DISTRIBUTION: General
J/02-03/SR/Rev.4
ORIGINAL: English

Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Session No. 02-03

4 October 2002
Albuquerque, New Mexico

Summary Record

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America held a regular session on 4 October 2002 in Albuquerque, New Mexico in conjunction with a public workshop on freshwater issues in North America held at the same location on 3 October 2002.

This Summary Record reports on each agenda item, records all decisions made by the Committee and identified action items and responsibilities (See Annex A for the agenda, Annex B for the list of participants, Annex C for Advice to Council 02-10, Annex D for Advice to Council 02-11 and Annex E for the summary of the Freshwater Public Workshop held on 3 October 2003).

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's web site at <http://www.cec.org>.

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

Welcome and Overview by JPAC Chair

The chair welcomed everyone to Albuquerque and thanked the public for their contributions to yesterday's session on freshwater. The chair then asked the JPAC members to introduce themselves.

He continued by explaining he had written to the United States requesting that a new member be appointed to replace John Wirth. He also explained the Advice to Council that were adopted at JPAC's last regular session. Letters were sent to Council on 4 July 2002 and 10 September 2002 asking for follow-up. A letter was received yesterday from the US chair of the Alternate Representatives saying these matters were still under review.

Approval of provisional agenda

The agenda was approved

Report from the CEC Secretariat and Question Period

Activities report by the CEC Acting Executive Director

The Acting Executive Director reported that the Secretariat has been very active since the Council session and referred the public to the progress report available on the CEC's web site.

In the Environment, Economy and Trade program area, the bulk of work has been focused on developing a better understanding of the relationship between these sectors. A report has recently been completed—"The Picture Becomes Clearer"—which was supported by a grant from the Ford Foundation. The Secretariat is in the process of organizing the second Symposium on Assessing the Environmental Effects of Trade, scheduled for March 2003 in Mexico City, and held in collaboration with the United Nations Environment Program.

He continued explaining that regarding work on green goods and services, purchasing by NAFTA governments amounts to US$3 trillion/year. The Secretariat organized a workshop to encourage the governments to work more closely with the private sector in establishing guidance and creating opportunities. He also reported that the Secretariat is "looking to practice what we preach" in its purchases and use of services. He reported that the shade coffee project is well advanced and major corporations are now purchasing this product. He went on to explain that the Secretariat is developing a proposal for a fund to provide producers with loans, etc. to develop shade coffee.

Regarding the Financing and the Environment project, Council asked the Secretariat to pursue work on transparency and disclosure practices and the Secretariat is developing approaches for value added work with the assistance of accounting firms and other experts. Concerning market-based solutions for carbon sequestration, a background paper was developed exploring key issues. A final report will be available by the end of 2002 with options for Council. Finally, he informed the meeting that the Environment and Trade officials meeting scheduled for November 2002 would not be taking place and there was no new date currently proposed.

The Conservation of Biodiversity Working Group held its first meeting in Montreal. A conservation of biodiversity strategy is under development and should be available for JPAC's December meeting. The North American Bird Conservation Initiative has identified six key areas in Mexico and the focus now is to help Mexico to manage these areas. Mr. Shantora noted that the amount of US$150,000 has been set aside to engage a nongovernmental organization (NGO) for establishing on-the-ground projects. Alien species also constitute a key area which could link with the water project. Work includes identifying pathways, for example. A trinational workshop is proposed to identify a list of key species and then develop a report describing the nature of the problem. From there, he continued, recommendations on intervention strategies can be developed. Regarding the North American Biodiversity Information Network (NABIN), the Secretariat has been working on portal prototypes.

He then moved on to the Pollutants and Health program area. Work continues on air quality management on a tri-national basis. The Secretariat has been facilitating meetings to share experiences and approaches. He reported that Council has asked that a working group of senior

government officials be formed. He explained that this group would organize a workshop later in October on best available technologies. Regarding air quality and transportation corridors, again a workshop is being organized with health experts to assist in targeting future work.

Concerning the Sound Management of Chemicals Program (SMOC), he explained that the SMOC Working Group had a retreat earlier in the year where they agreed on continuing the regional implementation of the Stockholm POPs Convention and identifying other toxic chemicals. He reported on the status of the NARAPs and progress in soliciting outside partners for funding, noting that the Global Environment Facility will provide funds to implement the DDT NARAP. Expressions of interest have also been received from the World Bank and Canada's POPs Fund. Mexico has advised the World Bank that the CEC should be the executing agency for implementing the POPs treaty. He reported that the SMOC Working Group has taken JPAC's advice on education and capacity building and will be discussing these issues at their next meeting. He also reported on work to establish baseline mercury levels in Mexico in order to generate information for further action.

Mr. Shantora went on to explain that Mexico was in the process of developing a regulatory framework for mandatory reporting of pollutant transfers and releases (PRTR). The Capacity Building for Pollution Prevention project provides a link with work on freshwater. Finally, in the area of children's health and the environment, a North American indicators report is being developed and is scheduled to be available in December.

In the Law and Policy Program, the next meeting of the Enforcement Working Group will be in Montreal in October. They will be discussing, among other things, mechanisms for tracking mercury. It has been decided that wildlife enforcement will be the central topic for the next special report. The draft report on livestock operations is close to completion.

He underscored the importance of the program evaluation process currently underway; reported that the expert advisory panel for the North American Agreement on Environmental Cooperation (NAAEC) Article 13 report on the effects of transgenic corn on traditional maize varieties in Mexico had been selected and would be announced shortly; and that it was the goal of the Submissions on Enforcement Matters Unit to produce four factual records by next June.

Regarding staffing, he introduced Doug Wright, the new Director of Programs and explained that the media outreach officer position had recently been filled and the processes for recruiting a new Executive Director and head of the Environment, Economy and Trade program area were underway.

Finally, he reported that the North American Fund for Environmental Cooperation (NAFEC) had selected 18 projects out of 270 submissions for funding at C$688,000. He concluded by thanking the Secretariat staff for their fine work.

The Chair thanked the Acting Executive Director for his very informative and frank report, and then opened the floor to questions.

A JPAC member registered frustration at the failure of the trade and environment officials to agree on a meeting date. He went on to note that the Enforcement Working Group, despite JPAC's advice, has not been opened for public representation. He also suggested that the timelines for the production of the NAAEC Article 13 report on traditional maize varieties and transgenic corn has been extended into 2004 and that the scope was too ambitious and should focus on genetic contamination of native corn.

Another JPAC member asked for an update on what actually took place at the World Summit on Sustainable Development (WSSD) regarding representation of the CEC by our three countries. She also asked for an update on the status of the transboundary environmental impact agreement.

Another JPAC member asked if migrating bats, given their importance and considering their migratory habits, were included in the North American Bird Conservation Initiative.

A member of the public noted that the Acting Executive Director had not made mention of water in his report. He further asked if there was funding available to grass roots organizations to assist in water conservation at the local level.

Another member of the public asked how or if the bidding rules could be bypassed in government procurement to support green goods and services because they are often more expensive than other goods and services. With respect to the expert advisory panel and market mechanisms for CO_2 trading, he also asked how the panel will go forward on emissions trading when one party is committed to global binding targets (Canada), another to voluntary non-targeted reductions (the United States), and the third (Mexico) falling somewhere in between—signing Kyoto but not agreeing to targets? Finally he asked if the trade and environment ministerial meeting was re-scheduled?

Another member of the public asked if the CEC is including and working with indigenous peoples, particularly in discussions and activities on transboundary issues.

The Acting Executive Director provided the following replies (not necessary in the order they were raised):

- There are no known plans for a meeting of trade and environment officials. The NAAEC Article 10(6) Working Group will reconvene to consider the question.
- The Enforcement Working Group is considering public input, as the Law and Policy Program Manager will explain later in the meeting.
- Yes, the schedule for the production of the NAAEC Article 13 report on traditional maize varieties and transgenic corn in Mexico has been extended. He explained that after careful assessment it was decided that, to a good job, an April 2004 target was more realistic.
- Each country coordinated its own input at the WSSD. All he could report was that there had been some modest input regarding the children's environmental health program and that there had been an independent paper put together by a third party on the CEC as a regional institution
- There has been no progress on reaching an agreement on transboundary environmental impact assessment.

- He will speak with the staff of the Conservation of Biodiversity program area regarding migratory bats.
- NAFEC could be a useful vehicle for funding community-based projects on water.
- The issue of government bidding procedures is in fact being discussed. There appear to be ways to work within the system and still support the procurement of green goods and services.
- He agreed that there was indeed a curious dynamic surround emissions trading. He suggested starting with something known—SO_2—which has worked in the United States.
- JPAC has a member from the indigenous community as do the SMOC task forces.

Report from the National and Governmental Advisory Committee Representatives

The representative from the US National Advisory Committee (NAC) reported that there would be a joint meeting with the US Governmental Advisory Committee (GAC) on 24–25 October 2002. She went on to observe that the dialogue at the public workshop on freshwater had been encouraging and forward-looking. The US NAC is very concerned about the transition at the Secretariat and urged that job searches be expedited. She also expressed the US NAC's appreciation for the work of the Acting Executive Director. She highlighted the need for Mexican NAC to establish in order for the NAC system to be truly trinational. She expressed the NAC's pleasure at the decision to conduct a retrospective of the Tenth Anniversary of NAFTA and NAAEC and noted their preoccupation with lack of movement towards a trade and environment minister's meeting. Finally the US NAC honored the memory of John Wirth, noting how he was always looking for new ideas and ways of problem solving. His enthusiasm bubbled over in all his endeavors. His mentoring touched many and he will be sorely missed.

