

The University of British Columbia



**Institute for Resources,
Environment & Sustainability**

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April 23, 2019

First of all, I would like to recognize and congratulate the Northwest Territories for its leadership within Canada in enacting the Environmental Rights Act back in 1988. The NWT was the second jurisdiction in Canada (after Quebec in 1978) to pass a law recognizing its citizens' right to live in a healthy environment. More than thirty years have passed, and as the Government of the Northwest Territories has acknowledged, it is time to renew the law to make it more effective in addressing the environmental challenges of the 21st century.

Much has changed since 1988, both in terms of our knowledge about ecological systems and the impacts of human activities upon those systems. Despite international, national and local efforts, the diversity and abundance of wild species on Earth continue to decline. Similarly, the impacts of climate change continue to accelerate while greenhouse gas emissions continue their steady upwards march. Pollution continues to wreak deadly havoc, causing an estimated nine million premature deaths annually. The vast majority of these deaths occur in low and middle-income countries. However, Canada is not immune to this problem. Health Canada estimates that more than 14,000 Canadians die prematurely each year because of exposure to air pollution. It is clear that far stronger steps need to be taken if we are to fulfill our solemn responsibility to pass on to our children a world that is as healthy as the one we inherited from our parents.

The past three decades also offer extensive lessons regarding good practices in the implementation of the newfound human right to live in a healthy and sustainable environment. This right is now constitutionally protected in over 100 countries, included in international treaties ratified by 130 countries, and embedded in environmental laws in over 100 nations. In total, more than 150 countries have legal obligations to respect, protect, and fulfill their citizens' right to live in a healthy and sustainable environment.

I have read the submission prepared by Professor Lynda Collins of the University of Ottawa. It is a comprehensive and compelling document, and I wholeheartedly endorse all of her recommendations for improving the NWT Environmental Rights Act through amendments to Bill 39. I urge you to take the time to incorporate her recommendations into the revised Act, as the proposed changes would bring the NWT in line with current good practices in other nations.

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If the Northwest Territories wishes to demonstrate more ambitious leadership, then I encourage the Government to endorse the vision demonstrated by nations from New Zealand to Ecuador, and be the first Canadian territory/province to recognize both our legal responsibility to be stewards of the natural world and the rights of nature to be safeguarded from human harm. Recognizing these responsibilities and rights would be consistent with Indigenous law, which I believe deserves recognition as one of Canada's three founding legal systems (along with common law and civil law).¹ If you are interested I would welcome the opportunity to provide draft language for the NWT based on provisions enacted in other jurisdictions.

In a world besieged by a series of man-made environmental crises, this is not the time to merely tinker with potentially essential legislation such as the Environmental Rights Act. The gravity of our challenges demands a bolder and more ambitious approach to Bill 39.

Respectfully,

A handwritten signature in black ink that reads "DR Boyd". The signature is written in a cursive, flowing style.

David R. Boyd

UN Special Rapporteur on human rights and the environment

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¹ See John Borrows, 2010. *Canada's Indigenous Constitution*. University of Toronto Press.