

NATURE AND HUMANITY: ECOSYSTEMS AS RIGHTS-BEARING ENTITIES

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GRADES:

10 TO 12

SUBJECTS:

CANADIAN STUDIES

ENVIRONMENTAL
EDUCATION

INDIGENOUS STUDIES

SOCIAL STUDIES

DURATION:

3 TO 4 CLASSES



KEY CONCEPTS & ISSUES

This lesson plan explores the concept of human rights versus the rights of nature. Why should nature have rights? What should those rights look like? Students will learn about the Canadian Charter of Rights and Freedoms, and consider how it can be revised to incorporate rights for nature.



BACKGROUND

The Canadian Charter of Rights and Freedoms was signed into law on April 17, 1982 by Queen Elizabeth II. It forms part of Canada's constitution and is an essential part of our democracy. The Charter protects many rights and freedoms of Canadians, including the right to equality, freedom of expression, and the right to life, liberty, and security. These rights are human rights, and they govern how people in Canada live and interact with each other, as well as their relationship with the government. However, in the face of ongoing climate change and environmental degradation, environmentalists around the world are beginning to argue that human beings aren't the only ones who deserve rights.

An emerging theory of environmental law, known as the "rights of nature," recognizes that nature itself has rights too, which can be added to a country's constitution, enforced through statutes, or by granting legal personhood to entire ecosystems. By recognizing the natural environment as a "legal person," direct legal action can be taken if it is harmed, whereas in the eyes of most laws today, nature is seen as human property, and any environmental damage inflicted upon it must be shown to violate human rights before action can be taken.

Nature may not be able represent itself in court, but much in the same way that children are appointed guardians to act on their behalf, when an ecosystem is declared as having rights, it is entitled to the right of legal representation by its own guardians. Often these guardians belong to local Indigenous communities who have a long-standing relationship with the ecosystem and are well-versed in its care and management. Thus, the rights of nature framework also



provides a legally empowered stewardship role for Indigenous groups and their traditional territories.

At its core, the rights of nature movement is a modern version of long-practiced Indigenous laws. In many Indigenous cultures, humans and nature are deeply connected. Traditional Indigenous knowledge and belief systems are based around the importance of living in balance with nature, and of respecting and protecting the environment for future generations. The rights of nature movement embraces these ways of thinking, and looks at how to balance what is good for human beings against what is good for nature and, ultimately, the planet as a whole.



EXPECTATIONS/OUTCOMES

Students will:

- Increase their knowledge of the Canadian Charter of Rights and Freedoms;
- Interpret and analyze information and evidence from legal cases;
- Apply and extrapolate Charter rights in different contexts;
- Examine the process of amending the Charter;
- Explain how to generate calls to action for specific purposes and audiences through multiple formats;
- Communicate their ideas using various formats and styles.

QUESTIONS TO CONSIDER

- How can the Charter be used to protect natural environments?
- Should nature have its own rights and, if so, what should some of those rights be?
- What can be done to build a more harmonious relationship between people and nature?

STEP ONE TEACHER-DIRECTED DISCUSSION

1. Ask students to share what they already know about rights and freedoms in Canada. Record their answers.
2. Introduce the Canadian Charter of Rights and Freedoms, and explain that it makes up part of Canada's constitution, which is the supreme law of Canada. Show a [copy](#) of the Charter, then read and discuss the rights and freedoms together as a class. Compare these with the student-generated list.

3. Display a slideshow of images that showcase different Charter rights in action. (For example, a photograph of protestors to represent the right to peaceful assembly, or a newspaper article to represent freedom of the press and freedom of expression.) Have students consider which Charter rights are being depicted in each image. End the slideshow with an image of a healthy natural environment and again ask students to think about which rights are represented. Introduce them to the concept of rights of nature.



STEP TWO STUDENT-LED EXPLORATION

Explain to students that current laws often treat nature as a commodity and only focus on benefiting government, people, and companies. Today, when environmental issues are raised in court, people have to prove that these issues violate their individual human rights because nature has no rights of its own. However, if nature were to be treated as a rights-bearing entity, then nature rights could be defended in court too, just like human rights.

What does this look like in practice? In recent years this has been accomplished by granting entire ecosystems “legal personhood” status so their rights can be upheld through law, and then appointing guardians (often from local Indigenous groups) to help enforce those rights and represent the ecosystem in court if need be.

Students will work together to look at examples of how rights of nature are being implemented across the world. Divide students into five groups, with each group researching one case:

- Atrato River, Colombia
- Ganga River, India
- Magpie River, Canada
- Te Urewera, New Zealand
- Turag River, Bangladesh

In their groups, students will answer the following questions and share their findings with the class:

1. What is the ecosystem being protected?
2. Why does it need protection? (Briefly summarize the environmental issues surrounding the case.)
3. What was the legal decision that was made?
4. What rights has the ecosystem been given?
5. How are those rights being enforced and who is responsible for enforcing them?



