



## COMMISSION FOR ENVIRONMENTAL COOPERATION OF NORTH AMERICA

### Joint Public Advisory Committee Regular Session 04-02

22–23 June 2004  
Puebla, Mexico

#### 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 22–23 June in Puebla, Mexico, in conjunction with the Eleventh Regular Session of the CEC Council and immediately following a JPAC public workshop on Future Directions for the North American Agreement on Environmental Cooperation (NAAEC).

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).

Previous summary records, advice from JPAC to Council and other JPAC-related documents may be obtained from the JPAC Liaison Officer or through the CEC web site at <<http://www.cec.org>>.

#### Welcome and overview by the Chair

The JPAC chair welcomed all participants. She explained that the purpose of the meeting was to discuss business matters of JPAC and was open to the public. Later in the day the JPAC will have an in-camera session with the CEC Council. She assured the public that the maize issue would be on the agenda for the private meeting with Council.

Several people asked for an opportunity to offer further insights on the public portion on the Council session earlier in the day regarding the output from the networking session. She explained there would be an opportunity to do so at the end of the morning session.

Several JPAC members had advised that they would be unable to attend: Ann Bourget, Arturo Duran, Patricia Clarey and Laura Silvan and also Jane Gardner on 23 June. The JPAC members present then introduced themselves.

The agenda was approved without change.

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<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 interveners and therefore may not accurately reflect their statements. Please also note that there were some difficulties with the translation equipment and some portions of the interventions may have been missed.

**Report from the National and Governmental Advisory Committee representatives**

The JPAC chair then invited representatives of the National and Governmental Advisory Committees (NAC and GAC) to make their presentations. She explained that the Mexican NAC was not yet active.

The Canadian NAC chair expressed his pleasure for the opportunity to speak. He focused on the recent advice presented to the Ten-year Review Committee (TRAC). The Canadian NAC members are very pleased with the TRAC report. They are particularly impressed with its tone and renewed commitment to trade and environment, energy, water management and biodiversity. As a caveat on water management, he noted the need to consult with other bodies such as the International Joint Commission. He also expressed pleasure for the governance recommendations and the importance of strengthening JPAC as both advisor and the conscience of the CEC. The Canadian NAC would support a mediation process for Article 14 and 15 if it is transparent and open. They also support the emphasis on the improved information and the need to engage indigenous peoples, the private sector and local governments. The CEC should be a catalyst and forum. He expressed a note of caution concerning the Recommendation No. 11 on Part Five of the NAAEC—this will require future thought on the part of the NAC. He made a strong call for reinstating the North American Fund for Environmental Cooperation (NAFEC), increasing core funding and seeking other funding sources in order to accomplish these new priorities. Finally the NAC is urging Council to publish the Article 13 report on maize as soon as possible. Quoting a famous baseball player “if you don’t know where you are going, you may never get there,” he concluded by offering the Canadian NAC’s assistance in developing a new vision for the CEC.

The US NAC representative began by expressing hope that the Mexican NAC would soon be active. She explained that at their last meeting, they looked at a vision for the CEC, focusing on mandatory and discretionary activities. For discretionary activities, they discussed the notion of the CEC as a conveyor belt where projects would have specific timelines and identify participants and partners so that in the end products could be ‘handed off’. The mandatory programs are Articles 14 and 15 and 10(6). The latter needs much more work to become a functioning part of the CEC. Another point was the need to reach out to groups that have not yet been sufficiently involved, such as academia for improved science, the business sector for examples of innovations and indigenous communities. The US NAC spoke about NAFEC and was very impressed with quality of proposals and work of the CEC staff. As a member of the selection committee, she noted that this record for good work should facilitate joint efforts to find new sources of funding and continue the program. The issue of budget is very important; the current budget is too small for the institution. The US NAC will talk to their government about ways to increase this. Finally, she noted that the US NAC had not yet discussed the TRAC recommendations. In general, though, they do reflect a lot of the NAC’s thinking and the committee looks forward to working on their implementation over the next two years.

