



Northwest Territoriesmi

# Ihumiurviat Malirutaliatigun

MEETING EDE 110-19-22

## STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND ENVIRONMENT

~  
FRIDAY, JUNE 3, 2022  
COMMITTEE ROOM A  
2:30 P.M.

---

### AGENDA

1. Prayer
2. Review and Adoption of Agenda
3. Declarations of Conflict of Interest
4. Public Matters
  - a) 2:30pm - Meeting with Alternatives North and Ecology North
  - b) 3:30pm – Technical Briefing with staff from Environment and Natural Resources
5. In-Camera Matters
  - a) Wrap-up discussion
  - b) Confidential Correspondence:
    - i. 2022-06-01 – Minister of Lands
6. Date and time of Next Meeting: Travel to Whati – Monday at 9:00am to arrive by 12:30pm at the latest.
7. Adjournment



*Alternatives North*



uOttawa

# ***NWT Environmental Right Act*** **Statement of Environmental Values**

Dawn Tremblay  
Executive Director, Ecology North

Heather Mcleod-Kilmurray  
Professor, Centre for Environmental Law and Global Sustainability, uOttawa Faculty of Law

# PRESENTATION OUTLINE

- Introduction
- Purpose of *Environmental Rights Act* (ERA) and Statement of Environmental Values (SEV)
  - Inspire and Empower
  - Transparency
  - Accountability
- Our Recommendations
  - Highest Priority/Key recommendations
  - Important runner-up priorities
- Recommendations Accepted/Not Accepted



# INTRODUCTION

## CHALLENGES

Climate Change

Biodiversity

Pollution

## OBLIGATIONS

Indigenous legal systems and rights

Environmental Justice

ERA Preamble

International Obligations

Sustainable, Circular Economy

## GOALS

Right side of history

Model for other jurisdictions

# PURPOSES OF ERA

(a) to protect the **right** of the people of the NWT to a **healthy environment**;

## HOW?

(b) to provide the people of the NWT with **tools to exercise their right** to protect the integrity, biological diversity and productivity of the ecosystems in the NWT;

(c) to ensure that the GNWT carries out its responsibility, within its jurisdiction, to **protect the environmental rights** of the people of the NWT; and

(d) to ensure that the GNWT carries out its responsibility to **make environmental information accessible to the public** in reasonable, timely, culturally appropriate and affordable manner

# OVERALL MESSAGE

PURPOSE of SEV:

*A substantive framework for government decision-making*



A ROADMAP:

- to inspire, measure and document actions to satisfy goals of *Environmental Rights Act*; and
- to empower the people of NWT to enforce the SEV and the Act.

# INSPIRE AND EMPOWER

Enable the people of the NWT to participate, be informed and have options for enforcement.

- Education
- Access to information
- Participation
- Access to Justice



# TRANSPARENCY

- Plan
- Measure
- Report

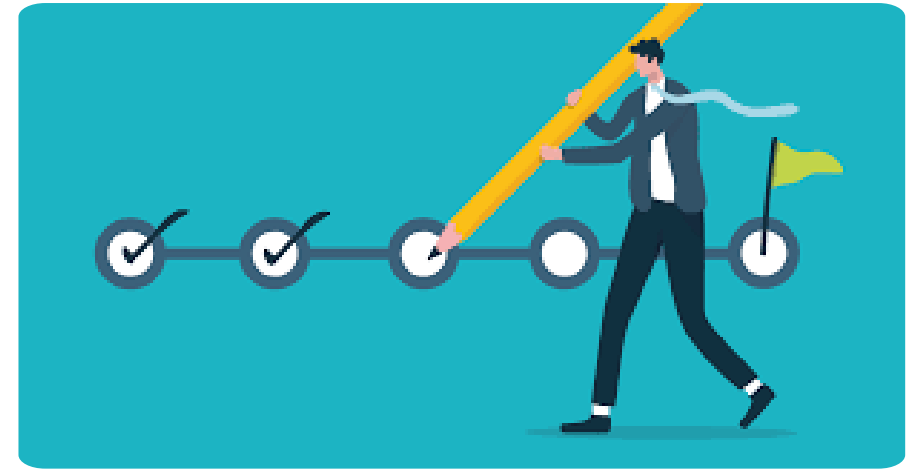




# ACCOUNTABILITY

*“ensure that GNWT carries out its responsibility...to protect the environmental rights of the people of the NWT” (ERA)*

- Report
- Be answerable to the people
- WHO is responsible for WHAT?
- Consequences/corrections for omissions and failures



# SPECIFIC RECOMMENDATIONS

# REMOVE S. 5 OF SEV

- Could defeat purpose of Act and SEV

# TRANSPARENCY & ACCOUNTABILITY

- What SEV applies to (Recs. #1, #3)
- Mandatory wording (Recs. #18, 19, 20, 22)
- Document how SEV used (Rec. #16)
- Exceptions/Revisions to SEV (Recs. #12, 17)
- Mandate letters (Rec. #15)





# EMPOWER: PARTICIPATION, EDUCATION.

- Meaningful involvement/appropriate consideration (Rec. # 23)
- Education (Rec. #25)

# INTERNATIONAL ENVIRONMENTAL LAW

## PRINCIPLES

### *Consistency = Clarity & Predictability*

UNDRIP  
(Rec. #8)

