



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPM)

Joint Public Advisory Committee (JPAC)

JPAC SESSION No. 95-3

August 23-24, 1995

Record of Discussion

A Regular Session of the members of the Joint Public Advisory Committee (JPAC) was held in Montréal, Canada, on August 23 and 24, 1995. The *List of participants*, *Agenda*, *Advice No. 95-5 to Council*, and *Record of Public Comment on the Draft Procedures for Submissions on Enforcement Matters under Articles 14 and 15* appear in Appendices A, B, C and D, respectively.

CHAIR'S COMMENTS

Among his comments, the Chair:

- reminded the members of the importance of this session, particularly with reference to questions relating to the public consultations on the guidelines on factual submissions and the session of the Council which will be held in Oaxaca, Mexico, in October;
- in view of the fact that Gilles Lamoureux is attending the CGI and Alternate Representatives sessions, Mrs. Manon Pepin will act as Secretary for this session.

ADOPTION OF THE AGENDA FOR SESSION NO. 95-3 (August 23-24, 1995)

The *Agenda* was adopted as presented with the following additions:

1. JPAC participation in the CEC Annual Report;
2. Discussion on the report from Louise Comeau regarding the workshop on “the economic instruments of technical cooperation”.

DISCUSSION REPORT FOR SESSION NO. 95-2 (April 27-28, 1995)

The *Record of Discussion* was adopted as presented with the following corrections:

The following comment was added to the last point of the section on the consultation process on the guidelines on page 3: “in conformity with the cultural differences of the three countries”.

The *Record of Discussion* will be declassified and distributed to the JPAC members, Council and Secretariat and also the Chairs of the National Advisory Committees (NACs) and the Government Advisory Committees (GACs).

Action: Secretary

UPDATE BY THE EXECUTIVE DIRECTOR

Among his comments, the Executive Director:

- mentioned the work to prepare for the session of the Council in Oaxaca, Mexico;
- invited the members to analyze the 1996 Program proposal from the CEC and make suggestions at the next session of the Council;
- informed the members that a description of the projects in the 1995 Program will be sent to them shortly.

Action: Secretariat

During the ensuing discussion, the members:

- requested information regarding the payment of the contributions by the three Parties.

GUIDELINES ON FACTUAL SUBMISSIONS

Mrs. Katherine Foster, a JPAC research assistant, presented and explained the methodology relating to *the report on public consultations on the guidelines on factual submissions* following the Ottawa, Washington and Mexico sessions. The Representative of the JPAC (Mrs. Jean Richardson) then presented a summary of the main points expressed by the public.

Following Mrs. Foster's presentation, it was agreed to:

- send the full JPAC report to the Council, the Secretariat, the participants in the public consultations and anyone else who requests it.

Action: Chair

Following the presentation of Mrs. Richardson's report and the conference call with Messieurs Barroso and Restrepo, it was agreed to:

- present the JPAC Advice on the guidelines on factual submissions to the Council. These guidelines are based on the main recommendations that came out of the public consultations.

Action: Chair

The Chair concluded this discussion by saying:

- that JPAC does not have the mandate to write the guideline procedures. This step is the responsibility of the Secretariat.

Further to the public consultations, the following suggestions were made regarding future public consultations:

- ensure that concrete results come out of these meetings;
- announce the date of the public consultations a reasonable amount of time before the meetings;
- stop using a moderator to avoid making these meetings too formal;

- encourage non-government groups to participate;
- distribute the Record of Discussion of these meetings via the Internet;
- give the Chair more flexibility in managing the JPAC budget in order to facilitate decision-making;
- select the subjects discussed during the public consultations based on their trilateral interest;
- produce a document destined for the public that clearly defines JPAC'S structure and mandate.

1996 PROGRAM

This subject came up for discussion twice during the session.

The Executive Director presented the members with an overview of the 1996 program which will be submitted to the Alternate Representatives during their August 24 session. During the ensuing discussion, the members suggested the following:

- establish priorities;
- develop projects that will have concrete results;
- continue to maximize the participation of NGOs, universities and industry in the different projects;
- emphasize harmonization of the laws and regulations of the three countries;
- implement a project to encourage industry to give priority to “voluntary programs”;
- make the “Environmental information” and “Capacity building and training” programs part of the “Business and environment” and “Laws, cooperation on the application of laws and economic instruments” sectors;
- send the JPAC members all the relevant information on the 1996 Program including the description of the programs and the proposed budgets.

