

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Ian Scott Public Interest Internship Program



Table of Contents

Press Release 3

Description of the Ian Scott Public Internship Program 4

Reports:

- 1. Michele Dagnino, Osgoode Hall Law School, Class 2006 5
- 2. Susan McDermott, Osgoode Hall Law School, Class 2006 9
- 3. Ladan Mehrenvar, Osgoode Hall Law School, Class 2006 11
- 4. Krissy Thompson, Osgoode Hall Law School, Class 2007 25
- 5. Marc Toppings, Osgoode Hall Law School, Class 2007 27
- 6. Grant Boyle, Osgoode Hall Law School, Class 2009 29
- 7. Romona Gananathan, Osgoode Hall Law School, Class 2009 33
- 8. Charmian Leong, Osgoode Hall Law School, Class 2009 37
- 9. Bernadette Maheandiran, Osgoode Hall Law School, Class 2009 39
- 10. Nastaran Roushan, Osgoode Hall Law School, Class 2009 45
- 11. Kevin Tilley, Osgoode Hall Law School, Class 2009 47
- 12. Kofi Achampong, Osgoode Hall Law School, Class 2010 49
- 13. Meghan Wilson, Osgoode Hall Law School, Class 2010 54
- 14. James Yap Summer, Osgoode Hall Law School, Class 2010 56

Application form (2009) 58

Press Release, November, 2005

New Osgoode Public Internship Program is a Tribute to the Honourable Ian Scott

TORONTO, November 10, 2005 – Colleagues and friends of one of Ontario's most influential political figures –The Honourable Ian Scott – will gather on Monday, November 14, 2005 at 5.30 p.m. at the National Club, 303 Bay Street, to celebrate the launch of the Honourable Ian Scott Public Internship Program at Osgoode Hall Law School of York University. The media is cordially invited to attend.

Ontario Chief Justice Roy McMurtry, former Ontario Premier David Peterson, former Toronto Mayor Barbara Hall, Ontario Attorney General Michael Bryant and many judges and lawyers are among the guests expected to attend this event marking the establishment of a program that will help Osgoode students attain summer employment at public interest organizations.

In particular, the law firms of Paliare Roland Rosenberg Rothstein LLP and Gowling Lafleur Henderson LLP, which have helped fund the internship program, will be recognized, as will the five Osgoode students who participated in this summer's inaugural internship program.

Ian Scott, who will be at the event, graduated from Osgoode in 1959 and received an honorary doctorate from the Law School in 1997. In his careers as a barrister, politician and legal educator, he set high standards of achievement with integrity and commitment. He argued many important constitutional cases and was renowned for outstanding advocacy and clarity of thought coupled with wit and humour.

First elected as a Liberal MPP to the Ontario legislature in 1985, he represented the riding of St. George-St. David until his retirement from politics in 1990. He held key cabinet posts, including Attorney General and Minister Responsible for Native Affairs.

As Attorney General, Scott spearheaded important reforms, including the introduction of the first public sector pay equity legislation in North America and the comprehensive reform of the Ontario court system.

He led the government's initiative to amend the Ontario Human Rights Code to prohibit discrimination on the basis of sexual orientation and implemented a new process for provincial judicial appointments.

For further information, please contact:
Virginia Corner
Communications Manager
Osgoode Hall Law School of York University
416-736-5820
vcorner@osgoode.yorku.ca

The Ian Scott Public Internship Program is funded by: Paliare Roland Rosenberg Rothstein LLP, Gowling Lafleur Henderson LLP, and Osgoode Hall Law School of York University

This award was developed to support the initiative of students interested in social justice/public interest and is available to students who attain summer work experience at a public interest organization such as a legal aid clinic, advocacy organization or non-governmental organization. Preference will be given to a student who is working unpaid or underpaid. Recipients must demonstrate consistent high academic achievement and financial need. Clarification: The award is available to an Osgoode student entering his/her upper year studies in September, 2008.

Students are required to:

- a) Initiate discussions with eligible organizations;
- b) work with an organization to design a project that is in the public interest;
- c) prepare and submit a formal proposal that describes the project; and
- d) ensure the organization submits a letter of support for the student's participation in the project

The award is intended to ensure students have funding, and thus the opportunity to work in social justice for 10 weeks in the summer.

Who is eligible? Students entering their second or third year of the Osgoode LL.B. program, or entering their second, third or fourth year of a joint Osgoode degree program.

Due date: All completed applications must be at the Career Services Office by Monday March 2nd at 4:00pm. Students must submit 4 copies of their proposal by the due date.

Rate of pay: Up to \$10,000 for full-time work, for 16 weeks; the award will be reduced if the full-time work is less than 16 weeks.

Requirements: Students must submit a two-page report on their experiences to the Career Services Office by the end of September, the same year.

Application: Complete applications will include: a description of the project, the letter of support from the organization, a resume, a cover letter describing the student's interest in the area and commitment to social justice; undergraduate and law school transcripts; and the formal application form.

Selection: Selection of the student and their project will be done by a three-person committee involving the Director of Career Services, a representative from a sponsoring firm, and a member of faculty.

Criteria: Students will be selected on the basis of their proposal; their demonstrated commitment to social justice; initiative in developing a project with an organization; extra-curricular and volunteer experiences; academic performance; and financial need.

The award is restricted to students who are Canadian citizens/permanent residents and residents of Ontario.

Report: Keeping it Real Mentorship Program for Youth in Toronto

THE PROGRAM:

The Keeping it Real mentorship program is aimed to help youth develop critical thinking skills and ensure young people become active members of their community. This goal was achieved through: (i) actively fostering youth's empowerment by creating spaces for them to articulate their own visions and demands, (ii) to offer opportunities to youth to develop and exercise their leadership skills. This pilot project invited 20 youth from across Toronto to participate. This program specifically focused on youth that are not usually involved in leadership programs – youth who are frequently in trouble in school, from lower-income families, from racialized neighborhoods, and with much lower access to extra-curricular activities.

INTRODUCTION

The Keeping It Real Mentorship Program (REAL) is a youth-for-youth initiative of Michelle Dagnino with the support of Youth Action Network (YAN). REAL brought together young people from Toronto to critically address issues of race, racism, multiculturalism and social justice. REAL brought together 20 youth from across Toronto to discuss issues relevant to them and their community, such as media representation, anti-oppression, LGBT youth issues, aboriginal youth issues and critical multiculturalism.

An important aspect of this project came from the realization that marginalized youth lack real role models that share their cultural histories, particularly within the social and environmental justice community. Young people share common concerns across race lines, however; “minorities” and poor youth also face problems that are uniquely related to the colour of their skin

and their social class. Rather than push these issues aside, or unite under the umbrella of multiculturalism, we have to take a critical view of what young people face today.

The social justice movement continues to position itself as being representative of an entire generation of disenfranchised young people, but this same movement often excludes or is not sensitive to differences that arise due to different ethnicities and classes. Although REAL is only a small step in addressing these issues, it was an important step.

CONFERENCE PARTICIPANTS

Youth from diverse backgrounds came to REAL. The majority of them were in their mid to late teens (15-19) with the majority of them from downtown Toronto. Aside from diversity in geographical representations, youths from diverse faiths, class and cultural/ethnic backgrounds were present to participate in a cross-cultural environment. Mentees were asked to participate in a registration form identifying their age, current occupation and whether they self-identified as a youth of colour as well as a series of broader questions asking them about their heroes, causes they identify with, etc.

OUR SUCCESS

REAL was a great success this year. More than half of the participants stayed with the program for the full 8 weeks. The mentors were all experts in working with youth and were more than eager to share their knowledge as well as learn from the participants. Furthermore, the final day of workshops and feedback was excellent. Each workshop was informative, engaging, critical and participatory, allowing participants and facilitators to share their experiences and insight of the project.

This program provided a great opportunity for the Youth Action Network to promote its mandate, and outreach to a diversity of individuals and groups on issues of social justice and environmental awareness. Participants who attended all left with some solid ideas and plans with which to start from, as well as contacts that would be able to help them realize their goals. This program was an important one, as it served as a catalyst in youth activism.

EVALUATION

The REAL program provided evaluation forms for each registration participant. The information collected will help to provide constructive feedback about the program – ranging from how participants felt about the workshops they attended to ways they see how the mentorship program can improve. Participants gave great comments about every week of the mentorship plan. Mentors and mentees alike felt that the program overall gave them the great opportunity not only to learn about different ideas, perspectives and issues, but also to participate and to teach others of issues of relevance to them.

LONG TERM FOLLOW UP/CONCLUSION

Through the distribution of information, posters, flyers and the program itself we managed to do extensive outreach for contact information as well as sharing YAN's contact information with potentially future members. In this case, we collected a number of contacts of people who were interested either in learning more about REAL or more about YAN. It is the hope that in the future, REAL will be a catalyst for youth interested in creating their own mentorship program, activist work or projects through our model or through YAN's resources.

THE BENEFITS

The Ian Scott Award allowed me to pursue summer activities that are of an enormous supplement to my law school career. In school we are generally taught the techniques and the

theory of justice. The Ian Scott Award allowed me to practice it. There are several key skills that I learned/improved upon during my summer:

1. How to create a project outline
2. How to outreach to schools and community groups
3. How to negotiate different interests and skill sets amongst a diverse group of people
4. How to oversee volunteers
5. How to maintain formal records of progress so that others can learn from both my mistakes and successes.

Such a program is important on two levels particularly:

1. It emphasizes not only the need, but also the importance, of community service that serves a social justice purpose. Because of our privilege, lawyers have to be more than willing to serve on community boards of, for example, food banks. They should be questioning why there is a need for food banks to exist in the first place and to take a hard, critical look at the communities they serve. Why is it repeatedly the same marginalized groups that are served by community organizations? At some point in our political governance there has been a failure and lawyers especially, as people who hold positions of power in society, have an obligation to address these structural issues.
2. It highlights that the legal community is interested in its students being socially conscious lawyers. Our experiences in law school are generally only served through books, we rarely hear about the legal community placing any emphasis (or money for that matter) on serving a broader community. The Ian Scott Award is a motivator for students to seek out how they can be of benefit to society in a more holistic, well-rounded way.

Susan McDermott, Osgoode Hall Law School, Class 2006

Recipient of funding through the Ian Scott Public Internship Program

Report: Schools Without Borders in Brazil
--

I would like to take this opportunity to express my gratitude to the Ian Scott Public Internship Program. As a result of the funding that was made available, I was able to further pursue volunteer opportunities with Schools Without Borders (SWB), a registered Canadian charitable organization, throughout the summer months. The Ian Scott Public Internship Program promotes recognition of the financial challenges associated with pursuing a career in social justice and, as a result, I was able to adequately support myself while working at Parkdale Community Legal Services and taking off the required time to fulfill my responsibilities with SWB.

