

ENVIRONMENTAL MEDIATION :

A Sourcebook

THE FEDERAL ENVIRONMENTAL

ASSESSMENT REVIEW OFFICE

(FEARO)

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1.0 PREFACE

This compendium was produced by the Nemetz Centre for Dispute Resolution, University of British Columbia, under contract to the Federal Environmental Assessment Review **Office** (FEARO). The project was supervised by Professor Joseph Weiler, Executive Director of the Nemetz Centre. Greg Bruce, a third-year law student at the U.B.C., Faculty of Law, compiled the bibliography using the university library and, a previously published bibliography in the field of environmental dispute resolution. Ms. Mykie Brown contacted the various organizations and individuals identified as being active in the field of environmental dispute resolution in Canada. The description of the organization and individuals that appears in the compendium represents their response.

Professor Weiler and Ms. Brown compiled various components of the compendium. Secretarial services for the project were ably provided by Ms. Sally Thompson of the U.B.C. Faculty of Law.

An early draft of the compendium was submitted to Patrice **LeBlanc**, Director, Research, at FEARO, who provided extremely valuable suggestions to improve the compendium's format.

I would like to express my deep gratitude for all those who contributed to this project.

Special thanks are extended to Professor Ian Rounthwaite, Faculty of Law, University of Calgary, and Professor Peter **Mercer**, Faculty of Law, University of Western Ontario, for permission to use portions of the bibliography from their ***Environmental Mediation Study***.

Environmental Mediation: A Sourcebook provides information to help those involved in mediation to resolve conflicts associated with environmental disputes. The sourcebook describes courses on mediation offered in

Canada, with particular reference to environmental dispute. It contains a list of Canadian practitioners, experts and organizations that offer services or other modes of support for the application of mediation for conflict resolution, including institutions involved in research or public education in the environmental dispute resolution field. The sourcebook also provides a bibliography on environmental mediation and a description of initiatives and research in the field.

Although every effort was made to make the sourcebook as complete and up-to-date as possible, it became clear that this area of study and research is constantly changing. Any comments should be directed to:

Director General
Policy, Planning, Process Development
Federal Environmental Assessment
Review Office (FEARO)
200 **Sacré-Coeur** Boulevard
Fontaine Building
Hull, Quebec **K1A 0H3**
Telephone: (8 19) 997-2253
FAX: (8 19) 953-2534

2.0 INTRODUCTION TO ENVIRONMENTAL MEDIATION

Over the past 20 years, there has been increasing evidence that democratic governments are less able to accommodate and reconcile competing societal interests through established policy-making institutions. Traditional socio-economic interests and regulatory systems are now confronted and challenged by the demands of a post-material society for quality of life as well as economic progress. The environmental movement has become a medium for the expression of these concerns, as evidenced by the emerging grass-roots support surrounding environmental issues. Eventually, there may be a re-definition of societal norms regarding the proper balance between economic and non-economic interests. In the meantime, governments are seeking alternative mechanisms for arriving at policy decisions

that can be effectively implemented without public opposition. Mediation is one of several dispute resolution processes that have been employed as a means of building social consensus around environmental issues associated with development proposals.

Mediation essentially involves the use of a neutral third party to aid dialogue between disputing parties so that they can voluntarily arrive at an agreement. Parties who have an intensely adversarial relationship may be unable to communicate sufficiently with one another to realize that there is a mutually satisfactory solution to their problem, or, at least, one that is better than reaching no agreement.

Mediation is often explained by means of a continuum ranging from unassisted negotiation to adjudication (see Figure 1).

Figure 1

UNASSISTED NEGOTIATION

FACILITATION

MEDIATION

ARBITRATION

COURT ADJUDICATION

As we move from **left** to right on the continuum, there is an increase in the degree of formality of the process involved and in the degree of active intervention by third parties to the dispute. A facilitator brings the parties together to exchange views and share information, and is responsible for the logistics of the meeting. While the facilitator may act as a scribe to the negotiations, he or she does not become actively involved in either designing the process or in creative problem solving.

The role of the mediator will vary to some extent, depending upon the personal style of the mediator involved and the wishes of the parties. The key difference between

facilitation and mediation lies in the degree of active participation by the mediator who works with the parties to design a fair process for negotiation and helps them to acquire or access resources. For the most part, what is considered "fair" is defined by the parties themselves. However, parties who are not experienced as negotiators or whose relationship is acrimonious might never effectively engage in negotiations without the assistance of a third party. The fact that many public disputes involve multiple parties of disparate resources and organizational structures serves as a further obstacle to agreement in unassisted negotiation.

