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COUNCIL SESSION 96-5
April 22, 1996

Summary Record

Designated Alternate Representatives of Council met via teleconference on April 22, 1996 for a special session. The agenda can be found as Annex "A". Mr. A. Clarke (Canada) chaired the meeting while Mr. Nitze and Ms. N. Munguía represented the United States and Mexico respectively. Mr. J. Plaut, Chair of JPAC and Mr. V. Lichtinger, Executive Director, also participated in the teleconference. Other officials were in attendance.

SUMMARY RECORD FOR SESSION 96-04

The Summary Record was reviewed and approved with one modification to the item titled *1996 Regular Session of Council*.

Action: Secretary

REMARKS BY THE CHAIR OF JPAC

The Chair of JPAC reported on the progress made in the planning of the two regional public meetings to take place in Montreal on June 21 and San Diego on July 19. He informed Council of the measures taken to minimize costs and advised that the activities should be completed within budget which will be finalized and presented by early June.

REMARKS BY THE EXECUTIVE DIRECTOR

The Executive Director made reference to the *CEC 1995 Program Report* sent early April and advised Council that the *1996 Program Milestones* document was being finalized and should be transmitted to Alternate Representatives later in the week together with a note outlining the proposed milestones for the development of the 1997 Program and Budget. He reported on the progress made in selecting a Coordinator for the North American Environment Fund and a forthcoming note on the rationalization of CEC Working Groups.

NORTH AMERICAN ENVIRONMENT FUND (NAEF)

Council Representatives reviewed the proposed modifications identified in the Guidelines dated April 18 and which were developed based on suggestions made by the Parties. Council concluded the discussion as follows:

- a) The name of the Fund will be changed to: *North American Fund for Environmental Cooperation (NAFEC)*;

- b) Parties will continue discussions with a view to reach agreement by the end of the week on whether or not to make reference to “natural resources” under Section II 2.a) *Environmental Conservation*, on the opportunity of removing the reference made to “*Purchase of land and construction of buildings*” under Section III and on the opportunity to make a reference to “*not for profit*” under Section IV 1. *Non-governmental organizations*;
- c) All the other proposed modifications were approved as suggested except for minor editorial changes on occasion.

Mexico and the United States advised that the appointment of their members to the Selection Committee was completed. Canada advised that it would complete the selection of its members by April 26.

Council Representatives asked that the Secretariat make final modifications and release by April 30, the approved Guidelines, the first call for preproposals and the composition of the Selection Committee.

Action: Parties / Secretariat

1996 REGULAR SESSION OF COUNCIL

Council Representatives agreed to consult their respective Minister’s Office on two proposed sets of dates for the 1996 Regular Session of Council namely, August 7-9 and August 14-16. Parties will attempt to reach a final decision prior to April 26 in time to incorporate this information in the public notice announcing the JPAC regional public meetings. Should the dates of the Council session not be confirmed by April 26, the Secretariat will proceed with the release of the public notice with appropriate adjustments.

Action: Parties / Secretariat

Parties took note of the list of agenda items suggested by the Secretariat and agreed to provide guidance based on a revised list to be prepared by the Secretariat.

Action: Secretariat / Parties

PRIVILEGES AND IMMUNITIES: ACTION PLAN

As agreed to at the March 6-7 session, this agenda item was to allow for a review of the actions required of each Party to extend to the Secretariat and its staff the full immunities and privileges provided under Article 44 of the NAAEC. Canada informed Council of the progress made in defining modalities for the issuance of visas; the proposed annotation in passports of Canadian employees, a CEC identification card and other related initiatives which will all be confirmed in writing. Canada also advised that it had forwarded to the Secretariat a new version of the proposed revised Headquarters Agreement and that it was awaiting a response to the Canadian diplomatic note on reciprocity from Mexico and the United States. The United States advised that it plans to send a letter to US Immigration concerning CEC employees transiting via Montreal or Mirabel. Mexico advised that it is awaiting information from its Protocol Office. Further discussion of this item will take place at the time of the next session so as to complete all actions within the June time frame.

