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**1995 REGULAR SESSION OF COUNCIL**  
In-Camera Session

**Oaxaca, Mexico. - Friday, October 13, 1995**

**Summary Record**

Council held its 1995 regular session in Oaxaca, Mexico on October 13, 1995. Secretary Julia Carabias of the United States of Mexico chaired the meeting while Administrator Carol Browner and Minister Sheila Copps represented the United States of America and Canada respectively. The list of delegates will be found as Annex "A".

The agenda was modified to allow time for the Council members to meet briefly with the public and report on the in-camera session before the main press conference. One item was added to the agenda: *The North American Environment Fund*. The final agenda will be found as Annex "B".

**REMARKS BY EXECUTIVE DIRECTOR**

In his remarks the Executive Director reported that, during 1995, the Secretariat installed the infrastructure necessary to operate, contracted a talented trilateral staff, implemented policies and procedures for internal and administrative efficiency, established support for the Council and the Joint Public Advisory Committee (JPAC), and progressed in terms of concrete results in different areas of the work program.

He also observed on the tendencies that are shared by all three countries concerning the neglecting of the relationship between trade and environment, the pressure to reduce environmental standards and the responsibilities of the state in environmental law enforcement. In this context, he invited Council to establish a solid leadership since the Commission can play an important role in responding to public expectations, propelling regional cooperation to a higher level of efficiency and commitment and ensuring that the interaction between our economies is carried out in a sustainable manner.

**REVIEW OF COOPERATIVE ACCOMPLISHMENTS**

Council reviewed the progress made in implementing the North American Agreement on Environmental Cooperation (NAAEC) in the areas listed below and took the actions identified under each topic.

- a) **Reducing Risk to Human Health:** Council approved resolution 95-5 (Annex "C") on the Sound Management of Chemicals thereby committing the Parties to work cooperatively on pollutants including the development of joint action plans for the sound management PCBs and 3 additional substances, which will include at least one heavy metal and which will be selected by January 15, 1996.

Council affirmed the continuation of the development of North American pollutants release inventory information for an annual report on pollutant releases to the North American environment. Council further decided to achieve harmonized methods to allow for the comparison of information contained in the individual pollutants release inventories in the region. Council also decided to establish an Intergovernmental Working Group to steer the project and develop the content of the summary report.

- b) **North American Cooperation on Climate Change:** Through resolution 95-6 (Annex "D") Council committed to cooperate on reducing green gas emissions and in particular to advance joint implementation. Council also approved the creation and terms of reference (Annex "E") of an Intergovernmental Working Group to provide a forum for the exchange of information and discussion of policies among the Parties.

- c) **Habitat Protection.** Council reviewed progress made in the preparation of a set of ecosystem maps representing ecoregions of North America and which were unveiled later at the main press conference.

Council also considered and approved a proposal to cooperate on the protection of migratory song birds. More specifically Council concurred with a program to identify the important bird areas for migratory song birds and to develop an inventory of existing laws, policies and programs for the conservation of song birds in North America. The level of funding for this initiative will be the object of further discussions by the Alternate Representatives.

The Council agreed to further emphasize biodiversity issues in the 1996 work program, and responded favorably to a project on the marine ecosystem.

- d) **North American Green Lane on the Information Highway:** Council reviewed the progress in a number of initiatives related to the dissemination of environmental information via electronic means including: the recent opening of the CEC Information Center, the launching of the CEC Homepage on the WorldWideWeb on Internet, the new comparative environmental law database and the computer access to environmental information at the North American Center for Environmental Information and Communication (CICEANA).

- e) **Transboundary Impact Assessment:** Council reviewed progress made in reaching agreement on transboundary impact assessment as required under Article 10:7 of the Agreement. Through resolution 95-7 (Annex "F") Council endorsed a set of Transboundary Impact Overarching Principles (Annex "G").

- f) **Public Access to Information:** Council approved resolution 95-8 (Annex "H") committing the Parties to undertake a series of initiatives designed to promote access to environmental information.

## **COOPERATIVE OPPORTUNITIES**

Members of Council exchanged views on the potential for cooperative initiatives under the CEC on specific issues currently on the global and regional environmental agenda. Members focused on the importance of the environmental considerations, more specifically on the requirement for a country wanting to accede to NAFTA to ratify NAAEC at the same occasion. To this effect and building on Advice 95-1 received from JPAC (Annex "I"), Council members instructed the Alternate Representatives to develop and present them with a formal resolution for their approval.

