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List of Publications
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Books and Monographs

Structures agricoles et législation québécoise (Cowansville, Qué.: Les Editions Yvon Blais, 1988) 163 pp.

Reviewed: (1989) 91 *Revue du Notariat* 565-566 (A. Duval); (1989) 20 *Revue générale de Droit* 170 (S. Consentino); (1989) 30 *Les Cahiers de Droit* 806-808 (E. Fortin); (1989) 34 *Revue de droit de McGill* 1104-1107 (L. Marquis); (1989) 23 *Revue juridique Thémis* 235-237 (P.-A. Côté).

Le Pacte international relatif aux droits civils et politiques et la Convention européenne des droits de l'homme (Montréal: Les Presses de l'Université de Montréal, 1975) 625 pp.

Edited Publications

Indignation, Socio-economic Inequality and the Role of Law (with Anneke Smit and Véronique Fortin), published as Volume 5, Number 1 of the [online] *Oñati Socio-legal Series* (Oñati International Institute for the Sociology of Law, 2015).

Chapters in Edited Books

“Planning for Potable Water: Public interest and property rights”, in Smit, Anneke & Marcia Valiente, eds., *Private Property, Planning and the Public Interest* (Vancouver: UBC Press) (in press, 2015; 20 p. ss)

“Saint Lucia: The Quebec Connection – Parallelism, convergence and divergence”, pp. 185-212 in Farran, Sue, Esin Özücü & Seán Patrick Dolan, eds., *A Study of Mixed Legal Systems: Endangered, entrenched or blended* (Farnham, UK: Ashgate Publishing, 2014)

“Canada and the Kyoto Protocol: An Aesop fable” (with José Otero), pp. 489-507 in Hollo, Erkki, Kati Kulovesi & Michael Mehling, eds., *Climate Change and the Law: A global perspective*, in *Ius Gentium: Comparative perspectives on law and justice Series*, vol. 21 (Berlin: Springer, 2013)

“Troubles de voisinage législative: L'exemple de la *Loi sur l'aménagement du territoire* et de la *Loi sur l'eau saine* dans l'Ontario, Canada”, pp. 169-183 in Collart Dutilleul, François, dir., *De la terre aux aliments, des valeurs au droit* (Programme Lascaux) (Costa Rica : INIDA, 2012)

Also published, as “Sibling Rivalry: The example of the *Planning Act* and the *Clean Water Act* in Ontario”, in (2010) 34 *Vermont Law Review* 903-915 (USA) [see below]

“Reconceptualising Social and Economic Rights: The right to housing and intersecting legal regimes”, pp. 187-204 in Sheppard, Colleen & René Provost, eds., *Dialogues on Human Rights and Legal Pluralism / Dialogues sur les droits humains et le pluralisme juridique*, in *Ius Gentium: Comparative perspectives on law and justice Series*, vol. 17 (Berlin: Springer, 2013) [actually published 2012]

“GMOs and Environmental Damage in Canadian Law”, pp. 293-304 in Carretero García, A., ed., *Agricultura Transgénica y Calidad Alimentaria Análisis de derecho comparado*, Colección Estudios #133 (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2011)

“Damage Caused by GMOs under Canadian Law”, pp. 663-714 in Koch, Bernard A., ed., *Damage Caused by Genetically Modified Organisms: Comparative survey of redress options for harm to persons, property or the environment*, Tort and Insurance Law, Vol. 27 (Berlin: de Gruyter Publishing, 2010)

“GM Agriculture in Canada: A courtroom drama”, pp. 254-273 in Bodiguel, Luc & Michael Caldwell, eds., *The Regulation of Genetically Modified Organisms: Comparative Approaches* (Oxford: Oxford University Press, 2010)

“Mixed Jurisdictions in the Commonwealth Caribbean: Mixing, unmixing, remixing”, pp. 78-108 in Öricü, Esin, ed., *Mixed Legal Systems at New Frontiers*, JCL Studies in Comparative Law (London: Wildy, Simmonds & Hill Publishing, 2010)

Also published in (2008) 3:1 *Journal of Comparative Law* 53-76 (UK) [see below]

