



## COMMISSION FOR ENVIRONMENTAL COOPERATION OF NORTH AMERICA

### Joint Public Advisory Committee Session No. 03-03

**3 October 2003  
Montreal, Canada**

#### Summary Record<sup>1</sup>

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 3 October 2003 following a JPAC public meeting on Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) in Montreal.

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 the record of the public meeting on Articles 14 and 15 will be available separately on the CEC web site.

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 the CEC web site at <http://www.cec.org>.

#### **Welcome and overview by the JPAC Chair**

The JPAC Chair welcomed everyone to Montreal and explained that several members of JPAC were unable to attend this session, namely Ann Bourget, Dan Christmas, Patricia Clarey, Patricia McDonald and Merrell-Ann Phare.

He provided some preliminary observations on the results of the public meeting on Articles 14 and 15, specifically:

Regarding the draft report:

- The report requires more balance.
- It needs more of an industry perspective.
- It needs input from the Parties.
- [It needs to consider] Article 45(a) and (b) definitions of “effectively enforce its environmental law” and possible connections to Article 22 or Articles 14 and 15.

---

<sup>1</sup> 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 intervenors and therefore may not accurately reflect their statements.

- Is fear of an NAAEC Article 22 determination driving Council’s decisions to limit the scope of factual records?
- Council members need to differentiate and understand their roles as ‘Parties’ and ‘Council’—contrasting their deliberation/cooperation role and their decision-making role.
- Clarify discussion on evidentiary requirements.
- Explore experiences with similar processes, such as the World Bank Inspection Panel.
- Include more analysis of the Oldman River submission.
- Explore the issue of standards for review of recommendations to proceed with a factual record (‘arbitrary/capricious’ ‘patently unreasonable’). Should Council defer to Secretariat recommendations in all cases, or never. Explore middle ground.
- Highlight and analyze the lack of new submissions involving the United States since 2000.
- Analyze the experience with BC Hydro, where the scope of the factual record did not reach all hydroelectric facilities in the submission but was done in consultation with the submitter.
- Explore the context in which Council decisions are being made. Are the factual records related to environmental events that are actually attached to the implementation of NAFTA? Are submitters using this trilateral process because their domestic remedies are limited or unsatisfactory?
- Recall the history of this process—that it was “forced on” Canada and Mexico by the US—to assist in understanding current situation and possible explanation for recent Council decisions.

The participants asked JPAC to:

- Send an Advice to Council with a strong recommendation not to limit the scope of future records, address the issue of sufficiency of information and attach the ELI report as ‘reasoned argumentation.’
- Indicate preference for a clear yes/no Council vote on Secretariat factual record recommendations. Do not tamper with a submission. Using scarce resources to produce a factual record that was not the subject of the original submission is not helpful.
- Continue to monitor and pursue the issue of timeliness and efficiency.
- Reaffirm the independence of the Secretariat and make it clear there is no presumption that a submitter should have access to resources sufficient to allow providing all the evidence related to a submission—that is the job of the Secretariat in preparing a factual record.
- Confirm that it is the role of the Secretariat to determine scope/content of a factual record.
- Develop recommendations for solutions regarding follow-up.
- In the spirit of [Resolution] 00-09, JPAC’s recommendations should not be overruled (except perhaps in extraordinary circumstances).
- Consider a process where the Parties (at a senior level), the SEM Unit, and JPAC can engage and discuss how to improve the process.
- Do not abandon the process—fight for it. In Mexico, particularly, this is one of the only avenues available to citizens to bring enforcement concerns into the open.
- Explore ways that the process can be made more palatable to the Parties, especially Canada and Mexico, who are now bearing the brunt of the submissions. Demonstrate results, make it more cooperative, and indicate how the CEC could assist in addressing the issue in question.

The JPAC Chair then explained that the draft report would be updated as a result of input received at this meeting and would also be available on the CEC web site for a public comment

period until 24 October. The final report would be submitted to JPAC on 31 October. The JPAC working group on Articles 14 and 15 (Gustavo Alanís-Ortega, Arturo Duran, Jane Gardner and Donna Tingley) will be preparing an Advice to Council to be approved by all JPAC members at the December regular session.

Finally, he explained that the primary purpose of this session was to hear from the Secretariat concerning the proposed CEC Operational Plan for 2004–2006 and to provide preliminary comments. He explained that the draft documents were initial sections only and that the Secretariat intended to have the detailed proposed Operational Plan available on 10 October. A call for public comments will be made related to this document. JPAC would then develop and provide an Advice to Council in mid-November in advance of the scheduled meeting of the Alternate Representatives on 20–21 November.

### **Report for the CEC Secretariat and question period with the Executive Director**

The Chair then extended a warm welcome to the new Executive Director and invited him to address the meeting.

The Executive Director began by providing some personal background, explaining that he is a US citizen from Colorado, but has been living and working in Europe for the past 20 years. He provided information on his educational and professional background, the most recent being since 1990 with the European Bank for Reconstruction and Development working with the financial and private sectors on environmental issues. He explained that the Bank also has an environmental advisory committee remarkably similar to the JPAC. The brainchild of Jacques Cousteau, this committee has faced many similar challenges for engaging the public. His message was “don’t despair—it is part of your job to plant seeds.”

He went on to say that the CEC is facing some serious budget issues, requiring a focus on what the institution can do most effectively and the need to develop partnerships. He noted that his own experience working with the financial and private sectors was timely. He offered his view that Article 16 of the NAAEC affords the opportunity for JPAC to provide both advice to Council and also technical, scientific or other information to the Secretariat. He suggested that JPAC not limit its advice to formal meetings with Council and regarding the Secretariat to use contacts with NGOs and other communities in each country to seek out information to assist the Secretariat. He invited JPAC to contact him anytime there was a need to do so through the JPAC liaison officer.

