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Susan Tirone
Dalhousie University

Lkaren Gallant
Dalhousie University

Katie Sykes
Dalhousie University

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Susan Tirone,*
Karen Gallant** and
Katie Sykes***

“And the People of the Province”:
EGSPA's Social Deficit

The success of the Nova Scotia Environmental Goals and Sustainable Prosperity Act (EGSPA) depends on citizen action, changes in attitudes and in the way citizens conduct their lives. In this article the authors discuss the challenges associated with encouraging citizen engagement with EGSPA, and in promoting public awareness and attitudes that support sustainability in Nova Scotia.

Le succès du Nova Scotia Environmental Goals and Sustainable Prosperity Act (loi sur les objectifs environnementaux et la prospérité durable, EGSPA) est tributaire de l'action citoyenne, des changements d'attitudes et du mode de vie adopté par les citoyens. Les auteurs de l'article discutent des défis à relever pour encourager les citoyens à faire leurs objectifs de l'EGSPA, et pour promouvoir la sensibilisation du public et les attitudes qui favorisent la viabilité en Nouvelle-Écosse.

* Susan Tirone, PhD, Professor, Associate Director, College of Sustainability, Dalhousie University.

** Karen Gallant, PhD, Postdoctoral Fellow, School of Health and Human Performance, Dalhousie University.

*** Katie Sykes, JSD Candidate, Schulich School of Law, Dalhousie University; funded by SSHRC Joseph-Armand Bombardier Canada Graduate Scholarship, John Peters Humphrey Fellowship and a Killam Scholarship.

Introduction

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Introduction

The Nova Scotia *Environmental Goals and Sustainable Prosperity Act*¹ (*EGSPA*) is intended to guide the Province of Nova Scotia in creating “one of the most environmentally sustainable and healthiest environments in the world, while growing [Nova Scotia’s] economy.”² As that statement suggests, *EGSPA* is an ambitious statute. It is also unusual in that, unlike more conventional command-and-control environmental legislation, *EGSPA* announces the provincial government’s commitment to achieve twenty-one environmental goals by specified dates. How these goals translate into action and results is not just a legal issue, but also a significant social question. As the legislation itself recognizes, the success of *EGSPA* depends on citizen action and citizen attitudes. Section 2(c) of *EGSPA* notes that “the environment and economy of the Province are a shared responsibility of all levels of government, the private sector, *and the people of the Province*.”³ *EGSPA* may, however, enjoy sub-optimal success because citizens may not identify with the goals or may not be prepared to make the behavioural changes required to meet legislative ambitions. Although this social dimension is alluded to in *EGSPA*, it has not received the attention it deserves. Progress towards full realization of the goals set out in *EGSPA* would arguably be expedited by an increased focus on citizen participation as a necessary ingredient in motivating and supporting citizens in decision making and actions. Achieving sustainability through

1. SNS 2007, c 7.

2. Sterling Belliveau, “Message from the Minister” in Nova Scotia, *Environmental Goals and Sustainable Prosperity Act Progress Report 2011* (Halifax: Nova Scotia, 2011) online: <<http://www.gov.ns.ca/nse/EGSPA/docs/EGSPA.2011.Annual.Report.pdf>> [2011 Progress Report] at 1.

3. *Supra* note 1 [emphasis added].

effective implementation of *EGSPA* requires citizen participation, citizen ownership of the goals of the *Act*, and public education.⁴

Public policy development and implementation is a political process involving many participants both inside and outside government. Regulations resulting from progressive policy have been shown to influence behavior changes in positive ways. For example, public health initiatives that encourage participation in immunization programs combined with strategies that provide public support to enable such involvement have achieved positive results and increased participation in immunization programs.⁵ Cases have, however, been recorded where behaviour change initiated by people using a bottom-up approach through non-legal means is more long lasting and more widespread than when it is imposed by law.⁶ One example is smoking restrictions. Public support for voluntarily adopted restrictions on smoking areas, without regulatory prohibition or enforcement, have contributed to decreased smoking and a wider social acceptance of the need to have smoke-free places.⁷

Drawing on experience from public health, where citizen internalization of norms (rather than the imposition of rules on citizens from above) has proved to be a powerful driver of effective change, citizen support for the objectives set out in *EGSPA* is also critical if the legislative objectives are to be fully achieved. Perhaps even more importantly, attention to the social dimension will potentially lead to internalization of the principles behind *EGSPA* by Nova Scotia citizens, which in turn could facilitate a movement towards conservation-minded action, even beyond the already ambitious goals of the legislation.

