

A Report on Public Participation

Prepared for:
the
Commission for Environmental Cooperation

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November 1995

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Public Participation and the Commission for Environmental Cooperation

The Commission requires a strategic plan which outlines a role and process for involving the public in setting priorities, scoping issues and implementing the trinational environmental initiatives of the Parties.

Currently, there exist several formal mechanisms for influencing the direction and priorities of the Commission, including those involving: the Ministers, the General Standing Committee, the Alternates, the Joint Public Advisory Committee, working groups, submissions under the North American Agreement for Environmental Cooperation, and the Secretariat. Informal influence is channeled via participants in projects undertaken by the Secretariat, and appeals from the public and private sectors, and non-governmental organizations.

Each one of these influences is affected by perceived public priorities or by direct public participation. There is a need, therefore, to establish an explicit, overall plan which identifies the various publics and integrates their input throughout the decision-making process.

The Commission needs to set clear expectations for involving the public, and the public, for its part, needs to know that participating in the Commission's decision-making processes is worthwhile.

To achieve this, consider the following steps:

1. determine the desired role of the public (the value added) at each stage of decision making (increasing awareness, setting priorities, scoping issues, providing advice, raising support, building networks, implementing projects);
2. identify existing opportunities for public involvement;
3. streamline the public participation process (reduce overlap and fill gaps);
4. commit to ongoing expansion and updating of a data base of public participants;
5. set a long-term schedule for informing and involving the public to ensure effective, cumulative, dovetailed impact;
6. identify and implement a range of electronic and face-to-face public participation tools, and develop staff expertise in applying them;
7. inform the public of the range of options for participating in the Commission's work;
8. establish a process for identifying how, and on what specific issues, the public will participate at each "event" as well as in an ongoing manner;
9. establish a process for feeding back to the public what impact its input has on the Commission's decision making; and
10. establish a trinational planning team with public participation expertise (or task an existing team with the responsibility) to guide this process.

The Commission needs the expertise and support of the public to fulfill its mandate. The public needs to have a range of effective and timely opportunities to influence the work of the Commission. And both need to be explicit about the benefits and challenges inherent in such a dynamic and open relationship.

Public Participation in the Second Regular Meeting of the Ministers of the CEC: Oaxaca, Mexico 1995

Introduction

The purpose of involving the public in the 1995 Meeting of the Ministers was to inform the public of the activities and directions of the Commission and to obtain feedback. The public portion of the Meeting was guided by three recommendations. First, all members of the public who wished to present to the Ministers were to be included; the total presentation time available to be divided by the number of applicants. Second, the Ministers were to have an opportunity to respond, as well as listen, to the presenters. And third, presenters were to be given an opportunity to exchange views with others with an aim to establishing long-term networks and to consolidating their presentations around common concerns. This last recommendation was meant to enable the first two by giving members of the public a voice for their views, but not necessarily a personal voice, thereby reducing the presentation time and increasing the time available for dialogue between the Ministers and the presenters, and between the Ministers and all participants.

The key requirements to act on these recommendations and fulfill the purpose of involving the public were: a comprehensive data base of “publics”; timely identification of priority issues about which the Commission wanted public input; identification, preparation and timely dissemination of relevant background material to prepare the public; an opportunity for the public to respond with its own concerns and an integration of these concerns into the agenda; and time within the agenda for the public to be informed, to network, to find alliances among others with common concerns and to consolidate individual presentations into joint presentations.

Although few of the requirements were fully met, the overall feedback from participants at the Meeting in Oaxaca was positive and, in response to phone calls and faxed requests for recommendations to improve the public portion of the agenda in Hamilton in 1996, people confirmed that it was worth their time to have attended (see Public Participation in the Third Regular Meeting of the Ministers: April 1996).

The following is an outline of the planning and implementation of public participation in the Oaxaca Meeting, October 13, 1995.

