

# *Editor's Note*

## *Note de la rédaction*

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**Emma Sitland**

Volume 18 Editor-in-Chief / Volume 18 Rédactrice en chef

I am humbled and excited to present the eighteenth volume of the McGill Journal of Sustainable Development Law (MJSDDL) on behalf of this year's motivated and hardworking editorial board.

This past year in particular was a reckoning for the climate movement. The world saw extreme weather events such as wildfires and floods, as well as strong political movements demanding accountability and change. Globally, it has become increasingly clear that the climate crisis is no longer looming but is already here. Our contributors write in the context of this crisis that has and will continue to impact every facet of daily life. They reflect on it using intersectional legal and policy research to imagine creative solutions, and the MJSDDL is honoured to be the forum for this invaluable scholarship.

Throughout the year, the MJSDDL continued to host its Speaker Series virtually, featuring noteworthy and influential guests. In the Fall semester, our team had the privilege of hosting Dr. Maya Prabhu for a fascinating and moving presentation on the mental health considerations of climate migration, and Dr. Alexandra Harrington, who presented her research on the concept of just transitions as a paradigm for climate change law in the post-pandemic landscape. In the Winter semester, Professors Randall Abate and Stepan Wood joined us for panel discussion on using litigation to fight climate change before 2030, guiding law students on translating their legal education into advocacy for a habitable planet. Closing out the academic year, we were honoured to host an interactive discussion, led by Dr. Marie-Claire Cordonier Segger, on intergenerational equity and climate change commitments in Indigenous treaties with Canada. Finally, we held our first annual networking event, which connected students passionate about environmental law with international and domestic experts, hoping to inspire the next generation of environmental leaders.

Turning to our current publication, I am proud to present Volume 18, *Bridging the Gaps: Innovation and Inclusivity in the Face of Growing Inequality*. Touching on themes such as corporate accountability for climate harms, sustainable development in the energy industry, and waste production, this Volume's articles mark important contributions to the literature on sustainable development and will, I hope, spark much-needed conversations.

In the first article of Volume 18, Daniel Dylan and Erin Chochla critically examine Canada's federal and provincial legislation pertaining to the management, disposal, and recycling of various forms of waste. The authors argue that to limit Canada's environmental footprint, legislative reforms should restrict packaging production to what is strictly required.

Shifting to a more international focus, Patrick Leisure's in-depth analysis of the Loulo mining project in Mali questions whether this enterprise has brought value to the local community. Building on this, Leisure offers recommendations for future international mining projects to better benefit all stakeholders.

Next, Julia Chen considers the implications of the Supreme Court of Canada's judgment in *Yaiguaje v Chevron* for corporate accountability. In the context of growing human rights and climate litigation, Chen presents opportunities to modernize Canada's corporate veil piercing doctrine.

In the final article of Volume 18's first issue, Sebastián Luengo Troncoso examines Chile's Kawésqar National Park and Reserve and the Indigenous communities managing these areas as a case study on conservation through Indigenous collaborative governance. Luengo Troncoso argues that to preserve protected areas, Indigenous communities must play a central role in decision-making.

Opening Volume 18's second issue, Erin Dobbelsteyn sheds light on recent amendments to Canada's *Federal Sustainable Development Act*. Dobbelsteyn assesses the Act's explicit inclusion of the principle of intergenerational equity and the new requirement that it feature in federal sustainable development strategy, identifying shortcomings with the FSDA's approach.

Verity Thomson, a former MJSDL editor, comments on *Misdzi Yikh v Canada*, a class action rebuking the Canadian government's inadequate climate policy. Thomson analyzes the plaintiffs' Statement of Claim through intersecting lenses of feminism and Indigenous constitutionalism, then discusses the Federal Court's decision to strike it down.

Examining *Sharma ex rel Sister Brigid Arthur v Australia (Minister for the Environment)*, the first common law case to impose a duty of care concerning climate change on a government, Brandon Stewart considers the prospect of Canadian courts adopting a similar rule. Stewart focuses on the Anns/Cooper test's proximity requirement in light of select doctrine and recent case law.

Closing off Volume 18, Katherine Wang and Malaika Bacon-Dussault examine Canada's ban on the shark fin trade, criticizing deficiencies in the policy that still allow the trade of shark fin derivatives. The authors argue that amending this policy would not only protect sharks but improve Canada's compliance with its international trade obligations.

I would like to finish by sincerely thanking everyone who worked hard on this Volume. To our authors, thank you for sharing your extensive knowledge, and for trusting us with the publication of your research. To our editors, thank you for the many hours that you put into this Volume, and for your dedication to this Journal. To the many peer reviewers, thank you for donating your time, energy, and expert opinions to ensure MJSDL publications meet the highest standards of academic rigour. Finally, to our faculty advisor, Professor Richard Janda, thank you for your invaluable guidance and support.

To our valued readers, thank you for your persistent support and for investing in us so that we can continue to create this space for dialogue on cross-cutting issues in sustainable development law. This publication would not have been possible without the financial support of students at McGill's Faculty of Law, whose contributions assure the MJSDL's longevity and continued growth. We are also grateful for Young Canada Works' generosity, which finances our Summer Office Manager position, allowing the MJSDL to grow and thrive year-round.