

## RES 500H/PPGA 591E

### Human Rights and the Environment 2021 Syllabus

**Instructor:** David R. Boyd  
**Class Time:** Thursday 2-5 pm

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**Office Hours:** By appointment

#### Course Description

One of the fastest changing and most exciting areas of law and policy today lies at the confluence of human rights and environmental protection. Whether it is the right to life, the right to a healthy environment, the rights to water and sanitation, or the rights of nature, the legal landscape is struggling to respond to the global environmental crisis precipitated by the new geological epoch known as the Anthropocene.

Through a critical examination of international, constitutional, legislative, and jurisprudential developments, the course seeks to provide participants with a strong foundation and new insights into this dynamic field. Innovative comparative research techniques made possible through the Internet and online translation tools will also be highlighted.

A central theme will be evaluating the differences between human rights on paper and their realization in practice. Students will be expected to engage in critical thinking about the effectiveness, efficiency, and equity of laws, policies, and institutions intended to protect human rights, while considering the broader ecological, political, social, and economic context.

A major element of the course will be a research project that provides evidence about human rights violations stemming from sacrifice zones in various regions of the world. Sacrifice zones are communities that suffer from catastrophic levels of hazardous pollution or other forms of environmental degradation. This research will contribute to a report that will be officially presented to the United Nations Human Rights Council.

#### Learning Outcomes

After actively participating in this course, students will be able to:

- articulate the relationship between environmental protection/degradation and human rights;
- think critically about ways in which human rights can be used nationally and internationally to prevent rights violations and alleviate environmental injustices;
- identify the barriers to fulfilling human rights in the context of environmental degradation;
- conduct comparative research on constitutions, laws, policies, and court cases from countries all over the world; and
- participate effectively in advocacy and/or policy-making related to human rights and the environment.

### **Method of Evaluation**

Detailed rubrics on expectations for assignments are provided in Appendix 1 at the end of this syllabus.

1. Students will write three short summaries about severe environment-related human rights violations (i.e. sacrifice zones) in different regions of the world (maximum two pages, plus references, each worth 10% of final grade). The global regions for purposes of this assignment will be Africa and the Middle East, the Americas (including the Caribbean), Asia-Pacific, and Europe (Eastern and Western). Due Jan. 28, Feb. 11, and Feb. 25.
2. Reflections on diverse voices. Prepare one-page reflections (maximum 400 words) on five of the diverse voices included in the syllabus. Each will be graded as pass/fail (2% each, 10% total). All five reflections must be submitted prior to March 8.
3. Students will submit a term paper of up to 3,000 words (40%), due by midnight on April 16. The paper topic must be submitted to the professor by February 12, 2021. The term paper will document alleged human rights violations in a particular State caused by environmental degradation (e.g. air pollution, water pollution, soil contamination, declining biodiversity, etc.). Importantly, the paper should also describe actual and potential responses to address and alleviate the environmental and human rights harms. Students may choose to expand upon one of the human rights violations identified in their earlier assignments.
4. Class participation-20%. This includes participation in live weekly discussions during class, contributions to the online discussion forum, and leading a class discussion on March 25 or April 1 (as part of a group of students raising issues related to selected topics including: human rights and non-toxic environments, the right to healthy and sustainably produced food, the rights of future generations, Indigenous rights and the environment, environmental injustice in Canada, and the rights of nature).

### **Key Website**

Office of the United Nations High Commissioner for Human Rights  
<https://www.ohchr.org/EN/Pages/Home.aspx>

### **Other Helpful Websites**

Global Network on Human Rights and the Environment, <https://gnhre.org>  
Human Rights Watch, [www.hrw.org](http://www.hrw.org)  
Amnesty International, [www.amnesty.org](http://www.amnesty.org)  
Center for International Environmental Law, [www.ciel.org](http://www.ciel.org)  
Environmental Justice Atlas, <https://ejatlas.org>  
Special Rapporteur on human rights and the environment, [www.srenvironment.org](http://www.srenvironment.org)  
Special Rapporteur on toxics and hazardous wastes, [www.srtoxics.org](http://www.srtoxics.org)  
Special Rapporteur on the rights to water and sanitation,  
<https://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>

**Useful References** (full texts all available online through UBC Library)

J.H. Knox and R. Pejan, eds. 2017. *The Right to a Healthy Environment*. Cambridge: Cambridge University Press.

A. Grear and L. Kotze, eds. 2015. *Research Handbook on Human Rights and the Environment*. Cambridge: Cambridge University Press.

K. Sikkink. 2017 *Evidence for Hope: Making Human Rights Work in the 21<sup>st</sup> Century*. Princeton University Press.