The JPAC members then introduced themselves and joined in welcoming the Executive Director.

The JPAC Chair opened the discussion, noting that over the years the program of the CEC has been very ambitious and with the new budget constraints, focus would be required. Understanding that budget cuts would be necessary, he noted his concern that the 10 percent proposed cut in the JPAC budget meant eliminating one meeting per year and this would have a significant impact on a very important part of the NAAEC, namely public participation. He cautioned that the CEC could lose credibility if it were seen to be diminishing its capacity for supporting public participation.

The JPAC members supported the Chair's comments noting that eliminating one meeting a year was effectively reducing JPAC's outreach capacity by 25 percent given that it now holds four meetings a year. This poses a great risk to the credibility of the CEC. JPAC is an institutional partner in the CEC but as it is now, it is only receiving three percent of the budget and reductions are being proposed. It was further noted that indeed these meetings provided the additional opportunity to make links with the private sector. It was also suggested that a 10 percent across the board cut was not the best way to address the budget difficulties.

At the same time, it was noted that reductions were being proposed in the North American Fund for Environmental Cooperation (NAFEC), the other key outreach program. With this, it will be very difficult to defend that the CEC is giving priority to public participation. Finally it was noted that the preliminary documents available for this meeting were not adequate for in-depth analysis and were limited to the English version.

Comments from the public included:

- JPAC meetings are a very important mechanism in the CEC. While it is important for overall planning to be strategic, reducing JPAC's capacity is not recommended.
- Holding meetings at universities could assist in reducing costs and could further disseminate the messages.
- The CEC requires public participation—it is not a sideline.
- Reducing JPAC and NAFEC are shots at public participation. It is these bodies and activities that help build the case that trade is responsible—this is the trademark of the CEC.
- In Mexico, public access is limited. JPAC and NAFEC provide a space. Cutting the budget is the same as closing a door.
- If there is focus on creating partnerships with industry, there is all the more need for public oversight.

The Executive Director thanked JPAC and the public for the useful and frank comments. He explained that Council endorsed the development of a new strategic approach to program planning at the same time as the budget issue was revealed—so it is not 'business as usual.' Today's session is intended to receive general comments on the preliminary documents to assist in preparing the final proposed Operational Plan next week. In the next week, a balanced budget would also be prepared. He asked for JPAC's assistance in developing priorities for the CEC given the budget pressures.

The Director of Administration and Finances explained that the CEC is operating on a fixed budget of US\$9million, and that the operating budgets are expressed in Canadian dollars. The shifting exchange rate in favor of the Canadian dollar has created the need to adjust the budgets to cover a shortfall of over C\$1.5 millions. Moreover, in past years there has been a carryover. That will not be the case in 2004.

### **Reports from the National and Governmental Advisory Committee representatives**

The representative from the Canadian NAC welcomed the Executive Director and explained the composition and role of the Canadian NAC. He noted that a continuing preoccupation was the implementation of the citizens submissions process under Articles 14 and 15, noting that recent

developments pose some serious challenges, namely bringing into question the independence of the Secretariat and access to the process by ordinary citizen groups. He suggested that with new developments around the issue of sufficiency of information “to get a factual record you have to write a record.” He went on to express the committee’s support for the new planning process, suggesting it was long overdue. They will be looking forward to reviewing the completed proposed documents. He concluded by supporting an earlier suggestion to work more closely with universities for hosting meetings.

The representative from the US NAC also welcomed the Executive Director. He explained that the committee would be meeting the following week to review the proposed Operational Plan and Budget, NAAEC Articles 14 and 15 and the ten-year review. Regarding the operational plan, he noted that the changes seen thus far are a positive step. He encouraged the Secretariat to work with the NACs and GACs for feedback in program delivery, not just wait for formal meetings.

The representative from the Mexican NAC also extended a warm welcome to the Executive Director. She explained that the NAC had met with Secretary Lichtinger prior to his departure to discuss such matters as the obligation to conclude an agreement on transboundary environmental impact assessment. The committee has also discussed Articles 14 and 15 and the need to improve knowledge of the CEC in Mexico. The NAC will propose a meeting with the new Secretary and Mexican Alternate Representative to discuss priorities.

### **Overview and introduction of the proposed CEC Operational Plan for 2004–2006 and question period**

The Chair of JPAC then introduced the Director of Programs. He explained in detail the new strategic approach employed for program planning and noted that it can be viewed as opportune that budget issues have arisen at the same time. This new strategic approach can assist in solving the budget issues. He went on to explain it was by design that only general information was sent out at this time in order to solicit feedback on overarching goals. He went on to explain that in the past JPAC had made the following observations concerning the program plan:

- The need to engage indigenous peoples in the programs and projects of the CEC,
- The need for program/project evaluation,
- The need for end dates for projects,
- The necessity for leveraging funds and forming partnerships, and
- The desirability of simplifying the presentation and format.

He continued, that in March 2003, he met with JPAC and the Alternate Representatives and made several promises that the new approach would:

- Be goal-and-objective-driven putting CEC-wide goals and objectives in a planning framework,
- Identify strategies to achieve goals and objectives,
- Express more definitive targets, and
- Detail actions to be implemented (projects).

He then reviewed the Operational Plan, beginning by an explanation of the four Goals:

- Goal 1: To foster understanding of the state of our environment, and its relation to the economy and trade in North America.
- Goal 2: To act as a catalyst to improve domestic law and policy, and enhance environmental enforcement and compliance across North America.
- Goal 3: To mobilize international cooperation to resolve critical North American environmental issues.
- Goal 4: To provide a forum for public dialogue and participation concerning environmental issues of common concern in North America.