The representative from the Canadian NAC reviewed their recent letter of Advice where a number of issues were raised, including the role of the NAC in facilitating public consultation in trade and environment activities. The Canadian NAC strongly supports JPAC in its call for following up on factual records. In verbal feedback, Canada has agreed to consider several of their recommendations, but not factual record follow-up. The Canadian NAC is reviewing the Secretariat's work plan and will provide comments later this month. Their next meeting will take on 25–26 October, in Ottawa, Ontario.

A JPAC member asked if the Canadian NAC had an indigenous member. The NAC representative replied "no," and agreed to bring the matter to the attention of the Minister.

Another JPAC member noted that progress is being made to establish the Mexican NAC.

The representative from the US GAC reported that they have not met since the Council meeting. She noted several points: the US GAC does have tribal representation; they too are very concerned about the transition in leadership positions in the Secretariat; freshwater as a commodity in North America is an emerging issue and that the CEC must be careful to address trade related effects to assure there are no surprises at the end of the road; concern about the meeting (or lack thereof) between trade and environment - such a meeting is critical to chart out role of the CEC in addressing tensions in this area. She too concluded by paying tribute to John

Wirth who left the North American community with a tremendous legacy. She extended an invitation to their next meeting.

Serena Wilson, JPAC member, should attend the joint US NAC/GAC meeting 24–25 October 2002 in Washington, DC.

Overview of Proposed Program Plan 2003–2005

The Chair asked the Acting Executive Director to provide an overview of the proposed program plan for 2003–2005. He began by describing that the Secretariat is in transition mode and that much 'corporate history' had been lost with the departure of the Executive Director and Director of Programs, both of whom had been with the Secretariat since its inception. He explained that he has been focusing on internal matters and improving management and accountability practices. During the transition, the team is taking advantage of the project evaluation work to develop a clear strategic plan and to produce a proposal for a shortened version of the program plan and budget over the next few months.

He went on to explain that the Secretariat has a constant budget of US$9 million to work with. Council has asked the Secretariat to undertake new initiatives, including the retrospective of the Tenth Anniversary of NAFTA and NAAEC, and has authorized the development of a NAAEC Article 13 report on traditional maize varieties and transgenic corn. Both these require significant funding. He asked the program managers to evaluate the consequences of a 10 percent cut then adjusted the budgets accordingly. Indeed in some areas, some funds remain unspent and are rolled over into the following year. He explained he is instituting a three-pronged approach: (1) document the current budget situation (exchange, rate fluctuations, inflation, loosing spending power); (2) identify other partners and sources of funding; and (3) establish criteria for evaluating when success has been achieved and projects can be concluded. This will create a rationale on which to base future discussions with Council concerning budget requirements.

The Chair opened the floor to questions.

A JPAC member pointed out at some point that budget cuts will have to stop hitting the programs. He supported the three-pronged approach to assist Council in seeing budget issues in real terms.

Another JPAC member commented that strengthening management measures was sensible. She also cautioned that soliciting funding partners can sometimes shift priorities to meet the needs of funding agencies.

Finally, another JPAC member noted that the program appears too ambitious in terms of available human and financial resources and recommended a careful review of schedules.

A member of the public suggested that the ten-year retrospective of NAFTA and NAAEC focus on a value for money evaluation, using external people to conduct the analysis. One approach would be to show value-added by the CEC's activities. He predicted that the results would be impressive. He also agreed with an earlier intervention that it is time to take a hard look at needs

versus what would be nice to do. He further recommended that the presentation of the program plans be made more user friendly.

Another member of the public noted that partnering is a good idea, but expressed alarm that CEC as a government-funded organization would be competing with NGOs for the same pots of funding.

Plenary Discussion on the Proposed Program Plan

The Chair asked the Director of Programs to make introductory remarks. He indicated that the objective of this program plan was to be succinct and results-oriented. He expressed his enthusiasm for JPAC's input and participation. He further noted that the evaluation framework must be developed hand in hand with the strategic planning process. He described the commitment to do another state of the environment report (SOE)—this time linked to reporting on initiatives of the CEC and how they have afftected the environment. As such, it is anticipated that water will be one of the chapters. He concluded by saying that all comments will be taken back to the program managers.

Conservation of Biodiversity

The Director of Programs reviewed this program area. Comments from the public and JPAC included:

General Comments

- There is no clear role for indigenous peoples despite obligations in the United Nation Convention on Biodiversity. There is also no mention of indigenous ecological knowledge in the CEC dialogue. The CEC should work with existing indigenous networks—much expertise exists there. It is very important to work with indigenous knowledge if we are serious about an integrated approach.
- A significant omission in the program is the failure to consider the impacts of climate change. Rationale is based on an old paradigm. Climate change has to be considered.

Project 2.2.1 North American Bird Conservation Initiative

- An attendee commented on the need to better define details. In what ways, for example, "does the NABCI structure need to be strengthened"?
- It is time to determine if NABCI is self-sustaining. For a number of years now, we have been told that was the goal, yet there are no mechanisms in the 2003 work plan in that direction.

Project 2.2.2 Terrestrial Species of Common Conservation Concern

- This project should build on what is already underway in our countries.

Project 2.2.3 Marine Species of Common Conservation Concern

- Several species go south beyond Mexico. How will the CEC work integrate with other regions? Leverage money to look at more global system. Are Action 2, Activity 1 and the symposium planned in Project 2.2.4 redundant? All Bering-to-Baja work should be carefully integrated and coordinated.
- How do we access information and experience from other organizations? Work already done, for example, by the World Wildlife Fund in ecoregional planning, portfolios of priorities, databases, GIS, etc. Synergy is a very important point.
- How can the impacts of studies be measured at a local level—for people affected by environmental problems? The CEC should develop procedures for reporting and measuring impacts at the local level. More public participation is needed in the projects.
- Invasive or alien species of concern should be first identified, then work on pathways, then intervention measures. It is important to involve the departments of transport who regulate marine shipping.
- While it is important to research the impacts of GMOs on maize, it is also important to recognize that many other native plant species are being lost.
- Consider exit strategies for projects and "telegraph" these up front to the partners.
- There should be a way to "piggyback" surveillance at borders for alien species with the significant resources now dedicated to border surveillance in the War Against Terrorism. The common issue is the defence of North America.

Project 2.2.4 North American Marine Protected Areas Network

- Is this just a disguised version of the old land-based sources project? Is this one of the projects that should have been phased out?

Project 2.3.1 North American Biodiversity Information Network

On this project, various attendees said, "I am never quite sure how to put my arms around NABIN. It represents a very large financial outlay." "There are fundamental questions. Is NABIN the best vehicle to integrate this information and develop a portal?" "Should NABIN be part of the Secretariat's operations or a project as it is now? Is it too resource intensive for the CEC to support and is it time to spin it off to another organization?" "Sorry – but this does not make any sense. The idea is already covered."
Others commented:

- The project is too ambitious. It needs much more focus.
- Social and citizen participation is token. There is too much dependency on the Internet as a means to communicate information.
- The possibility of having another organization take over NABIN should be investigated. For example, NABIN is precisely the kind of thing that nature museums are usually in charge of.

At this point the Chair asked the JPAC Liaison Officer to collect all information on past CEC and JPAC initiatives in the area of working with indigenous peoples and prepare a report for the new Director of Programs.

Action: Secretariat

Environment, Economy and Trade Program Area

The Director of Programs reviewed the draft program. The Chair noted that the December 2002 meeting of JPAC would be focusing on the participation of the private sector in sustainable development and that the second Symposium on Assessing the Environmental Effects of Trade would be held in March 2003 in Mexico City.

Comments from the public and JPAC included:

Project 1.1.1 Assessing the Environmental Effects of Trade

- It was noted that in the call for papers for the second Symposium on Assessing the Environmental Effects of Trade, the Advisory Group was discouraged that there was not a single application from an indigenous group. A decision has been made to have a special session at the symposium and the organizers have asked for help in looking for people to participate. It was also noted that there are financial institutions and banks owned by indigenous peoples (First Nations) in Canada and they should be approached to participate in discussions on private sector involvement in sustainable development. (The indigenous representative on JPAC noted his interest in presenting a paper at the second symposium on biodiversity and traditional knowledge within the framework of the Free Trade Area of the Americas. The Secretariat accepted.)
- There should be more emphasis on solar energy as a sustainable alternative. Also, when "valuing" the environment, all externalities should be included. When decisions are based only on market values, the resulting development decisions are not sustainable.
- The NAAEC Article 13 study on the Evolving North American Electricity Market concludes that no matter what scenario is adopted, there will be increases in emissions. At the same time, we are seeing an increase in power plant construction on the Mexican border designed to export power into the United States. In a deregulated market where price is determinative, why is building south of the border attractive? Is it because there is a more relaxed regulatory regime? This should be explored.
- There is nothing in the program about follow-up on Chapter 11 matters.
- Activity 2 in the descriptions of project actions: Use the same terminology as in the NAAEC.

Project 1.2.2 Financing in Support of Environmental Protection and Conservation

- The government of Canada has launched an initiative regarding private sector financing in support of environmental protection and conservation with very similar goals and initiatives. There should be immediate coordination with that initiative.
- The United Nation Conference on Trade and Development has a task force on the topic of working with the private sector. Efforts should be coordinated. It is also very important to include bioethics in the discussions.

Project 1.2.1 Trade in Environmentally-preferable Goods and Services

- During the WSSD a Mexican NGO received an award for their work in organizing the production and marketing of coffee. They should be invited to the JPAC meeting in December.
- States that work on electricity and environment will be integrated. How does this coordinate with the NAAEC Article 13 report re: clean technology? Thermoelectric plants are not going to close overnight!
- Action 4. Why is another meeting of experts required now that we have the Article 13 report?

Pollutants and Health Program Area

The Acting Executive Director reviewed the program. The Chair reminded the participants of the numerous Advice to Council that JPAC has developed related to this program area.

