



MARINE & ENVIRONMENTAL  
**LAW INSTITUTE**

Celebrating **30 YEARS** of the **UN CONVENTION ON THE LAW OF THE SEA**





# marine & environmental law institute

The **Marine & Environmental Law Institute** (MELAW), based at the Schulich School of Law (formerly Dalhousie Law School), draws on a history of over 35 years of research excellence, education, consultancy and training expertise in marine and environmental law and policy matters. The Institute was established by the Board of Governors of Dalhousie University in Spring 2004 as a centre of excellence with a focus on Canadian and international oceans and environmental governance, law and policy.

The Institute carries out scholarly research projects as well as providing independent advisory services to agencies of the United Nations, international non-governmental organizations and regional organizations. It also provides policy advice to governments, industry and non-governmental organizations in Canada and overseas.

## **Objectives of the Institute include:**

- Undertaking leading edge research
- Providing teaching and supervision for undergraduate and graduate courses in marine and environmental law
- Undertaking contract research and providing policy advice to public and private bodies
- Designing and implementing capacity-building activities for ocean and environmental governance in other parts of the world

In carrying out the objectives, the Institute actively seeks to cooperate with other units at Dalhousie and other partners and to further advance the University's mission of excellence in ocean studies.



# table of contents

## Overview

## Table of Contents

<b>1. Director's Report</b> .....	<b>7</b>
Spotlight of the year .....	13
<b>2. Marine &amp; Environmental Law Programme</b> .....	<b>17</b>
Students .....	18
Prizes & Scholarships .....	21
<b>3. Research Projects &amp; Contracts</b> .....	<b>23</b>
Institute Publications.....	29
<b>4. Public Lectures, Visitors &amp; Outreach</b> .....	<b>31</b>
<b>5. MELAW Faculty &amp; Associates</b> .....	<b>41</b>
Photo Credits.....	61



# 1 director's report

## Introduction

The 2011-2012 reporting period was a very productive year for MELAW. The central theme was the 30th anniversary of the most important global instrument on the international law of the sea, and around which a series of events were organized. Other Institute activities continued to be undertaken as guided by strategic directions for 2010-2013 presented in last year's annual report (see text box).

Activities addressed all four regions of particular focus (Arctic, Atlantic, Caribbean and Southeast Asia). However, particular attention was paid to expanding and strengthening relations with sister institutions in a number of countries, including China, France, Germany, Portugal and Norway. The range of themes of Institute and faculty work was in several areas of international law

(public international law, international environmental law, climate and energy law, international maritime law, international fisheries law), comparative and national law (aquaculture, coastal, environmental, fisheries, renewable, maritime law and policy).

There was significant movement in the MELAW community. Professor Phillip Saunders returned from administrative leave, whereas Professors Meinhard Doelle, Moira McConnell and David VanderZwaag were on sabbatical. Professor Chidi Oguamanam left the Schulich School of Law for the University of Ottawa, a loss for our school. This report will be my last as MELAW director. At the end of December 2012 the Institute's reigns will be handed over to a successor as I go on sabbatical.

### SNAPSHOT OF MELAW STRATEGIC DIRECTIONS 2010-2013

<b>OVERARCHING GOAL</b>	To enhance MELAW's profile, standing and recognition in Dalhousie and at the regional, national and international levels as a leading global centre of excellence for research, education, training and capacity-building in domestic, international and comparative marine and environmental law and governance.			
<b>THEMATIC FOCUS</b>	<ul style="list-style-type: none"> <li>• Regime-building &amp; maintenance</li> <li>• Special regions (e.g., Atlantic region, Arctic, Caribbean, Southeast Asia)</li> <li>• Ocean law, policy &amp; management in Canada</li> <li>• Environmental law, policy &amp; management in Canada</li> </ul>			
<b>LINES OF ACTIVITY</b>	Knowledge <ul style="list-style-type: none"> <li>• Research</li> <li>• Publications</li> <li>• Education &amp; training</li> <li>• Capacity-building</li> <li>• Consulting to governments, international organizations &amp; private sector</li> </ul>		Outreach <ul style="list-style-type: none"> <li>• Advocacy</li> <li>• Responding to community requests</li> <li>• Hosting visiting scholars</li> <li>• Public lectures</li> <li>• Public information</li> </ul>	
<b>INSTITUTIONAL NETWORKING &amp; PARTNERING</b>	Sister university research centres in Canada & overseas	Canadian and overseas government agencies with oceans and environmental mandates	Intergovernmental and international non-governmental organizations working in oceans and environment	Industry/private sector in Canada and overseas; domestic non-governmental organizations; aboriginal peoples' organizations
<b>FUNDING</b>	Projects & fund-raising for activities			
<b>GOVERNANCE</b>	Director	Management Committee	Annual faculty & associates meetings	

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## Activities

### Celebrating the 30th anniversary of the “constitution of the oceans”

The year 2012 marked the 30th anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS), widely regarded as the constitution for the world's oceans. This instrument was inspirational in MELAW's history. The establishment of the Marine & Environmental Programme (MELP) in 1974 was inspired in part by the United Nations Stockholm Conference on the Human Environment, 1972 and the Third United Nations Conference on the Law of the Sea, 1973-1982. This area of international law has been one of the most actively researched, published and taught by MELP faculty from the beginning. MELAW celebrated this milestone with major events.

The principal celebratory event was a major international law of the sea conference convened in Halifax jointly with the Center for Oceans Law and Policy, School of Law, University of Virginia (see p. 14). The event attracted over 120 participants from more than 30 countries. Special words of thanks are owed to our close friends and partners at the University of Virginia, Professors John Norton Moore and Myron Nordquist. In addition to Dalhousie support, this major event benefitted from the generous funding and support of several universities and institutions around the world including the National University of Singapore, Korean Maritime Institute, University of Bergen, National University of Ireland Galway, Halifax-based law firm McInnis Cooper, Halifax Marine Research Institute (in particular through the efforts of Vice-President for Research Dr. Martha Crago, Scientific Director Dr. Douglas Wallace and Chief Executive Officer James Hanlon) and World Wildlife Fund (Halifax).

Another major event was the formal recognition of one of the most effective ocean diplomats of the last four decades, Ambassador Satya Nandan, a negotiator of UNCLOS and related law of the sea instruments, representative of Fiji, and founding Secretary-General of the International Seabed Authority. Ambassador Nandan

received an honorary doctorate from Dalhousie University and addressed the convocation for law graduates (see p. 13). With the support of Dean Kim Brooks of the Schulich School of Law, MELAW hosted Ambassador Nandan and his spouse Zarine for an evening event on the eve of the conferment.

A third and concluding event to mark the anniversary was the 2012 Annual Douglas M. Johnston Lecture on Ocean Governance entitled “The United Nations Convention on the Law of the Sea at 30: Achievements and Challenges” delivered by Professor Tullio Rodolfo Treves, until recently a judge of the International Tribunal for the Law of the Sea in Hamburg, Germany (see p. 15). Judge Treves kept a keen crowd interested and engaged during an insightful overview of the current state of the law of the sea and expected challenges.

### Honouring Edgar Gold

Another special event for MELAW was the successful conclusion and presentation of a festschrift to Professor Edgar Gold, a highly respected colleague and close friend to many faculty and associates at MELAW. The book project involved a large team of MELAW and other contributors from around the world. The output was a major book on the international regulation of shipping published by Martinus Nihoff Publishers. The presentation of the book was timed with the continental shelf conference (see p. 39).

### New initiatives

One of the last events attended by MELAW (Professors Chircop and VanderZwaag) at the tail end of the previous reporting period was the Canada-Germany Workshop on Marine Sciences of the North Atlantic, convened by Dr. Douglas Wallace (Executive Director, Halifax Marine



Research Institute) in Halifax on 3-4 June to commemorate the 40th anniversary of an agreement on cooperation in science and technology between the two countries. The meeting included a working group on Ocean Governance and Ecosystem Management which explored possible research cooperation on marine spatial planning and sustainable management of Arctic fish stocks. This meeting was followed by more focused meetings between delegations from Dalhousie (led by Vice-President Academic Carolyn Watters) and the University of Kiel in September 2012. Professor Chircop visited the Schuckling Institute of International Law and explored possible cooperation on topics in the international law of the sea.

In the summer of 2012 MELAW and the Centre for Ocean Law and Policy at Shanghai Jiao Tong University, one of China's major universities, concluded an agreement. Signed by the respective Vice-Presidents for academic affairs at the two universities, the purpose of the memorandum of agreement is to facilitate cooperative research and scholarly exchange on ocean law and policy matters between the two units. Professors Chircop and VanderZwaag taught courses at Shanghai Jiao Tong both before and after conclusion of the agreement. Professor Kuen-chen Fu, director of the Centre in Shanghai, also participated in an exchange visit to Dalhousie in June 2012. The two units are now exploring possible lines of collaborative research. The support of the Dalhousie International Relations Office is gratefully acknowledged.

On 23-24 November 2011 the Dalhousie Office of International Relations, with support from the French Embassy, welcomed a large French Delegation in Ocean and Marine Studies. Delegation members represented various universities and research institutes. They explored possible cooperation with various Dalhousie units, including MELAW. Director Chircop attended the Law and Policy Session where cooperation in research and doctoral programmes was explored with Professor Annie Cudennec and Dr. Bertrand Le Gallic of the Université de Bretagne Occidentale (UMR AMURE -- Centre de droit et d'économie de la mer). This initiative led to the Transatlantic Dialogue and is expected to lead further to joint supervision of doctoral candidates and visiting professorships.

On 19 June 2012 MELAW (represented by Professors Chircop and Doelle) convened the Transatlantic Dialogue on Oceans and Coasts at the Schulich School of Law. Participants represented several units at Dalhousie (MELAW, MAP, CFPS, CSP, International Relations), Université de Bretagne Occidentale (UMR AMURE -- Centre de droit et d'économie de la mer) and Catholic University of Portugal (LIAM – Maritime Affairs Research Line). The University of Barcelona's Faculty of Law expressed interest in participating, but was unable to send a participant. The purpose of this meeting was to explore common interests and potential cooperation in the fields of oceans and coasts.

The Second Sino-Canadian Exchange on the Arctic was convened by MELAW on 25-26 June at Dalhousie University in cooperation with the Faculty of Law of the University of Victoria and the Centre for Foreign Policy Studies (CFPS) at Dalhousie and the China Institute for Marine Affairs (CIMA) (see p. 37). The Exchange was sponsored by the Schulich Academic Excellence Fund (SAEF), Special Projects Fund of the Department of National Defence (SDF/DND), Vice-President Research Office (International Relations), CFPS and MELAW as convenor and sponsor. Several participants from China were sponsored by the State Oceanic Administration (SOA), CIMA and Polar Research Institute of China (PRIC).

More recently (summer 2012), a competition was launched among Norwegian universities to establish a Norwegian Centre for Ocean Law with a global outreach. The three contending universities (Bergen, Oslo and Tromsø, each leading a global consortium) invited MELAW to join them in this competition. Professors Chircop, Doelle, McConnell and VanderZwaag expressed interest in one or more consortium. The competition permits participation in more than one consortium. The successful consortium will be known in early 2013.

## Continuing projects

Several projects and initiatives commenced in the previous reporting year or earlier were continued. The Donner Foundation-funded project “Comparing Canadian and Russian Approaches/Challenges in Arctic Ocean Governance Canadian-Russian Comparative Arctic Policies” continued into 2011 and is expected to be completed by early 2013. Led by Professor VanderZwaag in cooperation with the Advanced Technology Research Programs (ATRP) Foundation in Moscow, this project will produce an important collection of comparative studies of issues of concern to the two jurisdictions. The MELAW team also includes Professors McConnell, Saunders, Chircop and Dawn Russell.

Also very active throughout 2011-2012 was “Local Integrated Coastal Zone Management in Cuba.” Supported by CIDA, this project had several activities: a major all partner workshop (Universities of Dalhousie, Guantanamo, Havana, Oriente) in Guama 20-24 February 2012; visit of a Cuban delegation to Dalhousie, DFO and Bluenose Foundation in May 2011; field research on soil management in Macambo, ecosystem based management in Rio Sevilla and gender equity in ICZM in Southeast Cuba; and delivered several diploma and training courses in the provinces of Guantanamo and Santiago de Cuba. Led by Professor Chircop, other project participants are Professor Ronald Pelot (Engineering), Professor Lucia Fanning (Marine Affairs), and Pat Rodee (International Relations). During the year Chris Wirz joined the project as finance officer.

There were also a number of ongoing project activities from previous years. MELAW continued to be involved in the NSERC CREATE Training Program on Human and Ecological Risk reported last year through a doctoral candidate (JSD, Don McCrimmon, supervised by Professor Doelle). A training course to be taught by Professors Moira McConnell and William Lahey originally scheduled for 2012 was postponed to 2013. Through Professor VanderZwaag, MELAW continued participation in the Ocean Tracking Network (OTN). As reported last year, OTN is a global ocean research and technology development project to document the movements and survival of marine animals, funded by the Canada Foundation for Innovation (CFI) – International Joint Ventures Fund, and

also supported by NSERC and SSHRCC grants at Dalhousie University. MELAW also continued to cooperate with ECELAW regarding the NS Coastal Strategy and in support of the province of Nova Scotia's efforts to promote integrated coastal zone management. Law student, Jamie Lynn Kraft undertook a review of regulatory tools in the provincial legislative arsenal considered useful for coastal management.

The Australian-Canadian Ocean Research Network (ACORN) book project co-led by Professor VanderZwaag and Professor Tim Stephens of the University of Sydney continued as planned. A Polar Oceans Governance Workshop was convened in Sydney in 2011. Professors Doelle, McConnell and Saunders also attended. Work on the contributions to the book was under way at the time of reporting.

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## Education & training

Professor Phillip Saunders stepped in as Interim Director of the Marine & Environmental Law Programme (MELP) while Professor Doelle was on sabbatical. MELP continued to offer certificates in marine and environmental law for Juris Doctor (JD) students at the Schulich School of Law. Six MELP students completed the marine or environmental law certificate in the reporting year. There were also five JSD candidates, one Interdisciplinary PhD and three LLM students (see p. 18). Several academic prizes were awarded to students.

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## Visitors & public lectures

There was a large number of Canadian and international visitors during the reporting year. International visitors came from Australia, Brazil, China, Cuba, France, Germany, Ghana, Japan, Pakistan, Poland, Portugal, Spain, United Kingdom and United States. Visitors came for a variety of purposes, although the majority were for research purposes, including sabbaticals. Visits were of different durations and some were for several weeks or months.

The signature lecture event of the Institute, the 2011 Annual Douglas M. Johnston Lecture on Ocean Governance, was delivered by Professor Don Rothwell from Australia and attracted a large audience. In addition to this event, MELAW launched the Arctic Forum Lecture Series in association with the Centre for Foreign Policy Studies, Canadian Studies Program (Faculty of Arts and Social Sciences) and the College of Sustainability. Four lectures were delivered.

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## MELAW associates

Several MELAW associates were heavily involved in Institute activities or in representing it at conferences and meetings. In particular, Brian Flemming performed a stellar job as chair of the steering committee of the continental shelf conference. Wylie Spicer was also heavily engaged in the steering committee and Susan Rolston was central to the organization and management of the conference. Michael Simms, although not on the steering committee, also assisted the organizers.

Scott Coffen-Smout and Susan Rolston worked on the Ocean Yearbook. Scott continued his stellar work for the Ocean Yearbook as co-editor whereas Susan prepared the index. Kenneth McInnis, QC presented at the workshop for the Delegation of Pakistan and also represented MELAW at the International Conference of "Canada, US and China Relations in Maritime Security: The Arctic and the South China Sea-Sharpened Competition or Collaboration?" The conference was convened in September at the University of Alberta, Edmonton. Professor Lucia Fanning participated in the Transatlantic Exchange meeting.

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## Student activities

Students at the Schulich School of Law were very active in organizing events in the fields of MELAW. The Environmental Law Students Society (ELSS) organized the Annual "Meet the Profs" event on 15 February 2012 with MELAW support. An international law student society organized the Annual Ronald St. John Macdonald Symposium on 20 January 2012.

