



DISTRIBUTION: General
C/DIR/01/Rev. 11
ORIGINAL: English

**Framework for Public Participation in
Commission for Environmental Cooperation Activities**

Commission for Environmental Cooperation

22 October 1999

Framework for Public Participation in Commission for Environmental Cooperation Activities

CEC Mission

The Commission for Environmental Cooperation (CEC) facilitates cooperation and public participation to foster conservation, protection and enhancement of the North American environment for the benefit of present and future generations, in the context of increasing economic, trade and social links between Canada, Mexico and the United States.

Table of Contents

1. Introduction	3
1.1 Context.....	3
2. Goals	4
3. Guiding Principles	4
3.1 Equity for Public Participants	4
3.2 Efficiency and Timeliness.....	5
3.3 Transparency and Accessibility	5
3.4 Inclusiveness	6
3.5 Financial Support	6
3.6 Accountability to the Public.....	7
4. Public Participation Mechanisms.....	7
4.1 Directives	8
4.1.1 Open Public Meetings.....	8
4.1.2 Call for Public Comments.....	9
4.1.3 CEC Contact List	9
5. CEC Coordinates	9
6. Checklist for Designing a Public Participation Process.....	10

1. Introduction

The Commission for Environmental Cooperation (CEC) was established by the North American Agreement on Environmental Cooperation (NAAEC), which reaffirmed the importance of the environmental goals and objectives of the North American Free Trade Agreement (NAFTA) while acknowledging the growing economic and social links among the NAFTA Parties.

The NAAEC Preamble emphasizes the importance of public participation in conserving, protecting and enhancing the environment. In order to meet this challenge, each of the CEC's components, the Council, the Secretariat and the Joint Public Advisory Committee (JPAC), must develop appropriate mechanisms for disseminating information, educating and consulting with the public of North America on their activities. This framework, which incorporates comments received from the public, sets forth this process and is intended to apply to all of the CEC's public participation activities.

1.1 Context

The decision by Council in 1998 to develop a more strategic and long-term approach to the work of the CEC recognizes the need to maximize public involvement to ensure open and effective dialogue and engagement among all sectors of the public. Part of this approach is to establish a trilateral network of diverse stakeholders who are interested or affected by issues addressed by the CEC.

This framework focuses on the goals, principles and basic mechanisms for optimizing public involvement in the work of the CEC as well as for increasing the public's understanding of the CEC's role, mandate, and program and budget. It is not intended to establish rigid principles that inhibit, restrict or limit public participation, but aims rather to structure participation such that it contributes to the CEC's consideration of the merits of the issues.

Guidelines applicable to public participation or to other processes may be found in other CEC documents, such as the "Guidelines for Citizen Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC," the "JPAC Public Consultation Guidelines," and the "North American Fund for Environmental Cooperation Administration and Funding Guidelines."

For the purposes of the framework, public participation should be approached in its broadest sense. This includes providing information and public education and, if needed, soliciting input, not only from stakeholders, but also from any potentially affected public. This involves circulating documents for comment, providing for exchanges via the Internet, and offering formal participation through structured public meetings, such as the annual Regular Session of Council and JPAC regular sessions.

The basic mechanisms used to implement the framework must be flexible and promote inclusiveness in order to be responsive to the economic, social and cultural differences among and within our three countries and to the requirements of different CEC activities.

Public participation involves a two-way process of communications in recognition that what is communicated to the public is as important as devising procedures for how the public can bring information and viewpoints to the CEC.

The term “public” is defined inclusively and is meant to accommodate all persons, organizations or groups of people in North America.

It is intended that this be a framework that will evolve in parallel with the development of the CEC.

2. Goals

Building on the understanding that public participation is a two-way process, the CEC should:

- a) Facilitate and gather information to improve the understanding of the public of the CEC’s role, working program and activities as well as its identified priorities;
- b) Assure wide dissemination of reliable, timely and useful information on the work of the CEC using a variety of mechanisms;
- c) Contribute to public understanding, education and empowerment, recognizing that this is essential for resolving environmental problems and participating in environmental decision-making;
- d) Provide the public with a means to interact constructively with the CEC;
- e) Promote opportunities for the participation of the public in all of the three countries; and
- f) Enhance the understanding of both the CEC and the public by including and considering also those sectors of the public that are not active participants.

3. Guiding Principles

The following principles upon which the framework is based are all of equal importance:

3.1 Equity for Public Participants

To promote equity, the CEC’s public participation strategies are directed toward diverse constituents. The needs and economic requirements of diverse groups and cultures should be recognized and actively supported. Achieving broad, equitable participation requires applying active, innovative methods in order to offer the same opportunities in all three countries for educating, informing and consulting varied stakeholders.

