



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPM)

Joint Public Advisory Committee (JPAC)

JPAC COMMITTEE SESSION 95-2

April 27-28, 1995

Record of Discussion

Members of the Joint Public Advisory Committee (JPAC) met in Montreal, Canada on April 27-28 for a regular session. The *List of Participants*, the *Agenda* and *Advice to Council No 95-4* will be found as Annexes "A", "B" and "C" respectively.

REMARKS BY THE CHAIRPERSON

In his remarks the Chairperson:

- recalled the progress made on key issues while adjusting to an evolving reality and made specific reference to the issues related to the public consultations on the citizen guidelines and the accession to NAFTA;
- highlighted the strategic importance of this session;
- reaffirmed the need to work in harmony with Council and in support of the Secretariat; and,
- acknowledged the need to improve pre-meeting logistics for future sessions.

RECORD OF DISCUSSION OF SESSION 95-1 (January 11-13, 1995)

The *Record of Discussion* was approved as presented but with the following clarifications:

1. Wherever used, the expression "non governmental organizations" (NGOs) is to be interpreted in the broad sense given in the Agreement.
2. The "Economic Instrument Workshop" referred to on page 7 will encompass technology cooperation.

The *Record of Discussion* will be declassified and circulated to members, Council, the Secretariat and the chairperson of the national advisory committees (NACs) and of the government advisory committees (GACs).

Action: Secretary

UPDATE BY EXECUTIVE DIRECTOR

In his remarks the Executive Director:

- reported on the progress made in the recruitment of professional staff;
- informed members of the existence of a satellite Secretariat office in Mexico;
- updated members on the payment of contributions by the three Parties;
- informed members of the creation and mandate of the General Standing Committee (GSC);
- invited members to react to a proposed CEC mission statement; and,
- referred to his April 25 note on the implementation of the 1995 Program and more specifically of the potential for short term tangible products.

In the discussion that followed, members:

- sought clarifications on the rationale for the Mexico office and on the role being played by the GSC;
- observed on the opportunity to examine the environmental consequences of currency fluctuations; and,
- reiterated the invitation to all Parties to send observers to JPAC sessions.

1995 PROGRAM

This subject was discussed at two different occasions during the session.

The Executive Director, assisted by the two Directors, provided the members with an overview of the various initiatives underway and more particularly of those projects which will generate short term results. Some fifteen projects grouped under the rubrics hereafter were reviewed. The rubrics are:

- Conservation and Ecosystem protection
- NAFTA Effects and Consultation
- Enforcement Issues and Environmental Laws and Regulations
- Pollution Prevention
- Technology Co-operation and Capacity Building
- Transboundary Environmental Issues
- Operational Matters

The *Purpose, Status, Potential partners, Next Steps* and *Expected Results* of each project were presented by means of a project sheet.

In the discussion, members and the Executive Director exchanged views on:

- the comprehensiveness of the activities and on the need to bring increased focus;
- the various means for results to be factored in policy making;
- the importance of involving native people and industry to stimulate partnership;
- the merit of a data bank outlining the areas of expertise of the professional staff and members of JPAC, NACs, GACs; and,
- the role that JPAC could play in the development of the 1996 Program.

Action: Chair

UPDATE - GUIDELINES ON FACTUAL SUBMISSION

The Committee representative (J. Richardson) and the Head of the Legal Division (G. Block) briefly reported on the process underway to prepare a document to be released for public consultations.

Members asked for a private briefing on the substantive issues, requested their representative to continue working closely with the Secretariat and the GSC and concluded by formally urging the Parties through Advice No. 95-4 to release a document for public consultation without further delay.

Action: Chair

CONSULTATION PROCESS - GUIDELINES ON FACTUAL SUBMISSIONS

The Chairperson introduced the subject by:

- making reference to a previous decision of the Committee to hold a session with the public;
- observing on the need for a subject matter for such consultations;
- recalling the mandate received from Council on February 8 to oversee the public consultation on the submission guidelines;
- suggesting that the delay in finalizing the document for consultation provided an opportunity to develop a more refined consultation process.

Members considered a consultation framework that would result in a report that can be of benefit to the three elements of the Commission, namely: the Council, the Secretariat and the Committee itself. In addition, the framework suggested that the consultation be limited to the guidelines while acknowledging the need to communicate basic information about the Agreement and the Commission.

In the discussion, members:

- recalled their advisory role to the Commission;
- concluded that the role of the Committee should be limited to seeking views on the guidelines;
- acknowledged the need to differentiate between the consultation report and the opinion of the Committee on the guidelines;
- affirmed the importance of representation from Committee members of the three countries in conducting the consultation in each one of the three countries;
- concluded on the need for an alternate plan if the Parties can't finalize the document in a timely fashion; and,
- asked the Chairperson, in consultation with the Secretariat, to proceed with the development of an adaptive and cost efficient consultation format in agreement with the cultural differences of the three countries.

Action: Chair

INTERVENTIONS BY OBSERVERS

This agenda item allowed four of the observers to make brief statements. Mr. Zaelke and Mr. Greene reported on recent events related to the possible accession of Chile to NAFTA. Ms. Glumac and Mr. Hardaker spoke of the importance of exchanges between the JPAC and GACs/NACs.