Comments from the public and JPAC included:

Project 3.2.1 Sound Management of Chemicals

- JPAC has repeatedly called for the development of a NARAP on lead and it is never addressed. What is the rationale for omitting the substance from the program plan?
- Recent reports point to an increasing concern about lead and mercury release during recycling of computers. How do NARAPs accommodate new information?
- The Secretariat is aware of the continuing call to "get the lead out" and the substance selection task force is working on it. It is time to come to terms with lead and a decision will be made in a few weeks. Lead is a mature issue in all three countries and this presents challenges. There are obvious links with the CEC's work on children's environmental health and lead emissions in PRTR. The environmental monitoring and assessment NARAP may have a useful role to play as a watchdog and for tracking levels and trends in the environment. .
- How were the two mercury monitoring sites in Mexico selected? The Secretariat explained that the advisory committee developed criteria to be complementary to sites in the United States and Canada. Canada has donated two mobile mercury monitoring instruments to Mexico to help identify ambient levels of mercury in air and to find hot spots.

Project 3.3.1 North American Pollutant Release and Transfer Register Project (NARAP)

- Mexico is taking concrete steps to implement the mandatory PRTR. An advisory committee has been created by the private sector and NGOs working with the Mexican governmental entities to accelerate the registration process for industry. There is a strong commitment to participate in the CEC process.
- Printing costs associated with the annual *Taking Stock* reports are huge. The Secretariat should look for a partner who could absorb these types of costs.

Law and Policy Program Area

The program manager gave an overview of the program.

Comments from the public and JPAC included:

Project 4.3.2 Environmental Management Systems to Promote Compliance and Environmental Performance

- JPAC spent a lot of time participating in the Environmental Management Systems (EMS) program and concluded that the job had been done and there was nothing more the CEC could contribute. This was communicated to Council in an advice and directly to the Enforcement Working Group. The private sector is producing its own models. It is the government agencies themselves advocating continuing work. Given the budget limitations, it would not be useful to support a conference where government representatives can get together to "swap stories." Government and the private sector should do this themselves—there is no justification for the CEC to support this conference.
- It is not worth putting more effort into EMS. In Canada, the door is closed. Small and medium-size businesses have developed their own processes.

Project 4.2.1 Enforcement and Compliance Cooperation

- There is an important role to play in developing enforcement strategies.
- The Enforcement Working Group would benefit from public involvement to assist in identifying priorities. There is tremendous institutional resistance to JPAC and public participation in enforcement matters. It will be important at the public workshop held in conjunction with the tenth Regular Session of the Council in June 2003, probably organized in cooperation with the Enforcement Working Group and JPAC, to set ground rules about transparency.

Project 4.1.1 Comparative Report on Environmental Standards

- The comparative report on environmental standards was supposed to be a pilot project on intensive livestock operations and then evaluate and propose additional topics. Its not clear where this project stands.

Project 4.1.2 Environmentally Sound Management and Tracking of Hazardous Waste

- A workshop is being organized by the EPA, the Mexican Environmental Law Centre and Profepa to discuss illegal trafficking in hazardous waste and wildlife in El Paso. The CEC should coordinate with this effort.

Project 4.3.1 The Sustainable Use and Conservation of Freshwater in North America

- This project should be updated in response to yesterday's workshop.

Other Initiatives, including Specific Obligations under the NAEEC

The Acting Executive Director reported that the 2003 theme for NAFEC would be community monitoring and linking with SMOC's Environmental Monitoring and Assessment Task Force.

The NAAEC Article 13 report on traditional maize varieties and transgenic corn will be organized essentially the same way as the electricity report—an advisory group of experts, discussion papers, background documents, call for public comments and a symposium, to produce a Secretariat report to Council, including recommendations made by the advisory group of experts. It is hoped to formally announce the composition of the advisory group on Monday, 7 October.

Mr. Shantora continued that the Article 10(6) Working Group would have a conference call later this fall to again discuss the possibility of a trade and environment ministers meeting. Work on transboundary environmental impact assessment is stalled; however, the Secretariat will reflect on possibilities that the freshwater issue may provide. The Secretariat is beginning to develop a framework for the state of the environment report. Finally there is an expanded budget for the Submissions on Enforcement Matters unit complete factual records and work on the new submissions. This is a very high priority area for the Secretariat.

Comments from the public and JPAC included:

General Comments

- It is time for the CEC to look at developing communication strategies to target audiences. For example, *Trio* articles could be sent to larger newspapers.

North American Fund for Environmental Cooperation

- The General Standing Committee (GSC) continues to discuss the proposed modified NAFEC guidelines. The overall budget remains the same.
- A major shift was to make grants focus on themes drawn from the CEC work program. These grants can have a huge impact and tremendous return.
- NAFEC has helped to create a North American constituency.
- Groups working on energy could be targeted and recognized as part of a North American movement.
- NAFEC is the "human face of the CEC."

NAAEC Article 12(3)—State of the Environmental Report

- Experience with the first state of the environment report (SOE) was very difficult and painful. It was outdated when it was finally released. What mechanisms exist this time to make sure information is up-to-date and focused on CEC priorities? What is needed is a strategy for a format that can be regularly updated—not start from scratch each time.
- If the SOE report will contain a chapter on freshwater, how will this relate to the emerging work by the Secretariat on options, in preparation for further instructions from Council?

Article 10(6) of the NAAEC—Cooperation with the NAFTA Free Trade Commission

- Small amounts of money attached to transboundary environmental impact assessment and Article 10(6) reflect the importance attached to these issues.

- "Gook luck trying to get Transboundary Environmental Impact Assessment (TEIA) up and running." A "heads up"—the International Joint Commission does get involved in transboundary environmental assessment and will need to be involved.

The Director of Programs thanked everyone for the strategic and specific input. He noted that this is not a 'black box' and that advice would be taken into account.

JPAC Draft Advice to Council on Freshwater Issues in North America

A member of the JPAC working group on freshwater presented the draft advice. It was thoroughly discussed and several changes proposed and it was adopted. See Annex C for JPAC Advice to Council 02-10.

Action: Council

Potential Advice on the proposed CEC Program Plan and Budget

A full discussion took place assisted by the comments received during the plenary discussion. The Chair summarized a list of matters to be considered in an Advice to Council. It was agreed that a draft advice would be developed and circulated to JPAC members for review and adoption. See Annex D for JPAC Advice to Council 02-11.

Action: JPAC members, Council

JPAC Program for 2003

The Chair reviewed the JPAC program for 2003.

March 2003, Mexico City (dates to be confirmed)
Day 1: JPAC Public workshop on Chapter 11 and JPAC Regular Session 03-01
Days 2-3: Second CEC Symposium on Assessing the Environmental Effects of Trade and JPAC Regular Session 03-01

23–25 June 2003, Washington, DC
Day 1: Joint JPAC and CEC Enforcement Working Group Public Workshop and JPAC
Day 2: JPAC Regular Session 03-02 in conjunction with the Regular Session of Council

October 2003, Halifax, Nova Scotia (dates to be confirmed)
Day 1: Public Workshop on Invasive Species and Plenary Session on the CEC proposed Program Plan for 2004–2006
Day 2: JPAC Regular Session 03-03

November–Early December, Mexico (dates and location to be confirmed)
Day 1: CEC symposium on traditional maize varieties and transgenic corn
Day 2: JPAC Regular Session 03-04

During the discussion on the JPAC program, the Acting Executive Director announced that he had found a way to reinstate JPAC's full budget of C$400,000.

New Item

At this point, a Canadian JPAC member proposed that JPAC communicate with the United States regarding the apparent appointment of a new slate of American members to JPAC, effective January 2003. The concern was that replacing all members at the same time would deleteriously affect the effective operation of the committee. It was agreed that a letter be drafted to Governor Whitman, asking that the effective date of appointments be staggered (as is done with Canadian and Mexican appointments) over a minimum period of one year. The Canadian and Mexican JPAC members would sign the letter.

Action: Secretariat, Canadian and Mexican JPAC members, US Party

JPAC Follow-up

a) Article 13 Report on traditional maize varieties and transgenic corn.

The Chair expressed pleasure with the appointment of Mindahi Crescencio Bastida-Muñoz to the advisory group. He will make regular reports at upcoming JPAC meetings.

b) Article 14 and 15 of the NAAEC

The Chair reported that a letter from the US Chair of the Alternate Representatives was received on October 3 stating that the parties are still reviewing JPAC's advice and there was nothing further to report.

c) Tenth Anniversary of NAFTA and NAAEC

The Chair reported that he sent letters to Council dated 4 July 2002, and 10 September 2002, requesting that Council provide JPAC with information on how it intends to proceed with this initiative and reiterated JPAC’s willingness to participate. No response has yet been received.

A JPAC member noted that JPAC must insist on the participation of the public in analysis and review. The analysis must go beyond government. The Chair asked the member (and others) to think about how this could be done and provide suggestions. The Chair noted that the first “blue ribbon” committee did contain representatives of government, ENGOs and the private sector.

It was noted that at the next Alternate Representatives meeting there would be a discussion on the purpose of this review. Council’s objectives in mandating this review are still not clear. It is important that the Chair make it clear that the review should be limited to the CEC initiatives and accomplishments, and that public involvement is necessary.

Another JPAC member suggested that unless the report contains public commentary, it is merely an exercise in self-congratulation. If this is the case, JPAC should let the Parties do it alone.

Action: Council, JPAC Chair

A JPAC member noted that a report on what the United States did at the WSSD was never received. Another member added that nothing happened in Johannesburg regarding the CEC and that a great opportunity was missed. The Chair suggested that governments be asked for a report, nevertheless, which should be reported back to JPAC.

