

**PROTECTING THE BIODIVERSITY OF THE GULF OF CALIFORNIA:
EDUCATING STAKEHOLDERS AND THE JUDICIARY TO PROMOTE SUSTAINABLE RESOURCE USE**

**Centro Mexicano de Derecho Ambiental (CEMDA)
and The Environmental Law Institute (ELI)**

**FINAL NARRATIVE AND FINANCIAL REPORT
July 29, 2008 to September 30, 2010**

ORGANIZATION HISTORY AND POPULATION SERVED

ELI, the leading U.S. environmental law educational organization since its inception in 1969, is respected worldwide as an international leader in environmental education, as well as for its objective non-partisan research and publications. ELI has trained thousands of government officials, judges, lawyers, citizens, and industry managers throughout the world. The Institute is known as an expert in intensive, experiential, and interactive learning, and for developing efficient and interesting courses that are responsive to participants' interests and needs.

CEMDA, the leading nongovernmental environmental law organization in Mexico, is highly respected and trusted by the judiciary and the government, as well as by the citizens of Mexico. Together, CEMDA and ELI possess exceptional experience in training the judiciary – both in Mexico and around the world – and in working together in Mexico to enhance the enforcement of environmental laws through the education of government officials and citizens. ELI has worked to strengthen the development and enforcement of environmental law in Mexico for more than ten years, working closely with CEMDA throughout this time.

This project was designed to train judges to better apply environmental laws for conservation in the Gulf of California. Thus, the population served is the judiciary and the legal community, as well as the citizens of the Gulf Region of Mexico who stand to benefit from improved management and conservation of Gulf resources. Prior to this project, many judges in the Mexican Gulf states were not familiar with environmental law or how it should be applied, and often relied on CEMDA to provide copies of environmental laws or even to draft judicial opinions.

While cases concerning the Gulf were being filed before the courts, the judiciary was ill-equipped to carry out its role of adjudicating disputes, with some judges even refusing to accept cases that had already been filed. These deficiencies in compliance, enforcement, and implementation meant that the rule of law in the Gulf of California region simply did not exist. Without a credible threat of enforcement, for example, there was no incentive to devise creative alternatives to litigation for protecting the fisheries, habitat, and marine biodiversity of the Gulf.

Now, more than 220 federal judges, magistrates, court staff, prosecutors, environmental agency attorneys, private attorneys, environment consultants, and students have been trained on environmental legal issues, particularly those pertaining to biodiversity protection in the Gulf of California and surrounding coastal region. The topics included an overview of the biodiversity in the Gulf of California, standing doctrine in environmental law, application of the

precautionary principle, environmental criminal law, coastal development law, and laws regarding sustainable fisheries and marine protected areas. The training participants now have user-friendly reference books with relevant laws and judicial precedents to refer to in the future.

GOALS AND ACCOMPLISHMENTS OF THE PROJECT

Original Goals and a Brief Description of Status

The goal of this project was to preserve fisheries, biodiversity, and marine habitats while promoting safe and sustainable coastal development and marine resource use. We planned bring about this result through three key outcomes:

- 1) Enhanced respect for the rule of law with respect to environmental protection and natural resource conservation;
- 2) A fair and constructive implementation of the governing law; and
- 3) Increased trust, respect, and collaboration among the sectors involved in the conservation and use of the Gulf of California.

Specifically, we proposed a program of judicial training courses designed to address key challenges facing the Gulf of California. In addition to developing and delivering the courses jointly with ELI, CEMDA planned to work directly with the University of La Paz to strengthen the law school's environmental courses, consistent with earlier work by CEMDA to successfully institutionalize these types of courses in the leading law schools in Mexico City.

