

Submission on Bill No. 213 – Sustainable Development Goals Act
Law Amendments, 28 October 2019
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The East Coast Environmental Law Association is a public interest environmental law charity established in 2007. Based in Halifax, Nova Scotia, we advocate for the fair application of innovative and effective environmental laws in Atlantic Canada through education, collaboration and legal action.

Members of the East Coast Environmental Law Association have been engaged with the *Environmental Goals and Sustainable Prosperity Act* (EGSPA) since its creation in 2007. Most recently we submitted comments to the public consultation process on the 5 year review of the EGSPA on September 26, 2019.

Unfortunately we were unable to attend the Law Amendments session today, which I expect you will understand given the very short notice and the resource challenges faced by small public interest organizations. I have, however, tuned in to some of the live broadcast and I understand that more than 40 individuals will present to the Committee. This is an incredible demonstration of commitment and concern by a broad range of citizens in our province for a law that resonates with them.

Nova Scotia needs clear and strong environmental goals and this is the only provincial statute that provides that focus. Since 2007, *EGSPA* has been a legal beacon that has demonstrated the provincial government's commitment to protecting current and future generations in this province as we work to mitigate and adapt to significant environmental and climate challenges.

Amendment # 1 Change the Title

Explanation: The government has provided no reasonable explanation for changing the title of the statute and inexplicably uses the original title in the subtitle. To reduce confusion and bring the title of the statute back in line with the purpose of the statute, change it to: *The Environmental Goals and Sustainable Prosperity Act*.

Amendment # 2 Recognize Indigenous Rights that are asserted in the United Nations Declaration on the Rights of Indigenous Peoples in the Act.

Explanation: Although they are important, the Aboriginal and treaty rights that Indigenous peoples in Canada hold under section 35 of the *Constitution Act, 1982*, are limited in many ways. The United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) sets a better standard for Indigenous rights recognition, including, but not limited to, Indigenous peoples’ rights to:

- refuse or give free, prior, and informed consent to proposed activities within their territories;
- refuse or give free, prior, and informed consent to proposed activities that could affect their rights adversely;
- access traditional medicines and conserve vital medicinal plants, animals, and minerals; and,
- maintain and strengthen spiritual relationships with their lands, territories, waters, coastal seas, and other resources, and preserve future generations’ ability to do the same.

Amendment # 3 Include Goals and in the Act itself

Explanation: As you are aware, the political process to create or amend a statute is very different from the process required to create or amend regulations. Amending a statute requires debate within the House of Assembly; it will give representatives from all parties the chance to make their voices and the perspectives of

their constituents heard. By contrast, regulations can be made by the party in power with little input or feedback from others. Much of the foresight and strength of EGSPA has been in the clear, measurable goals that enabled accountability.

This is not that time to back away from accountability; it is the time to double-down and send a message to Nova Scotians that in order to achieve sustainable prosperity we must set goals and targets that are robust and use the most inclusive political processes available. We applaud the government for including two climate goals in Bill No. 213, however, new goals and updating current goals that have not yet been achieved should also be included in the Act.

Amendment #4 Core habitat goals for Species at Risk should be included in the Act

Explanation: The *Endangered Species Act* (ESA) defines core habitat as the “specific areas of habitat essential for the long-term survival and recovery of endangered or threatened species...”¹ The process to protect core habitat is not simple. Once identified in a recovery plan, the Minister may exercise his authority to designate core habitat (section 17) and then create regulations to control, restrict, or prohibit activities within core habitat (section 16).²

In the 20 years since the introduction of the ESA not one parcel of core habitat has been identified and only one species (Peregrine Falcon) has been moved to a lower category as a result of recovery efforts. We know that habitat disturbance and destruction is a key contributor to species loss.

Amendment #5 Goals that require the integration of climate and biodiversity science and policy education into Nova Scotia curriculum should be included in the Act.

Explanation: Not only are we in the midst of a climate crisis, we are witnessing the 6th mass extinction, and the first directly linked to human population and consumption practices. This is the time to set clear environmental goals that will save our environment, invigorate a new economy and meet the sustainable prosperity goal of healthy and resilient communities. Education is the foundation to achieving these goals.

¹ *Endangered Species Act*, SNS 1998, c. 11, s. 3.

² *Ibid*, s.16