

Aligning Manitoba's Sustainable Development Legislation with the 2030 Agenda

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ABSTRACT

The Climate and Green Plan Act [CGPA] is Manitoba's current sustainable development legislation; however, the CGPA does not effectively advance sustainable development as envisioned in the United Nations 2030 Agenda for Sustainable Development [2030 Agenda]. This paper provides an overview of what sustainable development is, a history of Manitoba's attempts at implementing sustainable development, as well as the history of the 2030 Agenda. This background provides context for the recommendations made in this paper for advancing sustainable development in Manitoba. The central recommendation is that Manitoba should enact provincial legislation that aligns with the 2030 Agenda. The new statute should reference both sustainable development and the 2030 Agenda in its title; update the definition of sustainable development to include the "5Ps" (people, planet, prosperity, peace, and partnership); and mandate a strategy that explicitly states how Manitoba will meet the 17 Sustainable Development Goals [SDGs]. Manitoba should also use a consistent definition of sustainable development in all relevant provincial legislation. These recommendations will better align Manitoba's sustainable development legislation with Canada's international commitments. This paper makes two contributions to existing literature. First, it provides an updated summary of Manitoba's history of sustainable development legislation and policies. The most recent summary was published over ten

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years ago. Second, it provides examples of how the 2030 Agenda can be localized at the provincial level.

KEYWORDS: *sustainable development*; *2030 Agenda*; *SDGs*

I. INTRODUCTION

The concept of sustainable development was popularized in 1987 when the seminal report *Our Common Future* (i.e., the Brundtland Report) was published.¹ The report provided the first widely accepted definition of sustainable development: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”² In the three decades since *Our Common Future* was published, our understanding of sustainable development has evolved and its scope has expanded.

In 2000, the United Nations Millennium Declaration [Millennium Declaration] was signed, which reaffirmed support for the principles of sustainable development and committed world leaders to combatting issues such as environmental degradation and poverty.³ Eight Millennium Development Goals [MDGs] were derived from this Declaration, which were intended to be achieved by 2015.⁴ In 2015, the United Nations Member States, including Canada, adopted the 2030 Agenda for Sustainable Development [2030 Agenda], which contains 17 Sustainable Development Goals [SDGs].⁵ The 2030 Agenda seeks to build on the MDGs and achieve what they did not.⁶ The preamble of the 2030 Agenda

¹ World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987) [*Our Common Future*].

² *Ibid*; “Manitoba’s Environmental Assessment and Licensing Regime Under *The Environment Act*” (2015) at 22, online (pdf): *Manitoba Law Reform Commission* <www.manitobalawreform.ca> [perma.cc/29W6-Z3UJ].

³ UN General Assembly, *United Nations Millennium Declaration, Resolution Adopted by the General Assembly*, 18 September 2000, A/RES/55/2 [Millennium Declaration].

⁴ Paola Bettelli, “What the World Learned Setting Development Goals” (29 January 2021), online: *International Institute for Sustainable Development* <www.iisd.org> [perma.cc/8YMX-XZGF].

⁵ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/60/1 [2030 Agenda].

⁶ *Ibid*, preamble.

reiterates that sustainable development contains three dimensions: economic, social and environmental.⁷ The preamble then goes on to reframe these three dimensions and identifies two more: people, place, planet, prosperity, peace, and partnership.⁸ These five dimensions are collectively referred to as the “5Ps.”⁹

To implement this new understanding of sustainable development, the 2030 Agenda names 17 SDGs with 169 targets to be achieved by 2030.¹⁰ The SDGs are an urgent call for action by all countries, in global partnership. More specifically, the SDGs “recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.”¹¹

The Manitoba government was an early advocate for sustainable development. In the 1980s and 90s, Premier Gary Filmon demonstrated serious dedication to making the province a centre for sustainability.¹² His efforts included the establishment of The Manitoba Round Table on Environment & Economy [MRTEE] in 1988, which was tasked with understanding how sustainable development should be implemented in Manitoba.¹³ Initially, the provincial government demonstrated serious dedication to this pursuit. The MRTEE carried out consultations, made recommendations, and published discussion papers. These efforts culminated in a detailed draft of the province’s first sustainable development legislation. While these initiatives were promising, the legislation that was finally enacted fell far short of the province’s initial proposals.

Unfortunately, the Filmon government, and successive governments, have made commitments to sustainable development without effective follow through. This trend is demonstrated in various examples of how the

⁷ *Ibid.*

⁸ *Ibid.*

⁹ UNSSC Knowledge Centre for Sustainable Development, “2-page primer on the 2030 Agenda for Sustainable Development” (2015) at 1, online (pdf): *United Nations System Staff College* <unssc.org> [perma.cc/6DZ9-99TP] [UNSSC].

¹⁰ *Ibid* at 1.

¹¹ “The 17 Goals”, online: *United Nations* <sdgs.un.org> [perma.cc/CYY7-NHAM].

¹² A John Sinclair & Lisa Quinn, “From Idea to Practice: Sustainable Development Efforts in Manitoba” (2012) 35:1 Dal LJ 31 at 35.

¹³ *Ibid.*

Manitoba government has chosen to implement sustainable development, which are illustrated below (in ‘Manitoba’s Implementation of Sustainable Development’). These examples also demonstrate that sustainable development legislation and policies in this province have been influenced by politics; they do not reflect the recommendations made by Manitoba’s experts and advocates, despite lengthy consultation; and they do not align with international commitments to sustainable development. The consequence of these decisions is an approach to sustainable development that is fragmented and inconsistent.

The Manitoba government’s approach to sustainable development in recent years suggests increased dissonance in how sustainable development has evolved internationally versus how it is engaged with by the provincial government. For example, in 2018, the Minister of Sustainable Development repealed Manitoba’s sustainable development legislation, *The Sustainable Development Act* [SDA],¹⁴ and replaced it with *The Climate and Green Plan Act* [CGPA].¹⁵ The CGPA and its mandated strategy, the *Made-in-Manitoba Climate and Green Plan* [CGP],¹⁶ do not align with the 2030 Agenda and Canada’s commitment to it. There is no reason for this; the provincial statute came into force three years after the 2030 Agenda was adopted. By not aligning its sustainable development legislation with international standards, the provincial government has jeopardized Manitoba’s potential for ensuring equality for all people; protecting our planet from degradation; enjoying prosperous lives; fostering peace; and mobilizing the partnerships needed to meet these outcomes. Manitobans need their government to get serious about meaningfully pursuing sustainable development as defined in the 2030 Agenda if Canada is going to meet its international commitments.

This paper provides recommendations for reforming Manitoba’s sustainable development legislation and policies. A history of Manitoba’s attempts at implementing sustainable development is provided, as well as the history of the 2030 Agenda. This background provides a foundation for the recommendations made in this paper for advancing sustainable development in Manitoba. The central recommendation of this paper is that Manitoba should enact a statute that aligns with the 2030 Agenda. The

¹⁴ *The Sustainable Development Act*, SM 1997, c 61 [SDA].

¹⁵ *The Climate and Green Plan Act*, SM 2018, c 30, Sch A, s 13(b) [CGPA].

¹⁶ Manitoba Sustainable Development, *Made-in-Manitoba Climate and Green Plan: Hearing from Manitobans* (Manitoba: Manitoba Sustainable Development, 2017) [CGP].

new statute should reference both sustainable development and the 2030 Agenda in its title; update the definition of sustainable development to include the 5Ps (people, planet, prosperity, peace, and partnership); and mandate a strategy that explicitly states how Manitoba will meet the 17 SDGs. Manitoba should also use a consistent definition of sustainable development in all relevant provincial legislation.

There are two ways that this paper adds to existing literature. First, it provides an update to the work of previous authors who have traced the history of sustainable development legislation in Manitoba. While Manitoba has an extensive history of enacting sustainable development legislation and policies, records of these initiatives generally exist in isolation (e.g., the MRTEE discussion papers focus solely on the MRTEE's initiatives). There are two exceptions. In 2002, John Sinclair published a paper that traced Manitoba's public consultation approaches for sustainable development policy initiatives.¹⁷ In 2012, the same author, along with Lisa Quinn, published a more extensive and updated account of sustainable development efforts in Manitoba.¹⁸ Since then, there is no literature that has provided an update to the work of these authors. This paper provides that update.

The second way that this paper adds to existing literature is that it provides guidance on how the 2030 Agenda and its 17 SDGs can be implemented at the provincial level. The Canadian government has made international commitments to advance sustainable development. If Canada wants to meet these commitments, then Canadian jurisdictions have a responsibility to assist within their areas of constitutional competence. Manitoba has an integral role to play in the legal framework of Canada's sustainable development commitments. Hopefully, this paper brings renewed attention to sustainable development in Manitoba while providing an opportunity to ask how we can improve this ongoing endeavour.¹⁹

¹⁷ A John Sinclair, "Public Consultation for Sustainable Development Policy Initiatives: Manitoba Approaches" (2002) 30:4 Policy Studies J 423 at 427.

¹⁸ Sinclair & Quinn, *supra* note 12.

¹⁹ This paper is particularly relevant given that Manitobans elected a new government in the 2023 general election. A new government means a renewed opportunity to meaningfully revisit sustainable development legislation. In other words, there is now potential for significant law reform in this area.

II. BACKGROUND

A. What is sustainable development?

While the term “sustainable development” is frequently used, it has also been “challenging, contested, contextual, unpredictable and multifaceted.”²⁰ One author has also found that many policy makers, business leaders, academics, and not-for-profit actors fail to recognize the broader context informing sustainable development, and that it is “far more profound than conjoining an adjective to a noun.”²¹ Therefore, this section clarifies what sustainable development means in the context of this paper and the recommendations made within.