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## Working with the Dalhousie oceans community

MELAW worked closely with other units engaged in ocean studies at Dalhousie. MELAW worked with the offices of the Vice President for Research (especially the International Relations Office), Vice-President External and Associate Vice-President for Academic Programs. There was regular collaboration with the Halifax Marine Research Institute, in particular with regard to the continental shelf conference, development of relations with universities in Germany and other oceans initiatives.

MELAW worked closely with several sister institutes and programs, most especially the Centre for Foreign Policy Studies in the Department of Political Science, Marine Affairs Program at the Faculty of Science (formerly at the Faculty of Management), International Ocean Institute (Halifax) and (Malta), College of Sustainability, Canadian Studies Program (Faculty of Arts and Social Sciences), Faculty of Engineering and Faculty of Science.

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## Outreach

MELAW faculty responded to occasional requests from legal practitioners, community groups and the media for particular information or interviews. MELAW explored new initiatives with Seaforth Engineering Ltd. and the International Ocean Institute with regard to training.

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## Publications & communications

MELAW faculty published in collaboration with others three books during the reporting year (see p. 29). These include Volume 26 of the *Ocean Yearbook*. At the time of writing of this report, volume 27 was submitted to the publisher. The Yearbook continued to be produced in cooperation with the International Ocean Institute (IOI Malta headquarters). MELAW is grateful for the support of IOI.

As will be discerned from the individual faculty profiles (see pp. 41-59), MELAW faculty continued to be

prolific scholars both individually and in team. During the reporting year they published 27 books, book chapters, articles and reports. On the public relations front, MELAW revamped the website and produced a new attractive brochure.

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## News regarding friends

In addition to reporting on MELAW activities, this annual report notes the celebration of the 25th anniversary of the Marine Affairs Program at Dalhousie University. The Program was initiated at Dalhousie Law School (now the Schulich School of Law) in 1986 as a diploma program for students from developing countries, with funding from the International Centre for Ocean Development. Although the Program left the School in 1992, MELAW faculty continued to support this very successful interdisciplinary program at the university. Also to be noted is the first ever exhibition to celebrate the life of former colleague Elisabeth Mann Borgese, opened at the Buddenbrookshaus, a museum dedicated to the Mann literary family in Lübeck, Germany, in June 2012. Elisabeth, as we all came to know her, was adjunct professor at the Marine & Environmental Law Programme until her death in 2002. The exhibition will tour Kiel, Berlin and Munich and the hope is that it will eventually come to Halifax.

The reporting year also witnessed two major losses. Professor Jon Van Dyke at the University of Hawaii and a close friend of the Institute and John Gratwick, architect of Dalhousie's strengths in marine transportation policy and management research in the 1980s (see p. 61).

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## Final words of thanks

In conclusion, the scope and depth of activities presented in this report would not have been possible without hard work of faculty, associates, administrative staff and students. The Director is grateful to Professors Doelle and McConnell for their continued participation in the Institute's management committee and to Professor Saunders for stepping in as Interim MELP Director. Faculty continued to be the backbone of projects. Associates provided additional support to enable multiple initiatives to be undertaken. In this regard the generous contributions of time and effort of Brian Flemming, QC and Wylie Spicer, QC are gratefully acknowledged. Special words of thanks go to Ms. Lauri MacDougall, Institute administrator, for holding the citadel of MELAW. Her administrative support was essential for many of the reported activities. Also to be mentioned are Ms. Christel LeBlanc for her creative work in support of the conference and Institute website and preparation of the annual report. Ms. Susan Rolston was also central to the administration of several Institute activities, not least of which the continental shelf conference and several book projects including the *Ocean Yearbook*, the *festschrift* for Professor Gold, editing of the forthcoming book on Canadian and Russian Arctic policy, among other. Finally, the support and encouragement of Professor Kim Brooks, Dean of Law at Schulich and the Schulich Academic Excellence Funds enabled several major activities to happen.

# spotlight of the year

Celebrating the 40th Anniversary of the UN Convention on the Law of the Sea

## Honouring an Oceans Diplomat

Ambassador Satya Nandan awarded honorary doctorate

Ambassador Satya N. Nandan was awarded an honorary Doctor of Laws (*honoris causa*) by Dalhousie University at the spring convocation ceremony on May 15, 2012.

Ambassador Nandan's leadership in the 1982 United Nations Convention on the Law of the Sea – which marks its 30th anniversary this year – has made a lasting difference and earned him universal respect.

He was Secretary-General of the International Seabed Authority from 1996-2008. He had earlier served as the United Nations Under-Secretary-General for Ocean Affairs and the Law of the Sea, and Special Representative of the UN Secretary-General for the Law of the Sea.

In his work, Ambassador Nandan had many occasions to draw on his diplomatic skills to achieve accord. He was regarded by his peers as someone who would chart a thoughtful and effective course. These abilities were critical when it came to tackling the difficult subjects of deep seabed mining, and straddling stocks and highly migratory species.

Ambassador Nandan's legacy also includes his noteworthy contribution as a general editor and co-author of the comprehensive work entitled *United Nations Convention on the Law of the Sea 1982: A Commentary*.

Today, Ambassador Nandan is a Distinguished Senior Fellow at the University of Virginia School of Law's Center for Oceans Law and Policy. In the early 1990s, he was a Visiting Distinguished Fellow at the United States Institute of Peace.

Perhaps one of the most significant gifts that Ambassador Nandan has brought to his life's work is his truly global outlook. This international perspective has been honed through his education and career. A native of



Fiji, he earned his law degree from the University of London. He is a Barrister-at-Law of Lincoln's Inn, England, and a Barrister and Solicitor of the Supreme Court of Fiji.

After several years in private practice he embarked on his public service career in 1970. In the span of nearly 40 years, he held a variety of positions including ambassador of Fiji to the European Union, to Belgium, France, Italy, Luxembourg and the Netherlands. He also served as Fiji's Secretary for Foreign Affairs.

Ambassador Nandan's participation in conferences and symposia has taken him from Lima, Peru, to Hamburg, Germany. His dedication and expertise have also been honoured internationally. He received the Grand Cross of the Order of Merit of the Federal Republic of Germany and the Onassis Distinguished Scholar Award from the Rhodes Academy of Oceans Law and Policy in Greece. He is a Companion of the Order of Fiji, Ambassador Nandan is also a Commander of the British Empire. He also holds honorary degrees from Memorial University of Newfoundland and from the University of the South Pacific.

## The Regulation of Continental Shelf Development: Rethinking International Standards

The Marine & Environmental Law Institute at Dalhousie University and the Center for Oceans Law at the University of Virginia convened an international conference on “The Regulation of Continental Shelf Development: Rethinking International Standards,” which was held at the Lord Nelson Hotel in Halifax, Nova Scotia, on 21-22 June 2012. The conference was part of a major global series of annual conferences on the law of the sea and ocean policy.

The purpose of the conference was to assemble leading experts from around the world to consider the state of existing and further need for international regulation of continental shelf activities, focusing in particular on the exploration and exploitation of hydrocarbons. In 2010 the Deep Water Horizon casualty in deep waters of the Gulf of Mexico triggered widespread concern over the regulatory and management regime with far reaching implications for safety, environmental and economic impacts. In addition to concerns raised by drilling in deep waters, there are also other concerns over new uses of the seabed and subsoil within national jurisdiction and the applicable standards.



Dalhousie VP Academic Dr. Martha Crago delivering the opening address.



Professor S. Jayakumar, former deputy Prime Minister of Singapore with Susan Rolston

The opening address was delivered by Professor S. Jayakumar, Former Deputy Prime Minister and Senior Minister, Republic of Singapore.

The speaker program emphasized internationally-recognized experts in their fields. Speakers and moderators included top experts in the international law of the sea, oil and gas law, maritime law, environmental law, insurance and risk assessment from academia, international organizations and industry.

The conference was attended by 120 professionals, practitioners, international lawyers, judges, policy makers, representatives of international organizations, academics and university students from over 30 countries.

Major co-sponsors from around the world included the Dalhousie University, University of Virginia, National University of Singapore, University of Bergen, Korean Maritime Institute, National University of Ireland Galway, and McInnes Cooper (Halifax, Nova Scotia).

The Steering Committee of the Conference consisted of Brian Fleming, QC (chair), Professor Saunders, Professor Chircop, Susan J. Rolston and Wylie Spicer, QC of McInnes Cooper. The committee worked closely with Professor Myron Nordquist, who also led a team in support of the conference at the University of Virginia.

## The Fourth Annual Douglas M. Johnston Ocean Governance Lecture: Judge Tullio Rodolfo Treves



L to R: Dr. Douglas Wallace (HMRI Scientific Director and CERC), Professor John Norton Moore (University of Virginia), Dr. Brian Flemming (MELAW and McInnis Cooper), Dr. Martha Crago (Vice-President Research, Dalhousie), Professor Kim Brooks (Dean, Schulich School of Law, Dalhousie), Dr. Hartwig Kraemer (LOICZ) and Professor Aldo Chircop (MELAW Director)



L to R: Judge Paik (South Korea), MELAW Director Aldo Chircop, Judge Helmut Türk (Austria), Professor Edgar Gold (Honorary Fellow) and Judge Zhiguo Gao (China). [Note: The judges hold appointment at the International Tribunal for the Law of the Sea, Hamburg, Germany]



MELAW's 2012 Douglas M. Johnston Lecture featured a talk by Judge Tullio Rodolfo Treves, entitled "The UN Convention on the Law of the Sea at 30: Achievements & Challenges."

Professor Treves is well-known internationally for his expertise in public international law and most recently served as Judge of the International Tribunal for the Law of the Sea. Recently he joined

Curtis Mallet-Prevost Colt & Mosle in Milan as a senior public international law consultant – his first private practice role following 40 years in academia. He also chaired the Tribunal's Committee of the Whole that drafted the Rules of the Tribunal. He has advised governments all over the world in major disputes involving maritime delimitation and other public international law matters, and has acted as arbitrator and as counsel before the International Court of Justice and international arbitral tribunals.

Professor Treves is concluding his tenure of more than 30 years as Professor of Public and Private International Law at the Law Faculty of the State University of Milan and has taught at institutions in various other countries. He has also published widely on international law topics.





## 2 marine & environmental law programme

The MELP academic specialization, which includes the marine and environmental law certificates, has remained a focus of activity under the umbrella of MELAW. The Associate Director of the Institute also serves as the Director of the MELP Programme, and focuses on activities related to improvement of the MELP specialization and any revisions that need to be made to the regulations to reflect current practice.

MELP offers two specialization certificates (students may obtain both) one in marine law and one in environmental law. A trend that has continued is a preference by the majority of students for the Environmental Law Specialization. In the 2011-2012 academic year, three students were awarded a Marine Law Specialization and three students the Environmental Law Specialization.

The specialization, although not always in the form of a certificate programme, has been in place at Dalhousie for nearly 40 years.

It remains a distinguishing feature of the Schulich School of Law in attracting JD (formerly LLB), LLM and JSD students. While not every inquiry has been tracked, numerous email, phone and in-person inquiries, usually related to admission to the JD or LLM, are regularly fielded by the MELP Director, the Administrative Assistant or other MELP faculty.

The MELP brochure and website have been revised and updated to reflect changes in teaching faculty, regulations and courses.

### MELP Courses offered 2011-2012

- Business & Environmental Law (S. Foreman)
- Coastal Zone Management (L. Fanning, Marine Affairs Program)
- Energy Law (J. Irving)
- Environmental Law I (R. Miedema)
- Environmental Law II – Interdisciplinary Perspectives on Climate Change (D. McCrimmon)
- Environmental Law Placement (P. Saunders/L. Griffiths)
- Fisheries Law (D. Henley)
- International Environmental Law (D. Dzidzornu)
- Law of the Sea (P. Saunders)
- Maritime Law & Practice (A. Chircop)
- Oil and Gas Law (M. Simms)
- Planning Law (H. Epstein)

### MELP Courses NOT offered 2011-2012

- Law of International Trade and Shipping
- Marine Environmental Protection Law
- Ocean Law and Policy
- Regulatory Systems in Environment and Health Laws

In addition, other major paper courses can qualify as electives depending on the paper topic chosen. Potential courses include: Animal Law, First Nations Law, International Trade Law, Intellectual Property II, Health Systems: Law and Policy, Health Care Ethics and the Law, provided the topic is approved in writing before the paper is written, by the Marine & Environmental Law Programme's Director.

As part of ongoing review of curricular issues regarding MELP offerings, MELAW reached agreement with the other Institutes at the Schulich School of Law and administration to ensure that all Institutes have common administrative and evaluation standards. This means that all classes counted toward satisfaction of the MELP specializations must be completed with no grade below C and a weighted average in those courses of at least B (i.e., 70). Students interested in registering for the Marine Law or Environmental Law specialization are required to

complete a MELP Certificate form and are encouraged to contact the MELP Director as early as possible and ideally in their first year of study.

It is the students' responsibility to ensure that they complete all the requirements of the specialization in which they enrol. Only those courses pursued at Dalhousie Law School during a student's JD studies which lead to the successful completion of a Dalhousie University JD degree will be recognized.

On completion of all requirements, the specialization is recognized on each student's academic transcript. Each student receives a separate certificate attesting to the satisfactory completion of a specialization.

**Professor Phillip Saunders**

*Interim Director, Marine & Environmental Law Programme*

## 2011-2012 students

### MELP Certificate recipients (undergraduate/JD)

Mark Chandler, Environmental  
 Jocelin d'Entremont, Marine  
 Conor Doyle, Environmental  
 David Hamel-Smith, Marine  
 Zeynep Husrevoglu, Environmental  
 Sarah Shiels, Marine

### Graduate students (LLM & PhD/JSD)

Godfred Chongatera, LLM  
 Vu Hai Dang, JSD  
 Johanan Lafeuillee, LLM  
 Don McCrimmon, JSD  
 Tony Puthucherrill, JSD  
 Darin Reeves, LLM  
 Diane Rowe, LLM  
 Lu Ying, JSD  
 Catherine Sykes, JSD  
 Julia Poertner, ID PhD

# Environmental Law Students Society (ELSS)

The ELSS is a student-run society that focuses on environmental issues as they relate to the law. We organize guest lectures, environmental law oriented events, social events and outings for ELSS members and weekly general meetings. The ELSS strives to integrate environmental issues with existing curriculum, and actively encourages sustainability in the structures and actions of the Schulich Law community. Over the past few years the ELSS has engaged with environmental law issues both within the Law School, as well as with the broader community.

In 2011, the ELSS hosted the “Water Week” event where the students of Dalhousie as well as community members were invited to learn about issues concerning access to potable water. We were very lucky to have Maude Barlow end the event as our keynote speaker. Last year we were able to bring Elizabeth May to speak to students about her role as the head of the Green Party of Canada and her experience as a law student at Dalhousie, her legal career, and her role in the House of Commons. Later in the year, the ELSS paired up with the John E. Reed International Law Society to put on the Ronald St. John Macdonald Symposium. This event focused on the Keystone XL pipeline, then at the forefront of the Canadian and international political realm.

This year ELSS teamed up with ECELAW to host a talk from Deborah Curran where we were learned about the fascinating world of green real estate. We are very excited to collaborate with ECELAW again to host an up-coming presentation from David Boyd, a highly regarded environmental lawyer, professor, writer, and activist.

Within the Law School, the ELSS has focused on both the academic and the physical environment. Members of the ELSS are currently working to add environmental law topics

to first year classes. Further, they are also continuing to build relationships with other programs at Dalhousie, namely the School of Resources and Environmental Management. As to the physical environment, after having completed a review of the Weldon Law building’s facilities, in 2011 the ELSS held a sustainability event where we were able to present our findings to the Dean as well as facilities management for Dalhousie. The ELSS is continuing to work with the Dean

in order to implement changes that would make the Weldon building more sustainable. As an attempt to facilitate the growing interest in non-traditional legal careers, the ELSS, in collaboration with several other student societies, will be holding an Alternative Career’s Night later this semester.

