



Tribunal Federal  
de Justicia Fiscal  
y Administrativa



## Symposium for Judges on Environmental Law

21–23 February 2007

Federal Tribunal of Fiscal and Administrative Justice  
Insurgentes Sur No.881  
Colonia Nápoles, Delegación Benito Juárez  
03810 México D.F.

### **Day One — Wednesday, 21 February**

#### **8:30 Registration**

#### **9:00 Welcome and opening remarks**

- Magistrate Luis Malpica y de la Madrid, President of the Federal Tribunal of Fiscal and Administrative Justice
- Jorge Camero Ocampo, Chief Justice of the National College of Circuit Court Magistrates and District Court Judges of the Federal Judicial Branch
- Eugenio Castellanos Malo, Chairman of the Association of Administrative and Fiscal Dispute Courts of the Mexican Republic, and chief justice of the Querétaro State Administrative Dispute Court
- Eugenio Arriaga, Director, Tribunal Training Institute for Administrative Justice Studies
- Procurador Ignacio Loyola Vera, Federal Attorney for Environmental Protection (Profepa)
- Wilehaldo Cruz Bressant, Titular de la Unidad Coordinadora de Asuntos Jurídicos, Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT)
- Procuradora Diana Ponce Nava, Attorney for Environmental and Land-use Planning for the Federal District
- Felipe Adrián Vázquez-Gálvez, Executive Director, Commission for Environmental Cooperation

**9:30 Keynote speaker:** Julia Carabias Lillo, M.Sc., Institute of Ecology of the Autonomous University of Mexico and President of the Interdisciplinary Institute for Biodiversity and Environment (CEIBA).  
**"Environmental challenges facing Mexico today"**

**10:00 Panel One: Jurisdiction of the courts and administrative tribunals over environmental cases in Mexico, the United States and Canada.**

Speakers from each of the three countries will briefly review the jurisdiction of courts, tribunals or administrative authorities over environmental litigation or disputes; the types of environmental cases that may or have been brought under federal, state, or local laws.

**Moderator:** Magistrado Jorge Arturo Camero Ocampo, Tenth Collegiate Tribunal in Administrative Matters, First Circuit

**Panel:**

- Sergio Martínez Rosaslanda, Magistrate, Federal Tribunal for Fiscal and Administrative Justice
- The Honorable Thomas F. Hogan, Chief Justice, US District Court for the District of Columbia
- John Cliffe, Counsel, Office of the Director of Public Prosecutions, Government of Canada

**Discussion**

**11:15 Break**

**11:30 Panel Two: Litigation of water quality-related issues**

A panel of speakers from the three countries will address issues which may be considered by the courts in cases including those related to wastewater control from industry, municipal or agricultural sources, illegal discharges, sewage discharges, and contamination of drinking water, surface water or ground water.

The intention of this panel is to review the experiences of the respective courts in trying cases involving water contamination and disputes over water access rights including prosecution of illegal industrial wastewater discharges, agricultural runoff, municipal sewage discharges, and contamination of drinking water, surface water or ground water as well as disputes over payment of water fees or surcharges. A second matter for discussion involves judicial determinations on jurisdiction over water management.

**Moderator:** Wilehaldo Cruz Bressant, Titular de la Unidad Coordinadora de Asuntos Jurídicos, Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT)

**Panel:**

- Licenciado Jesús Becerra Pedrote, Deputy Corporation Counsel, National Water Commission (CNA)
- Sergio de la Rosa Vélez, Magistrate for the Federal Tribunal for Fiscal and Administrative Justice

**Discussion**



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**1:00 Break for lunch**

**3:00 Panel Three: Litigation of water quality-related issues (continuation)**

**Moderator:** Wilehaldo Cruz Bressant, Titular de la Unidad Coordinadora de Asuntos Jurídicos, Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT)

**Panel:**

- Jorge Enrique Edén Wynter García, Magistrate, Collegiate Court for Criminal and Labor Matters, Fourteenth Circuit
- The Honorable Daniel R. Domínguez, Judge, United States District Court, District of Puerto Rico
- John Cliffe, Counsel, Office of the Director of Public Prosecutions, Government of Canada

**Discussion**

**5:00 Adjourn for the day**

**6:00 Reception for all symposium delegates at the Federal Tribunal of Fiscal and Administrative Justice.**

**Day Two — Thursday, 22 February**

**9:00 Panel Four: Judicial review of environmental inspections and investigations**

Speakers from the three countries will address cases involving review of environmental inspection and investigation powers and procedures, including the criteria that are used by the courts or tribunals to review government practices and procedures as well as examples of varied rulings by the courts regarding the propriety of government inspections

**Moderator:** Tim Whitehouse, Head, Law and Policy Program, Secretariat of the Commission for Environmental Cooperation

**Panel:**

- Licenciado Bernardo García Camino, Deputy Attorney for Legal Affairs, Profepa
- Susan McRory, Coordinator, Special Prosecutions, Alberta Justice

