

Presenters

Heather McLeod-Kilmurray

Associate Professor at the Centre for Environmental Law and Global Sustainability at the Faculty of Law, University of Ottawa

Opening remarks

Biography: Heather McLeod-Kilmurray is an Associate Professor at the Centre for Environmental Law and Global Sustainability (CELGS) at the Faculty of Law, University of Ottawa. She was the founding Director of CELGS and is a past Director of the IUCN Academy of Environmental Law. Her research deals with toxic torts, environmental ethics and legal process, the Canadian oil sands, environmental justice, the relationship between science and courts, and food law including GMOs and Industrial Factory Farming. She is co-author of *The Canadian Law of Toxic Torts* (Canada Law Book) with Prof. Lynda Collins. She has co-edited several books in the IUCN Academy Environmental Law Series (Edward Elgar) such as *Climate Law and Developing Countries; Biodiversity and Climate Change*; and *The Law and Policy of Biofuels*. She teaches Food Law, Climate Change and Legal Change, Law and Sustainability, Torts and Legal Writing, Environmental Law and Administrative Law. She is a former part-time member of the Ontario Environmental Review Tribunal.

Prof. John Knox

UN special rapporteur on human rights and the environment

Video greeting

Biography: John Knox is the first Independent Expert on human rights and the environment appointed by the Human Rights Council in 2012. The mandate was renewed for another three years in 2015 as Special Rapporteur. Mr. Knox was appointed as the first Special Rapporteur in 2015.

John Knox is the Henry C. Lauerman Professor of International Law at Wake Forest University, in North Carolina, where he teaches and writes on human rights law, environmental law, and their relationship with one another.

He received his law degree from Stanford University in 1987. After graduation, he worked as an attorney for the U.S. Department of State, where he participated in the negotiation of the Human Rights Defenders Declaration, the Declaration on the Elimination of Violence Against Women, and the North American Agreement on Environmental Cooperation. Since becoming a professor in 1998, he has advised a number of international and national bodies, including by serving as the chair of a national advisory committee to the U.S. Environmental Protection Agency, as special counsel to the Center for International Environmental Law, and as a *pro bono* advisor on human rights and climate change to the Government of the Maldives.

MP William Amos (Pontiac)

Government member of the House of Commons Standing Committee on Environment and Sustainable Development

“The Standing Committee’s consideration of the Canadian Environmental Protection Act”

Abstract: On June 15, 2017, the House of Commons Standing Committee on Environment and Sustainable Development completed a 14-month study of the Canadian Environmental Protection Act, 1999, and tabled 87 recommendations for strengthening the Act. CEPA is Canada's main law governing pollution prevention and the regulation of toxic substances. There is broad recognition that environmental health risks have evolved since the Act was passed in 1999, and that changes are needed to modernize and improve CEPA. The Standing Committee heard considerable testimony about the need to integrate a human rights approach in CEPA and ultimately recommended that the government consider a series of amendments to formally recognize the right of all Canadians to a healthy environment. The Standing Committee's report also noted that numerous aspects of CEPA implicitly exemplify substantive and procedural dimensions of environmental rights. The Standing Committee recommended amendments to strengthen these provisions, as well.

Biography: Will is a recognized expert in environmental law and natural resources. For years he has been advocating for environmental protection and sustainable resource development – holding governments and corporations accountable to Canadians. He has also written numerous publications on various environmental law topics and has participated on a number of parliamentary committees. During his career, Will has worked in various legal areas throughout the private, public and non-profit sectors.

Prior to his election, Will was the regional director of a national environmental law charity, which offers legal advice free of charge to community groups and individuals regarding environmental matters. He also taught at the University of Ottawa and was a regular guest commentator in the national media, speaking on a range of issues.

Active in the community, Will has been a long-time boards of directors’ member for the Chelsea Foundation and Sierra Club Canada. He has also been a volunteer for Big Brothers Big Sisters and for Santropol Roulant. Will Amos holds a Bachelor of Arts and Science from McMaster University, a Master of Arts in Political Science from the University of British Columbia and a double degree of civil law and common law from McGill University.

