

ANNEX TO THE ACCORD ON ENVIRONMENTAL HARMONIZATION

Principle 5 of the Canada-wide Accord on Environmental Harmonization states that “openness, transparency, accountability and the effective participation of stakeholders and the public in environmental decision-making is necessary for an effective environmental management regime.” This theme is repeated and elaborated upon throughout the Accord and its Sub-agreements.

This Annex provides further clarification to two important aspects of the Accord: Accountability and Stakeholder Participation.

1 PUBLIC ACCOUNTABILITY

Accountability is defined as the obligation to demonstrate and take responsibility for performance in light of agreed-upon commitments.

Individual Government Accountability

While decisions pursuant to the Accord are to be consensus-based, Ministers come to the discussions representing the interests of their individual jurisdictions. Each Minister remains responsible to act and to be held accountable within his or her jurisdiction. The responsibility for implementing any decision rests, as it should, with elected governments.

Legal Accountability

Governments are held accountable to the public through political processes, legislated reporting mechanisms, and the media. However, they are also legally accountable through laws that impose requirements and obligations for governments to conduct business in certain ways.

There can be no infringement on the powers and authorities of each Minister. The Accord and Sub-agreements are political agreements, and are subordinate to Ministers' legal obligation to apply the laws for which they are responsible. The legal accountability of Ministers to their constituencies remains unaltered.

Operating Guidelines/Principles

To achieve accountability, the following elements are essential: setting clear roles, responsibilities and objectives; involving stakeholders; and monitoring and reporting on progress and achievements. In implementing these elements, governments are individually responsible for decisions taken on a collective basis regarding:

- establishing results-oriented and measurable obligations and goals, and developing implementation strategies.
- providing for openness and transparency and ensuring the meaningful participation of interested parties.
- providing information to the public in a timely fashion, making regular public reports on progress made towards meeting obligations under the Accord and related sub-agreements, and undertaking regular reviews of the Harmonization initiative.

In keeping with the Accord, all future sub-agreements and implementation agreements should include provision for review.

2 STAKEHOLDER PARTICIPATION

Objectives of Stakeholder Participation

The goal of stakeholder participation is to obtain, consider, and provide feedback on the ideas of people with an interest in Harmonization issues, and offer opportunities to influence decisions before they are made. An effective stakeholder participation process should capture, acknowledge and respond to the full spectrum of stakeholder interests, and result in more informed and credible decision-making.

Mandates of Participants

While all instances of stakeholder participation should be guided by the principles outlined in this document, specific roles and responsibilities in the stakeholder participation process would vary depending on the issue. However, in each instance, these roles and responsibilities, including the timelines for the specific consultation process, must be clearly understood by all participants.

Principles

Full and Fair Access

Those who have an interest in an issue should be given the opportunity to identify themselves and to participate in the process, including the development of the stakeholder participation process itself. Governments retain the right to identify individual participants who have a contribution to make to the process. In addition, organizations which may be involved in the consultations should be invited to nominate representatives. To be meaningful, stakeholder participation must take place while options are still open.

Openness, Transparency, and Access to Information

The stakeholder participation process should ensure equal and timely access amongst stakeholders to relevant information on the issues, process and decisions taken.

Clarity of Purpose

Participants must be clearly informed of the issues to be discussed and the objectives and scope of the process, including how their input will be used by governments, in order that they may determine a distinct need for their participation.

Feedback

There must be a commitment by those consulting that appropriate action will result from the process and that feedback will be provided to participants on how their input has been used, together with explanations for the substantive decisions taken.

Relevance

The scope and nature of the stakeholder participation process should be appropriate to the issue involved. The participation process could take place at the local, regional or national level, or through a combination of these.

Efficiency

The stakeholder participation process should follow a realistic schedule with clear deadlines, and be cost-effective.

Flexibility

The stakeholder participation process should respond to changing needs and circumstances as they arise.

Mutual Respect

All those involved in the stakeholder participation process should respect diverse viewpoints, interests and contributions. While remaining accountable to the constituencies they represent, participants should be willing to consider a broader perspective.

Mechanisms of Participation

A range of activities can support stakeholder involvement in specific Harmonization-related activities. The potential range of activities along the CCME “Stakeholder Involvement Continuum” include:

- **Formal Communication:** involves a one-way flow of information to keep parties up to date.
- **Consultation:** involves an active two-way communication to develop a better understanding of issues and problems and the development of potential solutions and recommendations.
- **Partnership:** involves an interactive sharing of views, knowledge and positions among participants so as to develop agreement on a preferred course of action.

The participation mechanism used in a particular instance will depend on the nature of the input sought. Wherever possible, consultations should be based on a collaborative approach.

Funding for out-of-pocket expenses may be provided on a case-by-case basis for individuals whose involvement is essential to the success of the process, in order to ensure that funding is not a barrier to participation.

In all occasions of stakeholder participation, overall accountability and decision-making authority remains with Ministers.