“Mont-Tremblant, Quebec: Canadian Law and the Ecological Footprint of a Four-Season Resort” (four-chapter case study), pp. 329-415 in Milne, Janet E., Julia LeMense & Ross A. Virginia, eds., *Mountain Resorts: Ecology and the Law*, Ecology and Law in Modern Society Series (Farnham, U.K.: Ashgate Publishing Ltd., 2009)

“Promissory Estoppel, Proprietary Estoppel and Constructive Trust: ‘What’s in a name?’”, pp. 225-246 in Fauvarque-Cosson, Bénédicte, ed., *La confiance légitime et l’estoppel*, Collection Droit privé comparé et européen, vol. 4 (Paris: Société de législation comparé, 2007)

Also published, with permission, in (2007) 30 *Dalhousie Law Journal* 141-163 [see below]

“Informal Law in Informal Settlements” (with Véronique Bélanger), pp. 281-304 in Holder, Jane & Carolyn Harrison, eds., *Law and Geography*, Current Legal Issues Volume 5 (Oxford: Oxford University Press, 2003)

“Genetically Modified Crops in Canada: Downstream Fears, Upstream Realities”, pp. 471-487 in *Prodotti Agricoli e Sicurezza Alimentare: In memoria del Prof. Louis Lorvellec* (Proceedings of the VII Congresso Mondiale di Diritto Agrario, Pisa-Siena, November 2002), t. 1 (Milano: A. Guiffre Editore, 2003)

“The Handling and Shipping of Canadian Grain: Nostalgia in an era of globalization, pp. 599-605, in F. Lledó Yagüe & R. Herrera Campos, *Agricultura ante el tercer milenio* (Actos del VI Congreso Mundial de Derecho Agrario, El Ejido 2000) (España: Dykinson)

“Le crédit agricole” (with Paul Pomerleau), pp. 257-278, in *Contemporary Law/ Droit contemporain 1998* (Cowansville, Qué.: Les Editions Yvon Blais Inc., 1999)

“The Administration of Justice in Agro-Environmental Matters in Canada”, pp. 101-113, in Ulate Chacón, E., ed., *Justicia Agraria y Ambiental en América* (Memoria del I Congreso del Comité Americano de Derecho Agrario, celebrado en San José y Liberia, Costa Rica, del 19 al 23 de mayo de 1997) (San José, Costa Rica: Ed. Guayacan Centroamericana, 1998)

“Le financement agricole en droit canadien: Le financement direct”, pp. 721-732, in *Actes du 4ème Congrès Mondial de Droit Rural*, Tunis, 21-26 octobre 1996 (Tunis: Union Mondiale des Agraristes Universitaires & Faculté de Droit et des Sciences Politiques de Tunis, [1998])

“Civilian Survival: Upper and Lower Canada and the Saint Lucia Civil Code”, pp. 327-354 in Brierley, J.E.C. et al., eds, *Mélanges Paul-André Crépeau* (Cowansville, Qué.: Éditions Yvon Blais Inc., 1997)

“Agriculture and the Environment: Text and Subtexts”, pp. 343-362, in Kerameus, K.D., ed., International Academy of Comparative Law and Hellenic Institute of International and Foreign Law, *XIVth Congrès international du Droit comparé/ International Congress of Comparative Law, Athens 1994: General Reports* (Athens/The Hague: Ant. N. Sakkoulas Publishers & Kluwer Law International, 1996)

“Les grandes tendances du droit rural canadien”, pp. 107-121, in Zeledón Zeledón, R., ed., *Actos del 2o Congreso de la UMAU: Las grandes tendencias del derecho agrario moderno: Características entre tradición y modernidad* (San José, Costa Rica: Ed. Guayacan Centroamericana, 1994)

“The Legal Status of Agro-Industrial Enterprises”, pp. 274-289, in *Contemporary Law/ Droit contemporain* (Cowansville, Qué.: Les Editions Yvon Blais Inc., 1992)

“New Town Planning, Land Acquisition and Betterment Value: The Case of Lebourgneuf, Quebec” (with Jeanne M. Wolfe), pp. 15-46, in Byczewski & Ptaszynska-Wolozkiewicz, eds., *Land Use Management under Different Political Systems* (Warsawa: TUP, 1989)

“La coexistence de la Loi sur la protection du territoire agricole et la Loi sur l'aménagement et l'urbanisme”, pp. 279-315, in Poirier, M., ed., *Droit québécois de l'aménagement du territoire* (Éditions Revue de Droit, Université de Sherbrooke, 1983)

Articles and Notes

“Editors' Introduction: Indignation, socio-economic inequality and the role of law” (with Anneke Smit and Véronique Fortin) (2015) 5 (1) *Oñati Socio-legal Series* [online] 1-7 (Spain).

