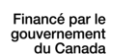




SDG 15 LIFE ON LAND: CONTRIBUTIONS OF CANADIAN LAW, POLICY AND GOVERNANCE

A Toolkit of Legal & Institutional Practices



SGD 15 Life on Land: Contributions of Canadian Law, Policy and Governance

A Toolkit of Legal & Institutional Practices

Series Editors:

Dr. Marie-Claire Cordonier Segger

Dr. Alexandra Harrington

Disclaimer

The views expressed in this publication are those of its authors and do not represent the views of the Government of Canada, Economic and Social Development Canada (ESDC), the Centre for International Sustainable Development Law (CISDL), or any affiliated or partner institutions. CISDL makes no representation or warranty, express or implied, as to the accuracy or completeness of the information set forth in this report. ESDC has not independently verified any of the information contained in the report and accepts no liability whatsoever for any of the information contained in the report has or for any misstatement or omission therein. This report remains the property of the CISDL.

Reproduction of this document in whole or in part and in any form for educational or non-profit purposes may be made without special permission from the copyright holders, provided acknowledgment of the source is made. The partners would appreciate receiving a copy of any publication or material that uses this document as a source.

Except where otherwise noted, this work is protected under a Creative Commons Attribution Non-commercial-No Derivative Works License.



Cover picture: Nathan Dumlao, @nate_dumlao
Back picture: Ezra Comeau-Jeffrey, @emcomeau

About the Toolkit

CISDL, in cooperation with the Dalhousie Schulich School of Law, Balsillie School of International Affairs/University of Waterloo, McGill University Faculty of Law/ Faculté de droit Université de Montréal, University of Victoria Peter A. Allard School of Law, and a consortium of institutional partners, held a multisite symposium on March 14, 2019 convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This toolkit is a part of a series, which builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research looking at legal measures for achievement of the SDGs in Canada is intended to inform policy-making moving forward.

Contact Information

Centre for International Sustainable Development Law (CISDL)

Chancellor Day Hall, 3644 Peel Street

Montreal, Quebec H3A 1W9, Canada

Tel +1 818-685-9931 | Fax +1 514-398-4659

www.cisdll.org

Table of Contents

List of Abbreviations and Acronyms.....	4
I. Introduction.....	5
SDG 15: An Opportunity to Strengthen Engagement, Innovation and Capacity in Canada.....	5
Structure of the Toolkit.....	5
Reference Guide	6
Target Audience	6
II. Legal Innovations & Practices from Across Canada to Achieve SDG 15	8
Federal.....	8
Provincial and Territorial Laws	11
III. International Legal Dimensions of SDG 15	20
IV. Legal Preparedness for Achieving SDG 15 with Canadians	30
V. Recommended Resources	32
Annex I: Domestic Legal Instruments: Overview Table	35
Annex II: About the Project.....	37

List of Abbreviations and Acronyms

ABS	Access and benefit sharing
BC	British Columbia
CBD	<i>Convention on Biological Diversity</i>
CISDL	Centre for International Sustainable Development Law
CITES	<i>Convention on International Trade on Endangered Species</i>
CMS	<i>Convention on Migratory Species</i>
COP	Conference of the Parties
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
IDLO	International Development Law Organization
IPCC	<i>International Plant Protection Convention</i>
IPLCs	Indigenous People and Local Communities
ISPMs	International Standards for Phytosanitary Measures
ITPGRFA	<i>International Treaty on Plant Genetic Resources for Food and Agriculture</i>
MDG	Millennium Development Goals
MEA	Multilateral Environmental Agreements
MLS	Multilateral system
NBSAPs	National Biodiversity Strategies and Action Plans
NWT	Northwest Territories
PGRFA	Plant genetic resources for food and agriculture
SARA	<i>Species at Risk Act (Canada)</i>
SDG	Sustainable Development Goals
SPS	Sanitary and Phytosanitary
TK	Traditional Knowledge
UNCCD	<i>United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</i>
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>

I. Introduction

SDG 15: An Opportunity to Strengthen Engagement, Innovation and Capacity in Canada

Conservation of biodiversity, including through sustainable forest management, has been a longstanding policy priority for Canada, with the first national strategy drafted in 1995, and an ongoing program of work to towards achievement of domestic targets in line with international priorities as identified in the 2020 Strategic Plan.¹ This toolkit focuses on Sustainable Development Goal (SDG) 15 to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss, highlighting potential contributions of international law and policy in delivering targets 15.1 – 15.9.²

Structure of the Toolkit

The Toolkit provides a cursory survey of principal national and international law, policy and governance measures that have the potential to contribute to realizing SDG 15. It considers options for legal and policy preparedness, notes potential for mainstreaming and more integrated implementation at the international and national levels, and offers some recommendations to deal with these issues.

The Toolkit is separated into four sections and additional reference materials:




- **Introduction** offers brief background to the issues, the structure of the toolkit, and an overview of the intended audience.
- **Legal Innovations & Practices from Across Canada to Achieve SDG 15** provides an initial survey of federal, provincial, and territorial approaches which support achievement of specific targets under the SDG.
- **International Legal Dimensions of SDG 15** highlighting legal obligations under international instruments related to biodiversity.
- **Legal Preparedness for Achieving SDG 15 with Canadians** summarizes findings and provides mechanisms for enhancing efforts across all levels of government.
- **Recommended Resources** provides a brief list of resources which could supplement information provided.
- **Annex I: Domestic Legal Instruments: Overview Table** provides a single reference table which includes all of the domestic laws identified separated by SDG target.
- **Annex II: About the Project** summarizes the project, key partners, and goals.

¹ Biodiversity Convention Office, "Canadian Biodiversity Strategy Canada's Response to the Convention on Biological Diversity" (1995), online: <https://biodivcanada.chm-cbd.net/sites/biodivcanada/files/2017-12/CBS_e.pdf>; Canada, "6th National Report for the Convention on Biological Diversity" (November 2018), online: <<https://chm.cbd.int/pdf/documents/nationalReport6/241248/7>> [Canada 6th CBD Report]

² *Transforming our World: The 2030 Agenda for Sustainable Development*, UN Doc A/RES/70/1. [Transforming our World]

The analysis suggests that the SDG 15 targets are supported by international environmental governance systems and legal measures, including multilateral environmental agreements (MEAs), as well as Canadian domestic instruments and institutions which provide pre-existing pathways to support national implementation. While law and governance mechanisms which support achievement of the SDG 15 have been identified, there remain significant areas of opportunity to promote greater policy cohesion, refinement, scaling up of ambition, and engagement with civil society actors. This project, in collaboration Economic and Social Development Canada (ESDC), as well as law schools and research networks across the country, identifies current pathways that provide for the achievement of SDG 15 in Canada.

Reference Guide

- 
Key Aspects Summarizes principal takeaways from the legislation. Emphasizes the elements exemplified by the approach.
- 
SDG Targets Identifies the SDG targets which the legislative approach may be used to implement.
- 
Jurisdiction Indicates the jurisdiction of the legislation.

The above icons are used throughout the report to provide guidance on aspects of the legislative approach highlighted with align with specific needs of users of this toolkit.

Target Audience

Sustainable development as a crosscutting policy goal requires engagement of law and governance authorities at all levels. This Toolkit has a target audience of law and governance professionals at the federal, provincial, and territorial levels, as well as Aboriginal communities, and local and municipal authorities, who seek to engage in and influence debate. In addition, the Toolkit acts as a valuable resource for non-governmental organization (NGOs) and other members of civil society who are seeking to understand and identify options to inform decision makers within their constituencies. Lastly, the Toolkit aims to support legal professionals, members of the judiciary, law professors, and students seeking to gain insights on the role played by law and governance institutions in supporting achievement of SDG 15.

SDG 15: Catalyzing action towards conservation and sustainable use of biodiversity and ecosystems

SDG 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

15.1 By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements

15.2 By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally

15.3 By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world

15.4 By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development

15.5 Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species

15.6 Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed

15.7 Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products

15.8 By 2020, introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species

15.9 By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts

15.a Mobilize and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems

15.b Mobilize significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation

15.c Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.

II. Legal Innovations & Practices from Across Canada to Achieve SDG 15

In 2015 the *2020 Biodiversity Goals and Targets for Canada* were announced.³ Developed in collaboratively by leaders of federal, provincial and territorial governments, Aboriginal organizations, and civil society, the aspirational targets inspired by the Aichi Biodiversity Targets include (a) utilization of the ecosystem approach to support biodiversity conservation, (b) reduction of direct/indirect pressures and sustainable use of biodiversity, (c) access to information on ecosystem services to support decision making, and (d) fostering environmental stewardship.⁴ In looking to protect 17 percent of terrestrial and 10 percent marine ecosystems in line with Target 1 of the 2020 Biodiversity Goals,⁵ Canada is promoting sustainable use of terrestrial ecosystems and combating biodiversity loss in line with SDG 15. Governance powers to pass laws relating to the environment are split between the federal, provincial and territorial governments. Federal powers include fisheries, shipping, interprovincial trade and commerce, and criminal law, as well as residuary legislative powers relating to “Peace, Order and Good Governance in Canada.” While provincial/territorial powers derive from environmental issues of a local nature, with most natural resources owned by provincial and territorial authorities.⁶ This section will explore approaches to achieve SDG 15 at the federal, provincial and territorial level.

