

Resource Management leadership in Canada sadly lacking

by Ian Campbell

In recent months there has been increasing concern by many Canadians over the use of our natural wealth — notably over gas and oil. The shortage of energy in the United States has put tremendous pressure on Canada to increase sales of gas and oil to our Southern neighbour and has put our natural resources at a real premium.

Last September, four members of the Faculty of Law here at Dalhousie; Dean R. St. J. MacDonald, Q.C., Douglas M. Johnson, Ian A. McDougall, and Rowland J. H. Harrison, submitted a brief to the Nova Scotia representatives of the Canadian Council of Resource and Environment entitled **Economic Development with Environmental Security**. The brief comments on Canada's past performance in the development of energy resources; indicating by reference specific examples, that resource management leadership in Canada has been sadly lacking.

Examples of this lack of leadership are:

1) The Columbia-Kootenay — The Columbia River Treaty: The treaty entered into between Canada and the United States reflected the interest of British Columbia almost exclusively whereas further study might have indicated benefits from interprovincial use. As it turned out the interests of Alberta and Saskatchewan were totally disregarded.

2) Natural Gas Export: Long term commitments to export natural gas will in short mean that future industrial growth in areas such as Quebec and Ontario will have to be based on less efficient and, from the environmental point of view, more harmful fuels such as coal. Planning in this area has been so

bad that present export commitments are 1.1 trillion cubic feet in excess of known supply. In response the Alberta government initiated a two-price policy which now means Eastern Canadians will pay more for natural gas, in effect subsidizing the bad bargains made with US.

3) Nelson-Churchill and James Bay projects: Both power and water from these two mammoth projects are destined to go south of the Border. In addition, far too little study has been given to the long-term implications of the plans either by the Provinces involved, Manitoba and Quebec, or by the Federal Government at Ottawa. The ecological cost of either of these projects might be enough to deter proceeding with them, not to speak of the cost to the inhabitants of the area affected.

As the brief points out, a number of "lessons" are revealed by the cost of these cases. First of all, Canada has a long history of short-sighted resource developments. Secondly, development has been provincially initiated and little regard has been given to the national implications on the economy or the environment. Third, the United States has been almost sole beneficiary of the resource exploitation and, finally, lack of leadership from the Federal Parliament places the onus on the provinces to insure "optimal development."

The importance of the brief, especially to Nova Scotia, is its recognition of pitfalls and problem areas incurred by the rest of the country with respect to resource development. This may put those in charge of such development here on their guard. Of more import are the recommendations made by the Dalhousie team to insure that development in Nova Scotia does not leave us short-changed.

The brief points out cogently that a major difficulty in assessing any environmental effect of resource development projects in Nova Scotia is the lack of information on Government plans and intentions. For example, a study commissioned by the Nova Scotia government indicating the effects on employment by the discovery of oil and gas is unavailable for public scrutiny. In addition, no studies have been made public on the impact, either economic or environmental, of oil and gas exploration.

Two other proposals — the development of St. Margaret's Bay as a deep-water port and the establishment of an enriched uranium light water reactor at Stoddard's Island — remain closely guarded secrets of a select few at Province House.

The recommendations made by the Dalhousie group appear quite sound. It is unfortunate that the local news media did not take it upon itself to give the brief the publicity it deserves. Indeed, even our Toronto friend, Philip Sykes, writing in *The Toronto Star*, made little or no mention of the recommendations, preferring to emphasize the fact that we have sold ourselves down the "American drain."

The recommendations include education of the public and of professional environmental scientists and managers; an interdisciplinary program of research and study and programs of law reform.

The most important recommendation is that of the establishment of a "Commission for Environmental Protection." The brief envisages this Commission as being independent of government, operating in the public interest, with public support.



Dean R. St. J. MacDonald, one of the four members of Dalhousie's Law Faculty, who submitted a brief to the Canadian Council of Resource and Environment.

The following is a description of the "Commission for Environmental Protection" recommended by the Dalhousie group.