The other role of the mediator is to work with

the parties to arrive at creative solutions to the dispute. A good mediator seeks to “create value” by exploring options **that** offer more than the options that have previously been considered. In this role, the mediator should suggest options and avoid imposing **them**. This objective can only be met once the parties have come to trust and respect the mediator’s judgement. For this reason, although expertise in the subject matter of the dispute is valued in a mediator, neutrality must be maintained.

Arbitration is a much more formal process than mediation. Parties produce evidence and make submissions to the arbitrator who then decides the case and fashions a remedy using established rules. The decision may be binding or non-binding on the parties. Arbitration is the closest alternative to court adjudication. Although the arbitration process is essentially adversarial in a procedural sense, it is usually much less formal than the courts and offers more flexibility to shape remedies that address the needs of the parties. In addition, the rules of evidence and the **fact**-finding process generally are less formal than court adjudication. Unlike a court, the parties to an arbitration usually have the right to choose the arbitrator. In what circumstances, then, is mediation appropriate?

Mediation is not a new concept. Its use in the labour relations field and in international negotiations is well established. However, the last 15 years have marked an extensive experimentation with mediation, especially in the United States where it is viewed as a panacea to political gridlock in the public policy sector. Mediation has also been promoted as a cheaper and faster alternative to the legal system. A number of states, such as Florida, Hawaii and Massachusetts, now have court-annexed mediation programs to encourage litigants to solve their disputes voluntarily and, at the same time, ease the overburdened formal justice system.

In the Canadian context, it is the adaptation of

mediation from the labour relations field to other public sector disputes that is most relevant, especially with regard to the resolution of environmental disputes. In the public policy setting, decisions have traditionally been made independently by a regulatory authority - municipality, government agency, etc.

While the governing authority may first have to do its “homework” by exploring the consequences of various options and balancing the affected interests, the formal involvement of private parties in the decision-making process is a recent and infrequent phenomenon. This approach, otherwise known as the “announce and defend” approach, has become unmanageable at the policy implementation stage because public resistance to unilaterally imposed decisions has increased over the years. Private interest groups, previously excluded from the decision-making process, have more and more sought to challenge government decisions in the courts. Such groups can also frustrate policy implementation by civil disobedience, political lobbying, protesting and refusing to cooperate. This type of opposition to government regulation can be very awkward, particularly where there is a need for the participation of private interests in order to successfully implement a public policy.

The “announce and defend” approach to decision-making has given way in many regulatory contexts to a formal process of consultation involving public hearings or some other mechanism for soliciting public comment before the final decision is made. For example, governments often distribute draft legislation to private interest groups actively involved in that policy area before the final form is submitted to the Legislature or Parliament. The distinguishing feature of this form of public consultation is that decision-making authority still lies completely with the elected governing authority, including decisions about appropriate trade-offs to be

made between the competing positions put forward by private participants.

Alternatively, the governing authority may decide to engage in a process of negotiation with the interested parties. Private interests are thereby actively involved in a collaborative process to arrive at a satisfactory response to an identified need. Ideally, the public should be involved in such a process at the earliest possible stages of planning; that is, before any irrevocable decisions have been made. The implication is that government suspends its ability to impose decisions by committing itself to a process whose object is to achieve consensus among interested parties, rather than soliciting the parties' opinions. Government reserves the right to ignore the concerns and decide on other grounds.

The use of negotiation in public sector decision-making is still in its early stages, as is the use of mediation to assist this process. Mediation, however, has been employed in a variety of situations such as the resolution of site-specific disputes over proposed developments or waste disposal, the formulation of legislation or regulations, and as an adjunct to quasi-judicial regulatory processes, such as environmental impact assessment. In the public policy setting, mediation first gained a foothold and is most frequently used in the environmental context. It is worth considering why this might be the case.

When environmental disputes arise, they usually involve several parties: the developer or corporation, the municipality, federal and/or provincial departments, environmental groups, local residence groups. The organizational and financial resources of these groups, as well as their capacity to effectively negotiate, can vary from very weak to very strong.

