

MESSAGE FROM THE DIRECTOR

We are delighted with the warm reception that the first issue of MELAW News received from several well-wishers. It is proving to be an effective medium for keeping MELAW's many partners, colleagues and friends around the world informed of our initiatives.



Recently the Marine & Environmental Law Institute embarked on new partnerships. MELAW teamed up with the Geography Program of the University of Alaska Fairbanks to convene a workshop of experts on governance of Arctic high sea areas in the summer of 2011. This is likely the first such meeting to be convened. MELAW has also partnered with the Centre for Oceans Law and Policy of the University of Virginia and the Environmental Law Centre of the National University of Singapore to convene the Centre's Annual Conference on the Law

of the Sea in June 2012. We will be able to report on these two major initiatives in future newsletter issues.

Another initiative sees MELAW providing research support, in association with the East Coast Environmental Law Association and Marine Affairs Program (Faculty of Management), for the Province of Nova Scotia's process for the development of a Coastal Strategy (further reported upon on p. 3). MELAW also concluded an MOU with Seaforth Engineering Inc. of Dartmouth, Nova Scotia, to partner on law of the sea work to client governments (reported upon on p. 3). For the last few years MELAW has had a congenial working relationship with Seaforth in assisting client governments on law of the sea matters.

And apart from these initiatives MELAW faculty continue to undertake research and publish in various areas of marine and environmental law. In addition to the Ocean Yearbook, Professor Moira McConnell's seminal work on maritime labour law will be published shortly.

All in all, an excellent start to 2011!

Aldo Chircop, Director

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MARINE & ENVIRONMENTAL LAW PROGRAMME (MELP)

The **Marine & Environmental Law Programme (MELP)** offers students the opportunity to learn about public and private law practice in marine and environmental law, with the option of obtaining a certificate of specialization in either Marine or Environmental Law or both, during the three year LLB degree. The Schulich School of Law and MELP offers both an LLM program and a doctoral degree.

For further information, please contact: lauri.macdougall@dal.ca
On our website: www.dal.ca/law/melaw under Academic Programmes

The **MELAW Annual Information Meeting for Associates** was held December 17. For further information, contact: aldo.chircop@dal.ca



The **2009-2010 Annual Report and 2010 Fact Sheet** are now available on our website at: www.dal.ca/law/melaw under **About Us**.

From the Archives



MELAW Associate Hugh Williamson with Yoli Tom'tavala, of Papua New Guinea, circa 1989. Then an LLM student at Dalhousie University, Yoli is now Professor of Law at the University of the South Pacific in the Republic of Vanuatu.

SPRING 2011 LECTURES & EVENTS

William Crosbie, Canada's Ambassador to Afghanistan: "Lessons Learned and Canada's New Role in Afghanistan"



Over the past nine years, Canada has made an enormous contribution to the stabilization of Afghanistan. As the combat mission in Kandahar comes to an end in 2011, Canada will continue to work alongside the Afghan people and the international community through its embassy in Kabul, playing an important role supporting efforts toward a better future for all Afghans.

An alumnus of the Schulich School of Law, Ambassador William Crosbie has been a key figure in Canada's engagement in Afghanistan since he assumed the position of Head of Mission in June 2009. At a presentation on the future of Canada's role in Afghanistan at the Schulich School of Law on February 2, 2011, Ambassador Crosbie discussed the progress that Canada has made to-date in Afghanistan and the impact this work has had on the lives of ordinary Afghans.

Ambassador Crosbie also explained Canada's new non-combat role, which will focus on four key areas: investing in the future of Afghan children and youth through education and health; advancing security, the rule of law and human rights; promoting regional diplomacy; and delivering humanitarian assistance to the Afghan people.

Lower Churchill Hydroelectric Project Panel Update



Professor Meinhard Doelle is continuing 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 are scheduled to take 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 will have 3 months to file its report. Other members of the panel include Lesley Griffiths, Herb Clarke, Cathy Jong and James Igloriote.

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Dal Water Week: Conference on Global Access to Potable Water



Early in March, the Environmental Law Students Society hosted a conference on Global Access to Potable Water. The conference stretched over three days, with the Chairperson of the Council of Canadians, Maude Barlow, as the keynote speaker.

The first day focused on Conflict Over Potable Water in Sub-Saharan Africa. Dr. Larry Swatuk from Waterloo spoke about his extensive research on the topic, as well as his experience living in Botswana. The following day's event was a panel discussion with MP Megan Leslie and Marine & Environmental Law Institute associate Dr. Gilbert Winham, addressing issues of Water Sharing under NAFTA. Megan and Gilbert did a great job of comparing and contrasting the NDP political perspective with a more conservative academic perspective.

