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CHAIRE DE RECHERCHE DU CANADA EN
DROIT DES BIENS TRANSYSYSTEMIQUE ET
COMMUNAUTÉS DURABLES

LA NATURE DANS LA VILLE : DROITS DE LA NATURE ET AU-DELÀ

NATURE IN THE CITY : RIGHTS OF NATURE AND BEYOND

Programme | Program

17 février 2023, 9h00-17h00 | February 17, 2023, 9:00-17:00

Faculté de droit de l'Université McGill | McGill University, Faculty of Law

NCDH 312-316, 3644 Peel, Montréal, QC, H3A 1W9, CA

Inscription | Registration : shorturl.at/fgopt

Descriptif de l'événement

La *Chaire de recherche du Canada en droit des biens transsystémique et communautés durables*, en partenariat avec la *Revue de droit du développement durable de McGill*, lance un appel à projet dans le cadre d'un colloque international qui aura lieu le 17 février 2023 et qui aboutira à une publication dans une édition spéciale de cette revue.

L'expérience de l'urbanité est généralement mise en opposition avec la Nature conçue comme extérieure et étrangère à la ville. Oubliée derrière les routes d'asphalte et les immeubles de béton, la Nature et ses constituants traversent pourtant les villes, les façonnent et nous rappelle sa présence: parcs, animaux, air, végétation, arbres, cours d'eau, sols, cours privées, potagers collectifs, etc. La place de la Nature dans les villes suscite intérêt depuis le début du XXI^e avec l'arrivée de la crise environnementale, la montée des inégalités sociales et la dynamique de marchandisation engendrée par le néolibéralisme. Les environnements naturels dans les villes sont limités et leur prospérité menacée, bien qu'ils constituent le seul accès à la Nature pour de nombreux citoyens. Ces mutations du monde contemporain incitent à une relecture du rapport à la Nature en milieu urbain et les traditions autochtones doivent être impliquées dans la réflexion en regard du lien privilégié qu'elles entretiennent avec le territoire.

Parallèlement, le courant du développement durable s'immisce dans les villes pour réfléchir à une meilleure protection de la Nature face à la pollution, l'expansion urbaine, la perte d'habitat, les changements climatiques, les espèces envahissantes, etc. L'intérêt du droit de l'environnement pour l'urbanisme est grandissant et connaît un essor particulier dans les pratiques citoyennes du *commoning*. Plusieurs mouvements mobilisent la notion des communs urbains pour défendre les droits sociaux et construire des modèles alternatifs de gouvernance démocratique incluant l'ensemble des intérêts concernés, dont ceux des générations futures et celui de la Nature en soi. Également, l'on remarque des revendications en faveur des droits de la nature, conduisant à la reconnaissance de droits à la nature et à ses éléments.

Ce projet invite les juristes et les non-juristes de tous les horizons à réfléchir aux manifestations et aux modes d'intégration de la nature dans la ville. Quelle est sa présence et son rôle ? Quelle place lui est donnée ? Qu'est-ce que cela signifie sur notre conception ontologique de la Nature ? Est-ce qu'il faut repenser les objectifs courants de l'intégration de la nature en ville ou comment elle s'accomplit ? Est-ce que la présence de la nature en ville transforme notre perception de la nature et son utilité ? Comment une conceptualisation écocentrique peut-elle être appliquée sur le plan procédural et comment protéger la nature dans les zones urbaines ? À travers un cadre transsystémique, qui incorpore les systèmes de connaissances autochtones et les perspectives internationales, le projet interroge les fondements du rapport anthropocentrique entre l'humanité et la Nature, dans son expression particulière en milieu urbain, et cherche à mettre en lumière différents modèles alternatifs qui pourraient promouvoir un équilibre durable. Il cherche ainsi des conceptualisations du monde naturel dans la ville et examine les forces et faiblesses de leurs modalités.

