



Friends of the Earth
Les Ami(e)s de la Terre

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MEDIA RELEASE

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Canada wriggles off the hook for violating Kyoto law

TORONTO – After months of deliberation, Canada’s Federal Court released a decision late yesterday regarding the Government of Canada’s alleged violation of the Kyoto Protocol Implementation Act (KPIA), a federal law that required Canada to take specific action to meet binding international commitments to fight climate change.

The lawsuit was launched on behalf of Friends of the Earth Canada in June by pro bono lawyers from Paliare Roland Barristers and Ecojustice (formerly Sierra Legal Defence Fund). It sought a declaration from the court that the government had failed to meet the legal requirements of the KPIA by missing critical deadlines and failing to uphold its legal duty to publish regulations. The Court ruled that the legislation itself is not justiciable – meaning it is not an issue the Courts can resolve.

“It is distressing that such crucial legislation would be beyond the realm of the courts,” said Ecojustice lawyer Hugh Wilkins. “If we can’t turn to the courts to ensure that the laws of the land are upheld, I fear our government will continue to drift towards unaccountability on climate change and other issues Canadians care deeply about.”

The Federal Court’s decision, if left unchallenged, allows Canada’s woeful inaction responding to the climate change crisis to continue.

“This decision is shocking and a stake in the heart of democracy since it appears we cannot enforce Canadian domestic law,” said Friends of the Earth Canada Chief Executive Officer Beatrice Olivastri. “Friends of the Earth had counted on the KPIA law to compel this government to act honourably and take appropriate climate protection measures.”

“The Court has sent a message that the government can pick and choose which laws to obey,” said eminent Canadian lawyer Chris Paliare. “We will undoubtedly be considering further legal action to ensure that the Government is held accountable.”

The Kyoto Protocol is an international agreement that has been ratified by 180 countries to date and sets targets for reducing greenhouse gas emissions. Of the 38 industrialized nations with binding international targets, Canada is the only country that has indicated that it does not intend to meet its international obligations.

For a copy of the ruling please visit www.ecojustice.ca. For more information, please contact:

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