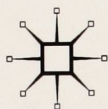


# **SUSTAINABLE DEVELOPMENT AND SUBNATIONAL GOVERNMENTS**

**Policy-Making and Multi-Level Interactions**



**EDITED BY  
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# Sustainable Development and Subnational Governments

## Policy-Making and Multi-Level Interactions

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## Green Paradiplomacy in North America: Successes and Limits of the NEG-ECP

*Annie Chaloux and Stéphane Paquin*

In the 1970s, environmental threats at the international and national levels put the issues of environment and sustainable development at the forefront of the political agenda in North America. From then on, concern about environmental protection has been increasing at every level of government, with regard to several issues, such as acid rain, water quality, forestry, and more recently, the causes and impacts of climate change.

Issues related to sustainable development (such as climate change) are particularly challenging for North American countries like Canada and the United States (US): all different levels of government are facing the threat, and they have different tools to implement policies and to regulate the issues, dependent on their constitutional powers. Over the years, some subnational governments decided to assume leadership on the regulation of several environmental issues in North America. With regard to the issue of climate change, those subnational governments have become important actors, at a moment when their federal governments remained inactive in managing the issue.

Following the research framework of the book, subnational governments in North America can use two kinds of routes in order to be involved in international decision-making on sustainable development. On the one hand, they can use an intra-state route and try to influence decision-making of their federal government, for example, by trying to influence the national position to be stated at an international meeting. A concrete example of this route is the official participation of a member of Quebec's delegation, which we call a 'super delegate', in Canada's national delegation to the Conference of the Parties of the United Nations Framework Convention on Climate Change. The government of Quebec also uses other channels in order to influence the national position, for example, the public denouncement of the Canadian Prime Minister's approach to deal with the climate change issue. By doing so, Quebec hoped to have an impact on the Prime Minister's position on this hot political issue.

On the other hand, the Canadian provinces and US states can try to bypass their federal government. That extra-state route has widely been

used by subnational governments in North America. In fact, Canada's weak leadership and the US's refusal to ratify the Kyoto Protocol induced environmental paradiplomacy in North America. Since many countries worldwide are reluctant to include representatives of subnational and local governments in their national delegations, many of those have created associations like R20 (a Club of 20 Regions), nrg4SD (the Network of Regional Governments for Sustainable Development) or even the C40 Cities-Climate Leadership Group. That was done in order to participate more directly in international decision-making processes on these specific issues and also to exert pressure on their respective national governments. In North America, one leading example of those subnational associations is the Conference of New England Governors and Eastern Canadian Premiers (NEG-ECP), which is discussed in this chapter.

After the Copenhagen Summit in 2009, the federal position of Canada and the US left many supporters of a worldwide binding agreement on the limitation of greenhouse gas (GHG) emissions disappointed. Yet, actions were still implemented within their borders through their cooperation in the context of the NEG-ECP. Being already active in some other fields of foreign policy, the Canadian provinces and US states used the existing channels of cooperation to promote climate initiatives at the regional level (to be understood here as at the level of the North American region). The collaboration of the NEG-ECP on global warming, and more broadly on environmental issues, has been present for quite some time, thus also reflecting the rich cooperation that has been taking place since the creation of the association in 1973. Having developed an interest in environment at an early stage, the NEG-ECP was the first transboundary organization to adopt a climate change action plan in North America implementing concrete innovative objectives, and thus creating a race to the top between North American regional cross-border organizations. Moreover, those subnational governments also created new networks, like the Western Climate Initiative (WCI), the Regional GHG Initiative (RGGI) and the Midwest GHG Reduction Accord.

The case of the Northeast region of North America, and more particularly the NEG-ECP, is among the most interesting cases of regional transboundary paradiplomacy with regard to the issue of climate change. In North America, the NEG-ECP implemented one of the most ambitious climate change action plans and is still at the forefront of global warming issues. This chapter is a case study of how subnational governments use extra-state routes and, in particular, it studies international cooperation between subnational governments in the region of North America. It concentrates mostly on the development of environmental transboundary paradiplomacy (or green paradiplomacy) in North America, and more specifically on the appropriation of the climate change issue by the NEG-ECP. In particular, this chapter seeks to answer the following research question: what are the successes and

limits of the NEG-ECP to implement their Climate Change Action Plan of 2001? In order to answer that question, data was collected through literature review, an analysis of primary sources (resolutions, legislations, action plans, and so on), interviews (conducted between April 2008 and August 2008) with officials of different jurisdictions involved in the NEG-ECP and with officials of the two secretariats of the organization and participatory observations.