1. Nature of the Agency

The proposed agency, which might be referred to as the "Commission for Environmental Protection," would be independent of government, operating with public funds in the public interest. It is believed that the structure, proposed below, need not depend on high levels of budgetary support, particularly if certain functions can be shared inter-provincially.

2. Composition of Commission

The Commission would be composed of a full-time Commissioner, a small full-time administrative staff, and a part-time Panel of Scientific Experts.

3. Functions of the Commissioner

- i) to encourage and promote the social and economic planning and development of Nova Scotia, in accordance with provincial, regional, national, and international policies for environmental protection;
- ii) to stimulate and develop environmental consciousness in all sectors of the community through the existing media of public information and the existing educational institutions in the province;
- iii) to maintain liaison with existing environmental councils, commissions, and other interested agencies in the Atlantic Region and in other parts of Canada with a view to coordination of their activities;
- iv) to consult regularly with industrial and related enterprises engaged in development projects that have immediate environmental implications for the local community;
- v) to sponsor conferences, workshops, seminars, integrated research projects, and related activities

in the field of environmental studies;

vi) to elicit disclosure of current and proposed development projects which should, in the Commissioner's view, have public scrutiny because of the potentially adverse environmental impact that they might have;

vii) to engage members of the Panel of Scientific Experts in studies of the probable environmental impact of such projects, when it seems desirable in the public interest;

viii) to publish the results of such studies;

ix) to receive and investigate complaints from the public concerning the potentially adverse environmental impact of existing and proposed enterprises, projects and related activities;

x) to hold public hearings on matters complained of, if preliminary staff investigations show them to be matters of serious and legitimate public concern;

xi) to explain to the public the Commission's position on current environmental issues and to discuss proposals for the treatment of environmental problems;

xii) to serve as a conciliator between parties involved in environmental disputes that need to be settled as swiftly as possible in the public interest;

xiii) to publish an Annual Report on the work of the Commissioner and his staff in the past year, with a summary of the findings, if any, by the Panel of Scientific Experts, and the Commissioner's recommendations, if any, for improvement of the work of the Commission and the treatment of environmental problems.

(Note: As the Commissioner's role becomes more widely acceptable, his functions may be expanded to include the making of recommendations on law reform and the participation, as amicus curiae or otherwise, in litigation against alleged violators of private or public environmental rights. As the Commission expands, it would become increasingly important to enter into cost sharing arrangements with other member provinces of the Atlantic Region or to coordinate these roles with national en-

vironmental commissions or councils. Regular meetings with governmental bodies like the Nova Scotia Environmental Control Council and non-governmental bodies like the Nova Scotia Resources Council would no doubt prove to be mutually beneficial, particularly on an inter-provincial basis, to evaluate such matters as the applicability to Nova Scotia and the Atlantic Region of environmental policy formulated at national and international levels.)

4. Rights of the Commissioner

i) to have access to information about private and public planning of development projects early enough and in sufficient detail to enable the Commissioner, his staff, and the Panel of Scientific Advisers to discharge their functions effectively in the public interest;

ii) to raise funds from private sources in order to sponsor conferences, workshops, seminars, integrated research projects, and related activities in the field of environmental studies;