4. In this connection, we note that the "principle of public participation and access to information and justice" was included by the International Law Association as one of the principles that are "instrumental in pursuing the objective of sustainable development in an effective way" in the *New Delhi Declaration of Principles of International Law Relating to Sustainable Development (Environment and Sustainable Development)*, UNGAOR, 57th Sess, UN Doc A/57/329 (2002) [the *Declaration*]. The *Declaration* identifies public participation as "essential to sustainable development and good governance" because it is "a condition for responsive, transparent and accountable governments" as well as "the active engagement of equally responsive, transparent and accountable civil society organizations" (s 5.1), and identifies the requirements for public participation in the context of sustainable development as including "effective protection of the human right to hold and express opinions and to seek, receive and impart ideas," as well as "a right of access to appropriate, comprehensible and timely information held by governments and industrial concerns on economic and social policies regarding the sustainable use of natural resources and the protection of the environment" (s 5.2).

5. Don Nutbeam, Elizabeth Harris & Marilyn Wise, *Theory in a Nutshell: A Practical Guide to Health Promotion Theories*, 3d ed (North Ryde, NSW: McGraw-Hill Australia, 2010) at 6.

6. *Ibid.*

7. *Ibid* at 17-18.

In light of the importance of the social dimension to *EGSPA*'s success, it is anomalous that to date this dimension has received relatively little attention. Engaging with the social dimension means tackling some difficult challenges to the achievement of broad citizen support for *EGSPA* and the behaviour changes that will be needed if its goals are to be realized. This article outlines the fundamental importance of citizen involvement in translating the environmental goals articulated in *EGSPA* into effective, authentic and deep-rooted change. By drawing lessons from the settings of public health and community organizing, the authors argue that meaningful opportunities for citizen participation, engagement with citizen values, broad and inclusive partnerships, and well-designed educational and communication efforts are all critical and worthy of increased emphasis in the next five years of *EGSPA*.

I. *Citizen involvement*

The goals of *EGSPA* cannot be met unless Nova Scotians support them. For example, Nova Scotia citizens will have to be willing to make purchasing decisions with the environment in mind in order to meet *EGSPA* targets—to pay more for cleaner energy and services, and to support the government's initiatives to reach these goals. This kind of support is built through the involvement of citizens: consultation, education, communication, support mechanisms, and evaluation by citizens. This theme of citizen participation does not figure prominently within the *Act* itself.

There appears to have been little public consultation leading up to the adoption of *EGSPA*. In part this is because some of the *EGSPA* goals themselves grew out of earlier initiatives that did involve public consultation and input, although not necessarily at the grassroots level.⁸

Public consultation and participation are, to some extent, built into the ongoing process of implementing *EGSPA*. The Department

8. For example, the goal of legally protecting 12% of the landmass of the province by 2015 (s 4(2)(a)) was a recommendation of the Colin Stewart Forestry Forum, *Final Report of 2009* (online: <http://www.gov.ns.ca/nse/protectedareas/docs/CSFF_finalreport_sign.pdf> at 33), which was itself based on extensive public consultation (as discussed in Peter Duinker's contribution to this issue). The solid waste goal of no more than 300 kilograms per person per year by 2015 (s 4(2)(o)) had already been incorporated into provincial law through amendments to the *Environment Act*, SNS 1994-95, c 1, s 93(1A), which were adopted following a consultative review of the legislation. Also, two of the goals (airborne fine-particulate matter (s 4(2)(h)) and ground-level ozone (s 4(2)(i)) reflected Nova Scotia's commitment at the national level to achieve benchmarks established by the Canadian Council of Ministers of the Environment, which incorporates stakeholder and expert advice into the development of proposed standards (Canadian Council of Ministers of the Environment, "About CCME," online: <<http://www.ccme.ca/about/>>). Our thanks to Professor William Lahey, Schulich School of Law, for his helpful input on this point.

of Natural Resources' report, *Our Common Ground*,⁹ documents the process of developing a new natural resources strategy for the province reflecting *EGSPA* objectives.¹⁰ Citizens involved in this consultation process mentioned that they would feel their values had been enacted by the government when "the principles of *EGSPA* are operationalized."¹¹ Obviously, however, *EGSPA* itself was enacted *before* this consultation. Thus, citizens were to some extent simply supporting plans that government had already created; in this sense the consultation process for the natural resources strategy was a reactive rather than proactive form of citizen engagement.

