



CIAJ ANNUAL CONFERENCE REPORT

Environment and the Law
Protect or Develop—Is There a Choice?

October 28–30, 2025 | Vancouver, BC

START

NAVIGATION LEGEND



Reveal: See more information about the material on the slide.



Link: Open resource cited in a new tab.



Student Blog Post: Link to a blog post written by student quoted.



Quote: Reveal quote related to material on the slide



Resource: Reveal reference material related to the slide.



Audio: Listen to a clip from the conference related to the slide.



Definition: Reveal an explanation or definition of term.



NAVIGATION MAP

INTRODUCTION:
TITLE PAGE

1. KEY THEMES

A. PLURALISM AND
INCLUSION

B. STRIKING A
BALANCE

2. IS ENVIRONMENTAL
LAW DEAD?

A. WHAT IS
ENVIRONMENTAL LAW?

B. THE ENVIRONMENT
& THE COURT

3. ENVIRONMENTAL &
CLIMATE JUSTICE

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B. CLIMATE JUSTICE

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MEDIATION



1

KEY THEMES

A. PLURALISM AND
INCLUSION



B. STRIKING A
BALANCE

NAVIGATION
MAP

SECTION 2:
ENVIRONMENTAL LAW



PLURALISM & INCLUSION

“...we take an **inclusive** approach where environmental policies, practices, and laws are respectful and responsive to Indigenous peoples and a **pluralistic** approach where Indigenous knowledge, practices, and traditions related to the environment are restored.”

- *The Honourable Leonard Marchand, Chief Justice of British Columbia*



According to Chief Justice Marchand, **2 key principles** are necessary to engender meaningful change in our relationship with the environment:

PLURALISM

INCLUSION

STRIKING A BALANCE

“[P]rosperity is highly correlated with better environmental performance. That is, at least considered through this lens, environment and economy must go hand in hand.”

- *Kevin Jardine, Deputy Minister, Ministry of Environment and Parks*



The **climate crisis** is harming people all around the world.

A chief impediment to addressing this crisis is a resurgent focus on **economic growth**.



Over the years, massive consumption of **fossil hydrocarbons** (or fossil fuels) has

- increased life expectancy,
- raised billions out of poverty,
- enabled increased resources to dedicate to environmental protection, and
- provided for flourishing democracies



Listen as Kevin Jardin, Deputy Minister of Environment and Parks (Victoria, BC), explains the relationship between GDP and energy use.



2

IS ENVIRONMENTAL LAW DEAD?

A. WHAT IS
ENVIRONMENTAL LAW?



B. TAKING GOVERNMENT
TO COURT

NAVIGATION
MAP

SECTION 3: ENVIRO/
CLIMATE JUSTICE



WHAT IS ENVIRONMENTAL LAW?

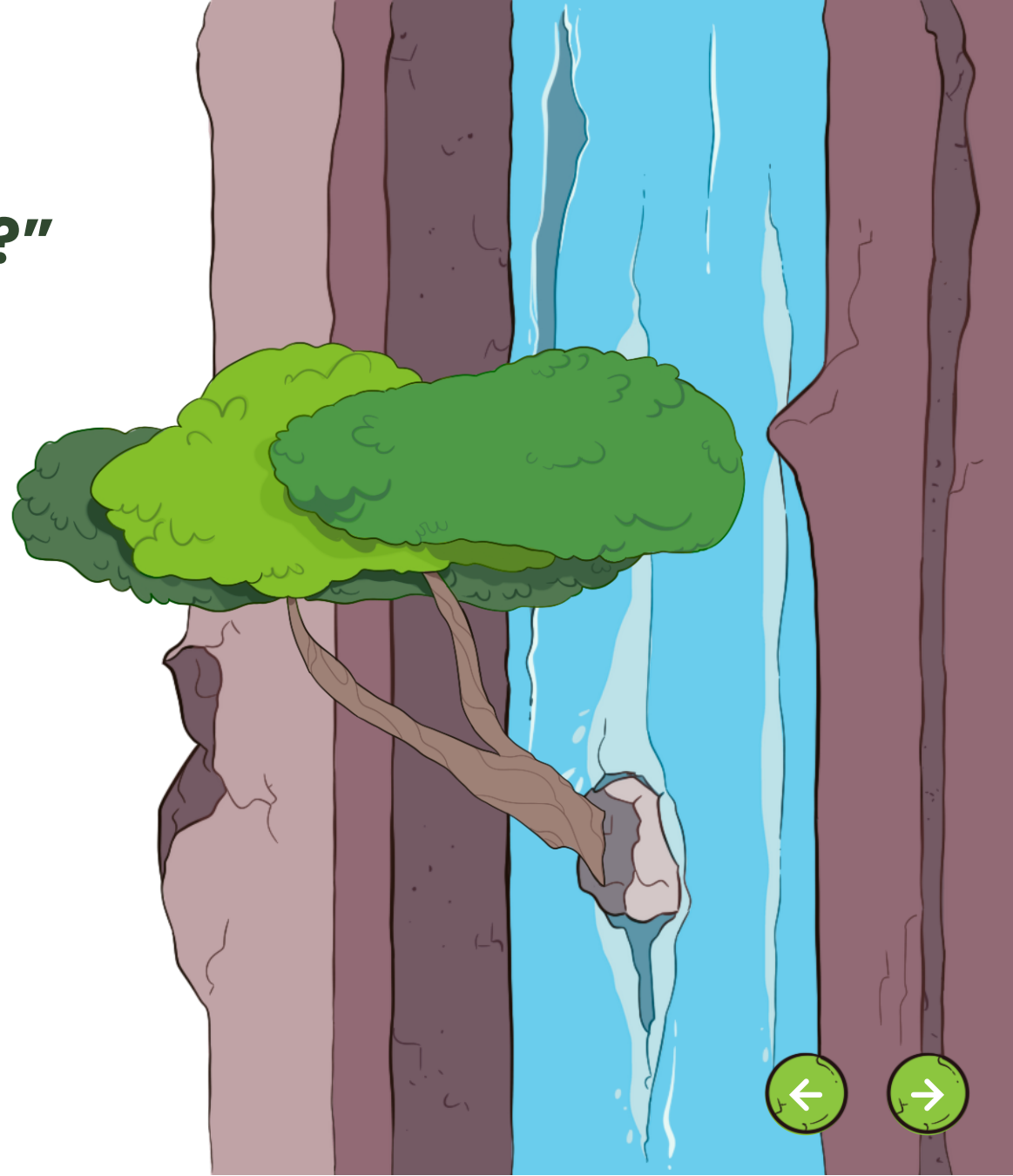
Karen Campbell explained that “[t]he core environmental principles...remain largely unused. Mainly due to judicial timidity and the ongoing legislative ‘tugs of war’ between economic and environmental priorities. “

- *Ignacia Méndez, Articling Student, BC Law Institute*



“Is environmental law dead?” asked Karen Campbell, Executive Director of the BC Law Institute.

Over the years, environmental decisions have been caught between economic priorities and ecological needs.



Environmental law consists of a series of **4 principles**:

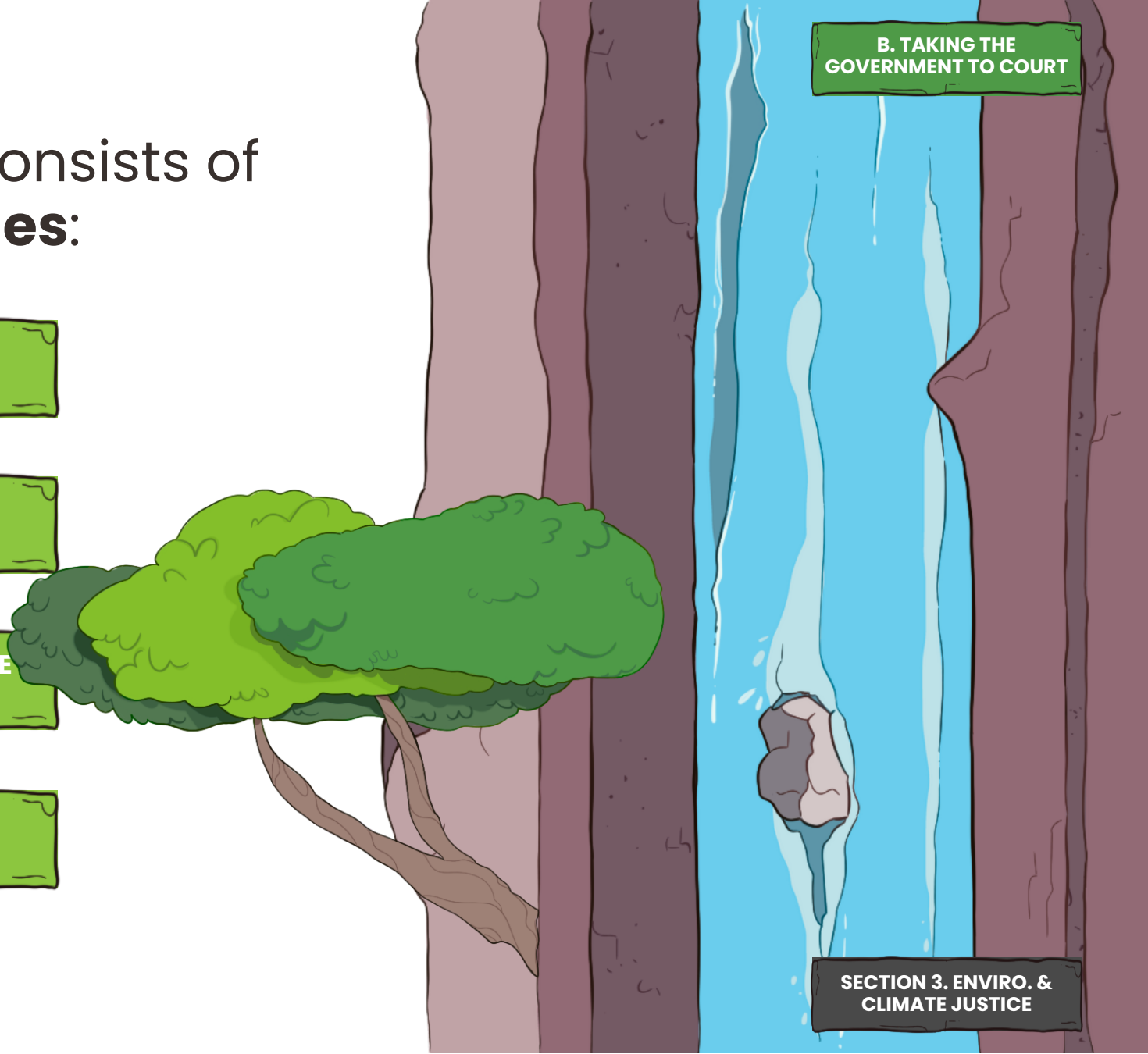
POLLUTER PAYS PRINCIPLE

PRECAUTIONARY PRINCIPLE

ACCESS TO ENVIRONMENTAL JUSTICE
OR PUBLIC PARTICIPATION

PRINCIPLE OF SUSTAINABLE
DEVELOPMENT

B. TAKING THE
GOVERNMENT TO COURT





ENVIRONMENTAL DECISIONS ARE BEST MADE WITH THE CITIZEN PARTICIPATION AND INCLUDE THE ABILITY TO ACCESS JUSTICE THROUGH PARTICIPATION AND LEGAL REMEDIES

