

Should Canada Follow Trump's Paris Agreement Withdrawal?: The Precautionary Principle will Guide Us

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Just four days before the United Nations' annual '[World Environment Day](#)', on Thursday, June 1st, 2017, U.S. President Donald Trump officially [announced](#) America's plan to withdraw from the [Paris Agreement](#) on international climate change action (also known as the *Paris Accord*), and immediately end all compliance with the 18-month-old deal.

This announcement was met by Canadian Prime Minister Justin Trudeau [stating](#) he was "deeply disappointed" in President Trump's decision.

Overall, this move by President Trump raises considerable policy challenges for Canada's climate strategy and economic development. The United States is [Canada's largest trading partner](#) as well as it's direct southern neighbour, which may jeopardize shared environmental resources, such the quality of the Great Lakes, the pollution level of major air currents, the health of migrating animals, etc.

At the news conference President Trump described the agreement, which currently has 195 member countries, as a "bad deal for America" and "very unfair", [claiming](#) that remaining with the agreement would force the U.S. to abandon its reserves of coal, and lead to job losses in the coal, oil, and natural gas industries, as well as in the manufacturing sector.

This is an unusual statement by the President, given that reduction targets and routes to mitigation are determined individually by each nation. Also, the reductions are not binding, unlike with the

previous international *Kyoto Accords*.

President Trump [stated](#) that America would either renegotiate its re-entry into the *Paris Agreement* under different terms, or work to create a whole new climate deal, to lessen the burden on the U.S. (currently the second largest emitter of global greenhouse gasses “GHGs”, approx. 15%), and place more of a responsibility on major developing countries such as China (the largest emitter, approx. 30% of GHGs) and India (approx. 7% of GHGs) (note: [list of emitters by country](#)). Ultimately, international reaction to this consideration for “renegotiation” has been general disinterest as the majority the world moves forward with their *Paris Agreement* initiatives and policy changes

In comparison, the Canadian Government appears to have affirmed its stance on the *Paris Agreement*. Prime Minister Trudeau, in response to President Trump, [stated](#) that “Canada is unwavering in our commitment to fight climate change and support clean economic growth. Canadians know we need to take decisive and collective action to tackle the many harsh realities of our changing climate.”

The [Paris Agreement](#) was reached in December 2015 with an objective to reduce emissions, adapt to climate change, and pay for mitigation measures (e.g. incentivise and/or drive fossil fuel divestment). All 195 members of the United Nations Framework Convention on Climate Change (“UNFCCC”) signed the agreement, and of those 195, 154 (including Canada) have ratified it ([as of June 13th 2017](#)). The agreement came into effect in Canada in November 2016.

Despite some celebrating Canada’s affirmation of the agreement, there has also been criticism from conservative politicians (e.g. [Saskatchewan Premier Brad Wall](#)) and some business leaders to slow the course on carbon pricing and costly regulations. For instance, Conservative Party environment critic Ed Fast has [argued](#) that Canada must align its policies with those in the United States, or “the [economic] competitiveness challenges we face will only be exacerbated”.

Regardless of such criticisms, the best way for Canada’s law and policy makers to ensure the environmental, as well as economic, future of Canada is to continue, and increase, its adherence to the ‘Precautionary Principle’.

Although Canadian judges have said that the meaning of the precautionary principle is ‘elusive’ and ‘controversial’, ([Tsawwassen Residents Against Higher Voltage Overhead Lines Society v. British Columbia \(Utilities Commission\), 2007 BCCA 211](#)) Canadian courts and many statutes follow its description as set out in the 1990 United Nations *Bergen Declaration* (note: comprehensive [report](#)):

“In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, [e.g. such as the droughts,

sea-level rise and flooding, increased air pollution, ecosystem extinction, etc. caused by climate change], lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.” (This precautionary principle is also stated as Principle 15 in the UN’s 1992 [Rio Declaration](#))

The precautionary principle has been a guiding feature in a number of international treaties, as well as codified in a number of Canadian statutes, such as the [Species At Risk Act](#), the [Oceans Act](#), the [Canadian Environmental Protection Act](#), the [Canadian Environmental Assessment Act](#), and the [Pest Control Products Act](#).

Overall, the focus of the precautionary principle has to do with environmental protection. However, when it comes to continuing with the *Paris Agreement*, and thus following the precautionary principle (either intentionally or not intentionally), the environmental measures that signatory countries will need to develop also present positive economic benefits, benefits that Trump’s America could lose as he withdraws from the *Paris Agreement*, and ultimately violates the precautionary principle.

