

4-1-2012

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Recommended Citation

A John Sinclair and Lisa Quinn, "From Idea to Practice: Sustainable Development Efforts in Manitoba" (2012) 35:1 Dal LJ 31.

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A. John Sinclair* and
Lisa Quinn**

From Idea to Practice: Sustainable
Development Efforts in Manitoba

With a renewed global interest in achieving a more sustainable society, the authors reflect on the history of institutionalizing sustainable development in their province, Manitoba, and consider its future. This paper outlines that province's approaches to developing and advancing sustainable development and discusses the success of these approaches in shaping, guiding, and furthering sustainable development in the province. This is achieved through examination of legislation and review of sustainable development documents as well as interviews with various participants in the process including members of the Manitoba Round Table for Environment and Economy, and members of the more recent Manitoba Round Table for Sustainable Development. Reference is made to the Nova Scotia experience. The authors conclude that Manitoba's success in advancing sustainable development is predictably mixed and coalesces around roundtable actions, institutional structure, and policy development.

L'intérêt mondial pour une société plus durable ayant été ravivé, les auteurs entament une réflexion sur l'institutionnalisation du développement durable dans leur province (Manitoba) et s'interrogent sur son avenir. L'article fait état des méthodes adoptées par le Manitoba pour appuyer et faire progresser le développement durable et discute de leur utilisation pour définir, orienter et favoriser le développement durable dans la province. Pour ce faire, les auteurs examinent la loi et divers documents sur le développement durable ainsi que les entrevues avec divers participants au processus, notamment des membres de la Table ronde du Manitoba sur l'environnement et l'économie et des membres de la Table ronde manitobaine sur le développement durable, de création plus récente. Les auteurs concluent que le succès de la promotion du développement durable par le Manitoba est intimement lié aux interventions de la Table ronde, aux politiques qu'elle élaborera et à sa structure de coordination.

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Introduction

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Introduction

This year—2012—is the twenty-fifth anniversary of the Brundtland Commission’s *Our Common Future*, the report that presented the world with the concept of sustainable development in its now popularized definition—development that meets the needs of the present without compromising the ability of future generation to meet their own needs.¹ It also is the twentieth anniversary of the ground-breaking United Nations Conference on Environment and Development (UNCED), known as the Earth Summit. One of the fundamental outcomes of the conference was *Agenda 21*, which called upon each country to devise national approaches to and strategies for instituting sustainable development.² Brodhag and Talière note that “Agenda 21 recognises that the enormous task involved in sustainable development needs an orderly approach.”³ Two decades later, following up on the notable Earth Summit, world leaders, having recently attended Rio+20 (United Nations Conference on Sustainable Development), are once again considering sustainable development and in particular “the institutional framework for sustainability development,” one of two primary themes of the conference.⁴

1. World Commission on Environment and Development, *Our Common Future* (New York: Oxford University Press, 1987) [*Our Common Future*].

2. *Agenda 21: Programme of Action for Sustainable Development*, UNCED, UN Doc A/Conf 151/26 (1992) [*Agenda 21*].

3. C Brodhag & S Talière, “Sustainable development strategies: Tools for policy coherence” (2006) 30:2 *Natural Resources Forum* 136 at 136.

4. *The Future We Want*, GA Res 288, UNGAOR, 66th Sess, UN Doc A/66/PV 123, (2012).

Although there has been considerable commitment made to sustainability ideals by governments around the world,⁵ institutionally embedding the commitments made under *Agenda 21* has been very difficult. Barry Rabe noted that the momentum following the Earth Summit was short-lived, with little discussion of the institutional reforms needed to implement sustainable development.⁶ It remains to be seen whether or not leaders will continue to pursue the commitments made at Rio+20, or if enthusiasm for sustainable development will once again rapidly fade. Unfortunately, as Staley concludes: "Political concerns, which may or may not be consistent with sustainable development or achieve sustainable development goals, drive legislative policymaking rather than science or a rationalist approach."⁷ Institutional struggles aside, the condition of the global environment has continued to deteriorate.⁸

Canada has long adopted the concept of sustainability, responding, with a series of measures, to the call made by UNCED for all countries to devise a national approach to sustainability. Canada set out to define an institutional approach for the nation by striking the National Task Force on Environment and Economy (NTFEE). This task force reported to the Canadian Council of Resource and Environment Ministers in September of 1987. Its report notes that its objective was to "initiate dialogue on environment-economy integration among Canada's environment ministers, senior executive officers from Canadian industry, and representatives from environmental organizations and the academic community."⁹ The task force's report sought to identify ways to harmonize Canada's environment and continued economic development. The report went on to outline recommendations for implementing sustainable development, including actions such as the development of round tables and initiatives to address our international responsibilities. In typical Canadian federation fashion, each province and territory addressed the recommendations in their own way.

5. See, V Mauerhofer, "A 'Legislation-Check' based on '3-D Sustainability' – Addressing global precautionary land governance" (2012) 29:3 Land Use Policy 652; *Agenda 21*, *supra* note 2; D Braun, "External Review of Sustainable Development Policies" (2010) 40:4 Environmental Policy and Law 187; and, R Kemp, S Parto & RB Gibson, "Governance for sustainable development: moving from theory to practice" (2005) 8:1/2 International Journal of Sustainable Development 12.

6. B Rabe, "The politics of sustainable development: impediments to pollution prevention and policy integration in Canada" (1997) 40:3 Canadian Public Administration 415.

7. S Staley, "Institutional consideration for sustainable development policy implementation: A US case study" (2006) 24:3 Property Management 232 at 241.

8. See, for example, *ibid* and Brodhag & Talière, *supra* note 3.

9. NTFEE, *Report of the National Task Force on Environment and Economy* (Ottawa: Canadian Council of Resource and Environment Ministers, 1987) online: nrtee <<http://nrtee-trnee.ca/corporate-reporting/annual-report-1987>> at 1.