Action: Secretariat

Further to the discussions on the 1996 Program, the members indicated their interest in taking action on this matter and, if necessary, giving their help and support.

Action: Chair

During the session with the Alternate Representatives, the JPAC members submitted the aforementioned points. In addition, it was suggested that the companies in the environment sector present and sponsor certain projects which could be given priority in the 1996 Program.

PREPARATION FOR THE NEXT SESSION OF THE COUNCIL

The next session of the Council will be held in Oaxaca, Mexico, on October 12 and 13. The JPAC members are counting on help from the Secretariat in calling this meeting and ensuring that the logistics run smoothly.

To ensure that this public session will be successful, the following proposals were made:

- modify the use of time on the Agenda to reflect cultural habits in Mexico in order to maximize public attendance;
- add three specific items to the Agenda: 1) Training and education, 2) Infrastructure and technology, and 3) Transborder pollution problems;
- discuss these specific subjects in a work group during the preparatory meeting with the public and the JPAC members before the members meet the Council during the public session on October 13;
- allow a fixed amount of time for the participants to discuss items that are not on the Agenda.

Action: Chair

During the discussion, the members:

- mandated the Chair to invite CONAMA from Chili as an observer.

Action: Chair

During the session with the Alternate Representatives, the JPAC members submitted the aforementioned points.

INTERVENTIONS BY OBSERVERS

Greg Cooke suggested that all organizations connected with NAFTA be invited to participate in the JPAC public hearings and regular sessions of the Council.

WORKSHOP ON THE ECONOMIC INSTRUMENTS OF TECHNICAL COOPERATION

In the absence of Mrs. Louise Comeau who is still in Geneva, it was agreed that the Chair will discuss this workshop with the JPAC person responsible. Discussion of this item is carried forward to the next session.

Action: Chair

CEC ANNUAL REPORT

- The Chair submitted to the JPAC members the preliminary version of a text which will be published in the CEC Annual Report. A more complete text will be presented at the next session.

Action: Chair

OTHER QUESTIONS

The JPAC members raised the question of the translation of the Spanish texts. It was suggested that they be revised more carefully in the future.

UPCOMING JPAC SESSIONS

The members adopted the following calendar:

October 12-13: Regular Session of the Council at Oaxaca
December 7-8: JPAC Session; location to be confirmed

ADJOURNMENT

Among his closing comments, the Chair emphasized the importance of the next session of the Council at Oaxaca.

The session adjourned at 4:30 p.m., August 24, 1995.

Written by Manon Pepin
September 11, 1995



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPC)

Joint Public Advisory Committee (JPAC)

Appendix A

JPAC SESSION 95-3, AUGUST 23-24, 1995

List of participants

CANADA

Michael Cloghesy (August 23)

Jacques Gérin

MEXICO

Iván Restrepo (conference call)

María Cristina Castro S.

Guillermo Barroso Montul (conference call)

UNITED STATES

Peter Berle

Jonathan Plaut

Jean Richardson

John D. Wirth

OBSERVERS

Greg Cooke (BECC)

Katherine Foster (JPAC Research Assistant)

Adam Greene (United States Council for International Business)

Robert Hardaker (USEPA)

Donald Wedge (STOP)



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPC)

Joint Public Advisory Committee (JPAC)

Appendix B

COMMITTEE SESSION 95-3

Montreal, August 23 - 24, 1995
Inter-Continental Hotel, Salon St-Jacques

AGENDA (revised 17/08/95)

Tuesday, August 22

19:00 - 20:00 Informal gathering
Inter-Continental Hotel, Salon St-Louis

Wednesday, August 23

09:00 Welcome and Overview

09:15 Approval of Agenda
Approval of Record of Discussion of Session 95-2

09:30 Report of Executive Director

10:00 Guidelines on Factual Submissions

- Report on Consultations (document to follow)
- JPAC Advice to Council
- Suggestions for Future Consultations with Public

13:00 Lunch
Salon St-Pierre

14:00 Preparation of next Session of Council

- Review of Overall Timetable and Agendas (document to follow)
- Meetings with Public
- Presenting JPAC Advice to Council