**Discussion**

**10:15 Break**

**10:30 Panel Five: Judicial review of environmental inspections and investigations (continuation)**

**Moderator:** Tim Whitehouse, Head, Law and Policy Program, Secretariat of the Commission for Environmental Cooperation

**Panel:**

- María Teresa Olmos Jasso, Magistrate, Federal Court for Fiscal and Administrative Justice
- Alberto Pérez Dáyan, Magistrate, Seventh Collegiate Tribunal in Administrative Matters, First Circuit
- The Honorable Daniel R. Dominguez, Judge, United States District Court, District of Puerto Rico

**Discussion**

**12:30 Break for lunch**

**2:30 Panel Six: Mexican case study on compliance of environmental impact assessment with legal requirements**

Semarnat will present a case study involving a court challenge to the siting of a hotel that poses potential threats to the ecosystem of a nearby protected natural area. The challenge will be based on alleged failure to adequately address these impacts in the EIA, as required by law. The discussion could be focused then on the criteria used by the judges to decide if the impact study is correct or not and if the authorization was given according to law or has to be invalidated.

**Moderator:** Rafael Ibarra Gil, Magistrate, Eighth Metropolitan Regional Chamber of the Federal Tribunal for Fiscal and Administrative Justice

**Panel:**

- Licenciado Mauricio Limón Aguirre, Undersecretary for Environmental Protection, Semarnat
- María Isabel Gómez Muñoz, Magistrate, Federal Court for Fiscal and Administrative Justice
- Luis Rivera Montes de Oca, Chief Justice, Mexico State Administrative Dispute Court

**Discussion**

**4:00 Break**

**4:15 Panel Seven: Canadian and U.S. case study on compliance of environmental impact assessment with legal requirements (continuation)**

**Moderator:** Rafael Ibarra Gil, Magistrate, Eighth Metropolitan Regional Chamber of the Federal Tribunal for Fiscal and Administrative Justice



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**Panel:**

- The Honorable, Michel Bourassa, Chief Judge (retired), Territorial Court, Northwest Territories
- The Honorable Thomas F. Hogan, Chief Justice, US District Court for the District of Columbia

**Discussion**

**5:45 Adjourn for the Day**

**Day Three — Friday, 23 February**

**9:00 Panel Eight: Judicial review of scientific and technical evidence in environmental cases**

Speakers from the three countries will address how various types of scientific data are presented and considered in environmental cases. Speakers will address procedures and technical aspects of the handling of scientific evidence, chain of custody issues, different approaches to presenting and considering technical evidence.

**Moderator:** Susan McRory, Coordinator, Special Prosecutions, Alberta Justice

**Panel:**

- Gustavo Arturo Esquivel Vázquez, Magistrate, Federal Tribunal for Fiscal and Administrative Justice
- The Honorable, Allan Fradsham, Judge, Provincial Court of Alberta
- The Honorable Marvin J. Garbis, Judge, United States District Court, District of Maryland

**Discussion**

**10:30 Break**

**10:45 Panel Nine: Valuation of environmental damages and remedies**

Speakers from the three countries will outline their systems for the valuation of environmental damages and will review innovative court decisions on sanctions and remedies for the party responsible for environmental damages. Examples of such relief might include restoration or replacement of the injured natural resources, acquisition of resources equivalent to those that were damaged, or some other types of remedies.

**Moderator:** Thomas Swegle, Counsel, Law and Policy Section, Environment and Natural Resources Division, US Department of Justice

**Panel:**

- Adriana Leticia Campuzano Gallegos, Magistrate, Eighth Collegiate Tribunal in Administrative Matters, First Circuit
- The Honorable Michel Bourassa, Chief Judge (retired), Territorial Court, Northwest Territories, Canada
- The Honorable Marvin J. Garbis, Judge, United States District Court, District of Maryland, United States

**Discussion**

**12:30 Break (light snack)**

**12:50 Brainstorming exercise to identify topics for next symposium**

A facilitated discussion first highlighting key issues raised during this Symposium followed by an open discussion of a possible topics for a proposed second CEC Sponsored Judicial Symposium for 2007.

**Facilitator:** Eugenio Arriaga, Director, Tribunal Training Institute for Administrative Justice Studies

**Open Discussion**

**1:15 Closing Address: The Role of the Judiciary in the Application of Environmental Law**

**Moderator:** Magistrado Rafael Ibarra Gil, Magistrate, Eighth Metropolitan Regional Chamber of the Federal Tribunal for Fiscal and Administrative Justice

**Speaker:** Jean Claude Tron Petit, Magistrate, Fourth Collegiate Court for Administrative Matters, First Circuit

**1:45 Symposium Adjournment**