

SESSION 04-03 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met in Puebla Mexico on 21 June 2004. Ms. Maria Teresa Bandala, (Mexico) chaired the meeting. Ms. Norine Smith and Mr. Jerry Clifford represented Canada and the United States, respectively. Ms. Patricia McDonald, represented the Joint Public Advisory Committee (JPAC) and Mr. William Kennedy, 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

Following welcoming remarks by the Mexican representative, as Chair of the session, the Alternate Representatives adopted the agenda based on the provisional agenda.

Item 2 Report by the Executive Director

The Executive Director briefly reported on new activities undertaken since the issuance of his May 25 progress report to Council. He commended the efforts of the Government of Mexico for the recent passage of regulations that will put into practice a mandatory and publicly accessible pollutant release and transfer register (PRTR) in Mexico. He indicated that, further to the recent agreement by the three governments on an initial set of grasslands species of common conservation concern—namely, the Black Tailed Prairie Dog, the Ferruginous Hawk and the Burrowing Owl—the CEC would be hosting a trilateral meeting of experts in the course of the summer to develop the North American Conservation Action Plan for each species. He informed the Alternate Representatives of the recent approval by the Global Environment Facility of a US\$500,000 grant to Mexico for the implementation of its National Implementation Plan for which the Secretariat will be acting as the Executing Agency. In closing, he congratulated the Parties for their progress on the drafting of the Puebla Declaration and indicated that he looked forward to working with them in making the declaration a reality.

Item 3 Report by the JPAC Chair

The JPAC representative provided a brief report on recent activities of the JPAC. Referring to the Secretariat's Article 13 report on Maize and Biodiversity, she voiced the public's discontent with the non publication of the report and noted the likelihood that the public would express concerns during this session. She conveyed the JPAC's endorsement of the Secretariat's proposal relating to Capacity Building and Indigenous Peoples' involvement in CEC Activities. Considering that the proposal in the amount of \$90,000 is comprised of concrete activities to be implemented as part of the 2004 work program, the Secretariat underlined the importance of receiving the Alternate Representatives' concurrence at their earliest convenience in order to undertake the proposed activities. The JPAC Chair indicated that the remaining \$8,800 would

serve to cover administrative expenses to be incurred by the JPAC Task Group on Indigenous Peoples as they develop a short and longer-term strategy to secure the involvement of indigenous peoples in the work of the CEC. The United States representative offered to share a copy of the proposal with representatives of the American Indian Environmental Office (AIEO) and the Tribal Operations Committee (TOC) and asked JPAC if they could consider the views of these committees in the development of a long-term vision for this initiative. The JPAC representative welcomed the suggestion from the United States representative, so far as feedback can be provided in a timely manner.

The JPAC representative indicated that the JPAC working group on Articles 14 and 15 would soon be discussing the emerging perception of the Council's conflict of interest in light of the Council's response to JPAC Advice 03-05 on limiting the scope of factual records and the review of the operation of Council Resolution 00-09. She also informed the Alternate Representatives of JPAC's intention to provide comments on the Council's draft report on the review of Council Resolution 00-09, which was sent to JPAC on 4 June 2004. She indicated that the results of the JPAC workshop on future directions for the NAAEC would be reported during the public meeting the following day and that an advice to Council would follow. She also indicated that, during their regular session the following day, JPAC members would discuss the Article 10(6) issue and consider how best to provide advice on the development of an agenda for a Trade and Environment ministerial meeting.

Regarding the next JPAC meetings, she informed the Alternate Representatives that an informal meeting between the JPAC Working Group on the Ten-year Review of the NAAEC and Secretariat staff was tentatively scheduled for 10 September in Montreal in order to exchange views on the preparation of the 2005-07 Operational Plan. The last regular session of JPAC in 2004 will be held on 29-30 October in Montreal in conjunction with the CEC meeting on the market for renewable energy in North America scheduled for 28-29 October.

In an attempt to facilitate JPAC's feedback on the development of CEC operational plans, the Canadian representative suggested that it may be useful to explore ways to build flexibility in the relationship between JPAC and the Alternate Representatives, such as engaging in more informal interaction. The JPAC representative personally welcomed this suggestion as a useful one.

Item 4 Future Directions for the CEC

Item 4.1 TRAC recommendations and Puebla Declaration

The Alternate Representatives exchanged preliminary views on the following recommendations of the TRAC report: # 2: *Addressing Key North American Environmental and Sustainable Development Issues*, more specifically on the topic of water management; # 11: *Reaching Agreement on Dispute Resolution under Part Five*; # 9: *Ensuring and Leveraging Sustainable Funding for the CEC*; # 10: *Ensuring Effective Implementation of the Citizen Submission Process (Articles 14 and 15)* and the introduction of a mediation step in the citizen submission process; # 5: *Getting the Relationships Right—Effective Governance in the CEC*, in terms of the Secretariat and of the Parties' responsibilities; # 14: *Implementing the recommendations of this report* and reporting publicly on the implementation of the recommendations at the 2006 regular

session of Council.

In the interest of allowing a more fruitful discussion on the finalization of the draft Puebla Declaration, the Alternate Representatives agreed, at the suggestion of Mexico, to reconvene later in the day in a small group.

Item 4.2 Next Steps

The Canadian representative—as chair for the next twelve months leading to the 2005 Council Session—shared some initial thoughts on a possible approach for the elaboration of the 2005-07 Operational Plan. As part of this approach, a series of four formal two-day meetings of Alternate Representatives would be held in the course of the summer and fall so as to be in a position to approve the Operational Plan before year-end. The venue for each meeting would rotate between the three countries as follows: week of 23 August in Montreal; week of 20 September in Washington, D.C.—with the benefit of feedback from the JPAC working group’s discussion with the Secretariat earlier that month; week of 25 October in Montreal in parallel with the JPAC session scheduled for 28-30 October, thereby allowing an opportunity for a joint meeting with JPAC and; week of 29 November in Mexico. She also suggested that a conference call be convened during the week of 19 July in order to discuss the Article 13 report on Maize and Biodiversity and the Council’s vote on two factual records (Technoparc and El Boludo). The representatives from Mexico and the United States agreed with Canada’s suggestion, subject to confirmation of the dates. The United States representatives underlined the importance of ensuring a concurrent role for JPAC in assessing how the private sector and indigenous communities may be involved in the process so as to ensure that the work program is supported by these constituencies.

Item 5 Council agenda

No specific issues were discussed under this item. In response to a question from the Canadian representatives about any specific areas JPAC might wish to engage in, the JPAC representative offered to seek the views of her colleagues and to get back to the Alternate Representatives with a response.

Item 6 Other Issues

Item 6.1 Transboundary Environmental Impact Assessment

The Alternate Representatives exchanged general views on the status of the Parties’ negotiations of an agreement on Transboundary Environmental Impact Assessment, pursuant to Article 7 of the NAAEC. In an attempt to have the Parties re-engage in these discussions, they undertook to ask their lead negotiators to convene a conference call in order to identify any policy obstacles to moving forward on this issue and explore the possibility of resuming discussions in the course of the next year.

Item 6.2 CEC Funding for the year 2005

At the request of the Mexico, the Alternate Representatives agreed to defer the adoption of the Council resolution relating to the CEC budget for the year 2005 to their next session.

Item 7 Next session of Alternate Representatives

The Alternate Representatives agreed to hold a conference call during the week of 19 July 2004 in order to discuss the Article 13 report on Maize and Biodiversity and the Council's vote on two factual records.