The Round Table on Environment and Sustainable Prosperity (referred to in section 6 of *EGSPA* as the "Nova Scotia Round Table on Environmental Sustainability") does provide limited public engagement and review as part of the structure of *EGSPA*. The Round Table members are appointed by the Minister of Environment from "the legal and academic communities, industry, and environment sectors from many regions of the province"; the deputy ministers of Environment and Economic and Rural Development and Tourism are *ex officio* members.¹² They are responsible for conducting a "comprehensive public review" of *EGSPA* and the regulations thereunder every five years, and submitting a report to the Minister "with recommendations for amendments and improvements in the implementation of [the] *Act*."¹³ In addition, the Minister is required to report annually to the provincial legislature "on the progress made toward achieving [*EGSPA* goals], on the adequacy of the goals and on anything that the Minister considers should be brought to the attention of the House in relation to goals for the environment and sustainable prosperity."¹⁴ In making these annual reports the minister is required to seek advice from the Round Table.¹⁵ The Round Table offers a conduit between officials and members of the public, but it is structured as a representative body, consisting of leaders from different sectors of society, rather than as a

9. Natural Resources Citizen Engagement Committee, *Our Common Ground: The Future of Nova Scotia's Natural Resources* (Halifax: Nova Scotia, 2009) online: <<http://gov.ns.ca/govt/vp/NaturalResourcesReport.pdf>> [*Our Common Ground*].

10. See *EGSPA*, *supra* note 1, s 4(2)(u): "the Province will adopt strategies to ensure the sustainability of the Province's natural capital in the areas of forestry, mining, parks and biodiversity by the year 2010." According to the 2011 *Progress Report*, *supra* note 2 at 9, work continues on drafting the strategy and this *EGSPA* goal is identified as still in progress.

11. *Our Common Ground*, *supra* note 9 at 30.

12. "Minister's Round Table on Environment and Sustainable Prosperity," online: Nova Scotia <<http://www.gov.ns.ca/nse/dept/minister.roundtable.asp>>.

13. *EGSPA*, *supra* note 1, s 6(2).

14. *Ibid*, s 6(1).

15. *Ibid*, s 6(4).

vehicle for direct citizen action or grassroots participation.¹⁶ From the point of view of the social dimension it is an important body, but one with significant limitations.

Many Nova Scotians accord great importance to their own participation in the process of policy-making. For example, as reported in *Our Common Ground*, participants in the development of the natural resources strategy called for processes that allowed them to contribute to policy-making.¹⁷ While it is essential to include citizens in policy-making, such involvement often presents its own challenges. For example, grassroots citizen engagement in policy-making is typically cumbersome and time-consuming. When it works well, the process tends to result in policy that is well supported by citizens,¹⁸ a benefit that is worth the trade-off in extra time and work. As Peter Duinker's article in this issue demonstrates, the design of the process is critical; in the case of the process leading to the adoption of Nova Scotia's Natural Resources Strategy (the completion of which was delayed beyond the statutory target date of 2010), the inefficiencies of public consultation did not necessarily yield proportional benefits, either in the quality of the resulting policy or in public acceptance of it, particularly when consultation was carried out in a *pro forma* and tokenistic manner. Nonetheless, even a less than ideal process for citizen consultation can help (at least compared to no consultation at all) to generate allegiance and a sense of ownership among citizens who have had the opportunity to participate in creating policy. As Duinker suggests, a process that is thoughtfully conceived and well executed can have powerful results in this respect.

Fostering a supportive social climate is important for change to occur. Effective public and interpersonal communications strategies and the development of a high level of trust among the participants contributes to the creation of a positive social climate. This entails the exchange of ideas across communities, between government and citizens, and among urban and rural participants to ensure that all parties understand the implications of change for the diverse communities affected. For example, rural and urban dwellers may differ in their reasons for engaging in political processes, as was seen in a 1985 study on the social significance of faith in

16. It is, admittedly, indispensable to the success of legislation like *EGSPA* to secure the involvement and buy-in of stakeholders and experts (both inside and outside government) like those represented on the Round Table. The Round Table is a good mechanism for achieving this important goal, but it has shortcomings from the point of view of grassroots public involvement and awareness.

17. *Our Common Ground*, *supra* note 9 at 16-21.

18. Nutbeam et al, *supra* note 5 at 29.

America, *Habits of the Heart*.¹⁹ The rural residents in this study referred to the necessity of engagement in political processes because their livelihoods depended on it, while urban participants participated out of interest and not survival. An important first step in creating an environment of change may be to ensure that all parties understand and value the implications of new policy for the various sectors affected by it.

II. *Supporting EGSPA through an environmental bill of rights?*

One proposal that could give individual Nova Scotians a direct opportunity to participate in the achievement of EGSPA's environmental goals is the adoption of an environmental bill of rights. East Coast Environmental Law (ECELAW) has advocated for the adoption of legislation establishing environmental rights that would be enforceable through the courts.²⁰ While a bill of rights might have some advantages in empowering citizens to participate in environmental decision-making and to hold government to account, in some respects this approach risks undermining rather than strengthening the social dimension. A bill of rights would be no substitute for public education and outreach. It could be a useful additional tool, if it is carefully designed with awareness of the importance of the social dimension and in a way that minimizes the potential drawbacks.

