



**COUNCIL SESSION 95-5
December 12-13, 1995**

Summary Record

Designated Alternate Representatives of Council met in Montreal on December 12-13, 1995 for a special session. The agenda and the list of delegates will be found as Annexes "A" and "B" respectively. Discussion of *Revenue Generation*, was added under Agenda item 10 *Other Matters*. Mr. Anthony Clarke (Canada) chaired the meeting.

EXECUTIVE DIRECTOR'S REMARKS

In his remarks, the Executive Director indicated that from the Secretariat's perspective and the comments received from the public, the Council's regular session at Oaxaca was a success and demonstrated the great potential for regional cooperation. He recalled that the Secretariat had initiated an internal discussion on the lessons learned in an effort to improve the conduct of the next Regular Session of Council being planned for April 1996 and invited the Parties to share with the Secretariat their own evaluation of the Oaxaca regular session. He concluded his remarks by indicating the importance for the Council representatives to conclude discussions and approve the immediate implementation of those elements of the 1996 Program and Budget that are not controversial or that are related to the decisions made at the Oaxaca session.

IMPLEMENTATION OF THE 1995 PROGRAM

The Executive Director introduced this subject as a new regular item proposed by the Secretariat. The item will allow the Secretariat to present a general update on program implementation, identify projects in need of discussions by the Parties and will allow for the monitoring of progress of those projects related to specific decisions made by Council at its regular session.

The Directors reviewed the status of the projects according to their stage of implementation including those that will not be implemented as part of the 1995 Program: 95.22.02 *Environmental Laboratory Cooperation*; 95.2.03 *Private Sector Participation in Management of Protected Areas*; 95.02-01 *Fish By Catch*. For its part, Project; 95.2.02 *GAP Analysis and Conservation Status Assessment* has been approved and will be done in 1996.

Project 95.16.05 *Facilitating North American Cooperation on Reducing Greenhouse Gas Emissions Through Joint Implementation* was the object of a discussion on the concerns of government representatives relating to the delay in the preparation of pre-feasibility studies of pilot projects. Canada and the United States agreed to discuss this matter bilaterally with a view

to clear the issue within 60 days and confirm the expectations in light of the resolution adopted at Oaxaca.

Action: Canada/United States

Council representatives discussed ways and opportunities for the private sector to be involved in the activities of the CEC other than through participation in expert groups and membership on JPAC and NACs. They recognized the need for the Parties to ensure business involvement in their preparatory discussions and consultations.

Action: Parties

A preliminary discussion on the disposition of the unused funds from the 1995 budget took place. While possibilities for the use of the funds were identified, Council representatives were also conscious that the rolling over of funds at the end of a financial year has policy implications. The final resolution of this issue was deferred to the next conference call.

Action: Parties

Council representatives agreed on the usefulness of this new regular agenda item. In addition, teleconferences could be arranged when the implementation of a project requires the urgent attention of the Council. It was agreed that a year-end report, which would provide for each project the detailed outputs/results and financial data, would be prepared prior to the next regular session of Council.

Action: Secretariat

1995 REGULAR SESSION OF COUNCIL

Council representatives discussed follow-up actions to the Oaxaca regular session of Council and exchanged views on lessons learned so as to make adjustments in preparation for the next regular session. A number of modifications to the draft Summary Record were suggested and the Secretary, in consultation with the Parties, will arrange for the resolution of those modifications that remain outstanding.

Action: Secretary

The resolutions adopted at Oaxaca have been signed by Secretary J. Carabias. The Secretariat will arrange for the signing process to continue in sequence with Administrator C. Browner from the United States and Minister S. Copps from Canada.

Action: Secretariat

Council representatives discussed outstanding matters. The legal ad hoc group reported that the text of the *Guidelines for Submission on Enforcement Matters* had been finalized. The drafting of a resolution on NAFTA expansion was deferred to a future meeting.

