QUEBEC: CANADA’S CHAMPION IN THE FIGHT AGAINST CLIMATE CHANGE

Joshua Newman and Michael Howlett

As it is the case for many other countries, say Joshua Newman and Michael Howlett, ratification of the Kyoto Protocol by the Canadian government “has been purely a symbolic move, as they have not come anywhere close to their committed targets on greenhouse gas reductions.” In the face of Ottawa’s failure to act, “it is now incumbent on provincial governments to take control of the climate change issue,” they argue. In this piece, they make the case for Quebec becoming Canada’s champion in this area: “Given that Quebec has a long tradition of struggling for increased autonomy, and given that most of the pressure points on a Quebec climate change agenda will tend to favour increased efforts, now is the time for Quebec to act.”

Comme c’est le cas de nombreux autres pays, la ratification du protocole de Kyoto par le gouvernement canadien « s’est révélée purement symbolique, aucun pays ne s’étant même rapproché de ses cibles de réduction des gaz à effet de serre », soutiennent Joshua Newman et Michael Howlett. Face au défaillance d’agir d’Ottawa, « il revient maintenant aux provinces de prendre les commandes de la lutte contre les changements climatiques ». Ils proposent que le Québec prenne la tête de ce mouvement : « Vu sa tradition autonomiste et la convergence de points de pressions pour qu’il augmente ses efforts dans la lutte aux changements climatiques, le moment est venu pour le Québec de passer à l’action. »

At this point, even those who were formerly the staunchest deniers of global warming are now accepting the idea that there is a pervasive global change in climate — and that it is occurring at a rapid pace.

To date, 177 countries have acceded to or ratified the Kyoto Protocol on the stabilization of greenhouse gas emissions, including long time holdouts like Australia. In fact, the only two signatories to the Protocol that have not acceded to or ratified it are the United States and Kazakhstan. Quebec, as a member of Canada, has acceded to the accord but finds itself in the enviable position of not having to bear many costs in adjusting to the new post-Kyoto global reality.

Despite the abundance of sound scientific evidence on the impending destruction of the global climate system, including the annual reports from the Nobel Prize-winning Intergovernmental Panel on Climate Change, many jurisdictions are still reluctant to take action, primarily because of the potentially high mitigation and adaptation costs. For many countries, ratification of the Kyoto Protocol has been a purely symbolic move, as they have not come anywhere close to their commited targets on greenhouse gas emission reductions.

Canada is one of these countries; its target was to reduce the emission of gases that contribute to the greenhouse effect to 6 percent below the levels of these gases that were produced in 1990, but the most recent data indicate that Canada’s greenhouse gas emissions are up 20 percent since 1990. (This figure does not include data for changes in land use and deforestation. With this additional information taken into consideration, Canada has the third-worst emissions record in the industrialized world: a +54 percent change in emissions since 1990.) The federal government’s current environmental plan calls for a new target of a 20 percent reduction in greenhouse gas emissions below 2006 levels, with a new deadline extended from Kyoto’s original 2012 to 2020.

What this means is that there is a huge amount of room for Canada to improve its efforts on the mitigation of global climate change. Since the federal government under three different prime ministers has proven unwilling or incapable of implementing an effective strategy for reducing greenhouse gas emissions, it is now incumbent on provincial governments to take control of the climate change issue and to realize their own local, and perhaps partnered, strategies for combating climate change.

No province stands to gain more from a shift in responsibility on climate change than does Quebec, and the opportunity is too good for that province to pass up. The environment is a murky area of the constitution, with no clear powers or roles yet developed for either tier of government. The federal
government has failed to meet its internationally committed targets. Quebec's historical investment in hydroelectricity puts it at an astonishingly low level of greenhouse gas emissions, well below the national average and at a massive advantage over any other province. Aboriginal groups, as well as the international community, favour more aggressive efforts on climate change, so there is like the federal spending power (otherwise known as the vertical fiscal imbalance), the federal government's power to regulate interprovincial affairs, and the “peace, order and good government” clause of section 91 of the constitution (often called the “POGG” power) offer Ottawa many methods of intervening in areas normally thought of as provincial jurisdictions.