Observations

1. A data base of approximately 1,800 members of the public and representatives of organizations was the source of invitations to the meeting in Oaxaca.
2. Invitations were issued September 5 to the vast majority of potential participants and continued to be issued until the week of the Meeting. The original invitation identified

main themes for discussion and stated that it might not be possible to accommodate all requests to present to the Ministers. As a result of subsequent discussions, follow-up communication shifted the focus from regional opportunities for environmental cooperation to the 1996 Work Program Framework.

3. Prepared fax forms were issued and returned by invitees confirming their attendance and designation as presenters or observers. Presenters were asked to identify the title of their presentation and were subsequently requested to provide a copy of their papers prior to the Meeting. Few complied with written submissions. In the end, overtaxed photocopy facilities eliminated the option of providing copies of these papers at the Meeting.
4. Two weeks prior to the Meeting, a consultant was hired to develop an agenda and process to address the public portion of the Meeting. During the first week, the goal was to confirm an agenda, identify relevant meeting materials, contact confirmed participants to inform them of the proposed agenda, address any concerns raised by the public and incorporate them into the agenda, and disseminate the Meeting materials. A tentative list of presentation topics was prepared; there was an indication that several participants would be able to collaborate and present under a common theme. Some participants stated their individual need to present on behalf of their organizations but the majority was open to the possibility of collaborating.
5. Almost twenty participants from Mexico registered the week before the Meeting. For the most part, these were presenters who had just been given confirmation of funding. It was decided that the implementation team, which had recently established itself in Oaxaca, would disseminate materials to them during the last week or provide them on site.
6. Approximately 50 participants registered as presenters and just under 40 presented [some were unable to attend (competing priorities or funding requirements), others consolidated their time and a few gave their time to others.]
7. The Secretariat requested that selected agencies (Canadian Environmental Network (CEN), US Environmental Protection Agency and SEMARNAP in Mexico) allocate limited funds to presenters whom they designated from the NGO community. The CEN was unable to assist given the short time available. Ultimately, funds for both Canadian and US NGOs were given to the few presenters who had already confirmed their participation. The amount per person ranged from approximately \$1600 for Canadians and Americans to \$400 for presenters from Mexico. Participants requesting funds directly from the Secretariat were referred to the appropriate groups.
8. A draft agenda developed with the input of the Executive Director and other members of the Secretariat, and Chair of JPAC, had four components:

- an introductory session in which the Ministers outlined the general directions and priorities of their countries and of the CEC;
 - an opportunity for participants to engage in facilitated discussions of issues under the general headings of the 1996 Work Program Framework (during which registered presenters were encouraged to collaborate with others in their presentation to Ministers);
 - time to present to the Ministers; and
 - time to participate in an open exchange with the Ministers and to listen to their summary remarks.
9. The consultant presented the draft agenda for approval to the JPAC during its pre-meeting session, October 12. Modifications were made around the possibility of the Ministers informing the public of their resolutions - “announceables”. Three members of the Committee agreed to facilitate the discussion groups focusing on the Program Framework. The consultant proposed a guide for the facilitators, and annotated agendas to reflect the discussion by JPAC, and had them translated for distribution.
 10. The opening of the Meeting (both a formal, official process and an opportunity for the Council to set the tone and inform the public) began late and extended past the allotted time; time for participants to gather information and exchange views was subsequently reduced. Logistical restrictions prohibited an exchange between the public and the Ministers during this introductory session.
 11. Participants were given an overview of the Work Program, invited to select two of the Program areas for discussion over a two-hour period and directed to one of three discussion tables in the plenary room.
 12. Engaging all discussions groups simultaneously in the same room created some difficulty for participants in hearing the discussions at their tables. Facilitators reported a similar challenge.
 13. In spite of preparatory discussions, there was still some misunderstanding about how presenters could collaborate. The recording of individual and group presentations under the Work Program headings, therefore, required follow-up confirmation.
 14. The consultant prepared a list of presenters (or groups) with their allotted time under each of the Work Program headings. Some presenters had shortened their delivery time to create an opportunity to exchange views with the Ministers.
 15. As participants presented, it became clear that not all topics fell neatly under the Work Program headings which individuals had chosen. Some presenters were obviously uncomfortable with the forum and the imposed time limit of 3.5 minutes per person; others, perhaps those with broad experience in similar fora, were more at ease.
 16. The Ministers chose to exchange views with presenters on a few occasions. Most of their comments, however, were reserved for the end of the session.

