Message from the Dean

2018 was a busy year for the Centre for Environmental Law and Global Sustainability. While our research in the fields of environmental rights and justice, climate law and policy, and green economics, continues to grow, we are also rapidly becoming the Canadian hub for sustainable food law and policy! From species at risk to pipelines, the Ecojustice clinic is at the forefront of major public interest cases, and both the Clinic and CELGS Faculty members are supporting interventions in two Court of Appeal reference cases challenging the constitutionality of the Greenhouse Gas Pollution Pricing Act, not to mention actively engaged in federal environmental law reform. We collaborated with the David Suzuki Foundation to host a national environmental rights symposium and a public forum on the Global Pact for the Environment. Our current students are engaged in cutting-edge research (p.8, 10, 15), and our recent graduates are making a difference in litigation (p. 9), and in research and teaching (p. 11). We are happy to start another exciting year at the Centre!

In addition to these academic interests, Jamie has been actively involved in the public policy process through his work with a number of royal commissions and inquiries on economic development, banking, health care liability and water security and supply. He served as special assistant to the Chair and co-ordinator for institutions with the Royal Commission on Economic Union and Development Prospects for Canada and later prepared an expert paper on the evolution of water supply and sewerage infrastructure in Ontario for the Walkerton Inquiry. He has also held several administrative positions with professional and academic organizations including the Council of Canadian Law Deans and the Canadian Council of Administrative Tribunals. Until recently he served, along with Yves LeBoutillier as Co-Director of the IUCN Academy of Environmental Law whose international secretariat was established at the Faculty of Law in 2004. At the Faculty, he has also been – at various times – Vice Dean, Vice Dean Research and Director of the January Term. In 2016, he was elected as a Royal Society of Canada Fellow.

Jamie’s ongoing research projects centre on governance regimes for watersheds, protected areas, biodiversity and sustainable development in Canada, and an environmental history of the Lake of the Woods. Levelling the Lake: Transboundary Resource Management in the Lake of the Woods Watershed will be published in February 2019 by UBC Press. Jamie’s non-academic interests in canoeing and wilderness travel have also led to a number of publications, including Idleness, Water and A Canoe: Reflections on Paddling for Pleasure (University of Toronto Press). He was president of the Canadian Canoe Museum during its formative stages and is now a member of the exhibit design committee advising on plans for a new museum facility in Peterborough.
Alexandre Lillo is a PhD candidate at University of Ottawa Faculty of law, in a joint-program (cotutelle) with the Université de Montpellier (France). He is also a part-time professor at the Faculty of law, where he teaches a seminar on the law and management of water resources.

Alexandre first taught this bilingual course, for both Civil law and Common Law sections students class during the 2018 winter term. He was able to create this seminar based on his expertise in this field of water law and with the precious support received from the CELGS’s professors at the University of Ottawa. In addition to having an interdisciplinary scope, this class theoretically, practically and prospectively describes the legal regulations applicable to water, both in the Canadian and international context. Thus, it discusses topics such as contemporary mechanisms of water management, legal theories about water and their historical conception, the division of powers regarding water, federal, provincial and Indigenous legal structures of water management and innovative international models, such as New-Zealand.

Furthermore, this seminar constitutes a « laboratory in academic pedagogy », centered on the learners and based on experimental interactive and dynamic teaching. Indeed, Alexandre has had the opportunity to use the skills he acquired by completing the Certificate in University Teaching for Graduate Students and Postdoctoral Fellows offered by the University of Ottawa Teaching and Learning Support Service. A large range of activities punctuated his teaching: thematic debates, peer reviews, individual and collective exercises. A tour of the University’s campus facilities was also organized to present a practical and local perspective of the legal and technical framework surrounding the water management. Meanwhile, Alexandre does research on academic pedagogy which purpose is to create « play and learn » teaching strategies in the field of law. He developed, along with Professor Thomas Burelli from the civil law section, activities simulating the negotiations of international environmental law treaties. They are also in the process of creating a board game focusing on water law and water management.

With respect to water, Alexandre’s research projects focus on the different aspects of this interdisciplinary area, both at a theoretical and at a practical level. For instance, he is interested in the emerging issue of the compatibility between water and legal personality, especially in the Canadian context. He is also conducting interdisciplinary research with regard to water and agriculture, a project for which he received a research grant from Canadian Agri-Food Policy Institute. Two of his research papers were published in 2018, respectively in McGill Journal of Sustainable Development Law and in the Vermont Journal of Environmental Law.
Main Areas of Research and Expertise