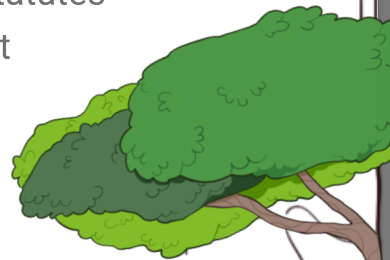
- Environmental assessment legislation federally and provincially to varying degrees
- Underlies environmental assessment legislation federally and in BC





SCIENTIFIC UNCERTAINTY SHOULD NOT DELAY COST-EFFECTIVE ACTION TO PREVENT ENVIRONMENTAL HARM ("LOOK BEFORE YOU LEAP")

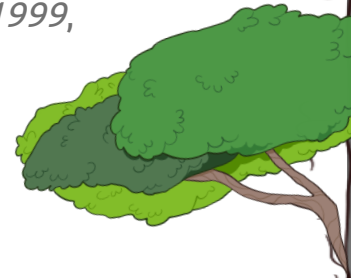
- *Canadian Environmental Protection Act, 1999*, SC 1999, c 33
- *Species at Risk Act*, SC 2002, c 29: Preambles
- Impact Assessment Act mandate provisions
- *Fisheries Act*, RSC 1985, c F-14: factor in some ministerial decision-making
- *Spraytech v Hudson*, 2001 SCC 40: municipal bylaw case about pesticides in which the court held that this is not an entrenched principle of law in Canada, but rather an interpretive aid to explain the bylaw at issue
- Judicial reviews: submissions made on a precautionary approach under federal environmental statutes (most arguments failed; where applicant won, they won on other grounds)





THOSE WHO POLLUTE SHOULD BEAR THE COST

- *Canadian Environmental Protection Act, 1999*, SC 1999, c 33:
 - Preamble
 - Sentencing provision (s. 287)
- *Fisheries Act*, RSC 1985, c F-14: indirectly referenced





SOCIAL, ECONOMIC AND ENVIRONMENTAL CONCERNS ARE INTERLINKED, AND RESOURCES SHOULD BE SAFEGUARDED FOR FUTURE GENERATIONS

- *Impact Assessment Act*, SC 2019, c 28: mandate provisions
- *Environmental Assessment Act*, SBC 2002, c 43: consideration of effects on current and future generations
- *Federal Sustainable Development Act*, SC 2008, c 33 (repealed in 2019)
- UN Commission on Sustainable Development (1992–2013)

TAKING THE GOVERNMENT TO COURT

"[A]s environmental issues become more politically divisive (think of the proposed pipeline between Alberta and BC, as well as federal and provincial laws that 'streamline', or speed up, approvals of major projects), the courts play an increasingly important role in safeguarding the public interest."

- Ruby Pyke, Law Student, University of Calgary



Environmental law can show up in court as:

DEFERENCE /
ADMINISTRATIVE LAW

PUBLIC INTEREST
STANDING

JUSTICIABILITY /
THRESHOLD ISSUES

COSTS

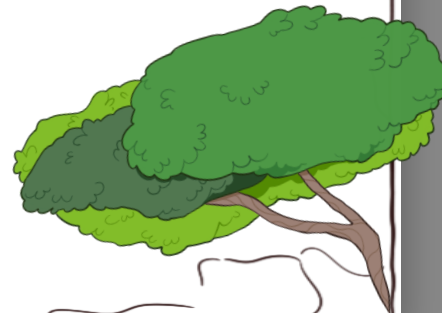
***CANADA (MINISTER OF
CITIZENSHIP AND IMMIGRATION)
V VAVILOV, 2019 SCC 65 AT PARA
114***

- international law is an important constraint on an administrative decision-maker;
- international treaties, even when not implemented by statute, can help inform whether a decision is a reasonable exercise of administrative power)



IN JULY 2025, THE INTERNATIONAL COURT OF JUSTICE RELEASED AN ADVISORY OPINION CONFIRMING

- The conduct of any state organ is an act of the state in the context of climate change
- The customary international law principle that states have an obligation to protect the environment from anthropogenic greenhouse gas emissions
- These obligations to prevent significant transboundary harm are obligations *ergo omnes*



RETURN TO SECTION 2

RETURN TO PREVIOUS
SLIDE

La Rose v. His Majesty the King

*Mathur, et al v. His Majesty the
King in Right of Ontario*

FACTS

REMEDY SOUGHT

TRIAL LEVEL

APPELLATE LEVEL

UPCOMING

NAVIGATION
MAP

SECTION 3. ENVIRO. &
CLIMATE JUSTICE

Environmental law can show up in court as:

DEFERENCE /
ADMINISTRATIVE LAW

PUBLIC INTEREST
STANDING

JUSTICIABILITY /
THRESHOLD ISSUES

COSTS

EXAMPLE OF A HIGH-LEVEL JUDICIAL
APPROACH TO CLIMATE CHANGE

EXAMPLES OF CLIMATE ACTION IN
CANADIAN COURTS

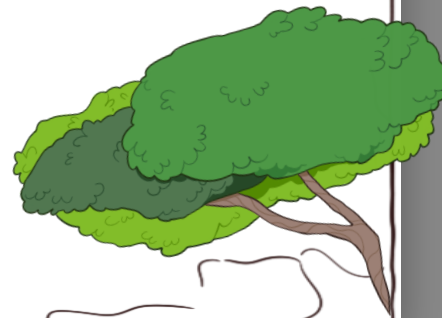
Courts can:

- Encourage paths forward to operationalize environmental law principles
- Encourage novel approaches, which may come through interventions
- Engage with international law



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3

ENVIRONMENTAL & CLIMATE JUSTICE

A. ENVIRONMENTAL
JUSTICE



B. CLIMATE JUSTICE

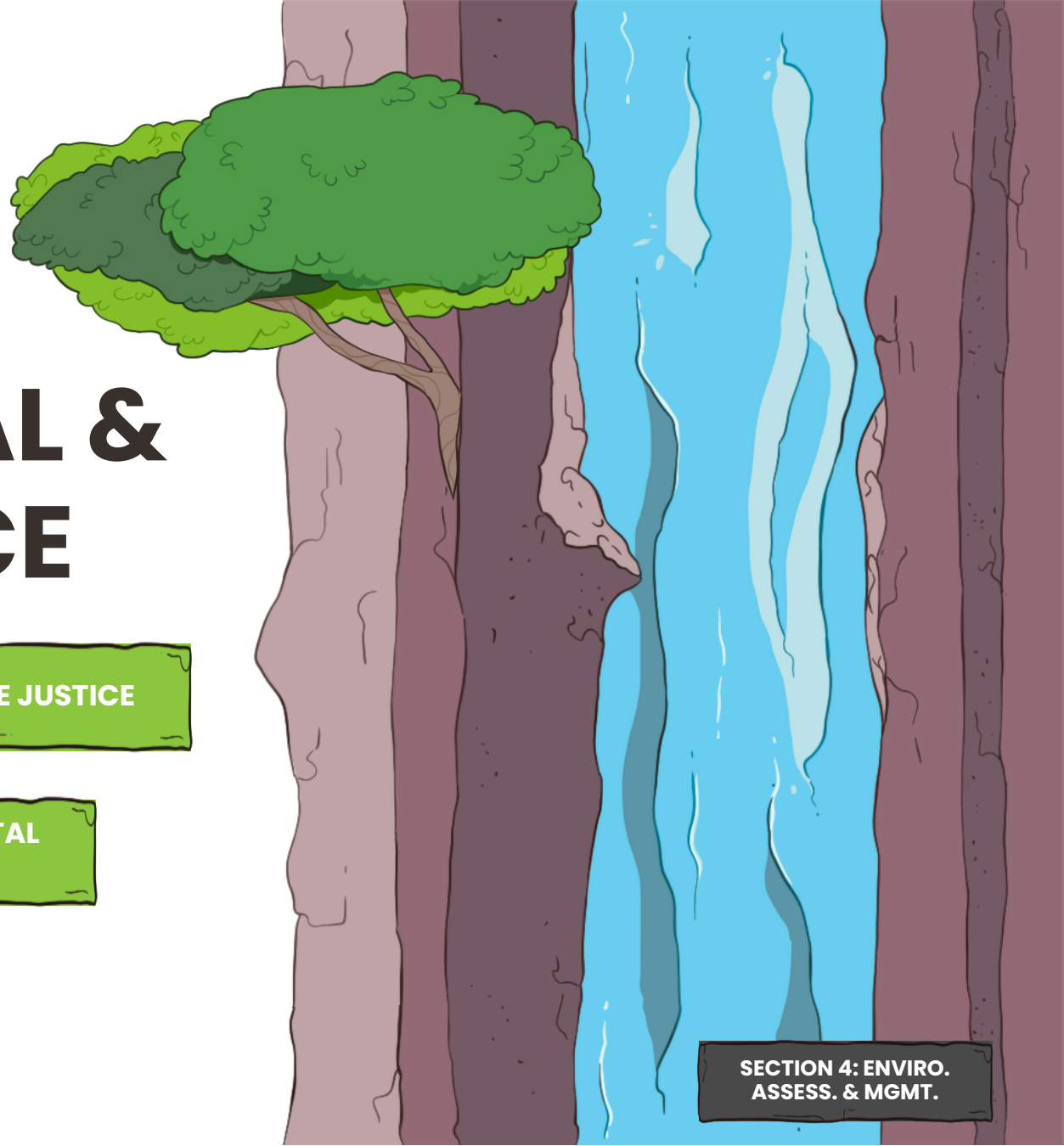
C. ECONOMIC
POLLUTION

D. ENVIRONMENTAL
RACISM

E. DISASTER RELIEF

NAVIGATION
MAP

SECTION 4: ENVIRO.
ASSESS. & MGMT.



