



2022-2023

Centre for Constitutional Studies Annual Report



CENTRE *for* CONSTITUTIONAL STUDIES
Centre d'études constitutionnelles

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Message from the Director

2022–23 was a year of change for the Centre. The most significant change, by a country mile, was the departure of Executive Director Pat Paradis after 12 incredible years of service to the Centre and the Canadian constitutional law community. Under her stewardship, the Centre turned into a public education powerhouse, with initiatives like the Downtown Charter workshop series and the Supreme Law video series carving out new ways of teaching Canadians about the fundamental laws that bind them together. Because of this, all of us in the constitutional law community will miss Pat's leadership of the Centre, but her impact on its programming will endure for many years to come.

Pat's incredible tenure meant that, when I took over as CCS Director in June 2022, the job was less about innovation and more about keeping a well-oiled machine, well, oiled! This is an important time for Alberta and Canada, and we hope that we're rising to the challenge to giving people the knowledge that they need about major constitutional controversies — from the passage of the Alberta Sovereignty Act to the invocation of the federal Emergencies Act — to make informed choices at the ballot box and beyond. It's a phenomenal privilege to be able to take on this role, and to carry out this important work.

Richard Mailey
CCS Director



About Us

The Centre for Constitutional Studies is unique as the hub for constitutional research and public education in Canada. It connects leading Canadian and international scholars, contributes to constitutional debate, creates accessible educational resources, and connects constitutional experts with the public.

Centre for Constitutional Studies Staff:

Richard Mailey, **Director**

Aubrey Abaya, **Public Legal Education Coordinator**

Julie Nguyen, **Administrator**

Year at a glance: 2022-2023

239,671 website
page views

16 events
950 attendees

2 issues of Review
of Constitutional
Studies

2 new podcast series;
17 episodes released

2 conferences
1 symposium

3 issues of
Constitutional
Forum

Events

Event	Speaker(s)	Date
Pandemic, Populism and Democracy	• Jeremy Webber • Oonagh Fitzgerald • Pablo Ouziel	• April 29, 2022
The Federal Implications of Modern Environmental Regulation in Canada	• Dwight Newman • Kristen van de Biezenbos • Gareth Morley	• May 11, 2022
Section 28 – Can Women’s Equal Rights Slay the Notwithstanding Dragon?	• Kerri Froc	• May 18, 2022
Fiscal Federalism in the Wake of the Alberta Equalization Referendum	• Philip Bryden • Andrew Petter • Howard Anglin • Gordon Campbell	• May 25, 2022
Charter Series: Property Rights and the Constitution	• Malcolm Lavoie	• May 11, 2022
Alberta Sovereignty Act Panel	• Eric M. Adams • Lisa Young • Jared Wesley	• October 5, 2022

Events

Event	Speaker(s)	Date
Book Launch: Constitutionalizing Criminal Law	• Colton Fehr	• October 14, 2022
The Problem of 'Awful but Lawful' Speech: Law and Policy Responses to Online Extremism	• Richard Moon • Carissima Mathen • Emily Laidlaw	• October 17, 2022
A Nation in Crisis? The Legacy of the Charlottetown Accord	• Ian Peach • Guy Laforest • Marion Sandilands • Wendy Moss • Susan Delacourt	• October 26, 2022
Is the Supreme Court of Canada the Most Powerful Court in the World?	• Richard Albert	• November 16, 2022
<u>After the Convoy Series</u> Debrief: The Convoy, the Commission, and the Charter	• Cara Zwibel	• January 18, 2023
<u>After the Convoy Series</u> The Concept of Necessity in Canada's Emergencies Act	• Nomi Claire Lazar	• February 6, 2023

Events

Event	Speaker(s)	Date
After the Convoy Series Freedom of Assembly and Section 2(c) of the Charter	• Jamie Cameron	• February 10, 2023
Book Launch: Malcolm Lavoie, Trade and Commerce: Canada's Economic Constitution	• Malcolm Lavoie	• March 2, 2023
Fundamental Justice: Protecting the Charter Rights of Sex Workers	• Rosel Kim • Vincent Wong • Jenn Clamen	• March 7, 2023
Notwithstanding Rights, Review, or Remedy?	• Gregoire Webber	• March 22, 2023



33rd Annual McDonald Lecture The Free Speech Recession: And How to End It

Jacob Mchangama, Director, Justitia
November 25, 2022

Conferences and Symposia

Legacies of Patriation Conference

In 1982, Canada “patriated” its Constitution, shedding an important vestige of UK control, entrenching fundamental rights and freedoms, and instituting domestic procedures for formal constitutional change.

