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CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY

L'INSTITUT CANADIEN DU DROIT ET DE LA POLITIQUE DE L'ENVIRONNEMENT

Summary of the
**Ontario Environmental Strategy
Workshop**

held on
February 20, 1997
at
**Friends' House, 60 Lowther Avenue,
Toronto, Ontario**

CIELAP Shelf:
Canadian Institute for Environmental Law and
Policy
Summary of the Ontario Environmental
Strategy Workshop

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Table of Contents

Need for Discussion of an Ontario Environmental Strategy	1
Challenges Faced	2
Objectives for Dealing with Challenges	3
Assets and Liabilities of, and Challenges facing the Environmental Community	4
A Possible Strategic Framework?	7
Endnotes	10

Need for Discussion of an Ontario Environmental Strategy

Context for Cooperation

The legislative initiatives arising from the current Ontario Government, which commenced on June 8, 1995, have come to represent a critical departure from conventional environmental protection and natural resources management in the province of Ontario. Over the past 18 months the Provincial Government in Ontario has undertaken a dismantling, reworking and streamlining of laws, policies, regulations and agencies, which have played central roles in the protection of Ontario's environment. Still more changes are proposed. The government's actions are considered to be without precedent in the history of the province.

The Progressive Conservative Party of Ontario's June 1995 campaign platform, entitled *The Common Sense Revolution*TM, made no mention of the environment or natural resources. There was only an indirect reference to the "appointment of an arms-length commission on red tape to review all current regulations affecting business. Any regulation which can't be justified will be eliminated within 12 months of a Harris government taking office."¹ During the campaign the Progressive Conservative Party indicated its intention to repeal a number of the previous government's environmental initiatives, including the ban on new municipal solid waste incineration facilities, and the reforms to land-use planning which resulted from the work of the Commission on Planning and Development Reform in Ontario.² At the same time, the Party committed itself to "work with organizations and communities to improve our provincial parks system and work toward the World Wildlife Fund's Endangered Spaces Campaign goal established for 2000."³

Since its election, the Ontario Government's efforts to amend or repeal environmental laws, regulations and policies have affected virtually every aspect of environmental protection and natural resources management and safeguards in the province. So too have the accompanying budget cuts to the Ministry of Environment and Energy, Ministry of Natural Resources and other provincial agencies. Previous Ontario governments have made reductions to the budgets of the environment and natural resources ministries, most notably during the last government of Premier Davis following the 1981 election, and in the April 1993 budget of the Premier Rae government, but none have done so on a scale approaching that of the present government.

The direction of the new government has presented a significant challenge for the province's environmental community which faces the twin hazards of a reduction in the traditional avenues of consultation and issue resolution and a reduction in available resources due to the severing of government financial support. It is in this light that many environmental organizations in the province have been pondering the direction of their future activities. To facilitate discussion around the means to enhance the effectiveness of the environmental community, the Canadian Institute for Environmental Law and Policy organized an Ontario Environmental Strategy Workshop on February 20, 1997.

Challenges Faced

Much of the environmental community seems to be faced with one or more of the following challenges:

1) **No Recognition/Understanding of Environmental/Conservation Issues**

The provincial government seems to demonstrate no commitment to or understanding of environmental/conservation issues and doesn't believe that there actually is an environmental problem. Its agenda is driven by need to cut costs, and it sees environmental protection measures as red tape which are barriers to growth. At the political level, there is a great deal of naivete/ignorance about environmental issues, but there is also an explicit anti-environment/conservation bias among some of the government's key advisors (e.g. PC Party Policy Councils on Environment and Natural Resources). The bureaucracy is becoming increasingly politicized, although it is not a monolith in support of the government's direction.

2) **Arbitrary Policy/Decision-Making**

The government's approach to decision-making is raising serious concerns. The government has abandoned the role of broker between industry and the broader public interest, and has clearly sided with industry. The public and environmental organizations are being excluded from decision-making processes, and decisions are being made on the basis of ideology and personal favouritism, rather than rationality or the promotion of the public interest.

3) **The Dismantling of Accountability Mechanisms**

Accountability mechanisms have been a major target of the government's actions. Mechanisms for monitoring and recording environmental conditions, and activities which affect the environment have been eliminated, and mechanisms for public access to information, such as the *Freedom of Information Act*, have been weakened.