Given that Quebec has a long tradition of struggling for increased autonomy from the federal government in Ottawa, and given that most of the pressure points on a Quebec climate change agenda will tend to favour increased efforts, now is the time for Quebec to act. Unlike most other Canadian jurisdictions, Quebec has much to gain and little to lose from a massive increase in efforts against climate change.

As a young policy field, the federal division of powers in the area of environmental protection is ambiguous, lacking in clear legal precedents, and open to further redefinition. In the area of climate change, which has really only been in the public eye for about 20 years, there is ample room for the provinces to step in and reaffirm their constitutional role.

The original constitutional document does not establish responsibility for the environment for either tier of government. And unlike other fields (such as health care), there is no lengthy tradition of established practices and jurisprudence, because interest in environmental protection only arose in the 1960s. Sections 92 and 109 of the 1867 Constitution Act gave the provinces the unqualified right of ownership, management and sale of provincial land holdings, as well as control over the wood resources arising from that land. In 1982, the provinces’ powers over nonrenewable natural resources, forestry resources and electrical energy were reaffirmed under the new section 92A. However, the federal government still has the power to legislate on many aspects of the environment, through its POGG power and its control over territorial governments, First Nations reserves, fisheries, waterways, international trade and other areas of federal jurisdiction.

Despite the base of constitutional authority that the provinces have over natural resources, there have been several Supreme Court rulings that have bestowed some responsibility on the federal government for protection of the environment. In its decisions on R. v. Crown Zellerbach in 1988, Oldman River Dam in 1992 and Attorney General of Canada v. Hydro-Québec in 1997, the Court has given Ottawa the power to mitigate marine pollution and the responsibility to measure the environmental impacts of provincial projects and regulate toxic substances. In addition, the Supreme Court’s Grand Council of Crees decision in 1994 reminded the federal government that it has control over natural resources that are intended for export outside of Canada. This is an important fact, given that much of the greenhouse gas emissions in Canada come from the oil and natural gas industries, the product of which is mostly intended for export to the United States.

As a result of these decisions, and of the federal policy programs that have ensued, there have been several incarnations of federal environmental protection laws and some intergovernmental collaboration. In 1988, the provinces and Ottawa established the Canadian Council of Ministers of the Environment, which made “harmonization” one of its main objectives. In 1998, all the provinces except Quebec signed the Canada-wide Accord on Environmental Harmonization with the federal government, which gave leadership on environmental protection to the provinces while allowing for harmonization of policy and sharing of information across jurisdictions. There is still a lot of room for the federal government to involve itself in environmental protection issues, and more room still for the provinces to assert their jurisdictional powers, especially through collaboration. Provinces can legislate with respect to natural resources within their own territory,
but they cannot make laws that are intended to have an effect outside of their borders, so harmonization or at least collaboration is greatly needed here. Since there is an incentive for provinces to lower their environmental regulation on pollutants that tend to leave their territory, it makes sense to have some kind of enforced cooperation between provincial jurisdictions.

In 2002, the federal government ratified the Kyoto Protocol. As a treaty, Kyoto binds Canada under international law to legally enforceable restrictions on greenhouse gas emissions. However, as the division of powers on the environment have not been clearly defined, it is still ambiguous as to whether Ottawa has the authority to compel the provinces to abide by the treaty.

Nevertheless, even if the federal government did possess this power, under POGG or any other clause, this would not preclude Quebec from creating its own climate change strategy. As it can be shown, Quebec is already far in advance of any other province in Canada as regards greenhouse gas emissions, and it is Quebec that will be leading the fight against climate change in the near future.

If anything, Quebec has been more actively pursuing Kyoto-like targets than any other jurisdiction in Canada, including the federal government.

Environment Canada’s National Inventory Report on greenhouse gas emissions for 2007 (the latest year for which a report has been published) confirms that Quebec is at a massive advantage with respect to every single other province on a variety of indicators of greenhouse gas emissions. While Quebec has not yet met the –6 percent target reduction in emissions, its emissions have only risen a paltry 4.8 percent since 1990 — well below the national average of 22.5 percent, and by far the lowest of any province. Since Quebec’s economy grew at around the national average in those 15 years, this means that energy use in Quebec has become more efficient than it has in any other province. In fact there is an indicator to measure this: it is called economic greenhouse gas intensity, and it measures gross greenhouse gas emissions per billion dollars of gross domestic product. In 2005, Quebec’s economic greenhouse gas intensity was 0.39 — again the lowest of any province and well below the national average. At 11.8 tonnes per person, Quebec also had the lowest per capita output of greenhouse gases in the country in 2005. In the 15 years between 1990 and 2005, Quebec’s economy grew 42 percent, its population base grew 7.7 percent, and yet its greenhouse gas emissions grew at the slowest rate in the country.