As part of our environmental activism mandate, the ELSS is engaged in several activist projects, including (1) submitting a letter to the Minister of

Natural Resources concerning the lack of identification of core habitat for the endangered mainland moose, (2) encouraging the provincial government to go beyond the 12% protected area commitment, in light of Canada’s new protected area target of 17%, and (3) a visit to the provincial legislature to meet with MLAs to discuss environmental issues, particularly the government’s lack of progress towards better forestry practices. ELSS is intending to hold several environmental advocacy workshops throughout the year to increase the level of understanding of carrying out effective advocacy projects.



The ELSS annual walk to Point Pleasant Park Halifax.

*Environmental Law Students Society (ELSS)*

# East Coast Environmental Law Association (ECELAW)

East Coast Environmental Law is happy to partner once again with MELAW. This ongoing collaboration provides students at the Schulich School of Law with practical opportunities to apply their knowledge of environmental law and to connect with community organizations and interests, while at the same time helping ECELAW to meet its mandate to

- provide legal information, advice and support to community and environmental groups
- research the need for environmental law reform and promote progressive change
- provide the next generation of young environmental lawyers in training with real life opportunities to work on environmental law challenges.

ECELAW continued to work with MELAW on the Nova Scotia coastal management project, attending meetings with government representatives and with the environmental and community sector. Third year student Jamie Lynn Kraft, with financial support and guidance from MELAW, prepared a detailed research report on existing coastal management and other planning tools in Nova Scotia and how they might be adapted to promote an improved approach to coastal management. ECELAW will shortly be publishing this paper as part of its new ECELAW Occasional Paper Series.

Third year student Emily Lukawski enrolled in the Environmental Placement course during the Winter Term – a joint initiative of MELAW and ECELAW -- and prepared a report on Nova Scotia's Environmental Goals and Sustainable Prosperity Act in relation to emerging models of new environmental governance. ECELAW is actively recruiting participants for this course and hopes to have

a full complement of three students in 2013. The research carried out for this course is of a high quality and much appreciated by the environmental community. The new Occasional Paper Series will help to disseminate this material (at least five student-authored papers are currently in the pipeline) and to address the current dearth of writing on environmental law in Atlantic Canada.

Last year, through the extensive efforts of Tricia Barry, an ECELAW board member, we were able to form the Environmental Research Team within the Dalhousie Pro Bono Program. Tricia provided coordinated supervision to students working on eight environmental law projects, some for ECELAW but most for other clients.

ECELAW was able to employ the services of third year student Jacquelyn Rutherford through the generous support of the BOYNECLARKE Summer Student Program. Jacquelyn worked on projects relating to municipal law, shale gas development, and wetland conservation.

ECELAW has also benefitted from the achievements of many student volunteers, including Zeynep Husrevoglu and Sylina Jones, board members; Sarah Shiels, on-line library coordinator; and a number of volunteer research assistants.

Information on ECELAW's other programs and initiatives can be found at [www.ecelaw.ca](http://www.ecelaw.ca).

**Lesley Griffiths,**  
*ECELAW Executive Director*



Peter Mushkat and Lesley Griffiths

# prizes & scholarships

## Canadian Energy Law Foundation Prize

Canadian Petroleum Law Foundation Prize is awarded to the student who has demonstrated an outstanding performance in the Oil and Gas Law class. The prize amount of \$1,500 was awarded to **Thomas Craig**.

## Edward C. Foley Memorial Scholarship

The Edward C. Foley Memorial Scholarship, in the memory of the late Edward C. Foley, JD 1980 is awarded, on recommendation of the Dean, to a second or third year student who has completed at least two classes in international, marine and environmental areas and who has achieved an overall average of more than B. Consideration is also given to the personal qualities of the candidate including leadership roles assumed at the law school and community involvement. The scholarship prize of \$1,000 was awarded to **Melinda McCrindle**.

## Elkanah Rafuse Prize in Admiralty Law

The Elkanah Rafuse Prize in Admiralty Law was established in memory of the late Elkanah Rafuse of Halifax to provide an annual prize to the student who achieves the highest standing in Maritime Law and Practice (Maritime Law I). This is an endowment prize of \$400 and was awarded to **Lindsay O'Reilly**.

## Elizabeth May Award for Environmental Service

Elizabeth May Award for Environmental Service is awarded annually to a student in the graduating class who has been involved in promoting environmental awareness in the law school and in the broader community. Elizabeth May is an environmentalist, writer, activist, lawyer, Member of Parliament and graduate of Dalhousie Law School ('83). Elizabeth May has exemplified a long and inspiring commitment to environmentalism and this award recognizes students who are also making a significant contribution to environmental issues and environmental law. **Zeynep Husrevoglu** received a \$300 cash prize and plaque.

## Edward Charles Foley Prize

The Edward Charles Foley Prize is awarded to the student who is enrolled in the MELP certificate programme who has obtained a weighted average of not less than B and has demonstrated a commitment to public/community service in the environmental or related area. The prize is \$100 and was awarded to **Sarah Shiels**.

## LexisNexis Book Prize

LexisNexis Book Prize is awarded to the JD student who attains the highest mark in Environmental Law I. The book prize of \$250 was awarded to **David Taylor**.

## Milton and Carole Ehrlich Prize

The Milton and Carole Ehrlich Prize in memory of the late Richard Weiner who was actively involved with the United Nations. **Sarah Shiels and Michele Charles** shared the cash prize of \$300 in recognition of their joint standing at the head of Law of the Sea.

## Ocean Yearbook Student Prize

The Ocean Yearbook Student Prize is an annual competition open to students writing research papers on marine affairs subjects at any university or other tertiary education institution.

## Environmental Law Centre: Sir John A. Mactaggart Essay Prize

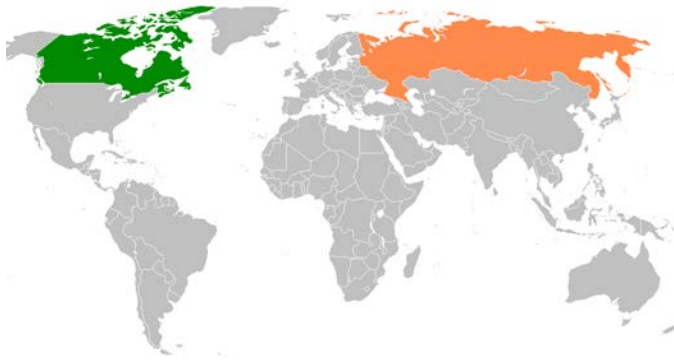
Congratulations to **Ryan O'Leary**, winner of the Sir John A. Mactaggart Essay Prize in Environmental Law for his paper "Protecting the Arctic Marine Environment: The Limits of Article 234 and The Need for Multilateral Approaches." ([www.elc.ab.ca/services\\_programs/essayprize](http://www.elc.ab.ca/services_programs/essayprize))



### 3 research projects & contracts

#### Comparing Canadian and Russian approaches/challenges in Arctic ocean governance - Donner Foundation

MARCH 2008 - JANUARY 2011



With a new Arctic development era looming on the horizon due to less ice, easier human access and huge northern resource potentials including some 25% of the world's remaining hydrocarbons, this project has two main objectives: to further public and political understanding of Canadian and Russian approaches/challenges in Arctic ocean governance and to encourage strengthening in future bilateral and regional cooperation in the Arctic.

*The MELAW community members are: David Vander-Zwaag, principal investigator, with researchers Aldo Chircop, Moira McConnell, Dawn Russell, Phillip Saunders, Robert Huebert and David Scott, and student researcher Jonathan Edge.*

#### Lower Churchill Hydroelectric Generation Project

JANUARY 2009 - AUGUST 2011



Professor Meinhard Doelle continued his role as a member of the Joint Review Panel responsible for conducting an environmental assessment of the Lower Churchill Hydro-electric project in Labrador. Hearings took place in Labrador, the island of Newfoundland, and Quebec, starting on March 1 and concluding on April 15, 2011. Following the conclusion of the hearings in April, the panel had 3 months to file its report.

*Other members of the panel include Lesley Griffiths, Herb Clarke, Cathy Jong and James Igloriorte.*

## Legislating integrated coastal zone management: trends and strategies for coastal law-making

APRIL 2009 - MARCH 2013



The objective of this SSHRCC-funded research project is to identify international trends and mainstream practices in national legislation concerning integrated coastal zone management (ICZM) and develop options for ICZM model legislative strategies. It is expected to contribute to a better understanding of the role, opportunities and constraints of this type of legislation in the multidisciplinary scholarly community engaged in this field. In identifying “good practice” and potential alternative strategies for ICZM legislation, this project will be of particular interest and utility to drafters of national and sub-national legislation in countries with active ICZM activities, international donor institutions and other intergovernmental and non-governmental organizations promoting ocean governance, legislative modernization and legal capacity-building.

*Principal Investigator Aldo Chircop, with JSD candidates Tony George Puthucherril and David Dzidzornu, and LLM student Diane Rowe, student researchers Ryan O’Leary, Alex Gorlewski and Sonja Mills.*

## Making it into the Arctic Circle: Are Canadian and EU interests and approaches complementary or contradictory?

OCTOBER 2009 - OCTOBER 2012



This EU-European Union Centre of Excellence (Dalhousie University) funded project undertakes indepth study of EU Arctic policy interests as set out in the Arctic Communication and Maritime Policy, efforts of DG Relex and DG Mare, and the ongoing work of the European Environment Agency (i.e., State of the European Environment Reporting). In addition to Canada comparative aspects include the Russian Federation’s and United States’ Arctic policies. In particular, the project explores how the EU will advance its interests in the Arctic without having Arctic Ocean coastal states in its membership and in the context of potential foreign policy issue-linkages.

*Aldo Chircop as principal investigator and student researcher Ryan O’Leary.*



## Tracking and Protecting Marine Species at Risk: An Interdisciplinary and International Partnership

MARCH 2010 - FEBRUARY 2015



Through the partnership with the Ocean Tracking Network (OTN), a collaborative joint venture funded primarily by the Canadian Foundation for Innovation and NSERC, this research project is focused on filling a major vacuum in Canadian and international research relating to the ethical, social, economic, scientific and legal dimensions involved in protecting threatened marine species, this partnership proposal has four sub-objectives. These objectives are: to build interdisciplinary networking among Canadian social science and natural science researchers interested in ensuring the future survivability and sustainability of marine species at risk off the Pacific, Arctic and Atlantic coasts; to compare how different countries and regions around the globe are faring in tracking and protecting marine species at risk; to explore options for strengthening global cooperation in conserving marine biodiversity; and to investigate how the extensive and innovative scientific information generated by OTN is understood and used by stakeholder groups and decision-makers.

*David VanderZwaag, Phillip Saunders, Richard Apostle and Tsafir Gazit, along with research assistant Cecilia Engler Palma.*

## Local integrated Coastal Zone Management in Southeast Cuba

APRIL 2010 - MARCH 2015



The goal of this project is to support the implementation of local integrated coastal zone management (ICZM) in the coastal zone of Southeast Cuba. To strengthen efforts of the Universidad de Oriente (UO) and Universidad de Guantánamo (UG); to build the capacities of the municipalities of Guamá (Santiago de Cuba) and San Antonio de Sur (Guantánamo); to undertake local ICZM in order to achieve national development, environment and higher education policy objectives. The project emphasis is on particular development needs of local coastal/rural communities with a view of improving their quality of life.

*The Dalhousie participants are: Aldo Chircop (Project Director), Lucia Fanning, Ronald Pelot and Pat Rodee, along with student researchers Ryan O'Leary, Julie Sobowale, Alex Gorlewski, Sonja Mills and David Dzidzornu.*

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## Carbon Management

JANUARY 2011 - JUNE 2013



This project is a partnership between Carbon Management Canada Inc, the University of Calgary, Dalhousie University and the University of British Columbia. It aims to contribute to the development of an international and domestic legal and regulatory framework for carbon management and especially new technologies that contribute to carbon management. It will analyse how new carbon management measures can be integrated with national and international emission management tools, and look at the relationship between carbon management measures and international trade and investment law.

*Meinhard Doelle with student researcher Emily Lukaweski.*

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## Tracking & envisioning the future of Arctic Ocean governance

MARCH 2011 - MARCH 2014



This project is tracing the fast-changing governance seascape within the Arctic Council and will develop recommendations on future directions in Arctic Ocean governance with a special emphasis on management of marine areas beyond national jurisdiction.

*David VanderZwaag, principal investigator, with student researchers Allison Reed, Patrick Cashin and Sarah Turgeon.*

## Environmental Assessment Renewal

APRIL 2011 - MARCH 2015



The project is a collaboration between Meinhard Doelle, Bob Gibson at the University of Waterloo and John Sinclair at the University of Manitoba. The research will address two competing trends in the evolution of environmental assessment (EA) law, policy and application, focusing on Canada, though the results should be illuminating for jurisdictions with similar characteristics. The two trends are:

- (i) the advancing ambition of EA theory, expectations and state-of-the-art practice in providing a powerful tool for the transition to sustainability, and
- (ii) increasing pressures to make the process more efficient.

## Polar Ocean Governance in an Era of Environmental Change



Australian-Canadian Ocean Research Network Project (ACORN) in collaboration with Australian universities, including the University of Sydney Faculty of Law. Papers comparing Antarctic and Arctic ocean governance approaches and challenges by leading Australian and Canadian researchers were presented at an international workshop in Sydney, Australia in December 2011. Edward Elgar has agreed to publish the proceedings in 2013 as a book edited by Tim Stephens and David VanderZwaag.

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## Support for Nova Scotia's Coastal Strategy



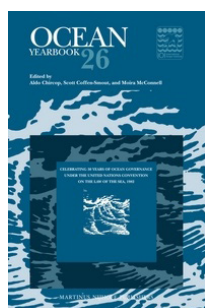
MELAW continued to cooperate with ECELAW on research in support of the recently launched NS Coastal Strategy. The strategy provides a framework for integrated coastal zone management in the province. Over the course of the reporting year law student Jamie Lynn Kraft finished a review and study of provincial regulatory tools considered useful for coastal management. Lesley Griffiths, ECELAW Executive Director and Professor Chircop supervised Ms. Kraft.

# institute publications

## Ocean Yearbook 26

Leiden: Martinus Nijhoff, 2012

*Edited by Aldo Chircop, Scott Coffen-Smout and Moira L. McConnell.*



Devoted to assessing the state of ocean and coastal governance, knowledge, and management, the Ocean Yearbook provides information in one convenient resource.

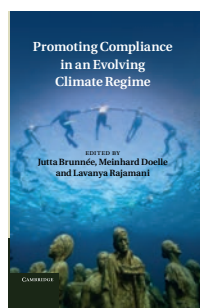
As in previous editions, articles provide multidisciplinary expert perspectives on contemporary issues. Each new volume draws on policy studies, international relations, international and comparative law, management, marine sciences, economics, and social sciences. Each volume contains key legal and policy instruments and an annually updated global directory of ocean-related organizations.

The Yearbook is a collaborative initiative of the International Ocean Institute ([www.ioinst.org](http://www.ioinst.org)) in Malta and the Marine & Environmental Law Institute ([www.dal.ca/law/MELAW](http://www.dal.ca/law/MELAW)) at the Schulich School of Law, Dalhousie University, Halifax, Canada.

## Promoting Compliance in an Evolving Climate Regime

Cambridge University Press, 2012

*Edited by Jutta Brunnée, Meinhard Doelle and Lavanya Rajamani*



As the contours of a post-2012 climate regime begin to emerge, compliance issues will require increasing attention. This volume considers the questions that the trends in the climate negotia-

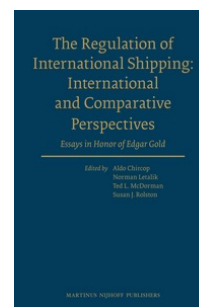
tions raise for the regime's compliance system.

It reviews the main features of the UN Framework Convention on Climate Change and its Kyoto Protocol, canvasses the literature on compliance theory and examines the broader experience with compliance mechanisms in other international environmental regimes.

## The Regulation of International Shipping: International and Comparative Perspectives Essays in Honor of Edgar Gold

Leiden: Martinus Nijhoff, 2012

*Edited by Aldo Chircop, Norman Letalik, Ted L. McDorman, Susan J. Rolston*



“Marine transport, and the law and policy within which it operates, must be seen as very similar to other international undertakings operating on a transnational scale.” These

concluding words in Edgar Gold's *Maritime Transport* (Lexington, 1981) aptly capture the past, present and future of the regulation of international shipping. This book pays tribute to a mariner, legal practitioner and university teacher with a unique understanding of shipping and maritime trade.