4) **Increasing Reliance on Voluntarism/Self-Regulation to Protect the Environment**

The government is relying heavily on voluntarism and industry self-regulation to protect the environment and natural resources. Public resources such as forests and public lands are being effectively privatized. Private economic interests are being put ahead of the public interest. Business interests have been the primary beneficiary of these moves.

Underlying factors which have assisted the government in its attempt to pursue this agenda with the public:

- * the degree to which public concern for the environment is being overshadowed by concern for what people see as things more likely to affect them in the short term, for example employment, education, and health care; and
- * the public is alienated from the notion of a positive role for government in society. Public has been bombarded with messages re: globalization, the ineffectiveness/inefficiency of public sector, and the costs of government regulation. Even parts of the bureaucracy believe that the state serves no useful function, or that its only legitimate function is to serve the interests of business.

Objectives for Dealing with Challenges

Ends

- return environmental policy agenda to dealing with real environmental issues, not "excessive" red tape
- protect the environment through addressing governance issues and involving people and communities in the future of their own environment
- need to shift to proactive from reactive approach

Means

Information/Communications

- existence of NGOs a reflection of public concern for the environment, but don't assume foot soldiers understand all linkages, they may need some help
- get information to the public in a simple, understandable form so that they can see impacts upon them
- get public to realize they are losing something through government's actions
- identify human health impacts and make information available; government must act on these problems
- need to link de-regulation with actual environmental problems
- find ways to link the environment and economy
- bring clarity to public discussion through a factual base and discussion of impacts
- make visible the importance of NGO oversight role
- make linkages in analyses, and use this to attract broader public constituencies and make relationships with churches, parents et cetera

Litigation

- Pursue selected litigation more aggressively and make obvious the link to impacts

NGO Relationships

- NGO community needs internal objectives as well
 - strengthen our own organizations and encourage cooperation
- support local communities in their struggles for environmental issues; work old mechanisms, invent new ones; pushing down of environmental issues means more battles will be fought at local level
- network "across" stakeholders to a much greater extent, including progressive industry stakeholders

Activity Criteria

Criteria for selection of target areas for activities:

- high public concern
- importance
- matters of principle
- links to the bigger picture
- potentially symbolic
- partnership opportunities
- contribute to better governance
- winnable (considerable debate exists over winnability. Arguments include: that being winnable is better than being discountable; that winnability is not key - don't want to hand government the ability to look good through small concessions; there have been lots of successful losing battles; winnable as a confidence builder and for the gains that can be made; and for battles of principle - to try to win back control of the environmental agenda through building public support. The public has to regain its belief in NGOs as serving the public interest.

Assets and Liabilities of, and Challenges facing the Environmental Community

Some of the strengths that the environmental community could bring to bear on the challenges facing it include:

Strengths

- continued deep reservoir of public sentiment in support of environmental protection
 - concern for the environment seems largely immune to Neoliberalism
- strong commitment to important work by people within the environmental movement

- opposition parties in legislature are basically sympathetic
 - some of the achievements which are being dismantled are those of the Liberal and NDP governments, some too, are of the previous PC government
- strong capacity to analyze government initiatives, although this is dependent on availability of resources.
- high degree of credibility with media and public when communicating information on environmental problems and environmental implications of government de-regulation, de-funding, and devolution initiatives
- lots of local environmental activism
- some success in building alliances with other sectors (labour, health and some industries) although the political impact of this has been limited to date
- some success in raising profile of environmental issues in press:
 - government felt it needed to strengthen environment portfolio by replacing first minister
 - have compelled Premier to defend his government's record in public on several occasions.
 - have delayed implementation of "regulatory reform" in core MoEE areas (air, water, waste) (Bill 57 and Responsive Environmental Protection)

Weaknesses

Some of the weaknesses that the environmental community could attempt to overcome would help it to face its challenges include:

- government is unsympathetic to environmental concerns
 - loss of access to government combined with weakening/elimination of key tools (intervenor funding, FOI)
- public support for environmental protection is latent (could be viewed as an opportunity)
 - environment is not a top of mind concern, no time or space for it in light of other more immediate concerns like employment, health care and education.
- environment tending to get lost as legislative opposition responds to myriad of government initiatives
 - environment critics are having to fight very hard to get time in House on environment.
- space available for coverage of public policy issues in media has shrunk in general, and around environment in particular
 - Globe and Mail is only major outlet giving regular coverage to environment; coverage in media in general has been intermittent

