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## MEDIA BACKGROUNDER

### The Kyoto Protocol Implementation Act

- The *Kyoto Protocol Implementation Act* was passed by the Senate and given Royal Assent on June 22, 2007
- The purpose of the Act is to ensure that Canada takes effective and timely action to meet its international treaty obligations to address the problem of global climate change.
- The KPIA sets out mandatory legal obligations and deadlines that the government is required - by law - to meet, including the publication of a climate change plan and the enactment of regulations to ensure that Canada takes effective and timely action to address climate change
- The federal government has not complied with these requirements or met several of the deadlines set out in the Act, even though it is legally required to do so

### The KPIA Lawsuit

- Applications for judicial review were filed in Federal Court by Ecojustice (formerly Sierra Legal) and lawyer Chris Paliare on behalf of Friends of the Earth Canada in the Fall of 2007 and January 2008
- The applications seek:
  - a declaration that the Government of Canada is not complying with its legal obligations under the *Kyoto Protocol Implementation Act* because the Minister of Environment has failed to prepare a Climate Change Plan that provides a description of measures to be taken to ensure that Canada meets its obligations under Article 3.1 of the Kyoto Protocol
  - a declaration that the Government has failed to publish draft regulations and prepare a statement setting out greenhouse gas emissions reductions expected to result from those proposed regulations
  - a declaration that the Government has failed to enact final regulations to address climate change within the timeframes set out in the Act
  - a court order (i.e. mandamus order) requiring the Minister to comply with the Act.

### Chronology

- February 15, 2007: *Kyoto Protocol Implementation Act* (Bill C-288) receives first reading
- April 26, 2007: The Government releases its Regulatory Framework for Air Emissions, “Turning the Corner”.
- June 22, 2007: The *Kyoto Protocol Implementation Act* is passed by the Senate and given Royal Assent.
- August 21, 2007: The Minister of Environment releases his Climate Change Plan. The Plan fails to comply with the requirements of the KPIA.



- September 20 2007: On behalf of FOE, Ecojustice and lawyer Chris Paliare launch a lawsuit in Federal Court against the Government of Canada for failing to comply with the KPIA's requirements for the Climate Change Plan
- October 20, 2007: The Government misses the legal deadline to publish draft regulations and prepare a statement setting out greenhouse gas emissions reductions expected to result from those proposed regulations as required under the KPIA
- December 19, 2007: The Government misses the legal deadline to enact regulations as required under the KPIA
- November 19, 2007 and January 17, 2008: Lawsuits launched in Federal Court against the Government of Canada for failing to comply with the Act's provisions requiring the Government to publish proposed regulations, prepare a statement setting out greenhouse gas emissions reductions expected to result from those proposed regulations, and to enact final regulations
- June 18-19, 2008: The lawsuits are heard in Federal Court in Toronto

### **The groups**

- **Ecojustice**, formerly Sierra Legal Defence Fund, is Canada's leading non-profit organization of lawyers and scientists devoted to protecting the environment. Since 1990, we have helped hundreds of groups, coalitions and communities expose law-breakers, hold governments accountable and establish powerful legal precedents in defence of our air, water, wildlife and natural spaces ([www.ecojustice.ca](http://www.ecojustice.ca))
- **Friends of the Earth Canada** is a voice for the environment, working nationally and internationally to inspire the renewal of communities and the Earth through research, education and advocacy. It is the Canadian member of the 70 country strong Friends of the Earth International ([www.foecanada.org](http://www.foecanada.org))
- **Paliare Roland** is a litigation law firm located in downtown Toronto, practicing in all areas of administrative, corporate, civil, commercial, employment, labour and appellate advocacy law. ([www.paliareroland.com](http://www.paliareroland.com))