

Advice to Council No: 24-03

JPAC Public Forum on Advancing Environmental Justice in North America

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

IN ACCORDANCE with Article 6(4) of the [Agreement on Environmental Cooperation](#) (ECA), which states that JPAC “may provide advice to the Council on matters within the scope of this agreement, and may perform such other functions as the Council may direct”;

HAVING conducted a [Public Forum](#) in Wilmington, North Carolina, United States, on 24 June 2024, to analyze and discuss the different dimensions of EJ and the way they are addressed in Canada, Mexico and the United States.

RECALLING the CEC [2021–2025 Strategic Plan](#), which integrates environmental justice principles in its strategic objectives that reflect the commitment of the CEC Secretariat and the Parties to promote community and Indigenous engagement and empowerment, especially among vulnerable and underserved communities, to participate in environmental decision-making that will enhance their resilience to environmental changes and hazards, as well as sustainable development practices to ensure the protection and fair distribution of environmental benefits, addressing the intersection of social and environmental concerns;

RECALLING the adoption of the [UN Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#), which recognizes the unique relationship that Indigenous peoples have with their lands, territories, and resources. Recognizing the Indigenous rights and pursuits for diversity, justice and access to justice, non-discrimination, equity, participation in decision-making, access to information, physical and mental health, redress, reparations and compensation, as well as intersectional considerations for vulnerable groups (including youth, elders, women and people with disabilities), non-discriminatory conservation of the environment and the proper management of toxic waste;

RECALLING [key deliverables](#) from the 2023 North American Leaders’ Summit (NALS), including the commitment from the three leaders to “(...) promote diverse, inclusive, equitable, and democratic societies that combat racism by: [e]stablishing a trilateral expert exchange of information to share best practices and strategies to advance equity and racial justice in our public policies (...); [c]ollaborating through regional and multilateral organizations to advance equity and justice (...); [c]ombating violence against Indigenous women and girls, including by convening Indigenous female leaders from all three countries to discuss their priorities and develop recommendations for the three governments (...); [and c]ombating violence against LGBTQI+ individuals (...)”;

RECALLING the [2024 CEC Council Statement: Strengthening Environmental Justice and Empowering Communities](#) in which the Parties announced the launching of “a new North American Environmental Justice Action Center (NAEJAC), a resource platform that will bring

together community representatives, advocates and public officials from across our three countries to share and leverage best practices and tools for environmental justice”;... and in which the Parties also communicated that the theme for the fourth cycle of the CEC’s Environmental Justice and Climate Resilience grant program (EJ4Climate) will be “Community-led education programs to increase environmental justice and climate adaptation knowledge”;

RECALLING the [17 Principles of Environmental Justice](#), drafted and adopted by delegates during the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, which are considered pillars of the environmental justice movement today;

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

Recommendation #1: Identify and promote strategies for economic development that prioritize environmental and biodiversity protection, aimed at minimizing impacts and achieving a more equitable distribution of environmental benefits and burdens.

Economic development has long been a cornerstone for raising living standards, advancing technology, and fostering economic growth. However, it frequently comes with significant environmental costs, including resource depletion, pollution, and ecosystem degradation. These developments can also lead to adverse social effects, such as pollution-related diseases (including mental and psychiatric disorders), impoverishment, underinvestment in segregated neighborhoods, limited access to essential services, inadequate protections, and unsafe working conditions for workers. The intricate relationship between economic development, environmental protection, and social justice, necessitates a balanced approach that promotes sustainable growth, while safeguarding the environment and ensuring social inequalities are addressed by coordinating efforts with relevant actors.

Discussions during the JPAC Forum among experts and members of the public underscored the pivotal role of the private sector both in exacerbating environmental degradation and also in contributing to potential solutions.

- JPAC recommends that the Council, throughout the work of the CEC, identify and promote economic development strategies that prioritize environmental and biodiversity protection, aiming to minimize impacts and achieve a more equitable distribution of environmental benefits and burdens, by:
 - Conducting research and analyzing the results of existing case studies.
 - Organizing webinars and awareness raising campaigns on these topics, targeting the private sector.
 - Fostering collaboration and discussion with local, national, and international partners to address regional environmental issues (through JPAC Forums/activities).
 - Promoting sustainable practices among the private sector, in particular strategies to advance public consultations on projects that pose environmental risks, as well as regarding accountability for environmental impacts.

- Integrating the promotion of relevant economic development strategies and sustainable best practices, in the next CEC Strategic Plan.

Recommendation #2: Adopt an intersectional and multidisciplinary approach throughout CEC's work.