The Chair of the US GAC raised several points. First he spoke about budget and lack of resources and the immediate need to focus on how to increase the budget from the current US\$9M, along with a methodology to adjust contributions on a regular basis. Other sources of funding should also be explored. His second point focused on the link between trade and environment and he expressed pleasure that officials are finally meeting. He reemphasized the

importance of utilizing the NAFTA working groups to cooperate with the CEC. He also noted that local governments have much to contribute in such discussions. The analytical role of the CEC remains a very valuable function by developing framework(s) for understanding trade. His next point was that the CEC should not be a leader in project implementation. Successful projects such as the Sound Management of Chemicals (SMOC) should be handed off. The focus of the CEC should be to provide policy and political support and general information gathering. He expressed strong support for an increased focus on capacity building. The US GAC has not yet formally reviewed the TRAC report, but is generally very pleased. The report, however, does not provide clear direction on ‘where the CEC should be going’—this is up to Council. Finally, he expressed the US GAC’s strong support for JPAC as the backbone of the connection between the public and Council.

### **JPAC discussion on a potential advice to Council on Future Directions for the NAAEC**

The JPAC Chair explained that the purpose of this discussion was to follow up on the public workshop held the previous day with the purpose of (1) preparing for the discussion with Council during the in-camera session, and (2) developing an Advice to Council. This was an opportunity for the JPAC members to express their views on what might be included in the Advice to Council. The JPAC working group members are Jane Gardner, Gustavo Alanís-Ortega and Donna Tingley, who will develop a first draft for approval by JPAC. Comments from JPAC included:

- Our challenge will be to determine what we have done well, what needs to be improved, what are the issues for the future—the TRAC report will be very helpful.
- We should separate process from substance. Process issues are critical, such as funding. We need to come up with some ideas to make sure we have adequate funding otherwise the CEC cannot meet its commitments. Also on process, JPAC needs to have more direct communication with Council and Alternate Representatives on a more regular basis. Barriers (or perception of barriers) to communication need to be removed.
- On substance—we need to determine priority issues. Maize is certainly one. There are other critical issues such as sustainability and water. But we need to decide which we will focus and plot out a plan for how to get where we want to be. A criticism to date has been that the CEC takes on too many issues at once. Do we narrow the list of issues?
- One approach would be to select which of TRAC’s recommendations are felt to be the most important and appropriate and build on them. The TRAC was established by Council to provide advice on future directions. We should not duplicate their work—rather we should build on it. At the same time, if there are issues that we feel that TRAC did not address, these should be identified and elaborated.
- The maize issue has generated much energy and interest in the work of the CEC. We should take advantage of this. It is an important way to engage civil society.
- The TRAC report makes a strong case for a renewed commitment and a renewed vision. These are both very important starting points—then other issues will fall into place—help to refine programs by providing more focus and to identify better use of resources.
- Recommendation No.5 on getting the relationships right is critical. We need ground rules, clarity and guidelines for how we will work together. JPAC should enthusiastically support this recommendation and offer to work on immediate implementation.

- Accountability is crucial. It would be a show of good faith for Council to commit to account for how they act on implementing the TRAC recommendations—or choosing not to.
- The TRAC report is historic—it looks backwards and does not predict the future. We should also leave room for thought for emerging issues. For example, in the business sector—how can trade be enhanced while protecting the environment?
- The first recommendation is the most important. There is a lack of commitment to the institution. For JPAC, this has been felt by lack of, or length of time it takes to receive responses to our advice and letters. TRAC has confirmed this. Without this renewed commitment to ‘their institution of choice,’ it will be difficult to implement other recommendations.

JPAC then prioritized the TRAC recommendations (#1, #3, #4, #5, #9, #13, #14). For recommendation #10 on Articles 14 and 15—this is clearly a priority; however, reservation was expressed about the mediation process. Mediation tends to be a closed-door process which may conflict with the broader goal of transparency and public awareness. Such a process may be more beneficial for Council by avoiding public embarrassment. Concerning recommendation 11 dealing with Part Five of the NAAEC, JPAC decided this would need further thought and discussion as this may remove the opportunity for the Parties to interact trinationally—a key tool for environmental protection. Finally, it was also decided to alert Council that further thought would be given to the matter of reforms to the NAAEC, understanding that this is very delicate and perhaps risky. JPAC will discuss holding a workshop on the subject.

Following this meeting the JPAC working group will prepare a draft Advice to Council on this basis and circulate to the JPAC for approval.

