



CIELAP Brief on Implementation of the *Federal Sustainable Development Act* Revised March 2010

The *Federal Sustainable Development Act*

In June 2008, the Canadian Government passed the *Federal Sustainable Development Act* (FSDA) in order to require the development and implementation of a Federal Sustainable Development Strategy and the development of goals and targets with respect to sustainable development in Canada. The Act began as a private member's bill introduced by retiring Liberal MP John Godfrey. Its implementation will finally satisfy the commitment that Canada made, along with other countries, at the 2002 World Summit on Sustainable Development, to develop a national sustainable development strategy.

This new legislation added a new element to the Federal Government's existing mechanism for advancing sustainable development in Canada. Through 1995 amendments to the *Auditor General Act*, the Government had established the office of the Commissioner of the Environment and Sustainable Development (CESD) and required that Federal departments prepare sustainable development strategies setting out goals, objectives and commitments related to sustainable development.

The purpose of the FSDA is to establish a legal framework for the development and implementation of a Federal Sustainable Development Strategy intended to make environmental decision-making more transparent and accountable to Parliament. The legislation states that the Canadian Government "accepts the basic principle that sustainable development is based on an ecologically efficient use of natural, social and economic resources and acknowledges the need to integrate environmental, economic and social factors in the making of all decisions by government."

The FSDA provides for three entities to assist in achieving the realization of this principle:

- 1)** Committee on Sustainable Development – a committee of the Queen's Privy Council for Canada with oversight of the development and implementation of the Federal Sustainable Development Strategy
- 2)** Sustainable Development Office – an office within Environment Canada charged with developing and maintaining systems and procedures to monitor progress on implementing the Federal Sustainable Development Strategy
- 3)** Sustainable Development Advisory Council – an advisory body, chaired by the Minister of the Environment and composed of one representative from each province and territory, and three representatives from each of the following groups: Aboriginal peoples; environmental non-governmental organizations; business; and labour.

The FSDA also requires the Minister of the Environment to develop a Federal Sustainable Development Strategy that is based on the precautionary principle. The Strategy must establish federal sustainable development goals and targets and an implementation strategy for meeting each target. It must also identify the minister responsible for each target.

The Act goes on to require each Federal Government department and agency to prepare a sustainable development strategy that contains objectives and plans consistent with the Federal Sustainable Development Strategy. The Act also requires that performance-based

contracts with the Government of Canada must include provisions for meeting the applicable targets referred to in the Federal Sustainable Development Strategy and the departmental sustainable development strategies.

Reaction to the *Federal Sustainable Development Act*

Although the FSDA received relatively little media attention, responses to the new legislation were generally positive. The David Suzuki Foundation, which had advocated for such a law in a 2006 report entitled *Toward a National Sustainable Development Strategy for Canada*, welcomed the FSDA. The Foundation called it a

bold step toward ensuring that governments live up to their environmental commitments. And it's one that all political parties got together to support. It could revolutionize the way the government deals with national environmental issues.¹

The Suzuki Foundation also praised the legislation for introducing greater accountability and transparency, and for including incentives in the form of bonuses for senior Government public servants. However, Environment Canada has stated that the legislation is not intended to provide for incentives for public servants.²

Developing the Federal Sustainability Development Strategy

The effectiveness of the FSDA will depend on the strength of the Federal Sustainable Development Strategy and subsequent departmental sustainable development strategies. Ambitious goals and targets are needed to ensure that the concepts of sustainable development and the precautionary principle are integrated into Government programs and policies in a meaningful way.

The FSDA requires that the Minister of the Environment develop the Federal Sustainable Development Strategy within two years of the Act coming into force on June 26, 2008. As part of the development process, the Strategy must be submitted to the Sustainable Development Advisory Council, a House of Commons committee, the CESD and the public for review and comment for a period of at least 120 days.

The Act requires that, following this review period, the Strategy must be submitted to Cabinet for approval, and the Minister must table the official Federal Sustainable Development Strategy in both the House of Commons and the Senate within two years of the Act coming into force if they are in session, or within 15 days after they subsequently begin sitting.