The 10 provinces’ climate change efforts have also been evaluated by external agencies on a number of occasions. The David Suzuki Foundation has praised Quebec’s current strategy for meeting emissions targets and the goals it has already accomplished, including a 27 percent drop in emissions from metal production industries caused by both
smelter closures and improved production processes, and has called on the other provinces and the federal government to emulate Quebec’s commitment to emissions reduction. The Conference of New England Governors and Eastern Canadian Premiers, which has its own “Climate Change Action Plan” that is even more stringent than the Kyoto Protocol, twice gave Quebec the highest rating of any of its members. In 2004 and again in 2006, Quebec’s per capita greenhouse gas emissions level was the lowest of the 11 members of the Conference, and it was well below the average.

There are several reasons why Quebec has been able to make these gains on its greenhouse gas emissions. In part, the province has pursued a strategy of emissions reduction since 2000, when it released its first climate change plan. Under this plan, the province teamed up with the private sector to provide $1.6 billion toward reducing electricity consumption, and also built 444 megawatts of wind power.

Quebec’s most recent climate change plan is much more comprehensive and ambitious than its predecessor: it aims to improve vehicle fuel consumption by 20-25 percent, add 5 percent ethanol to all gasoline sold in the province by 2012, impose a surtax on registering large-engine vehicles, introduce a carbon tax for industrial polluters (the first of its kind in Canada), institute a 10 percent reduction in reliance on petroleum products, introduce stricter energy efficiency guidelines for new construction projects, and produce up to 3500 megawatts of new wind power in the province — 3.5 times the existing wind turbine capacity in all of Canada. In a separate plan for public transit, Quebec has pledged upwards of $7 billion over 10 years to finance new public transit infrastructure across the province, which should reduce the amount of commuter traffic in urban centres.

As laudable as these climate change plans are, there is no denying that much of Quebec’s success in keeping emissions down is not a result of current government action. Quebec’s historical investment in hydroelectricity means that it relies much less heavily on fossil fuels for energy than do other provinces. Even in 1990, before the real interest in climate change began, Quebec already produced more than 110,000 kWh of hydroelectricity — almost three times as much as Ontario or Manitoba, and more than twice that of British Columbia. In addition, unlike British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia or Newfoundland, Quebec does not produce any oil or natural gas. The extraction of fossil fuels and the related industry is one of the most significant sources of greenhouse gases in Canada, as evidenced by Alberta’s and Saskatchewan’s massive increases in emissions since they began to exploit these sectors — and especially heavy oils in the tar sands — in earnest.

Furthermore, Quebec’s two main metal sectors, the aluminium and magnesium industries, underwent significant improvements in technology that dramatically reduced the greenhouse gas emissions from their production processes. Norsk Hydro, a Norwegian aluminium company with a stake in the Canadian industry, developed a technique that eliminated the use of the powerful greenhouse gas sulphur hexafluoride from its aluminium production process, and other companies have followed suit. This has resulted in a sizeable reduction in greenhouse gas emissions in the industry as a whole.

This gives Quebec a significant advantage in emissions levels over any other province in Canada. Of course, the drawback to this model is that Quebec will have to work harder to further reduce its emissions than another province would, because it cannot attack the most polluting energy production sectors as other provinces might. Fortunately, Quebec has pledged itself to meet this challenge, through investment in wind power and public transit infrastructure. Through the combination of its lucky position with respect to energy production and industry, and its assertive proposals for investment in the future, the province of Quebec is poised to become a leader in efforts against climate change.

