



**COMMISSION FOR ENVIRONMENTAL COOPERATION OF NORTH AMERICA
Joint Public Advisory Committee Session No. 04-01**

**12 March 2004
Oaxaca, Mexico**

Summary Record¹

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 12 March 2004, following the CEC Symposium on Maize and Biodiversity of 11 March 2004. The session was also in conjunction with in camera meetings with the Ten-year Review and Assessment Committee (TRAC) on the North American Agreement on Environmental Cooperation (NAAEC), the CEC Alternate Representatives and some JPAC members attended a meeting of the North American Air Working Group (NAAWG) of the CEC held at the same location.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identifies action items and responsibilities. (See Annex A for the agenda, and Annex B for the list of participants.) Please note that all materials related to the Symposium on Maize and Biodiversity are available separately on the CEC web site at <<http://www.cec.org>>.

Previous summary records, advice from JPAC to Council and other JPAC-related documents may be obtained from the JPAC Liaison Officer's office or through CEC's web site.

Welcome and Overview by the JPAC Chair

The JPAC chair welcomed everyone to the session, noting that all JPAC members were present in Oaxaca, however it was noted that Mindahi Bastida-Munóz, the JPAC representative on the Maize and Biodiversity Expert Advisory Group was with them working on follow-up from the Symposium and that Ann Bourget had to leave the meeting because an emergency. She then provided an overview of the JPAC structure and mandate. She asked the JPAC members to introduce themselves.

Dr. Luis Hernandez Lopez then presented a scroll to the JPAC chair and the head of the CEC's Environment, Economy and Trade program (absent) as a token of respect and recognition of the CEC's and JPAC's commitment to the democratic process, transparency and public participation that was demonstrated during the Symposium on Maize and Biodiversity.

Approval of the Provisional Agenda

The item on the in-camera session with the Alternate Representatives was moved to later in the agenda. With that, the agenda was approved.

¹ **DISCLAIMER:** Although this summary was prepared with care, readers should be advised that while JPAC members have approved it, it has not been reviewed nor approved by the interveners and therefore may not accurately reflect their statements.

Report from the CEC Executive Director and Question Period

The executive director provided an overview of CEC current priorities and recent accomplishments, these being:

- Management of hazardous waste is a priority area as directed by Council. Activities include finalizing a report on transboundary waste shipments, identification and work on spent lead acid batteries as a priority waste stream, and initiating an electronic components industry project.
- Implementation of the Strategic Plan for North American Cooperation in the Conservation of Biodiversity, beginning with work on three marine species of common concern in North America: humpback whale, pink-footed shearwater, leatherback turtle. The focus will be on specific results and 'on the ground' work.
- A new directions document for the Sound Management of Chemicals Program for review by Council in June and working to complete a North American Regional Action Plan (NARAP) on lindane. The NARAP on chlordane was recently completed. A special *Taking Stock* report on toxic chemicals and children's health is nearing completion.
- The NAAEC Article 13 report on maize and biodiversity (an important step having been the symposium held yesterday).
- The NAAEC Article 10(6) working group met this week to lay out first steps towards the development of a strategic plan to guide the Environment, Economy and Trade program.

He then discussed the need to strengthen partnerships, particularly with regard to leveraging new funds for the CEC, given that the CEC's budget remains static. At the same time, issues are proliferating and expectations mounting. He noted a particular focus on multilateral financial institutions and the private sector. He further remarked that this was one of his priorities as executive director and that he had already begun to make important contacts with the World Bank, other multi-lateral financial institutions and the private sector.

He then explained that the CEC had commissioned in 2003 a report by Unisféra International Centre (a consulting group in Montreal) to review the operations of the 40 some working groups of the CEC. Much of CEC's work is conducted through these groups. The report provided some interesting results and will serve as a platform for identifying changes that will improve accountability, provide better guidance, and will result in higher visibility and greater effectiveness. Proposals will be presented to the Alternate Representatives in the fall.