In March 2010, Environment Canada launched the public consultation on its draft strategy in the paper, *Planning for a Sustainable Future: A Federal Sustainable Development Strategy for Canada*. The public is invited to comment on the draft Federal Sustainable Development Strategy until July 12, 2010.³

Sustainable Development Strategies in other jurisdictions

A number of European jurisdictions have already developed national strategies for sustainable development that include goals and targets. These documents are significant precedents to be considered in developing Canada's strategy. The principles, goals and targets established in these strategies provide important examples that may be relevant in the Canadian context as well.

¹ D. Suzuki and F. Moola, "David Suzuki: why all Canadian political parties are getting in on the Act," *Straight.com*, July 29, 2008: <http://www.straight.com/node/155600>.

² Letter to Thomas Esakin, Executive Director, CIELAP from Athana Metzelopoulos, Acting Director General, Sustainability Policy, Environment Canada, dated November 20, 2009.

³ Environment Canada, Public Consultation on the Federal Sustainable Development Strategy: <http://www.ec.gc.ca/dd-sd/default.asp?lang=En&n=E19EE696-1>

Sweden's Strategy for Sustainable Development

Sweden adopted sustainable development as a broad policy objective in 2003. In 2005, the Swedish Government established the Ministry of Sustainable Development to bring together environmental, energy and housing policy. Sweden's 2004 Strategy for Sustainable Development, which was further elaborated on by the Government in 2006,⁴ is considered to be among the best in the world because of its comprehensive goals and targets. Sweden has developed a set of indicators that are tracked by Statistics Sweden, which allows for quantitative assessments of how their sustainability targets are met. The indicators are broken down into six areas: health, sustainable consumption and production patterns, economic development, social cohesion, environment and climate, and global development.

The Swedish Government considers the following principles to be prerequisites for successful sustainable development efforts:

- Participatory processes, including ongoing initiatives to promote dialogue on the relationship between the values and lifestyles of individual citizens, as well as between local and global sustainability issues – the Government has established a Council for Sustainable Development to promote dialogue
- Leadership and responsibility – sustainable development is an overall objective of Swedish Government policy, meaning that all political decisions must take into consideration long-term economic, social and environmental consequences
- Inter-sectoral perspective – the Government has set up an Administrative Development Agency to serve as a catalyst for cohesion, joint development efforts and renewal in public administration, which enables conflicts of objectives to be managed, synergies to be exploited and strategic efforts to be devised.

Sweden has identified a number of strategic challenges as priorities. The Swedish Government aims to build sustainable communities by promoting good living conditions through physical planning, regional development, infrastructure projects, urban development and housing. The Government is also attempting to create conditions for good health regardless of gender, ethnicity, social background, cultural background, sexual orientation, age or disability. Sweden is taking measures across a range of policy areas to meet the economic and social dimensions of the demographic challenges it faces. Finally, the Government is meeting the challenge of encouraging sustainable growth by recognizing that growth is driven by dynamic markets, a forward-looking welfare policy and a progressive environmental policy.

To successfully address these challenges, Sweden is utilizing a variety of tools including economic instruments and tax policy. To ensure that all policy decisions take into consideration long-term economic, social and environmental consequences, the Government is using an impact analysis model for quality assurance of sustainability early in the process of preparing the key documents on which it bases these decisions. The Swedish Government has also committed to sustainable public procurement in order to encourage the development of more socially and ecologically sustainable goods, services and technologies.

There is regular monitoring and reporting on Sweden's Strategy for Sustainable Development based on the indicators identified. The Council for Sustainable Development must produce annual reports that describe measures to promote opportunities and remove obstacles to national and regional implementation of the strategy.

⁴ Government of Sweden, Strategic Challenges – A Further Elaboration of the Swedish Strategy for Sustainable Development, Government Communication 2005/06:126:
<http://www.sweden.gov.se/content/1/c6/07/01/83/1a9ae133.pdf>.

Norway's Strategy for Sustainable Development

Norway introduced a national strategy for sustainable development in 2002 and replaced it with a new Strategy for Sustainable Development in 2008.⁵ The Strategy is part of the National Budget, which is Norway's most important planning document, to ensure that it is considered annually and remains on the political agenda. Norway's Minister of Finance is responsible for the government's sustainable development work in addition to economic and tax policies.

