December 31, 2024

ABlawg Year in Review 2024

By: Admin

As is tradition, ABlawg closes 2024 with a summary of highlights over the past 12 months, including some statistics, examples of ABlawg impact, and a synthesis of topics covered by authors. We also include a tribute to Linda McKay-Panos, our long-time colleague, contributor, and friend who passed away on November 3, 2024.

The Numbers

ABlawg published a total of 85 posts in 2024. Our site received a total of 150,382 visits from 62,509 visitors this year.

Our two most viewed posts this year were open letters signed by faculty members and staff at the University of Calgary and University of Alberta Faculties of Law, signaling the tumultuous year that was in politics and protests (see "An Open Letter Regarding the Response to Recent Protests at the Universities of Alberta and Calgary" (2,526 views) and "An Open Letter to Premier Danielle Smith Re: "Preserving choice for children and youth" Announcement" (1,997 views)). As for more traditional posts commenting on law and policy developments, the most viewed was Nigel Bankes' post reviewing the Grassy Mountain litigation, following up a February 2024 post, "Taking Stock of the Grassy Mountain Litigation, Part 2, August 2024" (1,258 views). Drew Yewchuk's post "Administrative Penalties at the Alberta Energy Regulator: Regulatory Penalties for the Kearl Oilsands Leak" (1,229 views) described the discretionary and questionable penalties issued by the AER in response to spills and tailings seepage from Imperial Oil's Kearl oil sands mine. Rounding out the top five was a joint post from Nigel Bankes and Robert Hamilton, "What Did the Court Mean When it Said that UNDRIP "has been incorporated into the country's positive law"? Appellate Guidance or Rhetorical Flourish?" (1,163 views).

Nigel Bankes continued his reign as ABlawg's most active contributor with 23 posts this year, but Nigel had close competition this year from Drew Yewchuk who contributed 19 posts. Other authors in the top 5 contributions were Shaun Fluker with 14 posts, Jennifer Koshan with 12 posts, and Martin Olszynski with 10 posts. Thank you to all our authors for their contributions this year!

ABlawg Impact

ABlawg continues to be cited by Canadian courts and adjudicative tribunals. Congratulations to Jennifer Koshan and Jonnette Watson Hamilton for being cited by the Supreme Court of Canada with their post "Tugging at the Strands: Adverse Effects Discrimination and the Supreme Court Decision in *Fraser*" in *Dickson v Vuntut Gwitchin First Nation*, 2024 SCC 10 (CanLII). This post and their "The Supreme Court's Latest Equality Rights Decision: An Emphasis on Arbitrariness"

post were also cited by the BC Workers Compensation Appeal Tribunal in *A2101923 (Re)*, 2024 CanLII 10423 (BC WCAT).

Several courts cited Jennifer Koshan's ABlawg posts on gender-based violence and the law. Jennifer's post "The Myth of False Allegations of Intimate Partner Violence" was cited by the courts in *KMN v SZM*, 2024 BCCA 70 (CanLII) and *Hoes v Hoes*, 2024 MBKB 100 (CanLII); her post "Questions About the Role of Reasonableness and Mutual Restraining Orders in Family Violence Cases" was cited by the Alberta Court of King's Bench in *BM v WS*, 2024 ABKB 158 (CanLII).

The reach of ABlawg in scholarship and teaching materials continues to grow. This year we counted 36 ABlawg posts referenced in a range of publications both in Canada and elsewhere, including 27 journal articles, 8 books, 5 master's theses, blogs, and the media. A full review of these references is beyond our scope here, but for those interested in the list we tracked see here.

Several ABlawg posts, or portions thereof, were also republished elsewhere. The Negotiator, the journal of the Canadian Association of Land and Energy Professionals, published an ABlawg post on a recent case dealing with modern Indigenous treaties and shared territories (see here). The Energy Regulation Quarterly (ERQ) published a post on the Supreme Court of Canada's important *Restoule* decision – an historic treaty case (see here). The ERQ also published a co-authored ABlawg piece on the Federal Court of Appeal's *La Rose* decision (climate change and human rights, by Nigel Bankes, Jennifer Koshan, Jonnette Watson Hamilton, and Martin Olszynski).

