

New law gives Canadians legal right to healthy environment

Cornerstone environmental legislation introduced June 5, 2008

Three leading environmental organizations are using the United Nations' World Environment Day to launch the first Canadian Environmental Bill of Rights (CEBR), model legislation that would enshrine in law the right of all Canadians to a healthy environment.

The proposed Environmental Bill of Rights was researched and drafted by pro bono lawyers at Ecojustice (formerly Sierra Legal Defence Fund), on behalf of Friends of the Earth Canada and the Sierra Club Canada. The groups are asking parliamentarians from all federal parties to advance the legislation through the House of Commons.

"We are calling on our political leaders to rise above the gridlock of a minority government to embrace this transformative piece of legislation," said Margot Venton, one of the Ecojustice lawyers who drafted the legislation. "Passing the Canadian Environmental Bill of Rights is both a rare and urgent opportunity for all parties to show political leadership at a time when it is sorely needed."

The Bill would strengthen Canada's framework for protecting the environment, by establishing a statutory (rather than a constitutional) right to a healthy environment and by imposing a legal duty upon Ottawa to protect this right. Environmental rights are well established in law. Over 100 countries recognize the right to a healthy environment in their constitutions, and Ontario, Quebec, Yukon and Northwest Territories have provided a statutory right to a healthy environment.

"It's time that Canada caught up with the rest of the world in recognizing the rights of citizens to a healthy environment," said Beatrice Olivastri, CEO, Friends of the Earth Canada. "Canadians, everywhere in this country, deserve protection against environmental destruction and its negative impacts on their health."

Beyond establishing this basic environmental right, the Bill would also guarantee key procedural rights, such as access to environmental information, the ability to participate in environmental decision-making, and the ability to request investigations and policy reviews. As well, it would empower Canadians, in specific and limited circumstances, to sue the federal government when it fails to enforce its environmental laws.

"Canadians deserve environmental accountability, and the federal government must earn the trust of Canadians," said William Amos, a lawyer at the uOttawa Ecojustice Environmental Law Clinic. "If federal laws and regulations are not being enforced, citizens need affordable recourse to the judicial system."

The enforcement provisions of the proposed Bill are similar to federal and state laws passed in the U.S. in the 1970s that give citizens the ability to take legal action when environmental laws are not being enforced. Canada's

provincial and territorial laws, as well as certain federal laws like the Canadian Environmental Protection Act, provide for limited citizen enforcement mechanisms.

“This is a historic opportunity for Parliament,” said Jean Langlois, National Campaigns Director of Sierra Club Canada. “The interests of individual Canadians are compromised when decisions run roughshod over our common natural legacy. Our legal system currently provides limited and costly opportunities for the public to address such injustices. The CEBR would finally give all Canadians the tools necessary to protect their environmental rights.”

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