## 4 public lectures, visitors & outreach

SEPTEMBER 20, 2011

### Third Annual Douglas M. Johnston Ocean Governance Lecture



Special guest **Professor Donald R. Rothwell** gave a presentation titled “Polar Ocean Governance in the Twenty-First Century” at the third annual Douglas Johnston Lecture.

The topic of polar ocean governance encompassed an integral part of Canada’s national identity in the Canadian Arctic, and on the Antarctic, which plays a vital role in the planet’s climate, environmental and ocean systems. Though considered remote, harsh and inhospitable, the two regions are becoming increasingly accessible for ocean uses, promising economic benefits and potential adverse effects on the polar environment. Both regions are of interest to the international community and raise questions as to their present and future governance, at the national, regional and global levels.

#### ABOUT DONALD ROTHWELL

Professor Rothwell is professor of International Law at the College of Law at the Australian National University in Canberra. He is also Assistant Head of School, Director – LLM Programs, and Deputy Director of the Australian Centre for Military Law and Justice at the College of Law. His current positions follow in the wake of several important appointments in his career, including the prestigious Challis Professor of International Law and Directorship of the Sydney Centre for International and Global Law, University of Sydney.

His research addresses many intersecting areas of international law with a specific focus on law of the sea, law of polar regions, and implementation of international law within Australia. He is a prolific scholar, with over 150 articles and book chapters in international and Australian publications, including 14 authored, co-authored or edited 14 books. His most recent book, co-authored with Tim Stephens and entitled *The International Law of the Sea* (Hart, 2010) promises to be a staple textbook for the teaching of the subject.

Professor Rothwell has done extensive work on whaling issues in the Southern Ocean. He is presently working on projects assessing Antarctic security, international legal practice in Australia, and Arctic navigation, and is the current Co-Editor of the *Australian Year Book of International Law*.

He is a regular media commentator on international law issues and has written opinion columns for all of the major daily newspapers in Australia.

#### ABOUT DOUGLAS JOHNSTON

Douglas M. Johnston was a leading teacher, scholar and writer in the the international marine and environmental law community. His numerous contributions to the Schulich School of Law included the development of the marine and environmental law programme, strengthening of the graduate programme and the enhancement of the faculty’s strong scholarly reputation. He published ground-breaking scholarly works on the regulation of international fisheries, the theory of ocean-boundary, treaty law and the history of international law. His last book, which he completed very shortly before he died, received a posthumous award from the American Society of International Law.

JUNE 2011

### Visit of CIDA officials

Kate Reekie and Janet Lam from CIDA's Partnerships Branch (Human Development Directorate, Education Section) visited MELAW and met with Professor Chircop and representatives of the Office of International Relations with regard to the project in Cuba.

JULY 3-11, 2011

### Visit of Cuban Delegation and workshops

A delegation from Cuba visited MELAW in connection with the Institute's project in that country. It was composed of Dr. Ofelia Pérez Nieto (Head of Delegation), Universidad de Oriente; Vice-rector Estrella Cazañas Díaz, Universidad de Guantanamo; Dr. Dra. Silvia Patricia González Díaz, Universidad de la Habana; Dr. Pedro Aníbal Beatón Soler, Delegado, Ministerio de Investigaciones y Medio Ambiente (CITMA); and Ricardo Estevez Gilbert, CATEDES/CITMA. Activities included workshops at the School of Law, Bedford Institute of Oceanography and the Lunenburg Foundation.

JULY 12, 2011

### Visit of IOI President

International Ocean Institute President, Dr. Awni Behnam, visited MELAW on 12 July to discuss a new IOI initiative in Malta.

JULY 14, 2011

### Visitor from Japan

Mr. Eiji Sakai of the Ship and Ocean Foundation, Japan, was hosted by Professors Chircop and VanderZwaag.

AUGUST 2011

### Visitor from Brazil

Dr. Alexandre Luiz Pereira da Silva, Professor of International Law at Universidade Federal de Pernambuco, visited MELAW on a Government of Canada award to do research on Brazilian and Canadian efforts to extend their continental shelves.

OCTOBER 13, 2011

### Wedding Anniversary

The MELAW community celebrated the 60th wedding anniversary of Angus and Mary McDonald. They were married on October 13, 1951.

NOVEMBER 9, 2011

### Mini Law School Lecture

Professor Meinhard Doelle participated in the Schulich School of Law's "Mini Law School", a free series of engaging public lectures from some of the law school's most talented faculty. Professor Doelle lectured on "The State of the UN Climate Change Negotiations: A Preview of the December 2011 Durban Conference."

NOVEMBER 23-24, 2011

### Visitors from the University of Western Brittany

Professor Annie Cudennec and Dr. Bertrand Le Gallic of the Université de Bretagne Occidentale (UMR AMURE -- Centre de droit et d'économie de la mer) visited Dalhousie on a mission organized by the Office for Research Services and met with Professor Chircop to discuss possible future cooperation.



NOVEMBER 19-DECEMBER 19, 2011

### Sabbatical visitor and Public Lecture

Professor Maria del Mar Campins Eritja, Faculty of Law of the Universitat de Barcelona and former Vice-President International Relations visited MELAW for sabbatical research between 19 November 2011 and 19 December 2011. On 2 December she gave a public lecture titled “The EU and the North: Towards the Development of an EU Arctic Policy.” Professor Campins current research concerns legal issues around the European Union’s efforts relating to the protection of the Arctic environment and promotion of sustainable use of the region’s natural resources. She is author of several books published in the EU.

JANUARY, 2012

### Visitors from Lübeck

Holger Pils and Karolina Kuhn Pils from the Buddenbrookshaus in Lubeck, Germany, met with Professor Chircop as part of their research for an exhibition on the late Professor Elisabeth Mann Borgese launched at the Buddenbrooks museum in June 2012.

JANUARY 20, 2012

### Ronald St. John Macdonald Symposium

MELAW co-sponsored the annual Ronald St. John Macdonald Symposium, hosted by the John E. Read International Law Society, a student law society, on January 20. The presentations covered the current international and environment implications surrounding the Keystone XL pipeline between Canada and the United States. The goals of the symposium were to raise awareness on the oil sands conflict and to discuss Canadian legal and political issues in the international and environmental sphere regarding oil trade.

JANUARY 27, 2012

### Arctic Forum Lecture Series

The first Arctic Forum Lecture was delivered at MELAW by Dr. Alain Murphy, President, GeoLimits Consulting. The lecture was titled “Arctic Landgrab? Not quite: the Challenging Geographic of the Arctic Seabed beyond 200 nautical miles.”

FEBRUARY 13, 2012

### Leading Canadian Researchers Discuss Issues Facing Canada in the Oceans and the Arctic

MELAW’s Dr. David VanderZwaag, Canada Research Chair in Ocean Law and Governance was one of four of Canada’s leading researchers in oceans and the Arctic, invited to speak at the American Association for the Advancement of Science (AAAS) Annual Meeting, in Vancouver, B.C. The other panelists were Marcel Babin, Canada Excellence Research Chair in Remote Sensing of Canada’s New Arctic Frontier, Université Laval; Sherilee Harper, Vanier Canada Graduate Scholar in Aboriginal People’s Health, University of Guelph; and Maria T. Maldonado, Canada Research Chair in Phytoplankton Trace Metal Physiology, The University of British Columbia.

FEBRUARY 15, 2012

### “Meet the Profs”

The annual student-organized “Meet the Profs” event was convened with Robert Miedema, a partner at Boyne Clarke, as speaker. The event was organized by the Environmental Law Students Society (ELSS) and co-sponsored by MELAW.

FEBRUARY 17, 2012

### Arctic Forum Lecture Series

The second Arctic Forum Lecture was delivered at MELAW by Commander David Peer, Defence Fellow at Dalhousie's Centre for Foreign Policy Studies. His lecture was titled "Canadian Naval Shipbuilding and the Arctic."

MARCH 14, 2012

### Arctic Forum Lecture Series

The third Arctic Forum Lecture was convened at the Faculty of Arts and Social Sciences. The speaker was Professor Stephen Bocking, Chair of the Environmental and Resource Science/Studies Program at Trent University, Peterborough, Ontario. He spoke on the topic "Science and the Environment in the Arctic."

MARCH, 2012

### Public Lecture

A public lecture on "Fishing for Self-Determination: European Fisheries and Western Sahara – The case of ocean resources in Africa's last colony" was given by Jeffrey J. Smith, a Canadian international lawyer and legal advisor to the Saharawi Arab Democratic Republic. The lecture was presented in partnership with Dalhousie's European Union Centre of Excellence (EUCE).

APRIL, 2012

### Visitor from Australia

In April Dr. Rowena Maguire, from the Institute of Sustainable Resources and Lecturer at the Faculty of Law, Queensland University of Technology visited the Schulich School of Law. Dr. Maguire was recipient of an International Council for Canadian Studies Award and undertook research in international and environmental law.

APRIL 13, 2012

### Visit of Philippines Ambassador at Dalhousie

His Excellency, Ambassador Leslie B. Gatan, representative of the Philippines to Canada led a delegation to Dalhousie composed of Mr. Eric Gerardo E. Tamayo, First Secretary and Consul, Economic Affairs Mr. Porfirio M. Mayo Jr., and First Secretary and Consul Mr. Niel Ferrer, Consul General. The purpose of the of the visit was to discuss: attraction of foreign students to Dalhousie (specifically from the Philippines); oceanography and maritime law studies; alternative energies; programs that attract Filipino experts to Dalhousie on teaching assignments or academic exchanges; and programs or opportunities designed to connect Dalhousie with Filipino universities or technical institutes. The visit was organized by the Office of Dr. Keith Taylor, AVP Academic Outreach and International Programs at Dalhousie. Professor Chircop met with the delegation on behalf of MELAW.

APRIL 27, 2012

### Delegation from China

A delegation from the Polar Research Institute of China (PRIC) led by Dr. Huigen Yang, Director General and composed of Dr. Jianfeng He, Head of the SOA Key Laboratory, Dr. Jianzhong Wang, Former Captain of the R/V XUELONG icebreaker, Ms. Yanyan(Sandy) Shan, Secretary and Liang Chang, Translator visited MELAW. They were accompanied by Sue Molloy, Glas Marine Engineering and Jack Gallagher of Hammurabi Consulting. The visit was facilitated by Dalhousie Office for Research Services. The delegation was met in a mini-workshop with Professor Chircop, Wylie Spicer, Dr. Ann Griffiths, Senior Fellow at the Centre for Foreign Policy Studies (CFPS), and Commander David Peer, Defence Fellow at the CFPS. The workshop was an opportunity to exchange information on current research activities and PRIC's plans to build a new icebreaker.

APRIL 27, 2012

### Arctic Forum Lecture Series

The fourth and final Arctic Forum lecture was delivered at MELAW by Dr. Michał Łuszczuk, professor of political science at Maria Curie Skłodowska University in Lublin, Poland. The title of his lecture was “Poland’s approach towards the Arctic region: an insignificant dream or a meaningful contribution?”

MAY 4, 2012

### Visitors from Pakistan and workshop

A delegation from the Government of the Islamic Republic of Pakistan visited MELAW for a workshop. The visit was facilitated by Seaforth Engineering Ltd. The Delegation was composed of: Mr. Akhlaq Ahmad Tarar, Secretary, Ministry of Science and Technology, Head of the delegation; Mr. Shair Bahadar Khan, Legal Adviser, Ministry of Foreign Affairs; Mr. Amjad Hussain, JSA (IL), Ministry of Science and Technology; Dr. A. R. Tabrez, Director General, National Institute of Oceanography; Cdre Mohammad Arshad, HPN; Muzaffar Mahmood, Ministry of Defence; and Dr. Asif Inam, Project Director. The workshop was on Article 76 of UNCLOS. The Workshop included presentations from MELAW (Professor Chircop, Kenneth McInnis, QC), International Ocean Institute (David Griffiths), and Marine Affairs Program (Professor Lucia Fanning, Director).

MAY 24, 2012

### Dinner in honour of Ambassador Nandan

The Schulich School of Law hosted former Secretary-General of the International Seabed Authority, Ambassador Satya Nandan and his spouse Zarine Nandan, for an evening event at the Halliburton House to celebrate the conferment of the honorary doctorate from Dalhousie University. Ambassador Nandan gave the convocation address at the graduation ceremony for law graduates (see p. 13).

MAY 25, 2012

### Dalhousie confers honour on Ambassador Nandan

Dalhousie University conferred the Doctor of Laws (LLD) honoris causa on Ambassador Satya Nandan during the convocation ceremony for graduates of the Schulich School of Law.

MAY-NOVEMBER, 2012

### Nippon Fellow

Godwin Eli Kwadzo Dzah Esq., Barrister & Solicitor, legal counsel and researcher for the Constitutional Review Commission of Ghana was recipient of a United Nations-Nippon Fellowship with a placement at MELAW. Godwin undertook research supervised by Professor Moira McConnell.

JUNE 22, 2012

### Visitor from the University of Southampton

Professor Andrew Serdy, Faculty of Law, University of Southampton, visited the Schulich School of Law and the Sir James Dunn Law Library.

JUNE 21-29

### Visitors from Catholic University of Lisbon

Also visiting MELAW and the Dunn Library for research was Professor Maria da Glória Garcia, at the time Dean of Law at the Catholic University of Lisbon and now Rector of that university. She was accompanied by researcher Mercedes Rebelo.

## workshops



### Transatlantic Dialogue on Oceans & Coasts

JUNE 19, 2012



On 19 June 2012 MELAW convened the Transatlantic Dialogue on Oceans and Coasts at the Schulich School of Law. Participants represented several units at Dalhousie (MELAW, MAP, CFPS, CSP, International Relations), Université de Bretagne Occidentale (UMR AMURE -- Centre de droit et d'économie de la mer) and Catholic University of Portugal (LIAM – Maritime Affairs Research Line). The purpose of this meeting was to explore common interests and potential cooperation in the fields of oceans and coasts. The meeting also explored ideas for new initiatives that could be undertaken jointly and identified follow-up tasks with regard to (1) ocean renewable energy, (2) African maritime security, (3) coastal communities of the North Atlantic -- resilience and adaptation to ecosystemic and climate change impacts and (4) EU Atlantic Strategy. It was agreed that all partners would explore funding options to support joint initiatives.

The participants included: Professor David Black, Director, Centre for Foreign Policy Studies, Dalhousie University; Dr. Alain Boutet, Executive Director, International Relations and Assistant Professor, International Development Studies, Dalhousie University; Professor Chircop; Professor Annie Cudennec, UMR AMURE - Centre de droit et d'économie de la mer (CEDEM), Université de Brest, France; Professor Sónia Ribeiro, Executive Coordinator, Maritime Affairs Research Line (LIAM), Catholic University of Lisbon, Portugal; Professor Doelle; Professor Lucia Fanning, Director, Marine Affairs Program, Faculty of Management, Dalhousie University, Halifax, Nova Scotia, Canada; Maria Fernandes Teixeira, Maritime Affairs Research Line, Catholic University of Lisbon, Portugal. The University of Barcelona was also connected with the initiative but was unable to send a participant.

# workshops

## Second Sino-Canadian Exchange on the Arctic

JUNE 25-26, 2012

The Second Sino-Canadian Exchange on the Arctic was convened by MELAW on 25-26 June at Dalhousie University in cooperation with the Faculty of Law of the University of Victoria and the Centre for Foreign Policy Studies (CFPS) at Dalhousie in Canada, and the CIMA in Beijing. The workshop was chaired by MELAW Honorary Fellow Brian Flemming, QC. The meeting followed the lead of a similar meeting in Beijing and Shanghai convened by the China Institute of Marine Affairs (CIMA) in cooperation with the Polar Research Institute of China (PRIC), MELAW, the Ocean Management Research Network and the Faculty of Law of the University of Victoria. The Second Exchange was sponsored by the Schulich Academic Excellence Fund (SAEF), Special Projects Fund of the Department of National Defence (SDF/DND), Vice-President Research Office (International Relations), CFPS and MELAW as convenor and sponsor. Several participants from China were sponsored by the State Oceanic Administration (SOA), CIMA and PRIC. The next meeting is expected to be convened in China in 2014.