First, this chapter discusses the emergence of the climate issue as a green paradiplomatic issue within the NEG-ECP. Then, it looks at the goals and objectives adopted by the US governors and Canadian premiers through the Climate Change Action Plan of 2001. Thirdly, it examines the progress observed in the implementation of the action plan (between 2001 and 2008). Finally, an analysis of the successes and limits of the NEG-ECP's Climate Change Action Plan is made.

## **Cross-border paradiplomacy and the emergence of the climate issue within the NEG-ECP**

### **NEG-ECP: Context and origin**

The NEG-ECP was founded in 1973, in Prince Edward Island, and has met annually since then. It has eleven members: all New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont), and eastern Canadian provinces (New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Quebec). The resolutions (which are not binding) that are adopted at the annual meetings are further elaborated by working committees during the year. In fact, the officials who are working in those committees generally manage most of the work done by the conference and meet several times a year. Two secretariats, one in Nova Scotia and the other one in Massachusetts, support the NEG-ECP's work.

There is a large spectrum of issues covered by this organization. Trade, energy and environment are the central focus, although tourism, demography, border security and health have also been dealt with over the years. Since the beginning of the twenty-first century, climate change, transportation and energy have remained central to the conference's work, as two important action plans have been adopted with regard to those issues: *The Climate Change Action Plan* and a *Transportation and Air Quality Action Plan*. Without doubt, the conference has contributed to the development of green paradiplomacy and multi-level governance in North America, by creating cross-border strategies and by enhancing the role of subnational governments in the North American region with regard to sustainable development issues.

### **Cross-border environmental paradiplomacy in North America**

Cross-border environmental paradiplomacy is not a recent phenomenon, even if public concern on the issue is quite recent. In 1976, a study about



the relationships between subnational governments (Canadian provinces and US states) identified over 700 interactions between subnational governments, of which 29 per cent were related to environmental protection or natural resources (Vannijnatten 2006). Today, cross-border relationships within the north-eastern region are deeper and really important for each side of the border. Over the last 30 years, the NEG-ECP has helped to institutionalize the discussions and to develop more formal cross-border cooperation (Vannijnatten 2006: 19).

In addition, environmental cross-border relations have particularly increased over the last 20 years. In 2004, Vannijnatten explained this intensification as following a large consensus between subnational governments to 'adopt a "holistic" and "integrated" environmental management approach' (Vannijnatten 2004: 651). He accounted for this environmental interoperability by three observations:

First, there is a high degree of transgovernmentalism, or effective mid-level working relations among officials on both sides of the border that has become entrenched over decades of cooperation on various environmental issues. Moreover, cross-border scientific and technical relationships between Canadians and Americans have been solidified through the implementation of existing environmental agreements and a burgeoning system of continental-level professional interactions. Finally, there is a thickening network of relationships at the subnational and cross-border regional level that is changing the very nature of Canada-US environmental relations.

(Vannijnatten 2004: 651)

Vannijnatten recognizes that regional cross-border relations have profoundly impacted US-Canada relations on environmental issues. First, for many years, the high level of cooperation between state and province officials consolidated cross-border cooperation between states and provinces, despite several changes at the top of their different administrations (Vannijnatten 2004: 651-2). In addition, expertise gained through cross-border organizations profoundly impacted environmental cooperation, taking the environment issue away from the federal electoral scene. Thus, more vigorous policies have been implemented by cross-border associations. For example, the NEG-ECP's Acid Rain Action Plan, adopted in 1985, eventually incited both federal administrations to take appropriate measures in this sector (Rausch 1997: 13). We can also point to the NEG-ECP's Mercury Action Plan (NEG-ECP 2001a: 1) and to its Climate Change Action Plan of 2001 (Vannijnatten 2004: 655).

Moreover, according to Andonova et al., the climate change case is a sector of governance that lends itself more easily to the emergence of transnational linkages and multi-level governance, and, in this case,

to subnational paradiplomacy (2007: 4). Andonova et al. explain this case by four main factors. First, the increasing number of transnational actors makes climate change governance more permeable to influences of any kind. These actors (national, subnational, local and even non-governmental) can intervene at various levels, leaving leeway for initiatives developed by subnational governmental and non-governmental actors. Second, they underline the importance of vertical and horizontal coordination for the implementation of climate policies, because of the high complexity and the large spectrum of action needed to address the issue. By doing so, this creates significant opportunities for cross-border cooperation between subnational actors sharing similar concerns such as renewable energy, transportation, regional trade, air quality, and so on. Third, the nature of the international climate regime creates opportunities for cross-border relations, such as on the matter of establishing a carbon market in North America. Finally, they underline that global climate change governance creates a good context for transnational networks, like the Climate Group (2007).