Action: Special Group in consultation with the Secretariat

SILVA RESERVOIR

Council Representatives took note of the progress made at the meeting of the tri-national committee in Oaxaca, earlier in April. The GSC was asked to finalize the resolution approved in principle at the March Session so it can be ratified at the time of the next session of Alternate Representatives.

Action: Parties

OTHER MATTERS

Program and Budget: The approval of a revised draft of resolution 96-01 was deferred to the next session pending review by the Parties.

Action: Parties

CEC Annual Report: The Secretariat advised that all the contributions by Parties had been received and that the report will be ready for release in June.

NAAEC Article 28: The United States informed Council of an initiative taken via the Bar Associations to develop model rules of procedure as required under Article 28 of the NAAEC. Copy of the documentation currently available will be provided to other Parties, the Chair of JPAC and the Secretariat. A discussion on this matter could take place at a future session.

Action: United States

NEXT SESSION

Members agreed to hold their next session via teleconference on May 13 and to meet in Montreal on June 6-7, 1996.

ADJOURNMENT

The session adjourned at 6:00 P.M. April 22, 1996

Prepared by Gilles Lamoureux
May 9, 1996

ALTERNATE REPRESENTATIVES SESSION 96-05

To be held via conference call on Monday, April 22, 1996
from 3:00 to 5:00 PM (Eastern Time) 2:00 to 4:00 PM (Mexico's time)

Annotated Agenda

CHAIR: A. Clarke (CAN)

- Item 1 Identification of Participants / Approval of Agenda
- Item 2 Summary Record for Session 96-04
- Item 3 Remarks by the Chair of JPAC
- Item 4 Remarks by the Executive Director
- Item 5 Update on the Implementation of the Program
 - Item 5.1 North American Environment Fund
 - Item 5.2 Other Program Initiatives
- Item 6 1996 Regular Session of Council
 - Item 6.1 Tentative Dates
 - Item 6.2 Public Notification - Participation
 - Item 6.3 Preliminary Ministers' Agenda
 - Item 6.4 Key Planning Milestones
- Item 7 Privileges and Immunities: Action Plan
- Item 8 Silva Reservoir
- Item 9 Other Matters
 - Item 9.1 Formal Approval of 1996 Program and Budget
 - Item 9.2 CEC Annual Report
- Item 10 Next Session

ALTERNATE REPRESENTATIVES SESSION 96-05

ANNOTATIONS

Item 1. Identification of Participants / Approval of Agenda

DOCUMENTS:

- a) Provisional Annotated Agenda (distributed April 17) C/C.01/96-05/AGEN/01

Item 2. Summary Record for Session 96-04

This item is to allow a review and approval of the Summary Record. Review of progress on the action items is covered under specific agenda items.

ACTION: Review and Approval

DOCUMENTS:

- a) Draft Summary Record 96-04, (distributed April 10) C/C.01/96-04/SR/01/Rev.1

Item 3. 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: No document

Item 4. 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 5. Update on the Implementation of the Program

A regular agenda item for the Secretariat to update Council representatives on matters related to program implementation.

Item 5.1 North American Environment Fund

Secretariat has received comments from the Parties and prepared an annotated revised guidelines identifying outstanding issues including the name of the Fund. Alternate Representatives are asked to address outstanding issues and provide guidance for the finalization and public release of the Guidelines. Confirmation by Canada and Mexico of their nominees to the Selection Committee will complete the information for the release of the first call for proposals planned for April 25, 1996.

ACTION: Decision

DOCUMENTS:

- a) NAFEC Administration and Funding Guidelines
(to follow Apr. 18) C/C.01/96-05/DISC/01/Rev.1
- b) NAFEC Selection Committee Members C/C.01/96-05/LIST/01/

Item 5.2 Other Program Initiatives

Secretariat will advise Council representatives of key developments with a particular focus on those having implications for the 1996 regular session of Council.