The purpose of this paper is to outline Manitoba's approaches to developing and advancing sustainable development and to consider the success of these approaches in shaping, guiding, and furthering sustainable development in the province. Our approach to the study was qualitative. Provincial legislation was considered and numerous sustainable development documents that have been produced through the government of Manitoba's efforts were reviewed. In addition, interviews were conducted with nine individuals, including provincial government officials who have worked, or are working, to implement sustainable development, as well as members of the Manitoba Round Table for Environment and Economy (MRTEE), and members of the more recent Manitoba Round Table for Sustainable Development (MRT). The interviews were semi-structured and lasted anywhere from half an hour to over one and a half hours. The objectives of these interviews were to better understand the history of action on sustainable development in the province, to identify significant points in that history, and to get a sense of what has been accomplished thus far. The quotations in the text below are from these interview participants unless otherwise indicated. In addition to these methods, the authors of this paper bring their own experience to the research: Quinn was a roundtable member between 2005 and 2011 and Sinclair has actively participated in multi-stakeholder roundtable consultations in Manitoba.

The paper begins with a brief history of Manitoba's approaches to sustainable development, followed by a discussion of the primary product of these early efforts—the Manitoba *Sustainable Development Act*. It concludes with consideration of the current state of sustainable development efforts and the consequent need for renewal of interest and commitment to sustainable development.¹⁰

I. *Formative years: shaping ideas into legislation*

Manitoba played a leading role in laying the groundwork for sustainable development in Canada by serving as Chair of NTFEE. In the words of the Honourable Gerard Lecuyer, both Minister of Environment from Manitoba and Task Force Chair: "All Canadians have a major role to play in making sustainable development a reality."¹¹ For their part, the Government of Manitoba enthusiastically took up the sustainable development mantle. One former Round Table member recalled: "the time leading up to 1988 was filled with lots of optimism about transforming society into thinking

10. CCSM 1997, c 5270.

11. NTFEE, *supra* note 9 at 2.

and doing sustainable development.” In fact, the government set out to make Manitoba a centre for sustainability in the country. In the early days following the report of the Task Force, Manitoba aggressively courted the Canadian Council of the Ministers of the Environment (CCME), the International Institute for Sustainable Development (IISD), and the North American Free Trade Agreement (NAFTA) Environment Secretariat, encouraging them to locate in the province. The province was successful in persuading both the IISD and the CCME to establish their offices in Winnipeg, but not without making financial commitments. To this day, Manitoba is still paying for CCME office space and providing a considerable operating grant to IISD each year.

In further pursuit of the distinction as the center for sustainable development within Canada, the newly elected Filmon Conservatives created the MRTEE on 5 October 1988. VanNijnatten explains that: “multi-stakeholder round tables on the environment and economy were encouraged to engage in broader policy thinking about environment-economy linkages at both the federal and provincial levels.”¹² The MRTEE did just that, with relative success. According to respondents the key elements of this success during the formative years were its direct reporting relationship with the most senior level decision makers, the leadership of Premier Filmon, the development of a public consultation process for the policy direction initiatives, and the co-operative efforts of senior ministers on sustainable development issues. For Premier Filmon, the sustainable development effort became a central part of his leadership, with he and Mr. Mike Bessy providing the necessary political will and direction. As chair, Premier Filmon ensured the MRTEE worked as a high profile government agency, convening monthly roundtable meetings around the province, holding a large black tie gala awards event each year, and producing ideas for new policy direction.

The interview participants identified four very important initiatives taken by the government to underscore the central position of sustainable development, specifically, the establishment of the Sustainable Development Committee of Cabinet, the Sustainable Development Coordination Unit, the Sustainable Development Innovations Fund, and the Sustainable Development Awards. The Sustainable Development Committee of Cabinet, which met monthly (at a minimum), was made up of ministers from departments including Agriculture, Natural Resources, Environment, and Rural Development. These ministers were also

12. DL VanNijnatten, “Participation and Environmental Policy in Canada and the United States: Trends Over Time” (1999) 27:2 *Policy Studies Journal* 267 at 275.

members of the MRTEE. The Sustainable Development Coordination Unit (Unit) was established to coordinate all of the provincial sustainable development efforts. The Unit, headed by Robert Sopuck and staffed by a team of up to nine people, was reasonably resourced and was responsible for managing the roundtable process and helping departments develop sustainable development policies and directions.

Also critical to the work of the Unit, the MRTEE, and government departments was the establishment of the Sustainable Development Innovations Fund, which was used for a variety of initiatives including community-proposed sustainable development projects. The money for the fund was established through an “environmental protection” tax on disposable diapers and alcoholic beverage containers, as well as other levy sources. In 2010/11 the tax generated revenues allowed expenditures of 3.38 million dollars. It has provided support for hundreds of projects ranging from community-based initiatives, such as Dutch Elm disease projects, to more research-oriented projects, such as tall grass prairie restoration and mine tailing reclamation. The money is used to fund what are termed “targeted funding initiatives,” including support for “Departmental and Government Strategic Priorities,” such as the Bear Smart Initiative and the Waste Reduction and Pollution Prevention Fund, wherein individuals and organizations can apply for financial support. Over the last couple of years the “open” category of Sustainable Development Innovations Fund funding that provides individuals and organizations the opportunity to apply for an award has not been open for applications, with the money available in the category having gone to government identified projects.

Some interview participants also viewed the annual Sustainable Development Awards as an important initiative, because the Awards highlighted and publicized activities, organizations, and individuals implementing sustainable development, and, as such, served as an important social learning tool.

Although the MRTEE was involved with these various initiatives in some fashion, its key task was to identify policy directions that would help to transform government and society, ensuring sustainable development as an outcome. Rabe observed, however, “[t]he primary output of these round tables appears to be a plethora of background reports, theme papers, workshops, reports and debates.... Many of these reports are couched in such broad language as to be largely unobjectionable but provide minimal guidance for policy.”¹³ Not unlike its counterparts across the country, the MRTEE’s research efforts and public consultations resulted in the

13. Rabe, *supra* note 6 at 427.

production of a myriad of documents—with one participant correctly estimating “probably 100 to 110.” Of this “about 40” were sectoral policy review documents like *Lands and Special Places*, *Minerals*, and *Energy*,¹⁴ that contained strategies and policy directions that have only been implemented in selected situations.