De ces points de départ théoriques, le projet examine également leur intégration pratique dans les systèmes juridiques actuels. Il étudie leur application en droit privé et public, du niveau municipal au niveau international. De quelle manière les communs urbains naturels sont-ils saisis par le droit ? Quelle est la place de la nature dans l'habitat urbain ? Comment la nature est-elle domestiquée dans la ville ? S'agissant d'un projet transsystémique, les contributeurs sont invités à adopter une approche comparative (droit civil, common law, traditions autochtones). Les approches interdisciplinaires sont également favorisées (théorie du droit, droit et science de l'environnement, histoire, urbanisme, droit et littérature, etc.).

Principaux axes de recherches

Le projet est destiné à discuter des questions suivantes, mais n'est pas limité par celles-ci :

1 - Théorisation de la nature en contexte urbain : analyse du cadre théorique et conceptuel sous-jacent des traditions juridiques face à la nature urbaine. Comment conçoit-on la nature et sa relation avec l'humanité ? Sa présence dans les villes est-elle seulement utilitaire ? Quel est (ou devrait être) le rôle de l'humain en ville et face aux autres entités l'habitant ? Quelle est la place du droit dans la configuration de la place de la Nature dans les villes ?

2 - Droits subjectifs et nature : étude du mouvement de la reconnaissance de droits subjectifs à la nature et ses éléments. Quelles sont les conséquences juridiques de la subjectivation de la Nature et de ses éléments en contexte urbain ? Comment ces arrangements bouleversent-ils les fondements du droit privé ?

3 - Communs urbains naturels : étude de l'établissement de biens communs naturels urbains et de leurs modalités de gestion, d'instaurations et leurs répercussions pour le droit.

4 - Domestication de la nature dans la ville : étude des modalités de la domestication de la nature et de ses éléments en contexte urbain. On peut penser à la présence des parcs, des zoos, ou des jardins notamment.

5 - Nature et habitat : cohabitats, quartiers aménagés autour de parcs, des ruelles vertes, jardins et potagers sur les toits, etc.

Il est possible de traiter un seul de ces axes ou plusieurs axes dans la même proposition.

Comité scientifique :

Yaëll Emerich (Université McGill (Université McGill – Faculté de droit)

Jayne Engle (Université McGill – École d'urbanisme)

Jaye Ellis (Université McGill – Faculté de droit)

Kathy Bellefleur (Université Laval – Faculté de droit)

Project Description

The Canada Research Chair in Transsystemic Property and Sustainable Communities, in partnership with the McGill Journal of Sustainable Development Law, is calling for papers for an international colloquium to be held on February 17 2023, which will lead to a publication in a special edition of the journal.

The experience of urbanity is generally contrasted with Nature, which is conceived as external and foreign to the city. Forgotten behind asphalt roads and concrete buildings, Nature and its constituent parts' cross cities, shape them and constitute their foundations: parks, animals, air, vegetation, trees, waterways, soils, private yards and collective vegetable gardens are all fundamental aspects of the city. The place of nature in cities has been a subject of interest since the beginning of the 21st century with the arrival of the environmental crisis, the rise of social inequalities and the dynamics of commodification generated by neoliberalism. Yet, natural environments in cities are constrained and their prosperity threatened, even though they are the only way for many disadvantaged citizens to access Nature. These mutations of the contemporary world encourage a re-reading of the relationship to Nature in the urban environment and Indigenous traditions must be involved in the reflection with regard to the privileged link they maintain with the territory.

At the same time, the sustainability movement is moving into cities and asking us to consider how to better protect nature from pollution, urban sprawl, habitat loss, climate change, invasive species, etc. Environmental law's interest in urban planning is growing and this is particularly apparent in the citizen practices of commoning. Several movements are mobilizing the notion of the urban commons to defend social rights and build alternative models of democratic governance that include all the interests concerned, including those of future generations and of Nature itself. Within this, there have also been claims made for the rights of nature, leading to the recognition of rights for nature and its constituent parts.

