

NAFTA/CEC/8th Session

Deepening Cooperation on the Environment

The Council of the North American Commission for Environmental Cooperation (CEC) met for its annual session in Guadalajara, Mexico, 28-29 June 2001.¹ The CEC was established to steward the implementation of the North American Agreement on Environmental Cooperation (NAAEC), a side accord of the North American Free Trade Agreement (NAFTA). With its headquarters in Montréal, Canada, its main goal is to build cooperation on environmental issues among the three NAFTA member states, Canada, Mexico and the United States of America, especially in view the challenges and opportunities posed by the continent-wide trade liberalisation. The Commission, in particular, assists in integrating trade and environmental policies, addressing regional environmental concerns and promoting effective enforcement of environmental law. The Council of the CEC is composed of the federal environment ministers, or their equivalent, and directs the programme activities of the Commission and considers advice by stakeholders and the Joint Public Advisory Committee (JPAC). The Committee, in turn, is composed of 15 independent experts, who on a volunteer basis provide input to Council on any matter as requested by the Council.

The particular theme of this year's Council was to identify priorities for 2002 and find further avenues for enhancing multilateral cooperation. In attendance were Karen Redman, Parliamentary Secretary to the Canadian Minister of the Environment, Victor Lichinger, the Mexican Secretary for Environment and Natural Resources, and

Christine Todd Whitman, Administrator of the US Environmental Protection Agency. Also in attendance were the three national advisory committees (NACs) and other representatives of non-governmental organisations (NGOs).

In her opening remarks, the CEC Executive Director, Janine Ferretti, highlighted the outcome of the Summit of Americas, which took place at Québec City, Canada on 20-22 April 2001. The resulting Action Plan included a component on an Environmental Foundation for Sustainable Development, whereby the signatories committed themselves to fulfilling various goals for furthering the concerns of environmental protection and natural resources management.² The leaders of the three member governments of NAFTA thus had committed themselves to strengthening the North American partnership and deepening the sense of a community, promoting mutual economic interests and ensuring that NAFTA benefits all regions and social sectors. The Executive Director stated that the task of this session would be to align the programme of the CEC with this vision, in particular, through the following objectives:

- facilitating access to information and public participation;
- reinforcing links with all sectors of society and stakeholders;
- making use of new and innovative approaches of utilising market forces and involving the private sector;
- promoting capacity building;
- playing a role in advancing the continental develop-

ment which will contribute to elevating the global environmental standard.

Among these main items for review was the JPAC *Report on Lessons Learned from CEC's Citizen Submission Process*. This report deals with the implementation of Articles 14 and 15 of the NAAEC agreement, which specifies the process for considering the submission of allegations by any non-governmental organisations or any person that a Party is failing to effectively enforce its environmental law, catalysing a process that can lead to the development of a factual record (subject to approval by the CEC Council). Having conducted public hearings and a workshop, interviews with CEC staff and functionaries and having analysed the two factual records which have been produced so far, JPAC thus offers a series of conclusions and suggestions to the Council.

While acknowledging that some of the issues raised in the report require further study, the Council decided to take prompt action in a resolution (RES/06/Rev.4) to ensure that submissions are dealt with in as timely manner as is practicable. The Council thus amended the guide-

lines for Submissions on Enforcement Matters of the NAAEC agreement in order to set a five working day deadline for the Secretariat to notify the Council when it finds that a submission warrants a factual record and to accordingly provide adequate reasoning. The Council also committed itself to provide a public statement of its reasoning whenever it votes against preparing a factual record.

The Council adopted four further resolutions which are *2002 Funding of the CEC* (RES/02/Rev.2); *Establishment of a Biodiversity Conservation Working Group* (RES/03/Rev.9); *Terms of Reference for the Expert Advisory Board on Children's Health and the Environment of North America* (RES/04/Rev.2); and *Promoting Comparability of Air Emissions Inventories* (RES/05/Rev.9).³ Please see page 263 for the final Communiqué. (MAB)

Notes

¹ For a report on the previous session, see *Environmental Policy and Law*, Vol. 29 (6), p. 264.

² Summit documents are available at <http://www.americascanada.org>.

³ The JPAC report and the Council resolutions are available at <http://www.cec.org>.