Amir Attaran
Full Professor
Lawyer Ecojustice

Jamie Benidickson
Full Professor

Yves Le Bouthillier
Full Professor

Thomas Burelli
Assistant Professor

Nathalie Chalifour
Associate Professor
Co-director - CELGS

Lynda Collins
Full Professor

Stewart Elgie
Full Professor

Joshua Ginsberg
Part-time Professor
Director Ecojustice’s Clinique

Heather McLeod-Kilmurray
Associate Professor
Co-director - CELGS

Penelope Simons
Associate Professor

Sophie Thériault
Associate Professor

Ellen Zweibel
Full Professor
Our clients, Sierra Club Canada Foundation, Attention Fragiles, Nature Québec, David Suzuki Foundation and SNAP-Québec, and Indigenous groups have long called for a moratorium on drilling in the Gulf of St. Lawrence — an area home to more than 4,000 species including blue whale, salmon, leatherback sea turtle and cod. At the same time, they have participated in oil and gas licensing and environmental assessment processes to make sure that regulators consider all the relevant information before making any decisions about drilling. They also want to make sure that any decisions about oil and gas licensing or drilling are made in accordance with the law.

But more than a year ago, the Canada-Newfoundland and Labrador Offshore Petroleum Board (Board) extended an exploration licence held by oil and gas exploration company Corridor Resources, which gives Corridor the exclusive right to drill on the Old Harry prospect to determine its extractive potential.

That licence, which was initially issued in 2008, was supposed to expire in January 2017, as mandated by a clear legal rule that places a nine-year limit on exploration licences. Despite this clear legal constraint and the importance the Old Harry region plays for surrounding communities and species, the Board reissued a new and identical licence to Corridor, citing regulatory delays. Our clients believe that extension breaks the legally-mandated nine year term limit.

In response, we filed a legal challenge on behalf of our clients to ensure that oil exploration licence limits are enforced by government, and to protect the Gulf from the risks of offshore drilling. And in more recent months, the Innu-Maliseet-Mi’gmaq Alliance for the Protection of the Gulf of St. Lawrence have applied for intervenor status in the case. This alliance of Indigenous groups has demanded that federal leaders protect the Gulf of St. Lawrence.

The Board and Corridor Resources argued that our clients do not have a direct, legal interest in the matter and should not be allowed to challenge the Board’s decision.

Similarly, they are attempting to block the Indigenous alliance’s motion to intervene — even though one of the Board’s reasons for granting the extension in the first place was to allow for the company to fulfill its duty to consult Indigenous peoples. That’s why in December 2017, we headed to Newfoundland to make the case that our clients’ long-standing interest in this particular licence, as well as their extensive efforts to protect the Gulf of St. Lawrence from the risks of exploratory oil drilling more generally, make them well-placed to bring these issues before the Court.

While we continue to wait for a decision on whether our clients’ case will get the hearing it deserves, we think it’s important to remember that everyone, especially residents that stand to lose the most from an accident or spill, deserves to know how long the threat of oil exploration will hang over their heads. By extending the licences, the Board is undermining the law that citizens can rely upon to understand the length of that threat. Extending the threat posed by this particular licence puts a precious ecosystem and the communities that depend on it at risk.

At the end of the day, there is only one Gulf of St. Lawrence — there is no Gulf of St. Lawrence B.

Students participating in Ecojustice’s law clinic at the University of Ottawa helped contribute to the research that made this case possible.
Smart Prosperity’s achievement for the year 2017-2018

By Mike Wilson

The 2017-2018 academic year has been a busy and productive one for Smart Prosperity Institute. We’ve continued work with our high-profile Smart Prosperity Leaders—respected Canadians from business, think tanks, labour, Indigenous Peoples, youth, and NGO communities. In March 2018, the Leaders released a major report on the economic case for accelerating clean innovation in Canada, along with a landmark deep-dive document for policymakers on the tools to support it.

Smart Prosperity Institute has also secured $10 million in new funding to build an international network of academic and applied research expertise on clean economic growth. The new research network includes more than 50 internationally-recognized experts (including Faculty members Stewart Elgie and Nathalie Chalifour) and puts uOttawa on the map as one of the world’s premiere hubs of expertise on the environment and economy. As part of these efforts, we have been thrilled to welcome new Fulbright Research Chairs, prominent Global Research Fellows, and a renowned Canada 150 Research Chair, Dr. Carolyn Fischer.

Recently, we were also excited to be a founding member of the newly-launched Circular Economy Leadership Coalition, along with Unilever Canada, IKEA Canada, Loblaw and others. We continue to foster academic and student engagement through our recurring Economics & Environmental Policy Research Network project funding, and bi-annual research symposiums. We have also continued to host other public and stakeholder events, as well as release policy briefs and reports on a diverse range of topics relevant to a stronger, cleaner economy, including: municipal natural assets, gender and the green economy, species at risk, conserving and valuing nature, green bonds, and waste and the circular economy.
Research-O-Thon: Civil Liability for Climate Change

The Environmental Law Students’ Association, the «Association du droit de l’environnement et du droit autochtone de l’Université d’Ottawa», the Centre for Environmental Law and Global Sustainability, the Ecojustice Environmental Law Clinic, and the Brian Dickson Law Library were excited to jointly organise the uOttawa Faculty of Law’s first Environmental Law Research-o-thon on 14 March 2018!

