



Green Rights & Warrior Lawyers

Law 393D.001

2022-23 Term 2

Syllabus

ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the xwməθkwəyəm (Musqueam) people. The land it is situated on has always been a place of learning for the Musqueam people, who for millennia have passed on in their culture, history, and traditions from one generation to the next on this site.

COURSE INFORMATION

Course Title	Course Code	Credit Value	Meeting time	Location
Green Rights and Warrior Lawyers	LAW 393D.001	3	Th 0930-1230	Allard Hall, Room 335

PREREQUISITES

None.

COREQUISITES

None.

CONTACTS

Course Instructor(s)	Contact Details	Office Location	Office Hours
Professor Stepan Wood	wood@allard.ubc.ca	Allard Hall, room 352	By appointment

COURSE INSTRUCTOR BIOGRAPHICAL STATEMENT

Stepan Wood's profile is available [here](#).

OTHER INSTRUCTIONAL STAFF

None.

COURSE STRUCTURE & DESCRIPTION

Around the world, citizens and lawyers are using law to advance the human right to live in a healthy environment and the rights of nature to exist and flourish. In this seminar, students explore the theory and practice of environmental rights and public interest legal advocacy through real world case studies of environmental lawyers and defenders on the front lines of struggles to protect people, species and ecosystems in Canada and beyond. The seminar exposes students to a variety of learning materials including documentary films, video interviews, guest lectures, biographical information, news media, case law, legislation, government documents, non-governmental reports and proposals, and academic literature. Students select a real-life “Warrior Lawyer” to profile in a blog post, and prepare a substantial research paper applying lessons from the theory and practice of environmental rights to a current environmental law issue in Canada or abroad. Each student also leads classroom activities related to an assigned course topic.

The seminar meets weekly for 3 hours and emphasizes active learning via discussion, reflection, group exercises and student-facilitated learning activities. The seminar also features live conversations with some of our featured “Warrior Lawyers” via videoconference. We may spend some scheduled class time outdoors, so students should come to class prepared to go outside, whatever the weather.

The seminar has no prerequisite or corequisite courses for Allard JD students. It is open to Allard graduate students in accordance with the Allard graduate program policies. It is open to students in other UBC graduate programs on the same basis as are other upper-level JD seminars. It is not open to students in direct-entry UBC undergraduate programs, as the level of instruction in the upper-year JD curriculum is significantly advanced compared to direct-entry programs.

LEARNING OUTCOMES

By the end of this course, students should be able to:

- Articulate and critically assess the main arguments for and against legal recognition of a human right to a healthy environment and of the rights of nature (collectively, “green rights”)
- Identify the main synergies and tensions between a human right to a healthy environment and the rights of nature
- Critically assess the content of green rights, including substantive and procedural aspects
- Identify and critically assess the main options for operationalizing green rights, including via constitutional entrenchment, domestic legislation and international agreement
- Identify key barriers to and avenues for translating green rights “on the books” into the realization of green rights in practice
- Identify and assess potential legal avenues for holding governments and industry accountable for violations of green rights
- Describe key strengths and pitfalls of public interest lawyering, including its relationship to social justice movements and its role in advancing social justice

- Engage in an informed discussion of the potential role of tactics outside the conventional legal toolbox, such as storytelling, biography, film and journalism, in legal strategies to advance green rights
- Research and communicate effectively the story of a lawyer or indigenous legal knowledge bearer who has worked to mobilize law to advance green rights (a “warrior lawyer”), and articulate this story’s lessons for advancing green rights in other contexts.

LEARNING ACTIVITIES

In-class learning activities include discussion of course themes and readings, small-group breakout exercises, student-facilitated activities, student presentations, viewing of videos and guest lectures. Some in-class activities may take place outdoors. Outside class time, students view assigned videos, read assigned readings, conduct research and prepare written assignments. Please see Assessments of Learning for more details.

LEARNING MATERIALS (READINGS, VIDEOS, ETC.)

There is no course textbook for this seminar. The assigned learning materials are mix of videos and readings. Reading and viewing assignments are listed for each course module under Schedule of Topics, below, with hyperlinks to sources where available. Many of the hyperlinks take you to the item in the UBC Library catalogue, where you can access the full text online using your Campus-Wide Login; some take you to blogs, files or videos on publicly-accessible websites. A few direct you to access the resource via the course Canvas site.

Unlike most law school courses, a substantial portion of the required course materials takes the form of videorecorded interviews, lectures and documentary films. Many are drawn from **The Green Interview**, a trove of more than 100 interviews and documentary films by the late Dr. Silver Donald Cameron, a renowned environmental author and educator, the inaugural Farley Mowat Chair in Environmental Communication at Cape Breton University, and the co-creator of this seminar. Others are drawn from the Centre for Law and the Environment’s **Green Rights and Warrior Lawyers Virtual Academy**, its **No Fly Zone** virtual speaker series and other Centre programs. You can learn more about and access these resources as follows:

- Silver Donald Cameron’s **The Green Interview**: <https://thegreeninterview.com/>
- The Centre for Law and the Environment’s **Green Rights and Warrior Lawyers Virtual Academy**: <http://bit.ly/GRAWLacad22>
- The Centre for Law and the Environment’s **No Fly Zone** virtual speaker series and other online programs: <https://allard.ubc.ca/research/research-centres-and-programs/centre-law-and-environment/news-events>

You are expected to complete the assigned readings and viewings before the class to which they relate.