Those four factors clearly illustrate the development of North American cross-border relationships related to climate change. Many North American subnational governments, cities and non-governmental organizations have developed mechanisms to regulate global warming issues, going further than their federal government's administration.<sup>1</sup> In addition, several 'horizontal' policies were implemented by subnational governments through transboundary multilateral associations, such as the WCI, the RGGI and the NEG-ECP. Moreover, all those organizations aim at establishing a cap-and-trade emission trading system, commonly called a carbon market, and other abatement mechanisms and policies on GHG emissions on their territory. Nevertheless, in contrast to the other associations mentioned above, the NEG-ECP does not only focus on a carbon-market initiative. The NEG-ECP's Climate Change Action Plan has a broader focus, from education and public awareness to decreasing the growth of emissions from transportation through policies and initiatives that are large-scale and voluntary.

Regarding global governance on climate change, it is clear that Washington's and Ottawa's inaction has had an antagonistic effect on states and provinces. However, it has also made space for these subnational governments to develop innovative policies to regulate various aspects of global warming, such as policies regarding adaptation, transportation, renewable energy, energy conservation, and so on. It created a momentum for subnational governments, mostly in the US, where environmental jurisdiction is more commonly related to the federal jurisdiction (Tennis 2006; Rabe 2007). Indeed, this situation contributes to an increasing role for subnational governments in the development of coordinated regional policies, and it also demonstrates the leadership of some provinces or states in the sector.

### **NEG-ECP and the emergence of green paradiplomacy**

The NEG-ECP started addressing sustainable development and environmental issues quite early in its history, assuming a leadership role on several issues, from acid rain to mercury. Several resolutions and action plans were adopted by the Conference through the years. Particularly, since 1973 issues like transboundary pollution, acid rain, air quality, mercury and emissions of chlorofluorocarbons (CFCs) responsible for ozone layer destruction were addressed by its members. However, it was not until the end of the 1990s that the issue of climate change was brought to policy-makers' attention in the region, despite a first resolution addressing the issue in 1989. The effects of climate change were broad and vague, while other environmental problems, such as mercury and acid rain, encountered in the region, had direct and immediate impacts on rivers, lakes and forests and required quick actions from governments in specific areas. On the contrary, creating policies to regulate the climate issue was much more difficult considering the vague and uncertain consequences of climate change on their territory.

However, the absence of a resolution in its early years did not necessarily result from a lack of concern over this particular issue. Indeed, at that specific time, some reports<sup>2</sup> already mentioned the potential effects of global warming on coastal regions (Labelle 2000; May 2006). Moreover, in 1988, the same year as the International Conference of Toronto on 'Our Changing Atmosphere: Implications for Global Security', some provinces and states were concerned about the impact of global warming on their coast. Consequently, in 1989, the year after that meeting, the NEG-ECP members addressed the issue at their annual conference.

The NEG-ECP members thus first discussed the climate change issue in 1989. At that time, they were trying to identify the causes and impacts of global warming on their territory (NEG-ECP 2008a). In a resolution adopted at the 18th annual conference in 1990, US governors and Canadian premiers expressed their concerns and thought that 'comprehensive solutions to global climate change must be sought through international partnerships' (NEG-ECP 1990: 2). In the years to follow, the NEG-ECP's Committee on the Environment focused on the possible causes of global warming in the region and developed expertise in that regard. By the early 1990s, the Committee also analyzed the vital role of the region for the global environment. Through its work on the climate issue, the NEG-ECP sponsored a conference that took place at the University of Maine in 1993, entitled 'Regional Response to Global Climate Change' (Rausch 1997: 25).

Between 1991 and 1993, no resolution related to climate change was adopted by the Conference, reflecting the political climate at that time (and the absence of an annual conference in 1991 and 1992). In 1994, climate change came back on the Conference's agenda. Thereafter, the climate issue was mentioned in a general resolution on international environmental

cooperation (NEG-ECP 1994). At the 21st annual meeting in 1995, the issue was also part of the discussion, though rather marginally, that is, in the context of a more general resolution covering environmental technologies (NEG-ECP 1995).

