

Media Release – For Immediate Release

Canada in court for violating federal climate change law

Lawsuit demands government obey the will of Parliament

TORONTO, June 18, 2008 – Today, Canada became the first country ever to be brought to court for failing to comply with its legal commitments to combat global warming.

Pro-bono lawyers from Paliare Roland Barristers and Ecojustice (formerly Sierra Legal Defence Fund) presented legal arguments on behalf of Friends of the Earth Canada to a federal judge claiming the Government of Canada violated the Kyoto Protocol Implementation Act (KPIA), a federal law which came into force less than one year ago.

“The case is about defending the fundamental principle that the government must be accountable and comply with the law,” said Ecojustice lawyer Hugh Wilkins. “The government cannot pick and choose which laws to obey. The law is the law.”

The KPIA sets out mandatory legal obligations and deadlines that the government is required 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 meet its international treaty obligations regarding under the Kyoto Protocol. The lawsuit alleges that the federal government has not complied with these requirements or met the deadlines set out in the Act.

“Put simply, Canada has failed to comply with the law,” said Canadian lawyer Chris Paliare, “We are asking the court to declare that the government is bound by the law and must be held accountable to the will of Parliament.”

The Kyoto Protocol is an international agreement that has been ratified by 180 countries and sets targets for reducing greenhouse gas emissions. Canada is the only country that has indicated that it does not intend to meet its greenhouse gas emissions target.

“While other industrialized countries actively work to reduce greenhouse gas emissions and fight climate change, our government has offered pollution holidays for emitters for decades to come,” said Friends of the Earth Canada Chief Executive Officer Beatrice Olivastri. “This government has broken the law and, as Canadian citizens, we have both a moral and legal imperative to insist on enforcement of our own laws on climate action.”

The lawsuit seeks a declaration from the Court that the government has not complied with the law, and an order requiring it to do so. A decision is likely to occur in the coming months.

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Friends of the Earth Canada is a charitable, non-profit environmental organization that serves as a national voice for the environment, working with others to inspire the renewal of our communities and the Earth, through research, education and advocacy. It is the Canadian voice for FoE International, the world's largest grassroots environmental network, uniting 70 national member groups (www.foecanada.org).

Ecojustice, formerly Sierra Legal Defence Fund, is Canada's leading non-profit organization of lawyers and scientists devoted to protecting the environment. Since 1990, they 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).