ASSESSMENTS OF LEARNING

Evaluation

Participation: 15% (5% general participation, 10% class facilitation)

Blog post: 25% (10% first draft, 5% peer feedback, 10% final draft)

Research paper or project: 60% (0% proposal, 60% final version)

The academic rules regarding the required average range of grades do not apply to the individual components of your evaluation in this course.

Participation (15%)

Active participation in class is essential and will form 15% of your final mark: 5% for general participation and 10% for assigned class facilitation.

General participation (5%) will be based on your participation in synchronous in-class activities. It will be evaluated not just for quantity but more importantly for quality, taking into account thoughtfulness, constructiveness, knowledgeability and other relevant considerations. Unexcused class absences will count against you, excused absences will not. You must give me advance notice of absences unless circumstances prevent it. I will excuse reasonably justified absences. Please consult me about what I consider a reasonable justification.

Class facilitation (10%) will involve preparing and leading in-class learning activities for approximately 40 minutes on an assigned date and topic. It will be evaluated on the basis of preparation, accuracy, creativity, ability to engage peers in active learning, and other relevant considerations. Activities such as role-playing, buzz groups, games, creative expression, outdoor nature walks, instant surveys, elevator pitches and mental mapping are encouraged.

Blog Post (25%)

You will write a blog post about an environmental “warrior lawyer” of your choice and its lessons for advancing environmental rights. See the [CLE website](#) for examples of past Warrior Lawyer profiles. Your subject must be formally trained as a lawyer or recognized by their community as a bearer of Indigenous legal knowledge. They may be someone featured in The Green Interview (a list of lawyers interviewed by The Green Interview is available on Canvas) or in past Centre for Law & the Environment events, or another person approved by the instructor. You must pick someone who has not yet been profiled on the CLE blog. In appropriate cases, you may profile a group of lawyers, provided they identify self-consciously as a collective or are constituted as an organization (for example, ClientEarth or West Coast Environmental Law). You will research your chosen warrior lawyer(s) using publicly available sources. You are not expected to interview the person yourself. You might ask yourself such questions as:

- What is their story?
- What makes them a “warrior lawyer” working to advance environmental rights and the rights of nature through (or perhaps in spite of) law?
- What legal ideas do they promote (or fight against)?
- What legal and non-legal tools and strategies do they use to put these ideas into action?
- What obstacles and challenges have they faced in doing so?
- What have they accomplished?
- What lessons can be drawn from their experiences for advancing environmental rights and justice in other contexts?

The blog post can be written as a biographical profile or you can use a particular event, dispute or idea as a hook to introduce the biographical subject. The blog post should be written in an

engaging yet serious style suitable for an academic blog. It should be approximately 750 words long and include at least two illustrative images. All images must be reproduced legally (eg via a Creative Commons licence) and be appropriately captioned and credited with licence information. The UBC Library has an excellent [guide](#) on how to find, use and cite royalty-free images. Check out the left sidebar menu of the guide for lists of image [databases](#), [websites and search engines](#), and advice for [citing images](#) and [managing copyright](#).

Like any good blog, your post should contain plenty of links to relevant pages—all individuals, organizations, events and facts should be hyperlinked to sources. You must not include any footnotes, endnotes or bibliography: instead, relevant sources must be hyperlinked where appropriate. Please do not hyperlink to sources behind paywalls (eg the Globe and Mail). Your blog post must be accompanied by a short biographical sketch of yourself (maximum 100 words, excluded from the word count) and a head-and-shoulders photo of you.

Your mark (25%) comprises three components: **first draft (10%)**, **peer feedback on assigned classmates' first drafts (5%)** and **final draft (10%)**.

You will post your **first draft (10%)** as a Word file attachment in a Canvas discussion forum. It will be evaluated for originality, creativity, accuracy, writing style, effective use of the blog medium and other relevant considerations.

To post your first draft, log into the course Canvas, click on Discussions in the left menu and click the +Discussion button to create a new discussion. Title your discussion according to the following model: "Mary's draft Warrior Lawyer blog post: Atticus Finch." Upload your draft blog post as an attachment, in Word (not PDF) format.

You will provide **peer feedback (5%)** on assigned classmates' first drafts in small groups of 3-4 students. Every student in each group will post constructive feedback on the blog posts of all other students in the group, via a Canvas discussion forum. I will also give you confidential feedback on your first draft.

To provide peer feedback on your assigned classmates' first drafts, log into the course Canvas, click on Discussions in the left menu and click on the discussion thread you'd like to open. Read the draft blog. Click the Reply button below the discussion and enter your feedback to the author. Please be constructive. If you'd like to second or respond to someone else's reply, feel free to reply directly to that reply, to get a bit of a dialogue going. Also, as the author of draft blog post, feel free to reply to people's comments on your draft.

You will submit your **final draft (10%)** to me in Microsoft Word format, as an email attachment. Your final draft is evaluated for improvement from the first draft and constructive use of peer and instructor feedback.

If your blog post meets the Centre for Law & the Environment's publication standards and you are willing to work with the Centre to finalize it (including copyediting, confirming image permissions and creating an author account), it will be posted on the Centre's blog.

Research Paper or Project (60%)

You will prepare a final paper or project on a research topic of your choice related to green rights and warrior lawyers. Your topic must be approved by the instructor in advance. The instructor

may be able to suggest some topics with real-world impacts. The research paper is due by the deadline for final submission of seminar papers.