The final day of events lasted from morning to mid-afternoon, kicking off with discussions on Engineers Without Borders Water Projects, Fracking in Nova Scotia, and the Comprehensive Economic and Trade Agreement (CETA) between Canada and the EU. Following the discussions, lunch was served while local NGOs displayed information and interacted with conference attendees. To close the conference, Maude Barlow captivated the audience with a passionate speech on Water Privatization.

The conference brought together law and other graduate students, undergraduate students, faculty members and community members. The discourse between the varied attendees was interesting and enriching.

In its inaugural year, the conference was a great success and will hopefully continue, perhaps showcasing different environmental issues each year.

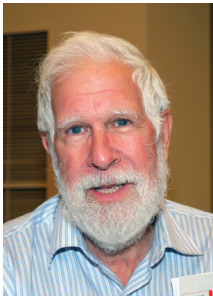
- Kristen Balcom, first year LL.B. student and member of the Environmental Law Students' Society.

Annual Environmental Law Lecture Cancelled

The 2011 Annual Environmental Law Lecture on **Ocean Acidification and Climate Change**, which was to be given on February 17 by **Dr. Wil Burns**, Editor in Chief of the Journal of International Wildlife Law & Policy, was cancelled due to illness.

PEOPLE & PROJECTS

Alan Ruffman, marine geologist



MELAW associate Alan Ruffman was in Wageningen, The Netherlands at the EURO International Society for Reef Studies 2010 Conference (December 13-17) talking about the Enigmatic Mounds on top of Orphan Knoll and the ahermatypic corals that inhabit the same. The talk, *"The Mounds of Orphan Knoll: known and not understood for forty*

years" is joint with Professor Dr. Jan E. van Hinte of the Vrije Universiteit of Amsterdam and was presented on December 14, 2010.

Alan also presented jointly with Professor Dr. Jan E. van Hinte a paper and extended abstract entitled: *"Orphan Knoll as a window that stands slightly ajar to view the subsurface geology of the western Irish continental shelf and Porcupine Bank"* at the Conjugate Margins II Central and North Atlantic Conference, September 28 - October 1, 2010 in Lisboa, Portugal. The latter talk was supported by the Halifax 2008 Legacy Bursary Fund and was held at the Fundação Calouste Gulbenkian Foundation. Alan also presented a seminar and an extended abstract at the Universidade de Lisboa, Instituto Superior de Engenharia de Lisboa on October 7, 2010 entitled: *"The Newfoundland Record of the November 18, 1929 'Grand Banks' Earthquake and Tsunami."*

New Partnership to Implement Provincial Coastal Strategy



The Marine & Environmental Law Institute, the East Coast Environmental Law Association (ECELAW) and Dalhousie's own Marine Affairs Program (MAP) have each been instrumental in the development of coastal strategy

for the province of Nova Scotia. Now, these three institutions are partnering to provide expertise for the implementation of provincial coastal strategy in 2011-2012.

Collaborative work will include both students and faculty and involve the redirection of existing activities, as well as new projects with resources provided by the province of Nova Scotia and administered by MELAW, ECELAW and MAP. Currently

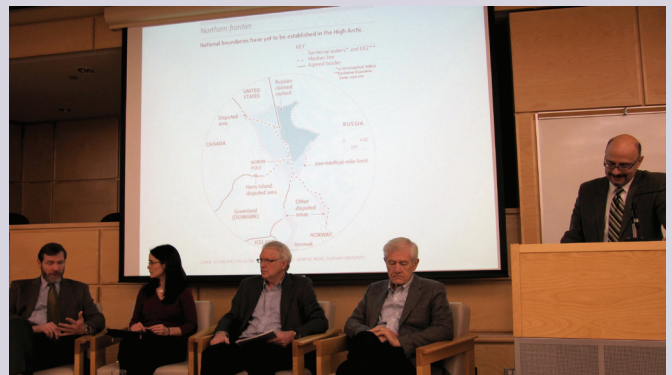
established topics of research are governance, coastal development, public access to the coast and the conservation of fragile coastal areas.

Upcoming activities proposed by the partnership include a spring One-Day Workshop on the mandates of Nova Scotia government departments regarding coastal management; a summer research paper series involving students and faculty on the tools, approaches and strategy available for law-making and coastal management in Nova Scotia; an LL.M. candidate thesis, funded by a SSHRC grant held by Professor Aldo Chircop, on public access to the coast; and this semester, student coursework and research on selected legislation for the protection of fragile coastal ecosystems. The Schulich School of Law will be providing support for law student research assistance.