Although climate change remained poorly addressed during annual meetings, the only reference to the issue still reflected a shared concern for this new item on the global agenda. During that time, the scientific understanding of climate change was emerging, and its broad and diffuse nature made the issue difficult to assess. Indeed, subnational governments recognized that this environmental issue was much more global than the other issues they had faced before. In short, during this period, the US governors and Canadian premiers were more focused on the acid deposition and mercury impact on their territory, and in 1998 two action plans were adopted in that regard.

In early 2000, after the success of their two latest environmental action plans, global warming made a comeback as an important matter of concern for the region (Selin and Vandever 2005: 356). Thus, with the July 2000 initiative of New Brunswick, NEG-ECP members adopted a resolution on global warming and its impact on the environment. They confirmed that 'global warming, given its harmful consequences to the environment and the economy, is a joint concern for which a regional approach to strategic action is required' (NEG-ECP 2001b). The NEG-ECP directed its Committee on the Environment with, by its side, the Northeast International Committee on Energy, to study the global warming impacts on the region, to propose options for reducing GHG emissions and to develop knowledge on adaptation to climate change, and to present an action plan for the next annual meeting (NEG-ECP 2001b).

Thereafter, the discussions to establish a regional climate change action plan were initiated. At that time, it demonstrated great leadership in the region because Canada had not yet ratified the Kyoto Protocol, and its neighbor from the south officially rejected the international treaty in March 2001. According to Selin and Vandever (2005),

NEG-ECP climate change efforts offer expanded opportunities for data gathering, knowledge sharing and the development of more effective policy responses than could be achieved by each individual state and province.

Concurrently, high-level discussions were organized by the NEG-ECP in Fredericton, New Brunswick, on 29–30 March 2001. It identified different goals to promote GHG reduction and appropriate adaptation measures. Furthermore, it adopted its GHG reduction targets and specific goals that would then be included in an action plan (NEG-ECP 2001b). The plan was written in a few months, reflecting its stakeholders' increasing interest in

developing new tools to reduce GHG emissions, and also to have a broad and inclusive strategy over this particular sustainable development case.

### **Explanatory factors of the adoption of a climate change action plan**

Numerous factors may explain the interest of New England and Eastern Canada's regions in elaborating a climate change action plan. Firstly, ten out of the eleven states and provinces of the Conference are coastal states. The rise in sea level caused by higher temperatures would directly affect those states, inducing coastal erosion and flood risks on large territories. Furthermore, given the extreme weather phenomena that had occurred in previous years, adopting the action plan brought to the fore the critical need for climate regulation. Indeed, the entire region was hit by the 1998 ice storm, and New England's coast was severely affected by Hurricane Floyd (NEG-ECP 2001b). Moreover, the Canadian premiers and US governors noted the distinct impact that global warming brings to activities relating to natural resources and nature in general. Finally, some human activities such as fisheries, agriculture and even tourism may also be affected by climate change (Selin and Vandever 2005).

In addition, the region decided to adopt measures related to climate change since it was a major contributor to GHG emissions (Vannijnatten 2004). Indeed, if the region would be considered as a country, with its 23 million inhabitants it would be the thirteenth largest world economy (Selin and Vandever 2005). Furthermore, the impact of the international context on the willingness of subnational governments to establish a GHG emissions regulation mechanism cannot be ignored.

### **Goals and objectives of the Climate Change Action Plan 2001**

The Climate Change Action Plan was adopted at the 26th NEG-ECP annual meeting in August 2001 in Connecticut. The US States and Canadian provinces agreed on common measures, on a regional GHG emissions reduction goal aimed at stabilizing GHG at a 1990 level for the year 2010, on reducing GHG emissions by 10 per cent by 2020, and, ultimately, on reducing them to levels that do not cause a threat to the global climate system (that is, between 75 and 85 per cent below 2001 levels by 2050). Those targets are regional and encourage regional cooperation while also demonstrating each actor's own will to achieve a common goal.

Together with the action plan they created the Climate Change Steering Committee, under the supervision of both the Committee on the Environment and the Northeast International Committee on Energy. The new committee is related to the two previous committees, and would regularly report to each of them (NEG-ECP 2001b).