ENVIRONMENTAL JUSTICE

“Environmental justice is a movement seeking to ensure fair and meaningful inclusion of affected peoples and equal sharing of benefits and costs when making decisions about the environment. Environmental justice aims to recognize and seek to address the existing inequalities faced by Indigenous, racialized, or otherwise marginalized communities throughout the decision-making process.”

- *Environment and Climate Change Canada*



THE GIVING TREE

Listen to how Micaela Martinez, Environmental Justice Officer at the Commission for Environmental Cooperation (CEC), used Shel Silverstein's *The Giving Tree* to explain Environmental Justice.



In “Taxonomy of Environmental Justice”, Robert Kueh proposes categorizing aspirational targets of environmental justice into **4 key principles**:

DISTRIBUTIVE

PROCEDURAL

CORRECTIVE

SOCIAL JUSTICE



Robert R. Kuehn, "A Taxonomy of Environmental Justice" (2000) 30 Env'tl L Reporter 10681.



CLIMATE JUSTICE

“Climate Justice recognizes the disproportionate impacts of climate change on low-income communities and communities of color around the world, the people and places least responsible for the problem. It seeks **solutions** that address the **root causes of climate change** and in doing so, simultaneously address a broad range of **social, racial, and environmental injustices.**”

- *University of California Center for Climate Justice*



Climate justice solutions can be organized into **6 pillars**:

JUST TRANSITION

INDIGENOUS CLIMATE
ACTION

NATURAL CLIMATE
SOLUTION

SOCIAL, RACIAL, AND
ENVIRONMENTAL JUSTICE

COMMUNITY RESILIENCE
AND ADAPTATION

CLIMATE EDUCATION AND
ENGAGEMENT



NATURAL CLIMATE SOLUTION

Recognizing “the importance of forests and agricultural lands as critical ecosystems for equitable climate action”



COMMUNITY RESILIENCE AND ADAPTATION

“**Resilience** measures a community’s capacity to recover from a climate impact such as a hurricane, drought, or flood.”

“**Adaptation** means reducing the ongoing and intensifying negative impacts of climate change within a community.”



CLIMATE EDUCATION & ENGAGEMENT

Furthering “education not only based on climate science but also on the ways in which climate change is deeply intertwined with a range of other social, racial and environmental issues that define our daily lived experiences.”



SOCIAL, RACIAL, AND ENVIRONMENTAL JUSTICE

Recognizing “the disproportionate impacts of climate change on low-income and BIPOC communities around the world, the people and places least responsible for the problem.”



INDIGENOUS CLIMATE ACTION

Nurturing “relationships with Indigenous communities by partnering with Indigenous Peoples in ways that respect and support their diverse ways of being and knowing in an effort to amplify their voices and promote Indigenous sovereignty:”



JUST TRANSITION

Transitioning from “fossil fuel-based economies to equitable, regenerative, renewable energy-based systems.”

ECONOMIC POLLUTION

“The very same industries that we fight against in terms of polluting at the source of extraction and emitting greenhouse gases...are pumping pollutants straight into our homes.”

- *Micaela Martinez, Environmental Justice Officer, Commission for Environmental Cooperation (CEC)*



THE TRIPLE PLANETARY CRISIS

These three interlinked elements encompass the environmental crises that humanity faces.

1

2

3

”





FOR MORE INFORMATION ON THE SCIENCE OF CLIMATE CHANGE:

See the Intergovernmental Panel on Climate Change
(UN body that provides regular assessments of the
scientific basis of climate change, its impacts and
future risks, and options for adaptation and
mitigation)





Gemma Boag, Director General,
Freshwater Policy and Engagement,
Canada Water Agency, expanded
on this, bringing in the impact on
our water supply:





FOR MORE INFORMATION ON THE IMPACT OF CLIMATE CHANGE IN CANADA:

See Natural Resources Canada, "Canada in a
Changing Climate: National Assessment Process"
(2025).



THE FOREST INDUSTRY AND CLIMATE CHANGE

Dr. Suzanne Simard, Professor of Forest Ecology at the UBC, explains the forest industry's impact on climate change and biodiversity loss.



COMBATING ENVIRONMENTAL RACISM

“Settler-colonialism has been identified as the first case of environmental injustice in Canada, recognizing the forced relocation and exclusion of Indigenous communities from natural resources and environmental decision-making as symptoms of environmental injustice.”

- *Commission for Environmental Cooperation (CEC)*



The Aamjiwnaang First Nation has been fighting **environmental racism** in Sarnia, ON for decades.

62 large industrial facilities are located within 25 kilometres of the region and have contributed to markedly high rates of Acute Myeloid Leukemia-specific mortality.



In February 2025, the Nation signed terms of reference with the federal government, which “includes the creation of a new joint committee aimed at addressing contaminants in the air, water, and soil.”

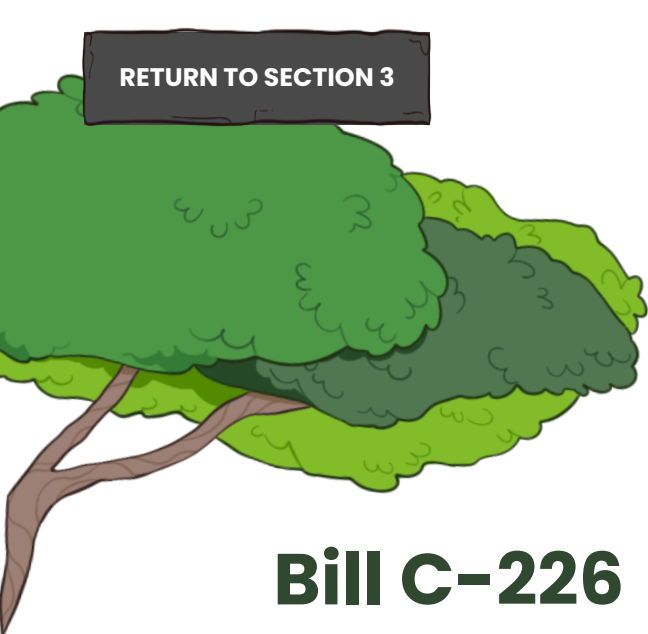




THIS REGION IS WITHIN CANADA'S CHEMICAL VALLEY:

The Lambton County area that “features a large petrochemical and chemical complex that represents approximately 40 per cent of Canada’s chemical industry.”





RETURN TO SECTION 3

Bill C-226

This agreement followed the passage of *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.*



NAVIGATION
MAP

E. SEEKING DISASTER
RELIEF

SECTION 4: ENVIRO.
ASSESS. & MGMT.

SEEKING DISASTER RELIEF

“By talking to those receiving aid in climate disasters such as wildfires or urban heat domes, as well as the scientists predicting our future climate events, we can be better equipped to help all peoples living in our country, and ensure the availability of equitable and accessible care during the most desperate times.”

- Dayna Rachkowski, PhD Student, University of British Columbia



In 2023, the BC Ombudsperson released a report reviewing two provincial **financial support programs** available to people in the **aftermath of a disaster**.

EMERGENCY SUPPORT
SERVICES (ESS)

DISASTER FINANCIAL
ASSISTANCE (DFA)





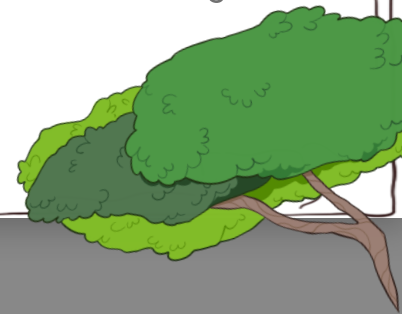
DESIGNED FOR INDIVIDUALS WHO HAVE LOST THEIR HOMES OR ESSENTIAL BELONGINGS IN A NATURAL DISASTER

- However, this program does not apply to losses resulting from wildfires and only restores the basics
- The investigation found that people who were applying for the DFA faced significant delays, unclear procedures, and poor communication.
- It was not built for the level of frequency or complexity, or the compounding nature, of climate change-related events



DESIGNED TO HELP PEOPLE IN THE IMMEDIATE AFTERMATH OF A DISASTER BY PROVIDING SHORT-TERM FINANCIAL SUPPORT FOR BASIC NEEDS

- Funded primarily by the province, but delivered primarily by volunteers
- Designed for small-scale, short-term events (72 hours of support)
- The investigation found that some 90% of people who were displaced and needed support needed it for longer than 72 hours.



4

ENVIRONMENTAL ASSESSMENT & MANAGEMENT

A. ENVIRONMENTAL
ASSESSMENT

C. FAST-TRACKING IN
THE NATIONAL INTEREST



B. INDIGENOUS-LED
PROCESSES

D. BRIDGING
WORLDVIEWS

NAVIGATION
MAP

SECTION 5: KEEPING
INDUSTRY IN CHECK



ENVIRONMENTAL ASSESSMENT

Environmental assessment (“EA”) is a planning tool with “both an information-gathering and a decision-making component which provide the decision maker with an objective basis for granting or denying approval for a proposed development.”