Through cost savings during the first courses, ELI and CEMDA exceeded our goals by extending the project for a year. To meet the project goals initially, we conducted the course for federal judges, environmental agency attorneys, private attorneys, environment consultants, and students on June 1-2, 2009 in La Paz, Baja California Sur and on June 3-4, 2009 in Mexicali, Baja California. With the remaining funds and a no-cost extension, we printed and distributed an extra 200 copies of the revised course materials and conducted two extra courses. One course was offered for prosecutors in Mexicali, Baja California on November 20 and 21, 2009 and third judicial training course was presented on March 12 and 13, 2010 at the Federal District Court in Culiacán, Sinaloa.

Most Notable Successes

In addition to extending the project by a full year, and offering the course to the prosecutors of Mexicali and the judges and magistrates of Culiacan, the programs were also particularly successful because of very high participation. In addition to high attendance by the judiciary in general, the Chief Judge from La Paz attended the course. The broader legal community also participated as law students and attorneys joined the group. In Culiacan, 120 judges, magistrates, and court staff participated.

The course book developed through this project is an outstanding model for judicial education. The book contains the relevant laws and legal precedents in a small, attractive, user-friendly format. Extra materials are provided in a CD that accompanies the book.

EVALUATION

Evaluation Outcomes and Data Collection

The full impact of the program will likely not be realized until some time after the end of the project period, once the judges have had an opportunity to respond to pending and future cases. It is only after we evaluate their handling of cases – including the nature, timeliness, and sensitivity of judicial decisions to biodiversity and natural resource issues – that we will be able to fully assess the effect of the program.

During the project period, ELI has assessed project management indicators. The team has:

- Presented four courses instead of the projected two, building on the experience and revising presentations each time;
- Distributed twice as many course books as was originally planned;
- Developed successful working relationships with the proposed audiences as well as participants;
- Developed and communicated an in-depth understanding of the threats to fisheries and biodiversity in the Gulf of California and the laws that can respond to those threats;
- Developed course books that are clear, understandable, and useful to the participants;
- Developed course books that successfully present fishery and biodiversity protection issues and laws in a way that is accurate and understandable to the audience;
- Developed successful, engaging training courses that are useful to the participants;
- Responded to the feedback of the proposed faculty and participants in the course of program development; and
- Adhered to budget and accomplished more than originally budgeted.

Course Evaluations

The initial evaluation took place immediately following each workshop when participants completed course evaluation forms. The information gained through these evaluation forms and interviews helped make the workshops more effective and better tailored to the needs of the participants, while also serving as a tool for participants to use in developing future training programs. Workshop participants were asked to evaluate their knowledge of the seminar topics prior to the course and to evaluate their experience of the course after it was concluded. In addition, participants at each workshop evaluated:

- The overall structure and format of the workshops;
- The clarity and usefulness of the materials to the work or interests of the participants;
- The clarity and usefulness of the individual presentations;
- A description of what the participants have learned; and
- How, if at all, the information gained will affect future activities.

Judicial Training Courses – La Paz & Mexicali, June 2009

Participants’ Prior Knowledge: In the initial self-assessment, participants were asked to assess their knowledge of various course topics on a six-point scale from excellent to no knowledge. At the outset, most of the participants in La Paz responded that they had a reasonable understanding of environmental issues, sustainable fisheries, and marine protected areas but less familiarity with specific issues relating to biodiversity in the Gulf of California. Similarly, participants in Mexicali said they had basic familiarity of the course topics, but that they knew less about coastal development.

Evaluation of the Course: In La Paz the quality of the topics scored the highest, along with organization. The participants gave overall ratings of satisfactory to the time allotted to the topics and to the level of difficulty of the workshop. In Mexicali, as in La Paz, the highest scores were on the quality of the topics and the organization.

Biodiversity in the Gulf of California - In La Paz, the presentation of this topic received high ratings. In Mexicali the quality of the topic obtained a higher number of favorable replies. In both cities ratings of the usefulness of the information for litigation were in the mid-range.

Standing in Environmental Law from the Mexican and Comparative Law Perspective - In Mexicali and La Paz this topic was highly rated for quality and presentation. Overall, the topic and all the criteria were rated highly.