Legislated, enforceable environmental rights may include both procedural rights (the right of members of the public to participate in official decisions that affect the environment) and substantive rights (such as the right to a healthy environment). Procedural rights are directly relevant to the social dimension. These rights include access to information, and rights to consultation and input with respect to environmental decisions. Substantive rights are indirectly connected, in that they provide individual citizens with a tool to hold government to account regarding the substantive goals of environmental legislation. ECELAW argues that establishing an enforceable right to a healthy environment would create "a sharing of responsibility for environmental protection between the government and its citizens."²¹

19. Robert N Bellah et al, *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, 2008).

20. ECELAW, "Submission to the Nova Scotia Round Table on Environment and Sustainable Prosperity Review of the Environmental Goals and Sustainable Prosperity Act" (12 February 2012) online: <<http://www.ecelaw.ca/view-document/76-EGSPA-submission.html>> at 2.

21. *Ibid.*

The Ontario *Environmental Bill of Rights (EBR)*²² was promulgated into law in 1994.²³ It is primarily procedural, with a stated objective of providing a means for Ontario residents to participate in the making of environmentally-significant decisions by the government²⁴—and minimum levels of public participation that must be met before the government can act on environmentally-significant matters.²⁵ The *EBR* also establishes a private right of action to protect a substantive environmental right in the right to sue with respect to significant harm to “public resources.” This right is subject to quite stringent conditions. Further, before a case can proceed, it must pass through certain administrative processes.²⁶

The procedural rights in Ontario’s *EBR* have been successful in increasing public participation. According to the Canadian Environmental Law Association (CELA) it has “significantly improved public access to environmental decision-making.”²⁷ Its effectiveness in producing better substantive outcomes is less significant. CELA describes its effect on the achievement of substantive environmental goals as “negligible (or non-existent).”²⁸

An environmental bill of rights linked to the implementation of *EGSPA* goals could provide an avenue for individuals and civil society groups to be directly involved. From the social dimension, however, it has some potential pitfalls. Individual legal rights are just that, *individual*, rather than social or collective. Opportunities for public interest litigation and input could empower individuals and particular interest groups to influence environmental decisions in a way that would run counter to broader social considerations of equity and justice.²⁹

22. SO 1993, c 28.

23. In addition to Ontario’s *EBR*, other Canadian jurisdictions also have legislation establishing environmental rights (Yukon’s *Environment Act*, RSY 2002, c 76; the Northwest Territories’ *Environmental Rights Act*, RSNWT (Nu) 1988, c 83 (Supp); Quebec’s *Environment Quality Act*, RSQ c Q-2). They would also be useful models to consult if Nova Scotia were to consider adopting an environmental bill of rights.

24. *Supra* note 22, s 2(3)(a).

25. *Ibid*, s 3(1) and Part II.

26. *Ibid*, Part VI.

27. Richard D Lindgren, “The Environmental Bill of Rights Turns 10-Years-Old: Congratulations or Condolences” (2004) 474 Canadian Environmental Law Publication, online: <http://s.cela.ca/files/uploads/474EBR_turns_10.pdf> at 2.

28. *Ibid* at 7.

29. Benjamin J Richardson & Jonah Razzaque, “Public Participation in Environmental Decision Making” in Benjamin J Richardson & Stephan Wood, eds, *Environmental Law for Sustainability* (Oxford: Hart Publishing, 2006) 165 at 191-192, noting that the benefits from opportunities to participate in environmental decision-making “may, without additional corrective action, accrue to those who already enjoy considerable advantage in society.”

Access to justice is an important consideration. An environmental bill of rights, while in theory empowering citizens to challenge environmental injustices, may not be a tool accessible to all. Some citizens and citizens' groups may not have sufficient knowledge or resources to engage in legal proceedings. Addressing financial barriers to participation by means of mechanisms such as funding schemes for public interest participants, litigants and interveners,³⁰ ensures broad and equitable public participation. If procedural rights, however, are not seen to translate into substantive outcomes—that is, if they appear to be mere rhetoric or window-dressing—there is a risk of discouraging the participation of members of the public, and diminishing the credibility of environmental legislation in the eyes of the people.³¹

If Nova Scotia does decide to look further into the adoption of an environmental bill of rights, it should focus on maximizing the potential of this approach to increase grassroots participation and outreach to the public, and on minimizing the risks discussed. This can be achieved by taking the social dimension into account in the way the legislation is crafted (for example, by including access to justice and intervener funding provisions), and also by combining any environmental rights legislation with the actions (discussed below) to support greater citizen involvement.