*Journal of Human Rights and the Environment*

**SUMMARY OF COURSE TOPICS**

Part I: Building the Foundation

Class 1: Introduction to Human Rights and the Environment

Class 2: The International Human Rights System

Class 3: The Regional Human Rights System

Class 4: Human Rights at the National Level

Class 5: Research Methods Class

Part II: Critical Issues of the 21<sup>st</sup> Century

Class 6: The Rights to Water and Sanitation

Class 7: Air Pollution and Human Rights

Class 8: Human Rights and Climate Change

Class 9: Biodiversity and Human Rights

Part III: Application and Reflections

Classes 10 and 11: Student-led discussions

Class 12. Do Human Rights Make a Difference?

**PRELIMINARY CLASS SCHEDULE**

**Class 1: Introduction to Human Rights and the Environment**

Introductions and a brief overview of the course. An overview of the history and evolution of different approaches to the law governing human rights and the environment: greening existing human rights; articulating a new right to a healthy environment; and extending rights to nature itself. The relationship between human rights and the 2030 Sustainable Development Goals. Introduction to a handful of “sacrifice zone” case studies (Quintero-Puchuncavi, Chile; Kabwe, Zambia; Aamjiwnaang, Canada; Taranto, Italy; Jharia, India; ...)

Reading/video (You can watch or read!)

“The State of the Planet”, speech by UN Secretary-General Antonio Guterres, December 2, 2020, at Columbia University

<https://www.unenvironment.org/news-and-stories/video/state-planet-latest-secretary-general>

<https://www.un.org/sg/en/content/sg/speeches/2020-12-02/address-columbia-university-the-state-of-the-planet>

### Recommended viewing

“Purpose”, Professor Erin Daly, Founder of Dignity Rights Project, Widener University  
<https://creativemornings.com/talks/erin-daly/1>

### **Class 2: The International Human Rights System**

This class will provide an overview of the main international human rights treaties at the global level as well as the UN human rights system (Human Rights Council, Office of the High Commissioner for Human Rights, Treaty Bodies, and Special Procedures).

Case Study: *Portillo Caceres v Paraguay* (UN Human Rights Committee),  
<https://www.eschr-net.org/caselaw/2020/portillo-caceres-and-others-v-paraguay-ccprc126d27512016-communication-27512016>

### Essential Reading and Surfing

[Universal Declaration of Human Rights](#)

[International Covenant on Civil and Political Rights](#)

[International Covenant on Economic, Social, and Cultural Rights](#)

Human Rights Council resolution [37/8](#) (2018)

[FRAMEWORK PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT](#),  
(UN Doc. A/HRC/37/59, 24 January 2018).

Lynda Collins ,2015. “Chapter 12: The United Nations, human rights and the environment,” in Anna Grear and Louis Kotze, eds. 2015. *Research Handbook on Human Rights and the Environment*. Cambridge: Cambridge University Press, pp. 219-244.

### Diverse voices

Michelle Bachelet, UN High Commissioner for Human Rights

Video, “Advancing Environmental Health in a Changing World”, September 17, 2020.

<https://www.youtube.com/watch?v=AAG3ZztxqOM>

“Human Rights for the Planet”, Speech to Council of Europe, October 5 2020.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26343&LangID=E>

### Further Reading and Surfing

Introduction to the UN Human Rights Council’s [Special Procedures](#)

[Fact Sheet No. 2: International Bill of Human Rights](#)

Office of the United Nations [High Commissioner for Human Rights](#)

[UN’s Mandate on Human Rights and the Environment](#)

Knox, J.H. 2012. *Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, United Nations Doc. A/HRC/22/43.

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-43\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-43_en.pdf)

Knox, J.H. 2014. *Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, United Nations Doc. A/HRC/25/53 <http://srenvironment.org/mapping-report-2014-2/>

### **Class 3: The Regional Human Rights System**

Regional human rights agreements and institutions will be examined, and their effectiveness discussed. Leading decisions from regional courts and commissions will also be covered (e.g. African Commission on Human and Peoples' Rights, European Court of Human Rights, Inter-American Commission on Human Rights, Inter-American Court on Human Rights).

Case Study: *Duarte Agostinho and others v. Portugal and 32 Others* (2020).