This event was based on the popular initiative on immigration and refugee law research held in February, 2017 across Canada, and its adaption to environmental law by the Environmental Law Club of UVic Faculty of Law (http://www.slaw.ca/2018/02/15/law-student-led-legal-research-day-supports-environmental-law-reform/).

As we face increasing environmental crises, especially in light of climate change, and as government action often fails to adequately address environmental problems, we applied the research-o-thon model to a public interest environmental law topic: civil liability for climate change. We hoped that this event would foster student interest in environmental law, foster interest in pro bono initiatives, connect people interested in environmental law, and assist Ecojustice’s climate litigation team in its efforts.

All law and graduate students were invited to participate in this research-o-thon, and contributed to the advancement of public interest environmental law. Specifically, students performed research on civil liability for climate change.

Given governments’ weak action and poor performance regarding climate change, and in the wake of the Urgenda decision in the Netherlands, public interest civil litigation against governments and against GHG intensive corporations appears increasingly to be needed to make things move. The research produced during the event directly contributed to Ecojustice’s effort in this regard.

The research was performed in both French and English, by students from both Civil and Common Law Sections. All students were asked to register for a minimum period of 2 hours. Students were also provided with references. A talk on climate change was held during the lunch break, where food was provided for the volunteers.
Graduate Students Spotlight: Angela Lee

Angela Lee is a PhD student whose research focuses on the intersections between environmental law, technology regulation, and social justice. In particular, she critically considers new and emerging scientific and technological developments in the agri-food sector, and interrogates the role of law in helping or hindering the trajectories of such developments. She argues that the broader environmental, social, and ethical consequences associated with technocentric approaches to solving complex global problems are often inadequately considered by decision-makers, and that increased transparency, more democratic dialogue, and a longer-term and more explicitly contingent approach are needed in order to better direct scientific and technological means to more equitable and sustainable ends. Recently, she has focused on animal biotechnologies for food production—specifically, genetically engineered animals and in vitro meat. In contrast with dominant productionist paradigms, she takes a feminist perspective to contend that a reliance on increasing the efficiency of production is oversimplistic in light of the underlying social, political, and economic issues that remain unaddressed by technological fixes. Her research in this area has been published in the Canadian Journal of Food Studies and the Canadian Journal of Women and the Law. She has presented her work at numerous national and international conferences over the past few years.

In addition to her own doctoral research, Angela has been actively involved in advancing the growth and development of food law at the University of Ottawa, and across Canada more broadly. In 2016, along with two JD students, she co-founded the University of Ottawa Food Law Society. She was also part of the executive organizing committee of the second annual conference on Food Law and Policy in Canada, which was hosted by the University of Ottawa in November 2017. Building on the momentum generated by the first conference hosted by Dalhousie University in Halifax, the event brought together policy-makers, academics, practitioners, civil society members, and other interested parties to assess the state of food law and policy in Canada and discuss future directions for research, advocacy, and change-making. The third iteration of the conference, of which she is a member of the Scientific Committee, was hosted by Laval University in Quebec City in September 2018. With Professor Heather McLeod-Kilmurray, Angela co-developed and co-taught an upper-year seminar on Food Law in Canada in the Winter 2018 term. The groundbreaking course offered students a broad survey of relevant topics, including food systems and sustainability, food fraud, food labelling, and health and nutrition. Previously, in May 2017, she developed and taught a course called “Animals, Food Systems, and the Law” as part of the Enrichment Mini-Course Program. She is also co-editing, with Professor Heather McLeod-Kilmurray and Professor Nathalie Chalifour, a forthcoming edited volume on Food Law and Policy in Canada, which will be the first of its kind in Canada by providing a comprehensive overview of the topic in a textbook form, including both descriptive overviews and critical perspectives.
Graduate Students Spotlight: Danielle Gallant

Danielle Gallant is a recent graduate of the Master of Laws with concentration in Global Sustainability and Environmental Law at the University of Ottawa. She is also an alumnus of its Civil Law and International Development and Globalization programs, for which she received the Summa Cum Laude distinctions upon graduation.

Originally from Montreal and fluent in both English and French, she chose to study at the University of Ottawa because of its double baccalaureate and co-op programs as well as its bilingual identity. During her undergraduate studies, she explored environmental issues from a multidisciplinary perspective at the municipal, provincial, national and international levels, including during an academic exchange at the VU University Amsterdam. Additionally, she held leadership roles in organizations such as the Amnesty International Club and competed in the Jean-Pictet Competition of international humanitarian law taking place in Kanchanaburi, Thailand.