Groups that are **organizationally** weak have a tendency to use unconventional means, including civil disobedience, protests and

media campaigns, to advance their positions rather than to use the established bureaucratic processes. It is the nature of the disputes - and the interests involved - that they cannot truly be reconciled by reference to legal rules. The proper balance between development and environmental protection is essentially a political decision, not a legal one, and the degree of scientific uncertainty surrounding many environmental issues does not lend itself to the standard of proof expected by the courts.

Mediation is appropriate in these circumstances for a variety of reasons. First, mediation provides an informal and inexpensive process for the expression of community concerns; more formal structures tend to exclude those who lack technical and/or financial resources. It is ordinarily considered the responsibility of the mediator to insure that all of the affected interests are invited to participate and to assist them in doing so when necessary. In situations where community groups form quickly in reaction to a regulatory decision, there are usually issues of representation that must be resolved by the mediator before effective consultation with the community can begin. Thus, mediation addresses the issue of community access to decision-makers in practical terms.

Second, mediation allows for political consensus-building in situations where there are no established social or legal norms to impose. Although the courts are frequently used by parties to environmental disputes as a last resort, the real interests of the parties become concealed by the need to find a legal basis of challenge or appeal - most often a procedural error by the original **decision-maker**.

In a mediation, parties do not need to frame their concerns in terms of legal rights but they can express their own political, social, economic and moral values. Presumably, a political decision that is reached by way of

consensus will enjoy the support of the community and produce a stable outcome.

A mediator attempts to get the parties to focus on interests as opposed to **legal** rights. As a result, the mediation process may be more conducive to producing creative solutions to the conflict, as compared to the declaration of rights and monetary awards that are available from a court. The primary function of the courts is to adjudicate on issues of legal rights. They will very rarely take it upon themselves to frame any kind of remedy that requires further monitoring to insure its implementation. Mediation, on the other hand, has resulted in agreements that substantially revise architectural plans, provide for the creation of wetlands, establish trust funds for the communities and so on. There really is no limit on what the parties can agree to, so long as it is not contrary to the law.

These are the advantages of mediation, but there have been concerns and criticisms as well. Like many new social developments, the early literature on the subject of mediation has been primarily descriptive, with an emphasis on case studies and “how to” publications. Now that there has been some time for reflection, several issues have surfaced, the key ones being:

1. Is mediation an improper delegation of government authority and does it unduly interfere with the Government's accountability to the public and responsibility to protect the public interest?
2. Should public issues be decided in a private forum closed to public scrutiny?
3. Is mediation appropriate where there is a power imbalance between the parties that could seriously effect their relative ability to negotiate effectively?
4. Is the informal **process** that occurs

through mediation an adequate substitute for the procedural rights afforded by a court proceeding?

5. To what extent should mediation be **institutionalized**?

Overall, the use of mediation as a technique for environmental dispute resolution has shown promise as a vehicle for on-going public consultation and political consensus-building in an area where scientific consensus has proven elusive and social values are in transition. What is needed at this point is a systematic analysis of how mediation can be integrated with existing political institutions in a manner consistent with cherished political and legal values, but without losing the advantages of informality and flexibility offered by mediation.

3.0 ORGANIZATIONS AND INDIVIDUALS INVOLVED IN ENVIRONMENTAL MEDIATION IN CANADA

Organization

ADJUDICATION SERVICES LIMITED

**2281 Yonge Street, Suite 202
Toronto, Ontario M4P 2C6
Phone: (416) 483-6442
Fax: (416) 483-8929
Contact: Michel Picher**

Adjudication Services Limited offers professional assistance in a broad range of endeavours, including dispute analysis, structuring of process options for dispute resolution, facilitation, mediation, fact-finding and arbitration in both the public and private sectors, as well as training in negotiation. Adjudication Services Limited conducts seminars in negotiation training throughout Canada for professionals and volunteers in the fields of environmental protection, the use of natural resources, transfer of government powers and native land claims.

ADVOCATES LAW CORPORATION

**10611 Madrona Drive
Sidney, British Columbia V8L 3R9
Phone: (604) 656-5599
Fax: (604) 656-5599
Contact: Craig R. Darling**

Advocates Law Corporation offers mediation and facilitation services in environmental and public policy disputes, including resource allocation and land use matters. They also design community-based strategies for integrating ecological conservation and economic development.