SWB is dedicated to fostering responsibility and leadership in today's youth and we achieve our mission through innovative, cross-cultural study abroad seminars and volunteer placements designed to bridge the barriers that separate the world's diverse communities. Through the generous funding of the Ian Scott Public Internship Program, I was provided with an extraordinary opportunity to travel to Rio De Janeiro to act a seminar leader for SWB's Brazil Leadership Experience.

Within this capacity, I acted as a seminar leader for thirteen youth who traveled from around the world to participate in SWB's program which combines environmental education, leadership training, volunteer experience, and cultural grounding to promote global citizenship and youth involvement. We challenged participants to consider some of today's most pressing social, economic and cultural issues through hands-on experience. During the time spent living amongst the communities in Rio, the students had the opportunity to interact with a diverse, talented and international group of fellow students who share similar aspirations and desires to promote social change.

While on the seminar, students, in collaboration with young people from Brazil and our partner organizations, shared their ideas and experiences with pressing social issues including health and human rights, HIV/AIDS, street children, natural and urban environmental challenges, economic disparity, and political theatre. In addition, the seminar brought together individuals of various cultural backgrounds to navigate and sail an incredible tallship that was hand-built in the heart of the Amazon. Students were introduced to the vibrant favela communities in Rio and worked along side creative street youth to institute local programming, explore the numerous dynamic community projects instituted by our partner organizations, and share in a meaningful exchange of cultural backgrounds. The students were offered unparalleled access to Rio's favelas and were welcomed into these infamous communities in a way that inspired and moved the participants beyond what they could ever have expected.

As a result of this opportunity in Brazil, SWB was able to provide not only the students who participated directly in our seminars, but also the communities with which we worked, an opportunity for a meaningful exchange resulting in lasting relationships. Our students were inspired by the young people we encountered in Brazil to get informed, get connected and start something. In addition, we were able to explore dynamic, grass-roots organizations that have had a profound effect in the communities in which they operate using simple tools such as music, dance, and art to motivate their youth to be promote change in their communities. These interactions and experiences were beyond inspiring both for the students as well as for the leaders and I am confident that our time spent in Brazil will continue to have an effect far into the future. I look forward to returning to Brazil in the coming years and once again I would like to express my sincere gratitude to the Ian Scott Public Internship Program for providing this much needed funding and encouraging students to explore alternative legal careers in social justice.

Report: Rights Action and Human Rights in Guatemala

I spent the summer in the western highlands of Guatemala, working with Rights Action, an NGO that funds, supports and works with community based development and human rights organizations in Mexico, Guatemala, Honduras and Haiti. It educates about global development and human rights issues. Guatemalan communities, like many Latin American communities, are confronted with the negative impacts of imposed, top-down “development” projects, such as mining operations, hydroelectric dams, and free-trade agreements.

I was so happy to find out in March that a new Social Justice Award for \$5,000, funded by the firm Paliare Roland Rosenberg Rothstein LLP, was available to a student who attained summer employment at a public interest organization. I felt that, for the first time, the fight for justice from a public interest perspective was being honoured at our law school. Yes! This is exactly why I came to law school! Law school was not only about getting a summer job at a Bay Street firm after all. I had planned to work in Guatemala with Rights Action as a volunteer, financially supporting myself (through my student loans!), because more than anything, that was what I wanted to spend my summer doing. The Ian Scott Scholarship came at the perfect time. I applied for it, and fortunately, I am sure with some luck, received the funding to work in Guatemala. I am thankful to Paliare Roland Rosenberg Rothstein LLP and Mr. Ian Scott for helping make my summer such a memorable and rewarding one. Here is a little background information about the situation in Guatemala, and some entries that I wrote while working there.

* * *

Despite many differences, the Americas share much of the same issues, especially regarding Indigenous rights. In Guatemala, thousands of indigenous villagers are currently protesting the Canadian-U.S. firm Glamis Gold's development of an open-pit cyanide leach gold mine. However, none of the Guatemalan government and private actors involved have publicly acknowledged the deeper roots of the conflict: the failure of the Guatemalan government to adequately consult with the indigenous Mayan People affected by the mine, and to address the environmental concerns that the mine has generated. In its failure to organize a consultation process, the Guatemalan government has violated the International Labour Organization's Convention 169 on Indigenous and Tribal Peoples, to which Guatemala is a signatory, and has created conditions which promote confusion, uncertainty, and anger among the affected civilians regarding the risks and benefits of the mine.

Delineating the roles of global actors, specific corporations, and the implications of Free Trade and bilateral investment agreements are useful for local communities as well as for international organizations concerned with global justice and equality. This is especially important in the context of holding these actors accountable for the negative impacts of their “development” policies and actions. I hope that my story about Guatemala opens some eyes, and even if you don't take anything from it, I hope you take one thing: think twice before you buy that piece of gold jewelry – Indigenous people in the Americas have died because of it. Maybe another thing: investigate and be critical of the companies in which you invest your money – some of them are violating basic human rights in “exploited” countries.

* * *

ARE WE IN 1492, MARCHING WITH COLUMBUS?

For the first time in my life I truly felt ashamed of being Canadian. And rightly so. Mario, an indigenous leader, spoke while I took notes. Indigenous communities in Latin America have lived a life of exploitation as far as we can remember. We (still) read that Christopher Columbus

“discovered” this land in our history books. That was Mario’s opening statement, his first words. And until this day, we are being exploited, except this time we are struggling with other powers: Canadian and American investors tearing down our lands, the lands that were handed down to us by our ancestors, the same lands that we are saving and protecting for our children and their children. I raised my head slowly, embarrassed, not wanting to see the reactions of the people in the room. I wished so badly that I didn’t have the words “I am Canadian” written anywhere on my face.

The Guatemalan government ratified the International Labour Organization Convention 169 on Indigenous and Tribal Peoples in 1997, ensuring land rights and rights to self-determination for Indigenous peoples of the country. The Convention states that Indigenous communities must be consulted with and allowed to participate in decision-making processes in any matters concerning their lands and lives. The World Bank has similar procedural "safeguards" to ensure only projects with "broad community support" are approved. Unfortunately, the ambiguous language coupled with the lack of independent oversight and enforcement mechanisms allows transnational corporations like Glamis Gold and global institutions like the World Bank to set their own standards, and somehow “help” draft mining legislations for the country. These companies, for instance, choose their own Environmental Impact committees to assess the environmental damage the planned projects may have!

So, why exactly am I embarrassed to admit I am Canadian? A “leader” in Central America, Glamis Gold is a Canadian incorporated mining company. It is currently involved in an arbitration case against the USA under NAFTA for protective measures taken by a previous Californian government institution to protect Indigenous sacred sites from the damages of open pit mining. The same company is constructing and operating a gold and silver mine in Guatemala’s western highlands (Department of San Marcos). Two of the towns directly affected

by the project are San Miguel Ixtahuacan, and Sipacapa, whose populations are 98% and 77% indigenous. The communities' rights and demands have been completely ignored and violated, as revealed by the murder of an Indigenous demonstrator by State security forces in January, when the government of Guatemala sent in the army and police to repress protests in Los Encuentros and to ensure the safe passage of a convoy of mining equipment belonging to GG. Another death occurred shortly after this incident, by two members of a security committee hired by GG. Interestingly, GG has bribed the family to keep its mouth sealed in exchange for some cash (the family obviously signed the papers as any sum of money is attractive for local members of Sipacapa).

As we drove through the picturesque landscape, my mouth wide open in awe, I couldn't help but think: how did they find this place, this little colourful corner of the world where the roads are still unpaved, where the children are still running around without shoes, where locals run out to see who is passing by their home. I wave from the pickup truck in which we are traveling. No response. I ask Matias, a Rights Action activist and lawyer, "why don't the children wave back at me?" He smiles. I don't understand.

Local community members and various NGOs are working to arrange a referendum within the 13 communities most affected by the mining activities in San Marcos. "If the government is not willing to consult with us about our lands, we shall hold a "consulta" ourselves and see what our people really want". It was refreshing to sit in the audience, listening to the many characters voicing their concerns and opinions, from various points of view: an indigenous woman from the church, various Indigenous NGOs, international organizations, national environmental associations. I felt like I was in the middle of some comedy when the local Italian priest (!!!), in his soccer attire, jumped onto the stage and started preaching (with his thick Italian accent) – every other word was "excusi". In my mind he was an escapee from an Italian prison, had

settled in little Sipacapa, where no one could possibly find him.

The air was tense. I struggled with the same question that never seems to escape my mind: the question of why some people think it is right to invade another's land – in the service of freedom and democracy, in the name of “development”. These people have been living on these lands forever. Is it humane to invade their lands, to displace the communities, to destroy their sacred sites, to create gigantic open pits, to exhaust their water supplies to get to the three ounces of gold, to kill those opposed to having their ancestral homes destroyed? These communities have very little to start off with, yet they are up against a huge, manipulative corporation on the one hand, and a corrupt government on the other. There are several dimensions to this. Canadians and Americans, who invest in companies like GG, are unaware of what these corporations are really doing. Consumers of gold (jewelry) in Canada and the USA are also supporting this violation of human rights. Glamis has created a now-invisible development program called Sierra Madre (invisible because many locals know of its name, but none can point to a single program implemented by the program), to win the hearts of the divided locals, manipulating the communities, pretending to help them. Of course, when one lives in complete poverty, immediate cash is attractive and difficult to reject. In a world where money rules, it is easy to disregard one's beliefs and ideologies. This is how GG is winning the competition.

I was in the middle of a little revolution. It seemed more of a revolution when Fernando passed out the most recent “news release” from the front web page of GG (dated June 8, 2005), stating that the proposed referendum rumoured to take place in a week in San Marcos is “illegal and unconstitutional”, “undemocratic and abusive”. Ironically, local community members reported that they were asked to sign their names to receive lunch at various Glamis presentations in the past several months. They now suspect Glamis used the lunch list to claim they 'consulted' people. Who is being undemocratic and manipulative? It continues with “Glamis has received

reports of intimidation by the referendum organizers, including threats to shut off water or burn crops of residents if they vote against the referendum”. It is funny to think that various human rights NGOs are helping organize this event. So, when they write: “[s]uggestions that third parties be permitted to monitor the referendum process for fairness have reportedly been rejected by the referendum organizers” (that’s us, and we are literally called international and national observers), it becomes more transparent that the whole document is nonsensical. It finishes off with: “based on all of these circumstances, the proposed referendum appears to be patently corrupt...”.