Action: Parties

An exchange of views took place on the main observations and lessons learned at the session. The Executive Director highlighted the main points in his November 15 memo on this matter. The main conclusions were that:

- a) Document management must be improved;
- b) Expectations concerning the substantive agenda must be made clear early in the planning process;
- c) Key milestones and dates must be agreed to with a view to finalize the agenda at least one month prior to the session;
- d) While the Alternate Representatives will retain overall coordination of the regular session, a *Drafting Group* will be put in place during the session to review all documents requiring the approval of Ministers;
- e) Legal review of documents for approval by Ministers will be integrated in the preparatory process leading up to the session so as to minimize modifications at the time of the session;
- f) The sequencing of the meetings with the media and the public will be adjusted so as to reflect the suggestions received from members of JPAC and participants;
- g) The discussion on the issue of financial assistance to participants of the public meeting was deferred to a future meeting.

Action: Secretariat/Parties

1996 REGULAR SESSION OF COUNCIL

Building on the previous agenda item, Council representatives had an initial discussion on the planning of the 1996 Regular Session of Council to be hosted by Canada and tentatively planned for the fourth week of April. Based on a presentation made by the Canadian delegation they concluded that:

- a) Subject to ministerial concurrence, the dates for the Regular Session will be April 24-25, 1996 with the Ministers meeting on April 24-25; JPAC meeting on April 23-24 and the public meeting taking place on April 24;

Action: Parties

- b) The theme of the Session remains to be confirmed but could center around *Building a North American Community*;

Action: Parties

- c) Tentative announcements identified during the discussion will be refined by the Secretariat in time for the next teleconference;

Action: Secretariat

- d) Canada will continue to examine the possibility of organizing side events or exhibitions on such matters as *Energy Efficiency; Sustainable Communities; Greening of Governments...*;

Action: Canada

- e) In collaboration with the Secretariat, Canada will refine its proposal for the overall program of the session in time for the next teleconference;

Action: Canada/Secretariat

- f) The planning of the public meeting will be discussed at the time of the next teleconference;

Action: Parties

- g) The identification of key milestones and dates in the planning of the session has been deferred to the next teleconference;

Action: Parties**1996 PROGRAM AND BUDGET**

This agenda item allowed for a detailed presentation and discussion of the 1996 Program and Budget proposed by the Executive Director. JPAC Advice #95-8 on the Executive Director's proposal was also considered. With a view to minimize implementation delays and pending final approval of the Program, Council representatives authorized the Secretariat to proceed with the implementation of the 1996 Program with the following limitations:

- a) Projects 96.01-02 *Biodiversity Inventory and Monitoring in North American Shared Forest Ecosystem* and 95.01-05 *Cooperation on Biodiversity Cooperation* will be combined and re-focused; minor adjustments will be done to the description of projects 96.02-01 *Sound Management of Chemicals* and 96.02-02 *North American Pollutant Release Inventory*;
- b) Project 96.03-02 *North American Cooperation on Climate Change* was approved and Canada and US agreed to resolve outstanding issues;
- c) Project 96.05-02 *Promoting Compatibility of Standards to Protect the Environment and Avoid Trade Disputes* will be redefined and reviewed again at the time of the next teleconference;
- d) Project 96.05-03 *Cooperation on International Issues* will not have a project status but rather be conducted as part of the responsibilities of the Executive Director;
- e) Part #4 of Project 96.08-02 *Reciprocal Access to Courts* will be deleted;

Action: Secretariat

A new project relating to the role of the private sector in the management of protected areas will be developed by the Secretariat. Canada offered to develop project proposals relating to the greening of governments and economic instruments and emissions trading. New project proposals will be discussed at the time of the next teleconference.

Action: Secretariat/Canada

Council representatives considered the budget requirement for the operation of the JPAC and concluded that an initial level of \$US 120 K should be allocated with the possibility for adjustments as specific mandates are given by Council. Council representatives also requested that the Executive Director suggest budgetary adjustments so as to reflect the decisions taken above within the approved budgetary envelope.