Federal

Canada National Parks Act



Governance, conservation of land, ecosystem planning, and monitoring

At the core of SDG 15 is the need to conserve, restore, and sustainably use terrestrial biodiversity and associated habitats. The *Canada National Parks Act*⁷ provides a framework for the designation and administration of national parks, monuments, and reservations with the aim of conservation of the natural habitat for future generations.⁸ Designated parks are to be managed, maintained or restored through the protection of natural processes, and grounded in a five-year management plan based on consultations with national, local and aboriginal stakeholders.⁹ The *Act* designates wardens to enforce restrictions on environmental damage or trafficking of wildlife.¹⁰ Harvesting of resources is restricted except under a designated permit, with exemptions to this requirement existing in the context of Aboriginal Peoples exercising a recognized existing treaty right.¹¹ Discharge of substances injurious to the environment is restricted, with any discharge to be mitigated and remedies making the polluter liable for any environmental damage.¹²

³ Canada 6th CBD Report, *supra* note 1, at 5.

⁴ Canada, “2020 Biodiversity Goals and Targets for Canada” (Government of Canada, 2016), online: <http://publications.gc.ca/collections/collection_2016/eccc/CW66-524-2016-eng.pdf>.

⁵ Canada, “One With Nature: A Report of Canada’s Federal, Provincial and Territorial Departments Responsible for Parks, Protected Areas, Conservation, Wildlife and Biodiversity” Pathway to Canada Target 1 (2017), online: <<http://www.conservation2020canada.ca/home>>

⁶ For further discussion see: Peter W. Hogg, *Constitutional Law of Canada*, 5th Edition (Scarborough, ON: Thomson Carswell, 2007).

⁷ Canada National Parks Act, SC 2000, c 32, online: <<https://laws-lois.justice.gc.ca/eng/acts/n-14.01/FullText.html>>. [National Parks Act]


⁸ *Ibid*, National Parks Act, Sec 4.

⁹ *Ibid*, National Parks Act, Sec 8, 11-12.

¹⁰ *Ibid*, National Parks Act, Sec 18, 24-27.

¹¹ *Ibid*, National Parks Act, Sec 17.

¹² *Ibid*, National Parks Act, Sec 32.


 SDG 15.1, SDG 15.2, SDG 15.4, SDG 15.5, SDG 15.6, SDG 15.7, SDG 15.8, 15.9, SDG 15.a, SDG 15.b, SDG 15.c

 Federal

Nunavut Land Claims Agreement

 Wildlife management, strategic planning, and pathway for co-management

The *Nunavut Land Claims Agreement* creates an additional institution, the Nunavut Wildlife Management Board, to support wildlife management in the territory.¹³ This broad framework supports achievement of nearly all the targets listed under SDG 15 through effective management of habitats and the promotion of conservation and sustainable use of a broad range of ecosystems and biological resources. The NLCA also provides a pathway for co-management of biodiversity and habitats with Inuit as developed under territorial instruments.

 SDG 15.1, SDG 15.2, SDG 15.4, SDG 15.5, SDG 15.6, SDG 15.7, SDG 15.9, SDG 15.c.

 Federal

Canada Wildlife Act

 Wildlife management, strategic planning, and pathway for co-management

Two key instruments play a fundamental role in the protection of wildlife and species at risk. First is the *Canada Wildlife Act*,¹⁴ which applies to any animal, plant, organism that is defined as wild (or not easily distinguishable from such a species), or the habitat of such an animal, plant, or organism.¹⁵ Among other things, it enables the acquisition of land for the purposes of conservation and research of wildlife in Canada,¹⁶ along with the development of measures to protect endangered species,¹⁷ and the establishment of protected marine areas in Canada's internal waters, territorial sea, and Exclusive Economic Zone.¹⁸ Taken together, the provisions of the *Canada Wildlife Act* demonstrate a modality for conservation of biodiversity-rich ecosystems in support achievement of SDG 15.1, 15.5, and 15.7.

 SDG 15.1, SDG 15.5, SDG 15.7.

 Federal

Species at Risk Act

 Institutional structure for governance of endangered or at-risk species

¹³ Nunavut Land Claims Agreement, SC 1993, c 29, Sec 10.

¹⁴ Canada Wildlife Act, RSC 1985, c W-9. [Wildlife Act]

¹⁵ *Ibid*, Wildlife Act, Sec 2(4).

¹⁶ *Ibid*, Wildlife Act, Sec 9.

¹⁷ *Ibid*, Wildlife Act, Sec 8.

¹⁸ *Ibid*, Wildlife Act, Sec 4(2), 4.1.

In addition, the *Species at Risk Act* (SARA) is central to the protection of wildlife and species at risk in Canada,¹⁹ as it aims to prevent the extirpation or extinction of listed endangered or threatened species, and to sustainably manage species more broadly,²⁰ and empowers the Minister to establish a stewardship action plan that creates incentives and other measures to support voluntary stewardship actions taken by any government in Canada, organizations or individuals.²¹ The *Act* also creates the Canadian Endangered Species Conservation Council as an inter-ministerial body with provincial and territorial conservation authorities to coordinate governance activities,²² and the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as an expert scientific and technical body to support assessments of the status of species, and to advise on appropriate mitigation, restoration, or conservation management efforts.²³ In addition, the *Act* provides for the formation of conservation agreements with organizations or individuals for the monitoring, building of capacity, or management of designated at risk species, or species more generally, to ensure their population does not decline.²⁴ Prohibitions are established on the hunting, possession, or destruction of habitat of listed species,²⁵ procedures for development and execution of a recovery strategy and management plan for species of special concern are established,²⁶ and modalities for the protection of critical habitats are included.²⁷ These instruments on wildlife and species at risk provide examples of mechanisms which support achievement of SDG 15.1, 15.5, and 15.7 through conservation and sustainable use of biodiversity.

 SDG 15.1, SDG 15.5, SDG 15.7.

 Federal

Forestry Act

 Sustainable management of forest resources

The *Forestry Act* provides for the promotion of research related to the protection, management and wise use of forest resources.²⁸ The *Act* also provides for the creation of “Experimental Areas” on federal lands, which provides flexibility to the Minister in conducting works, research, disposal of timber, and management practices necessary for further protection of the forest.²⁹ While principally supporting achievement of SDG 15.1 and 15.2, the interface of obligations provided for by the identified instruments contributes to a range of measures which further sustainable management of biodiversity, natural habitats, and forests.

 SDG 15.1, SDG 15.2, SDG 15.4.

¹⁹ Species at Risk Act, SC 2002, c 29. [SARA]

²⁰ *Ibid*, SARA, Sec 6, 27.

²¹ *Ibid*, SARA, Sec 10.1.

²² *Ibid*, SARA, Sec 7.

²³ *Ibid*, SARA, Sec 14-16.

²⁴ *Ibid*, SARA, Sec 11-12.

²⁵ *Ibid*, SARA, Sec 32-33, 58.

²⁶ *Ibid*, SARA, Sec 37-42, 65.

²⁷ *Ibid*, SARA, Sec 56.

²⁸ Forestry Act, RSC 1985, c F30, s 3(1).

²⁹ *Ibid*, Forestry Act, Sec 5.



Federal

Provincial and Territorial Laws

At the subnational level exist several examples which support achievement of specific targets under SDG 15 in differing ways. Often there are significant interfaces and points of convergence across multiple SDGs within these laws as the legal instrument is mutually reinforcing of a range of targets, as opposed to any individual target. While each instrument is presented as fulfilling a particular SDG target, these intersections are identified to highlight the mutually supportive nature of the law and governance approach profiled.

15.1 By 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements

Wilderness Areas Protection Act



Sustainable management of wilderness areas, socio-economic assessment

Nova Scotia's *Wilderness Areas Protection Act* adopts a comprehensive approach to biodiversity governance, aiming to: (i) provide for the establishment, management, protection, and use of designated wilderness areas, (ii) maintain and restore the integrity of natural processes and biodiversity, protect natural landscapes and ecosystems, and (iii) protect rare and vulnerable natural features.³⁰ Applying to all non-private land designated in Schedule A of this *Act*, areas must be governed by a management plan which relates to new additions on Crown land and requires a socio-economic assessment of the implications.³¹ By providing a mechanism to designate, protect, monitor, and manage natural habitats, this *Act* supports the conservation and sustainable management elements of SDG 15.1, 15.2, and 15.5 as well as the embedding biodiversity governance values consistent with 15.9.



SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.6.



Nova Scotia

Islands Trust Natural Area Protection Tax Exemption Regulation



Positive incentivization of conservation on private land

A complementary approach can be drawn from the *Islands Trust Natural Area Protection Tax Exemption Regulation* of British Columbia, which positively incentivizes conservation. Defining

³⁰ Wilderness Areas Protection Act, RSNS, 1998, c. 27, Sec 2. [NS WAPA]

³¹ *Ibid*, NS WAPA, Sec 11, 14-15.

natural areas as relatively undisturbed habitat and including examples of applicable ecosystem types in the Schedule to this regulation, the framework allows for the establishment of a “protection covenant” on an eligible natural area with the property subsequently granted an exemption from tax at the prescribed rate: extent of exemption = 65% x (assessed value of the land).³²



SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.6.



