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COUNCIL SESSION 96-6

June 7, 1996

Summary Record

Designated Alternate Representatives of Council met in Montreal on June 7, 1996 for a special session. The following items were added to the agenda: “*Model Rules for Dispute Settlements*”, “*CEC Working Groups*” and “*NAAEC - Article 14 - Petition*”. The final agenda and the list of delegates will be found as Annexes “A” and “B” respectively. Mr. Anthony Clarke (Canada) chaired the meeting.

REMARKS BY THE CHAIR OF JPAC

In the absence of Mr. Jonathan Plaut, Chair of JPAC, Council Representatives reviewed his June 4 written report relating essentially to the preparation of the upcoming JPAC regular and public meetings to be held in Montreal, San Diego and Toronto.

REMARKS BY THE EXECUTIVE DIRECTOR

In his remarks, the Executive Director observed on the importance of the current session in finalizing the agenda for the August 1-2 regular session of Council, reported on the progress made in concluding the 1995 external audit and referred to his note of April 26 to Council Representatives and more specifically to the request for suggestions by Parties in the development of the 1997 Program and Budget. He also introduced to Council Representatives, Mr. Jack Person, Chief Accounting Officer, and Ms. Janice Astbury, NAFEC Coordinator.

1996 REGULAR SESSION OF COUNCIL (August 1-2, 1996)

Public meetings: The Secretariat updated Council Representatives on the latest information concerning the registration of participants for the three public meetings and the number of requests received for financial assistance. Council Representatives also reviewed and approved the \$US 114,000 budget prepared by JPAC for the conduct of the public meetings which is to be funded under the Council budget item.

Action: JPAC/Secretariat

Substantive Agenda: Council Representatives reviewed the documentation and were informed of the outcome of the GSC meeting on the *Discussion Items* portion of the Agenda for the In Camera Session. Specific comments and conclusions for the finalization of this portion of the ministerial agenda documentation will be found in Annex C of this Summary Record, distribution of which is restricted.

Action: Secretariat / Parties

Council Representatives were informed of a letter from the International Institute for Sustainable Development (IISD) concerning the possible coverage of the CEC Council meeting in a style similar to the Earth Negotiations Bulletin (ENB). Council Representatives agreed in principle to such coverage, concluded that it should be limited to the public portion of the regular session and requested that the Executive Director advise IISD accordingly. **Action: Executive Director**

Overall Program: Discussion of this agenda item was deferred to a teleconference to be scheduled later in June. **Action: Secretariat**

Logistics and Other Matters: Discussion of this agenda item was deferred to a teleconference to be scheduled later in June. **Action: Canada/Secretariat**

NAAEC ARTICLE 14 - PETITION

The Executive Director informed the Council Representatives of the Secretariat's advice to Council to request the preparation of a *Factual Record* in response to a petition alleging failure to enforce environmental laws concerning the environmental impact assessment procedures for the construction of pier and port facilities in Cozumel, Mexico. The Executive Director handed each Party a copy of the Secretariat's recommendation and offered to provide a verbal briefing at a time convenient to the Parties.

The Mexican Council Representative requested that the Secretariat be asked to explain in writing the reasons why it concluded that the Mexican government's response was insufficient and warranted the recommendation to prepare a *Factual Record*. The Executive Director recommended against any written information in addition to what was contained in the Secretariat's recommendation. The Mexican Council representative insisted.

Council Representatives deferred a decision on the process to deal with the Secretariat's advice until the Parties have had the opportunity to review it. **Action: Parties**

OTHER MATTERS

Council Representatives agreed to discuss matters under this agenda item via a teleconference session. **Action: Secretary**

NEXT SESSIONS

Members agreed to hold a teleconference session during the week of June 24 to discuss all outstanding agenda items. **Action: Council Secretary**

ADJOURNMENT

The session adjourned at 3:45 p.m. June 7, 1996

Prepared by Gilles Lamoureux
June 11, 1996

ALTERNATE REPRESENTATIVES SESSION 96-06

Friday June 7 from 8:00 AM until 4:00 PM

Annotated Agenda

CHAIR: A. Clarke (CAN)

- Item 1 Approval of Agenda
- Item 2 Remarks by the Chair of JPAC
- Item 3 Remarks by the Executive Director
- Item 4 1996 Regular Session of Council
 - Item 4.1 Public Meetings
 - Item 4.2 Substantive Agenda
 - Item 4.3 Overall Program
 - Item 4.4 Logistics and other matters
- Item 5 Other Business
 - Item 5.1 Session 96-05 Summary Record - approval
 - Item 5.2 1996 Program and Budget - formal approval
 - Item 5.3 Silva Reservoir
 - Item 5.4 Headquarters Agreement (Canada)
 - Item 5.5 Agreement with Québec
 - Item 5.6 Tax Reimbursement Agreement (USA)
 - Item 5.7 Privileges and Immunities - action plan
 - Item 5.8 NAAEC - Language Accuracy
 - Item 5.9 CEC Rules - Spanish translation
- Item 6 Next Sessions