Danielle passed the Quebec Bar in May 2015, after which she completed her articling internship at the International Criminal Tribunal for the former Yugoslavia in The Hague. Her role was to assist the judges assigned to the case of The Prosecutor v. Vojislav Šešelj with the drafting and editing of the complex trial judgment. She witnessed the judges rendering the historic judgment, which was one of the criminal tribunal’s last, from within the courtroom on the final day of her internship. Upon her return to Canada and after being called to the Quebec Bar, she worked as a lawyer in a private firm to gain further experience in addition to her previous articling and co-op internships in the public sector. However, her aspirations to work in a public interest field prompted her to return to university to pursue her passion for environmental law.

During her master’s program, Danielle was chosen for the Environmental Justice Research Fellowship. As such, she has adopted the environmental justice lens while analyzing environmental impact assessment reform as proposed through Bill C-69 and the Pan-Canadian Framework on Clean Growth and Climate Change within research papers. She is also interested in the intersection between environmental law and human rights, both in theory and in practice. For example, she completed a research paper on the impact of the regulatory chill of international investment law on environmental and human rights protection. Ultimately, she completed her final research paper on climate change litigation based on section 7 of the Canadian Charter of Rights and Freedoms.

Additionally, Danielle participated in the Ecojustice Environmental Law Clinic during which she honed skills such as legal writing and oral advocacy as well as provided research in support of their activities. She also volunteered in the context of many environmental events, such as the Symposium on Formalizing the Right to a Healthy Environment within Canada (see her article summarizing the event here) and the Sustainable Development Solutions Network National Launch. Furthermore, she was involved with the Human Rights Clinic on a project pertaining to the addition of social condition as a prohibited ground of discrimination within the Canadian Human Rights Act and assisted the Special Rapporteur on the right to housing with the preparation of her report on informal housing.

Since graduating in October 2018, Danielle has been hired by the Ecojustice Environmental Law Clinic at the University of Ottawa. She is a proud member of their Climate Change team, and two of the first files she has had the opportunity to work on are the Saskatchewan and Ontario reference cases concerning the constitutionality of the federal government’s carbon pricing law. She hopes to continue contributing to their important legal work in order to help safeguard Canada’s environment.
Highlights of CELGS’s Graduate Students

Carla Sbert is a doctoral candidate at the University of Ottawa’s Faculty of Graduate Studies in Law. She studied law at ITAM in Mexico (her native country) and holds a Masters in Law degree from Harvard Law School. After twenty years working on environmental law and policy in different contexts, she is now carrying out doctoral research on a new legal paradigm: ecological law. Carla is interested in the role law can play in the transition from the current economic-growth-based society to one based on ecological justice and ecological integrity.

Sunitha Bisan is currently a student pursuing a Masters in Law with concentration on Global Sustainability and Environmental Law. She interns at the Ecojustice Clinic. Sunitha is the founder of the Penita Initiative and Majalah PENITA, Malaysia’s first magazine on gender and development. She is passionate about innovations and community based solutions that embrace gender equality, nature and humanity.

Sunitha values spirituality as her guiding value in her life journey. She believes in the potential of individuals and communities to build a state of living that is humane and environmentally sustainable. She was trained and inspired by her social activist father, Bishan Singh, and has been receiving mentoring from Prof. Dato’ Dr Anwar Fazal. Through his work, she got involved in various inter-governmental and NGO activities, and got sensitized to the issue of peace and social innovation.

Sunitha consults on development issues of sustainability, community participation, and believes that social innovation through social entrepreneurship is critical in the achievement of a sustainable future. She also holds a Masters in Gender in Development and she thanks the Asian Institute of Technology (AIT) for their fellowship.

Before immigrating to Canada in 1958, Clifford Lincoln studied insurance and law in Mauritius, where he was born, and South Africa. He became an insurance company executive, first in Vancouver and then Montreal, before entering politics. He sat in the Quebec National Assembly from 1981 to 1989, where he served as environment minister under then-premier Robert Bourassa.

Lincoln moved to federal politics in 1993 and represented the riding of Lac-Saint-Louis as a Liberal MP for more than a decade. He was also parliamentary secretary to the minister of environment (1993-1996) and chair of the Standing Committee on Canadian Heritage (1997-2004).

He came to uOttawa in September 2017 to pursue a master’s in environmental law, picking up the law studies he had started in his youth, and graduated on October 2018, at the age of 90.
Dr. Laurel Besco obtained her PhD in Law from the University of Ottawa in 2016. Her thesis work investigated the use of green productivity measures to improve legal decision-making, related to legal instruments and policy tools. Upon completion of her doctoral work, she was appointed as an Assistant Professor at the University of Toronto Mississauga in the Department of Geography and the Institute for Management and Innovation. Laurel currently teaches several courses relating to law and policy, including a graduate level course on sustainability law and policy and an undergraduate course entitled Environmental Law which educates non-law students on key concepts related to environmental law in Canada.

Dr. Besco’s current research is focused on innovative approaches to legal and policy instrument design and implementation aimed at helping address large-scale sustainability issues. At present she is working on a SSHRC-funded project on corporate motivations for environmental action.

