



Research Brief

To Judge by Our Judicial Education Programs, Local Partners Are Happy

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"I've been looking for this case for months!" exclaimed a Ugandan judge at the first workshop on environmental law in that country. "Oh, if that is what environmental law is about, then I have an environmental case on my docket right now," from another Ugandan judge.

It is difficult to demonstrate through metrics that educational programs produce specific positive results. This is particularly true when the participants are judges, who are both independent and required to follow the law in each case, not what someone said in a workshop.

Such statements demonstrate both how ELI works with judges and what we consider success. We provide judges information about the law and issues involved in environmental and natural resource cases. The presentations and materials are objective and, when presenters provide their personal views, balanced. Success does not lie in specific rulings by judges, but in that they better understand what environmental cases are about and how to analyze the issues and the law.

In Uganda, for example, one indicator of success was that while the materi-

als for that first workshop contained no decisions from Uganda, six years later the materials were primarily Ugandan decisions. In that time our local partner, Greenwatch, and ELI had completed seven workshops that included every trial level judge in the country and some Supreme Court and Court of Appeals judges.

Another index of success was that cases were moving through the judicial system to decision, whereas before the workshop's judges avoided environmental cases by not accepting them or letting them languish.

Greenwatch was able to distribute the materials to every court in the country as well as to local libraries, but, despite interest by the judiciary in continuing the workshops, no local funding has been provided. In 2012, the chief justice told me it was time to hold new workshops because many new judges were on the bench who had not participated.

ELI's partnership with Greenwatch and the judiciary in Uganda illustrates how we work with local partners in all our educational programs. Each of the 46 judicial workshops ELI has conducted since 1991 has been organized in coopera-

tion with one or more local partners and the judiciary.

Our longest partnership has been with the Law for a Green Planet Institute of Brazil and particularly with one of its founders, Antonio Herman Benjamin. Antonio first came to ELI as a participant in a three-week Fulbright study in 1990. Not long after that Antonio, who was at that time a public prosecutor focusing on environmental and consumer law in Sao Paulo, asked if we could adapt the judicial education programs we were doing in the United States to Brazil.

Over the next six years ELI worked with Antonio to conduct workshops in the three major areas of ecological significance in Brazil, the Amazon, Pantanal wetlands, and Atlantic Rainforest. In 2006, he was appointed a justice of the High Court of Brazil, a position that has allowed him to expand his partnership with ELI.

Greenwatch was long headed by Kenneth Kakuru, one of the leading environmental attorneys of Uganda. In 2013 President Museveni appointed him to the Court of Appeals of Uganda. The elevation of Antonio and Kenneth to high judicial positions demonstrates the cali-

ber of the partners we have had the privilege of working with for the past 25 years.

Our workshops last year in Mexico and Guinea illustrate the range of venues and formats of the programs we deliver. In Mexico the Federal Judicial Institute asked ELI Senior Attorney Alejandra Rabasa to organize a week-long program on Managing Scientific Evidence and Environmental Damage, which had 600 participants.

A few months later we held a workshop for the judiciary of Guinea at an outdoor facility with a roof over a concrete floor. We showed slides on the concrete wall. When the rains came the participants congregated in the center of the covered area, with the rain drumming on the metal roof. In the evaluations, not a single judge mentioned the facilities; the focus was on how much they had learned.

As ELI moves forward with its judicial education program, we plan to continue our workshops for individual countries while promoting the concept of an international judicial institute on the environment and coordinating with other partner organizations seeking to educate judges.