## **SILVA RESERVOIR REPORT**

The Executive Director tabled the Secretariat report on the Silva Reservoir, the first report prepared under Article 13 of the Agreement. Members of Council decided to make public immediately the Secretariat report including the report from the panel of experts; mandated JPAC to review the report to Council and to formulate advice to the Council within 90 days.

## **1996 PROGRAM FRAMEWORK**

Council discussed a Secretariat proposal to adopt a strategic framework for the development of the 1996 Program and Budget and those of subsequent years. After consideration, Council concluded that, although they agreed with the concept of a multiyear strategic framework, particular efforts should be made to reduce the number of strategic thrusts and limit the number of projects in the 1996 Program and Budget proposal.

In a more specific sense, Council agreed to a proposal to create a \$ CAN 2 million North American Environment Fund (NAEF) and adopted resolution 95-9 (Annex "J") to this effect.

## **CITIZEN GUIDELINES ON ENFORCEMENT MATTERS**

Through the adoption of resolution 95-10 (Annex "K") and subject to a final verification between each of the versions corresponding to the three languages, Council approved for release the "Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation".

## **ANNUAL REPORT**

Council approved a Secretariat proposal on the contents, format and calendar for the preparation of the first CEC Annual Report with a view to print the report in the first quarter of 1996.

## **1996 CONTRIBUTION LEVEL**

Through the adoption of resolution 95-11 (Annex "L") Council approved a contribution level of \$ US 9 million for financial year 1996 to be shared equally by the three Parties.

**GUIDANCE TO JPAC**

In the preparatory discussion for the session with members of JPAC, Council acknowledged the contribution and value of the Committee and considered specific mandates that could be undertaken by JPAC. Council concluded that decisions taken in respect to preceding agenda items should constitute the core mandate for the Committee in the next few months. More specifically, Council will be seeking the advice of JPAC on:

- Recommendations as to follow up on the Silva Reservoir;
- The focus of the 1996 Program; and,
- The criteria to use the North American Environment Fund.

**NEXT REGULAR SESSION OF COUNCIL**

Council accepted a proposal by Canada to institute a spring annual regular session which should coincide, to the extent possible, with Earth Day (April 22). Canada offered, and Council accepted, to host the 1996 Regular Session in Hamilton, Canada.

**MISCELLANEOUS**

The member from Canada announced that the province of Alberta has been the first province to ratify the Agreement and tabled a statement from the Alberta Minister of Environmental Protection (Annex "M").

**1995 REGULAR SESSION OF COUNCIL**

Oaxaca, Mexico, Friday October 13, 1995

**CANADIAN DELEGATION**

**COUNCIL**

The Honourable Sheila COPPS, Deputy Prime Minister of Canada and Minister of Environment  
Mr. H. Anthony CLARKE, Assistant Deputy Minister, Environmental Protection Service

**OFFICE OF THE MINISTER**

Mr. Jean BOUTET, Advisor to the Minister of Environment  
Mr. Duncan DEE, Press Attaché to the Minister of Environment

**DELEGATION**

BOWCOTT, Andy (Environment Canada)  
CÔTÉ, Louise (Foreign Affairs and International Trade)  
LANGLOIS, Denis (Foreign Affairs and International Trade)  
LEBLANC, Jean-Benoît (Embassy of Canada in México)  
PERRON, Marc (Embassy of Canada in México)  
SMALL, Michael (Embassy of Canada in México)  
ST-PIERRE, Danièle (Environment Canada)  
YOUNG, Lori (Environment Canada)  
YOUNIE, Doug (Alberta Environmental Protection)

**1995 REGULAR SESSION OF COUNCIL**

Oaxaca, Mexico, Friday October 13, 1995

**UNITED STATES DELEGATION**

**COUNCIL**

Mrs. Carol BROWNER, Administrator, Environmental Protection Agency

Mr. William NITZE, Assistant Administrator, Environmental Protection Agency

**DELEGATION**

COHEN, Lawrence (Department of State)

FLEEK, Susanne (Department of Interior)

JONES, James ((US Embassy, Mexico)

MANZANILLA, Enrique (US Embassy, Mexico)

MEER, Ahmed (US Embassy, Mexico)

NEUWIRTH, Laura (Trade Representatives' Office)

PISTOR, William S. (Environmental Protection Agency)

ROWLEY, Anne (Environmental Protection Agency)

RIEFF, Susanne (Department of Interior)

WHELAN, Patrick (Environmental Protection Agency)

WILSON, Serena (Department of Commerce, NOAA)

**1995 REGULAR SESSION OF COUNCIL**

Oaxaca, Mexico, Friday October 13, 1995

**MEXICAN DELEGATION**

**COUNCIL**

Mtra Julia CARABIAS LILLO, Secretaria de Medio Ambiente, Recursos Naturales y Pesca

Lic. José Luis SAMANIEGO LEYVA, Coordinador de Asuntos Internacionales, SEMARNAP

**DELEGATION**

PROVENCIO DURAZO, Enrique, Subsecretario

AGUILAR SÁNCHEZ, Mario (SEMARNAP, Washington, D.C.)

