



Advice to Council No: 14-02

Re: JPAC Public Forum in Yellowknife (July 2014) on Transboundary Natural Resource Management: Meeting Challenges through Cooperation and Participation across Borders

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 functions as the Council may direct”;

HAVING conducted a public forum in Yellowknife, Northwest Territories, Canada on 16 July 2014, entitled “Transboundary Natural Resource Management: Meeting Challenges through Cooperation and Participation across Borders”;

HAVING reviewed the comments and recommendations of workshop expert panelists and participating members of the public;

SEEKING to provide constructive input as the CEC moves forward in the development of the 2015–2020 Strategic Plan;

SUBMITS the following observations and recommendations for Council’s consideration:

1. Transboundary watersheds in North America serve vital ecological, economic, and cultural interests that have been advanced by the NAAEC Parties through cooperative institutions and mechanisms that engage civil society in shaping and advancing objectives. Our Public Forum on Transboundary Natural Resource Management included a panel and public discussion of transboundary watersheds that highlighted several successful governance models for conservation and management of the Great Lakes as well as a recent process for review of the Columbia River Treaty that was notable for its transparency and public participation. These can serve as examples of cooperative transboundary watershed management to be emulated throughout North America and in other regions.

2. The Public Forum also examined one of the earliest cooperative actions taken by the CEC, the investigation and publication of an “Independent Report on The Death of Migratory Birds at the Silva Reservoir (1994–95).” We received an update from an expert who worked on the Silva Reservoir case regarding subsequent actions taken in response to the Report. In the years following the CEC report, Mexico strengthened institutions and legal frameworks for river basin management and water pollution prevention. The 1995 report, and the positive actions taken by Mexico in the following years, illustrate that: (a) water resource challenges in one NAAEC

country can have a demonstrable impact on water-dependent natural resources, such as migratory waterfowl, throughout North America; and (b) transboundary cooperation and public engagement at a regional level can support and reinforce actions taken by national institutions in their own domestic context.

3. The CEC should continue and expand its work on water and watershed issues as an integral part of its next strategic plan. CEC resources should be devoted to strengthening and disseminating scientific understanding of water and watershed conservation and management issues, as well as broader public participation in water and water resources and watershed decisionmaking, with the recognition that water and water-dependent natural resources of national and international significance are ecologically and culturally interconnected in ways that know no political boundaries.

4. Climate change is a critical challenge that will affect ecosystems, economies, natural resources, and populations in North America—with a disparate and potentially devastating impact on isolated, marginalized, coastal, and indigenous communities. Many examples of existing cooperative programs, as well as challenges faced in strengthening regional cooperation, were discussed during our Public Forum and are referenced in the Summary Record. We applaud the measures undertaken by NAAEC countries to mitigate and adapt to anthropogenic climate change drivers through legislative and executive action.

5. Strategies that will help communities mitigate and adapt to climate change often arise in local contexts that are not easily translated or disseminated to a broader public. Understanding and communicating local solutions is made more challenging by the complexity of land management approaches taken in NAAEC countries to balance ecosystem conservation and economic development goals. The CEC can play a unique role in identifying local solutions and disseminating them at a regional level, and in engaging officials and experts who can navigate the complexities of different land management systems. The CEC can also build on existing local partnerships (government agencies, universities, and nongovernmental organizations) with scientific expertise and strong ties to the region in order to promote collaboration, strengthen regional responses to climate change, and support the alignment of regulatory standards.

6. Our Public Forum included speakers and guests from indigenous communities in all three NAAEC countries, and part of the Forum was devoted to a discussion of the importance of Traditional Ecological Knowledge. This refers to the historically and culturally rich knowledge of biological and ecological systems that traditional communities have inherited, and includes guiding principles and knowledge about interactions among human beings, human communities, and nature. NAAEC Parties should recognize the intellectual resource of Traditional Ecological Knowledge at the same time that they respect its heritage. CEC programs should be developed with these dual concerns in mind.

7. Speakers at the meeting cited examples of how indigenous communities use their traditional ecological knowledge, which can include ways to adapt to climate change, to address and find solutions to the environmental issues they face. For example, traditional communities that have adapted to particular climates and conditions throughout centuries of experience across the North American continent could share their expertise with populations that are, or will be, increasingly

facing some of the same extreme conditions. We can learn from these traditional and indigenous communities, and at the same time work with them to address their own vulnerabilities. An approach to sustainable development and environmental policy that combines traditional, historical, and indigenous knowledge should be taken into consideration in North America. Sharing this particular knowledge and learning of traditional ecological knowledge of indigenous peoples in other regions of the world could serve as a model in finding solutions and attaining future results.

8. During our joint meeting with the Council, JPAC presented brief interventions on: (a) the need to involve JPAC as an integral part of developing the next strategic plan; (b) the importance of restoring JPAC's full budget so that we may be meaningful participants in implementing the next strategic plan; and (c) concerns regarding the integrity of the Submissions on Enforcement Matters (SEM) process and the independence of the Secretariat as it responds to and investigates submissions. We appreciate Council's attention and thoughtful response to our interventions on these matters during our meeting, and wish to emphasize their importance to JPAC members.

JPAC is confident that the recommendations contained herein are highly relevant to the CEC Council's strategic priorities, and is unanimous in supporting this Advice to Council.

**Approved by the JPAC members
14 October 2014**