Sustainable development has been defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”²² This definition of sustainable development was used in the report *Our Common Future*,²³ which marked a turning point in how we measure development.²⁴ The report “profoundly challenged neo-classical economic and socio-economic development theories by adding an environmental foundation.”²⁵ While *Our Common Future* is understood as a turning point, it draws on international development literature dating back to the 1940s.²⁶ Further, Indigenous cultures have recognized the concept for thousands of years.²⁷ In the three decades since *Our Common Future* was published, our understanding of sustainable development has continued to evolve and its scope has expanded.

²⁰ Adesuwa Vanessa Agbedahin, “Sustainable development, Education for Sustainable Development, and the 2030 Agenda for Sustainable Development: Emergence, efficacy, eminence and future” (2019) 27:4 Sustainable Development 669 at 671.

²¹ Robert Gale, “The war against sustainable development theory: Public interest as an ethical order for the 2030 Sustainable Development Goals” (2022) 60:2 Geographical Research 347 at 349.

²² *Our Common Future*, *supra* note 1.

²³ *Ibid.*

²⁴ Gale, *supra* note 21.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Agbedahin, *supra* note 20 at 670.

Once the concept of sustainable development was globally accepted, governments had to determine how the concept could be put into action. In 1992, more than 178 Member States adopted Agenda 21, which was a comprehensive plan of action for sustainable development through global partnership.²⁸ In 2000, 189 Member States adopted the Millennium Declaration, which reaffirmed support for the principles of sustainable development, including those set out in Agenda 21.²⁹ The Millennium Declaration also recognized essential values for international relations and identified key objectives for translating those values into actions.³⁰ These values and objectives were then articulated into eight goals to be achieved by 2015 (e.g., eradicate extreme poverty and hunger; promote gender equality and empower women).³¹ These eight goals are collectively referred to as the Millennium Development Goals [MDGs].³² In 2012, Member States adopted *The Future We Want*, which launched a process to develop global sustainable development goals post-2015.³³ This culminated in the 2030 Agenda, which was adopted by 193 Member States in 2015.³⁴

The 2030 Agenda names 17 Sustainable Development Goals [SDGs] with 169 targets to be implemented by 2030.³⁵ The SDGs can be summarized as (1) no poverty; (2) zero hunger; (3) good health and well-being; (4) quality education; (5) gender equality; (6) clean water and sanitation; (7) affordable and clean energy; (8) decent work and economic growth; (9) industry, innovation and infrastructure; (10) reduced inequalities; (11) sustainable cities and communities; (12) responsible consumption and production; (13) climate action; (14) life below water; (15)

²⁸ *Supra* note 11; UNCED, “Agenda 21” (1992), online (pdf): *United Nations* <sustainabledevelopment.un.org> [perma.cc/L5B3-MGZC] [Agenda 21].

²⁹ Millennium Declaration, *supra* note 3.

³⁰ *Supra* note 11; Millennium Declaration, *supra* note 3.

³¹ “Millennium Development Goals (MDGs)” (19 February 2008), online: *World Health Organization* <www.who.int> [perma.cc/K4GA-BEZF].

³² *Ibid.*

³³ United Nations General Assembly, *The Future We Want*, 11 September 2012, A/RES/66/288 [The Future We Want].

³⁴ 2030 Agenda, *supra* note 5.

³⁵ *Ibid.*

life on land; (16) peace, justice and strong institutions; and (17) partnerships for the goals.³⁶

Each goal has targets (which further specify the goals) and indicators (which represent the metrics that can be used to track the progress of each target). For example, a target of SDG 1 (i.e., no poverty) is to “eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day” by 2030.³⁷ The following indicator is then used to measure progress on this target: “Proportion of the population living below the international poverty line by sex, age, employment status and geographical location (urban/rural).”³⁸

The 2030 Agenda was an important effort in providing guidance on sustainable development. It was the largest consultative process of its kind, “bringing together civil society actors, academics, international and national civil servants, political elites, and formal and informal grassroots groups.”³⁹ The SDGs have been applauded for moving beyond “Western notions of progress,” in contrast to its predecessor, the MDGs.⁴⁰ Instead of imposing blanket, one-size-fits-all solutions, the 2030 Agenda encourages locally led solutions.⁴¹ The SDGs also make more explicit references to human rights than the MDGs did (the SDGs contain 14 references to human rights).⁴² The 2030 Agenda has also been praised for its interlinked development objectives: “It is crucial that all entities responsible for the implementation of SDGs treat them in their entirety instead of approaching them as a menu list of individual goals from which they pick and choose.”⁴³

³⁶ *Supra* note 11.

³⁷ “End poverty in all its forms”, online: *United Nations* <sdgs.un.org> [perma.cc/JFW9-XVHA].

³⁸ *Ibid.*

³⁹ Gloria Novovic, “Can Agenda 2030 bring about “localization”? Policy limitations of Agenda 2030 in the broader global governance system” (2022) 40:4 *Development Policy Rev* 1 at 2.

⁴⁰ *Ibid.*

⁴¹ *Ibid* at 5.

⁴² Daniel Moeckli, Sangeeta Shah & Sandesh Sivakumaran, eds, *International Human Rights Law*, 4th ed (Oxford, UK: Oxford University Press, 2022) at 637.

⁴³ Novovic, *supra* note 39 at 5; UNSSC Knowledge Centre for Sustainable Development, “2-page primer on the 2030 Agenda for Sustainable Development” (2015) at 1, online (pdf): *United Nations System Staff College* <unssc.org> [perma.cc/6DZ9-99TP] [UNSSCC].

Historically, sustainable development has been understood through three dimensions: economic, social, and environmental.⁴⁴ The preamble of the 2030 Agenda reiterates that sustainable development contains these three dimensions;⁴⁵ however, it also redefined and reframed these dimensions, and added two more, conveniently branded as the “5Ps” (people, planet, prosperity, peace, and partnership).⁴⁶ Underpinning the 5Ps are the principles of universality; leaving no one behind; interconnectedness and indivisibility; inclusiveness; and multi-stakeholder partnerships.⁴⁷ In application . . .

The five dimensions inform development policy decisions. This means that for a development intervention to be sustainable, it must take into account the social, economic, and environmental consequences it generates, and lead to conscious choices in terms of the trade-offs, synergies, and spin offs it creates. Additionally, policy makers need to ensure that any intervention is developed, owned, and carried forward with the relevant partnerships and leverages the appropriate means of implementation.⁴⁸

Despite commitments to the 2030 Agenda across the globe, some critics believe that sustainable development is too ideological; it is too expensive; it frustrates corporate social responsibility; it is hostile to business and industry; it imposes a socialist model of development while restricting individual freedoms; and it is an overreach of government.⁴⁹ Governments are also not on track to achieve the 17 SDGs. According to the most recent progress report from the United Nations, “[p]rogress on more than 50 per cent of targets of the SDGs is weak and insufficient; on 30 per cent, it has stalled or gone into reverse.”⁵⁰ The report recognizes that progress on the

⁴⁴ 2030 Agenda, *supra* note 5, preamble; UNSCC, *supra* note 43 at 1.

⁴⁵ 2030 Agenda, *supra* note 5, preamble.

⁴⁶ 2030 Agenda, *supra* note 4, preamble; UNSCC, *supra* note 43 at 2.

⁴⁷ UNSCC, *supra* note 43 at 1.

⁴⁸ *Ibid* at 2.

⁴⁹ Gale, *supra* note 21 at 354; Maria Wilkinson, *The Carbon Club: How a network of influential climate skeptics, politicians and business leaders fought to control Australia's climate policy* (Australia: Allen & Unwin, 2020); Naomi Klein, *This Changes Everything: Capitalism vs. the Climate* (United States: Simon & Schuster, 2014); David Henderson, “The case against ‘corporate social responsibility’” (2001) 17:2 Policy: J Public Policy & Ideas 28.

⁵⁰ “The Sustainable Development Goals Report 2023: Special Edition” (2023) at 2, online (pdf): *United Nations Department of Economic and Social Affairs* <unstats.un.org>

goals has been impeded by the COVID-19 pandemic, climate change, and Russia's invasion of Ukraine, which have collectively driven a cost-of-living crisis.⁵¹

To accelerate sustainable development, the report identifies various priority actions that are needed, including better recognition for the central role of local and subnational governments in implementing the SDGs.⁵² In fact, 65 per cent of the SDGs are linked to the work and mandates of local and regional governments, which makes them a key factor in their achievement.⁵³ Therefore, it is necessary for the Manitoba government to consider its role in advancing sustainable development in relation to the 2030 Agenda.

B. Manitoba's Implementation of Sustainable Development

Over the years, Manitobans have witnessed a deterioration of the provincial government's early commitment to sustainable development. Manitoba's commitment to sustainable development was initially demonstrated when the province's Minister of Environment served as chairman for the National Task Force on Environment and Economy [NTFEE]. The NTFEE was established in 1986 by the Canadian Council of Resource and Environment Ministers with a mandate to foster and promote environmentally sound economic development.⁵⁴ The NTFEE was made up of environment ministers, key corporate decision-makers, and representatives from environmental organizations and the academic community.⁵⁵ In 1987, the NTFEE released a report that made recommendations for how Canada can bring environment and economic development into harmony.⁵⁶ This report explicitly recognized the

[<https://perma.cc/47N4-EZY4>].

⁵¹ *Ibid.*

⁵² *Ibid* at 50.

⁵³ *Ibid* at 48-49.

⁵⁴ National Task Force on Environment and Economy, *Report of the National Task Force on Environment and Economy* (Ottawa: Canadian Council of Resources and Environment Ministers, 1987) at 1.