See <https://youth4climatejustice.org>

#### Essential Readings

1. Explore and identify environmental provisions in at least one of the following instruments (student's choice) for purposes of class discussion:

*African Charter on Human and Peoples' Rights*

*San Salvador Protocol to the American Convention on Human Rights*

*European Convention on Human Rights*

*Arab Charter on Human Rights*

*ASEAN Human Rights Declaration*

[Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#),

2. Read at least one of the following decisions for purposes of class discussion:

Africa

- [\*Social and Economic Rights Action Centre v. Nigeria\*](#) (2001)

Americas

- [\*Advisory Opinion 23/17\*](#), Inter-American Court of Human Rights

Europe

- [\*Lopez-Ostra v. Spain\*](#) (1994)
- [\*Cordella v Italy\*](#) (2019)

#### Diverse Voices

Phyllis Omido, Goldman Prize winner

Lead poisoning in Kenya

<https://www.youtube.com/watch?v=u96yhzmRfOI>

<https://www.youtube.com/watch?v=uJXeY7cWIfs>

La Oroya, Peruvian lead poisoning/air pollution case currently before the Inter-American Commission on Human Rights

<https://www.youtube.com/watch?v=gY6WXa9aKrM>

<https://www.youtube.com/watch?v=Kpwu8DOmzoU>

#### Further Readings

Summary of the 2005 Inuit [Petition to the Inter American Commission on Human Rights](#) Seeking Relief from Violations Resulting from Global Warming Caused by Acts and Omissions of the United States

[Letter from Ariel E. Dulitzky](#), Assistant Executive Secretary, Inter-American Commission on Human Rights to Paul Crowley, Legal Representative Inuit Petition, Nov. 16, 2006

#### **Class 4: Human Rights at the National Level**

A discussion of the prevalence and enforceability of human rights provisions in national constitutions and legislation around the world. A look at the role of courts, tribunals, and national human rights institutions in defending human rights from environmental harms. More than 150 constitutions include environmental protection provisions, including 100 that specifically recognize the right to a healthy environment. There is also legislation in at least 100 nations that refers to this right.

Case Study: Costa Rica

See <https://www.youtube.com/watch?v=zRyk3-Dzq20>

See <https://www.youtube.com/watch?v=yAZxYONrYd8>

#### **Essential Readings**

Google Constitute—read the environmental provisions in the constitutions of at least three countries. <https://www.constituteproject.org/search?lang=en> (search for ‘environment’)

France, [Charter for the Environment](#)

[Beatriz Silvia Mendoza and others v. National Government and Others in regards to damages suffered](#) (*Damages stemming from contamination of the Matanza-Riachuelo River*), 2008, M. 1569, 8 July 2008. Supreme Court of Argentina.

Philippines Commission on Human Rights –[Carbon Majors Investigation](#)

Diverse Voices

Monica Araya, “A Small Country with Big Ideas”

<https://www.youtube.com/watch?v=JI-HzvXk5bk>

Lorena Aguilar Revelo, former Costa Rican vice minister of Foreign Affairs

[https://www.youtube.com/watch?v=mhLby\\_IYBhY](https://www.youtube.com/watch?v=mhLby_IYBhY)

President Carlos Alvarado Quesada

<https://www.youtube.com/watch?v=8YS3Kxq19uU>

#### **Recommended Readings**

Boyd, D.R. 2012. *The Environmental Rights Revolution: Constitutions, Human Rights and the Environment*. Vancouver: UBC Press, [Chapter 1](#).

[Concerned Residents of Manila Bay et al v. Metropolitan Manila Development Authority, Department of Environment and Natural Resources and others](#) (2008) G.R. Nos. 171947-48 Supreme Court of the Philippines.

#### **Class 5: Research Methods Class**

We will dedicate this session to research on students’ proposed paper/presentation topics. Tools explored will include Google, Google Scholar, [DeepL](#)/Google Translate, [PubMed](#), [ECOLEX](#), [FAOLEX](#), and [INFORMEA](#). We will also discuss the reliability/credibility of various sources of information. This class is a great opportunity to make progress on your term paper!

### **Class 6: The Rights to Water and Sanitation**

It is widely recognized that a minimum supply of potable water is a vital prerequisite for life, health, and well-being. Yet there are approximately one billion people who currently do not enjoy access to safe drinking water, two billion people who lack access to adequate sanitation facilities, and thousands of children die every day from water-related illness. Is legal recognition of the human right to water a significant step towards increased access to safe drinking water? Why has the right to sanitation received less attention?

Case study 1: Safe drinking water for the San people of Botswana

*Matsipane Moselelhanyane et al. v. Attorney General of Botswana* (2011), Court of Appeal. [http://internationalwaterlaw.org/cases/Domestic-HR\\_to\\_Water/Bushmen-Water-Appeal-Judgement-Jan\\_2011.pdf](http://internationalwaterlaw.org/cases/Domestic-HR_to_Water/Bushmen-Water-Appeal-Judgement-Jan_2011.pdf)

San people of the Kalahari (Botswana)

<https://www.youtube.com/watch?v=yJiuyKLM2vo>

Case Study 2: Safe drinking water for Indigenous peoples in Canada

Indigenous Services Canada, Ending long-term drinking water advisories in Canada

<https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660>

See also: <https://www.canada.ca/en/indigenous-services-canada/news/2020/12/government-of-canada-announces-15-billion-in-new-investments-for-clean-drinking-water-in-first-nations-communities.html>

### Essential Readings

United Nations [General Assembly Resolution on the Right to Water and Sanitation](#) (2010)

Introduction to Catarina de Albuquerque (former UN Special Rapporteur on the Right to Safe Drinking Water and Sanitation). 2012. [On the Right Track: Good Practices in Realising the Right to Water and Sanitation](#).

