

April 23, 2014

## The Past, Present, and Future of CIRL’s “Environment in the Courtroom” Symposia

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Workshops commented on: [Environment in the Courtroom \(I\): Key Environmental Concepts and the Unique Nature of Environmental Damage](#); [Environment in the Courtroom \(II\): Environmental Prosecutions](#); [Environment in the Courtroom \(III\): Sentencing and Environmental Offences](#)

Over the course of the last three years and with the support of Environment Canada (EC), the [Canadian Institute for Resources Law](#) (CIRL) has organized a series of symposia intended to strengthen the understanding and application of environmental law in Canadian courtrooms. In this post, we provide a snapshot of what this series has accomplished thus far and, thanks to continued funding and support from EC, the vision going forward as we plan the next three years of symposia.

The first [symposium](#) was held at the University of Calgary back in 2012, and was intended to provide an overview of the main principles and concepts of Canadian environmental law. As would be the case for all symposia, papers on various topics, including [sustainable development](#), the [precautionary principle](#), [ecosystem management](#), [ecological integrity](#), and [cumulative effects](#) (to name but a few) were prepared and presented for discussion in person and via [webcast](#).

The second and third symposia were held at the University of Ottawa (Spring, 2013) and Dalhousie University (Winter, 2014), with both institutions providing invaluable support to the program. If the first symposium had a more theoretical focus, the second and third were decidedly more practical in their orientation. Thus the majority of papers presented in Ottawa, where the theme was [Environmental Prosecutions](#), were written by experienced practitioners, including counsel for such major cases as the [R v. Syncrude](#) litigation in Alberta (2010 ABPC 229). They shared their insights into various aspects of environmental prosecutions, including the [exercise of prosecutorial discretion](#), the [role of enforcement policies](#), [available defences](#), and the [ins and outs of private prosecutions](#).

Similarly in Halifax, where the focus was on [Sentencing and Environmental Offences](#), we were joined by environmental law expert [Diane Saxe](#) and former Crown counsel [John C. Cliffe QC](#), the latter representing Canada in much of the authoritative jurisprudence with respect to the federal [Fisheries Act](#) RSC c F.14 (see e.g. [here](#) and [here](#)). In what we hope will be a continuing trend of interdisciplinarity, we also brought in University of Alberta natural resources economist

Professor Peter Boxall, who gave a [fascinating presentation \(at 33:15\)](#) on the economics of environmental harm for the purposes of sentencing.

We were incredibly fortunate to hear also from members of the judiciary. Drawing on recent inquiry experience (into pediatric forensic pathology), Ontario Justice Stephen Goudge gave an excellent [presentation on evidence](#) at the symposium in Ottawa, while now-retired Justice Barry Stuart, author of what is still the authoritative case on sentencing for environmental offences (*R. v. United Keno Hill Mines* (1980) 10 CELR 43 (YTC)), joined us in Halifax to consider [future directions for sentencing](#).

Each symposium has been well attended, with roughly one hundred attendees joining in person or via webcast. Direct feedback has also been very positive; several individuals have described the symposia as the best environmental law conferences they had ever attended. Going forward, we hope to build on these successes while making the series even more relevant and useful to court practitioners. To this end, we have recently reached out to the National Environmental, Energy and Resources Law sections (NEERLs) of the Canadian Bar Association. With input from NEERLs and our friends in the environmental law bar generally, we are confident that the symposia will continue to tackle the most pressing matters of environmental law in the courtroom.

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