I am returning to Sipacapa in a few days, and along with other international and national “human shields”, accompanying Indigenous leaders who have been threatened by the State in their struggle for their rights. I am trying to swallow and digest all that is happening around me. I am torn. It is revealing and fascinating to be in the middle of all this – something that has interested me for years and something that pulled me towards the study of law, yet feeling a bit uncomfortable with this same feeling. I have to keep reminding myself: I am not reading a book. It is more than a multinational company invading one’s land in the name of development. It is more than having open pit mining in your backyard, or having to be displaced forever. It is about your life, your children’s safety, not knowing if your father or mother will be alive tomorrow. It is about respect and recognition that you, too, are a human being. I have to pinch myself some days to remind myself we are not living in the 15th century, even though with colonialism in every corner, it sure seems like we are part of Christopher Columbus’ troop.

* * *

AN UNWARRANTED LEGAL CHALLENGE CRUSHES THE HOPES OF SIPACAPA

On June 15, only 3 days prior to the “consulta” in Sipacapa, Glamis Gold and the Ministry of Energy and Mines, worried about the outcome of the referendum regarding the municipality’s position on mining activities on their lands, presented simultaneous lawsuits to prevent the

consulta from occurring. Glamis was successful in the issuance of a provisional injunction ordering the Mayor to suspend the referendum, whereas the Ministry's lawsuit to the Constitutional Court was rejected. The ironic and suspect detail is that the First Circuit Court bypassed the standard two-week requirement to review and respond to such requests as that demanded by Glamis. Their declaration of the injunction was announced in 24 hours. The next day, little boys were sent out onto the streets of the municipality to distribute pamphlets calling the referendum off. Little boys were paid and given food to do this. Of course, the origin of these pamphlets was unknown to the locals and the municipality. Pamphlets dropped from the sky. The narrow muddy streets of Sipacapa were bursting with the little notices. It was only after our trip to the office of Glamis, where the same pamphlets were stacked in thousands, and in boxes, were we almost certain that Glamis had produced them. It was Glamis who had paid the little boys to distribute the deceptive words. It was Glamis who was controlling the fate of a devoted community struggling to be recognized.

So, on Friday, only one day before the consulta, I, willingly and keenly, offered to go to the mining site to interview some of the employees on their position regarding the referendum. I accompanied a freelance journalist, Carlos. After a silent trip through the mountains on unsteady terrain, we arrived. My heart was pounding. The security guards at the entranceway of the mining site were a bit suspicious as we introduced ourselves. However, being foreigners, and especially a Canadian in that situation, granted us automatic brownie points with the site manager. This was troublesome. If we had been Guatemalans interested in the project, we would have surely been turned back. Several days before our leap into this unknown voyage, several members of a national ecological NGO had tried to enter through the gates. They had been rejected access without an explanation. Being Canadian and Spanish, on top of being "journalists", we were treated like royalty.

“We have heard so much about why the mining project in San Marcos is a disaster, both for the land and the people, but we want to know your position, your side of the story, so that we can present both sides to the people.” That was our opening statement, and true to some extent. First they treated us to breakfast in a cafeteria designed and attended *only* by the professional workers – the engineers, directors, accountants and human resource personnel. We sat with the director of the mining site – José – who reminded us numerous times that we were lucky to have the chance to talk with him personally. In the same breath however, the men explained that they treat all visitors equally, but only open their doors to them on Tuesdays. It was a Friday when we entered.

In the office, as my partner talked with the public relations officer, I spotted cardboard boxes of small pamphlets calling the referendum in Sipacapa off the following day – it was deemed as “illegal” since the subject matter of mining was not a local matter, but a national one. As I turned around, I saw two workers, hurryingly lifting the boxes and placing them in a closet, out of our sight. Their token “Indigenous” officer was a local, and a fully brainwashed young man. One by one, he showed us Power Point presentations and films that had been prepared for such occasions. We sat there, glancing at one another, but too afraid to make any other expression. We were treated much the same for the next several hours.

We asked each person we interviewed on site about his/her opinion regarding the consulta. Many gave the same answer: we support it, but only if it is done in a legal manner (legal = secret ballots for them). For thousands of years, and even until this day, the communities of Sipacapa have held referendums and elections in the same manner as their ancestors. Each community has its own process. One community has held elections by a show of hands, another through consensus, and yet others through secret ballots. Each is distinct and has been recognized for years. The Municipal Code confers power and competence to municipalities in local activities

pertaining to the economy, social, cultural and environmental qualities of their life. When an issue affects the interests of the Indigenous people of the municipality, the Code specifically grants all locals the right to ask for and participate in a public referendum, taking into consideration the communities' own traditions and customs. So, any way you look at it, it would be legal to have a referendum that has always been recognized by the state, on a topic affecting the livelihood of the local communities. Yet somehow Glamis was successful in calling this referendum illegal.

Glamis also publicly alleged that threats of violence against mine supporters were employed by referendum organizers... another of their many tactics to turn people against the referendum. I walked through the community with another observer, interviewing the police, some locals, and even the couple that were employed by Glamis in the local Glamis office. I listened attentively to the Glamis employees, who really "believed" that threats did exist against mine-supporters. As we probed more deeply into the evidence (who was threatened, who invoked the threats, where did the threats occur) it became apparent that these threats were only rumours. They had no concrete evidence, only newsletters written by the Glamis reporter, describing such events. They even concocted a story about a fire to a mine supporters' car by locals against the mining activity. We asked about this story over and over again throughout the day, yet no one had heard of such an incident. The police declared that they had not received any denunciations of threats. The locals laughed as we questioned them about the threats – if anything, the people against the mine were threatened, not the mineworkers.

One family had lost their 23-year-old son by two Glamis security guards. Alvaro was not a political figure in the community. Nor was he involved in the process leading to the consulta. He was a simple bus driver. One wife. Two children, one of which he never met. The pictures still hanging on his wall, revealed his innocence, proud driver of a colourful chicken bus, with his son

in his arm. While we sat in his room, which no one had entered since his brutal death three months earlier, his 21-year-old wife breastfeeding “their” new born, recounted the incident. She cried. Alvaro’s mother cried. I cried. Her son hid himself under his father’s blanket.

The mayor, who had assisted the process leading to the referendum for several months, was out. So were some NGOs who declared that they did not support an “illegal” consulta. The Municipal government had justified its decision to call off the consulta based on a provisional injunction emitted by a low-level court, without considering the resolution by the higher Constitutional Court! It was not clear if Glamis had bribed the mayor or if he was worried about the consequences of ignoring the provisional injunction. Either way, all the effort, all the dedication, the hope and the aspiration of the people, built over two years of preparation, crashed in a matter of two days.

* * *

CANADA PLAYS DUMB WHEN ASKED ABOUT ITS SUPPORTING ROLE IN THE VIOLATION OF HUMAN RIGHTS IN GUATEMALA

The communities of Sipacapa had decided to stand up for their rights, to fight for what was theirs, but like grotesque monsters, Glamis and the government planted their gigantic feet on every possible path that could potentially lead to the recognition of the rights of these indigenous people. In their last attempt to create confusion amongst the Sipacapan community, they paid children to distribute leaflets calling the referendum off in Sipacapa. A referendum that was legal in every aspect. However, despite all the confusion and the manipulation surrounding the referendum, the leaders of each community courageously dodged every obstacle in their way and continued with the original plan.

The communities expressed themselves under the supervision of the community authorities according to the traditional way of decision-making. Again, I felt like I was witnessing a little

revolution. And again, it was not only about open-pit mining on one's land. It was about finally waking up and wanting to be recognized by the government of your own country and by the alien third party who is directly controlling your fate, your land and the fate of your children and their land. As the 70 or so organizers and observers gathered by the church, I felt a deep sensation of "comradeness" amongst the people. There were people from Chiapas, from Italy, from Sweden, Spain, England, Canada, and the States, amongst the many Guatemalans. Every observer was part of a larger group, with the intention of covering all thirteen communities with both national and international observers to legitimize the process. It was an absolute chaos, yet everything was organized up to the smallest detail.

In my own little world, I thought it would be more interesting to continue with my journalist persona during the referendum. So, off I went, with Carlos and a couple of locals to San Isidro... one of the largest communities, and one of the most vocal, in Sipacapa.

I entered as the locals strolled in to the community hall. Women with their babies wrapped around their tiny figures in colourful attire, walked in, proud. Children running in, hand in hand, ready to make history in this tiny little forgotten village. The face of these little ones when the community mayor announced the permissible age to vote in community decisions was so sweet – they understood, but didn't protest, looked at one another and continued with their hands high up into the sky.

It was such an extraordinary demonstration of a people standing up for what they truly believed for the first time and using their rights as Guatemalans. The Indigenous peoples of Guatemala, like many around the world, are treated as sub-humans. One instantly notices the appreciation and the astonishment in their eyes when they are surrounded by a network of neighbours and

foreign persons, working in solidarity with the community and the community leaders, for their sake.

I was on stage, with the microphone, while Carlos recorded. Various people came forward to give their account, their story about why tearing the earth apart in the name of development was unjust. I stood there, while an Indigenous woman spoke in her native language (Sipakapense). She had tears in her eyes, as did most people listening to her words. She was talking about her rights, as a woman, as a mother, as someone who had grown within the earth, on the earth, and wanted to die inside the earth – the earth that was being destroyed every minute of every day, without her consent. She pleaded to all women – to stand up together and force out these intruders off their land. We can stop them. The optimism was profound. I think I was crying too.

I was observing and taking in all that surrounded me, totally unaware of the announcer talking about the foreign presence in the referendum. I was speechless when all of a sudden the community leader planted his microphone in my face. It came as a surprise. I had no idea what I was expected to say – something profound (and in Spanish!) perhaps – why we were there, together with the community, fighting against the monsters. For a few seconds I stood there, thinking how foolish I must look, with a tape recorder in one hand, a microphone recording the audience and the different voices of the people in the other hand, and now another microphone stuck in front of my twitching mouth, in front of hundreds of locals. A couple of words came to mind, I hurriedly whispered them, and swore to myself never to act as a journalist again!

After the speeches were done, the community mayor asked the question; the question we were all waiting for: “Do you, as community members, want the mining company on your land?” The reaction was chilling. There was a loud roar, a piercing “no”, followed by another, and another. They voted with a show of hands. Their faces expressed everything. They were so strongly

opposed to the mining company's presence on their land. There were several counters who walked up and down the aisle, counting the number of hands that were raised to the sky, signaling "no" to mining in their land. Not a single person voted in favour of mining in San Isidro.

We jumped into the pickup and traveled to another community, Quecá, where they were already lining up to sign the Act. That is what they did. They initially voted, in whatever manner was the custom in the community, and then signed the Act, which the Secretary wrote, reporting the results of the referendum. The next community we reached, Chual, had just finished with the last person signing the Act. We asked some young folk if we could interview them about what they thought about the results of the consulta. It was fascinating because of the 12 young men there, not one was willing to share his opinion with us, even though they had all voted against the expansion of mining on their lands. I later found out that this was the same community in which Alvaro, the 23-year-old, young father of two, had been killed by the security guards of Glamis, for no apparent reason. These 12 men were most likely Alvaro's friends, too afraid to speak up and to voice their opinion, an opinion that could potentially kill them.