17. In their closing remarks, the Ministers said there would be an increase in public participation in the decision making of the Commission.

Conclusions

In his closing remarks, the Chair of JPAC committed to the public that each person would be asked for feedback on how to improve the public portion of the Ministers' annual Meeting. Their recommendations, along with those from members of the JPAC and Secretariat, and the consultant, form the basis of the report on Public Participation and the Third Regular Meeting of the Ministers in Hamilton, Canada, April 1996, and address the observations noted above.

The Joint Advisory Committee (JPAC) Meeting: February 1996

JPAC needs its own strategic plan for involving the public over the long term and this plan must be integrated with the CEC's overall plan for public participation (see Public Participation and the Commission for Environmental Cooperation). With the increasing importance of the public in the decision making of the Commission, there is an immediate need for this plan. And the JPAC meeting in February 1996 provides an opportunity to set the stage for a more integrated process for public input to the CEC's work.

As the role of the JPAC evolves within the CEC, so must its relationship with the public. In Oaxaca, the Ministers increased the duties of the JPAC. To establish a proactive role with the issues and the public, the Committee needs to review its mandate (relative to other advisory committees) and establish explicit operational guidelines for: informing and preparing the public; engaging the public in dialogue; soliciting feedback on specific and general concerns, integrating this feedback into the appropriate decision-making processes within the Commission in a timely manner; and ensuring that the public is informed of its impact on the CEC's decisions.

To enable JPAC to make these shifts, it needs to align its long-term scheduling with the priorities and projects of the CEC, enabling it to bring key issues to the public when its input is most relevant. This, in turn, requires ongoing communication with the Commission to anticipate emerging opportunities. The JPAC also requires clear messages from the Commission on why the public is being involved so that it can select the most appropriate mechanisms to engage people. Where the public requires substantive background to provide informed advice, the JPAC can help determine what that information is and, through the Commission, ensure that interested parties receive what is necessary.

Further, the JPAC requires a range of flexible tools for involving the public, both in face-to-face meetings (preparing, delivering and following up) and between meetings. It needs to be able to respond quickly to emerging issues as well as long-term opportunities. In concert with the Commission on one hand, and the public on the other, the JPAC should be able to build its formal meeting agendas so that they accurately reflect the priorities and concerns of both.

The JPAC should begin planning the February meeting immediately. By December 31, 1995, the Parties will have agreed to the 1996 Work Program Framework and budget. They may also have tentatively determined the agenda for the April 1996 Meeting. Using these items as the substance of a draft agenda, the JPAC could present this to the public for response. A revised version could form the purpose and focus for the February meeting.

The JPAC February 1996 meeting, scheduled only months after the 1995 Council Meeting and just prior to the Hamilton Meeting, will allow the Committee to test many of the above recommendations. It can use its meeting to follow up Oaxaca (inform the public of its impact on CEC decisions), influence the April Meeting (integrate the priorities of the public and the CEC), as well as raise new issues of concern (provide strategic advice).

As the prime vehicle for bringing public influence to bear on the directions and activities of the CEC, JPAC must commit to continuous improvement in practices which engage the public, promote transparent communication between the public and the Commission, and include both responsive and strategic approaches to issues which affect the work of the CEC.

Public Participation in the Third Regular Meeting of the Ministers of the CEC: April 1996

Introduction

Following the Second Regular Meeting of the Ministers of the CEC in Oaxaca, Mexico, participants were telephoned and/or sent a fax requesting feedback on the public portion of the Meeting and seeking recommendations for the upcoming Meeting in Hamilton, Canada, in April 1996. Virtually all participants were satisfied with their opportunity to engage with other participants, delegates from the three countries and the Council. Their recommendations, along with those of members of the JPAC and the Secretariat, and the consultant, form the foundation of this report. Where respondents differed in their solutions to a shared issues, the range of perspectives is recorded.

