



***Finding Solutions for
Environmental Conflicts:
Power and Negotiation (2008)***
Dr Edward Christie ~ Author

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Disclosure Statement

Dr Ted Christie does not work for, consult to, own shares in or receive funding from any company or organisation that would benefit from this article, and has no relevant affiliations.

FOREWORD TO THE BOOK

Peter R.A. Gray, Judges' Chambers, Federal Court of Australia, Melbourne January 2008

“There was a time when someone like Dr Edward (“Ted”) Christie would have been described as a “*renaissance man*”: A term used to designate someone whose interests and accomplishments spanned a variety of academic and practical disciplines.

In the 21st century, we need a new term, not only expressed in language that is gender-inclusive, but apt to cover the talents of a person who has the ability to combine the most up-to-date developments in several fields of thinking, to establish a new standard.

Whatever the new term might be, as this book demonstrates, it applies to Dr Ted Christie. He was trained initially as an agricultural scientist. In the 1970s, when environmental concerns were becoming widely known, he was a pioneering environmental scientist.

Later, he added law to his qualifications and became a legal practitioner. Ted’s career has combined University teaching and research in *environmental science/law/dispute resolution* with distinction; to practising as a barrister and mediator specialising in environmental disputes; and sitting as a Member of a Tribunal providing merits review of Federal government administrative decisions.

- *Once again, Ted’s experience brought him to the forefront. He realised, earlier than most, that traditional methods of resolving legal disputes, based on conflict leading to the determination of a winner, were inadequate for many types of disputes, especially in the field of public law. He has been a leader in the field of alternative dispute resolution, particularly mediation.*
- *Another area in which Ted has been ahead of the pack in dispute resolution, particularly in relation to environmental disputes, concerns the interests of Indigenous peoples. Realising that those interests may be affected vitally, even if they cannot be the subject of enforcement by law, Ted has been a passionate advocate for genuine consultation with Indigenous people about proposed developments on undeveloped lands.*

It is not surprising that, with his breadth and depth of experience and expertise, Ted Christie has written a book that merits being described as revolutionary.

As its title suggests, *Finding Solutions for Environmental Conflicts: Power and Negotiation* is a book about process in resolving disputes of particular kinds. It is more than merely that. It blends skilfully and entertainingly a number of themes.

- *At one level, this book is a legal textbook. It examines thoroughly a number of aspects of the way in which disputes about development proposals that will affect the environment are handled in three major common-law jurisdictions: The United States of America, the United Kingdom and Australia. This exercise in comparative law is useful in itself, because it assists policy choices when questions arise of the process to be adopted in relation to particular disputes, or disputes of particular kinds.*
- *As a legal text, the book is also an excellent resource on the options available for alternative dispute resolution, and how to select from among those options. It enables the reader to understand fully the alternatives to traditional dispute resolution.*

- *It arms policymakers with the information to choose more effective processes than legal proceedings that usually lead to unsatisfying settlements under the pressure of impending trials; or to judgments in which the court can deal only with the issues in the case and can only rule in favour of one party or the other in relation to each of those issues.*
- *At another level, the book can be read as a scientific treatise. It provides valuable advice on the types of knowledge that are essential for making good decisions about development and the protection of the environment. It therefore promotes good outcomes, rather than outcomes based on "junk" science, supposition, rumour and ignorance.*

Most of all, the book is a practical manual of how to produce optimal outcomes in environmental disputes as it offers advice about the steps that need to be taken to put in place for procedures that are fair, rigorous and effective in producing those outcomes, as well as: -

- Procedures that leave no parties feeling that their points of view have not been considered; and
- No viable option unexplored, and no room for lengthy and costly legal challenges to the outcomes...

If this book is read, and its contents are heeded, as widely as is justified, then the days of the application of traditional dispute-resolution procedures to environmental disputes should be over in the 21st century.

It will be a compulsory item on the bookshelves of every *community organisation aiming at the protection of the environment* from excessive destruction by development. It will never gather dust on those bookshelves.

Bureaucrats and those whose task are to resolve environmental disputes will ignore it at their peril; they will realise that it offers advice that will save time and money in processes that are currently too long and costly.

Lawyers who act for parties to environmental disputes will find it invaluable as a source of authorities on the law, and of practical guidance.

Developers will find that they need to read it before making applications for approval of projects, lest they make those applications without understanding what will be required of them, if they are to succeed.

To describe this book as revolutionary is not to resort to hyperbole.

It will bring about significant change.

***Dr Ted Christie, renaissance man (or its 21st century equivalent),
deserves acclamation for having written it”.***