Highlights of UNICEF and World Health Organization Joint Monitoring Programme. 2019. [Progress on Household Water, Sanitation and Hygiene 2000-2017: Special Focus on Inequalities](#).

### Diverse voices

Dr. Ingrid Waldron, 2018, “There’s Something in the Water: Environmental Racism in Indigenous and Black Communities” (Movie available on Netflix)

See also The ENRICH Project, <https://www.enrichproject.org>

### Further Readings

See this summary of the statements made by various nations about the 2010 UN resolution on the right to water and sanitation:

<https://www.un.org/press/en/2010/ga10967.doc.htm>

Website of the [Special Rapporteur](#) on the Rights to Water and Sanitation

Starkl, M., N. Brunner and T.-A. Stenstrom. 2013. “Why Do Water and Sanitation Systems for the Poor Still Fail? Policy Analysis in Economically Advanced Developing Countries.” *Environ. Sci. Technol.*, 47, 12: 6102–6110.

### **Class 7: Air Pollution and Human Rights**

Whereas the right to water now enjoys clear legal recognition, little effort and less progress has been made to pursue similar recognition of the right to clean air. Why not?

Case study: Mpumalanga, South Africa (*Groundwork Trust and Vukani Environmental Justice Alliance v Minister of Environmental Affairs and Others*, High Court of South Africa)

See <https://cer.org.za/news/environmental-groups-take-government-to-high-court-over-violation-of-constitutional-right-to-clean-air>

#### Essential Readings

Statement of Five National Academies of Science and Medicine on [air pollution and health](#)

Special Rapporteur on human rights and the environment. 2019. [Clean Air](#). HRC/40/55. [State of Global Air Quality 2020](#)

#### Diverse Voices

An interview with Dr. Robert Bullard, leading American scholar on environmental justice <https://podcasts.apple.com/us/podcast/episode-3-dr-robert-bullard/id1508000723?i=1000477542620>

“They Can’t Breathe”, A Connect the Dots Podcast with Center for Progressive Reform Scholar Maxine Burkett, the Sierra Club's Leslie Fields, and Bronx resident and activist Mychal Johnson

[http://www.progressivereform.org/media-room/podcasts/the-y-cant-breathe/and](http://www.progressivereform.org/media-room/podcasts/the-y-cant-breathe/)

Peggy Shepard, WeAct, Harlem, New York  
Tedx talk

[https://www.youtube.com/watch?v=zJX\\_MXaXbJA](https://www.youtube.com/watch?v=zJX_MXaXbJA)

### **Class 8: Human Rights and Climate Change**

One of the newest frontiers in the field of human rights and the environment involves climate change. We will examine the Paris Agreement and its focus on Nationally Determined Contributions and Long-term Decarbonization plans. We’ll also look at some of the most recent court decisions in the rising wave of rights-based climate litigation.

Case Study 1: *Torres Strait Islanders v Australia*, UN Human Rights Committee

See <https://ourislandsourhome.com.au>

Case Study 2: *C.S. et al v Argentina, Brazil, France, Germany, and Turkey*, UN Committee on the Rights of the Child

See <https://unfoundation.org/blog/post/5-things-to-know-about-greta-thunbergs-climate-lawsuit/>

#### Essential Readings

Paris Agreement, [UN Doc FCCC/CP/2015/L.9/Rev.1](#) (12 December 2015)



Intergovernmental Panel on Climate Change, [\*Global Warming of 1.5°: Summary for Policymakers\*](#) (2018)

Special Rapporteur on human rights and the environment. 2019. [A Safe Climate](#). UN General Assembly A/74/161.

*State of Netherlands (Ministry of Economic Affairs and Climate v. Urgenda Foundation* (2019) ECLI: NL: HR: 2019: 2006 (No. 19/00135). Supreme Court of the Netherlands.

[Future Generations v Minister of Environment et al](#). 2018 (Supreme Court of Colombia)

### Diverse Voices

Mary Robinson, former Prime Minister of Ireland, “Why Climate Change is a Threat to Human Rights”

<https://www.youtube.com/watch?v=7JVTirBEfho>

Christiana Figueres, Costa Rican diplomat, “The Case for Stubborn Optimism on Climate”

<https://www.youtube.com/watch?v=KVVW5eGiETI>

Youth voices on climate change, Mock COP 26, Nov-Dec 2020

<https://www.mockcop.org>

<https://www.youtube.com/watch?v=xx13Owj1SHM>

<https://www.youtube.com/watch?v=ebPpBBUTkx8&t=1157s>

### Further Readings and Resources

Emerging case law on the right to a stable climate in the United States:

<https://www.ourchildrenstrust.org>

Knox, J.H. 2015. [Human Rights and Climate Change](#). Report of the Special Rapporteur on Human Rights and the Environment. Doc A/HRC/31/52

Limon, M. 2009. “Human Rights and Climate Change: Constructing a Case for Political Survival,” *Harvard Environmental Law Review* 33(2): 439-76.