**Action: JPAC Working Group, JPAC, Council**

**JPAC discussion on Article 10(6) of the NAAEC related to the cooperation with the NAFTA Free Trade Commission**

The Chair explained that this issue is a JPAC priority and JPAC is continuing efforts to improve public participation in NAAEC Article 10(6) and NAFTA Free Trade Commission discussions, including planning for a trade and environment ministerial meeting and the development of a strategic plan for environment and trade. JPAC working group members on this issue are Gustavo Alanís-Ortega, Jane Gardner (Dinkerrai Desai, substitute) and Merrell-Ann Phare.

She reminded the members that the Alternate Representatives had asked JPAC to comment and provide further recommendations for a list of items to be included in the strategic plan. The current list provided by the Alternative Representatives includes: invasive species, green procurement by governments, renewable energy, environmental review, trade and enforcement, market based incentives to connect North American ecoregions, and financially relevant environmental information. At the time, she alerted the Alternate Representatives that NAFTA Chapter 11 was missing.

A JPAC member noted that JPAC has already provided several Advice to Council on Article 10(6); however, it is important for JPAC to ensure that they are part of the strategic planning process.

It was agreed to hold a conference call of the Working Group as soon as possible to dispatch with the list plus add other items for review by JPAC. JPAC will decide at that time the best means of communicating its advice—a formal Advice to Council or a letter.

**Action: JPAC Working Group, JPAC, Council**

**Observers' comments**

The Chair then opened the floor to comments from the observers, which are summarized as follows:

- As you head into meeting with the Ministers it is important to keep in mind that tumultuous as it may be sometimes, public participation is the unique feature of this organization. The process here in Puebla is a terrific demonstration of the power of JPAC—JPAC chairs and organizes the public session, attends the Alternate Representative meeting and meets the Council. None of this was written in stone as part of the process—JPAC has made it happen over the years. JPAC is also ‘the public’—not just an intermediary. Finally, in my own view, you must continue to insist that JPAC be present at Article 10(6) meetings—this is part of your role as the conscience of the institution. In the same vein, regarding the Article 13 report on maize, your role is to say to Council ‘let’s get that report out.’
- Regarding Article 10(6), I get the impression from the Executive Director’s report to Council and the TRAC report that the mandate has been narrowed by Council to look at a strategic plan for the Secretariat. The obligation is much broader in the NAAEC. If this is the case, it is just doodling around in an individual program of the CEC. Also, the TRAC report contained the outrageous statement that the obligation is ‘unrealistic.’ Such a statement is way beyond the mandate of the TRAC. Just at the point where Article 10(6) is getting some energy, they drop a bombshell. TRAC looked at the issue through a bizarre lens—as an intragovernmental turf war—who takes the lead. This is not the point.
- It is not just a matter of getting the Article 13 maize report published, it is also to inform the ministers that this issue will not go away. Maize is not the only transgenic crop concerning citizens in North America.
- I am very surprised at JPAC’s attitude concerning possible reform of the NAAEC. Literature exists on the subject, including my own master’s paper. Mexico may have good environmental laws, but they are not enforced. Reforms are required.
- We need an institution that is more agile and has more authority. The CEC does not solve problems respecting the legal framework in each country. We are losing biodiversity in Oaxaca. There is no enforcement.
- The TRAC report and its recommendations do not address how to improve the quality of life of the citizens of North America. Pollution, deforestation, loss of water resources are all increasing. The habitat of the Monarch butterfly—your very symbol—is being devastated. The CEC needs to strengthen its capacity to stop environmental deterioration.

If we reform the NAAEC, we also need to reform NAFTA. I encourage you to agree to hold a workshop on reforms.

## **JPAC follow up**

### **a) Eleventh Regular Session of Council of the CEC**

The Chair reported that no additional tasks had been received from the Council and then asked the members to provide their views.

A JPAC member expressed his concern that during the meeting with Council, JPAC was handed a copy of the final *Puebla Declaration*—prior to [Council's having heard] any advice or views from JPAC on the new vision. He asked himself at the time, what is the point of holding meetings with Council if everything is already agreed without taking into account JPAC's view? This dialogue falls on deaf ears. What is presented to the media has not been discussed with JPAC or the public. He would be interested in the views of the other members.

Another member agreed. The CEC would not have international support if not for the feature of public participation. This was a closed dialogue. Diversity is not being respected.