AZUELA DE LA CUEVA, Antonio (Procuraduría Federal de Protección al Ambiente)

CABRERA BRAVO, Javier (Procuraduría Federal de Protección al Ambiente)

CALDERÓN BARTHENEUF, José Luis (Procuraduría Federal de Protección al Ambiente)

DAVID GIDI, Alfredo Fuad (Procuraduría Federal de Protección al Ambiente)

DE LA MAZA ELVIRA, Javier (Instituto Nacional de Ecología)

GINER DE LOS RIOS, Francisco (Instituto Nacional de Ecología)

GÓMEZ, Mario (Instituto Nacional de Ecología)

GUZMÁN SANDOVAL, Hugo (SEMARNAP)

MUNGUÍA A., Norma (SEMARNAP)

QUADRI DE LA TORRE, Gabriel (Instituto Nacional de Ecología)

RAMÍREZ NAVARO, Victor (Procuraduría Federal de Protección al Ambiente)

SÁNCHEZ GÓMEZ, Jorge (Instituto Nacional de Ecología)

VALDÉS ALCÁNTARA, Gloria María (SEMARNAP)

**1995 REGULAR SESSION OF COUNCIL**

Oaxaca, Mexico, Friday October 13, 1995

**SECRETARIAT OF THE CEC**

LICHTINGER, Victor (Executive Director)

LAMOUREUX, Gilles (Secretary to Council and JPAC)

BLOCK, Greg (Director)

FERRETTI, Janine (Director)

PEPIN, Manon (Special Projects Officer)

VINCENT, Rachel (Coordinator, Communications)

BUGEDA, Beatriz (Liaison Officer, Mexico)

BELLEFLEUR, Julie-Anne -(Assistant, Council and JPAC Support)

CASTELLO, Corrie (Assistant, Communications / Publications)

PINSONNEAULT, Luc (Assistant, Logistics)

ALVAREZ, Veronica (Assistant, Liaison Officer, Mexico)



**1995 REGULAR SESSION OF COUNCIL**

Oaxaca, Mexico, Friday, October 13, 1995

Ex-Convento de Santo Domingo

FINAL AGENDA

CHAIR: Secretary J. Carabias (Mexico)

**Inauguration of the Council Session** (Biblioteca del Jardín Botánico)

(9:00 - 9:25)

**In-camera Session** (La Cocina)

(9:30 - 12:30)

Opening Remarks

Approval of Agenda

Remarks by Executive Director

Review of Cooperative Accomplishments

Other Opportunities for the CEC

- North American Contribution to Global Environmental Initiatives

Silva Reservoir Report

Strategic Program Framework

- North American Environment Fund (NAEF)

Approval of Citizen Guidelines for Submissions on Enforcement Matters

Approval of Annual Report Format

Approval of the 1996 Contribution

Guidance to JPAC

Next Regular Session

Approval of Final Communiqué

**Main Press Conference** (Auditorio)

(12:45 - 1:30)

Report by Chair on Morning Proceedings  
Unveiling of CEC WorldWideWeb Site  
Unveiling of North American Ecomaps  
Signature of Important Cooperative Initiatives  
Exchange with Media Representatives

**Working Lunch with JPAC** (La Casa de la Abuela)

(2:00 - 3:30)

Report by Chair of JPAC  
Council Guidance to JPAC  
Exchange with JPAC members

**Public Meeting** (Biblioteca del Jardín Botánico)

(3:45 - 7:30)

Remarks by Chair of Council Session  
Remarks by Executive Director  
Reports from Preparatory Session  
Presentations by Accredited Members of the Public  
Concluding Remarks by Council Members

**Informal Meetings with the Press - Optional** (Pasillos)

(7:35 - 8:00)

Oaxaca, October 13, 1995

COUNCIL RESOLUTION # 95-5

**Sound Management of Chemicals**

THE COUNCIL:

RECOGNIZING that the territories of the Parties comprise shared regional ecosystems in which the land, air, water, flora and fauna are linked and interdependent;

RECOGNIZING that transport of toxic substances across national boundaries is a major and shared concern;

NOTING WITH CONCERN that certain persistent toxic substances bioaccumulate in living organisms and have been associated with immune system dysfunction, reproductive deficits, developmental abnormalities, neurobehaviorial impairment and cancer, as well as acutely toxic and other harmful effects on human, plant, and animal health and the environment;

