

Will We See The Climate Change Emergencies Act?

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Last weekend, Ottawa police cleared the streets of the Canadian capital of the trucks that had parked themselves downtown for the better part of a week. There were dramatic confrontations, but thankfully little violence.

In truth, the Ottawa police could have done this at any time. They had that authority without Prime Minister Justin Trudeau's invoking of Canada's 1988 Emergencies Act. Just two days after forcing a vote in the Canadian House of Commons on ratifying the Emergencies Act to allow it also to remain in effect for an additional 30 days, Trudeau lifted the emergency. It's hard to see what happened in those two days that caused the difference, but perhaps that was not the point.

Seen in context, Trudeau's actions have now crossed a threshold and could be only a beginning. Quite simply, there now is precedent in a historic Western democracy for the usurpation of power by politicians using as their justification perceived existential threats, even if like the Canadian situation, those threats are amorphous. When challenged in Parliament about the nature of the emergency after Ottawa's streets were cleared and the border crossings opened, Trudeau could only give a generalized answer that the emergency had not been resolved. Two days later, apparently it was.

Could the future emergency necessitating a consolidation of power be climate change? Already the foundation has been laid. Like the purported justification for Trudeau's actions, climate change has been labeled an existential threat. Trudeau showed how a leader can take advantage of such a threat to consolidate power, even in a democracy.

It may only be a matter of time. Clearly, weather patterns are changing. The Pacific Northwest, which rarely gets excessively hot, saw temperatures over 110 degrees last year. Tornado clusters also ripped through central New Jersey and eastern Pennsylvania, near Philadelphia, which are hardly located in the infamous "Tornado Alley". But notice how each time there is a large storm – which happens every year – it is now labeled not as a "climate event" but a "climate change event."

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The die has been cast. In the Canadian case, Prime Minister Trudeau stated that the measures would be used only “when and where needed.” Significantly, he would not reveal exactly what is needed, when it is needed, and where it is needed. Indeed, some measures already are being considered permanent. Even before Trudeau stated that the Emergencies Act invocation was only temporary, his Finance Minister, Chrystia Freeland, stated that some financial measures, such as putting crowd funding sites under permanent surveillance, would probably be permanent.

Imagine the power all of this will give a Western democratic leader in his/her country when he/she decides to show the world how he/she is fighting climate change. In Trudeau’s case he’s already shown that he is willing to freeze the bank accounts of those who pledged any amounts to the truckers, or even just served them coffee in a café. What could possibly be next?

Adopting the Canadian precedent, could a Western leader cut off funding to any industry that, in the Government’s apparently incontestable opinion, does not sufficiently protect the planet? By doing so, the leader unilaterally can take complete control over the country’s economy. The extent of the power that a Western leader can try to aggregate for himself or herself using this technique could be staggering.

While Vladimir Putin’s invasion of Ukraine dominated all the headlines last week, do not dismiss the potential impact of the vote in the Canadian House of Commons. By grabbing additional Federal power under the guise of a pandemic, Trudeau has now opened the door to a potential full takeover of society under the guise of fighting a larger issue – climate change being perhaps the most obvious example. To some, this may seem like an unlikely alarmist scenario. Hopefully it will be. Of course, how many people thought one month ago that merely serving coffee in a café might get your bank account frozen – in Canada?!

ATTORNEYS MENTIONED

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