This project invites jurists and non-jurists to reflect on the manifestations and the modes of integration of nature in the city. What is its presence and role? What place is given to it? What does this mean for how we ontologically conceive of nature? Do we need to rethink the current objectives of integrating nature in the city or how it is accomplished? Does the presence of nature in the city transform our perception of nature and its utility? How can an ecocentric conceptualization be applied procedurally and how can Nature be protected in urban areas? Through a transsystemic framework, which incorporates Indigenous knowledge and legal systems as well as international perspectives, this project interrogates the foundations of the anthropocentric relationship between humanity and Nature through its expression in the urban environment, and seeks to highlight different alternative models that could promote a more sustainable balance. It thus seeks proposals that will examine conceptualizations of the natural world in the city and examines the strengths and consider the relative weaknesses of their modalities

From these theoretical starting points, the project also examines how these alternative models can practically be integrated into current legal systems. It examines their application in private and public law, from the municipal to the international level. These leads to a variety of questions like how are the natural urban commons captured by the law? What is the place of nature in the urban habitat? How is nature domesticated in the city? As this is a transsystemic project, contributors are invited to adopt a comparative approach (civil law, common law, Indigenous legal traditions). Likewise, interdisciplinary approaches are also encouraged (legal theory, environmental law and science, history, urban planning and policy, law, and literature, etc.).

Main Research Areas

The project is intended to engage with the following questions, but is not limited to them:

1 - Theorizing nature in an urban context: analysis of the underlying theoretical and conceptual framework of legal traditions in the face of (urban) nature. How is nature and its relationship to humanity conceived? Is its presence in cities merely utilitarian? What is (or should be) the role of the human being in the city and in relation to the other entities inhabiting city spaces? What is law's role in the configuration of the place of Nature's "place" in cities?

2 - Subjective rights and nature: study of the shift towards recognizing the subjective rights to Nature and its constituent parts. What are the legal consequences of allocating nature and other natural entities a subjectivity of their own in the urban context? How do these arrangements disrupt the foundations of private law?

3 - Urban natural commons: study of the establishment of urban natural commons and the ways in which they are managed and established as well as and their implications for law.

4 - Domestication of nature in the city: study of the modalities of domestication of nature and its elements in an urban context. For example, we can think of the presence of parcs, zoos or gardens etc.

5 - Nature and habitat: analysis of deliberate collective interventions. Here we could consider, for instance, cohousing, neighborhoods built around parks, green alleys, rooftop gardens and vegetable gardens.

It is possible to touch on one or many of these areas within the same proposal.

Scientific Committee:

Yaëll Emerich (McGill University – Faculty of Law)

Jayne Engle (McGill University – School of Urban Planning)

Jaye Ellis (McGill University – Faculty of Law)

Kathy Bellefleur (Laval University – Faculty of Law)

Programme

09h00 - 09h15

Propos introductifs

Yaëll Emerich - Titulaire de la Chaire

Jasen Erbeznik - Rédacteur en chef, Revue de droit du développement durable de McGill

Jayne Engle - Adjunct Professor, McGill School of Urban Planning

09h15 - 10h30

1er chapitre :

Nature dans la ville, changements climatiques et biodiversité
Nature in the City: Climate Change and Biodiversity

Jaye Ellis (Univ. McGill) – Présidence

Panélistes :

Andrew Gonzales (Univ. McGill) – The restoration of ecological connectivity in the city

Linda Shi (Cornell Univ.) – The Difficult Character of Property for Climate Adaptation

Sébastien Jodoin (Univ. McGill) – L'accessibilité de la transition verte : la lutte aux changements climatiques et le droit à la ville des personnes handicapées à Montréal

Programme

10h30 - 10h45

Pause

10h45 - 12h30

2e chapitre :

Nature dans la ville, droits de la nature et communs
Nature in the City, the Rights of Nature and Commons

Daniel Weinstock (Univ. McGill) – Présidence

Panélistes :

Peter Burdon (Univ. of Adelaide) – Rights of nature: A Critical Appraisal

Yaëll Emerich (Univ. McGill) – Les droits de la Nature en question : pour un dialogue entre les traditions

Sara Ross (Dalhousie Univ.) – The Mysterious Case of the Attacks Against the Halifax Public Gardens: The Enclosure of “Common” Property, Public Access to Nature, and Sustainability in the City

12h30 - 14h30

Dîner

Programme

14h30 - 16h00

3e chapitre :

Nature dans la ville, gouvernance et réconciliation
Nature in the City: Governance and Reconciliation

Kathy Bellefleur (Univ. Laval) – Présidence

Panélistes :