McInerney-Lankford, S. 2009. “Climate Change and Human Rights: An Introduction to Legal Issues,” *Harvard Environmental Law Review* 33(2): 431-8.

H. Shue, *Climate Justice: Vulnerability and Protection* (Oxford University Press, 2014, ISBN: 978-0-19-871370-8) Chapter 16 [Human Rights, Climate Change and the Trillionth Ton](#), 297-310

[Male’ Declaration on the Human Dimension of Global Climate Change](#), 2007

Human Rights Council, [Res. 32/33](#), ‘Human Rights and Climate Change’ (18 July 2016)

Nationally Determined Contributions [Registry](#)

For examples of NDCs incorporating human rights see the second NDCs of Argentina, Marshall Islands, and Papua New Guinea

[Report](#) of the Special Rapporteur on extreme poverty, climate change and human rights, 2019, A/HRC/41/39

[Report](#) of the Special Rapporteur on culture, climate change and human rights, 2020, A/75/298

### **Class 9: Biodiversity and Human Rights**

In another of the newest frontiers in the field of human rights and the environment, this session will consider the relevance of human rights norms to the conservation, preservation and sustainable use of biological diversity.

Case Study: Mangroves vs tourism development in Mexico

See <https://www.supremacorte.gob.mx/derechos-humanos/sites/default/files/sentencias-emblematicas/summary/2020-02/Summary%20AR307-2016%20HRO.pdf>

### Essential Readings

IPBES (2019). “[Summary for Policymakers](#)”, Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science- Policy Platform on Biodiversity and Ecosystem Services.

Revised Zero [Draft](#) of the Post-2020 Global Biodiversity Framework

Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: biodiversity. “Human rights depend on a healthy biosphere”, [UN Doc. A/75/161](#).

### Diverse Voices

UN Development Programme webinars on biodiversity and human rights, 2020

<https://www.learningfornature.org/en/topic/session-2-reimagining-conservation/>

<https://www.learningfornature.org/en/courses/human-rights-and-the-environment/#learndash-course-content>

Gender and biodiversity

<https://www.learningfornature.org/en/courses/gender-mainstreaming-and-biodiversity-conservation/>

### Further Readings

S. Diaz et al. 2019. “Pervasive human-driven decline of life on Earth points to the need for transformative change,” *Science* 366.

Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: biodiversity. UN Doc. A/HRC/34/49 (19 January 2017).

### **Classes 10 and 11: Student-led discussions**

During our 10<sup>th</sup> and 11<sup>th</sup> sessions, small groups of students will prepare a brief introduction to a selected topic (chosen in advance) and then lead the discussion, for up to thirty minutes. Each group should inform the class at least one week in advance of essential readings or videos. Six potential topics are outlined below.

#### Option A. Non-toxic environments

According to the Lancet Commission on Pollution and Health, “Pollution is the largest environmental cause of disease and premature death in the world today. Diseases caused by pollution were responsible for an estimated 9 million premature deaths in 2015—16% of all deaths worldwide—three times more deaths than from AIDS, tuberculosis, and malaria combined and 15 times more than from all wars and other forms of violence. In the most severely affected countries, pollution-related disease is responsible for more than one death in four.” What is the role of human rights in responding to this global health crisis?

Special Rapporteur on human rights and hazardous substances and wastes,  
[www.srtoxics.org](http://www.srtoxics.org)

World Health Organization. 2016. [Preventing Disease through Healthy Environments: A Global Assessment of the Burden of Disease from Environmental Risks](#). Geneva, WHO.  
[Lancet Commission on Pollution and Health](#), 2017 (P.J. Landrigan et al.)

R.D. Bullard, ed. 2005. *The Quest for Environmental Justice: Human Rights and the Politics of Pollution*. San Francisco: Sierra Club Books.

Robert Bullard on video

<https://www.youtube.com/watch?v=SYVvbs6XsNw>

<https://www.youtube.com/watch?v=7tjjEcrkgZI>

### Option B: The Right to healthy and sustainably produced food

We live in a world where close to one billion people do not have enough to eat and another billion have too much to eat, while agriculture is one of the major causes of environmental degradation. Is there an environmental element of the right to food? Is there a food element of the right to a healthy environment?