The participants from China included: Dr. Zhiguo Gao, Director, China Institute for Marine Affairs, State Oceanic Administration, Beijing; Dr. Jia Yu, Deputy Director, China Institute for Marine Affairs, State Oceanic Administration, Beijing; Ms. Yu Xinwei, Program Officer, Department of International Cooperation, State Oceanic Administration, Beijing; Mr. Zhang Dan, Research Fellow, China Institute for Marine Affairs, State Oceanic Administration, Beijing; Professor Jia Bingbing, Professor of International Law, Tsinghua University, Beijing; Mr. Zhang Xia, Head of Policy Research Division, Polar Research Institute of China, Shanghai; Professor Kuen-chen Fu, Director, Centre for Ocean Law and Policy, Shanghai Jiao Tong University; Dr. Nong Hong, Associate Research Professor and Deputy Director, Research Center for

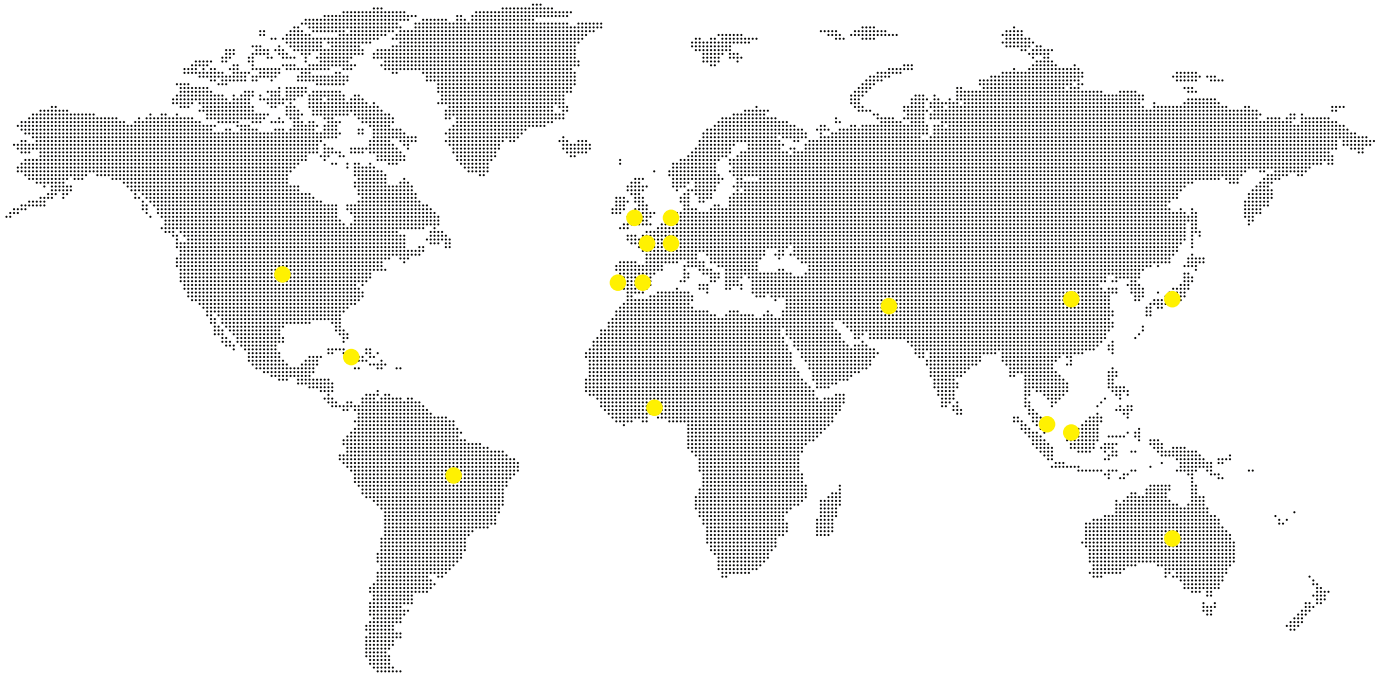


Some of the participants at the workshop, including Professor Kuen-chen Fu (Director, Centre for Ocean Law and Policy, Shanghai Jiao Tong University, second from left) and Dr. Yia Yu (Deputy Director, China Institute for Marine Affairs, second from right)

Oceans Law & Policy, National Institute for South China Sea Studies; Adjunct Senior Fellow, China Institute, University of Alberta; Ms. Guanyu Wang, PhD candidate, Ocean University of China, Qingdao; visiting scholar at the Bedford Institute of Oceanography, Dartmouth, Nova Scotia; and Ms. Ying Lu, JSD candidate, Schulich School of Law, Dalhousie University, Halifax, Nova Scotia.

The Canadian participants were: Professor Black, Centre for Foreign Policy Studies; Professors Chircop, Doelle, Saunders and VanderZwaag, MELAW; Dr. Brian Flemming, QC, McInnes Cooper and Honourary Fellow, Marine & Environmental Law Institute, Schulich School of Law, Dalhousie University, Halifax, Nova Scotia; Captain Jack Gallagher, Hammurabi Consulting, Halifax, Nova Scotia; Professor Jon Grant, Department of Oceanography, Faculty of Science, Dalhousie University; Commander Kenneth P. Hansen, Resident Research Fellow/Lecturer in Political Science Centre for Foreign Policy Studies; Professor Robert Huebert, Department of Political Science, University of Calgary; Professor P. Whitney Lackenbauer, Department of History, St. Jerome's University, Waterloo, Ontario; Professor Suzanne Lalonde, Faculté de Droit, Université de Montréal, Québec; Dr. James Manicom, Postdoctoral Fellow, Balsillie School for International Affairs, Waterloo, Ontario; Professor Ted McDorman, Faculty of Law University of Victoria, British Columbia; Mr. Wylie Spicer, QC, McInnes Cooper, Halifax, Nova Scotia.

## 2011-2012 visitors



# special honours

## Book Tribute for Edgar Gold

JUNE 21-22, 2012

On 22 June 2012 Dean Kim Brooks presented Professor Edgar Gold, MELAW Honorary Associate and co-founder of MELP, with a *festschrift* in his honour at a special luncheon event at the international conference “The Regulation of Continental Shelf Development: Rethinking International Standards.”

The special event was chaired by Norman Letalik, Senior Partner at Bordner Ladner Gervais, and the presentation was made by Professor Kim Brooks, Dean, Schulich



Professor Edgar Gold with Dean Kim Brooks

School of Law. Accompanying Edgar was Dr. Judith Gold, also a close friend of many in attendance. The *magnum opus* is entitled *The Regulation of International Shipping: International and Comparative Perspectives* (Aldo Chircop, Norman Letalik, Ted L. McDorman, Susan J. Rolston, eds.; Leiden: Martinus Nijhoff, 2012).

In 2010 the co-editors of the book, all former students and/or associates of Edgar engaged 33 colleagues, friends and former students of Edgar to contribute to the book. The result is a 585 page book with 28 chapters and a



Professor Edgar Gold (Honorary Fellow), receiving award with Captain Angus McDonald.

foreword by Sir Graham Day. The book also includes biographical and bibliographical sections on Edgar. As a mariner, legal practitioner, university teacher and pre-eminent international maritime law scholar, Edgar left an indelible imprint on ocean studies at Dalhousie. Edgar received numerous honours, including from the Governments of Australia (Order of Australia), Canada (Order of Canada, CM) and Germany (Bundesverdienstkreuz, Commander's Cross of the Order of Merit). Judith similarly received numerous honours, including the Order of Canada.

At the same event the Company of Master Mariners of Canada (CMMC) presented Edgar with a special award in recognition of his longstanding and outstanding service to seafaring and the maritime industry. Edgar was presented a plaque specially prepared for the occasion by Captain Angus McDonald. Together with Angus, Edgar was co-founder of the Halifax section of the CMMC.

At the two presentations there were many old friends, students and colleagues of Edgar going back to the early days of ocean studies at Dalhousie (Dalhousie Ocean Studies Programme, Oceans Institute of Canada), representatives of the legal profession and colleagues from the CMMC.





## 5 MELAW faculty & associates

ALDO CHIRCOP, Director



**Professor Aldo Chircop** (JSD, 1988) is Director of the Marine & Environmental Law Institute. He is a full professor of law and specialist in international and comparative marine and environmental law and policy. Specific topics of current research and teaching interest include

Arctic policy and marine transportation, international law of the sea, international maritime law, integrated coastal management, comparative coastal law and marine protected areas.

Dr. Chircop's work experience has included directorships of the International Ocean Institute and the Mediterranean Institute in Malta. While in Malta, he was also a member of that country's delegation to the Preparatory Commission for the Law of the Sea. In 2004-2005 Dr. Chircop was Canadian Chair in Marine Environment Protection at the IMO's World Maritime University in Malmö, Sweden. A former Commonwealth Fellow, Dr. Chircop is also recipient of the Dalhousie Faculty of Graduate Studies Distinguished Service Award and the Dalhousie Students' Union Teaching Excellence Award for the Faculty of Law. Dr. Chircop is co-editor of the *Ocean Yearbook* and has published widely in the peer-reviewed literature.

### GRAD SUPERVISION

As supervisor & examiner of doctoral proposal: Tony George Puthucherril, JSD

As committee member & examiner of doctoral proposal: Vu Hai Dang, JSD

As temporary supervisor and examining committee member: Teshager Dagne, JSD

As co-supervisor: Diane Rowe, LL.M.; Julia Poertner, Interdisciplinary PhD (Department of German); Catarina Bentes Silva Grilo, PhD, Faculty of Science, University of Lisbon, Portugal; Anja Pfurtscheller, LL.D., Faculty of Law, University of Innsbruck, Austria

### RECENT PUBLICATIONS

A. Chircop, N. G. Letalik, T. L. McDorman and S. J. Rolston, eds., *The Regulation of International Shipping: Essays in Honour of Edgar Gold* (Leiden: Nijhoff, 2012).

A. Chircop, M. McConnell and S. Coffen-Smout, eds., *Ocean Yearbook* 26 (Leiden: Nijhoff, 2012).

A. Chircop, N. G. Letalik and T. L. McDorman, "Introduction to the Regulation of International Shipping" in A. Chircop et al., eds., *The Regulation of International Shipping: Essays in Honour of Edgar Gold* (Leiden: Nijhoff, 2012), 1-13. (Lead author)

A. Chircop, "The Continuing Evolution of Maritime Law Jurisdiction in Canada," in A. Chircop et al., eds., *The Regulation of International Shipping: Essays in Honour of Edgar Gold* (Leiden: Nijhoff, 2012), 541-558.

A. Chircop, "Regional Ocean Governance in the Arctic: Some Legal Implications of Changing Maritime Political Geography," in Haisheng Zhang et al., eds., *Technical and Legal Aspects of the Regimes of the Continental Shelf and the Area* (Beijing: Science Press, 2012).

A. Chircop, "Should Observer Participation in Arctic Ocean Governance be Enhanced?" Editorial, *Canadian Naval Review* 2-3 (2012).

T. L. McDorman and A. Chircop, "Canada's Oceans Policy Framework: An Overview," 40 *Coastal Management* 133-144 (2012).

A. Chircop, "Elisabeth Mann Borgese's Humanist Conception of Marine technology Transfer," in Holger Pils and Karolina Kuhn, eds., *Elisabeth Mann Borgese un das Drama der Meere* (Lübeck: Buddenbrookhaus, 2012), 112-121.

A. Chircop, "Managing Adjacency: Some Legal Aspects of the Relationship between the Extended Continental Shelf and the International Seabed Area," 42(4) *Ocean Development & International Law* 307-316 (2011).

## RESEARCH & PROJECTS

**Legislating Integrated Coastal Zone Management (2009-2013)** The objective of this research is to identify international trends and mainstream practices in national legislation concerning integrated coastal zone management (ICZM) and develop options for ICZM model legislative strategies.

**Comparing Canadian and EU Arctic Policies (2010-2012)** This project studies common and divergent interests of Canada and the EU in the Arctic against the backdrop of a difficult diplomatic relationship and issue linkages.

**Local Integrated Coastal Zone Management in Cuba (2010-2014)** The goal of this project is to support the implementation of local integrated coastal zone management (ICZM) and pursue the interrelated

Millennium Development Goals (MDGs) of development and poverty eradication, environment protection, good governance and protection of vulnerable people in the coastal zone of Southeast Cuba.

**Second Sino-Canadian Workshop on the Arctic (2012)** The project brought together Canadian and Chinese academics and experts to exchange views on polar policy and governance issues.

## LECTURES & PRESENTATIONS

"Some Comments on the Role of Industry in the Prevention of Environmental Hazards Caused by Shipping," First Hamburg International Environmental Law Conference, Bucerius Law School, Hamburg, 14-16 September 2011.

"Regional Ocean Governance in the Arctic: Some Legal Implications of Changing Maritime Political Geography," Second International Symposium on the Continental Shelf, Beijing, 8-9 November 2011.

"Legal Frameworks for Integrated Coastal and Ocean Governance in Canada and the EU Some Insights from Comparative Analysis," University of Lisbon, 13 December 2011.

"Recent developments in the Arctic Council, in particular with reference to the new rules for Observer States," First Meeting of Network of Expertise on Transportation in Arctic Waters, Halifax, 8 February 2012.

"The Challenge of Ocean Governance," Keynote address, Ocean Governance and Maritime Boundaries Forum, Marlborough House, Commonwealth Secretariat, London, 17-19 April 2012.

"A Comparative Approach to Legal Development in Support of Coastal Management," Faculty of Law, Chinese University of Hong Kong, 21 May 2012.

## MEINHARD DOELLE, Associate Director and MELP Director



**Professor Meinhard Doelle** specializes in environmental law. He currently serves as Associate Dean, Research, and was the Associate Director of the Marine & Environmental Law Institute from 2004 to 2012. From 1996 to 2001, he served as the Executive Director of Clean Nova Scotia. He has been involved in the practice of environmental law in Nova Scotia since 1990 and in that capacity

drafted the NS Environment Act in 1992. He currently is environmental counsel to the Atlantic Canada law firm of Stewart McKelvey.

From 2000 to 2006, Professor Doelle was a non-governmental member of the Canadian delegation to the UN climate change negotiations. From January to May 2008, he was a visiting scholar at the Environmental Law Center of the IUCN in Bonn, Germany. Dr. Doelle served on the Joint Federal/Provincial Environmental Assessment Review Panel for the Lower Churchill Hydro-Electric Project from 2009 to 2011.

Professor Doelle has written on a variety of environmental law topics, including climate change, energy, invasive species, environmental assessments, and public participation in environmental decision-making. His most recent books are entitled “Promoting Compliance in an Evolving Climate Regime”, “Environmental Law: Cases and Materials” (with Chris Tollefson), “The Federal Environmental Assessment Process, a Guide and Critique”, and “From Hot Air to Action: Climate Change, Compliance and the Future of International Environmental Law”.

### GRADUATE SUPERVISION

As supervisor: Godfred Chongatera, LLM

As supervisor: Don McCrimmon, JSD

As committee member: Tony Puthucherrill, JSD

### RECENT PUBLICATIONS

“Compliance and Enforcement in the Climate Change Regime” in *Climate Change and the Law*, Erkki Hollo, Kati Kulovesi and Michael Mehling (eds.) (Berlin: Springer, 2012)

(co-author) “Climate Governance at the Municipal Level in Canada: A Case Study of Mitigation Efforts in Halifax” in Benjamin J. Richardson (ed.), *Local Climate Change Law: Environmental Regulation in Cities and Other Localities* (Edward Elgar Publishing, 2012)

(co-author), “Governing Information: A Three Dimensional Analysis of Environmental Assessment” (2012) 90 *Public Administration* 19 (R)

(co-author), “New Governance Arrangements at the Intersection of Climate Change and Forest Policy: Institutional, Political and Regulatory Dimensions” (2012) 90 *Public Administration* 37 (R)

(co-editor), *Promoting Compliance in an Evolving Climate Change Regime*, (Cambridge University Press, 2012), (co-author of the introduction and the concluding chapter) (Peer Reviewed)

“Experience with the Kyoto Compliance System”, in Brunnee, Doelle & Rajamani, *Promoting Compliance in an Evolving Climate Change Regime*, (Cambridge University Press, 2012) (Peer Reviewed)

(co-author) "Climate Liability in Canada", in Lord et al eds, *Climate Change Liability: Transnational Law and Practice* (Cambridge University Press, 2012) (R)

(with Emily Lukaweski) "Carbon Capture and Storage in the CDM: Finding its place among climate mitigation options?" (2012) 3 *Climate Law* 49 (R)

## RESEARCH & PROJECTS

In January 2009, Meinhard was appointed to the Federal/Provincial Review Panel for the Lower Churchill Hydro-Electric Project in Labrador.