⁵⁵ *Ibid.*

⁵⁶ *Ibid* at 2.

significance of *Our Common Future* in shaping how the NTFEE approached its mandate.⁵⁷

Premier Gary Filmon made several efforts to establish Manitoba as a centre for sustainable development. In fact, sustainable development was a central part of his leadership.⁵⁸ In 1988, Manitoba took its first step toward implementing sustainable development when the provincial government created the Manitoba Roundtable on the Environment and the Economy [MRTEE].⁵⁹ The MRTEE engaged with communities across Manitoba and worked as a high-profile government agency tasked with identifying policy directions that would ensure sustainable development in the province.⁶⁰ In addition to the MRTEE, the Filmon government also established the Sustainable Development Committee of Cabinet, the Sustainable Development Coordination Unit, the Sustainable Development Innovations Fund, and the Sustainable Development Awards.⁶¹

In 1992, the MRTEE released a report containing 71 detailed recommendations on how the provincial government could implement sustainable development.⁶² One of these recommendations was the development of sustainable development legislation.⁶³ The proposed statute would create a legal onus on the provincial government to incorporate the principles of sustainable development in all government operations, legislation, policies and programs.⁶⁴ The MRTEE followed up this recommendation with two discussion papers: *A Discussion Paper for a Sustainable Development Act*, which outlined a suggested framework for the Act, and then *What You Told Us: Sustainable Development Act*, which provided

⁵⁷ *Ibid* at 1.

⁵⁸ Sinclair & Quinn, *supra* note 12 at 35.

⁵⁹ Sinclair, *supra* note 17 at 425; Manitoba, *White Paper on the Sustainable Development Act* (Winnipeg: Sustainable Development Coordination Unit, 1996) at v [White Paper].

⁶⁰ Sinclair & Quinn, *supra* note 12 at 36; Manitoba, *White Paper on the Sustainable Development Act* (Winnipeg: Sustainable Development Coordination Unit, 1996) [White Paper] at v.

⁶¹ *Ibid*.

⁶² Manitoba Round Table on Environment & Economy, *Towards Institutional Change in the Manitoba Public Sector* (Winnipeg: Sustainable Development Unit, 1992).

⁶³ *Ibid*.

⁶⁴ Sinclair, *supra* note 17 at 425.

the results of consultation.⁶⁵ This second discussion paper directly informed a draft of the legislation [draft-Act].⁶⁶

The draft-act was contained in the *White Paper on the Sustainable Development Act* [*White Paper*], which was released by the Manitoba government in 1996.⁶⁷ The *White Paper* envisions Manitoba's adoption of sustainable development to mean an "environment that is clean, safe and healthy," with an "economy [that] will provide the ongoing wealth and goods and services for both present and future generations of Manitobans in an environmentally sound manner."⁶⁸ The first page of the *White Paper* holds the government to account, stating that "it's one thing to agree with a nice sounding phrase; it's quite another to put the idea behind the phrase into action."⁶⁹ Therefore, the *White Paper* contained a detailed outline of the government's steps for putting their vision of sustainable development into action through new legislation.

While Manitobans were ready to support the principles of sustainable development, the vague language used in the draft-Act and the impact of the proposed rules on the private sector gave them pause.⁷⁰ Instead of slowing down the process to address these concerns, two sections of the draft-Act were simply dropped: section 7, "an efficient, service-oriented, sustainable development approach to development licensing," and section 8, which "consolidates hearings and appeals of development reviews, land and resource use and environmental assessment under the independent Commission for Sustainable Development."⁷¹ The decision was also made to remove aspects of the draft-Act that provided guidance on planning and development decision-making.⁷²

⁶⁵ Manitoba Round Table on Environment & Economy, *A Discussion Paper for a Sustainable Development Act* (Winnipeg: Sustainable Development Coordination Unit, 1994); Manitoba Round Table on Environment & Economy, *What You Told Us: Sustainable Development Act* (Winnipeg: Sustainable Development Coordination Unit, 1995).

⁶⁶ *White Paper*, *supra* note 59 at x.

⁶⁷ *White Paper*, *supra* note 59.

⁶⁸ *Ibid* at vii.

⁶⁹ *Ibid* at v.

⁷⁰ Sinclair, *supra* note 17 at 427; Sinclair & Quinn, *supra* note 12 at 39.

⁷¹ Sinclair & Quinn, *supra* note 12 at 39; *White Paper*, *supra* note 59 at xv, xviii.

⁷² Sinclair & Quinn, *supra* note 12 at 40.

On June 11, 1997, Bill 61, *The Sustainable Development and Consequential Amendment Act*, was introduced.⁷³ The bill was introduced to “formally set in law the process by which Manitobans can work together through the round table to achieve integration of environmental considerations in government decision making.”⁷⁴ Several Members of the Legislative Assembly referred to Bill 61 as a “watered down” version of the draft-Act.⁷⁵ One member of the MRTEE described it as a “dumbed down” version.⁷⁶ Some members of the public criticized Bill 61 when presenting to the Standing Committee on Economic Development. For example, the Manitoba Federation of Labour criticized the bill for appearing to be “little more than a policy statement masking as legislation,” citing concerns with the lack of targets contained in the bill.⁷⁷

Despite these concerns, the bill was passed and *The Sustainable Development Act* [SDA] was enacted.⁷⁸ The SDA linked sustainable development to various principles (e.g., integration of environmental and economic decisions; prevention; global responsibility) and guidelines (e.g., efficient use of resources; public participation; access to information).⁷⁹ The SDA required that a sustainable development strategy be established to achieve “sustainability,” which was defined as “the capacity of a thing, action, activity or process to be maintained indefinitely in a manner consistent with the spirit of the Principles and Guidelines.”⁸⁰ Notably, while section 3 of the SDA would have created a legal onus on the government to “have regard in all of its activities to sustainable

⁷³ Bill 61, *The Sustainable Development and Consequential Amendments Act*, 3rd Sess, 36th Leg, Manitoba, 1997 (assented to 28 June 1997) SM 1997, c 61.

⁷⁴ “Bill 61, The Sustainable Development and Consequential Amendments Act”, 2nd reading, Legislative Assembly of Manitoba Debates and Proceedings, 36-3, No 61A (16 June 1997).

⁷⁵ “Bill 61, The Sustainable Development and Consequential Amendments Act”, 2nd reading, Legislative Assembly of Manitoba Debates and Proceedings, 36-3, No 64B (19 June 1997).

⁷⁶ Sinclair & Quinn, *supra* note 12 at 40.

⁷⁷ Legislative Assembly of Manitoba, Standing Committee on Economic Development, 36-3, No 5(24 June 1997).

⁷⁸ SDA, *supra* note 14.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, ss 1, 7(1)(a), 7(3).

development,” this section was never proclaimed.⁸¹ According to a personal communication with the Hon. Glen Cummings, the Minister of the Environment at the time, section 3 was not proclaimed because of a pending election and government’s unease about whether everything was in place politically.⁸²

Manitoba’s Consultation on Sustainable Development Implementation [COSDI], initiated in 1997, sought to address some of the concerns raised by Manitobans in relation to the provincial government’s implementation of sustainable development. The purpose of COSDI “was to develop recommendations on how best to implement the principles and guidelines of sustainable development in land use planning.”⁸³ In 1999, COSDI submitted a report to government [COSDI Report], which was informed by 18 months of a consultative process.⁸⁴ The COSDI Report contained recommendations for government’s adoption of sustainable development policies, and involved proposed amendments to related legislation, such as *The Environment Act*.⁸⁵

In 1999, the New Democratic Party of Manitoba formed government. In the following year, the provincial government announced *Manitoba’s Sustainable Development Strategy* [SDS].⁸⁶ The SDS included several commitments to environmental initiatives (e.g., the government created a new Manitoba Round Table for Sustainable Development). The SDS also accepted recommendations made in the COSDI Report. Unfortunately, Manitobans found that the SDS missed the mark in two ways. First, many believed that the government’s decision to move sustainable development responsibilities to the Department of Conservation hindered the advancement of sustainable development in the province as it diminished

⁸¹ SDA, *supra* note 37, s 3; Sinclair & Quinn, *supra* note 7 at 39.

⁸² Sinclair, *supra* note 17 at 430.

⁸³ Consultation on Sustainable Development Implementation, *Building a Sustainable Future: Proposed Changes to Manitoba’s Environment Act* (Winnipeg: Manitoba Conservation, 2001) at 3.

⁸⁴ Consultation on Sustainable Development Implementation, *Report of the Consultation on Sustainable Development Implementation (COSDI)* (Winnipeg: Manitoba Conservation, 1999).

⁸⁵ *The Environment Act*, SM 1987-88, c 26.

⁸⁶ Manitoba Conservation, *Implementing Sustainable Development for Future Generations: Manitoba’s Sustainable Development Strategy* (Manitoba: Manitoba Conservation, 2000) [SDS].

authority over the public sector: “the only department, for practical purposes, they can manage is their own.”⁸⁷

Second, the *SDS* centred on a narrowed vision of sustainability, focusing on resource development and management, rather than a more dynamic understanding of sustainable development as identified in the MRTEE’s previous consultations: “These included households and neighbourhoods, education, waste minimization and management, environmental businesses, economic development, market incentives and fiscal policy, and research and development.”⁸⁸ These issues were addressed to some extent by the provincial government, but they were addressed through a fragmented approach.⁸⁹ By not including these initiatives in a cohesive strategy, the government missed out on an opportunity to maximize their resources in advancing sustainable development.

In 2012, the province released the sustainable development plan, *TomorrowNow—Manitoba’s Green Plan* [*Green Plan*].⁹⁰ In 2014, a second edition of the *Green Plan* was released in response to Manitobans calling for more aggressive planning.⁹¹ Included in the *Green Plan* was the provincial government’s announcement that they would be repealing the *SDA* and replacing it with the *Green Prosperity Act*.⁹² Consultations for the new legislation began in 2012.⁹³ Despite these clear intentions to overhaul provincial sustainable development legislation, the *Green Prosperity Act* never materialized.