ALBERTA ARBITRATION AND MEDIATION SOCIETY

**408 McLeod Building
10136-100 Street
Edmonton, Alberta T5J 0P1
Phone: (403) 426-0650
Fax: (403) 425-4556
Contact: Scott McLeod**

The purpose of the Alberta Arbitration and Mediation Society is to promote, inform and educate the public as to the application, scope and use of mediation and arbitration for the effective resolution of disputes. The Alberta Arbitration and Mediation Society also does environmental mediation.

ALBERTA ENVIRONMENT

**6th Floor
9820-106 Street
Edmonton, Alberta T5K 2T6
Phone: (403) 427-5852
Fax: (403) 427-9714
Contact: Bill Diepeveen**

Alberta Environment assists industry and communities in the design and development of public consultation programs. They also provide mediation and facilitation services on a limited basis. The Department is currently exploring the potential of using alternative dispute resolution (ADR) in a variety of activities ranging from the scoping of environmental impact assessments to licensing.

BRITISH COLUMBIA INTERNATIONAL COMMERCIAL ARBITRATION CENTRE

**670-999 Canada Place
Vancouver, British Columbia V6C 2E2
Phone: (604) 684-2821
Fax: (604) 641-1250
Contact: Mykie Brown**

The B. C. International Commercial Arbitration Centre offers consultation and dispute resolution services in matters relating to business, commercial and environmental transactions/ negotiations. The Centre consults with parties in determining the best dispute resolution process and format to use and then appoints those professionals best suited to the need. The Centre facilitates the bringing together of all parties necessary for a final resolution. The Centre has a panel of mediators, trained by the Centre, who are appointed on a case-by-case basis.

CANADIAN CENTRE FOR LIVABLE PLACES, HERITAGE CANADA

*306 Metcalfe Street
Ottawa, Ontario K2P 1S2
Phone: (613) 237-1066
Fax: (613) 237-5987
Contact: John Weiler and Ann Bowering*

The Canadian Centre for Livable Places, Heritage Canada, helps committees manage conflicts arising from proposals concerning urban planning and development. Its chief focus is the built environment of cities. The Centre works with developers, municipal officials and citizens' groups in building consensus by promoting information exchange, facilitating negotiation and maintaining a mediation referral service. An occasional newsletter, **Resolution**, is published and distributed to 1,600 developers, planners, alternative dispute resolution (ADR) organizations/practitioners, municipal officials and citizens' groups, including heritage and environmental interests.

CANADIAN COUNSELLING AND MEDIATION SERVICES

*1061 Maryville Road
Suite 4A
Ottawa, Ontario K1Z 6A9
Phone: (613) 722-0200
Contact: Richard Haney*

Canadian Counselling and Mediation Services is an environmental mediation panel; a community **board** model similar to that set up in San Francisco, California. If the panel perceives that mediation is useful in a dispute then it will go on to mediation.

CANADIAN INSTITUTE FOR CONFLICT RESOLUTION

*c/o St. Paul's University
223 Main Street
Ottawa, Ontario K1S 1C4
Phone: (613) 234-4121
Fax: (613) 236-5278
Contact: Ernest Tannis*

Canadian Institute for Conflict Resolution is involved in the following areas: youth and education, promotion of an alternative dispute resolution (ADR) program for lawyers, including environmental mediation and ADR systems analysis.

CONCORDE INC., THE DISPUTE RESOLUTION PROFESSIONALS

*500 Connor Street, Suite 1422
Ottawa, Ontario K1P 6L2
Phone: (613) 230-1775
Fax: (613) 230-1651
Contact: Ben Hoffman*

Concorde Inc. offers negotiation strategy advice and training in negotiation. Concorde facilitates the resolution of complex disputes, including environmental policy and regulatory

disputes. Concorde is also involved in conflict resolution policy development and research.

CONFLICT MANAGEMENT RESOURCES

*Faculty of Environmental Studies
Osgoode Law School
York University
4700 Keele Street
North York, Ontario M3J 1P3
Phone: (416) 736-2100
Fax: (416) 736-5736
Contact: Paul Emond and Audrey Armour*

Conflict Management Resources (CMR) is a joint initiative of faculty members from the faculties of Environmental Studies and Law at York University. CMR conducts research into negotiation and mediation, especially in the environmental, resource development and land-use planning fields, provides training in negotiation and mediation, and provides mediation services.