- *Friends of the Oldman River Society v Canada (Minister of Transport)*,
[1992] 1 SCR 3 at 71



The **federal** EA process is set out
in the ***Impact Assessment Act***,
SC 2019, c 28

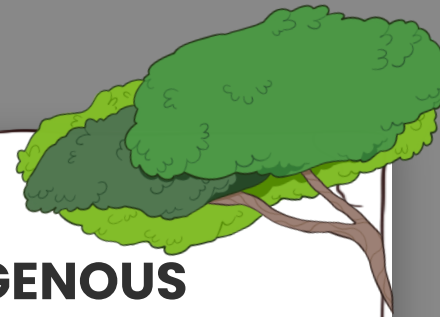
PROCESS

INDIGENOUS
CONSULTATION

DISCRETION

B. INDIGENOUS-LED
PROCESSES





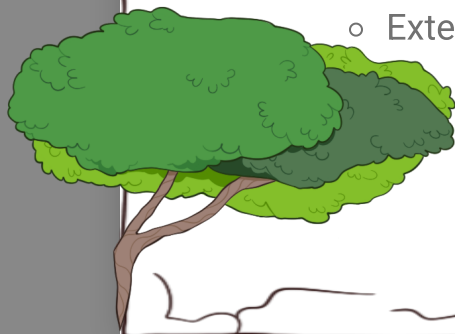
CONSULTATION WITH INDIGENOUS GROUPS, WHILE SEEKING TO IMPLEMENT UNDRIP, INCLUDING:

- Ability to enter into agreements with Indigenous groups to substitute process or cooperatively complete a process;
- Consensus-seeking with Indigenous groups prior to making decisions;
- Ability for Indigenous groups to provide a consent or lack of consent decision to be considered by the Minister in decision-making;
- Consideration of assessments of effects, study or plan conducted by an Indigenous group;
- Dispute resolution processes; etc.



ARE THE SIGNIFICANT ADVERSE EFFECTS (IF ANY) JUSTIFIED IN THE PUBLIC INTEREST?

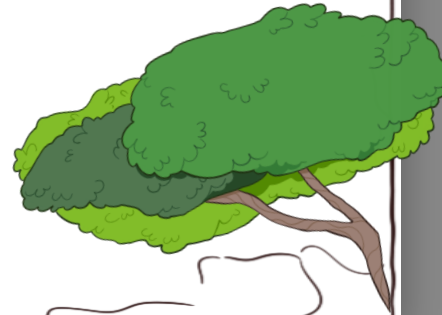
- Environmental assessment decisions are exercises of discretion with reference to public values (i.e., sustainability, environmental conservation, reconciliation, and economic prosperity)
- The decision is typically made by the relevant Minister or Cabinet after assessment is completed
- **Sections 60–64 include factors for the Minister to consider:**
 - Impact that the likely effects may have on Indigenous groups and any adverse impact that those effects may have on s 35 rights
 - Extent to which the effects contribute to Canada's ability to meet its environmental obligations and climate commitments
 - Extent to which the effects contribute to sustainability





SECTION 22(1): FACTORS TO BE CONSIDERED

- Positive and negative changes to environmental, economic, social, cultural & health conditions
- Cumulative effects
- Mitigation measures that are technically and economically feasible
- Impacts on Indigenous groups and Indigenous rights
- Alternate means of carrying out the project
- Technically and economically feasible alternatives to the designated project
- Indigenous knowledge



INDIGENOUS-LED PROCESSES

“Before the settlers came, First Nations, Indigenous peoples were governing their lands. You need laws in order to govern your lands. You need processes in order to implement those laws.”

- Aaron Bruce, Founder and Principal, Aaron Bruce Law





See books included in Aimée Craft's presentation about Indigenous self-governance and relationship with the environment:

Heidi Kiiwetinepinesiik Stark, Aimée Craft and Hōkūlani K. Aikau, eds, *Indigenous Resurgence in an Age of Reconciliation* (Toronto: University of Toronto Press, 2023).



Aimée Craft, *Treaty Words: For As Long As the Rivers Flow* (Toronto: Annick Press, 2021).



Aimée Craft and Paulette Regan, eds, *Pathways of Reconciliation: Indigenous and Settler Approaches to Implementing the TRC's Calls to Action* (Winnipeg: University of Manitoba Press, 2020).



Aimée Craft, *Breathing Life into the Stone Fort Treaty: An Anishnabe Understanding of Treaty One* (Vancouver: UBC Press, 2013)





Indigenous-led environmental or impact assessments are designed to **recognize** and **apply** the laws of Indigenous communities based on how a proposed project affects their Aboriginal rights, title, or interests.

EXAMPLES OF THESE ASSESSMENTS IN ENVIRONMENTAL LEGISLATION:



RETURN TO SECTION 4

C. FAST-TRACKING IN
THE NATIONAL INTEREST

Examples of Indigenous-led Assessment Projects

WOODFIBRE LNG PROJECT

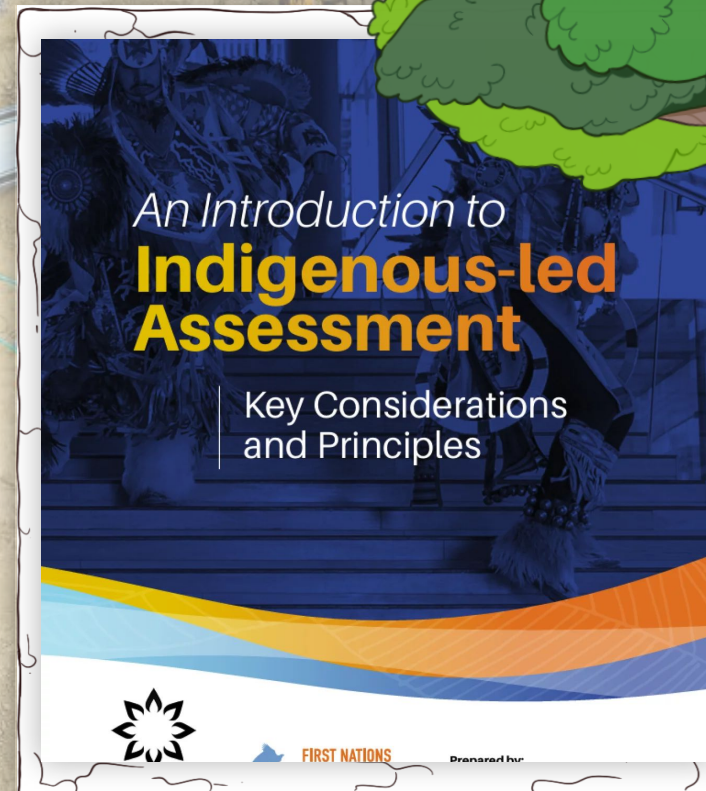
KGHM AJAX COPPER-GOLD PROJECT

KINDER MORGAN TRANS MOUNTAIN
PIPELINE AND TANKER PROJECT

KEEYASK HYDROPOWER LIMITED
PARTNERSHIP

KSI LISIMS LNG

NAVIGATION
MAP



SECTION 5: KEEPING
INDUSTRY IN CHECK



KINDER MORGAN TRANS MOUNTAIN PIPELINE AND TANKER PROJECT

- Tsleil-Waututh Nation submitted an independent assessment to the National Energy Board process based on its own jurisdiction and law.
- They expected that it would be a government-to-government decision based on the two different assessments, but it didn't work out that way





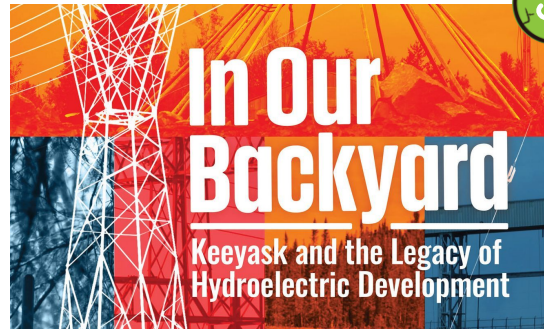
KEYYASK HYDROPOWER LIMITED PARTNERSHIP

- This project was collaboratively developed between Manitoba Hydro and four First Nations: Tataskweyak Cree , War Lake, York Factory, and Fox Lake Cree
- Even though Indigenous assessments found significant residual adverse effects relating to the caribou and sturgeon population, the decision was based on a Canadian environmental law standards





See Aimée Craft & Jill Blakley, eds, *In Our Backyard: Keeyask and the Legacy of Hydroelectric Development* (University of Manitoba Press, 2022).





WOODFIBRE LNG PROJECT

- The Squamish Nation started its own Indigenous-led process because the legislative processes were not strong enough at the time. The Nation's process caused the proponent to change his mind and implement major design changes.
- A tangible, real-world example of positive development in environmental law.





KSI LISIMS LNG

- A proposed joint venture involving Nisga'a Lisims Government, US-based Western LNG, and Canada-based Rockies LNG
- The Nisga'a Final Agreement, 11 May 2000, provides legal certainty for Nisga'a, as it enables self-government and recognizes their ownership of Nisga'a Lands.





KGHM AJAX COPPER-GOLD PROJECT

- The BC government denied an environmental certificate for a proposed open-pit mine on traditional Stk'emlupsemc te Secwépemc Nation territory.
- This decision was based on an independent panel process with over 70 community experts and Western scientists, who assessed the project from their perspective.



FAST-TRACKING IN THE NATIONAL INTEREST

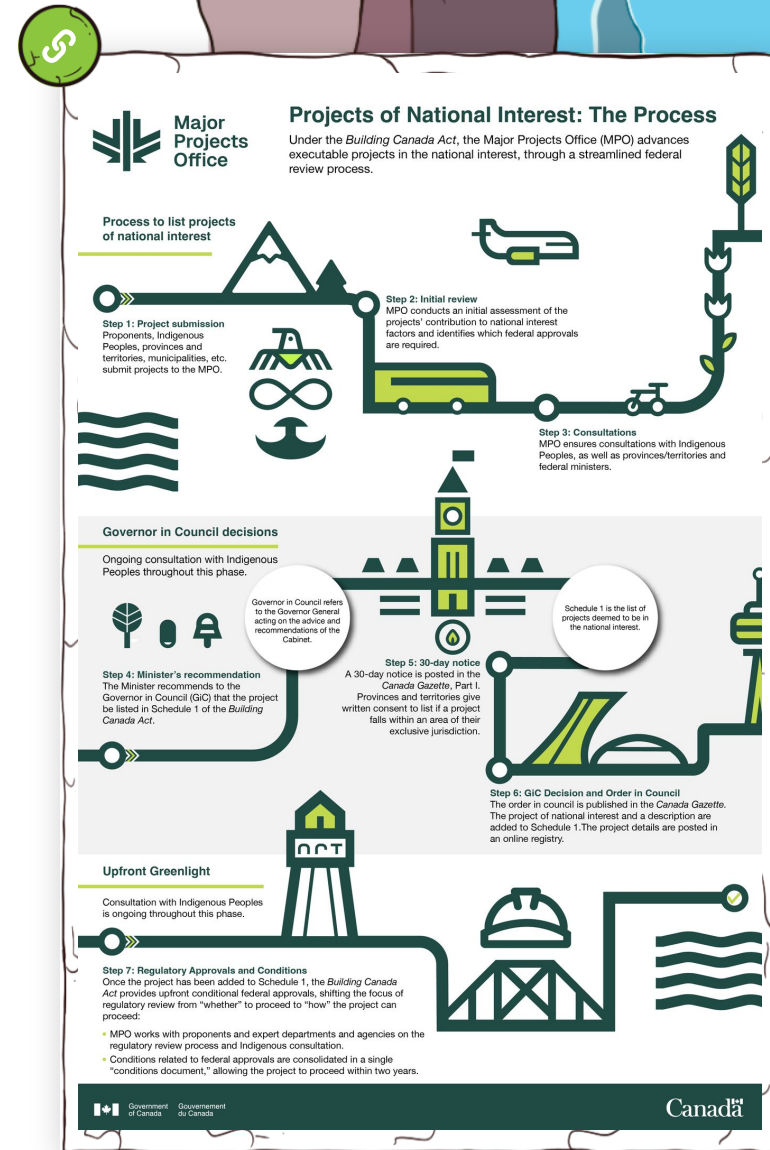
The *Building Canada Act* “was an intent to address a structural issue that the current federal government saw in the Canadian economy and the Canadian regulatory system, where certain projects were just taking too long to work their way through the system, and they wanted to speed it up.”