### Special Rapporteur on the Right to Food

Food and Agriculture Organization of the United Nations et al. 2018. [The State of Food Security and Nutrition in the World 2018. Building climate resilience for food security and nutrition](#). Rome, FAO.

### Option C: Do Future Generations Have Rights?

The global youth climate strikes have reinvigorated the ideas of intergenerational equity and the rights of future generations. Could this be a useful tool in accelerating the transition to a sustainable future?

Clark et al. 2016. "Consequences of twenty-first century policy for multi-millennial climate and sea level change," *Nature Climate Change*,

<http://www.nature.com/ezproxy.library.ubc.ca/nclimate/journal/v6/n4/full/nclimate2923.html>

*Minors Oposa v. Factoran, Jr., Secretary of the Department of the Environment and Natural Resources*, [1993] 224 S.C.R.A. 792, 33 I.L.M. 173 (1994). Judgment of the Supreme Court of the Philippines.

Hiskes, R.P. 2009. *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. Cambridge: Cambridge University Press.

### Option D: Canadian Perspectives on Environmental Injustice

To what extent are human rights violations occurring in Canada as a result of pollution, environmental degradation, and industrial development? There is compelling evidence of historical environmental injustices, but are they ongoing? Law and policy responses to date include environmental rights legislation in Quebec, Ontario, the Yukon, the NWT, and Nunavut as well as the proposed *Canadian Environmental Bill of Rights*.

Canadian Institute for Health Information. 2011. [Urban Physical Environments and Health Inequalities](#). Ottawa: CIHI.

D.R. Boyd. 2015. "Chapter Four: Environmental Injustices," in *Cleaner, Greener, Healthier: A Prescription for Stronger Canadian Environmental Laws and Policies*, Vancouver: UBC Press, pp. 66-85.

J. Agyeman, P. Cole, R. Haluza-Delay, and P. O'Riley, eds. 2009. *Speaking for Ourselves: Environmental Justice in Canada*. Vancouver: UBC Press.

A. Gosine and C. Teelucksingh, eds. 2008. *Environmental Justice and Racism in Canada: An Introduction*. Toronto: Emond Montgomery.

Bill C-202, the *Canadian Environmental Bill of Rights*

### Option E: Indigenous Rights and the Environment

From the Amazon to the Arctic, the rights of Indigenous peoples have long been violated by society's drive to exploit natural resources and achieve industrial development. The growing recognition of Indigenous rights, both in international and domestic law, is a promising development on paper, but how is it playing out in practice?

### UN Declaration on the Rights of Indigenous Peoples

[http://www.un.org/esa/socdev/unpfi/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf)

*Caso de la Comunidad Mayagna (Sumo) Awas Tingni* ("Awas Tingni"), Ser. C, no. 79, s. 151 (Nicaragua) (2001). Inter-American Court of Human Rights

*Tsilhqot'in First Nation v. Canada* [2014] Supreme Court of Canada;

<http://www.canlii.org/en/ca/scc/doc/2014/2014scc44/2014scc44.html>

Borrows, J. 2010. *Canada's Indigenous Constitution*: Toronto: University of Toronto Press.

### Option F: The Rights of Nature

In recent years, in a growing number of countries (Bolivia, Canada, Ecuador, India, New Zealand, Uganda, and the United States), legal recognition has been extended to individual animals, species, and ecosystems such as rivers. How do rights of nature relate to human rights? Is this a potentially transformative development?

Ecuador [Constitution](#), Articles 71-74

[Te Urewera Act, 2014](#), New Zealand (See articles 3, 4, 5, 11 and 12)

Global Rights of Nature Alliance, <https://therightsofnature.org>

Vandana Shiva and Maude Barlow on the rights of nature

[https://www.democracynow.org/2011/4/22/earth\\_day\\_special\\_vandana\\_shiva\\_and](https://www.democracynow.org/2011/4/22/earth_day_special_vandana_shiva_and)

### **Class 12. Do Human Rights Make a Difference?**

In our final session, we will have a conversation reflecting on the lessons learned through the course regarding the effectiveness of human rights laws, institutions and values in improving people's lives and well-being.

### Essential Reading

Chapters 5 and 7 from K. Sikkink. 2017 *Evidence for Hope: Making Human Rights Work in the 21<sup>st</sup> Century*. Princeton University Press. Available online through UBC Library.

## **Other Useful Websites, Online Resources, and Other References**

Google Constitute <https://www.constituteproject.org>

Canadian Legal Information Institute [www.canlii.org](http://www.canlii.org)

Free online legal dictionary. *Black's Law Dictionary*, <http://thelawdictionary.org>.

*LexisNexis Environmental* (available through UBC library electronic article indexes and databases): Covers global environmental issues in research journals, news and trade publications, selected reports and US legislation and case law.