To achieve the goals listed in the action plan, the US governors and Canadian premiers agreed on nine actions to be undertaken on their

territory and, more broadly, across the entire region. The measures and objectives of the action plan are only incentives, but they reflect their will to respond to this specific problem at a regional level. To achieve the goals, the plan outlines nine general actions (NEG-ECP 2001b):

1. establish a regional standardized GHG emissions inventory;
2. establish a plan for reducing GHG emissions and conserving energy;
3. promote public awareness of climate change issues;
4. state and provincial governments to lead by example;
5. reduce GHG emissions from the electricity sector;
6. reduce total energy demand through conservation;
7. reduce and/or adapt to negative social, economic, and environmental impacts;
8. decrease the transportation sector's growth in GHG emissions;
9. create a regional emissions registry and explore a trading mechanism.

Thirty-four recommendations have been adjoined to those nine general measures in order to guide political action. Some of those recommendations are more related to regional institutions, while others particularly affect sub-national governments at an individual standpoint. In addition, a variety of sectors are affected by those measures and recommendations, ranging from reducing emissions from electricity generation and transportation, to raising awareness through the creation of a potential regional carbon market (NEG-ECP 2001b).

The NEG-ECP sought to develop a broad action plan, covering many sectors that are contributing to GHG emissions. The NEG-ECP's goal was to develop various tools of intervention within the region, driven by the new challenge of climate change for subnational actors in North America. The action plan was mainly created to provide guidelines to help subnational governments in developing their own policies and actions associated with global warming. In addition, the action plan developed by the region served as a model for other cross-border associations in North America at that time. Furthermore, the Conference was the first transboundary organization of subnational governments to implement a climate change action plan in the world in 2001.

### **Progress analysis of the action plan (2001–8)**

The NEG-ECP regional action plan on climate change remains unique. Its activities are broad and cover a substantial number of sectors. No action plan developed in North America covers as many issues as the NEG-ECP Climate Change Action Plan. Targets and objectives are, in some cases, quantifiable, while others are more prescriptive, directly affecting emission reduction and stabilization, but also awareness and education.

Furthermore, the plan's actions and recommendations are voluntary, not legally binding. Those facts enhance the interpretation of the subsequent analysis of the action plan and of the effects on each of the participating states and provinces, as well as the influence of this plan throughout the North American region.

Because of its voluntary approach, this action plan serves as a guide for the participating states' and provinces' orientation on climate change regulations. An official interviewed during the study demonstrated that the guidelines established in this plan are taken up by each government independently of one another. In fact, the states and provinces are sovereign in each jurisdiction affected by the plan. After having underlined some limitations, we present the results of our analysis of the achievements of the 2001 Climate Change Action Plan between 2001 and 2008.

Overall, the action plan developed by the Canadian premiers and US governors has shown some improvement regarding climate change regulation. When it was adopted, it demonstrated strong leadership and an innovative way to respond to climate change. Notably, the plan covered a large range of sectors, and was already considering certain adaptation measures to be taken by the region, including measures concerning rising sea levels. Table 12.1 illustrates the achievements of the NEG-ECP Climate Change Action Plan.

The analysis reveals the progress made since the adoption of the action plan in 2001. Even though several measures are underway, it is difficult to assess the overall achievement of each measure, because of their complexity. For the first measure (the establishment of a regional standardized GHG emissions inventory), it can be noted that a first inventory was made in 2004 by the Northeast States for Coordinated Air Use Management (NESCAUM 2004). However, no inventory has subsequently been conducted, making comparisons more complex thereafter. The costly nature of an inventory largely explains the difficulty of achieving this measure. The second measure, related to the elaboration of a GHG emission reduction action plan by each state, is considered as a major success by officials and specialists (Selin and Vandever 2006: 102). Indeed, besides few exceptions, all states and provinces have carried out this measure, adopting similar targets to those promoted in the regional action plan, and sometimes going even further.

Regarding the third action on public awareness, many initiatives have been made by subnational governments at the subnational<sup>3</sup> and regional<sup>4</sup> levels. While the indicators presented in the plan remain unclear, the number and variety of outreach programmes in place demonstrate that the premiers and governors have achieved their objective.

