

Our Future within the CEC

Strategic Plan of the Joint Public Advisory Committee (JPAC)

2006-2010

February, 2006

Strategic Plan for the Joint Public Advisory Committee (JPAC)

1. NAAEC context

The Commission for Environmental Cooperation (CEC) is an international organization created by Canada, the United Mexican States (Mexico) and the United States of America under the North American Agreement on Environmental Cooperation (NAAEC). The CEC was established to address regional environmental concerns, help prevent potential trade and environmental conflicts, and to promote the effective enforcement of environmental law. The Agreement complements the environmental provisions of the North American Free Trade Agreement (NAFTA).

2. Who we are

The CEC is composed of three separate bodies:

- The *Council*, is made up of the environment ministers of the three countries. The Council is the governing body of the CEC. As such, it is responsible for setting the CEC's overall direction and ensuring the achievement of the CEC's objectives, including its budget, and monitoring the progress of projects against their objectives.
- The *Secretariat* provides administrative, technical and operational support to the Council, and other support as the Council may direct. The *Secretariat* has two primary functions: to support the work of the Council and to administer the submissions process on enforcement matters (Articles 14 and 15 of the NAAEC). In addition, under Article 13, the Secretariat may prepare reports to the Council on any matter within the scope of the annual work program or, unless the Council objects, on any environmental matter related to the cooperative functions of the NAAEC.
- The *Joint Public Advisory Committee (JPAC)* is composed of five members from each of the three countries, who serve as volunteers. Their responsibility is to advise the Council and inform the Secretariat on all matters within the scope of the NAAEC.

3. Our vision

The Joint Public Advisory Committee (JPAC), together with the Council and the Secretariat comprise the North American Commission for Environmental Cooperation (CEC), a unique institution charged with seizing a historic opportunity.

The North American Agreement on Environmental Cooperation sets a precedent as a formal environmental agreement adopted in parallel with a trade agreement, and the Commission it created also set a precedent by including a public, nongovernmental advisory group as one of its components.

JPAC was established as a cooperative mechanism to advise the Council in its deliberations and to provide relevant information to the Secretariat in its planning and activities.

Our vision is to promote continental cooperation in ecosystem protection and sustainable economic development, and to ensure active public participation and transparency in the actions of the Commission.

While we come from three different nations, and have different institutional connections, we serve on the JPAC as individual citizens of the North American continent, joined in a commitment to preserving and enhancing our common environment and to achieving a sustainable society.

JPAC will work to provide firm leadership and constructive public contributions to build a tri-national model of collaboration, consensus building, and consensus-based results. JPAC is, in effect, a model for the future in a process which is without precedent, and which presents a great opportunity for cooperative progress.

4. Our first decade¹

Our first decade has seen JPAC grow into a transparent, open and substantive forum for public participation, discussion, and debate in North America. We have sponsored and facilitated a range of public meetings on issues identified by the public as priorities and have fostered a sustained and informed dialogue with Council and their Alternate Representatives. At the same time, JPAC has not shied away from controversy or from providing firm advice to Council where opinions or interests diverge. JPAC's persistence, for example in promoting transparency and accountability in the citizen's submission process (Articles 14/15), reflects our commitment to protecting and promoting the implementation of what JPAC considers to be one of the CEC's most important features. In fact, in November 2005, JPAC held a public meeting in Montreal in which participants were party to the experiences of individuals who had gone through the submission process (including the publication of a factual record) and learn about other mechanisms that non-government actors can employ to gain access to information about follow-up to factual records and other environmental information.

As part of our experience, we have learned the importance of open communications and seeking a stronger, less formal dialogue with the Council and the Alternate Representatives as a supplemental means to improve mutual understanding and promote cooperation. JPAC's greatest contributions, both as facilitator of a public process and as an influencer of policy, has been where we remain focused and concentrate on a defined set of issues. Throughout, we will continue a constructive dialogue with Council and build trust by maintaining a high level of transparency in our work.

In June 2005, JPAC announced that it would develop its own strategic plan. Strategic planning requires an assessment of our strengths and weaknesses, and the opportunities, objectives and

¹ Drawn from a report prepared for JPAC by Eric Dannenmaier, "The JPAC At Ten: A Review of the Joint Public Advisory Committee to the North American Commission for Environmental Cooperation", March 2005

threats in our work. To this end, members of JPAC were asked to list JPAC's strengths, weaknesses, opportunities and threats. This information was used to identify JPAC's strategic direction which is described in the following section.