In particular she is interested in linking corporate environmental norms with legal instrument design. If legal and policy tools can encourage the production of corporate environmental norms, this could greatly improve the ability of public policy to achieve environmental targets. This project is a collaboration with Professor Elizabeth Kirk at Nottingham-Trent University in the United Kingdom.

The second research project that Laurel is conducting focuses on greenhouse gas emissions from aviation and the different options for mitigation. This includes a recent publication with Dr. Nathalie Chalifour (uOttawa) in the Ottawa Law Review entitled “Taking Flight - Federal Action to Mitigate Canada’s GHG Emissions from Aviation”.

Dr. Besco has also written other pieces that relate to sustainability law and policy. Lately, she wrote an article with the McGill Journal of Sustainable Development Law (14:1), entitled ‘Judicial Education for Sustainability’, as well as another one published in Review of Policy Research (35:3) : “Responses to the Clean Power Plan: Factors Influencing State Decision-Making”.
On February 15th, 2018, a diverse crowd assembled in the Alex Trebek Alumni Hall at the University of Ottawa. Members of Parliament and federal government workers, representatives of environmental NGOs and activists, university professors and students as well as foreign diplomatic staff gathered to address a topic at the convergence of their varied perspectives: the recognition of environmental rights in Canada. The presentations of many distinguished Canadian and international speakers, as well as their panel discussions, fostered stimulating debates and ultimately presented a convincing argument in favour of formalizing these rights as soon as possible.

The Need for Legal Recognition of Environmental Rights in Canada

The importance and urgency of the topic was clearly demonstrated during the event’s second panel. Vanessa Gray, an Indigenous land defender from Aamjiwnaang First Nation in Sarnia, gave testimony about some of the consequences of living in Canada’s “chemical valley”, including the adverse health effects on her community and the constant fear for her safety because of her advocacy. She pointed to Canada’s ill-treatment of its Indigenous peoples as being central to the ongoing issue, at a time when the federal government has ostensibly advanced a goal of reconciliation. Kaitlyn Mitchell, a lawyer with Ecojustice litigating the community’s case against the Ontario government, raised the environmental justice implications of the disproportionate exposure of the country’s marginalized populations to environmental harms, while the same populations have limited access to its benefits. This imbalance could be addressed through formal environmental rights, which could in turn promote equality for the impacted communities and advance the integration of Indigenous laws into the legal system. Managing editor of the National Observer, Mike De Sousa, spoke about the “Price of Oil” series, an impressive cross-country collaboration of investigative journalism that shines a light on impacts of the industry on its workers and neighbouring communities. The overarching message was that these are real and concerning issues that already affect Canadians, particularly vulnerable populations, and should therefore be addressed immediately.

The Promise of Environmental Rights

The significant potential that environmental rights represent was another key element discussed throughout the symposium. David Boyd, Associate Professor at the University of British Columbia, described the environmental rights revolution taking place all over the world throughout the last half century, whereby environmental protection and correlated governmental duties have been enshrined in hundreds of constitutions and statutes. Such inclusions have strengthened environmental policies, decision-making and performance, as well as enabled citizens to hold their governments accountable. However, it is important to recognize that such legal reforms come with their own set of obstacles. Emeritus Professor at George Washington University, Dinah Shelton, discussed many of the technical issues surrounding improving environmental laws and using litigation to ensure their enforcement. She also acknowledged the dilemma in determining when to override governmental decisions through judicial action in democratic societies. In the meantime, some rights-based legal tools are already at our disposal. In a video address, John Knox, UN Special Rapporteur on human rights and the environment, said that he has recommended that the UN recognize environmental rights either through general resolution or international treaty, but indicated that it is also possible to ‘green’ existing human rights with a focus on both procedural and substantive rights. He concluded by urging Canada to consider amending its federal laws to include an explicit recognition of environmental rights.

By Danielle Gallant, LLM Graduated Student and Environmental Justice Research Fellow 2017-2018
Within the worldwide movement for the recognition of environmental rights, Canada can find inspiration in the leadership of other jurisdictions. Florence Ferrari, Deputy Head of Mission for the French Embassy in Ottawa, described her country’s Environmental Charter as giving constitutional value to an environmental human right. It has inspired France to act domestically, regionally and internationally, such as proposing an innovative Global Pact for the Environment to address the fragmentation of international environmental law. However, the federal government can also look locally to the enshrinement of a right to a healthy environment within the Quebec Charter of Human Rights and Freedoms and the Environment Quality Act. Karine Péloffy, Director of the Quebec Environmental Law Center, explained that these provisions have provided citizens with the tools to demand the enforcement of environmental laws, as proven by the recent case against TransCanada to protect vital beluga habitat.

University of Ottawa Associate Professor Nathalie Chaliﬁour spoke about multiple climate litigation success stories throughout the world, from the Urgenda case in the Netherlands to the Leghari decision in Pakistan, where governments were held accountable for inadequate action on the basis of their citizens’ environmental rights. Other claims in various jurisdictions have also hinted at the potential and need for such rights, such as the Juliana v. US case focusing on youth and future generations.