III. *The challenge of gaining citizen support*

A key aspect of the challenge of winning and maintaining citizen support for progressive policy such as *EGSPA* has to do with values. Nova Scotians associate certain values with their lifestyles and with a sense of entitlement to access and control of the environmental resources that contribute to their quality of life. Examining the values Nova Scotians hold regarding the natural environment and their economic prospects is an important step in understanding their interest and motivation to change behaviours. There is often a perceived incompatibility between citizen values and the goals of *EGSPA*. The high degree of private ownership of land in Nova Scotia and the fact that citizens value the freedom associated with private property ownership and use, underlies many potential conflicts between the goals of *EGSPA* and the will of citizens to change current land based use and conservation practices.³² For example, there is potential for divergence between the interests and values of landowners and land users

30. See Lindgren, *supra* note 27 at 13.

31. Richardson & Razzaque, *supra* note 29 at 192, observing that "[i]f inputs from people are not integrated into final decisions, ultimately people will become disillusioned with the process as a whole, harming the quality of environmental decisions and of the environment itself."

32. *Our Common Ground*, *supra* note 9 at 10.

(woodlot owners, people who use the land for recreational use such as off-highway vehicles) and the environmental goal of protecting and enhancing biodiversity.³³

Another potential difficulty in the area of values is the perception that government works in isolation from the public. This view of government as acting in a manner detached from, rather than in partnership with, ordinary people comes through in *Our Common Ground*. Participants in the consultation process said that they valued the environment and supported enhanced conservation measures; however, there was little discussion of the citizenry as active participants in conservation. Rather, the government seemed to be seen as a “generalized other” who should partake in conservation efforts on behalf of the provincial residents, without affecting citizens’ ability to enjoy the lifestyle to which they are accustomed.³⁴

Nova Scotians place a high priority on having personal access to the natural resources that are readily available to many people in this province.³⁵ These resources provide valued outdoor recreation opportunities: hiking, camping, fishing, golfing, cycling, paddling, sailing, whale watching, rafting, harbour cruises, and visits to provincial and national parks. Changing behaviours of people who are accustomed to unrestricted access to the outdoors is likely to be difficult, especially when policies recommend restrictions on the use of off-highway vehicles in fragile areas, or limits on the harvest of certain plants, trees, and animal species.

The outdoor environment in Nova Scotia is also a valuable tourist attraction. Residents recognize the potential economic benefits of investing in more eco-tourism related to unique biodiversity features, including migratory birds, rare plants, and the ocean.³⁶ On one hand, there are calls for Nova Scotians to increase their use of the outdoor environment to promote health and physically active lifestyles and to foster business development in sectors such as eco-tourism, but, on the other, increased use of the outdoor environment brings with it the risk of further degradation of the environment.

Urbanization means that more people are living in the core areas of the Halifax Regional Municipality and in the province’s small urban communities, and fewer are living in rural areas of the province. Values associated with quality of life in urban centers may conflict with values

33. Biodiversity is included in the “natural capital” to be managed sustainably under *EGSPA*, *supra* note 1, s 4(2)(u).

34. *Our Common Ground*, *supra* note 9 at 11.

35. *Ibid* at 11.

36. *Ibid* at 9.

of people who live in rural areas. For example, rural families tends to have more access to farmer's markets and food stands located at farms. These provide consumers with more understanding of the food production challenges of farmers and producers in the province. In contrast, urban perceptions of good food may mean they desire produce of diverse variety and perfect shape or size, and tend to be based on food available in grocery stores.³⁷ This example suggests that values people hold toward rural and natural environments are likely shaped by their understanding of the importance of the land as the source of our food, the need to preserve and protect natural environments and that urban and rural residents have access to different life experiences based on their places of residence.

Understanding the values Nova Scotians hold with respect to income levels and income inequality is important for this discussion. While Nova Scotians have income levels that are lower than the Canadian average, citizens experience less income inequality than the average for Canadians as a whole.³⁸ Lately, much attention has been paid to the role of income inequality in social and political conflict, and some scholars have argued that it is the root cause of essentially all forms of divisiveness, exclusion and social breakdown.³⁹ In Nova Scotia, the comparatively modest levels of income and, especially, the relatively equal distribution of income across the population may contribute to a sense of wellbeing, manifested, for example, in Nova Scotians' higher-than-average reported sense of belonging within their communities.⁴⁰ Overall, Nova Scotians may have less reason to change their lifestyles, and less motivation to increase income levels, if those changes mean giving up some of the amenities they enjoy.

Even when citizens' values are supportive of conservation actions, these values may not translate into conservation-minded behaviours. A survey of Canadians in 2004 found that for 72% of Canadians, there is a gap between values and actions regarding environmental preservation.⁴¹

37. Stephanie B Jilcot et al, "Perceptions of the Community Food Environment and Related Influences on Food Choice Among Midlife Women Residing in Rural and Urban Areas: A Qualitative Analysis" (2009) 49 *Women and Health* 164.

38. Government of Nova Scotia, *Indicators of Prosperity Technical Report 2011*, online: <<http://www.gov.ns.ca/finance/publish/iop/2011%20Indicators%20of%20Prosperity%20-%20Final%20-%20August%2025.pdf>> [*Indicators of Prosperity*].