This vital moment was shaped by a unique constellation of political and social factors mediated by both political actors and civil society. As a result of it, Canada has experienced profound social, political, legal and institutional change, with the courts, in particular, taking on a new and oftentimes controversial role in the public life of the nation.

The fortieth anniversary provides an opportunity to reflect on these tectonic changes, to consider where they leave us today. This Legacies of Patriation conference provided an appropriate opportunity for such reflection, and emerged from a collaboration between four research centres – the Centre for Constitutional Studies at the University of Alberta, the Public Law Centre at the University of Ottawa, the Centre d’analyse politique: constitution et fédéralisme at l’Université du Québec à Montréal, and the Constitutional Studies Program at the University of Texas at Austin. The full program, and a selection of conference videos, are available on our website.

April 21-22, 2022

Organized in Collaboration with:

Alain G Gagnon and Valerie Lapointe Gagnon

Centre d’analyse politique: constitution et fédéralisme at U Montreal)

Carissima Mathen

Public Law Centre at U Ottawa

Richard Albert

International Forum for the Future of Constitutionalism at the U of Texas at Austin

Conferences and Symposia

Reimagining Rivers: Rethinking and Reframing Relationship with the Environment Symposium

This Symposium was a one day, in-person event, where a group of academics, municipal and other politicians, and members of civil society groups gathered to examine the ways in which constitutional jurisdiction and legal rights impact the flourishing of the natural environment. It explored the legal and governance challenges emerging as we examine our relationship with the environment, and innovative approaches for law reform. It asked questions like: How do Indigenous law and municipal, provincial, and federal jurisdictions converge with respect to the environment? And what jurisdictional hurdles prevent thriving of the environment?

As part of the symposium, we visited the North Saskatchewan River to explore different conceptions of the river – as legal person, as agent, as relation – and heard from elders and scholars about ways to reimagine relationship with it. We then gathered to make recommendations for change that can be used to further dialogue, as well as legal and policy recommendations for governments.

This Symposium was the culmination of a year-long webinar series which has explored jurisdictional hurdles that impact the thriving of our environment, as well as innovative approaches to rethinking relationship with it. The series has explored granting legal rights to rivers, Indigenous jurisdiction and the environment, and animals as legal beings: contesting anthropocentric legal orders.

June 10, 2022

Series Speakers:

Yenny Vega Cárdenas, *President of the Observatoire international des droits de la nature/ International Observatory of Nature Rights*
Professor Darcy Lindberg
Lawyer Terri-Lynn Williams-Davidson

Professor Maneesha Deckha
Assistant Professor Jessica Eisen
Assistant Professor Cameron Jefferies

Conferences and Symposia

Constitutional Crossroads in Canada and Around the World

This multi-day conference gathered together constitutional law scholars and theorists to discuss some of the most of pressing issues facing constitutional systems today. The event could hardly have been more timely, not least of all because 2022 marked the 40-year anniversary of the 1982 amendments to the Canadian Constitution, which included the Canadian Charter of Rights and Freedoms, provisions protecting Aboriginal rights, an amendment formula, and a constitutional supremacy clause. Panelists accordingly discussed debates arising from these provisions and from other areas of Canadian constitutional law.

The conference program included some of the leading voices in comparative constitutional law and transnational law, from Canada and elsewhere. Panels addressed some of the key challenges that are common to many contemporary constitutional orders, including those posed by populism, pluralism, globalization, gender inequality, colonization, and climate change.

The conference was a launch event for the Canadian branch of ICON-S and the first in what the organizers hope will be a series of events co-hosted by UBC's Allard School of Law and the University of Alberta's Centre for Constitutional Studies. The conference was also a collaborative endeavor that brings together 4 Allard Law research groups: Indigenous Legal Studies; the Centre for Asian Legal Studies; the Centre for Feminist Legal Studies; and the Centre for Law and the Environment.

The full conference program is available on our website, and a special issue of the Constitutional Forum, flowing from the conference, is forthcoming.