He continued by explaining the main thrusts of the Operational Plan:

- Strengthening partnerships (do so thoughtfully—benefiting our program and avoid just seeking funds),
- Enhancing North American environmental information (State of the Environment reports and other products),
- Making progress on hazardous waste management (this has emerged as a Council priority—one where the CEC can make impact),
- Conserving species and spaces (biodiversity program—the North American Biodiversity Conservation Strategy aiming to achieve concrete progress on a continent-wide basis by working on two areas—Baja to Bering marine region and the North American central grasslands, and with an initial list of six species of common conservation concern), and
- Addressing the impacts of pollution on the environment and human health by taking a fresh look at how to better integrate the work and make it more coherent.

Finally, he explained that he would be meeting with the Parties over the next several weeks to receive feedback. He also noted that the results of the ten-year review will offer some very interesting suggestions for the next 10 years and by framing the program plan in this way, it will be easier to look at priorities and make adjustments. The Operational Plan will also allow for effective reporting, evaluation and monitoring.

The JPAC Chair then opened the floor to JPAC members and the public:

- Commend the Secretariat on introducing a results-driven operational plan. This will set a new tone and allow evaluation and management of limited financial resources.
- While the outcome may be a good one, JPAC should have been consulted prior to embarking on a new approach.
- Who ‘owns’ the Goals—how can problems that may arise be addressed?
- Clean air, renewable energy and the use of new technologies should figure prominently in the program.
- The connection between trade and environment is the reason there is a NAAEC and a CEC. There is not enough activity and focus on improving this relationship.
- In Goal 4, one could infer that JPAC is not a main instrument for public participation.
- It is difficult to respond without seeing the details of the Actions to see if they indeed serve to implement the Goals.
- Work should be results-oriented—there are already thousands of pages on shelves. We don’t need more reports.

The Director of Programs replied to these questions and comments:

- JPAC was consulted in March on the new approach.
- Trade and environment initiatives are mainly in Goals 1 and 3.
- Who owns the Goals: we are not a large staff and the main program areas still exist. They are not necessarily expressed in only one Goal. Ultimately, the Executive Director and the Director of Programs are responsible.
- We would welcome advice from JPAC on wording for Goal 4 and on ways to facilitate JPAC's further involvement.

### **Presentations and question period on the proposed Operational Plan for 2004–2006**

The program head for the Conservation of Biodiversity program made a presentation on plans for implementing the Strategic Plan for North American Cooperation in the Conservation of Biodiversity.

Comments from JPAC and the public included:

- It is difficult to comment without actual project details.
- Congratulations on efforts to involve indigenous peoples. This should be a priority for all of the CEC's activities.
- What were the criteria for the selection of the two regions (Baja to Bering and North American grasslands) and the six species of common conservation concern?
- How is the CEC planning to include traditional knowledge in its projects and programs? This is a topic that is receiving considerable positive attention in other international organizations.
- Work on shade coffee should include certification as an organic product. To do this requires that the coffee be grown in clean soil.
- Will the compendium of best practices for sustainable fisheries also explore pollution and its impacts on fisheries?

Replies:

- The compendium will focus on technologies, policies and financing. It will look at experiences in other parts of the world from the perspective of how they can assist in the North American context.
- The species of common conservation concern were selected by an expert group on the basis of set criteria such as: degree of threat, transborder occurrence, representative of taxonomic groups, etc.)
- It would be very useful to work toward organic certification for shade coffee.
- It is planned to work with indigenous peoples to determine how best to bring their knowledge into the discussions. It is a priority.
- Priorities for 2004 are working with indigenous peoples, shade coffee, birds, best practices for fisheries and invasive species.

The program manager for the Air Quality program presented the Pollutants and Health program on behalf of the program head, who was attending a pre-scheduled meeting in Mexico.

Comments from JPAC and the public included:

- How is it planned to develop information on air quality monitoring?

Reply:

- The first step is to assemble available information using reports to national databases. In Mexico, the program will help to sponsor the establishment of a national monitoring network. City databases exist in Mexico and could be linked together into a national network.

The head for Environment Economy and Trade presented information about that program.

Comments from JPAC and the public included:

- JPAC has made recommendations to Council for the development of several specific baseline studies as a starting point for measuring impacts of trade on the environment. Are these in the program?
- JPAC and the public have agreed that investment and environment should be one of the key topics covered at the third symposium.
- What work will be done on renewable energy and new technology in the context of reducing greenhouse gases that contribute to climate change?
- In Mexico, the National Commission for Energy Conservation is being eliminated. The CEC is promoting work in an area where Mexico is cutting back. It was urged that the CEC make its concerns known to the new energy minister.
- There is no progress towards making NAAEC Article 10(6) operational. JPAC and the Secretariat are urged to keep pushing.
- Promoting fair trade should be part of the program.
- Regarding the next symposium, explore the capacity of indigenous groups to participate through direct investment in projects.
- NAAEC exists because of NAFTA. Will work be done to promote a similar parallel agreement in the FTAA?

Replies:

- A community-based fund has been established for the shade coffee project. It will be controlled locally and already there are discussions around fair trade and organic certification. Efforts will be coordinated with the Conservation of Biodiversity program.
- Regarding renewable energy, the work will begin by looking at what others are doing, to assemble the information and convene experts. It will be necessary to partner with other groups. This kind of work is beyond the financial capacity of the CEC. The CEC's role is to bring people together under an umbrella of environmental stewardship.
- We will continue to work on investment to foster sustainable development and work with mainstream financial analysts (those who are still not convinced) to demonstrate the financial benefits of avoiding environmental risk.
- We agree that there has been little progress on Article 10(6)—it was limited to a meeting that accomplished nothing and the minutes of a year 2002 meeting that is finally being made public. But pursuing the ministerial meeting remains the only option the governments have put on the table.



The head for Law and Policy presented his program.