3.2 Efficiency and Timeliness

Public participation should be an integral part of decision-making at the CEC so that public views can be considered. Public participation should begin the planning stages so that opportunities for public input can be clearly identified and appropriately scheduled in the CEC's activities.

The public participation should be planned in such a way that the circumstances and facts are presented and conveyed to the stakeholders in a manner that allows them to determine how best to participate. No one set of formats for public participation is likely to meet all needs, therefore, tailoring the format to the needs of each situation and/or sector of the public is essential.

Participants should be informed of what decisions the public participation process can affect and how that particular process will affect them. Any links to other related activities (i.e., those of the government, nongovernmental organizations, or industry) should also be described.

The purposes and goals of the public participation process should be clearly defined and communicated in a timely manner. Public notification and the documents to be discussed at public meetings should be sent, to the extent possible, to identified stakeholders beforehand for their review and comments.

3.3 Transparency and Accessibility

The CEC endeavor to conduct its activities in an open and transparent fashion.

The public should be provided with all relevant CEC documents as appropriate, for their involvement in CEC activities.

All CEC documents for a public consultation should be made available simultaneously in English, French and Spanish. These documents should be, to the extent possible, accessible electronically in the three languages through the CEC web site, as well as in hard copy upon request to the CEC Secretariat.

Translation of the other documents into the three official languages will be handled in conformance with the CEC rules on translation.

The CEC annual program and budget, proposed by the Secretariat, should be distributed, posted on the CEC web site and be available in hard copy upon request to the CEC Secretariat. When appropriate the project descriptions or details of programs should address opportunities for public participation in each project.

There are several types of CEC meetings where opportunities for public participation may be provided. The public notice of the meeting should provide information on how the public can participate, and on any restriction that might apply:

- a) Open Public Meetings: These meetings would be open to participation by all without restriction, subject to space availability and the security of participants.
- b) Public as Observers: These are meetings which are fully or partially open to the public as observers, subject to space availability and the security of participants.
- c) Public Participation by invitation: In specific circumstances, the appropriate CEC component may decide that a meeting or portion thereof, should be focused to specific groups or persons.

The appropriate CEC component may decide that a meeting should be closed to the public.

Documents to be discussed at an open public meeting should be made available to all interested stakeholders in advance, for a period of not less than 30 (thirty) days, during which comments from the public may be received.

All meetings of the public under the auspices of the CEC shall provide a service of interpretation in the three languages of the Commission. Under certain circumstances, the participants may decide that one or more of the official languages are not required 2 (two) weeks before the meeting.

Information on official activities under the CEC work program should be made widely available through all possible channels, including the CEC web site and be provided directly to organizations in the three countries interested in CEC activities. In activities involving public participation, details of the registration process for the public should be included.

Records should be kept of public meetings and contain minutes of the meetings. The summary report of a meeting should include the recommendation(s) made, and should be circulated to participants through registration addresses or whatever means the CEC deems appropriate.

3.4 Inclusiveness

The CEC should seek to communicate effectively with the full range of communities and interested groups within the North American public. The CEC will seek to ensure that meaningful opportunities for the public to be informed and able to comment on CEC activities are provided.

3.5 Financial Support

Each CEC activity and project should detail how it will involve the public and what part of the budget has been allocated for those purposes.

Decisions on financial support to public participants, as well as the manner in which public participants are selected, should be made by the appropriate CEC committees and work groups in accordance with the annual work program and budget.

Financial support, when offered, will be limited to only one participant per organization for the same meeting and will take into account the principles outlined in paragraph 3.1.

Selection of eligible candidates for financial support will be guided by the following:

- a) Ensuring a wide range of views and interest—public participants should be selected from different sectors representing a broad range of views in each country.
- b) Demonstrated expertise with the topic(s) to be dealt with at the public meeting.
- c) Ability to present specific, concrete and constructive proposals.

Funding for participants shall be in accordance with the CEC Business Travel Directive.

3.6 Accountability to the Public

Accountability to the public, and evaluation of public participation processes, is a key element of successful and effective public participation requiring:

- a) That clear objectives for public participation be established in advance of meetings.
- b) Providing the public with information on possible next steps and decisions that need to be taken by CEC components regarding specific subject areas/initiatives that the public will be discussing.
- c) Informing the public of how and when their comments will be considered in the ongoing activities of the CEC.
- d) Evaluating the effectiveness of public meetings. As part of overall project evaluation, or evaluation of other CEC initiatives, public participation processes will also be evaluated, taking into account the objectives for these sessions. This will allow for continuous improvement of public participation sessions.