Eleven of the thirteen districts rejected mining activities in all of its forms (prospecting, exploration and exploitation) in the territory of Sipacapa, one district accepted them (45% voted no, 50% voted yes, 5% abstained), and another district abstained. Ninety-seven percent of the voters in Sipacapa voted NO to mining.

To think that this is a Canadian company who is violating environmental and human rights in a foreign country, a Canadian company who is silencing the voice of these people, is shameful and disgusting. Are there no legal norms in Canada to ensure that Canadian companies are held accountable when there is clear evidence of human rights violations associated with their activity? It is questionable when Pettigrew shrugs his shoulders in complete ignorance when

asked about why the government of Canada, through its Embassy in Guatemala, fully supports the human rights violations associated with Canadian mining companies. You would think that the Foreign Affairs Minister would have some idea about the conduct of official foreign presence, like Ambassadors, in other countries. You would imagine that the Canadian government would support clearly defined social responsibility and human rights standards in countries outside of their own. But this is apparently not the case, at least with mining companies that bring home 99% of the profit from Guatemalan gold, benefiting Canadian and American shareholders who are completely unaware of the source of their profits.

Krissy Thompson, Osgoode Hall Law School, Class 2007
Recipient of funding through the Ian Scott Public Internship Program

Report: KAGIDER and Women Entrepreneurs in Turkey

Water pipes. Turkish tea. Browsing through the shops, cafes, restaurants, and hidden bazaars along the atmospheric pedestrian street of Istiklal Cadessi (Independence Street.) Discovering the magnificent architect of the Blue Mosque, Hagia Sophia and Topkapi Palace. Losing myself among the 4,000 shops selling spices, nuts, dried fruit, silver, scarves, and much more, at the Grand Bazaar. Taking public ferry transport across the Bosphorus from Europe to Asia. Exploring ferry castles, underground cities, centuries old ruins and stunning lagoon beaches. Learning about language, culture, and country politics from new friends at the girl's Istanbul Technical University dormitory. And, most importantly, contributing to the social and economical progress of women. These are just some of my experiences during my internship to Istanbul, Turkey through the Ian Scott Public Internship Program and the York International Internship Program.

My internship was based at a KAGIDER, a women entrepreneurship association. KAGIDER is a non-profit and non-governmental organization, with members working in sectors including textiles, communications, human resources, tourism, chemicals, and mining. Their mission is to contribute to the social and economic progress of Turkey by increasing the number of women entrepreneurs who generate added value to the economy, strengthening existing women entrepreneurs, and integrating Turkish women entrepreneurs in to the global community. KAGIDER's accomplishments include training courses and mentoring programs to support women entrepreneurs, internship programs for female students, lobbying activities to increase credit opportunities for women entrepreneurs, as well as hosting and attending international conferences in support of their mission.

In my work for KAGIDER, I was responsible for creating funding proposals in order to seek international support for the Women's Fund. The Women's Fund, a new initiative of KAGIDER, was established in order to raise funds from national and international institutions, individuals and communities for women's NGOs that operate at the local level to economically, politically, and socially empower women and to reach gender equality in Turkey. I was also responsible for report and presentation generation, for use in domestic and international conferences, on the social and economical status of women in Turkey.

To get involved please see the requirements of the Ian Scott Internship Program on Osgoode's Career Services webpage. As well, internships are available through the York International Internship Program (YIIP) at <http://international.yorku.ca/internships>. YIIP provides both York undergraduate and graduate students a non-credit opportunity to apply their academic knowledge to an international work environment and enhance their job-related skills in an international and intercultural setting. York offers funding, through both an Internship Award and a traveling Mobility Award, for successful international internship applicants. Application packages are available on their website and due at the beginning of the winter term.

Report: Ethical and Legal Issues of Genetics Research at the WHO

About me

I am currently in my second year of law school at Osgoode Hall. I previously completed a BScH at Queen's University in Life Sciences and English and a MSc at McGill University in Human Genetics. I was very interested in combining my interests in genetics, human rights, and law in the formulation of health policy, particularly at the international level. I was fortunate to find an internship opportunity at the World Health Organization (WHO) that met my interests. I applied for and obtained an internship in the Human Genetics Programme at the WHO in Geneva, Switzerland for a period of eleven weeks commencing May 2, 2005. I was particularly interested in the focus of this programme on the ethical, legal and social issues (ELSI) that pertain to human genetics.

Role and responsibilities during my internship at HGN

During my internship I worked on a range of projects and enjoyed considerable independence in my research. My experience with the Human Genetics Programme suggests that the interns at the WHO shoulder significant responsibility. I was provided with very specific terms of reference and the nature of the internship was very product focused. My principal task was the preparation of a report on the ELSI of Gender and Genetics for publication on the Genomic Resource Centre of the WHO website. I examined international guidelines and national legislation on issues such as sex selection, assisted reproductive technologies, abortion following genetic testing, and legal definitions of gender. I plan to submit a longer version of this report to a peer-reviewed academic journal. I also prepared a short background paper on one potential angle for the planned WHO report on the implications of pharmacogenomics (tailor-

made drugs) on public health in developing countries. I updated the list of contacts in the ELSI global network, particularly with respect to health law practitioners, and drafted correspondence to be distributed to these experts. I assisted my supervisor by reference checking the WHO report *Medical Genetic Services in Developing Countries: The ELSI of Genetic Testing and Screening*. Finally, I compiled a list of international agencies as well as governmental bodies that deal with intellectual property and trade to which the WHO report *Genetics, Genomics and the Patenting of DNA* will be distributed.

Further Comments

My internship with HGN presented a significant opportunity to see first-hand the workings of an international organization. I was fortunate to be able to attend plenary sessions of the World Health Assembly at which Bill Gates gave the opening address. I was fascinated by the debate that surrounded the possibility of granting observer status to Taiwan at the WHO. I also helped my team by taking minutes at the WHO Executive Board meetings pertaining to genomics and health. I participated in monthly WHO Ethics Council meetings covering a range of topics. These chances to observe and interact with international experts significantly contributed to my internship. My experience was greatly enhanced by my fellow interns, the HGN team, and the other WHO staff members because of the diversity and breadth of background and experience. Members of my team included legal students from England and Australia, medical students from America and England, an ethicist from New Zealand, a data analyst from India, and a genetic counselor from Canada. Finally, I really enjoyed the opportunity to live abroad for the summer! If you have any further questions about my experience, please feel free to contact me.

E-mail: MarcToppings@osgoode.yorku.ca

For more information visit: <http://www.who.int/genomics/interns/pastinterns/en/index.html>

Grant Boyle, Osgoode Hall Law School, Class 2009
Recipient of funding through the Ian Scott Public Internship Program

Background and Friends of the Earth Climate Litigation Group

Friends of the Earth Canada (FOEC) is a charitable non-profit environmental organization. Friends of the Earth Canada is a part of Friends of the Earth international, one of the world's largest environmental networks. In addition to matters relating to climate change, Friends of the Earth is working to 1) restore Canada's honour on our Kyoto commitment and beyond; 2) advance a carbon tax and immediate CO2 regulations and 3) protect our vulnerable communities and fresh water from global warming.

On May 29, 2007, FOEC launched a lawsuit against the Government of Canada for its action and inaction to date with regard to its commitments under the Kyoto Protocol. The application for judicial review was made in Federal Court by Sierra Legal/ Ecojustice on behalf of FOEC.

The application for judicial review alleges that the government's failure to effectively regulate greenhouse gases constitutes a "likely violation" of an international treaty under section 166 of the *Canadian Environmental Protection Act*, which states that Canada must abide by its international agreements in preventing pollution. Canada ratified the Kyoto Protocol in December 2002, legally requiring a reduction of overall greenhouse gas emissions to six per cent below 1990 levels during the period 2008 to 2012.

The FOEC application for judicial review under CEPA 166 was stayed in fall of 2007 following the subsequent application by FOEC for judicial review under the Kyoto Protocol Implementation Act, which was passed by Parliament in June 2007.

Activities

Over the summer I worked with the Friends of the Earth Canada "Climate Litigation Group" helping advance an application for judicial review under CEPA 166. I was involved primarily in research in support of a journal article, in letter-writing in relation to the CEPA 166 application, as well as some general legal research efforts in relation to the application.

Outcomes

Research Article

The majority of my time in the internship was spent researching and writing a journal article entitled, *Friends of the Earth Canada v. Ministry of Environment : the Emergence of Climate*

Change Litigation Internationally and in Canada. I put extensive effort into researching climate change related litigation globally, and distilling different legal research efforts on the case into material for the article. The journal article has been accepted for publication by the *Journal of Environmental Law and Practice*, and I am in the process of editing the article with FOEC according to comments given by the journal's editors.

The article provides an overview of climate change litigation internationally, and examines the recent action by FOEC against the Canadian federal government under CEPA. It then engages a wider discussion of potential avenues and challenges concerning climate litigation in Canada in general, with reference to some of the international climate litigation developments discussed at the outset of the paper.

The paper argues the CEPA 166 case provides a novel opportunity to hold the Canadian government accountable for its international commitments under the Kyoto Protocol. If treated as domestic law, the Kyoto Protocol and its Article 3.1 emissions target obligations, circumscribe the discretion available to the government in meeting its legal duties with regard to air pollution under the *Canadian Environmental Protection Act*. The recently enacted *Kyoto Protocol Implementation Act* provides a legal basis to take action against the federal government. These legal avenues appear to be novel causes of action globally, from the perspective of available causes of action in relation to a government's failure to regulate greenhouse gases.

See table of contents for the paper below.

Correspondence with the Minister

Part of my time was spent helping to research, draft and edit letters from FOEC to the federal Minister of Environment. The letters accompanied the statement of claim issued to the Minister.

Conclusions

The internship was a valuable learning experience and I gained some new knowledge on how judicial review works in Canada and the potential role of litigation in climate change law and policy. FOEC was helpful and provided sufficient guidance. Since FOEC was relying on outside legal counsel with the case, I was not dealing directly with the lawyers working the case, but with the lawyer coordinating the case inside FOEC. I would have appreciated the opportunity perhaps to work more directly with the lawyers on the case, but this opportunity did not really present itself. Overall it was a great experience and I feel I had the opportunity to make a contribution to the political debate on the issue as well as the opportunity to publish a journal article.