The policy document creation process normally began with an MRTEE initiated discussion document. The discussion document acted as the basis for public consultation, a consequent “What You Told Us Document,” and a final report outlining policy direction for provincial and local governments, industry, and the public. For example, one final report entitled *Applying Manitoba’s Forest Policies* stated in policy 2.4: “Long-term environmental (climate) changes shall be evaluated to determine their effects on the supply and quality of forest resources and the forest ecosystem.”¹⁵ One participant noted that this forest policy document precipitated *Next Steps: Priorities for Sustaining Manitoba’s Forests* in March of 2002 and that, while all five of the priorities identified in this later document generated some sort of action, there were also considerable resources put toward increasing the scientific and traditional knowledge of Manitoba’s forests.¹⁶

In general though, interview participants had difficulty identifying which of the many policy documents produced was the most important in terms of their practical implications. Two respondents indicated that the most significant documents addressed water policy, in part since they lead to the current watershed planning activities. Another highlighted the work the MRTEE did in relation to developing a strategy for Aboriginal people living in Winnipeg.¹⁷

There was agreement among respondents, however, that the work leading to the establishment of the *Sustainable Development Act* was very important and underscored the notion of change in government philosophy.¹⁸ In 1992, the MRTEE produced a document entitled *Towards Institutional Change in the Manitoba Public Sector*. In that document, MRTEE members argued that sustainability required the leadership of

14. See, Manitoba, “State of the Environment Reports,” online: Manitoba <www.gov.mb.ca/conservation/annual-reports/soe-reports/soe95/natural.html>.

15. MRTEE, *Applying Manitoba’s Forest Policies* (Manitoba: MRTEE, 1994) online: Manitoba <<http://www.gov.mb.ca/conservation/susresmb/sd/pub.html>>.

16. Manitoba Conservation, *Next Steps: Priorities for Sustaining Manitoba’s Forests* (Manitoba: Manitoba Conservation, Forest Branch, 2002).

17. MRTEE, “Towards a Strategy for Aboriginal People Living in Winnipeg” in *Applying Manitoba’s Policies for Aboriginal People Living in Winnipeg* (Manitoba: MRTEE, 1999) online: Manitoba <www.gov.mb.ca/conservation/susresmb/pdf/aborig.pdf>.

18. *Supra* note 10.

a “sustainable thinking and acting public sector.”¹⁹ Unlike the approach taken in other jurisdictions, the MRTEE suggested that the government develop a “Sustainable Development Act” to provide umbrella legislation and create a legal duty to fully incorporate the principles of sustainable development into government operations, legislation, policies, and programs. So started the debate over sustainable development legislation in the province and, while progress was slow, discussions continued at the MRTEE level.

II. *A new vision: implementation of the Sustainable Development Act*

In March of 1994, the MRTEE released a *Discussion Paper for a Sustainable Development Act*. The purpose of the document was to generate public discussion on the proposed statute by outlining a series of elements considered essential to any such legislation. The report on this largely “information out” consultation was followed by the release of the *White Paper on the Sustainable Development Act* in August of 1996.²⁰ The *White Paper* included draft legislation divided into eight sections, with a ninth section of consequential amendments to other provincial legislation. The first six sections addressed the internal operations and functioning of the public sector and created a legal duty on provincial bodies to incorporate the principles and guidelines of sustainable development. These six sections are: Establishment of the MRTEE, Principles and Guidelines of Sustainable Development, Sustainable Development Strategies, Application to New and Existing Legislation, Public Sector Operations, and Establishment of a Sustainable Development Innovations Fund.

Section 7 of the *White Paper* dealt with the development approvals and licensing process in the province and outlined a process for “comprehensive consolidated development licensing...capable of examining proposals within the context of sustainable development.”²¹ The vision was that this section of the draft legislation, if passed into law, would replace the environmental assessment provisions under the *Manitoba Environment Act*²² with a “service oriented, single, integrated development review process” that would include, among other things, pre-licensing planning, reports on sustainability, and the timely and appropriate consideration of potential development effects. Section 8 of the *White Paper* proposed the consolidation of various existing public hearing and appeal responsibilities

19. MRTEE, *Discussion Paper for a Sustainable Development Act* (Winnipeg: MRTEE, 1992) at 15.

20. Manitoba, *White Paper on the Sustainable Development Act* (Winnipeg: Sustainable Development Coordination Unit, 1996) [*White Paper*].

21. *Ibid.*, s 7.

22. CCSM 1987, c E125.

related to development review, land and resource use, and sustainability assessments under one independent Commission for Sustainable Development.²³

The release of the *White Paper* was followed with an abbreviated public consultation period that, unlike the previous steps, did not involve the MRTEE. Sinclair reported that:

widespread support existed for the concepts and principles of SD, although there was significant opposition from the ENGO community regarding the vague language of the principles document. On the whole, opposition to the first six sections of the White Paper was generally procedural, and support for their precepts was broad based. People were largely in favor of their government operating in a sustainable manner. Many groups were not as happy, however, with the new rules proposed to guide private practice.²⁴

During the consultation an open letter to the MRTEE from the environmental community requested that they “do their utmost to persuade the Premier to slow the process and do it right...since this Act will only succeed if it has broad support and that support is not there from any group I have heard—this does not mean that people are against sustainable development—just that as written, this is not what is needed.”²⁵ Concerned about the general dissatisfaction with the *White Paper*, but anxious to move ahead and pass sustainable development legislation, the Cabinet decided to move Bill 61 (*The Sustainable Development and Consequential Amendments Act*) forward without sections 7 and 8.²⁶

The purpose of the *Sustainable Development Act*—nicknamed the “Development Act” by some—as outlined in the preamble, is to create a framework through which sustainable development will be implemented in the provincial public sector, private industry, and government. Section 3 of the *Act* states that the “government shall have regard in all of its activities to sustainable development.”²⁷ The mandatory nature of this provision creates a legal onus on the government to adhere to the principles and guidelines of sustainable development. This section of the *Act*, however, has never been proclaimed, meaning the government cannot be challenged in court for not undertaking sustainable development as

23. *Sustainable Development Act*, *supra* note 10, s 8.

24. AJ Sinclair, “Public Consultation for Sustainable Development Policy Initiatives: Manitoba Approaches” (2002) 30:4 Policy Studies Journal 423 at 427.

