

**Submission on the Requirement for the Secretariat to Provide the Parties with Its
Work Plans and the Opportunity to Comment on Them**

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I believe that the requirement for the Secretariat to provide the Parties with its work plans and the opportunity to comment on them reduces the independence of the Secretariat in preparing the factual records. This requirement also creates a conflict of interest by the Parties who are both members of the Council and the subjects of the factual records.

Article 11 # 4 of the North American Agreement on Environmental Cooperation states:

“In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any government or any other authority external to the Council. Each Party shall respect the international character of the responsibilities of the Executive Director and the staff and shall not seek to influence them in the discharge of their responsibilities.”

I believe this section makes it clear that the Parties shall not seek to influence the Secretariat in the discharge of its responsibilities. One of the Secretariat’s most important responsibilities is to prepare factual records.

Article 15 does provide the Parties with an opportunity to review draft factual records and provide comments but only on accuracy. However, Article 15 does not provide the Parties with an opportunity to review the Secretariat’s work plans.

Conclusion: JPAC should strongly recommend that the Council rescind the section of Resolution 00-09 which requires the Secretariat to provide the Parties with its work plans and the opportunity to comment on them.