To ensure that objectives of this Accord are being met, Ministers, through the CCME, will review progress, address issues, and administer the requirements of the various sub-agreements on a regular basis. To ensure transparency, progress reports will be shared between and among governments and will be made available to the public.

[The citizens of Canada have clearly stated in recent polls that they do not want any decrease in environmental quality. In fact, they want to see the quality of the environment improved but in a way that will not affect their jobs or the economy.]

THE CANADA-WIDE ACCORD: A THREAT TO NATIONAL STANDARDS

BY KATHRYN HARRISON

In November of 1996, the federal, provincial, and territorial governments unanimously agreed in principle to a Canada-Wide Accord on Environmental Harmonization. Indications are that this Accord and the first three sub-agreements (concerning standard setting, compliance monitoring, and environmental assessment) will be signed at the next meeting of the Canadian Council of Ministers of the Environment this January.

The Canada-Wide Accord warrants scrutiny both for its implications for environmental protection in Canada and the precedents it could set for other policy fields. The environmental Accord is one of few concrete products of recent efforts to "renew the federation". Indeed, the degree of intergovernmental harmony achieved is quite remarkable in what only a few years ago was a hotly contested area of jurisdiction. However, intergovernmental harmony has come at a high price. It is worth noting at the outset that we have seen much of this before. In the mid-1970s, the federal government signed bilateral harmonization agreements with seven provinces (all but Quebec, Newfoundland, and British Columbia). Not coincidentally, the first generation of Accords emerged under circumstances very similar to those of today, with environment departments facing the challenge of implementing new legislation in the face of waning public attention to the environment, threats to national unity, and declining budgets. The federal government then (as now) had few incentives to challenge provincial resource jurisdiction in the name of the environment, and provincial governments were happy to resume the lead.

Regardless of the various measures included in the Accord and its sub-agreements to ensure an effective, efficient means in attaining the highest level of environmental quality within the context of sustainable development, there remains considerable opposition to the concept of a harmonization agreement on the part of environmental groups. The main concern relates to the possible devolution of federal powers to the provinces. There is much scepticism about the ability of the provinces to assume responsibility for environmental matters. In addition, there is concern that this Accord might lead environmental quality being set to the lowest common denominator.

With respect to the first point regarding the federal government giving up some of its power, there has been no indication to this effect. Quite to the contrary, in fact, the federal government, buoyed by the recent Supreme Court decision in its favour, intends to extend its reach into additional areas currently covered by provincial jurisdiction. This trend is evident in the proposed new draft legislation on environmental protection.

With respect to provincial governments not assuming their responsibilities, the Accord and its sub-agreements deal specifically with this instance and mechanisms will be put in place to regularly review progress and deal with problems.

Finally, it is difficult to understand the concern the environmental groups have with respect to a lowering of environmental quality as a consequence of harmonization. First and foremost, the citizens of Canada have clearly stated in recent polls that they do not want any decrease in environmental quality. In fact, they want to see the quality of the environment improved but in a way that will not affect their jobs or the economy. Politicians would be foolish to misread this message delivered by the population in general. The Accord clearly states that its objective is to enhance environmental protection; thus, it would be difficult to imagine the contrary.

In conclusion, the Harmonization Accord should be viewed in a positive and constructive sense, where various levels of government are working together to develop a better system to manage the environment. The Accord will provide Canada with an opportunity of meeting its key objectives of seeking a better environment and stimulating the economy by providing investors with a streamlined environmental regulatory regime, which will reduce costs, delays and, most importantly, uncertainty.

Michael Cloghesy is President, Centre patronal de l'environnement du Québec (CPQ).

THE HARMONIZATION ACCORD

Th[e] disappointing experience with the first generation of Accords is troubling as we embark on a second-generation Accord, which renews efforts to rationalize federal and provincial roles.

Like the new Canada-Wide Accord, the bilateral Accords of the mid-1970s sought to clarify federal and provincial roles in order to reduce over-
The Accord's primary emphasis on environmental quality standards represents a troubling departure from federal and provincial governments' historical emphasis on the need to harmonize industrial discharge standards to prevent a "race to the bottom".

Another may face only an unenforceable guideline. In fact, it is by no means clear that the discharge limits contained in those regulations and guidelines would be the same. The primary focus of the Standards Sub-agreement is on developing uniform standards for ambient environmental quality, rather than uniform discharge or product standards. This distinction is not merely semantic. Consistent environmental quality standards will inevitably lead to inconsistent industrial discharge standards, given different environmental conditions in different provinces. The Accord's primary emphasis on environmental quality standards represents a troubling departure from federal and provincial governments' historical emphasis on the need to harmonize industrial discharge standards to prevent a "race to the bottom".

The Canada-Wide Accord thus presents a risk not only to national standards, but to environmental protection generally. The provinces' track record in adhering to agreed upon national standards is not encouraging. And their task will be that much more challenging in the absence of consistent discharge standards or a commitment to enforceable regulations.

At first blush, the Canada-Wide Accord seems a promising example of what federal and provincial governments can accomplish short of constitutional amendment. Intergovernmental harmony has replaced the ugly spectacle of federal-provincial conflicts over the environment of the late 1980s and early 1990s. However, this renewed harmony may exact a high price in terms of environmental protection. Intergovernmental agreement should not be the end, at least not the only end, in itself.

Kathryn Harrison is Chair of Environmental Studies and Associate Professor in the Department of Political Science at the University of British Columbia.