Tribute to Linda McKay-Panos

ABlawg lost a long-time colleague, contributor, and friend when Linda McKay-Panos passed away on November 3, 2024. Linda was the Executive Director of the Alberta Civil Liberties Research Centre (ACLRC) for almost 30 years and a Constitutional Law professor in the University of Calgary Faculty of Law for many years. She was part of the first cohort of ABlawgers and contributed 113 posts between 2007 and 2020, mostly on human rights and constitutional law. Many of these posts were co-authored with the ACLRC's summer and articling students as Linda mentored a new generation of law bloggers. The ACLRC started its own blog a few years ago and Linda turned her attention there, but some of her ABlawg posts continue to be widely read. For example, Linda regularly blogged on decisions involving the application of the *Charter* to universities, which became a very timely read when universities responded to pro-Palestinian encampments in the spring and summer of 2024. Linda also wrote series of posts on family status and age-based discrimination, drug-testing and disability discrimination, and freedom of information and privacy law. A human rights litigant herself, Linda commented on her own case in "The End (Beginning?) of a Long Journey: Disability and Air Travel". Like many of her posts and indeed her entire career, this one underscored the theme of access to justice and the delays and other barriers that human rights claimants typically face. Linda made a lasting contribution to human rights and civil liberties in Alberta and beyond, and we will miss her very much.

We now turn to a synthesis of ABlawg posts this year, beginning with those speaking to a theme which reflects the tumultuous year in politics that was 2024, and thereafter presented in alphabetical order.

Democracy and the Law

We live in an extraordinary moment in time. Authoritarian influence is on the rise within democracies across the globe. Sadly, Alberta is no exception to this trend. In 2024, we witnessed aggressive and ideological attacks on the constitutional and democratic basis of the Canadian federation and institutions vital to maintaining democracy itself and the rule of law. These include attacks on values such as transparency, as well as the more obvious foundations such as the guarantees of equality and freedom of speech in the *Charter*, and on the division of powers. A significant number of ABlawg posts in 2024 responded to these attacks, most notably the two open letters referenced above. The February 2024 "An Open Letter to Premier Danielle Smith Re: "Preserving choice for children and youth" Announcement" was signed by several University of Calgary and University of Alberta professors and staff members, expressing deep concerns with the Alberta government's announcement of restrictions that would violate the *Charter* in their targeting of transgender youth. Those restrictions were enacted later in 2024 and several ABlawg posts were published in response (see Constitutional Law below). In May 2024, ABlawg reproduced "An Open Letter Regarding the Response to Recent Protests at the Universities of Alberta and Calgary" that expressed concern about the University of Calgary and University of Alberta's infringement of students' constitutional right to protest in their dismantling of campus encampments. Several additional ABlawg posts examined legal issues arising from this (see Encampments and the Law below).

The Alberta government's war on modern federalism and took a strange inward turn with the enactment of the *Provincial Priorities Act* in 2024. As Shaun Fluker explained in Bill 18 Provincial Priorities Act: Alberta Strikes Again, the Premier relied on a literal and dated reading of the *Constitution Act* to justify the need to apply red tape and potentially punitive measures on provincial entities who accept federal funding. Alberta then firmly embraced its role as the "Freeman on the land" of confederation with the passage of two motions pursuant to its sovereignty legislation, as discussed by Nigel Bankes and Martin Olszynski in "Going Through the Motions to Trigger the Sovereignty Act: Another Paper Tiger?"

The Alberta government also continued its sabre rattling against the foundational institution of an independent legal profession in Alberta. Shaun Fluker wrote two posts on this topic in 2024. In Alberta Threatens the Independence of its Legal Aid Program, Shaun explained how the new legal aid governance agreement signed in 2024 provides the Minister of Justice with unilateral power to terminate funding for legal aid and potentially restructure the program on partisan grounds. In UCP Grievance Politics Takes Aim at the Law Society of Alberta, Shaun disclosed a government survey sent to lawyers in Alberta, the content of which suggests partisan interference may soon threaten the independence of the Law Society of Alberta.