He concluded by informing the meeting that the Secretariat had put forward yesterday a proposal to the Alternate Representatives to develop a 'Puebla Declaration' (note: the 2004 Council Session will be held on 21–23 June in Puebla, Mexico). Similar to the process that produced *A Shared Agenda for Action* around the CEC's four-year review, the Puebla Declaration would respond to the Ten-year Review and define future directions for the organization. He shared some initial thoughts for priority areas on a renewed commitment by the three countries to:

- strengthen their environmental cooperation
- promote environment / trade linkages
- address environmental management needs
- work more closely with a variety of partners including the private sector

- focus on results-oriented projects “on the ground”

Report from the Director of the Submissions on Enforcement Matters Unit

The director provided a status report on submissions. He noted that the most recent submission regarding hazardous waste in Arteaga, Coahuila, Mexico, was dismissed as it did not meet the requirements for submissions. The petitioners have 30 days to resubmit.

JPAC is regularly sent letters asking for information on specific submissions on Articles 14 and 15. The director offered JPAC some suggestions on the types of information that could be provided to the Secretariat regarding individual submissions. JPAC is well positioned to provide thoughts on the scope of information and as the “eyes and ears” of the institution, to provide direction as to where the Secretariat might seek information when developing a factual record.

He informed the meeting that Council had voted yesterday in favor of developing a factual record for Ontario Logging (SEM-02-001) and that Molymex II and Tarahumara are still pending.

The JPAC chair thanked both individuals for their presentation.

The executive director added that the NAAEC sets out the role of JPAC, which is to advise Council and provide information to the Secretariat to help it carry out its work. He offered that another area where the JPAC could be very helpful would be to provide ideas on how to engage the private sector constructively. He noted that to a certain extent, the annual *Taking Stock* reports and Articles 14 and 15 processes have set up an antagonistic relationship between the CEC and industry. He asked JPAC to provide guidance on how to strengthen partnerships.

The JPAC chair asked the members to think about this request and it would be discussed under the agenda item on working groups. She then opened the floor to JPAC comments. Individual comments included:

- “I am concerned about this strong inclination towards the private sector. I think that the CEC is being privatized. Of course the private sector should be engaged, but not necessarily as a priority. Equal effort should be put on engaging other sectors of society, such as academia and social actors. Am I correct in having such a perception?”
- “Regarding maize and biodiversity, it is extremely important to recognize the level of public participation at the symposium and the views expressed. These must be included in the final report, along with key recommendations specifically directed to the Mexican government for action.”
- “What is the status of the Lake Chapala Article 14/15 submission? It was submitted one year ago. These delays are of concern to JPAC.”
- “How are consultants for the CEC selected? Unisféra International Centre and Strastos Inc. are Canadian groups that are also working on the Ten-year Review. Are there consultants from the US and Mexico involved in these important assessments?”
- “It is important to increase participation from the private sector. Their participation has been in fact decreasing over the years. It is useful to learn more about how companies can

- incorporate sustainable development into their decision-making processes. Things have evolved.”
- “It is the larger companies that have voluntary programs and who are moving the right direction. It is important to take advantage of this experience. However, we also need to get small and medium-size industries engaged—these industries also create environmental impacts, as evidenced by the trends in the *Taking Stock* report for 2000.”
 - “A note of caution: from an indigenous perspective, an agenda directed primarily to engaging with the private sector and international financial institutions may not be viewed very positively. Many of the indigenous presenters yesterday at the symposium voiced grave reservations about multinationals and big business. It is important to keep indigenous concerns also in mind when building new relationships. The CEC should consider developing criteria for entering into partnerships that best serve the interests of the institution and the environment. When you accept money, there is always the risk of losing independence and credibility.”
 - “I believe the more input the better our decisions. Industry has something to offer, but not more or less than others. Is the focus to get funding, learn about management or other specific things that industry does well? There are always strings attached to funding.”
 - “JPAC should be directly involved in the development of the proposed Puebla Declaration. The items that were mentioned for inclusion are not necessarily those that JPAC would want to see. This is great opportunity to set the tone for the next phase of the CEC. We don’t want to be presented with a finished product for our comment.”
 - “It is premature to contemplate in a draft declaration, what the TRAC report might conclude or focus on.
 - No one wants to see the privatization of the CEC. However, private sector involvement is important.”
 - “For the most part, pollution derives from the private sector and they have solutions in their hands and have to be made accountable. There is a great deal of work to be done.”
 - “Molymex II and Tarahumara Article 14/15 submissions were filed some years ago—what is the delay?”

The JPAC chair asked the executive director and the director of the Submissions on Enforcement Matters Unit to reply.

