

Globalization and Public Participation: Building Linkages

Ten years of the North American Commission for Environmental Cooperation's Joint Public Advisory Committee

by Ann Bourget

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Québec, 4 June 2004 – The demonstrations that took place during the Québec City Summit and the creation, in recent years, of new civic bodies, such as the World Social Forum in Porto Alegre, Brazil, bear witness to the public's growing desire to have input into the major issues of globalization. These events also attest to a widening fault line between civil society and the institutions of global governance. The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC), with the experience it has acquired in parallel to the North American Free Trade Agreement over the past ten years, can serve as a model for linkages between communities and their representatives, enriching our decisions and helping build a future based on dialogue.

Globalization and the Democratic Deficit

Globalization, whether economic, social, or environmental in nature, is driven by international institutions and bodies whose decisions are impacting on the individual and collective experiences of people around the world with increasing directness. Although citizens can legitimately express their views at the meetings of these institutions through the intermediary of their elected representatives, they are increasingly demanding to be heard directly in the various forums over which globalization presides.

This is particularly true where trade or economic stakes are at issue, such as those discussed by the World Trade Organization, the Free Trade Area of the Americas, or the G8. Civil society groups generally focus on these international meetings as places to express their social, environmental, or cultural concerns. But the absence or inadequacy of formal processes for channeling this democratic participation into international public bodies has heightened the tensions often present between them and the representatives of civil society.

NAFTA, the Environment, and Public Participation

These tensions may seem of recent origin but in fact they already existed when NAFTA was negotiated in 1992. The mobilization of social and environmental groups at that time led to the signing of two side agreements in the areas of labor and environment by the three North American countries.

The North American Agreement on Environmental Cooperation (NAAEC) was innovative in several respects. It created a Commission for Environmental Cooperation that allows considerable room for participation by citizens of all three countries, as well as a Joint Public Advisory Committee (JPAC) that provides liaison between members of the public and the ministers of the environment of the three NAFTA signatories (Canada, Mexico and the United States). JPAC, as a participatory mechanism, is unique in the world. In 2004 it celebrates its tenth anniversary.

Joint Public Advisory Committee

JPAC is an advisory body composed of 15 volunteer members—five citizens of each country—who are appointed by their governments and carry out their duties with total independence.

JPAC's vision is to promote continental cooperation on ecosystem protection and sustainable economic development and to ensure public participation in the CEC's activities. Over the years, JPAC has succeeded in giving tangible expression to this vision by gradually defining its role and practices. In particular, its members have devoted much effort to processes to guarantee widespread distribution of information, including the content of its discussions with the environment ministers of the three countries.

JPAC holds public consultations in the three countries and advises the CEC Council (of ministers of the environment) and Secretariat, headquartered in Montreal. It makes decisions by consensus. From 1994 to the present, JPAC has held 93 meetings, made 79 recommendations, and produced numerous reports on the progress of environmental cooperation in North America. Its advisory work encompasses the management of chemicals in North America—such as the initiative that brought to an end DDT use in Mexico, effects of pollutants on children's health, issues related to air quality, impacts from the provisions of NAFTA's Chapter 11 on investment, considerations on the presence of transgenic maize in Mexico, and defense of the integrity of the citizen submission process established by the NAAEC, among others.

More recently, JPAC wrote to the ministers of trade and environment of the three countries, urging them to hold a trilateral joint meeting of trade and environment authorities, as provided by the NAAEC. Civil society has long been calling for such a meeting, but so far the idea has met with systematic refusal from the three countries.

Thus, JPAC simultaneously plays a role as public advocate, promoter of cooperation, and partner of the Council. By means of its recommendations, JPAC relays the public's concerns and makes a tangible contribution to defining and implementing North American environmental cooperation objectives. As such, JPAC's decisions have a direct influence on the CEC's work program and on the decisions of the Council.

A Model for Liaison

Thanks to the exceptional commitment of its members, who come from various sectors and cultures, JPAC has gained and preserved public confidence even while it has shown itself to be a credible, rigorous partner of the Council. JPAC and the CEC as a whole have helped constructively channel the energy of civil society and civic groups in the context of an international cooperation process. From this standpoint, JPAC represents an interesting model for liaison between members of the public and international decision-making bodies. It is in this context that the next ministerial meeting of the CEC will be held, June 21–23, in Puebla, Mexico, to discuss the ten-year review of the application of NAAEC. The goal of this meeting will be to guide the Commission's activities over the next ten years, to consult the public on its overall strategy and direction, and perhaps even to heighten the public's influence over the decision-making process.

In view of JPAC's achievements during this ten-year period, it appears that the Committee's experience deserves to be better known on this continent and that it should be shared with other institutions of international governance. Such channels of communication are essential to guaranteeing ongoing, constructive, credible dialogue and drawing international decision-making criteria closer to the concerns of citizens.