

### Conclusion 13:

Environmental protection and the adoption of sustainable development patterns involve the whole population. At present, public access to data and information on environmental issues, and to related governmental activities (including intergovernmental liaison mechanisms) is quite inadequate. The Committee's recommendations in regard to the division of powers all take as a prerequisite the need for greater public access to environmental information and greater public participation in environmental action by governments.

### Recommendation 14:

The Committee recommends that the proposals for political renewal include measures to enable Canadians to participate effectively in, and hold accountable, the institutions of government at all levels, in order to fulfil objectives for a healthful environment and sustainable development.

## B. Other Aspects

3.21 *Property Rights.* Witnesses before the Committee expressed considerable concern about the potentially negative implications for the environment of the proposed entrenchment of property rights in the Canadian Charter of Rights and Freedoms.<sup>28</sup> The current proposal to entrench such a right provides no definition of property, no location for such a right within the Charter, and no draft wording for such a provision. Witnesses therefore had some difficulty in addressing themselves in detail to this item. The character of their concern, and the extent to which it is shared by many witnesses are, however, clear enough.

3.22 Many witnesses opposed the entrenchment of property rights because such a provision could impede the ability of governments in Canada to develop and implement environmental measures. All the witnesses from the environmental community took this view, as did most others. Some witnesses, while opposed in principle to entrenchment of property rights, proposed measures through which negative environmental effects of such a change could be reduced.

3.23 A witness from the Canadian Bar Association advised the Committee that unqualified entrenchment of property rights would interfere with the ability of all levels of government to implement environmental protection legislation.

*That is because many environmental controls are attached or implemented by way of laws relating to land use, zoning and planning, natural resource extraction and management and so forth.*<sup>29</sup>

The fact that such rights are subject to reasonable limits, pursuant to section 1 of the Charter, did not reassure the witness, because the determination of what is a reasonable limit depends on judicial interpretation. As another expert legal witness commented,

<sup>28</sup> *Shaping Canada's Future Together*, p. 3.

<sup>29</sup> Issue 16, p. 28.