- *Chris Roine, Partner, Borden Ladner Gervais LLP*



The *Building Canada Act* ("*BCA*") aims to streamline federal regulatory processes for projects in the "**national interest**" by shortening decision timelines from 5+ years to 2 years

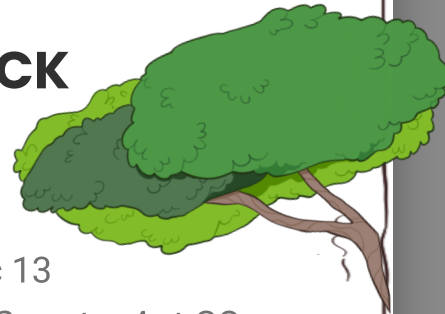
Whether to designate a project as in the "national interest" depends on listed in *BCA*, s. 5(6).





RECENTLY ENACTED LEGISLATION TO FAST-TRACK MAJOR PROJECTS:

- *Building Canada Act*, SC 2025 c 2
- *Infrastructure Projects Act*, SBC 2025, c 13
- *Protect Ontario by Building Faster and Smarter Act*, SO 2025, c 9



While *BCA* still requires Indigenous consultation, speakers at the conference expressed **uncertainty** about how projects involving Indigenous Nations will be treated.



A hand-drawn style note box with a white background and a black outline. The edges are irregular and wavy, giving it a sketchy appearance. In the top right corner, there is a small green square button with a white 'X' inside, serving as a close button. The text is centered within the box.

NOTE:

None of this streamlining/fast-tracking legislation was co-developed with any Indigenous Nations.

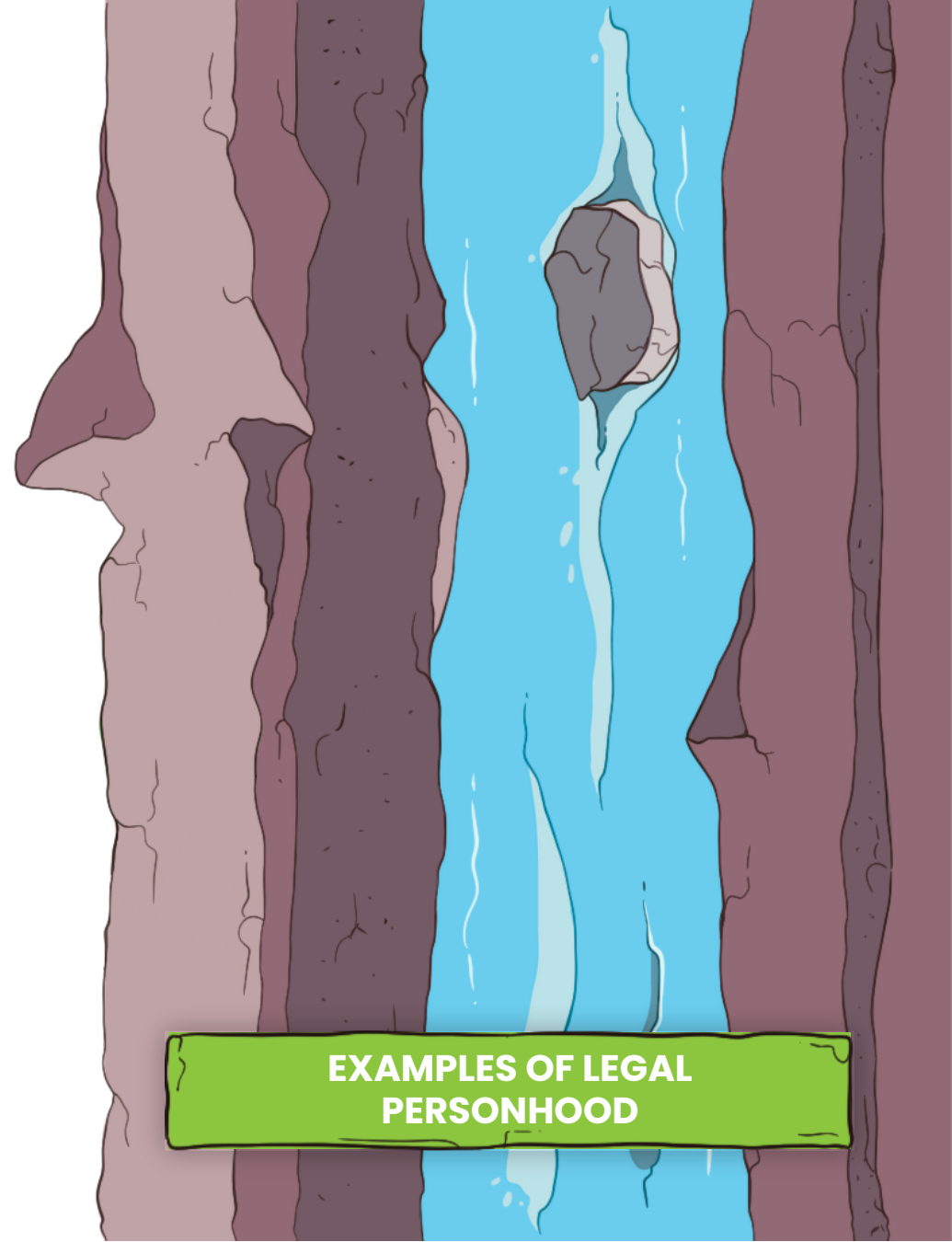
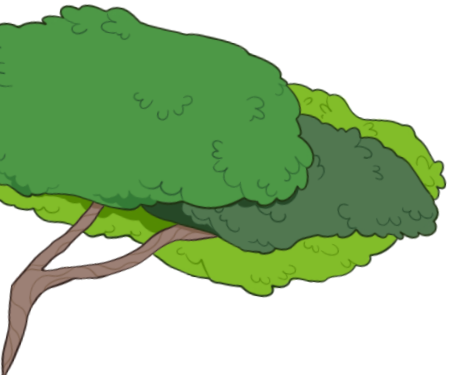
BRIDGING WORLDVIEWS

“I think inclusion has to be meaningful to give effect to pluralism. Otherwise, it remains in that potential of significant conflict. Meaningfulness means reasonable time and resources and the ability to envision futures, while also addressing competing values and power imbalances.”

- *Aimée Craft, Chair of the Clean Environment Commission (CEC),
University Research Chair Nibi miinawaa aki inaakonigewin, Professor at the
University of Ottawa Faculty of Law (Common Law)*



According to Aimee Craft,
personhood, or recognition of
spiritedness and agency, is



**EXAMPLES OF LEGAL
PERSONHOOD**



Examples of Legal Personhood

NORTHERN QUEBEC

NEW ZEALAND

INDIA

UNITED STATES

COLOMBIA



Another tool for Indigenous environmental governance is **treaty building with the natural world.**

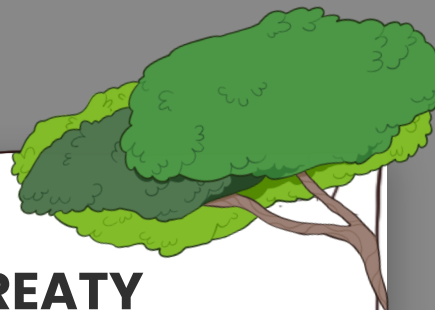


BUFFALO TREATY



LAKE WINNIPEG
WATERSHED





PARTNERSHIP TO BUILD A TREATY RELATIONSHIP AMONGST MULTIPLE NATIONS WITHIN A VARIETY OF JURISDICTIONS THAT INHABIT THE LAKE WINNIPEG WATERSHED

- The second watershed largest in Canada, and it crosses the Canadian-U.S. borders, four provinces, four states.
- Set out their sets of responsibilities and relationships within that territory
- Bringing together Anishinaabe, Ojibwe, Cree, and Blackfoot people into that conversation



THE BUFFALO TREATY CENTRED THE RELATIONSHIP WITH THE BUFFALO AS A TREATY PARTNER.