Comments from JPAC and the public included:

- When will the case studies on best practices be available and what is the planned distribution?
- Why is Law and Policy a separate program? It should be part of all CEC activities.
- The challenge for environmental monitoring systems is for small and medium-size businesses that lack the necessary resources.
- Work is required on tracking, registering and controlling imports of hazardous waste and other illegal substances into Mexico.
- Is there a role the Law and Policy program can play in the follow-up to factual records? Why should the ‘sun stop shining’ when the factual record is complete? Could this be a solution to the frustration being expressed by the public and JPAC?
- Encourage using law students to work on the development of the environmental databases.
- There is no enforcement on water quality in Mexico. Also, there is no infrastructure to handle hazardous waste—it is open dumping.

Replies:

- Regarding water quality, the Council has instructed work in this area. We will begin by developing a framework for how to develop case studies then move to a process to develop a draft report for public comment. This will be completed in two years.
- The program head agreed that enforcement is a ‘cross-cutting’ issue. However, in certain instances, such as intelligence and customs, it is not. It is anticipated that the program will be supportive of other CEC activities and goals.
- Regarding environmental management systems, the challenge is to make it relevant. Just because you institute such a system does not guarantee success. Regulatory support and technical assistance are also required.
- The differences in regulations between Mexico and the United States make tracking of hazardous waste very difficult.
- Clearly, more infrastructure for treating hazardous waste is needed in Mexico.
- There has been significant progress in the Enforcement Working Group towards making their work more transparent. Traditionally, law enforcement is very sensitive to issues of sovereignty and jurisdiction when dealing with international institutions. Progress is largely a function of seeing the benefits of working together.
- There is a “Chinese wall” between the Enforcement Working Group and Articles 14 and 15. This is an institutional requirement.

The assistant for the North American Fund for Environmental Cooperation (NAFEC) made a presentation on that activity.

Comments from JPAC and the public included:

- JPAC has always been very supportive of the NAFEC. What impacts will the proposed budget cuts have?
- How was the fund originally established? Will it continue to diminish?
- Indigenous communities have benefited from this funding program.

## Replies:

- From C\$2,000,000 in 1995, the budget is now limited to C\$755,000, and has a major impact on the number and the projects granted. Administrative costs were reduced to put as much money into grants as possible.
- A list of grantees, along with a description of results is available on the web site and, indeed, many indigenous groups in the three countries have been involved in the fund.

The Director of the Submissions on Enforcement Matters Unit made a presentation on Specific Obligations under the NAAEC.

He also used the opportunity to reply to an earlier question directed to the head of the Law and Policy program regarding follow-up to factual records. He noted that it is intended for factual records to serve a useful purpose and help solve difficult problems of enforcement and compliance. JPAC produced a lessons learned report on Articles 14 and 15 and recommended that a process for follow up be developed. Council has not been supportive, preferring that this remain a domestic responsibility.

The Director of Communications presented the CEC Communications Strategy.

## Comments from JPAC and the public included:

- What is your goal for the percentage of the population knowing about the CEC?
- JPAC is not mentioned. It would appear that only the activities of the Secretariat are being communicated. Is it the intention that JPAC have its own strategy?
- Communications concerning the ten-year review should be a priority and JPAC should be involved in developing key messages.
- There is a tendency to keep communicating with the same people. More outreach is required.
- There is already too much paper. Perhaps it is time to look at other, less expensive tools.
- Is *Trio* sent to local newspapers?

## Replies:

- It is not as easy for the CEC to grab headlines as NGOs. We are about effecting change and behavior—a much more difficult task to measure.
- JPAC and the engagement of the public are central to the core message of the CEC. Moreover, a number of key initiatives present an opportunity to work with JPAC in enhancing communications.
- The ten-year review is under the direction of the Ten-year Review and Assessment Committee (TRAC). The CEC recognizes the tenth anniversary of NAFTA/NAAEC is an important opportunity to communicate progress.
- More outreach to a broader audience is certainly required. One of our objectives is to work with the program managers to be as explicit as possible about production of materials at the outset of planning. We don't want to be producing what people will not read.
- Yes, *Trio* is distributed to local papers and there are examples of where news stories have been pursued as a result.

The JPAC Chair thanked all the Secretariat staff for their excellent presentations.

### **JPAC follow up**

#### **a) Article 13 of the NAAEC on the effects of transgenic maize in Mexico**

The JPAC representative on the Article 13 Expert Advisory Group made a brief report on recent meetings and progress of work towards the Symposium on 11–12 March 2004, in Oaxaca, Mexico. A draft report will be available for public comment by the end of the year.

**Action: Expert Advisory Group and the Secretariat**

#### **b) Ten-year Review of the NAAEC**

The JPAC Chair reported that the TRAC members from Mexico would soon be named. Also, he proposed that the past JPAC members be invited to participate in JPAC's self-evaluation. This was agreed.

**Action: Mexican Government and JPAC Chair**

#### **c) JPAC working groups**

It was agreed that a new working group on indigenous peoples be established to work on the Secretariat's initiative to better involve indigenous peoples in the work of the CEC. Members are Mindahi Crescencio Bastida-Muñoz, Dan Christmas, and Patricia McDonald.

It was also agreed to establish a working group on transboundary environmental impact assessment. Members are Gustavo Alanis-Ortega, Arturo Duran, Laura Silvan, and Donna Tingley.

#### **d) Election of the Chair**

The Chair explained the process for electing the JPAC Chair for 2004 from among the Canadian members. The results of the confidential vote will be made available at the end of November.

**Action: JPAC members**

### **Next JPAC meetings**

The Hazardous Waste Task Force will hold a meeting on 3–4 November in Montreal. The JPAC working group is invited to attend. A Draft Advice to Council will be prepared for review by JPAC.

**Action: JPAC Working Group, JPAC members**

Session 03-04                      4–5 December 2003, in Miami, Florida, in conjunction with a CEC round table on invasive species.

