

ELI Research in Action

Educating the Judiciary around the Globe



“Judges around the globe are being presented cases involving environmental laws that did not even exist when they attended law school. Working closely with local partners, we are filling this knowledge gap through programs tailored to the needs of each country’s judges.”

John Pendergrass
Senior Attorney,
Environmental Law Institute

The Judicial Education Program, directed by ELI’s John (Jay) Pendergrass, has been working throughout the world since 1994 to strengthen the capacity of judges, prosecutors, legislators, and all persons who play a critical role at the national level in the development, implementation, and enforcement of environmental law. To date the Institute has educated over 1000 judges from 16 countries including Bolivia, Brazil, Cameroon, Chile, Colombia, Costa Rica, Ecuador, Honduras, Hungary, India, Paraguay, Peru, Russia, Tanzania, Uganda, Ukraine, and the United States. In addition, over the past year, we have launched new courses in the Dominican Republic, Haiti, Jamaica, and Liberia.

Jay works closely with the judiciary to develop educational programs and materials that meet the

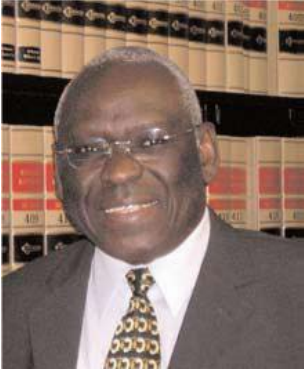
specific needs of a particular jurisdiction. In each nation, he also works with a local partner that is familiar with the needs of the judiciary in that locality. Our courses incorporate the latest advances in legal, scientific, public health, and economic information, and allow interactive analysis by participants and faculty. Jay and our partners in judicial education have also developed environmental law manuals that serve as resources to the judiciary after our trainings have been completed. In 2008, the Judicial Education Program was awarded by the Walton Family Foundation a one-year grant of \$273,805 to work with Centro Mexicano de Derecho Ambiental (CEMDA) in training Mexican judges on environmental law relating to conservation in the Gulf of California. CEMDA is a Mexican organization founded by former Visiting Scholar and former ELI Board member Gustavo Alanis.

In 2001, Greenwatch, an NGO in Uganda and a long-time partner of ELI in capacity building for attorneys and judges, proposed to the Judicial Training Committee of the Supreme Court a workshop on environmental law for judges. The Committee agreed that there was a need for such training but said it wanted a commitment to a program that would reach all judges and include a basic and advanced course. Beginning in 2001, ELI and Greenwatch, with the assistance of the World Resources Institute and the United Nations Environment Programme, have provided the basic program six times, training all of the magistrate level judges and all of the High Court judges in Uganda, except for new appointees. Jay recently assisted Greenwatch in developing and delivering the first advanced course on international environmental law, as requested by the Committee.

Before he and Greenwatch initiated the training programs in 2001, Ugandan judges routinely dismissed environmental cases on procedural grounds. Now, they recognize these cases as critical to the public welfare, and are working to protect Uganda’s natural and human environment. When the first program in Uganda was held in 2001, the materials provided to the judges included no judgments from Ugandan courts because there had been no written decision by a court in Uganda on an environmental issue. By the time the program was offered in August, 2004, Greenwatch was able to include 12 written judgments by Ugandan judges on environmental issues, most by judges who had participated in the basic program on environmental law.



One measure of success is the improved enforcement of environmental law. Evidence of progress is found in the opinions and decisions of former participants like Ugandan Justice Gideon Tinyinondi. In 2004, Greenwatch sued to enjoin the Uganda Wildlife Authority from exporting chimpanzees to China. The Ugandan Government argued that it should have been given 45 days notice of the suit. Justice Tinyinondi, the presiding judge, wrote, “[t]his rationale cannot apply to a matter where the rights and freedoms of the people are being or are about to be infringed. The people cannot afford to wait 45 days before preemptive action is applied by the Court. They need immediate redress.”