MP Linda Duncan (Edmonton-Strathcona)

NDP critic for international development, deputy critic for environment and climate change and vice chair of the Standing Committee on Environment and Sustainable Development

“Thrice tabled Bill C202: Canadian Environmental Bill of Rights”

Abstract: In 2009, MP Linda Duncan introduced for the first time a private member’s bill that, if enacted, would establish a Canadian Environmental Bill of Rights. This would extent a full bundle

of environmental rights and duties to decisions made under all federal laws related to the environment. Liberal and Bloc Québécois opposition parties, as well as the NDP, supported the original bill and it achieved Committee approval (with substantial amendments). However, it died on the Order Paper when Parliament prorogued for the 2011 election. Ms. Duncan has re-introduced her bill on two occasions, most recently in December 2015 as Bill C-202. In the course of the Standing Committee on Environment and Sustainable Development's recent review of the Canadian Environmental Protection Act, the NDP strongly endorsed recommendations to prescribe a substantive right to a healthy environment, and a mandatory duty of the government to administer and enforce *CEPA* according to environmental rights and principles of environmental justice. While *CEPA* does extend some limited rights and opportunities, which should be expanded, significant gaps remain in extending a full bundle of rights and protections in that law and all the other federal laws in the absence of stand-alone environmental rights legislation. Another important needed reform is to reference the rights accorded under the UNDRIP in all laws.

Biography: Linda Duncan was elected MP for Edmonton Strathcona in 2008—becoming just the second New Democrat MP ever from the province of Alberta, and the only non-Conservative to represent the province in the 40th Parliament. She was re-elected in 2011 and 2015 and has worked hard to get results for middle-class families.

Linda currently serves as the NDP's Critic for International Development and the deputy critic for Environment and Climate Change. She previously served as Critic for Transport, for Aboriginal Affairs and Northern Development, for Public Works and Government Services, and for Western Economic Diversification. In every role, she has fought hard to ensure that Albertans can no longer be taken for granted in Ottawa.

Before entering Parliament, Linda worked as an international environmental law consultant based in Edmonton. She held a senior portfolio as the Chief of Enforcement for Environment Canada, and served as Assistant Deputy Minister for Renewable Resources for the Yukon government. Internationally, she has served as a senior legal advisor to Indonesia, Bangladesh and Jamaica in instituting programs for effective environmental enforcement. Linda is a graduate of Strathcona High School and the University of Alberta.

Ms. Florence Ferrari

Deputy head of mission, French Embassy in Ottawa

“The French proposal for a Global Pact for the Environment”

Abstract: International environmental law is currently fragmented into many sector-specific and often non-binding treaties and international instruments. With that in mind, and considering the growing threats to our environment, France has launched a worldwide initiative to introduce a Global Pact for the Environment. The Pact, which France wants to be legally binding, would establish the right to a healthy environment and would consolidate and complement existing law over the long term to better address the environmental challenges that our societies are facing.

Florence Ferrari will focus on the reasons for the initiative and provide an update on the progress made thus far.

Biography: Florence Ferrari started her career in 1995 as a Desk Officer in the Continental Europe Department of Ministry of Foreign Affairs, Paris. She participated in a diplomatic exchange, working for one year in the Federal Foreign Office of Germany in Bonn. She went on to work in Brussels, first as a counselor in the Permanent Representation of France to the European Union, and later as seconded national expert with the European Commission, Directorate-General Enlargement. From 2005 to 2009, she returned to Paris as department head of the Secretariat-General for European Affairs in the Office of the French Prime Minister. From 2013 to 2015, she worked at the Ministry of Foreign Affairs in Paris until her appointment to the French Embassy in Ottawa, as deputy head of mission, in 2015.