Another member saw things somewhat differently. The ministers listened courteously but did not have much time to respond. They reassured us of their renewed commitment to the institution and addressed several of our issues. The member does, however, share disappointment that JPAC had no input into the *Puebla Declaration* and was also disappointed by their lack of responsiveness to the funding issue. But she did not come away with the same sense that the Council was dismissive [of JPAC's views].

The Chair then informed the public of the nine issues presented to Council by individual members. These were: relationships, future directions, strategic planning and water issues, budgets, Article 10(6) and environment and trade, transboundary environmental impact assessment, engaging the private sector, indigenous peoples, the Article 13 maize report. She reported that Council had made it very clear that continuing to raise the issue of increased funding was not helpful.

Another member commented that there were some positive outcomes from the meeting. It was clear that JPAC does not filter public views—we do not screen out what may be contentious. That was clear during the discussion of the maize report and water. Public interests need to be addressed. The member also agrees that it is not acceptable that the *Puebla Declaration* contained only the governments' views.

Another member continued that the Canadian representative was very insensitive during the discussion on budget. JPAC was presenting an issue, not a demand. The issue was twofold. First we were very concerned that the Mexican government had recently notified the Secretariat that it would have a shortfall of approximately CDN\$580,000 in its 2004 contribution. Second, it was not clear if Council would be in a position to confirm the 2005 funding, as is normally the case in

Council sessions. The US Council member left the room during the meeting. These annual meetings are very important. The renewed commitment is not evident.

Another member expressed bewilderment at Council's attitude concerning funding. How can the CEC conduct its work without adequate and secure resource? If JPAC is the voice, face and conscience of the public, our budget reduction has already resulted in one less meeting a year.

The Chair concluded that perhaps JPAC was not all of one view, but there was certainly a sense of frustration being expressed.

#### **b) Indigenous Peoples' Participation in the work of the CEC**

The Chair explained that following Council's decision to conclude the NAFEC, there was C\$98,800 allocated to promote capacity development with a focus on indigenous peoples. The Secretariat put together a proposal to implement this initiative for JPAC's approval. JPAC has approved this proposal. It is now with the Parties to approve for implementation.

In addition, the indigenous members of the JPAC working group formed a task force to develop a proposal for securing the long-term involvement of indigenous peoples in the work of the CEC.

A task member presented the proposal. During the discussion that followed, an additional element was discussed: the idea of having the CEC act as a catalyst to form an institute or clearinghouse for collection and research on traditional knowledge. It was also noted that there are existing programs of work or organizations in each country. These should be canvassed as a starting point to build on expertise that already exists. In terms of funding for such an initiative, it was suggested that this be made a priority once the new position is filled. There are likely foundations that would be interested in such an initiative.

The proposal was unanimously approved. The JPAC working group was instructed to develop an Advice to Council—making it a very specific recommendation requiring a very specific response.

#### **Action: JPAC Working Group, JPAC, Council**

This led a JPAC member to recommend that JPAC organize a public workshop on funding options for the CEC generally. JPAC agreed this would be very useful to include in the work program for 2005.

#### **Action: JPAC, JPAC Liaison Officer**

#### **c) Articles 14 and 15 of the NAAEC: Further analysis on the issue of potential conflict of interest**

The Chair explained during the Regular Session 04-01 in Oaxaca, a decision was made to engage an outside consultant to analyze the emerging perception of Council being in conflict of interest. In the meantime, a JPAC member offered, at no cost, to do the analysis. It was agreed by the

JPAC working group that the seeds of conflict exist and the issue is whether or not Council is making independent decisions. It was decided to wait until we had a reply to our Advice to Council 03-05 before deciding on next steps. We have now received the reply.

The Chair explained that JPAC was of two views. One is that it would be fruitful to hire a consultant to look beyond Article 14 and 15 to the entire NAAEC to see if the Parties are distinguishing their roles when making decisions as a Council. The other view is that enough work has been done and we should be ready to prepare an Advice to Council.

The Chair also explained that there had been some misunderstanding among the JPAC members about the decisions taken in Oaxaca. She called on a member to elaborate.