The research paper must be between 6,000 and 7,000 words, exclusive of footnotes, headers, footers and appendices, if any. The paper should have a title page indicating the title, course name and code, your name and the date of submission. Pages should be numbered. All sources referred to in the paper must be cited in footnotes. Citations should be in McGill Guide format in the case of law students, and any standard social science citation format in the case of non-law students. Papers following McGill Guide format should cite all sources in full in footnotes and should omit a list of works cited. Other papers should use inline parenthetical citations where possible and include at the end of the paper a list of works cited (References) that cites all sources in full.

Projects other than research papers will be approved on a case by case basis and might take such forms as a film, video, website, consulting report, educational publication, story book, law reform proposal, or submission to a government body.

Before starting your research paper or project, you will submit a **proposal (0%)** to me in Microsoft Word format, as an email attachment, for informal, formative feedback. The proposal is mandatory but does not form a part of your formal evaluation in the seminar.

Your proposal must include the following information:

- Your name, the name of the course and the date submitted;
- A draft title indicating the proposed topic;
- A clear and concise statement of the research question addressed, along with a statement of your tentative thesis;
- A brief explanation of the importance of the paper or project;
- A preliminary outline of the structure of the paper (or the nature and format of the project, if other than a research paper); and
- A list of the bibliographic references you have identified to date.

The proposal should be no more than 1000 words, not including the list of references.

You will submit your **final paper or project (60%)** to me in Microsoft Word format, as an email attachment. It will be evaluated on the basis of criteria typical for a final seminar paper or project, including originality, importance, thoroughness, thoughtfulness, quality of research and writing, and accuracy of citations.

If your final paper or report is of particularly high quality, I will work with you to pursue publication of it as a Centre for Law and the Environment working paper or report.

File Names

All assignments that you submit as electronic files, including your draft blog post, final blog post, research proposal and final paper, must have filenames that identify the author, course and nature of the document, eg “Firstname Lastname draft blog post LAW393D.docx,” “Firstname Lastname paper proposal LAW393D.docx” or “Firstname Lastname final paper LAW393D.docx.”

Deadlines at a glance

Subject to change. Please consult the course Canvas site for the latest information.

Date	Item
Jan 26, 1230 pm	Sign up for class facilitation assignment
Feb 9, 1230 pm	Obtain instructor approval of topic for research paper or project
Feb 16, 1159 pm	Submit research paper or project proposal (email Word file to instructor)
Mar 2, 1230 pm	Obtain instructor approval of Warrior Lawyer blog post subject
Mar 9, 1159 pm	Post draft Warrior Lawyer blog post on Canvas discussion forum
Mar 23, 1159 pm	Post peer feedback on assigned draft blog posts (on Canvas discussion forum)
Mar 30, 1159 pm	Submit final Warrior Lawyer blog post (email Word file to instructor)
April 28, 400 pm	Submit final paper or project (email Word file to instructor)

SCHEDULE OF TOPICS

The schedule is subject to change. Please consult the course website for the latest information.

Please note: Where only a portion of a reading or video is listed as required, you are of course welcome to read or watch the whole thing!

Unit 1. Introducing Green Rights

Week 1 (Jan 12). Setting the Scene: History and Theory

Required reading and viewing:

The Green Interview: [David Boyd](#), Canada (November 2012) (1 hour)

United Nations Special Rapporteur on Human Rights and the Environment, [Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment](#), UN Doc A/73/188 (19 July 2018) (17 pages)

César Rodríguez-Garavito, “[A Human Right to a Healthy Environment? Moral, Legal, and Empirical Considerations](#)” in John H. Knox and Ramin Pejan, eds. *The Human Right to a Healthy Environment* (Cambridge: Cambridge UP, 2018) 155-168 (13 pages)

United Nations General Assembly, [Resolution 76/300 of 28 July 2022 on the Human Right to a Clean, Healthy and Sustainable Environment](#), UN Doc A/RES/76/300 (1 August 2022) (3 pages)

Optional background:

David R Boyd, [*The Environmental Rights Revolution*](#) (Vancouver: UBC Press, 2012), chapters 1 & 13.

[Archived webcast](#) of joint UBC/Cape Breton University introductory class (Winter 2019).

[Archived webcast](#) of joint UBC/Cape Breton University class on this topic featuring a conversation with David Boyd (Winter 2019).

Centre for Law & the Environment webinar, “[The Time is Now: Canadian and Global Recognition of the Right to a Healthy Environment](#),” keynote address by David Boyd with introductory remarks by David Suzuki and federal Green Party leader Annamie Paul (January 2020).

Week 2 (Jan 19). Making it Real: Rights on the Books and Change on the Ground

Required reading and viewing:

The Green Interview: [Daniel Sallaberry](#), Argentina, plaintiffs’ lawyer in *Mendoza v Argentina* (January 2014) (37 min)

David Boyd, “[Catalyst for Change: Evaluating Forty Years of Experience in Implementing the Right to a Healthy Environment](#),” in John H Knox & Ramin Pejan, eds., *The Human Right to a Healthy Environment*, pp. 17-41 Cambridge: Cambridge UP, 2018) (skip Table 1, pp 19-23) (21 pages).