NOTING FURTHER that some of these harmful effects are irreversible and that remedial measures to improve degraded environments and treat pollution-associated diseases even when feasible can often place considerable strain on local, regional and national economies;

RECOGNIZING the need to assess and develop strategies for addressing new and existing chemicals in North America, throughout their life cycles, to reduce and prevent adverse effects to human health and the environment;

RECOGNIZING the important contributions that producers and/or users can make to the sound management of chemicals;

REAFFIRMING the Parties' commitment to the sound management of chemicals, as stated in *Agenda 21* and adopted at the *1992 United Nations Conference on Environment and Development*;

REAFFIRMING the Principles of the *1992 Rio Declaration*, noting in particular those Principles that have special importance for the promotion of chemical safety, including:

Principle 14, *States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe degradation or are found to be harmful to human health; and*

Principle 15, *In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific evidence shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;*

RECOGNIZING that the Intergovernmental Forum on Chemical Safety has recommended that regional cooperation and information exchange networks should be established in all regions as soon as possible;

FURTHER RECOGNIZING that this resolution should build upon existing bilateral and multilateral commitments related to the sound management of chemicals, to which at least two of the *North American Agreement on Environmental Cooperation* (NAAEC) countries are Party, including, for example, the commitments made in Article II (a) of the *Great Lakes Water Quality Agreement of 1978* (Canada-United States of America) that, “*The discharge of toxic substances in toxic amounts be prohibited and the discharge of any or all persistent toxic substances be virtually eliminated*”;

ACKNOWLEDGING the responsibility of the Council, under Article 10(5)(b) of the NAAEC to promote and, as appropriate, develop recommendations regarding appropriate limits for specific pollutants, taking into account differences in ecosystems and other responsibilities for the sound management of chemicals included under other relevant provisions of the NAAEC;

FURTHER ACKNOWLEDGING Article 10(3) of the NAAEC, which calls upon the Council to strengthen cooperation on the development and continuing improvement of environmental laws and regulations, including by: “*(a) promoting the exchange of information on criteria and methodologies used in establishing domestic environmental standards; and (b) without reducing levels of environmental protection, establishing a process for developing recommendations on greater compatibility of environmental technical regulations, standards and conformity assessment procedures in a manner consistent with the NAFTA*”;

COGNIZANT of the need to consider the unique circumstances of NAFTA Partner economies and ecosystems and to develop regional approaches for the sound management of chemicals, particularly to reduce the risks posed by persistent, toxic substances of mutual concern;

CONCLUDING that prevention of pollution and reduction of risk through cooperative actions for the sound management of chemicals, particularly of persistent, toxic substances, is both desirable and imperative in order to protect and improve the environment of North America;

COMMITTS to regional cooperation for the sound management, throughout their life cycles, of the full range of chemical substances of mutual concern including by pollution prevention, source reduction and pollution control;

DECIDES to give priority to the management and control of substances of mutual concern that are persistent and toxic beginning with the development of a regional action plan for the management and control of polychlorinated biphenyls (PCBs). Regional action plans will also be developed for a short list of three additional substances selected from among a group of substances, including the 12 persistent bioaccumulative organic chemicals identified in the recent United Nations Environment Programme Governing Council Decision 18/32 of May 1995 (see Annex I to this resolution) and certain heavy metals;

FURTHER DECIDES that regional action plans for such substances of mutual concern be developed as specified below, taking into consideration different national approaches and timetables for the sound management of chemicals in a manner that respects the different economic, political and regulatory circumstances of the Parties.

HEREBY ESTABLISHES a working group comprised of two senior officials selected by each Party whose duties pertain to the regulation or management of toxic substances, and who shall work with the Commission for Environmental Cooperation (CEC) to implement the decisions and commitments set out in this Resolution, including development of:

1. a regional action plan for the management and control of PCBs;
2. criteria for identifying additional persistent and toxic substances for regional action by November 15, 1995;
3. a regional seminar to be held in December 1995 in Mexico for discussion of ongoing actions and experiences on the matter;
4. a short list of three priority persistent and toxic substances in addition to PCBs to be developed by January 15, 1996, for which regional action plans will be prepared;
5. regional action plans covering each of the persistent and toxic substances on this short list to be submitted to the Council for approval by December 15, 1996; and
6. refined criteria for identifying persistent and toxic substances for regional action, an updated short list, and recommendations on other persistent and toxic substances to be the subject of action plans on an annual basis, beginning in 1996.