Access to Information Law

Drew Yewchuk handled several access to information law issues. In January, he provided general guidance on when to re-file requests in Information Shall be Released: The Long Wait for Access to Government Information in Alberta after records have been withheld. In April he wrote a third post on the long litigation seeking records from Alberta Energy about the May 2020 decision to

rescind the 1976 Coal Development Policy for Alberta. Drew also wrote two posts summarizing how the new *Access to Information Act* in Bill 34 would increase government secrecy and increase the procedural obstacles to accessing government records. 2024 ends on an ominous note for access to information, as Bill 34 has since received royal assent and awaits proclamation into force.

Administrative Law

The end of 2024 marks the 5-year anniversary for the Supreme Court of Canada's 2019 *Vavilov* decision. While *Vavilov* has brought clarity and consistency on how to select the standard of review, the decision left several important matters in administrative law to be addressed later. One of those matters was the relationship between a statutory appeal and judicial review to challenge the same statutory decision. In *Yatar v TD Insurance Meloche Monnex*: Limited Statutory Rights of Appeal and The Availability of Judicial Review, Nigel Bankes, Shaun Fluker, and Drew Yewchuk provided commentary on *Yatar v TD Insurance Meloche Monnex*, 2024 SCC 8 (CanLII), concluding in summary that *Yatar* was a missed opportunity for the SCC to address the problem of parallel judicial review and statutory appeal proceedings.

Constitutional Law

The first half of 2024 saw the continuation of a series of posts in response to the Supreme Court of Canada's controversial decision in *Reference re Impact Assessment Act*, 2023 SCC 23 (CanLII): "Triviality and Significance of Federal Environmental Effects after *Reference re: Impact Assessment Act*" by Martin Olszynski, and "Locating the Constitutional Guardrails on Federal Environmental Decision Making after *Reference re: Impact Assessment Act*" by Martin and Nathan Murray (JD 2024). David Wright rounded off the series with a post considering Parliament's response to the *IAA Reference* (in the form of amendments included and passed as part of its budget implementation legislation), and its decision to not re-assert jurisdiction over greenhouse gas (GHG) emissions from major projects in particular in "Constitutional Caution, Correction, and Abdication: The Proposed Amendments to the *Impact Assessment Act*".

Nigel Bankes, Jennifer Koshan, Martin Olszynski, and Jonnette Watson Hamilton co-authored two posts on youth-led *Charter*-based climate lawsuits that contest government inaction on climate change that are currently making their way through Canadian courts: "What Does *La Rose* Tell Us About Climate Change Litigation in Canada?" and "A Landmark Decision in Canadian *Charter*-based Climate Litigation: *Mathur v Ontario*, 2024 ONCA 762." These posts grapple with issues such as the justiciability of climate change challenges and the scope of government obligations in this context.

Several posts dealt with another pressing constitutional issue – the rights of two spirit, trans, and gender diverse youth in the face of restrictive government laws and policies. These posts began with the February 2024 "An Open Letter to Premier Danielle Smith Re: "Preserving choice for children and youth" Announcement" mentioned above. Charlotte Dalwood's "Original Powers: Reviving the Federal Disallowance Power to Combat Anti-Trans Legislation" explored the use of federal powers to "disallow" provincial legislation such as Saskatchewan's Bill 137, which invoked the notwithstanding clause to shield a Charter challenge by gender diverse youth to new restrictions on the use of gender-affirming names and pronouns at school. Jennifer Koshan's

"Seismic Shift: The Notwithstanding Clause and Litigation on the Rights of Trans and Gender Diverse Youth" further examined Bill 137, focusing on the role of courts following a government's invocation of the notwithstanding clause. Jennifer's most recent post on this topic, "Alberta's Bills Targeting Gender Diverse Youth: Comparisons, Constitutional Issues, and Challenges", noted how Alberta's new anti-trans laws go further than laws and policies in Saskatchewan and New Brunswick and pose numerous threats to the rights of gender diverse youth in the areas of education, health care, and sports. Shaun Fluker and JD students in the Public Interest Law Clinic also addressed the education-focused reforms in Alberta's Bill 27 in "UCP Grievance and Culture-War Politics Enter Schools," and revealed how they impact youth's rights more broadly through restrictions on education related to human sexuality, gender identity, and sexual orientation, as well as raising public health concerns.