The executive director thanked JPAC members for their input. Regarding cooperation with the private sector, he clarified that he has no intention of privatizing the CEC. He is trying to address an imbalance, as was noted. He is not recommending a reorientation, rather a broadening. It is necessary to have a good working partnership with industry when dealing with trade and environment matters. He agreed that establishing criteria should be explored.

He also confirmed indigenous peoples and communities will continue to be a strong focus for the Secretariat. While it is important to maintain credibility with indigenous peoples, it is also important to have credibility with the private sector.

Regarding input of local concerns into the NAAEC Article 13 report, he responded positively, stating that this is CEC at its best. Only the CEC could have organized such a forum as yesterday’s symposium, where all interested parties were at the table. The challenge now is to produce a balanced report.

Regarding the question on how consultants are selected, he responded that the CEC always strives to hire the best in each country. In the case of Unisféra International Centre: they were qualified and the least expensive among the three proposals received—cost being a very important issue for the CEC, given the current budget situation. As for the ten-year review, proposals were submitted to and selected by the Ten-year Review Committee (TRAC).

The director of the Submissions Unit responded that timeliness is a continuing challenge. He reminded JPAC that in 2003, the Unit published six factual records! Drafts for Molymex and Tarahumara are nearing completion. Regarding Ontario Logging, he clarified that Council voted in favor of developing a factual record on all but four of the management units in the submission.

Note: At this point the executive director returned to meeting with the Alternate Representatives and further comments were directed to the director of programs.

- Given the comments on indigenous participation, a number of JPAC members were interviewed in depth during the development of the Secretariat's report on indigenous peoples. What is the status of that report? It is important that in any follow up JPAC is not asked to go over the same ground again.

The director of programs replied that there are two opportunities for follow up. The Secretariat has already taken some specific actions by identifying where, in certain projects, indigenous participation will be assured. Secondly, there is a fund available (C\$73,800) for capacity building work in 2004–2005 and this could be oriented to enhance the involvement of indigenous peoples. The question remains: what is the best mechanism to work with JPAC to look at the broader questions raised in the report? We would welcome your views on this. A staff person at the CEC has been assigned to work on this capacity building initiative.

The JPAC chair then opened the floor to the public. (Note: There were intermittent problems with the simultaneous translation and some of the points may not have been fully recorded.)

- It is important to urge governments to continue clean-up work. For example, in the Gulf of Mexico, the US funded clean-up activities, then stopped. It is also important to focus on eliminating hazardous waste from the Mexican/US border. Waste should be returned to the source of origin.
- The work on species of common conservation concern should not focus simply on three species. Many, many more are at risk.
- Great care must be taken when engaging the private sector. It is necessary to do, but not easy to do.
- There is no transparency concerning the CEC working groups. Most are government only and the public has no idea what is going on there. This is not in the spirit of the CEC. It is wrong.
- Before making overtures to the private sector it is important to have clear objectives. Is it funding, exchange of expertise, cooperation? You must understand your needs. You have to choose the type of partnership that suits your institution. Funding may not be the best fit.
- It is much more complicated to involve small industry in the work of the CEC. Any involvement, however, has to be handled carefully. Any mention of industry partnerships

in a Puebla Declaration must be done very, very carefully so as not to establish the CEC as an institution oriented towards industry.

Reports from the National and Governmental Advisory Committees

The JPAC chair then invited the chair of the Canadian NAC to make a presentation. He began by following up on the report given at the last session, in Miami. The NAC has prepared a letter of advice to the TRAC. Key points are that there has been consistent progress over the past ten years and the processes for creating dialogue with civil society should be replicated in other trade agreements; insufficiency of the budget, however, cautions that funding raising will put the CEC in competition with academia and NGOs; the North American Fund for Environmental Cooperation (NAFEC) should not have been terminated; timeliness of the Article 14 and 15 process needs improvement; and, finally, there is a fundamental conflict of interest in the Article 14 and 15 process where the Parties are both judges and the implicated party. He concluded that the mandate of the current members ends on 1 May 2004. In the event he is not renamed, he congratulated JPAC on its work.