Precautionary Measures in Comparative Law and Mexico - In both La Paz and Mexicali this topic obtained favorable ratings regarding its quality and content. In both cities the percentage of respondents who evaluated the presentation as excellent was between 61 and 67 percent. Supporting materials were also rated highly for this topic. The majority of participants also said that the information would be useful in the course of deciding cases.

Coastal Development - In La Paz, more than 70% of the respondents rated the quality of the topic, content, presentation, and power point presentation as excellent. In Mexicali respondents evaluated all aspects of this topic as excellent. The majority of participants rated the supporting materials positively. More than 60% of participants in both cities gave positive evaluations for the usefulness of the information to be used in litigation.

Sustainable Fisheries and Marine Protected Areas - In La Paz and Mexicali, the quality of the topic, content, and presentation were rated highly. In both cities, more than 50% of the respondents gave usefulness of the information the highest rating.

Conclusions: The two workshops were successful in educating judges, prosecutors, attorneys, and students about biodiversity in the Gulf of California and the laws protecting those resources. The course evaluations revealed that the participants thought the course content, presentations, and materials were useful. The results of the evaluations were consistent in both cities and showed no significant variations. In general the supporting materials received lower ratings than the other aspects of the workshops. This was in part because not all attendees were provided with the course books, because they were intended for judges there were not sufficient copies for the higher-than-expected turnout. Moreover, the course book did not cover the biodiversity of the Gulf of California, as this topic was intended to serve as a preamble to the other topics as a mean to introduce the importance of the subject as a whole.

Prosecutors Training Course -- Mexicali November 20-21, 2009

(Eighteen participants filled out evaluations)

Participants' Prior Knowledge: In the initial self-assessment, participants were asked to assess their knowledge of various course topics on a six-point scale from excellent to no knowledge. Half of the participants indicated some knowledge about the environmental framework law but 36% indicated a minimal understanding of environmental law. One third of the participants stated the course was their first exposure to environmental crimes.

Evaluation of the Course:

Environmental Law - More than 90% answered that the information was excellent and would contribute to future criminal investigations.

Environmental and Biodiversity Issues in the Gulf - More than 90% rated this session as excellent. All participants said the information would be useful in future criminal investigations.

Environmental Crimes - 100% rated this topic with as excellent and said the information would be useful in future criminal investigations.

Evidence and Procedure in Prosecution of Environmental Crimes - 90% of the participants rated the topic content, quality, and usefulness as either excellent or very good.

Conclusions: Even though the participants were prosecutors who work in the Upper Gulf region, for at least for 70% of them this course was the first exposure to the environmental crimes. There was great interest by prosecutors in the course and there is room for continued capacity development.

Judicial Training Course – Culiacan, Sinaloa, March 12 & 13, 2010

(Approximately half of the participants filled out the evaluation forms)

Participants' Prior Knowledge: In the initial self-assessment, participants were asked to assess their knowledge of various course topics on a six-point scale from excellent to no knowledge. None claimed expertise or being very knowledgeable on environmental law. Instead, 45% of participants indicated some knowledge of the environmental law framework and 55% of the stated they had little knowledge environmental law. One third of the respondents said that this course was their first exposure to coastal development and to fisheries.

Evaluation of the Course: In the second part of the survey we wanted to know how the participants' experience throughout the seminar was, giving them to rate five different factors: Quality of the issues, supporting materials, organization, level of difficulty, and timetable. A scale of six levels was applied, ranging from excellent (as highest) to poor (lowest). The quality of the issues scored the highest along with the logistics and the course information.

The sessions were evaluated by the value of the topic, the quality of the presentation, and usefulness of information for litigation. Respondents rated the sessions on a six point scale, from excellent to poor.

Development Challenges in Sinaloa - More than the 82% answered that the information was excellent of great use for future work.

Environmental Law - More than 50 % rated this topic and the information presented as excellent and of great use for future work.