Heather Dorries (Univ. of Toronto) – Regulating Reconciliation:
Sacred Fires, Homeless Encampments, and Planning Toronto Parks

Kerry Sloan (Univ. McGill) – Nature & Metis Governance in the City

Catherine Choquette (Univ. de Sherbrooke) – La gouvernance
normative et la protection de la Nature dans les villes

16h00 - 16h15

Propos conclusifs

Yaëll Emerich - Titulaire de la Chaire

Jayne Engle - Adjunct Professor, McGill School of Urban Planning

Robert Leckey - Dean of the McGill University Faculty of Law

The restoration of ecological connectivity in the city

This talk will present how we have applied our research on ecological connectivity to the design of spatial ecological networks for biodiversity and ecosystem services in urban environments. This talk will also show how we have scaled this up to include multiple cities across the region of the Saint Lawrence Lowlands. This work has involved a decade of partnerships with governments, NGOs, and municipalities, and the creation of a spin-off company Habitat to accelerate the application of these tools to protect and restore ecological connectivity in cities.

Biography

Dr. Andrew Gonzalez is Professor and Liber Ero Chair in Biodiversity in the Department of Biology, McGill University. He obtained his PhD in ecology from Imperial College, London. He then spent four years as an assistant professor at the University of Paris VI, before moving to McGill University in 2003 where he now holds the Liber Ero Chair in Conservation Biology. He is the founding director of the Quebec Centre for Biodiversity Science and co-Chair of the Group on Earth Observations Biodiversity Observation Network (GEO BON). He is a fellow of the Royal Society of Canada. Major research interests include: the impacts of human-caused global change on biodiversity and ecosystems; rapid evolution; theories explaining the maintenance and loss of biodiversity; and the application of network science to the design of connected landscapes.

The Difficult Character of Property for Climate Adaptation

Climate change is rapidly transforming the landscapes of human settlements, challenging static institutions for governing land and property. These impacts raise questions about how to organize land use regulations and property rights regimes to efficiently, effectively, equitably, and legitimately anticipate or respond to environmental impacts (Adger et al. 2005). In spite of these threats, adaptation efforts to date have largely neglected the importance of property rights, with most leaders, planners, and advocates stubbornly assuming that property rights are an immutable condition. In this talk, we respond to this gap in planning research and practice by reflecting on three difficulties that existing dominant property rights regimes pose for climate adaptation: difficulties coping with changing landscape and climate conditions, difficulties enabling collective action, and difficulties promoting justice and repair. While we focus particular attention on the ways that these difficulties manifest in the context of the United States, they are broadly shared in many places around the world in which 'Western' property regimes have proliferated. After illustrating these difficulties, we put forward a roadmap for planning research exploring how alternative plural property rights regimes affect adaptation to rapid changes in climate and landscape conditions.

Biography

Linda Shi is Assistant Professor at Cornell University's Department of City and Regional Planning. Her research concerns how cities can adapt to climate change in ways that improve environmental sustainability and social justice. She studies how urban land governance shapes cities' vulnerability to climate impacts and the equity of their adaptation responses. She comes at these issues having worked on watershed restoration, water and sanitation, and development planning all over the world for AECOM, the World Bank, the Institute for International Urban Development, and Rocky Mountain Institute. She has a PhD in urban and regional planning from MIT.

L'accessibilité de la transition verte : la lutte aux changements climatiques et le droit à la ville des personnes handicapées à Montréal

Les villes sont actuellement confrontées à deux défis de transformation à grande échelle : la décarbonisation rapide de leurs économies et de leurs infrastructures, d'une part, et l'amélioration de leur accessibilité aux personnes handicapées et à une population âgée croissante, d'autre part. Au-delà de la reconnaissance générale du fait que la lutte aux changements climatiques a le potentiel de démanteler ou de renforcer les inégalités sociales pour les personnes handicapées, on sait peu de choses sur les implications concrètes de la transition verte pour les personnes handicapées habitant dans les villes. Notre présentation s'appuie sur une perspective axée sur les droits des personnes handicapées et la notion du droit à la ville pour conceptualiser la manière dont les transitions vertes en milieu urbain affectent divers membres de la communauté des personnes handicapées. Grâce à une combinaison d'analyses juridiques et d'entretiens semi-structurés avec différentes personnes handicapées, nous proposons une étude de cas sur la relation entre les initiatives de lutte aux changements climatiques et les droits des personnes handicapées à Montréal. Nos résultats mettent en lumière les façons inéquitables dont les initiatives de décarbonisation reconfigurent le transport, l'urbanisme et les espaces verts au détriment des personnes handicapées. Nous identifions également les bonnes pratiques et les multiples avantages d'une action climatique incluant les personnes handicapées dans un contexte urbain.