In 2010, Meinhard accepted a three year appointment with the Sustainability College here at Dalhousie. The initial task involved the development of a new course, entitled *humanity in the natural world*. The course uses a problem based learning approach. The course will be offered for the second time in the fall of 2011.

Meinhard has continued his connection with the practice of environmental law as environmental counsel at Stewart McKelvey.

*New Governance Approaches* SSHRC grant, with Chris Tollefson, Fred Gale, Neil Craik and others, *Public Administration* special issue

*Compliance in an emerging Climate Regime*, with Jutta Brunnee and Lavanya Rajamani, CUP

*Climate Liability, Canadian Chapter*, CUP

*Carbon Management Canada* – With Nigel Bankes, Shaun Fluker, University of Calgary, Shi-Ling Hsu, UBC Law School; on carbon capture and storage in the international climate regime.

SSSHRC Standard Research Grant – Model EA legislation project with Bob Gibson, University of Waterloo and John Sinclair, University of Manitoba

*Municipal Climate Mitigation* – with Ben Richardson, UBC Law School

## LECTURES & PRESENTATIONS

Presented at a symposium on the Environmental Goals and Sustainable Prosperity Act, June 6th, 2012, Halifax

*The Role of EA in Achieving a Sustainable Energy Future in Canada: A Case Study of the Lower Churchill Panel Review* JELP Conference, May 31-June 2, 2012, Sask

*Panel Reviews under the Canadian Environmental Assessment Act: Opportunities for Reform*, Guest Lecture, SRES, February, 2012, Halifax

*The Lower Churchill Panel Review Process: A Panel Member's Perspective*, Lecture Series, ESS, College of Sustainability, January, 2012, Halifax

ECELAW Workshop: "Strategic Environmental Assessments and their Potential for Prince Edward Island" PEI workshop, November 26, 2011

Appearance before the Parliamentary Committee on the Environment and Sustainable Development on the 7 year Review of CEAA, November 22, 2011, Ottawa

Mini Law School lecture: "The State of the Climate Change Negotiations: What to expect in Durban", Schulich School of Law, November 9, 2011, Halifax

"Climate Mitigation in HRM", presented at municipal climate symposium at UBC, Oct 23, 2011

Faculty Seminar on the Lower Churchill EA from the perspective of a Panel Member, September, 2011, Halifax

ECELAW Workshop: "The Role of Strategic Environmental Assessments in Improving EA in Canada", Halifax workshop, July 20, 2011

## DAVID L. VANDERZWAAG, Canada Research Chair in Ocean Law & Governance



**Dr. David VanderZwaag** holds the Canada Research Chair (Tier 1) in Ocean Law and Governance. He teaches in the areas of international environmental law and law of the sea. He is the past Co-director of Dalhousie's interdisciplinary Marine Affairs Program and past Director of the Marine & Environmental Law Institute.

He is a Co-founder and Co-chair of the Australian-Canadian Oceans Research Network (ACORN) and has had extensive research and lecturing experience in South and Southeast Asia, the South Pacific, Europe, and the Caribbean. Dr. VanderZwaag has authored over 100 papers in the marine and environmental law field. He has co-lead the writing of the ocean governance chapter of the Arctic Marine Shipping Assessment under the auspices of the Protection of the Arctic Marine Environment (PAME) Working Group of the Arctic Council.

Professor VanderZwaag's educational background includes: PhD (1994, University of Wales, Cardiff), LLM (1982, Dalhousie Law School), JD (1980, University of Arkansas Law School), MDiv (1974, Princeton Theological Seminary), and BA (1971, Calvin College).

Dr. VanderZwaag is a member of the IUCN's World Commission on Environmental Law (CEL) and Co-chair of the CEL's Specialist Group on Oceans, Coasts & Coral

### GRAD SUPERVISION

As supervisor: Lu Ying, JSD  
 As supervisor: Catherine Sykes, JSD  
 As supervisor: Johanan Lafeuillee, LLM  
 As committee member: Don McCrimmon, JSD  
 As reader: Isabel Torres de Noronha (University of Delaware)

### RECENT PUBLICATIONS

David L. VanderZwaag and Vu Hai Dang, "Regional Cooperation in the South China Sea and the Arctic: Lessons to Be Learned?" in Aldo Chircop et al, eds, *The Regulation of International Shipping: International and Comparative Perspectives, Essays in Honor of Edgar Gold* (Leiden: Martinus Nijhoff, 2012) 171.

David L. VanderZwaag, "Canadian Struggles with Freedoms of Navigation and Fisheries; A Short 'Legal Cruise'" in Erik Franckx & Philippe Gautier, eds, *The Exercise of Jurisdiction over Vessels: New Developments in the Fields of Pollution, Fisheries, Crimes at Sea and Trafficking of Weapons of Mass Destruction* (Brussels: Bruylant, 2010) 29.

David L. VanderZwaag, "The Arctic Council at 15 Years: Edging Forward in a Sea of Governance Challenges" (2011) 54 *German YB Int'l L* 281 (R).

David L. VanderZwaag, "The Precautionary Approach and the International Control of Toxic Chemicals: Beacon of Hope, Sea of Confusion and Dilution" (2011) 33 *Hous J Int'l L* 655.

David L. VanderZwaag, Maria Cecilia Engler Palma & Jeffrey A. Hutchings, "Canada's Species at Risk Act and Atlantic Salmon: Cascade of Promises, Trickle of Protection, Sea of Challenges" (2011) 22 *J Env't'l L & Prac* 267 (R).

## LECTURES &amp; PRESENTATIONS

“The International Control of Ocean Dumping: Precautionary Currents, Sea of Challenges” (IUCN Academy of Environmental Law Colloquium, Water and the Law: Towards Sustainability, Eastern Cape, South Africa, July 4).

“Canada’s Oceans Act and Integrated Management Planning: Sailing in a Sea of Challenges” (International Dialogue on Malaysia Oceans: The Development of a Malaysian Oceans Strategy and Constitutional Protection of the Oceans by the Rule of Law – Lessons from International Models, Faculty of Law, University of Malaya, Kuala Lumpur, July 18-20).

“Law of the Sea and Future Governance of the Arctic Ocean Beyond National Jurisdiction: Constitutional Coordinates, Hazy Horizons” (Workshop on the Arctic Ocean Beyond National Jurisdiction: Exploring the Opportunities and Challenges of Expanded Human Use and Future Governance, Fairbanks, Alaska, July 24-27).

“Canada and the Governance of the Northwest Passage: Rough Waters, Cooperative Currents, Sea of Challenges” (International Symposium on Safety, Security and Environmental Protection in Straits Used in International Navigation: Is International Law Meeting the Challenge? Istanbul, Turkey, September 9-11).

“Arctic Pollutant Sources: Preliminary Reflections on Possible Future Agreements/Measures” (Arctic Ocean Review Expert Workshop, Reykjavik, Iceland, September 20-21).

“The Arctic Council and the Future of Arctic Ocean Governance: Edging Forward on a Sea of Challenges” (Workshop on Polar Governance in an Era of Environmental Change, Faculty of Law, University of Sydney, December 12-13).

“Governance of the Northwest Passage: Rough Waters, Cooperative Currents, Sea of Challenges” (AALS Annual Meeting Panel Session – Beyond the Northwest Passage: The Opening Arctic, Washington, D.C., January 5).

“The IMO and Arctic Marine Environmental Protection: Tangled Currents, Sea of Challenges” (Workshop in Preparation for the 2012-2016 North Pacific Arctic Conferences, East-West Center, Honolulu, Hawaii, February 7-8).

“Canada, the Northwest Passage and Arctic Ocean Governance: Conflict, Cooperation, Challenges” (University of Macau, Faculty of Law, Macau, March 15).

“Canada, the Northwest Passage and Arctic Ocean Governance: Conflict, Cooperation, Challenges” (Tsinghua University, Faculty of Law, Beijing, March 19).

“The Future of Arctic Ocean Governance: Edging Forward in a Sea of Challenges” (The 3rd Meeting of the Japan-Canada-US Conference Series on Trilateral Cooperation, Washington, D.C., May 7-8).

“The Arctic Council and the Future of Arctic Ocean Governance: Edging Forward in a Sea of Challenges” (Sino-Canadian Exchange Workshop on the Arctic, Schulich School of Law, June 25).

## MOIRA L. MCCONNELL



Dr. Moira L. McConnell is a Professor of Law and an Associate (former Director) of the Marine & Environmental Law Institute. She has been a member of the Faculty of Law since January 1989 and a member of the Nova Scotia Bar Society since 1990.

She was the first Director of the Marine & Environmental Law Institute

(2004-2007). Dr. McConnell has also been a Co-director of Dalhousie University's Marine Affairs Program and is a former Executive Director of the Law Reform Commission of Nova Scotia.

Professor McConnell is also a Special Advisor to the International Standards Department, International Labour Office of the ILO in connection with the Maritime Labour Convention, 2006 and is an Expert/ Resource person for the ILO International Training Centre (ITC), Turin, Italy (ToT, MLC, 2006 course). Over the last more than a decade she has undertaken a number of international and regional projects (e.g., Legislative Review Project under the GEF/UNDP/IMO Global Ballast Water Management Programme; researcher in the European Commission project - ECOPORTS) and is currently involved in a number of projects with MELAW.

Professor McConnell is also involved in working with Masters and Doctoral level candidates at Dalhousie University and elsewhere (e.g., Advisor to the MBA

Programme in Shipping and Logistics at Copenhagen Business School; doctoral supervisor for the Faculty of Law, University of Bergen, Norway) and is affiliated with the Mediterranean Programme for International Environmental Law and Negotiation at the MEPIELAN CENTRE, Panteion University, Athens.

She is member of a number of organizations including the International Academy of Comparative Law, the IUCN - Commission on Environmental Law (CEL), the Society of International Economic Law, the International Commission of Jurists (ICJ - Canada, Canadian Council), Canadian Council on International Law, the American Society of International Law, the Canadian Maritime Law Association, Women in International Trade and Shipping (Canada) (WISTA) and Lawyers for Social Responsibility.

Dr. McConnell's current teaching and research interests are in the fields of public and private international law and domestic law including; law of the sea, maritime law, ocean governance, international labour law, international environmental law, contract law, labour law and public law. She is an Co-editor of the international interdisciplinary Ocean Yearbook (1998 ff), an Associate Editor of the Yearbook of International Environmental Law (2006- ), and is on the editorial boards of the WMU Journal of Maritime Affairs, the Journal of Global Law and the Journal of Arbitration and Mediation.. She has published widely in the fields of international law, law of the sea, international labour law, governance systems, corporate governance, administrative and constitutional law, environmental law, maritime law and policy, social justice and human rights.

## GRAD SUPERVISION

As supervisor: Sabitiyu Lawal, LLM

As reader: Tumininu Laiyemo, LLM

As committee member: Vu Hai Dang, JSD Candidate

Faculty supervisor for visiting UN Nippon Fellow Godwin Dzah

## RECENT PUBLICATIONS

Moira L. McConnell, General Report: “The Law Applicable on the Continental Shelf and in the Exclusive Economic Zone” in General Reports of the XVIIIth Congress of the International Academy of Comparative Law/Rapports Généraux du XVIIIeme Congrès de L’Academie Internationale de Droit Comparé, eds. D. Snyder & K. Brown (Dordrecht Heidelberg London New York: Springer, 2012).

Moira L. McConnell, “Forging or Foregoing “the Genuine Link”?: A reflection on the Maritime Labour Convention, 2006 and other strategies”, in *The Regulation of International Shipping: International and Comparative Perspectives, Essayx in Honor of Edgar Gold...* Eds., Aldo Chircop, Norman G. Letalik, Ted L. McDorman, and Susan J. Rolston (Leiden/Boston: Martinus Nijhoff, 2012).

Moira L. McConnell, Dominick Devlin, Cleopatra Doumbia- Henry. *The Maritime Labour Convention, 2006 A Legal Primer to an Emerging International Regime* (Leiden/Boston: Martinus Nijhoff, 2011).

Moira L. McConnell, “The Maritime Labour Convention, 2006 – Reflections on Challenges for Flag State Implementation”, *WMU Journal of Maritime Affairs*, Vol 10, (2011) 127-141.

Aldo Chircop, Scott Coffen-Smout and Moira L. McConnell, eds., *Ocean Yearbook, Volumes 25 & 26* (Leiden/Boston: Brill Martinus Nijhoff, 2011, 2012).

One of 5 Associate Editors, *Yearbook of International Environmental Law Vol. 21* (Oxford: Oxford University Press, 2012).



## PHILLIP M. SAUNDERS



**Associate Professor Phillip M. Saunders** is cross-appointed to the School for Resource and Environmental Studies and is a Research Fellow at the Centre for Foreign Policy Studies. He is a Member of the Nova Scotia Bar. His teaching and research interests are in international marine and environmental law, maritime boundary delimitation, tort law, judicial remedies and international fisheries law. Professor Saunders was formerly with the International Centre for Ocean Development, as Senior Policy Advisor and as Field Representative, South Pacific. He has managed and delivered development and training projects in the areas of marine and environmental law in the South Pacific, the

Caribbean, the Indian Ocean, Southern Africa, Southeast Asia, South Asia, Central America and Russia. He acted as counsel for Nova Scotia in the arbitration of the boundary between the offshore areas of Nova Scotia and Newfoundland, and is co-general editor of *International Law, Chiefly as Interpreted and Applied in Canada* (7th ed., 2006).

### GRAD SUPERVISION

As supervisor: Darin Reeves, LLM

As committee member: Lu Ying, JSD

As committee member: Don McCrimmon, JSD

As reader: Jason Samson, LLM

## DAWN RUSSELL



**Associate Professor Dawn A. Russell** practiced law in Halifax for five years with the Atlantic law firm of Stewart McKelvey Stirling Scales before beginning her career as a law teacher in 1987 as an Assistant Professor. She received tenure and was promoted to Associate Professor in July 1992. She served as Acting Dean of Dalhousie Law School from May 1, 1995 to March 31, 1996 and as Dean from April 1, 1996 to June 30, 2005.

Professor Russell was President and a member of the Law Reform Commission of Nova Scotia from 1994 to 2002; Secretary of the Canadian Council of Law Deans from 1997 to 1998, and President from 1998 to 1999; a member of Nova Scotia Bar Council from 1995 to 2005, and a member of the Executive Board of the Canadian Council on International Law from 1994 to 2001. She currently chairs the Maritime Rhodes Scholarship Selection Committee and serves as a member of the John Peters Humphrey Fellowship Selection Committee. She completed six years of service on the Board of Directors of the Canadian Institute of Resources Law in December 2005.

Professor Russell is on leave effective July 1, 2011. She is currently the President of St. Thomas University in Fredericton, New Brunswick.

## LAURI MACDOUGALL, Administrative Assistant



Ms. Lauri MacDougall has been with the Marine & Environmental Law Institute and its predecessor MELP for eight years, and the Law School for ten. She began working for Dalhousie University in 2002 in the Law School's Alumni & Development office. Prior to joining Dalhousie, she spent several years in the advertising and special event fields

where she was heavily involved in major event planning, preparing and managing budgets and various secretarial

support. Since becoming a part of Institute staff she has managed the coordination of lectures, receptions, meetings and workshops, hosted by the Institute and has been integral in the compilation of reports relating to many projects, as well as managing the grants and contracts awarded to the Institute. She also provides assistance to Institute visitors and oversees the MELAW research students, ensuring their needs ranging from office space, computer services and payroll. Her current responsibilities include providing secretarial services to five full-time faculty including the current Canada Research Chair in Ocean Law and Governance, as well as all necessary administrative duties and responsibilities driven by the Institute.