1 INTRODUCTION

2 GLOBAL EXPERIENCE WITH CLIMATE CHANGE LITIGATION

2.1 PUBLIC LAW – EMISSIONS REGULATION

2.1.1 *Massachusetts et al. v. EPA et al.*

2.1.2 *Central Valley Chrysler-Jeep v. Witherspoon*

2.1.3 *Re the Quantification of Environmental Costs -Minnesota*

2.2 PUBLIC LAW -PERMITTING AND ENVIRONMENTAL IMPACT ASSESSMENT

2.2.1 *Australian Conservation Foundation v. Minister for Planning*

2.2.2 *Wildlife Preservation Society of Queensland v. Minister for Environment and Heritage*

2.3 PUBLIC LAW- EXPORT AND DEVELOPMENT PROJECT APPROVALS

2.3.1 *Friends of the Earth et al. v. Peter Watson et al.*

2.3.2 *German Federal Ministry of Economics and Labour*

2.4 CIVIL LITIGATION

2.4.1 *Connecticut et al. v. American Electric Power Company*

2.4.2 *California v. General Motors*

2.4.3 *Jonah Gbemre v. Shell Petroleum Development Company of Nigeria Limited et al*

2.5 INTERNATIONAL LAW

2.5.1 *UNESCO World Heritage Committee*

2.5.2 *Inuit Petition to the Inter American Commission on Human Rights*

2.6 SUMMARY

3 FRIENDS OF THE EARTH CANADA APPLICATION UNDER CEPA 166

3.1 CEPA 166: ISSUES AND LAW

3.1.1 *The Release of a Substance from a Source in Canada into the Air*

3.1.1.1 Application Claims

3.1.1.2 Background and Analysis

3.1.2 *The Substances Creates or may be Anticipated to Contribute to Air Pollution*

3.1.2.1 Application Claims

3.1.2.2 Background and Analysis

3.1.3 *The Pollution Violates or is Likely to Violate an International Agreement*

3.1.3.1 Application Claims

3.1.3.2 Background and Analysis

3.1.3.2.1 Is the Kyoto Protocol Implemented in Domestic Law?

3.1.3.2.2 Does the Federal Government have Jurisdiction to Implement Kyoto?

3.1.3.2.3 What if Kyoto Has Not Been Implemented in Domestic Law?

3.1.4 *Ministerial Discretion in CEPA 166 in the Context of International Climate Litigation*

4 CLIMATE CHANGE LITIGATION IN CANADA

4.1 EMISSIONS REGULATION

4.2 PERMITTING AND ENVIRONMENTAL IMPACT ASSESSMENT

4.3 CIVIL LITIGATION

4.4 INTERNATIONAL CLAIMS

5 CONCLUSIONS

Romona Gananathan, Osgoode Hall Law School, Class 2009
Recipient of funding through the Ian Scott Public Internship Program

Description of the Project:

My summer internship program was part of a larger environmental management and participatory governance project that has been in operation for the past four years. The project engages residents of a “slum” community called Anju Kudusai in Chennai, India, to self organize to achieve community identified goals to improve community governance and overall health through social, economic and environmental projects and activities. The project is operated by a partnership between the slum dwellers, Exnora International (a local environmental NGO), the Soroptomists International (a local women’s NGO), University of Madras (Department of Geography) and York University (Faculty of Environmental Studies).

Since 2004, the project partners have been working with an inner city slum comprised of 256 huts on the banks of the Cooum River. The community is characterized by extremely poor living conditions, and located on marginal and often dangerous sites. It lacks basic urban amenities, housing is dense and substandard, residents almost always lack tenure and are subject to eviction, and it is the location of poor, vulnerable and marginalized populations. The community is grappling with issues that are largely related to a lack of tenure and the resulting inability to advocate for basic public services such as water, sanitation and healthcare. Working with the local partners and residents of the community, my particular role was to research the legal rights and political context within which the community is situated and to facilitate knowledge sharing and community development amongst the stakeholders, towards achieving their collective goals of improved environmental management and better health.

There have been many attempts to address problems of slums, but their outcomes tend to demonstrate that slum settlements are very resilient (as the term is applied in chaos theory) and resistant to change. This suggests that slums are complex in the sense that relationships among slum dwellers and their social, economic, organizational and biophysical environments reinforce the current survival strategies aimed at maintaining their existence. The spiral of continuing poverty is reinforced by the cultural overlays of India’s patriarchal and hierarchical society. Using the relationship between environment and human health as an integrating theme and entrée into this situation, the project team has worked in collaboration with community partners to: develop a shared understanding of the interrelated actors and elements that characterize their situation; envision desirable and feasible futures; support capacity building and self-organization of governance structures within the slums; and support the community

interventions that arise from this process. The project employs techniques such as community mapping, transect walks, community meetings, semistructured interviews, photo-voice, and exploration of gendered lifespaces. Arising from these activities it has facilitated health camps, education about children’s hygiene, livelihood training, self-help groups, the formation of community organizations, construction of toilets and drains and more.

Description of the Project Activities:

Objective	Output	Activity	Completed:
Introduction and orientation to the Chennai Project.	Familiarity with the project and developing trust with the partners and community members.	Meetings with project team and community members.	May 2007
Developed specific objectives for my work that were grounded in the needs of the community.	Developed a workplan.	Outcome Mapping workshop with community members and local partners that informed my work and focus within the project.	May 2007
Explored current policy structures including research into local legal and statutory regime of the informal settlement – issues of tenure/property interests, citizenship/legitimacy, and participation in political processes, planning and governance through library databases and semi-formal interviews with local partners.	Developed an understanding of the local laws and statutes that apply to displaced persons and informal settlements in Chennai, and their implications for the community, particularly noting the differences between an objectionable slum and others.	Key informant interviews with the following groups/individuals: Slum Clearance Board: Manimegalai, Mrs. Bhuvani, CMDA: Chief Planner for Chennai. Project Team Members: David, Beth, Martin, Guna, Jeyapal, Strategic Partners: Nandita Krishna - CPR Centre and Ramkumar –	May-August 2007

		Exnora (Environmental Lawyers), Aruna, Nainashah, Haripriya. Slum dwellers: 6 women in the community were interviewed individually as well as 4 youth members.	
Interviews and meetings with residents of the community, local partners, planners, and policy reps to assess community goals and planned outcomes of research in relation to governance.	Developed objectives and strategies for improved participatory governance and leadership within the community.	Conducted weekly Focus Groups with women to identify interest in pursuing the construction of a Women's Bath House and potential sites for the structure. Conducted meetings with Donors to confirm funding for the project (Shamshah, Nainashah, Aruna and others)	June 2007
Observations on governance practices within the informal settlement in the context of the larger community.	Documentation of local governance practices and approaches, their relative successes and failures.	Weekly documentation journal of all activities undertaken, obstacles, challenges and observations on the process as it evolves. Conducted opinion polls with the women about their perceptions about the process.	June-August 2007
Support and development of local leadership through a workshops on local/participatory governance. Discussion included: Local	Knowledge creation and mobilization of leaders within the community of displaced persons,	Focus group with women on what they know about the laws surrounding slum development (in relation to building a washroom),	July/August 2007

Laws, rights of displaced/marginalized peoples, approaches and strategies to organizing and advocacy.	particularly amongst women, youth.	what issues we may encounter in meetings with officials and strategizing about how they can present their request and get permission for the Bath house.	
Supporting implementation of ideas within the project.	Working with project participants to support the implementation of their goals and strategies.	Attending meetings with the women to gain permission, donor support and build the women's bath house.	July-August 2007

Charmian Leong, Osgoode Hall Law School, Class 2009
Recipient of funding through the Ian Scott Public Internship Program

Through the generosity of the Ian Scott Public Interest Internship, I had the opportunity to spend the summer of 2007 working under the mentorship of criminal lawyer James Lockyer, who is also a founding member of the Association In Defence of the Wrongly Convicted (AIDWYC).

AIDWYC is the key organization in Canada that coordinates the work of wrongful conviction applications and the legal experts who pursue these reviews. AIDWYC has two broad objectives: first, eradicating the conditions that can cause miscarriages of justice; and second, participating in the review and, where warranted, correction of wrongful convictions. Through the hard work of its minimal staff, volunteers, and its core team of lawyers who work on the review cases, AIDWYC also provides a forum for raising public awareness on the issue of wrongful convictions and working toward systemic change in the criminal justice system.

My summer with AIDWYC is probably one of the most exciting internships in which a law student can hope to immerse herself. I was assigned the task of working with James Lockyer on nine individual cases of possible wrongful conviction involving the testimony of the now-disgraced pathologist, Dr. Charles Smith.

An initial report by the Chief Coroner of Ontario had brought to light the fact that there may be cases where people have been wrongly convicted of causing death to infants or children under their care. All of these cases involved a pathologist named Dr. Charles Smith, who had either performed the autopsies on these children or gave expert testimony during the trials regarding the autopsies and cause of death.

AIDWYC was instrumental in making sure that this matter did not go unnoticed. As a result of these cases, the Government of Ontario ordered a public inquiry into pediatric forensic pathology in the province. Justice Stephen Goudge was appointed the commissioner of the inquiry.

During my time with AIDWYC, the work on a majority of these cases was still in the early stages. Some of the cases, like the highly-publicized murder conviction of William Mullins-Johnson and the infanticide conviction of Sherry Sherret, were already in progress.

I was put in charge of reviewing and keeping track of everything we could obtain on these cases. I pored through trial transcripts, eyewitness testimonies, police transcripts, video statements, and made summaries for Mr. Lockyer's review. I spent hours looking through

documents at Crown offices to ensure that proper disclosure had been made. I was in contact with the individuals involved in the cases, including the persons who were convicted of crimes that may never have happened.

My short stint at AIDWYC has positively affected me more than I could ever imagine. When William Mullins-Johnson, whom I now consider a friend, was finally acquitted for the rape and murder of his niece in October, 2007, I felt a profound sense of pride that I played a part, albeit a small one, towards that victory. And now, other cases are moving towards the same conclusion as the ongoing Goudge Inquiry brings them to light. I will have many more of those moments where I share in the pride of the work done by AIDWYC.

Charmian Leong

Osgoode Hall Law School, LLB 2009

Project Brief

The York Region Anti-Racism Project was created to fill what was increasingly emerging as a gap in the Region of York. The Region of York, consisting of the towns of Markham, Vaughan, Richmond Hill, Newmarket, Aurora, Whitchurch-Stouffville, East Gwillimbury, Georgina and the Township of King, with a population of just under a million people, is home to many diverse groups. Based on the 2001 Census Data, about 15% of them were recent migrants and about 40% were foreign born.¹ Over the past five years, this pattern of migration has only intensified.

The Canadian Red Cross' experience working with diverse communities in large urban areas, and in the Region of York, indicate that some immigrant communities come from areas affected by conflict and have been traumatized by various forms of violence and disaster. Many Canadians regard these issues of conflict as happening 'over there,' i.e. having little (though not zero) direct impact on Canada and Canadians. However, because of the diverse nature of our community and continued trends in immigration, the Canadian Red Cross finds our new immigrants are dealing with the effects of recent experiences in conflict zones, violence, social tensions, discrimination, and racism in their new communities. In particular, immigrant youth find themselves at-risk of isolation, including having to deal with issues of violence, racism and discrimination.² Despite these trends, there is limited programming in schools to deal with these issues, whether from the school boards or from service provision agencies.