- coverage is otherwise fragmented, ad hoc, no linkages between stories
- opportunities to get messages into local media have also shrunk as local dailies/weeklies/monthlies have been bought out by larger outlets
- communications/responses by NGO community have been fragmented and ac hoc.
 - no long term strategy in terms of messages, use of obvious opportunities for communicating environmental messages (e.g. Rio +5, Earth Day, Budget Day, Auditor-General's Report Day, ECO Report Day, Release of IJC Reports, NPRI Reports, etc.)
 - mode is fundamentally reactive.
 - the environmental community is less credible when speaking outside of the range of its recognized expertise (e.g. the environmental community issuing prescriptions for areas of the economy, budgetary deficits or tax reform may not be received as readily by media and public)
- although lots of local grassroots activity, the ability to coordinate activity, and share information has been weakened, particularly with diminishment of OEN
 - don't have any means of putting people on MPPs' doorsteps in ridings or getting phone calls and letters to government
- resources (money) in very short supply
 - some key foundations, (e.g. Laidlaw) re-defining mandate
 - provincial government funding (core and project) has disappeared in virtually all cases
 - ability to provide critical, factual analysis may decline because of lack of available environmental monitoring information

Opportunities

- enormous disjuncture between government action and public opinion on environmental protection

Threats

- continued slide into irrelevance, reactiveness, loss of control of agenda, loss of legitimacy of interventions in eyes of the public
- government may move forward in some small specific area, which will deflect attention from its overall track record

Discussion

- The key challenge is to translate the strong, although latent, level of public support for environmental protection into action
- dependence on media as communications vehicle a problem - if no conflict, no interest, but need to keep using media to mobilize people

- differences in perception of organizational constituencies/memberships
 - some see giving membership a task that they can do as important, gives them a stake in the outcome
 - in other cases members see work of NGOs as a service which they buy, and do not expect organization to ask them to do things as individuals

- strategic considerations
 - government appears to have given up on 416 and 705 areas. 905 is power centre and government will act if it hears from backbenchers in 905 region
 - letters and visits to MPPs by individuals can be very effective
 - need to partner with organization with ability to get membership to do something (e.g. CFUW, churches)
 - learn lessons from other struggles, feed information out through networks
 - need to get more mean in dealing with government
 - need to make environment more immediate concern, link layoffs, de-regulation to actual effects, make it real
 - identify some keystone messages that lead individual, issue-based, stories back to the big picture

A Possible Strategic Framework?

Although no common strategy was developed at the workshop of February 20, the participants agreed on a conceptual framework (see figure 1). Two key elements which were identified as being essential to any future strategy were **information flow** and **communication**.

Information Flow

There was strong agreement on the need to strengthen mutually supporting relationship among groups working at the local and provincial levels. Local groups can provide information about the real world impacts of the government's actions and emerging environmental problems, and mobilize individual members to write letters and visit MPPs.

Organizations working at the provincial level can use information from local experiences to build the case for provincial level changes in law/policy, provide information to local groups regarding the implications of proposed and actual changes in laws, regulations and policies. Organizations working at the provincial level may also have greater capacity to communicate issues to wider audiences.

In the past the Ontario Environment Network (OEN) caucuses have provided a mechanism for this kind of two-way communication and cooperation. There are also successful models in the experience of the Canadian Environmental Network (CEN). However with the diminishment of the capacity of the OEN these mechanisms are significantly weakened. There was agreement that means to deal with this situation need to be identified.

Communications

There was general agreement not to attempt to prioritize work on a limited range of particular issues, as this inevitably leads to some people finding that issues on which they work on have been left off the list of priorities. It was felt that individual attachment to issues brought much of the passion to the struggle for environmental protection and this must be maintained. At the same time, the wide variety of issues that the environmental community has felt compelled to defend in the past year, often concurrently, has been taxing.

Although a prioritization of issues seems unattractive, there was support for the notion of strengthening the coordination of organizations' communications strategies regarding the province's activities. There was agreement on the need to develop simple, succinct, clear uncluttered strategic messages which could be conveyed whenever speaking about provincial initiatives. Among other things, this could help to compensate for the degree to which media coverage of environmental issues has become fragmented, and ad hoc.

There could also be further discussion on strategic approaches to regaining the initiative and moving from the current reactive stance to a more pro-active, agenda-setting situation. The need to stress the existence of real physical environmental problems and threats to human health, to government, the media, and the public was a theme which recurred throughout the discussions.

