

5th Regular Session of the Council of the Commission for Environmental Cooperation
Summary of interventions made during the public portion

25 June 1998, Mérida, Mexico

DISCLAIMER: Although this summary was prepared with care, readers should be advised that it has not been reviewed nor approved by the intervenors and therefore may not accurately reflect their statement.

The list of participants is found in the attached Annex I.

Secretary Carabias opened the public meeting stating that this session responds to one of the CEC's most important responsibilities, that is to work directly with the public. On a personal note, she expressed her view that these public sessions were becoming more interesting as they become better organized and reflect the growing expectations of the public. She explained the mechanics of the session and observed that "our non-renewable resource at this point is time", so urged presenters to respect the schedule. She continued by reflecting on the spirit of cooperation and cordiality that characterized the session so far. She acknowledged the interaction that had taken place with JPAC and members of the Independent Review Committee, resulting in adjustments made to Council's working documents. She announced the release of the Report to the Council on Results and Recommendations pursuant to Council Resolution 97-05 by the EWG (April 1998) and of nomination dossiers on dioxins furans and hexachlorobenzene for public comment.

Administrator Browner thanked everyone for making the effort to attend this session and stated how important it was to get public advice, recommendations and thoughts. She announced that the United States would shortly release the nomination dossiers for lead and lindane.

Minister Stewart stated how productive and positive her first Council session has been. She made a special point of acknowledging the role of the Interim Executive Director, Ms. Janine Ferretti, in the success of this meeting and personally thanked her for "jumping into the breach and holding everything together".

Ms. Mary Simon, JPAC Chair informed the meeting that she would be presiding over the balance of the session. First she, along with Ms. Anna Tilman and Mr. Cliff Wallis, would be presenting the results and recommendations from the Public Workshop held earlier. She prefaced the presentations by stating that the recommendations represent priority areas, but not necessarily full consensus. (Please refer to the Report from the *Workshop on Priorities for North American Cooperation for 1999-2001* available on the CEC Homepage at <www.cec.org>)

Ms. Simon then opened the floor to presentations from the public.

Peter Silva, Border Environmental Cooperation Commission, El Paso, Texas reported on the steps that had been taken to reorganize the BECC to focus on water, waste water and solid waste.

The BECC is now in a better position to work at the local level to identify projects and lever resources to develop sustainable projects. Based on this experience, BECC proposes the following:

- Collaboration with CEC to exchange information and experience on water and municipal waste.
- Implementing collaborative programs for community consultation.
- Identifying practices for immediate implementation for sustainable development, noting that BECC has found it very difficult to move the concept of sustainable development into concrete action;
- For the CEC to be a permanent forum to work with BECC and similar groups to undertake an systematic analysis of common work. This would help the CEC focus its own work program.

John McCown, Sierra Club, Atlanta, Georgia, described a successful exchange program which was funded by NAFEC linking communities with common environmental problems to engage in strategic planning, organizing and fundraising. The project brought together low income people in Sydney, Nova Scotia with similar citizens in Fort Valley, Georgia who were both confronting serious environmental threats from toxic waste. Based on this empowering experience, the following is recommended:

- That the CEC to continue efforts to find concrete ways to get community level people involved in protecting the environment.

He concluded his presentation by thanking Administrator Browner for elevating environmental justice in the United States.

Yakimchuk, Clotilda, Cape Breton Council of Session, Sydney, Nova Scotia was a participant in the exchange program mentioned by the previous presenter, and is now involved in organizing a citizens' group in Sydney, Nova Scotia. She noted enthusiastically that she would never have believed it possible that one day she would be talking directly to Ministers and people who could actually make a difference. The exchange program allowed her to see how people had grouped together to fight for clean up and their health. She described that their group now has a much better idea how complex these issues are and the power of ordinary citizens when they become involved and advocate for change. She concluded by reiterating appreciation for support from NAFEC.

Guillermo Torres Moye, Universidad Autonoma de Baja California, Ensenada, Baja California reported on the action plan for protection of the marine environment from land-based activities and the work of the coordinating committees for the Gulf of Maine and the Bight of the California. The CEC has enabled the two coordinating committees to share interests and continuing support is needed in 1999 to:

- Continue international leadership for the implementation of global action plans;
- Assist in consolidating regional partnerships;

- Demonstrate, evaluate and share results and develop a transferable model that can be used in other regions;
- Facilitate implementation by provided funds to leverage other resources.

Joseph Arbour and Kathryn Ries, Co-Chairs (Global Program of Action) stated that they appreciate the support received to date and reviewed some of the results of that support. A bi-national stakeholder coalition (Global Program of Action Coalition) has been established involving New England states, provinces, native groups, academia, industry and community groups. A five-step action plan is now being implemented, new partnerships developed and additional funding sought. They urged the CEC to:

- extend support to the pilot projects in 1999 to assist regional stakeholders to make the transition from planning to implementation;
- help catalyze implementation with seed funding.

They concluded by suggesting that continuing support would help the CEC to demonstrate concrete results which would be of interest to other parts of North America or the world. A transferable model would be developed and provide some "lessons learned". They also noted that the projects are consistent with project selection criteria recommended in the Independent Review Committee report.

