

## **SESSION 06-06 OF ALTERNATE REPRESENTATIVES**

### **SUMMARY RECORD**

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met at the CEC Secretariat in Montreal on 17 October 2006. Mr. José Manuel Bulás (Mexico) chaired the meeting. Mr. Jerry Clifford and Mr. David McGovern represented the United States and Canada, respectively. Mr. Carlos Sandoval, JPAC chair, represented the Joint Public Advisory Committee (JPAC) and Mr. Adrián Vázquez, CEC executive director, represented the Secretariat. Ms. Nathalie Daoust, 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 Chair extended welcoming remarks to the participants and delegates, and particularly to the CEC executive director on the occasion of his first meeting with the Alternate Representatives. He mentioned that it had been three years since he had himself taken office and conveyed that after this time he still believed this organization was a very important one which could play a key role in the region. He then introduced members of his delegation and turned to his counterparts for introductory remarks.

The Canadian Alternate Representative welcomed the new executive director and explained that the extensive process in which he had taken part to select the CEC executive director led him to believe that Mr. Vázquez was the best candidate for the position. He then turned to introduce other members of the Canadian delegation in attendance. The US Alternate Representative also conveyed his pleasure in welcoming the new Executive Director and introduced the members of the US delegation in attendance. Referring to the 2007–2009 Operational Plan, he indicated that the United States hoped to see the Operational Plan approved before 31 December 2006. He also encouraged everyone to make progress on resolving issues which have been pending for some time. The Alternate Representatives adopted the agenda based on the provisional agenda.

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

The executive director extended welcoming remarks to the delegates and thanked the Alternate Representatives for the vote of confidence. He reiterated the Secretariat's support to the Parties and stressed that he believed in open lines of communications as a means to achieving cooperation. He added that the CEC possessed all the elements needed to be a very relevant and useful institution in the region.

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

The JPAC chair reported on the JPAC meeting held in Montreal on 15 September 2006. He

explained that the main objective of the meeting was to present to the public an overview of the work program and provide them with an opportunity to make comments. He mentioned that the Secretariat presentations had allowed for a better understanding of 2006 accomplishments and potential activities for 2007. In order to strengthen public participation in CEC meetings in 2007, JPAC will continue to plan its meetings on the margins of other CEC meetings. He indicated that JPAC was already planning to hold its first 2007 meeting on the margins of the symposium on green buildings to be held in Seattle in May 2007. Regarding the draft 2007–2009 Operational Plan, he informed the Alternate Representatives that JPAC would be submitting in mid-November an Advice to Council that would include comments received from the public. He also referred to the next JPAC meeting to be held in Cancún, on 7–8 November 2006, which would include a roundtable with recognized experts in the field of trade and biodiversity to better understand market-based mechanisms that can act in support of biodiversity conservation. He indicated that an invitation had been extended to the three Council members and that Secretary Luege had confirmed his participation.

The US Alternate Representative thanked the JPAC chair and acknowledged his leadership over the past year. He conveyed that Administrator Johnson's busy schedule would prevent him from participating in the Cancún meeting but that Ms. Neilima Senjalia would be attending on behalf of the US EPA. He also mentioned that the United States was interested in seeing a broader involvement of the public in CEC activities and that he would be seeking the advice of the US NAC and GAC on this issue. He suggested that JPAC foster a greater involvement of the private sector in their activities given that the engagement of the private sector could lead to the leveraging of CEC resources.

The JPAC chair assured the Alternate Representatives of JPAC's commitment to involving the private sector. As an example, he described the April 2006 Vancouver meeting in which a number of representatives from the private sector had participated. He also explained that the Global Environmental Management Initiative (GEMI) had been particularly involved in JPAC activities in addition to being a CEC partner in the implementation of the greening supply chains project.

The Mexican Alternate Representative also congratulated the JPAC chair for his dedication over the last year and re-confirmed the participation of Secretary Luege at the Cancún meeting. The Canadian Alternate Representative said that Minister Ambrose would be participating in COP12, which will impede her from accepting JPAC's invitation. However, he indicated that two officials would be participating on behalf of Environment Canada.