Action: Secretariat

REMARKS BY THE CHAIR OF JPAC

In his remarks, Mr. Jacques Gérin, Chair of JPAC, reported on the December 7-8 Session of the Committee in which most of the agenda was related to the three specific mandates received from Council on October 13. More specifically, the Chair of JPAC highlighted the advices to Council that resulted from the Committee deliberations, namely:

- a) Advice # 95-6 on the *North American Environment Fund*;
- b) Advice # 95-7 on the *Silva Reservoir*;
- c) Advice # 95-8 on the *1996 Program and Budget*.

The Chair of JPAC informed Council representatives that in accordance with the procedure agreed to in January 1995, Mr. Jonathan Plaut, an American member, will become the Committee Chairperson for a one-year term commencing January 1, 1996. Council representatives congratulated Mr. Plaut and thanked Mr. Gérin for his commitment and personal contribution to key dossiers of the Commission during his tenure as the first Chairperson of the Committee.

SILVA RESERVOIR REPORT

Council representatives received Advice #95-7 from JPAC on the Silva Reservoir and through which the Committee essentially endorses the recommendations formulated by the Panel and the Secretariat in the *Report on the Migratory Bird Mortality of 1994-95 at the Silva Reservoir*. The discussion of this item was deferred to the next teleconference.

Action: Secretary

NORTH AMERICAN ENVIRONMENT FUND

Council representatives received and considered Advice #95-6 from JPAC on the establishment of the North American Environment Fund (NAEF). Council accepted the recommendation that the administrative costs for the Fund be taken from the core operating budget of the CEC thus allowing the full \$CDN 2 Million allocation to be used for grants. With respect to the portion of resolution #95-9 establishing the Fund that refers to the Fund as being expended equally in the three countries, Council interprets that statement as an objective to reach over a period of time. Council concluded its discussion by requesting that, based on the Advice of JPAC, the Executive Director prepare a program submission including financial considerations for the approval of Council at the time of the next teleconference.

Action: Secretariat

OTHER MATTERS

All items under this agenda item were deferred to the next teleconference.

Action: Secretary

NEXT SESSION

Members agreed to hold their next session through a teleconference on January 18, 1996 subject to confirmation.

Prepared by Gilles Lamoureux
January 8, 1996

COUNCIL SESSION 95-5

to be held on Tuesday, December 12 starting at 10:00 AM and continuing on
Wednesday, December 13 until 1:00 PM, at the Secretariat of the CEC, Montreal

FINAL ANNOTATED AGENDA

CHAIR: Anthony Clarke (Canada)

Tuesday, December 12, 10:00

1. Approval of Agenda
2. Remarks by the Executive Director
3. Update by the Secretariat on the 1995 Program Implementation
4. 1995 Regular Session of Council
5. 1996 Program and Budget
6. Remarks by the Chair of JPAC

Evening Private Dinner

Wednesday, December 13, 9:00

7. Silva Reservoir Report
8. North American Environment Fund
9. 1996 Regular Session of Council
10. Other Matters
11. Next Session

COUNCIL SESSION 95-05**ANNOTATIONS****Item 2 Remarks by the Executive Director**

The Executive Director will highlight key activities and initiatives of the Secretariat.

ACTION: For information

DOCUMENTS: none

Item 3 Update by the Secretariat on the 1995 Program Implementation

A new regular item proposed by the Secretariat. The Executive Director, assisted by the two Directors, will highlight progress and key matters relating to the implementation of the 1995 Program. Matters requiring discussion will be identified.

ACTIONS: For information and discussion of those issues in need of clarification or decisions

DOCUMENTS: none

Item 4 1995 Regular Session of Council

This item is to review follow-up actions to the Oaxaca meeting, including: the approval of the Summary Record (forwarded to Parties on November 6, 1995); the status of the signing of Resolutions and the status of those issues not on the current session agenda such as: a resolution on NAFTA Expansion; the Guidelines for Submission on Enforcement Matters; etc. Members will discuss observations and lessons in planning regular sessions (See memo dated November 15, from Executive Director on this subject).