Note biographique

Dr. Sébastien Jodoin est un Professeur agrégé à la Faculté de droit de l'Université McGill et le titulaire de la Chaire de recherche du Canada (niveau 2) sur les droits humains, la santé et l'environnement. Il est le directeur fondateur du Programme de recherche sur l'action climatique inclusive du handicap, une initiative pionnière visant à générer, coproduire et partager des connaissances aux intersections du droit du handicap et de la justice climatique. Les travaux du Prof. Jodoin ont été cités par le Groupe d'experts intergouvernemental sur l'évolution du climat et le Haut-Commissariat des Nations-Unies aux droits de l'homme et ont été couverts par des médias autour du monde, dont la BBC, CBC et The Guardian.

Rights of nature: A Critical Appraisal

This talk critically examines rights of nature and their application to the urban environment. Critique has a unique role to play in times of crisis because it can open ways of thinking that have been disguised by a certain curation of facts. For me, critique is a systematic analysis of a theoretical formulation or a political problem that tries to bring to light premises and presuppositions that might not be readily available on the surface. I am interested in understanding why rights of nature has arisen at this political moment and why “rights” have become the dominant language for expressing justice claims. Connected to this are subsidiary questions – do rights organize political space with the aim to dominant discourse and what other demands get displaced by focusing on rights? Ultimately, I regard rights of nature as having great potential to expand the radical imagination in the urban environment. However, they are also contingent and limited by their foundation in liberal individualism. Rather than challenging industrial capitalism, rights of nature may also fail to challenge the powers that course through civil society and maintain the current dynamics in private law. Rather than focusing on rights, I suggest that we might look at alternative modes of expression such as the priority of obligations and demands by political actors in cities.

Biography

Peter Burdon (he/him/his) is Deputy Dean (Learning and Teaching) for the Faculty of Arts, Business, Law and Economics. Peter's research uses interdisciplinary materials from sociology, political science, economics, philosophy, history and environmental studies. Peter is an expert in environmental theory and has written and edited books on Earth Jurisprudence and Earth Democracy. In 2021 his monograph - Earth Jurisprudence: Private Property and the Environment - was translated into Mandarin and is distributed by Routledge and the Commercial Press. In 2017 Peter published a book on Hannah Arendt and the trial of Nazi war criminal Adolf Eichmann. He is currently completing a research handbook and a monograph on the Anthropocene.

Les droits de la Nature en question : pour un dialogue entre les traditions

Cette présentation a pour objectif d'interroger le mouvement de personnalisation et de subjectivisation de la Nature d'un point de vue civiliste et de le situer dans le cadre d'un dialogue entre les traditions juridiques. Au-delà de la puissance symbolique de la proposition de reconnaître la Nature comme personne et de lui accorder des droits subjectifs, il convient de s'interroger sur les conséquences d'une telle reconnaissance. Il est soutenu que si le fait de reconnaître des droits subjectifs à la Nature peut représenter une certaine avancée pour la protection de la Nature, il se pourrait qu'une telle reconnaissance aille en partie à l'encontre de l'objectif initial de la proposition, en soumettant la Nature à un cadre anthropocentrique et subjectiviste. La solution alternative de l'intérêt juridiquement protégé mérite d'être envisagée, un administrateur du bien d'autrui pouvant le cas échéant être chargé de la mise en œuvre et de la protection de cet intérêt détaché de l'intérêt personnel humain. Au-delà, la force des conceptions autochtones en la matière pourrait aider à la mise en place d'un cadre théorique renouvelé. Le prisme de la Nature dans la ville devrait permettre d'éprouver cette possibilité.

