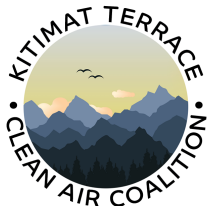
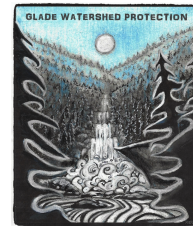


ecojustice



June 6, 2019

Hon. John Horgan, MLA
Premier and President of the Executive Council
West Annex, Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Horgan:

Re: Embedding transparency and accountability in B.C. climate action

With the CleanBC plan, the B.C. government has committed to the development of a climate accountability framework. We are pleased this framework is a part of CleanBC, as accountability will help ensure the long-term success of the strategy; get B.C. on track to achieve its climate targets; fulfill Canada’s commitment to new relationship with Indigenous peoples based on the “recognition of rights, respect, co-operation, and partnership”; and reinstate the province as a global climate leader.

It is our understanding that this framework will implement a continuous cycle of planning and reporting based on short-term emissions targets or budgets, ensure responsibility for delivering on climate targets is shared by all ministries and is integrated into the annual budget, require that all policies and programs be fully funded, and confirm and strengthen the role of the Climate Solutions and Clean Growth Advisory Council.

We understand amendments to the *Climate Change Accountability Act* are forthcoming this fall to fulfill these commitments and agree it is essential that the climate accountability process outlined in CleanBC be grounded in law. Furthermore, we recognize the vital need for this accountability process to honour and recognize the constitutionally enshrined collective rights of Indigenous peoples, and to align with the principles of free, prior, and informed consent (FPIC) and Indigenous self-determination.

Effective implementation of CleanBC’s climate accountability commitments will require the following elements in legislation:

1. **Planning and reporting:** The Act should include requirements for detailed annual reporting by all ministries, as well as detailed annual reporting on progress and forecasting of carbon pollution by the Ministry of Environment and Climate Change Strategy. To support the achievement of targets, these reporting requirements should also include the development of a corrective action plan if forecasts and analysis suggest the province is not on track to meet the targets, as well as periodic planning to address any gaps and develop a path to post-2030 targets. The Act must also establish a fixed deadline for the publication of plans and reports, and a robust process of public engagement and consultation with First Nations in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the standards of FPIC, and the Supreme Court of Canada’s historic *Tsilhqot’in Nation* judgment.
2. **Advisory council:** The Act should formalize the mandate and powers that CleanBC confers to the Climate Solutions and Clean Growth Advisory Council to review progress and advise on necessary adjustments to remain on track to emissions targets, and manage climate change risks. The Act should require the government to respond to, and take into account, the Council’s advice within a given timeline, and should allocate the appropriate resources, powers, and sufficient independence from

government to ensure the council's work is insulated from political pressures. The Council must ensure adequate representation of First Nations and respect the right of First Nations to determine and direct their own environmental strategies and policies concerning the welfare and conservation of their lands, territories, and resources, as affirmed in Article 32 of UNDRIP.

3. **Carbon budgets or interim targets:** Achievement of the 2030, 2040, and 2050 targets should be supported by shorter-term carbon budgets or interim targets to ensure accountability and provide operational and political salience for government planning. The Act should require the setting of shorter-term budgets or interim targets which provide an opportunity to take stock as the province confirms its plans to achieve longer-term targets.
4. **Sectoral targets:** The government's previous commitment to introduce sectoral targets could also be accommodated in a carbon budget or interim target framework. Sectoral targets should ensure that ministries play an active role in identifying options to reduce emissions in the sectors they regulate. This is important for ensuring that the responsibility for achieving climate targets is seen to be fairly shared between industry and the public.
5. **Science-based periodic review of targets:** B.C.'s climate targets have not been strengthened to match the ambition required of the world by the Paris Agreement or in light of the Intergovernmental Panel on Climate Change report on the urgency of keeping global heating below 1.5°C. The Act should establish a clear process for revising the targets to match the progression of science and the United Nations Framework Convention on Climate Change, with appropriate public engagement and consultation of First Nations before the adoption of any revised targets.

CleanBC marks a major step towards reasserting B.C. as a climate leader and getting on track to achieve our climate goals. Sustaining this momentum over the years and decades to come is critical for success, and a supportive legal framework will help to ensure that the principles of transparency and accountability outlined in CleanBC remain embedded in B.C.'s laws, institutions, and political culture moving forward. If CleanBC is to meaningfully commit to any principles of accountability and transparency, it must also do so with the acknowledgement that the province is accountable to the First Nations of B.C. and must fully recognize and respect Indigenous title, rights, and sovereignty.

A strong accountability framework is key to ensuring that B.C. is well set up to achieve its climate targets in 2030 and beyond, and that the government delivers on the transparency and accountability the public expects. With this framework, B.C. can help demonstrate to the world that it is possible to meet ambitious targets with smart policy, transparency, and accountability.

Sincerely,

Association for Denman Island Marine Stewards
Cowichan Estuary Restoration and Conservation Association
David Suzuki Foundation
Dogwood
Douglas Channel Watch
Eaglet Lake Farmers Institute
Ecojustice
The Fur-Bearers
Georgia Strait Alliance
Glade Watershed Protection Society
The James Gang, Iconoclasts Inc.
Jefferd Creek Watershed Protection Committee
Kitimat Terrace Clean Air Coalition
Ladysmith Anchorage Watch Committee
Lavington Life Society
Living Oceans Society
My Sea to Sky
Salmon Beyond Borders
Pacific Wild
Pembina Institute
Perry Ridge Water Users Association
RightOnCanada.ca
Sierra Club BC
Thompson Institute of Environmental Studies
Union of British Columbia Indian Chiefs
Watershed Watch Salmon Society
West Coast Environmental Law
Wildsight

cc:

Hon. George Heyman, Minister of Environment and Climate Change Strategy
Andrew Wilkinson, Leader of the Official Opposition
Andrew Weaver, Leader of the Third Party