

SESSION 02-04 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met via conference call on 13 June 2002. Ms. Norine Smith (Canada) chaired the meeting. Ms. Judith Ayres and Ms. Olga Ojeda represented the United States and Mexico, respectively. Mr. Jonathan Plaut represented the Joint Public Advisory Committee (JPAC) and Ms. Janine Ferretti, CEC Executive Director, represented the Secretariat. Ms. Julie-Anne Bellefleur, Council Secretary, acted as secretary for the session. Other officials of the Parties and the Secretariat were also in attendance.

Item 1 Adoption of the agenda

The Alternate Representatives adopted the agenda based on the provisional agenda (Annex A).

Item 2 Report by the Executive Director

The Executive Director informed the Council that, in response to a request initiated by a group of indigenous communities and NGOs from Mexico, the Secretariat would be developing a report to Council, pursuant to Article 13 of NAAEC, relating to the potential effects of transgenic corn on traditional varieties. She also reported on a second request calling for an environmental impact assessment of the proposed Lake Texcoco area airport project, indicating that the Secretariat had declined this request, as it deemed the issue to be beyond the scope of the Secretariat's capabilities. She further informed the Alternate Representatives that the Secretariat was currently reviewing a third request for an Article 13 study relating to forestry practices in Mexico and the United States.

In closing, the Executive Director drew the attention of the Alternate Representatives to potential questions that could flow from the JPAC Session on Chapter 11, to be held in parallel to the Council Session, and which could also be raised during the public portion of the Council Session.

Item 3 Report by the Chair of JPAC

The JPAC Chair reiterated the JPAC's invitation for the Parties to attend the various JPAC sessions scheduled in the context of the Council Session. The Alternate Representatives assured JPAC that representatives from the three Parties, who share a keen interest on the issues to be discussed, would do so.

Referring to the guidance from Council to be provided to JPAC during the second portion of their joint session, the JPAC Chair put forward two potential issues that Council might wish to refer to JPAC for possible work: i) using the scoping document on freshwater—currently under

development by the Secretariat, JPAC could examine areas where freshwater issues may be incorporated throughout the CEC's 2003–2005 Program Plan; ii) recognizing the ever important role of private sector financing, the JPAC Chair suggested that its use in support of sustainable development could be another potential area for exploration by JPAC.

Finally, recalling the advisory role played in the past by the JPAC Chair in the selection of an Executive Director, he indicated that JPAC looked forward to being represented again in the upcoming process, as expressed in his letter of 9 May 2002.

Item 4 2002 Regular Session of the Council

The Alternate Representatives commended the General Standing Committee for the progress made on the various outstanding issues of the Council's agenda, and noted that no substantive issues warranted the attention of the Alternate Representatives during this call.

The Alternate Representatives exchanged views on logistics for the various functions to be held in the context of the Council session, including the Monarch Exhibit ceremony.

The JPAC Chair noted that JPAC was still awaiting a response to its revised wording of the recommendation on the monitoring and follow-up issue of the JPAC Lessons Learned Report on Articles 14 and 15. The Alternate Representatives assured JPAC that a reply was forthcoming and that it would be conveyed to JPAC prior to the Council Session.

Item 5 Rules of Employment

The Alternate Representatives agreed to amend the Rules of Employment by adding a new rule 4.3 relating to the appointment of an Acting Executive Director, under the common understanding that:

- Council can only name an Acting Executive Director in exceptional circumstances where the position of Executive Director is vacant or the Executive Director is himself/herself unable to appoint a member of staff to serve on his or her behalf pursuant to Rule 4.2;
- Once Council chooses an Executive Director, the position of Acting Executive Director is immediately terminated and the person so designated will return to his/her original functions or other functions that the new Executive Director may decide to assign;
- Similarly, once the Executive Director is again able to execute his or her duties, the position of Acting Executive Director will be immediately terminated and the person so designated will return to his/her original functions or other functions that the Executive Director may decide to assign.
- Rule 4.3 aims at dealing with an exceptional situation and will not be used to create any permanent position within the Secretariat.

The Alternate Representatives concurred with the following text of the new Rule 4.3, as read by the Canadian representative.

“In the event the position of Executive Director is vacant, or the Executive Director is unable to appoint a member of staff to serve on his or her behalf pursuant to Rule 4.2, the Council shall designate a member of staff to serve as Acting Executive Director.”

Item 6 Other issues

No other issues were discussed.

Item 7 Next session of Alternate Representatives

The Alternate Representatives agreed to meet in the afternoon of June 17, following the GSC meeting scheduled earlier the same day, in order to finalize the draft Council resolutions and communiqué.

Item 8 Closure of the session

The Chairperson closed the session.

**SESSION 02-04 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held via conference call on
Thursday, June 13 from 4:00 to 5:00 PM, Eastern time
(3:00 to 4:00 PM, Mexico time)

Chair: Canada

- Item 1 Adoption of the agenda
- Item 2 Report by the Executive Director
- Item 3 Report by the Chair of JPAC
- Item 4 2002 Regular Session of the Council
- Item 5 Rules of Employment
- Item 6 Other issues
- Item 7 Next session of Alternate Representatives
- Item 8 Closure of the session

SESSION 02-04 OF ALTERNATE REPRESENTATIVES ANNOTATIONS TO THE AGENDA

Item 1 Adoption of the agenda

The Council shall adopt the agenda.

DOCUMENTS:

- a) Draft annotated agenda (distributed 12-06-2002) C.01/02-04/AGEN/01/Rev.1

Item 2 Report of the Executive Director

The Executive Director will briefly address the Council on Secretariat activities and matters requiring their attention.

DOCUMENTS: No document

Item 3 Report by the Chair of JPAC

Under this item the JPAC Chair will provide an update to the Alternate Representatives on the JPAC activities.

DOCUMENTS:

- a) Letter from the JPAC Chair dated 15 May 2002 to Alternate Representatives re: JPAC meetings in June 2002 and Council Session in 2003 in the United States (distributed 15-05-2002)
b) Letter from the JPAC Chair dated 9 May 2002 to Alternate Representatives re: new Executive Director (distributed 9-05-2002)

Item 4 2002 Regular Session of the Council

The Alternate Representatives are invited to address any outstanding issues of the provisional annotated agenda for the Council Session.

The Alternate Representatives may also wish to review the draft session communiqué.

DOCUMENTS:

- a) Provisional annotated agenda (distributed 12-06-2002) C/02-00/AGEN/01/Rev.8
b) Draft Session Communiqué (distributed 12-06-2002)
c) General Program for the 2002 Council Session and side events (distributed 11-06-2002) C/02-00/PROG/01/Rev.6

Item 5 Rules of Employment

The Alternate Representatives are expected to discuss and approve, as appropriate, amendments to the CEC's Rules of Employment.

DOCUMENTS:

- a) Amended version of CEC's Rules of Employment.

Item 6 Other issues

Item 7 Next session of Alternate Representatives

The Alternate Representatives are invited to confirm the date of their next session to be held in Ottawa on 17 June 2002

DOCUMENTS:

- b) Schedule of sessions of Alternate Representatives for 2002 (distributed 10-05-2002)
C/C.01/02-01/PLAN/01/Rev.2

Item 7 Closure of the session

The Chairperson is expected to close the session.