It was not until 2018 that the *SDA* was repealed. After forming provincial government in 2016, the Progressive Conservative Party of Manitoba replaced the statute with *The Climate and Green Plan Act* [*CGPA*].⁹⁴ The *CGPA* was introduced as Bill 16, *The Climate and Green Plan Implementation Act*, which set out a legislative framework for its sustainable development strategy, using “measures that will reduce greenhouse gas

⁸⁷ Sinclair & Quinn, *supra* note 12 at 42.

⁸⁸ *Ibid.*

⁸⁹ *Ibid* at 44.

⁹⁰ Manitoba, *TomorrowNow—Manitoba’s Green Plan* (Winnipeg: Manitoba, 2012).

⁹¹ Manitoba, *TomorrowNow—Manitoba’s Green Plan, 2nd Edition* (Winnipeg: Manitoba, 2014) [*TomorrowNow*].

⁹² *Ibid* at 6.

⁹³ *Ibid.*

⁹⁴ *CGPA, supra* note 15.

emissions while promoting sustainable development and a green economy.”

⁹⁵ The 2030 Agenda and the 17 SDGs were not mentioned once by Members of the Legislative Assembly during the first, second, or third reading of the bill.⁹⁶ They were raised in presentations from the public to the Legislative Affairs Committee, though – one presenter specifically recommended that the Manitoba government should use the SDGs.⁹⁷ This recommendation was not implemented.

The structure of the CGPA is as follows. After providing relevant definitions in section 1, section 2 outlines an obligation on the minister to develop a climate and green plan, which must “promote sustainable development.”⁹⁸ In 2017, the *Made-in-Manitoba Climate and Green Plan* [CGP] was released.⁹⁹ The minister must review the progress of goals outlined in the plan.¹⁰⁰ Section 3 of the CGPA mandates that five-year emissions reduction goals must be set, starting with the period between 2018 to 2022.¹⁰¹ To hold the government accountable for these targets, section 4 of the CGPA mandates a Carbon Savings Account, which . . .

. . . keeps a running balance of the greenhouse gas emissions reductions achieved in previous five-year periods as compared to the emissions reduction goals set for those periods . . . If the greenhouse gas emissions reduction goal in a five-year period has not been achieved, the amount of the emissions reduction shortfall is to be added to the emissions reduction goal in the next five-year period.¹⁰²

⁹⁵ Bill 16, *The Climate and Green Plan Implementation Act*, 3rd Sess, 41st Leg, Manitoba, 2018 (assented to 8 November 2018), SM 2018, c 30; “Bill 16, The Climate and Green Plan Implementation Act,” 1st reading, *Legislative Assembly of Manitoba*, 41-3, No 20 (15 March 2018).

⁹⁶ “Bill 16, The Climate and Green Plan Implementation Act,” 1st reading, *Legislative Assembly of Manitoba*, 41-3, No 20 (15 March 2018); “Bill 16, The Climate and Green Plan Implementation Act,” 2nd reading, *Legislative Assembly of Manitoba*, 41-3, No 73B (4 October 2018); “Bill 16, The Climate and Green Plan Implementation Act”, 3rd reading, *Legislative Assembly of Manitoba*, 41-3, No 88B (8 November 2018).

⁹⁷ Legislative Assembly of Manitoba, Standing Committee on Legislative Affairs, 41-3, No 6 (25 October 2018).

⁹⁸ CGPA, *supra* note 15, s 2(1)(b).

⁹⁹ Manitoba Sustainable Development, *Made-in-Manitoba Climate and Green Plan: Hearing from Manitobans* (Manitoba: Manitoba Sustainable Development, 2017) [CGP].

¹⁰⁰ CGPA, *supra* note 15, s 2(3).

¹⁰¹ *Ibid*, s 3(1).

¹⁰² *Ibid*, s 4.

Sections 5 and 6 of the CGPA outline the minister's reporting obligations, while sections 7 and 8 outline the responsibilities of the independent expert advisory council that must be appointed by the minister.¹⁰³ Section 9 establishes the Low Carbon Government Office and section 10 provides the Office's mandate, area of focus, and obligation to track the greenhouse gas emissions of government departments.¹⁰⁴ Section 11 of the CGPA notes that the fund previously established by the SDA will continue under this new legislation, renamed as the Made-in-Manitoba Climate and Green Fund (one purpose of this fund is to promote sustainable development).¹⁰⁵ The remaining sections of the CGPA outline general provisions.¹⁰⁶

When the CGPA was enacted, it was applauded by some for its innovative features, particularly its inclusion of an accountability framework;¹⁰⁷ however, closer inspection of the CGPA reveals that the statute is a regressive approach to sustainable development. There are three main issues with the statute: (1) it lacks long-term targets; (2) its accountability framework isn't accountable; and (3) its articulation of sustainable development is too narrow.

The first issue, the CGPA's lack of long-term targets, is antithetical to the planning that is needed for sustainable development, particularly as envisioned in the 2030 Agenda.¹⁰⁸ While section 3 of the CGPA mandates that greenhouse gas emissions reduction goals must be set, these goals are only set five years into the future. This short-term goal setting creates uncertainty about the path forward, especially considering that an end-target is not provided in the legislation. Uncertainty is further exacerbated by the legislation only requiring that a goal be set, without requiring any standard that the goal must be tied to. This leaves open the possibility for reduction goals to be set arbitrarily and well below what research indicates is needed to effect real change. It increases opportunity for goal setting to be guided

¹⁰³ *Ibid*, ss 5-8.

¹⁰⁴ *Ibid*, ss 9-10.

¹⁰⁵ *Ibid*, s 11.

¹⁰⁶ *Ibid*, ss 12-15.

¹⁰⁷ "Manitoba's Climate and Green Plan Implementation Act 2018" (10 June 2020), online: *The Canadian Climate Institute* <climateinstitute.ca> [perma.cc/J4NJ-NVQU].

¹⁰⁸ 2030 Agenda, *supra* note 5.

by political motivation, rather than science and research. The five-year planning leaves Manitobans in the dark about what we are even aiming for.

The second issue with the *CGPA* is its illusory accountability measures. At first glance, the Carbon Savings Account would assuage any concerns about government inaction; however, this “accountability framework” doesn’t actually do much to hold government accountable. Section 4(1) of the *CGPA* establishes the Carbon Savings Account, which tracks government’s progress in reducing greenhouse gas emissions to the five-year emissions reduction goals.¹⁰⁹ Section 4(2) states that if those goals are not met, the ‘balance’ is carried over to the next five-year period.¹¹⁰ Instead of holding government accountable for failing to meet its emission reductions goals, section 4(2) of the Act allows government to evade their commitments in perpetuity. This approach pushes responsibility further into the future, while those with the power to change the outcome today face no consequences for delays.

The last glaring issue with the *CGPA* is its narrow articulation of sustainable development. The *CGPA* incorporates sustainable development, but it’s not the *main* principle influencing the statutory framework – “sustainable development” is omitted from the name of the statute and it is listed as one of four aims of the *CGPA*.¹¹¹ In comparison, the *SDA* explicitly put sustainable development at the forefront, not only in the name of the statute, but in its purpose as well: “The purpose of this Act is to create a framework through which sustainable development will be implemented . . .”¹¹² Meanwhile, the purpose of the *CGPA* is not provided in the statute. Further, the *SDA* and the *CGPA* use similar definitions for sustainable development, which does not reflect how the definition of sustainable development has evolved in the time between the enactment of these two statutes.

The province’s sustainable development plan, the *CGP*, elaborates on the province’s definition of sustainable development in a way that should concern Manitobans. The *CGP* states that sustainable development is a principle that “looks at human development in a way that acknowledges the importance of a need to balance environment, economic and social

¹⁰⁹ *CGPA*, *supra* note 15, s 4(1).

¹¹⁰ *Ibid*, s 4(2).

¹¹¹ *CGPA*, *supra* note 15, s 2(1).

¹¹² *SDA*, *supra* note 15, s 2.

objectives.”¹¹³ The Manitoba government is relying on an outdated understanding of sustainable development that does not incorporate the additional dimensions of peace and partnership as outlined in the 2030 Agenda. Further, instead of recognizing how Manitoba can help in achieving the 17 SDGs, the CGP articulates four new pillars (climate, jobs, water and nature) with associated “keystones” (e.g., clean energy, water quality) to guide Manitoba’s sustainable development strategy.¹¹⁴ These do not capture many facets of sustainable development, such as eradicating poverty and achieving gender equality, neither of which are mentioned in the CGP. Ultimately, the CGP “is not a plan—It does not set any meaningful targets, there’s no timetable, and regrettably, no intention to meet the IPCC 1.5°C objectives.”¹¹⁵ Manitobans are left to wonder why the provincial government chose to limit sustainable development in this way considering that Canada adopted the 2030 Agenda in 2015 (two years before the CGP’s release and three years before the CGPA came into force).

It is also confusing that the Manitoba government has not implemented the 17 SDGs considering that both the federal government and the City of Winnipeg have made efforts to implement them. In 2020, the *Federal Sustainable Development Act* [FSDA] was amended to support the goals of the 2030 Agenda.¹¹⁶ As a result of this amendment, the *Federal Sustainable Development Strategy* [FSDS] now explicitly outlines how the federal government is working to achieve each of the 17 SDGs.¹¹⁷ Meanwhile, the City of Winnipeg passed a by-law in 2022 that integrates the 17 SDGs into

¹¹³ CGP, *supra* note 16.

¹¹⁴ *Ibid* at 3.

¹¹⁵ Curt Hull, “Fast Facts: Manitoba Needs a Real Climate Plan” (2021) at 1, online (pdf): *Canadian Centre for Policy Alternatives* <policyalternatives.ca> [perma.cc/BHM6-JC6H]. In 2018, the Intergovernmental Panel on Climate Change (IPCC) concluded that achieving net-zero greenhouse gas emissions by 2050 is key to keeping the rise in the global-mean temperature to 1.5°C above pre-industrial levels.