The member explained that the issue relates to both process and substance. Concerning process, the member's understanding is that JPAC made a unanimous decision in Oaxaca to hire an outside consultant to conduct further analysis and that there was US\$5,000 available for this work. It was also discussed that ELI be approached to do the work. The JPAC working group modified this decision by agreeing that a JPAC member do the work. It is not appropriate for a JPAC working group to modify a unanimous decision. I want to make it clear that I think there is a strong role for JPAC members to provide assistance, support and expertise—that is not the point. Regarding substance, the piece that I think needs to be done is broader than Articles 14 and 15. There are other situations where the influence of the Parties is unduly present when Council is making decisions—where domestic concerns outweigh continental concerns. We spoke to some of these yesterday with Council. JPAC could offer some very interesting advice on how greater transparency can be achieved, how this conflict plays out and how to minimize. This would give the public more assurance. The research, I would hope, would center on how to increase transparency as decisions are being made and advice responded to. Now it is all done in secret. The member explained that she did not weigh into the discussion earlier on our private meeting with Council, but was profoundly disappointed. The Council members responded as self-interested parties—not as the Council of the CEC acting in the interests of the institution. It was a display of exactly JPAC's concern.

The Chair concluded by agreeing a decision had been made in Oaxaca and that care would be taken in the future to ensure that decisions were clearly recorded and implemented.

A discussion ensued and the following steps were agreed upon: the JPAC working group would select a consultant. All JPAC members were encouraged to contribute names. The working group would develop terms of reference, taking into account all existing analyses and relevant documents (i.e., TRAC report, past analyses, previous Advice to Council, replies from Council). The JPAC Liaison Officer would coordinate the work. The working group would also have to be involved in developing the final product.

It was also agreed that the mandate would include ideas on how to manage the conflict, which is structurally in the NAAEC. What operational changes might be feasible to improve decision-making to respect transparency, public participation, etc. in order to assist JPAC in making recommendations to Council on operational changes?



Finally the Chair asked the members to look carefully at the draft summary record to ensure that the decision was accurately recorded.

**Action: JPAC Working Group, JPAC, JPAC Liaison Officer**

On a related matter, JPAC has received from the Parties a draft review of the operation of Council Resolution 00-09, although the members have not yet had an opportunity to review it in detail. It was agreed that the JPAC Working Group on Article 14 and 15 would hold a conference call to review this document and prepare a draft Advice to Council.

Action: JPAC working group, JPAC

**d) How to better involve the private sector in the work of the CEC**

The Chair explained that the Executive Director has asked JPAC to provide the Secretariat with suggestions on how to better involve the private sector in the work of the CEC. The Secretariat is preparing a draft document on this issue that will be sent to JPAC and the Parties for comments. In the meantime, do we have any initial suggestions?

A JPAC member noted the challenge presented by small and medium-size businesses. One way would be to involve their associations, along with chambers of commerce and colleges of professionals. He asked for a show of hands on how many business representatives were present: only three. Another possibility would be for JPAC to hold some of its meetings around existing business events. There could also be a sub-council created with membership from the three countries and we can invite other members from the private sector and have side meetings. JPAC representatives should also participate more in private sector events.

**e) Observers' comments**

The Chair then opened the floor to comments from the observers. A digest of these follows:

- It is not JPAC's role to fund raise. Leave that to the Secretariat. They should hire a professional fundraiser. Regarding your work on indigenous knowledge, this has to be done with strict protocols otherwise the relationship is not equitable. The budget issue is difficult to resolve. If there is no new money, then have to readjust the existing budget. One criterion should be projects with the greatest impact for trilateral decision-making.
- A slide show was presented that showed how Windsor, Ontario, is subjected to pollution from increased truck travel. The same is being experienced in El Paso/Juárez.
- Regarding private sector participation, if there is a decision to move more into a sustainable development mode and focus more on trade and environment, it is essential to ensure more positive and constructive participation from the private sector. There are clear benefits—knowledge of markets, technical expertise and the resources to get things done. It would also ensure a more balanced approach in decision-making. It is also important to involve small and medium-size business but they have limited resources. We need the large multinationals. Market forces move them toward being good corporate citizens. The CEC could organize workshops where the private sector would be involved

on issues of common concern such as management of toxic substances, movement of hazardous waste, transboundary pollution. There is no private sector representative on JPAC from Canada. The Secretariat should also consider hiring more staff with backgrounds in the private sector.