Action: Council, Secretariat

JPAC Administrative Matters

a) JPAC working Groups

- Electricity Market: Laura Silvan de Durazo was added to the group
- Conservation of Biodiversity: Steve Owens was added to the group
- Enforcement Cooperation: Gustavo Alanís-Ortega, Jon Plaut, and Donna Tingley. Mandate is to prepare for the Council Session.
- Article 13 Report on traditional maize varieties and transgenic: Peter Berle, Merrell-Ann Phare. Mandate to work with Mindahi Crescencio Bastida-Muñoz.

Finally the Chair noted that the mandate of Liette Vasseur concludes in December and that JPAC has been informed by Canada that the process of making a new appointment has begun.

Future JPAC Meetings

The Chair reported that the next and final meeting for 2002 is scheduled for 9–10 December in Monterrey, Nuevo Léon, at the *Instituto Tecnológico y de Estudios Superiores.* The first day will be a public workshop on Private Sector Financing and Sustainable Development.

The Chair then explained that the position of JPAC Chair for 2003, would come from among the Mexican members. Voting, by secret ballot, would begin on 31 October. The results will be announced prior to the 9–10 December meeting.

Observers' Comments

The Chair then opened the floor for final comments.

A member of the public thanked JPAC for such an open and informative meeting. She explained that this was her first meeting and she did not realize how much was going on at the CEC. People need access to this information. She also expressed strong support for the calls for increased public participation throughout the CEC's activities. Regarding NAFEC, even understanding that it would entail more work, it would be very useful for applicants to receive technical comments on why their proposals were not selected.

Another member of the JPAC reiterated support for increased public participation. She also commented that NAFEC remains under-funded. There are many groups actively working on

important environmental projects. These are the front-line groups working, not just talking about the issues, and they need support.

Adjournment

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

Prepared by Lorraine Brooke

APPROVED BY JPAC MEMBERS ON 4 NOVEMBER 2002

Annex A

DISTRIBUTION: General
J/02-03/AGEN
ORIGINAL: English

Commission for Environmental Cooperation of North America

Joint Public Advisory Committee Regular Session 02-03
Friday, 4 October 2002

Crowne Plaza Albuquerque – Pyramid
5151 San Francisco Road North East
Albuquerque, New Mexico

Phone: (505) 821-3333 • Fax: (505) 828-0230

Provisional Agenda

Chair: Jon Plaut

8:00 – 9:00	Registration of participants including coffee and croissants
9:00 – 9:10	Welcome and overview by the JPAC chair* a) Approval of the provisional agenda
9:10 – 9:20	Report from the CEC Secretariat and question period a) Activities report by the CEC Acting Executive Director
9:20 – 9:30	Report from the National and Governmental Advisory Committee representatives*[1]
9:30 – 9:50	Overview of the proposed Program Plan for 2003–2005 by the CEC Acting Executive Director
9:50 – 12:00	Plenary discussion on the proposed Program Plan for 2003–2005 *(10-minute presentation by the CEC Director of Programs followed by public and JPAC comments, questions and answers)* 10:00 – 11:00 Environment, Trade and Economy Program Area 11:00 – 12:00 Conservation of Biodiversity Program Area
12:00 – 13:30	Lunch (not provided)
13:30 – 15:00	Plenary discussion on the proposed CEC Program Plan and Budget for 2003–2005 (cont'd) *(10-minute presentation by the CEC Director of Programs followed by public and JPAC comments, questions and answers)* 13:40 – 14:30 Pollutants and Health Program Area 14:30 – 15:00 Law and Policy Program Area
15:00 – 15:30	Plenary discussion on the proposed CEC Program Plan and Budget for 2003–2005 (cont'd) *(10-minute presentation by CEC staff followed by public and JPAC comments, questions and answers)* 15:10 – 15:20 Others Initiatives including Specific Obligation under the Agreement 15:20 – 15:30 The North American Fund for Environmental Cooperation
15:30 – 15:45	Break

[1] Session open to the public as observers.

15:45 – 16:00 JPAC's approval of the draft Advice to Council on freshwater issues in North America*

16:00 – 17:00 JPAC Discussion on a potential Advice to Council on the the proposed CEC Program Plan and Budget for 2003–2005 including the JPAC Program for 2003

17:00 – 17:30 JPAC follow-up*
a) NAAEC Article 13 report on the traditional maize varieties and transgenic corn
b) NAAEC Articles 14 and 15
c) Tenth anniversary of NAFTA and the NAAEC

17:30 – 17:45 JPAC administrative matters*
a) JPAC working groups: member appointments and rotation
b) Future JPAC meetings

17:45 – 18:00 Observers' comments

18:00 End of the session

* Session open to the public as observers.

Annex B

3 and 4 October 2002
Public Workshop on Freshwater Issues in North America
and Regular Session of the Joint Public Advisory Committee 02-03

3 y 4 de octubre 2002
Taller Público de la CCA sobre el Agua Dulce en América del Norte
y Sesión ordinaria 02-03 del Comité Consultivo Público Conjunto

3 et 4 octobre 2002
Atelier public de la CCE sur les enjeux de l'eau douce en Amérique du Nord
et Session ordinaire n° 02-03 du Comité consultatif public mixte

Crowne Plaza Albuquerque – Pyramid
5151 San Francisco Road North East
Albuquerque, New Mexico

List of participants / Lista de participantes / Liste de participants
4 October 2002 / 4 de octubre 2002 / 4 octobre 2002

PARTICIPANTS

Andrea Abel
NAFTA Program Specialist
National Wildlife Federation
4000 North Hills Dr.
Austin, TX 78731
512 342 0029
andrea.abel@allvantage.com

Leonor Alvarado-Splinter
Environmental Projects Coordinator
Canadian Institute of Child Health
384 Bank Street, Suite 300
Ottawa, Ontario K2P 1Y4
613 230 8838 ext 243
613 230 6654
lalvarado@cich.ca

Janice Astbury
Director of Research and Programming
Directrice de recherche et de programmation
Canada World Youth - Jeunesse Canada Monde
2330, rue Notre-Dame Ouest, 3ème étage
Montréal, Québec H3J 1N4
514 931 1614 ext. 337
514 939 2621
jastbury@cwy-jcm.org

Sabrina Barker
Policy analyst
International Policy and Cooperation Branch
Environment Canada
Les Terrasses de la Chaudière
10 Wellington Street, 22nd Floor
Hull, Québec K1A 0H3
819 953 0912
819 953 7025
Sabrina.barker@ec.gc.ca

Alberto Barud Zubillaga
Program Coordinator / Manager
Center for Environmental Resource Management
PO Box 645
El Paso, Texas 79968-0645
915 747 7632
915 747 5145
albertobz@utep.edu

Kevin Bixby
Executive Director
Southwest Environmental Center
275, N. Downtown Mall
Las Cruces, NM 88001
505 522 5552
505 526 7733
swec@zianet.com

María de la Luz Briseño Muñiz
Profesora Titular de Control Ambiental
Red Ciudadana para un mejor Jalisco
Universidad de Guadalajara
Boulevard Marcelino Barragan y Calzada Olimpica
Guadalajara, Jalisco
52 333 619 0425
52 333 619 4028
luzmuniz@cencar.udg.mx
luzmuniz@megared.net.mx

Lorraine Brooke
Consultant
3745, St-Jacques Est, Suite 220
Montréal, Québec H4C 1H3
514 934 1218
514 937 5114
toportia@mlink.net

Elsa Bumstead
Biologist
4717 Clubhouse Lanen NW, #A-4
Albuquerque, New Mexico 87114-4240
505 899 2321
aquarius144@juno.com

Oscar Carrillo
International Activities Specialist
U. S. Environmental Protection Agency
1300 Pennsylvania Ave. NW MC-2660R
Washington, D. C. 20004
202 564 6423
202 565 2918
carrillo.oscar@epamail.epa.gov

Dominique Cartron
Attorney - Water Resources Specialist
3101 Dakota NE
Albuquerque, New Mexico 87110
505 830 4047
dcartron@dbstephens.com

Mario Castañeda
Border Water Coordinator
Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, Arizona 85007
602 771 4409
602 771 4674
castaneda.mario@ev.state.az.us

José Luis Castro
Director
Depto. de Estudios Urbanos y Medio Ambiente
El Colegio de la Frontera Norte
Blvd. Abelardo L. Rodiguez 2925
Tijuana, Baja California 22320
664 631 6301
664 631 6305
jlcastro@colef.mx

Anthony Clarke
24 Goulding Cres
Kanata, Ontario K2K 2N9
613 599 7607
613 599 9397
clarket@cyberus.ca

Manuel Contijoch
Vicepresidente
Comisión Internacional de irrigación y Drenaje
San Marcos 84 casa 11
México, DF 14000
555 5 28 78 15
555 5 28 75 91
mcontijoch@ingenieros.com.mx

Verónica Corella-Barud
Outreach Coordinator
US EPA El Paso Border Office
4050 Rio Bravo
El Paso, Tx 79902
915 533 7273
915 533 2327
corella-barud.veronica@epa.gov

Francisco Alberto Corral Alcantar
Subdirector México
Coalición de la Cuenca del Rio Bravo
Av. Del Charro No. 610 Nte. Edif. E of 206
Ciudad Juárez, Chihuahua 32310
656 623 4303
656 618 8991
coalición@hotmail.com

Alberto M. Correa
Executive Director
U.S. Materials Corridor Council
Burgess Hall Rm. 314
El Paso, TX 79968-0685
915 747 6123
915 747 6007
albertoco@utep.edu

Shawn Dalton
Chair, Steering Committee
Fredericton Area Water Sheds Association
UNB Room 211, Old Arts Building
Fredericton, New Brundswick E3B 5A3
506 452 6106
506 453 4883
sdalton@unb.ca