25. A Chambers, “What we are telling you... A response to the sustainable development white paper,” *The R Report* (Manitoba: Resource Conservation Manitoba, 1997) 1 at 3.

26. *Sustainable Development Act*, *supra* note 10.

27. *Ibid*, s 3.

the *Act* requires. The reasons for not proclaiming this section of the *Act* according to the Honourable Glen Cummings, Minister of Environment, rested on the government's unease about "whether everything was in place politically with a pending election call in the wind and the preparedness of the bureaucracy to implement these provisions."²⁸ Even with a change in government, this section of the *Act* has not been proclaimed.

The *Act* requires the government to undertake some important activities within a specified period of time. Primary among these is the requirement in Part 4 of the *Act* for the establishment of a sustainable development strategy for the province, including sustainable development goals and a framework for sustainable development policy development, among other activities.²⁹ Part 5 of the *Act* requires the government to develop provincial sustainability indicators in relation to the economic, social, and environmental health sectors within three years of the *Act* coming into force.³⁰ These indicators provide the baseline from which to judge the progress of the sustainable development strategy and, presumably, guide development decisions. The *Act* also enshrines the MRTEE, which is to promote sustainable development and provide advice to the provincial government. There is a requirement that the Round Table have a minimum of twenty people, with a minimum of four ministers. A very important appendix to the *Act* contains the principles and guidelines for sustainable development, which are actually quite broad in their scope.

For many within and outside the roundtable process, the passage of the *Act* in 1998 was a profound disappointment because, in the words of one of the MRTEE interviewees, it "had been dumbed-down in terms of its requirements and only applied to the public sector." One of the participants, an MRTEE member, noted that "Mr. Filmon just did not have the political or public support for the *Act* as it was proposed in the *White Paper* and that some were predicting that it would ruin the Conservative Party, which was weak at the time." A government insider indicated, however, "it was probably the ministers that killed the proclamation of the SD sections of the *Act* rather than not being able to sell it publically... through the process of developing the *Act* enemies from within government that were afraid they might lose power were the more likely problem."

Another casualty of this political concern was the decision to remove the provisions of the *White Paper* draft legislation dealing with planning and development decision-making. As a result, the Hon. Glen Cummings

28. Sinclair, *supra* note 24 at 429.

29. *Supra* note 10, s 4.

30. *Ibid*, s 5.

approved the “Consultation on Sustainable Development Initiative” (COSDI) in the summer of 1997. The purpose of COSDI was: “to consider and make recommendations to the government on how Manitoba can best implement Sustainable Development Principles and Guidelines into decision-making, including environmental management, licensing, land use planning and regulatory processes.”³¹ The initiative was led by the departments of Rural Planning and Environment with assistance from the Sustainable Development Coordination Unit. These departments were chosen because they traditionally had authority over land-use planning and development licensing decisions.

Perhaps recognizing the concern over the direction the government was taking on sustainable development, Premier Filmon struck a “transition committee” in 1998, chaired by Professor Thomas Henley, that was to “make recommendations on the mandate, procedures and structure” of roundtable operations.³² The committee report made a number of recommendations to the MRTEE, aggressively advocating that provincial government departments implement sustainable development and move quickly to develop a set of sustainability indicators. Shortly after passing the *Act*, in 1999 the Filmon government lost its mandate and Mr. Doer and the NDP took power with a majority government.

III. *A new government: rethinking sustainable development implementation*

As discussed, the *Sustainable Development Act* called for the creation of a significant number of policies in a short period of time. In addition to the strategy and sustainable development indicators, a code of practice, financial management guidelines, and procurement guidelines were needed. Unlike, for example, the Nova Scotia *Environmental Goals and Sustainable Prosperity Act (EGSPA)*, no goals or completion timelines were set in relation to these policies, and, with the exception of the sustainable development indicators, the government’s performance has never been measured nor publically shared.

One of the initial documents completed was the *Sustainable Development Strategy*, which still stands as the provincial sustainable development strategy.³³ The *Act* required that the *Strategy* be developed

31. *Report of the Consultation on Sustainable Development Implementation (COSDI)* (Winnipeg: Manitoba, 1999) online: Manitoba <<http://www.gov.mb.ca/conservation/susresmb/cosdireport.html#4>> [COSDI Report].

32. MRTEE, *Report of the Transition Committee to the Manitoba Round Table for Sustainable Development* (Manitoba: MRTEE, Sustainable Development Unit, 1998).

33. Manitoba Conservation, *Implementing Sustainable Development for Future Generations: Manitoba’s Sustainable Development Strategy* (Manitoba: Manitoba Conservation, 2000) [Strategy].

in consultation with the MRTEE, which was in turn responsible for conferring with the Interdepartmental Planning Board and the public on the direction of sustainability in the province. Rather than proceeding with a consultation, however, strategy developers relied on the records of the MRTEE's consultations conducted throughout the 1990s and the more recent *COSDI Report*, stating that these strategy development processes had "set the stage for implementing sustainable development in the daily workings of government and in the daily lives of Manitobans."³⁴

According to the the *Act*, the *Strategy* is intended to establish provincial sustainable development goals, set a framework for the development of sustainable development policies, and provide direction for the development of component strategies (action plans that address specific areas of concern). Unfortunately, the document did not meet all of these expectations and may have created additional complications to implementing sustainable development government-wide.

Specifically, it appears as though one of the primary objectives of the strategy document was to differentiate the new government's approach to sustainable development from that established by the previous administration, particularly in relation to sustainable development policy development and coordination. The most fundamental change was to move the coordination responsibilities for sustainable development from the centralized Sustainable Development Coordination Unit housed in the Executive Council to the newly created Department of Conservation (Environmental Stewardship Division), effectively transferring the management of sustainable development from the political to the bureaucratic domain. Some believe that by placing the management of such a panoptic issue in a line department has hampered the dissemination of sustainable development information, practices, and thinking throughout the public sector. Without the authority to compel other departments, crown corporations, and public institutions to comply with sustainable development measures, the only department, for practical purposes, they can manage is their own. Others however, supported the transfer of power. They believed that being situated in the Executive Council, subject to the ebbs and flows of politics, stifled progress and implementation.

