

# Rights of Rivers: Comparison of Project Alternatives

	How	Why	Previous Precedent	Benefits	Issues
<b>Legal Personhood</b> 	Designation of specific legal rights to water via resolutions, legislation, judicial recognition, etc.	Providing nature with legal standing facilitates claims of enforcement	Magpie River, <i>Quebec</i> Whanganui River, <i>NZ</i> Ganges Rivers, <i>India</i>	Grants nature its own legal rights, which can be tailored for system-specific needs; more community involvement	Lack of Canadian precedent; difficulty with enforcement; difficult to obtain funding; establishing guardians
<b>Constitutional Protection</b> 	Read Rights of Nature (RON) into constitution <i>or</i> amend constitution to include RON	Grants nature with similar fundamental rights as afforded to humans, such as the right to life, liberty & a clean environment	Potential to include RON in “everyone” in ss 2, 7-10 or 12; Ecuadorian Constitution includes RON	Stronger legal standing; widespread recognition of rights throughout the country	Ambiguous terms can lead to lack of enforcement; doesn't give rights to nature directly
<b>Provincial Legislation</b> 	Protect watersheds through the identification of legislative breaches	Provinces primarily manage water resources within their borders; local enforcement permits a needs-based approach	<i>Clean Water Act, Lakes and Rivers Improvement Act, Environmental Bill of Rights</i>	Municipalities responsible for enforcing water protection; citizens can provide input for regulation & management	Degree of regulation & enforcement varies depending on political will, resources and public interest
<b>Federal Legislation</b> 	Protect watersheds through the identification of legislative breaches; creation of pointed laws by the Federal government	Legislation is aimed to protect interjurisdictional watersheds from misuse and degradation on a national level	<i>Canadian Environmental Protection Act, Canada Nature Protection Act</i>	Legislation is widespread; focused on preventing issues of national concern & upholding Charter rights	“Legalization” of harm by regulating amount of pollution/destruction that can occur, rather than creating strict bans
<b>Public Trust Doctrine</b> 	Spearhead the adoption of a public trust doctrine in environmental law within the common law	Holding certain resources, like water, in trust lends to its recognition as inherently important to each person & society as a whole	SCC hinted at the adoption in <i>BC v Canadian Forest Products</i> (2004); limited application in the United States	Water being held & managed by the government permits longevity; mutually benefits ecosystems & the public	Yet to be formally adopted; wide statutory interpretation can lead to uncertainty in property ownership; governmental inaction
<b>IPCA'S</b> 	Designate a river as an IPCA through Indigenous law, then partner with federal government (Pathway to Canada Target 1)	Helps sustain Indigenous communities & water health for future generations; existing models show success in achieving biodiversity targets	Ts'udé Nijné Tueyata, <i>NWT</i> (sacred harvesting area) Edézhíe, <i>NWT</i> (waters) Thaidene Néné, <i>NWT</i> (forest, tundra, freshwater )	Indigenous led; represent long-term commitment to conservation; enhanced Indigenous rights & responsibilities	Lack of interim measures; management & planning; no provincial law that recognizes IPCAs as a form of protected area