Encampments and the Law

A number of posts co-authored by Jennifer Koshan, Jonnette Watson Hamilton, and others coalesced around the legal issues flowing from responses to pro-Palestine encampments on university campuses. Jonnette and Jennifer contributed to the discussions surrounding the University of Calgary and Calgary Police Service's violent dismantling of such an encampment within 17 hours of its establishment with a series of three posts: "Encampments on Campus: Trespass, Universities, and the *Charter*," which looked at the relevant trespass law, university policies and the *Charter*; "Encampments on Campus Part 2," about the "University Direction on Temporary structures and overnight protests" that the university relied on to justified its actions; and "Let Them Eat Breakfast? Encampments on Campus Part 3," on the inapplicability of the decision about the University of Toronto encampment. These posts were followed by a fourth co-authored by Jonnette and Shaun Fluker on "The University's Kafkaesque Direction on Temporary Structures and Overnight Protests: '*You are not supposed to see this*'," questioning the authority exercised by the University of Calgary when it acted on the "University Direction on Temporary Structures and Overnight Protests."

Anna Lund, a Professor at the University of Alberta, wrote a guest post dealing with an encampment of another kind. "Edmonton's Encampment Litigation: A View from the Inside" provided details of efforts to mount a constitutional challenge to the forcible eviction of unhoused people from encampments in Edmonton. Although the challenge failed due to a court's decision not to grant public interest standing to the Coalition for Justice and Human Rights, the post is a call to action to governments to do better in responding to Canada's housing crisis.

Energy Law

ABlawg continued its coverage of Alberta's unfunded liability problems in the conventional oil and gas sector**.** In February, Shaun Fluker, Drew Yewchuk, and Martin Olszynski described the problems with the excessively optimistic 2023 liability management performance report in "Grading the AER Liability Management Performance Report". In May, Drew followed up with a post on the lack of a credible cost estimate for the conventional field liabilities. In July, Drew and Shaun described problems caused by the influence of the industry controlled Orphan Well Association in "The Problem with Industry Control of the OWA, and OWA Control of Oil and Gas Insolvency". In August, by relying on a mixture of official reports and documents obtained

through freedom of information requests, Drew described "The Alberta Energy Regulator's Planned Timelines for Orphan, Inactive, and Decommissioned Oil and Gas Infrastructure", explaining why the Alberta Energy Regulator's approach remained completely irrational. It has been nearly 5 years since Alberta announced its 'new' liability management framework, and in "The AER's Proposed Amendments to Closure Liability Management Directives: Much Ado about Not Much" Drew and Shaun described how the Alberta Energy Regulator continues to focus on small incremental changes to its liability management directives, and has yet to address the substantive causes of the unfunded liability problem.

On the oilsands environmental liabilities, Drew Yewchuk and Martin Olszynski discussed the ongoing problems with the oilsands environmental liabilities in "The Liabilities Go Up and the Security Stays the Same: The Oilsands Mine Financial Security Program in 2024". In May, Drew, Martin, Shaun Fluker, and Nigel Bankes discussed the report on how to reform the Alberta Energy Regulator prepared by the Premier's Advisory Council on Alberta's Energy Future in "The Premier's Review of the AER: A Recipe for How Industry Can Have its Cake and Eat it too".

Drew Yewchuk continued his series of posts on Administrative Penalties at the Alberta Energy Regulator, discussing the penalty given to Tallahassee Exploration Inc. for failing to monitor and report methane emissions in June and the penalty given to Imperial Oil Resources Limited for the Kearl leak in September.