- Be very cautious when involving multinationals. Global free markets are giving more and more power to large multinational companies beyond the control of democratic governments.
- I see some troubling trends at the CEC. First, NAFEC was cut and we benefited from this program. We don't have the resources to do our work. We need more outreach. The indigenous proposal is well thought out, but where will the money come from? Second, I am all for more stakeholder representation, but we have to be careful with getting involved with the private sector. We all know that money talks. Convening workshops with the private sector raises red flags for me. Include the private sector, but not at the expense of the public sector.
- Who is responsible to assure that people with no access get access to the CEC? That is a JPAC role—not running after the private sector. If you do, you need to reach out to small businesses, not the large multinationals who will take you over. They already have access to decision-makers. Why do you need to help them more?
- The CEC will have to reallocate existing funds. There is obviously no interest from the governments to increase their funding. If you go to the private sector, be very careful. Whoever pays usually leads. Regarding indigenous participation, this needs a commitment from the governments. I have noticed here at this meeting that at the security check when your skin is dark they look into your bag, but not when your skin is light. Mexican law is very weak in protecting the intellectual property of indigenous peoples.

#### **f) Review responses to JPAC advice and letters**

The chair reviewed the recent responses to JPAC advice and letters regarding NAFEC, the proposed Operational Plan and Budget for 2004–2006 and Advice to Council 03-06 on invasive species. No further action is required from JPAC.

#### **g) JPAC self-evaluation**

The Chair reminded the members that at a previous meeting, JPAC deferred a decision on whether it was necessary to perform a self-evaluation in the context of the Ten-year Review until the TRAC report was available. In the meantime, a TRAC consultant prepared a report on JPAC, based on interviews with several members and others.

The members unanimously agreed that it was not necessary to conduct any further work.

The Chair then informed the members that the consultant who prepared the report for the TRAC would like to publish it. Members agreed; however, they wanted the article to be supplemented with more information on JPAC's role in the Article 14 and 15 process over the years, and that JPAC have an opportunity to review the manuscript prior to its submission for publication. The members also wanted to ensure that the article was being submitted to a peer-reviewed journal. It

was also suggested that the CEC itself could publish the article. The JPAC Liaison Officer will inform the author.

**Action: JPAC Liaison Officer, JPAC**

**h) CEC Proposed Operational Plan for 2005–2007**

The Chair explained that during an earlier meeting with the CEC director of programs, a discussion took place on ways that JPAC could have more timely and meaningful input into the work of the Secretariat. It was concluded that the JPAC Working Group on the Ten-year Review would have a meeting with the CEC staff at the Secretariat in Montreal on the development of the next Operational Plan and Budget. This meeting will take place in the late summer or fall. It is also planned that the Alternate Representatives will hold conference calls and have a meeting on this subject during the summer and fall. The JPAC Chair will participate.

**i) *Draft Taking Stock: A Special Report on Toxic Chemicals and Children's Health in North America***

The Chair asked CEC's head of the Pollutants and Health program to explain the status of this report. He began by providing some background information. In 2002 the Council approved the Cooperative Agenda for Children's Health and the Environment, which included this activity—how one might use PRTR data and identify chemicals that might be of particular concern to children's health and prepare a report. This draft report was put out for public comment, which ended in mid June. All comments are posted on the CEC web site. The Secretariat wanted to ensure that the science was right so have asked the Parties to nominate experts to assist in a review and contribute to the final report. It is hoped to have the report available by the end of the year.

On a related matter, he noted that Secretary Cárdenas reconfirmed that children's health and the environment was a priority for Mexico. This is important because over the past several months, Mexico's capacity to participate in the implementation of the Cooperative Agenda has declined.

The Chair informed the members that she had been invited to participate in the expert review where she would carry the flag for public policy considerations.

**j) JPAC working groups: member appointments and rotation**

It was agreed that the Chair should send a letter to Canada alerting the minister that the terms of three JPAC members will expire on 31 December 2004.

**Action: JPAC Chair, Canada**

**k) Next meeting of JPAC**

The next meeting will be held in Montreal on 28–29 October, organized in conjunction with a CEC meeting on the Market for Renewable Energy in North America. In order for the JPAC to have a full day meeting, all agreed to extend the meeting to Saturday, October 30.