Joe De León
Vice President
Sociedad Amigos del lago de Chapala AC
Apdo 908
Chapala, Jalisco 45900
237 6 76 25 60
jdeleon@laguna.com.mx

Denise Ferguson-Southard
Assistant Secretary
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland 21224
410 631 4187
410 631 3936
dfurgueson-southard@mde.state.md.us

Alberto Flores Chacón
Secretario
Agua 21
Calle Rio Nilo 4010, Local 6, Esq. López Mateos
Fracc. Cordova Américas
Ciudad Juárez, Chihuahua 32310
656 6 16 52 28
656 6 16 52 28
agua21@terra.com.mx

Gerry Galloway
Secretary US Section
International Joint Commission, US-Canada
1250, 23rd St, NW
Washington, DC 20440
202 736 9000
gallowayg@washington.ijc.org

Tricia Gerrodette
3327 Eagle Ridge Drive
Sierra Vista, Arizona 85650
triciag@mindspring.com

Kara Gillon
Wildlife Counsel
Defenders of Wildlife
824 Gold SW
Albuquerque, New Mexico 87102
505 248 0118
505 248 0187
kgillon@defendsers.org

David Griscom
Executive Director
North American Institute
708 Paseo de Peralta
Santa Fe, NM 87501
505 982 3657
505 983 5840
nami@northamericanistitute.org

Joanne Hilton
Senior Hydrologist
Daniel B. Stephens & Associates
6020 Academy NE Suite 100
Albuquerque, New Mexico 87110
505 822 9400
505 822 8877

Paul D. Hunt
Vice President
Climate Change Central
10303 Jasper Avenue, Suite 1560
Edmonton, Alberta T5J 3X6
780 408 4582
780 408 4585
phunt@climatechangecentral.com

Adele Hurley
Senior Fellow, Program on Water Issues
Munk Centre for International Studies, University of Toronto
1 Devonshire Pl.
Toronto, Ontario M5S 3K7
416 964 8919
416 923 4911
ahurley@istar.ca

Lawrence Ignace
Environmental Policy Analyst
Assembly of First Nations
1 Nicholas Ave.
Ottawa, Ontario K1N 7B7
613 241 6789 ext 359
613 241 8908
lignace@afn.ca

John Jackson
Director Emeritus
Great Lakes United
17 Major St
Kitchener, Ontario N2H 4R1
519 744 7503
519 744 1546
jjackson@wcb.ca

Brenda Kelley
Community Development Coordinator
Bathurst Sustainable Development
285 St-Patrick St.
Bathurst, New Brundswick E2A 1C9
506 548 2106
506 545 7838
rosewood@nbnet.nb.ca

Joanna Kidd
Senior Consultant
Lura Consulting
107 Church Street, Suite 400
Toronto, Ontario M5C 2G5
416 410 3888
416 536 3453
jkidd@lura.ca

Elaine M. Koerner
Designated Federal Officer
Good Neighbor Environmental Board
US EPA – (1601 E)
655 – 15th St. NW
Washington, DC 20460
202 233 0069
koerner.elaine@epa.gov

Karin Krchnak
Program Manager
National Wildlife Federation
1400 16th Street, suite 501
Washington, DC 20036
202 797 6638
202 797 5486
krchnak@nwf.org

Federico Kunz
Asesor Legal
Peñoles
Moliere 222 Torre de Oficinas 1 Piso
México, DF 11540
555 2 79 31 38
555 2 79 35 67
federico_kunz@penoles.com.mx

Colleen Logan
Senior Water Resources Planner
Weston Solutions
6501 Americas Parkway, NE #800
Albuquerque, Nuevo Mexico 87104
505 837 6523
505 837 6870
colleen.logan@westonsolutions.com

Paula Lopes
PH D Candidate
Johns Hopkins University
Political Science Deprtment - Mergenthaler Hall
3400 N. Charles Street
Baltimore, Maryland 21218
410 467 9586
410 516 5515
pdl@megamail.pt

Barbara Maco
Community Involvement Specialist
511 Boulevard Way
Oakland, CA 94610
510 835 3085
510 835 3065

Polioptro Martínez Austria
Gerente de Estudios
Comisión Nacional del Agua
1960 Insurgentes Sur , 4e piso
México, D.F. 01020
555 3 22 24 75
555 3 22 24 77
polioptro.martinez@cna.gob.mx

Karel Mayrand
Directeur de la Recherche / Director of Research
Centre International UNISFERA
4328 St-Christophe
Montreal, Quebec H3J 2Y9
514 856 0117
514 856 0117
karel.mayrand@sympatico.ca

Jennifer Moore
CanadaEcosystems and Environmental Resources Directorate
Place Vincent Massey
351 St. Joseph Boulevard, 6th Floor
Hull, Québec K1A 0H3
819 997 5674
819 994 2541
Jennifer.moore@ec.gc.ca

Jesus Paniagua
Profesor
Centro de Investigación y Educación de Ensenada
Km. 107 Carretera Tijuana-Ensenada
Ensenada, Baja California 22860
646 1 74 49 50
646 1 75 05 34
jpaniagua@cicese.mx

Geraldine Patrick
Investigadora
Consejo Mexicano para el Desarrollo Sustentable
Lazaro Cardenas Norte 125, Tultepec
Lerma, Estado de México
722 2 75 62 10
728 2 82 04 69
damishi@latinmail.com

Jennifer Pitt
Environmental Defense
2334 N. Broadway
Boulder, CO 80304
303 440 4901
303 440 8052
jennifer_pitt@environmentaldefense.org

Denise Proulx
Journaliste
2217 Chemin Principal
Saint-Jospeh-du-Lac, Québec J0N 1M0
450 623 0565
450 623 2956
proulx@sympatico.ca

Oscar Ramirez
Deputy Director
Water Quality Protection Division
US EPA Region 6
214-665-7390
ramirez.oscar@epa.gov

Sergio Ramos
Director de Analisis y diseño de instrumentos Económicos
Secretaria del Medio Ambiente y Recursos Naturales
4209 Adolfo Ruiz Cortinas
Jardines de la Montaña
México, D.F. 14330
525 6 28 06 00 ext. 12083
srosorio@semarnat.gob.mx

Carlos A. Rincón
US-Mexico Environmental Projects Director
Environmental Defense
1100 N. Station, Suite 805
El Paso, Texas 79902
915 543 9292
915 543 9115
crincon@environmentaldefense.org

Aaron Schneider
Environmental Researcher
Centre for International Studies
U.C.C.B.
Sydney, Nova Scotia R0E 1R0
902 929 2348
ruth_schneider@uccb.ns.ca

Dennis Schornack
Chair US section
US section
International Joint Commission, US-Canada
1250, 23rd St, NW
Washington, DC 20440
202 736 9000
schornackd@washington.ijc.org

Edward Smith
Chairperson
Community Recycling & Waste Mgmt Committee
11 Roan Street
Corner Brook, New Foundland A2H 5E3
709 634 2520
709 634 2628

James Stefanov
Chief, Technical Planning Division
International Boundary and Water Commission
4171 N. Mesa, C-310
El Paso, Texas 79902
915 832 4163
915 932 4782
jimstefanov@ibwc.state.gov

Greg Thomas
President
The Natural Heritage Institute
2140 Shattuck Avenue 5th Floor
Berkeley, CA 94704
510 644 2900
510 644 4428
gat@n-h-i.org

Gabriela Vale Ochoa
Director Ejecutivo
Coalición de la Cuenca del Río Bravo
Ave. del Charro 610 N E-206
Ciudad Juarez, Chihuahua 32330
565 6 23 43 03
565 6 18 89 91

Marisa Von Bullow
Dep. of Political Science
The John Hopkins University
4306 Kentbury Drive
Bethesda, Maryland 20814
bulow@starpower.net

Lisa Windhausen
Aquatic Habitats Specialist
Northeast Natural Resource Center
National Wildlife Federation
58 State Street
Montpelier, Vermont 05602
802 229 0650
802 229 4532
windhausen@nwf.org

Bobby Ybarra
Foreign Affairs Officer
United States Section
International Boundary and Water Commission
4171 North Mesa, Suite C-310
El Paso, TX 79902-1441
915 832 4105
bobybarra@ibwc.state.gov

JPAC / CCPC / CCPM

CANADA

Cam Avery
Director of Public Affairs
B.C. Gas
24th Floor, 1111 West Georgia
Vancouver, British Colombia V6E 4M4
604 443 6603
604 443 6614
cavery@bcgas.com

Ann Bourget
Hôtel de ville de Québec
2, rue des Jardins
C.P. 700, Haute-Ville
Québec, Québec G1R 4S9
418 641 6411
418 641 6465
ann.bourget@ville.quebec.qc.ca

Merrell-Ann Phare
Executive Director/Legal Counsel
Centre for Indigenous Environmental Ressources
3rd Floor, 245 McDermot Ave
Winnipeg, Manitoba R3B 0S6
204 956 0660
204 956 1895
maphare@ cier.ca

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

Liette Vasseur
Professor
University of Moncton
K.C. Irving Chair in Sustainable Development
Pierre Armand Landry Pavilion
Moncton Campus
Moncton, New Brunswick E1A 3E9
506 858 4152
506 863 2000
vasseurl@umoncton.ca

MEXICO

Gustavo Alanís-Ortega
Presidente
Centro Mexicano de Derecho Ambiental
Atlixco No. 138
Colonia Condesa
México, D.F. 06140
525 52 86 3323
525 52 11 2593
galanis@cemda.org.mx

Mindahi Crescencio Batista-Muñoz
Presidente
Consejo Mexicano para el Desarrollo Sustentable
Coordinator
Consejo Regional Otomi del Alto Lerma
Lázaro Cárdenas Norte No. 125
San Pedro Tultepec
Lerma, Estado de México 52030
527 28 282 04 69
527 22 187 13 75
mindahi@prodigy.net.mx