¹¹⁶ *Federal Sustainable Development Act*, SC 2008, c 33 [FSDA]; Bill C-57, *An Act to amend the Federal Sustainable Development Act*, 1st Sess, 42nd Leg, Manitoba, 2017 (assented to on 28 February 2019), SC 2008, c 33; “Bill C-57, An Act to amend the Federal Sustainable Development Act”, 2nd reading, *House of Commons Debates*, 42-1, No 214 (6 October 2017).

¹¹⁷ Environment and Climate Change Canada, *Achieving a Sustainable Future: Federal Sustainable Development Strategy 2022 to 2026* (Ottawa: Government of Canada, 2022) [FSDS].

the city's development plan, *OurWinnipeg 2045*.¹¹⁸ Instead of using the 17 SDGs, though, the city chose to group them together into "six key goals," which some believe does not capture the full extent of the 2030 Agenda.¹¹⁹ The Manitoba Eco-Network, a non-profit organization that promotes positive environmental action, clarified that . . .

Applying the SDGs to the *OurWinnipeg* policy is not an exercise that should involve selective adoption of certain elements of the SDGs. It is an opportunity to develop policies that reflect the full content and intent of the goals as applicable in Manitoba and implement meaningful change.¹²⁰

Despite their criticisms, the Manitoba Eco-Network did applaud the City of Winnipeg for taking steps to implement the 17 SDGs.¹²¹ Meanwhile, the Manitoba government has taken no action on this. We need concrete, long-term planning with targeted goals that align with international commitments. We need cohesive and explicit definitions and a comprehensive strategy that will maximize our resources. Ultimately, we need to get serious about sustainable development by aligning provincial legislation and policies with the 2030 Agenda.

III. AREAS OF REFORM

Manitoba needs sustainable development legislation that employs an updated definition of sustainable development as informed by the 2030 Agenda. This definition should inform the entirety of the statute, placing sustainable development at the forefront of our province's path forward. The 2030 Agenda's definition of sustainable development is much more far-reaching than the one we currently operate with. This means that a lot would need to change. Due to the extensive changes that would come from adopting a revised sustainability framework, this paper offers a starting point, rather than all the solutions. Below are some recommendations for new sustainable development legislation in Manitoba. New legislation would address gaps that were created when the CGPA replaced the SDA,

¹¹⁸ The City of Winnipeg, by-law No 120/2020, *OurWinnipeg 2045 By-law*; "OurWinnipeg 2045" (2022), online (pdf): *The City of Winnipeg* <clkapps.winnipeg.ca> [perma.cc/KQ63-QN6] [*OurWinnipeg 2045*].

¹¹⁹ *Ibid.*

¹²⁰ "Re: OurWinnipeg Policy and Implementation Plan" (2020) 2, online: *Manitoba Eco-Network* <mbeconetwork.org> [perma.cc/YBS9-FWK3].

¹²¹ *Ibid.*

but it would also bring Manitoba's sustainable development legislation in line with Canada's international commitments.

A. Include sustainable development in the name of the statute

As mentioned above, the provincial government minimized the role of sustainable development when they enacted the CGPA. This is immediately evident in the decision to take sustainable development out of the statute's name. Sustainable development should be included in the name of this proposed Act to signify that it's the main principle guiding the statute. The title should also establish a link to the 2030 Agenda to signify that the statute will be adopting its definition of sustainable development. The statute should be called *The Sustainable Development (2030) Act*.

B. Use the 5Ps to define sustainable development

Manitoba's sustainable development legislation currently relies on a definition of sustainable development that does not capture how the term has evolved. The CGPA currently defines sustainable development as "development that meets the needs of the present generation without compromising the ability of future generations to meet their needs."¹²² This definition is almost identical to how sustainable development was defined in 1987 in *Our Common Future* – it does not reflect how the concept has evolved since then. In other words, it does not reflect the 5Ps of sustainable development (people, planet, prosperity, peace, and partnership), as outlined in the preamble of the 2030 Agenda. The following definition can be used as a starting place, which more accurately captures how sustainable development has evolved:

Sustainable development is comprised of five dimensions: people, planet, prosperity, peace, and partnership. This means ensuring all human beings can fulfill their potential in dignity and equality and in a healthy environment, free from poverty and hunger; protecting the planet from degradation to support the needs of present and future generations; ensuring all human beings enjoy prosperous and fulfilling lives and that economic, social and technological progress occurs in harmony with nature; fostering peaceful, just and inclusive societies, free from fear and violence; and mobilizing the means required to implement sustainable development with participation from all people.¹²³

¹²² CGPA, *supra* note 15, s 1.

¹²³ 2030 Agenda, *supra* note 5.

The expansive nature of this new definition may be daunting, but the provincial government is already pursuing aspects of the 5Ps of sustainable development and the SDGs in various ways, even if they are not explicitly framed as such. For example, in October 2023, Manitobans elected a new provincial government that has already made several commitments that can be linked to the 17 SDGs. In their most recent Speech from the Throne, the provincial government made several commitments, including implementing a nutrition program in every school to address the reality of family poverty (SDGs 1 & 2);¹²⁴ protecting and affirming Manitobans' right to access abortion services and making prescription birth control free (SDGs 3 & 5);¹²⁵ and collaborating with the Manitoba Métis Federation and First Nations leadership to develop a meaningful economic reconciliation strategy (SDGs 8, 10 & 17).¹²⁶ Despite these parallels, the Speech from the Throne does not mention sustainable development. Nevertheless, these parallels do demonstrate encouraging potential for the Manitoba government's commitments to be contextualized within, and implemented through, a sustainable development framework that is aligned with the 2030 Agenda.

The benefit of having these commitments contextualized within an updated sustainable development framework is that it would encourage the type of coordinated and comprehensive approach that is needed to address Manitoba's most pressing issues. Improving access to health care, making life more affordable, ensuring safer communities, investing in the future, fostering a strong economy with good Manitoba jobs, and meeting the climate change challenge have all been identified as priorities by the new provincial government.¹²⁷ The 2030 Agenda and its 17 SDGs can provide guidance on how these priorities can be addressed and monitored going forward.

Some Manitobans may fear that implementing such a comprehensive understanding of sustainable development will be too costly; however, when governments invest in solutions that are comprehensive, coordinated, and forward-thinking, they can be more cost-effective in the long-term. Two

¹²⁴ "Speech from the Throne: At the Opening of the First Session of the 43rd Legislature" (21 November 2023) at 9, online (pdf): *Government of Manitoba* <www.manitoba.ca/perma.cc/S4SR-WGM2> [Speech from the Throne].

¹²⁵ *Ibid* at 8.

¹²⁶ *Ibid* at 11.

¹²⁷ *Ibid* at 5-13.

examples are provided below that demonstrate why aligning public spending with the SDGs can encourage fiscally responsible solutions from government.

First, investing in SDG 13 (i.e., taking urgent action to combat climate change and its impacts) has both environmental and economic benefits.¹²⁸ Public spending on climate action can prevent high costs that would otherwise result from government inaction, and it can also foster new economic opportunities.¹²⁹ Climate action in Manitoba is particularly needed given the importance of weather-dependent economic activities in the province (e.g., agriculture, forestry, tourism, energy, fisheries and transportation).¹³⁰ These conclusions were recently supported in an evidence-based report released in 2023 by Manitoba's Climate Action Team, a coalition of environmental organizations in Manitoba.¹³¹ The report provides various policy recommendations that demonstrate how "Manitoba can reduce its GHG emissions according to the timelines provided by climate science while also creating positive financial and employment outcomes for its citizens, businesses, and government."¹³² The

¹²⁸ Alexandre C Köberle et al, "The cost of mitigation revisited" (2021) 11 *Nature Climate Change* 1035; "The New Climate Economy" (2018), online (pdf): *The Global Commission on the Economy and Climate* <newclimateeconomy.report> [perma.cc/83HJ-XFZ2]; Marc Lee, Caroline Brouillette & Hadrian Mertins-Kirkwood, "Spending What It Takes: Transformational climate investments for long-term prosperity in Canada" (2023), online (pdf): *Climate Action Network Canada* <climateactionnetwork.ca> [perma.cc/5Q8D-KVKC].

¹²⁹ Richard Black, "Climate economics – costs and benefits" (17 Jan 2022), online: *Energy & Climate Intelligence Unit* <eci.net> [perma.cc/KK6C-WAA6]; Nicholas Stern, "The Structure of Economic Modeling of the Potential Impacts of Climate Change: Grafting Gross Underestimation of Risk onto Already Narrow Science Models" (2013) 51:3 *J Economic Literature* 838; Marc Lee & Ben Parfitt, "A Climate Reckoning: The economic costs of BC's extreme weather in 2021" (2022), online (pdf): *Canadian Centre for Policy Alternatives* <policyalternatives.ca> [perma.cc/6N5U-AKJ4].

¹³⁰ David Runnalls, "Climate Change Impacts in Manitoba" (March 2007) at 1, online (pdf): *International Institute for Sustainable Development* <www.iisd.org> [perma.cc/Y46K-HMKX].

¹³¹ "Manitoba's Road to Resilience: Volume 3: Policy Solutions – Coordination and Finance" (April 2023), online (pdf): *Climate Action Team* <climateactionmb.ca> [perma.cc/B2NJ-2P8B].

¹³² *Ibid* at 4.

report concludes that “[c]limate action will save Manitobans money, but it requires a systemic, government-led approach.”¹³³

Second, investing in SDG 3 (i.e., ensuring healthy lives and promoting well-being for all at all ages) has both health and economic benefits. One target of SDG 3 is to reduce premature mortality by one third by promoting mental health and well-being.¹³⁴ It is estimated that the annual economic cost of mental illness in Canada is over \$50 billion per year, which includes the cost of healthcare, but also the cost of reduced productivity and quality of life.¹³⁵ Meanwhile, the economic benefits of investing in mental health services, and increasing access to them, has been well-documented. Every dollar spent on mental health returns \$4 to \$10 back to the economy.¹³⁶ Providing access for psychological treatments leads to savings of 20 per cent to 30 per cent in health care costs.¹³⁷ Improving access to treatments for depression has the potential to boost Canada’s economy by \$32.3 billion a year, while anxiety treatments have the potential to boost the economy by

¹³³ *Ibid* at 16.