**Current Opportunities within Canada**

Turning back towards Canada, Eric Bertram, Deputy Director of Human Rights and Indigenous Affairs at Global Affairs Canada, highlighted the importance of protecting environmental defenders. Specifically, the department has issued guidelines to help Canadian officials abroad support human rights defenders, including environmental activists. However, the event made it clear that our country needs to address its failure to recognize environmental rights, and current reforms to Canadian environmental legislation offer the perfect opportunity to do so. Pontiac MP Will Amos presented key recommendations from a standing committee report on strengthening the Canadian Environmental Protection Act, 1999 (CEPA), such as recognizing the right to a healthy environment, recognizing the particular rights of vulnerable populations and Indigenous communities, and the improvement of procedural rights. Fellow MP and NDP deputy critic for environment and climate change, Linda Duncan, who has tabled federal environmental rights bills three times in successive governments, stated that CEPA is only the tip of the iceberg. She called for environmental rights to be included within other legal reforms, and emphasized the need for the participation of the impacted communities in the decision-making process. Professor Lynda Collins of the University of Ottawa commended the CEPA report for being progressive, and emphasized the importance of establishing minimum standards for air and water quality and including an obligation of non-discrimination. She also indicated that applying a human rights approach to CEPA could result in a radical improvement that could then be reproduced with the reform of other Canadian environmental laws.

Throughout the symposium, multiple speakers referenced a poll conducted in 2017 by the Gandalf Group indicating that 92% of Canadians somewhat (20%) or strongly (72%) agree that “[t]he government of Canada should recognize the right of Canadians to a healthy, non-toxic environment”. This momentum is evidenced by the success of the Blue Dot movement for environmental rights, as described by Peter Wood, National Campaign Manager for the David Suzuki Foundation. He noted that grassroots organizing efforts have resulted in more than 160 cities and towns in Canada passing resolutions in support of environmental rights, and that these efforts are now being directed at the federal level. As highlighted by University of Ottawa Professor Heather McLeod-Kilmurray, other countries have looked to Canada for inspiration and leadership concerning human rights in the past, and it is now time to bring this energy to the long overdue recognition of environmental rights in Canada.

Visit the David Suzuki Foundation web-page to view highlights from the symposium.
EVENTS

Environmental Law Speaker Series

These events allow us to transmit knowledge and information in environmental law to members of the Faculty of law and to the public. They also connect people from the legal and political community at the national and international levels.

Title: « Talk and Book Launch: The Constitution of the Environmental Emergency »
Speaker: Jocelyn Stacey, Associate Professor at Peter A. Allard School of Law, University of British Columbia
Date: November 14th, 2018

Title: « The Pipeline Fights: Reflections from the litigators who took on Energy East, Trans Mountain and Northern Gateway »
Speakers: Barry Robinson, lawyer, Ecojustice, Dyna Tutel, lawyer, Ecojustice, Karine Peloffy, lawyer and climate advocate
Moderator: Director of the Ecojustice Environmental Law Clinic, University of Ottawa
Date: November 5th, 2018

Title: « Le projet onusien de Pacte mondial pour l'environnement : quelles implications pour le Canada? »
Guest Speaker: Me Yann Aguila, membre du Conseil d'État français et du Groupe d'experts pour le Pacte
Panelists: Will Amos, MP (Pontiac), Lisa Gue, David Suzuki Foundation, Nathalie Chalifour, Centre du droit écologique et de la durabilité mondiale, Université d’Ottawa
Date: September 24th, 2018

Title: « Federal Progress on Mitigating and Adapting to Climate Change: Reflections and Q&A »
Speaker: Julie Gelfand, Commissioner of Environment and Sustainable Development
Date: March 7th, 2018

Title: « Environmental Courts and Access to Justice - Lessons from Vermont, New South Wales, and other Environmental Courts Around the World »
Speaker: Judge Merideth Wright - Distinguished Judicial Scholar, Environmental Law Institute, and former Judge of the Vermont Environmental Court
Date: November 1st, 2017

Title: « Le droit à l’énergie solaire: un luxe ou une nécessité dans les pays d’Afrique? »
Speaker: Habib Ahmed Djiga - Université Ouaga II (Burkina Faso), IUCN/WCEL
Date: October 2nd, 2017

Title: « Looking Forward to Parliament’s Fall Session: Environmental Law Reform on the Horizon »
Speaker: William Amos - MP (Pontiac, LIB)
Date: September 27th, 2017
Pierre Cloutier de Repentigny is a PhD student at the University of Ottawa Faculty of Law under the supervision of Professor Heather McLeod-Kilmurray. He is the recipient of a Pierre Elliott Trudeau Foundation Doctoral Scholarship and of a Bombardier Canada Graduate Scholarship from the Social Sciences and Humanities Research Council.