- Initiated by the Blackfoot Confederacy in Alberta and into Montana
- Held space for the buffalo in assemblies and dialogues across their Nation
- Brought forward a treaty relationship amongst themselves, but also with the buffalo for the restoration of their keystone species that made them who they are as Blackfoot people
- See film by Tasha Hubbard, *Singing Back the Buffalo*



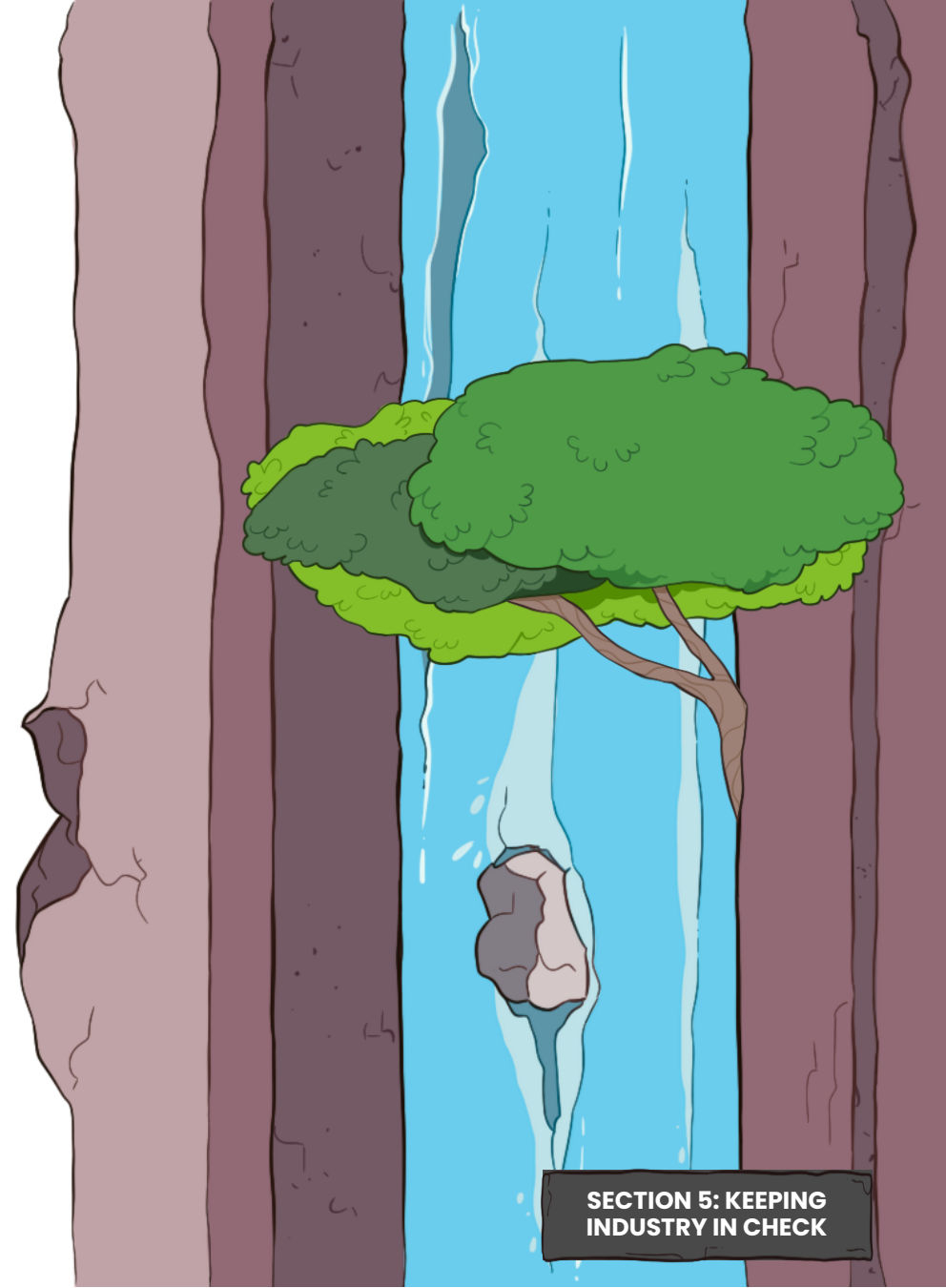
Indigenous Nations have also been managing their own land with by **enacting laws** and **entering into agreements**.

NIBI DECLARATION OF GRAND COUNCIL
TREATY 3

MISIPAWISTIK ISIHTWAWINA: CREE
LAWS PROJECT

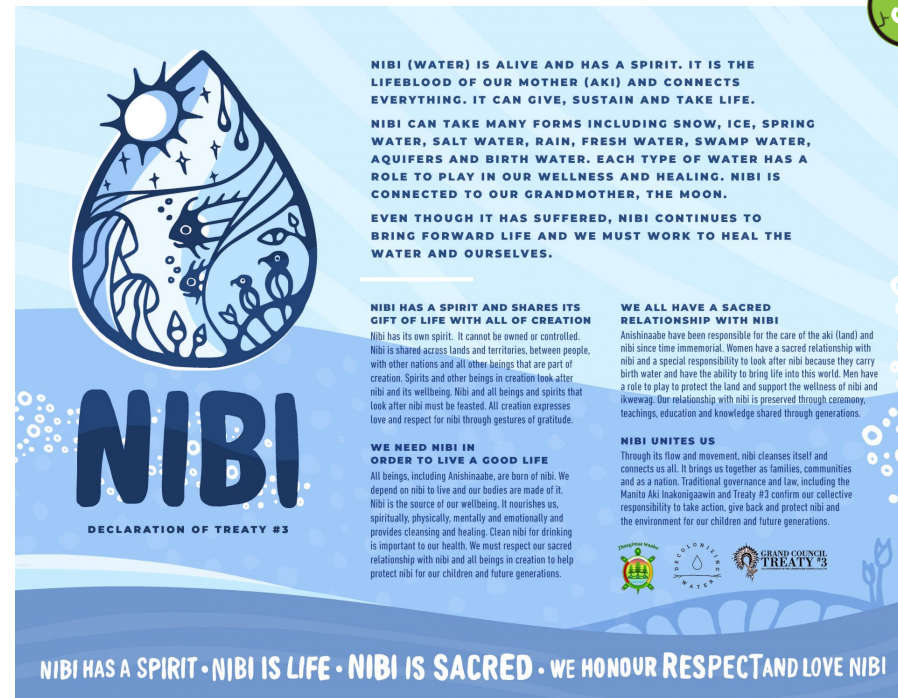
SEAL RIVER WATERSHED ALLIANCE

HAIDA NATION'S MANAGEMENT OF
HAIDA GWAI



NIBI DECLARATION OF GRAND COUNCIL TREATY #3

- First Nations in northwest Manitoba set out their values and principles in a declaration that invites people into the relationship with water, recognizing the spiritedness and agency and animacy of water itself
- While most First Nations don't have an environmental law, Treaty 3 does: Manito Aki Inakonigaawin, Great Earth Law
- This law is not an environmental assessment, but it sets out the framework for how Anishinaabek and in Treaty 3 are thinking about sets of responsibilities and obligations



HAIDA NATION'S MANAGEMENT OF HAIDA GWAI

- The Haida Nation advocated for the integration of scientific and traditional knowledge resulting in the protection of Haida lands, rivers and streams, and the marine environment.
- Since 1993, the Haida Nation have been entering into agreements that further their right to self-government of Haida Gwaii
- In 2025, the Supreme Court of BC declared that Haida Nation has Aboriginal Title, recognized and affirmed under s. 35(1) of the *Constitution Act*, 1982, to the terrestrial and foreshore areas of Haida Gwaii, giving their title constitutional protection
 - *The Council of the Haida Nation v British Columbia*, 2025 BCSC 1806



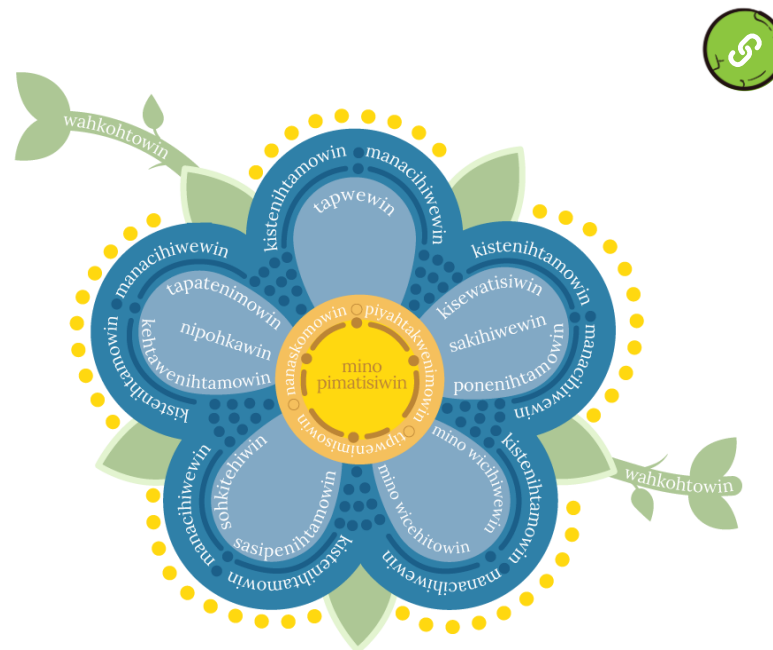
SEAL RIVER WATERSHED ALLIANCE

- An Indigenous Protected and Conserved Area (IPCA) in northern Manitoba—a method of governance and management that gives effect to Indigenous laws that are created collaboratively
- Sayisi Dene First Nation, Northlands Dene Nation, Barren Lands First Nation, and O-Pipon-Na-Piwin Cree Nation are co-construction of an Indigenous legal framework for the management of the watershed
- Government withdrew all potential for mineral exploration and licensing within the Seal River Watershed by agreement with the province of Manitoba



MISIPAWISTIK ISIHTWAWINA (IT IS THE WAY WE DO THINGS) – CREE LAWS PROJECT

- Misipawistik Cree Nation's framework of values and principles that guides all decision-making and conduct within their territory.
 - At the center is *mino pimatisiwin* (the good life) connected by *wahkotowin* (relationships) with all living things
- This is used for their moose management strategies and interactions with the province on forestry
- They also imposed a more rigorous fishery regulation than that of the province to restock the fishery in their territory



