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## **MEDIA RELEASE**

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### **Canada facing legal challenge for breaking federal global warming law**

OTTAWA – The Government of Canada is facing a landmark legal challenge in the country's top court for failing to take action on global warming -- specifically for refusing to respect a federal law that requires reductions in greenhouse gas emissions.

Yesterday an appeal was filed with the Supreme Court seeking to argue that the Government is breaking Canadian law by failing to comply with the Kyoto Protocol Implementation Act (KPIA). It is the first climate change lawsuit in Canadian history.

Filed by eminent Canadian lawyer Chris Paliare and Ecojustice (formerly Sierra Legal) on behalf of Friends of the Earth Canada, the application alleges that the federal Minister of the Environment and the Governor in Council are ignoring the rule of law by failing to comply with the Act, duly passed by Parliament in June 2007.

Under the legislation, the government was legally required to publish, within 60 days, a plan to comply with the country's commitments under the Kyoto Protocol. The Harper government responded in August 2007 with a plan that the applicants allege plainly fails to meet the requirements of the Act.

"This case is about the government of the day being accountable to the will of Parliament," says lawyer Chris Paliare. "By failing to comply with this law, the federal government is neither acting in a manner that is accountable to Parliament nor showing respect for the people of Canada. We are simply asking the court to declare that the government is bound by the Act's requirements and to require the government to comply with it."

"Canada has failed to take any concrete action to fight climate change despite committing to do so by ratifying the Kyoto Protocol and by parliament passing the KPIA," says Beatrice Olivastri, Chief Executive Officer for Friends of the Earth Canada. "We submit that not only is this illegal under our parliamentary democracy, it is contrary to Canadian's deep sense of responsibility to the planet and to humanity's future. We want Canada's Supreme Court to rule on the critical points of law involved."

"The case targets the fundamental question of whether the government is above the law," said Ecojustice lawyer Hugh Wilkins. "Both the law and the approaching climate crisis demand strong action from the government."

"If the government is allowed to continue its clear disregard of this legislation, it can do the same thing with future laws whether on climate change or other fundamental matters," said Paliare. "Given the important points of law involved, we think this case clearly deserves to be heard in Canada's highest court."



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

**ecojustice.ca**  
formerly Sierra Legal

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**For more information visit [www.ecojustice.ca](http://www.ecojustice.ca) and [www.foecanada.org](http://www.foecanada.org) or contact:**

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