Ms. Kaitlyn Mitchell

Staff lawyer and environmental rights chair, Ecojustice

“Environmental rights as a pillar of environmental justice”

Abstract: Environmental justice refers to the equitable distribution of environmental hazards and benefits in Canadian society. It includes both fair treatment and meaningful involvement of people, regardless of characteristics such as race, colour, national origin, income, or membership in a historically disadvantaged community with respect to the development, implementation, and enforcement of environmental and public health laws, regulations, and policies. The goal of environmental justice will be achieved when all Canadian communities enjoy the same degree of protection from environmental hazards and access to decision-making processes to ensure that residents’ right to a healthy environment is fulfilled.

Unfortunately, evidence demonstrates that throughout Canada, marginalized groups, such as low-income populations and Indigenous communities, are disproportionately exposed to and impacted by environmental hazards. Kaitlyn will explain why environmental rights are an important tool for addressing environmental injustice in Canada. Legal recognition of the right to a healthy environment would enshrine the human right to an environment that is adequate for health and well-being, and the notion that individuals have this right regardless of race, income, or place of residence. Federal and provincial governments’ failure to recognize this right in law makes Canada an outlier on the international stage and puts the health of Canadians at risk.

Biography: Kaitlyn graduated from Dalhousie law school in 2007 with a specialization in environmental law. She articulated at the Canadian Environmental Law Association, where she remained on as counsel until 2010. Since that time, Kaitlyn has worked at Ecojustice as a staff lawyer. She is also the chair of Ecojustice’s environmental rights working group, and focuses her practice on issues of environmental rights and environmental justice in Canada. Kaitlyn works to strengthen environmental laws to protect the human right to a healthy environment, and to enforce environmental laws before Ontario courts, the Federal Court and Federal Court of Appeal, and Supreme Court of Canada.

Mr. Mike De Souza

Managing editor, National Observer

“Reflections on The Price of Oil series”

Abstract: The presentation will focus on how National Observer investigated the Price of Oil series (<https://www.nationalobserver.com/special-reports/price-oil>), the challenges and obstacles that we faced and what we learned about threats to public health, public safety and the relationship between oil patch companies and their regulators in government.

Biography: Mike De Souza is National Observer's Managing Editor. He has covered politics for more than a decade, focusing in recent years on energy and environment policies in government and industry. In 2017, Mike won a Canadian Association of Journalists award for his investigation that exposed a conflict of interest in the federal review of the Energy East pipeline project, which was subsequently terminated. A Montreal native, Mike has worked as a broadcast and print journalist in his home town, as well as the National Assembly in Quebec City, Parliament Hill in Ottawa and Calgary. He has worked for Reuters, Postmedia and The Montreal Gazette. He now leads National Observer's news coverage out of its Ottawa office on Parliament Hill. A specialist in filing targeted access to information requests, Mike is constantly pursuing multiple lines of questioning and investigations and he always has an eye open for his next scoop.

Ms. Vanessa Gray

Anishinaabe'kwe from Aamjiwnaang, land defender, founder of ASAP

“Environmental Racism in Canada: The Front-line Reality”

Biography: Vanessa Gray is a 25-year-old Anishinaabe kwe from Aamjiwnaang First Nation, located in Canada's Chemical Valley. As an organizer with ASAP, Aamjiwnaang and Sarnia Against Pipelines, she works with community members to bring awareness to the health issues resulting from her reserve's toxic surroundings. Her presentation will focus on the frontline reality of environmental racism in Canada.

Prof. Dinah Shelton

Manatt/Ahn professor of international law emeritus, George Washington University Law School

“The benefits of a rights-based approach to environmental protection”

Abstract: A human-rights-based approach to environmental protection has spread throughout the world in the past decades. It in part looks at how specific human rights, particularly of a procedural nature, can contribute to better environmental decisions. From the reverse perspective, it examines how environmental degradation results in violations of internationally-guaranteed human rights. The strongest approach, now widespread, looks to guarantee a new human right to a safe and healthy environment. While this approach encounters hurdles, it none the less adds considerably to earlier approaches based in private and public law and the marketplace.