Regina Barba Pirez, Unión de Grupos Ambientalistas, Mexico, D.F. described the CEC as a unique organization. One of its defining features is the submission process under Articles 14 and 15. Any amendments have to be directed at strengthening and facilitating the process and making it more transparent . To do otherwise would be totally unacceptable to Mexicans. This is where the success of NAFTA can be measured. She also expressed concern that the report from the Independent Review Committee was distributed at the last minute, not giving time for the public to absorb its contents prior to the Council Session. The public should have wider and more timely access to CEC document, for example the report from Maurice Strong and the NAFEC assessment. She also noted that the views of the public get lost, and asked for a status report on past recommendations from the public.

David Schorr, Sustainable Commerce Program, World Wildlife Fund, Washington, D.C. began his presentation by stating that he sees the direction of the CEC as extremely positive despite the difficulties of the past year. He sees a renewed commitment and a reason to be optimistic. He cited the forest fires in Mexico and Florida as an example of the regional context of the CEC. While the WWF welcomes the broadening of the CEC's agenda for trade and environment, there is concern about the continuing commitment to monitor the links between trade and environment. Completed studies should be published to assist in examining how future decisions on the trade policies may impact on the environment and how trade policies reflect environmental concerns. He also raised the challenge of how to increase public participation while remaining effective and suggested building public participation into the work program itself. He expressed concern over the atrophy within the conservation agenda. Several specific recommendations were offered:

- The CEC has a role in enhancing cooperation to meet environmental catastrophes such as the recent forest fires in Mexico and Florida;
- Use the strategic planning process as an opportunity to build a strong constituency by reaching out to stakeholder groups;
- The future work of the CEC should respond to national agendas;
- The conservation agenda deserves to be rebuilt;
- The CEC deserves higher political profile internationally and should be promoted as a model for an expanded free trade agreement in the Americas.

Gustavo Alanis Ortega, Centro Mexicano de Derecho Ambiental, Mexico, D.F. began by expressing his appreciation that the Mexican National Advisory Committee had been established. He noted his concern that the transboundary impact agreement had not been implemented due to delays from the United States. The NGO community is very concerned that attention to the border environment is waning. He specifically requested that the selection process for the new Executive Director be clear and transparent. He then went on to discuss Cozumel and what he described as a situation where several irregularities occurred in the permitting process and that the Factual Record had been virtually ignored. He cautioned that what might be at stake is not just harm to natural resources, but to the rule of law. Finally he stated his support for amending the submission process, only if the intent is to strengthen it and made a call for the NACs, JPAC and the public to participate.

Mateo Castillo Ceja, Coordinadora de Camaras y Asociaciones Empresariales del Estado de Michoacan, Morelia, Michoacan first noted that the consultation process was not properly integrated into the 1998 program. He described the CEC as a unique organization where nationalities were distinguished throughout the organization: Council, JPAC, the NACs, the Secretariat and the public. He expressed frustration that the values of joint responsibility are not apparent. There are rumors of internal conflicts which undermine the organizational culture of the CEC. One way of strengthening the CEC would be to clearly identify a short, medium and long term vision for the CEC, including guidelines and values regarding environmental cooperation. The report from the Independent Review Committee touches on this and he supports particularly, Recommendation 15. The CEC is a social process and the responsibility belongs to the whole of society.

Carlos Marentes, Sin Fronteras Organizing Project, El Paso, Texas spoke on behalf of agricultural workers in Mexico and the United States generally, and in the El Paso/Ciudad Juarez in particular, where people are suffering on a daily basis from the greed of international capital and harm to the environment. The Rio Grande is becoming increasingly polluted and there is now a plan to establish a nuclear waste dump in the region. The border is being turned into a deposit of toxic and radioactive waste. On top of this, the farm workers are getting sick from a growing and unrestrained use of pesticides. A whole generation of workers has been lost. Children below the age of 12 are working in the fields and are particularly vulnerable. His organization supports and promotes a program against the use of pesticides, but government and industrial cooperation are needed on both sides of the border. He stated that his organization seeks support from the CEC and expressed appreciation of what has already been received from NAFEC and JPAC.

James Teer, Welder Wildlife Foundation, Sustainable Use Specialist Group, Sinston, Texas explained that the purpose of the North American Specialists Group is to implement and promote the concept of sustainable use of wildlife and living resources for the benefit of people. He made an appeal to the CEC to continue developing partnerships for the management of wildlife resources of international interest to promote their sustainable use. He stated that commercial uses and values can have important benefits to people and to the species. Regional economics can be stimulated by use. He quoted as an example, the white tail deer. There is surplus in the United States where they are decimating parks and other reserves. Mexico, on the other hand, is under populated. Re-stocking could be an useful transborder, cooperative project. Another example is that the trade in birds, reptiles, etc. are decimating some populations in their native ranges.

- The CEC should consider the use of animals as a strategy for benefiting local communities.