Note biographique

Yaëll Emerich est professeure à la Faculté de droit de l'Université McGill et titulaire de la Chaire de recherche du Canada en droit des biens transsystémique et communautés durables. Plusieurs de ses travaux portent sur la propriété, la possession et la fiducie, ainsi que sur l'adaptation du droit des biens aux enjeux environnementaux et sociaux. Ancienne directrice du Centre Paul-André Crépeau de droit privé et comparé, elle est membre titulaire de l'Académie internationale de droit comparé. Elle est l'auteure de la monographie *Droit commun des biens : perspective transsystémique* et a co-dirigé plusieurs ouvrages collectifs, incluant *Le public en droit privé* et *Accès à la terre et enjeux sociaux/Access to Land and Social Issues*.

The Mysterious Case of the Attacks Against the Halifax Public Gardens: The Enclosure of “Common” Property, Public Access to Nature, and Sustainability in the City

This presentation and paper will focus on the recent vandalism and attacks against the Halifax Public Gardens that resulted in both the death of several heritage trees and the suspected arson of a heritage building. Enclosing public, common, urban resources and excluding urban denizens from such spaces—whether this is full exclusion or the control of access and use within these spaces through, for example, use and access limitations during certain portions of the day and/or night—can damage the sense of place, connection, belonging, and equitable access to a city. Where property can be understood as a system of relationships (including relationships of belonging and exclusion), the hierarchical experience of property, ownership, access, and belonging within a city can be perpetuated by the enclosure of shared public resources, purportedly common space, such as the Halifax Common where the Public Gardens are located, and the natural assets in a city. This hierarchy can contribute to a sense of powerlessness through an (at least perceived) imbalance in accounting for divergent spatiotemporal and property interests in a city. The reason for the destruction in the Gardens is not yet known; however, the acts raise multiple questions about the role of public spatial regulation and the enclosure of urban common spaces.

Biography

Dr. Sara Ross is an assistant professor at the Schulich School of Law of Dalhousie University. She was recently named one of the “25 Most Influential Lawyers in Canada” by Canadian Lawyer magazine, is the co-Editor-in-Chief of the Canadian Legal Education Annual Review, and her most recent book is entitled *Law and Intangible Cultural Heritage in the City*. Her research generally focuses on the intersection of law, culture, and the city, and she teaches Property Law, Private International Law, and Critical Perspectives on Law. She is currently a Vice President of the Canadian Law and Society Association and the Treasurer of the Canadian Association of Law Teachers.

Regulating Reconciliation: Sacred Fires, Homeless Encampments, and Planning Toronto Parks

According to mainstream urban planning theory, urban parks serve many important functions: they play an important role in enhancing urban ecosystems and provide social and psychological benefits to urban dwellers. Critical geographers show how urban parks are also highly regulated spaces, subject to variety of urban norms and legal technologies that criminalize specific park users and uses. This talk will focus on the conflicting and contradictory nature of approaches to park management in the City of Toronto. In October 2022, the City of Toronto announced that it would open three designated sites in Toronto parks for Indigenous peoples to hold sacred fire ceremonies. The permitting of sacred fires is one of the commitments made in the City of Toronto Reconciliation Action Plan launched in 2021. In the context of an approach to park planning that has long ignored Indigenous histories and land uses, this announcement was welcomed by some as one step towards making park spaces more accessible to Indigenous peoples. However, there was also some irony in this announcement which was made on the heels of a large-scale police operation designed to rid Toronto parks of homeless encampments. Citing unsafe conditions, the City spent almost \$2 million to clear the parks, relying on park by-laws that prohibit camping and charging those living in parks with trespass. These encampments include a large number of Indigenous peoples; 35% of Indigenous adults in Toronto are experiencing homelessness and make up about 15% of the unhoused population.

In this talk, I will examine how policies relating to park planning and management in Toronto mobilize understandings of nature that enable the park to serve both as a space of reconciliation, while also reflecting an extractive and managerial approach to park spaces based on an understanding that views urban nature as a form of property. In addition, I will assess the impact of park planning policies on Indigenous peoples and the City of Toronto's commitment to advancing reconciliation. Finally, I will consider Indigenous legal orders can help to re-frame understandings of human-environmental relations that emphasize relationality rather than exclusion. Drawing on the work of Anishinaabe scholars, I will argue that Indigenous legal orders provide a powerful alternative to the legal orders upon which both park planning practices and approaches to reconciliation in Toronto currently rely.