British Columbia

Natural Heritage Conservation Act



A network of protected areas, consultative conservation planning

Quebec, in *Loi sur la conservation du patrimoine naturel (Natural Heritage Conservation Act)*, similarly prioritizes preservation of the natural environment for future generations with the aim of no net loss through establishment of a network of protected areas which promote conservation of biodiversity, wetlands and water, including both terrestrial and marine ecosystems, to support flood/drought resilience and assist in mitigation of climate change.³³ The Minister of Sustainable Development is empowered to facilitate the sharing of information needed to support conservation, including commissioning research to inform policymaking, and may entrust responsibilities to private conservation organizations or competent entities to administer.³⁴ Designated areas are to be managed through creation of conservation plans, in consultation with local authorities and Aboriginal People, which identify the ecosystem functions of the area and their contributions towards adaptation and mitigation of climate change, with any interference requiring ministerial review and approval.³⁵ Importantly, the Minister may also require ministerial approval for any project (proposed or currently underway) in a non-designated area where there are grounds to believe it will negatively impact the natural characteristics of the natural habitat.³⁶

The *Act* also provides for a 5-year provisional protection of any aquatic, biodiversity, or ecological reserve or landscape, and prohibits mining or energy exploration activities, forest management, on any other activities listed in the conservation plan, including the option to extend this beyond the initial 4-year period.³⁷ Designated reserve areas may also receive permanent protection through a process of public consultation, nomination by the Minister, and approval by the province,³⁸ with a detailed set of restrictions in place for each aquatic, biodiversity, or ecological reserve or landscape.³⁹ Framework approaches which provide mechanisms for establishment, review, and sustainable governance of both marine and terrestrial ecosystems, supporting achievement of a gambit of targets under SDG 15 in a holistic manner.



SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.6, SDG 15.9.

³² Islands Trust Act [RSBC 1996] Chapter 239, Sec 49.1-2; Islands Trust Natural Area Protection Tax Exemption Regulation, BC Reg 41/2002, Sec 2-3.

³³ *Loi sur la conservation du patrimoine naturel*, RLRQ c C-61.01, Art 1-2. [QC Natural Heritage Conservation Act]

³⁴ *Ibid*, QC Natural Heritage, Art 7-8, 12.

³⁵ *Ibid*, Natural Heritage Conservation Act, Art 13-15, 33.

³⁶ *Ibid*, Natural Heritage Conservation Act, Art 19.

³⁷ *Ibid*, Natural Heritage Conservation Act, Art 27-28, 34.

³⁸ *Ibid*, Natural Heritage Conservation Act, Art 38-39, 43-44

³⁹ *Ibid*, Natural Heritage Conservation Act, Art 46-49.



Quebec

15.2 *By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally*

Forest Planning and Practices Regulations Stewardship-based approach to forest based

The BC *Forest Planning and Practices Regulations* under the *Forest Act* adopt a stewardship approach to governance of forest-based activities including harvesting of timber and forest products, construction of works (roads), and control of fire.⁴⁰ To encourage greater sustainability of the forest the *Regulations* implement a maximum area of 40 or 60 hectares (ha) – depending upon location – for forest harvesting, and require the area to be reforested.⁴¹ Restrictions are also placed on harvesting of forest products in riparian zones or which have a negative impact on water quality.⁴²

 SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.6, SDG 15.9.

 British Columbia

Forest Health Protection Act “Heritage Tree” program, preventative measures for invasive threats

Manitoba provides for the designation under the “Heritage Tree” program of particularly historic, culturally significant, large or notable trees to be protected.⁴³ Beyond heritage trees, the *Forest Health Protection Act* provides for invasive threat prevention and forest threat management programs,⁴⁴ as well as the establishment of preventative quarantine orders, forest health orders, forest threat response zones, and forest product seizure to isolate and remove threats.⁴⁵ This provides an example of legal approaches to sound forest management in line with SDG 15.2, with the later example focused on forest health and allowing for quarantine of areas supporting achievement of SDG 15.8 on addressing alien invasive species.

 SDG 15.2, SDG 15.5, SDG 15.8.

 Manitoba

⁴⁰ Forest Planning and Practices Regulation, BC Reg 14/2004, Sec 1.2 [BC FPP Regs]; Forest Act [RSBC 1996] Chapter 157.

⁴¹ *Ibid*, BC FPP Regs, Sec 64.

⁴² *Ibid*, BC FPP Regs, Sec 51, 59.

⁴³ The Forest Health Protection Act, CCSM c F151, (2007), Sec 26.1. [Manitoba Forest Health]

⁴⁴ *Ibid*, Manitoba Forest Health, Sec 4, 8.

⁴⁵ *Ibid*, Manitoba Forest Health, Sec 13-14, 17, 19.

Clean Environment Act

Restoration of degraded land

While Canada does not experience desertification, the New Brunswick *Clean Environment Act* supports achievement of SDG 15.3 through inclusion of modalities to restore degraded land, particularly where the degradation has resulted from contamination. In addition to establishing the maximum allowable amount of a contaminant which can be released into the environment, the Minister may also order rehabilitation or restoration of land, with the cost of restoration (including providing of water and personnel costs) to be paid by all those who refused to comply with an order, or who through act or omission directly or indirectly caused the release to occur.⁴⁶

 SDG 15.2, SDG 15.5, SDG 15.8.

 New Brunswick

15.3 By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world

Flood Response Plan

Central coordination group and flood response planning

In regards to flooding, British Columbia established a Central Coordination Group (CCG) as a component of the provincial Flood Response Plan in order to direct institutional responses, including membership from a range of impacted ministries and sectors: justice, transport and infrastructure, forest, health, citizen's service, agriculture and environment.⁴⁷ While flooding insurance is not available in the province, eligible costs for designated events could receive coverage under the provincial Disaster Financial Assistance (DFA).⁴⁸ This supports sustainable forest management and flood resilience in line with SDG 15.2 and 15.3.

 SDG 15.2, SDG 15.3.

 British Columbia

⁴⁶ Clean Environment Act, RSNB 1973, c C-6, Art 4.2(1), 5(2).

⁴⁷ BC, Flood Response Plan, (23 March 2013), at 9, online: <www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/provincial-emergency-planning/bc_flood_response_plan-final.pdf>. [BC Flood Plan]

⁴⁸ *Ibid*, BC Flood Plan, at 7.

15.5 Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species

Threatened or Vulnerable Species Act **Planning and initiatives to support protection of vulnerable species**

Where some jurisdictions address biodiversity in framework legislation, Quebec provides a dedicated instrument to address threatened or vulnerable species.⁴⁹ Under the *Loi sur les espèces menacées ou vulnérables*, (*Threatened or Vulnerable Species Act*) the Minister of Sustainable Development is empowered to establish policy for the protection and management of threatened or vulnerable species, as well to create research initiatives and programs to support preservation of species and their habitats.⁵⁰ Species at risk are identified by the Minister and a protection plan which can individually or collectively address issues related to the species and its habitat is to be established.⁵¹ Affording flexibility to the Minister to identify and establish governance plans for both species as well as its habitat allows for adaptive management in support of SDG 15.5.

 **SDG 15.2, SDG 15.5.**

 **Quebec**

Consolidation of Wildlife Act **Co-management of critical habitats**

An alternative approach is found through the Nunavut *Consolidation of Wildlife Act*, which provides for co-management of critical habitats and wildlife sanctuaries by the territorial government and designated Inuit organizations.⁵² Integrating co-management of ecosystems with Aboriginal Peoples allows for traditional knowledge to influence governance practices in support of SDG 15.5. Canada lacks a comprehensive framework for access and benefit sharing (ABS) at the national level,⁵³ however the northern territories have enacted legislation that is supportive of ABS and the goals of SDG 15.6.

 **SDG 15.5, SDG 15.6.**

 **Nunavut**

⁴⁹ Loi sur les espèces menacées ou vulnérables, RLRQ c E-12.01. [Endangered or Vulnerable Species Act]

⁵⁰ *Ibid*, Endangered or Vulnerable Species Act, Sec 6-7.

⁵¹ *Ibid*, Endangered or Vulnerable Species Act, Sec 9-12.

⁵² Consolidation of Wildlife Act, S. Nu. 2003, c.26, Sec 143.


⁵³ Chidi Oguamanam, Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing (Cambridge University Press, 2018).

15.6 *Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed*

Scientists Act / Scientists and Explorers Act  License scheme for research and collections of samples in the territories

Research activities in NWT and Nunavut are governed by the *Scientists Act*, which requires researchers to receive a license to collect samples, based on disclosure of the purpose of the research, and followed by a research report highlighting the findings.⁵⁴ Similarly, research or exploration in the Yukon requires a license based on a full disclosure of the participants and the purpose of the research, and restricted to non-commercial research activities only.⁵⁵ While geographically limited, the scope of these measures assists in the achievement of the ABS aspects of SDG 15.6 through development of license procedure based on approval by the Minister.

 SDG 15.5, SDG 15.6.

 NWT, Nunavut, Yukon

15.7 *Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products*

15.c *Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.*

Wildlife Act



Co-management of wildlife resources and enforcement powers for poaching

The NWT *Wildlife Act* provides the tools needed to manage and conserve wildlife for the benefit of current and future generations through management of wildlife resources in cooperation and collaboration with Aboriginal authorities.⁵⁶ Outside of Aboriginal Peoples, who have both constitutional and treaty rights relating to collecting biological resources, others seeking to harvest

⁵⁴ Scientists Act, R.S.N.W.T. 1988, c. S-4, Sec 2, 4-5, online: <www.justice.gov.nt.ca/en/files/legislation/scientists/scientists.a.pdf>; Territorial Parks Act, RSNWT 1988, c T4, Sec 3, 8.

⁵⁵ Scientists and Explorers Act, RSY 2002, c 200, ss 1-3.