- Session 04-01      11–13 March 2004, in Oaxaca, Mexico, in conjunction with the CEC symposium: “Maize and Biodiversity—The Effects of Transgenic Maize in Mexico” and a meeting with former JPAC members to conduct a JPAC self-evaluation in the context of the Ten-year Review of the NAAEC.
- Session 04-02      June 2004 in Mexico, in conjunction with the Regular Session of Council. Possible dates the week of 21 June or the week of 28 June. Possible locations are Puebla or Los Cabos.

**e) Advice to Council on the Operational Plan**

It was agreed that such advice was premature, as the full draft documents were not yet available. Rather, JPAC agreed to a process and timeline for producing an advice by mid-November in advance of the meeting of the Alternate Representatives.

**Action: JPAC members**

**f) Replies from Council on Advice 03-01 and 03-02 and letter regarding the intergovernmental agreement**

Regarding Advice to Council 03-01 and 03-02, the JPAC Chair summarized the written responses. He expressed his frustration at the lack of time it took to receive the responses (six months) and receiving them immediately before a meeting. The JPAC members echoed his frustrations.

Concerning the content of the response to Advice to Council 03-01, JPAC, of course, expressed disappointment, but also a sense that efforts to engage trade and environment officials are becoming futile.

Concerning the response to Advice to Council 03-02, the JPAC Chair explained that the Mexican proposal on transboundary environmental impact assessment had been provided directly to him and it will be shared with the members. The JPAC working group will then address it.

No response has been received from the Council on the letter sent by the JPAC Chair in August 2003 about the Trade and Environment Ministers Joint Meeting.

**Action: Council and JPAC members**

**Observers' comments**

- One way to force action with trade officials is to use the media to denounce the lack of progress. Also, we cannot accept that governments control the development of factual records as they are now doing. It is a conflict of interest. They are simply trying to protect themselves.
- JPAC was congratulated on organizing this session and the prior day's meeting on Articles 14 and 15. The Secretariat was also congratulated on its initiative regarding indigenous peoples. Disappointment was expressed, however, concerning the proposed cuts to NAFEC.

- This has been two great days of public input—the best yet. We need, however, to see all the documents you are referring to, such as the letters of response to your Advice so we can follow the discussion and comment constructively. Very pleased to hear that all JPAC members (past and present) will be assembling to do a self-evaluation. This will be a very valuable record.
- Governments must be urged to commit to bringing their contributions to the CEC to the US\$15 million target set in 1994.
- These sessions have demonstrated to the public the tolerance and democratic spirit that is at the core of the CEC. This is how you build a constituency.
- Children and students should be targeted in a communications strategy—they are valuable allies in our work to protect the environment.

The JPAC Chair thanked the observers and asked the Executive Director if he would like to make any concluding comments.

The Executive Director commented how instructive the session had been and that he now had a much better understanding of how JPAC operates and the role it can play in providing information to the Secretariat. He concluded with a plea to JPAC to take a close look at the Secretariat's proposal for a balanced budget and be frank about where cuts should take place.

The JPAC Chair thanked all the participants, members, staff and the interpreters and adjourned the session.

Prepared by Lorraine Brooke  
17 October 2003



**Commission for Environmental Cooperation of North America**

**Joint Public Advisory Committee Regular Session 03-03**

**3 October 2003**

**Wyndham Hotel / Complexe Desjardins  
1255, Jeanne-Mance  
Montreal, Quebec  
Phone: (514) 285-1450 • Fax: (514) 841-2037**

*Hospitalité Room at the Basiliaire 2*

**Provisional Agenda**

- |               |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8:00 – 9:00   | Registration of participants, with coffee and croissants                                                                                                                                                                                                                                                                                                                                                                             |
| 9:00 – 9:05   | Welcome and overview by the JPAC Chair, Gustavo Alanís-Ortega*<br>a) Approval of the provisional agenda                                                                                                                                                                                                                                                                                                                              |
| 9:05 – 9:15   | Report from the CEC Secretariat and question period by the Executive Director, William Kennedy                                                                                                                                                                                                                                                                                                                                       |
| 9:15 – 9:30   | Report from the National and Governmental Advisory Committee representatives*                                                                                                                                                                                                                                                                                                                                                        |
| 9:30 – 10:30  | Overview and introduction of the proposed CEC Operational Plan for 2004–2006 by the Director of Programs, Douglas Wright, and question period                                                                                                                                                                                                                                                                                        |
| 10:30 – 10:45 | Break                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 10:45 – 12:15 | Presentations and question period of the proposed Operational Plan for 2004–2006 (Ten-minute presentation by CEC Staff)<br>10:45 – 11:15 Environment, Economy and Trade Program Area by the Program Head, Chantal-Line Carpentier<br>11:15 – 11:45 Conservation of Biodiversity Program Area by the Program Head, Hans Herrmann<br>11:45 – 12:15 Pollutants and Health Program Area by the Program Manager, Air Quality, Paul Miller |
| 12:15 – 13:30 | Lunch (not provided)                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 13:30 – 14:30 | Presentations and question period of the proposed Operational Plan for 2004–2006 (Five to ten-minute presentation by CEC Staff) (Cont'd)                                                                                                                                                                                                                                                                                             |

---

<sup>1</sup> Session open to the public as observers.