## PART-TIME TEACHING ASSOCIATES



**Associate Professor Robert Currie**, of the Nova Scotia Bar, was formerly a civil litigator with McInnes Cooper (Halifax). He received his LLB at Dalhousie and his LLM at Edinburgh, and has been teaching at the Schulich School of Law on a part-time or full-time basis since 2001. He is a specialist in public international law,

particularly international criminal law, and his work focuses on the penal and liability aspects of international environmental law and the law of the sea. He acts as a legal consultant on a regular basis, and has published widely. He currently teaches in the areas of evidence, tort law, civil procedure and international criminal law.



**Howard M. Epstein** has been directly involved in the practice, teaching and political process of both environmental and municipal law. In his private law practice, he has represented clients challenging planning decisions before appeal tribunals and in the courts. In 1994 he was elected to Halifax City Council and then in

1996 to the Halifax Regional Council after amalgamation. In 1998 he was elected MLA for Halifax Chebucto and was re-elected in 1999, 2003, 2006 and 2009. His experience has involved many years of volunteer work for the Ecology Action Centre, Nova Scotia's main citizens' environmental advocacy organization, as well as a term as its Executive Director. He has appeared on its behalf in environmental assessments and before regulatory tribunals. He has been a member of the Board of Directors of Greenpeace Canada. He taught Environmental Law at Acadia University (1995, '96, '97) in addition to Land Use Planning within MELP at Dalhousie University, and publishes regularly on land use law topics.



**Sean Foreman** is a Partner with Wickwire Holm in Halifax and practices in the environmental, litigation and energy and natural resources groups with an emphasis on commercial litigation, environmental, administrative and regulatory law. Sean's long-term involvement in the scouting movement and love of

outdoor pursuits formed the background for his first degree in Environmental Studies (Geography) from the University of Waterloo (1995), and his graduation from Dalhousie Law School in 1998 with his JD and a Certificate of Specialization in Environmental Law from the Marine & Environmental Law Institute. Among his many professional and community volunteer positions, Sean served as Chair of the National Environment, Energy & Resources Law Section (NEERLS) of the Canadian Bar Association (CBA) from 2007-2008, having served as Chair of the Nova Scotia Section in 2002-2003. Sean was honoured to receive the inaugural Zoe Odei Young Lawyers' Distinguished Service Award from the CBA (Nova Scotia) in 2003, presented across Canada for leadership and service to the community. Most recently, he was the recipient of the 2007 Dalhousie University 'Outstanding Young Alumnus of the Year' Award.



**David Henley** is a partner in the Halifax office of Stewart McKelvey in the area of maritime, energy and natural resources, and environmental law. After a career in the army as an artillery officer, he was admitted to the Nova Scotia Bar. He continues to serve in the Army Reserve as a Brigadier-General and is currently

the Deputy Commander for Land Forces Atlantic Area. In 2009, Brigadier-General Henley was invested by the Governor-General as an officer of the Order of Military Merit. Mr. Henley represents various maritime and offshore interests. He spent a year at an east coast shipyard acting as in-house counsel where he dealt with the varied issues arising from shipbuilding and ship repair. As well, he has acted as a claims handler at a Protection and

Indemnity Club in London handling all aspects of claims related to vessels. He is a past chair of the CBA Environmental Law Subsection, Nova Scotia. Since 2010, Mr. Henley has been a member of the Transportation Appeal Tribunal of Canada. He has written and presented papers on a variety of subjects at industry seminars and currently teaches Fisheries Law in MELP programme.



**Lucia Fanning**, PhD, MMM (Dalhousie), BSc (Guelph), is the director of the Marine Affairs Program and an associate professor at the School of Resource & Environmental Management (SRES). Her research interests include the roles of policy networks in influencing marine policy decisions; the assessment and effectiveness of

evolving oceans governance regimes in managing marine uses; and ecosystem-based approaches to the management of coastal and marine space and use. Current projects include governance of transboundary living marine resources at the regional or large marine ecosystem (LME) level, in particular the Caribbean LME and the role of key and emerging policy actors, including resource users and members of civil society, in managing marine resources.

**Don McCrimmon** is a JSD candidate at the Schulich School of Law. He commenced his work in January 2011 under the supervision of Professor Doelle. His area of research is climate change law. Don is the recipient of an NSERC CREATE Training Program on Human and Ecological Risk scholarship, a project which at Dalhousie is co-led by Professors Moira McConnell and Bill Lahey. In 2011-2012, he taught Environmental Law II: Interdisciplinary Perspectives on Climate Change.



**David M. Dzidzornu** is a Graduate Research Assistant in the LLM program at the Schulich School of Law. His research in international law of the sea focuses on marine environmental protection and integrated coastal zone management with reference to Africa's regional seas. In 2011-2012 he taught International Environmental Law.



**Jessica Irving** Jessie Irving is an associate in the Halifax office of McInnes Cooper and practices in the areas of energy, natural resources, environmental, administrative/regulatory and real property law. She obtained a Bachelor of Science (Honours, Biology) from Mount Allison University, prior to obtaining an LLB from Dalhousie Law School. Jessie's regulatory practice focuses on the electricity and natural gas sectors, and she routinely provides project advice to clients with respect to energy and environmental matters. Jessie has been involved with the CBA's National Environment, Energy & Resources Law Section, CBA-NS's Environmental Section, and with the Board of Directors for East Coast Environmental Law.



**Associate Professor Constance MacIntosh** has been a faculty member with the Schulich School of Law, Dalhousie University, since 2002. Prior to joining the law school, from 2000-2002 she was an Associate Lawyer at Mandell Pinder, a boutique firm which specializes in First Nation rights and resource management. From 1999 to

2000 she articulated at Faskens after receiving her JD from Osgoode Hall Law School where she was the Class Gold Medalist in 1999. Professor MacIntosh's current research focuses upon the impact of provincial/federal jurisdictional divisions on First Nation reserve water Quality. She has published extensively in the areas of aboriginal law and women's rights.



**Robert L. Miedema** is a partner at Boyne Clarke and practices in the areas of Taxation, Business Law and Environmental Law. He regularly deals with personal and corporate taxation, incorporations and reorganizations, legal and tax issues surrounding trusts, legal needs of charities and non-profit organizations, and management of environmental liability.

Rob lectures frequently on various topics within his practice areas. Since January 2010 he has been part-time faculty with the Schulich School of Law at Dalhousie University, teaching courses about business organizations and environmental law. In 2008 and 2009 he taught a graduate course in Dalhousie University's Faculty of Management. He is a director of the East Coast Environmental Law Association, and a member of the Canadian Tax Foundation and the Canadian Bar Association.



**Michael Simms** is a partner at McInnis Cooper's Halifax office. He previously spent several years as senior counsel at the Canadian head offices of a major international oil and gas company. Mike has extensive commercial and regulatory experience in energy, natural resources and environmental matters, with a particular

focus on oil and gas, both onshore and offshore. He also provides advice on, and has developed and implemented corporate compliance programs in respect of health, safety & environment and other compliance matters.

Michael holds an LL.B. and a certificate in Marine and Environmental law from Dalhousie University. He was called to the Bar in Nova Scotia in 2002 and in Alberta in 2006. He is a member of the Nova Scotia Barristers' Society, the Law Society of Alberta, the Canadian Bar Association, and the Canadian Corporate Counsel Association.

## NON-TEACHING PART-TIME FACULTY



**James MacDuff** is an Associate at McInnes Cooper's Halifax, Nova Scotia office. He practices in the area of regulatory and administrative law, with a particular focus on electricity rate setting and other energy matters. He has represented clients in a variety of proceedings before the National Energy Board and the Nova Scotia Utility and Review Board. James

advises clients on federal and provincial energy and environmental issues, and has assisted in the preparation of responses to Requests for Proposals for Renewable Energy and in the negotiation of power purchase agreements.



**A. William Moreira, Q.C.** is a partner in the Halifax office of Stewart McKelvey. He holds a Bachelor of Arts Degree from St. Mary's University and a Bachelor of Laws Degree from Dalhousie University. Will conducts an extensive practice in admiralty and commercial litigation, public law and energy and regulatory law. He has

appeared before all Courts in Nova Scotia, the Federal Court of Canada, the Supreme Court of Canada and the National Energy Board. He has participated in facilities, export license and toll applications before the National Energy Board as well as judicial review proceedings involving the Canada-Nova Scotia Offshore Petroleum Board. He has over 20 years of practice before the Federal Court of Canada and in multi-national proceedings in maritime and admiralty litigation. Will is the former President of the Canadian Maritime Law Association and is a member of a number of other national and international associations.



**Alan Ruffman** is a marine geologist and geophysicist who has mapped the offshore of eastern Canada for some 44 years. He is president of the consulting firm Geomarine Associates Ltd. in Halifax. He is not a lawyer, or a politician; he never got closer than 46 votes to being elected as a county councilor in two tries. His consolation

prize was to be appointed as a member of the Halifax County Planning Advisory Committee for two years; he also served as the Chair and Co-Chair of the District 5 (Chebucto Peninsula) Detailed Area Planning Committee that developed the first planning strategy for the area, as well as the accompanying land use zoning by-law, over about a 3 ½ year period. He has taken six appeals to the Utility and Review Board, or to its predecessors; he lost

his first appeal but won the war, won his next three on the Halifax waterfront, and has lost two, one of which he had the audacity to appeal to the Nova Scotia Court of Appeal; he lost. In the course of these appeals, he has precipitated three retaliatory legislative amendments to provincial, or municipal statutes.

His community involvement over 39 years has regularly touched on planning issues. He is a charter member of the Ecology Action Centre, Friends of the Public Gardens and Friends of the Common. He is active with the Heritage Trust of Nova Scotia and volunteers with the Sable Island Preservation Trust. He has co-represented the Ecology Action Centre during the Environmental Assessment of the Sable Island offshore gas project, and the onshore pipeline to the U.S. across the Maritime Provinces. He is an Honorary Research Associate at Dalhousie University's Department of Earth Sciences, and is a registered Professional Geoscientist (P.Geo.). He has participated with Howard Epstein in the Land Use Planning course within the Marine & Environmental Law Institute at Dalhousie Law School for eleven years now.



**Wylie Spicer, Q.C.**, is counsel in the Calgary office of Norton Rose whose areas of practice are energy, shipping, Canadian North and Arctic and transportation. Wylie has many publications and teaches Maritime Law at Dalhousie University. A former Managing Partner of the firm, he was chosen as one of the Top 50 CEO's in

Atlantic Canada in 2006. He has an AV rating from Martindale-Hubbell and is recognized in many publications as a Leading Practitioner in Maritime Law in Canada. He has advised clients on all aspects of the Canadian Offshore Industry for over 25 years. Wylie is President of the Canadian Bar Association for Nova Scotia, a member of the Nova Scotia Barristers' Society, the Canadian Maritime Law Association, and the International Bar Association. He also was recently appointed by the Province of Nova Scotia to the Board of Directors of the Art Gallery of Nova Scotia and is a member of the Board of the Nova Scotia Hearing and Speech Foundation.

Wylie is President of the Canadian Bar Association for Nova Scotia, a member of the Nova Scotia Barristers' Society, the Canadian Maritime Law Association, and the International Bar Association. He also was recently appointed by the Province of Nova Scotia to the Board of Directors of the Art Gallery of Nova Scotia and is a member of the Board of the Nova Scotia Hearing and Speech Foundation.



**Gilbert Winham**, Adjunct Professor of Law, teaches and conducts research in the area of international trade law and policy. Dr. Winham is a Professor Emeritus of Political Science, a fellow of the Royal Society of Canada and a past Woodrow Wilson Fellow (2001-2002). He has served frequently on NAFTA dispute settlement panels.

Dr. Winham has over twenty years experience in training government officials from developing countries in trade policy and negotiation at the GATT/WTO in Geneva. He has served as an on-site consultant in connection with the application for accession to the WTO of Jordan and the Kyrgyz Republic. He is currently Chair of the Board of Directors for the North-South Institute, Ottawa and was a Distinguished Visiting Professor for the Centre for International Studies, Munk Centre, University of Toronto (2004/05). He teaches the international trade law course that is recognized under the Marine & Environmental Law Programme.

## ASSOCIATES



**Bill Charles, Q.C.**, Professor Emeritus, formally a full time member of the Faculty of Law and Dean (1979-85) is still active in the environmental area. Currently serving as special council to the Nova Scotia Law Reform Commission he has been actively involved in the preparation of a Discussion Paper on Contaminated sites in Nova Scotia (March/09). Professor Charles taught environmental law at the law school in the 90s and has had consider-

able experience with the Environmental Impact Assessment process in the last fifteen years. This experience includes among other assignment serving as the Nova Scotia representative on a Joint Federal/Provincial Assessment Panel dealing with Remediation of the Sydney Tar Ponds (2006-2007), Chair of a Provincial assessment panel to evaluate strip mining (coal) in Stellarton, NS and Chair of an assessment panel to evaluate a proposal to construct an incinerator to burn garbage in the Metro/Halifax area. Prof Charles has also served as President of The Environmental Control Council (N.S./1993-95) and Chair of the Environmental Assessment Board (1995-98).



**Scott Coffen-Smout** is an oceans management biologist with the Oceans and Coastal Management Division, Fisheries and Oceans Canada, at the Bedford Institute of Oceanography, in Halifax, Nova Scotia. Scott holds a B.Sc. in biology and a Marine Affairs Diploma from Dalhousie University and an M.Sc. in marine environmental

science from the University of Wales, Bangor. His professional affiliations include being an alumnus of the International Ocean Institute, a member of the Ocean Management Research Network, an associate of the Marine & Environmental Law Institute, and co-editor of the Ocean Yearbook. Scott has had a varied interdisciplinary career in oceans management and oceans policy research, fisheries development, management and research, shellfish aquaculture development, management and research, and marine affairs project management.



**Mark Covan** is Senior Counsel (Practitioner) with the Public Prosecution Service of Canada, Atlantic Regional Office, Halifax, Nova Scotia, and has worked as a Federal Prosecutor for over 10 years. Mr. Covan has a BA from Toronto and an JD and LLM from Dalhousie University. He has extensive trial litigation experience,

primarily in the area of narcotic/controlled substances criminal prosecutions, and has acted as Counsel for

the Crown on a number of Charter and constitutional law cases. He has appeared before the Supreme Court of Canada, and all levels of court in Nova Scotia, New Brunswick and Newfoundland and Labrador and has extensive experience conducting appeals before the Courts of Appeal in those Provinces.

His research interests are in the area of offshore jurisdiction, compliance and enforcement, with particular emphasis on ship-source oil pollution, and how states go about enforcing their international obligations through domestic legislation. He is an avid scuba diver and underwater photographer, his photographs having been published on several occasions in dive-related publications.



**Neil Craik** is an Associate Professor at the School of Environment, Enterprise and Development at the University of Waterloo. He teaches and researches in the fields of Canadian and international environmental law, with a particular focus on bi-lateral and tri-lateral environmental governance structures in North America.

He is the author of *The International Law of Environmental Impact Assessment* (Cambridge University Press, 2008), and co-author of *Canadian Municipal and Planning Law, 2d.* (Carswell, 2003). He is also co-general editor of *Public Law: Cases, Materials and Commentary* (Emond Montgomery, 2006). Professor Craik's research has recently been published in the *Chicago Journal of International Law*, the *Bulletin of Science, Technology and Society*, and the *University of New Brunswick Law Journal*. His research is currently supported by research grants from the Social Science and Humanities Research Council of Canada and Genome Atlantic. Prior to his appointment at the University of Waterloo, Neil was a faculty member at the University of New Brunswick, Faculty of Law.