View of Ganga River embankment in Rishikesh

As a class, discuss how the rights of nature in each case compare with the human rights outlined in the Charter of Rights and Freedoms.

STEP THREE THE INDIGENOUS ROLE

Watch the brief video, “[Connecting Biodiversity to Our Humanity](#),” about Indigenous worldviews and land stewardship. As briefly mentioned in the video, Canada has committed to protecting 25 percent of its lands and oceans by 2025 to address climate change and biodiversity loss. Explain to students that recognizing the rights of nature can help to accomplish this goal, while also helping Indigenous peoples protect their homelands.

Working in pairs or individually, students will research and decide on an ecosystem in Canada that they think should be given its own rights. Using the Charter as a guide, they will develop a list of at least five rights for their chosen natural entity. When creating their list, have students think about:

- The environmental issues being faced by the ecosystem;
- Who is connected to the ecosystem and what do people use it for (food, water, transportation, shelter, etc.);
- Whether their proposed rights would interfere with the rights of people connected to the ecosystem;
- Who would be best suited to protect the ecosystem;
- How Indigenous environmental stewardship practices can be incorporated.

STEP FOUR CULMINATING ACTIVITY

1. PROPOSAL

As part of Canada’s constitution, the Charter can be modified if a strict set of rules known as the “amending formula” are followed. These rules require the federal government, along with two-thirds of the provinces (as long as they make up 50 percent of Canada’s total population) to approve any proposed change. So far there has only been one successful amendment to the Charter: in 1983, several additions were made to Section 25, which discusses Indigenous rights.

For the first part of the culminating activity, each student will devise an amendment to the Charter that would incorporate the rights of nature.

2. ACTION CAMPAIGN

One of the most effective ways to bring about change is by raising awareness of a specific issue. Often public awareness can put pressure on political institutions to address that issue.



- Students will come up with an awareness campaign to inform others about the rights of nature, why it should be added to the Charter, and how this can be done, using their Charter amendments proposed in Part 1.
- Campaign options include: social media, letter writing, posters, podcasts, and other methods to spread the word. Students are welcome to incorporate more than one of these options.
- When creating the campaign, students should keep in mind who they think needs to hear this message, and what is the best way to reach that audience.

3. REFLECT AND CONNECT

Offer an opportunity for students to view their classmates' work. This can be done through a gallery walk, virtual or in-person presentations, etc.

Afterwards, students will individually compose a short piece in response to the following prompts:

- In what ways do you feel your plan for an action campaign was successful?
- Are there any changes you would make to improve your work?
- What resonated with you throughout this learning activity?
- Do you have any remaining questions?
- What role can you as an individual play in enforcing the rights of nature?



OPTIONAL EXTENSION ACTIVITIES

1. Incorporating the rights of nature into Canada's constitution can be a step in the right direction for addressing climate change, but more needs to be done. To support student empowerment, have the class consider how their actions and the actions of young people around the world can make a difference. Students can conduct research to discover what youth climate activists are doing, or the class can watch a video that introduces some of these activists (such as "[Rebellion](#)," an episode of CBC's *The Nature of Things*, hosted by David Suzuki).
2. Watch [The Rights of Nature: A Global Movement](#) documentary, then engage in a class discussion:
 - The film mentions that although the rights of nature movement is one way to begin addressing the climate crisis, there is no single method. What are some other actions that can be taken?
 - Why do you think it is important to live in harmony with nature?
 - What are some changes you can make to your lifestyle in order to reconnect with nature?



- What do you think a universal declaration for the rights of nature should look like? (To continue this exploration, look at the [Universal Declaration of the Rights of Mother Earth](#) and compare it with the [Universal Declaration for Human Rights](#).)



RESOURCES

- Canada’s Department of Justice [website](#) has plenty of useful infographics and learning resources for teaching the Charter.
- As an example of how nature rights can be entrenched in a country’s constitution, look at Chapter Seven of the [2008 Constitution of Ecuador](#).
- The Earth Law Center offers plenty of educational resources and initiatives related to the rights of nature, including [mock trial workshops](#), [Earth Law clubs](#), a STEM-focused [lesson plan](#), and more.
- The Global Alliance for the Rights of Nature (GARN)’s [Youth Hub](#) hosts youth panels and events, as well as a Rights of Nature Bookclub.
- Another rights of nature bill is currently making its way through Quebec’s legal system: *An Act to Grant Rights to the Saint Lawrence River*. Read more about the proposed bill in [this article](#) from Quebec’s *Métro* newspaper.
- “[The Rights of Nature: Canadian and International Developments in Granting Legal Rights to Rivers](#)” explores the rights of nature through the context of the Canadian legal framework.



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