Adriana Nelly Correa
Profesor Investigador
Centro de Calidad Ambiental
ITESM Campus Monterrey
Av. Eugenio Garza Sada No. 2501 Sur
Monterrey, Nuevo León 64849
528 1 83 28 4032
528 1 83 59 6280
ancs@itesm.mx

Carlos Sandoval
President
Consejo Nacional de Industriales Ecologistas
Gabriel Mancera No. 1141
Col. Del Valle
México, D.F. 03100
525 5 59 1915
525 5 75 2337
ecologia@conieco.com.mx

Laura Silvan de durazo
Directora
Proyecto Fronterizo de Educación Ambiental
Paseo Estrella del Mar No. 1025 – 2A
Sección Coronado
Playas de Tijuana, Baja California 22200
526 6 46 30 0590
526 6 46 30 0590
laurie@proyectofronterizo.org.mx

UNITED STATES

Peter Berle
P.O. Box 881
Stockbridge, Massachusetts 01262
413 298 0061
413 298 0069
pberle@audubon.org

Steve Owens
Senior Counsel
Beshears Muchmore Wallwork, Chartered
2700 North Central Avenue
Suite 1225
Phoenix, Arizona 5004
602 240 6652
602 240 6697
owens@bmwlawyers.com

Jonathan Plaut
3 Ashland Road
Summit, New Jersey 07901
908 273 4127
908 273 6836
jplaut@aol.com
JPAC Chair for 2002

Serena Wilson
9100 Mill Creek Landing
Great Falls, Virginia 22066
703 759 4642
703 759 7897
wilsonserena@juno.com

CEC / CCA / CCE

Alain Droga
Law and Policy Program Assistant
Commission for Environmental Cooperation
Montréal, Québec H2Y 1N9
514 350 4329
514 350 4314
adroga@ccemtl.org

Jocelyne Morin
JPAC Assistant
Commission for Environmental Cooperation
Montréal, Québec H2Y 1N9
514 350 4366
514 350 4314
jmorin@ccemtl.org

Manon Pepin
JPAC Liaison Officer
Commission for Environmental Cooperation
Montréal, Québec H2Y 1N9
514 350 4305
514 350 4314
mpepin@ccemtl.org

Carla Sbert
Legal Officer
Submissions on Enforcement Matters Unit
Commission for Environmental Cooperation
Montréal, Québec H2Y 1N9
514 350 4321
514 350 4314
csbert@ccemtl.org

Victor Shantora
Acting Executive Director
Commission for Environmental Cooperation
514 350 4355
514 350 4314
vshantora@ccemtl.org

Olga Sotelo
Meeting Services Assistant
Commission for Environmental Cooperation
Montreal, Quebec H2Y 1N9
514 350 4343
514 350 4345
osotelo@ccemtl.org

Tim Whitehouse
Head, Law and Policy Program
Commission for Environmental Cooperation
514 350 4334
514 350 4314
twhitehouse@ccemtl.org

Doug Wright
Director of Programs
Commission for Environmental Cooperation
514 350 4320
514 350 4314
dwright@ccemtl.org

Annex C

DISTRIBUTION: General
J/02-03/ADV/02-10/Rev.2
ORIGINAL: English

ADVICE TO COUNCIL NO: 02-10

Re: The CEC and the Management of Freshwater in North America

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America:

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC) which states that JPAC "may provide advice to Council on any matter within the scope of this agreement (…) and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct";

WHEREAS at its 2001 Regular Session, Council agreed to undertake an initiative to analyze issues related to "local water pricing and watershed management, and promote accessible, affordable technologies for improving water management";

IN RESPONSE, the Secretariat initiated a plan to develop a concept paper outlining a long-term vision for the role of the CEC in the area of watershed management, including consideration of affordable water-related technologies and water pricing and to develop recommendations for Council to consider on possible CEC work in this area;

HAVING participated in a public workshop on freshwater issues (groundwater and surface water) in North America, held on 3 October 2002, in Albuquerque, New Mexico, to review a draft options paper designed to advance the issue of sustainable watershed management and taking note of public comments;

UNDERSTANDING that well-established organizations have a long history of working to manage freshwater issues, particularly in border regions, and that any actions taken by the CEC must work in concert with these organizations;

MINDFUL of the CEC's demonstrated experience and strength in acting to facilitate trinational cooperation around issues of common concern and aware of the need to stimulate innovative thinking and ensure that any action taken by the CEC is value added;

BUILDING on the body of work already developed by the Secretariat on the subject; and

AWARE that the Secretariat will now go forward to prepare a final draft options paper and public comments will again be solicited prior to preparing a final report, including recommendations for Council;

JPAC therefore provides the following advice to assist Council in making its decision on how the CEC can engage in, and constructively contribute to, the complex issue of freshwater management in North America:

- In designing its work plan, the goal of the CEC effort should be to develop ecoregional, ecosystem and watershed approaches and actions to achieve sustainable freshwater management;

- In order to be effective, this effort should be informed by a high-level dialogue among all levels of government, those well-established organizations already engaged in this work, the private sector, academia, indigenous peoples, nongovernmental and citizen's organizations;

- The dialogue should identify the guiding principles which underpin ecoregional, ecosystem and watershed approaches to sustainable freshwater management and examine scientific knowledge, traditional knowledge, lessons learned, best practices and leading edge issues, such as affordable clean technology options, non–water-based solutions, economic instruments and financial mechanisms to support the implementation of proposed solutions;

- The dialogue should also focus on developing an approach that goes beyond traditional pricing perspectives and encompasses all externalities related to the true value of water;

- Adopting an ecoregional, ecosystem and watershed approach will complement other programs of the CEC. Examples include invasive species (the Conservation of Biodiversity program), discharge standards (the Sound Management of Chemicals program) and children's environmental health; and

- These efforts will give new impetus and underscore the need to conclude an agreement related to NAAEC Article 10(7) for transboundary environmental impact assessment (TEIA).

While continued high-level dialogue is necessary to arrive at effective solutions, immediate action should be taken to promote awareness of the urgency of problems associated with freshwater. The CEC has gathered valuable contributions to what is already known at the institutional level about the status of freshwater in North America. However, this information is not widely known by the general public, and therefore fails to influence behavior.

Therefore, JPAC urges the Parties to undertake education and public awareness campaigns about the nature, scale and challenges facing our North American freshwater resources. In aid of these awareness campaigns, the CEC should, in the 2003 work plan, prepare a map or similar tool on the status of freshwater in North America showing what is known about quantity and quality, hot spots and information gaps.

To support these efforts JPAC further recommends that freshwater conservation and management be made the theme in the 2004 CEC North American Fund for Environmental Cooperation (NAFEC) granting round.

JPAC applauds the work of the Law and Policy program staff and project team in developing substantive and timely materials for JPAC and the public to review. JPAC looks forward to receiving the final draft options paper with recommendations for Council and may provide additional advice at that time.

APPROVED ON 4 OCTOBER 2002

Annex D

DISTRIBUTION: General
J/02-03/ADV/02-11
ORIGINAL: English

ADVICE TO COUNCIL NO: 02-11

Re: Commission for Environmental Cooperation Proposed Program Plan and Budget for 2003–2005

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America:

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC) which states that JPAC "may provide advice to Council on any matter within the scope of this agreement (…) and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct";

HAVING discussed the Proposed Program Plan and Budget for 2003–2005 with the public and Secretariat staff in a plenary session held during JPAC Regular Session 02-03 on 4 October 2002 in Albuquerque, New Mexico;

JPAC submits the following:

General Recommendations:

- JPAC feels that more attention and detail is required to better articulate and integrate public participation efforts within each project. This issue was identified in JPAC Advice to Council 01-06, and JPAC still sees the need of improvement.

- All CEC working groups established within the program plan should have representation from the public. Specifically, at this time, the Enforcement Working Group and the Air Quality Working Group should open space for public participation. It should not be the role of the CEC to finance and support government-only meetings, particularly when funds for deserving projects are limited.

- Repeatedly, the need for efforts to engage indigenous peoples in the programs and projects of the CEC was raised. This is an issue that has preoccupied JPAC for some years and despite specific recommendations to Council, which they adopted in their own statement, we see few concrete improvements. JPAC strongly urges Council to direct the Secretariat to improve this situation.

- JPAC encourages the Secretariat to continue its work in developing and applying the evaluation process as a basis for providing more focus and strategic direction.

- There is a clear need for the CEC to develop strategies for improving dissemination of information to the public, particularly those who do not have access to the Internet. While the CEC web site is very informative and well designed, it cannot be the sole vehicle for providing information. JPAC has raised this topic in the past. There is, however, no obvious attention to developing such strategies in the proposed program plan. Possible approaches would be the establishment of priorities and having a communication strategy embedded in each project.

- JPAC has repeatedly advised the Council that schedules for completing projects should be clearly identified. Too often, projects are scheduled to end and then re-appear in the program plan.

- As the CEC's program matures and develops more focus, the Secretariat is better positioned to be proactive in seeking partnerships both from the perspective of leveraging funds and, very importantly, to ensure that the work of the CEC is value-added.

- The presentation format of program plans needs to be changed. It is much too cumbersome a document for the public to review.

Specific Recommendations:

Environment, Trade and Economy Program Area

The Final Communiqué from the 9th Regular Session of the CEC Council promised continuing work on energy and environment stemming from the Article 13 report on the opportunities and challenges associated with North America's evolving electricity market. JPAC does not see this addressed coherently and comprehensively in the program plan. For example, activity 2 of action 4 in project 1.2.1 (Environmentally-Preferable Goods and Services), concerning the holding of a technical meeting of experts, would appear redundant in a comprehensive program plan in 2003 given the 2001 Article 13 symposium on the North American Electricity Market.