Silver Donald Cameron, “Warrior Lawyers and the Quest for *Buen Vivir*,” in *Warrior Lawyers: From Manila to Manhattan, Attorneys for the Earth* (Halifax: Green Interview Books, 2016) 15-43 (29 pages) (via Canvas).

Luke Cole, “Lawyers, the Law and Environmental Justice: Dangers for the Movement” (1994/95) 5:2-3 *Race, Poverty and the Environment* 3-7 (4 pages) (via Canvas)

Optional background:

The Green Interview: [Marina Aizen](#), Argentina (January 2014) (52 min)

David R Boyd, [*The Environmental Rights Revolution*](#) (Vancouver: UBC Press, 2012), chapters 11 & 12

Environmental Rights Database: Good Practices in the Use of Human Rights to Protect the Environment ([Category: Substantive Obligations](#))

Ascanio Piomelli, “[Sensibilities for Social Justice Lawyers](#)” (2013) 10 *Hastings Race & Poverty Law Journal* 177 (if the URL doesn’t work, click [here](#) and navigate to the article).

Renée Lertzman, [How to turn climate anxiety into action](#), TED talk, Palm Springs, California (December 2019) (14 minutes).

Silver Donald Cameron, [What Can One Person Do?](#) TEDx Nova Scotia (15 September 2014) (14 minutes)

[Archived webcast](#) of joint UBC/Cape Breton University class on this topic (Winter 2019).

Unit 2. Realizing Green Rights

Week 3 (Jan 26). Holding Government to Account, Part 1: Duties

Required reading and viewing:

The Urgenda case

Urgenda Foundation (2021), “[The Urgenda Climate Case against the Dutch Government](#),” (read main page and the [Climate Case Explained](#) page, and follow any other links that interest you) (approx. 5 pages)

Josephine Van Zeben, “[Establishing a Governmental Duty of Care for Climate Change Mitigation: Will Urgenda Turn the Tide?](#)” (2015) 4:2 *Transnational Environmental Law* 339–357 (read only Parts 3-5) (11 pages)

The Green Interview: [Marjan Minnesma](#), Netherlands, plaintiff in *Urgenda Foundation v Netherlands* (November 2015) (watch from the start to 13:25 and 27:45 - 52:18) (38 minutes)

Green Rights and Warrior Lawyers Virtual Academy: [Marjan Minnesma](#), Netherlands (November 2022) (watch only Marjan’s talk, 8:00 – 39:00) (31 minutes)

The Sharma case

Archived webcast of Judge Mordecai Bromberg of the Federal Court of Australia delivering the [summary of his decision in Sharma v Minister for the Environment \[2021\] FCA 560](#) (May 2021) (watch from 2:00 – 15:40) (13 minutes)

No Fly Zone Speaker Series: [David Barnden](#), Australia, plaintiffs’ lawyer in *Sharma v Minister for the Environment* (September 2021) (watch only David’s talk, 4:53 – 33:17) (29 minutes)

Official summary of *Minister for the Environment v Sharma* [2022] FCAFC 35, reversing Justice Bromberg’s decision (3 pages) (via Canvas)

Anjali Sharma et al, public statement, “[‘They will not forget our names’: No appeal, but a vow to keep pushing for climate action](#)” (12 April 2022) (2 pages)

Environmental Law Australia, “[Sharma v Minister for the Environment](#)” (approx 5 pages)

Mark Clarke, Stephanie Stocker & Alexandra Hublet, “[Sharma v Minister for the Environment: A setback for climate change claimants as landmark decision is overturned on appeal](#),” White & Case blog (30 March 2022) (approx 3 pages)

Optional background:

[Urgenda Foundation v Netherlands](#), Docket No. C/09/456689 / HA ZA 13-1396 (Hague District Court, 24 June 2015) (official English translation)

Archived webcast of the Hague District Court delivering the [summary of its decision in Urgenda Foundation v Netherlands](#) (June 2015) (Dutch with English subtitles) (18 minutes)

Roger Cox (2015), [A Climate Change Litigation Precedent: Urgenda Foundation v The State of the Netherlands](#), CIGI Paper No. 79, November (Waterloo, ON: Centre for International Governance Innovation) (14 pages)

[Archived webcast](#) of joint UBC/Cape Breton University class on this topic, featuring a conversation with Marjan Minnesma (Winter 2019)

Sharma v Minister for the Environment [2021] FCA 560 and [2021] FCA 744 (Federal Court of Australia), rev'd [2022] FCAFC 35 (Federal Court of Australia – Full Court)

Ilona Millar et al, “[No ‘Duty of Care’ but risks of climate litigation continue to grow - insights from the Sharma decision](#),” Gilbert & Tobin blog (21 March 2022) (approx 3 pages)

Zoe Bush, “[Is Climate Change Justiciable? Politics and Policy in Minister for the Environment v Sharma](#),” Australian Public Law blog (29 June 2022) (approx 3 pages)

Zoe Bush, “*Minister for the Environment v Sharma* [2022] FCAFC 35” (2022) 37(1) *Australian Environment Review* 9-13 (5 pages)

Week 4 (Feb 2). Holding Government to Account, Part 2: Rights

Special guest:

Nader Hasan, partner, Stockwoods LLP (plaintiffs’ counsel in *Mathur v Ontario* and other high-profile public interest environmental law cases)

Required reading and viewing:

The Mathur case

Mathur v Ontario, 2020 ONSC 6918 (excerpts) (42 pages) (via Canvas)

Mathur v Ontario, Ontario Superior Court of Justice, Docket No. CV-19-00631627-0000, Factum of the Applicants (23 August 2022) (read only pp 40-79) (40 pages) (via Canvas)

Other cases

Federal Constitutional Court of Germany, news release, “[Constitutional complaints against the Federal Climate Change Act partially successful](#)” (29 April 2021) (4 pages)

No Fly Zone Speaker Series: [Roda Verheyen](#), Germany, plaintiffs’ lawyer in the KSG case (October 2021) (watch only Roda’s talk, 4:50 – 28:00) (22 minutes)

Jacqueline Peel and Hari Osofsky, “[A Rights Turn in Climate Change Litigation?](#)” (2018) 7:1 *Transnational Environmental Law* 37-67 (30 pages).

