

# CHAPTER 2

## BASIC PRINCIPLES

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### A. Reconciling Shared Jurisdiction with Federal Leadership

2.1 One clear message to the Committee, conveyed in various forms by a number of witnesses, is that the Canadian public is “ahead” of its governments in terms of environmental thinking and the need for action. Meanwhile governments may themselves be ahead of the institutions and mechanisms available for effective action.

*... Canadians are somewhat out in front of their institutions. They have been perceptually and in terms of concern levels for a long time, but they are now moving out in front of their institutions in terms of actions. . .*

*Today Canadians identify individual Canadians as primarily responsible for environmental protection. . .*

*People are less and less looking to the federal government to be primarily responsible for environmental protection. They never looked primarily to provincial governments for that . . .*

*... Canadians see environment as a transboundary issue that requires huge resources to resolve, that requires partnerships; 24% of Canadians refused to point the finger at anyone. They insist that it is a shared responsibility. . . Canadians want everybody involved. They look to the federal government to bring everybody together, but they are less and less looking to the federal government and they are taking it on themselves. . .*

*They are looking to the private sector to do what it does best, which is implement. They are not looking to governments to implement; they are looking to governments to ensure the implementation, to ensure that all actors are working together, and to ensure that if someone is not living up to that public trust, that individual or corporation is landed on with both feet.<sup>1</sup>*

2.2 There is therefore a strong feeling in the public mind that responsibility for the environment cannot sensibly be allocated to a single level of government. That view is shared by the Committee, and was also expressed very forcibly by the Minister of the Environment:

*[W]e cannot compartmentalize our environment into neat jurisdictional boxes. In constitutional terms it means we cannot simply confine the environment to Parliament, or conversely to the provinces. Yet, some have suggested that environment should be a separate head of power in the Constitution, that the Constitution should confer the environment on just one level of jurisdiction.*

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<sup>1</sup> Issue 6, pp. 9, 13-14, 20.