

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

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Ontario's Shadow Government

In a December, 2007 Internet report, one of Canada's leading philanthropists, the Ivey Foundation, explains how five special interest groups, each presumably a beneficiary of Foundation largesse, banded together to produce Ontario's new Species at Risk Act, now labeled ESA 2007.

The report suggests this legislation, later marketed as a Ministry of Natural Resources (MNR) invention, originated with a Save Ontario's Species (S.O.S.) coalition. Organized in 2005, the cartel included the David Suzuki Foundation, Environmental Defence, Ontario Nature, Sierra Legal Defence Fund (now Ecojustice) and the Wildlands League (a chapter of the Canadian Parks and Wilderness Society). Together these organizations apparently created, over the following 18 months, the entire thrust and direction of ESA 2007 so as to entrench their collective view of wildlife protection in statutory concrete.

With a pre-programmed ESA structure safely in place and its fast-tracked enactment virtually guaranteed, it appears MNR then, and only then, embarked on a program of "public consultation". Compressed into a few months, this consisted of an electronically circulated Discussion Paper, several narrowly advertised and poorly attended public meetings, an unpublished number of unidentified submissions that an unelected Review Panel rated as favorable and, finally, several Stakeholder Input sessions. Attendees outside the S.O.S loop may have thought the latter meetings were a work in progress. Today, in the cold light of reality, they might be better described as a contrived sham.

On this flimsy construct, a pre-manufactured ESA was rushed into legislation by the Ontario government in 2007 with its draconian enforcement Regulations scheduled for similar rubber-stamping by June 30 next. Is there a sub-text of manipulation here? Absolutely! Does the Income Tax Act limit to a stated percentage the political activities of tax-exempt charities? Absolutely! For thousands of Ontarians, are there serious conflicts and dire consequences buried in ESA 2007 that MNR and its special interest partners routinely ignore or deny? Absolutely!

Unlike countries opposed to United Nations interference with their national sovereignty, Canada signed a U.N. Convention for Biological Diversity in 1992. This is a major component of Agenda 21, a blueprint for U.N. global governance in the 21st century. The Convention is quoted in Ontario's new ESA as its guiding principle but whether the back room architects of that statute are included in the U.N. stable of environmental Non-Government Organizations (NGO) is an open question. Nonetheless, Agenda 21 does, in fact, introduce and promote the Wildlands Project, a bizarre U.N. plan to return more than half of North America to wilderness. And a Wildlands designation does, in fact, now cover all land, private and public alike, between Yellowstone Park and the northern border of British Columbia as well as between the Adirondack Mountains and Ontario's Algonquin Park. And a newspaper editorial some years ago did, in fact, report the Canadian Parks and Wilderness Society, an S.O.S. activist, was one of the instigators of those sweeping designations, presumably via its Wildlands League. Hmmm!

In Ontario's hugely profitable environment industry, signs of political activism enriched with taxpayer money are not hard to find. For example, Ontario citizens might wonder if the Greenbelt Act was initiated by the Greenbelt Alliance, a special interest coalition of 80 member organizations led by Environmental Defence. Especially since the Group of Five designers of ESA 2007 are all named on the Alliance membership roster as well. Hmmm!

A seven-member tribunal, the Friends of the Greenbelt Foundation, is responsible for dispensing a \$25 million Ontario government gift of taxpayer's money to foster Greenbelt philosophy and objectives. An Internet site reports that these "Friends" employ an executive director who previously occupied the same position with Environmental Defence and their Board seats at least one Ontario Nature executive. By the end of 2007 Greenbelt grants totaling almost \$9 million had been distributed including \$125,000.00 to the David Suzuki Foundation, \$235,000.00 to Ontario Nature and \$600,000.00 over 3 years to – wait for it - Environmental Defence. Is there something wrong with this picture? Is this an exercise in loosey-goosey government funding supporting political activism by tax-exempt charitable organizations? Is Ontario's social and economic order being eroded by predatory government legislation dictated by professional lobbyists? Hmmm!.

Let's cut to the chase. No thinking adult today, including those Ontario citizens whose lives and property are being devalued by otherwise commendable legislation, is insensitive to the importance of ecological preservation and protection. In that context, Ontario landowners are environmentalists by conviction, not by coercion. They routinely applaud and support organizations that unselfishly focus public attention on the global significance of clean air and water coupled with wise use of planetary resources. Their earth-caring record, centered on a genuine respect for all Creation, is in stark contrast to that of self-anointed interpreters and custodians of nature's benevolence whose ecological politics and soaring rhetoric too often mask a lust for personal/corporate power and glory at public expense.

The ESA purports to protect, nourish and/or recover species of plants, animals, birds, bacteria, aquatic life and their respective habitats as declared endangered by a government-appointed committee. At the end of the day, implementation and application of this Act, as with Greenbelt, Clean Water and countless other statutes, depends on co-operation, voluntary or otherwise, of thousands of private landowners. But many of these are folks whose property is being encumbered by government liens, charitably called "designations", to enforce compliance with discriminatory land use regulations. Can these arbitrary government decrees seriously inhibit use, title, mortgage worth and market value of private land? Ask any real estate professional, lending institution or non-government lawyer. Would an S.O.S. ghost writer pay top price for embargoed real estate distinguished by restricted use and no collateral worth? If so, the ESA and similarly coercive government proscriptions is sure to produce a host of willing (read desperate or bankrupt) sellers.

To prevent escalation of tensions that now beset private land use across Ontario, the provincial government must provide fair and timely capital compensation to private landowners whose lives and property are marginalized by an ever-expanding web of regulations designed by anonymous bureaucrats and scheming NGOs? Moreover, it must immediately move to initiate and enact statutory recognition of the common law right of private citizens to own and enjoy land in this province.

The OPERA coalition of trade associations, advocacy groups and ordinary citizens was launched in 1994 with a mandate “to protect, and entrench in law, the rights and responsibilities of landowners against arbitrary restrictions and decisions of government.” We’re unaware of any government subsidized lobby cartel disposed to equate rights with accountability on their letterhead or, more importantly, to pursue a higher purpose than advocating, in the guise of ecological preservation, transfer of economic control of other people’s property to the state by regulation without compensation.

While OPERA has appeared, by invitation or insistence, in many government venues and debates over the past 14 years, we have never condoned or threatened civil disobedience. That said we’re not unmindful of the smoldering resentment and pent-up frustrations of landowners trying to deal with confiscatory consequences of species legislation in the United States. Their desperation is nowhere more evident than in whispered advice to “shoot, shovel and shut up”, an inducement that does nothing for productive dialogue or species preservation. Still, when conspiring to deprive citizens of common law ownership rights, governments should remember that creating the necessarily repressive legislation is like shearing sheep – you need to stop when you get down to the skin!

We regret ESA citizen input provided to MNR in good faith over the past 8 months was evidently destined in advance for the trash bin, thanks to the political credentials and manipulative talents of the S.O.S. coalition. Obviously, very few, if any, landowner suggestions were or ever will be awarded meaningful space in legislation authored by such powerful and influential government advisors. Pity!

The 12-page Ivey Foundation report that prompted this long commentary has recently been removed from its Internet site. However, a hard copy of same together with a scathing Financial Post editorial can be faxed or surfaced mailed from OPERA’s office on request.. With respect, we concede the Foundation has good reason to gleefully proclaim victory on the ESA 2007 file. Whether the Ontario electorate at large has equal reason to celebrate, much less believe that democratic governance and justice for all has been honorably served in this matter, is somewhat less certain.

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Ontario Property and Environmental Rights Alliance