Urgenda Foundation v Netherlands, Supreme Court of the Netherlands (20 December 2019) (Summary of decision, 5 pages) (via Canvas)

Optional background:

Marco Chown Oved, "[Ontario's climate plan is more of a 'glossy brochure' than a law. So says the government itself](#)," Toronto Star (14 September 2022).

[La Rose v Canada](#), 2020 FC 1008

[Bundes-Klimaschutzgesetz \(KSG\) case](#), German Federal Constitutional Court, First Senate (24 March 2021) (official English translation of decision)

Week 5 (Feb 9). Holding Industry to Account

Special guest:

Andrew Gage, West Coast Environmental Law, Victoria, BC

*Required reading and viewing:***Ecuador and the "Chevron-Tóxico" saga**

The Green Interview: [Pablo Fajardo \(Ecuador\) and Steven Donziger \(USA\)](#) (January 2014) (1h:21)

Green Rights and Warrior Lawyers Virtual Academy: [Steven Donziger](#) (November 2022) (watch only Steven's talk, 5:30 – 33:00) (28 minutes)

Judith Kimerling, "[Habitat as Human Rights: Indigenous Huaorani in the Amazon Rainforest, Oil, and Ome Yasuni](#)" (2016) 40 *Vermont Law Review* 445-524 (read Parts I – II, skim the rest) (79 pages).

Amazon Frontline, "[Waorani people win historic appeal against Ecuador's government: Final verdict protects a half-million acres of Amazon rainforest from oil drilling](#)," *Intercontinental Cry* (13 July 2019) (approx 2 pages)

Other developments

West Coast Environmental Law, "[Sue Big Oil](#)" (browse the website) (approx 5 pages)

Jeffrey Bone, [Governing the Extractive Sector: Regulating the Foreign Conduct of International Mining Firms](#) (Oxford: Hart, 2020) (read only Chapter 5, pp 82 – 93) (12 pages)

Lucas Roorda, "[Wading Through the \(Polluted\) Mud: The Hague Court of Appeal Rules on Shell in Nigeria](#)," Rights as Usual blog (2 February 2021) (approx 2 pages)

Milieudefensie v Royal Dutch Shell (Hague District Court, 26 May 2021) (12 pages) (access via Canvas)

Optional background:

[Yaiguaje v. Chevron Corporation](#), 2018 ONCA 472.

Frente de Defensa de la Amazonía, <https://www.makechevroncleanup.com/>

The Amazon Post: Chevron's View and Opinions on the Ecuador Lawsuit,
<https://theamazonpost.com/>

No Fly Zone Speaker Series: Steven Donziger, "[The Epic Environmental Litigation of Chevron v Ecuador: Lessons From The Frontlines](#)" (October 2020).

Amazon Watch webinar, [Judicial Corruption in the US: Big Oil's Political Prisoner Steven Donziger Under House Arrest For One Year](#) (6 August 2020) (1h:11)

Centre for Law & the Environment webinar series, [Climate Accountability Litigation by Governments against Fossil Fuel Companies: Exploring the Options](#) (November 2020)

Green Rights and Warrior Lawyers Virtual Academy: [Chima Williams](#), Nigeria, lawyer for plaintiffs in *Nigerian Farmers v Shell* case (November 2022)

Business & Human Rights Resource Centre, "[Shell Lawsuit \(re oil pollution in Nigeria\)](#)" (last updated 3 January 2023)

Archived webcast of Centre for Law & the Environment special event, "[Ross Beaty and Panamerican Silver: Stop UnderMining Indigenous Rights](#)," featuring remarks by Tahoe Resources plaintiff/Xinka Parliament representative Luis Fernando Garcia Monroy and Tahoe Resources plaintiffs' lawyer Joe Fiorante (21 November 2019).

Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power* (Toronto: Viking Canada, 2004); [The Corporation](#) (dir. Mark Achbar & Jennifer Abbott, 2003); Joel Bakan, *The New Corporation: How "Good" Corporations Are Bad for Democracy* (New York: Vintage Books, 2020); [The New Corporation: The Unfortunately Necessary Sequel](#) (dir. Joel Bakan & Jennifer Abbott, 2020).