In order to meet the rising needs of new immigrants to address the social and economic vulnerability that they face, the Canadian Red Cross has proposed the creation of a program to engage youth to prevent them from falling through the cracks and empower them to make positive change in their community. Research has shown that civic engagement increases resiliency and protects young people from at-risk-environments and behaviour. When youth learn to identify and understand the systemic factors that affect their lives, they can then move forward in a positive, constructive and conscious way to connect with their new communities.

¹ Stats Can, Region of York, **Census Data 2001**, <http://www12.statcan.ca/english/census06/data/profiles/community/Details/Page.cfm?Lang=E&Geo1=CD&Code1=3519&Geo2=PR&Code2=35&Data=Count&SearchText=York&SearchType=Begins&SearchP R=01&B1=All&Custom>, Accessed July 7th 2007.

² **United Way of York Region**, (<http://www.uwyr.on.ca>, Accessed August 8, 2007.

This inclusion/connection begins with providing youth the opportunity to gain valuable skills, make real decisions and contribute to their community.³

Goals:

The project itself envisaged the creation of an advocacy framework that would allow for the recruitment and training of newcomers - those who have only been in Canada for five years - to run an anti-racism campaign in their schools, thereby engaging the youth and making a positive change in their communities. It aimed to use the tools provided by the Humanitarian Issues Program of Canadian Red Cross in addressing international conflict and tie them to anti-racism tools that would be created in the course of this project.

In the initial stages of the project, we identified the town within York Region that would most benefit from our intervention as Markham. After some research, our target was also narrowed to Youth aged 14-19 as those most in need of this type of programming. Some funding for delivery was secured through a United Way Project Grant, with the Ian Scott Public Interest Internship providing much needed funding for human resources.

In order to meet the goal of empowering youth to run the campaign, we needed these elements:

- *Toolkit:* After surveying existing resources, we determined that we needed to create a resource for youth to use. I was responsible for the creation of a toolkit for youth to take with them into their schools, with information about racism, potential initiatives that they could use to educate their classmates about racism and other resources they could access for more information. This resource would be the cornerstone of the advocacy framework; it was the tool they would use to promote anti-racism.
- *Recruitment Strategies:* A vital part of the advocacy framework that needed to be addressed from a Red Cross standpoint was who would be the youth that would be running these campaigns. To answer this question, we needed to determine the best strategies to attract newcomer youth to our program.
- *Training:* The Red Cross needed to address how to empower the youth to promote anti-racism. To be equipped to address these highly sensitive issues, these youth would have to be well trained in facilitation, conflict mediation and on issues of discrimination. To this end, I was paired with the Youth trainer for York Region to design training modules to train the newcomer youth on racism. These modules would have to be generic enough

³ **Involve Youth: A guide to meaningful engagement of youth**, City of Toronto, <http://www.toronto.ca/involveyouth/youth2.htm>. Accessed July 30th, 2007.

but with sufficient detail on issues to ensure this program could then be rolled out in different regions of Ontario.

- *Monitoring:* There needed to be a monitoring aspect to the advocacy framework to ensure that the youth were being engaged and in turn, engaging others. Links needed to be maintained between the Red Cross and the Youth so I was responsible for researching several models and determining which was the best for our purposes.

Challenges:

- *Attracting Newcomer Youth:* This was one of the main challenges. Firstly, we attempted to recruit youth generally and ask them to identify if they had been in the country for five years or less. However, this is a very personal question and there were privacy issues identified, particularly in dealing with youth. Therefore, on the questionnaire, we had both this objective question and a subjective question, whether or not they thought of themselves as newcomers. Then we decided to adopt a targeted recruitment strategy by advertising in community centres and in shops that catered to particular communities, which we hope will be more successful. However, by recruiting in this fashion, we want to avoid falling into the trap of 'ghettoization'. We need to attract newcomers without making the program only for newcomers.
- *Language:* Language often acts as the largest barrier to newcomers gaining access to services and working within society. We did not want to recreate this barrier but at the same time, because our program requires that the youth be trainers, the expectation is that they have at least a sixth grade level of English. We decided that if there are youth that wish to participate that do not have this level of language, they must be encouraged to join the Red Cross Youth Group in other activities, such as planning events to raise awareness or fundraisers, and can transition into the anti-racism training program once their language skills have sufficiently developed.
- *Volunteerism:* Many people do not come from places with the same understanding of volunteerism as in Canada, where it is more institutionalized. Often newcomer youth may shy away from such volunteer activities as they may be from communities where being vocal is frowned upon. These youth will have to be drawn out and I made a great effort to include activities that were structured to ensure the participation of these youth.

Opportunities:

- *Teamwork:* I found that working with the Youth Trainer and our supervisor was a stimulating experience. It was a highly collaborative working environment where there

was consultation on many issues, but there was also the scope for independent work. While working on the Toolkit, although I was free to ask for input and help, it was very much left up to me to design.

- *Newcomer Recruitment:* We were able to draw on existing networks, such as Red Cross Youth Action Councils within schools who had been engaging fellow students on various humanitarian issues, which has enabled us to reach a large number of youth and community groups. As a result, we were able to recruit twenty youth ahead of target and have them involved in further recruitment.
- *Graphics:* The youth that we were working with volunteered to design the logo and the banner for the tool kit. Additionally, many of the graphics within the kit were contributed by the African Heritage Literature Class of Eastern Shore District High School in Nova Scotia, making this Toolkit by youth, for youth!

Outcomes:

Project:

In designing the advocacy framework, we have met our targets in the four areas discussed above. We will continue to train youth and monitor campaigns as the year continues.

- *Toolkit:* In writing and organizing the toolkit, I included the fundamental principles of the Red Cross and an elaboration of Red Cross advocacy, several proposed initiatives such as having a art show or writing a school anti-racism charter or running workshops (which are outlined in detail in the kit), how the youth can get their campaign off the ground, facilitation and conflict mediation tips as well as additional resources for use. The campaigns produced from the kit will be titled “Racism: It’s in You(th) to Stop it”, a slogan voted on by the youth. The Youth trainer and I ran focus groups to ensure that these initiatives (the workshops in particular) would appeal to youth and at the same time, get the anti-racist message across. The toolkit was also subjected to rigorous review by a carefully selected editing team.
- *Recruitment Strategies:* After an extensive literature and best practices review, I produced a brief document identifying the key issues and strategies in recruiting and working with newcomer youth. This document will be distributed across Ontario and be included in the Training Manual for the “Racism: It’s in You(th) to Stop it” Toolkit.
- *Training:* The training itself will be based on three modules. The first module allows the youth to delve into issues of racism in their own lives. The second module, subdivided into three parts, trains them on the delivery of the various aspects of the campaign. The final module gives them the space to review, organize, and plan their campaigns. The outline of the

training as well as other essential materials was included in the Training Manual that the Youth Trainer and I co-wrote.

- *Monitoring:* After researching several models, we decided on a Train the Trainers model, where the Red Cross would provide the training and the youth would then disseminate it within their schools, reporting back periodically to the Red Cross on progress and dealing with challenges. We designed forms for feedback, to be included in the Toolkit as well as in the training manual. There would also be meetings where the students who were running campaigns at the various schools would be able to share best practices.

Personal:

In working on this project, I personally gained a myriad of skills and was introduced to new experiences.

- *Prevention:* I have always felt that prevention is better than reaction and working on this anti-racism campaign seemed to drive that point home. When some of the youth I was working with spoke about the amount of segregation in the schools, whether in social interactions or through institutional divisions, and seemed to think this behaviour was acceptable, I could easily see the kind of attitudes that would allow schisms to form in our society later on and lead to actions that violated our human rights. I discovered that the anti-racism work that had been such a focus in my school days was no longer an active part of the curriculum. I realized that anti-racism work - changing attitudes, raising awareness and promoting healing - is a constantly evolving process, not something that can be done once and forgotten about/discarded. Prevention, like discrimination, is not the work of a day, but the work of generation after generation.
- *Intercultural Communication:* I learned a great deal about the importance of cultural sensitivity and understanding to effective advocacy. For example, in working with newcomer youth, I had to learn how to address a different culture of volunteerism, which was more focused on individuals helping individuals (which they would not consider volunteer work) as opposed to more institutionalized volunteering, such as with an organization like the Red Cross. In the end, helping youth understand the similarity between the two forms of volunteerism encouraged them to volunteer for the Red Cross. With these enhanced communication skills, I feel that I will be able to be a better advocate.
- *Working in a Non Governmental Organization (NGO):* In working at the Red Cross, I was able to familiarize myself with many of the organizations in the NGO network and have made several contacts that will be useful in the future.

Conclusion:

Overall, the Ian Scott Public Interest Internship was an excellent opportunity to engage in social justice. I have enhanced my own skills while at the same time making a positive contribution to the community at large.

Nastaran Roushan, Osgoode Hall Law School, Class 2009
Recipient of funding through the Ian Scott Public Internship Program

My internship with No One is Illegal was set up after I contacted Amina Sherazee, a prominent refugee rights lawyer and former instructor of the Refugee Law seminar at Osgoode. After expressing my desire to work within the public interest field, Ms. Sherazee recommended No One is Illegal—an organization aimed at raising awareness of migrant rights and eradicating barriers faced by non-status individuals in Canada.

Though largely an activist organization, No One is Illegal (in partnership with the Law Union), has an Immigration Legal Committee which provides legal opinions and other legal assistance about issues affecting the overall migrant community. I was supervised by MacDonald Scott, a prominent immigration consultant, a member of the Law Union of Ontario, and an active member with the Ontario Coalition Against Poverty. Mr. Scott started me off with the writing and editing of a series of manuals—work that would continue throughout the summer. These manuals simplified application processes and issues in the immigration and refugee system, while offering tips and critiques for individuals who were going through the process. As well, I also worked on a Pre-Removal Risk Assessment and Humanitarian and Compassionate Application for an Albanian family that will face extreme risk if returned to their home country. Another highlight of the legal work I completed was writing a constitutional argument for federal court challenging provisions in the *Immigration and Refugee Protection Regulations* as being ultra vires the *Immigration and Refugee Protection Act*.

However, it was not so much the more ‘traditional’ legal work I did as a part of No One is Illegal that defined my internship. Instead, it was the unexpected political activist aspect that I found to be the most challenging and ultimately, the most rewarding. Activism is an area rarely undertaken by lawyers and law students. It is frequently sidestepped because of the false notion that activism is separate from the law and that our careers as lawyers should be confined to traditional legal processes. However, I found out this summer that by ignoring the activist approach, lawyers are frequently missing out on one of the most effective ways of furthering their clients’ cases. This is particularly true with highly politicized areas of the law, such as the immigration and refugee field.