DIRECTS the working group, in addressing the above-mentioned decisions and commitments, to:

- a) develop recommendations for improving the capacity for monitoring, research and information sharing with respect to the sound management of chemicals;
- b) identify and recommend measures for improving capacity and capabilities for the sound management of chemicals, including measures relating to technical cooperation, information sharing and joint approaches;

- c) consider ways and, if practicable, develop recommendations for promoting the exchange of information on criteria and methodologies used in establishing domestic standards for the sound management of chemicals;
- d) incorporate, as appropriate, pollution prevention principles and precautionary approaches in making recommendations to reduce risk associated with toxic substances;
- e) recommend, as set out in Chapter 19 of *Agenda 21*:

*1) concerted activities to reduce risks presented by toxic chemicals, taking into account the entire life cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures, such as promotion of the use of cleaner products and technologies; emission inventories; product labeling; use limitations; economic incentives; and phasing out or banning of toxic chemicals that pose an unreasonable and otherwise unmanageable risk to the environment or human health and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled; and*

*2) policies and regulatory and non-regulatory measures to identify, and minimize exposure to, toxic chemicals by replacing them with less toxic substitutes and ultimately phasing out the chemicals that pose unreasonable and otherwise unmanageable risks to human health and the environment and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled;*

- f) coordinate activities with, avoid duplicating the efforts of, and where possible utilize the expertise of existing workgroups and other organizations whose efforts are pertinent , e. g., the *Technical Working Group on Pesticides* established under the *U.S.-Canada Free Trade Agreement*, the *Ad Hoc Working Group on Persistent Organic Pollutants (POPs)* of the *Inter Organizational Program for the Sound Management of Chemicals (IOMC)*, the *Intergovernmental Forum on Chemical Safety*, the *United Nations Economic Commission for Europe/Long Range Transport of Air Pollutants (UNECE/LRTAP) Ad Hoc Workgroups on POPs and Heavy Metals* and the *Organization for Economic Cooperation and Development (OECD) Chemicals Programme*;
- g) build upon existing bilateral and multilateral commitments related to the sound management of chemicals;
- h) encourage and provide for meaningful participation of the public, including non-governmental organizations; business and industry; provincial, state, and municipal governments; academia; and technical and policy experts in developing its recommendations;
- i) recommend measures for assessing progress with respect to action programs undertaken through this resolution;

- j) encourage complementary national approaches and timetables for the sound management of chemicals in a manner that respects the different economic, political and regulatory circumstances of the Parties.

APPROVED BY THE COUNCIL:

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

## **Annex 1 to the Council Resolution #95-5 on Sound Management of Chemicals**

List of 12 persistent organic pollutants identified in the United Nations Environment Programme Governing Council Decision 18/32 of May 1995:

1. PCBs
2. dioxins
3. furans
4. aldrin
5. dieldrin
6. DDT
7. endrin
8. chlordane
9. hexachlorobenzene
10. mirex
11. toxaphene
12. heptachlor



Oaxaca, October 13, 1995

COUNCIL RESOLUTION: #95-6

**Statement of Intent to Cooperate on Climate Change and Joint Implementation**

WHEREAS, the Government of Canada, through the Department of Environment, the Government of the United Mexican States, through the Secretariat of the Environment, Natural Resources and Fisheries, and the Government of the United States of America, through the Environmental Protection Agency, (the “Parties”), recognize that enhancing environmental protection, and, in particular, controlling greenhouse gas emissions to limit potential adverse climate change effects, would be mutually beneficial;

WHEREAS, the Parties recognize that limiting the adverse effects of climate change requires global actions, to which the Parties can make significant contribution, and the Parties have a mutual interest in working together in this area;

WHEREAS, the Parties recognize that Article 2 of the *United Nations Framework Convention on Climate Change* (the “Convention”), which the Parties all ratified, states that the ultimate objective of the Convention is to achieve stabilization of greenhouse gas<sup>1</sup> concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, and that Article 4 of the same Convention defines the nature of commitments agreed to by the Parties to that Convention, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances;

WHEREAS, the Parties will benefit from the diffusion and use of sustainable energy and greenhouse gas emission reduction and sequestration technologies and practices;

WHEREAS, the Parties recognize the potential for additional investment in environmentally, socially and economically sound development through private sector participation;

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<sup>1</sup> The *United Nations Framework Convention on Climate Change* and this document are limited to those greenhouse gasses that are not covered by the *Montreal Protocol on Substances that Deplete the Ozone Layer*.