“The Canadian Wheat Board, Socio-economic Vulnerability and the Neo-liberal State”, (2015) 5(1) *Oñati Socio-legal Series* [online] 135-161 (Spain).

“Addressing Climate Change in Canada: ‘(Un)cooperative federalism?’, (2012) 32 *Finnish Journal of Environmental Law (Ympäristö-Juridiikka)* 82-114 (Finland)

“Crown Ownership of Water *in Situ* in Common Law Canada: Public trusts, classical trusts and fiduciary duties” (2010) 51 *Cahiers de Droit* 493-519 [actually published 2011]

“Sibling Rivalry: The example of the *Planning Act* and the *Clean Water Act* in Ontario” (2010) 34 *Vermont Law Review* 903-915 (USA)

Also published, with permission, as “Troubles de voisinage législative: L’exemple de la *Loi sur l’aménagement du territoire* et de la *Loi sur l’eau saine* dans l’Ontario, Canada” in Collart Dutilleul, François, dir., *De la terre aux aliments, des valeurs au droit* (Programme Lascaux) (Costa Rica: INIDA, 2012) [see above]

“Informal Formality: Tenancies, *Ejidors* and Family Land” (2008) 4:2 *International Journal of Law in Context* 135-148 (UK)

“‘Government Wrongs’: Civil Liability for GMO Regulation in Canada” (2008) 18:2 *Journal of Environmental Law and Practice* 169-193

Also published, by invitation and with permission, in [2009] *Agricoltura Istituzioni Mercati: Rivista di diritto agroalimentare e dell’ambiente* (Italy)

“Mixed Jurisdictions in the Commonwealth Caribbean: Mixing, unmixing, remixing” (2008) 3:1 *Journal of Comparative Law* 53-76 (UK)

Also published, with permission, in (2008) 12:1 *Electronic Journal of Comparative Law*

Also published, by invitation and with permission, in Örüçü, Esin, ed., *Mixed Legal Systems at New Frontiers*, JCL Studies in Comparative Law (London: Wildy, Simmonds & Hill Publishing, 2010) 78-108 [see above]

“Promissory Estoppel, Proprietary Estoppel and Constructive Trust: ‘What’s in a name?’” (2007) 30 *Dalhousie Law Journal* 141-164 [actually published 2008]

Also published in Fauvarque-Cosson, Bénédicte, ed., *La confiance légitime et l’estoppel*, Collection Droit privé comparé et européen, vol. 4 (Paris: Société de législation comparé, 2007) [see above]

Extracts reproduced, by invitation and with permission, in Dawson, Brettel, ed., *Obligation in Private Law* (Concord, Ont.: Captus Press, 2012)

“Enforceability of Economic and Social Rights in the Wake of *Gosselin*: Room for Cautious Optimism” (2004) 83 *Canadian Bar Review* 929-957 [actually published 2005].

"Footloose: Civil Responsibility for GM Gene Wandering in Canada" (2004) 43 *Washburn Law Journal* 547-573 (USA).

“Genetically Modified Crops in Canada: Rights and Wrongs” (2003) 12 *Journal of Environmental Law and Practice* 281-310.

“Mont-Tremblant Resort: An Integrated Approach to Ecosystem Protection” (with Anne Drost) (2002) 26 *Vermont Law Review* 593-628 [actually published 2003] (USA).

“Aboriginal Rights and Sustainable Development” (with Anne Drost) (1999) 48 *International and Comparative Law Quarterly* 176-186 (UK).

Also published in *Actos do 5o Congresso Mundial de Direito Agrário do UMAU: Direito Agrário e Desenvolvimento Sustentável* (Brazil, 1998) (Porto Alegre, Brazil: Uniao Mundial dos Agraristas Universitários & Associacio Brasileira de Direito Agrário, 1999), pp. 217-228.

“Chattel Houses and Mobile Homes: Fixtures in Caribbean and Canadian Law” (with Christine Toppin-Allahar) (1997) 7 *Caribbean Law Review* 368-391 (Barbados).