ACTION: For information

DOCUMENTS: No document

Item 6. 1996 Regular Session of Council

This agenda item is to discuss implications of a rescheduled regular session, more specifically: new dates and venue; public notices, substantive ministerial agenda (announcements,...) and key milestones. Agreement on dates and a discussion of the substantive ministerial agenda are both critical for the preparation of the June session of the Alternate Representatives when an in-depth review of each agenda item and draft supporting documentation is planned.

Item 6.1 Tentative Dates

The planning dates used for the regular session are September 9-11, however they remain to be confirmed. The uncertainty about the dates affects the development of the substantive agenda and impacts immediately on the text of the public notice to be released on April 23 to conform to the JPAC schedule for regional preparatory meetings. In the event that specific dates can not be agreed to, Alternate Representatives could decide on a process and deadline to set the dates.

ACTION: Discussion

DOCUMENTS: None

Item 6.2 Public Notification - Participation

As stated above (6.1) the public notice for the public meetings will be released on April 23 to conform to the JPAC schedule of regional meetings. In developing the text of the public notice two scenarios were used: "A" if the dates for the regular session are confirmed by April 22 and "B" if the dates are not confirmed. Alternate Representatives are in a position to review both texts and make final observations.

ACTION: Discussion

DOCUMENTS:

- a) Draft Official Notice, scenario A and B (to follow April 18) C/C.01/96-00/COMM/01/ & 02
- b) Letter and Registration Form, scenarios A and B
(to follow April 18) C/C.01/96-00/COMM/03/ & 04

Item 6.3 Preliminary Ministerial Agenda

A critical discussion leading up to an in depth review of each substantive ministerial agenda item documentation at the time of the June session of Alternate Representatives. Secretariat is seeking guidance in the refinement of the overall provisional agenda and in the development of the list of substantive topics to be included.

ACTION: Discussion

DOCUMENTS:

- a) Provisional Agenda (Ministerial) / List of Substantive Agenda Topics
(distributed April 17) C/C.01/96-00/AGEN/00

Item 6.4 Key Planning Milestones

Assuming September 9-11 as the dates of the regular session, the Secretariat has identified planning milestones leading up to the session. Alternate Representatives are asked to review and make observations.

ACTION: Discussion

DOCUMENTS:

- a) Key Milestones (distributed April 17) C/C.01/96-00/PLAN/01

Item 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 in order for the special group to exchange and consolidate information.

ACTION: Review progress

DOCUMENTS:

- a) Draft Summary Record 96-04, p.1 (distributed April 10) C/C.01/96-04/SR/01/Rev.1
- b) Final Summary Record 96-03, p.5 (distributed April 4) C/C.01/96-03/SR/01/final

Item 8. 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 96-04, p.2 (distributed April 10) C/C.01/96-04/SR/01/Rev.1

Item 9. Other Matters

This item allows for a review and discussion of more pressing outstanding matters

Item 9.1 Formal Approval for 1996 Program and Budget

At the time of the previous teleconference, the approval of a revised draft resolution 96-01 was deferred to the next teleconference 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 do so.

ACTION: Discussion

DOCUMENTS:

- a) Resolution 96-01, Rev. 02 (distributed March 13)

Item 9.2 CEC Annual Report

This item is to allow a review of progress made in the finalization of the first annual report of the Commission

ACTION: Information

DOCUMENTS:

- a) Draft Summary Record 96-04, p. 2 (distributed April 10) C/C.01/96-04/SR/01/Rev.1

Item 10. Next Sessions

This item is to review the schedule of forthcoming teleconferences and meetings. At the march 28 teleconference the following schedule had been agreed to:

- | | |
|-------------------|------------------------------------|
| May 23 | Session 96-06: Teleconference |
| June 10-11 | Session 96-07: Meeting in Montreal |
| July 18 (tent) | Session: Teleconference |
| Aug. 8-9 (tent) | Session: meeting in Montreal |
| Sept. 9-11 (tent) | Annual Regular Session of Council |

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