

August 23, 2025

The Honourable Dominic Leblanc
President of the King's Privy Council for Canada
85 Sparks Street
Room 1000
Ottawa, Ontario K1A 0A3
deliver via email (info@pco-bcp.gc.ca)

Re: Impact of ICJ Advisory Opinion on Canadian List of National Projects 2025

The Government of Canada passed Bill C-5, The One Canadian Economy Act, which received Royal Assent on June 26, 2025. One of the objectives of The One Canadian Economy Act is to expedite the implementation of a list of national interest projects—yet unnamed—though there is definitely lobbying by the fossil fuel sector for more pipelines. That's understandable; the fossil energy sector has a long record of success obtaining taxpayer funding for its projects, despite many years of record profits. Sustainable approaches generally have not received that degree of encouragement from Canadian governments.

I feel this government is obligated to consider long-term consequences of major short-term actions envisaged by implementing the national interest projects. Specifically, as this government has cancelled the carbon pricing and consumer rebates system, I think it should pay particular attention to the recent Advisory Opinion by the International Court of Justice, both because Canada is a member state, and because it is about fundamental justice for people living on this planet. These national project decisions have more than financial long-term consequences. They are an opportunity to lead, not just govern.

Summary of the ICJ Advisory Opinion on the Obligations of States in Respect of Climate Change

a) States (e.g. Canada) have legally binding obligations under international law to protect the climate system and environment, requiring them to take urgent mitigation and adaptation measures to prevent significant harm from human-induced climate change. The obligations may be owed to other states, peoples or individuals (potentially the state's own residents).

b) A state may be subject to the entire panoply of legal consequence provided for under the law of State responsibility, including :

(i) restitution—that is, restoring the situation to its original state prior to the wrongful act (although the ICJ acknowledged this “may prove difficult or unfeasible in the case of environmental harm”);

(ii) offering **financial compensation**; or

(iii) undertaking other appropriate actions, such as issuing an apology or making a public statement.

With that clarion call to act more responsibly on GHG emissions and climate change drivers (mitigation), this quote comes to mind.

"The core will be to electrify everything and simultaneously develop green electricity. Achieving net zero will require moving away from fossil fuels to renewable, decarbonising transport and reducing emissions from industrial processes."

Mark Carney in VALUE(S) 2021

I implore the government of Canada to take these messages from credible authorities to heart as it develops evaluation criteria for major projects the federal Cabinet determines what will be funded by taxpayers in the national interest.

In short, we need to start acting as though we intend to continue living on this planet, and stop treating it like a single-use consumable.

Wishing you wisdom, strength and courage,



Darryl McMahon

Independent Project Manager, Sustainable Systems

Award winning author (selected publications below)

- [The Emperor's New Hydrogen Economy \(website\)](#)
- [Electric Mobility Canada Backgrounder—Part of Canada's Climate Change Solution](#)
- [The Inevitable Electric Car](#)
- [The LSV — A Made in Canada Solution, Not Welcome in Canada](#)
- [Potential Uses for Waste Vegetable Oil](#)

Director, Remote Energy Security Technologies Collaborative (efficient, healthy housing)