Nigel Bankes continued to follow developments in the law and policy relating to carbon capture and storage (CCS) projects with posts on the standard form carbon sequestration agreement and the draft version 2.0 of the Quantification Protocol for CCS projects under the terms of the Technology Innovation and Emissions Reduction Regulation, Alta Reg 133/2019. Also on the topic of CCS, Nicole Achtymichuk and Shaun Fluker co-authored "AER declines request for an Environmental Impact Assessment of the Pathways Project", commenting on the Alberta Energy Regulator's decision not to subject the massive CCS Pathways Project to an environmental impact assessment under the provincial *Environmental Protection and Enhancement Act*.

Nigel Bankes also kept tabs on coal projects in Alberta, specifically with reference to the Grassy Mountain project, a project that keeps trying to rise up, phoenix-like from the ashes created by the decision of the Joint Review Panel to reject the project in 2021 (see post on that decision here). Nigel's posts included two "state of play" posts on the Grassy Project, one in February 2024 and a second in August 2024. Further developments led to yet another post in October when the Court of Appeal (2024 ABCA 309 (CanLII)) granted Municipal District of Ranchland permission to appeal the decision of the Alberta Energy Regulator extending the time requirements for completion of reclamation and abandonment activities.

The electricity sector continued to attract ABlawg commentary on two fronts. Martin Olszynski commented on the issue of reclamation liabilities as part of the Alberta Utilities Commission's inquiry into the economic, orderly, and efficient development of electricity generation in Alberta. Nigel Bankes commented on the Government of Alberta's two temporary adjustments to Alberta's electricity market rules to lessen opportunities for economic withholding and to create new rules for so-called "long lead time" generation assets with a view to further constraining opportunities for physical withholding.

Environmental Law

At the start of the calendar year there were widespread concerns as to the potential for drought in southern Alberta leading the provincial government to encourage water licensees to enter into so-called water sharing agreements. While some water licensees did indeed conclude Memoranda of Understanding on water sharing, the legal basis for these arrangements remains obscure. Nigel Bankes first commented on this approach back in 2011 but offered a follow-up post this year: "Alberta's Water Sharing 'Agreements'". As it happened, precipitation in the spring and early summer thankfully meant that we never really had the opportunity to see how these arrangements would work in times of real shortage. Nevertheless, questions remain as to whether the priority structure of Alberta's *Water Act* is fit for purpose.

ABlawg also covered some important developments in international water law specifically with reference to the Columbia River Treaty (CRT). This important treaty enjoyed its 60th Anniversary in September of 2024, an anniversary that also triggered an automatic change in the all-important flood control provisions of the treaty. Given this impending change the US and Canada have been involved in negotiations as the amendment or renewal of the treaty for many years. Nigel Bankes has long followed these developments on ABlawg with an essay on the subject back in 1996 and a first ABlawg post on treaty renewal in 2013 with a post entitled "The United States Wants a New Columbia River Treaty, What Should Canada Do?" Those negotiations were slowed by the global pandemic but picked up momentum this year with the announcement of an Agreement in Principle on a Revised Columbia River Treaty in July. Nigel commented on that first announcement here and followed that up with a post on the "New "Public Document" on the Agreement in Principle to Modernize the Columbia River Treaty" in September.

ABlawg continued its coverage on notable species at risk law and policy developments. Drew Yewchuk wrote two posts concerning the federal *Species at Risk Act*, SC 2002, c 29. In February, Drew wrote about the Federal Court's rejection of the Minister of Environment's unreasonably narrow view of its obligation to protect the habitat of endangered and threatened species of migratory birds in Misunderstanding Cooperative Federalism: Environment and Climate Change Canada Unreasonably Failed to Protect Migratory Bird Habitat. In July, Drew wrote Canadian Species at Risk, Where the Government Ignores Emergencies and Law on the Minister of Environment's unlawfully long delay in recommending emergency protections for the Spotted Owl, and described how Canada's federal species at risk actions have routinely deviated away from the requirements of the *Species at Risk Act*.

