

**December 3, 2018**

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

The Honourable Catherine McKenna  
Minister of Environment and Climate Change  
Government of Canada  
200 Sacre-Couer Boulevard  
Gatineau, QC K1A 0H3

Dear Prime Minister Trudeau and Minister McKenna,

**Re: Accountability and the Pan Canadian Framework**

We take seriously, as we know you and your government do, the warnings of the Intergovernmental Panel on Climate Change that dramatic and deep cuts in greenhouse gases are required to minimize dangerous climate change. We are embarrassed that as a nation we have so far missed every greenhouse gas reduction target set by the Canadian government prior to the current 2030 target.<sup>1</sup>

With this in mind, it is vitally important that your government deliver on its promise to create real accountability, measurability and transparency for Canadian climate action – with legislation which will ensure that successive governments deliver on Canada’s climate targets. We are writing to ask you to expand upon your first tentative steps in this direction and enshrine them in law.

**The need**

Canadians want action on climate change. We want our country not just to commit to doing its part to fight climate change, but also to deliver on that commitment. However, the broader public can find the technical details and the long time-frames involved in climate leadership confusing.

That’s why countries around the world are putting in place the same types of transparency and accountability measures used in financial planning– budgets, independent audits, long- and short-term plans, etc. Notably, the United Kingdom, which was one of the first countries to put in place legislation of this type, through its 2008 Climate Change Act, has managed to reduce its greenhouse gas reduction targets to 38% below 1990 levels (equivalent to its 1890 levels).<sup>2</sup>

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<sup>1</sup> Canada, in signing the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, agreed in principle that (as a Developed Country) it would “take the lead” to “protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.” (Article 3(1)). Under the Kyoto Protocol, in 1997, Canada committed to reduce its emissions by 6% relative to 1990 levels. In 2007 the Canadian government committed to reduce its GHG emissions by 20% relative to 2007 levels by 2020, but this was rolled back to a 17% reduction relative to 2005 levels by 2020 in the Copenhagen Agreement. It is virtually impossible for Canada to meet either of these targets in the next two years, and government has simply stopped talking about them. Canada’s 2016 GHG emissions of 704 MT were approximately 3.8% below 2005 levels, 5.5% below 2007 levels and 16.7% **above** 1990 levels.

<sup>2</sup> <https://www.carbonbrief.org/analysis-uk-carbon-emissions-in-2017-fell-to-levels-last-seen-in-1890>.

Canada also had laws requiring this type of accountability in relation to our Kyoto Protocol targets, but then withdrew from the Protocol and repealed that legislation before taking the steps necessary to institutionalize accountability and achieve our targets.<sup>3</sup>

The track record is clear: countries with rigorous climate change accountability measures have generally achieved their greenhouse gas reduction targets.

### **Your commitments to accountability**

Your government was elected on a mandate to ensure that Canada do its part in solving this crisis, on a credible scientific basis. To this end, your government sat down with the Premiers and negotiated the Pan-Canadian Framework on Clean Growth and Climate Change (the PCF).

The PCF is an important first step, the centre-piece of Canada's climate action. But it is a **first step**. Indeed, the PCF itself is clear that the measures identified in the agreement will not by themselves achieve Canada's greenhouse gas targets – targets that your government has referred to as “a floor, not a ceiling.”

The PCF commits to putting in place transparency and accountability measures to give Canadians the confidence that we will meet or exceed the PCF target.

[T]he programs and policies put in place will be monitored, results will be measured including impacts on GHG emissions, and actions and performance will be reported on publicly in a way that is transparent and accountable to Canadians. ... The effectiveness of actions will also be assessed with a view to ensuring continual improvement so as to increase ambition over time, in accordance with the Paris Agreement.<sup>4</sup>

### **Progress and proposals**

In the past month there have been two proposals from Canadian Parliamentarians on how to support action and accountability for the PCF.

First, on October 30<sup>th</sup>, your government has announced that it is seeking to “partner with” independent climate experts to establish an “Institute” that “will provide informed advice to governments and Canadians, and identify best practices to support ambitious climate action.”<sup>5</sup> The government proposes to enter into a contribution agreement for up to \$20 million over 5 years.

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<sup>3</sup> *Kyoto Protocol Implementation Act*, S.C. 2007, c. 30, repealed by S.C. 2012, c. 19, s. 699. Bill C-311, the Climate Change Accountability Act, which passed by the House of Commons in 2010 with the support of your party, but was defeated in the Senate, would have created similar accountability structures for Canada's post-Kyoto greenhouse gas targets.

<sup>4</sup> Pan-Canadian Framework on Clean Growth and Climate Change, p. 46.

<sup>5</sup> <https://www.canada.ca/en/environment-climate-change/services/climate-change/expert-engagement-initiative.html>.