⁵⁶ Wildlife Act, SWNT 2013, c 30, Sec 2, 8. [NWT Wildlife Act]

game in the NWT must have a valid hunting license.⁵⁷ In addition, the *Act* restricts disturbance or destruction of wildlife or their natural habitat, with the only exceptions being to prevent human starvation, or to prevent loss of life or destruction of property.⁵⁸ A broad range of enforcement powers are provided to wildlife officers, including stopping and searching vehicles/modes of transportation where there is a reasonable belief a breach of the *Act* has occurred, as well as the ability to request assistance in the enforcement of these obligations with protections extended to a civilian who grants assistance.⁵⁹ Penalties for contravening acts include, for an individual a fine not exceeding \$50,000 and imprisonment for a term not exceeding a year, and for a corporation a fine not exceeding \$100,000 or \$250,000 for commercial activity.⁶⁰ Where the act at issue involves a species at risk these fines increase to \$1,000,000 for corporations and between \$250,000-1,000,000 for individuals engaged in commercial activity.⁶¹ Implementation of a system that provides for administration and enforcement of restrictions on hunting, trapping or collection of wildlife, as well as inclusion of robust punitive measures, assists in limiting poaching and illegal trafficking of wildlife and rare or threatened species in accordance with SDG 15.7. NWT also utilizes a tag system which identifies legitimate catches,⁶² preventing poaching internationally in support of SDG 15.c.



SDG 15.7, SDG 15.c.



NWT

15.8 By 2020, introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species

Agricultural Pests Act Pest and Nuisance Control Regulations / Weed Control Act



Strategic planning body, type-specific approach

Addressing alien invasive species is an area of concern for Canada. While there are legal and governance measures in place, the framework is fragmented, finding root under multiple heads of power. Alberta's strategic planning framework identified six provincial ministerial portfolios, including Agriculture and Rural Development, Environment, Municipal Affairs, Sustainable Resource Development, Transport, and Tourism, Parks and Recreation, as all holding governance

⁵⁷ NWT Wildlife Act, Sec 24-25.

⁵⁸ NWT Wildlife Act, Sec 51-56.

⁵⁹ NWT Wildlife Act, Sec 105-115.

⁶⁰ NWT Wildlife Act, Sec 148(1-2).

⁶¹ NWT Wildlife Act, Sec 148(3-4).

⁶² Wildlife Licenses and Permits Regulations, NWT 027/92, Sec 8-17.

responsibilities over alien invasive species.⁶³ Restrictions are put in place on the import, purchase, sale, disposal, transport, or release of any “infestable item” with pests defined as including animals, birds, insects, plants and diseases in the provincial *Agricultural Pests Act Pest and Nuisance Control Regulations*.⁶⁴ The *Act* provides for detention and tagging of infected cattle,⁶⁵ potential for quarantine measures,⁶⁶ mandated preventative measures,⁶⁷ species-specific controls (ex. coyote and skunk),⁶⁸ and listed pests.⁶⁹

Invasive plants in Alberta are governed by the *Weed Control Act*, which establishes prohibitions and controls over noxious or prohibited weeds.⁷⁰ In 2015, the province also created the Aquatic Invasive Species Committee, under the rubric of the Ministry of Environment and Parks, to assist in planning and program delivery.⁷¹ The Federal-Provincial-Territorial Invasive Alien Species Task Force, also established that year, began to provide recommendations to strengthen cooperation, early identification, and capacity building in 2017.⁷² This experience demonstrates a mix of legal and policy tools used to coordinate policy programs in support of SDG 15.8, and the ability to integrate biodiversity values into all levels of decision-making in support of SDG 15.9.



SDG 15.8, SDG 15.9.



Alberta

15.9 By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts

Crown Forest Sustainability Act



Institutional approaches to stakeholder engagement

Ontario provides for sustainable management of federal forests through the *Crown Forest Sustainability Act*, which allows for creation of Local Citizens' Committees and Forest Management Boards to advise and inform policy making as well as preparation and implementation of forest

⁶³ Invasive Alien Species Working Group, Alberta Invasive Alien Species Management Framework, (27 July 2010, Draft), at 3-4, online: <[www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/prm13262/\\$FILE/frame.pdf](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/prm13262/$FILE/frame.pdf)>.

⁶⁴ Agricultural Pests Act Pest and Nuisance Control Regulations, AB Reg 184/2001, 9 With amendments up to and including Alberta Regulation 126/2016), Sec 2, 4, online: <<https://abinvasives.ca/wp-content/uploads/2018/02/Pub-Pest-and-Nuisance-Control-Regulation-Agricultural-Pests-Act.pdf>>. [AB PNC Regs]

⁶⁵ *Ibid*, AB PNC Regs, Sec 5-6.

⁶⁶ *Ibid*, AB PNC Regs, Sec 7.

⁶⁷ *Ibid*, AB PNC Regs, Sec 8, 12.

⁶⁸ *Ibid*, AB PNC Regs, Sec 14.

⁶⁹ *Ibid*, AB PNC Regs, Schedule 1.

⁷⁰ Weed Control Act, Statutes of Alberta (2008), Chapter W-5.1.

⁷¹ Alberta, 2017 Annual Report, Alberta Aquatic Invasive Species Program (2017), online: <<https://open.alberta.ca/dataset/ecf3f1b1-152e-45ea-8599-f4140087c5da/resource/a5fa98ea-e2d8-4b18-bce6-650edd5249b6/download/aquaticinvasivespecies-2017annualrpta-june2018.pdf>>.

⁷² Federal-Provincial-Territorial Invasive Alien Species Task Force, Recommendations to Improve Invasive Alien Species Prevention and Management in Canada (2017), online: <<https://biodivcanada.chm-cbd.net/sites/biodivcanada/files/2018-01/IAS%20-%20EN%20Invasive%20Alien%20Species%20TaskForce%20Recommendations.pdf>>.

management plans.⁷³ Creating and consulting with localized bodies integrates biodiversity values into forest governance policy, which impacts the 90% of forests in Ontario classified as Crown Land, and informs broader management practices in support of SDG 15.9.



SDG 15.9.



Ontario

15.a Mobilize and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems

15.b Mobilize significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation

Sustainable Environment Fund Act



Fund to support waste reduction and environmental initiatives

To enable enhanced programming towards environmental conservation, British Columbia passed the *Sustainable Environment Fund Act*, creating a modality to fund initiatives relating to waste reduction, environmental protection and restoration.⁷⁴ The Fund was initially transferred \$50 million dollars from the Lottery Fund in April 1990, with provisions allowing the province to contribute to the fund annually, as allowed for under the *Financial Administration Act*, quarterly based on amounts derivate from social service and provincial sales taxes, and fee derived from the environmental management activities.⁷⁵ This approach of diversified funding sources coupled with a strong environmental focus illustrates one example of a funding model which supports achievement of SDG 15.a, and 15.b but to a lesser degree given the domestic focus of the programs.



SDG 15.9, SDG 15.a, SDG 15.b.



British Columbia

⁷³ Crown Forest Sustainability Act, SO 1994, c 25, Sec 2-3, 13-15.

⁷⁴ Sustainable Environment Fund Act, RSBC 1996, c 445, Sec 1-3, 5.

⁷⁵ *Ibid*, BC SEFA, Sec 4.

III. International Legal Dimensions of SDG 15

International and domestic environmental law and policy supporting better management of the environment, natural resources and ecosystems is guided by three principles of governance, namely, good governance (the process of inclusive decision making), effective governance (dealing with set goals and targets) and equitable governance (based on distributive justice).⁷⁶ As leading research demonstrates, in the context of realizing targets under SDG 15, countries have had some success establishing effective governance measures through actions related to MEA implementation.⁷⁷ Canada is a Party to many of these agreements, providing areas of opportunity to further domestic opportunity. For the purpose of this Toolkit, focus is placed on how the MEAs related to biodiversity provide a primary trigger to further strengthen governance, law and policy. Complementary governance approaches have been developed to address inter-linkages between the issues addressed under the respective treaty regimes and to provide a basis for cooperation.⁷⁸ The governing bodies of the respective international instruments have also set out specific mandates for cooperation, backed by formal memoranda of cooperation and joint work programmes.⁷⁹

Table 1: Relevant International Agreements

The Convention on Biological Diversity (CBD)
The Convention on the Conservation of Migratory Species of Wild Animals (CMS)
The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)
The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)
The Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
The International Plant Protection Convention (IPPC)
The United Nations Convention to Combat Desertification in Those Countries Experiencing Drought and/or Desertification, Particularly in Africa (UNCCD)
The United Nations Framework Convention on Climate Change (UNFCCC)

⁷⁶ D Shroeder and B Pisupati, *Ethics, Justice and the Convention on Biological Diversity* (UNEP, 2010).

⁷⁷ This section of the toolkit draws upon research previously conducted through a collaboration of CISDL and UNEP. See: Jorge Cabrera, Frédéric Perron-Welch & Balakrishna Pisupati, "SDG 15 on Terrestrial Ecosystems and Biodiversity: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

⁷⁸ B Pisupati, *Biodiversity Governance: Lessons for International Environmental Governance* (National Biodiversity Authority, India, 2012).

⁷⁹ Seven international treaties are recognized as focusing specifically on biodiversity: the *Convention on Biological Diversity* (CBD), the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS), the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), the *International Treaty on Plant Genetic Resources for Food and Agriculture* (ITPGRFA), the *Convention on Wetlands of International Importance especially as Waterfowl Habitat* (Ramsar Convention), the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (World Heritage Convention) and the *International Plant Protection Convention* (IPPC). See: Secretariat of the Convention on Biological Diversity, "Biodiversity-related Conventions", online: <www.cbd.int/brc/>.

