

Diana Valiela

BY CHRIS CANNON

Diana Valiela didn't expect to become a lawyer. Since she was a child, following her father around the world on business trips—living in places like Brazil, Mexico, the United States, Spain, England, and her native Argentina—she maintained a curiosity about the natural world. After completing her undergraduate work in biological sciences at Rutgers University in New Jersey, and her Master and Ph.D. degrees in Zoology at Duke University, she assumed her course was set.



"I was an environmental scientist from the beginning," she says, "so I did a lot of work on ecosystem processes, plants and animals, and interactions between various things that people do and the environment. I always had an interest and a lot of work in environmental impact assessment."

Valiela's environmental work took her on a circuitous path before landing her in British Columbia in 1973. After a period teaching at Rutgers University, where she studied insecticides in the salt marshes of New Jersey, her fascination with the connection between human activity and natural ecosystems grew beyond academia.

"That's how I actually came to BC—because I came to study something that was very much a specialty, which was modeling of ecological systems. When I got here, I decided it was pretty much paradise, and I wanted to stay."

It was during a nine-year position with the Pacific and Yukon region of Environment Canada that she began considering expanding her talents into the field of law. "I never really considered becoming a lawyer until I had been working as an environmental scientist for years. I was working with Environment Canada, doing studies on the effects of various types of human activity on the environment. We were doing an awful lot of work in which lawyers participated, and they used to get lawyers from Justice Canada to help us with various issues. There was always an issue of having to train the lawyers to understand the scientific language, to understand the

concepts we were talking about, what the issues were about. I saw a real need for somebody who could understand both fields, so I decided to go to law school and get trained as a lawyer in addition to being trained as a scientist."

Despite her expertise and early success, returning to academia was a tough road. During her three years at UBC Law, she maintained an environmental consulting practice while raising her two children as a single parent. After graduating in 1994, she joined the Vancouver offices of Lawson Lundell, where she continues to serve as a member of their Environmental, Mining, Energy, and Northern Practice Groups, concentrating on environmental and natural resource law and related issues in administrative and Aboriginal matters.

"I advise clients on environmental issues. I help them with environmental impact assessments, and I appear before boards and tribunals, which are boards that are set up to examine those types of processes. I also advise clients on due diligence and how to comply with legal requirements of all kinds in environmental areas." Since joining Lawson Lundell, Valiela has built an additional expertise in Aboriginal law and natural resource development. "In the North, there's an enormous increase in environmental controls; and now, with all of the land claims, most of their regulatory systems are handled completely by Inuit and other Aboriginal organizations. So there's a lot of regulation to get through with one of the projects in the North, including significant overlap between the federal and Aboriginal regulatory systems."

Valiela has served as Canadian chair of two committees under the International Joint Commission's Flathead River International Study Board, as a member of the National Energy Board, and on the federal public review panel on the moratorium on BC offshore oil and gas.

Valiela's width of experience working in the government, corporate, and academic sectors has given her a unique perspective on how we are dealing with ecological issues. Her writing on sustainability has ranged from a book on Environmental Impact Assessment to articles in scientific magazines to a body of lectures for conventions and Continuing Legal Education sessions, and she currently teaches as an adjunct professor at the UBC Faculty of Law.

So which of these sectors can we look to for progress on our environmental challenges? "I think the most work that's going on is in industry because they're the ones who are responding, not only to legislation, but they're also responding to the demands of public opinion. They are responsible for their image to the outside world and themselves. So I think that's where most of the action is being taken."

The relationship between corporate image and public perception, however, is largely dependent on a sector rarely held as accountable as the government and private businesses are on environmental issues: the media. "I think the media has a very onerous responsibility to be well informed on all sides of the issues—obviously any interactions between what scientists are developing in terms of information and what the media and politicians do in terms of what information and policies they talk about. And what the media covers, by the way, has a huge influence on what happens, and also on what the public reads, and how they react to it."

It is the media sector, Valiela believes, that needs to step up their game. The more the media stays abreast of the rapidly spiraling sustainability challenges, and the more it works to keep the public properly informed, the faster industry and the government will work towards positive change. "I certainly see it changing very rapidly towards more regulation and more consciousness of the fact that we need to do something about [environmental issues]. And lots of attention also on what's happening in the US because they're so influential, especially with Canada... It depends on public policy and where public opinion drives these types of issues."

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But we have been here before. In the late 1980s, the global warming issue was front-and-center of public consciousness and the political agenda, with Canadian and US leaders promising immediate action on climate change. However, the US recession of 1990 quickly moved environmental issues to the backburner as the economy took center stage, and we have been paying the price ever since.

Financial challenges in the US—which send ripples and waves through the Canadian economy—are the worst they've been since the Great Depression of the 1930s, but Valiela is optimistic that this time around the ties between the economy and the environment cannot be ignored.

"It depends on economic factors, because the economic situation in the United States is apparently very, very bad, and so that's being considered. And there's always the argument that you don't need to have one in opposition to the other—they can be complementary, and I think that's definitely where the future is going to be; the economic interests are linked very substantially. And by that I don't mean the industry having enough clout, necessarily, I also mean the public is feeling the economic pinch in a very real way, like they are in the US. Then it's going to be a big priority for the public to become way, way proactive, and insisting that politicians set economic controls, carbon taxes, things like that. We've certainly seen a lot of change in that direction with environmental regulation over the past couple of years."

As consuming a career in environmental law might be, Valiela finds joy in making time for sailing and a hobby one might expect of someone who spent their childhood touring Europe and South America: soccer. In 1998, she and her son made a special trip to France for the World Cup, and she can't help but smile when she says that her favourite team is Barcelona. "But of course they've got some Argentines on the team," she grins. "[Spain] won the Euro Cup just now, and they play some of the most beautiful soccer I've ever seen."