**Linda F. Duncan** has over 30 years experience in environmental law, policy and resource management in government, private and international sectors. Extensive experience in the design and delivery of programs and strategies for: effective environmental regulation; alternative approaches to enforcement and compliance; efficient allocation of regulatory and compliance staff and resources; coordination of central and regional agency mandates through delegation, decentralization or de-concentration; enhanced compliance through negotiated rule-making; inter-agency communications and team building; public outreach, consultations, and cooperative management involving NGOs, local and indigenous communities and First Nations. Extensive experience in the design and delivery of technical training programs including outreach to other government agencies and to regional or local authorities. Experience with development and maintenance, of regional regulatory, resource management and enforcement networks. She is currently a Member of Parliament for Edmonton Strathcona and New Democrat Critic for the Environment.



**Kenneth A. MacInnis, QC**, is a Halifax lawyer, with expertise in marine oil pollution liability and compensation. He has made significant contributions nationally in Ottawa as the Administrator directing Canada's Ship-source Oil Pollution Fund (1998-2006), and internationally as Head of the Canadian delegation, and otherwise, at sessions of the International Oil Pollution Compensation Funds in London.

Called to the Bars of British Columbia and Nova Scotia, he has considerable domestic and international experience, including having conducted a very active marine, environmental, community planning and fisheries law private practice. Publications include: MacInnis QC, K.A., "The Polluter Pays Principle: Preventing Ship-source Pollution in the Arctic" in A. Chircop, N. Letalik, T. McDorman, and S. Rolston, eds, *The Regulation of*

*International Shipping: International and Comparative Perspectives: Essays in Honor of Edgar Gold* (Leiden/Boston: Martinus Nijhoff Publishers, 2012), MacInnis QC, K.A., "The Canadian SSOP Fund and Environmental Damage Assessment (EDA) in Canada" in Maes, F., ed., *Marine Resource Damage Assessment, Liability and Compensation for Environmental Damage* (Springer Publishers, Dordrecht 2005) and, MacInnis QC, K.A. "The Polluter Pays Principle: Preventing Ship-source Pollution in the Arctic" in G. Houlden and N. Hong, eds, *Maritime Security Issues in the South China Sea and the Arctic: Sharpened Competition or Collaboration?* (China Democracy and Legal System Publishing House, Beijing 2012). Mr. MacInnis has a history of volunteer leadership in political, education, legal and social services sectors.



**Susan J. Rolston** is sole proprietor of Seawinds Consulting Services, providing research, writing, editing, indexing, and publication management and production services. Ms. Rolston's areas of special expertise include marine policy and management, maritime security, the environment, and international affairs and development. She has held research and management positions with marine-related institutes and programs at Dalhousie University. Ms. Rolston has contributed to numerous marine science and marine policy publications. She is a co-editor, with Aldo Chircop, Norman Letalik and Ted L. McDorman, of *The Regulation of International Shipping: International and Comparative Perspectives, Essays in Tribute to Edgar Gold* (Martinus Nijhoff, 2012). She holds a B.A. (Hons.) from the University of Western Ontario and a M.A. from Dalhousie University, both in Political Science. Ms. Rolston is a Fellow of the Centre for Foreign Policy Studies, Dalhousie University, and Treasurer of the Bay of Fundy Ecosystem Partnership (BoFEP).





**Hugh Williamson** is a consultant in Marine and Environmental Law and Management, International Oceans Institute of Canada: Maritime Surveillance, Surveillance Networks and Enforcement Integration. He is responsible for organising and delivering training in fisheries enforcement and prosecution, and for Fisheries Policy and environ-

mental protection analysis. He is an adjunct professor in the Marine Affairs Program, Dalhousie University, and lecturer on Environmental NGO's at Lester B Pearson International Peacekeeping Training Centre, Clementsport, Nova Scotia. He is also a visiting professor to the United Nations World Maritime University in Malmo, Sweden, and Staff Officer Naval Cooperation and Guidance of Shipping / Naval Intelligence for the Canadian Armed Forces Maritime Command Lecturer in Military Law and Law of the Sea at the Canadian Forces Fleet School.

## HONOURARY FELLOWS



**Brian Flemming** CM, QC, DCL, is Counsel to the Atlantic Canada law firm of McInnes Cooper. He is a non-practising member of the Nova Scotia bar and a former member of the Ontario bar.

In recent years, as a Research Fellow of the Canadian Defence & Foreign Affairs Institute in Calgary, Dr. Flemming has published articles on Arctic issues, the global war on terror, Canada-China relations in the Arctic, the war in Afghanistan and border security issues involving Canada and the U.S. He has also written papers for the School of Public Policy and the Van Horne Institute at the University of Calgary on national transportation issues.

Dr. Flemming was Assistant Principal Secretary to Prime Minister Pierre Trudeau from 1976 to 1979. After 9-11, the Canadian government made him the first CEO and chairman of the Canadian Air Transport Security Authority (CATSA), Canada's principal public response to 9-11. In 2005, he was appointed to the federal Advisory Council on National Se-

curity. In 2000-1, Dr. Flemming chaired the Canada Transportation Act Review Panel, a statutorily-mandated review of Canada's transport policies. The report of that Panel — "Vision and Balance" — caused Dr. Flemming to be given the national "Award of Achievement" in 2003.

In the mid-1960s, following graduate studies in England and the Netherlands, Dr. Flemming taught the first graduate course in public international law at Dalhousie's law school and wrote many peer-reviewed articles for learned publications and international conferences. He was a key figure in the establishment of the Dalhousie Ocean Studies Program (DOSP) in the 1970s. He was founding chairman of the International Centre for Ocean Development, a Crown Corporation headquartered in Halifax in the 1980s.

Dr. Flemming is a former member, vice chairman and interim chairman of The Canada Council and is a former director of the CBC. He is honorary chairman of the Dalhousie Law Alumni Association of Canada, having been its founding chairman in 1983. In 2010, he won the Weldon Award for Unselfish Public Service at Dalhousie's Schulich School of Law. He is a former chairman of the Board of Governors at University of King's College. He was the founding chairman of Symphony Nova Scotia and has been on the boards of many local, regional and national not-for-profit organizations. He was given an honorary degree by King's in 1991 and, in 1989, was made a Member of the Order of Canada.



**Professor Edgar Gold**, C.M., A.M., Q.C., grew up and went to sea in Australia but settled in Halifax, Canada, in the early 1960s. He is a former senior partner with the law firm Ritch Durnford in Halifax, where he specialized in maritime, energy and environmental law and international commercial law. He was appointed Queen's Counsel in 1995. He also served as the Honorary Consul of the Federal Republic of Germany for Nova Scotia and Prince Edward Island, 1986-1998. He is a former President of the Canadian Maritime Law Association and a Titulary Member of the Comité Maritime International. Dr. Gold is a Master Mariner (UK and Canada) and served at sea for 16 years, including several years in command. He was

Professor of Law (1975-1994) and Professor of Resource and Environmental Studies (1986-1994) at Dalhousie University, Halifax. He is a founding member of Dalhousie Law School's Marine and Environmental Law Institute (formerly MELP).

Professor Gold was a founder and former Executive Director of the Dalhousie Oceans Studies Programme (DOSP), and the International Institute for Transportation and Ocean Policy Studies (IITOPS), the predecessors of the International Oceans Institute of Canada. He was a member of the Canada-Nova Scotia Offshore Petroleum Board 1996-2003, and a member of the Roster of Experts of the Asian Development Bank, Manila, Philippines, 2001-2004. He is also a former Adjunct Professor and former Canadian Member of the Board of Governors of the World Maritime University, Malmö, Sweden, and a former member of the Governing Board of the IMO-International Maritime Law Institute, Malta. Until the end of 2010 he also held an appointment as Adjunct Professor at the T.C. Beirne School of Law, University of Queensland, Brisbane, Australia, where was involved with the School's Marine and Shipping Law Unit. His special areas of interest and expertise include maritime law, international marine, offshore energy and environmental law and policy, maritime training, and international ocean development. Professor Gold has active experience in most regions of the world and has completed over 250 publications in the maritime law and policy field. He has received honorary degrees from the Canadian Coast Guard College (1992) and the World Maritime University (2007), and was awarded the Commander's Cross of the Order of Merit by the German Government in 1997; the Order of Canada (C.M.) in 1997, and the Order of Australia (A.M.) in 2005. In 2012 he was honoured with the presentation of a 'Festschrift' entitled *The Regulation of International Shipping: International and Comparative Perspectives—Essays in Honour of Edgar Gold*. Eds. Aldo Chircop, Norman Letalik, Ted L. McDorman, & Susan J. Rolston. (See Aldo Chircop, Recent Publications above). Professor Gold is now based in Brisbane, Queensland, Australia



**Professor Arthur J. Hanson, O.C.**, is a Distinguished Fellow and former President of the International Institute for Sustainable Development (IISD). He was a Professor and Director of the School for Resource and Environmental Studies at Dalhousie University. Prior to that, during the mid-1970s, he worked with the Ford Foundation in Indonesia. Dr. Hanson addresses environment and economy, biodiversity, oceans, and international development concerns globally, in Asia and in Canada. He was one of the founders of the Dalhousie Ocean Studies Programme (DOSP) in the 1970s.

He has served on Canada's National Round Table on the Environment and Economy (NRTEE), as Canada's Ministerial Ocean Ambassador with the Department of Fisheries and Oceans, and in a number of other national advisory posts. He has initiated several major international development activities in Southeast Asia, and currently is a Member and Lead Expert of the China Council for International Cooperation on Environment and Development (CCICED). He is chairing a Working Party on Biotechnology, Sustainable Development and Canada's Future Economy for the Canadian Biotechnology Advisory Committee. Dr. Hanson is a member of the Canadian Foundation for Innovation (CFI), and a Mentor with the Trudeau Foundation. He is an Officer of the Order of Canada.



**Professor Hugh Kindred**, having moved from full to part time faculty member in 2008, continues to teach in the fields of ocean transportation, overseas trade and international law. He is a member of the bars of Nova Scotia and England and a past chair of the Carriage of Goods Committee of the Canadian Maritime Law Association.

He is also a member of the board of directors of the Canadian Council on International Law and of the editorial boards of the *Ocean Yearbook* and the *Canadian Yearbook of International Law*, and he serves as the coordinator of Canadian contributions to the Oxford Reports

on International Law in Domestic Courts. In 2003 he was honoured by the Canadian Association of Law teachers with its Award for Academic Excellence. In addition to numerous articles and book chapters on maritime, commercial and international law, Hugh has published *Marine Cargo Delays* (with Max Ganado), *Multimodal Transport Rules* (with Dr. Mary Brooks) and *Canadian Maritime Law* (with Drs. Edgar Gold and Aldo Chircop), which was co-winner of the Walter Owen Book Prize for 2003-05.



**Professor Emeritus Christian L.**

**Wiktor** was the Sir James Dunn Law Librarian at Dalhousie Law School for 27 years. Before working at Dalhousie Law Library, he spent ten years in library positions at the New York Public Library in Manhattan, and the State University of New York at Buffalo, Faculty of Law and Jurisprudence. In

addition to his formal degrees he was a doctoral candidate in international law at the University of Paris (Sorbonne), specializing in the law of treaties. He continued this interest in producing a number of research tools such as the collection of *Unperfected Treaties of the United States, 1776-1976*, and the *Canadian Treaty Calendar, 1928-1978*, both published by Oceana, and two new publications on treaties, *Multilateral Treaty Calendar 1648-1995*, and *Treaties Submitted to the U.S. Senate: Legislative History, 1989-2004*, published by Nijhoff in 1998 and 2006. In 2003, Professor Wiktor published the *Index to Canadian Treaties 1979-2003*. His previous training as a bibliographer at the New York Public Library caused him to produce the first *Canadian Bibliography of International Law* published by the University of Toronto Press in 1984. He was the founder and editor of the *Marine Affairs Bibliography*, a current comprehensive index of marine law and policy literature (Vols. 1-13, 1980-1992). Professor Wiktor published recently two essays in tribute to two outstanding international legal scholars and co-editors of remarkable publications, entitled: "The Publications of Ronald St. John Macdonald," (1954-2006), published in the *Canadian Yearbook of International Law* (Vol. 44, pp. 479-502), and, with Ted L. McDorman, "The Publications of Douglas

Millard Johnston," (1960-2008), published in *The Future of Ocean Regime-Building*, edited by Aldo Chircop, et al., published by Nijhoff in 2009 (pp. 739-765).

Professor Wiktor was an associate of the Oceans Institute of Canada, and is now an honorary fellow of the Marine & Environmental Law Institute. He has been for many years, a member of the Board of Editors for the *Ocean Yearbook*. Professor Wiktor continued research on the history of U.S. treaty practice (from 1789) at the U.S. Senate Library in Washington, D.C., and as visitor at the University of South Carolina Law School in 2008 and 2009.

## in memoriam

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JULY 23, 2011

John Gratwick

John Gratwick died of old age in July 2011. John played an instrumental role in developing marine transportation policy and management research and education at Dalhousie in the 1980s, first through the Canadian Marine Transportation Centre and eventually the International Institute for Transportation and Ocean Policy Studies and its successor Oceans Institute of Canada. John was a close friend of many in the Dalhousie oceans community and MELAW.

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NOVEMBER 29, 2011

Jon Van Dyke

In November 2011, the Dalhousie legal community was greatly saddened to hear about the passing of an old friend of MELAW. Professor Jon Van Dyke passed away in his sleep on November 29, 2011 while at a conference in Australia. Jon was a University of Hawaii law professor and a leading authority on Native Hawaiian law and constitutional law. He was greatly admired by colleagues and students alike and particularly appreciated for his humanitarianism. He delivered the Second Annual Douglas M. Johnston Ocean Governance Lecture at the Schulich School of Law. He is survived by his spouse and partner, Sherry Broder, with whom he co-authored several publications.



## photo credits

<b>COVER</b>	A far view of the podium in the General Assembly hall during the UN Law of the Sea Conference, March, 1982. Credit: UN Photo/Milton Grant. <i>Used by permission of the United Nations.</i>	<b>PAGE 24</b>	Niue Coastline, <i>wikipedia.com</i> ; Arctic Circle, <i>hdwallpapers.com</i>
<b>PAGE 2</b>	Painted Turtle, Shutterstock photo	<b>PAGE 25</b>	OTN Undersea, <i>oceantrackingnetwork.org</i> ; Guantanamo group, Dalhousie University
<b>PAGE 4</b>	Gulf Oil Rig, public Picasa album, <i>picasaweb.google.com</i>	<b>PAGE 26</b>	Smoke Stacks, <i>complydirect.com</i> ; Polar Bear, Shutterstock photo
<b>PAGE 6</b>	Flying Loon, free wallpaper, <i>4shared.com</i>	<b>PAGE 27</b>	Butterfly, High Definition Wallpapers, <i>hdw.com</i> ; photo from David VanderZwaag
<b>PAGE 13</b>	Ambassador Nandan	<b>PAGE 28</b>	Seaside Garden, <i>souvenirpixels.com</i>
<b>PAGE 14</b>	RCSD Conference, Daniel Abriel, <i>Communications &amp; Marketing, Dalhousie University</i>	<b>PAGE 30</b>	Arctic Expedition, Shutterstock photo
<b>PAGE 15</b>	Judge Tullio Treves, Yasni Worldwide, <i>yasni.com</i>	<b>PAGE 31</b>	Photo provided by Donald Rothwell
<b>PAGE 16</b>	Polar Bear, Shutterstock photo	<b>PAGE 37</b>	Sino-Canadian Exchange, Daniel Abriel, <i>Communications &amp; Marketing, Dalhousie University</i>
<b>PAGE 19</b>	ELSS, Dalhousie University	<b>PAGE 39</b>	Tribute for Edgar Gold, Daniel Abriel, <i>Communications &amp; Marketing, Dalhousie University</i>
<b>PAGE 20</b>	ECELAW, Dalhousie University	<b>PAGE 40</b>	Summer Forest, free wallpaper, <i>kamranweb.com</i>
<b>PAGE 22</b>	Colourful Cargo Ship, Shutterstock photo		
<b>PAGE 23</b>	Canada-Russia Locator Map, <i>wikipedia.com</i> ; Lower Churchill Map, <i>power-energy.com</i>		

## graphics & design





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