Making the Transition from Natural Resources to Renewables:

A Just Transition Approach for Canada

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INTRODUCTION

In the 1970s, labour rights activists began calling for "just transition" policies in sunset industries to lessen the impact of economic transformation on workers. In recent years, this concept has resurfaced in the context of efforts to decarbonize major advanced economies and their effects on workers, particularly low-income and vulnerable workers. The International Labour Organization (ILO) defines just transition as a process of "greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind" (International Labour Organization, 2015).

To be successful, just transition strategies must acknowledge the unique economic, social and environmental circumstances of individual countries. This report focuses on three aspects of Canada's social, economic and environmental landscape that exemplify opportunities to make just transition a reality. Section 1 argues that a Canadian just transition must correct historic trends of making decisions about Indigenous lands without the consent of Indigenous peoples. Frameworks for Indigenous-led resource management strategies in New Zealand offer a potential exemplar for reforms in Canada. Section 2 argues that Canada's just transition must incorporate marginalized and often forgotten members of society, including homeless and low income individuals. It presents two innovative case studies which target these communities and aim to incorporate them into the green economy. Section 3 argues that the Canadian technology and resource landscape makes it prime for investing in small modular nuclear reactors to help the provinces transition more easily away from fossil fuel energy sources.

The contents of this report cover a wide range of issues and potential policy issues. This heterogeneity reflects the society-wide changes required as part of a transition from an economy based on resource exploitation to renewable systems.

SECTION 1 – INDIGENOUS DIMENSIONS OF JUST TRANSITION

A: Introduction

Although Indigenous peoples were not the first to coin the term "just transition", many Indigenous organizations in North America have adopted it in recent years. The Indigenous Environmental Network (IEN) describes just transition as "a framework, a set of principles, to shift from 'stopping the bad to building the new'" (Indigenous Environmental Network, 2019). The IEN and others contend that any Canadian approach to just transition must consider the relationship between settler society, Indigenous nations and the land they have both come to inhabit. Just as states must pursue a transition from resource exploitation to sustainable development, settler-colonial societies must also treat Indigenous communities with greater respect and provide redress for historic wrongdoing. In a country such as Canada, a just transition must encompass economic, environmental and Indigenous justice.

Section 1B of this report examines the threats climate change poses to Indigenous communities in Canada and the challenges that have restricted Indigenous Canadians' voice in influencing climate policy. Section 1C then juxtaposes these challenges with policies in New Zealand (Aotearoa), a jurisdiction with many institutional and social parallels to Canada.

B: Indigenous Canadians and Climate Policy

The current climate crisis is the latest form of environmental destruction to afflict Indigenous communities in the last four centuries. European settlers cleared forests, converted prairies into farmland, drove species to extinction and introduced new invasive species (Belshaw, 2018). Throughout this process, settlers transformed millions of square kilometers of Indigenous land beyond recognition, wreaking havoc on Indigenous ways of living (Belshaw, 2018).

Climate change poses a similar threat to Indigenous communities. In a survey of flood risk across all Canadian census subdivisions (CSDs), Chakraborty et al. (2021) found that 40 out of 41 CSDs at high flood risk were congruent with Indigenous reserves, and 81% of Indigenous reserve lands were subject to major flood exposure. A Human Rights Watch report further demonstrated that climate change has increased food insecurity for Indigenous communities in Canada, particularly First Nations people living on reserves (Rall and LaFortune, 2019). Environmental changes have devastated local flora and fauna, disrupting traditional hunting practices, while flooding and the declining viability of winter roads impede access to food in northern communities (Rall and LaFortune, 2019). Inequitable access to fire insurance on reserves increases the devastating effect of climate-driven forest fires (Teegee, 2020). Indigenous peoples have also been involved in conflicts over fossil fuel infrastructure in Canada, notably the Secwepemc, Squamish and Tseil-Waututh First Nations' battles against the Kinder Morgan oil

pipeline in 2012–2014 and the Wet'suwet'en chiefs' objection to the Coastal GasLink LNG pipeline in 2020.