MELAW Sponsorship of the John E. Read International Law Society

In January 2011 MELAW co-sponsored the **Ronald St. John Macdonald Symposium** entitled "Breaking the ice: Arctic Issues from an Interdisciplinary Perspective," organized by a team of students at the Schulich School of Law led by Katie Lo and Emily Lukaweski. The panellists included Dr. Robert Fournier (Department of Oceanography), Professor Debbie Martin (School of Health and Human Performance), Professor David VanderZwaag (MELAW) and Mark Sloan (Centre for Foreign Policy Studies). Dean Kim Brooks, Schulich School of Law, provided opening remarks. Professor Chircop moderated the event. The well-attended evening event had lively presentations and exchanges among panellists and from the floor.

This was not the first Arctic meeting convened by the John Read Society. In fact the first symposium convened by the Society in 1984 focused on "Canadian Arctic Sovereignty: Are Canadian and US Interests Contradictory?"



Left to right: Mark Sloan, Debbie Martin, David VanderZwaag, Robert Fournier, Aldo Chircop

MELAW Quarterly Newsletter accepts submissions throughout the year and can be reached at melnews@dal.ca.

MELAW and the Arctic



On October 21, 2010 **Professor Aldo Chircop** gave a public lecture on “China and the Arctic: The Emergence of China as a Polar Capable State” at the Centre for Foreign Policy Studies at Dalhousie. In December 2010 Professor Aldo Chircop attended the Chief of Naval Operations Global Shipping Game at the US Naval War College, Newport, RI. The simulation brought together 70 experts from government, industry and academia to consider future scenarios for shipping routes through the Panama Canal and the Arctic. Also in December, Professor Chircop gave a public lecture at the European Union Centre of Excellence at Dalhousie entitled “From Silk Route to Ice Route: Arctic Governance, International Shipping and the European Union.” On January 19 he gave a public lecture at the Maritime Museum of the Atlantic in Halifax on “China, the European Union and the Arctic” at a meeting of the Company of Master Mariners of Canada.

Professor Chircop recently became a member of a new working group of the Comité Maritime International (CMI) focusing on Arctic & Antarctic Issues. Established over a century ago, the CMI is a federation of national maritime law associations and over its life has drafted numerous conventions and other legal instruments. Its contemporary role is to continue to explore and anticipate the needs of shipping regulation and to advise the International Maritime Organization on matters considered by the Legal Committee. The working group is chaired by Nigel Frawley (Canadian Maritime Law Association) and with Professor Chircop includes Professor Don Rothwell (College of Law, Australian National University) and Doug Davis (Keesal, Young & Logan, Anchorage, AK).

Professor David VanderZwaag was a panelist at two Arctic symposia. He participated in the “Breaking the Ice: Interdisciplinary Arctic Symposium” convened by the John E. Read Society of International Law at the Schulich School of Law on January 21. On February 20, he addressed the topic, “How Might Energy Companies Operate in the Arctic Without Clear Maritime Borders” at the Future of the Arctic Symposium, John Hopkins University School for Advanced International Studies, Washington DC.

Professor VanderZwaag also gave a public lecture in the Health Law Institute’s annual lecture series at Schulich. On March 4, he addressed the topic “The Precautionary Approach and the International Control of Toxic Chemicals: Beacon of Hope, Sea of Confusion and Dilution.”

2011 Agreement between MELAW and Seaforth Engineering

The Marine & Environmental Law Institute signed an agreement in March with longtime associate Seaforth Engineering Ltd. to establish a cooperative relationship in order to further collaborative activities between the two institutions. The agreement will enable MELAW and Seaforth to expand their Law of the Sea technical services and international capacity building, both as separate entities and collaboratively. An advisory group will meet yearly and prepare a formal report of accomplishments by both organizations.

PUBLICATIONS

New Maritime Law Primer Published



The Maritime Labour Convention, 2006: A Legal Primer to an Emerging International Regime

Co-authored by **Marine & Environmental Law Institute professor Moira L. McConnell**, with fellow authors Dominick Devlin and Cleopatra Doumbia-Henry, the book is being published by Martinus-Nijhoff and is due out in May.

From the publisher’s website: The Maritime Labour Convention, 2006 (MLC, 2006), adopted by the International Labour Organization (ILO) in 2006, is the fourth pillar of the international maritime regulatory regime. It both fills a gap in the 1982 United Nations Convention on the Law of the Sea and complements the International Maritime Organization’s (IMO) core conventions on ship safety, & security, training and pollution prevention. Co-authored by international law practitioners and scholars with combined expertise in international law of the sea, maritime law, international labour law, the volume discusses the MLC, 2006 within the contexts of labour and maritime law.

OCEAN YEARBOOK 25 FORTHCOMING



Ocean Yearbook was founded by the late Elisabeth Mann Borgese and is currently edited by Aldo Chircop, Moira L. McConnell, and Scott Coffen-Smout. The editorial offices of Ocean Yearbook are in the Marine & Environmental Law Institute, Schulich School of Law. **Ocean Yearbook Volume 25** will be available for order this spring. The Yearbook continues to be published in association with the International Ocean Institute.