13:30 – 14:00	Law and Policy Program Area by the Program Head, Timothy Whitehouse
14:00 – 14:05	The North American Fund for Environmental Cooperation (NAFEC) by the NAFEC Supervisor, Manon Pepin
14:05 – 14:15	Specific Obligations under the Agreement by Director, Submissions on Enforcement Matters Unit, Geoffrey Garver
14:15 – 14:30	Communication Plan by the Director of Communications, Evan Lloyd
14:30 – 15:00	Break
15:00 – 16:00	JPAC discussion on a potential Advice to Council on the Proposed CEC Operational Plan for 2004–2006, including the JPAC Program for 2004*
16:00 – 16:45	JPAC follow-up* <ul style="list-style-type: none"> <li>a) Review Council’s responses: JPAC Advice 03-01 and 03-02, Transboundary Environmental Impact Assessment negotiations; and the Canadian Intergovernmental Agreement regarding the NAAEC</li> <li>b) Article 13 of the NAAEC on the effects of transgenic maize in Mexico</li> <li>c) Ten-year retrospective of NAFTA/NAAEC</li> <li>d) JPAC working groups: member appointments and rotation</li> <li>e) Information on the JPAC chair election process</li> <li>f) Next JPAC meetings</li> </ul>
16:45 – 17:00	Observers’ comments
17:00	End of the session

---

<sup>1</sup> Session open to the public as observers.



Joint Public Advisory Committee (JPAC) Public Meeting  
on issues related Articles 14 and the 15 of the NAAEC  
and  
Joint Public Advisory Committee Regular Session 03-03

Reunión pública del Comité Consultivo Público Conjunto (CCPC)  
sobre asuntos relativos a los artículos 14 y 15 del ACAAN

y

Sesión ordinaria del Comité Consultivo Público Conjunto 03-03

Réunion publique du Comité consultatif public mixte (CCPM)  
sur des questions relatives aux articles 14 et 15 de l'ANACDE

et

Session du Comité consultatif public mixte no 03-03

2-3 October 2003/ 2 y 3 de octubre de 2003/ 2 et 3 octobre 2003

Participants list/ lista de participantes/ liste de participants  
as of October 3/ en fecha del 3 de octubre/ en date du 3 octobre

Montréal, Québec

### Participants/ Participantes

#### **Ayala Soto, Luis Felipe**

Secretario  
Comité Pro Limpieza del Rio Magdalena  
Giotto # 132 Inter. 202 Col. Alfonso III  
Del. Alvaro Obregon  
México, DF 01460  
México  
Tel : 011 52 611 5072  
lfayalas@hotmail.com

#### **Bérubé, Gilles G.**

Conseiller principal  
Conformité, Politiques et législation  
Hydro-Québec  
75 boul, René-Lévesque Ouest, 2e étage  
Montréal, Québec H2Z 1A4  
Tel: 514 289 2211 #3629  
Télec: 514 289 4977  
berube.gilles.g@hydro.qc.ca

#### **Bell, Anne**

Acting Executive director  
Wildlands League – Chapter of the Canadian  
Parks and Wilderness Society  
401 Richmond St. W. Suite 380  
Toronto, Ontario M5V 3A8  
Canada  
Tel: 416 971 9453 ext. 39  
Fax : 416 979 3155  
bell@wildlandsleague.org

#### **Bordas-I-Cuscó, Agustí**

Policy Advisor  
Environment Canada  
10 Wellington St. 23rd Floor  
Gatineau, Québec K1A 0H3  
Canada  
Tel : 613 956 5947  
Fax : 819 997 0199  
agusti.bordas@ec.gc.ca



**Bravo Gaxiola, Agustín**  
Director General  
Fuerza Ambiental, A.C.  
Emilio Carranza 910 Col. Centro  
Chihuahua, Chihuahua 31000  
México  
Tel : 011 52 614 410 8179  
Fax : 011 52 614 416 0861  
info@fuerzaambiental.org

**Brooke, Lorraine**  
Consultant  
3745 St-Jacques West, Suite 220  
Montreal, Quebec H4C 1H3  
Tel: 514 934 1218  
Fax: 514 937 5114  
lbrooke@ccemtl.org

**Bugeda Bernal, Beatriz**  
Directora Regional para América Latina  
International Fund for Animal Welfare  
Prolongación Angelina No. 10  
México, DF 01020  
México  
Tel : 011 52 555 662 0559  
Fax : 011 52 555 662 9505  
bbugeda@ifaw.org

**Caldwell, Jake**  
Program Manager  
National Wildlife Federation  
1400 16th St. NW, Suite 501  
Washington, DC 20036  
USA  
Tel : 202 939 3302  
Fax : 202 797 5486  
caldwell@nwf.org

**Carmona Lara, María del Carmen**  
Investigadora  
UNAM - Instituto de Investigaciones Jurídicas  
Matro Mario de la Cueva s/n Sona Cultural,  
Ciudad Universitaria  
México, DF 04510  
México  
Tel : 011 52 555 622 7477 x 303  
Fax : 011 52 555 665 2193  
carmona@servidor.unam.mx

**Catudal, Jean**  
Consultant en environnement  
Hydro-Québec  
75 boul, René-Lévesque Ouest, 2<sup>e</sup> étage  
Montréal, Québec H2Z 1A4  
Tel : 514 289 2211 #3771  
Télé: 514 289 4977  
Catudal.jean@hydro.qc.ca

**Christensen, Randy**  
Staff Lawyer  
Sierra Legal Defense Fund  
131 Water St. #214  
Vancouver, British Columbia V6B 4M3  
Canada  
Tel : 604 685 5618  
Fax : 604 685 7813  
rchristensen@sierralegal.org

**Cloghesy, Michael**  
President  
Centre Patronal de l'Environnement  
640 St-Paul Street West, Suite 206  
Montreal, Quebec H3C 1R9  
Tel: 514 393 1122  
Télé: 514 392 1146  
cpeq@generation.net

**Dannenmaier, Eric**  
Director  
Tulane University  
Institute for Environmental Law & Policy  
6329 Freret St.  
New Orleans, Louisiana 70118  
USA  
Tel : 504 862 8829  
Fax : 504 862 8857  
edan@law.tulane.edu

**Delisle, André**  
Président  
Transfert Environnement  
965, rue Newton, bureau 256  
Québec, Québec G1P 4M4  
Tel: (418) 872-8110  
Fax: (418) 872-6912  
adelisle@transenvironnement.qc.ca