Week 6 (Feb 16). Defending Environmental Defenders

Special guest:

David Gooderham, climate change activist and retired lawyer, Vancouver

Required reading and viewing:

Environmental defenders and necessity in Canada

Irina Ceric, "[Beyond Contempt: Injunctions, Land Defense, and the Criminalization of Indigenous Resistance](#)" (2020) 119:2 *South Atlantic Quarterly* 353-369 (15 pages)

David Gooderham, "[The Defence of Necessity and Addressing Climate Change: A Canadian Case](#)" (2020) 42 *Public Land & Resources L Rev* 119-136 (17 pages)

[Trans Mountain Pipeline ULC v. Mivasair](#), 2020 BCCA 255 (read paragraphs 1-47 and 69-116) (29 pages)

Bigger picture

Necessity: Part 1: Oil, Water and Climate Resistance (2020) (59 minutes) and Part 2: Climate Justice and the Thin Green Line (2022) (57 minutes), directed by Jan Haaken and Samantha Praus

No Fly Zone Speaker Series: [Kelsey Skaggs](#), Executive Director, Climate Defense Project (USA) (October 2021) (watch only Kelsey's talk, 3:40 – 45:00) (41 minutes)

Optional background:

Global Witness, "[Decade of Defiance: Ten Years of Reporting Land and Environmental Activism Worldwide](#)," globalwitness.org (29 September 2022)

Gooderham Nathan Climate Action website, <https://gooderhamnathan.com/>

David Gooderham's Climate Change blog, <https://dagooderham.com/>

Climate Defense Project, <https://climatedefenseproject.org/>

State v Spokane County Dist. Court & Taylor (Washington Sup Ct, 2021)

Klippensteins Barristers & Solicitors, "*Choc v Hudbay Minerals Inc & Caal v Hudbay Minerals Inc*," <http://www.chocversushudbay.com/> (especially the embedded *Defensora* video)

Universal Rights Group et al, *You Are Not Alone: the global resource portal for environmental human rights defenders*, <https://environment-rights.org/>

Nathalie Butt et al, "[The Supply Chain of Violence](#)" (2019) 2 *Nature Sustainability* 742-747

The Green Interview: [Femke Wijdekop](#) (Netherlands) (1h:14); [Santiago Manuin Valera](#) (Awajun, Peru) (52 mins)

[Archived webcast](#) of joint UBC/Cape Breton University class on this topic, featuring a conversation with Femke Wijdekop (Winter 2019)

Week 7 (Feb 23). Reading Week – No Class

Unit 3. Expanding Green Rights

Week 8 (Mar 2). Future Generations

Required reading and viewing:

Tony Oposa

The Green Interview: [Antonio Oposa](#), Philippines (October 2014) (watch only from the start to 28:40) (29 minutes)

Green Rights and Warrior Lawyers Virtual Academy: [Antonio Oposa](#), Philippines (November 2022) (watch only from 12:30 to 1:06:00) (48 minutes)

Oposa v Factoran (Philippines SC, 1993), excerpts (5 pages) (access via Canvas)

Oliver A. Houck, "[Light from the Trees: The Stories of Minors Oposa and the Russian Forest Cases](#)" (2007) 19 *Georgetown International Environmental Law Review* 321-373 (read only Parts I, II and IV, pp 321-44 and 372-73) (25 pages)

Other developments

Mary Christina Wood, "[Atmospheric Trust Litigation: Securing a Constitutional Right to a Stable Climate System](#)" (2018) 29 *Colorado Natural Resources, Energy & Environmental Law Review* 321-39 (19 pages) (if the link doesn't work, click [here](#) and navigate to the article).

Juliana v USA (2016) 217 F.Supp.3d 1224 (D. Oregon), excerpts (11 pages) (access via Canvas)

Mathur v Ontario, 2020 ONSC 6918 (excerpts) (7 pages)

Optional background:

The Green Interview: [David Suzuki](#), Canada (October 2013) (1h:11); [Mary Christina Wood](#), USA (March 2017) (1h:07)

David Suzuki (2019), "[Is it time to let the kids vote?](#)" *Victoria Times-Colonist* (1 September).

Mary Christina Wood and Michael Blumm, "[These kids and young adults want their day in court on climate change](#)", *The Conversation* (23 October 2018).

WITF (Pennsylvania public television), "[Generations Yet to Come: Environmental Rights in PA](#)" (24 October 2018) (27 minutes) (documentary special on Pennsylvania's constitutional right to a healthy environment, enacted in 1971).

Antonio Oposa, Jr., [Shooting Stars and Dancing Fish: A Walk to the World We Want](#) (Cebu City, Philippines: Ramon Aboitiz Foundation, 2017)

Week 9 (Mar 9). Animals

Required reading and viewing:

The Green Interview: [Camille Labchuk](#), Canada (August 2016) (54 minutes)

No Fly Zone Speaker Series: Victoria Shroff and Camille Labchuk, "[Accessing Justice for Animals](#)" (October 2020) (watch only Victoria and Camille's talks, 11:20 – 48:00) (37 minutes)

Victoria Shroff, "[Is it time for the rights of animals in Canada?](#)" *Canadian Lawyer* (1 April 2019) (2 pages)

David R Boyd, [The Rights of Nature: A Legal Revolution that Could Save the World](#) (Toronto: ECW) (read only chapter 4, pp 44-58) (15 pages)

Margaret Robinson, "[Animal Personhood in Mi'kmaq Perspective](#)" (2014) 4 *Societies* 672-688 (16 pages)

Maneesha Dekha, "[The 'Pig Trial' Decision: The Save Movement, Legal Mischief, and the Legal Invisibilization of Farmed Animal Suffering](#)" (2019) 50:1 *Ottawa Law Review* 65-98 (34 pages)

Optional background:

Peter Sankoff and Camille Labchuk, [Paw and Order podcast](#).