June 10, 2022

Organized in Collaboration with:
Professors Hoi Kong & Margot Young
Allard School of Law, UBC
ICON-S (Canadian Branch)

Journals

Review of Constitutional Studies

Vol. 26.1 (2021-2022)

Vol. 26.2 & 27.1 (2021-2022)

Special Double Issue: *The Charter at 40*

Constitutional Forum

Vol. 31.1 (2022)

Vol. 31.2 (2022)

Special Issue: *Dickson v Vuntut Gwitchin*

Vol. 31.3 (2022)

Special Issue: *The Charter at 40*

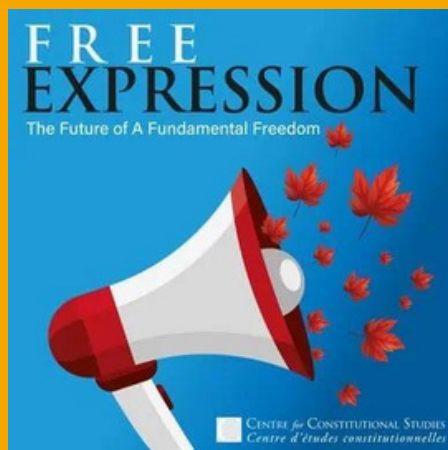
Total hits for both
journals

182,000

Total article
downloads for
both journals

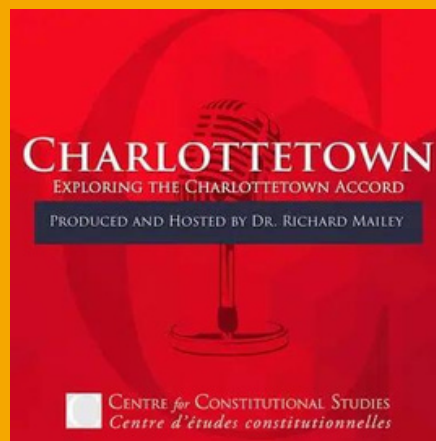
39,000

Podcasts



11 Episodes

This podcast series is an intimate look at one of the most controversial topics in Canadian public discourse at the moment: free expression. The first season includes 11 episodes featuring in-depth interviews with a range of legal academics and experts. Blending academic insight with current affairs, The series addresses a number of important questions, including: Why is free expression so important for democratic societies? When can a state or community legitimately restrict expression? And why has debate about free expression become so polarized on university campuses and in society more broadly?



4 Episodes

In August 1992, a group of seventeen Canadian leaders agreed to adopt the Charlottetown Accord, a colossal package of constitutional reforms that would have redefined the basic terms of the federation. However, less than two months later, the Accord was decisively rejected in Canada's first — and to this day, only — nationwide referendum on the Constitution. Through interviews with ex-government ministers, constitutional negotiators, and legal experts, this series tells the story of how Canada found itself at this constitutional crossroads, and of how Canada's leaders went from a moment of historic consensus to a crushing defeat at the polls.

Advisory Board

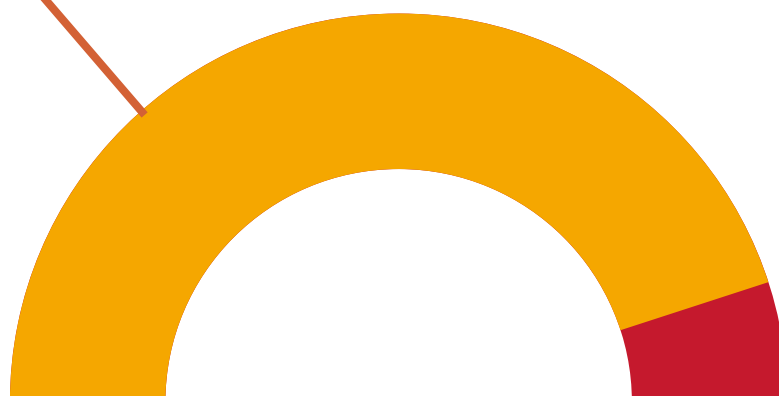
The Centre is grateful for the continued guidance and dedication of our Advisory Board, which comprises 11 members, including 3 members of the U of A faculty of law, 2 members of the political science department (U of A arts faculty), and 1 member of the U of A faculty of education. Other members represent a spectrum of professions across the legal and academic communities in Alberta (judges, lawyers, administrators).

This year, we were sad to say goodbye to three Board members: Valerie Lapointe-Gagnon, Rebeca Sokbeson, and Judy Piercey. We were also grateful, however, to welcome two new members to the Board: Lynette Schultz (Professor, Faculty of Education) and Sevan Beukian (EDI Director, University of Calgary).

Funding

Alberta Law Foundation

\$319,071



Publications

\$11,952