ACTIONS:

1. Approval of Summary Record
2. Timeframe and process for ratification of Resolutions by the Ministers
3. Discussion of Outstanding Matters
4. Discussion of key observations and lessons in planning regular sessions

DOCUMENTS:

- Draft Summary Record
- Oct. 27, 1995 memo from Secretary to Council re: Oct. 13, 1995 Council Resolutions
- Nov. 15, 1995 memo from Executive Director on Initial Observation on the Oaxaca Council Meeting

Item 6 Remarks by the Chair of JPAC

The Chairperson will report on JPAC activities since the Oaxaca Session of Council and more particularly on the December 7-8 Session of JPAC.

ACTION: For information

DOCUMENTS: none

Private Dinner

The principals, the Executive Director and the Chair of JPAC will join for a private planning discussion.

Item 7 Silva Reservoir Report

This item is to review JPAC's advice (to be developed at the upcoming JPAC Session on December 7-8) and to discuss follow-up actions.

ACTION: Decision on the Secretariat's report

DOCUMENTS:

- Silva Reservoir Report
- Regular Session Draft Summary Record, p. 3

Item 8 North American Environment Fund

This item is to review JPAC's advice (to be developed at the upcoming JPAC Session on December 7-8) on funding criteria, discuss other relevant matters and agree on follow-up actions.

ACTION: Discussion and approval of criteria, identification of follow-up actions

DOCUMENTS:

- October 13, 1995 Resolution re: Creation of the North American Environment Fund
- Regular Session Draft Summary Record, p. 3

Item 9 1996 Regular Session of Council

This item is to initiate discussion on the preparation of the next regular session of Council. JPAC will have had a similar discussion at their December 7-8. The Secretariat, in consultation with Canada (Host) will provide initial suggestions on the program, agenda and a planning calendar. Council could give consideration to the creation of a Session Coordinating Committee.

ACTION: Discussion of:

Tentative dates

Generic Program including public portion of the session

Key agenda items

Planning Calendar

Session Coordinating Committee responsibilities and membership

DOCUMENTS:

- Nov. 15, 1995 memo from Executive Director re: Initial Observation on the Oaxaca Council Meeting

Item 10 Other Matters

This item allows for a review and decisions on a number of non program related matters including outstanding items from previous sessions. At this time the following items are identified:

1. 1995 Contributions: outstanding payments (Canada and Mexico)
2. 1996 Contributions: schedule of payments (all Parties)

3. Tax Reimbursement Agreement with the USA (USA)
4. 1994 External Audit: progress report (Secretariat)
5. Headquarters Agreement with Canada (Canada)
6. Agreement with Quebec (Canada)
7. Privileges and Immunities (Secretariat; Parties)
8. Annual Report (Secretariat)
9. North American Agreement on Environmental Cooperation - linguistic accuracy amongst the three languages
10. Revenue generation

ACTION: Progress report; discussion and identification of follow-up actions

DOCUMENTS:

- | | |
|-------------|--|
| Item 1 | Nov. 23, 1995 memo from Executive Director re: Payment of 1996 contributions |
| Item 2 | Resolution 94-2: Funding of the Commission |
| Item 4 | October 2, 1995 memo from Executive Director re: 1994 External Audit |
| Item 7 | Nov. 8, 1995 memo from Executive Director re: Privileges and Immunities |
| Item 8 | 1995 Regular Session Draft Summary Record, p. 4 |
| Item 9 | Document to come |
| Other items | no document |

Item 11 Next Session

This item is to allow a discussion of the merit of establishing a calendar of sessions for 1996. Council could also consider a modification to the chairing formula of the Alternate Representative Sessions whereby the session would be chaired by the host country of the annual next regular session of Council.

ACTION: Discussion of:

1996 session calendar

dates/ key agenda items of the next session

Chairing formula

DOCUMENTS: none

Council Session 95-5

Montreal, Canada, December 12 - 13, 1995

List of Participants
(revised December 12, 1995)

CANADA

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

MEXICO

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

UNITED STATES

Alternate Representative Nitze, William
Cohen, Lawrence
Rowley, Ann
Wilson, Serena