UBC Law Library: Excellent research resources, helpful librarians, guides to legal research and links to legal websites, including federal and provincial statutes and the courts. <http://www.library.ubc.ca/law>

## **UBC POLICIES**

### **Access & Diversity**

Access & Diversity works with the university to create an inclusive living and learning environment in which all students can thrive. The university accommodates students with disabilities who have registered with the Access & Diversity unit:

<http://students.ubc.ca/about/access> Students must register with the Disability Resource Centre to be granted special accommodations for any on-going conditions.

### **Considerations Related to Sensitive Material in Online Learning Context**

During the COVID-19 pandemic, the shift to online learning has greatly altered teaching and studying at UBC, including changes to health and safety considerations. Keep in mind that some UBC courses might cover topics that are censored or considered illegal by non-Canadian governments. This may include, but is not limited to, human rights, representative government, defamation, obscenity, gender or sexuality, and historical or current geopolitical controversies. If you are a student living abroad, you will be subject to the laws of your local jurisdiction, and your local authorities might limit your access to course material or take punitive action against you. UBC is strongly committed to academic freedom, but has no control over foreign authorities (please visit <http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,33,86,0> for an articulation of the values of the University conveyed in the Senate Statement on Academic Freedom). Thus, we recognize that students will have legitimate reason to exercise caution in studying certain subjects. If you have concerns regarding your personal situation, consider postponing taking a course with manifest risks, until you are back on campus or reach out to your academic advisor to find substitute courses. For further information and support, please visit: <http://academic.ubc.ca/support-resources/freedom-expression>

### **Academic Integrity**

The academic enterprise is founded on honesty, civility, and integrity. As members of this enterprise, all students are expected to know, understand, and follow the codes of conduct regarding academic integrity. At the most basic level, this means submitting only original work done by you and acknowledging all sources of information or ideas and attributing them to others as required. This also means you should not cheat, copy, or mislead others about what is your work. Violations of academic integrity (i.e., misconduct) lead to the breakdown of the academic enterprise, and therefore serious

consequences arise and harsh sanctions are imposed. For example, incidences of plagiarism or cheating may result in a mark of zero on the assignment or exam and more serious consequences may apply if the matter is referred to the President's Advisory Committee on Student Discipline. Careful records are kept in order to monitor and prevent recurrences. A more detailed description of academic integrity, including the University's policies and procedures, may be found in the Academic Calendar at <http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,111,0>

### **Religious Accommodation**

The university accommodates students whose religious obligations conflict with attendance, submitting assignments, or completing scheduled tests and examinations. Students should let their instructor know in advance, preferably in the first week of class, if they will require any accommodation on these grounds. Students who plan to be absent for varsity athletics, family obligations, or other similar commitments, cannot assume they will be accommodated, and should discuss their commitments with the instructor before the course drop date. UBC policy on Religious Holidays: <http://www.universitycounsel.ubc.ca/policies/policy65.pdf>

### **UBC Statement on Respectful Environment for Students, Faculty and Staff**

The University of British Columbia envisions a climate in which students, faculty and staff are provided with the best possible conditions for learning, researching and working, including an environment that is dedicated to excellence, equity and mutual respect. The University of British Columbia strives to realize this vision by establishing employment and educational practices that respect the dignity of individuals and make it possible for everyone to live, work, and study in a positive and supportive environment, free from harmful behaviours such as bullying and harassment.

The concepts, policies, and players discussed in this course can produce strong and divergent opinions. An inclusive, respectful, and diverse classroom environment is crucial to successful learning. To ensure that all class members feel equally able to contribute to class discussions, everyone must be respectful toward other people regardless of different perspectives. We all share an ethical obligation to create and nurture this kind of collegial academic environment.

### **Use of Technology in the Classroom**

Students are encouraged to avoid spending time on social media during class. The following article on the adverse effects that computer multi-tasking may have on learning outcomes is recommended: <http://www.newyorker.com/tech/elements/the-case-for-banning-laptops-in-the-classroom>

