

## **SESSION 04-04 OF ALTERNATE REPRESENTATIVES**

### **SUMMARY RECORD**

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met via conference call on 19 July 2004. Ms. Norine Smith (Canada) chaired the meeting. Mr. José Manuel Bulás and Mr. Jerry Clifford represented Mexico and the United States, respectively. Ms. Donna Tingley, JPAC Chair, 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**

The Alternate Representatives adopted the agenda based on the provisional agenda. The Canadian and United States representatives commended Mexico for its hospitality during the recent regular session of Council held in Puebla.

#### **Item 2 Report by the Executive Director**

The Executive Director congratulated the Parties for their efficient work in the development of the Puebla Declaration and the establishment of new priority areas. Recalling that the declaration acknowledges the need to streamline the work of the CEC and to focus its work on generating concrete, measurable results, he underlined the importance that the Parties' constituencies be aware of this new direction. The Alternate Representatives agreed on the need for Council to assert its leadership vis-à-vis their constituencies in that regard.

#### **Item 3 Report by the JPAC Chair**

The JPAC representative reported on recent activities of the JPAC. She indicated that the JPAC Working Group on Articles 14 and 15 would soon hold a conference call to discuss the formulation of JPAC's reply to the Council's report on the review of Resolution 00-09. She informed the Alternate Representatives of JPAC's recent decision to pursue the matter of the inherent conflict of interest built into the NAAEC and to engage a consultant to assist JPAC in developing operational recommendations to improve decision-making. She conveyed JPAC's satisfaction for the outcome of its collaboration with the Secretariat in identifying activities that will help build capacity for indigenous peoples within the 2004 Operational Plan and indicated that an advice on securing the long-term involvement of indigenous peoples in the CEC was forthcoming. She also mentioned JPAC's intention to provide advice on future directions for the NAAEC, drawing on the TRAC report and on the input received from the public at the Puebla workshop. Referring to the list of areas identified in the Puebla Declaration as priority areas for the development of a strategic plan on Trade and Environment she indicated that JPAC would be considering other areas, as per the suggestion from the Alternate Representatives during their conference call held on 12 May 2004. At the request of the Secretariat, a JPAC working group

will also develop a paper on how to better involve the private sector in the work of the CEC, for consideration at the October session of JPAC. A JPAC working group will also meet with the Secretariat in the course of the summer to provide input in the development of the 2005-07 Operational Plan. In closing, she encouraged the Council to release the Article 13 report on Maize and Biodiversity as soon as possible.

The Canadian representative took the opportunity to inform the JPAC Chair that Canada would very soon be in a position to announce the nomination of a new Canadian member. The Mexican representative expressed the Council's appreciation of JPAC's active participation in Puebla and conveyed the intention of his Council member to meet with Mexican JPAC members on a regular basis in order to get their input into other activities.

The Alternate Representatives indicated that they looked forward to JPAC's advice on the involvement of indigenous peoples in CEC activities as they embark on the development of the 2005-07 Operational Plan. The United States representative encouraged JPAC to seek the views of the EPA Tribal Office and offered to provide the name of a contact person, should this have not already been done.

In response to a question from the Canadian representatives as to the nature of the JPAC's work on the matter of the inherent conflict of interest, the JPAC Chair explained that the scope of the work had expanded beyond Articles 14 and 15 to include the NAAEC as a whole and that terms of reference would be developed by a JPAC working group prior to engaging a consultant to assist in developing analysis including, very importantly, recommendations for operational solutions. The JPAC Chair was also asked to explain JPAC's decision-making process. The Chair explained that all JPAC Advice and other communications were developed by working groups and then shared with the JPAC as a whole for approval.

#### **Item 4 Article 13 report on the Effects of Transgenic Maize**

The Alternate Representatives exchanged views on the status of their review of the Secretariat's Article 13 report on the Effects of Transgenic Maize. The Canadian and United States representatives indicated that they would be in a position to provide their comments on the draft report by 31 July 2004. Considering the constant pressures from the Mexican media and the public about the release of the report, a Mexican representative stressed the importance of establishing a timeline for the eventual publication of the report. The Secretariat indicated that, depending on the extent of the Parties' comments relating to factual correction, the Secretariat would endeavor to submit the final version of the report within one week of receipt of the Parties' comments. The United States representative indicated that their comments would encompass views beyond those of a factual nature. Moreover, he invited the Executive Director to consider an alternative path forward after having received the Parties' comments. Recalling the independent nature of the report, the representative from Mexico indicated that comments from the Mexican government relating to factual errors or omissions had been submitted to the Secretariat on 1 June 2004, as per the timeline proposed in the Executive Director's memorandum of 13 May 2004. The Alternate Representatives agreed—should this issue be discussed at a subsequent conference call—to engage the JPAC Chair in any discussion of a path forward.

**Item 5 CEC Funding for the year 2005**

The Alternate Representatives approved Council Resolution 00-04 relating to the CEC's funding for 2005, a copy of which will be signed by the Alternate Representatives and forwarded by fax to the Secretariat (Annex B).

**Item 6 Next steps for the development of the CEC's strategic and operational plans**

The Canadian representative presented a proposal relating to steps forward for the development of the CEC's strategic and operational plans in light of the three priority areas identified by Council in the Puebla Declaration. The proposal outlines the objectives, tasks, advance material to be prepared and the outcomes for each of the upcoming meetings. The Mexican and United States representatives agreed with the proposed process aimed at getting the final operational plan by year-end. They also agreed with the suggestion that the meeting be facilitated by the same expert that facilitated their retreat in May 2004 in Mexico. In order to facilitate the Parties' discussion at the August meeting, the Secretariat was asked to initiate the development of a presentation on each of the priority areas and to prepare a synthesis of any advice relating to strategic directions received over time from JPAC, NACs and GACs. The Secretariat agreed to prepare the requested material and offered to seek the views of the facilitator about any approach she may wish to suggest for handling the meeting.