Second, on November 1<sup>st</sup>, MP Linda Duncan introduced a motion into the House of Commons that the government “enact legislation ... to ensure that binding measures are in place to ensure greater transparency and accountability for sound decision-making in delivering on Canada’s commitments to reduce greenhouse gas emissions...”<sup>6</sup>

While we recognize that your government’s proposal could result in the government receiving important and useful advice about GHG reduction policies, it does not, by itself, necessarily advance accountability. By contrast, Ms. Duncan’s motion brings forward complementary legislation and is squarely focused on establishing accountability. With the appropriate steps, your “partnership” can develop over time to ensure that successive governments are accountable to Canadians for meeting and beating the country’s climate targets.

Specifically:

- 1. Accountability must be enshrined in law.** A five-year funding commitment does not create the type of permanent institutional accountability that will see Canada to its 2030 and 2050 targets. At least two of the three countries you reference as an inspiration for your proposal (UK and Finland) have legislated expert advisory bodies.<sup>7</sup> Until 2012 Canada did, too (in the form of the National Roundtable on the Environment and the Economy).
- 2. A climate change committee should be a public, not private, entity.** While there are many excellent think-tanks in Canada and around the world, some of which receive government funding, they do not, and cannot, serve the same role as an independent expert committee appointed with a legislated mandate to monitor and report on government progress towards achieving climate change targets. Canada needs an expert climate-science committee that draws the best experts from all regions of the country and works to preserve the public interest in knowing the state and extent of government progress.
- 3. Government must prepare 5-year carbon budgets and/or targets as a focus for expert comment and public consultation.** A 2030 target is not, by itself, a good guide for government action. 12 years is not a politically meaningful time-frame, and it is difficult for the public to understand whether actions being taken now are sufficient to meet the 2030 target. Canada needs regular 5-year carbon budgets and/or targets.<sup>8</sup> A growing number of jurisdictions use carbon budgets or 5-year targets to ensure that their leaders regularly take stock of their progress towards achieving longer-term goals.<sup>9</sup> Carbon budgets can also be the focus of public consultation, which is a further promise in the PCF.
- 4. Mandate of a climate change committee must focus on assessing government progress.** The mandate of a climate change committee must focus on developing indicators and criteria to

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<sup>6</sup> House of Commons, Motion M-204, 2018.

<sup>7</sup> Climate Change Committee (<https://www.theccc.org.uk/>) created under *Climate Change Act, 2008*, UKSC 2008, c. 27, Part 2; Finish Climate Panel (<http://www.ilmastopaneeli.fi/en/>) created under *Climate Change Act*, Finland Statutes 609/2015, s. 16;

<sup>8</sup> Gage, A. *A Carbon Budget for Canada: A collaborative framework for federal and provincial climate leadership* (Vancouver, 2015: West Coast Environmental Law).

<sup>9</sup> For example: United Kingdom (5-year budgets), Scotland (annual budgets), Mexico (5-year targets), New Zealand (5-year Carbon budgets), California (5-year targets).

assess government progress, and on assessing government progress to achieving targets. As currently proposed, the role of the Institute is more in the nature of a think-tank, commenting on good public policy, rather than the promised evaluation of government progress.

- 5. Government duty to table and respond to climate change committee reports.** There is nothing in Environment and Climate Change Canada's proposal that suggests that the Minister will need to respond to the Institute's reports or recommendations. There must be an interaction between the Committee and the Executive and Legislative branch if its recommendations are to be translated into real climate action.

None of the above is inconsistent with developing an Institute in the short-term and moving towards a legislated model of accountability in the longer-term. Indeed, in the short-term the Institute could help develop and put in place the needed accountability mechanisms. However, we would hope that you will confirm that the intent and goal is to develop a permanent, legislated and credible climate accountability regime. If this is the case, the mandate and description of the Institute needs to be written in ways that reflect the focus on accountability – rather than simply coming up with generic policy advice.

## Conclusion

Best practices in financial accountability are well understood: A budget. Audits by an independent auditor. Plans to achieve the budget.

Accountability for climate action needs similar rigour. Ignoring these practices and simply partnering with a private organization to provide general advice – however well-informed, is not enough. It does not ensure action, and it does not enable your government to demonstrate to Canadians that your actions are effective.<sup>10</sup>

Budgeting is an essential planning tool for government because it works. It forces successive governments to recognize hard choices and allows them to explain to the public in a transparent manner why they are making those choices. Audits give the public confidence that decisions are being made in a responsible way, even if the decisions are complex ones.

Putting in place these types of basic measures for accountability will be the lynchpin of your legacy as climate leaders – ensuring that future governments will work to meet or exceed Canada's climate commitments and that the public record will show clearly when governments are working hard, or need to work harder.

Sincerely,

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<sup>10</sup> One think tank in the U.K. that is focused on climate action, the Grantham Institute, has praised the effectiveness of the UK Climate Change Committee: Grantham Institute for the Environment. The role and influence of the UK's Committee on Climate Change (Policy Brief, 2018), available at [http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2018/10/The-role-and-influence-of-the-UKs-Committee-on-Climate-Change\\_policy-brief.pdf](http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2018/10/The-role-and-influence-of-the-UKs-Committee-on-Climate-Change_policy-brief.pdf).