The Chair asked members to provide names of any private sector representatives they might like to see attend the energy and JPAC meetings to the JPAC Liaison Officer.

**Action: JPAC Members, JPAC Liaison Officer**

#### **1) Observers' comments**

The Chair then opened the floor to final comments from the observers:

- I am in full support of the proposal on indigenous people. They are owners of the land and all we have done is pollute their lands. They deserve all the benefits we can give them. The initiative has to be funded.
- Thank you to JPAC for informing us about the discussion at the private meeting with Council. Concerning staff and funding, it might be interesting to look at the idea of using graduate students as interns.
- Thanks to JPAC for the opportunity given to the public to engage citizens who cannot defend themselves against big government. We know that JPAC can do nothing but recommend and we appreciate that you do your work in public. Concerning maize, you accepted to listen to us and made strong recommendations. We appreciate that. We also realize that the US is blocking the report. We cannot play political games, but we saw with horror how Secretary Cárdenas said some monstrous things such as [proposing] the idea of growing transgenic maize in protected areas. Scientists in the Ministry of Agriculture have resigned. [The observer also referred to a book—*Seeds of Deception*.]
- If the maize report is not published quickly then there is no credibility about the CEC's commitment to indigenous peoples. There also needs to be follow-up to the report's recommendations. Your letter on maize was not answered. What is JPAC doing about the silence from the ministers?

A JPAC member explained that the maize report was raised with the Council and JPAC reiterated the need to release the report as soon as possible and that there be no major modifications to the current draft. The ministers responded that they are reviewing the facts and will then release it.

- I am concerned about the growing use of plastics in our three countries. Plastic packaging from Canada is now found in Mexico. There are no standards here for recycling. In rural areas the problem is terrible. These plastics are accumulating all over the countryside.

Due to the time, the Chair had to conclude the session and invited those who did not have an opportunity to speak to provide their views by electronic mail to the JPAC Liaison Officer at [mpepin@ccemtl.org](mailto:mpepin@ccemtl.org).

She thanked all participants, staff and the interpreters for three days of constructive work. A JPAC member also thanked the security staff for doing an excellent job.

The meeting was adjourned.

Prepared by Lorraine Brooke

Approved by JPAC  
10 August 2004



**Commission for Environmental Cooperation (CEC) of North America  
The NAAEC - A Decade of Environmental Cooperation**

**Eleventh Regular Session of the Council of the CEC  
and meetings of the Joint Public Advisory Committee (JPAC)**

**21–23 June 2004**

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**Preliminary Program of Public Events (as of 18 June 2004)**

**Sunday, 20 June 2004**

**18:00–20:00** Accreditation of participants – *Lobby of the Salón Azahar*

**Monday, 21 June 2004**

**7:30–20:00** Accreditation of participants – *Lobby of the Salón Azahar*

**9:00–16:00** **JPAC Public Workshop on Future Directions for the North American Agreement on Environmental Cooperation (NAAEC)** – *Salón Azahar*

9:00–9:15 Welcoming remarks by Donna Tingley, JPAC Chair  
9:15–10:15 Presentation of the Ten-year Review and Assessment Committee (TRAC) report by Jennifer Haverkamp and Blanca Torres, TRAC representatives (15 minutes presentation and question period)  
10:15–10:30 Break  
10:30–12:00 Plenary Session on the North American Environmental Agenda, chaired by Jane Gardner, JPAC member (10 minutes presentation, floor opened for comments)  
12:00–12:15 Break  
12:15–13:30 Plenary Session on Environmental Goals and Objectives of the North American Free Trade Agreement (NAFTA), chaired by Gustavo Alanís-Ortega, JPAC member (10 minutes presentation, floor opened for comments)  
13:30–14:30 Lunch  
14:30–15:45 Plenary Session on the NAAEC Institutions and Public Involvement, chaired by Donna Tingley, JPAC Chair (10 minutes presentation, floor opened for comments)  
15:45–16:00 Conclusion Remarks by JPAC members

**16:00–16:30** **Break**

**16:30–18:00 Networking session for the public – *Salón Azahar***

The public is invited to meet to prepare a common presentation on North American environmental issues. JPAC members will attend as observers. Participants should appoint the chair of this session who will present the results of this session at the public portion of the Council Session on 22 June.