**Misipawistik
isihtwawina**
It is the way we do things

5

KEEPING INDUSTRY IN CHECK

A. ANTI-GREENWASHING
LEGISLATION

C. COMISSION FOR
ENVIRO COOPERATION

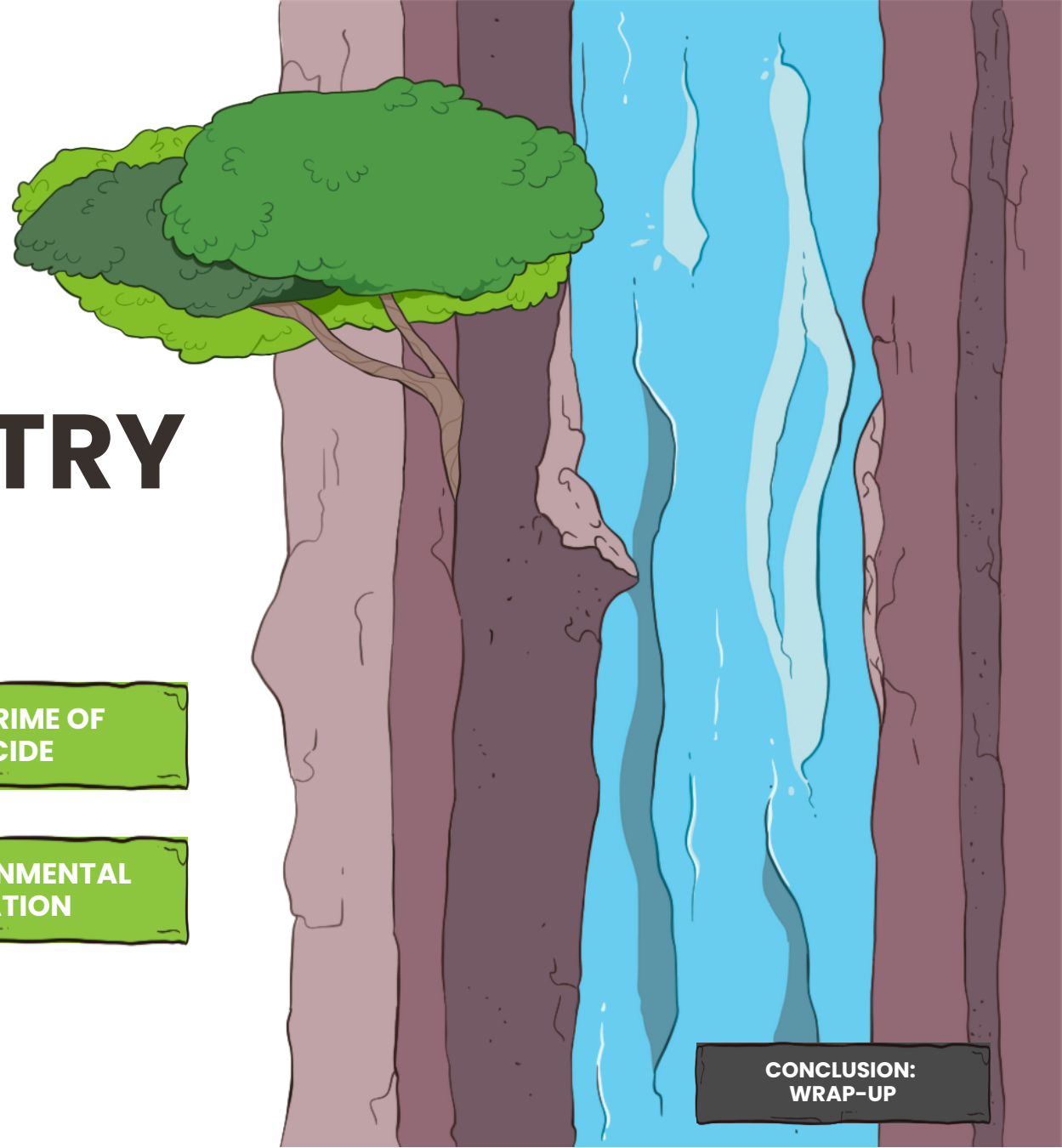


B. THE CRIME OF
ECOCIDE

D. ENVIRONMENTAL
MEDIATION

NAVIGATION
MAP

CONCLUSION:
WRAP-UP

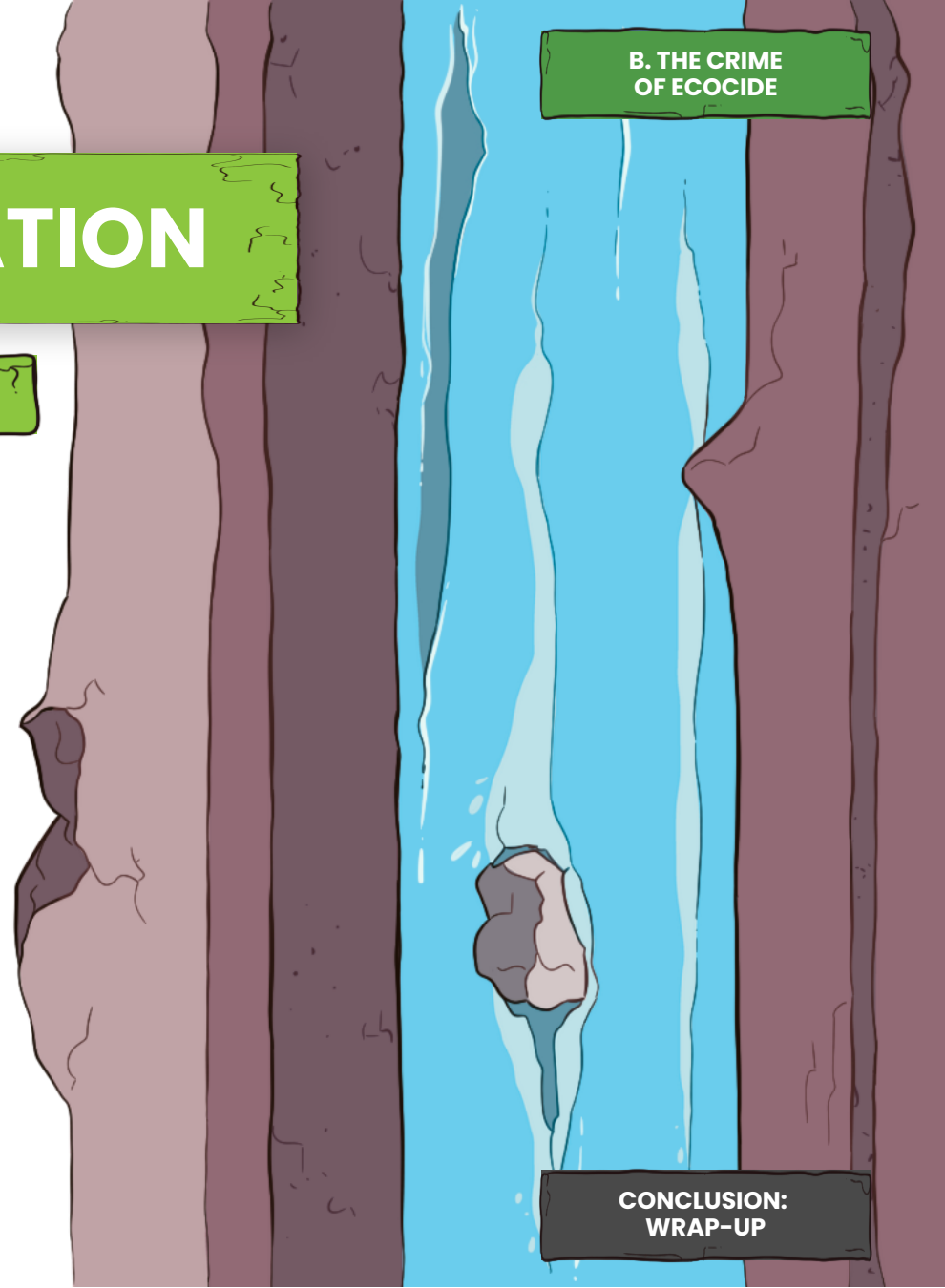


ANTI-GREENWASHING LEGISLATION

Greenwashing is **exaggerated or misleading environmental or climate protection claims** about a product or service by a business, including aspiration claims with indeterminate timescales or that extend far into the future

EXAMPLE

B. THE CRIME OF ECOCIDE





This topic was covered by **Chris Russill**, Associate Professor in the School of Journalism and Communication at Carleton University, and Academic Director at Re.Climate. For more information on anti-greenwashing, check out the resources below:

Melissa Aronczyk, Patrick McCurdy and Chris Russill, "Greenwashing, net-zero, and the oil sands in Canada: The case of Pathways Alliance" (2024) 112 Energy Research & Soc Science 103502.



CIAJ, "Canada's Anti-Greenwashing Framework: From Environmental Marketing to Legal Liability" (4 September 2025), online (podcast).



RETURN TO SECTION 5

THE CRIME OF ECOCIDE

HOW WOULD YOU DEFINE ECOCIDE AS A CRIME?

NAVIGATION
MAP

C. COMMISSION FOR
ENVIRO. COOP. (CEC)



CONCLUSION:
WRAP-UP



This topic was covered by **Darryl Robinson**, Law Professor at Queen's University. For more information on the crime of ecocide, check out the resources below:

Darryl Robinson, "Ecocide — Puzzles and Possibilities" (2022) 20:2 J Intl Crim Justice 313.



Darryl Robinson, *Justice in Extreme Cases* (Cambridge: Cambridge University Press, 2020).



Stop Ecocide Foundation, "Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text" (June 2021).



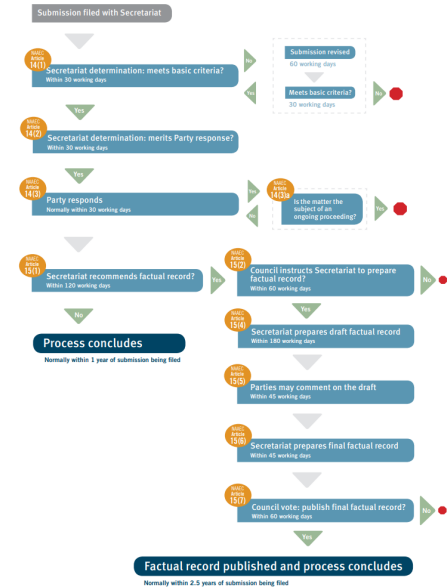
THE COMMISSION FOR ENVIRONMENTAL COOPERATION

The CEC's **Submissions on Enforcement Matters** is a mechanism that allows a citizen of Canada, the United States, or Mexico to file a submission alleging a failure to effectively enforce environmental law in one of the three countries.

The submission then undergoes several steps, which may include a government response and a published factual record.

CANADIAN EXAMPLE

THE SUBMISSIONS ON ENFORCEMENT MATTERS PROCESS





VESSEL POLLUTION IN THE PACIFIC (SEM-23-007)

- Stand.earth asserts that Canada is failing to uphold its obligations to protect the marine environment by allowing the operation of exhaust gas cleaning systems.
- The CEC recommended the development of a factual record on 14 June 2024.