Steven Wise, "[Chimps have feelings and thoughts. They should also have rights](#)," TED Talk, Vancouver (March 2015) (14 minutes)

Lesli Bisgould, "[It's time to re-evaluate our relationship with animals](#)," TEDx University of Toronto (May 2014) (14 minutes)

Maneesha Deckha, "[Initiating a Non-Anthropocentric Jurisprudence: The Rule of Law and Animal Vulnerability under a Property Paradigm](#)" (2013) 50:4 *Alberta Law Review* 783-814

Reece v Edmonton (City), [2011 ABCA 238](#) (Fraser CJA, dissenting)

R v Krajnc, [2017 ONCJ 281](#)

George Yancy and Peter Singer, "[Peter Singer: On Racism, Animal Rights and Human Rights](#)," *Opinionator (New York Times)* (27 May 2015).

CBC Calgary, "[Punky Santics—BC's 'death row dangerous dog' case—CBC Interviewed Victoria Shroff](#)," Youtube.com (29 August 2019).

Anon, "[It was sad. Really sad': Punky the dog destroyed after years-long battle](#)," CBC News (23 January 2020).

Unit 4. Transcending Green Rights

Week 10 (Mar 16). Rights of Nature, Part 1

Special guest:

Natalia Green, Ecuador, global team coordinator, Global Alliance for the Rights of Nature

*Required reading and viewing:***General**

World People's Conference on Climate Change and the Rights of Mother Earth, [Universal Declaration of Rights of Mother Earth](#) (2010) (3 pages)

Oliver A Houck, "[Noah's Second Voyage: The Rights of Nature as Law](#)" (2017) 31 *Tulane Environmental Law Journal* 1-50 (50 pages, but footnotes take up half the length)

United Nations General Assembly, [Harmony with Nature: Report of the Secretary-General](#), UN Doc A/75/266 (28 July 2020) (15 pages)

Some champions

The Green Interview: [Natalia Green](#), Ecuador (January 2014) (1 hour)

Pablo Solón, "[Vivir Bien: Old Cosmovisions and New Paradigms](#)," *Great Transition Initiative* (February 2018) (13 pages).

The Green Interview: [Mumta Ito](#), UK (January 2014) (52 minutes)

No Fly Zone Speaker Series: Mumta Ito, UK, “[Nature’s Rights, Human Rights and Economic Rights](#)” (November 2021) (watch only Mumta’s talk, 5:15 – 39:00) (34 minutes)

Optional background

The Green Interview: [Pablo Solón](#), Bolivia (January 2014) (48 minutes); [Alberto Acosta](#), Ecuador (January 2014) (36 minutes)

Green Rights and Warrior Lawyers Virtual Academy: [Mumta Ito](#), UK (November 2022)

Centre for Law & the Environment webinar series, “[Towards Legal Recognition for Non-Human Relations](#)” (September 2021 – January 2022)

David R Boyd, [The Rights of Nature: A Legal Revolution that Could Save the World](#) (Toronto: ECW), chapters 10-12 (pp 165-218) (54 pages).

Sam Jones, “[Endangered Mar Menor lagoon in Spain granted legal status as a person](#),” The Guardian (21 September 2022) (1 page)

[Archived webcast](#) of a joint UBC/Cape Breton University class on this topic (Winter 2019)

Week 11 (Mar 23). Rights of Nature, Part 2

Required reading and viewing:

Wild Law and Earth Jurisprudence

The Green Interview: [Cormac Cullinan](#), South Africa (January 2014) (1h:03)

Green Rights and Warrior Lawyers Virtual Academy: [Cormac Cullinan](#), South Africa (November 2022) (watch only Cormac’s talk, 8:00 – 35:00) (27 minutes)

Cormac Cullinan, “[If Nature Had Rights](#),” *Orion Magazine* (circa 2008) (6 pages).

Cormac Cullinan, “[Extracts from Wild Law](#),” *Orion Magazine* (circa 2008) (4 pages).

Rights of Nature in the US and Canada

Innu Council of Ekuanitshit, Resolution 919-082 regarding Mutehekau Shipu/Magpie River (18 January 2021) (unofficial English translation) (skip the endnotes) (7 pages) (via Canvas)

Yenny Vega Cárdenas and Uapukun Mestokosho, “Recognizing the Legal Personality of the Magpie River/Mutehekau Shipu in Canada” (2023) McGill J Sustainable Devel L (forthcoming) (32 pages) (via Canvas)

David R Boyd, [The Rights of Nature: A Legal Revolution that Could Save the World](#) (Toronto: ECW), chapter 7 (pp 109 - 130) (21 pages).

City of Toledo, Ohio (2019), Amendment to the Charter of the City of Toledo to enact a [Lake Erie Bill of Rights](#) (3 pages).

Optional background

Various authors, Special issue on Wild Law (2007) 19 *Environmental Law & Management* 59-92.

Sean Nixon, “[A Quebec river now has legal personhood – what that means for granting nature rights](#),” Ecojustice blog (5 March 2021) (3 pages)

The Green Interview: [Mari Margil and Thomas Linzey](#) (USA) (1h:31).

Community Environmental Legal Defense Fund (2019), *Rights of Nature: Toledo, Ohio* (video) (5 minutes) (watch on [CELDF website](#) or [Youtube](#))

H. Claire Brown, “[How Ohio’s Chamber of Commerce Killed an Anti-Pollution Bill of Rights](#),” *The Intercept* (29 August 2019).

