



SECRETARIA DE MEDIO AMBIENTE
Y RECURSOS NATURALES



UNIDAD COORDINADORA DE
ASUNTOS INTERNACIONALES

UCAI/2351/04

Mexico City, 27 May 2004

Ms. Donna Tingley
JPAC Chair for 2004
Commission for Environmental Cooperation
393, rue St-Jacques ouest, bureau 200
Montréal (Québec) H2Y 1N9

Re: JPAC Advice 03-03

Dear Ms. Tingley:

On behalf of the Council of the Commission for Environmental Cooperation (CEC) and the Alternate Representatives I would like to thank the Joint Public Advisory Committee (JPAC) for its advice to Council 03-03 relating to the Proposed Operational Plan for the Commission for Environmental Cooperation (CEC) of North America for 2004-2006. Your comments have been considered and used in the process of the Parties' negotiation of the Operational Plan.

First, we appreciate JPAC's support of the CEC's efforts to become more strategic in our planning. With the ten-year review, the new format of the Operational Plan, and discussions of a new strategic approach for the CEC, we believe we are on a productive and future-oriented road which will lead to a more effective and better-organized CEC.

Since your comments were made on the broad "framework" structure of the Operational Plan, I will address your comments at that level.

In regard to the work under Goal 1, we appreciate your interest in developing an understanding of the relationship between environment, economy and trade for the purpose of environmental protection in the trade liberalization context. In order to implement these goals most effectively, the governments have agreed to develop a strategic plan on trade and environment as part of this year's Operational Plan. This activity, which you will find described in Goal 1, Objective B, Strategy 1 of the finalized Operational Plan, will work to develop long-range, productive activities that all Parties can agree to in the area of trade and environment. This activity is geared at better integrating the views of both environment and trade officials related to cooperative activities on trade and environment issues. We also hope that these activities will foster agenda topics on the connection between trade and environment that could be used for a possible trade and environment ministerial.



**UNIDAD COORDINADORA DE
ASUNTOS INTERNACIONALES**

**SECRETARÍA DE MEDIO AMBIENTE
Y RECURSOS NATURALES**

In regard to your comments under Goal 2, "To act as a catalyst to improve domestic law and policy, and enhance environmental enforcement and compliance across North America," we appreciate your concerns regarding a follow-up mechanism for factual records. You will recall that, as we outlined in our response to the JPAC's "Lessons Learned" report, we continue to believe that appropriate follow-up to a factual record is a domestic matter, and remains at the discretion of the Party that is the subject of the factual record.

In regard to your comments under Goal 3, we appreciate your suggestion to add Article 10(7) on TEIA to the Operational Plan. However, because the negotiation of this agreement is being handled by our individual governments, outside of the discretion of the CEC and the Secretariat, no funding is required in the CEC programmatic workplan. This process is still continuing through the environment and foreign affairs departments of each of our governments. Canada and the U.S. are currently in the process of reviewing the Mexican proposal.

In regard to your comments under Goal 4, we were interested to hear that JPAC would prefer to see itself organized throughout the Operational Plan, rather than in Goal 4. We felt that having public participation highlighted as one of the four primary goals in the Operational Plan was a way to demonstrate the importance of the public, and your role in soliciting and considering, in your advice to Council, the views of the public on selected issues. Of course, the JPAC has roles outside of this as well, and so in addition to your place within Goal 4, you have a pivotal role in the organization as a whole. For this year, we have changed the location of JPAC from Goal 4 to Section 2.2.5, under "Special Initiatives" of the CEC. As a body whose primary role is to provide advice to the Council and technical expertise to the Secretariat, we would be interested to hear how you would most like to be represented in future years in the Operational Plan, if at all. We will also instruct the Secretariat to continue to explore the role of public participation in every goal in the CEC for next year's Operational Plan.

In regard to the NAFEC, as I explained in my response to your letter on this topic, unfortunately, we have had to suspend the NAFEC for 2004. We look forward to hearing the results of the capacity building work that you will be working with the Secretariat to design for 2004.



**UNIDAD COORDINADORA DE
ASUNTOS INTERNACIONALES**

**SECRETARÍA DE MEDIO AMBIENTE
Y RECURSOS NATURALES**

Including indigenous peoples, Indian tribes,¹ and indigenous communities in the Operational Plan of the Secretariat is a critical issue, and we have made improvements in the way indigenous peoples and communities have been involved in the work of the CEC. Several programs have been developed to include outreach to these communities, including in the areas of SMOC and biodiversity. We would like to ensure that our work in engaging these communities in the coming years is effective, and would be interested in suggestions from the JPAC on how best to continue and improve our approach.

This is an important time for the CEC. With the ten-year review, new Secretariat leadership, the budget crisis, and the opportunity for strategic planning, we have many opportunities and challenges before us. We intend to use the results of the ten-year review and the thinking of each of the Parties and the Secretariat, as well as the advice of the JPAC, to chart a path for a successful next ten years for the CEC. We will be discussing this in more detail at the Council Session. We look forward to working with you to as we make important decisions for the longterm planning of CEC work.

Sincerely,

José Manuel Bulás Montoro
Alternate Representative for Mexico

cc: Norine Smith, Alternate Representative for Canada
Judith Ayres, Alternate Representative for the United States of America
JPAC Members
William Kennedy, CEC Executive Director

¹ "Indian tribes" is the federally recognized term in the United States to refer to indigenous peoples and communities.