Initial version published as (1997) *Cahier /Discussion Paper* No. 1-97 (Villes et Développement).

“Access to Housing: Examples from the Caribbean Basin / L'accès à la propriété – Exemples tirés des Caraïbes” (1997) XII(1) *Speaking About Rights/ Paroles de Droits* (Canadian Human Rights Foundation Newsletter) 11-12.

“Los Asentamientos Irregulares en Trinidad y Tobago, Costa Rica y México” (1996) *Cahier /Discussion Paper* No. 10-96 (Série "Conférences") (Villes et Développement).

“L'endettement en droit agricole canadien” (1995) 26 *Revue de Droit, Université de Sherbrooke* 45-78.

Initial version published in *Actes du 3e Congrès de l'UMAU: Aménagement rural et agriculture, Commerce international et agriculture, Rôle de l'État en agriculture* (France, 1996), pp. 625-656.

“The Growth of the Informal Sector and Regularisation of Spontaneous Development: Lessons from the Caribbean for planning law reform” (with Jeanne M. Wolfe) (1996) 18(1) *Third World Planning Review* 59-77 (UK).

Initial versions entitled “The Growth of the Informal Sector and Regularization of Spontaneous Development: Implications for Conventional Planning Law Standards” published as (1993) *Cahier /Discussion Paper* No. 36-93 (Villes et développement), and in Toppin-Allahar, C. & B.A. Chow, eds., *Taking Up the Challenge of Designing Indigenous Planning Laws*, Proceedings of the CIDA/UWI/McGill Caribbean Planning Law Workshop, Kingston, Jamaica, 29th April - 1st May 1993 (CIDA/UWI/McGill, 1994) pp. 12-29.

“Squatter Regularisation: Problems and Prospects - A case study from Trinidad” (with Ronald P. Labossiere & Jeanne M. Wolfe) (1993) 15(3) *Third World Planning Review* 249-262 (UK).

Initial version published as (1993) *Cahier /Discussion Paper* No. 33-93 (Villes et Développement).

“Urban Land Tenure Problems and Housing the Poor: Examples from Trinidad and Indonesia” (with Joseph Chung & Jeanne M. Wolfe) (1993) *Cahier /Discussion Paper* No. 35-93 (Villes et Développement).

“The Effects of Regional County Municipal Plans and Agricultural Zoning in the Region of Montreal” (with Jeanne M. Wolfe) (1992) November *Plan Canada* 9-13.

“La maîtrise du sol en droit rural québécois” (1991) Numéro spécial, *Revue du Notariat* 25-53.

Also published in *La maîtrise du sol (Journées camerounaises)*, Travaux de l'Association Henri Capitant, Tome XLI:1990 (Paris, Economica, 1992), pp. 617-640.

“Real Property - Land Use Control - Protection of Agricultural Land - Vested Rights” (1990) 69 *Canadian Bar Review* 784-794.

“La protection des biens culturels en droit public interne québécois: Les biens immobiliers” (1990) 24 *Revue juridique Thémis* 37-50.

Also published in *La protection des biens culturels (Journées polonaises)*, Travaux de l'Association Henri Capitant, Tome XL (Paris, Economica, 1989), pp. 377-390.

“Property, Planning and the Charter” (with Robert G. Doumani) (1989) 34 *McGill Law Journal* 1036-1062.

“Le commerce des contingents agricoles: L'expérience canadienne” [1989] 1 *Blätter für Agrarrecht / Communications de droit agraire* 1-10 (Switzerland).

“‘Right-to-Farm’ in Canada” (with G. Penfold, D. Flaming and D. Brown) (1989) 29:2 *Plan Canada* 47-55.

“L'administration régionale et locale au Québec: La Rébellion de 1837” (1988) 66 *Revue Historique de Droit Français et Étranger* 211-219 (France).

“La décentralisation de l'aménagement du territoire: Mythe ou réalité?” (1986) 27 *Les Cahiers de Droit* 355-370.

Initial version published in *Cahiers de la section sciences juridiques de L'ACFAS: Le droit et le développement régional*, mai 1985, pp. 19-50.

“Approaches to the Protection of Agricultural Land in Quebec and Ontario: Highways and By-ways” (1985) 11 *Canadian Public Policy /Analyse de Politique* 665-676.