Biography

Heather Dorries is of Anishinaabe and settler ancestry and a member of Sagkeeng First Nation in Treaty 1. She is an Assistant Professor jointly appointed to the Department of Geography and Planning and Centre for Indigenous Studies at the University of Toronto. Her research focuses on the relationship between urban planning and settler colonialism and examines how Indigenous intellectual traditions—including Indigenous environmental knowledge, legal orders, and cultural production—can serve as the foundation for justice-oriented approaches to planning. She is currently revising her book manuscript *Planning the End of the World: Indigenist Planning Theory and the Art of Refusal*, which demonstrates how Indigenous knowledge systems can inform resurgent forms of planning and urbanism. She is a co-editor of the collection *Settler City Limits: Indigenous Resurgence and Settler Colonial Violence in the Urban Prairie West* (University of Manitoba Press, 2019).

Nature and Metis Governance in the City

Metis people have been living in Esquimalt, Songhees and WSÁNÉC territories (Victoria, BC) for roughly 180 years, but the modern Metis community of Victoria is comprised of “Metis migrants” from many parts of North America, as well as those whose families have been settled in the area for generations. Despite living in an urban environment, Metis in Greater Victoria often locally harvest plants and mushrooms for food and medicine, and hunt and fish in the area – and beyond. As relatively recent migrants to Coast Salish territories, Metis people do not claim Aboriginal title to these lands, but one political group representing Metis in BC, MNBC, already regulates harvesting by its members throughout the province, and has recently proclaimed self-government. My talk will explore these harvesting and governance practices and their impacts in three spheres of law: 1) diplomatic and knowledge-sharing relationships with local First Nations; 2) s 35 Aboriginal rights; and 3) the right to consultation and accommodation.

Biography

Professor Sloan is a citizen and a former board (governing council) member of the Metis Nation of Greater Victoria. She is also affiliated with Metis communities in the southern British Columbia interior, particularly in Secwepemc and Syilx territories. Before embarking on her academic career, she practised Aboriginal law and general litigation in Alberta and British Columbia. Professor Sloan is currently researching Metis property interests in “long lots” (rangs); modern Metis legal institutions; Metis spirituality in law and diplomacy; and expressions of law through Metis music/dance traditions.

**La gouvernance normative et
la protection de la Nature dans les villes**

La protection de la Nature dans les villes peut se concevoir fort différemment selon qu'on se trouve en zone urbaine ou périurbaine. En zone urbaine, le rapport à la Nature répond souvent à des impératifs anthropocentriques (réduction de la pollution, adaptation aux changements climatiques, etc.) alors qu'en zone périurbaine la réduction de notre empreinte écologique peut favoriser la conservation de milieux naturels. Par ailleurs, contrairement aux mécanismes de consultation, de participation et de collaboration qui permettent aux participants d'influencer une décision mais dont le contrôle leur échappe, le modèle de gouvernance normative mise plutôt sur un partenariat social, impliquant la communauté locale, les décideurs publics et privés et les experts, pour mettre en place une solution globale et opérationnelle composée d'une diversité de normes et d'actions. L'implantation d'une gouvernance normative en milieu urbain et périurbain peut-elle favoriser une relation plus saine et harmonieuse avec la Nature?

Note biographique

Me Catherine Choquette (M.Sc. McGill, J.S.D. Chicago) est professeure titulaire à la Faculté de droit de l'Université de Sherbrooke. Biologiste, avocate et médiatrice de formation, elle enseigne le droit de l'environnement aux niveaux national et international. Elle est directrice du groupe de recherche sur les Stratégies et les Acteurs de la Gouvernance Environnementale (SAGE) depuis 2009 et co-directrice du Centre de recherche sur la Régulation et le Droit de la Gouvernance (CrRDG) depuis 2016. Ses projets de recherche touchent plus particulièrement à la gouvernance participative, à la médiation et à l'adaptation aux changements climatiques.