

ITP: **Chile 2013**

Faculty Advisor: **Cynthia Wilson**

Research Group Members: **Michael Krantz, Tiffany Taubman, & Phillip Wiese**

Paper Title: **A Rocky Past and an Uncertain Future: Environmental Reform in Chile**

Abstract:

Twenty years ago, Chile had no environmental laws. National and international pressure forced Chile in 1994 to address the environment deficiencies within its legal regime. The system it set up, however, quickly broke down and 2010 marked a complete overhaul of the environmental law and regulatory system in Chile. This paper describes the sweeping reform, explains some initial industry responses, and analyzes whether the new regime will help increase environmental protections in Chile. The impetus for reform and details of the new laws are described in detail. The new system is a vast improvement from the prior regime and adequately addresses the deficiencies in the previous system, finally granting the government the ability to enforce environmental violations. Whether the new system will be more effective in practice is still unknown. Industry response was speculative and different depending upon the size of the company. The bigger companies will likely be more affected by the reform, but also have the resources to comply with the new law and fight any potential sanctions. The new government institutions need to establish their legitimacy both within the government and among the public and the focus on the environment needs to shift from technical requirements to ameliorating substantive environmental harm if the reform is to be effective. The paper concludes that while the reform on paper has effectively combated the shortcomings of the previous system, it remains to be seen whether the reforms in practice will uphold the constitutional right to a pollution free environment better than the old regime.