“Can This Province be Saved?” (1985) 15, No. 3, American Planning Association *Planning* 22-23 (USA).

“La finalité des décisions de la Commission de protection du territoire agricole du Québec: Quelques réflexions sur l'affaire Bell Hélicoptères” (1984) 25 *Les Cahiers de Droit* 725-732.

“Perpetuities to *Purefoy*: Reform by Abolition in Manitoba” (1984) 62 *Canadian Bar Review* 618-637.

Reprinted by invitation in (1986) 7 *Estates and Trusts Quarterly* 307-333.

“L'intervention de l'État dans l'agriculture: Un aperçu législatif” (1983) 28 *McGill Law Journal* 928-976.

“Annual Survey of Community and Municipal Planning Law” (1983) 15 *Ottawa Law Review* 131-221.

“Tenancy by the Entireties: A matrimonial regime ignored” (1980) 58 *Canadian Bar Review* 711-736.

“La protection du territoire agricole au Québec” (1980) 11 *Revue Générale de Droit* 209-232.

“Frustration - Canadian Style” [1980] *Conveyancer* 98-99 (UK).

“L'aménagement du territoire en droit public québécois” (1977) 23 *McGill Law Journal* 242-261.

“Dower - Computation of Value - Use of Cameron's Tables - Election under The Dependant's Relief Act” (1976) 54 *Canadian Bar Review* 416-422.

“Partition - Weighing of Relative Hardship - Interrelationship of The Partition Act and The Married Women's Property Act” (1976) 54 *Canadian Bar Review* 149-158.

Book reviews and short notes

Préface, to LeChasseur, Marc-André, *Zonage et urbanisme en droit municipal québécois* (Montréal: Wilson & Lafleur, 2009)

Bakker, Karen (ed.), *Eau Canada: The future of Canada's water* (Vancouver-Toronto: UBC Press, 2007), (2008) 4:2 *McGill International Journal of Sustainable Development Law and Policy* 231-236.

Alterman, Rachelle (ed.), *National-Level Planning in Democratic Countries: An international comparison of city and regional policy-making*, Town Planning Review Special Study No. 4, Liverpool: Liverpool University Press, in: (2003) 69 *Journal of the American Planning Association* 207-208.

Audier, Jacques, *Droit rural*, Paris: Editions Economica, 1985; Dupeyron, Christian, Jean-Pierre Théron et Jean-Jacques Barbieri, *Droit agraire: 1er volume, Droit de l'exploitation*, Paris: Editions Economica, 1985, in: (1987) 17 *Revue de Droit, Université de Sherbrooke* 645-649.

Brassard, Jean-E., *Financial Assistance for Farmers: A lawyer's guide to federal programs*, Toronto: Carswell, 1987, in: (1987) 32 *McGill Law Journal* 964-967.

Oosterhoff, A.H. and W.B. Rayner, *Anger and Honsberger's Law of Real Property*, 2nd ed., 2 volumes, Aurora, Ont.: Canada Law Book, 1985, in: (1986) 18 *Ottawa Law Review* 816-819.

L'Heureux, Jacques, *Droit municipal québécois*, Volumes I & II, Montréal: Editions Wilson & Lafleur/Sorej, 1981 & 1984, in: (1986) 31 *McGill Law Journal* 354-357.

“... Space Lost ...”: A Viewpoint from Quebec” (1985) 25 *Plan Canada* 38-39.

Charles, Réjane, *Le Zonage au Québec: Un mort en sursis*, Montréal: Les Presses de l'Université de Montréal, 1974, in: (1975) 53 *Canadian Bar Review* 434-439.

Rogers, Ian McFee, *Canadian Law of Planning and Zoning*, Toronto: Carswells, 1973, in: (1975) 21 *McGill Law Journal* 171-173.

Reports

“La propriété de l’eau dans le Canada de common law”, rapport préparé pour le ministère du Développement durable, de L'Environnement et des Parcs du Québec, June 2008 (12 p, ss).

Infrastructure for Development: A Policy Agenda for the Caribbean (with Mario Polèse & Jeanne M. Wolfe), Inter-American Development Bank & Caribbean Development Bank, 1996.

English translation of *Contempt of Court*, Working Paper 20, Law Reform Commission of Canada, 1977.