

Bill C-288, the *Kyoto Protocol Implementation Act*

Presentation by Matthew Bramley to the Standing Senate Committee on Energy, the Environment and Natural Resources, April 24, 2007

Good afternoon. I'm the director of the climate change program at the Pembina Institute, which is one of Canada's largest environmental NGOs. The Institute is a non-partisan, not-for-profit organization focused on sustainable energy solutions. Pembina has for many years been a prominent centre of analysis of, and advocacy for, stronger action to curb climate change. I've worked full time since 1999 on Canada's response to the climate change issue.

Since I already testified on Bill C-288 on November 28, 2007, to the House of Commons Standing Committee on Environment and Sustainable Development, I don't propose to repeat all the details of that testimony now. But I will outline again briefly the three key reasons why the Pembina Institute strongly supports C-288.

First, complying with the Kyoto Protocol is a legal obligation under international law. From this perspective, Bill C-288 should not be controversial. Essentially, the bill merely reaffirms in domestic law what is already an obligation on Canada under international law. It follows that the only plausible ground for opposing this bill is a position that Canada should break international law. Such a position is extremely troubling. Jutta Brunée, a law professor at the University of Toronto, wrote in the Toronto Star on February 4, that

Honouring treaties is not a trivial matter or a matter of convenience... [W]hen a country fails to make even a good faith effort to meet its commitments, let alone shows actual disregard for them, then we must take notice... Flatly disregarding a treaty commitment is not just a violation that has legal consequences, it undermines the very foundations of international law.

Second, Canada is indeed able to meet its Kyoto target at a reasonable cost if we are willing to embrace the option that Kyoto gives us of financing cost-effective emission reduction projects in poorer countries. Everyone agrees that we must maximize feasible domestic action, but we must also recognize five things:

1. Because emissions spread all around the world, reducing emissions outside Canada has precisely the same benefits in preventing climate impacts in Canada as reducing emissions here.
2. Importing environmental benefits is no different than importing any other good or service – it makes sense when it's cost-effective.
3. Kyoto credits from developing countries come from specific emission reduction projects that have to go through a rigorous, transparent process to show that the reductions are genuine.
4. Financing such projects is really a specially targeted and much needed form of foreign aid, and should be seen in that light.
5. Such projects provide many opportunities for Canadian technology providers.

If you remain unconvinced about my first two points, I invite you to consider a third: that sticking to our legal obligations under Kyoto is simply the best hope we have for urgent action. Climate science is very clear that to avoid worldwide impacts that would be, frankly, appalling, greenhouse gas emissions must be cut urgently. To achieve this, governments must implement the strongest feasible emissions-cutting policies without delay. As a legally binding instrument with broad support, the Kyoto Protocol is simply the best tool we have available to maximize essential action by the Government of Canada.

Before concluding I'd like to return to the question of the international mechanisms of Kyoto to point out what I believe to be a serious flaw in the document that Minister Baird tabled here last week, entitled *The Cost of Bill C-288 to Canadian Families and Businesses*. That flaw is the artificially tight limit placed on Canada's use of the Clean Development Mechanism or CDM (p.15). This is based on an assumption, for which the source is not clearly cited, that only 85 megatonnes of credits will be available annually between 2008 and 2012 (p.12).

The reality is that the United Nations Climate Change Secretariat currently expects up to 2000 megatonnes of CDM credits to be available up to the end of 2012, or over 300 megatonnes per year. This number has been increasing rapidly as new projects are developed. And if Canada really wanted to make the most of the CDM, we would be working on the ground in any number of developing countries, helping to develop additional projects and further expand the volume of credits available.

The assumption of an artificially tight limit on Canada's use of the CDM in Minister Baird's document leads naturally enough to very high costs for domestic action because of the limited time available between now and the end of 2012. In reality, no-one is proposing such costs. The Minister's document seeks to portray the debate about Canada's compliance with Kyoto as a debate about the acceptability of very high costs, whereas the real debate is about the extent to which we're willing to embrace the international mechanisms of Kyoto.

In conclusion, it was significant that the Minister promised, when he appeared here last week, to make "best efforts" towards Kyoto compliance. The problem is that there is no way of holding the government accountable to that commitment, as there is no clear way to define "best efforts". Bill C-288, on the other hand, provides the necessary accountability by requiring the government's plans and performance to be measured against the Kyoto standard.

Thank you.