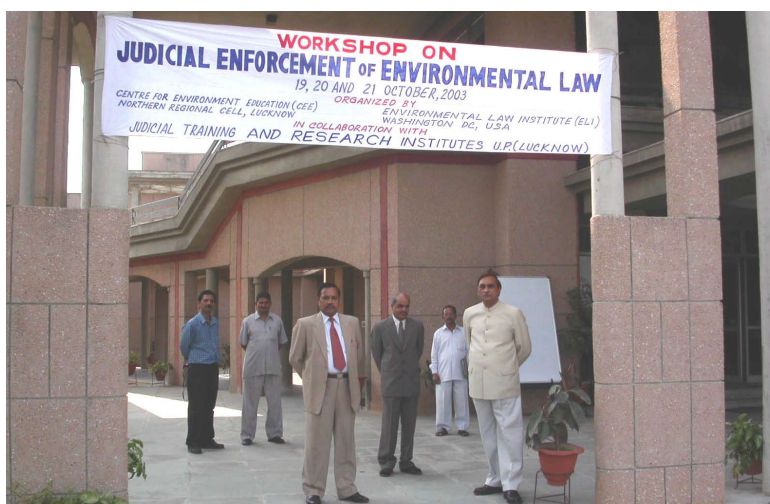


“I have profound respect for my colleagues at the ELLI, particularly for their professionalism and effective outreach. Their Africa Project has built awareness in the entire High Court of Uganda. In Kenya their training has reached lawyers like Gikandi Ngibuini, who handled a landmark case involving a Kenya coastal community versus a titanium mining company.”

Charles Odidi Okidi
Director, CASELAP
Centre for Advanced Studies of
Environmental Law and Policy

Below is list of courses already completed:

- Advanced Workshop on International Environmental Law (Kampala, Uganda – 2007)
- First Workshop on Environmental Issues for Judges (Santiago, Chile — 2006)
- Magistrates Training Workshop in Environmental Law (Jinja, Uganda — 2005)
- Workshop for Judges on the Application of Environmental Legal Norms (Pilar, Encarnación, and Ciudad del Este, Paraguay — 2005)
- Environmental Litigation Study Tour for Cameroonian Jurists and Magistrates (Washington, DC — 2005)
- Judicial Training Workshop in Environmental Law (Seeta, Uganda — 2004)
- Judicial Enforcement of Environmental Law in Uttar Pradesh (Lucknow, India — 2003)
- Judicial Symposium on Environmental Law (Jinja, Uganda — 2003)
- Judicial Symposium on Environmental Law and Policy (Arusha, Tanzania — 2003)
- Judicial Symposium on Environmental Law and Procedure in Uganda (Entebbe, Uganda — 2003)
- Global Judges Symposium on Sustainable Development and the Role of Law — co-sponsor with United Nations Environment Program and others (Johannesburg, South Africa — 2002)
- Regional Judicial Symposium on Fostering East African Cooperation through Access to Environmental Justice (Entebbe, Uganda — 2002)
- Workshop on Judicial Enforcement of Environmental Law in Karnataka (Bangalore, Karnataka, India — 2002)
- Environmental Law for Subordinate Judiciary (Bhubaneshwar, Orissa, India — 2002)
- Judicial Symposium on Environmental Law, Policy, and Access to Justice (Jinja, Uganda — 2001)
- Mumbai Judges Workshop on Environmental Law and Development Issues (Mumbai, India — 2000)
- Planning Workshop on Challenges to Environmental Justice Delivery (Bangalore, India — 1999)
- Course in U.S. Environmental Law for Brazilian Judges, Public Prosecutors, and Brazilian State Attorneys (Washington, DC — 1999)
- “Enforcement of Environmental Law” and “Damage to Natural Resources,” for the Judicial School of Costa Rica (1998)
- Environmental Law Conference for Federal Judges (Sao Paulo, Brazil — 1997)
- Environmental Law Course for Sao Paulo Judges (Intervales State Park, Sao Paulo, Brazil — 1997)
- International Amazonian Judicial Training Conference (Manaus, Brazil — 1996) (including judges from Bolivia, Brazil, Colombia, Ecuador, and Peru)
- Environmental Law Workshop for Hungarian Judges (Budapest, Hungary — 1996)
- Environmental Law for Judges (Cuiaba, Brazil — 1995)
- Environmental Law for Ukrainian Judges (Kiev, Ukraine — 1995)
- Honduran Public Prosecutors and Judges Environmental Law Training (Honduras — 1995)
- Developing and Implementing Effective Environmental Laws, for Russian judges, attorneys, and ministry officials (Washington, DC — 1994)



Judges stand to greet participants at the workshop in Uttar Pradesh, India.