Pierre has been passionate about environmental protection and social justice issues since a very young age, in large part thanks to his mother, Marie Cloutier, for transmitting her love of nature and outrage for injustices. It is thus no surprise that when Pierre started law school, he quickly focused on environmental law. During and after law school, he had the opportunity to put his skills in environmental law in practice with, amongst others, the Public Health Agency of Canada, Environment and Climate Change Canada, and the Cohen Commission of Inquiry into the Decline of the Fraser River Sockeye Salmon. He also had the opportunity to clerk for the Honorable Justice Richard G. Mosley of the Federal Court, and to offer his services pro bono for different causes, mainly trans people's rights. More recently, Pierre had the chance to teach the Environmental Law Clinic course at the Faculty of Law; worked he particularly enjoyed given that he was himself a student at the clinic in 2009.

Pierre's studies in environmental law quickly transformed themselves in a passion for research. He knew, by the end of his LL.L., that a career in research is what he wanted. He thus completed his LL.M. at UBC and came back to the University of Ottawa for his PhD. There, he is doing critical work in the field of marine biodiversity law. Pierre's project stems from his previous work on fisheries at the Cohen Commission of Inquiry and his general frustration with national and international environmental law's inability to effectively limit environmental degradation due to the fact that economic development is and continues to be the main driver of our legal system. It has become clear to him that if we are serious in our desire to protect the environment, as we should be, we need to shift environmental law's dominant paradigm. This has led him to adopt critical theory as the main framework for his research, particularly the work of Professor Michael M'Gonigle on Green Legal Theory.
Pierre’s doctoral project, entitled Protecting marine life through the reformation of the UN Convention on the Law of the Sea: envisioning what environmental law could be, is a contribution to the development of a critical approach to environmental law, specifically in the field of the law of the sea where very little attention has been paid to date to critical theory. It focuses on the decline of marine biodiversity. Marine life, which has value in and of itself, plays important cultural, spiritual, and subsistence roles in our societies. Its protection is currently governed in part by the United Nations Convention on the Law of the Sea (UNCLOS), the framework treaty regulating the world’s oceans. Pierre’s research links the ineffectiveness of UNCLOS’ marine protection provisions to the treaty’s underlying liberal paradigm through a structural and historical analysis of those provisions. It seeks to identify these fundamental flaws in order to rectify them and construct a new regime that puts ecology, and thus the survival of life on Earth, at the center. Fundamentally, Pierre hopes that his research can help humanity rethink its relationship to marine life and the natural world more broadly in order to foster a healthy cohabitation of all elements of our global ecosystem.

The Pierre Elliott Trudeau Foundation has allowed Pierre to spread his research throughout the world and to learn from renowned scholars and practitioners in many relevant fields, especially environmental law and the law of the sea. Specifically, it allows him to work for a member of the United Nations’ International Law Commission, professor Yacouba Cissé of Ivory Coast. There, Pierre has a front row seat to observe and participate in the development of international law. Moreover, being a 2017 Pierre Elliott Trudeau Scholar has given him access to an incredible community of scholars – both PhD students and established professors – and mentors from various sectors of society. This rich community is like a second family in addition to being a source of unparalleled learning opportunities and an enabler for community and policy actions.
Victory for South East Ristigouche municipality and for social justice

David won against Goliath! This is the general feeling after the verdict pronounced by the Honourable Nicole Tremblay from the Superior Court of Quebec, on February 28th, 2018, regarding the case between South East Ristigouche, a small municipality, and Gastem Inc.

Gastem is an oil company. It wanted to build a drilling platform in South East Ristigouche, a very small municipality located in Gaspesia, which has no aqueduct to serve its 160 inhabitants. The citizens rely on the river for their water supply, and feared its quality would be impacted by the oil company’s drilling activity. At the request of the citizens, the municipal council adopted a regulation to protect its water, which prohibited injecting chemicals within 2 km of the river. As a consequence, Gastem sued Ristigouche for 1.5 million dollars, an astronomical amount for the municipality which, instead of accepting the situation passively, decided to defend itself. For four years, the little municipality has been trying to get funding to cover its defense against Gastem. The « Solidarité Ristigouche » campaign raised $340,000 of the 370,000 $, needed to ensure its defense.

The lawyer Jean-François Girard (Drufesne Hébert Comeau), was the lead counsel for the defense. Professor David Robitaille, who is specialized in constitutional law first joined the case as legal counsel, but eventually took part in the plea, is very happy about the outcome:

« this outcome confirms that the municipalities, which constitute the level of governance the closest to the citizens, have an important role to play in the protection of the environment, and that you don’t have to wait for environmental damage to happen to act. The Court also confirms that the companies seeking damages on the ground of municipal regulations carry, in public law, a very heavy burden of proof to demonstrate the elected representatives’ bad faith, which was clearly not the case here. Finally, by considering that the legal action was abusive, and by ordering the repayment of an important part of the legal fee, this outcome sends a very clear message to the project proponent and the companies unhappy with the municipal regulation: think twice before suing on non-legal grounds. »

In her verdict, Judge Tremblay not only rejects Gatem Inc.’s request, but also condemns it to pay 154,123,93$ to the South East Ristigouche municipality, in order to repay the legal fees, and more than 10 000$ to the communications firm which had organized the social fundraising campaign. Congratulations to Ristigouche’s citizens and to Mr. Jean-François Girard, for having lead and won this judicial fight. Congratulations also to Professor David Robitaille and to Pierre Rogué, who was a student in the civil law section when this story began, and helped a lot by taking part in the research and the conception of the defense’s arguments. David Robitaille and Pierre Rogué worked as volunteers.