The second focus of the *Strategy* was the *COSDI Report*. The COSDI consultations, started under the Filmon government, continued to completion under the new Doer NDP government. The *COSDI Report*, released by the government in June 1999, was well received. During deliberations on the report, participants stated that the final document

34. *Ibid.*

“went a long way to addressing the issues of incorporating sustainable development into development decisions and constituted an innovative approach to such policy.”³⁵ Some of the important highlights of the report included:

- provisions for integrated sustainable development planning on a large area basis, such as watersheds;
- provisions to include resource allocation in large area planning, making such allocations subject to public review;
- provisions for effective and meaningful public participation;
- provisions requiring adherence to interprovincial, national and international commitments made by Manitoba relating to environmental, resource, and land use decisions;
- provisions for developing a working partnership with aboriginal people to ensure their effective involvement in decision-making; and,
- provisions for the establishment of a sustainable development auditor to monitor and report publicly on the implementation of sustainable development within the provincial government.

Five of the six sub-strategies identified in the *Strategy* centered on the implementation of the *COSDI Report* and identifying the key parties to be involved in carrying out this report’s recommendations. Although *COSDI* contained many vital recommendations, it focused on only one component of sustainability—resource development and management. This was in stark contrast to the initial *Sustainable Development Strategy Report (SDSR)* developed by the MRTEE in 1994, which was based on feedback collected over several years of extensive consultations with both the public sector and the general public.³⁶ A key element of the *SDSR* was to propose sixteen component strategies intended to help guide the implementation of sustainable development in Manitoba. The 2000 *Strategy* indirectly addressed elements of these component strategies through its referencing of the *COSDI Report*; however, there were many other areas of importance Manitobans had identified that were not incorporated. These included households and neighbourhoods, education, waste minimization and management, environmental businesses, economic development, market incentives and fiscal policy, and research and development.

Coincidentally, over a decade later, a large majority of concerns raised by the current round table are ones related to excluded component

35. Sinclair, *supra* note 24.

36. MRTEE, *Discussion paper for a sustainable development act* (Winnipeg: MRTEE, 1994).

strategies, such as waste management, community economic development, environmental health, sustainable communities, and green buildings.

This is certainly not to say that elements of these sustainable development component strategies are not being addressed by other government departments. Many are being addressed, including sustainable development programming in elementary and secondary schools (Manitoba Education and Literacy), sustainable transportation projects (Manitoba Infrastructure and Transportation), and community economic development initiatives (Manitoba Housing and Community Development). All these initiatives, however, are independent of each other. There is no unified vision and direction for sustainability or even a collective recognition of the variety of sustainable development activities being undertaken within the provincial government.

From the perspective of some of those outside of the public sector, resources are not efficiently and effectively directed because there are no opportunities to share ideas, discuss barriers encountered and pathways to success, and identify sustainable development areas not being addressed. Furthermore, there is no setting of a corporate example for business and the citizenry.

During the 2000–2001 period, three other guiding documents were released by the Environmental Stewardship Division, including the Provincial Code of Practice, the Sustainable Development Financial Management Guidelines, and the Sustainable Development Procurement Guidelines.³⁷ Further, the Environmental Stewardship Division, in cooperation with the newly renamed Manitoba Round Table for Sustainable Development (MRT) and IISD, initiated a public consultation process to identify sustainable development indicators that could be used to monitor progress province-wide.

The next significant period in sustainable development activities in the province began in 2005, with the five-year review of the *Strategy* and the release of the *Provincial Sustainable Development Report*.³⁸ The MRT was also re-evaluated. In the years following the sustainable development indicators consultations, the MRT had met infrequently and lacked a clear direction. By this time, many provinces had disbanded their round tables; according to one interviewee, many people within and

37. Manitoba, *Manitoba's Provincial Sustainable Development Code of Practice* (Winnipeg: Manitoba, 2001); *Manitoba's Sustainable Development Financial Management Guidelines* (Winnipeg: Manitoba, 2001); and, *Manitoba's Sustainable Development Procurement Guidelines* (Winnipeg: Manitoba, 2000).

38. Conservation Manitoba, *Provincial Sustainability Report for Manitoba* (Manitoba: Conservation Manitoba, 2005) online: Manitoba <http://www.gov.mb.ca/conservation/pdf/sust_report_2005.pdf>.

outside of government believed that they were no longer required because sustainable development had already been incorporated into decision makers' thinking. However, rather than eliminate the MRT, then Minister of Conservation, Stan Struthers, reconstituted the Round Table, revising its membership-base, responsibilities, and outputs.

When first formed in the late 1980s, the MRTEE's structure closely followed the recommendations of the National Task Force.³⁹ It was comprised of senior decision-makers from government, industry (large and small), non-governmental environmental groups, universities/colleges, aboriginal peoples, and labour. The NTFEE's report explained:

We recommend a new process of consultation which will involve senior decision makers from these diverse groups. This process must involve individuals who exercise influence over policy and planning decisions and who can bring information and different views to the debate.⁴⁰

The MRT that emerged post-2005 had a very different make-up, comprised of a mixed group of individuals (rather than organizational representatives) with a strong connection to the community. Experiences were diverse and a range of fields were included; however, nearly all the invited members had relatively similar views on sustainability having dedicated themselves to striving for sustainability in either their work, their volunteer activities, or their personal lives. One MRT member used the term "activist citizens" to refer to the non-governmental members, while another called them "the converted." One member interviewed believed this was necessary to ensure the "voice of sustainability" was not overwhelmed by the strong voice of industry, while another felt that to be a valuable advisory board the group needed to be diverse and representative.

