

Conseil

Consejo

Council

COUNCIL SESSION 95-3
August 24-25, 1995

Summary Record

Designated alternates of Council met in Montreal on August 24-25, 1995 for a special session. The agenda and the list of delegates will be found as Annexes "A" and "B" respectively. Mr. Jose Luis Samaniego (Mexico) chaired the meeting.

SUMMARY RECORD - SESSION 95-2 (MAY 18, 1995)

a) Approval

The Summary Record was approved with modifications to the GSC Budget and the Special Topics items.

Members agreed to declassify and circulate the Summary Record to the members of the Joint Public Advisory Committee (JPAC) and the chairperson of the national advisory committees (NACs) and of the government advisory committees (GACs). It was further agreed to make the Summary Record accessible to the public.

Action: Secretary

b) Outstanding Business

Once made available to the Secretariat, the Spanish version of the set of Council Rules of Procedure prepared by Mexico will be circulated for comments by the other Parties. The other three rules will be circulated for comments when made available by Mexico.

Action: Mexico/Secretariat

The Council response to JPAC formal advices will be coordinated by Canada

Action: Canada

Members agreed to exchange information relating to the implementation of the Agreement at the time of a session to take place late in 1995 or early in 1996.

Action: Secretary

MEETING WITH MEMBERS OF JPAC

Members of JPAC who were meeting concurrently joined the session to report on the recent public consultations on guidelines for citizen submissions, exchanged views on the organization of the upcoming regular session of Council and provided an initial reaction to the 1996 Program framework developed by the Secretariat.

The Committee report on the public consultation as well as its formal advice to Council on the guidelines for Citizen Submissions will be finalized and transmitted to Council and the Secretariat. Council representatives requested the Secretariat, with the assistance of JPAC, to develop a new version of the guidelines for consideration and approval by the Parties at the time of the next regular session of Council.

Action: JPAC / Secretariat

Members discussed the proposed programme of activities associated with the upcoming regular session of Council. It was concluded that the public portion of the session would be more profitable if the views of the public were sought on a number of key subject matters such as *Capacity Building, Transboundary Issues or Sustainable Technology*. It was agreed that JPAC, with the assistance of the Secretariat, would organize a preparatory session with interested members of the public on those subject matters with reports presented to Ministers by members of the public. It was also concluded that the Chair of JPAC could invite Chilean observers to the public meeting.

Action: JPAC / Secretariat

In a brief intervention on the 1996 Program Framework, JPAC highlighted the need for the program to translate in real improvements of the environment, to focus on a limited number of meaningful areas and to allow sufficient flexibility to undertake reports under article 13 of the Agreement.

EXECUTIVE DIRECTOR'S REPORT

In his report, the Executive Director provided an update on the organization and staffing of the Secretariat, made reference to a *Project Binder* being assembled and which will be provided to the Parties, discussed the first Article 13 report in preparation (Silva reservoir) and indicated that a document will be provided to the Parties which will describe management related instruments which are in place or which are being planned. An updated organizational chart was tabled.

Action: Executive Director

SPECIAL TOPICS

The Secretariat presented the progress made on a series of projects related to the four special topics agreed to at Session 95-2. More specifically, for each project, *Activities to date, Milestones, Actions by the Parties and Potential announcements or Decision of Council* were highlighted.

The *Potential announcements or Decisions* were consolidated into a working list which members will review and finalize later in September in preparation for the upcoming regular session of Council. It was agreed that the Secretariat should continue with the implementation of the projects and that Parties would be contacted to designate representatives to related intergovernmental working groups.

Action: Parties / Secretariat

SUBMISSION GUIDELINES

The discussion of this agenda item was conducted during the meeting with JPAC members.

ANNUAL REPORT

The Secretariat reviewed the progress made in the development of the first annual report. A revised workplan will be prepared based on a release date early in 1996 and the possible inclusion of the report from the Enforcement working group. It was also agreed that for the upcoming regular session of Council, Ministerial guidance would be sought on an expanded table of contents.

Action: Secretariat / General Standing Committee

NEXT REGULAR SESSION OF COUNCIL

Members reviewed the proposed programme of activities related to the next regular session of Council on Friday to be held on October 13, in Oaxaca, Mexico. Members also discussed the themes proposed by JPAC for the public meeting.

Members concluded that the programme should be adjusted to incorporate a preparatory session with the public facilitated by JPAC and which would focus on the following theme: **Regional Opportunities for Environmental Cooperation** with a particular emphasis on capacity development and education and information sharing and on technology transfer and cooperation. Members also concluded that the public portion of the Council session should allow for reports from the preparatory session as well as individual presentations.

The Secretariat will revise and circulate the revised programme of activities. Members also authorized the Secretariat to proceed with the public notification. Members will monitor progress through periodic conference calls.