The biggest obstacle to implementing an aggressive climate change agenda in Quebec is the pressure from the business and industrial sectors. Business and industry representatives will likely oppose any measures that will reduce their profits or increase their capital expenditures. Their general fear is that it will simply cost them too much to comply with strict emissions guidelines. The implication here is that if a strict regulatory regime makes it too expensive to operate in Quebec, some companies will move elsewhere.

This is a doomsday scenario, but it is not likely that this is how the future will unfold. In fact, many of these sectors of the economy are already moving out of Canada, as companies increasingly outsource and offshore their manufacturing processes to other countries with lower capital and labour costs. In addition, global prices for raw materials and primary metals have coincided with a strong Canadian dollar in recent years, resulting in a less-than-competitive Canadian manufacturing sector, which has nothing to do with restrictions on greenhouse gas emissions. While the manufacturing sector might actually be getting more efficient, it is in decline in
Canada as a whole: employment in the sector has been on a steady and sharp decline since 2000. The same applies to the textiles and clothing industries, lumber and production and the mining sector.

As dire as this sounds, the Canadian economy in general and the Quebec economy in particular are not in complete shambles. Rather, Canada is still in the midst of a transition from a resource-based economy to what is now referred to as a “post-staples” economy — one that relies much more heavily on the technology and service industries. In the past 15 years, high-tech industries such as aerospace, pharmaceuticals and information technology have been on the rise in Canada. In Quebec, employment in the science-based and information technology sectors rose 29 percent between 1990 and 2000, while the general workforce in that province declined 1.1 percent in that same time period. These new service and technology industries are, by nature, far less polluting than natural-resource-based and manufacturing industries, and so enforcing stricter emissions regulations or attaining a “carbon-neutral” state should actually prove to be easier than it would have been in the past.

On the other side of the coin, Quebec would receive strong support for an improved effort against climate change from a number of different sources. Aboriginal groups, especially those in the far north, depend on a stable environment in order to continue their traditional way of life. Melting polar ice, unpredictable winters and decreases in the stocks of northern wildlife all have negative effects on the health, occupational safety and food security of northern Aboriginal peoples. This will be an important consideration as Quebec finalizes its historic territorial arrangement with the Nunavik Inuit Nation.

While some of the other provinces — notably Alberta — have shown substantial resistance to the Kyoto Protocol, there is no reason to believe that they would object to Quebec’s pursuing an accelerated climate change strategy. This is especially true under any of the proposed “cap-and-trade” systems, in which more polluting sectors can buy emissions “credits” from less polluting sectors.

Under this system, the high-emissions energy sector could continue to operate without substantial capital re-investment, all while encouraging low-emissions sectors in Quebec to continue to reduce their emissions. Moreover, there does not appear to be any antipathy among the provinces on the subject of climate change: in 2007, the Council of the Federation pledged “further information and cooperation” on the subject and as recently as June of this year, Quebec and Ontario signed a “memorandum of agreement” on a bilateral emissions-reduction plan that, if enforced, would be the most rigorous plan in Canada to date.

The international community is also very interested in addressing climate change. The European Union, for one, has been a pioneer in the field of global environmental governance, and continues to provide leadership to the rest of the world on greenhouse gas emissions. And although the United States has not ratified the Kyoto Protocol, many subnational and regional jurisdictions in the US have enacted climate-change plans, most notably the state of California. In some ways, this approach may prove to be more effective, as it allows regions to address the issue in ways that are more sensitive to local public and industrial needs.

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The time is ripe for the province of Quebec to adopt an aggressive plan to limit greenhouse gas emissions and attack climate change. Given that may be time for Quebec to step forward and assert its place as the national leader on climate change. While the province may encounter obstacles, the amount of support that it has at its disposal and the economy’s natural trend toward low-emissions industries will ensure that it will not bear the kinds of mitigation and adaptation costs that most other Canadian jurisdictions would incur. Quebec will be able to invest in cleaner technologies and research and development and to reduce its own emissions even further.

Since the federal government has clearly failed to meet its international obligations to the Kyoto Protocol, it is unlikely that they or any future federal administration would challenge Quebec on its provincial climate change agenda. At present, the Quebec climate change action plan is more stringent than the federal plan, and will likely be so for some time into the future. If anything, the federal government stands to learn a lot from Quebec on this issue, rather than the other way around.

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