Biography: Professor Dinah Shelton is the Manatt/Ahn Professor emeritus at the George Washington University Law School. She served as a member of the Inter-American Human Rights Commission (2010-2014) and 2010 she was president of the Commission. Professor Shelton is the author of three prize-winning books, *Protecting Human Rights in the Americas* (co-authored with Thomas Buergenthal), *Remedies in International Human Rights Law*, and the three-volume *Encyclopedia of Genocide and Crimes against Humanity*. She has also authored other articles and books on international law, human rights law, and international environmental law. Professor Shelton is a member of the board of editors of the American Journal of International Law. She has served as a legal consultant to international organizations and is on the board of numerous human rights and environmental organizations. In 2006, Professor Shelton was awarded the Elisabeth Haub Prize for Environmental Law and 2013 she received the Goler T. Butcher Medal in Human Rights; she was conferred the degree of doctor honoris causa at the University of Stockholm in 2012 and the Pazmany Peter Catholic University of Budapest in 2014.

Dr. David Boyd

Associate professor, Institute for Resources, Environment and Sustainability, University of British Columbia (via videoconference)

“The global environmental rights revolution”

Abstract: The right to a healthy environment enjoys constitutional recognition in at least 100 nations, is included in more than 100 nations’ environmental legislation, and is part of regional human rights treaties ratified by more than 120 nations. Is this right merely a paper tiger, or is it a powerful catalyst for a sustainable future?

Research demonstrates that incorporating this right in a country’s constitution leads directly to two important legal outcomes—stronger environmental laws and court decisions defending the right from violations. Perhaps most importantly, empirical evidence indicates that environmental rights contribute to stronger environmental performance, including cleaner air, safer drinking water, and smaller ecological footprints.

Biography: David R. Boyd is an associate professor of law, policy, and sustainability at the University of British Columbia. He has a PhD in Resource Management and Environmental Studies from UBC, a JD from the University of Toronto, and a business degree from the University of Alberta. His career has included serving as the executive director of Ecojustice, appearing before the Supreme Court of Canada, working as a special advisor on sustainability for Prime Minister Paul Martin, and advising Sweden, Iceland, Tunisia, Grenada, and other nations on environmental sustainability. Along with Mayor Gregor Robertson, he co-chaired Vancouver’s effort to become the world’s greenest city by 2020.

Boyd is also the author of nine books and over 100 reports and articles on environmental law and policy, human rights, and constitutional law. His books include *The Rights of Nature* (ECW Press, 2017), *The Optimistic Environmentalist* (ECW Press, 2015), *Cleaner, Greener, Healthier: A Prescription for Stronger Canadian Environmental Laws and Policies* (UBC Press, 2015) and *The*

Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment (UBC Press, 2012). For additional details, please see www.davidrichardboyd.com

Ms. Karine Peloffy

Director, Quebec Environmental Law Centre / Centre québécois du droit de l'environnement

“The Quebec experience with environmental rights”

Abstract: The presentation will explore Québec’s experience regarding its right to a healthy environment enshrined in section 46.1 of the Québec Charter of human rights and freedoms (2006) and in section 19.1 Environment Quality Act (1978). Although Québec’s right to a healthy environment exists to the extent and according to the standards provided by law, its adoption nevertheless meant that all Québec citizens became guardians of environmental law and can assist and insist on their enforcement. The presentation will examine Québec’s right to a healthy environment through recent case law, notably the court case to protect the Saint-Lawrence belugas. Moreover, it will demonstrate how mechanisms enshrined in Québec law facilitate access to justice and access to information.

Biography: Karine Péloffy has been a member of the Quebec Bar since 2007 and is the Executive Director of the Quebec Center for Environmental Law (CQDE) since 2014. She holds an M.Sc. in Environmental Change and Management from the University of Oxford and a B.C.L./LL.B. from McGill University’s unique trans-systemic law program. As the CQDE director, she has been active on the Center’s legal files, such as two successful injunctions to protect species at risk, including against a proposed oil export terminal in a beluga whale nursery in the Saint Lawrence River one that led to the first emergency decree to protect a specie at risk on private land in Canada.

