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## CO-EDITORS' NOTE

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We are delighted to present the inaugural volume of the *Lakehead Law Journal*! Our goal is to produce a topical, innovative, and practical publication. The objectives of the *Lakehead Law Journal* correspond to those of the Bora Laskin Faculty of Law at Lakehead University. These objectives include:

1. publishing analysis and critical commentary on legal issues facing Indigenous nations;
2. promoting discussion and debate amongst students, practitioners, and academics on rural, northern, and small firm legal practice; and,
3. disseminating legal research that is grounded in our region by focusing on natural resource and environmental law.

The four articles that constitute our first volume fulfill these objectives well.

In “Statutory Limitation of Aboriginal or Treaty Rights: What Counts as Justification?”, Peter Hogg and Daniel Styler provide invaluable guidance on the justification test at the fourth step of the *Sparrow* analysis for assessing Aboriginal rights pursuant to section 35(1) of the *Constitution Act, 1982*. If met, the justification test allows the Crown to infringe constitutionally protected Aboriginal rights. As Hogg and Styler observe, the Supreme Court of Canada has not yet released a decision applying each step of the justification test and concluding that the infringement is justified. Given this dearth of direction from our highest Court, Hogg and Styler collect the Court’s *dicta* on the topic and produce an insightful analysis demonstrating what an application of the justification test could look like in practice.

Hadley Friedland and Val Napoleon provide a comprehensive account of their methodology for identifying, articulating, and revitalizing Indigenous laws in “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions”. They applied this methodology in their Accessing Justice and Reconciliation Project, which examined the ways in which seven Indigenous societies across Canada employ their own laws to manage harms and conflict. Their account includes a detailed description of their use of the common law case brief model to draw out legal principles from Indigenous stories. Friedland and Napoleon also advance the dialogue on this topic by addressing concerns, expressed by other scholars, about their methodology. This article will serve as a vital resource to researchers engaged in rebuilding Indigenous legal traditions, and to instructors who want to give students the capacity to treat Indigenous law as law.

In our final peer-reviewed article, Daniel Dylan provides an interesting and insightful overview on issues relating to the duty to consult. In his paper, “The Duty to Consult on Wildlife Matters in Overlapping Northern Land Claims Agreements,” Dylan examines what he describes as a “separate and unique duty to consult” imposed on beneficiaries of overlapping land settlement areas particularly in relation to the shared wildlife. Dylan uses the Foxe Basin and its harvest quotas to contextualize his argument. This article thoroughly canvasses the relevant land claim agreements and seeks to identify the content of this separate and unique duty.

The final article in this volume, “The Past, Present and Future of Canadian Environmental Law: A Critical Dialogue” is an innovative interview piece. The *Lakehead Law Journal*

interview pieces consist of an in-depth dialogue with leading Canadian legal scholars and practitioners on their area of expertise. In this inaugural piece, Jason MacLean discusses salient aspects of environmental law with Meinhard Doelle and Chris Tollefson. This interview explores a wide range of interesting topics and provides a thoughtful and creative approach to examining the future of Canadian environmental law.

We are grateful to these authors for their excellent submissions and we are confident that these articles will add to the rich dialogue on these issues.

We are deeply indebted to our student editors, external reviewers, and authors, whose dedicated efforts over the past year were essential to the creation of this journal. We would also like to thank the members of our Editorial Board for their willingness to support and assist the *Lakehead Law Journal*. Finally, we wish to acknowledge the tremendous contributions of our first student Managing Editor, Larissa Speak. Ms. Speak guided the formation of the *Lakehead Law Journal* with diligence and care; we were very fortunate to have the benefit of her expertise.

We look forward to the growth of the *Lakehead Law Journal* as we continue to fulfill our mandate by publishing top quality scholarship that has value for practising lawyers, judges, and legal academics with an interest in the development of the law.

Yours truly,

Dr. Mariette Brennan and Prof. Karen Drake

Co-Editors in Chief

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