

Mr. Mukul Sanwal  
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UNFCCC Secretariat  
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31<sup>st</sup> October 2006

Dear Mr Sanwal,

**Submission from South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China, entitled 'Compliance with Article 3.1 of the Kyoto Protocol', dated 25<sup>th</sup> May 2006: submission of information in respect of Canada**

Pursuant to Section VIII, paragraph 4, of the Procedures and mechanisms relating to compliance under the Kyoto Protocol, Friends of the Earth Canada, Friends of the Earth International, and the Climate Justice Programme hereby submit to the facilitative branch of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, relevant factual and technical information in respect of the above submission assigned to the facilitative branch.

The question of implementation submitted on behalf of the Group of 77 and China is said in their submission to be:

**raised against those Parties who have not provided their reports demonstrating progress, even after a period of nearly six months from the 1 January [2006] deadline.**

As at 25<sup>th</sup> May 2006, the relevant Parties were Austria; Bulgaria; Canada; France; Germany; Ireland; Italy; Latvia; Liechtenstein; Luxembourg; Poland; Portugal; Russian Federation; Slovenia; and Ukraine. This submission of information relates to Canada.

The information which we are submitting hereby is the following:

1. A legal opinion from Dr. Roda Verheyen, of Rechtsanwälte Günther Heidel Wollenteit Hack, Hamburg, on violations of Canada in respect of the Kyoto Protocol and the Framework Convention on Climate Change. Dr. Verheyen is also co-Director of the Climate Justice Programme. Your attention is drawn in particular to those sections of the opinion relating to the Kyoto Protocol (sections B.IV-VI), which include her findings that:
  - (a) Canada is violating the Kyoto Protocol by not having submitted its report on demonstrable progress;
  - (b) Canada is violating the Kyoto Protocol by not making demonstrable progress; and
  - (c) Canada is likely to violate the Kyoto Protocol in respect of meeting its 6% reduction target during the 2008-2012 period.
2. A letter from Friends of the Earth Canada and Friends of the Earth International of today's date, addressed to the Canadian Environment Minister; and
3. (By reference to the relevant web pages), the 2006 Report of the Canadian Commissioner of the Environment and Sustainable Development at:  
[http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c2006menu\\_e.html](http://www.oag-bvg.gc.ca/domino/reports.nsf/html/c2006menu_e.html)

We would appreciate an acknowledgement of receipt of this letter, and your confirmation that it will be provided to the members and alternate members of the facilitative branch of the Compliance Committee.

If your office has any questions or comments with respect to any of the above, please feel free to contact Peter Roderick, co-Director of the Climate Justice Programme at + 44 20 7388 3141, or by email at [peterroderick@cjp.demon.co.uk](mailto:peterroderick@cjp.demon.co.uk) or Christine Elwell, B.A., LL. B., LL.M., and Senior Campaigner, Friends of the Earth Canada at + 1 416 604 7333, or by email at [celwell@foecanada.org](mailto:celwell@foecanada.org).

Yours sincerely,



Beatrice Olivastrì  
Chief Executive Officer,  
Friends of the Earth Canada