39. Richard G Wilkinson & Kate Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better* (London: Allen Lane, 2009).

40. *Indicators of Prosperity*, *supra* note 38 at 6; Grant Schellenberg, "Perceptions of Canadians: A Sense of Belonging, Confidence, and Trust" in *Canadian Social Trends* (Ottawa: Statistics Canada, 2004) online: <http://www.statcan.gc.ca/kits-trousses/pdf/social/edu04_0115a-eng.pdf>.

41. Emily Huddart Kennedy et al, "Why We Don't 'Walk the Talk': Understanding the Environmental Values / Behaviour Gap in Canada" (2009) 16:2 *Human Ecology Review* 151.

In other words, while most respondents to the survey indicated concern for and commitment to the environment, constraints such as time, money, and insufficient knowledge of available resources often keep them from adopting behaviours that help to conserve the environment. Thus, public concern for the environment, such as the environmental values commonly expressed by Nova Scotians as reported in *Our Common Ground*,⁴² does not necessarily translate into action. Kennedy et al argue (consistent with the argument made in this article) that citizen involvement in government programs and decision-making is a necessary antecedent to citizen action and support of conservation:

many government bodies take the 'if-you-build-it-they-will-come' approach...creating infrastructure using very little public involvement and rarely offering forums for feedback once services are established. Simply providing more environmentally-supportive infrastructure or more information is unlikely to result in overall higher levels of [environmentally-supportive behaviour (ESB)] unless efforts are made ... to understand the ways in which culture and infrastructure interact to create environmental norms that enhance ESB.⁴³

IV. *Influencing behaviour change*

Influencing citizens to adopt environmentally supportive behaviors means asking them to give up habits that are deeply rooted in beliefs about identity and entitlement to use natural resources. As noted by journalist Jim Meek, Nova Scotians have little reason to want to change what they consider an ideal lifestyle.⁴⁴ Programs that address both individual and community level behaviour change are likely needed in order to promote citizen engagement in environmental protection and stewardship.

Drawing on the experiences of the health promotion field, it is evident that the most successful programs are developed with a clear understanding of the problem or issue, an understanding of the needs and motivations of the population, and a clear understanding of the context in which the program is implemented.⁴⁵ Programs such as those designed to assist people with weight loss, improving physical activity, or preventing communicable diseases are most successful when these factors are considered. Bandura's social cognitive theory is an important framework for this discussion because it focuses on the way in which individuals, their environment, and

42. *Our Common Ground*, *supra* note 9.

43. Kennedy et al, *supra* note 41 at 158.

44. "The downside of happiness: Quality of life is great, but happy people aren't motivated to change the world" (2010) 17:5 Progress Magazine 168.

45. Nutbeam et al, *supra* note 5 at 18.

their behavior constantly interact and influence one another.⁴⁶ Using this framework, health programs or interventions are developed recognizing that people have the capacity to learn by observing others and seeing the rewards of different behaviours; they have the capacity to anticipate and value the outcomes of different behaviours; and, most importantly, people need a sense of self-efficacy—the realization that they have the ability to successfully perform a behaviour.⁴⁷ Supervised practice and repetition develop the knowledge and skills for behaviour change.

The success of Nova Scotia's Solid Waste-Resource Management Strategy in diverting waste from landfills is evidence that population based behavior changes can make significant contributions to sustainability. Based on the experiences of health promotion programs and Nova Scotia's waste reduction strategy, it is evident that policy and public education will not necessarily result in lasting changes without the public being able to see how their new behaviours will result in change that is meaningful to them.⁴⁸ Pilot projects, demonstrations of new practices and social marketing approaches should be embedded in *EGSPA* to ensure citizen commitment to its goals.

Government policy and programs are most likely to succeed in influencing change at the individual and social level when their role is that of facilitator or change agent rather than that of an intervener.⁴⁹ Recognition of the complexity and systemic nature of the environmental and economic challenges in Nova Scotia and the social conditions that require change means policy and programs should be developed by intersectional joint action between multiple partners. Solutions to environmental problems that integrate the perspectives of physical and biological sciences along with social justice and human rights perspectives are more likely to succeed in the long term.⁵⁰ Such holistic and inclusive approaches should ensure that the benefits of a particular action, such as the adoption of new technology or the advocacy for a carbon tax, are distributed across all sectors of society and that the disadvantages of the action do not adversely

46. Albert Bandura, *Self-Efficacy and the Exercise of Control* (New York: WH Freeman, 1997).

47. *Ibid.*

48. Sally Walker et al, *Genuine Progress Index: Measuring Sustainable Development: The Nova Scotia Solid-Waste Resource Accounts Executive Summary* (Halifax: Genuine Progress Index, 2005) online: <<http://www.gpiatlantic.org/publications/summaries/solidwastesumm.pdf>>; Kelvin Ogilvie, *Premier's Advisory Council on Innovation Interim Report of Council* (Halifax: Premier's Advisory Council on Innovation, 2004) online: <http://www.gov.ns.ca/econ/docs/PremiersCouncil_InterimReport.pdf>.