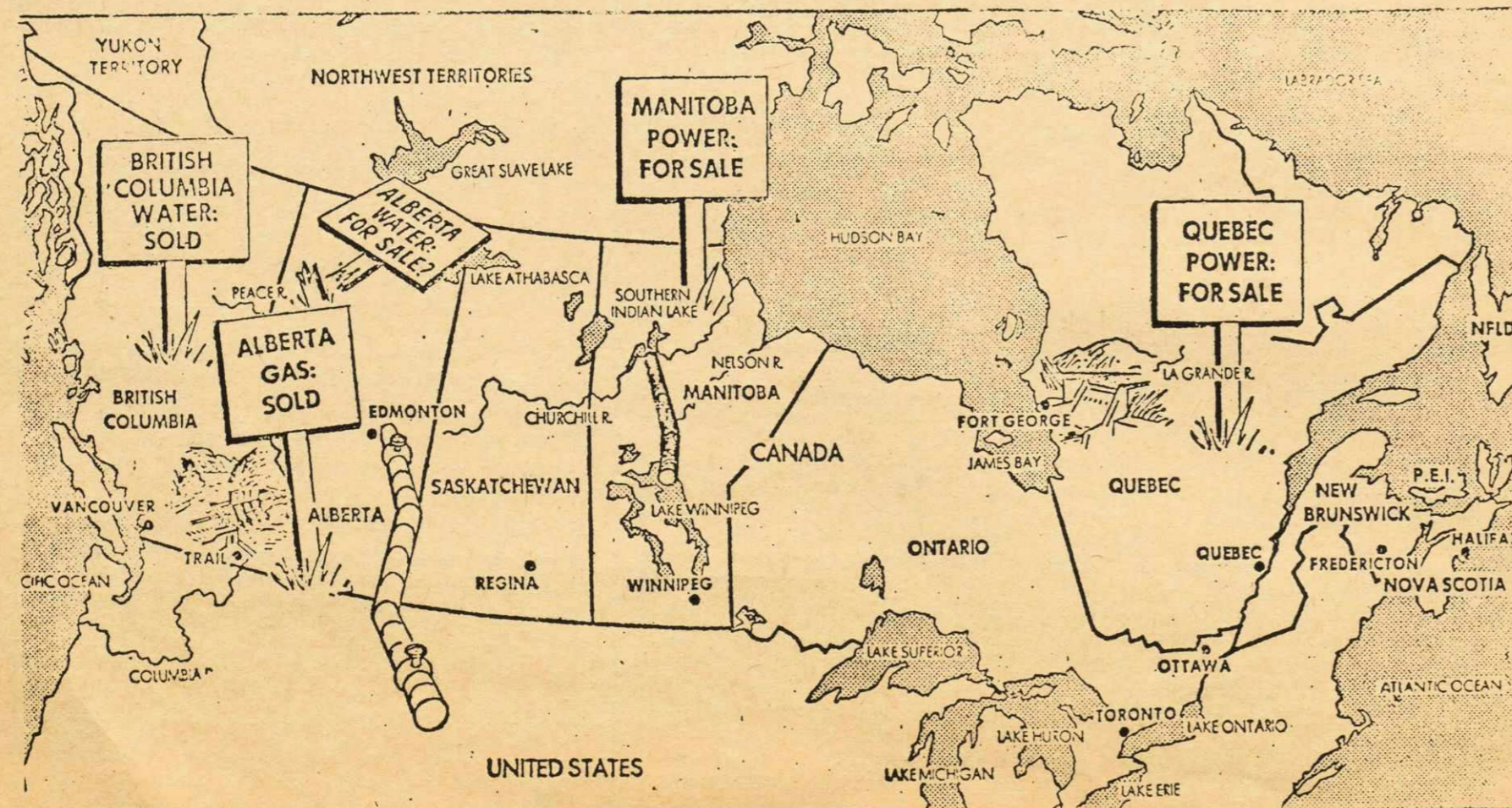
iii) to attend meetings of the Nova Scotia Environmental Control Council and such agencies as are charged with responsibility for the planning of resource development.

5. Duties of the Commissioner

i) to ensure that information about current and proposed development projects disclosed to him or his staff is publicized early enough and in sufficient detail to enable the public to participate in the discussion of their environmental implications in advance of high cost expenditures on environmentally dangerous activities;

ii) to investigate public complaints and, if necessary, to respond to them, early enough to forestall, if possible, high cost expenditures on environmentally dangerous activities.

iii) to prepare an annual budget of estimated costs necessary to maintain the work of the Commissioner and his staff and to cover fees for the services of the members of the part-time Panel of Scientific Experts, and to account for expenditures in the previous year.



Canada is losing out to the U.S. in the game of energy sales, according to a study made by four professors at Nova Scotia's Dalhousie University.

They point to dams built in B.C. to benefit the U.S., Alberta gas sales to the U.S. and power for the U.S.

users from Manitoba's Nelson River project and Quebec's James Bay hydro plant.