

and federal governments.

The Court's opportunity came in 1992 with its decision in Friends of the Oldman River Society v. Canada. Environmentalists challenged the government of Alberta's decision to construct a dam for irrigation purposes on the Oldman River. The Supreme Court ruled that large development projects that might have an adverse environmental impact are subject to a mandatory federal Environmental Assessment Review Process (EARP). The Court thereby gave to Ottawa a significant boost to its influence over developments previously thought to fall wholly within provincial jurisdiction. Understandably, the judgment produced an outcry from the provinces, especially Alberta and Québec. More surprisingly, the Court's activism led to a rebuff from Prime Minister Brian Mulroney and the House of Commons.

The Charter of Rights and Freedoms. Judicial activism in Canada is usually associated with the Supreme Court's broad interpretation of the individual rights guaranteed by the 1982 Charter of Rights and Freedoms (Constitution Act 1982) (Knopff and Morton 1992). Nothing in the Charter, however, specifically addresses protection for the environment. This lack of explicit language has not deterred environmental organizations from using the Charter to challenge undesirable policies (Morton and Knopff 1993). An environmental group in Halifax, for example, opposed construction of a large garbage incinerator on the grounds that the incinerator would degrade the quality of life in the Halifax area in violation of section 7 of the Charter of Rights (Globe and Mail 1993). Section 7 proclaims, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." The Charter has encouraged the federal courts to impose new restrictions on provincial autonomy and invited plaintiffs who lack the traditional requirements of standing to challenge in court government policies at all levels. In other words, the Charter has led to a