It is important to note that the following recommendations should be viewed in the context of an overall plan to involve the public in the decision making of the Commission and not as discrete strategies for the Ministers' regular meetings (see Public Participation and the Commission for Environmental Cooperation). Dates in parentheses are suggested timelines.

Recommendations

1. **Confirm the April 1996 date(s) for the Regular Meeting and identify and reserve a venue immediately.** The demands of this trilateral meeting are significant and the logistical team requires all the time between now and the 1996 Meeting to plan. Extend the Meeting to a minimum of 2 days and consider an evening prior to the Meeting to set the stage. Choose a venue that is both practical and, if possible, near environmentally significant areas. Schedule a visit to these areas.
2. **Confirm the purpose of the Regular Meeting and design an agenda that supports this purpose (December 31).** In discussion with the Ministers, determine the overall purpose of holding these annual meetings so that the agenda can reflect the real time required to fulfill the objectives. Be specific about the demands made on the Council to make decisions during the Meeting and sufficient set time aside. If, on the other hand, the purpose is to announce decisions that have already been made, schedule time for the Ministers prior to Meeting.
3. **Confirm the role of the public at the Meeting and design an agenda that supports this role (December 31).** Determine the purpose and value added of involving the public at this Meeting. If the public is meant to influence decisions which the Ministers are planning to make, then the agenda will be different process from one which accommodates a public response to decisions that have already been made, or one which encourages strategic discussions of emerging issues.

4. **Determine the focus of the Meeting and who will help shape it (December 1995 - February 1996).** Many groups and committees have input into the focus of the Meeting. Make sure that each one knows what others have contributed and what impact their input has had on the evolving and ultimate decisions. Participants' views were split on the scope of the Meeting agenda. Some wanted a select list of topics; others, a broad, open agenda; and still others, a combination of the two. Regardless of approach, all requested a more disciplined and transparent process for making and communicating the decisions. Specific agenda recommendations were: the "announceables" or impending resolutions; the North American Environmental Fund; environmental health; issues tracking between Meetings; and a three-pronged approach: an evaluation of past performance, a response to current initiatives and a strategic view of future issues. Determine, also, whether members of the public will have an opportunity to shape the agenda, at what stage they could provide input, who would engage them, through what processes they would be engaged, and who would report the impact of their involvement back to them.
5. **Calculate a budget to implement the planning, preparation, implementation and follow up for the Meeting (December 31).** Funding is essential for most NGOs to attend. Determine the budget for supporting their direct involvement. Identify a process for allocating funds. If agencies in each country are engaged to select eligible participants (see #7, Public Participation and the Second Regular Meeting of the Ministers), request that they jointly create criteria for selecting candidates and develop a common procedure for informing the public in a timely manner.
6. **Prepare relevant background materials (December 1995 - March 1996).** Begin preparation now of any materials that are likely to be part of the April Meeting. Consult the Secretariat project managers to identify potential issues and their documents. Distribute draft documents if public input can help shape the outcome.
7. **Identify and inform the public (January 1996).** To make sure that the Commission informs the right people at the right times, develop a comprehensive listing of the CEC's public. Expand, verify and maintain the current data base. Utilize current members to identify new ones. Add the names of all members of working groups in CEC projects and all participants in public meetings held as part of project implementation. Consider supporting local networks, such as Red de Informacion Ejidal (RIE) in Mexico, as a way extend communication. Maximize the capacity of the CEC Resource and Public Information Center. Communicate agendas and background materials electronically wherever possible to minimize costs.
8. **Confirm participation (March 1996).** Confirm participation individually, as each person registers, and collectively, when the final meeting materials are ready for distribution. Identify people according to observer, individual presenter or member of a group presentation. With sufficient notice and encouragement, some participants may prepare joint presentations in advance of the Meeting. Accommodate all registrants to the capacity of the Meeting site, but set a limit of 3 weeks prior to the Meeting for presenter status. Take attendance at the Meeting and include a list of participants with the final report.