49. Nutbeam et al, *supra* note 5 at 18.

50. Frank Tesoriero, *Community Development: Community-Based Alternatives in an Age of Globalization* (Frenchs Forest, NSW: Pearson Australia, 2010) at 117.

impact one sector today or in future generations.⁵¹ A holistic approach aims to ensure intergenerational equity and global justice requiring interaction of partners from many sectors of government, education and the community. That is, partnerships between government departments, non-governmental organizations, private citizens and the private sector are required to facilitate change and address the systemic roots of economic and environmental challenges. In order for partnerships to thrive, a high level of trust among the players is critical, and resources must be allocated to maintain the relationships between partners.⁵² Further, partnerships should be characterized by citizens and civil society organizations sharing decision-making responsibility with government and private sector partners.⁵³

Public views on the environment and sustainable prosperity are part of the social climate in which policy-making occurs.⁵⁴ Governments hoping to use policy to effect social change need to garner public support, as well as the support of stakeholders, and the media. In addition, governments need to consider the non-linear nature of policy development processes requiring public consultation and the need for repeated evaluation of the aims of the policies and the changing contexts in which the policy is intended to effect change. Within the process of policy development it is important to also assess the interests of the parties responsible for implementing policy directives and the interests of those who wish to influence policy formulation (both supporters and detractors), and to assess and develop the capacity of the organizations responsible for implementation of the programs and strategies necessary for change to occur.⁵⁵

V. *Education and communication*

Another key factor in successfully navigating the social dimension of *EGSPA*—one which is intertwined with the themes of citizen engagement, values and behaviour change—is communication and public education about *EGSPA*. Effective communication strategies supported by sound research-based evidence help to create a social climate conducive to social change. If *EGSPA* is to succeed it will need citizens to vote for governments that promote the intentions of the *Act* as well as citizen involvement and

51. *Ibid.*

52. Nutbeam et al, *supra* note 5 at 59.

53. Ron Labonté, “Community, Community Development, and the Forming of Authentic Partnerships: Some Critical Reflections” in Meredith Minkler, ed, *Community Organizing and Community Building for Health* (New Brunswick, NJ: Rutgers University Press, 2005) 82.

54. Nutbeam et al, *supra* note 5 at 64.

55. *Ibid.* The lack of capacity of many sectors of society must be addressed so that the participation process is inclusive and not dominated by those who have capacity.

support for the personal, community, and institutional changes required. *EGSPA* may, however, not resonate with voters and citizens who are apprehensive about the changes they will need to make in their lifestyles in order to support its goals. The process of reaching out to citizens and the content of the messages are both important as *EGSPA* attempts to change the behaviours of the citizens of the province.

It is somewhat surprising that a process of public communication and education is not directly referenced in the *Act*. One might expect to see clear goals focused on the communication and educational initiatives necessary for engaging citizens in action that supports the *Act* actually included among the *EGSPA* objectives, but the twenty-one goals do not include any reference to setting up educational programs. The example of Manitoba's *Sustainable Development Act*⁵⁶ is instructive here. One of the enumerated duties of the Manitoba Round Table for Sustainable Development, established under that *Act*, is to create awareness and understanding of sustainable development by the citizens of Manitoba.⁵⁷ In addition, Manitoba has been active in linking the goals of the *Sustainable Development Act* with education, making Education for Sustainable Development (or ESD) a central plank in provincial education policy.⁵⁸ By contrast, the current lack of easily accessible information about how and why *EGSPA* was adopted, and the absence of programs such as those in Manitoba that would integrate such concepts into the K-12 curriculum, are unfortunate oversights. It would be helpful, and would contribute to citizens' sense of "ownership" of the *Act*, for them to know the processes in place to draw on citizen input, and to learn about how *EGSPA* is being implemented and its effects on Nova Scotians' lives.

The importance of communication and educational outreach is heightened by the difficulties of statutory language and the technicalities within some of the *EGSPA* goals—neither of which can be easily understood by the layperson. For example, the goal of reducing greenhouse emissions by 10% below 1990 levels⁵⁹ seems impressive, but most people have no context for understanding the magnitude of this goal. Is it the status quo or does it represent a very ambitious effort? How does it compare with other jurisdictions? Accompanying documentation or clearly articulated plans for programs would help citizens "interpret" the goals set in *EGSPA*.

56. CCSM, c S270.

57. *Ibid.*, s 4(2)(a).