As a result, the most memorable experience that I had with No One is Illegal did not involve research and writing, but rather involved a mobilized attack on the immigration and refugee system. No One is Illegal decided to endorse a campaign to stop the deportation of a woman who identified as bisexual, and who feared prosecution on the basis of her sexuality.

Her testimony was not believed. I was actively involved in the formation of a rally/press conference on the steps of Citizenship and Immigration Canada at Yonge and St. Claire. The support for her, especially from her own community, was tremendous. As a result of the event, her case was forwarded to National Headquarters in Ottawa and her deportation was deferred. Though she still does not have a deportation date, her status in Canada is precarious and she can be removed within a few days notice.

This case had a significant impact on my view of the law. Those who adhere to the notion that law and politics can be compartmentalized or that the two rarely mix have never experienced a similar situation. Politics *cannot* be separated from the law. Without social pressures, the law will remain static. I am thankful to the Ian Scott Internship Programme for giving me the opportunity to work with legal professionals such as Amina Sherazee and MacDonald Scott—individuals who understand the dynamics of social change and the law and who are willing to step outside their traditional roles in order to gain the best outcomes for their clients. I am also thankful to have worked with the group of organizers and mobilizers that make up No One is Illegal—dedicated individuals who are constantly changing laws and policies from the grassroots level and providing unsuspecting lawyers with fertile ground for legal change.

Kevin Tilley, Osgoode Hall Law School, Class 2009
Recipient of funding through the Ian Scott Public Internship Program

As legal professionals, we are uniquely equipped with the tools to address issues of systemic social and economic injustice. We are not only given the skills to engage in debate and dialogue with lawmakers and bureaucrats, but we are granted exclusive access to the justice system, the forum in which major issues of social policy are decided. Unfortunately, however, too few lawyers are willing or able to utilize their unique skills towards social justice. Big business interests mean that far more lucrative careers can be found defending the interests of the rich, while the social pressure placed on young lawyers leads them to believe that off-Bay St., careers are second rate at best.

Pivot Legal is an organization based in Vancouver's Downtown Eastside that goes against the grain in many of these respects. It aims for social justice through law reform, advocacy, and strategic litigation on behalf of the most marginalized people in our society. Unlike typical legal aid clinics, Pivot does not take on a regular caseload of individual legal files. Rather, it works with the community to identify those issues of widespread social importance, and then finds ways to address those issues using the law or legal advocacy. The issues that Pivot has chosen to focus specifically on are: sex work, policing, addiction, housing and child apprehension. In the past, Pivot has written reports, launched police complaints, and represented victims of police misconduct. It is currently working on a *Charter* challenge to strike out the provisions of the criminal code related to prostitution, and has brought a civil suit against the City of Vancouver for its failure to maintain adequate low-income housing.

As a summer intern with Pivot, I was deeply involved in most of Pivot's projects. I drafted legal documents including statements of claim, interlocutory applications, internal legal memos, and opinion letters. I regularly attended court proceedings with Pivot's lawyers and I frequently met with clients and community leaders. I often found myself visiting clients inside some of the city's most run-down buildings, and talking with members of the community who were homeless and suffering from serious addiction or mental health issues. I also carried a small caseload of housing files and helped successfully prevented the closure of a low-income residential building which had been purchased by a large developer. I also designed and executed a research project concerning private security guards and their interaction with the homeless and addicted. Generally speaking, my experience allowed me not only to gain valuable black-letter legal skills, but submersed me in the complex and intersecting issues faced by Canada's poorest neighbourhood.

I learned that legal skills can be of great service to a marginalized community like the Downtown Eastside. I found that the community itself was organized, capable, and was in the best position to identify its own issues and solutions, but that a variety of barriers existed

preventing the community from advocating for itself. As legal professionals, we were better able to gain the attention of the media, communicate with politicians, and articulate issues to the surrounding communities. By building relationships with the surrounding community and working collaboratively and strategically, lawyers can have a pivotal role to play in movements toward greater social justice.

Kofi Achampong, Osgoode Hall Law School, Class 2010
Recipient of funding through the Ian Scott Public Internship Program

This past summer, I had the pleasure of travelling to Addis Ababa, Ethiopia to work as an intern at the African Union Commission (AUC). The AUC is the principle secretariat arm of the African Union – a multilateral confederation of all African states (save Morocco) and other intergovernmental organs- dedicated to the goal of achieving Africa’s political, social and economic integration and development through coordinated action and decision making on matters that collectively confront all states in the region. This opportunity was facilitated by Osgoode Hall Law School, the University of Toronto’s African Studies Department, the African Union, and was made possible by the funding provided through the Ian Scott Public Internship Program. Overall, the experience was both rewarding and challenging on a variety of levels, and ultimately, what I gained from it – both as a individual and as a law student - extends well beyond any of the actual technical work I was engaged in while working at the Commission. The following is a brief account of how this opportunity emerged, why I ultimately decided to pursue it, and what I gained both as an individual and as a law student from the experience.

I have always had an interest in Africa, being both African (I was born in Ghana before moving to Canada with my family at age 6) and having studied international relations during my undergraduate studies at U of T- with a specific focus on African international relations and socio-economic development. In fact, during those years, I had done both formal and informal research on the African Union and had also come into contact with academics that specialized in the area of African politics. One of those academics, Dr. Thomas Tieku, a lecturer at the University of Toronto, became a regular contact of mine during my years of study. Aware of my interest in African international relations, he informed me that there was an opportunity to work as an intern at the African Union Commission; however, as the institution remained notoriously underfunded, I would have to pursue my own avenues for funding.

After learning about the Ian Scott Public Internship Program during the first week of orientation at Osgoode, I kept in mind the possibility of applying for this initiative. I was encouraged by the law school’s sincere efforts to encourage students to broaden their horizons on the law and consider social justice alternatives as viable options outside the normal ‘Bay Street’ track. I considered the possibility of applying for this grant a fortuitous luxury, as avenues for funding of this sort are often limited and certainly few and far between. I also felt that the Ian Scott Program presented a chance to actually discover my own interest in the law, while at the

same time contributing in meaningful ways to worthwhile causes and projects aimed at reducing societal inequity and injustice.

And so, when the time came to consider what I was going to do with my summer after completing a gruelling first round of law school, I decided that I would get my feet wet in the matters to which that I had always had a passion-African development and politics. I met with professor Tiekou and informed him of the available options I had discovered at Osgoode during my first year of studies. He encouraged me to contact the African Union and put together a proposal for a research project that would actually allow me to contribute significantly to some of the African Union's most pressing concerns. After researching some of the matters that the African Union had been engaged with over the last year or so, I decided that I would draw on some of my past research experience with international organisations, to design a project that would be at the heart of the African Union's current agenda.

As an undergraduate student at U of T, I had been involved with a project appropriately called the G8 Research Group. The G8 Research Group is an organisation founded by professor John Kirton and a number of his former graduate students and colleagues, at the Munk Centre for International Relations, located at the University of Toronto. The group also comprises a number of student analysts, who every year, assess the compliance of G8 Member-states with official pronouncements and platforms on issues that concern Member-states of the G8 as well as the global community. As a student analyst, I was responsible for researching and writing on the compliance of G8 Member-states to their stated declarations during the annual G8 summits. Adapting this idea, I thought about the possibility of utilizing a similar strategy towards the design of a compliance rubric that would measure the progress of AU Member-states with directives that had been adopted by the African Union during annual Heads of States summits, in particular those pertaining to the newly adopted *African Charter on Democracy, Elections and Governance*.

With the assistance of Professor Tiekou, I managed to contact various senior staff at the African Union Commission's Political Affairs and Legal Affairs department and thus, sent them a copy of the project I intended to work on during my time there. They would eventually approve of the project and instructed me to get into contact with their human resources department in order to obtain official documents for processing and confirming the internship. I received these documents and promptly completed them. When the time finally came to apply for the Ian Scott Internship Program, I would use these documents along with the copy of my proposal as part of the overall submission. In the end, I was fortunate enough to be selected as one of a number of

recipients for funding through the Ian Scott Program, and was jubilant to have been given such a rare opportunity to pursue a worthwhile initiative.

The internship itself would last for approximately 2 ½ months and would expose me to a range of issues and challenges that I could never have imagined experiencing. I could also never have envisioned that I would be able to contribute to some of the most urgent political and social matters facing the continent of Africa today. Nonetheless, through this experience, I learned that there were significant constraints to effectively implementing my project.

Unfortunately, almost immediately upon my arrival, I was confronted with the realisation that the African Union Commission's Political Affairs Department was abysmally under-resourced and understaffed that it would be impossible to effectively complete the project in the space of the 2 ½ month time-frame allotted for the project. Simply put, there was not enough logistical and administrative support to effectively assist the design and execution of this project, and so, almost as instantaneously as the initiative had started, I decided to alter the focus of the project.

Perhaps I was overly ambitious about what I thought I could accomplish, or rather I hadn't had enough exposure to the ways in which things operate in institutions of this sort. In any case, after learning that it would be infeasible to implement the project as I had initially planned, I decided to shift my focus away from working on my own single project, and instead I chose to offer my services and experience towards various projects that needed assistance. With a staff of less than 70 people in the Political Affairs Department, I could hardly imagine how the entire Commission – with a staff of less than 350 in total – could possibly support and manage the stream of activities concerning 53 countries representing over 800 million people.

As a consequence of my decision to work as a 'general' intern, I would be assigned to work in a number of departments across many subdivisions of the Political Affairs Department and the Legal Affairs Department. For the duration of the brief 2 ½ months, I would be assigned to work across departments and subdivision including the Elections Division, the Human Rights Division, the Governance Division, and I even got a chance to do some work with the Peace and Security Division. Some of the more specific work I was able to contribute to included: drafting an internal memorandum of the consequences of Zimbabwe's electoral turmoil for future AU monitored elections; writing up a concept note for an impending meeting on strategies for integrating local governance actors (paramount chiefs, local ngo's, religious groups etc) in the larger-scale development projects of Member-states; developing a budget for multi-stakeholder meetings happening all over the continent; attending and organizing conferences on the drafting of a continental convention on internally displaced persons; providing critical research for a paper on the merging of the African Court of Justice and the African Court on Human and

People's Rights, and of course, fulfilling regular internship duties like taking down notes in meetings, photocopying and naturally, getting coffee.

All in all, the entire experience was enlightening and unforgettable. Ethiopia gave me a wondrous opportunity to live in a society with a rich culture and history (human beings are actually thought to have originated in a region not far from where I was staying), as well as the chance to gain exposure to the realities of life and work in one of Africa's most socially and politically contentious hot-spots. I would often witness scenes of extreme poverty and marginalisation that have given me a new appreciation for the role government, and the public law in general, as a means of ensuring equal access and opportunity for those who- for whatever reason- find themselves on the lower rungs of the economic ladder of society. The political climate in Ethiopia was also tense to say the least. It presented a first hand glimpse of some of the serious challenges facing not just Ethiopia, but the continent itself and the institutions - the AU included - that have been charged with the task of helping to find wide-scale solutions to the litany of problems facing the continent.