Convention on Biological Diversity (CBD) Primary framework agreement for governance of biodiversity

Of the key biodiversity related conventions, the Convention on Biological Diversity (CBD) supports actions at ecosystem, species and genetic levels, focusing on conservation of biological diversity,⁸⁰ the sustainable use of biological resources,⁸¹ and the fair and equitable sharing of benefits arising from utilization of genetic resources.⁸²

The CBD reflects the international principle that States have the sovereign right to exploit their biological and genetic resources pursuant to their own national laws and policies, subject to the constraint that such actions do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.⁸³ Parties are expected to cooperate with other Parties directly, or through international organizations, on issues of conservation and sustainable use of biodiversity in areas beyond national jurisdiction, and on other matters of mutual interest.⁸⁴ For implementation, commitments to collaborate in the areas of financing and capacity development are also vital to the potential achievement of the CBD's terms and those in SDG 15.⁸⁵

In 2010, the 10th Conference of the Parties (COP) to the CBD adopted the *Strategic Plan for Biodiversity 2011-2020*⁸⁶ with the purpose of inspiring broad-based action by all countries and all stakeholders in order to meet the three objectives of the CBD through the establishment of a shared vision⁸⁷ and mission,⁸⁸ grounded in 5 cross-cutting strategic goals and 20 targets known as the *Aichi Biodiversity Targets*. The CBD Strategic Plan and related targets have subsequently been adopted by several biodiversity MEAs as the guiding elements for their work.⁸⁹ A significant part of SDG 15, related targets, and indicators,⁹⁰ is in direct alignment with the provisions of CBD and several other biodiversity MEAs, including Protocols under the CBD such as the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* (Nagoya Protocol).

The CBD COP has adopted a series of programmes of work to further the conservation and sustainable use of biodiversity, in particular ecosystems, including:

⁸⁰ "Biological diversity" is the variability among living organisms from all sources and the ecological complexes of which they are a part.

⁸¹ "Biological resources" includes any biotic component of ecosystems with actual or potential use or value for humanity.

⁸² "Genetic resources" any material of plant, animal, microbial or other origin containing functional units of heredity of actual or potential value.

⁸³ *Ibid* at Article 3.

⁸⁴ *Ibid* at Article 5.

⁸⁵ CBD, *supra* at Articles 1 & 2.

⁸⁶ CBD, COP Decision X/2, *Strategic Plan for Biodiversity 2011-2020*, online: <www.cbd.int/decision/cop/?id=12268>. [Strategic Plan]

⁸⁷ The Vision of the Strategic Plan: "By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.

⁸⁸ The Mission of the Strategic Plan: "Take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet's variety of life, and contributing to human well-being, and poverty eradication. To ensure this, pressures on biodiversity are reduced, ecosystems are restored, biological resources are sustainably used and benefits arising out of utilization of genetic resources are shared in a fair and equitable manner, adequate financial resources are provided, capacities are enhanced, biodiversity issues and values mainstreamed, appropriate policies are effectively implemented, and decision-making is based on sound science and the precautionary approach.

⁸⁹ CBD COP Decision X/20, Paragraphs 4, 7-11.

⁹⁰ B Pisupati, *Role of multilateral environmental agreements in achieving the sustainable development goals (SDGs) with special focus on Biodiversity MEAs* (Nairobi: UNEP, 2016).

- The *Programme of Work on Dry and Sub-humid Lands*, which supports target 15.3 on restoring degraded lands,⁹¹
- The *Expanded Programme of Work on Forest Biological Diversity* which supports target 15.2 on forests,⁹²
- The *Programme of Work on Mountain Biodiversity*, which supports target 15.4 on mountains,⁹³
- The *Revised Programme of Work on Inland Water Biological Diversity*.⁹⁴

The COP has also adopted a series of principles, guidelines and other tools to support implementation of specific provisions of the CBD and that are of relevant to SDG 15, such as:

- *The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity*⁹⁵
- *Guidelines on Biodiversity and Tourism Development*⁹⁶
- *Guiding Principles for the Prevention, Introduction and Mitigation of Alien Species that Threaten Ecosystems, Habitats or Species*, which supports target 15.8 on alien species⁹⁷
- *The Ecosystem Approach*⁹⁸
- *The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities*, which supports target 15.6 on benefit-sharing⁹⁹
- *Voluntary Guidelines on Biodiversity-Inclusive Impact Assessment*, which supports target 15.9 on mainstreaming.¹⁰⁰

Relevance to Canada

The CBD is perhaps the most comprehensive international environmental and legal instrument to address justice and governance of biodiversity and ecosystems, in that it recognizes knowledge innovations and practices of indigenous people and local communities (IPLCs), has mechanisms for local conservation, and has been used to prioritize localization of governance in cooperation with IPLCs.¹⁰¹ Through new policies and innovative governance arrangements, including monitoring and peer review mechanisms, the CBD framework can contribute to the implementation of SDG 15. Development of National Biodiversity Strategies and Action Plans (NBSAPs) provides an opportunity for interactive policy refinement. National reports provided by Parties in accordance with Article 26 also provide a valuable window on the status of implementation. Canada's most recent report was provided in 2018.¹⁰²



SDG 15.1, SDG 15.2, SDG 15.3, SDG 15.4, SDG 15.5, SDG 15.6, SDG 15.7, SDG 15.8, 15.9, SDG 15.a, SDG 15.b, SDG 15.c.

⁹¹ CBD COP Decision V/23, Annex, online: <www.cbd.int/decision/cop/?id=7165>.

⁹² CBD COP Decision VI/22, Annex, online: <www.cbd.int/decision/cop/?id=7196>.

⁹³ CBD COP Decision VII/27, Annex, online: <www.cbd.int/decision/cop/?id=7764>.

⁹⁴ CBD COP Decision VII/4, Annex, online: <www.cbd.int/decision/cop/?id=7741>.

⁹⁵ CBD COP Decision VII/12, Annex II, online: <www.cbd.int/decision/cop/?id=7749>.

⁹⁶ CBD COP Decision VII/14, Annex, online: <www.cbd.int/decision/cop/?id=7751>.

⁹⁷ CBD COP Decision VI/23, Annex, online: <www.cbd.int/decision/cop/?id=7197>.

⁹⁸ CBD COP Decision VII/11, Annex I, online: <www.cbd.int/decision/cop/?id=7748>.

⁹⁹ CBD COP Decision X/42, Annex, online: <www.cbd.int/decision/cop/?id=12308>.

¹⁰⁰ CBD COP Decision VIII/28, Annex, online: <www.cbd.int/decision/cop/?id=11042>.

¹⁰¹ Shroeder and Pisupati, *supra*.

¹⁰² Canada 6th CBD Report, *supra* note 1.



Multilateral Environmental Agreement. Canada is a Party.

Convention on International Trade on Endangered Species (CITES)



Reporting and governance framework for trade in endangered species

To preserve threatened and endangered species that are subject to international trade, the *Convention on International Trade on Endangered Species* (CITES) aims to control the trade in designated species to avoid their extinction.¹⁰³ With the revisions made at COP 16 in 2013, the Parties to CITES have embraced the Aichi Targets and the Strategic Plan for Biodiversity in the *CITES Strategic Vision: 2008-2020*, which aims to “conserve biodiversity and contribute to its sustainable use by ensuring that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation through international trade, thereby contributing to the significant reduction of the rate of biodiversity loss and making a significant contribution towards achieving the relevant Aichi Biodiversity Targets.”¹⁰⁴

Relevance for Canada

Required reporting under the CITES by Canada as a Party – to be made annually on trade in species on the Appendices and bi-annually on legislative and governance measures¹⁰⁵ – informs domestic policies and practices relating to endangered species.¹⁰⁶



SDG 15.5, SDG 15.6, SDG 15.7, SDG 15.c.



Multilateral Environmental Agreement. Canada is a Party.

Convention on Migratory Species (CMS)



Protection of habitats of migratory species

Threats to the survival of transboundary species are addressed in the *Convention on Migratory Species* (CMS), which aims to conserve terrestrial, marine and avian migratory species throughout their range.¹⁰⁷ The 120 Parties work together to conserve migratory species and their habitats by providing strict protection for the most endangered species through conserving or restoring the places where they live, mitigating obstacles to migration and controlling other harmful factors (listed in CMS Appendix I), concluding regional multilateral agreements for the conservation and management of specific migratory species or categories of species with unfavorable conservation status which require international agreements for their conservation and management, or species with a status which would significantly benefit from international cooperation under an agreement

¹⁰³ CITES, *supra* at Article II.

¹⁰⁴ CITES COP Resolution Conf. 16.3, *CITES Strategic Vision: 2008-2020*, online: <www.cites.org/eng/res/16/16-03.php>; see also John E. Scanlon, “How CITES is Taking Concrete Action for a World Living in Harmony with Nature: CITES’ Contribution to the UN Decade on Biodiversity”, IISD Biodiversity-L Guest Article #23, online: <<http://biodiversity-l.iisd.org/guest-articles/how-cites-is-taking-concrete-action-for-a-world-living-in-harmony-with-nature-cites-contribution-to-the-un-decade-on-biodiversity/>>.

¹⁰⁵ CITES, *supra* at Article VIII(7); See: CITES, “Reporting under the Convention,” online: <www.cites.org/eng/resources/reports.php>.

¹⁰⁶ Government of Canada, “Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act : report,” online: <<http://publications.gc.ca/site/eng/9.505775/publication.html>>.

¹⁰⁷ CMS, *supra* at Preamble.