Since the *R. v. Sparrow* decision in 1990, Canadian governments have a legally mandated duty to consult Indigenous peoples before approving projects affecting their lands (Pelletier and Paul, 2016). It has long been established that the consultation process must allow sufficient time for Indigenous Canadians to voice their concerns and for project proponents to address those concerns (Pelletier and Paul, 2016). Critics argue that this standard falls short of Canada's obligations in a nation-to-nation relationship with Indigenous people (Indigenous Environmental Network, 2019). A duty to consult does not prevent projects from going ahead without the support of the Indigenous communities on whose lands they will be built (Indigenous Environmental Network, 2019). However, the implementation of this practice varies widely as there is no accepted legal threshold for what constitutes "affecting" Indigenous lands, sufficient consultation or whether land title requires the state to gain the consent of affected Indigenous nations (Pelletier and Paul, 2016). The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) proposes a higher standard: states must "obtain [the] *free and informed consent* [of Indigenous communities] prior to the approval of any project affecting their lands or territories and other resources" (UN Department of Economic and Social Affairs, 2017). This standard, known as "Free, Prior and Informed Consent" (FPIC), has not been fully integrated into Canadian law.

C: Lessons from Aotearoa–New Zealand

Similar to Canada, New Zealand (Aotearoa in Māori) is a former British colony with a Westminster-based constitution and a long history of settler-Indigenous disputes. Since the 1970s, New Zealand has remodeled its approach to a variety of policy fields in accordance with the 1840 Treaty of Waitangi, an agreement between representatives of the British Crown and the Indigenous Māori people. Subsequently, Māori have gained greater latitude for self-government and the management of their own lands. This has had a noticeable impact on environmental policy in New Zealand, exemplified by two signature pieces of legislation: the *Resource Management Act* (RMA) of 1991 and the *Climate Change Response (Zero Carbon) Amendment Act* (CCRAA) of 2019.

The first of these *Acts*, the RMA, laid the legal foundation for consultation with Māori communities for all land use decisions (Carter, 2019). Section 6 requires "all persons exercising functions and powers under" the RMA to "recognise and provide for…the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu [holy places], and other taonga [sites]", which it frames as "[a matter] of national importance" (*Resource Management Act*, 1991). The subsequent sections compel governments in New Zealand to uphold the principle of *kaitiakitanga* (stewardship) and the terms of the Treaty of Waitangi

(Carter, 2019). Following the enactment of the RMA, local governments in New Zealand were found to engage more often and more readily with Māori governing institutions, or *iwi* (Carter, 2019). In addition, Section 35 requires local governments to maintain "planning documents that are recognised by each *iwi* authority" (*Resource Management Act*, 1991). This stipulation gave rise to the system of *Iwi* Management Plans (IMPs), which allow *iwi* to provide a holistic view of environmental practices in their traditional territory (Carter, 2019). While this does not necessarily provide Māori communities with the absolute final say on all environmental policy decisions in New Zealand, it has helped to ensure a prominent role for *iwi* in agenda setting and policy formulation (Carter, 2019).

The 2019 CCRAA further enshrines a central role for Māori people in the formulation of New Zealand's climate policies. Similar to the *Canadian Net-Zero Emissions Accountability Act, 2019* in Canada, the CCRAA requires New Zealand's Minister for the Environment to formulate an emissions reductions plan and release progress reports (*Climate Change Response (Zero Carbon) Amendment Act*, 2019). Section 5 of the *Act* sets out a number of conditions that this strategy must follow, among them "the impacts that reducing emissions and increasing removals will have on…*iwi* and Māori" and a requirement to provide any necessary "funding for any mitigation action" (*Climate Change Response (Zero Carbon) Amendment Act*, 2019). Additionally, it requires the Minister to "take into account the…economic, social, health, ecological and cultural effects of climate change" on Māori communities (*Climate Change Response (Zero Carbon) Amendment Act*, 2019). The importance of these provisions is twofold: not only will they oblige the Government of New Zealand to pay attention to Māori concerns as regards climate change itself, but they must formulate solutions that do not themselves exacerbate challenges for Māori. These stipulations could avert some of the conflicts that have taken place at the intersection of climate justice and Indigenous reconciliation in Canada. For instance, in the disagreement over the Coastal GasLink project, members of the Wet'suwet'en Band Council endorsed the pipeline, citing economic opportunities for their Nation, whereas hereditary chiefs led the efforts to resist the project (Cousins, 2020). In another example, fossil fuel infrastructure is not the only form of energy whose generation has affected Indigenous peoples in Canada: Indigenous lands across Canada have faced adverse impacts from hydroelectric dams, which, despite reducing greenhouse gas (GHG) emissions, have nonetheless disrupted fragile ecosystems (Indigenous Environmental Network, 2019). Legislating a greater voice for Indigenous communities in climate policy decision-making, as the CCRAA does for New Zealand, could reduce the likelihood that Indigenous peoples would be similarly disempowered in similar situations in the future.