Andrea Morrison, Canadian Institute for Conflict Resolution, Ottawa, Ontario advanced the opinion that the CEC should introduce procedures and take a more important role in the prevention of disputes in the three countries. An emphasis should be put on developing a broad understanding of disputes, capacity building and empowerment to enable groups to solve their own problems, based on mutual benefit and consensus. She recommended that solutions not be imposed, rather be based on the negotiation of interests. Workshops, with pre-established rules are a technique. She stated that the CEC is well situated to play a leading role in environmental dispute resolution within an international framework. She further stated that enforcement could be enhanced through consensus building.

Miguel Angel Gutierrez Dominguez, Ecología y Desarrollo de Tlaxcala y Puebla, Tlaxcala focused on medicinal herb production in central Mexico and described a project aimed at the sustainable management and organic production of medicinal herbs, including fair trade. Most medicinal herbs are now subject to unsustainable marketing practices. Since colonial times, workers and local people have received a very small share of the profits and benefits of this production. He explained how this project connects workers with companies interested in paying a fair price and working sustainably. They have now identified 180 species which are marketed. At the present 25 of these are marketed illegally and some species are threatened. He strongly recommended that:

- The CEC connect green markets and fair trade and support for projects on medicinal and aromatic herbs would be a good starting point.

Ciff Wallis, Canadian Nature Federation, Calgary, Alberta expressed a fear forming at the grass roots level that there is a systematic pattern of avoidance by the Canadian and United States governments to enforce the environmental laws that are already on the books. He described this as "a quite crisis developing to a roar". It is not only NGOs that are voicing this concern. Government agency-sponsored reviews by the EPA in the United States and the Auditor General in Canada indicate a strong message that there is less compliance with voluntary enforcement compared to good enforcement by government. He told Ministers, CEC and JPAC, "You have the power to do something. Without this remedy there will be more confrontation and less cooperation. We believed that we had a common interest in environmental protection, but not we are not so sure anymore".

Raul Arriaga Becerra, Instituto de Ecología del Estado de Guanajuato provided a history and status report of the Silva Reservoir, describing it as a fine example of how governments, NGOs and local people can work together to successfully resolve an environmental problem.

Anna Tilman, STORM Coalition, Aurora, Ontario gave her strong support for the work of the CEC. She reminded Ministers, however, that the 1997 budget was US\$10M. Of this 52% was allocated to projects and 16% to NAFEC. The CEC cannot be effective if it is not properly resourced, and felt that US\$3M for each country was not reflective of the need. The onus is always on the environment to show cost effectiveness. This should be reversed. She concluded by suggesting more effort should be placed human health and to compare standards within countries.

Don Wedge, STOP, Montreal, Québec voiced a concern that the uniqueness of the CEC is diminishing. The transparency which should characterize the CEC is threatened. He drew attention to the lack of participation in the Article 14 & 15 review where a team of civil servants was revising in private. He stated that this was the totally wrong approach. Second, he noted that the vision statement which was emerging at this session was also being done in private with no opportunity for JPAC or public involvement. Finally, he reminded Ministers that at the Toronto Council Session there was a total of 5 hours with the public and here there are 2 hours and he sees this as a step backwards.

Andrezej Zeromski, Universidad de Guadalajara, Jalisco suggested the need to design a new methodology for tackling environmental and sustainability problems. She suggested that the classical model of man/nature is not sufficient to deal with sustainability as a new development concept. This new concept demands a new approach where the dynamic equilibrium of society, economy and nature is assessed over the long term. She recommended that:

- JPAC design a program to develop a new methodology and theoretical framework for the work of the CEC.

Anna Dreigo described her community as an important environmental area where the wetlands, mangroves and reefs are still intact. She reported on a project she is involved with to introduce composting toilets which has been very successful. They are now being used in private homes and tourist facilities. They create a resource (fertilizer) as opposed to waste. She would hope that this project could be expanded as a pilot project.

The Chair then opened the floor to Ministers

Minister Stewart thanked all of the participants for their time, concern and commitment to the environment and sustainable development. She noted the great variety of comments ranging from anxiety to very constructive ideas and stated that she was looking forward to follow-up discussions with her colleagues.

Administrator Browner also thanked the participants and the energy and commitment they brought to the session. She assured the gathering that the commitment to the CEC remains strong. She noted that the efforts at this session by JPAC and the public have resulted in a more

concise agenda. She congratulated the BECC on their reorganization. She commented on how important it is to remember the need for strong public participation stating that she has always believed that the more informed the public is, the better they can assist governments.

Secretary Carabias, joined in thanking the participants and particularly for the solidarity shown regarding the forest fires. She confirmed that the three governments have expressed their desire to strengthen the CEC. She noted that a very important challenge is how to link public participation with the CEC activities and processes. On the matter of Articles 14 and 15 she assured the participants that transparency and strengthening of the process were guiding the review. She stated that Mexico shared the concern that the green agenda is not strong and vague in the area of conservation. She said the objective should be to use market forces to protect the environment and the CEC allows the possibility to explore ways to achieve this. Regarding Cozumel, she assured the public that she not overlooked the issue. She thanked the BECC for their work and expressed her appreciation for the results of the work on the Silva Dam. She concluded by re-stating her commitment to sustainable development and the need to harness social energy in order to leave a better planet to our children.

Ms. Simon adjourned the session.