WHEREAS, the Parties recognize that many practices and technologies that limit greenhouse gas emissions also contribute to the control of local and regional environmental problems and that verifiable, cost-effective, world-wide net greenhouse gas emission reductions may be achieved by encouraging such reductions in countries where responsive solutions are available through investment and possible financial and technical assistance from individuals and organizations in industrialized countries;

WHEREAS, the Parties have created the Commission for Environmental Cooperation (CEC) to facilitate cooperation among them on a wide range of environmental issues;

WHEREAS, the Parties recognize the decisions that were taken by the Conference of the Parties to the Convention at their meeting in Berlin, March 28 - April 7, 1995; and

WHEREAS, the Parties recognize the existence of national programs and the role of these programs in endorsing joint implementation projects based on national criteria.

**The Council declares the following:**

- I. The Parties hereby intend to facilitate cooperation on issues of mutual interest in the areas of climate change, including joint implementation by encouraging: market-oriented diffusion of greenhouse gas mitigation technologies, including energy efficiency and renewable energy technologies; education, training and information exchange programs; the reduction of greenhouse gas emissions; restoration and enhancement of carbon sinks from forests, agriculture, grazing and other lands; and environmentally sound, economic and social development.
- II. The Parties further direct the Secretariat of the CEC to facilitate cooperation among the Parties on issues of mutual interest in the area of climate change.
- III. The Parties intend that the forms of cooperation under this Statement may include the following:
  - A. Promotion of internationally recognized methodologies for national inventories and forecasts of anthropogenic emissions by sources and removals by sinks of all greenhouse gases;
  - B. Exchange of information on actions to reduce net greenhouse gas emissions;
  - C. Promotion, application and diffusion of technologies, practices and processes that mitigate net greenhouse gas emissions;
  - D. Conservation and enhancement of sinks and reservoirs, including oceans, forests and other biomass;
  - E. Adaptation to the effects of climate change;

- F. Consideration of, where appropriate, climate change factors in social, economic and environmental policies and actions;
  - G. Exchange of research and other relevant information related to the global and regional climate system with a view to reducing uncertainties regarding the intensity, rate, causes and effects of climate change, and the economic, social and environmental consequences of various response strategies;
  - H. Promotion of education, training and public awareness programs related to climate change, and encouragement of the widest possible participation in this process, including participation by non-governmental organizations.
- IV. The Parties recognize that activities implemented jointly could represent a particularly effective means to address climate change. Hence, the Parties further direct the Secretariat of the CEC to facilitate cooperation among the Parties on joint implementation under the Convention.
- V. The Parties intend that forms of cooperation on joint implementation under this Statement may include:
- A. Facilitation of inter-action among the national climate change program offices of each country;
  - B. Exchange of information on criteria for joint implementation projects, while recognizing the primary role of the national programs in establishing criteria;
  - C. Exchange of information on methodologies and mechanisms to establish procedures for determination of baselines, monitoring and external verification of net greenhouse gas emission reductions, and the tracking and attributions of such reductions, consistent with the criteria for project selection being developed by established, national joint implementation pilot programs;
  - D. Promotion of joint implementation and other sustainable development activities among the private and public sectors and non-governmental organizations, including dissemination of information about the national criteria of the Parties for joint implementation projects, and supporting technical assistance resources through workshops, conferences, and information networks;
  - E. Supporting, at international fora, the international pilot phase for joint implementation;
  - F. Designing activities and projects to be implemented in accordance with this Statement, for the purposes of:
    1. encouraging increased private sector involvement in efforts to reduce net greenhouse gas emissions, especially sustainable development and joint implementation projects;
    2. facilitating the exchange of information among governments and the private sector on joint implementation, including information on potential sources of project funding and policy frameworks needed to facilitate access to such funding sources.

VI. The Parties intend to include appropriate patent and other intellectual property rights provisions, as well as provisions to protect confidential business information, in any cooperative activities under this Statement of Intent. In particular, in the event that any activity involves access to and the sharing or transfer of technology subject to patents and other intellectual property rights, such access and sharing or transfer will be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

# **Intergovernmental Working Group on Climate Change**

## **Terms of Reference**

***Title:*** Intergovernmental Working Group on Climate Change

***Purpose:*** An informal working group to exchange views and advance cooperative actions on climate change in North America, with an initial focus on Joint Implementation.

***Relationship to CEC:*** A recognized working group of the CEC.

***Long term Workplan:***

1. Promote cooperation among the three national programs.
2. To exchange information and views on reporting and review of projects.

***Short-term Workplan:***

1. Negotiate a Draft Statement of Intent to Cooperate on climate change for consideration by the Ministers. (DONE)
2. Identification and prioritization of issues for consideration by the working group and possibly a CEC expert panel.
3. Selection of projects appropriate for pre-feasibility study by the CEC.
4. Identification of mechanisms for facilitation of future project development.(e.g.: regional workshops)
5. Design a long term agenda of cooperation on climate change for the CEC.