Commission for Environmental Cooperation, "Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation: North American Agreement on Environmental Cooperation" (11 July 2012), online (pdf).



ENVIRONMENTAL MEDIATION

Catherine Choquette discussed her work at the Research Centre on Regulation and Governance Law at the Université de Sherbrooke, where they are developing decision-making processes that include facilitated mediation with all stakeholders to co-construct a comprehensive solution to a given issue.

This model was developed through different projects under the title “**Acclimatons-nous!**”



Acclimatons-nous!
“Dams”

Acclimatons-nous!
“Floods”

Acclimatons-nous!
“Protected areas”

Acclimatons-nous!
“Urban heat islands-Morocco”



For more information on this project visit
the Acclimatons-nous! website.



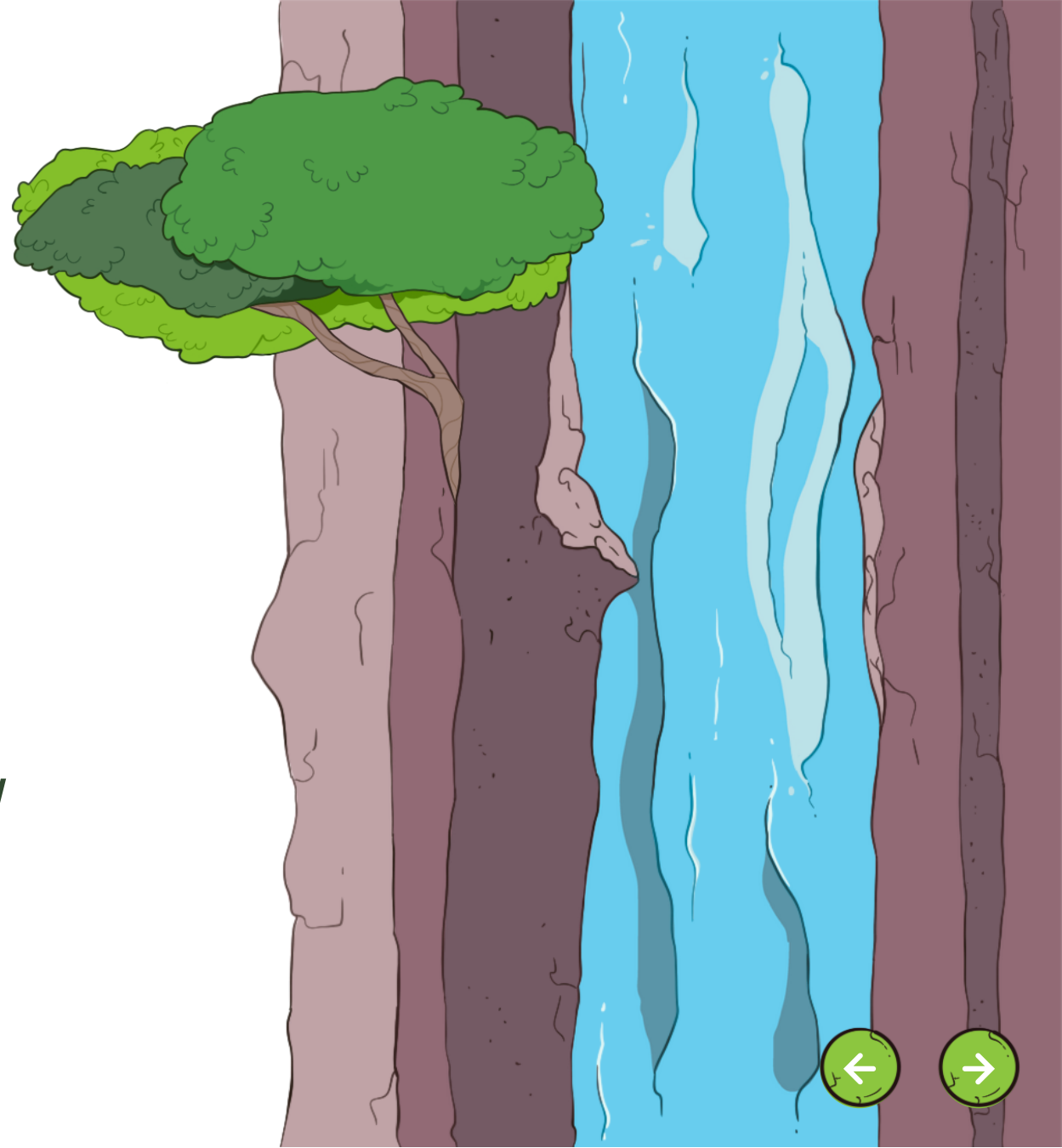
6

WRAP-UP

“[P]rotecting the environment is the most pressing challenge of our time.”

- *Chief Justice Leonard Marchand*

NAVIGATION
MAP

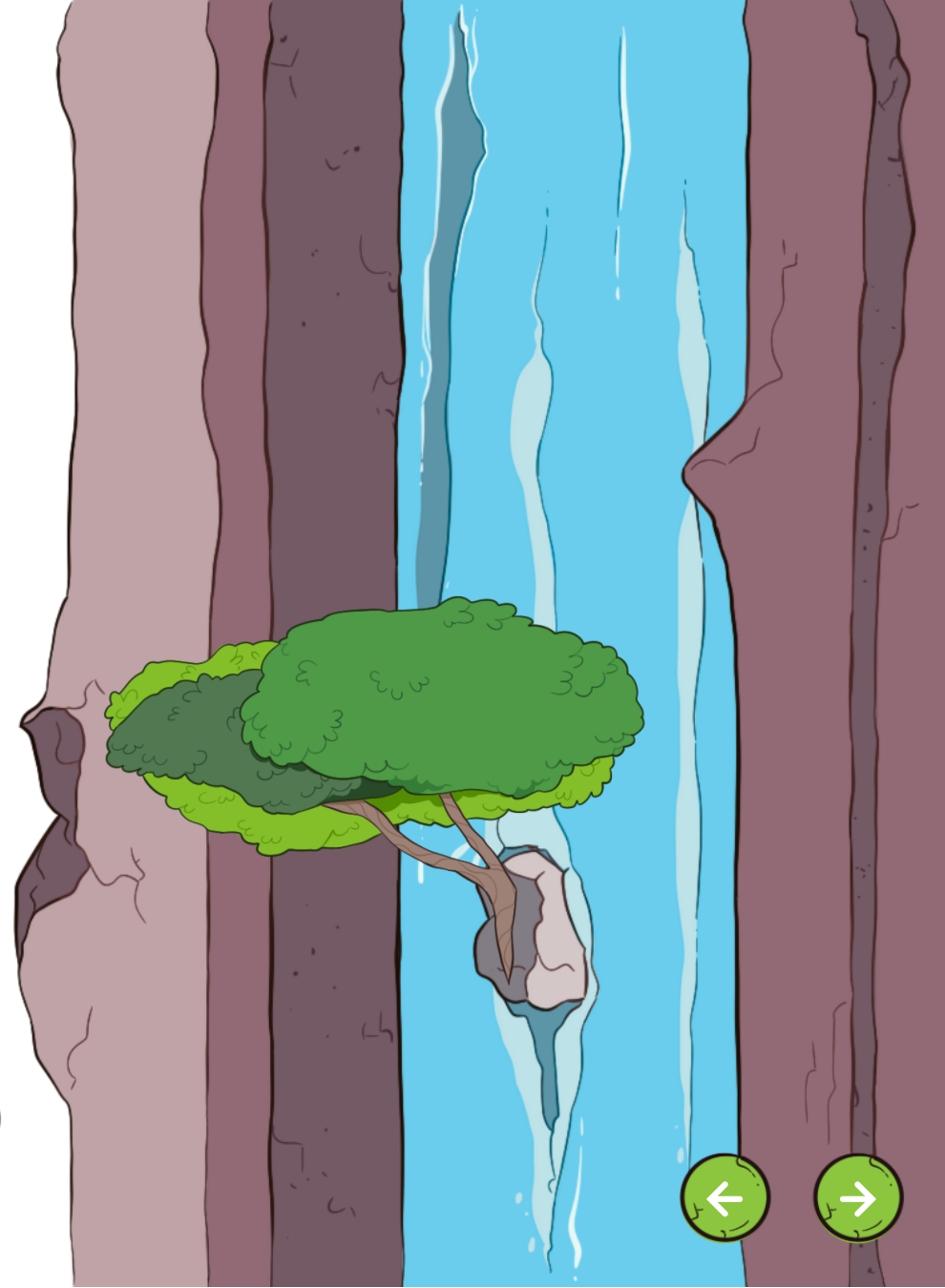




”

In sum, “[d]evelopment will continue, but the legitimacy of decision-making processes must be inclusive and ethical. It is not an ‘either/or’ between the economy and the environment. It is a question of whether both can co-exist.”

- Emma DuCharme, Law Student, Lakehead University's Bora Laskin Faculty of Law



This conference showcased a variety of viewpoints related to the environment and the law.

Many of these themes are explored further in 4 blog posts written by students who attended the conference.





Day 1:

Ruby Pike, "Student Column: Perspectives on the Environment and the Law | Opening Conversations at the Heart of Environmental Law" (20 January 2026).



Day 2:

Emma DuCharme, "Student Column: Perspectives on the Environment and the Law | Protect or Develop? What the Debates Reveal" (3 February 2026).



Day 3:

Dayna Rachkowski, "Student Column: Perspectives on the Environment and the Law | Environmental Justice, Trees, and the Law" (17 February 2026).



Whole Conference:

Ignacia Méndez, "Three Days to Rethink Environmental Law" (10 March 2026).





“ Indigenous people have a forever relationship with Canada, and likewise, all people in Canada have a forever relationship with the environment. If we continue on the path of reconciliation, work together, and take inspiration from Indigenous worldviews, I believe we will inevitably find the harmony we all seek and need between development and protecting the environment.”

-The Honourable Leonard Marchand, Chief Justice of British Columbia



STAY UPDATED ON **CIAJ**'S PROGRAMS AND ACTIVITIES:



NAVIGATION
MAP

INTRODUCTION:
TITLE PAGE