Of course, Ethiopia and the AU also offered me an opportunity to witness how local ingenuity and hard work were interacting to counterbalance some of the uncontrollable global and domestic forces that conspire to hamper a more equal standard of living for the vast majority of the poor in Africa. In the end, I was left encouraged by some of the hard work that people and organisations – whether at the AU, UN, in local government, in churches and mosques, or simply on the street and in their homes – were doing to help alleviate large scale injustice and inequity and was left changed by the experience in ways that will remain with me for the entirety of my life and career.

As someone that is both interested in law from a public interest perspective, and as a tool for combating societal inequity, I was stimulated and motivated by the experience I had at the AU. I had an opportunity to contribute in meaningful ways to some of Africa's most pressing concerns, and was left enriched by the experience of working in an environment and institution that itself, must confront some of the very challenges it aims to tackle. I've also learned that lawyers are key players in the sphere of international politics and problem solving and must be keenly attuned to the ways in which legal documents can have beneficial or disastrous consequences for some of the world's most marginalized communities.

I am sincerely grateful to the Ian Scott Internship Program for facilitating this opportunity and for supporting not only my initiative, but those of other students equally committed to utilizing the force of law to help create a more just and equitable society. As a champion of social justice, Ian Scott did much to ensure that some of the most disaffected and marginalized

segments of our society were given equal opportunity to pursue that which - regardless of background, orientation or other particularity – is their rightful province and entitlement; equal opportunity and a chance at happiness. Moreover, I am honoured to have served the African Union Commission under his legacy and to have contributed in some small measure to the creation of a more fair and just society.

Kofi Achampong

Meghan Wilson, Osgoode Hall Law School, Class 2010

Recipient of funding through the Ian Scott Public Internship Program

Foundation for Human Rights Initiative Kampala, Uganda

The political riots following the elections in Kenya had me seeking out an internship with an organization active in the advancement of civil and political rights in East Africa. We were told about the Ian Scott Fellowship during my first week at Osgoode and I was excited about the possibility of being able to take advantage of this great funding opportunity. I started by



researching possible host legal organizations in the region over the internet and narrowed down my options to those I felt were involved in the most productive work and who had hosted international interns in the past. I contacted a number of different NGOs, but I was the most enthusiastic about the projects presented by the Foundation for Human Rights Initiative (FHRI) in Kampala, Uganda. Through numerous correspondences, FHRI and I were able to cooperatively establish the terms of my proposed internship. With the support of an Ian Scott Fellowship, I

was able to join FHRI's Rights Monitoring and Advocacy team in their activities to advance civil and political rights in Uganda.

My main project during my time at FHRI was to research and develop a progress report on electoral reforms in the country. In 2006, Uganda held its first multi-party election in over twenty years. Fortunately, the elections did not end with levels of violence commensurate with post-election Kenya; however, they have been largely criticized for officially-sanctioned violence towards opposition parties, intimidation of the electorate and unfair use of public funds. Uganda remains a fragile democracy with serious impediments to citizens' active assertion civil rights. Many of the suggested reforms from the judiciary, the Uganda Human Rights Commission (UHRC) and civil rights organizations will take years to implement and adequately inform the public about. The intention of the report is to establish what progress has been made towards these reforms and to advocate for all necessary reforms to be in place well before the 2011 elections.



We started by conducting some comparative research on international election standards and varying elections formats. Then, my research partner and I interviewed members of the Electoral Commission, Parliament, judiciary, the UHRC, media and civil society to establish what changes

have been made since 2006 and what the experts feel are plausible implementation methods and timelines. We also conducted focus group research in rural villages and at an Internally Displaced People's camp in Northern Uganda. Hearing this variety of voices allowed for a more complete grasp of Uganda's political climate and the current state of democratic rights across the country.

In addition to the elections research, I also participated in the regular activities of the research and advocacy department. These include conducting prison monitoring visits across the country as part of the Foundations on-going efforts to protect prisoner's rights. The monitoring consists of investigating the conditions of the prisons and interviewing prisoners about their treatment, including following-up on any specific harassment and abuse complaints. I was also involved helping the Right to Life department develop mitigation pleas for prisoners on death-row.

To diversify my experience from purely research and interviews, I also asked if I could assist the reparations department with some of their cases. Through this work I was able to attend a number of Human Rights Tribunals and develop legal opinions for cases of police or military torture. I also conducted research on the writs of mandamus and possible methods to force the government to comply with orders from the Commission, which is currently a very big barrier against victims receiving their rightful compensation.

Apart from my work at FHRI, I really enjoyed my time in Uganda in its entirety. On weekends I would often venture to other beautiful parts of the country for activities such as hiking through game parks, white water rafting on the Nile, and the relaxing on the nearby Lake Victoria islands. The whole experience was very fulfilling and enlightening, and I am grateful to everyone that made it possible. I highly recommend that all Osgoode students with an interest in gaining valuable experience in social justice consider the possibility of an Ian Scott Fellowship.

By: Meghan Wilson



James Yap, Osgoode Hall Law School, Class 2010

Recipient of funding through the Ian Scott Public Internship Program

Before coming to law school, I worked for two years as a field consultant at a software company. I was sent to work with clients all over Canada and the US, and on one occasion I was sent to the Philippines. It was an incredible experience and I enjoyed it immensely – but at the same time, I saw a lot of things that disturbed me. I was disturbed by the poverty and by the pollution. I thought to myself that one day, I would like to return and work on some of the issues that touched me deeply while I was there.

One of the things that particularly disturbed me while I was there was the problem of child prostitution. So this summer, with the help of the Ian Scott Fellowship, I was able to travel to the Philippines to provide legal support to a child protection agency. As early as the fall of first year, seeing in the next summer a perfect opportunity to make good on my previous resolution, I set out to put together my own public interest summer project in the Philippines. I made a contact through a friend who referred me to the agency, and I made all the arrangements with them myself.

My work there involved assisting in prosecutions of child prostitution offenders (private prosecutors being allowed in the Philippines, the agency has a lawyer on staff who prosecutes cases on behalf of victims), as well as helping to prepare draft national legislation on child pornography – looking at existing foreign and international legislation on child pornography worldwide and adapting it to a local context. I particularly cherished the opportunities I had to work directly with the girls at the shelter. Initially I thought this aspect of the work would be a little sad and sobering, but I did not realize what a refreshing and uplifting experience it would be to bear witness to the resilience of the human spirit. I truly learned a lot. I got the opportunity to go to court several times, and although I cannot venture much into the details of the cases, because of the sensitive nature of the topic, I did take a picture outside one of the courtrooms.

However, this was not the only project I got involved with this summer. With the other half of the summer, I went to Malaysia where I volunteered at the UNHCR (United Nations High Commissioner for Refugees). Perhaps as a result of my own immigrant background, I have always taken a keen interest in the circumstances surrounding the patterns of international movement and relocation of people. Working at UNHCR was another amazing experience as I worked closely with refugees on a daily basis and heard some incredible and humbling stories. I worked in the Refugee Status Determination unit, which meant that much of the time I spent interviewing refugee claimants and assessing their claims. However, I also worked on research

compiling a profile of the refugee case load as well as analyzing country of origin incident reports looking for potential violations of international humanitarian law. This research will allow the office to gain a better understanding of the people they are serving.

UNHCR also does support work for recognized refugees who have been arrested, deported, robbed, or have had any other trouble with the authorities. I had the opportunity to get involved with some of this work, and it was a very rewarding experience. UNHCR's work in this regard is particularly important because Malaysia is not a party to the 1951 UN Convention on Refugees. This means that refugees recognized by the UNHCR have no legal status in Malaysia, and thus they are very vulnerable. If they are caught by the authorities they can be deported to their home countries at any time. Additionally, if they fall victim to crime or some other form of abuse, there is a risk they will be deported if they report it. Because of the highly vulnerable status of these refugees, the UNHCR in Malaysia maintains strict confidentiality rules that prevent me from describing their stories or disclosing pictures of the refugees or the UNHCR premises.

I am particularly grateful to the Ian Scott Public Interest Fellowship program because it allowed me to set up and work on a project of my own design. It can be a little difficult to find funding for a self-designed public interest project. Far more common are instances where funding is advertised for an established project that has been set up by the host organization, and they are just looking for a person to fill it. Although I am sure these are great projects and great experiences, it is good that funding is also available to reward those who wish to take the initiative to design their own program tailored to their specific needs.

Application Form for Ian Scott Public Internship Program

Please fill in and return this form to the Career Services Office, Room 117, by Wednesday March 11, 2009 at 4:00pm

1) Contact Information:

Name:

Student Number:

Address:

Phone Number:

Email:

2) Eligibility:

What year will you graduate?

Are you a Canadian citizen/permanent resident and a resident of Ontario?

Is your work unpaid, or underpaid?

Yes No

Yes No

If underpaid, please estimate how much you will earn working for the organization: _____

Do you have a significant debt load?
How much?

Yes No

Have you received OSAP this year?
How much?

Yes No

Did you receive a bursary from Osgoode this year?
How much?

Yes No

If you received financial assistance from Osgoode, would you like the information in that file to be transferred to your application for the graduation award?

Yes No

Have you arranged for a line of credit?

Yes No

Have you secured your articling placement?

Yes No

3) Project Details:

3a) What is the name of the firm/office/organization? (Please provide address, phone number and website)

3b) Explain why you consider this to be social justice practice:

3c) What is the name of the person who will be supervising your work? (Please provide phone number and email address)

3d) Internship Proposal (750 words maximum)

Please describe your proposed project by answering the following questions, and providing any additional information you consider relevant.

- ✓ What social or legal issues will you consider?
 - ✓ Why are these issues important?
 - ✓ How will your work address these issues?
 - ✓ What kinds of contribution do you feel you can make to the host organization or institution?
 - ✓ What do you hope to take away from the experience?
-

4) Your application (250 words maximum):

Describe your interest in social justice and any relevant prior experience including: past employment (law or non-law), volunteer positions, courses, extra-curricular activities and/or publications. If you have not had the opportunity to demonstrate your interest in social justice, please explain why you are currently interested in this particular project.

Please submit a letter of support for your proposal from the host organization (200 words maximum).

Application Checklist:

- Resume
- Cover letter
- Transcripts
- Application form
- Internship proposal (description of project)
- Supporting letter from organization

The committee will review applications, and a final decision will be announced on (TBD).

Please note: students will be selected on the basis of their proposal, their demonstrated commitment to social justice; extra-curricular and volunteer experiences; academic performance; and financial need.

Submit **four copies** of your completed application to the Career Services Office, Room 117, to the attention of Chantal Morton by 4:00 pm on Wednesday March 11, 2009.