

Editor's Note

Note de la rédaction

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Volume 16 Editor-in-Chief / Volume 16 Rédactrice en chef

On behalf of two diligent editorial boards, I am thrilled to present the sixteenth volume of the McGill Journal of Sustainable Development Law (MJS DL). This volume offers a collection of rigorous and innovative pieces on the theme of human rights and sustainability. For over fifteen years, the MJS DL has endeavoured to foster meaningful contribution to sustainability discourse and we sincerely hope that our readers find inspiration within the contents of this volume.

In the first piece in Volume 16:1, Jason Maclean provides a critical and insightful review of Meinhard Doelle and Chris Tollefson's *Environmental Law: Cases and Materials*, Third Edition, a recently published casebook focused on Canadian federal environmental law and practice. By drawing on his experience as a professor at University of Saskatchewan's School of Environment and Sustainability, MacLean notes the shortcomings of much environmental law scholarship and pedagogy in the anthropocene era and calls for broader curricular reform that integrates law-and-policy dimensions, as well as implications of the Anthropocene.

In a translated and revised piece, Jean-Yves Carlier, François Crépeau and Anna Purkey draw on case law from the European Court of Justice (ECJ) to demonstrate that a concerted policy effort between states, intergovernmental organizations and civil organizations must be established to foster the governance of migration between the Global North and countries of origin. Ultimately, the authors emphasize the Global Compact for Safe, Orderly and Regular Migration (GCM) as a framework that offers and facilitates a long-term strategic vision of global human mobility.

Alexander Agnello and Nandini Ramanujam propose an innovative working framework for the implementations of the Sustainable Development Goals (SDGs) in fragile and conflict-affected states (FCAS) by illustrating the case of Yemen. While United Nations agencies continue to propagate indivisibility and universality as guiding principles of SDG implementation, the authors argue that these demands fall short as a guide for SDG implementation in Yemen and other FCAS. In particular, SDG 16 (peace, security and justice) is a prerequisite for achieving the entire agenda, and therefore should be prioritized in FCAS to reverse the erosion of development gains made in these countries.

Basil Ugochukwu offers a captivating discussion on how to practically integrate SDG's into market-based climate mitigation projects. The piece references the Clean Development Mechanism under the 1997 Kyoto Protocol, its criticisms, and lessons learned, to provide a starting point for building a more robust Sustainable Development Mechanism (SDM), as proposed by the Paris Climate Change Agreement.

My colleague, Arsalan Ahmed, Editor in Chief of Volume 17 and the respective Volume 17 team, played a crucial role in bringing this volume to publication. He offers a brief overview of our pieces in Volume 16:2.

In our first piece for Volume 16:2, Vito De Lucia offers extensive insights into the third substantive session of the intergovernmental conference (IGC-3). In 2019, the IGC-3 sought to adopt a new implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (BBNJ). This work offers a critical assessment on the state of play in relation to a central point of divergence in the negotiations- whether marine genetic resources should be encompassed by the regime of the common heritage of (hu)mankind.

Second, Guillaume Lebrun-Petel's piece, published in French, discusses the consequences that the regional integration of the Economic Community of West African States (ECOWAS) has on the rights of the

child in West Africa. Lebrun-Petel delineates the impact of this economic integration process on the rights of the child by presenting a case study of two of these rights – the right to integrity and the right to participation.

Third, Sander van 't Foort, Tineke Lambooy, & Aikaterini Argyrou offer a comprehensive analysis of the Dutch National Contact Point (NCP), evaluating its effectiveness between 2012-2019. These conflicts are resolved within the framework of the OECD Guidelines for Multinational Enterprises ('OECD Guidelines') The Dutch NCP is referred to as the 'gold standard' of NCPs handling disputes between companies and victims of corporate behaviour, or NGOs or unions representing them; the comprehensive study integrates desk-research, doctrinal work, and empirical data through interviews with NCP members to determine effectiveness.

Fourth, Anna Romaniszyn provides an engaging discussion on human rights climate litigation against public entities. The two-part paper undertakes a comparative study of the most relevant cases comprising this new wave of human rights climate litigation. Part I identifies reoccurring arguments and obstacles, how they are being approached (and overcome), and how transferable they are across different jurisdictions. In Part II, the paper ponders on the potential of existing regional human rights mechanisms for constructing and advancing similar cases and elevating the human rights climate litigation from national level.

In the midst of this year's publication process, we grappled with a new normal as the COVID-19 pandemic was declared a health emergency of international concern. Physical distancing measures, lockdowns and border restrictions have disproportionately impacted marginalized communities and the most vulnerable members of society. Much like the climate crisis, this pandemic has demonstrated the consequential effects of human activities that contribute to our collective well-being.

However, both adversities have also demonstrated our capacity to develop resilience as a whole, and a global resolve to unite for the common good. In the midst of its 2020 winter semester, McGill rapidly adapted to remote learning in response to government health directives to limit the transmission of COVID-19. During this time, the MJSDL board fervently continued its submission and editing process.

With a resolve to fulfill our mandate of fostering meaningful contributions to sustainability discourse, we were thrilled to host our first online webinar with Professor Randall Abate from Monmouth University on April 8th, 2020, which attracted an international viewership. The presentation, "Climate Change and the Voiceless: Protecting Future Generations, Wildlife and Natural Resources" can be accessed in full on our YouTube channel, at < https://youtu.be/aCKCrS2q__Q >. We hope that viewers will gain insight on the vulnerabilities of the voiceless in the Anthropocene era and gain exposure to recent legal developments in the field of climate change and climate justice.

In May, the MJSDL also co-hosted the annual Gonthier Lecture with the Centre for International Sustainable Development Law (CISDL), featuring an insightful discussion from Dr. Elizabeth Mrema and the Honourable Justice Marcel Szabo who both reflected on legal insights and innovations which contribute to implementing the SDGs in integration with human rights and justice. As an annual co-host of the Gonthier Lecture, we are grateful for the continued support of the CISDL and look forward to future collaborations.

On a final note, I would like to express my deep appreciation to our contributors for generously devoting their time and energy to this issue, particularly in the midst of an era of great uncertainty. Thank you to our student editors for continually demonstrating perseverance, leadership and diligence throughout the year and for making this publication possible. It has been an invaluable experience to work alongside a group of such talented and gifted colleagues. Thank you as well to our external peer-reviewers for generously devoting their invaluable time, expertise and insight to ensure our ongoing commitment to academic rigour and scholarly excellence. We also extend our gratitude to the Young Canada Works program for financing our editorial work during the summer months. We give special thanks to Professor Richard Janda, our faculty advisor, for his invaluable guidance. Finally, thank you to our authors for selecting the MJSDL as a venue for their research.

I am confident that our forthcoming executive board will continue to foster innovative and meaningful dialogue in the field of sustainable development during this time of monumental importance, as we all adapt to a new normal.