9. **Establish a process for selecting presenters (December 1995 - January 1996).** In parallel with planning the Meeting agenda, determine a process for identifying issues around which formal public presentations are desirable. Establish criteria and a process for selecting presenters and communicate both to the public. Consider providing a short training session at the Meeting on how to deliver an effective presentation in under 5 minutes.
10. **Modify the agenda to accommodate confirmed participation and emerging agenda issues (February - March 1996).** In any iterative decision-making process, revisions will be necessary. The more the public is involved, the more it will be necessary to adjust the agenda and the supporting background materials. Tentatively, consider Day 1 an opportunity for roundtable discussions on predetermined issues of common interest to the public and the Commission. Determine, in advance, what the key questions are regarding these issues and synthesize the discussions in a plenary session on Day 2. Invite the Ministers to attend these roundtable discussions for informal exchanges with the participants. Encourage delegates and members of the Secretariat to attend these also, as resource people and as observers. Consider professional facilitators for these discussions or schedule time to address a standard approach among volunteer members of the JPAC or the Secretariat.

At the end of Day 1, circulate a final list of confirmed presentations. Tentatively plan Day 2 for more formally prepared presentations that reflect key issues representing joint/trinational recommendations. Hold a briefing session for presenters to prepare them. Provide the Ministers with a list of presenters, topics and summary presentations. Establish a fixed, but longer time for presentations that allows the Ministers to engage participants at their discretion.

11. **Distribute Meeting materials in a timely manner (January - March 1996).** All participants requested that relevant material be made available to them well in advance of the Meeting. Participants require documents which inform the agenda and allow them to offer considered advice as well as proposed presentations and a list of attendees. And if the public is to influence the actual Meeting agenda, a draft agenda should be included in sufficient time to allow for feedback and revisions - December to January (see Joint Public Advisory Committee Meeting, February 1996).
12. **Modify logistics to accommodate shifts in Meeting focus and levels of participation (January - April 1996).** Make sure the venue is flexible enough to accommodate a range of activities, from a workshop/roundtable focus to a formal plenary/presentation approach. Ensure effective acoustics to accommodate simultaneous translation. Include meeting rooms for delegates, the Secretariat and the press. Consider other groups which may wish to rent meeting space on site during the Meeting.

Reserve generous translation services, and computer, printing and photocopy equipment. Ensure the capacity for overnight translation and photocopy services in the case of last-minute changes to key documents.

13. **Record and distribute proceedings (April 1996).** Although there is a taped record with simultaneous translation, assign the task of record keeping during the Meeting so that a one-page update of highlights can be distributed on Day 2 and a quick summary report can be disseminated within a week of the Meeting. Prepare a more fulsome report within three weeks. Engage Secretariat project managers in the implications of the Meeting decisions.
14. **Solicit an evaluation of the Meeting (April 1996).** Provide and collect feedback on site. Use forms with predetermined questions and categories for evaluating the objectives of the Meeting. Include the findings in the full report to the public.
15. **Notify the public of the next opportunity to engage (May 1996).** Provide the public with a long-term schedule of participation opportunities and the issues under discussion. Establish a process for ongoing exchange outside the face-to-face meetings.

Conclusions

The Council made a commitment to increasing public participation at the Oaxaca Meeting. Participants have expressed their desire to be involved in a meaningful way and they need to know what impact their recommendations are having. These interests are testing the capacity of the three governments to inform the public, receive and integrate advice, and communicate decisions back to the public. These opportunities are also testing the capacity of the public to maintain awareness of the Commission's work in a time and cost-effective manner and contribute their relevant knowledge and experience to the decision-making processes. To ensure that this becomes a way of doing business, rather than an event, the plans for the April Meeting in Hamilton must be part of an overall strategic plan to involve the public.