SECTION 2 – INCLUDING HOMELESS AND LOW-INCOME COMMUNITIES IN JUST TRANSITION

Key Facts

- In 2021, more than 235,000 Canadians experienced homelessness.
- In a given year, 35,000 to 40,000 youth experience homelessness in Canada.
- Extreme weather events disproportionately affect homeless individuals.
- The Government of Canada has promised just transition to be inclusive by design and create opportunities for all communities.

A: Introduction

Canada's just transition plans aim to create an equitable and prosperous future in which no worker or community is left behind (Government of Canada, 2022). It is therefore necessary that Canada considers innovative programs that incorporate marginalized communities, such as homeless people and disadvantaged youth, into the green economy.

Climate change disproportionately affects low-income and marginalized members of society. Extreme weather, accelerated by climate change, negatively impacts the health and wellbeing of homeless individuals who spend large amounts of time outside and lack adequate shelter (Homeless Hub, 2022). Canada should focus on providing homeless individuals with shelter and skills needed to operate within a green economy. Section 2.B. of this report outlines two innovative programs Canada can consider replicating to incorporate homeless and low-income youth into a just transition.

B: The Clean City Coalition - San Francisco

The Clean City Coalition is a non-profit organization established in 1991 that provides transitional employment for homeless and low-income individuals through community improvement in San Francisco. Participants are trained and employed in neighborhood greening projects, landscaping, event recycling and graffiti removal. They are paid an hourly wage and are employed for up to four months while they attempt to re-enter the workforce. Employment and training is meant to prepare underprivileged individuals for a transition into a green economy. Participants are referred through San Francisco human services agencies, shelter case managers, drug and alcohol treatment programs, and the criminal justice system.

The program's three goals are: job retention, employment readiness and measuring success. The Clean City Coalition provides ongoing access to program services and network opportunities. Participants attend training appointments with employment councilors, participate in job search sessions, computer training programs, and weekly employment workshops. The

program has served over a thousand participants and successfully placed over 90% of graduates into employment, 70% of which have retained employment for more than a year.

The Clean City Coalition has successfully swept over 2.5 million pounds of litter, removed over 20,000 graffiti tags and created over 1,200 transitional jobs. Projects include (but are not limited to) large item recycling, composting, hazardous waste collection, special event cleanup, urban gardening, and landscaping.

During the Great Depression, President Franklin D. Roosevelt used environmental conservation as a way to employ large numbers of Americans as well as repair the country's abused natural resources. The Civilian Conservation Corporation employed around three million young men between 1933 and 1943 and provided an opportunity for many Americans to appreciate the effects of environmental degradation (Montrie, 2011). The Clean City Coalition similarly aims to create a place for unemployed, underprivileged individuals in the economy while simultaneously addressing environmental issues.

Canada's mission to achieve just transition emphasizes people-centered transition principles. The *People-Centred Just Transition Discussion Paper,* notes that "just transition must be inclusive by design, addressing barriers and creating opportunities for groups including gender, persons with disabilities, Indigenous Peoples, Black and other racialized individuals, LGBTQ2S+ and other marginalized people" (Government of Canada, 2021). In 2021, more than 235,000 Canadians experienced homelessness (Statistics Canada, 2021). On any given day, 8,500 people in Toronto (HomeFirst, 2018), 3,149 people in Montreal (Homeless Hub, 2018) and 2,095 people in Vancouver (City of Vancouver, 2020) experience homelessness. The Clean City Coalition provides a framework for major Canadian cities to address problems of homelessness and just transition simultaneously. Canada's mission to achieve just transition must include efforts to integrate homeless and low-income Canadians into the green economy.