EDMONTON COMMUNITY MEDIATION

*300, 9119-82 Avenue
Edmonton, Alberta T6C 0Z4
Phone: (403) 428-2625
Fax: (403) 496-5854
Contact: Peggy Dodson*

The Edmonton Community Mediation provides trained volunteers to mediate conflicts between neighbours in the City of Edmonton. Projects affecting the environment would include residential or community institution development and occasionally noise or land-use concerns about industrial or commercial activities affecting neighbours.

LAND USE RESEARCH ASSOCIATES

*720 Bathurst Street
Toronto, Ontario M5S 2R4
Phone: (416) 536-9161
Fax: (416) 468-5671
Contact: Joanna Kidd*

Land Use Research Associates is a consulting firm that specializes in public consultation, conflict resolution, mediation and facilitation. It has organized ten conferences in cities on the Great Lakes to involve the public in issues relating to rising lake levels. It has also been involved in waste management master-planning programs and remedial-action planning processes.

WILLIAM LEISS & ASSOCIATES LTD.

*2229 Oak Street
Vancouver, British Columbia V6H 3W6
Phone: (604) 734-1020
Fax: (604) 734-0731
Contact: William Leiss*

Services offered by William Leiss & Associates Ltd. include consultation processes, consensus-building in multi-stakeholder negotiation and multi-party consultations for controversies regarding the environmental, social and economic impacts of industrial development.

MEDIATION SERVICES, SASKATCHEWAN JUSTICE

*215-3988 Albert Street
Regina, Saskatchewan S4V 0W5
Phone: (306) 787-8618
Fax: (306) 787-0088
Contact: Arlene Nicol*

Mediation Services works with the Saskatchewan Public and Private Rights Board. Mediation Services has mediated

environmental disputes as they relate to surface rights. Work in this area, however, has been very limited.

MINISTRY OF MUNICIPAL AFFAIRS

Province of Ontario
14th Floor
777 Bay Street
Toronto, Ontario M5G 2E5
Phone: (416) 585-6039
Fax: (416) 585-4006
Contact: John Waller or Carol Antle

The Ministry of Municipal Affairs negotiates/mediates planning issues to improve the effectiveness of the planning process, reviews **Environmental Assessment Act** documents to reflect and protect Ministry interests, and implements and helps prepare strategies to improve land-use planning.

NATIONAL ROUND TABLE ON THE ENVIRONMENT AND THE ECONOMY

1 Nicholas Street, Suite 520
Ottawa, Ontario K1N 7B7
Phone: (613) 992- 7189
Fax: (613) 992-7385
Contact: Mike Kelly

The National Round Table on the Environment and the Economy advises the Prime Minister on policies that integrate sustainable development principles into the long-term planning and day-to-day operations of the federal government. The National Round Table encourages change in Canadian decision-making practices and has been investigating the application of conflict resolution techniques.

NEMETZ CENTRE FOR DISPUTE RESOLUTION

Faculty of Law
University of British Columbia
1822 East Mall
Vancouver, British Columbia V6T 1Z1
Phone: (604) 822-4246
Fax: (604) 822-8108
Contact: Joseph M. Weiler

The **Nemetz** Centre for Dispute Resolution is multidisciplinary both in the focus and delivery of services. Programs and services include research, systems innovation and design, consultation, briefing, training, publications and multimedia education programs. The Centre promotes and conducts research and experimentation on an array of alternative dispute resolution (ADR) mechanisms.

THE NETWORK: INTERACTION FOR CONFLICT RESOLUTION

298 Frederick Street
Kitchener, Ontario N2H 2N5
Phone: (519) 744-6739
Fax: (519) 744-3960
Contact: Dean Peachy

The Network: Interaction for Conflict Resolution is dedicated to developing better conflict resolution in criminal, civil and community disputes throughout Canada. The Network develops resource materials, conducts training seminars, convenes conferences and facilitates the exchange of information across Canada. In 1990, The Network created the Fund for Dispute Resolution. Contributions have reached \$1.3 million from the Attorney General of Ontario, the Donner Canadian Foundation and the Law Foundation.

NORTH/SOUTH CONSULTANTS INC.

