

ENVIRONMENTAL RIGHTS CAN HELP FIGHT INEQUALITY

According to a 2009 United Nations report, First Nations homes are 90 times more likely to be without safe drinking water than other Canadian homes. One in four low-income Canadians live within a kilometre of a major source of industrial pollution. Time and time again, low-income and indigenous communities are forced to bear a disproportionate burden of environmental harm.

The right to a healthy environment could help fix these inequities by compelling governments to ensure that — regardless of who they are or where they live — every Canadian is entitled to a minimum standard of environmental quality.

ENVIRONMENTAL RIGHTS COULD HELP INTEGRATE INDIGENOUS AND CANADIAN LAW

The Supreme Court of Canada has acknowledged that reconciliation efforts require the integration of Indigenous legal concepts into Canadian law.

The longstanding legal traditions of Canada's Indigenous peoples recognize the idea of a living Earth, with a set of rights and responsibilities to govern relationships between humans and the natural world. Mi'kmaq law, for instance, is rooted in ecological relationships, extending personhood to animals, plants, insects, and rocks, and imposing legal obligations on Mi'kmaq persons.

Adding environmental rights and responsibilities to Canada's Constitution could have the powerful effect of weaving Indigenous law with the common and civil law in our legal system.

PEOPLE & THE PLANET

Nature is essential to human survival. It provides us with everything we need to live, from building materials to medicines, and essential services like pollination and climate regulation. When the planet suffers, so do people.

In the last 50 years, the right to a healthy environment has gained recognition faster than any other human right. More than 100 countries now recognize their citizens' constitutional right to a healthy environment.

Now it's Canada's turn.

ARE INTERDEPENDENT



Special thanks to former Ecojustice executive director Dr. David R. Boyd for his leadership on the issue of environmental rights in Canada.

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THE
RIGHT
TO A

Healthy
ENVIRONMENT

9 Things Canadians Should Know

CANADA DOES NOT RECOGNIZE OUR RIGHT TO A HEALTHY ENVIRONMENT

While more than half — 53 per cent — of Canadians polled say they think that the right to a healthy environment is already enshrined in the Charter of Rights and Freedoms, it is not. In fact, the word “environment” does not appear anywhere in the Constitution.

The majority of Canadians, however, agree that people should have the right to a healthy environment. And more than 90 per cent of Canadians polled said that guaranteeing the right to live in a healthy environment is the right thing to do to protect the environment and future generations.

WE HAVE ONE OF THE WORST ENVIRONMENTAL RECORDS IN THE INDUSTRIALIZED WORLD

The Conference Board of Canada has ranked Canada’s environmental performance 15th out of 17 large, industrialized countries. The top 13 countries ranked recognize the right to a healthy environment, while the bottom four do not (Japan, Canada, Australia and the United States).

Meanwhile, enforcement of Canada’s existing environmental laws ranges from weak to non-existent. Consider this: The Toronto Public Library collects more in fines for overdue books in a single year than the federal government has collected under the *Canadian Environmental Protection Act* since it was first passed in 1988.

ENVIRONMENTAL RIGHTS MEAN STRONG ECONOMIC PERFORMANCE

According to the Conference Board of Canada’s rankings, industrialized countries that recognize the right to a healthy environment have better environmental records than Canada and outperform us economically.

After Norway recognized environmental rights in its constitution in 1992, it introduced industry regulations that require zero discharge of toxic chemicals into the marine environment. Since then, discharge has fallen from thousands of tonnes per year to virtually zero — even as Norway continues to be one of the world’s top oil producers.

We’ve seen how strong environmental standards can spur innovation and new technologies in Canada too. After the Walkerton tragedy, Ontario introduced a robust drinking water law — widely considered to be the strongest in the country — which led to the emergence of a thriving cluster of water treatment businesses and researchers in the province.

CANADA’S ENVIRONMENTAL LAWS ARE FALLING BEHIND

While Canadian politicians claim that our environmental laws and regulations are world-class, this is simply not true. Unlike the U.S. and the European Union, Canada has no legally-binding national standards for air quality or drinking water. Canada also allows the sale and use of hundreds of pesticide products banned in Europe, and has weaker rules governing toxic substances like asbestos and formaldehyde.

Recognizing the right to live in a healthy environment could catalyze improvements to our environmental laws, policies and standards, ensuring that Canadians are no longer treated as second-class citizens compared to residents of other countries.

ENVIRONMENTAL RIGHTS CAN BLOCK ATTACKS ON ENVIRONMENTAL LAWS

As we saw with the weakening of vital federal environmental laws in 2012, including the *Fisheries Act*, *Canadian Environmental Assessment Act* and *National Energy Board Act*, Canadian governments can roll back environmental protections at any time.

In countries that recognize environmental rights, this is often not the case. Courts in many of these countries have recognized the “non-regression principle,” which interprets the right to a healthy environment to mean that existing environmental laws can be strengthened, but never weakened.

HEALTHY ENVIRONMENT = HEALTHY PEOPLE

The World Health Organization and the Canadian Medical Association estimate that tens of thousands of premature deaths and millions of preventable illnesses are caused each year in Canada by air pollution, contaminated water, and other environmental hazards.

Evidence from around the world suggests that the right to a healthy environment could trigger the creation of new environmental laws, or require existing ones to be strengthened. For example, the constitutional right to a healthy environment spurred the clean-up of the most polluted neighbourhood in the Argentine capital of Buenos Aires, and led to a law prohibiting all cosmetic or non-essential uses of pesticides in France.