(listed in CMS Appendix II), and undertaking co-operative research and conservation activities.¹⁰⁸ Appendix II agreements range from legally binding commitments to less formal instruments, such as memoranda of understanding, and are adapted to the requirements of particular regions.¹⁰⁹ At CMS COP 11 in 2014, the *Strategic Plan for Migratory Species* was adopted, with the goal of being applicable beyond the CMS by adapting the Aichi Targets as appropriate, thus allowing for the harmonized implementation of the CMS and the CBD through tools such as National Biodiversity Strategies and Action Plans (NBSAPs) and the SDGs.¹¹⁰

Relevance for Canada

While not a Party, Canada is a range state for many migratory species, and has interests in preservation of polar bears. Based on the shared border with the United States, Canada also has several bi-lateral agreements relating to bird populations and management, which reflect the concerns of CMS. As such Canada has participated in some activities related to bird conservation and does attend CMS COP as an observer.



SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.9.



Multilateral Environmental Agreement. Canada is not a Party but follows developments under CMS as a range state.

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)



Framework for access and utilization of plant genetic resources for food and agriculture

The *International Treaty on Plant Genetic Resources for Food and Agriculture* (ITPGRFA) provides a framework for its 133 Parties to promote the conservation, sustainable use and equitable sharing of benefits arising from the use of plant genetic resources for food and agriculture (PGRFA), in harmony with the CBD, to ensure sustainable agriculture and food security.¹¹¹ As a primary mechanism, the treaty establishes a multilateral system (MLS) for access and benefit-sharing to facilitate equitable access to designated categories of PGRFA.¹¹² This system operates concurrently with the rules on access and benefit-sharing established by the Nagoya Protocol.

Relevance for Canada

The main crops grown in Canada originate from foreign jurisdictions, with only 2% of global diversity held in domestic gene banks.¹¹³ Canada's last report was provided to the Secretariat in 2017, highlighting domestic implementation efforts and the areas in which additional improvements would be possible.¹¹⁴

¹⁰⁸ *Ibid* at Article III(4); *Ibid* at Article IV(1).

¹⁰⁹ CMS Secretariat, "Introduction: CMS", online: <www.cms.int/en/legalinstrument/cms>.


¹¹⁰ Bradnee Chambers, "CMS COP11: A Substantive Summary of Critical Outcomes", Biodiversity-L Guest Article #28, online: biodiversity-l.iisd.org/guest-articles/cms-cop11-a-substantive-summary-of-critical-outcomes/.

¹¹¹ ITPGRFA, *supra* at Article 1.

¹¹² *Ibid* at Article 10-13.

¹¹³ Government of Canada, "Plant genetic resources for food and agriculture: international treaty" online: <www.canada.ca/en/environment-climate-change/corporate/international-affairs/partnerships-organizations/plant-genetic-resources-food-agriculture.html>.

¹¹⁴ Canada, "Country Report on Implementation of the ITPGRFA" (2017), online: <www.fao.org/3/I8691EN/i8691en.pdf>.

 SDG 15.1, SDG 15.2, SDG 15.5, SDG 15.9.

 Multilateral Environmental Agreement. Canada is a Party.

Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)  Identification and protection of sites of cultural significance

The *Convention Concerning the Protection of the World Cultural and Natural Heritage* (the World Heritage Convention) aims to identify and conserve the world's cultural and natural heritage by drawing up a list of sites, identified by its 191 Parties¹¹⁵ (the World Heritage List), whose outstanding values should be preserved for all humanity. Notably, Parties pledge to conserve not only their culturally significant heritage, but also their natural heritage, including natural features of outstanding universal aesthetic or scientific value, geological and physiographical formations and areas that are the habitat of threatened species of animals or plants, and natural sites or areas of outstanding universal value from the point of science, conservation or natural beauty.¹¹⁶ Each Party recognizes its duty to identify, conserve and transmit its cultural and natural heritage to future generations and to do all it can to this end, to the utmost of its own resources, and with any international assistance and co-operation required.¹¹⁷ There are over 225 mixed and natural sites covering 270 million ha on the World Heritage List¹¹⁸ and constituting sites of outstandingly varied and rare species and ecosystems.

Relevance for Canada

Canada has 19 sites listed on the World Heritage List,¹¹⁹ with periodic reports provided to UNESCO every six years on status of implementation. The last listed report was approved in 2015,¹²⁰ with a reporting cycle running from 2018-2024.¹²¹

 SDG 15.1, SDG 15.4, SDG 15.5, SDG 15.9.

 Multilateral Environmental Agreement. Canada is a Party.

¹¹⁵ World Heritage Convention, *supra* at Article 3.

¹¹⁶ *Ibid* at Article 2.

¹¹⁷ *Ibid* at Article 4.

¹¹⁸ UNESCO, "World Heritage List Statistics", online: <http://whc.unesco.org/en/list/stat>.

¹¹⁹ Parks Canada, "Canadian Sites on the World Heritage List," online: www.pc.gc.ca/en/culture/spm-whs/sites-canada.

¹²⁰ UNESCO, Convention Concerning the Protection of the World Cultural and Natural Heritage, "Periodic Reports," World Heritage Committee, 39th Session (28 June-8 July 2015), WHC-15/39.COM/10A, online: <https://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>.

¹²¹ UNESCO, "Periodic Reporting," online: <http://whc.unesco.org/en/periodicreporting/>.

Ramsar Convention on Wetlands of International Importance (Ramsar Convention) Identification and protection of wetlands of international importance

Under the *Ramsar Convention on Wetlands of International Importance* (Ramsar Convention), 169 Parties create a framework for national action and international cooperation for the conservation and wise use of internationally significant wetlands and their resources, recognizing that wetlands are ecosystems that are important for biodiversity conservation in general, and for the well-being of human communities.¹²² In the context of the Ramsar Convention, the term “wetlands” includes all lakes and rivers, underground aquifers, swamps and marshes, wet grasslands, peatlands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs and salt pans.¹²³ The Ramsar Convention requires Parties to formulate plans and implement them in order to promote the conservation of wetlands included in the Ramsar List of Wetlands of International Importance, to wisely use wetlands in their territory as far as possible, to promote the conservation of wetlands and waterfowl by establishing nature reserves on all wetlands, listed or not, and provide adequately for their protection.¹²⁴ In 2015, a new strategic plan was established under the Ramsar Convention for the period 2016-2024, recognizing alignment with the SDGs.¹²⁵ At COP 13, a wide range of resolutions were passed addressing issues at the intersection of wetlands, climate change, agriculture, and coastal zones.¹²⁶

Relevance for Canada

Canada has 37 Ramsar Sites covering 13,086,767 hectares.¹²⁷ The Canadian national report provided at COP 13 highlights an emphasis on wetland preservation as a component of the Pan-Canadian Framework on Clean Growth and Climate Change.¹²⁸



SDG 15.1, SDG 15.5, SDG 15.9.



Multilateral Environmental Agreement. Canada is a Party.

International Plant Protection Convention (IPPC) Framework for phytosanitary measure to prevent the spread of pests

In order to protect the world’s cultivated and wild plant resources, the *International Plant Protection Convention* (IPPC) brings together 181 Parties to prevent the introduction and spread

¹²² Ramsar Convention, *supra* at Article 3(1).

¹²³ *Ibid* at Article 1(1); Ramsar Convention Secretariat, “The Ramsar Convention and its Mission”, online: <www.ramsar.org/about/the-ramsar-convention-and-its-mission>.

¹²⁴ *Ibid* at Article 4(1).

¹²⁵ Ramsar Convention, Resolution XII.2 The Ramsar Strategic Plan 2016-2024, (1-9 June 2015), online: <www.ramsar.org/sites/default/files/documents/library/cop12_res02_strategic_plan_e_o.pdf>.

¹²⁶ Ramsar Convention, Resolution XIII.16: Sustainable urbanization, climate change and wetlands (29 October 2018); Ramsar Convention, Resolution XIII.19: Sustainable agriculture in wetlands, (29 October 2018); Ramsar Convention, Resolution XIII.14: Promoting conservation, restoration and sustainable management of coastal blue-carbon ecosystems (29 October 2018).

¹²⁷ Ramsar Convention, “Country Profile: Canada,” online: <www.ramsar.org/wetland/canada>.

¹²⁸ Ramsar Convention, Ramsar National Report to COP 13: Canada” (2018), online: <www.ramsar.org/sites/default/files/documents/importftp/COP13NR_Canada_e.pdf>.

of plant pests and promote the appropriate measures for their control.¹²⁹ The IPPC requires Parties to establish national plant protection organizations to conduct phytosanitary inspection, certification, disinfestation/disinfection, protection of endangered areas, surveillance, and pest risk analysis.¹³⁰ Countries commit to cooperate in exchanging information on plant pests and technical and biological information for risk analysis,¹³¹ establish regional plant protection organizations,¹³² and provide technical assistance to Parties, especially developing countries.¹³³ To ensure uniform application, the FAO Commission on Phytosanitary Measures has developed International Standards for Phytosanitary Measures (ISPMs), recognised by the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement).

Relevance for Canada

Canada supports the IPPC as the prime vehicle for plant health, playing a leadership role in the ePhyto Project and contributing \$322,182 USD in 2018 to the Multi-donor Trust Fund.¹³⁴



SDG 15.1, SDG 15.8.



Multilateral Environmental Agreement. Canada is a Party.

United Nations Convention to Combat Desertification (UNCCD) Global cooperation to address drought and desertification

In addition to these seven specialized biodiversity instruments, the *United Nations Convention to Combat Desertification in Those Countries Experiencing Drought and/or Desertification, Particularly in Africa* (UNCCD) calls upon national governments, NGOs, and local populations to cooperate to combat desertification and mitigate the effects of drought and dryland degradation.¹³⁵ The UNCCD contains five regional annexes, with the initial focus on the African continent as it is the region most threatened by desertification. It promotes sustainable development as the primary means to combat desertification.¹³⁶ A strategic planning framework is also established to coordinate national action programs on sustainable development to operationalize the goals of the UNCCD.¹³⁷

Relevance for Canada

Canada is considered an affected country under the UNCCD with drylands in the western parts of the country and played a key role in passing the Gender Action Plan at COP 13.¹³⁸



SDG 15.3, SDG 15.5.