Note: A light lunch will be served between 1:00 PM and 2:00 PM on Friday at the Secretariat

ALTERNATE REPRESENTATIVES SESSION 96-06

ANNOTATIONS

Item 0. Approval of Agenda

DOCUMENTS:

- a) Provisional Annotated Agenda (Rev.1 distributed May 24) C/C.01/96-06/AGEN/01/Rev.1

Item 1. Remarks by Chair of JPAC

A regular agenda item to allow the Chair of JPAC to update Council Representatives on Committee activities

ACTION: Information

DOCUMENTS:

- a) Memo from Jon Plaut dated June 4, 1996 re: JPAC Chair Report (tabled at meeting)
C/C.01/96-06/RPT/01

Item 2. Remarks by the Executive Director

A regular agenda item to allow the Executive Director to update Council Representatives on Secretariat activities

ACTION: Information

DOCUMENTS: No document

Item 3. 1996 Regular Session of Council

This agenda item is to review progress and finalize plans for the August 1-2 Regular Session, more specifically: overall program; public participation, substantive ministerial agenda, communications and key milestones. The discussion of the substantive ministerial agenda is critical for the timely organization and finalization of the supporting documentation for the ministerial session.

The discussion will focus on the following rubriques:

- Public Meetings
- Substantive Ministerial Agenda
- Overall Program
- Logistics and Other Matters

Item 3.1 Public Meetings

The Chair of JPAC and the Secretariat will make a progress report on the planning, budget and registration for the two regional public meeting as well as for the preparatory and Council public meetings.

ACTION: Information

DOCUMENTS:

- a) Registration update report (distributed May 24) C/96-00/RPT/01
b) Provisional Budget (distributed May 24) C/96-00/RPT/02
c) Memo from Executive Director re: Preparatory Public Meeting (distributed May 22, 1996)
d) JPAC Sessions & Regional Public Meetings participation C/C.01/96-06/RPT/02
e) JPAC Session 96-02 agenda J/96-02/AGEN/01/Rev.1
f) JPAC Session 96-03 agenda J/96-03/AGEN/01

Item 3.2 Substantive Agenda

An in depth review of each substantive ministerial agenda item and its supporting documentation Secretariat is seeking guidance for the finalization of the overall provisional agenda and supporting documentation. Secretariat is also seeking guidance in the structuring of the final communiqué.

ACTION: Discussion

DOCUMENTS:

- a) Provisional Agenda (Rev 3 distributed May 24) C/96-00/AGEN/00/Rev.3
- b) Various supporting documents (to follow, refer to Session 96-00)

Item 3.3 Overall Program

A review of the provisional program for the session with a view to make final adjustments

ACTION: Discussion

DOCUMENTS:

- a) Preliminary Overall Program (Rev.3 distributed May 24) C/96-00/PLAN/02/Rev.3
- b) Provisional Ministerial Program C/96-00/PLAN/03

Item 3.4 Logistics and other matters

Secretariat and Canada (host) will provide logistical information. Based on the July 31 - August 2 dates, the Secretariat has identified key planning milestones leading up to the session. Alternate Representatives are asked to review and make observations.

ACTION: Discussion

DOCUMENTS:

- a) Key Milestones C/96-00/PLAN/01/Rev.3

Item 4. Other Matters

This item allows for a review and discussion of various non-program related matters.

Item 4.1 Approval of Session 96-05 Summary Records

ACTION: Review and approval

DOCUMENTS:

- a) Session 96-05 draft Summary Record (distributed May 13) C/C.01/96-05/SR/01/

Item 4.2 Formal Approval of the 1996 Program and Budget

At the time of session 96-05, the approval of a revised draft resolution formally approving the 1996 Program and Budget was deferred to the current session to allow further review by each Party. In the event that Parties are not in a position to approve the draft resolution, Alternate Representatives could decide on a process and deadline to bring this matter to a close prior to the upcoming regular session.

ACTION: Discussion

DOCUMENTS:

- a) Resolution 96-01, Rev. 3 (distributed April 16) C/C.01/96-06/RES/02/Rev.3

Item 4.3 Silva Reservoir

This agenda item is to allow for a discussion of the progress made in the Council's response to the *CEC Secretariat Report on the Death of Migratory Birds at Silva Reservoir (1994-95)*. A report on the outcome of the recent meeting of the tri-national committee in Oaxaca, Mexico could be made and the draft Council resolution could receive formal approval.