The other post-2005 change was in the mandate of the group. The round table of the 1990s had a clear mandate to assist in the implementation of the *NTFEE Report* and the *Strategy*. The *Sustainable Development Act* established a new set of responsibilities, namely to review subsequent sustainable development policies at designated intervals and to administer both the Sustainable Development Awards and the Sustainable Development Scholarship. However, unlike the Nova Scotia Round Table on Environment and Sustainable Prosperity, whose responsibilities are fairly narrowly defined, the remaining duties of the MRT were described using very broad language, and included: "creating awareness and understanding of sustainable development by the citizens of Manitoba"; "cooperating

39. NTFEE, *supra* note 9.

40. *Ibid* at 10.

with public sector organizations, private industry, non-governmental organizations and citizens to share knowledge and experience”; and “any other task or activity related to sustainable development, at the request of the minister.”⁴¹ These sweeping descriptions of the MRT’s obligations have allowed the group the flexibility to identify its own overall objectives and activities.⁴² This led to several changes in the direction of the group over the years. Initially, an IISD facilitator was brought in to help the members identify areas of concern, which led to the formation of subcommittees. Subcommittees included green buildings, waste, water, agriculture, and climate change and alternative energy.

In 2008, the MRT, under the leadership of an active group of members, began, in a change of direction, to actively monitor the *Sustainable Development Act*. A three-year work plan was established to guide a renewal of the *Act* and an assessment of all related policies, and to develop recommendations for the government on enhancing the statute. Task groups were formed to review the various components (e.g., review annual sustainable development reporting, assess the principles and guidelines, evaluate the provincial sustainability report). Over the three-year period numerous reports, containing a variety of recommendations, were provided to the minister and Conservation staff. In 2011 there was another shift in the MRT’s direction, with the group deciding to work directly with ministers charged with specific areas of concern. Two committees emerged: one exploring a ban on cosmetic pesticides and another addressing the issue of local foods. A report entitled *Recommendations for a Provincial Ban on the Cosmetic Use of Pesticides* was publically released by the government in April 2011.⁴³ The Ministry consequently opened the issue to debate, requesting feedback by 1 October 2012 from Manitobans on a cosmetic pesticide ban in the province.

Members of the MRT discussed several positive outcomes arising from their work, including a symposium on composting, water related youth initiatives, the report noted above on cosmetic pesticides, and the revival of the sustainable development awards (now referred to as the Manitoba Excellence in Sustainability Awards). This work, however, did not come without its challenges. Unlike in the 1990s, the support provided to the MRT to engage in research, outreach activities, and raise awareness is extremely limited. Interview participants maintain that funding and staff

41. *Sustainable Development Act*, *supra* note 10, s 4(2).

42. Susan Tirone, Karen Gallant & Katie Sykes, “‘And the People of the Province’: EGSPA’s Social Deficit” (2012) 35 Dal LJ 71.

43. MRT, *Recommendations for a Provincial Ban on the Cosmetic Use of Pesticides* (Winnipeg: MRT, 2011).

time to assist committees to do their work are sorely lacking: a number found themselves applying for financial support from various government funds to carry out outreach activities. There also tends to be an air of secrecy surrounding the work of the MRT. The MRTEE produced over one hundred publically available reports, while only one of the reports (or sets of policy recommendations) submitted by MRT committees has ever been released to the public.

Concerns regarding the flow of information are not limited to external communications, but also pertain to exchanges within the group, with some non-governmental members feeling frustrated over the lack of feedback from government members. There are further concerns over the retention and recruitment of members. The large majority of the original MRT members appointed in 2006 have left the group, but very few of these vacancies have been filled. Over the years recruitment has lapsed, with non-government membership dropping from an initial twenty-four to eight in 2012.

Under another new Minister, the MRT is once again under review, with consideration being given to a different approach.

IV. *Key components of sustainable development implementation*

As one interviewee stated,

Sustainable development is a journey not a destination—we need to be imaginative—think in ways we have not before and be willing to take some risks.

Manitoba's early experiences with sustainable development were not unique. It created a round table to explore how to operationalize and institutionalize sustainable development as did many other provinces. As one of the first actors in the area, Manitoba wanted to become a centre for sustainable development nationally and even internationally. It was a bold ideal that resulted in the establishment of important national institutions and the locating of international sustainability think tanks in Winnipeg. Sustainable development also became a brand in the formative years, signalling a way of doing business in Manitoba.

As an early proponent and innovator in the area of sustainability, Manitoba's successes and shortcomings can provide a wealth of information from which provinces, even our own, can learn. Manitoba's approach to three of the main components of sustainable development implementation discussed in this paper warrant separate discussion and concluding thoughts: round tables, institutional structure, and policy approaches.

1. *Round tables*

The assessment of the roundtable approach to implementing sustainable development is as mixed in Manitoba as in other provinces. The MRTEE appears to have fulfilled the original UNCED recommended intent and structure, resulting in the production of volumes of policy reports of varying utility, like other round tables.⁴⁴ Some feel the MRTEE, as well as the MRT, were and are too “political.” As one of our participants notes: “One of the frustrations with the round tables was that they were, and continue to be, a bunch of government appointees—under the Conservatives mostly their buddies—and the NDP has done the same thing.” There is, however, little doubt in the minds of the people interviewed who were involved with the MRTEE, that the round tables played a pivotal role in shaping and developing a response to the sustainable development challenge in the province. This pivotal role culminated in the roundtable participation in the development of the *Sustainable Development Act*.⁴⁵ It should be noted that while not following the “consensus-seeking process” suggested by Duinker later in this issue, the government did follow a consultative process that involved many Manitobans as well as specific interest groups, resulting in policy documents that had considerable support.⁴⁶

Opinions on the success of the current MRT are perhaps more varied. Ideally, the MRT should be a tool to advance sustainability in Manitoba. One participant explains that there are three roles a round table can play: (i) advisory (members share ideas and concerns), (ii) sounding board (government seeks feedback on ideas/policies/programs, existing or proposed), and (iii) engagement (members actively use expertise to address areas of concern). The last is the most challenging for a government to achieve, but offers the greatest potential in terms of meaningful results. Although the Filmon government’s emphasis was strongly on having a round table involved in engagement, it is a role that has been vastly under-utilized by the current NDP government since the re-invention of the MRT.