Conservation of Biodiversity Program Area

- Nowhere in the program area is there mention of either the importance or the need to work with indigenous knowledge, despite its integration into many United Nations processes and the explicit reference to it in the Convention on Biological Diversity. All projects in this program area should be assessed for how and where they could benefit from working with indigenous knowledge and adjusted accordingly.

- More information should be added before deciding if a second roundtable on biodiversity conservation, planned in 2004, is necessary.

2.3.1 North American Biodiversity Information Network

- As recommended in JPAC Advice to Council 01-06, JPAC considers that the North

American Biodiversity Information Network (NABIN) has matured and, given its cost, that the Secretariat should explore the possibility of passing it on to another organization or group to maintain and manage. A basic part can become part of the operating system of the Secretariat for all mapping and information overlap but with outside contracts. It is too resource-intensive and its financial demands will increase, not decrease, as the network expands.

Pollutants and Health Program Area

3.2.1 Sound Management of Chemicals

- JPAC notes that lead is not part of the Sound Management of Chemicals (SMOC) program, however, reiterates its strong recommendation that a North American Regional Action Plan (NARAP) for lead be developed.
- There will be a need over time to look at how to implement the update of the NARAPs through the monitoring and assessment NARAP.

3.3.1 North American Pollutant Release and Transfer Register

- The Secretariat should investigate opportunities for partnerships with other institutions or organizations to take over the printing costs of the annual *Taking Stock* reports as a cost-saving measure.

Law and Policy Program Area

4.2.1 Enforcement and Compliance Cooperation

- JPAC recommends that a public meeting with the Enforcement Working Group (EWG) be held in conjunction with the June 2003 Regular Session of Council to seek input on a long-term strategic vision.

4.3.2 Environmental Management Systems to Promote Compliance and Environmental Performance

- In JPAC Advice to Council 01-05, it is recommended that work on environmental management systems (EMS) was successfully concluded and that no further resources be put toward this effort. While Council directed that the CEC sponsor a workshop in 2003 on the implementation of environmental management systems in small and medium-size enterprises, JPAC still believes that any continuing efforts in this area should be supported by governments themselves, along with the private sector, and not by the CEC.

4.3.1 Sustainable Use and Conservation of Freshwater in North America

- Following the public workshop on freshwater issues, held on 3 October in Albuquerque, please refer to the JPAC Advice 02-10 to Council on this issue.

Other Initiatives of the CEC

North American Fund for Environment Cooperation (NAFEC)

- JPAC continues to consider the North American Fund for Environment Cooperation (NAFEC) as one of the CEC's most important initiatives. It provides a vehicle for local, community-based projects to complement and inform the CEC's program. At the same time, it provides an opportunity for outreach and public education around issues considered important by the CEC. For this reason, JPAC continues to support the decision taken three years ago, to create an annual unique theme for NAFEC grants. As detailed in JPAC Advice to Council 02-10, JPAC recommends that the theme for 2004 be freshwater management and conservation.

Tenth Year Anniversary of NAFTA

- JPAC has indicated its willingness to actively participate in the 10-year review of the CEC's achievement and is eager to receive clarification on the nature and scope of the review and plans for public participation.

Specific Obligations

Article 10(6) of NAAEC

- JPAC remains very concerned that the meeting of the trade and environment minister is still not scheduled. Council is urged to make every effort to have an agenda established and a date set in the very near future.

Article 10(7) of NAAEC

- Indicators of the need for Article 10(7) of NAAEC on transboundary environmental impact assessment to be concluded continue to arise, including some relative to transboundary freshwater concerns.

Articles 14 and 15 of NAAEC

- Council continues to consider JPAC's various advice on Articles 14 and 15. Among matters under consideration are the scope of factual records and factual record follow-up. Both these matters have consequences for the program of work developed by the Secretariat and therefore need to be clarified as soon as possible.

Note: Please consult the Summary Record of the JPAC Regular Session of 4 October for further comments made by JPAC members and the public on the CEC's Proposed Program Plan and Budget for 2003–2005.

APPROVED ON 21 OCTOBER 2002

Annex E

DISTRIBUTION: General
J/02-04/SR/01
ORIGINAL: English

Commission for Environmental Cooperation

Public Workshop on Freshwater Issues in North America

3 October 2002

Albuquerque, New Mexico

Jon Plaut, Chair of the Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America, opened the session. He welcomed everyone to Albuquerque and explained the day's events, including plans by JPAC to develop an Advice to Council (Council comprising environment ministers of North America) on freshwater issues the following day during JPAC's Regular Session 02-03.

Victor Shantora, the Acting Executive Director, joined the JPAC Chair in welcoming the participants on behalf of the CEC to this very important session. He explained that the session was intended to be participatory, with a view to assisting the CEC in developing a set of recommendations to Council aimed at ensuring that work by the CEC on this complex matter be value-added and complementary to the efforts of other organizations. He further noted it was no accident that New Mexico was selected as the location for this meeting, given the urgency of water issues in this region of North America. He recognized the important roles of the International Joint Commission (IJC) and the International Boundary and Water Commission (IBWC) and the importance of their participation in this session. He further noted that the recent World Summit on Sustainable Development (WSSD) had highlighted water as a major international issue. He thanked everyone in advance for their contributions.

Session I: Overview of meeting purpose, agenda and CEC steps-to-date

Tim Whitehouse, head of the CEC's Law and Policy program area, explained that his team will be managing the development of an options paper and final recommendations to Council in advance of the 2003 June Council Session. He made preliminary observations on the following subjects to frame the day's discussions:

- the disparity between water-rich and water-poor areas and the disconnect with population concentrations;
- the physical disruption of water by, for example, pollution and diversions;
- the fragmentation in jurisdictional responsibilities for water management and allocation decisions; and
- pricing issues.

Taken together, these points indicate that ensuring access to a safe and adequate water supply will require innovative and coordinated problem solving at all levels of government along with the participation of civil society. He went on to explain that the CEC is a new but important player in the development of sustainable solutions. It can provide much-needed policy analysis and assist in scoping issues and providing recommendations to Council on an appropriate role for the CEC. Finally, he explained that the results of this session would be incorporated into another draft that will be sent out for public review in mid-November. A final text with recommendations will be available for Council in mid-February 2003.

Session II: Overview of water priorities in Mexico, United States and Canada

The JPAC Chair then introduced the first set of speakers, to discuss domestic issues and priorities.

Sergio Ramos, Director of *Análisis Económico y Diseño de Instrumentos de Fomento* at Semarnat, reviewed the legal framework for water management in Mexico. He provided details on the agency's focus and emerging strategic directions, including both matters of quantity and access and also water quality. He described the complex jurisdictional arrangements between states and the federal government.

Jennifer Moore, Director General, Ecosystems and Environmental Resources, Environment Canada, presented an overview of Canada's approach and priorities. She explained that the responsibilities for water are shared by the federal and provincial governments and, for certain matters, municipal governments and private landowners, making good governance and cooperation essential. Canada's priorities include "source-to-tap" quality control; improving and disseminating information, including the identification of knowledge gaps; public outreach for conservation, preventive planning and hazards; and climate change as a cross-cutting issue.

Oscar Ramirez, Acting Director, Water Quality Protection Division, US EPA Region 6, Environmental Protection Agency (EPA), summarized priorities and challenges from the US perspective, highlighting the need to marshal resources for a common purposes:

- Water is a limited resource and not evenly distributed.
- As monitoring improves, more and more problems with quality are revealed.
- Point source causes are now more diffused—urban centers, agriculture, forestry, mining, etc.—requiring more effort to solve. A holistic approach is required, with the engagement of local communities.
- Governor Whitman is requesting $21M for an initiative to develop solutions for watersheds nominated by state and tribal governments, including market-based efforts.
- The increase of invasive species is affecting water quality, with resulting environmental and economic impacts.
- An aging infrastructure presents huge financial challenges. It is estimated that in the US, $270 billion for upgrading treatment facilities and $265 billion for drinking water will be required.
- Considerable resources have been invested in assessing the vulnerability of drinking water to acts of terrorism.

The Chair then opened the floor to questions and comments. He also encouraged the participants to take note of a CEC report entitled *North American Boundary and Transboundary Inland Water Management Report*, available at the back of the room.

- It was noted that in Canada, where 95% of timber removal is done by clear cutting, forest management plans do not reflect the true value of forests in watershed management. Indeed, all three countries should review their domestic forestry policies from this perspective. It was further noted that in the US resources are available—it is matter of priorities. At this time, the US is focusing on possible war with Iraq and the war on terrorism.
- Priority should be placed on sewage capacity and treatment from a human health perspective. For example, in this region (New Mexico), the existing systems were devised when water was considered plentiful and a way to flush waste. New technologies are required for waste treatments that are less water-intensive. Also, rainwater harvesting for community use should be further explored. Mexico is hosting a rainwater harvesting conference in 2003, providing a good connection for the CEC.
- Resources for public education in water conservation are badly needed to shift public attitudes and behavior. Basic information is lacking.
- Government representatives were asked to explain their country's policies on water diversions and exports. In Canada, all provinces and the federal government have legislation prohibiting water exports. Regarding diversions, the IJC has been given a reference to provide advice. In the US, diversions are permitted at the state level. At the federal level, the Burrow Act provides some latitude in the context of rehabilitating vanishing wetlands in partnership with state governments.
- During the recent WSSD, a proposal was discussed to establish a world water trust fund. It was not successful; however, it might prove useful in the North American context as a way to attract private sector investment.
- A project in New Brunswick, Canada, was described wherein ecological information is being collected in collaboration with community members. The results indicate that collecting information is a very good way to educate people. It also provides opportunities for community-based information and perspectives to sensitize and educate governments.