Evening Open



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPC)

Joint Public Advisory Committee (JPAC)

COMMITTEE SESSION 95-3

Montreal, August 23 - 24, 1995
Inter-Continental Hotel, Salon St-Jacques

AGENDA (revised 24-08-95)

Thursday, August 24

- 8:00 a.m. Consultations: Advice to Council
- Session of the Council:
- Working framework and use of time
 - Session with the public
 - Invitation to CONAMA (Chili)
 - JPAC and the Council: Topics
- 1996 Program: Comments and advice
- 11:30 a.m. Meeting and lunch with the Alternate Representatives
- 2:30 p.m. Other questions:
- Participation in the CEC Annual Report
 - Workshop on the economic instruments
- 3:00 p.m. Conference call with the members:
- Consultations
 - Annual Report
 - Other questions
- 4:00 p.m. Varia
- 4:30 p.m. Adjournment. End of the session
- 5:30 p.m. Inauguration of the CEC information centre
- 5:45 p.m. JPAC Lounge



Comité consultatif public mixte (CCPM)

Comité Consultivo Público Conjunto (CCPC)

Joint Public Advisory Committee (JPAC)

Appendix C

ADVICE TO COUNCIL: N° 95-5

Re: Procedures for Submissions on Enforcement Matters under Articles 14 and 15

JPAC was given a mandate by Council to supervise and guide the global public consultation process on the guidelines.

JPAC was asked to organize the public consultation in all three countries and have a report available to Council within ninety days of June 1, 1995.

The criteria developed for the consultations by JPAC were intended to reach as broad a representation of all sectors of the public as possible.

- Members of the public could present their comments in writing or verbally at the public meetings.
- Particular attention was given to ensuring that the entire process was conducted in as transparent and open a manner as possible.
- JPAC listened without limit of time to all persons attending the meetings.

The JPAC requested public comment regards the *Procedures for Submission on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*. Public comments were received in two forms, written and verbal. Public Consultations were held in Ottawa, Washington DC and Mexico City.

JPAC provided the General Standing Committee and Alternates with a full set of all written comments received from the public, and a lengthy matrix-style document which collates the public comment into a comparative document permitting an improved understanding regards similarities and differences between the three countries regards these proposed procedures. Working suggestions for changes in the text were provided to the Secretariat and the General Standing Committee.

JPAC ADVICE TO COUNCIL

General comments:

1. The format in which the Procedures are presented is excellent in that it is generally clear to a diversity of citizens in all three countries.

1. Spanish and French translation requires far greater attention to detail in syntax, grammar and technical words which have either country-specific legal definitions or idiomatic meanings that differ between countries.

Issues of substance:

1. The Procedures should include a statement that these are not Legal Rules of Procedure, and are not intended to change the Agreement; they are Guidelines for use by citizens and will be reviewed in 18 months and modified if necessary based on experience.
2. The Procedures should reflect the intent of the Agreement and not a more restricted interpretation.
3. JPAC intends a broad definition of the word *harm* as reflected in the Agreement, to include harm to the environment.

Definitions and clarifications:

1. The text must include an introductory section which presents again the specific language of the Preamble and Articles 1 & 2 of the Agreement, and an annex of definitions and a table of contents.
2. The text must be complemented with a diagram outlining the steps and timeline for handling the Procedures.
3. Some terms should be clarified, for example the word “person”, the word “harm” and the word “environment”, because of possible restrictive legal effects. JPAC intends these words to be broadly interpreted.

Procedures:

1. All steps in the Procedures relating to Notice which implies a response by the Secretariat or Governments, should include a specific time framework in calendar days.
2. The Submitter should be kept informed of the status of the factual submission.

General Conclusions:

1. JPAC reaffirms the responsibilities of the Secretariat in carrying out their mandated roles as set forth in the Articles, including Article 14.
2. Public Consultations were a remarkable learning process for the members of the JPAC, and show us a clear need in the publics of all the three countries for greater education in regards all aspects of the economic, environmental, natural resources and cultural history of each other's countries, plus a realistic understanding of the different governmental and legal systems. Thus, public access to Resource Centers of information must continue to be of high priority for the CEC.

August 24, 1995