NAFTA EXPANSION

Members recalled their Advice No. 95-1 to Council on the subject and discussed the opportunity for other initiatives such as a seminar or the preparation of a paper on key issues to be assessed when requests for adhesion to the Agreement are considered.

Members concluded the discussion by reaffirming their formal advice to Council. Given the eminent negotiations, members left it to the Chair's discretion to decide on the opportunity to invite observers from Chile to JPAC sessions. The Chairperson will also discuss with the Executive Director the appropriateness, possible scope and cost of a study or other initiative to assist in the review of potential candidacies to join NAFTA.

Action: Chair

ECONOMIC WORKSHOP

L. Comeau made reference to her February 28 note and more specifically to the scope envisioned for the subject workshop. It was reiterated that the workshop should be understood to be the beginning of a process. The need to incorporate a technology component was recognized. Members agreed to seek Secretariat assistance in bringing a proposal to Council

Action: L. Comeau

CEC ANNUAL REPORT

M. Cloghesy will represent JPAC for the preparation of the first annual report and he will be assisted by M. Pepin from the Secretariat.

Action: M. Cloghesy

NEXT REGULAR SESSION OF COUNCIL

Members were advised that the date of the Council session was still being the object of consultations amongst the Parties. Members agreed that the most significant role and contribution for JPAC was advising on the structure of the public meeting. To that end, a review should be made of representations made at the first public meeting in July 1995. The need for a "subject matter" was considered essential. J. Richardson will continue to represent JPAC in the discussions related to the next regular session of Council.

Action: J. Richardson

OTHER ISSUES

M. C. Castro informed members of the newly created Mexican National Advisory Committee for Sustainable Development with representatives from social organizations, private sector, non governmental organizations, academic institutions and local governments.

R. Vincent of the Secretariat made a presentation on the Commission's logo.

NEXT SESSIONS OF JPAC

Members agreed on the following meeting schedule:

August: 23-24 in Montreal

October : at the time of Council's regular session

December 7-8; location to be determined

CONCLUSION

In his concluding comments the chair highlighted the importance of the work accomplished during this session and observed on the significant contribution made by the Committee in the evolution of the Commission.

The meeting adjourned at 12:15 p.m. April 28, 1995

Prepared by Gilles Lamoureux

August 2, 1995



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Annex A

JPAC COMMITTEE SESSION 95-2 - APRIL 27, 28, 1995

List of Participants

CANADA

T. Mike Apsey
Louise Anne-M. Comeau
Michael Cloghesy
Jacques Gérin

MEXICO

Iván Restrepo
María Cristina Castro S.
Guillermo Barroso Montul
Francisco Barnes de Castro

UNITED STATES

Peter Berle
Jonathan Plaut
Jean Richardson
John D. Wirth

OBSERVERS

Jean Boutet (Environment Canada)
Andy Bowcott (Representative of GSC)
Greg Cooke (BECC)
Katherine Foster (Research Assistant to JPAC)
Ann Glumac (Chair of GAC)
Adam Greene (United States Council for International Business)
Robert Hardaker (EPA)
Mary Minette (National Audubon Society)
Lena Nirk (EPA)
Kathleen Rogers (National Audubon Society)
Benoit Taillon (Consultant)
Sherry Watson (Environment Canada)
Durwood Zaelke (Member of NAC)



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Annex B

JPAC COMMITTEE SESSION 95-2

Montreal, April 27 and 28, 1995

AGENDA

April 26 (evening)	Informal gathering
April 27	
09:00	Opening of the session Approval of agenda
09:15	Remarks by Chairperson
09:30	Approval of minutes of meeting held January 11-13
09:45	Follow-up of meeting held January 11-13
10:15	Remarks by Executive Director
10:45	Program 1995 - Update by the Secretariat
12:15	Update - Guidelines on Factual Submissions - Report by Jean Richardson - Report by the Secretariat
13:00	Lunch (Buffet with Secretariat personnel)
14:30	Consultation process - Guidelines on Factual Submissions
16:30	JPAC work plan - priorities and activities
17:30	Remote communication for JPAC members (presentation by CGI)
18:00	Adjournment
Evening :	Opened



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AGENDA (revised 27-04-95)

April 28

08:00	CEC 1995 Work Program
	NAFTA Expansion
	Workshop on Economic Instruments
	Annual Report / Themes / Case Studies
	Preparation of next Session of Council
	CEC Mission Statement
	Next Meetings of JPAC
	Other Issues
11:50	Adjournment
12:00	In Camera
13:00	Closing



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Annex C

ADVICE TO COUNCIL: No. 95-4

Re: Guide on Factual Submissions

At its meeting of April 27 and 28, 1995, the JPAC reviewed the status of the Guidelines on Factual Submissions and agreed on a public consultation process to review the draft guidelines prior to their submission to Council for approval.

The Committee noted that the draft guidelines are still under discussion between the Parties with the view of arriving at a reconciled document. The Committee expressed the view and wishes to so advise Council that a draft text of the guidelines should be prepared and issued by the Secretariat for public consultation without further delay. The text would, by definition, not be binding upon the Parties.

If draft guidelines were released by June 1st 1995, the consultation process would provide feedback to Council, the Secretariat and the JPAC in August for Council approval of a final document in September.

We believe it is imperative that we move quickly on this matter in order to maintain a cooperative spirit and not lose public confidence in the process. Should Council not provide a document for public input, the JPAC will still provide advice to Council.

April 28, 1995