¹²⁹ IPPC, *supra*, at Article 1.

¹³⁰ *Ibid* at Article IV.

¹³¹ *Ibid* at Article VIII.

¹³² *Ibid* at Article IX.

¹³³ *Ibid* at Article XX.

¹³⁴ IPPC, "Annual Report 2018" (FAO/IPPC 2018), at viii, x, online: <www.fao.org/3/ca3783en/CA3783EN.pdf>.

¹³⁵ UNCCD, *supra* at Article 2.

¹³⁶ *Ibid* at Preamble, Articles 1(a), 2-3.

¹³⁷ *Ibid* at Article 6.

¹³⁸ Government of Canada, "United Nations Convention to Combat Desertification," online: <www.canada.ca/en/environment-climate-change/corporate/international-affairs/partnerships-organizations/united-nations-convention-combat-desertification.html>.

 **Multilateral Environmental Agreement. Canada is a Party.**

United Nations Framework Convention on Climate Change (UNFCCC) / Paris Agreement  **Global framework to further efforts relating to climate change**

Through the *United Nations Framework Convention on Climate Change* (UNFCCC), Parties aim to prevent and mitigate the dangerous impacts of climate change.¹³⁹ States commit to promote sustainable management, and to promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems.¹⁴⁰ The reduction of emissions from deforestation and forest degradation in developing countries, particularly through conservation, sustainable management of forests and the enhancement of carbon stocks (REDD+), has taken on particular significance in this regard. Depending on how it is executed, REDD+ could either support or undermine the conservation and sustainable use of biodiversity.¹⁴¹ Parties adopted the Cancun Safeguards at COP 16 to address the issue of adverse impacts through the concept of biodiversity safeguards.¹⁴² Safeguards were also addressed in the Warsaw Framework for REDD+ at COP 19.¹⁴³ Although COP 20 left gaps,¹⁴⁴ the Paris Agreement from COP21 clearly reflects the importance of forests.

Relevance for Canada

Adaptation and mitigation of climate change are central policy priorities for Canada both domestically and internationally. Canada has put forward its NDC in 2015 which targets a 30% reduction in emission levels below 2005 standards by 2030.¹⁴⁵

 **SDG 15.1, SDG 15.2, SDG 15.3.**

 **Multilateral Environmental Agreement. Canada is a Party.**

Links between SDGs and targets and key MEAs

A quick assessment of the contributions of various MEAs to addressing the legal, policy and governance issues underlying SDG 15 indicates that a significant number of actions are underway at different levels in order to promote effective biodiversity governance, notably through the CBD's explicit calls for action, including through the Nagoya Protocol. Current discussions underway within the United Nations Environment Programme (UN Environment) and several MEAs focus on ensuring

¹³⁹ UNFCCC, *supra* at Article 2.

¹⁴⁰ *Ibid* at Article 4(1)(d).

¹⁴¹ Lera Miles and Barney Dickson, "REDD-plus and biodiversity: opportunities and challenges" [2010] (61)236 *Unasilva* 56-63.

¹⁴² UNFCCC COP Decision 1/CP.16, *The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention*, appendix I.

¹⁴³ UNFCCC COP Decision 12/CP.19, *The timing and the frequency of presentations of the summary of information on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected.*

¹⁴⁴ Forests News, "Deal or no deal, experts upbeat on progress of REDD+ safeguards", online: <http://blog.cifor.org/26005/deal-or-no-deal-experts-upbeat-on-progress-of-redd-safeguards>.

¹⁴⁵ Canada, "Nationally Determined Contribution" (2015), online:

<<https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Canada%20First/INDC%20-%20Canada%20-%20English.pdf>>.

that principles of good governance also entail effective delivery of SDG 15. Measures supporting this include discussions to enhance cooperation and synergies among the MEAs,¹⁴⁶ developing data and information intensive reporting, and monitoring and evaluation systems that contribute to firming up the SDG indicators, which all depend on ensuring inclusive and informed participation of diverse stakeholders in implementing the MEAs, thus contributing to SDG 15.

Table 2: Multilateral Environmental Agreements and the SDGs

<i>MEA</i>	<i>Focus</i>	<i>Link to SDG and target</i>
CBD	Conservation of biodiversity; sustainable use of biodiversity; fair and equitable sharing of benefits arising from the use of genetic resources	Goal 15, targets 15.1, 15.2, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9 and 15.b
CITES	Monitoring trade in endangered species to ensure survival of species is not threatened	Goal 15, targets 15.7 and 15.b
CMS	Conservation of terrestrial, aquatic and avian migratory species, their habitats and migration routes, to ensure their favourable conservation status across their migratory ranges	Goal 15, targets 15.8 and 15.9
Ramsar Convention	Framework for national action and international cooperation for the conservation and use of wetlands and their resources	Goal 15, target 15.1
ITPGRFA	Conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits derived from their use for sustainable agriculture and food security	Goal 15, targets 15.5, 15.6 and 15.9.
World Heritage Convention	Protection of the world's cultural and natural heritage	Goal 15, targets 15.1, 15.4, 15.5 and 15.9
IPPC	Secure coordinated, effective action to prevent and control the introduction and spread of pests of plants and plant products	Goal 15, targets 15.1 and 15.8
UNCCD	Combat desertification and mitigate the effects of drought through national action programmes that incorporate long-term strategies supported by international cooperation and partnership arrangements	Goal 15, target 15.3
UNFCCC	Stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system	Goal 15, targets 15.1, 15.2, 15.4, 15.5, 15.8 and 15.b

Adapted from B. Pisupati, Role of multilateral environmental agreements in achieving the sustainable development goals (SDGs) with special focus on Biodiversity MEAs (UNEP, 2016)

¹⁴⁶ UNEP, *Options to enhance synergies and cooperation among the biodiversity related conventions* (Nairobi: UNEP, 2016).

IV. Legal Preparedness for Achieving SDG 15 with Canadians

The SDGs and Agenda 2030 can promote the transformational change necessary for economies and societies to acknowledge the role and value of biodiversity and ecosystems for economic and social development, and provide the enabling conditions for biodiversity conservation and sustainable use, for more equitable sharing of benefits, and a reduction of the drivers of biodiversity loss.¹⁴⁷ The effectiveness of these efforts is likely to play a key part in the successful realization of SDG 15. Domestic law, policy and governance reform is likely to play an important role in many countries, and updated NBSAPs can be used as a key instrument to chart a road map to develop more effective legal, policy and governance measures.¹⁴⁸

Integration of SDG 15 into policy planning is beneficial at all levels of government. Legal preparedness for achieving SDG 15 follows a stepwise approach of adoption, consultation, implementation, and refinement.

1. **Policy formulation and outline:** Begin by adopting SDG 15 and the relevant targets and establishing a commitment for development, implementation, and refinement based on a clear timeline and metrics. This often consists of a policy statement and high-level targets such as a designated percentage of protected areas by 2030.
2. **Legal preparedness assessment:** Take stock of law and governance instruments in place within and/or applicable to the jurisdiction and identify those that support the designated objective.
3. **Prioritize policy initiatives and reforms:** Engage with relevant stakeholders – governmental, civil society, and aboriginal – to consult on prioritization of relevant programs, initiatives, and reforms. Through consultations the relevant aspects of the SDG target may be contextualized and informed by local stakeholder considerations.
4. **Legal action plan:** Identified priorities should be outlined in a formal action plan with established milestones and metrics, as well as appropriate financial resources to support the initiatives.
5. **Monitoring and refinement:** Legal and policy reform would benefit from a learning-by-doing model informed by iterative reporting and refinement. Established reporting requirements should continue to inform fine-tuning of initiative to broaden implementation.

Governance of biodiversity in Canada is facilitated by a broad set of legislative tools at the federal, provincial and territorial levels which lay the groundwork for achievement of the SDGs. However, given the breadth of intersections, and governance actors at all levels, a crucial factor underpinning achievement of the 2030 Agenda in Canada will be effective communication, coordination, and cooperation at all levels. Effectively engaging and supporting governance institutions at all levels, including Aboriginal Nations, to localize the SDGs into decision making will assist in mainstreaming

¹⁴⁷ The Future We Want, *supra* at para 197; The Road to Dignity by 2030, *supra* at 34; UN, Technical Support Team Issues Brief: Biodiversity at 1-2, online: http://sustainabledevelopment.un.org/content/documents/2401TST_Issues_Brief_Biodiversity_FINAL.pdf.

¹⁴⁸ Updated NBSAPs are called for in Aichi Biodiversity Target 17: “By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan.”

priorities and delegation of implementation actions. Rapidly increasing conservation activities for biodiversity-rich ecosystems, broadening of incentivization programs, and creating pathways for equitable access and utilization of TK to inform sustainable development policies, priorities, and practices would further support achievement of the SDGs in Canada.

V. Recommended Resources

Books:

Sumudu Atapattu, ed., *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Cambridge: Cambridge University Press, 2016).

Marie-Claire Cordonier Segger, HE C.G. Weeramantry, eds., *Sustainable Development in International Courts and Tribunals* (Routledge, 2017).

Marie-Claire Cordonier Segger, Frédéric Perron-Welch, Christine Frison eds., *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge: Cambridge University Press, 2013).