***Membership:*** Determined by national governments; includes representatives from the various government agencies related to climate change.

Oaxaca, October 13, 1995

COUNCIL RESOLUTION # 95-7

**Transboundary Impact Assessment Overarching Principles**

THE COUNCIL:

HEREBY ENDORSES the above-mentioned principles.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

## **TRANSBOUNDARY IMPACT ASSESSMENT OVERARCHING PRINCIPLES**

These principles are intended to inform and guide the Council as it develops more specific recommendations and considerations pursuant to Article 10(7) of the *North American Agreement on Environmental Cooperation*.

### **I. POLLUTION DOES NOT RESPECT BORDERS**

- A. As part of the same environment, States need to work together to achieve national objectives concerning conservation, environmental protection and environmental enhancement.
- B. Recognizing that environmental effects extend across borders, States should promote communication, cooperation and information sharing on projects and developments within their jurisdictions.
- C. A State which is likely to be adversely affected by an activity taking place in another State is best equipped to determine which environmental impacts are of concern to itself and its citizens and should make these known to that State.

### **II. GOOD NEIGHBORLINESS**

- A. Good neighborliness embraces Principle 2 of the *1992 Rio Declaration*.
- B. Good neighborliness embraces Article 10(7) of the *North American Agreement on Environmental Cooperation*.
- C. Good neighborliness is a willingness to cooperate with neighboring States to seek to inform a potentially affected State of relevant data and a willingness to take appropriate steps to address the legitimate concerns of those potentially impacted by the activities in another State.
- D. Good neighborliness provides a potentially affected State with the opportunity to contribute comments and information to the environmental assessment process.

### **III. RESPECT FOR NATIONAL AND SUBNATIONAL PROCESSES**

- A. Recognizing the unique circumstances giving rise to environmental impact assessment laws and practices, any new procedures or mechanisms proposed should respect the integrity of national and subnational processes and instruments.

### **IV. COST EFFECTIVENESS AND EFFICIENCY**

- A. Any procedure or mechanism developed should be efficient and cost effective, maximizing wherever possible the utilization of existing processes, structures or mechanisms.

### **V. COMPLEMENTARITY**

- A. Any procedure or mechanism developed should complement or build on successful procedures or mechanisms in place at various levels of government.

### **VI. PUBLIC PARTICIPATION**

- A. Consistent with national and subnational regimes, any mechanism or procedure developed should ensure that the public has adequate information and the opportunity to participate in a meaningful manner in such mechanisms or procedures.

Oaxaca, October 13, 1995

COUNCIL RESOLUTION: #95-8

**Public Access to Environmental Information**

The Council of the Commission for Environmental Cooperation, meeting in regular session in the city and state of Oaxaca, Mexico on this 13th day of October 1995;

In accordance with the obligations set forth in article 10(5) of the North American Agreement on Environmental Cooperation;

RECOGNIZING the responsibility of the Parties regarding public access to environmental information as stated in the *1992 Rio Declaration* and *Agenda 21*, both emanating from the United Nations' Conference on the Environment and Development;

WILLING to contribute to the improvement of the quality of environmental information and to its better and more efficient use in favor of a cleaner environment for our societies;

REAFFIRMING the importance of public participation in environmental protection;

CONVINCED of the importance of promoting access to environmental information for our societies;

WILLING to extend and consolidate our environmental and ecological cooperative programs for the benefit of present and future generations;

REAFFIRMING the sovereign right of States to establish their own environmental policies as well as mechanisms of information dissemination and access to environmental information;



HEREBY DECLARES ITS AGREEMENT:

- I- To identify present laws and practices pertaining to public access to environmental information in the three countries in accordance with the respective laws of the Parties, within the scope of work undertaken by the Commission.
- II- To implement actions and initiatives aimed at improving education and communication programs concerning environmental issues and access to environmental information in our respective nations.
- III- To explore ways of facilitating ease of access, affordability and timeliness of obtaining information to which members of the public are entitled as prescribed by domestic law.
- IV- To promote an effective and timely exchange of information among museums and biodiversity research institutions of our countries.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

ADVICE TO COUNCIL: No. 95-1

**Expansion of NAFTA**

Following on the Summit of the Americas in Miami, the Joint Public Advisory Committee (JPAC) affirms to the Council that we welcome the expansion of NAFTA to include other countries in our hemisphere and we strongly believe that Chile, and other countries wishing to join NAFTA, must commit to the same comprehensive process that led to NAFTA. More specifically, we believe that any country seeking accession to NAFTA must be required to concurrently seek accession to the North American Agreement on Environmental Cooperation (the Side Agreement) in the manner prescribed in Article 49 of the Agreement.