¹³⁴ 2030 Agenda, *supra* note 5.

¹³⁵ “Strengthening the Case for Investing in Canada’s Mental Health System: Economic Considerations” (2017), online (pdf): *Mental Health Commission of Canada* <www.mentalhealthcommission.ca> [perma.cc/8QRT-K4X5].

¹³⁶ “Federal Plan for Universal Mental Health & Substance Use Health: Executive Summary” (2022) at 1, online (pdf): *Act for Mental Health* <www.actformentalhealth.ca> [perma.cc/B]36-EAXA]; Dan Chisholm et al, “Scaling-up treatment of depression and anxiety: a global return on investment analysis” (2016) 3:5 *Lancet* 415; “Rate on Investment: Mental Health Promotion and Mental Illness Prevention” (31 March 2011), online (pdf): *Canadian Psychological Association* <cpa.ca> [perma.cc/E7Q7-7KP8].

¹³⁷ “New Federal Investments in Mental Health: Accelerating the Integration of Psychological Services in Primary Care” (2022), online (pdf): *Canadian Psychological Association* <cpa.ca> [perma.cc/4QLC-92SU].

\$17.3 billion a year.¹³⁸ Investing in these services also helps to reduce suicide rates,¹³⁹ which is the key indicator used to measure progress on this target.¹⁴⁰

These two examples illustrate how investing in climate action (i.e., SDG 13) and health care (i.e., SDG 3) can encourage economic growth in Manitoba. Policies that help to grow Manitoba's economy can also be linked to SDG 8 (i.e., promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all). Making connections between the goals in this way honours the integrated nature of the SDGs, which is "of crucial importance in ensuring that the purpose of the new Agenda is realized. If we realize our ambitions across the full extent of the Agenda, the lives of all will be profoundly improved and our world will be transformed for the better."¹⁴¹ Contextualizing the Manitoba government's vision within a sustainable development framework and linking their commitments to the 17 SDGs can help the provincial government realize their "mandate to leave no one behind,"¹⁴² a pledge that the 2030 Agenda also makes.¹⁴³

C. Mandate a strategy that explicitly states how Manitoba will meet the 17 SDGs

With a definition of sustainable development as expansive as the one proposed above, an equally expansive strategy will be needed to implement it. The 17 SDGs contained in the 2030 Agenda should act as the strategy's foundation. *The Sustainable Development (2030) Act* should mandate a

¹³⁸ Carole Stonebridge & Greg Sutherland, "Healthy Brains at Work: Creating the Conditions for Healthy Brains in the Workplace" (2017), online (pdf): *The Conference Board of Canada* <www.conferenceboard-ca.uml.idm.oclc.org>.

¹³⁹ Nicole TM Hill et al, "Association between mental health workforce supply and clusters of high and low rates of youth suicide: An Australian study using suicide mortality data from 2016 to 2020" (2023) 57:11 *Australian & New Zealand J Psychiatry* 1465; Helena Korošec Jagodič et al, "Availability of mental health service providers and suicide rates in Slovenia: a nationwide ecological study" (2013) 54:5 *Croatian Medical Journal* 444; Sami Pirkola et al, "Community mental-health services and suicide rate in Finland: a nationwide small-area analysis" (2009) 373:9658 *Lancet* 147; "Preventing suicide: A global imperative" (2014), online (pdf): *World Health Organization* <www.who.int>.

¹⁴⁰ 2030 Agenda, *supra* note 5.

¹⁴¹ *Ibid.*

¹⁴² Speech from the Throne, *supra* note 124 at 2.

¹⁴³ 2030 Agenda, *supra* note 5.

strategy that explicitly states how Manitoba will meet the 17 SDGs. This may be a daunting task, but it is not impossible. Indeed, several resources already exist that can be used as a starting point, including (1) federal legislation and strategies, (2) Voluntary National Reviews [VNRs] and Voluntary Local Reviews [VLRs], and (3) historical records of Manitoba's past attempts to improve sustainable development legislation and policy.

1. Consider Federal Legislation and Strategies

Development of a provincial strategy should first contemplate the *Federal Sustainable Development Act* [FSDA] and its mandated strategy, the *Federal Sustainable Development Strategy* [FSDS].¹⁴⁴ Section 9(1) of the FSDA mandates the development of a sustainable development strategy, which is to be updated every three years.¹⁴⁵ The FSDA was amended in 2020 to strengthen the federal government's capacity to meet the goals of the FSDS. These goals are based on the 2030 Agenda's 17 SDGs, modified for domestic implementation.

When an updated FSDS was released in 2022, it came with several notable changes that reflected the impact of the 2030 Agenda. To start, this was the first strategy created under the amended FSDA, which now mandates that the FSDS must contain federal sustainable development goals, an implementation strategy for meeting them, and targets that are measurable (with a time frame).¹⁴⁶ A chapter is dedicated to each goal in the FSDS.¹⁴⁷

Second, the FSDS contains an expanded number of federal organizations working to achieve the strategy's goals and targets; the previous FSDS engaged 42 federal organizations, while the updated FSDS engages 101.¹⁴⁸ Under section 11(1) of the FSDA, these organizations must provide their own sustainable development strategy with details of how they are contributing to the FSDS.¹⁴⁹ Section 11(3) mandates that these organizations must also provide reports detailing their progress in

¹⁴⁴ FSDA, *supra* note 116; FSDS, *supra* note 117.

¹⁴⁵ FSDA, *supra* note 116, s 9(1).

¹⁴⁶ *Ibid.*, s 9(2); FSDS, *supra* note 117 at 6.

¹⁴⁷ FSDS, *supra* note 117 at 6.

¹⁴⁸ *Ibid.*

¹⁴⁹ FSDA, *supra* note 116, s 11(1).

implementing their strategy.¹⁵⁰ This whole-of-government approach upholds the partnership principle of the 2030 Agenda.

Third, this was the first *FSDS* that was prepared after the *United Nations Declaration on the Rights of Indigenous Peoples Act* came into force.¹⁵¹ The impact of this was a richer understanding of the *FSDA*'s principle of sustainable development, which recognizes that "it is important to involve Aboriginal peoples because of their traditional knowledge and their unique understanding of, and connection to, Canada's lands and waters."¹⁵² It also speaks to the *FSDS*'s tenth sustainable development goal (i.e., advance reconciliation with Indigenous Peoples and take action to reduce inequality),¹⁵³ which is a modified version of SDG 10 of the 2030 Agenda's 17 SDGs (i.e., reduce inequality within and among countries).¹⁵⁴

Finally, section 9(4) of the *FSDA* mandates that a draft of the *FSDS* must be submitted to the Commissioner of the Environment and Sustainable Development "for review and comment, including as to whether each target is measurable and includes a time frame."¹⁵⁵ This Commissioner is appointed under subsection 15.1(1) of the federal *Auditor General Act*.¹⁵⁶ Section 23(2) of the *Auditor General Act* also mandates that the Commissioner shall "report annually to Parliament concerning anything that the Commissioner considers should be brought to the attention of Parliament in relation to environmental and other aspects of sustainable development."¹⁵⁷ This includes reporting on the extent to which these federal organizations have contributed to meeting the goals laid out in the *FSDS*.¹⁵⁸

The Sustainable Development (2030) Act and its mandated strategy for Manitoba should contain the following, as informed by the *FSDA* and the most recent *FSDS*:

¹⁵⁰ *Ibid*, s 11(3).

¹⁵¹ *FSDS*, *supra* note 117 at 5; *The United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

¹⁵² *FSDA*, *supra* note 116, s 5(d).

¹⁵³ *FSDS*, *supra* note 117 at 109.

¹⁵⁴ 2030 Agenda, *supra* note 5.

¹⁵⁵ *FSDA*, *supra* note 116, s 9(4).

¹⁵⁶ *Auditor General Act*, RSC 1985, c A-17, s 15(1).

¹⁵⁷ *Ibid*, s 23(2).

¹⁵⁸ *Ibid*, s 23(2)(a).

- *The Sustainable Development (2030) Act* must mandate that a strategy be developed to implement sustainable development in Manitoba. More specifically, the strategy must implement the 2030 Agenda's 17 SDGs, modified for Manitoba [Manitoba's sustainable development goals].
- The strategy must contain targets that are measurable (with a time frame) and be explicitly linked to international commitments (e.g., IPCC 1.5°C objectives);
- The strategy must be updated every three years.
- The strategy must apply to all provincial government departments. Each department must develop their own strategy detailing how they will contribute to the Manitoba sustainable development goals. Each department must also conduct annual updates on the progress of their strategy.
- *The Sustainable Development (2030) Act* must recognize the importance of involving Indigenous Peoples in the development of the province's sustainable development strategy. The strategy must provide examples of local, Indigenous-led sustainable development in action.
- A Commissioner of the Environment and Sustainable Development must be established and appointed under Manitoba's *Auditor General Act*.¹⁵⁹ The Commissioner must review and provide feedback on the first draft of the province's sustainable development strategy before it is released. The Commissioner must also release annual reports reviewing the progress made on implementing the strategy for the purpose of reaching Manitoba's sustainable development goals.

