Decision-Making, Governance and Sustainability beyond the age of “Responsible Resource Development”

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Environmental Governance

- Modern age of environmental policy defined by two procedural instruments
  - Environmental/Sustainability Assessment
  - Public Participation

- Both embodied challenges to dominant governing and policy paradigms of late 1960s
Impact peaks mid-late 1990s

- **Ontario**
  - *De facto* strategic EAs
  - EBR 1993

- **Federal**
  - CEAA 1993
  - CEPA 1999 public participation provisions

- **International**
  - Arhus Convention (1998)
“Cutting Green Tape”/Environmental Governance in the age of Neo-Liberalism

- Canada
  - C-38/C-45
  - CRA and security agenda

- Provincial initiatives
  - Alberta
  - Ontario EA and Approvals ‘reform’

- Similar experiences in:
  - UK, Australia, South Africa
Canada in comparative context

- EA Literature focuses on losses of traditional benefits associated with EA/ Public participation
  - Consistency of Decision-making
  - Early warning
  - Better information including local/traditional knowledge
  - Environment/Economy/Society integration
  - Public participation
Downstream Consequences

- Relatively little attention in EA literature to downstream consequences of ‘streamlining’

- 20 years in Canada an important case study in this stage of process
Improved decision-making important driver of EA, but not key political rationale for creation in Canada
Political Rationale

- Need to resolve significant societal disputes about distribution of benefits, risks as costs of projects, that have potential to become significant political problems for governing parties
Practical and Policy Consequences of ‘Streamlining’

- Architects of ‘streamlining’ have forgotten this rationale

- Have stripped processes of capacity to produce decisions that are seen as legitimate and therefore likely to achieve acceptance
Consequences of Streamlining

- ‘Streamlined’ processes fail criteria for community acceptance
  - Procedural Justice
  - Distributional Justice
  - Trust
Consequences

- Opponents continue opposition through other means
- Can have serious practical, legal and political consequences
  - Northern Gateway Pipeline
  - Ontario Offshore Wind
  - Ontario REAs
  - Gas Plant Cancellation in Ontario
Consequences

- N.B. problem can affect low-carbon technologies as well as ‘hard’ path
Partial Problem Recognition

- Ontario Energy Approvals Tinkering

- Federal suppression
  - CRA
  - RCMP
  - CSIS
Ways forward

- Substantive Right of Participation
  - Bill C-634
  - Ontario Anti-SLAPP proposals

- Environmental Assessment??