Norway's Strategy is based on broad public consultation involving Norwegian research institutions and NGOs, and peer review by a group of experts from Sweden and Uganda. To achieve the targets set in the Strategy, Norway encourages active participation by the business sector, NGOs, local governments, the public administration, educational institutions and individuals. Other important principles central to the Strategy include international cooperation on issues such as climate change, and a long-term perspective that accounts for the needs of future generations. The Strategy includes quantitative national targets and indicators in key policy areas. Statistics Norway is responsible for updating and analysing the indicators.

Norway's Strategy for Sustainable Development contains the following priority areas:

- International cooperation to promote sustainable development and combat poverty
- Climate change, the ozone layer and long-range air pollution
- Biodiversity and cultural heritage
- Natural resources
- Hazardous chemicals
- Sustainable economic and social development
- Indigenous people's perspectives on environmental and natural resource management.

The Strategy establishes comprehensive goals, targets, measures and policies for each of these priority areas.

Tools to implement Norway's Strategy include: economic instruments (such as environmental taxes, tradable emission allowances and deposit and return schemes); administrative instruments (such as use of the *Pollution Control Act* to prohibit or restrict releases of pollutants); research and development; public procurement; and impact assessment and licensing procedures.

The United Kingdom's Sustainable Development Strategy

The United Kingdom's Sustainable Development Strategy⁶ was released in 2005 following extensive consultation with the public and all levels of government. The guiding principles of sustainable development policy in the UK are to: live within environmental limits; ensure a strong, healthy and just society; achieve a sustainable economy; use sound science responsibly; and promote good governance.

The priority areas for UK action identified in the Strategy are:

- Sustainable Consumption and Production
- Climate Change and Energy

⁵ Government of Norway, *Norway's Strategy for Sustainable Development*, Published as part of the National Budget 2008: <http://www.regjeringen.no/upload/FIN/rapporter/R-0617E.pdf>.

⁶ UK Government, *Securing the Future: delivering UK sustainable development strategy*, March 2005: http://www.defra.gov.uk/sustainable/government/publications/uk-strategy/documents/SecFut_complete.pdf.

- Natural Resource Protection and Environmental Enhancement
- Sustainable Communities.

Specific, measurable indicators are established in these priority areas to cover key impacts and outcomes, and the government has committed to assessing and reporting annually on progress against the indicators. These indicators are required to be statistically robust and meaningful. The UK Government is required to assess its progress in implementing the Strategy to determine whether it is meeting its goals or needs to develop different policies.

The UK Government has strengthened the Sustainable Development Commission and asked it to report on the Government's progress on sustainable development. The Government has also committed to monitoring and reporting annually on the UK Sustainable Development Framework Indicators.

CIELAP perspective and recommendations

CIELAP commends the Canadian Government on passing the FSDA. The new legislation has the potential to ensure that Federal Government departments develop policies and programs that take into account and promote sustainable development. The manner in which the Act is implemented will be essential to making sure that its purposes are achieved in a meaningful way.

In 2005, CIELAP published *Sustainability in Canada: 2005 Update* to address why sustainability is important for Canada, what sustainability means in practical terms and how Canada can approach sustainability more quickly and effectively. This report identified the following set of sustainability priorities: climate change; childhood poverty and deprivation; cities (particularly public transit and environmental infrastructure); greening Canadian innovation and competitiveness; and homelessness. The report also reaffirmed a four-step sustainability strategy for Canada that CIELAP had recommended in its 2001 report, *Sustainable Development in Canada: A New Federal Plan*:

Step 1: Focus on a limited list of major concerns and set long-term goals in those areas

Step 2: Set shorter-term objectives with clear time lines, implementation mechanisms and resources as interim steps toward long-term goals

Step 3: Measure and report on outcomes of sustainability initiatives, not simply identify programs and resources that contribute to sustainability goals and objectives

Step 4: Periodically stand back to evaluate feedback and assess progress based on the fundamental goals of sustainable development, and in that light revise the overall strategy as necessary

CIELAP recommends that the Federal Government take this approach to developing the Federal Sustainable Development Strategy under the FSDA.

As noted above, the Federal Government began public consultation on *Planning for a Sustainable Future: A Federal Sustainable Development Strategy for Canada* in March 2010. The public is invited to comment on the draft Federal Sustainable Development Strategy by July 12, 2010.

This brief is one of seven policy briefs prepared by CIELAP in the spring of 2009. CIELAP's other briefs and publications can be found on the CIELAP website at www.cielap.org.