

Climate Change Law Blog Series: The Paris Agreement and the Federal Sustainable Development Strategy

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This is the fifth post in the Environmental Law Centre's blog series exploring climate change law in Canada. This blog series provides updates on climate change law developments and includes insights from our related law reform research. This blog series is generously funded by the **Alberta Law Foundation**.



On April 22, Canada was one of over 160 countries that signed the [Paris Agreement](#) on international climate change action. The *Paris Agreement* is the latest action flowing from the [United Nations Framework Convention on Climate Change](#) (the "UNFCCC"). The UNFCCC is the first international treaty that addressed climate change, which was agreed upon by the international community in 1992.

While the UNFCCC does not set any binding limits on greenhouse gas ("GHG") emissions, it serves as a framework for international action on climate change. As time has passed, more specific commitments have been made pursuant to the UNFCCC (such as the [Kyoto Protocol](#) and the [Copenhagen Accord](#)). The ultimate objective of the UNFCCC and its related instruments is the "stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (UNFCCC, Article 2). There are several key elements to the UNFCCC including a statement of principles (Article 3), a statement of commitments (Article 4), and establishment of the Conference of the Parties (Article 7).

All Parties under the UNFCCC, including Canada, have committed to:

- provision of national inventories of anthropogenic emissions and removal by sinks of GHGs,
- formulation and implementation of programmes to mitigate climate change by addressing

- anthropogenic emissions and removals by sinks of GHGs,
- development of GHG mitigation (reduction or prevention) technologies,
- promotion of conservation and enhancement of sinks and reservoirs of GHGs,
- cooperation in preparing for adaption to climate change impacts,
- consider climate change matters in relevant social, economic and environmental policies and actions,
- promotion and cooperation in scientific, technological, technical, socio-economic and other research, and in development of data archives related to the climate system,
- promotion and cooperation in the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change,
- promotion and cooperation in education, training and public awareness related to climate change, and
- communication of information specified in Article 12 to the Conference of the Parties.

Under the UNFCCC, there is a distinction between developing and developed countries with additional commitments being made by the developed countries pursuant to the principle of common but differentiated responsibilities. The primary commitment made by developed countries under the UNFCCC is the requirement to adopt national policies for limiting GHG emissions, and protecting and enhancing GHG sinks and reservoirs with the objective of reaching 1990 levels of GHG emissions (Article 4(2)(b)).

In late 2015, at the 21st meeting of the Conference of the Parties, the *Paris Agreement* was formulated. As described in its Article 2, the *Paris Agreement* is designed to enhance the implementation of the UNFCCC by strengthening the global response to climate change, in the context of sustainable development and eradicating poverty by:

- holding the increase in the global average temperature to well below 2.0°C with efforts to limit the change to 1.5°C,
- increase the ability to adapt to adverse impacts of climate change and foster climate resilience and low GHG emissions development, and
- make finance flows consistent with a pathway to low GHG emissions and climate resilient development.

As part of the *Paris Agreement*, each of the parties also agrees to provide its Nationally Determined Contributions (“NDC”) every 5 years. A party may adjust its NDC at any time to enhance its level of ambition to reduce GHG emissions. Another significant aspect of the *Paris*

Agreement is the commitment of developed countries to provide financial assistance to developing countries for GHG mitigation and climate change adaptation.

The significance of the *Paris Agreement* echoes throughout the recently released draft [*Federal Sustainable Development Strategy*](#) (“FSDS”) for 2016-2019. Under the [*Federal Sustainable Development Act*](#), the federal government is required to table a FSDS every three years. The FSDS provides Canadians with a whole-of-government view of environmental priorities at the federal level. The FSDS includes goals, targets, and implementation strategies across 30 federal departments and agencies.

The focus of the 2016-2019 FSDS is on 5 goals:

- taking action on climate change;
- clean technology, jobs and innovation;
- national parks, protected areas and ecosystems;
- freshwater and oceans; and
- human health, well-being and quality of life.

The targets set out for 2016-2019 address clean technology and green infrastructure, sustainable mineral resource development, sustainable energy, protecting and restoring coastal ecosystems, and connecting Canadians with nature.

The FSDS sets out several goals, targets and implementation strategies specifically related to climate change. As stated in the FSDS (page 12):

Fulfilling Canada’s obligations under the Paris Agreement will require action by all levels of government, and the federal government is committed to playing a leadership role in these efforts.

As a first step, the federal government will work with provinces and territories to develop a pan-Canadian climate change framework, which will include national GHG emissions reduction targets based on the best economic and scientific analysis.

While targets are essential, they are not enough: success will also require effective policies and programs to reduce emissions. Rather than imposing a single solution, the government will ensure that provinces and territories have the tools they need to design climate change policies that reflect their unique circumstances, including carbon pricing policies. The government will provide targeted funding to help provinces and territories achieve their goals.

The primary goal for climate change action outlined in the FSDS is to mitigate the effects of climate change, reduce GHG emission levels, and build resilience to climate change. The FSDS identifies several targets to achieve this climate change goal:

- national leadership on climate change,
- resilience to climate change,
- sustainable energy,
- reduce GHG emissions from federal government operations, and
- reduce the environmental impact of the real property portfolio held by federal governmental departments.

For each climate change target set in the FSDS, there are accompanying implementation strategies. These targets and implementation strategies are meant to contribute to meeting Canada's international commitment to reduce GHG emissions, to increase Canadian resiliency to climate change impacts, to advance the Canadian Energy Strategy, and to increase the use of clean technologies in federal government operations.

The federal government is seeking feedback on the draft FSDS until June 24, 2016. There are several ways to comment:

1. Through the [2016-2019 FSDS](#) e-Strategy wherein every page has a comment box you can use to submit comments as you browse.
2. Join the conversation at [Let's Talk Sustainability](#). Discussion questions will be posted regularly during the public consultation period.
3. Email comments to ec.bdd-sdo.ec@canada.ca
4. Mail your comments to:
Sustainable Development Office
Environment and Climate Change Canada

200 Boul. Sacré-Coeur, 12th floor
Gatineau, QC, K1A 0H3

After the consultation closes, the federal government will post a summary of the public input it has received.

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