Figure 1

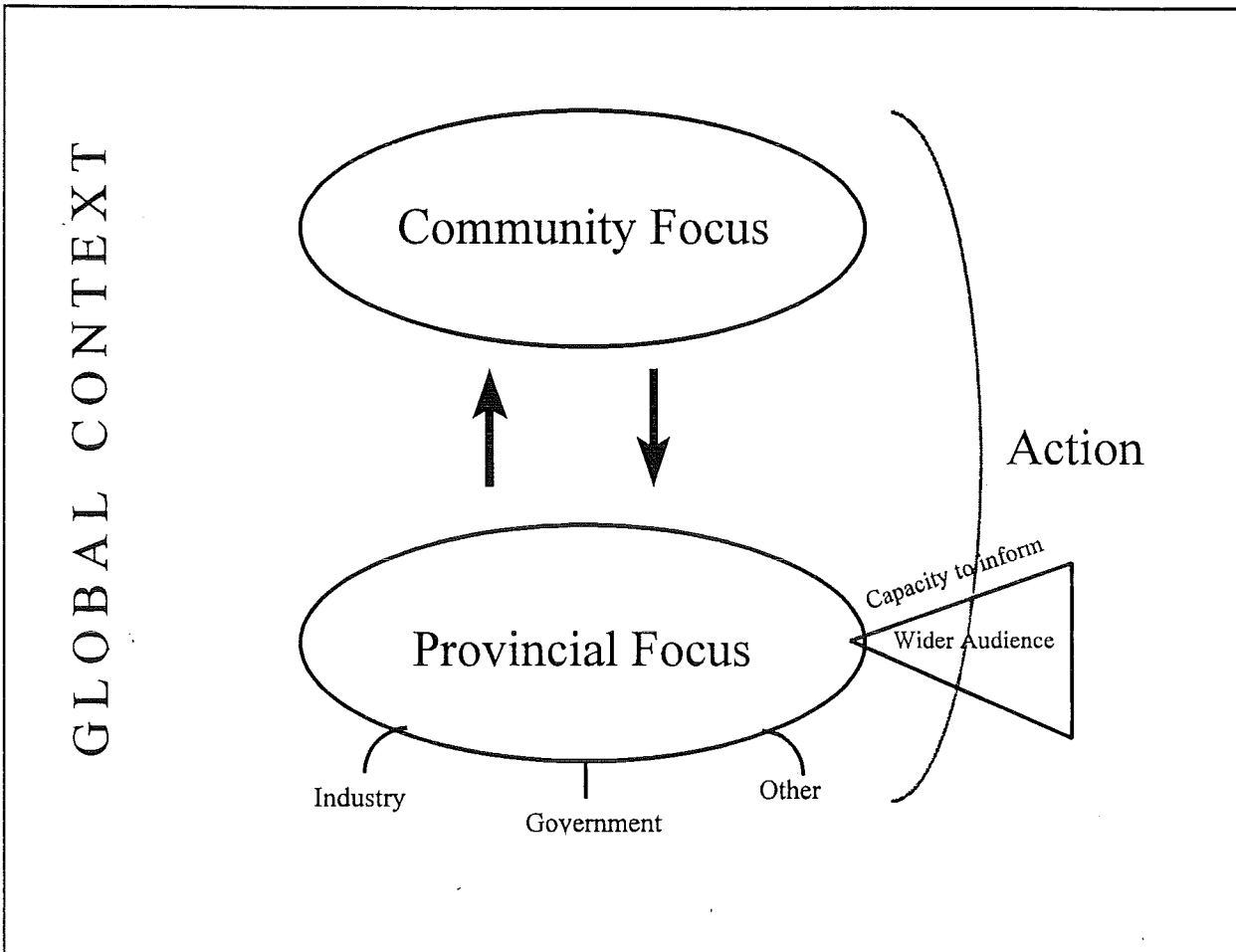


Figure 1: The domain in which environmental change occurs.

Endnotes

1. The Common Sense Revolution (Toronto: Progressive Conservative Party of Ontario, May 1994) pg. 14.
2. The Project for Environmental Priorities, Election '95/Backgrounder - Highlights of PEP Poll Results (Guelph: Ontario Environment Network, May 1995).
3. The Project for Environmental Priorities, Election 95 - Responses to the Questionnaire (NDP, PC's and Liberals), pg.9.