The Alternate Representatives agreed to explore, with their Trade counterparts, the possibility of scheduling an Article 10(6) Officials meeting on the margins of the August session of Alternate Representatives in order to further refine the strategic component of the Trade and Environment area. The Alternate Representatives also exchanged general views on their respective internal structure for engaging high-level government experts—with expertise in each of the priority areas—in the development of the plan.

The Mexican representative proposed, for the Parties' consideration, the possibility of organizing a video conference of the ministers later in the year to present the new strategic and operational plans to the media and the public. He also indicated that Mexico has initiated the development of a plan aimed at widening institutional cooperation and the involvement of the private sector and JPAC in the process. He also suggested that the Parties and the Secretariat's communications staff meet on the margins of one of the upcoming meetings of Alternate Representatives in order to explore ways to better communicate CEC results to civil society.

**Item 7 Next session of Alternate Representatives and closure of the session**

Before closing the session, the Chair suggested that a letter from Council be sent to members of the Ten-year Review and Assessment Committee in order to formally thank the members for their work. The Mexican and United States representatives welcomed Canada's initiative to draft a letter for signature by the three ministers. The next session of Alternate Representatives will be held on 19-20 August 2004 in Montreal.

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

Held via conference call on Monday, 19 July 2004  
from 2:00 p.m. to 3:00 p.m., Eastern time (1:00 to 2:00 p.m., Mexico time)  
Dial-in number: 514-392-3301 (access code 8671830#)

Chair: Canada

- Item 1 Adoption of the agenda
- Item 2 Report by the Executive Director
- Item 3 Report by the JPAC Chair
- Item 4 Article 13 report on the Effects of Transgenic Maize
- Item 5 CEC Funding for the year 2005
- Item 6 Next steps for the development of the CEC's strategic and operational plans
- Item 7 Next session of Alternate Representatives and closure of the session

**Item 1 Adoption of the agenda**

The Alternate Representatives shall adopt the agenda.

Documents:

- a) Draft annotated agenda, rev.1 (distributed 15/07/2004)

**Item 2 Report by the Executive Director**

Under this item the Executive Director may wish briefly address the Alternate Representatives on any matter requiring their attention.

No Documents

**Item 3 Report by the JPAC Chair**

The JPAC Chair may wish to provide a brief update on recent JPAC's activities.

Documents: t.b.d.

**Item 4 Article 13 Report on the Effects of Transgenic Maize in Mexico**

In June 2002, the Secretariat initiated the development of a report to Council, pursuant to Article 13 of NAAEC, on issues related to the protection of plant genetic diversity for maize. The draft report with key findings and recommendations from the Advisory Group was submitted to Council on 13 May 2004. As per a memorandum from the Executive Director dated 8 June 2004, comments from the Parties on the draft report could be expected by early July. The Alternate Representatives are expected to exchange views on the publication of the report.

Document(s):

- a) Memorandum dated 8 June 2004 from the Executive Director to Alternate Representatives
- b) Secretariat's Article 13 report: Maize and Biodiversity: The Effects of Transgenic Maize in Mexico and memo from the Executive Director dated 13 May 2004
- c) Letter from the JPAC chair to Council on the maize and biodiversity symposium of the CEC, dated 13 April 2004  
([http://www.cec.org/pubs\\_docs/documents/index.cfm?varlan=english&ID=1456](http://www.cec.org/pubs_docs/documents/index.cfm?varlan=english&ID=1456))

**Item 5 CEC Funding for the year 2005**

The Alternate Representatives are expected to approve the CEC budget for the year 2005 through the adoption of a Council Resolution.

Document(s):

- a) Draft Council Resolution: 2005 funding of the CEC (distributed 28/05/2004)

**Item 6 Next steps for the development of the CEC's strategic and operational plans**

The Alternate Representatives are expected to agree on a path forward for the development of the new priority areas established by Council during its Eleventh Regular Session held on 22-23 June 2004 in Puebla.

Document(s):

- a) Proposed steps forward for the implementation of new priority areas (distributed by CA 15/07/2004)

**Item 7 Next sessions of Alternate Representatives**

The next sessions of Alternate Representatives are scheduled as follows: 19-20 August 2004 in Montreal, 23-24 September in Washington, D.C., 27-28 October in Montreal in conjunction with the JPAC Session and CEC meeting on the renewable energy market and; 2-3 December in Mexico.

19 July 2004

**COUNCIL RESOLUTION: 04-04**

**Funding of the Commission for Environmental Cooperation for the Financial Year 2005**

THE COUNCIL:

RECOGNIZING the importance of the *North American Agreement on Environmental Cooperation* (NAAEC) in conserving, protecting, and enhancing the environment; and

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

HEREBY:

DECIDES that the annual budget of the Commission for Environmental Cooperation (CEC) for the financial year 2005 shall be established in Canadian dollars at an amount equal to US\$9 million at the Bank of Canada exchange rate in effect on 15 December 2004; and

NOTES that, pursuant to Article 43 of the NAAEC, each Party shall contribute an equal share of the annual budget of the CEC, subject to the availability of appropriated funds in accordance with the Party's legal procedures.

FURTHER NOTES that, pursuant to Rule 4.7 of the CEC Financial Rules, each Party may make its contribution in its national currency, and the annual amount of a Party's contribution for the year 2005 shall be fixed at the Bank of Canada exchange rate in effect on 15 December 2004.

APPROVED BY THE COUNCIL:

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Judith E. Ayres  
Government of the United States of America

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José Manuel Bulás  
Government of the United Mexican States

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Norine Smith  
Government of Canada