**18:00–19:30 Welcoming reception and Official Opening of the Eleventh Regular Session of the Council – *Salón Jasminr***

- Opening remarks by Alberto Cárdenas Jiménez, Mexican Secretary for Environment and Natural Resources
- Remarks by Mike Leavitt, Administrator, US Environmental Protection Agency
- Remarks by Norine Smith, Assistant Deputy Minister, Environment Canada
- Remarks by Thomas Mulcair, Minister, Environment Québec
- Remarks by Donna Tingley, JPAC Chair
- Remarks by William Kennedy, CEC Executive Director
- Remarks by Melquíades Morales Flores, Governor of the state of Puebla

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| <b>Tuesday, 22 June 2004</b> |
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**7:30–20:00 Accreditation of participants – *Lobby of the Salón Azahar***

**9:15–11:15 Public Portion of the Council Session – *Salón Azahar***

- Opening remarks by Alberto Cárdenas Jiménez, Mexican Secretary for Environment and Natural Resources
- Report by William Kennedy, CEC Executive Director, on accomplishments of the CEC
- Introduction on the conduct of the session by Donna Tingley, the JPAC Chair
- Reports on the JPAC public workshop on Future Directions for the NAAEC presented by Jane Gardner, Gustavo Alanís-Ortega and Donna Tingley, JPAC members
- Statements by pre-selected presenters on the future of NAAEC
- Report on results of the Networking Session presented by the chair of this session
- Comments by Council members

**11:15–11:45 Break**

**11:45–14:00 JPAC Regular Session 04-02 Part I (with the public as observer) – *Salón Azahar***

- 11:45–11:55 Overview by Donna Tingley, JPAC Chair and approval of the provisional agenda
- 11:55–12:10 Report from the National and Governmental Advisory Committee representatives
- 12:10–13:10 JPAC discussion on a potential advice to Council on Future Directions for the NAAEC
- 13:10–13:30 JPAC discussion on Article 10(6) of the NAAEC related to the cooperation with the NAFTA Free Trade Commission
- 13:30–14:00 Observers' comments

**14:00–15:30 Lunch**

**15:30–16:30 Presentation of the Regional Program of Action and Demonstration of Sustainable Alternatives to DDT for Malaria Vector Control (DDTRP) by Hernando Guerrero, CEC Director of Mexico Liaison Office, and question period – *Salón Azahar***

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| <b>Wednesday, 23 June 2004</b> |
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**9:00–12:00 JPAC Regular Session 04-02 Part II (with the public as observer) – *Salón Azahar***

9:00–10:30 JPAC follow-up

- a) Eleventh Regular Session of the Council of the CEC
- b) Indigenous Peoples' participation in the work of the CEC
- c) Articles 14 and 15 of the NAAEC on the submissions on Enforcement Matters: Further analysis on the issue of potential conflict of interest
- d) How to better involve the private sector in the work of the CEC
- e) Observers' comments

10:30–11:00 Break

11:00–12:00 JPAC follow-up (cont'd)

- f) Review responses to JPAC advice and letters
- g) JPAC self-evaluation
- h) CEC Proposed Operational Plan for 2005-2007
- i) Draft Taking Stock: A Special Report on Toxic Chemicals and Children's Health in North America
- j) JPAC working groups: member appointments and rotation
- k) Next meetings on 28–29 October 2004
- l) Observers' comments

**12:00 End of the sessions**





**Commission for Environmental Cooperation (CEC) of North America  
The NAAEC - A Decade of Environmental Cooperation**

Eleventh Regular Session of the Council of the CEC  
and meetings of the Joint Public Advisory Committee (JPAC)

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**Comisión para la Cooperación Ambiental de América del Norte  
El ACAAN: un decenio de cooperación ambiental**

Undécima sesión ordinaria del Consejo de la CCA  
y reuniones del Comité Consultivo Público Conjunto (CCPC)

\*\*\*\*\*

**Commission de coopération environnementale (CCE) de l'Amérique du Nord  
L'ANACDE – Dix ans de coopération environnementale**

XIe session ordinaire du Conseil de la CCE  
et réunions du Comité consultatif public mixte (CCPM)

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21–23 June 2004/ 21–23 de junio de 2004/ 21 au 23 juin 2004

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