202-1475 ***Chevrier Blvd.***
Winnipeg, Manitoba R3T 1 Y7
Phone: (204) 284-3366
Fax: (204) 477-4173
Contact: Michael Lawrence

North/South Consultants Inc. **supports** mediation of environment-based **conflict** through scientific and technical expertise in fisheries management and protection, and aquatic environmental science. This includes negotiating settlements of resource (harvest loss) compensation disputes and the development of procedures and methods for integrating wildlife compensation agreements.

PRAIRIE MEDIATION GROUP

1414 Lorne Avenue
Saskatoon, Saskatchewan S7H 1X7
Phone: (306) 664-2985
Fax: (306) 652-5859
Contact: Andrew Smith

Prairie Mediation Group provides mediation, consulting and training services in the context of environmental and related public policy disputes. The services are directed toward the analysis of disputes, identification of stakeholders, and the management and implementation of mediation processes. Consultations services are also offered in relation to overseeing project development from the standpoint of conflict avoidance and resolution.

SOCIETY FOR CONFLICT RESOLUTION IN ONTARIO

76 Wolverleigh Blvd.
Toronto, Ontario M4J 1R9
Phone: (416) 392-8778
Fax: (416) 392-9795
Contact: John Livey

The Society for Conflict Resolution in Ontario is a non-profit corporation that serves as an umbrella program for a range of specific projects. Its objectives are to foster the practice of public conflict resolution in Ontario, to promote planning and environmental mediation through education and professional skills training, and to promote and undertake research aimed at the development of improved methods of public conflict resolution.

TAYLOR MCCAFFREY CHAPMAN SIGURDSON

900-400 St. Mary Avenue
Winnipeg, Manitoba
R3C 4K5
Phone: (204) 949-1312
Fax: (204) 957-0945
Contact: Colin Gillespie and
Jack Chapman

3404 - Four Bentall Centre
P. O. Box 49281
Vancouver, British Columbia
V7X 1L3
Phone: (604) 682-3856
Fax: (604) 682-0738
Contact: Glen Sigurdson

Taylor McCaffrey Chapman Sigurdson are actively involved in environmental dispute resolution, environmental licensing, environmental planning and risk management, environmental litigation, negotiation and mediation, and strategic management of environmental issues. Taylor McCaffrey Chapman Sigurdson will act for one party or mediate for all parties.

**TURTLE ISLAND EARTH STEWARDS
(TIES)**

**Box 39077 Point Grey Road
Vancouver, British Columbia V6R 4P1
Phone: (604) 736-9221
Fax: (604) 736-9218
Contact: Tyhson Banighen**

Turtle Island Earth Stewards offers facilitation in multi-party negotiations or mediated settlements in the areas of environmental land and natural resource use disputes. Settlements have sometimes resulted in the disputed lands being placed in trust. Lands in trust are managed according to clearly established ecological use conditions that are legally codified as covenants or environmental covenants held by a third party land trust such as Turtle Island Earth Stewards.

**THE U-VIC INSTITUTE FOR DISPUTE
RESOLUTION**

**University of Victoria
Begbie Building
P.O. Box 2400
Victoria, British Columbia V8W 3H7
Phone: (604) 721-8777
Fax: (604) 477-7413
Contact: Andrew J. Pirie and Dinah J.
Stanley**

The objectives of the U-Vic Institute for Dispute Resolution are to conduct and promote theoretical and empirical research; to improve university and professional education and training in dispute resolution theory and skills; to promote development of dispute resolution services to the community; and to enhance awareness and acceptance of ADR procedure in the community. The U-Vic Institute administers mediation of specific disputes on a case-by-case basis. It will conduct training and public education workshops in the area of environmental dispute resolution and consensus process.

**WEST COAST ENVIRONMENTAL LAW
ASSOCIATION**

**1001-207 West Hastings
Vancouver, British Columbia V6B 1H7
Phone: (604) 684-7378
Fax: (604) 684-1312
Contact: Bill Andrews**

The West Coast Environmental Law Association offers legal services to citizens concerned about threats to the environment. The services include legal aid, law reform, legal education, legal research and a law library. The West Coast Environmental Dispute Resolution Fund makes grants to citizens toward the cost of environmental litigation or alternative dispute resolution.

**WESTERN ENVIRONMENTAL AND
SOCIAL TRENDS**

**Suite 1270 Bow Valley Square One
202 - 6th Avenue SW
Calgary, Alberta T2P 2R9
Phone: (403) 262-8966
Fax: (403) 265-8139
Contact: Susie Washington**

Western Environmental and Social Trends helps private and public sector clients to develop strategies for stakeholder relations, environmental issue identification and dispute resolution.

