

U.S.-Chile FTA Environmental Cooperation Project Judicial Capacity Building Workshop

Summary: This project was intended to improve environmental enforcement in Chile by building the capacity of judges in environmental law. The First Judicial Capacity Building Workshop on Environmental Matters was held in Santiago, April 26-28, 2006.

Description: The Environmental Law Institute (ELI) organized the workshop in collaboration with the Ministry of Foreign Relations of Chile, the National Association of Magistrates (Chile), the U.S. State Department, the Counsel for Defense of the State (public prosecutor or CDE), the U.S. Department of Justice, and the U.S. Environmental Protection Agency. Support for the workshop was provided by the Ministry of Foreign Relations, the Weeden Foundation, United Nations Environment Program, U.S. State Department, and a private donor.

Activities Undertaken to Date: The workshop was held at the Ministry of Foreign Relations with an opening ceremony that included remarks by the Sub-secretary of Foreign Relations of Chile, U.S. Ambassador to Chile Craig Kelly, the President of the National Association of Magistrates, and the President of the Supreme Court of Chile. Presentations at the workshop included an introduction to environmental law, Chilean and US environmental institutions, the Chilean environmental legal framework, international environmental treaties, sectoral environmental laws, environmental enforcement mechanisms, procedural issues in managing litigation, constitutional issues, restoring damage to the environment, claims for compensation, and the rule of law. Faculty for the workshop included a U.S. judge, the Executive Director of CONAMA (Chilean Environmental Agency), two judges of the Courts of Appeals of Chile, the Director of Environment, Antarctica, and Marine Affairs of the Ministry of Foreign Relations, public prosecutors, attorneys for CONAMA, a judge of the Environmental Appeals Board of USEPA, and the Executive Director of FIMA (Chilean environmental NGO). The culmination of the workshop was a moot exercise in which the judge participants divided into small groups to discuss the issues raised by a hypothetical case.

Impact: Twenty-three Chilean judges, including judges from the appellate courts, participated in the workshop. Immediate feedback and evaluation of the workshop by the participants was highly positive. Some judges commented that the workshop covered a large number of issues and that they were exhausted by the end, but found it very useful. The National Association of Magistrates sent a letter of thanks to ELI noting that the judges who participated in the workshop evaluated it positively. They found particularly useful the comparative material about laws from other countries, the examination of specific cases, and the examination of Chile's laws. The letter also praised the high quality and clarity of the presentations.

Next Steps: The Embassy of Chile to the U.S. sent a letter of thanks to the U.S. Department of State noting the success of the workshop. The letter also stated: "the Embassy of Chile presents the interest and openness to include a second phase of judicial capacity-building workshop in the next work program [of the Environmental Cooperation Agreement], for 2007-2008." ELI has sought funding from the Weeden Foundation for partial support of such a second phase.

Partners: Ministry of Foreign Affairs, CONAMA, CDE, Embassy of Chile, National Association of Magistrates, US Department of State, EPA, DOJ, UNEP, Weeden Foundation, and ELI.