Shaun Fluker wrote two posts on 2024 developments which show (yet again) that Alberta does not have effective species at risk legislation, despite the provincial commitment in the 1996 National Accord for the Protection of Species at Risk. In March, Shaun commented on Alberta's first published Report on implementation of the Agreement for the conservation and recovery of the Woodland Caribou in Alberta, noting that the Report confirmed Alberta's near-exclusive reliance on wolf culls as a recovery measure for boreal woodland caribou is leading to 'negative population growth' – aka no recovery for caribou. In July, Alberta joined a select group of countries in the world that authorize hunting of species that they also designate as threatened with extinction, when

the province reinstated a grizzly bear hunt. In "Legal Hunting of an Endangered Species: A Grizzly Tale in Alberta", Shaun explained the legislative amendments made to reinstate the hunt, and he observed this decision was not evidence-based, disregards the science on bears, and undermines years of work by public officials and others who dedicated their professional lives to grizzly bear recovery in Alberta.

Gender-Based Violence and the Law

Jennifer Koshan wrote several posts in 2024 on issues surrounding the legal treatment of gender-based violence. In March 2024, Jennifer shared her speaking notes for her appearance before the federal Standing Committee on Justice and Human Rights (JUST) in its study of Bill C-332, *An Act to amend the Criminal Code (controlling or coercive conduct)*. In April 2024, Jennifer and Deanne Sowter wrote about the Myth of False Allegations of Intimate Partner Violence and the BC Court of Appeal's groundbreaking decision in *KMN v SZM*, 2024 BCCA 70 (CanLII), which recognized this myth as leading to an error of law. In July 2024, Jennifer and several students from the Public Interest Law Clinic posted their "Submission on Family Violence Law to the Ministers of Arts, Culture and Status of Women, Children and Family Services, and Justice", calling for amendments to several Alberta statutes to modernize the province's definition of family violence. In November 2024, "Myths, Stereotypes, and Substantive Equality" examined the Supreme Court of Canada's decision in *R v Kruk*, 2024 SCC 7 (CanLII) and Justice Sheliah Martin's use of a substantive equality framework for sexual assault adjudications.

Indigenous and Aboriginal Law

This last year was also significant for aboriginal and Indigenous law in Canada with no less than five decisions of the Supreme Court of Canada covering various aspects of this field of law: *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 (CanLII) (the *Quebec Reference Case*), *Dickson v Vuntut Gwitchin First Nation*, 2024 SCC 10 (CanLII), *Shot Both Sides v Canada*, 2024 SCC 12 (CanLII), *Ontario (Attorney General) v Restoule*, 2024 SCC 27 (CanLII) and *Quebec (Attorney General) v. Pekuakamiulnuatsh Takuhikan*, 2024 SCC 39 (CanLII). While ABlawg posts did not comment on all of these decisions we did provide commentary on most of them. First out of the gate was the *Quebec Reference Case* which prompted a series of ABlawg posts. Robert Hamilton began by providing an overview of the decision under the title "Legislative Reconciliation and Indigenous Rights of Self-Government: *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*". While on its face the Reference decision was a division of powers case, the Court also took the opportunity to comment at length on the legal significance of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 (the federal *UNDRIP Act*). This prompted a comment from Robert and Nigel Bankes entitled "What Did the Court Mean When It Said that UNDRIP 'has been incorporated into the country's positive law'? Appellate Guidance or Rhetorical Flourish?" And while the decision dealt with the "Indians" head of the federal power to make laws under s 91(24) of the Constitution Act, 1867, Nigel offered "Preliminary Thoughts on the Implications of the *Children, Youth and Families Reference* for the Lands Reserved Head of Section 91(24)". Robert bookended the ABlawg series on the Reference with a post that addresses the question of whether "the Federal Government Compel Provincial Authorities to Respect an Indigenous Right of Self-Government?"