#### **Item 4 CEC Quality Assurance Policy and Procedures**

The US Alternate Representative thanked the GSC and the Secretariat for bringing the document to completion. He conveyed that this document was important to the United States as it provided a set of necessary procedures to ensure the quality of CEC products. He indicated that the latest draft distributed addressed most remaining concerns and that he was in favor of its adoption by the Alternate Representatives. The Canadian Alternate Representative also agreed to adopt the document and noted the need to review some of the recent revisions to wording. He also directed the Secretariat to begin implementing it, although he suggested that the Alternate Representatives reconsider the document in six months to assess how onerous it was proving to

be in practice. This approach was supported by the US and Mexican Alternate Representatives.

### **Item 5 CEC working groups**

The Chair invited the executive director to share his views on this issue. The executive director explained he understood that the role of the working groups had been a longstanding issue at the CEC and that working groups created to fulfill a particular mandate might need to re-focus their work to be more constructive in the context of the new work program. He referred to the two-page discussion paper prepared by the Secretariat that laid out the two perspectives on this issue: 1) how working groups understand their role and mandate; and 2) how Council defines the current needs under the three pillars and what the role of the working groups should be in fulfilling these needs. He stressed the importance of obtaining as much guidance as possible from the Council regarding the criteria that should guide the mandate of the working groups.

The Canadian Alternate Representative recognized that this discussion had been held on several occasions and that the situation needed to be resolved. He explained that Environment Canada had just been restructured to respond to a results-based form of management and that his department was seeking ways to achieve optimal results in the CEC file by mapping CEC priorities against the priorities of the government of Canada. He suggested that the issue of working groups be addressed in an incremental way and expressed support for the development of “principles for creating working groups” which could guide Council in its decision. He suggested that the GSC work with the Secretariat in developing the document on “principles for creating working groups” which could be discussed by the Alternate Representatives after the 30 November. Both the US and Mexican Alternate Representatives expressed support for an incremental approach to defining the role and mandate of the working groups. The Alternate Representatives also agreed on the importance of involving working groups in this discussion at some point.

### **Item 6 2007–2009 Operational Plan**

The Mexican Alternate Representative noted that, in Puebla, the Council had envisioned focusing the work of the CEC on trade and environment and using the information for decision-making and capacity building pillars to support that main priority. He indicated that the CEC had now arrived at a juncture where this could be achieved. He explained that the current Operational Plan could be a starting point and that the Parties, the Secretariat and the working groups could work together in re-focusing projects along those lines.

The executive director explained that the 2007–2009 Operational Plan, which was distributed in September 2006, represented a continuation of the approved 2006–2008 Operational Plan. However, he indicated that there was now an opportunity for Council to confirm whether the projects should fall under three parallel tracks, as it is currently the case, or be aligned in one direction. Should the Alternate Representatives suggest re-focusing the work program and re-drafting the 2007–2009 Operational Plan, he assured it would be still be possible for the Secretariat to comply with the timeline’s 10 November deadline. He suggested that the redefinition of the role of the working groups be addressed at the same time.

The US Alternate Representative expressed support for the notion of a more strategic alignment

of the work program towards trade and environment. However, he reminded that a number of projects underway required multi-year funding and need to be concluded. He also noted that many people had invested considerable energy in the current work program. He expressed uncertainty regarding the possibility of altering the work program in 2007 and indicated he could envision this being accomplished in 2008. He also noted that the trade and environment strategy has been developed and endorsed by Council. He pointed out the importance of developing strategies for the two other pillars as a first step towards re-defining the CEC projects.

The Mexican Alternate Representative suggested an incremental approach whereas current projects could be completed while a re-focusing of the work program could be initiated. He reminded his counterparts of the importance of ensuring that CEC's work be useful to the three Environment ministers. The Canadian Alternate Representative recognized that trade and environment was the *raison d'être* of the CEC but reminded everyone of the 2005–2010 Strategic Plan, which set a direction for CEC's work based on three pillars. He also acknowledged that the CEC had lost momentum on defining the information for decision-making and capacity building pillars.

