



*“..to protect the quality and quantity of the Island’s water and ensure that our water supply is healthy and sustainable now and into the future”*

*“ Plans to protect air and water , wilderness and wildlife are in fact plans to protect man” -Stewart Udell*

*“ we never know the worth of water til the well is dry” -*

Thomas Fuller, *Gnomologia*, 1732

***Principle 10:***

***Environmental issues are best handled with participation of all concerned citizens, at the relevant level***

1992 Rio Declaration

**THERE CAN BE  
NO GREATER  
NEED FOR ANY  
OF US THAN A  
HEALTHY  
ENVIRONMENT –  
CLEAN AIR,  
CLEAN WATER,  
CLEAN SOIL  
AND FOOD.**

**-DAVID SUZUKI**





Incorporating environmental rights into the new Water Act would strengthen its goal of providing comprehensive protection for PEI's water.

Environmental rights serve to protect, restore, and conserve the natural environment for the benefit of present and future generations.

Environmental rights help ensure that our laws and policies protect the basic elements of our survival, and prioritize the values of sustainability, transparency, accountability, and democracy.

A person with long hair, wearing a blue cap, a light-colored long-sleeved shirt, and olive green pants, is walking away from the camera through a shallow stream. They are carrying a large blue backpack. The stream is surrounded by dense green foliage and trees, with sunlight filtering through the leaves. The water is clear and reflects the surrounding greenery.

**4. In the Water Act,  
access to clean water  
should be recognized  
as a basic human right.**



*“.....demonstrate concrete, innovative ways that the use of human rights obligations can help to make environmental policies fairer, more effective and more respectful of the concerns of those most affected by environmental harm.”*

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### About John Knox

John Knox is the United Nations Independent Expert on Human Rights and the Environment.

He is also the Henry C. Lauerman Professor of International Law at the Wake Forest

*“ I see **four primary benefits** of a human rights perspective.*

- o First, it focuses attention on the ways that environmental harm prevents individuals and communities from living lives of dignity, equality, and freedom.*
- o Second, human rights norms set out clear procedural requirements for environmental policy-making.*
- o Third, human rights law includes minimum substantive standards that environmental policies must meet.*
- o Finally, human rights institutions may provide remedies for environmental harm”.*



Province of Alberta

## **WATER ACT**

### **Purpose of Act**

**2** The purpose of this Act is to support and promote the conservation and management of water, including the wise allocation and use of water, while recognizing

- (a) the need to manage and conserve water resources to sustain our environment and to ensure a healthy environment and high quality of life in the present and the future;
- (b) the need for Alberta's economic growth and prosperity;
- (c) the need for an integrated approach and comprehensive, flexible administration and management systems based on sound planning, regulatory actions and market forces;
- (d) the shared responsibility of all residents of Alberta for the conservation and wise use of water and their role in providing advice with respect to water management planning and decision-making;
- (e) the importance of working co-operatively with the governments of other jurisdictions with respect to trans-boundary water management;
- (f) the important role of comprehensive and responsive action in administering this Act.



Procedural rights are an important component of environmental rights, they give citizens tools to ensure their rights to a healthy environment and in this case clean water is being respected and protected

Procedural rights enhance democracy, protect the environment, and safeguard human rights by fostering transparency, inclusiveness and accountability.

These rights are central to more representative, equitable, and effective environmental decision-making

# Procedural Rights

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Access to Information

Public Participation in Environmental Governance and Decision-Making

Access to Justice

Independent Oversight

# An Introduction to Environmental Rights for Prince Edward Island, New Brunswick and Nova Scotia

Prepared by East Coast Environmental Law

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## 1.0 Prince Edward Island Gap Analysis

The primary environmental statute is the *Environmental Protection Act*.<sup>33</sup> A substantive right to a healthy environment is not mentioned in this statute.

Procedural Right	Content
Access to Information	There is no ability for members of the public to access environmental information in PEI unless they submit a request under the Freedom of Information and <i>Protection of Privacy Act</i> . <sup>34</sup> The Department of Environment is not required to make available any environmental information.
Public Participation in Environmental Governance and Decision-Making	There are limited opportunities for members of the public to participate in environmental decision-making. They are able to comment on certain environmental proposals but the time limits are restrictive and there is no mechanism for ensuring that their comments are considered. PEI citizens cannot request environmental investigations, propose new initiatives or review existing environmental laws.
Access to Justice	Concerned citizens in PEI who want to protect the environment face considerable barriers, as there are few options for enforcing environmental laws. Individuals cannot get legal standing to challenge government decisions. There are no provisions that allow citizens to undertake a private prosecution outside of the common law or to initiate a civil action to protect the environment. Members of the public can only appeal decisions to refuse or revoke specific permits when their interests are affected.
Protection from SLAPP Suits	In PEI, citizen groups who speak out against environmental harms may be the subjects of a SLAPP suit.
Whistleblower Protection	There is no whistleblower protection for employees who want to speak out about environmental violations in their workplace. In PEI, employees might fear that they will be disciplined, dismissed or otherwise punished for voicing their environmental concerns.
Independent Oversight	In PEI, there is no independent oversight of environmental issues. The PEI government oversees the implementation of the <i>Environmental Protection Act</i> with limited input from members of the public. All environmental disputes are dealt with in the regular legal system without any opportunity for alternative dispute resolution.



# VALUE OF PROCEDURAL RIGHTS

- Contribute to sustainable development
- Enhance public awareness and participation
- Increase accountability and legitimacy of regulation
- Improve quality of policies, plans and decisions
- Allow effectiveness of regulation to be monitored
- Improve enforcement
- Educative function
- Market-type regulatory instrument

— *“The multiple benefits of strengthening procedural rights include improving the quality of decisions, making decisions that reflect stakeholder values, building capacities and relationships, enhanced legitimacy and buy-in and better implementation”*



David R. Boyd - Canadian ecological lawyer and leading environmental expert



**“CLEAN WATER  
IS A BASIC  
HUMAN  
RIGHT.**

Without it, the other rights may not even matter. Human societies cannot be healthy, prosperous and just without adequate supplies of clean water.”

—Jimmy Carter

Worley Dervish