5. A vision for the future

As noted in the Ten-year Review and Assessment Committee (TRAC) report, **JPAC is one of the three principal bodies of the CEC and plays a valuable role as advisor to Council, and as "NAAEC's conscience."** We value this role and have undertaken an examination of JPAC's strengths and weaknesses in order to develop a strategic plan for the future. Although JPAC's vision itself has not changed, **how we implement** our vision has. We are establishing JPAC's own working principles which will form the foundation of our strategic plan. These are Transparency, Outreach and Engagement, and they are the means by which we will achieve JPAC's vision over the next five years (2006-2010).

Transparency

Transparency is fundamentally about empowerment and trust. When external stakeholders are empowered to make informed choices based on factual, unbiased, and meaningful information they can trust, behaviors of all parties involved are influenced. JPAC also recognizes that transparency is more a process than a product. It is a dialogue about what exchanges of information are appropriate and how fairly to assess that information. JPAC's unique role within the CEC allows us to create a hospitable environment for this dialogue to take place.

In this context, JPAC will continue to sponsor and facilitate public meetings on issues identified by the public as priorities.

JPAC's five year goal with respect to transparency is to, along with governments, work towards ensuring that the public has access to the factual, unbiased, and meaningful information it requires to make informed decisions about the effects of increased trade on the environment of North America and other environmental issues of concern, and that members of Council and other policy makers have access to information and expertise beyond their own agencies.

Outreach

Our second working principle is a commitment to outreach. Outreach is defined as an organization going outside its normal scope of operation to provide information, resources and services to those not in its immediate service area. Our analysis suggests that JPAC needs to provide outreach for under-represented populations including indigenous peoples, businesses, especially small and medium sized enterprises (SMEs), nongovernmental organizations (NGOs) as well as low income and other marginalized communities, and thereby enhancing our ability to provide information to the Secretariat and Advise to the Council.

Our analysis also suggests that JPAC needs to develop a broader public diplomacy role as a means to reach out more broadly to the public in North America to achieve the objectives of the NAAEC and build on the new strategic direction set out in the 2004 Puebla Declaration.

To achieve effective outreach JPAC will:

- 1) Identify the strategic target groups or population JPAC needs to reach out to in order to achieve our goals and vision.
- 2) Establish partnerships with noted community resources.
- 3) Maintain a presence within the community... providing on-going follow-up.
- 4) Adapt outreach methods and messages to respect culture and language and to reach target audiences through means available to them.

JPAC's five year goal with respect to outreach is to increase the CEC's and JPAC's visibility in North America with the aim of expanding and improving public participation in our meetings and activities.

Engagement

Public engagement is obtained through open communication with the desire to understand its issues and concerns and to provide the information necessary for the public to determine how it wants to engage. It is not simply informing the public, but an active process whereby feedback from interested parties/individuals is sought. JPAC will endeavor to identify the best means to inform and engage the public. For example, JPAC will make its meetings, workshops and presentations as interactive as possible and will seek to engage local groups and organizations that may disseminate information or facilitate communication with the public. JPAC, on its own, cannot represent all constituents; our hope is that JPAC can provide the venue in which the public would want to share their thoughts and insights.

With this in mind, JPAC will endeavor to:

- Address difficult and even controversial issues in a meaningful and responsible fashion.
- Focus our work in areas within the scope of the NAAEC, whether identified as priority by members of the public, JPAC members themselves or by the Council, concentrating on issues of environmental concern including, but not limited to, ecosystem protection, wildlife protection, invasive species, air emissions, air quality, environmental concerns, toxic substances, management of chemicals, energy conservation and renewable energy use.
- As stipulated in the Public Consultation Guidelines; provide the Commission with a sense of the public's concerns, priorities and aspirations; with information to shape policies and programs as well as specific recommendations and proposals.

JPAC's five year goal with respect to engagement is to increase level of public involvement and commitment, through our outreach work, so as to increase JPAC's effectiveness in achieving its mandate.

6. JPAC's Working Principles within CEC's Three Pillars

As noted in Sections 2 (Who We Are) and 4 (Our first decade), JPAC is a unique trilateral public advisory mechanism without any direct precedent or peers among international environmental institutions. The fact that JPAC members act independently of Council and do not seek or receive instruction from any government or the Secretariat, give this institution the legitimacy it needs to act both as an intermediary between the Council and the concerned public, and as a sounding board for ideas. Moreover, we recognize the dual nature of JPAC as a critic and collaborator, working to strengthen the ability of JPAC, Council and Alternative Representatives to find creative solutions.