The discussions held during the JPAC Forum between the panelists and participants highlighted that not everyone experiences the impacts of pollution, extreme heat, flooding, and other environmental and climate adverse effects equally. Some people face multiple layers of systemic discrimination due to their race, class, gender identity, sexual orientation, age, citizenship or resident status, visible or invisible disabilities, or other aspects of their personal experience and identity.

The speakers and members of the public outlined the need to embrace intersectionality through a multidisciplinary lens in the three countries' efforts to protect the environment, and their populations more equitably and fairly. Following this call for action:

- JPAC recommends that the Council adopt an intersectional and multidisciplinary approach throughout CEC's work, in:
 - The creation of spaces and opportunities to include the voices of historically marginalized communities and individuals with intersectional identities.
 - The creation and adoption of a code of conduct for CEC meetings to reflect the CEC's commitment to provide a safe, productive, and welcoming environment for all individuals who participate in these activities, based on the full range of dimensions of diversity, which would apply to every individual, whether attendee, speaker, facilitator, guest, staff, contractor or other.
 - The harmonization of CEC activities to enhance the use of a more inclusive and fair language that is unbiased, non-discriminatory, respectful, and dignifying of diverse communities, in CEC's communications in the three languages.
 - The integration of an environmental justice and intersectional approach as a cross-cutting theme within the next CEC's Strategic Plan.

Recommendation #3: Leverage current and future regional and domestic efforts to enhance the participation of diverse populations facing environmental justice issues in CEC activities.

Prioritizing public consultations and the engagement of diverse populations can ensure that the CEC's environmental justice efforts are fair, inclusive, and effective in addressing complex environmental challenges. Several reasons highlight the importance of public consultations and engagement efforts to address environmental justice issues:

- Engaging diverse populations brings varied perspectives and local knowledge, leading to more informed and comprehensive decisions that consider social, cultural, and economic contexts.

- Public consultations give communities a voice in decision-making, helping to address disparities. Inclusive and transparent processes are more likely to result in sustainable and equitable outcomes which can be perceived as more legitimate.
- Engaging diverse underserved and marginalized populations in decision-making allows communities to influence outcomes and build capacity for future advocacy. Early and ongoing engagement helps identify and address potential conflicts, leading to more amicable and sustainable solutions.

The creation of the NAEJAC shows the commitment of the three countries to promote environmental justice across the region and signals a growing momentum to advance regional and domestic efforts. In this context:

- JPAC recommends that the Council leverage current and future regional and domestic efforts, to enhance the JPAC and CEC's engagement of participants from diverse populations, and increase public participation across North America and the CEC's activities, by:
 - Supporting capacity-building programs that equip communities, especially historically marginalized ones, with the knowledge and tools to advocate for their environmental rights and needs.
 - Sharing and leveraging best practices and relevant information from trilateral and national programs, while promoting CEC mechanisms—such as the SEM process, JPAC fora, and public consultations—to help communities facing unequal environmental burdens access the resources and platforms needed for meaningful participation in decision-making and environmental justice. This effort could include organizing a 2025 roundtable, to bring together decisionmakers and key stakeholders to exchange and access critical environmental policies, protocols, and tools.
 - Strengthening the Submission on Enforcement Matters process as a unique mechanism to access environmental information and promote transparency in North America, by:
 - Increasing outreach efforts in the three countries.
 - Ensuring timely Council member's decisions on pending SEMs.
 - Reinvigorating the SEM trilateral legal experts' meetings.

Recommendation #4: Align the CEC's future environmental justice efforts in North America with JPAC activities

Based on the public and expert feedback that was received during the JPAC public forum, which underscored the disproportionate impacts of environmental degradation on vulnerable, marginalized, and excluded communities; and in support of the creation of the North American Environmental Justice Action Center (NAEJAC), JPAC proposes contributing to the center's future activities via its public engagement mechanisms, by:

- Identifying the North American communities most affected by unequal vulnerabilities and environmental burdens and making an effort to engage them in CEC activities.

- Adopting intersectional approaches in research and data collection, to map the needs and opportunities of these communities, to develop tailored solutions.
- Supporting the development of CEC guides and tools on environmental justice, incorporating best practices for effective laws, policies, and programs to improve access to relevant information.
- Promoting access to environmental data and information during JPAC forums and consultations, empowering communities to make informed decisions participate in environmental governance.
- Supporting the implementation of Environmental Justice Principles across CEC initiatives.

JPAC recognizes the crucial role of education in advancing environmental justice by improving individuals' and communities' understanding of the environmental challenges they face, helping identify environmental injustices and their root causes, and increasing their capacity to advocate for their rights and effectively engage in decision-making processes. Taking this into consideration:

- JPAC recommends that the Council prioritize education as a key topic in the next CEC strategic plan.

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

**Approved by the JPAC members
10 October 2024**