ACTION: Discussion

DOCUMENTS:

- a) Draft Summary Record 96-05, p.3 (distributed May 13) C/C.01/96-05/SR/01/
- b) Draft Resolution (tabled at meeting) C/C.01/96-06/RES/03/Rev.2

Item 4.4 Headquarters Agreement (Canada)

Canada and Secretariat will report on progress, outstanding issues and time frame to complete the process of amending the HQ Agreement. Through the adoption of a resolution, Council is asked to authorize the Executive Director to sign, on behalf of Council, the amended HQ Agreement once accepted by each Party.

ACTION: Discussion and approval of resolution 96-02

DOCUMENTS:

- a) Draft Resolution 96-02 and covering memorandum (distributed May 31) C/C.01/96-06/RES/01
- b) Approved Council Resolution 1:4 (previously distributed)

Item 4.5 Agreement with Quebec

Canada and Secretariat will report on progress, current issues and time frame to conclude the process of negotiation of an Agreement with the Quebec Government.

ACTION: Information

DOCUMENTS: None

Item 4.6 Tax Reimbursement Agreement with the USA

United States and Secretariat will report on likely approach, current issues and time frame to conclude the process of negotiating a Tax Reimbursement Agreement.

ACTION: Information

DOCUMENTS: None

Item 4.7 Privileges and Immunities: Action Plan

At the Council session of March 6-7, Alternate Representatives decided that each Party, in consultation with the Secretariat, would identify the actions that have to be taken to extend to the Secretariat and its staff, the full immunities and privileges provided under Article 44 of the NAAEC. It was further agreed that the actions would be consolidated into an action plan (by a special group created for that purpose on March 7) and that it would be reviewed at the time of the March 28 teleconference. The discussion of an action plan was deferred to the April 22 teleconference at which time Canada and United States informed Council of some of the actions contemplated. A compilation of the comprehensive actions and completion dates by each Party is not available.

ACTION: Discussion

DOCUMENTS:

- a) Draft Summary Record 96-05, p.2 (distributed May 13) C/C.01/96-05/SR/01/
- b) Final Summary Record 96-04, p.1 (distributed April 30) C/C.01/96-04/SR/01/final
- c) Final Summary Record 96-03, p.5 (distributed April 4) C/C.01/96-03/SR/01/final

Item 4.8 NAAEC - Language accuracy

At the time of Session 96-03, the Secretariat informed Council that it is often required to distribute copies of the Agreement to experts, consultants and the public at large and that until now the CEC as such has not presented an official version. Alternate Representatives concurred with a proposal to review the French and Spanish versions of the NAAEC to ensure language accuracy and to publish an official CEC trilingual text of the Agreement following an exchange of diplomatic notes between the

Parties. Each Party and the Secretariat designated a representative to complete this undertaking by mid-June.

Parties and the Secretariat will report on progress made, outstanding issues and time frame for completion.

ACTION: Information

DOCUMENTS:

- a) Final Summary Record 96-03, p.5 (distributed April 4) C/C.01/96-03/SR/01/final

Item 4.9 CEC Rules - Spanish translation

At the time of Session 96-03 Council acknowledged the need to have an official Spanish version of the CEC Rules and asked the Secretariat to undertake this task in consultation with the Parties. The Secretariat will report on progress and time frame for completion. An initial draft of the Rules (4) will be circulated by May 17.

ACTION: Information

DOCUMENTS:

- a) Final Summary Record 96-03, p.5 (distributed April 4) C/C.01/96-03/SR/01/final
- b) Council Rules of Procedures (distributed May 17 1996) C/C.01/96-06/DISC/01
- c) JPAC Rules of Procedures (distributed May 17 1996) C/C.01/96-06/DISC/02
- d) Financial Rules (distributed May 17 1996) C/C.01/96-06/DISC/03
- e) Rules of Employment (distributed May 17 1996) C/C.01/96-06/DISC/04

Item 5. Next Sessions

This item is to review a proposed schedule of forthcoming teleconferences and meetings based on the July 31-August 2 proposed dates for the regular session of Council:

- | | |
|--------------------------|--|
| Late June (tent) | Teleconference |
| July 31 (tent) | Meeting in Toronto |
| August 1-2 (tent) | Annual Regular Session of Council |
| September (tent) | Teleconference |
| October (tent) | Meeting in Montreal |
| December (tent) | Teleconference |

ACTION: Confirm the date and key agenda items of the next session.

ALTERNATE REPRESENTATIVES SESSION 96-06

Montreal, Canada, June 7, 1996

List of Participants

CANADA

Alternate Representative Clarke, H. Anthony
Bowcott, Andy
Calder, Bill
Cerutti, Rita
Côté, Louise
Langlois, Denis
Moore, Jennifer

MEXICO

Alternate Representative Samaniego, José Luis
Cabrera, Javier
Munguia, Norma
Palafox, Jaime

UNITED STATES

Alternate Representative Nitze, William A.
Cohen, Larry
Lieberman, Sue
Moreno, Ignacia
Rowley, Anne
Wilson, Serena