

SESSION 05-04 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met via conference call on 2 June 2005. Mr. David McGovern (Canada) chaired the meeting. Mr. José Manuel Bulás and Mr. Jerry Clifford represented Mexico and the United States, respectively. Mr. William Kennedy, CEC executive director, represented the Secretariat, Ms. Jane Gardner represented JPAC, and Ms. Nathalie Daoust, Council secretary, acted as secretary for the session. Other officials of the Parties and the Secretariat were also in attendance.

Item 1 Introductions and review of agenda and objectives (including interventions by the executive director and JPAC representative)

The chair opened the session and introduced himself as the new Alternate Representative for Canada. Both his counterparts welcomed him as part of the CEC and mentioned they looked forward to meeting him in Quebec.

The chair indicated he was also pleased to announce the nomination of three new Canadian JPAC members, namely Irene Henriques, Merrell-Ann Phare, and Jean-Guy Dépôt. The JPAC representative thanked Canada for these nominations and indicated, on behalf of JPAC, that she looked forward to working with these new members.

The Alternate Representatives adopted the agenda for their teleconference based on the provisional agenda.

The executive director began by welcoming David McGovern as Canadian Alternate Representative. He indicated he was calling in from Boston where he was to deliver a keynote address at the annual meeting of the International Association for Impact Assessment (IAIA). He added that the CEC was also there to receive an award for its substantial contribution to addressing environmental issues in North America. He also mentioned his recent participation in the EECO conference in Toronto, where leaders from both industry and government met to discuss the most topical environmental and energy issues of the Great Lakes Region. He indicated he had presented and chaired an interesting session entitled *Corporate Strategies to Reduce Harmful Pollutants: Collaboration across North America*.

Turning to the *Report from the Executive Director on CEC Activities*, Bill Kennedy clarified that the format followed the 2004 work program, given that most activities reflected in the report took place prior to the approval of the new work program on 4 April.

He highlighted elements of the report and indicated that, since the 4 April conference call of the Alternate Representatives, the Secretariat had been proceeding with the implementation of the

work program and had been working closely with the Parties' expert teams to refine and initiate the projects under the three pillars. Under the capacity building priority, he indicated that work had also been proceeding rapidly on the "Partnerships" initiative. He indicated that the Secretariat was hoping to profile this work at the Council session as a concrete demonstration of how the CEC could work and is working with the private sector. Concerning some of the continuing biodiversity work, he reported that the Biodiversity Conservation Working Group (BCWG) had held a successful meeting in Zacatecas, where there had been general endorsement of the projects for 2005.

Bill Kennedy then turned to recent events and the release of *Taking Stock* on 24 May, which had received a positive response from media, governments and industry. He added that, while in Toronto, he had met Ontario's environment minister, Ms. Leona Dombrowski, who had mentioned that her ministry welcomed *Taking Stock* and had said that Ontario would like to work more closely with the CEC and, in this regard, expressed an interest in learning more about the Canadian Intergovernmental Agreement regarding the NAAEC.

Mr. Kennedy mentioned that the analysis on the Article 13 reports undertaken by David Wirth in fall 2004 had been completed and would be forwarded to the Parties and JPAC the week of 6 June. He reiterated that the purpose of the study had been to: 1) analyze the experience of the Secretariat, governments, relevant private-sector constituencies, nongovernmental organizations, academics and other members of the public with Article 13 reports that have been prepared to date; and 2) evaluate the criteria for choosing Article 13 topics and the methodology for preparing Article 13 reports and outline options for criteria and methodologies to consider for upcoming Article 13 reports. Finally, he informed the Alternate Representatives that the Secretariat was looking to select one or two Article 13 topics in early summer, following the Council Session.

Jane Gardner, the JPAC representative, reported on the last JPAC regular session, held in San Diego on 14 April, where a public consultation had been held on the draft CEC Strategic Plan. Some of the key points noted by JPAC were the need to involve indigenous people in CEC activities and the suggestion to include biosafety issues in the work program. She also pointed to the need to ensure access to CEC information in particular as it relates to people in remote areas without access to the Internet. She indicated that JPAC believed the topic of children's environmental health should be maintained as part of the CEC's work as well as the management of freshwater. She also indicated that JPAC was supportive of engaging the private sector in CEC activities and hoped that the public workshop on "Needs and Opportunities for Capacity Building among Private and Non Profit Sectors" would provide useful advice to the CEC.

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The Alternate Representatives agreed to address this item by going through the draft Council agenda in detail.

Mexico confirmed the arrival of Sec. Cardenas on 21 June at 11:00 pm and indicated he would not take part in the welcoming reception. The US confirmed that Administrator Johnson would be making a few remarks during the welcoming reception. All Parties confirmed the participation of their ministers at the private breakfast on 22 June. The Alternate Representatives agreed to

invite the environment ministers of Quebec and Alberta, Min. Thomas Mulcair and Min. Guy Boutilier, to this breakfast.