Nevertheless, it remains difficult at this specific time to evaluate the degree of achievement, in measurable terms, of measures four, five and six of the Action Plan (respectively named 'State and provincial governments to lead by example', 'Reduce GHG emissions from the electricity sector' and

Table 12.1 Summary of the degree of achievement of the Climate Change Action Plan measures of 2001

Action plan's actions and measures	Non-achievement	Partially achieved	Fully achieved
Establish a regional standardized GHG emissions inventory		X	
Establish a plan for reducing GHG emissions and conserving energy			X
Promote public awareness of climate change issues			X
State and provincial governments to lead by example		N/A	
Reduce GHG emissions from the electricity sector		N/A	
Reduce total energy demand through conservation		N/A	
Reduce and/or adapt to negative social, economic, and environmental impacts	X		
Decrease the transportation sector's growth in GHG emissions		X	
Create of a regional emissions registry and explore a trading mechanism	X		

'Reduce total energy demand through conservation') since we were unable to obtain data or statistics on these specific points.

Action seven, related to adaptation in general ('Reduce and/or adapt to negative social, economic, and environmental impacts'), remains uncompleted, whereas many actions have been undertaken, especially regarding scientific knowledge development and awareness. Several measures should be developed in the coming years to address this issue. However, the adaptation component is not a predominant sector and is currently under discussion, but actions in this regard still seem very superficial.

Measure eight, relating to 'decreas[ing] the transportation sector's growth in GHG emissions' is seen as partially achieved, since implementing the Action plan on Transportation and Air Quality represents a colossal task. The recent adoption of the new action plan confirms the seriousness of the NEG-ECP approach on climate. Indeed, recognizing the vagueness of measure eight in the initial climate change action plan, the premiers and



governors agreed to establish more concrete measures with regard to transportation in the Northeast of North America. This new plan is an obvious example (NEG-ECP 2008b). Only time can tell whether the states and provinces will achieve GHG emission reduction goals related to the transportation sector.

Finally, the Action plan's last measure (concerning the creation of a regional emissions registry and exploring a trading mechanism) was not achieved. Discussions ended a long time ago, as a result of the North American context and the emergence of other organizations like the RGGI and WCI (since some New England states and Eastern Canadian provinces are members of those organizations). Even though the measure was not implemented, other organizations have developed similar goals for the region.

Each measure's degree of achievement could have been precisely analyzed if a GHG emission inventory had been established. However, the Conference stopped performing GHG inventories in 2001, due to the cost of this exercise. For that reason and because states and provinces do not use a similar standardized GHG calculation method, analyzing the various actions' progress seems to be a difficult task.

Furthermore, taking into account the regional targets (GHG emissions stabilization by 2010), some experts predicted that the NEG-ECP would not be able to achieve its goals (Selin and Vandever 2006). However, officials from both sides of the border were more optimistic for the year 2010. Interviewed officials said that the NEG-ECP would certainly be close to the target, although it would not be reached in 2010. In addition, they asserted that it will be impossible to know whether the region's first goal will be achieved before a new GHG emission inventory is conducted – in 2012–13. As mentioned earlier, this plan serves as a guideline for policy-makers of the states and provinces, and thereby does not replace their respective task. Yet, even within the action plan, it is stated that

differences in emissions characteristics and inventories, social and political systems, economic profiles (including transportation/utility/industrial infrastructures), and resources will lead to varying approaches among the jurisdictions in contributing to the regional goals. However, each jurisdiction in the region commits to participate in the achievement of the regional goals and works with the other states and provinces in the region on this important effort.

(NEG-ECP 2001b: 6)

### **Successes and limits of the NEG-ECP and its action plan**

We previously estimated the degree of achievement of each of the Climate Change Action Plan's measures, and assessed the NEG-ECP's response to climate change. In this section, we address another question of this

chapter: 'What are the successes and the limits of the NEG-ECP in regulating the climate change issue?'

### The successes

One of NEG-ECP's undeniable strengths is its genuine will to develop collective mechanisms to fight against global warming, rather than focusing only on policies within state or provincial borders (Tennis 2006: 418). Moreover, existing cooperation practices on both sides of the border have reduced the potential economic disadvantages of the non-ratification of the Kyoto Protocol by the US Administration; and that although the Canadian provinces recognized that, at that time, there was a strong possibility that the Canadian federal government would ratify the treaty in the near future (Tennis 2006: 418–19). As well, their commitment to work together has pushed each of the Canadian premiers and US governors toward a more active way in fighting global climate change. All the officials interviewed mentioned that the action plan also had a positive impact on the individual goals of each state and province, which were certainly more ambitious than they would have been if they had worked individually on this issue.