The chair of the US GAC reported on their October 2003 meeting in Washington. A letter was sent to the Environmental Protection Agency (EPA) with a series of recommendations. First, regarding the Operational Plan, the US GAC supports the strategic approach and vision. With limited resources it is important to focus and encourage partnerships to move issues forward. Indigenous peoples should be better represented in the program. Second, using air work as an example, the GAC recommends that NAFTA working groups be coordinated with CEC working groups. Third, he noted that the timeline for the Ten-year Review is ambitious; however, the US GAC is looking forward to a full report and the possibility of public meetings in each country. Fourth, he noted that the value in the Article 14/15 process is when a factual report actually is produced. That is what the public is looking for and what sets the stage for accountability and follow up. The US GAC considers the North American Enforcement Working Group as an appropriate vehicle to develop follow-up action. Finally, he outlined the current EPA's strategic goals for the environment as conserving biodiversity, children's health and the environment, promoting and enhancing enforcement and compliance, sustainable use and conservation of freshwater resources, restoration of water quality and watershed management.

JPAC discussion on a potential Advice or letter to Council on the development of a strategic plan to address air-related issues relevant to North America

The JPAC chair reported that several JPAC members, including herself, had attended a meeting with the North American Air Working Group (NAAWG) on 10 March. The exchanges had been very productive and it was decided that the JPAC Working Group on Air Issues prepare a letter summarizing JPAC's input. She asked a representative of the JPAC working group to present the draft letter addressed to the chair of NAAWG.

It was approved without change.

Action: Secretariat, NAAWG

JPAC follow-up**a) Symposium on the effects of transgenic maize in Mexico**

The JPAC chair opened the discussion by thanking the JPAC members and those members of the public present for their participation in the symposium. She observed that the event had the effect of putting a human face on this very complex and controversial topic. The presentations and discussion would greatly assist JPAC in developing its advice to Council, particularly with respect to seeking a better understanding of the human and social dimensions.

She asked the JPAC representative on the expert advisory group to provide an overview. He began by confirming to the meeting that revisions will be made to the report based on what was heard. The report will be finalized by the end of April to ensure that it is available for discussion at the June Council Session. One emerging recommendation will be to ensure that public funds are made available by governments to continue research and to create more awareness, not just among the so called ‘experts,’ but at the community level, so that people can make informed choices and decisions. He regretted that there had not been more input from the biotech industry. Representatives from Agrobio, Monsanto and Pioneer were present, but did not participate. The symposium succeeded in bringing forward the historical, cultural and spiritual dimensions of this very difficult issue. He concluded by explaining that he, as an indigenous person from Mexico, still kept the maize seeds that his grandparents used. He expressed concern that the expert advisory group did not have a broad enough representation to fully explore and present these perspectives forcefully and comprehensively.

Another member expressed his view that the symposium was clear evidence that there is a ‘clash of two worlds’—the scientific, business and academic world that places great faith in science, and the indigenous world that places great faith in practices and beliefs. He expressed concern that the executive director’s opening remarks indicated that the report would be science-based. The report will be a failure if it does not explore and meaningfully address the holistic relationship between indigenous peoples and maize.

A lengthy discussion continued among the members. There was consensus that JPAC should send a letter to Council expressing the importance of ensuring that the final report addresses the human dimension, the rights of local communities to expect protection and make concrete recommendations for implementation including to the Mexican government concerning imports. It was also made clear that it would be unacceptable if this Article 13 report were not acted on.

The JPAC working group on the symposium will prepare a draft letter to Council for circulation and approval by JPAC.

Action: JPAC Working Group, JPAC, Council

b) Review responses to JPAC Advice and letters

The JPAC chair reported that just prior to the meeting, acknowledgements of receipt were received to most of the JPAC letters and Advice. Again the members expressed disappointment in the delays and lack of substantive response. It will be a topic for discussion with the Alternate

Representatives in the in-camera session later in the day.

Action: Council

c) Articles 14 and 15: Further Analysis

The JPAC chair explained the Alternate Representatives had informed her the previous day that Council was now ready to conduct a review of Council Resolution 00-09 and requested JPAC input on how to proceed.

