

## 11. Statistics

### 11.1 Statistics on Matters filed before the Commission

Statistics on the matters filed with the Environmental Commission over the period October 2000 to December 31, 2007 are shown at the table below.

#### MATTERS FILED WITH THE ENVIRONMENTAL COMMISSION AND/OR DISPOSED OF WITHIN THE PERIOD OCTOBER 30, 2000 – DECEMBER 31, 2007

Type of Matter	2000 & 2001 <sup>1</sup>	2002	2003	2004	2005	2006	2007	Total	Matters Concluded (on or before December 31, 2007)				Matters Still Pending (after December 31, 2007)
									Mode of Disposition				
									Withdrawal and dismissal	Litigation	Court- appointed Mediation	Negotiation	
Administrative Civil Assessments <sup>2</sup>	0	0	6	2	0	0	0	8	N/A	N/A	N/A	N/A	N/A
Consent Agreements <sup>3</sup>	0	6	5	0	0	0	0	11	N/A	N/A	N/A	N/A	N/A
Direct Private Party Actions	0	0	0	0	0	2	0	2	0	0	1 <sup>4</sup>	0	15 <sup>5</sup>
Appeals	0	4	3 <sup>6</sup>	1 <sup>7</sup>	2 <sup>8</sup>	2 <sup>9</sup>	5	17	1	2	3	9	2 <sup>10</sup>
Applications	0	0	6	3 <sup>11</sup>	4 <sup>12</sup>	3 <sup>13</sup>	2	12	2	0	7	2	1 <sup>14</sup>

1 The Commission was operationalized with the appointment of the first Chairman and Members of the Commission on October 30, 2000.

2 These matters were not litigation matters.

3 These matters were not litigation matters.

4 Mediation resulted in the matter being withdrawn and dismissed.

5 As at December 31st, 2007 this matter was the subject of ongoing mediation.

6 The three appeals filed in 2003 were disposed of in 2004 – 2 by negotiation, 1 by mediation.

7 This appeal was disposed of in 2004 by mediation.

8 Both appeals were disposed of in 2005 – 1 by negotiation, 1 by mediation.

9 Both appeals were disposed of in 2006 – 1 by negotiation, 1 by Trial.

10 EAP 003 of 2007 and EAP 005 of 2007

11 All three applications were disposed of in 2004 – 1 was withdrawn and dismissed 1 by negotiation and 1 by mediation.

12 Of these 4 applications 1 was disposed of in 2005 by mediation, 3 were disposed of in 2006 by mediation.

13 Of these 3 Applications 2 were disposed of in 2006 – 1 by mediation, 1 was withdrawn and dismissed. The third was adjourned to 2007 and is the subject of ongoing mediation.

14 As at December 31, 2007 this matter had been adjourned for mention to allow parties an opportunity at further negotiation

During the period under review the court addressed appeals against conditions imposed in granting Certificates of Environmental Clearance as well as applications by the EMA for enforcement of Administrative Orders. In 2006 the Commission also saw a further development in the law with the filing of an appeal against the decision of the Environmental Management Authority to stay the resolution of a Notice of Violation against a third party.

A brief synopsis of each litigation matter (for the period under review), relevant action taken by the Commission and the outcome is contained at Appendix IV hereof. Similar synopses of litigation matters commenced and/or concluded before 2007 are contained in the previous reports of the Commission which are available on the Commission's website [www.ttenvironmentalcommission.org](http://www.ttenvironmentalcommission.org)

### ***11.2 Alternative Dispute Resolution***

Mediation and negotiation continued to be actively employed and encouraged by the court both as a tool for resolving the substantive issues in disputes as well as for case flow management by narrowing the issues between the parties. These efforts continue to be successful and in most cases well received by the litigants. In this regard the four (4) matters outstanding as at December 31, 2007 were the subject of ongoing court appointed mediation.

### ***11.3 Appeals to Court of Appeal on Points of Law***

Section 86(5) of the EM Act, Chap. 35:05 provides that an appeal from a decision of the Environmental Commission on a point of law may be made to the Court of Appeal. The procedure for this is commenced by a request to the Commission to state and sign a case for the opinion of the Court of Appeal. The first such requests were made in 2007.

### ***11.4 Comments***

The volume of matters filed before the Commission is a corollary of several factors including the enactment of primary and secondary legislation, implementation and enforcement of legislation and public awareness of rights under the law. The Commission can only directly impact public awareness through its activities of informing the public as to its existence, role and function. As outlined earlier the Commission continues to develop and implement strategies for this in keeping with its Strategic Plan 2007 - 2010.