Samantha Gross, (a fellow at the [Brookings Institution](#)) [stated](#) that withdrawing from the *Paris Agreement* is a “huge foreign policy blunder” because it could undermine U.S. success in other international negotiations, including trade. Andrew Steer (President of the [World Resources Institute](#)), is quoted as [saying](#) that far from increasing U.S. jobs, leaving a multilateral environmental agreement could prove to be an economic blow. “One-trillion dollars a year is available on offer to American exporters and investors because there is the climate deal in Paris and quite frankly some of the American companies won’t have access to that probably moving forward.”

Generally, the sentiment of staying in the *Paris Agreement*, and thus providing implicit support for the precautionary principle, has been shared by many business leaders from major U.S. companies. Elon Musk, founder of Tesla, and a strong supporter of the *Paris Agreement*, announced he was stepping down as one of the President’s economic advisers. “I am departing presidential councils,” he [wrote](#) on Twitter. “Climate change is real. Leaving Paris is not good for America or the world.” Other business leaders, such as Goldman Sachs chief executive Lloyd Blankfein, Microsoft president Brad Smith, and General Electric chief executive Jeff Immelt, issued statements expressing disappointment in the President’s decision. “Climate change is real,” Mr. Immelt [wrote](#) on Twitter. “Industry must now lead and not depend on government.”

Additionally, eleven U.S. states (e.g. Hawaii, New York, Minnesota etc.), plus Washington D.C. and Puerto Rico, have vowed to honour America’s previous commitments to the *Paris Agreement*. They’ve joined the United States Climate Alliance, a growing, bipartisan group that seeks to reduce greenhouse-gas emissions nationwide.

In contrast to the Trump administration, Canada’s decision to move forward with the *Paris*

Agreement appears to demonstrate a renewed, and hopefully increasing, adherence to the precautionary principle.

The environmental and economic policies that are needed to comply with the *Paris Agreement* clearly conflict with the economic arguments of the Trump Administration and many Conservative Canadian critics; but by no longer closely aligning with American policy on climate change, and embracing the precautionary principle, Canada has a better chance at securing its environmental and economic future.

Canada's Minister of Environment, Catherine McKenna, has specifically [stated](#) that the transition to a lower-carbon global economy presents "a huge economic opportunity" for Canadian businesses and workers.

Notably, last year (2016) Canada's Federal government released [The Federal Sustainable Development Strategy \(FSDS\)](#) for the years 2016-2019. (*This strategy is directly based on the precautionary principle – as codified by s. 9(1) of [the Federal Sustainable Development Act](#)). In the FSDS the government outlined their plan for sustainable development planning and reporting, clearly listing the precautionary principle as one of their guiding principles. They stated that "lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

The FSDS specifically outlines actions that support Canada's commitments under the *Paris Agreement* (*note page 5 of FSDS). Such policies encourage more effective action on climate change, "clean energy" (i.e. renewable energy) development, investment in "modern and resilient infrastructure, better "sustainability managed lands and forest", etc., all of which support economic growth but which "contributes to limiting global average temperature rise to well below two degrees Celsius and supports efforts to limit the increase to 1.5 degrees Celsius".

Overall, there is considerable evidence supporting the need for, and success of, countries following the precautionary principle and adopting more aggressive laws and policies tackling climate change, promoting sustainability, and modernizing their economy through areas such as renewable technologies. For example, a new [report](#) from the [Organisation for Economic Co-operation and Development](#) (OECD) says that the integration of measures to fight climate change into economic policy will aid economic growth, both in the medium and long term. (Summary of key findings: [here](#))

Notwithstanding the effects Trump's reversal on the *Paris Agreement* and regulating GHG emissions will have on the U.S., it also represents a major challenge for Canada, particularly Prime Minister Justin Trudeau, who has claimed a leadership role on the climate-change issue, both internationally and domestically.

Ultimately, this renewed adherence to the precautionary principle by Canada, as demonstrated by ratifying and vocally supporting the *Paris Agreement*, and the release of the FSDS, is a promising

development for the nation's environmental and economic future. Whether Trudeau's government will fulfill its promises, and remain consistent with how it adheres to the precautionary principle is a whole other matter. It will require members of the Canadian, and international, public to keep the Canadian government in check.

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