C: Train for Trades - St. John's

Train for Trades (T4T) is a non-profit organization that trains and employs homeless youth on building retrofits in St. John's, Newfoundland and Labrador. Retrofit programs include demolishing existing drywall, mold remediation, improving insulation, and rebuilding buildings. T4T conducts around 60 energy retrofits per year for social housing belonging to the Newfoundland and Labrador Housing Corporation. The program aims to prepare youth for careers in the trades, apprenticeships, or post-secondary education. The program follows a three-tier system: Tier one focuses on retrofitting basements to become more energy efficient. Tier two focuses on building modernization and improvement and involves more detailed interior and exterior refurbishment. Tier three provides individuals with the opportunity to work independently with contracting supervision from the site manager.

Participants between the ages of 19 and 25 years work from 9am to 4pm each day and are paid above minimum wage. The program is geared toward disadvantaged youth who may not have a high school education, suffer from addiction or mental health problems or have been involved in the criminal justice system. Participants also have access to a GED tutor to help them achieve their high school equivalency while participating in the program.

T4T also aims to combat issues of energy poverty in St. John's. Energy poverty refers to individuals who are unable to afford energy or fuel prices necessary to heat and cool their homes. According to the Canadian Poverty Institute, "any household spending more than 10% of their income on energy or fuel is living in energy poverty" (Homeless Hub, 2022). In 2015, an estimated 8% of Canadian households experienced energy poverty (Statistics Canada, 2021). Most tenants living in Newfoundland and Labrador's social housing pay for energy costs through heating subsidies (Homeless Hub, 2015). When retrofit projects make buildings more energy efficient, individuals are able to gain much more out of their heating subsidies and housing becomes more affordable. One participant in the program stated,

> "Back when I used to work in the basements as a support worker [a tenant] told me that her mom had hers done by us a year before I got hired and she was saving $800 a year. She was an elderly lady with not much income and that $800 went a long, long way" (Homeless Hub, 2015).

Buildings account for 18% of greenhouse gas (GHG) emissions in Canada, making retrofits a crucial step in the fight against climate change (Government of Canada, 2022). While Canada does not have a national retrofit strategy, various provinces and cities have made it a top priority. For example, in 2021, the City of Toronto released a Net Zero Existing Buildings Strategy, which aims to reduce GHG emissions from existing buildings by 2050 or sooner. T4T offers one innovative solution cities, provinces and the federal government can invest in and replicate to address issues of youth poverty, energy poverty and building emissions.

SECTION 3 - DEVELOPING A SAFE AND RELIABLE NUCLEAR ENERGY STRATEGY

Key Facts

- Canada is the second largest producer and fourth largest exporter of uranium in the world, with 13% of global production in 2019.
- Nuclear power generation accounted for approximately 15% of Canada's electricity in 2018. Nuclear power generation does not emit greenhouse gasses.
- In 2019, 75% of Canada's uranium production was exported for use in nuclear power throughout the world.
- Canada has developed a unique nuclear reactor technology, CANDU; there are 18 CANDU reactors in Ontario, one in New Brunswick and 10 built outside of Canada.

Nuclear energy technology is a hallmark of the world's leading industrial nations. The Federal Government's support has enabled Canada to develop a successful nuclear program based on the heavy water natural uranium reactor system (known as CANDU). However, CANDU reactors have not yet been developed at scale to produce most of the country's electricity (Natural Resources Canada, 2016).

Canada's nuclear industry is highly monitored and regulated. The Canadian Nuclear Safety Commission (CNSC) is Canada's independent nuclear regulator. CNSC's mandate is to: regulate the use of nuclear energy and materials to protect health, safety, and the environment; implement Canada's international commitments on the peaceful use of nuclear energy; and disseminate objective scientific, technical and regulatory information to the public.