A member of JPAC noted that this issue had already been addressed in December 2003 in JPAC Advice to Council 03-05: *Limiting the scope of factual records and review of the operation of CEC Council Resolution 00-09 related to Articles 14 and 15 of the North American Agreement on Environmental Cooperation* and that Council had not yet even replied to that Advice. Further, she noted that the TRAC was also looking at matters related to the Citizen Submission Process and had also hired a consultant to interview JPAC members for the TRAC report, but explicitly not on that subject. It was all very confusing. She reminded the meeting that JPAC has already taken a decision to pursue the issue of a possible structural conflict of interest and has advised Council that this would be explored. She recommended that the Environmental Law Institute (who conducted the research for JPAC surrounding the issue of limiting the scope of factual records and determining what constitutes sufficient information) be contracted to review this issue for JPAC. The operation of Council Resolution 00-09 is tied to effectiveness. All these matters have to be dealt with together.

A discussion ensued. Some members felt strongly that no further work should be done until Council responded to Advice to Council 03-05—that this had evolved into a one-way monologue. It was noted that JPAC has a mandate to provide Advice and implicitly, Council should respond. JPAC does not do all this work consulting the public and conducting research just for the fun of it! JPAC is not in the business of just producing paper. The ball is in Council's court. Others felt that the TRAC review could be used as a vehicle to put these issues clearly in front of Council.

The decision was taken to direct comments to the Alternate Representatives in the in-camera session; engage ELI to conduct an analysis of the conflict of interest issue and also for individual members to take the time to provide interviews with the consultant hired by TRAC. If, when the TRAC report is finalized, JPAC feels that the issues were not satisfactorily covered, it can provide further advice.

Action: Council, JPAC Working Group, Secretariat

d) CEC Operational Plan: Capacity Building

The JPAC chair reminded the meeting that the North American Fund for Environmental Cooperation was terminated despite JPAC's strong recommendation. JPAC agreed to work with the Secretariat on the development of a new capacity building initiative as a fall-back position.

JPAC has suggested that this initiative focus on indigenous peoples. The amount available for 2004–2005 is C\$73,800.

The director of programs presented a draft proposal from the Secretariat to begin the discussion. Some suggestions involve internships for indigenous peoples to work at the Secretariat, others are local biomonitoring projects, or extending the reach of materials (e.g., environmental health curricula), and support to indigenous peoples to attend key meetings.

A discussion followed. Some members commented that this was a very small effort compared to the need. It was also noted by a member that with such a small amount of money, for such an important initiative, there was a risk of marginalizing the issue of indigenous peoples' involvement. Hopefully, there is no impression that with this money the CEC's obligation to indigenous peoples is fulfilled. However, given that the decision had already been made during the budget process, despite JPAC's recommendations concerning NAFEC, two preliminary options were introduced to:

- Hire an indigenous person in the Secretariat to begin to implement the report prepared for the Secretariat on indigenous peoples and to determine, over the longer term, how best to build a program to involve indigenous peoples. This person could also do fund raising. It was noted that "it has to be someone's responsibility to make it happen."
- Identify where, within the existing CEC program, the funds could best be directed in support of indigenous peoples.

It was agreed that the JPAC working group would continue to work with the Secretariat to further develop a proposal.

Action: JPAC Working Group, Secretariat

e) 2004 June Council Meeting

The JPAC chair informed the meeting that the Alternate Representatives had agreed with JPAC's proposal to hold the public workshop on the future of the CEC at the beginning of the Council Session. This will allow the public to provide input before decisions are made.

Action: Council

f) JPAC communications plan

The JPAC chair reported that she had met with the director of communications in January to discuss how to improve both external and internal communications. A JPAC draft plan was developed for discussion. This was shared with the Alternate Representatives. She asked for initial comments.

A member noted that yesterday's symposium was the result of a good communications strategy and asked how this was achieved. The JPAC liaison officer explained that the CEC had engaged a consultant in Mexico to publicize the event. Several weeks before the event, the consultant also organized workshops in with local NGOs to attract participation. There was also a good-sized

budget for assisting people for travel.

Another member asked the public to provide comments to JPAC, in writing, on how improvements might be made.

The communication plan has been approved as presented.

Action: Secretariat, JPAC Working Group

g) JPAC discussion on the in-camera session with the Alternate Representatives

The JPAC chair explained that as directed by Council, JPAC and the Alternate Representatives meet twice a year. This was instituted several years ago as a way to improve communications and coordination. The sessions are in-camera. In the spirit of transparency, she noted, JPAC will discuss the topics that will be raised during the session later in the day.