Week 12 (Mar 30). Indigenous Legal Orders, Part 1: Turtle Island

Required reading and viewing:

Anishinaabe

The Green Interview: [John and Lindsay Borrows](#), Anishinaabe/Canada (August 2013) (1h:07)

No Fly Zone Speaker Series: Lindsay Borrows, “[‘Laws Are for the Lawless’: Learning Indigenous Law on and from the Land](#)” (November 2020) (watch only Lindsay’s talk, 9:40 – 54:40) (45 minutes).

Lindsay Keegitah Borrows, [Otter’s Journey Through Indigenous Language and Law](#) (Vancouver: UBC Press, 2018) (read only chapter 5, pp 105 – 122) (18 pages)

John Borrows, *Canada’s Indigenous Constitution* (Toronto: University of Toronto Press 2010), pp. 239-48 (10 pages) (access via Canvas)

Haida

Green Rights and Warrior Lawyers Virtual Academy: [Terri-Lynn Williams-Davidson](#), Haida, Canada (October 2022) (watch only Terri-Lynn’s talk, 8:50 – 40:15) (31 minutes)

Terry-Lynn Williams-Davidson, *Out of Concealment: Female Supernatural Beings of Haida Gwaii* (Victoria, BC: Heritage House, 2017), excerpts (20 pages) (access via Canvas)

Coast Salish

Lower Fraser Fisheries Alliance and Revitalizing Indigenous Law (RELAW), [Legal Traditions of the Peoples of the Lower Fraser: Summary Report](#) (Abbotsford, BC: Lower Fraser Fisheries Alliance, 2021) (read only summaries of volumes 1-4 and 7, pp 5 – 31 and 46 – 53) (34 pages)

Optional background:

The Green Interview: [Albert Marshall](#), Mi’kmaw/Canada (January 2019) (1h:09), [Edmund Metatawabin](#), Cree/Canada (February 2013) (1h:38), [Larry Kowalchuk](#), Canada (April 2015) (1h:06)

Terri-Lynn Williams-Davidson, keynote address, “[Supernatural Oceans: A Worldview for Enlightened Oceans Governance and Territorial Food Systems](#),” Canadian Association for Food Law & Policy 5th Annual Meeting (May 2021)

Val Napoleon, “[What is Indigenous Law? A Small Discussion](#),” University of Victoria Indigenous Law Research Unit (2016) (4 pages)

John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002)

John Borrows, *Drawing Out Law: A Spirit’s Guide* (Toronto: University of Toronto Press 2010).

John Borrows, *Law’s Indigenous Ethics* (Toronto: University of Toronto Press, 2019).

Marianne Ignace and Ronald E Ignace, *Secwépemc People, Land, and Laws: Yerí7 re Stsqeýs-kucw* (Montreal and Kingston: McGill-Queen’s University Press, 2017).

Sylvia McAdam (Saysewahum), [Nationhood Interrupted: Revitalizing Nêhiyaw Legal Systems](#) (Saskatoon: Purich, 2015).

L Jane McMillan, *Truth and Conviction: Donald Marshall Jr. and the Mi’kmaw Quest for Justice* (Vancouver: UBC Press, 2018)

Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance through Alliance* (Toronto: University of Toronto Press, 2020).

Ktunaxa Nation, [Qat’muk Declaration](#) (15 November 2010) (2 pages)

[Archived webcast](#) of a joint UBC/Cape Breton University class on this topic (Winter 2019)

Week 13 (Apr 6). Indigenous Legal Orders, Part 2: Aotearoa

Required reading and viewing:

Māori

Green Rights and Warrior Lawyers Virtual Academy: [Jacinta Ruru](#), Aotearoa/New Zealand (November 2022) (watch only Jacinta’s talk, 7:00 – 50:30) (43 minutes)

Jacinta Ruru, “[First Laws: Tikanga Māori in/and the Law](#)” (2018) 49 *Victoria U Wellington L Rev* 211-228 (18 pages)

James DK Morris and Jacinta Ruru, “Giving Voice to Rivers: Legal Personality as a Vehicle for Recognising Indigenous Peoples’ Relationships to Water?” (2010) 14:2 *Australian Indigenous Law Review* 49-62 (excerpts) (skip the endnotes) (9 pages) (via Canvas)

Jacinta Ruru, “[Listening to Papatūānuku: A call to reform water law](#)” (2018) 48:2-3 *J Royal Society of New Zealand* 215-224 (9 pages)

Te Urewera Board, [Te Kawa o Te Urewera](#) (Te Urewera Management Plan) (2017) (read to the end of Chapter 2) (24 pages)

Optional background:

David R Boyd, [*The Rights of Nature: A Legal Revolution that Could Save the World*](#) (Toronto: ECW), chapters 8-9 (pp 131-157) (27 pages).

UNIVERSITY POLICIES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

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OTHER COURSE POLICIES

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Learning analytics include the collection and analysis of data about learners to improve teaching and learning. This course uses the following learning technology: Canvas. This tool captures

data about your activity and provides information that can be used to improve the quality of teaching and learning. I may use analytics data to:

- View overall class progress
- Track your progress in order to provide you with personalized feedback
- Review statistics on course content being accessed to support improvements in the course
- Track participation in discussion forums
- Assess your participation in the course.

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