Canada's provinces and territories also have a role in the regulation of nuclear energy generation. Provincial and territorial governments are responsible for electricity policy and legislation and, through public utility boards and commissions, for regulating electricity generation facilities, including some aspects of nuclear facilities (Canadian Nuclear Association, 2017).

As such, developing a national nuclear strategy would require a federal framework and funding platform, but also the engagement of all provinces in a common effort to replace polluting energy sources with net zero technology such as nuclear power.

B: Nuclear Energy in Ontario

Ontario has approximately 13 500 megawatts (MW) of installed nuclear capacity. Ontario relies on nuclear generation for baseload power generation. Nuclear power is the largest source of power generation in the province, accounting for an estimated 58% of total electricity produced in Ontario in 2017. From 2005 to 2017, nuclear generation increased from 78 terawatts (TW) per hour to 90 TW/h due to refurbishments and improvements at existing nuclear facilities.

In 2014, the province successfully phased out the use of coal, which generated 19% of electricity in 2005. Coal, which contributed to baseload generation, has largely been replaced by nuclear and a combination of natural gas and non-hydro renewables (Canadian Nuclear Association, 2017).

However, Ontario currently has no plans to add additional nuclear capacity to the energy mix. In 2013, the province deferred the construction of two new nuclear generating units planned for Darlington, due to low electricity demand growth in the province. Ontario released its Long Term Energy Plan in October 2017. In it, the Government of Ontario recommitted to moving forward with the refurbishment plans for Bruce and Darlington and the shutdown of Pickering (Ontario Government Newsroom, 2021).

C: An Ambitious Nuclear Energy Policy: the Case of France

In October 2021, French President Emmanuel Macron announced a shift to small modular nuclear reactors as he unveiled his €30 billion, five-year strategy to bolster France's high-tech sectors, building on the country's history as a pioneer of nuclear energy (Seibt, 2021). Macron announced that the "number one priority" for his industrial strategy was for France to develop "innovative small-scale nuclear reactors" by 2030. Analysts hail the technology as highly promising.

This marked a change in France's approach to nuclear energy. The 1974 Messmer plan (named after then Prime Minister Pierre Messmer) poured colossal investment into nuclear power after the previous year's oil crisis – caused by the OPEC embargo – exposed the fragility of France's reliance on imported oil. The strategy allowed France to source more than 70 percent of its energy from nuclear power – the highest proportion in the world. Until now, this huge nuclear sector had been built around ever-larger reactors, which today pose significant problems. Indeed, most of the nuclear plants operating today were designed to last 25 to 40 years and with an average age of 35 years, a quarter of them are already supposed to be shut down, with many arriving at their expiry date this decade (Mallevre, 2007).

In Macron's new energy policy, France is looking at building newer generation reactors called Small Modular Reactors (SMRs). SMRs each generate less than 300 MW of energy; far less than most reactors currently in service, which tend to produce between 950 and 1300 MW, with some of them capable of as much as 1600 MW (OECD Nuclear Energy Agency, 2021).

The components of these smaller reactors are usually built in a factory assembly line and then transported for assembly on site, where they can be easily adapted to the plant's particular needs. This approach is expected to make it easier to build nuclear plants – especially after construction delays in Flamanville's third generation large reactors during the last decade demonstrated that putting in place a huge new reactor can be a tricky process (Seibt, 2021). The

commissioning of this reactor was initially scheduled for 2012, but should now only take place in 2023.

The move to smaller reactors allows for the creation of economies of scales faster than with larger ones. Reactors like the one at Flamanville are not only very expensive, but it takes a long and complex process to build them. Also, it is difficult for governments to find investors willing to wait over a decade before their returns start coming in (OECD Nuclear Energy Agency, 2021).

D: Small Modular Reactor Technology

In theory, small reactors are likely to be safer than traditional large reactors. Japan's Fukushima accident in 2011 dented nuclear energy's reputation for safety – then the Taishan incident in China in July 2021 showed that technical problems can also assail the most modern reactors.

Small reactors "contain less nuclear material, which in theory gives them the potential to be safer", noted Karine Herviou, deputy director in charge of nuclear safety at France's Institute for Radiological Protection and Nuclear Safety (IRSN, 2021). This can "limit" the release of radioactive substances in the event of an accident – in addition to the safety measures that are already in place due to France's long history of strict nuclear energy regulations.