2. Consider Voluntary National Reviews & Voluntary Local Reviews

The FSDA and FSDS demonstrate how the 17 SDGs in the 2030 Agenda can be adapted for a specific country. Some may argue that this task is more difficult at the provincial level where government capacity and available resources may be further limited. There is no doubt that adapting an international commitment with 169 targets and 232 indicators for provincial legislation and policy is an intimidating task. This process is

¹⁵⁹ *The Auditor General Act*, SM 2001, c 39.

known as “localizing the SDGs.”¹⁶⁰ Fortunately, efforts are already underway to understand how the 17 SDGs can be localized, even by municipalities. For example, the City of Winnipeg made efforts to localize the 17 SDGs in *OurWinnipeg 2045*, the city’s official development plan.¹⁶¹

OurWinnipeg 2045 recognizes the importance of using indicators to measure our progress in achieving these goals: “indicators are needed to recognize trends, document changes over time, identify priorities, report on results, and inspire action.”¹⁶² Fortunately, Winnipeg already has an existing community indicators system, *Peg*, which the city intends to collaborate with.¹⁶³ *Peg* tracks indicators measuring the well-being of Winnipeg by relying on data that has been collected from external data sources, such as Statistics Canada, the Province of Manitoba, and the City of Winnipeg.¹⁶⁴ These indicators are monitored and evaluated on an ongoing basis by a cross-sectoral Advisory Group and project team members from United Way Winnipeg and the International Institute for Sustainable Development [IISD].¹⁶⁵

Recently, United Way Winnipeg and the IISD used the data from *Peg* to submit a Voluntary Local Review [VLR] to the United Nations.¹⁶⁶ A VLR is “a data-driven review by a municipality or region on where the community stands in relation to the [17 SDGs].”¹⁶⁷ Similarly, the 2030 Agenda encourages Member States to submit Voluntary National Reviews [VNRs], which provide updates on the progress of SDGs at the national and-subnational levels.¹⁶⁸ Canada submitted its first VNR to the United Nations

¹⁶⁰ The British Columbia Council for International Cooperation, “Global Goals, Local Action: Kelowna’s Voluntary Local Review” (2021) at 10, online (pdf): *British Columbia Council for International Cooperation* <www.bccic.ca> [perma.cc/G2ED-KPUJ] [Kelowna’s VLR].

¹⁶¹ *OurWinnipeg 2045*, *supra* note 118.

¹⁶² *Ibid* at 37.

¹⁶³ *Ibid*.

¹⁶⁴ “About”, online: *Peg* <mypeg.ca> [perma.cc/8CEQ-9FK9].

¹⁶⁵ *Ibid*.

¹⁶⁶ “Winnipeg and the SDGs: A Voluntary Local Review of Progress 2021” (2022), online (pdf): *Peg* <www.mypeg.ca> [perma.cc/AFM6-Z7J8] [Winnipeg’s VLR].

¹⁶⁷ *Ibid* at 21.

¹⁶⁸ 2030 Agenda, *supra* note 5.

High-Level Political Forum [HLPF] in 2018,¹⁶⁹ and its second VNR in 2023.¹⁷⁰

VNRs and VLRs can be used to demonstrate ways for localizing the SDGs in a provincial strategy mandated by *The Sustainable Development (2030) Act*. For example, Winnipeg’s VLR used two measures to localize SDG 13 of the 2030 Agenda. SDG 13 calls on government to take action on climate change and its impacts. The United Nations defines climate change as “long-term shifts in temperatures and weather patterns,” which can result in “intense droughts, water scarcity, severe fires, rising sea levels, flooding, melting polar ice, catastrophic storms and declining biodiversity.”¹⁷¹ The main driver of climate change is human activity, particularly our burning of fossil fuels, which generates greenhouse gas emissions, causing temperatures to rise.¹⁷² The Supreme Court of Canada [SCC] has recently recognized that “[c]limate change is real. It is caused by greenhouse gas emissions resulting from human activities, and it poses a grave threat to humanity’s future.”¹⁷³ The SCC went on to state that “no one province, territory or country can address the issue of climate change on its own. Addressing climate change requires collective national and international action.”¹⁷⁴

More specifically, the 2030 Agenda calls on governments to (1) “Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries;” (2) “Integrate climate change measures into national policies, strategies and planning;” and (3) “Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.”¹⁷⁵

¹⁶⁹ “Canada’s Implementation of the 2030 Agenda for Sustainable Development: Voluntary National Review” (2018), online (pdf): *United Nations* <hlpf.un.org> [perma.cc/Z2AT-PAVD].

¹⁷⁰ “Canada’s 2023 Voluntary National Review: A Continued Journey for Implementing the 2030 Agenda and the Sustainable Development Goals” (2023), online (pdf): *United Nations* <hlpf.un.org> [perma.cc/6D7S-Z48X].

¹⁷¹ United Nations, “What is Climate Change” online: *United Nations* <www.un.org> [perma.cc/P4C6-X92T].

¹⁷² *Ibid.*

¹⁷³ *References re Greenhouse Gas Pollution Pricing Act*, 2021 SCC 11at para 2.

¹⁷⁴ *Ibid* at para 12.

¹⁷⁵ 2030 Agenda, *supra* note 5.

Winnipeg's first VLR used two indicators to measure the city's progress on meeting SDG 13 of the 2030 Agenda. First, the VLR measured Winnipeg's natural environment by looking at data on residential waste going to landfills. The VLR reports that in 2020, there was an increase of 28.7 kg of waste per capita from the prior year.¹⁷⁶ Second, the VLR measured Winnipeg's built environment, looking at data on public transit use per capita. The VLR reports that in 2020, public transit use dropped to 34.57 transit trips taken per capita (in 2019, that number was 68.83).¹⁷⁷ These statistics may be explained by the impacts of COVID; however, data for these local indicators in the period between 2016 to 2020 suggests that we are moving further away from the changes that are needed to meet SDG 13.¹⁷⁸

Winnipeg's VLR provides a helpful example for where Manitoba can start in developing measures to localize the 17 SDGs. It also highlights the importance of investing in, and prioritizing, data collection. VLRs are limited by the data that is available. Winnipeg's VLR could only address 10 of the SDGs, as Peg does not include enough data to cover the remaining goals.¹⁷⁹ In comparison, Kelowna, British Columbia, was capable of measuring indicators for each of the 17 SDGs in their VLR.¹⁸⁰ Adequate funding and resources must be allocated to the collection of data if we are to effectively monitor our progress in meeting our sustainable development goals. Winnipeg's experience with VLRs informs three recommendation that are needed for the successful development of a provincial strategy for meeting Manitoba's sustainable development goals:

- *The Sustainable Development (2030) Act* must mandate that municipalities in Manitoba provide annual VLRs to determine where each municipality stands in relation to the Manitoba sustainable development goals. These VLRs will use a consistent set of indicators and rely on various data sources (e.g., Statistics Canada, Province of Manitoba, City of Winnipeg). These VLRs must be made publicly available.

¹⁷⁶ Winnipeg's VLR, *supra* note 166 at 69.

¹⁷⁷ *Ibid* at 70.

¹⁷⁸ *Ibid* at 13.

¹⁷⁹ *Ibid* at 20.

¹⁸⁰ Kelowna's VLR, *supra* note 160.

- The strategy must rely on these VLRs to summarize where the province stands in meeting the Manitoba sustainable development goals.
- *The Sustainable Development (2030) Act* must establish a Sustainable Development (2030) Fund. One purpose of the fund must be to provide financial support to municipalities to increase their capacity to collect data on the relevant indicators.

3. Consider Manitoba's Historical Records on Implementing Sustainable Development

A future sustainable development strategy depends on meaningful consultation. Manitoba is home to innovative thinkers and experts on what our province needs to achieve sustainable development. These include, but are not limited to, researchers, policy analysts, non-profit groups, advocates, and Indigenous Peoples and organizations, all of whom have valuable insight into how our province can localize the 17 SDGs. This wealth of knowledge has been documented since Manitoba's initial efforts to implement sustainable development in the late-1980's (e.g., the *White Paper*; the *COSDI Report*).

These records also provide us with lessons on how to effectively engage with local communities, and, conversely, how not to engage. In other words, Manitoba's records on sustainable development implementation demonstrate a pattern of extensive consultation, followed by little action. Manitoba prioritized public engagement on sustainable development in the 1990s but enacted the *SDA*, which was oversimplified when compared to initial proposals.¹⁸¹ The *SDS* adopted recommendations made in the *COSDI Report* but failed to adopt recommendations made in the *MRTEE* consultations.¹⁸² The consequence of this decision was a strategy far narrower than what Manitobans asked for, and less impactful than what was needed to meaningfully implement sustainable development. In 2012, the provincial government carried out consultations to replace the *SDA* with a *Green Prosperity Act*, but the new legislation never materialized.¹⁸³ Finally, despite calls for aggressive action on climate change and a wealth of resources, the province's current sustainable development legislation, the

¹⁸¹ Sinclair & Quinn, *supra* note 12 at 40.

¹⁸² *Ibid* at 42.

¹⁸³ *TomorrowNow*, *supra* note 91 at 6.

CGPA, and its mandated strategy, the CGP, do not provide any clear targets or a meaningful way of working towards the IPCC 1.5°C objectives.

The development of a new sustainable development statute and strategy demands consultation; however, the established pattern in our province of extensive consultation followed by inaction has created consultation fatigue among Manitobans. Why ask Manitobans what they think when legislation and policy don't reflect the insights and expertise they repeatedly provide? The following recommendations would maximize the outcome of future consultations and help address potential skepticism from Manitobans going forward:

- Historical records documenting the province's past sustainable development initiatives and consultations provide valuable recommendations for law reform and policy development (e.g., the *White Paper*; the *COSDI Report*). Recommendations contained in these records should be reviewed during the initial stages of drafting *The Sustainable Development (2030) Act* and while developing a strategy. These records should also be made publicly available and easily accessible on the Manitoba government's website.
- Conduct consultations for *The Sustainable Development (2030) Act* and strategy with the relevant experts in our province (e.g., researchers, policy analysts, non-profit groups, advocates, and Indigenous Peoples and organizations). These consultations must involve meaningful public participation (i.e., adequate public notice, timely and convenient access to information, participant assistance, opportunities for public comment, public hearings, deliberative forums and early and ongoing participation).¹⁸⁴
- Make the results of these consultations publicly available to increase government accountability and transparency.
- Commit to a timeline for completing all necessary tasks and make this timeline publicly available (e.g., the consultations will start in January 2024; the consultations will be completed by May 2024; a report on the consultations will be made available by June 2024; a draft of the legislation will be ready by October 2024; a draft of the strategy will be ready by December 2024).