After more than a year in development, including consultations with the public facilitated by JPAC, the Strategic Plan of the Commission for Environmental Cooperation 2006-2010 was adopted in Quebec City in June 2005. The priorities or pillars for the CEC's cooperative program over the next five years are: 1. Information for decision-making; 2. Capacity-building; and 3. Trade and the environment. In what follows, we will briefly describe each of the CEC pillars and, using JPAC's own working principles, highlight examples of how JPAC can contribute.

CEC Pillar #1: Information for decision making

To resolve environmental problems that are North American in scope, decision-makers at all levels in all three countries need the best information in order to set objectives, implement solutions and monitor the effectiveness of their choices.

To help manage cross-boundary issues, the CEC will work to increase the comparability, reliability and compatibility of national and sub regional information. The CEC has already begun to develop and link multinational databases and information networks in such areas as pollutant releases, ecological integrity, and trade-environment relationship. The CEC will continue this work and will also develop common standards and methodologies to integrate various information-related activities and reporting mechanisms being used in North America. The CEC will continue to ensure that its science and information products are of high quality. As well, the CEC will build on National efforts by focusing on trans-border issues that the Council has identified as priority concerns.

Specifically, over the next five years, the CEC's information objectives are to:

- Strengthen the capacity of North American decision-makers to understand continental environmental issues of common concern.
- Establish an environmental information and knowledge framework for North America.
- Develop the information needed to describe the state of the North American environment and to identify emerging trends and issues.
- Make environmental information more widely available to facilitate local, national and regional action.

JPAC's Contribution to information for decision making

Transparency: JPAC will endeavor to receive and communicate information from its many stakeholders via its public communication channels in a timely fashion to the CEC via a variety of communication channels.

Outreach: JPAC believes that the foundation of a good decision-making is good information. This information base must be broad and inclusive. As JPAC broadens its outreach activities, the information collected through western scientific methods should be complemented with information derived from many knowledge systems, making the information more representative of a host of perspectives and assuring that a wider public has a role in establishing the information and knowledge framework.

Engagement: JPAC will provide the venue within which stakeholders can discuss what information is required to make sound decisions.

CEC Pillar #2: Capacity building

The CEC has played an important role in strengthening the capacity of government, industry and civil society for sound environmental decision-making across North America. It has done this through initiatives whose primary purpose has been to foster progress in shared concerns such as the sound management of chemicals, pollution prevention, conservation of biodiversity, and the coordination of pollutant release and transfer registries.

Still, there is need to develop stronger institutions and to share environmental knowledge with a wider range of stakeholders in society. In this vein, the Parties aim to:

- develop and model approaches that can be adapted to other settings;
- focus on improving compliance with existing environmental laws;
- emphasize institutions rather than individuals;
- address both environmental conservation and protection issues;
- work with the private sector and communities, as well as with government; and
- identify practical, short-term, targets but in the context of a long-term perspective.

JPAC's Contribution to Capacity Building

Transparency: JPAC will provide support to the Secretariat in conducting a mid-term review of how the CEC work program has improved capacity in its targeted areas.

Outreach: JPAC will sponsor forums in which stakeholders discuss the role of private and public sector involvement in capacity building with the objective of providing an annual set of recommendations for improving capacity building of government, industry, NGOs and the public. For example and based on feedback we have received to date, such forums could include, but are not limited to, the development of strategies for local landowners to assist them in protecting and managing their resources, the development of approaches that can improve the capacity of small businesses, and the development of strategies for how local authorities can better handle and solve regional environmental problems.

Engagement: JPAC will evaluate the current state of public capacities for sound environmental decision making. JPAC will engage stakeholders in a discussion expanding the capacity building exercise, which is primarily focused on government capacity building, to a discussion on capacity building from the prospective of civil society. JPAC will, with the help of indigenous group leaders, promote discussions on capacity building from the prospective of indigenous peoples.

CEC Pillar #3: Trade and the environment

Promoting a better understanding of trade and environment relationships is one of the main reasons the CEC was established. Since its creation, the CEC has developed methodologies to analyze these relationships and has acquired expertise in this area. The CEC has also helped to build positive links between environmental goals and trade. For example, the CEC's assistance to coffee growers in establishing a North American market for shade-grown coffee -- a practice that conserves critical species habitat -- is an example of harnessing the power of markets to facilitate sustainable development and trade. As the North American economy becomes increasingly integrated there continues to be a need to anticipate and address environmental concerns associated with increased trade, such as the spread of harmful exotic species, and to decouple economic growth from negative environmental impacts.