Furthermore, procedures tailored to small reactors can allow operators to "get rid of the residual power produced by the reactor after a shutdown", Herviou added. It was this residual power that caused the reactor cores to melt at Fukushima and during the Three Mile Island incident in the US in 1979.

E: What about other renewable energy sources?

The share of renewable energies in the energy mix is at the heart of the reflections. Very few countries with nuclear power plants have given up on them, because they believe that green energies and nuclear power can complement each other. Indeed, nuclear power makes it possible to achieve climate objectives more quickly. It offers great flexibility and guarantees a good balance between supply and demand due to its centralization (Canadian Nuclear Association, 2017).

France, which is betting on complementarity, will therefore have to decide in the coming years what share to allocate to nuclear and renewable energies. The secret of a successful energy mix for Canada will lie in identifying the zone of optimal penetration rate, a zone beyond which energy expenditure drops considerably with the technologies available.

F: Waste management

Although the volume of nuclear waste is relatively small, it is very dangerous. Radioactive waste requires special treatment adapted to its degree of radioactivity and its lifespan. Most waste comes from reactor cores. The level of radioactivity in high-level waste is maintained for billions, even tens of billions of years. This class of waste is very small in terms of volume (0.2%), but it represents 96% of the radioactivity (Lewandoswski, 2020).

Recyclable materials, plutonium and uranium, are recovered. Non-recyclable materials are calcined and the resulting black powder is placed in a molten glass paste, which is then poured into stainless steel drums. Currently, the waste is buried but there is no other alternative. Environmentalists call this burial a ticking time bomb, a real threat to the environment and future generations.

To manage the nearly 1150 tonnes of spent fuel it produces every year, France, like several other countries, decided early on to close its national nuclear fuel cycle by recycling or reprocessing spent fuel (Seibt, 2021). In doing so, the French nuclear industry can recover uranium and plutonium from the used fuel for reuse, thereby also reducing the volume of high-level waste.

The nuclear fuel recycling process involves converting spent plutonium, formed in nuclear power reactors as a by-product of burning uranium fuel, and uranium into a “mixed oxide” that can be reused in nuclear power plants to produce more electricity. Canada's low and intermediate-level radioactive waste is currently managed in interim storage.

In developing a nuclear energy strategy, the federal government should design a long-term strategy that utilizes nuclear fuel recycling as much as possible, to limit nuclear waste but also further the efficiency of its reactors. For the remaining nuclear waste, long-term storage solutions will need to be implemented to manage the risks associated with nuclear waste.

G: Next Steps for Canada

Nuclear energy can become an important part of Canada’s clean energy mix and can make a large contribution to addressing the climate change imperative. Advancing nuclear technology can also play an important role in addressing other policy priorities, including providing clean and reliable heat and energy to remote communities; creating jobs and economic growth by growing domestic and export business around nuclear technology; and strengthening Canada’s global leadership, keeping Canadian experts authoritative and valued in international discussions on nuclear non-proliferation, safety, safeguards, and security.

That said, there is important work to be done by federal and provincial governments to put in place the policy, regulatory, social and technology foundations necessary to see the next

generation of nuclear success for Canada. And, contrary to France's case, there is also the need to raise awareness about this mode of energy production in the Canadian population at large. New technologies need to be embraced or accepted by various Canadian communities of interest, and soon enough that they can help make the kind of difference on GHG emissions that our environmental commitments call for.

CONCLUSION

By definition, just transition is a people-centred framework that aims to ensure the benefits of an economic transition reach its most integral stakeholders and the most vulnerable members of society. Our research demonstrates three key opportunities to build partnerships with these constituencies in a Canadian just transition strategy. It provides an opportunity to engage with historically marginalized groups, including Indigenous peoples and low-income communities, and ensure that the climate crisis does not exacerbate existing inequities in Canadian society. A people-centred approach is also necessary to win support for politically unpalatable solutions, such as the expansion of nuclear power generation for electricity, that have the potential to dramatically reduce Canada's reliance on fossil fuels but require policymakers to seek greater public trust.

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