The Mexican representative inquired whether the signing of the resolutions was scheduled to take place during the in-camera session or in front of the media during the closing news conference. The Alternate Representatives agreed to consult their communications teams and decide during their next conference call. The Mexican representative asked whether any announcement should be made during the Council session regarding the Security and Prosperity Partnership. Canada suggested that this question be dealt with in the context of a bilateral discussion between Semarnat and Environment Canada, given that the US EPA did not have the lead on this initiative.

In relation to item 8 of the Council agenda, *Discussion with heads of business councils*, the Mexican representative expressed support for this item given it provided an opportunity for Ministers to have a discussion with the private sector on how they could best get involved in CEC activities. However, he stressed the importance of developing a format for the discussion that would provide an opportunity to connect needs to solutions. The CEC executive director provided a brief background on the CEC partnership with the private sector under the 1996 memorandum of understanding. He emphasized that projects such as the *Fondo para proyectos de prevención de la contaminación* (Fiprev) initiative had been initiated as a result of this MOU and that the Puebla Declaration provided an opportunity for strengthening this relationship in the new program priorities. He referred to the project on supply chain management as representing an immediate example of concrete partnership with the private sector.

In reference to the draft Council Resolution 05-06, *Strengthening cooperation with the private sector*, the US representative suggested it not be limited to the involvement of the business councils but be extended to involve a broader range of institutions from the private sector. He asked the JPAC representative whether she could foresee any problem arising from other stakeholders regarding highlighting CEC's partnership with the private sector. She replied that, in general, the prospect of a strengthened cooperation with the private sector had met with positive responses from the public and JPAC, given the additional resources that could be leveraged. The US asked for JPAC support regarding this effort. Canada supported the US proposal to have the language of the resolution made broader and suggested it be discussed during the next conference call of the Alternate Representatives.

The US representative also suggested that discussions with the heads of the business councils be limited to the initiatives set forth in the CEC work program. He proposed to have the supply chain management project with the World Environment Center (WEC) be presented during that session as an example of how the private sector could be involved in CEC's work. The Alternate Representatives agreed to discuss this proposal during their next conference call.

Concerning the capacity building item of the Council agenda, the Mexican representative confirmed they would be making the overall presentation to Council on this pillar and would shortly be submitting an assessment of Mexico's capacity building needs. They expressed concern regarding the Secretariat's proposal to have two nongovernmental representatives make a presentation under this item. The US representative agreed with this view, as the in-camera session was normally reserved for a discussion among Council members. The Secretariat, on the

other hand, indicated that on a number of past occasions, presentations by nongovernmental experts during Council in-camera sessions appeared to have stimulated considerable discussion among the Council members. The Alternate Representatives agreed to discuss this item in the context of their next conference call.

The Mexican representative expressed concern that the JPAC public workshop was being held the day prior to the Council session as opposed to the following day and indicated that, in his view, the presentations should be made by government representatives as opposed to Secretariat staff. Bill Kennedy replied that the request for presentations by Secretariat staff had been made expressly by JPAC and that the Secretariat's function is also to provide support to JPAC, as required.

The Canadian representative asked Jane Gardner how JPAC viewed their joint meeting with Council. She explained that this meeting was meant to be informal and that JPAC had discussed issues the members would like to raise with Council but had not yet finalized the list of topics. The US representative indicated that a discussion on how to best engage the private sector might be useful to the Parties.

The Canadian representative confirmed that the Quebec government would be hosting the official dinner on 22 June and that Ministers Mulcair and Dion would be making remarks on that occasion.

Item 3 Strategic Plan 2005–2010 and 2005–2007 Operational Plan

The Alternate Representatives agreed that the Strategic Plan needed to be finalized and approved by the Parties by 10 June in order for the document to be released during the Council Session. The Alternate Representatives tasked the GSC to work together with the Secretariat on finalizing the document. Ms. Gardner indicated that, following the public consultation on the Strategic Plan in San Diego, JPAC was in a position to make a number of comments. The chair encouraged JPAC to provide any comments they might have before the 10 June deadline.

Item 4 Other regular business

Item 4.1 Submissions on Enforcement Matters under Articles 14 and 15 (SEM-03-004 - Alca Iztapalapa II)

Pursuant to Guideline 10(2), the Alternate Representatives voted in favor of instructing the Secretariat to prepare a factual record with respect to the issues raised in the Alca Iztapalapa II submission (SEM-03-004) as per Council Resolution 05-05 (to be signed by the Alternate Representatives and faxed to the Secretariat).

Item 6 Next meeting of the Alternate Representatives

The Alternate Representatives agreed to hold their next conference call on 9 June, 1:00-3:00pm Eastern (12:00-2:00pm Mexico time).