Marie-Claire Cordonier Segger, Markus Gehring and A. Newcombe, eds., *Sustainable Development in World Investment Law* (The Hague: Kluwer Law International, 2010).

Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004).

Marie-Claire Cordonier Segger and Judge C.G. Weeramantry, eds., *Sustainable Justice: Integrating Environmental, Social and Economic Law* (Leiden: Martinus Nijhoff, 2004).

Claire Fenton-Glynn, ed., *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations* (Cambridge: Cambridge University Press, 2019).

Alexandra Harrington, *International Organizations and the Law* (Routledge, 2018).

Hoi Kong, L. Kinvin Wroth, eds. *NAFTA and Sustainable Development: The History, Experience and Prospects For Implementation* (Cambridge: Cambridge University Press, 2015).

Armand L.C. de Mestral, P. Paul Fitzgerald & Tanveer Ahmad, eds., *Sustainable Development, International Aviation, and Treaty Implementation* (Cambridge: Cambridge University Press, 2018).

Michel Morin, Marie-Claire Cordonier Segger, Fabien Gelin, and, Markus Gehring, *Responsibility, Fraternity and Sustainability in Law: In Memory of the Hon Charles Doherty Gonthier* (LexisNexis, 2012).

Chidi Oguamanam ed., *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* (Cambridge: Cambridge University Press, 2018).

Stavros Tasiopoulos, *Climate Change & International Energy Law: Renewable energy as a necessary legal instrument* (Oxford: Oxford University Press, 2018).

Articles and Reports:

Sumudu Atapattu & Sean S. Fraser, "SDG 1 on Ending Poverty in all its Forms: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

Stuart Bruce & Sean Stephenson, “SDG 7 on Sustainable Energy for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Jorge Cabrera, Frédéric Perron-Welch & Balakrishna Pisupati, “SDG 15 on Terrestrial Ecosystems and Biodiversity: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Marie-Claire Cordonier Segger, “Advancing the Paris Agreement on Climate Change for Sustainable Development” *Cambridge Journal of International and Comparative Law* 2016 Vol 5:2, 38.

Marie-Claire Cordonier Segger, “Sustainable Development through the 2015 Paris Agreement” *Canadian International Lawyer* 2017 Vol 11:2, 155.

Marie-Claire Cordonier Segger, Freedom-Kai Phillips, “Indigenous Traditional Knowledge for Sustainable Development: The Biodiversity Convention and Plant Treaty Regimes” *Journal of Forest Research* (2015) 20:5, 430.

Claire Fenton-Glynn & Pamela Sambo, “SDG 4 on Ensuring Inclusive and Equitable Quality Education: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Markus Gehring, Sean. Stephenson & Marie-Claire Cordonier Segger, “Sustainability Impact Assessments as Inputs and as Interpretative Aids in International Investment Law” *Journal of World Investment and Trade* 2017 Vol 17, 130.

Markus Gehring, Freedom-Kai Phillips & William B. Shipley, “SDG 12 on Ensuring Sustainable Consumption and Production Patterns: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Alexandra Harrington & William B. Shipley, “SDG 5 on Gender Equality: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Konstantia Koutouki & Freedom-Kai Phillips, “SDG 14 on Ensuring Conservation and Sustainable Use of Oceans and Marine Resources: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Katherine Lofts, Sharawat Shamin, Sharaban Tahura Zaman & Robert Kibugi, “SDG 13 on Taking Action on Climate Change and its Impacts: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Freedom-Kai Phillips, “Intellectual Property Rights in Traditional Knowledge: Enabler of Sustainable Development,” *Utrecht Journal of International and European Law* (2016) 32(83), pp. 1–18.

Freedom-Kai Phillips, Cameron A. Miles, Ashfaq Khalfan, & Maria Lechner Reynal, “SDG 6 on Ensuring Water and Sanitation for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Maya Prabhu, Stephanie Blakely, “SDG 3 on Ensuring Healthy Lives and Promoting Well-Being for All at All Ages: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Web Resources:

Centre for International Sustainable Development Law (CISDL), online: <www.cisd.org>.

International Law Association (ISA), online: <<http://www.ila-hq.org/>>.

International Law Association Canada (ISA Canada), online: <<http://ila-canada.ca/>>.

Sustainable Development Solutions Network (SDSN), online: <<http://unsdsn.org/>>.

World Commission on Environmental Law (IUCN-WECL), online: <www.iucn.org/commissions/world-commission-environmental-law>.

IUCN Academy of Environmental Law (IUCN-AEL), online: <www.iucnael.org/en/>.

Annex I: Domestic Legal Instruments: Overview Table

Federal

Canada National Parks Act, SC 2000, c 32.

Nunavut Land Claims Agreement, SC 1993, c 29.

Canada Wildlife Act, RSC 1985, c W-9.

Species at Risk Act, SC 2002, c 29.

Forestry Act, RSC 1985, c F30.

Provincial / Territorial

SDG 15.1

Wilderness Areas Protection Act, RSNS, 1998, c. 27, Sec 2.

Islands Trust Act, RSBC 1996, Chapter 239.

Islands Trust Natural Area Protection Tax Exemption Regulation, BC Reg 41/2002.

Loi sur la conservation du patrimoine naturel, RLRQ c C-61.01.

SDG 15.2

Forest Planning and Practices Regulation, BC Reg 14/2004.

Forest Act, RSBC 1996, Chapter 157.

The Forest Health Protection Act, CCSM c F151, (2007), Sec 26.1.

Clean Environment Act, RSNB 1973, c C-6, Art 4.2(1), 5(2).

SDG 15.3

BC, *Flood Response Plan*, (23 March 2013).

SDG 15.5

Loi sur les espèces menacées ou vulnérables, RLRQ c E-12.01.

Consolidation of Wildlife Act, S. Nu. 2003, c.26.

SDG 15.6

Scientists Act, R.S.N.W.T. 1988, c. S-4.

Territorial Parks Act, RSNWT 1988, c T4.

Scientists and Explorers Act, RSY 2002, c 200.

SDG 15.7 / SDG 15.c

Wildlife Act, SWNT 2013, c 30.

Wildlife Licenses and Permits Regulations, NWT 027/92.

SDG 15.8

Invasive Alien Species Working Group, *Alberta Invasive Alien Species Management Framework*, (27 July 2010, Draft).

Agricultural Pests Act Pest and Nuisance Control Regulations, AB Reg 184/2001, 9 With amendments up to and including Alberta Regulation 126/2016).

Weed Control Act, Statutes of Alberta (2008), Chapter W-5.1.

Alberta, 2017 Annual Report, Alberta Aquatic Invasive Species Program (2017).

Federal-Provincial-Territorial Invasive Alien Species Task Force, *Recommendations to Improve Invasive Alien Species Prevention and Management in Canada* (2017).

SDG 15.9

Crown Forest Sustainability Act, SO 1994, c 25.

SDG 15.a / SDG 15.b

Sustainable Environment Fund Act, RSBC 1996, c 445.

Annex II: About the Project

The Sustainable Development Goals (SDGs) offer Canada a unique opportunity to assess the many areas of policy innovation in which it is already excelling at the national and provincial levels, as well as to craft new, durable implementation mechanisms that will benefit Canadians and the international community now and in the future. As Canada embarks on the development of its National Strategy on the SDGs, this is a critical moment for analysis of existing laws and dialogue regarding new legal and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada: What’s Law Got to Do with It?” conference, the Centre for International Sustainable Development Law (CISDL) and its partners, along with the Sustainable Development Goals Unit at Employment and Social Development Canada and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 4 (quality education), 7 (affordable and clean energy), 13 (climate action), 14 (life below water), 15 (life on land) and 16 (peace, justice and strong institutions). Overall, the SDGs are an indivisible construct of Agenda 2030, however these particular SDGs were chosen for focus at this conference because they relate to climate change, biodiversity, education and institution building, which together form the foundation of systems and issues that must be analyzed and established in order to meaningfully achieve the SDGs in Canada. This event convened local, regional and national stakeholders, academics, policy makers, lawyers and legal experts located at four sites around the country – Waterloo, Montreal, Halifax and Victoria – through a virtual meeting platform. Additionally, governmental officials and other experts not present in these locations were able to join through the virtual meeting system, allowing for further diversity in perspectives and insights.

In addition to the conference, a set of 5 SDG focused Issue Briefs have been published by the CISDL and are being shared across a number of national and international networks in order to reach a large audience of stakeholders and interested member of the public. The findings of the conference and research conducted in conjunction with it also serve as the basis for a series of new modules on the SDGs that will be offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada. In the approximately 2 months since these new modules were announced, registrations for the CLE course has more than quintupled, indicating a strong interest in these topics among those in the legal and policy fields throughout Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “when Canada submitted its National Voluntary Review last year before the United Nations, Canada recognized that the 2030 Agenda for Sustainable Development is among the defining global frameworks of our time. And further, the Government of Canada strongly supports the overarching principle of the 2030 Agenda, to leave no one behind. Canada is a staunch supporter of SDG 16 and its inclusion in the 2030 Agenda marked a milestone.” These words highlight the importance of the SDGs to Canada and the need to understand the place they currently occupy in existing Canadian national and provincial law as well as the areas in which Canada can create new laws and policies that will ensure the inclusion of Canadians and serve as an example to the international community.



Contact Information

**Centre for International
Sustainable Development Law
(CISDL)**

Chancellor Day Hall, 3644
Peel Street

Montreal, Quebec H3A 1W9,
Canada

Tel +1 818-685-9931 | Fax
+1 514-398-4659

www.cisd.org