Strong personal relationships between officials of the NEG-ECP have had a positive influence on the climate change issue. Indeed, most environmental officials of each jurisdiction have known each other for several years. They developed different action plans together, conscious of each jurisdiction's concerns on various fields, and facilitating these plans' subsequent negotiations and adoptions by governors and premiers. Selin and Vandever commented on those particular relationships between officials working on the NEG-ECP as follows:

Long before these individuals began talking about joint action on climate change, they had been working together to reduce acid rain, tropospheric ozone, and mercury pollution. Like climate change, these environmental challenges involved taking state and provincial level action, as well as pushing federal authorities in both countries to take stronger policy action. This history has left the environmental policy professionals in the NEG-ECP region confident of their ability to work together, influence their respective governors and premiers, and design effective policy.

(Selin and Vandever 2005: 362)

Acquiring, sharing and diffusing knowledge and information also influences the NEG-ECP's scope with regard to climate change. Indeed, Canadian premiers and US governors' concerns about global warming have encouraged them to sponsor conferences, research and studies on the issue, in some cases even before the Climate Change Action Plan had been adopted in 2001. For example, the NEG-ECP sponsored a conference in 1993 in Maine, called Regional Response to Global Climate Change (Rausch 1997). The

NEG-ECP also supported the symposium on adaptation to climate change that took place at Suffolk University Law School in Boston in 2004, which aimed to develop greater expertise in dealing with climate change (NEG-ECP 2005). That event helped policy-makers in developing more coherent policies on climate change adaptation in their territory. In addition, knowledge-sharing among provinces and states is probably one of the foundations of the unique cross-border relationship in North America. Great reliance can be observed between officials working for different governments, resulting from different actions jointly developed over the years. Furthermore, Selin and Vandever observed that 'State and provincial officials repeatedly express trust and professional respect for their colleagues in the network' (2005: 362). That deep respect facilitates knowledge-sharing between states and provinces, while trying to achieve common goals.

The NEG-ECP provides a tremendous advantage for the adoption of policies at the regional level. Interviewees explained that guidelines and policies promoted regionally, create a window of opportunity for influencing their legislative branch, which could thereafter adopt state and provincial laws or regulation.

Those deep and historical links promote the development of innovative action plans, as for the adoption of the 2008 Action Plan on Transportation and Air Quality. By collaborating and sharing expertise, states and provinces have developed a new and original initiative corresponding to their regional goals, while demonstrating their ability to work together on fields of common jurisdiction.

Finally, regional policies have an impact on federal policies with regard to environmental issues. Indeed, by adopting a 'clean-hands policy', subnational governments implemented policies corresponding to their own initial concerns. Instead of denouncing both federal governments, they wanted to lead by example, and to have a direct influence, by using an extra-state route and bypassing their federal authorities. During the interviews, several officials argued that this type of action plan had given a central role to the region and subsequently influenced federal policies on several issues such as acid rain, mercury and climate change. In general, this action plan functions as an example for new subnational associations in North America regarding the different actions that could be undertaken within their association.

### **The limits**

Many scholars have already listed several limitations of the NEG-ECP. Notably, Tomblin has mentioned that it was never desired to fundamentally change values, ideas, processes or institutions. Certainly, changes were in essence incremental (2004: 98). For example, the Conference operates with two separate secretariats, one in Canada and the other in the US. According to Tomblin, that demonstrates a certain difficulty in developing a common

vision, beyond the border (2004). However, all interlocutors interviewed did not perceive this division of the secretariats as an obstacle toward building a common vision. Officials explained that the idea of having a single secretariat for the organization would not be accepted, since each of the secretariats is designed to promote the interests of New England or of Eastern Canada. Moreover, those secretariats also work individually, within their state, like the New England Governors' Conference and the Council of Atlantic Premiers, which may explain this two-headed secretariat. Finally, the NEG-ECP could not be financially independent because of its very limited budget.

The different administrations only attribute a very small operating budget to the Conference. Despite the fact that conferences are usually held on an annual basis, several committees, created over the years, meet several times a year. Their roles as well as the role of the secretariats increased without a budget revision. This lack of resources makes performance much more difficult to analyze and jeopardizes the achievements of certain goals of the action plan, like the realization of GHG emission inventories.

Another limit of the NEG-ECP results from the differences between the political systems of Canada and the US, particularly regarding the division of power attributed to the provinces and the states. US governors and Canadian premiers' different roles have an impact on their capacity to influence legislature. In fact, premiers control their administration and legislature (if they hold a majority of the legislature), while governors can only have an indirect influence on their legislature, and their capacity of persuasion (Abgrall 2005a). Those differences make it more difficult to adopt a strong policy with binding goals and objectives, because premiers and governors cannot commit themselves in the same way to certain binding agreements.