Precautionary Principle  
(Rec. #3)

Polluter Pays  
(Rec. #4)

Sustainable Deve  
(Rec. #7)

Environmental Ju  
(Rec. #6)

Intergenerational equity  
(Rec. #5)



# TOOLS FOR APPLYING THE SEV

- Planning at earliest stages in decision-making process
- Ecosystem approach
- Pollution prevention
- Cumulative effects
- Partnerships, public engagement, strategic knowledge management, economic dis/incentives
- monitoring, reporting, compliance, enforcement



# CLIMATE CHANGE

“Climate change is an existential challenge.  
It is a threat of the highest order to the country,  
and indeed to the world”

– Supreme Court of Canada (2021)





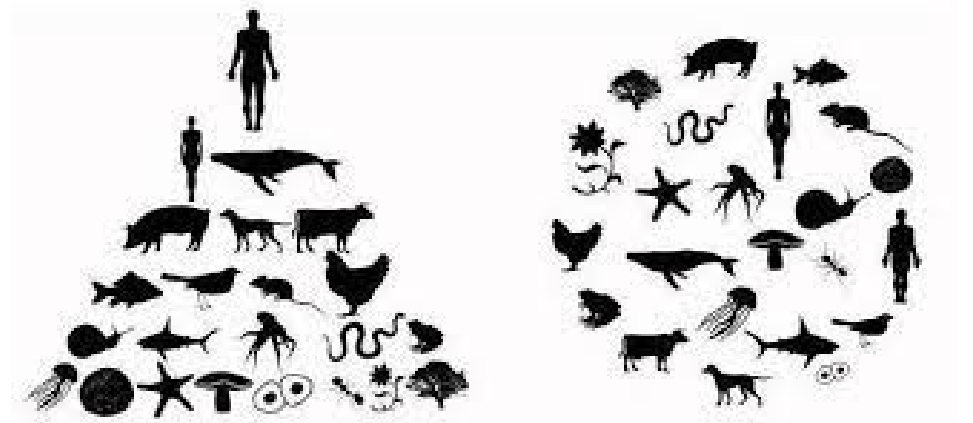
# INSTITUTIONAL CHANGE

- Environmental Commissioner NWT (Rec. #13)
- Environmental Registry NWT (Rec. #14)

# ECOCENTRISM

*“Present and future generations  
of all species  
in NWT”*

(Recs. #21 & 24)



# LEADING BY EXAMPLE

## GREENING INTERNAL GNWT OPERATIONS

(Rec. #26)



# REVISED STATEMENT OF ENVIRONMENTAL VALUES

Recommendation	Accepted ✓ Not Accepted X
1) SEV shall be applied consistently with the Purposes in Section 2.2	✓
2) SEV is a <b>substantive framework</b> for government decision-making... SEV shall be integrated ed by the GNWT into <b>actions, decisions, recommendations and submissions to Boards (such as the Mackenzie Valley Boards) and decision-making Instruments</b>	X
3) PP: lack of complete scientific <b>certainty is not to be</b> a reason for postponing reasonable measures	✓
4) Polluters must bear the costs of their pollution, including the cost of measures taken <b>to prevent, control and remedy pollution and the costs it imposes on society.</b>	
5) Intergenerational equity	X
6) Environmental Justice	X
7) Sustainable Development	X

<b>Recommendation</b>	<b>Accepted ✓ Not Accepted X</b>
8) UNDRIP	<b>X</b>
9) Tools for Applying SEV (but added biodiversity, cumulative effects, in s. 5(6))	<b>X</b>
10) Climate Change (but added mention of this to s. 5(6))	<b>X</b>
11) Scope of SEV (in fact, reduced “decisions and actions” to “decisions”)	<b>X</b>
12) & 17) Exemptions/exceptions to SEV should be subject to public notice and comment (revised s. 4(2)(a) includes this when <b>amending</b> SEV)	<b>partially</b>
13) & 14) Environmental Registry & Commissioner of the Environment	<b>X</b>
15) Mandate letters referring to SEV	<b>X</b>
16) Monitoring and reporting on Use of the SEV	<b>X</b>

<b>Recommendation</b>	<b>Accepted ✓ Not Accepted X</b>
18) Change “take reasonable measures” to “shall take every reasonable step” throughout document	✓
19) Change “adheres to the principles and provisions of this Statement” to “ <b>integrates</b> the principles and provisions of this Statement”	X
20) Change “will integrate environmental considerations into...” to “will integrate the SEV into...”.	X
21) & 24) “on behalf of <b>present and future generations of all species</b> in the North”	X
22) “The GNWT <b>shall</b> enact public policy that reflects a desire for environmental protection...” s. 4(1) (says “shall make best efforts to enact...”)	X
23) Define “meaningful involvement” (added word “meaningful”)	<b>partially</b>
25) Public Education	X
26) Greening Internal Operations	X
27) Delete s. 5	X

# MAHSI CHO - THANK YOU - MERCI - MARSII

- Dawn Tremblay,  
Ecology North  
[dawn@ecologynorth.ca](mailto:dawn@ecologynorth.ca)
- Dr. Heather McLeod-Kilmurray  
University of Ottawa  
[hmcleodk@uottawa.ca](mailto:hmcleodk@uottawa.ca)