Program of public events for the June 2004 Council session

As already explained, the Alternate Representatives agreed to hold the public workshop on the future directions of the NAAEC at the beginning of the Session. JPAC will advise the Alternate Representatives that Secretary Cárdenas will be asked to make a presentation to the public workshop. Pierre Marc Johnson, the chair of TRAC, will also be invited to present the TRAC report. JPAC member(s) will report to Council on the results of the public workshop. JPAC will also ask for expanded time for public comments.

Action: JPAC Chair

How communications between Council and JPAC may be strengthened

Again, the Alternate Representatives will be reminded that the long delays in replying to JPAC Advice and letters are creating a problem. It is very difficult for JPAC to work effectively and plan its activities when months pass before even an acknowledgment of receipt is received. It is not possible to have constructive, forward-looking discussions when advice appears to be ignored. JPAC members are volunteers, meeting only three to four times a year. On a positive note, the Secretariat agreed with JPAC to organize involvement at the 'front end' of the annual planning cycle. A JPAC working group will be meeting during the summer with the Secretariat on the Operational Plan for 2005–2007 to provide strategic advice on priorities, etc.

Action: JPAC Working Group

Capacity building and indigenous peoples

The importance of this effort, the cautionary notes and the preliminary options discussed early will be brought forward to the Alternate Representatives. JPAC will also take this opportunity to reinforce the importance of ensuring that the Article 13 report on maize be available for discussion at the Council Session and that the cultural dimensions expressed during the symposium be reflected.

Articles 14 and 15 and Council Resolution 00-09

As agreed earlier, the Alternate Representatives would be reminded that JPAC has already provided advice on the review of Council Resolution 00-09 and has yet to receive a reply. JPAC will also inform them that a decision had been taken to go forward with an assessment of the matter of perceived conflict of interest.

JPAC administrative matters**a) Working groups: member appointments and rotation**Communications

Ann Bourget, Patricia McDonald, Laura Silvan

Articles 14 and 15

Merrell-Ann Phare to substitute for Donna Tingley

Engaging the Private Sector

Patricia Clarey, Carlos Sandoval, new member from Canada when appointed

Biodiversity and Maize

Dan Christmas to replace Merrell-Ann Phare

Indigenous Peoples and Capacity Building

The Indigenous Peoples Working Group will also include the Capacity Building initiative

b) Next JPAC meetings

Session 04-02 21–23 June 2004, in Puebla, Mexico. JPAC regular session in conjunction with the Council Session, as well as a public workshop on the future of the NAAEC

Session 04-03 fall (dates to be confirmed), Montreal, Canada. JPAC regular session in conjunction with a meeting on renewable energy

Observers' comments

The JPAC chair then opened the floor to comments from the observers.

- Communication is non-existent in the communities. The attendance yesterday was not due to the efforts of the CEC; rather we organized ourselves around this very important topic. Maize is not a product—it is our life.
- In Mexico, almost no one knows what the CEC is.
- What is a small amount of money for you (reference to the C\$73,800 for capacity building) is huge for us. Look at these meetings in fancy hotels with all the travel.
- Blaming migrants for transporting transgenes through seeds when they are ones most impacted by GMOs.

