COURSE
Law 343-5 Natural Resources Law

UNIT VALUE
1.5 Units (3 hours of instruction per week)

INSTRUCTOR
Chris Tollefson

TERM OFFERED
Spring 2019

CLASS TIMES
See Schedule

PREREQUISITES/COREQUISITES
None

COURSE OBJECTIVES

This course explores some of the key questions and challenges we face as a nation that depends heavily on extractive industry, particularly the production and export of fossil fuels. A key goal will be to grapple with some of the big picture issues as we rethink and potentially reform, in fundamental ways, how we make critical decisions about the stewardship of our natural resources and environment.

Of particular concern will be why our existing assessment and decision-making processes have lost public legitimacy, become captured by industry interests, and often fail to uphold the Honour of the Crown in its dealings with First Nations. We will also explore how current assessment and decision-making processes need to be rethought and reformed to ensure that they incorporate rigorous and independent science, and help ensure we meet our international obligations to combat climate change.

The course will have a western Canadian focus, and draw heavily on the Northern Gateway and Kinder Morgan pipeline reviews, the Pacific North West LNG proposal, and natural gas exploration and development pressures being faced by First Nations in north eastern British Columbia. We will also consider the federal environmental assessment review process and the National Energy Board Modernization process.

Key learning objectives include:

1. to gain an appreciation of the social, political and economic context of natural resources law and policy making
2. to understand the constitutional setting within which natural resources decision-making and policy making occurs including the division of powers, and the duty to consult and Aboriginal rights and title
3. to understand the regulatory architecture associated with assessing and approving major energy projects, and current initiatives aimed at reforming these institutions and processes at the federal level
4. to consider the role of resource regulatory tribunals in discharging the Crown’s duty to consult
5. to consider and explore the challenges associated with identifying and managing for cumulative environmental effects associated with natural resource development pressures
6. to consider the manner and extent to which international investment treaties and agreements affect Canadian resource law and policy
7. to consider the manner and extent to which the foreign operations of Canadian-based resource companies are governed by or are subject to Canadian law

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1 The information in this document is provided for course registration purposes only and is subject to change. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaas@uvic.ca).
ANTICIPATED COURSE METHODOLOGY

Lectures, class discussion, student moots and presentations, guest lectures. Reading materials will be posted to Course Spaces; we will also use the coursebook *Public Lands and Resources in Canada* by Hughes et al.

ANTICIPATED COURSE EVALUATION

- Assigned in-class reading facilitation: 10%
- In-class Moot/Presentation: 20%
- Term Paper: 70%

*May 2017*