58. See the Manitoba government's Education for Sustainable Development web site, online: <<http://www.edu.gov.mb.ca/k12/esd/>>. Manitoba's ESD programme is linked to the United Nations Decade of Education for Sustainable Development led by UNESCO.

59. *EGSPA*, *supra* note 1, s 4(2)(e).

One example where a Nova Scotia organization has successfully communicated with the public in the area of environmental governance is Efficiency Nova Scotia's Home Energy Assessment Program. This initiative provides clear guidelines for the public to follow to maximize home energy efficiency.⁶⁰ This could be a useful model for similar efforts around *EGSPA*.

Conclusion

To successfully address the social dimension of environmental law and policy requires attention in the creation, implementation and evaluation stages. What makes the law work (or not work) successfully in practice? What makes citizens act in the ways intended by the law? From a purely legal perspective, this can sometimes seem like a deceptively simple question—if law comes from an authoritative source then it is valid, it is binding, and citizens have to obey it on pain of being punished for failure to do so.⁶¹ But this is not the complete story for all kinds of laws—if, indeed, it is for any law; it certainly does not fit well with an open-ended, aspirational piece of legislation like *EGSPA*. *EGSPA* is a statement of a shared social project, and its achievement of the goals, objectives and underlying values reflected in the legislation will require social change at a deep level. For that to happen, and for the law to be perceived as a legitimate and genuinely shared endeavour, meaningful participation by the citizens whose lives will be affected by that change is indispensable. A robust process of consultation and a systematic approach to understanding, engaging with and reconciling Nova Scotians' values regarding the environment and the economy is necessary; education and communication are key elements of such a process.

Involving citizens in policy-making about environmental goals is complex and time-consuming, but also essential for fostering citizen support and a sense of public ownership of the sustainable development agenda. While this social dimension has so far been relatively underemphasized both in the development of *EGSPA* and in current practices around the legislation, it is possible at this juncture in the review of the *Act* to engage citizens and communities in the pursuit of these goals. The citizens of

60. See online: <<http://clean.ns.ca/programs/climate/home-energy-evaluations/>>. Clean Nova Scotia is one of the service delivery agencies which offer this program on behalf of Efficiency Nova Scotia.

61. This is, of course, a summary—admittedly somewhat (but not very) oversimplified—of the classical Austinian positivist view of law, the “command” model, where the power of coercion is what sets law apart as law. John Austin, *The Province of Jurisprudence Determined*, ed by Wilfrid E Rumble (Cambridge: Cambridge University Press, 1995) (1861).

Nova Scotia hold strong environmental values⁶² and, while these values may conflict at times with other values such as the sanctity of private property and the freedom to access recreation lands at will, citizens' ideas and perspectives are valuable in finding successful ways to resolve the challenges presented by these competing values.

Building on the discussion in this article, the following recommendations may strengthen citizen involvement and engagement in *EGSPA*:

- Disseminate regular reports on sustainability goals and current initiatives related to *EGSPA* via media that are more likely to reach ordinary Nova Scotians (not just lawmakers and insiders)—for example, using social media and through the elementary, secondary, and post-secondary curriculum.
- Consider opportunities within the structure and function of the Round Table for more participatory involvement at the grassroots level, both in providing information to and seeking input from citizens.
- Consider setting up a single comprehensive, accessible "one stop" venue where citizens can find information about all aspects of *EGSPA*, including background information, up-to-date information on progress in implementing the goals, and suggestions for how members of the public can get involved. An effective way to achieve this might be a web site designed for members of the general public, using tools such as hyperlinks to increase user-friendliness (for example, clicking on a particular *EGSPA* goal to link to information about why the goal was adopted and the current state of progress in achieving it).
- Consider the potential benefits and drawbacks of an environmental bill of rights, which (if adopted) should include appropriate provisions to address access to justice issues. An environmental bill of rights is not a substitute for more cooperative forms of participation mentioned, which are a higher priority.
- Publicly celebrate the province's accomplishments in making progress towards meeting the goals of the *Act*, meeting some of those goals on time, and in some cases exceeding the statutory goals.

62. *Our Common Ground*, *supra* note 9.

- Develop a strategy that includes a participatory component, and ensure that messages about the sustainability challenges ahead are presented in ways that all citizens can understand.

EGSPA is an important, inspirational legislative initiative. It is already the platform for significant progress towards a sustainable future for Nova Scotia. It has the potential to create more substantial and lasting positive change. The social dimension is an indispensable element in fulfilling that potential. Enhancement of the social dimension can be achieved on a number of different fronts, including increased engagement and consultation with the public at the grassroots level; effective, well-designed communication to increase public awareness of *EGSPA*; and more robust integration of sustainable development into the educational curriculum. The steps that the authors propose in this article all support the ultimate aim of creating and sustaining a genuine understanding that *EGSPA* belongs to the people of the province.