Criticisms of the MRT include that: it remains underfunded, there is a lack of tangible outputs, it operates behind closed doors, board composition is non-representational, and the effectiveness of the group is questionable. Setting tangible accomplishments aside, one participant believes that the most significant asset of the MRT is that, by virtue of its existence, sustainable development remains on the “Ministers’ radars”:

44. Rabe, *supra* note 6.

45. Van Nijnatten, *supra* note 12.

46. P Duinker, “In Search of ‘Compass and Gyroscope’: Where Were Adaptive Management and Principled Negotiation in Nova Scotia’s Forest-Strategy Process?” (2012) 35 Dal LJ 55.

ministers attend the meetings, listen and engage in the discussions, and as a result sustainable development has become part of their general outlook. Another participant, referring to having met bureaucrats who felt pride in the Round Table and held the MRT in high regard, maintains that “just by its presence it makes a difference—it makes a statement.” Participants also shared that the MRT gives an opportunity, not otherwise available, for those outside government to provide valuable feedback on environmental laws and policies. Finally, participants believe that, in a minor way, the MRT contributes to the advancement of sustainable development in the province. They refer to contributions including providing feedback on forthcoming initiatives (specifically, reminding policy makers to consider all aspects of sustainable development); providing recommendations regarding specific areas of concerns (namely cosmetic pesticides and local food); challenging the government to update the sustainable development legislation and policies to reflect current language and thinking surrounding sustainability; and urging government to further integrate the concept government-wide.

The fate of the MRT is currently unknown, but if it is continued, MRT members have stated that it needs more resources, power, and presence to be an effective, strong advisory board. In addition, the Round Table needs to become more diverse in order to regain some of its lost credibility and “teeth.”

2. Institutional structure

In the early days of the sustainability movement in Manitoba, the government of Premier Filmon centralized and coordinated sustainable development efforts through the creation of the Sustainable Development Committee of Cabinet and Sustainable Development Coordination Unit. This was an effort to bring sustainability into every facet of government, provide political impetus, and at least some fiscal support to translate ideas into action. Successive governments have not placed the same priority on sustainable development. Premier Doer chose to place emphasis on the economy, creating his own Economic Advisory Committee. More recently, his successor, Premier Selinger, concerned with social issues, struck the Premier’s Advisory Committee on Social Inclusion. However, since the formative years, equal weight has never been given to the third pillar of sustainability—the environment. Environmental matters have remained the responsibility of the bureaucratic realm and have not yet been the focus of any premier’s advisory, legislative or cabinet committee.

As the participants noted, a significant turning point in the history of sustainable development in Manitoba was the creation of Manitoba

Conservation and the shift of sustainable development duties from central authorities to a line department. One interview participant commented:

The sustainable development initiative failed in the end to change government structure—departmental structure of government and ministerial responsibility. At the MRTEE it would seem like we were all working together to get things done, but then the Ministers and their deputies would get back to their departments and the deputy would say—well what about these other issues—what is the priority? The silo structure of government is a real problem for sustainable development—all acts of parliament and money link back to ministers and ministries—that is where the money and power lay. We can create cross-cutting departments—this has been tried with Manitoba Conservation—but these departments are quickly overwhelmed by key ministries like health, finance, northern development. It is so easy to devolve back to the old model of government. If there is no day-to-day political pay off, then it is always going to be a tough sell in the old system—urgent overwhelms the important.

The literature is relatively silent on the matter of whether a centralized or decentralized institutional approach to implementing sustainable development is most effective. Kemp, Parto, and Gibson indicate that:

The evolution of the modern state has been towards an increasing degree of sectoral specialisation to deal with differentiated problems. Specialisation has helped develop valuable responses to particular problems, but it has also led to neglect of broader considerations and to partial solutions that are inadequate or damaging from a broader sustainability point of view.⁴⁷

The presence of key ministers and ministries at the sustainable development table and the coordinating efforts were characteristic of the regime in Manitoba for some time, but did not result in achievements beyond those of other Canadian jurisdictions.

Evidence supports the observation of one participant that the move of the sustainable development file to Conservation Manitoba “lessened the influence of the *Act* on government culture and removed the political overtones of the sustainable development.” In contrast, another noted that he “did not notice at the branch level that the sustainable development coordination unit was gone—by that time we were doing things differently—we were talking to other units and people before making decisions about resource use.” Ultimately, the underlying problem for sustainable development implementation has not been who is responsible

47. Kemp, Parto & Gibson, *supra* note 5 at 19.

for coordination, but in the function and structure of government itself. As the above quotations note, the primary barriers were the inability to break down ministerial silos, to work both across boundaries and within the power structure, and the inertia of the larger ministries. As a result, sustainable development remains marginalized. Policy integration remains one of the greatest challenges to the forward movement of sustainable development.⁴⁸ Institutionalizing an approach to decision-making that encompasses environmental, social, and economic concerns in a unified manner has not been accomplished in Manitoba government, but rather has been confined to Manitoba Conservation and a handful of other units within diverse departments.

3. *Policy approaches*

The passage of the *Sustainable Development Act*, a Canadian first, illustrated the commitment to sustainable development in Manitoba. While the government failed to realize its initial comprehensive ideals, the *Act*'s passage, whether or not by design, provided some impetus for provincial action. One participant noted that "the *Act* did help to inform some work that was done to create a wetlands strategy—the principles and guidelines of sustainable development contained in the *Act* were used to guide the work—they were an important lever with government." As well, two of Manitoba's crown corporations, Manitoba Public Insurance and Manitoba Lotteries, are well known for their work on sustainability as a result of the existence of the *Act*. The Board of Governors at the University of Manitoba recently passed a comprehensive sustainability strategy and the principles and guidelines of sustainable development as outlined in the *Act* helped to guide their actions. These, however, can hardly be categorized as huge successes when one considers sustainability on a provincial scale.

Manitoba's legislative approach focused on sustainable development, while Nova Scotia focused on sustainable prosperity;⁴⁹ however, in both instances the predominant focus has been on the environment. Similarly, both focus solely on the actions of government. Although *EGSPA*, when drafted, was never intended to go beyond governing the public sector, the *Sustainable Development Act* was to have a broader reach. However, with the removal of sections 7 and 8, the focus was narrowed. Both acts also enshrined a roundtable approach—the MRT remains as one of two

48. C Sneddon, RB Howarth & RB Norgaard, "Sustainable development in a post-Bruntland world" (2005) 57 *Ecological Economics* 253; Kemp, Parto & Gibson, *supra* note 5; and W Lahey & M Doelle, "Negotiating the Interface of Environmental Economic Governance: Nova Scotia's *Environmental Goals and Sustainable Prosperity Act*" (2012) 35 *Dal LJ* 1.