This is a great victory for the South-East Ristigouche municipality, for the environment and for social justice!

By Sophie Frechette (translated from French)
Conference on the First Century of the International Joint Commission Brings Together Practitioners, Diplomats, and Academics

The International Joint Commission (IJC), an organization with an integral role in the management of waterways along the Canada-U.S. border, took centre stage in Ottawa at a conference that reflected on its first 100 years of existence.

Faculty and students from the University of Ottawa’s Faculty of Law joined a varied group of experts at Library and Archives Canada for the two-day event. The presenters and audience members included commissioners and staff from the IJC; historical, political, and legal academics who study transboundary water issues; diplomats and public servants involved in Canada-U.S. relations.

The conference was a sneak peek into the papers that will make up a forthcoming publication entitled The First Century of the International Joint Commission, which will be edited by Daniel Macfarlane and Murray Clamen. It also gave the authors of those papers the opportunity to discuss their works with IJC practitioners, Canadian and American government representatives, and fellow scholars.

Despite the fact that the conference centered on one specific organization, the topics of the presentations were diverse. Some authors delved into the history of the IJC’s origins and evolution. Others emphasized the IJC’s water management role with examinations of issues relating to water quality, quantity, governance and development not only in the Great Lakes water-

The political aspects of the IJC received attention as well through discussions of the treaty-based, bi-national organization’s role in diplomacy and border issues. Finally, the conference highlighted the IJC’s international conflict resolution nature, its relationship with First Nations, and its continued importance in the North American political and environmental context.

Overall, the conference reflected on the IJC’s achievements in the past, present opportunities and expectations for the future. Its presenters gave insights into the efficiency with which the IJC has accomplished its initiatives and debated the core issue of whether the IJC can serve as a model for similar environmental institutions in other parts of the world.

The success of the event was in large part thanks to the tremendous quality of the presenters; the significant contributions by Global Affairs Canada and Library and Archives Canada; and the tireless work of the organizers Daniel Macfarlane (Western Michigan University), Murray Clamen (former Secretary of the Canadian Section of the IJC), Greg Donaghy (Global Affairs Canada), and Jamie Benidickson (University of Ottawa).

Graduate students Alexander Geddes, Angela Lee and Alexandre Lillo provided conference support on behalf of the Centre for Environmental Law and Global Sustainability at the Faculty of Law, University of Ottawa.

Further programme details are available on the CELGS website at: https://commonlaw.uottawa.ca/centre-environmental-law-global-sustainability/file/145.
Courses offered during the 2018-2019 academic session

FALL 2018

Courses offered in English
CML3180F - Environmental Law Clinic - Prof. Ginsberg
CML13351FN - Legal Research and Writing (Selected Problems) UN Special Rapporteur on Housing - Prof. Simons

Courses offered in French
CML3580A - Clinique de droit de l'environnement - Prof. Ginsberg
CML3769 - Droit de l'environnement - Prof. Chalifour
CML4521A - Cours de droit international de l'environnement - Prof. Burelli
DRC4764 - Droit de l'environnement - Prof. Thériault
DRC48301 - Simulation des Nations Unies - Prof. Burelli

JANUARY 2019

Courses offered in English
CML3180J - Environmental Law Clinic - Prof. Ginsberg

Courses offered in French
CML3580J - Clinique de droit de l'environnement - Prof. Ginsberg

WINTER 2019

Courses offered in English
CML3180W - Environmental Law Clinic - Prof. Ginsberg
CML3351WN - Legal Research and Writing (Selected Problems) UN Special Rapporteur on Housing - Prof. Simons
CML3369A - Environmental Law - Prof. Benidickson
CML4106 - Toxic Tort - Prof. Collins
CML4112A - Interdisciplinary Studies of Law, Food Law - Prof. McLeod-Kilmurray and Prof. Lee
CML4134 - DCL5340 - Sustainability and the Law - Prof. Chalifour

Courses offered in French
CML3580H - Clinique de droit de l'environnement - Prof. Ginsberg
CML4508JB - Études en droit international Union Européenne - Prof. Burelli
DRC1705 - Droit constitutionnel I - Prof. Thériault

Bilingual Course
CML4914 - DRC4582 - DCL6939 - Law and Water Resources Management - Prof. Lillo