

# Bringing biodiversity home: COP15 expectations for Canada

## BACKGROUNDER



### Canada and COP15

The UN Convention on Biological Diversity (CBD) COP15 will convene governments from around the world with the objective of adopting the [post-2020 global biodiversity framework](#).

With COP15 being held in Montreal, Canada has a responsibility to demonstrate global leadership in tackling the dual crises of biodiversity loss and climate change, both globally and at home.

Canada's rich biodiversity endowment gives it a particular responsibility to protect and steward nature. Our country has the longest coastline, 20 per cent of Earth's wild forests, 24 per cent of its wetlands and almost one-third of its land-stored carbon within its borders. Canada's forest, tundra and wetland ecosystems are home to the largest remaining natural terrestrial mammal migration, the Caribou, and provide habitat for billions of nesting birds. Yet, across the country, these life-sustaining ecosystems are under threat. Urgent action is needed to halt and reverse their decline while recognizing and respecting that these areas are traditional territories of Indigenous peoples who have co-inhabited with the plants and other species for millennia.

The solutions to the climate and biodiversity crises are connected – we must reject polluter-framed solutions and elevate Indigenous rights, sovereignty and land management. At the Climate COP27, Canada committed to phasing out unabated fossil fuels. We must take this commitment further at COP15, and end the unabated harms of fossil fuel polluters on our biodiversity.

Canada must prevent further destruction from leaking pipelines and sprawling toxic tailings, and address the loss and damage experienced by Indigenous people across the planet and on these lands. Polluters whose activities directly threaten climate and biodiversity collapse cannot be centred at this event, as their interests as stakeholders directly undermine any meaningful action on halting and reversing losses.

### What Canada needs to deliver at COP15

Environmental Defence joins the voices of national nature and environment groups in calling for specific federal-level announcements during COP15, such as Implementing an ambitious Global Biodiversity Framework and Canadian Biodiversity Action Plan. Furthermore, Environmental Defence expects the federal government to deliver the following in order to align with the CBD's post-2020 framework:

## **1. Respect inherent Indigenous rights, treaty rights and sovereignty**

Indigenous people are leading the global effort to halt and reverse biodiversity loss. Canada must centre and support Indigenous-led initiatives in its work to protect and restore biodiversity. In order to do so, it must uphold Indigenous sovereignty and rights, including the right to free, prior and informed consent to all development projects on Indigenous territories, including those intended for biodiversity conservation and restoration.

## **2. Address the immediate threat posed by the tar sands tailings “ponds” and develop a fulsome reclamation strategy**

The tar sands’ 1.4 trillion litres of toxic tailings now sprawl over 300 square kilometres, an area 2.6 times the size of Vancouver. The tailings “ponds” remove carbon-sequestering peatland and biodiversity-rich Boreal forest, and leach chemicals into the Peace-Athabasca delta, the second largest freshwater delta in the world. The tailings “ponds” jeopardize biodiversity protection efforts in the area and contribute to the displacement of local First Nations and Métis communities from their territories, thereby preventing access to land and water central to their traditional practices and identities. The tailings “ponds” and related activity in the tar sands have prompted UNESCO [to consider](#) putting Wood Buffalo National Park on the Heritage Site In-Danger list.

At the behest of oil sands companies, Canada is now considering weakening the Fisheries Act to authorize the release of partially treated tailings into the river. Preliminary information about the proposed treatment shows the effluent would still contain unsafe levels of toxic chemicals and salts.

Canada must prioritize ecological and human well-being and resist the industry’s pressure to weaken the Fisheries Act. Instead, the government must hold operators accountable for the seepage of their tailings by enforcing the Fisheries Act. Canada must then convene the impacted First and Métis Nations, as well as the Alberta government and oil sands operators, to negotiate a long-term plan to address tailings pollution, which must be suitable to the impacted First Nations.

## **3. Commit to protecting the Great Lakes and putting freshwater protection and the climate ahead of the fossil fuel economy and the Line 5 pipeline**

Over 4000 plants, fish and wildlife call the Great Lakes home, and these vast freshwater bodies contain over 80 per cent of North America’s freshwater. One of the largest threats to this *globally significant freshwater ecosystem* is the Line 5 pipeline. The pipeline has leaked 33 times since 1953 and has spilled at least 4.5 million litres of oil into surrounding lands and waters. Most of these leaks were not detected by Enbridge’s leak system. If Line 5 leaked into the Straits of Mackinac, in the best case scenario, Enbridge

could shut off the pipeline in 13.5 minutes. In just 13.5 minutes, over 1 million litres of oil could be released into the Straits, which would engulf the Lake Michigan and Lake Huron shoreline and devastate the Great Lakes. But it is unlikely Enbridge would even react this quickly, given it took the company 17 hours to turn off the flow of oil from the horrific Line 6B spill into the Kalamazoo River.

Michigan and Wisconsin Tribal Nations signed treaties with the U.S. government that retain the Tribes' rights to be able to hunt, fish and gather in their traditional territories. In making treaties with the Crown, First Nations peoples within Canada did not give up their inherent title or rights to self-government, which extends to managing the lands and waters in their territories. These treaty rights are further affirmed by Section 35, Canada Constitution 1982 and must be recognized by Canada. Line 5 is a direct threat to the waters, lands and way of life for Indigenous Nations of the Great Lakes and of all peoples living in nearby shoreline communities. This is why Indigenous Nations on both sides of the border support the closure of the pipeline.

The Government of Canada must stop putting the fossil fuel economy ahead of protecting the Great Lakes – the world's largest freshwater body – and ahead of inherent Indigenous rights and treaty rights. The Government of Canada has been actively fighting the closure of the pipeline and supporting Enbridge by invoking the 1977 pipeline treaty. This treaty makes no mention of Indigenous rights and does not take into context the current biodiversity, freshwater and climate crises that society faces. Canada must withdraw its use of the 1977 treaty and look towards the existing alternatives that will accommodate a permanent Line 5 shutdown.

#### **4. Commit to reducing pesticides that fuel biodiversity loss**

Indigenous leadership is seeking high ambition from delegates on pesticide reduction (Target 7) to protect their communities, their lands and the species they rely on for their food, culture and sovereignty. Pesticide use has doubled in the past three decades. In order to reverse this trend, we need to drastically reduce high-hazard pesticides that are negatively impacting biodiversity in insect, soil and aquatic ecosystems. The EU and Quebec have demonstrated leadership on pesticides reduction, and Canada must demonstrate high ambition on this issue at COP15 to lead the world in protecting species and community health.

#### **5. International leadership to curb plastic production and eliminate plastic pollution**

Plastics and the chemicals required for their manufacture and function are ubiquitous. They are found everywhere, in the air, water and food that sustains life. Plastic pollution damages ecosystems and harms and kills wildlife. Chemicals in plastics, including bisphenols, phthalates and flame retardants, are known to disrupt endocrine systems in humans and animals, harming development and reproduction and causing premature death. This is particularly true in sacrifice zones where people – particularly Indigenous

people, Black people and people of colour – and animals live in close proximity to polluting manufacturing and disposal sites.

Canada will not achieve its goal of Zero Plastic Waste by 2030 without much more ambitious actions to curb virgin plastic production and use, including expanding the bans on non-essential single-use plastics, eliminating harmful additives, and requiring and supporting affordable and convenient systems for reuse and refill of packaging and products.

Further, because plastic pollution knows no borders, Canada must take this ambition to the international stage to champion the negotiations toward a legally-binding treaty on plastics that includes binding targets for the reduction of virgin plastic production worldwide and the elimination of toxic plastics additives.