The CEC's goal is to promote policies and actions that provide mutual benefits for the environment, trade, and the economy. Its objectives are to:

- Enhance North American trade in green products and services, with a view to improving environmental protection, promoting sustainable use of biodiversity, removing trade barriers and utilizing market-based approaches.
- Increase the capacity of the three countries to identify and address trade-related environmental concerns to achieve mutual benefits for trade and the environment and improve collaboration among the three countries in these areas.
- Broaden understanding of trade and environment linkages and thereby promote policy coherence, both at the domestic and regional levels in North America.
- Improve regional and national coordination, including coordination between the CEC and NAFTA Free Trade Commission through ongoing collaboration of trade and environment officials.

JPAC's Contribution to Trade and the Environment

Transparency: JPAC through its activities will endeavor to provide information to the Secretariat and Council on state of the art information regarding green manufacturing practices and other best practices undertaken by various communities, NGOs and businesses around the world.

Outreach: JPAC will sponsor with the support from the Secretariat Trade and Environment Workshops:

- a) Indigenous communities' alternative ways of protecting the environment while improving the economy;
- b) Business Sector's green efforts: What works----What does not
- c) Support the development of local export markets that reinforce environmental and conservation values.

Engagement: JPAC will acknowledge the achievement of organizations by providing a venue in which these organizations present their trade and the environment success stories.

7 Evaluating our progress

Evaluating the effectiveness of JPAC's activities within JPAC's vision increases our accountability, transparency and ensures that JPAC is delivering the intended results. Following the methods used by members of the Canadian Evaluation Society and outlined in the federal government Treasury Board Secretariat's "Guide for the Development of Results-Based Management and Accountability Framework", we have adapted an evaluation framework that will be used to undertake a review of our activities mid way through the implementation of the Strategic Plan. A set of questions regarding our effectiveness, efficiency and desirability are constructed and performance indicators are established to determine whether our activities have actually achieved its results. Given JPAC's unique role as a cooperative mechanism to advise the Council in its deliberations and to provide relevant information to the Secretariat in its planning and activities, such an evaluation will only strengthen our role as a transparent, open and substantive forum for public participation, discussion and debate in North America. To this end, Table 1 summarizes the evaluation framework JPAC will employ. Public participation of all sectors of civil society is critical to JPAC's success.

Table 1: JPAC Evaluation Framework

Issues	Questions	Performance Indicators	Sources of Information	Method of Information Collection	Basis of Analysis
Effectiveness	What progress has been made towards achieving the results towards increasing JPAC's transparency, outreach and engagement?	<ol style="list-style-type: none"> 1. Level of distribution of materials and information (pre-forum) 2. Rates of participation of NGOs, indigenous groups, business, government, academia etc 	<ol style="list-style-type: none"> 1. JPAC session documents 2. Secretariat personnel 	<ol style="list-style-type: none"> 1. File review 2. Key informant interviews 3. Participant evaluation forms 	Actual vs intended results
	Was the forum successful in reaching the targeted audience?	Amount of input received from targeted group during the planning and implementation stages of forum	<ol style="list-style-type: none"> 1. Secretariat personnel 2. JPAC members 3. Forum beneficiaries 	<ol style="list-style-type: none"> 1. File review 2. Key informant interviews 	Actual vs intended results and active participation of the parties involved in the forum discussion
	How effective is JPAC in transmitting the feedback provided by the public in the forum to the CEC?	<ol style="list-style-type: none"> 1. The level of distribution of materials and information (post-forum). 2. The number of JPAC advices submitted to Council and the responses received from Council 	<ol style="list-style-type: none"> 1. JPAC session documents 2. Secretariat personnel 	<ol style="list-style-type: none"> 1. File review 2. Key informant interviews 	Actual vs intended results
Efficiency	Were we able to engage all stakeholders in a dialogue on the issue in question?	<ol style="list-style-type: none"> 1. Rates of participation 2. Number of speakers 3. Level of feedback and interest in forum 	<ol style="list-style-type: none"> 1. Secretariat personnel 2. JPAC members 3. Forum beneficiaries 	<ol style="list-style-type: none"> 1. File review 2. Key informant interviews 3. Participant evaluation forms 	Active participation of all parties interested in the forum design
Desirability	What lessons and recommendations were derived from the forum for use in future forums?	Number of lessons learned and recommendations made compared to other forums	<ol style="list-style-type: none"> 1. Other forum documents 2. Secretariat personnel 	<ol style="list-style-type: none"> 1. File review 2. Key informant interviews 3. Participant evaluation forms 	Application of lessons from forum experience and lessons learned from innovative approaches recorded and disseminated.