WESTWATER RESEARCH CENTRE

**The University of British Columbia
1933 West Mall Annex
Vancouver, British Columbia V6T 1Z2
Phone: (604) 822-4956
Fax: (604) 822-5357
Contact: Anthony Dorcey**

The Westwater Research Centre conducts research on the design of policies and

institutional arrangements, including the use of negotiation and mediation, for the management of water and associated resources. The Centre occasionally undertakes mediation and members of its staff have served in that capacity.

4.0 COURSES ON ENVIRONMENTAL MEDIATION IN CANADA

UNIVERSITY OF ALBERTA, FACULTY OF LAW

Edmonton, Alberta T6G 2H5
Phone: (403) 492-5537
Fax: (403) 492-4924
Contact: David Percy

Name of Course: Mediation

Description: Mediation is taught in Natural
Resource Law and focuses on
principles involved in
environmental disputes

Duration: Term credit course

Period: N/A

THE BANFF CENTRE FOR MANAGEMENT

Box 1020
Banff, Alberta T0L 0C0
Phone: (403) 762-613 7
Fax: (403) 762-6422
Contact: Felicity Edwards

Name of Course: Conflict Resolution: An
Alternative Approach

Description: Covers the anatomy of conflict,
public consultation and where it
fits in dispute resolution, policy
dialogues, round tables and
multi-party negotiation
simulation

Duration: 1 week

Period: Repeated during year

Name of Course: Advanced Environmental
Dispute Settlement

Description: Provides techniques leading to
mutually beneficial agreements
by focusing on key areas:
understanding complex natural
resource and assessing
appropriate dispute resolution
strategy, creating ground rules
and ensuring effective
implementation of joint
agreements

Duration: 1 week

Period: Repeated during year

THE UNIVERSITY OF SASKATCHEWAN, COLLEGE OF LAW

Saskatoon, Saskatchewan S7N 0W0
Phone: (306) 966-5894
Fax: (306) 966-5900
Contact: Professor M. A. Bowden

Name of Course: Alternative Dispute
Resolution Theory and
Practices

Description: Examination of the forms and
functions of major processes:
negotiation, mediation and
adjudication, the processes
critical to lawyers and other
persons concerned with
preventing or resolving disputes.
Both court adjudication and
alternative dispute resolution
(ADR) are studied from
theoretical, critical and practical
perspectives. Also, the course
examines and develops the skills
used in various dispute resolution
procedures.

Duration: University credit course

Period: N/A

**U-VIC INSTITUTE FOR DISPUTE
RESOLUTION**

***University of Victoria
Begbie Building
P.O. Box 2400
Victoria, British Columbia V8W 3H7
Phone: (604) 721-8777
Fax: (604) 477-7413
Contact: Andrew Pirie and Dinah Stanley***

Name of Course: Getting Together: A
Symposium on New Ways
of Resolving Natural
Resource Conflicts

Description: The conference was sponsored jointly by the U-Vic Institute for Dispute Resolution and International Ombudsman Institute. Ninety leaders from the business, native, environment, government and labour sectors participated in the event and delegates agreed that the unique experience of having all the stakeholders together at the same time was a positive by-product of the conference. An informal record of the proceedings and an educational video are available to interested persons upon request.

**WHISTLER CENTRE FOR BUSINESS
AND THE ARTS**

***Box 1172
Whistler, British Columbia V0N 1B0
Phone: (604) 932-8310
Fax: (604) 932-4461
Contact: Leslie Jones***

Name of Course: Working Towards
Resolution

Duration: 3 days

Period : Spring and fall

UNIVERSITY OF WINDSOR

***Faculty of Law
Windsor, Ontario N9B 3P4
Phone: (519) 253-4232, ext. 2930
Fax: (519) 973- 7064
Contact: Jeff Berryman***

Name of Course: Access to Justice:
Procedural Issues

Description: Students are required to give a seminar and write a research paper based upon it. This course emphasizes all varieties of dispute resolution whether by courts, tribunals or alternatives such as mediation or arbitration

Duration: University credit course

Description: Uses lectures, discussion and small group sessions, focusing on developing the necessary processes and skills to effectively resolve environmental disputes

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