**DeMarco, Jerry**

Managing Lawyer  
Sierra Legal Defence Fund - Ontario  
30 St. Patrick Street, Suite 900  
Toronto, Ontario M5T 3A3  
Canada  
Tel : 416 368 7533  
Fax : 416 363 2746  
bear@sierralegal.org

**García, Juan Francisco**

Secretario  
Grupo Ecológico Manglar, A.C.  
H. Batallón sur #219  
San Blas, Nayarit 63740  
México  
Tel : 011 52 323 285 0462  
Fax : 011 52 323 285 0111  
sbmanglar@hotmail.com

**Graham, Kathy**

Policy Advisor  
Environment Canada  
10 Wellington St. 23<sup>rd</sup> Floor  
Gatineau, Québec K1A 0H3  
Canada  
Tel : 613 953 7892  
Fax : 819 997 0199  
Kathy.graham@ec.gc.ca

**Graubart, Jonathan**

Professor  
San Diego State University  
Departement of Political Science  
College of Arts and Letters  
5500 Campanile Drive  
San Diego, California 92182-4427  
USA  
Tel : 619 594 7168  
graubart@mail.sdsu.edu

**Greene, Adam**

Director of Environmental Affairs & Corporate  
Responsibility  
US Council for International Business  
1212 Avenue of the Americas, suite 1800  
New York, NY 10036-1689  
USA  
Tel: 212 703 5056  
Fax: 212 575 0327  
agreene@uscib.org

**Gutiérrez Nájera, Raquel**

Presidenta del Consejo Directivo  
Instituto de Derecho Ambiental, A.C.  
Misión de San Felipe Moudulo 13, Depto. 10  
Col. Residencial Guadalupe  
Zapopan, Jalisco 45040  
México  
Tel : 011 52 333 620 5726  
Fax : 011 52 333 620 5726  
idea03@prodigy.net.mx

**Knox, John**

Assistant Professor  
Dickinson School of Law  
Pennsylvania State University  
150 S. College Street  
Carlisle, Pennsylvania 17013  
USA  
Tel: 717 240 5000  
Fax: 717 240 5126  
jhk5@psu.edu

**Kostuch, Martha**

The Friends of the Oldman River  
PO Box 1288  
Rocky Mountain House, Alberta T4T 1A9  
Canada  
Tel : 403 845 4667  
Fax : 403 845 5377  
martha@rttinc.com

**Marzouk, Evonne**  
Environmental Protection Specialist  
U.S. EPA  
1200 Pennsylvania Ave. NW MC 2660R  
Washington, DC 20460  
USA  
Tel : 202 564 7529  
Fax : 202 565 2411  
marzouk.evonne@epa.gov

**O'Leary Franco, Rosa María C.**  
Integrante  
Academia Sonorense de Derechos Humanos  
Dr. Hoeffler No. 42-A, Col. Centenario  
Hermosillo, Sonora 83260  
México  
Tel : 011 52 662 217 1034  
Fax : 011 52 662 217 1124  
rosamariacoleary@hotmail.com

**Postacioglu, Dilek**  
Graduate Student  
Université de Montréal  
3488 Cote des Neiges, App 1207  
Montréal, Québec H3H 2M6  
Canada  
Tel : 514 578 8707  
Fax : 514 932 8759  
didii@sympatico.ca

**Rolón Sánchez, José Eduardo**  
Estudiante Investigador de Doctorado  
School of Development Studies  
University of East Anglia  
Norwich, Norwich NR4 7TJ  
United Kingdom  
Tel: 44 160 361 0313  
Fax: 44 160 359 2807  
j.rolon@uea.ac.uk

**Roy, Martin**  
Coordinator  
Environmental Cooperation Agreements  
Canada Environmental Relations Division  
Government of Canada  
Department of Foreign Affairs and  
International Trade  
Lester B. Pearson Building  
125 Sussex Drive, Tower C-4  
Ottawa, Ontario K1A 0G2  
Tel: 613 290-3228  
Fax: 613 995-9525  
martin.roy@dfait-maeci.gc.ca

**Scott, Deborah**  
Staff member  
International Environmental Law Project  
10015 SW Terwilliger Blvd  
Portland, Oregon 97219  
USA  
Tel: 503 768 6830  
Fax: 503 768 6642  
das@lclark.edu

**Scott, Kevin**  
President  
Global Institute for Sustainable & Human  
Rights - Canada  
Suite 202, 141 Water Street  
Vancouver, British Columbia V6B 1A7  
Canada  
Tel : 604 682 1212  
Fax : 604 682 1212  
kscott@shaw.ca

**Seth Parikh, Pooja**  
Staff Attorney/Director, India Program  
Environmental Law Institute  
1616 P Street, NW  
Washington, DC 20036  
Tel: 202 939 3812  
Fax: 202 939 3868  
Parikh@eli.org

**Tollefson, Christopher**

Professor  
Faculty of Law  
University of Victoria  
Fraser Building - University of Victoria  
Victoria, British Columbia V8W 3 H7  
Canada  
Tel : 250 721 8170  
ctollef@uvic.ca

**Troell, Jessica**

Research Fellow  
Environmental Law Institute  
1616 P Street, NW  
Washington, DC 20036  
Tel: 202 939 3800  
Fax: 202 939 3868  
troell@eli.org

**Wallis, Cliff**

President  
Alberta Wilderness Association  
PO Box 6398 Station D  
Calgary, Alberta T2P 2E1  
Canada  
Tel: 403 271 1408  
Fax: 403 271 1408  
deercroft@shaw.ca

**Wedge, Don**

Director  
Environment Group STOP  
Montreal  
C/o 288 Grosvenor #5  
Montréal, Québec H3Z 2L9  
Tel: 514 934 1662  
dwedge@sympatico.ca