The *Dickson* decision dealt with the relationship between the Charter and Indigenous rights of self-government under the Yukon Self-Government Agreements, but several members of the Court also commented more or less extensively on the federal UNDRIP Act. That led Nigel Bankes and Jennifer Koshan to comment in that aspect of the decision in "The *Dickson Decision*, UNDRIP, and the Federal *UNDRIP Act*". And in a postscript to that post, Nigel and Jennifer also commented briefly on the *Shot Both Sides* decision asking, rhetorically, why it was that the Court made extensive use of the federal *UNDRIP Act* in both the *Reference* case and *Dickson*, and yet was completely silent on the Act in *Shot Both Sides*. A guest post by David Leitch, on the *Mountour* decision "A Misstep on the Road to Reconciliation" offers some similar critiques as to the uneven application of the Declaration by courts.

The Court followed its unanimous *Shot Both Sides* decision with another unanimous decision on other historic treaties (the Robinson treaties) in the *Restoule* case. Nigel Bankes commented on this important case in a post entitled "*Restoule*: Tugging on the Rope and the Duty of Diligent Implementation of Treaty Promises". The decision emphasizes the importance of diligent implementation of treaty promises.

While the above decisions and posts were certainly the highlights of the year in the Indigenous/aboriginal law field, Nigel Bankes also commented on two modern treaty cases. The first dealt with the Nunavut Agreement and long-standing fisheries issues between Nunavut interests in Canada: *Nunavut Tunngavik Incorporated v Canada (Fisheries and Oceans)*, 2024 FC 649 (CanLII). Nigel's comment on this case is entitled "Two Decades of Nunavut Fisheries Litigation and the Meaning of "Special Consideration"". The second modern treaty post dealt with decisions of the British Columbia courts dealing with shared or overlapping territory issues in *Malii v British Columbia*, 2024 BCSC 85 (CanLII), aff'd *Nisg?a'a Nation v Malii*, 2024 BCCA 313 (CanLII) in a post entitled "Modern Treaties, Shared Territories and Party Status in Aboriginal Title Litigation".

ABlawg takes this opportunity to recognize that the lead counsel for the Nisga'a Nation in this case, as in so many other cases involving the Nisga'a Nation, was Jim Aldridge KC. Jim died earlier this month and ABlawg joins many others in sending condolences to his family and colleagues but also celebrating the massive contributions that Jim made to the recognition of Indigenous rights in Canada over a career spanning more than forty years. For some other recognitions of Jim's contributions see those from his firm here, the BC First Nations Summit here, the Manitoba Metis Federation here and from the Nisga'a Nation here.

Technology Law

2024 saw the introduction of the long-awaited Online Harms Bill C-63 and debate about proposed online age verification in Bill S-210, both bills grappling with how to address the risks of harm on social media while protecting freedom of expression and privacy. In "Online Age Verification is Crucial and Bill S-210 Gets It Wrong", Emily Laidlaw unpacks Bill S-210. Its goal is laudably to protect and prevent children from accessing pornography online, but as drafted, Emily argued the legislation is fundamentally flawed and should be rejected in favour of more holistic protection of children. In The Online Harms Bill – Part 1 – Why We Need Legislation, Emily examined the

purpose of Bill C-63 to regulate social media and mitigate the risks of harm to users, contextualizing the Bill in current law and developments in other jurisdictions. Emily and Sanjampreet Singh then co-authored The Online Harms Bill – Part 2 – Private Messaging, wherein they analyzed the decision to not include private messaging in Bill C-63, how this would work (or not in practice) and alternative approaches to addressing harms while maintaining protection of privacy and cybersecurity. Gideon Christian also contributed to the topic of technology law with a post on #AI Facial Recognition Technology in the Retail Industry.

Closing Thanks

ABlawg's editors and bloggers thank all of our readers for your continued interest in and support of our work. We also wish to give a note of appreciation to our student editors in 2024 – Athina Pantazopoulos (who graduated in 2024) and Kyrra Rauch (who continues editorial work into 2025). Both Athina and Kyrra provide the timely and trustworthy editorial assistance that makes ABlawg possible. Kyrra also monitors ABlawg impact data and assembled the statistics and citations noted in this post.

This post may be cited as: Admin, "ABlawg Year in Review 2024" (31 December 2024), online: ABlawg, http://ablawg.ca/wp-content/uploads/2024/12/Blog_YiR_2024.pdf

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