¹⁸⁴ A John Sinclair & Alan P Diduck, "Reconceptualizing public participation in environmental assessment as EA civics" (2017) 62 *Environmental Impact Assessment Rev* 174 at 177.

D. Use a consistent definition of sustainable development in provincial legislation

Manitoba's potential for sustainable development is hindered by its inconsistent definition in provincial legislation. This is not just a problem in sustainable development legislation. Manitoba has various kinds of natural resource legislation, each of which employs different principles of sustainable development. For example, *The Waste Reduction and Prevention Act*, assented to in 1990, outlines several principles of sustainable development.¹⁸⁵ *The Mines and Minerals Act*, assented to only a year later, outlines entirely different principles of sustainable development.¹⁸⁶ The same pattern continued for other natural resource legislation that came into force during this decade.¹⁸⁷ These statutes also make reference to sustainable development principles without defining sustainable development itself.

Meanwhile, sustainable development has been left out of other provincial legislation that is relevant to achieving the 2030 Agenda's 17 SDGs. One obvious statute is *The Environment Act*,¹⁸⁸ which refers to elements of sustainable development without explicitly using the phrase. For example, *The Environment Act* refers to protecting the environment in a way that would "sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations."¹⁸⁹ The omission of the phrase is confusing given that there has been political dialogue on the impact of sustainable development on *The Environment Act* since the 1990s.¹⁹⁰

Then there are other provincial statutes that have not been considered as part of Manitoba's sustainable development framework, but that directly relate to the 17 SDGs. For example, SDG 5 of the 2030 Agenda is to "Achieve gender equality and empower all women and girls."¹⁹¹ To achieve this goal, the 2030 Agenda proposes reforms that will "give women equal rights to economic resources," as well as legislation that promotes gender

¹⁸⁵ *The Waste Reduction and Prevention Act*, SM 1989-90, c 60, s 1(2).

¹⁸⁶ *The Mines and Minerals Act*, SM 1991-92, c 9, s 2(2).

¹⁸⁷ *The Contaminated Sites Remediation*, SM 1996, c 40; *The Energy Act*, SM 1994, c 3; *The Oil and Gas Act*, SM 1993, c 4.

¹⁸⁸ *The Environment Act*, *supra* note 85.

¹⁸⁹ *Ibid*, s 1(1).

¹⁹⁰ *Supra* note 2 at 23

¹⁹¹ 2030 Agenda, *supra* note 5.

equality.¹⁹² Yet, in Manitoba, *The Pay Equity Act* makes no reference to sustainable development.¹⁹³ The failure to link pay equity legislation to the province's sustainable development framework reinforces a narrow articulation of what sustainable development entails and the path for achieving it. In other words, it does not recognize the interconnected and indivisible nature of the 17 SDGs.

The failure to link Manitoba's statutes to the 2030 Agenda should be addressed by using a consistent definition of sustainable development in all relevant statutes. This definition should be the same as that used in the new sustainable development legislation proposed above (i.e., a definition that employs the 5Ps). This recommendation involves a two-step process:

- First, all legislation that references sustainable development should be amended to include the same definition. This would include all natural resource legislation.
- Second, a review should be conducted of all provincial legislation to determine which statutes are relevant to the 2030 Agenda and the 17 SDGs, but which have not yet been linked to the province's sustainable development framework (e.g., *The Environment Act*; *The Pay Equity Act*).¹⁹⁴ Once all relevant statutes have been identified, they should be amended to include the same definition of sustainable development used in *The Sustainable Development (2030) Act*.

These recommendations go to the heart of the interconnected nature of the 2030 Agenda and its goals. It is difficult to implement sustainable development across sectors if we don't recognize how these sectors are linked. All legislation that is relevant to the 17 SDGs should rely on a unified set of sustainable development principles to maximize resources, initiatives, and outcomes. Relying on a disjointed articulation of sustainable development creates confusion around the meaning of the phrase and how it should be implemented.

¹⁹² *Ibid.*

¹⁹³ *The Pay Equity Act*, SM 1985-86, c 21.

¹⁹⁴ *The Environment Act*, *supra* note 85; *The Pay Equity Act*, *supra* note 193.

IV. CONCLUSION

Government opposition to using “scientific evidence, science-based targets, and the ecological processes” to achieve the SDGs is a common impediment to the realization of sustainable development.¹⁹⁵ Further barriers include the failure to systemically integrate all five dimensions of sustainable development in law reform, as well as the failure to prioritize public interests (i.e., the protection of our environment) over private interests in policy development.¹⁹⁶ Unfortunately, these barriers are evident in Manitoba’s history with sustainable development.

Despite Manitoba’s initial leadership in sustainable development in the 1980s, the Filmon government failed to achieve the visionary ideals it initially promised. This pattern continued through successive governments, as provincial legislation and policy have failed to capture the spirit of the phrase – sustainable development is “far more profound than conjoining an adjective to a noun.”¹⁹⁷ Manitobans have provided a wealth of knowledge over the decades for law and policy reform to advance sustainable development in our province. Our legislation and policy should reflect this. Manitoba must break this cycle if Canada is going to meet its international commitment to the 2030 Agenda. Good governance and political will are necessary to successfully implement improved sustainable development legislation and strategies.¹⁹⁸

A. Summary of Recommendations

Below is a summary of recommendations provided in this paper to improve Manitoba’s sustainable development framework going forward.

1. Enact provincial legislation that aligns with the 2030 Agenda;¹⁹⁹

1.1 Include sustainable development in the name of the statute (e.g., *The Sustainable Development (2030) Act*);

¹⁹⁵ Gale, *supra* note 21 at 350.

¹⁹⁶ *Ibid* at 356.

¹⁹⁷ *Ibid* at 349.

¹⁹⁸ Agbedahin, *supra* note 20 at 671.

¹⁹⁹ 2030 Agenda, *supra* note 5.

1.2 Use the 5Ps to define sustainable development;

1.3 Mandate a strategy that explicitly states how Manitoba will meet the 17 SDGs;

1.3(a) *The Sustainable Development (2030) Act* must mandate that a strategy be developed to implement sustainable development in Manitoba. More specifically, the strategy must implement the 2030 Agenda's 17 SDGs, localized for Manitoba (i.e., Manitoba's sustainable development goals);

1.3(b) The strategy must contain targets that are measurable (with a time frame) and explicitly linked to international commitments (e.g., IPCC 1.5°C objectives).

1.3(c) The strategy must be updated every three years;

1.3(d) The strategy must apply to all provincial government departments. Each department must develop their own strategy detailing how they will contribute to the Manitoba sustainable development goals. Each department must also provide annual updates on the progress of their strategy;

1.3(e) *The Sustainable Development (2030) Act* must recognize the importance of involving Indigenous Peoples in the development of the province's strategy. The strategy must provide examples of local, Indigenous-led sustainable development in action;

1.3(f) A Commissioner of the Environment and Sustainable Development must be established and appointed under *The Auditor General Act*. The Commissioner must review and provide feedback on the first draft of the province's sustainable development strategy before it is released. The Commissioner must also release annual reports reviewing the progress made on implementing the strategy and reaching Manitoba's sustainable development goals;

1.3(g) *The Sustainable Development (2030) Act* must mandate that municipalities in Manitoba conduct annual Voluntary Local Reviews (VLRs) to determine where each municipality stands in relation to

Manitoba's sustainable development goals. These VLRs will use a consistent set of indicators and rely on various data sources (e.g., Statistics Canada, Province of Manitoba, City of Winnipeg). These VLRs must be made publicly available;

1.3(h) The strategy must rely on these VLRs to summarize where the province stands in achieving Manitoba's sustainable development goals;

1.3(i) *The Sustainable Development (2030) Act* must establish a Sustainable Development (2030) Fund. One purpose of the fund must be to provide financial support to municipalities to increase their capacity to collect data on the relevant indicators;

1.3(j) Historical records documenting the province's past sustainable development initiatives and consultations provide valuable recommendations for law reform and policy development (e.g., the *White Paper*; the *COSDI Report*). Recommendations contained in these records should be reviewed during the initial stages of drafting *The Sustainable Development (2030) Act* and developing a strategy. These records should also be made publicly available and easily accessible on the Manitoba government's website;

1.3(k) Conduct consultations for *The Sustainable Development (2030) Act* and its mandated strategy with the relevant experts in our province (e.g., researchers, policy analysts, non-profit groups, advocates, and Indigenous Peoples and organizations). These consultations must involve meaningful public participation (i.e., adequate public notice, timely and convenient access to information, participant assistance, opportunities for public comment, public hearings, deliberative forums and early and ongoing participation);

1.3(l) Make the results of these consultations publicly available to increase government accountability;

1.3(m) Commit to a timeline for completing all necessary tasks and make this timeline publicly available;

2. Use a consistent definition of sustainable development in provincial legislation;

2.1 All legislation that references sustainable development should be amended to include the same definition. This would involve all-natural resource legislation; and

2.2 A review should be conducted of all provincial legislation to determine which statutes are relevant to the 2030 Agenda and the 17 SDGs, but which have not yet been linked to the province's sustainable development framework (e.g., *The Environment Act*; *The Pay Equity Act*). Once all relevant statutes have been identified, they should be amended to include the same definition of sustainable development used in *The Sustainable Development (2030) Act*.