**Wirth, David A.**

Director of International Programs  
Boston College Law School  
885 Centre Street  
Newton, Massachusetts 02459  
USA  
Tel: 617 552 1237  
Fax: 617 552 2615  
david.wirth@bc.edu

**Joint Public Advisory Committee  
Comité Consultivo Público Conjunto  
Comité consultatif public mixte**

**CANADA**

**Avery, Cam**  
Director of Public Affairs  
Terasen Inc.  
1111 West Georgia Street  
Vancouver, British Columbia  
V6E 4M4  
Tel: 604 443 6603  
Fax: 604 443 6530  
cam.avery@terasen.com

**Tingley, Donna**  
Executive Director  
Clean Air Strategic Alliance  
10035, 108 Street NW, Floor 10  
Edmonton, Alberta T5J 3E1  
Canada  
Tel: 780 427 9793  
Fax: 780 422 3127  
dtingley@casahome.org

**MEXICO**

**Alanís-Ortega, Gustavo**  
Presidente  
Centro Mexicano de Derecho Ambiental  
Alixco No. 138  
Col. Condesa - Atlixco  
México, DF 06140  
México  
Tel: 52 555 286 3323  
Fax: 525 55 211 2593  
galanis@cemda.org.mx  
JPAC Chair for 2003

**Bastida-Muñoz, Mindahi Crescencio**  
Presidente  
Consejo Mexicano para el Desarrollo  
Sustentable  
Lázaro Cárdenas Norte No. 125, San Pedro  
Tultepec  
Lerma, Estado de México 52030  
México  
Tel. y Fax: 527 28 282 0469  
mindahi@prodigy.net.mx

**Correa, Adriana Nelly**  
Profesor Investigador  
Centro de Calidad Ambiental - ITESM Campus  
Monterrey  
Av. Eugenio Garza Sada  
No. 2501 Sur  
Monterrey, Nuevo León 64849  
México  
Tel: 52 818 328 4032  
Fax: 528 18 359 6280  
ancs@itesm.mx

**Sandoval, Carlos**  
Presidente  
Consejo Nacional de Industriales Ecologistas  
Gabriel Mancera No. 1141  
Col. del Valle  
México, DF 03100  
México  
Tel: 52 555 559 1915  
Fax: 525 55 575 2337  
ecologia@conieco.com.mx

**Silvan, Laura**

Directora  
Proyecto Fronterizo de Educación Ambiental  
Paseo Estrella del Mar No. 1025 - 2A Sección  
Coronado  
Playas de Tijuana, Baja California 22200  
México  
Tel: 52 664 630 0590  
Fax: 526 64 630 05 90  
laurie@proyectofronterizo.org.mx

**USA**

**Desai, Dinkerrai**

Environmental Coordinator  
U.S. Army Material Command  
Forth Monmouth  
New Jersey 07703  
USA  
Tel: 732 532 1475  
Fax: 732 532 6263  
desai@mail1.monmouth.army.mil

**Duran, Arturo**

General Manager  
Lower Valley Water District  
1557 FM Road 1110  
Clint, Texas 79836  
USA  
Tel: 915 791 4480  
Fax: 915 791 4499  
aduran@lvwd.org

**Gardner, Jane**

Manager and Counsel  
Remediation Programs  
Corporate Environmental Programs  
General Electric Company  
3135 Easton Turnpike  
Fairfield, Connecticut 06431  
Tel: 203 373 2932  
Fax: 203 373 2683  
Jane.gardner@corporate.ge.com

**Bellefleur, Julie-Anne**  
Council Secretary  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4310  
jabellefleur@ccemtl.org

**Brevé, Daniel**  
Public Participation Coordinator  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4368  
dbreve@ccemtl.org

**Carpentier, Chantal Line**  
Head, Environment, Economy & Trade  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4336  
clcarpentier@ccemtl.org

**Delgadillo, Eduardo**  
Director of Administration and Finances  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4354  
edelgadillo@ccemtl.org

**Ferron-Tripp, Spencer**  
Media and Outreach Officer  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4331  
sftripp@ccemtl.org

**Garver, Geoffrey**  
Head, SEM Unit  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4332  
ggarver@ccemtl.org

**Herrmann, Hans**  
Head  
Conservation of Biodiversity  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4340  
hherrman@ccemtl.org

**Kennedy, William**  
Executive Director  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4317  
wkennedy@ccemtl.org

**Loyd, Evan**  
Director, Communications  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4308  
elloyd@ccemtl.org

**Miller, Paul**  
Program Manager, Air Quality  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4326  
pmiller@ccemtl.org

**Morin, Jocelyne**

JPAC Assistant  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4366  
jmorin@cceemtl.org

**Opalka, Katia**

Legal Officer, SEM Unit  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4337  
kopalka@cceemtl.org

**Pepin, Manon**

JPAC Liaison Officer / NAFEC Supervisor  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4305  
mpepin@cceemtl.org

**Robichaud, Véronique**

Program Manager, Environment, Economy  
and Trade  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4302  
vrobichaud@cceemtl.org

**Stoub, Jeffrey**

Publications Manager  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4327  
jstoub@cceemtl.org

**Valdés, Carlos**

Program Manager, Environmental  
Informatics and Bioinformatics  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4348  
cvaldes@cceemtl.org

**Vulpescu, Mihaela**

NAFEC Assistant  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: (514) 350-4357  
mvulpescu@cceemtl.org

**Whitehouse, Tim**

Head, Law and Policy  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4334  
twhitehouse@cceemtl.org

**Wright, Doug**

Director of Programs  
Commission for Environmental Cooperation  
393, rue St-Jacques Ouest  
Bureau 200  
Montreal, Quebec H2Y 1N9  
Tel: 514 350 4320  
dwright@cceemtl.org