The Side Agreement is based on a recognition that free trade by itself will not assure protection of the environment and that standards and safeguards are necessary to ensure the mutually supporting goals of economic development and environment protection. JPAC affirms this principle as an essential part of the NAFTA process. With this in mind, JPAC will invite the Government of Chile to send an observer to its next session and recommends that Council consider doing the same.

January 23, 1995

Oaxaca, October 13, 1995

COUNCIL RESOLUTION: #95-9

**Creation of the North American Environment Fund**

THE COUNCIL:

RECOGNIZING the importance of the public's role under the *North American Agreement for Environmental Cooperation* (NAAEC) in conserving, protecting and enhancing the environment;

RECOGNIZING the unique and essential role played by local communities, local governments and non-governmental organizations in conserving, protecting and enhancing the environment and ensuring the sustainable use of natural resources and ecosystems;

DECIDES to create a North American Environment Fund (NAEF) for the year 1996, for the purpose of directly engaging the energy and imagination of the people in North America in achieving the goals and objectives of the NAAEC;

DIRECTS the Executive Director of the Secretariat to allocate an amount of 2 million Canadian dollars to the NAEF, from the unused funds of the 1995 budget and, if needed, from the 1996 budget, to be expended equally in the three countries and to be administrated by the Secretariat of the Commission for Environmental Cooperation in support of the priorities of the annual work program;

DIRECTS the Executive Director to include the NAEF as an element of the 1996 and subsequent annual programs and budgets, subject to annual Council review.

REQUESTS the advice of the Joint Public Advisory Committee in formulating proposals for the most efficient use of the NAEF.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

Oaxaca, October 13, 1995

COUNCIL RESOLUTION # 95-10

**Approval of Guidelines for Submissions on Enforcement Matters under Articles 14 and 15  
of the North American Agreement on Environmental Cooperation**

THE COUNCIL:

HEREBY APPROVES the above-mentioned guidelines.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

Oaxaca, October 13, 1995

COUNCIL RESOLUTION: #95-11

**1996 Contribution**

THE COUNCIL:

NOTING the progress achieved in the implementation of the 1995 annual program of the Commission;

HAVING CONSIDERED the 1996 annual program framework proposed by the Executive Director;

ACKNOWLEDGING the importance of sustaining key cooperative activities through an adequate level of funding;

Hereby agrees to a contribution of \$ US 9 million for financial year 1996, which is to be shared equally by the three Parties.

APPROVED BY THE COUNCIL

(S) Carol Browner

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Carol Browner  
Government of the United States of America

(S) Julia Carabias

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Julia Carabias  
Government of the United Mexican States

(S) Sergio Marchi

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Sheila Copps  
Government of Canada

MESSAGE FROM THE HONOURABLE TY LUND, MINISTER OF ALBERTA  
ENVIRONMENTAL PROTECTION

It was with great satisfaction and pride that I signed the Canadian Intergovernmental Agreement earlier this year and made Alberta the first province to participate fully in the North American Agreement on Environmental Cooperation. I was eager to take a leadership role in this process because we believe the provinces have an important role to play in international agreements. Also, we were confident that our environmental legislation fully meets the requirements established under NAAEC.

In Canada, the provinces and the federal government share responsibility for environmental regulation and enforcement. Given this shared jurisdiction, provincial participation is required to implement the NAAEC effectively in Canada. This Canadian Intergovernmental Agreement calls on the two levels of government to work together to manage Canada's implementation of the NAAEC.

Alberta signed the federal-provincial agreement in mid-August because Albertans believe in the principles of cooperative decision-making and international cooperation in environmental protection and management. As a province with a resource-based economy with strong manufacturing, processing and high technology sectors, Alberta has developed specialized environmental expertise and technology in a number of areas. In 1992 Alberta's environmental industries had estimated revenues of \$750 million, representing about 50% of all environmental business in western Canada. We look forward to sharing our information and expertise within the cooperative activities of the NAAEC.

Although my schedule did not permit me to attend the meeting of the Commission for Environmental Cooperation, I am pleased that Alberta can be represented at the table. Alberta is proud of its environmental standards and sustainable development practises and we intend to take an active role in the implementation of the NAAEC. I am confident that the other Canadian provinces and territories will soon join Alberta by signing the Canadian Intergovernmental Agreement so they too can participate fully in the North American Agreement on Environmental Cooperation.

I wish you success in these important deliberations.

October 13, 1995