49. Lahey & Doelle, *ibid*.

surviving round tables in Canada, along with the Nova Scotia Round Table on Environment and Sustainable Prosperity. The most significant difference between these approaches is, of course, that Manitoba enshrined a structure for implementing sustainable development, while Nova Scotia enshrined a plan for implementing sustainability, including goals and timelines in legislation. In Manitoba, the lack of political will, coupled with no legal requirement within the statute to implement initiatives by set deadlines has led to a failure to significantly advance sustainable development in the province. In essence the *Act* has offered nothing more than moral persuasion.

Another important Manitoba policy initiative was the development of the *Strategy* in 2000. This approach to implementing sustainable development was popularized globally in part through work carried out by the IISD.⁵⁰ The *Strategy* should have played a fundamental role in institutionalizing sustainability within the government by communicating the government's vision of sustainable development both internally and to the public. Moreover, it should have established goals and a framework from which component strategies could have been imagined and developed. Unfortunately, this was a missed opportunity both in terms of entrenching sustainable development into the government psyche and laying the foundation for the continued growth and evolution of sustainable development in the province.

A government-based interview participant lamented that: "The 2009 Throne speech talked about modernizing the *Sustainable Development Act*, but we are still working on proposals for modernizing the *Act*—there is nothing yet settled on for change and there is no pending consultation." After the interview, the Premier released *TomorrowNow—Manitoba's Green Plan*, the province's new vision for the environment. The government has described the document as "an aggressive and comprehensive strategy of more than 100 initiatives across government that will bolster Manitoba's economy and protect water, air and land for future."⁵¹ The document addresses issues ranging from the development of a green economy to peatland stewardship to climate change adaptation. It identifies a number of policies and regulations which will be introduced

50. Brodhag & Talière, *supra* note 3; and Swanson et al, *National strategies for sustainable development: 6 Non-voting participants. Challenges, approaches and innovations in strategic and coordinated action* (Berlin: International Institute for Sustainable Development, Stratos, Environmental Policy Research Centre of the Freie Universität Berlin, and Deutsche Gesellschaft für Technische Zusammenarbeit, 2004).

51. Manitoba, *TomorrowNow—Manitoba's Green Plan* (Winnipeg: Manitoba, 2012) online: Manitoba <<http://gov.mb.ca/conservation/tomorrownowgreenplan/pdf/tomorrowNowBook.pdf>>.

and lists twenty or more action plans which need to be developed, including an Energy Strategy, a Drought Management Plan, an Ecotourism Strategy, and a Woodlands Caribou Conservation Strategy. Unfortunately, unlike the *EGSPA*, very few of the over 100 initiatives include an objective or target date.

The MRT provided feedback to government on the *Green Plan*. Those members interviewed for this paper, expressed optimism about the *TommorowNow* document, in particular the inclusion of such an array of cross-departmental initiatives. There were, however, some concerns about the challenges associated with coordinating such a large and complex undertaking as well as reservations about the exclusion of social issues.

Essential to our discussion, the *Green Plan* appears to distance itself from “sustainable development” by placing great emphasis on only two of the three sustainability pillars: the environment and economy. Moreover, it announces the abolishment of the *Sustainable Development Act*, replacing it with a *Green Prosperity Act*. From the brief description provided in the *Plan*, the proposed *Act* seems to have a narrower focus than its predecessor, concentrating on three main areas: promoting the integration of sustainability into annual budgets, ensuring sustainability achievements are being reported, and establishing mechanisms for overseeing the implementation of the *Plan*.

Public consultations on the *Green Prosperity Act* will begin late in 2012 or early 2013. It is difficult to predict whether or not the proposed changes to the government’s implementation approach (i.e., policy and roundtable approach) are going to create an exciting new chapter in sustainable development implementation in Manitoba, making it “one of the most sustainable places to live on earth.”⁵²

Conclusion

No longer being on the cutting edge of sustainable development implementation may in some ways be viewed as an advantage. Manitoba now has the opportunity of learning from its predecessors, gaining guidance on the development of effective legislation and policy, the optimum institutional structure, and the ideal means of involving essential stakeholders. With nearly a decade since the introduction of *EGSPA*, the experience in Nova Scotia in particular can provide many valuable lessons, both positive and negative, which Manitoba can use as they begin to shape new legislation to accompany the *Green Plan*. At this time it is understood

52. Government of Manitoba, News Release, “Manitoba unveils comprehensive environmental Strategy: Selinger” (15 June 2012), online: Manitoba <<http://news.gov.mb.ca>>.

that, unlike *EGSPA*, which has legislated its provincial sustainability goals, targets and timelines, Manitoba's new act will not be enshrining the various initiatives contained within the *Green Plan*. Rather, the proposed *Green Prosperity Act*, like the existing *Sustainable Development Act*, will establish a framework to guide decision-making and the implementation of sustainable initiatives. For such a legislative tool to be effective, a strong sustainability strategy is required, as is the political will to drive its implementation. The more than one hundred initiatives proposed in the *Green Plan* and the related government enthusiasm indicates that, for the time being, this approach may be successful; however, changes in priorities or governments can result in such strategies and legislation being set aside. Lahey and Doelle note that "legislation that seeks to direct government policy-making has its limits, unless the political process has the will and the means, as in a minority government situation, to enforce it against resistant governments. It is legislation that can be ignored with legal impunity."⁵³ Further, in their review of the *EGSPA*, Lahey and Doelle conclude that although integrating sustainability into policy-making continues to be a challenge, legislating environmental strategy (including targets and deadlines) has resulted in a strong governmental commitment to sustainable policy initiatives, leading to a more wide-spread acceptance of sustainability, even amongst departments with non-environmental mandates, as well as the continued support of policy and initiatives from one administration to the next. Clearly, this approach needs to be considered by policy makers in Manitoba to ensure some level of future success.

53. Lahey & Doelle, *supra* note 48 at 20.