Ms Péloffy is the working group lead on climate at the Multi-Interest Advisory Committee to the federal Environment and Climate Change Minister on environmental assessments reform; co-lead writer on climate themes for the Canadian Environmental Network’s advice to the Canadian Environmental Assessment Agency and was appointed on the Sustainable Development Advisory Council to the ECCC Minister regarding the 2016-2019 Sustainable Development Strategy. In 2013, Ms Péloffy published the first comparative law article on climate litigation in Canada and the US. More recently, she authored a chapter in *Climate Justice: Case Studies in Global and Regional Governance Challenges* (2017), which explores constitutional recourses available to indigenous peoples in Canada with regards to climate change mitigation and adaptation. She co-authored a report on energy transition and climate tests for Natural Resources Canada in the context of the National Energy Board modernization reform.

The CQDE, founded in 1989, aims to raise awareness and make accessible the legal tools necessary for organizations and citizens to defend their rights and ensure the implementation of environmental law in Quebec. It is the only organization that offers independent expertise on issues pertaining to environmental law in Quebec, and that gives citizens access to justice in environmental matters.

Prof. Nathalie Chalifour

Associate professor, Faculty of Law and co-director of the Centre for Environmental Law and Global Sustainability, University of Ottawa

“Earth v Emissions – Litigating the Right to a Stable Climate”

Abstract: We are likely to look back on the year 2015 as a turning point in the fight against climate change, not only because it was the year in which the Paris Agreement was concluded, but also because 2015 marks a watershed moment in climate litigation. On June 24, 2015, a Dutch court made history when it held that the government owed a legal duty to reduce its greenhouse gas (GHG) emissions by 25 per cent below 1990 levels by 2020. Only a few months later, a Pakistani court ordered the government to take steps to implement its national climate plan on the basis of the risks posed by climate change to the fundamental rights of its citizens. Closer to home, the U.S. government is facing a climate lawsuit by 21 youth plaintiffs and a guardian for future generations. When federal judge Ann Aiken rejected the government and fossil fuel industries’ motion to dismiss the case, she made history when she wrote that she has “no doubt that the right to a climate system capable of sustainable human life is fundamental to a free and ordered society,” and that “a stable climate system is quite literally the foundation of society without which there would be neither civilization nor progress.” This presentation will discuss the ways in which existing and emerging human rights are being brought into climate litigation around the world.

Biography: Nathalie Chalifour is an Associate Professor at the Faculty of Law and Co-Director of the *Centre for Environmental Law and Global Sustainability* at the University of Ottawa. Her research focuses on the intersection between environmental law, the economy, and social justice. Her most recent articles focus on equality rights and the environment, climate policy from a gendered perspective, the constitutionality of emerging carbon pricing policies and sustainable food. She is the co-editor of three international books, including “*Energy, Governance and Sustainability*” and a collection on Environmental Taxation. She was a contributing editor of a looseleaf text on *Brownfields in Canada* for a decade. She is currently co-leading a five-year SSHRC-funded project on *Environmental Justice in Canadian Law and Policy*. Nathalie recently led the development of a new interdisciplinary Master’s of Environmental Sustainability at uOttawa. Prior to joining the Law Faculty, Nathalie was senior advisor to the President of the National Round Table on the Environment and the Economy, and policy advisor for World Wildlife Fund and IUCN. She also taught at the University of Nairobi in Kenya. She holds a Doctorate of Law from Stanford University.