- Stop the Mexican government from importing transgenes. It exists. We don't need to wait for a report. Two-thirds of corn in the US is polluted. Like chemical bombs. It is not the migrants. It is the government and we don't need a budget to stop that.
- All I hear is 'money,' 'draft,' 'budget,' 'long-term,' 'business,' 'industry'—no one is even mentioning our health and the environment. What are we talking about here?
- We are asking JPAC to take a strong position. Address yourselves to the CEC, not to the maize expert advisory group. A letter is not enough. The precautionary principle must be applied to protect Mexico and its people. This will be the first comprehensive trinational report. It must be discussed in open session at the Council meeting. People came here yesterday because of the topic and we will be there in Puebla!
- We are one of the petitioners. Now we see the composition of the maize expert advisory group. It is industry-dominated. We only have one indigenous representative there to represent us and it is very hard for him, alone, to stand up to the others. We are worried that the recommendations are predetermined. We are deeply disappointed. We all came here in good faith to have a dialogue and we find we are talking to people who have already made up their minds. People are being displaced from their lands. You cannot come to my country and dictate how long I can speak. We have been consulting all our communities and we came here to tell you these things in the hope that you will listen to us. Look at the work we did to organize our presence here. Look at whom you are dealing with.
- I am concerned about the message from the indigenous representative on the expert advisory group yesterday. He said the industrial sector was not represented. They were there. Just because they chose not to participate does not mean they were not there. Please, JPAC, bring our voice forward.
- I want sensitivity and acknowledgment that there are people who are at risk. It is not just all about science. It is the people who are talking the risk, and the benefits are going to industry and governments. There was no acknowledgement of this yesterday. It is not equal. JPAC should be a body that we can trust to make them realize what we are experiencing. Think of the well being of people, not just about money. This whole process is controlled by money. Take into account the indigenous communities. Please open up more space and improve communications. Put into practice more tools to inform us about your work and how we can communicate with you. At least you, JPAC, must be flexible to other viewpoints.
- Biodiversity is a goal that is designed between science and technology. The public's voice is lost. We need to ensure a safe and nourishing food supply.
- A suggestion to JPAC: After ten years of experience are you confident, when faced with a crucial problem, that the mechanisms for consultation are adequate? Scientists are not the only ones with the last word, nor should it be the governments. We cannot forget who we are. When we look at the risks, we also have to take into account cultural practices. If farmers continue to exchange seeds, the results could be disastrous: a biological and cultural disaster throughout Mesoamerica. Make recommendations to stop exports to Mexico. It is not just up to Mexico to stop imports—you must stop exports. Eat [your corn] yourself in the US and Canada. Leave us alone.
- I point out that you, JPAC, can make your own recommendations to Council. We heard all sorts of opinions expressed yesterday for the Council. At a minimum, it is your responsibility to convey the strength of opposition to transgenic seeds. It is a clash of two worlds—also a clash within the western world itself. There is serious scientific doubt.

Benefits were trotted out as “sweets” with very little empirical foundation. I hope you don’t shy away from the conflict.

- I would like to make a demand related to scientific arguments that have been provided yesterday so you could issue to recommendation to the CEC. I am concerned because they are giving validity to science that has not been proven. Arguments are favoring industrial interests and financial considerations. We are concerned that many scientists that have carried out serious research have been fired from the research centers. We have too many examples of this in Mexico. A word of warning: the scientific community pretends it has all the arguments. The indigenous communities have 9000 years of practice in not causing harm. Companies are playing with our lives over the past ten years. They are putting us at risk. Help us to convey our knowledge. Give resources to indigenous communities. We are the guardians of many living beings. We are not the owners of the genes of a specific plant. How can anyone say they are owners of living genes? This raises huge ethical concerns. Finally, related to this issue, I would like to mention that within indigenous communities it is hard to reach a conclusion because we have different traditions. We use assemblies in order to gather the opinion of all. No one can say they are fully representative. JPAC, I know you don’t take the decisions but you can forward recommendations to the Mexican government not to import. The Ministry of Agriculture was the first to deny the problem.

With great reluctance, the JPAC chair had to end the comment period, which had already gone two hours over schedule. She warmly thanked the participants with the assurance that JPAC had heard what was being communicated with such great passion.

She thanked the staff and interpreters and adjourned the session.

Prepared by Lorraine Brooke

Approved by JPAC
19 April 2004



Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Regular Session 04-01

12 March 2004

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Provisional Agenda

- 9:00–9:10 Welcome and overview by the JPAC Chair, Donna Tingley*
a) Approval of the provisional agenda
- 9:10–9:30 Report from the CEC Secretariat and question period
- 9:30–9:45 Report from the National and Governmental Advisory Committee representatives*
- 9:45–10:30 JPAC discussion on a potential advice on the development of a strategic plan to address air-related issues relevant to North America*
- 10:30–10:45 Break
- 10:45–11:15 JPAC discussion on the in-camera session with the Alternate Representatives*
- 11:15–12:15 JPAC follow-up*
a) Symposium on the effects of transgenic maize in Mexico
b) Reviews responses to JPAC advice and letters
c) Articles 14 and 15: Further analysis
d) CEC Operational Plan: Capacity Building
e) 2004 June Council Meeting
f) JPAC communications plan
- 12:15–12:20 JPAC administrative matters*
a) JPAC working group: member appointments and rotation
b) Next JPAC meetings
- 12:20–12:30 Observers' comments
- 12:30 End of the session

* Session open to the public as observers.



**Comisión para la Cooperación Ambiental de América del Norte
Sesión ordinaria del Comité Consultivo Público Conjunto 04-01**

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