4. Public Participation Mechanisms

With respect to the goals and the principles described above, one or a combination of mechanisms could be used for involving the participation of the public. In any case, the CEC shall strive to promote informed public participation, taking the appropriate measures by:

- a) Consulting with JPAC as one vehicle for public participation, and disseminating CEC information to the public through the JPAC in ongoing efforts to encourage public participation.

- b) Seeking the advice of the National and Governmental Advisory Committees in promoting informed public participation.
- c) Informing the public of ongoing activities through CEC publications, such as the Annual Program and Budget, CEC annual reports, the *Eco Region* newsletter, press releases, conferences, and the CEC web site.
- d) Obtaining information from the public on a specific issue via questionnaires, interviews, forums, meetings, seminars, community and site visits, focus groups, and Internet exchanges.
- e) Consulting with the public on a specific issue through, workshops, round tables, electronic discussion groups, and outreach programs.
- f) Preparing and distributing reports for all CEC public participation activities, to assist the public in evaluating follow-up decisions by the appropriate CEC body.

4.1 Directives

The CEC Secretariat shall coordinate logistics for public participation in all CEC activities.

To implement these mechanisms, some basic public participation directives should be used as follows:

4.1.1 Open Public Meetings

- a) Except in extraordinary circumstances, notice of open public meetings should be provided no less than 30 (thirty) days before such meetings are to take place. The purpose, objectives, agenda, date and venue of such meetings should be posted on the CEC web site and other appropriate electronic venues such as CECNet. The Secretariat should make available a current calendar of key CEC meetings and update it weekly. The CEC Secretariat will coordinate the administration and logistics for the public participation processes in all CEC activities. Other tools may be used to ensure as wide a distribution as possible; for example, mail, fax, and advertising in newspapers or other publications.
- b) A chairperson or facilitator should be considered for specific meetings.
- c) Agendas will clearly indicate when oral statements from the public may be made.
- d) Individuals or organizations may submit written comments to the appropriate CEC component even if unable to attend the meeting. Written comments received within 5 (five) days after the meeting will have the same status as verbal comments made during a public meeting. A summary record of discussions at public meetings should be sent to the participants and made available to the public through the CEC web site.

- e) Registration for public meetings will be limited to the capacity of the meeting room(s) on a first-come, first-serve basis.

4.1.2 Call for Public Comments

- a) Any call for public comments should provide a minimum of 30 (thirty) days' notice for review of documents. The purpose and objectives of the call for public comments and any draft documents related to the issue should be posted on the CEC web site and other appropriate electronic venues such as CECNet or sent to potentially interested individuals and organizations who do not have access to the Internet.
- b) All comments from the public should be sent to the Secretariat with the understanding that they might be made available to the public.

4.1.3 CEC Contact List

The CEC Secretariat develops and maintains a list of relevant contacts. This list is used by the CEC for distribution of information on specific issues and activities.

5. CEC Coordinates

The public can communicate with the CEC at:

Commission for Environmental Cooperation
393 St-Jacques West, Suite 200
Montreal, Quebec H2Y 1N9
Canada
Telephone: (514) 350-4300
Fax: (514) 350-4314
E-mail: info@ccemtl.org
Internet: <http://www.cec.org>

6. Checklist for Designing a Public Participation Process

The following checklist, adapted from Standard Z764-96, “A Guide to Public Involvement,” of the Canadian Standards Association, is a guide to assist those responsible for CEC public participation in deciding whether or not public participation is appropriate for a given CEC activity, how such an activity should be structured, and what process elements should be included.

1. Do you need to involve the public? <ul style="list-style-type: none">• Describe the situation• Identify potential benefits• Assess the relevance of input• Analyze and evaluate the implications of not including public participation• Identify interests and positions• Study and assess the implications of not proceeding
2. Has the groundwork been laid for a well-constructed process? <ul style="list-style-type: none">• Determine the nature and scope of decisions• State the purpose• Estimate the time frame• Identify potential participants• Review and select viable mechanisms• Estimate human and financial resources required• Validate budget
3. Do you have the elements in place to make the process develop satisfactorily? <ul style="list-style-type: none">• Establish goals and limits• Define the work plan and program the activities• Confirm the availability of resources allocated• Send invitation to identified participants and confirm their attendance• Conduct follow-up to plan of actions• Mobilize resources• Establish the ground rules for the process
4. Did the process conclude satisfactorily? <ul style="list-style-type: none">• Identify what and how to evaluate• Review process development and identify stages that need improvement• Ensure process feedback from experience gained• Include decisions made and circulate these among participants• Implement project decisions