BE PLACED IN SECTION 3.4,PG. 37 UNDER “US DOMESTIC LAW”.

One concrete case that can be cited here is the “Center for Biological Diversity vs. National Highway Traffic Safety Administration”. In this example, the Center for Biological Diversity headed an alliance included 11 states, two cities, and four environmental groups to push for rigorous analysis of greenhouse gas emissions in the National Environmental Policy Act (NEPA) process. Specifically, this alliance challenged a rule broadcast by the National Highway Traffic Safety Administration (NHTSA) entitled “Average Fuel Economy Standards for Light Trucks, Model Years 2008-2011”. This rule set corporate average fuel economy (CAFE) standards in accordance with the Energy Policy and Conservation Act (EPCA) and prior to the passage of the new energy bill (EISA).  In this case, the Ninth Circuit Court of Appeals overturned the government’s lenient fuel economy standards for pick-up trucks and sport utility vehicles for a number of violations, including failure to adequately consider the greenhouse gas implications of the standards in the NEPA analysis. As described on the “Center for Climate ant Energy Solutions” website, in its ruling in favour of the plaintiffs, “The court…discredited contrary precedent by stating more is now known about climate change” so cases in which “climate change science was allowed to be ignored” are no longer as relevant. Moreover, the court decided that it was not prudent that the National Highway Traffic Safety Administration (NHTSA) avoid considering the effects of the rules’ impact because of the global nature of climate change’s global nature and its impact on actions outside of the agency’s control. As professed in a November 16th 2007 article in the [*New York Times,*](http://www.nytimes.com/2007/11/16/business/16fuel.html?fta=y) addition to establishing a critically important legal precedent, the court’s ruling represented a “major setback for both the auto industry and the White House at a time of growing public concern over the rising price of gasoline and the issue of climate change”. The case stands as the strongest appellate decision to date on the issue. The case document can be found at: <http://www.climatelaw.org/cases/country/us/case-documents/us/CBDvNHTSA>

TO BE PLACED IN SECTION 3.4, PAGE 38 OR 39 UNDER ‘INTERNATIONAL LAW”

Ecuador became the first nation to grant the environment the inalienable right to exist, persist, and be respected when it ratified constitutional amendments (new articles 71-74) in 2008. Following this example, in 2011 Bolivia amended their constitution with the Rights of Mother Earth Act (articles 56-60) see: <http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html#mozTocId64283>.

In 2010, 35,000 attendees at The World Peoples' Conference on Climate Change proclaimed the “Universal Declaration of the Rights of Mother Earth” which recognizes the rights of Mother Earth, as well as the obligations and duties of the Plurinational State and of society at large to ensure respect for these rights. The movement to establish rights for nature is growing worldwide, with international advocacy organizations, legislative bodies and community groups banning together to promote the adoption of the Declaration by the United Nations. The Declaration is available here: <http://www.wildlawuk.org/uploads/6/5/3/1/6531322/declaration_printable.pdf>

Furthermore, there is currently a resurgence of support to make “Ecocide” internationally recognized as the 5th Crime Against Peace. The first official recognition and call to make “Ecocide” a crime came in 1972 at the People’s Forum in Stockholm. Debate continued and resulted in a draft document *Code of Crimes Against the Peace and Security of Mankind*, the precursor to the Rome Statute, which included Ecocide. Debate continues to the current day. However, currently ten nations have national laws in place to make Ecocide a crime. As reported in Gauger, Rabatel-Fernel, Kulbicki, Short, & Higgins (2012), Vietnam was the first county to include a crime of ecocide in its domestic law (Penal Code Vietnam, Article 278, “Ecocide, destroying the natural environment”, in times of both peace and war). Vietman was followed by Russia just before its collapse in 1996 (Criminal Code Russian Federation, Article 358). Subsequently, new States that were formed in the aftermath of the dissolution of the USSR drafted their own Criminal Penal Codes. Nations that included ecocide as a named Crime Against Peace in their Penal Codes include Armenia (Criminal Code of the Republic of Armenia 2003 Article 394), Belarus (Criminal Code Belarus 1999, Article 131), Republic of Moldova (Penal Code Republic of Moldova 2002 Article 136), Ukraine (Criminal Code of Ukraine 2001 Article 441), and Georgia (Criminal Code of Georgia 1999 Article 409). In addition to these, three other countries have done likewise, including Kazahkstan (Penal Code Kazakhstan 1997 Article 161), Kyrgyztsan (Criminal Code Kyrgyzstan 1997 Article 374) and Tajikistan (Criminal Code Tajikistan 1998 Art 400).

For more on advocacy of new environmental legislation see:

Stone, Christopher D. (2010). *Should Trees Have Standing? Law, Morality, and the Environment,* 164.

Myrl L. Duncan, (1992). *The Rights of Nature: Triumph for Holism or Pyrrhic Victory?* 31 Washburn, L. J., 61-67.

Gauger, A., Rabatel-Fernel, M.P., Kulbicki, L., Short, D. & Higgins, P. (2012). *Ecocide is the missing 5th Crime Against Peace.* Human Rights Consortium. http://eradicatingecocide.com/wp-content/uploads/2012/06/Ecocide-is-the-missing-5th-Crime-Against-Peace.pdf

TO BE PLACED IN SECTION 3.5 ON PAGE 40 – 3RD PARAGRAPH DIRECTLY **FOLLOWING** THE STATEMENT “…from companies operating in apartheid South Africa” AND **BEFORE** THE SENTENCE BEGINNING WITH “For instance…”

Institutions throughout the world sold off the stocks of companies that did business in South Africa. The conventional wisdom is that divestment from South Africa was a success; public pressure lowered targeted companies’ stock prices and forced them to comply with the divestment activists’ demands.

In recent years, many fiduciaries of pension funds have considered whether they can, as a matter of law, in the discharge of their duties as trustees, consider social concerns along with financial ones in selecting investments for the funds. This trend has been particularly noticeable among plans of governmental entities, universities, and other non-profit organizations. Although the case law is rather sparse in this area, it suggests that pension fund trustees may take the social consquences of their investments into account.

Over the past decade or so, legal bans on socially irresponsible investing have been enacted in the U.S. For example, thirteen states have at one point had some sort of limitation or ban on investment in South Africa by state pension funds. Although these bans were repealed after the fall of apartheid, a variety of other social investing legislation are still in effect. For example, 17 States and the District of Columbia have passed laws restricting or prohibiting investments to oppose practices violating international law in other countries such as Iran and Cuba.

With respect to Canadian action that was taken with respect to apartheid, ..

FOLLOWING THIS SHOULD BE “…in response to growing social pressure” [the words “For instance” will likely have to be omitted.