The executive director suggested the following path forward: 1) work with the GSC and JPAC to review the current projects at the task level to assess their alignment with a trade and environment focus; 2) identify how projects under the information for decision-making and capacity building pillars can act in support of the trade and environment focus; and then 3) in early 2007, hold a meeting with the working groups and review their role in the context of the newly approved 2007–2009 Operational Plan. He indicated that the development of strategies for the information for decision-making and capacity building pillars could also be facilitated by the Secretariat.

The JPAC chair mentioned the timeliness of this effort three years after Puebla and expressed general support for the process laid out by the executive director. The Alternate Representatives also expressed support for the process presented by the executive director.

## **Item 7    CEC Financial Rules**

The executive director introduced the Secretariat's proposed language for financial rule 4.1, which sought to address the concerns expressed by the Parties thus far. He indicated that, although he would like as much flexibility as possible and the discretion to transfer funds between categories as required, the proposed language represented a baseline for the Secretariat. The Alternate Representatives exchanged views on the proposed language and suggested a few changes. The Canadian Alternate Representative indicated he wanted to ensure the Secretariat was being given enough flexibility and expressed concerns about having to approve the reallocation of funds for activities related to the independent functions of the Secretariat and JPAC (Articles 13–16). The JPAC chair stressed the importance of giving flexibility to JPAC to readjust its budget allocations to meet evolving needs. He reminded everyone that JPAC's intent was to seize opportunities in the pursuit of increased public participation in CEC activities. Following their deliberations, the Alternate Representatives agreed not to create any exception to the rule regarding reallocation of funds towards Articles 13–16. They adopted the language proposed by the Secretariat with a few changes and agreed to reconsider the rule in six months to ensure its functionality.

**Item 8 Submissions on Enforcement Matters**

The Alternate Representatives indicated that they were not in a position to vote on the factual records. The US Alternate Representative urged his counterparts to make available their legal experts to bring these issues to closure and define a date by which this could be accomplished. Both Mexico and Canada reiterated their commitment to making themselves available to vote on these matters as soon as possible. The JPAC chair reminded the Alternate Representatives that questions might be raised by the public concerning these votes during the Cancún meeting and indicated he was hopeful that an announcement could be made prior to the meeting. The executive director suggested that the public could be kept informed via the CEC website of when decisions were likely to be rendered by Council. He indicated that this could be useful to the CEC from a political perspective.

**Item 9 Other issues**

No issue was raised under this item.

**Item 10 Next meeting of the Alternate Representatives**

The Mexican Alternate Representative proposed scheduling a conference call the third week of November to review any pending issues related to the 2007–2009 Operational Plan. He also suggested holding the next face-to-face meeting in Mexico at the end of February. Finally, he suggested that a meeting take place between the Secretariat and the GSC on 27 October in Ottawa. He encouraged the executive director to participate in that meeting. Schedules permitting, the Alt Reps encouraged the GSC and the Secretariat to meet face-to-face on 27 October to address the strategic alignment of both items 5 (working groups) and 6 (operational plan).

Both the Canadian and US Alternate Representatives indicated they would be confirming their availability for the proposed meetings. The US Alternate Representative strongly suggested that a meeting of the senior trade and environment officials be scheduled on the margins of the next face-to-face meeting of the Alternate Representatives.

In closing, the Alternate Representatives agreed that it was important they make decisions on pending issues and provide all the required support to the new executive director. The US Alternate Representative acknowledged the work of JPAC and the Secretariat and thanked the Mexican Alternate Representative for his hard-working dedication to the CEC, as this might be his last meeting. The Mexican Alternate Representative took the opportunity to note that it was important that each Council Session be an opportunity for Council members to meet with the public. He also noted that there was a shared responsibility to ensure that Council members value the CEC and that this could be accomplished by transforming the institution to achieve that goal.

The executive director thanked everyone for their participation and acknowledged the support he had received from JPAC and the Alternate Representatives. He also noted the willingness of the Alternate Representatives to resolve issues and emphasized that his commitment as executive director was to ensure this institution be one they could be proud of. He also reiterated his

engagement to proceed with revising the Operational Plan in accordance with the guidance provided during this meeting.