Neglected Sovereignty: Filling the Gaps in Canada’s Climate Policy with Extra-Territorial Measures

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“Apres ... le Deluge

Houses are surrounded by flood waters in High River, Alta., south of Calgary on June 23, 2013. (REUTERS/Andy Clark)
“Without additional mitigation efforts beyond those in place today, and even with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe, wide-spread and irreversible impacts globally (high confidence).”
Article 2: stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Article 4.2: The developed country Parties ... commit themselves specifically as provided for in the following:

(a) Each of these countries shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification ...
Canada’s National Measures and Corresponding Policies

Greenhouse Gas Emission Regulations

- Passenger Automobiles and Light Trucks
  - Regulations Amending the Passenger Automobile and Light Truck Greenhouse Gas Regulations
  - News Release: Government of Canada Takes Further Action to Reduce Greenhouse Gases (GHGs) and Air Pollution from Cars and Trucks

- Heavy-Duty Vehicles
  - Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations
  - Notice of intent to develop regulations to further reduce greenhouse gas emissions from on-road heavy-duty vehicles and engines
  - News Release: Government of Canada Takes Further Action to Reduce Greenhouse Gases (GHGs) and Air Pollution from Cars and Trucks

- Renewable Fuels
  - Renewable Fuels Regulations

- Electricity Sector
  - Reduction of Carbon Dioxide Emissions from Coal-fired Generation of Electricity Regulations
  - Factsheet: Reducing Greenhouse Gas Emissions from Electricity Generation

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Canada pulling out of Kyoto accord

By: Mark Kennedy

Canada’s Environment Minister Peter Kent delivers a statement announcing Canada will formally withdraw from the Kyoto Protocol on climate change on Parliament Hill in Ottawa Monday.

Canada Submits its Climate Action Plan Ahead of 2015 Paris Agreement

ANNOUNCEMENT / 15. MAY, 2015
As Figure 4 shows, between 2010 and 2020 the oilsands stand out as both the fastest growing source of emissions and the most significant across Canadian economic subsectors. As the flow of raw bitumen to the United States is expected to rapidly increase in the future, the global emissions associated with oilsands production and refining will be significantly higher.

**Figure 4:** Oilsands greenhouse gas emissions (past and forecast) in Canada under existing policies compared to the other major economic sub-sectors

Data Source: Environment Canada

**Assessment**

On 15 May 2015, Canada submitted its **Intended Nationally Determined Contribution** (INDC), communicating its economy-wide target to reduce greenhouse gas (GHG) emissions by 30% below 2005 levels in 2030. After accounting for forestry we estimate this is a reduction of 21% below 2005 levels of industrial GHG emissions [1]. This is equivalent to a reduction of 2% below 1990 industrial GHG emissions levels.

Canada’s INDC confirms the inclusion of land use, land use change and forestry (LULUCF) accounting (based on a net-net approach) in its 2030 GHG mitigation framework. We estimate that net-net accounting in the LULUCF sector is likely to provide credits of 63 MtCO₂e and therefore increase the level of industrial GHG emissions [1] in 2030 allowed under this target by an amount equivalent to about 11% of 1990 industrial GHG emissions.

According to the effort-sharing principles considered in our methodology, we rate this INDC **inadequate**.
Figure ES 1 - Scenarios of Canadian Emissions to 2020 (Mt CO₂e)²

Without Measures
Reductions to Date = 128 Mt

With Current Measures
Additional Reductions Required = 122 Mt

Canadian Target = 612 Mt

Canada’s Emissions Trends, Environment Canada, October 2013
Who will fill the gap?
**Assessment**

On 06 March 2015, the EU submitted its intended Nationally Determined Contribution (INDC) to the UNFCCC (UNFCCC 2015a, 2015b) formally putting forward a binding, economy-wide target of at least 40% domestic greenhouse gas emissions reductions below 1990 levels by 2030. We rate this target Medium.

The overall level of GHG emissions reductions proposed in the INDC is not yet sufficient to fall within the scope of approaches for fair and equitable emission reductions for the EU-28, which indicates that this target is unlikely to be achieved.

*Emissions level in 2020 resulting from conditional/unconditional pledge. This differs from the Kyoto pathways as it depicts final 2020 levels whereas the Kyoto emissions allowances consider the average level of emissions over the second commitment period (2013-2020).

**incl. LULUCF credits and debits, excl. LULUCF base year emissions accounting rules and application of historical threshold on emissions allowances in 2020 under the Doha decision.

***Excl. LULUCF credits and debits, excl. LULUCF base year emissions accounting rules and without application of historical threshold on emissions allowances in 2020 under the Doha decision.
The Trans Mountain Expansion Project (TMX) is a proposal to expand the existing Trans Mountain pipeline system between Edmonton, AB and Burnaby, BC. It would include approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The Westridge Marine Terminal would also be expanded.

This map provides an overview of the proposed Trans Mountain Pipeline Expansion Project.

The Board does not intend to consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline.
* Note: The orange bar represents incremental emissions. The bar itself is for a single crude (Mexican Maya) from the TIAx study. The range bar is representative of all studies and reflects the 1.3 to 27.4 MMTCO2e annual incremental emissions presented in the Final Supplemental EIS.

** Incremental Emissions: This represents the difference between the 2013 Current Baseline and the 830,000 bpd Oil Sands Production, and excludes consideration of the Market Analysis. These Incremental Emissions represent the potential increase in emissions attributable to the proposed Project if one assumed that approval or denial of the proposed Project would directly result in a change in production of 830,000 bpd of oil sands crudes in Canada. However, as set forth in Section 1.4, Market Analysis, such a change is not likely to occur.

Note: See Figure 4.14.3-7 in Section 4.14.3.5, Incremental GHG Emissions, for a full description of the information presented in this figure.
Trade Measures and Climate Change

UNFCCC
Article 3.5 The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade [emphasis added].

Kyoto Protocol:
The [developed country] Parties included in Annex I shall strive to implement policies and measures... in such a way as to minimize adverse effects, including... effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties.
Trade Measures and Climate Change

Article XX General Exceptions
Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

(b) necessary to protect human, animal or plant life or health;

(g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
European Union’s Fuel-Quality Directive (as originally proposed)

Table 1. Proposed default greenhouse gas intensity values by feedstock

<table>
<thead>
<tr>
<th>Fuel source (feedstock)</th>
<th>Proposed default value (gCO₂/MJ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional oil</td>
<td>87.5</td>
</tr>
<tr>
<td>Natural bitumen (e.g. oilsands)</td>
<td>107.0</td>
</tr>
<tr>
<td>Shale oil</td>
<td>131.3</td>
</tr>
<tr>
<td>Coal-to-liquid</td>
<td>172.0</td>
</tr>
<tr>
<td>Gas-to-liquid</td>
<td>97.0</td>
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</tbody>
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