Session III: Border water issues

Dennis Schornack, Chair, US Section, International Joint Commission (IJC), provided a comprehensive overview of the IJC's mandate and recent activities, concluding that the IJC "is the 911 for border water issues."

Bobby Ybarra, from the International Boundary and Water Commission (IBWC), reviewed in detail the history of the Mexican and US border water treaties, legal relationships and cooperative arrangements. He concluded with a projection that over the next 20 years the border population would double to 24 million, adding a real sense of urgency to already very serious water issues along the border and in relation to inter-jurisdictional management of major rivers such as the Colorado and Rio Grande/Rio Bravo.

Polioptro Martínez, *Coordinador de Asuntos Fronterizos, Comision Nacional del Agua*, noted how difficult it was to summarize the complexities of border water issues. He offered that population growth will be the main driving force. Aquifers on the borders are already

overexploited. There are many organizations involved in water issues along the US/Mexican border. A common vision with common objectives will be required.

The Chair then opened the floor to questions and comments:

- Remember the "big picture"—we have already surpassed the planet's capacity to supply water to a growing population. Policies and treaties must look at capacity, otherwise disparities will grow. Efforts must be on working with communities to reduce use. Innovative solutions will be required, and work should begin now, for example, on desalination for agricultural and industrial uses.
- Federalization of water resources could lead to approval of mega-schemes.
- The CEC, as a trinational organization, could be very useful in providing research and information as a complement to what other organizations are doing. It would be very useful for the CEC to take information coming from each country or border organizations and then develop a methodology for verification and quality control for use at a bi- or trinational level.
- The CEC can play an important role as a vehicle for collecting and synthesizing information, identifying data gaps and working towards a compatible information base for North American watersheds.
- Water management terminology must include water conservation for ecosystems.
- Ecosystems are in distress. Many native species have become or are on the verge of becoming extinct (the silvery minnow was given as an example). The Rio Grande is basically a ditch for irrigation water. In this context, how can these concerns be addressed at the same time as when large populations, such as those of El Paso/Juárez, are facing drinking water crises?
- It was noted that indigenous peoples have varying levels of rights and special interests in each country and the question was asked how the IJC and IBWC are dealing with these matters and if the commissions had advice to give the CEC on how to integrate indigenous issues into the discussions on freshwater. The IBWC representative replied that each country deals with indigenous issues within its jurisdiction and no international issues regarding property rights have yet arisen. The IJC representative replied that the commission does not directly engage indigenous nations; however, there is indigenous representation on study boards. He explained a recent example in relation to work on the St-Lawrence/Lake Ontario study where the participation of the St-Regis tribe was very beneficial. He noted that their involvement is not on a rights basis.
- The commissions were also asked how they cooperate on joint approaches or lessons learned. The representative of the IBWC replied that, as a result of recent CEC efforts, the commissions have begun a dialogue on common issues such as flooding and invasive species. The IJC representative agreed that the CEC has provided a forum for communication.
- The commissions were asked if there is a role for the CEC in the area of exotic species, given that both commissions have programs on this subject. The IJC representative replied that aquatic invasive species has been identified as the number one threat to the biological productivity of the Great Lakes. The CEC could play a role in pressing for common shipping standards. The representative of the IBWC urged the CEC to look at harmonization of data-gathering and methods for control of invasive species.

Session IV: Review of CEC draft summary of water issues

Tim Whitehouse, Head of the Law and Policy program area, introduced the study team, Greg Thomas, Adele Hurley, Joanna Kidd, and Manuel Contijoch Escontria. He explained that the team was asked to gather information and develop policy analysis in three areas:

- Regional environmental concerns
- Avoidance and prevention of trade disputes
- Enforcement of environmental laws

He explained that the CEC does not manage water resources nor implement projects. The CEC can be most effective where it can shine light on an environmental issue, bring it to a higher level, and assist policy makers, managers and the public to make better decisions. He emphasized that, in the freshwater context, the CEC will have to complement and support work already being done. It can usefully assess short-term and longer-term strategies to determine if change has occurred.

Greg Thomas, on behalf of the study team, reviewed the draft summary, concentrating on the options. He explained that each has a common attribute—positioning the CEC to say something useful about the sustainable use of freshwater resources without stirring up more controversy. The seven options are:

Option A: North American Freshwater Information Network (NAFIN): A Portal for Freshwater Data
This project would create an Internet data portal that provides the user with a GIS overlay to existing data and information on freshwater.

Option B: State of Groundwater Report
The report would draw on existing data and information to document the state of the resource in North America, including its supply, use, management, stresses and status.

Option C: Structures for Effective Transboundary Watershed Management
The project would identify what is needed for effective and integrated management of transboundary water resources and would examine how the role of existing management institutions could be expanded to allow for integrated water management.

Option D: Affordable Technologies for Improved Water Management
The project would involve investigation and analysis of the current application and future potential of a number of affordable techniques for improving water management.

Option E: Economic Tools to Achieve Water Efficiency
The project would investigate and analyze the current application and future potential of economic tools to promote water conservation in the agricultural sector.

Option F: Environmental Restoration Opportunities in Water Development
This project would investigate the opportunities to build environmental enhancement into water resource development projects, with particular focus on the two shared international borders.

Option G: Water Quality Policies, Regulatory Approaches and Standards in North America
This project would examine the different policies, approaches and standards being used. The issues examined would include: health implications, water quality indexes, standards versus guidelines, and impacts of harmonization.

The Chair then opened the floor to questions and comments:

- Page 159 of the CEC's *North American Boundary and Transboundary Inland Water Management Report* lays out options for producing water in the context of dire shortages (bulk water exports). These are very controversial and all other possibilities should first be exhausted. Is this where we are headed?
- The CEC will not pronounce on policy questions, but rather advance knowledge and understanding about tools, techniques and options available for better management. Ultimate policy decisions are for governments to take.
- It is important to have a clear understanding of target audiences before developing information portals (Option A).
- A change of mind-set is needed. The language used in the options paper is alarming. Most of the decisions about water takings are based on human uses and needs. Nature and wildlife are not clearly factored into the assessment. The CEC can assist by first, stressing this connection in its work on biodiversity and second, providing advice on changing decision-making processes so that these needs are in the forefront. No other organization is doing this.
- An approach that fully integrates ecological, social and economic factors is required in order to assess how change in one area impacts another. An interesting tool would be to recognize the full economic value of water as a resource—not simply for human use.
- A participant commented on each of the options:
  - Option A: Agree that an audience should be identified before anything is spent. However, the idea is interesting. It would quickly show how much poor information there is and provide a platform for arguing for improved monitoring and data gathering.
  - Option B: Similar to above. Would show deficiencies in our knowledge.
  - Option C: Questioned why the focus was only on transboundary water—why not the entire North American region? Water is mostly about politics and jurisdiction. If this option is selected, it will be very important to consult will all existing agencies.
  - Option D: This is a good niche for the CEC.
  - Option E: Again a good niche for the CEC. Pull all the information together and make it available.
  - Option F: The CEC would have to coordinate carefully with governments.
  - Option G: This is a good niche for the CEC.
- Concern was expressed that most of the options involved doing studies and reports, giving the appearance of starting from scratch. There should be a focus on quickly gathering experience from existing agencies and moving to propose solutions and action plans.
- It is also important to remember that enforcement and compliance will continue to be key factors, and law makers at all levels will have to play a fundamental role. Ultimately it is a matter of political will.

- Because of its trinational mandate, the CEC can analyze technologies and tie these to management.
- Monitoring and inspection responsibilities should be given to independent agencies.
- Agriculture is the largest consumer of water. There is clearly a need to reduce use, not find new sources. Policies for reduction in all sectors are absolutely essential.
- Another participant commented on each option. Options A, E and G are the most interesting for the CEC. In Option A, the CEC already has had much experience; Option E is clearly in the CEC's mandate; and Option G is necessary and would be a good task for the CEC. Option B would be very difficult to achieve. For example, the information does not exist in Canada. Option D should focus on diminishing demand, not simply managing it.
- Other areas for consideration could be invasive species, solutions for financing infrastructure and full valuing of aquatic resources.
- The world is getting smaller and cross-fertilization of ideas and initiatives is important. Any CEC work should take into account the UN process. All countries are working to develop integrated water management and water efficiency plans by 2005. Gender equity and indigenous knowledge are elements of the UN process and the CEC could benefit from this experience. If an information portal is developed, it should be from the perspective of support for policy-making. It is necessary to be able to overlap information, such as population growth. Desalination is extremely controversial; it is not eco-friendly and was a very hot topic at the WSSD.
- There are ideological underpinnings to the language we choose to use. A shift is necessary towards better use rather than managing human use. Access to clean, potable water and sanitation are key concerns and clear indicators for children's health—a priority for the CEC.
- Any information-gathering and sharing process should reflect the needs of communities and seek their active participation.
- Regarding Option D, the CEC could sponsor a trade show or similar event with commercial partners.
- *Taking Stock*, for example, shone a light on pollutant releases and transfers and created a basis for advocacy. If a portal is developed, it should be from the point of view of what makes most sense for users.
- Water has a religious meaning for many indigenous peoples. Water should be "free." Any water management work must respect cultural diversity. Indigenous peoples who are trying to protect water resources should be remunerated and supported, as opposed to focusing on charging people to use water.

Closing remarks

Tim Whitehouse thanked everyone for a very productive session. All comments will be carefully considered. He also encouraged the participants to feel free to call or send in further comments

The Chair explained that a summary of the session would be prepared and made available on the CEC web site. He also thanked all the presenters, the public, the CEC staff and interpreters and adjourned the session.