The objectives of this project fit very well with the CEC's role.
- The budget should be revisited and progress evaluated. Was the initial investment of US\$200,000 well spent? Is continued support required? Is US\$10,000 for travel adequate support for each of the next three years? Is there an exit strategy?
- There should be better coordination with the BECC to coordinate efforts.

3. Sustaining North American Biodiversity

Identifying Emerging Biodiversity Issues for North American Cooperation

- There is a lack of focus. Should begin with an analysis of existing biodiversity agreements and develop benchmarks.
- Feedback from the NGO community indicates concern about who the "experts" will be and how the scoping exercises will be conducted. Broad representation will be required.

Biodiversity Prospecting

- There is very strong support for this project. It clearly responds to concerns expressed at the Public Workshop.
- This project should be incorporated under the Promoting Trade in Environmentally Friendly Goods and Services Program Area and perhaps linked to the Conservation and Utilization of Biodiversity Project.
- As above, the project should begin with an analysis of existing agreements and other initiatives dealing with biodiversity, intellectual property, etc. in order to develop benchmarks. Much work has been done in this area over the past ten years by international organizations, industry and indigenous peoples themselves. This experience should be canvassed and better understood before embarking on a scoping exercise.
- An "indigenous peoples" perspective is required in the development of this project. A representative(s) should be involved in all stages of project development and implementation if it is to have resonance with indigenous peoples. The term "expert" should be meant to include indigenous peoples.

North American Transboundary Migratory Species

- This project should be clearly linked with local communities, for example in the area of tourism.
- There should be coordination with NAFEC as many of its projects deal with related issues.
- The Action Plan should also contain work on conducting a law, policy and regulatory review which gives the ability to measure what is needed and how it can be achieved.

North American Biodiversity Information Network

- There is strong support for this project as an essential service to the CEC and other institutions. It is an excellent example of the mutual benefits of cooperation.

APPROVED BY THE JPAC MEMBERS

28 September 1998