

**COUNCIL SESSION 97-01**  
**21 February 1997**

**SUMMARY RECORD**

The Council, represented by its Alternate Representatives, met via teleconference on 21 February 1997. The agenda can be found as Annexes "A". Mr. William Nitze (USA) chaired the meeting. Mr. Anthony Clarke and Mr. José Luis Samaniego represented Canada and Mexico, respectively. Ms. María Cristina Castro, JPAC Chair, and Mr. Victor Lichtinger, Executive Director of the Secretariat, also participated in the meeting, together with other officials. Mr. Marc Paquin acted as Secretary.

**Item 1            Approval of the Agenda**

The agenda was approved as proposed.

**Item 2            Remarks by JPAC Chair**

The JPAC Chair noted that the JPAC budget, as shown in the 20 January 1997 version of the proposed Annual Program and Budget, does not reflect the decision taken by the Alternate Representatives at their December 1996 Session to award JPAC US \$200,000 to hold public consultations and US \$100,000 as operating budget, excluding salaries. The Alternate Representatives agreed to make the correction in the final version of the budget.

The JPAC Chair reported on progress made in the preparation of the public consultations: the agenda for the Mexico City and Vancouver meetings as well as the discussion papers were finalized, letters of invitation were sent out and public notices were issued for publication in newspapers in all three countries. She also reported on the number of participants registered so far as well as on invitations sent to the Government and National Advisory Committees (GACs and NACs) of the three countries to attend the public consultations. The JPAC Chair indicated that Ms. Ann Glumac, Chair of the United States' GAC has accepted the invitation to attend the Mexico City public consultation. Also, the JPAC Chair reported that she had met with Dr. Tiahoga Ruge of CICEANA and Beatriz Bugada of the CEC Mexico office to discuss potential participants to the public consultations.

Referring to Article 16 of the *North American Agreement on Environmental Cooperation* in relation to the Article 10(1)(b) review process that will take place in 1997, the JPAC Chair expressed the interest of the JPAC in participating in this review process. The Parties were of the opinion that JPAC should play an important role in it. The Parties agreed to prepare a draft action plan for the review process which would then be discussed by the GSC and commented upon by JPAC. The United States volunteered to prepare the first draft. It was also decided that the 18-19 April 1997 external review meeting called by the Executive Director would be integrated in the action plan.

The Executive Director indicated that the Chair of JPAC and the Alternate Representatives have been invited to the high-level meeting of 18-19 April 1997.

**Action: USA/Parties**

**Item 3           Remarks by the Executive Director**

The Executive Director stressed the importance for the Secretariat to have the 1997 Annual Program and Budget approved without any further delay to be in a position to undertake its 1997 activities.

**Item 4           1997 Annual Program and Budget**

Subject to final review by the GSC of the integration of a series of minor changes, the proposed 1997 Annual Program and Budget was approved by the Alternate Representatives with the following caveat:

- Approval of the *NAFTA Environmental Effects* project is suspended until 7 March 1997 at the request of Mexico, to allow time for additional internal consultations.
- Approval of the GIS portion of the *North American Air Monitoring and Modeling* project is suspended until the Secretariat provides additional information.
- The *Economic Incentives for Sustainable Development - Water Services Sector and Promoting the Sustainable Exploitation of Non-timber Forest Products* projects were not approved.
- The proposed *Principles of Sound Regulation* project will be revised by the Parties.

**Action: Mexico/GSC/Secretariat**

**Item 5           Next Regular Session of the Council**

The United States assured the Parties of its efforts to finalize the venue for the June Regular Session of the Council. Due to a possible conflict, the Alternate Representatives session scheduled for 11 June 1997 may have to be held one week in advance.

The Alternate Representatives approved the following "Council Announcements":

- Transboundary Environmental Impact Assessment: Subject to the United States' decision on executing a binding international agreement;
- Environment and Trade Agenda: Common position paper for Ministers' consideration to be drafted by the GSC for approval at the next Alternate Representatives Session;
- Sound Management of Chemicals: Approval of Regional Action Plans and selection criteria;
- Enforcement Cooperation: Working Group to be asked to identify potential announcements at their next meeting;
- Article 10(1)(b) Review of NAAEC.

The Alternate Representatives decided not to include "Part V Dispute Resolution Procedure" and "Endangered Species Accord" in the list of announcements at this time. With respect to endangered species, Canada agreed to take the lead and to consult with the US and Mexican experts present at the Trilateral Committee Meeting to see if an announcement for the development of a North American Accord for Endangered Species Protection would be feasible.

The Alternate Representatives agreed with the following “Council decisions”:

- Reciprocal Access to Courts
- Comparability of Pollutant Release Transfer Registry
- Enforcement Cooperation: ISO 14000

The Alternate Representatives left the “Technology Validation/Verification” decision open, pending reception of additional information from the Secretariat.

The Alternate Representatives agreed on the following “Secretariat Updates”:

- Air Monitoring and Modeling
- State of the Environment Report
- NAFTA Environmental Effects
- Transboundary Water Resources
- North American Strategy and Action Plan for the Conservation of Birds in North America
- North American Cooperation on Emissions of Greenhouse Gases
- GIS Demonstration Booth

The Alternate Representatives agreed that “Articles 13 and 14” be included on the agenda for discussion as appropriate.

The JPAC Chair requested that the Council attend the plenary session of the public consultations for an hour and a half to hear a report on the workshop discussions and address the public. The JPAC Chair also requested that the Council hold a formal one hour meeting with JPAC and that translation services in all three official languages be provided.

**Action: USA**

#### **Item 6            Approval of Summary Records**

The JPAC Chair requested a change in the draft summary record so that it explicitly reflects the approval by the Alternate Representatives of a budget of US \$200,000 for JPAC public consultations and of US \$100,000 for JPAC operations. The Alternate Representatives approved the draft Summary Record for Session 96-11 in the three official languages with JPAC Chair’s proposed change.

#### **Item 7            MOU - Comisión Centro Americana de Ambiente y Desarrollo (CCAD)**

Decision on the MOU with CCAD is deferred until the Secretariat develops a draft policy on the signing of MOUs for the Council’s consideration.

**Action: Secretariat**

#### **Item 8            North American Regional Action Plan for PCBs**

The Alternate Representatives approved the North American Regional Action Plan for PCBs as submitted (December 1996 version).

**Item 9           Articles 14 and 15**

The Alternate Representatives agreed that the next entry to appear in the public registry of the Cozumel submission should be the notification to the submitters of the transmission of the Final Factual Record to the Council.

The Executive Director reported that the preparation of the Draft Factual Record on the Cozumel submission is progressing and would probably be transmitted to the Council in April 1997. He also indicated that the Secretariat is finalizing its determination on the Oldman River submission following Canada's response. The United States reported that they are preparing their response to the Fort Huachuca submission.

**Item 10           Next Sessions**

The Alternate Representatives agreed to meet on the evening of 16 April and all day on 17 April 1997. They will endeavor to cover the agenda over these two days. The meeting could be extended to the 18 if necessary.

Before the adjournment, the JPAC Chair reminded the Alternate Representatives that two of the JPAC members, who have resigned, need to be replaced. Canada and Mexico indicated that the process to fill the two vacancies is well underway.

**Adjournment**

The Session adjourned at 4:00 PM on 21 February 1997.

Prepared by Marc Paquin, Secretary to Council