## Appendix 1. Grading Rubrics

### Grading Rubric for term paper (40% of grade)

Performance → Category ↓	EXCELLENT (86-100%)	GOOD (75-85%)	ADEQUATE (65-74%)	INADEQUATE (0-64%)
<b>Introduction [5]</b>	Grabs the reader with a creative, thought-provoking introduction.	Clear and interesting introduction.	Introduction lacks spark.	Introduction is difficult to understand.
<b>Integration of course concepts [7.5]</b>	Demonstrates clear command and integration of course materials and lectures.	Demonstrates good understanding of course materials and lectures	Demonstrates a reasonable but uneven understanding of course materials and lectures	Does not demonstrate awareness or understanding of course materials and lectures
<b>Content [15]</b>	Compelling arguments related to both human rights and environmental degradation are well-supported and based on reliable evidence. Solutions comprehensively addressed. Strong conclusion.	Most arguments related to both human rights and environmental degradation are valid and well supported; Solutions addressed; the conclusion is clear.	Some arguments related to both human rights and environmental degradation are valid and well-supported; but solutions neglected and conclusion unclear	Weak, invalid, or no arguments; does not take a clear position or draw a clear conclusion
<b>Organization and style [7.5]</b>	Clear, logical structure supports and enhances the argument; elegant style consisting of strong paragraphs and seamless flow	Structure supports the argument; clearly ordered paragraphs fit together well; easy to follow and read	Structure is of inconsistent quality; reader follows argument despite uneven style	Structure and/or style problems get in the way of being able to read for content
<b>Grammar and spelling [5]</b>	Very few, if any, minor errors	Some errors	Numerous errors	Errors significantly impair readability

### Grading Rubric for Brief Sacrifice Zone Essays (3 x 10% = 30% of total grade)

Performance → Category ↓	EXCELLENT (86-100%)	GOOD (75-85%)	ADEQUATE (65-74%)	INADEQUATE (0-64%)
<b>Opening paragraph [2]</b>	Grabs the reader with a creative, thought-provoking introduction.	Clear and interesting introduction.	Introduction lacks spark.	Introduction is difficult to understand.
<b>Understanding of course concepts [2]</b>	Demonstrates clear command and integration of course materials and lectures.	Demonstrates good understanding of course materials and lectures	Demonstrates a reasonable but uneven understanding of course materials and lectures	Does not demonstrate awareness or understanding of course materials and lectures

<b>Content [4]</b>	Compelling evidence and arguments, well-supported and based on reliable research. Strong conclusion.	Most evidence and arguments valid and well supported; the conclusion is clear.	Some evidence and arguments valid and well-supported; but conclusion unclear	Weak, invalid, or no evidence or arguments; does not take a clear position or draw a clear conclusion
<b>Organization and style [1]</b>	Clear, logical structure supports and enhances the argument; elegant style consisting of strong paragraphs and seamless flow	Structure supports the argument; clearly ordered paragraphs fit together well; easy to follow and read	Structure is of inconsistent quality; reader follows argument despite uneven style	Structure and/or style problems get in the way of being able to read for content
<b>Grammar and spelling [1]</b>	Very few, if any, minor errors	Some errors	Numerous errors	Errors significantly impair readability

#### Grading Rubric for Group discussion (10%)

Category	Excellent (86-100%)	Good (75-85%)	Adequate (65-74%)	Inadequate (0-64%)
<b>Opening/intro (2.5 points)</b>	Clearly, quickly established the focus of the discussion, gained audience attention. Main points clearly stated and explained.	Established focus by the end of the intro, but went off on a tangent or two. Main points clearly stated.	Audience had some idea of what was coming, but the intro did not clarify the main focus. Main points a bit fuzzy	Little or no intro, or unclear so that audience didn't know speakers' main focus. Jumped among disconnected topics. Main points unclear
<b>Guiding the discussion (5)</b>	Audience engaged. Thought-provoking questions asked. Made all participants voices feel welcomed and heard. Presented useful, forward-thinking insights.	Audience interested. Questions were clear. Encouraged dialogue. Presented some insights.	Audience slightly interested. Some key questions omitted or left hanging. Conversation lacked insights.	Audience disengaged. Questions unclear or irrelevant. Little effort to generate discussion.
<b>Responding to questions (2.5)</b>	Questions handled with confidence. Speakers clearly demonstrated extensive knowledge beyond the opening presentation.	Questions handled but with some hesitation. Demonstrated some knowledge beyond the presentation.	Speakers made effort to answer questions, but lacked depth of knowledge beyond what was already presented.	Speakers lacked answers to obvious questions and struggled to link answers to topic.

#### Class Participation Grading Rubric (10%)

	Excellent (86-100%)	Good (70-85%)	Needs work (0-69%)
<b>Content and engagement (7.5)</b>	Asked questions or made comments regularly, showing	Asked questions or made comments infrequently or superficially. Moderately	Contributions were very rare and/or superficial or off the mark. Not



	intellectual curiosity and a search for understanding. Always present and highly engaged.	engaged. Sometimes absent.	engaged in the class or frequently absent.
<b>Contribution to Group Dynamic (2.5)</b>	Always respectful, constructive, and collaborative.	Usually respectful, constructive, and collaborative.	Often not respectful, constructive, or collaborative. Disruptive influence.

**Reflections on Diverse voices Grading Rubric (10%)**

	<b>Pass (10)</b>	<b>Fail (0)</b>
<b>Content</b>	Reflection indicates clear and thoughtful engagement with perspectives presented.	Reflection indicates lack of engagement with perspectives presented.
<b>Tone</b>	Respectful.	Disrespectful.