Precautionary Principle - More than 70% rated this topic with as excellent and said the information would be useful in future work.

Coastal Development - Approximately 80% of the participants rated the topic content, quality, and usefulness as either excellent or very good.

Sustainable Fisheries and Marine Protected Areas - Approximately 85% of the participants rated the topic content, quality, and usefulness as either excellent or very good.

Conclusions: Overall, the topics and the quality of the sessions were rated very highly. The most highly rated were coastal development and sustainable fisheries. The high participation demonstrated significant interest and commitment by the participants because the second day of the course was a federal holiday. In the general comments at the end of the forms, several participants stated that more environmental law courses would be useful and some specifically requested an advanced course on these topics.

Use and/or Dissemination of Evaluation Results

Analysis of the evaluations from the first round of courses was used to adapt and refine the subsequent courses. All of the project outcomes were shared between CEMDA and ELI and will be used in the development of future legal training programs.

Project or Program Changes based on Evaluation Results

Course topics and presentations were refined in light of the evaluations received at the end of each course. In addition, specific information about the biodiversity of the Gulf was added to the legal tools originally presented in the course book to reinforce the participants' background on this topic and give them resources to consult in future litigation.

Lessons Learned

Through this project, ELI and CEMDA learned that there is great interest in the environmental laws and protection of the biodiversity of the Gulf of California. Courses were attended by members of the broader legal community and not only by the targeted judges. We learned the legal community has limited knowledge of the biological and conservation policy issues related to the Gulf but that they are eager to learn more. Similarly, while exposure to environmental laws has been limited, judges, prosecutors, lawyers, students and others are eager to understand the law in order to be able to apply it in the protection of the Gulf.

Attendance at the La Paz judicial training course, where CEMDA has an office, filled the classroom to capacity. This was due to efforts by CEMDA in the weeks leading up to the course to meet with judicial and other legal officials to inform them about the course and to invite participants. Attendance was strong at the Mexicali course but not as strong as it might have been had CEMDA been able to meet with judicial officials to give them more advance notice of the course. While Mexicali officials were informed of the course in advance, it was only after the in person meetings the day before that many officials decided to participate in the course. In the future, a pre-course planning meeting and discussion with officials in the workshop location may help. In addition, ongoing work in the relevant communities will help build the necessary investment in this work.

Finally, through this project we discovered the great need for capacity building on these topics and the corresponding interest and commitment. In addition to holding advance courses, there are several other states in the Gulf region with courts that could similarly benefit from such workshops. Specifically, requests have been made to hold more training courses in Baja California, Sinaloa, and Sonora.

In addition, there is a need to bring this type of information and training to the Administrative Federal Court in Mexico City where administrative claims – the first step for the majority of environmental cases in Mexico – are heard. Representatives of the Administrative Federal Court have specifically requested that CEMDA conduct an environmental training course for them and have agreed to participate in designing and presenting the course.

BUDGET:

Reporting Period – July 29, 2008 to September 30, 2010

	Approved Project Budget	Project Cost For the Reporting Period	Remaining Funds
ELI Labor*	\$71,645	\$41,619	
<u>Other Direct Costs</u>			
CEMDA	92,640	221,475	
Meeting/Participant Expense	78,315	7,414	
Layout/Design/Edit/Print Materials	8,400		
Interpretation	7,410		
US Expert Costs	5,210		
Mexican Faculty	4,940		
ELI Travel	4,875	3,279	
Communications	370	18	
Subtotal Other Direct Costs	202,160	232,186	
Total	\$273,805	\$273,805	\$0

* includes all indirect costs

Budget Expenditure Narrative

Through cost-savings namely by using Mexican biodiversity experts rather than bringing a biologist from the U.S. and by not using translation, ELI was able to extend the course for an extra year and offer the course to prosecutors and 120 more judges, magistrates, and court staff in a third location. In addition, 200 extra course books were printed and distributed.