Prof. Lynda Collins

Professor, Faculty of Law, University of Ottawa

“The CEPA Opportunity”

Abstract: The Parliamentary review of Canada’s flagship federal environmental law, *The Canadian Environmental Protection Act*, is a historic opportunity to bring Canada in line with the vast majority of nations of the world, which recognize their citizens’ right to a healthy environment. With appropriate amendments, *CEPA* could recognize and *effectuate* the right to a

healthy and ecologically balanced environment. In order to do this, CEPA will need to address three distinct dimensions of environmental human rights that have been recognized internationally, for example, by the UN Special Rapporteur on Human Rights and the Environment. These are: i) the substantive right to environmental quality ii) the obligation of non-discrimination in environmental protection and iii) procedural environmental rights.

Biography: Lynda M. Collins is an Associate Professor at the University of Ottawa Faculty of Law and Co-Chair of the Centre for Environmental Law & Global Sustainability. Professor Collins is an expert in environmental human rights, including constitutional environmental rights, indigenous environmental rights, and rights sourced in civil causes of action. Professor Collins has testified in public hearings before both the House and Senate standing environment committees in Canada and in public hearings on intergenerational equity at the European Parliament. She also served as Co-Chair of the Province of Ontario's Toxics Reduction Scientific Expert Panel, which worked closely with the provincial government in developing Ontario's ground-breaking new *Toxics Reduction Act*. Along with Professor Heather McLeod-Kilmurray, she is co-author of a treatise on the Canadian law of toxic torts.

Mr. Eric Bertram

Deputy director, Human Rights and Indigenous Affairs, Global Affairs Canada

“Voices at Risk: Supporting human rights defenders”

Abstract: *Voices at Risk* provides guidance to Canadian officials supporting human rights defenders abroad. The guidelines encourage Canadian missions to work with stakeholders to integrate human rights defenders into networks that are both productive and protective. The document goes beyond previous guidelines in its inclusion of situations where the work of human rights defenders touches on Canadian business interests. Canadian civil society organizations have a crucial role to play in helping Canadian diplomatic missions to apply the guidelines effectively.

Biography: Eric Bertram has extensive experience working on the intersection of human rights, diplomacy, and foreign investment. A former CBC journalist, he joined the Foreign Service in 1997, and has been posted to Philippines, Peru, and Tanzania. He has negotiated on behalf of Canada at the Biodiversity Convention, the World Trade Organization, and the UN Human Rights Council. His current work focuses on human rights and on Indigenous affairs.

Dr. Peter Wood

National campaign manager, environmental rights, David Suzuki Foundation

“The Blue Dot Movement for environmental rights in Canada”

Abstract: Since 2014 the Blue Dot movement for environmental rights has been gaining momentum, with more than 100,000 supporters across Canada. Volunteers organized locally to convince more than 160 municipalities, representing nearly half of Canada's population, to pass declarations recognizing their citizens' environmental rights. The movement is now drawing upon

that same grassroots people-power to achieve environmental rights at the federal level. This presentation will explore campaign highlights and how the movement intends to achieve its goal of ensuring that all Canadians have the right to a healthy environment.

Biography: Peter Wood is the National Campaign Manager for Environmental Rights at the David Suzuki Foundation, based in Vancouver. He holds a PhD from the University of Toronto, where his dissertation examined the influence of international regimes on forest conservation and management. Over the past twenty years he has worked for a number of intergovernmental and non-governmental organizations at the intersection of human rights and environmental protection, including West Coast Environmental Law, Global Witness, and the United Nations.

Moderators

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Josh Ginsberg

University of Ottawa Ecojustice Clinic Director

Biography: Josh's litigation and advocacy work focuses on protecting ecosystems threatened by resource extraction, challenging projects that exacerbate climate change, and promoting clear and effective environmental laws. As the Director of the Ecojustice Environmental Law Clinic, he teaches part-time at the University of Ottawa and mentors students working on Ecojustice cases. Before joining Ecojustice in 2016 Josh maintained a dynamic litigation practice at a leading Toronto firm, dedicating pro-bono time to environmental groups, and pursued a master's degree in environmental law. He can often be found in Ontario's backcountry and aims to paddle as many of its lakes and rivers as possible in one lifetime.