Action: Secretariat

1996 PROGRAM AND BUDGET

The Executive Director presented the framework on which his 1996 Program proposal would be based. Members concurred with the need for a mission statement and the basic elements of the framework.

Members invited the Executive Director to continue with the development of the 1996 Program framework for review by the Ministers at the next regular session of Council. The framework should indicate the proposed relative level of effort of the key elements and typical initiatives should be provided. Carry-over projects from 1995 should also be identified.

Action: Executive Director

EXTERNAL AUDIT

Members were asked to provide guidance in proceeding with the 1994 external audit as specified in the Financial Rules.

It was concluded that the audit would be performed by an independent an internationally renowned firm in conformity with Rule 8 of the Financial Rules. The Secretariat will be preparing Terms of reference in consultation with the Parties, seek proposals from qualified firms and award the contract. The Secretariat will also provide the facilities for the audit.

Action: Secretariat

CONTRIBUTIONS

Members advised of their contribution schedule for 1995. The United States has just completed its payments for the year, Mexico has made its final payment for 1994 and its initial installment for 1995. Canada will execute its remaining payments for 1995 upon signature of a contribution agreement with the Commission.

Action: Canada

INCOME TAXES AND HEADQUARTERS AGREEMENT

Members reported on the progress made to regularize the tax status of the employees of the Secretariat. Mexico has formally accepted the "reciprocity" condition asked by Canada. The United States expects to do likewise shortly. Canada and Mexico have responded to a United States questionnaire which is a prerequisite for the preparation of a reimbursement agreement with the Secretariat. The United States indicated that the internal process to develop the reimbursement agreement should start shortly. The tax status of Mexican employees working in Mexico will be the object of further review by Mexico.

The approval of a resolution to authorize a CEC tax levy for Canadian employees was deferred to allow the United States to complete internal consultations.

The Executive Director reported on difficulties encountered by CEC personnel and related to the application of immunities. He agreed to prepare a note to the Parties on the matter.

Action: Canada / Mexico / United States / Executive Director

MOU WITH BUSINESS AND INDUSTRY COUNCILS

The Executive Director reported on the discussions with industry and business representatives which have evolved in the drafting of a Memorandum of Understanding (MOU).

Members agreed on the opportunity to conclude such an arrangement. In finalizing the document members invited the Executive Director to ensure text of the MOU does not translate into legal obligations and allows other organizations to sign on. A resolution authorizing the signature of the MOU by the Executive Director will be required.

Action: Executive Director

NEXT SESSION

Members agreed to hold their next session on October 11 in Oaxaca, Mexico. The Chair will be Mr. Anthony Clarke (Canada). Members also agreed to have a conference call on September 11 to monitor progress in the preparation of the next regular session of Council and on September 28 to review ministerial announcements and decisions related to special topics.

Prepared by Gilles Lamoureux
August 31, 1995

ALTERNATE REPRESENTATIVES SESSION 95-3
Montreal, August 24-25, 1995

PROVISIONAL AGENDA
(revised Aug. 21, 1995)

CHAIR: J.L. Samaniego (Mexico)

August 24

11:00:	Opening Remarks Approval of Agenda Report of Executive Director
11:30	Joint Session with JPAC Members
12:30	Lunch at CEC with JPAC Members
14:00	Special Topics - Announcements or presentations for next Council Session Citizen Guidelines on Factual Submissions Annual Report 1996 Program and Budget
17:30	Reception - Inauguration of Resource and Public Information Center
Evening	Open

ALTERNATE REPRESENTATIVES SESSION 95-3
Montreal, August 24-25, 1995

PROVISIONAL AGENDA
(revised Aug. 21, 1995)

August 25

9:00 - 13:00

Other Matters

- Approval of Record of Discussion of Session 95-2
- 1994 External Audit
- Contributions
- Income Taxes and Headquarters Agreement
- Memorandum of Understanding with Business and Industry International Councils

Preparation of next Regular Session of Council

Next Session of Alternate Representatives

13:00

Adjournment

Alternate Representatives Session 95-3

Montreal, Canada, August 23-25 1995

List of Participants
(revised Aug. 25, 1995)

CANADA

Alternate Representative	Clarke, H. Anthony
GSC Representative	Bowcott, Andy
	Calder, Bill
	Cronin-Cossette, Ann
	Langlois, Denis
	Moore, Jennifer
	Younie, Doug

MEXICO

Alternate Representative	Samaniego, José Luis
GSC Representative	Aguilar, Mario
	Cabrera, Javier
	Ickowicz, Cynthia
	Palafox, Jaime
	Rosales, Jesús

UNITED STATES

Alternate Representative	Nitze, William
GSC Representative	Pistor, William S.
	Cohen, Larry
	Fleek, Susan
	Wilson, Serena

OBSERVERS

Environment Canada	Boutet, Jean
Environment Canada	Saucier, Richard
Interior Department (US)	Smith, Gare
Environment Canada	Young, Lori