

February 27, 2004

Symposium of Judges and Prosecutors of Latin America
Environmental Enforcement and Compliance

The role of judges and prosecutors is crucial for environmental enforcement and compliance in Latin America. The Global Symposium of Judges and Prosecutors and the 1st Conference on Environmental Enforcement and Compliance in Latin America in 2002,¹ and the Mexico Declaration, in 2000, have clearly emphasized the importance the role Judges and Prosecutors have in order to achieve sustainable development.

FARN (Argentina) in collaboration with different well-known national and international institutions, supported by the *Regional Office for Latin America and the Caribbean of the United Nations Environment Program (UNEP)* and the *World Bank Institute*, coordinated *The Symposium of Judges and Prosecutors of Latin America – Environmental Enforcement and Compliance* that took place on September 23rd and 24th in Buenos Aires – Argentina.

An Electronic Dialogue was carried out on August 11th to 29th in order to promote the interchange of experiences and identification of main topics that would contribute to the Symposium's agenda.

The objective of the Symposium was to elaborate an action plan and to make specific proposals, regarding the necessities and interests at national and regional levels, towards the strengthening of judges and prosecutors' role on environmental law in Latin America.

The Symposium plenaries and workshops were focused on the following core-issues.

- Awareness and Training of Judges and Prosecutors. How to Increase Interest on environmental matters. Methodological experiences and tendencies.
- Judiciary and Civil Society. Civil Society involvement on environmental judicial procedure to improve environmental enforcement and compliance.
- Judiciary Organization and Environmental Competence. General and specialized jurisdictions. Judges and prosecutors role on regional integrating process.
- Assessment of environmental enforcement and compliance carried out by the Judiciary and Prosecutors. Access to justice, legal procedure's effectiveness, and environmental decision's efficacy. Indicators.
- Civil legal action and environmental damage in Latin America. Standing, evidence, costs, and sentence effects.
- Constitutional Procedures and Environmental Protection in Latin America. Standing, evidence, costs, and sentence effects.
- Criminal environmental action. Standing, evidence, costs, and sentence effects.
- Coordination of the Judiciary and the Executive Branch on environmental enforcement and Compliance. Coordination and Interaction mechanisms.

¹ Further information regarding this event:

<http://www.farn.org.ar/investigacion/enforcement/conferencia.html>

More than 60 Judges and Prosecutors from Latin America participated on the Symposium and signed the Buenos Aires Declaration² in which they showed their conviction of the relevant role the judges and prosecutors play on the effective environmental law enforcement in order to achieve sustainable development in the region. The Buenos Aires declaration encompasses different conclusions and recommendations regarding: training, judicial organization and environmental competence, relation among Judiciary and the other State's branches and the civil society, evaluation of the environmental law enforcement by the Judiciary and the Prosecutors, Constitutional proceedings, civil and environmental damage actions as well as environmental criminal action. Likewise, post Symposium there was a meeting which had as product a working plan for the future.

In addition, the event had indirect positive effects as for example future activities, which will be carried out on the region continuing with the objectives of the Symposium. We have the current organization of the *First Latin American Meeting on Environment* that will take place in Salta (Argentina) in May, and a *Meeting on Environmental Law*, which will take place in Uruguay on April 24 and 25 and whose participants will be mainly judges, prosecutors and relevant practitioners on environmental law.

FARN contact people:

Maria Eugenia Di Paola
Director of Research and Training Area
FARN
E-mail: medipaola@farn.org.ar
María Esperanza Alonso
Assistant Research and Training Area
FARN

Tel: (54 11) 4788-4266
4787-5919 / 3820
Monroe 2142, 1º B
(1428) Buenos Aires – Argentina

Steering Committee - Executive Group

UNEP – WBI – FARN – Lawyers for a Green Planet Institute

Steering Committee – Advisory Group

INECE – Sociedad Peruana de Derecho Ambiental – UICN – CEPAL – IDEA – FIMA

² The Buenos Aires Declaration is available in Spanish at:
http://www.farn.org.ar/investigacion/enforcement/simposio_declaracion.html soon will be available in English as well.