More generally, the NEG-ECP action plans developed through the years could be considered as strong measures, but also as limits for climate change regulation. Indeed, the GHG emission target was not achieved by the end of 2010. However, as this action plan is not binding, states and provinces do not seem to be unduly concerned. Furthermore, some officials argued that the debate on climate change has evolved in recent years, and is now more active between federal/provincial and federal/state levels (Abgrall 2005a), which explains the recent stagnation of different measures. But, the emergence of the action plan first came from the federal authorities' reluctance or opposition to elaborate strict measures. Accordingly, although New England states were expecting action to be undertaken by a new administration of the White House, several measures required continued implementation, including 'no-regret' actions presented in the Climate Change Steering Committee reports.

In sum, the NEG-ECP's limits in regulating climate change are not inconceivable. Undeniably, some of the limits presented in this part would

benefit from being considered by stakeholders of the NEG-ECP, which could improve the process and the achievement of certain goals of the action plan. The NEG-ECP is an association where US governors and Canadian premiers have increased their collaboration over the years, and it has resolved several issues, notably when it comes to the field of environment.

## Conclusion

The NEG-ECP has had a very significant impact on the development of cross-border relations in the environmental field following the implementation of the Climate Change Action Plan in 2001. It was the first action plan to fight against global warming in North America, and discussions leading to its adoption were conducted even before the US decided not to ratify the Kyoto Protocol and before Canada dissociated itself from its GHG emission target. Moreover, the 2001 NEG-ECP Action Plan has had a great influence on other subnational governments in North America. Notably, the State of New York joined other states in the north-east of the US to form the 2003 RGGI, and West Coast states have gradually implemented actions to fight global warming, including carbon markets. Moreover, at this time, more than 28 states and provinces through North America are participating in regional cap-and-trade mechanisms (the Regional GHG Emission, the Western Climate Initiative and the Midwestern GHG Reduction Agreement).

Furthermore, reduction targets and measures adopted by the premiers and governors influenced the other states and provinces, and subsequently, many of them developed action plans with similar goals, sometimes even going further than the original plan and thus creating a race to the top. So, we can argue that the Climate Change Action Plan created subnational mobilization all around North America, and participation in this transnational network enhanced the development of extra-state routes in a sustainable development context. Finally, these actions developed by states and cross-border organizations have directly impacted civil society, and put political pressure on federal governments. The climate change issue has become a major concern. In a survey conducted in the US, international relations professors and specialists affirmed that global warming can be considered as one of the greatest threats in the US at present and for the years to come (Maliniak et al. 2009).

The various actions of the Canadian premiers and US governors developed against climate change have demonstrated their sovereignty in certain fields of jurisdiction related to the environment. Indeed, they helped to clarify the place of a subnational government when it comes to an issue questioning the distribution of constitutional powers between the federal state and its subnational governments, as was the case for acid rain, mercury and climate change. Some projects developed by subnational governments in North America, such as the RGGI, were greeted outside their borders, for example,

when the European Union recognized the merits of actions implemented by this regional association (The West Coast Governors 2004).

Still, research on climate change is barely emerging. Contradictions observed between federal and subnational policies highlight the increased preoccupation generated by the issue around the world. Those contradictions can certainly feed a debate between the different jurisdictions in Canada and in the US, but also underline the limits of a central state in regulating this type of issue by itself. As climate change affects people in different spheres of their lives, any action aiming to limit climate change should be analyzed, even if those actions would result in proving their ineffectiveness. In any case, what is crucial is trying to fight against this global problem, and, as a French proverb aptly states: 'The only thing that we are sure to fail is what we do not try.'

## Notes

1. Examples are the Climate Change Action Plan of Quebec, the Californian law on vehicles, the carbon tax in British Columbia, the transportation policies in Seattle, the climate change action plan of the city of New York, and so on.
2. For example, an Environmental Protection Agency (EPA) report, published in 1983, mentioned that some impacts of climate change would occur in the early 1990s in the US.
3. Many measures were developed individually, such as the following programs: The ten per cent Challenge, Efficiency NB program and the program *Action-Climat*.
4. Regionally, many initiatives were developed, such as Best Practices in Greening Campuses; and they supported a forum on transportation solutions to climate change.

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